

Annette Singleton

From: Ashley Berry
Sent: Thursday, May 07, 2015 10:42 AM
To: Annette Singleton
Subject: Primary List for next week
Attachments: Primary list may 13, 2015.pdf

Annette-

Here is my list of primary applications for the next council meeting. There are 61 New applications, 54 non-primary applications and 183 applications for continued use as a primary residence.

Thanks

Ashley Berry
Deputy Assessor II
(435) 336-3257

Continuing Primaries

<u>Parcel</u>	<u>Owner</u>	<u>Date</u>	<u>Notes</u>
3K-1-D	John A Zorzy	4/15/2015	
ANCH-1-2AM	Via Plata LLC	3/10/2015	
ASR-28	Scott Hathorne	4/9/2015	
BEH-II-14	Jennifer Davenport	4/10/2015	
BHVS-T148	Paul John Gardner/Zimmermann	3/30/2015	
BHVS-T176	Lisa Matsukawa	4/27/2015	
BHWKS-1-12-2AM	Tracy & Kevin Fober	4/30/2015	
BHWKS-2-124	Zackary & Kristin Guenard	4/23/2015	
BL-300-A	James Rmistead	4/9/2015	
CCRK-J-17	Lillehammer 1213, LLC	4/21/2015	w/lease
CCRK-N-25	Anne Grappone	4/13/2015	
CD-161-B	Enn Stembridge Property LLC	4/8/2015	w/lease
CD-362-B	John Clay Thornton	4/13/2015	
CD-462-B-1-A	Lamont Lundgreen	5/1/2015	w/lease
CD-603	Duane Lambert	4/8/2015	
CDE-1	Will Hamil/Yeastwest	3/27/2015	
CDE-4	Doug Coleman Trustee	3/27/2015	
CEM-II-73-1AM	Michael & Melissa Giese	4/21/2015	
CJ-359-L	Randall Hull	4/9/2015	w/lease
CJ-362-L	Neil Band	5/1/2015	w/lease
CLJR-1-12	Donald Schroeder	3/30/2015	
CLJR-1-33	Noel Spraggins	4/1/2015	
CRQJ-13-AM	Dondi Rust	5/1/2015	
CT-136	David Cooper	4/8/2015	
CT-234	Justin Bagnell	5/1/2015	
CT-285	Jose A Rodriguez	4/16/2015	
CT-68	Gary Ben Blonquist Trustee	4/8/2015	
CWPC-3A-81	Kimball Junction LLC/Evelyn Figuewa	4/8/2015	w/lease
DAW-5-AM	Luke Kendell	5/1/2015	
EKH-A-E10	Gregory Gisler	4/9/2015	
EKH-C-4	Earl Kennen Fisher Trustee	5/1/2015	
ELK-2B-602	Archibald Wright	5/1/2015	
ELK-301	Brynn Hallman	4/20/2015	
ER-PB-14-872	Joanna Sanford	5/1/2015	
FPRSV-11-F9	Morgan H. Irvin	3/31/2015	
FPRSV-11-H12	Joseph Meyer	4/20/2015	
FT-17	Jeffery Herbert	4/8/2015	
FT-85	Tim Crittenden	3/30/2015	
FVL-2-12	Richard Jaffa	3/27/2015	
FWM-17	Tomoko T Schlag Trustee	4/13/2015	
GTF-7-A	Lyn Simon	4/13/2015	w/lease
HC-1-104	Jason Snyder & Annalise Keen	4/1/2015	
HE-A-359-A	Vincent Bynan & Elizabeth Roberts	4/7/2015	
HE-A-369	John V Colaizzi	3/24/2015	

HE-B-247-A	Alexander Brodil	4/2/2015
HFRS-1	Stephen Mark & Lori Hanson	4/20/2015
HMP-55	Nicholas Hatch	3/30/2015
HOLR-2	Jose Antonio Rodriguez	5/1/2015
HRDE-2	Gale Pace	4/8/2015
HT-99	Ryland Robbins	4/3/2015
HTC-7	Victor Jackson	5/1/2015
IC-35	Stephen D. Taylor	4/17/2015
IH-20	Jonah & Rebecca Schupbouch	5/1/2015
IRH-FS-H-6	Robert Alexander Schlopy	4/23/2015
JR-5-5008	Theodore & Nichole Lee	4/2/2015
JR-5-5009	Norton Jacobs Family Trust	3/31/2015
JR-5-5019	Luc Vallieres	4/2/2015
JR-5-5044	Mark & Melinda Gunton	4/27/2015
JR-5-5047	Mark & Bayanzul Hendel	5/1/2015
JR-5-5078	Daniel & Susan Brown	4/2/2015
JR-5-5088	Deleise N Collins	3/31/2015 w/lease
KE-A-66	Carol Phillips	3/26/2015
KE-A-92	Aleksander Roising	4/13/2015
KK-11	Sadra Roberts	3/30/2015
KRD-9	William E Allen	3/31/2015
KT-150-A	Brian Suhadolc	4/8/2015 w/lease
KT-187-A	Helen M Anderson	4/3/2015
KT-31	Steven & Kathryn Mitchell	4/30/2015
KT-33-A	Jeanne McNeil	4/20/2015
KT-6-E	Glen Sracher/Mahwah Properties LLC	4/20/2015
KT-81-1	Hatch Family Trust	4/2/2015
MCL-26	Jeffrey & Helena Tummers	5/1/2015
MMS-15-AM	Fredric Lucas	4/8/2015
MMS-7	Duane Bailey	4/13/2015
NBF-23	Curtic Sweeten	4/15/2015
NBF-92	Travis Lafay	4/8/2015
NIC-1	Steven Cloutier	3/27/2015
NPKTH-3-83	John & Jennifer McMurrough	4/8/2015
NS-1112-D-2	Colleen Maria Schulte	3/26/2015
NS-125-C-4	Brent Geary Trustee	4/13/2015
NS-196-A	Leslie Flores	4/28/2015
NS-432-A	Kimberly Brooks	4/8/2015
NS-522-B	Blake Allen	3/27/2015
NS-526-A	G&F brown & Family Land	4/8/2015
NS-604-I-2	David McCullouch	4/23/2015 w/lease
NS-632-B	Vance & Fern Dent	4/3/2015
NSS-B-72	John Oliver Kucera	4/13/2015
NSS-B-84	Greg Whitehouse	4/15/2015
OAKS-17	George Murphy	4/9/2015
OAKS-39	Mark Lampe	3/27/2015
ORGILL-4	Jerrold Willoughby	3/31/2015

OT-400-221-A	Jeffery S Stevens Trustee	4/13/2015
OTNB2-208-B	Brenda Paull	4/13/2015
PAC-111-AM	Paul & Demeter Glennan	4/2/2015 w/lease
PB-11-808	Suzanne Pretorius	4/23/2015
PB-12-815	Jesse Cloupe & Jennifer Courtney	4/30/2015
PB-4-155	Valen Lindner	3/31/2015
PB-4-166	Lawrence G Rose	4/1/2015
PBC-1-53	Julia & Jim Wylie	3/27/2015
PB-IA-9	Doanld Hill	5/1/2015
PBP-A-C-22	8350 Meadowview Court #22 LLC	4/8/2015 w/lease
PBP-A-G-11	Isabel Hedges	5/1/2015
PBP-B-M-2	Jennifer Mooney	4/20/2015
PB-PR-83	Terry Janssen	4/9/2015
PC-34	John Kenworthy	5/1/2015
PC-375	Carol Carter & George Nitse	4/23/2015
PC-477	Park City Residential I, LLC	5/1/2015 w/lease
PC-697	Mark Alastair Prescott	3/30/2015 w/lease
PC-719	John Vrabel	3/27/2015
PKABO-A	Ryan Smith	4/27/2015 w/lease
PKM-16	Cathy Ann Downs	3/30/2015
PKM-2-26	Teresa Chavez	4/9/2015
PKM-23	Kathy Dopp	4/27/2015 w/lease
PKM-2-40	Lynn Ware	4/7/2015
PKM-2-41	Ellen L Sherk	4/16/2015
PKM-2-62	Cynthia Vitko & Maurice Hickey	4/16/2015
PKM-3-7	Sean & Alix Railton	4/17/2015
PKM-76	Jeffrey & Amanda Sangster	5/1/2015
PKM-84	Frances Jolley Trustee	3/30/2015
PKVC-28	Lyndsay Young & Chris Smith	4/9/2015
PNCR-F-2	Scott & Andrea Sato	4/15/2015
PR-2-149	William M Schwerin Trustee	4/13/2015
PR-24	Kevin & Stephanie Winzeler	4/17/2015
PR-3-107	Rory Murphy	4/13/2015
PR-3-54	2465 Sidewinder LLC	4/10/2015 w/lease
PSC-631	Suzanne J. Lamb	4/30/2015 w/lease
PT-24-B	Paradox Peak Properties LLC	4/1/2015 w/lease
PT-9-B-1	Donna Sims & Joseph Assenheim	5/1/2015 w/lease
PTAR-4	James Hampton	4/24/2015
PWL-1-S-8-B	David & Stacie Brickey	4/20/2015 w/lease
PWL-3-T	Rachel Allen	3/24/2015
PWL-6-H	Fatima Taylor	3/27/2015
PWV-A-20	Eydie Pines & John Leigh	4/3/2015
RC-1-40	Madeleine E Provo	4/20/2015
RHC-43	Wesley & Hannah Stout	5/1/2015
RPL-III-110	Victoria Martell	4/13/2015
RPL-III-214	Wiggin Brennan	4/9/2015
RV-10	Greg & Linda eisenbarth	4/8/2015 w/lease

SA-56	Charles R Colvin Trustee	4/1/2015
SBH-2	Brandon & Marco Heil	3/27/2015
SE-145-AM	Jessica Gray	4/20/2015
SE-168	Jamie & Ryan LaFontaine	4/9/2015
SL-A-50	Angel Heart I, LLC/ Charlene M Schae	4/17/2015
SL-B-122	Vanette Perkins	4/30/2015
SL-D-213	Kam & Allyson Leang	4/20/2015
SL-I-3-7	Hector L Mingura	4/8/2015
SLS-56	Nathan G Olsen	4/28/2015 w/lease
SLS-63	Gregory & Teresa Graham	5/1/2015
SLS-87	Harry Adelsson	4/23/2015
SMIL-I-36	Harry & Erin Mahoney	1/2/2015
SMIL-I-60	Jennifer Palosky	4/8/2015
SMIL-II-111	Lidia Di Lello Trustee	4/23/2015
SMIL-II-121	Richard & Catherine Meffert	4/1/2015 w/lease
SMIL-II-90	David Bryan	3/30/2015
SRG-19	Jeff & Farrah Spencer	4/30/2015 w/lease
SRG-62	Jeffrey Spencer	4/8/2015 w/lease
SS-34-A-4-A	Bricia C Weir	5/1/2015
SSS-1-234	Claire Desilets	4/3/2015
SSS-2-328	Rush & Sarah Hawkins	4/22/2015
SSS-4-514	David Marsella	4/9/2015
SSS-4-525	Ingrid Donato Trustee	5/1/2015
SU-A-34	Stacey & Amy Jenkins	4/3/2015
SU-A-70	Matt & Megan Provost	3/27/2015
SU-A-86	Shae & Elizabeth McCowen	4/27/2015
SU-I-71	R. Mario Medina	4/17/2015 w/lease
SU-J-66	Carrie Westberg	5/1/2015
SU-M-11	Mark & Kerys Sharrock	4/23/2015
SU-M-2-113	Boone Nichols	4/1/2015 w/lease
SU-M-2-21	St. Moritz Utah Property LLC	3/27/2015 w/lease
TH-10	John & Dorilee Vallis	4/13/2015
TL-1-50	Wade Capps	4/15/2015
TL-1-57	Jeffrey Isom	4/23/2015
TSP-31	Paul Howarth Trustee	4/10/2015
UVC-21	John Thornton	4/13/2015 w/lease
WDCS-E-22	Gary Callis	4/20/2015
WDCS-E-8	Eric Esquivel	4/10/2015
WHLS-46	Alida Hauser Kehrl	4/8/2015
WLCKR-30	Christopher Reddish & Meredith Lavi	5/1/2015
WLCKR-47	Robert & Suzanne Vandenberg	4/27/2015
WLS-1	Cooper Willoughby	3/31/2015
WV-16	John M Robbins Jr Trustee	3/30/2015
WWPD-66-AM	Lamont Lundgreen	5/1/2015
WWPD-A22-AM	Ryan Baker	4/20/2015

Non-Primary

<u>Parcel</u>	<u>Owner</u>	<u>Date</u>	<u>Notes</u>
199-DALY-ALL	Michele Dingman	4/27/2015	
402-MAR-1	J Alden Philbrick IV	4/1/2015	
APW-28-AM	Ryan & Kimberly Pederson	4/21/2015	
BC-11-AM	Floest & JenniferDzfuna	4/27/2015	
BEPC-7	James T Ryan III Co-Trustee	4/17/2015	
BHVS-73	Mark Bigatel	4/13/2015	
BHVS-77	Thomas Idzorek	4/15/2015	
CD-464-B-1	Poplar Holdings LLC	5/1/2015	
CEM-I-44-AM	James Hogan	3/30/2015	
CVC-1-C-305	Terry Barnes	4/29/2015	
CWPC-17-AM	Donald Brown	3/27/2015	
CWPC-8-AM	Phil Hagerman Trustee	3/31/2015	
ECR-116	Ricky Strong	4/9/2015	
EH-2-306	Gregory Wiest	4/13/2015	
EH-I-4	Kyle & Carrie Flowers	3/27/2015	
FLV-3-11-B	Roger & Rosemary Baldwin	4/13/2015	
FPRV-32-A-1	Annette LaGrange	4/22/2015	
GTF-3-A	Leob Revocable Trust	4/23/2015	
GWLD-III-187	Kirsten A Hanson Trustee	4/2/2015	
IC-18	Angie Block/ Around the Block LLC	4/3/2015	
LBHV-1-1203	James Monroe Buchanan	4/10/2015	
LKSD-9-A	Barbara Anne Wirostko	4/8/2015	Non-Primary per owner on phone,
LLTL-201	Christian McLean Jensen	4/21/2015	
LVC-6	Douglas James Seith	4/20/2015	
NJ-2	Thomas E Birsic	3/27/2015	
OAKS-54	Marilyn A Heck	5/1/2015	
OAKS-85	Bruce Lupatkin	4/8/2015	Property is empty and on the Marl
PAC-7-MA	Timothy G Michalik	5/1/2015	
PBC-1-41	James Goerss	4/13/2015	
PC-241-A	Michael McGinley	4/15/2015	
PC-463	Jesse Schaub	4/30/2015	
PC-468	Everson Exemption trust	4/29/2015	
PNCR-F-9	Christine Roesch	4/1/2015	
PRE-9	Stephane Yen	4/30/2015	
PSC-139	George & Karen March	3/27/2015	
PT-11-C	John Darrah	4/20/2015	
RC-1-6	Thomas A Gatta & Michelle Sausa-Ga	4/20/2015	
RC-3-109	Jason and Heidi Mischel	4/3/2015	
REC-1	William W Budd Jr	4/20/2015	
RIS-33	James R Byrne Co-Trustee	4/13/2015	
RP-2-T-8	Thomas Clemens & Max Kopp	4/1/2015	
RP-C-2	Stephanie Stuckey	4/15/2015	
SA-165-A	Daniel Alegre Trustee	3/27/2015	
SCC-A-2	Gilbert & Rochelle Jonswold	4/13/2015	

SL-C-137	Michael Stamolis	4/10/2015
SLDV-11-AM	David Oston	4/30/2015
SL-E-252	Marvin H Maxwell Trust	4/2/2015
SMS-25	Heath Bowden	4/20/2015
SRC-4301	Barn 9, LLC	4/7/2015
SS-78-6	Raymond Raddon	4/10/2015
TWNPT-C-202	Christopher Gottscho	4/8/2015
UL-6-C	Bear Necessities Uintalands LLC	4/8/2015
WBD-83	Lot 83 Willowbend West SUBD/Thorr	3/27/2015
WC-10	Hans Johnstone	3/31/2015

New Primaries

<u>Parcel</u>	<u>Owner</u>	<u>Date</u>	<u>Notes</u>
206-GR-1	Michael R Hughes Trustee	4/1/2015	w/lease
BB-16	Walter J Bennet	3/30/2015	
BBEAR-206	Lawrence Gardecki & Amy McMillan	4/8/2015	
BCKS-2	Daniel & Christine Ferris	4/5/2015	
BHVS-44	Scott Kobrin	4/21/2015	w/lease
BHVS-47	Scott Korbin	4/21/2015	w/lease
BHVS-T22	William Cornell	3/20/2015	w/lease
BHVS-T6	Christopher & Melanie Coffelt	4/8/2015	
CALG-100	Kathleen Sarette	3/3/2015	
CALG-202	J Charles Grosvenor	4/8/2015	w/lease
CCRK-A-15	Michael C Luebke	5/1/2015	
CCRK-A-35	Adam Schwall	4/8/2015	w/lease
CCRK-D-23	Melodie Grigsby	5/1/2015	
CD-36-7	Fernando Ramirez	5/1/2015	
CEM-1-3	Sharree L Olsen	4/10/2015	
CLJR-2-66	Alta Vista Holdings LLC	4/8/2015	w/lease
CQVC-11	Justin Johansen	3/27/2015	
CSP-1B-B	Elizabeth Close	5/1/2015	
CVC-1-C-202	Hans Henkel	5/1/2015	
CWPC-4A-178	Gary Clow	5/1/2015	
DC-12	Rick Federico	4/15/2015	w/lease
EP-I-17	Thomas J Biafore	3/30/2015	
FGR-4	David Rudolf	3/31/2015	w/lease
FM-D-151	Greg Sperry & Shasta Sperry	5/1/2015	
FPRV-17-C-2	Karl Cox & Gil Sonseeah	4/27/2015	w/lease
FTH-3	Alexandra Lowe	5/1/2015	
FWM-14	Jack & Jamie Rubin	4/22/2015	
HM-1-37	Curtis & Susan Dowd	4/23/2015	
HS-2-8	William E Jahsman	4/17/2015	w/lease
JCVE-12	Sally Castellanos	4/30/2015	
JR-13	Lisa Abraham	5/1/2015	w/lease
JR-4-4091	Richard & Judy Bell	5/1/2015	w/lease

KRD-1	Matt Seamons	4/10/2015
KT-227-1-A	George K Sowles	5/1/2015 w/lease
MV-3-20	Barbara Ann Dennis	4/8/2015
NS-265	Michelle A Hallmark	4/3/2015
OJR-10	Robert & Kimberly Slizeski	4/27/2015
PAR-116	Colleen Kulluk	4/28/2015
PRESRV-1-5	Richard Wynn Skidmore	4/13/2015
PRESRV-3-53	Mark Snihurowych	5/1/2015
PSC-800	Theresa DiGuida	4/10/2015
PT-3-D	Ed & Paula Robertshaw	5/1/2015
PWL-1-S-8-K	Lina Barbaros	4/13/2015
RC-2-157	Sherry S McGhee	4/30/2015 w/lease
RC-3-100	Genevieve Lark Lindig	4/20/2015
RGP-120-1AM	Robert Aboutok	4/20/2015
RIVBLF-A-11	Carisa Norman	4/8/2015
RPL-III-142	Robert Sloan	4/27/2015
SA-311-1-A	Neils Vernegaard	3/16/2015
SL-A-24	Brian J & Andrea M Cink	3/31/2015
SL-B-167	Shawn & Dawn Johnstun	5/1/2015
SL-B-168	Susan Goldsmith	4/8/2015
SL-I-2-12	Clayton Stuard	3/30/2015 w/lease
SOL-2-A-88	Brian M Kadison Trustee	4/23/2015
SRC-4302	SGC Ventures Utah LLC	5/1/2015 w/lease
SS-59-7-A-1	Roger Goldman	4/1/2015
SS-80-7	Adam Rogers/Browns Canyon LTD	4/24/2015 w/lease
SSP-25-2	Rory Murphy	4/13/2015 w/lease
SU-A-13	Svetlana Bryner & Mark Aquirre	4/21/2015
UVC-22	Anthony Martinez	5/1/2015
VLL-6	Matthew Johnston	4/28/2015



Staff Report

To: Summit County Council
Report Date: May 7, 2015
Meeting Date: May 13, 2015
From: Rich Bullough, Geri Essen, Frank Smith
Project Name: **Anti-Idling Ordinance**
Type of Item: Work Session

EXECUTIVE SUMMARY

In 2011, the Summit County Council passed an anti-idling resolution, and in 2012 that resolution was adopted as an ordinance (exhibit A). During this time, Park City had a similar ordinance in place. Recently, the Park City Council revised that ordinance to be slightly stronger in two primary areas: they removed the exemptions for temperatures below 32 degrees and above 90 degrees, and they reduced idling time allowed from three to one minutes. Their approved ordinance is attached (exhibit B).

Because persons do not generally distinguish between non-incorporated areas and city limits, particularly in western Summit County (Snyderville Basin and Park City), it would be beneficial to have very similar ordinances in place between the unincorporated and incorporated areas, again, particularly in western Summit County. It is our understanding that the Summit County Council wants to consider adopting a modified ordinance to reflect the new ordinance adopted by the Park City Council.

One primary concern with the existing ordinance has been enforcement, or lack thereof. At the time the Summit County ordinance was passed, it was generally agreed upon that the ordinance would not be enforced or enforceable without additional resource in the Sheriff's department. That issue remains a concern and should be better defined moving forward. Sheriff Martinez has agreed to work on this.

At the time the original Summit County resolution was passed, signage was developed, community partners were engaged, and signage placement was initiated. However, staff believes that for this effort to be successful the education and signage component must be greatly expanded and resources made available to accomplish this.

Attachments

Exhibit A: Summit County Anti-Idling Ordinance
Exhibit B: Park City Anti-Idling Ordinance

EXHIBIT A

SUMMIT COUNTY, UTAH ORDINANCE NO. 786

AN ORDINANCE AMENDING TITLE 6 OF THE COUNTY CODE, MOTOR VEHICLES AND TRAFFIC, TO INCLUDE ANTI-IDLING

WHEREAS, emissions from vehicle idling contributes significantly to air pollution, climate change and increased rates of cancer, heart and lung diseases, which adversely affect health; and

WHEREAS, children whose lungs are still developing are at a higher risk because they breathe more rapidly and inhale more pollutants per pound of body weight than adults; and

WHEREAS, it is vital that we protect the health and well-being of our children who are the future for Summit County; and

WHEREAS, emissions from vehicle idling significantly affects the natural environment and economic well-being of residents, guests and visitors of Summit County; and

WHEREAS, petroleum-based fuels are nonrenewable and should be used wisely and not wasted; and

WHEREAS, idling a typical vehicle for longer than ten seconds consumes more fuel than restarting that vehicle, resulting in excessive emissions and wasted fuel; and

WHEREAS, every citizen can improve our county's air quality by turning off vehicles whenever we are going to idle more than three minutes; and

WHEREAS, reducing needless vehicle idling is in keeping with Summit County's promotion as an eco-friendly community and its affiliation with ICLEI (Local Governments for Sustainability); and

WHEREAS, education about idle reduction can raise community awareness, encourage consumers to develop idle free habits, and influence adoption of idle free policies within county governments; and

WHEREAS, the County Council, with support from the Summit County Board of Health, desires to ensure that idling does not occur in idle-frequent locations such as school grounds, parking lots/garages, ski resort premises and business centers; and

WHEREAS, the County Council, with support from the Summit County Board of Health, desires to take a proactive position on air pollution to protect the livability and viability of Summit County and its residents, visitors and guests; and

WHEREAS, it is in the public interest that Summit County residents, guests and visitors reduce vehicle emissions to protect the health, economy and natural environment of Summit County and the surrounding area;

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

6-4-1: NO IDLING:

No driver, while operating a vehicle within unincorporated Summit County, shall cause or permit a vehicle's engine to idle for more than three minutes, with exceptions for the following circumstances.

- (1) The vehicle is forced to remain motionless on a roadway because of traffic conditions.
- (2) The vehicle is an authorized emergency vehicle used in an emergency situation.
- (3) Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire, emergency and water equipment, refrigeration units, loading and unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other equipment that is part of the vehicle.
- (4) Vehicle idling is necessary for repair or inspection of the vehicle.
- (5) The health or safety of a driver or passenger, including service animals, requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions.
- (6) Vehicle idling is necessary for efficient operations of a turbo-charged heavy duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in air brake systems, among other requirements.

Vehicles idling under these exceptions should not violate Utah State Code, 41-6a-1403, which prohibits the idling of an unattended vehicle.

The primary purpose of Section 6-4-1 is to educate the public on the health and environmental consequences of vehicle idling.

6-4-2: **IDLING FINES:** The owner or operator of a vehicle cited for illegal idling under this chapter shall be issued a warning citation and, after receiving three warning citations, shall be required to pay the penalty equal to a Class II violation under the County Parking Code (6-2-6).

Any person receiving an administrative citation who wishes to challenge the citation, may request a hearing before the administrative law judge as outlined in section [1-13-4-4](#) of this code.

6-4-3: **IDLING ON PULIC AND PRIVATE PROPERTY:** Section 6-4-1 may only be enforced when the idling vehicle is found on:

(1) public property; or

(2) private property that is open to the public unless the private property owner:

(i) has a private business that has a drive-through service as a component of the private property owner’s business operations and posts a sign provided by or acceptable to Summit County informing its customers and the public of Summit County’s time limit of three minutes for idling vehicle engines; or

(ii) adopts an idle reduction education policy approved by Summit County.

6-4-4: **SAFETY OF LAW ENFORCEMENT OFFICERS:** Section 6-4-1 shall be enforced in such a manner as to provide for the utmost safety of the law enforcement officers or designees who enforce it.

Section 2. Effective Date

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

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this 5th day of December, 2012.

**SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH**

By: _____
Council Chair

Councilor Hanrahan voted _____
Councilor McMullin voted _____
Councilor Elliott voted _____
Councilor Ure voted _____
Councilor Robinson voted _____

EXHIBIT B

Park City Ordinance No. 15-

AN ORDINANCE AMENDING TITLE 9, PARKING CODE, OF PARK CITY MUNICIPAL CODE SECTIONS 9-10-1, NO IDLING and 9-10-2 IDLING ON PUBLIC AND PRIVATE PROPERTY.

WHEREAS, emissions from vehicle idling contribute significantly to air pollution, climate change and increased rates of cancer and heart and lung diseases which adversely affect the health, natural environment and economic wellbeing of residents, guests and visitors of Park City; and

WHEREAS, petroleum-based fuels are nonrenewable and should be used wisely and not wasted; and

WHEREAS, idling a typical vehicle for longer than ten seconds consumes more fuel than restarting that vehicle, resulting in excessive emissions and wasted fuel; and

WHEREAS, Park City Municipal Code, 9-8-3, already provides that no delivery vehicle parked on Main Street or Swede Alley shall be parked with its engine left idling; and

WHEREAS, Utah State Code, 41-6a-1403, prohibits the idling of an unattended vehicle; and

WHEREAS, Park City Municipal Corporation presently has a Fuel Conservation and Anti-Idling Policy in place, encouraging efficient use of City vehicles to reduce operating costs and emissions; and

WHEREAS, reducing needless vehicle idling is in keeping with Park City's promotion as an eco-tourism destination and its affiliation with ICLEI (Local Governments for Sustainability); and

WHEREAS, the City Council desires to ensure that unnecessary idling does not occur in idle-frequent locations such as school grounds, parking lots/garages, business centers, and ski resort parking lots and loading and unloading zones; and

WHEREAS, Clean Air Park City will, on its own and in partnership with Park City Municipal Corporation and other like-minded organizations, continue to educate residents, visitors, and guests of the dangers to the environment and health of citizens caused by the unnecessary idling of motor vehicles; and

WHEREAS, the City Council desires to take a proactive position on air pollution to protect the livability and viability of Park City and its residents, visitors and guests; and

WHEREAS, it is in the public interest that Park City residents, guests and visitors reduce vehicle emissions to protect the health, economy and natural environment of Park City and the surrounding area;

WHEREAS, City Council has previously demonstrated leadership on this issue by adopting an "Idle-Free Resolution" for Park City in November 2009; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 9 Parking Code, Section 9-10-1, of the Municipal Code of Park City is hereby amended as follows:

9-10-1 NO IDLING.

No driver, while operating a vehicle within Park City corporate limits, shall cause or permit a vehicle's engine to idle for more than one minute, with exceptions for the following circumstances:

- (A) The vehicle is forced to remain motionless on a roadway because of traffic conditions.
- (B) The vehicle is an authorized emergency vehicle used in an emergency situation.
- (C) Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire, emergency and water equipment, refrigeration units, loading and unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other equipment that is part of the vehicle.
- (D) Vehicle idling is necessary for repair or inspection of the vehicle.
- (E) The health or safety of a driver or passenger, including service animals, requires the vehicle to idle. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions.
- (F) Vehicle idling is necessary for efficient operation of a turbo-charged heavy duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in air brake systems, among other requirements.

Vehicle idling under these exceptions should not violate Utah State Code, 41-6a-1403, which prohibits the idling of an unattended vehicle.

Section II. Amendment. Title 9 Parking Code, Section 9-10-2, of the Municipal Code of Park City is hereby amended as follows:

9-10-2. IDLING ON PUBLIC AND PRIVATE PROPERTY.

Section 9-10-1 may only be enforced when the idling vehicle is found on:

- (A) Public property, or
- (B) Private property that is open to the public unless the private property owner:
 - (I) Has a private business that has a drive-through service as a component of the private property owner's business operation and posts a sign provided by or acceptable

to Park City informing its customers and the public of Park City's time limit of one minute for idling vehicle engines; or

(II) Adopts an idle reduction education policy approved by Park City and posts signage.

Section IV. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 2nd day of April 2015.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



Staff Report

May 13, 2015
Lisa Yoder, Sustainability Coordinator

Review and approval of
**Resolution of the Summit County Community Development and
Renewal Agency authorizing the preparation of the draft Community
Development Area (CDA) plan**

BACKGROUND

April 13, 2015 - The Private Activity Bond Authority approved a \$4.3 million Qualified Energy Conservation Bond (QECB) allocation for the purpose of funding the countywide **Be Wise, Energize** Residential Energy Efficiency Loan Program. A Community Development Area (CDA) or a Summit County Subsidiary Issuing Authority is required by law to issue the QECB bond allocation.

A CDA Plan is required to establish a CDA. The CDA Plan defines the project; provides specific description of the boundaries of the proposed project area; and describes the public benefit that is broadly available to Summit County residents. The CDA Plan is intended to provide members of the public, the County Council, the State Tax Commission, the assessor and auditor of the county, and the governing body of each taxing entity with information regarding use and management of the QECB bond allocation proceeds.

Establishing a CDP Plan is the next step toward making the pending funds available for administration of the Be Wise, Energize Loan Program. The attached Resolution # 2015-___ authorizes staff to draft a CDA Plan. The resolution has been prepared by Chief Civil Deputy Attorney David Thomas with the advice of Bond Council.

CONCLUSION

Once drafted, the CDA Plan will be made available to the public at least 30 days in advance of a Public Hearing tentatively scheduled for June 24, 2015. Also on this date, Ordinance # _____, Approving the Community Development Area Plan (CDA Plan) will be presented to Council for review and possible adoption.

RECOMMENDATION

Review and approve the **Resolution of the Summit County Community Development and Renewal Agency authorizing the preparation of the draft Community Development Area (CDA) plan** dated _____.

NOTICE OF SPECIAL MEETING

TO THE GOVERNING BODY OF THE SUMMIT COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, STATE OF UTAH:

NOTICE IS HEREBY GIVEN that a special meeting of the Summit County Community Development and Renewal Agency (the "Agency") will be held at the Agency's regular meeting place at ____ p.m. on Wednesday, the 13th day of May, 2015, for the purpose of authorizing the preparation of a draft community development project area plan and related matters, and for the transaction of such other business incidental to the foregoing as may come before said meeting.

Clerk

ACKNOWLEDGMENT OF NOTICE
AND CONSENT TO SPECIAL MEETING

We, the Chair and Members of the Summit County Community Development and Renewal Agency do hereby acknowledge receipt of the foregoing Notice of Special Meeting, and we hereby waive any and all irregularities, if any, in such notice and in the manner of service thereof upon us and consent and agree to the holding of such special meeting at the time and place specified in said notice, and to the transaction of any and all business which may come before said meeting.

Chair

Member

Member

Member

Member

Coalville, Utah

May 13, 2015

The governing body (the "Board") of the Summit County Community Development and Renewal Agency (the "Agency"), met in special public session at its regular meeting place in Coalville, Utah, on May 13, 2015, at the hour of ____ p.m., with the following members of the Board being present:

Kim Carson	Chair
Roger Armstrong	Member
Claudia McMullin	Member
Chris Robinson	Member
Dave Ure	Member

Also present:

Kent Jones	Clerk
------------	-------

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the Clerk presented to the Board a Certificate of Compliance with Open Meeting Law with respect to this May 13, 2015, meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Member _____ and seconded by Member _____, was adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Chair and recorded by the Clerk in the official records of the Agency. The resolution is as follows:

RESOLUTION NO. _____

A RESOLUTION OF THE GOVERNING BODY OF THE SUMMIT COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AUTHORIZING THE PREPARATION OF A DRAFT COMMUNITY DEVELOPMENT PROJECT AREA PLAN AND RELATED MATTERS

WHEREAS, the Summit County Community Development and Renewal Agency (the “Agency”) was created to transact the business and exercise all of the powers provided for in the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated, 1953, as amended (the “Act”), and any preceding, subsequent, replacement or amended law or act; and

WHEREAS, pursuant to Section 17C-4-101 of the Act, the governing body of the Agency (the “Board”) is duly empowered to authorize by resolution the preparation of a draft community development project area plan; and

WHEREAS, the Board desires to authorize the preparation of a draft community development project area plan for a proposed community development project area known as the _____ Community Development Project Area.

NOW, THEREFORE, It is Hereby Resolved by the Governing Body of the Summit County Community Development and Renewal Agency as follows:

Section 1. The terms defined or described in the recitals hereto shall have the same meaning when used in the body of this Resolution. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and by the officers of the Agency directed toward the preparation of a draft project area plan, are hereby ratified, approved, and confirmed.

Section 2. The Board hereby authorizes the preparation of a draft community development project area plan for a project area with geographic boundaries coterminous with the geographic boundaries of the unincorporated area of Summit County, Utah.

Section 3. The appropriate officers of the Agency are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including, but not limited to, obtaining whatever information is needed, and hiring or contracting with consultants and others as necessary for the preparation of the draft community development project area plan.

Section 4. If any one or more sections, sentences, clauses, or parts of this Resolution shall, for any reason, be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Resolution so held

unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause, or part of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Resolution in any other instances.

Section 5. All resolutions of the Agency in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution, by-law or regulation, or part thereof, heretofore repealed.

PASSED AND APPROVED this May 13, 2015.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Clerk

Pursuant to motion duly made and seconded, the meeting was adjourned.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
Clerk

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

I, Kent Jones, the duly qualified and acting Clerk of Summit County, Utah do hereby certify according to the records of the Summit County Community Development and Renewal Agency (the “Agency”) in my possession that the foregoing constitutes a true, correct, and complete copy of the minutes of the special meeting of the Agency’s governing board (the “Board”) held on May 13, 2015, as it pertains to a resolution (the “Resolution”) adopted by the Board at said meeting, including the Resolution, as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of the Agency, this May 13, 2015.

(SEAL)

By: _____
 Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Kent Jones, the undersigned Clerk of Summit County, Utah (the “County”) do hereby certify, according to the records of the Summit County Community Development and Renewal Agency (the “Agency”) in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the public meeting held on May 13, 2015, by the Agency as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Agency’s principal offices on May ____, 2015, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Park Record on May ____, 2015, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Meeting Notice website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

I further certify that the Agency does not hold regular meetings that are scheduled in advance over the course of a year, but meets on an unscheduled basis from time to time, as needed.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this May 13, 2015.

(SEAL)

By: _____
Clerk

SCHEDULE 1

NOTICE OF MEETING



STAFF REPORT

To: County Council
Report Date: May 6, 2015
Meeting Date: May 13, 2015
Author: Brian Bellamy
Description: Renovation of Animal Control Shelter
Type of Item: Discussion

A. Background

On December 17, 2014 the County Council approved \$800,000 for the renovation of the shelter. With this approval was the stipulation there would be a work session regarding the renovation including drawings of the proposed facility.

History of the Animal Control Shelter

In 1995 Summit County built the existing Animal Control Shelter. The building is 2,853 square feet, including a garage.

This building provided 12 indoor dog kennels, measuring 6' x 7'. When crowded, the kennels could be halved putting a dog on each side. With this configuration "biters" and rabies quarantined dogs are housed with our adoptable dogs. For those dogs that are "biters" or quarantined a red sign is placed on the kennel stating not to touch the dogs and the reason why. Puppies were also placed in this same area.

The configuration for cats was two self-contained rooms with 13 kennels in the first room, used for cat evaluation and 30 kennels in the cat adoption room. The cat rooms were built with no venting system for the air, the air recycles through the rooms. This causes a problem if we have sick cats. The cats are not allowed out of the kennels at any time, there is no play room.

Existing Facility:

- 2,853 square feet
- 12 indoor dog kennels
- 43 cat kennels
- 303 square feet officer room
- Improper venting of air (cat rooms)
- Inadequate HVAC
- No security

Proposed Facility:

- 2,056 additional square feet
- 4,909 total square feet
- 12 indoor dog kennels
- 13 indoor/outdoor dog kennels
- Separate puppy kennel
- Puppy play area
- Cat/kitten play area
- Separate cat and kitten viewing rooms
- Pet receiving/adoption area
- Indoor food storage
- New HVAC
- Proper venting of air
- Work stations for officers
- Updated security

In the hallway between the dog kennels and the garage was the quarantine area for sick dogs. This area has little air conditioning in the summer or heat in the winter. Some of the chemicals used for cleaning the kennels are housed in this same area.

The original officer's room was 8.5' x 11.5' also housing the copy machine, kitty litter and the electrical panels. Storage of bulk food has been in a shed out the back of the building.

Since the original structure was built, the garage was converted to an officer's room/break room, where reports could be written. This space is 12.75' x 23.5'. Currently, there are four animal control officers and the Field Officer housed in this room. The original officer room now houses kitty litter, newspaper for the cat kennels, some cat and dog food, and computer/telephone equipment.

Six outside kennels had been added to be used in the spring through the fall. These kennels are also used for chickens, goats, etc. We recently built (with donations) one large dog run measuring 65' x 30'. In this run we can get a few dogs outside during the day to play and lay in the sun. Currently there is no adequate puppy separation area. The current area used for puppies the minimally heated/cooled hallway between the kennel area and the officer's room. This area has one large kennel measuring 4.5' x 10'.

One of the ongoing problems has been heating and cooling. In winters, space heaters have been necessary to bring the temperature for both animals and staff to a tolerable level. The original design for this building has not been suitable for the environment in Summit County.

Proposal for the Animal Control Shelter

The proposed facility enlarges our footprint by 2,056 square feet and provides us much needed kennels, places for cats and puppies to play, ill animals, biters, etc. The current shelter is outlined in blue on Attachment A. The enlarged footprint of the renovated shelter gives the County:

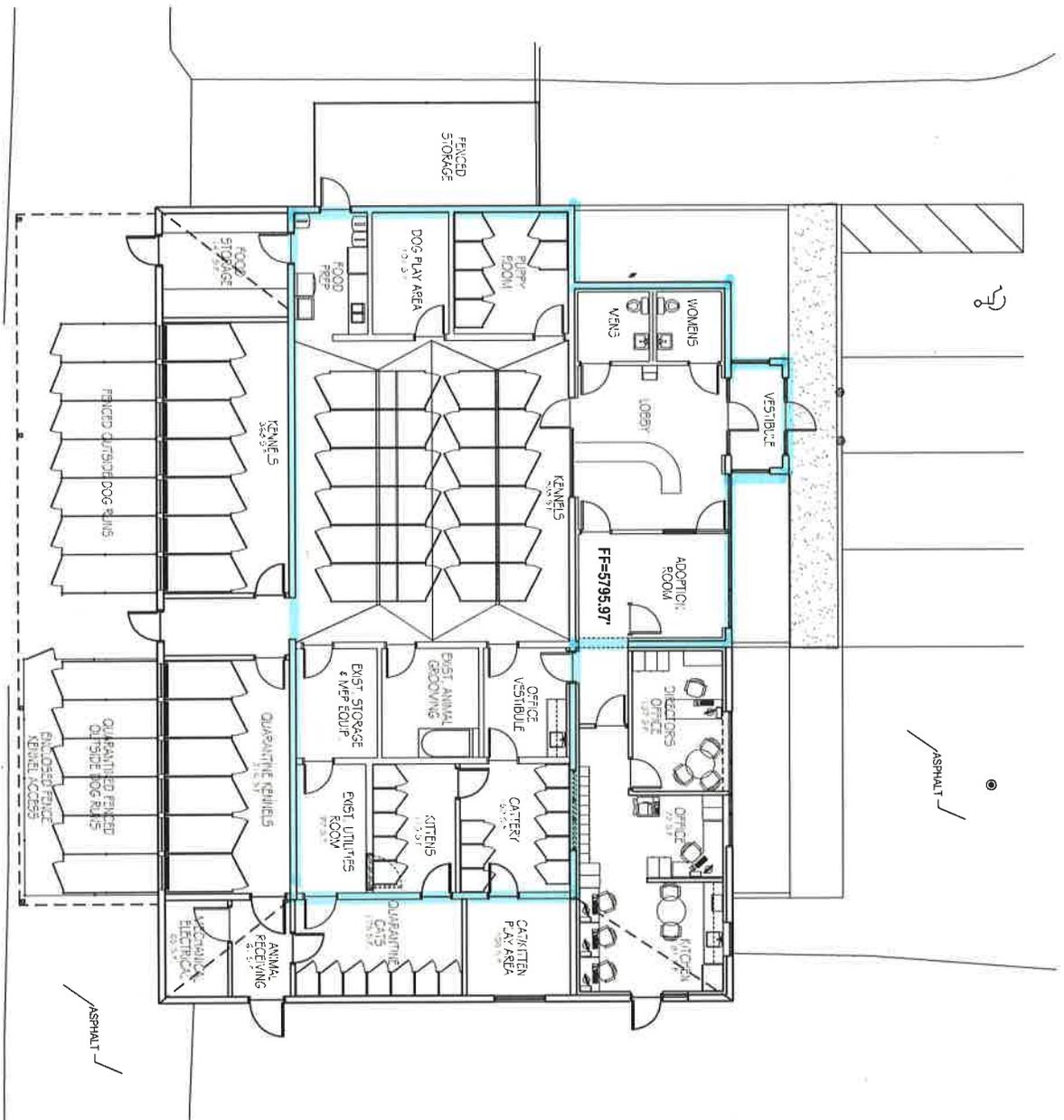
- Reconfigured Lobby
- Pet adoption/receiving room
- 13 Indoor/outdoor kennels for dogs, for a total of 25 kennels
- Dog quarantine area
- Separate puppy kennel area
- Puppy play area
- Larger cat kennel area
- Separate kitten kennel area
- Kitten/cat play area
- Larger cat intake/quarantine area
- Relocated Administrator's Office and Officers' area
- Secure Shelter Entrance
- Indoor Food Storage Area
- New HVAC and Electrical Service

We would be happy to answer any questions you may have.

B. Recommendation

Staff recommends the Council discuss and make recommendations, if any, to the design provided by EDA.

Attachment A



FLOOR PLAN 0.096 S.F. ADDITION



SUMMIT COUNTY ANIMAL CONTROL BUILDING

1745 SOUTH HOYTSTVILLE ROAD, COALSVILLE, UTAH 84017



THE EASTON BUILDING
1830 W. 2000 S. SUITE 100
UTAH 84111
TEL: 801.531.7000
F: 801.363.3148
WWW.EASTONBUILDING.COM

PROJ. ARCH	TB
PROJ. MGR	NE
CONTRACT NO.	213
REVISIONS	

FLOOR PLAN

APRIL 20, 2015
AI



SUMMIT COUNTY ANIMAL CONTROL - EXISTING FACILITY WEST



SUMMIT COUNTY ANIMAL CONTROL - PROPOSED ADDITION WEST



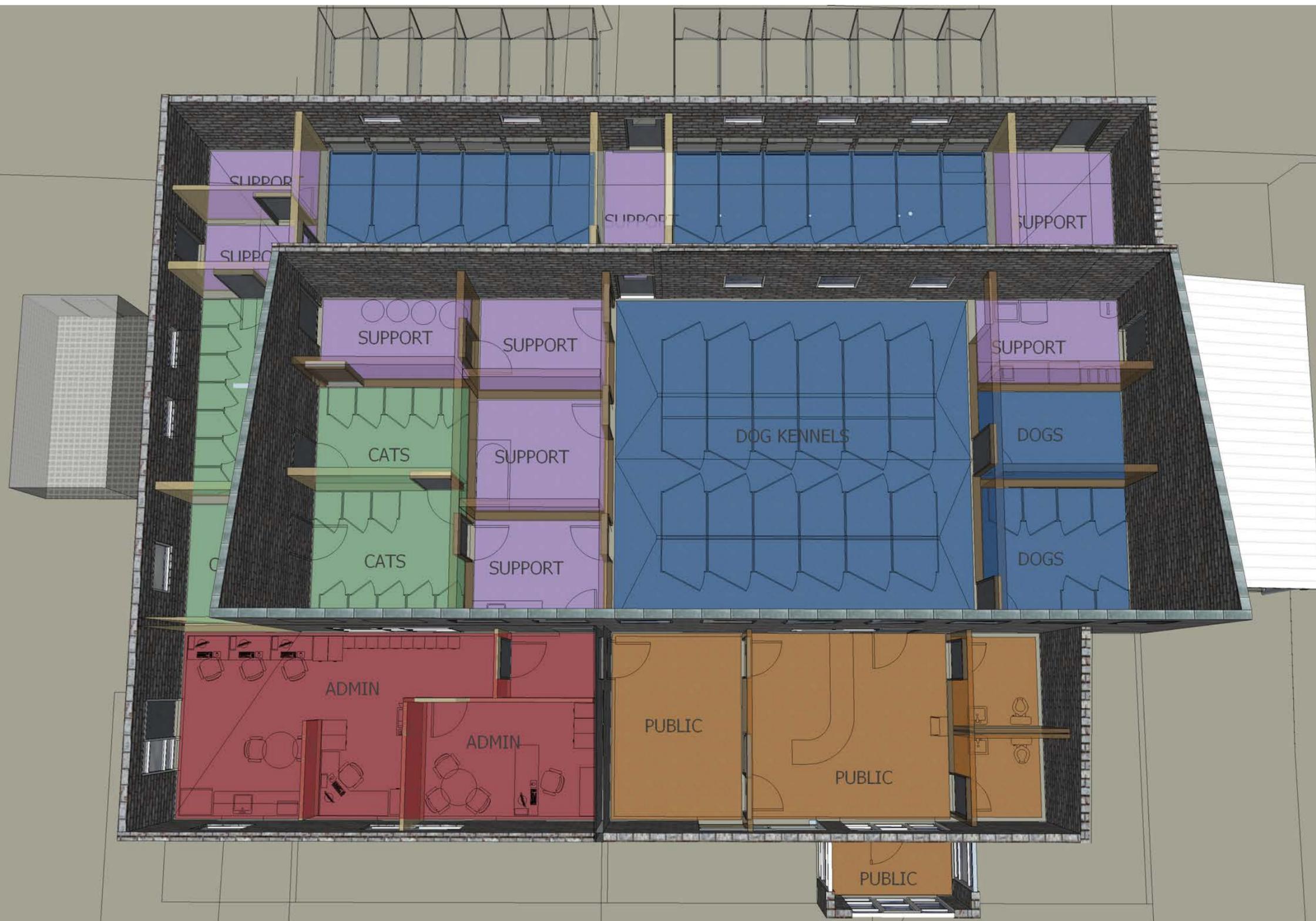
SUMMIT COUNTY ANIMAL SHELTER - EXISTING FACILITY NORTH



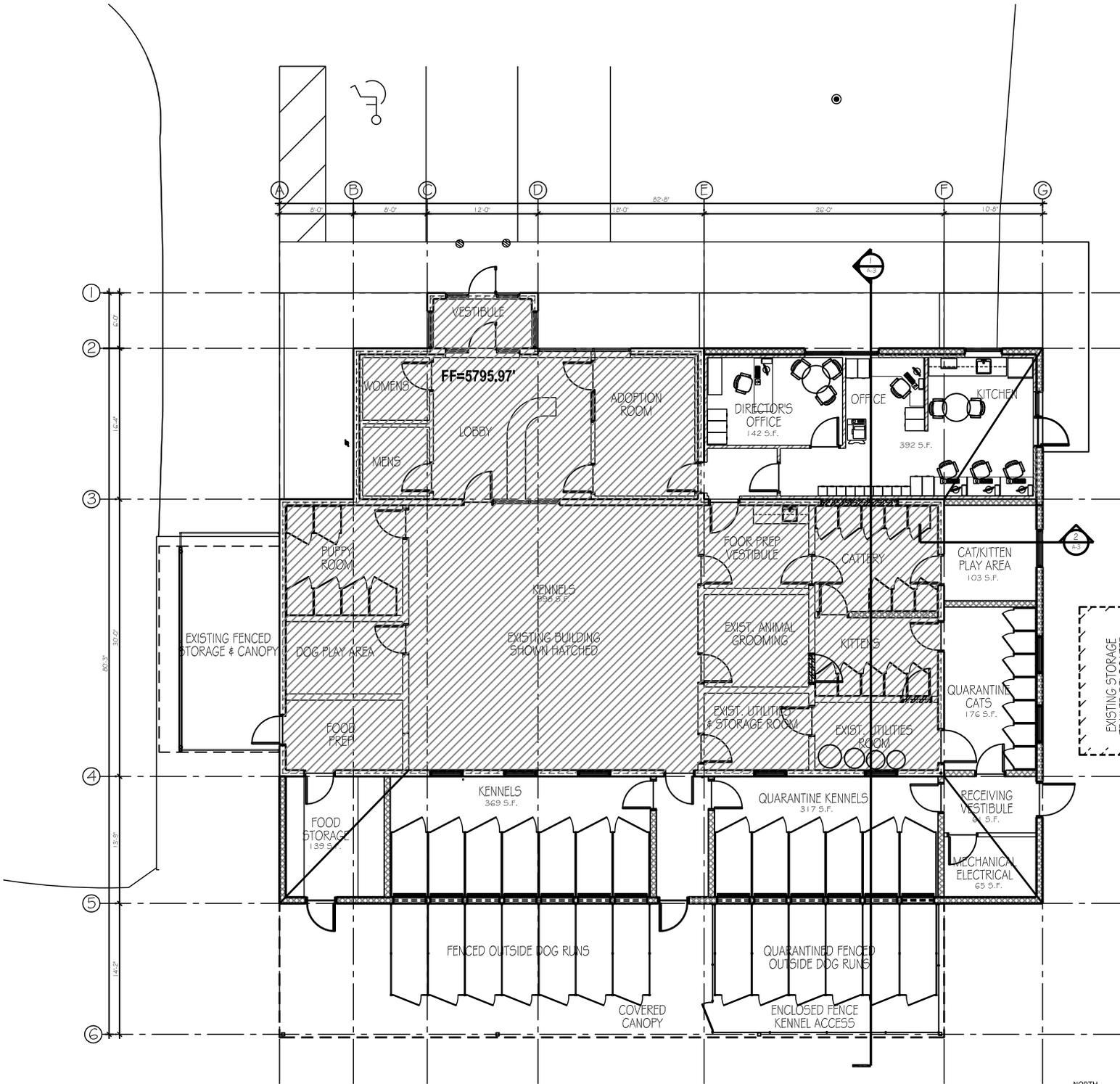
SUMMIT COUNTY ANIMAL CONTROL - PROPOSED FACILITY NORTH



SUMMIT COUNTY ANIMAL CONTROL - EXISTING INTERIOR



SUMMIT COUNTY ANIMAL CONTROL - PROPOSED INTERIOR



SUMMIT COUNTY ANIMAL CONTROL BUILDING

1745 SOUTH HOYTYSVILLE ROAD, COALSVILLE, UTAH 84017



THE BOSTON BUILDING
 9 EXCHANGE PLACE, SUITE 1100
 SALT LAKE CITY
 UTAH 84111
 O: 801 531 7600
 F: 801 363 3149
 www.edaarch.com

PROJ. ARCH. TB
 PROJ. MNGR. RE
 JOB NO. 213

REVISIONS	

PROPOSED FLOOR PLAN

1 FLOOR PLAN (2,056 S.F. ADDITION)

MAY 7, 2015

A1.1



PROJECT COST ESTIMATE - SUMMIT COUNTY ANIMAL SHELTER			
Date: May 7, 2014		Summit County Animal Control	
Project Number:		1745 S Hoytsville Rd, Coalville, UT 84017	
Item	Units	Unit/Cost	Cost
CONSTRUCTION COSTS			
Subtotal Construction Cost:	1	LS	\$ 573,042
Design Contingency	5%		\$ 28,652
Subtotal Construction Costs:			\$ 601,694
DESIGN/ENGINEERING FEES			
Base A/E Fee:	Fixed		\$ 53,420
Soils Report	Not Required		N/A
Survey			included in A/E fee
Subtotal Design/Engineering Fees:			\$ 53,420
MISCELLANEOUS PROJECT COSTS			
Builders Risk Insurance			included in cost estimate
Building Permit			assumed waived
Printing, Advertising, Bidding, Reimbursable			\$15,000
Utility Connection Fees			\$40,000
Special Inspections and Materials Testing		2.00%	\$ 12,034
Subtotal Miscellaneous Project Costs:			\$67,034
FF&E			
Tele-data Equipment			\$10,000
Furniture			\$5,000
Kennels			included in cost estimate
Subtotal FF&E Costs:			\$15,000
Owners Project Contingency		10%	\$57,304
TOTAL PROJECT COSTS:			\$ 794,452

PROJECT:	SUMMIT COUNTY ANIMAL CONTROL				5/7/2015	DATE:
ADDRESS:	1745 South Hoytsville Rd					TIME:
Bid Locat:						
						Liquidated damages budget
						\$ -
						\$ 540,606
	BUILDING SIZE :	2000			SF	OH/P @6%
	ESTIMATED TIME IN WEEKS	20			WKS	\$ 32,436
						BASE BID :
						\$ 573,042
	\$286.52	COST PER SF				Preliminary Budget
						\$ 573,042
UP						

DIVISION	DESCRIPTION	UNITS	AMOUNT	BID	TOTAL
RAL CONDITIONS					
D 01300 ADMIN REQUIREMENTS					
D 014000 QUALITY CONTROL REQUIREMENTS					
D 015000 TEMP FACILITIES AND CONTROLS					
D 016000 PRODUCT REQUIREMENTS					
D 017000 EXECUTION AND CLOSEOUT					
	Bid Bond is required.				
	Job must be done by	April 30 2013			
	CLEANING	2000	SF	\$ 0.25	\$ 500
	GARBAGE COLLECTION	20	WKS	\$ 150	\$ 3,000
	JOB OFFICE	20	WKS	\$ 20	\$ 400
	JOB PHONE	20	WKS	\$ 70	\$ -
	BUILDERS RISK INSURANCE	1	LS	\$ -	\$ 1,250
	PERFORMANCE & PAYMENT	1	LS	\$ 6,400	\$ 6,400
	PLAN CHECK / FEES	1	LS	\$ -	not required
	BUILDING PERMIT	1	LS	\$ -	not required
	IMPACT FEES:	1	LS	\$ -	not required
	UTILITY CONNECTION FEES	1	LS	\$ -	not required
	QUALITY CONTR'L TESTING / special inspection	1	LS	\$ -	not required
	WINTER CONDITIONS / CONTEGENCY	3	WKS	\$ 551	\$ 1,653
	SUPERVISION	20	WKS	\$ 1,400	\$ 28,000
	Security Allowance or overtime	0	hr	\$ 32	\$ -
	Office Visits	5	EA.	\$ 200	\$ 1,000
	Misc Labor	80	HRS	\$ 20	\$ 1,600
	TEMP FENCING	0	LF	\$ 4	\$ -
	TEMP. LIGHTING	0	LS	\$ -	by owner
	TEMP POWER POLE- U.P.L.	1	EA.	\$ 555	\$ 500
	TEMP POWER	20	WKS	\$ 50	not required

TEMP WATER	20	WKS	\$	10	not required
TOILET	20	WKS	\$	40	\$ 800
BARRICADE COST:	1	LS	\$	-	\$ -
PROJECT SIGN	1	EA.	\$	250	\$ -
AS BUILT DRAWINGS / OPERATION AND MAINT MANUALS					\$ -
REGISTERED SURVEYOR: KELLER					\$ -
SPECIAL INSPECTION					by owner
Stairs Allowance					
PEPG survey bid is 2230					

WORK

EXCAVATING

Regrade and Reslope for new road	2400	sf	\$ 1.00	\$ 2,400.00	
Revegetate slope	2400	sf	\$ 1.00	\$ 2,400.00	
Remove asphalt and grub for building excavating	8000	sf	\$ 0.50	\$ 4,000.00	
Excavate, backfill and compact footings	430	lf	\$ 15.00	\$ 6,450.00	
Grade and gravel for building concrete	2000	sf	\$ 1.35	\$ 2,700.00	
Grade and gravel for site concrete	325	sf	\$ 1.35	\$ 438.75	
Sewer line	1	ls	\$ 1,800.00	\$ 1,800.00	
Relocate Storm Drain	160	lf	\$ 20.00	\$ 3,200.00	
Storm Drain Boxes	4	ea	\$ 750.00	\$ 3,000.00	
Misc Excavating	1	ls	\$ 4,000.00	\$ 4,000.00	

\$ 30,389

SITE WORK

Relocated asphalt roadway	4000	sf	\$ 2.30	\$ 9,200.00	
Move Storage Shed	1	ls	\$ 500.00	\$ 500.00	
New Concrete Walks	200	sf	\$ 3.50	\$ 700.00	
Wash Down Pad	400	sf	\$ 4.50	\$ 1,800.00	
Allowance for misc concrete now shown	1	ls	\$ 2,000.00	\$ 2,000.00	
Landscape allowance	1	ls	\$ 5,000.00	\$ 5,000.00	

\$ 19,200

RETE AND MASONRY

CONCRETE / SY 3500 PSI	110
CONCRETE / SY 4000 PSI	115

BUILDING CONCRETE

Building footings 12"	927	lf	\$ 6.50	\$ 6,023.23	
Building foundations 8"	1078	sf	\$ 5.75	\$ 6,195.63	
Building flatwork with visqueen / expansion, etc	2000	sf	\$ 3.25	\$ 6,500.00	

\$ 21,219

Flatwork sealer	2000	sf	\$	1.25	\$	2,500.00
Includes rebar, pump, etc						

BUILDING MASORNY

Building masonry with special insulation	4400	sf	\$	17.86	\$	78,584.00
Plain block to be painted. Zonelite insulation where possible						

\$ 78,584

STEEL

Steel columns and headers, C at existing masonry wall	1	ls	\$	7,800.00	\$	7,800.00

\$ 7,800

ENTRY

FRAMING

Joists and Rims	1	ls	\$	6,360.00	\$	6,360.00
Beams	1	ls	\$	1,850.00	\$	1,850.00
Sheeting	1	ls	\$	2,356.00	\$	2,356.00
Hardware / nails	1	ls	\$	950.00	\$	950.00
Labor	1	ls	\$	12,000.00	\$	12,000.00

\$ 23,516

CASEWORK AND TRIM

New entry counter	1	ls	\$	2,200.00	\$	2,200.00
Shelving Allowance	1	ls	\$	1,000.00	\$	1,000.00
Countertop allowance	1	ls	\$	1,000.00	\$	1,000.00
Office trim	1	ls	\$	750.00	\$	750.00

\$ 4,950

ING, INSULATION AND CAULKING

ROOFING

Standing Seam Roof	2300	sf	\$ 6.10	\$ 14,030.00
Gutters and Downspouts	230	lf	\$ 4.25	\$ 977.50
Snow clips if required	230	lf	\$ 10.00	\$ 2,300.00

\$ 17,308**INSULATION**

Foundation Insulation	525	sf	\$ 1.75	\$ 918.75
Office Insulation	1600	sf	\$ 1.15	\$ 1,840.00
Ceiling insulation	2100	sf	\$ 1.55	\$ 3,255.00
Caulking	1	ls	\$ 750.00	\$ 750.00

\$ 6,764**S AND WINDOWS****STOREFRONT**

Storefront and glazing	1	ls	\$ 2,350.00	\$ 2,350.00

\$ 2,350**HOLLOW METAL AND WOOD DOORS**

Exterior doors	4	ea	\$ 1,200.00	\$ 4,800.00
Interior doors	13	ea	\$ 750.00	\$ 9,750.00

\$ 14,550**HES****DRYWALL AND ACOUSTIC CEILINGS**

Office Drywall	1600	sf	\$ 3.00	\$ 4,800.00
Acoustic Ceilings	2000	sf	\$ 3.25	\$ 6,500.00

\$ 11,300

FLOOR COVERINGS

Carpet	600	sf	\$ 4.00	\$ 2,400.00
Base	250	lf	\$ 2.50	\$ 625.00

\$ 3,025

PAINTING

Doors Exterior	4	ea	\$ 135.00	\$ 540.00
Doors Interior	13	ea	\$ 20.00	\$ 260.00
Drywall	1600		\$ 0.35	\$ 560.00
Masonry	8800		\$ 0.45	\$ 3,960.00

\$ 5,320

ALTIES

SIGNAGE and Kennels

lockers	1	ls	3500	\$ 3,500.00
Kennels inside	12	ea	1600	\$ 19,200.00
Kennels outside	12	ea	2000	\$ 24,000.00
Kennel doors	12	ea	400	\$ 4,800.00
Cat Condos	4	ea	3878	\$ 15,512.00
www.masonco.com				
quiet cottages model 1				

\$ 67,012

ANICAL

ALL PLUMBING AND MECHANICAL DIVISIONS

HVAC

Mechanical	1	ls	72392	\$	72,392.00
Mechanical Contengency	1	ls	10000	\$	10,000.00
Add a Boiler and in floor heat for dog and cat areas	1	ls	16000	\$	16,000.00

\$ 98,392

PLUMBING

Plumbing	1	ls	18600	\$	18,600.00
Plumbing contengency	1	ls	6500	\$	6,500.00

\$ 25,100

NO FIRE SPRINKLERS

TRICAL

ALL ELECTRICAL DIVISIONS

ELECTRICAL

Electrical Budget (Keller Construction)	1	ls	36500	\$	36,500.00
Communications Budget (Keller Construction)	1	ls	2000	\$	2,000.00
Fire Alarm Budget (Keller Construction)	1	ls	5000	\$	5,000.00
Electrical Conteneency	1	ls	10000	\$	10,000.00

\$ 53,500

contingency for transformer and outside power

\$ 5,000

TRANSFORMER PAD

0

LS

\$ 225

\$ 225

SUB TOTAL \$ 540,606

ORDINANCE NO. 822-A

AN ORDINANCE REPEALING SUMMIT COUNTY PROCUREMENT OF SUPPLIES, EQUIPMENT AND SERVICES ORDINANCE 822 AND ENACTING A NEW SUMMIT COUNTY PROCUREMENT OF SUPPLIES, EQUIPMENT AND SERVICES ORDINANCE

WHEREAS, the last time substantial changes were made to the Summit County Procurement of Supplies, Equipment and Services Code were in 2013; and

WHEREAS, the current Summit County Procurement of Supplies, Equipment and Services Code does not fully define the powers and responsibilities of the Purchasing Agent; and

WHEREAS, the current Summit County Procurement of Supplies, Equipment and Services Code does not accurately reflect some of the day to day procurement practices used by Summit County;

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

Section 1. Summit County Procurement of Supplies, Equipment and Services Code: The Summit County Procurement of Supplies, Equipment and Services Code is amended as set forth in Exhibit A hereto.

Section 2: Effective Date: 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 _____, 2015.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

By Council Chair

ATTEST:

SUMMIT COUNTY CLERK

Approved as to form:

SUMMIT COUNTY ATTORNEY

EXHIBIT A

Chapter 16

PROCUREMENT OF SUPPLIES, EQUIPMENT AND SERVICES

- 1-16-1: STATUTORY AUTHORITY:**
- 1-16-2: PURPOSE OF PROVISIONS:**
- 1-16-3: DEFINITIONS:**
- 1-16-4: PURCHASING AGENT:**
- 1-16-5: DEPARTMENT HEADS TO DETERMINE ITEMS TO BE PURCHASED:**
- 1-16-6: PURCHASE CATEGORIES AND AUTHORIZATION:**
- 1-16-7: INVITATION FOR BIDS PROCEDURES:**
- 1-16-8: CONSTRUCTION CONTRACTING MANAGEMENT:**
- 1-16-9: USE OF REQUEST FOR PROPOSALS IN LIEU OF INVITATION FOR BIDS:**
- 1-16-10: RULES AND GUIDELINES FOR REQUEST FOR PROPOSALS:**
- 1-16-11: EXEMPTIONS:**
- 1-16-12: VALUE AMOUNTS:**
- 1-16-13: CHANGE ORDERS:**
- 1-16-14: EMERGENCY PURCHASES:**
- 1-16-15: SUBDIVISION OF PURCHASE PROHIBITED:**
- 1-16-16: INTERLOCAL COOPERATION:**
- 1-16-17: COMPUTER HARDWARE AND SOFTWARE PURCHASES:**
- 1-16-18: PROHIBITED PRACTICES:**
- 1-16-19: DOCUMENTATION AND RETENTION OF BIDS:**
- 1-16-20: PROTESTS:**

1-16-1: STATUTORY AUTHORITY

The statutory authority for enacting this chapter is Utah Code Annotated sections 17-36-20, 17-50-302, 17-53-223, 17-53-225, 17-53-307, and 63G-6a-104(13) as amended.

1-16-2: PURPOSE OF PROVISIONS

The purpose of this chapter is to provide for the procuring of supplies, equipment or services by departments and agencies of Summit County in a manner that promotes the best interests of the public; establish the duties, obligations and operational procedures of the County Purchasing Agent and his/her assistants; including appointment procedures and the rules relating to procurement and other related functions.

1-16-3: DEFINITIONS

DEPARTMENT HEAD: The head of any County department or elected official.

INVITATION FOR BIDS: A process of soliciting sealed written bids for goods or services after ten (10) days' notice posted in the County courthouse located at the County seat and publicly distributed through one of the

following methods: use of internet purchasing websites, the County website and/or published in a newspaper of general circulation in the County. Invitation for Bids shall be opened by the Purchasing Agent at the time and place stated in the public notice.

LOCAL VENDOR:

A. A business having:

1. A commercial office, store, distribution center, or other place of business located within the boundaries of the County, with an intent to remain on a permanent basis;
2. A current business license in the County or a municipality located in the County; and
3. At least one employee physically present at the local business outlet having published hours of business.

B. The principal place of business of a local vendor may be elsewhere as long as a local branch meeting the above criteria is present. The domicile of one or more partners, owners, associates, directors, employees or agents shall not qualify as constituting a local vendor in the absence of a physical local business outlet within the County.

OFFICIAL: Any Summit County department head, agency head, or elected official making purchases on behalf of Summit County.

OPEN MARKET: Purchasing goods or services on the open market from private vendors.

PURCHASE: The acquisition, by contract or otherwise, of goods or services, by an official on behalf of Summit County.

PURCHASE REQUISITION: A request by a department head (or his/her authorized agent) to the Purchasing Agent to purchase for the requesting department supplies, equipment or services.

PURCHASE ORDER: A County generated document that authorizes a purchase transaction. A purchase order sets forth the descriptions, quantities, prices, discounts, payment terms, date of performance or shipment, other associated terms and conditions, and identifies a specific seller.

PURCHASING AGENCY: Any County department, other than the purchasing office, that is authorized by this chapter or its implementing regulations, or by way of delegation from the Purchasing Agent, to enter into contracts.

PURCHASING AGENT: The individual duly appointed and qualified to act under the direction of the County Manager to negotiate the purchase of or contract for supplies, equipment or services required by the County.

PURCHASING CARD: A credit or debit card issued by a credit card company, bank, or other financial institution and provided by the County to County employees for the purpose of making purchases on behalf of departments of the County.

REQUESTS FOR PROPOSALS: A process of soliciting goods or services through Requests for Proposals delivered to known responsible suppliers and publicly posted in the County courthouse at the County seat.

1-16-4: PURCHASING AGENT

- A. Appointment: Pursuant to Utah Code Annotated, section 17-53-307, as amended, and the Summit County Code, section 1-14-10(c)(9), the County Manager shall appoint with the advice and consent of the County Council, a County Purchasing Agent (hereinafter "Purchasing Agent"). The Purchasing Agent shall act under the direction and supervision of the County Manager, to review, coordinate, recommend, and authorize all County purchases or encumbrances as set forth in this chapter.
- B. Powers: The Purchasing Agent shall have the following powers:
1. Work cooperatively with and assist Summit County departments, offices and agencies to comply with the purchasing, and procurement regulations as may be established by the County Council and County Manager.
 2. Review and approve, pursuant to the requirements outlined in section 1-16-6 of this chapter, purchase requisitions and contracts for the acquisition of supplies, equipment or services for purchases in excess of five thousand dollars (\$5,000.00).
 3. Assure compliance with bidding and purchasing procedures provided in this chapter.
 4. Provide for the transfer of surplus or unused supplies and equipment between departments wherever it can be done effectively.
 5. Maintain adequate bidders' lists, vendors' catalog files, and such other records as may be necessary for efficient purchasing activities.
 7. Recommend to the Summit County Council, under the direction of the County Manager, for adoption of such rules and regulations as may be reasonable and necessary to clarify and implement the provisions hereof, including additional procedures that may be desirable.
 8. Prescribe and update from time to time such forms as may be reasonably necessary for the implementation of this chapter, including, but not limited to, requisitions, purchase orders and bid forms.
 9. Revise requisitions or estimates of a department's requirements of supplies and contractual services as to quantity, quality or estimated cost, whenever revision is approved by the department head and deemed to be in the best interests of the County.
- C. Delegation Of Authority: The Purchasing Agent may delegate in writing such authority as deemed appropriate to any employees of the office of the Purchasing Agent or of a purchasing agency, respectively, upon approval of the County Manager. Such delegation shall remain in effect unless modified or until revoked in writing.

1-16-5: DEPARTMENT HEADS TO DETERMINE ITEMS TO BE PURCHASED

A. All department heads shall determine what items shall be purchased for their respective departments. Once a determination has been made regarding the items to be purchased, and if the items to be purchased are expected to exceed five thousand dollars (\$5,000.00), the department head shall inform the Purchasing Agent of the items to be purchased by submitting a purchase requisition. The Purchasing Agent will work cooperatively with the department head to locate such items at the best available value.

1-16-6: PURCHASING CATEGORIES AND AUTHORIZATION

A. Purchasing Categories: The County classifies purchasing categories. These categories are based on the dollar amount and type of purchases. Each category establishes a separate purchasing limit, authorization level, and procedure.

Category	Limitation	Authorization
Small Purchases	\$5,000 or less	Department Head
Intermediate Purchases	\$5,000 to \$50,000	Purchasing Agent
Major Purchases	\$50,000 to \$500,000	County Manager
Capital and Special Purchases	\$500,000 or more	County Council
<i>Professional Services</i>	<i>\$5,000 or more</i>	<i>County Manager</i>
<i>Computer Hardware/Software</i>	<i>Any</i>	<i>IT Director</i>
<i>Change Orders</i>	<i>\$20,000 or more</i>	<i>County Manager</i>

B. Purchasing Authorization:

1. **Small Purchases** - Purchases of supplies, equipment or services less than five thousand dollars (\$5,000.00) may be made by the department head (or his/her authorized agent) on the open market. The department head (or his/her authorized agent) is responsible to check for competitive pricing for all purchases and shall retain documentation of pricing and/or proposals for each transaction for a period of thirty six (36) months.
2. **Intermediate Purchases** - In cooperation with the department head, the Purchasing Agent shall make purchases of supplies, equipment or services between five thousand dollars (\$5,000.00) and up to fifty thousand dollars (\$50,000.00). At the option of the Purchasing Agent, purchases may be made following one of the following three (3) alternatives:
 1. Request for Quote; or
 2. Invitation for Bids; or
 3. Request for Proposals.

Such bids shall be obtained in writing prior to the acquisition of the requested supplies, equipment or services.

3. **Major Purchases** - In cooperation with the department head, the Purchasing Agent shall prepare, review, and present recommendations to the County Manager for purchases of supplies, equipment or services in the amount of between fifty thousand dollars (\$50,000.00) and up to five hundred thousand

dollars (\$500,000). At the option of the County Manager, purchases may be made following one of the following alternatives:

- a. Invitation for Bids; or
- b. Request for Proposals.

4. **Capital and Special Purchases** –In cooperation with department head, the County Manager shall prepare, review, and present recommendations to the County Council for purchases exceeding the amount of five hundred thousand dollars (\$500,000). At the option of the County Manager, with the consultation of the Council, purchases may be made following one of the following alternatives:

- a. Invitation for Bids; or
- b. Request for Proposals.

C. Purchase Order Required: Purchase orders shall accompany all purchases with the exception of those made by use of a County issued purchasing card.

1-16-7: INVITATION FOR BIDS PROCEDURES

- A. Where Invitation for Bids is required, the lowest responsive and responsible bidder shall be determined as follows:
1. Bid Opening: Sealed bids shall be submitted as designated in the notice with the statement "Bid for (Item)" on the envelope. Bids shall be opened in public at the time and place stated in the notice. A tabulation of all bids received shall be open for public inspection during regular business hours.
 2. Rejection Of Bids: The County shall have the authority to reject any or all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed bid for any reason allowed by law, including, but not limited to, situations where the low responsive and responsible bid exceeds available funds as certified by the appropriate County officer, or when the public interest will be served thereby. Where a bid exceeds available funds and time or economic considerations preclude resolicitation of work or purchase of a reduced scope or quantity, the County may, at its sole discretion, negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsible bidder, in order to bring the low bid within the amount of available funds.
 3. Tie Bids: If two (2) or more bids received are for the same total amount from equally responsive and responsible bidders, the County may, at its sole discretion, negotiate with the tie bidders, award the bid by lot, or readvertise the bid.
 4. Local Preference: If a low bid is submitted by a nonlocal vendor, the bid may be awarded to a responsive and responsible local vendor if the local vendor's bid is within five percent (5%) of the low nonlocal vendor's bid, and if the local vendor agrees, in writing, within seventy-two (72) hours after notification, to meet the low bid. Such notice shall contain the exact bid submitted by the nonlocal bidder, and the County shall not enter into a contract until seventy-two (72) hours have elapsed after notification to the local vendor.

5. Lowest Responsive and Responsible Bidder: In determining who is the lowest responsive and responsible bidder, in addition to price, the County may consider factors relevant to the successful operation of the County's business and the best interests of the County as a whole.

1-16-8: CONSTRUCTION CONTRACTING MANAGEMENT

- A. Construction Manager/General Contractor Selection: Pursuant to Utah Code Annotated, section 11-39-107, Summit County may use as one method of construction contracting management a construction manager/general contractor ("CMGC"), as defined in Utah Code Annotated, section 63G-6a-103. If Summit County elects to authorize the use of a CMGC, said CMGC may be selected through a sealed Invitation for Bids procedure, or sealed Request for Proposals in lieu of bids. If sealed proposals are used in lieu of bids, proposals shall be solicited through a Request for Proposals, which shall state the relative importance of price and other evaluating factors. Public notice of the Request for Proposals, describing the position sought and the criteria for the position, shall be given a reasonable time before the date for the opening of the bids. As provided in the Request for Proposals, discussions may be conducted with responsible offerors who submit proposals for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.
- B. Subcontracts While Using A CMGC: When entering into any subcontract that was not specifically included in the CMGC's cost proposal, the CMGC shall procure the subcontractor by using sealed Invitation for Bids or sealed Request for Proposals.
- C. Prequalification: Bidders for the position of CMGC may be required to "prequalify" by presenting their state contractor's license, performance bond and other qualifications (e.g., length of time in the business, list of jobs previously done, and written permission to contact previous employers, etc.) at the time they submit their bids.
- D. Design Build Provider: A design build provider, as defined in Utah Code Annotated, section 63G-6a-103, may be used as one method of construction contracting management for a Summit County building construction project.

1-16-9: USE OF REQUEST FOR PROPOSALS IN LIEU OF INVITATION FOR BIDS

- A. When the Purchasing Agent determines in writing that the use of Invitation for Bids is either not practicable or not advantageous to Summit County, a contract may be entered into by use of a Request for Proposals. Request for Proposals may be used for the procurement of services of consultants or professionals, whether or not the determination described in this section has been made.

1-16-10: RULES AND GUIDELINES FOR REQUEST FOR PROPOSALS

- A. Public notice of the Request for Proposals shall be publicly advertised through one of the following methods: use of internet purchasing websites, the County website and/or a newspaper published or of general circulation in the County at least ten (10) days before opening the proposals and shall state the date that proposals shall be submitted. This notice requirement shall not apply in instances of emergency repairs.

- B. Proposals shall be opened in public, but the contents of the proposals shall not be disclosed to competing offerors during the process of negotiation except in the case of a local vendor preference under 1-16-7(A)(4). The County may disclose to the public the names of those who have submitted proposals to the County.
- C. A register of proposals shall be prepared and filed in the office of the Summit County Purchasing Agent, which shall be open for public inspection after the contract is awarded.
- D. The Request for Proposals shall state the relative importance of price and other evaluating factors, and shall state the period of time in which the submitted proposal must remain valid.
- E. Discussions may be conducted with responsible offerors who submit proposals for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.
- F. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
- G. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.
- H. Revisions may be permitted after submissions and before the contract is awarded for the purpose of clarifying the offeror's proposal, or obtaining the best and final offers.
- I. The contract shall be awarded to the responsible offeror whose proposal is determined in writing to be the most advantageous to the County, taking into consideration price and the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation.
- J. The contract file shall contain the basis on which the award is made.

1-16-11: EXEMPTIONS

- A. To the extent set forth herein or as otherwise required by law, the following purchases are exempt from the requirements of section 1-16-6 of this chapter:
 - 1. Contracts for the repair, alteration or construction of building improvements and public works projects, which must conform to the requirements of Utah Code Annotated section 11-39-101 et seq., as amended.
 - 2. Contracts for the management, maintenance, operation or construction of jails, which must conform to the requirements of Utah Code Annotated section 17-53-311, as amended.
 - 3. Existing contracts for goods or services negotiated prior to enactment of this chapter.
 - 4. Contracts which by their nature are not suited to award on a competitive basis.
 - 5. Purchases that a County official determines can be made at below market cost at a public auction, closeout sale, bankruptcy sale or other similar sale.

6. Exchanges with other public agencies that a County official determines can be made at a savings to the taxpayer.
7. Purchases from vendors on the state of Utah purchasing office bid list or in the NAACO purchasing program.
8. Purchases of supplies, equipment or services produced by Utah correctional industries.
9. Purchases of goods or services approved by the County Manager as necessary to meet an emergency need.
10. Joint purchase agreements with other public agencies and organizations when the County Manager determines the joint purchase agreement to be in the best interest of the County.
11. Professional service contracts for External Auditor as administered through the County Auditor office.

1-16-12: VALUE AMOUNTS

- A. Value amounts used herein refer to both unit cost and combined multiple unit cost and a determination of the estimated value of supplies, equipment or services that have been requested by purchase requisition shall be made by the Purchasing Agent in determining the applicability of the bidding procedure after review of the pertinent purchase requisition and specifications.

1-16-13: CHANGE ORDERS

- A. A change order form must document any change order for an approved contract. Change orders shall require the following authorizations:
 1. When a change of condition or additional work is required to continue the orderly progression of an authorized project, a change order shall be prepared by the department head directing the work to be accomplished at contract unit prices, an agreed upon lump sum price or as provided for by contract.
 2. Change orders, either singly or in aggregate, or in aggregate with adjustments in individual bid items, for less than twenty thousand dollars (\$20,000) or up to ten percent (10%) of the contract price, whichever is greater, and within the appropriated budget, may be authorized by the department head and the Purchasing Agent.
 3. Change orders, either singly, or in aggregate, or in aggregate with adjustments in individual bid items, in excess of the limits placed in 1-16-13(A)(2), must be preauthorized by the County Manager. However, such change orders may be approved by the department head and the Purchasing Agent and submitted to the County Manager for ratification under the following circumstances:
 - a. The failure to immediately issue a change order may result in significant project cost increases or an unacceptable project delay due to work stoppage or other inefficiencies; and

- b. Funding for the change order is currently available within the appropriated budget. Additional contract work outside the scope of work as defined in the contract or in excess of the appropriated budget requires approval by the County council and a supplemental appropriation.
4. Notwithstanding the above change order authorizations, the department head and Purchasing Agent may authorize emergency changes in work outside the original scope of work or in excess of the appropriated contract. For the purpose of this subsection, an emergency condition will exist if the failure to act immediately will endanger the public health, safety or welfare or will jeopardize the fiscal position of Summit County. Such emergency action shall be reported in full to the County Manager within seventy two (72) hours.

1-16-14: EMERGENCY PURCHASES

- A. In certain situations, such as, but not limited to, during the declaration of an emergency, it may be necessary to make emergency purchases, which shortcut the preapprovals required for intermediate or major purchases, as outlined in this chapter. An emergency purchase may be made when there is an immediate need to acquire a particular good or service not already available to County staff. For purposes of this section, an emergency situation is one in which there is an immediate threat to life or property or in which there is or would be a complete disruption of a vital public service. The emergency must be of such a nature and severity that the department head would be immediately notified, regardless of time of day.
- B. An emergency purchase of up to twenty thousand dollars (\$20,000.00) or less must be preapproved verbally by the appropriate department head. An emergency purchase over twenty thousand dollars (\$20,000.00) must be preapproved verbally by the department head and either the County Manager or Purchasing Agent. After an emergency purchase has been made, a purchase order shall be requested from and prepared by the auditor's office on the next working day. Documentation signed by the department head should include a description of the emergency.
- C. In all cases, the County Manager shall be notified within seventy two (72) hours of any and all emergency purchases.

1-16-15: SUBDIVISION OF PURCHASE PROHIBITED

- A. No contract or purchase shall be subdivided so as to avoid the requirements of this chapter.

1-16-16: INTERLOCAL COOPERATION

- A. Wherever the public benefit can be maximized and costs minimized by entering into joint agreements with other public agencies or organizations for the purchase or construction of any commodity, service or public work, the County shall have the power to so agree, upon approval and action by the County Manager.

1-16-17: COMPUTER HARDWARE AND SOFTWARE PURCHASES

- A. To insure compatibility with the County's existing computer and communication systems, all hardware and software purchases will be reviewed and pre-approved by the director of information technology.

1-16-18: PROHIBITED PRACTICES

- A. It shall be unlawful for any officer, agent or employee of the County, or any outside party or entity dealing or seeking to deal with the County to engage in any of the following practices:
 - 1. Collusion or other agreement among bidders or prospective bidders, in restraint of freedom of competition, to fix or in any way rig prices or bids. In addition, any bid tainted with such collusion shall be voidable at the option of the County.
 - 2. Disclosure in advance of the opening of bids of the amount or content of one bid to another bidder or potential bidder. If the County Manager deems such disclosure sufficiently material, he shall void the bidding process and require a new advertisement or invitation for bids.
 - 3. Tender or acceptance of any gratuity in the form of cash, merchandise or other thing of value by a bidder, vendor or contractor to an officer, agent or employee of the County, whether before or after a bid opening or the execution of a contract, which could reasonably be expected to influence him/her in the performance of his/her duties or was intended as a reward for any official action on his/her part.
 - 4. Purchase of supplies or equipment for the personal use of an officer, agent or employee of the County in the name of the County, whether part of a County purchase or contract or separate, and whether paid for with County funds or personal funds of the purchaser. Sole exception shall be where the item or items purchased are required parts of a worker's equipment or uniform and necessary to the successful performance of his duties as a County officer or employee, although personally owned by him.

1-16-19: DOCUMENTATION AND RETENTION OF BIDS:

- A. Whenever the County is required by this chapter to receive bids for purchases, construction, repairs, or any other purchase requiring the expenditure of funds, the County department who is in receipt of the bids shall keep all bids received, together with proof of advertisement by publication or otherwise, for at least three (3) years following the letting of any contract pursuant to those bids or three (3) years following the first advertisement for the bids, if all bids pursuant to that advertisement are rejected. Utah Code Annotated section 17-53-225(2).

1-16-20: PROTESTS

- A. A person who is an actual or prospective bidder, offeror, or contractor that is aggrieved in connection with a procurement or award of a contract may protest to the County Manager as follows:
 - 1. File a written protest with the County Manager setting forth the protestor's name, physical mailing address, e-mail address, and a concise statement of the grounds upon which the protest is made.

2. The written protest must be received by the County Manager before the opening of bids or the closing date for proposals. However, if the person did not know and should not have known of the facts giving rise to the protest before the bid opening or the closing date for proposals, then the person must file the written protest within seven (7) calendar days after the day on which the person knows or should have known of the facts giving rise to the protest.
 3. A person who fails to timely file a written protest under this section may not bring a protest, action, or appeal challenging a solicitation or award of a contract before the County Manager, the council, a court, or any other forum.
 4. The County Manager may enter into a settlement agreement to resolve a protest.
- B. After a timely written protest is filed in accordance with 1-16-20(A), the County Manager shall consider the protest and may hold a hearing on the protest.
1. The County Manager may subpoena witnesses and compel their attendance at a protest hearing.
 2. The County Manager may subpoena documents for production at a protest hearing.
 3. The rules of evidence do not apply to a protest hearing.
 4. The County Manager may allow intervention of other parties into a protest.
 5. If a hearing on a protest is held, the County Manager shall record the hearing and preserve all evidence presented at the hearing.
 6. Regardless of whether a hearing on a protest is held, the County Manager shall preserve all records and other evidence relied upon in reaching the written decision described in 1-16-20(B)(8).
 7. The records described in 1-16-20(B)(5) and (6) may not be destroyed until the written decision, and any appeal of the written decision, becomes final.
 8. The County Manager shall promptly issue a written decision regarding any protest or contract controversy if it is not settled by mutual agreement. The written decision shall state the reasons for the action taken and inform the protestor, contractor, or prospective contractor of the right to appeal to the Council. The County Manager shall mail, e-mail or otherwise immediately furnish a copy of the written decision to the protestor, contractor, or prospective contractor.
 9. If the County Manager does not issue the written decision regarding a protest within thirty (30) calendar days after the day on which a written request for a final decision is filed with the County Manager by the protestor, or within a longer period as may be agreed upon by the parties, the protestor, contractor or prospective contractor may proceed as if an adverse decision had been received.
 10. A decision described in 1-16-20(B)(8) is effective until stayed or reversed on appeal.
 11. The County Manager may dismiss a protest which is not filed in accordance with the requirements of this chapter.

- C. A written appeal setting forth the grounds for the appeal must be filed with the Council within ten (10) calendar days of the date of the written decision of the County Manager.
1. The Council shall presume that the written decision of the County Manager is valid and determine only whether or not the decision is arbitrary or capricious.
 2. The Council's review is limited to the County Manager's administrative record. The council may not accept or consider any evidence outside of the County Manager's administrative record.
 3. The Council shall issue a written decision regarding any appeal.
 - a. The written decision shall state the reasons for the action taken and inform the protestor, contractor or prospective contractor of the right to appeal this final decision of the County to district court within thirty (30) calendar days of the date of the written decision.
 - b. The district court's review is limited to the Council's appellate record in the determination of whether or not the Council's written decision is arbitrary or capricious.

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, APRIL 22, 2015
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

Kim Carson, Council Chair
Roger Armstrong, Council Vice Chair
Claudia McMullin, Council Member
Chris Robinson, Council Member
David Ure, Council Member

Tom Fisher, Manager
Anita Lewis, Assistant Manager
Robert Hilder, Attorney
David Thomas, Deputy Attorney
Kent Jones, Clerk
Karen McLaws, Secretary

CLOSED SESSION

Council Member Ure made a motion to convene in closed session to discuss property acquisition. The motion was seconded by Council Member Armstrong and passed unanimously, 5 to 0.

The Summit County Council met in closed session for the purpose of discussing litigation from 2:50 p.m. to 3:25 p.m. Those in attendance were:

Kim Carson, Council Chair
Roger Armstrong, Council Vice Chair
Claudia McMullin, Council Member
Chris Robinson, Council Member
David Ure, Council Member

Tom Fisher, Manager
Anita Lewis, Assistant Manager
Robert Hilder, Attorney
David Thomas, Deputy Attorney
Rena Jordan, Snyderville Basin Recreation District
Bob Radke, Snyderville Basin Recreation District

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, 5 to 0.

WORK SESSION

Chair Carson called the work session to order at 3:35 p.m.

- **Legislative update; Des Barker**

Lobbyist Des Barker stated that Summit County was heavily involved in the transportation legislation during this year's legislative session, and they were able to create options for funding transportation moving forward, which was a hot topic State wide. The County will have to determine how to proceed with those options, but it appears there is quite a bit of support around the State for meeting transportation needs. He noted that there is a revenue split for any county that has a transit district.

Mr. Barker explained that preserving the bonding tool of special assessment areas has been under attack for the last two or three years. HB 190 passed this year, and although it does not include everything they would like, it does not damage the ability to use the special assessment area bonding tool. He stated that issue was fairly contentious and took a good amount of time.

He reported that SB 216, an infrastructure incentive bill, came together at the end of the session. It applies in the case of a potential employer or capital investment business that wants to come into a certain location where a large infrastructure cost would be required to locate where they would like to. The business would pay the upfront costs of the infrastructure, and if they qualify under the terms of this incentive, they could use a State tax credit program over a period of years to recover a portion of the high-cost infrastructure. This might be a tool Summit County could use to attract businesses to some of the less developed areas in the County. He believed the process for how this will work still needs to be better defined.

Mr. Barker stated that air quality along the Wasatch Front is a big topic, and he acknowledged that it also affects the valleys in Summit County. There has been a push for the Department of Air Quality to have stricter standards than the EPA Clean Air Act, and although they did not pass legislation to that effect, they did pass legislation that said the State can have different standards or different processes, but they cannot be less stringent than the Clean Air Act. They also passed legislation that bans the State of Utah from placing a ban on woodburning stoves. He and Deputy County Attorney Dave Thomas confirmed that this legislation applies only to the State and not to local jurisdictions.

Mr. Barker reported that the Governor vetoed the motion picture incentive bill. Council Member Armstrong explained that there are two different incentives with different restrictions. He explained that they were trying to expand the cash-only incentive to provide additional funds for small-budget pictures. Mr. Barker reported that he also worked on tourism funding, and tourism funding was increased, which will help Summit County with marketing summer and winter tourism and the cooperative marketing program with the Chamber Bureau. He stated that the Medicaid funding gap legislation is in play for a special session, but conservative legislators want to be sure they can fulfill this obligation several years down the road if the federal government pulls away from its commitment. They are concerned about what else they might have to set aside at the State level to get the funding for Medicaid going forward. He explained that all other funding is being restricted because of what is going on with the Medicaid bill. He reported that education received a huge increase, and an equalization bill passed that will pull some money from the State general fund for equalization rather than taking the funds from the wealthier districts. Mr. Barker reported that Mountain Accord received \$3 million to keep its process moving forward, which occurred the last week of the session. He believed many of the legislators do not understand the details of what Mountain Accord is doing and what options are

being looked at. He commented that a number of legislative leaders have commented on the brand of the Wasatch Front and Wasatch Back for future growth and trying to attract the types of employers and high-education millennials who want an active lifestyle and can go anywhere in the country. He believed legislators are trying to figure out how to protect that brand and grow without damaging water resources and turning into something that is a detriment to future growth. Mr. Barker commented that many of the legislators have been in the legislature less than six years, so they are trying to get up to speed on a lot of the issues.

In the next legislative session, Mr. Barker believed there would be discussion of how to fund water infrastructure projects and new transportation capacity projects. For the counties, the centrally assessed issue is being looked at, especially as it applies to a new growth ratcheting effect for centrally assessed property owners. Representative Hutchings is addressing the justice reinvestment issues and how jails are funded. Another concern is that many areas of the State are reaching a point where they are growing faster than their infrastructure can handle, and they need more infrastructure and ability to collect tax revenue without degrading the tourism experience. He believed there would be a lot of discussion about moving the tourism economy forward and impacts on the counties. He anticipated that Summit County would be asked to provide detailed information and background on how they have been able to manage that.

- **Presentation of an option to change the County's procurement policies as found in Section 1-16 of the County Code; Matt Jensen, Purchasing Agent**

Purchasing Agent Matt Jensen presented the staff report and provided additional summary information to the Council Members. He recalled that one of his first tasks when he was hired by the County was to act as purchasing agent for the County. He has researched the County Code and other resources for the past six months and looked at options for change. He concluded that procurement is a tug-of-war between the Auditor's Office and the County Manager, and the job of purchasing agent is not addressed at all in the Code. He surveyed other counties and incorporated a good portion of Washington County's ordinance into the proposed Summit County ordinance. He explained that the proposed Code change would codify the role of the Purchasing Agent, put him in charge of the purchasing process, and allow him to assist the departments with their purchasing choices. He noted that the authorization levels and items that need to come to the County Manager and County Council have been redefined. The Auditor's Office would also be separated from the purchasing process to allow for greater transparency. The legally binding portion of the purchasing process will be incorporated into the Code, but the actual purchasing process will be dealt with through more detailed policies and procedures. He explained that the proposed document was sent to the department heads, and he has received some input that will require a few modifications. He requested feedback from the County Council so Staff can finalize the document and present it to the Council in an expanded work session and prepare it for adoption.

Chair Carson commented that it looks good and seems to maintain the necessary checks and balances. Mr. Jensen noted that this allows purchasing agents to sign on behalf of the County up to a certain threshold, and it would allow them to designate certain purchasing agencies, such as Public Works, to have a certain threshold of approval.

Council Member Robinson asked about the purchasing card, and Mr. Jensen explained that it operates like a credit card but can be limited in certain areas. There is also the potential for a rebate when they reach certain thresholds. It will centralize management in the Auditor's Office as they reconcile the account.

Council Member Ure stated that he had several discussions with former County Manager Bob Jasper about trying to get the most value for their money while keeping the money within the County wherever possible. He commented that there are a number of very good contractors in Summit County, and he would like to see the County work with local people as much as possible. Mr. Jensen stated that he always wants to look at the best value for the County. He explained that they will have a local vendor option, and if the local vendors are within a certain percentage of the low bid, they can offer them an opportunity to match the bid. He would also recommend that local vendors get onto BidSync so they will automatically be notified of bids, and if the departments have local vendors they know of, the County can invite them so they get a notification of BidSync and can put in pricing.

Council Member Armstrong requested a modification to Paragraph 1-16-6, and Mr. Jensen offered to make that modification.

REGULAR MEETING

Chair Carson called the regular meeting to order at 4:30 p.m.

- **Pledge of Allegiance**

CONSIDERATION AND POSSIBLE APPROVAL OF PAYMENT PLANS FOR PARCELS UL-5-A, SU-C-22, AND DC-51-X SCHEDULED FOR MAY TAX SALE; KATHRYN ROCKHILL, AUDITOR'S OFFICE

Chair Carson commented that she has been concerned that the County is becoming a bank for tax sale properties, and she asked Deputy Auditor Kathryn Rockhill how the past payment plans are working. Ms. Rockhill has reported to her that four of them have been paid off in full, and these are the remaining three. Council Member McMullin stated that, generally speaking, the people for whom they have approved payment plans have paid off their plans. Council Member Robinson confirmed with Ms. Rockhill that interest continues to accrue during the pay-off period. Ms. Rockhill replied that the County charges 7% interest.

Ms. Rockhill presented the payment plan for Joanna Cid Steinhilber and verified that she paid \$500 in March toward her balance. Chair Carson verified with Ms. Rockhill that the applicant plans to pay off the amount by this time next year.

Council Member McMullin made a motion to approve the proposed payment plan for Joanna Cid Steinhilber for Lot SU-C-22. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

Council Member Robinson noted that, if they stick to what is shown on the proposed payment plan, it does not include the accrued interest during the time of the payoff.

Council Member Armstrong made a motion to rescind the prior approval. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

Council Member Armstrong made a motion to approve the proposed monthly payments for May 2015 through November 2015 and for December 2015 through April 2016 for Lot SU-C-22, with the final payment in May 2016 reflecting all accrued interest as of that date and with the stipulation that the property owner shall be current on any current taxes as of that date. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

Ms. Rockhill reported that Arnold Moore has a piece of property in Uinta Lands for which he has presented a payment plan. Chair Carson noted that the plan does not explain why the taxes are not current. Mr. Moore explained that he is on a limited income, and his wife passed away six years ago. He does not have a job, and he fell behind on his taxes. He stated that he will try to get caught up with the payment plan and keep up with his taxes after that. Chair Carson asked if Mr. Moore is confident that he will be able to keep up, since he has not been able to do so up to this point. Mr. Moore replied that he will have to and has no choice.

Council Member Robinson made a motion to approve the proposed payment plan for Arnold Moore for Lot UL-5-A as outlined, with the last payment to include any accrued interest at the statutory rate with the additional stipulation that the 2015 and 2016 taxes are to be paid timely. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

Ms. Rockhill explained that the last parcel on the list was forfeited to the U.S. Government, and she has no other information than what is in the letter. Chair Carson asked if Ms. Rockhill requested an initial payment of any type. Ms. Rockhill replied that she did not. Chair Carson confirmed with Ms. Rockhill that the government is actively trying to sell the property. Council Member Armstrong asked if Ms. Rockhill has a recommendation, and she replied that she does not. Council Member Robinson confirmed with Ms. Rockhill that the property is exempt from taxes as of August 14, 2014, when the property was forfeited to the U.S. Government.

Council Member Robinson made a motion to cancel the tax sale on Parcel DC-51-X until next year's tax sale with the understanding that at the time of sale of the property the previously owed taxes will be paid with full interest and penalties that would have accrued on the amount due prior to August 14, 2014. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

DISCUSSION AND POSSIBLE APPROVAL OF INTERLOCAL PROGRAM AND FUNDING AGREEMENT, MOUNTAIN ACCORD PHASE II; CHRIS ROBINSON

Council Member Robinson provided background on Mountain Accord and the interlocal agreement with Mountain Accord. He recalled that the first interlocal agreement called for the County to contribute \$25,000 for each of the first two years, or Phase I of the Mountain Accord process. Mountain Accord is now ready to enter the second phase, and this new agreement provides for the County to contribute \$50,000 for three years. He stated that any of the parties can withdraw at any time, but none of the money they have contributed will be refunded. He noted that the State's participation is no longer through an interlocal agreement but is through a

granting process from the Governor's Office of Economic Development. He believed Summit County should stay involved in Mountain Accord because it will help them make sure that what comes out of Mountain Accord benefits and does not harm this community. In comparison to other participants, Summit County's contribution is fairly small. He believed Mountain Accord has drawn attention to the transportation and transit issues that exist in Summit County, and this may allow them to get some help in important areas. Park City has indicated that one benefit would be to get dedicated rights-of-way through Highway 224 and Highway 248 for the future. He noted that Mountain Accord is also doing a lot with environmental and recreational considerations by putting federal land designations in the Cottonwood Canyons. He stated that the Council will have to make decisions about some lands on the Summit County side and whether they want to include them in a federal designation. He noted that Wasatch County has elected to not participate in the new interlocal agreement. He stated that Summit County has been assured that nothing will be forced upon them, and they will retain their land use control.

Council Member Robinson stated that the final date for submitting comment is May 1, and he suggested that the County may want to submit some written comment for the record. The information will be summarized and presented to the Executive Board of Mountain Accord on May 11, and Staff will show how the blueprint will have to change in order to accommodate the public comment. In late May, the Executive Board will hold a retreat and further refine the blueprint. The current thinking is that the blueprint would not identify a preferred alternative. It would have a no action alternative and a series of other alternatives. In June everything would be finalized and a vote on the blueprints would be taken in July. He explained that the County's goal would be to make sure that amendments to the charter include the exit ramps they desire and ensure that things that are against Summit County's will do not take place within the County.

Council Member Ure asked if Council Member Robinson is certain that the State will contribute \$5 million a year for five years. Council Member Robinson referred to the Mountain Accord budget and stated that for 2015 the State will contribute \$5 million, in 2016 they will contribute \$5.5 million, and in 2017 they will contribute \$6 million. The total budget, including previous years is \$27.765 million, and the State's portion is \$22.1 million. Council Member Ure asked if there is a sunset on Mountain Accord. Council Member Robinson replied he believed that would happen anytime the State decides to pull out. He also summarized the expenditures in the Mountain Accord budget. Council Member Armstrong questioned the need to spend well over \$6 million for NEPA consultants.

Council Member Ure asked if the Executive Committee has the power to incur debt without having the money readily available. Council Member Robinson stated that the County's only exposure would be the amount of money they put in. Council Member Armstrong took exception to that and referred to page 5 of the interlocal agreement and asked if there is a legal entity that can contract and be sued, or if they are acting as a general partnership where all the parties could be sued for the debts and liabilities of the Mountain Accord group. Council Member Robinson read from Paragraph 17.e, which states that no separate legal entity is created by this agreement. Council Member Armstrong asked what is meant by third party contributors in the agreement and if other parties could contribute to Mountain Accord. Council Member Robinson believed the Governor's Office of Economic Development would be a third party. He also noted that there was a private fund raising effort that was not very successful. Council Member Armstrong expressed concern that private interests could contribute large sums of money to try to influence the process and asked how this agreement is structured to deal with

that. If that were to happen, he believed the parties should be informed and discuss it before getting into business with a private company that might try to influence the process. He asked what process is in place for the Executive Board's approval and whether it requires a majority, a unanimous decision, or a super majority. Council Member Robinson replied that it is the same consensus process they have used on everything. In general, each representative to the executive board can express their support in one of several ways by concurring or dissenting, and if there remains dissent, it goes to the Management Committee to work out. If they do not work it out, then the Executive Board can move forward. He believed the Executive Board of Management Committee would accept money from almost anywhere if it is without strings. Chair Carson stated that she believed the concern is perceived strings or influence that someone could possibly have on members if they made a donation.

Council Member Armstrong noted that this approval process is referred to throughout the agreement, and he would like to know how approvals are constructed. They have been told from the beginning that it is a consensus-based process, but no one has dug below the surface to determine what that process is. He was uncomfortable with having one voice on a committee where a decision could be made that could cause significant harm to Summit County. He did not see language in the agreement saying that, if Summit County does not like a connection, there will not be a connection. Council Member Robinson stated that language will be in the charter. Council Member Armstrong recalled that he had a discussion with Laynee Jones with Mountain Accord, and she assured him that, if Summit County does not want a connection, there will not be one. He has asked to see it in writing, and they need that assurance going forward. Ms. Jones suggested language that each jurisdiction's land use controls would be respected, but he told her that does not go far enough. Under that scenario, if a train were to come up Little Cottonwood and into Park City, never touch Summit County, and respect Park City's land use controls, it would have an impact on Summit County, and they would have no ability to stop it. Council Member Robinson stated that the Executive Board has developed more specific language, and that will be addressed in an amendment to the charter. Council Member Armstrong noted that the charter is not referenced in the interlocal agreement. He would like to see language in the agreement that says the charter will be updated to include the assurances the County has asked for. Chair Carson agreed that the charter should be referenced in the agreement. She noted that the payment is not due until September, and the blueprint should be approved this summer, so there should be time to be sure that the assurances are in the charter. Council Member Armstrong stated that he believed the County's contribution should be conditioned upon the assurances they have been asking for and that they know that the consensus-based process is meaningful. Council Member Robinson suggested that they address those concerns in written comments prior to the May 1 deadline.

County Attorney Robert Hilder stated that, going forward, there needs to be something saying what Summit County can and cannot do. Overall, the County may not mind a consensus process as long as they have the right to withdraw or veto in specific areas. In this document they could say that the charter will allow for definition of any members areas where they retain a right to withdraw or veto. Council Member Robinson believes where they should have stand-offs is on approval of the charter and include specific language in the charter. Mr. Hilder explained that they need to signal that they want that language. Council Member Robinson suggested that they send that signal in a memorandum as part of the public comment. Chair Carson reiterated that signing this interlocal agreement does not obligate the County to make a payment until after the blueprint and charter have come forward. She suggested that they send a memorandum with the

signed agreement stating the County will not make its first payment until they are comfortable with the language in the charter providing the County with the assurances they are asking for. Council Member Armstrong argued that, if they sign the agreement, they are committed to pay. Council Member Robinson did not believe that is the case.

Council Member Robinson suggested that the County Attorney's Office make a redline of the agreement and postpone approval for a couple of weeks, although he did not think making changes would make any difference, because the contract is terminable at will. Council Member Armstrong offered to draft some language and send it to the County Attorney's Office.

Council Member McMullin questioned whether they want to reopen this document, since some parties have already signed it, the important document is still forthcoming, and they can exit at that point. Council Member Robinson stated that he would prefer to not rewrite this document, because he did not believe it would mean much, but he would be happy to get consensus from the Council. Council Member Armstrong also requested an amendment to Item 7 with regard to any of the parties expending program funds.

APPEAL OF AN ADMINISTRATIVE DECISION REGARDING THE DENIAL OF AN APPLICATION TO INSTALL A NEW WALL MOUNTED SIGN ON THE MR. CAR WASH BUILDING LOCATED AT 6515 NORTH HIGHWAY 224; NINA GILLIES-JACKSON APPLICANT; SEAN LEWIS, COUNTY PLANNER

County Planner Sean Lewis presented the staff report, explaining that the car wash recently changed ownership, and the new owners want to take down the existing wall sign and replace it with a new sign. After the old wall sign was approved, the County Sign Code was amended to allow for a primary and a secondary wall sign. The Code states that the primary wall sign must be located on the façade of the building that has the primary access to the use. The current wall sign on the car wash is not on the façade where customers normally enter the building, and the façade where they enter the building is a much shorter façade. The appellant initially requested a special exception, but Staff explained that they must exhaust their administrative remedies first, so they applied for a sign on the larger façade and were denied. They are appealing that decision to the County Council. When the original sign was approved, it met the Sign Code requirements of 30 square feet. The proposed sign would be a little more than 70 square feet, which is larger than the maximum of 60 square feet regardless of the size of the building. He explained that there is no entrance to the building on the side where the sign currently exists, so Staff could not see a way to approve a sign on that façade.

Nina Gillies-Jackson, the appellant, commented that this is a car wash, and it would not be logical to have an entrance on the side of the building where the sign is located. She believed there should be a difference in the Code for particular circumstances like this. She stated that they would be willing to decrease the size and acknowledged that 70 square feet is rather large.

Mr. Lewis noted that a secondary wall sign can be on any façade of the building, but its size depends on the size allowed for the primary wall sign. In this instance, the primary wall sign would be about 15 square feet, and the secondary wall sign would be about 7.5 square feet, but there is a 10-foot minimum allowance, so they could have a 10-square-foot sign on the façade where the sign is currently located. He confirmed that, if the primary sign were to be calculated based on the longer side of the building, the maximum sign size would be 30 feet.

Council Member Robinson asked, if there had not been a change in ownership and the previous owners just wanted to update their sign, whether they would be able to change the existing sign. Mr. Thomas replied that they could maintain or repair the sign and the size could remain as it is. Mr. Lewis provided examples of other changes to existing signs that have been made in the Snyderville Basin. However, in this case, the new owners wish to entirely remove the old sign and replace it with a new sign. Council Member Robinson asked if the appellant would be in violation of the Sign Code if the sign were to remain within the square footage and location of the existing sign. He believed the appellant should be able to change the sign if they stay within the footprint of the existing sign. The other option would be to deny the appeal and have the applicant apply for a special exception, because this building is an exception with a very small entrance façade compared to the overall size of the building. Mr. Thomas quoted from the Code that a non-conforming structure may be repaired, maintained, or improved provided such repair, maintenance, or improvement is in compliance with the provisions of this Title. He stated that they could argue that, as long as the sign remains within the grandfathered parameters, it would comply. Mr. Lewis stated that he believed Staff could work with the appellant and keep the new sign under 30 square feet and within the footprint of the existing sign.

Mr. Thomas explained that, if the Council wishes to take action as has been discussed, they should deny the appeal and uphold the decision of the Community Development Director but include a finding that this is a legal, non-conforming sign structure, and as long as they stay within the dimensions of the original sign, they can maintain or replace the sign. Council Member Armstrong argued that all they need to do is deny the appeal and allow the Community Development Director to make the decision as to whether this meets the requirements of the Code. Mr. Thomas clarified that, if the Community Development Director makes a different decision, it would come back to the Council on another appeal. Council Member Armstrong stated that he did not want to make a decision here that might have unintended consequences based on this reading of the Code on the fly.

Council Member Armstrong made a motion to deny the appeal of an administrative decision regarding the denial of an application to install a new wall-mounted sign on the Mr. Car Wash building subject to the findings of fact and conclusions of law as discussed and subject to the signature of the Chair. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

Chair Carson noted that the large monument sign near the road has already been updated, so it is not like there would be no signage directing traffic to this business if there were no wall sign.

COUNCIL COMMENTS

Council Member McMullin stated that they had a great Summit County Day. She reported that the woman who won the gift certificate for riding the bus only rides the bus and does not have a car, and the gift certificate was very much needed. Chair Carson reported that there were two winners of the scholarship contest who will be recognized at next week's meeting. Council Member Robinson reported that the teacher of the two students who won is former County Commissioner Ken Woolstenhulme's daughter, and the top four entries came from her class. Chair Carson acknowledged Julie Booth's outstanding efforts in putting this event together.

Chair Carson recalled that Summit County already has a no-idling ordinance, and Park City has already strengthened theirs and adopted it. She stated that Park City has been working with County Health Director Rich Bullough to strengthen their ordinance and wondered if it should be a Board of Health ordinance or come to the County Council. She recommended that it be a County ordinance, and it will come to the Council soon for review.

MANAGER COMMENTS

County Manager Tom Fisher reported that he and Council Members Armstrong and Robinson attended the Park City School District master planning meeting, and they discussed grade realignment to deal with some of their facilities issues. He stated that they plan to build a grades 5-6 school, and he understood from this morning's radio broadcast that the Ecker and Bear Hollow properties are the most likely sites.

Mr. Fisher reported that he attended a joint Managers' meeting with Park City, Wasatch County, and Heber City and was able to meet some of the people he has not yet an opportunity to meet.

Mr. Fisher stated that Canyons is conducting a visioning workshop today and tomorrow. He has participated in part of it, and Planning Staff is attending all of it. He stated that the County has been attending regular meetings with the Canyons people, and things are starting to move.

APPROVAL OF MINUTES

MARCH 18, 2015

APRIL 1, 2015

Council Member McMullin made a motion to approve the minutes of the April 1, 2015, Summit County Council meeting as written. The motion was seconded by Council Member Robinson.

Chair Carson made a correction to the March 18 minutes to reflect that Bob Wells had passed away, not Bob Rose.

Council Member Armstrong amended the motion to include approval of the March 18, 2015, Summit County Council minutes as corrected. Council Members McMullin and Robinson accepted the amendment to the motion. The motion passed unanimously, 5 to 0.

PUBLIC INPUT

Chair Carson opened the public input.

Bobbie Williams, representing the Friends of the Western Uintas, stated that she understands the County is spraying weeds for land owners with County taxes, and she did not feel it is proper to charge taxpayers to pay for private land. She emphasized that it is a State law that every landowner take care of their own weeds on their own property. The County has \$40,000 set aside each year to helicopter spray chemical that are purchased by the landowner, and that is being paid for by the taxpayer. She was not sure how much of the land is for pasture and grazing, but she feels it is wrong that it is the taxpayer's responsibility. Not only are they paying for the helicopter to spray for these landowners, they are paying to spray 239 acres of the Union

Pacific Railroad, 54 acres of the State Highway Echo shed, 161 acres of the Kern River Pipeline, 46 acres of the Reese's Gravel Pit, 74 acres for Questar Gas, and over 620 acres for Kent Agaard. She wanted to know why the taxpayers have to take this burden on themselves when most of the people who own these properties are more than capable of paying for their own helicopter service. She noted that they spray 207 acres on Ensign Ranch, which is owned by Council Member Robinson.

Council Member Robinson commented that Ms. Williams missed the explanation given at last week's meeting. He stated that this program started 31 years ago, and it was explained that this is more cost effective than trying to enforce. He had nothing to do with the origination of the program, and it would not be a big deal to him if it continues. Ms. Williams replied that it is going to be to the taxpayers. There is a lot of property that could be sprayed, and she asked if the taxpayers would have to pay for that, also.

Chair Carson noted that she spoke with Ms. Williams on the telephone, and one explanation given last week is that the only areas sprayed by the County are difficult to reach, and no general fields or ranchlands are being sprayed. It is important for the County to participate to be sure those remote lands are sprayed. Ms. Williams stated that, if they are spraying, they are also taking other vegetation and wildflowers away by hitting these areas and making pasture land for the ranchers. She asked why the County should pay for the railroad. Chair Carson explained that it is not to create pasture land but to take care of difficult weeds in hard to reach areas. When weeds get out of control in those areas, they spread to other areas that could impact the economy of the County. Ms. Williams stated that many more people will apply for this program and asked if taxes are going to be able to pay for it. The State says it is the landowner's responsibility, and if the County gives them a warning because their weeds have not been sprayed, they should be fined by the amount it would cost to spray them. She felt there is no reason for the County to take over personal property, and it is a waste of taxpayers' money.

Council Member Robinson stated that this policy was set years ago before any of the current Council Members were involved, and there is a line item in the budget for it. He was not aware of where the County has sprayed on his ranches. He stated that last week the Council received a detailed explanation of why Staff thinks this is good policy. Now they are receiving input from others, and they will take it under advisement. Ms. Williams stated that they should also look at the Weed Board, because it is very biased. It consists of five ranch land owners and two other citizens, and the other two citizens cannot get anything through. She would like the Board to consist of equal numbers of ranchers and residents, with one unbiased citizen to help make the decision between the two. She noted that they tried to elect Mindy Wheeler as chair of the Weed Board, and no one would second the motion, because it is a biased group, and something should be done to take care of that. Chair Carson stated that the Council would take that into consideration. Ms. Williams commented that she did not believe the cost of a helicopter would exceed the cost of the Legal Department issuing a warrant and telling people to get rid of their weeds, and she does not want her taxes paying for it.

Council Member Armstrong stated that he has asked to see the overall costs so they can compare them. He has been told that about 20 property owners take advantage of this each year, and all the properties are in hard-to-reach areas. He explained that, if the County were to enforce the obligation of the property owners to maintain their property weed-free, it would require someone to inspect the properties, and for someone to inspect mountainous properties, some of which are

as large as 600 acres, would be too taxing for one person. This program has actually kept weeds at bay, and hiring someone at about \$20,000 plus benefits, the cost would be close to \$40,000 for one person to provide enforcement, but he did not believe one person would be able to inspect 22 properties of the size Ms. Williams mentioned in a single season, and they would end up with a larger problem with weeds. That is a reason why the County provides services such as this and chipping services to help homeowners protect against fire danger, and they try to balance the greater good of the community by alleviating the weed problem and avoiding fire with the County's resources. He stated that, besides the cost of an employee to conduct the inspection, the County would also incur the cost of sending out notices of violation, they would have to reinspect to see if the problem had been resolved, and incur court costs of collection of fines for failure to comply. The \$40,000 cost of hiring a helicopter compared with the administrative costs of enforcement, which may not be as effective at mitigating the problem, is a difficult decision. He has asked to see the costs so they can balance the cost of the helicopter with the costs of paying for enforcement. Ms. Williams stated that if they put the cost of enforcement on the property owner, they would spray their own property, because they would not want to pay the enforcement costs. Mr. Hilder explained that assessing fees does not mean the County would get paid. They could lien the properties, but they would only get paid if someone sells the property. In terms of cost-benefit, the helicopter would be the best way to do this, because the County would rarely get their money directly from the assessments. Ms. Williams asked the Council to put something in the paper to explain this. Chair Carson offered to make the minutes of last week's meeting available as soon as they are approved. Ms. Williams stated that she would like the public to know about this and let them voice their opinion.

Chris Hague provided Mr. Hilder with a copy of the Utah Noxious Weed Act and reported that he emailed a copy of it to the Council Members earlier in the day. He stated that the Utah Act provides that the Weed Board should consist of only two farmers and ranchers, and the rest should be decided by the County Council. Mr. Hilder clarified that it says at least two members shall be farmers and ranchers. Mr. Hague replied that, in any event, the Weed Board is stacked too much in favor of farmers and ranchers. He stated that his neighborhood had an outbreak of Scotch thistle last year, and no one was successful in taking care of the problem. He expressed his reasons for disliking thistle and stated that he opposes the helicopter spraying, because that money could be used for enforcement. He believed they should take another look, because it was 30 years ago that the County Commission decided it was more effective to hire a helicopter than to start an enforcement program. He suggested using the property owners who already participate in the helicopter program as Guinea pigs and enforce against them to be sure they do what they are supposed to do under the law. When they indiscriminately spray like they do with the helicopter program, they do not know how that is affecting the environment. When he reads all the warnings on the Weed Master label, they tell him that it is toxic, and the other chemicals that are sprayed are probably just as toxic as Weed Master. He questioned what other agricultural plants are being affected by the spray and the drift of the spray and stated that the effects are not relegated only to the properties being sprayed. He stated that the State Act makes it clear that it is the property owner's responsibility to take care of the noxious weeds on their property. He did not believe the County should pay for Union Pacific Railroad and other rich property owners who get the benefit of the spraying program, and he did not believe County taxpayers should be giving freebies. He stated that they are not getting the enforcement they need, and he believed the money spent on the helicopter should be spent on enforcement.

Council Member Ure asked how they would enforce when they do not have access to the ground on a volunteer basis. He explained that the enforcement officer does not have the right to go onto private property without trespassing. He believed they are better off to see what they can do on these difficult-to-reach properties so the weeds don't travel downstream and affect other parts of the County. Mr. Hague argued that they would have good reason to go onto the properties that are already being sprayed. Council Member Armstrong suggested that maybe they could send the inspector up in a helicopter to see if there are weeds on the property. Mr. Hague replied that most property in Summit County can be accessed by motorized vehicle, and it does not have to be a helicopter.

Council Member Robinson explained that they are just spraying hot spots. The County is big, and the hot spots change from year to year, so it would be ineffective to try to send out a bunch of enforcers to canvass the County to find them. He believed the County Commission made a decision 31 years ago to provide an incentive to the landowners to treat the hot spots they know about that the County would not know about without sending out an army of people to cover hundreds of square miles of lands. The property owner does pay the cost of the chemical, so it is not a total freebie. It is a philosophical question of whether they want to use a carrot or a stick. Mr. Hague stated that the Public Works Department is mapping the entire County to determine where the biggest infestations of noxious weeds are, and they will have that information within the next few months. Once they have the mapping they can see where the big issues are and then make a decision as to whether to stop the helicopter program and implement an enforcement program. He did not believe they should rely on a decision made by County Commissioners 30 years ago who were not involved in the development that has taken place in this County, because the County is a different place today than it was 30 years ago.

Council Member Robinson stated that the points that have been made are well taken, and the Council will reevaluate the program.

Mindy Wheeler, Vice Chair of the Weed Board, stated that one thing that would solve many of the issues is to insist that the helicopter have a GPS system so they can get the data and know what is being sprayed, where it is being sprayed, how many acres are being sprayed, and what weeds are being sprayed. She stated that would be easy to do, and a lot of treatment companies have that technology which allows the information to automatically go into the GIS system and be recorded so they can track what has been going on and see if the program is effective or not.

Rich Wyman stated that he has respect for the Council and the time they have put into Mountain Accord. He got involved in Mountain Accord about a year and a half ago, and the longer the light has been on Mountain Accord, the more wary of it he has become. He thought it would protect the wildlife and Wasatch Mountains and might be a way to get wildlife crossings over the highway addressed. Then the transportation issues came up, and the *Park Record* says it has "run aground." He asked Council Member Armstrong to keep digging in his heels on this issue. Just listening today, he believed they had shed light on the issue of being consensus based, and consensus based does not appear to be what they have been told it is. Council Member Robinson stated that consensus based is well defined in the charter. Mr. Wyman stated that he would like to see a vote about the train and have that option taken off the table. That is the issue that is causing anxiety and stress among the population of this community, because they feel it is looming and not going to be stopped but will continue. He expressed concern that the funding is coming from the Governor's Office of Economic Development, so this is an economic

development project. They are not talking about protecting the Wasatch; they are talking about economically developing it coming from the other side. He would like to see the train-tunnel idea taken off the table so they can stop wasting their time and money on this and move on. If the County wants to stay involved in Mountain Accord, they can still do that, but he believed they should shut the tunnel down and focus on how to get Mountain Accord back on track to protect the Wasatch Mountains, which is what got him excited about it in the first place.

Chair Carson closed the public input.

WORK SESSION – (Continued)

• **Receive public input regarding 2015 County Council Strategic Plan**

Chair Carson opened the public input on the Strategic Plan.

Chris Hague requested that the Council add language to protect wildlife and wildlife corridors to the values section of the plan. He stated that the plan lacks recognition of the need to protect wildlife and wildlife corridors. He also requested that the action steps on page 2 include protection of wildlife and wildlife corridors and remove TDRs. He expressed concern about TDRs, particularly along the east side of Highway 40. He stated that area is already messed up, and it will get worse. He stated that Boulder, Colorado, and Petaluma, California, have a freeze on development, and that is well worth exploring. He believed they are reaching a critical mass on the west side of the County, and the east side of the County is trying to decide what to do about development on their side of the County. Under action steps on page 3, he would also add protection of wildlife and wildlife corridors. He stated that he does not think they really understand what is going on in the eastern side of the County and what they need and want.

Chair Carson explained that they are keeping in close contact with the Mayors and having conversations with them about what they want in their communities. She was not certain they know yet exactly what they want. She also noted that everything they are doing may not be included in the Strategic Plan, and they do talk about wildlife and wildlife corridors.

Council Member Robinson noted that he added some language about water conservation to the environmental stewardship section.

Chair Carson closed the public input on the Strategic Plan.

The County Council meeting adjourned at 7:05 p.m.

Council Chair, Kim Carson

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, APRIL 29, 2015
SUMMIT COUNTY COURTHOUSE
60 NORTH MAIN STREET, COALVILLE, UTAH

PRESENT:

Kim Carson, *Council Chair - Electronically*
Roger Armstrong, *Council Vice Chair*
Claudia McMullin, *Council Member*
Chris Robinson, *Council Member*
David Ure, *Council Member*

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
David Thomas, *Deputy Attorney*
Annette Singleton, *Admin. Office Manager*
Karen McLaws, *Secretary*

CLOSED SESSION

Council Member Robinson made a motion to convene in closed session to discuss litigation. The motion was seconded by Council Member Ure and passed unanimously, 5 to 0.

The Summit County Council met in closed session for the purpose of discussing litigation from 4:20 p.m. to 5:25 p.m. Those in attendance were:

Kim Carson, *Council Chair- Electronically*
Roger Armstrong, *Council Vice Chair*
Claudia McMullin, *Council Member*
Chris Robinson, *Council Member*
David Ure, *Council Member*

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
David Thomas, *Deputy Attorney*

Council Member Ure made a motion to dismiss from closed session and to convene in regular session. The motion was seconded by Council Member Armstrong and passed unanimously, 5 to 0.

REGULAR MEETING

In the absence of Chair Carson, Vice Chair Armstrong called the regular meeting to order at 5:35 p.m.

- **Pledge of Allegiance**

CONSIDERATION AND POSSIBLE APPROVAL OF PAYMENT PLAN FOR PARCEL NS-129-F SCHEDULED FOR MAY TAX SALE, KATHRYN ROCKHILL, AUDITOR'S OFFICE

Council Member Robinson commented that it appears Lan England, the applicant, is willing to pay off the full amount with interest and penalties sometime later this year. Mr. England stated that he should be able to pay it off in the next two or three months. Council Member Robinson confirmed with Mr. England that he is not asking the County to retroactively reinstate the greenbelt status of the property.

Council Member McMullin confirmed with Mr. England that he would agree to pay off the taxes within 90 days.

Council Member Robinson made a motion to cancel the tax sale of Parcel NS-129-F owned by Mr. Lan England with the understanding that he will pay off the \$32,707.69 due as of May 31 plus any other penalties or interest that may accrue by September 1, 2015. If that does not occur, this property will be advertised for sale at the next tax sale. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0. Council Member Carson was not present for the vote.

APPROVAL OF 2015 COUNTY COUNCIL STRATEGIC PLAN

Council Member Robinson confirmed with Staff that they included his edits regarding the environmental stewardship action items and that no other changes were made based on public comment.

Council Member McMullin made a motion to approve the 2015 County Council Strategic Plan. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0. Council Member Carson was not present for the vote.

COUNCIL COMMENTS

Council Member Robinson reported that Bill Malone invited him and Andy Beerman to appear before the Chamber Bureau retreat regarding Mountain Accord. They provided an overview, where they are in the process, and answered questions. He believed the meeting went well, and several members thanked them for the update.

Council Member McMullin stated that she believes they need another Mountain Accord town-hall-type meeting with the community to answer questions. She believes people are dissatisfied and that their comments have not been heard, and she did not like the community to feel that way. She believed they should have a moderator, with members of the executive committee and other stakeholders who represent varying opinions. She believed that meeting should happen in May. Vice Chair Armstrong agreed that they should have the meeting before the executive committee meeting later in May to provide input to them before they meet. Council Member McMullin asked if the comments the Council has received have been forwarded to Mountain Accord. County Manager Tom Fisher replied that, prior to today, they had not been, but they were all forwarded today.

Council Member Robinson asked if they would like someone to write official comments for Summit County to turn in before the May 1 deadline. Council Member McMullin was not certain they could do that in 24 hours, and she did not believe the Council has developed a consistent message as to what their position is. Vice Chair Armstrong stated that prior to the meeting with Park City, the Council took a poll and determined they were not in favor of the connection. He did not think they have taken a broader position on Mountain Accord. Council Member McMullin agreed that the only position she was aware of is the position on the connection, but she also believed another issue would be the need for a veto to be memorialized in adopting it. Council Member Armstrong stated that what he would like to see considered is that, before material items are adopted into the blueprint, if they touch upon any land within county or city jurisdiction, those jurisdictions will have the opportunity to say that they cannot be adopted. Council Member McMullin agreed that they could use that as the position of Summit County. Council Members Armstrong and McMullin discussed the definition of consensus, and Council Member Armstrong commented that they do not want to have everyone else voice a solution that would force on the County anything that would be detrimental to them. Council Member McMullin explained that Mountain Accord is not a body politic and does not have regulatory authority, so she was not certain how much the language matters. Council Member Armstrong explained that a contractual obligation of the County is built into Decision Memo 6 that says once there is consensus on an issue, each jurisdiction will exercise its land use authority to honor what is in that decision. Council Member McMullin stated that, except for Decision Memo 6, this is just a big visioning project. She discussed her understanding of the Mountain Accord decision memo process and read the language from the conflict resolution section in the charter regarding how consensus is defined. Initially, consensus would mean that, if there is dissent or indecision by even one member of the executive committee, there would be no consensus. If the executive committee cannot reach a consensus, it may be sent to the management committee to review. If conflict remains, the executive board may decide to move forward without the dissenter, and if the vote has approval of two-thirds of the executive committee, it would be considered a near-consensus decision. Council Member Robinson questioned what the effect of near consensus would be. Council Member McMullin commented that, ultimately, two thirds of the executive committee could potentially make a decision that would affect the County by which they would have to be bound. Council Member Robinson stated that they need to work on that language in the charter. Vice Chair Armstrong explained that they need to work out these issues and understand where this fits before the County pays its money and agrees to participate. They also need to weigh their risk of being or not being at the table.

MANAGER COMMENTS

Mr. Fisher reported that he and members of the Planning Department participated in a visioning process with Canyons, and the Council should be seeing some results from that.

Mr. Fisher also reported that he had a good meeting with the Snyderville Basin Recreation District and Rocky Mountain Power regarding some property acquisition issues they are working on.

Mr. Fisher met with the South Summit School District leadership regarding some of their issues, and they may be asking the County to help them meet some needs and address some concerns as development happens moving forward.

Mr. Fisher stated that Staff will soon bring back a plan for implementing the Strategic Plan.

PRESENTATION OF SCHOLARSHIP MONIES TO CHANDLER ROSE AND MINDY BURGESS, WINNERS OF THE SUMMIT COUNTY SOLUTIONS CONTEST; ROGER ARMSTRONG

Vice Chair Armstrong presented scholarships in the amount of \$150 to Mindy Burgess and \$250 to Chandler Rose as second- and first-place winners respectively of the essay contest to address Summit County's transportation issues.

APPROVAL OF MINUTES

APRIL 15, 2015

Council Member McMullin made a motion to approve the minutes of the April 15, 2015, Summit County Council meeting as written. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0. Council Member Carson was not present for the vote.

PUBLIC INPUT

Vice Chair Armstrong opened the public input.

There was no public input.

Vice Chair Armstrong closed the public input.

PUBLIC HEARING REGARDING PROJECT TO BE DETERMINED TO BE APPLIED FOR IN THE CDBG SMALL CITIES PROGRAM IN THE PROGRAM YEAR 2015, HOYTSVILLE PIPE AND WATER COMPANY TO CONTINUE REPLACING ALL MANUAL READ WATER METERS WITH TELEMETRY SYSTEMS; ANNETTE SINGLETON, SUE FOLLETT, ALAN BELL

Administration Office Manager Annette Singleton reported that this is the second public hearing for this grant as a requirement of the CDBG grant process. She and Sue Follett with the Hoytsville Pipe and Water Company will attend a workshop tomorrow to go over the process for the CDBG grant.

Council Member Ure confirmed with Ms. Follett that this grant will allow the water company to finish installation of all its devices.

Ms. Follett thanked the Council for sponsoring and supporting this project, which will help their infrastructure and the efficiency of delivering water. She noted that the combined total of CDBG grants for this project in 2014 and 2015 is \$188,000, and the water company put in \$44,000. She

thanked Council Member Ure for his time on the rating and ranking committee for the CDBG grants. Council Member Ure commented that about \$1.2 million was applied for, and they were able to award only \$455,000.

Vice Chair Armstrong opened the public hearing.

There was no public comment.

Vice Chair Armstrong closed the public hearing.

PUBLIC HEARING AND POSSIBLE ADOPTION OF ORDINANCE NO. 838, A TEMPORARY LAND USE REGULATION AMENDING THE SNYDERVILLE BASIN DEVELOPMENT CODE, SECTION 10-8-11, RELATING TO THE PRESERVATION OF HISTORIC STRUCTURES; RAY MILLINER, COUNTY PLANNER

Community Development Director Patrick Putt presented the staff report and explained that this section of the Snyderville Basin Development Code provides opportunities to incentivize adaptive reuses and preservation of historic buildings. He explained that the existing language allows the owner of a historic structure to go through a Low Impact Permit (LIP) process to modify the structure and propose additional uses with the structure, even though those uses and activities may not be specifically permitted under the underlying zoning district. He stated that Staff supports adaptive reuse of historic structures, but as this language is currently written, the ordinance lacks specificity, criteria, and processes needed to make good decisions on these applications and provide a more predictable process. He requested that for the short term they strike this provision from the Code and allow Staff to develop better and more specific criteria. He noted that a LIP is essentially an administrative Conditional Use Permit. As the language is currently written, it allows the potential for projects that lack definition, and he believes they need to do a better job with the language and establish criteria and a predictable process that would allow stakeholders and the public to be involved.

Council Member McMullin asked what Staff is trying to address and what situations have arisen where the current ordinance has not worked. Mr. Putt stated that two recent examples are a piece of property with a historic residential structure and a couple of outbuildings where the owner wanted to include production of herbs and produce, residential quarters, a demonstration kitchen for restaurant chefs, and an office use. County Planner Ray Milliner explained that the chef school and office uses would not ordinarily be allowed in that zone. Mr. Putt explained that, at that time, the Planning Commissioners expressed concern about whether this provision could be used to an extreme and be inconsistent with the existing Code and General Plan. Recently, the Bitner family, represented by Mr. Gillwald, submitted a LIP application for the Bitner properties consisting of a total of more than 200 acres, with historic structures on one of the four properties. That application was to rehabilitate the historic structures and develop 250 residential units and a little more than 850,000 square feet of mixed commercial and retail uses. Staff reviewed that LIP application and found that it does not meet the criteria and standards of a LIP and issued a denial. He believes they need a set of rules for historic structures and what adaptive reuse means and how that works with contiguous properties.

Council Member Robinson asked if, with the current language, the owner of a historic property could apply for a LIP and do some work on historic structures but also seek approval for major development and bypass other elements of the Code. He indicated that he was having a difficult understanding the stricken language, and asked if applicants can find loopholes in this language. Mr. Putt replied that the fact that Council Member Robinson is asking that question after trying to read a paragraph of the language is the reason why they need to make the Code much more precise. Staff does not think this language is clear and that it opens the door for unnecessary debate. They want people with historic properties to be able to use them and to find the right adaptive uses for them. He believed certain proposals with this language could be beyond the scope of the intent of this provision, and a TZO would allow Staff to reach out to other affected groups that have resources the County could use and re-address the County's reconnaissance survey of historic structures.

Council Member Ure asked why Staff is proposing this right now. Mr. Putt replied that Staff does not believe it would be beneficial for the community to have a run on similar applications for historic properties without the tools to be able to make appropriate decision.

Vice Chair Armstrong opened the public hearing.

Pete Gillwald asked, given the fact that he got the agenda this morning, how they could have a public hearing without the necessary two weeks of public notice. He felt proper notice had not been given to the community. He stated that he did not take this step willy-nilly and was counseled by a member of Planning Staff that this would be an appropriate avenue for providing some entitlement for the property, so he took that advice and ran with it. He stated that, in the three weeks since he applied, he has received no correspondence from anyone on Staff, and suddenly today he received an emailed letter saying his application was denied and that he had 10 days to appeal.

Deputy County Attorney Dave Thomas explained that a temporary ordinance does not require Planning Commission action, and it comes directly to the legislative body. The legislative body only needs to find that there is a compelling public interest for the temporary ordinance. The legislative body is not required to hold a public hearing, only a public meeting. Therefore, the only thing that was needed is the statutory Open Meetings Act notice, which is generally 24 hours' notice.

Council Member Robinson asked if the County needs to comply with the public hearing requirements because they gratuitously decided to hold a public hearing instead of just a public meeting. Mr. Thomas replied that, based on the statute, they do not. In the past when the County has had temporary ordinances, he has always recommended holding a public hearing to get any public comment, as they did with the woodburning stove temporary ordinance.

Vice Chair Armstrong stated, as he understands it, as long as there is a compelling public interest to pass a temporary ordinance, the reason they do not have the normal notice period is that they are not passing something that is permanent. It is temporary and will not have permanent harm before they finalize or make the necessary changes in the ordinance.

Council Member Robinson asked about the effect of the temporary ordinance on applications filed under the prevailing Code prior to the day of enactment. Mr. Thomas replied that if there is a completed application, it would vest under the old rule. An appeal on the Bitner application would be based on the language in the Snyderville Basin Development Code as it existed at the time the completed application was filed. A temporary zoning ordinance passed today would not affect their appellate rights, but it would affect any future applications that come in.

Council Member Ure had a problem with only 24-hour notice for something like this, even though it is temporary. If they are going to have a public hearing, he believed it should be noticed as a public hearing and held as a public hearing.

Council Member Robinson asked if any other pending applications have been filed pursuant to this portion of the Code. Mr. Putt confirmed that Staff currently has no other applications on file.

Vice Chair Armstrong confirmed with Mr. Thomas that the maximum period of time for the temporary ordinance is 180 days. He asked if deleting the entire historic structures section from the Code would create any other risks as to historic structures. Mr. Putt explained that the County does not currently have a demolition ordinance for historic structures and never has had one.

Council Member Robinson commented that it seems the intent of this section of the Code was to allow some latitude for landowners with historic structures on their property to get things they would not otherwise get to encourage them to preserve the structure. Without that incentive, they could still preserve the structure or tear it down.

Vice Chair Armstrong asked how long it would take to come up with some language. Mr. Putt replied that he believed they could get some language in front of the Planning Commission relatively quickly. He was confident that members of the community with historic resources want to do the right thing with them. They would like to come up with a better set of reasonable standards that would provide for the right level of adaptive reuse, and Staff does not believe the current language gives them that ability.

Julie Bitner Hall stated that her family wants to preserve as much of the buildings and land as possible, but they need help to do that, and they are not going to destroy or demolish anything. She stated that the Council has always said that public input is important to them, and she trusts and values their opinions, but they need to understand that they need help. She indicated that they plan to go through all the legal things that they need to and are not out to do any damage to anything historic. In order to accomplish their goals they need some permits to do so. She believed that not having enough notice for public input is wrong. She believed they should have had at least 24 hours, and some of their key family members are out of town and would have been here if they had had more notice.

Vice Chair Armstrong closed the public hearing.

Vice Chair Armstrong asked if they were to pass the temporary ordinance tonight whether they could dissolve it at a subsequent meeting, hold a public hearing, and adopt it again at the same meeting. Mr. Thomas looked at State statute, which says the regulation may not exceed six months. He believed if they passed it and rescinded it again in a couple of weeks, they could pass it again, but only for the remainder of the six months, so the total time would not exceed six months. Vice Chair Armstrong commented that, if they were to pass the temporary ordinance tonight, they would have a placeholder, then they could schedule a public hearing in a couple of weeks and take the opportunity to decide based on public comment before deciding whether to further impose it. That would address the Planning Department and Planning Commission's immediate concern, which he understands.

Council Member Robinson commented that it seems the one application they have would be unimpaired by this. He was inclined to pass the ordinance, because the way it is written is ambiguous, and he did not believe it was ever intended for restoring a historic structure to be the means of developing several hundred acres of land without regard to underlying zoning and other well-established land-use ordinances.

Council Member Robinson made a motion to adopt Ordinance 838, a Temporary Land Use Regulation amending the Snyderville Basin Development Code, Section 210-8-11, relating to the preservation of historic structures. The motion was seconded by Council Member McMullin.

Mr. Milliner noted that he had provided the Council Members with an amended ordinance this evening and asked if that is the ordinance they intended to adopt.

Council Member Robinson amended his motion to adopt the amended ordinance as provided at this meeting. Council Member McMullin accepted the amendment to the motion in her second.

Council Member Ure asked what would happen if they were to wait a week to adopt the ordinance. Mr. Putt expressed concern about a potential rush of applications coming in. He explained that Staff does not intend to put this in place as a means to stop preservation, but they need an appropriate amount of time to develop a good ordinance. Council Member McMullin agreed. Vice Chair Armstrong commented that this puts the Council in a tough position. Mr. Putt replied that he carefully weighed the decision he made to move this forward at this time.

The motion passed by a vote of 3 to 1, with Council Members Armstrong, McMullin, and Robinson voting in favor of the motion and Council Member Ure voting against the motion. Council Member Carson was not present for the vote.

CLOSED SESSION

Council Member Robinson made a motion to convene in closed session to discuss property acquisition. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0. Council Member Carson was not present for the vote.

The Summit County Council met in closed session for the purpose of discussing property acquisition from 6:55 p.m. to 8:30 p.m. Those in attendance were:

Kim Carson, *Council Chair- Electronically*
Roger Armstrong, *Council Vice Chair*
Claudia McMullin, *Council Member*
Chris Robinson, *Council Member*
David Ure, *Council Member*

Tom Fisher, *Manager*
Anita Lewis, *Assistant Manager*
Robert Hilder, *Attorney*
Dave Thomas, *Deputy Attorney*

Council Member Armstrong made a motion to dismiss from closed session and to adjourn the regular meeting. The motion was seconded by Council Member McMullin and passed unanimously, 5 to 0.

The County Council meeting adjourned at 8:30 p.m.

Council Chair, Kim Carson

County Clerk, Kent Jones