



Staff Report

To: Summit County Council
Report Date: Thursday, May 3, 2012
Meeting Date: Wednesday, May 9, 2012
From: Ashley Koehler, County Sustainability Coordinator
Project Name: **Resolution- May 19th Arbor Day**
Type of Item: Approval

A growing number of municipalities in Summit County have applied for and been recognized as a Tree City, USA[®]. One of the requirements for this recognition is for the community to designate and observe an Arbor Day every year. The cities of Coalville, Oakley, Francis, and Park City are all active members and celebrate with annual tree plantings. Staff recommends that Summit County show support for the efforts that these communities are leading, with an annual tree planting in the County as well. Staff further recommends that this be made official and be approved by adoption of the attached Resolution.

May 19, 2012 Arbor Day Celebration:

Earlier this year, Summit Community Gardens and a volunteer arborist, Jason Barto, applied for and received a grant from the Alliance for Community Trees for 15 trees. Additionally, 3 trees have been donated to Summit County, by Rocky Mountain Power for a community tree planting. Since Summit County has an active partnership with Summit Community Gardens, these organizations have partnered to plant the trees on the Miss Billie's public open space property, which is also home to the community garden. There will be a community tree planting on Saturday, May 19, 2012 and is open for all volunteers to come and participate.

Attachment(s): Arbor Day Resolution

RESOLUTION NO. 2012-____

**A RESOLUTION DESIGNATING THE 19TH OF MAY AS ARBOR DAY
IN SUMMIT COUNTY**

WHEREAS, the celebration of Arbor Day encourages the planting of trees in community forests in an effort to encourage appreciation, protection, renewal and sound management of our forests, and to encourage a healthy ecosystem; and

WHEREAS, trees and shrubs improve the quality of environments by preventing erosion, controlling the wind, reducing noise and air pollution, and by enhancing the aesthetic quality of life; and

WHEREAS, trees can help offset the greenhouse effect by turning carbon dioxide into life-giving oxygen; and

WHEREAS, Summit County would like to extend the invitation to all members of the community to observe Arbor Day by participating in a community tree planting.

NOW THEREFORE, be it resolved by the Summit County Council as follows:

The 19th of May is hereby declared as ARBOR DAY, which urges all residents to observe this day by planting trees that are appropriate for Summit County and to participate in Arbor Day programs.

APPROVED AND ADOPTED this _____ day of May, 2012.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

ATTEST:

Dave Ure
Council Chair

Kent Jones
County Clerk

Summit County Weed Week Resolution

The Summit County Cooperative Weed Management Area, Summit County Weed Board and Utah State University Extension Service would like the Summit County Council to recognize May 14th -20th , as Summit County Weed Awareness Week. This recognition would be through the means of signing a resolution (attached) designating this week as Weed Awareness Week. This resolution would be signed by the council during their regular council meeting scheduled for Wednesday, May 9th, 2012. Several representatives from the above organizations and the news media will be on hand for the signing of the resolution. Pictures of the council signing the resolution will be taken and used in a article for the local newspaper.

The purpose of the resolution is to help residents of Summit County become aware of the problems associated with noxious weeds. The article and other publicity items will be used during the week to help promote the control of noxious weeds.

If you have any further questions contact Sterling Banks, USU Extension Agent (435) 336 – 3219 or Mindy Wheeler, Summit County Weed Board/CWMA Chairperson (801) 699 – 5459.

RESOLUTION NO. _____

A RESOLUTION DESIGNATING

May 14 - 20, 2012, AS SUMMIT COUNTY WEED WEEK

WHEREAS, it is the role and duty of government to protect county land from the invasive weeds and work on preventive measure for their control.

WHEREAS, it is the Summit County Councils desire to support the County Weed Board in its noxious and invasive weed control programs.

WHEREAS, it is the councils desire to support the national and state noxious and invasive weed control program.

WHEREAS, it is the councils desire that Summit County observe the National Invasive Weed Awareness Week, which is planned nationwide.

WHEREAS, the purpose is to focus attention on the severe problems created by noxious and invasive weeds.

WHEREAS, it is the desire to publicly declare the week of May 14 - 20, 2012, as Summit County Noxious and Invasive Weed Week.

NOW THEREFORE, be it resolved by Summit County as follows:

May 14 - 20, 2012, is hereby declared to be Summit County Weed Week.

Dated this 9th day of May, 2012

Summit County Council:

Attest:

Kent Jones
Summit County Clerk

We, the undersigned, support the Summit County Council in recognizing May 14 - 20, 2012, as Summit County Noxious and Invasive Weed Week:

Name

Organization

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, APRIL 18, 2012
SHELDON RICHINS BUILDING
PARK CITY, UTAH

PRESENT:

David Ure, *Council Chair*
Claudia McMullin, *Council Vice Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*
Chris Robinson, *Council Member*

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*
Annette Singleton, *Office Manager*
Karen McLaws, *Secretary*

CLOSED SESSION

Council Member McMullin made a motion to convene in closed session for the purpose of discussing litigation. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 1:10 p.m. to 2:10 p.m. to discuss litigation. Those in attendance were:

David Ure, *Council Chair*
Claudia McMullin, *Council Vice Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*
Chris Robinson, *Council Member*

Robert Jasper, *Manager*
Anita Lewis, *Assistant Manager*
Dave Thomas, *Deputy Attorney*

Council Member Elliott made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

WORK SESSION

• **Council Mail Review**

Administration Office Manager Annette Singleton reported that May 14-15 is County Government Awareness Day from 4:00 to 7:00p.m. at the Richins Building on May 14 and at the Wanship Fire Station on May 15. Council Members Robinson and Hanrahan agreed to attend the May 14 meeting, and Council Members Ure and Elliott agreed to attend on May 15.

Ms. Singleton reported that COG is scheduled to meet on June 19 at the Courthouse at 6:00 p.m.

- **Interview applicants to fill three vacancies on the Board of Trustees of Summit County Service Area No. 5**

The Council Members interviewed the following candidates for three positions on the Service Area No. 5 Board of Trustees:

Leslie Gomez
David Doty
Dennis C. Hansen

Questions included why the candidates want to serve on the board, whether they believe things need to be done differently, how well they work with others and can use PR skills, and the time commitment involved.

CLOSED SESSION

Council Member Hanrahan made a motion to convene in closed session for the purpose of discussing personnel. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 2:50 p.m. to 2:55 p.m. to discuss personnel. Those in attendance were:

David Ure, Council Chair
Claudia McMullin, Council Vice Chair
Sally Elliott, Council Member
John Hanrahan, Council Member
Chris Robinson, Council Member

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

- **Discussion regarding transit program updates; Kevin Callahan**

Public Works Director Kevin Callahan presented the transit report and stated that, in general, the County bus routes are doing well and are starting to recover from the drop in use during the early part of the recession. He noted that the County is participating with Park City in the Iron Horse Transit Maintenance Facility, which is now complete. The County will pay Park City about \$8,000 per month, which is a combination of the County's portion of the cost of the structure and their portion of the cost of maintaining the structure, which is a 20-year commitment. He commented that the County could not have done it for this price, and it is a good deal for the County. Mr. Callahan reported that he is working with CRSA on conceptual plans for the Kimball Transit Hub, which will go to a public hearing with the Snyderville Basin Planning Commission for a Conditional Use Permit, and they will do a work session and provide other information prior to that. County Manager Bob Jasper commented that he anticipates some controversy when this goes to public hearing. Mr. Callahan explained that Park City is working

with the County on this facility, and they have well-developed relationships with the Federal Transit Administration. Park City has submitted a grant request for \$2.1 million to build the transit hub, and they will know in August whether they are likely to receive funding. If they do not, they could wait and try to seek federal money or develop it themselves. He explained that they do have means for funding it that would not tap into the General Fund.

Mr. Callahan stated that the program with UTA performed relatively well this winter, and the resorts did come through to support it. Because they were not sure how the winter would work out for quite a while, the resorts modified their hiring practices. A reasonable number of people are being carried on the service. Now that the resorts are closed, there will be two buses in the morning and two in the evening. Summit County made a commitment to support the program up to \$235,000 for the year and has already spent about \$210,000. Then it will shift to UTA subsidizing the service for the remainder of the season up to \$180,000. He explained that the biggest challenge with UTA is that they have not been aggressive in working with clients in Salt Lake to encourage employers with employees who commute from Summit County to help underwrite the cost of the system. The biggest clients are the University of Utah, the research park, and LDS Church headquarters. Mr. Callahan stated that they know 5,000 to 6,000 people make that trip every day. He explained that they will continue to work with UTA to refine the service, and they believe the service will grow over time and should be a good investment over the long term.

Council Member Elliott asked if UTA might discontinue the service once they have expended their funds. Mr. Callahan replied that he did not believe they would, because UTA approached the County and initiated this service.

Mr. Jasper asked how the park and ride fits in and when they might discuss including Heber and Kamas in the transit system. Mr. Callahan explained that Park City has used the park and ride for two primary purposes—as a condition of approval for developments like the Montage, where they do not want a lot of employees driving through town on their roads, and for special events. He explained that the widening of Highway 248 will create an HOV lane so the transit district can utilize the park and ride lot. Mr. Jasper asked about the next long-term plan update. Mr. Callahan replied that the transit plan was adopted in 2011, and the update would usually be three or four years out, but they look every year at employers to see if they are willing to work with the Transit District to underwrite the cost of service.

Chair Ure requested that Mr. Callahan provide the April ridership numbers when they become available.

CONVENE AS THE BOARD OF EQUALIZATION

Council Member Hanrahan made a motion to convene as the Summit County Board of Equalization. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0. Council Member Elliott was not present for the vote.

The meeting of the Summit County Board of Equalization was called to order at 3:24 p.m.

DISCUSSION AND CONSIDERATION OF MOUNTAINLANDS COMMUNITY HOUSING TRUST'S REQUEST FOR A PROPERTY TAX EXEMPTION

Board Member Hanrahan made a motion to table this item. The motion was seconded by Board Member McMullin.

Board Member Robinson verified with Board Member Hanrahan that he wanted to table this item because there are policy issues he believes need to be discussed.

The motion passed unanimously, 5 to 0.

DISMISS AS THE BOARD OF EQUALIZATION

Board Member Hanrahan made a motion to dismiss as the Board of Equalization and to convene as the Governing Board of the Mountain Regional Water Special Service District. The motion was seconded by Board Member Elliott and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization adjourned at 3:25 p.m.

CONVENE AS THE GOVERNING BOARD OF MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT

The meeting of the Governing Board of the Mountain Regional Water Special Service District convened at 3:25 p.m.

CONSIDERATION OF ADOPTION OF RESOLUTION NO. 2012-6, OF THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH, ACTING AS THE GOVERNING AUTHORITY OF THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT, SUMMIT COUNTY, UTAH (THE "ISSUER"), AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$33,000,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE REFUNDING BONDS, SERIES 2012 (THE "SERIES 2012 BONDS") OF THE ISSUER, DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE SERIES 2012 BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE SERIES 2012 BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE SERIES 2012 BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE SERIES 2012 BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE SERIES 2012 BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF SERIES 2012 TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING AND APPROVING THE EXECUTION OF A SUPPLEMENTAL INDENTURE, A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL STATEMENT, A BOND PURCHASE AGREEMENT, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS

Scott Green, CFO of Mountain Regional Water Special Service District, explained that the purpose today is to pass a resolution to authorize the issuance of new bonds to refinance their existing \$30 million bonds. At current interest rates, it is anticipated that the District could save several hundred thousand dollars a year. He explained that a number of investors have call requesting a private deal, but Mountain Regional will do this competitively so everyone who wants to can bid on the bonds. He explained that the resolution sets up a process where a committee will make the final decisions regarding when to close on the bonds depending on whether interest rates go up. He anticipated that the District could save between \$300,000 and \$500,000 per year in debt service, depending on interest rates at the end of May.

Mr. Jasper noted that Mountain Regional has selected Zions Bank as its financial adviser, and all of the County's dependent districts now share the same adviser. He believed that is positive, because they can now look at things more broadly.

Randy Larsen with Ballard Spahr, bond counsel for the District, reported that, pursuant to State law, it is required that special service districts obtain permission from the County Council to levy a tax or issue bonds, and that is the purpose of the resolution. A pricing committee will be formed as outlined in the resolution.

Board Member Robinson reported that he went over the resolution with Mr. Green, Mr. Larsen, and Brian Baker with Zions Bank a few weeks ago. He explained that the bonds this would replace cannot be called immediately, but if the rates continue to be as low as they are currently, it would be worth getting the savings now. He explained that proceeds from this bond would go into a trust account to service the existing bonds until they become callable.

Mr. Larsen explained that the Governing Board is being asked to give approval for Mountain Regional to start the process, and the financial adviser will monitor the savings net of the negative arbitrage. If rates start to go up, that may overcome any negative arbitrage, or he may choose to wait. Right now, rates are favorable enough that even with the negative arbitrage, the savings would be significant. He explained that they are at least 40-45 days away from being able to close on the bonds. Mountain Regional is seeking the Governing Board's approval for the refunding within the parameters of the resolution and authorization of the pricing committee and financial advisor to make the decision. He explained that the bonds will not come back to the Governing Board to accomplish the refunding.

Board Member Robinson asked if there is a reasonable deadline for the pricing committee to decide to issue the bonds. Mr. Larsen replied that there is no legal definition of when that could end, but they would be uncomfortable going beyond a year before coming back to the Governing Board.

Board Member Hanrahan made a motion to adopt Resolution No. 2012-6, of the County Council of Summit County, Utah, acting as the Governing Authority of the Mountain Regional Water Special Service District, Summit County, Utah (the “Issuer”), authorizing the issuance and sale of not more than \$33,000,000 aggregate principal amount of water revenue refunding bonds, Series 2012 (the “Series 2012 Bonds”) of the Issuer, delegating to certain officers of the Issuer the authority to approve the final terms and provisions of the Series 2012 Bonds within the parameters set forth herein; fixing the maximum aggregate principal amount of the Series 2012 Bonds, the maximum number of years over which the Series 2012 Bonds may mature, the maximum interest rate which the Series 2012 Bonds may bear, and the maximum discount from par at which the Series 2012 Bonds may be sold; providing for the publication of Series 2012 to be issued; providing for the running of a contest period; authorizing and approving the execution of a supplemental indenture, a preliminary official statement, an official statement, a bond purchase agreement, and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. The motion was seconded by Board Member McMullin.

Board Member Robinson noted that the parameters resolution states not to exceed 5.25% and asked what the interest rate might be if the bond were issued today. Mr. Larsen explained that the maximum interest rate is required by State law to cover every maturity of the bond. Brian Baker with Zions Bank stated that the true interest cost would currently be in the 3.25% to 3.40% range. He explained that sometimes investors want to own bonds that have higher rates, and even if the County might be paying 3.40%, an underwriter might want 5.25% on the bond, because that is where the bonds are trading, and it makes them more marketable. If they were to do that, they would compensate the County by paying more than the face value of the bonds to capture 5.25% over a number of years. Mr. Larsen clarified that the projected savings to Mountain Regional are net of all closing costs, negative arbitrage, and other expenses.

The motion passed unanimously, 5 to 0.

DISMISS AS THE GOVERNING BOARD OF MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

Board Member Hanrahan made a motion to dismiss as the Governing Board of the Mountain Regional Water Special Service District and to reconvene as the Summit County Council. The motion was seconded by Board Member McMullin and passed unanimously, 5 to 0.

The meeting of the Governing Board of the Mountain Regional Water Special Service District adjourned at 3:40 p.m.

REGULAR MEETING

Chair Ure called the regular meeting to order at 3:40 p.m.

- **Pledge of Allegiance**

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2012-7 TO ESTABLISH THE ECHO SEWER SPECIAL SERVICE DISTRICT, UTAH, AND RELATED MATTERS; ERIC JOHNSON, ATTORNEY, AND LANE PEIRCE, ENGINEER

Lane Peirce, Engineer for Echo Sewer Company, reported that the Ruth Richins and Stewart property is no longer within the proposed boundaries. The Carlsons own two properties, one within the proposed boundaries and the other, larger parcel not within the boundaries. He provided maps showing two proposed options for district boundaries.

Chair Ure commented that they are creating a special service district inside an existing special district and asked what would have to be done. Deputy County Attorney Dave Thomas replied that, once this district has been created, it would have to be deannexed from the other special service district.

Council Member Robinson noted that the resolution states that neither more than 33% of the qualified voters of the territory to be included within the district nor more than 33% of the taxable value of the taxable property to be included in the district have filed written protests and asked if someone has verified that those statements are true, even in the smaller boundary. It was noted that the County Clerk's office would be responsible for verifying that. Council Member Robinson commented that it appears from Section 5 of the resolution that, if the Council were to include the lands that are the subject of the protest letters within the district, the property owners would have 30 days to appeal to District Court to be removed from the district. Mr. Thomas replied that is correct, but they would have to show that they are not benefited by the district.

Council Member Hanrahan commented that, if they were to adopt the larger map, it appears that the 33% would apply, because Mr. Carlson's property is well more than one-third of the total acreage. Council Member Elliott noted that it may be more than one-third of the acreage, but it may not be more than 33% of the taxable value.

Council Member Robinson asked if they intend to have an administrative control board for the district. Mr. Thomas explained that the resolution simply establishes the district. After that they will adopt a governing ordinance that sets up the administrative control board and other matters related to how the district operates, just as they have done with other special service districts. Council Member Robinson asked if anyone knows of someone who did not timely file a protest who does not wish to be included in the district boundaries. Mr. Peirce replied that he was not aware of anyone.

Chair Ure noted that the resolution states that notice was published in the Wasatch Wave, which does not circulate in Summit County. Eric Johnson, attorney for the applicant, explained that was a mistake on his part. The title on the e-mail he received said Wasatch Wave, and it should say Summit County News. Chair Ure requested that the resolution be amended to state Summit County News.

Bob Swensen with the Summit County Health Department noted that one portion of the Carlson property has a house on it that will be included in the district and noted that it is currently hooked to the existing sewer system.

Council Member Robinson asked Mr. Carlson to review the map to see if there is a portion of his property that he would still like to have excluded from the boundaries shown on the map. Mr. Carlson indicated a portion of vacant land that he believed did not need to be included in the sewer district.

Council Member Robinson made a motion to approve Resolution 2012-7 establishing the Echo Sewer Special Service District, Utah, and related matters, using the smaller of the two legal descriptions for the service area boundaries with an amendment to square off the westernmost Carlson property upon which there is a home and to exclude the dogleg and everything east of that as shown on the map as redrawn by Council Member Robinson, and to change Wasatch Wave to read Summit County News in the second recital. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

Mr. Thomas verified with Chair Ure that he would like him to prepare the governing ordinance. Mr. Jasper suggested that the ordinance be the same as the other dependent districts in the County, but he believed the Council should act as the governing body for a while with the goal of moving toward setting up an administrative control board. Mr. Thomas explained that the board can be set up in the governing ordinance, and the Council will not appoint anyone to the board until they are ready to do so.

CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2012-8, PROPOSING THE CREATION OF THE SNYDERVILLE BASIN CEMETERY DISTRICT; HELEN STRACHAN, CIVIL ATTORNEY

Deputy County Attorney Helen Strachan presented the staff report and explained that the purpose of the resolution is not to create the district but to get the process started to create a district. This would go through a public hearing and protest period and be placed on the November ballot to be considered by the voters. She recalled that a work session was held with the Council on February 29 to discuss formation of the district, and she has tried to address the questions raised at that time. She recalled that Council Member Hanrahan asked if the Snyderville Basin Special Recreation District could oversee and maintain the cemetery district. However, under State law, only certain services can be provided by a local district, and cemetery services is not a service that can be provided by a Recreation District. She suggested that they set up a steering committee to survey and see what kind of interests there are, because once the district is created, they would have six months to make substantial steps to actually provide services to the citizens.

Mr. Jasper commented that Staff could do a lot up front to get things going, but ultimately the decisions about location, tax rate, etc., would be up to the cemetery board.

Council Member Robinson asked about the rationale for not using the Recreation District boundary rather than the Park City School District boundary less Park City. Ms. Strachan replied that she had understood that the Council wanted the boundary to be coterminous with the Park City School District boundaries. Council Member Robinson asked for the differences between the two boundaries. Ms. Strachan replied that Promontory is not in the Park City School District boundaries. Council Member Robinson suggested that they use the Recreation District boundary. Mr. Jasper suggested that they exclude Park City. Council Member Robinson

suggested that they leave out anything that is still in the Recreation District's boundary that should have been taken out through annexation into Park City. He had questions about the assumptions regarding the number of people who would use services the first year. Ms. Strachan clarified that it was assumed that 170 lots would be sold the first year and 10 lots per year thereafter.

Council Member Hanrahan questioned why they would need 30 acres of land for a cemetery. Ms. Strachan offered to meet with Kent Wilkerson in the County Engineer's Office to verify the figures in the report.

Council Member Elliott stated that she has been asked to include two things—a memorial wall where those who choose not to be interred can be memorialized, and green burials. Ms. Strachan verified that those are factored into the report. Mr. Jasper clarified that it will ultimately be the cemetery board who makes those decisions.

Council Member Robinson asked if the Council could have the option of serving as the board until the district gets going. Ms. Strachan explained that cemetery districts require an appointed board, but the Council could serve as that board initially. Council Member Robinson commented that this issue seems to be big enough that the Council should remain involved.

Council Member Hanrahan verified with Ms. Strachan that the Council is not accepting the numbers that have been presented. They are simply creating the district, and when they have to determine the ballot language, they will need to know what the financial policy will be. Ms. Strachan clarified that would not be on the ballot this time. At this time, the ballot language will simply be to create the district. Next year they will have a vote for a bond or tax. Council Member Hanrahan requested that they verify the numbers with Mr. Wilkerson, because they do not seem to add up. Ms. Strachan explained that they have 45 days to hold a public hearing and will do as much research as they can. Ultimately, the board of trustees will have to hire experts to answer many of the questions, but they will do their best to educate the public at this time.

Council Member Robinson asked how they could claim that an open space parcel or property on which no one is living would be benefited by the district. Ms. Strachan explained that it would be the same philosophy as owners of property within the Recreation District boundaries who may not use the facilities, or people who may not have children benefitting from the school district. She explained that this is typical language taken from the statute. Council Member Robinson noted that there is no discussion of water rights and connection fees for the cemetery district, which could be a significant cost.

Council Member Elliott made a motion to approve Resolution No. 2012-8 proposing the creation of the Snyderville Basin Cemetery District with changes to the map and legal description on the resolution to make the boundaries coterminous with the Snyderville Basin Recreation District less any property annexed into Park City and the changes to the board of trustees. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0.

DISCUSSION AND POSSIBLE CONSIDERATION OF INCREASING THE NUMBER OF MEMBERS SERVING ON THE SUMMIT COUNTY HERITAGE AND LANDMARK COMMISSION

Council Member Elliott reported that the County has three outstanding potential board members. They have traditionally had five members on the Commission, but she and Assistant Manager Anita Lewis have talked for years about raising it to seven. The statute reads that they may have anywhere between five and nine members, so there is no need to change anything. She would like to be able to appoint all three applicants to positions on the board.

Mr. Jasper confirmed that he would agree with increasing the number of members to six.

Mr. Thomas verified that the Council has the ability to fill as many vacancies as are shown in the ordinance.

ADVICE AND CONSENT OF COUNTY MANAGER TO APPOINT MEMBERS TO FILL VACANCIES ON THE SUMMIT COUNTY HERITAGE AND LANDMARK COMMISSION

Council Member Elliott made a motion to appoint Kirsten Hendry, Kathy McGuiness, and Marion Crosby to the Heritage and Landmark Commission, with their terms to expire October 31, 2014. The motion was seconded by Council Member Robinson.

Council Member Robinson asked if there would be an even number of people on the commission. Mr. Jasper verified that there would be and commented that he doubted there would be tie votes on this commission.

The motion passed unanimously, 5 to 0.

ASSESSOR'S OFFICE ERRORS AND OMISSIONS

Council Member Hanrahan made a motion to approve the Assessor's Office errors and omissions. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

CONSIDERATION AND POSSIBLE APPROVAL OF PAYMENT PLANS FOR 2012 TAX SALE PROPERTY; KATHRYN ROCKHILL, AUDITING TECH

Kathryn Rockhill with the Auditor's Office reported that Mr. Rolfe was unable to attend today and requested that the Council Members use the information in his letter to make their decision.

Council Member Robinson asked how much is owed and what the monthly payments would be. Ms. Rockhill replied that the total amount is just short of \$64,000, and the payments will be approximately \$8,000 per month. Council Member Robinson disclosed that he used to be a tenant on this property. He recalled that the applicant had appeared before the County Council previously to request application of greenbelt status to these properties from 2007 to 2011. He confirmed with Ms. Rockhill that interest would continue to accrue on the amount due.

Council Member Hanrahan verified with Ms. Rockhill that the Auditor's Office is recommending that the Council approve the payment plan.

Council Member Robinson made a motion to approve the payment plan for 2012 tax sale properties as outlined in the packet. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

MANAGER'S COMMENTS

Mr. Jasper reported that he and Council Member Elliott and Anita Lewis participated with Bill Malone in this year's business roundtable.

Mr. Jasper noted that he has received a report from the financial consultants, and the ad hoc finance committee has reviewed it. In the future, departments will receive reports showing their budget by division, not by fund. Under existing State law, the Council will decide who the budget officer will be unless the law is amended. He noted that, if there were an elected executive, he would be the budget officer, but that is not the case in Summit County. He explained that the departments and Council Members will begin to receive reports with more information but not broken down by fund, noting that departments need reasonable information in order to live within their budget and manage their system. He explained that one thing that holds up the fund balances is how they deal with grants, and he is thinking of putting all grants into a fund where they can be tracked separately. He stated that these are among the things they are doing to get a better idea of how much money the County has at any given time and to get audited fund balances faster.

Mr. Jasper reported that he and Ms. Lewis met with Mel Brown and talked about how to do well with the legislature. He commented that it was very difficult to track some of the bills during the last legislative session. Mr. Brown indicated that he was aware of the County's concerns and worked to modify bills accordingly. Mr. Jasper stated that he would meet with legislators from time to time to express the County's concerns.

Mr. Jasper recalled that one of the strategic goals has been economic development and better relationships between the east and west sides of the County. They have tried to automate business license operations so people can get online to obtain information and sources of services based on business licenses, and there will be a presentation to the Council on that soon.

Mr. Jasper explained that they are advertising for two positions on the Wanship Cemetery District, and Vern Williams is helping to recruit people. He noted that all the boards and districts will be invited to a meeting to discuss insurance options for the districts.

Mr. Jasper reported that he has met with Park City and the Snyderville Basin Special Recreation District. He recalled that, as the City has annexed property, it has not deannexed that property from the Recreation District. He explained that there is not much they can do about outstanding bonds, but they hope to work with the State Tax Commission to separate the bond rate and operating rate. They hope the Tax Commission will reduce the tax rate in newly annexed areas of the City to remove the Recreation District operating rate.

COUNCIL COMMENTS

Council Member Elliott reported that she responded to a constituent who was unhappy that a power line is going on the Weber Provo River Canal easement. She reported that she and Council Members Robinson and Ure attended the Farm Bureau meeting where they learned there is \$1 million in new State money for invasive species eradication, and the County will apply for that. She encouraged the Council Members to attend the climate change talks at Swaner. She reported that she spoke at a press conference on Tuesday at the Leonardo about the Wasatch Solar Challenge. She attended the Habitat for Humanity board meeting, and they are thinking of doing a brush with kindness program for people in Summit and Wasatch Counties for people who need help maintaining their houses. She reported that she toured the Park City water plant. She stated that she and Council Member Robinson met with UDOT on Thursday morning and tried to encourage them to build the additional lanes on Highway 224 so they do not hold up the Utah Olympic Park construction.

Council Member Hanrahan commented that he did not believe the County has any say over the power line, because it is within Kamas City. Council Member Elliott stated that the people who live there think the County owns the Weber Provo Diversion Canal, with Provo water users being the governing authority but appointed by the County. She stated that she had always thought it was Bureau of Reclamation or federal land. Chair Ure clarified that the board of directors for the canal is appointed by various cities, including South Jordan, Salt Lake, and Utah County, and it is their property and their water. Council Member Robinson stated that he believed there are two issues. One is whether the utility has a legal right-of-way, and the other is whether a Conditional Use Permit is needed or some public process through which the utility requests to build a power line. Council Member Elliott stated that they purchased the easements and went through the process. Council Member Robinson confirmed with Council Member Elliott that the people who complained were part of the public process and that the power line was approved over their objections. Chair Ure explained that this has been in process for eight years. Council Member Elliott stated that the people who complained have lived there the entire time, but they were just not aware of it.

Chair Ure reported that the letter to the special service districts will be sent out this week, and the meeting will be scheduled for May 18 or 25 in the Richins Building. He commented that the manager of the Mosquito Abatement District will be retiring in a few months. His job is part time, and Chair Ure suggested that they work with the Health Department to see if they could have someone work in both places and cover things more efficiently. Chair Ure asked if the beer tax money would come back directly to the Sheriff or if it would come to the County to be redistributed to the Sheriff. He asked if the Council has any say in designing a program for spending that money to focus on under-age drinking. Council Member Elliott asked if it could be used to help fund the drug court County Attorney David Brickey has wanted for a long time or used for prevention and treatment programs.

Council Member Elliott requested that Staff research the ownership of the Weber Provo Diversion Canal and determine who speaks for the owner.

Chair Ure reported that Mr. Thomas has written resolutions regarding the salaries of newly elected County officials and health insurance for special service districts. He requested that Mr. Thomas place those items on an upcoming agenda. Mr. Thomas noted that they cannot adopt a resolution on term limits based on State statute.

APPROVAL OF MINUTES

MARCH 14, 2012

MARCH 21, 2012

Council Member Elliott made a motion to approve the minutes of the March 14, 2012, Summit County Council meeting as written and to approve the minutes of the March 21, 2012, Summit County Council meeting with changes. The motion was seconded by Council Member Hanrahan and passed unanimously, 5 to 0 for the March 14 minutes, and 4 to 0 for the March 21 minutes. Council Member Hanrahan recused himself from voting on the March 21 minutes, as he did not attend that meeting.

WORK SESSION – (Continued)

- **Update on summer and winter marketing: Bill Malone, Park City Chamber Bureau**

Bill Malone, Executive Director of the Park City Chamber Bureau, presented his report and noted that this was a good winter to show how important snow is and how important crafting the message and timing are in the communications and advertising efforts. He believed things could have been much worse had they not used their resources to get their message out to the communities. He stated that holiday visitation was strong. Much of it was booked months in advance, so the lack of snow did not have a tremendous negative impact on the holiday period, and customers participated in many activities beyond skiing. However, the lack of snowfall seemed to have a cumulative effect as winter progressed. In January, visitation was nearly flat compared with the previous year, and in February visitation was down between 4% and 8% due to the lack of snow. In March, visitation was down between 10% and 14%, but in April, because Eastern fell within the ski season, there were double-digit increases in visitation over last year for April 1 through April 15. During the Sundance Film Festival, they invited guests to shoot video during the big snowstorm on the first weekend of the festival and turned that into commercials that were broadcast throughout the country. Mr. Malone reported that international business this winter increased by 39% over the previous year, with the top-producing markets this year being Australia, the United Kingdom, Germany, and Brazil. He stated that those who came this year seemed to be spending. He has received positive comments from retail and dining, and lodging showed a significant increase in average daily rates. Despite the fact that they were down in the number of guests, the increase in the average daily rate should make up for the TRT dollars.

Cathy Miller, Sales and Marketing Director with the Chamber Bureau, discussed the timing of marketing this winter. Once they heard it was going to snow, they decided to get the message out to their target audiences to generate bookings, and they had to execute the campaign in less than a week to take advantage of the message. They wanted to integrate broadcast, digital, and social media along with public relations efforts to be sure they reached skiers as quickly as possible. She reviewed the marketing campaigns aimed at the new snow in January. As soon as they knew it was going to snow, they started to run snow reports in the media campaigns in New York and Los Angeles. They launched a Facebook contest and invited fans to submit their video

shot during the snowfall on January 21 and 22 and used that video to produce a commercial spot and got the word out every way they could as quickly as they could. She reported that within 48 hours they had 14,000 visits to their Facebook tab and six YouTube entries. With the video submitted, they produced commercial spots with the user-generated content. They sent the spots to Atlanta, Chicago, Dallas, Miami, Washington, D.C., and Phoenix, which are the top quick-start redemption markets, and ran the campaign from January 27 through February 4. They also did ads through other types of media to get the message out in every way they could. Ms. Miller reviewed the success and results of their marketing campaigns.

Ms. Miller reviewed the proposed marketing for the coming summer and explained that they shot a lot of high-definition video last fall and will build a campaign this year that goes into the fall season using the images they shot last year. She explained that they will do behavioral targeting to people in the regional area of California, Arizona, Wyoming, Idaho, and Texas and will target people who take mountain biking and golfing vacations, who visit arts and cultural destinations, and families who travel through this season. The campaign will launch May 14 and run through the end of September. They will run a stay three nights and get a \$50 cash card promotion and add a coupon booklet for places throughout the County where people can take their gift card and spend it in the County. They will also advertise in the Salt Lake market and promote their mobile site on the Park City buses. She provided examples of the proposed summer marketing. She explained that they will ask people to pick their favorite activities and enter to win a summer vacation to Park City, which will tell them who is coming to the website and what their interests are so they can start to send messages that specifically target them.

Council Member Hanrahan asked when the visitor's center would move into the new building. Mr. Malone replied that the developer says it will be ready in mid-June, and he is anticipating it will be mid-August. He explained that they will start a campaign to market the visitor's center at the airport in Salt Lake.

Council Member Robinson asked if the Chamber Bureau offices would move into the space. Mr. Malone replied that it would be a visitor's center only.

- **Discussion of proposals received for the Summit County Solid Waste and Recycling Collection Contract; Cliff Blonquist, Solid Waste Administrator**

Mr. Jasper reviewed the history of the solid waste contract and noted that at the time the current contract was bid, there was only one bidder. This the first time the County has had a competitive bid in 10 years. He recalled that the Council reduced the solid waste budget by almost \$.25 million. For many months they have been reviewing what they want in a bid document, and this is a different system from the one they have today. There will be changes, and any time there are changes, people will be concerned. Mr. Jasper explained that one objective of the bid is to increase recycling and reduce the amount of material going into the landfill. People will get a smaller can for trash and a bigger one for recycling as an incentive to recycle more materials. If some people cannot get by with a 65-gallon trash can each week, they can get an extra trash can at a small cost. He noted that the Council appropriates the money, and he will execute the contract, but he wants to work closely with the Council in this process. Based on the bid, the County will save more than \$.5 million per year, which is better than the budget target by more than \$.25 million. He noted that the previous contract did not charge residential tipping fees, and this one does, so when that is added in, they are at almost \$1 million net to the good financially

for the taxpayer. He explained that when he executes the contract, he may need to make some adjustments that could add \$10,000 or \$15,000, because there may be unique needs in Park City for smaller cans that the automated equipment may not be able to pick up. He noted that recycling would be spread to all urban areas of the County under this bid, which means that some areas that have not had recycling will have it with this contract.

Chair Ure confirmed that the Manager reaffirmed yesterday with Park City that they would work with the City on any problems in Old Town with this new contract. Park City feels they are all in this together and will all make it work.

Issa Hamud, solid waste consultant, explained that they did a lot of work to develop an RFP that would avoid potential problems when they got the bids, and with the bids they received, they got the results they expected. He noted that they eliminated the annual escalation they had in the previous contract and have only an annual CPI adjustment in this contract. They have also included in the contract that the cans will be owned by the County. Disposal services were well defined in the RFP, and everyone knew what kind of services they would be expected to provide. He explained that it was relatively simple to compare the bids because of the forms provided to the bidders. In comparing those forms, they were able to determine that Allied Waste provided the low bid and the most valuable bid to the County.

Council Member Robinson stated that he is used to seeing a bid analysis showing all the bidders, not just the low bid. He asked if Mr. Hamud could share that summary with the Council so they could see how the other bidders did. Mr. Jasper stated that the Council Members should have received that in an e-mail two days ago. Council Member Robinson stated that he had understood the County would own the containers up front, but the contract does not seem to say that. Solid Waste Administrator Cliff Blonquist explained that the 95-gallon cans in place today will be converted to recycle cans, and the contract provider will purchase 14,000 new 65-gallon cans for refuse. Mr. Jasper explained that the cans which the County can prove have been in use for 10 years belong to the County. However, some have been in use for less than 10 years and do not belong to the County. At the end of the 10-year contract, if they renew for the second five years, all the cans will belong to the County, and it will not matter in which year they were bought. He explained that the language is clear in the proposed contract that at the end of the 10 years, the cans will belong to the County. Council Member Hanrahan asked what would happen if the contract only goes for five years. Mr. Hamud replied that will be included in the contract, and the cost of the new cans will be prorated. All of the old cans will be owned by the County.

Mr. Jasper noted that this contract will not have an automatic five-year extension. Performance criteria will be included in the contract, and if they are met, there will be an extension. He noted that there were no penalties in the last contract if something were to happen and the trash was not picked up, but there will be penalties in this contract. One penalty will be the extension of the five-year agreement. Mr. Hamud noted that the contract calls for a quarterly audit of the system, which will be performed by Mr. Blonquist and his staff.

Council Member Robinson verified with Mr. Hamud that renewal of the contract would be at the County's discretion. He commented that, if it turns out that there are surplus cans, a percentage of them, if not all of them, should belong to the County. He asked if natural gas vehicles are addressed in the contract and whether the County would incur some of the savings Allied will enjoy by going from diesel fuel to natural gas. Mr. Hamud explained that Allied has indicated

that they will provide natural gas trucks. However, natural gas trucks are more expensive than diesel vehicles, and he doubted there would be a savings by switching from diesel to natural gas. Chair Ure explained that a natural gas truck costs significantly more than a diesel truck, and he did not believe they should mandate that Allied use natural gas trucks. He noted that natural gas trucks also weigh significantly more and will have a greater impact on the roads. He believed economics would have to drive that rather than government. Mr. Jasper explained that this would only be a portion of the County's desire to move toward natural gas vehicles. Questar has indicated that they would build a natural gas fueling station if the County commits over time to move towards natural gas. This is an opportunity, but they are a long way from making any requirements of the bid or decision making. The Council has talked about moving in that direction, and he wanted them to know there is an opportunity to do that here, but he did not believe they should make the decision based on natural gas trucks at this point. Council Member Robinson clarified that he thinks it is a great idea to look at, and he was trying to determine whether the prices in the low bid are irrespective of fuel type. If that is the case, he believed they should look at this as a catalyst to move toward migrating the County fleet to natural gas and get the fueling station built. Mr. Hamud confirmed that the Allied bid is irrespective of fuel type. Mr. Jasper explained that he would like to have further discussions with Allied regarding fuel type and word the contract in such a way that it gives them time to get it right or give Allied time to implement natural gas.

Council Member Robinson asked if the County is confident that the 96-gallon container is large enough so people will not dispose of recyclables in the refuse container because they may have maxed out the recyclable container. Mr. Jasper acknowledged that the process will not be flawless, and people will have the ability to buy additional cans. They are clearly setting out to encourage recycling. Mr. Hamud explained that they included weekly recycling collection in the bid as well, and the difference would be \$1.05 per household per month. However, the purpose of recycling is to promote conservation, and studies show the best conservation method is to collect recycling every other week. At this point, he would recommend biweekly collection. If someone wants a second recycling container, the cost would be \$1.10 per month.

Chair Ure asked about the process for getting the contract approved. Mr. Jasper replied that he would get the Council a draft of the contract in the coming week, and they hope to have an awarded, signed contract by the end of the month.

Council Member Robinson stated that he would like to see how the low bidder compares with the others on each section of the bid rather than just the total bid amount for each bidder.

Council Member Hanrahan asked what the increase would be under the new contract compared to the curbside recycling the County is doing now. Mr. Blonquist replied that they know the County serves almost 14,000 waste cans, and the idea is to serve that same number of recycle cans. For close to what the County currently pays to serve about 6,000 cans, they can serve about 14,000 cans, so the cost savings will be significant. Everyone who is served with a waste can will now have an opportunity to have curbside recycling. Council Member Hanrahan asked if they would still keep the neighborhood drop-off centers. Mr. Blonquist replied that they would keep them for remote areas. Mr. Jasper explained that there are still things that need to be worked on and education that needs to be done, and they have not covered every waste-related issue.

Council Member Robinson asked if they used the five-year numbers or ten-year numbers when calculating the savings. Mr. Blonquist replied that they used the five-year numbers. Council Member Robinson asked if the County would have to commit to ten years now in order to get the ten-year value. Mr. Jasper explained that they are proposing in the contract that, if Allied meets all the performance standards, they would have some comfort level of getting to ten years. If not, they would not. Council Member Robinson stated that is different from the answer he got when he asked if renewing the contract is at the County's sole discretion. Mr. Hamud explained that the RFP and contract indicate that there is an option to extend the contract for another five years. In meetings with Allied, there is some agreement that, with performance evaluations in the contract, Allied will honor five years and another five-year option at the discretion of the County. Council Member Robinson asked if that would be at the five-year price or the ten-year price. Mr. Hamud explained that during the contract negotiations they would resolve that.

Council Member Hanrahan commented that they seem to be realizing a significant savings with this RFP and suggested that they might want to stick to a shorter term contract, because there may be a similar opportunity in five years. It did not make sense to him to tie the County to a ten-year contract based on performance criteria. He believed the contractor should meet performance criteria anyway, and there could be a potential cost factor in five years, because the market may be completely different, like it is today. Mr. Jasper acknowledged that concern, but stated that it is a trade-off, because Allied will also be investing a lot of money into this contract and would like as long a term as possible. He explained that they have to negotiate something that works for both sides. The County will save a lot of money with this contract, and it is a much greener design. He acknowledged that some people will complain, and they will have to iron all of that out.

Council Member Ure requested another work session on the contract in two weeks so the Council would have more time to review it. Mr. Jasper noted that the elected officials should be setting policy, and he needs to consider what they are saying. He has to balance that with the fact that he is charged with signing the contract. He offered to have one or two more work sessions to answer questions and consider the Council's comments.

Council Member Hanrahan stated that he believed there was a consensus on the Council to pursue using natural gas, perhaps more than what was expressed in the contract, and he believed they might be able to give some guidance on that. Chair Ure stated that he is not opposed to natural gas, but he is against making decisions based on having limited knowledge. He noted that natural gas vehicles require a different kind of shop and a special bay. It is not just an issue of the truck, but also the facilities needed to work on natural gas trucks. He wanted to get all the information first so they can make a rational decision.

Council Member Robinson noted that he had been able to review the analysis while they have been talking, and he could see that Allied is lower in every category. He agreed that this is a great outcome, and it just needs further refinement. He stated that he was in favor of pursuing natural gas and stepping that up as much as they can.

REGULAR MEETING – (Continued)

PUBLIC INPUT

Chair Ure opened the public input.

Donna Dix, a Hoytsville resident, asked what could be done about the foul smell that has accumulated over the last week and has become unbearable. She stated that when her neighbors started to spread mink feces all over the fields, the smell has been so strong that she can practically taste it. She stated that it burns her sinuses and makes her throat sore. She was told there might not be anything she could do about it, but she did not believe she should have to be exposed to that. She did not believe that was any different from dumping her septic system all over the ground so everyone could smell it. Chair Ure acknowledged that Ms. Dix is right about the smell and was sorry for the inconvenience, but legally there is nothing the County can do. He stated that he has agreed to visit with the farmers to see what they might be able to do to not have such a big impact on people. Legally the State has given people the right to farm, and the material is being spread in a wise agricultural manner. He stated that he would talk to the farmers tomorrow or the next day to see what he can do to help them get along in the same community together. Ms. Dix stated that they have not had the smell for a couple of years, and she understood they had been storing the material on someone's land for the last two years, so it is not just normal fertilizer; but fermented, two-year-old feces that are potent and strong. Council Member Hanrahan suggested that Ms. Dix lobby her State legislator, Mel Brown, who is her neighbor. Council Member Elliott stated that they could do something if it is a public health, safety, and welfare concern. Council Member Hanrahan stated that he was not aware of any health ordinances that would trump the right to farm ordinances. Mr. Thomas replied that it would have to be a health hazard, which may be difficult to prove.

Chair Ure closed the public input.

PUBLIC HEARING AND POSSIBLE APPROVAL OF AMENDMENTS TO SECTION 10-8-2 OF THE SNYDERVILLE BASIN DEVELOPMENT CODE REGARDING SIGNS BY ADOPTION OF AN ORDINANCE #769; JENNIFER STRADER, COUNTY PLANNER

County Planner Jennifer Strader presented the staff report and noted that a public hearing was held March 7, and the Council requested that Staff return with additional options for consideration, specifically regarding temporary sign requirements. She explained that, in an attempt to be content neutral, they tried to group temporary signs into one category, which did not make a lot of sense. After being asked to look at other options, she reviewed Sandy City's sign code that was recently amended and felt she could adapt the framework from that sign code to fit Summit County's needs. The previous categories divided temporary signs into residential and non-residential uses of the property, with the intent of making sure that the same types of signs allowed on residential lots would also be allowed on non-residential lots, such as campaign and real estate signs. That limited the ability to manage the time limits or types and sizes of the signs. Based on Sandy City's language, she is now proposing that they separate temporary signs into categories based on the specific use of the parcels. One change was to include a category for non-commercial opinion signs, which would cover campaign signs and other types of non-commercial signs, and allow for both residential and non-residential parcels. These signs would

be allowed without a permit and have size limits based on whether the parcel is residential or non-residential. On a residential parcel, nine square feet of sign area would be allowed with a maximum of three feet in height, which would allow for three typical campaign signs. On non-residential parcels, six square feet of sign area would be allowed, three feet in height, which would allow for two campaign signs. They also propose categories for signs located on properties subject to development or construction and properties subject to sale, lease, or rent, which would allow them to still have development, leasing, sales, and rental signs. Properties subject to development or construction would be required to have an approved development permit or approved subdivision plat and would be allowed one sign per street frontage up to a maximum of 20 square feet in size. The signs would have to be removed within one year after the final building permit for the development is issued. This would replace what was referred to as a Class III temporary sign in the previous language. Properties subject to sale, lease, or rent, would be allowed specific types of signs that would be allowed during the duration of time the property is for sale or rent. Although they would not limit the sign content, they would put more parameters on the types of signs. Planner Strader explained that they are also proposing a provision for temporary signs for non-residential uses for grand openings, special sales, hiring signs, etc. One sign would be allowed for each non-residential use up to a maximum of 20 square feet in size. They could be displayed up to four times a year for seven days and would require a permit so the County could regulate the time frame and size. This would replace the Class II provisions previously proposed. Staff feels this language would meet the goal of content neutrality while maintaining the integrity of the sign code and overall appearance of the Snyderville Basin. Staff recommended that the Council conduct a public hearing and approve Exhibit B in the staff report.

Chair Ure opened the public hearing.

Randy Carr stated that he recently moved here from California and will be establishing an after-school math and reading program called Kumon next to the post office. He provided information about the Kumon program and explained that they have standard franchise signage with standard sizes. Due to the restrictive nature of signage in Summit County, the signs allowed in other locations would not be allowed in Summit County. He requested that the Council become more lenient on the nature of signage in the County. He understood that current signage is 1 square foot of signage for every 4 linear feet and that they are considering a more lenient measure. Given what other cities do, he believed it would make sense and asked that the Council give thoughtful consideration to that. Council Member McMullin asked if the newly proposed language of 1 square foot of signage for every 3 linear feet and a minimum of 10 square feet would meet what Mr. Carr needs for his sign. Mr. Carr replied that it would. Council Member Hanrahan asked if the banner on the school bus is allowed. Mr. Carr replied that it is not, and he was not aware of that and has removed it. He encouraged the Council to look at a business such as his and think about what the signage does to send a message to parents about supporting an educational enterprise. Council Member Hanrahan explained that the issue they have been dealing with is that the sign ordinance must be content neutral. They could think the world of Kumon and educating children, but they cannot treat that kind of sign any differently than any other business. He explained that the County is currently out of compliance with that and is trying to address it.

Bill Perry, representing the property owners at Quarry Village, stated that he received a telephone call from someone saying he was the compliance officer for the County on signage.

He asked if the intent of the meeting was to provide input on the new County guidelines and how that would affect comprehensive sign plans. Council Member McMullin explained that the new guidelines are meant to be more lenient than the old ones. If a development has a comprehensive sign plan that is more restrictive than the new lenient rules, they could choose to use the new lenient rules. Some comprehensive sign plans are more lenient than others, and some would still be more lenient than the new sign code. Mr. Perry asked if the new rules have been published. Council Member McMullin explained that they are considering them tonight and will decide whether to adopt them. Council Member Elliott explained that they have been talking about the sign code amendments for months, and the packet is online. Council Member Hanrahan requested that, Planner Strader provide a summary of how this ordinance would change the signage in the Snyderville Basin after the public input.

Chair Ure opened the public hearing.

Troy Evans with Arby's Restaurant stated that they displayed banners in the past and were required to take them down. He explained that they have been bumped from the main road off of Landmark, and all the traffic that used to go past their restaurant now does not. They have been told that they cannot even put up a landmark sign showing the location of their restaurant. He stated that they are struggling. Their revenues are down between \$200,000 and \$300,000 since the road changed, and it has hurt their business. He stated that anything that could improve their signage would help them and help keep them in the area. Council Member McMullin asked if anything in the new ordinance would help. Mr. Evans stated that more window banners or outdoor banners would help, and anything that would attract attention to their location would help. He stated that it would be helpful if they could have a monument sign pointing to their location. Planner Strader explained that the proposed language does not refer to directional signage, because the Code does not allow off-premise signs. However, the Engineering Department has been working on some directional signage as part of the transportation master plan. Council Member McMullin asked how many businesses were affected by re-routing the road. Mr. Evans replied that it has hurt Arby's more drastically than any of the other businesses. He stated that if there is something they could do to let people know Arby's is in that location, it would be very helpful. Chair Ure suggested that Mr. Evans talk to Kent Wilkerson and discuss his concerns. Council Member McMullin suggested that Mr. Evans might also want to explore applying for a special exception.

Jeff Packard, owner of Park City Signs, stated that he has been in business in Summit County for 32 years and has dealt with the County and Park City during those 32 years. For the most part, he has found that the existing criteria are onerous. Most of his customers are outraged at the small amount of signage they are allowed depending on the size of their unit. A building that has 28 lineal feet is allowed only 7 square feet of sign, which is only about 2 x 3 square feet, which is very small. He noted that a real estate blank is 3 square feet, 18 x 24 inches, and 7 square feet can hardly be considered an identification sign or pedestrian-oriented sign, much less a vehicular sign. People simply cannot read it. He stated that Park City Municipal's code states that no sign can exceed 36 square feet, which is four times the amount of signage Summit County allows. He stated that he is working with clients now who are complaining because no one will be able to see their sign. He stated that he has dealt with the City and County planners for 30 years and has asked how it was determined that 1:4 was appropriate for all locations, and he has never received an answer. He stated that he heard tonight for the first time that it might become 1:3, which means the sign for 28 lineal feet of frontage would not be 9 square feet, which is still very small,

only 3 x 3. As a sign person, he stated that it is a nightmare, because his clients are not allowed to present an identification for their business because of the restrictions on size alone. When the County goes from not allowing a grand opening banner to putting up a sign that is so small that no one can see it unless they are walking underneath it, it does not do much to allow a business to advertise what they are doing and what their new business is. If they were to change the sign code to allow 1 square foot of signage for 2 lineal feet of frontage, a business with 28 lineal feet of frontage could have a 14-square-foot sign, which is 3 x 4.5. He stated that Main Street in Park City allows up to 12 square feet of hanging signage for each façade and up to a total of 36 square feet of frontage on each building. He believed that was more appropriate, because then both vehicular and pedestrian signage would be appropriate for the frontage and the logo and sign copy. He petitioned the Council to consider what businesses are trying to portray and the identification they are trying to establish and give a chance for someone driving through a parking lot to realize what business is in a specific space. He stated that he is not trying to sell people big signs or neon or backlit signs, he just wants to be able to sell his customers a sign that is big enough for the public to be able to identify who they are. He asked the County to get away from the concept of 1 square foot of signage per 2 or 3 or 4 lineal feet of frontage and make it reasonable so people can see what the business is trying to identify. Right now the Summit County Code is prohibitive and does not encourage new businesses but discourages new businesses.

Mr. Carr stated that he did some calculations, and of the 12 standard signs Kumon uses, none of them would qualify under the existing Code. Under the proposed Code, only 2 of the 12 would qualify. Even with the changes, the proposed signage is small and prohibitive.

Jennie Towrey, manager of Sticks and Stones and Pebbles and Twigs, stated that Sticks and Stones has been located in the Summit Center for almost 10 years, but because of the signage, people still come in who did not know they were there. They are trying to do everything they can but are having a hard time with the signage issue and the fact that they cannot use their windows to help people know they are there. She stated that they have been in Quarry Village for a year and have the same problem there. She stated that they would like to help the community if they could get a little more help, and the better they do, the more tax dollars they will bring to the County. She asked the Council to look at the signage criteria and consider that everyone is trying to provide a good business and bring great things to the community. She would like to work within the guidelines but hoped some equality would be brought to that. She noted that some stores can have signage in every window, but others are not allowed anything, and she hoped some equality would be brought to the process.

Jennifer Brassey, owner of elume Distinctive Lighting in Quarry Village, stated that she wanted to be sure the Council does not think they want 36 square feet in one giant sign. They have a blade sign and a sign on the front of their building, but people on the other side of the building have no idea where they are. When people come off the freeway, they do not know they are there, because they cannot have a sign on the back of the building since it would exceed the signage requirement. She believed with 36 square feet they could do what they need to and still be very conservative and tasteful.

Mike Allred stated that he could not emphasize enough what Mr. Packard has said. He stated that they do not want to be West Valley or Orem, but people in this community do not know the businesses exist, even though some of them have been here for years. He stated that John Mecham told him before he went out of business that people did not even know he sold cars, because he had no signage and limited display. Mr. Allred emphasized that the County needs a sign ordinance that is not punitive toward business, and the County needs to support business in the County. He recalled that Mr. Jasper held an economic development summit when he first came into the County, and his intention was to stimulate economic development. The overwhelming discussion at that time was about signage and the need to give businesses an opportunity to identify themselves, not just for the business's sake, but because the people in the County who want these services want to be able to find the businesses. They want to identify them and bring their business to Summit County rather than going to Salt Lake or elsewhere. He implored the Council to pass a sign ordinance that invites business into the community, not rejects business and tells them they do not want them identified in the community. He stated that he has lost tenants in the Summit Center who have gone to other places because they could not get signage in Summit County. They were encouraged and welcomed in other communities, so they went there. He reiterated that they need an ordinance that makes sense and will give business a fair opportunity to identify themselves to the public. He stated that his business was injured when the transportation impact fee was enacted, and he had done all of his financing and lease agreements before that went into effect. He is planning improvements to the Summit Center according to a letter he received in November 2010, and he wanted to be sure the new ordinance would not interrupt what he was told he could do. He explained that he has ordered a flagpole they have been wanting to put up for a couple of years, and it will be ready to go in this spring. The letter says there are no size or height limitations listed in the Code, and he accepted that and made plans accordingly. He wanted to be sure he does not install a flagpole and find out that the County will not approve it now. Council Member Robinson stated that he believed it would be false to say that a 2010 letter could be grandfathered. If the flagpole had already been installed, that might be true, but he believed Mr. Allred could not rely on the letter but must rely on the law at the time he puts the flagpole in. Mr. Allred stated that his flagpole would be 50 feet tall, which is exactly what was there before they did their redevelopment, and he has a letter saying he could do that. He made plans according to the information he received, and when he has purchase orders in place and then the County changes the Code, he cannot go backwards and change that. That is what happened with the transportation impact fees. Mr. Thomas explained that the letter does not vest if there is no application submitted. Otherwise, any letter that goes out would tie the legislative body's hands forever, and the recipient must act within a reasonable amount of time. Council Member Elliott suggested that Mr. Allred address this issue with the Planning Department.

Karen Doust stated that she supports Mr. Allred being able to fly the flag. She suggested that they consider the fact that his center sits below I-80, and a 28-foot height would be below grade level given the height of I-80. She believed a 50-foot pole would be more presentable from I-80. She stated that she supports the other comments about signs, and part of the reason people do banners is that they need to grab people's attention, because the signs they can put on the buildings are too small. That is why people put things in their yards and hang banners. She believed they should make the signs appropriate and pleasing so people can drive by and see them. She believed eliminating yard signs and banners requires that they consider the sign size to begin with. She proposed that, instead of allowing banners for seven days, they allow ten days so a banner can be put up on a weekend and taken down after the end of the next weekend,

which would allow people to know ahead of time what is going on and have it happen the next weekend.

Mr. Carr commented that he believed a standard of 28 feet for a flagpole was wrong. He stated that when he drives down Redwood Road, there are many flagpoles that are higher than 28 feet, and he believed it was false to say that is a standard height.

Travis Burke stated that he works at the Fresh Market in Quarry Village, and he would like to see whatever adjustment is made to the sign program be in scale to the building. He has a 30-square-foot sign on his building, but his building is 52,000 square feet, so it is still hard to see his sign. He stated that when he came from Salt Lake his first day, he drove right past his new store he was supposed to operate because he could not see the sign on the building. In comparison, the signs on other Fresh Market stores are 300 square feet.

Chair Ure closed the public hearing.

Council Member Hanrahan commented that it is clear that the existing Code does not work for the people who spoke, and that is why they are changing it. It was not clear to him whether the proposed changes are still inadequate or whether they will be acceptable now that they are expanding the amount of signage that is allowed. He wanted to know more specifically whether what is proposed is adequate or not. He asked if those who spoke were aware that a lot of expansion in signage is proposed and whether that would meet their needs.

Mr. Packard stated that expanding from 1 square foot per 4 lineal feet to 1 square foot per 3 lineal feet is still not enough. If the County were to allow a blade sign or two-sided hanging sign and a façade sign, the total would still only be 9 square feet.

Council Member Robinson suggested that those who have given input review the proposed ordinance and propose concrete changes. He expressed frustration that this has been to the Planning Commission and many public hearings, and none of these people have been here to give input. The Council thought the proposed changes were acceptable, and all of a sudden tonight they realize that might not be the case. He requested that people give the proposed changes a critical look and propose real language changes that tell them what it ought to be. Mr. Packard claimed that he has never heard about the sign changes until he heard from one of his customers today. Council Member McMullin noted that the public notices have been in the newspaper for a year. Mr. Packard stated that he deals with the County Planning Department on a monthly basis, and they have gone round and round about the amount of square footage. If he had been aware of these meetings, he would have been here. He stated that he has always just been told that Staff is working on it.

Council Member Robinson made a motion to table the amendments to the sign ordinance and allow the public to meet with Staff to provide concrete feedback about how to change the ordinance and suggest specific, substantive language. The motion was seconded by Council Member Hanrahan.

Council Member McMullin asked if people had come to the Planning Commission to give input and whether the language the Council is seeing today is a compromise between the business owners and those who proposed more restrictive language. She wanted to know whether these issues had been vetted by the Planning Commission and whether this language represents the compromise. Planner Strader replied that was not the case.

Council Member Elliott stated that Staff has spent way too much time on this, and she has spent too much time on it, and she would like the public to go out in the hall and exchange phone numbers, sit down and go through the Code, and come back to Staff to tell them what they would like to see. She believed the changes might be sufficient that they would have to go back to the Planning Commission, because they have not seen or heard from the public. Planner Strader stated that she would like the input from the public, because they have not heard from them and do not know what they need. Council Member Robinson commented that they could remand it back to the Planning Commission and spend another six months on it, but he did not believe they need to do that. Council Member Hanrahan agreed and commented that they started this process three years ago. He refused to remand it back to the Planning Commission and stated that they will ultimately make the decision and should just do what has been proposed.

Council Member Robinson amended his motion to include holding another public hearing after receiving feedback from the public and a new redline of the ordinance. Council Member Hanrahan accepted the amendment in his second. The motion passed unanimously, 5 to 0.

Chair Ure asked that those who have provided input meet together and develop their central thoughts and focus before meeting with Staff. He did not want a lot of individuals continually calling Staff with their individual ideas. He also did not want them to blow things out of proportion and asked them to use common sense and be reasonable. Council Member McMullin asked that they not ask for the moon and the stars, because they do not want the Snyderville Basin to look like Redwood Road. They have intentionally had a very restrictive Code for a very long time for a very good reason, because that is what the community wanted. She agreed that the Code is too restrictive, but they need to ease into the changes and find the proper balance between businesses' greatest desires and the current Code. She stated that they want their community to be beautiful, not littered with garbage that is unnecessary or unnecessarily large.

Council Member Robinson requested that Planner Strader e-mail the document to the participants in tonight's meeting and that the public get together and come back with a redline to her of how they would like it to read.

Council Member Hanrahan noted that the Council did not respond to the changes in the temporary sign language, and he believed Staff had done a phenomenal job with that and addressed their concerns. He stated that he was nervous about allowing three flagpoles that can include anything and suggested that Staff use their creativity to say that a U.S. flag and State flag are all right, but he did not want to see three commercial flags.

The County Council meeting adjourned at 7:50 p.m.

Council Chair, David Ure

County Clerk, Kent Jones

MINUTES

SUMMIT COUNTY BOARD OF COUNTY COUNCIL WEDNESDAY, APRIL 25, 2012 COUNTY COURTHOUSE COALVILLE, UTAH

PRESENT:

David Ure, *Council Chair*
Claudia McMullin, *Council Vice Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*

Robert Jasper, *Manager*
Dave Thomas, *Deputy Attorney*
Kent Jones, *Clerk*
Annette Singleton, *Office Manager*
Karen McLaws, *Secretary*

CLOSED SESSION

Council Member McMullin made a motion to convene in closed session for the purpose of discussing property acquisition. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 3:50 p.m. to 4:05 p.m. to discuss property acquisition. Those in attendance were:

David Ure, *Council Chair*
Claudia McMullin, *Council Vice Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*

Robert Jasper, *Manager*
Dave Thomas, *Deputy Attorney*
Annette Singleton, *Office Manager*

Council Member Elliott made a motion to dismiss from closed session to discuss property acquisition and to convene in closed session to discuss litigation. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

The Summit County Council met in closed session from 4:05 p.m. to 4:30 p.m. to discuss litigation. Those in attendance were:

David Ure, *Council Chair*
Claudia McMullin, *Council Vice Chair*
Sally Elliott, *Council Member*
John Hanrahan, *Council Member*

Robert Jasper, *Manager*
Dave Thomas, *Deputy Attorney*
Annette Singleton, *Office Manager*

Council Member Hanrahan made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0.

WORK SESSION

- **Discussion with County's Lobbyist, Des Barker**

Des Barker stated that, at the beginning of the legislative session, it was thought that there would be a problem with the film studio, but the County helped solve that problem with the settlements they made. He also believed the TDR issue was handled well, and along with the way other issues were handled, it appears that Senator Niederhauser is thinking more positively toward Summit County. Mr. Barker commented that there have been a number of misperceptions about Summit County, and a number of them have been turned around. He noted that the billboard bill was pulled at the very end of the session. He commented that the incorporation of cities bill did not turn out as badly as it could have. The original draft would have made it very easy for cities and towns to incorporate, and the final draft made it slightly easier to get an incorporation proposal on the ballot. County Manager Bob Jasper commented that the concern about the initial bill was that it would have eliminated the feasibility study.

Mr. Barker discussed how to work effectively during the interim and prepare for the next legislative session. He suggested deepening his relationship with UAC and finding out from the County where UAC is going with its legislative initiatives. He anticipated that the Taxpayers Association and Restaurant Association would make another push on the restaurant tax, and he would work proactively with UAC to see how that comes forward. He would also work on some issues with Senator Niederhauser and discuss that with him as well. He would also work with Staff to be sure he is up to speed with the issues the Council sees coming forward and get enough depth and background on those issues to try to redirect things before a bill is presented. He commented that it would be interesting to see how sales tax dollars from tourists coming into Summit County reduce the tax burden on residents.

- **Discussion and review of contract for Summit County Solid Waste and Recycling Collection; Cliff Blonquist, Solid Waste Administrator**

Mr. Jasper commented that this represents a significant change in how the County provides trash collection, and the County and Allied will do everything possible to advertise and promote it. One policy issue that still needs to be determined is what is residential and what is commercial. He noted that other bidders have commented that the bid was a good one and that it was fair and one of the best bids they have seen.

Cliff Blonquist, Solid Waste Administrator, explained that they will make the determination regarding commercial versus residential before finalizing the contract. He noted that he will have the ability to review the service and make adjustments each quarter.

Chair Ure encouraged the Manager not to sign the contract until Council Member Robinson has had an opportunity to review it. Chair Ure stated that he has not had a chance to review the contract, and he would like to study it for a week and ask some questions.

Council Member Elliott stated that she has heard from people that once every two weeks for the recycling bin will not work for them. She has asked them to give it a try to see how it works, and if it does not, they would have the option of buying another bin. Mr. Blonquist explained that they will have a display on County Services Day so people can see what the cans will look like and what will be allowed in the recycle cans. They will also put together a flyer to go in the

City's monthly billings. Council Member McMullin suggested that they have a booth at the Park Silly Sunday Market in June.

Council Member Hanrahan requested that they review the numbers. Mr. Blonquist recalled that when the Council approved the budget, it was anticipated that the recycling contract would end in June 2012, so they cut out the second half of the recycling budget. Council Member Hanrahan asked if curbside recycling would be offered everywhere in the County and if they would determine areas that should be drop-off sites. Council Member Elliott explained those areas are already determined, and they will have the large recycle bins. Mr. Blonquist clarified that they will be servicing those homes that currently have curbside waste service, and those homes will now have curbside service for recycling. The remote areas will be dealt with differently.

Mr. Jasper commented that he would like some flexibility in working with the City and may need a small amount of additional money to accommodate that. He wanted to work closely with Allied to be sure they meet the special needs in Old Town rather than just waste money.

Council Member Hanrahan asked about the use of natural gas. Mr. Blonquist explained that Allied has committed to convert all of its major vehicles in Summit County to natural gas when the County is ready to provide an opportunity for a natural gas station. Council Member Hanrahan asked about converting the County's fleet to natural gas. Mr. Jasper explained that the specifics have not yet been worked out, and it will take some time to convert things over and get a natural gas filling station. Council Member Hanrahan stated that he wanted that spelled out in the contract. The representative from Allied reported that their company is committed to CNG, and about 70% of the equipment they purchase this year will be CNG. When the filling station is ready, they can replace existing trucks with CNG trucks, but the County is not ready for that yet.

Mr. Jasper clarified that the Council does not approve the contract; they approve the budget, and the Manager signs the contract. He has asked the Council to get involved in the policy decisions, but it is time to move forward with the contract. Issa Hamud, the County's solid waste consultant, noted that Council Member Robinson has reviewed the contract and the RFP. There is now some urgency to get this done quickly, because they are running out of time for Allied to order cans, prepare an implementation plan, address household hazardous waste program, and get everything ready for July 1, which all has to be done after the contract has been substantially approved. He recalled that they came back to the Council at the Council's request, and he suggested that the contract can still be approved without substantial changes. If some things still need to be addressed, they can do that, but the contract gives them the ability to move forward. Mr. Jasper commented that, if anyone wants anything tweaked, he would consider it.

Mr. Jasper commented that there is still a lot of work to do, particularly on the landfill, and Mr. Hamud will continue to work with the County on those issues.

Council Member Elliott commented that she would like to see them start to work on how to deal with the green waste issue.

CONVENE AS THE BOARD OF EQUALIZATION

Council Member Hanrahan made a motion to dismiss as the Summit County Council and to convene as the Summit County Board of Equalization. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

The meeting of the Summit County Board of Equalization was called to order at 5:45 p.m.

DISCUSSION AND CONSIDERATION OF MOUNTAINLANDS COMMUNITY HOUSING TRUST'S REQUEST FOR A PROPERTY TAX EXEMPTION

Scott Loomis explained that Mountainlands Community Housing Trust is applying for a property tax exemption from real property taxes for Washington Mill Apartments in Park City. He recalled that this was a tax credit property developed more than 15 years ago that was conveyed to Mountainlands in December 2011. Mountainlands is using the property for low-income rentals. There are four two-bedroom duplex units which rent for about \$675 per month, which is substantially under the market of approximately \$1,200. He explained that there will be no subsidy by any other entity, and the tax exemption will allow Mountainlands to create a reserve for maintenance and repairs for the 16 units. He was not aware of any other apartment units that would go to a non-profit in the next 5-10 years.

Chair Ure asked if the exemption would be for one year or for the life of the apartments. County Assessor Steve Martin confirmed that the exemption would be for the life of the apartments.

Mr. Martin explained that he brought this item to the Board because they did not approve any findings of fact when they gave an exemption to the Meadow View Apartments. There was some discussion after that decision that caused him to wonder whether he should exempt everything Mountainlands owns or would purchase in the future.

Board Member Elliott stated that it has always been her intention that all affordable housing owned for the benefit of the community by a 501(c)3 organization in the business of providing affordable housing should be tax exempt. When they acquire land for future construction of affordable units, either for sale or for rent, those properties should not be taxed until the future ownership is determined. Council Member Hanrahan concurred and confirmed with Deputy County Attorney Dave Thomas that this would be considered a charitable purpose by a qualified organization.

Board Member Elliott made a motion to approve Mountainlands Community Housing Trust's request for a property tax exemption for the Washington Mill Apartments as outlined in the packet. The motion was seconded by Board Member McMullin and passed unanimously, 4 to 0.

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

Board Member Elliott made a motion to dismiss as the Summit County Board of Equalization and to reconvene as the Summit County Council. The motion was seconded by Board Member McMullin and passed unanimously, 4 to 0.

The meeting of the Summit County Board of Equalization adjourned at 6:05 p.m.

REGULAR MEETING

Chair Ure called the regular meeting to order at 6:05 p.m.

- **Pledge of Allegiance**

PUBLIC INPUT

Chair Ure opened the public input.

There was no public input.

Chair Ure closed the public input.

**ADVICE AND CONSENT OF COUNTY MANAGER TO APPOINT MEMBERS TO
FILL VACANCIES ON THE EASTERN SUMMIT COUNTY AGRICULTURE
PRESERVATION AND OPEN SPACE ADVISORY COMMITTEE (ESAP)**

Council Member Elliott made a motion to consent to the County Manager’s recommendation to appoint Alton Frazier, to reappoint Lorin Fawcett as recommended by the Farm Bureau, and to reappoint Mike Smith, Kerry Pace, and Jeff Young to the Eastern Summit County Agriculture Preservation and Open Space Advisory Committee, with terms to expire February 28, 2015. The motion was seconded by Council Member Hanrahan and passed unanimously, 4 to 0.

**CONSIDERATION AND POSSIBLE AMENDMENTS TO SUMMIT COUNTY CODE
TITLE 3, CHAPTER 3B, TOURISM, RECREATION, CULTURAL AND CONVENTION
TAX BY ADOPTION OF ORDINANCE #770; DAVE THOMAS, CHIEF CIVIL
ATTORNEY**

Council Member Elliott made a motion to approve the proposed amendments to the Summit County Code, Title 3, Chapter 3B, Tourism, Recreation, Cultural and Convention Tax by adoption of Ordinance #770. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0.

MANAGER’S COMMENTS

There were no Manager’s comments.

COUNCIL COMMENTS

Council Member McMullin provided a brief recap of the meeting with Wasatch County on April 24.

Council Member Elliott reported that the Utah Intergovernmental Round Table will hold its seminar in September in Park City.

The County Council meeting adjourned at 6:10 p.m.

Council Chair, David Ure

County Clerk, Kent Jones

Coalville, Utah

May 9, 2012

A regular meeting of the County Council of Summit County, Utah (the "Council"), acting as governing body of the Mountain Regional Water Special Service District, Summit County, Utah (the "Issuer") was held on Wednesday, May 9, 2012, at the hour of 3:30 p.m. at its regular meeting place, at which meeting there were present and answering roll call the following members who constituted a quorum:

David Ure	Chair
Claudia McMullin	Vice Chair
John Hanrahan	Councilmember
Sally Elliott	Councilmember
Christopher Robinson	Councilmember

Also present:

Kent Jones	County Clerk
Bob Jasper	County Manager

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the County Clerk presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this May 9, 2012, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following resolution was introduced in written form, discussed in full, and pursuant to motion made by Councilmember _____ by seconded by Councilmember _____ adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Chair in open meeting and recorded by the County Clerk in the official records of the Summit County, Utah. The resolution is as follows:

RESOLUTION NO. _____

A RESOLUTION OF THE COUNTY COUNCIL OF SUMMIT COUNTY, UTAH, ACTING AS THE GOVERNING BODY OF THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT OF SUMMIT COUNTY, UTAH, FINALIZING THE TERMS AND CONDITIONS OF THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,278,000 AGGREGATE PRINCIPAL AMOUNT OF ITS WATER REVENUE BONDS, SERIES 2011B; CONFIRMING THE SALE OF SAID SERIES 2011B BONDS; AUTHORIZING THE EXECUTION BY THE ISSUER OF A TENTH SUPPLEMENTAL INDENTURE, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Issuer desires to issue its Water Revenue Bonds, Series 2011B in the aggregate principal amount of not to exceed \$1,278,000 (the “Series 2011B Bonds”) pursuant to this Authorizing Resolution (the “Authorizing Resolution”), the General Indenture of Trust dated as of June 1, 2001, by and between the Issuer and Wells Fargo Bank, N.A., as trustee, as heretofore supplemented and amended, and a Tenth Supplemental Indenture of Trust by and between the Issuer and said trustee to be entered into at the time of issuance of the Series 2011B Bonds, in substantially the form attached hereto as Exhibit B (the “Tenth Supplemental Indenture”) to finance the costs of (a) acquisition, construction, and installation of a new SCADA system and a skid-mounted pretreatment unit and chlorinator at the Signal Hill treatment Plant (the “2011B Project”), and (b) issuance of the Series 2011B Bonds; and

WHEREAS, the Issuer hereby authorizes and approves the delivery of the Series 2011B Bonds to the Utah Department of Environmental Quality, Drinking Water Board (the “Drinking Water Board”) for the purchase price of not more than One Million Two Hundred Seventy-Eight Thousand Dollars (\$1,278,000) aggregate principal amount of its Taxable Water Revenue Bonds, Series 2011B (the “Series 2011B Bonds”) to bear no interest per annum, to mature in not more than twenty-five (25) years from their date or dates, and to be sold at a price not less than one hundred percent (100%) of the total principal amount thereof; and

WHEREAS, the Series 2011B Bonds shall be payable solely from the Net Revenues (as defined in the General Indenture) and other moneys pledged therefor in the General Indenture and the Tenth Supplemental Indenture (collectively, the “Indenture”), and shall not constitute or give rise to a general obligation or liability of the Issuer or constitute a charge against its general credit or taxing powers:

NOW THEREFORE, IT IS HEREBY RESOLVED by the County Council of Summit County, Utah, as follows:

Section 1. The terms defined or described in the recitals hereto shall have the same meanings when used in the body of this Authorizing Resolution.

Section 2. All actions heretofore taken (not inconsistent with the provisions of this Authorizing Resolution), by the Council and by the officers of the Issuer directed toward the issuance and sale of the Series 2011B Bonds, are hereby ratified, approved, and confirmed.

Section 3. The Tenth Supplemental Indenture in the form presented to this meeting and attached hereto as Exhibit B is in all respects hereby authorized, approved, and confirmed. The Chair and County Clerk are hereby authorized and directed to execute and deliver the Tenth Supplemental Indenture in the form and with the substantially the same content as set forth in Exhibit B for and on behalf of the Issuer.

Section 4. For the purposes of (a) paying the costs of the 2011B Project and (b) paying the costs of issuance of the Series 2011B Bonds, the Issuer hereby authorizes the issuance of the Series 2011B Bonds in the aggregate principal amount for the purchase price of not more than One Million Two Hundred Seventy-Eight Thousand Dollars (\$1,278,000) aggregate principal amount which shall be designated “Mountain Regional Water Special Service District, Summit County, Utah Water Revenue Bonds, Series 2011B.”

The Series 2011B Bonds shall bear no interest per annum, shall be dated, shall be issued as fully registered Series 2011B Bonds, and shall mature, all as provided in the Tenth Supplemental Indenture.

Section 5. The form, terms, and provisions of the Series 2011B Bonds and the provisions for the signatures, authentication, registration, transfer, exchange, redemption, and number shall be as set forth in the Tenth Supplemental Indenture. The Chair and County Clerk are hereby authorized and directed to execute and seal the Series 2011B Bonds and to deliver said Series 2011B Bonds to the Registrar (as defined in the General Indenture) for authentication. The signatures of the Chair and the County Clerk may be by facsimile or manual execution.

Section 6. The appropriate officials of the Issuer are hereby authorized and directed to execute and deliver to the Registrar (as defined in the General Indenture) the written order of the Issuer for authentication and delivery of the Series 2011B Bonds in accordance with the provisions of the Tenth Supplemental Indenture.

Section 7. Upon their issuance, the Series 2011B Bonds will constitute special limited obligations of the Issuer payable solely from and to the extent of the sources set forth in the Series 2011B Bonds and the Indenture. No provision of this Authorizing Resolution, the Indenture, the Series 2011B Bonds, or any other instrument, shall be construed as creating a general obligation of the Issuer, or of creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Issuer or its taxing powers.

Section 8. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents, and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Authorizing Resolution and the documents authorized and approved herein.

Section 9. After the Series 2011B Bonds are delivered to the Drinking Water Board and upon receipt of the initial incremental advance on the Series 2011B Bonds, this authorizing resolution shall be and remain irrevocable until the Series 2011B Bonds are deemed to have been duly discharged in accordance with the terms and provisions of this Authorizing Resolution.

Section 10. The form of Tenth Supplemental Indenture authorized and approved hereby is authorized and approved with such additions, modifications, deletions, and changes thereto as may be deemed necessary or appropriate and approved by the Chair, whose execution thereof on behalf of the Issuer shall conclusively establish such necessity, appropriateness, and approval with respect to all such additions, modifications, deletions, and changes incorporated therein.

Section 11. In accordance with the provisions of the Act and the Parameters Resolution, a “Notice of Public Hearing and Bonds to be Issued” was published November 9 and 16, 2011, the publication being not less than fourteen (14) days prior to the Hearing, in the Park Record, a newspaper having general circulation in the Issuer, and has caused a copy of the Resolution (and all exhibits thereto) to be kept on file in the office of the County Clerk for public examination during regular business hours at least thirty (30) days from and after the date of publication thereof.

Section 12. It is hereby declared that all parts of this Authorizing Resolution are severable, and if any section, clause, or provision of this Authorizing Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause, or provision shall not affect the remaining sections, clauses, or provisions of this authorizing resolution.

Section 13. All resolutions, orders, and regulations, or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation, or part thereof heretofore repealed.

Section 14. This Authorizing Resolution shall take effect immediately upon its approval and adoption.

PASSED, APPROVED, AND ADOPTED this May 9, 2012.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
County Clerk

(Here follows business not pertinent to the above.)

Pursuant to motion duly made and seconded, the Council of County Councilmembers adjourned.

(SEAL)

By: _____
Chair

ATTEST:

By: _____
County Clerk

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

I, Kent Jones, the duly appointed and qualified County Clerk of Summit County, Utah, do hereby certify according to the records of said County in my official possession that the foregoing constitutes a true and correct excerpt of the proceedings of the meeting of the County Council held on May 9, 2012, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on May 9, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of Summit County, Utah, this May 9, 2012.

(SEAL)

By: _____
County Clerk

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Kent Jones, the undersigned County Clerk of Summit County, Utah (the "County"), do hereby certify, according to the records of the County 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 May 9, 2012, public meeting held by the County as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, posted at the County's principal offices on _____, 2012, 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; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Park Record on _____, 2012, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2012 Annual Meeting Schedule for the County (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the County Council to be held during the year, by causing said Notice to be posted on _____, 2012, at the principal office of the County Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the County on _____, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this May 9, 2012.

(SEAL)

By: _____
County Clerk

SCHEDULE 1
NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING

EXHIBIT B

TENTH SUPPLEMENTAL INDENTURE

(See Transcript Document No. __)