

**Park City Fire Service District Administrative Control Board
Interview Schedule**

Wednesday, November 14, 2012
Richins Building
3 vacancies; 10 interviews

12:30 PM	Brad Lyle
12:40 PM	Michael Wong
12:50 PM	Jennifer Clarke
1:00 PM	Dianne Walker (reapplying)
1:10 PM	Amy Roberts
1:20 PM	Jay Dyal
1:30 PM	Mick Savage - phone interview 858-414-9781 (in Hawaii)
1:40 PM	Wade Rockwood
1:50 PM	Christina Miller
2:00 PM	Craig Matthew



Staff Report

To: Summit County Council
Report Date: November 8, 2012
Meeting Date: November 14, 2012
From: Stephanie Dolmat-Connell, Energy Programs Coordinator, Bob Swenson, Environmental Health Director, and Lieutenant Nick Wilkinson, Patrol Division, Summit County Sheriff
Project Name: **Proposed Anti-Idling Ordinance**
Type of Item: Work Session
Future Action: Potential public hearing for ordinance

EXECUTIVE SUMMARY

In response to a successful County Idle-Free Resolution as well as direction from Council to pursue an ordinance, the County Health Department, Sustainability Staff, and the Sheriff's Department have partnered to propose a County-wide anti-idling ordinance. Staff has partnered cross-departmentally to identify procedures in order to ensure that this educational ordinance will be effective for the County and its residents. Staff recommends that Council review the draft ordinance and its accompanying procedures, make comments, and schedule a public hearing for the ordinance.

BACKGROUND

In May 2011, the County passed an Idle-Free Resolution with signs, educational brochures, and public outreach that encouraged County citizens and tourists to limit vehicle idling and educated the Community on the negative health and environmental effects of vehicle idling. This summer, elevated ozone levels in Summit County drew attention to air quality issues that many had previously believed were contained in other counties. Ozone and particulate matter from vehicle exhaust are pollutants that can be associated with respiratory ailments, heart disease and a greater increase in cancer. Additionally, the Utah Department of Environmental Quality reports that children breathe more quickly and take in more air per minute into their lungs than adults so they are more vulnerable in pollution hot spots, such as in school pick-up/drop-off zones and drive-thru areas.

Unnecessary vehicle idling contributes harmful heat-trapping greenhouse gases to the atmosphere that not only lead to rising global temperature, but cause smog and haze. Because a significant portion of Summit County's economy is maintained by recreation enthusiasts, both in the Uintas and at ski resorts, clean air and snowfall is critical.

Several municipalities including Park City and Salt Lake City have adopted anti-idling ordinances in response to air quality reports. The Utah Legislature recently passed HB 104 that addresses anti-idling ordinances and places restrictions on the ordinances. Any anti-idling ordinance must meet the following requirements:

- i. The ordinance must be primarily educational;
- ii. It must provide that a person be issued at least three warning citations before imposing a fine;
- iii. It must have the same fine structure as a parking violation;
- iv. It must provide for the safety of law enforcement personnel who enforce the ordinance; and
- v. It must provide that the ordinance be enforced on:
 - a. public property; or
 - b. private property that is open to the general public unless the private property owner:
 - i. has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to the local highway authority informing its customers and the public of the local highway authority's time limit for idling vehicle engines; or
 - ii. adopts an idle reduction education policy approved by the local highway authority.

The draft anti-idling ordinance (Exhibit A) for Summit County has been reviewed by the Attorney's office and follows the above standards.

PROPOSED PROCEDURES

After discussion about the implications of the ordinance, staff recommends the following procedures to be implemented if the ordinance is passed:

- 1) A page will be created on the County website to explain the ordinance, and will also include the Sustainability Office telephone number to call if someone would like to report a violation. The Sustainability Office will work with the Sheriff's department to send the alleged violator an educational warning brochure (see Exhibit B) that explains the health, safety, and environmental hazards of idling and this brochure will serve as a warning.
 - a. Staff does not anticipate that the number of warnings given will be overwhelming for staff. Park City Municipal reports that since January 2011, 34 complaints have been lodged. No actual tickets have been issued. Park City staff has reached out either via email or mail to alleged violators for educational purposes. County staff does not anticipate that any tickets would be issued, given the extensive amount of warnings one person would have to receive.
 - b. The educational warning brochure in Exhibit B will be updated to include information regarding the ordinance, contact numbers for the sustainability office

and the health department for more information, information on how to purchase or receive an idle-free sign, and additional idle-free resources.

- 2) Deputies from the Sheriff's office will issue a warning citation to give to those they observe to be in violation of the ordinance. The citation will be the same as their current warning citation.
- 3) Signs that promote an idle-free County already exist and will be provided to interested parties to post. If demand exists and as funding allows, additional signs can be created.

ANALYSIS

Air quality continues to be at the forefront of Utah health and environmental issues, and the County can help to promote better air quality locally by supporting idling limits. Partnerships with County municipalities and other agencies such as the school departments will greatly enhance the effectiveness of the ordinance. It may be more appropriate to begin a significant educational campaign in the spring of 2013 since the ordinance does not apply when temperatures are below freezing, although a press release and educational information can be available if the ordinance is passed in the winter months.

RECOMMENDATION

Based on the current movement nationally and the need to do something proactive locally, staff recommends that the Council hold a public hearing for the Anti-Idling Ordinance, adopt the Anti-Idling Ordinance, and support a strong educational campaign County-wide.

Attachments

Exhibit A: Draft Anti-Idling Ordinance

Exhibit B: Draft Educational Brochure

**SUMMIT COUNTY, UTAH
ORDINANCE NO. _____**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6-4-1: NO IDLING:

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

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

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

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

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

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

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

(1) public property; or

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

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

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

Section 2. Effective Date

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

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this ____ day of _____, 2012.

**SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH**

By: _____
Council Chair

Councilor Hanrahan voted _____

Councilor McMullin voted _____

Councilor Elliott voted _____

Councilor Ure voted _____

Councilor Robinson voted _____

Exhibit B: Draft Educational Brochure: To Be Updated

IDLE-FREE SUMMIT COUNTY



How Air Pollution affects Your Health

The common effects of air pollution on most people are those you can feel: Irritation of the eyes, nose, throat, and lungs.

Effects of air pollution levels above the federal standards can:

- Aggravate Asthma & Allergies
- Cause coughing or difficulty breathing
- Decrease Lung Function
- Exacerbate Cardiovascular Problems
- Lead to Chronic Bronchitis
- Further worsen the symptoms of Upper Respiratory illness.

Easy ways to improve air quality:

- Keeping vehicles maintained
- Use cruise control on highways
- Accelerate gradually
- Combine errands into one trip
- Walk, carpool, telecommute, take public transit or ride your bike

TURN YOUR ENGINE OFF

Breathe Better & Save Money

Idle Reduction is Easy ...

One idling vehicle isn't the main culprit of air pollution, but thousands of them are. A few simple steps are all it takes to reduce idling and improve health and air quality.

- If you know you are going to wait, turn your vehicle off.
- Newer, gasoline powered vehicles need no idle time on cold mornings.
- Drive your vehicle normally on frigid mornings to warm up the engine.
- While reducing idling around town is great, you should never turn your vehicle off in traffic.
- Do not turn your vehicle on until you are ready to leave.
- Use remote starters wisely.



RESOLUTION NO. _____

**A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE MOUNTAIN
REGIONAL WATER SPECIAL SERVICE DISTRICT
(PP-35-2)**

WHEREAS, the Summit County Board of Commissioners of Summit County, Utah, established a local district designated as the Mountain Regional Water Special Service District (the "District"), to provide water services within its boundaries; and

WHEREAS, Utah Code Ann. §17D-1-401 provides that additional land from that specified in the resolution establishing a local district may be annexed to the District in conformance with the applicable procedures; and

WHEREAS, §17D-1-203 and §17D-1-401(2) provide that the Summit County Council of Summit County, Utah (the "Council"), may be petitioned to annex an area into the District; and

WHEREAS, there have been numerous annexations into the District since its establishment in 1987; and

WHEREAS, Dakota Development LLD C/O Joseph Sorenson, has petitioned the Summit County Council to annex his land into the District. In the petition, Dakota Development LLD C/O Joseph Sorenson represented that he is the sole owner of the property; and

WHEREAS, §17D-1-402 provides that the notice, hearing, and protest period do not apply if a petition for annexation of additional area is filed with the signatures of all of the owners of taxable real property; and

WHEREAS, Dakota Development LLD C/O Joseph Sorenson, has signed the petition for annexation.

The Summit County Council makes the following Resolution:

Section 1. The Council finds and determines that public health, convenience, and necessity requires that certain land situated in Summit County, State of Utah, being generally described as parcel PP-35-D located in Summit County, Utah be annexed into the District.

Section 2. The boundaries of the District shall include all previously established boundaries and the additional annexed parcel PP-35-D.

Section 3. The District was established to provide water services within its boundaries.

Section 4. The name of the District, subsequent to the annexation, shall continue to be designated as "Mountain Regional Water Special Service District."

Section 5. The property, more particularly described as parcel PP-35-D located in Summit County, Utah is hereby annexed into the boundaries of the District. The property annexed shall be governed by and become an integral part of the District. Pursuant to this annexation, the owners of the property shall be entitled to receive the benefit of water services and facilities provided by the District, and shall be subject to the rights, powers and authority of the District, including, without limitation, the right, power and authority to promulgate rules and regulations for the operation of the District, to levy ad valorem taxes on the property, and to impose such fees and charges as shall be necessary to pay for all or part of the commodities, facilities and services to be provided by the District for the payment of the District's bonds and other obligations.

Section 6. All officers and employees of Summit County are hereby directed to take such action as shall be necessary and appropriate to effectuate the provisions of

this Resolution and the intent expressed herein.

Section 7. This Resolution shall take effect immediately upon its approval and adoption by the Summit County Council.

APPROVED AND ADOPTED this _____ day of _____, 2012

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

Chairperson

ATTEST:

County Clerk

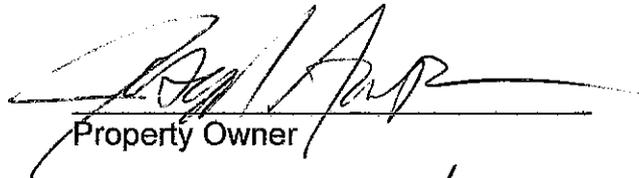
To: The Summit County Council
Summit County, Utah
60 N. Main Street
Coalville, Utah 84017

PETITION FOR ANNEXATION TO THE MOUNTAIN REGIONAL WATER SPECIAL SERVICE DISTRICT

This petition for annexation is filed by the undersigned property owner who states that:

1. Pursuant to the provisions of Utah Code Ann. Section 17B-1-403, as amended, the undersigned petitioner requests that the Summit County Council to annex the property ("Property") described in Exhibit A, which is attached hereto and incorporated by reference, into the boundaries of Mountain Regional Water Special Service District ("District").
2. The undersigned petitioner is the owner of one hundred percent of the Property to be annexed. Pursuant to Utah Code Ann. Section 17B-1-413, the notice, hearing, and protest requirements do not apply.
3. The undersigned petitioner is desirous of receiving water service from the District for the Property and is willing to abide by all lawful adopted rules and regulations of the District as a condition to receiving water service from the District.

The undersigned petitioner has read and knows the contents of the foregoing Petition, and the facts set forth are true, accurate, and complete to the best of the undersigned petitioner's knowledge and belief.


Property Owner
7702 N. Cedar Way / PP-35-D
Address / Parcel ID

Account 0053466

<u>Location</u>	<u>Owner</u>	<u>Value</u>				
Parcel Number PP-35-D	Name DAKOTA DEVELOPMENT	Market (2012)	\$231,663			
Account Number 0053466	LLC	Taxable	\$231,663			
Tax District 10 - PCSD A,J,K,U (C-C) (E-E)	C/O: JOSEPH SORENSON	Tax Area: 10 Tax Rate: 0.009010				
Acres 14.00	6440 WASATCH BLVD STE #105	Type	Actual	Assessed Acres	SQFT	Units
Situs Address 7702 N CEDAR WAY	SALT LAKE CITY, UT 84121	Improvement	\$80,163	\$80,163	1388.000	410.000
Legal SW1/4SE1/4SW1/4 OF SEC 10 TISR3E SLBMCONT 10.0 AC ALSO W. 4.0 AC OF SE1/4 OF THE SE1/4SW1/4 SEC 10 (SEE M33-665) M3-52 M2-387 M8-248 859-448 1105-685 2109-1132-1135		Land	\$151,500	\$151,500	13.000	1.000

Child Accounts

Child Parcels

Parent Accounts

Parent Parcels

Transfers

Instrument Date

12/22/2011

B: 2109 P: 1135

12/22/2011

B: 2109 P: 1132

11/18/1997

B: 1105 P: 685

12/30/1994

B: 859 P: 448

Tax

Images

Tax Year	Taxes
2012	\$2,087.28
2011	\$1,978.40



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Paula Doughty, *Chair*
Steven P. Simpson, *Vice-Chair*
Myron E. Bateman
Clyde L. Bunker
Merritt K. Frey
Darrell H. Mensel
Leland J. Myers
Neal L. Peacock
Gregory L. Rowley
Amanda Smith
Daniel C. Snarr
Jeffery L. Tucker
Walter L. Baker
Executive Secretary

September 28, 2012

David Ure, Chairperson
Echo Sewer Special Service District
PO Box 128
Coalville, Utah 84017

Subject: Utah Wastewater Project Assistance Program
Echo Special Service District, Project #196
Authorization Letter

Dear Mr. Ure:

On June 27, 2012, the Utah Water Quality Board (the "Board") authorized funding in the amount of \$218,000 to Echo Special Service District (the "Applicant") for the replacement of its Large Underground Wastewater Disposal System (the Project"). At that time, the Water Quality Board also authorized a Hardship Grant/Principal Forgiveness amount of \$251,000.

The loan will be secured by a revenue bond issued by the Applicant and purchased by the Board. The retirement period for the bond shall be no more than twenty (20) years from the anticipated Project completion date with an interest rate/hardship grant assessment of zero percent (0%). The Board will require annual payments on the bond of approximately \$10,900 (*Attachment #1*). The Hardship Grant/Principal Forgiveness will be secured by the enclosed agreement. Please mail three (3) copies of the agreements with original signatures to:

Division of Water Quality
Attn: Emily Cantón
PO Box 144870
Salt Lake City, Utah 84114

Upon receipt, the agreements will be signed by the Division of Water Quality and will be forwarded to the Utah Division of Finance for final processing.

Special Conditions:

1. Echo Sewer Company must turn over all assets and liabilities related to the sewer system to Echo Sewer SSD prior to release of any funds authorized herein.

2. Echo Sewer SSD must have an approved facilities plan prior to commencing design.
3. Echo Sewer SSD must raise the monthly sewer fee to \$45 per ERU by September 30, 2012 and prefund the repair and replacement fund reserves (equal to one-half annual payment on the bond) at loan closing.
4. Echo Sewer SSD must participate annually in the Municipal Wastewater Planning Program (MWPP).
5. Echo Sewer SSD must maintain an up-to-date Water Conservation Plan.

This project is authorized subject to the availability of funds. The financial assistance represented by this authorization may be funded, in whole, or in part, from the proceeds of a federal SRF Capitalization Grant (Title VI CWA, CFDA 66.458) to the State of Utah. Under the SRF Capitalization Grant Program, federal funds are to be made available to the State of Utah by way of authorized draws on a letter of credit over the construction period of the Applicant's project. Therefore, this authorization is expressly subject to the continued availability of federal funds through the SRF Capitalization Grant and the letter of credit related thereto. Neither the Water Quality Board nor the State of Utah shall be bound by this authorization or by any obligation to provide further loan funds to, or purchase any bonds from, the Applicant if the SRF Capitalization Grant funds to which this authorization relates are not awarded or if payments under the federal letter of credit are withheld for any reason.

Based upon the information presented to the Board, the following sources of funding will be available for the construction of the Project:

<u>Funding Source</u>	<u>Cost Share</u>	<u>Percent of Project</u>
WQB Loan	\$218,000	35%
WQB Hardship Grant	251,000	41%
CDBG Grant	<u>150,000</u>	<u>24%</u>
	619,000	100%

As Applicant of this Project, you will need to complete the following items before the Water Quality Board will purchase your bonds:

1. The State of Utah has assigned William Prater, the State's bond counsel, the responsibility of reviewing all proceedings and documents relating to the sale of bonds to the Board. His address is:

William Prater, L.L.C.
P.O. Box 71368
6925 Union Park Center - Suite 265
Midvale, Utah 84047
Telephone: (801) 566-8882
Fax: (801) 566-8884

The Applicant's bond counsel should submit the following items to William Prater at the times indicated below. A copy of the transmittal letter for the items indicated below must also be sent to the Division of Water Quality to document Project progress.

- a. No later than one week prior to the meeting at which the Applicant intends to adopt its Resolution for the issuance of the bonds, a complete copy of the proposed Resolution shall be submitted for review. Appropriate notice should be given to notify the public of the meeting at which the governing board intends to adopt the bond resolution.
- b. No later than two weeks after the adoption of the Resolution, the following items shall be submitted:
 - i. A true and complete photocopy of the Resolution as adopted, showing signatures of the appropriate officials of the Applicant on the Resolution and on the Notice of Meeting, Acknowledgment of Notice and Consent, Certificate of Publication, Open Meeting Certificate, and other similar documents relating to the Resolution.
 - ii. If applicable, a true and complete photocopy of the minutes, notices, resolutions and other documents relating to the bond election, showing signatures of the appropriate officials.
 - iii. A true and complete photocopy of the minutes, notices, resolutions and other documents, showing signatures of the appropriate officials, of the proceedings by which the Applicant was created.
 - iv. A complete copy of the proposed documents to be signed at closing, including (but not necessarily limited to) General Certificate, Signature Identification and Nonlitigation Certificate, Receipt, Arbitrage Certificate (if required), Applicant Attorney's Nonlitigation Certificate, Certificate of the Clerk (or Recorder) as to contents of Bond Transcript File, Escrow Agreement, and the Bond Attorney's Opinion.
 - v. A copy of the sewer use ordinance and rate structure described in paragraph 3 of this letter.
 - vi. A copy of the proposed opinion letter of the Applicant's attorney described in paragraph 6 of this letter.

The procedures for bond approval will be substantially the same as required by the Utah Municipal Bond Act as it applies to cities and towns. The opinion of the bond attorney must accompany delivery of the bonds to the Board before bond proceeds will be released.

As a condition to the acceptance by the Board of a non-voted revenue bond, the issuer must (a) publish notice and conduct a public hearing consistent with the requirements of the Utah Local Government Bonding Act, and (b) mail notices to system users in the issuer's service area informing them of the public hearing. In addition to the time and location of the public hearing, notices mailed to system users shall inform them of the issuer's intent to issue a non-voted revenue bond to the Board, shall describe the face amount of the bond, the rate of interest, the repayment schedule, and shall describe Project impacts. User charge rates and connection fees should be included in that notice,

and the notice shall state that system users may respond to the issuer in writing or in the public hearing. A copy of all written responses and a certified record of a public hearing shall be forwarded to the Board. If the Board feels that there is significant opposition to the proposed Project, or if required by the Utah Local Government Bonding Act, it may be necessary for the issuer to hold a bond election before the Board's funds will be made available.

At or after the closing, the State's bond counsel will bill the Applicant, and the Applicant must pay those legal fees.

At the time of closing, the Applicant shall pay a Loan Origination Fee equal to 1% of the principal loan amount. If the Applicant decides not to build the Project after the Board has authorized the Project, the Applicant will reimburse all costs accruing after the Project Authorization. The Project Cost and Loan Origination Fee Acceptance Form (*Attachment #2*) must be signed and returned to the Board within three weeks of the date of this letter.

2. Consistent with requirements of the law and the covenants of applicable bond resolutions, the actual payment of funds by the Board to the Applicant will not take place until the Board has assurance the funds will be used for Project costs and the Project will actually be completed. To assure this, all monies to be expended on the Project shall be placed in an escrow account jointly supervised by the Applicant and the Board. A copy of the proposed escrow agreement shall be submitted to the Board and the State's bond counsel for review. If the Project is completed without using all of the escrowed funds, the Board's share of the unused escrowed funds will be applied as a prepayment of principal to shorten the bond repayment term. The Applicant will be required to deposit all of its Project funds in the escrow account at the time of the closing of the loan or make other provisions acceptable to the Board to ensure that funds will be available to complete the project. Disbursements from the escrow account will be reviewed and approved by the Division of Water Quality. A disbursement request form must be completed and submitted along with each request.
3. At the time of the adoption of the bond resolution, or within a reasonable time thereafter (but no later than the pre-closing date), the Applicant shall adopt an ordinance or resolution detailing proper use of the system and establishing reasonable sewer use charges and fees and collection enforcement procedures taking into account all relevant factors, including but not limited to the need to generate sewerage revenues sufficient to meet all payment and funding requirements specified in the bond resolution. A Reserve Fund, equivalent to at least one (1) year's installment on the bond and an Emergency Repair and Replacement Fund, equivalent to one-half (1/2) of one year's installment payment, must be accumulated during the first ten (10) years of the repayment period. The sewer rate ordinance or resolution must establish rates sufficient to generate no less than the following amounts:
 - a. An amount calculated to be sufficient to pay operation and maintenance expense of the system.
 - b. \$909 per month to be placed in a Sinking Fund for the repayment of the obligation (\$10,900 average per year).

- c. \$91 per month (for the first ten years) to be added to a Reserve Fund until a total of \$10,900 is accumulated.
- d. \$76 per month (for the first ten years) to be added to an Emergency Repair and Replacement Fund until a total of \$5,450 is accumulated.

A copy of the sewer use and user rate ordinances and/or resolutions as adopted shall be submitted to the Water Quality Board and to the State's bond counsel on or before the pre-closing date.

- 4. The Applicant's contract with its consulting engineer(s) should include the cost of developing complete bidding and contract documents, performing bidding and construction management services, and preparation of an operations and maintenance manual. The engineering contract must be submitted to the Division of Water Quality for review and approval. This requirement is to assure the Board that adequate and appropriate arrangements are made for completing and inspecting the Project within the guidelines set by the Board.
- 5. The Applicant must secure a construction permit for the Project from the Board prior to soliciting bids. Final bidding and contract documents should be submitted to Edward A. Macauley, manager of the Engineering Section, Utah Division of Water Quality, for review.
- 6. The Applicant's attorney shall certify the following items in writing to the Water Quality Board:
 - a. The Applicant is a legal entity as of the date of the loan closing.
 - b. The Applicant has valid legal title to the rights-of-way designated and shown on the right-of-way map, including rights-of-way both for the Project to be constructed and the remainder of the existing wastewater system as of the date of the loan closing.
 - c. The bidding and contract documents for the construction of the Project have the proper and legal format and are in compliance with the Utah Code Annotated 1953 (Title 34, Chapter 30).
 - d. Following review by the Applicant's attorney of the completed and executed construction contract, performance and payment bonds, and evidence of necessary insurance, the Applicant's attorney shall furnish to the Water Quality Board his legal opinion that all of such items are legal and binding and in compliance with the Utah Code.
- 7. The Applicant shall acquire rights-of-way and easements for construction and ongoing operation and maintenance of the Project facilities. The Applicant, through its engineer, shall furnish its attorney a right-of-way map showing the location of all lagoons, buildings, structures, pipelines, and other pertinent facilities in the Project. The engineer and presiding officer of the Applicant will sign this map.

8. The Applicant must agree to the following requirements of Title VI of the Clean Water Act as applicable throughout the course of the Project:
 - a. Completion of EPA Form 4700-4, Preaward Compliance Review Report and submittal to the DWQ within 45 days before loan closing.
 - b. Completion of the "MBE/WBE Procurement Semi-Annual Report" form for construction services. This should be submitted to the Division of Water Quality two weeks after the end of each six-month period during construction.
 - c. Include the following certification in the bond resolution:

"The Issuer agrees, in accepting the proceeds of the Series ____ Bonds, to comply with all applicable state and federal regulations related to the Utah State Revolving Fund administered by the Water Quality Board. These requirements include, but are not limited to, Title VI of the Clean Water Act of 1987, The Single Audit Act of 1996, the Utah Wastewater Loan Program policies and guidelines, the Utah Local Government Bonding Act, the Utah Money Management Act, the Utah Procurement Code and the State of Utah Legal Compliance Audit Guide."
 - d. Compliance with Davis-Bacon Act wages:

"Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and sub contractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code."
9. The Applicant shall submit a cash drawdown schedule prepared and certified by its consulting engineer that coincides with the rate construction-related Project costs are expected to occur.
10. The Applicant must have an approved Capital Facilities Plan or Engineering Report, as applicable, prior to loan closing.
11. The Applicant is required to submit a plan of operation and an operation and maintenance (O&M) manual according to the following:
 - a. Applicants that have not previously operated wastewater facilities of similar magnitude and complexity to the Project are required to submit a plan of operation containing a schedule summarizing appropriate times for essential actions to be taken for facility operation. A draft plan must be submitted to the Division of Water Quality at initiation of construction and approved in final form prior to 50% of construction completion. As a minimum, the plan of operation must include provisions for an operation and maintenance manual, emergency operating and

response plan, properly trained management, adequate number and training of operation and maintenance personnel, budget plan for operation and maintenance, operational reports, and start-up procedures.

- b. An operation and maintenance (O&M) manual which provides long-term guidance for efficient facility operation and maintenance must be submitted and approved in draft and final form prior to 50% and 90% completion, respectively.

In order to facilitate the timely completion of the financial assistance requirements outlined in this letter, a pre-closing conference call shall be held to determine all of the outstanding items. The Applicant and its attorney and engineer should submit to the Division of Water Quality all of the items required by the dates agreed to during the pre-closing conference call and the Applicant's bond attorney should submit to the State's bond counsel the items listed in the subsection "b" of paragraph 1 on or before the due date specified therein so that he can review those items prior to closing.

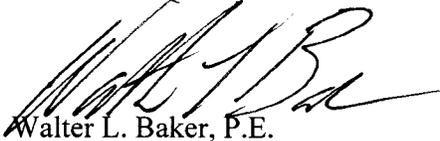
The final closing on the bond may occur once the Division of Water Quality and the State's bond counsel determine that all of the items listed in this letter have been completed and submitted satisfactorily.

If the Applicant fails to reasonably comply with the Project schedule, this Authorization may be withdrawn. If the Applicant received Planning or Design advances from the Board, withdrawal of this Authorization may authorize the Board to seek repayment of the advance(s) on such terms and conditions as it may determine pursuant to Utah Administrative Code R317-101-9 and R317-101-10.

These requirements will probably not cover all the matters pertaining to your Project. We anticipate that specific questions on matters relating to your Project will arise, and we are confident that a joint cooperative effort can resolve the issues. If you have any questions concerning these requirements, please contact David Snyder (801-536-4329) or Emily Cantón (801-536-4342) of the Division of Water Quality.

Sincerely,

Utah Water Quality Board



Walter L. Baker, P.E.
Executive Secretary

Enclosure/s: Attachment 1 - Amortization Schedule
Attachment 2 - Project Cost and LOF Acceptance Form
Hardship Grant/Principal Forgiveness Agreement

cc: William Prater, Bond Counsel (w/ enclosures)
Eric T. Johnson, Blaisdell & Church, P.C. (w/ enclosures)

Attachment 1

Bond Repayment Schedule

Principal	\$218,000	Echo Sewer SSD
Interest/Hardship Assessment	0.00%	Project No. 196
Term	20	Revenue Bond
Avg Annual Pmt	\$10,900	

Payment Number	Payment Due Date	Principal Due	Interest/ Hardship Assessment	Total Payment
1	1-Sep-14	218,000	0	10,900
2	1-Sep-15	207,100	0	10,900
3	1-Sep-16	196,200	0	10,900
4	1-Sep-17	185,300	0	10,900
5	1-Sep-18	174,400	0	10,900
6	1-Sep-19	163,500	0	10,900
7	1-Sep-20	152,600	0	10,900
8	1-Sep-21	141,700	0	10,900
9	1-Sep-22	130,800	0	10,900
10	1-Sep-23	119,900	0	10,900
11	1-Sep-24	109,000	0	10,900
12	1-Sep-25	98,100	0	10,900
13	1-Sep-26	87,200	0	10,900
14	1-Sep-27	76,300	0	10,900
15	1-Sep-28	65,400	0	10,900
16	1-Sep-29	54,500	0	10,900
17	1-Sep-30	43,600	0	10,900
18	1-Sep-31	32,700	0	10,900
19	1-Sep-32	21,800	0	10,900
20	1-Oct-34	10,900	0	10,900
TOTAL			0	218,000

ATTACHMENT 2
LOAN AUTHORIZATION LETTER

PROJECT COST AND LOAN ORIGINATION FEE ACCEPTANCE FORM
FOR PROJECTS FUNDED THROUGH
THE UTAH STATE REVOLVING FUND PROGRAM

1. Costs of bond document review by the Water Quality Board and its bond attorney will be billed to the Applicant.
2. Costs related to the project such as administrative review, engineering, investigation, and construction supervision by the Water Quality Board (i.e. Division of Water Quality staff) will be paid from the proceeds of the Loan Origination Fee, which is equal to 1% of the principal loan amount.
3. Cost of engineering, investigation, and construction supervision are considered as follows:
 - a. If the Water Quality Board denies the project or if the Applicant withdraws prior to the preparation of the feasibility report, normal manpower costs incurred by the Department of Environmental Quality during the preliminary investigation of the potential project will not become a charge to the Applicant.
 - b. If the project is authorized by the Water Quality Board, all manpower costs from the beginning of the project will be charged to the project and paid from the proceeds of the Loan Origination Fee.
 - c. If the applicant decides not to build the project after the Water Quality Board has authorized the project, all costs accruing after the authorization will be reimbursed by the Applicant to the Board.

ACCEPTANCE:

On behalf of the Applicant, I hereby accept the policy and conditions as enumerated above.

(Name of Applicant) (Date)

David Lhe 10/10/12

(Presiding Official) (Date)

(Secretary) (Date)

Contract: C047
Amount: \$251,000
Grantee: Echo Sewer SSD
Tax ID#: 87-6000295

HARDSHIP GRANT/PRINCIPAL FORGIVENESS AGREEMENT

WATER QUALITY BOARD HARDSHIP GRANT FUND

STATE OF UTAH

Department of Environmental Quality
Division of Water Quality

This hardship grant/principal forgiveness agreement is entered into by and between the State of Utah, Department of Environmental Quality, Division of Water Quality, Water Quality Board (hereinafter the "BOARD") and

ECHO SEWER SSD

applicant for a Hardship Grant under the Water Quality Board provisions contained in Title 73, Chapter 10C, Utah Code Annotated 1953 (hereinafter the "GRANTEE"). Pursuant to the provisions of the Statute, and the powers and functions of the Water Quality Board, the BOARD hereby finds and determines, based upon the formal application of the GRANTEE, the evidence provided by the GRANTEE to the BOARD and its staff, and information developed by the BOARD in its own investigations and at the hearings on the application of the GRANTEE, the following, that:

1. The GRANTEE is a political subdivision pursuant to Section 73-10c-2 (10) of the laws of the State of Utah.
2. The proposed project has been determined to meet wastewater project loan considerations.
3. The project has been determined by the BOARD to not be economically feasible unless grant assistance is provided.
4. The GRANTEE has been authorized by the BOARD pursuant to Section 73-10c-4 (5) to receive a Hardship Grant.

Based upon these findings, the BOARD is authorized and empowered to, and does hereby, enter into the following agreement with the GRANTEE.

PAYMENT OF THIS CONTRACT IS SUBJECT TO THE FOLLOWING PROVISIONS:

GENERAL PROVISIONS

1. The BOARD shall provide the GRANTEE the amount of **\$251,000** (HARDSHIP GRANT/PRINCIPAL FORGIVENESS AMOUNT) for the completion of the Project as described in Exhibit-1, Work Description and Cost Breakdown.
2. The GRANTEE shall complete the Project described in Exhibit-1, Work Description, and Cost Breakdown within the time period identified in the Plan of Study or Engineering Plan. If work on the project is not completed by **DECEMBER 31, 2013** this grant may be canceled by written notice from the BOARD to the GRANTEE. No work completed after receipt of the notice shall be reimbursable.
3. The GRANTEE shall comply with the special grant provisions identified in the SPECIAL GRANT PROVISIONS.
4. The GRANTEE shall notify the BOARD in writing of any proposed modification to the Project that alters Exhibit-1, Work Description and/or GRANT AMOUNT. If such notification is not received, the cost of the proposed modification will be disallowed.
5. All unused funds must be returned to the BOARD. Funds returned, as surplus to the BOARD shall be applied as a reduction of the grant amount.
6. The funds shall be deposited with other funds necessary to complete the project into a supervised escrow account at the time the advance agreement between the GRANTEE and the BOARD is executed. All disbursements from the account will be reviewed and certified by the GRANTEE and the BOARD.
7. The GRANTEE shall comply with all laws that normally govern its affairs in regard to contracts, fiscal procedures, and procurement procedures.
8. The GRANTEE shall indemnify and hold harmless the State of Utah, the Department of Environmental Quality and their officers, agents and employees from and against any and all loss, damage, injury, liability, and claims, including claims for personal injury or death, damages to personal property and liens of workmen and material men, howsoever caused, resulting directly or indirectly from the performance of this agreement by the GRANTEE, including attorneys fees and costs in the investigation or defense of any claim, whether or not the claim has merit.
9. The GRANTEE shall be an independent contractor, and, as such, shall have no authorization, express or implied, to bind the State of Utah the Department of Environmental Quality, the Division of Water Quality or the Water Quality Board to any agreement, settlement, liability, or understanding whatsoever, nor to perform any acts as agent for the State of Utah, except as herein expressly set forth.
10. GRANTEE expenditures under this grant determined by audit to be ineligible for

reimbursement because they were not authorized by the terms and conditions of the grant or that are inadequately documented, and for which payment has been made to the GRANTEE will be immediately refunded to the BOARD by the GRANTEE. The GRANTEE further agrees that the BOARD shall have the right to withhold any or all subsequent payments under this or other contracts to GRANTEE until recoupment of overpayment are made.

11. This grant may be altered, modified, or supplemented only by written amendment, executed by the parties hereto, and attached to the original signed copy of this agreement. The BOARD will allow no claim for services furnished by the GRANTEE, not specifically authorized by this Agreement.
12. If it is determined that in any manner the grant was improperly made or entered into, or if the monies are or were used improperly or contrary to the terms of this agreement, the GRANTEE shall pay to the BOARD the amount of all monies and benefits received by the GRANTEE by the BOARD.
13. The GRANTEE will designate a representative or representatives to assist their consultant and the State in coordination with the communities governing board and planning decisions.

SPECIAL GRANT PROVISIONS

14. Echo Sewer Company must turn over all assets and liabilities related to the sewer system to Echo Sewer SSD prior to release of any funds authorized herein.
15. Echo Sewer SSD must have an approved facilities plan prior to commencing design.
16. Echo Sewer SSD must raise the monthly sewer fee to \$45 per ERU by September 30, 2012 and prefund the repair and replacement fund reserves (equal to one-half annual payment on the bond) at loan closing.
17. Echo Sewer SSD must participate annually in the Municipal Wastewater Planning Program (MWPP).
18. Echo Sewer SSD must maintain an up-to-date Water Conservation Plan.
19. Echo Sewer SSD must close the WQB loan before this grant will be available for the project.

EXECUTION

NOW, THEREFORE, by virtue of the authority contained in Title 73, Chapter 10, Utah Code Annotated, 1953, as amended, the parties hereto mutually agree to perform this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on _____, 20____. This contract will take effect upon approval as evidenced by the appropriate signatures.

ENTITY

STATE

Echo Sewer SSD
PO Box 128
Coalville, Utah 84017

APPROVED - UTAH WATER QUALITY BOARD

By: David Ure 10-10-12
David Ure
Chairperson

By: _____
Edward A. Macauley, Manager
Engineering Section

ATTEST:

[Signature] 10/10/2012

JURAT

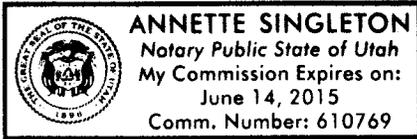
DISTRICTS

STATE OF UTAH)

:SS

Echo Sewer SSD)

On this 10th day of OCTOBER, 2012, personally appeared before me David Ure, who being by me duly sworn did say he is the Chairperson, respectfully, of Echo Sewer SSD, an incorporated Special Service District of the State of Utah, and that the foregoing instrument was signed in behalf of said city by authority of a motion of its governing body passed on the 10th day of OCTOBER, 2012 and said persons acknowledged to me that said service area executed the same.



Annette Singleton
Notary Public, residing at

100 N. MAIN ST., COALVILLE, UT 84017

My Commission Expires: JUNE 14, 2015

Exhibit No. 1

Work Description and Cost Breakdown

Echo Sewer SSD

HARDSHIP GRANT/PRINCIPAL FORGIVENESS AGREEMENT

SCOPE OF WORK

Echo Sewer SSD will replace its Large Underground Wastewater Disposal System (LUWDS).

IMPLEMENTATION SCHEDULE:

It is estimated that the construction will be completed by September 2013.

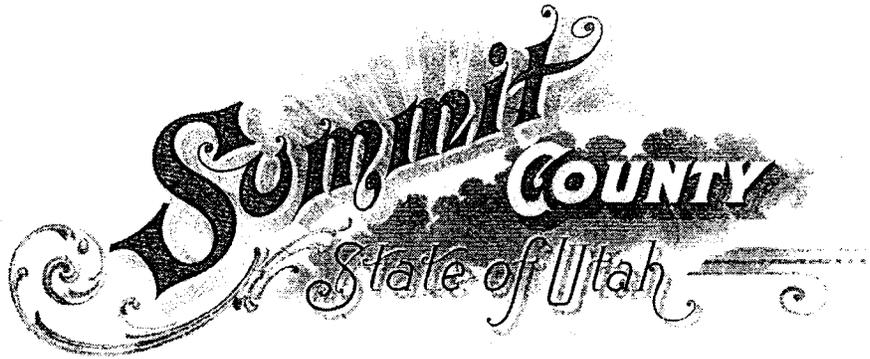
COST ESTIMATE:

The following cost sharing is proposed for this project:

<u>Funding Source</u>	<u>Cost Share</u>	<u>Percent of Project</u>
WQB Loan	\$218,000	35%
WQB Hardship Grant/PF	251,000	41%
CDBG Grant	<u>150,000</u>	<u>24%</u>
Total	\$619,000	100%

Auditor

Blake Frazier



November 07, 2012

County Council;

Please consider approving the BOE Stipulations on November 14th. They will be prepared for your review by Travis Lewis prior to that date.

Thank You

A handwritten signature in black ink that reads "Kathryn Rockhill". The signature is written in a cursive style with a large initial 'K'.

Kathryn Rockhill

2012 BOE Adjustments

Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value
BH-18	\$ 520,000.00	\$ 520,000.00	\$ -	\$ 318,699.00	\$ 2,955.93
CSLC-B-B294-AM	\$ 955,000.00	\$ 1,100,000.00	\$ (145,000.00)	\$ 855,000.00	\$ 10,500.60
CSLC-B-B388-AM	\$ 995,000.00	\$ 1,100,000.00	\$ (105,000.00)	\$ 855,000.00	\$ 10,500.60
MRE-78	\$ 1,520,768.00	\$ 1,520,768.00	\$ -	\$ 836,422.00	\$ 8,246.28
NSS-A-29	\$ 522,500.00	\$ 522,500.00	\$ -	\$ 287,375.00	\$ 2,833.23
BELV-2-7	\$ 1,595,000.00	\$ 1,900,000.00	\$ (305,000.00)	\$ 1,595,000.00	\$ 18,137.40
BH-31	\$ 480,000.00	\$ 522,918.00	\$ (42,918.00)	\$ 296,460.00	\$ 2,968.61
LWPCRS-3708-AM	\$ 410,000.00	\$ 440,000.00	\$ (30,000.00)	\$ 410,000.00	\$ 4,071.76
MFR-3	\$ 735,730.00	\$ 562,500.00	\$ 173,230.00	\$ 429,973.00	\$ 3,104.31
OTNB2-241-A-4	\$ 1,244,513.00	\$ 1,244,513.00	\$ -	\$ 976,601.00	\$ 10,061.92
PSKY-11	\$ 2,336,340.00	\$ 2,588,356.00	\$ (252,016.00)	\$ 2,336,340.00	\$ 28,143.19
PVC-1A-107	\$ 230,000.00	\$ 230,000.00	\$ -	\$ 230,000.00	\$ 2,195.58
PVC-1A-205	\$ 275,000.00	\$ 275,000.00	\$ -	\$ 275,000.00	\$ 2,625.15
RCC-1B-B-132	\$ 190,000.00	\$ 190,000.00	\$ -	\$ 190,000.00	\$ 1,813.74
RCC-1B-B-216	\$ 328,000.00	\$ 570,000.00	\$ (242,000.00)	\$ 328,000.00	\$ 5,441.22
RCC-1B-B-219	\$ 250,000.00	\$ 250,000.00	\$ -	\$ 250,000.00	\$ 2,386.50
RCCS-18	\$ 960,720.00	\$ 1,457,224.00	\$ (496,504.00)	\$ 960,720.00	\$ 15,844.40
RCCS-25	\$ 1,412,000.00	\$ 1,761,906.00	\$ (349,906.00)	\$ 1,412,000.00	\$ 19,157.20
VLC-35	\$ 439,000.00	\$ 650,000.00	\$ (211,000.00)	\$ 439,000.00	\$ 6,204.90
VPJR-5	\$ 345,000.00	\$ 380,000.00	\$ (35,000.00)	\$ 189,750.00	\$ 1,934.09
VPJR-6	\$ 331,000.00	\$ 376,800.00	\$ (45,800.00)	\$ 331,000.00	\$ 3,486.91
WHLS-38	\$ 1,306,368.00	\$ 1,383,117.00	\$ (76,749.00)	\$ 718,817.00	\$ 8,646.05
KT-623	\$ 94,960.00	\$ 97,720.00	\$ (2,760.00)	\$ 94,960.00	\$ 1,065.05
CT-118	\$ 190,000	\$ 227,118	\$ (37,118.00)	\$ 104,500	\$ 1,478.49
CWPC-3A-111-AM	\$ 4,158,191.00	\$ 6,062,646.00	\$ (1,904,455.00)	\$ 2,312,671.00	\$ 30,274.70
HT-16-A-1	\$ 205,000.00	\$ 271,449.00	\$ (66,449.00)	\$ 112,750.00	\$ 1,427.43
NS-604-D-1	\$ 43,000.00	\$ 74,375.00	\$ (31,375.00)	\$ 43,000.00	\$ 675.10
RRH-6	\$ 1,836,597.00	\$ 1,949,010.00	\$ (112,413.00)	\$ 1,084,519.00	\$ 10,608.30
SBH-1	\$ 220,611.00	\$ 250,995.00	\$ (30,384.00)	\$ 130,381.00	\$ 1,326.48
SGR-1-5	\$ 75,000.00	\$ 150,000.00	\$ (75,000.00)	\$ 75,000.00	\$ 1,667.55
SWD-14	\$ 1,100,000.00	\$ 1,100,000.00	\$ -	\$ 605,000.00	\$ 10,500.60
FGR-I-37	\$ 330,000	\$ 450,000	\$ (120,000.00)	\$ 330,000	\$ 3,150.18
Totals for 11/14/2012	\$ 25,635,298.00	\$ 30,178,915.00	\$ (4,543,617.00)	\$ 19,413,938.00	\$ 233,433.45
Totals for 11/7/2012	\$ 33,461,193.00	\$ 34,639,261.00	-1178068	\$ 31,299,683.00	\$ 34,639,261.00
Totals for 10/31/2012	\$ 33,144,825.00	\$ 40,535,768.00	\$ (7,390,943.00)	\$ 30,963,681.00	\$ 40,535,768.00

Totals for 10-24-2012	\$	121,728,378.00	\$	149,002,842.00	\$	(27,274,464.00)	\$	103,844,981.00	\$	149,002,842.00
Totals for 10/10/2012	\$	86,042,006.00	\$	102,778,872.00	\$	(16,736,866.00)	\$	71,107,144.00	\$	102,778,872.00
Totals for 10-3-2012	\$	38,591,363.00	\$	47,578,853.00	\$	(8,987,490.00)	\$	28,377,158.00	\$	47,578,853.00
Totals for 9-26-2012	\$	59,278,729.00	\$	69,288,965.00	\$	(10,010,236.00)	\$	42,301,770.00	\$	69,288,965.00
Totals for 9/19/2012	\$	61,834,634.00	\$	58,697,816.00	\$	3,136,818.00	\$	52,024,580.00	\$	58,697,816.00
Totals For 9/12/2012	\$	85,543,866.00	\$	91,568,057.00	\$	(6,024,171.00)	\$	66,650,057.00	\$	91,568,057.00
Totals For 8/29/2012	\$	46,659,094.00	\$	48,620,199.00	\$	(1,961,105.00)	\$	37,170,923.00	\$	48,620,199.00
RunningTotal	\$	591,919,386.00	\$	672,889,548.00	\$	(80,970,142.00)	\$	483,153,915.00	\$	642,944,066.45

Annette,

So far this year(2012)the Market value decrease is (\$ 80,970,142) As of 11/14/2012

The total number of Appeals for 2012 is 1,841 we have sent 973 of those for your approval as of November14, 2012. This is 53% of the Appeals.

**RESOLUTION DECLARING AN OFFICIAL DAY
OF GIVING IN SUMMIT COUNTY UTAH AND
PROCLAIMING NOVEMBER 16TH 2012
AS SUMMIT COUNTY'S "DAY OF GIVING"**

Whereas, the Student Council at Parley's Park Elementary School, promotes the "Day of Giving" in Summit County on November 16th, 2012 to encourage donors to contribute to local non-profit organizations that enhance the lives of Summit County citizens; and,

Whereas, Summit County is a caring place that is consistently willing to take care of one another, our environment, and provide for families, children and animals in need or crisis; and,

Whereas, the "Day of Giving" will allow non-profits to get in front of more supporters without steep fundraising costs, and will increase giving in Summit County by engaging new givers and inspiring current givers to donate even more; and,

Whereas, there are many types of organizations that would benefit from the day of giving, including, but, not limited to:

- Wildlife Protection
- Pets
- Environmental
- Education
- People and families in need (including children and the elderly)
- Outdoor Recreation
- Local Food Sources
- Healthcare
- Arts and Culture

Whereas, supporting these non-profit organizations in Summit County helps to protect our community for generations to come; and

Whereas, giving is its own reward and is recognized and encouraged in Summit County!

NOW, THEREFORE, be it resolved by the County Council, Summit County, Utah, that November 16, 2012 is declared to be the “DAY OF GIVING,” a day to reinforce generosity and compassion in Summit County.

APPROVED AND ADOPTED this _____ day of _____, 2012.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

ATTEST:

By: _____
David Ure, Chair

Kent Jones
County Clerk

APPROVED AS TO FORM:

David L. Thomas
Chief Civil Deputy

ORDINANCE NO. 212-A

An Ordinance Amending Chapter 3 of Title 7 of the Summit County Code relating to Snow Removal

SUMMIT COUNTY ORDINANCE CONCERNING THE REMOVAL OF SNOW FROM PUBLIC STREETS, AND PRIVATE STREETS AND FACILITIES PROVIDING PENALTIES FOR VIOLATION

WHEREAS , the State Legislature has in Title 17, Utah Code Annotated (1953) as amended, delegated the responsibility to the local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry;

NOW THEREFORE, be it ordained by the County Council of Summit County, State of Utah, as follows:

7-3-1: Snow Removal Priorities

- A. Snow removal, at the option of Summit County, may be provided for public streets **and sidewalks** within Summit County on a priority basis as follows:
 - 1) Major County Roads and school bus routes
 - 2) Main County roads
 - 3) Minor County roads **including short dead end roads** and cul-de-sacs etc.
 - 4) Other County Roads **and public roads within local cities contracting for services with Summit County.**
 - 5) **Selected sidewalks within the Kimball Junction business district.**
- B. Summit County snow removal services in new subdivisions **or on roads that were previously private roads** will begin only after the official acceptance of those roads by the County. **New subdivision streets will only begin receiving snow removal services after there is at least one residence on the street having received a Certificate of Occupancy from the Summit County Building Department.**
- C. Summit County reserves the right to not provide snow removal services to any **public road or may contract for services on certain public roads** and has no responsibility for snow removal from private streets or property.

7-3-2: Private Streets - Duty to Remove Snow: Summit County has no responsibility to provide snow removal services to private roads, **to public roads which are not county roads or to County roads which are under the jurisdiction of a special service district whose responsibilities include road maintenance.**

7-3-3: Seasonal Limitations of Parking: There shall be no on-street parking on any County road, except as may be specifically delineated by regulatory signs placed along that street segment, between November 15th of each year and April 15th of the following year. Vehicles or other obstacles which hamper County snow removal operations will be towed or removed at the owner's expense. The County shall not assume any liability for damage to vehicles parked on the street, or other obstacles placed in the County Right-of-Way in violation of this ordinance. Damage to snow removal equipment resulting from contact with vehicles which are illegally parked or other obstacles placed in the County Right-of-Way shall be the responsibility of the vehicle owner or persons responsible for the obstacles placed in the County Right-of-Way.

7-3-4: Snow Storage on Site: It is the duty of all property owners, condominiums owners associations, property owners associations, corporations and partnerships to make arrangements for the storage of accumulated snow, either on their own premises, or on the premises of another private property with the permission of that owner. All property owners, condominiums owners associations, property owners associations, corporations and partnerships, and their employees, agents and contractors shall confine the accumulate snow to their premises or to another private premises with the other owner's permission.

7-3- 5: Unlawful to Deposit Snow in the Public Right-of-Way: It shall be unlawful for any person, their employees, agents and contractors to deposit, haul, push, blow or otherwise deposit snow accumulated on private property within the traveled portion of any public street or sidewalk in a manner that impedes the reasonable flow of traffic on that street or sidewalk. The traveled way shall be defined as the width of the paved or graveled street and sidewalk. Snow shall not be deposited in the County Road Right-of-Way within 50 feet of an intersection.

7-3- 6: Impairment of Traffic: In determining whether snow deposited on the County Road from private property is such that it impedes the reasonable flow of traffic, the County shall look at whether a driver of ordinary skill and experience in snowy climates, driving a typical passenger car with tires reasonably suited for winter road conditions could pass over the area in question without having to leave the normal lane of travel, getting stuck in deposited snow, or risking damage to their vehicle. The County shall also look at the impact to roadside safety and impairments to sight distances in determining impairments to traffic.

7-3-7: Fire Hydrants to be Uncovered: Every Water Service Provider shall uncover and remove accumulated snow and windrows of snow from over and around fire hydrants. The hydrants should be uncovered for a distance of not less than three feet on all sides so that hydrants are accessible for emergency use. Hydrants should be uncovered within 72 hours of the time they are buried by a plowed windrow of snow or from the time they become buried by drifts.

7-3-8: Hydrant and Utility Structure Locations to be Marked: All fire hydrants and utility structures shall be marked by the owner of the hydrant or utility structures with a pole or other sign that extends well above the normally anticipated depth of accumulated snow (6 foot minimum) and windrows at

that location so that locations of the hydrants and utility structures can be readily determined even during periods when it is covered.

7-3-9: Unlawful to Remove Utility Markers: It shall be unlawful to remove or destroy the hydrant or utility structure markers on either public or private road systems, except when they may be removed in the Spring for storage until the following Fall when they are again necessary. Hydrant and utility markers shall be continuously in place from November 15th of each year to April 15th of the following year.

7-3-10: Improvements Installed at Owner's Risk: The County right-of-way for most roads is wider than the paved area to allow space for utility services and snow storage. Property owners may install sprinklers, mailboxes, lights, plants, or install other above grade landscaping in these areas at their own risk. It shall be unlawful for any person, firm, public utility or corporation to place, make, enlarge or change any encroachment or structure within the right-of-way for any County Road without first complying with the provisions of Chapter 7-6-1 of the Summit County Code, which requires an encroachment permit for certain improvements.

7-3-11: Damage to Improvements: The County shall not assume any liability for damage to improvements or landscaping in the County right-of-way which results from normal snow removal activity. Any damage caused by the placement of structures, improvements, or landscaping to County equipment or that of others shall be the responsibility of the property owner.

7-3-12: Flagging Improvements: Owners of improvements within the County right-of-way shall flag the location of improvements, and to the extent that it is reasonable to do so, County snow removal efforts will try to avoid flagged areas. This shall not be construed as a waiver or abandonment of the right-of-way or an acceptance of liability for damage to encroachments or private improvements hidden with snow.

7-3-13: Penalties: Any person who violates the provisions of this Ordinance is guilty of a Class "C" misdemeanor. Each day continuing violation occurs shall be deemed a separate offense.

7-3-14: Severability: Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared to be unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

7-3-15 Effective Date: This Ordinance shall become effective after the publication of such in accordance with applicable State Law.

This Ordinance shall become effective upon its approval, passage and publication.

APPROVED, ADOPTED AND PASSED this _____ day of _____, 2012.

SUMMIT COUNTY COUNCIL

By: _____

David Ure, Chair

Councilor Hanrahan voted: _____

Councilor Elliott voted: _____

Councilor McMullen voted: _____

Councilor Robinson voted: _____

Councilor Ure voted: _____

ATTEST:

Approved as to Form

SUMMIT COUNTY ATTORNEY

Summit County Clerk

Publication date: _____

MINUTES

SUMMIT COUNTY
BOARD OF COUNTY COUNCIL
WEDNESDAY, SEPTEMBER 26, 2012
COUNCIL CHAMBERS
COALVILLE, 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
Helen Strachan, 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 litigation. The motion was seconded by Council Member Robinson and passed unanimously, 5 to 0.

The Summit County Council met in closed session from 3:20 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
Chris Robinson, Council Member

Robert Jasper, Manager
Anita Lewis, Assistant Manager
Helen Strachan, Deputy Attorney
Don Sargent, Community Development Director
Kimber Gabryszak, County Planner

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

WORK SESSION

Chair Ure called the work session to order at 4:30 p.m.

- **Review of Council mail and calendar items**

Administration Office Manager Annette Singleton asked about scheduling for the October 17 and October 31 meetings. The Council Members agreed to cancel the meeting on October 17 and to meet on October 31.

- **Discussion regarding anti-idling background and State statute; John Hanrahan**

Council Member Hanrahan recalled that the County has an anti-idling resolution and asked if the Council Members are interested in passing an anti-idling ordinance. He explained that the goal would primarily be educational, and according to State law, at least three warning citations are required before a fine can be imposed. He believed an anti-idling ordinance would support the Council's sustainability goals and suggested that Staff draft an ordinance for the Council to consider. Council Member Elliott agreed that they should draft an ordinance.

Chair Ure expressed concern about the Park City ordinance that was included in the packet. Council Member Hanrahan explained that the County's ordinance would be different from Park City's, and he had provided their ordinance simply as an example. Chair Ure asked if the vehicle would be ticketed or if the drive would be ticketed. Deputy County Attorney Helen Strachan replied that the driver would be cited. Chair Ure stated that he is not in favor of an anti-idling ordinance, and he did not know how it could be enforced. In operating a ranch, the cost of fuel would be what would cause him to turn a machine off, but sometimes he has to leave a tractor idling. Council Member Hanrahan explained that the ordinance could only be used on private property that is open to the general public. Business owners could exempt themselves from enforcement by placing a sign that educates people about the law. It would also exempt farm vehicles and certain other vehicles.

Council Member Robinson stated that he believed the bill passed by the legislature waters it down so that the primary purpose is educational. Even if it is not widely enforced, he believed it would be a good idea to help educate people. Council Member Hanrahan explained that the State had seen several ordinances that were passed locally and did not like them, so they passed a State law to water it down and make it basically an educational effort.

Chair Ure requested that Staff draft an anti-idling ordinance.

COVENE AS THE BOARD OF EQUALIZATION

Council Member McMullin 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 Elliott and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization was called to order at 4:44 p.m.

CONSIDERATION OF APPROVAL OF 2012 STIPULATIONS

Board Member Robinson made a motion to approve the 2012 stipulations as recommended. The motion was seconded by Board Member McMullin and passed unanimously, 5 to 0.

Board Member Hanrahan recalled that the Board used to receive a report on the percentage of claims handled to date and requested that Mr. Jasper have that included in the report.

DISMISS AS THE BOARD OF EQUALIZATION AND CONVENE AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT

Board Member Elliott made a motion to dismiss as the Board of Equalization and to reconvene as the Governing Board of the Snyderville Basin Special Recreation District. The motion was seconded by Board Member McMullin and passed unanimously, 5 to 0.

The meeting of the Summit County Board of Equalization adjourned at 4:45 p.m.

The meeting of the Governing Board of the Snyderville Basin Special Recreation District was called to order at 4:45 p.m.

CONSIDERATION OF ADOPTION OF RESOLUTION NO. 2012-22 OF THE COUNTY COUNCIL OF SUMMIT COUNTY, ACTING AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT, SUMMIT COUNTY, UTAH, AUTHORIZING THE ISSUANCE AND SALE BY THE DISTRICT OF NOT MORE THAN \$4,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012; DELEGATING TO CERTAIN OFFICERS OF THE DISTRICT THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE SERIES 2012 BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; BRIAN BAKER, ZIONS BANK

Brian Baker with Zions Bank explained that this resolution would authorize the Recreation District to refinance approximately \$3.665 million of outstanding 2004 general obligation bonds to provide a debt service savings of a little more than 10 percent, or between \$34,000 and \$38,000 per year. The resolution would require at least 5 percent in debt service savings and sets the parameters under which future bonds would be issued.

Board Member Robinson asked about the estimated maturity of the existing bonds. Mr. Baker replied that the existing bonds range from 4.5% to 5.5%, with an estimated true interest cost on new financing of 2.12%. The years to maturity would be 11 years. The net present value savings are projected to be \$375,000, with costs being approximately \$90,000. The bonds that are being refinanced are callable, but because these bonds go out only 11 years, they will not be callable.

Board Member Hanrahan verified with Rena Jordan with the Recreation District that the bonds will be paid from the Recreation District property tax.

Chair Ure noted that the resolution is for \$4 million and asked how much latitude they are giving the Recreation District to issue these bonds. Mr. Baker explained that the resolution sets the parameters at no more than \$4 million, the interest rate below 5%, the bond issue shorter than 12 years, and they must realize at least 5% present value savings. If the bond issue were \$4 million, they would not realize 5% savings. He explained that what has been presented is the structure that works, and they are not asking to do anything else.

Board Member Robinson asked why the bonds were originally issued and how much total debt the Recreation District has outstanding, including these bonds. Ms. Jordan replied that the bonds were originally issued for a mix of reasons, but mainly for construction of the field house and some for acquisition of open space. Mr. Baker stated that the District will have just under \$40 million in total debt, including last year's \$20 million trails bond, and their borrowing capacity is a little over \$800 million.

Board Member Robinson made a motion to adopt Resolution 2012-22 authorizing the issuance and sale by the District of not more than \$4,000,000 aggregate principal amount of its general obligation refunding bonds, Series 2012; delegating to certain offices of the District the authority to approve the final terms and provisions of the Series 2012 bonds within the parameters set forth in the resolution. The motion was seconded by Board Member Elliott and passed unanimously, 5 to 0.

DISMISS AS THE GOVERNING BOARD OF THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT AND RECONVENE AS THE SUMMIT COUNTY COUNCIL

Board Member Robinson made a motion to dismiss as the Governing Board of the Snyderville Basin Special Recreation 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 Snyderville Basin Special Recreation District adjourned at 4:55 p.m.

REGULAR MEETING

Chair Ure called the regular meeting to order at 4:55 p.m.

- **Pledge of Allegiance**

ASSESSOR'S OFFICE 2011 ERRORS AND OMISSIONS REGARDING ED WYCKOFF; STEVE MARTIN, ASSESSOR

Council Member Hanrahan made a motion to approve the Assessor's Office 2011 errors and omissions regarding Lot RR-A-54 owned by Ed Wyckoff and issue a refund as recommended by the County Assessor. The motion was seconded by Council Member Elliott and passed unanimously, 5 to 0.

REVIEW, DISCUSSION, AND POSSIBLE RELEASE OF MARTYN KINGSTON FROM THE SNYDERVILLE BASIN PLANNING COMMISSION DUE TO ATTENDANCE; DON SARGENT, COMMUNITY DEVELOPMENT DIRECTOR

Chair Ure reported that he has requested that Staff run an ad in the newspaper requesting applicants for a new Snyderville Basin Planning Commissioner.

CONTINUED DISCUSSION REGARDING APPEAL OF AN ADMINISTRATIVE DECISION TO DENY A BUILDING PERMIT AT THE PARK CITY TECH CENTER AND DETERMINATION OF PERMITTED USES IN THE PARK CITY TECH CENTER/SUMMIT RESEARCH PARK DEVELOPMENT AGREEMENT; COMMERCE CRG APPELLANT; KIMBER GABRYSZAK, COUNTY PLANNER

County Planner Kimber Gabryszak noted that at the previous meeting Staff reported that they had interpreted the uses in the development agreement narrowly, and if the Council wanted them interpreted more broadly, that would be a change from what Staff has applied to the development agreement. Two options would be for the Council to interpret the agreement narrowly and deny the Commerce CRG use or interpret it broadly and allow the Commerce CRG use. She noted that the appellant has provided an alternative which is to continue to interpret the uses narrowly but with findings that Commerce CRG complies with the development agreement. If the Council chooses to uphold the appeal, they could use the findings suggested by the appellant.

Tim Anker, representing the appellant, explained that he has worked with the developer and has signed a listing agreement for the entire research park, which he believed would solve many of the concerns expressed at the last meeting. He believed the use table asks two questions—whether the use is located principally in the research park and whether the use is such as the other uses listed. He stated that Commerce is absolutely located within the park. He also stated that the entire office market for the greater Park City area is about 1.2 million square feet, and the research park is entitled for 1.3 million square feet. One unique thing about having Commerce on site is that they will reach more than half the market without having to get into their cars. He stated that they will principally be there to support the research park, although they may not be there exclusively to support it. He would say this is a critical support use in the park, especially at this stage in the development. He asked that the Council grant a building permit based on that information.

David Allen, representing The Boyer Company, stated that he went through all the 2008 correspondence regarding the uses and what the concerns were at the time. He stated that he has an e-mail from Deputy County Attorney Dave Thomas to Tom Ellison, who represented The Boyer Company. Both initially wanted a list of specific authorized uses, but the concern at the time was that it would be too narrow. Mr. Thomas stated in his e-mail that the Planning Commission was concerned that, if the use table was too restrictive, it might prevent Boyer from constructing what it was considering in the research park that may have been unforeseen at that time as an acceptable use. Consequently, the Commission wanted a broader use definition. In the last e-mails, the definitions were changed, and Mr. Ellison asked to change the use chart to how it now reads, stating that they believed those changes would be broad enough to allow them to do what they needed to do. Mr. Allen believed that shows clear intent at the time to have a broad definition, and somehow they ended up with a very narrow definition. It seemed to him that everyone has agreed that some sort of sales office is appropriate for the research park, and the disagreement has to do with the scale and scope of that office. The question is how to determine that. He stated that The Boyer Company has determined that by their own expertise, having developed 30 million square feet of commercial space. They have talked to other research parks and the association of research parks, who were incredulous that anyone would question this use. He stated that what they are doing is actually a small operation compared with other research parks. He did not see how moving this office from the east side of Highway 224 to the west side of Highway 224 would hurt anything.

Council Member Hanrahan asked how this new information about Commerce having a leasing agreement for the entire park changes Staff's recommendation. Planner Gabryszak replied that it changes the fact that they will be leasing agents for the entire park, not just for Building A, but it is difficult to find that it complies with the development agreement. Council Member Hanrahan stated that he did not believe the issue is whether this is an incidental commercial use but rather the scope and scale of the use. He was inclined to think differently with this new information than he did last week.

Council Member McMullin commented that she believed findings 2 and 3 proposed by the appellant have clearly been met. The question is whether they should deny the appeal because this is not simply a leasing office. She believed all three concerns had been addressed and asked if there is now a basis to uphold Staff's ruling.

Council Member Hanrahan stated that he believes the appellant now meets the criteria of incidental and commercial uses to support other permitted and approved conditional uses. The office will have eight people, and the Engineer's Office says the traffic impact will be minimal. He stated that his intent in interpreting the language is to minimize traffic congestion and impact on the community, and that seems to have been done.

Council Member Robinson asked if there is a need to amend the chart of uses. It appeared that Mr. Allen said last week that he could not live with a narrow interpretation, but now he seems to concede that they can narrowly interpret this one use based on the facts and circumstances but he could live with the existing language going forward. Mr. Allen replied that their first preference would be for the Council to find that the language is broad enough to cover this use. However, they still need to amend the development agreement to avoid this problem in the future. They either need to agree that the language is intended to be very broad or pursue an amendment to clarify the language. Council Member Robinson asked what language Mr. Allen finds to be too narrow. Mr. Allen stated that there is some inconsistency in the incidental use definition, and the ordinance definition is confusing, because the term incidental use is never used again in the agreement. Council Member Robinson noted that it is used in Exhibit C. Mr. Allen argued that Exhibit C refers to incidental commercial use, which is a subcategory or something different. Council Member Robinson confirmed with Mr. Allen that he believes the defined term "incidental uses" does not apply to incidental commercial uses in Exhibit C. Mr. Allen stated that The Boyer Company is comfortable with the use chart in Exhibit C. Council Member Robinson asked what bearing the ordinance has in making a decision. Deputy County Attorney Helen Strachan stated that it is evidence of intent, but the development agreement is the signed agreement between the parties.

Council Member McMullin noted that they need to decide whether to uphold or overturn the Staff's decision based on new evidence and whether to do that based on narrow grounds as set forth in the appellant's proposal or on broader grounds. She stated that she would rather do it on narrow grounds and clarify the development agreement through an amendment.

Council Member Elliott stated that she understands that this is a use directly related to the park, but she still believes the use is too intense, the space is too large, and there are too many agents. She stated that she would like to uphold Staff's decision and deny this appeal.

Council Member Robinson noted that the marketing agreement has only about a 14-month term, and it is unlikely that any more buildings will be built during the term of the agreement. He would not be concerned if Commerce did not have a listing on the entire park, because it is unusual to have a long-term listing on the entire park. He believed a real estate is a legitimate incidental use and that it is strange to have a standard that, if they want to be in the research park, they must have another office in the County. He asked how they could justify saying that eight people is too many and how the Council would know what is needed. He believed 1,900 square feet is a small office. He would like to see this narrowly construed and was in favor of an approval based on a narrow construction. He would be interested in seeing where discussions to amend the development agreement go and was not convinced that there has to be an amendment. If there is one, there would have to be good consideration on both sides, and he was not certain what that deal would look like.

Mr. Allen stated that he believed the effort to amend the development agreement would go forward. Chair Ure commented that they need to get to an end result on the development agreement, or everything that is proposed in the research park will come to the County Council. He believed there needs to be give and take on each side, and he was not sure he wanted to see the appeal denied, but he also was not sure he wanted to see it upheld. He would prefer to fix the entire problem at once so they do not have to make different interpretations for specific uses.

Council Member McMullin stated that she would be willing to approve the use with conditions 1 through 6. Planner Gabryszak stated that, if the Council wishes to grant the appeal and use the appellant's findings, Staff would recommend that they delete findings 7 through 9. Council Member Hanrahan asked how they could find that Staff did not err based on new information as part of this application.

Council Member Robinson stated that he believed they were reading too much into the agreement between Commerce and The Boyer Company, because it expires in October 2013, which means nothing other than maybe showing intent.

Mr. Jasper commented that if they approve this interpretation and the appeal based on findings 1 through 6 as proposed by the developer, that would keep the decision narrow to this issue. However, it does not solve the whole issue, and he hoped they would continue to meet with the developer to see if they could agree to amendments to the development agreement. He stated that he would like clarification on who makes the decision regarding uses.

Council Member Robinson made a motion to deny Staff's determination that the proposed Commerce CRG office is not in compliance with the development agreement list of allowed uses based on the following findings 1 through 6 as recommended by The Boyer Company.

Findings:

- 1. Having a commercial brokerage/sales office for the Park City Tech Center is appropriate. Such use is generally allowed on residential and commercial projects in Summit County and also allowed at other research parks around the Country. Such sales offices are by design part of projects early in the development process.**
- 2. Having a model office suite is a typical amenity at commercial and/or residential projects in Summit County. Applicant has represented that this office will be used as a model office suite.**

3. **Commerce has a listing agreement to help promote and market Park City Tech Center. That listing agreement covers all available developed office space in the Park City Tech Center. As a result, this use will provide a unique service to the Park City Tech Center and help attract the type of research and technology tenants they are seeking.**
4. **Since Commerce is already located in Kimball Junction, there will be no additional traffic impact to the area. In addition, off-site trips to show and market the Park City Tech Center will be minimized by having this use located on site.**
5. **As a percentage of total use, this use represents less than 7% of the building Commerce will be located in and potentially less than one-tenth of 1% of the space in the Park City Tech Center buildout. As such, this is a nominal part of the Park City Tech Center and provides support services.**
6. **With the main office of Commerce located in Salt Lake City, this office is a satellite office, with minimal support functions, and can therefore appropriately function as a small leasing office.**

The motion was seconded by Council Member McMullin and passed by a vote of 4 to 1, with Council Members Hanrahan, McMullin, Robinson, and Ure voting in favor of the motion and Council Member Elliott voting against the motion.

Council Member McMullin made a motion that two Council Members, being Chair Ure and Council Member McMullin, and Staff meet with The Boyer Company, including Roger Boyer, to discuss issues regarding this development agreement and how to resolve the problems that will continue to come up in the next 20 years if the problems are not resolved. The motion was seconded by Council Member Hanrahan.

Council Member Robinson asked what the fruits of that would be. Council Member McMullin replied that it would include proposed changes that have been discussed, which would then be taken through the process with the Planning Commission with a recommendation forwarded to the County Council.

The motion passed unanimously, 5 to 0.

Council Member Hanrahan was excused from the remainder of the meeting.

DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE #781 REGARDING NORTH SUMMIT FIRE SERVICE DISTRICT

Ms. Strachan explained that this ordinance would change the membership of the North Summit Fire District board from a seven-member administrative control board to a five-member board, with one member from the Coalville City area, one from the town of Henefer, and three members appointed by the County Council. No employees of the District shall serve on the board. Those currently on the board would continue to hold their positions until their term expires or the Council decides to remove a board member for cause by a two-thirds vote.

Marc Giauque, Battalion Chief for the North Summit Fire District and member of the board, stated that the board met a few weeks ago and discussed the potential conflicts of being a fire fighter and a member of the board. He stated that he supports this ordinance in general. He clarified that there are currently five members of the board, and in the initial ordinance they

proposed, they wanted to introduce bylaws and include a job description for the fire chief. Those have been in place for several years. He noted that they do not have a board vice chair.

Council Member McMullin clarified that the proposed changes are just the board membership changes.

Mr. Giaque explained that the Fire District has made improvements since he started 13 years ago, and 90% of their firefighters are trained and certified at some level. They have acquired new engines and apparatus, have additional water supply available, and increased their personal protective equipment. He asked that, when the Council interviews people for the board, they place emphasis on making sure they continue to move ahead. He noted that the Fire District has passed its audits every year. He acknowledged that they will encounter criticism as they continue to grow and asked the Council to keep in mind that their decisions are based on facts.

Dick Butler stated that he was asked to represent Henefer City Mayor Randy Ovard. He stated that their concern is a lack of communication, and he appreciated the actions the Fire District has taken to address that. He expressed concern that the Fire District has purchased equipment that does not work on the City's water system, and he wished they had consulted with the City. He explained that the City built the water system about 10 or 12 years ago and put in 6" and 8" fire hydrants. The Fire District has purchased a truck that will not work on those hydrants or Coalville City's hydrants, because the truck pulls too much water. That means they have to bring in an auxiliary tanker to fight a fire in those communities. He believed the Fire District should have checked with the cities before buying the equipment. Council Member Elliott asked if the Council is headed in the right direction by asking the Henefer City Council to ask someone to serve on the Fire District board. Mr. Butler replied that they need someone from the Coalville and Henefer Councils on the board. He stated that it is difficult for someone who is an employee of the Fire District to sit on the board and make objective decisions. He believed there should be outside input from people who do not have a vested interest in the District.

Brett Jones, Chairman of the North Summit Fire District Administrative Control Board, Fire Chief, and a Fire Marshall, stated that the board supports the ordinance and welcomes the input from Henefer and Coalville. He agreed with Mr. Butler that the appointments to the Fire District board should be members of the leadership of Henefer and Coalville cities so they do not have to rely on a third party to get the information to the cities. He would also like to have some training for the board members. With regard to the apparatus purchased by the Fire District, he explained that laws and ordinances and protection standards require them to purchase vehicles capable of certain things, regardless of water systems. Although the trucks the District recently purchased will probably not pump any system in the District, those are the trucks they had available and the ones that would meet their insurance requirements. He acknowledged that it costs a lot of money to put in infrastructure, but none of the existing water systems in North Summit meet the current standard for flow rates. Mr. Jones noted that this ordinance will affect three of the board members and asked if they would serve out their terms or go through a removal process. Council Member Robinson stated that he believed they should immediately advertise for new board members and the existing members should serve until new board members are appointed.

Chair Ure stated that he would like someone from the city council in Henefer and Coalville appointed to the board. Mr. Jones stated that he would like to see the mayors of those communities appointed.

Council Member Elliott stated that she was in favor of approving the ordinance with a change to say that an elected official from Coalville and Henefer will be appointed to the board.

Council Member McMullin made a motion to adopt Ordinance #781 with regard to the North Summit Fire Service District board with an amendment to 2-25-4, Membership, to read: The membership of the administrative control board shall consist of five (5) persons appointed in the following manner: one (1) member shall be appointed by Coalville City from the Coalville City Council, one (1) member shall be appointed by the Town of Henefer from the Henefer Town Council, and three (3) members shall be appointed by the Summit County Council. The motion was seconded by Board Member Robinson and passed unanimously, 4 to 0. Council Member Hanrahan was not present for the vote.

PUBLIC INPUT

Chair Ure opened the public input.

There was no public input.

Chair Ure closed the public input.

PUBLIC HEARING REGARDING THE PROPOSED ISSUANCE BY UTAH COUNTY, UTAH (THE “ISSUER”) OF ITS REVENUE BONDS (THE “BONDS”) IN ONE OR MORE SERIES AND IN AN AGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$545,000,000 (\$20,000,000 WITH RESPECT TO FACILITIES LOCATED IN SUMMIT COUNTY) FOR THE PURPOSE OF FINANCING, REFINANCING OR PROVIDING REIMBURSEMENT FOR THE ACQUISITION, IMPROVEMENT AND EQUIPPING OF CERTAIN HEALTH CARE FACILITIES FOR IHC HEALTH SERVICES, INC., AND CONSIDERING FOR ADOPTION RESOLUTION NO. 2012-23 APPROVING THE ISSUANCE OF THE BONDS FOR PURPOSES OF SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED. AND POSSIBLY ADOPTION OF RESOLUTION NO. 2012-24 AUTHORIZING THE EXECUTION AND DELIVERY BY SUMMIT COUNTY, UTAH (THE “COUNTY”) OF AN INTERLOCAL COOPERATION AGREEMENT, WHICH WILL AUTHORIZE THE ISSUER TO ISSUE A PORTION OF THE BONDS ON BEHALF OF THE COUNTY AND CERTAIN OTHER COUNTIES LOCATED IN THE STATE OF UTAH; DUSTIN MATSUMORI, INTERMOUNTAIN HEALTH CARE; CHRIS WALRATH, CHAPMAN & CUTLER, LLP

Dustin Matsumori, Director of Financial Planning with Intermountain Health Care, explained that every couple of years IHC issues tax-exempt municipal bonds to finance construction and improvement of their facilities throughout the State. Each time they issue bonds, they select a conduit issuer that allows them to receive a low-cost tax exempt bond issue. In this case, they have selected Utah County, because a large portion of the bond proceeds will be used at American Fork Hospital. According to tax law, IHC identifies all potential projects and all potential counties where the funds may be used before they can expend bond proceeds. There is a potential that they could expend funds on improvements or additions at the Park City Medical Center, and Utah law allows IHC to enter into an interlocal agreement with the counties that

saves on the cost of issuance and allows them to take advantage of economies of scale. Even though the bonds will be issued through Utah County, Utah County cannot hold a public hearing for Summit County, so it is necessary to hold a public hearing in Summit County. The two proposed resolutions would authorize Utah County to issue bonds up to \$20 million and to enter into the interlocal agreement that would allow Utah County to issue the bonds.

Council Member Robinson asked if this would all be new debt or if they would refinance some existing debt. Mr. Matsumori replied that about \$27 million will be used to reimburse IHC for other projects they have already completed. He verified that the bonds are fully indemnified and would be a pass through, with no impact on the County's rating, bonding capacity, revenues, or financial statements.

Chair Ure opened the public hearing.

There was no public comment.

Chair Ure closed the public hearing.

Council Member Robinson made a motion to adopt Resolution No. 2012-23 approving the issuance by Utah County, Utah (the "Issuer") of its revenue bonds (the "Bonds") in one or more series and in an aggregate principal amount not to exceed \$545,000,000 (\$20,000,000 with respect to facilities located in Summit County) for the purpose of financing, refinancing or providing reimbursement for the acquisition, improvement and equipping of certain health care facilities for IHC Health Services, Inc., for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0. Council Member Hanrahan was not present for the vote.

Council Member Elliott made a motion to adopt Resolution 2012-24 authorizing the execution and delivery by Summit County, Utah (the "County") of an interlocal cooperation agreement, which will authorize the Issuer to issue a portion of the Bonds on behalf of the County and certain other counties located in the State of Utah. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0. Council Member Hanrahan was not present for the vote.

PUBLIC HEARING AND POSSIBLE ACTION REGARDING A REZONE OF A 13.55-ACRE GROUP OF PROPERTIES INTO THE LIGHT INDUSTRIAL ZONE TO ALLOW FOR FUTURE EXPANSIONS OF EXISTING BUSINESS, 1039 HOYTSVILLE ROAD; CHARLES OLSON, APPLICANT; AMIR CAUS, COUNTY PLANNER

County Planner Amir Caus presented the staff report and recalled that the Light Industrial (LI) Zone in eastern Summit County was recently approved. This use has been nonconforming, and the applicant has applied for a rezone to LI so the use will be conforming. The Eastern Summit County Planning Commission recommended that the 13.55 acres owned by Rees's Metalworks be rezoned to the LI Zone. Planner Caus provided an aerial view of the site and the area that would be included in the LI Zone. He reported that the rezone would support numerous sections in the Eastern Summit County General Plan and Development Code. On August 1 the Eastern Summit County Planning Commission voted unanimously to forward a positive recommendation

on the proposed rezone to the County Council with the findings and conditions contained in the staff report. The Planning Commission also recommended that the fees be returned to Rees's, but the County Attorney's Office has indicated that, because the application has been active since 2009, it would probably not be appropriate to refund the fees.

Council Member Robinson indicated a portion of the property that is currently irrigated pasture and asked if there is a reason to include it in the rezone. Planner Caus explained that the applicant wishes to include all the property they own in the rezone, even though a portion of it is currently being grazed. They anticipate future expansions, and if they expand into that area in the future, they would not want to have to go through the rezone process again.

Chair Ure asked about the zoning on this property from 1996 to 2004. Planner Caus explained that Staff reviewed the maps, and the property was zoned Agriculture Protection (AP-1) and Highway Corridor (HC). However, based on documents provided by the applicant, it appears that the property may have been zoned LI at one point, but there are no documents in the Community Development Department that reference that. Chair Ure recalled that the applicant came to the County in 2009 wanting to expand their use, and he believed Staff should have informed the Council then that there was a chance this was zoned LI prior to 2004. The County took the LI Zone away from the applicant in 2004, and now they are giving it back in 2012, and he believed the applicant's fees should be refunded.

Community Development Director Don Sargent explained that Staff was able to find evidence of the existing zoning and the zoning in 1977, but no other zoning. This use was built prior to the initial zoning in the County, but Staff could find no records indicating that it was ever zoned industrial. Broad rezones are noticed in the newspaper rather than to individual property owners under State statute and the County Code, and the County has never noticed a rezone in a broad sense to individual property owners. Mr. Jasper stated that they may need to set up procedures to be certain that all the records are accurate and suggested that be part of the budget discussion.

Council Member McMullin asked what evidence was presented regarding the previous LI Zone. Planner Caus replied that the applicant provided the minutes from a County Commission meeting showing that the Board of County Commissioners approved it, but Staff could not find any map changes that took place.

Charles Olson, the applicant, stated that he worked for Rees's Enterprise in 1979, and there were maps of the LI Zone at that time which included the Quonset hut and a house between the Quonset hut and Rees's. Rees's purchased the house, and in order to build the existing building, they applied for a rezone for the house, which was zoned residential. He knew that because he came to the County, and there was a map with zones colored in. He thought it was amazing that an ordinance has been lost, because the County should keep track of them by number. He stated that the ordinance number was stamped on the minutes when the LI Zone was previously approved. Mr. Sargent stated that it is possible that there may not have been an ordinance and that this was simply an approval by the County Commissioners with no ordinance enacted. Council Member Robinson stated that he was not certain what bearing the old ordinance would have unless there were a public outcry against this.

Chair Ure opened the public hearing.

Glen Brown stated that he is the neighbor on two sides of the subject property, and he supports the Light Industrial Zone on this property. He stated that the original building was constructed about 1947 or 1948 and has been added onto since. The building referred to as the Quonset hut was built when he was a teenager. He stated that this is probably the oldest building in the County that has been an incubator for various businesses. He commented that his father used to drive a bus that was housed in that building during World War II to take employees back and forth to Hill Field. He referred to the pasture area and recommended that it be included in the LI Zone, stating that it would not make sense to not rezone it. He commented that Rees's employs a lot of people and is very important to the community, and the type of work they do requires a lot of yard space. They will not move into that area until they have to, but it would be foolish to not include it in the zone. He stated that no one would be more impacted by the rezone that he would be, and Rees's is a great neighbor.

Chair Ure closed the public hearing.

Council Member Elliott made a motion to approve the rezone of a 13.55 acre group of properties into the Light Industrial Zone to allow for future expansions of an existing business at 1039 Hoytsville Road as recommended with the following findings and conditions contained in the staff report:

Findings:

- 1. The amendment complies with the policies and objectives of the Eastern Summit County General Plan.**
- 2. The amendment is compatible with adjacent land uses and will not be overly burdensome on the local community.**
- 3. The specific development plan is in compliance with all applicable standards and criteria for approval as described in Chapter 4 of the Eastern Summit County Development Code.**
- 4. The amendment does not adversely affect the public health, safety, and general welfare.**

Conditions:

- 1. All Federal, State, and County requirements shall be met prior to issuance of any development permits.**

The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0. Council Member Hanrahan was not present for the vote.

Council Member Elliott made a motion to refund the fees to the applicant if the County Manager finds it appropriate to do so. The motion died for lack of a second.

PUBLIC HEARING AND POSSIBLE ACTION REGARDING A REZONE OF THE 1.13-ACRE ECHO RAILROAD PORT OF ENTRY INTO THE LIGHT INDUSTRIAL ZONE TO ALLOW FOR FUTURE EXPANSION OF AN EXISTING USE, 3550 SOUTH ROAD, ECHO; AMIR CAUS, COUNTY PLANNER

Planner Caus presented the staff report and explained that this is also a request for a rezone to the LI Zone. Utelite loads and distributes material at this site, which is a railroad industrial use which was previously in the Railroad Industrial Zone. He reviewed the vicinity map showing the existing zoning in the area and explained that the land is owned by Union Pacific and is the exact area Utelite leases from Union Pacific. He stated that Union Pacific has no objection to the

rezone. He reported that the Eastern Summit County Planning Commission forwarded a positive recommendation to the County Council for the proposed rezone with the findings and conditions in the staff report.

Chair Ure opened the public hearing.

Burke Roseman stated that he owns property near the Utelite facility where the cars line up. He would possibly like to build a house on the property, but it is becoming more difficult to do that when there are railroad cars in front of it. He stated that his children would like to live on the property, but he is worried about the industrial zoning, and he does not want any more industrial in the area. Chair Ure asked about the chances of expanding the industrial zone. Planner Caus replied that it is proposed that this use would remain exactly as it is with no expansion. Mr. Roseman expressed concern about what would go on there in the future and how far they will go with industrializing the area. He noted that his property is land locked and questioned why this industrial use has to be there. He stated that if he were going to vote on it, his vote would be no.

Ruth Richins stated that she has two concerns. One is access to the property on the west side of the tracks, and the other is access for emergency vehicles to her home and property. She noted that the two-track public crossing designated by the State of Utah Public Safety was closed because it was not safe, and now they have a five-track crossing, which is blocked frequently by working trains. She stated that she is concerned about public safety. A lot of people use the road, and it is difficult to see around the train cars. She did not want to see this area zoned Light Industrial, because it would leave an open door.

Tammy Stewart stated that the crossing that was closed was the right-of-way to her property. Later the railroad dedicated the road so that she now has right-of-way to her property. Since the last meeting, the railroad and Utelite have parked their trucks along the road, and sometimes it is not possible to get through. She expressed concern about her children's safety and stated that a railroad truck almost hit them. She stated that she needs to know that her children are safe when they visit their friends. She believed this rezone would empower Utelite to do more and more in their work yard. Council Member Robinson commented that everything Ms. Stewart has described is happening without the rezone and is not necessarily applicable to whether they rezone this property. He explained that the use is grandfathered, and the County is trying to apply a zone that matches the use that is already grandfathered. He wanted to hear reasons why this should or should not be rezoned. Ms. Stewart stated that part of why it should not be rezoned is what it would open this up to. The use exists on something that was not zoned for it in the first place. Council Member Robinson asked how long the use has existed on this site. Planner Caus replied that the railroad has been there since the late 1880's, and Utelite has been there since 1987.

Chair Ure asked if anything would change at this site if the rezone were denied. Planner Caus replied that nothing would change. Wildland Fire Warden Bryce Boyer explained that there has been significant use of railroad equipment in that area this year.

Frank Cattelan stated that he has lived in Echo for about 65 years. He claimed that the railroad took out the crossing so they could park 10 more cars there. He stated that when the railroad put in ties this summer, 75 or 80 machines and 150 men were working there. They had so much equipment in Echo that they had to move Utelite cars to Devil's Slide to park the equipment. He

stated that he did not know how they would have room to put anything more in Echo, and he was worried about what might come later.

David Vernon stated that he works at Utelite and explained that they have no plans to expand the use. They have been loading their product on train cars for more than 20 years, and that is what they will continue to do. The number of cars they load varies depending on the projects going on. Echo has been a railroad town since the 1800's, and Utelite has used the property for railroad purposes. They plan to continue to do what they have been doing. He noted that many of the concerns expressed this evening have to do with Union Pacific and their maintenance operations.

Chair Ure confirmed with Planner Caus that any changes in Utelite's operation would require an application and a hearing before the Planning Commission and the County Council.

Patsy Foust explained that the notice sent in the mail stated that this was a rezone for a future expansion, and that is why people are alarmed. She also noted that the address given for the rezone is her home address. Planner Caus clarified that they could only use an approximate address for the location, as there is no actual address for the Utelite facility. Mr. Sargent explained that any expansion would have to take place within the rezone area. Ms. Foust stated that she is alarmed, because any expansion that might occur would come toward her, and she does not want a Light Industrial Zone next to her. She noted that this is a residential area. She has lived there for 30 years and raised her family there, and she has grandchildren there. If they are expanding, she would like to know what door is being opened. If Utelite is not planning to expand, she wondered if the County has something in mind. She expressed concern about what kind of expansion was proposed in the notice sent to her. Council Member Robinson explained that they are simply making official a non-conforming use by making the zone match the use on 1.13 acres of land, which is a tiny parcel. There is nothing more Utelite could do on 1.13 acres than what they are already doing. Ms. Foust stated that she is opposed to any expansion.

Cory Staples, president of the water company in Echo, explained that a water line broke last year, and this facility sits right on top of the water line. He asked if they could get some money through the County to help redo the water line, because there is no fire protection on the other side of the tracks. He expressed concern about safety on the crossing and stated that he has seen children actually crawl underneath the rail cars. He believed they need to look at more adequate crossing protection. He stated that he feels better knowing that the only rezone will be 1.13 acres. With the County doing more recycling, he expressed concern about the possibility of expanding the use on this parcel to a transfer station for recycled materials.

Chair Ure closed the public hearing.

Council Member Elliott stated that she believed Utelite would be happy to let the water company cross their property with a new water line if they could figure out how to get a water right for Utelite. Utelite has promised for years to do some landscaping and clean things up, but they have never had a water right to allow them to have water. She expressed concern that there is no fire flow on the other side of the road. She asked Mr. Sargent to find out if there is a public right-of-way that would allow a trail to come down from the trestle. She hoped the road is a public road and that it is County maintained so they could put in a trail. She stated that she did not believe the Utelite use would change at all.

Council Member Robinson made a motion to approve the rezone of the 1.13-acre Echo railroad port of entry into the Light Industrial Zone as recommended with the following findings and conditions contained in the staff report:

Findings:

- 1. The amendment complies with the policies and objectives of the Eastern Summit County General Plan.**
- 2. The amendment is compatible with adjacent land uses and will not be overly burdensome on the local community.**
- 3. The specific development plan is in compliance with all applicable standards and criteria for approval as described in Chapter 4 of the Eastern Summit County Development Code.**
- 4. The amendment does not adversely affect the public health, safety, and general welfare.**

Conditions:

- 1. All Federal, State, and County requirements shall be met prior to issuance of any development permits.**

The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0. Council Member Hanrahan was not present for the vote.

APPROVAL OF COUNCIL MINUTES

AUGUST 8, 2012

Council Member McMullin made a motion to approve the minutes of the August 8, 2012, Summit County Council meeting as written. The motion was seconded by Council Member Elliott and passed unanimously, 4 to 0. Council Member Hanrahan was not present for the vote.

MANAGER COMMENTS

There were no Manager comments.

COUNCIL COMMENTS

Chair Ure explained that the CDBG workshop will be held October 29 in Orem, and if Summit County wishes to sponsor any grant applications, someone from Staff must attend the workshop in order to qualify to make application. He announced that Mayor Becker will attend the Council meeting on October 10. He stated that he has also provided the Attorney's Office with some paperwork regarding the Hatch Act which is becoming a problem in the State of Utah, and he believed they need to start working on that.

Council Member Elliott stated that she has had discussions with Union Pacific about using their alignment to get to the County road, and Ryan Simpson asked that she talk to Public Works Director Kevin Callahan and the County Manager, because a 50-year lease that was signed in the 1950's for the Lincoln Highway alignment is on Union Pacific land, and they want the County to renew that lease. She stated that Mr. Simpson had previously contacted Mr. Callahan and is waiting to hear from him, and this will have a bearing on being able to construct a trail in that location.

Council Member Elliott reported that Habitat for Humanity has built a LEED Platinum affordable house in Park City. Peace House is working with Tanger Outlets on the required affordable housing for their proposed expansion and hopes to be able to use the fee in lieu to build a new Peace House facility with transitional and protective housing in one location. They are concerned about the language in the legislation that the County Council just passed that might allow Tanger to pay lower fees in lieu. Council Member Robinson stated that he did not believe they had yet taken action on those amendments. Council Member McMullin cautioned that they should not be discussing this matter as it is pending before the Planning Commission and Council. Council Member Elliott stated that Habitat for Humanity also asked her if there was anything she could do to speed up their grant money. Council Member McMullin explained that they cannot do anything about this, because they have not yet set the budget. She stated that the Council needs to discuss this issue, because some Council Members believe it is not appropriate for a body politic to provide grants and that it should be a fee for service contract. The idea is to provide grants to organizations that provide services the County would otherwise provide, and if that is the case, they should have contracts for the services.

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

Council Chair, David Ure

County Clerk, Kent Jones



Community Development Department
60 North Main Coalville, UT 84017
(435) 336-3124 Fax (435) 336-3046

STAFF REPORT

To: Summit County Council (SCC)
Report Date: Wednesday, November 7, 2012
Meeting Date: Wednesday, November 14, 2012
Author: Amir Caus, County Planner
Project Name & Type: Newpark Hotel – Condo Plat Amendment
Type of Item: Public Hearing
Final Authority: N/A

EXECUTIVE SUMMARY: The applicant, Chris Retzer, representative for Retail at Newpark, L.C., is requesting to amend the Newpark Hotel condominium plat. The amendment would incorporate 165 sq. ft. from Parcel NPC-C-3 into Parcel NPC-C-2, located at 1476 Newpark Blvd. (Exhibit A).

Staff recommends that the SCC hold a public hearing to gather public comment, consider Staff’s analysis, and vote to approve the proposed Condo Plat Amendment.

A. Project Description

- Project: Newpark Hotel – Condo Plat Amendment
- Applicant(s): Chris Retzer
- Owner(s): Newpark, L.C.
- Location: Parcel NPC-C-2 into Parcel NPC-C-3, located at 1456 Newpark Blvd. (Exhibit A)
- Zoning & Setbacks: Town Center (TC) – FSP
- Adjacent Use: Mixed Use
- Parcel # & Size: NPC-C-2 (4,975 sq. ft.) and NPC-C-3 (9,399 sq. ft.)
- Lot of Record Status: N/A

B. Background

The Newpark Specially Planned Area (SPA) and Development Agreement (“DA”) were approved in October, 2001 and amended in December, 2002. The SPA resulted in the approval of 819,360 sq. ft. of density on the ~37 acre site.

The Newpark Hotel Plat was approved and recorded as part of the greater Newpark Town Center development. Parcels NPC-C-2 (4,975 sq. ft.) and NPC-C-3 (9,399 sq. ft.) are part of an overall approved gross square foot area.

On October 23, 2012 the Snyderville Basin Planning Commission voted unanimously to forward a positive recommendation to the SCC.

C. Community Review

A public hearing notice was published in the Park Record, and notice was sent to all property owners within 1,000 feet of the property. As of the date of this report, no public comments have been received.

D. Identification and Analysis of Issues

The applicant is proposing to take out 165 sq. ft. from Parcel NPC-C-3 and incorporate 162 sq. ft. into Parcel NPC-C-2. The 3 sq. ft. difference is the area of the demising wall that runs from south to north. The condominium line shared by Parcels NPC-C-2 and NPC-C-3 was never enclosed completely and was used as a common area by default; however, with a tenant that is due to move in, the applicant wishes to install a wall that divides the traditional third party businesses with the hotel operations. The proposed units are not part of any restricted common area.

No adverse comments have been received from any of the service providers.

E. General Plan Consistency

The project lies within the Kimball Junction Neighborhood Planning Area. As proposed, the project seems to support a number of the goals within the planning area including:

- *Ensuring that “the town center shall be the focal point for living, working, shopping, entertainment, and social interaction.”*

F. Findings/Code Criteria and Discussion

The approval process for final plats within the Newpark Development is governed by Article 6.5.4 of the DA. This article requires a public hearing and recommendation by the Planning Commission and final approval by the Board of County Commissioners (Summit County Council). Had the developers come under the current Code, they would be required to go before the Planning Commission and County Manager.

Because plats and Final Site Plans within the Newpark Development are governed by the DA, they are not subject to the standard review process for major developments found in the Snyderville Basin Development Code. Staff has found that the proposal meets the intent of the DA.

G. Recommendation(s)/Alternatives

Staff recommends that the SCC conduct a public hearing and evaluate the proposed Condominium Plat amendment in accordance with the Newpark SPA, Redstone Parkside/Newpark Development Agreement, Snyderville Basin Development Code and the Snyderville Basin General Plan. Staff further recommends that the SCC hold a public hearing to gather public comment, consider Staff’s analysis and vote to approve the proposed Condo Plat amendment for the Newpark Hotel Parcels NPC-C-2 and NPC-C-3.

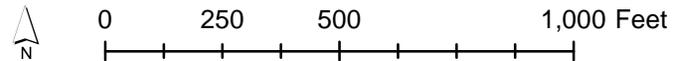
Attachment(s):

- Exhibit A: Vicinity Map**
- Exhibit B: Zoning Map**
- Exhibit C: Aerial Photo**
- Exhibit D: Existing Plat**
- Exhibit E: Proposed Plat**

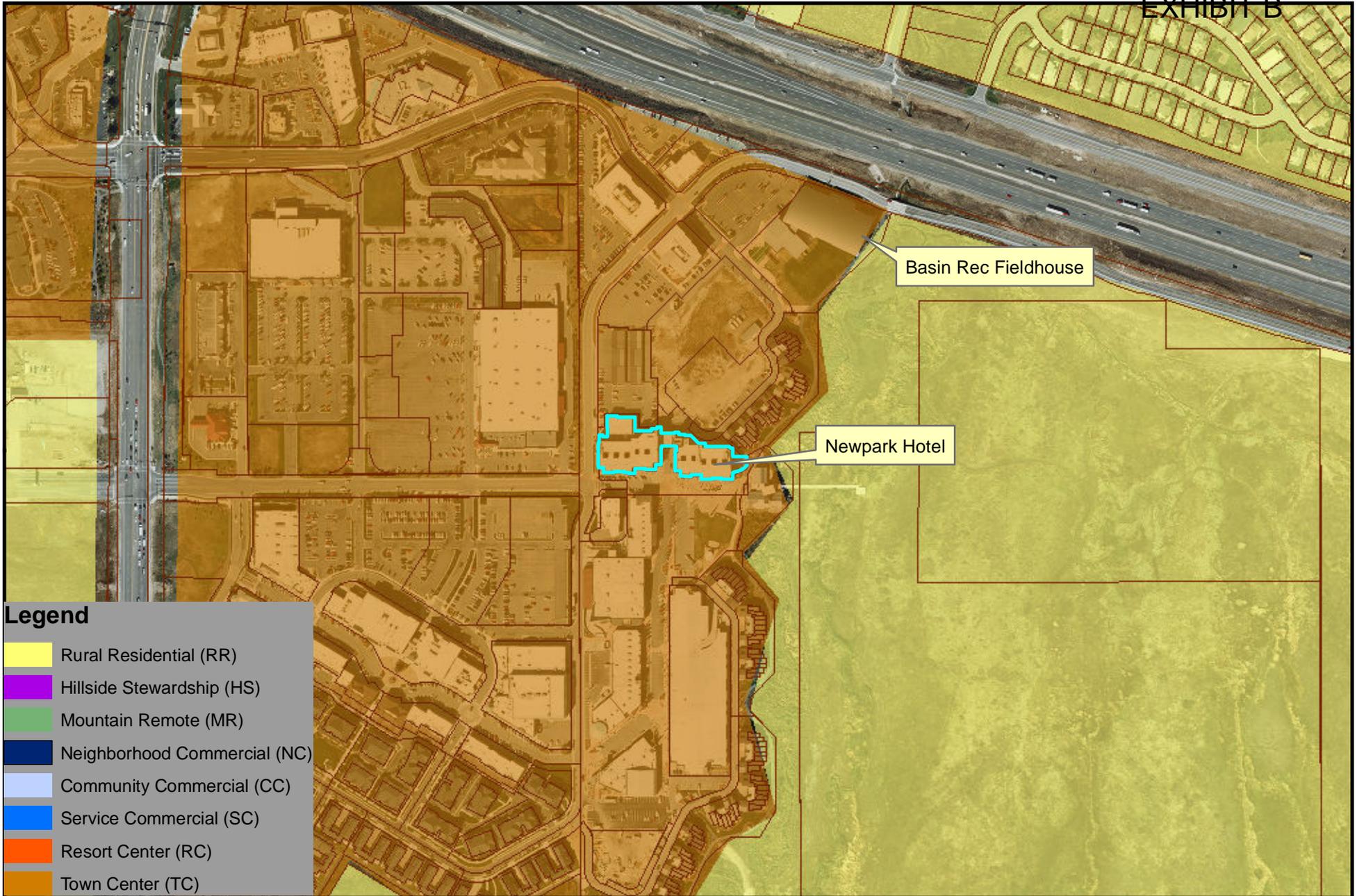


NPC-C-2 and NPC-C-3 Vicinity Map

Prepared by Summit County
Community Development Department



This drawing is neither a legally recorded map, nor a survey, and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources including Summit County. Summit County is not responsible for the timeliness or accuracy of information shown.

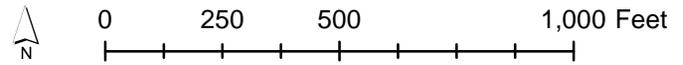


- Legend**
- Rural Residential (RR)
 - Hillside Stewardship (HS)
 - Mountain Remote (MR)
 - Neighborhood Commercial (NC)
 - Community Commercial (CC)
 - Service Commercial (SC)
 - Resort Center (RC)
 - Town Center (TC)

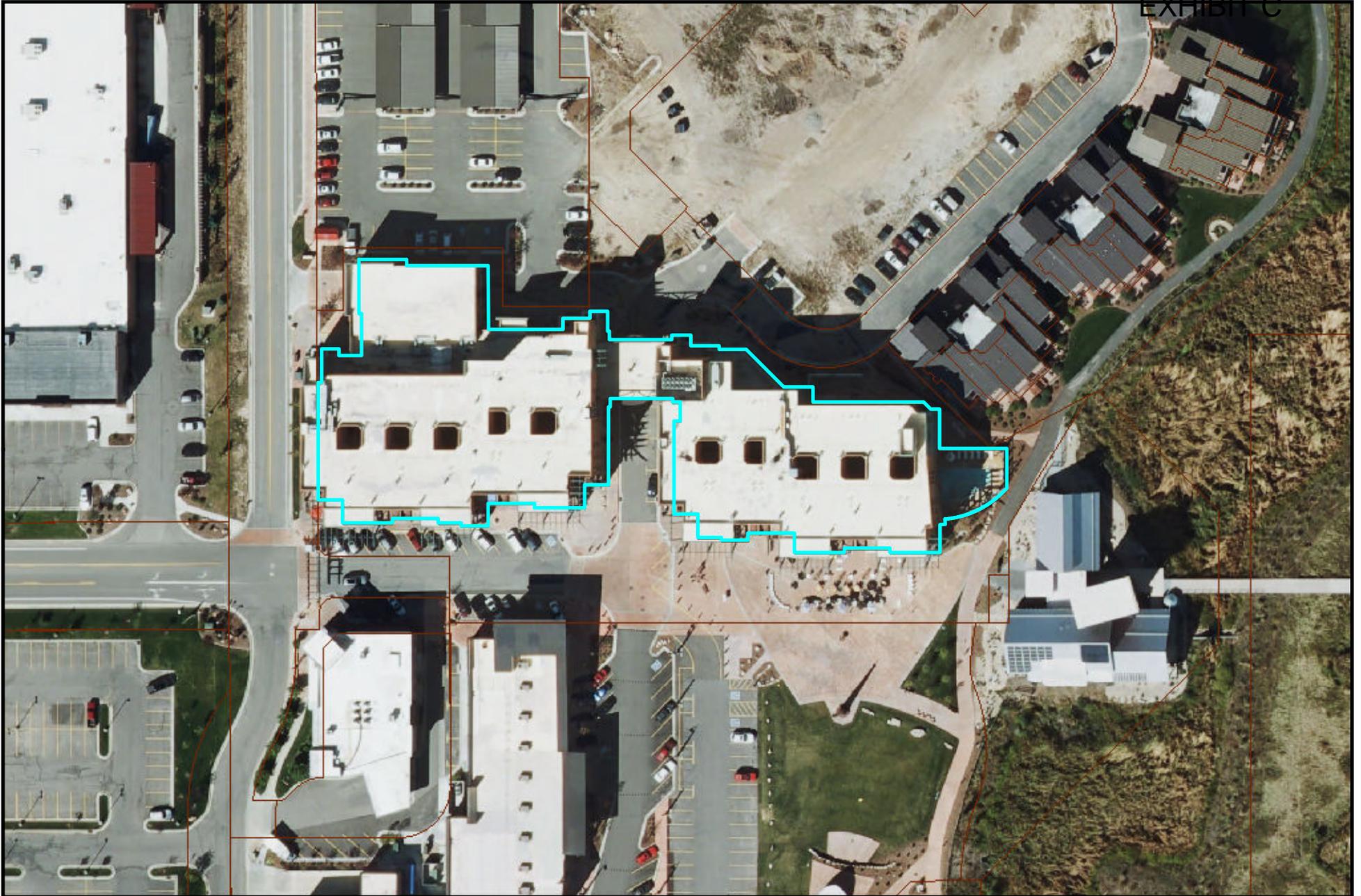


NPC-C-2 and NPC-C-3 Zoning Map

Prepared by Summit County
Community Development Department

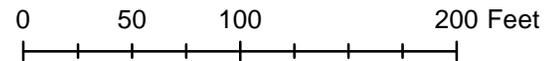


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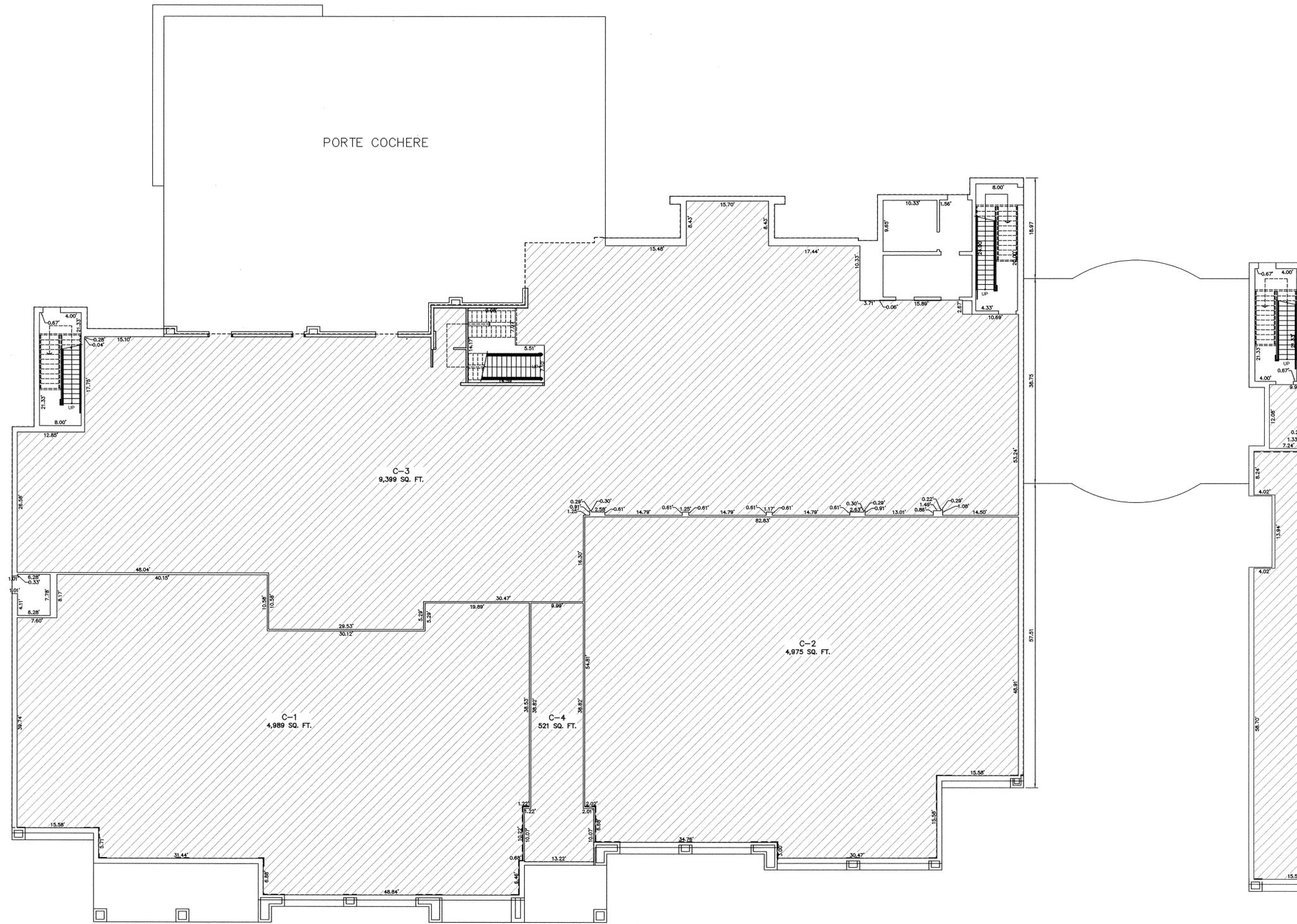


NPC-C-2 and NPC-C-3 Aerial

Prepared by Summit County
Community Development Department



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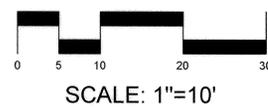


MATCHLINE
SEE SHEET 4 FOR CONTINUATION OF GROUND FLOOR



NEWPARK CONDOMINIUM
 AN AMENDMENT OF NEWPARK PARCELS A AND L
 INCLUDING NEWPARK CONDOMINIUMS AND
 NEWPARK COMMERCIAL CONDOMINIUM PLAT
 ALONG WITH PORTIONS OF LOT V2 OF
 NEWPARK PARCEL V SUBDIVISION PLAT
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 19,
 TOWNSHIP 1 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE AND MERIDIAN
 SUMMIT COUNTY, UTAH

SHEET 3 OF 12



BUILDING "L"	
UNIT #	SQ. FT.
C-1	4,989
C-2	4,975
C-3	9,399
C-4	521

BUILDING "L"		
LEVEL	NOMINAL	ACTUAL
GROUND FLOOR ELEVATION	100.00	6380.50

LEGEND
 COMMON AREA
 PRIVATE OWNERSHIP
 THIS PLAT IS A TWELVE (12) SHEET PACKAGE. INFORMATION DEPICTED ON ANY ONE SHEET SHALL APPLY TO ALL SHEETS AND LOTS.

GROUND FLOOR-NEWPARK COMMERCIAL CONDOMINIUMS

RECORDED
 ENTRY NO. 234740 BOOK 0 PAGE'S 0
 STATE OF UTAH, COUNTY OF SUMMIT
 DATE January 14, 2008, TIME 12:30 p.m.
 RECORDED AND FILED AT THE REQUEST OF:
High Country Title
Alan Spruz
 SUMMIT COUNTY RECORDER

JACK JOHNSON COMPANY
 Designing World Destinations
 In-Person - 1777 Sun Peak Drive - Park City - Utah 84098
 Telephone - 435.645.9000 - Facsimile - 435.649.1620
 www.jackjohnson.com

path:\3\Survey\Information\Survey\Projects\234740\NEWPARK PARCELS A AND L\CONDO PLAT\DWG\DATA File name: PARCEL L - SHEET 3.dwg | 148 dwt Date: December 11, 2007 | 1:48 pm

BUILDING "L"		BUILDING "L"	
UNIT #	SQ. FT.	UNITS C-1, C-2, C-3, C-4,	
C-1	4,989	LEVEL	NOMINAL ACTUAL
NEW C-2	5137	GROUND FLOOR ELEVATION	100.00 6380.50
NEW C-3	9,234		
C-4	521		

LEGEND	
	COMMON AREA
	PRIVATE OWNERSHIP

- PLAT NOTES:**
1. THIS AMENDED SHEET 3 OF 12 OF THE NEWPARK COMMERCIAL CONDOMINIUM PLAT IS SUBJECT TO ALL OF THE PLAT NOTES ON SHEET 1 OF 12 OF THE NEWPARK CONDOMINIUM PLAT RECORDED JANUARY 14, 2008, ENTRY NUMBER 834740.
 2. THIS PLAT IS A SHEET OF A TWELVE (12) SHEET PACKAGE. INFORMATION DEPICTED ON ANY ONE SHEET SHALL APPLY TO ALL SHEETS AND LOTS.
 3. 162 SQUARE FEET IS AN ADDITION TO C-2 SQUARE FOOTAGE AND 165 SQUARE FEET IS A SUBTRACTION FROM C-3 SQUARE FOOTAGE.

SURVEYOR'S CERTIFICATE:

I, JACK J. JOHNSON, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 147581 as prescribed under the laws of the State of Utah. I further certify, that by authority of the Owner, and on behalf of the Jack Johnson Consulting, I have caused to be made under my direction this plat of Newpark Condominiums Building L in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act, that a survey has been made of the building shown on this plat and described hereon, and that this plat is a correct representation of the building surveyed and has been prepared in conformity with the minimum standards and requirements of the law.

Jack J. Johnson PLS No. 147581
 Date _____

OWNER'S DEDICATION AND CONSENT TO RECORD:

The undersigned owner of the changes in parcels C-3 and C-2 described hereon, hereby certifies that it has caused this survey to be made and this amendment to the Condominium Plat for Newpark Commercial to be prepared, and does consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act. The owners certify that the building shown on this plat, is as constructed.

Executed this _____ day of _____, 2012.
 Retail at Newpark, LC, a Utah Limited Liability Company

By _____, its

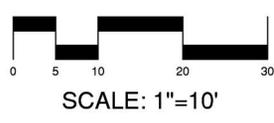
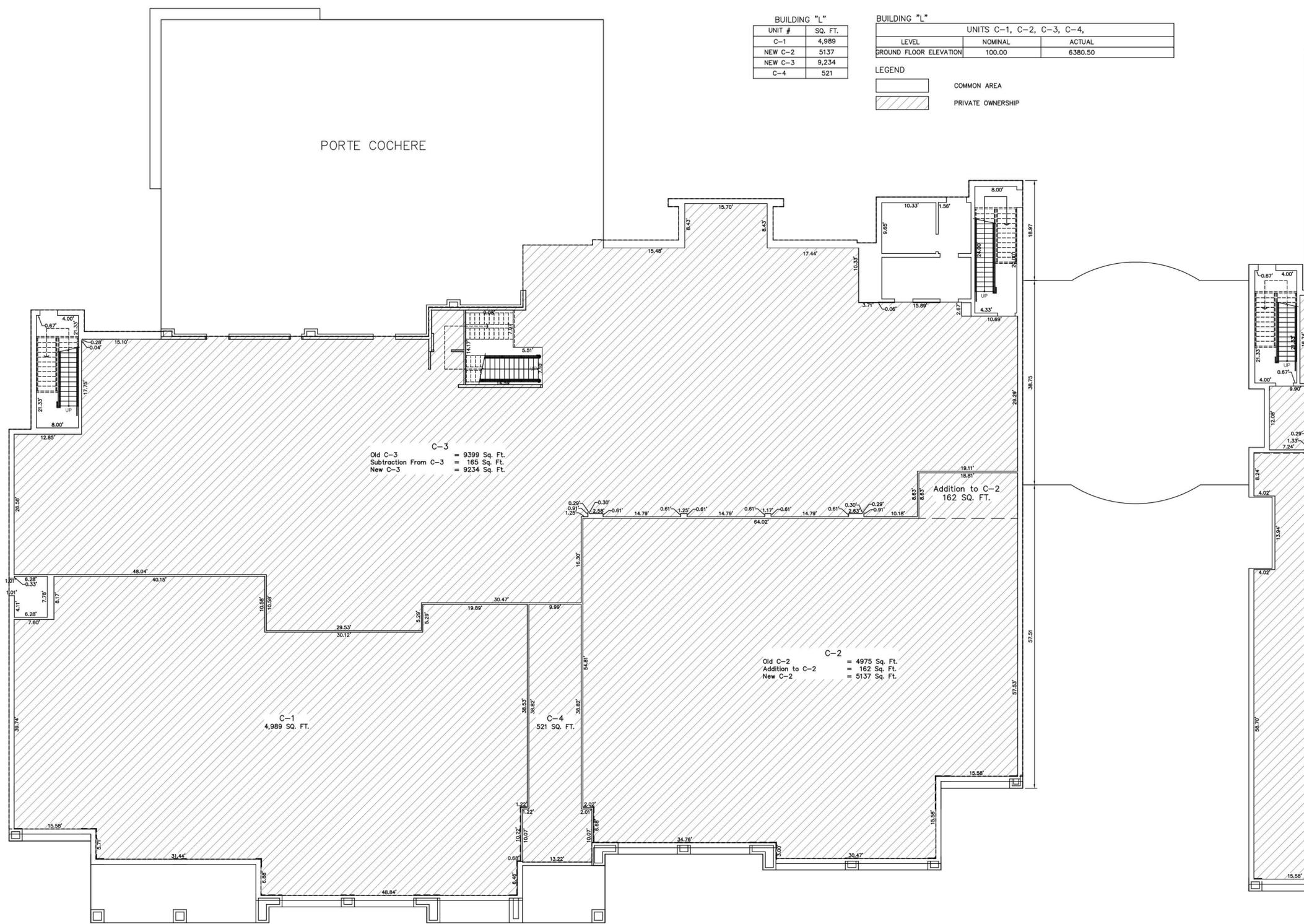
ACKNOWLEDGMENT

State of Utah }
 County of Summit } ss

On this _____ day of _____, 2012, personally appeared before me, _____ of Retail at Newpark, LC a Utah Limited Liability Company, and executed the foregoing Owner's Dedication and Consent to Record.

Notary Public _____
 Residing at: _____ My commission expires: _____

MATCHLINE
SEE SHEET 4 FOR CONTINUATION OF GROUND FLOOR



GROUND FLOOR-NEWPARK COMMERCIAL CONDOMINIUMS

NEWPARK CONDOMINIUM
 AN AMENDMENT OF Sheet 3 of 12 of the
 NEWPARK COMMERCIAL CONDOMINIUM PLAT.
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 19,
 TOWNSHIP 1 SOUTH, RANGE 4 EAST,
 SALT LAKE BASE AND MERIDIAN
 SUMMIT COUNTY, UTAH

SHEET 3 OF 12

Utah State Professional Surveyors License #1273, Registered Professional Surveyor, Jack J. Johnson, Surveyor, Salt Lake County, Utah, License #1273, License Expires 12/31/2012, License Issued 12/31/2008, License Renewed 12/31/2011, License Renewed 12/31/2012, License Renewed 12/31/2013, License Renewed 12/31/2014, License Renewed 12/31/2015, License Renewed 12/31/2016, License Renewed 12/31/2017, License Renewed 12/31/2018, License Renewed 12/31/2019, License Renewed 12/31/2020, License Renewed 12/31/2021, License Renewed 12/31/2022, License Renewed 12/31/2023, License Renewed 12/31/2024, License Renewed 12/31/2025, License Renewed 12/31/2026, License Renewed 12/31/2027, License Renewed 12/31/2028, License Renewed 12/31/2029, License Renewed 12/31/2030.

COUNTY ASSESSOR	COUNTY PLANNING COMMISSION	COUNTY ENGINEER	COUNTY MANAGER	APPROVAL AS TO FORM	RECORDED
REVIEWED AND ACCEPTED BY: THE OFFICE OF THE SUMMIT COUNTY ASSESSOR. THIS _____, DAY OF _____, 2012. _____ SUMMIT COUNTY ASSESSOR	APPROVED AND ACCEPTED BY: THE SNYDERVILLE BASIN PLANNING COMMISSION. THIS _____, DAY OF _____, 2012. _____ PLANNING COMMISSION CHAIRMAN	I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT REVIEWED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH AVAILABLE INFORMATION ON FILE IN THIS OFFICE. _____ DATE SUMMIT COUNTY ENGINEER	APPROVED AND ACCEPTED BY: SUMMIT COUNTY MANAGER THIS _____, DAY OF _____, 2012. _____ SUMMIT COUNTY MANAGER	APPROVED AS TO FORM ON: THIS _____, DAY OF _____, 2012. _____ SUMMIT COUNTY ATTORNEY	ENTRY NO. _____ BOOK _____ PAGE'S _____ STATE OF UTAH, COUNTY OF SUMMIT DATE _____ TIME _____ RECORDED AND FILED AT THE REQUEST OF: _____ SUMMIT COUNTY RECORDER

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