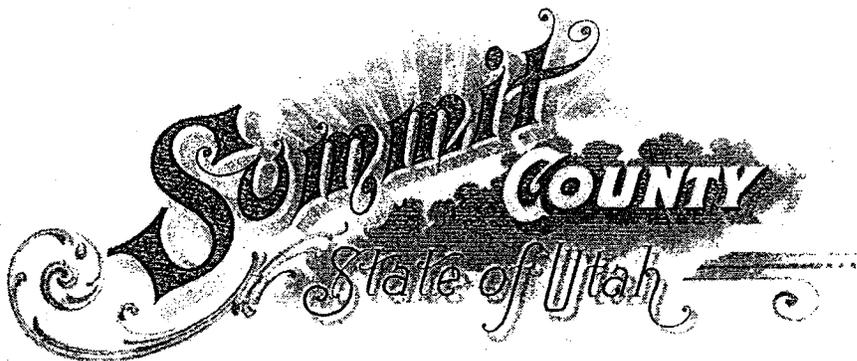


Auditor

Blake Frazier



September 24, 2013

County Council;

Please consider approving the 2013 Board of Equalization Stipulations on October 2<sup>nd</sup>. They will be prepared for your review prior to that date.

Thank You,

A handwritten signature in black ink that reads "Kathryn Rockhill". The signature is written in a cursive, flowing style.

Kathryn Rockhill

BOE Clerk

# 2013 BOE Adjustments

Account #	Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value	Taxable Difference	Old Tax Estimate	% Difference	DATE	Explanation for adjustment
0472048	RVBND-1	\$ 60,000.00	\$ 60,000.00	\$ -	\$ 31.00	\$ 60,000.00	\$ (59,969.00)	\$ 564.24	-99.95%	9/19/2013	Changed from Non-Primary land to Greenbelt land.
0472055	RVBND-2	\$ 60,000.00	\$ 60,000.00	\$ -	\$ 34.00	\$ 60,000.00	\$ (59,966.00)	\$ 564.24	-99.94%	9/19/2013	Changed from Non-Primary land to Greenbelt land.
0472086	RVBND-5	\$ 60,000.00	\$ 60,000.00	\$ -	\$ 37.00	\$ 60,000.00	\$ (59,963.00)	\$ 564.24	-99.94%	9/19/2013	Changed from Non-Primary land to Greenbelt land.
0472062	RVBND-3	\$ 60,000.00	\$ 60,000.00	\$ -	\$ 41.00	\$ 60,000.00	\$ (59,959.00)	\$ 564.24	-99.93%	9/19/2013	Changed from Non-Primary land to Greenbelt land.
0472093	RVBND-6	\$ 65,000.00	\$ 65,000.00	\$ -	\$ 52.00	\$ 65,000.00	\$ (64,948.00)	\$ 611.26	-99.92%	9/19/2013	Changed from Non-Primary land to Greenbelt land.
0472125	RVBND-9	\$ 65,000.00	\$ 65,000.00	\$ -	\$ 52.00	\$ 65,000.00	\$ (64,948.00)	\$ 611.26	-99.92%	9/19/2013	Changed from Non-Primary land to Greenbelt land.
0472101	RVBND-7	\$ 75,000.00	\$ 75,000.00	\$ -	\$ 74.00	\$ 75,000.00	\$ (74,926.00)	\$ 705.30	-99.90%	9/19/2013	Changed from Non-Primary land to Greenbelt land.
0442421	TCRS-A	\$ 384,086.00	\$ 1,013,581.00	\$ (629,495.00)	\$ 384,086.00	\$ 1,013,581.00	\$ (629,495.00)	\$ 8,711.03	-62.11%	9/23/2013	As per agreement with Assessor, Recorder and Zoning, for 2013 will grant land as open space, waiting the amended plat converting land to Common Area.
0069330	SU-M-2-5	\$ 60,000.00	\$ 125,000.00	\$ (65,000.00)	\$ 60,000.00	\$ 125,000.00	\$ (65,000.00)	\$ 1,161.88	-52.00%	9/19/2013	After reviewing the information provided along with other available market/sales data, an adjustment has been made to establish an adjusted market value
0015481	OT-97-A	\$ 36,952.00	\$ 75,792.00	\$ (38,840.00)	\$ 36,952.00	\$ 75,792.00	\$ (38,840.00)	\$ 669.95	-51.25%	9/18/2013	Lot is non-buildable as per letter from Oakley City Planner.
0234983	JR-3-381	\$ 165,000.00	\$ 306,000.00	\$ (141,000.00)	\$ 165,000.00	\$ 306,000.00	\$ (141,000.00)	\$ 2,844.27	-46.08%	9/24/2013	After reviewing the information provided along with other available market/sales data, an adjustment has been made to establish an adjusted market value
0235055	JR-3-388	\$ 165,000.00	\$ 306,000.00	\$ (141,000.00)	\$ 165,000.00	\$ 306,000.00	\$ (141,000.00)	\$ 2,844.27	-46.08%	9/24/2013	After reviewing the information provided along with other available market/sales data, an adjustment has been made to establish an adjusted market value
0260525	CHC-406	\$ 80,010.00	\$ 80,010.00	\$ -	\$ 44,005.00	\$ 80,010.00	\$ (36,005.00)	\$ 727.77	-45.00%	9/19/2013	Primary Residence Change
0007942	HT-31	\$ 102,610.00	\$ 102,610.00	\$ -	\$ 56,435.00	\$ 102,610.00	\$ (46,175.00)	\$ 964.94	-45.00%	9/19/2013	Primary Residence Change
0145379	PI-59	\$ 276,038.00	\$ 276,038.00	\$ -	\$ 151,820.00	\$ 276,038.00	\$ (124,218.00)	\$ 2,388.25	-45.00%	9/20/2013	to purchase of 715000
0285456	MH-II-84	\$ 738,926.00	\$ 738,926.00	\$ -	\$ 406,409.00	\$ 738,926.00	\$ (332,517.00)	\$ 6,868.32	-45.00%	9/20/2013	Primary Residence Change
0478774	MDC-1	\$ 200,000.00	\$ 200,000.00	\$ -	\$ 110,000.00	\$ 200,000.00	\$ (90,000.00)	\$ 1,819.20	-45.00%	9/19/2013	Primary Residence Change
0450880	LBHV-III-4311	\$ 235,000.00	\$ 235,000.00	\$ -	\$ 129,250.00	\$ 235,000.00	\$ (105,750.00)	\$ 2,040.27	-45.00%	9/19/2013	Primary Residence Change
0410633	IWDV-II-G-24	\$ 1,800,000.00	\$ 1,800,000.00	\$ -	\$ 990,000.00	\$ 1,800,000.00	\$ (810,000.00)	\$ 17,197.20	-45.00%	9/19/2013	Primary Residence Change
0191670	MW-1-4	\$ 210,000.00	\$ 210,000.00	\$ -	\$ 115,500.00	\$ 210,000.00	\$ (94,500.00)	\$ 1,073.57	-45.00%	9/19/2013	Primary Residence Change
0228787	NC-415	\$ 110,000.00	\$ 110,000.00	\$ -	\$ 60,500.00	\$ 110,000.00	\$ (49,500.00)	\$ 1,000.56	-45.00%	9/19/2013	Primary Residence Change
0340913	PBP-B-O-24	\$ 210,000.00	\$ 210,000.00	\$ -	\$ 115,500.00	\$ 210,000.00	\$ (94,500.00)	\$ 1,073.57	-45.00%	9/19/2013	Primary Residence Change
0333694	PNCR-H-4	\$ 160,000.00	\$ 160,000.00	\$ -	\$ 88,000.00	\$ 160,000.00	\$ (72,000.00)	\$ 1,389.12	-45.00%	9/19/2013	Primary Residence Change
0333785	PNCR-1-1	\$ 160,000.00	\$ 160,000.00	\$ -	\$ 88,000.00	\$ 160,000.00	\$ (72,000.00)	\$ 1,389.12	-45.00%	9/19/2013	Primary Residence Change
0047120	PSC-511	\$ 52,500.00	\$ 52,500.00	\$ -	\$ 28,875.00	\$ 52,500.00	\$ (23,625.00)	\$ 477.54	-45.00%	9/19/2013	Primary Residence Change
0313746	HTC-2-206	\$ 240,000.00	\$ 240,000.00	\$ -	\$ 132,000.00	\$ 240,000.00	\$ (108,000.00)	\$ 2,230.80	-45.00%	9/19/2013	Primary Residence Change
0174510	FVL-38	\$ 500,000.00	\$ 500,000.00	\$ -	\$ 275,000.00	\$ 500,000.00	\$ (225,000.00)	\$ 4,548.00	-45.00%	9/19/2013	Primary Residence Change
0396048	FPRV-1-G	\$ 240,000.00	\$ 240,000.00	\$ -	\$ 132,000.00	\$ 240,000.00	\$ (108,000.00)	\$ 2,083.68	-45.00%	9/19/2013	Primary Residence Change
0276521	FVL-1-34-A	\$ 635,000.00	\$ 635,000.00	\$ -	\$ 349,250.00	\$ 635,000.00	\$ (285,750.00)	\$ 5,775.96	-45.00%	9/19/2013	Primary Residence Change
0316087	DLV-3-13-C	\$ 700,000.00	\$ 700,000.00	\$ -	\$ 385,000.00	\$ 700,000.00	\$ (315,000.00)	\$ 6,367.20	-45.00%	9/19/2013	Primary Residence Change
0387685	CRQJ-70-AM	\$ 350,000.00	\$ 350,000.00	\$ -	\$ 192,500.00	\$ 350,000.00	\$ (157,500.00)	\$ 3,253.25	-45.00%	9/19/2013	Primary Residence Change
0287205	CHAP-302	\$ 705,000.00	\$ 705,000.00	\$ -	\$ 387,750.00	\$ 705,000.00	\$ (317,250.00)	\$ 6,412.68	-45.00%	9/19/2013	Primary Residence Change
0036537	3K-4-A	\$ 245,000.00	\$ 245,000.00	\$ -	\$ 134,750.00	\$ 245,000.00	\$ (110,250.00)	\$ 2,228.52	-45.00%	9/19/2013	Primary Residence Change
0030605	SNC-1051	\$ 140,000.00	\$ 140,000.00	\$ -	\$ 77,000.00	\$ 140,000.00	\$ (63,000.00)	\$ 1,273.44	-45.00%	9/20/2013	Primary Residence Change
0030183	SNC-1009	\$ 113,000.00	\$ 113,000.00	\$ -	\$ 62,150.00	\$ 113,000.00	\$ (50,850.00)	\$ 1,027.85	-45.00%	9/20/2013	Primary Residence Change
0029433	RT-4-1AM	\$ 230,000.00	\$ 230,000.00	\$ -	\$ 126,500.00	\$ 230,000.00	\$ (103,500.00)	\$ 2,092.08	-45.00%	9/23/2013	Primary Residence Change
0029417	RT-3-1-AM	\$ 230,000.00	\$ 230,000.00	\$ -	\$ 126,500.00	\$ 230,000.00	\$ (103,500.00)	\$ 2,092.08	-45.00%	9/23/2013	Primary Residence Change
0029409	RT-2-1AM	\$ 230,000.00	\$ 230,000.00	\$ -	\$ 126,500.00	\$ 230,000.00	\$ (103,500.00)	\$ 2,092.08	-45.00%	9/23/2013	Primary Residence Change
0411573	LT-3	\$ 2,650,000.00	\$ 2,650,000.00	\$ -	\$ 1,457,500.00	\$ 2,650,000.00	\$ (1,192,500.00)	\$ 25,318.10	-45.00%	9/23/2013	Primary Residence Change
0376487	CCRK-D-11	\$ 145,000.00	\$ 145,000.00	\$ -	\$ 79,750.00	\$ 145,000.00	\$ (65,250.00)	\$ 1,258.89	-45.00%	9/24/2013	Primary Residence Change
0048912	RC-1-12	\$ 240,000.00	\$ 240,000.00	\$ -	\$ 132,000.00	\$ 240,000.00	\$ (108,000.00)	\$ 2,183.04	-45.00%	9/25/2013	Primary Residence Change
0392492	SA-288-288-A-9	\$ 782,263.00	\$ 782,263.00	\$ -	\$ 430,245.00	\$ 782,263.00	\$ (352,018.00)	\$ 3,913.51	-45.00%	8/22/2013	Primary Residence Change per Ashley
0469259	CDRHTS-1	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469266	CDRHTS-2	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469273	CDRHTS-3	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469280	CDRHTS-4	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469297	CDRHTS-5	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469305	CDRHTS-6	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469312	CDRHTS-7	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469329	CDRHTS-8	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469336	CDRHTS-9	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469343	CDRHTS-10	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469350	CDRHTS-11	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469367	CDRHTS-12	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469374	CDRHTS-13	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469381	CDRHTS-14	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469398	CDRHTS-15	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469406	CDRHTS-16	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469413	CDRHTS-17	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469420	CDRHTS-18	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469437	CDRHTS-19	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469444	CDRHTS-20	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469451	CDRHTS-21	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469468	CDRHTS-22	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469475	CDRHTS-23	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0469482	CDRHTS-24	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 17,500.00	\$ 30,765.00	\$ (13,265.00)	\$ 362.81	-43.12%	9/19/2013	Adjusted to 2012 BOE decision.
0248306	SS-8-B-2	\$ 1,200,000.00	\$ 2,090,880.00	\$ (890,880.00)	\$ 1,200,000.00	\$ 2,090,880.00	\$ (890,880.00)	\$ 18,153.02	-42.61%	9/24/2013	Land was purchased in 2011 for \$1,200,000. Land was appealed in 2012 and lowered to purchase prices, although the BOE adjusted value wasn't carried through to 2013.
0144034	PI-D-27	\$ 50,000.00	\$ 85,700.00	\$ (35,700.00)	\$ 50,000.00	\$ 85,700.00	\$ (35,700.00)</				



---

**MEMORANDUM**

---

**DATE:** September 17, 2013  
**TO:** Summit County Council  
**FROM:** Rich Bullough-Health Director  
**RE:** Echo System Easement Request

---

As part of the Echo community septic system project, an easement is needed to allow for a pipeline crossing an existing canal area. Signatures are required by both the Echo Ditch Company (as Grantor) and the Summit County Council (as Grantee). The Grantor representative will have already signed the document.

The Health Director will be available to answer questions prior to Council signing and notarization.

**AGREEMENT FOR AN EASEMENT FOR THE  
CONSTRUCTION AND USE OF A CULVERT**

This Agreement for an easement for the construction and use of a culvert is entered into this \_\_\_\_ day of September, 2013 by and between Echo Ditch Company, whose address is \_\_\_\_\_ (hereinafter referred to as "Grantor"), and Echo Special Service District (Echo SSD), Utah a political subdivision of the State of Utah, whose address is 60 N. Main Coalville, Utah 84017 (hereinafter referred to as "Grantee"). This Agreement is entered into subject to the following

RECITALS:

- A. Grantor is the owner of certain real property located within unincorporated Summit County located at the Echo Roadway, approximately 1,100 feet northeast of Echo town (the "Property"); and
- B. Grantee has received a loan and grant to construct an Echo SSD Seepage Field requiring the crossing of Grantor's irrigation ditch located on the Property. This requires the installation of a pipe in the ditch (the "Project") and Grantee desires to obtain from Grantor the right to enter the Property and to construct and thereafter maintain a culvert crossing the ditch; and
- C. Grantor and Grantee understand and agree that the construction and maintenance of the culvert herein is for the mutual benefit of both parties; and
- D. Grantor and Grantee agree to cooperate in the maintenance of said culvert as illustrated and described herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, Grantor and Grantee hereby agree as follows:

RECITALS

- 1. **Recitals.** The above recitals are restated herein as though fully set forth.
- 2. **Grant of Easement.** Subject to the terms and conditions described herein, Grantor hereby grants and conveys to Grantee a thirty feet (30') nonexclusive, perpetual easement and right of way crossing Grantor's ditch, as set forth in **Exhibit A** for the following purposes:
  - (a) to construct and thereafter maintain a culvert crossing the ditch for the Echo SSD Seepage field
  - (b) to perform any other acts necessary to protect the culvert from damage.
- 3. **Grantee's Rights and Obligations:**
  - (a) Grantee shall have and exercise the right to ingress and egress in, to, over and across the Property for any lawful purpose needed for the full enjoyment of the rights granted by Grantee to the Grantor hereunder.

- (b) Grantee agrees to construct, at its sole cost and expense, the culvert, including excavation, and shall remove debris as necessary for the purpose of the Project. The culvert shall be designed and constructed in a good and workmanlike manner so as not to damage any other portion of Grantor's Property.
- (c) Grantee shall not be responsible for removing and/or disposing of any existing vegetation and/or debris from the Property that is unrelated to the culvert crossing.
- (d) Once construction is completed, maintenance of the culvert shall be at Grantee's sole cost and expense.
- (e) Grantee shall have the right to fence the Property or any portion of the Property and shall remove said fencing upon completion of the Project.
- (f) Grantee shall be responsible for obtaining, at its own cost, all permits or authorizations, if required by any governmental agency having jurisdiction, in order to utilize the Property in the manner contemplated hereunder.
- (g) In the event Grantee deems it necessary to enter the Property to perform maintenance or repair activities on the culvert, Grantee shall use its best efforts to notify Grantor and coordinate its activities with Grantor. However, Grantee reserves the right to enter the Property without notice to Grantor in the event of an emergency. Grantee states that it has inspected the Property and is relying upon its own inspection in entering into this Agreement. Grantor makes no representation or warranty with regard to the Property, including, but not limited to, the suitability of the Property for Grantee's purposes or uses to which Grantee intends to put the Property. Should the Grantee terminate the intended use, Grantor shall restore the Property to its prior condition, subject to normal wear and tear, to the extent practicable.

**4. Grantor's Rights and Obligations:**

- (a) Grantor retains the right to the undisturbed use and occupancy of the Property insofar as such use and occupancy is consistent with and does not impair any grant herein contained.
- (b) Grantor shall maintain the Property in a good and clean condition.
- (c) Grantor shall receive no monetary reimbursement for the construction and maintenance of said culvert.
- (d) Grantor warrants that it has the full right and legal authority to make this Agreement.

5. **Term.** The term of this Agreement shall commence on June 1<sup>st</sup>, 2013. The Echo SSD seepage field shall remain in place and be maintained as required.

6. **Recording:** Except as otherwise expressly provided herein, all provisions in this Agreement, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto. Grantee shall record the Easement in a

timely fashion in the official records of Summit County, and may re-record it at any time as may be required to preserve its rights in the Easement.

7. **Governing Law:** This Agreement shall be governed by the laws of the State of Utah, and any legal action concerning the provisions hereof shall be brought in the County of Summit, State of Utah.
8. **Modification:** This Agreement may only be modified upon written agreement by the parties.
9. **Integration:** The foregoing constitutes the entire agreement between the parties regarding its subject matter and no additional or different oral representation, promise or agreement shall be binding on any of the parties hereto with respect to the subject matter thereof.
10. **Invalidity:** If any term or provision of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
11. **Indemnification:** Grantor agrees to indemnify and hold Grantee harmless from any claim or damages for injuries resulting from actions of their employees or agents, including costs and reasonable attorney fees, arising out of the work performed in this Agreement, except to the extent caused by the negligence or willful misconduct of Grantor, its agents or employees. Likewise, Grantee agrees to indemnify and hold Grantor harmless from any claim or damages for injuries arising out of or in connection with the construction, installation and use of the culvert, except to the extent caused by the negligence or willful misconduct of Grantee its agents or employees. Grantee shall not at any time suffer or permit the attachment to Grantor's Property of any lien for work done or materials furnished in connection with the culvert.
12. **Relationship.** This License between Licensor and Licensee does not create any relationship of co-partner, joint venture, principal and agent or employer and employee. The relationship is that of independent contractor. Licensee will carry on its operations under this License for itself and will be responsible for all of its acts and for the acts of its employees, agents, and invitees. In its use of the Premises, Licensee will exercise due care.
13. **Attorneys Fees.** Should the Licensor be compelled to commence or sustain an action of law or in equity to enforce any of the terms of this License, or to dispossess the Licensee, the Licensee shall pay all reasonable costs in connection therewith if Licensor prevails in such action, including reasonable attorneys' fees.

14. **Effective:** The effective date of this Agreement shall be the date of full execution hereof. The date of full execution hereof shall be deemed to be the last date on which this Agreement has been signed by a party hereto and any changes to the printed form of this Agreement shall have been initialed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Easement as of the day and year first above written.

ATTEST:

Echo Ditch Company

\_\_\_\_\_

By: \_\_\_\_\_

Ruth Richins, President

Date \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

) ss.

COUNTY OF \_\_\_\_\_ )

The undersigned, a Notary Public in and for the above state and county, hereby certifies that on the \_\_\_ day of \_\_\_\_\_ 2013 before me personally appeared \_\_\_\_\_, the \_\_\_\_\_ of **ECHO DITCH COMPANY**, a corporation, who is known to me as the person and officer described in and who executed the foregoing instrument on behalf of said corporation, and who acknowledge that s/he held the position or title set forth in the instrument and certificate, that s/he signed the instrument of behalf of the corporation by proper authority, and that the instrument was the act of the corporation for the purposes therein stated.

(SEAL)

\_\_\_\_\_  
Notary Public

**SUMMIT COUNTY:**

Date: \_\_\_\_\_

ATTEST:

SUMMIT COUNTY

\_\_\_\_\_  
Summit County Clerk

By: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy County Attorney

STATE OF UTAH                            )  
  ) ss.  
COUNTY OF SUMMIT                    )

The undersigned, a Notary Public in and for the above state and county, hereby certifies that on the \_\_\_ day of \_\_\_\_\_ 2013 before me personally appeared \_\_\_\_\_, the \_\_\_\_\_ for **ECHO SEWER SPECIAL SERVICE DISTRICT, UTAH**, who is known to me as the person and officer described in and who executed the foregoing instrument on behalf of said corporation, and who acknowledge that s/he held the position or title set forth in the instrument and certificate, that s/he signed the instrument of behalf of the corporation by proper authority, and that the instrument was the act of the corporation for the purposes therein stated.

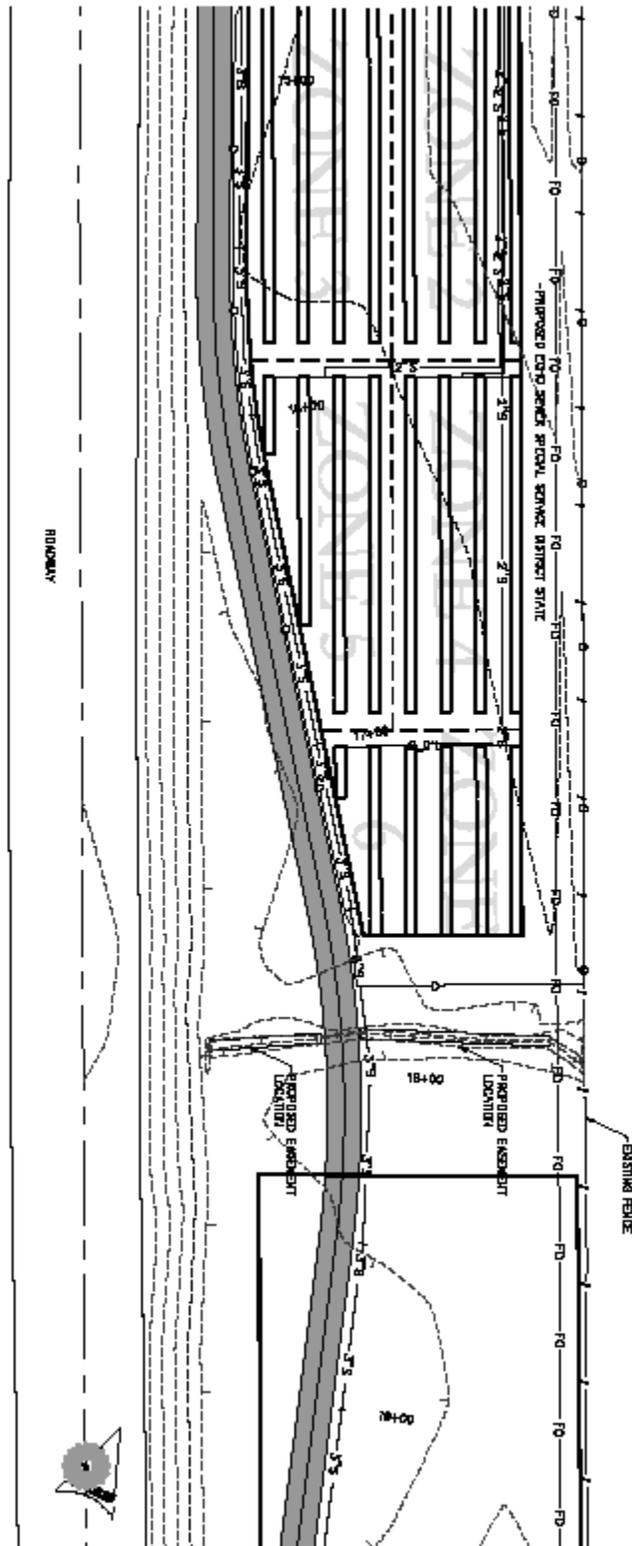
**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed my official seal on the day and year last aforesaid.

(SEAL)

\_\_\_\_\_  
Notary Public

EXHIBIT A

"Proposed Pipe Location"



## MEMORANDUM

To: Summit County Council  
Robert Jasper, County Manager

From: Jami Brackin 

Date: September 16, 2013

Re: Soils Ordinance

On May 8, 2013, staff brought to the Council in a work session, a request by the EPA (see attached letter) to “reinterpret” our soils ordinance (Ordinance 692, also attached). A memorandum was prepared by Kimber Gabryszak for that meeting outlining the essential questions and providing options (see attached staff report dated April 25, 2013).

At the May 8<sup>th</sup> meeting, staff was directed to meet with the EPA and Utah DEQ to gather further information and report back to the Council. (Minutes of the meeting are also attached).

On June 18, 2013, a group traveled to Denver to meet with the EPA to discuss the nature of the request and the concerns leading to the request. That group included Bob Jasper, Roger Armstrong, Chris Robinson and Jami Brackin.

One of the major concerns of the EPA was the possibility of having areas within Operating Unit 2 (lower Silver Creek) which had been cleaned up through a Voluntary Clean-Up Program (VCUP) with DEQ, as allowed under our Ordinance that would either not be cleaned up enough or be re-contaminated due to the lack of remediation up stream. Their concerns stem from a question in the law that may exempt the Responsible Party (UPCM) from having to re-clean a VCUP cleaned parcel, even if still contaminated or re-contaminated. It is for that reason that they have asked that the VCUP program no longer be used. We were informed at this meeting that the State of Utah DEQ had already agreed not to issue any more VCUP permits.

If the County did as requested, and no longer allowed the VCUP process, under our Ordinance, property owners could not develop any portion of their property if there were any contaminated soils within the parcel. This restriction was put in place through the Ordinance because at the time, there was no CERCLA listing or Responsible Party and it was the County’s way of ensuring clean-up of the contaminated soils without those other processes. The Ordinance was approved of by both EPA and DEQ at the time of passing.

We learned from the EPA that an Administrative Order on Consent (AOC) had not yet been finalized and put in place for OU2 or OU3. It is this Order that starts the time clock on the remediation process by the Responsible Party. As a result, a realistic clean-up process by the Responsible Party could take somewhere between 8-15 years. Thus leaving no ability for development within the soils overlay area within that time frame (other than those already permitted under VCUP which could and would continue).

Concerned with this alternative, we scheduled a meeting with the State DEQ and on August 22, 2013, that meeting was held at their offices in Salt Lake City. Attending from the County were Mr. Jasper, Pat Putt and Jami Brackin.

We learned at this meeting that DEQ and EPA were willing to issue "letters" to property owners/prospective developers indicating on which portions of property development could occur and on which portions remediation or clean-up would have to occur. These letters would issue after an applicant had gone through whatever process those agencies would require. This process would allow the County to separate out the contaminated land from the developable land and process development applications on parcels receiving one of these "letters" from either DEQ or EPA, without running the risk of a regulatory takings claim.

If in fact those agencies are willing to do this type of administrative letter, and the Council determines that replacing the VCUP requirement with a letter and allowing potential development prior to clean-up of the contaminated areas, the Ordinance may be amended as proposed in the attached draft. This draft has not yet been vetted with either EPA or DEQ, but is being submitted simply as an alternative for discussion.

It is staff's hope that the Council review and discuss this new information and provide direction to staff regarding the next steps.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8ENF-L

February 7, 2013

Jami R. Brackin  
Deputy Summit Count Attorney  
60 N Main  
Coalville, Utah 84017

RE: Richardson Flat Tailings Site, Park City, Utah

Dear Ms. Brackin:

The purpose of this letter is to follow up our conversation regarding Summit County Ordinance 692 and cleanup of Lower Silver Creek. Due to contamination resulting from historic mining operations, the U.S. Environmental Protection Agency (EPA) determined that the Richardson Flat Tailings Site (Site) posed a threat to human health and the environment and should be addressed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et. seq.* (CERCLA). Initially, the Site encompassed the 258 acre mine tailings impoundment approximately three and one-half miles northeast of Park City, adjacent to Silver Creek. In July 2005, the EPA issued a Record of Decision (ROD) providing for the removal of contaminated sediments from nearby wetlands, covering contaminated sediments in the diversion ditch, capping the tailings impoundment, and imposing deed restrictions on future land use and groundwater use. The ROD was subsequently modified to allow for the removal of contaminated sediments in the diversion ditches. United Park City Mines (UPCM) and the EPA entered into a consent decree captioned *United States of America v United Park City Mines Company* entered on October 4, 2007 by the United States District Court for the District of Utah under case number 2:07-cv-00642, whereby UPCM is implementing the ROD.

Thereafter, the EPA expanded the Site to include additional areas of contamination associated with historic mining operations. The Richardson Flat tailings impoundment is now designated as operable unit one. EPA designated operable unit 2 of the Site to address mine waste and tailings that had been transported downstream of the tailings impoundment over twelve miles along the banks of Lower Silver Creek, from U.S. Highway 40 on the southern end to Interstate 80 on the northern end, an area of over 400 acres. UPCM agreed to perform a remedial investigation/feasibility study for operable unit 2 pursuant to an administrative order on consent executed in September 2009. The EPA recently identified two additional operable units. Along Silver Creek there is a stretch of the creek below Park City referred to as the "Middle Reach". The EPA created operable unit 3, which encompasses approximately 836 acres in the Middle Reach and approximately 720 acres along the flood plain of Silver Creek that were formerly part of operable unit 2.

The EPA also created operable unit 4, which consists of the discharge from Prospector Drain, an underground pipe that runs through a subdivision of Park City known as Prospector Square and a municipal park named Prospector Park. The Prospector Drain collects shallow groundwater from areas in and around Prospector Park and Prospector Square. It then discharges a portion of this flow to a constructed treatment wetland and the remainder to a natural wetland area on or near property known as the Silver Maple Claims. The Prospector Drain was constructed in conjunction with the development of the Prospector Park and Prospector Square area during the late 1970s when buildings were built atop tailings material. The EPA was concerned that if the outfall from the Prospector Drain was not addressed, recontamination of operable unit 2 and 3 would occur.

Summit County Ordinance No 692 was passed in 2008. This ordinance addresses impaired soils and water in Lower Silver Creek and creates a temporary overlay zone. The ordinance provides that with respect to new development, if a soils study reveals that the proposed development area is in an impacted area, remediation may be addressed through the State of Utah Voluntary Clean Up Program (VCUP) or other cleanup plan approved in advance by the Utah Department of Environmental Quality (UDEQ), the EPA and Summit County. Since Lower Silver Creek is now included within the Richardson Flat CERCLA site, EPA believes that future remediation should be addressed pursuant to CERCLA rather than the VCUP. EPA and the UDEQ also recognize the need to work with property owners who may wish to undertake development activities prior to completion of the CERCLA cleanup. The EPA would like to work with Summit County and UDEQ on how to proceed under such circumstances on a case by case basis. There are three pending VCUP applications that raise this issue. The EPA would like to schedule a meeting with you and UDEQ to discuss this matter further. I will call next week to check your availability.

I appreciate your consideration of this matter. If you have any questions, feel free to give me a call at (303) 312-6904.

Sincerely,



Andrea Madigan  
Supervisory Attorney  
Legal Enforcement Program

cc: Sandra Allen, State of Utah



**ORDINANCE NO. 692**

**AN ORDINANCE REQUIRING ESTABLISHING THE LOWER SILVER CREEK SOILS TEMPORARY OVERLAY ZONE TO INFORM THE CITIZENS AND PROPERTY OWNERS OF THE PRESENCE OF IMPAIRED SOILS AND WATER AND TO REQUIRE SOILS STUDY AND REMEDIATION.**

**WHEREAS**, an innovative site assessment was conducted by the Utah Department of Environmental Quality (UDEQ) in 2001/2002 and concluded that all of the Lower Silver Creek area should be considered for placement on the CERCLIS list for further investigation and possible remediation under Superfund; and

**WHEREAS**, a Lower Silver Creek Stakeholders and work group has been formed to discuss local remediation solutions other than listing on CERCLIS and

**WHEREAS**, the Environmental Protection Agency (EPA) and UDEQ are in the process of refining data to further define the areas and type of contamination in the Lower Silver Creek Area; and

**WHEREAS** Summit County seeks to recognize and inform the public and property owners of potential historical mining contamination in the Lower Silver Creek drainage area of the Snyderville Basin and to minimize potential exposure while studies are being performed; and

**WHEREAS** Summit County has received input from the public as well as private parties affected by the historical mining contamination; and

**WHEREAS**, it is anticipated that this ordinance and overlay zone will be revised once additional data is generated to more specifically address the actual areas and type of contamination and options for remediation; and

**WHEREAS** Summit County has adopted appropriate Land Use General Plans and Development Codes to regulate the proper use of land within the Snyderville Basin; and

**WHEREAS** Summit County declares it in the best interest of the public health, safety, and welfare to adopt appropriate regulations for development as concerns the environmental quality of the Lower Silver Creek;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, UTAH, AS FOLLOWS:**

**Section I. Definitions.**

- A. "Development" is defined in Summit County Code, §10-Appendix A, "Development or Development Activity."
- B. "Development Permit" is defined in Summit County Code, §10-Appendix A, "Development Permit."

- C. "Soils Study" means a study conducted by a certified engineer and approved by UDEQ to measure the toxicity of the soil of the land which one owns, has developed, or desires to develop.
- D. "Remediate" means to remedy any environmental problems/violations as approved by UDEQ, EPA and Summit County on the land one already owns, has developed, or desires to develop, and according to the standards of any clean-up program pursuant to §II.C.i.-ii. herein.

Section II. Provisions.

This Ordinance creates a temporary overlay zone to minimize potential exposure to heavy metals from contaminated soils within the Lower Silver Creek drainage area, which is identified in Exhibit A, and consists of the Silver Creek drainage area between Highway 248 and I-80.

A. Development.

- i. Anyone desiring to develop or redevelop in the overlay zone shall obtain a soils study and shall show evidence that the development area is outside of the impacted area or shall propose a plan to remediate any environmental problems/violations identified in the study to the satisfaction of UDEQ and EPA before Summit County will grant a development permit.
- ii. Any party who has received approval to develop in the overlay zone, but has not yet built, shall obtain a soils study and shall show evidence that the development area is outside of the impacted area or shall propose a plan to remediate any environmental problems/violations identified in the study to the satisfaction of UDEQ and EPA before Summit County will grant building permits.
- iii. Any land owners who may have already built, and/or who do not wish to develop, in the overlay zone shall hereby be on notice that once the final EPA Study is completed, if property they own is in the identified impacted area, they shall be required to remediate under the terms identified in the EPA Study and shall have a limited time in which to do so.

B. Remediation.

- i. Environmental issues identified in any soils study may be remediated through the State of Utah Voluntary Clean Up Program ("VCUP"). A certificate from VCUP shall be prima facie evidence of satisfactory compliance; or
- ii. Remediation may be executed through any other clean-up plan approved in advance and in writing from UDEQ, EPA and Summit County.



**Legend**

- Study\_bndy
- Park City Boundary





Kimber Gabryszak, AICP  
County Planner III

## Memorandum

**From:** Kimber Gabryszak  
**To:** Summit County Council (SCC)  
**Date:** Thursday, May 2, 2013  
**Meeting:** Wednesday, May 8, 2013  
**Re:** Potential changes to Lower Silver Creek Overlay Zone

---

### Background

After decades of mining activity and contamination, the Federal Environmental Protection Agency (EPA) has declared the lower Silver Creek area as a CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) site; CERCLA is more commonly known as "Superfund".

In response, in 2008 the Summit County Council adopted Ordinance 692 (Exhibit A), creating the Silver Creek Soils Temporary Overlay Zone (Overlay Zone). The boundary of the Overlay Zone corresponds to the CERCLA declaration area, containing lands with significant heavy metal contamination stemming from the area's mining history (Exhibit B).

Since that time, all new development in the Overlay Zone has been required to obtain either a certificate of compliance from the EPA or a Voluntary Clean Up Permit (V-CUP) from the State Division of Environmental Quality (UDEQ) prior to beginning development.

### Request

The EPA recently notified the County of potential changes to the way development is approached in the Overlay Zone (last paragraph of Exhibit C). The UDEQ V-CUP process is handled on a property-by-property basis, and depending on the development proposals for each property, may result in varying standards of remediation. Some properties may be cleaned to a residential (higher) standard, while others may be cleaned to a commercial or industrial (lower) standard.

To ensure consistency in remediation standards, the EPA would prefer that property owners no longer go through the V-CUP process, and that remediation of the area instead wait for comprehensive remediation required of United Park City Mines, now owned by Talisker. The UDEQ does not oppose this change.

### Discussion & Recommendation

Staff recommends that the SCC discuss the EPA request, and give Staff feedback on the request. In particular Staff requests discussion of the following options and potential impacts.

#### Option A – No Development

Under this option, the County could honor the EPA's request and not require the V-CUP process. However, development would be prohibited until the area is comprehensively remediated.

- Pros under this option may include:
  - Ensuring that the area is fully remediated prior to development.
  - Remediation that occurs to a consistent standard and that is comprehensive throughout the area.
  - Ensuring that development does not occur in potentially contaminated areas.

- If EPA work with Talisker does not result in remediation, there is no incentive for property owners that have already developed to go back and remediate their property. This avoids this risk.
- Public health, safety, and welfare are better protected.
- Cons may include:
  - Placing all new development in the area, with the exception of locations that have already obtained V-CUP approval from the UDEQ, on hold for an unforeseeable period of time.
- Staff supports consideration of this option.

**Option B – Development**

Under this option, no V-CUP would be required, and development could occur on portions of lots outside of contaminated areas.

- Pros may include:
  - Allowing development and lowering cost to individual property owners.
  - Ensuring a consistent remediation standard - if the area is remediated.
- Cons may include:
  - The potential for development to occur in contaminated areas, as all parcels within the CERCLA boundary are considered at-risk, while the soils are not fully mapped for all parcels.
  - No guarantee that remediation will occur; if EPA work with Talisker does not result in remediation, there is no incentive for property owners that have already developed to go back and remediate their property.
- Staff does not support this option.

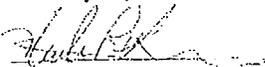
**Option C – Business as Usual**

Under this option, the County would still require either an EPA certificate or a V-CUP from the UDEQ and permit development to occur with some level of remediation.

- Pros may include:
  - Allowing development to occur without placing it on hold for an unknown length of time.
- Cons may include:
  - Disagreeing with the EPA's request.
  - Higher cost to individual property owners.
  - A resulting pattern of inconsistent remediation standards.
  - Potential for the area to not be fully remediated, as discussed in the previous options.
- Staff is willing to discuss consideration of this option.

Following this work session, Staff will move forward with the drafting of appropriate Ordinance amendments and related Snyderville Basin Development Code amendments, if necessary, to reflect the SCC direction, and begin scheduling work sessions and public hearings as appropriate.

Thank you,



Kimber Gabryszak, AICP  
Summit County Planner

**Exhibits:**

- Exhibit A - Ordinance 692 (pages 3-5)
- Exhibit B - Overlay Zone Map & ownership (page 6)
- Exhibit C - EPA Letter dated February 7, 2013 (pages 7-8)

Mr. Ward discussed with the Council the need to take a stand on the sage grouse issue and explained that UAC would advise that the County rally around Alternative E, which is the State plan. He offered to send the information regarding the alternatives to the Council Members.

### WORK SESSION

In the absence of Chair McMullin, Vice Chair Robinson assumed the chair and called the work session to order at 2:20 p.m.

- **Discussion of the Lower Silver Creek contaminated soils ordinance and overlay zone and CERCLA site and potential changes due to EPA and DEQ requests; Kimber Gabryszak and Jami Brackin**

Deputy County Attorney Jami Brackin explained that several years ago, when the County knew EPA would be looking at this area, they held stakeholder meetings, which led to the County adopting an ordinance in 2008. They thought that, if they adopted a soils ordinance stating that developers could not develop unless they cleaned up the site, they could avoid being listed as a CERCLA Super-Fund site. The County's ordinance acknowledges that there are contaminated soils in the area, that the EPA has done testing, and if people want to develop in this area, they must get a clean bill of health from the EPA or the State of Utah Department of Environmental Quality (DEQ) Voluntary Clean Up Program (VCUP). In January she received a telephone call from the EPA, and they said that with the addition of Operable Units (OU) 3 and 4, new orders were drafted and issued by the EPA. The orders say that United Park City Mines is responsible for the cleanup, but the County ordinance says individual property owners can clean up the sites through the VCUP process, and the EPA no longer wants the County to do that. The EPA is concerned that VCUP cleanup standards may be different from EPA standards, and they are afraid that if a property owner uses VCUP, United Park City Mines will claim they do not have to do anything and are no longer responsible because the property owner cleaned it up. She explained that the EPA does not want to let United Park City Mines off the hook. She stated that the EPA wrote a letter in February to formally request that the County adopt a policy that would discontinue the VCUP process under their soils ordinance. She asked if the Council wants to discontinue use of the VCUP process. If so, she asked if they would want to allow development outside the contaminated area before the soils are cleaned up and how they would regulate that.

Mr. Jasper stated that he did not believe the County has enough information to make a decision and suggested that they designate someone to visit with the EPA. He did not believe it would make sense to do any cleanup until Park City fixes the drain, and he does not know what the plans are to do that. Ms. Brackin explained that there is an order to clean up the drain, so they know it has to be done, and the EPA agrees that has to be done first, then OU3 and OU2 have to be cleaned up. Since there is no remediation plan for OU3 and OU2, they do not know the time frame, but the County has been told 5 to 10 years. Mr. Jasper explained that they need to understand the timetable and thinking of the EPA before the County can begin to master plan the east side of Highway 40.

Council Member Armstrong stated that he believed they first need to have a conversation with Park City about how they plan to proceed. Then they need to talk to Talisker and United Park City Mines. It sounded to him like the EPA cannot stop the County from allowing the VCUP process, but he did not want to give developers the impression that they have fixed something when the EPA could come back and tell them they have to allow United Park City Mines to come clean it up or clean it up to EPA standards. He commented that there is a lot of uncertainty in the entire process. Mr. Jasper believed they could talk to Talisker all they want, but the ultimate decision maker is the EPA. He believed they should tell the EPA they want to be part of the discussions and part of the order. Council Member Armstrong recalled that the County just had a great meeting with Park City regarding joint planning, and he believed they should have discussions with Park City whether the EPA is involved or not.

Ms. Brackin explained that the EPA offered to come to the County and meet with them here. Mr. Jasper expressed concern that, if the EPA comes to the County, there is a risk that they may not be talking to the people who make the decisions. Vice Chair Robinson stated that he did not believe it could be resolved in one meeting and suggested that he and Council Member Armstrong be appointed as a subcommittee to work with Park City, the EPA, Talisker, and whomever else they need to meet with to figure this out and make a policy recommendation.

Council Member Carson asked if there would be a negative effect of removing the VCUP option. Ms. Brackin replied that no development could occur until United Park City Mines cleans up the site if that option is removed. Then it could be argued that the County has temporarily taken all beneficial use of the property. The only other option would be for a developer to do testing on the property and show the EPA that there is no contaminated soil anywhere on the property.

Ms. Brackin explained that the three parcels currently going through the VCUP process are the Triangle Parcel, Silver Creek Village, and the Burbidge Industrial Park. She and County Planner Kimber Gabryszak have been involved in this issue and would like to be included as discussions move forward.

Council Member Carson requested a tour of the contaminated soils area.

- **Discussion of interest and process on request of Vernon Merritt to amend the Jeremy Center consent agreement; Jami Brackin**

Ms. Brackin explained that the Jeremy Center property used to be owned by Jim Winkler, who sued the County, and in settlement of that lawsuit, he asked for a very specific site plan as part of the consent agreement. Mr. Winkler has since died, the property has been sold, and the new property owner would like to amend the specifics agreed to in the consent agreement.

ORDINANCE NO. 692-A

AN ORDINANCE AMENDING THE ORDINANCE REQUIRING ESTABLISHING THE LOWER SILVER CREEK SOILS TEMPORARY OVERLAY ZONE TO INFORM THE CITIZENS AND PROPERTY OWNERS OF THE PRESENCE OF IMPAIRED SOILS AND WATER AND TO REQUIRE SOILS STUDY AND REMEDIATION.

WHEREAS, an innovative site assessment was conducted by the Utah Department of Environmental Quality (UDEQ) in 2001/2002 and concluded that all of the Lower Silver Creek area should be considered for placement on the CERCLIS list for further investigation and possible remediation under Superfund; and

WHEREAS, ~~the~~ Lower Silver Creek ~~area has now been placed on the CERCLIS listing as Operating Unit 2; and Stakeholders and work group has been formed to discuss local remediation solutions other than listing on CERCLIS and~~

WHEREAS, the Environmental Protection Agency (EPA) and UDEQ ~~are in the process of refining data to further define the areas and type of contamination in the Lower Silver Creek Area; and have requested that the ability to use the State Voluntary Clean-Up Program to remediate contaminated soils be eliminated in lieu of other alternatives; and~~

WHEREAS Summit County seeks to recognize and inform the public and property owners of potential historical mining contamination in the Lower Silver Creek drainage area of the Snyderville Basin and to minimize potential exposure while ~~studies are being performed the remediation and clean-up process is being performed;~~ and

WHEREAS Summit County has received input from the public as well as private parties affected by the historical mining contamination; and

~~WHEREAS, it is anticipated that this ordinance and overlay zone will be revised once additional data is generated to more specifically address the actual areas and type of contamination and options for remediation; and~~

WHEREAS Summit County has adopted appropriate Land Use General Plans and Development Codes to regulate the proper use of land within the Snyderville Basin; and

WHEREAS Summit County declares it in the best interest of the public health, safety, and welfare to adopt appropriate regulations for development as concerns the environmental quality of the Lower Silver Creek;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, UTAH, THAT THE PROVISIONS OF ORDINANCE 692 BE AMENDED AS FOLLOWS:

Section I. Definitions.

- A. "Development" is defined in Summit County Code, §10-Appendix A, "Development or Development Activity."

- B. "Development Permit" is defined in Summit County Code, §10-Appendix A, "Development Permit."
- C. "Soils Study" means a study conducted by a certified engineer and approved by UDEQ to measure the toxicity of the soil of the land which one owns, has developed, or desires to develop.
- D. "Remediate" means to remedy any environmental problems/violations as approved by UDEQ, EPA and Summit County on the land one already owns, has developed, or desires to develop, and according to the standards of any clean-up program pursuant to §II.C.i.-ii. herein.

Section II. Provisions.

This Ordinance creates a temporary overlay zone to minimize potential exposure to heavy metals from contaminated soils within the Lower Silver Creek drainage area, which is identified in Exhibit A, and consists of the Silver Creek drainage area between Highway 248 and I-80.

A. Development.

- i. Anyone desiring to develop or redevelop in the overlay zone shall first obtain a letter of approval from either Utah DEQ or the EPA, a soils study and shall showing evidence that the development area is outside of the impacted contaminated area or shall propose a plan to remediate any environmental problems/violations identified in the study to the satisfaction of UDEQ and EPA before Summit County will grant a development permit.
- ii. Any party who has received approval to develop in the overlay zone, but ~~has not yet built or obtained a VCUP permit under the prior Ordinance,~~ shall first obtain a letter or approval from either Utah DEQ or the EPA, soils study and shall showing evidence that the ~~development area is outside of the impacted area or shall propose a plan to remediate any environmental problems/violations identified in the study to~~ the satisfaction of UDEQ and EPA before Summit County will grant ~~building permits.~~
- iii. Any land owners who may have already built, and/or who do not wish to develop, in the overlay zone shall hereby be on notice that once the final EPA Study is completed, if property they own is in the identified impacted area, they shall be required to remediate under the terms identified in the EPA Study and shall have a limited time in which to do so, the designated area has been listed on CERCLIS as a contaminated area.

B. Remediation.

- i. ~~Environmental issues identified in any soils study may be remediated through the State of Utah Voluntary Clean Up Program ("VCUP"). A certificate from VCUP shall be prima facie evidence of satisfactory compliance; or~~
- ii. Remediation may of all contaminated soils shall be executed through an existing VCUP permit at the time of the adoption of this Ordinance, and/or any the approved other clean-up plan approved in advance and in writing from

~~UDEQ under the federal regulatory scheme administered by the EPA, and Summit County.~~

Section III. Violations, Penalties, Enforcement.

- A. Violations of this Ordinance may be prosecuted criminally under the Summit County Code §10-9-20(A). Notwithstanding any criminal prosecution, the county may pursue any and all civil remedies available to it pursuant to Summit County Code §10-9-19(E) to ensure compliance with this Ordinance.

Section IV. Effect.

- A. This Ordinance shall become effective when approved, passed, and published pursuant to Utah Law.

APPROVED, ADOPTED, and PASSED this \_\_\_\_ day of \_\_\_\_, ~~2008~~2013.

~~BOARD OF COUNTY COMMISSIONERS~~  
SUMMIT COUNTY COUNCIL, UTAH

By: \_\_\_\_\_  
Chair

~~Commissioner Council member Elliot Armstrong~~ Voted: \_\_\_\_\_  
~~Council member Commissioner Rieher Carson~~ Voted: \_\_\_\_\_  
~~Council member Commissioner Woolstenhulme McMullin~~  
Voted: \_\_\_\_\_  
Council member Robinson Voted: \_\_\_\_\_  
Council member Ure Voted: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
COUTNY CLERK  
SUMMIT COUNTY, UTAH

## **Summit County Public Arts Program and Advisory Board**

Presentation to County Council

October 2, 2013

The Summit County Public Art Advisory Board is pleased to provide an update to the County Council on its public art program. The following highlights the public art program mission, goals, priorities and funding.

The County established the public art program in 2008. The mission of the public art program is to “celebrate and unite Summit County through public art.” As part of the program, the County established the Summit County Public Art Advisory Board (SCPAAB), made up of volunteers from the County, who make recommendations to the County on public art strategy and projects. When the public art program was first established, the SCPAAB developed a comprehensive strategic plan, which was updated last year.

Key to the success of the public art program is that the plan embraces and aligns with several goals set forth in the County’s strategic plan.

- Bolster economic development
  - Artwork fosters economic development by attracting new business and patronage. Artscape, for instance, has garnered local, state, and national media attention and drawn visitors to Coalville’s Main Street.
- Maintain our legacy of heritage and cultural assets
  - Additions to the County art collection from County Fair Art Show entries
  - Processes which recognizes local artists and celebrate the County’s history
- Continue to set local and regional transit goals that promote connectivity
  - Use artwork in roundabouts, bus shelters, and transit center which are connected by themes, add aesthetically to the transit points, and help tell the County’s story
- Unite western and eastern parts of Summit County
  - Traveling exhibit of County’s art collection displayed in public buildings throughout the County

Successes to Date:

- Catalogue of Summit County’s Public Art Collection
- Annual purchases from the County Fair Art Show to add to the County’s art collection and celebrate local artists
- Traveling Exhibit of the County’s art collection in public buildings throughout the County
- Summit County Artscape
- County Bookmobile Wrap
- County Fair Centennial Mural
- Coalville Library artwork and mural
- Pianos for All project places pianos painted by local artists in well-visited public sites throughout the County for all residents and visitors to play and enjoy
- Development of the Public Art Program Procedures Document in 2012 which establish criteria and define processes to better facilitate public art proposals, selection of artists and implementation of public art projects which support County goals.



## Summit County Auditor's Office

To: Summit County Council  
Cc: Blake Frazier, Auditor; Bob Jasper, Manager  
From: Matt Leavitt  
Date: September 23, 2013  
Subject: Budget amendment hearing

Dear Council:

Attached is the manager's budget to actual report for the month of August, 2013. Included in this month's report to the council are recommendations for budget adjustments for different departments. The budget to actual report includes estimates for current year. The current year estimates vary from what is being requested in budget amendments for the following reasons: 1) as long as estimated actual amounts are below budget there is no need to amend the department's budget; 2) estimates were made to evaluate year-end fund balances.

Revenues: Operating revenues are estimated to be approximately \$431 thousand more than budget. An estimated \$405 thousand over budgeted revenues is in the municipal services fund. This is due to increased revenues from sales & use taxes as well as grants received. Currently, revenue estimates for the general and assessing & collecting fund remain close to budgets.

Expenses: Combined operating expenses are estimated to be \$101 thousand below budget. General fund expenses are estimated to be \$111 thousand below budget. This is due to savings in different departments. Notably, corrections department is estimated to be \$96 thousand below budget.

Municipal fund is estimated to be \$6 thousand over budget. However, I don't think that it is necessary at this time to amend the municipal fund total budget. The difference may be made up before the end of the year through savings in various departments. As an example, certain maintenance projects may not be completed before year end or they may come in under budget.

The assessing & collecting fund is estimated to be \$3 thousand over budget. The following table compares original budgets with mid-year estimates by fund.

	2013 Budget	2013 Estimated
Revenues		
General Fund	23,646,433	23,652,717
Municipal Fund	14,886,860	15,291,750
Assess & Coll Fund	3,820,883	3,841,463
	42,354,176	42,785,930
Expenses		
General Fund	23,646,433	23,534,823
Municipal Fund	14,886,860	14,893,088
Assess & Coll Fund	3,885,883	3,889,611
	42,419,176	42,317,522
Estimated Changes		
in Fund Balances		
General Fund	-	117,894
Municipal Fund	-	398,662
Assess & Coll Fund	(65,000)	(48,148)
	(65,000)	468,408
Total Operating Funds:	(65,000)	468,408

Budget Amendments: Because State Code allows local governments to amend budgets without public notice as long as the agency is not looking to increase total fund amounts and because Summit County adopted the 2013 budget on the departmental level, the following amendments are being proposed. The table on the following page shows the department, the amount being adjusted and the funds that are affected by the adjustment. Below the department title is a brief description of the purpose for the adjustment.

What is being requested of the Council is that the following amendments be made. Adjustments will be made in other areas to compensate for the increases in the following departments. The estimated changes can be found beginning on page 7 of the expense sheets of the financial report enclosed.

Department	Adjustment	FUND					
		General	Health	Recreation	Municipal	Assess & Coll	Other
<b>Council</b>	\$ 10,000	2,000			7,000	1,000	
Adjustment for health benefits							
<b>Admin</b>	30,000	6,000			21,000	3,000	
Park City Chamber Bureau grant							
<b>Justice Court</b>	15,000				15,000		
Employee benefits paid out at retirement							
<b>County Roads</b>	3,000				3,000		
Add additional FTE for road maintenance							
<b>Fire Warden</b>	23,000				23,000		
Amend suppression budget							
<b>County Fair</b>	10,000			10,000			
Fair administration contract, offset by increase in fair revenues							
<b>General Health</b>	27,935		27,935				
Adjust program budgets due to grant amendments							
<b>Children's Justice</b>	25,000						25,000
Misc Special Revenue Fund: State grant							
<b>Transit District</b>	25,000						25,000
UTA/Wasatch Back transit study, approved by Council 09/25/2013							
<b>Total</b>	<b>\$ 168,935</b>	<b>8,000</b>	<b>27,935</b>	<b>10,000</b>	<b>69,000</b>	<b>4,000</b>	<b>50,000</b>

The budget adjustments noted in the table above are included in the year-end estimates. While increasing those department budgets, it is estimated that operating funds will increase approximately \$468 thousand in 2013.

If any of the councilmembers have questions regarding the August report, please feel free to contact me through email or phone. I can be reached at (435) 336-3017.

Sincerely,

Matt Leavitt

**SUMMIT COUNTY**

Finance Report (Partial)

Date: August 31, 2013

Percent of Year Elapsed: 66.7%

Operating Funds Description	Current Year					Prior Year		
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	Total Received Previous Year
General Fund Total	6,844,919	23,646,433	28.9%	23,652,717	6,284	8,011,787	32.8%	24,952,749
Municipal Fund Total	7,400,147	14,886,860	49.7%	15,291,750	404,890	7,465,027	52.9%	12,913,408
Assess & Collect Fund Total	580,766	3,820,883	15.2%	3,841,463	20,580	552,416	15.2%	3,985,649
<b>Total Operating Funds</b>	<b>14,825,831</b>	<b>42,354,176</b>	<b>35.0%</b>	<b>42,785,930</b>	<b>431,754</b>	<b>16,029,230</b>	<b>38.0%</b>	<b>41,851,805</b>
<b>Taxes</b>								
General	5,030	11,064,500	0.0%	11,064,500	-	475,522	4.2%	11,399,969
Municipal	2,072	4,175,612	0.0%	4,175,612	-	106,457	3.2%	2,466,103
Assessing & Collecting	444	2,950,000	0.0%	2,950,000	-	34,575	1.2%	2,922,815
Fee-In-Lieu	237,342	468,500	50.7%	468,500	-	288,790	55.5%	499,156
Redemptions	1,468,406	1,790,000	82.0%	1,790,000	-	1,332,043	74.2%	1,728,555
Sales & Use Tax-Muni	2,642,588	4,800,000	55.1%	5,050,000	250,000	3,245,173	70.1%	4,864,321
Sales & Use Tax-Gen	1,352,884	2,800,000	48.3%	2,600,000	(200,000)	1,739,355	66.9%	2,433,082
<b>Total Taxes</b>	<b>5,708,765</b>	<b>28,048,612</b>	<b>20.4%</b>	<b>28,098,612</b>	<b>50,000</b>	<b>7,221,914</b>	<b>26.6%</b>	<b>26,314,001</b>
<b>Licenses &amp; Permits</b>								
Business Licenses	282,032	250,000	112.8%	280,000	30,000	238,622	106.1%	258,247
Building Permits	705,442	580,000	121.6%	580,000	-	425,818	78.9%	619,261
Animal Licenses	10,752	17,000	63.2%	17,000	-	11,908	59.5%	15,992
Engineering Permits	35,373	45,000	78.6%	45,000	-	61,485	175.7%	32,345
<b>Total Licenses &amp; Permits</b>	<b>1,033,599</b>	<b>892,000</b>	<b>115.9%</b>	<b>922,000</b>	<b>30,000</b>	<b>737,832</b>	<b>35.3%</b>	<b>925,844</b>
<b>Intergovernmental</b>								
Federal Grants	21,513	737,797	2.9%	752,797	15,000	73,110	8.3%	131,373
Other Entity	-	-	-	-	-	-	-	-
Miscellaneous Grants	45,481	21,000	216.6%	162,000	141,000	5,000	12.2%	39,137
Dispatch Reimbursement	36,534	74,000	49.4%	74,000	-	36,534	49.4%	73,067

**SUMMIT COUNTY**

Finance Report (Partial)

Date: August 31, 2013

Percent of Year Elapsed: 66.7%

**Operating Funds**

Description	Current Year					Prior Year		
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	Total Received Previous Year
State Jail Reimbursement	276,142	450,000	61.4%	450,000	-	303,536	67.5%	625,109
In Lieu of Taxes	1,279,584	1,270,000	100.8%	1,280,000	10,000	1,308,378	103.0%	1,314,563
State Grants	29,313	-		50,000	50,000	20,591		59,092
Class B Roads	931,416	1,280,000	72.8%	1,280,000	-	914,180	71.4%	1,271,422
State Liquor Enforcement	-	90,000	0.0%	90,000	-	841	0.9%	69,446
Court Security Reimburse	37,416	130,000	28.8%	130,000	-	41,005	31.5%	46,532
License Reimbursement	26,669	68,000	39.2%	58,000	(10,000)	38,079	54.4%	60,892
Fleet Maintenance	58,993	150,000	39.3%	150,000	-	75,548	54.0%	115,115
State Court Reimburse	296,020	145,000	204.2%	145,000	-	234,088	161.4%	107,139
Health Intergovernmental								
A&D State Prevention	279,052	551,724	50.6%	551,724	-	295,194	54.0%	578,747
Mental Health	292,107	561,307	52.0%	561,307	-	220,502	65.6%	522,373
MtnLand Title XX	2,722	-		3,000	3,000	10,580	13.5%	12,111
DHS/UTCAN Fam Resource	4,234	-		4,300	4,300	4,841		8,383
WIC	114,570	627,989	18.2%	627,989	-	131,186	21.0%	582,634
Heart Disease/Stroke	41,249	51,609	79.9%	51,609	-	5,000	16.9%	18,345
Min Perform Standards	24,408	48,815	50.0%	48,815	-	24,408	50.0%	48,815
Immunization	21,329	43,431	49.1%	68,776	25,345	21,716	49.3%	167,492
MCH Block Grant	7,407	12,960	57.2%	12,960	-	7,440	57.4%	14,202
Clean Air	-	1,148	0.0%	1,148	-	-	0.0%	1,148
Community Transformation	2,466	53,250	4.6%	53,250	-	15,600		66,384
Tobacco Comprehensive CDC	8,193	-		8,200	8,200	99	0.4%	11,831
Tobacco Prevention & Cont	51,544	17,854	288.7%	52,000	34,146	29,582	60.0%	62,206

**SUMMIT COUNTY**

Finance Report (Partial)

Date: August 31, 2013

Percent of Year Elapsed: 66.7%

**Operating Funds**

Description	Current Year				Prior Year			
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	Total Received Previous Year
Early Intervention	211,728	421,048	50.3%	421,048	-	202,432	49.9%	430,720
HIV-AIDS	1,000	4,050	24.7%	4,050	-	1,000	24.7%	1,000
TB	3,968	-		4,000	4,000	2,900		3,050
Enviro Health - DEQ	49,916	66,627	74.9%	66,627	-	33,564	50.0%	66,877
Enviro Health - DOH	-	12,500	0.0%	12,500	-	2,500	20.0%	17,500
S.T.D.	1,000	1,000	100.0%	1,000	-	1,000	100.0%	1,000
Injury Prevention	2,760	20,240	13.6%	20,240	-	149	0.7%	17,629
Cancer - UCCP/CDC	4,264	10,350	41.2%	10,350	-	1,816	16.4%	6,424
0-5 Prenatal	1,600	3,200	50.0%	3,200	-	1,600	50.0%	3,200
Target Case Management	393	15,000	2.6%	15,000	-	-	0.0%	88
Dental Health	10,000	20,000	50.0%	20,000	-	10,000	50.0%	20,000
Bio Terrorism	131,280	278,987	47.1%	278,987	-	90,748	28.7%	205,356
Summit Co Safe Community	6,141	12,000	51.2%	12,000	-	8,057		11,134
Tobacco Compliance	3,828	82,809	4.6%	82,809	-	5,908	71.0%	6,766
Disease Outbreak/MRC	12,357	-		13,000	13,000	12,558	86.6%	12,798
ELC-Affordable Care	6,707	2,500	268.3%	2,500	-	-		-
MRC/NACCHO	-	52,500	0.0%	52,500	-	-	0.0%	-
<b>Total Intergovernmental</b>	<b>4,335,862</b>	<b>7,388,695</b>	<b>58.7%</b>	<b>7,686,686</b>	<b>297,991</b>	<b>4,191,267</b>	<b>35.3%</b>	<b>6,811,102</b>
<b>Charges for Services</b>								
Clerk Fees	14,938	15,000	99.6%	15,000	-	10,303	57.2%	15,777
Recorder Fees	371,548	380,000	97.8%	380,000	-	314,178	71.4%	467,167
Engineering Fees	36,067	32,000	112.7%	35,000	3,000	4,145	8.3%	48,667

**SUMMIT COUNTY**

Finance Report (Partial)

Date: August 31, 2013

Percent of Year Elapsed: 66.7%

**Operating Funds**

Description	Current Year					Prior Year		
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	Total Received Previous Year
Subdivision Fees	152,742	150,000	101.8%	150,000	-	68,352	38.0%	127,241
Development Code	879	3,000	29.3%	3,000	-	1,629	54.3%	1,896
Search & Rescue	-	20,000	0.0%	20,000	-	-	0.0%	15,290
Primary Residency Fee	12,085	40,000	30.2%	40,000	-	35,294	88.2%	82,679
Plan Check Fees	370,623	275,000	134.8%	275,000	-	172,443	69.0%	274,008
Fire Warden Fees	45	-	-	30	30	75	-	75
Sheriff Compliance	31,860	60,000	53.1%	60,000	-	34,735	124.1%	74,080
Sheriff Fees	3,094	18,000	17.2%	18,000	-	2,092	8.4%	2,986
South Summit Ambulance	77,234	130,000	59.4%	130,000	-	65,042	50.0%	124,570
North Summit Ambulance	82,940	120,000	69.1%	120,000	-	73,974	61.6%	123,293
Forest Law Enforcement	-	57,093	0.0%	57,093	-	3,475	26.3%	-
Park City Ambulance	1,154,958	1,450,000	79.7%	1,450,000	-	958,594	71.0%	1,435,722
Recycle Fees	-	-	-	-	-	31,860	63.7%	47,362
Advertising Fees	-	-	-	-	-	-	-	840
Computer Fees	3,485	8,000	43.6%	8,000	-	2,760	27.6%	5,425
GIS Fees	1,601	-	-	1,500	1,500	1,168	-	2,523
Public Safety Special Event	60,320	43,900	137.4%	47,000	3,100	1,620	-	28,320
Waste Disposal	-	-	-	-	-	663,217	66.3%	1,072,391
Household Hazardous Waste	-	-	-	-	-	34,858	46.5%	56,329
Fair/Park Receipts	87,423	80,000	109.3%	88,000	8,000	73,094	91.4%	74,657
Offender Obligation	821	-	-	1,000	1,000	1,519	-	1,876
Inmate Labor Fees	-	2,000	0.0%	-	(2,000)	-	0.0%	-
Snow Removal	22,197	25,000	88.8%	25,000	-	25,157	100.6%	29,196
Election Fees	1,375	8,500	16.2%	8,500	-	3,043	35.8%	3,442
Surveyor Fees	1,020	2,000	51.0%	2,000	-	620	31.0%	2,070
911 Services	283,447	450,000	63.0%	450,000	-	288,334	64.1%	836,298
Emergency Services	-	-	-	-	-	1,571	-	1,571
Television Franchise	45,300	160,000	28.3%	160,000	-	44,785	28.0%	177,613
Health Fees								
Water Concurrency	12,505	45,000	27.8%	45,000	-	14,591	32.4%	23,363
Lead Testing Fee	-	-	-	-	-	36	-	36

**SUMMIT COUNTY**

Finance Report (Partial)

Date: August 31, 2013

Percent of Year Elapsed: 66.7%

**Operating Funds**

Description	Current Year				Prior Year			
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	Total Received Previous Year
Well Child	306	-		300	300	361		490
Dental	680	-		600	600	785	523.3%	1,291
Immunization	33,556	66,000	50.8%	66,000	-	27,228	41.3%	73,707
TB	2,110	1,500	140.7%	1,900	400	1,795	133.0%	3,131
S.T.D.	1,858	2,000	92.9%	2,000	-	1,857	61.9%	3,575
HIV Testing	225	240	93.8%	240	-	270	108.0%	460
Lab Fees	28,250	55,000	51.4%	55,000	-	28,565	58.3%	58,420
Day Care Inspection	30	200	15.0%	200	-	185	185.0%	235
Food Service Permits	57,595	70,000	82.3%	70,000	-	78,265	120.4%	99,885
Food Handler Permit	13,600	15,000	90.7%	15,000	-	11,235	46.8%	18,239
Serve Safe Class	3,255	3,800	85.7%	3,800	-	1,050	23.3%	3,800
Vital Statistics	7,601	10,000	76.0%	10,000	-	9,233	102.6%	13,571
Reproductive Health	17,289	28,000	61.7%	28,000	-	22,330	89.3%	31,555
Cancer Screening	-	-		-	-	-	0.0%	-
Septic Tank	9,890	6,000	164.8%	7,500	1,500	5,910	98.5%	9,845
Cholesterol Screen	12	-		-	-	-	0.0%	12
Pool & Spa Permit	5,880	6,500	90.5%	6,500	-	5,375	82.7%	5,710
Temp Mass Gathering	500	1,000	50.0%	1,000	-	989	79.1%	989
Tobacco Class	300	450	66.7%	450	-	525	61.8%	525
Liquid Scavenger Fee	-	200	0.0%	200	-	-	0.0%	-
Quinn's Maintenance	-	25,000	0.0%	25,000	-	-	0.0%	-
<b>Total Charges for Services</b>	<b>3,011,446</b>	<b>3,865,383</b>	<b>77.9%</b>	<b>3,882,813</b>	<b>17,430</b>	<b>3,128,521</b>	<b>35.3%</b>	<b>5,482,200</b>

**SUMMIT COUNTY**

Finance Report (Partial)

Date: August 31, 2013

Percent of Year Elapsed: 66.7%

Operating Funds  Description	Current Year					Prior Year		
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	Total Received Previous Year
<b>Fines &amp; Forfeitures</b>								
Precinct Court	544,463	825,000	66.0%	825,000	-	543,567	62.1%	798,757
Admin Law Fines	15,084	10,000	150.8%	14,000	4,000	10,691		17,050
Prosecution Fines	22,992	15,000	153.3%	22,500	7,500	8,417	56.1%	20,438
Public Defender Recovery	3,672	5,000	73.4%	6,000	1,000	6,017	120.3%	6,867
Library Fines	15,825	17,000	93.1%	17,000	-	12,539	62.7%	19,446
Evidence Forfeiture	30,078	5,000	601.6%	20,000	15,000	2,853	57.1%	4,058
Court Services	6,642	30,000	22.1%	30,000	-	13,266	44.2%	17,439
<b>Total Fines &amp; Forfeitures</b>	<b>638,755</b>	<b>907,000</b>	<b>70.4%</b>	<b>934,500</b>	<b>27,500</b>	<b>597,350</b>	<b>35.3%</b>	<b>884,055</b>
<b>Miscellaneous</b>								
Interest	29,242	162,000	18.1%	162,000	-	75,753	70.8%	188,266
TV Rent	26,989	50,000	54.0%	50,000	-	37,064	74.1%	47,827
Rental Property	12,554	2,000	627.7%	12,000	10,000	15,154		314,785
Jail Reimbursements	3,192	5,500	58.0%	5,500	-	3,259	43.4%	6,079
Miscellaneous	7,615	43,000	17.7%	43,000	-	21,070	51.4%	31,108
<b>Total Miscellaneous</b>	<b>79,591</b>	<b>262,500</b>	<b>30.3%</b>	<b>272,500</b>	<b>10,000</b>	<b>152,299</b>	<b>35.3%</b>	<b>588,065</b>
<b>Contributions</b>								
From Room Tax	-	217,700	0.0%	217,700	-	-	0.0%	147,700
Contributions Other Funds	-	-		-	-	-		106,258
Livestock Corral Fees	255	2,500	10.2%	2,500	-	46	1.8%	1,841
From Restaurant Tax	-	78,300	0.0%	78,300	-	-	0.0%	78,500
Contributions From Surplus	-	424,206	0.0%	424,206	-	-	0.0%	51,787
Historical Society	-	-		-	-	-		-
<b>Total Contributions</b>	<b>255</b>	<b>722,706</b>	<b>0.0%</b>	<b>722,706</b>	<b>-</b>	<b>46</b>	<b>35.3%</b>	<b>386,086</b>
<b>Total Revenues</b>	<b>14,808,273</b>	<b>42,086,896</b>	<b>35.2%</b>	<b>42,519,817</b>	<b>432,921</b>	<b>16,029,230</b>	<b>38.0%</b>	<b>41,391,352</b>

**SUMMIT COUNTY BUDGET REPORT**

For the Period:

August 31, 2013

Percent of Year Elapsed:

66.7%

Number of Pay Periods Reported: 17 of 26 (65%)

Operating Funds Description	Curent Year (2013)					Prior Year		
	Expenditures to Date	Budgeted Expenditures	% of Budget Spent	Current Year Estimate	New Estimate Over/(Under) Budget	Expenditures to Date	% of Budget Spent to Date	Total Expenditures Previous Year
General Fund Total	13,693,694	23,646,433	57.9%	23,534,823	(111,610)	13,302,915	24,510,850	54.3%
Municipal Fund Total	8,808,676	14,886,860	59.2%	14,893,088	6,228	9,526,685	14,112,797	67.5%
Assess & Collect Fund Total	2,465,972	3,885,883	63.5%	3,889,611	3,728	2,323,309	3,623,461	64.1%
<b>Total Operating Funds</b>	<b>24,968,342</b>	<b>42,419,176</b>	<b>58.9%</b>	<b>42,317,522</b>	<b>(101,654)</b>	<b>25,152,909</b>	<b>42,247,108</b>	<b>59.5%</b>
<b>GENERAL GOVERNMENT</b>								
Administration								
Council	150,575	204,280	73.7%	215,500	11,220	131,444	189,400	69.4%
Admin Services	409,134	696,866	58.7%	744,866	48,000	382,500	492,965	77.6%
Sustainability	60,067	412,248	14.6%	412,248	-	61,439	180,615	34.0%
Auditor	333,331	492,048	67.7%	492,048	-	319,761	490,294	65.2%
Clerk	209,746	310,208	67.6%	310,208	-	206,836	323,350	64.0%
Elections	31,656	60,740	52.1%	60,740	-	48,595	92,405	52.6%
Public Defender	155,442	238,800	65.1%	238,000	(800)	136,389	208,800	65.3%
Treasurer	208,105	297,739	69.9%	297,739	-	195,682	292,021	67.0%
Motor Vehicle	133,150	204,341	65.2%	204,341	-	133,526	214,235	62.3%
Recorder	382,439	565,515	67.6%	565,515	-	367,741	567,010	64.9%
Attorney	912,205	1,332,442	68.5%	1,332,428	(14)	861,680	1,300,382	66.3%
Assessor	531,709	788,865	67.4%	788,865	-	483,098	753,915	64.1%
Justice Court	301,741	431,700	69.9%	446,700	15,000	269,982	398,250	67.8%
Community Development	421,429	537,300	78.4%	547,200	9,900	329,037	552,000	59.6%
Planning & Zoning	358,301	508,650	70.4%	508,350	(300)	431,631	607,530	71.0%
Building	360,780	608,490	59.3%	594,490	(14,000)	330,070	481,890	68.5%
<b>Total General Government</b>	<b>4,959,808</b>	<b>7,690,232</b>	<b>64.5%</b>	<b>7,759,238</b>	<b>69,006</b>	<b>4,689,410</b>	<b>7,145,062</b>	<b>65.6%</b>
<b>PUBLIC SAFETY</b>								
Law Enforcement								
Administration	505,530	784,655	64.4%	768,655	(16,000)	554,711	777,764	71.3%
Patrol	1,967,680	2,831,765	69.5%	2,809,720	(22,045)	2,100,590	2,817,720	74.5%
Special Operations	229,111	422,636	54.2%	403,420	(19,216)	298,761	432,920	69.0%
Criminal Investigations	531,859	634,595	83.8%	642,800	8,205	391,104	667,900	58.6%
Major Crimes Unit	405,823	667,074	60.8%	652,450	(14,624)	382,708	631,150	60.6%
Patrol Contracts	63,223	106,500	59.4%	106,500	-	23,910	14,002	170.8%
Reserves	14,187	92,750	15.3%	76,750	(16,000)	5,504	16,950	32.5%
Compliance	37,618	60,000	62.7%	60,000	-	50,675	51,450	98.5%

**SUMMIT COUNTY BUDGET REPORT**

For the Period:

August 31, 2013

Percent of Year Elapsed:

66.7%

Number of Pay Periods Reported: 17 of 26 (65%)

Operating Funds Description	Curent Year (2013)					Prior Year		
	Expenditures to Date	Budgeted Expenditures	% of Budget Spent	Current Year Estimate	New Estimate Over/(Under) Budget	Expenditures to Date	% of Budget Spent to Date	Total Expenditures Previous Year
Corrections	1,537,133	2,421,890	63.5%	2,325,890	(96,000)	1,534,490	2,132,190	72.0%
Jail Kitchen	297,759	404,092	73.7%	404,092	-	258,430	421,500	61.3%
Court Services	661,233	869,630	76.0%	871,630	2,000	575,444	1,005,910	57.2%
Communications	682,899	1,060,198	64.4%	1,059,948	(250)	656,064	1,042,080	63.0%
E-911	122,951	302,500	40.6%	302,500	-	152,527	785,550	19.4%
Search & Rescue	59,392	80,860	73.5%	79,860	(1,000)	46,761	75,710	61.8%
Sub-Total Sheriff	<u>7,116,399</u>	<u>10,739,145</u>	<u>66.3%</u>	<u>10,564,215</u>	<u>(174,930)</u>	<u>7,031,678</u>	<u>10,872,796</u>	<u>64.7%</u>
Animal Control	206,590	368,474	56.1%	345,340	(23,134)	231,555	398,320	58.1%
Emergency Management	12,996	200,696	6.5%	200,696	-	71,433	84,800	84.2%
Ambulance								
North Summit	137,468	283,325	48.5%	283,325	-	78,955	258,805	30.5%
South Summit	155,363	220,589	70.4%	220,589	-	147,610	225,443	65.5%
Park City	875,757	1,581,550	55.4%	1,581,550	-	460,839	1,481,550	31.1%
Total Public Safety	<u>8,504,574</u>	<u>13,393,779</u>	<u>63.5%</u>	<u>13,195,715</u>	<u>(198,064)</u>	<u>8,022,069</u>	<u>13,321,714</u>	<u>60.2%</u>
<b>PUBLIC WORKS</b>								
Administration & Shop	406,446	678,162	59.9%	677,818	(344)	328,977	541,974	60.7%
Class B Roads	778,583	1,210,000	64.3%	1,210,000	-	1,054,099	1,280,000	82.4%
County Roads	1,030,364	1,457,490	70.7%	1,457,490	-	915,646	1,430,540	64.0%
Storm Water Management	132,578	158,700	83.5%	158,700	-	130,663	159,580	81.9%
Weeds	252,791	362,906	69.7%	362,190	(716)	247,640	336,040	73.7%
Engineering	434,575	689,490	63.0%	679,050	(10,440)	448,857	657,770	68.2%
Fire Warden	18,503	51,650	35.8%	74,650	23,000	8,267	57,650	14.3%
Waste Disposal	1,349,914	2,423,740	55.7%	2,423,740	-	2,338,678	4,051,760	57.7%
Total Public Works	<u>4,403,755</u>	<u>7,032,138</u>	<u>62.6%</u>	<u>7,043,638</u>	<u>11,500</u>	<u>5,472,826</u>	<u>8,515,314</u>	<u>64.3%</u>
<b>GOVERNMENT SERVICES</b>								
Risk Management	605,962	690,000	87.8%	690,000	-	647,803	634,000	102.2%
Information Technology	767,632	1,132,482	67.8%	1,131,982	(500)	716,136	1,123,940	63.7%
Personnel	216,082	338,417	63.9%	338,417	-	203,872	342,070	59.6%
Facilities								
Coalville Area	316,600	623,978	50.7%	607,958	(16,020)	388,431	630,151	61.6%
Richins Building	83,181	152,220	54.6%	157,100	4,880	69,092	152,146	45.4%
Kamas Area	41,890	96,799	43.3%	96,799	-	46,778	83,096	56.3%
PW & Animal Shelter	46,782	173,700	26.9%	173,700	-	42,292	105,200	40.2%
Justice Complex	293,976	443,428	66.3%	442,828	(600)	354,710	571,800	62.0%
Parks & Grounds	158,515	271,977	58.3%	268,580	(3,397)	162,237	223,280	72.7%
Fleet Services	18,738	30,940	60.6%	30,940	-	19,549	26,940	72.6%
Quinn's Health Building	94,341	435,940	21.6%	435,940	-	87,733	154,750	56.7%

**SUMMIT COUNTY BUDGET REPORT**

For the Period:

August 31, 2013

Percent of Year Elapsed:

66.7%

Number of Pay Periods Reported: 17 of 26 (65%)

Operating Funds Description	Curent Year (2013)					Prior Year		
	Expenditures to Date	Budgeted Expenditures	% of Budget Spent	Current Year Estimate	New Estimate Over/(Under) Budget	Expenditures to Date	% of Budget Spent to Date	Total Expenditures Previous Year
Recreation								
County Fair	216,891	291,020	74.5%	301,020	10,000	193,401	243,600	79.4%
State Fair	-	1,500	0.0%	1,500	-	-	1,500	0.0%
No Summit Youth Rec	35,000	35,000	100.0%	35,000	-	-	35,000	0.0%
So Summit Youth Rec	35,000	35,000	100.0%	35,000	-	-	35,000	0.0%
Snyderville Recreation	35,000	35,000	100.0%	35,000	-	-	35,000	0.0%
Library	718,265	1,134,072	63.3%	1,134,072	-	688,530	1,100,010	62.6%
Historical	52,419	109,454	47.9%	108,854	(600)	47,945	103,500	46.3%
USU Extension	69,740	108,910	64.0%	108,910	-	68,305	104,150	65.6%
Total Government Services	<u>3,806,014</u>	<u>6,139,837</u>	<u>62.0%</u>	<u>6,133,600</u>	<u>(6,237)</u>	<u>3,736,814</u>	<u>5,705,133</u>	<u>65.5%</u>
PUBLIC HEALTH								
Administration	265,837	403,284	65.9%	403,284	-	250,986	380,500	66.0%
General Health	875,892	1,685,728	52.0%	1,714,473	28,745	871,647	1,659,073	52.5%
Environmental Health	300,956	454,090	66.3%	454,090	-	285,496	421,071	67.8%
Bio-Terrorism	158,895	295,149	53.8%	295,149	-	104,072	317,470	32.8%
Early Intervention	280,206	452,353	61.9%	452,353	-	250,353	408,500	61.3%
Mental Health	356,411	622,477	57.3%	622,477	-	251,553	476,073	52.8%
Prevention Center	330,087	591,945	55.8%	591,945	-	350,492	587,027	59.7%
Total Public Health	<u>2,568,284</u>	<u>4,505,026</u>	<u>57.0%</u>	<u>4,533,771</u>	<u>28,745</u>	<u>2,364,600</u>	<u>4,249,714</u>	<u>55.6%</u>
OTHER DEPARTMENTS								
Television	99,456	128,000	77.7%	128,000	-	97,018	125,300	77.4%
Non-Departmental	234,482	310,000	75.6%	310,000	-	192,374	295,000	65.2%
Debt Service	-	-	-	-	-	-	-	-
Contributions	71,908	487,052	14.8%	487,052	-	71,003	1,129,871	6.3%
To Other Funds	-	1,825,612	0.0%	1,825,612	-	-	850,000	0.0%
Miscellaneous	176,313	907,500	19.4%	907,500	-	292,521	910,000	32.1%
Total Other Departments	<u>582,159</u>	<u>3,658,164</u>	<u>15.9%</u>	<u>3,658,164</u>	<u>-</u>	<u>652,916</u>	<u>3,310,171</u>	<u>19.7%</u>
<b>TOTAL OPERATING FUNDS</b>	<u>24,824,593</u>	<u>42,419,176</u>	<u>58.5%</u>	<u>42,324,126</u>	<u>(95,050)</u>	<u>24,938,635</u>	<u>42,247,108</u>	<u>59.0%</u>

**A BUDGET RESOLUTION OF THE SUMMIT COUNTY COUNCIL  
2013 BUDGET AMENDMENTS**

**WHEREAS**, pursuant to UCA §17-36-22 and §17-36-23, on October 2, 2013, the Summit County Council, acting as the governing body of the County, held a public meeting to amend the internal department accounts within the following 2013 budgetary funds: County General Fund, Municipal Fund, and Assessing and Collecting; and,

**WHEREAS**, the amendments to these budgetary funds does not result in an increase to the budgets of any of these funds; and,

**WHEREAS**, the Summit County Council, acting as the governing body of the County, finds that it is in the best interests of the County to amend the 2013 budgetary funds of the following: County General Fund, Municipal Fund, and Assessing and Collecting;

**NOW THEREFORE, BE IT RESOLVED**, pursuant to UCA §17-36-22 and §17-36-23, the Summit County Council, acting as the governing body of the County, hereby amends the 2013 budgetary funds, as shown in Exhibit A herein, of the following:

County General Fund  
Municipal Fund  
Assessing and Collecting.

**APPROVED, ADOPTED, AND PASSED** and ordered published by the Summit County Council, this 2nd day of October, 2013.

COUNTY COUNCIL  
SUMMIT COUNTY, STATE OF UTAH

ATTEST:

By: \_\_\_\_\_  
Claudia McMullin, Chair

\_\_\_\_\_  
Kent Jones  
County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

# EXHIBIT A

SUMMIT COUNTY  
 Finance Report (Partial)  
 Date: August 31, 2013  
 Percent of Year Elapsed: 66.7%

Operating Funds Description	Current Year				New Estimate Over/(Under) Budget	Prior Year		
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate		Revenues to Date	% of Budget Received to Date	Total Received Previous Year
General Fund Total	6,844,919	23,646,433	28.9%	23,652,717	6,284	8,011,787	32.8%	24,952,749
Municipal Fund Total	7,400,147	14,886,860	49.7%	15,291,750	404,890	7,465,027	52.9%	12,913,408
Assess & Collect Fund Total	580,766	3,820,883	15.2%	3,841,463	20,580	552,416	15.2%	3,985,649
<b>Total Operating Funds</b>	<b>14,825,831</b>	<b>42,354,176</b>	<b>35.0%</b>	<b>42,785,930</b>	<b>431,754</b>	<b>16,029,230</b>	<b>38.0%</b>	<b>41,851,805</b>
<b>Taxes</b>								
General	5,030	11,064,500	0.0%	11,064,500	-	475,522	4.2%	11,399,969
Municipal	2,072	4,175,612	0.0%	4,175,612	-	106,457	3.2%	2,466,103
Assessing & Collecting	444	2,950,000	0.0%	2,950,000	-	34,575	1.2%	2,922,815
Fee-in-Lieu	237,342	468,500	50.7%	468,500	-	288,790	55.5%	499,156
Redemptions	1,468,406	1,790,000	82.0%	1,790,000	-	1,332,043	74.2%	1,728,555
Sales & Use Tax-Muni	2,642,588	4,800,000	55.1%	5,050,000	250,000	3,245,173	70.1%	4,864,321
Sales & Use Tax-Gen	1,352,884	2,800,000	48.3%	2,600,000	(200,000)	1,739,355	66.9%	2,433,082
<b>Total Taxes</b>	<b>5,708,765</b>	<b>28,048,612</b>	<b>20.4%</b>	<b>28,098,612</b>	<b>50,000</b>	<b>7,221,914</b>	<b>26.6%</b>	<b>26,314,001</b>
<b>Licenses &amp; Permits</b>								
Business Licenses	282,032	250,000	112.8%	280,000	30,000	238,622	106.1%	258,247
Building Permits	705,442	580,000	121.6%	580,000	-	425,818	78.9%	619,261
Animal Licenses	10,752	17,000	63.2%	17,000	-	11,908	59.5%	15,992
Engineering Permits	35,373	45,000	78.6%	45,000	-	61,485	175.7%	32,345
<b>Total Licenses &amp; Permits</b>	<b>1,033,599</b>	<b>892,000</b>	<b>115.9%</b>	<b>922,000</b>	<b>30,000</b>	<b>737,832</b>	<b>35.3%</b>	<b>925,844</b>
<b>Intergovernmental</b>								
Federal Grants	21,513	737,797	2.9%	752,797	15,000	73,110	8.3%	131,373
Other Entity	-	-	-	-	-	-	-	-
Miscellaneous Grants	45,481	21,000	216.6%	162,000	141,000	5,000	12.2%	39,137
Dispatch Reimbursement	36,534	74,000	49.4%	74,000	-	36,534	49.4%	73,067

SUMMIT COUNTY  
 Finance Report (Partial)  
 Date: August 31, 2013  
 Percent of Year Elapsed: 66.7%

Operating Funds Description	Current Year				New Estimate Over/(Under) Budget	Prior Year		
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate		Revenues to Date	% of Budget Received to Date	Total Received Previous Year
State Jail Reimbursement	276,142	450,000	61.4%	450,000	-	303,536	67.5%	625,109
In Lieu of Taxes	1,279,584	1,270,000	100.8%	1,280,000	10,000	1,308,378	103.0%	1,314,563
State Grants	29,313	-		50,000	50,000	20,591		59,092
Class B Roads	931,416	1,280,000	72.8%	1,280,000	-	914,180	71.4%	1,271,422
State Liquor Enforcement	-	90,000	0.0%	90,000	-	841	0.9%	69,446
Court Security Reimburse	37,416	130,000	28.8%	130,000	-	41,005	31.5%	46,532
License Reimbursement	26,669	68,000	39.2%	58,000	(10,000)	38,079	54.4%	60,892
Fleet Maintenance	58,993	150,000	39.3%	150,000	-	75,548	54.0%	115,115
State Court Reimburse	296,020	145,000	204.2%	145,000	-	234,088	161.4%	107,139
Health Intergovernmental								
A&D State Prevention	279,052	551,724	50.6%	551,724	-	295,194	54.0%	578,747
Mental Health	292,107	561,307	52.0%	561,307	-	220,502	65.6%	522,373
MtnLand Title XX	2,722	-		3,000	3,000	10,580	13.5%	12,111
DHS/UTCAN Fam Resource	4,234	-		4,300	4,300	4,841		8,383
WIC	114,570	627,989	18.2%	627,989	-	131,186	21.0%	582,634
Heart Disease/Stroke	41,249	51,609	79.9%	51,609	-	5,000	16.9%	18,345
Min Perform Standards	24,408	48,815	50.0%	48,815	-	24,408	50.0%	48,815
Immunization	21,329	43,431	49.1%	68,776	25,345	21,716	49.3%	167,492
MCH Block Grant	7,407	12,960	57.2%	12,960	-	7,440	57.4%	14,202
Clean Air	-	1,148	0.0%	1,148	-	-	0.0%	1,148
Community Transformation	2,466	53,250	4.6%	53,250	-	15,600		66,384
Tobacco Comprehensive CDC	8,193	-		8,200	8,200	99	0.4%	11,831
Tobacco Prevention & Cont	51,544	17,854	288.7%	52,000	34,146	29,582	60.0%	62,206

## SUMMIT COUNTY

Finance Report (Partial)

Date: August 31, 2013

Percent of Year Elapsed: 66.7%

Operating Funds	Current Year					Prior Year		
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	Total Received Previous Year
Early Intervention	211,728	421,048	50.3%	421,048	-	202,432	49.9%	430,720
HIV-AIDS	1,000	4,050	24.7%	4,050	-	1,000	24.7%	1,000
TB	3,968	-		4,000	4,000	2,900		3,050
Enviro Health - DEQ	49,916	66,627	74.9%	66,627	-	33,564	50.0%	66,877
Enviro Health - DOH	-	12,500	0.0%	12,500	-	2,500	20.0%	17,500
S.T.D.	1,000	1,000	100.0%	1,000	-	1,000	100.0%	1,000
Injury Prevention	2,760	20,240	13.6%	20,240	-	149	0.7%	17,629
Cancer - UCCP/CDC	4,264	10,350	41.2%	10,350	-	1,816	16.4%	6,424
0-5 Prenatal	1,600	3,200	50.0%	3,200	-	1,600	50.0%	3,200
Target Case Management	393	15,000	2.6%	15,000	-	-	0.0%	88
Dental Health	10,000	20,000	50.0%	20,000	-	10,000	50.0%	20,000
Bio Terrorism	131,280	278,987	47.1%	278,987	-	90,748	28.7%	205,356
Summit Co Safe Community	6,141	12,000	51.2%	12,000	-	8,057		11,134
Tobacco Compliance	3,828	82,809	4.6%	82,809	-	5,908	71.0%	6,766
Disease Outbreak/MRC	12,357	-		13,000	13,000	12,558	86.6%	12,798
ELC-Affordable Care	6,707	2,500	268.3%	2,500	-	-		-
MRC/NACCHO	-	52,500	0.0%	52,500	-	-	0.0%	-
<b>Total Intergovernmental</b>	<b>4,335,862</b>	<b>7,388,695</b>	<b>58.7%</b>	<b>7,686,686</b>	<b>297,991</b>	<b>4,191,267</b>	<b>35.3%</b>	<b>6,811,102</b>
<b>Charges for Services</b>								
Clerk Fees	14,938	15,000	99.6%	15,000	-	10,303	57.2%	15,777
Recorder Fees	371,548	380,000	97.8%	380,000	-	314,178	71.4%	467,167
Engineering Fees	36,067	32,000	112.7%	35,000	3,000	4,145	8.3%	48,667

SUMMIT COUNTY  
 Finance Report (Partial)  
 Date: August 31, 2013  
 Percent of Year Elapsed: 66.7%

Description	Current Year				Prior Year			
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	Total Received Previous Year
Subdivision Fees	152,742	150,000	101.8%	150,000	-	68,352	38.0%	127,241
Development Code	879	3,000	29.3%	3,000	-	1,629	54.3%	1,896
Search & Rescue	-	20,000	0.0%	20,000	-	-	0.0%	15,290
Primary Residency Fee	12,085	40,000	30.2%	40,000	-	35,294	88.2%	82,679
Plan Check Fees	370,623	275,000	134.8%	275,000	-	172,443	69.0%	274,008
Fire Warden Fees	45	-	-	30	30	75	-	75
Sheriff Compliance	31,860	60,000	53.1%	60,000	-	34,735	124.1%	74,080
Sheriff Fees	3,094	18,000	17.2%	18,000	-	2,092	8.4%	2,986
South Summit Ambulance	77,234	130,000	59.4%	130,000	-	65,042	50.0%	124,570
North Summit Ambulance	82,940	120,000	69.1%	120,000	-	73,974	61.6%	123,293
Forest Law Enforcement	-	57,093	0.0%	57,093	-	3,475	26.3%	-
Park City Ambulance	1,154,958	1,450,000	79.7%	1,450,000	-	958,594	71.0%	1,435,722
Recycle Fees	-	-	-	-	-	31,860	63.7%	47,362
Advertising Fees	-	-	-	-	-	-	-	840
Computer Fees	3,485	8,000	43.6%	8,000	-	2,760	27.6%	5,425
GIS Fees	1,601	-	-	1,500	1,500	1,168	-	2,523
Public Safety Special Event	60,320	43,900	137.4%	47,000	3,100	1,620	-	28,320
Waste Disposal	-	-	-	-	-	663,217	66.3%	1,072,391
Household Hazardous Waste	-	-	-	-	-	34,858	46.5%	56,329
Fair/Park Receipts	87,423	80,000	109.3%	88,000	8,000	73,094	91.4%	74,657
Offender Obligation	821	-	-	1,000	1,000	1,519	-	1,876
Inmate Labor Fees	-	2,000	0.0%	-	(2,000)	-	0.0%	-
Snow Removal	22,197	25,000	88.8%	25,000	-	25,157	100.6%	29,196
Election Fees	1,375	8,500	16.2%	8,500	-	3,043	35.8%	3,442
Surveyor Fees	1,020	2,000	51.0%	2,000	-	620	31.0%	2,070
911 Services	283,447	450,000	63.0%	450,000	-	288,334	64.1%	836,298
Emergency Services	-	-	-	-	-	1,571	-	1,571
Television Franchise	45,300	160,000	28.3%	160,000	-	44,785	28.0%	177,613
Health Fees	-	-	-	-	-	-	-	-
Water Concurrency	12,505	45,000	27.8%	45,000	-	14,591	32.4%	23,363
Lead Testing Fee	-	-	-	-	-	36	-	36

## SUMMIT COUNTY

Finance Report (Partial)

Date: August 31, 2013

Percent of Year Elapsed: 66.7%

Operating Funds Description	Current Year				New Estimate Over/(Under) Budget	Prior Year		
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate		Revenues to Date	% of Budget Received to Date	Total Received Previous Year
Well Child	306	-		300	300	361		490
Dental	680	-		600	600	785	523.3%	1,291
Immunization	33,556	66,000	50.8%	66,000	-	27,228	41.3%	73,707
TB	2,110	1,500	140.7%	1,900	400	1,795	133.0%	3,131
S.T.D.	1,858	2,000	92.9%	2,000	-	1,857	61.9%	3,575
HIV Testing	225	240	93.8%	240	-	270	108.0%	460
Lab Fees	28,250	55,000	51.4%	55,000	-	28,565	58.3%	58,420
Day Care Inspection	30	200	15.0%	200	-	185	185.0%	235
Food Service Permits	57,595	70,000	82.3%	70,000	-	78,265	120.4%	99,885
Food Handler Permit	13,600	15,000	90.7%	15,000	-	11,235	46.8%	18,239
Serve Safe Class	3,255	3,800	85.7%	3,800	-	1,050	23.3%	3,800
Vital Statistics	7,601	10,000	76.0%	10,000	-	9,233	102.6%	13,571
Reproductive Health	17,289	28,000	61.7%	28,000	-	22,330	89.3%	31,555
Cancer Screening	-	-		-	-	-	0.0%	-
Septic Tank	9,890	6,000	164.8%	7,500	1,500	5,910	98.5%	9,845
Cholesterol Screen	12	-		-	-	-	0.0%	12
Pool & Spa Permit	5,880	6,500	90.5%	6,500	-	5,375	82.7%	5,710
Temp Mass Gathering	500	1,000	50.0%	1,000	-	989	79.1%	989
Tobacco Class	300	450	66.7%	450	-	525	61.8%	525
Liquid Scavenger Fee	-	200	0.0%	200	-	-	0.0%	-
Quinn's Maintenance	-	25,000	0.0%	25,000	-	-	0.0%	-
<b>Total Charges for Services</b>	<b>3,011,446</b>	<b>3,865,383</b>	<b>77.9%</b>	<b>3,882,813</b>	<b>17,430</b>	<b>3,128,521</b>	<b>35.3%</b>	<b>5,482,200</b>

## SUMMIT COUNTY

Finance Report (Partial)

Date: August 31, 2013

Percent of Year Elapsed: 66.7%

Operating Funds	Current Year					Prior Year		Total Received Previous Year
	Revenues to Date	Budgeted Revenues	% of Budget Received	Current Year Estimate	New Estimate Over/(Under) Budget	Revenues to Date	% of Budget Received to Date	
<b>Description</b>								
<b>Fines &amp; Forfeitures</b>								
Precinct Court	544,463	825,000	66.0%	825,000	-	543,567	62.1%	798,757
Admin Law Fines	15,084	10,000	150.8%	14,000	4,000	10,691		17,050
Prosecution Fines	22,992	15,000	153.3%	22,500	7,500	8,417	56.1%	20,438
Public Defender Recovery	3,672	5,000	73.4%	6,000	1,000	6,017	120.3%	6,867
Library Fines	15,825	17,000	93.1%	17,000	-	12,539	62.7%	19,446
Evidence Forfeiture	30,078	5,000	601.6%	20,000	15,000	2,853	57.1%	4,058
Court Services	6,642	30,000	22.1%	30,000	-	13,266	44.2%	17,439
<b>Total Fines &amp; Forfeitures</b>	<b>638,755</b>	<b>907,000</b>	<b>70.4%</b>	<b>934,500</b>	<b>27,500</b>	<b>597,350</b>	<b>35.3%</b>	<b>884,055</b>
<b>Miscellaneous</b>								
Interest	29,242	162,000	18.1%	162,000	-	75,753	70.8%	188,266
TV Rent	26,989	50,000	54.0%	50,000	-	37,064	74.1%	47,827
Rental Property	12,554	2,000	627.7%	12,000	10,000	15,154		314,785
Jail Reimbursements	3,192	5,500	58.0%	5,500	-	3,259	43.4%	6,079
Miscellaneous	7,615	43,000	17.7%	43,000	-	21,070	51.4%	31,108
<b>Total Miscellaneous</b>	<b>79,591</b>	<b>262,500</b>	<b>30.3%</b>	<b>272,500</b>	<b>10,000</b>	<b>152,299</b>	<b>35.3%</b>	<b>588,065</b>
<b>Contributions</b>								
From Room Tax	-	217,700	0.0%	217,700	-	-	0.0%	147,700
Contributions Other Funds	-	-	-	-	-	-	-	106,258
Livestock Corral Fees	255	2,500	10.2%	2,500	-	46	1.8%	1,841
From Restaurant Tax	-	78,300	0.0%	78,300	-	-	0.0%	78,500
Contributions From Surplus	-	424,206	0.0%	424,206	-	-	0.0%	51,787
Historical Society	-	-	-	-	-	-	-	-
<b>Total Contributions</b>	<b>255</b>	<b>722,706</b>	<b>0.0%</b>	<b>722,706</b>	<b>-</b>	<b>46</b>	<b>35.3%</b>	<b>386,086</b>
<b>Total Revenues</b>	<b>14,808,273</b>	<b>42,086,896</b>	<b>35.2%</b>	<b>42,519,817</b>	<b>432,921</b>	<b>16,029,230</b>	<b>38.0%</b>	<b>41,391,352</b>

SUMMIT COUNTY BUDGET REPORT

For the Period: August 31, 2013

Percent of Year Elapsed: 66.7%

Number of Pay Periods Reported: 17 of 26 (65%)

Operating Funds Description	Curent Year (2013)					Prior Year		
	Expenditures to Date	Budgeted Expenditures	% of Budget Spent	Current Year Estimate	New Estimate Over/(Under) Budget	Expenditures to Date	% of Budget Spent to Date	Total Expenditures Previous Year
General Fund Total	13,693,694	23,646,433	57.9%	23,534,823	(111,610)	13,302,915	24,510,850	54.3%
Municipal Fund Total	8,808,676	14,886,860	59.2%	14,893,088	6,228	9,526,685	14,112,797	67.5%
Assess & Collect Fund Total	2,465,972	3,885,883	63.5%	3,889,611	3,728	2,323,309	3,623,461	64.1%
<b>Total Operating Funds</b>	<b>24,968,342</b>	<b>42,419,176</b>	<b>58.9%</b>	<b>42,317,522</b>	<b>(101,654)</b>	<b>25,152,909</b>	<b>42,247,108</b>	<b>59.5%</b>
<b>GENERAL GOVERNMENT</b>								
<b>Administration</b>								
Council	150,575	204,280	73.7%	215,500	11,220	131,444	189,400	69.4%
Admin Services	409,134	696,866	58.7%	744,866	48,000	382,500	492,965	77.6%
Sustainability	60,067	412,248	14.6%	412,248	-	61,439	180,615	34.0%
Auditor	333,331	492,048	67.7%	492,048	-	319,761	490,294	65.2%
Clerk	209,746	310,208	67.6%	310,208	-	206,836	323,350	64.0%
Elections	31,656	60,740	52.1%	60,740	-	48,595	92,405	52.6%
Public Defender	155,442	238,800	65.1%	238,000	(800)	136,389	208,800	65.3%
Treasurer	208,105	297,739	69.9%	297,739	-	195,682	292,021	67.0%
Motor Vehicle	133,150	204,341	65.2%	204,341	-	133,526	214,235	62.3%
Recorder	382,439	565,515	67.6%	565,515	-	367,741	567,010	64.9%
Attorney	912,205	1,332,442	68.5%	1,332,428	(14)	861,680	1,300,382	66.3%
Assessor	531,709	788,865	67.4%	788,865	-	483,098	753,915	64.1%
Justice Court	301,741	431,700	69.9%	446,700	15,000	269,982	398,250	67.8%
Community Development	421,429	537,300	78.4%	547,200	9,900	329,037	552,000	59.6%
Planning & Zoning	358,301	508,650	70.4%	508,350	(300)	431,631	607,530	71.0%
Building	360,780	608,490	59.3%	594,490	(14,000)	330,070	481,890	68.5%
<b>Total General Government</b>	<b>4,959,808</b>	<b>7,690,232</b>	<b>64.5%</b>	<b>7,759,238</b>	<b>69,006</b>	<b>4,689,410</b>	<b>7,145,062</b>	<b>65.6%</b>
<b>PUBLIC SAFETY</b>								
<b>Law Enforcement</b>								
Administration	505,530	784,655	64.4%	768,655	(16,000)	554,711	777,764	71.3%
Patrol	1,967,680	2,831,765	69.5%	2,809,720	(22,045)	2,100,590	2,817,720	74.5%
Special Operations	229,111	422,636	54.2%	403,420	(19,216)	298,761	432,920	69.0%
Criminal Investigations	531,859	634,595	83.8%	642,800	8,205	391,104	667,900	58.6%
Major Crimes Unit	405,823	667,074	60.8%	652,450	(14,624)	382,708	631,150	60.6%
Patrol Contracts	63,223	106,500	59.4%	106,500	-	23,910	14,002	170.8%
Reserves	14,187	92,750	15.3%	76,750	(16,000)	5,504	16,950	32.5%
Compliance	37,618	60,000	62.7%	60,000	-	50,675	51,450	98.5%

SUMMIT COUNTY BUDGET REPORT

For the Period: August 31, 2013  
 Percent of Year Elapsed: 66.7%  
 Number of Pay Periods Reported: 17 of 26 (65%)

Operating Funds	Current Year (2013)					Prior Year		
	Expenditures to Date	Budgeted Expenditures	% of Budget Spent	Current Year Estimate	New Estimate Over/(Under) Budget	Expenditures to Date	% of Budget Spent to Date	Total Expenditures Previous Year
<b>Corrections</b>	1,537,133	2,421,890	63.5%	2,325,890	(96,000)	1,534,490	2,132,190	72.0%
Jail Kitchen	297,759	404,092	73.7%	404,092	-	258,430	421,500	61.3%
Court Services	661,233	869,630	76.0%	871,630	2,000	575,444	1,005,910	57.2%
<b>Communications</b>	682,899	1,060,198	64.4%	1,059,948	(250)	656,064	1,042,080	63.0%
E-911	122,951	302,500	40.6%	302,500	-	152,527	785,550	19.4%
<b>Search &amp; Rescue</b>	59,392	80,860	73.5%	79,860	(1,000)	46,761	75,710	61.8%
Sub-Total Sheriff	7,116,399	10,739,145	66.3%	10,564,215	(174,930)	7,031,678	10,872,796	64.7%
<b>Animal Control</b>	206,590	368,474	56.1%	345,340	(23,134)	231,555	398,320	58.1%
<b>Emergency Management</b>	12,996	200,696	6.5%	200,696	-	71,433	84,800	84.2%
<b>Ambulance</b>								
North Summit	137,468	283,325	48.5%	283,325	-	78,955	258,805	30.5%
South Summit	155,363	220,589	70.4%	220,589	-	147,610	225,443	65.5%
Park City	875,757	1,581,550	55.4%	1,581,550	-	460,839	1,481,550	31.1%
<b>Total Public Safety</b>	<b>8,504,574</b>	<b>13,393,779</b>	<b>63.5%</b>	<b>13,195,715</b>	<b>(198,064)</b>	<b>8,022,069</b>	<b>13,321,714</b>	<b>60.2%</b>
<b>PUBLIC WORKS</b>								
Administration & Shop	406,446	678,162	59.9%	677,818	(344)	328,977	541,974	60.7%
Class B Roads	778,583	1,210,000	64.3%	1,210,000	-	1,054,099	1,280,000	82.4%
County Roads	1,090,364	1,457,490	70.7%	1,457,490	-	915,646	1,430,540	64.0%
Storm Water Management	132,578	158,700	83.5%	158,700	-	130,663	159,580	81.9%
Weeds	252,791	362,906	69.7%	362,190	(716)	247,640	336,040	73.7%
Engineering	434,575	689,490	63.0%	679,050	(10,440)	448,857	657,770	68.2%
Fire Warden	18,503	51,650	35.8%	74,650	23,000	8,267	57,650	14.3%
Waste Disposal	1,349,914	2,423,740	55.7%	2,423,740	-	2,338,678	4,051,760	57.7%
<b>Total Public Works</b>	<b>4,403,755</b>	<b>7,032,138</b>	<b>62.6%</b>	<b>7,043,638</b>	<b>11,500</b>	<b>5,472,826</b>	<b>8,515,314</b>	<b>64.3%</b>
<b>GOVERNMENT SERVICES</b>								
Risk Management	605,962	690,000	87.8%	690,000	-	647,803	634,000	102.2%
Information Technology	767,632	1,132,482	67.8%	1,131,982	(500)	716,136	1,123,940	63.7%
Personnel	216,082	338,417	63.9%	338,417	-	203,872	342,070	59.6%
Facilities								
Coalville Area	316,600	623,978	50.7%	607,958	(16,020)	388,431	630,151	61.6%
Richins Building	83,181	152,220	54.6%	157,100	4,880	69,092	152,146	45.4%
Kamas Area	41,890	96,799	43.3%	96,799	-	46,778	83,096	56.3%
PW & Animal Shelter	46,782	173,700	26.9%	173,700	-	42,292	105,200	40.2%
Justice Complex	293,976	443,428	66.3%	442,828	(600)	354,710	571,800	62.0%
Parks & Grounds	158,515	271,977	58.3%	268,580	(3,397)	162,237	223,280	72.7%
Fleet Services	18,738	30,940	60.6%	30,940	-	19,549	26,940	72.6%
Quinn's Health Building	94,341	435,940	21.6%	435,940	-	87,733	154,750	56.7%

SUMMIT COUNTY BUDGET REPORT

For the Period: August 31, 2013  
 Percent of Year Elapsed: 66.7%  
 Number of Pay Periods Reported: 17 of 26 (65%)

Operating Funds Description	Current Year (2013)					Prior Year		
	Expenditures to Date	Budgeted Expenditures	% of Budget Spent	Current Year Estimate	New Estimate Over/(Under) Budget	Expenditures to Date	% of Budget Spent	Total Expenditures Previous Year
<b>Recreation</b>								
County Fair	216,891	291,020	74.5%	301,020	10,000	193,401	243,600	79.4%
State Fair	-	1,500	0.0%	1,500	-	-	1,500	0.0%
No Summit Youth Rec	35,000	35,000	100.0%	35,000	-	-	35,000	0.0%
So Summit Youth Rec	35,000	35,000	100.0%	35,000	-	-	35,000	0.0%
Snyderville Recreation	35,000	35,000	100.0%	35,000	-	-	35,000	0.0%
Library	718,265	1,134,072	63.3%	1,134,072	-	688,530	1,100,010	62.6%
Historical	52,419	109,454	47.9%	108,854	(600)	47,945	103,500	46.3%
USU Extension	69,740	108,910	64.0%	108,910	-	68,305	104,150	65.6%
<b>Total Government Services</b>	<b>3,806,014</b>	<b>6,139,837</b>	<b>62.0%</b>	<b>6,133,600</b>	<b>(6,237)</b>	<b>3,736,814</b>	<b>5,705,133</b>	<b>65.5%</b>
<b>PUBLIC HEALTH</b>								
Administration	265,897	403,284	65.9%	403,284	-	250,986	380,500	66.0%
General Health	875,892	1,685,728	52.0%	1,714,473	28,745	871,647	1,659,073	52.5%
Environmental Health	300,956	454,090	66.3%	454,090	-	285,496	421,071	67.8%
Bio-Terrorism	158,895	295,149	53.8%	295,149	-	104,072	317,470	32.8%
Early Intervention	280,206	452,353	61.9%	452,353	-	250,353	408,500	61.3%
Mental Health	356,411	622,477	57.3%	622,477	-	251,553	476,073	52.8%
Prevention Center	330,087	591,945	55.8%	591,945	-	350,492	587,027	59.7%
<b>Total Public Health</b>	<b>2,568,284</b>	<b>4,505,026</b>	<b>57.0%</b>	<b>4,533,771</b>	<b>28,745</b>	<b>2,364,600</b>	<b>4,249,714</b>	<b>55.6%</b>
<b>OTHER DEPARTMENTS</b>								
Television	99,456	128,000	77.7%	128,000	-	97,018	125,300	77.4%
Non-Departmental	234,482	310,000	75.6%	310,000	-	192,374	295,000	65.2%
Debt Service	-	-	-	-	-	-	-	-
Contributions	71,908	487,052	14.8%	487,052	-	71,003	1,129,871	6.3%
To Other Funds	-	1,825,612	0.0%	1,825,612	-	-	850,000	0.0%
Miscellaneous	176,313	907,500	19.4%	907,500	-	292,521	910,000	32.1%
<b>Total Other Departments</b>	<b>582,159</b>	<b>3,658,164</b>	<b>15.9%</b>	<b>3,658,164</b>	<b>-</b>	<b>652,916</b>	<b>3,310,171</b>	<b>19.7%</b>
<b>TOTAL OPERATING FUNDS</b>	<b>24,824,593</b>	<b>42,419,176</b>	<b>58.5%</b>	<b>42,324,126</b>	<b>(95,050)</b>	<b>24,938,635</b>	<b>42,247,108</b>	<b>59.0%</b>

**Mountain Regional Water  
Resolution No. 2013-12MRW**

**A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE MOUNTAIN  
REGIONAL WATER SPECIAL SERVICE DISTRICT  
(Tax Parcel Number: PP-87-C )**

**WHEREAS**, the 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. (“UCA”) §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**, UCA §17D-1-203 and UCA §17D-1-401(2) provide that the 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**, David M. Carr and Beverlee J. Carr have petitioned the Council to annex their land (Parcel PP-87-C) into the District (the “Petition”). In the Petition, David M. Carr and Beverlee J. Carr, represented that they are the sole owners of Parcel PP-87-C; and,

**WHEREAS**, the Summit County Clerk has duly certified the Petition; and,

**WHEREAS**, UCA §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**, David M. Carr and Beverlee J. Carr have signed the Petition for annexation;

**NOW, THEREFORE, BE IT RESOLVED** by the Summit County Council as follows:

Section 1.     **Findings.**     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-87-C located in Summit County, Utah (the “Property”), be annexed into the District.

Section 2.     **Annexation.**     The Property is hereby annexed into the boundaries of the Mountain Regional Water Special Service 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 and for the payment of the District’s bonds and other obligations.

Section 3.     **Direction.**     All officers and employees of the District 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 4.     **Effective Date.**     This Resolution shall take effect immediately upon its approval and adoption by the Summit County Council.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SUMMIT COUNTY COUNCIL  
SUMMIT COUNTY, UTAH

---

Claudia McMullin  
Chair

ATTEST:

---

Kent Jones  
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.

DocuSigned by:

*Beverlee Carr*

BE6DA049D2594DA...  
DocuSigned by:

*David Carr*

9/11/2013

Property Owner

PP-87-C

Address / Parcel ID

**Situs Address** 5000 N OLD MEADOW LN

**Legal** UNIT 3 DESC LOT 10 BEG AT A PT WH IS W ALONG THE  
SEC LINE 749.24 FT & S

PERPENDICULAR TO SD SEC LINE 3537.95 FT FROM THE NE  
COR OF SEC 29 T1SR4E SLBM;

TH N 89\*46' W 455 FT TO THE E LINE OF A60 FT RD; TH N 0\*45' W  
ALONG SD RD LINE

440 FT; TH S 89\*46' E 455 FT; TH S 0\*45' E 440 FT TO PT OF BEG  
CONT 4.60 AC

M40-750 M166-22 M163-716-9 M248-415441-303-305 651-693 967-  
639 1031-287

1412-536 1419-835 DAVID M CARR & BEVERLEE J CARR



**MEMORANDUM:**

Date: October 2, 2013  
To: Council Members  
From: Annette Singleton  
Re: Summit County Restaurant Tax Advisory Committee

Appoint Lorrie Hoggan to the Summit County Restaurant Tax Advisory Committee. Lorrie's term to expire July 31, 2016.

Reappoint Jodie Rogers (the member recommended by the Park City Area Restaurant Association to serve a second term), and appoint Donnie Novelle (the member recommended by the Park City Chamber Bureau) to the Summit County Restaurant Tax Advisory Committee. Jodie and Donnie's terms to expire July 31, 2016.

## Annette Singleton

---

**From:** Ginger Ries <ginger.ries@me.com>  
**Sent:** Tuesday, August 20, 2013 9:29 AM  
**To:** Annette Singleton  
**Subject:** Re: Restaurant Tax Advisory Committee

Hi Annette,

On behalf of the Park City Area Restaurant Association board, we would like to recommend Jodie Rogers to serve another term on the Restaurant Tax Advisory Committee. Please let me know if you need our recommendation in or formal letter format.

Kind regards,

Ginger Ries  
Executive Director  
Park City Restaurant Association  
435.640.1168  
[ginger.ries@me.com](mailto:ginger.ries@me.com)



On Aug 19, 2013, at 2:26 PM, Annette Singleton <[asingleton@summitcounty.org](mailto:asingleton@summitcounty.org)> wrote:

Sure! Jodie has only served one term, but is able to serve up to three terms. The Board would just need to make the recommendation to reappoint her to serve another term. Just let me know by email (so we have record in our file) whatever is decided. Thank you!

*Annette Singleton*  
Office Manager  
Summit County  
Phone: 435-336-3025  
[asingleton@summitcounty.org](mailto:asingleton@summitcounty.org)

---

**From:** Ginger Ries [<mailto:ginger.ries@me.com>]  
**Sent:** Monday, August 19, 2013 1:34 PM  
**To:** Annette Singleton  
**Subject:** Re: Restaurant Tax Advisory Committee

Hi Annette,

I have put this out to our board and Jodi is actually very interested in serving another term, is that an option?

Ginger Ries  
Altitude Events & Marketing, LLC  
435.640.1168  
[ginger.ries@me.com](mailto:ginger.ries@me.com)

<image001.png>

On Aug 14, 2013, at 4:32 PM, Annette Singleton <[asingleton@summitcounty.org](mailto:asingleton@summitcounty.org)> wrote:

Hi Ginger.

As you may know, Jodie Rogers' term expired on July 31<sup>st</sup> this year. We had some changes made to the Summit County Code regarding the Restaurant Tax Advisory Committee, so we are a bit late on the appointments/reappointments. Nonetheless, one member of the Board will still be recommended by the Park City Area Restaurant Association. Does your Board have who that recommendation might be? (We would like to appoint that person in about a month during council meeting.)

Thank you!

*Annette Singleton*  
Office Manager  
Summit County  
Phone: 435-336-3025  
[asingleton@summitcounty.org](mailto:asingleton@summitcounty.org)

## Annette Singleton

---

**From:** Bill Malone <Bill@visitparkcity.com>  
**Sent:** Wednesday, September 04, 2013 4:41 PM  
**To:** Annette Singleton  
**Subject:** RE: Restaurant Tax Advisory Committee  
**Attachments:** Donnie Novelle.vcf

**Donnie Novelle**

Park City Transportation

(435) 649-8567 Work

Donnie@parkcitytransportation.com

PO Box 680117

Park City, UT 84068

Here it is ... Thanks for your patience ... Bill

**Bill Malone**

*President & CEO*

Park City Chamber/Convention & Visitors Bureau

(435) 649-6100

[www.VisitParkCity.com](http://www.VisitParkCity.com)



[VisitParkCity](#)



[VisitParkCity](#)

*Outside Magazine's 2013 "Best Town Ever"*

---

**From:** Annette Singleton [<mailto:asingleton@summitcounty.org>]

**Sent:** Wednesday, September 04, 2013 4:33 PM

**To:** Bill Malone

**Subject:** FW: Restaurant Tax Advisory Committee

Hi Bill. Did your Board recommend the appointment of Donnie Novell to the Committee? Do you have her contact information? Thank you!

*Annette Singleton*

Office Manager

Summit County

Phone: 435-336-3025

[asingleton@summitcounty.org](mailto:asingleton@summitcounty.org)

---

**From:** Annette Singleton

**Sent:** Friday, August 16, 2013 3:03 PM

**To:** 'Bill Malone'

**Subject:** RE: Restaurant Tax Advisory Committee

That's great. At that time, will you be so kind as to send me Donnie's home address, phone and email? Thanks Bill !

Have a wonderful weekend.

*Annette Singleton*  
Office Manager  
Summit County  
Phone: 435-336-3025  
[asingleton@summitcounty.org](mailto:asingleton@summitcounty.org)

---

**From:** Bill Malone [<mailto:Bill@visitparkcity.com>]  
**Sent:** Thursday, August 15, 2013 8:09 AM  
**To:** Annette Singleton  
**Subject:** RE: Restaurant Tax Advisory Committee

Hello Annette... Hope you are well...

Our Executive committee has made a selection of an individual who has served on our board in the past ( Donnie Novell) and will present her name to our board for approval on Tuesday, Aug. 27 ...Should be confirmed at that time ...Bill

**Bill Malone**  
*President & CEO*  
Park City Chamber/Bureau  
(435) 658-9617  
Fax: (435) 649-4132  
[bill@Visitparkcity.com](mailto:bill@Visitparkcity.com)  
[www.VisitParkCity.com](http://www.VisitParkCity.com)

 [VisitParkCity](http://www.VisitParkCity.com)

 [VisitParkCity](http://www.VisitParkCity.com)

---

**From:** Annette Singleton [<mailto:asingleton@summitcounty.org>]  
**Sent:** Wednesday, August 14, 2013 4:17 PM  
**To:** Bill Malone  
**Subject:** Restaurant Tax Advisory Committee

Hi Bill. I know you sent a letter dated May 31, 2013, to the Board of Directors. Has the Board recommended an individual to serve on the Restaurant Tax Committee?

*Annette Singleton*  
Office Manager  
Summit County  
Phone: 435-336-3025  
[asingleton@summitcounty.org](mailto:asingleton@summitcounty.org)

---

# MINUTES

---

**SUMMIT COUNTY**  
**BOARD OF COUNTY COUNCIL**  
**WEDNESDAY, AUGUST 14, 2013**  
**COUNCIL CHAMBERS**  
**COALVILLE, UTAH**

**PRESENT:**

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

**Robert Jasper**, *Manager*  
**Anita Lewis**, *Assistant Manager*  
**David Brickey**, *Attorney*  
**Dave Thomas**, *Deputy Attorney*  
**Kent Jones**, *Clerk*  
**Karen McLaws**, *Secretary*

**CLOSED SESSION**

**Council Member Robinson made a motion to convene in closed session to discuss personnel. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.**

The Summit County Council met in closed session from 2:30 p.m. to 2:40 p.m. for the purpose of discussing personnel. Those in attendance were:

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

**Dave Thomas**, *Deputy Attorney*  
**Brian Bellamy**, *Personnel Director*

**Council Member Robinson made a motion to dismiss from closed session to discuss personnel and to convene in closed session to discuss litigation. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.**

The Summit County Council met in closed session from 2:40 p.m. to 4:20 p.m. for the purpose of discussing litigation. Those in attendance were:

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

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

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

## **WORK SESSION**

Chair McMullin called the work session to order at 4:20 p.m.

- **Review current County Road Conditions and future pavement maintenance funding needs; Derrick Radke, County Engineer**

County Engineer Derrick Radke reviewed the maintenance projects budgeted for 2013 in the municipal fund and the projects completed or in progress so far this year, for a total of \$1.6 million. He recalled that he requested \$3 million in the budget to complete municipal fund projects. He also reviewed the projects budgeted in Service Area 6 in the amount of \$145,000 and recalled that last year he requested \$600,000 to complete projects in Service Area 6.

Chair McMullin requested that Mr. Radke include a presentation for the public hearing at 6:00 showing what has been done and what is still needed. She wanted the public to know the actual needs rather than just what was prioritized this year to fit the budget. She wants the community to know the County has cut as much as they can, and they cannot cut more, because it is hurting the level of service in every department.

Mr. Radke explained that the County budgeted \$404,000 in Class B gas tax projects this year, with \$367,000 of that spent in municipal fund areas and \$37,000 spent in Service Area 6. He noted that, even with the Class B gas tax money, they are still short in both municipal fund and Service Area 6 projects. He reviewed the charts presented last year showing what would be needed to adequately maintain the roads and explained that this year they re-evaluated some roads and the effects of delaying some projects last year. He explained that, in order to maintain the roads in the condition they are now, it will cost between \$2.5 and \$3 million per year.

Mr. Radke recalled that the proposed 2013 budget included some projects that were set aside to see what would happen with the proposed tax increase. Chair McMullin asked how much the cost of those projects would increase if they have to delay them for a year or two. Mr. Radke explained that the cost of the Old Ranch Road project would not change, because it is a reconstruction, but he has not estimated the cost of delaying the other projects that were set aside. He explained that an additional \$500,000 was requested for projects in Service Area 6 that was set aside. Chair McMullin confirmed with Mr. Radke that each project would cost a good amount more with another year's delay. Mr. Radke stated that the costs could triple or quadruple over the next five years.

Council Member Ure asked how the gas tax money is allocated. Mr. Radke replied that it is allocated based on what projects need to be funded.

## **REGULAR MEETING**

Chair McMullin called the regular meeting to order at 5:20 p.m.

- Pledge of Allegiance

**ADVICE AND CONSENT OF COUNTY MANAGER TO REAPPOINT TWO MEMBERS TO THE PUBLIC ARTS PROGRAM AND ADVISORY BOARD**

Council Member Ure made a motion to consent to the County Manager's recommendation to reappoint Judi Grenney and Ann Johnson to the Public Arts Program and Advisory Board, with their terms to expire July 31, 2016. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0.

**CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION #2013-09 ENCOURAGING THE UTILIZATION OF REUSABLE BAGS**

Council Member Ure made a motion to adopt Resolution #2013-09 encouraging the utilization of reusable bags. The motion was seconded by Council Member Carson and passed unanimously, 4 to 0.

**CONSIDERATION AND POSSIBLE ADOPTION OF ORDINANCE NO. 812 REGARDING AMENDMENTS TO OPTIONAL PLAN OF GOVERNMENT; DAVE THOMAS, CHIEF CIVIL ATTORNEY**

Deputy County Attorney Dave Thomas reviewed the amended language regarding the education and experience of a candidate for County Manager, specifically as it relates to the Council having the discretion to select any combination of qualifications that would uphold the ideals and values of the County and provide the highest level of service to the Council and the community.

Council Member Ure made a motion to adopt Ordinance No. 812 regarding amendments to the Optional Plan of Government. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0.

**CONSIDERATION AND POSSIBLE APPROVAL OF SUMMIT WATER 2011 AND 2012 TAX PAYMENT REFUND REQUEST UNDER ERRORS & OMISSIONS PROCESS; STEVE MARTIN, ASSESSOR**

Mr. Thomas recalled that the 2010 legislative session adopted a bill to make both domestic and irrigation water from non-profit entities tax exempt. As a result, non-profit water companies became tax exempt in 2011. Inadvertently, Summit Water's real property was taxed in 2011 and 2012. This action will refund the money to Summit Water through the errors and omissions process, including fees and interest. He clarified that the issue related to the 2001 through 2010 taxes referred to in Mr. Lilja's letter is a separate issue and is not related to this matter.

Council Member Robinson made a motion to approve the Summit Water 2011 and 2012 tax payment refund request through the errors and omissions process. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.

## **APPROVAL OF COUNCIL MINUTES**

JUNE 26, 2013

**Council Member Carson made a motion to approve the minutes of the June 26, 2013, County Council meeting as written. The motion was seconded by Council Member Ure and passed unanimously, 4 to 0.**

### **COUNCIL COMMENTS**

Council Member Ure noted that the Council will hold a public hearing on a road abandonment and suggested that they start the public hearing at the road site so they can understand what people are talking about. He also reported on the County Fair rodeo and stated that the first night started a little slow and the stands were about two-thirds full. Assistant County Manager Anita Lewis reported that fair attendance was higher this year. Council Member Ure stated that he had heard complaints about some of the changes this year, such as the parade going only one direction.

Council Member Carson reported that the person who does the Pet Fest has done it for many years. She also acknowledged Cheryl Willoughby for her work on the art entries. She asked who would attend the DOT meeting next week and asked Mr. Jasper to bring up the issue of the increase in oil tanker traffic.

Council Member Robinson reported that he attended the Wasatch Summit executive meeting on Monday and stated that the Federal Transportation Administration has been very helpful in the process. He stated that the RFPs for environmental consultants have gone out and reported that UTA has approved the interlocal agreement and will act as the agency to receive the funds from the funding partners. He asked if the County has received the final version of the agreement and stated that he has asked for it to be emailed to the County. Mr. Thomas replied that he has not yet received it. Council Member Robinson explained that State House of Representatives and Senate members will also serve on the committee.

### **MANAGER COMMENTS**

Mr. Jasper asked Public Works Director Kevin Callahan to provide a briefing on the Rockport Fire.

Mr. Callahan reported that they have had a briefing from District Fire Manager Mike Ericksen, and at this point the fire has grown to 2,000 acres and is estimated to be 25% contained. At about 1:00 this afternoon, the wind direction changed and pushed it back east-northeast toward Bridge Hollow. About 13 residences and 20 outbuildings have been lost. Because the fire has been erratic, there are areas of unburned fuel, and when the fire comes back through those materials can explode. It appears that Promontory is still receiving water service. He reported that Highway 32 has been under traffic restrictions today and will continue to be. He stated that this fire is the top one in the state in terms of receiving resources. About 150 firefighters are on the scene, and they are requesting additional resources. He reported that the Highway Patrol has loaned the County a joint mobile command vehicle, and they will do press briefings twice a day. He explained that the evacuation has not been lifted, and they will only let people back in when it is safe to do so. Two shelters are open, and the Red Cross will continue to provide whatever

support is needed. The County will also open up a multi-agency resource center where anyone who has suffered loss from the fire can get assistance.

Chair McMullin expressed appreciation for all that is being done by so many volunteers and community members to assist with this emergency. She also thanked Julie Booth for her excellent communications on the fire.

Park City Fire Chief Paul Hewitt explained that the State is in charge of this fire, and it is a multi-agency, government-coordinated event, which shows how the taxpayers' dollars are put to work. He explained that the first thing they do with a fire is remove the life/safety issues and then look at the structures. He explained that they have worked very hard to keep the fire from spreading to the Promontory subdivision, which contains multi-million-dollar homes. He stated that the North and South Summit Fire Districts have been excellent partners with this fire. He noted that, although the fire has not come into the Park City boundaries, they will continue to keep their resources there. He explained that the County provided bulldozers to cut fire breaks.

Sheriff Dave Edmunds explained that they continue to enforce the evacuation orders and have tried to get residents back in on a case-by-case basis. He reported that they had to arrest one individual who crossed the fireline multiple times. He explained that Lake Rockport Estates, Bridge Hollow, and about one-third of Promontory are under mandatory evacuation, and about 400 man-hours have been expended so far on this fire.

Mr. Jasper stated that it will be some time before the County knows the cost of the fire, but Mr. Callahan has already applied for a grant to help with the costs. He reported that he issued a disaster declaration today that will go to the Governor. He discussed funding for firefighting costs and explained that the County will pay about 12.5% of the total cost.

Council Member Ure expressed concern that there will be additional impacts from runoff if there is a rainstorm or when the snow melts next year. Mr. Jasper explained that the County has already applied for a revegetation grant from NRCS and will start the revegetation process as soon as possible after the fire. Council Member Ure stated that he wants the public to know that there are many aftermaths after a fire, and the costs will continue to grow.

### **PUBLIC INPUT**

Chair McMullin opened the public input.

There was no public input.

Chair McMullin closed the public input.

### **PUBLIC HEARING AND POSSIBLE ADOPTION OF ORDINANCE NO. 813 UPDATING THE EASTERN SUMMIT COUNTY GENERAL PLAN**

Community Development Director Patrick Putt reported that the Eastern Summit County Planning Commission forwarded a positive recommendation for the General Plan update on July 11, 2013, and the Council held a work session on the update on July 31. He explained that this document is a 10-page condensation of the previous plan, and the Eastern Summit County

Planning Commission believes it provides a concise road map of the goals and policies they need to develop in anticipation of future growth and development in Eastern Summit County and do it in a predictable and responsible manner. The document acknowledges the agricultural and ranching heritage of Eastern Summit County while recognizing the change happening on the east side of the County. He stated that the General Plan update recognizes the need to balance the private property rights of individual home owners with the need to plan responsibly, and it establishes an expectation for the creation of new zoning districts that better address the agricultural, residential, and commercial activities in Eastern Summit County. It also anticipates making the Development Code more predictable and creating a reasonable, streamlined process. He explained that the update recognizes that, as they move forward in deciding what they will regulate, how they will regulate, and the processes they use, it will be based on understanding what is on the ground right now. He stated that the next steps will be to make changes in the Development Code to reflect the goals and objectives in the General Plan and then develop as Phase II a land use plan that will be a guide to future growth. He explained that this will not be a zoning map but a map showing where they anticipate future growth and the characteristics of that growth. Director Putt reported that this item was noticed for a public hearing, and Staff sent a card notice to residents who have given input on this item over the last several years.

Council Member Carson suggested adding the words “and land use regulations” after “private property rights” in the vision statement.

Chair McMullin opened the public hearing.

Scott Simons, a resident of Peoa, stated that he is seeing a slow government takeover of everyone’s rights as to how they use their land. He stated that this all comes into play to restrict how they use their land and rights that people have taken for granted in Summit County for a long time. He believed Summit County might be one of the freest counties in the Country right now, and all of these objectives slowly keep taking one right after another from the citizens. He believed they should seriously consider whether they need another General Plan, because the one they have has been doing pretty well. He felt it was dangerous to start parsing words when the reality is that they have a good Plan, and if it is not broken, he questioned why they are trying to fix it. He believed that their freedoms might become slowly eroded by an agenda they are not fully aware of and that they should reduce the regulations and Building Code requirements and go back to the agricultural people they always have been.

The Council Members noted that the proposed Plan update has actually reduced what is in the existing Plan and that this Plan is advisory, whereas the previous Plan which was regulatory.

Jacqueline Smith agreed with Mr. Simons’ comments.

Kristen Brown agreed with Mr. Simons. She referred to the language on page 8 of the Plan regarding a mix of housing types and availability and said that when a mix of values is put together, it has a tendency to bring the values of the more expensive homes down. If there is a rental next to an owned home, a rental will not be as well maintained as a home where the owner lives, and that has a tendency to bring the value of the owned home down and reduce tax revenues. She believed it was better to let the free market meet housing needs and provide a variety of housing types and affordability, because the more the government tries to control that, the least value comes of it. She stated that incentives such as fee waivers and density increases

to encourage moderate income housing sound like a lawsuit waiting to happen and would open up the County to showing favoritism toward some developers over others and things not being distributed evenly.

Bill Wild was pleased that Staff is doing this, and he challenged them to make property rights their top priority. He stated that he has worked directly with Planner Gabryszak and knows she has the community's best interests in mind. He believed this is much better than what they have now and is headed in the right direction.

Glen Brown commented that the General Plan was last addressed in 2004, and he applauded Staff and the Planning Commission for their efforts. He stated that the current General Plan is chaos, and he hoped the Code would reflect what is in the General Plan in a way that is understandable and clear so people will understand their rights and obligations with regard to their property. He thanked them for sending notices to those who have been commenting on this process for the last four years. He commented that trying to preserve agriculture is easier said than done. When there are smaller parcels on which one or two units of density are developed, they should not require that the remainder of the parcel remain agriculture, because it cannot reasonably be used for agriculture. He asked that the County to find a vehicle to allow those parcels to be built out, because they do not preserve agriculture. No one can make a living on three or four acres of ground, and it only creates conflict with the developed portion of the parcel to try to maintain an agricultural use on that ground.

Carsten Mortensen stated that he supports the changes that have been made and that it is nice to have their property rights back and be able to develop the way that they want to. He believed they have been far too restricted.

Kevin Aagard stated that he owns 15,000 acres in east Chalk Creek and encouraged the Planning Commission and County Council to be very careful with private property rights. He stated that less is more when it comes to private property rights. If they are really being careful of property rights and protecting agriculture and that works in harmony with everything else they are doing, that means things are all right. He wanted to keep things as close to the Constitution as they used to be.

Chair McMullin closed the public hearing.

The Council Members discussed amending the mission statement language and changed it to read, "To enhance the quality of life in Eastern Summit County through responsible growth that fosters stewardship of the land and natural resources while developing land use Codes which balance the diversity of desires of Eastern Summit County residents, including private property rights."

**Council Member Robinson made a motion to update the Eastern Summit County General Plan with the amendments discussed by adoption of Ordinance 813 with the following findings of fact and conclusions of law contained in the staff report:**

**Findings of Fact:**

- 1. State Code Section 17.27a.302 states that the role of the Planning Commission includes the preparation of and recommendation on a general plan and updates to the general plan.**

2. **State Code Section 17.27a.401 contains several items that are required for general plans.**
3. **All missing items from 17.27a.401, including a provision for nuclear waste, have been incorporated into the update.**
4. **State Code Section 17.27a.403 outlines the preparation of general plans and contains additional required elements, including land use, transportation, and housing.**
5. **The update includes a land-use element, a transportation element, a housing needs assessment as a technical appendix, and a chapter on moderate-income housing.**
6. **State Code Section 17.27a.102 outlines the purpose of the State Land Use Code, with which the General Plan must comply, which includes provisions for the health, safety, and welfare of the County.**
7. **The proposed amendment is intended to make the Plan more effective and to better protect public health, safety, and welfare.**

**Conclusions of Law:**

1. **The update complies with the process in State Code Section 17.27a.302.**
2. **The update complies with the requirements in State Code Section 17.27a.401.**
3. **The update complies with the standards in State Code Section 17.27a.403.**
4. **The update complies with the intent in State Code Section 17.27a.102.**

**The motion was seconded by Council Member Carson and passed unanimously, 4 to 0.**

Council Member Carson commented that one thing that carried a lot of weight with her is that the proposed update had the full support of the Eastern Summit County Planning Commission. She stated that a very diverse group worked on this update for a long time, and they were able to come together on it and felt positive about bringing it forward.

Council Member Robinson commended Staff for reaching out to the public and sending postcards to those who participated in the process.

**TRUTH-IN-TAXATION PUBLIC HEARING REGARDING MUNICIPAL FUND AND SERVICE AREA #6; BLAKE FRAZIER, AUDITOR**

Chair McMullin announced that Council Member Roger Armstrong is observing this meeting via Skype.

Matt Leavitt with the County Auditor's Office explained that when the Council adopted the 2013 budget, they adopted a property tax increase for the municipal fund and Service Area 6. In order to increase taxes, the County is required to hold a truth-in-taxation hearing, which is the purpose of this item. If the Council then decides to approve the proposed tax increase, it will apply to the 2013 property taxes. He explained that the County collects about \$130 million in property taxes, but each individual property owner is impacted differently. He clarified that only about 15% of the property taxes collected each year goes to the County, and of that 15%, only 2% goes into the municipal fund, and a very small amount goes to Service Area 6. He explained that the reason for increase in the municipal fund is to allow the County to fix and maintain its roads. He presented a chart showing capital projects completed in 2012 and proposed in 2013 and pointed out that \$972,000 in the General Fund and \$656,000 in the municipal fund shown in 2012 was grant money received by the County to repair the Weber River due to floods in 2010. He explained that the County has a responsibility to pay a share of the cost of natural disasters, such as floods and fires, so not all of the capital money goes into roads. He presented a chart showing

revenue sources for the municipal fund, noting that only about 20% of those funds come from property taxes, but property tax is the most stable and reliable portion of the revenues in that fund. Staff has proposed increasing that base so they have more stability to draw from. He explained that other revenue sources include fees and intergovernmental grants, but restrictions are placed on what those funds can be used for. He presented a chart showing how the money in the municipal fund is spent. He stated that the impact of the tax increase on the average taxpayer would be \$58.00. He explained that the County has been proactive in trying to reduce costs while keeping service levels high, but some of the reduced costs have impacted service levels expected by the citizens. He discussed impacts on the Sheriff's Office with reductions in staff and frozen positions, which has resulted in the inmate worker program being eliminated. He explained that since 2009, the County's has had to reduce its budget by \$6 million.

County Engineer Derrick Radke reviewed the projects budgeted in the municipal fund for 2013 to maintain and reconstruct County roads. He explained that the County received about \$1.2 million in gas tax money from the State, of which \$404,000 was budgeted for maintenance projects, with the remainder going to repay a bond for the reconstruction of Brown's Canyon Road in 2005 and other minor maintenance needs. Of the \$404,000, \$367,000 went to municipal fund projects, and \$37,000 went toward Service Area 6 projects. He explained that, even with these supplemental funds, there is still a shortfall in the budget to get the maintenance done. He explained that they look at a 5-year cycle in the municipal fund for maintaining roads, and when they have to delay a project, it significantly increases the costs. Council Member Robinson verified with Mr. Radke that he anticipates it will continue to cost the County between \$2.5 million and \$3 million to maintain County roads.

Mr. Radke reviewed the projects needed in Service Area 6 and explained that, because of the cutbacks and work that could not be done due to lack of funds, several roads went from the overlay category to needing to be reconstructed. He noted that in both the municipal fund and in Service Area 6, the need for funds to complete the necessary road projects was higher than what was actually budgeted pending the outcome of the proposed tax increase. With regard to whether the costs were due to increased construction costs, he stated that there has been a slight increase in construction costs since 2008.

Mr. Leavitt referred to the Jeremy Ranch Road project and explained that project would have cost \$277,000 this year, and if they continue to delay it for five years, the cost will increase to \$1.8 million. He stated that the County has a pay-as-you-go policy for most of its major road projects, and in 2007-2008 the fund balance was spent down for the Landmark Drive project. The idea of a pay-as-you-go philosophy is to build back the fund balances to do other major projects in the future. However, they have not been able to recover that fund balance. He also noted that growth in the County continues, with more and more people moving in, which places increasing demands on County services, and revenue and expenses per population are decreasing and not keeping up with the demand. He explained that the County is requesting an additional \$1.4 million in the municipal fund and an additional \$180,000 in Service Area 6. He stated that it is up to the County Council to determine whether they wish to adopt the proposed tax increase or to continue to delay projects and services.

Council Member Robinson asked what the percentage tax increase would be for the municipal fund. Mr. Leavitt confirmed that it would be close to a 50% tax increase. Council Member Robinson noted that the \$1.4 million in additional revenues in the municipal fund would only be 8.33% of the total municipal fund revenues and noted that the County has no other mechanism other than this tax increase to increase the revenue in this fund.

Chair McMullin asked Sheriff Edmunds to explain the impacts on his department of not receiving the revenues that would have been generated by a tax increase last year. Sheriff Edmunds explained that over the last five years he has lost deputies every year due to budget cuts, and including one of the frozen positions, he is down six deputies, which is a significant issue. He commented that population figures are misleading, because there is probably never a day when only 40,000 people are in Summit County due to the destination resort environment and two interstate highways that intersect. He estimated that his deputies deal with 80,000 to 100,000 people on a regular basis. Over the last five years, the calls for service have increased substantially, bookings have increased substantially, and demands for essentially every statutory function that he performs as Sheriff have increased, while his workforce has decreased. He stated that they now hold more court dates in the County than ever before, and civil proceedings in the County have exploded. This has put a tremendous strain on the Sheriff's Department, to the point that he is losing people to other police agencies and service levels are down. The inmate work program had to be eliminated to use the deputies from that program for court security due to increased court dates, and he has had to make adjustments like that in all of his divisions. He has reduced his traffic division, which erodes public safety on the highways. Just like incurring greater costs for roads if they defer costs, continuing to neglect law enforcement services over an extended period of time will also result in increased costs and additional issues to contend with later on. He has consistently asked for deputies over the last several years, and those requests have consistently been denied, so he has not even been able to maintain the status quo and has continued to lose personnel. If the ability to perform his statutory duties continues to erode, he stated that the safety and security of the community will be impacted at some point. It is only because of the high quality of individuals who serve in his department that they have been able to get by so far, but they cannot continue to maintain the status quo with the current situation, and he needs to get some valuable resources back, or his department will reach critical mass.

Chief Hewitt with the Park City Fire District stated that he is in his third year as Fire Chief, and without the County's maintenance of roads, his vehicles cannot get to emergencies. He explained that a water tender got stuck and could not make it to the Rockport fire because of a soft shoulder on one of the roads. He stated that he meets regularly with Sheriff Edmunds and knows this budget well. If they do not have the budget for roads, they shuffle money from one place to another, and when they affect the Sheriff's budget, it affects the Fire District, because they rely heavily on the Sheriff's Department. They rely on the Sheriff's Department to evacuate residents in an emergency, and they evacuated hundreds of people last evening from the Rockport fire. They also rely on the County Engineer to make the roads drivable, and if roads are in bad repair, he has to put more money into apparatus repair for his equipment. He stated that public safety does not come cheap, and the County is running extremely lean. He fully supports the recommended tax increase, because it makes a big difference in public safety.

County Attorney David Brickey discussed the impacts of budget cuts on the County Attorney's Office. He stated that they have lost a couple of prosecutors, because they looked elsewhere to be paid more after the County had trained them. Another direct impact is that, of the 22 positions which the County has eliminated, one was the victim advocate, who has been gone for four years, and his assistant has been doing that on her own for four years. They have been able to hire a part-time person to help her, but after a year and a half of training, that person left to take another position. He stated that they have not had a director of the Children's Justice Center for nearly a year and a half, and members of his staff have been volunteering their time to take care of those responsibilities. Those are impacts on citizens who would normally get help from the courts or children being helped at the Children's Justice Center. The lack of funds has also impacted the courts. Judge Kerr has taken on the responsibility of small claims court and has so many responsibilities that she is in court four or five days a week. Judge Harris is here full time, and Judge Shaughnessy is now here at least twice a week, and the time is coming that they will probably soon have a second full-time district court judge, and they will insist that the County have the manpower they need to man the courtrooms.

County Auditor Blake Frazier stated that people generally dislike taxes of all kinds, and the State Legislature has worked to be sure government cannot abuse property taxes by require a truth-in-taxation hearing. The State uses a complicated formula every year to determine how much the County can charge in property taxes, but they have never done anything to address inflation. He stated that the municipal services fund was set up in 1988, and a certain amount of tax was charged to provide a certain amount of services. Now, 25 years later, the County is still charging the same tax rate with no inflation factored into it. He explained that the cost of gasoline, oil for the road, wages, and supplies have all increased during that time. The Legislature has made it possible for the County to periodically have a truth-in-taxation hearing in order to address those increased costs, or they have to cut services. After 25 years, the County is finally looking at trying to catch up a little bit with inflation.

Chair McMullin opened the public hearing.

Jacqueline Smith, a Wanship resident, stated that she wants a dollar amount showing how much money will be generated by the growth. If there is growth, it increases revenue, and if revenue is increasing, she questioned whether they need a tax levy increase. She asked how much of the general fund goes to County roads, and if no money from the general fund is used for County roads, she believed they should look at that, because city residents drive on County roads, and they need to be fair about paying for them. She asked how much of the Sheriff's budget is subsidized by cities not paying into the municipal fund. She maintained that, if the Sheriff's Department is being used by the cities, the County should have a contract that the cities pay for those services. She believed other revenue streams are possible, such as getting a Costco in the County, which would lower the carbon footprint in the County and increase revenues so people can live, work, and shop in the County completely. She stated that she received a call about the inmate worker program and explained to the person who called that it is not the County's job to shovel their walks. She asked if the County ever outsources maintenance to private companies that would do the work cheaper. She stated that property values are higher in Summit County, so even though the tax rate is lower, they still pay higher taxes than other counties. She stated that property values are the way to handle inflation, and inflation is not being addressed properly in the County. As property values increase, property taxes should rise, and they would see an increase in revenues, and that is already built into the formula. She stated that sales tax is a great

way to get revenue, because it is a voluntary tax, and people do not have to pay it if they don't buy something.

Mr. Frazier explained that the dollar amount generated by new growth in the municipal fund is about \$46,000.

Mr. Jasper recalled that it was explained earlier that, when property values go up, by law the County must lower its tax rate, and the County is limited to receiving the same amount of tax revenue every year. Therefore, an inflation factor is not built into property taxes.

Ann Daniel recalled that there used to be planter boxes in the median on Highway 248, and several years later they were removed. Both putting them in and removing them must have cost money, which was a big waste of money. She stated that, if there were a Costco in the County, they would receive tax revenue from the property, and people would come here rather than going to Salt Lake to shop at Costco, which would increase tax revenues. She would rather have that money in Summit County than in Salt Lake or anywhere else. She stated that if the Sheriff's deputies want to live in Salt Lake, they should not use their Sheriff's vehicles to drive to and from work, which could cut down on expenses. She stated that those cars need to stay in Summit County, not in Salt Lake.

Chair McMullin explained that the planter boxes on Highway 248 were installed by Park City and UDOT, not Summit County.

Sheriff Edmunds explained that when they ask for applicants for Sheriff's deputies, they seldom get any from Summit County. He cannot hire people from Summit County if they do not apply. He also wants to hire the best candidates, and often they do not come from within the County, but he does require that they live in an adjoining county. He explained that he has a lot of deputies who grew up in Summit County and who live here. He explained that in the last 48 hours, he had to call two platoons of deputies back to work on the fire. If he took their cars away, they would not come back, because often they only have one family car, and another family member may be using it elsewhere at the time they are needed for an emergency. When there are emergencies, he needs to be able to call deputies back, and he does that on a regular basis. He did not want to be in a situation where he has to call deputies back to work and cannot get them here. Council Member Robinson noted that the deputies are also charged a fee for taking their vehicles home.

Chair McMullin explained that whether or not they have a Costco in Summit County is driven by Costco, not by the County.

Council Member Carson asked how much of the general fund goes toward supporting County roads. Mr. Leavitt replied that about \$143,000 goes toward roads.

Patti Deden stated that she is not opposed to taxes and acknowledged that the cost of everything goes up. She did not want to see the Sheriff's Department and road maintenance cut, but she was disappointed with the way this tax has been imposed. She recalled that the same taxes were proposed in 2012, and as soon as the citizens spoke and passed a referendum to have the taxes go to a vote, the Council rescinded the tax, which removed the citizens' right to vote on the taxes. They erased that referendum and then proposed the very same tax increase. She believed that

was wrong and was very disturbing. As far as the tax itself and what it will be spent on, the issue is basically efficiency. She believed there are a many ways costs can be cut. She claimed that she could not drive past any road maintenance site and not see six men standing around doing nothing. She would rather see more deputies hired than more roundabouts in town, and she believed the Council should look at the big picture to see where they are not being efficient and cut those things. She did not think things are being run efficiently, and to have a Council that feels they can ignore what the citizens have said and rescind it and remove their right to vote and impose the same taxes is extremely disturbing.

Council Member Carson stated that they supported the citizens' right to petition for a referendum, but that put off the ability of citizens to vote on it for more than two years. The Council did not believe that was fair either, and they rescinded the tax because they could not impose it retroactively. This year, because there is no general election, it would not have been fair to the people who are affected to have the referendum on a municipal ballot. The people would still have the same right to vote next year if there were another referendum. She explained that the system is flawed, and they are trying to fix it through the State Legislature. Council Member Robinson explained that the 2013 budget excludes the tax increase so they would not be in the position they were in last year if there is a petition for a referendum this year.

Liana Teteberg, a resident of Service Area 6, stated that she appreciates the County and government services and would like to pay for them so she would have the right to ask for things to be done that she needs help with. She is retired and on a fixed income, but all of this improves the value of her community, and she is willing to pay more because she values the services that are provided. She believed the County is judicious with its money. She acknowledged that they may make mistakes, but they pay for those mistakes and move on.

Sally Elliott stated that when she served as a County Commissioner and a member of the County Council, she labored diligently over reports and budgets and worked with Staff and other County officials to help her understand the budget. She stated that the inference that the Council does not know what is going on is anathema to her. She urged the Council to listen to the majority of their constituents who want a high level of service and believe they are doing an outstanding job and being as efficient as possible. She asked that they institute the taxes necessary to make up for inflation and the lack of a year of taxation increase. She recalled that Mr. Frazier told her when she ran for office in 2004 that they were in for big trouble, and he was right. With no inflation factor, there is no recourse other than to occasionally raise taxes. She stated that, if people think the elected officials and professional County employees are not in the know, they should spend some time talking to them and see how knowledgeable they are. She asked the Council to do the right thing, and if a petition comes, she hoped those who present the petition will do the right thing and be honest about what they are asking people to sign.

Kristen Brown, a resident of Service Area 6, stated that last fall 10% of the voting population signed a petition for a referendum, and they do not feel like they were listened to. Instead, the Council hired a new PR person to sell the tax increase, and people are being lobbied to give the County more money. Although the time line was tricky, the citizens followed the law. She stated that Council Member Carson stated that she supports their ability to have a referendum, but a lobbyist was hired to change the law and make it harder to do a referendum. The County could have called a special election for the referendum, but she realizes that this is a new County Council and that they can do things their own way. She believed they need to make it clear that

Summit County is big box store friendly, and maybe they could get big box stores to come if they advertised that Summit County is friendly to that. She stated that Summit County is great for the wealthy and Park City is great for the poor with subsidized housing, free preschool, food banks, and public transportation, and she is very concerned that those in the middle are being squeezed out, particularly small businesses. She stated that small businesses are being hit twice, once on their residence and again on their business. She believed the County could find more efficiencies and keep the level of service without raising taxes. She noted that the pamphlet says that between 2007 and 2012 the average County employee salary increased by .3%, where County-wide, salaries remained the same or perhaps even dropped. She did not know anyone who is living off of more money now than they did in 2007. With regard to population growth and increase on demands, if they did not have so much high-density housing that consumes more services than they pay taxes for and if they had smarter growth, it would expand the tax base. She asked to see the accounting for Service Area 6 that the Council and Staff have access to in order to see where there could be greater efficiencies. She also recalled that last December someone suggested that they have a budget committee made up of citizens to all look at the budget together.

Mr. Jasper explained that, by law, all the budget information is accessible, and any time Ms. Brown could sit down and look at it. Chair McMullin asked if Ms. Brown has ever been denied access to that information. Ms. Brown replied that she has been told that Mr. Jasper does not return phone calls and does not answer difficult questions, but she has not called him herself. Mr. Jasper stated that, also by State law, the State redistributes the County's tax revenue to other counties in the State, so the County gets all the impacts but does not get to keep all the money. He does not think that is right, but it is something they will have to try to work with the legislature to change.

Carsten Mortensen stated that the people who are paying the bills for all the County officers are suffering much more than many people at the County are. He stated that he takes offense that they are always threatened with cutting services versus the wants of the people at the County. He gets upset when people tell him how bad it is for them when they don't know how bad it is for the businesses and those that are no longer here. He noted that County operating funds get 15% of the property taxes, and other parts of that tax go to other places for the operating budget of Summit County. He verified with the Council that the tax increase is just on the 2% of the tax that goes into the municipal fund, which means the increase would be about 1% of the total property taxes. He proposed that they cannot afford to let the infrastructure in the County deteriorate, because it costs much more to replace and repair it after it is worn out, and he believed the 1% increase was well worth the investment. However, there are other areas in the property tax that can and should be looked at to be reduced. He asked that the Council look at the other 85% of the property tax and determine where other costs can be cut so they can overcome the 1% tax increase they are asking for in the municipal fund. Council Member Robinson explained that the other 85% goes to other entities, and the County has no control over that revenue. Mr. Mortensen argued that the County still holds the purse strings over those other entities, and they need to cut that back, too. He was in favor of the tax increase, but he believes it needs to be properly managed, and they need to keep the other costs down also.

Janette Fleming, a resident of Echo Creek Ranches, stated that a lot of land owners in that area do not live there year round and asked how this affects their taxes. She did not believe they are being represented, because they cannot vote on the taxes. Council Member Robinson explained that, if this were to go to a referendum and those people are not Summit County residents, they could not vote on it. He explained that primary residences get a 45% exemption on their taxes, but non-primary residences pay tax at 100%. Ms. Fleming asked how much their property taxes would increase. Council Member Robinson replied that it would be \$59.93 for \$255,000 of property value. Ms. Fleming stated that she believes Park City and Summit County have some of the best roads in the whole United States, and they are paved very well, so maybe they do not need to put so much money into the roads. Council Member Carson explained that, if they let the roads go longer without maintaining them, it costs much more to repair them later.

Preston Tholen, a Hoytsville resident, stated that he appreciates the Council's efforts and has seen progress since he has been attending these meetings in having a better rapport and discussion. He stated that Summit County is the 21<sup>st</sup> wealthiest county in the nation, with a median income of about \$84,000. He believed they have the best employees they can possibly get in the County, but they have dozens of employees who earn 50% higher than the median income. Mr. Jasper clarified that the \$84,000 does not include benefits; it is salary only. Mr. Tholen stated that he knows the benefit packages of some County employees are upwards of \$1,500 to \$2,500 per month, and some of those benefit packages far exceed what a good number of County residents earn. He stated that 81% of the jobs created this year nationally are part-time jobs, and businesses are having to find ways to be sure their bottom line is met. He asked how the health care changes would affect the County and stated that would put another increase on the budget. He stated that \$58 per home may be minimal, but if individuals in the County cannot pay that, they could lose their homes, and he asked if justice is being served. He did not want to see County employees suffer, but it appeared to him that the County has allowed itself to become top heavy in some of its budget. He stated that he knows the budget for police officers in Salt Lake County is far less than in Summit County, so they bring them up to Summit County and double their pay. He believed the Council needs to look at the whole budget and how to improve it overall rather than just telling people they need a certain amount for roads. They need to look at the overall way to bring it down and discuss that.

Council Member Robinson explained that they look at the whole budget every year and look at how they can be more efficient. However, the municipal fund can only be spent on specific things, and the only thing the Council can do to get more money into that fund to take care of the things that fund has to take care of is to raise the property taxes. He explained that they work hard every year to make the budget better than it was the year before, but they cannot solve all the problems overnight. Mr. Tholen stated that he believed the County needs to look at the things businesses are having to do to be fiscally responsible.

Mr. Jasper explained that they do a salary survey every year with all kinds of like professions, and Summit County does not pay twice what Salt Lake County pays, but they try to stay right in the middle of the pack. He stated that their goal is to recruit and retain. He recalled that last year people brought in statistics for comparison that were not comparable to the work County employees are doing, and they also compared salaries with benefits to salaries without benefits. He explained that the County not only compares its salaries, but it compares benefits. He offered to meet with Mr. Tholen and review that information with him. Mr. Tholen contended that they

are bidding county against county, but counties are entities with no competition. They compete against one another and create salaries based on other counties, which creates a false basis.

Sheriff Edmunds referred to Mr. Tholen's statement that Summit County pays its deputies double what other counties do, which is outlandish and not close to reality. He believed Mr. Tholen had received bad information. He discussed the responsibilities of a Sheriff as they relate to public budgeting, policy analysis, developing policy and procedure, and a multitude of other things. He explained that the Sheriff in Summit County has a post-graduate degree and has been doing this for 20 years, but he is the lowest paid public safety chief executive in the County. He stated that his deputies make less money than officers in Park City Municipal Corporation and a lot less than many other places in the State. He also explained that Utah public employees are some of the lowest compensated employees in the country. To say that County employees are overcompensated is incorrect, because the County is extremely responsible, and if anything, many of their positions are undercompensated.

Personnel Director Brian Bellamy stated that Summit County is 22<sup>nd</sup> in income, with a median income of \$85,200. He stated that he hopes the County does have employees who make more than \$85,000, because if they want the best people, they have to pay for them. He acknowledged that they do compete with the private sector, except for a very few jobs. Law enforcement officers can only be found in government, but engineers and planners and financial people are found in every industry. He stated that they do compete with other agencies, both public and private. With regard to benefits, with health care reform, it will impact the County \$65 per person they insure, but they have no control over that. The Supreme Court has determined that tax is legal, and the County is mandated to pay it. He noted that the County is very frugal with its insurance and is self-funded, which has helped save some money. He explained that retirement for County employees is mandated by the State of Utah. He offered to share any of his information, as it is all public information.

Carolyn Rose, a resident of Service Area 6, stated that she has lived in Summit County for 25 years and in her current home for 22 years and is a single parent. She spends about \$100-\$150 a year just to get her snow blower to work so she can clear her driveway to get to the road to go to work. She stated that they have not had their taxes raised in all that time, and she did not understand how people could think the County could maintain services for 10 or 15 years. As far as the Sheriff goes, she did not realize that she was paying for his services or for the roads, and she believes they need to pay for what they use and have become accustomed to. She stated that the tax increase is fine and that she appreciates everything the Council does for the citizens of the County and Service Area 6.

Chair McMullin closed the truth-in-taxation public hearing.

Council Member Ure stated that he would vote to approve the tax increase for Service Area 6, which is long overdue. He believed money from the general fund and municipal fund has subsidized Service Area 6 for years. However, he would vote against the municipal tax increase, because he believes many people in Summit County receive many benefits from the municipal fund without paying for them. He would work very hard to put a percentage of Mr. Brickey's budget and Sheriff Edmund's budget into the general fund. Until there is a correction in the municipal fund County-wide, he would vote no on the municipal fund increase to help people realize what the budget process is about. He explained that the law will not allow them to

transfer funds from one part of the budget to another, but it would be common sense to do some of those things.

Council Member Carson stated that she plans to support both tax increases, but she would like to look at the different areas where they account for the Sheriff's funds, jail services, and legal services. However, she did not believe they could raise enough money from those other areas to cover the needs they have in the municipal fund. She appreciated the comments on tax strategies, but unfortunately their hands are tied. She encouraged people to advocate with their State legislators on how the taxes are distributed. She believed economic diversification and development is important, and the Council is looking at that very strongly. They want to bring some new business to the area, which will hopefully help increase sales tax revenues. With regard to fiscal responsibility, she sat in on all the budget meetings last year and was impressed with the level of professionalism in all the departments and the scrutiny they gave to the budget to try to make the dollars stretch. She has no doubt that the Council has been looking at the budget and cutting where they can, but they can only stretch it so far without affecting the services the citizens receive.

Council Member Robinson stated that he feels this has been a good discussion. He believed the municipal fund seems to be the most controversial one. He noted that both funds were set up 25 to 35 years ago with no rate increase during that time, and there has been no way to account for inflation. It would have been nice if previous County Commissioners had periodically increased them, and he agreed that a 50% increase in the municipal fund sounds outrageous. Realizing that only 2% of property taxes go to the municipal fund, that the property tax portion is only 20% of the total municipal fund, and that this is the only tool they have to help the municipal fund, he would vote in favor of both tax increases. He believed the County did a poor job of explaining the tax increase last year and that they had done much better this year.

The County Council meeting adjourned at 9:05 p.m.

---

*Council Chair*, Claudia McMullin

---

*County Clerk*, Kent Jones

---

# MINUTES

---

**SUMMIT COUNTY**  
**BOARD OF COUNTY COUNCIL**  
**WEDNESDAY, AUGUST 21, 2013**  
**SHELDON RICHINS BUILDING**  
**PARK CITY, UTAH**

**PRESENT:**

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

**Robert Jasper**, *Manager*  
**Anita Lewis**, *Assistant Manager*  
**Jami Brackin**, *Deputy Attorney*  
**Helen Strachan**, *Deputy Attorney*  
**Kent Jones**, *Clerk*  
**Karen McLaws**, *Secretary*

**CLOSED SESSION**

**Council Member Ure made a motion to convene in closed session to discuss property acquisition. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0.**

The Summit County Council met in closed session from 2:45 p.m. to 3:00 p.m. for the purpose of discussing property acquisition. Those in attendance were:

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

**Robert Jasper**, *Manager*  
**Anita Lewis**, *Assistant Manager*  
**Helen Strachan**, *Deputy Attorney*

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

**WORK SESSION**

Chair McMullin called the work session to order at 3:10 p.m.

- **Update regarding Business Expansion and Retention (BEAR Program); Alison Weyher**

Alison Weyher provided copies of her report and the BEAR survey. She explained that the program is funded through the Governor's Office of Economic Development (GOED) and is available only for rural areas, and last year the County was awarded funding for 200 interviews, of which they were able to complete 153 interviews. She explained that they meet with

businesses to complete the survey and try to keep information regarding individual businesses confidential. She explained that they tried to interview a cross section of businesses in the County and sorted the information based on the North American Industry Classification System (NAICS) codes. She reviewed statistics regarding annual gross sales revenues, number of employees, where employees live, and employee ages. She presented a graph showing that at least one-third of businesses have a hard time recruiting employees because there is so much competition for employees and because employees have to commute from other places. She presented statistics regarding how respondents rated the business climate, such as workforce quality, workforce availability, and housing, noting that most businesses believe the workforce quality is good, but there are problems with availability of workforce and housing the workforce can afford.

Ms. Weyher explained that, after analyzing the data, they found several areas of concern, which are employee recruitment, access to capital, business planning, navigating the governmental process, and health care requirements. In order to address some of those concerns, they referred 25 businesses to the Department of Workforce Services and asked Workforce Services to host a jobs fair for Best Buy. They also referred businesses seeking capital to the Park City Small Business Resource Center, the Utah Microenterprise Loan Fund, Mountainland Association of Governments, Goldman Sachs, and local banks. To address business planning, they co-hosted a seminar with Jones Waldo on succession planning if something were to happen to the business owner. She stated that they also helped businesses navigate the governmental process. She summarized that 95 of the companies they surveyed rated the local business climate as excellent or good, 109 believe the business climate will be better in five years, and 61 companies have expansion plans in the next 12 to 18 months. She discussed other examples of how they have worked with businesses recently. She stated that another BEAR grant has been approved to interview another 200 businesses this year.

Council Member Robinson stated that he liked the way Ms. Weyher ran interference for a business that wanted a building permit. He explained that the Council Members occasionally get calls from people who are trying to get plans approved and asked if they could refer them to Ms. Weyher. Mr. Weyher recalled that she told Assistant Manager Anita Lewis when they started this program that one of the best things they could do would be to have a business ombudsman who could take some of the heat off the departments and provide a single point of contact for the business community. If a business has to close in order to run around and get a building permit or get through a process, that is money out of their pocket, and the purpose of this program is to help grow local businesses. If it is possible, she believed an ombudsman would be a positive thing.

Council Member Armstrong commented that they are getting some good data from the surveys, and the County has done other surveys as well. He would like to determine how they could coordinate them and come up with meaningful information.

- **Discussion regarding proposed revisions to closed burning season; Kevin Callahan, Public Works Director**

Chair McMullin expressed appreciation for all those who assisted with the Rockport fire.

Public Works Director Kevin Callahan recalled that the Council recently adopted a new Code provision to provide citation authority for the County Fire Warden. He explained that the State rules define the closed burning season as June 1 to October 31, which is the traditional fire season. He has talked to the Fire Districts, and they would support an expansion of the closed burning season and believe people should confirm prior to burning that burn conditions are appropriate to help avoid situations where a fire may get out of control. He presented several alternatives as outlined in his staff report.

Council Member Robinson stated that he was in favor of Option 1 but only moving the date back one month to May 1, because he believed it would be difficult to burn anything in the County in April. Mr. Callahan explained that Option 2 was intended to address air pollution concerns, but the Health Department has indicated that they are not particularly concerned about it.

Council Member Ure stated that he would be happy to see it stay as it is but acknowledged what they are trying to do with the date change. He stated that it depends on the year, but he believed moving the date back 30 days would cover most concerns.

Council Member Armstrong stated moving the date to May 1 would be more acceptable to him. He liked the flexibility in Option 3 which would allow them to address the situation if there is an abnormally dry winter and a warm spring. He would like to see the County have the right in an emergency situation to move the date to April and impose and enforce those measures.

Fire Warden Bryce Boyer recalled that two years ago they started having fire problems on New Year's Eve, and it continued from there. He explained that it is beneficial for Dispatch to know when burning will occur to eliminate problems with neighbors calling in to say a field or ditch is on fire.

Council Member Robinson stated that, with that explanation, he would not have a problem with moving the date to April 1. However, his concern was that burn requests might be regularly turned down. Mr. Boyer confirmed that they only say no to a burn based on weather conditions.

Council Member Ure suggested that they go with Option 1 this year and see how it works. The Council Members agreed with Option 1 as proposed.

Chair McMullin commented that she wants to discuss changing the Code to require defensible space around structures in the wildland fire district.

- **Discussion regarding procedures of Board of Equalization process of adjustments; Steve Martin, Travis Lewis, and Kathryn Rockhill**

County Assessor Steve Martin explained that all property is assessed based on fair market value as of January 1 each year. The assessment rolls close on April 22, and after that date, he cannot adjust values for that year except through the Board of Equalization. Valuation notices are sent the end of July showing the estimated value of the property, estimated taxes, and estimated status for the year. He reviewed the flow chart in the staff report showing how appeals are handled. He explained that appeals fall under the purview of the Auditor's Office, and the role of the Assessor's Office is to defend the County's values. Only after the Auditor's Office determines that an appeal is valid do they send it to the Assessor's Office. Once a valuation determination

has been made, that is sent to the Auditor's Office to mail out, and the appellant has 10 days to agree or disagree with the valuation. If the appellant disagrees, the process goes to the Board of Equalization for a hearing. The hearing officer could be the County Council, or it could be a hearing officer appointed by the Council.

Chair McMullin asked if the Council has ever appointed a hearing officer. Mr. Martin replied that they do through the Auditor's Office. Mr. Jasper stated that he believed the County Council should appoint hearing officers, but Staff could recruit them and make recommendations to the Council. Mr. Martin explained that new legislation will require all hearing officers to take a course from the State Tax Commission and stated that they are constantly looking for hearing officers. He discussed the qualifications they look for in a hearing officer.

Mr. Martin explained that the hearing officers are to act as an impartial third party to hear evidence presented by the appellant and by the County, and they must make a decision within 30 to 45 days. However, he would like to see that time period shortened. Once a decision has been made, the appellant is notified that they have further recourse to the Tax Commission.

Council Member Robinson recalled that this work session was prompted by Council Member Armstrong noticing some multi-million-dollar swings in values. He asked if there is a way to get an explanation before a stipulation is sent out with those types of major changes. He would like to have known about some of these stipulations before they were made rather than afterward.

Mr. Martin explained that the large stipulations are either high-end homes or commercial property, and in some cases there may have been an error and the value was not brought forward from the previous year's Board of Equalization. If it is a situation where the home is a primary residence rather than a secondary home, the 45% reduction on a \$2 million home would be almost \$1 million.

Council Member Armstrong confirmed with Mr. Martin that most cases where the difference is approximately 45% represent a status change from a secondary to a primary home. He asked if the Board of Equalization reports could have a separate category for homes with a status change from secondary to primary. He stated that there are some huge drops in valuation, and he does not understand what would prompt them. Mr. Martin explained that the data on the spreadsheet is entered by hand, and he has no program to separate the reductions on homes with a status change. He stated that, the more information the Council wants, the slower the process will be. Council Member Armstrong stated that, when they are looking at a \$1.6 million reduction in taxes, he is in favor of taking that slowly and looking at it to be sure they are doing the right thing. Mr. Martin recalled that the Council previously discussed wanting to be briefed if the adjustment exceeds a certain dollar amount, but they did not indicate what they want that dollar amount to be. Travis Lewis explained that when he gets the stipulations from the appraisers, he takes them to Kathryn Rockhill to mail out, but he could provide the Council with any large changes for their review before they are mailed.

Chair McMullin stated that it would be helpful to know when a hearing officer has made the decision on an appeal or whether the Assessor's office made the decision, and they would like to see the dollar value involved before they stipulate with anyone. The Council Members requested that the Council see the information beforehand if there is more than a 20% change in taxable value, other than status changes from secondary to primary homes. Council Member Armstrong

stated that, if they put something on the spreadsheet and indicate that it comes from the Tax Commission, the Council does not have a choice, because the decision has been made. Mr. Martin explained that they could make a formal appeal to the Tax Commission on that decision. Council Member Armstrong stated that he would like to see the information before it goes to the hearing officer, some sort of explanation regarding the appeal, and know that there is some sort of science underlying the appeals process and a valid reason for the appeal.

### **CONVENE AS THE BOARD OF EQUALIZATION**

**Council Member Ure 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 Armstrong and passed unanimously, 4 to 0.**

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

### **CONSIDERATION OF APPROVAL OF 2013 STIPULATIONS**

**Board Member Robinson made a motion to approve the 2013 stipulations as presented. The motion was seconded by Board Member Ure and passed by a vote of 3 to 1, with Board Members McMullin, Robinson, and Ure voting in favor of the motion and Board Member Armstrong voting against the motion.**

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

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

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

### **REGULAR MEETING**

Chair McMullin called the regular meeting to order at 4:45 p.m.

- **Pledge of Allegiance**

### **ADVICE AND CONSENT OF COUNTY MANAGER TO APPOINT MEMBERS TO THE SUMMIT COUNTY BOARD OF HEALTH**

**Council Member Ure made a motion to consent to the Manager's recommendation to appoint Karen West-Ellis to fill the unexpired term of Herbert Joe and to appoint Dan Davis to fill the unexpired term of Carolyn Hales Hollingshead on the Summit County Board of Health, with Ms. West-Ellis's term to expire December 31, 2014, and Mr. Davis's term to expire December 31, 2013. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0.**

**POSSIBLE ADOPTION OF SUMMIT COUNTY COUNCIL ELECTRONIC COUNCIL MEETING POLICIES AND PROCEDURES; DAVID THOMAS, CHIEF CIVIL ATTORNEY**

Deputy County Attorney Jami Brackin explained that, in order to hold meetings electronically, State law requires an electronic meeting policy to be adopted for each entity that wants to meet electronically. She explained that Deputy County Attorney Dave Thomas has drafted a policy, and the Council may choose adopt it or not.

Council Member Ure expressed concern about what the public could and might demand once the policy is in place. He recalled that the purpose was for Council Members to participate in a meeting if they could not be present, but he believed that could expand into demands from the public to be able to attend electronically.

Council Member Armstrong noted that the policy says the County has to make provision for the public to be able to view the meeting. Ms. Brackin explained that the purpose is for the Council to participate electronically, and an anchor location is required to allow the public to go to the anchor location where as many Council Members as possible will attend. However, if that is not clear, it may need clarification. Council Member Robinson suggested that they delete the sentence in Paragraph B regarding the public being allowed to monitor a Council meeting electronically. He believed the audience needs to show up at the anchor location where a quorum of the Council is present.

Council Member Armstrong recalled that, in a previous discussion, Mr. Thomas indicated that in order to have a policy regarding electronic meetings, they would also have to provide access to the public electronically. Ms. Brackin stated that there may be some provision in the law that requires that, but she did not have that information available.

Chair McMullin postponed this item until Mr. Thomas could be present to answer the Council's questions.

**POSSIBLE APPROVAL OF REQUEST BY PC VENTURE PARTNERS LLC FOR AN EXTENSION TO OCTOBER 31, 2013, OF CURRENTLY APPROVED PHASING PLAN, SITE PLAN, AND FINAL SUBDIVISION PLAT; JAMI BRACKIN AND PAT PUTT**

Community Development Director Patrick Putt recalled that the Council reviewed this item in work session in July and requested that Staff take it back to the Planning Commission to hold a public hearing. A public hearing was held at the last Planning Commission meeting with a very good turnout. At the suggestion of the Planning Commission, the applicant has agreed to hold public open houses for the affected neighborhoods, and this request will allow the applicant to hold the public meetings and return to the Planning Commission for a recommendation. He explained that the applicant has a deadline to record the final plat by the end of September, and this request would allow an additional 30 days. Staff recommended that the Council extend the deadline to October 31 to allow the applicant to finish the Planning Commission process.

**Council Member Ure made a motion to approve the request by PC Venture Partners LLC for an extension to October 31, 2013, of the currently approved phasing plan, site plan, and final subdivision plat. The motion was seconded by Council Member Robinson.**

Council Member Armstrong asked if this action would alter the plan in any way. Chair McMullin stated that she understood the extension would allow the applicant to hold a public open house as suggested by the Planning Commission to address the community's concerns. Mr. Putt explained that the proposal for the hotel consists of a number of pieces, and the Planning Commission felt it would be appropriate to have an open house for the public to review the details of the plan.

**The motion passed unanimously, 3 to 0. Council Member Armstrong was not present for the vote.**

**DISCUSSION AND POSSIBLE APPROVAL OF INTERLOCAL COOPERATION AGREEMENT BETWEEN PARK CITY FIRE SERVICE DISTRICT AND SUMMIT COUNTY REGARDING SOUTH SUMMIT AMBULANCE SERVICE; BRIAN BELLAMY, PERSONNEL DIRECTOR**

Personnel Director Brian Bellamy recalled that the Council discussed the employment status of South Summit Ambulance in April. At the Council's request and after discussions with Park City Fire District and South Summit Ambulance, the South Summit Ambulance employee association voted to affiliate with Park City Ambulance to take over the administration of that service. He presented an interlocal agreement between Summit County and Park City Fire District outlining how the service will operate and noted that this is the same agreement approved previously for North Summit Ambulance.

Park City Fire Chief Paul Hewitt clarified that this agreement does not undo any organization or association for South Summit, it just shifts the administrative duties from the County to Park City Fire District. He stated that everyone seems happy with the arrangement, and it will be more efficient.

Chief Hales explained that they have been using this model since 1996 and it has worked well. In working with the South Summit EMT Association, they have tried to find the best way to enhance their service. He confirmed that this agreement mirrors the agreement with North Summit Ambulance.

Council Member Robinson confirmed with Mr. Jasper that this will resolve the issue discussed previously regarding the status of the South Summit Ambulance employees. He also confirmed with Mr. Jasper that, when the Council approves the budget, there will be a transfer of funds to Park City Fire District to cover the cost of the South Summit Ambulance service.

Council Member Armstrong asked if this would result in an increased cost to the County. Mr. Jasper replied that he did not envision any increase.

**Council Member Ure made a motion to approve the interlocal cooperation agreement between the Park City Fire Service District and Summit County regarding South Summit Ambulance Service. The motion was seconded by Council Member Robinson and passed unanimously, 4 to 0.**

**ADOPTION OF RESOLUTION #2013-10 ADOPTING FINAL TAX RATES AND BUDGETS FOR MUNICIPAL TYPE SERVICE AREA**

**Council Member Robinson made a motion to adopt Resolution #2013-10 adopting final tax rates and budgets for municipal type service area and to authorize the Chair to sign. The motion was seconded by Council Member Armstrong and passed by a vote of 3 to 1, with Council Members Armstrong, McMullin, and Robinson voting in favor of the motion and Council Member Ure voting against the motion.**

**ADOPTION OF RESOLUTION #2013-11 ADOPTING FINAL TAX RATES AND BUDGETS FOR SUMMIT COUNTY SERVICE AREA #6**

**Council Member Robinson made a motion to adopt Resolution #2013-11 adopting final tax rates and budgets for Summit County Service Area #6 and to authorize the Chair to sign. The motion was seconded by Council Member Armstrong and passed unanimously, 4 to 0.**

**MANAGER COMMENTS**

Mr. Jasper stated that the total cost of the Rockport fire will be approximately \$2 million.

Mr. Callahan noted that within an hour or so of the fire starting, it was declared a Federal emergency, which means the fire costs will be covered by the Federal Government up to 75%. Under the County's agreement with the State, the County must expend its suppression fund, which is \$130,000, and meet another target of about \$120,000, which the County easily meets. Any remaining costs that the Federal Government does not cover will be shared equally with the State, but the County's share does not have to be paid in dollars. Incoming contributions and all the efforts of County Staff and other agencies will count toward the County's obligation, which will then be less than 12.5% of the final determined cost. He explained that it takes a long time for events of this type to wrap up, and he did not expect the County to receive a bill for quite some time. Even when they do receive it, he stated that it would be negotiable to some degree.

Mr. Jasper noted that many people other than firefighters were involved in this effort, and he expressed appreciation for all of their efforts. He stated that the County has \$260,000 in an emergency fund, so they will get through this year, but they will need to start replenishing that fund. He explained that they have already obtained a revegetation grant, and it will be important to revegetate as fast as possible to avoid other emergencies later.

Council Member Ure asked if something can be done to mitigate the runoff next spring. He asked if the revegetation grant would allow them to contour the terrain to stop as much runoff as possible. Mr. Callahan replied that he is still waiting to get the details from NRCS, but he believed it would allow them to create debris basins and install fencing. Due to the steepness of the slopes, they will have to use an aerial seeding program. He explained that a team of inspectors evaluated every structure and determined where the burn areas could create immediate debris flows that would impact the structures, and only five houses are in that condition. He reported that UDOT has placed a temporary weather station across from Rockport Ranches for monitoring by the National Weather Service.

Council Member Robinson asked what line items the County has in its budget to pay for a fire like this. Mr. Callahan explained that the Fire Warden's budget contains a suppression line item which is expended annually and is a seven-year average of actual expenditures. Mr. Jasper suggested that Staff put together a report to address Council Member Robinson's question and show the Council how the cost of suppressing this fire will work.

Council Member Armstrong suggested that Public Relations Specialist Julie Booth and Mr. Jasper coordinate a public information campaign in the spring to address spring runoff. He asked that the County put together a solid plan to deal with runoff ahead of time so they can implement it before the need occurs.

Mr. Jasper reported that he attended the State Transportation Commission meeting in Heber last week and explained that Summit County is working closely with Wasatch County and that together they have some big transportation needs. He stated that he would like to start working with the County Traffic Engineer and the Community Development Department to start looking at transportation on a regional basis.

### **COUNCIL COMMENTS**

Council Member Ure commended Julie Booth for her excellent job of public communications during the fire.

Council Member Robinson noted that he has received the agreement to be executed for the Wasatch Summit group and stated that he would forward it to the Council Members. He hoped they could execute the agreement next week.

### **PUBLIC INPUT**

Chair McMullin opened the public input.

There was no public input.

Chair McMullin closed the public input.

### **PUBLIC HEARING AND POSSIBLE ACTION ON AMENDMENTS TO THE PLANNING, BUILDING, AND ENGINEERING FEE SCHEDULE THROUGH ADOPTION OF A RESOLUTION; PAT PUTT, COMMUNITY DEVELOPMENT DIRECTOR**

Mr. Putt recalled that the proposed fee changes were reviewed with the Council on July 17, and in some cases they proposed slight increases and in others, they suggest a reduction in fees. The objective is to develop a fee schedule that is easier to apply and administer and to get costs more in line with the actual time required for each application. A study in 2012 showed that they were achieving 60% cost recovery, and they would like to move toward greater cost recovery but recognize that is best done in small, incremental bites. He recalled that Council directed Staff to come back with the actual adjustments discussed at that meeting. He recommended that they take public input only this evening and not take action at this time. He found that a couple of

suggestions made by the Council were overlooked, and Staff would also like to answer some of the County Manager's questions about permit valuation.

Council Member Ure referred to the lot line adjustment fees and the previous discussion about allowing for a hardship. He believed it will keep people from wanting to apply for a lot line adjustment at all when they see the fee, and they would not even ask for a hardship. He believed they are discouraging people up front, and they will not ask questions about applying. He stated that someone approached him who is trying to put in a solar panel and connect it to the Rocky Mountain Power grid to be credited for electricity he puts into their system. That individual has to dig a trench on his own property but must go through a rigorous process with the County Engineer to get permits for that. He believed that discourages people from wanting to put in solar panels, and he would like to make a blanket rule that a project that small would be exempt from getting permits. He believed they discourage people rather than encourage them to do solar or renewable energy.

Chief Building Official Robert Taylor explained that the current fee schedule is based on a table in the 2009 International Residential Code (IRC) and replaced a previous fee table in a former version of the Uniform Building Code (UBC). He explained that under the current fee schedule, the revenue collected for projects over \$5 million is \$1 per \$1,000 in construction valuation. Previously, the fee was \$3.65 per \$1,000 in valuation. He did not know how that change occurred, but for projects over \$1 million, and particularly \$5 million+, it reduced their building permit fees to about one-third of the previous fees. He proposed to remedy that by having a constant rate for calculating the building permit fee rather than a decreasing rate as the valuation increases. He proposed a rate of  $\frac{3}{4}$  of 1%, which would result in projects under \$500,000 seeing a reduction in building permit fees, but as the valuation increases, the County will receive more revenue.

Council Member Ure asked if more inspection time is required for a \$5 million home than for a \$500,000 home. Mr. Taylor replied that more time would be required. He explained that this change is targeted at \$5 million+ projects, such as vacation resort hotels, that have a substantial impact on Staff time. He recalled that Staff was also asked in the first work session to consider allowing private building inspection services to help handle peak workload, which he would like to work into the resolution but was overlooked in today's report.

Council Member Robinson stated that they want to be equitable and not subsidize low end development by gouging the top end. If a graduated schedule is more equitable than a flat rate, he would be in favor of that. He believed they should try to match costs with what they charge.

Mr. Radke explained that, if a project requires a bond, the applicant is not charged at all if it is less than \$100. He also explained that Staff has been directed by Mr. Jasper to look at the regulations and try to simplify and streamline them and make them less complicated for people, and they will work on that in the next few months.

Mr. Jasper commented that, looking at total costs, Summit County is nowhere near recovering its costs, even on large, expensive projects. He stated that these departments cannot be a profit center, but they are just trying to recover costs, and they have been subsidizing the big beautiful homes at the expense of the smaller ones, so they are just trying to make things proportional.

Council Member Armstrong believed there should be reasonable justification for the difference in fees for a \$500,000 project versus a \$1 million project. He was not certain that the difference in the costs for a \$1 million house is actually double those for a \$500,000 house. He acknowledged that when they reach the level of a hotel or commercial property, demands on the system may be more complicated. He was not certain that State law allows them to look at the overall cost and then say that if they add all the fees together they cannot exceed the overall costs. He believed they should be able to do a discrete cost analysis.

Ms. Brackin explained that the purpose of a fee study is to show what they need to do to recapture their costs. She believed Staff is saying that, even at the rates they propose, they will not recover the costs identified by the fee study. She explained that, as costs increase in the higher range, the Community Development Director needs some ability to determine whether 100% of the costs have been recovered and end the fee at that point. Staff is proposing the flat rate understanding that even under the fee study, they will not exceed the costs. She explained that the costs are lumped together to a certain extent, and it is not a discrete analysis of what the fees are for this structure versus another. They look at what is necessary to process it, the number of inspections, the building size, and those types of factors. Council Member Armstrong stated that is fine if scientifically this looks like the right way to do it, but if it is just a flat line and the fees are not justified, he did not believe that would be fair.

Council Member Robinson asked about other fees in the schedules and suggested clarifications to the language. Mr. Radke answered questions and explained the justification behind the fees in question.

Council Member Armstrong referred to Section 4 of the 2010 Ordinance which states that the Community Development Director, Building Official, or County Engineer can charge additional fees if they find a specific project requires additional resources and asked if the determination of those fees is open ended. Ms. Brackin explained that Utah Code allows in certain circumstances, such as where there is a geo-hazard, for the County to call in an expert, and the actual cost of hiring that expert is included in the fee to the developer. She explained that applies to situations where the County does not have the staff to do it, and Utah Code allows the County to recoup the actual cost of what was spent for the review. Council Member Armstrong stated that Section 5 is also problematic, because it says the fee schedule will be reviewed every two years to ensure that the fees cover the actual cost of processing applications. They know they do not cover the actual cost of processing applications, but the resolution requires that they actually cover those costs, so the County is in violation of its own resolution and ordinance. He recommended that they amend the ordinance so the County does not continue to break the law.

Chair McMullin opened the public hearing.

There was no public comment.

Chair McMullin left the public hearing open since there are a number of changes to the fee schedule that still need to be made and requested that Staff get the word out to people who are most likely to be affected by the fee schedule changes.

**PUBLIC HEARING AND POSSIBLE DECISION ON RED HAWK DRIVEWAY  
SPECIAL EXCEPTION REQUEST FOR APPROVAL, MIKE BUCHANAN,  
APPLICANT; DERRICK RADKE, COUNTY ENGINEER**

This item was postponed to a later date.

**PUBLIC HEARING AND POSSIBLE ACTION REGARDING A SPECIAL EXCEPTION  
FOR A REDUCED SETBACK IN THE RURAL RESIDENTIAL (RR) ZONE FOR LOT  
52 OF THE WILLOW CREEK SUBDIVISION, 1157 COTTONWOOD LANE, IVAN  
BROMAN, APPLICANT; MOLLY ORILL, COUNTY PLANNER**

County Planner Molly Orgill presented the staff report and indicated the location of the lot in the Willow Creek Subdivision. She explained that the Willow Creek Subdivision was platted in 2001, and Lot 52 is a corner lot with a home constructed on that lot in 2004. The home is located approximately 50' from Cottonwood Lane and 11' 4" from Split Rail Lane. She explained that when the home was constructed in 2004, the Code stated that the front lot line for a corner lot was the shorter of the two lots lines separating the lot from the road, or if they were within 15' of being equal, either lot line could be designated as the front lot line, but not both. In January 2007 the Snyderville Basin Development Code was amended to state that a front setback would be required for each side of a lot bordering a road or right-of-way. The Code also states that the minimum front yard setback shall be 30' unless otherwise shown on a recorded plat. She explained that the applicant wishes to build an addition to the home on the Split Rail side of the existing home, which would be 12' from the property line and does not meet the 30' front setback requirement. She stated that the applicant is seeking the special exception on the grounds that the 2007 Code changed regarding the setbacks, creating a hardship, and the addition would be no closer to Split Rail Lane than the existing house. She provided an aerial photo of the applicant's house as well as other corner lots in the neighborhood that do not meet the current setback requirements. She reviewed the requirements for granting a special exception and explained that Staff does not believe the application complies with the requirement that there be equitable claims or unique circumstances warranting the special exception as there is enough room on the property to build an addition that would meet the setbacks, and other homes in the area have the same issue. She noted that a real estate agent called to inquire about the setbacks for the Willow Creek Subdivision and followed up with a confirmation of those setbacks, but they did not identify that the parcel was a corner lot. Staff recommended that the County Council hold a public hearing and vote to deny the special exception, as not all the necessary standards for a special exception have been satisfied. She stated that Staff has provided findings of fact and conclusions of law to support the denial.

Ivan Broman explained that the Mulherns asked the Realtor to inquire about the setbacks on the lot prior to purchasing the home, because the home did not have enough bedrooms for their needs, and they wanted to be sure they could do the addition where it is currently proposed. He noted that there was no mention in the email from the Planning Department of an exception in setbacks for corner lots. He acknowledged that the Realtor did not specify which lot they were asking about, but the Planner did not indicate that there was an exception for a corner lot. He stated that he was contacted by the Mulherns before they purchased the lot and asked to look at the feasibility of adding the bedrooms on the east side of the lot and was told that they had contacted the Planning Department and confirmed the side yard setback as 12' and the front yard

setback of 30', with no mention of this exception. He noted that the plat also indicates a 12' side yard and a 30' front yard setback.

Planner Orgill clarified that no setbacks are actually stated on the plat. When setbacks are silent on the plat, it reverts to the Code.

Mr. Broman stated that after the survey was completed to be certain they would meet the setback and the addition would meet the Mulherns' needs, they retained his services to do the drawings for the addition, which he completed in June. Prior to submitting the plans for permit, they also contacted the Willow Creek HOA for their approval of the plans. He explained that the HOA had no issues with the setback and was fine with this location. He believed the reason for changing the Code was to provide more open space on street frontages in the RR Zone, but in this case, a large portion of the existing home is already within the 30-foot setback, and this would not worsen the condition. He also noted that there is a larger than normal setback between the property line and Split Rail Lane, and the design guidelines indicate that was intentional to maintain Split Rail Lane as a visual corridor and buffer the homes from traffic. He disagreed that this request does not comply with the requirements for a special exception and claimed that they do have unique circumstances because they were told one thing, and when they submitted the plans, they were told something else.

The property owner, Elisa Mulhern, explained that it was imperative when they looked for a house to have five bedrooms, and they knew this house would need a modification to add a bedroom. She stated that they went through numerous steps before purchasing the home to be sure they would be in compliance to build the addition. She stated that they would not have purchased this house without being able to add the bedroom, and they took extra care to confirm with Staff that the current setbacks in Willow Creek would allow for a proposed modification and relied on the written confirmation from Staff as a basis for purchasing the home. She explained that they are not proposing to build on any more property than they should or do anything that would negatively affect the neighbors or the community. She requested that the Council consider the information they received from Planning Staff prior to purchasing their home and planning an addition that was instrumental in purchasing the home.

Chair McMullin opened the public hearing.

There was no public comment.

Chair McMullin closed the public hearing.

Chair McMullin stated that she was not sure this is a special exception if the plat says a 12' setback. If that is the case, she asked what the process should be, and if a special exception was not necessary, she would like the applicant's money refunded. Ms. Brackin confirmed that, if there is a plat note on the plat, this item should be tabled and dealt with at Staff level. She explained that the Manager has the ability to authorize refunds where appropriate.

Council Member Robinson noted that the survey said the setback was 11'4" and asked if that is because of an eave that encroaches or if it is the base of the structure. Mr. Broman explained that when the survey was done they had to relocate the property lines, and the 11'4" is to the stone veneer on the house, not to the foundation. He explained that they realized they were

within the 12' setback, but it was an existing condition, and they could not do anything about it. Council Member Robinson questioned whether they should perpetuate an 8" encroachment. Mr. Broman explained that he has pushed the addition a foot back from the garage to be sure they are not within the 12-foot setback. Council Member Robinson maintained that when the home was built, it basically grandfathered a 12-foot side yard on this property because it allowed the garage and some of the main structure to encroach into it and because the design guidelines stating that no curb cut is allowed along Split Rail Lane do not allow an option for the front yard to be off of Split Rail Lane. The only option under the subdivision rules forced the front of the property to be on Cottonwood Lane, and to him, the facts show there is no way the Split Rail frontage could have been the front yard. The fact that they have a 100-foot right-of-way on Cottonwood Lane that is larger than most rights-of-way, the fact that they have a 40-foot setback from edge of pavement with a landscape berm, and the fact that buildings already encroach on the Split Rail Lane setback lead him to conclude that they should memorialize the fact that in 2004 Cottonwood Lane became the front yard and Split Rail Lane became the side yard and that the plat note controls, notwithstanding the 2007 ordinance change. He believed with careful scrutiny by Staff this did not need to come before them as a special exception.

Council Member Armstrong disagreed and stated that the County has been very careful to not violate its own Code sections, and this does not qualify as a special exception. The County amended the Code to change the calculation of front and side yards for an entire subdivision, and these are two front yards. When the home was built in 2004, Split Rail Lane was a side yard, but by Code amendment it became a front yard, and that amendment should supersede whatever plat note may have been on the plat. Given that, this is not a special exception. From an emotional standpoint, as much as they might want to see this family build a bedroom on their house, the County has a Code, and it says they cannot. He was not in favor of finding a special exception where one does not exist.

Council Member Robinson asked the language regarding the front yard setback. Planner Orgill explained that the Code states, "A 30-foot setback unless otherwise indicated on a recorded plat or an approved site plan." Council Member Robinson stated that he believes there are strong grounds for a special exception, because a structure has already been built in a side yard, which set the side yard. There is also no way it could be used as a front yard, although they could argue that it borders a right-of-way, because the developer created a situation where they could not do that because of the large setback from Cottonwood Lane, creating a side yard by definition.

Council Member Armstrong argued that, if they are going to use that as the basis for a special exception, the Council should be prepared for many people with corner lots to come to the Council with the same kind of rationalization. If they are going to allow that, he believed they should change the Code rather than grant a special exception. He explained that the Mulherns could build the bedroom on another part of the house, and nothing requires them to build it in this location.

Chair McMullin stated that she agreed with Council Member Robinson's position.

Council Member Ure stated that he did not see that granting the special exception would harm anyone. He stated that the County changed the rules by amending the Code, and this would not change the lot but would just match up with the rest of the house.

Council Member Robinson asked Ms. Brackin to address the precedent-setting impact of a special exception. Ms. Brackin explained that one requirement of a special exception is that there be unique circumstances or equitable claims for which the Council can make findings of fact. They know there are a lot of other properties in this neighborhood that are similarly situated, so this is not unique. In addition, by granting a special exception, they would be granting an expansion of a non-conforming use, because the portion of the building between the 30' and 12' line is non-conforming. She explained that allowing expansion of a non-conforming use through the special exception process opens the door for other special exceptions for more expansion. She stated that it depends on the factual findings and whether they are substantiated by the record. Council Member Robinson stated that he believed there was enough uniqueness here because of the existing structure, because Split Rail cannot be a front yard by other legally binding documents, because they cannot access the property from Split Rail, the oversized right-of-way, and the berm. He believed counsel could craft findings to minimize any precedent-setting impact.

**Council Member Robinson made a motion to grant a special exception for a reduced setback in the Rural Residential Zone for Lot 52 of the Willow Creek Subdivision, 1157 Cottonwood Lane, with the following findings of fact in the staff report with the additional finding that Split Rail Lane cannot be a front yard in this subdivision because of the design guidelines, that the subdivision was specifically designed for an extra-wide right-of-way to allow screening, that the HOA has accepted the change, and that the existing structures already encroach into the setback, that when the existing structure was built it effectually defined the setback, and other findings of fact and conclusions of law to be crafted by legal counsel for the Council's review:**

**Findings of Fact:**

1. **The applicant, Ivan Broman, represents Brian and Elisha Mulhern, the owners of record of Parcel WLCRK-52.**
2. **Parcel WLCRK-52 is .69 acre in size.**
3. **Parcel WLCRK-52 is located within the Willow Creek Subdivision.**
4. **Summit County records indicate that a 3,887-square-foot Single Family Residence with a 1,155-square-foot garage was constructed on Parcel WLCRK-52 in 2004.**
5. **On January 13, 2007, Summit County adopted Ordinance #660 amending the front setback definitions.**
6. **The subject property is currently zoned Rural Residential.**
7. **A survey submitted by the applicant shows the distance between the existing house and boundary line along Split Rail Lane as 11.04 feet.**
8. **Section 10-2-4-D.7 of the Code states: "The minimum front yard setback shall be thirty (30) feet, unless otherwise indicated on a recorded plat or an approved site plan."**
9. **Section 10-11-1.286 of the Code states: "A front setback shall be required for each side of a lot bordering a road or other right-of-way."**
10. **Section 10-3-7 of the Code allows the County Council to grant a Special Exception to the Code if an applicant can demonstrate that they meet the criteria for approval as outlined in the Code.**

Council Member Armstrong suggested that Council Member Robinson not state all the details about how the entire subdivision was built and where it was built so that the motion applies only to this particular parcel. He believed the findings should be confined to this specific property, because his motion rezones an entire subdivision.

**Council Member Robinson restated the motion to grant a special exception for a reduced setback in the Rural Residential Zone for Lot 52 of the Willow Creek Subdivision, 1157 Cottonwood Lane, with the following findings of fact shown in the staff report and the following conclusion of law and that counsel will craft additional findings of fact and conclusions of law consistent with the Council’s discussion of this matter:**

**Findings of Fact:**

1. **The applicant, Ivan Broman, represents Brian and Elisha Mulhern, the owners of record of Parcel WLCRK-52.**
2. **Parcel WLCRK-52 is .69 acre in size.**
3. **Parcel WLCRK-52 is located within the Willow Creek Subdivision.**
4. **Summit County records indicate that a 3,887-square-foot Single Family Residence with a 1,155-square-foot garage was constructed on Parcel WLCRK-52 in 2004.**
5. **On January 13, 2007, Summit County adopted Ordinance #660 amending the front setback definitions.**
6. **The subject property is currently zoned Rural Residential.**
7. **A survey submitted by the applicant shows the distance between the existing house and boundary line along Split Rail Lane as 11.04 feet.**
8. **Section 10-2-4-D.7 of the Code states: “The minimum front yard setback shall be thirty (30) feet, unless otherwise indicated on a recorded plat or an approved site plan.”**
9. **Section 10-11-1.286 of the Code states: “A front setback shall be required for each side of a lot bordering a road or other right-of-way.”**
10. **Section 10-3-7 of the Code allows the County Council to grant a Special Exception to the Code if an applicant can demonstrate that they meet the criteria for approval as outlined in the Code.**

**Conclusions of Law:**

1. **The special exception does meet all the required criteria in the Snyderville Basin Development Code, Section 10-3-7, in that there are equitable claims or unique circumstances warranting the special exception.**

**The motion was seconded by Council Member Ure and passed by a vote of 3 to 1, with Council Members McMullin, Robinson, and Ure voting in favor of the motion and Council Member Armstrong voting against the motion.**

The County Council meeting adjourned at 7:35 p.m.

---

*Council Chair, Claudia McMullin*

---

*County Clerk, Kent Jones*

## COMMUNITY DEVELOPMENT

- The department received 23 new building applications and 7 new planning applications this past week as follows:

### NEW BUILDING PERMITS September 19 – September 25, 2013

Number	Full Address	Description	Tax ID
2013-1421	8090 RANCH CLUB TRL North	Single Family Dwelling	PSKY-30
2013-1424	3 RED HAWK LN	Deck / extension	RHWK-6
2013-1422	9714 BLUE SPRUCE	Single Family Dwelling / Cabin	PM-5-512
2013-1425	3000 CANYONS RESORT DR	Sundial Lodge / beam replacement	LWPCRS-3301A-AM
2013-1428	6542 LANDMARK DR North	Taco Bell Remodel / Exterior / Interior	PP-62-1-A-1
2013-1430	5953 TRAILSIDE LOOP	Photovoltaic	TSP-20
2013-1432	2750 RASMUSSEN DR West	TI Cross-Fit	SUMCC-100-B
2013-1433	8204 No Address on File	Electrical Service / Century Link Phone	PP-43-A-7
2013-1436	1612 UTE Blvd West	Computer Company Tenant Improvement	PP-81-H-1-A
2013-1438	1784 UINTA Way	Dickey's BBQ / TI	VKJ-SPA-1E
2013-1440	455 PARKVIEW DR	Retaining Wall	SU-I-11
2013-1441	2025 CANYONS RESORT DR	Interior Laundry room remodel	RP-G-1
2013-1442	1792 CAPTAIN MOLLY DR	INSTALL FURNACE	PAC-94-AM
2013-1443	1822 REMINGTON LN	INSTALL FURNACE	RPL-25
2013-1426	2100 CANYONS RESORT DR	Deck	PT-3-D
2013-1427	7963 DOUGLAS DR North	Car Port	TL-1-83
2013-1429	8208 GORGOZA PINES RD	Gas Line / Meter	QJPB-A-7-1AM
2013-1434	5148 EAST MEADOWS DR North	Deck	SLS-159
2013-1435	7415 WHILEAWAY E RD North	Accessory Dwelling	SL-D-225
2013-1444	5195 COUGAR LN	Enclosure under cabin / not for occupancy	UL-87-C
2013-1431	2185 RED PINE RD West	INTERIOR REMODEL	PP-2-F
2013-1437	74 WHITE PINE CANYON RD	Single Family Dwelling	CWPC-II-69
2013-1439	1698 STATE ROAD 32 North	Foundation only / Single Manufactured Home	CD-526-A

**Planning Applications  
September 19- September 25, 2013**

Project Number	Description
2013-725	<b>Paskett LOR</b> Lot of Record NS-837-1-A
2013-726	<b>McQuiddy Ag Exempt</b> Agricultural Exempt NS-800-C      2309 N. West Henefer Road
2013-727	<b>Davidene's Quilt Shop Sign</b> Sign Permit SL-I-7-14      7132 N. Silver Creek Road
2013-728	<b>Glenwild Boyer LIP</b> Low Impact Permit GWLD-15      1383 Snowberry St
2013-729	<b>Paskett LLA</b> Lot Line Adjustment NS-1238      2903 North Main
2013-730	<b>Smith Barn Ag Exempt</b> Jeffrey R. Smith      Ag Exempt SUNAC-4-AM      3518 North State Road 32
2013-731	<b>Bell Brothers CNG Station LIP</b> Low Impact Permit SL-I-8-1      7100 Silver Creek Road

Respectfully Submitted, Patrick Putt  
Community Development Director

County Engineer



Derrick A. Radke, P.E.

## STAFF REPORT

September 26, 2013

To: Summit County Council

From: Derrick Radke, PE - Summit County Engineer

Re: Petition to Vacate the Public Interest in the East Leg of Spring Canyon Road and Road Right-of-Way

**EXECUTIVE SUMMARY:** The County Council received two (2) "Petitions" c/o the Engineering Office, to vacate portions of a public road commonly known as Spring Canyon Road. Council took Public Comment on each petition and directed Staff to prepare an Ordinance to officially vacate the Eastern leg of Spring Canyon Road and to take no action on the main stem of Spring Canyon Road.

A. Community Review

This item has been scheduled as a regular business item for the County Council to consider and possible take action on the proposed Ordinance.

B. Background (East Leg)

The Petitioner/Property Owners report that historically, there has been a gate across the road which has been locked to prevent the general public from using the road

This portion of the road is not subject to the reported lawsuit that has been filed in Third District Court and there was no objection voiced by persons in attendance at the Public Hearing.

C. Policy Considerations

Council discussed whether or not to vacate the public's interest in the public road and used as the policies noted below as the basis.

1. Recent public uses of the road or highway
2. Potential future public uses of the road or highway
3. Use of the road or highway by County government

P.O. Box 128 · Coalville, UT 84017

Coalville: (435) 336-3250 · Kamas: (435) 783-4351 ext. 3250 · Park City (435) 615-3250

Fax: (435) 336-3043 · Park City Fax (435) 615-3043

4. Designation of road or highway on the Class B or Class D County Road Maps
5. The ability of private landowners to access their properties following a vacation of the public road or highway;

As noted previously, any vacation of a road must be evidenced by an ordinance adopted by the legislative body. As such, Council directed Staff to prepare an Ordinance to officially vacate the East Leg of Spring Canyon Road. The Ordinance has been prepared based on the Findings of Fact and Conclusions of Law prepared for the Council by David Thomas, Chief Civil Deputy County Attorney, a copy of which is attached for the Council. The proposed Ordinance is also attached for Council's review and consideration of approval.

D. Recommendations

Staff recommends that the Council review the information contained in and attached to, the Staff report and take into consideration the public comment provided at the Public Hearing and approve the Ordinance to Vacate the East Leg of Spring Canyon Road, the public road located in Section 31, 32, 33, T2N, R6E, SLB&M 4, 5, 6, T1N, R6E, SLB&M

Enclosure (Findings of Fact and Conclusions of Law; Ordinance)

cc: file (S:\eng-memo-2012.doc)



Evidence and materials were presented by way of testimony, statements, documents and memorandum for consideration by the Council. Having considered the evidence presented by all interested parties and the entire record relating to this Petition, the Council rendered its decision following discussion and deliberation as part of its regularly scheduled agenda on September 25, 2013, adopting a motion to **GRANT** the Petition and **VACATE** the East Leg of the Spring Canyon Road, with that decision to become final following the adoption of these findings and conclusions, and the enactment of a road vacation ordinance. The voting of the Council on this matter was 5-0. In support of that decision, the Council adopts the following Findings of Fact and Conclusions of Law:

#### **FINDINGS OF FACT**

1. Spring Canyon Road begins on Hoytsville Road approximately  $\frac{3}{4}$  miles south of Coalville, Utah and traverses east approximately 8 miles to a destination approximately  $1\frac{1}{2}$  miles beyond the Sargent Lakes.
2. The East Leg of the Spring Canyon Road begins in the southern portion of Section 31 and traverses approximately 2 miles easterly from the main Spring Canyon Road, as indicated on Exhibit A hereto.
3. Spring Canyon Road first appeared on the County Class B Road Map in 1950. Since that time the County has received state road tax monies for the maintenance of the road.
4. At some point in time, a gate was placed on the Spring Canyon Road approximately  $1\frac{1}{2}$  miles from its origin on the Hoytsville Road (the "Historical Gate"). In 1971, the Spring Canyon Road lying east of the Historical Gate was reclassified to Class D. Class D roads

are county roads which are not maintained by the County.

5. In recent years, a new gate was erected on Spring Canyon Road approximately 1 mile from its origin on the Hoytsville Road (the “Cattle Gate”). The portion of Spring Canyon Road between the Cattle Gate and the Historical Gate (approximately ½ mile) is still classified as a Class B county road.
6. The East Leg of the Spring Canyon Road dead ends at Section 33.
7. The entire length of the East Leg of the Spring Canyon Road from Section 31 to Section 33 lies on lands owned by the Petitioners. Outside of Petitioners, no other landowner accesses property through the East Leg of the Spring Canyon Road.
8. The lands bordering the East Leg of the Spring Canyon Road are zoned agriculture and there are no current plans to develop such for residential or commercial purposes.
9. Summit County government does not utilize the East Leg of the Spring Canyon Road.
10. All required notices pursuant to UCA §72-3-108(2) have been satisfied.
11. On September 11, 2013, a public hearing was held at the County Courthouse in Coalville, Utah to receive public comment on the Petition. There were no individuals who spoke opposing the Petition.

BASED on the totality of facts and circumstances presented by the evidence and the entire record considered as part of the decision, the Council renders the following Conclusions of Law:

## CONCLUSIONS OF LAW

1. UCA § 72-3-108 provides
  - (1) A county may, by ordinance, vacate, narrow, or change the name of a county road without petition or after petition by a property owner.
  - (2) A county may not vacate a county road unless notice of the hearing is:
    - (a) published:
      - (i) in a newspaper of general circulation in the county once a week for four consecutive weeks before the hearing; and
      - (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks before the hearing; and
    - (b) posted in three public places for four consecutive weeks prior to the hearing; and
    - (c) mailed to the department and all owners of property abutting the county road.
  - (3) The right-of-way and easements, if any, of a property owner and the franchise rights of any public utility may not be impaired by vacating or narrowing a county road.
2. The Council, acting as the Highway Authority, may act on behalf of Summit County in vacating a county road. UCA §§ 72-1-102(8); 72-3-103(4).
3. Petitioners filed their Petition with the Council. A public hearing was held with all noticing requirements satisfied.
4. The Council has adopted a Vacating County Roads policy which delineates those policies that the Council shall consider in its deliberations, more specifically as set forth below:
  - 4.1 Recent public uses of the road or highway.
  - 4.2 Potential future public uses of the road or highway.
  - 4.3 Use of the road or highway by County government.
  - 4.4 Designation of road or highway on the Class B or Class D County Road Maps.
  - 4.5 The ability of private landowners to access their properties following a vacation

of the public road or highway.

5. The Council concludes that there has been no public use of the East Leg of the Spring Canyon Road, nor is there an expectation of future public uses. While the East Leg of the Spring Canyon Road does appear on the Class D road map, County government does not utilize said road.
6. The Council further concludes that the only landowners accessing their property from the East Leg of the Spring Canyon Road are the Petitioners and there is no evidence that the vacation of this road would in any way prevent their access to their properties.

ACCORDINGLY, the Council **GRANTS** the Petition and **VACATES** the East Leg of the Spring Canyon Road, as shown on Exhibit A.

This is the final administrative decision of Summit County. As such, it may be appealed to the District Court within the limitations period provided by statute.

DATED this \_\_\_\_ day of September, 2013.

COUNTY COUNCIL  
OF SUMMIT COUNTY, UTAH

BY: \_\_\_\_\_  
Claudia McMullin  
Chair

ATTEST:

---

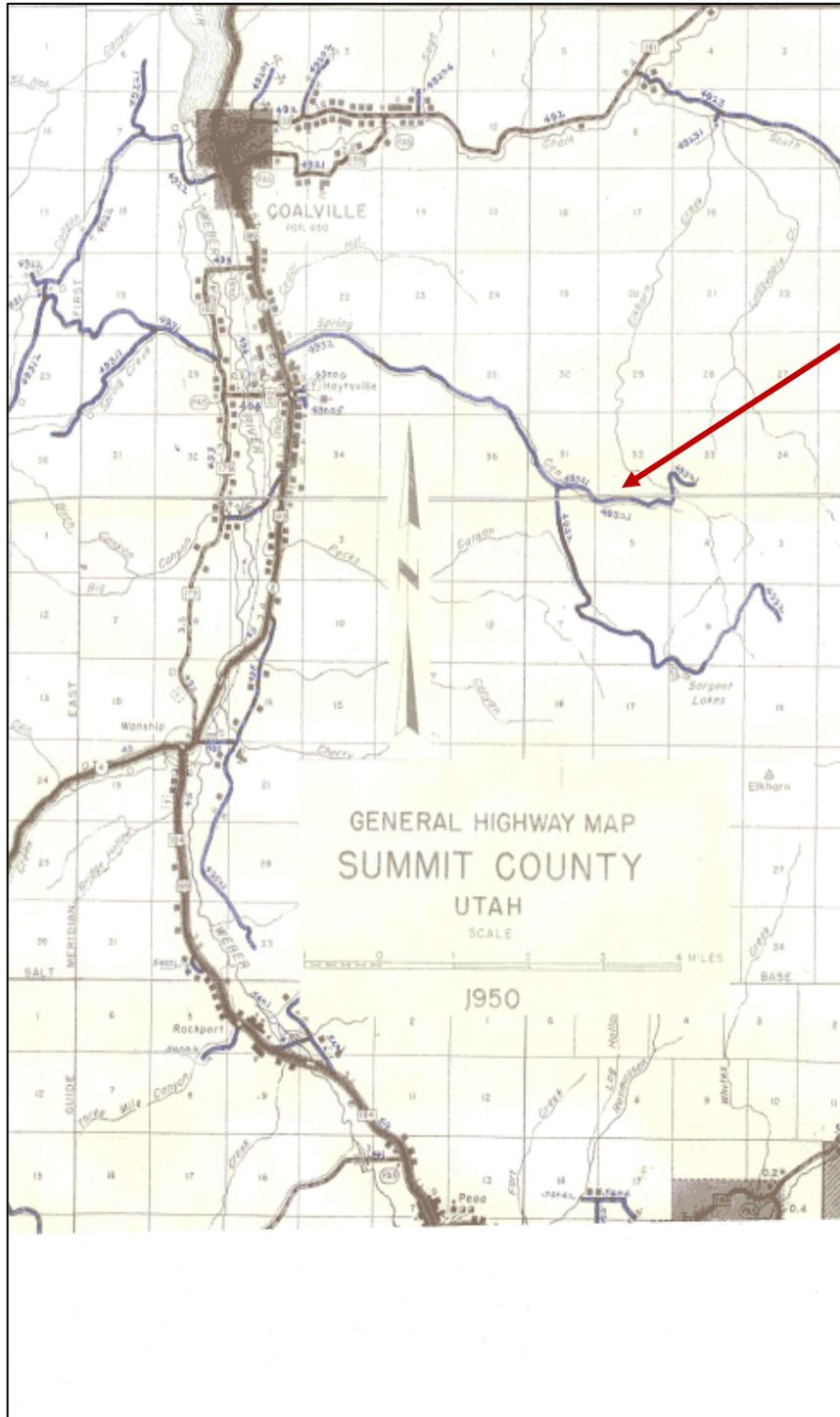
Kent Jones  
Summit County Clerk

APPROVED AS TO FORM:

---

David L. Thomas  
Chief Civil Deputy County Attorney

**EXHIBIT A**  
(East Leg of the Spring Canyon Road)



East Leg of the  
Spring Canyon Road

# SUMMIT COUNTY, UTAH

## ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE OFFICIALLY VACATING A PORTION OF A PUBLIC ROAD RIGHT-OF-WAY LOCATED IN SECTION 31, 32, 33, T2N, R6E, SLB&M 4, 5, 6, T1N, R6E, SLB&M

WHEREAS, Judd Family Investment petitioned Summit County to vacate the East leg of Spring Canyon Road and Road right-of-way, which traverses a parcel owned by the petitioners and which is shown in Exhibit A; and

WHEREAS, Utah Code. Section 72-3-108 provides mechanisms to vacate county roadways; and

WHEREAS, a public hearing has been held with the Summit County Council on September 11, 2013, with notice provided as required in Utah Code, Section 72-3-108(2) by advertising the proposed vacation in the Summit News on August 16, 23 and 30, 2013 and on September 6, 2013 and on the Utah Public Notice Website created in Section 63F-1-701, for four weeks before the hearing; and

WHEREAS, there is good cause to vacate this portion of a public road based on the findings of the County Council that,

1. Spring Canyon Road begins on Hoytsville Road approximately  $\frac{3}{4}$  miles south of Coalville, Utah and traverses east approximately 8 miles to a destination approximately  $1\frac{1}{2}$  miles beyond the Sargent Lakes.
2. The East Leg of the Spring Canyon Road begins in the southern portion of Section 31 and traverses approximately 2 miles easterly from the main Spring Canyon Road, as indicated on Exhibit A hereto.
3. Spring Canyon Road first appeared on the County Class B Road Map in 1950. Since that time the County has received state road tax monies for the maintenance of the road.
4. At some point in time, a gate was placed on the Spring Canyon Road approximately  $1\frac{1}{2}$  miles from its origin on the Hoytsville Road (the "Historical Gate"). In 1971, the Spring Canyon Road lying east of the Historical Gate was reclassified to Class D. Class D roads are county roads which are not maintained by the County.
5. In recent years, a new gate was erected on Spring Canyon Road approximately 1 mile from its origin on the Hoytsville Road (the "Cattle Gate"). The portion of Spring Canyon Road between the Cattle Gate and the Historical Gate (approximately  $\frac{1}{2}$  mile) is still classified as a Class B county road.
6. The East Leg of the Spring Canyon Road dead ends at Section 33.
7. The entire length of the East Leg of the Spring Canyon Road from Section 31 to Section 33 lies on lands owned by the Petitioners. Outside of Petitioners, no other landowner accesses property through the East Leg of the Spring Canyon Road.
8. The lands bordering the East Leg of the Spring Canyon Road are zoned agriculture and there are no current plans to develop such for residential or commercial purposes.
9. Summit County government does not utilize the East Leg of the Spring Canyon Road.
10. All required notices pursuant to UCA §72-3-108(2) have been satisfied.
11. On September 11, 2013, a public hearing was held at the County Courthouse in Coalville, Utah to receive public comment on the Petition. There were no individuals who spoke opposing the Petition; and

WHEREAS, the vacation will not be detrimental to the general interests of the community nor materially affect the access enjoyed by the general public or other property owners in the area;

NOW THEREFORE, the County Legislative Body of the County of Summit, State of Utah [hereinafter "Council"], ordains as follows:

Section 1. The Council hereby finds that there has been no public use of the East Leg of the Spring Canyon Road, nor is there an expectation of future public uses.

Section 2. The Council hereby finds that the East Leg of Spring Canyon Road does appear on the Class D road map, however County government does not utilize said road.

Section 3. The Council hereby finds that the only landowners accessing their property from the East Leg of the Spring Canyon Road are the Petitioners and there is no evidence that the vacation of this road would in any way prevent their access to their properties.

Section 4. The Council hereby finds that the road vacation will not be detrimental to the general interests of the community nor will the access enjoyed by the general public or other property owners be materially changed.

Section 5. The Council hereby officially vacates the public road and right of way, as specifically described above as of the effective date of this ordinance.

Section 6. This Ordinance shall take effect after 15 days of the date below, and upon publication in a newspaper published and having general circulation in Summit County.

PASSED AND ADOPTED on this \_\_\_\_ Day of October, 2013.

**SUMMIT COUNTY COUNCIL, STATE OF UTAH**

By: \_\_\_\_\_  
Claudia McMullin, Chair, Summit County Council

McMullin voted \_\_\_\_\_  
Armstrong voted \_\_\_\_\_  
Carson voted \_\_\_\_\_  
Robinson voted \_\_\_\_\_  
Ure voted \_\_\_\_\_

ATTEST:

County Clerk, Summit County

**EXHIBIT A**

East Leg of Spring Canyon Road as Depicted on the 1950 General Highway Map of Summit County

