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# MINUTES

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**SUMMIT COUNTY  
BOARD OF COUNTY COUNCIL  
WEDNESDAY, MARCH 9, 2016  
SHELDON RICHINS BUILDING  
PARK CITY, UTAH**

**PRESENT:**

**Roger Armstrong, Council Chair**  
**Kim Carson, Council Member**  
**Claudia McMullin, Council Member**  
**Talbot Adair, Council Member**

**Tom Fisher, Manager**  
**Anita Lewis, Assistant Manager**  
**Robert Hilder, Attorney**  
**Kent Jones, Clerk**  
**Brandy Harris, Secretary**

**WORK SESSION**

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

**INTERVIEW APPLICANTS FOR VACANCY ON THE SNYDERVILLE BASIN  
SPECIAL RECREATION DISTRICT BOARD**

Nate Brown, John Pennell (via telephone), Thomas Cooke, and Pat Lambrose were interviewed for the Snyderville Basin Special Recreation District Board vacancy.

**CLOSED SESSION**

**Council Member Carson made a motion to convene in closed session to discuss personnel. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0. Vice Chair Robinson was not present.**

The Summit County Council met in closed session for the purpose of discussing personnel from 2:40 p.m. to 3:45 p.m. Those in attendance were:

**Roger Armstrong, Council Chair**  
**Kim Carson, Council Member**  
**Claudia McMullin, Council Member**  
**Talbot Adair, Council Member**

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

Council Member McMullin made a motion to dismiss from closed session and to convene in work session. The motion was seconded by Council Member Adair and passed unanimously, 4 to 0. Vice Chair Robinson was not present.

**CONSIDERATION OF APPROVAL**

- Pledge of Allegiance

**CONSENT TO APPOINTMENT BY THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT ADMINISTRATIVE CONTROL BOARD OF AN INTERIM EXECUTIVE DIRECTOR**

Cathy Kahlow, Snyderville Basin Special Recreation District Board Chair, stated the Board looked at several options internally and externally and within the county for opportunities for an interim director. After discussion with staff at the county and staff at the district, they are seeking approval from the Council to appoint Megan Suhadolc as the Interim Executive Director for the Snyderville Basin Special Recreation District. Ms. Kahlow stated Ms. Suhadolc was well versed in district operations and has a lot of great experience and the Board has full faith that she can do a great job at the interim position. The Board appointed her for interim director with the understanding that she would not apply for the permanent position and that she would stay in place until they are able to higher another permanent position.

Council Member McMullin made a motion for the appointment of Megan Suhadolc as the Interim Executive Director of the Snyderville Basin Special Recreation District. The motion was seconded by Council Member Adair and passed unanimously, 4 to 0. Vice Chair Robinson was not present for the vote.

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2016-04, A RESOLUTION REQUESTING ADMISSION TO THE UTAH PUBLIC EMPLOYEE'S RETIREMENT SYSTEM**

Brian Bellamy, Personnel Director, reviewed that as staff was working with Basin Recreation in creating the district director's contract, it was realized they were not participating in the Utah Retirement System. The District was created in 1986 and was considered contract employees. However, an outside auditor who was doing an audit at that time stated they were not contractors, but instead employees. The District at that time decided they wanted to participate with ICMA-RC, which is a 401k company through the International City Management Association. They contacted Utah Retirement and asked as a special service district if they should they be participating as a member of URS and the Utah Retirement System stated that yes, they should be in the system. The District asked URS what the effective date should be, and had suggested January 1, 2016. URS explained the statute of limitations was three years and they would go back to 2013 to collect premiums and to then give employees that service credit for those three years. Mr. Bellamy stated that is still under discussion and the District is going to appeal that decision. In previous years there's been a 401(a) plan set up through ICM, and current employees are receiving 12 percent.



## STAFF REPORT

**To:** County Council  
**Report Date:** March 9, 2016  
**Meeting Date:** March 9, 2016  
**Author:** Brian Bellamy  
**Description:** Approve URS Retirement for Snyderville Basin Special Recreation District  
**Type of Item:** Discussion and Decision

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### **A. Background**

The Summit County Commission created the Snyderville Basin Special Recreation District (SBSRD) on October 8, 1986. At the time three individuals performed the core work for the SBSRD as contractors. This continued until 1996 when Mr. Greg Ogden, CPA, was performing his duties for Summit County as an outside auditor. Mr. Ogden noted the three individuals were not acting as contractors, but were acting more as employees of SBSRD and suggested their status be changed.

With this change came a need for salary and benefits to be paid. SBSRD staff after discussing the options elected to contract with ICMA-RC, which was the retirement option Park City Municipal was using. SBSRD continues to participate with ICMA-RC for all retirement benefited employees.

On December 28, 2015, Summit County staff discovered the District Manager's retirement was being paid into a 401a plan. This discovery occurred as staff was reviewing and creating a written contract for the District Manager. When this came to light staff contacted URS to ascertain if SBSRD was required to participate in the State's retirement system.

URS sent an "application" to the County on January 22, 2016, requesting it be completed and returned. URS wanted their legal department to review the "application" and opine whether SBSRD was required to be a participant with URS or if they were allowed to continue with their current retirement program. Staff also needed to discover if SBSRD was required to participate, what were the parameters going to be. In what timeframe would URS require SBSRD to join, staff suggested a January 1, 2016 date. The application form was completed by SBSRD and Summit County staff and returned to URS.

On January 27, 2016, Summit County was forwarded, by email, a URS January 26 memo stating "... it appears they are a special service district created under Title 17D, UCA, and

as such Snyderville Basin Special District is eligible for membership in the Utah State Retirement Systems." (Attachment A)

Since receiving this email, SBSRD staff has gathered the necessary information to transfer SBSRD retirement to URS. Staff was also notified on February 8, 2016 to "... please begin to collect earnings data for the SSD employees by pay period going back to January 12, 2013, so retroactive adjustments can be calculated." This information has been forwarded to URS.

The SBSRD Board met on February 24, 2016 to recommend approval to the Summit County Council to authorize the District's participation in the Utah Public Employees' Retirement System offered by URS. (Attachment B)

It appears URS will require SBSRD to pay back retirement to February/March 2013. According to URS this is the "statute of limitations" they can go back. In discussing the three year "statute of limitations" staff will exercise all of our rights to appeal this decision asking URS to accept SBSRD effective January 1, 2016.

For SBSRD to participate in URS the County Council must sign the attached resolution requesting admission to the Public Employee's Retirement System. (Attachment C)

**B. Recommendation**

Staff recommends the Council approve and sign the attached resolution for Snyderville Basin Special Recreation District's acceptance in the Utah Public Retirement System.

## Utah Retirement Systems

### Retirement Office

560 East 200 South  
Salt Lake City, UT 84102-2021

(801) 366-7700  
(800) 365-8772 Toll Free  
(801) 366-7734 Fax  
www.urs.org

DANIEL D. ANDERSEN  
Executive Director

### Public Employees Health Program

560 East 200 South  
Salt Lake City, UT 84102-2004

(801) 366-7500  
(800) 365-8772 Toll Free  
(801) 366-7596 Fax  
www.pehp.org

R. CHET LOFTIS  
Director

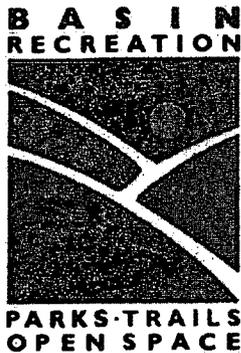
## MEMORANDUM

**TO:** LuAnn Miskin  
**FROM:** Dee Larsen *DL*  
**DATE:** January 26, 2016  
**SUBJECT:** Eligibility of Snyderville Basin Special Recreation District

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After reviewing the information sent to us by Snyderville Basin Special Recreation District, it appears they are a special service district created under Title 17D, UCA, and as such Snyderville Basin Special District is eligible for membership in the Utah State Retirement Systems.

Attachment A



Snyderville Basin Special Recreation District  
Board Meeting Minutes  
Wednesday, February 24, 2016  
Board Room - Trailside Park  
5715 Trailside Drive  
Park City, Utah

**Board Members in Attendance:** Ben Castro, Cathy Kahlow, David Kottler, Aaron Newman, Gary Resnick, Marilyn Stinson

**Absent:** None

**Staff Present:** Sue Ann Brandreth, Stacy Carpenter, Brian Hanton, Director Rena Jordan, Justine Kadziel, Melissa O'Brien, Bob Radke, Matt Strader, Megan Suhadolc

**Attending Guests:** None

**DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL OF  
RECOMMENDATION TO COUNTY COUNCIL TO ENROLL THE DISTRICT IN THE  
UTAH RETIREMENT SYSTEM AS REQUIRED; AND TO TERMINATE THE  
DISTRICT'S SERVICE AGREEMENTS WITH ICMA RETIREMENT CORPORATION**

Suhadolc expressed that the only need at this time is to make a recommendation to County Council to enroll the District in URS and the District can postpone terminating any service agreement with ICMA at this time. The District needs to formally adopt a new 401 plan document by April 30<sup>th</sup> based on IRS regulations before the plan can be terminated. There is no need to rush and terminate the 401 plan because the Board decided on February 10<sup>th</sup> to stop contributions into the plan as of February 22<sup>nd</sup>. The 457 plan is still an option for Staff to contribute to even after joining URS, and therefore doesn't need to be terminated at this time. Staff indicated however that the board must in its role decide if it will formally recommend the District enroll in URS to County Council. Suhadolc asked for confirmation that Brian Bellamy had answered their questions from the prior meeting and the Board said yes and didn't have further questions.

**MOTION:** To recommend approval to the Summit County Council, governing body of the District, to authorize the District's participation in the benefit programs of the Utah Public Employees' Retirement System offered by Utah Retirement Systems. [Resnick/Kottler]. All in favor: Ben Castro, Cathy Kahlow, David Kottler, Aaron Newman, Gary Resnick, Marilyn Stinson. None Opposed. Motion carries.

Attachment B

Council Member Carson asked if employees were required to be members of URS when the memo just stated they were "eligible" to become members of URS. Mr. Bellamy explained that they asked URS that same question and the answer they were given was yes, they are required to be in the system.

Council Member Adair asked if district employees have an option to do the ICMA-RC plan as well as URS. Megan Suhadolc, Snyderville Basin Interim Executive Director, explained the 401(a) which the district was contributing to was strictly an employer contribution and they could not afford to do both.

Chair Armstrong asked if the district loses the appeal what the cost would be for the previous three years' worth of compensation. Ms. Suhadolc stated the district will not take away any moneys employees have already received and this would be an additional contribution, and while they do not have the exact number, they are estimating the cost would be approximately \$650,000-700,000.

**Council Member Carson made a motion for the approval of Resolution No. 2016-04, a resolution requesting admission to the Utah Public Employee's Retirement System. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0. Vice Chair Robinson was not present for the vote.**



Summit County  
Resolution Number 2016-04

**A RESOLUTION REQUESTING ADMISSION TO THE UTAH PUBLIC EMPLOYEE'S RETIREMENT SYSTEM**

WHEREAS, Summit County is authorized to employ personnel on a full-time basis; and

WHEREAS, Summit County has created a special service district known as the Snyderville Basin Special Recreation District (SBSRD) under the provisions of Title 17D of the Utah Code; and

WHEREAS, an election is required by Utah State law to provide Public Employee's Retirement benefits for personnel employed by SBSRD; and

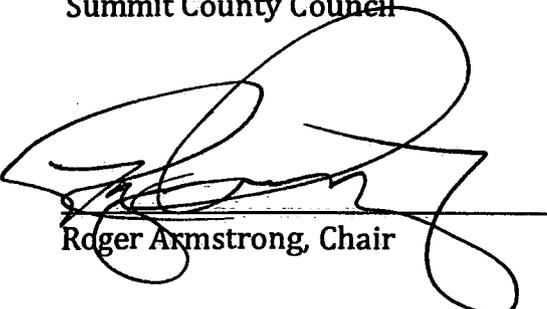
WHEREAS, the SBSRD Administrative Control Board recommends coverage under the Utah Public Employees Retirement Systems for SBSRD employees; and

WHEREAS, it is the intent of the Summit County Council, as the Governing Board of SBSRD to approve and authorize coverage under the Utah Public Employees Retirement Systems for SBSRD employees.

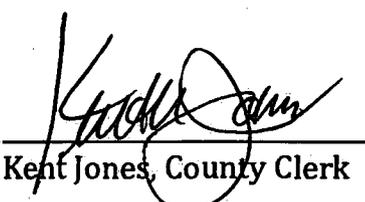
NOW THEREFORE, be it resolved by the Summit County Council as Governing Body of SBSRD, that we undertake all of the necessary actions to enroll SBSRD in the benefit programs of the Utah Employee Retirement System offered by Utah Retirement Systems, including the retirement coverage and death benefit coverage for qualified employees under the laws and regulations of the Utah Retirement Systems.

ADOPTED by the Summit County Council, this 9<sup>th</sup> day of March, 2016.

Summit County Council

  
Roger Armstrong, Chair

3/9/16  
Date

  
Kent Jones, County Clerk



3/9/16  
Date

**CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE 858, A  
TEMPORARY LAND USE REGULATION PROHIBITING NEW HELICOPTER  
LANDING SITES WITHIN THE SNYDERVILL BASIN PLANNING AREA**

Deputy Attorney, Dave Thomas, explained during January 2016 there were some incidences that occurred during Sundance where helicopters were being used as transport from Salt Lake International Airport to sites within Snyderville Basin. Uber was using that service. They had set up landing sites in residential zones and were landing there without any permits from Summit County. The County's position at the time was that the use needed to be in the Use Table of land use ordinances and if it wasn't in the Use Table, it was a prohibited use. While there are various permanent helipads that have been approved in the Snyderville Basin, there was no mechanism in place for any kind of temporary landing pads which ultimately led to filing a motion for a temporary restraining order. During the course of that judicial proceeding it became clear that there was some confusion over regulations. That TRO hearing was continued and during the time period when it was continued over that weekend, a resolution was reached with the helicopter companies.

Mr. Thomas explained a temporary land-use ordinance does not have to go through the normal process and does not need a hearing before the Planning Commission. It simply needs a decision that's been agendaed according to the opening meetings law had by the County Council. That temporary regulation is valid for six months. This will give the Council some additional time to go through the formalized process and determine some permanent regulations and decisions. It defines what a helicopter landing site is. It defines emergency services for helicopters, passenger transport, and general aviation for helicopters. He explained that essentially what they are looking at is adding to the Use Table three uses that have to do with helicopter landing sites, one for each of those specific definitions. Emergency services are circumstances where you have an accident in the county and as a result of that you need life flight to come in and temporarily land. Passenger transport is what they are dealing with during Sundance when people are using it as a transit service. General aviation refers to everything that's not emergency services or transport.

What a temporary ordinance does is it adds those three uses to the Use Table, and provides that the passenger's transport and the general aviation are prohibited in all the zone districts. There would be no new landing sites approved during the next six months. That would allow the County to go through a more timely process, get public input, get input from helicopter companies, and ultimately come before the Council in the future with some permanent regulations. This ordinance does not affect preexisting approved helipad sites in the basin. Currently there is an approved helipad site at the jail, one at IHC Hospital, and one at The Canyons.

Council Member Carson stated in the materials Mr. Thomas provided, it doesn't list those grandfathered sites. She asked if the Council needed to add that information. Mr. Thomas replied it shouldn't be a problem because they're like any other legal nonconforming use under the County's code.

Council Member McMullin asked with the exception of The Canyons site, under what authority were these grandfathered sites granted in the first place if the code is silent with respect to helicopter landing pads. Mr. Thomas replied the hospital site is within Park City limits and was

approved by the municipality. The jail helipad site was approved under a previous version of the code that would have allowed for that approval.

Council Member McMullin asked if the code is silent with respect to something then it's prohibited. Mr. Thomas explained the code specifically states in Section 10-2-10 that if it's not included in the Use Table, it's prohibited.

Council Member McMullin asked if the purpose of a temporary zoning ordinance in part was to react to something that's urgent. Mr. Thomas explained the urgency is to make sure that the status quo is maintained between now and when the permanent regulations are established. He explained there was some concerns by the judge over the clarity of the county's land-use regulation, that it's prohibited and that you merely have to show a violation in order to get an injunction.

Council Member McMullin asked what the process would be if someone were to come "today" out of TZO and ask for a permit of some kind to land a helicopter. Mr. Thomas stated the County would deny them saying that it is not a use. The applicant would then probably appeal it to the County Council and if the Council upheld the Community Development Director, then they would appeal it in the district court. The County would then be in district court again with the judge who had concerns about whether the code was clear or not.

Council Member Adair asked if six months the longest amount of time a temporary ordinance could exist was, and Mr. Thomas replied that is the longest by statute it can go.

Council Member Carson stated she thought it was incumbent upon the Council to go through the process and get something permanent on the books, and have a process that's open through the Planning Commission that provides the opportunity for public input.

Chair Armstrong agreed and also asked if there was a need to account for construction purposes. Mr. Thomas stated that would fall under general aviation and that if they were landing within The Canyons specially planned area this would not apply to them because they have a separate development agreement that deals with landing sites for helicopters. If they were landing in Park City, then Park City Municipal would deal with that. But this would for the next six months say that other general aviation-type things would be a prohibited use.

Chair Armstrong asked Bob Wheaton, on behalf of Deer Valley, if he had any input on how this may affect things at Deer Valley. Mr. Wheaton stated it does affect Deer Valley and one of the questions he had while listening about the ordinance was about construction. Mr. Wheaton explained that a lot of times when Deer Valley is flying snow making equipment, for instance, that needs to go up on the tower and the safest and most effective way to place that equipment is by helicopter. He stated this is a focus that Deer Valley has been looking at for years, and very intently for the last two years in particular, and there is a lot that goes into a landing zone and it's not just about land use. He explained it's not just about noise, neighbors, the FAA and those restrictions, the flight paths, and fire safety, but it's all of those things combined. Mr. Wheaton stated one thought he wanted to offer was with all of the homework Deer Valley's has done and with all of the money they have spent talking with the FAA and consultants, is through the

process there might be an opportunity here for some type of ad hoc committee that could work with planning and approvals so that the county would not have to start over.

Chair Armstrong stated he does not have a dislike for helicopters, but he does have a special concern for the noise impacts of helicopters, the air equality, the impacts on wildlife, and impacts on neighbors. He stated he thought this was a good opportunity to take these six months and sit down and see if they could come up with solutions that can work if this is something that makes some sense.

Lois Reid, on behalf of Air Resources, stated her and her son own businesses and operate nearly 60 aircraft and she would like to explain what they do. She stated they send repairs up to the county's microwave cell towers. They move supplies to people who are doing research in the valley. They do wildlife research and surveys and the helicopters do game capture. They do heli-skiing, haul concrete and provide multiple services for the resorts. She stated they do forest and trail reclamations, stream reclamations, firefighting, and also have an exclusive-use firefighting contract with the forest service. She explained they also do search and rescue work and donate so many hours to search and rescue in certain counties throughout the state because the state does not have the resources or the money to do these things. They look for lost hikers and pick up people with broken legs off the mountains. She stated she just wanted the Council to consider all of those things when they are putting this ordinance together.

Chair Armstrong asked if there was a distinction between existing private uses that occurs in the basin and if that will be allowed to continue since you don't need an approved landing spot on your own property versus a commercial activity which is what Uber represented. Mr. Thomas explained the way this is structured doesn't differentiate transport between commercial and private, so it would be inclusive of both. The Council could decide to put a provision in it that says passenger transport is just commercial, but right now, it's defined as any conveyance of people by means of a helicopter.

Private Citizen, Tim Lapage, stated he is a pilot and that's the first that he's heard that it was prohibited to land on private property with the owner's permission. He stated that's always been the case throughout the state of Utah that you can land as a private operator as a private pilot on somebody's property with their own permission and he will check the ordinances. Council Member McMullin asked Mr. Lapage what was the difference between a private helicopter and a pilot picking up a friend and dropping them off at their house. Mr. Lapage stated a private pilot is entitled to do that under his flying privileges and so there is no difference. He stated if it's for hire and reward, it's a commercial operation and then that falls under certain parameters. He stated he would hate to see a knee-jerk reaction that cuts off all aviation activities and say everything is illegal for six months because of the complaints of 25 to 40 people in a very large community, when it needs to be known that there were many people who were excited and felt that Park City had really arrived and they brought their families and they thought it was cool.

Council Member Adair asked if there have been any complaints on private use up until Sundance where people have complained in the last 24 months of private owners coming in on helicopters. Patrick Putt, Community Development Director, replied to his knowledge he was unaware of any specific complaints of private use of helicopters in the area being filed with his department.

Chair Armstrong asked, given the boundaries of the Snyderville Basin Planning District if this ordinance is broad enough, limiting it to Snyderville Basin as opposed to also Eastern Summit County because 40 is the dividing line. Patrick Putt replied that they have weighed that question carefully and his department's recommendation is that the area probably with the immediate concern is the Snyderville Basin Planning District Area. He explained in moving forward and studying the particular issue in the basin first is paramount to gathering the information in this next six-month process, and if they need to consider extending that further into our Eastern Summit County Planning Area, they can make that decision at that point in time.

Council Member McMullin stated her opinion is you don't need a temporary ordinance to prohibit that which is already prohibited. She stated she understood the need for clarity but there's also an element of urgency to a temporary zoning ordinance which she doesn't feel here because they have the time to do it through the process. She explained if you want to add clarity to the development code, and then add clarity to the development code through the process of the Planning Commission, but she doesn't feel the urgency here.

**Council Member Carson made a motion for the approval of Ordinance No. 858, a Temporary Land Use Regulation Prohibiting New Helicopter Landing Sites within the Snyderville Basin Planning Area, as amended. The motion was seconded by Council Member Adair and passed, 3 to 1. Council Member McMullin was opposed. Vice Chair Robinson was not present for the vote.**

**SUMMIT COUNTY, UTAH  
ORDINANCE NO. 858**

**A TEMPORARY LAND USE REGULATION PROHIBITING NEW HELICOPTER LANDING  
SITES WITHIN THE SNYDERVILLE BASIN PLANNING AREA**

**PREAMBLE**

**WHEREAS**, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, transportation; and,

**WHEREAS**, the goal of Chapter 5 of the Snyderville Basin General Plan (“General Plan”) is to ensure that all development and land use activities undertaken is compatible and in harmony with the surrounding mountain environment while maintaining ecological balance and protecting the scenic and historic qualities of the Snyderville Basin; and

**WHEREAS**, in furtherance of this goal, §10-1-1(D) of the Summit County Code (“Code”) provides that within the Snyderville Basin Planning Area it is the intention of Summit County (“County”) to manage the development of land and land use activities so as to protect and enhance both the mountain environment and resort nature of the area; and,

**WHEREAS**, helicopter transportation impacts both the mountain environment, quiet enjoyment of residential properties and the resort nature of the Snyderville Basin; and,

**WHEREAS**, helicopter transportation can be divided into three use categories: Emergency Services, Passenger Transport, and General Aviation; and,

**WHEREAS**, Emergency Services is defined as either (a) the evacuation by helicopter of person(s) where emergency care is necessary to prevent death or serious impairment of health, or (b) the use of a helicopter for fire-fighting or law enforcement purposes; and,

**WHEREAS**, Passenger Transport is defined as the conveyance of people by means of a helicopter; and,

**WHEREAS**, General Aviation is defined as all civil aviation operations other than Emergency Services and Passenger Transport; and,

**WHEREAS**, a Helicopter Landing Site is a temporary or permanent landing area or platform for helicopters, which may include a fabricated helipad providing a clearly marked hard surface away from obstacles where a helicopter can land safely; and,

**WHEREAS**, while the Federal Aviation Administration ("FAA") has primacy over the safe operation of helicopters, it does not have primacy over zoning regulations which govern the location of the landing sites for helicopters; and,

**WHEREAS**, helicopter transportation uses are not specified in the Use Table under Code §10-2-10, and as such, are prohibited uses within the Snyderville Basin Planning Area; and,

**WHEREAS**, as a result of the use of helicopters for Passenger Transport during the Sundance Film Festival and the attendant issues surrounding such (placement of temporary helicopter landing pads in residential zone districts), together with the subsequent judicial proceedings to prevent such operations, the Summit County Council ("County Council") has determined that more precise regulations governing helicopter transportation and landing sites is necessary; and,

**WHEREAS**, UCA §17-27a-504 provides that the County may enact a temporary land use regulation without prior consideration of a recommendation from the planning commission where the County Council makes a finding of compelling, countervailing public interest; and,

**WHEREAS**, such a temporary land use regulation would be in effect for no longer than six months from the effective date, thus allowing adequate time for the County to enact comprehensive regulations regarding helicopter transportation through the normal statutory processes; and,

**WHEREAS**, it is in the best interests of Summit County to provide for a temporary prohibition on the installation of new Helicopter Landing Sites while comprehensive regulations designed to protect the health, welfare and public safety within the Snyderville Basin Planning Area are being studied, publicly vetted and adopted;

**NOW, THEREFORE**, the County Council of the County of Summit, State of Utah, ordains as follows:

**Section 1.**     **Finding.** Based upon the facts as set forth in the Preamble hereto, the County Council finds that there exists a compelling, countervailing public interest to enact a temporary land use regulation prohibiting new Helicopter Landing Sites within the Snyderville Basin Planning Area.

**Section 2. Prohibition.** Summit County Code §10-2-10 is hereby amended as follows:

USE TABLE

Use	RR	HS	MR	CC	SC	NC	Additional Reference
Helicopter Landing Site – Emergency Services	C	C	C	C	C	C	
Helicopter Landing Site – Passenger Transport	*	*	*	*	*	*	Prohibited Use
Helicopter Landing Site – General Aviation	*	*	*	*	*	*	Prohibited Use

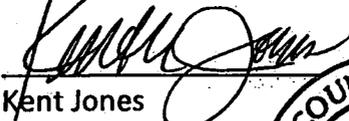
**Section 3. Definitions.**

- A. A **Helicopter Landing Site** is a temporary or permanent landing area or platform for helicopters, which may include a fabricated helipad providing a clearly marked hard surface away from obstacles where a helicopter can land safely. Intermittent landing sites used for emergency medical service or public safety organizations are not included within this definition, and such uses are not affected by this ordinance.
- B. **Emergency Services** is defined as either (a) the evacuation by helicopter of person(s) where emergency care is necessary to prevent death or serious impairment of health, or (b) the use of a helicopter for fire-fighting or law enforcement purposes.
- C. **Passenger Transport** is defined as the conveyance of people by means of a helicopter.
- D. **General Aviation** is defined as all civil aviation operations other than Emergency Services and Passenger Transport.

**Section 4. Effective Date.** This Ordinance shall take effect fifteen (15) days after publication and shall sunset at 5:00 p.m. on September 8, 2016.

Enacted this 9<sup>th</sup> day of March, 2016.

ATTEST:

  
Kent Jones  
Summit County Clerk



APPROVED AS TO FORM

  
David L. Thomas  
Chief Civil Deputy

SUMMIT COUNTY COUNCIL

  
Roger Armstrong, Chair

VOTING OF COUNTY COUNCIL:

Councilmember Carson  
Councilmember Robinson  
Councilmember Adair  
Councilmember Armstrong  
Councilmember McMullin

aye  
absent  
aye  
aye  
no

**APPOINTMENT OF MEMBER TO THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT BOARD**

**Council Member Carson made a motion to appoint Nate Brown to the Snyderville Basin Special Recreation District Board. The motion was seconded by Council Member McMullin and passed unanimously, 4 to 0. Vice Chair Robinson was not present for the vote.**

**CONSIDERATION AND POSSIBLE APPROVAL OF COUNCIL MEMBER ANNUAL COMPENSATION FOR FY2017**

Brian Bellamy, Personnel Director, stated this was a follow-up discussion regarding the need for the Council to set the Council salary for 2017 prior to the filing date so the clerk's office can let candidates for Council know what the costs are to file. He reviewed a staff report listing what the other first, second, and third class counties are paying their councils and commissions. At that time Council had requested staff to go back and determine what occurred back in 2009 and how the Council's salary was set.

Mr. Bellamy provided a new staff report with that information and stated in 2008 the salaries for the Commission were \$62,685 plus and additional \$72,000 for benefits, which equaled \$188,000. So the total salary and benefits for the three commissioners in 2008 total \$260,223. At that time there was discussion that the new form of government Council should not cost more than the commission, and so the formula was taking the three commissioned salaries and dividing it by five and that would be a starting point. The result would be \$37,611 if you took that amount and divided it by five, plus benefits. Mr. Bellamy stated if they were to look at what the Council makes now and also adding benefits, the total would be \$328,000.



## STAFF REPORT

**To:** County Council  
**Report Date:** March 9, 2016  
**Meeting Date:** March 9, 2016  
**Author:** Brian Bellamy  
**Description:** Council Salary History  
**Type of Item:** Discussion and Decision

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### **A. Background**

When Summit County changed their form of government in November 2008, the Summit County Form of Governance Study Committee put a place holder of \$1.00 annually for Council salary. The thought was the new Council would set their salaries.

The County Commissioners, the last year in office (2008), each earned \$62,685.00 plus benefits. This totaled \$188,055.00 annually for the Commissioners. Benefits were an additional \$72,168.26. Total salary and benefits for the three Commissioners in 2008 was \$260,223.26 annually. There was general discussion that the Council form of government would not cost the taxpayers more than the Commission form; the County used the three Commissioner's salaries of \$188,055.00 for a starting point. This number was divided by five, giving the County a salary of \$37,611.00 for each Council member.

In 2009 the first County Council, after a comprehensive discussion, decided the salary for the new Council would be \$29,000.00 with no benefits. In 2010 the Council awarded the Chair of the Council a 20% increase in salary to compensate them for their additional time.

The Council did not receive any benefits until 2011 when they started to accrue retirement. In 2012, the Council in conjunction with other employees started to receive small increases.

Today four Council members earn \$32,736.81 with the chair earning \$38,895.21. Total for Council salary is \$169,842.45 annually. (Page 2 Chart A) When you add benefits to salary total Council salary and benefits for 2016 equals \$265,179.16 annually.

The question posed to staff was, "If the Council had taken the original amount, where would their salary be today?" Staff started with the \$37,611.00 previously addressed and added the same increase percentages awarded to the Council to arrive at \$42,450.79, with the chair earning \$50,940.95. (Page 2 Chart B) Total for Council salary in this scenario is \$220,744.11 annually. When you add 2016 benefits to salary the Council salary and benefits for 2016 would be \$328,760.43.

The difference between the two scenarios is \$63,581.27 annually.

**B. Recommendation**

Staff recommends the Council set the Council salary for 2017 prior to the candidate filing date.

**Chart A**

	Salary	Commission/ Council Members	Salary Total
Year 2008	\$62,685.00	3	\$188,055.00
Proposed Year 2009	\$37,611.00	5	\$188,055.00
Actual Year 2009	\$29,000.00	5	\$145,000.00
Year 2010 Increase	\$29,000.00	4	\$116,000.00
	\$34,800.00	1	\$150,800.00
Year 2011 Increase	\$29,000.00	4	\$116,000.00
	\$34,800.00	1	\$150,800.00
Year 2012 Increase	\$29,703.00	4	\$118,812.00
	\$35,644.00	1	\$154,456.00
Year 2013 Increase	\$30,000.58	4	\$120,002.32
	\$36,000.69	1	\$156,003.01
Year 2014 Increase	\$30,906.59	4	\$123,626.36
	\$36,720.70	1	\$160,347.06
Year 2015 Increase	\$31,447.45	4	\$125,789.80
	\$37,363.31	1	\$163,153.11
Year 2016 Increase	\$32,736.81	4	\$130,947.24
	\$38,895.21	1	\$169,842.45

**Chart B**

	Salary	Commission/ Council Members	Salary Total
Year 2008	\$62,685.00	3	\$188,055.00
Proposed Year 2009	\$37,611.00	5	\$188,055.00
Year 2010 Increase	\$37,611.00	4	\$150,444.00
	\$45,133.20	1	\$195,577.20
Year 2011 Increase	\$37,611.00	4	\$150,444.00
	\$45,133.20	1	\$195,577.20
Year 2012 Increase	\$38,524.95	4	\$154,099.80
	\$46,229.94	1	\$200,329.74
Year 2013 Increase	\$38,910.20	4	\$155,640.80
	\$46,692.24	1	\$202,333.04
Year 2014 Increase	\$40,077.50	4	\$160,310.00
	\$48,093.00	1	\$208,403.00
Year 2015 Increase	\$40,778.86	4	\$163,115.44
	\$48,934.63	1	\$212,050.07
Year 2016 Increase	\$42,450.79	4	\$169,803.16
	\$50,940.95	1	\$220,744.11

take into consideration as they set salaries for themselves after the Council-Manager form of governance takes effect on January 1, 2009. There are currently two proposals for such salary allocation:

<i>Current (10/07)</i>	<i>Individual</i>	<i>Commission/Council</i>
Annual Salary	\$59,580.00	\$178,740.00
Annual Benefits	<u>\$15,850.94</u>	<u>\$ 47,552.83</u>
Total	\$75,430.94	\$226,292.83

*Proposal #1*

*Commission Annual Salary Divided by 5*

Annual Salary	\$35,748.00	\$178,740.00
Annual Benefits	<u>\$15,850.94</u>	<u>\$ 79,254.72</u>
Total	\$51,598.94	\$257,994.72

*Proposal #2*

*Commission Total Salary Divided by 5*

Annual Salary	\$29,407.62	\$147,038.10
Annual Benefits	<u>\$15,850.94</u>	<u>\$ 79,254.72</u>
Total	\$45,258.56	\$226,292.83

**Recommendation #4**

The current Board of Commissioners should appoint an Interim County Manager by September 1, 2008. Said Interim County Manager will serve in said capacity until the County Council selects a County Manager in accordance with the selection process in the Optional Plan of Government for Summit County, Utah, Section 9.04, which was adopted by the vote of Summit County residents in November 2006 and shall become effective on January 1, 2009. The subcommittee recommends that the Board of Commissioners holds an Executive Session with all other Elected County Officials and discuss possible choices of an Interim County Manager chosen from within County government. After the Board of Commissioners has discussed possible choices for an Interim County Manager with the other Elected Officials, the Board of Commissioners shall make its final choice, which shall be presented in open session of the Board of Commissioners. Once the County

Mr. Bellamy explained if the Council had taken the \$37,000 offered in previous years, Council today would be making \$42,450.79, with the Chair making, \$50,940.95, which were salaries only. When you add the 2016 benefits, that would take the Council's salary and benefits to \$328,760. Mr. Bellamy stated if you look at figures in 2008, three commissioner's total salaries and benefits was \$260,223. Currently in 2016 Council's salaries equal \$265,000, which is only \$5,000 above where three commissioners were in 2008, not taking into account inflation or the cost of substantially increased healthcare at this point.

Council Member Adair stated everyone needs to be paid fairly in an industry, so a fair day's work for a fair day's pay, but he also understands that if Council gives themselves a raise, senior citizens, for example, can't give themselves a raise and the threshold remains the same and you then become career politicians; however, that's really not a livable wage if someone wants to do this job full-time.

Council Member McMullin stated the average median income in Summit County is \$82,000 a year and Council's current salary is nothing close to it. She explained she strongly believes the Council needs to undo that which was done in 2009 because it was a bad decision then and they're not going to have many opportunities to fix it.

Council Member Carson stated she is concerned about attracting people that are willing to work on the Council and are able to do it if they don't have another position or if they're concerned about holding a part-time job on top of these positions. She explained that everybody's situation is different, but being in a public position, they can't expect that they would make the same as in a private sector. She stated she would support an increase to the salaries but doesn't believe it should go as high as \$42,000.

Chair Armstrong stated the people that are thinking of applying to run for Council positions need to know this is a demanding job in terms of time. It's not just the decisions they have to make. They will have to put the time in to do the work of being prepared for meeting, responding to constituents, attending various events that the Council goes to, serve on boards and/or ad hoc committees and boards that relate to transportation or economic development, etc. He explained some people may not be able to take the substantial time off in their careers and many of the current Council members are either self-employed or this is what they've dedicated most of our time to. He stated it has had an impact on his regular job and you can't make up the hours that it takes to do this position when you work on an hourly basis. So for people that are considering applying, they have to take into account how much they're going to be paid for this, whether it's going to result in any loss of pay from their current job or promotional opportunities, and whether the compensation that they will be getting for this position is enough.

Council Member McMullin stated they need to be able to attract people who are not independently wealthy, not retired, and a more diverse crowd taking into consideration all of those factors the Chair previously stated.

Mr. Bellamy explained since the Council has been in place since 2009 the average salary increase has been 1.75 percent per year. The average increase for essentially the four years there's been an increase averages out to be 2.46 percent per year. He stated he believes this body has been self-governing making sure that they're not enriching themselves with the public, and 1.75 percent since 2009 is fairly minimal.

Council Member Carson stated one important thing is to consider is they are not doing this as a raise, but as an adjustment, and there's a big difference.

**Council Member McMullin made a motion for the approval of an annual compensation for fiscal year 2017 for Council Members of \$40,000 plus benefits, and \$45,000 plus benefits for Council Chair. The motion was seconded by Council Member Carson and passed, 3 to 1. Council Member Adair was opposed. Vice Chair Robinson was not present for the vote.**

### PUBLIC INPUT

Chair Armstrong opened the public input.

There was no public input.

Chair Armstrong closed the public input.

### COUNCIL COMMENTS

Council Member McMullin stated she's enjoyed her time on the Park City television but she would like to start rotating so everyone could have a chance to go on once a month for the rest of the year.

Council Member Carson stated they could open it up to a rotation and include Manager Tom Fisher as well.

Council Member McMullin stated she attended a transportation subcommittee meeting and they discussed all of the items of the wish list of things that can be done and trying to prioritize them within the groups, and are also gathering numbers so they can figure out what will have the most impact.

Council Member Carson stated there's a solar bill, SB-115 that keeps changing frequently. She explained it's very difficult when you don't know the legalities within the bills to have a clear understanding of how it changes when it's changing that rapidly, so they are relying on Utah Clean Energy and have asked Sustainability Program Manager, Lisa Yoder, to study it. She stated it's important for Council members to contact representatives to explain they really need to protect residential and commercial solar. Chair Armstrong agreed and stated this could kill rooftop solar and give Rocky Mountain Power the ability to set charges on rooftop solar.

Council Member Carson stated the wildland fire bills passed and \$2 million for wildland fire suppression efforts has been appropriated.

Council Member Carson provided a Public Lands update and stated they have been working with Casey Snider from Congressman Bishop's office on amending language to the draft version of the PLI in order to have it comport with Summit County's proposal. She stated they have made some headway. She explained they have an idea for the wilderness section that inside the bill it would state that Summit County's addition to the wilderness would be managed under the 1984 Utah Wilderness Act, so that would have the management as the county would want to see it. She explained while that is encouraging, the County did make it clear to the rest of the state that even if they got their piece of it the way they wanted it, that if they weren't comfortable the way the rest of the state was being put together that we may still make the decision to withdraw. They have been asked to join the other counties in support of the PLI process, so Council needs to make a decision in regards to that. She also explained they talked about putting a separate section within the PLI that addressed watershed areas and if it adds more emphasis to the importance of watershed protection, they thought that would be beneficial. So if the language doesn't end up being much different from the special management areas, then they may just add it on the bottom as an additional provision.

Council Member Carson stated she attended a school district meeting with Council Member Adair. The three school districts were present along with Manager Tom Fisher. Community Development Director, Patrick Putt, presented information on growth in the area. She stated there was good dialogue between the school districts on future planning efforts.

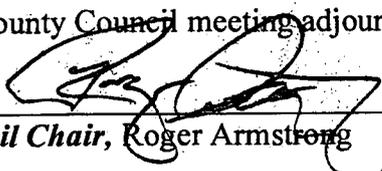
Chair Armstrong explained that in the course of the last transportation subcommittee meeting one of the recommendations he made was to establish a grid. They have a fairly long list of everything from E-bikes to increased busses and longer schedules to road projects. Part of what he's asked staff to do is to start prioritizing some of those opportunities in terms of how long it will take to implement. They have posed the questions: Who is it going to target? What is the target demographic? How many cars will it take off the road based on an estimate? What's the overall cost? There are a number of criteria that they have established for this grid so Council can start to try and figure out what they want to allocate resources to, and they can have some means of estimating the impact and can decide how much they want to allocate to any particular thing, and also have a means of measuring the impact. He explained they've got to be careful about how they measure the success of programs, however, because the Salt Lake City to PC bus started out small and if they had looked at it after the e first year, they might have concluded that maybe they didn't want to throw resources at it, but now it has 250 riders.

Chair Armstrong explained they are still having conversations with Salt Lake City, Park City, and Salt Lake County in regards to renewable energy. They are looking at getting the interlocal agreement and other pieces of this approved by April.

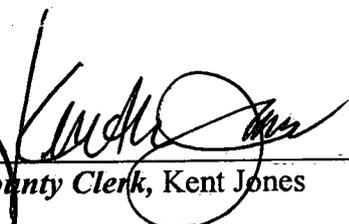
### MANAGER COMMENTS

There were no manager comments.

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

  
Council Chair, Roger Armstrong



  
County Clerk, Kent Jones

*[Handwritten signature]*