

**Park City Fire Service District  
Administrative Control Board – Regular Meeting Minutes  
Fire District Administrative Office Building  
736 West Bitner Road, Park City, Utah  
May 1, 2018**

**Administrative Control Board regular meeting called to order:** 6:40 p.m.

**Board Members Present:** Chair Jay Dyal, Vice Chair and Treasurer Michael Howard, Secretary Alex Butwinski, Board Member Christina Miller, and Board Member Tim Henney

**District Personnel Present:**

Chief Paul Hewitt  
BC Pete Emery  
FM Mike Owens  
Captain Ashley Lewis  
CFO Del Barney  
Human Resources Officer Patti Berry  
Admin. Asst. Debbie Colgan

**Additional Attendees:** Megan Weber, Zions Bank Public Finance

**I. Oath of Office to be taken by Board Member Tim Henney**

CFO Barney, who is a notary public, administered the Oath of Office to Board Member Tim Henney as follows:

"I do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with fidelity."

**II. Approval of March 6, 2018, and April 3, 2018, Meeting Minutes**

Vice Chair/Treasurer Howard made a motion to approve the minutes of the March 6, 2018, Administrative Control Board meeting. The motion was seconded by Board Member Miller and passed unanimously, 3-0. Chair Dyal and Board Member Henney abstained from voting as they were not present for the March 6, 2018, meeting.

Board Member Miller made a motion to approve the minutes of the April 3, 2018, Administrative Control Board meeting. The motion was seconded by Secretary Alex Butwinski and passed unanimously, 4-0. Vice Chair/Treasurer Howard abstained from voting as he was not present for the April 3, 2018, meeting.

**III. Public Input**

There was no public input.

#### **IV. Board Member Reports and Business**

##### **A. Correspondence**

There was no discussion of the correspondence.

##### **B. Financial**

As discussed in the work session, there are questions regarding variances in the Operations and Personnel categories of the 2017 audit report; this issue will be discussed at the next Board meeting.

#### **V. Old Business**

There was not any old business.

#### **VI. New Business**

##### **A. Public Hearing to Discuss and Possibly Adopt a Resolution for an Impact Fee Study and Capital Facilities Plan**

By resolution, the Park City Fire Service District (PCFSD) proposes to adopt an impact fee facilities plan and impact fee analysis and imposing fire protection impact fees; providing for the calculation and collection of such fees; providing for appeal, accounting and severability of the same; and other related matters.

Del introduced Megan Weber of Zions Public Finance, she is present to answer any questions regarding the impact fee study and capital facilities plan. Secretary Butwinski asked what a non-qualifying impact fee cost was, and Megan replied non-qualifying impact fees would be such things as O&M costs and other things that are not a capital need of 10 years or more. That is the rule of thumb the Impact Fees Act uses. For example, with water or sewer entities, you may have project-level improvements that might serve just a small neighborhood and not the whole system. Only system improvements can be collected in the impact fees. In the District's case, qualifying costs would be facilities and some apparatus.

Secretary Butwinski commented there was a \$5M line item in the impact fee study but only \$1M of it qualified. Megan replied it might have been a facilities item and the portion of the facility that serves the District's existing residents would be taken out, because the impact fee is only assessed to help new growth pay their fair share for the overall facility cost.

Secretary Butwinski also had a question from last week's meeting regarding the application of apparatus fees. A question was asked whether the cost of the \$1.3M ladder truck the District is proposing to purchase could be primarily charged against the entities that require that apparatus, such as the Montage. The general answer was yes, but entities that fall under the lodging category (such as the Montage) are not included in that particular impact fee. Secretary Butwinski said he would like to know why.

Megan replied the Impact Fees Act states non-residential development can be charged the apparatus fee. A lot of attorneys within the state have interpreted that to mean commercial development. Megan said normally they would not have lodging broken out from general commercial, so her opinion, which is not a legal opinion (the District would want to check with their attorney), is the lodging category in addition to general commercial could be assessed the per-thousand-square-foot impact fee.

Secretary Butwinski reiterated that in the current study, lodging is specifically carved out, we are not charging them the fee. Board Member Miller commented it seems like lodging would take a lot of the District's resources. Vice Chair/Treasurer Howard said high-density housing is another consideration because there is a lot of it being proposed. Anywhere where residents are densely packed, you might see more calls to that area. In her opinion, Megan said when the apparatus fee was added to the Impact Fees Act, she believes they were thinking of tall buildings, which would be the driver of the District getting a ladder truck.

Chief Hewitt commented the ladder trucks are very expensive and they fulfill one big requirement, and that is high-rise buildings. They made concessions for that, you can charge for ladder trucks. Secretary Butwinski said the proposed impact fees do not allow this. Fire Marshal Owens said it may be helpful to explain why lodging was removed from the commercial category to begin with; if he remembers correctly, when commercial and lodging were grouped together, the study numbers were getting muddied because of medical calls, not fire calls, and Megan confirmed this. The majority of our medical calls end up going to the lodging locations because that is where we pick up a good deal of our ski resort patients. Lodging was removed from commercial to make the numbers more accurate.

Secretary Butwinski then asked Megan if her non-legal opinion was that it would be appropriate to charge the apparatus fee to the lodging category, and Megan replied she thinks it would be fair but the District would want to have it approved through its attorney. Vice Chair/Secretary Howard said it is important to get the fee assigned correctly so new development can be assessed appropriately. Chief Hewitt said we will discuss this issue again at the next meeting. Possible adoption of the resolution is tabled until the next meeting.

There was no public comment on the subject.

## **B. Possible Approval of 2017 Audit**

Board Member Miller made a motion to approve the 2017 audit contingent on the answers to be given at the next Board meeting regarding differentials in the personnel and operational costs outlined in the audit report. The motion was seconded by Secretary Butwinski and passed unanimously, 5-0.

## **VII. Staff Reports and Input**

There was no input on staff reports.

## **VIII. Discussion of Possible Future Agenda Items/Additional Comments**

As discussed in the work session, questions regarding the Operations and Personnel categories as they appear in the 2017 audit report will be explained in detail at the next meeting. The issue regarding apparatus fees will also be discussed at the next meeting; another public hearing on the capital facilities plan and impact fee study will be held during the next meeting.

## **IX. Closed Executive Session**

There was no need for a closed session.

## **X. Adjournment**

Vice Chair/Treasurer Howard made a motion to adjourn, it was seconded by Secretary Butwinski and passed unanimously, 5-0. The regular meeting of the Park City Fire District Administrative Control Board adjourned at 6:54 p.m.

The next regularly scheduled meeting of the Park City Fire District Administrative Control Board will be June 5, 2018, beginning at 6:30 p.m. in the PCFD Administrative Offices, 736 West Bitner Road, Park City, UT 84098.

Approved: \_\_\_\_\_

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