
Absent: None

Staff Present: Director Brian Hanton, Brian Kadziel, Justine Kadziel, Ben Liegert, Melissa O’Brien, Matt Strader, Megan Suhadolc

Attending Guests: Tom Spencer, Laura Arnold and Kathleen Johnson from the Jeremy Ranch HOA. Roger Armstrong, Summit County Council; Tom Fisher, Summit County Manager.

CALL TO ORDER AND PUBLIC INPUT

The meeting of January 16, 2019 was called to order by Chair Castro at 6:06pm.

There was no public input.

Chair Castro closed public input at 6:06pm.

ELECTION OF 2019 DISTRICT OFFICERS

J. Kadziel stated the slate of officers as recommended at the December 13, 2018 meeting, as follows: Ben Castro – Chair; Nate Brown – Vice Chair; Aaron Newman – Treasurer; Carrie Westberg – Clerk.

MOTION: To elect the slate of Snyderville Basin Special Recreation District Administrative Control Board officers as stated for 2019: Ben Castro – Chair; Nate Brown – Vice Chair; Aaron Newman – Treasurer; Carrie Westberg – Clerk. [Kottler/Kahlow] All in favor: Nate Brown, Ben Castro, Cathy Kahlow, David Kottler, Aaron Newman, Gary Resnick, Carrie Westberg. None Opposed. Absent: None. Motion carries.
ESTABLISHMENT OF SBSRD AD HOC AND STANDING COMMITTEES
Chair Castro asked J. Kadziel to review the 2018 Ad Hoc and Standing Committees. After
sharing, Board members volunteered or were placed on the following committees:

AD HOC COMMITTEES:
Recreation Committee (Chair Nate Brown, Carrie Westberg)
Capital Investment Committee (Chair Gary Resnick, David Kottler)

STANDING COMMITTEES:
District Director Liaison & Annual Review Committee (Chair Gary Resnick, Aaron
Newman)
Personnel Committee (Chair David Kottler, Aaron Newman)
Audit Review Committee (Chair Ben Castro, all Board Members)
Trails Committee (Chair Nate Brown, Cathy Kahlow)
Open Space Committee (Chair Cathy Kahlow, David Kottler, Carrie Westberg)

BOSAC COMMITTEE:
Cathy Kahlow will remain as the appointed member on this committee.

DISCUSSION WITH JEREMY RANCH HOA ON POSSIBLE LAND DEDICATION TO
THE DISTRICT
Tom Spencer, Treasurer of the Jeremy Ranch HOA, shared with the Board that in its August
HOA meeting, discussion ensued of kickstarting the process of adding a regional park. The HOA
has been inundated by requests for such. Spencer shared that an attempt was made 10 years ago
but there was no serious effort made. The current HOA Board has taken a more serious approach
to this project and has already spent money to facilitate and move forward with a potential park.
This HOA represents 627 homeowners, roughly 1,000 voters, with additional HOAs on the north
side of I-80. A map was displayed for the Board indicating that there is not much left to be
developed on the north side and that the HOA owns 600 acres of open space, which is deed
restricted for recreational use only. In September 2018, HOA members and District staff
discussed some logical spaces where the HOA could donate the land as a permanent easement or
lease to the District, depending on legal recommendation. Spencer shared that the Jeremy Ranch
HOA is hoping to convince the District to move this project up on its priority list. He feels this
regional park could be a great asset to this end of the Snyderville Basin. The HOA has authorized
$25,000 to this project, of which the HOA has already contracted out $13,000 for initial studies
necessary to the design process. Those studies include a wetland delineation study and a
topographic land study along East Canyon Creek which will be started in the spring. Laura
Arnold arrived and was introduced as the HOA President of the Board who has worked
previously on many parks’ Boards. Kahlow commended the HOA Board and community for
taking these first steps of the process. Kathleen Johnson arrived as a member of the Board and
shared her enthusiasm at the prospect of partnering with the District on this project. She added
that this HOA represents a mature community who, in the past, has been soft spoken as it relates
to community affairs. The HOA Board and community have a high level of energy and
commitment to bring this project to fruition. Westberg asked about the type of
structures/activities that have been discussed or envisioned for this park. Spencer answered that
the HOA would be looking to District staff to help determine what would work best. Hanton said that after talking to the team, due to the landscape, it would probably not be one contiguous park but rather broken up into smaller pods. He is looking forward to results of the studies to help guide them. He shared that parking will need to be figured out. Johnson informed the Board and staff of the restrictions of those easements, including keeping the area in its natural state, prohibiting motorized vehicles on the property, and prohibiting commercial development. Kahlow asked about a potential survey to find out what the neighborhood voters want. O’Brien said that staff did not want to ask questions before results from the surveys are complete. Castro asked if the HOA Board has had discussions with Tom Fisher, Summit County Manager. Spencer shared that he has not been successful in getting feedback from him and would love any help from District staff or Board. Kottler asked if anyone has reached out to the owner of the property regarding the parking situation. Spencer said they are waiting to hear back from the County. Castro thanked the HOA Board members for their time and effort with this potential project.

**CONSENT AGENDA**

1. REQUEST TO APPROVE MINUTES FROM 12/13/18
2. REQUEST TO APPROVE THE PRIOR MONTH’S EXPENDITURES

Newman asked about the item labeled “sock for Celebrate the Spirits” and B. Kadziel replied that it should have said “socks” for participants of the Celebrate the Spirits event.

Brown asked about the DAS charge description of Open Space expenses and O’Brien answered that it consisted of multiple items but that the bulk of that expense was for gift items for volunteers of the Run-A-Muk poop clean-up event.

**MOTION:** To approve the two-point Consent Agenda. [Brown/Westberg] All in favor: Nate Brown, Ben Castro, Cathy Kahlow, David Kottler, Aaron Newman, Gary Resnick, Carrie Westberg. None Opposed. Abstain: Cathy Kahlow from 12/13/18 minute approval. Absent: None. Motion carries.

**DISCUSSION AND POSSIBLE APPROVAL OF REVISIONS TO PERSONNEL, OPERATIONS, AND DISTRICT POLICIES**

Board members received a staff report from Brian Hanton, Megan Suhadolc, and Melissa O’Brien in their Board packets prior to the meeting. In 2016, the District filed its (1) Policies and Procedures, (2) Personnel Policies, and (3) Operational Policies with the Summit County Council for approval. Instruction was given to evaluate the policies annually and bring any recommended changes first to the Board for recommendation and then to the County.

Director Hanton said that all requested modifications are intended to better align the policies to District operations.

Director Hanton shared that a number of changes were made to the Personnel Policies based on suggestions made at the County level to clarify benefits for seasonal employees. Specifically.
such changes will disqualify seasonal employees from medical benefits. Brown asked if medical
benefits for seasonal staff were optional. Suhadoc explained that the District has to either
provide benefits or if staff chooses to waive benefits, the District is required to pay a waiver to
the employee. The County has already adopted this policy of allowing seasonal staff to work up
to 40 hours without being offered medical benefits.

Kottler mentioned a typo within the Operational Policies, Chapter 3, where it says tennis courts
at The Fieldhouse. He felt the word “tennis” should be removed.

Newman asked about adding information in the memorial section regarding spreading human
ashes on District trails, similar to what the County has added. Hanton said it would be a decision
made by the Board to add to District policies.

Newman suggested that staff review the entire procurement process as he noticed it was very
different from the County. O’Brien shared that Dave Thomas has reviewed and given his
approval.

MOTION: To approve the changes to the Policies and Procedures, Personnel Policies and
Operational Policies and forward a positive recommendation for approval to the County Council.
[Kottler/Kahlow] All in favor: Nate Brown, Ben Castro, Cathy Kahlow, David Kottler, Aaron

Resnick asked about whether the policies need to reflect County Council acting in its Governing
Board capacity. He wanted to know if there was an intentional change in nomenclature. Suhadoc
said that she wasn’t aware of a change and that the policies have always referred to it as County
Council. Kottler suggested raising the question to Dave Thomas for some clarity and direction.

DISCUSSION AND POSSIBLE APPROVAL OF THE SALE OF THE DISTRICT’S
EXCESS DENSITY AT NEWPARK

Board members received a staff report from Brian Hanton and Melissa O’Brien in their Board
packets prior to the meeting. On April 9, 2003, Summit County and the District executed an
Assignment of Transferred Density Rights, pursuant to which the County assigned 112,000
square feet of transferred density rights (“TDRs”) of “Base Density” and 90,280 square feet of
TDRs of “Bonus Density” in Kimball Junction to the District. The District paid $1,000,000 for
these TDRs. The Base Density TDRs were to be used for the development of The Fieldhouse and
other public recreational facilities and for no other purpose. The Bonus Density TDRs were
eligible for transfer or assignment by the District to the developer or a third party. On April 13,
2003, the District assigned its Bonus Density TDRs to the developer. After the final expansion of
The Fieldhouse, the District held excess TDRs for 27,370 square feet. In 2016, the District
approached the County Council to discuss the potential sale of the excess TDRs. The Council
expressed a possible willingness to reassign the density for an appropriate workforce housing
project. The District then released a request for proposals to solicit interested parties. After
negotiating with one party, the District was unable to execute an agreement. In 2018, a developer
reached out to the District with interest in purchasing the density and a second set of negotiations
ensured.
After negotiations, Newpark Retail, LLC, and Basin Recreation have agreed on the sale of the District’s surplus density to Newpark Retail, LLC for $300,000 to be used in a mixed-use project, including affordable housing above commercial. Under the terms of the Agreement, the Newpark Retail, LLC will pay a $25,000 refundable deposit upon execution of the Agreement and the remaining $275,000 shall be due within ninety days of final approval by Summit County of the Application to construct the Project, including the expiration of all appeal deadlines that may apply to the Application.

**MOTION:** To approve the Real Estate Purchase Agreement and forward a positive recommendation to the County Council for the sale of the surplus density at Newpark to Newpark Retail, LLC for $300,000. [Brown/Kottler] All in favor: Nate Brown, Ben Castro, Cathy Kahlow, David Kottler, Aaron Newman, Gary Resnick, Carrie Westberg. None Opposed. Absent: None. Motion carries.

Director Hanton asked that the agenda be rearranged in order to accommodate members of County Council joining the below discussion. Chair Castro moved to Questions on Department Updates.

**DISCUSSION AND POSSIBLE APPROVAL OF LEGAL SERVICES FROM SQUIRE PATTON BOGGS**

Board members received a staff report from Brian Hanton in their Board packets prior to the meeting. In 2018, Summit County and Basin Recreation entered into negotiations for the Open Space acquisition of the Florence Gillmor property along the Hwy 40 corridor. Due to the complexity of the transaction, acquiring outside council to assist in this transaction was deemed prudent. In order to finalize the contractual documents that are required for this property, Squire Patton Boggs has been retained to work on behalf of the County and the District. Services of Squire Patton Boggs has been extended through March 2019. The retainer fee per month is $25,500. When development occurs, the open space fund will be reimbursed from the developed area.

Fisher stated that he read through the December Board minutes and understood that there were questions regarding the scope of work from the law firm. He explained that Squire Patton Boggs were originally retained for three months to help facilitate the transaction as it was determined that staff needed to contract with someone that had some “muscle” in Washington and Denver to bring the documents to their finality so that the property could be closed. Staff received an extension from the property owner to March 2019 for closing. Squire Patton Boggs has been extremely helpful in streamlining the process with the EPA to get it involved and to answer questions quickly to rally up State and Federal Trustees. Armstrong added that the firm has a partner in its environmental practice that has experience with toxic waste. Concerns over protecting the County and District from future liability underlie why it became so important to have the expertise to guide the District and County through the process. Armstrong added that most firms would work on an hourly basis, but a deal was worked out with Squire Patton Boggs for a fixed fee and the firm is working hard to counsel staff and draft letters to the delegation.
Kottler stated that he understands the need to hire outside counsel within this specialized field. He felt that was a good idea and is in compete support. He asked if by paying for these legal fees is the District in compliance with its procurement policies. It is Kottler’s understanding that it is a $25,500 monthly flat fee and is curious to know what happens if it is lengthened. Fisher answered that from a procurement standpoint, County received bids from at least 2-3 firms before engaging Squire Patton Boggs. The County negotiated a lesser amount for work going past January 1, 2019, because there is less work that needs to be done. Armstrong added that it is down to a handful of issues and that legal assistance is coming to an end. It is now at a stage where some binary decisions will need to be made. Kottler asked if the District’s procurement policies follow County procurement policies and O’Brien answered that it was the County who is the procurer.

Resnick asked if this is essentially a special vendor relationship and the District could waive its procurement requirements. Castro said that it was the County that engaged the services and not the District. Suhadolc stated that all she needed was Board authorization of a payment over $20,000 up to a certain amount.

**MOTION:** To reimburse Summit County for legal counsel fees for the Gillmor property from open space bond funds to Squire Patton Boggs up to $76,500. [Kottler/Westberg] All in favor: Nate Brown, Ben Castro, Cathy Kahlow, David Kottler, Aaron Newman, Gary Resnick, Carrie Westberg. None Opposed. Absent: None. Motion carries.

Chair Castro moved back to the agenda item regarding Board Member Questions and Review of Action Items.

**QUESTIONS ON DEPARTMENT UPDATES**
Board members received Department updates, including 2019 department goals, from Staff in their Board packets prior to the meeting.

Kahlow asked about the Marketing & Graphic Designer Coordinator and J. Kadziel responded that she was with the District for 5 months but is relocating to Chicago with her husband. Castro asked what can be done differently with the position and J. Kadziel said that it is a tough position to fill as staff is looking for help with marketing but also requires the skillset of some graphic design.

Newman asked about the “learn to ride” features that were being researched by staff. Liegert said that staff is looking at a mile loop with five or so features that will help beginners.

Castro congratulated staff on the sales at The Fieldhouse from the Fitness Wellness Fair in January. Strader added that it was a great event and that sales were slightly higher than the previous year. Castro asked if anything is different and Strader said there are just more people finding out about the facility and the quality of fitness and programs is high. Westberg asked Strader if he had demographic stats from those purchasing passes. Strader said he did not but that staff will look into that for the future.
Brown asked about the Fieldhouse & Facilities 2019 goals regarding “reducing three partner programs” and Strader jokingly responded that it is for programs such as the Nate Brown Sports Camp. Strader feels like with the skill set of staff in house, partnership programs may not be as necessary as they have been in the past.

Neiman asked if there is an upcoming legislature that staff is aware of that will affect the District. O’Brien shared that she received her first email from the Utah Association of Special Districts (UASD) and saw nothing that would currently affect the District.

Castro mentioned being disappointed with there not being a trivia question in the Recreation department update. B. Kadziel joked that it was a test and that the Board passed, and trivia will be added back.

Resnick made an observation regarding department goals. He was pleased to see that each department set goals for 2019 but that he did not see the Director goals woven into department goals. Director Hanton shared that all managers were given Director goals and tried to incorporate where they could.

**UPDATES FROM DISTRICT COMMITTEES**

**STANDING COMMITTEES:**

- **District Director Liaison & Annual Review Committee** (Chair Gary Resnick, Aaron Newman): Resnick shared that the Board desired a more in-depth report and that will be given in the closed personnel session. Newman mentioned staff was looking into software programs that would be helpful regarding project management.

- **Personnel Committee** (Chair David Kottler, Aaron Newman): did not meet.

- **Audit Review Committee** (Chair Ben Castro, all Board Members): did not meet.

- **Trails Committee** (Chair Nate Brown, Cathy Kahlow): met and discussed the Trails Master Plan update and how adjustments can be made in-house moving forward. In February, the document will be brought in front of the entire Board for approval. Kahlow asked Newman to pay special attention to the accessibility part. Staff shared a bit about the Rob’s Trail discussion. Director Hanton said that he was updated today by Vail and that, due to avalanche dangers in the area, from November 1 to May 15, certain sections of Rob’s Trail on Vail property will be closed.

- **Kottler asked if there are other District trails susceptible to avalanche danger either on District property or through an easement. Liegert said the District has never received a report of avalanche danger on its trails but will look into it.**

- **Open Space Committee** (Chair Cathy Kahlow, David Kottler): did not meet. O’Brien shared that Jess Kirby would be doing a presentation in February or March for the Board.

**AD HOC COMMITTEES:**

- **Recreation Committee** (Chair Nate Brown, Aaron Newman): did not meet.

- **Capital Investment Committee** (Chair Gary Resnick, Cathy Kahlow): did not meet.

- **BOSAC COMMITTEE**: did not meet. Kahlow shared that the BOSAC Committee is very interested in providing input for the Districts upcoming survey regarding open space money being used for non-recreation purposes. O’Brien said that many BOSAC Committee members
are interested in exploring options of raising open space money that has no recreational
component. Kottler asked if BOSAC or anyone else has made a push to County Council for open
space money without a recreational component. O’Brien said she is looking forward to Dave
Thomas joining the BOSAC meeting in March to lay out the constraints that the District faces
regarding open space.

DIRECTOR COMMENTS
Director Hanton noted that Suhadolc included in her department update the research she has
done on increasing the District’s excess liability insurance coverage, as well as privacy/network
security liability insurance. She had reached out to the District’s IT provider, as well as an
insurance agent, and all were in favor of the potential increase. Suhadolc asked Board members
if they would like to see another proposal considering the addition of cyber liability insurance
coverage. Board members were in favor of this.

Director Hanton shared with the Board that the City decided to match the $50,000 that the
District contributed. The three-year agreement has been signed and staff and Board are meeting
with County and City Council to discuss future plans.

The Silver Ski and Winter Sports Extravaganza event takes place on Saturday, February 2 from
10am to 12pm at Willow Creek Park.

At 7:45pm, Roger Armstrong and Tom Fisher joined the meeting at which point discussion
returned to the agenda item regarding Legal Services from Squire Patton Boggs.

BOARD MEMBER COMMENTS AND REVIEW OF ACTION ITEMS
Kottler shared that his wife witnessed the health issue of a patron in her Yoga class at The
Fieldhouse and felt the situation was handled professionally by the instructor and staff.

Kottler asked staff if there was a way for the DASH app to notify patrons of an instructor change
for fitness classes. Strader and B. Kadziel shared the way Emery schedules fitness classes and
instructors currently and told him that DASH is developing a new feature that should be able to
fix this issue in the future.

Castro asked about the Sundance Awards Ceremony and Closing Party at The Fieldhouse and
Strader said that staff is not needed for flooring this year and to send him an email if Board is
interested in tickets to the event.

Kottler and Westberg noted that they would not be present at the February Board meeting and
Kahlow said she will be out of town but plans to call in.
CLOSED SESSION: PROPERTY ACQUISITION: PERSONNEL

At 8:30 pm, staff was dismissed, and Chair Castro called for a motion to enter into executive session to discuss property acquisition. Director Hanton and Melissa O’Brien were invited to stay for the discussion regarding property acquisition.

The executive session to discuss property acquisition was recorded.

Those in attendance were: Nate Brown, Ben Castro, Cathy Kahlow, David Kottler, Aaron Newman, Gary Resnick, Carrie Westberg, Brian Hanton, Melissa O’Brien.

MOTION: To enter into executive session for the purpose of discussing property acquisition.

At 8:45 pm, Chair Castro called for a motion to close executive session for the purpose of discussing property acquisition.

MOTION: To close the executive session for the purpose of discussing property acquisition.

At 8:46 pm, Chair Castro called for a motion to enter into executive session to discuss personnel. Director Hanton was invited to stay for the discussion regarding personnel.

Chair Castro signed a closed meeting affidavit for discussion of personnel.

Those in attendance were: Nate Brown, Ben Castro, Cathy Kahlow, David Kottler, Aaron Newman, Gary Resnick, Carrie Westberg, Brian Hanton.

MOTION: To enter into executive session for the purpose of discussing personnel.

At 9:03 pm, Chair Castro called for a motion to close executive session for the purpose of discussing personnel and adjourn the meeting.

MOTION: To close the executive session for the purpose of discussing personnel.

MOTIONS:

MOTION: To elect the slate of Snyderville Basin Special Recreation District Administrative Control Board officers as stated for 2019: Ben Castro – Chair; Nate Brown – Vice Chair; Aaron Newman – Treasurer; Carrie Westberg – Clerk. [Kottler/Kahlow] All in favor: Nate Brown, Ben Castro, Cathy Kahlow, David Kottler, Aaron Newman, Gary Resnick, Carrie Westberg. None Opposed. Absent: None. Motion carries.


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Minutes prepared by Justine Kadziel

Clerk/Board Member Approval: 

Snyderville Basin Special Recreation District
Board Meeting January 16, 2019