PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 14, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 14, 1999.

AGENDA

Closed Session - City Council Chambers - Lower Level

5:15 p.m. Personnel

Work Session - City Council Chambers - Lower Level

5:30 p.m. Council questions and comments
5:45 p.m. Review of regular meeting

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF SEPTEMBER 9, 1999 AND SEPTEMBER 23, 1999

V RESIGNATIONS AND APPOINTMENTS

1. Acceptance of resignation of Stan Johnson from the Board of Appeals

2. Appointment of Jonathon DeGray to the Board of Appeals

VI NEW BUSINESS

1. Marketing plan and entertainment for street dance to be held on November 19, 1999 for America's Opening and World Cup Master Festival License - Park City Mountain Resort

2. Purchase of Virginia Mining Claims

VII ADJOURNMENT

Posted: 10/11/99
See parkcity2002.org

PARK CITY 1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 14, 1999

Present: **Mayor Brad Olch; Council Members Hugh Daniels; Chuck Klingenstein; and Paul Sincock**

Toby Ross, City Manager; Mark Harrington, Interim City Attorney;

Absent: **Council Member Shauna Kerr**

Council questions and comments. Paul Sincock suggested that more mature trees be planted at the new Miners Park and that two or three trees relating to the Bamberger Project be increased from 3" to 6" caliber trees. He stated that he would be willing to have the City pay the marginal difference. The City Manager explained that the landscape plan includes trees that are 3" and others are 6". Hugh Daniels explained that the Interagency Task Force met this week and several Wasatch County representatives attended. There is discussion about including Heber City and Midway City in some meetings. Roger Harlan pointed out the increased use of the Internet for information rather than checking out materials by library patrons county-wide. Mark Harrington added that the Legal and Library Departments are continuing to monitor on-going federal legislation regarding Internet filtering systems and requirements for libraries and public schools. Mr. Harlan continued that the average number of users is 45 per day on four terminals at the Park City Library. The Mayor was pleased to report on SLOC's new policy on volunteerism. Olympic volunteers will be working in their own communities. The City needs to be identified as a venue and appoint a citizen Venue Manager. Paul Sincock introduced a video which highlights the Motorcycle Week; this feature will be shown to 26 million subscribers of *Speed Vision.*

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 14, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 14, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Chuck Klingenstein, and Paul Sincock. Shauna Kerr was excused. Staff present were Toby Ross, City Manager; Mark Harrington, Interim City Attorney; Tom Bakaly, Director of Capital Projects and Budget; Frank Bell, Olympic Planning Director; Melissa Call, Special Projects Manager; and Tim Twardowski, Legal Intern.

II PUBLIC INPUT

1. Upper Park Avenue Property Association (UPAPA) - John Plunkett read a letter sent to the *Park Record*. He relayed that the 36 property owners in the Association thank the City for enforcing the zoning ordinance which requires Main Street businesses to take garbage to Main Street and Swede Alley rather than Park Avenue. UPAPA will call on the City to enforce many other zoning ordinances including the removal of illegal commercial parking lots and some site and noise reduction of the commercial fans. He continued that the City has been asked to enforce the 20 mph speed limit and to develop a traffic mitigation plan to remove commercial traffic on upper Park Avenue.

He distributed a list of issues to the City Council which have been prioritized by the membership. Priorities include (1) Park and traffic controls; (2) street improvements; and (3) general enforcement of zoning. Mr. Plunkett invited the City Council and candidates to a meeting hosted by UPAPA on Tuesday, October 26 at St. Mary's Church on Park Avenue at 8 p.m.

2. Deer Valley round-about project - Sueann Clark, 255 Deer Valley Drive, stated that she has lived there for six years and is concerned about this project as her driveway will be reconfigured at a steeper grade. This is dangerous when it is icy and it will be difficult to get in and out of the driveway with round-about traffic. There will be no room on the street for guest parking. Ms. Clark also expressed concerns about snow removal. Tom Bakaly explained that the project will be on the City right-of-way but the engineers have been instructed to look at some other options for the driveway. He believes what is proposed is the best solution and didn't want to get anyone's hopes up. With the round-about, the speed limit will be reduced to 25 mph and before construction, staff talked with the property owner to explain the issues. The owner wanted the tree and creek to remain, and that has been accommodated with the design of the driveway. Ms. Clark clarified that she is a tenant and the owner has different issues. There was discussion about staff following-up on

her concerns and reporting back to Council.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF SEPTEMBER 9, 1999 AND SEPTEMBER 23, 1999

Roger Harlan explained that he will abstain from voting on the Minutes of September 23, 1999 as he was not in attendance. Chuck Klingenstein, "I move approval". Paul Sincock seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye - Abstention, September 23
Shauna Kerr	Absent
Chuck Klingenstein	Aye
Paul Sincock	Aye

V RESIGNATIONS AND APPOINTMENTS

1. Acceptance of resignation of Stan Johnson from the Board of Appeals - The Mayor requested a motion to accept the resignation. Roger Harlan, "I so move". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Absent
Chuck Klingenstein	Aye
Paul Sincock	Aye

2. Appointment of Jonathon DeGray to the Board of Appeals - The Mayor requested a motion to approve. Hugh Daniels, "I so move". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Absent
Chuck Klingenstein	Aye
Paul Sincock	Aye

VI NEW BUSINESS

1. Marketing plan and entertainment for street dance to be held on November 19, 1999 for America's Opening and World Cup Master Festival License - Park City Mountain Resort - Frank Bell explained that Park City Mountain Resort (PCMR) brought the street dance back to Main Street last year as a community event. It was felt that this was an overall success, and PCMR has requested to more widely market the street dance in an effort to attract a larger crowd. Staff is suggesting a staged process of approval; the America's Opening event as it was approved and held last year now and bring the other issues back to Council at a later date. Mr. Bell explained that staff will be meeting with the applicant next week to make sure that if the event is larger that infrastructure is sufficient (parking, traffic management, and transportation), and Old Town is protected. It was further clarified that many aspects of the event are administratively approved as there is minimal public impact, but the street dance needs to be reviewed by the Council as it also involves a street closure. Mr. Sincock asked the benefit of getting more people at the street dance and Karen Korfanta of PCMR explained that the proposal is to attract more people to Park City, and increase support and interest in the World Cup ski event. The street dance will not be advertised separately as the event is marketed as a package, however, the application includes using a classic rock station in Salt Lake which was not used before. This is a proposal that the staff has disagreed with. She emphasized that the street dance is part of the advertising package. Attendance was discussed, and Mr. Bell noted that he is most concerned about problems becoming compounded when 3, 000 or 4,000 people turn into 8,000 to 10,000. This is an unticketed event and there isn't any real measure of how many people attend. The night hours and uncontrolled circumstances of a public street make this event more difficult and different from a concert arena. Mr. Bell felt that the City should be somewhat cautious.

Roger Harlan felt that advertising in Salt Lake really adds a new dimension, but having an event like this could be preparatory for the Olympics and there could be a lot to be learned. He urged efforts to include a greater Summit County audience. Karen Korfanta explained that PCMR could never disclose the entertainment in its marketing, but because of the amount of dollars being spent, felt the group should be included with information about the concert. Hugh Daniels explained that the summer concerts in City Park are prohibited from advertising in Salt Lake and they are truly aimed at local patrons. He expressed that he was pleased that the street dance came back last year as it is a wonderful community event, but has the same concerns about increased crowds. He supports it as is now, but encourages further negotiations and a report back to Council. The Mayor emphasized the importance of public safety but the event was very successful and to build upon it this year is the right way to go. He encouraged staff to continue to work with the applicant and reminded the Council that there was only one unfortunate street dance and the others were very successful. Ms. Korfanta added that last year the concert was not advertised or included in the event schedule and they would like to do that this year. Mr. Sincock clarified that he doesn't mind the concert being advertised as long as it is not the focus or that it unreasonably grows.

Mr. Bell asked that Council approve the street closure and the basic concept of the event as proposed last year and consider a larger street dance if a plan can be reached that mitigates a larger crowd. Hugh Daniels, "I move approval of the street dance as it existed last year, with the direction that the staff and the applicant meet over the next week, look at some level of expansion if public safety and additional impacts can be mitigated and that will be brought back to Council at the next available meeting". Paul Sincock seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Absent
Chuck Klingenstein	Aye
Paul Sincock	Aye

2. Purchase of Virginia Mining Claims - See staff report. Tim Twadowski, Legal Intern, explained that the parcel is 13.3 acres of predominately open space located above Rossi Hill and below the American Flag Subdivision. It is presently privately held by a group of 14 owners. Throughout the course of the spring and summer, staff has been in negotiations with those owners for a purchase of the parcel. The City has executed a purchase agreement with the owners on September 22, 1999, conditioned upon gaining approval by the City Council and a closing date has been set on October 18, 1999, if approved. There is one defect in the title of about one-half acres; the acquisition includes this small parcel but the City could not be a clear owner. Mr. Harlan felt there should be some accommodation in the price. Ms. Twardowski explained that throughout the negotiations, staff has been aware of the title defect, and the price was agreed upon with knowledge of the defect. Paul Sincock indicated that the price is $63,900 per acre and Mr. Twardowski clarified that the title is fee simple. Mark Harrington thanked everyone involved as the acquisition was very complicated. Bob Richer of the Citizen Advisory Open Space Committee reiterated that the price is fair. Hugh Daniels, "I move approval of the purchase of the Virginia Mining Claims". Paul Sincock seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Absent
Chuck Klingenstein	Aye
Paul Sincock	Aye

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 5:15 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Chuck Klingenstein, and Paul Sincock. Shauna Kerr was excused. Staff present were Toby Ross, City Manager; and Mark Harrington, Interim City Attorney. Paul Sincock, "I move to close the meeting to discuss personnel". Hugh Daniels seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Absent
Chuck Klingenstein	Aye
Paul Sincock	Aye

The meeting opened at approximately 5:40 p.m.

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The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

STATE OF UTAH)
ss.
COUNTY OF SUMMIT)

CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH

As presiding officer of the City Council of Park City, Utah, I hereby certify that the closed session meeting held by the City Council on October 14, 1999, was held pursuant to Section 52-4-5(1)(a)(I) to discuss the character, professional competence, or physical or mental health of an individual.

DATED this 19 day of November, 1999.

Bradley A. Olch

Mayor Bradley A. Olch

Subscribed and sworn before me this 19 day of November, 1999.

Janet M. Scott

Janet M. Scott, Notary Public

NOTARY PUBLIC
JANET M. SCOTT
445 Marsac Ave. P.O. Box 1480
Park City, Utah 84060
My Commission Expires
March 11, 2000
STATE OF UTAH

I N T E R

O F F I C E

MEMO

To: City Council

From: Ron Ivie

Subject: Board of Appeals Appointment

Date: October 6, 1999

The Board of Appeals is a three member board which has historically been made up of an architect, contractor and citizen at large. Our architect representative, Stan Johnson, has moved out of the area and resigned from the board. In his place we would like to appoint Jonathan Degray, an architect with the Otto Walker Architectural firm, who has agreed to serve.

PARK CITY 1884

DATE: October 8, 1999
DEPARTMENT: Facilities and Special Events
AUTHOR: Melissa Caffey
TITLE: Facilities and Special Events Manager
TYPE OF ITEM: Request for approval of America's Opening Street Dance

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SUMMARY RECOMMENDATIONS: Staff is generally supportive of the return of the America's Opening Street Dance to Main Street after last year's successful event. However, it is believed that the success of the event was largely due to its "community"emphasis, including restrictions from marketing outside the Park City area. The current fear is that marketing of the event as proposed to the Salt Lake City and Provo areas via electronic and print media, will increase the probability of drawing unmanageable crowds.

Staff feels the Street Dance should be approved under the same guidelines, and with the same mitigating requirements as last year's event, with only minor modifications to the Resort's marketing materials, to include listing the concert in its print ads without mentioning "free" or the name of the entertainment, as proposed in the PCMR marketing plan (request for public Festival approval, page 4).

DESCRIPTION:

A. Topic: Request for the return of Park City Mountain Resort's America's Opening Street Dance and Public Festival, in conjunction with the World Cup event and including the closure of lower Main Street, on November 19, 1999.

B. Background: Last November, the Park City Mountain Resort (PCMR) was allowed to bring back to Main Street the street dance associated with its America's Opening World Cup event. The Street Dance had been removed from Main Street after a series of unsatisfactory events in the early 1990's. Subsequent events held at the Park City Mountain Resort were poorly attended. In 1998, Council agreed to the return of the street dance based on the following mitigating criteria:

1) a transportation plan to address parking concerns,
2) specific event boundaries for crowd containment,
3) increased security for crowd control, numbers to be determined by PCPD,
4) enforcement of the no alcohol/no open containers laws by private security,
5) additional traffic control by private security,
6) approval of the event entertainment by City Council and
7) restrictions from marketing outside the Park City area.

Staff and the community feel that the street dance held last November was very successful. It is estimated that when held on Main Street last year, there were between 3,000 and 4,000 people in attendance, and the crowd was relatively easy to manage. There was a festive atmosphere, yet few security or crowd control problems, or serious alcohol-related incidents. The "community" celebration seemed to be favorably received and appreciated. There were some parking problems, and a need for more shuttles to and from off-site parking.

C. Analysis: The World Cup organizers and committee are, again, requesting closure of Lower Main Street, between Heber Ave. and 9th to reinstate the street dance as part of the America's Opening Celebration.

1) The World Cup Committee requests the closure of lower Main Street on Nov. 29, 1999 for the purpose of producing the America's Opening street dance due to greatly increased attendance and community participation at that location. The World Cup Committee believes that the Main Street venue is more suitable for a "community" event.
2) PCMR and the World Cup Committee would like to see the number of participants increase by double over last year's three to four thousand–to between eight and ten thousand people.
3) In conjunction with the above goal, the World Cup Committee requests permission to market the festivities in the Salt Lake City and Provo markets via its print ads, radio and TV (see page 4, "marketing" section of the "Request for Public Festival Approval").

Staff believes that attendance will automatically increase without marketing changes to the event given that "the word is out" that the event has returned to Main Street, and because last year's event was widely touted by the media. Staff would feel most comfortable with the continuing emphasis of the event on the "community", and that marketing outside the Park City area continues to be restricted in order to insure that the event remain manageable with existing resources.

D. Department Review: PCMC Special Events, PCPD and, preliminarily, Transportation.

ALTERNATIVES:

A. Approve the Request: Allow the closure of Main St. for the America's Opening Street dance as proposed by the World Cup Committee.

B. Deny the Request: Deny the request for the street dance and closure on Lower Main Street.

C. Approve the request: Allow the requested street closure and America's Opening Street Dance incorporating staff's recommendations, and stipulating that the requirements from all City departments and the Fire Department are met.

D. Continue the item: Continue the item to allow for further discussion and input.

SIGNIFICANT IMPACTS: Without allowing the street closure and event on lower Main Street, the street dance would possibly not be held this year.

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION</u>: If allowed to be held as proposed by the World Cup Committee's marketing plan, the number of participants could be very difficult to manage in terms of crowd control, parking, transportation, and security.

<u>RECOMMENDATION</u>: Grant the request for the Street Dance to be held on Main Street, under the same conditions as last year, providing no new avenues for marketing outside Park City, and insuring that the fireworks display meets the conditions imposed by the Fire Marshall.

PARK CITY

COUNCIL AGENDA REPORT

DATE : October 14, 1999
DEPARTMENT: Legal
AUTHOR: Tim Twardowski
TITLE: Virginia Mining Claim
ACTION: Property Acquisition

<u>SUMMARY RECOMMENDATION</u>: **Purchase the 13.3 acre Virginia Mining Claim parcel for $850,000 using open space bond proceeds.**

<u>DESCRIPTION:</u>

A. Background: The approximately 13.3 acre Virginia Mining Claim parcel is situated above Rossi Hill and McHenry Avenue and below the American Flag Subdivision. The land lies within City limits, is zoned Estate, and lies within the Sensitive Lands Overlay. Most of the upper portion of the property is visible from Main Street.

The Virginia Mining Claim is a single consolidated mining claim with numerous owners (collectively represented by attorney Alan Enke). The owners have agreed to convey the property by warranty deed to Park City on the condition that it be "restricted in perpetuity to use as undeveloped park and recreational land and amenities." A single defect affects title to the Virginia Mining Claim. Schedule B (Exceptions) of the title report reveals an interest held by five parties covering a portion of the Virginia Mining Claim. Record of the interest dates back to 1927, with the most recently recorded entry dated April 20, 1993. This interest is identified on the title report via tax identification number and legal description. I visited the site on Thursday, August 12, 1999 with Eric Dehaan. The encroachment consists of two small houses and accompanying yard area (outlined in natural vegetation by a seemingly very old wire fence) consisting of approximately one-half acre. Both of the houses encroaching on the parcel appear to be occupied. In effect the City will be purchasing the Virginia Mining Claim <u>minus</u> the encroaching interest as described in Schedule B, Exception 15 of the title report.

B. Department Review: The project has been reviewed by the City Manager, Director of Public Affairs, the Planning Department, the Legal Department, and the Office of Capital

Management.

ALTERNATIVES:

A. Approve the Request: Authorize staff to prepare and review, and the Mayor to execute all documents necessary to purchase the Virginia Mining Claim for $850,000 using open space bond proceeds. The closing would occur on Monday, October 18, 1999.

B. Deny the Request: The Virginia Mining Claim would remain privately held.

SIGNIFICANT IMPACTS:

The Citizens Open Space Advisory Committee has identified the Virginia Mining Claim property as a high priority. Purchasing the property will protect and add to the City's open space inventory a large parcel visible from Main Street. About $850,000 of the $10 million open space authorization will be used for the purchase.

A. CONSEQUENCES OF TAKING RECOMMENDED ACTION. A large parcel, visible from Main Street, Park City will be protected and added to the City's open space inventory.

B. CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION. Significant open space values might potentially be lost or compromised at some future time.

RECOMMENDATION. Authorize staff to prepare and review and the Mayor to execute all documents necessary to purchase the Virginia Mining Claim for $850,000 using opens space bond proceeds. The closing would occur on Monday, October 18, 1999.

Attachments: Exhibit A–Legal description
Exhibit B–Map

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EXHIBIT "A"

BEGINNING at the Corner No. 1 of the VIRGINIA MINING CLAIM, Mineral Survey No. 5711, said Corner is also the Southeast Corner of the NE¼SE¼ of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence East 600.00 feet along the North line of Corner No. 4 of the VIRGINIA MINING CLAIM; thence South 00°30'36" West 144.76 feet along the East line of the VIRGINIA MINING CLAIM to a point on the Northwesterly line of the LILLY NO. 3 MINING CLAIM, Mineral Survey No. 5665; thence South 30°10'00" West 108.77 feet along the Northwesterly line of the LILLY NO. 3 MINING CLAIM; thence South 356.70 feet along the West line of the LILLY NO. 3 MINING CLAIM to a point on the Westerly boundary line of the AMERICAN FLAG SUBDIVISION according to the Official Plat thereof, on file in the Office of the Summit County Recorder; thence along the Westerly line of the AMERICAN FLAG boundary through the following four courses: (1) South 140.00 feet (AMERICAN FLAG PLAT: South 00°21'43" East); thence (2) South 47°39'00" West 733.10 feet; thence (3) South 26°39'00" East 167.60 feet; thence (4) South 50°38'00" East 190.44 feet to a point on the Southerly line of the VIRGINIA MINING CLAIM; thence West 238.02 feet to Corner No. 2 of the VIRGINIA MINING CLAIM; thence North 00°30'36" East 189.90 feet along the West line of said mining claim to the Southeast Corner of Section 16; thence along section line and the West line of said mining claim North 00°30'36" East 1310.10 feet to the point of beginning.

Exhibit "A"

VIRGINIA MINING CLAIM
13.3 ACRES

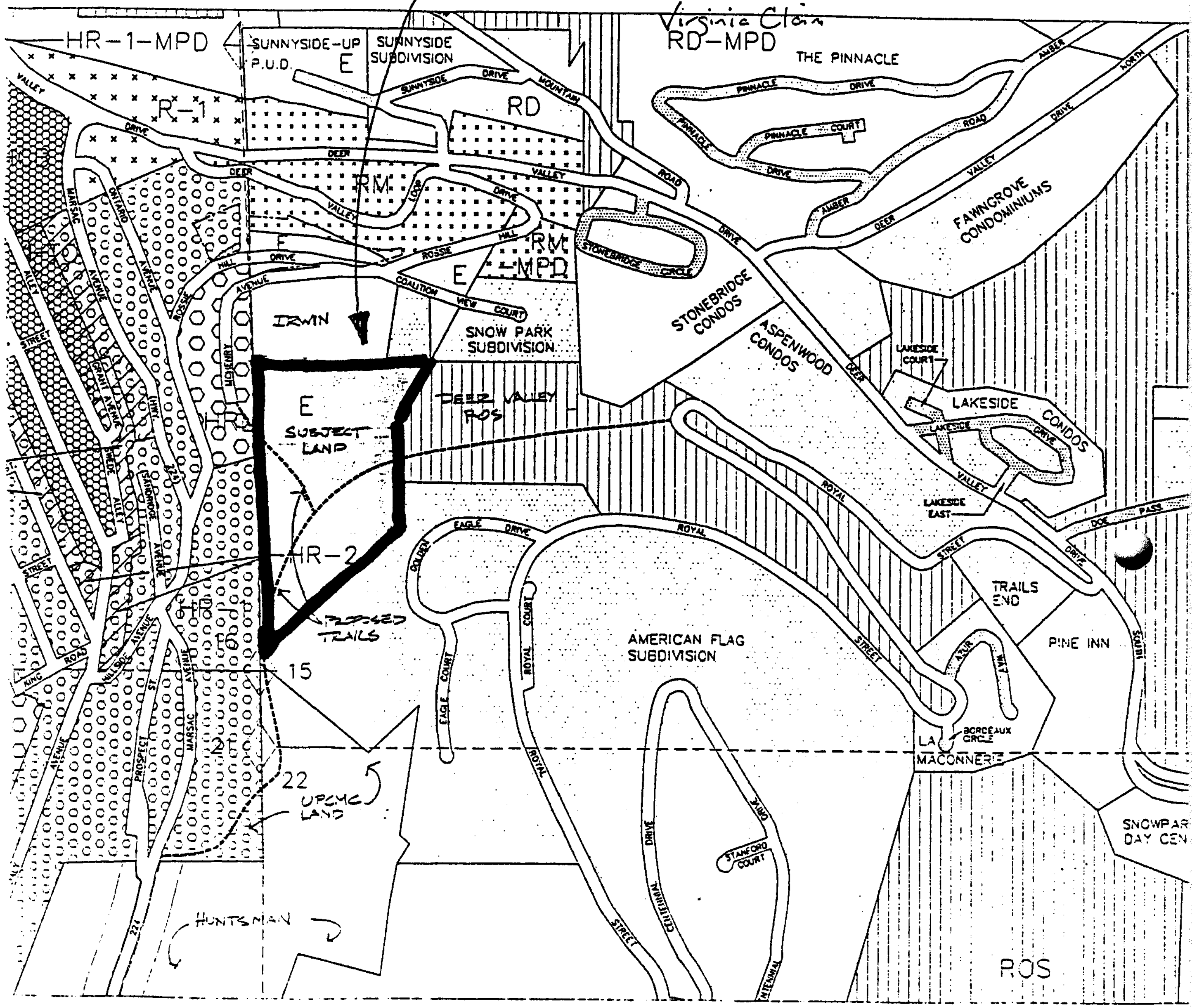

Exhibit “B”

PARK CITY
1884

PARK CITY COUNCIL SPECIAL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 11, 1999

I ROLL CALL

Mayor Pro Tem Hugh Daniels called the special meeting of the City Council to order at approximately 9 a.m. at the Park City Racquet Club, 1200 Little Kate Road, Park City, Utah on Monday, October 11, 1999. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Mayor Brad Olch was excused. Election Officer and City Recorder Janet M. Scott was also in attendance.

II NEW BUSINESS

Resolution accepting the Official Canvass of the October 5, 1999 Primary Election held in Park City, Utah - Shauna Kerr, "I move approval". Paul Sincock seconded. Motion carried unanimously,

III ADJOURNMENT

With no further business, the special meeting of the City Council was adjourned.

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The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Janet M. Scott

Janet M. Scott, City Recorder