PARK CITY COUNCIL AND MUNICIPAL AUTHORITY MEETINGS
SUMMIT COUNTY, UTAH
OCTOBER 11, 2007

PUBLIC NOTICE IS HEREBY GIVEN that the City Council and Municipal Building Authority of Park City, Utah will hold their regularly scheduled meetings at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the approximate times as described below on Thursday, October 11, 2007.

Closed Session - City Council Chambers
2:30 p.m. Personnel and property

Work Session - City Council Chambers
4:00 p.m. Council questions/comments
4:15 p.m. RAB Visioning
5:00 p.m. Update on the Bonanza Drive Corridor Plan
5:20 p.m. Review of regular meeting
- Historical Society leases and financing package

5:50 p.m. Break

Convene as PARK CITY MUNICIPAL BUILDING AUTHORITY
6:00 p.m.
I ROLL CALL

II PUBLIC INPUT *(any matter of MBA business not scheduled on agenda)*

III MINUTES OF MEETING OF JULY 12, 2007

IV NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of approval of a Lease of Lot 1, Museum Subdivision, 514 - 528 Main Street with Park City Municipal Corporation

2. Consideration of approval of a Lease of Lot 1, Museum Subdivision, 514 – 528 Main Street to Park City Municipal Corporation with debt payments

3. Consideration of approval of a Resolution authorizing the issuance and sale by the Municipal Building Authority of Park City, Utah of not more than $3,600,000 aggregate principal amount of its lease revenue bonds, Series 2007 (Park City Historical Society); and related matters

V ADJOURNMENT

Convene as PARK CITY COUNCIL

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT *(any matter of City business not scheduled on agenda)*

IV NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of approval of a Sublease and Restated 99 Year Lease of Lot 1, Museum Subdivision, 514 – 528 Main Street, Park City, Utah to the Park City Historical Society

2. Consideration of approval of a Memorandum of Understanding with the Park City Historical Society for the finance and construction of $3.6 million of Private Activity Bonds, the use of Swede Alley parking, and construction terms

3. Consideration of approval of a Restated 10 Year Lease with the Park City Historical Society for Room 220 at the Park City Library and Education Center, 1255 Park Avenue, Park City, Utah

4. Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation plat amendment located at 200 Ridge Avenue, Park City, Utah
(a) Public hearing
(b) Motion to continue to November 8, 2007

5. Consideration of a Master Festival License for The Main Street Music Crawl to be held October 20, 2007 in Miner's Park including amplified music from 9:30-9:45 pm - Mountain Town Stages
(a) Public hearing
(b) Action

6. Consideration of Resolution establishing a Walking and Biking Advisory Liaison Committee in Park City, Utah

7. Consideration of an Ordinance approving the amended subdivision for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and training facility, 900 Round Valley Drive, Park City, Utah
(a) Public hearing
(b) Action

8. Consideration of an Ordinance approving an amendment to the subdivision plat for the Park City Recreation Complex, 600 Gillmor Way, to realign the entrance off SR248, Park City, Utah
(a) Public hearing
(b) Action

9. Consideration of Ordinance amending Title 4 of the Municipal Code of Park City Utah regulating liquor licensed establishments
(a) Public hearing
(b) Action

10. Consideration of approval of a contract with Gillig, in a form approved by the City Attorney, for the purchase of four 35-foot low floor buses in the amount of $1,267,480; $1,013,948 (80%) to be reimbursed by the FTA, and $253,532 (20%) matched by Park City Municipal Corporation

11. Resolution acknowledging Eric Nesset's retirement from Park City Municipal Corporation and recognizing his many contributions in providing quality transit and fleet services to the Greater Park City Community

V OLD BUSINESS *(items previously discussed and continued for consideration)*

Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation plat amendment located at 255 Ridge Avenue, Park City, Utah (King Ridge Estates)
(a) Continuation of public hearing
(b) Action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 10/08/07
See: www.parkcity.org

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 18, 2007

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, October 18, 2007.

Posted: 10/08/07
See: www.parkcity.org

City Council
Staff Report

Subject: RAB Visioning
Author: Ken Fisher, Recreation Manager
Department: Recreation & Library
Date: October 11, 2007
Type of Item: Informational

Summary Recommendations: Provide direction to the Recreation Advisory Board (RAB) and staff with regards to the recommended work plan and formation of a parks, community outreach, Racquet Club and programming subcommittees.

Topic/Description: Provide direction to staff and the Recreation Advisory Board on recreational items for the next year.

Background:
As outlined in the Recreation Advisory Boards Policy & Procedure (attachment 2) the Board shall meet annually with the City Council to receive updated city goals and direction from City Council. The RAB met with City Council in September 2006 for this purpose and at that time the following committees were formed; City Park, Neighborhood Parks, Racquet Club, Community Outreach and Dog Park. The work plan for last year is attachment 1 and many of the items outlined are complete or in progress. These are updated through the quarterly updates on Council goals.

Analysis:
The RAB and staff are looking for Council feedback and direction on the following subcommittee (Parks, Community Outreach, Racquet Club, and Programming) work plans:

Parks Subcommittee: Historically there has been a RAB City Park Subcommittee and a Neighborhood Parks Subcommittee, staff and RAB recommend combining these into one subcommittee that will work on improvements to all parks. The following funds are available for park improvements.

Table 1 – City Park Funds (CIP #cp0005)

Revenue Source	2008	2009	2010	2011
Transfer from Sales Tax DSF-2005B	$986	$ -	$ -	$-
Lower Park RDA – Property Tax Increment	$88,735			
Cumulative Total	$89,721	$	$	$

Table 2 – Neighborhood Parks (CIP #cp0100)

Revenue Source	2008	2009	2010	2011
Transfer from Debt Service	$745,889			

Currently all park impact fees that are collected are allocated to the Park City Sports Complex.

RAB and staff recommend the following priority work plan for neighborhood parks and City Park:

1. **Old Town Park:** Council gave direction on September 20, 2007 for staff to begin the process of developing an RFP for the development of construction documents based on the conceptual design for the development of a park on the corner of Hillside and Main. RAB and staff expect the project to begin construction next spring. The preliminary project budget is $400,000 from the Neighborhood Park Fund.

2. **Lights on the Basketball and Volleyball Courts at City Park:** The engineering and construction documents have been completed. Staff anticipated this project being completed in the spring of 2008. Estimated cost is $50,000 with funds coming from the City Park Fund.

3. **Dirt Jump Park:** The Dirt Jump Park received an extension on the original Conditional Use Permit (CUP) through May 2008. The Planning Commission and staff recommended a one year extension as the planning and building department didn't want the facility to continue in a temporary nature without a decision being made about the future of the facility. RAB and staff recommend that the facility be expanded and the necessary steps be taken to make it a permanent facility at its current location.

   The Planning Commission would likely require the development of permanent parking, restroom facilities, irrigation and improved fencing. Any permanent improvements would meet the requirements of the land Management Code. The park has been very successful with great participation numbers in the instructional camps and general use by residents and visitors. The current location is ideal as it is in town, on the bus route and accessible from an existing bike path.

   The McLeod Creek homeowners association sent a letter to the Mayor & Council in August outlining their support for the continuation of the dirt jump park and the development of additional park amenities. RAB and staff would like to engage the neighborhood and begin the planning of this parcel to include the dirt jump park and other appropriate park amenities.

   If Council is not supportive of keeping the facility at its current location or engaging the neighborhood in the future of this parcel, RAB & staff would need to begin the process of identifying a potential new location for the dirt jump park so construction could begin in the spring.

   A preliminary estimate to develop a permanent dirt jump park with the required infrastructure at 2060 Holiday Ranch Loop Road is $300,000 from the Neighborhood Park Fund.

4. **Dog Park:** Council directed staff in June 2007 to develop a dog park out at the Park City Sports Complex. The identified site is approximately 2 acres and sits between the new access road to IHC and Field D. RAB and staff recommend that the City pay for the fencing and the ongoing maintenance of the facility (trash pick up and

required ground maintenance other than dog poop removal). RAB & staff recommend the formation of a friends group that is consistent with the Council adopted policy related to Friends Groups. They would be responsible for raising any funds that would be used for improvements beyond the installation of a fence.

RAB and staff recommend that the users be responsible for dog waste removal and if the users do not pick up after their pets that the facility gets closed down similar to how the skate park is managed with regard to graffiti.

The project is estimated to cost between $30,000 and $50,000 with an anticipated opening July 2008. Funding would come from the Neighborhood Park Fund.

5. **Park Shade:** RAB and staff have received public input on the need for shade at Prospector Park, Racquet Club Park, Skate Park (additional shade) and for the playground out at the Park City Sports Complex. The playground equipment at these parks gets very hot in the middle of the summer and users have a hard time using it as it is hot to the touch.

   RAB and staff would like to install shade structures similar to the one that was put at the skate park. It is a fabric material that comes in a variety of colors and is easily installed and removed so it is only up during the summer months. Preliminary estimated cost is an average of $8,000 per site. Funding for this would come from both the City Park & Neighborhood Park Fund depending on the location. If funding is not available to complete shade at all the requested locations RAB and staff will pursue additional funding through the CIP Budget process in the spring of 2008.

6. **Miscellaneous Future Projects:** Given the funding that is currently available the above projects would require all the current funding that is available in the City Park and Neighborhood Park CIP accounts. RAB has identified several other projects that they would like to complete but are a lower priority than the ones listed above. The scope of what these projects might entail has not been identified. These include the south end (Boo Radley Forest) and the north end of the park (behind 7-Eleven and the berm by the Snow Country Condominiums); Beautification to Poison Creek; Improvements to the Library field such as an enhanced berm for sledding and installation of benches on the berm; Benches along various trails in town; Installation of bike racks at various locations. These projects would need to first be prioritized as part of the Capital Improvement Program (CIP) in the spring of 2008 before pursuing.

Community Outreach Subcommittee: Last year RAB and staff were interested in trying to engage the underserved population in Park City recreation programs. The subcommittee and staff set up a meeting with other agencies that work with the underserved population. As a result of the meeting Park City & Basin Recreation hosted an open house at the Racquet Club & the Field House to take sign ups for programs. We offered a 70% discount on program fees if participants qualified for the free or reduced lunch program.

The open houses and sign ups were very successful with parent's signing their kids up for both Park City & Basin Recreation programs. We gave several scholarships for summer day camp, swim lessons, several different camps and tennis programs.

RAB and staff have recently become involved in "ACT" (Agencies Coming Together) to try to pool resources and develop a more cohesive plan for engaging the underserved population. Staff is currently compiling all the contact & program information from these agencies so there is a greater understanding of who does what.

One of the ideas to increase participation by the underserved population is that instead of trying to attract residents to come to the Racquet Club or a program location that we bring the program to them. In other words it may be necessary for ACT to run programs at Holiday village, Aspen Villas, Parkside Apartments or other identified locations.

RAB and staff would like to continue to engage the underserved population and work to get even greater participation in programs.

Racquet Club Subcommittee: Council approved a contract with VCBO Architecture on October 4 to begin developing conceptual designs and to conduct a feasibility study on the Racquet Club. RAB will have an active role in the project as the feasibility and conceptual designs are developed.

Programming Subcommittee: RAB and staff recommends that a subcommittee be formed that looks at the recreation programs that are currently offered and explores new programming ideas. The Recreation Needs Assessment that was completed this spring identified adult fitness & wellness and tennis lessons as a programming area that has a high unmet need in the community.

Department Review: Budget & Grants, Legal, Sustainability, Recreation & Library, and City Manager

Alternatives:

A. **Approve the Request:**
Provide direction to RAB and staff with regards to the recommended work plan and formation of a parks, community outreach, Racquet Club and programming subcommittees.

B. **Deny the Request:**
Council may direct RAB and staff in a different direction than the one outlined in this report.

C. **Continue the Item:**
Council may continue the item to a future date

D. **Do Nothing:**
This will result in a lack of clarity and direction to staff & RAB.

Significant Impacts:

By giving direction to the RAB future recreational amenities and programs will continue to be developed that will meet the community's needs.

Consequences of not taking the recommended action:
No action is required only direction to the RAB and staff with regard to the items outlined in the proposed work plan.

Recommendation:
Provide direction to RAB and staff with regards to the recommended work plan and formation of a parks, community outreach, Racquet Club and programming subcommittees.

Attachment 1

City Council Staff Report

Author:	**Ken Fisher, Recreation Manager**
Subject:	**RAB Visioning**
Date:	**October 23, 2006**
Type of Item:	**Work Session - Informational**

Recreation & Library Department

Summary Recommendations: RAB and staff would like to work on the following projects over the next year: development of a dog park, a neighborhood park on the Wisnewski parcel, a 2 year extension on the Dirt Jump Park CUP, completion of the Racquet Club/Recreation Needs Assessment, lights on the City Park basketball court, and form a subcommittee to look at ways to engage the underserved populations of Park City in recreation programs.

Description:

A. Topic:

Provide direction to staff and the Recreation Advisory Board on recreational items for the next year.

B. Background:

As outlined in the Recreation Advisory Boards Policy & Procedure (attachment 1) the Board shall meet annually with the City Council to receive updated city goals and direction from City Council. The RAB met with City Council in September 2005 for this purpose and at that time the following committees were formed; City Park, Neighborhood Parks, Racquet Club, Frisbee golf and Dog Park. The work plan for last year is attachment 2 and many of the items outlined are complete or in progress. These are updated through the quarterly updates on Council goals.

C. Analysis:

The RAB is looking for Council feedback and direction on the following project priority list that has been identified by staff and the RAB:

Neighborhood Parks

There is a current balance of $750,831 in the neighborhood park CIP fund # cp0100 with $300,000 of the balance allocated to the Quinn's Recreation Complex leaving a balance of approximately $450,000 for future neighborhood park development.

Old Town Park Sites

If Council is supportive, the neighborhood park subcommittee would like to focus on the design & development of a neighborhood park on the remaining Wisnewski parcel and improve the access from "dog path" down to Swede Alley. The city is in the process of finalizing the sale of two of the three Wisnewski parcels with the Colman house being moved to the front of the lots. The two lots have been re-platted into one. This leaves one of the lots that can be turned into a small neighborhood park.

Given the site constraints of the parcel, RAB anticipates this being a passive neighborhood park similar to the new park on the corner of Comstock and Sidewinder. If Council is supportive of this recommendation RAB and staff would like to begin conceptual design work on the parcel & then hold a public meeting to get resident input on the proposed conceptual design.

Dog Park

City Council received public input in August 2005 from citizens asking the city to build a dog park. Based on that input City Council asked the RAB to form a subcommittee that would explore potential sites that could be developed into a dog park. Since that time the RAB has had several citizens show up at RAB meetings to check in on the progress of the subcommittee.

The public is in favor of a rustic dog park that would include a fenced area with some dog obstacles that would use the existing landscape. There has not been a desire to develop a dog park with a large grass area.

RAB is supportive of citizen's request for a dog park and has spent the last year looking for a location. RAB recommends developing a dog park on approximately a 2 acre parcel adjacent to North 40 field (attachment 3). Access to this site would be on the dirt road that runs along the base of PC hill. The site is also within walking distance of the Park Meadows & Prospector neighborhood. RAB would like to see a citizens group formed of the potential users, so that there is accountability for the design, development, maintenance, and usage of the park. RAB would like to hold a public meeting to help assist with the formation of this user group.

RAB recommends working with this citizens group to develop a program of matching funds, using neighborhood parks bond funds, to pay for the fencing of the site. It is estimated that fencing 1,463 linear feet with a four foot split rail fence with wire mesh would cost $20,500. If Council is supportive of moving forward with a dog park at this location staff & the RAB would like to have it open by the summer of 2007 assuming there is an active group of dog owners that are willing to help develop & maintain the facility.

Racquet Club/Recreation Needs Assessment

The Park City Recreation Facilities Master Plan was last updated in May 1997. This study included an ice rink feasibility study as well as a Recreation Survey that was mailed to residents. This document is now outdated (due to completion of many of the items that were recommended in the Master Plan) and needs to be updated so that the RAB, City Council and staff can have a clearer understanding on the development of future recreational amenities in the community.

The RAB and staff are working with Leisure Vision to complete a statistically valid Recreational Needs Assessment that will enable the city to make informed decisions with regard to future improvements to the Racquet Club and recreation. A component of the study will include benchmarking that will give the city a comparative analysis of residents attitudes and priorities with those of other communities around the country.

The 400 surveys will be administered by mail and phone after the November election so there is no confusion with regard to the open space bond. The results will be presented to City Council by Leisure Vision once all the data is compiled.

Funding for the Recreation Needs Assessment was approved by Council this spring through the CIP budget process and is funded through CIP #cp0149 ($75,000).

City Park

Lights on the Basketball Court: The basketball court in City Park was resurfaced and new adjustable backboards installed this fall. The RAB has received public input from residents that would like to have lights on the basketball court. The lights would be on a timer similar to the tennis court lights and would not be able to be turned on past 10 p.m. RAB is supportive of this being done. The lights would be on poles much lower than the tennis & softball lights and would enable greater use of the existing court. Lighting this area will also make the entrances to the bathroom less intimidating since the lighting will be improved. All lighting will be in compliance with the City's General Plan. Estimated Cost is $15,000

Table 1 – City Park Funds (CIP #cp0005)

Revenue Source	**2007**	**2008**	**2009**	**20010**	**2011**
Property tax Increment - RDA	$ 200,000	$	$ -	$ -	$-
Parks and Ice bond Proceeds	$	$ -	$ -	$ -	$ -
Impact Fees	$ 354,178	$ -	$ -	$ -	$ -
Sales Tax Bonds	$ 55,967	$ -	$ -	$ -	$ -
Lower Park RDA Bond Proceeds	$ 13,180	$ -	$ -	$ -	$ -
Cumulative Total	$623,325	$623,325	$623,325	$623,325	$623,325

Table 2 – Estimated City Park Project Costs

Recreation Building	$500,000
Light on Basketball Court	$ 15,000
Total Cost of all Projects	**$515,000**
Available CIP Funds	$623,325
Fund Balance	**$108,325**

Poison Creek Trail

The current trail through City Park varies in width from 8 to 10 feet. RAB would like to widen the trail to make it a consistent 10 feet through the park. In order to complete this project the status of the permastrand water line running along the trail will need to be reviewed before proceeding. Public Works is reviewing the stability of the line as part of their pump station design that is currently underway. The results of the stability tests will determine whether it needs to be replaced and if it does the widening of the trail and potential improvements along Poison Creek would not happen until the water line is replaced. This project would be funded at an estimated cost of $150,000 through the Trails Master Plan CIP #cp0041 using Lower Park Ave RDA funds.

Dirt Jump Park

The dirt jump park has been very well received by park users. This past summer the recreation department held three weeks of dirt jump clinics. These were well attended and the park continues to operate with minimal issues. The current CUP for the Dirt Jump Park expires in May 2007 and if Council is supportive the RAB recommends seeking a two year extension of the current CUP so the park can continue to temporarily operate in its current location for two more summers.

Engaging the underserved population in recreation programs:

The recreation department implemented a formal fee reduction and scholarship program in 2004. There is an application that is available in both English & Spanish that must be filled out by those interested in applying for a scholarship. There is $10,000 annually that is allocated to fund this program.

Basin Recreation & Park City Recreation worked with Hayden Ward this past spring to fund a scholarship program that would expand the funding for available scholarships. There is currently sufficient funding, but the challenge has been informing the public of the scholarships and how to obtain them.

Because of this RAB recommends creating a subcommittee to explore the creation of an informational pamphlet, geared towards low income families, in English and Spanish, which will explain programs available, documentation required and transportation options along with other pertinent information. This publication would be distributed to area organizations that currently work with these residents. This budget increase will be considered by Council as part of the spring budget.

Department Review & Input Received From: Recreation Advisory Board, Recreation & Library Department, Budget & Grants, Economic Development & Capital Projects Department & the City Manager

Alternatives:

E. **Approve the Request:** RAB and staff would like to work on the following projects over the next year: development of a dog park, a neighborhood park on the Wisnewski parcel, a 2 year extension on the Dirt Jump Park CUP, completion of the Recreation Needs Assessment, lights on the City Park basketball court, and form a subcommittee to look at ways to engage the underserved population of Park City in recreation programs.

F. **Modify the Request:** Council may give direction to the RAB to change their proposed work plan to meet other Council goals.

G. **Continue the Item:** Ask for more information before giving direction to the RAB.

H. **Do Nothing:** This will result in RAB not receiving direction from City Council with regard to recreational issues.

Significant Impacts: By giving direction to the RAB future recreational amenities and programs will continue to be developed that will meet the community's needs.

Consequences of not taking the Recommended Action: No action is required only direction to the RAB and staff with regard to the items outlined in the proposed work plan.

Attachment 2

RECREATION ADVISORY BOARD
Policies and Procedures

1 The RECREATION ADVISORY BOARD (BOARD) is created by Municipal Code of Park City ("Code") Section 2-4-17, attached as Exhibit A and incorporated herein. Nothing in these policies shall overrule any requirement in Section 2-4-17, as amended

2 The Board will advise City Council and staff on parks and recreation policy as requested by the City Council and consistent with the Code. The City Council will refer particular matters to the Board for discussion, public input and recommendations. The Mayor or Council liaison member will communicate the Council's referral of a matter to the Board.

3. The Board shall meet annually with the City Council as part of the Council's visioning workshop, or as otherwise directed by the Council, to receive updated city goals and direction from the City Council.

4. The Chair of the Board shall communicate regularly with the City Council Board liaison member regarding priorities of the Board as they relate to City Council goals. The City Council liaison member will typically report Board progress on matters to the City Council at least once a month. The Board will provide a quarterly progress report to the City Council during work session of a regular meeting.

5. The role of the City Council liaison will be to:

Attend regularly scheduled meetings.

Communicate back to the Board recreation issues brought to Councils attention, or acted on by City Council.
Notify Council of recreation issues brought to the Board by citizens.
Align Board priorities with Council goals.
Be a non-voting member of the Board.

6. The Board may request background information from the recreation staff, but such requests shall typically occur at meetings and information shall be requested by the Board as a whole, and all members of the Board shall receive a copy of the information. Board members will use reasonable efforts to communicate independent research material and ex parte information received from the public to the other Board members.

7. Closed meetings may only be held for purposes authorized by U.C.A. 54-4-5, as amended. A quorum for the transaction of business shall be a simple majority of the Board members. Minutes shall be kept at all meetings.

8. Special Task Forces for the study of particular issues may be created by the Mayor and Council. Task Forces may include members of the Board. They will typically serve for 6 months, or until they have completed the work for which they were appointed. Each Task Force shall meet goals and objectives as outlined by the Mayor and Council. The Task Force will elect a Chair to communicate with the Mayor and City Council. City Manager will approve any staff involvement in these Task Forces.

9. Special committees may be appointed by the Chair, with the advice and consent of the Mayor and City Council. These committees will deal with operational and capital project issues. City Manager will approve any staff involvement in these committees.

10. Special “Friends” groups may be formed by Staff, with the advice and consent of the Mayor, City Council, and City Manager. These groups may include members of the Board. Staff will communicate directly with Council any Council issues brought to the group. These groups will deal with user specific programming, operational, and capital issues.

11. At its first meeting, and annually thereafter, the Board shall elect a Chair, Vice-Chair and any additional officers as necessary. The Chair shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Vice-Chair or a Board member designated by the Chair shall preside when the Chair is absent. The agenda for meetings shall be prepared and noticed by the Recreation Manager and the Chair.

12. The Board shall also act as a sounding board for new recreation policies and programs. The Board will hear initial proposals by the public for new programs

and ideas, unless otherwise decided by the City Council. Prior to initiating staff time or resources on a new program or policy, the Board shall inform the City Council of the matter and request direction on how to proceed and the timing priority of the new matter.

13. The Board may provide annual policy recommendations in conjunction with the City's review of the General Plan with regard to use of City facilities and property for recreation purposes, and recommendations on recreation policies generally.

City Council
Staff Report

Subject:	**Bonanza Drive Reconstruction Update**
Author:	**Eric DeHaan**
Department:	**Executive**
Date:	**October 11, 2007**
Type of Item:	**Informational**

Summary Recommendations:

The Council should listen to the Staff presentation on the status of the conceptual plan for the 2009 Bonanza Drive Reconstruction Project. No action is required.

Topic/Description:

The City engaged the services of H.W. Lochner to perform a study of Bonanza Drive in anticipation of its 2009 reconstruction, necessitated by the Boot Hill Water transmission line to serve Empire Pass. Lochner and their subconsultant, Fehr and Peers, will give a brief update of their study.

Background:

Fehr and Peers has performed pedestrian, bike, and vehicle counts to understand the dynamic of Bonanza and to begin to focus on how walkability issues and pedestrian/bike safety features can be integrated into the 2009 construction project. Traffic control and the duration of interruptions of access to adjacent businesses during the project are a major component of Lochner's study.

Recommendation:

The Council should listen to the presentation and ask any questions they desire.

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JULY 12, 2007

I ROLL CALL

Chairman Dana Williams called the regular meeting of the Municipal Building Authority to order at approximately 7:45 p.m. at the Marsac Municipal Building on Thursday, July 12, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, Executive Director; Tom Daley, Deputy City Attorney.; and Jon Weidenhamer, Project Manager.

II PUBLIC INPUT *(any matter of MBA business not scheduled on agenda)*

None.

III MINUTES OF MEETING OF JUNE 21, 2007

Marianne Cone, "I move we accept the minutes of June 21, 2007". Jim Hier seconded. Motion unanimously carried.

IV NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

Consideration of an addendum to the lease with Park City Historical Society for property located at 528 Main Street – Jon Weidenhamer explained that it was discovered that the property, most of which is currently owned by the MBA, should be conveyed to Park City Municipal Corporation so that all of the property is leased by one property owner. He suggested that the matter also be continued until the design review is finalized. Marianne Cone, "I move to continue to a date uncertain". Roger Harlan seconded. Motion unanimously carried.

V ADJOURNMENT

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

Janet M. Scott, Secretary

City Council
Staff Report

Subject:	**Historical Society Museum Expansion – Lease, Finance and Construction Terms**
Author:	**Jonathan Weidenhamer**
	528 Main Street
Department:	**Sustainability**
Date:	**October 11, 2007**
Type of Item:	**Administrative - Lease Addendum**

Summary Recommendations
Review and approve the following items necessary for the Historical Society to expand the their space within the existing Old City Hall Building and proposed new addition located at 528 Main.

I. Approve a Ground Lease of the building to the Municipal Building Authority (MBA) and have the MBA lease the building back to the City
II. Agree to assist the Historical Society with financing and have the MBA approve a Parameters Resolution defining those terms.
III. Have the City sublease the building to the Historical Society (updated 99 year lease).
IV. Approve a Construction and Financing Agreement.
V. Approve a restated Historical Society lease for storage in the Park City Library.

Background
On August 30, 2007 a majority of the City Council expressed a willingness to consider bridge financing to assist the Historical Society. The 5 steps listed above are predicated on Park City's willingness to finance the construction (infrastructure only, not exhibits, furniture, etc.); and will be discussed individually in the Analysis Section.

In 2003, the Park City Historical Society entered into a 99 year lease with the City for use of the Old City Hall. Currently, the only other tenant besides the Historical Society in the Building is the DABC, who has an agreement to relocate to a privately-owned downtown location temporarily until the Shell Space is completed.

The proposed museum expansion contemplates: expanding permanent exhibit space, developing educational programs, establishing a revolving gallery space, expanding the library, and a gift shop. The proposed expansion provides for preservation of the existing historic buildings, including all exterior facades. The plan includes an addition to the rear of the existing building(s) that will not obscure the rear façade, but instead feature the existing elevation and bell tower. The proposal improves internal circulation, brings the historic buildings up to ADA and building code standards, provides for better visibility from Swede Alley and the Transit Center, as well as enhances lighting and exhibit viewing and quality (Exhibit A1 - plans). The overall proposal expands the museum from 8,300 sf to 12,655 sf, and removes the non-historic kiosk at the south west corner (Park City Police). Their proposal does not contemplate permanent removal of any of the existing surface parking on the west side of Swede Alley.

Regulatory Process

The following requirements have been satisfied, allowing the Historical Society to proceed:

1. Subdivision plat - Approved by the City Council on May 17, 2007 – recordation is conditioned upon an approved lease.

2. Conditional Use Permit – Approved by the Planning Commission May 23, 2007

3. Administrative Historic District Design Review – Staff made a final determination of compliance with the Guidelines on August 24, 2007. There has been no appeal of this determination. On August 30, 2007 the Council indicated they are in support of the design as proposed.

4. Lease Amendment (pending action) – This is the final step authorizing the recordation of the subdivision plat and identifies the terms of the expansion.

Analysis

The following steps will need to occur chronologically in order for the Historical Society to follow through on their expansion plan, if the City assists in the financing:

I. Approve a Ground Lease of the building to the Municipal Building Authority (MBA),and have the MBA lease the building back to the City.

Currently the building is owned by Park City Municipal Corporation. Should Council agree to assist in financing the construction, staff recommends that the bond be financed through the MBA. MBA financing will accommodate the Historical Society's preferred procurement and project management practices consistent with the City's financial interests.

The lease of the building back to the City is a procedural step. It is the City's "lease payments" to the MBA that secures the loan. Ultimately when the debt is paid back, the building will revert from the MBA back to Park City.

II. Agree to assist the Historical Society with financing and have the MBA approve a Parameters Resolution

The Historical Society has requested the City assist in financing the cost of construction (infrastructure only, ie walls, foundations, roof, plumbing, electrical, etc.). The amount they have requested is $3,500,000. This number does not include soft costs for design, furniture, exhibits or other finishing equipment. Because ultimately the building itself will be a City asset, and not owned by the Historical Society, it has been difficult for the Historical Society to collateralize the building expansion as their own asset; therefore they have had difficulty in attaining competitive financing for the project.

The Historical Society has provided documentation that they have received pledges to fund the entire project (both construction and soft costs) within the next four years. They have also agreed to include payment and performance bonds in the construction contract, which would guarantee the completion of the project in the event of performance or payment issues with the contractor and sub-contractors. If the Historical Society defaults on the payment schedule, the City's primary remedy is to terminate the 99 year lease, and take over possession of the museum. The terms of this agreement will be formalized through the Construction and Financing Agreement (see Item IV below) and are summarized as follows:

1. Amount of loan: $3,500,000 for construction
2. Rate: variable rate loan at 65% of bank's prime lending rate (for example today the variable rate would be 65% of 7.75% or 5.0375%).
3. Term: Four years. The Historical Society will be required to repay the loan by December 31, 2011.
4. Drawdown and payback schedule:
    a. Payback not to extend beyond 12/31/2011
    b. Payments shall be in the amount of all pledges collected each six months by the H.S. with a minimum payment of $437,000 plus 1/8 of all financing costs (if not paid at closing) plus any accrued interest for that period. Payments are due each June 15th and December 15th. Any amount in excess of the minimum payment due will reduce the outstanding principle.
    c. The H.S will be required to draw at least $50,000 in construction funds in 2007. This will ensure that the bond does not count against Bank Qualification next year.
    d. Default on repayment will trigger default on 99 year lease
5. City financing will only to be used for construction of infrastructure (not exhibits)
6. City will make payments directly to General Contractor. The Historical Society and their construction manager and architect will act as construction manager and pre-approve all payments.

Should the Council agree to assist in financing the museum expansion, the MBA would then need to consider and approve a "Bond Parameters Resolution." The Parameters Resolution that Council is being asked to adopt will enable staff to start the process of debt on behalf of the City. The resolution establishes broad parameters within which Staff, Bond Counsel, and Zion's Bank can structure the debt. The attached resolution also grants preliminary authorization to issue the bonds. Before bonds are issued, the City Council needs to formally approve the "Final Bond Resolution." The Parameters Resolution gives advance notice that the City intends to issue these bonds and starts an appeals period. Staff will return to Council with the "Final Bond Resolution" on November 15th once the 30-day contest period (discussed below) is over.

The resolution sets the following general parameters for the Bond issue:

1) Size: The resolution sets the maximum amount of the bonds at $3,600,000. This amount includes financing charges (currently estimated between $50,000 and $85,000).

2) Length to Maturity: The resolution states that the maximum length to maturity will not exceed 10 years, but the bond will actually be repaid in 4 years according the agreement with the Historical Society.

3) Interest Rates: The interest rate for this issuance is a variable rate of 65% of the bank's Prime Lending Rate. (Prime is currently 7.75%, so the anticipated beginning rate would be 5.04%). As a variable rate, this could go up or down during the life of the bond.

5) Notice of Bonds: The Notice of Bonds to be issued will be published in the Park Record and will inform the public of the proposed bond sale. It establishes a 30-day protest period in which any person with standing may file a legal challenge to the issuance of the proposed bonds. After the 30-day protest period has ended, no more legal challenges are allowed. It essentially establishes a short statute of limitations with respect to this bond issue. It is anticipated that the first draws on the bond will be made very shortly after the contest period ends.

6) TEFRA Hearing: Because the bonds will be used to support a 501(c)3 operation (a private activity bond) and are intended to be tax exempt, the "Tax Equity and Fiscal Responsibility Act (TEFRA)" requires the City to approve the issuance of these bonds following a 14-day noticing period. This hearing and action is scheduled to take place on November 1st.

7) Impact on Bank Qualified (BQ) Debt: Because the debt will be issued this calendar year, along with the USSA's debt, our BQ direct placement ability will not be adversely impacted.

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III. Have the City Sublease the building to the Historical Society (updated 99 year lease).

The lease amendment is drafted to incorporate prior addendums and includes the following terms:

- Property: The draft lease addresses the increase in square footage post-construction, in addition to identifying the public property on which the expansion will be located.

- Term: The Historical Society receives an annual Special Service Contract to assist with their rent and other operational and staffing needs – in exchange for ongoing public services. If the Special Service Contract is breeched by the Historical Society, the City may terminate the lease after 10 years.

- Rent: Council has given direction to eliminate the ongoing fundraising goals and reduce the rent to $1.00 annually.

- Tenant Improvements – The Historical Society will install, at its own expense, all specialized equipment and displays needed for the operation of its museum and future exhibitions, offices and other facilities it may require.

- Visitor Information: The public service contract does not currently require the Museum to provide space to the Chamber of Commerce and Convention Bureau's Visitor Information. The lease amendment addresses that requirement.

- Financing: The lease recognizes the Construction and Financing Agreement. Any default on the repayment obligations to the City would result in an automatic termination of the 99 year lease.

The lease amendment also addresses the following terms as directed by Council on August 30, 2007:

- Insurance: The Historical Society will carry and maintain a primary insurance policy, the amount of which will be satisfactory to the City. They will also carry insurance to cover additional contents/personal property. The City will maintain secondary public liability insurance, insure the public restrooms, and continue primary insurance for museum contents/personal property at existing levels ($285,000).

- Operations & Maintenance:

  Museum Responsible:

  - Cleaning – the Historical Society will be responsible for all "tenant improvement" type items including, but not limited to day to day cleaning, interior painting, carpet cleaning, light bulb changing, drywall repairs, etc.

  City Responsible:

  - Maintenance of Operational Systems (funded by annual contribution from Historical Society) – These include electrical, plumbing, security/alarm, HVAC, and the new elevator, including all support exterior mechanical equipment. The City will be responsible for day to day and ongoing operations and maintenance of all mechanical systems. This cost is currently estimated at $9,250 annually (see chart *). The draft lease reflects an annual lump sum payment of $9,250 above and beyond cleaning costs from the Historical Society to the City to cover these costs.

This cost shall increase annually at the 10 year average of the Consumer Price Index (currently 2.58%).

*

Item	Cost	Contingency	Total
Security	1000		1000
Elevator	3210	1000 (vandalism)	4210
HVAC	2540	1500 (emergency repairs)	4040
Total			**$9,250**

- o Structural Maintenance/ Long-Term Replacement Costs – the City will be responsible for all structural maintenance of the building, including the roof, foundation, structural members, and exterior wall surfaces. The City's Asset Management Program will be increased to cover the cost of replacing any applicable infrastructure added due to the expansion; the increase is estimated from $27,600 to $42,000 annually.

- o Restrooms – The restrooms are excluded from the lease property and the City will continue to maintain, provide paper products, and clean the restrooms.

IV. Approve a Construction and Financing Agreement (memorandums of understanding).

Construction Terms

- Restrooms: The expansion will remove the existing public restrooms at the rear of the building. The new restrooms will:
  - o Provide clear and unobstructed patron and public access to the new restrooms during operating hours through exterior stairs.
  - o Provide ADA access through the main entrance of the museum and their new elevator during operating hours.
  - o Not provide exterior ADA access (no lift).
  - o Be open during special events from the outside, but not from the inside of the museum (City responsible for portable ADA units as necessary).
  - o Be cleaned and maintained by the City.

- Construction Lay Down Yard: The Historical Society requested use of additional City property for their construction staging. This includes the 10 spaces immediately to the east of the expansion area and the 24 spaces in the Historic Wall Lot (immediately north and contiguous to the Shell Space construction area). The anticipated duration of construction is approximately 15 months. The Council on August 30 agreed to the use of 34 spaces free of charge, with direction for this number to be reduced if possible. Reducing the number of spaces will be difficult without detailed language that is currently not in the construction MOU (Exhibit E). Until the Historical Society finalizes a construction contract, the exact plan for the staging area will not be finalized. The area will be limited to 34 spaces at the largest, and Council should assume all of those spaces will be used unless the construction MOU is amended.

- <u>Green Building Policy:</u> The Historical Society has committed to providing 4% of the cost of construction towards Green building practices.

- <u>Public Art/Artifacts:</u> The Historical Society has committed 1% of the construction budget to public art. Section 15-4-15(C) of the LMC states the Council "may" seek recommendations on such requests from the art advisory board. Although it is currently the policy of the Public Art Advisory Board that all "art" be reviewed by them, staff believes that most of the displays will be "historical artifacts" and recommends that "artifacts" be exempt from the Public Advisory Board process. Furthermore, staff would recommend that the LMC be amended to further consider and clarify and differentiate "historical artifacts" from public art.

<u>Financial Terms</u>
These have been summarized under Section II of the Analysis (above) and are described in detail in the attached Construction and Financing Agreement.

VI. Approve a restated Historical Society lease for storage in the Park City Library.

Currently, the Historical Society has a lease for storage room in the Library Building, which runs through August 2013. This step will move this room out of the 99 year lease and recognize it as a stand alone lease. The terms remain materially the same.

Significant Impacts

<u>Financial</u>
Should the City agree to provide financing, ultimately we would be responsible for repayment of the loan obligation. However, an asset would be completed and available in the event of default on the part of the Historical Society.

<u>Timing</u>
The Parameters resolution gives advance notice that the City intends to issue these bonds and starts an appeals period. Formal approval of the Final Bond Resolution cannot occur until the 30 day contest period has lapsed. Staff will return to Council with the "Final Bond Resolution" on November 15 which is the first available meeting once the 30-day contest period is over. Nothing herein will preclude the Historical Society from beginning construction before November 15, 2007. However they will be proceeding at their own risk. Staff finds this risk to be minimal.

<u>99 Year Lease</u>
The City's increased responsibilities are:
- Annual asset management (increase from $27,600 to $42,000 annually)
- Increased snow removal for new pedestrian areas
- Administrative responsibility for maintenance of building operational systems (they will be sub-contracted)

The Historical Society's increased responsibilities are:

- All tenant improvements
- Annual cost to maintain building operational systems ($9,250 + inflationary annual increase)
- Minor increase to primary Insurance
- Specified general liability insurance and additional property insurance as it deems appropriate covering museum and loaned contents and exhibits, as well as insurance to cover other third party contents/property.

DABC

The DABC will relocate temporarily to a downtown location until their new space is completed (approx. May 2008).

Consequences of not taking the recommended action:
The Historical Society may need to relocate the museum and abandon their expansion plans, which could mean that the museum would no longer be located on Main Street.

Department Review:
Legal, City Manager, Sustainability, Budget, and Building Maintenance comments are incorporated into this report.

Alternatives:

A. **Consider the request Favorably:**
Approve the terms of the 5 items needed to allow the Historical Society to expand into City-owned property. This is staff's recommendation.

B. **Modify the Request:**
Provide direction to change general lease terms

C. **Deny the Request:**
Do not permit the Historical Society to expand into City owned land.

D. **Continue the Item:**
The City Council may continue the item for more information and discussion.

Recommendation: Review and approve the following items necessary for the Historical Society to expand their space within the existing Old City Hall Building and proposed new addition located at 528 Main.

I. Approve a Ground Lease of the building to the Municipal Building Authority (MBA) and have the MBA lease the building back to the City .
II. Agree to assist the Historical Society with financing and have the MBA approve a Parameters Resolution defining those terms.
III. Have the City sublease the building to the Historical Society (updated 99 year lease).
IV. Approve a Construction and Financing Agreement.
V. Approve an addendum to the existing Historical Society lease for storage in the Park City Library.

Exhibits

Exhibit A – Ground Lease to MBA
Exhibit B – Draft Bond Parameters Resolution
Exhibit C – Master - Lease (back) to Park City
Exhibit D – Sub-Lease - Amended and Restated PCMC and Historical Society (99 year) Lease
- Exhibit A of 99 year Lease – Existing Special Service Contract
- Exhibit B – Construction and Finance MOU
- Exhibit B1 – Architect Certificate

Exhibit E – Expansion Plans

Exhibits available in separate Historical Society meeting packet supplement.

City Council
Staff Report

Subject: The Main Street Music Crawl
Author: Max J. Paap
Department: Sustainability- Implementation
Date: October 11, 2007
Type of Item: Administrative – Master Festival License

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for the Main Street Music Crawl, as conditioned, on October 20, 2007 to be held at various Main Street club locations and Miner's Park.

Description:

Topic:
Review the Master Festival License Application, submitted by Mountain Town Stages, for the Main Street Music Crawl at various Main Street club locations and Miner's Park on October 20, 2007.

Background:
Mountain Town Stages submitted an application requesting a Master Festival License to hold a community music event as part of their year end fundraising efforts. The event would run from 7:00 pm - 1:00 am on Saturday, October 20, 2007. The purpose of the event is to celebrate live music by having attendees visit multiple live music venues in one night.

The Main Street Music Crawl is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

Analysis:
The event organizers have requested to hold their event on October 20, 2007. The event would begin at 7:00 pm and conclude at 1:00 am. Organizers anticipate attendance of 400 people. Activities would include attendees beginning the evening at The Star Bar at 7:00 pm and then a stroll down Main Street at 9:30 pm to Miner's Park where there will be a short 15 minute show that will include both acoustic and amplified music. From that point the attendees are on their own to visit The Sidecar, Shabu, Bistro 412, The Spur, and Harry O's. This application is being reviewed as a Master Festival License due to the request to play amplified music and use of a City park. The applicant has indicated the amplified music would take place only between the hours of 9:30 pm and 9:45 pm at Miner's Park.

Department Review:
All applicable departments have reviewed the Main Street Music Crawl and their comments have been incorporated into the report.

Alternatives:
Approve the Request:
Approve the Master Festival License allowing the Main Street Music Crawl as described.
Deny the Request:
Deny the Master Festival License, preventing the addition of the Main Street Music Crawl to Park City's schedule of events.
Continue the Item:
The City Council may continue the discussion in order to receive additional information.

Significant Impacts:
Park City has held many similar events to the Main Street Music Crawl. The activities will be contained within the venue and will conclude by 9:45 pm.

Consequences of not taking the recommended action:
The Main Street Music Crawl would not take place.

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing and approve a Master Festival for the Main Street Music Crawl October 20, 2007 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:
1. The Main Street Music Crawl will be held Saturday, October 20, 2007. The event will last from 7:00pm to 1:00 am and will occur at various Main Street club locations and Miner's Park.
2. Parking for the anticipated crowd of 400 people can be accommodated with the existing parking in and around the venues. The conduct of the Main Street Music Crawl will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The events associated with the Main Street Music Crawl will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held at various Main Street club locations and Miner's Park. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival or Special Event Licenses have been issued for October 20, 2007. The Main Street Music Crawl will not substantially interfere with any other Special Event or Master Festival for which a license has already

been granted or with the provision of City services in support of other such events or governmental functions.

6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. All amplified music shall begin at 9:30 pm cease by 9:45 pm on Saturday, October 20, 2007 in Miner's Park. There shall be no amplified music after 10:00 pm.
4. Applicant shall notify all adjacent neighbors 48 hours prior to the event.
5. The applicant will work with City Staff to orient the music stage so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
   (A) The program manager, or his/her designee, shall provide on-site management for each event.
   (B) A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.
   (C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
   (D) All events shall be open to the public and free of charge.
6. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by October 12, 2007

Attachments

Exhibit A- Applicant's Summary of Activities

Exhibit A-

PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION-PART i
A completed electronic copy submitted to the Special Events Department

Special Events and Facilities Department
435.615.5150
specialevents@parkcity.org

APPLICATION FORM
Part I of the application form (pages 1 and 2) must be completed and submitted to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. Parts I and II of the application must be sent electronically to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

EVENT NAME: The Main Street Music Crawl

EVENT DATE(S): 10/20/2007

EVENT TIME(S): 7PM to 1am

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
The Star Bar, The Spur, Shabu, The Sidecar, Bistro 412, The Room @ Harry O's, Miners Park

ANTICIPATED ATTENDANCE: 400

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
Celebrate Live music by having attendees visit multiple live music venues in one night. Start at The Star Bar at 7PM, Parade down Main Street at 9:30PM for a short 15 minute show at Miners Park - Acoustic and Amplified, then all attendees can visit all the other locations at their liesure.

APPLICANT: *(name of organization)* Mountain Town Stages

CONTACTS

Event Manager: Randy Barton
Mailing Address: PO Box 680896
Phone: 901-4119 Fax:
Cell Phone:
E-Mail: randy@mountaintownstages.com

Assistant Event Manager: Brian Richards

Mailing Address: PO Box 680896
Phone: 962-3333 Fax:
Cell Phone:
E-Mail: orionsmusicshop@gmail.com

TYPE OF EVENT: *to be confirmed by the Special Events Department*

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*
A public event which any one of the following:
- ☐ attraction of large crowds, (Over 500)
- ☐ street closure,
- ☒ use of City park, building or property,
- ☐ use of off-site parking facility,
- ☒ use of amplified music.

☒ **Special Event;**
A private or public event, which creates significant public impacts through:
- ☐ causes significant public impacts via disturbance, crowd, traffic/parking,
- ☐ disruption of the normal routine of the community or affected neighborhood,
- ☐ necessitates temporary business or liquor licensing
- ☒ event signs, visible from public property
- ☐ temporary structures

CITY SERVICES

- request for street closure(s)? ☐ yes ☐ no
  if yes, then list street(s) and closure time and date:
- request for closure of or access to any public parking spaces? ☐ yes ☐ no
  if yes, then list lot and closure times and dates:
  if yes, complete and attach *Request for Special Use of Public Parking* form.
- request for use of any City owned bleachers? ☐ yes ☐ no

SALES AND FOOD VENDING

- will there be beer, wine and/or liquor sales during the event? ☐ yes ☐ no
  if yes, have you filed a *Beer and Liquor License Application* with Park City Finance Department? ☐ yes ☐ no
  if yes, have you filed a Single Event or Temporary Beer Permit application w/ UDABC? ☐ ***yes*** ☐ ***no***

APPLICATION FEES

All new applications require a $100 processing fee, all applications for returning events require a $50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:
Park City Municipal Corporation
Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

INSURANCE

Park City Municipal requires proof of liability insurance in the amount of two million dollars ($2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.

City Council Staff Report

Subject: **Resolution to create a Walking and Biking Advisory Liaison Committee (WALC)**
Author: **Jonathan Weidenhamer**
Department: **Sustainability**
Date: **October 11, 2007**
Type of Item: **Legislative**

Recommendation: Staff recommends that the City Council adopt a resolution to establish a citizens Walking and Biking Advisory Liaison Committee (WALC), contingent upon passage of the "walkability" bond on the November 6 ballot.

Background:
During the spring 2007 budget process, the City Council agreed on an implementation strategy for community walking and biking improvements. The strategy includes funding a series of Capital projects and expanding budget for operations and maintenance ($1.35M in projects, $464k in contingency, and $89K for annual O&M). In some cases, specific project and policy decisions have not been finalized due to the timing and interrelated nature of other city projects. Examples of this include over/underpasses along SR 248 and SR 224, the pending Bonanza Drive reconstruction, and the pending outcome of the walkability bond.

Should the bond pass, the City would be able to provide a higher level of service, which may include additional projects and/or projects that provide a higher level of service and/or grade separation. Council has directed staff to organize a citizen's advisory committee to provide input and make recommendations on further prioritization of walkable/bikeable related capital projects. Council has also provided direction that if the bond passes the original funded capital money should be returned to the general CIP pool.

Analysis:
The attached resolution creates the WALC. It also defines the make up of the committee and its roles and responsibilities.

Timing and Schedule
If the bond successfully passes, Staff will return in November to:

- Request Council appoint individuals to WALC
- Define work plan and by-laws for WALC
- Reconfirm permission to begin RFQ/RFP process for prioritized 2008 construction projects

Significant Impacts
Should the walkability bond pass, creation of a citizen advisory board will allow broader community participation in making recommendations to City Council on prioritized projects.

Consequences of not taking recommended action
Should the WALC not be formed, recommendations regarding prioritizing spending on walking and biking related capital projects would occur through the normal budget process.

Department Review
This has been reviewed by the Legal and Executive Departments, and the Walkability Steering Committee which consists of The City Engineer, Public Works Deputy Director, Budget Manager, Parks Planner, Planning Director and Economic Development Coordinator.

Summary Recommendation: Staff recommends that the City Council adopt a resolution to establish a citizens Walking and Biking Advisory Liaison Committee (WALC), conditioned upon passage of the "walkability" bond on the November 6 ballot.

Resolution No. 07-

RESOLUTION ESTABLISHING THE WALKING AND BIKING ADVISORY LIAISON COMMITTEE

WHEREAS, at the September 6, 2007 regular Council meeting, Council directed staff to create a citizens advisory board to make final recommendations and advise Council on walkable and bikable capital projects in the event the Walkability Bond passes on the November 6, 2007 election; and

WHEREAS, During the spring 2007 budget process the City Council accepted the Landmark Design Walkability Study after significant public input, and subsequently approved over $1.9 Million dollars in capital expenditures as part of the approved 2008 budget towards walkability, and subsequently placed a $15 Million dollar bond (The Bond) on the November election; and

WHEREAS, a pedestrian and biking safe, connected, and efficient community is a priority of the City Council; and

WHEREAS, the intent of the City Council in forming this Advisory Committee is to provide final recommendations to City Council on prioritizing walking and biking capital improvements identified generally in the Landmark Design Walkability Study, without affecting the overall procedural requirements of the budget process as approved by City policy and required by state law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the Walkable Advisory Liaison Committee (WALC) is established as follows:

<u>SECTION 1. MEMBERSHIP.</u> The membership of the Walkable Advisory Liaison Committee (WALC) shall include representatives from each of the following groups, plus three at-large positions, appointed by the City Council:

- Planning Commissioner - nominated by the Planning Commission
- Mountain Trails Foundation
- Share the Road Committee
- Recreation Advisory Board
- Park City Chamber Burearu
- Park City School District
- 3 at-large Park City resident positions
- City Council (2) Liaisons (ex-officio)
- Staff - Administrative support as necessary from Park City Municipal Corporation Staff to facilitate meetings and serve as be ex-officio members.

SECTION 2. DUTIES and RESPONSIBILITIES. The WALC shall provide input and recommendations to City Council which shall include a prioritized list of capital improvements to be funded by The Bond. This prioritized list will be considered for funding during the City's normal budget process, and consistent with the City's Policies and Objectives for Capital Improvement Management. WALC's role is purely advisory to the City Council and such recommendations may be accepted or rejected in the sole discretion of the City Council. In the event that Committee recommendations do not include consideration of engineering, feasibility, operational, or other technical information, nothing herein shall precluded staff from making separate recommendations. The following are the primary roles that WALC shall fill:

(A) Project Prioritization Recommendations. The Committee shall develop a recommended prioritized list of walking and biking capital improvements to be funded by The Bond. Final WALC recommendations shall be considered during the annual Capital Improvement Program Budget prioritization process. The WALC recommendations may also include a thorough list of alternative projects should future decisions/ studies preclude the City from pursuing a previously prioritized project. The Committee may review input from additional City staff regarding issues related to their recommendations.

(B) Existing Landmark Design Walkability Study and Trails Master Plan Update. WALC's recommendations shall be based on the Landmark Design Walkability Study. The Landmark Study previously identified and ranked issues City-wide, allowing Council to prioritize walkability projects as approved by the City during the 2007 Budget process. The Study's tiering system identified and ranked issues. These issues shall be the basis of project alternatives considered by the Committee. The potential projects considered should encompass those that address the tiered projects as identified by the Study.

(C) Trails Master Plan. The Trails Master Plan shall be used as a resource and guiding tool to help WALC with prioritization decisions.

SECTION 3. TERM, ALTERNATE MEMBERS, and BYLAWS.

(A) Term. The Committee shall be formed only upon approval of the Walkability Bond on the November 6, 2007 ballot. The Committee shall dissolve upon approval of the 2008 Budget, but can be reformed as necessary for up to 3 regular meetings as formally authorized by City Council on subsequent studies or budget matters.

(B) Alternate Members – Each Board, Commission, Committee, or Foundation shall be responsible for providing an alternate should they not be able to attend a meeting(s). The at-large positions shall not have alternates.

(D) By-Laws. The Committee shall adopt by-laws before the conclusion of its 2nd meeting. The by-laws shall be approved by Council, and at minimum address:

- Meeting times and dates
- Decision making process (voting/ consensus, etc.)
- Conduct & interaction
- Triggers that initiate formal follow up to initial recommendations
- Management Plan for meeting Public Meeting Protocol, including:
    - Public input
    - Agenda
    - Minutes

PASSED AND ADOPTED this 11th day of October 2007

City Council
Staff Report

Subject: **Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility**
Author: **Brooks T. Robinson**
Date: **October 11, 2007**
Type of Item: **Administrative – Final Plat**

PARK CITY 1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility and consider approval based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	IHC Hospitals, Inc.
Location:	900 Round Valley Drive
Zoning:	Community Transition as part of the IHC Annexation and Master Planned Development (CT-MPD)
Adjacent Land Uses:	National Abilities Center, Park City Recreation Complex, US 40, SR 248, Open Space
Reason for Review:	Final Plats require Planning Commission review and City Council approval

Background
On April 4, 2007, the City received a completed application for the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility. On December 7, 2006, Council approved an annexation ordinance and annexation agreement for the property. On January 11, 2007, the Council approved a subdivision plat for the purpose of creating lots of record so that associated property sale and property transfers could be completed. The applicant has been working with UDOT, the City, and utility providers to prepare necessary easements, road layouts, and cost breakdowns prior to finalizing the amended subdivision plat.

The site is currently heavily under construction. It is 157.243 acres in size and located at the northwest corner of the State Route 248/Highway 40 interchange. The site is adjacent to the City's Ice Arena and Fields Complex.

The zoning designation of the property is Community Transition (CT-MPD) which has a base density of 1 unit/20 acres. The District permits density bonuses up to a maximum of 3 units/acre provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing, and public land/facilities.

The proposed land uses for the site primarily consist of a hospital/medical campus and USSA's proposed new headquarters and training facility. The proposed total density at build-out for the annexation area is 535,000 square feet (gross) and equates to 2.64 units/acre, not including any affordable housing.

The proposed 157.243 acres is proposed to be subdivided into nine lots:

Lot 1 and Lot 2:	Intermountain Healthcare Campus (107.551 acres)
Lot 3:	USSA Headquarters and Training Facility (5 acres)
Lot 4:	PCMC (5 acres—Possible Affordable Housing Site)
Lot 5:	PCMC (15 acres—Ice Facility/Fields Complex Expansion)
Lot 6:	Support Medical Office (3.041 acres)
Lot 7:	Support Medical Office (3.396 acres)
Lot 8:	Support Medical Office (13.974 acres)
Lot 9:	Questar facility (0.172 acres)

The IHC hospital received approval of a Master Planned Development and Conditional Use Permit on May 23, 2007.

The proposed subdivision plat is required to reflect all final road and public dedications as well as all utility dedications and improvements consistent with the approved annexation agreement.

The Planning Commission heard this application at a public hearing on September 26, 2007, and forwards a positive recommendation to the City Council.

Analysis:

The proposed subdivision request is in compliance with Land Management Code, Section 15-7: Subdivisions. Access to the IHC hospital campus is by way of SR-248 and a right-of-way across a corner of the City's Ice Facility and Fields Complex property. A 30 foot wide access easement connects IHC's Lots 1 and 2. Emergency secondary fire access to the IHC site is also available from the right of way behind the City Ice Facility. Use of this right of way on the City property is restricted by deed. The proposed plat dedicates a 50-foot wide public right of way as a continuation of this road to the IHC facility. The USSA property and the City's 5-acre potential affordable housing site are accessed via SR-248 and a 50 foot wide public road. The City's 15 acre lot 5 will be accessed by way of the public road (Round Valley Drive) through the IHC subdivision. A 50 foot wide Public Street and Right of Way is also dedicated, but not proposed to be built at this time, along the east side of the property parallel to US 40 for a possible future frontage road.

The proposed lots are consistent in size and location with uses contemplated during the annexation review process, as well as the approved Master Planned Development and Conditional Use Permit. Power and sewer are available adjacent to the site. All provisions of the approved annexation ordinance and agreement, including but not limited to road and easement dedications, intersection and signalization improvements, water and water infrastructure, affordable housing, and trails, remain in effect with this application.

Staff finds good cause for this subdivision as it will memorialize the lots and easements for the IHC campus. The draft plat is attached but continues to be finalized and any non-substantive changes will be reviewed pursuant to Condition of Approval #1.

Department Review

This project has gone through an interdepartmental review on November 14 and December 12, 2006. Additional staff review has taken place within affected City departments. Minor issues will be resolved by the City Attorney and City Engineer.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

Meeche White of the National Ability Center expressed concern that the revised road layout was unable to coordinate the signalized intersection with properties to the south of SR 248 in a manner that resulted in a single intersection. The City Engineer explained the UDOT standards, distances, and property line issues that prevented such a result.

Alternatives

- The City Council may approve the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility plat as conditioned or amended, or
- The City Council may deny the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility plat and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility plat, or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts
This subdivision represents a large expansion of City maintenance responsibilities for the new City streets. The City Transit system will also need to expand at considerable expense to the taxpayers.

Consequences of not taking the Suggested Recommendation
The IHC and USSA buildings, and others, can not receive full building permits until such time as the amended plat is recorded. This was a condition of approval for the MPD.

Recommendation
Staff recommends the City Council hold a public hearing for the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility plat and consider approval of the amended plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Attachments
Ordinance with proposed plat (Exhibit A)
Previous subdivision ordinance

Ordinance No. 07-

AN ORDINANCE APPROVING THE AMENDED SUBDIVISION FOR THE INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS/USSA HEADQUARTERS AND TRAINING FACILITY, 900 ROUND VALLEY DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 900 Round Valley Drive have petitioned the City Council for approval of the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 26, 2007, to receive input on the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility;

WHEREAS, the Planning Commission, on September 26, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, on October 11, 2007, the City Council held a public hearing on the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 900 Round Valley Drive.
2. The zoning is Community Transition (CT) within the IHC Master Planned Development (CT-MPD).

3. On December 7, 2006, Council approved an annexation ordinance and annexation agreement for the property. On January 11, 2007, the Council approved a subdivision plat for the purpose of creating lots of record so that associated property sale and property transfers could be completed.
4. This property is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007. An Annexation Agreement for this property was recorded on January 23, 2007.
5. The Annexation Agreement sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat, such as roads, utilities, and trails.
6. The IHC hospital received approval of a Master Planned Development and Conditional Use Permit on May 23, 2007.
7. The proposed subdivision creates nine lots.

Lot 1 and Lot 2:	Intermountain Healthcare Campus (107.551 acres)
Lot 3:	USSA Headquarters and Training Facility (5 acres)
Lot 4:	PCMC (5 acres—Possible Affordable Housing Site)
Lot 5:	PCMC (15 acres—Ice Facility/Fields Complex Expansion)
Lot 6:	Support Medical Office (3.041 acres)
Lot 7:	Support Medical Office (3.396 acres)
Lot 8:	Support Medical Office (13.974 acres)
Lot 9:	Questar facility (0.172 acres)

8. Development of each lot requires a Conditional Use Permit.
9. No setback exceptions were requested in the MPD. Buildings will comply with the CT zoning requirements.
10. The parties continue to work in good faith towards meeting the terms and conditions of the Annexation Agreement. However, the parties haven't been able to finalize all matters by original deadlines. The applicant stipulates that no rights of either party are waived by this approval to enable both parties the opportunity to resolve matters prior to plat recordation.

Conclusions of Law:

1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions, the Park City General Plan, and the IHC Annexation and Master Planned Development.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

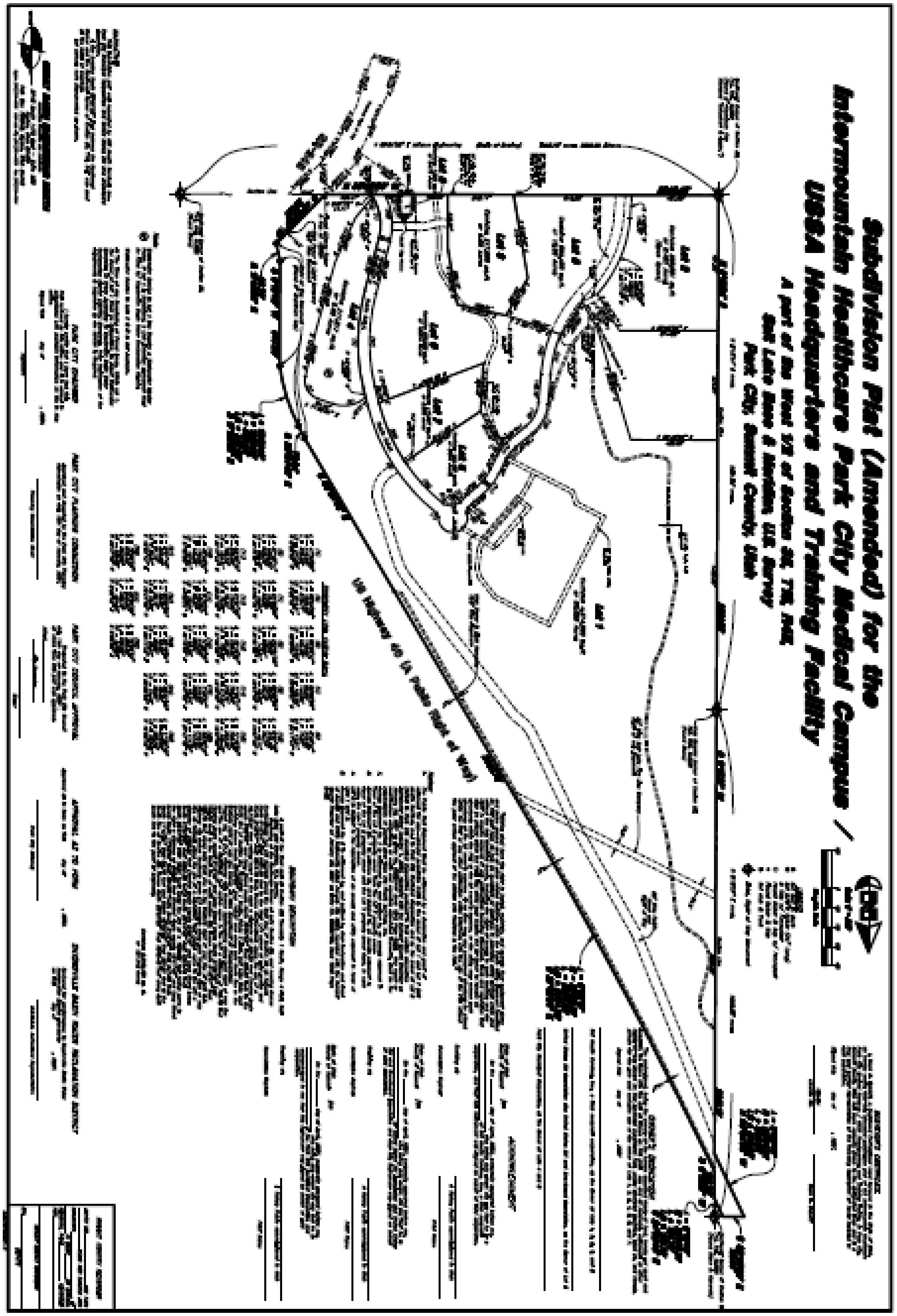
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with the Annexation Agreement, State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the IHC Annexation, Master Planned Development and Conditional Use Permit shall continue to apply.
4. No full building permits shall be issued until the amended subdivision plat is recorded.
5. A financial guarantee for all public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.
6. There are a number of conditions/obligations that were to be completed prior to MPD and/or final amended subdivision. These items must be completed prior to plat recordation unless otherwise agreed to in writing by both parties.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 11th day of October, 2007.

Exhibit A – Record of Survey plat


Subdivision Plat (Amended) for the
Intermountain Healthcare Park City Medical Campus /
USSA Headquarters and Training Facility

City Council
Staff Report

Author:	**Sharon Mayes-Atkinson, Sr. Planner**
Subject:	**600 Gillmor Way/Park City Recreation Complex**
Date:	**October 11, 2007**
Type of Item:	**Administrative- Plat Amendment**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Amended Subdivision Plat for the Park City Recreation Complex, review the proposed application and consider approval, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance (Attachment “1”).

Topic

Applicant:	Park City Municipal Corporation
Location:	600 Gillmor Way/ Park City Recreation Complex
Zoning:	ROS
Adjacent Land Uses:	Adjacent to the National Ability Center, the proposed location for the USSA Center and the IHC Hospital.
Reason for Review:	Plat Amendments require review by the Planning Commission and approval by the City Council. The Amendment proposes to realign the entrance road from Highway 248 to allow for an appropriate turning radius.

New Request
Please note that the previous plat indicated the name of the Street as F.J. Gillmor Way. We have, since the Planning Commission meeting, received a request from Jonathan Weidenhamer, to remove the initials F.J. and change the name of the street to just Gillmor Way. This request came as a result of his speaking with Florence Gillmor’s counsel, who advised that she didn’t want the street named after only herself, but the entire Gillmor family. There being no conflict with existing streets, staff recommends this change.

Background
On October 21, 2004 the City Council adopted an ordinance approving annexation of the 136 acre National Ability Center and Municipal Recreation Complex Annexation. On March 3, 2005, the City Council approved the Park City Recreation Complex Subdivision Plat (Attachment “3”), which created three lots with a roadway access referred to as “Round Valley Drive” off of Highway 248. The previously approved plat shows a straight line paralleling highway 248 and leading to Gillmor Way. A copy of Ordinance # 05-07 which approved the Park City

Recreation Complex Subdivision (Attachment “2”) and the previous Site Plan (Attachment “4”), are attached for reference to any conditions or discussions that were made at that time.

A copy of the proposed ordinance (Attachment “1”) and proposed Amended Park City Recreation Complex Subdivision Plat (Exhibit “A”) are attached for your approval, and the current proposed Site Plan (Attachment “5”) is attached for your review.

Analysis

Utah Department of Transportation (UDOT) has approved a traffic signal at the intersection of Round Valley Drive and Highway 248, which required Round Valley Drive to be realigned. This amendment will accommodate an appropriate turning radius for City buses or other large emergency vehicles, and allow Gillmor Way to intersect properly with the realignment of Round Valley Drive.
By maintaining Round Valley Drive as the primary entrance to the IHC hospital, accidental detours to the Ice Rink will be minimized. The Use of Gillmor Way off of the north of the property is limited by Deed Restriction and will be restricted to transit serving the recreation uses/ice rink and for emergency access.

The proposed amendment is consistent with the Land Management Code regarding subdivisions and plat amendments. Staff finds good cause for this plat amendment, in that the amendment will create a more accessible entrance to the recreation complex especially for City buses and emergency vehicles. All prior conditions of approval will remain in effect.

Department Review

This project has gone through an interdepartmental review. The issue brought up was the possible need for utility easements for a natural gas line and other utilities for the proposed Dog Park. Staff has agreed that since the City owns the property, if easements are later needed for utilities, they can be deeded as necessary once the locations are determined.

Notice

The property was posted and notice was mailed to property owners within 300 feet, and any others requesting formal notice. Legal notice was also put in the Park Record.

Public Input

A public hearing was held by the Planning Commission on September 26, 2007, and a recommendation for approval was forwarded to the City Council.
No public input was received either during the Planning Commission Public Hearing, or by the Planning Department as of the time of the writing of this report.

Alternatives

- The City Council may approve the Amended Subdivision Plat for the Park City Recreation Complex, as conditioned or amended, or
- The City Council may deny the Amended Subdivision Plat for the Park City Recreation Complex, and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the Amended Subdivision Plat for the Park City Recreation Complex, for further information; or
- The City Council may remand the item back to the Planning Commission with direction for discussion on specific issues and/or Findings.

Significant Impacts
There are no significant fiscal or environmental impacts from this application. This amendment is being done to help mitigate possible traffic impacts from the location of nearby projects.

Consequences of not taking the Suggested Recommendation
The existing Plat would remain with a roadway that has a narrow turning radius, making access very difficult for large vehicles, such as emergency vehicles or City buses, leaving inadequate emergency access.

Recommendation
Staff recommends the City Council hold a Public Hearing for the Amended Subdivision Plat for the Park City Recreation Complex, review the proposed application and consider approving, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Attachment-1 Draft Proposed Ordinance
Exhibit "A"- Proposed Amended Subdivision Plat
Attachment-2 Adopted Ordinance # 05-07 Approving Subdivision Plat for the Park City Recreation Complex
Attachment-3 Previously Approved Subdivision Plat for the Park City Recreation Complex
Attachment-4 Previous Site Plan showing existing road alignment
Attachment-5 Proposed Site Plan showing realignment of Round Valley Road and Highway 248 intersection.

Attachment 1-DRAFT ORDINANCE

Ordinance No. 07-

AN ORDINANCE APPROVING THE AMENDED PARK CITY RECREATION COMPLEX SUBDIVISION PLAT LOCATED AT 600 GILLMOR WAY, PARK CITY, UTAH.

WHEREAS, the representative of the owners of the property located at 600 Gillmor Way have petitioned the City Council for approval of the Amended Park City Recreation Complex Subdivision Plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on September 26, 2007, to receive input on the Amended Subdivision Plat for the Park City Recreation Complex; and

WHEREAS, the Planning Commission, on September 26, 2007, forwarded a positive recommendation to the City Council; and,

WHEREAS, the original Plat named one of the streets F.K. Gillmor Way in honor of Florence Gillmor; and

WHEREAS, after the Planning Commission hearing a request was made to remove the initials F.J. and just name the Street Gillmor Way; and

WHEREAS, on October 11. 2007, the City Council held a public hearing and considered the Amended Subdivision Plat for the Park City Recreation Complex; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Amended Park City Recreation Complex Subdivision Plat.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Amended Park City Recreation Complex Subdivision Plat; as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1) The property is located at 600 Gillmor Way.

2) The zoning is Recreation Open Space (ROS).
3) The existing road right of way had a turn radius that was unsatisfactory for large emergency vehicles.
4) UDOT agreed that the access be reconfigured in this manner and approved the design as shown in the site plan.

Conclusions of Law:
1) There is good cause for this plat amendment.
2) The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3) Neither the public nor any person will be materially injured by the proposed plat amendment.
4) Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1) The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2) The applicant will record the plat amendment at the County within one year from the date of City Council approval.
3) If recordation has not occurred within one year's time, this approval for the plat will be void.
4) The Conditions of Approval set forth in Ordinance Number 05-07, approving the original plat shall continue in full force and effect.
5) The Street known as F.J. Gillmor Way on the original plat shall be changed to just Gillmor Way in honor of the Gillmor family.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 11th day of October, 2007.

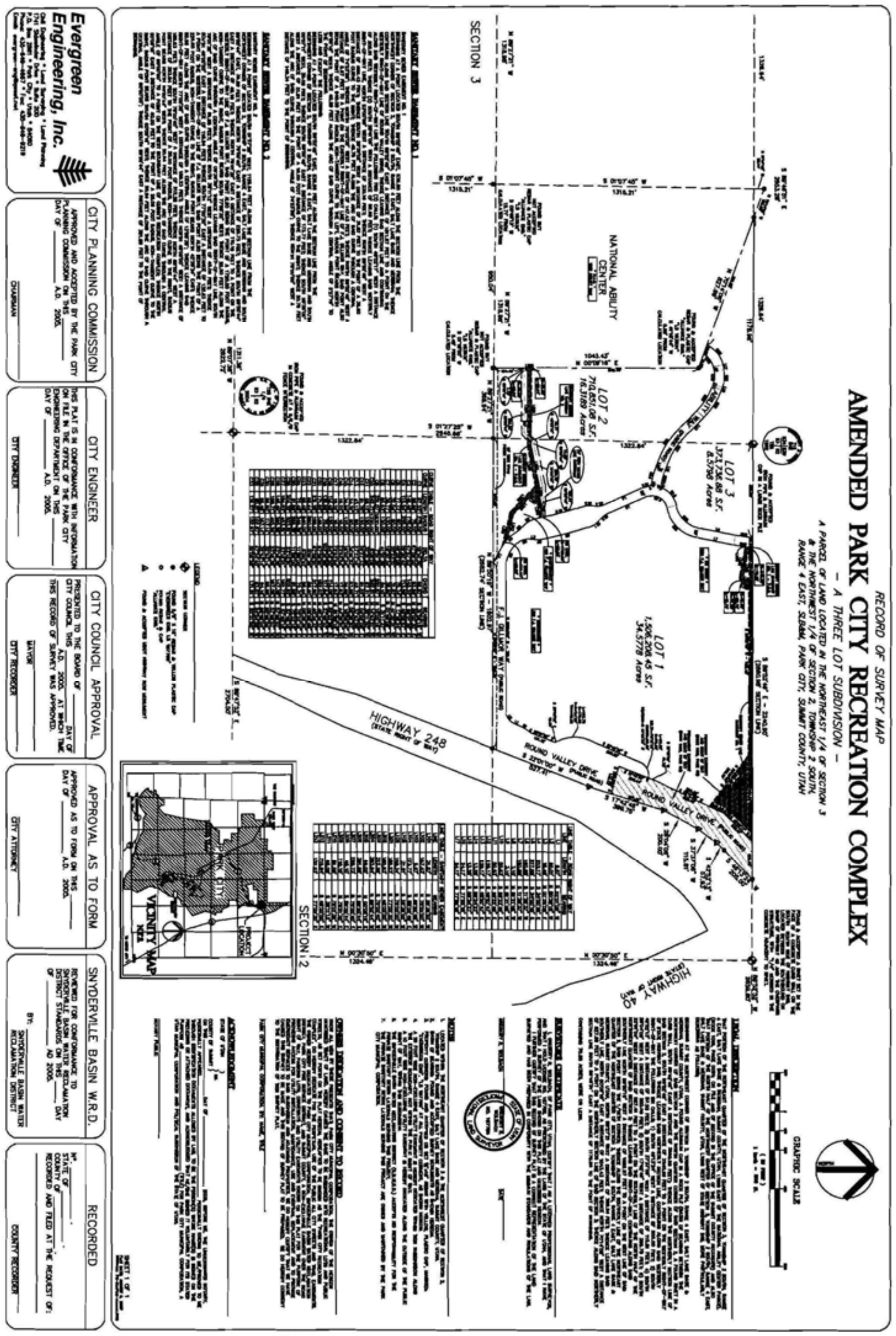

RECORD OF SURVEY MAP
AMENDED PARK CITY RECREATION COMPLEX
– A THREE LOT SUBDIVISION –
LOT 1
LOT 2
LOT 3
NATIONAL ABILITY CENTER
HIGHWAY 248
HIGHWAY 40
ROUND VALLEY DRIVE
SECTION 3
SECTION 2
VICINITY MAP
GRAPHIC SCALE
Evergreen Engineering, Inc.
CITY PLANNING COMMISSION
CITY ENGINEER
CITY COUNCIL APPROVAL
APPROVAL AS TO FORM
SNYDERVILLE BASIN W.R.D.
RECORDED

EXHIBIT A

Attachment-2

Ordinance No. 05-07

AN ORDINANCE APPROVING THE PARK CITY RECREATION COMPLEX SUBDIVISION WHICH WILL CREATE A THREE LOT SUBDIVISION OUT OF A 70.5 ACRE METES AND BOUNDS PARCEL.

WHEREAS, Park City Municipal Corporation, owners of the 70.5 acre parcel deeded to the city from Florence J Gillmor, have petitioned the City Council for approval of a subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on February 23, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed subdivision allows the property owner to create a 3 lot subdivision on which a recreation complex will be built; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. On October 21, 2004, the City Council adopted an ordinance approving annexation of the 136 acre National Ability Center and Municipal Recreation Complex Annexation. This annexation brought 3 metes and bounds parcels into City limits: A City-owned open space parcel (approx. 39.5 acres of a 119 acre parcel), the NAC parcel (approx 26.2 acres), and an approximately 70.4 acre City-owned parcel deeded to PCMC by Florence Gillmor for recreational uses.
2. The zoning adopted for the parcel through the annexation is Recreation Open Space with underlying Master Planned Development.
3. The City intends to develop a recreation complex on the Gillmor Parcel.
4. An MPD and CUP application for the design of this complex was approved on January 26, 2005.
5. The subdivision of the parcel will create 3 lots oriented around the proposed roadway system (Exhibit B). Lot 1 is 35.3 acres and will hold the ice sheet and concessions building. It is located toward the eastern portion of the lot, along SR 248. Lot 2 is 16.3 acres and is located in the south west corner of the parcel, directly in front of the NAC. This lot will hold the recreation

complex's maintenance building. Lot 3 will be the remaining land north and west of the ice sheet, and is 8.6 acres.

6. All lots meet minimum standards of the ROS District (Exhibit C – MPD site plan). The lot arrangement, building site, square footage, lot dimension, and access, and road design are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions—General Lot Design Requirements.
7. Utilities necessary for the recreation complex are available either on site or within close proximity. Utility easements are dedicated on the plat.
8. Each of the utility companies has expressed an ability to connect existing infrastructure located in Fairway Hills or SR 248 or both.
9. The NAC is currently served with all necessary utilities.
10. Public rights-of-way and easements are dedicated on the plat
11. The City Engineer finds the existing and proposed roadway systems are adequate to support a recreation complex in this area.
12. The project team has designed a roadway system that allows for future reconfiguration of the frontage road to meet the needs of future development by adjacent private property owners.
13. The Planning Commission reviewed this item at the February 23, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

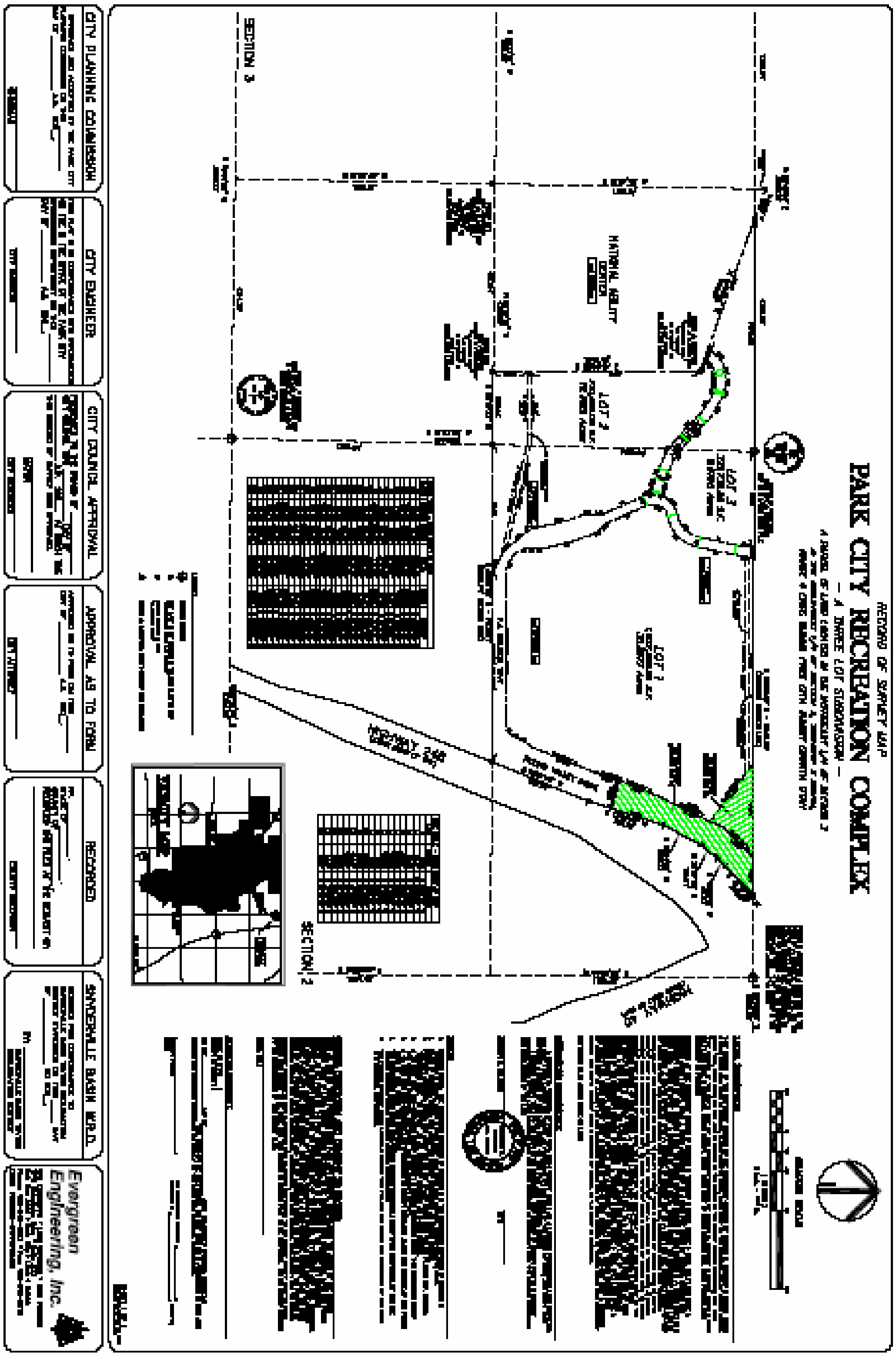
1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. Execution of a line extension agreement with SBWRD to extended service to the recreation complex must be completed prior to issuance of occupancy permits.
3. A fire management plan has been submitted and must be approved prior to issuance of occupancy certificates.
4. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

5. No vehicular access will be allowed from Fairway Hills.

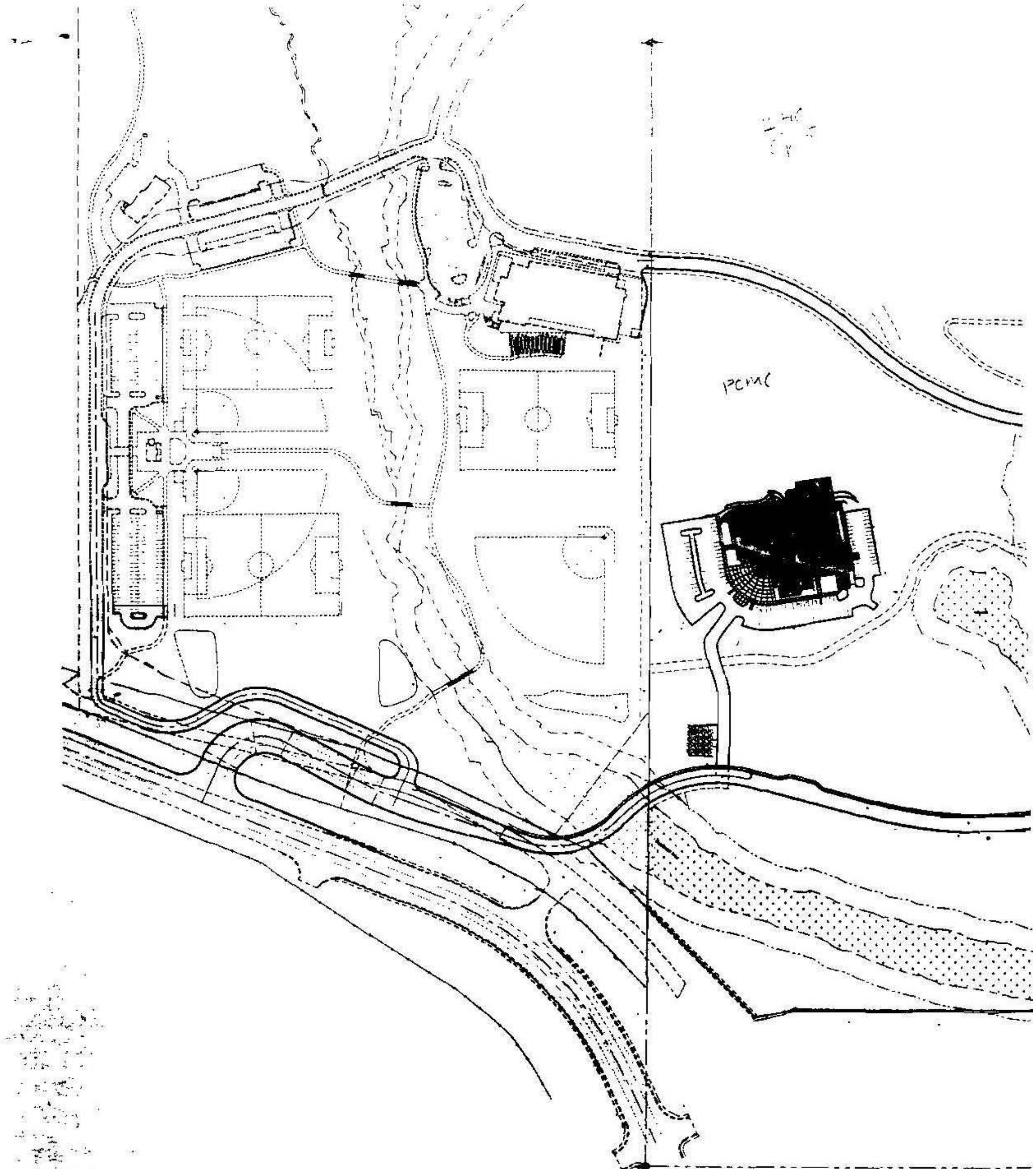
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of March, 2005.

Attachment-3



Attachment-4



Attachment - 5

City Council
Staff Report

Subject:	**Amendment to the Park City Municipal Code Regulating Beer and Liquor Licensed Establishments**
Date:	**October 11, 2007**
Department:	**Sustainability Team**
Author:	**Jonathan Weidenhamer**
Type of Item:	**Legislative**

Recommendation: Approve amendments to the Municipal Code to require Beer and Liquor Licensed establishments in the HCB and HRC Districts to provide private memberships that are available to the general public, only if they are regulated as Storefront Property in the context of the LMC vertical zoning ordinance.

Topic – Additional amendments to Municipal Code Sections 4-5-1 and 4-6-1

Background
On May 24, 2007 the Municipal Code was amended to require membership to all liquor licensed establishments be available to the general public for under $50. These changes were the City's first step towards regulating activity and exclusivity in businesses. This step was broad based and included all beer and liquor licensed establishments in the HCB and HRC Zones. Subsequently, the City began an iterative process to consider taking additional regulatory measures, which consisted of 5 additional public hearings.

The ensuing vertical zoning LMC amendments specifically addressed Storefront Property in the HCB and HRC Zones. Additionally, the LMC changes explicitly excluded those storefronts that weren't part of the "pedestrian experience" based on vertical and horizontal separation from sidewalks.

During the public hearings, public input was taken that requested amendments be considered to the Municipal code to similarly limit the application of the Code changes made in May (Exhibit B). It has been suggested that making the two regulations consistent would more narrowly address the original purpose of each action – the protection of public access to downtown pedestrian areas.

Analysis
In response to requests by the HMBA and other business owners, staff seeks discussion on the intent of the original Municipal Code amendments:

- The Municipal Code now precludes a downtown non-Storefront liquor licensed establishment which does not offer membership to the general public. For example should the owner of a multi-level building wish to have a private bar or restaurant in an upper story (or other area not regulated by the recent vertical zoning ordinance), the current Municipal code would prohibit local consent for their liquor license.

- The current Municipal Code prohibits those HCB and HRC Zoned areas specifically excluded from the vertical zoning LMC regulations from having a bar or restaurant which does not offer membership to the general public. For example should an Off-Site Private Residence Club locate at the portion of Village on Main (formerly Summit Watch) not regulated by the vertical zoning ordinance, by the current Municipal Code, they would be prohibited from gaining local consent to proceed.

Significant Impacts
Not making modifications to these sections of the Municipal Code would prohibit the City from giving local consent to all beer and liquor licensed establishments if they do not offer membership to the general public.

Consequences of not taking recommended action
Certain businesses would be precluded from pursuing non-Storefront exclusive, members-only establishments that serve liquor and beer.

Department Review
This has been reviewed by the Sustainability, Executive and Legal Departments.

Alternatives:
1. Adopt ordinance as prepared by staff. **This is staff's recommendation.**
2. Remand to the Planning Commission
3. Continue for more information.

Summary Recommendation: Staff recommends the Council consider additional amendments to Sections 4-5-1 and 4-6-1 of the Municipal Code that would make the language more consistent with the LMC vertical zoning ordinance. Should Council agree with Staff's recommendation, Council should adopt the attached ordinance which limits the new restrictions on local consent in the HCB and HRC Zones to Storefront Property. The original amendments from May 24, 2007 are underlined, the new proposed amendments are underlined and bolded (Exhibit A).

Exhibits
Exhibit A – Draft Ordinance
Exhibit B – Public Input
Exhibit C –Definitions
-storefront
- Private Residence Club – Off site

AN ORDNANCE AMENDING TITLE 4 OF THE MUNICIPAL CODE REGULATING BEER AND LIQOUR LISCENSED ESTABLISHMENTS

WHEREAS, on May 24, 2007 the City Council modified Chapter 4, Sections 4-5-1 and 4-6-1 of the Park City Code to require all liquor licensed establishments to provide memberships that were available to the general public in the HCB and HRC Districts; and

WHEREAS, on August 20, 2007 the City Council adopted amendments to the Land Management Code prohibiting offices and other non-tax base generating uses in Storefront Property in the HCB and HRC Zoning Districts; and

WHEREAS, the City finds that the intent of these two regulatory sections are more consistent, and therefore proposes to amend the liquor code to apply to the same classification of property (Storefront Property).

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

<u>SECTION 1</u>. AMENDMENT TO TITLE 4 OF THE MUNICIPAL CODE. Title 4 is hereby amended by amending Chapter 4, Sections 4-5-1 Beer License Required, 4-6-1 Liquor License Required attached hereto as Exhibit A.

<u>SECTION 2</u>. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

PASSED AND ADOPTED this ____ day of October, 2007.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

Exhibit A

PARK CITY MUNICIPAL CODE
TITLE 4 - LICENSING

4- 5- 1. BEER LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this Chapter. In addition to the City license, a State beer license shall be required for all sales of beer for on-premise consumption or for purchase or sale of beer in a container exceeding two liters. A separate license shall be required for each place of retail sale, for each separate premise, except that separate licenses are not required for each retail beer dispensing outlet located in the same building or on the same resort premise owned or operated by the same applicant. No beer license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, and this Title. No Beer License shall be issued for any Private Club or Bar in the HCB District or HRC District **that is regulated as a Storefront Property pursuant to 15-15-1.175** unless the general public may join the club, either as a member or a visitor, and the cost of that membership or visitor card is not more than $50.00.

4- 6- 1. LIQUOR LICENSE REQUIRED.

No person shall operate a place of business which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, Utah Alcoholic Beverage Control Commission Rules and Regulations, and this Chapter. No Liquor License shall be issued for any Private Club, Bar, or Restaurant in the HCB District or HRC District **that is regulated as a Storefront Property Property pursuant to 15-15-1.175** as described in Sections 4-6-2 and 4-6-3 unless the general public may join the club, either as a member or a visitor, and the cost of that membership or visitor card is not more than $50.00.

Exhibit B – Public Input from vertical zoning hearings

August 20, 2007

Jonathan Weidenhamer
Park City Planning Department
P.O. Box 1480
Park City, Utah 84060

Re: Municipal Code Amendments

Dear Jonathan:

As you are aware, Park City recently amended Title 4.5.1 and 4.61 of the Park City Municipal Code to restrict the issuance of beer and liquor licenses to Private Clubs or Bars in HCB or HRC districts unless members of the general public can join said club for less than $50 per year. I believe that these newly adopted revisions to the municipal code are overly inclusive and inconsistent with the pending amendments to the Park City Land Management Code ("LMC") regarding vertical zoning and main street store fronts which are intended to allow the establishment of private residence clubs within certain portions of the HBC and HRC districts. It is only proper that such club uses which are established in appropriate areas be allowed to obtain beer and liquor licenses.

On their face, it appears that the municipal code amendments were passed in a blanket effort to accomplish the same result in the entire HRC and HCB districts as is achieved by the proposed amendments to the LMC; namely to avoid the "privatization" of Main Street tenant spaces (i.e. Main Street retail, restaurant, and club establishments not allowing access to the general public). However, throughout the LMC amendments hearings, certain areas within the HRC and HCB have been individually considered and exempted from the proposed LMC amendments because they do not fall within the definition of Main Street "storefront" tenant space.

As a local attorney and resident, I am interested in the overall well being of Main Street due to its worldwide attraction of tourists and visitors. I further applaud the planning department's efforts to avoid privatization of Main Street; however, I do feel that these excepted areas from the proposed LMC amendments should receive consistent exemption from the Municipal Code amendments inasmuch as said areas are not considered Main Street "storefront" tenant space.

Please do not overly restrict the business activities of areas that do not affect Main Street appeal and have already been excluded from the new zoning restrictions by the City planning department. I would ask that the planning department forward a recommendation to exclude from the Municipal Code amendments those same areas excluded in the LMC amendments to maintain zoning and regulatory consistency between the two codes. Thank you.

Regards,

Michael Nielson
Attorney at Law

Exhibit C – LMC Definitions

15-15-1.44.

(D) Club, Private Residence, Off-Site. Any Use organized for the exclusive benefit, support of, linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes but is not limited to any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

15-15-1.175.

(A) Property, Storefront. A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

(1) A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside Building edge, of the public sidewalk; and

(2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.

In case of split-level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above shall be designated to a Storefront Property. The Planning Director or their designee shall have the final determination of applicability.

City Council Staff Report

Subject: Contract for Low-Floor Transit Buses
Author: Eric Nesset
Department: Fleet and Transit Department
Date: October 11, 2007
Type of Item: Administrative

Summary Recommendations:
Authorize the City Manager to execute a contract with Gillig Corporation, in a form approved by the City Attorney, for the purchase of four (4) 35-foot Low Floor buses with options to purchase eleven (11) additional buses during a three year option period (attached)

Topic/Description:
Park City Transit's fleet has four (4) buses due for replacement, based on Federal Transit Authority guidelines and our Fleet Equipment Replacement Schedule.

Background:
Park City Transit's fleet has four (4) buses that have, or will soon have been in service for twelve years; at which time they may be replaced utilizing Federal Transit Administration funding for up to 80% of cost. Anticipating the need to replace buses and fleet expansion that will be required in the Short-Range Transit Development Plan; a Request for Proposal was issued in July 2007.

In accordance with federal, state and city policies and regulations, Park City Transit issued a request for proposals for the initial purchase of up to four (4) 35-foot Low-Floor buses with a three year option period to purchase up to eleven (11) additional 35-foot Low-Floor buses.

Initially, four bus manufacturers indicated an interest in the procurement and submitted Requests for Approved Equals to the RFP's specifications. During the Request for Approved Equals process where bus manufacturers may request variances or exceptions to specifications of the RFP; two manufacturers determined they were unable to meet the Park City Transit's requirements and did not submit proposals. Two bus manufacturers submitted competitive and responsive proposals that were evaluated by an evaluation committee as specified in the RFP. After evaluating proposals that were received in response to the RFP; the Evaluation Committee recommends award of contract to Gillig Corporation.

Analysis:
It is in Park City Municipal Corporation's best interest to replace buses after twelve years in service, when FTA grant money is available, because the grant will pay up to 80% of the capital outlay while all operating costs, including repairs and maintenance are borne by the City.

Park City Transit has obtained a Federal Transit Administration Section 5311 Contract Agreement, administered by the Utah Department of Transportation (UDOT) that includes a Capital Budget for the replacement of buses. Although the capital budget in this agreement includes sufficient funds for this procurement; it requires a technical amendment in order for the City to obtain the full 80% reimbursement that is potentially available under this program. A meeting with the UDOT administrator of Section 5311 programs indicated their willingness to process an amendment and a written request has been submitted.

Proposals for 35-foot Low Floor buses from ELDorado National and Gillig Corporation were evaluated. The buses manufactured by these companies are similar but the Evaluation Committee considered the Gillig buses advantageous in a number of technical areas. Also, the price proposal for the Gillig bus is $316,870 each, compared to $339,966 for each ELDorado bus.

The initial contract amount for four (4) buses @ $316,870 ea. is $1,267,480. The expected reimbursement under the FTA contract discussed above will be $1,013,948 (80%) and the Local Match cost will be $ 253,532 (20%). There are sufficient funds in the Transit Fund for this match.

Department Review:
The City Manager's Office, the City Attorney's Office, Budget\Debt and Grants and Public Works have reviewed this Staff report.

Alternatives:

A. Approve the Request:
Authorize the City Manager to execute a contract with Gillig Corporation, in a form approved by the City Attorney, for the purchase of four (4) 35-foot Low Floor buses with options to purchase eleven (11) additional buses during a three year option period (attached)

B. Deny the Request:
Not approve the purchase of replacement buses.

C. Continue the Item:
Continuing the item will delay replacing aging buses which increases the probability of incurring major maintenance expenses.

D. Do Nothing:
This alternative will have the same impact as Alternative C.

Significant Impacts:
After twelve years in service, Park City Transit's buses are likely to have major mechanical component failures and structural problems caused by corrosion.

Consequences of not taking the recommended action:
Delaying action increases the probability of incurring significant maintenance costs.

Recommendation:

Authorize the City Manager to execute a contract with Gillig Corporation, in a form approved by the City Attorney, for the purchase of four (4) 35-foot Low Floor buses with options to purchase eleven (11) additional buses during a three year option period (attached)

PARK CITY MUNICIPAL CORPORATION CONTRACT AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this 11th day of October, 2007, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and GILLIG CORPORATION, a corporation ("Contractor").

WITNESSETH:

WHEREAS, the City advertised a Request for Proposal ("RFP No. 407") for up to fifteen (15) 35-FOOT LOW FLOOR BUSES, hereinafter referred to as "Buses", according to conditions and specifications in the RFP and all addenda thereto; and

WHEREAS, on September 17, 2007, Contractor did express an interest in providing the Buses for the City; and

WHEREAS, the City wishes to procure the Buses according to the specifications, terms, and conditions listed in the RFP and all addenda thereto; and

WHEREAS, it has been determined that Contractor is a responsive and responsible proposer for the Buses to be purchased in the RFP and all addenda thereto; and

WHEREAS, Contractor is willing to furnish the Buses in accordance with the terms hereof, and

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. TO BE PROVIDED BY CONTRACTOR.

Contractor hereby agrees to furnish and deliver four (4) Buses, in accordance with the requirements of the RFP including all forwarding and duty charges, F.O.B. to: Park City Municipal Corporation, Public Works, located at 1053 Iron Horse Drive, Park City, Utah, by the following schedule: the Buses are to be delivered no later than October 21, 2008.

In the event that Contractor fails to complete all of the work required herein within the time limit set out above, then for each partial or complete day during which the work remains uncompleted thereafter, the Contractor agrees to pay the City **One Hundred Dollars ($100.00)**, which the parties believe, due to the difficulty of actually assessing the damages the City will suffer in the event of such a delay, is a fair estimate of the loss the City will suffer. The parties agree that the daily liquidated damages provided for herein is reasonable and fair, and is not a penalty. TIME IS OF THE ESSENCE IN THIS AGREEMENT.

Contractor further agrees to furnish up to eleven (11) additional buses, when ordered by the City, in accordance with RFP No. 407, Section 1.01 and the terms of this contract and its incorporated documents.

2. TERM.

The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate three (3) years following the date of this Agreement.

3. CONTRACT AMOUNT.

The purchase price for the Buses shall be THREE HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED SEVENTY DOLLARS ($ 316,870.00) per bus, as indicated in Contractor price proposal dated September 17, 2007.

The total Award of Contract Agreement at this time for four (4) Buses shall be a total price of ONE MILLION TWO HUNDRED SIXTY-SEVEN THOUSAND FOUR HUNDRED EIGHTY DOLLARS ($ 1,267,480.00), with all items of the buses complying to the specifications of the RFP, including all addenda, Approved Equals and this Contract Agreement. Unless otherwise indicated, the prices shown shall not include taxes of any kind. Park City Municipal Corporation is exempt from Federal Excise Tax under Chapter 32 of the Internal Revenue Code. (Our Registration Number is 87-6000260.) Park City Municipal Corporation is exempt from Utah State sales and use taxes pursuant to the provisions of Sections 11-20-55 and 59-15-06 Utah Code Annotated 1953.

With regard to the City's subsequent purchase of Buses from contractor, City reserves the right to order buses and equipment over the three (3) year period beginning upon the date of contract award. These prices shall remain firm/fixed for any orders issued by City within a period of ninety (90) days of contract award. The price(s) of any buses or equipment ordered by City after the initial ninety (90) day firm/fixed period shall be that quoted (Base Order Prices) plus any escalation which will be calculated based on the following formula which utilizes the US Department of Labor/Bureau of Labor Statistics Producer Price Index ("PPI") Category 1413, "Truck and Bus Bodies", and is also incorporated in Section I, Paragraph 1.01 of the RFP. The escalation in this index will be used to adjust the Base Order Prices. However, in no event will the price(s) for any bus ordered exceed, by more than 5 percent, the price that was in effect twelve (12) months prior to the date of execution of the purchase order.

4. TERMS OF PAYMENT

The City shall pay Contractor the total price of ONE MILLION TWO HUNDRED SIXTY-SEVEN THOUSAND FOUR HUNDRED EIGHTY DOLLARS ($267,480.00) ("Contract Amount") for the buses per the terms and conditions of the RFP within 30 days of acceptance of the buses according to Section 1.20 of the RFP**.** Contract Amount includes payment for all work and materials expended to complete this Project, which shall include the cost of all bonds, insurance, and all charges, fees, permits, expenses or assessments of whatever kind or character that are or may be necessary to complete this Project.

5. **PERFORMANCE BOND**.

Contractor shall furnish to the City a performance bond satisfactory to the City guaranteeing Contractor's performance, in the amount equal to 100 percent of the Contract Amount in accordance with Sections 1.26 of the RFP by a corporate surety authorized to do business in Utah. The performance bond shall guarantee contract performance throughout the term of the Agreement. Failure to comply with this paragraph shall be deemed a material breach of this Agreement.

6. **INDEPENDENT CONTRACTOR RELATIONSHIP**.

A. The parties intend that an independent Contractor/City relationship will be created by this Agreement. No agent, employee, or representative of the Contractor shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Contractor are not entitled to any of the benefits the City provides for its employees. The Contractor will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated the Contractor is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

7. **CONTRACTOR EMPLOYEE/AGENTS**.

The City may at its sole discretion require the Contractor to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Contractor may, however, employ that (those) individuals(s) on other non-City related projects.

8. **HOLD HARMLESS INDEMNIFICATION**.

A. The Contractor shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Contractor's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Contractor; and provided further, that nothing herein shall require the Contractor to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Contractor expressly agrees that the indemnification provided herein constitutes the Contractor's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Contractor claims or recovers compensation from the City for a loss or injury that Contractor would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

9. <u>INSURANCE</u>.

The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees, or subcontractors. The Contractor shall provide a Certificate of Insurance evidencing:

A. Commercial General Liability insurance written on an occurrence basis with limits no less than one million dollars ($1,000,000) combined single limit per occurrence and two million dollars ($2,000,000) aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if specifically requested; and employer's liability. The Contractor shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63-30d-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3. The first increase to Two Million Dollars ($2,000,000) combined single limit per occurrence will take effect July, 1, 2007.

B. Automobile Liability insurance with limits no less than five hundred thousand dollars ($500,000) combined single limit per accident for bodily injury and property damage.

C. Workers Compensation insurance written on an occurrence basis with limits no less than one half million dollars ($500,000) combined single limit per occurrence.

D. The City shall be named as an additional insured on the insurance policies, as respect to work performed by or on behalf of the Contractor and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The City reserves the right to request certified copies of any required policies.

E. The Contractor's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

10. TREATMENT OF ASSETS.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product including patent rights with respect to any discovery or invention which arises or is developed in the course of or under this contract, copyrights and rights in data and other documents, if any, prepared by the Contractor pursuant to this Agreement (contingent on City's performance hereunder).

11. COMPLIANCE WITH LAWS.

A. The Contractor, in the performance of this Agreement, shall comply with all applicable federal regulations, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

B. The Contractor specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

12. NONDISCRIMINATION.

A. The City is an equal opportunity employer.

B. In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Contractor shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Contractor shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

C. The Contractor will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Contractor shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

13. <u>ASSIGNMENTS/SUBCONTRACTING</u>.

A. The Contractor shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Contractor not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.

B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.

C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

14. <u>CHANGES</u>.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

15. MAINTENANCE AND INSPECTION OF RECORDS

A. The Contractor shall maintain books, papers, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement or which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions, and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, the Federal Transit Authority, the Comptroller General of the United States, any of their duly authorized representatives or other governmental officials authorized by law to monitor this Agreement.

B. The Contractor shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Contractor agrees that the City or its designee, including the Federal Transit Authority or the Comptroller General of the United States, or any of their duly authorized representatives, shall have full access and right to examine any of said materials at all reasonable times during said period.

16. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

17. PROHIBITED INTEREST.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

18. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

A. All work proposed by the Contractor is based on current government ordinances and fees in effect as of the date of this Agreement.

B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an “extra” pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.

C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

19. DEFAULT, REMEDY AND TERMINATION.

The City may terminate this agreement upon the occurrence of one or more of the following events:

A. If Contractor or any Subcontractor should substantially violate any of the provisions of this contract;

B. If Contractor substantially fails to perform any part of this Agreement;

C. If Contractor repeatedly fails or becomes unable to perform the services under this Agreement as required herein, or substantially fails to provide services under this Agreement for a period of seventy-two (72) hours;

D. If Contractor (1) shall become insolvent in a bankruptcy sense; (2) shall be generally not paying its debts as they become due, or within a reasonable time thereafter; (3) shall suffer, voluntarily or involuntarily, the entry of an order by any court or governmental authority authorizing the appointment of or appointing of a custodian (as that term is defined in 11 U.S.C. '101[10]), receiver, trustee, or other officer with similar powers with respect to it or any portion of its property which remains undismissed for a period of ninety (90) days; (4) shall suffer, voluntarily or involuntarily, with or without judicial or governmental authorization, any such custodian, receiver, trustee, or other officer with similar powers to take possession of any part of its property which third party remains in possession for an excess of ninety (90) days; (5) shall suffer, voluntarily or involuntarily, the filing of a petition respecting an assignment for the benefit of creditors which is not dismissed for a period of ninety (90) days; (6) shall be dissolved; (7) shall become the subject of any proceeding, suit, or action at law or in equity under or relating to any bankruptcy, reorganization or arrangement of debt, insolvency, readjustment of debt, receivership, liquidation, or dissolution law or statute or amendments thereto to be commenced by or against it or against any of its property which remains undismissed for a period of ninety (90) days; (8) shall voluntarily suspend substantially all of its business operations; (9) shall be merged with, acquired by, or otherwise absorbed by any individual, corporation, or other business entity or organization of any kind except for any individual corporation or other business entity or organization which is controlled by, controlling, or under common control with the Contractor; or (10) shall take action for the purpose of any of the foregoing,

After serving ten (10) days written notice on the Contractor and its surety of its intention to terminate the services of Contractor, and if within ten (10) days after serving such notice, the violation is not corrected to City's reasonable satisfaction, the City then may take over the work and prosecute it to completion by contract or by any other method it may deem advisable at the expense of the Contractor. The Contractor and the bonding company shall be liable to the City for any reasonable cost occasioned by the City in excess of the amount agreed for the service herein.

The Contractor shall be entitled to a hearing before a City hearing officer upon the issue of termination if it submits a written request therefore within seven (7) days of the service of the notice of the City's intent to terminate. The Contractor shall be entitled to be heard at such hearing on the issue of termination. The Contractor shall not bring an action against the City, its officers, agents or employees arising out of or relating to the termination of this Agreement before the decision is issued by the City's hearing officer(s).

Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of any provision of this Agreement shall not be construed to be modification of the terms of this Agreement, unless stated to be such in writing, signed by the City's authorized representative.

The Contractor shall continue the performance of this agreement to the extent not terminated under the provisions of this section.

The rights and remedies of the City provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this agreement.

20. <u>NOTICE</u>.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

21. <u>DISPUTES</u>

Except as otherwise provided in this Agreement, any disputes concerning a question of fact arising under this Agreement which is not disposed of by Agreement shall be decided by the City. The decision of the City shall be final and conclusive unless, within thirty (30) days from the date of receipt of such decision, the Contractor shall mail or otherwise furnish the City a written signed appeal addressed to the Project Manager/Engineer. In connection with any appeal proceeding under this clause, the Contractor will be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor will proceed diligently with the performance of the contract and in accordance with the City's decision. The decision of the City shall be final and conclusive, but shall not be arbitrary or unreasonable. Although this Contract has been drafted by the City, the

Contractor expressly agrees that any ambiguity herein shall be resolved in favor of the City.

22. **ATTORNEYS FEES AND COSTS**.
If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

23. **JURISDICTION AND VENUE**.

A. This Agreement has been and shall be construed as having been made and delivered with the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

24. **SEVERABILITY**.

A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

25. **ADDITIONAL TERMS.**

Awardee must comply with the following:

(1) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5).

(2) Compliance with all applicable standards, orders, or requirements

issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part (11).

(3) Compliance with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

26. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.
IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

ADDENDUM "A"

INCORPORATED DOCUMENTS

Attached hereto and made part of this Agreement are related documents hereinafter listed which are hereby incorporated into this Agreement by reference and made part hereof which comprise the Agreement:

- Exhibit A - Original RFP and all addenda thereto;
- Exhibit B - Contractor Bid proposal dated September 17, 2007;
- Exhibit C - City's letter dated (date to be established after execution of this Agreement by both Parties) authorizing "Notice to Proceed."

To the extent this form of agreement conflicts in any way with a proposed form of agreement submitted as part of RFP, this agreement shall control.

RESOLUTION ACKNOWLEDGING ERIC NESSET'S RETIREMENT FROM PARK CITY MUNICIPAL CORPORATION AND RECOGNIZING HIS MANY CONTRIBUTIONS IN PROVIDING QUALITY TRANSIT AND FLEET SERVICES IN THE GREATER PARK CITY COMMUNITY

WHEREAS, it is with great reluctance that the City accepts Eric Nesset's resignation after 10 years and 11 months of extraordinary service; and

WHEREAS, Eric was hired on November 27, 1996 as a temporary bus driver and throughout his tenure, his titles included full time bus driver, senior bus driver, Analyst II, Analyst III and in October 2004, he earned the position of Fleet and Transit Manager; and

WHEREAS, Eric's participation on the Olympic Logistics Team helped formulate a very challenging and successful transportation plan implemented for the 2002 Winter Olympics Games and his involvement in coordinating transit for the Sundance Film Festival and Arts Festival continue to improve the delivery of transit services every year; and

WHEREAS, he was instrumental in Park City Transit's expansion into the Snyderville Basin and delivering needed regional service to citizens in Park City and the Basin, and

WHEREAS, Eric streamlined the equipment replacement program to provide a higher level of fuel-efficient equipment to all City departments; developed a B20 diesel fuel demonstration program; and converted the entire City diesel fleet to B20 fuel; consistent with the Mayor's and City Council's commitment to sustainable practices: and

WHEREAS, Eric has long been a key player in the Park City Public Works Department as evidenced by his accomplishments;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby deems it appropriate to acknowledges Eric Nesset's commitment to quality transit and fleet services offered to the greater Park City area over the past 10 years. His performance at the City spells continued success in any future endeavor he chooses.

PASSED AND ADOPTED this 11 day of October, 2007.

City Council
Staff Report

Author:	**Brooks T. Robinson**
Subject:	**Subdivision No. 1 Millsite Reservation – aka King Ridge Estates**
Date:	**October 11, 2007**
Type of Item:	**Administrative – Plat Amendment**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council discuss the amended findings as directed at September 20 City Council hearing for the Subdivision No. 1 Millsite Reservation plat amendment. Staff has provided findings of fact, conclusions of law and conditions of approval in the draft ordinance for the City Council's consideration. Staff further recommends that lot 3 have a limitation on the house footprint. The Council may consider an additional house size limitation based on the staff analysis.

Topic

Applicant:	Silver King Resources, LLC
Location:	255 Ridge Avenue
Zoning:	Historic Residential Low Density (HRL)
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

On October 3, 2006, the City received a completed application for Subdivision No. 1 Millsite Reservation plat amendment. The property is located at 255 Ridge Avenue (north of the switchback) in the Historic Residential Low Density (HRL) zoning district. The proposed plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.

The three lots will be 5,902 square feet, 5,898 square feet and 7,208 square feet in size. The parcel will be 2,110 square feet. Existing Ridge Avenue crosses the property and will be dedicated to the City in the parcel as Parcel A. Ridge Avenue is a substandard street that generally does not exist within its platted right of way.

The applicant wishes to combine the lots into three lots of record in order to construct three single family homes. A Steep Slope Conditional Use Permit and Historic District Design Review will be required for each of the proposed homes.

The Planning Commission opened the public hearing on February 14, 2007, March 14, April 25, July 11, and July 25, 2007. A site visit was held on February 28 to better understand the constraints and issues related to the site. At the April 25th meeting, the Planning Commission directed the applicant to submit a Conditional Use Permit to the standards of Land Management Code Section 15-3-5, Driveway Standards For Private Driveways Within Platted, Unbuilt City Streets.

The City received a completed application for the Conditional Use Permit for construction of a private driveway within a platted, un-built City street, on May 14, 2007, and public hearings were held on July 11 and July 25.

On July 11, the members of the Commission present continued the item as Commissioner Wintzer was not present and he had specific questions that were raised at the April 25th hearing. On July 25, the Commission voted to forward a negative recommendation on the plat amendment to the City Council by a 4-1 vote and directed staff to prepare specific findings consistent with Commission comments. Those findings were reviewed and further amended by the Planning Commission and forwarded with a negative recommendation to the City Council on September 12, 2007. The CUP for the driveway in platted Ridge Avenue was continued to a date uncertain at the July 25th meeting.

On September 20, 2007, the City Council took action to continue the item with direction to Staff to return with revised findings for approval which include house and lot size restrictions.

Analysis

The subject property is located in the HRL zoning district. Standards for HRL are:

	Permitted	**Proposed**
Height	27’	Unknown at this time
Front setback	15’	15’
Rear setback	15’	30’
Side setbacks	5’ min, 10’ total	5’ all side yards
Lot size	3,750 square feet minimum	5,902 square feet, 5,898 square feet and 7,208 square feet.
Footprint	Zone Minimum is 1,519 square feet on a 3,750 square foot lot	2,118 square feet, 2,117 square feet and 2,404 square feet, based on proposed lot sizes
Parking	Two required per lot	Two required per lot

The purpose of the Historic Residential Low-Density (HRL) District is to:

(A) reduce Density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,

(B) provide an Area of lower Density residential Use within the old portion of Park City,

(C) preserve the character of Historic residential Development in Park City,

(D) encourage the preservation of Historic Structures,

(E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.

(F) establish Development review criteria for new Development on Steep Slopes, and

(G) define Development parameters that are consistent with the General Plan policies for the Historic core.

The applicant revised the plat from the initial application in two areas. Lot 2 decreased in size to be similar to lot 1 and lot 3 increased in size. The applicant also proposed a 30-foot non-disturbance zone in the rear (east) of the three lots. Although the required setback is 15 feet, the applicant proposes this increased setback to mitigate concerns of the neighbors on Daly Avenue. In addition, the applicant proposes houses set 37, 55, and 58 feet from the eastern property line.

The proposed lots will be accessed by a private driveway from Ridge Avenue. The driveway is proposed to be built within the platted, but unbuilt Ridge Avenue right-of-way north of the switchback. At the April 25th meeting, the Planning Commission directed the applicant to submit a Conditional Use Permit for construction of a driveway within unbuilt City ROW to address the standards of Land Management Code Section 15-3-5.

At the March 14 meeting, the Planning Commission requested further information on compliance with sections of the Subdivision chapter of the Land Management Code relating to the geologic stability of the ground. The Chief Building Official and City Engineer have reviewed the geotechnical report and do not find any “unsuitable land conditions” (LMC 15-7.3-1(D)) or adverse impacts to the “safety and general welfare of the future lot owners in the subdivision and of the community at large” (LMC 15-7-6). Public comments relating to possible instability are not supported by the geotechnical report. As discussed below, loose rocks will be controlled with measures to be determined at the time of building permit; loose rocks are not regarded as slope instability.

Public comments relating to the location and installation of utilities are not supported by the utility plan that has been reviewed by the City Engineer. Possible hazards during construction can be addressed in the Construction Mitigation Plan that is required by the Building Department. Other projects in Old Town above existing residences have been required to install chain link fencing to capture any loose rocks; silt fencing at a minimum is required for storm detention.

The applicant submitted a traffic study that was completed in December of 2006. The study concluded that the three proposed houses would add fewer than 30 trips per day on area roads. Based on the location of the project, it is likely that most of those trips would be on King Road and not Ridge to Daly Avenue. Ridge Avenue is currently the primary access to only two homes and King Road has an average of 154 vehicle trips per day. For comparison, the applicant's traffic study shows Hillside Avenue having 230 vehicle trips per day.

Several comments were received about the visual nature of this property. Staff took photographs from different vantage points and presented them on April 25th. The project site is not visible from Main Street or most of Old Town. The site is visible from the east side of the canyon from the houses on Sandridge, Prospect, and the Rossi Hill area as these areas are elevated enough to provide a view over the existing structures on Main Street, Daly Avenue, and King Road. The site is not visible from the north or south parking lots at City Hall as Old Saint Mary's, the Treasure Mountain Inn and other Park Avenue and Main Street buildings block the view of the site.

The Land Management Code defines Compatibility thusly:
15-15-1.52. Compatible or Compatibility. Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting Compatibility include, but are not limited to, Height, scale, mass and bulk of Buildings, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive Areas, and Building patterns.

The lot size is compatible with the pattern of development in the neighborhood, particularly with the adjacent Anchor Development to the north. These lots have a maximum above ground square footage restriction and two of the closest lots to 255 Ridge have yet to be built upon. The applicant and staff have prepared an exhibit (attached) of the surrounding properties in the HRL zone and the HR-1 properties within the 300 foot noticing radius. The following is a summary of the results:

	Lot Size	**Lot Sq Ft**	**Footprint Sq Ft**	**House Size Sq Ft**
HRL Average	0.13 acres	5,677	1,917	2,748
Daly Ave Averages	0.09 acres	4,001	1,535	2,131
Combined Averages	0.11	4,839	1,726	2,439

Proposed Lot sizes		5,902 square feet, 5,898 square feet and 7,208 square feet.	2,118 square feet, 2,117 square feet and 2,404 square feet, based on proposed lot sizes	

The study also examined the relationships of the HRL and HR-1 lots, footprints and built house sizes. The HRL zone encourages lot combinations and has a minimum lot size equivalent to two Old Town lots (3,750 sq ft). What is shown is that the HRL averages lot sizes 42% larger than the neighboring HR-1 lots, a 25% larger footprint and a 29% larger house size. Even though the houses and footprints are bigger, there is also greater open space around the houses.

In the sample of HRL and HR-1 lots, there is a correlation between footprint and house size that is similar in both zoning districts. In the HR-1, the house size is 39% greater than the footprint and the HRL houses are 43% larger than the footprints. House size information is from the County Assessor's Office and does not include basements and garages.

Staff finds that the two smaller proposed lots and their footprints are compatible with the lot combinations in this area of the HRL zone because the sizes result in building limitations within the range of neighboring properties. The larger lot, although compatible in lot size to some of the Anchor Development and Ridge Avenue subdivision lots, was not proposed to have house size restrictions and the footprint and the potential house size may be incompatible with the neighborhood. For example, 55 King in the Anchor Development, has a lot size of 11,963 square feet and a footprint of 3,054 square feet but was limited to an above ground maximum of 3,400 square feet.

For this reason, staff is recommending that the City Council, in approving the plat amendment, restrict the footprint on Lot 3 to 2,120 square feet. Staff further recommends limiting the house size based on the 43% footprint to house size analysis to 3,031 square feet of Floor Area as defined by the Land Management Code. This house size would exclude 600 square feet of garage and areas of the lowest story fully underground (ceiling height below final grade). The attached chart excludes basement areas and that exclusion is not wholly consistent with the City's LMC in that the City would possibly count additional area.

The proposed lots will be accessed from Ridge Avenue. At the April 25th meeting, the Planning Commission directed the applicant to submit a Conditional Use Permit to the standards of Land Management Code Section 15-3-5, Driveway Standards for Private Driveways within Platted, Unbuilt City Streets. That application was heard concurrently with the plat amendment and was Continued at the July 25, 2007, public hearing. The Planning Commission could re-open the hearing at the same time as the first Steep Slope Conditional Use permit is heard, if the plat is approved.

The City received a completed application for the Conditional Use Permit for

construction of a private driveway within a platted, un-built City street, on May 14, 2007.
:

15- 3- 5. DRIVEWAY STANDARDS FOR PRIVATE DRIVEWAYS WITHIN PLATTED, UNBUILT CITY STREETS.

The following standards apply to driveways within platted but unbuilt Streets.

(A) The driveway shall not exceed ten percent (10%) Slope.

(B) Adequate snow storage area along the downhill side and/or end of the driveway shall be provided.

(C) The driveway must be paved with asphalt or concrete.

(D) The driveway must not pre-empt any existing physical parking which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.

(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.

(F) The driveway construction requires a Conditional Use Permit, Section 15-1-10.

(G) An Encroachment Permit for the driveway is required.

(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

The proposed access driveway is within the Ridge Avenue Right Of Way (ROW). The ROW is vacated to the north of this property and has no utilities currently within it. No possibility exists for a continuation of Ridge Avenue within the ROW to the north. The proposed access driveway is 19 feet wide with a two foot shoulder on the west side. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way. A two-stepped retaining wall is proposed along the west side and at the north end. The applicant has proposed revised plans to lower the Ridge Avenue pavement near 147 Ridge (yellow house) with the installation of their utilities and evenly grade Ridge through to the end of the proposed access driveway at the maximum grade of 10%. With this plan the retaining walls would be reduced to a maximum height of 8 feet above existing grade. On the north end there is seven feet from the edge of asphalt to the closest wall and 15 feet from the first wall to the north end of the property (total of 22 feet). There is adequate snow storage between the driveways (downhill side) on the individual lots as well as at the west and north end of the driveway. The applicant has proposed to heat the driveway to minimize snow accumulation and the need for snow storage and removal.

The closest house to the west, 85 King Road, has a setback of ten feet to its rear property line. This house has a +/- 8 foot rock retaining wall being constructed at the rear property line. The proposed wall for the 255 Ridge driveway would step from this wall with a horizontal distance of 4 feet before the first 3 to 4 foot high poured concrete wall. Another four foot horizontal landscaping area separates the two walls within the right of way.

The Board of Adjustment has the ability to grant a Variance or Special Exception to the LMC requirement (15-3-5 (A)) of a maximum grade of 10% within the City's right of way. The City Engineer and Planning staff would support a request to increase the driveway grade to 14% (matching the private driveway standard) to reduce the height of the proposed walls another 4 feet in maximum height over the 100 foot length.

Staff finds good cause for this plat amendment as twelve lots will be combined into three lots of record and a portion of existing Ridge Avenue will be dedicated to the public. Ridge Avenue is a substandard street and the reduction in density meets Purpose Statements (A) and (B) of the HRL zone. No historic houses remain on the site and future construction will be reviewed under the Historic District Design Guidelines.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time. A final utility plan will be required to be reviewed and which shall have been approved by the City Engineer prior to plat recordation. Each proposed home will be required to have fire protection in the form of modified 13D sprinklers.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

There were several members of the public that spoke at the February 14th, March 14th and April 25th Planning Commission meetings. There was no public input at the July 11th or 25th Planning Commission meetings. The City Council also took public input at the September 27th meeting.

Alternatives

- The City Council may approve the Subdivision No. 1 Millsite Reservation plat amendment as conditioned or amended **(This is the recommended alternative)**, or
- The City Council may deny the Subdivision No. 1 Millsite Reservation plat amendment and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on Subdivision No. 1 Millsite Reservation plat amendment, or

- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts
There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation
The lots would remain as currently platted. The HRL zone requires a minimum of 3,750 square feet of lot area and the individual lots do not comply with this standard. The Board of Adjustment could grant a variance to lot size. Access using the platted right of way of Ridge Avenue would still require a Conditional Use Permit (concurrent review) and any house would likely require a Steep Slope Conditional Use Permit and would be reviewed for compliance with the Historic District Design Guidelines.

Recommendation
Staff recommends the Planning Commission reopen the public hearing and discussion for the Subdivision No. 1 Millsite Reservation plat amendment. Staff has provided findings of fact, conclusions of law and conditions of approval in the draft ordinance for consideration of forwarding a positive recommendation to the City Council.

Exhibits
Ordinance with plat
Council minutes of September 20, 2007
Ridge Avenue and Daly Avenue study

I:\Cdd\Brooks\COUNCIL\Council 2007\Sub No 1 Millsite Res 100407 amended findings (2).doc

Ordinance No. 07-

AN ORDINANCE APPROVING THE SUBDIVISION NO. 1 MILLSITE RESERVATION PLAT AMENDMENT LOCATED AT 255 RIDGE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 255 Ridge Avenue have petitioned the City Council for approval of the Subdivision No. 1 Millsite Reservation plat amendment; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held public hearings on February 14, March 14, April 25, July 11 and July 25, 2007, and conducted a site visit on February 28, 2007, to receive input on the Subdivision No. 1 Millsite Reservation plat amendment;

WHEREAS, on September 12, 2007, the Planning Commission forwarded a negative recommendation for Subdivision No. 1 Millsite Reservation plat amendment; and

WHEREAS, on September 20, 2007, the City Council held a public hearing, scheduled a site visit for October 4, and directed staff to return with additional information; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Subdivision No. 1 Millsite Reservation plat amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Subdivision No. 1 Millsite Reservation plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 255 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The proposed plat combines lots 35-40 and 66-71, portions of lots 33 and 34 Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The three lots will be 5,902 square feet, 5,898 square feet, and 7,208 square feet in area. The parcel will be 2,110 sf in area.

5. The lot sizes are consistent with lot sizes in the neighboring HRL zone.
6. Code maximum footprints for the proposed lots are 2,118 square feet, 2,117 square feet and 2,404 square feet.
7. The average lot size in the HRL zone in the area is 5,677 square feet. The average footprint in the HRL zone around the property is 1,917 square feet with an average house size, excluding basements and garages, 2,748 square feet.
8. The lot 3 footprint at 2,404 at square feet is not compatible with neighboring HRL zone properties because the footprint is 25% larger than the average for the area.
9. Built houses sizes in the HRL district around the subject property have an average square footage of 143% of the footprint.
10. Existing Ridge Avenue crosses the property and will be dedicated to the City in the parcel as Parcel A. Ridge Avenue is a substandard street that generally does not exist within its platted right of way.
11. The lots have slopes greater than 30% and a Steep Slope Conditional Use Permit will be required for each of the proposed homes.
12. All homes within the HRL zoning district require Historic District Design Review.
13. A 30-foot no-disturb area is proposed on the eastern property line of the three lots.
14. The applicant proposes houses set 37, 55, and 58 feet from the eastern property line.
15. The maximum grade of the driveway in platted Ridge Avenue is 10%. Due to the unique nature and the fact that the City has vacated Anchor to the north of the subject property, the City supports a variance or special exception to a maximum driveway grade of 14%.
16. Adequate snow storage is provided along the east, west and north sides of the driveway.
17. A two tiered retaining wall along the west and north sides will be a maximum of eight feet high (total). A Variance or Special Exception to a maximum of 14% would lower the wall another 4 feet over the 100 foot length.
18. The closest house to the west, 85 King Road, has a setback of ten feet to its rear property line. This house has a +/- 8 foot rock retaining wall being constructed at the rear property line. The proposed wall for the 255 Ridge driveway would step from this wall with a horizontal distance of 4 feet before the first 3 to 4 foot high poured concrete wall. Another four foot horizontal landscaping area separates the two walls within the right of way.
19. The right-of-way is 35 feet wide with 14 feet from the edge of curb to the west edge of the right-of-way, adjacent to 85 King Road.
20. Utilities will be in the Ridge Avenue right of way.

<u>Conclusions of Law:</u>

1. There is good cause for this plat amendment because, as conditioned, twelve lots will be combined to create three lots of record and a parcel consisting of a portion of Ridge Avenue will be dedicated to the public.
2. The plat amendment, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public interest nor any person will be materially injured by the proposed plat amendment.

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A final utility plan is required to be approved by the City Engineer prior to plat recordation.
4. A financial security for public improvements, in an amount approved by the City Engineer and in a form approved by the City Attorney, is required prior to plat recordation.
5. An Encroachment Agreement with the City, for the private driveway within the platted Ridge Avenue, is a condition precedent to plat recordation. Said Agreement shall be approved by the City Engineer as to content and by the City Attorney as to form.
6. The driveway construction requires a Conditional Use Permit that may be reviewed concurrent with a Steep Slope Conditional Use Permit. The current application shall be amended to incorporate the grade change to existing Ridge Avenue to be approved by the City Engineer.
7. A snow shed easement or roof design acceptable to the Chief Building Official will be required at the time of a Steep Slope CUP.
8. A note will be added to the plat that requires the installation of Modified 13-D sprinklers in each house.
9. A note will be added requiring 30 feet none disturbance zone in the rear (east) of the three lots. In addition, the east side of any future houses must substantially conform to the exhibit shown to the City that placed the houses 37, 55, and 58 feet from the eastern property line.
10. Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits.
11. A plat note will be added to restrict Lot 3 to a footprint of 2,120 square feet. Lots 1 and 2 footprints are to be noted as 2,117 and 2,118 square feet.
12. A plat note will limit the maximum house square footage, as defined by the Land Management Code, to approximately 143% of the maximum footprint area or 3,030 square feet on Lots 1, 2, and 3.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 11th day of October, 2007.

PLAT AMENDMENT - SUB NO. 1 MILLSITE RESERVATION

LOCATED IN SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

ABBREVIATIONS

SHEET INDEX

1. PRELIMINARY PLAT

SITE DATA

SITE AREA:	21,159± SF
ZONING DISTRICT:	HRL HISTORIC RES-LOW DENSITY
ACCESS CLASS:	PUBLIC
NO. OF LOTS:	3
WATER SYSTEM:	PARK CITY
SEWER SYSTEM:	SBWRD

ADDRESS TABLE

LOT 1 __________
LOT 2 __________
LOT 3 __________

CANYON ENGINEERING
CIVIL ENGINEERING LAND PLANNING PERMITTING
6410 NORTH BUSINESS PARK LOOP ROAD, SUITE D
PARK CITY, UTAH 84098
VOICE 435.649.7575 FAX 435.649.7596
SOLUTIONS FOR LAND

RESIDENTIAL SITE DEVELOPMENT

PRELIMINARY PLAT

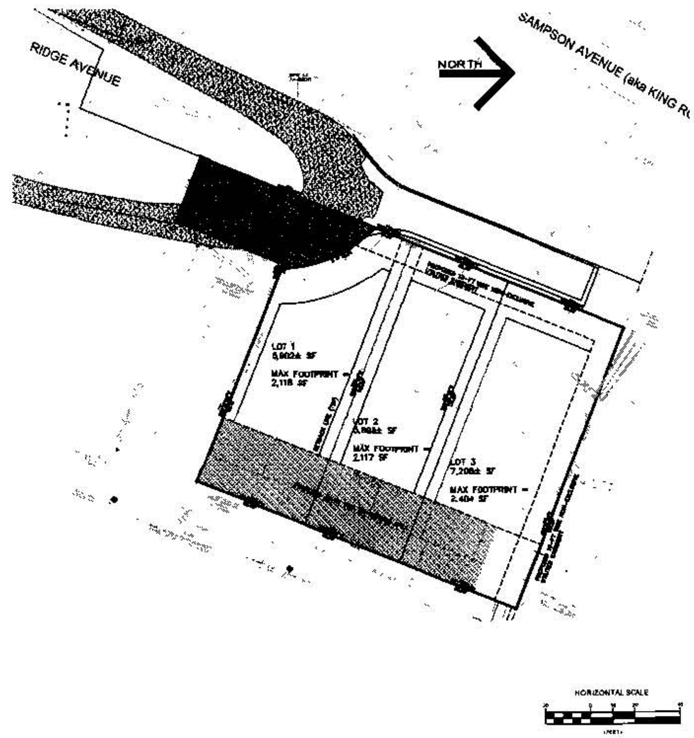
KING RIDGE ESTATES
RIDGE AVENUE, PARK CITY, UTAH

JOB 06018 | 1 OF 1

PLAT NOTES

SURVEYORS CERTIFICATE

BOUNDARY DESCRIPTION



OWNERS DEDICATION

ACKNOWLEDGEMENT

NOTARY PUBLIC

CONSENT TO RECORD

NOTARY PUBLIC

QUESTAR GAS

THIS ____ DAY OF __________, 20____

QUESTAR GAS

BY __________

ENGINEERS CERTIFICATE

THIS ____ DAY OF __________, 20____

PARK CITY ENGINEER

PARK CITY FIRE SERVICE DISTRICT

THIS ____ DAY OF __________, 20____

BY __________
PARK CITY FIRE SERVICE DISTRICT

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

THIS ____ DAY OF __________, 20____

BY __________
S.B.W.R.D.

ROCKY MOUNTAIN POWER

THIS ____ DAY OF __________, 20____

UTAH POWER

BY __________

PARK CITY PLANNING COMMISSION

THIS ____ DAY OF __________, 20____

PARK CITY PLANNING COMMISSION CHAIR

CERTIFICATE OF ATTEST

THIS ____ DAY OF __________, 20____

BY __________
PARK CITY RECORDER

APPROVAL AS TO FORM

BY __________
CITY ATTORNEY

MAY 14

COUNTY RECORDER

STATE OF UTAH COUNTY OF SUMMIT

COUNTY RECORDER

EXCERPT FROM SEPTEMBER 20, 2007 CITY COUNCIL MEETING

2. Consideration of the recommendation to deny a plat amendment for 255 Ridge Avenue, King Ridge Estates – Brooks Robinson explained that the project comes to the Council with a negative recommendation from the Planning Commission. A complete application was received by the City in October 2006. Geotechnical reports, utility plans, etc. were subsequently requested by staff. The proposal is to combine a number of Old Town lots into three lots of record; lots are proposed at 5,902, 5,898 and 7,208 square feet with a dedicated portion of the road to the City containing 2,100 square feet. Ridge Road was not built in its platted right-of-way and crosses a number of parcels, including 255 Ridge. The Planning Commission reviewed the application on February 14, March 14, April 25, July 11 and July 25, 2007 and conducted a field trip on February 28 with the interested public. He explained that at the April meeting, the Commission requested more information regarding access as it was proposed to use the platted but unbuilt Ridge Avenue right-of-way for a private driveway which required a conditional use permit review. Mr. Robinson stated that the staff recommended approval of the plat amendment, acknowledging the necessity of a steep slope CUP review and the Historic Preservation Board review. The Commission found that access provided by the driveway was not compatible with the Historic District residential neighborhood and the retaining wall on the ridge required for the driveway was unlike anything in the Historic District, except for the retaining wall for the Marsac Building which is a larger scale. He clarified that the building site is not visible from any vantage points enumerated in the Land Management Code. He spoke about adjacent developments with house size limitations which were not negotiated as part of this project.

Sean Marquardt, representing King Ridge Estates, through illustration of a PowerPoint presentation, pointed out that in a 1920s photograph, there were multiple homes along Ridge Avenue. He spoke about the ownership of the property and there is no history of anyone applying to the City for development of the parcels. The intention of the plat amendment is to redevelop 13 platted lots and dedicating 2,110 square feet to the City where Ridge Avenue crosses an unplatted section. He stated that the lots and homes will be similar in size to surrounding neighbors and will contribute to the historic core. The proposed footprints are 2,117, 2,118 and 2,404 square feet while footprints approved in the area range from 1,950 to 3,400 square feet. The two–tiered retaining wall is proposed at 11 feet at the tallest point and he displayed examples of retaining walls in the City which are much more intrusive. He described the varying widths of Ridge Road and the likely flow of traffic and added that the placement of the lots and access has been approved by the City Engineer as compliant with the LMC.

Mr. Marquardt displayed a schematic of the utility plan and pointed out a 30 foot easement which will act as a buffer for the Daly neighborhood. IGES Engineering prepared geotechnical analyses reviewed by the City Engineer and Chief Building Official. The April 25 staff report acknowledges that there are no unsuitable land conditions or potential adverse impacts to the City, to the general welfare of future lot owners in the subdivision and/or to the community at large. The traffic study was completed in December 2006 which concluded that three primary residences would generate 30 trips per day with the majority of traffic flowing to King Road; by comparison Hillside Avenue accommodates 230 trips per day. Mr. Marquardt stated that he measured the width of asphalt (not including curbs) of many Old Town streets. Prospect Avenue is 10 feet, Hillside Avenue is 14'6" wide, Daly Avenue is about 22 feet, Ridge by Daly is 12 feet and widens to 16 feet, Sampson Avenue is 13 feet, Norfolk Avenue 13 feet, and King Road is 25 feet. The site is not visible from any vantage points identified in the LMC.

He displayed examples of other projects where the maximum above-ground square footage has been noted on the plat. He displayed a picture of the construction at 85 King Road where the retaining wall is quite large. He spoke about a project on Ontario Court containing 6,671 square feet with a footprint of 2,140 square feet and a lot size of 7,431 square feet and 503 Woodside Avenue containing two buildings and a pool house with an average footprint of 3,470 square, the square footage per home is 8,000 square feet. The retaining wall is a three tiered system and the tallest wall is 12'6" at the back of the property. There was discussion about this example being a part of the Treasure Hill MPD. Mr. Marquardt detailed the proposed retaining wall system for 255 Ridge Avenue, including vegetation and locating it four feet within the property line and displayed other examples of retaining walls on Sampson, Woodside, and Marsac. He encouraged Council to favorably consider approving the plat amendment as the proposed density and use are consistent with the General Plan as illustrated by the plat amendment examples presented. The City Engineer has approved the utility and the project conforms with the LMC and exploring solutions to steep slope issues will occur through the conditional use permit process. Mr. Marquardt respectfully requested that the City Council amend the findings of fact and conclusions of law to allow the project to proceed. The Mayor opened the public hearing.

Ralph Larson, King Ridge Resources LLC, felt that any problem can be solved on the property and pointed out that they have worked closely with staff and members of the neighborhood. The project meets all code requirements and they have addressed neighborhood concerns. They would like to move forward.

Duane Snyder, applicant, agreed with Mr. Larson's comments regarding compliance and willingness to meeting with the neighbors. It is their desire to build a quality product.

Doug Matsumori, attorney for the applicants, explained that his involvement has been relatively short. However, he pointed out that the record clearly shows that from the beginning, the project was being consistently recommended by staff for approval. The project is compliant but at the July 25 Planning Commission meeting, there was considerable discussion on unarticulated standards, and direction to staff to formulate conclusions for denial. It was very confusing. He is concerned about the resulting findings which don't necessarily apply to the City's standards to amend a plat. Finally, any outstanding issues can be adequately addressed through the CUP and building permit processes. He hoped that this will be taken into account by Council, as this is a project that he feels should be approved.

Gus Sherry, Canyon Engineering, stated that his firm has worked closely with the applicants from the beginning of the project. The project improves the area for access and fire protection and pointed out that Park City has a long history of using retaining walls. To say that they are not compatible is outrageous in his opinion. He described the proposed state-of-the-art driveway coming off the hairpin turn on Ridge Avenue, which is wider than the street. The slope is less steep than other streets in the area and the driveway will provide turn-around opportunities. He explained that as a part of the extension of the water main, a fire hydrant will be added at the intersection which will substantially improve fire protection for the hillside. Mr. Sherry discussed meetings with Eric DeHaan and Ron Ivie on numerous occasions where they received buy-in on both the access and fire protection and he is proud to be a part of this project. Mr. Sherry emphasized that the retaining wall debate is blown out of proportion because on average, the two walls are four feet tall.

Rick Brat, 470 Woodside Avenue, explained that originally he was skeptical of the project but as he became more familiar with the project, is now in favor of the application. The Mayor asked if he has a connection with the project itself. Mr. Brat stated that he sold the project to the current owners.

Mike Kraus, 502 Woodside Avenue, relayed that the project has been under review for quite some time and the neighborhood has been involved. He felt this group has addressed concerns outside of the parameters of a plat amendment. These issues really should be addressed through the appropriate processes; this is a simple plat amendment. The applicants are down-zoning 12 lots to 3 lots and the lot configurations and footprints are typical in the zone. The utility plan will be an improvement for everyone in the area and on-going concerns should be addressed in the right forum. The Mayor asked if he has any connection with the project. Mr. Kraus stated that he does not. He was part-owner in the property in the past but has no financial connection now.

Brent Bodden, property owner, noted that staff has been extremely helpful. The applicants have met with the neighbors and he described the buffer proposed for the benefit of Daly residents. He recommended that the findings be revised and that Council approve the plat amendment since they have complied with all requirements.

With no further comments, the Mayor closed the public hearing.

Joe Kernan asked if density is consistent with other projects in the area, and Brooks Robinson felt it is within the range of other properties in the HRL zone. Mr. Kernan suggested that perhaps it would be better to have a number of small homes instead of medium sized residences. Candace Erickson referred to comments in the Planning Commission minutes from resident Steve Deckert and asked for his input.

Mr. Deckert relayed that the applicants have made good concessions with regard to the design of the three lots but he still is concerned about the total lack of understanding about the neighborhood. There is another application for three more homes next to this project and the other side of the street is yet to be developed. Maybe two homes is the better number for a variety of reasons. The hillside is very steep and fragile and he still has concerns about the north residence and the driveway. There really isn't enough detail at this point and he hoped that a height exception will not be requested during the steep slope CUP review. Steve Deckert believes the subdivision ordinance gives the Planning Commission the right to exercise more discretion during the process, but once the lots are approved there are tools to expand the project. The Mayor re-closed the public hearing.

Ralph Larson emphasized that this is a plat amendment and the City can still address Mr. Deckert's concerns and reiterated the improvement in fire suppression, erosion control, and adding value to the area. They need to move forward.

Gus Sherry, engineer, discussed the level of study conducted on the project and the applicants will not be requesting a height exception. Sean Marquardt added that the homes can't be design without the approval of the platted lots, but they will be compatible with the area.

Roger Harlan felt that not all issues can be resolved, especially in consideration of the challenging nature of the steep site. He felt that it will be incompatible because the structures are new construction and was not pleased with the letter from the applicants' legal counsel Included in the meeting packet. He asked the applicants to reduce the project to two homes. Jim Hier stated that the conclusions is that the project is incompatible with the neighborhood and he has not heard anything compelling that cause him to disbelieve the findings and conclusions outlined in the staff report. His position is to support the denial as recommended by the Planning Commission and the staff report. City Attorney Mark Harrington clarified that staff initially rendered a positive recommendation and he advised to only refer to the Planning Commission. Jim Hier clarified his reference to be to the staff report prepared for the Council meeting on September 20, 2007 which includes the findings and conclusions. Mr. Harrington also advised that the legal letter in the meeting packet is not really a consideration of the City Council and felt they were entitled to submit this correspondence in consideration of the process. He warned members that statements about new construction being incompatible are inadequate *and won't carry the day*. He acknowledged that the Planning Commission's findings could be refined with more detail, and noted that he is hearing contradictory comments from members. The City Attorney urged members to move forward with more clarity in formulating findings. Joe Kernan expressed that it would be helpful with Findings Nos. 6, 7 and 8 if there reference to criteria why these footprints are not of the right character and scale. Mark Harrington stated that it is incumbent upon the Council to formulate that type of finding and he explained the necessity to present facts supporting a conclusion. Similarly with regard to compatibility, Mr. Kernan is correct. If the members support sustaining the Planning Commission's recommendation, he strong suggested that members gain a better understanding because there is room for debate. Many slides were examples from other areas and zones, and Mr. Harrington encouraged Council to consider elements of the evidence presented, like the retaining walls, because some information was not presented to the Planning Commission. There was discussion that the Planning Commission may have not seen the photographs, but had much of the technical information. Steve Marquardt explained that the examples presented tonight were created to argue the negative findings and Mr. Hier suggested remanding this to the Planning Commission. The City Attorney advised against the action unless there is a finding of error. Remanding it for further review on more information is not advisable in consideration of the amount of time already expended on this review. Dana Williams asked why the plat amendment is not consistent with the Land Management Code or applicable state laws. Brooks Robinson pointed out that Finding of Fact No. 21 references an inconsistency with LMC §15-7.3-3(A). The Mayor felt that Conclusion Nos. 3 and 4 and incongruous: "*(3) Neither the public nor any person will be materially injured by the proposed plat amendment and (4) Approval of the plat amendment adversely affects the health, safety and welfare of the citizens of Park City*". Mark Harrington explained that material injury is typically a direct adverse impact in terms of an existing right to an adjacent property owner or the public's interest. The Commission added a finding which reads *may* impact loss of light and snow shedding but they didn't amend this conclusion and he advised that members not sustain a decision on a *may* statement.

Mayor Williams explained past approvals and disappointing results and is concerned about losing the character of Old Town, acknowledging that it is not a debatable point. Although the size of the houses are unknown, he felt the project is incongruous with the surrounding area. Mr. Harrington urged members to tie a "*because"* statement to findings based on evidence and/or criteria. The Planning Commission focused on the challenges of an unusually difficult site and incompatible house size was based on impacts on the houses below. He referred to Mr. Kernan's line of thought to augment the findings with specific numbers. Candace Erickson agreed but pointed out that she doesn't have that information at the top of her head. It is information she would have to get from another source and would have t continue this matter.

Mark Harrington urged members to direct staff to examine specific information presented tonight. Dana Williams expressed that establishing grade can be problematic and Mr. Harrington explained that another alterative is somewhere in between staff's recommendation and going with a split recommendation including specific parameters limiting the review of the steep slope. Design parameters, building envelopes, setbacks, etc. could also be examined and memorialize those for the steep slope review. Again those should be based on reasonable evidence in the record. Jim Hier believed that the Planning Commission had a number of valid concerns but is somewhat uncomfortable with the lack of specificity of the findings. He suggested that the matter be continued with direction to condition the approval in such a manner, similar to the original application, but with more specifics as to what those conditions look like based on the concerns of the Planning Commission. He suggested using comparables from Daly, Kind and Ridge. Brooks Robinson explained that 255 Ridge is located in the HRL and the purpose of this zone is supportive or reducing house size and/or footprint and compatibility with the neighborhood. Jim Hier and Candace

Erickson felt this would be very helpful. Mark Harrington understood that this will be continued to the next meeting on October 4, 2007 with direction to staff to re-draft the findings as outlined on Pages 32 and 33 consistent with Council direction this evening to augment those findings with some additional findings to further address compatibility based on Mr. Robinson's additional information and the applicant's presentation with regard to house sizes in the area as delineated by Council member Hier. Jim Hier, "I move to continue this item for two weeks and follow the directive as enumerated by the City Attorney". Mark Harrington emphasized that the findings will constitute an approval. Jim Hier amended his motion to include the approval statement. Joe Kernan seconded. Roger Harlan again expressed his desire to have reduce the number of lots to two. Jim Hier stated that number of lots is not part of the motion. Dana Williams believed there is relevant information in the staff report that can be applied and his concern is size and the shift in character in the Historic District. He asked that the motion be amended to include the February 14 staff report and not just the findings and conclusions but the whole report. Jim Hier felt it would be appropriate to reference the staff report as one of the findings, but many of those items are considered during the steep slope CUP as opposed to a plat application. Joe Kernan seconded the amendment to the motion. Motion carried. There was discussion about scheduling a site visit.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

	Daly Avenue Development	House #	Street	Lot Size	Lot Sqft	Footprint	Replat YR	SQFT	YrBlt	Plat Restrictions
1	Freebairin, G	57	Daly	0.06	2,614	1,128		2,421	2005	
2	Allen, M	59	Daly	0.07	3,049	1,285	2003	3,468	2005	
3	Nuneviller, I	61	Daly	0.11	4,792	1,830		861	1900	
4	Brannan, C	62	Daly	0.06	2,614	1,128	1996	1,339	1997	
5	Easterly, Eric	64	Daly	0.06	2,614	1,128	1996	1,339	1997	
6	Henderson, P	68	Daly	0.05	2,178	964		1,521	1983	
7	Koev, R	71	Daly	0.09	3,920	1,573		816	1900	
8	Singleton, C	80	Daly	0.13	5,663	2,060				
9	Tiresias Ventures	81	Daly	0.22	9,583	2,796				
10	Reilly, Karleen	84	Daly	0.08	3,485	1,433		632	1900	
15	Daly Doubles	4 units	Daly	0.19	8,451	2,628	1984	8,036	1984	10' side yard, 13' rear yard
16	Landmark Replat	97	Daly	0.19	8,276	2,599	1997	1,214	1900	
17	Sokol, Phil	100	Daly	0.07	3,049	1,285				
18	Deckert, Stephen	102	Daly	0.10	4,356	1,705		3,280	1979	
20	Daly Ave Twin Home	103-105	Daly	0.10	4,500	1,747	1983	3,027	1983	
21	Melnallan LLC	109	Daly	0.05	2,178	964				
22	Fisher Sub	110	Daly	0.08	3,485	1,433	1992	3,088	1996	
23	Fisher Sub	118	Daly	0.09	3,920	1,573	1992	707	1895	
24	Fisher Sub	124	Daly	0.05	2,178	964	1992			
25	Four Aces Sub	111	Daly	0.06	2,614	1,128	1992	2,154	1993	
26	Four Aces Sub	115	Daly	0.06	2,614	1,128	1992	2,290	1993	
27	Four Aces Sub	121	Daly	0.06	2,614	1,128	1992	2,274	1993	
28	Four Aces Sub	125	Daly	0.06	2,614	1,128	1992	2,274	1993	
29	Gallaudet, E	130	Daly	0.09	3,920	1,573		2,790	1997	
30	Holt, S	131	Daly	0.08	3,485	1,433		746	1900	
31	Ackerman, S	135	Daly	0.07	3,049	1,285		1,702	1976	
32	Deuces Wild LLC	136	Daly	0.08	3,485	1,433		2,299	1997	
33	BFC-Fashion LLC	142	Daly	0.11	4,792	1,830		1,748	1904	
34	146 Daly LLC	146	Daly	0.10	4,356	1,705		2,859	1983	
35	Parker, J	156	Daly	0.08	3,485	1,433		1,620	1975	
36	Pettit, Julia	239	Daly	0.14	6,098	2,165		890	1901	
	Averages			0.09	4001	1535		2131		
	Medians			0.08	3485	1433		1951		

Ridge Ave Study (2).xls

	Development	House #	Street	Lot Size	Lot Sqft	Footprint	Replat YR	SQFT	YrBlt	Plat Restrictions
1	Anchor	83	King	0.16	7,040	2,370	2003			2,165 Above grd sqft, Height restricted first 18', front set back 25'
2	Anchor	57	King	0.17	7,405	2,442	1998			Max above grade sqft 2,400
3	Anchor	55	King	0.27	11,963	3,054	1998	4,339	2007	Max Above grade sqft 3,400
4	Anchor	81	King	0.11	4,792	1,830	1998	1,382	1906	none
5	Gomez, T	68	King	0.07	3,049	1,285	-	2,183	1990	none
6	Bennett, B	74	King	0.11	4,792	1,830	-	1,228	1904	none
7	McKernon Replat	80	King	0.09	3,950	1,582	2006		2004	none
8		84	King	0.04	1,742	790				none
9	85 King Replat	85	King	0.09	4,079	1,622	2003	3,792	2007	10' rear and front yard setback, 24' total setbacks
10	88 King Replat	88	King	0.09	3,950	1,582	2006			none
11	Prescott DuPlex	89	King	0.11	4,792	1,830	-	2,006	1950	none
12	Blatt, E	90	King	0.17	7,405	2,442	-	3,767	1979	none
13	Braman, J	91	King	0.05	2,178	964	-	1,161	1970	none
14	McVey, S	95	King	0.08	3,485	1,433	-	1,495	1996	none
15	Elrick, S	97	King	0.09	3,920	1,573	-	2,155	1995	none
16	Ruzek, E	99	King	0.04	1,917	861	-	1,383	1972	none
17	King Development Gr	100	King	0.41	17,860	3,273	-			none
18	DeGray Replat	105	Norfolk	0.14	6,098	2,165	1997	4,289	1987	none
19	Jones, J	113	Norfolk	0.16	6,970	2,356	-	3,810	1983	none
20	Wilson Trust	99	Sampson	0.10	4,356	1,705	-	2,542	1983	none
21	Gatch	131	Sampson	0.14	6,098	2,165	1996	3,219	1997	none
22	Silver Potato, LLC	133	Sampson	0.10	4,356	1,705	-	2,081	1994	none
23	Sletta	135	Sampson	0.13	5,625	2,050	1997	3,498	1979	none
24	Sletta	139	Sampson	0.13	5,625	2,050	1997			none
25	Berry, Joy	141	Ridge	0.12	5,227	1,948	-	3,509	1994	none
26	Wood, Anne	147	Ridge	0.05	2,250	991				
27	Wood, Anne	147	Ridge	0.12	5,227	1,948	-			none
28	Ridge Ave	123	Ridge	0.20	8,703	2,668	1995	3,515	1995	2900 sqft Max Bldg Size
29	Ridge Ave	129	Ridge	0.11	4,657	1,792	1995			2500 sqft Max Bldg Size, 25' rear yard, 20'front yard
30	Ridge Ave	135	Ridge	0.22	9,775	2,822	1995	3,601	1998	3000 sqft Max Bldg Size, 15' east side yard, 45' front set back
29	Ridge Ave	201	Ridge	0.15	6,690	2,297	1995			3000 sqft Max Bldg Size, 15' east side yard, 45' front set back
				0.13	5,677	1,917		2,748	1980	
30	King Ridge Estates	1	Ridge	0.14	5,902	2,118	2007	TBD	TBD	30' year yard set back
31	King Ridge Estates	2	Ridge	0.14	5,898	2,117	2007	TBD	TBD	30' year yard set back
32	King Ridge Estates	3	Ridge	0.17	7,208	2,404	2007	TBD	TBD	30' year yard set back, 10' side yard setback
				0.15	6,336	2,213				
33	Ridge Overlook	1	Ridge	0.31	13,413	3,156	2007	TBD	TBD	25' year yard set back, footprint limitation
34	Ridge Overlook	2	Ridge	0.11	4,570	1,768	2007	TBD	TBD	25' year yard set back
34	Ridge Overlook	3	Ridge	0.10	4,140	1,640	2007	TBD	TBD	25' year yard set back
				0.17	7,374	2,188				
			Average	0.13	5677	1917		2748	1980	
			Median	0.11	4792	1830		2881	1990	

	Lot Size	Lot Sqft	Footprint	SQFT
Average from Daly Homes	0.09	4001	1535	2131
Median from Daly Homes	0.08	3485	1433	1951
Average from All HRL	0.13	5677	1917	2748
Median from All HRL	0.11	4792	1830	2881
Combined Average	0.11	4839	1726	2439

HRL/Daly	
lot size ratio (HRL 42% larger lots)	1.4189
footprint ratio (HRL 25% larger footprint)	1.24886
Sq Ft ratio (HRL 29% larger house size)	1.28954
HRL footprint/sqft	0.69833
Daly footprint/sqft	0.72032
Daly % increase from footprint to housesize	0.38827
HRL % increase from footprint to housesize	0.43349

Ridge Ave Study (2).xls

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1	Anchor	83	King	0.16	7,040	2,370	2003			2,165 Above grd sqft, Height restricted first 18', front set back 25'
2	Anchor	57	King	0.17	7,405	2,442	1998			Max above grade sqft 2,400
3	Anchor	55	King	0.27	11,963	3,054	1998	4,339	2007	Max Above grade sqft 3,400
4	Anchor	81	King	0.11	4,792	1,830	1998	1,382	1906	none
5	McKernon Replat	80	King	0.09	3,950	1,582	2006		2004	none
6	85 King Replat	85	King	0.09	4,079	1,622	2003	3,792	2007	10' rear and front yard setback, 24' total setbacks
7	88 King Replat	88	King	0.09	3,950	1,582	2006			none
8	DeGray Replat	105	Norfolk	0.14	6,098	2,165	1997	4,289	1987	none
9	Gatch	131	Sampson	0.14	6,098	2,165	1996	3,219	1997	none
10	Sletta	135	Sampson	0.13	5,625	2,050	1997	3,498	1979	none
11	Sletta	139	Sampson	0.13	5,625	2,050	1997			none
12	Ridge Ave	123	Ridge	0.20	8,703	2,668	1995	3,515	1995	2900 sqft Max Bldg Size
13	Ridge Ave	129	Ridge	0.11	4,657	1,792	1995			2500 sqft Max Bldg Size, 25' rear yard, 20'front yard
14	Ridge Ave	135	Ridge	0.22	9,775	2,822	1995	3,601	1998	3000 sqft Max Bldg Size, 15' east side yard, 45' front set back
15	Ridge Ave	201	Ridge	0.15	6,690	2,297	1995			3000 sqft Max Bldg Size, 15' east side yard, 45' front set back
	Averages--			0.15	6,430	2,166		3,454	1,985	
1	King Ridge Estates	1	Ridge	0.14	5,902	2,118	2007	TBD	TBD	30' year yard set back
2	King Ridge Estates	2	Ridge	0.14	5,898	2,117	2007	TBD	TBD	30' year yard set back
3	King Ridge Estates	3	Ridge	0.17	7,208	2,404	2007	TBD	TBD	30' year yard set back, 10' side yard setback
	Averages--			0.15	6,336	2,213				
1	Ridge Overlook	1	Ridge	0.31	13,413	2,200	2007	TBD	TBD	25' year yard set back, footprint limitation to 2200
2	Ridge Overlook	2	Ridge	0.11	4,570	1,768	2007	TBD	TBD	25' year yard set back
3	Ridge Overlook	3	Ridge	0.10	4,140	1,640	2007	TBD	TBD	25' year yard set back
	Averages--			0.17	7,374	1,869				
	Median			0.14	6098	2165	1997	3558	1997	