PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 3, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 3, 2002.

Closed Session

3:15 p.m. Personnel

Work Session

4:15 p.m. Council questions/comments
4:45 p.m. Weber Basin contract
5:15 p.m. Review of meeting
- Racquet Club pool
- Sandstone Cove plat amendment
- Fee resolution amendments
- Other meeting questions/comments

5:45 p.m. Break

Regular Meeting

6:00 p.m.

I **ROLL CALL**

II **PUBLIC INPUT**

III **COMMUNICATIONS FROM COUNCIL AND STAFF**

IV **WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 29, 2002**

V **CONSENT AGENDA PUBLIC HEARINGS**

1. Ordinance amending Title 12, Sign Code, of the Municipal Code of Park City, Utah **(motion to continue to a date uncertain)**

2. Ordinance amending Chapter 15.4-30, Telecommunications, of the Land Management Code of Park City, Utah **(motion to continue to a date uncertain)**

3. Ordinance amending the record of survey plat for Lakeside Condominiums, located at1641 Lakeside Drive, Park City, Utah

4. Ordinance approving a plat amendment to relocate the lot line between Lots 100 and 119 (2197 Little Bessie Avenue) in the Prospector Village Subdivision, Park City, Utah fifteen feet to the west

VI CONSENT AGENDA

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2. Ordinance approving a plat amendment to relocate the lot line between Lots 100 and 119 (2197 Little Bessie Avenue) in the Prospector Village Subdivision, Park City, Utah fifteen feet to the west

3. Resolution amending construction and development related fees, and miscellaneous fees of the Park City Fee Schedule, adding Section 8, Leisure Services and facility rental fees and repealing Resolutions

VII PUBLIC HEARING

Plat amendment request to shift Recreation Open Space on Lot 1 of the Sandstone Cove Subdivision, Park City, Utah

VII NEW BUSINESS

1. Authorization to proceed with a professional services contract with J&R Development in the amount of $343,000 for the construction of the Racquet Club pool

2. Plat amendment request to shift Recreation Open Space on Lot 1 of the Sandstone Cove Subdivision, Park City, Utah

VIII ADJOURNMENT

Posted: 09/30/02
See parkcity.org

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 3, 2002

Present: **Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier; and Fred Jones**

Toby Ross, City Manager; Jerry Gibbs, Public Works Director; Bob Johnston, Leisure Services Director; Brooks Robinson, Planner; and Mark Christensen, Budget and Grants Manager

Utah State Senator Bev Evans

1. **Council questions/comments.** None.

2. **Weber Basin contract.** Jerry Gibbs indicated that staff is anticipating bringing a final contract to the Council in two weeks for consideration. If approved, it will be delivered to Weber Basin for adoption the following week. The staff report outlines outstanding issues, primarily the mix of project and District water. District water totals $140 an acre foot; while Rockport, a federal project, provides project water at a cost of $40 to $45. The City is hoping for a 50/50 split which is not guaranteed but staff feels there is a good chance of occurring. There was discussion about a Council member attending the Weber Basin October 25 meeting.

In response to a question from Jim Hier, Mr. Gibbs explained that the Weber Basin could sell its water to Park City; Smith-Morehouse has approximately 5,000 acre feet of water available for sale. The 1996 MOU anticipated that the City would be buying all of the District water at $139/acre foot. Initially, Weber Basin wanted the City to buy all District water but instead of charging an average cost of about $90 per acre foot or $450,000 a year, the cost was determined to be $140/acre foot which translates to $750,000 a year. Staff recommends obtaining as much project water as possible and feels confident that there is adequate project and District water to meet the expectations of the contract. Mr. Gibbs indicated that a Rockport project schedule will be distributed to Council.

3. **Review of regular meeting.**

Racquet Club pool update. Bob Johnston stated that the Council approved an additional $75,000 to expand the size and depth of the pool. Staff received construction bids on Wednesday and learned that there is still a $6,000 shortfall. He referred to the staff report outlining options including removing the interactive spray feature from the bid and placing it in an alternative RFP. Other options include funding a contingency for the project to include the water toy or totally rebidding the project. In accordance with Council direction, staff believes this is the best design within budget parameters.

Candace Erickson stated that the City revised its RAP Tax application to include the water toy. The pool could be plumbed for future installation and a fund raiser could be held to purchase the feature. Most members on the Parks and Recreation Board agree with this approach. Bob Johnston clarified that plumbing and capping the line is included in the bid, but is specific to that feature. In response to a question from Jim Hier regarding the project manager, Mr. Johnston explained that Paul Noetling has been involved in a number of City projects including the skate park. In the long run, his involvement saved the City money and it would definitely be beneficial with this project particularly in monitoring cement pours and temperatures. Fred Jones stated that he supports this direction and felt that the feature could be added at a later time. Billable time for the project manager should be charged to the project so all costs are reflected. There was discussion about ordering the water feature at least three months in advance.

Sandstone Cove plan amendment. Planner Brooks Robinson stated that contrary to the approved plans, a deck was built into the ROS boundary. The applicant, a subsequent owner, desires to enclose the deck and alleges it encroaches 18" into the open space, but based on staff measurements, the area appears to measure 3' x 10'.

Fred Jones pointed out the Planning Commission forwarding a negative recommendation. With regard to the public's use of the open space area, Brooks Robinson explained that this is a corner lot which is bordered by three streets and because of these characteristics, is not used as a trail access. He reiterated that the deck was not approved as a part of the building permit, and he just happened to notice the encroachment of landscaping and deck about two years ago when checking limits of disturbance compliance in the neighborhood. No action was taken against the original owners. In response to a question from Peg Bodell, Mr. Robinson explained that if the deck was not encroaching into the ROS, the City would have likely approved an enclosure.

The Mayor asked if the City was in error, and Mark Harrington explained that a full discovery process would have to be conducted to determine the facts. The general rule is that an omission by a building official does not alleviate compliance responsibilities and would not gain a legal non-conforming use status. Mr. Robinson explained that the applicants preferred to request to proceed with the construction of the sun room, as designed, than to decrease the square footage. There was discussion that the open space is part of the lot and that there have been no comments on this application rendered by neighbors.

Fee resolution amendments. Mark Christensen explained that amendments are recommended as a house-keeping matter to reflect current charges spanning all departments and facilities. He urged Council to consider an additional amendment with regard to Section 7, Parking Fees. Jim Hier suggested that the sign review fees in Section 1.1.9 be rounded. Peg Bodell asked if there has been consideration of adding other buildings, which were rented during the Olympics, as additional stock and be prepared with rates in the event there are revenue opportunities. Mr. Christensen stated that this was not considered but staff could make those changes and come back to

Council at a later date. Also, the resolution could be continued until next week to include those changes, but it is important to approve the amendments to the proposed updated fee schedule. Ms. Bodell believed renting facilities is something staff should pursue and Mr. Christensen added that an annual review is contemplated as a part of the budget process, and additions to the resolution could be incorporated. All departments have reviewed the proposed resolution.

For the benefit of Peg Bodell regarding outdoor art, Pat Putt explained that the fee for Section 1.4, administrative conditional use permits, is recommended to be reduced from $350 to $100. She felt that supporting outdoor art is important, but displays can get out of control, and the fee should be appropriate. There was discussion about the process for art displays on public property and Ms. Bodell asked if this specific fee could be reduced further since there is no Historic District Commission review for content. Mr. Putt explained that the art work can not be for sale, the structure must be inspected by the Building Department and if in Old Town, go to the HDC. Ms. Bodell stated that she can support the $100 fee now and asked for Council consensus to direct staff to explore the merits of public art to assess a fair fee for individual applications that may even be approved administratively. There was no direction rendered by other members.

4. **Update from Senator Bev Evans.** The Mayor recognized Senator Evans in the audience and invited her to update the Council on upcoming legislation. She reported that the Tax Review Commission is looking at methods to ensure the self-sufficiency of water systems and possibly taxing non-profits. She discussed oil and gas industry legislation and the second home proposal is back this year. Taxing property owned by non-profits is viewed as a way to raise additional revenue and discussion before the Commission will occur on October 25. Agricultural exemptions will also be examined. Jim Hier pointed out the approach of raising revenue with the conflicting consideration of adjusting the second home owner property tax. With regard to the water issue, Toby Ross interjected that the City has requested for a number of years that Weber Basin not impose a property tax, as we pay hundreds of thousands of dollars to the Basin every year for very limited service here. This may be a two-edged sword for Summit County, because if user rates are used, the City would benefit from that standpoint. Ms. Calvert thanked the Senator for her efforts in opening the UVSC campus in Heber City.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 3, 2002

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 3, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Ray Milliner, Planner; Jon Weidenhamer, Planner; Bob Johnston, Leisure Services Director; and Brooks Robinson, Planner.

II PUBLIC INPUT

The Mayor invited the audience to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Old Town business district - Candace Erickson stated that Felice Marx contacted her and asked her to read a letter into the record. As a Main Street business owner, she is opposed to the Main Street taxation as she pays taxes on a regular basis, pays a CAM fee, contributes as a business owner to the resort city and RAP tax funding. *If a business can not make it on Main Street, it can't make it anywhere.* Those businesses who need assistance should take a look at themselves and Ms. Marx cited several ideas including the appearance of stores, providing unique and appealing merchandise choices, turning down the music, and extending good customer service. Ms. Marx continued that the City can tax all that it wants, but the struggling merchants needs to look within, not at the promotion of Main Street. She felt that it is wrong to tax those of us who carry our own weight and work hard for our dollars by advertising, paying dues to the Chambers, donating to non-profits, and paying to park on Main Street. Kay Calvert and City Recorder Jan Scott reported receiving calls from merchants who alleged that their support was indicated on a petition that they didn't recall signing and there was discussion about confusion over a formal petition and a list of supporters for the program which have been circulated.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 29, 2002

Ms. Bodell corrected a sentence in the work session notes. The Mayor requested a motion to approve the minutes, as corrected. Peg Bodell, "I so move". Candace Erickson seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance amending Title 12, Sign Code, of the Municipal Code of Park City, Utah **(motion to continue to a date uncertain)** - Peg Bodell, "I move that we continue

Items 1 and 2 on the Consent Agenda public hearings to a dates uncertain". Jim Hier seconded. Motion carried unanimously.

2. Ordinance amending Chapter 15.4-30, Telecommunications, of the Land Management Code of Park City, Utah **(motion to continue to a date uncertain)** - See motion above.

3. Ordinance amending the record of survey plat for Lakeside Condominiums, located at1641 Lakeside Drive, Park City, Utah - Planner Ray Milliner explained that a plat amendment is required to accommodate a remodel to raise the roof about three feet for storage space. The Planning Commission forwarded a positive recommendation. Hearing no comments or questions from the Council or the audience, the public hearing was closed.

4. Ordinance approving a plat amendment to relocate the lot line between Lots 100 and 119 (2197 Little Bessie Avenue) in the Prospector Village Subdivision, Park City, Utah fifteen feet to the west - Jon Weidenhamer explained that approval would result in moving the lot line 15 feet to the west. The Planning Commission forwarded a positive recommendation on September 25. The property owner of the lot immediately south testified in opposition and expressed concern about diminishing property values with this action, but there are no findings supporting this potential. Mr. Weidenhamer stated that staff is recommending adding a condition of approval to ensure compliance with the soils mitigation ordinance. Hearing no input, the Mayor closed the public hearing.

VI CONSENT AGENDA

1. Ordinance amending the record of survey plat for Lakeside Condominiums, located at1641 Lakeside Drive, Park City, Utah - Peg Bodell, "I move approval of the Ordinance amending the record of survey plat for Lakeside Condominiums, located at1641 Lakeside Drive, Park City, Utah". Jim Hier seconded. Motion carried unanimously.

2. Ordinance approving a plat amendment to relocate the lot line between Lots 100 and 119 (2197 Little Bessie Avenue) in the Prospector Village Subdivision, Park City, Utah fifteen feet to the west - See staff report and public hearing comments. Peg Bodell, "I move we approve Item 2 with the additional condition with regard to compliance with the soils ordinance". Fred Jones seconded. Motion carried unanimously.

3. Resolution amending construction and development related fees, and miscellaneous fees of the Park City Fee Schedule, adding Section 8, Leisure Services and facility rental fees and repealing Resolutions - In response to a question from Peg Bodell about the City's recreation fees compared to other facilities, Bob Johnston explained that the fees reflected in the resolution are fees that are currently being charged. This is simply

an effort to bring fees and charges in line while raising fees over 10%, requires a formal amendment to the fee resolution. The fee schedule for recreation programs will be a policy discussion during the upcoming budget review. Fred Jones, "I move to approve Consent Agenda Item 3". Jim Hier seconded and added that Section 7 should be incorporated. Candace Erickson seconded. Motion carried unanimously.

VII PUBLIC HEARING

Plat amendment request to shift Recreation Open Space on Lot 1 of the Sandstone Cove Subdivision, Park City, Utah - See staff report and work session notes. Brooks Robinson reported that this application was heard before the Planning Commission on September 25 where a negative recommendation was rendered on shifting the ROS boundary around an encroaching deck. Through illustration of photos, Mr. Robinson pointed out the ROS, the limits of disturbance, and encroaching deck areas. The proposed sun room would extend about 12 feet from the side of the house while nine feet would comply with setbacks, but the applicants prefer to proceed with this process as building materials have been received for a 12 foot enclosure. Mr. Robinson added that staff is also recommending denial of the plat amendment and discussed additional landscaping and irrigation installed in the ROS area which should have been planted with native vegetation. The drainage was discussed.

The Mayor invited the public to comment. Hearing none, the public hearing was closed.

Jim Hier felt that resolving a mistake is not a good reason to rezone ROS and the error should not be compounded with additional construction on a non-conforming structure. He stated he is likely to agree with the Planning Commission, support the staff report, and deny the ordinance but requested that consideration be given to the fact that the existing owner was not a party to the initial violations.

VIII NEW BUSINESS

1. Authorization to proceed with a professional services contract with J&R Development for the construction of the Racquet Club pool - See staff report and work session notes. Fred Jones, "I move approval with the understanding that the water feature is removed from the scope of work at this point and considered a future option". Candace Erickson seconded. Motion carried unanimously.

2. Plat amendment request to shift Recreation Open Space on Lot 1 of the Sandstone Cove Subdivision, Park City, Utah - See staff report, work session and public hearing comments. Fred Jones, "I move denial of the plat amendment according to the findings of fact, conclusions of law, as presented. Jim Hier seconded. Motion carried.

Peg Bodell	Nay
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

IX ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:15 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Assistant City Manager Tom Bakaly was also in attendance. Jim Hier, "<u>I move to close the meeting to discuss personnel</u>". Peg Bodell seconded. <u>Motion carried unanimously</u>.

The meeting opened at approximately 4:15 p.m.

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

Prepared by Janet M. Scott

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Janet M. Scott, City Recorder

STATE OF UTAH)
ss.
COUNTY OF SUMMIT)

CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH

As presiding officer of the City Council of Park City, Utah, I hereby certify that the closed session meeting held by the City Council on October 3, 2002, was held pursuant to Section 52-4-5(1)(a)(I) to discuss the character, professional competence, or physical or mental health of an individual.

DATED this 14th day of November, 2002.

Dana Williams

Mayor Dana Williams

Subscribed and sworn before me this 14th day of November, 2002.

Janet M. Scott

Janet M. Scott, Notary Public