



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
September 26, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regular City Council meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Ave, Park City, Utah 84060 for the purposes and at the times as described below on Thursday, September 26, 2019.

CLOSED SESSION - 2:00 p.m.

To Discuss Property, Personnel, and Litigation

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. APPOINTMENTS

1. Consideration to Approve the City Manager's Proposed Appointment of Sara Nagel as the City Treasurer of Park City Municipal Corporation
(A) Public Input (B) Action
[City Treasurer Staff Report](#)

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Reports

1. Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2018
[GFOA Award Staff Report](#)
[GFOA AFRA](#)
[GFOA Certificate of Achievement for FY2018](#)
2. Permitting Process Taskforce Update
[Permitting Process Taskforce Staff Report](#)
3. City Council Meeting Closed Captioning Service
[Closed Captioning Service Staff Report](#)
4. Transportation Demand Management Plan Update
[TDM Staff Report](#)

IV. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

1. CityTour 2019 Presentation and Debrief
[CityTour 2019 Debrief Report](#)
[Attachment A: PC 2019 City Tour Report](#)
2. Leadership Park City Class 25 Project Presentation
[Class 25 Project Debrief Staff Report](#)
[Wildfire Preparedness Resource Guide Presentation](#)

V. CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from August 29, 2019 and September 12, 2019

[August 29, 2019 Minutes](#)

[September 12, 2019 Minutes](#)

VI. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Professional Services Agreement (PSA), in a Form Approved by the City Attorney, with RideAmigos, in an Amount Not to Exceed \$24,995.00 Per Year for up to Three Years
[RideAmigos Staff Report](#)
2. Request to Adopt Resolution 19-2019, a Resolution Authorizing Certain Individuals in the Organization to Make Changes to the Utah Public Treasurers' Investment Fund (PTIF) Accounts
[PTIF Staff Report](#)
[PTIF Entity Resolution Form](#)
3. Request to Authorize the City Manager to Enter into a Professional Service Agreement with The Electric Highway Co. in a Form Approved by the City Attorney Not to Exceed \$49,940.00 for Electric Vehicle Charging Equipment on City Properties
[Charging Stations Staff Report](#)
[EV Charger Installation Scope of Services](#)
[Appendix A: Locations of EV Charger installations](#)
[Appendix B: Existing Charger Locations](#)

VII. OLD BUSINESS

1. Discuss Special Service Contracts with an Emphasis on Social Equity
(A) Public Input
[Special Service Contracts Staff Report](#)
[Special Service Contract Round Two RFP](#)

VIII. NEW BUSINESS

1. Consideration to Continue an Ordinance Amending Lots 9, 10 and 11 of The Aerie Phase I, Located at 1312, 1324, and 1336 Aerie Drive, Park City, Utah
(A) Public Hearing (B) Continue to October 10, 2019
[The Aerie Phase I Staff Report](#)
2. Consideration to Approve Ordinance 2019-50, an Ordinance Approving the Third Amendment to the First Amended and Restated Nakoma Condominium Plat Located at 8782 Marsac Avenue, Nakoma Unit 17, Nakoma Condominiums, Park City, Utah
(A) Public Hearing (B) Action
[Nakoma Condominium Plat Staff Report](#)
[Exhibit A: Existing and Proposed Condo Plat](#)
[Exhibit B: Amended Development Agreement](#)
[Exhibit C: Technical Reports](#)
[Exhibit D: September 11, 2019 PC Meeting Staff Report](#)
[Exhibit E: September 11, 2019 PC Meeting Minutes](#)
[Exhibit F: Notice of City Council Action](#)

IX. 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. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***Parking validations will be provided for Council meeting attendees that park in the China Bridge parking structure.**

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Mindy Finlinson

Submitting Department: Finance & Accounting

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve the City Manager's Proposed Appointment of Sara Nagel as the City Treasurer of Park City Municipal Corporation
(A) Public Input (B) Action

Suggested Action:

Attachments:

[City Treasurer Staff Report](#)



City Council Staff Report

Subject: Appointment of City Treasurer
Author: Mindy Finlinson
Department: Finance Department
Date: September 26, 2019
Type of Item: Administrative

Recommendation

Staff recommends City Council approve the City Manager's proposed appointment of Sara Nagel as the City Treasurer of Park City Municipal Corporation.

Background

[Park City's Municipal Code, Section 2-4-7](#), prescribes the approval process for the City Treasurer position. Section 2-4-7 authorizes the City Manager to appoint a City Treasurer with the concurrent approval of the City Council. The City Manager wishes to appoint Sara Nagel as the City Treasurer. Sara will train under Mindy Finlinson who was the previous City Treasurer.

Municipal Code requires the City Manager to come before the Mayor and Council to request support for this type of an appointment. By appointing Sara, the Finance Department will continue to ensure the effective and efficient operations of cash/debt management and various other requirements of state law and the [Money Management Act](#). The City has secured the necessary bond for Sara, as required by state law.

Funding

No funding is necessary.

Attachments

None

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Mindy Finlinson

Submitting Department: Finance & Accounting

Item Type: Staff Report

Agenda Section:

Subject:

Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2018

Suggested Action:

Attachments:

[GFOA Award Staff Report](#)

[GFOA AFRA](#)

[GFOA Certificate of Achievement for FY2018](#)



City Council Staff Communications Report

Subject: GFOA Certificate of Achievement for Excellence in Financial Reporting
Author: Mindy Finlinson – Finance Manager
Department: Finance
Date: September 26, 2019
Type of Item: Informational

In August 2019 Park City Municipal was awarded the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting for our 2018 fiscal year end comprehensive annual financial report (CAFR). A Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment. This is the fourteenth consecutive year that Park City has received this prestigious award.

The CAFR has been judged by an impartial panel to meet the highest standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual or department designated by the government as primarily responsible for its having earned the Certificate. An AFRA was awarded to Rebecca Gillis, Finance Manager. However, the Certificate could not be achieved without the help from the entire Finance Department along with help from Budget, Executive, Legal and all other City Departments.

Attached is a copy of the Certificate of Achievement for Excellence in Financial Reporting presented to Park City Municipal Corporation and the Award of Financial Reporting Achievement presented to Rebecca Gillis, Finance Manager.



The Government Finance Officers Association
of the United States and Canada

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Rebecca Gillis

Finance Manager

Park City Municipal Corporation, Utah



The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.

Executive Director

Christopher P. Morill

Date August 12, 2019



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Park City Municipal Corporation
Utah**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2018

Christopher P. Morill

Executive Director/CEO

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Michelle Downard

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

Permitting Process Taskforce Update

Suggested Action:

Attachments:

[Permitting Process Taskforce Staff Report](#)



City Council Staff Communication Report

Subject: Permitting Process Taskforce Update
Author: Michelle Downard, Resident Advocate
Department: Executive Department
Date: September 26, 2019
Type of Item: Informational

On May 16, 2019, City Council adopted amendments to the Design Guidelines for the Historic District and Historic Sites. As part of that process, Council formed a task force of architects, contractors, developers and property owners to help identify areas of improvement in the design review and building process while balancing regulation and historic preservation goals with livability and design. The goal of the taskforce is to ultimately make thoughtful recommendations to the appropriate authority and ensure more voices are included as PCMC forms and implements its regulations.

Park City's Executive Department has led this effort, including the City Manager and Resident Advocate. Councilmember Nann Worel and Mayor Andy Beerman have participated in the meetings. Taskforce members include: Betsy Wallace, Linda McReynolds, Doug Stephens, Preston Campbell, Jacob Shirley, Jonathan DeGray, Craig Elliott, Tom Peek, Jeff Love, Rory Murphy, Pete Olsen, Dave Baglino, Brian Brassey and Gordon Duffin.

The meetings have been open dialogues, which identified and prioritized the following topics. (listed in priority order)

1. Identify a clearer vision (mission statement) for the Historic District Design Guidelines, which will help the Historic Preservation Board, applicants and staff to refer to for guidance in how determinations are made;
2. Clarify the application of the Historic District Design Guidelines to increase transparency and consistency (addressing topics ranging from driveways, energy efficient designs and materials, new technology, trash locations, and additional consideration for historic vs non-historic structure regulations);
3. Review submittals process; required vs. deferred within the building permit process;
4. Review construction standards related to lifting historic structures and penalization;
5. Consistency and clarity in determinations and the processes to be more easily predictable and understandable to the general public and building design professionals; and
6. Clarify permit fee process to enable a more predictable and transparent process for those considering application and building and development costs.

A comprehensive review of the recommendations (evaluating pros and cons, areas of opportunity, better utilization of technology and written materials and checklists, etc.) by PCMC professional staff is recommended as a next step in order to balance efficiency goals for development and building process, against compatibility and alignment with community and neighborhood commitment to our historic character and goals.

Next Steps:

- City Manager will discuss recommendations with staff prior to the next taskforce meeting;
- Provide a written staff response on each item;
- Recruit feedback from the Park City Historical Society regarding any recommendations that may impact the Historic District;
- The taskforce will consider staff response and develop recommendations;
- Return to City Council with the compiled input and final recommendations.

Staff requests ongoing City Council feedback as the taskforce moves forward.

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

City Council Meeting Closed Captioning Service

Suggested Action:

Attachments:

[Closed Captioning Service Staff Report](#)



City Council Staff Communications Report

Subject: Council Meeting Closed Captioning Services

Author: Michelle Kellogg

Department: Executive

Date: September 26, 2019

Closed captioning services for City Council meeting live stream audio has been implemented since January, 2019. Council approved a one year pilot of the service and requested an evaluation at the end of the year. Staff contacted the Granicus team, who administers the closed caption service, and they indicated there was no way to measure the usage of this service.

Staff promoted closed caption service for the following reasons:

1. It benefits the hearing impaired persons who want to listen/participate in City meetings.
2. The community is aging. It benefits seniors, who process conversations at a little slower speed and lose their hearing as they age.
3. It benefits those who speak English as a second language and may not have the same level of literacy.
4. It offers an additional option for community members who are visual/linguistic learners to further engage with City meetings.

The captioning service benefits the above mentioned individuals, but has some drawbacks:

1. It costs approximately \$20,000 per year or ~\$700 per meeting.
2. It is labor intensive for staff to edit the captions in order to make them readable before uploading them onto the City website after the conclusion of the Council
3. It has been, and will continue to be, difficult to measure the actual benefit to the community using the existing meeting management system.

At this time, staff requests feedback from the community who use or rely on the closed captions of Council meetings so usage can be determined and evaluated. Social media posts will be used to request feedback, as well as announcements made during Council meetings. If there is little or no feedback, staff may recommend discontinuing the service given the lack of support/usage, labor necessary to edit captioning, and expense. Feedback can be sent to michelle.kellogg@parkcity.org

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Alexis Verson

Submitting Department: Transportation Planning

Item Type: Staff Report

Agenda Section:

Subject:

Transportation Demand Management Plan Update

Suggested Action:

Review the following staff report as an update to staff's progress on implementing the Transportation Demand Management Plan, and note the update on projects yet to be implemented.

Attachments:

[TDM Staff Report](#)

City Council Staff Communication



Subject: Transportation Demand Management Plan Progress Update
Author: Alexis Verson, Senior Transportation Planner
Andy Stevenson, Transit Community Outreach & Marketing Coordinator
Alfred Knotts, Transportation Director
Department: Transportation Planning & Transit
Date: September 26, 2019
Type of Item: Administrative – Staff Communication

Overview

In 2016, City Council adopted the [Transportation Demand Management \(TDM\) Plan](#) with aggressive goals of managing congestion and reducing the number of Vehicle Miles Traveled (VMT) in Park City, as well as reducing Single-Occupant Vehicle (SOV) trips to, from, and within Park City. Transportation staff has been working to implement the recommended strategies to capture and change travel behavior of target groups including residents, part-time residents, commuters, and visitors. This report gives an overview of the progress made so far in implementing the plan, as well as work that is currently underway, and additional elements of the plan scheduled for implementation. Measuring success of TDM strategies is multi-faceted and an overview of capturing these efforts is detailed below.

Summary of Work Completed/Currently Maintained

The Plan indicates a variety of strategies, offering different levels of positive impact based on a high level cost-benefit analysis. For example, expanding transit service and frequency is generally costly, however, the impact it has on all target groups is significant. The following is a summary of work completed and continually maintained that has been recommended by the TDM Plan:

- ✓ Increased Transit Frequency to Kimball Junction:
 - o Introduced 10/White—Electric Xpress service with 10 minute frequency.
 - o Increased frequency for event and winter peak seasons.
 - o Lime route extension and increased frequency to serve the Ecker Hill Park and Ride Lot
- ✓ Bike Share System
 - o Launched in 2017 with 7 locations, 11 new stations were added in 2019 throughout the City and County, for a total of 18. The Bike Share program offers first/last mile connections to transit, and an alternative way to get around town, other than driving.
- ✓ Carpool/Vanpool Parking
 - o During peak events, PCMC provides carpool parking permits as an incentive for those driving to have higher vehicle occupancies. This is considered a premium parking option during events as otherwise, parking downtown is expensive and generally at capacity.
- ✓ PC-SLC Connect Passes
 - o These transit passes are provided free to all PCMC employees and at a significantly discounted rate to Summit County residents.
- ✓ Guaranteed Ride Home Program
 - o This valuable program was launched in 2017, and offers transit riders who either live or work in Summit County to get reimbursed for a ride home if they are required to work past transit hours, or need to take a rideshare vehicle home in case of an emergency.
- ✓ Employee Showers
 - o Shower facilities are now available to PCMC employees, located in the Old Town Transit Center, as an amenity to those who chose to bicycle in to work.
- ✓ Transit Jump Queue Lanes
 - o Transportation staff, in partnership with UDOT, has designated shoulders on sections of SR-224 for bus-only travel, to allow buses to quickly bypass congested travel lanes on key stretches. The ability to operate in the shoulders 24hours a day/365 days a year was also expanded as was the ability to operate in the southbound lanes.
- ✓ Transit Signal Priority (TSP)

- o Transportation Planning and Transit IT, in partnership with UDOT, have installed a transit signal priority system in 100% of the signals in Park City and Summit County that gives City buses priority at signalized intersections. This works by holding a green light, giving a green arrow, or turning a light green. This technology is proven to help on-time performance & schedule reliability significantly.
- ✓ Efficient Parking
 - o Park City is now utilizing smart technology to monitor parking capacity in lots, and offers Go Park City as a smart parking application for users to easily pay for parking via their phone or an on-site kiosk. Park City also utilizes License Plate Recognition for efficient enforcement.
- ✓ Parking Management Plan (trip reduction ordinance for large employers)
 - o Transportation staff worked with Intermountain Park City Hospital to establish a trip reduction plan for hospital employees. This strategy is also in progress, and plans to expand and codify a trip reduction ordinance for large employers in the City are being drafted.
- ✓ Charter Buses
 - o Park City Transit contracts with charter transportation for on call transit services to provide shuttles and charter buses between parking lots and trip destinations during large events. This allows Park City Transit to provide needed capacity and increased service during peak times.
- ✓ Improved Regional Commute Options (Kamas Commuter, PC-SLC Connect)
 - o Staff introduced the 11/Black—Kamas Commuter bus with 6 daily trips between Kamas, Park City Medical Center, and Old Town Transit Center. In 2017 PCMC provided funding to serve additional runs to the PC/SLC Connect bus to increase service for commuters.

Summary of Projects in Progress

- ✓ Wasatch County Transit Study
 - o A transit demand analysis was recently launched, led by the Mountainland Association of Governments (MAG) with support from Wasatch County, UDOT, Heber, Midway, and Park City, to evaluate the need for transit service to and from Wasatch County. The community survey link is currently live and posted on the project website. Outreach efforts to gather feedback from residents and commuters in person are ongoing.
- ✓ Bike Parking & Bike Fix-it Stations (This effort is included in the bus shelter improvements project, currently underway)
 - o A system-wide inventory and accessibility study for all bus stops in the Park City Transit system is underway. This effort will identify existing infrastructure, and make recommendations for adding or improving racks and fix-it stations.
 - o Ongoing project to enhance transit near Fresh Market & Park Ave Condos includes designs for both bike parking & potentially bike fix-it stations.
- ✓ Tailored Information for Work Trips (RideAmigos App & Other Messaging)
 - o Transportation Staff is in the process of partnering with large employers, and contracting with the RideAmigos platform to manage and implement many of the adopted TDM strategies. In summary, this application offers many trip-reduction strategies through carpooling match-ups, smart trips incentive programs, event coordination for things like Try Transit Week, administration of the Guaranteed Ride Home Program, push notifications for transit and event operations, and the ability to link trip planning on Park City Transit, or check out a bike from Summit Bike Share.
 - o This platform also offers push notification and communications features that allow for tailored information for work, event, and other trip types. This application is intended for PCMC employees (and large employers like the resorts to use for their employees) initially; with the goal of making this accessible publicly as support and familiarity with the application build. The PSA request for the RideAmigos application is also included in the agenda packet for this meeting; with more detailed information on the platform.
 - o Staff continues to use VMS billboards to provide traffic updates before special events.
- ✓ Rideshare & Carpool Match Up Platform (RideAmigos)
 - o The RideAmigos platform offers functionality to connect commuters to ride sharing trips.

- ✓ Walking School Bus Kick-Off Event Fall 2019
 - o Planning is underway for a kickoff event to introduce the concept of a walking school bus to students, parents, and educators. The event will provide opportunities to gather feedback and insights into establishing a year-round program.
- ✓ Quinn's Junction Park and Ride
 - o An evaluation of potential sites at Quinn's Junction has been conducted, one parcel has been selected to design and construct a park and ride that captures trips from Wasatch County at the other gateway corridor (SR-248) leading into Park City.

Priority Projects FY 19/20

The following projects have not been implemented from the 2016 TDM Plan. They are deemed priorities to explore and as the projects in progress come to completion the following projects, programs, and policies will be advanced:

- ✓ Walking School Bus Program
 - o Transportation staff will evaluate the feasibility of a permanent walking school bus program to determine whether there is potential for a self-organized program or whether staff effort will be required to sustain its success.
- ✓ School Parking Management
 - o Work with the Park City High School to implement some carpooling or more aggressive parking pass policies for students. RideAmigos can help facilitate.
 - o Work with schools to better utilize school parking for special events.
- ✓ Codify TDM Requirements for New Developments or Redevelopment
 - o A Trip Reduction Ordinance, common in many sister communities. Strategies that should be codified include: designating an Employer Transportation Coordinator, offering vanpool vehicles to employees, providing shuttles for satellite parking areas, providing clean fuel fleet vehicles, etc.
- ✓ Offer Onsite Daycare
 - o The TDM plan suggests that large employers should offer onsite childcare to help cut down on excessive automobile trips.

Tools for Measuring Success

Evaluating the success of TDM strategies is multi-faceted and sometimes difficult to quantify in times of intense development, densification, and increased VMTs. Generally, Park City has seen successes in implementing TDM strategies and providing people with multiple options for getting around. Metrics for all strategies above are included in the TDM Plan. A high-level summary of some of these performance measurements include:

- Transit Ridership and Frequency: Park City Transit is seeing increased bus route frequencies, improved ridership numbers YOY, and a more regional approach to transit (Kamas Commuter, and Wasatch Transit Demand Analysis) – all big wins for TDM.
- Traffic Counts: while counts continue to rise on gateway corridors, aggressive trip reduction goals have been set by council. Park and rides and frequent/priority transit routes into town will help address this.
- Parking Utilization: while smart parking is still fairly young, parking management can begin to analysis the successes of parking demand pricing, and overall parking supply need.
- Counts: performing bicycle and pedestrian counts overtime will be telling in how improved and safer infrastructure influences people's travel behavior. Bicycle counts were performed this summer prior to painting and signing bicycle lanes in Park City; an evaluation of their success will be conducted.
- Travel Time Assessments by Mode: An assessment was conducted in 2018 to determine travel times by mode – if TDM efforts are successful, overtime biking and transit times should decrease and be competitive with traveling by car.

Funding Source

The TDM plan implementation is funded by the County Sales Tax Initiative to implement and maintain transit service, events, programming, and other projects related to reducing trips and changing travel behavior.

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Minda Stockdale

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

CityTour 2019 Presentation and Debrief

Suggested Action:

No action required

Attachments:

[CityTour 2019 Debrief Report](#)

[Attachment A: PC 2019 City Tour Report](#)



City Council Staff Report

Subject: CityTour 2019 presentation & debrief

Author: Minda Stockdale, Leadership Admin.

Department: Executive

Date: September 26, 2019

Type of Item: Staff Communications

Summary Recommendation

Discuss and debrief of the 2019 CityTour to Crested Butte, Montrose and Grand Junction, CO held September 4 – 8, 2019.

Executive Summary

One of the many important aspects of the CityTour is the debrief process on Sunday morning, where the group distills their key takeaways and lessons learned from each of the communities included on the tour. This year the debrief was facilitated and summarized by Kilo Zamora, Professor of Social Change at the University of Utah and Leadership Park City visiting facilitator (Attachment A). As the second phase of the debrief process, staff will present highlights of the CityTour during a work session and take additional City Council and public input.

Background

For the past 30+ years, groups from Park City and Summit County have traveled the West visiting communities experiencing rapid growth and/or tourism & recreation development. Our goal is to share information and learn from their successes and experiences. These tours are highly informative and in many cases eye opening. We have visited Aspen, Telluride, Crested Butte, Dillon, Durango, Grand Junction, Breckenridge, Flagstaff, Sedona, Vail, Jackson, Ketchum, Sun Valley, Boulder, Steamboat Springs, Moab, Taos, Santa Fe, Missoula, Boise, McCall, Livingston, Bozeman, Helena, Fort Collins, Estes Park, Central City, Lake Tahoe, Seattle, Vancouver, Whistler and Las Vegas. Each of these communities has graciously received our group. Open and honest discussions with our counterparts have been mutually beneficial and rewarding. In many instances things we learned have influenced how we do business in Park City and imbued us with a renewed sense of vision, energy and mission. We gained valuable perspectives and made many new friends along the way.

Participants on CityTour represent a cross section of public officials, often including the Mayor and City Council, County Council, members of boards and commissions (Planning Commission, Historic Preservation Board, Recreation Advisory Board, etc.) as well as key members of our city and county staffs, including the City and County Managers and various Department Heads. In addition, the Chamber/Bureau and business and corporate leaders, and other community groups, like the Board of Realtors, Historic Park City Alliance, and non-profit, environmental and citizen groups have joined us. Our local Leadership Park City class and the media also accompany us. Our goal is to travel with as many viewpoints represented as space permits. Our groups typically number 65-70 participants.

We schedule meetings and activities in each community to foster discussion and networking. Our aim is to encourage two-way communication and consequently, we travel to both learn and

share. Many times, we in Park City have particular expertise dealing with issues that a host community is experiencing and sharing our knowledge is seen as a valuable part of our visit. We also find that extended professional and citizen activist networks develop which prove worthwhile. Because Park City helped host the 2002 Olympic Winter Games, many communities are interested in how we planned and executed this signature worldwide event.

The majority of tour participants pay their own expenses, which are approximately \$800+. We travel by bus, van and car and share rooms when possible to foster intra-group communication. We also treasure the opportunity to debrief and process what we learn and experience for reflection and implementation.

Attachments

A CityTour 2019 debrief notes, Kilo Zamora, author

Park City Citytour 2019

Crested Butte, Montrose, and Grand Junction



FROM THE TOP OF MT. CRESTED BUTTE

Value of PC Tour according to participants

- Developing relationship and networks
- Develop a better understanding of different wants, needs, and challenges facing mountain towns
- Learning new ways to tackle issues
- Learning a verity of new viewpoints
- Developing personal projects in PC

Topics Covered On The Tour

Art Centers, Rec. Centers, Schools, and Parks

- Learning about funding

- Learned how towns prioritize centers
- Diversifying rec. centers products to increase community engagement
- Investments in public schools is a valuable commodity to Mt. Towns
- Use local contractors
- Creative/Art Districts is critical to developing community
- Data drives excellent outcomes
- Use public space to develop stronger communities
- Community resources like community centers must be planned well to incorporate future demographics and budget changes

Open Spaces (trails, hunting, stewardship, sprawl, bikes)

- Struggles with shared understanding of “leave no trace”
- The value of working with landowners to develop conservation
- Learn to spread trail traffic rather than overload popular trails
- The challenges of maintaining trails
- Open space is integral to maintaining community
- The friction between urban sprawl, open space, and farming/ranching land
- Planning to blend local community and visitors in open space



RMBL RESEARCH CENTER

Affordability (housing, workforce, rentals, jobs)

- Need to be aggressive in developing affordable housing
- Transit needs to be free
- Collaborating with surrounding communities (regional planning) to develop a big picture
- ADU concept to expand housing options
- High costs mean a lack of workforce
- Employer owned units to be rented out
- More long term rentals
- 30% of AMI housing options

- Public/private partnerships is a successful model for affordable housing
- Required accessory dwelling on new house builds

Demographics

- Investment in inclusive practice
- Finding ways to get communities to mix it up/participate together
- Need to invest in the diversity
- Increase work from home scenarios results in more kids
- There was a separation between working class and resort class
- Its critical to get equal voices of low income, middle income, and high income peoples opinions on all development and planning
- Include silent members of the community in city hierarchy. People of color were absent from decision making.

Climate Change

- Montrose doesn't have a plan or goals
- Dust on snow has a dramatic impact on snow melt
- Crested Butte's commitment to reduce waste
- Participate in value driven politics
- Great research happening at RMBL, it would be nice to duplicate in the County
- Identify positive strategies to engage people not invested in reversing climate change
- Better planning on how to make tourism sustainable



GRAND JUNCTION MAIN STREET

Zoning & Architecture

- Ordinances for new home builds to make them more livable and fit in the aesthetic of the town
- Mandatory ADU
- City vs State decisions: easier for some towns to preserve their uniqueness
- Restrict franchise chains to certain areas
- Look for ordinances that preserve main streets and keep locals using it
- Multi-use in ally ways and lots works

Collaboration

- One Valley Prosperity Project could be used for the Wasatch Back
- Learn to share resources with county and surrounding towns
- Identify regional themes and assets

Other themes

- Mental health in Mt. Towns
- Traffic Mitigation
- Downtown development
- Taking care of locals and economic development
- The Impact of Vail

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Minda Stockdale

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

Leadership Park City Class 25 Project Presentation

Suggested Action:

Attachments:

[Class 25 Project Debrief Staff Report](#)

[Wildfire Preparedness Resource Guide Presentation](#)



City Council Staff Report

Subject: Leadership Park City Class 25 Project Presentation

Author: Janna Young, Class 25 Member

Minda Stockdale, Leadership Admin.

Department: Executive

Date: September 26, 2019

Type of Item: Staff Communication

Summary Recommendation

Representatives from Leadership Park City: Class 25 will present on their class project.

Summary of Leadership Park City

Leadership Park City, now in its 26th year, is a yearlong program to identify, encourage and train new community leaders. Each year, around 35 individuals are selected for the class and participate in monthly education and training sessions. In addition, each class plans and completes a service project that benefits Park City and Summit County in some way. Class projects are proposed and selected by the class in March. These projects have included public art, green building, wind power, trails development, youth leadership, water conservation, voter awareness, community walkability, public transit usage, reduction of plastic bags usage, food sustainability, and many more.

Summary of Class 25 Service Project

We are living in the era of megafires, forest blazes ten times bigger than ever seen before. Since 1988, fires have broken records in nine states and several have burned over half a million acres each. Scientists say we should brace ourselves for more and more of these fires in the coming years.

Factors, such as drought, climate change and Forest Service policy focused on suppression have led to a buildup of fuels in our nation's forests. As a consequence, when fires ignite, there is a lot more to burn than historically seen. This often results in catastrophic wildfire that threatens lives and destroys communities, wildlife, and watersheds at great cost to local, state and federal economies.

Park City and Summit County, situated in the wildland urban interface and surrounded by national forest full of dead timber caused by drought and bark beetle infestations, is particularly at risk for megafire.

There are many actions homeowners can take to make their homes more resilient to wildfire, such as creating defensible space around their home, using firewise landscaping and fire resistant roofing and siding, home hardening, and others. These measures have proven effective in protecting individual homes and reducing the potential for wildfire to spread to neighborhoods and the community at large.

Park City Leadership Class 25 chose for its class service project, community wildfire preparedness. The project scope involved two primary components: 1) public outreach and education; and 2) a community resource guide. The class also participated in an ancillary sub-project involving collecting soils to be used in a landscape analysis of soil carbon content.

Public Outreach and Education

The public outreach component involved educating homeowners about our community's fire risk and how to make their homes more resilient to wildfire with the goal of directly reaching 2,000 individuals. Included in the messaging was the importance of establishing an evacuation plan, how to create defensible space around the home, removing leaves and debris from under decks and inside gutters, hardening homes by filling in eaves and utilizing fire resistant building materials, and other measures.

The class created firewise signs, designed a t-shirt, and disseminated information at four public events: Park City's Fourth of July parade, Silly Market, Summit County's Preparedness Fair, and Park City Municipal's May 15th documentary screening and community discussion on megafires. The class also created a Facebook page, canvassed neighborhoods, and made presentations on KPCW radio, Park City TV, and to local groups, such as Sunrise Rotary, Pinebrook HOA, Summit Community Gardens, and the Newcomers Club, among others.

In total, the class spent over 160 hours on community outreach and education, handed out hundreds of firewise pamphlets, and met the target of directly reaching 2,000 people.

Community Resource Guide

As a tangible outcome of the project, the class developed a resource guide intended to provide Park City and Summit County homeowners with local information and tools to make their homes more likely to survive a wildfire, including how to assess their home's fire risk, mitigate hazards, harden home structures and create defensible space.

Included in this guide is a short public service video produced by a member of the class explaining the importance of assessing your home for fire risk and taking measures to mitigate those risks. The class asked for volunteers and conducted six lot assessments of properties across the county with the Summit County Fire Warden. At the end of each assessment, homeowners were provided a report indicating their fire risk level with suggestions of what to address or mitigate in order to make their homes more firewise. The video documents these assessments and the resource guide includes the lot assessment checklist so homeowners can conduct their own assessments.

In addition, the guide has a list of local resources, websites that provide specific steps to take to create defensible space around one's home and programs to help homeowners remove fire hazards, such as Park City Fire District and Summit County's chipping services.

Landscape Analysis of Soil Carbon Content

In March when the class was choosing its project, one proposal offered was for a net zero carbon project, which many members of the class felt tied into the fire preparedness project. As such, the class decided to spend some resources on this effort as well. On Saturday, June 29th, the class collected soil samples and documented vegetation to assist with

the development of a landscape analysis map. This map more accurately documents the vegetation and soils throughout our County than other maps that existed before. It shows which areas have higher carbon content in their soils, and thus are able to hold more water, making them more resistant to fire. This information can help in decision-making around water security, development, and proactive measures that can be taken to meet net zero carbon goals, improve snow pack, and protect wildlife habitat, among other things.

Current Status

The class has completed all public outreach events that were planned, resulting in over 160 volunteer hours and around 2,000 contacts. The class has also shared the public service video on YouTube. The class is in the process of finalizing the resource guide and intends to publish and make it available on the Summit County Fire Warden's website and the Park City Emergency Management Websites this fall. The landscape analysis map is also completed.

Conclusion

The goal of Leadership 25's class project was to increase awareness throughout our community about our wildfire risk and encourage homeowners to prepare and harden their homes against wildfire, culminating in a resource guide that will be available to the public and updated over time.

Since the spring, when Leadership Class 25 began its outreach and education efforts, we have seen increased awareness of the wildfire risk across our community and homeowners taking proactive actions to harden their homes and make them more resilient to wildfire.

For example, both Park City Fire District and Summit County have reported record use of their chipper services as homeowners are trimming back brush and tree limbs to create defensible space around their homes. Both entities have received an increased volume of calls and requests for fire preparedness and prevention assistance as well. Park City Emergency Management has hosted several outreach events and sent mailers to all Park City mailboxes with additional information regarding home hardening and other fire preparedness measures.

Attachments

(Draft) Wildfire Preparedness Resource Guide



Firewise Landscaping and Zoning

Be Prepared for Wildfire

A Comprehensive Resource Guide for
Summit County Homeowners

Credit to Bryce, Claire, and homeowners for video

Contents

- [We're all at risk . . .](#)
- [What can we do?](#)
- [Home/Lot Assessment](#)
- [Defensible Space](#)
- [Wood Chipping Service](#)
- [Fire Resistant Landscaping](#)
- [Home Hardening](#)
- [Annual Maintenance](#)
- [City and County Resources](#)

We are living in the age of megafires, forest blazes ten times bigger than ever seen before. Since 1988, fires have broken records in nine states and several have burned over half a million acres each. Scientists say we should brace ourselves for more and more of these fires in the coming years.

Factors such as drought, climate change and Forest Service policy focused on suppression have led to a buildup of fuels in our nation's forests. As a consequence, when fires ignite, there is a lot more to burn than historically seen. This often results in catastrophic wildfire that threatens lives and destroys communities, wildlife, and watersheds at great cost to local, state and federal economies.

Summit County, situated in the wildland urban interface and surrounded by national forest full of dead timber caused by drought and bark beetle infestations is particularly at risk for megafire.

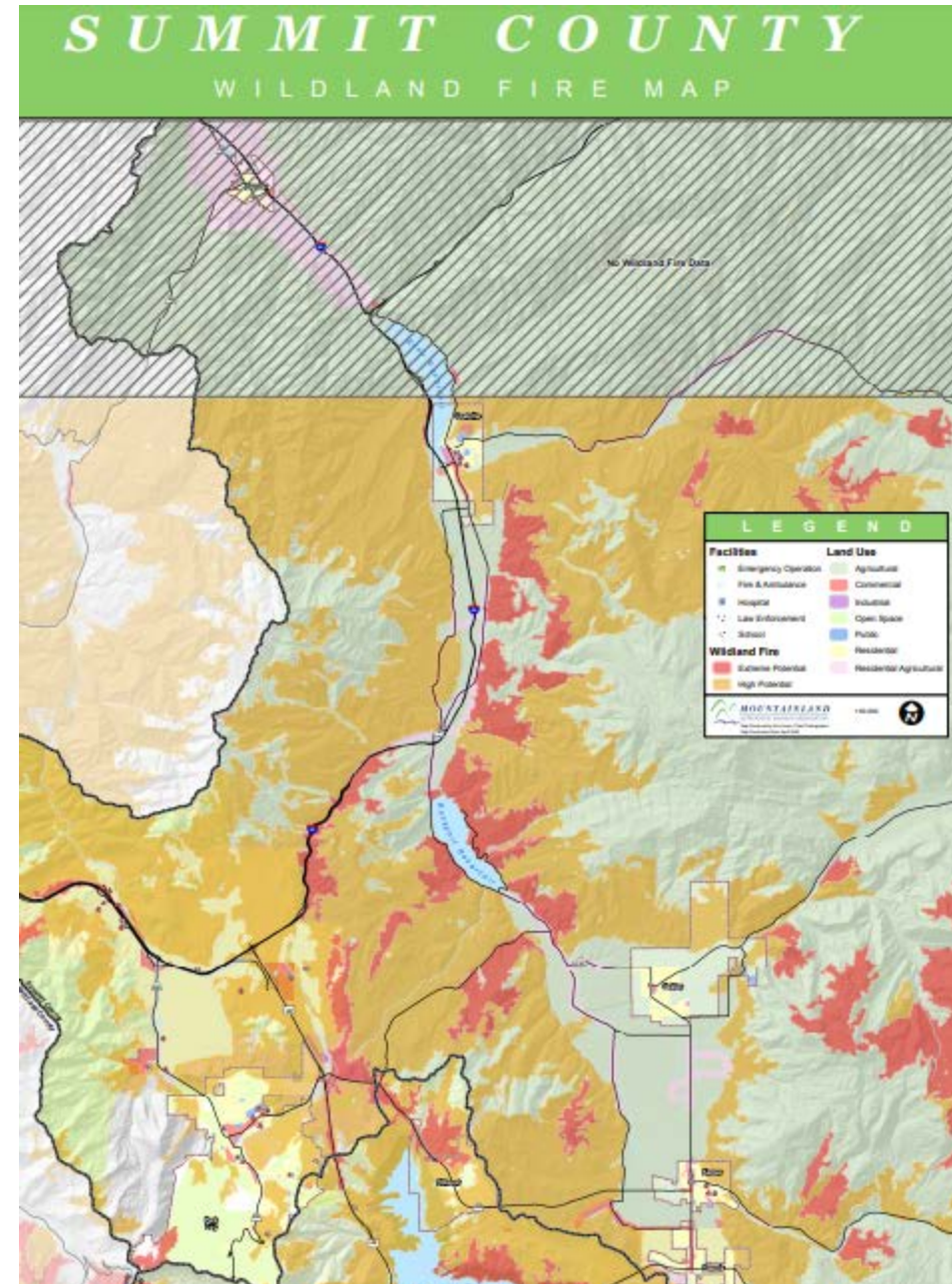
There are many actions homeowners can take to make their homes more resilient to wildfire, such as creating defensible space around their home, using firewise landscaping and fire resistant roofing and siding, home hardening, and more. These measures have proven effective in protecting individual homes and reducing the potential for wildfire to spread to neighborhoods and the community at large.

This resource guide, developed by Leadership Park City Class 25, is intended to provide Summit County homeowners with information and tools to make their homes more likely to survive a wildfire, including how to assess their home's fire hazard level, mitigate those hazards, and take steps to harden home structures and create defensible space.

Leadership Park City, now in its 26th year, is a yearlong program to identify, encourage and train new community leaders. Each year around 35 individuals are selected for the class and participate in monthly education and training sessions. In addition, each class plans and completes a service project that benefits Summit County in some way. Class projects are proposed and selected by the class in March. This resource guide is a product of Class 25's service project to bring awareness about Summit County's wildfire risk and encourage homeowners to take measures to make their homes more resilient to wildfire.

We're all at risk . . .

- The wildland-urban interface (WUI) is the zone where structures and other human development meet and intermingle with undeveloped wildland.
- All developed areas of Summit County are in a WUI zone.
- Most of Summit County faces high or extreme risk of wildfire.



What can we do?

Defensible Space and Firewise Landscaping. . .

IT WORKS!



This home was well prepared for wildfire.



This home was not.

Home / Lot Assessment

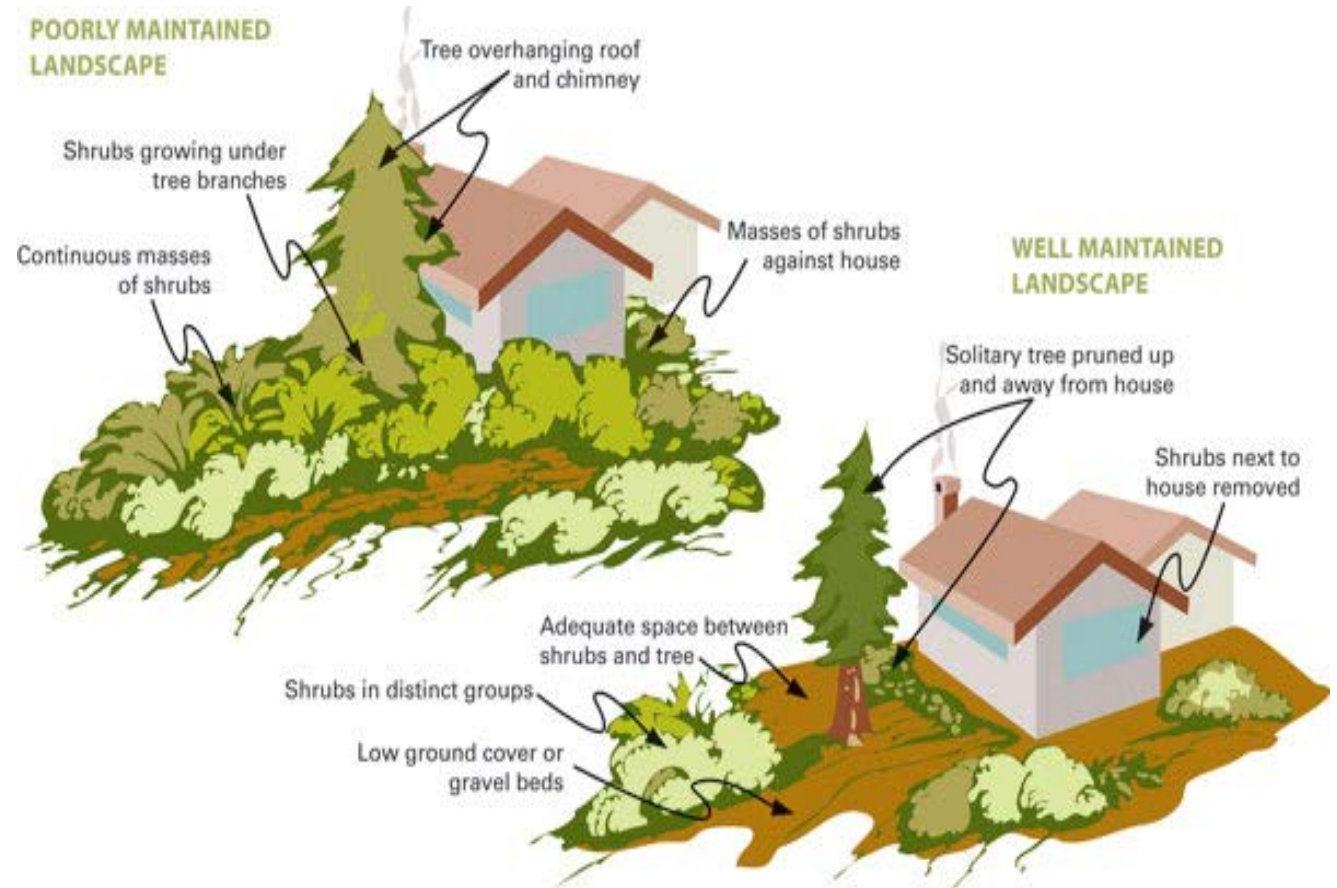
- Use this [Wildfire Hazard Checklist](#) to conduct an assessment of your own home and lot.
- A lot assessment identifies your home's fire risk and helps you learn what you can do to make your home more resilient to wildfire.
- For more information, visit the [Summit County Fire Warden](#) webpage, or call (435) 640-2075.

Wildfire Hazard Lot Assessment CHECKLIST

Lot Evaluation			
Is vegetation thinning required?	Y=1	N=0	Suggested % of Vegetation Removal:
Is Limbing Up Required?	Y=1	N=0	If Yes, to what height?
Slash Disposal Needed?	Y=1	N=0	Is there an Accumulation of Dead Fuel?
Recommended Type of Disposal:	Burn	Chip	
Is there a Water Source?	Y=0	N=1	If Yes, What Type?
Lot Evaluation Score:			
Access Evaluation			
Do Roads Have Adequate Width?	>20ft=0	<20ft=1	Do Roads Have Adequate Turn Around?
Does Driveway Have Adequate Width?	>12ft=0	<12ft=1	Does Driveway Have Adequate Turn Around?
Are Bridges Wide Enough?	Y=0	N=1	Weight Carrying Capacity of Bridge in lbs
Are Gates Wide Enough?	Y=0	N=1	Are Gates Accessible by Fire Personnel at all Times?
Access Evaluation Score:			
Structure Evaluation			
Roof Type (based on WUI Code)?	Class A=0	Class B and C=1	If Wood (i.e. Shake Shingle) = 6
Eaves Closed In?	Y=0	N=1	Vents Screened ¼" or less?
Chimney Screened?	Y=0	N=1	Rain Gutter Type?
Are Gutters Clean and Free of Debris?	Y=0	N=1	Siding Type?
Is Fence (wood or vinyl) Attached to Structure?	Y=1	N=0	Is Deck (if wood or composite) Attached to Structure?
Is Deck Enclosed?	Y=0	N=1	
Crawl Space Enclosed?	Y=0	N=1	
Electrical Service:	Above Ground=1		Below Ground=0
Propane Tank?	Y	N	
Structure Evaluation Score:			
HAZARD RATING*			
Total Score:			
EXTREME (27-19)		HIGH (18-10)	
MODERATE (9-1)			

Fire Resistant Landscaping

- Landscaping choices within the home ignition zones are key to protecting your home in the event of a wildfire.
- Choose fire resistant plants and trees where feasible (see link on this page).
- Prune tree limbs up 6 feet from the ground.
- Follow the advice on creating defensible space on the previous pages.



These online resources will help you create defensible space with smart landscaping choices:

<https://extension.usu.edu/ueden/ou-files/Firewise-Landscaping-for-Utah.pdf>

<https://www.slc.gov/fire/wp-content/uploads/sites/47/2019/04/Utah-Firewise-Plants.pdf>

<https://forestry.usu.edu/forest-fire/firewise-landscaping-basics>

Defensible Space (Home Ignition Zones)

- Create a defensible space around your home to reduce the risk of it catching fire.
- Fire-resistant vegetation and building materials within the Home Ignition Zones can increase the chance your home will survive a wildfire.
- Landscaping around your home depends on how far the vegetation is from your house.
- Refer to the following pages for more information.



These online resources can help you prepare your home and family for wildfires:

<https://www.utah.gov/beready/family/wildfires.html>

<https://www.nfpa.org/-/media/Files/Firewise/Fact-sheets/FirewiseHowToPrepareYourHomeForWildfires.pdf>

<https://www.nfpa.org/Public-Education/Fire-causes-and-risks/Wildfire/Firewise-USA>

<https://www.fema.gov/pdf/hazard/wildfire/wdfrdam.pdf>

Home Ignition Immediate Zone (0-5 feet)

- Minimize all vegetation and other combustibles within 3-5 feet of the structure.
- Remove tree branches that overhang or touch the roof.
- Remove dead branches, dried leaves, pine needles, firewood, and other flammable material within this area.
- Replace decorative bark, mulch, and wood chippings with gravel, stone, or other non-combustibles.



These online resources can help you prepare your home and family for wildfires:

<https://www.utah.gov/beready/family/wildfires.html>

<https://www.nfpa.org/-/media/Files/Firewise/Fact-sheets/FirewiseHowToPrepareYourHomeForWildfires.pdf>

<https://www.nfpa.org/Public-Education/Fire-causes-and-risks/Wildfire/Firewise-USA>

<https://www.fema.gov/pdf/hazard/wildfire/wdfrdam.pdf>

Home Ignition Intermediate Zone (5-30 feet)

- Prune trees up six feet from ground so a surface fire does not climb the tree. For shorter trees, remove limbs on the lower 25% of the tree.
- Space trees for a minimum of 10 feet between crowns.
- Choose deciduous trees over coniferous trees.
- Water plants, trees and lawns to keep them from drying out.
- Clear vegetation from around and under propane tanks.



These online resources can help you prepare your home and family for wildfires:

<https://www.utah.gov/beready/family/wildfires.html>

<https://www.nfpa.org/-/media/Files/Firewise/Fact-sheets/FirewiseHowToPrepareYourHomeForWildfires.pdf>

<https://www.nfpa.org/Public-Education/Fire-causes-and-risks/Wildfire/Firewise-USA>

<https://www.fema.gov/pdf/hazard/wildfire/wdfrdam.pdf>

Home Ignition Extended Zone (30-100 feet)

- Remove vegetation and other flammable material adjacent to outbuildings, such as garages, sheds, or barns.
- Thin trees by removing small conifers growing between mature trees.
- Thin other trees and brush to transition to wildland.
- Prevent build-up of dry vegetation by removing dead material



These online resources can help you prepare your home and family for wildfires:

<https://www.utah.gov/beready/family/wildfires.html>

<https://www.nfpa.org/-/media/Files/Firewise/Fact-sheets/FirewiseHowToPrepareYourHomeForWildfires.pdf>

<https://www.nfpa.org/Public-Education/Fire-causes-and-risks/Wildfire/Firewise-USA>

<https://www.fema.gov/pdf/hazard/wildfire/wdfrdam.pdf>

Summit County Wood Chipping Service

- Summit County offers a free curbside wood chipping service.
- Stack all tree limbs under 6 inches in diameter at your curbside.
- Make sure the tree limbs are all facing the same direction.
- Sign up by clicking on the appropriate link on this page and following the instructions.



- Residents of eastern Summit County: <https://www.summitcounty.org/Facilities/Facility/Details/Mobile-Wood-Chipping-Unit-4>
- Residents of Snyderville Basin: <https://www.pcf.org/fire-prevention/wood-chipping/registration/>

Home Hardening

- This section will probably also require multiple slides and before/after photos, including issues such as:
- Holes in siding/eaves
- Decks
- Storage of combustible material near home
- Construction material
- Line exterior vents with 1/8" metal screen



Annual Maintenance

- List things people may forget to do:
- Clean gutters
- Remove dead wood
- Also link to wood chipping sign-up
- Remove dead material from roof, decks, balconies and chimneys



City and County Resources

- Summit County Fire Warden website provides information on open burn criteria, burn permits, fire pits, safety tips, defensible space, home hardening, firewise landscaping and other helpful links: <https://www.summitcounty.org/561/Fire-Warden>
- Summit County and Park City Wood Chipping Service: After trimming your trees or removing brush to create defensible space around your home, schedule the chipper to come to your house to chip and carry away the branches and debris. This service is free to residents. If you live in east county, register with Summit County at <https://www.summitcounty.org/Facilities/Facility/Details/Mobile-Wood-Chipping-Unit-4>. If you live in the Snyderville Basin area, register with Park City Fire District at <https://www.pcfcd.org/fire-prevention/wood-chipping/registration/>
- Park City Fire District (serves Park City and Snyderville Basin, countywide ambulance service): <https://www.pcfcd.org/>
- North Summit Fire District (serves Henefer, Echo, Coalville, Upton, Hoytsville, Wanship): <http://northsummitfire.org/>
- South Summit Fire Protection District (serves Kamas, Francis, Marion, Oakley, Peoa, Woodland and unincorporated areas): www.ssfcd.us
- Summit County Emergency Management: <https://www.summitcounty.org/560/Emergency-Management>; or contact Chris Crowley, Emergency Manager at 435-333-1532, or ccrowley@summitcounty.org
- Park City Emergency Management: <https://www.parkcity.org/how-do-i/emergency-management>; or contact Mike McComb, Emergency Program Manager at 435-615-5185, or mike.mccomb@parkcity.org
- Sign up with Everbridge, Summit County and Park City's emergency alert system, to receive emergency notifications countywide at: <https://member.everbridge.net/index/453003085613422#/login>
- <https://utahfireinfo.gov>

Private Resources



Online Resources



Credits



Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Minutes

Agenda Section:

Subject:

Consideration to Approve the City Council Meeting Minutes from August 29, 2019 and September 12, 2019

Suggested Action:

Attachments:

[August 29, 2019 Minutes](#)

[September 12, 2019 Minutes](#)



**PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

August 29, 2019

The Council of Park City, Summit County, Utah, met in open meeting on August 29, 2019, at 2:30 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property at 2:32 p.m. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 3:45 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

STUDY SESSION

Social Equity Update - Presented by the Community Foundation:

Mayor Beerman reviewed the efforts made with the City's critical priority of social equity over the past year and the partnership with Park City Community Foundation. Diego Zegarra and Ollie Wilder, Community Foundation, presented this item. Zegarra indicated attaining social equity would take work from the philanthropy sector, the for-profit sector, and government in order to achieve a successful outcome. He explained how the strategic plan was developed, including the engagement with underserved and underrepresented constituencies, creating taskforces and committees, researching needs and opportunities, determining priorities and then developing recommendations. The three areas of focus in the strategic plan were affordable housing, early childhood education and inclusion.

Affordable housing: The Community Foundation wanted to focus on advocacy, policy and process, and centralization of outreach and information. Council Member Ware Peek commented that the focus given to affordable housing throughout the U.S. was increasing. Council Member Worel asked to change "Not In My Backyard" (NIMBY)

1 references to more positive terms. Mayor Beerman stated that some in the community
2 were in favor of affordable housing, but they didn't want it in their neighborhoods.
3 Council Member Henney indicated not wanting affordable housing in certain areas was
4 the exclusionary component. Carol, a taskforce member, acknowledged it would take a
5 bit of effort to get neighbors onboard with affordable housing. She felt positive that these
6 neighbors could be brought to the table. Jason Glidden, Affordable Housing Manager,
7 stated this was a community, state and federal issue. He thought there was money at
8 the state and federal levels that could be used for affordable housing in the City. Council
9 Member Gerber thought it would be good to study how rent prices affected the business
10 community, as businesses posted job openings. Council Member Henney hoped to
11 humanize those groups of people in the community and thought it would result in hope
12 among this group.

13
14 Education: The strategic plan would focus on early childhood education and care,
15 extended learning opportunities, digital access, transition services for neurodiverse
16 populations, and college access. Ollie Wilder stated the early childhood alliance
17 supported efforts in expansion and quality of center-based care. They also wanted to
18 support home-based care. They had a goal of connecting all the care centers so they
19 could be resources to each other. He indicated they started raising money for childcare,
20 and noted this was an example of how this work could be accelerated. Council Member
21 Ware Peek asked if groups like Bright Futures were included in the education taskforce.
22 Zegarra stated they would talk with them and/or involve them as they moved from
23 planning to implementation. Mayor Beerman stated the school district was considering
24 universal Pre-K and he was hopeful to see that supported and implemented.

25
26 Inclusion: This area of focus included social connectedness and tools and education.
27 Zegarra stated they reached out in various ways to those in the community who were
28 normally not involved in the community. They had living room conversations with people
29 in neighborhoods who came together to discuss hard topics such as race or gender
30 equity. He hoped to have facilitators advancing these discussions. Council Member
31 Gerber related she was at a panel where aging adults were discussed. Many seniors
32 expressed that they felt isolated. Wilder stated there was a Summit County Aging
33 Alliance, which had been formed from the Mental Wellness Alliance. Council Member
34 Ware Peek stated the mayor of Los Angeles spoke of belonging, and indicated that
35 might be a preferable word to the word inclusion.

36
37 Council Member Joyce asked if the Community Foundation had a preference to how the
38 City steered the special service contracts. Wilder indicated the City committee should
39 think of what support was needed to fill a gap, such as coordinators for childcare,
40 affordable housing, etc., and what staffing was needed to move these areas forward. He
41 pointed out that this wasn't just a City issue, but he was glad the City was involved in
42 supporting the community social equity plan. He asked that the City endorse this plan at
43 a future meeting.

WORK SESSION

Mental Wellness Update - Presented by Mary Christa Smith, Communities that Care Coordinator, and Ollie Wilder, Park City Community Foundation:

Mary Christa Smith indicated she attended a convening and brought back information that was gleaned from that gathering, which she displayed in a PowerPoint presentation. She reviewed risk factors and protective factors within the community. The risk factors included harmful social factors, economic vulnerability, and stigma and mental health literacy issues. Protective factors included short supply of providers, inaccessible care and fragmented services.

Smith noted the alliance with the University of Utah as Summit County's new mental health provider, and indicated the number of therapists in the school system would triple as well as services for the general public. Wilder discussed shared measurements. He indicated that through the Mental Wellness Alliance, it was determined this community was one of the furthest along in this process. He thanked Park City for putting resources into the alliance and supporting it. He indicated that in brainstorming, they would refine what big things were needed that fundraising could supply.

Council Member Ware Peek was pleased that the community was focused on mental health. Council Member Gerber asked if Wilder and Smith could take this presentation to other groups such as the Lodging Association, the Chamber of Commerce, etc. Smith stated the Lodging Association had already requested suicide prevention training.

Council Member Henney asked if there was a list of members of the Mental Wellness Alliance. Wilder stated it wasn't a published list, but the alliance was open to all. He would check with Aaron Newman, Summit County Behavioral Health Director, to see if the list of members could go on the website. Council Member Henney asked for more information on the uniqueness of the Mental Wellness Alliance. Wilder stated many other entities were using the Mental Wellness Alliance model. Colorado had community health centers that offered counseling, which was something Utah didn't have, so they were learning from each other. Smith was grateful for the Communities that Care model, so people could learn socialization, which could play into prevention.

Council Member Worel stated in organizing the Mental Wellness Alliance, the group discussed the silos of good things happening in the community. The goal was to break down the silos and collaborate more with providers. She felt that goal had been reached and was glad to see so many coming together. She thought the resources were there, but noted they could be hidden because many people in crisis didn't know where to start. Wilder stated CONNECT Summit County had a website that connected people to services.

Council Member Gerber thanked them for all the work they did, and was pleased with the steps the community had taken as a whole to help with Mental Wellness. Council Member Henney asked how the prevention coordinator for Summit County and Smith, who focused on youth prevention, worked together. Smith indicated Communities that Care united all the youth organizations to share information, and they went through a data driven process in making their priorities. Smith worked with her colleagues in their areas of focus as well. Discussion ensued on the role of the Mental Health Alliance Director and his varied duties within Summit County.

REGULAR MEETING - 6:00 p.m.

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Lynn Ware Peek Council Member Nann Worel Diane Foster, City Manager Matt Dias, Assistant City Manager Margaret Plane, Special Counsel Michelle Kellogg, City Recorder	Present
None	Excused

II) APPOINTMENTS

1. Consideration to Appoint William Connell, Storm Water Supervisor, to the Summit County Mosquito Abatement Board for a Four Year Term Beginning October 8, 2019:

Troy Daley, Public Works Manager, requested that Bill Connell be appointed to the Mosquito Abatement Board.

Council Member Ware Peek moved to appoint William Connell, Storm Water Supervisor, to the Summit County Mosquito Abatement Board for a four year term beginning October 8, 2019. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

III) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Mayor Beerman and the Council members reported on the activities, meetings and events they attended since the last meeting. Mayor Beerman paid tribute to Pace Erickson, former Public Works Director, who passed away.

Alfred Knotts, Transportation Director, introduced the new Assistant Transit Manager, Vinny Nguyen, and Andy Stevenson, Community Outreach Specialist for the Transit Department. Nguyen stated he was excited to be part of the community. Stevenson indicated he was looking forward to moving Transit forward.

Staff Communications Reports:

1. Pathway Wayfinding Update:

Council Member Henney stated a few weeks ago he saw colored paintings on paths, and now the signs were on the trails. He liked to see the City making headway with its wayfinding goals.

2. Quinn's Junction Park and Ride Update:

IV) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Beerman opened the meeting for public input on matters not being addressed on the agenda.

Sam Rubin, Four Seasons Concierge, read a prepared statement on the proposed transportation code amendments that was scheduled for the September 12th meeting. He requested that this item be delayed until further discussion could take place. He supported certain background checks that were currently not used.

Charlie Sturgis attended the last e-bike meeting a month ago and stated there was a lot of public comment. He requested time limits for public comment tonight during the e-bike discussion.

Mayor Beerman closed the public input portion of the meeting.

V) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from August 1 and 15, 2019:

Mayor Beerman noted in the August 15th minutes, Page 14, Line 33, he had referred to the net zero "resolution," not bill.

Council Member Gerber moved to approve the City Council meeting minutes from August 1 and 15, 2019 as amended. Council Member Ware Peek seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

VI) NEW BUSINESS

1. Consideration to Approve Ordinance 2019-45, an Ordinance Adopting an Adjusted Budget for FY 2020 for Park City Municipal Corporation and Its Related Agencies:

Jed Briggs, Budget Manager, Alfred Knotts, Transportation Manager, Celia Peterson, Environmental Sustainability Project Manager, and Heinrich Deters, Open Space and Trails Manager, presented this item. Briggs explained Council directed staff to amend the budget in order to donate \$100,000 to the Summit County Children's Justice Center. Knotts also requested funding for Transportation. He explained that the sales tax revenue for Transportation wouldn't be received in a timely manner. He needed the funding now for Deer Valley Drive pedestrian improvements and the Transit shelter project. The request would also cover the Transportation Demand Management project as well as the traffic control center and the E-Bike Program Phase II. He noted the sales tax revenue would be programmed into the budget once it was received and indicated it was awkward in the beginning while the funding cycles were being worked out.

Deters requested funding for the Bonanza Flat trails and trailhead and noted the City received a grant from the state. The requested funds would front the project and then the City would be reimbursed by the state. Celia Peterson stated there was an initiative to install 100 electric vehicle chargers around town. They had funds from Rocky Mountain Power for up to \$170,000, but funds were needed to fill the gap. The chargers would go on City property. In response to Mayor Beerman's question on timing, Peterson indicated 20 chargers would be installed soon, and the rest after Rocky Mountain Power completed the site design. She also noted some private property owners had indicated a willingness to have chargers placed on their sites.

Council Member Joyce stated it was inconvenient to open the budget to make small adjustments. Plane stated this was a practice Park City didn't use often, but the Fiscal Procedures Act required the notices and the statutory process and there was no easier way to do it. Foster stated the City didn't like to amend the budget often because of its budgeting for outcomes approach. Plane indicated Salt Lake City had a policy to amend the budget four times during the year.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Gerber moved to approve Ordinance 2019-45, an ordinance adopting an adjusted budget for FY 2020 for Park City Municipal Corporation and its related agencies. Council Member Ware Peek seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

2. Consideration to Dispose of Small Portions of City-Owned Property Located near Upper Main Street and Daly Avenue, with Conditions of Approval in a Form Approved by the City Attorney:

Heinrich Deters, Trails and Open Space Manager, presented this item. He indicated this property was purchased by the City in 1994 with the following conditions: prohibit development, provide for recreational open space, acquire a right-of-way for Hillside, and alleviate property encroachment issues. He reviewed each parcel that encroached on the City parcel and the updates made to the property since 1994.

Council Member Henney asked what the original intent was for the boundaries of the park. Deters stated the area was a park. The bridge, the sprinklers and grass next to 148 Main Street was considered the park, but public perception was that it was private property. Deters indicated he had discussed options with the owners of the affected parcels, including being able to buy the adjoining City parcel, and they were aware they could not expand their homes, but they could construct decks or storage buildings, and engage in landscaping.

Council Member Ware Peek asked if the properties being sold to the adjacent property owners went to the stream, to which Deters affirmed. Council Member Henney stated the parcel was created as a park and this proposal would take away a park. Council Member Joyce commented that 148 Main Street was a park on paper only, because it felt like private property. Deters stated this proposal arose so it could be fair to all parties. There was some discussion on the path next to 148 Main Street, to which Deters replied that the railing was there as a requirement from the Building Department, and the grass and irrigation followed.

Mayor Beerman opened the meeting for public input.

Ed Dohicky 140 Main Street, stated there were many different opinions on this property, but he respected Deters and other City staff for their efforts. The railing was installed so people didn't wander around the backyards. He was pleased that an offer had been extended and the neighbors were considering it.

Doug Stephens explained the history of some of the lots and the park plan. The City also moved the house to the east side of the stream and it became 148 Main Street.

1 Willemina Yosby, 170 Main Street, stated the property behind her home was not
2 maintained by the City. Trees had fallen on her hot tub, dogs and people wandered
3 through it, and she hoped to take on that responsibility.

4
5 Mayor Beerman closed the public input portion of the meeting.

6
7 Deters recommended that neighbors meet with some of the Council members to
8 discuss this further. Council Member Henney stated selling the parcels to most of the
9 adjacent owners did not concern him, but his only concern was 148 Main Street since
10 that involved the park issue. Council Member Worel asked what fencing was allowed
11 along those properties. Deters stated he would request a 10 foot easement for stream
12 maintenance. There was also a sewer easement going through there.

13
14 Council Member Ware Peek stated the stream helped her support the proposed sale of
15 that property. She looked forward to more discussion.

16
17 Mayor Beerman asked Council if 148 Main Street should be incorporated into the park
18 or not. Council Member Joyce didn't care if it was intended as a park. It was directly
19 behind a house and was a very small piece of land. He was good with selling the land to
20 all five property owners. Council Member Gerber wanted to hear more feedback on 148
21 Main Street. Council Member Worel asked if the railing should be taken down to make it
22 more inviting.

23
24 Mayor Beerman stated the functional park was on the other side of the stream. The
25 property on the west side would not be used and was a good buffer to the park. He
26 thought the property should be sold or the grass taken out so there could be a visual
27 recognition of public property.

28
29 Council Member Worel asked staff to come back with what the LMC allowed for that
30 property. Council Member Gerber asked if the public used the grass behind 148 Main
31 Street. Mayor Beerman asked for a staff report on the proposed sale of the property as
32 well as more information on the history or the original intent for 148 Main Street. He also
33 requested information on what could be done with the fencing along 148 Main Street if it
34 was decided to open up that area.

35
36 **3. Consideration to Approve Ordinance 2019-46, an Ordinance Amending**
37 **Municipal Code Title 10, Non-Motorized Trail Use:**

38 Heinrich Deters, Trails and Open Space Manager, presented this item. He reviewed that
39 a survey would go out to collect public input on e-bikes on single-track trails, and there
40 would be a pilot project allowing e-bikes on certain trails. He proposed a pilot program
41 that would end July 1, 2020, which would limit e-bike use to the Round Valley trails. If

1 Council approved the ordinance, the current signs would be covered and notices with
2 regard to the pilot program would be posted.
3

4 Council Member Joyce stated a survey was done two years ago and 78% of the
5 responders were against e-bikes on trails. He asked why the City would start a pilot
6 program before seeing survey results. Council Member Ware Peek stated a disservice
7 might have been performed with the previous survey since only one question was
8 asked.
9

10 Council Member Worel asked if more information would be provided along with the pilot
11 program. Deters stated he would be able to determine user experience with the pilot
12 program, and he wanted to cultivate different perspectives when doing the survey after
13 the pilot program. Foster stated Round Valley was a good location for a pilot program.
14

15 Mayor Beerman stated trail users in general didn't want to see anything added to the
16 trails, but he knew e-bike use was growing. He suggested doing the pilot program
17 through November, 2019.
18

19 Mayor Beerman opened the public hearing.
20

21 Jan McCosh stated cities had the responsibility to protect the health, safety and welfare
22 of the citizens. As mountain bike use increased more cooperation happened, but e-bike
23 users had no regard for other users. She also thought it would be dangerous for people
24 with health issues because it added a motor into the equation.
25

26 Andre Shoumatoff, bicycle retailer, rented e-bikes and was opposed to them until he
27 rode one. His ride times were slower with the e-bikes. He stated the e-bikes were
28 coming. He supported a pilot program.
29

30 Jared Dangerfield represented the adaptive biking community. He worked for the
31 National Ability Center and explained the challenges for people recovering from injuries.
32 He supported e-bikes for the abled people and seniors as well.
33

34 Alex Larsen, Pedigo, had asthma and couldn't ride the trails, and stated e-bikes would
35 help him enjoy the trails. He didn't think Round Valley was the best place for a pilot
36 program and suggested the mountain trails that went straight up and down.
37

38 Mari Mannel Bell stated regular bikes couldn't get to the top of the mountains and she
39 didn't know that the resorts would get a bike to the top so the rider could ride down. E-
40 bikes would help people get to the top of the mountains.
41

1 Becky Yih stated she had a mobility issue. She would not take her e-bike to Round
2 Valley because of her limitations. It would make her very anxious if e-bikes were on the
3 trail. She supported limiting the pilot program to three months.

4
5 Chris Ruon walked or biked Round Valley daily and indicated the trails were a huge
6 asset to the City. There would be losses with the new developments. The batteries were
7 improving so people could go longer. He supported limiting the pilot program. He
8 suggested not distributing a survey, but interviewing the trail users. He cautioned that
9 the downhill speed with e-bikes would hurt someone.

10
11 Craig Williams commented that new e-bike riders were dangerous because they didn't
12 know the trails. He suggested requiring that bike shops put a tag and their shop name
13 on the bikes as a way to hold them accountable for accidents.

14
15 Steve Pranke saw the potential benefit of e-bikes for seniors and those with mobility
16 issues. Round Valley wouldn't get visiting e-bike users in the fall so the data collected
17 wouldn't be productive. Using the other trails would show the degradation, with
18 crowding, etc. He suggested implementing a usage fee for e-bike rentals to spread out
19 the traffic.

20
21 William Chambers stated e-bikes had changed in the last two years. He supported the
22 pilot program and taking information from the users and those affected by it. He was 80
23 years old and had finished the Tour de Suds. His conditioning was not improving, so he
24 had considered buying an e-bike. He indicated e-bikes were accepted in other places
25 and noted that the bikes could be controlled at Round Valley.

26
27 Dan O'Connor worked in Park City and rode bikes in Park City. He felt e-bikes had a
28 place, but not in Round Valley. He suggested going on the trails that were used with lift
29 access. There needed to be terrain that would not be crushed by e-bikes.

30
31 Ken Lewis stated his wife didn't have the lung capacity to ride bikes. She got an e-bike
32 and can now enjoy her ride.

33
34 Ryan Goff was an engineer in the bike industry. Everyone in Europe rode e-bikes and
35 they coexisted with other bikes. This was a city that helped tourists get where they
36 belonged, and the trails would be no different.

37
38 John Olden rode mountain bikes for the past 35 years. He worked for a bike
39 manufacturer. The industry was moving forward with e-bikes. He liked the pilot program
40 and agreed it should be on the other trails. He read a federal law regarding Class One
41 e-bikes and how the government didn't consider e-bikes motorized vehicles.

1 Rick Luskin, General Counsel for POC, reviewed his work history and stated he was
2 happy he was over 65. He asserted there was always an initial aversion to new
3 products. He indicated some problems regarding e-bikes that people were concerned
4 with included crowds, fitness levels, and the condition of the trails. He stated e-bikes
5 didn't hurt people and noted it's not what you ride, it's how you ride.

6
7 Joan Thompson stated in the 1970s, she created bike lanes in California. She
8 requested that staff look at other states to determine their standards for e-bikes before
9 making decisions. She supported e-bikes for those with mobility issues, but asked why
10 65 was the age that was determined appropriate to ride an e-bike.

11
12 Wil Lundberg lived next to Round Valley. He owned e-bikes and thought they would be
13 too fast for trails. He thought if the City opened this issue, it would continue. He was
14 opposed to the pilot program in Round Valley.

15
16 Matt Brown stated the e-bike made it possible for his family to ride together. People
17 needed to be educated on how to ride an e-bike and he thought that would be a
18 challenge. He wasn't sure Round Valley was the appropriate trail for the pilot program.

19
20 Adam Cole, part owner of Cole Sport, saw plenty of people requesting e-bikes. He
21 hoped the City would get ahead of the issue by having directional trails that were
22 narrow.

23
24 Jen Lundberg worked in the emergency department at the hospital, and hoped the
25 scenario of an e-bike rental hurting another person would be taken into consideration.

26
27 Charlie Sturgis, Mountain Trails Foundation, talked to staff at other cities across the
28 country and he felt a survey was necessary, with action taken regarding what the public
29 wanted after the results had been considered. He thought a pilot program would show
30 inappropriate behavior. He also thought education would be key to having a successful
31 implementation of e-bikes on trails. He stated he could support an e-bike program.

32
33 Mayor Beerman closed the public hearing.

34
35 Council Member Joyce stated the Class One e-bike in Europe was limited to 250 Watts,
36 while in the U.S., the limit was 750 Watts. E-bikes were only getting better, faster, etc.
37 He didn't think Round Valley was the right place for the pilot since bikers could go so
38 fast. He was not in favor of starting the pilot at this point. Riders over 65 years old
39 should be considered as well, as part of the policy. He thought a pilot in the fall would
40 only get locals and the City should see the tourists in the summer, which was a more
41 concerning factor.

1 Council Member Ware Peek opposed a pilot program in Round Valley, but supported a
2 survey and a taskforce. Education on etiquette was necessary. If there was a pilot, it
3 needed to be short and during the summer, when tourists would be on the trails. She
4 felt safety concerns were an issue. She didn't want to approve a pilot program tonight.

5
6 Council Member Gerber loved the idea of electronics bringing families together. She
7 supported a taskforce, studying other communities, and requiring bells on e-bikes and
8 mountain bikes. If age was a factor, it should follow the state guidelines of 60 years old
9 and older. She suggested requiring a medical permit to use e-bikes and use the sticker
10 program. A pilot program was needed and there were legitimate concerns having it at
11 Round Valley. She wanted the City to be prepared for the changes that would come.

12
13 Council Member Worel expected there would be e-bikes on the trails at some point, but
14 noted Council didn't have all the information needed to make an informed decision at
15 this point. She was in favor of the taskforce and requested stakeholders include the
16 resorts and the hospital, along with local residents. She felt education should be a
17 mandatory part of the pilot program, both for riders and the general public, and staff
18 should also look at the standards from other communities. She favored having a survey
19 as well.

20
21 Council Member Henney favored forming the taskforce, and indicated having a survey
22 and a pilot program in the summer were good ideas. He knew the problems were the
23 riders and not the bikes, so education was needed. He thought the City was past the
24 point of coexistence and the taskforce needed to look at directional and segregated
25 trails. He agreed e-bikes were coming and the City needed to take the issue in a step-
26 by-step approach.

27
28 Council agreed those with ADA issues were fine to use e-bikes. Council Member Ware
29 Peek favored requiring medical permits. Council Member Gerber favored permits for
30 those 60 years old and older. Council Member Joyce asked how the City would certify
31 medical permits. He didn't want to rush in allowing the medical permits since there were
32 so many factors, and suggested being thoughtful.

33
34 Mayor Beerman thought Council needed to act on this issue before the legislature
35 opened it up to potentially all e-bikes. He felt staff had been researching this for months.
36 He stated this issue was with the users and it was all about education. He thought the
37 safety concerns might be overthought, since some elderly skiers were very fast. He
38 recapped the discussion and indicated there would be no pilot, but Council favored
39 allowing those 65 year olds and older to ride e-bikes on the trails. The Council also
40 favored an allowance for those with ADA issues.

Council Member Joyce requested that this come back one more time with information on how to certify these groups. He hadn't seen any research that staff had done. Mayor Beerman stated no other community had a perfect program.

Margaret Plane, Special Counsel, weighed in on ADA and stated the Code already allowed those with disabilities to use powered vehicles on the trails. She thought the City should steer away from stickers because they wouldn't get to everyone. She was happy to come back with ideas on how to manage impacts people might be facing.

The majority of Council agreed those 65 years and older could use e-bikes on trails and they could pick up a tag to display as a courtesy, so there wouldn't be conflicts on the trails. It was noted tags were optional. Creating a taskforce was approved and there would potentially be a pilot program in the spring. Council Member Henney wanted to clarify that adaptive vehicles were approved as well. Plane suggested adopting the ordinance removing B(1)e and amending B(1)b by deleting the expiration date.

Council Member Ware Peek thought age should be part of the pilot program. Council Member Gerber wanted to keep people active at all ages. Council Member Henney agreed people should be able to keep active. Council Member Ware Peek thought the age verbiage should be allowed on certain trails, and hoped eventually the taskforce would consider this. Plane stated Council had the discretion to change the ordinance, and pilot programs would give the Council the chance to revisit the issue.

Council Member Henney moved to approve Ordinance 2019-46, an ordinance amending Municipal Code Title 10, Non-Motorized Trail Use with the amendments of removing 10-1-4.5-B(1)e and removing the expiration date from 10-1-4.5-B(1)b . Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

4. Consideration to Approve Ordinance 2019-47, an Ordinance Approving the Park City Heights Phase 4 Subdivision, Located South of Calamity Lane, South of Richardson Flat Road and West of US Highway 40, Park City, Utah:

Alex Ananth, Senior Planner, indicated this phase of Park City Heights Subdivision included 48 lots and four of those were deed restricted.

Council Member Worel asked when Council would see an affordable housing update. Jason Glidden, Affordable Housing Manager, stated Ivory Homes would be coming in December to provide an update on their affordable housing commitment.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Gerber moved to approve Ordinance 2019-47, an ordinance approving the Park City Heights Phase 4 Subdivision, located south of Calamity Lane, south of Richardson Flat Road and west of US Highway 40, Park City, Utah. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

5. Consideration to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Silver Spur Construction for the 3Kings Water Treatment Plant and SR-248 Transmission Lines Project in an Amount Not to Exceed \$8,244,256.00

Griffin Lloyd, Public Utilities Engineer, presented this item and explained the first and second transmission lines would go to Boothill, and the other line would take Rockport water to the golf course so water rights could be exchanged. This project included upgrading distribution lines. He recommended going with the bid for the high density polyurethane (HDPT) pipe, which was an \$800,000 price difference, and stated it was more durable than the alternative pipe. Lloyd also indicated there would be a cut through the Snowcreek subdivision in order to improve trail connections.

Heinrich Deters, Trails and Open Space Manager, stated a maintenance budget for the new trail was not considered and that would be added in the next budget cycle. Lloyd reviewed the public outreach efforts concerning this project.

Council Member Worel asked if the pipe was in the SR248 right-of-way. Lloyd stated up to two feet of the road would have to be removed for this project. Council Member Ware Peek asked about the start date. Lloyd stated there wasn't an exact start date, but the project would last until October, 2021.

Council Member Joyce stated this would be a two-year project and then the SR248 widening project would begin, and asked why it wasn't planned to be done simultaneously. Lloyd explained this project was delayed because of bidding and pricing concerns. They also wanted the pipe in the ground before the widening so it wouldn't get damaged. Council Member Joyce felt this was an inconvenience for the community. Lloyd stated they looked at teaming up with UDOT, but UDOT didn't have a construction timeline yet. McAfee stated the current pipes were old and if the City waited for UDOT, they could be broken as the UDOT project began. This was a water reliability issue for the residents. There were also needs for higher water pressure to the Arts and Culture District project, as well as other projects within the City.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Worel moved to authorize the City Manager to execute a construction agreement, in a form approved by the City Attorney, with Silver Spur Construction for the 3Kings Water Treatment Plant and SR-248 Transmission Lines Project in an amount not to exceed \$8,244,256.00. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

6. Consideration to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Red Pine Construction LLC for the Western Summit County Interconnect Pipeline Project for an Amount Not to Exceed \$551,181.50

Griffin Lloyd, Public Utilities Engineer, presented this item and reviewed the pipeline would go from Quinn's Junction to the Weber pipeline at the film studio. The pipeline would ultimately be owned by Weber Basin. A trail would be involved in this project as well. Deters stated Park City Heights would be building a trail and the City would connect to that trail. Mayor Beerman asked if the trails would coordinate with bus stops. Deters stated they would try to hit some of the transit stops. Lloyd estimated the trail would be paved in April, 2020. Deters stated the funding for maintenance for this trail would come back with next year's budget.

Council Member Joyce asked if \$551,000 was the City's portion of the project and how City would get reimbursed for the other portion. McAfee stated the City owed one third of the total cost. He would pay for the project and then invoice Weber for their share.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Ware Peek moved to authorize the City Manager to execute a construction agreement, in a form approved by the City Attorney, with Red Pine Construction LLC for the Western Summit County Interconnect Pipeline Project for an amount not to exceed \$551,181.50. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

VII) ADJOURNMENT

IX) PARK CITY HOUSING AUTHORITY

I) ROLL CALL

Attendee Name	Status
Chairman Andy Beerman Board Member Becca Gerber Board Member Tim Henney Board Member Steve Joyce Board Member Lynn Ware Peek Board Member Nann Worel Diane Foster, City Manager Matt Dias, Assistant City Manager Margaret Plane, Special Counsel Michelle Kellogg, Secretary	Present
None	Excused

II) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Chair Beerman opened the meeting for public input on matters not being addressed on the agenda. No comments were given. Chair Beerman closed the public input portion of the meeting.

III) NEW BUSINESS

1. Consideration to Approve the Request to Amend the Housing Mitigation Plan for Phase Two of the St. Regis Deer Valley Hotel:

Jason Glidden, Affordable Housing Manager, and Michael Zaccaro and Thomas Bennett, representing the applicant, were present. Glidden reviewed that Phase Two was split into Phases Two and Three. The request was to split the affordable housing requirement into Phase Two and Three proportionally. He asked that a condition of approval be approved stating the applicant could fulfill the affordable housing obligation of one unit by building it off-site, as long as it was done before the building permit for Phase Three was pulled.

Board Member Gerber asked how many square feet were in a unit. Glidden stated 800 square feet. She asked how they would build off-site. Glidden stated they would buy a property off-site.

Board Member Worel asked if the rentals in Phase One were restricted and if the renters were required to qualify the same as other renters in affordable housing, to which Glidden affirmed. She asked if the affordable units in Phases Two and Three would be rentals as well, to which Glidden affirmed, and noted they would be for employees. Glidden referred to Addendum A, an action letter in the packet, and noted staff would do this from now going forward. He indicated on the draft submitted, Condition One would not be in final version.

Chair Beerman opened the public hearing. No comments were given. Chair Beerman closed the public hearing.

Board Member Joyce stated the Board/Council struggled with affordable housing going on and on. He requested the affordable housing be onsite. Then the developer would be allowed to build one in Phase Two and one in Phase Three. The other option would be that they build both units in Phase Two, with one onsite and one off-site.

Michael Zaccaro, St. Regis, stated this housing obligation was for Phase Two, which was Snowpark. Park City required that to be split into Phase Two and Phase Three and required them to build the south portion first, which was Phase Three. Now they were building Phase Two, and wanted to build the affordable units onsite, but they couldn't be sure the units would fit until the planning was finished. Once a building permit was filed, then they would know if they could build both onsite.

Glidden noted the phases were split in 2016. He indicated the affordable housing requirement was phased with the split, which was why staff supported the request. Council Member Joyce stated the bulk of employees came with the hotel that was already built. He was concerned that circumstances would arise that would delay the affordable housing construction.

Tom Bennett, Ballard Spahr, stated the affordable units matched the market rate units, so their obligation was ahead of the curve. He thought the City was asking St. Regis to build the affordable units before building the market rate units. Chair Beerman stated that would not be the case if St. Regis could guarantee both units would be built onsite.

Board Member Gerber moved to approve the request to amend the Housing Mitigation Plan for Phase Two of the St. Regis Deer Valley Hotel with the amendment that the fulfillment of one of the two AUEs required as part of Phase 3 can be located off-site if that one unit is completed prior to the completion of Phase 2. If fulfillment occurs after the completion of Phase 2, then both AUEs required as part of Phase 3 must be built on-site. Board Member Ware Peek seconded the motion.

RESULT: APPROVED

AYES: Board Members Gerber, Henney, Joyce, Ware Peek and Worel

IV) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder



PARK CITY COUNCIL MEETING MINUTES - DRAFT
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060

September 12, 2019

The Council of Park City, Summit County, Utah, met in open meeting on September 12, 2019, at 3:00 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property and personnel at 3:00 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 3:45 p.m. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

WORK SESSION

Discussion of Affordable Housing Land Management Code Revisions:

Anne Laurent, Community Development Manager, Alex Joyce and Neil Heller, Cascadia Partners, Hannah Tyler, Senior Planner and Jason Glidden, Affordable Housing Manager, presented this item. Laurent indicated Council requested a discussion on amending the code to enhance affordable housing opportunities.

Laurent presented four policy questions for Council to consider: 1) Does the City Council agree with the presented analysis methodology; 2) Does City Council support the further exploration of some or all of the following dimensional exceptions to the LMC for affordable housing (density, height, setbacks, buffers, open space, lot coverage, and parking); 3) If yes, does the City Council support Planning staff's recommendations to not make significant dimensional code revisions (including zone density, height, setbacks, and lot coverage) in the Historic District zones; and focus future efforts on evaluating the Recreation Commercial and General Commercial zones for further opportunities toward the goal of a financially feasible affordable housing development; 4) Does City Council want staff (including all affected departments) to return at a future

1 Council meeting with a discussion about parking strategies and alternatives to mitigate
2 the impacts of the potential parking reductions.
3

4 Alex Joyce reviewed the process that his team went through that would ultimately result
5 in his recommendations for housing bonuses for moderate income, attainable income
6 and low income households. He went through several analysis processes in the
7 Affordable Housing Master Planned Development (AMPD) standard to come up with
8 some proposed alternative standards. The programs were tested in three residential
9 zones. The proposed AMPD standards would be adjusted, depending on the number of
10 affordable units on the site and how deeply the price was subsidized to be affordable.
11 He explained setbacks could impact density in an affordable housing density bonus
12 plan. He noted the City had high open space requirements that were meant for large
13 areas, but this requirement was a deterrent for developers, especially when working
14 with a small parcel. Parking requirements competed with housing area and was cost
15 prohibitive. He also referred to the regulation that limited the building footprint, which
16 favored single family and duplex units. AMPD bonuses ranged from 100% -200%, but
17 he noted it would be difficult to accommodate all the bonus units on a building site.
18

19 Alex Joyce explained different sensitivity testing that was performed to see which
20 change(s) in the code would be the most attractive to developers. Preliminary
21 recommendations included adding height for buildings in commercial zones, keeping
22 setbacks the same, eliminating any buffers for MPD and AMPD in all zones and
23 focusing on transitions instead, reducing the open space requirement to 15% for AMPD
24 projects, increasing the building footprint 50% for AMPD and removing the 3,500 square
25 foot limitation in the RC zone, and continuing with the 10 parking space reduction in the
26 AMPD and giving an additional half space per unit for bonus units as well as allowing
27 adjacent on-street parking to allow flexibility. He reviewed that there was a large
28 financial gap with the current AMPD of up to a 70% subsidy of the cost for an attainable
29 housing project, including the land. The proposed code changes could reduce that
30 financial gap to only a 25% subsidy for an attainable housing project which included
31 land, and there would be double the units. It was clarified that the proposed AMPD
32 included half the units being sold at market rate and half at 150% Area Median Income
33 (AMI).
34

35 Laurent stated staff agreed with the recommendations, but wanted to make sure there
36 were allowances in certain zones. Council Member Henney was concerned about the
37 community acceptance of the proposed changes, and used the opposition to the
38 Woodside II affordable housing project as an example. Council Member Gerber stated
39 there were always a few neighbors that would not be satisfied, but the community at
40 large was supportive of affordable housing. Council Member Joyce agreed that the only
41 pushback from the Woodside II project was from a couple of adjacent neighbors. He
42 didn't want more affordable housing in the historic district, and felt other areas of town
43 would be more practical. He asserted the City would not reach its housing goal if it only

1 looked for available parcels that accommodated 10 affordable units. He thought areas
2 needed to be found where 50-100 units could be constructed. He also indicated the
3 consultants couldn't make affordable units work and now only attainable units at 150%
4 AMI was the focus.

5
6 Council Member Worel stated residents were concerned with growth, which equated to
7 density. She felt a discussion should take place with the community. Council Member
8 Ware Peek heard community members favoring high density housing in current high
9 density locations in the City as well as at the resorts. She thought amending the code
10 would not be enough to attract developers unless the City donated the land, and the
11 project was a joint private/public partnership. Laurent stated a joint partnership where
12 the City donated the land could make a development proposal more attractive. She
13 indicated any subsidy the City might offer to a developer interested in building
14 affordable housing could be more expensive than if the City developed the project itself.

15
16 Council Member Gerber stated the complaints for growth were related to the traffic
17 congestion and number of cars. She agreed where density was located mattered. She
18 favored altering the code depending on the area. Council Member Joyce requested that
19 Council consider meeting the affordable housing goal by building just outside the City
20 limits. He thought density really needed to be addressed to make the goal a reality.
21 Council Member Henney wanted to have this discussion with the community. Mayor
22 Beerman agreed the community was conflicted on the affordable housing issue and
23 agreed the affordable MPD didn't function as it was currently written.

24
25 With regard to the questions posed to Council, they agreed with the consultant's
26 methodology. Council Member Joyce wanted to clean up the historic district and focus
27 on the RC and GC zones. He expressed that buffers didn't make sense. The Council did
28 not want to consider density bonuses in the historic district. The Council requested a
29 future discussion on parking strategies. Council Member Gerber asked that parking be
30 monetized so Council could see the value of parking. Council Member Ware Peek
31 thought parking would spill over to street parking. Council Member Worel wanted to
32 discuss the impacts of under-parking.

33 34 **Park City Community Vision 2020 Update:**

35 Linda Jager, Community Engagement Manager, Jed Briggs, Budget Manager, and
36 David Beurle, Future IQ, presented this item. Beurle reviewed the different measures
37 being taken to get feedback for the visioning process, including a survey, think tank
38 discussions, workshops etc. He was impressed by the deep thought given to the future
39 of the City by the survey responders and think tank participants. From the initial
40 feedback, he felt the tension of where the community would be in the next 10 years.
41 Jager reviewed some groups in the community that were being connected in order to
42 get their opinions and concerns. Beurle thought the think tank should be expanded and
43 termed a summit, where many people could discuss the issues the City was currently

1 facing as well as what the City would be facing in the years to come. He noted the final
2 report would be presented in January, 2020. Briggs stated they had been in information
3 gathering mode and the next step was to take the information gleaned and work it into
4 the City's strategic plan.

5
6 Council Member Ware Peek asked if the people at the meetings had already taken the
7 survey, and also asked how the visioning was presented to get people to open up with
8 their comments and views. Beurle explained how the sessions were laid out. There was
9 a focus to reach groups that were not usually represented. He noted he refrained from
10 giving his opinion, but he tried to push people to reach into deeper conversations by
11 giving them different scenarios.

12
13 Mayor Beerman asked if Beurle was going to post a game individuals could play where
14 they had to make decisions that would affect the community. Beurle indicated he would
15 give Briggs a proposal for developing such a game.

16
17 **2019 Special Event Process and Calendar Analysis:**

18 Jenny Diersen, Special Events Manager, presented this item. She indicated the City
19 worked for 30 years to promote itself and increase economic development, and now it
20 was seeing the symptoms of the success achieved from those efforts. She listed a
21 summary of events, and noted there would be 72 events this year compared to 86
22 events last year. There were 40 events that did not reapply or were denied.

23
24 Diersen detailed further considerations to balance the process, such as continuing to
25 increase event mitigations and align the events with community priorities. She indicated
26 the calendar was now predictable, but operational details were not forthcoming until the
27 event was close to happening. She also hoped to consider further restrictions on July 4th
28 events. She knew communication was the key to success. Diersen stressed the need
29 for a 10 year advance calendar of events in order to prevent overlaps.

30
31 Council Member Gerber stated the events on the trails were considered Level 2 events,
32 but there were so many trail events. She thought they had impacts and hoped there
33 would be weekends for locals only. Diersen stated she worked to limit events so they
34 were not on back-to-back weekends.

35
36 Council Member Worel thought two impacts were missing from the list of events,
37 Sundance and Park Silly Sunday Market. These events had huge impacts on the
38 community and she thought they should be considered in the overall analysis of events.
39 She also asked if there should be more than two application periods per year. Diersen
40 did not recommend going back to a more fluid process, but thought there could be value
41 in a future discussion on stricter standards for operational details. She liked the
42 flexibility, but when the details were delayed until the last minute, it put pressure on
43 different City departments.

Council Member Joyce asked the Council if the residents could see a reduction in the number of events. Council Member Gerber stated the feedback depended on the area of town, but in general, people wanted to take their town back. She felt traffic was the biggest impact, but indicated there had been great traffic mitigation for major events. Mayor Beerman didn't think the number of events were where the City wanted them, but the events were running smoothly which was great. Council Member Joyce did not think the number of events was at the right spot yet, and he hoped the City could look at quality versus quantity. He thought in the next couple of years, Council should consider moving the dial again.

Council Member Ware Peek liked the predictability of the calendar so residents had the ability to adjust their lifestyle accordingly. She agreed with Council Member Joyce that mitigations were important, but focus should be given on quality of life. Mayor Beerman suggested having one weekend a month reserved for locals. Council Member Gerber liked Mayor Beerman's suggested, and noted the policy could be changed back if needed. Council Member Henney asked how events were being dissuaded from coming to the City by multiple departments. Diersen stated the code changes had helped staff be able to say no to event requests. There were also venue guidelines established that determined appropriate events in those areas. Council Member Henney was pleased with the direction the City was headed and looked forward to continued tweaks to tighten up the events in the City. Council Member Ware Peek agreed the trails continued to get busier and she hoped focus could be given to mitigate those impacts. Mayor Beerman was happy with the direction the City was going and felt it was a good balance.

REGULAR MEETING - 6:00 p.m.

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Lynn Ware Peek Council Member Nann Worel Diane Foster, City Manager Matt Dias, Assistant City Manager Margaret Plane, Special Counsel Michelle Kellogg, City Recorder	Present
None	Excused

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Mayor Beerman and the Council members reported on the activities, meetings and events they attended since the last meeting.

Staff Communications Reports:

1. Park City Municipal Website Redesign Project Update:

2. Backhoe Report, September 2019:

3. Wildland-Urban Interface (WUI) Municipal and Land Management Code Amendments Update:

4. Old Town Access and Circulation Improvements Update:

Council Member Gerber stated there was feedback on the proposed circulation plan, and she was surprised that the roundabout was placed by Hillside instead of at the top of Main Street because traffic was driving two blocks into the residential area before turning around. Jonathan Weidenhamer, Economic Development Manager, stated the roundabout was an issue. He reviewed the Tier One and Tier Two improvement lists for that area, and noted the idea was to prevent commercial vehicles from using Hillside. The turnaround next to Hillside was thought to be the most effective way to prevent that traffic. Alexis Verson, Associate Transportation Planner, thought this was something that could be implemented this season since it was a simple fix. As a long-term project, staff would be looking at a roundabout at Main Street and Swede Alley. Council Member Gerber asked if the paint could be removed if it created more issues than expected. Verson affirmed this was a pilot and they were going to evaluate it further as the snow season approached. Council Member Gerber asked what it would take to put a turnaround at Main Street and Swede Alley. Weidenhamer stated it would not be too complicated to construct that turnaround.

Council Member Ware Peek preferred the long term solution at the top of Main Street. Mayor Beerman stated this short-term solution was to help reduce the traffic until a long-term solution was implemented.

III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Beerman opened the meeting for public input on matters not being addressed on the agenda.

Clive Bush was not pleased with the old town circulation plan. He reviewed the history of the plan and felt this short-term solution should have been discussed thoroughly at a

Council meeting instead of addressed in a communication report. He was concerned about the planning process for Hillside, and felt it was still a commercial collector street instead of a residential street. He hoped the town could be planned in a way that got people out of their cars and walking. He discussed the delays for driving on different roads. He did not want the painted roundabout next to Hillside and felt staff should start by planning the town. He hoped Council would listen to the residents.

Jory Fisher moved to Hillside Avenue from Deer Valley Drive and was surprised so many commercial vehicles drove on that street. She did not want the roundabout painted and requested the City enforce the commercial vehicles that used Hillside.

Doug Stephens did not want the painted roundabout and did not think it was a solution for the traffic. He hoped efforts could be concentrated on the long-term solution. He appreciated the barricade during the last event to deter traffic from that area.

Lauren Lockey stated nine to 10 billion animals were slaughtered for food worldwide each year. The City allowed Bill White to graze his cattle on the McPolin Barn site to help with climate sequestration. She asked Council to reconsider this practice because cattle negatively impacted climate change. She shared various claims about sequestration worldwide and stated she supported more trees and fewer cows.

Mayor Beerman closed the public input portion of the meeting.

IV) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from August 27, 2019 and September 3, 2019:

Council Member Gerber noted an error in the September 3rd minutes Roll Call box and requested the late arrival annotation next to her name be removed.

Council Member Worel moved to approve the City Council meeting minutes from August 27, 2019 and September 3, 2019 as amended. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

V) CONSENT AGENDA

1. Request to Authorize the City Manager to Enter into a Three-Year Contract with VelocityEHS for On-Demand Safety Training and SDS Management in a Form Approved by the City Attorney for an Annual Amount of \$14,864 and a Total Contract Amount Not to Exceed \$44,592:

2. Request to Authorize the City Manager to Execute Amendment No. 5 to the Agreement with Alder Construction Company, in a form approved by the City Attorney, for 3KWTP Construction Mitigation and Demolition GMP Construction Services for an Amount Not to Exceed \$2,530,650.00:

3. Request to Approve a First Addendum to the Contract with Dataprose LLC., in a Form Approved by the City Attorney, for Utility Bill Printing and Mailing Service for an Additional Five Years in an Annual Amount up to \$35,000 for a Total Amount Not to Exceed \$175,000:

4. Request to Grant Snyderville Basin Water Reclamation District an Easement and Access Easement through a City-Owned Parcel (PC-S-55-X) in the Alice Claim Subdivision at the Top of King Road for Construction and Maintenance of Wastewater Collection and Transportation Pipelines and Appurtenances, in a Form Approved by the City Attorney:

Council Member Gerber moved to remove Item Two from the Consent Agenda for further discussion. Council Member Ware Peek seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

Council Member Ware Peek moved to approve Items One, Three and Four on the Consent Agenda. Council Member Joyce seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

2. Request to Authorize the City Manager to Execute Amendment No. 5 to the Agreement with Alder Construction Company, in a form approved by the City Attorney, for 3KWTP Construction Mitigation and Demolition GMP Construction Services for an Amount Not to Exceed \$2,530,650.00:

Council Member Gerber stated she had requested that all contract reports include tracking how much each project cost and how much had been spent thus far on the project. Council Member Worel agreed and asked for the percentage of the project that had been completed compared to the cost. Council Member Ware Peek asked about the public outreach and if the neighbors' questions had been satisfied. McClain stated they were following up with additional community meetings and open houses. Also, the construction schedule would be discussed with the residents and Council. Amendment Five was for site preparation and demolition. Residents were concerned with walkability and staff forwarded the information to the Transit staff to work on. Council Member Joyce indicated staff had already listed all the contracts, and requested that the projects

be transferred to a spreadsheet with a note next to the contract the Council was approving.

Council Member Gerber moved to approve Consent Agenda Item Two with the understanding that future contracts needed a full accounting prior to approval. Council Member Ware Peek seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

VI) OLD BUSINESS

1. 2019 FIS World Championship Debrief:

Jenny Dierson, Special Events Manager, Bob Kollar, Chamber Vice President of Special Events, Eric Webster, Utah Ski and Snowboard Association (USSA), and Calum Clark, Chairman of the 2019 FIS Organizing Committee, were present for this item. Diersen stated Park City had a long history of hosting winter sports. She thanked staff, residents, businesses, and the community for making the event work. Clark submitted a letter from Tiger Shaw, President and CEO, USSA, thanking the community and staff for making this a great event. Clark stated there was a great impact from the branding of the community, and he gave statistics on the number of viewers during the two weeks of the championship. He noted the snowfall was a challenge and thanked everyone who helped keep the games on schedule.

Webster reviewed the efforts to have a sustainable, ecofriendly games. They gave out reusable water bottles, focused on reducing waste, utilized digital schedules and accessed public transportation for the attendees. Kollar reviewed the marketing efforts for the event. He stated there was a positive economic impact and noticeable revenue increases in lodging and restaurants. Diersen stated planning and security were key to the success of the event, and staff should begin as early as possible for events of this scale. In the future, she hoped for a space between the Championship and the Sundance Film Festival.

Council Member Ware Peek thought the events were wonderful. Council Member Gerber thanked all who helped organized the event, and stated it fit with what was already in place in our community. Council Member Worel indicated this event was done so well and noted the event appeared seamless. Council Member Joyce thought it went smoothly and made him feel comfortable for a possible Olympics here. Council Member Henney was excited for the buy-in that was seen for this event and hoped those using transit for the event continued to use it year-round. He thanked the group for their focus on using transit. Mayor Beerman was pleased with the outcome. He said this event sent a statement that Park City was ready to host an Olympics.

2. Consideration to Approve Ordinance 2019-48, an Ordinance Adopting the Park City Annexation Policy Plan and Annexation Expansion Area and Amending Land Management Code Title 15, Chapter 8, Annexations:

Rebecca Ward, Land Use Policy Planner, Bruce Erickson, Planning Director, and Heinrich Deters, Trails and Open Space Manager, presented this item. Ward reviewed the City had acquired several properties outside the City boundaries as well as outside the Annexation Expansion Area (AEA) boundary. She proposed adding the following properties: Round Valley; the southeast quadrant of Quinn's Junction including Clark Ranch, development restricted property, and private property extending to the Summit County boundary as well as a proposed park and ride located at the SR248 and Highway 40 junction; property in Wasatch County, specifically the Bonanza Flat area, some private property owners, the Girl Scouts property, and the Grace mining claim. Ward noted that before the Wasatch County property could be annexed into the City, the Wasatch County Council would have to vote to approve that. She indicated one requirement was that the City's AEA could not overlap another municipality's AEA.

It was indicated that Hideout Town Council adopted an AEA that included the southeast quadrant of Quinn's Junction, part of the Clark Ranch property, and part of Richardson Flat. They removed part of the overlapping boundaries from their AEA, but not all, so there was an overlap, which was legal. Ward distributed a letter from Patrick Putt, Summit County Community Development Director, that acknowledged receipt of the draft AEA boundary map.

Council Member Joyce asked if Wasatch County made comments about the proposed AEA. Ward stated staff had been invited to their September 14th County Council meeting to discuss it. Council Member Ware Peek asked when Hideout Town removed part of its AEA. Ward thought it was at their August 22nd town meeting.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Worel favored having all City property under its jurisdiction.

Council Member Worel moved to approve Ordinance 2019-48, an ordinance adopting the Park City Annexation Policy Plan and Annexation Expansion Area and amending Land Management Code Title 15, Chapter 8, Annexations. Council Member Gerber seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

VII) NEW BUSINESS

1. Treasure Hill Open Space Update:

Heinrich Deters, Trails and Open Space Manager, Jenny Dierson, Staff Liaison to the Public Art Advisory Board (PAAB), and Logan Jones, Trails and Open Space Coordinator, presented this item. Deters reviewed there were scheduled improvement projects on Treasure Hill. Jones stated the location for parking was at the top of Lowell Avenue, and in the winter the parking space would be used for snow storage.

Council Member Joyce asked how the City would keep that area clear from workforce parking. Jones stated there could be signage saying "For Trail Use Only." Council Member Ware Peek thought residential permits were required to park in that area. She asked if the trailhead parking could have a time limit. Deters stated that space would be monitored, but it was a historical use and should be status quo.

Jones stated the 6th Street stairs would continue to Treasure Hill, and they were being planned for construction next summer. Deters indicated the stairs would be maintained summer and winter. Council Member Ware Peek requested the stairs be constructed with diamond treads. Deters affirmed that and noted only the railings would be constructed with wood. Council Member Joyce asked that the 9th Street stairs be constructed at the same time. Foster suggested putting both projects in the same RFP if the cost estimates worked out.

Deters indicated there were many dead trees on the property and he had a forestry RFP for a consultant to study and report on the forest health. He also wanted to put funds to determining liabilities on the hill since it had been a mining area at one time. He wanted a conservation easement on this property and needed funds for that purpose as well.

Council Member Ware Peek referred to an area of dead aspen. Erickson stated that was a foresting succession, and was normal. Some of the trees would be removed to promote regrowth. Council Member Joyce asked if there could be remediation efforts next to that area where Rocky Mountain Power had power lines. Deters stated there would be several recommendations from the consultant that the City could consider.

2. Consideration to Accept a Donation of a Bronze Artwork to the Public Art Collection to be Commissioned by the Martinez Family and Placed at the Treasure Hill Trailhead in a Form Approved by the City Attorney:

Jenny Diersen, Staff Liaison to the Public Art Advisory Board (PAAB), and Rick and Clark Martinez, were present for this item. Diersen stated the Martinez family had requested permission to put a statue of Rich Martinez on Treasure Hill by the trailhead. Martinez served on the City Council for 16 years as well as in other areas of the City. Clark Martinez stated this statue was not just for his dad, but for that generation who worked at the mines. Rick Martinez related stories about Rich that reflected his

goodness. Council Member Gerber enjoyed hearing historical stories about Park City and thanked the Martinez family. Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Gerber moved to accept a donation of a bronze artwork to the Public Art collection to be commissioned by the Martinez Family and placed at the Treasure Hill trailhead in a form approved by the City Attorney. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

3. Consideration to 1) Approve Ordinance 2019-49, an Ordinance Amending Land Management Code Chapter 15-11 Historic Preservation; and 2) Consideration to Continue the Land Management Code Amendments to Section 15-11-12.5 Historic Preservation Board Review for Material Deconstruction:
2. (A) Public Hearing (B) Continue to a Date Uncertain

Caitlyn Barhorst and Hannah Tyler, Planning Department, presented this item. Barhorst stated the amendment updated the name of an organization. The second item was to reassess the process for material deconstruction, but that was not ready for approval.

Mayor Beerman opened the public hearing for amending Section 15-11 of the code. No comments were given. Mayor Beerman closed the public hearing.

Council Member Ware Peek moved to approve Ordinance 2019-49, an ordinance amending Land Management Code Chapter 15-11 Historic Preservation. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

Mayor Beerman opened the public hearing for continuing Section 15-11-12.5 Historic Preservation Board Review for Material Deconstruction of the code. No comments were given. Mayor Beerman closed the public hearing.

Council Member Gerber moved to continue the Land Management Code amendments to Section 15-11-12.5 Historic Preservation Board Review for Material Deconstruction to a date uncertain. Council Member Ware Peek seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

4. Consideration to Continue an Ordinance Approving the 245 Woodside Avenue Plat Amendment Located at 245 Woodside Avenue, Park City, Utah:

Hannah Tyler, Senior Planner, stated this plat would be continued in order for the applicant to gather more information.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Worel moved to continue an ordinance approving the 245 Woodside Avenue Plat Amendment located at 245 Woodside Avenue, Park City, Utah to a date uncertain. Council Member Ware Peek seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN

AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

VIII) ADJOURNMENT

IX) PARK CITY REDEVELOPMENT AGENCY MEETING

I) ROLL CALL

Attendee Name	Status
Chairman Andy Beerman Board Member Becca Gerber Board Member Tim Henney Board Member Steve Joyce Board Member Lynn Ware Peek Board Member Nann Worel Diane Foster, City Manager Matt Dias, Assistant City Manager Margaret Plane, Special Counsel Michelle Kellogg, Secretary	Present
None	Excused

II) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Chair Beerman opened the meeting for public input on matters not being addressed on the agenda. No comments were given. Chair Beerman closed the public input portion of the meeting.

III) NEW BUSINESS

1. Consideration to Approve the First Amended and Restated Purchase Agreement between Community Wireless of Park City and Park City Municipal Corporation for the Disposal of Approximately 1,311 square feet of City-Owned Property Located at 460 Swede Alley:

Board Member Ware Peek recused herself from the discussion because she was employed by KPCW.

Jonathan Weidenhamer, Economic Development Manager, Heinrich Deters, Real Estate Manager, Renai Bodley Miller, KPCW General Manager, Steve Brown, Owners Representative, Carla Lehigh, Elliott Workgroup, and Bob Richer and Roger Goldman, KPCW Board members, were present for this item. Weidenhamer requested Council approve the sale and purchase of an expanded space for KPCW. He reviewed the history of the building and stated the expansion could keep KPCW in town for another 20 years. He indicated part of the agreement included free Public Service Announcements (PSA), the space needed to be used by nonprofit or quasi-public use, and the City retained the first right of refusal with valuation based on inflation. During construction, KPCW would get six parking spaces for construction staging and Sundance, as well as a staging area at the Bob Wells Plaza, and they would agree to be solar ready.

In addition to the agreement, KPCW requested that the City extend the satellite dish agreement for another 20 years. They also requested the City refine and limit the PSA requests, and help them with parking on China Bridge nights and weekends. Weidenhamer clarified that nothing needed to be determined tonight, but the requests were something to consider in the future. Bodley thanked staff for putting this agreement together and stated this was a long time coming.

Board Member Henney asked about the plan if construction lasted until Sundance. It was indicated if they were not finished by Christmas, the equipment would be removed for the holidays, the work would come back January 2nd, and it would be completed before Sundance. He hoped to be out of the plaza by December 20th. The documents were ready to be signed, the plat needed to be signed and recorded, and the permit would be pulled tomorrow or Monday.

Board Member Joyce thought the almost free space was in exchange for free PSAs. Bodley stated there needed to be a more manageable arrangement regarding PSAs. She met with Linda Jager, Community Engagement Manager, and they agreed to five PSAs per day. There needed to be a more manageable plan where the City could get a schedule it liked and radio staff could have limitations on how many PSAs ran. Board Member Joyce stated the hooks to the agreement weren't part of the agreement and the expectations should be addressed. Board Member Henney stated the agreement said

free and unlimited, and if they wanted something different, they should come back to discuss this at a future meeting.

Chair Beerman stated the negotiations had been going on for a couple years and in the end, both parties stuck to the original agreement. There was concern about the PSAs, and everyone had been reasonable with their expectations.

Bodley stated the negotiations got to this point because of the willingness to be reasonable with PSA requests. The last conversation with the City included the City stating that free PSAs were fundamental. The current situation was going well, but a future administration could put the current agreement at risk. She hoped to continue discussions on what the conditions would be. Board Member Joyce didn't want to sign the current agreement if Bodley wanted a different agreement regarding PSAs. Bodley stated the station was okay going forward with the agreement tonight, but hoped in the future another agreement could take place for PSAs.

Board Member Gerber stated this discussion was on the record and there would be opportunities to have discussions in the future with a chance to amend this agreement. Plane stated the fundamental tenant of the agreement wasn't changing. Board Member Henney stated the existing agreement was what the Board was voting on. Mayor Beerman stated the City would continue working on PSAs with KPCW going forward.

Chair Beerman opened the meeting for public input. No comments were given. Chair Beerman closed the public input portion of the meeting.

Board Member Gerber moved to approve the First Amended and Restated Purchase Agreement between Community Wireless of Park City and Park City Municipal Corporation for the disposal of approximately 1,311 square feet of City-Owned property located at 460 Swede Alley with the amendment to approve the extension of the satellite dish agreement until 2039 and to include the solar ready verbiage in the agreement. Board Member Worel seconded the motion.

RESULT: APPROVED

AYES: Board Members Gerber, Henney, Joyce, and Worel

RECUSED: Board Member Ware Peek

IV) ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Alexis Verson

Submitting Department: Transportation Planning

Item Type: Staff Report

Agenda Section:

Subject:

Request to Authorize the City Manager to Execute a Professional Services Agreement (PSA), in a Form Approved by the City Attorney, with RideAmigos, in an Amount Not to Exceed \$24,995.00 Per Year for up to Three Years

Suggested Action:

Attachments:

[RideAmigos Staff Report](#)

City Council Staff Report



Subject: Approval of Professional Service Agreement with RideAmigos for \$24,995.00.
Author: Alexis Verson, Senior Transportation Planner
Celia Peterson, Environmental Sustainability Project Manager
Andy Stevenson, Transit Marketing & Outreach Coordinator
Alfred Knotts, Transportation Director
Department: Transportation Planning
Date: September 26, 2019
Type of Item: Administrative

Summary Recommendation

Authorize the City Manager to sign a Professional Services Agreement (PSA), in a form approved by the City Attorney, with RideAmigos in an amount not to exceed Twenty Four Thousand Nine Hundred Ninety Five Dollars (\$24,995.00) per year for up to three years.

Executive Summary

Park City Municipal Corporation (PCMC) wishes to partner with RideAmigos to offer a myriad of Transportation Demand Management (TDM) programs, incentives, real time event travel information, and commuter incentive/challenge programs through an app-based platform and online website. The platform has the ability to be a “one stop shop” trip planning and transportation app to serve the greater Park City community, residents, PCMC employees, resort employees, and visitors. Park City Sustainability has also been heavily involved in the effort to secure a platform for commuter information, challenge and incentive programs, and tracking travel behaviors.

Three bids were solicited, and RideAmigos was the only proposal received. In addition to being the only respondent, research demonstrates that other transit or trip planning applications do not have the diverse offerings of RideAmigos.

A valuable [case study](#) from Austin, TX highlights how RideAmigos' platform can be utilized by a municipality to meet a variety of TDM and trip reduction goals. The platform was used for internal employees (10% of employees participated) and during the initial six-month period cut vehicle miles traveled by 800,000, doubled carpool and vanpool utilization, and reduced carbon emissions by 380 tons.

The Problem and Opportunity

PCMC has aggressive goals to reduce single occupancy vehicle trips, shift travel behavior, and help residents and visitors access a range of mobility options. The TDM Plan (adopted by City Council in 2016) recommends a variety of strategies to help residents, part-time residents, visitors, and commuters get to, from, and around Park City without driving alone.

Many of the strategies and incentives related to the TDM Plan can be streamlined and reach more people through an app-based platform. Some of the benefits and programs offered by RideAmigos include:

- Administering the Guaranteed Ride Home Program
- Deploying Commuter Challenges, and awarding prizes
- Organizing vanpool or carpool opportunities with others traveling to the area
- Allowing users to earn points towards a prize or gift card for qualifying trips
- Trip planning using a variety of modes available in the area including transit and bike share
- Allow users to record their trips for valuable travel diaries that can be used for Transportation Planning (like what rMove did for the Long Range Transportation Plan effort)

PCMC is also excited to partner with other large trip generators also interested in this platform. Having a single platform across a variety of employers will ensure a higher adoption rate; less confusion by users, and the ability to partner and cross promote events and prizes – and ultimately have a larger positive impact on reducing vehicle trips. Current cost sharing partners include: Deer Valley Resort, Park City Mountain, and Canyons Village Management Association (CVMA). Staff has worked with other entities on an agreement for PCMC to fund half of the cost for RideAmigos services, and the remaining half will be split among the other four entities. The cost of the RideAmigos platform is correlated to population base. As PCMC continues to add other partners, organizations, and employers, the cost will remain the same, yet likely reduce PCMC participation costs. Participation from other large employers will continue to be solicited; examples include Park City Hospital, Woodward Park City, and other large Kimball Junction and Park City based employers.

RideAmigos has offered PCMC and the other organizations listed above a 15% discount on the cost of services in return for a three year contract. The contract language provided by RideAmigos indicates that parties may cancel the agreement at any time without being penalized.

Alternatives for City Council to Consider

- 1. Recommended Alternative:** Authorize the City Manager to sign the Professional Service Agreement, in a form approved by the city attorney, to provide up to Twenty Four Thousand Nine Hundred Ninety Five Dollars (\$24,995.00) of services for FY 19/20 with the intent to honor the three year contract.

Pros

- a. RideAmigos can offer a myriad of highly effective incentives to change travel behaviors both internally and ultimately externally in the Park City region.
- b. The platform allows seamless administration for staff; helps reduce staff hours while also bolstering the programmatic offerings for TDM strategies.
- c. This platform will further the City's transportation goals, particularly as they relate to the TDM Plan, and the adopted Council goal of a 25% reduction of trips on Park City's gateway corridors.

Cons

- a. Funding will need to be allocated this year, and on a yearly basis to maintain a consistent and reliable platform for users.

- 2. Alternative 2 - Deny:** Do not authorize the contract.

Pros

- a. Funding for up to Twenty Four Thousand Nine Hundred Ninety Five Dollars (\$24,995.00), worth of services will not be expended.

Cons

- a. A more efficient and effective platform to manage demand strategies will not be utilized.
- b. Additional staff hours will need to be allocated to implementing TDM strategies to be successful.

Department Review

This report was reviewed by Executive, Legal, Transit Operations, Sustainability, Parking and Transportation Planning.

Funding Source

Funding for this contract will come out of the Transportation Demand Management Fund budgeted through the County Transportation Sales Tax Initiative, as well as the Parking Reinvestment Fund.

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Mindy Finlinson

Submitting Department: Finance & Accounting

Item Type: Staff Report

Agenda Section:

Subject:

Request to Adopt Resolution 19-2019, a Resolution Authorizing Certain Individuals in the Organization to Make Changes to the Utah Public Treasurers' Investment Fund (PTIF) Accounts

Suggested Action:

City Council should adopt a resolution authorizing individuals in the organization to make changes to the Utah Public Treasurer's Investment Fund (PTIF) accounts.

Attachments:

[PTIF Staff Report](#)

[PTIF Entity Resolution Form](#)

City Council Staff Report

Subject: PTIF Entity Resolution
Author: Mindy Finlinson
Department: Finance Department
Date: September 26, 2019
Type of Item: Administrative

Recommendation

City Council should adopt a resolution authorizing individuals in the organization to make changes to the Utah Public Treasurer's Investment Fund (PTIF) accounts.

Background

The Utah Office of the State Treasurer has implemented a new online PTIF account management platform enabling authorized individuals to more easily manage PTIF accounts. The State Treasurer requires that PTIF pool participants adopt a resolution authorizing at least two individuals from each organization to make changes to the PTIF accounts. This resolution is removing Rebecca Gillis, former Finance Manager, and adding Sara Nagel, the new City Treasurer. Once adopted and signed by City Council, the resolution must be returned to the State Treasurer's Office.

The PTIF is available to state and local government entities as a short-term cash investment vehicle. The PTIF invests to maintain safety of principal, liquidity and a competitive return on short term investments. Any funds administered by a public treasurer in the State of Utah may be invested in the PTIF. By investing in the PTIF, public entities can leverage the expertise of the Treasurer's Office while minimizing the expense of investment management to local taxpayers.

The City invests money with the PTIF to ensure that not all funds are in one bank account. Taxes, bond issuances and interest are directly deposited into the account and the Treasurer makes withdrawals or deposits as necessary.

Additional information can be found at <https://treasurer.utah.gov/investments/investments-overview/>.

Funding

No funding is necessary.

Attachments

None



1. Certification of Authorized Individuals

I, Andy Beerman (Name) hereby certify that the following are authorized: to add or delete users to access and/or transact with PTIF accounts; to add, delete, or make changes to bank accounts tied to PTIF accounts; to open or close PTIF accounts; and to execute any necessary forms in connection with such changes on behalf of Park City Municipal Corporation (Name of Legal Entity). Please list at least two individuals.

Name	Title	Email	Signature(s)
<u>Diane Foster</u>	<u>City Manager</u>	<u>diane.foster@parkcity.</u>	
<u>Mindy Finlinson</u>	<u>Finance Manager</u>	<u>mindy.finlinson@parkc</u>	
<u>Sara Nagel</u>	<u>Treasurer</u>	<u>sara.nagel@parkcity.o</u>	

The authority of the named individuals to act on behalf of Park City Municipal Corporation (Name of Legal Entity) shall remain in full force and effect until written revocation from Park City Municipal Corporat (Name of Legal Entity) is delivered to the Office of the State Treasurer.

2. Signature of Authorization

I, the undersigned, Mayor (Title) of the above named entity, do hereby certify that the forgoing is a true copy of a resolution adopted by the governing body for banking and investments of said entity on the 26th day of September, 2019, at which a quorum was present and voted; that said resolution is now in full force and effect; and that the signatures as shown above are genuine.

Signature	Date	Printed Name	Title
		<u>Andy Beerman</u>	<u>Mayor</u>

STATE OF UTAH)
) §
COUNTY OF _____)

Subscribed and sworn to me on this 26th day of September, 2019, by
Andy Beerman (Name), as Mayor (Title) of
Park City Municipal Corporation (Name of Entity), proved to me on the basis of
satisfactory evidence to be the person(s) who appeared before me.

(seal)

Signature_____

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Celia Peterson

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Request to Authorize the City Manager to Enter into a Professional Service Agreement with The Electric Highway Co. in a Form Approved by the City Attorney Not to Exceed \$49,940.00 for Electric Vehicle Charging Equipment on City Properties

Suggested Action:

Staff recommends that the Council authorize the City Manager to enter into a professional service agreement with The Electric Highway Co in a Form Approved by the City Attorney Not to Exceed Forty Nine Thousand Nine Hundred Forty Dollars (\$49,940.00).

Attachments:

[Charging Stations Staff Report](#)

[EV Charger Installation Scope of Services](#)

[Appendix A: Locations of EV Charger installations](#)

[Appendix B: Existing Charger Locations](#)

City Council Staff Report

Subject: Request to Authorize the City Manager to Execute a Professional Services Agreement with The Electric Highway Co for Installation of Electric Vehicle Charging Equipment on City Properties in a Form Approved by the City Attorney Not to Exceed \$49,940.00

Author: Celia Peterson

Department: Sustainability

Date: September 26, 2019

Type of Item: Administrative

Recommendation

Staff recommends Council review and approve a professional service agreement with The Electric Highway Co to install seven (7) dual head electric vehicle service equipment (EVSE), for a total of fourteen (14) charging points, on City owned property. Each charging point will service a single parking space. The locations will be the Brew Pub parking plaza (4 charging points), City Park near the gazebo (4 charging points), and the China Bridge parking garage (6 additional charging points, near the current chargers). See Appendix 1 for a map of locations.

Background

Park City's goal is to be a carbon neutral community by 2030. A significant portion of the community's carbon emissions can be attributed to passenger vehicles. Transitioning to electric vehicles powered by renewable electricity is a necessity to meet the stated goal. To incentivize rapid adoption of electric vehicles (EVs), Park City desires to provide benefits for early adopters, such as prioritized parking and free charging on various City properties.

Currently, Park City has limited charging options for drivers of electric vehicles (EVs) available for public use. There are two (2) EV charging points in China Bridge, and one at the Public Works parking garage that are available for public use. The Summit County Health Department recently installed four charging points available for public use. There are approximately thirty EV charging points around Park City in privately owned lots that are largely reserved for patrons or valet service (see Appendix 2).

City staff does not recommend collecting fees for EV charging, due to the additional complexity and cost required to install networked chargers, i.e. those connected to the internet, and added transaction fees outweigh the revenue that could be earned by charging for electricity. In addition, networked chargers are significantly more expensive than non-networked chargers and require ongoing commercial network service plans. Finally, staff desires to incentivize EVs in order to help meet our carbon zero goals.

Staff determined that installation of non-networked charging stations, except at the Brew Pub parking lot, would greatly reduce complexity and cost. Staff recommends installing networked charging stations at the Brew Pub parking lot in order to collect some usage data, retain the ability to pilot a program to apply fees for electric vehicle charging in the future, and to incorporate a service contract for operations and maintenance of those chargers as they are the most likely to incur damages due to snow load or parking

mishaps. Bollards will be installed to protect the charging equipment, but unforeseen damages may still occur.

Additional locations have been identified to further expand the EV charging network in Park City on municipal lots. Additional electrical design and service agreements with Rocky Mountain Power must be finalized before procurement of installation services can be initiated. The expected timeline for procurement of additional EV charging infrastructure is anticipated to be early 2020.

The EV chargers we propose require no new service agreements with Rocky Mountain Power, minimal electrical work, and therefore can be installed relatively quickly. Additional locations have been identified to further expand the EV charging network in Park City on municipal lots. However, additional sites require electrical design and additional service agreements with Rocky Mountain Power. Electrical design work has been initiated, but installation will be delayed until early 2020.

Funding

Funding for EV chargers will come from capital funds. City staff has secured funding from Rocky Mountain Power for 50% of charger installation costs, up to \$170,000. In addition, staff is working with Leaders for Clean Air to receive a 75% reimbursement of charger hardware costs. Additional outside funding through grants and incentive programs is also being actively pursued. Staff recommends Council review and approve a professional service agreement with The Electric Highway Co to install seven (7) dual head electric vehicle service equipment (EVSE), for a total of fourteen (14) charging points, on City owned property.

Attachments

Attachment A- Map of EV charger installation locations

Attachment B- EV charging sites that currently exist within Park City boundaries.



THE ELECTRIC HWY CO

63 E 11400 S suite#196
Sandy, Utah 84070
Phone: 358-881-7610

Electrical Lic no. UT- 9229266-5501 Classification: B100, E200



TO: Celia Peterson
Environmental Sustainability Project Manager
Park City
P.O. box 1480
Park City, Utah 84060

PROJECT: Park City Municipal Corporation
China Bridge Parking Garage
Brew Pub Parking Lot
City Park Parking Lot

SCOPE

This proposal is to install electric vehicle supply equipment (EVSE) at three locations on City properties: 3 Wall mount chargers at China Bridge parking garage, 450 Swede Alley. 2 Chargers at Brew Pub parking lot, 250 Main and 4 Chargers at City Park parking lot 1354 Park Ave.

Unit #	Description	QTY.	Unit Price	Total
Construction				
A	Miscellaneous materials as needed for project	1	\$2,880.00	\$2,880.00
B	Mobilize and set up on site.	1	\$1,500.00	\$1,500.00
C	Installation of 10 chargers total of 14 ports	1	\$5,890.00	\$5,890.00
D	Installation of conduit and conductors for chargers as needed for three(3) locations as described.	1	\$9,100.00	\$9,100.00
E	Installation of signs for chargers in parking areas	1	\$800.00	\$800.00
F	Install concrete bollards as needed for EV protection and as required by code	1	\$4,350.00	\$4,350.00
G	Restore landscaping in areas affected by trenching.	1	\$2,400.00	\$2,400.00
H	Trenching, boring, back fill and sand	1	\$3,850.00	\$3,850.00
I	Materials required for electrical upgrade - Use existing panels and equipment. Add circuitry and breakers where needed.	1	\$4,800.00	\$4,800.00
J	Equipment- Backhoe, mini excavator, dump trailer, vac trailer and other equipment as needed for project.	1	\$2,200.00	\$2,200.00
Equipment				
K	JB3.0-402C Commercial grade 40 A Electric Vehicle charger with two level 2 J1772 Connectors with pedestal mount and cord management. Networked	2	\$5,610.00	\$11,220.00
Services				
L	EVStructure/EVGateway	4	\$199.00	**
M	Commercial Network Service plan 1-year pre-paid per port	1	\$650.00	\$650.00
N	1-year L2 extended warranty	1	\$0.00	\$0.00
O	Activation & Config Services	1	\$0.00	\$0.00
	Juice Bar Commercial Grade Shipping & Handling	2	\$150.00	\$300.00
PROPOSAL TOTAL				\$49,940.00

** Network OCPP 1.6 at \$199 per port annually. First year network FREE.

ADDITIONS:

- Install (N) Bollard(s) if required
- Install (N) Wheel Stop(s) if required
- Paint parking stall with EV logo
- Install EV Charging Only signage
- Install cell signal booster/repeater/enhancer
- Site Planning / Line Drawing / Engineering / Permits

Included
\$ TBD
\$ TBD
Included
\$ TBD
\$ TBD

EXCLUSIONS:

- Primary runs for transformers
- Notification of construction to tenants
- Painting of exposed conduit
- Repairs for Code Violations
- Does not include acquiring permits or permitting fees.

NOTES AND CONTINGENCIES:

- Scope of work is outlined above. All site information is preliminary, all material quantities, conduit and wire lengths are
- All conduit is unfinished. Painting and finishing of stenciled parking stall and/or signage shall be as outlined above.
- Estimate is based on preliminary site survey and may need to be adjusted prior to final design and installation. Costs may change upon actual design and city requirements.

ASSUMPTIONS:

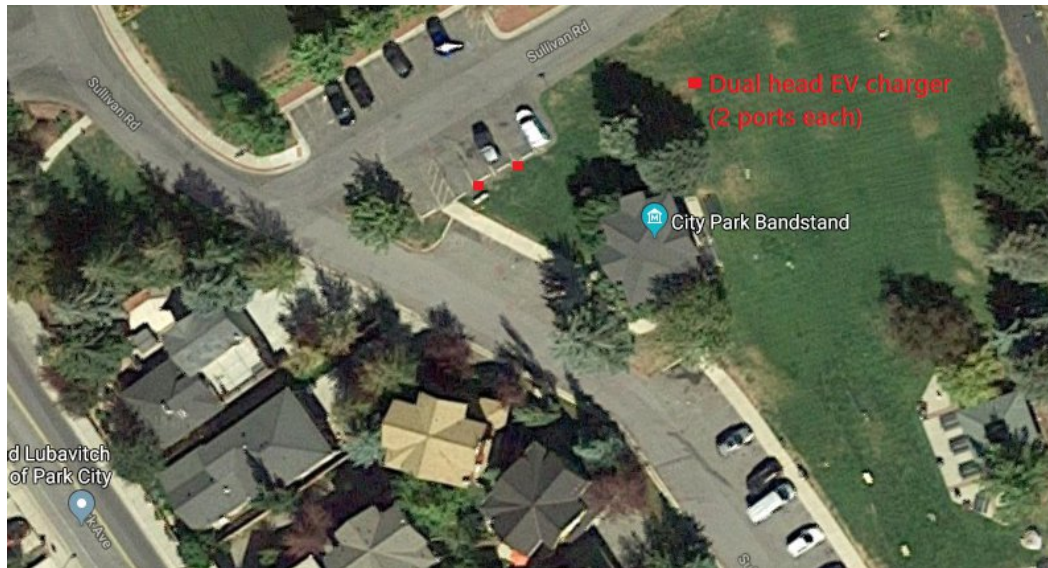
- All existing electrical systems, electrical equipment, conduits and wire are in good working order and suitable for the proposed
- EVSE are networked / member type, and/or network communications are wireless.
- All supplied EVSE equipment shall be on site to coincide with scheduled installation.
- Landscaping shall be repair/replaced should damage occur.
- Permit/City/Plan Check fees are estimated and may be subject to an additional charge.
- Planning requirements may be subject to additional equipment and additional charge.
- This proposal is based on work being performed during normal business hours 7am – 5pm Monday to Friday 8 hours per day and a mutually agreeable schedule.
- This estimate is based on 1 mobilization at this location and all proposed items are inclusive.
- Prevailing Wages, if applicable, are based on determinations as of bid date.

The Electric Highway

Exhibit B- Locations of EV charger installations

Municipal Lot	Location
China Bridge parking garage	450 Swede Alley; back of the newer, North section on the 1 st level; and extension of existing EV chargers
City Park parking lot	Sullivan Rd, near bandstand (see below)
Brew Pub parking lot	250 N Main St. (see below)

City Park parking lot



Brew Pub parking lot



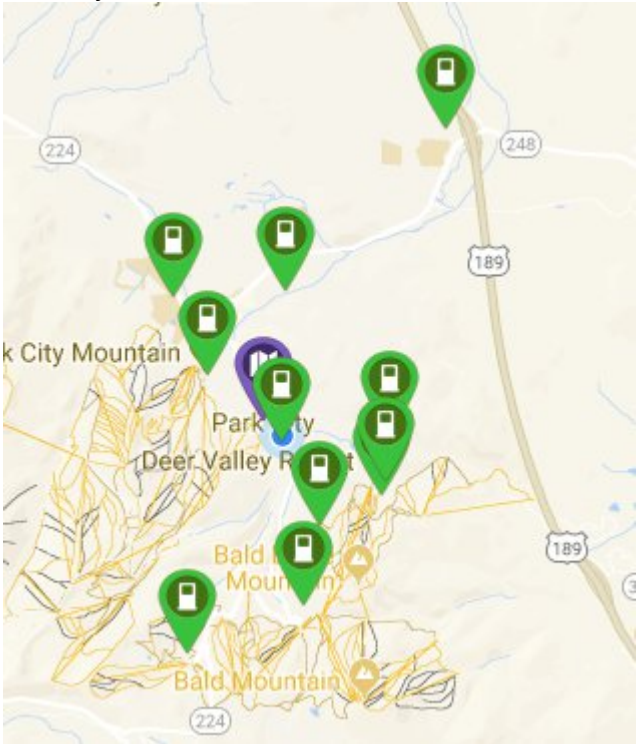
Exhibit C- Existing EV charger locations

Data source: www.plugshare.com

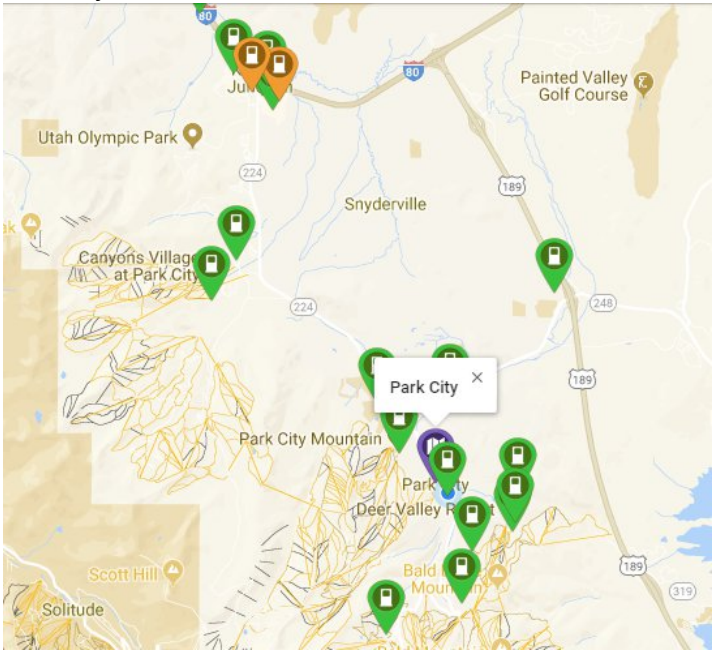
*Open to public

Location	#	Description
Lodges at Deer Valley	1	1 station, non-networked 1 Tesla
St Regis at Deer Valley	1	1 Tesla
Black Diamond Lodge	1	1 station, non-networked, non-Tesla
Stein Eriksen Residences	4	4 chargers, non-networked, valet only
Stein Eriksen Lodge	4	Two Tesla HPWC Destination Chargers, up to 64A and two 40A standard chargers. Available for guests only. Please see valet.
Montage	16	Four Tesla Model S wall connectors @ 80A each. J1772 charging also. For guests only.
China Bridge*	2	2 chargers, 30amp @~208v
PCMR underground parking	2	2 Clipper Creek 32amp 208v J1772 chargers. EV only parking from 7-11am, but open to any car during other hours.
Hotel Park City	6	Tesla Charging available for guests and patrons. please see valet. 1 Tesla Connector - 40A
Silver Mountain	3	The chargers are for members/customers of Silver Mountain Sports Club only. If you are not a member please see the front desk before plugging in. There are 3 Tesla HPWC, 80amp max @ 208v. These are the newer HPWC that are share one 80amp line, so charging speed will depend on how many other cars are plugged in at the same time.
Summit County Health Dept*	4	Chargepoint; free with Chargepoint account
TOTAL	44	

Park City limits



Park City area



Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Josh Miller

Submitting Department: Budget, Debt & Grants

Item Type: Staff Report

Agenda Section:

Subject:

Discuss Special Service Contracts with an Emphasis on Social Equity

(A) Public Input

Suggested Action:

Staff recommends that Council review and give direction on the second round of the revamped Special Service Contract process. Under direction from Council, the Special Service Contract subcommittee will distribute the Request for Proposals (RFP) for this phase and make funding recommendations according to the selected social equity priorities based on the Community Social Equity Strategic plan

Attachments:

[Special Service Contracts Staff Report](#)

[Special Service Contract Round Two RFP](#)



City Council Staff Report

Subject: Special Service Contracts - Round Two
Authors: Josh Miller
Department: Budget, Debt, & Grants
Date: September 26, 2019
Type of Item: Budget Policy

Summary Recommendation:

Staffs recommends that Council review and give direction on the second round of the revamped Special Service Contract process. Under direction from Council, the Special Service Contract subcommittee will distribute the Request for Proposals (RFP) for this phase and make funding recommendations according to the selected social equity priorities based on the Community Social Equity Strategic plan.

Analysis:

Review of Special Service Contract Restructure

In the FY20 adopted budget, Council approved a revamp of the Special Service Contract cycle, splitting the process into three categories/rounds: regular service contracts, social equity services, and community service innovation grants.

In round one, funds were allocated to 16 organizations who successfully demonstrated their programs met the specific service needs of the City. Of the roughly \$600 K available, \$432 K has been distributed for regular service contracts leaving \$167 K.

In this second round, the subcommittee will evaluate applicants regarding social equity services. If additional funding remains, a third round will be opened for community service innovation grants. Also, it should be noted that the RFP is asking for innovative and new ideas with regards to supporting and furthering social equity.

Special Service Contracts - Round Two (Emphasis on Social Equity)

As the City works to move the needle on social equity efforts, it became clear that many services provided by community non-profits would benefit from more coordination and centralized processes. The Social Equity strategic plan helps to prioritize and focus on the areas that are the most pressing or urgent.

This second round of special service contracts is guided by the report from the Social Equity Advisory Committee, including gaps analysis and a strategic plan. The Subcommittee held several meetings to interpret the strategic plan and then deliberate on proposals for funding consideration. The Subcommittee was made up of Council liaisons (Nann Worel and Steve Joyce) as well as members of the Park City Community Foundation who put the strategic plan together. The report highlighted the following initiatives:

1. Housing – Facilitate a range of affordable and quality housing opportunities that meet the life-cycle needs of persons at all economic levels.
 - a. Establish a central database that pulls from all regional sources to provide information on affordable for-sale units, waitlists, and the qualification and application process for people in need of housing.
 - b. Create and maintain a database of potential purchasers of affordable housing, specifying needs, income, current housing situation, and employment, length of time in community, mortgage qualifications, and other relevant factors.
 - c. Design pre-application and full application forms to be completed by applicants. Applications should be available for completing and submitting online and in hard copy (by mail or hand delivery).
 - d. Collect completed pre-applications and full applications via e-mail, mail, and hand delivery.
 - e. Provide notification of receipt of application via e-mail to applicants.
 - f. Provide complete applications to third party service providers for verification of qualifications.
 - g. Provide access to centralized data base and reporting functions to City and other approved housing and financial representatives.
2. Education – Provide students with learning and enrichment opportunities outside of the regular school day to help overcome disparities.
 - a. Operate an after school extended learning service, activity, or program that benefits lower to middle income children with a demonstrated capacity to help working families. Operating hours should take place directly after school ends and run consistently and regularly to assist families working several jobs.
3. Inclusion – Strive for cultivating a community that engages diverse perspectives, differing ideas, and individuals from different backgrounds to help define policy and practice, and help shape culture.
 - a. Events/Programs – Increase the community's capacity to create inclusive and diverse cultural, arts, and/or entertainment experiences that seek to reduce inequities in the community.
 - b. Communication – Enhance communication and outreach methods that improve diverse voices and perspectives of underserved or underrepresented groups in the community.
4. Workforce Development – Innovative programs that focus on augmenting education, language, job skills, job finding, and resume building needs to those from lower to middle economic backgrounds.

Proposed Round Two Timeline:

- September 27-30 – Release RFP
- October 11- Deadline for Applications
- October 18 – Subcommittee recommendations

Department Review:

This report has been reviewed by the Budget, Legal, and City Manager departments.

Attachment A – Round 2 RFP

September 27, 2019

Dear Applicant,

Park City will be accepting applications for special service contracts as a part of the social equity category for the grant cycle (October 2019 – June 2020). Enclosed with this letter is an application for a special service contract for the City's fiscal year 2020. Also enclosed is a copy of the City's policy governing special service contracts which includes the criteria that organizations must meet in order to qualify for these grants.

City Council is currently evaluating funding based on the City's core needs as well as social equity initiatives. All Special Service Contracts applications will be evaluated for their ability to significantly address these needs as outlined in the application.

Proposals should seek to eliminate an inequity in the community (individual, institutional, or structural) by building capacity in addressing social equity issues. Preference will be given to a new, expanded, or improved program, service, or activity that assists individuals or groups that feel marginalized.

The current policy states that applications must be submitted by October 11, 2019. Please submit 2 hard copies and an electronic copy of the application along with all other requested information to the Budget, Debt, and Grants department (445 Marsac Ave.) **by 5:00 p.m. on October 11, 2019**. The selection process for a special service contract is competitive and not all submissions may be funded or fully funded.

If you have any questions regarding the process or the application, please Briggs at (435) 615-5183 or jbriggs@parkcity.org. Thank you for your interest in serving Park City.

Sincerely,

Jed Briggs
Budget Operations & Strategic Planning Manager
Park City Municipal Corporation
Tel 435.615.5183





Special Service Contract Application Form

Application Form

Park City Municipal Corporation

Please provide 2 **(2)** hard copies and an electronic copy of this application and all other requested information to the Budget, Debt, and Grants Office by **5:00 pm on October 11, 2019.**

(1) Organization Contact Information

Name _____

Address _____

Phone _____ Fax _____

E-mail _____

(2) Indicate the applicable Special Service Contract category for this proposal:

Social Equity Services

☐ **Housing** – Facilitate a range of affordable and quality housing opportunities that meet the life-cycle needs of persons at all economic levels.

- a. Establish a central database that pulls from all regional sources to provide information on affordable for-sale units, waitlists, and the qualification and application process for people in need of housing.
- b. Create and maintain a database of potential purchasers of affordable housing, specifying needs, income, current housing situation, and employment, length of time in community, mortgage qualifications, and other relevant factors.
- c. Design pre-application and full application forms to be completed by applicants. Applications should be available for completing and submitting online and in hard copy (by mail or hand delivery).
- d. Collect completed pre-applications and full applications via e-mail, mail, and hand delivered
- e. Provide notification of receipt of application via e-mail to applicants.

- f. Provide complete applications to third party service providers for verification of qualifications.
- g. Provide access to centralized data base and reporting functions to City and other approved housing and financial representatives.

☐ **Education** – Provide students with learning and enrichment opportunities outside of the regular school day to help overcome disparities.

- a. Operate an after school extended learning service, activity, or program that benefits lower to middle income children with a demonstrated capacity to help working families. Operating hours should take place directly after school ends and run consistently and regularly to assist families working several jobs.

☐ **Inclusion** – Strive for cultivating a community that engages diverse perspectives, differing ideas, and individuals from different backgrounds to help define policy and practice, and help shape culture.

- a. Events/Programs – Increase the community’s capacity to create inclusive and diverse cultural, arts, and/or entertainment experiences that seek to reduce inequities in the community.
- b. Communication – Enhance communication and outreach methods that improve diverse voices and perspectives of underserved or underrepresented groups in the community.

☐ **Workforce Development** – Innovative programs that focus on augmenting education, language, job skills, job finding, and resume building needs to those from lower to middle economic backgrounds.

(3) Proposed Total Grant Amount: \$_____

(4) In addition to the above requested information, applications must address the following components:

1. Specific detail of how the requested funds will be used (attach summary - *one page maximum*);
2. Financial information for your organization including annual budget and other sources of potential funding. Please also include 2 years of financial statements such as Balance Sheet, Income Statement, Statement of Financial Position, Activity Statement, etc. or include Independent Auditors' Reports (attach relevant documents);
3. Quantitative and/or qualitative goals (with specific targets) that can be used to measure the degree to which the funds were used for their intended purpose (attach summary - *half page maximum*); and
4. Specifically address how your proposal meets the criteria described in the City's Public Service Contract Policy (specific criteria components are outlined below, please attach no more than one page for each criterion):

Criterion 1: Accountability and Sustainability of Organization - The organization must have the following:

- a. Quantifiable goals and objectives.
- b. Non-discrimination in providing programs or services.
- c. Cooperation with existing related programs and community service.
- d. Compliance with the City contract.
- e. Federally recognized not-for-profit status.

Criterion 2: Program Need and Specific City Benefit - The organization must have the following:

- a. A clear demonstration of public benefit and provision of direct services to City residents focused on one of the Community Critical Priorities.
- b. A demonstrated need for the program or activity. Funds may not be used for one-time events, scholarship-type activities or the purchase of equipment.

Criterion 3: Fiscal Stability and Other Financial Support - The organization must have the following:

- a. A clear description of how public funds will be used and accounted for.
- b. Other funding sources that can be used to leverage resources.
- c. A sound financial plan that demonstrates managerial and fiscal competence.
- d. A history of performing in a financially competent manner.

Criterion 4: Fair Market Value of the Services - The fair market value of services included in the public service contract should equal or exceed the total amount of compensation from the City unless outweighed by demonstrated intangible benefits.

Signed: _____ **Date:** _____

City Council Staff Report

Subject: The Aerie Phase I, Amending Lots 9, 10 & 11
Author: Alexandra Ananth, Senior Planner
Date: September 26, 2019
Type of Item: Legislative – Plat Amendment

Project Number:	PL-19-04297
Applicant:	Aerie Holdings LLC
Location:	1312, 1326 & 1336 Aerie Drive Extension of Ledger Way and Piper Way south from the intersection with Calamity Lane (Located south of Richardson Flat Road and west of US Highway 40)
Zoning:	Single Family (SF)
Adjacent Land Uses:	Residential development parcels
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval

Recommendation

The Applicant submitted a revised application and has asked to be continued to a date uncertain.

Council Agenda Item Report

Meeting Date: September 26, 2019

Submitted by: Alexandra Ananth

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve Ordinance 2019-50, an Ordinance Approving the Third Amendment to the First Amended and Restated Nakoma Condominium Plat Located at 8782 Marsac Avenue, Nakoma Unit 17, Nakoma Condominiums, Park City, Utah
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Nakoma Condominium Plat Staff Report](#)

[Exhibit A: Existing and Proposed Condo Plat](#)

[Exhibit B: Amended Development Agreement](#)

[Exhibit C: Technical Reports](#)

[Exhibit D: September 11, 2019 PC Meeting Staff Report](#)

[Exhibit E: September 11, 2019 PC Meeting Minutes](#)

[Exhibit F: Notice of City Council Action](#)

City Council Staff Report

Subject: Nakoma Condominiums – Third Amendment to First Amended and Restated Condominium Plat
Author: Alexandra Ananth, Senior Planner
Date: September 26, 2019
Type of Item: Legislative – Condominium Plat

Project Number:	PL-19-04292
Applicant:	Friends of Flagstaff, LLC
Location:	8782 Marsac Avenue, Nakoma Unit 17, Nakoma Condominiums
Zoning:	Residential Development (RD) as part of the Flagstaff Annexation and Master Planned Development (MPD) and the Village at Empire Pass MPD
Adjacent Land Uses:	Residential development parcels of the Village at Empire Pass, Pod B1, and Open Space
Reason for Review:	Condominium Plats require Planning Commission review and City Council approval

Recommendation

Staff recommends the City Council conduct a public hearing on the request to amend the Condominium Plat for a lot line adjustment for Unit 17 Nakoma, located at 8782 Marsac Avenue, and consider granting the requested Condominium Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval as outlined in the attached Ordinance.

Executive Summary

This is a request for approval of an Amendment to a Condominium Plat to adjust the lot lines for Nakoma Condominiums Unit 17 (**Exhibit A** – Existing and Proposed Plat). The property is part of the Nakoma Condominiums which includes 17 units in Empire Pass approved by the City Council in 2006 and 2007. Unit 17 is currently undeveloped and the applicant is proposing to straighten out the northeast lot line and soften the curve of the southwest lot line in order to create a better building envelope. Lot 17 is adjacent to common area and the proposed lot line adjustments increase the lot from 23,735 square feet to 23,736 square feet, an increase of one (1) square foot. No changes in density or Unit Equivalents are proposed with this application.

The Planning Commission held a public hearing on the matter on September 11, 2019, and after discussion voted to forward a negative recommendation to the City Council on the application due to a lack of analysis on whether or not the application is in compliance with Technical Reports 5 & 6 of the Amended Flagstaff Development Agreement, specifically with regards to the historic preservation obligations. The Planning Commission requested that the staff provide the City Council with additional information about whether or not the Technical Reports applied to this property owner or

just the Master Developer.

State law states that land use applications are subject to the LMC and applicable land use regulations in effect at the time of complete application. Simply, there is no affirmative obligation on this single lot in terms of preservation in the LMC or Flagstaff DA. Accordingly, staff continues to recommend approval of this application as conditioned. Even if the Planning Department had initiated an enforcement or notice of breach of prior technical reports, or conditions of approval against the original or another developer, **which it hasn't**, outside counsel, Jody Burnett, previously advised that an area wide moratorium on all other applications by subsequent owners would not be reasonably related to specific provisions as applicable to individual parcels.

Courts typically hold that purchasers are able to rely upon the prior planning approvals (in this case individual project/CUP approvals and platting), unless there is a direct relation to an on-going requirement on the subject property. There is no allegation that this particular property or proposed minor lot line shift is inconsistent with a specific provision of the Flagstaff DA or LMC.

The Council will separately consider the compliance matters regarding technical reports 4 & 5 as part of the proposed Memorandum of Understanding with REDUS, Storied Development, and the Master Owners Association. A Residences at the Tower Condominiums Plat Condition of Approval (Exhibit F - Condition of Approval #5) requires finalizing that MOU prior to the recordation of the Twisted Branch Road Subdivision Plat.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the Annexation and Development Agreement for the Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" Master Planned Development (MPD) and set forth the types and locations of land use; maximum densities; unit equivalencies; and configuration for three development Pods (A, B1 and B2). The Flagstaff Development Agreement was amended and recorded in March 2007 ([Exhibit B- Link to Amended Development Agreement](#)).

There are also 14 Technical Reports associated with the Empire Pass development area. The 14 Technical Reports, along with the Land Management Code and the Amended Agreement, form the standards under which developments in the area are reviewed (Exhibit C – [Link to Technical Reports](#)). The subject property is located within Pod B1.

With respect to Nakoma Condominiums:

- On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II. This Master Planned Development included eighteen (18) detached single-family dwelling units utilizing 27 Unit Equivalents (UEs) on the Northside Village Subdivision II, Lot B

(aka Nakoma).

- The Planning Commission approved an amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45 UEs (while maintaining the same footprint and maximum house size requirements as previously approved, 3,000 square foot footprint with a maximum house size of 5,000 square feet).
- The Planning Commission approved an MPD amendment to Lot B on October 26, 2005, in which the unit locations and the road alignment were reconfigured.
- On July 6, 2006, the City Council approved the Nakoma Condominiums Record of Survey located on Lot B. The Record of Survey (Condominium Plat) platted the first 8 units (Units 9-16) plus additional land. The Condominium Plat for the remaining units (1-8, 17 and 18) was approved by the City Council on September 20, 2007.
- A Second Amendment to the MPD for Lot B was approved by the Planning Commission on April 23, 2008. This Amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total Unit Equivalent count remained unchanged and cannot exceed 45 UEs (90,000 square feet).
- On April 23, 2008, the Planning Commission also approved a Third Amendment to the MPD to Lot B to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project overall (45 UEs or 90,000 square feet of total square footage). An Amended Plat was also approved in conjunction with the Third MPD Amendment.
- The First Amended and Restated Nakoma Condominiums plat was recorded on December 31, 2008. A plat note on each of the previous Condominium Plats required the re-platting once the units were constructed to show to actual unit configuration.
- On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD for Lot B. The Fourth Amended MPD allowed the following:
 - o Units 1 and 2 combined into a duplex configuration, maximum footprint of 6000 square feet.
 - o Unit 17 (previously combined with unit 18 into one larger unit) with an option to become a duplex, returning the unit count back 18. As a duplex, footprint increases from 5,000 square feet to 6,000 square feet.
 - o Reduce minimum unit size from 4,300 to 4,000 square feet.
 - o Maintain maximum unit size at 5,750 square feet (except if unit 18 is not constructed as a duplex with unit 17 and 17 can be 7,500sf).
 - o Maximum cap of 45 Unit Equivalents remain.
- On May 20, 2010, the City Council approved the First Amendment to the Amended and Restated Nakoma Condominiums Plat to define private and limited common area for units 9 through 16. This First Amendment plat was recorded on May 22, 2012.

- On November 9, 2017, the City Council approved the Second Amendment to the First Amended and Restated Nakoma Condominiums plat for the duplex Units 1 and 2 and individual Units 7 and 8. This Second Amendment plat memorializes the size and configuration of constructed units and identifies areas of private and common ownership. Units 3, 4, 5 and 17 remained undeveloped at the time.
- On August 2, 2019, the City received a complete application for the Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums proposing adjustments to the lot lines of Lot 17.

Alternatives

- The City Council may conduct a public hearing, discuss the proposal and approve the Nakoma Condominiums – Third Amendment to First Amended and Restated Condominium Plat as conditioned or amended. **This is Staff's recommendation.**
- The City Council may deny the Nakoma Condominiums – Third Amendment to First Amended and Restated Condominium Plat and direct staff to make Findings for this decision.
- The City Council may continue this item to a date certain and request additional information in order to take final action.

Alternatives

Draft Ordinance

Exhibit A – Existing and Proposed Condominium Plat, Nakoma Unit 17

Exhibit B- [Link to Amended Development Agreement](#)

Exhibit C – [Link to Technical Reports](#)

Exhibit D – [Staff Report for September 11, 2019 Planning Commission Meeting](#)

Exhibit E – September 11, 2019 Planning Commission Minutes

Exhibit F – Notice of City Council Action, Residences at the Tower

Ordinance No. 2019-50

AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUM PLAT LOCATED AT 8782 MARSAC AVENUE, NAKOMA UNIT 17, NAKOMA CONDOMINIUMS, PARK CITY, UTAH

WHEREAS, the owners of the property known as the Nakoma Condominiums, located at 8782 Marsac Avenue, Nakoma Unit 17, Nakoma Condominiums, have petitioned the City Council for approval of the Third Amendment to the First Amended and Restated Nakoma Condominium Plat; and

WHEREAS, on August 28th, 2019, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on August 24th, 2019, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 11th, 2019, to receive input on the Third Amendment to the First Amended and Restated Nakoma Condominium Plat;

WHEREAS, the Planning Commission, on September 11th, 2019, forwarded a negative recommendation to the City Council; and,

WHEREAS, the City Council on September 26th, 2019, held a public hearing on the Condominium Plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Third Amendment to the First Amended and Restated Nakoma Condominiums Record of Survey Plat consistent with the Flagstaff Annexation and Development Agreement.

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 Third Amendment to the First Amended and Restated Nakoma Condominium 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 8782 Marsac Avenue.
2. The Nakoma Condominiums are located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999 and amended it in March

of 2007. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, unit equivalents and configuration for three development Pods (A, B1 and B2).

4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II that includes Pod B-1.
5. The approved MPD includes a maximum density assignment and conceptual site design for eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents (UEs) on Northside Village Subdivision II, Lot B (aka Nakoma Condominiums).
6. The Planning Commission approved an amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The Planning Commission approved a second amendment to the Nakoma Master Planned Development on April 23, 2008. That amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total UE count remained unchanged and cannot exceed 45 UEs (90,000 square feet).
8. On April 23, 2008, the Planning Commission approved the third amendment to the MPD to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage).
9. Unit 17 may be up to 7,500 square feet of total floor area (again, whether Basement or Floor Area as defined by the LMC) with a footprint not to exceed 5,000 square feet.
10. On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD. The Fourth Amended MPD allows the following:
 - Units 1 and 2 combined into a duplex configuration, maximum footprint of 6,000 square feet.
 - Unit 17 (previously combined with unit 18 into one larger unit) with an option to become a duplex, returning the unit count back to 18. As a duplex, footprint increases from 5,000 square feet to 6,000 square feet.
 - Reduce minimum unit size from 4,300 to 4,000 square feet.
 - Maintain maximum unit size at 5,750 square feet (except if unit 18 is not constructed as a duplex with unit 17 and 17 can be 7,500sf).
 - Maximum cap of 45 Unit Equivalents remain.
11. The proposed Amended Record of Survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II and the previous Condominium Plats requiring a re-platting of the units.
12. Nakoma Condominiums Unit 17 is currently undeveloped.
13. The applicant is straightening out the northeast lot line and softening the curve of the southwest lot line in order to create a better building envelope and make the lot more buildable.

14. Unit 17 is adjacent to common area and the proposed lot line adjustments increase the lot from 23,735 square feet to 23,736 square feet, an increase of one (1) square foot.
15. No change in density or Unit Equivalents is proposed.

Conclusions of Law:

1. There is good cause for this Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums.
2. The Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums.
4. Approval of the Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums, 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 Third Amendment to First Amended and Restated Condominium Plat Nakoma Condominiums 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 Condominium 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 for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. All conditions of approval of the Flagstaff Annexation and Development Agreement, as amended, and the Flagstaff Mountain Resort Phase II (Pod B1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
4. All applicable notes, easements and requirements of the First and Second Amended and Restated Nakoma Condominium Plats continue to apply and shall be shown and noted on this Plat prior to recordation.

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

PASSED AND ADOPTED this 26th day of September, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A- Third Amendment to First Amended and Restated Condominium Plat
Nakoma Condominiums

NAKOMA CONDOMINIUMS
THIRD AMENDMENT TO FIRST AMENDED AND RESTATED
UNIT 17
(8782 Marsac Avenue)

July 23, 2019

PROJECT INTENT

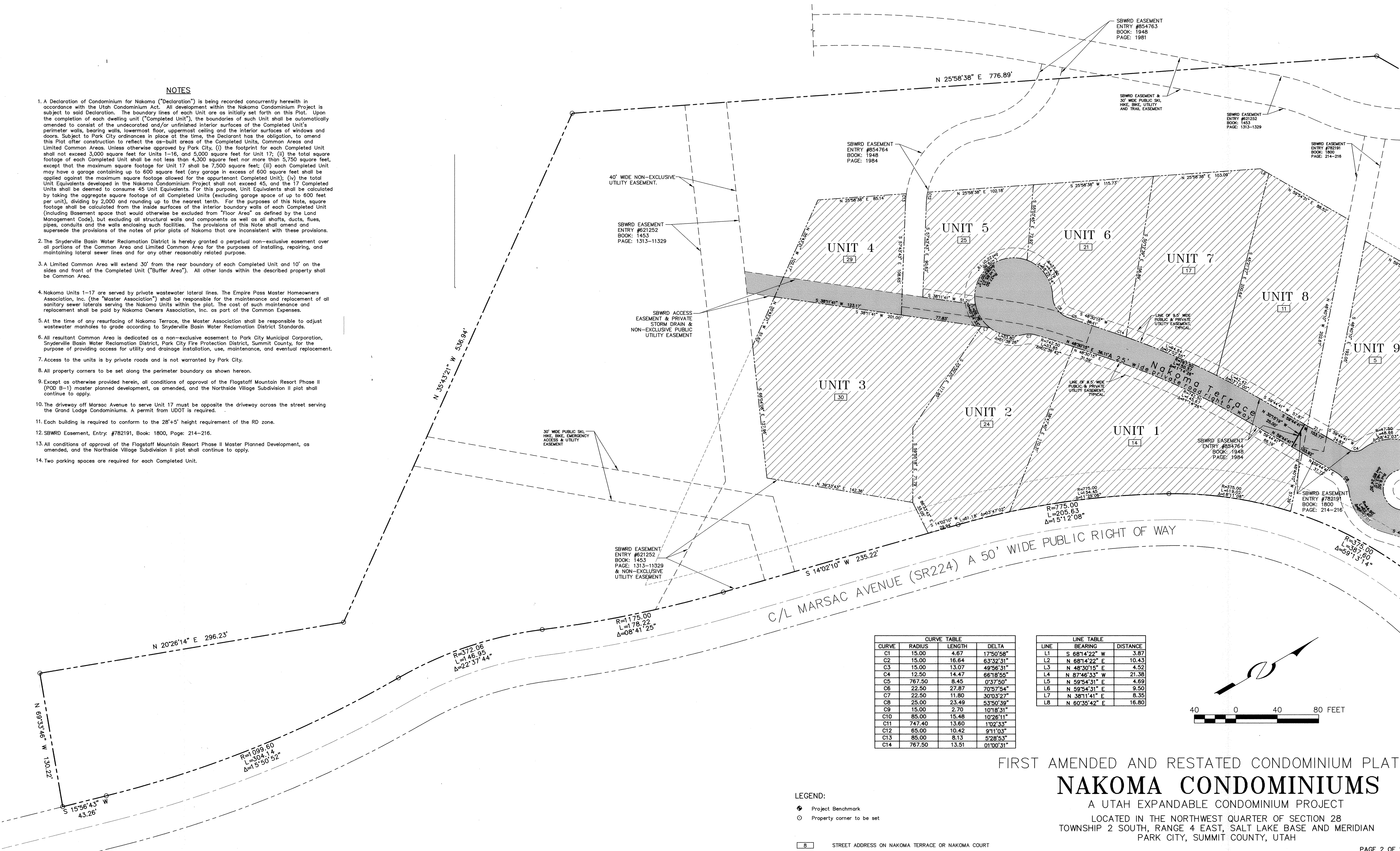
Nakoma Condominiums is a residential condominium project located on Lot B of Northside Village Subdivision II, recorded June 28, 2002, within the Empire Pass development.

The First Amended and Restated Nakoma Condominiums plat, recorded December 31, 2008, defines 17 units for future construction and broadly identifies boundaries for each unit. Once a unit has been constructed, an amendment to Nakoma Condominiums is recorded reflecting the as-built units.

Unit 17 has not been constructed and this application proposes to alter the unit line for Unit 17 to better accommodate construction of a single family dwelling.

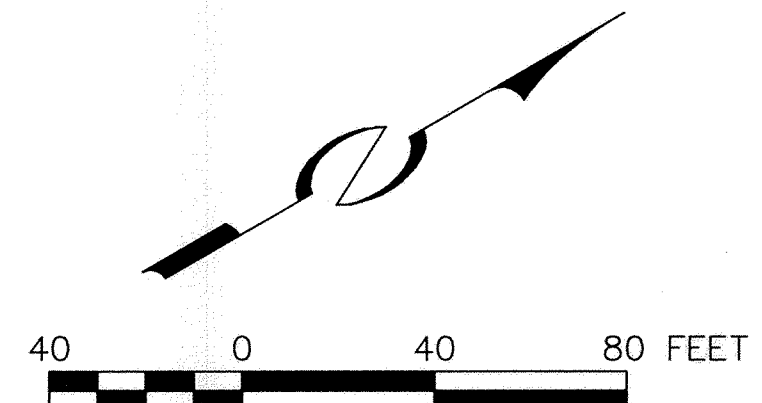
NOTES

1. A Declaration of Condominium for Nakoma ("Declaration") is being recorded concurrently herewith in accordance with the Utah Condominium Act. All development within the Nakoma Condominium Project is subject to said Declaration. The boundary lines of each Unit are as initially set forth on this Plat. Upon the completion of each dwelling unit ("Completed Unit"), the boundaries of such Unit shall be automatically amended to consist of the undecorated and/or unfinished interior surfaces of the Completed Unit's perimeter walls, bearing walls, lowermost floor, uppermost ceiling and the interior surfaces of windows and doors. Subject to Park City ordinances in place at the time, the Declarant has the obligation, to amend this Plat after construction to reflect the as-built areas of the Completed Units, Common Areas and Limited Common Areas. Unless otherwise approved by Park City, (i) the footprint for each Completed Unit shall not exceed 3,000 square feet for Units 1-16, and 5,000 square feet for Unit 17; (ii) the total square footage of each Completed Unit shall be not less than 4,300 square feet nor more than 5,750 square feet, except that the maximum square footage for Unit 17 shall be 7,500 square feet; (iii) each Completed Unit may have a garage containing up to 800 square feet (any garage in excess of 800 square feet shall be applied against the maximum square footage allowed for the appurtenant Completed Unit); (iv) the total Unit Equivalents developed in the Nakoma Condominium Project shall not exceed 45, and the 17 Completed Units shall be deemed to consume 45 Unit Equivalents. For this purpose, Unit Equivalents shall be calculated by taking the aggregate square footage of all Completed Units (excluding garage space of up to 600 feet per unit), dividing by 2,000 and rounding up to the nearest tenth. For the purposes of this Note, square footage shall be calculated from the inside surfaces of the interior boundary walls of each Completed Unit (including Basement space that would otherwise be excluded from "Floor Area" as defined by the Land Management Code), but excluding all structural walls and components as well as all shafts, ducts, flues, pipes, conduits and the walls enclosing such facilities. The provisions of this Note shall amend and supersede the provisions of the notes of prior plats of Nakoma that are inconsistent with these provisions.
2. The Snyderville Basin Water Reclamation District is hereby granted a perpetual non-exclusive easement over all portions of the Common Area and Limited Common Area for the purposes of installing, repairing, and maintaining lateral sewer lines and for any other reasonably related purpose.
3. A Limited Common Area will extend 30' from the rear boundary of each Completed Unit and 10' on the sides and front of the Completed Unit ("Buffer Area"). All other lands within the described property shall be Common Area.
4. Nakoma Units 1-17 are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Nakoma Units within the plat. The cost of such maintenance and replacement shall be paid by Nakoma Owners Association, Inc. as part of the Common Expenses.
5. At the time of any resurfacing of Nakoma Terrace, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
6. All resultant Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, Summit County, for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
7. Access to the units is by private roads and is not warranted by Park City.
8. All property corners to be set along the perimeter boundary as shown hereon.
9. Except as otherwise provided herein, all conditions of approval of the Flagstaff Mountain Resort Phase II (POD B-1) master planned development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
10. The driveway off Marsac Avenue to serve Unit 17 must be opposite the driveway across the street serving the Grand Lodge Condominiums. A permit from UDOT is required.
11. Each building is required to conform to the 28'+5' height requirement of the RD zone.
12. SBWRD Easement, Entry: #782191, Book: 1800, Page: 214-216.
13. All conditions of approval of the Flagstaff Mountain Resort Phase II Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
14. Two parking spaces are required for each Completed Unit.



CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	15.00	4.67	17°50'58"
C2	15.00	16.64	63°32'31"
C3	15.00	13.07	49°56'31"
C4	12.50	14.47	66°18'55"
C5	767.50	8.45	0°37'50"
C6	22.50	27.87	70°57'54"
C7	22.50	11.80	30°03'27"
C8	25.00	23.49	53°50'39"
C9	15.00	2.70	10°18'31"
C10	85.00	15.48	10°26'11"
C11	747.40	13.50	1°02'33"
C12	65.00	10.42	9°11'03"
C13	85.00	8.13	5°28'53"
C14	767.50	13.51	01°00'31"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 68°14'22" W	3.67
L2	N 68°14'22" E	10.43
L3	N 48°30'15" E	4.52
L4	N 87°46'33" W	21.38
L5	N 59°54'31" E	4.69
L6	N 59°54'31" E	9.50
L7	N 38°11'41" E	8.35
L8	N 60°35'42" E	16.80



LEGEND:

- Project Benchmark
- Property corner to be set

- 8 STREET ADDRESS ON NAKOMA TERRACE OR NAKOMA COURT
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- SBWRD ACCESS EASEMENTS/COMMON OWNERSHIP

FIRST AMENDED AND RESTATED CONDOMINIUM PLAT **NAKOMA CONDOMINIUMS** A UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED IN THE NORTHWEST QUARTER OF SECTION 28 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 2-10-03 FILE: X:\Empire\dwg\LotB-NSL\plot\nakoma plat first amended.dwg

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED

ENTRY NO. 00861927

12/31/2008 03:59:43 PM B: 1961 P: 1851

DA PLAT PAGE 1/1

ALUN SERVICES SUMMIT COUNTY RECORDER

FEE 17.00 BY HIGHLAND TITLE AGENCY INC

AGE 115

FEE RECORDER

(435) 649-9467

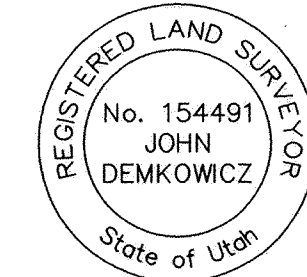
Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

CURVE	RADIUS	LENGTH	DELTA
C1	15.00	4.67	17°50'58"
C2	15.00	16.64	63°32'31"
C3	15.00	13.07	49°56'31"
C4	12.50	14.47	66°18'55"
C5	767.50	8.45	00°37'50"
C6	22.50	27.87	70°57'54"
C7	22.50	11.80	30°03'27"
C8	25.00	23.49	53°50'39"
C9	15.00	2.70	10°18'31"
C10	85.00	15.48	10°26'11"
C11	747.40	13.60	01°02'33"
C12	65.00	10.42	09°11'03"
C13	85.00	8.13	05°28'53"
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LINE	BEARING	DISTANCE
L1	S 68°14'22" W	3.87
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L6	N 59°54'31" E	9.50
L7	N 38°11'41" E	8.35
L8	N 60°35'42" E	16.80



I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this First Amended and Restated Condominium Plat of the NAKOMA CONDOMINIUMS, a Utah Expandable Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

JOHN DEMKOWICZ, L.S. #154491
DATE 12-3-08

BOUNDARY DESCRIPTION

Lot B, NORTHSIDE VILLAGE SUBDIVISION, II, according to the official plat thereof recorded June 28, 2002, as Entry No. 623453 in the office of the Summit County Recorder.

Unit No. 9, 10, 11, 12, 13, 14, 15, & 16 contained within NAKOMA CONDOMINIUMS, a Utah Condominium Project, as the same is identified in the Condominium Plat recorded in the office of the Summit County Recorder ON AUGUST 22, 2006, as Entry No. 788157, and as further defined and described in the Declaration of Covenants, Conditions and Restrictions and Bylaws of the NAKOMA CONDOMINIUMS, a Utah Condominium Project, recorded in the office of the Summit County Recorder on August 22, 2006, in Book 1811, at page 1764, as Entry No. 788158, (as said Map and Declaration may be amended and/or supplemented).

Together with the appurtenant undivided ownership interest in said Condominium Project's Common Areas and Facilities in accordance with aforesaid Declaration and Survey Map and the Utah Condominium Ownership Act.

Less and Excepting any and all outstanding oil and gas, mining and mineral rights, etc., together with the right of the proprietor of a vein or lode to extract his ore there from should same be found to penetrate or intersect the premises, and right of ingress and egress for the use of said rights.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, FRIENDS OF FLAGSTAFF, LLC, a Utah limited liability company, the owner of the tract of land described herein as FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUMS, a Utah Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plat consisting of TWO (2) sheets to be prepared, and does hereby consent to the recordation of this Record of Survey Map and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the Units shown on this plat, but not under construction at the time the plat was recorded, will, when completed be in conformance with the approved Master Planned Development, Declaration of Condominium, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof the undersigned has executed this certificate and dedication this 3rd day of DEC. 2008.

Friends of Flagstaff LLC,
a Utah limited liability company

By: Jack Thomas
Title: PARTNER

ACKNOWLEDGMENT

State of Utah, ss:
County of Summit:

This instrument was acknowledged before me this 3rd day of December 2008

by Jack Thomas, the Partner of Friends of Flagstaff LLC, a Utah limited liability company.

Seni Eklstrom
Notary Public

Printed Name: Teri Ekstrom

Residing in: Summit County

My commission expires: 1/10/2012

OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, NAKOMA 5, LLC, a Utah limited liability company, owner of Unit 9 at NAKOMA does hereby consent to the recordation of this Record of Survey Map.

In witness whereof the undersigned has executed this consent this 5th day of December, 2008.

December, 2008.

NAKOMA 5, LLC,
a Utah limited liability company

By: Paul B. Paulsen

Title: MANAGER

ACKNOWLEDGMENT

State of Utah, ss:
County of Summit:

This instrument was acknowledged before me this 5th day of December 2008

by Paul B. Paulsen, the Manager of NAKOMA 5, LLC, a Utah limited liability company.

Danette Dani Locher
Notary Public

Printed Name: Danette Dani Locher

Residing in: Heber City, UT

My commission expires: 7-21-12

FIRST AMENDED AND RESTATED CONDOMINIUM PLAT

NAKOMA CONDOMINIUMS

A UTAH EXPANDABLE CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 2

JOB NO.: 2-10-03 FILE: X:\Empire\dwg\LotB-NSLVI\plat\nakoma plat first amended.dwg

PLANNING COMMISSION

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 8th

DAY OF December, 2008 A.D.

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

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 27th

DAY OF December, 2008 A.D.

BY PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 30th

DAY OF December, 2008 A.D.

BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 29th

DAY OF December, 2008 A.D.

BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 29th DAY OF December, 2008 A.D.

BY Dana Williams

MAYOR

861927 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Highland Title Agency

DATE 12-31-2008 TIME 3:59 PM BOOK 1811 PAGE 1764

\$77.00

FEE

BY Denise L. Bowen

RECORDER

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th

DAY OF December, 2008 A.D.

BY CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 27th

DAY OF December, 2008 A.D.

BY PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 30th

DAY OF December, 2008 A.D.

BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

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DAY OF December, 2008 A.D.

BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

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BY Dana Williams

MAYOR

861927 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Highland Title Agency

DATE 12-31-2008 TIME 3:59 PM BOOK 1811 PAGE 1764

\$77.00

FEE

BY Denise L. Bowen

RECORDER

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th

DAY OF December, 2008 A.D.

BY CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 27th

DAY OF December, 2008 A.D.

BY PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 30th

DAY OF December, 2008 A.D.

BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 29th

DAY OF December, 2008 A.D.

BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

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BY Dana Williams

MAYOR

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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Highland Title Agency

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FEE

BY Denise L. Bowen

RECORDER

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th

DAY OF December, 2008 A.D.

BY CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 27th

DAY OF December, 2008 A.D.

BY PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 30th

DAY OF December, 2008 A.D.

BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 29th

DAY OF December, 2008 A.D.

BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 29th DAY OF December, 2008 A.D.

BY Dana Williams

MAYOR

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BY Denise L. Bowen

RECORDER

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8th

DAY OF December, 2008 A.D.

BY CHAIRMAN

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 27th

DAY OF December, 2008 A.D.

BY PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 30th

DAY OF December, 2008 A.D.

BY PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 29th

DAY OF December, 2008 A.D.

BY PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 29th DAY OF December, 2008 A.D.

BY Dana Williams

MAYOR

861927 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Highland Title Agency

DATE 12-31-2008 TIME 3:59 PM BOOK 1811 PAGE 1764

\$77.00

FEE

BY Denise L. Bowen

RECORDER

PLANNING COMMISSION

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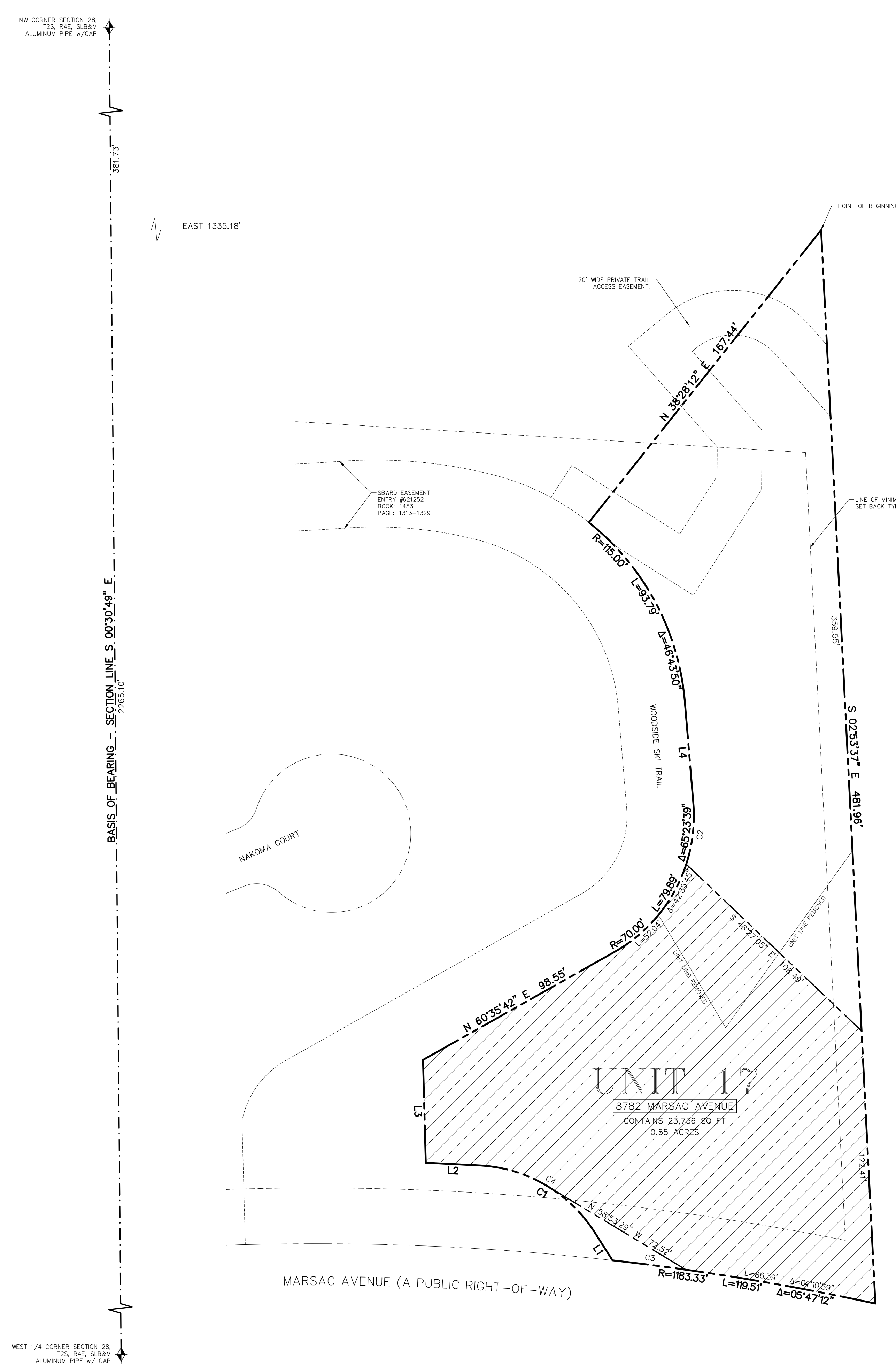
FEE

BY Denise L. Bowen

RECORDER

PLANNING COMMISSION

APPROVED BY THE PARK CITY PL



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 4857264, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown and described hereon, hereafter to be known as THIRD AMENDMENT TO FIRST AMENDED & RESTATED NAKOMA CONDOMINIUMS and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

ASSOCIATION CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned, on behalf of Nakoma Owners Association, Inc., a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Recorded Declaration hereby consents to the recording of this condominium plat amendment.

Matthew A. Spagot, President
Nakoma Owners Association, Inc., a Utah nonprofit corporation

ACKNOWLEDGMENT

State of _____: ss
County of _____

On this _____ day of _____, 2019, personally appeared before me, the undersigned Notary Public, in and for said County and State, Matthew A. Spagot, being duly sworn, acknowledged to me that he is the president of the Nakoma Owners Association, Inc., a Utah nonprofit corporation, and that he signed the above Consent to Record for, on, and in behalf of all of the unit owners at the Nakoma Condominium Project acting as a group (under the name of the Nakoma Owners Association, Inc., a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Nakoma Condominiums.

A Notary Public Commissioned in _____

Printed Name _____

Residing in: _____

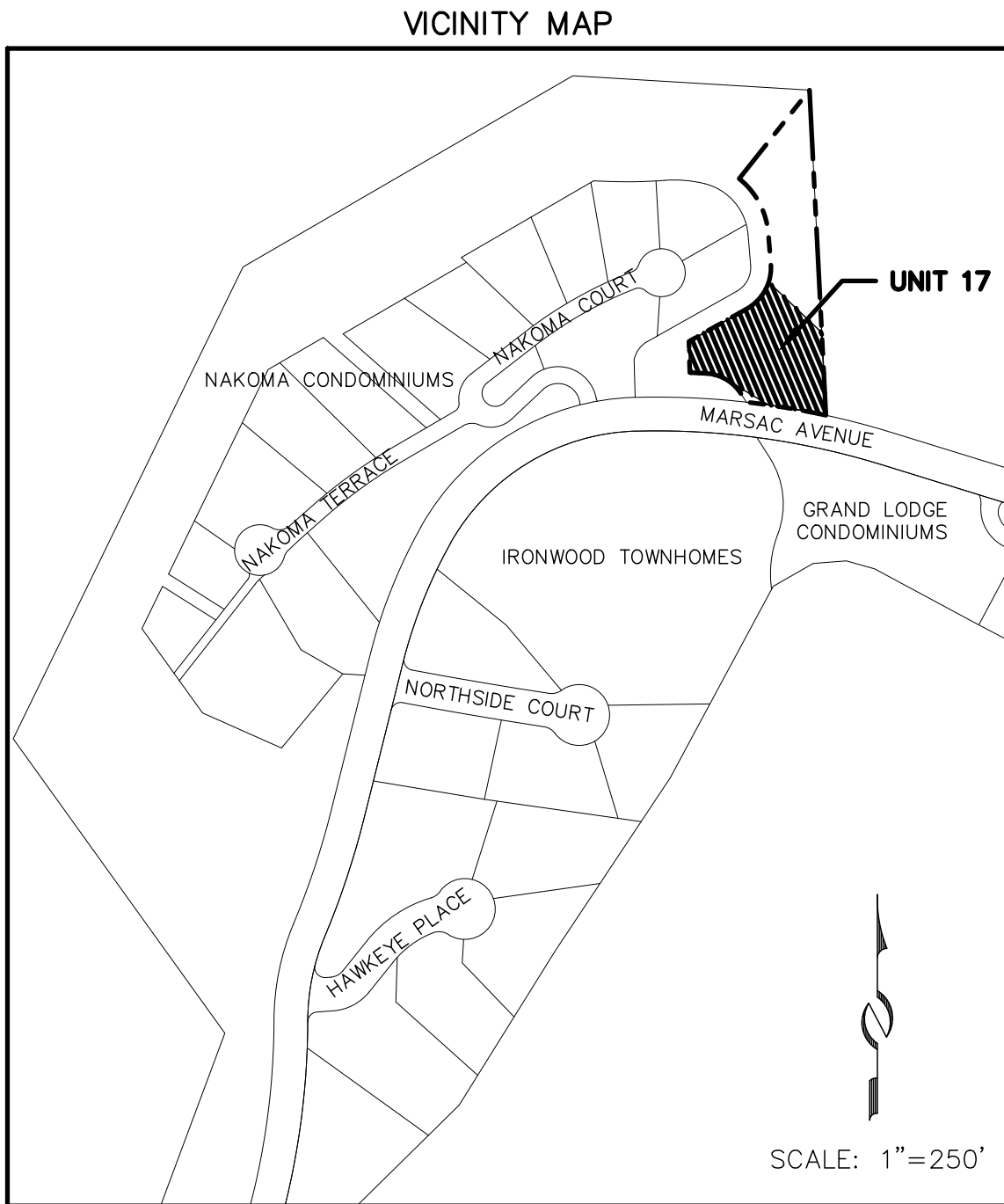
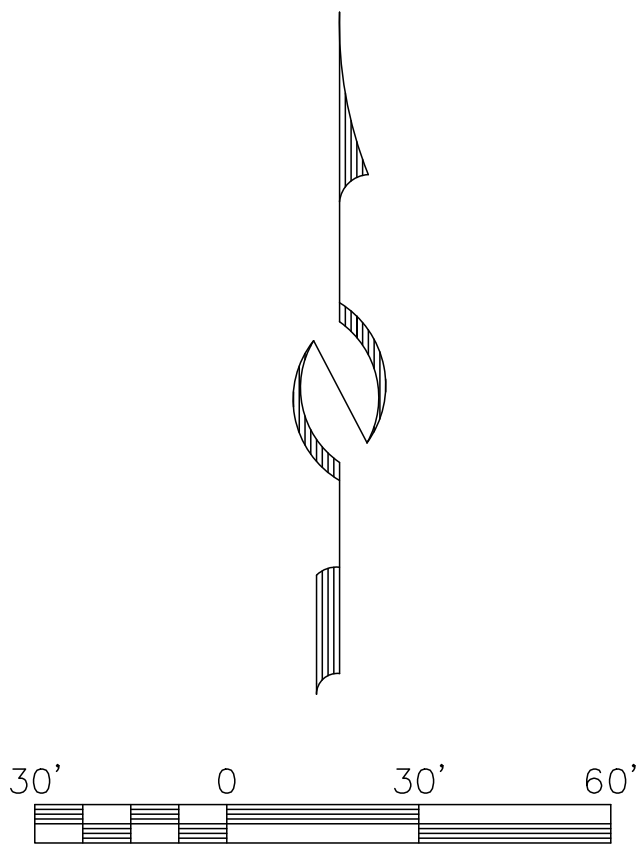
My commission expires: _____

Commission No.: _____

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N 32°30'13" W	14.91'
L2	N 87°06'34" W	24.90'
L3	N 01°32'28" W	46.11'
L4	N 04°47'58" W	45.50'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	65.00'	61.29'	54°01'17"
C2	70.00'	27.85'	22°47'55"
C3	1183.33'	33.12'	01°36'13"
C4	65.00'	32.01'	28°13'05"

COMMON OWNERSHIP
PRIVATE OWNERSHIP



LEGAL DESCRIPTION

A portion of Lot B, Northside Village Subdivision II, according to the official plat of record and on file in the office of the Summit County recorder, recorded June 28, 2002 as Entry No. 623453 being more particularly described as follows:

Beginning at the northeast corner of Lot B, Northside Village Subdivision II, recorded June 28, 2002 as entry number 623453, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence South 02°53'37" East 481.96 feet to the northerly boundary of Marsac Avenue Right of Way, recorded June 28, 2002 as entry number 623451, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being the boundary of said Lot B and on a non tangent curve to the left having a radius of 1183.33 feet, of which the radius point bears South 121°41'02" West; thence westerly along the arc of said curve 119.51 feet through a central angle of 05°47'12"; thence North 32°30'13" West 14.91 feet to a point on a curve to the left having a radius of 65.00 feet, of which the radius point bears South 57°29'47" West; thence along the arc of said curve 61.29 feet through a central angle of 54°01'17"; thence North 87°06'34" West 24.90 feet; thence North 01°32'28" West 46.11 feet; thence North 60°35'42" East 98.55 feet to a point on a curve to the left having a radius of 70.00 feet, of which the radius point bears North 29°24'18" West; thence along the arc of said curve 27.85 feet through a central angle of 65°23'39"; thence North 04°47'58" West 45.50 feet to a point on a curve to the left having a radius of 115.00 feet, of which the radius point bears South 85°12'02" West; thence along the arc of said curve 93.79 feet through a central angle of 46°43'50"; thence North 38°28'12" East 167.44 feet to the point of beginning.

Which includes Unit 17, contained within the FIRST AMENDED AND RESTATED NAKOMA CONDOMINIUMS, as the same is identified in the Record of Survey Map recorded in Summit County, Utah, as Entry No. 861927, in Book 1961, at Page 1851, and in the Declaration of Covenants, Conditions and Restrictions and Bylaws of Nakoma (An Expandable Condominium Project), recorded in Summit County, Utah, on August 22, 2006, as Entry No. 788158, in Book 1811, at Page 1764, of the official records, and all amendments thereto.

Together with: (a) The undivided ownership interest in said Condominium Project's Common Areas and Facilities which is appurtenant to said Unit, (the referenced Declaration of Condominium providing for periodic alteration both in the magnitude of said undivided ownership interest and in composition of the Common Areas and Facilities to which said interest relates); (b) The exclusive right to use and enjoy each of the Limited Common Areas which is appurtenant to said Unit, and (c) The non-exclusive right to use and enjoy the Common Areas and Facilities included in said Condominium Project (as said Project may hereafter be amended or supplemented) in accordance with the aforesaid Declaration and Survey Map (as said Declaration and Map may hereafter be amended or supplemented) and the Utah Condominium Ownership Act.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT Friends of Flagstaff, L.L.C., a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as THIRD AMENDMENT TO FIRST AMENDED & RESTATED NAKOMA CONDOMINIUMS, a Utah Condominium Project, does hereby certify that it has caused this condominium plat amendment to be prepared, and does hereby consent to the recording of this condominium plat and submits this property to the Utah Condominium Ownership Act.

The owner certifies that the Unit shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformance with the Declaration of Condominium, recorded concurrently herewith, and the Land Management Code of Park City Municipal Corporation.

In witness whereof, the undersigned set his hand this _____ day of _____, 2019.

Matthew A. Spagot, Manager
Friends of Flagstaff, L.L.C., a Utah limited liability company

ACKNOWLEDGMENT

STATE OF _____: ss
COUNTY OF _____

On this _____ day of _____, 2019, Matthew A. Spagot personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a manager of Friends of Flagstaff, L.L.C., a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the THIRD AMENDMENT TO FIRST AMENDED & RESTATED NAKOMA CONDOMINIUMS.

By: _____
Notary Public

Printed Name _____

Residing in: _____

My commission expires: _____

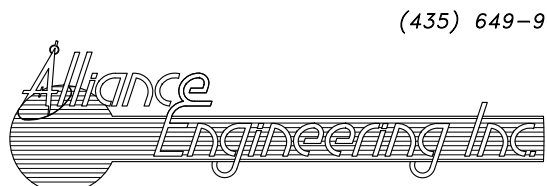
Commission No. _____

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2019-_____.
- A Fourth Amendment to Declaration of Condominium for Nakoma is being recorded concurrently herewith in accordance with the Utah Condominium Act. All development within the Nakoma Condominiums project is subject to the Declaration.
- Upon the completion of the dwelling unit ("Completed Unit"), the boundaries of the Unit shall be automatically amended to consist of the undecorated and/or unfinished interior surfaces of the Completed Unit's perimeter walls, bearing walls, lowermost floor, uppermost ceiling and the interior surfaces of windows and doors. Subject to Park City ordinances in place at the time, the Declarant has the obligation to amend this Plat after construction to reflect the as-built areas of the Completed Unit, Common Areas and Limited Common Areas. Unless otherwise approved by Park City, (i) the footprint for Unit 17 shall not exceed 5,000 square feet; (ii) the total square footage of Unit 17 shall not be less than 4,300 square feet nor more than 7,500 square feet; (iii) Unit 17 may have a garage containing up to 600 square feet (if the garage is in excess of 600 square feet, the additional area shall be applied against the maximum square footage allowed for the appurtenant Completed Unit). For the purposes of this Note, square footage shall be calculated from the inside surfaces of the interior boundary walls of the Completed Unit (including basement space that would otherwise be excluded from "Floor Area" as defined by the Land Management Code), but excluding all structural walls and components as well as all shafts, ducts, flues, pipes, conduits and the walls enclosing such facilities. The provisions of this Note shall amend and supersede the provisions of the notes of prior plats of Nakoma that are inconsistent with these provisions.
- The Snyderville Basin Water Reclamation District is hereby granted a perpetual non-exclusive easement over all portions of the Common Area and Limited Common Area for the purposes of installing, repairing, and maintaining lateral sewer lines and for any other reasonably related purpose.
- Nakoma Unit 17 is served by a private wastewater lateral line. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the Nakoma Units within the plat. The cost of such maintenance and replacement shall be paid by Nakoma Owners Association, Inc. as part of the Common Expenses.
- At the time of any resurfacing of Nakoma Terrace and Nakoma Court, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- All resultant Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District and Summit County for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
- Except as otherwise provided herein, all conditions of approval of the Flagstaff Mountain Resort Phase II (POD B-1) master planned development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
- The driveway off Marsac Avenue to serve Unit 17 must be opposite the driveway across the street serving the Grand Lodge Condominiums. A permit from UDOT is required.
- The constructed building is required to conform to the 28'+5' height requirement of the RD zone.
- All conditions of approval of the Flagstaff Mountain Resort Phase II Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
- Two parking spaces are required for the Completed Unit.
- The property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 1125, Map Number 49043C01125C, and has an effective date of March 16, 2006.

THIRD AMENDMENT TO FIRST AMENDED & RESTATED
CONDOMINIUM PLAT
NAKOMA CONDOMINIUMS
A UTAH EXPANDABLE CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2019
BY _____
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2019
BY _____
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2019
BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2019
BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2019
BY _____
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2019
BY _____
PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____

Exhibit B

[Link to Amended Development Agreement](#)

Exhibit C

[Link to Technical Reports](#)

Exhibit D

**[Link to Staff Report for September 11, 2019 Planning
Commission Meeting](#)**

(See page 63)

Planner Tyler pointed out that the units could be moved to accommodate the setback, but she wanted to make sure everyone understood that it would make the building taller. Commissioner Hall was comfortable with it being taller if it stayed within the required height.

Commissioner Hall personally preferred to keep the setback in place for the north stacked flats to enable more street parking, because previous public comments encouraged increased parking. The Commissioners concurred. Planner Tyler clarified that the north stacked flats would not be moved. The modification would be to shift the Empire Avenue townhouses to comply with the front setback.

Commissioner Hall referred to the south side of the Empire townhouses and asked if the part over the setback were the patio overhangs. Mr. Moe answered yes. Commissioner Hall asked if there was a diagram showing the exterior wall in relation to the south side of the setback. Mr. Moe asked if she was referring to the 25' illustrated MPD setback. Commissioner Hall recalled seeing a fairly large patio overhang that was potentially 3'. Planner Tyler presented a rendering. Commissioner Hall thought the portion into the setback was allowed because it was classified as roof overhang.

Planner Tyler clarified that the only condition was to move the Empire unit to comply with the 25' setback on the west side. Chair Phillips answered yes. Finding of Fact #15 should also be modified to include their comments this evening to justify the setback reduction.

City Attorney Harrington stated that the Staff would propose the Findings in written form based on their comments and bring it back to the Planning Commission for ratification at the next meeting.

MOTION: Commissioner Thimm moved to APPROVE the Woodside Park Affordable Housing Project Phase II MPD with direction to the Staff to amend the Findings of Fact, Conclusions of Law and Conditions of Approval per the commentary of the Planning Commission this evening; to be ratified by the Planning Commission at a later date. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed 4-1. Commissioner Suesser voted against the motion.

VIII.B. 8782 Marsac Avenue, Nakoma Lot 17 – Amendment to Condominium Plat – Friends of Flagstaff LLC, is Proposing to Adjust Lot Lines of Nakoma Lot 17 to Better Accommodate Construction of a Single-Family Dwelling. The Lot is Accessed off Marsac Ave. And is Subject to The Amended

Agreement For Flagstaff Mountain March 2007, which Granted the Developer/Owner a Large Scale MPD, and is Part of the Lot B, Northside Village Subdivision, II. (Application PL-19-04292)

Planner Alexandra Ananth introduced Marshall King, who was representing the applicant this evening.

Planner Ananth stated that Nakoma Condominiums was a residential condominium project located in Lot B of the Northside Village Subdivision II within the Empire Pass Development. She noted that the first Amended and Restated Nakoma Condominium Plat defined 17 residential units. Once a unit has been constructed, an amendment to the condominium plat is recorded reflecting the as-built conditions. Planner Ananth reported that Unit 17 had not been constructed and this application was a request for an Amendment to the Condominium Record of Survey Plat to alter the lot line for Unit 17 to better accommodate the construction of a single-family dwelling. Unit 17 is the only lot not accessed off Nakoma Court. It is accessed off Marsac Avenue.

Planner Ananth stated that Lot 17 was currently vacant and the applicant was proposing to straighten out the northeast lot line and to soften the curve of the southwest lot line to create a more usable building envelope, and to fit a house in better by straightening out the northern lot line in particular.

Planner Ananth noted that there was no change in the density or unit equivalents with this application. Lot 17 is adjacent to common area. The proposed lot line adjustment increases the lot by only one square foot. The City had not yet received an application for the construction of the house. However, it is assumed that any future development will comply with the Land Management Code, the RD zone, and the MPD, which limits the footprint to 5,000 square feet, as well as the maximum floor area at 7500 square feet.

Planner Ananth stated that a plat note requires that the driveway for this lot must be opposite the driveway across the street serving the Grand Lodge Condominiums. A permit from UDOT is required because Marsac is a State controlled roadway.

Planner Ananth stated that recently every time a project in Empire Pass comes up, the question of whether or not the Memorandum of Agreement applies is raised. She noted that the applicant, Friends of Flagstaff LLC, is a sub-developer and is not part of the original Flagstaff Development Team to whom the Technical Reports and the MOA apply. However, the applicant is a member of the Empire Pass Owners Association, who is a party to the MOA, and therefore contributes through the Owners Association.

The Staff finds that the Condominium Plat complies with the Land Management Code and State law regarding subdivision; and is consistent with the controlling documents. The Staff recommended that the Planning Commission conduct a public hearing, review the application and draft findings of fact and conditions of approval, and forward a positive recommendation to the City Council pursuant to the draft ordinance found in the Staff report.

Planner Ananth received two emails with public comment and were provided to the Planning Commission this evening. One was from Sandra Morrison with the Park City Museum and the other was from Larry Gates who was concerned about the driveway location. Commissioner Hall asked Planner Ananth to address the public comments. Planner Ananth explained that Larry Gates, an owner at Ironwood, was concerned about the access off Marsac Avenue. Mr. Gates had requested a sketch of the proposed lot lines and rendering of the house. Planner Ananth responded to Mr. Gates and told him that the City did not have a rendering of the house at this point, but it was subject to a plat note, which requires the driveway to be located directly opposite the driveway for the condo building across the street. She encourages Mr. Gates to continue to follow the process as it moves forward towards constructing the house.

Planner Ananth responded to the email from Sandra Morrison. She had anticipated public comment similar to what they heard for Twisted Branch Road. She commented on Mr. Harrington's differentiation between the developer of the Flagstaff Agreement as being the big "D" developer, as opposed to the "little d" sub-developers. The sub-developers are a party to the Master Owners Association, which is a party to the MOA. Therefore, they are contributing towards the preservation and open space technical report goals via the Owners Association.

City Attorney Mark Harrington clarified that when he talked about the big "D" little "d", he was paraphrasing Outside Counsel Jody Burnett's explanation on a previous application. Mr. Harrington thought they would see a clear pattern from the Museum and others regarding the obligation of the sub-developers. The public input was welcomed, but the Planning Commission had an administrative approval before them on a subsequent applicant to adjust two lot lines. Mr. Harrington did not recommend holding up the ability to process this application on the basis of an overall agreement when nothing touches or concerns this particular four corners of the property. He believed the City would lose the argument if they try to hold up every sub-application. The Staff recommended that the Planning Commission proceed with the other agreement in a different course. The ones that have actual parcels with historic structures are different and are evaluated case by case. Mr. Harrington emphasized that this was a very administrative condominium line adjustment. There was no basis to hold up every application, and even thought the Planning Commission could

recommend that the City Council consider doing that, it was not the Staff recommendation.

Commissioner Hall asked if there was line for where the legal recommendation from Staff for where the Development Agreement will affect an applicant. Mr. Harrington replied that it would be a case by case determination. The properties that have actual historic structure on them would be the first threshold. However, it first needs to come across in terms of whether the City Council would accept the Agreement as drafted; and whether additional parties come on board before the City Council decides whether or not it will impact their decision. In this case, Mr. Harrington did not believe the property owner should be held hostage to other property owners. That might be possible in some cases, but given the history of this development and how it has unfolded, he would not recommend it.

Commissioner Kenworthy asked if they were still on track for receiving the inventory report in the next four weeks. Director Erickson replied that to his knowledge it was still on track. Director Erickson clarified that Planner Ananth incorrectly used MOA on the title sheet when it was actually the Development Agreement, the DA. The MOA in bullet point one should say the Development Agreement and Technical Reports #5 and #6.

Commissioner Hall asked if this property was subject to the 1% real estate transfer. Mr. Harrington answered yes. Commissioner Hall asked if there were any historic sites on the subdivision. Director Erickson answered no.

Commissioner Suesser asked if there was a picture showing the location of the driveway across the street. Planner Ananth pointed to the location on an aerial slide.

Chair Phillips opened the public hearing.

Sandra Morrison with the Park City Museum stated that she did not like taking these applicants by surprise that their application needs to comply with the controlling documents and the Flagstaff Annexation Agreement of 2007. That was long time ago and people have forgotten about it. Ms. Morrison stated that when a work session was held in January to discuss what the Flagstaff Annexation Agreement said, she thought it was good discussion and the Staff came up with a great idea of doing a Memorandum of Understanding. Ms. Morrison pointed out that there is no longer a big "D" developer, and they cannot talk to United Park Mines because they defaulted and Wells Fargo now owns all the property except the pieces that were sold off. She did not know who originally developed Nakoma, but that developer sold off those pieces of property and now one owner owns one lot. Ms. Morrison remarked that January was a long time

ago. She would not be here this evening if they had moved faster on the Memorandum of Understanding and if it had not diminished the obligations clearly stated in the 2007 Annexation Agreement.

Ms. Morrison noted that the Staff report mentions the controlling Flagstaff Development Agreement in the Ordinance on page 69. She read, "The best interest of Park City, Utah to approve this application consistent with the Flagstaff Annexation and Development Agreement". Ms. Morrison pointed out that it was not consistent with the Flagstaff Annexation; and therefore, it is not in the best interest of Park City and its residents. Ms. Morrison stated that people have been expecting these buildings to be stabilized and maintained for 20 years. The condition of the buildings today was neither stabilization nor maintenance. Ms. Morrison remarked that the application was not consistent with the conditions and the obligations. She strongly disagreed with #3 of the conclusions of law that approval would not adversely affect the citizens of Park City. She also disagreed with #4, that neither the public nor any person shall be materially injured. Ms. Morrison noted that the citizens have not seen preservation and maintenance for the last 20 years and there were no signs it would happen any time soon. She believed they were all being materially injured.

Ms. Morrison noted that the conditions of approval on page 71 states, "All conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply". She stated that the approvals and the obligations follow the property. Ms. Morrison remarked that waiting until they find a piece of property with a historic structure on it was a red herring. She pointed out that the Flagstaff Annexation Agreement put all the development into pods in order to preserve the historic mine structures and the mine sites on the open space, which is why they are defined in the Annexation Agreement and in Technical Report #5 as Protected Open Space. She stated that there will never be an application in the Flagstaff Agreement that includes a historic mine or a historic mine structure.

In terms of the big "D" versus the little "d" developer, Ms. Morrison reiterated that the big "D" developer is gone. All that is left are the little developers, such as REDUS, Storied Development, individual homeowners, and people who own vacant lots. Those are the people they need to work with to move this forward, and if they do not, preserving those buildings will never happen.

Ms. Morrison commented on why the Flagstaff Agreement applies to this particular property. She read from Section 2.1 of the Agreement. "The developer is hereby granted the equivalent of a large-scale MPD setting forth the densities, location of densities, and the developer offered amenities subject to all the normal applicable City processes". That includes satisfactory plans, including the detailed open space

management plan, and the historic preservation plan. Ms. Morrison remarked that these plans, now known as the Technical Reports, address retaining and saving the historic mine sites located throughout the 1700 acres of annexation area. Ms. Morrison stated that in Section 2.9, the Flagstaff Mountain Mitigation/Amenities, states that the developer offered as amenities to mitigate this development as an inducement to execute this Development Agreement. Ms. Morrison pointed out that the City had obligations under this agreement and the little "d" developers have obligations. Ms. Morrison noted that the Agreement also listed all the community benefits offered by the developer, which included constructing public trails, the parking lot in Richardson Flat, limiting woodburning fireplaces to one per home. The amenities continued on Section 2.9.3 of the Flagstaff Annexation Agreement and historic preservation is one of those amenities. She read, "The historic preservation plan at a minimum shall contain an inventory of historically significant structures located within the project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City with respect to such historically significant structures". Ms. Morrison stated that Technical Report #6 was approved in December of 2001. In the Executive Summary it says the historic preservation plan dated August 2000 is a 127 page detailed document produced by SWCA Consultants. Accompanying the plan is a 5-page chart that reviews the same information in an abbreviated form. It also includes a brief description of every important site within the boundary of the Annexation Agreement. There was also a short history and an overview of existing conditions, and the recommendations for preservation associated with each site. Ms. Morrison noted that chart also included a timeline for phasing the restoration and remediation of the sites. Ms. Morrison pointed out that the chart differs at various times from the 127-page report, which was a serious discrepancy that needed to be corrected.

Ms. Morrison remarked that the Executive Summary goes on to state, "Concurrent with the first CUP authorizing construction of residential units, the Flagstaff Mountain Partners will submit to Staff a plan detailing the repairs and stabilization of the historic features in a public protection plan for these structures and mining features". Ms. Morrison noted that this plan has never been submitted, and the developer, whether big "D" or little "d", is not in compliance with the requirements of the Flagstaff Annexation and Development Agreement.

Ms. Morrison stated that page 1 of the chart identifies the Judge Mining and Smelting Company Office. Column 5 states that with the first phase of development, restoration of the building will be initiated. After restoration, the building is anticipated to serve as an office. Ms. Morrison acknowledged that there was no date as when the restoration would be completed, but it definitely says restoration; and that obligates the developer to do the restoration that the community was still waiting for. Ms. Morrison remarked

that the Staff has proposed the Memorandum of Understanding with two of the Empire Pass developers to each contribute \$40,000 for a new roof, but there is no guarantee that a 100 year-old building in serious dilapidation could support it. Ms. Morrison stated that in 2001, the SWCA report was concerned with the cracked lines in the roof structure, the leaking roof causing interior moisture damage, and the lateral displacement of the east and south concrete walls. Technical Report #6 states, "At a minimum, the building should be examined by a structural engineer who can recommend a treatment plan to address any structural problems". She pointed out that work on the Judge Building was given high priority in 2001. Ms. Morrison noted that work on the Judge Building was currently estimated at \$350,000. She did not understand why they were diminishing this obligation in the Memorandum of Understanding. Ms. Morrison believed that all the current developers, including the Friends of Flagstaff, should contribute to the restoration, and the City should require that the contractual obligations be met before approving any applications within the Annexation boundary. Ms. Morrison remarked that the developers expect the City to meet their obligation of the Flagstaff Development Agreement and they expect their entitlements. The City should have the same expectation.

Ms. Morrison noted that the Chart also identifies the stabilization of the Little Bell Ore Bin with the first phase in 2001. She pointed out that stabilization never occurred until the Park City Museum performed it in 2018 and spent \$65,000 to save the structure. They were still waiting for reimbursement and had hoped to have the money reimbursed to use this summer. Ms. Morrison stated that Technical Report #6 also included both the Summary and the 127-page Preservation Plan, which identified certain historic mining related properties in the Flagstaff Mountain Project Area and a description of recommended work that would mitigate the features deficiencies. It also noted that SWCA was not a safety engineering firm and recommended that a qualified individual or organization perform on-site inspections. Ms. Morrison pointed out that SWCA never envisioned that their report would be the end of the recommendations.

Ms. Morrison reiterated that the developer needs to submit the report that was required by the Agreement and be approved by the City before any applications, including the one this evening, can be in compliance with the 2007 Annexation and Development Agreement. Ms. Morrison stated that within the 127-page historic preservation plan on pages 123-125 was a treatment plan with a key word "yes" equaling "recommended". The historic sites that stored "yes" in the treatment plan and were recommended for stabilization included the Ontario Mine Water Tanks. The 127-page report also identified the Daly West Fire Hydrant Shacks and the White Pine Log Structure with recommendations for stabilization; however, those structures were not mentioned in the 5-page Summary.

Ms. Morrison commented on the discussion at the last meeting regarding the report the Master Owners Association was preparing. She asked if the report was an inspection of the Judge Mining and Smelting Building; whether it is a report on the three sites listed in Exhibit A of the MOU; or whether it was report on all 22 sites in Technical Report #6. She was unclear on what report was being done and asked if it was the plan promised in the Summary in Technical Report #6 concurrent with the first CUP.

Director Erickson stated that in general the report would cover all 22 sites. He preferred to wait for the report before discussing it further.

Ms. Morrison summarized that the developer, whether big "D" or little "d", is required under the Flagstaff Development Agreement to restore the Judge Mining and Smelting Company Office. That is the condition in its entirety, and it should be part of this Nakoma Lot 17 application before it can be approved. Under Technical Report #6, the developer is required to submit a plan detailing the repairs of the stabilization. That condition needs to be met and the plan should include completion dates. Ms. Morrison stated that at a minimum for this application, the developer should be added to the proposed Memorandum of Understanding. The same requirement that applied to REDUS and Storied Development to provide funding for the Judge Building should apply to this developer as well. She also thought the same Findings of Fact and Conditions of Approval that were included in the Storied Development Condominium Plat approval relative to compliance with the Flagstaff Development Agreement should be included in the Findings of Fact and Conditions of Approval of the ordinance for this application.

Ms. Morrison reiterated that the obligations of the Flagstaff Agreement on both the developer and the City remain with the land. Therefore, the obligation requires all the developers, including the Friends of Flagstaff, to stabilize and preserve the historic mine sites; especially the historic Judge Mining and Smelting Building. Ms. Morrison requested that the Planning Commission use this current opportunity to achieve the required stabilization and maintenance and to make that vision become reality. She asked the Planning Commission to postpone approval of this plat application until the developers' obligations are met; or at least until the Memorandum of Agreement is in place. The citizens have been waiting 20 years and she urged them not to kick the can down the road one more time. Eventually there will be no developers left and they will have lost the opportunity to preserve these amazing historic structures.

Commissioner Kenworthy asked if Ms. Morrison saw any easements that this particular applicant controls. Ms. Morrison replied that the easement is part of the Master Owners Association and they can affect the implementation of the Memorandum of Agreement. Commissioner Kenworthy clarified that he was asking if there were any easement

issues specific to the historic sites. Ms. Morrison stated that there were no easements on any of the historic sites. She reiterated that there are no historic mine sites on any of the development properties in the Flagstaff Annexation area because it was specifically designed to designate all the historic structures as Protected Open Space. Ms. Morrison clarified that a development property will never have a historic structure on it because they were specifically excluded from the development pods to ensure they would be preserved.

Sally Elliott apologized to the developer for having to ask for a delay. It was not the fault of this specific developer, but the fault is that nothing has been done in 20 years. In considering their decision, she asked each Commissioner to decide whether they wanted to be complicit in passing the buck and kicking the can farther down the road, or whether they were willing to help get this right before approving further development. If the Commissioners decide to enable further development at the peril of possibly losing some of the historic structures, she would hold them responsible.

Randy Scott, a resident at 1359 Park Avenue, thought Ms. Morrison gave a good overview of the problem. He also apologized to the developer because it was inherited. Mr. Scott stated that he attended at lecture at the Education and Collection Center. There are amazing structures that still have a story but need help. Mr. Scott commented on the number of people who want to help, but their hands are tied. He recommended that until they get the detailed report that they make their decisions accordingly; and with each little "d" because there is no one key "D" responsible. Mr. Scott remarked that he sits on the Historic Preservation Board and he believed the HPB could resolve this situation in a ten-minute conversation. Since there is not one responsible developer, he suggested adding a condition of approval to every proposed development. He agreed with the previous speakers that if they continue to do nothing these structures will be lost. Mr. Scott pointed out that historic preservation is a core priority of the City Council and this is part of that goal.

Sanford Melville, an Old Town resident, agreed with Sandra Morrison's very detailed analysis of the situation, and he echoed the comments of the other speakers this evening. Mr. Sanford stated that a tried and true method in Park City is demolition by neglect. It is one way to deal with historic structures in Park City, but it strips away Park City's history. This is allowed to happen frequently. Mr. Sanford pointed out that it has been 20 years since the Flagstaff Development Agreement and still nothing has been done. He understood they could not undo two decades of delay and neglect, but they can certainly do something; and it needs to be done now. Mr. Sanford urged the Planning Commission not to approve this plat amendment until the obligations for historic preservation have been satisfied.

Chair Phillips closed the public hearing.

Chair Phillips sensed that Ms. Morrison was feeling a little deflated and he did want her to feel that way. He emphasized that if it had not been for Sandra Morrison and her group, they would not be going through the process of getting a report. Chair Phillips assured everyone that the Commissioners were trying to get to a place where they know what to do. However, until they have the information in the report, they are not able to do much. He clarified that the Planning Commission would not do a moratorium on development until they have some answers because that would be unfair to a developer caught in the middle. Chair Phillips anticipated lengthy discussions once they have the report, and he believed Sandra Morrison and her group would be key in helping with those discussions. Chair Phillips reiterated that the Planning Commission would not be at this point if it were not for Ms. Morrison and others who are just as passionate and interested in preserving the historic structures. He understood that everyone would like the preservation work done now, but there is a process to follow before they can reach that point. Chair Phillips assured everyone that the Planning Commission always welcomes their comments.

Commissioner Hall asked where developers or homeowners fall if they are subject to the Development Agreement, but they are not a signatory on the MOA.

City Attorney Harrington repeated his comment from the last meeting that he was hesitant to discuss the MOA because it had not yet been signed by the City Council. He wanted to be direct in his response; but he did not want to hurt the City's position with the next person in line. Mr. Harrington explained that generally the subsequent owners inherit the responsibilities as they apply to the property they purchased. They have the right to rely on prior approvals which enabled them to get to that point. For example, if someone buys a single-family lot in a specific subdivision, they rely on the closing documents and the title as it incorporates the fee title; and not contract obligations that apply to a different part of a Master Planned Development. Mr. Harrington remarked that there are exceptions to that, and they have looked for those exceptions. In this case, the request is for a very nominal condominium adjustment, and in his opinion, there was no basis for the Planning Commission to hold up the process. Mr. Harrington emphasized that the City needs to pick its battles. The last thing they want is a premature appeal on one application and get a bad ruling on one that might have otherwise been successful. Mr. Harrington stated that he was as frustrated as the Historic Society with the incremental approach they are forced to take at this time. However, the Staff was doing an excellent job with the hand they were dealt, and progress was moving forward professionally and methodically within the parameters they have. Mr. Harrington agreed with Chair Phillips that the comments from the Historic Society continue to help the Staff in the process.

Commissioner Hall asked when the MOA was expected to be signed. Mr. Harrington replied that the MOA needs to be approved by the City Council prior to the next REDUS plat and no later than the Twisted Branch subdivision plat. It has lingered due to other unrelated issues. However, because of the delay they continue to seek out other opportunities.

Commissioner Kenworthy wanted to hear from the applicant in terms of his understanding of the situation and if there is a plan.

Marshall King, representing the applicant, stated that this was all new to him. He was also working on the Twisted Branch subdivision plat and he was aware that that application was held up for this reason. Mr. King had not expected this to be an issue this evening because it was a simple line adjustment. However, he understood everyone's position and he admired their persistence for saving the historic structures. Mr. King had not anticipated this much comment, but he understood why they wanted to keep it in the forefront. He hoped the report would be completed soon so things could move forward.

Commissioner Kenworthy asked what Mr. Marshall planned on doing for this application in terms of providing a plan and what he felt was his obligation. Mr. Marshall stated that the perspective buyer of this property wanted to make sure the unit line could be adjusted. He was hesitant to do anything until he is sure it will be approved. The applicant intends to build a home. He had started designing the home but no plans had been submitted. Mr. Marshall emphasized that the design would comply with the LMC and the conditions of the plat. He was unsure why the lot line was configured with a notch taken out. It occurred years ago and he was not involved with the project at the time. The applicant was requesting to adjust the lot line to create a more reasonable shape so they can build the home they want in compliance with the LMC and the conditions of the plat.

Commissioner Thimm had looked carefully at the lot line that was proposed to be adjusted and he was not opposed to the request. He thought it was logical in terms of the geometry of the land. Commissioner Thimm stated that after listening to the commentary from the public, the Staff, and the City Attorney, he thought it could be looked at from two extremes; either none of the development parcels are encumbered or all the parcels are encumbered. His reading and understanding of the Flagstaff Agreements says that all the parcels are encumbered. Commissioner Harrington thought City Attorney Harrington reinforced the fact that the requirements of the Agreement ride with the ownership of the land. Based on that fact, Commissioner Thimm felt there was reason to postpone action on the application before them this

evening. Similar to his thinking at the last meeting, Commissioner Thimm thought the Planning Commission should wait until the report is submitted and the findings are made before approving any application. He suggested a continuance this evening.

Marshall King stated that he only attends these meetings when he feels it is necessary, and the perspective buyer requested that he attend this evening. He wanted to know how many times this has occurred with all the other plats that have come before the Planning Commission. He recalled that those plats were approved because they complied with the LMC. Commissioner Thimm stated that at least two other times were continued or postponed because the Planning Commission wanted to wait for the MOA and the inspection report listing all the sites outlined in Technical Report #6. Mr. Marshall named other sites that he knew were approved in Empire Pass. He noted that a number of plats have been requested and this was the first one he knew that was suggested to be continued. Mr. Marshall understood the Twisted Branch plat was continued at the last meeting, but that applicant was basically the developer.

Chair Phillips was concerned that the Planning Commission was getting close to a moratorium and he could not see the benefit of holding up a small plat amendment.

Commissioner Kenworthy thought several plat applications had been continued. He understood Mr. King's concern and he did not want to slow him down from doing his work. However, the Flagstaff Agreement has been ignored for a long and it was time to address it. Commissioner Kenworthy noted that many of the Commissioners were new and they were just recently made aware of the situation. He was not trying to blame previous Planning Commissions, but apparently this has been kicked down the road for a very long time. Commissioner Kenworthy was not interested in kicking it any longer. He was also not interested in hurting Mr. King's business opportunity, but one of his questions was about a plan and Mr. King had not answered that question or presented a plan. Commissioner Kenworthy stated that concurrent with the first CUP, the Planning Commission should expect to see a plan from every developer. He concurred with Commissioner Thimm that they should continue this application until they get the report. Once they have the report the Commissioners can address specific sites and specific ownership, with specific conditions for these properties, and they will be able to do it in an informed way. At this point, he did not believe they were able to do that. He understood Mr. King's point that this application was a simple line adjustment, but approval would be kicking it down the road again.

Commissioner Hall concurred with Commissioners Thimm and Kenworthy that this item should be continued.

Commissioner Suesser had other concerns about the project aside from non-compliance with the Flagstaff Agreement. She was not convinced that it was consistent with criteria listed under the Purpose of the Residential Development District. Commissioner Suesser was concerned that Unit 17 was not connected with the cluster of the rest of the Nakoma condominiums. She noted that the unit is separate which did not meet the criteria to encourage clustering of residential units. Commissioner Suesser stated that it did not promote pedestrian connections within the development in between the areas, as required in the criteria. She pointed out that there was no pedestrian connection between this pod and the rest of the development. In addition, the proposal creates a new road and access off Marsac rather than using the road that was constructed for this condominium development. Commissioner Suesser asked Mr. King to address her concerns.

Mr. King stated that the plat was approved many years ago with a condition that was approved by the Planning Commission and City Council at that time. Commissioner Suesser asked if the plat showed the connections and access. Director Erickson explained that this lot was right next to the ski bridge that connects to Pod A. It is on the ski run that connects down to the Empire lifts. Those are the two connections. Director Erickson stated that the walkway over the bridge ends in the middle of the condominiums. He clarified that the connections were the ski run and the ski bridge to Pod A. It is all walkable.

Mr. King named other plat requests that were approved within the last year or two. If he had his spreadsheet he could name several others in Empire Pass that were approved and not denied based on the MPD.

Commissioner Hall clarified that the Commissioners were not suggesting a denial. They were suggesting a continuance until they have the necessary information. She pointed out that this situation only came to their attention recently. She believed it was kicked down the road with the past applications because previous Planning Commissions did not have the full understanding and information.

Chair Phillips clarified that Mr. King was naming applications that were approved within the last year or two.

Commissioner Kenworthy stated that the Flagstaff Agreement requires a plan; and the Commissioners were only trying to move forward with the information they were recently given to comply with the Agreement. He stated that historic preservation is an economic driver. It is good for developers and great for the City. Commissioner Kenworthy stated that the Planning Commission was willing to work with Mr. King and the applicant, but they needed to see a plan. He agreed that similar applications have

been approved, and he wanted it clear that the Planning Commission was not talking about denying this application. He emphasized that they were within a month of getting the report and being able to digest the information so together they could all make a plan.

Chair Phillips asked if there were other applications from Flagstaff that would be coming to the Planning Commission. City Attorney Harrington stated that the Planning Commission has no power to institute a moratorium or an indefinite continuance. The applicant has the ability to consider that a negative recommendation and move it forward. The Statute is very clear that the Planning Commission cannot stop applications in a recommendation capacity. Mr. Harrington stated that the Planning Commission can request additional information from Staff or the applicant related to the criteria that is applicable to the application. Absent that, the Planning Commission has no moratorium authority. Mr. Harrington stated that the Planning Commission can recommend denial to the City Council or recommend that the City Council institute a moratorium.

Mr. King felt they were being arbitrary in choosing this one owner. He was not trying to build anything at this point. Mr. King believed the report and all the required information would be given to the Planning Commission before the owner was ready to build. This request was a simple lot line adjustment on paper.

Chair Phillips clarified that Mr. King was here this evening on behalf of the perspective buyer to make sure that before they spend more time and money on house plans, that they can do the lot line adjustment. Chair Phillips assumed that aside from the issues related to the Flagstaff Agreement, the Planning Commission would have no problem approving this request. At this point, he asked if the Commissioners could indicate to Mr. King that there is a very good chance they would eventually get this lot line adjustment. Chair Phillips was concerned that the technical report could be late and extend to six weeks. Once the report is submitted, the Planning Commission would still need to digest the information and discuss it. He could see a scenario where this could extend into the holidays or beyond. Chair Phillips did not want a situation where the Planning Commission stalled development in Empire Pass.

Commissioner Van Dine agreed that they should not hold a plat amendment hostage. The applicant will need to come back to the Planning Commission once they submit building plans. She noted that Mr. Harrington said they needed to pick their battles. Commissioner Van Dine did not believe this was the appropriate one to arbitrarily decide how they plan to deal with the Flagstaff Agreement. Chair Phillips concurred with Commissioner Van Dine.

Commissioner Hall asked if it was possible to extend Condition #3 regarding the Flagstaff Agreement requiring the applicant to sign off on the Memorandum of Agreement. Mr. Harrington asked if she was referring to this one property owner. Commissioner Hall thought it could be for this property owner and future property owners. Anyone who submits an application can have the option to sign off on the MOA. Mr. Harrington stated that the MOA was not a regulatory matter. It was a negotiated agreement between specific parties that was subsequently attached as a condition of approval. They were continuing to recommend that it either gets extended or reproached. Mr. Harrington remarked that someone moving a lot line a couple of feet is entitled to apply for that request under the LMC provisions in effect at the time of the application. Mr. Harrington recommended that the Planning Commission not extend it; however, they do have the purview to attach conditions of approval. If the Commissioners believe a condition is material to this application of moving a lot line and that the applicant needs to comply with the Agreement, they could make that Finding and attach it to their recommendation to the City Council. However, Mr. Harrington wanted it very clear that he believed doing so would be a mistake.

Commissioner Hall clarified that she was trying to find a creative solution that would not hold up the developer, and at the same time uphold the requirements for preserving historic sites. Mr. Harrington cautioned the Planning Commission against holding up one individual property owner on an administrative condominium lot line adjustment. He asked them to recall Jody's Burnett's advice in terms of how this should be approached. Mr. Harrington did not believe they were still kicking the can.

Commissioner Hall told Mr. King that the Commissioners did not want to deny this application; however, they wanted additional information. She was hearing that Mr. King did not want a continuance and she asked if there was another solution to reach some type of agreement to move forward.

Director Erickson agreed with Mr. Harrington. This item was a recommendation to the City Council. It was not an action. If the Planning Commission wanted to forward a positive or negative recommendation to the City Council and have the City Council review the status of a historic preservation plan, that would be acceptable.

Mr. King agreed with Chair Phillips that four weeks could turn into four months relative to the report. Director Erickson explained that the City Council needs to approve the Memorandum of Agreement. The MOA is a document that is a separate negotiation from the Development Agreement. Therefore, trying to enforce the Memorandum of Agreement and at the same time trying to enforce the Development Agreement are two separate actions. If the Planning Commission chooses to move forward, Director Erickson suggested that they either forward a positive or negative recommendation to

the City Council because the City Council needs to approve the Memorandum of Agreement and any modifications to Technical Reports #5 and #6. Director Erickson remarked that as members of the Empire Pass Master Owners Association, this applicant will be contributing to the 1% fund in perpetuity, in accordance with the Development Agreement.

Mr. King stated that if the Planning Commission was not ready or willing to forward a positive recommendation, he preferred that they forward a negative recommendation and let the City Council make the decision. He did not want a Continuation based on the discussion this evening.

Commissioner Hall asked if Friends of Flagstaff was a party to the Memorandum of Understanding. Mr. King answered no. He explained that Friends of Flagstaff is a separate developer that purchased property from the original developer. He stated that Friends of Flagstaff initially had 18 properties but combined 17 and 18 so there was a total of 17. He believed they still had five properties out of the original 17. He clarified that like Storied Development, East-West partners, or many other developers, Friends of Flagstaff did not sign the original agreement. They purchased property from the developer who did sign that agreement.

Mr. King stated that the buyer would like this plat approval to proceed with their architectural plans. If this gets delayed until the first of the year, they would like to be able to submit plans and have all the approvals so they can build in the Spring. For that reason, he would like a recommendation forwarded to the City Council as opposed to a continuance.

Commissioner Thimm wanted to know who would execute the MOA following the inspection of all the sites. Director Erickson stated that the Technical Reports and the modification to the MOA would come to the Planning Commission and possibly the HPB. Mr. Harrington stated that the historic agreement between REDUS and Storied Development calls for that as an action item. A paragraph in the agreement specifies an approval process. He recalled that it was the Planning Director and the Master HOA.

Commissioner Thimm understood that when the report is completed it becomes part of an MOA that gets put into place. Mr. Harrington believed the report would go to the City Council at the same time as the actual Agreement. It was originally anticipated that the MOA would be signed by now and the report would be a follow-up item. He thought it was likely to come to the Planning Commission and then go to the City Council. Mr. Harrington clarified that other than the HOA there would be no other signatories beyond the parties that are signing the other agreement.

Mr. King did not think it was right to make an example of this one small application. Commissioner Hall stated that the Planning Commission was not trying to punish or make an example. They were trying to understand and get information on something that was just now coming to fruition. Mr. King was curious as to why so much has been built already and why this just now became an issue.

Commissioner Van Dine stated that she fully supports preserving historic sites. However, she still did not believe this was the right application to hold up. Chair Phillips thought the Planning Commission needed to decide what they wanted to do before they could hold anyone else accountable. Commissioner Van Dine agreed with Mr. King that larger developments and other applications have been approved. She suggested that the requirement may have been ignored with those applications because the Museum or the Historic Board were not at the public hearings. If they had not attended this evening and brought it to their attention, the Planning Commission would probably have approved this application without question. Commissioner Van Dine agreed that kicking it down the road was the right thing to do, but she did not believe this application warranted a negative recommendation to the City Council.

Commissioner Hall stated that this Planning Commission and previous Planning Commissions may have made mistakes, but that was not a reason to continue making the same mistake.

Commissioner Suesser questioned why the Staff report did contain a Staff analysis on whether or not the application complies with the Flagstaff Agreement. She understood that no one knows how it applies to this particular landowner, but she thought it was interesting that it was referenced in the Conditions of Approval but there was no analysis on compliance, and the Agreement was not mentioned in the Staff report at all.

Planner Ananth stated that her Staff report is due more than two weeks before the meeting. This issue was raised for the first time two weeks ago with the Twisted Branch application, and she did not have the opportunity to write something on this subject for the Staff report.

Planner Ananth remarked that the Planning Department hears the Museum's concerns and they are very sympathetic that these mine structures were not given the attention they are due under the Development Agreement. If she had been the Planner in the last two decades, she would have stood with the Museum and fought for the preservation of these structures. However, in fairness, Planner Ananth was not sure that holding up a lot line adjustment for a homeowner was the right way to address this situation because Friends of Flagstaff is a member of the Empire Pass Master Owners

Association, who is a signatory on the MOA, and will contribute to the preservation going forward. Planner Ananth felt that indirectly this homeowner was joining an association that is contributing towards preservation. Whether it is enough was debatable, but the Planning Department would argue for moving the lot line adjustment forward.

Commissioner Kenworthy asked if Planner Ananth would consider adding a condition of approval based on what was said this evening; and if so, how the condition would be drafted to address this issue. Director Erickson was not sure if anyone knew what "this" is at this point. He thought there was considerable reaction to the public with good reason, as well as commentary as to compliance with the Flagstaff Development Agreement and its effect on property owners. He was unsure how Planner Ananth would write a condition of approval to accomplish X without knowing what X is. Director Erickson emphasized that a preservation plan was in place in Technical Reports #5 and #6. The report currently being done is an assessment of how everything in the original 2001 document were accomplished and by whom, and the cost to re-accomplish what was not completed under the terms of the Flagstaff Development Agreement and the Technical Report.

Director Erickson reiterated that if the Planning Commission was not comfortable forwarding a positive recommendation, they could forward a negative recommendation to the City Council based on the Finding that it does not comply with the Development Agreement for historic preservation; and direct the Staff to provide additional information and analysis for the City Council. Another option would be to direct the Staff to provide additional information and to give all the Departments the opportunity to respond to their question.

MOTION: Commissioner Hall moved to forward a negative recommendation to the City Council, based on the fact that there was no analysis as to whether or not the application complies with the Flagstaff Development Agreement and Technical Reports #5 and #6. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed 4-1. Commissioner Van Dine voted against the motion.

VIII.C. Annexation Policy Plan and Land Management Code Amendments - The Planning Commission will Hold a Public Hearing to Consider Amendments to the Annexation Policy Plan, Codified in the Land Management Code Title 15, Chapter 8, to Modify the Annexation Expansion Area, a Map that Highlights Areas the City May Consider Annexing in the Future, to include (1) the Northeastern Portion of the Round Valley Area, (2) the Southeast Quadrant of the Quinn's Junction Intersection (HWY 40 and SR 248) to the



March 5, 2019

Richard Wagner
Jeff Butterworth
Storied Deer Valley LLC
PO Box 4349
Park City, UT 84060

NOTICE OF CITY COUNCIL ACTION

<u>Project Name</u>	Residences at the Tower Condominiums plat
<u>Project Number</u>	PL-18-03975
<u>Project Description</u>	Condominium plat
<u>Date of Action</u>	February 28, 2019

Action Taken by City Council and Planning Commission: On February 13, 2019, the Planning Commission conducted a public hearing and voted unanimously to forward a positive recommendation to City Council on this plat. On February 28, 2019, the City Council conducted a public hearing and voted (3-2) to APPROVE the proposed Residences at the Tower Condominium plat located at 8680 Empire Club Drive pursuant to the following:

Findings of Fact

1. Residences at the Tower condominium plat identifies 14 private market rate multi-family residential units totaling 42,453 sf, utilizing 21.227 UE, as well as 1 ADA unit and 1 deed restricted affordable unit, a police substation and the private Talisker Club located on Lot 9 of the First Amended Village at Empire Pass Phase I subdivision.
2. Lot 9 is located in the RD-MPD zoning district and contains 1.53 acres and is addressed as 8680 Empire Club Drive.
3. Access to the property is from Village Way and Empire Club Drive, which are both private streets.
4. Lot 9 is currently partially developed with the private Talisker Club that includes dining and other indoor and outdoor amenities for members.
5. The market rate multi-family residential units range in size from 1,806 sf to 4,229 sf with an average unit size of 3,032 sf. The 737 sf ADA unit is required to be identified as common area. The 737 sf EHU is also platted as common area.

6. A 509 sf police sub-station, platted as commercial area, is proposed on the lower level as a requirement of the Emergency Response Plan Exhibit #7 of the Flagstaff Development Agreement.
7. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007, as well as associated Technical Reports.
8. The Amended Agreement is the equivalent of a Large-Scale Master Plan and sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
9. The Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, or PUD units, provided the number of PUD units does not exceed 60, and PUD units are included in the totals for multi-family units.
10. To date 509 multi-family units (757.28 UE) (of which 60 are PUD style units) and 16 single family units have been approved, platted and/or built within Pods A, B1 and B2 (according to current tabulations). This number includes the 70 units noted in the plat notes for the B2 East subdivision and also includes Empire Residence CUP units currently under construction as Building 3 and Moon Shadow Condominiums for 8 PUD units pending plat recordation). This number also includes all of the Larkspur Townhomes, including Larkspur Townhomes 6 which condominium plat is currently under review.
11. Constructed lodge style buildings include Shooting Star, One Empire Pass, Silver Strike, Flagstaff, Arrow Leaf A and B, Grand Lodge and Ironwood. Lodge buildings still to be approved within Pod A are: Building 1- Residences at the Tower (subject property) and Building 4. The Empire Residences (Lodge Building 3) are currently under construction.
12. There is sufficient density remaining within Amended Agreement and VEP MPD for the proposed 14 multi-family units (21.227 UE).
13. Amended Agreement requires a total of 118.9 AUE (Affordable Unit Equivalents) where 1 AUE is 800 sf. A total of 94.175 off-mountain AUE and 24.725 on-mountain AUE are required. Off-mountain housing has been satisfied. On-mountain housing is partially complete with 16.675 AUE built and 8.05 AUE remaining. These remaining AUE are assigned to Buildings 1, 3, 4 and B2 East.
14. Lodge Building 1 was assigned 0.75 AUE (600 sf) per the Developer at time of sale.
15. The proposed affordable unit consists of 737 sf (0.921 AUE) (not including dedicated storage areas located separate from the unit) platted as common area and shall be deed restricted per requirements of the Housing Resolution prior to plat recordation.
16. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area for Lodge Buildings grouped around the Silver Strike lift and ski runs, various townhouses making up a second tier of units, with PUD style detached units and single family lots on the perimeter. A common amenity building, known as the Tower Club, was central to the VEP MPD. A common mail area, indoor and outdoor recreation facilities, pedestrian

- connections and transportation pick-up/drop-off area were included. The VEP MPD also approved heights and Volumetrics for the Lodge buildings.
17. On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 Subdivision that platted the east side lots of the Village at Empire Pass.
 18. On April 13, 2005, the Planning Commission approved the Tower Club Phase I CUP consisting of 2,264 sf of MPD Resort Support Commercial (private dining, kitchen, small convenience store), and 6,616 sf of residential and resort accessory uses (ski lockers, recreation amenities, meeting room, kids club, circulation, storage, mechanical, as well as outdoor amenities such as pool, hot tubs, etc.). The Club was constructed in 2005 and 2006.
 19. On February 13, 2008, the Planning Commission approved the Tower Club Phase II CUP for residential units on Lot 9. The approval for 25 units totaling 67,625 sf (33.81 UE) and one (1) ADA unit was granted an extension to July 1, 2010, by the Planning Commission on March 11, 2009. A building permit for Phase II was not issued and the CUP expired. This current CUP proposal represents a reduction in residential density and residential area by 11 units and 25,000 sf (12.58 UE) from the 2008 approval.
 20. On January 6, 2011, the City Council approved an amendment to the VEP Phase 1 Subdivision amending Lot 9 to address access, parking, and trail easements. The amended plat was recorded on January 4, 2012.
 21. On December 14, 2016, the Planning Commission approved an amendment to the Tower Club Phase I CUP to allow a 1,115 sf expansion of the private dining area, as well as expanded outdoor patio area, 1,000 sf of expanded basement area for accessory uses. The CUP expansion increased the MPD Resort Support Commercial on Lot 9 to 3,379 sf. Construction of the expansion was completed in 2018. The building currently consists of 10,995 sf as indicated on the plans.
 22. On October 9, 2018, the Planning Department received a complete application for a Condominium plat and a Conditional Use Permit for a fourteen (14) multi-family unit residential building to be located on Lot 9 of the First Amended Village at Empire Pass Phase One Subdivision.
 23. The property is subject to subdivision plat notes that require compliance with the Amended Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
 24. The proposed condominium plat memorializes the density, size and configuration of units to be construction in one phase and identifies areas of private, common and limited common ownership, and private club area.
 25. The Amended Agreement allows a maximum of 75,000 sf of MPD Resort Support Commercial uses. Lot 9 currently is approved, with the Amended Tower Club CUP for 3,379 sf (kitchen, dining, small store) of MPD Resort Support Commercial Uses. Montage Resort was approved for 63,059 sf of MPD Resort Support Commercial and Grand Lodge was approved with 1,275 sf.

26. Total utilized MPD Resort Support Commercial Uses for this building, including this CUP expansion, is 5,803 sf (adding 2,424 sf of Resort Support Commercial uses for Spa, kitchen, and lounge).
27. There is sufficient MPD Resort Support Commercial remaining for the proposed private club expansion as 4,863 sf (according to current tabulations) remain if this project is approved. This space is identified on the plat as part of the Club Unit with additional lines and labels calling out the specific square feet of these areas. A table of the Resort Support Commercial space shall also be included on the plat.
28. The Emergency Response Plan requires a police sub-station to be dedicated within the Empire Club building in Pod A. The Plan calls for "a facility with 3 office spaces, approximately 12' by 12' each, with a combined square footage of not less than 500 sf, plus two reasonably proximate parking spaces". The unit is to be made available to Park City as an empty "white box" for no cost, and not subject to HOA dues or other assessments, as soon as occupancy permits are ready to be issued for the rest of the building and residential units. This space will be identified as a Commercial Unit specifically for the police substation that can be transferred to the City.
29. Guest amenity areas (pools and recreation areas, locker rooms, storage, club office and mechanical, entry areas, lobby and reception areas, lounge/après ski, restrooms, etc.) are proposed on the first, second and third levels. Common residential accessory uses do not require use of UEs. Total floor area of Club and residential guest accessory uses is 14,021 square feet.
30. Based on unit sizes, a minimum of 22 parking spaces are required when taking into consideration the 25% parking reduction (from the 29 required spaces) per the Flagstaff Development Agreement and MPD.
31. An underground parking structure provides 22 parking spaces, including 1 ADA spaces, as well as limited common storage areas for each unit. Two surface spaces are provided at the street for the police sub-station. One surface space will be provided for short term pick-up and drop-off.
32. Each unit has one assigned limited common parking space and the remaining spaces are common.
33. The plat is consistent with the approved Village at Empire Pass Master Planned Development and the Residences at the Tower Conditional Use Permit in terms of density, units, UE, building height, uses, setbacks, and parking.
34. The MPD requires Construction Mitigation Plans to be submitted with each CUP and building permit addressing all requirements of the Amended Agreement and Technical Reports.
35. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of the initial building permits within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
36. The condominium plat allows for the sale of individual units.

Conclusions of Law

1. There is good cause for this condominium plat.

2. The condominium plat is consistent with the 2007 Amended Flagstaff Annexation and Development Agreement, the Village at Empire Pass MPD, the First Amended Village at Empire Pass Phase 1 Subdivision, the Park City Land Management Code and applicable State laws regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

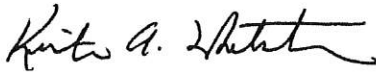
1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, 2007 amended Flagstaff Development Agreement, Village at Empire Pass MPD and these conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at Summit 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, unless a request for an extension is submitted in writing and approved by the City Council.
3. City Engineer and SBWRD approval of the final infrastructure and utility plans is a condition precedent to plat recordation.
4. Development within Empire Pass is governed by that certain Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and Iron Mountain entered into by and between United Park City Mines Company, Deer Valley Resort Company, and Park City Municipal Corporation, a third class city of the State of Utah, and recorded on March 2, 2007, as Entry No. 806100 in Book 1850 at Page 1897 in the records of the Summit County Recorder, as amended or supplemented from time to time ("Development Agreement"). The Development Agreement required the Developer, as such term is defined in the Development Agreement, to develop a Historic Preservation Plan, which said 127 page Historic Preservation Plan was prepared by SWCA, Inc., on August 2000 and is entitled, *Historic Preservation Plan for Flagstaff Mountain Association, Park City, Summit County, Utah*, as amended or supplemented from time to time including by that certain *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)(collectively, the "Historic Preservation Plan"). The *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)("Exhibit 6") identified historic preservation work needed at 21 historic mining sites within the Flagstaff Mountain Annexation Boundary and specified that the master homeowner association was responsible for maintaining any site that was not part of an ongoing operation.
5. The Agreement between the Empire Master Owner's Association and Park City attached at Exhibit B ("Agreement") to set forth a plan for the Association to address the Maintenance, as defined herein, needs of certain historic mining sites thereby achieving substantial compliance with the Historic Preservation Plan for the time periods set forth herein. The Agreement shall be executed in full and ratified by the City Council prior to recordation of the Twisted Road Subdivision or other REDUS plat, whichever comes first.



6. Conditions of approval of the Village at Empire Pass Master Planned Development (MPD), First Amended Village at Empire Pass Phase 1 Subdivision, and the Residences at the Tower Conditional Use Permit (CUP) apply to this plat.
7. All applicable required and recorded utility, access, snow storage, trails, etc. easements shall be indicated on this condominium plat prior to recordation and building permit issuance.
8. The plat shall note that public safety access and public utility easements are hereby dedicated for all private streets and that the private streets shall be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration.
9. This property is also subject to a Master Homeowners Association document and Maintenance Agreement for the Mountain Village, in addition to any declaration of condominium and CCRs recorded with the condominium plat.
10. A Construction Mitigation Plan, including truck routing, is a submittal requirement of the building permit application.
11. The deed restricted employee housing unit (EHU) shall be a minimum of 737 sf (0.921 AUE), exclusive of additional storage area to be dedicated to this unit. One AUE is equivalent to 800 sf according to the 2007 Development Agreement.
12. The EHU and ADA units shall be platted as common area.
13. A deed restriction for the EHU unit, acceptable to the City, shall be recorded with or prior to plat recordation. The deed restriction shall outline and resolve any issues or concerns regarding maintaining affordability of the unit. The plat shall note that the EHU is subject to a deed restriction. The EHU and ADA units shall be available for occupancy at the same time as the entire building and when the market rate units are issued a certificate of occupancy.
14. The CCRs shall limit the HOA dues related to the deed restricted employee housing unit (EHU) in order to ensure the Unit remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.
15. The CCRs shall be submitted with the condominium plat for review and approval by the City prior to final condominium plat recordation.
16. Conditions related to the police sub-station unit shall be described in the CCRs, and/or by separate agreement with the City, prior to recordation, consistent with language in the Emergency Response Plan of the Amended Flagstaff Agreement.
17. The plat shall note that fire sprinklers are required for new construction on the Lot per the Chief Building Official at the time of review of building permits and all requirements for emergency access according to the Park City Fire District and Park City Building Department shall be addressed prior to building permit issuance.
18. The plat shall note the number and square footages of all residential units and shall indicate the total square footage and Unit Equivalents of the 14 market rate units and all common areas.
19. The plat shall note the Resort Support Commercial square footage and a table of the Resort Support Commercial space shall be included on the plat. The plat shall note the Club and residential guest accessory square footage and shall include a table on the plat.

20. The CC&Rs shall provide notice and process for the tracking and collection of the Real Estate Transfer Fee as required and defined by the Flagstaff Mountain Development Agreement, as amended.
21. A plat note shall restrict the Resort Support Commercial areas and associated Club accessory areas as a Private Club for members and shall not be sold or used as a commercial or retail establishment for the public, with the exception of the store area.
22. A plat note shall restrict the police substation commercial unit as a police substation. In the event that the police substation is vacated by the City, the HOA may apply to amend this plat and the CUP for common or limited area storage, mechanical or other similar uses. No commercial, office or residential use is allowed unless additional density/UEs are acquired and the addition of such is approved by plat and CUP amendment.

Sincerely,



Kirsten A Whetstone, MS, AICP
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT ("Agreement") is made and entered into effective as of the ____ day of _____, 2019, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and body politic ("City"), and EMPIRE PASS MASTER OWNERS ASSOCIATION, INC., a Utah nonprofit corporation ("Association"), each a "Party" and collectively the "Parties" herein.

Recitals

A. The area known as Empire Pass ("Empire Pass") is a residential mountain development located in Park City, Summit County, Utah, a portion of which is located within the boundaries and jurisdiction of the City.

B. Empire Pass is governed by the covenants, conditions, and easements set forth in that certain *Certificate of Amendment and Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass* recorded on December 14, 2004 as Entry No. 719855 in Book 1666 at Page 1054 in the records of the Summit County Recorder, as amended and supplemented from time to time (collectively, "Declaration"). The Association is a Utah nonprofit corporation organized to administer and enforce the terms of the Declaration and to exercise the rights, powers, and duties set forth in the Declaration.

C. Development within Empire Pass is governed by that certain *Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-Acre Quinn's Junction Parcel, and Iron Mountain* entered into by and between United Park City Mines Company, Deer Valley Resort Company, and Park City Municipal Corporation, a third class city of the State of Utah, and recorded on March 2, 2007, as Entry No. 806100 in Book 1850 at Page 1897 in the records of the Summit County Recorder, as amended or supplemented from time to time ("Development Agreement").

D. The Development Agreement required the Developer, as such term is defined in the Development Agreement, to develop a Historic Preservation Plan, which said 127 page Historic Preservation Plan was prepared by SWCA, Inc., on August 2000 and is entitled, *Historic Preservation Plan for Flagstaff Mountain Association, Park City, Summit County, Utah*, as amended or supplemented from time to time including by that certain *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)(collectively, the "Historic Preservation Plan"). The *Historic Preservation Plan, Exhibit 6* dated May 2001 (and subsequently Revised and Approved December 2001)("Exhibit 6") identified historic preservation work needed at 21 historic mining sites within the Flagstaff Mountain Annexation Boundary and specified that the master homeowner association was responsible for maintaining any site that was not part of an ongoing operation.

E. The Parties desire to enter into this Agreement to set forth a plan for the Association to address the Maintenance, as defined herein, needs of certain historic mining sites thereby satisfying the requirements of the Historic Preservation Plan for the time periods set forth herein.

NOW THEREFORE, in consideration of the foregoing Recitals and the mutual covenants set forth herein, the Parties agree as follows:

1. Recitals. The Recitals A through E are incorporated herein and made a part hereof.

2. Definition. As used herein, the term “Maintenance” or “Maintain” shall mean the maintenance work required to stabilize a structure to arrest decay but not to stop a structure’s decay completely. The term “Maintenance” or “Maintain” does not require that any work be performed to make a structure habitable or compliant with any code, regulation, statute, or law. The term “Maintenance” or “Maintain” refers to recommended repairs, stabilization and public protection options in Exhibit 6, and does not require that a structure be restored to habitability.

3. Payments. Association agrees to cause the following payments to be made, within 30 days of execution of this Agreement as follows:

(a) To Park City Museum & Historical Society, the amount of Sixty-Five Thousand Dollars (\$65,000), to reimburse the society for amounts expended in preserving the Little Belle Mine Ore Bin facilities in summer 2018.

(b) To City, from Storied Deer Valley LLC, a Delaware limited liability company (“Storied”), and Redus Park City, LLC, a Delaware limited liability company (“Redus”), the amount of Forty Thousand Dollars (\$40,000.00) each, for a total of Eighty Thousand Dollars (\$80,000.00), to be held by City in escrow for costs incurred by the Association in completing the roof stabilization and related structure protection work at the Judge M + S building during the summer of 2019, and other priorities identified by the Director and agreed to by the Association.

(c) The escrow described in Subsection 3(c) shall be distributed to Association, by City, within 14 days of Association supplying City with evidence of paid invoices for work performed on the Judge M + S building, and other priorities identified by the Director and agreed to by the Association.

4. Process for Determining Maintenance Work to Be Done on Sites. From 2019 through 2029, the Association agrees to meet with the City’s staff (“Staff”), at a minimum, once a year, on or before each March 1st (the “Annual Meeting”) to discuss prior construction season’s Maintenance work and project prioritization and scope of any Maintenance work (“Scope of Work”) to be done during the upcoming construction season on any historic mining sites identified on Exhibit 6, with a priority being those projects identified on Exhibit “A” hereto (“Sites”). The Parties acknowledge that the Sites upon which it was mutually agreed that Maintenance work would take place are not located on land owned by or under long term lease to the Association. Notwithstanding any other provision of this Agreement to the contrary, the Parties agree that this Agreement shall be applicable to those Sites to the extent that legal access is provided to the Association, and as may be required to permit the Association to satisfy its obligations hereunder.

- (a) At each Annual Meeting, the Parties shall discuss, at a minimum, the following:
- (i) Review of the process, timeline and costs associated with the most recent construction season’s project(s);
 - (ii) Determination of Scope of Work, process, responsibility and timeline for documenting and recording the project’s work;
 - (iii) Determination if additional work is needed for the following year for the recently maintained, stabilized or completed Site(s);
 - (iv) Review of potential need to secure any Sites to which no Maintenance work has been done in order to deter vandalism, damage or destruction, or to stabilize such Sites;

- (v) Assessment of remaining funds and identification of funding strategies for the next year's budget;
- (vi) Review and update of projects and Sites;
- (vii) Preparation by the Staff, after consultation with the Association, of an annual report to the Community Development Director;
- (viii) The results of City inspection of the Sites to evaluate their condition and potential work to be performed;
- (ix) Selection of projects for upcoming construction season;
- (x) Communication and coordination, as necessary, with the Friends of Ski Mountain Mining History ("FSMMH"); and
- (xi) Determination of the necessary permitting process, including timelines and responsible parties.

(b) After the completion of the meeting, the Parties shall agree on the Scope of Work to be done during the upcoming construction season.

5. Performance of Work on Sites.

(a) Upon the agreement by the Parties of the Scope of Work to be undertaken during each construction season, Association shall be responsible for project management, oversight and payment of contractors. Association shall provide City with project accounting at end of each construction season.

(b) Unless otherwise agreed in writing, the Association shall be the contracting party on the mutually agreed Maintenance work on the Sites. The Association may apply its customary policies, procedures and requirements, including without limitation, insurance and workmen's compensation requirements, to all contractors, subcontractors and materialmen working at a Site or accessing a Site through Empire Pass.

(c) In connection with, or prior to, any work being performed, the Association shall submit work plans and cost estimates to a City-employed individual designated by the Staff. Association shall be responsible for processing and payment of invoices for approved Scope of Work. In the event that any work is performed directly by Association, Staff shall review and approve any payments to Association from Maintenance Funds. At its option, the Association may also require lien/payment bond waivers from contractors paid from previous draw requests or disbursements (*e.g.*, lien waivers provided "in arrears"), in accordance with ordinary and customary construction practices.

6. Inspection, Maintenance, and Securing of Sites. The obligation to inspect the Sites for the purposes of this Agreement shall be upon the City, and the Association shall have no obligation to inspect or to monitor the Sites. Each construction season, Association shall diligently pursue the completion of Scope of Work agreed to in the Annual Meeting with Staff. To the extent funds on hand are not sufficient to pay for contemplated annual Scope of Work, the Association and City will agree on a revised "Scope of Work" and estimated cost budget for such Maintenance work for the upcoming year based on funds available, subject to the following terms and conditions:

(a) On an annual basis for ten (10) years, on or before May 1st each year, the Association shall contribute half of the annual amount required to establish a maintenance fund in the amount of Forty Thousand Dollars (\$40,000.00) (“Maintenance Fund”). In consideration of the Association entering into this Agreement, the City agrees to forego, annually, Twenty Thousand Dollars (\$20,000.00) of “Open Space/Transit Management Fee” (“OSTM Fee”) income owed to the City each year from transactions according to Section 7.15 of the Declaration. OSTM Fee income foregone by City shall be added to the Maintenance Fund and City shall allow the Association to utilize such OSTM Fee money for purposes of discharging the obligations described in this Agreement. The Association shall have the option, in its sole discretion, to pay all or a portion of its annual maintenance contribution in advance, and to credit the amount of prepaid maintenance contributions against the next year’s or years’ maintenance contributions that would otherwise be payable by the Association.

(b) The Association’s initial obligation to contribute towards the Maintenance Fund shall be ten (10) years from the first maintenance contribution by the Association. On or before the ninth (9th) anniversary of the first maintenance contribution by the Association, the Parties agree to meet to discuss future ongoing funding levels appropriate to continue to satisfy Association’s obligations under Exhibit 6 to the Development Agreement, and a possible extension of this Agreement in furtherance thereof. Unless otherwise agreed, the Association and City contribution shall automatically renew for an additional ten (10) years, provided that the total annual Maintenance Fund amount shall be reduced to \$20,000.00 (\$10,000 each) unless otherwise agreed by the Parties.

(c) The Association shall have the right, but not the duty, to spend monies out of the Maintenance Fund on other historical mining projects other than the Sites so long as such historical mining projects are located within the Flagstaff Annexation Boundary or Empire Canyon watershed and such expenditure is approved in advance by both the Association and the City. After the first ten (10) years, the Association shall have the right, but not the duty, to spend monies out of the Maintenance Fund for open space responsibilities, including funding for the Conservation Easement grantees [City and Summit Land Conservancy] consistent with express purposes of the OSTM pursuant to the Development Agreement, and Open Space Technical Report. The agreement of the Association to spend Maintenance Fund monies on projects beyond those required under the Development Agreement and Historical Preservation Plan shall in no way create any ongoing responsibility for ongoing involvement with such projects.

(d) Maintenance contributions made by the Association for these purposes during this ten (10) year period which are not spent for such purposes within the calendar year in which they are contributed will be carried over and combined with the maintenance contribution for the following year, to be applied toward the mutually agreed Scope of Work for the following year, so that yearly maintenance contributions can accumulate to fund larger Maintenance projects, if necessary. Maintenance contributions will be held by the Association in the Maintenance Fund, and disbursed to pay for work upon mutual agreement of the Association and Staff.

(e) Unless otherwise agreed in writing between the Parties, the Association shall be the contracting party for all required Maintenance work to be performed for the agreed ten (10) year period on Sites, and the Association may require such licenses, bonding, insurance and other conditions and requirements for third parties performing such work on behalf of the Parties as the Association customarily imposes on third party contractors working at Empire Pass. The City shall waive any permit, inspection and other fees applicable to work contracted for by the Association or the City pursuant to this Agreement. Nothing in the Association’s status as the “contracting party” shall impose any payment obligations or other financial liability on the Association, except as otherwise expressly set forth herein with respect to the maintenance contribution described above. The Association will use reasonable efforts to solicit three (3) quotes for any third party work and will inform the City Implementation Department of the status of any solicitation for work.

(f) Nothing herein shall be deemed to impose any obligation or legal liability on the Association for Maintenance of Sites, except as expressly provided in the Development Agreement/ Historic Preservation Plan and as mutually agreed between the Association and the City, and no ongoing obligations beyond those exist.

7. Obligations of the Parties. The Parties agree that no later than six (6) months after execution of this Agreement by the Parties, the Parties shall have worked in good faith to prepare and shall have executed an updated historic preservation plan identifying outstanding work requirements on the Sites (the “New Exhibit”). The update will take the form of an amendment to Exhibit 6, and require Planning Commission public hearing and approval, and a written acknowledgment of acceptance from both Parties.

8. Long Term Maintenance License(s) and Access Rights. Association and City shall make best efforts to secure long term maintenance and access rights required for Association to perform maintenance work on third party Sites as prescribed in Section 4 of this Agreement. Association will be the initial point of contact with applicable property owners.

9. Open Space Obligations. To clarify management responsibilities assigned under Section 4.4 of *Flagstaff Mountain Resort Open Space Management Plan, Exhibit 5* dated May 2001 (and subsequently Revised and Approved December 2001)(“Exhibit 5”), the Parties hereby agree and acknowledge that the Association is only responsible for managing any open space areas owned by the Association.

10. No Assumption of Environmental Liability. Nothing in this Agreement or in the Association’s acting as contracting party for any of the work contemplated by this Agreement, shall be deemed an assumption of, or impose any liability on the Association, financial or otherwise, for any environmental remediation or clean-up related to the Sites, or the pre-existing conditions thereon.

11. Due Authorization and Execution. Each Party hereto represents and warrants to the other Party that execution and delivery of this Agreement has been duly authorized by all necessary action.

12. Successors and Assigns. The terms, covenants and conditions of this Agreement shall be binding on and inure to the benefit of the successors and assigns of the Parties.

13. Notices. All notices under this Agreement must be in writing and delivered to the notice address below (i) by registered, express, or certified mail, (ii) by courier or messenger service, or (iii) by electronic mail with acknowledgement of receipt. Notice is deemed given on the date delivered or attempted but delivery is refused.

If to the Association:

Empire Pass Master Owners Association, Inc.
Attn: President
4188 SR 248
P.O. Box 99 Kamas, Utah 84036

With a copy to:

Douglas C. Shumway, Esq.
Miller Harrison Lawyers
50 W. Broadway, Ste 450
Salt Lake City, UT 84101

If to the City:

Park City Municipal Corporation
PO Box 1480
Park City, Utah 84060
Attention: Planning Department

With a copy to:

Park City Attorney's Office
PO Box 1480
Park City, Utah 84060

Either Party may change its addresses for notices pursuant to a written notice which is given in accordance with the terms hereof. The foregoing notice requirements are subject to the provisions below. As used herein, the term "business day" shall mean any day other than a Saturday, a Sunday, or a legal holiday for which U.S. mail service is not provided. Whenever any date or the expiration of any period specified under this Agreement falls on a day other than a business day, then such date or period shall be deemed extended to the next succeeding business day thereafter.

14. No Third Party Beneficiaries. Nothing in this Agreement is intended to create an enforceable right, claim or cause of action upon any third party that is not a Party to this Agreement, with the exception of the intended third party beneficiaries Redus Park City LLC and Storied.

15. Miscellaneous.

(a) Counterparts; Facsimile Transmission. This Agreement may be executed by facsimile and/or in any number of counterparts, any or all of which may contain the signatures of less than all the parties, and all of which shall be construed together as but a single instrument and shall be binding on the parties as though originally executed on one originally executed document. All facsimile counterparts shall be promptly followed with delivery of original executed counterparts.

(b) Due Authorization and Execution. Each Party represents and warrants to the other Party that execution and delivery of this Agreement have been duly authorized by such Party, and that this Agreement is valid and binding upon such Party. This Agreement is subject to approval by the City Council within forty-five (45) days of execution.

(c) No Partnership. The parties do not by this Agreement, in any way or for any purpose, become partners or joint venturers of each other in conduct of their respective businesses or otherwise.

(d) Severability. If any clause or provision of this Agreement shall be held to be invalid in whole or in part, then the remaining clauses and provisions, or portions thereof, shall nevertheless be and remain in full force and effect.

(e) Waivers and Amendments. No provision of this Agreement may be waived to any extent unless and except to the extent the waiver is specifically set forth in a written instrument executed by the Party to be bound thereby. This Agreement may be amended or modified only by an instrument to that effect executed by the parties hereto, and only to the extent expressly set forth therein.

(f) Captions. The captions of each section are added as a matter of convenience only and shall be considered of no effect in the construction of any provision of this Agreement.

(g) Attorneys' Fees. If any Party hereto shall bring any suit or action against another for relief, declaratory or otherwise, arising out of this Agreement, the prevailing Party shall have and recover against the other Party, in addition to all court costs and disbursements, such sum as the applicable court may adjudge to be reasonable attorneys' fees.

(h) Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Utah.

(i) Time of the Essence. Time shall be of the essence with respect to the performance and observance of the covenants, agreements, terms, conditions and provisions set forth herein.

(j) No Default. Upon their execution of this Agreement, the Parties each acknowledge and agree that neither the Association, nor Redus, nor Storied are in Default under the Historic Preservation Plan. So long as the Parties perform the obligations set forth in this Agreement, including diligently pursuing any additional maintenance or preservation work identified in the New Exhibit with available funding from the Maintenance Fund, there shall be no default under the Historic Preservation Plan.

(k) Interpretation of this Agreement. The Parties agree that the purpose of this Agreement, with its New Exhibit, shall be to modify, clarify and implement the Historical Preservation Plan and to confirm the responsibilities for implementation of the preservation purposes described in the Development Agreement.

[Remainder of page intentionally left blank]

[Signatures on following pages]

EXECUTED AS OF THE DATE FIRST WRITTEN ABOVE.

“CITY”

Park City Municipal Corporation, a Utah
municipal corporation and body politic

By: _____
Mayor

Attest:

By _____
City Recorder

Approved as to Form:

By _____
City Attorney’s Office

“ASSOCIATION”

EMPIRE PASS MASTER OWNERS ASSOCIATION,
INC., a Utah non- profit corporation

By: _____

EXHIBIT "A"

SITES-

a) *Judge Mining & Smelting Company Office*. Because this structure is owned by a third party, any Maintenance required on this structure is contingent on the Association having secured easements from the third party owner to perform such Maintenance work. The Parties will work together to determine the scope of the required roof repair and other required Maintenance efforts.. The Parties agree that the Association's Maintenance efforts will be limited to the building structure, and that the Association shall not be required to restore the interior in any way or to pursue any adaptive reuse of this structure.

b) *Daly West Mine Fire Hydrant Shacks*. The Parties hereby agree that this structure is still in good condition. There is no apparent need for immediate work other than ongoing Maintenance. Because this structure is owned by a third party, any Maintenance required on this structure is contingent on the Association having secured easements from the third party owner of the structure to perform such repair work.

c) *Little Bell Mine Ore Bin*. The Parties hereby agree that this structure is still in good condition. There is no apparent need for immediate work other than ongoing Maintenance. Because this structure is owned by a third-party, any maintenance required on this structure is contingent on the Association having secured easements from the third-party owner of the structure to perform such repair work.

d) *Interpretive Signs*. The Parties hereby agree that the Association shall install, maintain, and replace those interpretive signs agreed to by the Parties in fulfillment of interpretive signage obligation in the Historic Preservation Plan.