PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 23, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 23, 1999.

AGENDA

3:45 p.m. Meet at Marsac parking lot
4:00 p.m. McPolin Farm field trip

Work Session - City Council Chambers - Lower Level

5:00 p.m. McPolin Farm debriefing
5:15 p.m. Wellness Committee announcement
5:20 pm. Council questions and comments
5:30 pm Review of regular meeting
Master Festival License Ordinance
5:50 pm Other meeting questions/comments

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Upper Park Avenue Property Association and zoning issues

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV PUBLIC HEARINGS

1. Ordinance approving a plat amendment for a Condominium Conversion to the Park Centennial Condominiums, located at 1821 Sidewinder Avenue, Park City, Utah

2. Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City regulating Special Events and Master Festivals; by clarifying the standards and procedures for license

approvals and definitions within Title 4, Chapters 1 and 8 (no action; continue to date uncertain)

V CONSENT AGENDA

Ordinance approving a plat amendment for a condominium conversion to the Park Centennial Condominiums, located at 1821 Sidewinder Avenue, Park City, Utah

VI ADJOURNMENT

A Municipal Building Authority meeting immediately following

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
SEPTEMBER 23, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the Municipal Building Authority of Park City, Utah will hold a public meeting, at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes described below on Thursday, September 23, 1999 immediately following the adjournment of the City Council Meeting.

AGENDA

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF AUGUST 26, 1999

IV NEW BUSINESS

Resolution authorizing the issuance and sale by the Municipal Building Authority of Park City, Utah (the "Authority") of not more than $6,000,000 aggregate principal amount of its lease revenue and refunding bonds, Series 1999 ("the Bonds"); fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of bonds to be issued; providing for a period to submit written petitions for an election as required by law; and related matters

V ADJOURNMENT

Posted: 09/20/99
See parkcity2002.org

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 23, 1999

Present: **Mayor Brad Olch; Council members Hugh Daniels; Shauna Kerr; Chuck Klingenstein; and Paul Sincock**

Toby Ross, City Manager; Mark Harrington, Interim City Attorney; Tom Bakaly, Director of Capital Projects and Budget; Susan Fleck, Director of Aquatics and Fitness; Frank Bell, Olympic Planning Director; Matt Twombly, Parks Planner

Absent: **Roger Harlan**

1. **McPolin Farm debriefing.** The City Council conducted a field trip to the Farm beginning at approximately 4 p.m. and ending bout 5:15 p.m. Hugh Daniels referred to several documents produced by the City. He felt there is valuable information about the direction of the community and believes this can be used as a base in obtaining current public input. Chuck Klingenstein noted that he read through the documents and understood that the Parks and Recreation Board and the Planning Commission representatives will be meeting next week. Tom Bakaly added that public input will be taken and an open house is scheduled at the Miners Hospital on October 6. A formal public hearing will be held on October 13 on an MPD before the Planning Commission. Mr. Klingenstein felt there are a variety of opinions about use, and a public process will be beneficial in order to make a decision. Paul Sincock believed there was always an intent for some public use around the barn area, and interpretive trails around the property.

2. **Wellness Committee announcement.** Susan Fleck explained that there will be a wellness kick-off party at the Racquet Club on October 11 where there will be cholesterol testing and body composition analysis, which will be free for employees with a minimal co-pay for guests. There will be trainers on staff for free consultations, a variety of fitness classes, massages, food and prizes.

3. **Council questions and comments.** Chuck Klingenstein acknowledged a thank-you note to the City from the Senior Citizens for repairing the parking lot. He received a suggestion from a citizen of formalizing the traffic calming committee and charging it with a long-range plan and priorities for spending. The City Manager pointed out there will be a preliminary report distributed to Council on the results of the traffic calming efforts from the consultants next week. Chuck Klingenstein commented on the variety of comments he has received on the motorcycle race and recommended that the event be reviewed in detail. Frank Bell explained that it is planned to have a community meeting to invite input on this event within the next two or three weeks. It may

take longer to evaluate lodging and sales tax numbers, etc. and a final report will be rendered sometime in November.

Shauna Kerr thanked staff for its assistance in compiling information for her presentation at the Urban Land Institute in Seattle. Hugh Daniels reported on the Utah League of Cities and Towns annual conference where issues involved business license fees and franchise fees on cellular service. Another proposal deals with an 1/8th of a cent sales tax for open space acquisition, park lands, quality growth, and wilderness to be distributed by population. Mr. Daniels continued that Governor Leavitt spoke on telecommunication dollars from the interstates, improving high speed access throughout the state, and the national electronic task force on sales tax commerce. The Health Board met this week and a group of physicians are creating a mobile free clinic for Summit County.

Paul Sincock noted his involvement with organizing the motorcycle race and complimented staff on its professionalism on putting on special events.

4. **Master Festival License Ordinance.** Frank Bell explained that for the past several months, staff has been working on amendments to this ordinance. This was originally written in 1984 and revised slightly in 1989; it is important to have the ordinance and the City's procedures in sync. Staff is not recommending approval tonight as it is intended to bring this back to Council several more times. A public hearing is scheduled tonight and there will be future opportunities for public input. The ordinance language reflects technical changes, such as staffing, and will clean up many of the City's administrative practices with regard to events.

Interim City Attorney Mark Harrington stated that the Special Events Manager has not reviewed this with the Chamber/Bureau or other interested groups. Staff was interested in fielding citizens and the City Council on some initial suggestions which include conflicting events, fees, approval procedure, and approval criteria. There are more specific revocation procedures and criteria. He encouraged the City Council to take public input and perhaps provide direction to staff on the first draft. In response to a question from Chuck Klingenstein, Frank Bell assured him that staff has collected a lot of information from other communities over many years. The City's ordinance falls in the regulatory category as opposed to revenue-generating. He emphasized that the Olympics will not fall under this ordinance but will rather be handled by contract which will reflect the terms of the master festival license. The ordinance is designed for this community and the sorts of events held here. The initial ordinance was written at a time when Park City was experiencing difficult economic times and the events market was viewed as a mechanism for economic development. Now the event market is generating its own energy and there are conflicting events or events that may not fit within the texture of the community. The revocation section was discussed.

5. **11th Street Stairs.** This was not scheduled on the work session agenda, but the Mayor asked that it be addressed. Mark Harrington explained that Council received a complaint, correspondence and a petition from an adjacent property owner of the second phase of the 11th Street Stair expansion. Parks Planner Matt Twombly explained that in 1997 stairs were prioritized by staff and the 11th Street Stairs between Woodside Avenue and Norfolk were completed last fall. It was anticipated to complete the other sets this fall once money was appropriated through the CIP process. The stairs were identified in the CIP and an open house was held on February 17, 1999 and public hearings on the CIP were held at City Council meetings on May 13, May 20, May 27, June 3, and June 17, 1999. He stated that he also updated the Planning Commission in April on the stairs plan and appeared on Channel 8 about this project. All adjacent property owners were notified by mail on March 15 about the project. He received three responses; one in opposition and two requesting public access to the stairs. One request for access is 1101 Empire Avenue which has a occupancy permit pending obtaining public access to the 11th Street right-of-way. The Mayor explained that he has been contacted by Dave Morena, affected property owner, who is opposed to the stairs and submitted a petition. The Mayor added that he informed Mr. Morena that he would bring this up with the City Council today to ascertain the status of the construction of this portion of the stairs. The Mayor understood that Mr. Morena believes that there are other roads within a block of his dwelling and feels the open space is more desirable.

Ms. Kerr felt that Mr. Morena has grown to enjoy our right-of-way, but in order to attain a comprehensive plan for stairs, they need to be adjoining. Matt Twombly added that the stairs will not cut off mountain bike access. Hugh Daniels added that these stairs are part of the City's pedestrianization plan and integral to access to the Park City Mountain Resort and Park City Library and Education Center. This is part of an overall plan that the City has been working toward for a long time. There are many people who use the stairs throughout Old Town and stairs have been historically prevalent. To take this little piece out of the master plan does not make sense. Paul Sincock concurred; unless there is an overwhelming reason not to proceed. Chuck Klingenstein added that this has been one of the most popular programs in the Old Town neighborhoods. Hugh Daniels pointed out the efforts the City makes in notifying citizens and the letter was mailed out in March. The Mayor instructed Mark Harrington to contact Mr. Morena's attorney that this was discussed at Council where it was unanimously concluded that the construction of the 11th Street Stairs continue.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 23, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 23, 1999. Members in attendance were Brad Olch, Hugh Daniels, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Roger Harlan was excused. Staff present were Toby Ross, City Manager; Mark Harrington, Interim City Attorney; Pat Putt, Planning and Zoning Administrator; and Eric DeHaan, City Engineer.

II PUBLIC INPUT

1. Upper Park Avenue Property Association (UPAPA) - Mike Guetschow, 325 Park Avenue, stated that he attended the Planning Commission meeting last night and read a statement about the formation of his home owners' group. He pointed out the residential history of Park Avenue and asked for the City's help to push back the growing pressures to extend Main Street commercial activities to Park Avenue. It is not similar to Swede Alley. The traffic is excessive and Park City's own ordinances do not allow dumpsters, parking lots, or commercial delivery trucks on Park Avenue, but these ordinances are not enforced. The residents should have a well-paved street with curbs and gutter. Mr. Guetshow continued that they aren't asking for special treatment, but that the existing zoning ordinances be enforced, there be repair and maintenance of the street, lower traffic volume and enforcement of speed and parking regulations.

With regard to traffic and parking controls, he suggested slower traffic, speed humps, less traffic, and no commercial deliveries. There should be residential permit only parking and enforcement, 24 hours a day, seven days a week. The current traffic load is over 1,000 cars per day. The average speed is over 25 mph but Park Avenue was not considered for speed humps. The street could be one-way or blocked off for residents only if Heber Avenue is closed down again. Upper Park Avenue badly needs new paving, drains and gutters and should be schedule on the City's capital improvement program. He emphasized that next year every north-south street in Old Town, barring Park Avenue, will be under construction. The traffic from the Woodside construction has been significant and there should be a plan to protect Park Avenue. The three zoning districts for east Park Avenue were written to preserve it as residential. Parking lots dumpsters and deliveries are not allowed and the current zoning ordinances have not been enforced. Paul Sincock complimented Mr. Guetschow on getting involved.

John Plunkett, Park Avenue resident and member of the UPAPA displayed a picture of the house he and his wife renovated and in contrast a photo taken from the Claimjumper parking lot across the street on a Sunday when there is no garbage pick-up. The Building Department has agreed to remove the dumpsters from Park Avenue. There are about 40 buildings on Main Street, about 12 have dumpsters on Park Avenue; the other 28 buildings are in conformance with the Code. He illustrated a photo of the Bamberger property, adjacent to the Claimjumper Restaurant and pointed out the mature trees. He alleged that Mr. Bamberger illegally removed the trees two weeks ago and showed another photograph. He showed a plan approved by the Planning Commission in 1996 and was in support of it at that time. The commercial development is in the Main Street zone and single family homes in the residential zone; the ADA exit is in the HCB zone. Mr. Plunkett discussed a demolition plan which neglected to show the six trees. The site plan shows the ADA exit moved and placed across a residential lot out to Park Avenue and the City approved this plan, but if the trees had been included on the drawing, there may have been concerns about the trees. He emphasized that he has been asking the Building Department for the past 11 months, what is going to happen to the property and has asked to see a landscaping plan. He received a number of excuses from the City and more recently has been putting his requests in writing. Mr. Plunkett presented another drawing which was approved by the City in June which showed that the walkway was moved so as to not destroy the trees, and it is difficult for him to believe that there is no problem and that Mr. Bamberger had every right to take the trees down because they were on his property. Since he was actually given permission to put in the walkway, he was actually required to tear the trees out so Mr. Bamberger is not at fault according to the Building Department. He has also been told that the Building Department didn't make any mistakes because since the trees weren't on Mr. Bamberger's plans, they had no way of knowing the trees were there. This is ludicrous as the plan, approved in June, shows the trees and he is frustrated as he has been unable to find out what is happening in the neighborhood. Mr. Bamberger broke the law and Mr. Plunkett requested that the City take some action on this. He asked that there be a stop order and civil or possibly criminal citations. A stop order was issued for a few days while Ron Ivie was out of town; when Mr. Ivie returned, the stop order was removed.

Mr. Plunkett discussed the Park Avenue lots, owned by Mr. Bamberger, which were approved as a staging area. The grade of the lot was leveled without a permit or public input. He was told today that the City does not intend to issue a stop order or issue any violations, and relayed that Mr. Bamberger visited with him indicating that he would like to work with him. But the damage is done and he should have met with the neighborhood several years ago, according to the construction mitigation agreement. The City should concur that Mr. Bamberger bears legal, criminal and moral responsibility for his behavior, and the City should consistently enforce the existing zoning. Mr. Plunkett added that while he was meeting with the City Manager this afternoon, Mr. Bamberger was tearing out another tree. City departments need to respond to home owners' concerns, not just talk but action. He invited the Council to visit him at his home and look at Park Avenue and to envision what the town should like in 50 years.

Steven Bamberger, owner of the project, emphasized that the Main Street property was a park for at least the past ten years which was donated to the City. They also paid the property taxes during that time. He believes the development is something Park City can be proud of. A secondary access is a requirement of the City and ADA. Originally, they wanted their access to go through an alley on the south side of the property but the grade was unacceptable. The northern property is owned by the Ringwoods who decided not to allow use of the property because of liability issues. The third option is going west through one of the residential lots owned by the Bambergers which was recommended by the Planning Commission from the start, adjacent to the Ringwood property. Mr. Bamberger reiterated the reasons requiring a second access and the only other option is an elevator which isn't feasible. As a condition of the permit, they were required to obtain an easement which was recorded with Summit County. In June, it was decided to put the sidewalk down the middle of the most northern lot and a permit was obtained. Mr. Bamberger then directed his architects to go back to the original plan so that there would be less commercial encroachment on Park Avenue and commercial uses would be centralized. His architects and engineers believed that a sidewalk in the middle of a lot would be more difficult to develop and a bad development would impact the neighborhood. Mr. Bamberger stated that he was unaware that when they moved the access back, they were required to obtain another permit, since it had been approved previously. When the decision was made to move the sidewalk back to the north, the trees had to come down. The trees were not shown on the plans, because Mr. Bamberger relayed that he didn't know the trees were on his property; as it turns out, all but one tree was on their property. He directed his crew to demolish the trees and understood that the neighbors were upset by this two weeks ago. Mr. Bamberger suggested planting replacement trees and reiterated the requirement of a secondary access which is not acceptable to Mr. Plunkett. An elevator is not feasible to add at this point.

In response to a question from Shauna Kerr, Mr. Bamberger explained that the replacement trees would have to be planted on the Ringwoods' property. The Ringwoods have not granted permission as of this point. Mr. Bamberger repeated that he understood Mr. Plunkett's objections not to be the trees as much as commercial encroachment on Park Avenue by the sidewalk, and he can't help that. Paul Sincock asked that staff explore why a citizen can't get straight answers from the City or access to records. What is the appropriate mitigation for what has occurred on the property in terms of the planting of trees? Shauna Kerr felt that if the residential lot is being used for an easement and sidewalk, that it may not be appropriate to develop a house on the site as there will be a commercial and residential use in HR-1.

Pat Putt explained that there are four 25' wide lots fronting Park Avenue owned by Bamberger. The Historic District Commission approved a plan for a sidewalk along the north edge of the lot was approved in October 1998. A three foot wide sidewalk is the same width as a side yard setback on a house and the City has allowed sidewalks, pedestrian pathways, and easements to coincide in the side yard setback, and this would not preclude the development of a structure on that lot. Mr. Kerr addressed existing non-conforming sidewalks, but when it is new and is a required ADA requirement, it may not count as a side yard. Mr. Harrington explained that he has not reviewed this but believes that the Chief Building Official does not consider this sidewalk as a commercial use prohibition within the HR-2 and HTO zones. Mr. Putt continued that he is somewhat sensitive that staff has been described as unresponsive. The problem is not just the Bamberger project, but also the Gaddis development which had a direct impact on the Park Avenue project. When these went through construction mitigation review, the decision was made that the Park Avenue lots be used for staging because it was the least impacting scenario for Main Street and Park Avenue residents. Part of the mitigation plan allowed leveling off the site. Building plans were always of record as were the mitigation plans, but the landscape plan was not submitted as part of the construction mitigation plan. Staff is continuing to work with the neighborhood and has been able to answer questions on the Gaddis project and Mr. Putt apologized if there hasn't been information available upon request on the Bamberger project. With regard to the sidewalk, he believes staff made the best decision based on the information it received at the time. When the stop order was issued on September 10, 1999, Mr. Putt assumed the trees were on the Claimjumper property but a survey showed that most of the trees were on the Bamberger property. Staff has spent many hours on this project to find solutions to the problems. There was discussion about protecting vegetation under the pending Land Management Code and the City's requirement to delineate limits of disturbance. Mr. Sincock asked why the trees were cut down. Mr. Bamberger explained that he was under the impression that because they were on his property and they had the easement, and the plan had been previously approved, that he had the "go-ahead" to cut them down.

Mr. Sincock stated his difficulty in understanding why the trees were not identified in the permitting stage to be preserved. Mr. Putt commented that he really doesn't know, but it is very possible that people assumed that the trees were on the Claimjumper property and/or it was an oversight in the drafting of the plans. The Mayor recommended that the neighbors, developer and staff get together this week so that there are some answers at next week's City Council meeting. The Mayor asked for something in writing from Dick Ringwood that it was okay to remove the tree on his property. Mr. Kerr pointed out that controversy erupted two weeks ago and asked why Mr. Bamberger removed another tree today. Mr. Bamberger responded that he is trying to obtain the occupancy permit for his project and has to build the sidewalk. He stated that he will do anything the City requires for mitigation so he can obtain his occupancy permit and asked if he could proceed with the sidewalk. Paul Sincock stated that this should be deferred to staff for a solution. Mr. Bamberger insisted that the issue isn't the trees but the sidewalk no matter where it is. Ms. Kerr explained that the objection with Council is that it appears he is installing a sidewalk without a valid permit.

Tammy Ringwood, owner of the Claimjumper, stated that on September 10, 1999, she received a letter from the City that the restaurant's dumpster would be removed from Park Avenue within 30 days, because of a violation of a Code section. Garbage must be taken to Main Street. She relayed that G&F Waste will not pick up on Sunday which is a problem. She understands the residents' concerns but they have do business, which creates a lot of restaurant refuse. Ms. Ringwood doesn't know what would be an acceptable trash container and doesn't want to be cited. The breeze way can not be used as it is a fire exit. Ms. Ringwood noted that Mr. Plunkett and others have used her dumpster. Paul Sincock discussed the new county waste management contract coming on board the first of the year, which could address removing garbage from the west side of Main Street. Mark Harrington interjected that staff made a call regarding this, but there is a service gap from now to the first of the year. The Mayor didn't feel it makes a lot of sense to increase the number of dumpsters in Swede Alley, eliminating parking spaces and turning it into a dumping area. Ms. Ringwood relayed that they have 280 seats; tables may turn as many as three times between 5 p.m. and 10 p.m. a night during the winter season and she doesn't know what to do about the garbage.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Eric DeHaan discussed the proposed Sewer District's work on Park Avenue next week. The National Ability Center water line will be installed soon; the post office has begun construction; and UDOT has begun work on the US40 and I80 interchange.

IV PUBLIC HEARINGS

1. Ordinance approving a plat amendment for a Condominium Conversion to the Park Centennial Condominiums, located at 1821 Sidewinder Avenue, Park City, Utah - Pat Putt explained that this request would formally condominiumize an existing building. On August 25, 1999, the Planning Commission forwarded a positive recommendation to the City Council with the findings of fact, conclusions of law, and conditions of approval. With no questions or comments from the Council or the public, the public hearing was closed.

2. Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City regulating Special Events and Master Festivals; by clarifying the standards and procedures for license approvals and definitions within Title 4, Chapters 1 and 8 (no action; continue to date uncertain) - See work session notes. The Mayor invited the public to comment.

Donald Shindler, Esq., stated that he is representing Peter Baxter of the Slamdance Festival. He understood that the public hearing will be continued, but felt that the drafted ordinance is very vague and placing a lot of power in the Special Events Manager with no recourse for the decision made by that individual. There is almost unlimited discretion on how he will act on an application within that 60 day period. Some of the criteria is totally subjective and speculative. For instance, "conflict" should be described as it is the given reason for amending the ordinance. Mr. Shindler believed that this has the appearance of being designed to include one festival and eliminate anyone else and priority is given to the entity who has been granted the use of City facilities for three consecutive years (time frame not indicated). For the past six years, Slamdance and Sundance have been held at the same time and Slamdance has not applied for nor used any City venues, which is the one determinative criterion that Sundance could be able to assert priority on its application to the exclusion of any other event. Paul Sincock pointed out that Slamdance is still in a private facility and Mr. Shindler insisted there could be an implied conflict. Mark Harrington explained that Slamdance currently does not operate under the MFL provisions, but are under a separate business licensing section. He admitted that the definitions are not well defined at this point, but this license would only apply if Slamdance were to apply for similar public venues. Mr. Shindler understood the need for a MFL if an event created traffic impacts or the need for additional personnel. Ms. Kerr clarified that the goal and her concern is the ultimate holding capacity for our city to maintain a healthy, safe environment for events. The event manager has to ascertain that and factor in the time of the year and whether there are competing interests, so that the City can deal with the community impacts. The Mayor emphasized that Mr. Shindler's input is valuable and this is the first public hearing which will be continued. In response to a question from Mr. Shindler, Mr. Harrington explained that Mr. Baxter has already applied for his business license for the TMI facility and is not intending to apply for a MFL this year and this amendment shouldn't impede his operation to the extent he maintains his current operation under his existing license. He will assure Mr. Baxter of the status of his license. Ms. Kerr invited Mr. Shindler to put specific suggestions in writing to Mr. Harrington's attention.

Frank Normile, resident and attorney at law, referred to constitutional law dealing with licensing and first amendment activities. Statues are struck down for being over-broad, or specifically denying first amendment rights. Over-breath means incorporating things that are protected, but it is so vague and over-broad you can't tell what's protected and what's not, or the statute is so vague you don't know if it covers protected speech. These two sections seem to be both. They're over-broad inasmuch as they cover protected speech and the right to assemble and they're vague as they cover certain specific civil rights of assembly and speech. He referred to the language, "significant public impacts" and pointed out the omission of "nuisance". Lawyers know what a nuisance is, but have no idea what a significant public impact is, and if the City is jumping out of a legal framework in defining illegal conduct, it better be sure that "impact" be clearly defined. He quoted several words in the draft that have no legal definition and is fearful that the language is over-broad, vague and it covers what he believes are protected first amendment rights of the people of this town. Mr. Normile urged Council not to "chill" the first amendment rights. Mark Harrington emphasized that Mr. Normile's references are definitions staff intends to change and invited his specific recommendations.

Roger Click, resident, expressed concerns that one special event may eliminate another event and described in detail movies he viewed last year at a "tag-along" festival that would never be available in the mainstream. People should not have to chose to the exclusion of other possibilities. He suggested a Spanish-speaking film festival. Paul Sincock didn't believe there is anything in the draft that would preclude what Mr. Click values since there are different kinds of permits. There was discussion about simultaneous events that may cause adverse impacts, and the potential for more venues in the community in the future.

The Council was urged to contact staff regarding comments. Mr. Harrington assured Council that he will keep interested persons involved and staff is planning on running this past the Chamber/Bureau and the Planning Commission. The Mayor closed the public hearing, and requested a motion to continue to a date uncertain. Chuck Klingenstein, "<u>I so move</u>". Hugh Daniels seconded. <u>Motion carried</u>.

Hugh Daniels	Aye

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

V CONSENT AGENDA

Ordinance approving a plat amendment for a condominium conversion to the Park Centennial Condominiums, located at 1821 Sidewinder Avenue, Park City, Utah - See public hearing comments. Paul Sincock, "I move approval". Shauna Kerr seconded. Motion carried.

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

VI ADJOURNMENT

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

* * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

INFORMATIONAL MEMORANDUM

PARK CITY 1884

To: City Council and Parks, Recreation & Beautification Board
From: Tom Bakaly, Rick Lewis, Bob Johnston and Frank Bell
Subject: Update on the City McPolin Farm
Date: September 23, 1999

The purpose of this memo is to update the City Council and the Parks, Recreation & Beautification Board (PRBB) about progress on the McPolin Farm property. This report is divided into the following sections: 1) The official name of the City-owned farm property; 2) Proposed uses for the farm property; 3) PRBB draft administrative policy; 4) Initial Planning Commission issues; 5) Construction issues; 6) Schedule and; 7) Where do we go from here? Staff is looking for direction from policy makers on the items contained in the last section.

Farm Property Name:

There have been some questions as to exactly what the City-owned farm property should be called. Community Development Department staff researched the name through historical documents and determined that the original farm was owned by the McPolin Family. The nomination to the National Register of Historic Places also identifies the property as the Daniel McPolin Farm. Staff recommends that the property be officially referred to as The McPolin Farm.

Uses for the McPolin Farm:

Attached is the staff report that was sent to the Planning Commission when they first reviewed the Conditional Use Permit (CUP) application for the McPolin Farm on September 8, 1999. In addressing possible uses for the farm, staff recommends referring to the 1995 Entryway Corridor Master Plan (Entryway Plan) and the City Council resolution that adopted the plan. We have attached the Entryway Plan and other reports that document the history of use discussions surrounding the farm. In short, the proposed uses contemplated in the Entryway Plan are consistent with a public recreation facility and are broken into two categories: 1) Passive use (p. 22 of the Entryway Plan); and 2) Active Use (p.24 of the Entryway Plan). Passive use would include among other things walking, jogging, biking trails and cross country skiing. Active use would include public assembly of 50 - 100 people so as not to interfere with the open space character of the farm. The Entryway Plan does not address smaller meetings of less than 50 people.

The Entryway Plan did not address active use or public assemblies in the Winter and the PRBB has not formally considered these uses. Please note that the Entryway Plan did not identify a specific use for the barn itself. Therefore, staff is only seeking a CUP for the shed, outbuilding, and farm grounds. Use of the barn is something that should be addressed through a formal public process over the next year. However, the Planning Commission stated their preference that no use be proposed for the barn and silos (P. 7 of attached minutes). Staff is proceeding with its CUP application for the other buildings and requests that the policy makers provide input concerning the proposed uses, particularly Winter and night time use. The September 8, 1999 staff report and the Entryway Plan are the best sources of information regarding the use of the Farm property contemplated in the CUP application.

Because of the multiple use/phasing issues and the initial comments from the Planning Commission regarding parking, staff is proceeding to file a Master Plan Development (MPD) application to enable the Planning Commission to address the project more comprehensively, but with some additional flexibility.

PRBB Draft Administrative Policy:

Attached to the September 8th staff report is a draft administrative policy written mostly by the PRBB. The purpose of the draft was to try and identify the uses of the property. Staff amended the draft policy to allow for special events during the Winter and at night. Initial Planning Commission reaction was that the draft policies needed to be substantially clarified and narrowed. It is staff's intention to address many of the concerns raised by the Planning Commission by revising the attached administrative policies prior to returning to the Planning Commission on the 13th of October. Detailed issues that will be addressed in the policies and subsequent use agreements include noise, smoking, amplified music, etc. Staff would like Council and PRBB input on recommended changes, including direction about Winter use.

Staff recommends making the farm use policy consistent with the policies that govern other City facilities and special events. Pursuant to that goal, one revision recommended by staff will be to have the Special Events and Facilities Manager Melissa Caffey administer programmed uses of the farm. In addition, the administrative review process discussed in the policies would be coordinated by the Special Events and Facilities Manager. The Community Development Department, Police Department, etc. will sign off on components of the special events/assembly plan as is currently the City's practice. Performance criteria relating to use of the farm will need to be integrated into the administrative policies.

The City ordinance regulating special events is currently being revised. A public hearing before City Council and a work session discussion concerning the Master Festival and Special Event Ordinance is scheduled for September 23, 1999. Naturally, the definitions of a "special event" or a "general assembly/meeting" for the McPolin Farm will need to be consistent with City ordinances. The goal is to have the farm policy completed by October 13th when the public hearing for the farm CUP application is held before the Planning Commission. Please note that an open house for the farm has been scheduled for October 7, 1999 at the Miner's Hospital.

Initial Planning Commission Issues:

Rather than paraphrase Planning Commissioner comments, staff has attached the minutes from the September 8th meeting. Many of the "Where do we go from here?" questions come from those comments.

Construction Issues:

Staff is hopeful that construction on the farm will be complete in time to receive a Certificate of Occupancy (CO) for the reconstructed shed and residence buildings from the Building Department so the facility can be used starting in December of 1999. In order to receive a CO, the issues of parking, the access road and ADA accessibility will need to be addressed. Staff is also coordinating construction on the Phase III entryway trail this Fall which will require use of the Farm access road. Grading levels and bridge construction will depend upon decisions about parking, the access road, public transportation to the farm, and ADA compliance. The Chief Building Official will be available on the 23rd to address questions about ADA compliance and the access road. Staff is hoping for early direction from the policy makers on these issues so that the construction can be completed in a timely and efficient manner.

Schedule:

The following is a tentative schedule for the farm project

September 15, 1999	Update PRBB on the Status of the Farm Project
September 22, 1999	Planning Commission Work Session Update
September 23, 1999	City Council Farm Tour Planning Comm. & PRBB invited
September 29, 1999	PRBB meets to Formalize Farm Use Recommendations
October 7, 1999	Public Open House to Review Proposed Uses (No Council Mtg.)
October 8, 1999	Administrative Use Policies Revised & Completed
October 13 and/or 27, 1999	Public Hearing and Possible CUP action
November 15, 1999	Construction Completed
December 1, 1999	Certificate of Occupancy Received
Spring, 2000	Public Input for use of the Barn & Possible Restoration/Renovation

Where Do We Go From Here?

Staff intends to pursue the schedule as described above. In order to achieve this goal, staff will need direction concerning the following issues:

Parking: The Entryway Plan specifically addresses parking on page 20 and shows it on the use overlay map on page 15. The Entryway Plan suggests phased permanent parking starting with 10 permanent spaces with an additional 30 permanent spaces. The Entryway Plan also contemplates temporary parking for special events for 150 additional cars along Highway 224. In the draft administrative policy, shuttle service and offsite parking had been proposed for special event parking which is a different approach than what was in the Entryway Plan. Staff needs direction on whether it should implement the Entryway Plan regarding parking or come up with another solution. ADA requirements may limit or dictate certain options.

Public Transportation: As a possible alternative to providing parking along Highway 224, as contemplated by the Entryway Plan, the Planning Commission suggested that City public bus service go out to the barn. According to the Chief Building Official, if public bus service goes out to the barn, handicap accessability from the bus drop off point would be required. This would mean paving all or a portion of the access road from Highway 224 to the farm and modifying the grade to comply with ADA slope requirements.

Access Road: Regardless of the transportation/ADA issues discussed above, staff needs direction on whether to pave the access road. The City-wide Trails Master Plan (as adopted by Phase I of the General Plan) and the scope of work for the grant funded Phase III trail calls for paving the access road. Also, if the farm is to be used for special events/assemblies in the Winter, it may be necessary to pave the road for fire response access. The Chief Building Official will need to provide more information on this.

Lighting: Staff needs direction on night use of the farm and whether to provide permanent lighting for the farm. The draft administrative policy requires that temporary lighting be provided for special events. If temporary lighting is used, criteria should be developed for reviewing proposed lighting. Currently, only "accent" and security lighting are permanently planned for the farm.

Special Events: The Master Plan allows for 27 days of Summer special events/assemblies and cross country skiing in the Winter. For the purposes of the farm, a special event is defined as a gathering of between 50 - 100 people. The administrative policy will need to address procedures for smaller meetings. It is staff's recommendation that a limited number of days for Winter special events/assemblies (10) be allowed. Staff needs input from the policy makers concerning the number of special events/assemblies and whether or not special events/assemblies should be allowed in the Winter. Some members of the PRBB have expressed a desire to limit the number of events/assemblies to 27 days, regardless of the number of events.

Administrative Policies: Staff needs general direction on the administrative policies for the farm. Assistance with definitions concerning special events, assemblies, City sponsorship and use would be helpful. It is staff's intention to draft the policies, have them reviewed by the City Council with recommendations from the PRBB, and then included as part of the CUP review material submitted to the Planning Commission on October 13th.

City Sponsored Events/Assemblies: Staff would like direction on whether the only types of active use allowed should be City sponsored activities. This would preclude private weddings and parties. Defining a City event will be important. In creating that definition, the City Council and PRBB should clearly define what they want the community uses to be and what (if any) uses should be precluded.

Olympic Use: Up until now, staff has considered Olympic use leading up to the Winter of 2002 as a City sponsored event and thus subject to the administrative policies concerning assembly and special event use. The Planning Commission expressed a desire to establish parameters for Olympic use of the property. Staff would like input from the City Council and the PRBB concerning how to specifically address (if at all) possible Olympic use of the farm property. Staff would also like the possible one-time Olympic use in February of 2002 to be considered separately from the ongoing administrative policies to avoid making the policies too broad in order to accommodate possible Olympic uses.

Project Review Process: Staff is recommending that the Planning Commission process the MPD application solely in the context of the Land Management Code (LMC) review criteria (quasi-judicial function). In order to maintain Planning Commission input on the policy/legislative determinations of use, staff is suggesting that the Planning Commission designate 1-2 members to meet with the Council, PRBB and Staff regarding the Entryway Plan and Administrative Policies.

Attachments:

September 8th Planning Commission Staff Report and Draft Administrative Policies
Minutes from September 8th Planning Commission Meeting
1995 Entryway Corridor Master Plan (City Council only)
1992 Essential Documents Packet
1992 Landmark Symposium Packet
1997 Osguthorpe Farm Preservation Leadership Training Institute

PARK CITY
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PLANNING COMMISSION STAFF REPORT

DATE:	September 2, 1999 (September 8, 1999)
DEPARTMENT:	Community Development Department and Office of Capital Management and Budget
AUTHOR:	Patrick Putt and Tom Bakaly
TITLE:	McPolin Farm Conditional Use Permit
TYPE OF ITEM:	Work Session

SUMMARY RECOMMENDATIONS: Staff recommends that the Planning Commission and the Parks, Recreation and Beautification Board (PRBB) conduct the site visit to the farm property subsequent to input and direction on the discussion points listed in this report. Staff has scheduled another work session for September 22, 1999 and a public hearing for October 13, 1999.

Background: The purpose of Wednesday night's site visit and work session is to begin the conditional use permit process relating to specific buildings and the grounds at the McPolin Farm. The City is nearing completion of a restoration of the 400 square foot McPolin residence and 1800 square foot shed building. A conditional use permit establishing specific uses is necessary prior to occupancy of the two renovated structures.

The City's McPolin Farm is located in the Recreation Open Space (ROS) District. The Park City Leisure Services Department and the Parks, Recreation and Beautification Board have submitted a conditional use permit application to conduct specific uses and activities on the property *(see attachment "A")*. The proposed facilities covered under this application include the farm grounds and trails and the renovated McPolin farm house and shed. This application does not include any programing for the McPolin barn. The proposed uses are classified as "public recreation facilities' in the Land Management Code (LMC). The LMC defines a public recreation facility as " recreation facilities operated by a public agency and open to the general public with or without a fee."

Brief History of Previous Planning and Public Input: The City acquired the subject property in October 1990 in an effort to protect and enhance the entry corridor and to preserve open space in response to Highway 224 widening project. In 1991 a citizens planning program began to explore interim uses and renovation work. The results of the 1991 effort was a program of clean up, security improvements, and stabilization of the barn. Cross country skiing and trail development also commenced. At the conclusion of the initial citizens' planning program it was suggested that additional public input and formal study of the Highway 224 entry corridor be conducted. A series of Landmark Symposiums were conducted in 1992. There were no specific recommendations developed for the farm property; however the consensus was to proceed cautiously with an environmentally-sensitive plan for passive recreation use and open space preservation.

In 1994 and 1995 the Parks, Recreation and Beautification Board developed an Entryway Corridor Master Plan *(copies included with report)*. Public hearings on the plan were held in the spring of 1995. Council adopted the master plan with Resolution No. 19-95 on August 3, 1995. The plan addressed:

* open space around the farm property;
* trail development;
* winter use/cross-country skiing use;
* capital expenditures;
* agricultural uses; and
* special events

The Resolution 19-95 set forth specific parameters for passive summer event use of the farm property. The resolution stated that special events are to be limited as to not interfere with the open space character of the farm. A guideline was established limiting the maximum number of people in the vicinity of the barn to 100 persons. Winter spectator activities in conjunction with cross-country ski racing and biathlon races were deemed acceptable. The master plan also set forth use criteria and special event criteria.

The conditional use permit process is the final step in implementing the master plan and establishing use and special event permitting criteria for the property. The upcoming public hearing will allow the community to reaffirm, modify, or change the uses that were identified in 1995.

Proposal For McPolin Farm Uses: The Park City Leisure Services Department, Office of Capital Management and Budget and the Parks, Recreation and Beautification Board have prepared a proposal outlining specific uses and general policy guidelines for the McPolin Farm. The proposal is outlined in the *September 2, 1999 Draft Administrative Policy For Use of the park City Farm and*

Related Buildings (see attachment "A"). This proposal only addresses the use of the reconstructed house and shed buildings, as well as the surrounding grounds. A summary of the proposed uses and guidelines are as follows:

* allowed uses to include public and private gatherings;
* year-round trail use (including cross-country skiing and biathlon use in the winter);
* passive summer and winter event size limited to 100 persons;
* hours of use restricted to daylight hours (unless temporary lighting for event is issued by Chief Building Official);
* a maximum of 27 special events per year between May 1 and November 1 (one per weekend during summer and fall months) and 10 special events between November 1 and May 1 (Winter use for special events would be a departure from the original 1995 Master Plan);
* special event approvals to be issued through administrative process by the Community Development Department.
* up to 25 parking spaces (non-lighted) to be provided on the east side of Highway 224 in the vicinity of existing shed *(requires specific Frontage Protection Zone approval from Planing Commission)*;and

Review Criteria: Staff recommends that the Planning Commission use the following three tools to evaluate the proposed uses--*Land Management Code Section 15.10(D): Conditional Use Permit Review Process--Standards for Review*; the *1995 Entryway Corridor Master Plan Use Criteria and Special Event Permit Criteria*; and the *1997 Park City General Plan--Open Space Element.*

Land Management Code: The *Land Management Code* specifies that the Planning Commission must consider the following issues as part of any conditional use permit review:

* size and location of the site;
* traffic considerations;
* utility capacity;
* emergency vehicle access;
* location and amount of off-street parking;
* internal vehicular and pedestrian circulation;
* fencing, screening, and landscaping;
* building mass, bulk, and orientation;
* usable open space;
* signs and lighting;
* physical design and compatibility with surrounding structures;
* noise, vibration, odors, steam, or other factors affecting other properties;
* control of deliveries, loading, and trash pick-up; and
* impacts on environmentally-sensitive lands

The 1995 Entry Corridor Master Plan: The *1995 Entryway Corridor Master Plan Use Criteria and Special Event Permit Criteria* states that the following philosophy should be used as a guide when considering uses for the farm property:

> Special events will be limited so as not to interfere with the *open space* character of the farm. The Parks, Recreation and Beautification Advisory Board's recommendations of 1) only permitting summer events, 2) sponsored or co-sponsored by the City, 3) of not more than 50-100 people in the vicinity of the barn, will be the guideline. Winter spectator activities in conjunction with cross-country ski racing and biathlon events are acceptable uses.

The 1995 master plan also provides the following additional criteria:

Special Event Permit Criteria

*The event should not negatively affect natural or cultural resources within the plan boundaries.
* The event should be consistent with the resource management policies.
*The event should not negatively affect the safety of the participants in the event or the general public.
* The event should be supported with adequate facilities and services.
* The event should have adequate insurance.
* The event should be adequately organized.
* The event should be adequately funded.
* The event should minimize conflict with other uses.
* The sponsoring organization should be known and credible.

1997 General Plan--Open Space Element: The *1997 Park City General Plan--Open Space Element* identifies that the community's natural landscape features present a spectacular view when entering Park City from primary entry corridors. The plan states that:

> Thoughtful and diligent planning will be necessary to maintain views along these entrances. The view corridors into the City need to be supported by green belts along the thoroughfares with open space that creates buffers between landscape and development.

Specific *General Plan* policies which should be applied to this conditional use permit review include the following:

> * Demand special attention to entryway areas, including Highways 40, 224, and 248 with special site planning parameters that create open space corridors.
>
> * Require neighborhood links through trails systems.

* Consider all environmentally sensitive regions (including meadows and grasslands as significant components) as valuable open space.

* Identify important in-town locations that present opportunities for natural open space, public art, or pocket parks.

* To protect the visual quality of the entry corridors, designate as "frontage protection zones" those areas adjacent to roads and highways that enter the City. Amend the Land Management Code to provide substantial landscape area for the frontage protection zone. Generate design guidelines for the entry corridor and City entry points.

Issues For Discussion: At this initial work session, Staff recommends that the Planning Commission:

*agree to which City codes, policies, and guidelines which will be used the evaluate this conditional use permit proposal(i.e. are there any other policy documents we need to evaluate this proposal against for consistency/compatibility?)

* review and discuss the proposed uses and guidelines as set forth in the *September 2, 1999 Draft Administrative Policy For Use of the park City Farm and Related Buildings.*

* review and discuss the proposed parking lot location, access, design, including lighting if any.

* discuss trail connections with the Snyderville Basin trail system.

The Barn: Although use of the barn is not part of this conditional use permit application, Staff recommends that a separate public input process be initiated in the future to discuss the long-term future for the building. Input and recommendations concerning the barn can be forwarded to the Planning Commission at the time a conditional use permit application is made for the use of the barn building. Staff requests direction from the Planning Commission on this matter.

Recommendation: Staff recommends that the Planning Commission conduct the site visit to the farm property subsequent to input and direction on the discussion points listed in this report. Staff is scheduled another work session for September 22, 1999 and a public hearing for October 13, 1999.

9/2/99 DRAFT - ADMINISTRATIVE POLICY FOR:
USE OF THE PARK CITY FARM AND RELATED BUILDINGS

The Park City Farm is a public facility owned and operated by Park City Municipal Corporation and is administered by the Leisure Services Department of Park City Municipal Corporation. In 1995, following and involved citizen participation process, the City Council adopted the Entry Corridor Master Plan which governs the use of the property. Consistent with that plan, the Park City Farm serves individuals and community organizations by providing passive recreation opportunities and a possible location for special event use which may include; meeting space, lecture and reception space available for rent, educational programs and a variety of events for the community. The Mission Statement of the Park City Farm is:

> The Park City Farm is a very important symbol in the public consciousness and a focal point for Park City, the citizens of Park City wish to retain and preserve the historic quality of the buildings, focus on the local use of the building; maintain public access, maintain the intimate, high quality atmosphere and limit commercial use of the building.

The goals for the Park City Farm are to:

- Preserve the historic and sentimental integrity of the Park City Farm as open space
- Protect Farm from overuse
- Offer community access at no fee or a reasonable cost
- Limit the amount of private (building completely closed) use
- Balance the use of the facility across the entire community
- Provide for low-impact uses which serve the entire community

SECTION 1. PURPOSE

The purpose of this policy is to ensure that the community's expectations are upheld with respect to the use of the Farm compound and its buildings.

This policy attempts to codify all of the use guidelines that currently exist primarily in the Entryway Corridor Master Plan and a variety of City documents and provides detail regarding the permitted uses for, and access to the Farm compound and it's buildings. This policy includes; A) General policy guidelines; B) Use of the property and priorities for special event use and; C) Reservation requirements for special events.

SECTION 2. DEFINITIONS

A) Farm - Farm compound of buildings including the Shed, Farmhouse, related outbuildings and the grounds. (See maps provided in Entryway Corridor Master Plan)

B) Shed - Building located on the north side of the compound housing restrooms, day locker area and meeting room.

C) Farmhouse - Small house located in the center of the Farm.

D) Outbuildings - Small buildings located around Farm property.

E) City - City of Park City or its representative.

F) Event - Any contracted activity, including but not limited to special events, exhibitions, social gatherings and educational activities.

G) Lessee - Any person or entity contracting with the City to produce, organize, direct or manage any event at the Farm.

H) Barn - The large building and silos that have not been renovated other than structural stabilization and fire protection.

SECTION 3. GENERAL POLICY GUIDELINES

A) The Farm shall be open and accessible to the general public from May 1, until November 1, annually, weather permitting. Farm hours will be from 8:00 am to dark daily. The Farm will not be available for general public use during the winter months. However, the property will be accessible during the winter for cross-country skiers that pay a use fee and will be available for special events as discussed in the next section. General admission to the farm may be denied during certain events.

B) Events will be limited in size and number so as not to interfere with the "open space" character of the Farm. Passive summer events sponsored or co-sponsored by the City or a Lessee shall be limited to not more than 100 (one hundred) people in the vicinity of the Farm. Events taking place at the Farm shall be limited to no more than 27 (twenty seven) days between May 1, and November 1 and no more than 10 (ten) between November 1 and May 1. The special event lessee (including the City) will be subject to an administrative review and approval by the Community Development Department of their special event plan for each proposed event. The City Council may grant exceptions to this policy, provided a recommendation to do so is forwarded by the Parks, Recreation and Beautification Board.

C) Access to the Farm will be limited. Vehicle parking will be located on the east side of Highway 224, however, not more than 25 parking spaces will be provided. Non- vehicular access to the Farm will be encouraged as good trail access exists from all directions. Car pooling and bussing will also be required if the special event plan demonstrates the potential for more than 25 vehicles associated with the event.

D) Events will be limited to daylight hours. If events are to be held at night, the event will need to provide for temporary lighting consistent with approval from the Chief Building Official.

E) Anyone wishing to conduct an event or organize any activity at the Farm that is not sponsored or co-sponsored by the city, shall obtain the necessary permits from the City and pay the appropriate fees. The lessee has the responsibility to obtain any additional permits and licenses required by any other City, County or State jurisdictions.

F) Any Event taking place in the Shed shall be limited to no more than 75 (seventy-five) people. Appropriate uses for the Shed include but are not limited to meetings, educational activities and exhibitions. The Shed may serve as a warming facility for cross-country skiers during the winter months and may serve as a staging area for ski races and like events. Amenities include restrooms, small locker area, reception area, small food prep area and storage.

G) The Farmhouse will be made available only on a limited basis due primarily to its size. Its primary function will be to serve as a visitor center. A pictorial history of the Farm will be displayed and will be open to the public on a limited basis

H) The Barn is not available for public use at this time and access will only be allowed on a limited and supervised basis per authorization by the City Manager. Per page 20 of the Entryway Corridor Master Plan and the long term use criteria as identified on page 25, the use of the barn will need to be determined by a future public involvement process.

I) The Grounds are very attractive and may be desirable for outdoor functions during the summer. Outdoor use will be permitted provided the "General Policy Guidelines" are followed.

SECTION 4. USE OF PROPERTY AND PRIORITIES FOR SPECIAL EVENT USE

<u>Public Use of the Property:</u>

The issue of public use of the property is clearly discussed on pages 22-25 of the Entryway Corridor Master Plan. Passive use of the property would include: walking, jogging and biking trails; interpretative trails; picnic areas and benches; cross country skiing; and other uses identified by the Master Plan.

<u>Priorities for Special Event Use:</u>

A) The regular and routine business of Park City Municipal Corporation shall receive primary and priority use of the Farm. Uses include but are not limited to meetings, City sponsored Events, organized programs, activities and social functions.

B) Other uses are prioritized;

1) Community programs, events, meetings, celebrations, etc. held specifically for or by residents and non-profit organizations of the Park City community.

2) Fund raising activities held to benefit local non-profit organizations or causes.

3) Other uses that would be of a public nature and have an economic benefit to the City.

4) Other private uses that would have an economic benefit to the City.

SECTION 5. RESERVATION REQUIREMENTS

A Reservation policy consistent with the Special Event Permit Criteria outlined on page 24 of the Entryway Corridor Master Plan will be developed as part of an administrative oversight process This policy will be consistent with the guidance provided by the 1995 Entryway Corridor Master Plan.

PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
SEPTEMBER 8, 1999

Present: Chair Michael O'Hara, Bruce Erickson, Karri Hays, Jim Hier, Fred Jones, Chris Larson, Diane Zimney, Patrick Putt

WORK SESSION ITEMS

Park City Farm Master Plan/CUP

Members of the Planning Commission and the Park City Parks and Recreation Beautification Board had just returned from a site visit to the Park City Farm.

Administrator Putt stated that this matter is before the Planning Commission because the Farm property owned by the City is located in the Recreation Open Space District. In that zone, all uses except conservation activities are conditional uses. Individual uses come through a CUP process and for review on a case-by-case basis depending on their merits and the application of Section 1.13 of the Land Management Code. The proposal submitted by the Leisure Services Department and the Parks, Recreation, and Beautification Board is for use of the facility as a public recreation facility. Public recreation facilities are defined in the Land Management Code as recreation facilities operated by a public agency and open to the general public with or without fee, which is the general category that links this proposal to the Land Management Code and requires a CUP. Also, the proposed uses and programming will generate a parking requirement. The current application involves establishment of a parking area of up to 25 spaces. The proposed location of the parking spaces is the east side of Highway 224 within the Frontage Protection Zone. Any use or parking within the FPZ automatically calls for a CUP.

Administrator Putt explained that the uses proposed under the public recreational facility category are found in the staff report as follows:

1. The application would be for uses involving public and private gatherings.
2. There would be year-round trail use including cross-country skiing and biathlon use in the winter and passive summer use of the trails.
3. Passive summer and winter event sizes are included. The proposed event size limitation is 100 people.
4. Hours of use will be restricted to daylight hours, and there is a provision in the application that would allow temporary lighting for an event under a permit issued by the Chief Building Official.
5. There is a proposal for a maximum of 27 special events per year between May 1 and November 1, which is one event per week. There is an additional provision for 10 special events between November 1 and May 1.
6. The special events proposed would go through an administrative review process by the Community Development Department.
7. Up to 25 parking spaces (non-lighted) are to be provided on the east side of Highway 224 that will access via the underground tunnel and pathway out to the facility.

Administrator Putt reported that the application currently involves no on-site parking for events. Section 1.13 of the Land Management Code lists criteria against which a CUP is reviewed, including size and location of the site, traffic considerations, emergency access, and impacts on environmentally sensitive areas around the property. The history of this property includes the City's purchase in 1990. There were a series of public input sessions and community meetings, and each meeting built on the work accomplished at the previous meeting. The landmark series was completed in 1994 with public involvement, consultants, and facilitators. The result was the 1995 entry corridor master plan addressing special uses for the Farm property and establishing special event criteria. The CUP process is the last step in implementing the master plan for uses of the property, and tonight is the first opportunity to discuss issues with the Parks, Recreation, and Beautification Board and representatives from the Leisure Services Department.

Administrator Putt suggested that the focus this evening be to 1) reach an agreement on which City codes, policies, and guidelines will be used to evaluate the CUP proposal; 2) kick off discussion of administrative policy contained in the staff report which are the ground rules put together by the Parks and Recreation Board; 3) discuss a parking plan. A parking plan was generated from the original master plan, and some improvements on the site plan show parking on the east side, but there is specific proposal being presented tonight. Administrator Putt stated that he was not prepared to commence discussion on a specific site plan and parking arrangement, but it would be good to start discussing the location of parking and the design parameters and concerns associated with the proposal. The Staff can then refine a more site specific plan. 4) Representatives from the Snyderville Basin Recreation District are interested in the plans for trails and interconnection between the City and County system. Any input would be open for discussion this evening.

Administrator Putt noted that the Barn has never been part of the discussions or plans for the Farm. The Staff suggests that the City check the pulse of where the community stands on use of the barn through the public process. Input is requested from the Planning Commission as to whether this would be an appropriate format for starting to take input on use of the barn. The barn is a separate issue from this application which is for the grounds and the two replicated buildings, the McPolin Farmhouse and the shed. Staff recommended that the Planning Commission hear from the Parks and Recreation Board, ask questions, and start dialogue on the outlined discussion points.

George Hull, representing the Parks and Recreation Beautification Board, stated that the purpose of this meeting was to show the Planning Commission around the site. Two members of the Planning Commission attended the last Parks and Rec Board meeting, and it became clear that the two groups needed to meet together.

Commissioner Larson asked if off-site parking would be plowed in the winter. Mr. Hull replied that the uses are still vague. The parking issue is backed into a corner because of disabled access requirements and other issues which are outside the Parks and Rec Board's expertise and fall in the legislative and planning area. Now that the Planning Commission has seen the scope of the issue and has visited the Farm, Mr. Hull was asking for advice on how to proceed.

Commissioner Larson stated that the Parks and Rec Board has a done a good job of marshaling the process up to this point, but the types of questions that will be coming up are outside of their purview and expertise. The process will require professionals who know about engineering, landscaping, traffic circulation, etc., and he was worried that the Community Development Department would get drafted into that role. He preferred that the CDD remain in its critical role of helping the Planning Commission and not act as the proponent. He asked who the applicant will be and who will carry forward from here. Administrator Putt replied that the applicant is the Park City Municipal Corporation, more specifically, the Leisure Services Department, and the Parks, Rec, and Beautification Board.

Tom Bakaly, Director of Capital Projects, stated that his office is also directly involved with this project. He envisioned a process similar to what was successfully used with the Transit Center project.

Mr. Hull agreed that they had reached a point where the Parks and Rec Board needs to step back and let the professionals take over.

Mr. Bakaly noted that winter use is a departure from what was first discussed, and some winter use has been included in the draft policy. In response to Commissioner Larson's question about plowing the parking lot, Mr. Bakaly anticipated special event use in the winter limited to 10 events, and the special event user would be required to plow the parking lot.

Commissioner Larson asked if the parking lot would be plowed for passive recreation uses on a daily basis. Mr. Bakaly replied that it would not.

Administrator Putt encouraged the Planning Commission to handle this application the same as any other CUP and apply the criteria and review standards from Chapter 1.13 to the issues and proposals outlined in the report. The four questions outlined in the staff report form the starting point for discussion.

Commissioner Hays asked if income must be generated from this facility. Mr. Bakaly replied that will not. Commissioner Hays commented that ingress and egress for the Farm is a potential problem and should be part of the review. She commented on the number of lockers in the building and stated that she could see them being used for a cross country team. Mr. Bakaly explained that the lockers are for day use cross country skiers. Mr. Hull explained that for years there has been a request from the cross country ski community that if they intend to use the Farm for cross country skiing, a primary requirement is lavatories. Lockers were considered a good use of space. It has been envisioned as a day use locker facility for winter and other season use. Commissioner Hays stated that if they do not have to generate income, the facility could be used for a high school team.

Chair O'Hara noted that, in addition to the codes and documents needed for review, the Planning Commission should also be looking at the 1995 master plan. There are some differences between the master plan and what is proposed with this application. Because this project strongly involved the community, he felt they should look at the results of the Symposia in 1992.

Commissioner Jones felt they needed to be aware of the ADA element, because it will have some impacts on what may be required, and they need to understand the implications it may cause.

Commissioner Erickson asked if the Entry Corridor Plan was adopted as an element of the General Plan. Administrator Putt replied that the Entry Corridor Plan was adopted by City Council resolution. He could not find documentation that the plan came to the Planning Commission for review and ratification, and it was not included in the General Plan. Commissioner Erickson recalled that the Planning Commission reviewed the plan, but no action was required. They discussed the possibility of making it part of the General Plan but he did not know if that was carried through.

Commissioners Jones and Zimney stated that they were also on the Planning Commission at that time, and both recalled little Planning Commission involvement in the Entry Corridor Plan.

Commissioner Larson stated that the 30-foot, no-build zone in the FPZ should be part of the review.

Commissioner Larson felt the barn should be addressed as part of the open space element of the General Plan, not as part of this discussion.

Commissioner Hier remarked that traffic and parking limitations will preclude much use for the barn. He believed uses for the barn was a moot point.

Commissioner Zimney commented that winter uses will require lights by three or four o'clock when the sun goes behind the hill. She believed this plan challenged the intent to preserve the entry corridor.

Commissioner Erickson stated that he understood there are no functional uses of the barn itself. He suggested a policy statement that the physical barn and two silos are not to be used for anything other than appearance. The Commissioners concurred.

Chair O'Hara noted that SLOC has been eyeing the Farm, and he requested that the Planning Commission be made aware of any proposals SLOC brings to the City. One challenge will be defining the activities, and the Planning Commission needs to play a part in those decisions.

Chair O'Hara asked for comments on the draft administrative policy. He noted that several items in the original documents were driven by the Symposia and the community and brought forward or omitted as the master plan was changed. Those items need to be addressed, and the language in the policy needs to be more definitive. He pointed out that the draft policy does not address noise, and they need to consider amplified music and public address systems. He suggested prohibiting smoking on the grounds. Consideration needs to be given to extending the bus route and addressing such issues as food preparation and service. He asked if the 100-person limit would include support staff and catering or if the number will be 100 plus.

Commissioner Larson referred to the general policy guidelines and the section limiting the uses to 100 people. He would need to see a great sales job on how to park 100 people. The allowable use number must be contingent on parking, and it cannot be over and above. He felt there were huge loopholes in the document. He agreed that they needed to be more definitive and careful about what they approve. He expressed concern about temporary lighting. He believed they should either require that temporary lighting follow the Park City lighting ordinance or put it in place and make it part of the use criteria. He noted that a visitors center is mentioned in the document and suggested that it be addressed as a separate CUP because it has its own set of problems and issues. He wondered if tents would be allowed. Currently there are no restrictions on what can be done once someone is allowed to use the Farm, and these issues need to be clearly addressed. He noted that the municipality gets first priority for special events use, and he felt they should find a more equitable distribution of uses between municipal and civic communities. He felt they should address the impacts first and let the uses fall out of that. He suggested establishing performance criteria to evaluate the uses. The performance criteria would include the number of people, staff, caterers, etc. He noted that general public use and special event use have not been separated and will occur simultaneously. When the number of people attending a special event exceeds the parking limit, the lot will have to be closed, and the general public will not have access for passive recreation, which is an issue that needs to be addressed. Once you exceed the threshold of an established number, it is necessary to provide a transportation and parking plan that clearly outlines how you intend to get people to the Farm. Commissioner Larson believed one of the performance criteria should be indoor/outdoor uses. He shared Chair O'Hara's concern regarding temporary outdoor lighting.

Commissioner Zimney agreed with Commissioner Larson, particularly the restrictions he outlined. In 1992 the property was purchased for passive open space, and the City has recently purchased the Richards parcel to continue protection of open space. She believed that only passive and low impact uses should be allowed. People should go there to have picnics, ride their bikes, and walk. There is no justification for a parking lot in the entry corridor, which violates every reason for purchasing open space.

Commissioner Jones agreed that there are many issues and details that needed to be worked out. He saw the process as being a joint process with the Parks and Rec Board as they identify uses and ramifications.

Public input will also set some of the direction. The Planning Commission can be of assistance by identifying the ramifications of particular uses. He wanted to see the community take small steps and suggested starting with a few uses to gain experience before deciding to build big parking lot or try other things. He felt the document fully supported passive, low impact uses. From his perspective, the use is for the community, and they should start with community uses and not allow private uses at this point. This step should eliminate many issues that surface when discussing potential uses. He commented that there is a lot of work to be done, and he hoped the Parks and Rec Board would participate. Regarding parking, he noted that there is trail head parking on the same side of the road which will access the new bike trail. He believed this element should be addressed with this process.

Commissioner Erickson agreed with the other Commissioners. The 1992 resolution is his guidance, and he saw a fundamental shift in the proposed uses from municipally sponsored events to private events. He felt this should be the first distinction for review in terms of operation. He agreed that uses should be held to municipal and community events, but a municipal event still restricts the general public. He believed 27 days far exceeded what was contemplated in this area. The barn has been described as a visual icon, and no use should restrict the ability of that site to remain a visual icon. The arts community should be able to go to the Farm any time of any day and not have to overlook port-a-potties or tents. He stated that he would need a compelling reason to move forward with private uses.

Regarding regulatory bodies, Commissioner Hier wanted to know if UDOT would come into this process with regard to what can take place along

Highway 224. Administrator Putt referred the question to City Engineer Eric DeHaan. Commissioner Hier stated that he did not need an answer, but it is something that should be considered. He thought the administrative policy was a good document, but he believed it was too lenient for the same reasons stated by the other commissioners. He believed the parking plan would require a traffic study. The impacts will be significant, and parking may have to be restricted to special events only. He had a bigger issue with traffic coming in and out all day every day as opposed to one day for a special event. He referred to the trails and noted that everything planned within the Snyderville Basin is planned in conjunction with the Trails Foundation. He believed language should be added to the CUP stating that it will work with and abide by the master trails program.

Commissioner Hays agreed with the other comments, although she was unsure if a traffic study was necessary. She envisioned a very passive use, and if parking is not allowed, people will make other arrangements. She believed it would be possible to use buses to service the area. She was uncomfortable with private use, because it is not community oriented or passive.

Mr. Hull stated that he was delighted to hear the Commissioners' comments. He wanted it to be clear that the Parks and Rec Board was not taking the position of being event promoters. Their position is to protect the Farm, which is the mandate that came from the Landmark Symposium. He was pleased with the direction to restrict rather than encourage activities. Many on the Parks and Rec Board would be delighted to not have parking at the Farm and use public transportation. He viewed the Farm as a community treasure and did not want to limit public access.

The Parks and Rec Board has never favored large, invasive uses, and their intent is to protect.

Frank Bell, a member of the City Staff, stated that the issue of Olympic uses continues to come up. He requested a poll from the Planning Commission to see if they were interested in reserving judgement on Olympic uses until some of the issues mentioned this evening can be clarified. He agreed with many of the issues and believed most of them could be dealt with in a users agreement. He understood that the Farm buildings are on sensitive ground, and he shared the concerns about open space and the entry corridor. However, they are City buildings, and two other sensitive buildings are presently administered under a variety of City policies. City policies guide the use of the Miners Hospital and the Library and Education Center. Mr. Bell echoed the comments that not all the issues need to be resolved at one time, and they need a sense of whether or not they are on the right track. Regarding parking, he referred to the number of people from the Planning Commission and the Parks and Rec Board who chose to drive their cars rather than take a bus to the site visit. He did not think that eliminating a parking lot would resolve the parking issue. The reality is that there is parking at the Farm as demonstrated by those who made their own parking today. He emphasized that processes are already in place to administer City buildings, and he hoped some of those processes would be considered before considering a new administrative process. He requested that some of the administration be consolidated to avoid creating an administrative monster.

Commissioner Larson asked if Olympic uses refers to uses between now and the Olympics or during the Olympics. Mr. Bell replied that he meant both. There will be Olympic opportunities for the building between now and the Olympic games. As they games approach, potential users for the two buildings will be lining up. He noted that the barn is a separate issue and will not be considered for use.

Commissioner Hier asked if the uses would be daytime or evening. Mr. Bell suspected they would be both, but he did not envision uses late into the night. One question is whether an Olympic use is a City sponsored event, and he did not have a clear answer.

Chair O'Hara stated that the Planning Commission is leaning toward the original intent and wording of the 1995 Master Plan which states that the user will be the City as a sponsor or co-sponsor. He felt it would not be an issue for the City to co-sponsor the Olympics.

Mr. Bell explained that the 1995 agreement predates the Olympic bid award, so there will be an opportunity to discuss it in conjunction with the 1995 agreement.

Commissioner Erickson was convinced that they would need precision when discussing the Olympics, because there are many people and groups that come under the banner of Olympics, including equipment manufactures and insurance salesmen. Mr. Bell stated that they are currently talking with SLOC regarding the Farm building, but he could see other requests on the horizon. He did not disagree with Commissioner Erickson's concern.

Commissioner Erickson stated that he was comfortable with SLOC uses as long as they meet the guidelines. He was not interested in moving toward the follow-on cadres. Mr. Bell felt they could work with that under the assumption that it is either a City event or a SLOC event, and these issues could be fine tuned at a later date.

Commissioner Jones asked Mr. Bell to name some of the proposed SLOC uses. Mr. Bell replied that they have discussed sponsor workshops which would consist of small groups and low impact activities. There could also be athletic uses. He believed people were waiting for this property to become available, and he believed Commissioners Erickson's comments were valid that some degree of specificity will be necessary.

Commissioner Larson indicated that most of his comments this evening depended on parking. He needed to see a site plan and landscape plan before he could address the parking issue further. The Planning Commission needs all the information required of any applicant, and they have no specifics and are being asked philosophical questions that cannot be answered without seeing what is proposed.

Mr. Hull stated that he was pleased that the Planning Commission strongly favored protecting the property. Refinancing of the bonds created very nice buildings, and he was afraid that because so much money was spent on them, they would have to be used excessively. He was pleased to know that the Planning Commission does not think that is necessary. He felt they should base the uses on what the community wants and what the impacts dictate.

Administrator Putt summarized that the Staff should return on September 22 with a synopsis of the findings from the Symposium. The Staff will look at the parking issue and try to work on alternatives and related issues. He will request that Ron Ivie attend the work session on

September 22 to give his assessment of parking impacts. He has prepare a punch list of comments on the policy document and offered to work with Parks and Rec to address some of the input given on policies so the discussion can continue on September 22.

PARK CITY
1884

CITY COUNCIL STAFF REPORT

Date: September 23, 1999
Department: Community Development Department
Title: Condominium Conversion at 1821 Sidewinder Drive (Park Centennial Condominiums)
Type of Item: Legislative

Summary Recommendations: Conduct a public hearing and consider adopting the attached ordinance approving a Condominium Conversion to the Park Centennial Condominiums.

A. Topic

Applicant:	Dean Berrett/Park Centennial Condominiums
Location:	1821 Sidewinder Drive
Proposal:	Condominium Conversion
Zoning:	General Commercial (GC)
Adjacent Land uses:	Commercial
Project Planner:	Kevin LoPiccolo
Date of Application:	June 2, 1999

B. Background Information

The Planning Commission at their August 25, 1999 meeting voted to forward to City Council a positive recommendation to approve a condominium conversion for Park Centennial Condominiums located at 1821 Sidewinder Drive. This request is to allow an existing structure (Lot 9C) that was built in 1986 to be condominiumized. This request is to formally condominiumize the existing office building that will enable the property owner to sell the units separately.

C. Analysis

The condominium conversion for Lot 9C is straightforward and staff has no outstanding concerns about this request provided that the Council finds that:

(1) there is good cause for this condominium plat;

(2) neither the public nor any person will be materially injured by the proposed condominium plat; and

(3) the plat is consistent with the Park City Land Management Code and applicable State Law regarding condominiums plats.

The conversion of the existing building will not change the existing use of the building. Any future construction onto the expandable portion of the plat would be subject to a plat amendment. The extent and amount of development on the expanded portion of the proposed condominium plat will be the same as would be allowed if it were built on as an individual lot considering that the lots in this area are zero lot line provided that it complies with all applicable codes.

D. Department Review

The City's Staff Review Team and City Attorney's Office have reviewed this application and find it to be in conformance with all requisite city development codes. The City Attorney's office will review the plat and CC&R's before recordation.

E. Public Input

Property owners within 300 feet of the project were notified on August 10, 1999. The property was properly posted and legally noticed. As of this date of this report, staff has not received any public input concerning this application.

Alternatives:

A. Approve the proposed amendment thereby allowing individual ownership of each unit.

B. Deny the condominiumization and retain the current form of ownership.

C. Continue the item and request additional evaluation from staff.

Significant Impacts:

The proposal results in a condominium conversion allows individual ownership of each unit. Approval of this application will not result in any significant impacts to the neighborhood as the structure known as 1821 Sidewinder Drive is built, and the adjacent lot is platted and could be built upon through obtaining a Building Permit provided that it complies with the General Commercial Zone and Prospector Square Floor Area Ratio of 2.0.

Consequences of not taking the recommended action:
If the Council denies the condominium conversion as proposed, the property will remain under single ownership.

F. Recommendation

Staff recommends approval of the proposed condominium conversion and lot combination to occur at 1821 Sidewinder Drive based upon the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact:

1. The property is within the General Commercial Zone.

2. The proposed plat changes the type of ownership of this property to condominium ownership.

3. Both the Park City Land Management Code and the General Plan allow condominium conversions to commercial buildings in the GC zone when all minimum code requirements are met.

4. Lot 9C has an existing office building. Platted Lot 9B is proposed as expandable property.

5. Lot 9B is shown as expandable property. Any addition to Lot 9C would require a Plat Amendment.

6. Parking requirements for the existing building are satisfied by the existing common parking provided in the Prospector Square development.

7. The applicant has agreed to the conditions of approval.

Conclusions of Law:

1. There is good cause for this condominium plat.

2. Neither the public nor any person will be materially injured by the proposed condominium plat.

3. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominiums plats.

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the condominium plat, for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.

2. Any future building addition to the existing building on Lot 9C onto Lot 9B shall require a plat amendment. No building shall cross property line separating Lot 9C from Lot 9B.

3. This approval does not approve the proposed "future" improvements shown of the elevations.

4. All standard project conditions shall apply.

5. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee.

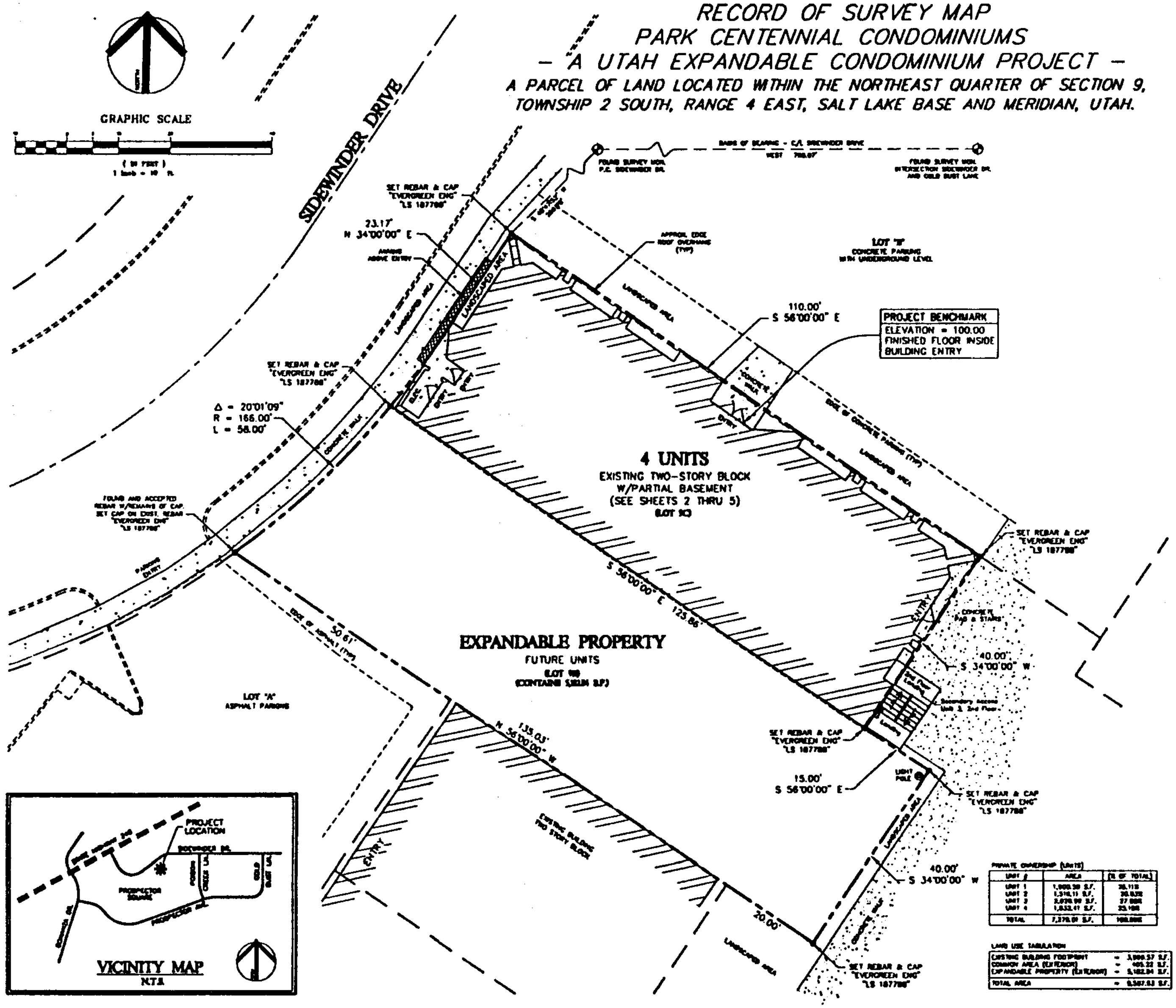
6. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval and the plat shall be void.

G. <u>Exhibits</u>

A. Proposed Condominium plat
B Location Map
C. Proposed Ordinance

M:\CDD\KL\CC99\PLAT\SIDE1821.WPD

RECORD OF SURVEY MAP
PARK CENTENNIAL CONDOMINIUMS
– A UTAH EXPANDABLE CONDOMINIUM PROJECT –
A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, UTAH.



PRIVATE OWNERSHIP (UNITS)

UNIT #	AREA	(% OF TOTAL)
UNIT 1	[illegible] S.F.	[illegible]
UNIT 2	[illegible] S.F.	[illegible]
UNIT 3	[illegible] S.F.	[illegible]
UNIT 4	1,832.41 S.F.	[illegible]
TOTAL	[illegible] S.F.	[illegible]

LAND USE TABULATION

EXISTING BUILDING FOOTPRINT	= [illegible] S.F.
COMMON AREA (EXTERIOR)	= 405.22 S.F.
EXPANDABLE PROPERTY (EXTERIOR)	= 5,182.04 S.F.
TOTAL AREA	= [illegible] S.F.

LEGAL DESCRIPTION

LOTS 9-B & 9-C, AMENDED PLAT PROSPECTOR SQUARE, RECORDATION NO. 123443 AND PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, RECORDATION NO. 387064, ACCORDING TO THE OFFICIAL PLATS THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SURVEY/ROAD MONUMENT LOCATED AT THE INTERSECTION OF SIDEWINDER DRIVE AND GOLD DUST LANE; THENCE WEST 705.07 FEET TO A SURVEY/ROAD MONUMENT LOCATED IN SIDEWINDER DRIVE AND AS SHOWN ON THE AMENDED PLAT PROSPECTOR SQUARE; THENCE SOUTH [illegible] WEST [illegible] FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHERLY MOST RIGHT-OF-WAY LINE OF SAID SIDEWINDER DRIVE AND THE NORTHERLY MOST CORNER OF LOT 9C, AMENDED PLAT PROSPECTOR SQUARE, RECORDATION NO. 123443.
(BASIS OF BEARING BEING WEST BETWEEN SAID SURVEY/ROAD MONUMENTS LOCATED IN SIDEWINDER DRIVE)
THENCE SOUTH 56° 00' 00" EAST ALONG THE SOUTHWESTERLY BOUNDARY LINE OF PARKING LOT B, A DISTANCE OF 110.00 FEET; THENCE SOUTH 34°00'00" WEST A DISTANCE OF 40.00 FEET; THENCE SOUTH 56°00'00" EAST A DISTANCE OF 15.00 FEET; THENCE SOUTH 34° 00' 00" WEST A DISTANCE OF 40.00 FEET; THENCE NORTH 56°00'00" WEST A DISTANCE OF 135.03 FEET THE POINT OF A NON-TANGENT 166.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS NORTH [illegible] WEST, SAID POINT OF CURVE LIES ON THE SOUTHERLY MOST RIGHT-OF-WAY LINE OF SAID SIDEWINDER DRIVE AND IS ALSO THE NORTHEASTERLY MOST CORNER OF PARKING LOT A; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) CALLS: 1) THENCE 58.00 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°01'09" TO THE POINT OF A TANGENT LINE; 2) THENCE NORTH 34°00'00" EAST A DISTANCE OF 23.17 FEET TO THE POINT OF BEGINNING.

CONTAINS: 0.22 ACRES OR [illegible] SQUARE FEET

NOTES

1. BASIS OF BEARING: FOUND AND ACCEPTED MONUMENTS AS SHOWN HEREON.
2. PROPERTY CORNERS: SET OR FOUND AS SHOWN HEREON.
3. LOCATED WITHIN THE NE 1/4 OF SEC. 9, T. 2 S., R. 4 E., S.L.B.&M., PARK CITY, SUMMIT COUNTY, UTAH.
4. THE BASE INFORMATION FOR THIS SURVEY PLAT WAS TAKEN FROM A RECORD OF SURVEY ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, RECORDATION NO. S-____. THE RECORD OF SURVEY WAS COMPLETED BY THIS OFFICE AND IS FOR LOTS 9B & 9C, AMENDED PLAT PROSPECTOR SQUARE AND PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, AS RECORDED.
5. THIS PLAT REPRESENTS A CONDOMINIUM CONVERSION OF LOT 9C, AMENDED PLAT PROSPECTOR SQUARE AND PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, AS RECORDED, WITH EXPANDABLE PROPERTY, IDENTIFIED AS LOT 9B, AMENDED PLAT PROSPECTOR SQUARE AND PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, AS RECORDED.
6. COVENANTS, CONDITIONS, RESTRICTIONS, REQUIREMENTS, EASEMENTS, OR ANY ITEMS PREVIOUSLY ASSOCIATED WITH LOTS 9B & 9C, REMAIN IN EFFECT. ALL REQUIREMENTS SET FORTH TO THIS CONDOMINIUM CONVERSION ARE IN ADDITION TO PREVIOUSLY ASSOCIATED ITEMS.
7. AS NOTED ON THE PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, "ALL PRIVATE COMMON SEWER LATERALS LOCATED IN THE PARKING LOTS ARE TO BE PRIVATELY OWNED AND MAINTAINED BY THE BUILDING LOT OWNERS SERVED BY THE COMMON SEWER LATERALS. THE BUILDING LOT OWNERS SHALL BE RESPONSIBLE FOR THE OWNERSHIP, OPERATION, MAINTENANCE, REPLACEMENT, AND INFILTRATION/INFLOW CONTROL OF THE PRIVATE COMMON SEWER LATERALS." THE RESPONSIBILITY FOR THIS IS ACCEPTED BY THE OWNERS AND THE ASSOCIATION OF CONDOMINIUM OWNERS OF THIS CONDOMINIUM PROJECT FOR ABOVE LISTED ITEMS ASSOCIATED WITH LOT 9C, HEREAFTER TO BE KNOWN AS "PARK CENTENNIAL CONDOMINIUMS", AND, IF APPLICABLE, LOT 9B, THE EXPANDABLE PROPERTY.
8. SEE ATTACHED BUILDING FOOTPRINT DETAIL, ARCHITECTURAL PLANS FOR FLOOR PLANS AND BUILDING ELEVATIONS.
9. THIS PLAT IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE PARK CENTENNIAL CONDOMINIUMS, AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, ENTRY NO. ____ BOOK ____ PAGE(S) ____
10. THE SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT (S.B.S.I.D.) ACCEPTS NO RESPONSIBILITY FOR THE PRIVATE COMMON SEWER LATERALS SERVING THIS PROJECT.

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8, CONDOMINIUM OWNERSHIP ACT (TITLE 57, CHAPTER 8, UTAH CODE ANNOTATED 1953 AS AMENDED BY SESSION LAWS OF UTAH 1994).

GREGORY R. WOLBACH ________ DATE ________

STATE OF UTAH — GREGORY R. WOLBACH — NO. 187788 — PROFESSIONAL LAND SURVEYOR

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREAFTER KNOWN AS "PARK CENTENNIAL CONDOMINIUMS", CERTIFY THAT WE HAVE CAUSED THIS SURVEY TO BE MADE AND THIS RECORD OF SURVEY PLAT TO BE PREPARED. WE DO HEREBY CONSENT TO THE RECORDATION OF THIS SURVEY PLAT.

HK LTD., A UTAH GENERAL PARTNERSHIP, AS TO LOT 9B
BY: DEAN S. BENNETT, GENERAL PARTNER

CENTENNIAL DEVELOPMENT PARTNERSHIP, A UTAH GENERAL PARTNERSHIP, AS TO LOT 9C
BY: DEAN S. BENNETT, GENERAL PARTNER

ACKNOWLEDGEMENT(S)

STATE OF UTAH }
COUNTY OF SUMMIT } DEAN S. BENNETT, GENERAL PARTNER, HK LTD.

ON THE ____ DAY OF ______, 1999, PERSONALLY APPEARED BEFORE ME DEAN S. BENNETT, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS A GENERAL PARTNER OF HK LTD., A UTAH GENERAL PARTNERSHIP, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF SAID GENERAL PARTNERSHIP AND FURTHER ACKNOWLEDGED TO ME THAT SAID GENERAL PARTNERSHIP EXECUTED THE SAME.

NOTARY PUBLIC ______ MY COMMISSION EXPIRES ______ RESIDING IN ______ COUNTY, UTAH

ACKNOWLEDGEMENT(S)

STATE OF UTAH }
COUNTY OF SUMMIT } DEAN S. BENNETT, GENERAL PARTNER, CENTENNIAL DEVELOPMENT PARTNERSHIP

ON THE ____ DAY OF ______, 1999, PERSONALLY APPEARED BEFORE ME DEAN S. BENNETT, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS A GENERAL PARTNER OF HK LTD., A UTAH GENERAL PARTNERSHIP, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF SAID GENERAL PARTNERSHIP AND FURTHER ACKNOWLEDGED TO ME THAT SAID GENERAL PARTNERSHIP EXECUTED THE SAME.

NOTARY PUBLIC ______ MY COMMISSION EXPIRES ______ RESIDING IN ______ COUNTY, UTAH

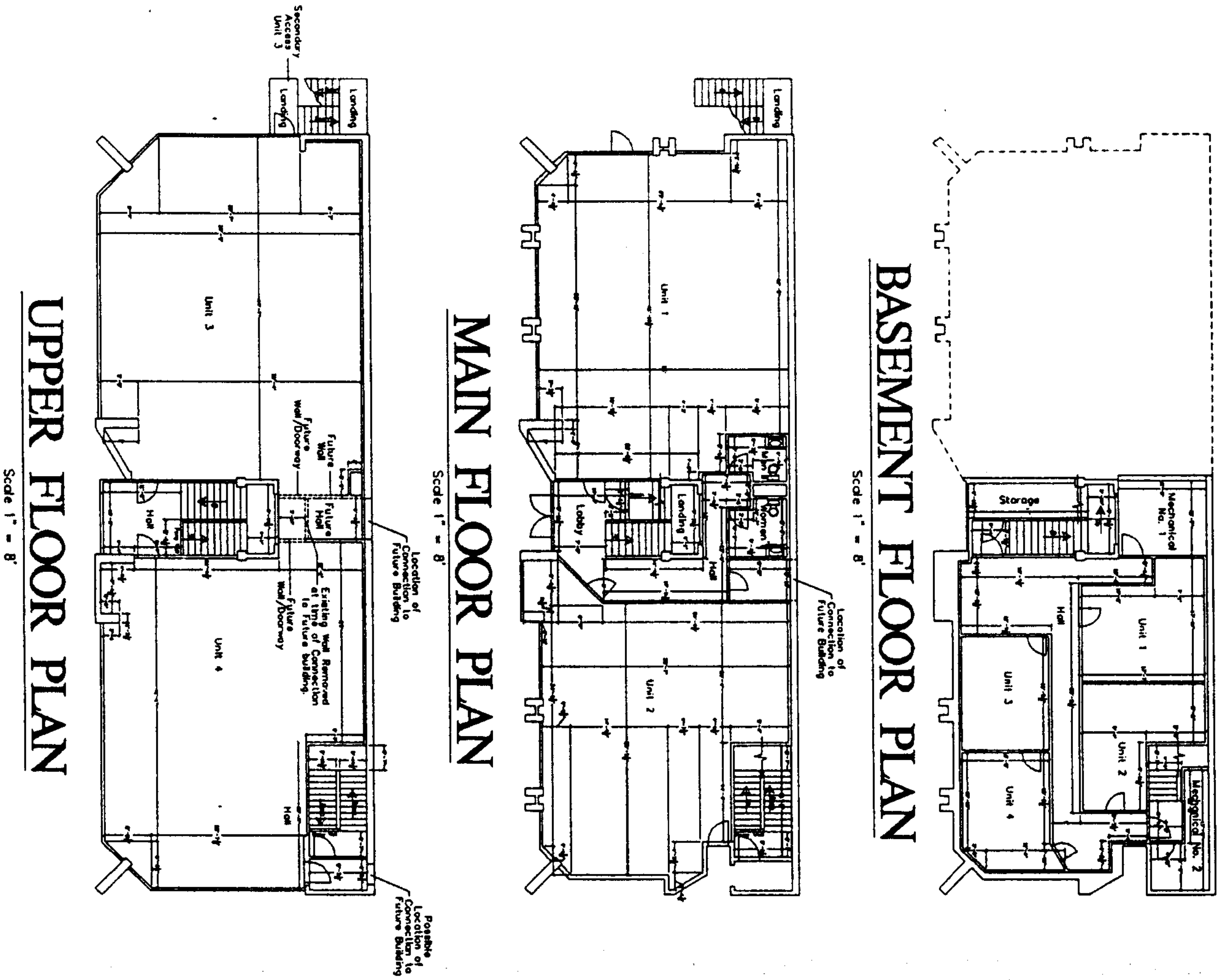
SHEET 1 OF 5

CITY PLANNING COMMISSION	CITY ENGINEER	CITY COUNCIL APPROVAL	APPROVAL AS TO FORM	RECORDED	SNYDERVILLE BASIN S.I.D.
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ____ A.D. 1999. CHAIRMAN	APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS ____ A.D.	PRESENTED TO THE BOARD OF ____			[illegible]ED FOR CONFORMANCE TO [illegible]VILLE BASIN SEWER IMPROVEMENT [illegible] STANDARDS ON THIS ____ DAY ____ AD 1999. BY: ____ S.B.S.I.D.

EXHIBIT A - PROPOSED CONDOMINIUM CONVERSION

Evergreen Engineering, Inc.

RECEIVED
AUG 3 [illegible]



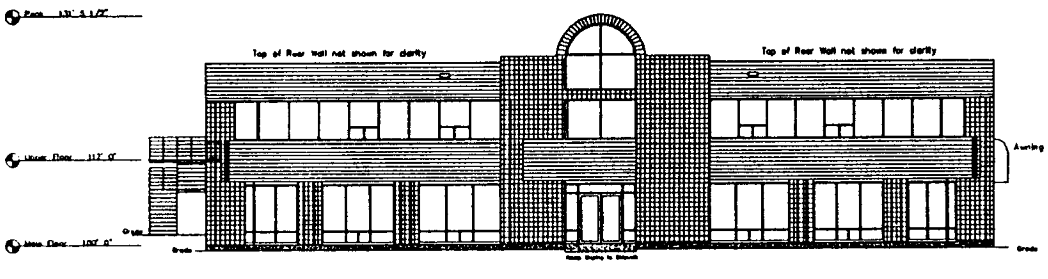
PARK CENTENNIAL CONDOMINIUMS

FLOOR PLANS

HK LTD. & CENTENNIAL DEV. PARTNERSHIP | FLOORPLANS.DWG

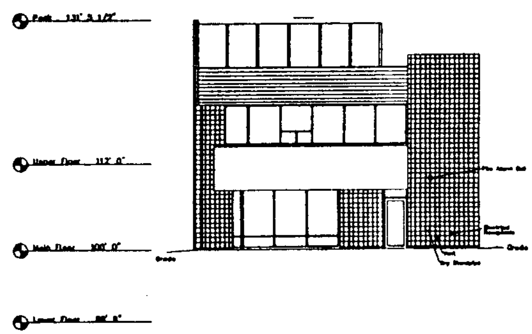
SURVEYED BY CRW/AL
DRAWN BY AL
CHECKED BY CWR

Evergreen Engineering, Inc.



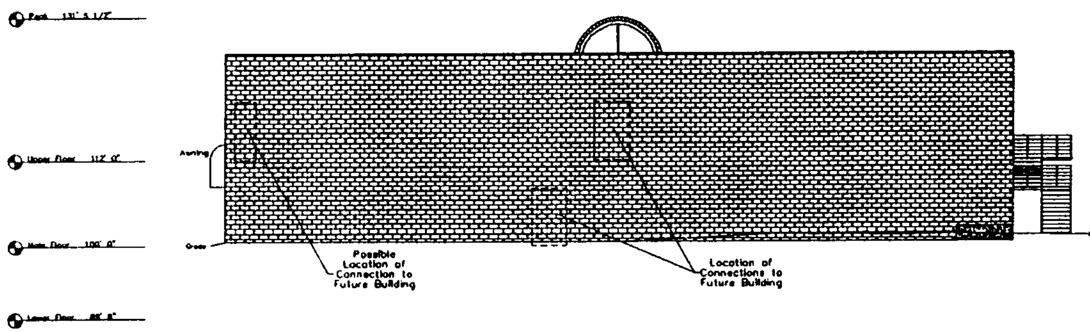
FRONT ELEVATION

Scale 1" = 8'



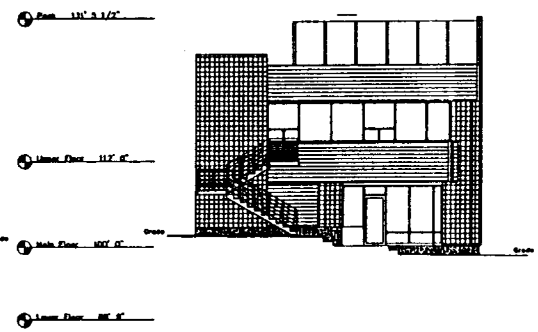
RIGHT ELEVATION

Scale 1" = 8'



REAR ELEVATION

Scale 1" = 8'



LEFT ELEVATION

Scale 1" = 8'

8" x 16" Cinder Block

T & G Wood Siding

8" x 16" Block

Evergreen Engineering, Inc.

SURVEYED BY: CRW/AL
DRAWN BY: AL
CHECKED BY: CWR

PARK CENTENNIAL CONDOMINIUMS
ELEVATIONS

HK LTD. & CENTENNIAL DEV. PARTNERSHIP

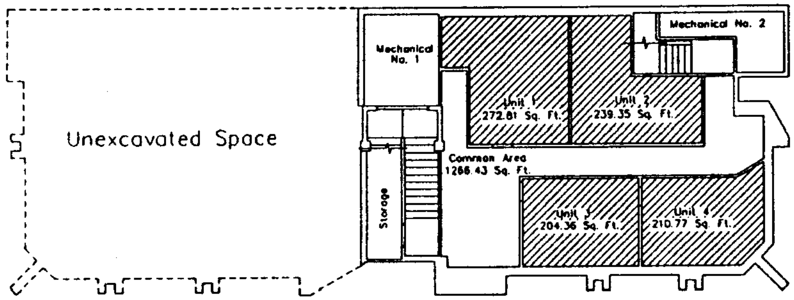
FLOORPLANS.DWG

BASEMENT FLOOR USE (AREA)

Private Ownership Area:
1 = 272.81 Sq. Ft.
2 = 239.35 Sq. Ft.
3 = 204.36 Sq. Ft.
4 = 210.77 Sq. Ft.

Common Area:
1266.44 Sq. Ft.

Total Square Footage: 2,183.73 Sq. Ft.



BASEMENT FLOOR PLAN

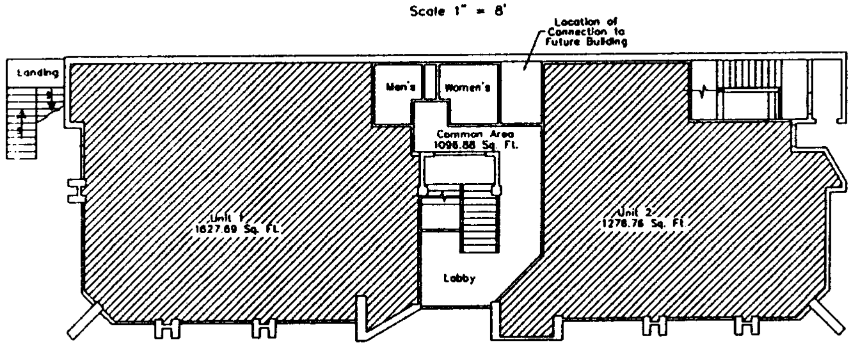
Scale 1" = 8'

MAIN FLOOR USE (AREA)

Private Ownership Area:
Unit 1 = 1,627.69 Sq. Ft.
Unit 2 = 1,276.76 Sq. Ft.

Common Area:
1,096.88 Sq. Ft.

Total Square Footage: 4,001.33 Sq. Ft.



MAIN FLOOR PLAN

Scale 1" = 8'

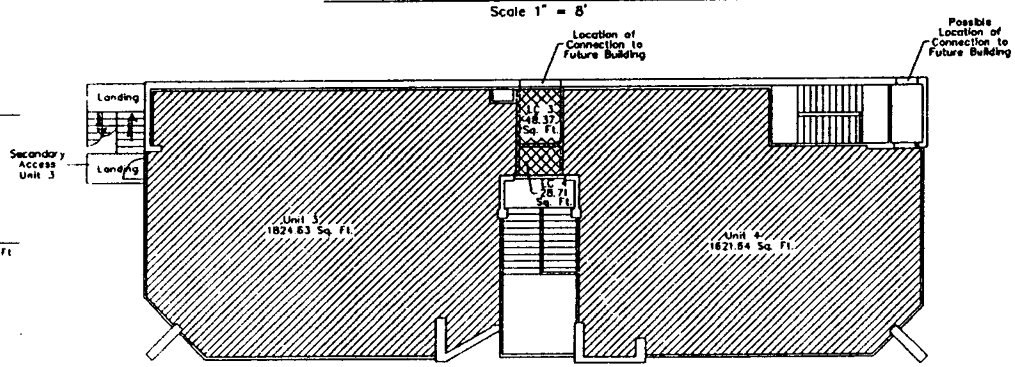
UPPER FLOOR USE (AREAS)

Private Ownership Area:
Unit 3 = 1,824.63 Sq. Ft.
Unit 4 = 1,621.64 Sq. Ft.

Limited Common Area:
LC 3 = 48.37 Sq. Ft.
LC 4 = 28.71 Sq. Ft.

Common Area:
747.96 Sq. Ft.

Total Square Footage: 4,271.31 Sq. Ft.



UPPER FLOOR PLAN

Scale 1" = 8'

Private Ownership Area

Common Area

Limited Common Area

Total Private Ownership Area
7,278.01 Sq. Ft.

Total Limited Common Area
77.08 Sq. Ft.

Total Common Area
3,111.28 Sq. Ft.

Grand Total All Area
10,468.37 Sq. Ft.

PARK CENTENNIAL CONDOMINIUMS
AREA DELINEATION

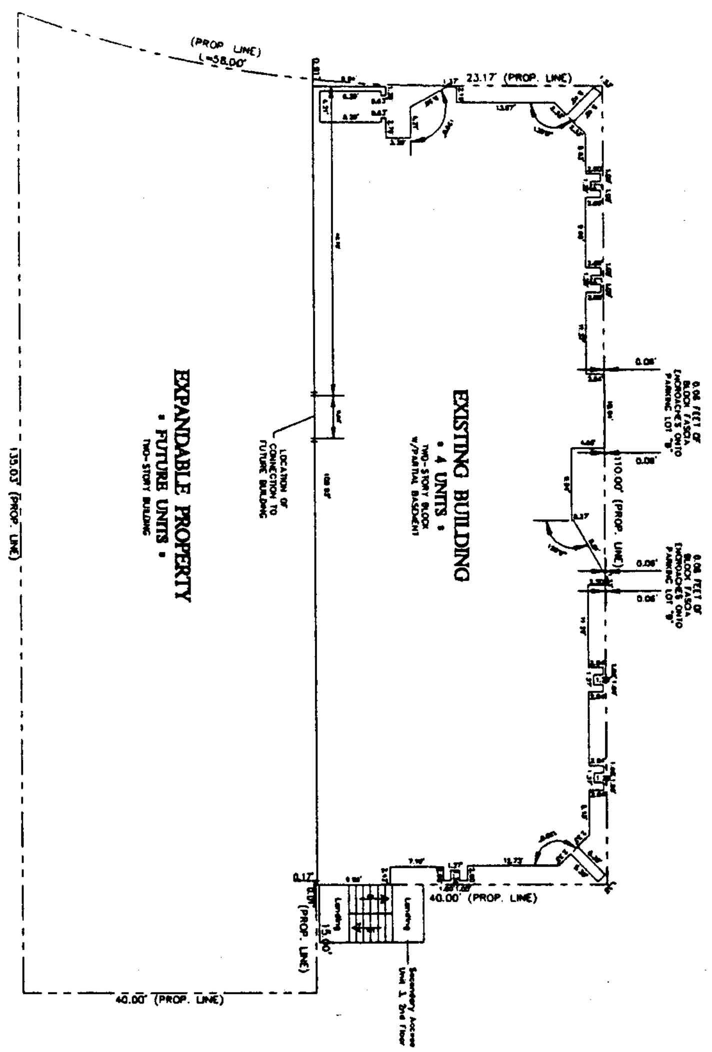
BK LTD. & CENTENNIAL DEV. PARTNERSHIP | FLOORPLAN.DWG

SURVEYED BY: CRW/AL
DRAWN BY: AL
CHECKED BY: GWR

Evergreen Engineering, Inc.

DETAIL - EXISTING BUILDING

Scale 1" = 8'



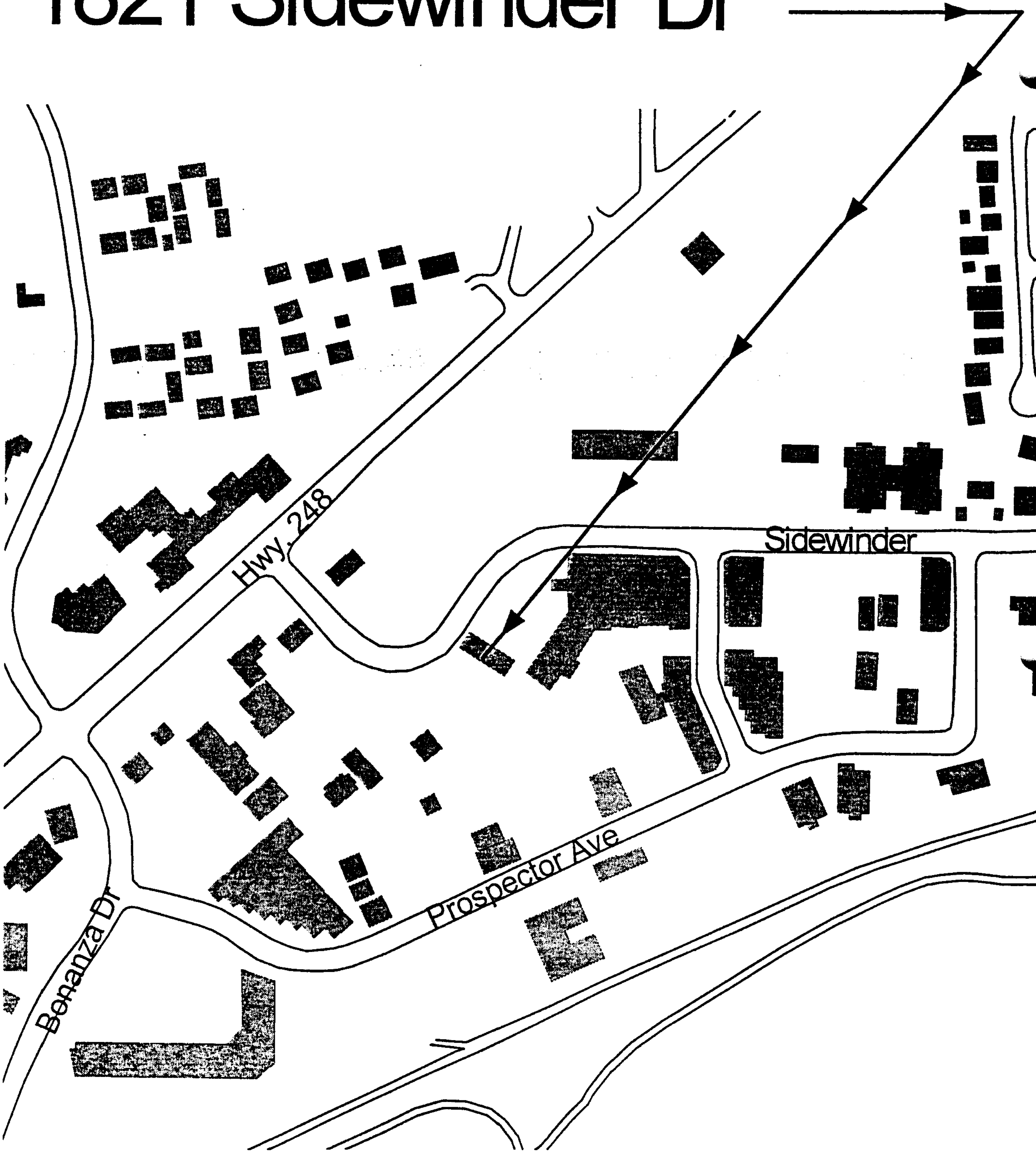
PARK CENTENNIAL CONDOMINIUMS
BUILDING FOOTPRINT - DETAIL

HK LTD. & CENTENNIAL DEV. PARTNERSHIP | PARKCEN-FT.DWG

SURVEYED BY: GRW/AL
DRAWN BY: GRW
CHECKED BY: GRW

Evergreen Engineering, Inc.

1821 Sidewinder Dr



PARK CITY 1884

EXHIBIT B - VICINITY MAP

PARK CITY
1884

Ordinance No. 99-

AN ORDINANCE APPROVING A CONDOMINIUM CONVERSION TO THE PARK CENTENNIAL CONDOMINIUMS LOCATED AT 1821 SIDEWINDER DRIVE, PARK CITY, UTAH

WHEREAS, the owner, Centennial Development Partnership of the property known as 1821 Sidewinder Drive, have petitioned the City Council for approval of a Condominium Conversion to Park Centennial Condominium; and

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

WHEREAS, on August 5, 1999 the Planning Commission held a public hearing to receive public input on the proposed Condominium Conversion and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner; and

WHEREAS, on September 23, 1999, the City Council held a public hearing to receive input on the proposed Condominium Conversion; and

WHEREAS, the proposed plat changes the type of ownership of this property to condominium ownership; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Condominium Conversion.

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

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

1. The property is within the General Commercial Zone.

2. The proposed plat changes the type of ownership of this property to condominium ownership.

3. Both the Park City Land Management Code and the General Plan allow condominium conversions to commercial buildings in the GC zone when all minimum code requirements are met.

4. Lot 9C has an existing office building. Platted Lot 9B is proposed as expandable property.

5. Lot 9B is shown as expandable property. Any addition to Lot9C would require a Plat Amendment.

6. Parking requirements for the existing building are satisfied by the existing common parking provided in the Prospector Square development.

7. The applicant has agreed to the conditions of approval.

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

1. There is good cause for this condominium plat.

2. Neither the public nor any person will be materially injured by the proposed condominium plat.

3. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominiums plats.

SECTION 3. CONDITIONS OF APPROVAL. The proposed plat amendment attached as Exhibit A is hereby adopted with the following Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the condominium plat and CCR'S for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.

2. Any future building addition to the existing building on Lot 9C onto Lot9B shall require a plat amendment. No building shall cross property separating Lot 9C from Lot 9B.

3. This approval does not approve the proposed "future" improvements shown on the elevation.

4. All standard project conditions shall apply.

5. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee.

6. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval, this approval and the plat shall be considered void.

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

PASSED AND ADOPTED this 23rd day of September, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **September 20, 1999**

DEPARTMENT: **Special Events**

AUTHOR: **Frank Bell**

TITLE: **Proposed Amendments to the Master Festival License Ordinance**

TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: Conduct a work session and public hearing on the proposed ordinance and provide staff with direction on the revisions.

DESCRIPTION:

A. Topic.

The Title 4, Chapter 8 of the Municipal Code of Park City ("Code").

B. Proposal.

Amendments to the Code which clarify the process, statutory requirements, and definitions regarding the licensing of special events and master festivals.

C. Background and Analysis.

The Master Festival Ordinance was last amended in 1988. The current Code does not reflect the reorganization of the Special Events Manager position, nor the creation of the Olympic Planning and Special Events Department. The enclosed draft fixes the resulting inconsistencies in the Code, which still has the Chief of Police defined as the Special Events Manager. The draft also adds specific standards for award of a license, a conflicts provision, and revocation procedure.

Staff scheduled this matter in order to introduce the subject to the Council and receive public comment. Before proceeding with a final draft, staff requests direction on several issues:

1. Conflicts

With an increasing number of festivals, the City must address the problems of its success. To avoid the compounding impacts to the community, staffing burdens and public safety issues of two or more festivals occurring at the same time, staff added a conflicts provision allowing the City to reject an application if it conflicts with another festival. Does the Council agree that this section is necessary? How would the Council like staff to define "conflict." Any overlapping time schedule, or more substantive criteria?

2. Fees

The Code has specific fees waiver provisions. Staff recommends removing the fee language to the City's fee resolution and restricting fee waivers to a case-by-case review based upon hardship. Does the Council want to address, or omit, any particular City costs in the revised fee schedule?

3. Approval Procedure

The current Code requires all first time master festivals to go before the Council for a public hearing. Is there a size or type of event that the staff could handle administratively, without the necessity of Council review?

4. Approval Criteria

What additional approval criteria or application requirements would the Council like to see added to the Code?

D. <u>Alternatives</u>

1. Hold a work session and public hearing on the Ordinance. Continue the Public Hearing to a date uncertain. This is the recommended action.

2. Modify the Ordinance. If after public input and discussion during the work session, the Council desires further changes, it should direct staff accordingly.

E. <u>Recommendation</u>

Conduct a public hearing and work session on the ordinance.

DRAFT

ORDINANCE 99-___

AN ORDINANCE AMENDING TITLE 4, CHAPTERS 1 AND 8 OF THE MUNICIPAL CODE OF PARK CITY REGULATING SPECIAL EVENTS AND MASTER FESTIVALS; BY CLARIFYING DEFINITIONS AND THE STANDARDS AND PROCEDURES FOR LICENSE APPROVALS AND REVOCATION

WHEREAS, Section 10-8-84, Utah Code Annotated ("U.C.A.") allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by U.C.A. Title 10, Chapter 8 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, licensing is a legitimate and reasonable means of time, place, and manner regulation to ensure that sponsors and organizers of Special Events and Master Festivals comply with reasonable regulations; and

WHEREAS, the City Council desires to protect the rights of citizens to engage in activities protected by the free speech and expression provisions of the Constitutions of Utah and the United States subject to lawful time, place, and manner regulations necessary to protect the public health, safety, and welfare; and

WHEREAS, the City Council desires to establish a process for permitting individuals and groups to use City streets, properties, facilities, or services for Special Events and Master Festivals while maximizing the safety of participants and minimizing the inconvenience to the general public and disruption of public services; and

WHEREAS, the City Council desires to provide for cost recovery of City services required for Special Events and Master Festivals when such recovery will not unreasonably or unlawfully burden constitutionally protected activities; and

WHEREAS, the time, place and manner restrictions of this ordinance are required to protect important governmental interests and are reasonably related to achieve the protection of those interests with the minimum interference necessary to rights protected by state and federal constitutional provisions,

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

SECTION I. **AMENDMENT**. Pursuant to the findings above, which are hereby incorporated herein, Title 4, Chapter 1of the Municipal Code of Park City is hereby amended to read as follows:

4-1-1.13 **CORPORATE SPONSOR**. ~~within the meaning of Chapter 8 -Master Festival Licenses shall be~~ Any business enterprise or combination of business enterprises which provide funding for any special event in the amount of 50% or more of the funds necessary to promote the event or account for 50% or more of the events operating expenditure budget.

4-1-1.19 **FIREWORKS PERMIT**. ~~Normally applied for and paid for through~~ A permit issued by the City Fire Marshal for aerial or concession fireworks, pursuant to the Uniform Fire Code. ~~When fireworks are used in conjunction with a licensed event, the Master Festival License negates the need of a separate Fireworks Permit.~~

4-1-1.36 **~~PUBLIC~~ MASTER FESTIVAL**. Any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through the attraction of large crowds, necessity for street closures, or use of other public property, requires the use of public employees or equipment, or necessitates temporary business or liquor licensing in conjunction with the public impacts.

4-1-1.45 **SPECIAL EVENT**. Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates significant public impacts through the use of public property or employees, or could reasonably be interpreted to cause significant public impacts via disturbance, crowd, traffic/parking, or disruption of the normal routine of the community or affected neighborhood.

4-1-1.46 **SPECIAL EVENTS MANAGER ~~COORDINATOR~~**. ~~The Chief of Police of Park City Municipal Corporation.~~ The Special Events Manger or his/her designee within the Department of Special Events and Facilities.

4-1-1.47 **STREET CLOSURE**. The deliberate blockage of any public street or City owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction Street Closure in excess of four (4) hours requires a Master Festival License. Any non-construction related Street Closure, regardless of duration, of Main Street or any arterial street necessary for the safe and efficient flow of traffic in the City, shall require a Master Festival License.

4-1-1.48 **SPONSOR**. A person, group, or business which has contracted to provide financial or logistical support to any special event of ~~Public~~ Master Festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

4-1-1.52 **VENUE**. The location or locations upon which a Special Event or ~~Public~~ Master Festival is held, as well as the ingress and egress route when included in the festival license.

SECTION II. **AMENDMENT.** Title 4, Chapter 8 of the Municipal Code of Park City is hereby amended to read as follows:

CHAPTER 8 - MASTER FESTIVAL LICENSE

4-8-1. DEFINITIONS.

For the purpose of this Chapter the following terms shall have the meanings herein prescribed.

(A) **APPLICANT**. The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The ~~applicant~~ Applicant signs the festival license application and all other documents relevant to the event. The ~~applicant~~ Applicant must be a natural person or persons, and not a corporation, corporate sponsor, or business, or any other entity which is not a natural person (see Sponsor).

~~(B) **BUSINESS LICENSE**. As defined in Chapter 2 of this Title. A Business license may be temporarily replaced or altered for the purpose of a special event or public festival within the specific guidelines of the festival license.~~

(B~~C~~) **CONCESSION**. A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a licensed event. ~~Concessions are provided for within this Chapter in lieu of City business license regulations.~~

(C~~D~~) **FEES**. Charges assessed by Park City for licensing, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees, or public equipment assessed to an event or festival and established within the festival licensing process.

(D~~E~~) **LICENSEE**. The Applicant, as defined above, becomes the "licensee" when the Master Festival License is signed by the Special Events Manager, upon meeting all the criteria herein ~~Coordinator or receives formal City Council approval~~. As the license holder, the Licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, and insurance liabilities connected with the licensed event.

~~(F) **PUBLIC HOLIDAY**. Any state or national holiday or any locally declared day of celebration during which a Public Festival may be held. Such days are, but may not be limited to: 4th of July, Miners Day, and that portion of America's Opening (Friday after Thanksgiving) which is held on public property. Public Festivals on Public Holidays promoted by the Park City Municipal Corporation (City) and/or the Park City Chamber/Bureau and held on public property do not require festival licensing. Fees will be absorbed by the City as established by the Special Events Coordinator in an amount less than five hundred dollars ($500). Event expenditures for public holidays in excess of five hundred dollars ($500) require City Council approval.~~

4-8-2. UNLAWFUL TO OPERATE WITHOUT A LICENSE.

~~Unless exempted by state or federal law, it shall be~~ It is unlawful for any person, group, or business, to conduct a Special Event or ~~Public~~ Master Festival with or without charge for admission, on public or private property, without first applying for and being granted a Master Festival License for the specific event and its Venue(s). All licenses issued pursuant to this Title are non-transferrable and expire at the completion of the given event or revocation, whichever is earlier.

4-8-3. RENEWAL OF LICENSES.

Licensees under the provisions of this Chapter who successfully operate an event under the provisions of this Chapter and who wish to have the event on an annual or periodic basis, must renew each Master Festival License as if it were a new event. Events which occur in series such as concerts, falling under the criteria established in this Chapter, must have a Master Festival License ~~for~~ which specifically authorizes each concert in the series, even if the same performer is performing on separate occasions.

4-8-4. MASTER FESTIVAL LICENSE APPLICATION PROCEDURE.

Applications for Master Festival Licenses shall be made in writing to the Special Events Manager ~~Coordinator (Chief of Police)~~. Application materials are available at City Special Events Department ~~Hall~~ and the Chamber/Bureau offices, and must be completed and submitted to the Special Events Manager ~~Coordinator~~ not less than ~~forty-five (45)~~ sixty (60) days prior to the scheduled opening of the event. Application materials will be reviewed by the City staff and returned to the ~~applicant~~ Applicant with comments and a recommendation (i.e., approval as is, approval with changes, cause for denial) ~~within ten (10) working days from date of submission~~. Incomplete applications will be returned to the ~~applicant~~ Applicant and noted accordingly. Upon receipt of favorable recommendation and the signature of the Special Events Manager ~~Coordinator~~, or upon appeal of the Special Events Manager's denial, the application shall be noticed before the Park City Council ~~for public hearing, consent agenda, or renewal, whichever may apply, by the Special Events Coordinator upon properly public notice~~ at the next available City Council meeting. ~~Upon City Council approval of the application, the application will automatically evolve into a Master Festival License for the given event.~~

4-8-5. STANDARDS FOR LICENSE APPROVAL.

The Special Events Manager is authorized to approve a Master Festival License and make a favorable recommendation to City Council unless it is determined that any of the conditions enumerated in this Section exists at the time of application or is likely to occur. The Special Events Manager may prohibit or restrict any Special Event or Master Festival whenever any of the conditions enumerated in this Section is likely to occur, unless the event is modified to eliminate said condition.

(A) The conduct of the event will substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.

(B) The conduct of the event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

(C) The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.

(D) The event will substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

(E) Where applicable, the Applicant fails to provide the following: (1) the services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices; (2) monitors for crowd control or safety; (3) safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety; (4) adequate off-site parking, shuttle service, or both where necessary to minimize substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; (5) required insurance, cash deposit, or other security; or (6) any other services or facilities necessary to ensure compliance with City noise, sign, or other applicable ordinance(s).

(F) The event created the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

(G) The Applicant demonstrates an inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

(H) The Applicant has not obtained the approval of any other public agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.

4-8-6. CONFLICTING LICENSE APPLICATIONS.

When more than one Special Event or Master Festival Application is received for the same date(s), the Special Events Manager shall resolve the conflict. The Special Events Manager shall first attempt to reach an agreement among the conflicting Applicants to modify the applications in order to avoid conflicts and accommodate the public interest. If no voluntary agreement is reached, then the Special Events Manager shall resolve the issue based on the following order or priorities:

(A) Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if (1) the application is timely filed and processed by the City, and (2) said governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutional rights of conflicting Applicants;

(B) Historic usage Special Events or Master Festivals where the same Applicant has been granted a license under this Chapter for use of a particular City forum at a particular date, time, and place for more than three (3) consecutive years;

(C) If neither subsection (A) nor (B) is applicable, then the first-in-time application shall be given priority.

(D) After granting the request for the time, place, manner, and date, the Special Events Manager shall authorize the unsuccessful Applicant to use an appropriate public forum at another suitable time, place, date, and manner.

4-8-~~7~~5. LICENSES ~~ENCOMPASSED BY~~ NECESSARY FOR A MASTER FESTIVAL LICENSE.

The ~~Master Festival License~~ Applicant/ Licensee shall ~~include~~ provide to the Special Events Manager proof of a temporary business license, temporary liquor or beer license, fireworks license, and building permit as applicable, as well as a receipt acknowledging that all Special Events application fees have been paid. ~~, and banner permit either individually or in combination. This Section does not eliminate necessary state permits, licenses, or tax accountability, nor does this Section supersede any state permit, license, or tax regulation. A profit-making business or corporation promoting a Special Event which falls under the provisions of this Chapter must also have a fully paid Park City Municipal Corporation business license, as outlined in Chapter 2 prior to making application for a Master Festival License. Occupancy~~ The Licensee must obtain all permits for any temporary structure ~~establishment~~ constructed under the provisions of a Master Festival License and must pass all inspections as a condition precedent to a valid Special Event License. ~~will be provided to the Licensee upon compliance of all Code enforcement provisions and upon inspection by the Park City Building Department.~~

4-8-~~8~~6. FEES TO BE ASSESSED.

An application fee as established by Fee Resolution must be submitted with the annual application. Additionally, ~~Upon application,~~ the Special Events Manager ~~Coordinator~~ will~~, upon review of necessary services, property, and/or equipment as requested by applicant or deemed necessary by Special Events Coordinator,~~ provide the applicant with an estimate of fees based on City department user fees, salaries, equipment rental charges, and inspection charges to be assessed against the event for city services. A final assessment of City costs will occur upon completion of the Special Event. The Master Festival License fees will be adjudged to reflect actual cost.

4-8-~~9~~7. PAYMENT OF FEES, POSTING OF CASH DEPOSIT ~~BONDS~~.

Unless waived pursuant to the Fee Resolution~~this Chapter~~, all fees due the Park City Municipal Corporation as a result of a Special Event or Master Festival ~~special event or public festival~~, must be paid within thirty (30) days from the final day of the event. This Section further empowers the Special Events Manager ~~Coordinator~~ to require an ~~applicant~~ Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs ~~bond in an amount not to exceed one thousand dollars ($1,000)~~ prior to the issuance of a Master Festival License, as a guarantee against fees, damages, clean up, or loss of public property. ~~Bonds may be waived by the Special Events Coordinator upon demonstration by the applicant that adequate steps are provided for protection of public property, payment of fees, and Venue clean up.~~

4-8-10~~8~~. FEE WAIVERS.

The City Council may waive all or a portion of any Master Festival License fee upon a finding of hardship, pursuant to the Fee Resolution adopted by the City. ~~It is recognized that some events, particularly new events, may not have sufficient resources to pay City assessments and in fact, the event could not occur or would be significantly harmed if assessments were levied. For-profit events or events which are charitable or not-for-profit with budgets in excess of fifty thousand dollars ($50,000) will not be considered for fee waivers. The Special Events Coordinator shall make a recommendation in conjunction with the application approval process for a fee waiver based on one or more of the following criteria.~~

~~(A) Events without Corporate Sponsorship and which do not charge admission, will receive a 100% fee waiver, upon request, during the first year of operation.~~

~~(B) Events without Corporate Sponsorship and which do not charge admission will receive, upon request, a fifty percent (50%) fee waiver during the second year of operation. No additional waivers will be given beyond the second year of operation.~~

~~(C) Events having Corporate Sponsorship, which charge admission, or have some other source of funding, will upon request, receive a fifty percent (50%) fee waiver during the first year of operation or upon the first event, whichever is less. No additional waivers will be given.~~

~~(D) Charitable events having no Corporate Sponsorship and which charge two dollars ($2) or less admission, upon request for waiver and presentation of documents noting tax free status and intended donor, will have all fees waived until such time as the status of the event changes.~~

~~(E) Charitable events having Corporate Sponsorship, which charge admission, or sell tickets or any combination thereof, may receive a full, partial, or no fee waiver based upon request and presentation of a full event budget to the Special Event Coordinator who in turn will evaluate the event and the budget for applicability to this Section. Event budgets in excess of fifty thousand dollars ($50,000) in gross revenue, including donations, or fifty thousand dollars ($50,000) in~~

~~gross expenditures will not be considered.~~

4-8-11~~9~~. INSURANCE REQUIREMENTS.

Every event licensed under the provisions of this Chapter shall provide upon application for license proof of liability insurance in the amount of ~~one~~ two million dollars ($2,000,000 ~~1,000,000~~) or more as may be required by the Special Events Manager ~~Coordinator~~ or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured. Private events held on private property falling under the requirements of this Chapter shall further indemnify the City from liability occurring at the event.

4-8-12~~10~~. PUBLIC HEARING PROCESS.
All new Master Festival Licenses shall have a public hearing, properly noticed, as a matter of City Council business to be held not less than ~~ten (10)~~forty-five (45) calendar days from the proposed start date of the event. ~~The public hearing shall be the method by which members of the public, and particularly those persons affected by the event, can provide input or register protest.~~ ~~Each Master Festival License~~ The public hearing shall ~~only~~ be held only after the application process is completed ~~and the application is signed by the Special Events Coordinator~~, and all appropriate recommendations as to fee waivers and approvals for the event have been noted. Renewal licenses ~~and Public Holiday festival licenses, as promoted by the City and/or Chamber/Bureau, as defined above~~ do not require a public hearing, unless: (a) the event has so changed during the renewal period as to cause significantly different public impacts than originally intended, ~~or, in the case of Public Holiday festivals,~~ (b) the public impacts are so great as to cause mass inconvenience; or (c) the Special Events Manager recommends a public hearing because of past problems or non-compliance with the prior event(s). ~~and the likelihood of protest outweighs the elimination of the festival licensing process~~.

4-8-13. RUNS, WALKS, FILM-MAKING, AND PROMOTIONS.

Runs, walks, film-making, and promotions are not governed by the provisions of this Chapter unless such run, walk, film, or a promotion creates substantial public impact or requires substantial City service. Any run, walk, film, or promotion undertaken by any for-profit business or corporation, must first be licensed as a business under Chapter 2 Business Licenses. For-profit corporations falling under the provisions of this Chapter or who are specifically in film-making or promotions on public or private property must, as a provision of their license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of Code enforcement.

4-8-14~~12~~. CRIMINAL PENALTY.

Any person who willfully violates any provision of this Chapter shall be guilty of a Class B misdemeanor. Persons conducting Special Events or ~~Public~~ Master Festivals without having first obtained a Master Festival License are subject to arrest and the event is subject to closure.

4-8-15. REVOCATION FOR CAUSE; NOTICE TO CURE.

A. Notice to Cure. If the Special Events Manager or any sworn law enforcement officer determines that the conditions of any license issued pursuant to this Chapter have been or are being violated, then notice shall be given to the Licensee, sponsor, or designated organizer's representative of the Special Event or Master Festival to cure the violation.

B. Failure to Cure. It is unlawful for the Licensee, sponsor, or on-site organizer's representative of an authorized Special Event or Master Festival to fail to take reasonable steps to promptly cure any notice of violation of this Chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the Licensee, sponsor, or on-site organizer's representative to cure their violation of this Chapter.

C. Clear and Present Danger. If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police's designee, that any failure to cure a violation of this Chapter creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the Special Event or Master Festival, the Licensee, sponsor, or on-site organizer's representative of the Special Event or Master Festival shall be promptly notified that the license is revoked and that the Special Event or Master Festival must immediately cease and desist.

D. Violation of Cease and Desist Order. If a license is revoked as specified in subsection C above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities.

SECTION III. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this ___ day of ____________, 1999.

Park City Municipal Corporation

____

Bradley A. Olch, Mayor

DRAFT

H:\legal\MH\ORD\MasterFestivalOrd9-13-99.wpd

Attestation by:

Janet M. Scott, City Recorder

Approved as to Form:

Mark D. Harrington, Interim City Attorney

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MBA MEETING

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
AUGUST 26, 1999

I ROLL CALL

Chairman Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 26, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Toby Ross, Executive Director was also present.

II PUBLIC INPUT

The Chairman invited the public to comment on any matter of MBA business. Hearing none, the public input session was closed.

III MINUTES OF MEETING OF JUNE 17, 1999

Hearing no corrections or omissions, the Chairman requested a motion to approve. Hugh Daniels, "I so move". Roger Harlan seconded. Motion unanimously carried.

IV CONSENT AGENDA

Grant of utility easement to Questar Gas Company at the Park City Farm - The Chairman requested a motion to approve. Shauna Kerr, "I so move". Hugh Daniels seconded. Motion carried unanimously.

V ADJOURNMENT

With no further business, the regular meeting of the Municipal Building Authority was adjourned.

* * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott, Secretary

PARK CITY
1884

COUNCIL & MBA AGENDA REPORT

DATE: September 23, 1999
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly, Director of Capital Programs & Budget TBB
TITLE: Bond Parameters Resolution - Lease Revenue Bonds 1999 Series
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The Park City Municipal Building Authority (MBA) should approve the recommended financing team and approve the attached Parameters Resolution relating to the issuance of Lease Revenue Refunding Bonds, 1999 Series. These bonds will be used to refund existing debt at a better interest rate. These bonds will also be used to finance improvements to the Golf Course.

DESCRIPTION:

A. Topic: Adoption of a resolution that does the following: 1) Preliminarily authorizes the sale of Municipal Building Authority of Park City Lease Revenue Bonds, Series 1999; 2) Sets parameters relating to the issuance size, length to maturity, and interest rates of the bonds and; 3) Authorizes the preparation and distribution of documents pertaining to the issuance of the bonds. The MBA should also approve the proposed financing team.

B. Background:

The City is currently in a position to refund MBA bonds issued in 1994 and receive a better interest rate, and thus save the City roughly $90,000. This would also be an opportunity to finance other improvements that the City is undertaking. Construction has begun on the hotel adjacent to the Golf Course. As part of that development project, the City is obligated to participate in the cost of a parking structure and a golf pro shop. Issuing additional MBA debt and repaying the bonds would cost less than leasing the required improvements from the developer. Staff is recommending that these two projects, along with possible improvements to the McPolin Farm and the Marsac building be combined into one bond issue. The bonds would be lease revenue bonds sold through the Municipal Building Authority. The bonds will be paid back through annual appropriations from the General Fund and Golf Course Fund. The bonds will be guaranteed by the new Golf Course pro shop and parking garage and the assets included in the 1994 MBA issue.

C. Analysis: The attached resolution grants preliminary authorization to issue the MBA bonds. Before bonds are issued, the City Council and the Municipal Building Authority must approve the "Final Bond Resolution." Staff anticipates returning to City Council with the "Final Bond Resolution" during the middle part of October. The Parameters Resolution gives advance notice that the City intends to issue these bonds and starts an appeals period. The resolution also authorizes the preparation and distribution of the Preliminary Official Statement (POS). The POS is the document that investors, the bond rating agencies, and the bond insurance companies use to evaluate the credit worthiness of the bonds. Staff is finalizing the POS and plans to distribute it during early October, 1999. The Parameters Resolution and the POS will be helpful in the bond rating process we'll use in the next two weeks.

Staff recommends that the City Council and the MBA take this opportunity to finance improvements and equipment related to the Golf Course. Those improvements could be as much as $2 million and could include: 1) Parking ($1 million); 2) Cart storage ($250,000); 3) Pro Shop and Restrooms ($350,000); 4) Golf Carts ($200,000); and 5) Driving Range ($200,000). If bond proceeds are not used or needed for these projects, improvements to Marsac and the McPolin Farm would be eligible to possibly use bond proceeds.

Lastly, the resolution sets the following general parameters for the bond issue:

1) Size: The resolution sets the maximum amount of the bonds at $6,000,000. This amount is purposely higher than the sum of the projects and the bond issuance costs in order to give the MBA flexibility when it comes time to actually sell the bonds.

2) Length to Maturity: The resolution states that the maximum length to maturity cannot exceed 9 years.

3) Interest Rates of the Bond Coupons: The resolution states that no single coupon of the bond issue can exceed 5.5%. When the bonds are sold, they will be structured in such away that different maturities will have different interest rates. This parameter means that the coupon with the longest maturity will not have an interest rate of greater than 5.5 %. In addition, the resolution sets the maximum amount of discount that the bonds can be sold at to pay for issuance costs. The 2% parameter is again conservative, and the discount rate should be less than that amount.

4) Financing Team: The proposed Financial Advisor (Municipal Consulting Inc.) and Bond Counsel (Ballard, Spahr, Anderson & Ingersoll) were both on the financing team for the original 1994 issue and bring economies of scale that benefit the refunding. The recommended underwriter for this transaction is Zions Bank.

D. Department Review: The Parameters Resolution has been reviewed by the City Manager's Office, the Legal Department, and the Office of Capital Management and Budget.

ALTERNATIVES:

A. **Approve the Request:** Adopting the resolution will allow the City to proceed with the bond issue and be able to finance the referenced projects in a timely manner.

B. **Deny the Request:** A Parameters Resolution is not required to issue bonds, but is generally recommended. If the Building Authority does not wish to issue bonds, Staff and City Council would then need to address funding strategies for the proposed projects.

C. **Continue the Item:** Continuing action on the resolution could delay the overall issuance of the bonds. Because there are timing and funding issues associated with on of the projects (Pace purchase), staff would need to elaborate further on the consequences of continuing this item. A one-week continuance probably would not present significant problems.

D. **Do Nothing:** This would have the same effect as denying the request.

SIGNIFICANT IMPACTS: Adoption of this resolution will allow the City and the Municipal Building Authority to proceed with the issuance of the bonds in a timely and efficient manner. Swift completion of the bond issuance is needed to take advantage of favorable interest rates and meet the financing needs of the projects. Estimated savings from the refunding are projected to be about $90,000. The 10 year plan for the Golf Course included debt service payments for a $1.5 million capital project expenditure program. Staff is in the process of updating that plan to revise revenue projections and interfund transfers, and will return to Council with the revised plan. The CIP budget will also need to be revised to move the parking improvements at the Golf Course from priority 5 to a funded priority.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION: Not adopting the resolution will impact the City's ability to issue the MBA bonds and finance the projects.

RECOMMENDATION: Adopt the attached Parameters Resolution relating to the issuance of Lease Revenue Bonds, 1999 Series and approve the recommended financing team.

Park City, Utah

September 23, 1999

The Governing Board of the Municipal Building Authority of Park City, Utah (the "Board"), met in regular public session at 445 Marsac Avenue in Park City, Utah, on Thursday, September 23, 1999, at the hour of 6:00 p.m., with the following members of the Board being present:

Bradley A. Olch	Chair
Hugh Daniels	Member
Roger Harlan	Member
Chuck Klingenstein	Member
Paul Sincock	Member
Shauna L. Kerr	Member

Also present:

Janet M. Scott	Secretary

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the Secretary presented to the Board a Certificate of Compliance with Open Meeting Law with respect to this September 23, 1999 meeting, a copy of which is attached hereto as Exhibit "A".

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by ________________ and seconded by ____________________ adopted by the following vote:

YEA:

NAY:

The resolution was then signed by the Chair in open meeting and recorded by the Secretary in the official records of the Municipal Building Authority of Park City, Utah. The resolution is as follows:

RESOLUTION NO. ___

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE BY THE MUNICIPAL BUILDING AUTHORITY OF PARK CITY, UTAH (THE "AUTHORITY") OF NOT MORE THAN $6,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS LEASE REVENUE AND REFUNDING BONDS, SERIES 1999 (THE "BONDS"); FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; PROVIDING FOR A PERIOD TO SUBMIT WRITTEN PETITIONS FOR AN ELECTION AS REQUIRED BY LAW; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Utah Municipal Building Authority Act, Title 17A, Chapter 3, Part 9, Utah Code Annotated 1953, as amended (the "Building Authority Act") and the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the "Refunding Act," and together with the Building Authority Act, the "Act"), the Governing Board (the "Board") of the Municipal Building Authority of Park City, Utah (the "Issuer"), has authority to issue its lease revenue bonds for the purpose of financing or refinancing certain municipal improvements for and on behalf of Park City, Utah (the "City"); and

WHEREAS, pursuant to (i) a Lease Agreement dated as of December 1, 1994, as heretofore amended and supplemented (the "Original Lease"), between the City, as lessee, and the Authority, as lessor, and (ii) an Indenture of Trust dated as of December 1, 1994, as heretofore amended and supplemented (the "General Indenture"), between the Authority and Zions First National Bank (the "Trustee"), as trustee, the Authority has previously issued (among others) its Lease Revenue Refunding Bonds, Series 1994 (the "Series 1994 Bonds") in the original aggregate principal amount of $5,600,000 for the purpose of refunding certain prior bonds previously issued by the Authority; and

WHEREAS, at the request of the City the Authority desires to issue its Lease Revenue and Refunding Bonds, Series 1999 (the "Series 1999 Bonds") in the aggregate principal amount of not to exceed $6,000,000 to (i) refund and retire the Series 1994 Bonds currently outstanding (the "Refunded Bonds"), (ii) finance the construction, acquisition and equipping of golf course improvements and related parking and equipment, open space improvements, park improvements and improvements to the Marsac Municipal Building (collectively the "1999 Project"), (iii) fund a deposit to a debt service reserve fund and (iv) pay the costs associated with the issuance of the Series 1999 Bonds; and

WHEREAS, the Authority deems it appropriate and in its best interest to authorize the preparation, use and distribution of a Preliminary Official Statement (the "Preliminary Official Statement") with respect to the offering for sale of the Series 1999 Bonds; and

WHEREAS, Sections 17A-3-915 of the Building Authority Act and 11-27-4 of the Refunding Act provide for the publication of a notice concerning the intent of the Authority to issue the Series 1999 Bonds, and the Authority desires to publish such a notice at this time so as to initiate the running of a contest period; and

WHEREAS, pursuant to Section 17A-3-909 of the Building Authority Act, the Notice of Bonds to be Issued shall constitute the notice of intent to issue bonds and will provide for a 30-day period in which the registered voters of the City may submit a written petition requesting an election to approve or disapprove the issuance of the Series 1999 Bonds:

NOW, THEREFORE, it is hereby resolved by the Governing Board of the Municipal Building Authority of Park City, Utah, as follows:

Section 1. Terms defined in the foregoing recitals hereto shall have the same meaning when used in this Resolution.

Section 2. The Board hereby finds and determines that it is in the best interests of the Authority and residents of the City for the Authority to issue not more than $6,000,000 aggregate principal amount of its Lease Revenue and Refunding Bonds, Series 1999 (the "Series 1999 Bonds"), to bear interest at a rate or rates of not to exceed five and one-half percent (5.50%) per annum, to mature in not more than nine (9) years from their dated date, and to be sold at a discount from par, expressed as a percentage of the principal amount, of not to exceed two percent (2.00%) for the purpose of refunding and retiring the Refunded Bonds, financing the costs of the 1999 Project, funding a deposit to a debt service reserve fund and paying costs of issuance of the Series 1999 Bonds, all pursuant to this Resolution and an authorizing resolution to be adopted and approved by the Board authorizing and confirming the issuance and sale of the Series 1999 Bonds (herein referred to as the "Final Bond Resolution"), and the General Indenture and the Original Lease each entered into at the time of issuance of the Series 1994 Bonds, and according to the provisions of the Third Supplemental Indenture, in substantially the form attached hereto as Exhibit "B", and the Third Amendment to Lease, in substantially the form attached hereto as Exhibit "C", with changes to the forms of such documents and such additional documents, as may be approved at the time of adoption of the Final Bond Resolution.

Section 3. The Authority hereby directs officers and staff of the Authority to work with Municipal Bond Consulting, Inc., as financial advisor to the Authority and Zions Investment Securities, Inc, as underwriter for the Series 1999 Bonds, to proceed with the sale of the Series 1999 Bonds, and to take all actions necessary in connection therewith, including preparation and distribution of a Preliminary Official Statement with respect to the offering for the sale of the Series 1999 Bonds. The Authority hereby expresses its intent (on behalf of the Authority and the City) to reimburse the Authority and/or the City from proceeds of debt to be incurred by the Authority or the City for costs of the 1999 Project in an amount not to exceed $2,000,000.

Section 4. In accordance with the provisions of the Act, the Secretary shall cause the following "Notice of Bonds to be Issued" to be published one (1) time in The Park Record, a newspaper of general circulation in the City. and shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the office of the Authority (in the City Recorder's office) in Park City, Utah, for public examination during the regular business hours of the Authority for a period of at least thirty (30) days from and after the date of publication thereof. The "Notice of Bonds to be Issued" shall be in substantially the following form:

NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Municipal Building Authority Act, Title 17A, Chapter 3, Part 9, Utah Code Annotated 1953, as amended, and the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended, that on September 23, 1999, the Governing Board of the Municipal Building Authority of Park City, Utah (the "Authority") adopted a resolution (the "Resolution") authorizing the issuance of the Municipal Building Authority of Park City, Utah Lease Revenue and Refunding Bonds, Series 1999 (the "Bonds") in the aggregate principal amount of not to exceed $6,000,000 to (i) refund and retire the Authority's outstanding Lease Revenue Refunding Bonds, Series 1994 (the "Series 1994 Bonds"), (ii) finance the construction, acquisition and equipping of golf course improvements and related parking and equipment, open space improvements, park improvements and improvements to the Marsac Municipal Building, (iii) fund a deposit to a debt service reserve fund and (iv) pay costs of issuing the Bonds.

The Bonds shall bear interest at an interest rate or rates of not to exceed five and one-half percent (5.50%) per annum, to mature in not more than nine (9) years from their date or dates, and to be sold at a discount from par, expressed as a percentage of principal amount, of not to exceed two percent (2.00%).

The Bonds are to be issued and sold by the Authority pursuant to the Resolution, an Indenture of Trust (the "General Indenture") and a Lease Agreement (the "Lease") entered into at the time of issuance of the Authority's Series 1994 Bonds, as heretofore amended and supplemented and as further amended and supplemented by a Third Supplemental Indenture (the "Third Supplemental Indenture") and a Third Amendment to Lease Agreement (the "Third Amendment to Lease"), the forms of which were before the Authority at the time of the adoption of the Resolution. Said Third Supplemental Indenture and Third Amendment to Lease are to be approved by the Authority, together with other related bond documents, at the time of the adoption of a final Bond Resolution of the Authority.

Copies of the Resolution, the General Indenture, the Original Lease, and the forms of the Third Supplemental Indenture and the Third Amendment to Lease are on file in the office of the City Recorder (as Secretary of the Authority) at the Park City offices, at 445 Marsac Avenue in Park City, Utah, where they may be examined during regular business hours from 8:00 a.m. to 5:00 p.m. for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which (i) any person in interest shall have the right to contest the legality of the Resolution, the Third Supplemental Indenture, the Third Amendment to Lease or the Bonds, or any provision made for the security and payment of the Bonds, and after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever, and (ii) registered voters within the City may sign a written petition requesting an election to authorize the issuance of the Bonds. If written petitions which have been signed by at least 20% of the registered voters of the City are filed with the Authority during said 30-day period, the Authority shall be required to hold an election to obtain voter authorization prior to the issuance of the Bonds. If fewer than 20% of the registered voters of the City file a written petition during said 30-day period, the Authority may proceed to issue the Bonds without an election.

DATED this 23rd day of September, 1999.

/s/ Janet M. Scott
Secretary of the Municipal Building Authority
of Park City, Utah

Section 5. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this 23rd day of September, 1999.

____
Chair

ATTEST AND COUNTERSIGN:

____
Secretary

(S E A L)

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the agenda, the meeting was adjourned.

____
Chair

ATTEST AND COUNTERSIGN:

____
Secretary

(S E A L)

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

I, Janet M. Scott, the duly appointed and qualified Secretary of the Municipal Building Authority of Park City, Utah (the "Authority"), do hereby certify according to the records of the Governing Board of the Authority in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the Governing Board held on September 23, 1999, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on September 23, 1999, and that pursuant to the Resolution, there will be published one time in The Park Record, a newspaper having general circulation in Park City, Utah, a Notice of Bonds to be Issued, the affidavit of which publication will, when available, be attached hereto.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said Authority, this 23rd day of September, 1999.

____
Secretary

(SEAL)

EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Janet M. Scott, the undersigned Secretary of the Municipal Building Authority of Park City, Utah (the "Authority"), do hereby certify, according to the records of the Authority in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the September 23, 1999 public meeting held by the Authority as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "1", to be posted at the Authority's principal offices on ______________, 1999, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "1", to be delivered to The Park Record on _____________, 1999, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, notice was provided to a local media correspondent, or to a newspaper of general circulation within the geographic jurisdiction of the City (at least once during the calendar year 1999), of the annual meeting schedule of the Authority, for 1999, with the date, time and place of such meetings. There was also posted (at least once during the calendar year 1999) and has remained posted at the principal office of the Authority, public notice of the annual meeting schedule for 1999, with the date, time and place of such meetings, in the form attached hereto as Schedule "2".

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 23rd day of September, 1999.

____
Secretary

(S E A L)

SCHEDULE "1"

NOTICE OF MEETING

SCHEDULE "2"

ANNUAL MEETING NOTICE

EXHIBIT "B"

FORM OF THIRD SUPPLEMENTAL INDENTURE OF TRUST

<u>EXHIBIT "C"</u>

FORM OF THIRD AMENDMENT TO LEASE AGREEMENT

(attach Proof of Publication of
Notice of Bonds to be Issued)

PARK CITY COUNCIL MINUTES
SUMMIT COUNTY, UTAH
SEPTEMBER 9, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 9, 1999. Councilmembers in attendance were Hugh Daniels, Paul Sincock, Roger Harlan, Shauna Kerr, and Chuck Klingenstein.

Staff present were Toby Ross, City Manager; Mark Harrington, Interim City Attorney; Rick Lewis, Planning Director; Patrick Putt, Planning and Zoning Administrator; Bob Johnston, Leisure Services Director; Kathy Kelly, Recreation Manager; Beth Sunday, Technical Services Manager; and Hope Bleecker, Transportation Manager.

II PUBLIC INPUT

Dave Fletcher, Utah State Y2K Coordinator - Technical Services Manager Beth Sunday introduced Mr. Fletcher, Governor Y2K appointee and assisting the city with a Y2K informational town meeting on Tuesday, September 21. Mr. Fletcher reported Park City's community meeting is one in a series of Y2K community meetings being held across the country, approximately twelve have been held in Utah; purpose is to inform citizens status of critical infrastructure, what Y2K preparation has been done, and provide opportunity to discuss what still needs to be done; utilities, governmental agencies and banking industry representatives are present to answer questions. Mr. Fletcher reported the state has spent a substantial amount of time upgrading thousands of information systems, the current focus is developing contingency plans; at the federal level, Senator Bennett is Chair of the Senate Special Committee on Y2K, major concerns include international and particularly air travel systems, noted the State Department will issue an advisory list of airports considered unsafe which may be of particular importance to businesses.

Councilmember Klingenstein suggested utility representatives also focus on potential Y2K homeowner problems such as embedded furnace chips that are on a year cycle. Mr. Fletcher stated utility representatives will address these systems and other equipment such as VCR's. Council thanked Mr. Fletcher for his information and assistance with the meeting on the 21st.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Councilmember Harlan commented regarding the delightful experience of three ribbon cuttings this week - the Skateboard Park opening, the bronze statue, and the Main Street Miners Park pocket park.

Staff Communications: None

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 26, 1999

Hearing no corrections or omissions, the Mayor requested a motion to approve. Motion by Councilmember Sincock to approve the work session notes and minutes of August 26, 1999; seconded by Councilmember Klingenstein; motion carried unanimously.

V CONSENT AGENDA PUBLIC HEARING

Ordinance approving the Second Amended Record of Survey plat for the Marsac Mill Manor and Silver Mill House Condominiums, located at 1325 Lowell Avenue, Park City, Utah. Mayor Olch opened the public hearing to receive public input. Planning and Zoning Administrator presented the staff report and recommendation, explained one owner is selling unit space (a bedroom) to an adjacent property owner, resulting in a change in the common wall configuration; noted Planning Commission reviewed this request on August 25 and forwards a positive recommendation.

Public Comment: None

VI CONSENT AGENDA

Motion by Councilmember Sincock to approve Consent Agenda Items 1 through 3; seconded by Councilmember Klingenstein; motion carried unanimously.

1. **Ordinance approving the Second Amended Record of Survey plat for the Marsac Mill Manor and Silver Mill House Condominiums, located at 1325 Lowell Avenue, Park City, Utah**

2. **Authorization to City Recorder to appoint election judges for the October 5, 1999 Primary Election and November 2, 1999 General Election**

3. **Lease with Broken Thumb for restaurant space at the Racquet Club, 1200 Little Kate Road, Park City, Utah**

VII PUBLIC HEARINGS

1. **Paid parking program in the Historic District downtown core**. Mayor Olch opened the public hearing to receive public input. Transportation Manager Hope Bleecker introduced Robbie Beck, member of the Citizens Advisory Committee on the parking and Jon Nepstad, consultant representing Fehr & Peers; presented the staff report and Citizens Advisory Committee proposal and recommendation in support of *Scenario 5* as follows:

Scenario 5 Seasonal Four Month On/Eight Month Off - Assumes all parking areas would be $1 per hour for four months per year (December 15 - April 15). For a period of eight months in the shoulder seasons and in the summer, Swede Alley, the surface lots (with exception of the Brew Pub lot) and garages would be free. Main Street would operate as paid parking 12 months per year with a 3 hour limit. When paid parking is in effect, Swede and the Garages would not be subject to time limits. In the off season and summer, Main Street regulations would remain and free time limited parking would be retained on Swede Alley and in the Garage. Premium rate employee passes would be sold for a cost of $500 per year (valid anywhere except Main Street) allowing parking beyond the posted time limit in the area. Less expensive employee passes include $125 for four month winter season and $75 for eight month summer and shoulder season period (China Bridge only). The period from now until December 15 would be an education period, program implementation would begin on December 15. Committee members and staff believe this program minimizes the paid parking program starts and stops, sign changes would occur twice per year instead of four times, and the program achieves a large free-parking component in the Swede Alley area. It is further recommended staff continue working with the Citizens Advisory Committee, bi-annual reports to Council in November and June, and hold more open house meetings with Main Street Merchants.

Robbie Beck commented the Committee paid close attention to the needs of the parking user in all of the scenarios evaluated; wanted to ensure a good guest experience; believed what is good for the Main Street guest/visitor would be good for the businesses.

Councilmember Sincock inquired regarding 3-hour enforcement in the free areas during the eight month period; Transportation Manager Bleecker responded enforcement would be similar to what is effective now. Councilmember Daniels inquired concerning residential areas; Hope Bleecker responded they will continue with a reserve officer, full time enforcement officer, increased foot patrol, commented staff is meeting and working with residents due to employee penetration and lack of parking on Park Avenue and Woodside, noted some Park Avenue residents may propose increasing late night enforcement at which time staff would consider minimal budget changes and officer safety issues.

Public Comment:
David Shaftner, requested consideration of individual post parking meters, noting they could be designed a number of ways possibly incorporating the Olympics; suggested $.50/hour on Main Street with 2 hour maximum, $1.00/hour on Swede Alley with 3 hour maximum; opposed to paid parking on Sundays; opposed to requirement of year round paid parking; expressed opinion increase of amounts for employee parking passes not necessary.

Peter Tomei, Citizens Advisory Committee on Parking member, expressed support for the recommendation; stated committee members were able to express points of view and concerns in an open forum, and noted the complexity of the problem, need to give actions

time to work, learn by mistakes and make corrections, not lose focus that a customer friendly environment on Main Street is needed that will support a successful business environment.

Luci Sosnowski, 115 Main Street, commented in support of Scenario 2 and requested explanation why that recommendation was not chosen; stated there is no parking available for resident visitors other than paid parking or the Brew Pub lot; noted people have received tickets at the upper Main trolley turnaround intersection lot because the area lacks "no-parking" signs; expressed opinion the proposed 3-hour parking limit on Swede Alley is unreasonable and unfair to area residents; expressed opinion there should be greater flexibility in enforcement noting a $25 ticket was issued to Main Street shopper for parking 10 minutes past the expired time as there are too many other places to shop and too many store vacancies on Main Street; noted at public hearing 2 years ago three people spoke in favor of paid parking, nearly 40 people spoke against it and yet the program still went ahead; expressed opinion program is not working for the residents, guests, tourists or businesses.

Transportation Manager Bleecker stated residents would not be subject to time limits and referred to a residential code policy which staff is not recommending making changes to at this point. Ms. Sosnowski stated she requested a copy of that policy and received a crossed-out handwritten version she believed was a working copy. Hope explained Scenario 5 was the option heavily supported at the open house meeting, staff believes Scenario 5 best achieves the goals and provides a maximum amount of free parking, Scenario 2 does not meet some of the other goals. Mr. Nepstad commented Scenario 2 did not fulfill one of the Council goals in that sufficient revenue to pay for program costs be generated. Ms. Sosnowski responded attendees were advised at previous meetings there was not a concern about paid parking making money and funds were going to be set aside for a Swede Alley parking structure, although it was discovered later that was never actually planned. Ms. Sosnowski stated she is not opposed to paid parking year round on Main Street, however, is opposed to paid parking on Swede Alley; requested copies of documentation, facts and figures pertaining to the selection of Scenario 5; inquired if this issue could be brought to a referendum in the next election or a survey of Old Town residents conducted.

Mayor Olch requested staff provide the residential code policy and information to Ms. Sosnowski. Councilmember Sincock stated the initial problem was 70% of Old Town parking spaces being occupied by employees who were the same people asking the city to build more parking at the time they were taking up the premium spaces, the city tried enforcement, valet parking, everything short of not putting paid parking in, nothing worked, and so paid parking was implemented to redistribute and turn over spaces and it works. Ms. Sosnowski responded she still does not understand the logic of charging for parking on Swede Alley; expressed opinion there has to be somewhere employees and visitors can park, there is inadequate parking at Sandridge or anywhere else, the Sandridge parking lot stairs are going to be dangerous in the winter, if employees are expected to park in outlying areas the bus service run on time and route service the affordable living areas in the city.

Transportation Manager Bleecker reported a comment was received from Mr. Krajeski, Main Street store owner, in opposition of the 3-hour Swede Alley limit feeling it does not allow enough time for shoppers.

Councilmember Klingenstein requested clarification concerning the recommendation for Scenario 5. Transportation Manager Bleecker responded in the event paid parking was removed from Swede Alley, which is the committee's preference, the other option is to implement a time limit in that area; 3 and 4 hour limits were debated by the committee, explained there is a higher employee abuse potential with a 4 hour limit versus a 3 hour limit, thus the committee decided the 3- hour limit would be preferable as there are other 24-hour limit parking areas available. She explained an employee work pattern is typically to arrive at 8 am, move their car at noon, park again at 1 pm and move the car again at 5 pm, resulting in a strictly employee parking lot; stated the 3-hour limit will not resolve this problem entirely but will provide a higher rate of turnover and the merchants felt it was a more appropriate time limit.

Councilmember Kerr inquired if it was possible for a 4-hour Swede Alley time limit to be implemented for the first season, with conversion to a 3-hour limit if abused by employees, noting the number one objection they are hearing is that a 3-hour limit on Swede Alley is believed inadequate. Transportation Manager Bleecker responded there are two other points favoring a 3-hour limit stating there would be consistency with 3-hour limits imposed in the other parking areas; she could present the issue to the committee members for discussion.

Councilmember Sincock commented he does not support implementation of a 4-hour time limit, feeling it is important to keep the program consistent throughout town if possible; noted Sandridge parking lot is free, City Park is free, bus service is provided. Councilmember Klingenstein commented the meters were selected due to a snow removal problem and for aesthetic reasons, there will be an opportunity to review during the bi-annual review; agrees with comment concerning the Sandridge lot last year, stairs were not very well done, understands they must be improved this year and believes that will be accomplished; has concerns about adequacy of the 3-hour Swede Alley time limit, however, believes the committee wrestled with the issue and hopefully visitors will adjust; noted two distinct types of Main Street visitors, the four winter months are primarily destination visitors who are fairly comfortable with paid parking, summer visitors are more Wasatch front visitors and the eight month off period is a good way to provide parking for those visitors; agrees with the recommendation for bi-annual review and mission statement adjustments; noted locals are still unaware about the electronic hangtags and a better job must be done marketing them. Councilmember Harlan concurred with Councilmember Klingenstein's comments; noted the hangtag is a discount that works without going to the meter and possibly the committee can look at that again; thanked the committee members for their service in addressing a very difficult community issue. Councilmember Kerr referred to Ms. Sosnowski's comments concerning lack of no-parking signs at the turnaround

site/intersection, requested appropriate signs be posted; thanked the committee for their work and willingness to continue working with the issue.

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

2. **Extended temporary street closure from September 10, 1999 to September 20, 1999 for a portion of Heber Avenue between Park Avenue and Main Street**. (also see Work Session Notes). Mayor Olch opened the public hearing to receive public input. Director Lewis presented the staff report and recommendation to address a request to extend the street closure for ten more days with reopening of the street on September 20, 1999; stated notices were issued to adjacent property owners within 400 ft. radius, and hand-delivered to area merchants; noted one written response received by Council today.

Public Comments:
Sarah Behrens, representing the Kimball Arts Center, spoke in opposition to the extension, commented the city did not make accommodations for watering the plants or electricity and Kimball had to take those responsibilities on; it took a month before they discovered the city had hooked onto their hose in order to water the plants; from the day the park opened every event held at that location needed electricity and plugged into the Kimball building; she met repeatedly with city staff and organizers requesting other arrangements be made, she was told in the beginning by the Main Street Business Alliance Advisory Committee and confirmed by Special Events staff Melissa Caffey that an electrical drop would be made from a corner power pole, that never happened; even her request that if they were going to use Kimball's power they must provide cover over the candles that run across the sidewalk on their patio was never done; final straw for her was during Jazz festival an event that had a master festival license, she was never notified power would be needed, power was off at the Kimball building to the exterior as they were in the middle of construction, she had to stop construction and reestablish power so that they could perform. Although at this time she is opposed to ten additional days in association with another event, she loves the idea of the park and supported it from the beginning; she would like to revisit the idea in the future when construction is completed, and the park is planned better with more responsibility assumed by event organizers and the city.

Director Lewis reported he was made aware of this problem a couple of weeks ago; he has requested a bill submitted from Kimball to the city for payment of those costs. Mayor Olch requested staff check with Melissa Caffey for information on what transpired.

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

Mayor Olch excused himself from the meeting at 7:00 p.m.; Mayor Pro Tem Daniels presided the remainder of the meeting.

VIII NEW BUSINESS

1. **Temporary Zoning Ordinance for the HR-1 and HRL Zones in Park City, Utah** (also see Work Session Notes) Planning and Zoning Administrator Putt presented the staff report and request for review and action to establish a Temporary Zoning Ordinance to implement the pending Land Management Code changes for the HR-1 and HRL zones; by adopting this ordinance it would in effect eliminate additional reviews under the old Land Management Code allowing several property owners and builders to pull building permits prior to winter season.

   Public Comment:
   Peter Barnes, architect, spoke in support of the proposed Temporary Zoning Ordinance; stated he had the opportunity to review the amendments, made recommendations as follows:
   - Page 2.2-5 incorporate section (e) with (f) to address hard-surfaced or graveled sidewalks and pathways;
   - Page 2.2-7 diagram regarding accessory buildings, stated "if you look at the diagram, he would give a prize to anyone who can draw an accessory building which covers less than fifty percent of the rear yard but is actually bigger than the residence shown on the same diagram, there are side yards and unknown spaces where you can actually draw a building which is not prohibited";
   - expressed opinion Bed and Breakfasts should be banned;
   - Page 2.2-9 regarding building height, pointed out in March, 1997 the Planning Commission said this is just too complicated, let's just get rid of it, the overall height limit will take care of it, and subsequent to the Planning Commission decision the design forum which met two years ago agreed that it should be stricken;

   Thanked Councilmember Sincock for putting the Design Forum together two years ago and Pat Putt for all the effort.

   Councilmember Sincock thanked Mr. Barnes on behalf of the city; stated no other architect in town has spent more time analyzing the Land Management Code with respect to actual situations and pointing out its flaws. Administrator Putt stated he will continue discussion of these issues with Mr. Barnes, there will be some fine tuning and these sections will be addressed.

   Motion by Councilmember Kerr to approve this Ordinance; seconded by Councilmember Sincock; motion carried unanimously.

2. **Request to extend temporary street closure from September 10, 1999 to September 20, 1999 for a portion of Heber Avenue between Park Avenue and Main Street** (also see Work Session Notes) Councilmember Klingenstein spoke in favor of reopening the street on September 10th as originally scheduled, stated the fact the city made a commitment to many people, particularly the neighborhood, combined with the information shared by Sarah

Behrens prompts him to support keeping the original reopening date. Councilmember Kerr concurred Ms. Behrens comments were very helpful and original commitment is appropriate. Councilmember Klingenstein recommended review of this plan next year, although noted with construction it probably would not be seriously considered for implementation until the year after. Councilmember Kerr reported she received mixed community opinions, it was not a success in many people's minds and yet a success to others. Councilmember Sincock stated he would abstain due to his affiliation with the Motorcycle event, explained the request was to extend the street closure to provide additional overflow space for the event, display motorcycles and use as a celebration area. Councilmember Daniels commented he had also heard mixed opinions, noted the original idea came from the Downtown Action Taskforce and Historic Main Business Alliance, it had some impact on Park Avenue and Woodside, the park was full during special events, however, not utilized much day to day in part because the area was hot and lacking shade; concurred next year is probably not feasible due to construction, it was worth the trial and should be revisited in the future with documentation of what was learned this year reviewed at that time. Councilmember Harlan noted the drop in envisioned was hurt due to lack of shade. Councilmember Klingenstein pointed out Telluride created something similar, however, it was done extensively, many side streets were closed to create pocket parks on the Main Street, asphalt was removed, noting the asphalt contributes greatly to the heat, and the side streets were turned into permanent parks; noted if this idea is revisited in two years the timing will be better as there will be a better idea of traffic patterns and status of Town Lift area, and the construction projects completed. Councilmember Sincock stated it would be wonderful in a couple of years for that section of Heber Avenue made into a permanent park without asphalt if at all feasible, there are not many along Main Street and the new Miners Park is an excellent example of a wonderful space for people to sit and a great improvement to what was there before, agreed that traffic patterns must be checked.

Motion by Councilmember Kerr to deny the request to extend the temporary street closure and keep the prior commitment to reopen on September 10th; seconded by Councilmember Klingenstein; motion carried.

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

VIII ADJOURNMENT With no further business, the regular meeting of the City Council adjourned at 7:25 p.m.

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The meeting for which these minutes were prepared was noticed by posting 72 hours in advance and by delivery to the news media 6 days prior to the meeting.

Prepared by Cindy LoPiccolo.

Cindy LoPiccolo, Deputy City Recorder