PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 19, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 19, 2002.

Closed Session

4:00 p.m. Personnel

Work Session

4:45 p.m. Council questions/comments
5:15 p.m. RAP Tax applications
5:30 p.m. Review of regular meeting

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 22, 2002

V CONSENT AGENDA PUBLIC HEARINGS

1. Amendment to Title 4 - Licensing, Chapter 3 - Peddlers and Solicitors, Section 5(g) of the Park City Municipal Code

2. Ordinance approving the amended record of survey to combine all of Lot 33 and part of Lots 32 and 34 of Block 73, Millsite Reservation to the Park City Survey into one lot of record located at 199 Daly Avenue plat

3. Ordinance approving a one year extension for an amendment to Snyder's Addition to the Park City Plat to subdivide Lots 15, 16 and 17 of Block 18 into two lots, located at 1259 Norfolk Avenue

4. Master Festival License application for Annual National Specialty to be held on September 15 - 19, 2003 - Portugese Water Club of America, Inc.

VI CONSENT AGENDA

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4. Master Festival License application for Annual National Specialty to be held on September 15 - 19, 2003 - Portugese Water Club of America, Inc.

5. Award of construction contract to Thiede construction in the amount of $62,419 for the Meadows Drive trail

6. Authorization to staff to enter into a contract with Wilbur-Smith in the amount of $24,000 for a parking supply analysis

7. Authorization to staff to enter into a contract with Tasco Engineering in the amount of $37,000 for a utility analysis

VII ADJOURNMENT

Note: This future meeting schedule is TENTATIVE and subject to change.

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

September 2002

26 Closed session - property (20 min)
America's Opening MFL November 21 - 24 PCMR and Lower Main Street - public hearing and consent
Ice facility update - work - TB
Business license amendments - work - TB
Department of Transportation regulations - KC
201 Heber Avenue final subdivision plat - DS
Sunnyside Subdivision rezone from RD to SF - JW

October 2002

3 3 Sandstone Cove plat amendment - BR
2197 Little Bessie plat amendment - JW
April Mountain condo plat - KW

Award of construction contract for Racquet Club pool

Annual review and revision to Sign Code - RM

10

17 Nightly rental general discussion - PJP

24 **No meeting?**

31

November 2002

7

13 St Henry's Day

14 Canvass of special bond election

OTIS final report - CH

21 Chamber/Bureau quarterly update

28 Thanksgiving Day

26

Nightly rentals

DATE: September 16, 2002

DEPARTMENT: Executive and Leisure Services

AUTHOR: Tom Bakaly and Kathy Kelly

TITLE: Recreation Arts and Parks (RAP) Tax Applications

TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION: Council input is sought on RAP tax applications.

DESCRIPTION:

A. Topic: The deadline for submitting RAP tax applications is October 1, 2002. A meeting of all staff preparing applications will be held on Monday afternoon. Results of that meeting will be too late for inclusion in the Council packet. A summary of the projects will be presented at work session for discussion and comment by Council.

B. Background:

Over the next 10 years, the County's RAP tax will produce approximately $3.5 million for recreation and $4 million for arts and culture funding. Applications for the first round of funding are due October 1, 2002. It is likely, at least for the recreation component, that these applications will be the basis of RAP tax decisions for years to come.

C. Analysis:

The RAP Tax Committee is taking a Master Plan approach and is asking that entities identify their long term recreation needs and arts plans. On the recreation side, many of these long term projects have been jointly identified by Park City and the Snyderville Basin Recreation District in a recently completed study entitled, "Feasibility of a range of Options for Recreation Services for Park City and Snyderville Basin Recreation District. This study recommends that the City work jointly with the Basin Recreation District to build major facilities such as ice, a field house, pools and field facilities. There are also projects that could be done in partnership with the school district.

As the recreation funds will be distributed based upon population, Park City will be eligible for roughly $900,000 over a ten year period. Basin Recreation will be eligible for roughly $1.8 million.

Art funding, based on population, would bring about $1 million to Park City and $2 million for the Basin. The majority of the arts funding will most likely flow through non-profits, but the City does have some eligible projects.

While the major recreation projects have been identified, there also are a number of smaller projects that meet the RAP tax criteria. Staff will meet late on Monday to discuss which of these merit an application. A summary of these projects will be discussed during work session with the Council.

D. Department Review: This staff report has been reviewed by the City Manager's Office, the Leisure Services Department and the Office of Capital Management and Budget.

E. Alternatives: Council can support the proposed projects or request alternative projects. City Council may wish to have Council member Erickson (Parks and Recreation, and Beautification Board Liaison) review the applications before they are submitted.

F. Significant Impacts: Deadline for this year's applications is October 1, 2002.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 22, 2002

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

Tom Bakaly, Assistant City Manager; Bob Johnston, Leisure Services Director; Ron Ivie, Chief Building Official

Dick Welch, resident of The Cove; Dean Schulman, Chairman of the Parks and Recreation Board

1. **Council questions/comments.** Kay Calvert commented on the success of the Summer Tour. Candace Erickson stated that the ULCT is working on fireworks legislation with the City. Other issues include water and highway funding which is in jeopardy. She continued to report that the Parks and Recreation Board is looking for some Council direction on use of the old sewer site as green space. There was discussion on the RAP Tax and Jim Hier believed applications are due by October 1. There is some concern about distribution of funds on a population basis, and the County is considering different criteria. The City requested more information regarding the status of distribution guidelines at the Interagency meeting. Ms. Erickson complimented staff on the picnic sessions hosted by the Parks Department and the Summer Tour.

In response to a question from Peg Bodell, Lloyd Evans reported that the children's safety kit has been distributed to City employees to initially evaluate the product before it is distributed throughout the community. She asked if other communities have programs because child abductions seem to be occurring at an alarming rate. The Chief believed that there is more media attention to child abductions and a number of communities are starting to take a more proactive effort in educating citizens about child safety issues.

Several high profile cases have top media attention, but overall nationwide, incidences of kidnaping is actually declining. The kit is very simple and includes fingerprints, pictures and identifying birthmarks, etc. Ms. Bodell asked for follow-up on the Park Meadows fireworks as she is still receiving public comments and asked for clarification on the zoning of Sunnyside Subdivision. The Mayor understood that the Planning Commission has not completed its review which needs to occur before it is scheduled for City Council. Ms. Bodell stated that she and Ms. Calvert attended the Governor's Thousand Day Plan unveiling. She relayed her disappointment in the narrowly focused recommendations from the committee to Congressman Ure. The report does not address tourism or cultural projects, but seems heavily weighted on attracting technology to Utah. She discussed the excellent points made by the School District speaker today, who made many parallels to academia and municipal government. Jim Hier reported on the Interagency meeting where consolidating communication systems was addressed. Chief Lloyd Evans explained that the County hired a consultant for eastern Summit County and another study was contemplated for this end of the study. Now the direction is to conduct the study in-house but the Summit County Commission has taken staff off the project. The expanded emergency services for the Olympics were overlays and only temporary.

Mayor Williams thanked the *Park Record* and KPCW on their coverage of the Summer Tour which was very helpful. He discussed the poor condition of Main Street and 4th Street where an injury occurred because of the potholes; staff will follow-up. He continued that he received a variety of letters from citizens about the affordable housing project proposed at Chatham Hills, and the lack of storm drain on Woodside. He recognized a resident in the audience who wanted to address Council.

2. **Park Meadows County Club fireworks display.** This discussion was not scheduled on the agenda. Dick Welch, resident, referred to his letter about the fireworks display at the Park Meadows County Club, which should never have been conducted under the conditions at the site. The wind was so strong, it carried debris in front of his house, across the street, and very close to Round Valley. He questioned how the display was ever

permitted by the City with or without wind. There were small fires that were extinguished by the Fire Department. He questioned the poor decisions made by the Park Meadows Country Club and the professional fireworks contractor and this should never happen again. It seems that the City is inviting enormous legal exposure. Mr. Welch asked what the City will do so this will not occur again. The Mayor explained that he met with Ron Ivie, Chief Building Official, about this matter and understood that the permit included explicit conditions and the winds were double the limit specified. He relayed that Mr. Ivie was extremely upset about the event but is out of town this afternoon and will get back to residents upon his return.

Mr. Welch left the building, and after the discussion of the Parks Master Plan, the Mayor recognized Ron Ivie in the audience. Chief Official Ivie explained that the Park Meadows County Club violated the provisions of its permit and he will prosecute both the applicant and the pyrotechnical contractor if Council so desires. Jim Hier suggested that residents be provided with information on who to contact when there are violations. Calling 911 is appropriate and Mr. Ivie indicated that there is no way to prevent people from acting beyond the conditions of a permit. Since fire fighters were on the scene, Mr. Hier asked why they didn't stop the display. Mr. Ivie explained that they thought the fall-out was at a reasonable standard and that the extension wasn't that serious. It is not unusual for some straying beyond the area of design. Kay Calvert asked that the letters from residents be answered. The fines for violations of Class B misdemeanors were discussed. Ms. Bodell felt that this is a serious offense in a critical year. In response to a comment made by Ms. Bodell about processing applications, Mr. Ivie explained that if a contractor is licensed and meets other standards of the code, approval is not discretionary. In this case, all requirements of the code were met, but they did not abide by the terms of the permit. There was again discussion about fines which are determined by the judge not the City. Mr. Ivie stated that he would follow-up on this matter with the Legal Department.

3. **City Park Master Plan.** Bob Johnston referred to the work session held on July 11. Input from that meeting has been incorporated in the revised plan and since the Parks and Recreation Board met last night, there are additional adjustments to the staff report.

Dean Schulman, Chairman of the Parks and Recreation Board, stated that the most recent direction is the result of cumulative discussions over many months. It is believed that the proposed improvements will add to the character of the park and better accommodate utilities. The basketball court, contemplated north of the skate park at the drilling and mucking site, could also be used as a learning area for beginner skaters. This area will be bermed and landscaped to mitigate impacts. Installing a vert ramp was a consideration but the Board felt that other projects need attention and didn't want to lose the buffer and landscaping in the transition area. Landscaping will provide shade to the area which is badly needed. The Board is recommending eliminating circular traffic around Miners Hospital without precluding emergency access. It is hoped that this will discourage cruising, although some parking will be lost. This would free up additional park space and improve the appearance of the area. Ms. Schulman stated that it is suggested that the unattractive mucking and drilling rocks be moved across the street and the installation of benches and public art at the south end will be addressed at a later date.

Fred Jones asked about a phasing plan. Mr. Schulman felt that much of this can be accomplished this Fall, if approved by Council. Mr. Jones asked if there are outstanding issues with the Mawhinney lot and Jim Hier advised that the Planning Commission extended the conditional use permit for parking with the understanding that the master plan would be revised. Tom Bakaly interjected that this portion of the park would probably have to go to the Planning Commission. Changes to the Mawhinney lot would have to occur next year because of the process and should be included in the Old Town Improvement Study with the bulb-out and pedestrian connection.

Ms. Calvert asked about the costs associated with the improvements and Mr. Schulman felt that this phase would be minimal. Bob Johnston explained that with Council concurrence, staff would proceed with bids for construction drawings, engineering services, etc. There was discussion about grading and possible environmental work. Jim Hier indicated his support of the plan. In response to a question from Peg Bodell, Dean Schulman explained the plans for a canopy to provide shade for the basketball court and skate park. She didn't feel it realistic to share the basketball court with skating. Mr. Johnston explained that there has been great success with the skate clinics and most of that activity takes place from 9 a.m. to 11 a.m. Basketball in the park typically starts at 2 p.m. or 3 p.m. to 9 p.m. and scheduling conflicts are not expected. Ms. Bodell emphasized that basketball occurs during the middle of the night creating a nuisance which has been easily dismissed by the Parks and Recreation Board. She continued that she is concerned about tearing out the perfectly good basketball court and turning it into a volleyball court. It could be easily transformed into an amenity for the tot lot and she is in favor of leaving it there. Sullivan Lane should be one-way and both bulb-outs on Park Avenue should be constructed at the same time. Mr. Bakaly stated that bulb-outs, lighting and cross walks could be added to the Old Town Improvements Study. She suggested that mucking and drilling may be better suited at Coalition Park. Mr. Schulman responded that the Board is open to all ideas and the north campus area of the Library was only a temporary solution. Ms. Erickson commented that she attended the lengthy Parks Board meeting where volleyball was considered a conflict with the skate park because of sand. In response to a question from the Mayor, the City Engineer felt that one-way is appropriate but it is important to have input from residents as it can be inconvenient. Jim Hier felt that one-way on Sullivan Road should be included in the master plan. The Mayor believed that redesigning the drain area in the north end would create more space and could possibly accommodate volleyball courts. He pointed out that the addition of a vert ramp would complete the skate park; more kids skate than play baseball these days. Kay Calvert felt this has some merit because of the skate park's popularity. Jim Hier countered that he is inclined to wait two or three years before considering modifications to it, because a substantial amount of funding has already been dedicated to this project and there are other needs in the park. The Mayor pointed out that he is not receiving public input on other recreation needs other than the skate park. Ms. Erickson stated that she is not willing to spend money on a vert ramp at this time, but is willing to provide space for it in the future as all options need to be considered. Mr. Johnston added that there may be an opportunity for the vert in the future on the south side, rather than the north end, as the grade there is more favorable.

Mr. Jones emphasized the importance of having long-range objectives outlined in the master plan and asked about time frames. Mr. Schulman explained that the tot lot is slated for next year and the full development of the park is estimated from three to five years. He recognized Council's priority of getting the tot area fenced and It is hoped that park planning is completed before that project proceeds. Mr. Jones indicated his concern that the master plan be implemented and not recreated. Bob Johnston clarified that this is an update from the 1997 master plan and most components of that plan are included in this document. Fred Jones expressed his support of the master plan, and Council members concurred.

There was discussion among members about scheduling discussion on uses for the old sewer treatment plant at a future meeting. Mr. Schulman added that the trails subcommittee of the Parks and Recreation Board is considering alternatives for the site. Jim Hier felt that this may be the most probable site for affordable housing in the City which needs consideration. There is the McLeod Creek area and Racquet Club facility already serving that area. He discouraged proceeding with substantial work on park plans before this discussion occurs. Peg Bodell requested that staff provide information on other sites suitable for affordable housing. Ms. Erickson pointed out that McLeod Creek is a trail and the Racquet Club is not a park either. Mr. Hier agreed. Tom Bakaly referred to the report presented to Council recently on neighborhood parks and urged members to review that information again and follow-up with staff.

3. **Review of regular meeting.** See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 22, 2002

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 22, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Jonathon Weidenhamer, Planner; Kevin LoPiccolo, Planner; and Michelle Barrus, Special Events Coordinator.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter not scheduled on the agenda.

Summit County/Park City Arts Council - Elizabeth Swank, President, stated that they received an anonymous donation to create a memorial tribute to the emergency and rescue efforts of 9-11 and to recognize these professionals in our community. It is their goal to raise $1.1 million but they can't proceed with fund-raising until the site is identified. Although it could be installed in the County, she would like to have it in Park City and suggested the south end of City Park. She felt that the community will support a memorial park at that location because it is a quiet portion of the park. Ms. Swank urged Council to direct staff to work aggressively with the Arts Council on a location for the project to demonstrate the City's support. The Mayor pointed out that the Coalition Park on Park Avenue may have more room than the site at the south end of City Park. Ms. Swank explained that the concept is for two 12' black granite structures, sculptures of rescue personnel, and benches. Peg Bodell felt that there may be several suitable locations which can be better defined with a more specific design and staff can provide a list of parcels. The Mayor indicated that he received an email from a resident supportive of a commemorative project, but also creating a fund for widows and orphans of fire fighters and/or police officers. Ms. Swank agreed that that is a worthy cause. and emphasized that they are at the beginning stages. The City Manager stated that staff will contact her and follow-up with City Council.

III COMMUNICATIONS FROM COUNCIL AND STAFF

There was discussion about the status of the final Olympic report.; Peg Bodell asked that departments include comments about their experiences and lessons learned.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JULY 11, 2002 AND JULY 18, 2002

Peg Bodell, "I have reviewed the minutes and move approval". Candace Erickson seconded. Motion carried unanimously.

V CONSENT AGENDA PUBLIC HEARINGS

Mayor Williams pointed out that the following four items are intended to be continued and asked if anyone in the audience would like to address any item. Hearing no public input, he requested a motion to continue. Peg Bodell, "I so move". Kay Calvert seconded. Motion carried unanimously.

1. Ordinance zoning Sunnyside Subdivision - **Motion to continue to September 26, 2002** - See motion.

2. Ordinance approving a plat amendment at 350 ½ Main Street - **Motion to continue to a date uncertain** - See motion.

3. Ordinance approving a condominium record of survey for April Mountain - **Motion to continue to August 29, 2002** - See motion.

4. Ordinance - 1641 Lakeside Circle record of survey plat - **Motion to continue to a date uncertain** - See motion.

5. Ordinance approving an amended record of survey for Sterlingwood Condominiums, Units 1 - 6 and 16 - 18, located at 7800 Royal Street East, Park City, Utah - Jonathon Weidenhamer, Planner, explained that the application is for conversion of common deck area and the Planning Commission rendered a positive recommendation on August 14, 2002. The Mayor invited the Council and the public to comment. Hearing none, the public hearing was closed.

6. Ordinance approving a six month time extension for the vacation of a portion of the platted Marsac Avenue between platted First and Second Streets, adjacent to Lots 6 and 7, Block 52 of the Park City Survey, Park City, Utah - Kay Calvert disclosed that she will be abstaining as she is a co-applicant. Kevin LoPiccolo stated that this is a request for an extension for the vacation portion of the project. Earlier City Council approved an extension of six months to record the plat. Hearing no questions or comments from Council or the audience, the public hearing was closed.

7. Ordinance amending Title 11 of the Municipal Code of Park City to update the effective editions of the Building Codes - Mark Harrington referred to his staff report. Approval of the ordinance is recommended so our code is consistent with state codes. Hearing no public input, Mayor Williams closed the public hearing.

8. Master Festival License for a Community September 11 Memorial to be held at City Park - Michelle Barrus explained that activities are planned on Main Street and at City Park. The Mayor stated that the Fire Chief is recommending that the 10 o'clock whistle be blown at the times the World Trade Center buildings fell. At that time, there will be a silent parade of officers on Main Street, and a gathering at City Park at 6:30 p.m. with speakers and music. In response to a question from Candace Erickson, the City Manager advised that a Planning Commission meeting is scheduled on that date. Peg Bodell recommended that the Commission postpone the meeting.

The Mayor invited the audience to comment. Hearing no input, the public hearing was closed.

VI CONSENT AGENDA

Fred Jones, "I move to approve the Consent Agenda as presented". Jim Hier seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye, Abstention Item 2
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

1. Ordinance approving an amended record of survey for Sterlingwood Condominiums, Units 1 - 6 and 16 - 18, located at 7800 Royal Street East, Park City, Utah - See staff report and public hearing.

2. Ordinance approving a six month time extension for the vacation of a portion of the platted Marsac Avenue between platted First and Second Streets, adjacent to Lots 6 and 7, Block 52 of the Park City Survey, Park City, Utah - See staff report and public hearing.

3. Ordinance amending Title 11 of the Municipal Code of Park City to update the effective editions of the Building Codes - See staff report and public hearing.

4. Master Festival License for a Community September 11 Memorial to be held at City Park - See staff report and public hearing.

5. Authorization to staff to enter into a professional services agreement with Hansen, Allen and Luce Engineers for general services for the Park City Water System - See staff report.

VII ADJOURNMENT

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

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

Prepared by Janet M. Scott

DATE: August 27, 2002

DEPARTMENT: Legal

AUTHORS: Thomas A. Daley, Anne Rollings Clauson

TITLE: Repeal of MCPC 4-3-5(G)

TYPE OF ITEM: LEGISLATIVE

SUMMARY RECOMMENDATIONS: Staff recommends that City Council repeal Title 4, Chapter 3, Section 5(G) of the Municipal Code of Park City ("MCPC").

DESCRIPTION

A. Topic. Repeal of Title 4, Chapter 3, Section 5(G) of the Municipal Code of Park City.

B. Background. Westgate Resorts, Ltd. is a Florida limited partnership and the owner and operator of resort property located at The Canyons in Park City. Westgate leases property at 544 and 562 Main Street, where it promotes and advertises its business by way of soliciting passersby to sit through a time share presentation.

In March, 2002, in spite of complaints from citizens and verbal and written warnings from City Code Enforcement Officers, Westgate refused to stop soliciting on the sidewalk. The City Prosecutor then charged Westgate with violating 4-3-1, 4-3-5(C) and 4-3-5(G) of the Municipal Code, all of which are Class B criminal Misdemeanors.

In May, 2002, Westgate plead guilty to violating 4-3-1 and 4-3-5(C), paid a fine and entered into a Plea in Abeyance agreement whereby Westgate agreed to have no subsequent like violations for a period of three months. However, Westgate filed a separate civil action in the Third District Court, seeking injunctive relief from and challenging the constitutionality of MCPC § 4-3-5(G). In its civil complaint, Westgate contends that, as written and as applied to Westgate, subsection G is vague, overbroad and unclear to the point that it infringes on the constitutionally protected rights of freedom of expression and commercial speech on private property; and is content selective and unduly restrictive. Park City has not yet answered the Complaint.

C. Analysis. The intent of MCPC 4-3-5, Terms and Conditions of Solicitation Licenses, is to set standards by which solicitors of goods and services may conduct their business in harmony with the citizens, visitors and general public. Staff's primary concern when enforcing this title is the disruption of sidewalk traffic caused by solicitation. MCPC 4-3-5 (C) provides the City with a means of preventing solicitors from engaging in sidewalk solicitation. The language of MCPC 4-3-5 (G), on the other hand, focuses on whether or not individuals who listen to a time share presentation are giving reasonable consideration for any gifts or premiums they may receive. Staff's opinion is that this subsection may not survive a constitutional challenge. Staff also questions the necessity of the language in subsection (G). The issue of reasonable consideration being paid for time share presentation premiums is not something that has typically prompted enforcement on Main Street in the past.

Upon repeal of subsection (G), Westgate will dismiss its lawsuit against the City. If, however, the Council declines to repeal subsection (G), the City would be obligated to answer Westgate's complaint by October 9, 2002 and show that the language of subsection (G) does not offend the State and Federal Constitutions.

4. Department Review. The issue has been reviewed by the Legal Department and the Building Department.

5. Alternatives

1. Repeal MCPC § 4-3-5(G). This is the recommended action.

2. Provide direction to Staff to answer Westgate's Complaint.

3. Continue the item for further information, input or discussion.

Significant Impacts: If Council decides to repeal this Section of the MCPC, Westgate will dismiss it's Complaint and Park City will be protected against Westgate's objectionable conduct by the remaining sections of the MCPC. If Council decides not to repeal this Section, Westgate will proceed with it's lawsuit against the City.

Consequences of Not Taking Recommendation: If Council decides not to repeal this Section, Westgate will proceed with it's lawsuit against the City.

Recommendation: Staff recommends that Council repeal 4-3-5(G) of MCPC.

Attachment: Draft of Amended Ordinance

ORDINANCE REPEALING SUBSECTION (G) OF TITLE 4-3-5, LICENSING, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, a Licensing Code was adopted in the Municipal Code of Park City, Utah by the City Council of Park City to establish guidelines for the issuance of licenses to solicitors of goods and services, accommodations, franchises, investments, or those with any interest in real property or time intervals in the use or ownership of property; and

WHEREAS, the intent of MCPC 4-3-5, Terms and Conditions of Solicitation Licenses, is to set standards by which solicitors of goods and services may conduct their business in harmony with the citizens, visitors and general public; and

WHEREAS, the language of MCPC 4-3-5(G) focuses on whether or not individuals who listen to a time share presentation are giving reasonable consideration for any gifts or premiums they may receive; and

WHEREAS, MCPC 4-3-5(G) may not survive a constitutional challenge;

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

SECTION 1. REPEAL OF SUBSECTION (G) OF TITLE 4, SECTION 3, CHAPTER 5, OF THE MUNICIPAL CODE OF PARK CITY Title 4, Section 3, Chapter 5(G) of the Municipal Code of Park City is hereby repealed, with Title 4, Section 3, Chapter 5 to read as follows:

4- 3- 5. TERMS AND CONDITIONS OF SOLICITATION LICENSES.

The Finance Department may issue a license to solicitors of goods and services, accommodations, franchises, investments, or any interest in real property or time intervals in the use or ownership of property, subject to the following terms and conditions:

(A) The solicitor makes contact with the public at a location other than at the regular place of business at which the goods and services are actually sold or performed; and

(B) The solicitor shall only contact the public on a door-to-door basis; and

(C) No solicitation activities shall be conducted on public streets, sidewalks, or public property; and

(D) The solicitor shall not enter any premises in which a "No Solicitors Allowed" sign, or the equivalent thereof, has been posted; and

(E) The solicitor may only carry goods or merchandise for display, not for sale, but the solicitor may deliver previously ordered goods or merchandise; and

(F) No solicitor shall give or pass handbills literature, or other printed matter to passersby or place them on cars, buildings, driveways, doorways or porches. The licensee, including the primary business signing the license application, shall be responsible for any littering caused by that licensee's handbills being discarded or not being picked up; and

~~(G) No solicitor shall attempt to entice the public to stop and engage in a promotional discussion or solicitation by means of offering candy, food, drink, toys, or any other kind of property without reasonable consideration being given for it; and~~

~~(H)~~ (G) It shall be unlawful for any person to solicit from any motor vehicle by means of calling or hailing from inside or on the vehicle, or to use any sound amplification equipment to broadcast solicitations from the vehicle. Persons offering others free transportation in exchange for listening to a sales solicitation shall, by clearly printed signs (all lettering to be legible from at least ten feet (10') away by persons of 20/20 vision) attached to the outside of both sides of the vehicle, identify the vehicle as a point at which sales solicitations will be made and display the name of the business for which the solicitation will be made; and
~~(I)~~ (H) The solicitor shall inform each buyer of the right to cancel a home solicitation sale pursuant to U.C.A § 70C-5-102 or any successor provision.

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

Date: September 19, 2002
Department: Planning Department
Title: 199 Daly Avenue
Type of Item: Legislative

Summary Recommendation: Staff recommends that City Council approve the proposed plat amendment to combine all of lot 33 and part of lots 32 and 34 of Block 73, Millsite Reservation to the Park City Survey into one lot.

C. Topic

Owners:	Boozier/Kranstover/Bonham
Location:	199 Daly Avenue
Zoning:	HR-1
Adjacent Land Uses:	Residential
Project Planner:	Kevin LoPiccolo
Date of Application:	August 13, 2002

D. Background

The project site is located at 199 Daly Avenue. A historic home exists on the property and is oriented in a north/south direction across the subject lots. The applicant proposes to combine all of lot 33 and parts of lots 32 and 34 into one (1) lot of record to accommodate a rehabilitation and future addition. The scope of the addition has yet to be determined. A Historic District Design Review application will be reviewed at that future date. The applicant is preparing to re-roof, replace non-historic windows and stabilize the front porch which will allow the applicant to occupy the dwelling.

The Planning Commission at their August 28, 2002 meeting reviewed this application request and forwarded a positive recommendation to the City Council.

E. Analysis

The property is zoned HR-1, Historic Residential. The proposed plat creates a 5,750 square foot lot. The minimum lot area is 1,875 square feet for a single family dwelling. The minimum lot width is twenty five (25) feet, measured fifteen (15) feet back from the front lot line. The proposed plat amendment complies with the Land Management Code, Section 15-2.2-3(A) Lot Size. Portions of the historic home encroach into the side yard setbacks. Section 15-2.2-4 of the Land Management Code allows historic dwellings to occupy non complying setbacks. Depending on the scope of the future addition, it may be likely that the historic building will be adjusted on the site in the future to accommodate the new construction. The rock retaining wall encroachment into neighboring Lot 34 is minor (approximately one (1) foot). This type of encroachment is typical in the HR-1 District and will not adversely affect setbacks or development on the adjacent lots. The applicant has submitted a letter of consent from the adjacent property owners stating that they are aware and consent that the existing encroachments will remain as part of this plat amendment. This note will be added to the plat with the adjacent property owners signatures.

Criteria for Review:

Plat amendments require discretionary approval by the City. Pursuant to the Land Management Code and State Subdivision statutes, the Council must be able to conclude that:

(A) There is good cause for the amendment.
(B) Neither the public nor any person will be materially injured by the proposed plat amendment; and
(C) Neither the public nor any person will be materially injured by the proposed amended plat.

Public Input:
All owners within 300' of the property were noticed. As of the date of this report, no comments have been received.

D. Department Review.
The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat before the plat is recorded.

Alternatives:
A. Approve the proposed plat amendment to combine all of lot 33 and parts of lots 32 and 34 of Block 73, Millsite Reservation to the Park City Survey into one lot.
B. Deny the plat amendment and retain the original Record of Survey which would prohibit the applicant from making any further rehabilitation and future building additions. The existing lot lines would remain as is.
C. Continue the item and request further evaluation from the Staff.

Significant Impacts:
The proposed amendment will result in one (1) lot which will meet the lot requirement for the HR-1 District. The plat amendment will not increase the density of the lot.

Consequences of not taking the recommended action:
If the plat amendment is not approved as proposed, the existing historic dwelling would not comply with the Uniform Building Code as far as building to lot line relationship, and would prohibit the owner from future expansion to the existing historic dwelling.

E. Recommendation
The staff recommends that the City Council approve the plat amendment for lot 33 and part of lots 32 and 34 of Block 73,Millsite Reservation to the Park City Survey into one lot, based on the following Findings of Fact, Conclusions of Law and Conditions of approval.

Findings of Fact:
6. The property is located at 199 Daly Avenue in the Historic Residential zone (HR-1).
7. The proposed plat creates a 5,750 square foot lot.
8. The minimum lot size allowed for a single family dwelling is 1,875 square feet.
9. A Historic home exists on portions of lots 33, 32 and 34.
10. Land Management Code Section 15-2.2-4: Existing historic structures allows for historic buildings to occupy non-complying setbacks.

11. Portions of the existing historic home encroach into the side yard setback.
12. A retaining wall and rock footing wall encroaches on adjacent lots.
13. The applicant has submitted consent letters from the adjacent property owners recognizing and consenting that the retaining wall and rock footing encroachments will remain as part of the Plat Amendment application.
14. The proposed plat amendment will combine all of lot 33 and part of lots 32 and 34 of Block 73, Millsite Reservation to the Park City Survey into one lot.
15. The plat amendment will not increase density on the lot.
16. No remnant lot is created.
17. The Planning Commission forwarded a positive recommendation to the City Council at their August 28, 2002 meeting.
18. The applicant stipulates to all conditions of approval.

Conclusions of Law:

(A) There is good cause for this plat amendment.

(B) The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.

(C) Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval:

A. The City Attorney and City Engineer review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.

B. A note shall be added to the plat recognizing the rock footing encroachment onto adjacent Lot 34 and declaring that the owner(s) of the lot acknowledge and accept the continuance of said encroachment. A signature block for the record owner(s) of Lot 34 shall also be added to the plat.

C. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.

D. A building addition to the existing historic structure shall require a Historic Design Review Application.

E. The applicant shall dedicate a ten foot (10') snow storage easement along Daly Avenue.

F. All standard Project Conditions shall apply and Land Management Codes shall apply.

F. Exhibits

Exhibit A - Amended Plat
Exhibit B - Draft Ordinance
Exhibit C - Standard Conditions

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 33 AND PART OF LOTS 32 AND 34 OF BLOCK 73, MILLSITE RESERVATION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD LOCATED AT 199 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owner, Brad Boozier, of the property at 199 Daly Avenue Park City, Utah have petitioned the City Council for approval for an amendment to the final Park City Record of Survey; 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 28, 2002 the Planning Commission held a public hearing to receive public input on the proposed amendment to the Park City Record of Survey 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.

WHEREAS, the proposed amendment to the Park City Record of Survey allows the owner to combine all of Lot 33 and part of Lots 32 ad 34 of Block 73, Millsite Reservation into one lot of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Record of Survey;

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.

19. The property is located at 199 Daly Avenue in the Historic Residential zone (HR-1).
20. The proposed plat creates a 5,750 square foot lot.
21. The minimum lot size allowed for a single family dwelling is 1,875 square feet.
22. A Historic home exists on portions of lots 33, 32 and 34.
23. Land Management Code Section 15-2.2-4: Existing historic structures allows for historic buildings to occupy non-complying setbacks.
24. Portions of the existing historic home encroach into the side yard setback.
25. A retaining wall and rock footing wall encroaches on adjacent lots.
26. The applicant has submitted consent letters from the adjacent property owners recognizing and consenting that the retaining wall and rock footing encroachments will remain as part of the Plat Amendment application.

27. The proposed plat amendment will combine all of lot 33 and part of lots 32 and 34 of Block 73, Millsite Reservation to the Park City Survey into one lot.
28. The plat amendment will not increase density on the lot.
29. No remnant lot is created.
30. The Planning Commission forwarded a positive recommendation to the City Council at their August 28, 2002 meeting.
31. The applicant stipulates to all conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

(A) There is good cause for this plat amendment.
(B) The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
(C) Neither the public nor any person will be materially injured by the proposed amended plat.

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 199 Daly Avenue, Block 73, Millsite Reservation to the Park City Survey, is hereby approved as shown on Exhibit A, with the following conditions:

A. The City Attorney and City Engineer review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
B. A note shall be added to the plat recognizing the rock footing encroachment onto adjacent Lot 34 and declaring that the owner(s) of the lot acknowledge and accept the continuance of said encroachment. A signature block for the record owner(s) of Lot 34 shall also be added to the plat.
C. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
D. A building addition to the existing historic structure shall require a Historic Design Review Application.
E. All standard Project Conditions shall apply and Land Management Codes shall apply.

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

PASSED AND ADOPTED this 19th day of September, 2002.

Date: September 17, 2002
Department: Planning Department
Title: 1259 Norfolk Avenue
Type of Item: Plat Amendment

Summary: Approve the request for a one year extension to the August 9, 2001 plat amendment approval for the property located at 1259 Norfolk Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval in this staff report.

TOPIC

Applicant:	Richard Kerr
Location:	1259 Norfolk Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Date of Application:	May 30, 2001
Date of Approval	August 9, 2001
Project Planner:	Ray Milliner

BACKGROUND

On August 9, 2001the applicant received approval from the City Council to subdivide lots 15, 16, and 17 of Block 18 of the Snyder's Addition to the Park City Survey into two lots of approximately 3,300 (lot 1) and 2,325 (lot 2) square feet. The property has an existing historic structure on lot 1, which has been reconfigured to lot 1 of the subdivision, leaving lot 2 available for future development. A Historic District Design Review application was reviewed and approved by the Historic District Commission for the relocation, and renovation of the historic home. The applicant was unable to record the plat prior to the expiration of the subdivision approval and is therefore requesting that the City Council grant a one year extension to the August 9, 2001 approval.

RECOMMENDATION

Staff recommends approval of the request for a one year extension of the August 9, 2001 approval for a plat amendment to subdivide lots 15, 16, and 17 of Block 18 of the Snyder's Addition to the Park City Survey into two lots of record according to the Findings of Fact, Conclusions of Law and Conditions of Approval below:

Findings of Fact

6. The property located at 1259 Norfolk is located in the HR-1 zone.
7. The existing building is historically significant.
8. The applicant received approval for a subdivision plat amendment at 1259 Norfolk Avenue on August 9, 2001.
9. The approval expired on August 9, 2002.

Conclusions of Law

1. There is good cause for this extension.

2. The extension is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat extension.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

EXHIBITS

Exhibit A - Proposed Ordinance
Exhibit B - Plat

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF A PLAT AMENDMENT TO LOTS 14, 15, AND 16 OF BLOCK 18 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY

WHEREAS, the owners of the property known as lots 14, 15, and 16 of Block 18 of the Snyder's Addition to the Park City Survey have petitioned the City Council for approval of an extension to a plat amendment; and

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

WHEREAS, on August 9, 2001, the City Council approved proposed plat amendment; and

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

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

SECTION 1. APPROVAL. A one year extension to an amendment to Snyder's Addition of the Park City Survey is hereby granted subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

3. The property located at 1259 Norfolk is located in the HR-1 zone.
4. The existing building is historically significant.
5. The applicant received approval for a subdivision plat amendment at 1259 Norfolk Avenue on August 9, 2001.
6. The approval expired on August 9, 2002.

Conclusions of Law

1. There is good cause for this extension.

2. The extension is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the proposed plat extension.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 17th day of September, 2002.

DATE: September 19, 2002

DEPARTMENT: Facilities and Special Events

AUTHOR: Michelle Bridge Barrus

TITLE: Portuguese Water Dog Club of America, Inc. - PWDCA 12th Annual National Specialty

TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, consider approving the license for Portugese Water Dog Club of America, Inc. - 12th Annual National Specialty September 15th-19th, 2003, at the North Library Field.

A. TOPIC

Review of the Master Festival License Application, submitted by Portuguese Water Dog Club of America, Inc, a non-profit corporation for the 12th Annual National Specialty on September 15th-19th, 2003, at the North Library Field.

B. BACKGROUND

The Master Festival License application submitted by Portugese Water Dog Club of America, Inc requests approval for PWDCA 12th Annual National Specialty to be held at the North Library Field on September 15th - 19th, 2003. This is the first time the PWDCA 12th Annual National Specialty has been considered to hold it's dog show in Park City. This group has in previous years been in places like Lake Geneva, WI and Warwick, Rhode Island. This five day meeting will draw approximately 200-250 members from across the United States to Park City for five days. They have booked the entire Marriott Hotel in Prospector Square for the 15th -19th in September 2003.

Logistics for the PWDCA 12th Annual National Specialty will consist of a 100 ft. By 100 ft. Ring and directly adjacent to this ring a tent for the judging officials. The group will have four port-a-potties to accommodate the attendees so as to not impact the Library and Education

Center facilities. The Building Department will require a Building Permit for the installation of the tents and a generator. The event will run from 8:00 until 5:00 each day.

C. ANALYSIS

The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions or deny the applications. PWDCA 12th Annual National Specialty is being reviewed as a Master Festival due to the fact it is a new event and the location of the event is on public property.

The organizers are expecting a crowd of 200-250 to attend these events. Due to the size of the anticipated crowd and the duration of the event, adequate parking is available at the Library and Education Center as well as the parking spaces available in the MaWhinney Lot and additional capacity in City Park, and on Park Avenue. Some of the attendees will have professional handlers (approximately 25) who will bring their own RV's. We will explore options to put those in the PCMR lot as well as in the MaWhinney lot. The library lot will be blocked so that a portion is maintained for library patrons and pick-up and drop-off zones for the schools.

When not competing, dogs will be kept on leash.

Tenants of the Library and Education Center have been contacted and have expressed one concern regarding this event. This concern is that the dog show take up the Northern most portion of the field so that the preschools are still able to use the portion of the field closest to the building for a play area. The dog show organizers have agreed to move their activities to this portion of the field and therefore there should not be any conflicts.

D. DEPARTMENT REVIEW

The proposed MFL has been reviewed by the Legal Department, and the Office of Capital Management and Budget.

ALTERNATIVES

A. Approve the Master Festival License, as conditioned by staff, allowing PWDCA 12th Annual National Specialty to take place on September 15th-19th ,2003 at the North Library Field.

B. Modify the parameters of the event and approve PWDCA 12th Annual National Specialty to take place on September 15th-19th ,2003 at the North Library Field.
C. Deny the Master Festival License, thereby preventing PWDCA 12th Annual National Specialty from taking place on September 15th-19th ,2003 at the North Library Field.
D. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:
Staff recommends approval of the Master Festival License to allow the PWDCA 12th Annual National Specialty to take place on September 15th-19th ,2003 at the North Library Field.

Findings of Fact:

1. PWDCA 12th Annual National Specialty will be held at North Library Field on September 15th-19th, 2003 The event consists of a 100 x 100 ft roped off area and a tent for judges.
2. Parking for the anticipated crowd size (estimated at 200-250 people) throughout the duration of the event can be accommodated by the available parking in the Mawhinney lot, City Park, and Park Avenue. The conduct of PWDCA 12th Annual National Specialty will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The events associated with PWDCA 12th Annual National Specialty will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. No other Master Festival License has been approved for September 15th -19th. PWDCA 12th Annual National Specialty will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions on those dates.
5. The organizer is providing adequate insurance for the event.
6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns.
8. This event is compatible with Council's goal number 4 which is to continue to promote Park City as a multi-seasonal resort: bringing more activities during spring, summer, and fall.

Conclusions of Law:

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

Conditions of Approval:

1. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.

2. The Applicant shall provide to the Special Events Manager proof of liability insurance as required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured.
3. The applicant must monitor sound levels to reduce impact on adjacent residents.

Exhibits
Exhibit A - Site Plan
Exhibit B - Additional Information about Portugese Water Dogs Club of America

EXHIBIT B

In Portugal the Water Dog is known as Cao de Agua (pronounced Kown-d'ahgwa). "dog of the water". He's also called the Portuguese Fishing Dog, the Diving Dog or the Sea Dog. These seafaring working dogs carried messages between ships and ship to shore, and stood watch in the bow, barking warning of danger in the surrounding fog. In his homeland the working Water Dog thrived as courier between fishing boats. He dove fearlessly into the sea to retrieve broken nets and tackle gone overboard, and was a loyal friend to the fisherman and his family.

The breed has been preserved in America through the combined efforts of the 16 people who formed the Portuguese Water Dog Club of America, Inc. In August, 1972. At that time there were less than 25 known Water Dogs throughout the world. The founders and members of the PWDCA united to revive the breed and secure strong, healthy foundation stock.

On June 5, 1981 when the Water Dog was admitted to the American Kennel Club Miscellaneous Class more than 500 dogs lived in the United States. On January 1, 1984 the Water Dog became eligible to compete in the AKC Working Group. The male PWD weights an average of 50 pounds and the females weigh an average of 40 pounds. It has a coat of non-shedding hair that continues to grow as human hair does. It has no undercoat. The coat can be curly or wavy. The colors are black or brown- with or without white markings or white -with or without black or brown markings. The PWDCA encourages owners to insure the Portuguese Water Dog's future at home as a family member in the breed and obedience rings of AKC licensed dog shows and in water work.

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The Portuguese Water Dog Club of America, Inc. is a non-profit organization, sanctioned by the AKC and has a total of 1,850 members in 1,430 households. The American Kennel Club (AKC) registers approximately 1,000 new PWD puppies each year.

The Portuguese Water Dog Club of America, Inc. has held its PWDCA National Specialty meeting for the past ten years rotating from the East Coast to Mid-Atlantic to the West Coast. The 2001 National Specialty was held in Warwick, Rhode Island and was attended by approximately 200 members and their dogs. This year's specialty meeting, sanctioned by the AKC, will take place in Lake Geneva, Wisconsin on September 22-27, 2002 and will be attended by approximately 250 members and their PWDs. During the six day meeting there are trials for Conformation (how well a dog conforms to the written breed standard), Agility Trials, Obedience and Water Trials. The Water Trials in 2003 will be held at Jordanelle State Park where many members driving to Park City in RVs will be stationed.

The host Hotel for Park City in 2003 will be the Park City Marriott where the PWDCA has reserved 190 rooms. One reason for acceptance by the Park City Marriott is that as "Show Dogs" the Portuguese Water Dogs are well behaved, do not shed and are crated at all times when the owners are not in their rooms or when hotel personnel are servicing the room. The members of the PWDCA are fastidious about cleaning up after their dogs and provide their own waste receptacles. In addition, since mid-September is "shoulder season" for Park City, the Park City Marriott welcomes the addition of 200 visitors for five to six days as will local merchants.

DATE: 9/19/02
DEPARTMENT: OCMB
AUTHOR: Matt Twombly
TITLE: Meadows Drive Trail
TYPE OF ITEM: Award of Construction Contract

SUMMARY RECOMMENDATION:

Staff requests authorization to proceed with the construction of the Meadows Drive Trail Project. Staff recommends that Council award the construction contract to Thiede Construction Corporation in the amount of sixty two-thousand four-hundred nineteen dollars ($62,419).

DESCRIPTION

A. Topic Award of the construction contract and proceed with the construction of the Meadows Drive Trail Project.

B. Background

The project briefly entails the construction of a six-foot wide sidewalk within the Right of Way from the McLeod Creek Trail to Crestline Drive along the Southeastern edge of Meadows Drive. The project will connect the trail system at Hwy. 224 to the Ridgeview Neighborhood except for the last 20 feet before Crestline Drive where there are mailboxes and power boxes in the right of way. This project is consistent with the Trails Master Plan and CIP plan for trails prioritized by staff in 1998.

The sidewalk is not anticipated to be plowed in the Winter. On the remainder of Meadows Drive there is a combination of sidewalks adjacent to the roadway, separated paved trails and bicycle lanes. The project will leave a portion of meadows drive between Crestline Drive and Mountain Ridge Court without a sidewalk, trail or other pedestrian or bicycle-designated route. There is a back-country hiking/mountain biking trail from Mountain Ridge Court down to the McLeod Creek Trail on the North Side of Meadows Drive.

The residents of the Ridgeview Neighborhood have voiced concerns about traffic and safety of pedestrians and bicyclists on Meadows Drive accessing the trail system at Hwy. 224. The trail or "sidewalk" will help pedestrians traveling in both directions. However, bicyclists riding against traffic on a sidewalk adjacent to the travel lane of motorists is not recommended. The sidewalk will terminate approximately 30 feet down the McLeod Creek Trail off of Meadows Drive, discouraging wrong way bicycle traffic entering the roadway, which is a major cause of bicycle/automobile accidents. The residents in the neighborhood have written a letter in support of the project (attached). The residents in the area are also petitioning as part of the City wide Traffic Calming Program to have staff review traffic issues in this area of Meadows Drive.

C. Analysis The request for bids was legally noticed in the Park Record on August 31 and September 4, 2002, in the Salt Lake Tribune on September 2 and September 3, 2002, There were three bids for the project and the bids were opened and read aloud on September 12, 2002. The low bidder was Thiede Construction Corporation at $62,419. The next low bid was by Granite Construction in the amount of $69,499 and then Weyher Construction in the amount of $69,775. Thiede Construction has constructed the 4th Street, 11th Street and 12th Street Stairs as well as the retreads of the 2nd, 3rd and 13th Street Stairs.

The work will proceed approximately ten days after the award, upon the execution of the construction agreement drafted by the City Attorneys office and receipt of bonds and certificates of insurance. The project documents stipulate that the project shall be completed by October 31, 2002.

E. D. Department Review Office of Capital Management and Budget, City Managers Office.

ALTERNATIVES

A. Approve the Request Award the construction contract to Thiede Construction Corporation in the amount of sixty two-thousand four-hundred nineteen dollars ($62,419.00.)

B. **Modify the Request.**

C. **Deny the Request.**

D. **Continue the Item.**

SIGNIFICANT IMPACTS There is approximately a total of $650,000 in the Trails Master Plan Capital Improvement Account. The project will require future maintenance, replacing sections as they deteriorate, although plowing or removal of snow by salt or calcium chloride which adds to the deterioration is not anticipated for this section of sidewalk. Construction will cause a temporary inconvenience to the adjacent property owner to relocate several sprinkler heads outside the trail. There will also be flagging and traffic control for the duration of the project.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION Meadows Drive will remain without a sidewalk between Crestline Drive and the McLeod Creek Trail.

RECOMMENDATION Staff recommends that the City Council award the construction contract to Thiede Construction Corporation in the amount of sixty two-thousand four-hundred nineteen dollars ($62,419.00.) and proceed with the construction of the Meadows Drive Trail Project

DATE: September 19, 2002

DEPARTMENT: OCMB / Executive

AUTHOR: Colin Hilton, Project Manager

TITLE: Old Town Improvement Study (OTIS) - Parking Component

TYPE OF ITEM: Authorization for staff to enter into a contract

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SUMMARY RECOMMENDATION:

Staff is requesting authorization to proceed with a contract that is necessary to provide the appropriate technical analysis & cost projections for the "Parking" component of the Old Town Improvement Study.

DESCRIPTION:

A. Topic: Old Town Improvement Study - (OTIS) - Parking

B. Background:

Our last discussion reviewed the need to engage outside resources to properly complete the parking and utility components of the study.

For the parking component, the following summarizes the scope of work identified in the pending contract:

- Evaluate the existing supply of City parking facilities and surface lots (both public and private) that support Main Street corridor. Make recommendations on how the City could enhance the supply of parking without building an additional structure. Items to consider: reconfigurations of parking on Main Street and Swede Alley, better access ways to upper surface lots along Marsac Avenue, and other creative suggestions.

- Review and update past demand analysis and provide a summary of conclusions.

- Evaluate, research, and provide conceptual design drawings of a possible new parking structure. The number of spaces of the structure will be determined by the updated demand analysis. The selected firm will provide several alternatives, to include a parking only facility and one with possible retail and office space elements. In all alternatives, careful consideration will be made for properly providing an aesthetic fit to the historic area. Provide a breakdown of projected project costs for all alternatives studied.

- Provide a written summary and analysis of the identified alternatives that will assist PCMC in furthering the goal of increasing the capacity of parking in the most cost-effective and prudent way.

I received 6 proposals for the Parking RFP. With the assistance of a selection committee made up of Eric DeHaan, Jerry Gibbs, Linda Cook, Bruce Erickson, and myself, we thoroughly reviewed and discussed a best suggested course of action.

C. **Analysis on a Parking Consultant:**

The selection committee felt that it was important to choose a firm that showed a real desire to explore and analyze all options of increasing the current parking supply without rushing to the conclusion that a parking structure had to be built. Along with their past experience, Wilbur-Smith laid out the best approach as reviewed by the selection committee.

Teamed up with EDA architects (two of whom sit on the historic district committee in SLC), their envisioned concept drawings would be very cognizant of the delicate and historic needs of the area.

An updated demand analysis along with a thorough review of multiple options to address the parking supply concerns will be very useful in providing a final summary report on the OTIS-Parking component.

D. Department Review:

This report has been reviewed by the City Manager, Asst. City Manager, City Engineer, and the Public Works Director.

ALTERNATIVES:

A. Authorize staff to enter into a parking analysis contract with Wilbur-Smith / EDA for an amount not to exceed $24,000.

B. Authorize staff to enter into a parking analysis contract with Wilbur-Smith / EDA for an amount other than $24,000. This may reflect Council's desire for adding or decreasing the scope of services requested from Wilbur-Smith.

C. Instruct staff to not engage a consultant at this time.

SIGNIFICANT IMPACTS:

The study will provide a much needed level of parking analysis that cannot be done by in-house resources.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The level of understanding of this issue would rely solely on previous work and individual opinion.

RECOMMENDATION:

Authorize staff to enter into a parking analysis contract with Wilbur-Smith / EDA for an amount not to exceed $24,000.

DATE: September 19, 2002

DEPARTMENT: OCMB / Executive

AUTHOR: Colin Hilton, Project Manager

TITLE: Old Town Improvement Study (OTIS) - Utility Component

TYPE OF ITEM: Authorization for staff to enter into a contract

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SUMMARY RECOMMENDATION:

Staff is requesting authorization to proceed with a contract that is necessary to provide the appropriate technical analysis & cost projections for the "Utility" component of the Old Town Improvement Study.

DESCRIPTION:

A. Topic: Old Town Improvement Study - (OTIS) - Utilities

B. Background:

Our last discussion reviewed the need to engage outside resources to properly complete the parking and utility components of the study.

For the utility component, the following summarizes the scope of work identified in the pending contract:

1. Provide a breakdown of projected costs for burying overhead utilities for all streets within the historic zoned districts of Old Town. Please address this in the following manner (add subcomponents as you deem appropriate) :

A. Research

Street Evaluation - Identify affected streets, review with PCMC staff, obtain available mapping, identify transmission v. distribution lines, etc.

Agency Coordination - Meet with affected utility rep's, acknowledge & itemize challenges, obtain details on their availability to assist, identify steps to obtain needed info.

B. Provide Underground System Design

Provide conceptual layouts for a costing basis

Review with PCMC staff & affected agencies

C. Provide Itemized Cost Estimates

Define construction scenarios and apply construction unit cost estimates

Summarize an appropriate breakdown

Discuss necessary contingencies

2. Provide a series of cost sharing options that the City and residents could review as funding alternatives. PCMC would like the notion of special improvement districts to be considered in at least one of the possible alternatives.

3. Provide an objective analysis on the pro's and con's of doing such a project.

4. Provide a summary report. Note that we will look to have your services to assist in 2-3 public meetings and/or City Council discussions.

I received 7 proposals for the OTIS-Utility RFP. With the assistance of a selection committee made up of Eric DeHaan, Jerry Gibbs, Linda Cook, Bruce Erickson, and myself, we thoroughly reviewed and discussed a best suggested course of action.

C. Analysis on a Utility Consultant:

A challenging aspect of researching the concept of burying overhead utilities, is in how much accuracy one wants in the cost projections and analysis. The costs to go to preliminary design are very high, but would provide the best level of detail. Going on a conceptual design level, an order of magnitude estimate may be in a + or - 20% range of actual costs incurred.

In evaluating the utility proposals, the resulting recommendation of Tasco Engineering stems from a belief that a conceptual level of design is the appropriate approach at this point. Listed as an alternative, we can move into a more detailed approach by investing approximately $50,000 more in preliminary design. In that step, the selection committee would recommend Stantec Engineering to provide the engineering work.

Tasco Engineering has worked with numerous municipalities on utility design projects and offered the best approach to the outlined scope of services requested.

D. Department Review:

This report has been reviewed by the City Manager, Asst. City Manager, City Engineer, and the Public Works Director.

ALTERNATIVES:

A. Authorize staff to enter into a utility analysis contract with Tasco Engineering for an amount not to exceed $37,000.

B. Authorize staff to enter into a utility analysis contract with Stantec for an amount not to exceed $87,600. This would reflect a desire to move into preliminary design as opposed to conceptual design.

C. Instruct staff to not engage a consultant at this time in evaluating the concept of burying overhead utilities.

SIGNIFICANT IMPACTS:

The study will provide a much needed level of analysis on the costs associated with burying overhead utilities.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The level of understanding of this issue would rely solely on the Upper Park Avenue research and individual opinion.

RECOMMENDATION:

Authorize staff to enter into a utility contract with Tasco for an amount not to exceed $37,000.