PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 30, 2001

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, August 30, 2001.

AGENDA

Closed Session

3:00 p.m. Potential litigation

Work Session

3:30 p.m. Council questions/comments
4:00 p.m. Chamber/Bureau update
4:15 p.m Upper Park Avenue improvements
5:00 p.m. Review of regular meeting:
- Water contracts
- MFL - Olympic parking at Snow Park, Deer Valley Resort

Other meeting questions/comments
5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV CONSENT AGENDA PUBLIC HEARING

Ordinance approving the final subdivision plat for the Calderone Subdivision located at 300 McHenry Avenue, Park City, Utah

V CONSENT AGENDA

1. Ordinance approving the final subdivision plat for the Calderone Subdivision located at 300 McHenry Avenue, Park City, Utah

2. Resolution amending Section 3, Beer and Liquor Licenses, of Resolution No. 14-01 and replacing Resolution No. 14-01 in its entirety

3. Award of bid to the Turf Sprinkler Company in the amount of $48,300 to ugrade the Prospector Buffer Strip

VI RESIGNATIONS AND APPOINTMENTS

Two appointments to the Parks, Recreation and Beautification Advisory Board for terms expiring July 2004

VII PUBLIC HEARING

Ordinance amending Title 4 of the Municipal Code of Park City to extend the convention sales business licensing to include hospitality events in connection with the 2002 Winter Olympics (Section 4-3-9)

VIII NEW BUSINESS

1. Ordinance amending Title 4 of the Municipal Code of Park City to extend the convention sales business licensing to include hospitality events in connection with the 2002 Winter Olympics (Section 4-3-9)

2. Professional services agreement with Montgomery-Watson Entranco and EWP in an amount not to exceed $400,000 for general water engineering, inspections and planning for the Park City water system

3. Amendment to Master Festival License with the Salt Lake Organizing Committee for a temporary parking lot at Snow Park, Deer Valley Resort during the 2002 Winter Olympic Games:

   (A) Public input

   (B) Findings of fact, conclusions of law, and conditions of approval

X ADJOURNMENT

Posted: 08/27/01
See parkcity2002.org

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PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 30, 2001

Present: **Mayor Brad Olch; Council members Peg Bodell; Candace Erickson; Roger Harlan; Fred Jones**

Toby Ross, City Manager; Jerry Gibbs, Public Works Director; Tom Bakaly, Assistant City Manager; Eric DeHaan, City Engineer; Brooks Robinson, Planner; Frank Bell, Olympic Planning Director

Bill Malone, Kathy Miller, and Valory Reed, Chamber/Bureau; Mike Guetschow and John Plunkett, Upper Park Avenue Property Association; Bob Wheaton, Deer Valley; and Donna Corrado, SLOC

Absent: **Council member Jeff Mann**

1. **Council questions/comments.** Peg Bodell reported that she attended the Mountainlands Association of Governments meeting and is interested in attending a CDBG grant workshop with a member of staff. There are $150,000 in funds available for non-profit organizations, which an organization like the Main Street Business Alliance may find helpful. She discussed the Historical Society's luncheon at Snow Park Lodge. Roger Harlan reported that he attended the Main Street Merchant Association meeting where the Main Street Celebration was discussed. He assured businesses in attendance that he is personally committed to the economic viability of Main Street. Mr. Harlan complimented Clint Daley and Pace Erickson on working with the neighborhood on the Prospector buffer strip project, which is scheduled on the agenda tonight. Candace Erickson thanked staff for the temporary traffic calming median on Holiday Ranch Loop Road which is effective in slowing down motorists. Fred Jones noted that an amendment to the Sign Code was omitted during its last revision. The allowable size for campaign and real estate signs has increased from three square feet to six square feet. Real estate signs typically are 18 feet by 24 feet which is three square feet and strongly suggested that the Code be amended.

2. **Chamber/Bureau update.** Bill Malone stated that he will update the Council quarterly and was unaware that these presentations are part of their obligations of the professional services agreement with the City. The agreement provides that the Chamber provide economic information and updates on visitor services. Over the past two years, there have been declining numbers visiting their centers which is a concern, however, the visitation this past summer at the Museum was up 12% and the information center on Kearns Blvd. and SR224 was up 18% in June and 26% up in July. This dovetails with the number of overnight visits where there has been a 15% increase from last year. In general, the Chamber is receiving positive feedback from the retail and

restaurant businesses which some believe is prompted by curiosity about the upcoming Olympics. He added that the Board of Directors directed staff to present a very conservative annual budget for the year, in the event of a significant downturn in transient room tax revenue for the first quarter. Not using marketing dollars in a shortfall was an important directive of the Board.

Kathy Miller explained that there is a concerted effort to attract business in the Olympic year and sustain normal business levels. There are many programs, one of which is a 12 page Park City insert appearing in both *Ski Magazine* and *Skiing*. All three resorts are included along with information dispelling Olympic myths and focusing on a season-long celebration in Park City. Destination visitors spending three or more nights receive $20 off lift tickets at all three resorts which is a significant savings. Ms. Miller explained an American Express retail program and the three-resort lift pass for destination visitors. An Olympic myth card has been developed and distributed to lodging properties and mailed to 10,000 past visitors in California. The Winter Brochure will be distributed next month. She discussed the focus on the meeting and convention market. Chamber personnel will travel to 19 cities presenting opportunities on the Olympics and international promotions in Europe. The staff has been very creative in designing programs in consideration of the limitations in the budget and it appears that the public relations programs are working well.

Valory Reed stated that they are in the final phase of the three-year Olympic marketing plan. The Park City media center is a way to create an image for the future in generating tourism dollars. Recruiting efforts took place in the spring and summer and there is actually an excess of volunteers who may be shared with the Red Cross. The media center will provide a facility for print journalists, broadcasting and the resorts. There are informational bus tours planned for employees in November and December and Ms. Reed discussed the business survival guide for local businesses.

3. **Upper Park Avenue improvements.** Tom Bakaly referred to his staff report and explained that a few weeks ago, Council approved a contract for design and engineering of upper Park Avenue, which did not include under-grounding utilities. Representatives from UPAPA then requested that under-grounding utilities be further explored and a home owners meeting was held on August 27 which he attended along with several City Council members. Roughly 22 home owners were present, or 32% of the residential property owners. He pointed out that there are also commercial properties on the east side of Park Avenue who face Main Street. There was unanimous support at the meeting to delay the project so that under-grounding could be considered as part of the budget process next year. The City's portion would cost an additional $1 million, which is not currently budgeted. There was general support for contributions from property owners for their share, which has been estimated at $750,000, but there was some contention regarding the estimate. The projected individual lump sum payment of $11,000 was also an issue of dispute. If Council agrees to delay the project, Mr. Bakaly recommended increasing the Stantec contract by $50,000 to include sidewalks, one-way traffic, and forming a special improvement district in preparation for that budget discussion.

John Plunkett, steering committee member of UPAPA, referred to the staff report and clarified that UPAPA has never requested to delay the project, but have asked a number of times that under-grounding be included. As a result of the request, staff has indicated that that will delay the project. UPAPA understands that there is no guarantee that the project will be funded next year but remains optimistic that it will be funded. The property owners understand that they might have to contribute as much as $11,000 per property and if that is a real number, they are prepared to pay. It is still their intention to obtain signatures from a majority of home owners on the street confirming participation in the cost. Staff has estimated their portion to be $750,000 to under-ground the utilities from the City right-of-way to 68 residences, but commercial connections of the buildings on the west side of the street need to be included. He confirmed that UPAPA understands that if the project is fully funded in 2002 that the work will not begin until 2003 and completed in 2004. Mr. Plunkett asked that in return of the commitment of UPAPA that the funds that have been allocated to this project remain, even though the project will be delayed for a year and that staff be directed to begin planning under-grounding utilities, sidewalks, etc. so there are more accurate numbers when the budget process begins next spring. He asked that Park Avenue be maintained as a high priority item in the next budget review. Mike Guetschow, steering committee member, added that the project as approved, is not something that the neighborhood is comfortable with or wants and this needs to be reconciled.

Fred Jones asked whether a sidewalk could be accommodated with two-way traffic and parking on both sides. Eric DeHaan emphasized that sidewalks pose a major conflict with parking. With regard to overhead or underground utilities, sidewalks could be accommodated in both situations. Residents of Woodside Avenue did not want sidewalks included because of the potential of eliminating parking on the street. There is enough room for two lanes of traffic and a sidewalk, but the concern is maintaining parking which may block the sidewalk. He continued that there will be a sidewalk up to 6th Street by Centennial Park, but south of that pedestrian area there will be a 20 foot wide street which is not wide enough to accommodate on-street parking and the width of the road. Whether traffic is one-way or two-way, the streets needs to be 20 feet for emergency services purposes. Peg Bodell suggested one-way, sidewalk on one side of the street and 45° angle parking on the other side as an option. Mr. DeHaan responded that based on experience, the sidewalk will be encumbered by parked vehicles. He believed there is not enough room for angle parking and a sidewalk while maintaining trees and historic retaining walls.

Fred Jones expressed his hesitancy in postponing the project for a year with the expectation that funding will materialize for under-grounding, which may not occur. Under-grounding is not just an issue on Park Avenue, but an issue throughout Old Town. If the City is in the business of under-grounding utilities, other neighborhoods may make the same request with some legitimacy. He asked the premium in proceeding with the project as presented by installing conduit now and under-grounding the utilities at a later date. Mr. DeHaan explained that the approved project involves installing conduit parallel to the street and across the street, but not to each of the structures. There is no economy of scale that is foregone with this approach, but it still leaves that huge expense in the future. Mr. Plunkett interjected that if the City is bringing the conduit to each house, what would be the marginal cost be of placing utilities in the conduit. Mr. DeHaan explained that there could be an additional cost of rewiring historic houses, repairs, and replacing disturbed landscaping. Mr. Plunkett stated that there could be guarantees from the home owners that restoring their properties would be their responsibility. He stated that he is more concerned about the $750,000 estimated for conduit from the City right-of-way to each house as excavation would appear to represent the major portion of the expense. The City Engineer pointed out that negotiating with Qwest and UP&L for their cooperation in installing their utilities represents a significant challenge and the cost is difficult to pinpoint because the utility companies are not interested in under-grounding. Tom Bakaly reiterated that bringing conduit to the houses is not part of the project and is represented in the $750,000 amount in addition to coordination with the utilities. Discussion ensued about under-grounding utilities in new subdivisions where the cost is borne by the developer without City involvement. Roger Harlan asked where the financial responsibility lies for the wired conduit to the house. Tom Bakaly explained that it varies in jurisdictions. For instance, Telluride's under-grounding program places the financial burden on the home owners, by way of a special improvement district. Council member Harlan pointed out that there may be households that can't afford to participate. Mike Guetschow suggested that historic grant money be used to assist and felt that the cost estimates need to be more realistic before there is a solution. Fred Jones asked if exploring under-grounding would still be requested by UPAPA if it was clear that the City doesn't have an additional $1 million to contribute to the project. Mr. Guetschow insisted that once the numbers are flushed out that everyone will have better information in the upcoming months. Mr. Jones stated that the assumption that this project will be a public-private partnership with the City finding $1 million makes him uncomfortable. Mr. Guetschow understood that this was the division of costs from the City's right-of-way and Mr. Plunkett stated that the neighborhood has committed to the project and UPAPA is asking the City to do the same. Roger Harlan understood Mr. Plunkett's comment to be that everyone on the street has the financial resources to bear their fair share and reiterated his concern about the individual unable to pay. Mr. Plunkett pointed out his understanding that 51% of the home owners is required to establish a special improvement district and if the criteria is met, UPAPA will find a solution to help other members who need assistance and guaranteed that they would not ask the City for assistance for individuals. The staff has asked UPAPA for a commitment, but not the Council, and he is asking for a third option that the Council intends to support the project if there is funding.

Mayor Olch found it interesting that Park Avenue residents have changed their position and are now willing to wait two or three years. He emphasized that the seated council can not commit future councils and there is no guarantee after the upcoming election that there will be support. The costs will escalate if the project is extended from one year to two years and he pointed out the distinction between *needs and wants*. Mayor Olch stated that he has no problem with the neighborhood paying for under-grounding utilities, but didn't feel it appropriate to spend taxpayer's money on under-grounding utilities in one section of town. Mr. Plunkett pointed out that staff originally argued that the project be delayed because of the Olympics and rather than complaining, UPAPA members viewed it as an opportunity to present their original request to under-ground the utilities and from their perspective they have been consistent with what they want. He continued that one of the purposes of the redevelopment agency established in the area 23 years ago, was to improve public streets, which has not included Park Avenue or Hillside Avenue to date. In fact some of the improvements on Main Street have come at the expense of Park Avenue like the transformers installed on Park Avenue to service Main Street. He believed there is some obligation on the part of the RDA to address upper Park Avenue. The RDA receives $1.3 million annually and over the years, totals $23 million and UPAPA would like a small portion of those funds, which is consistent with the principles of the RDA. Tom Bakaly added that that the revenues are overstated and offered clarification. The Mayor encouraged direction from Council. Mike Guetschow emphasized that the City would have to act as the contractor for the project, specifically with regard to coordination with utilities. The Mayor responded that he doesn't have a problem with that as long as the costs are covered by the residents.

The City Manager understood the request to be multi-faceted including redirecting engineering to include under-grounding and other street enhancements. This would require modifying the contract and probably adding $50,000 so that more information is available in six months for the budget review. Without knowing whether there will be under-grounding or sidewalks, the City runs the risk of wasting $100,000 for engineering services. There was discussion about surveying residents with regard to a sidewalk on one side of the street. Mr. Plunkett believed that part of their interest in under-grounding is their understanding that there is not enough room to have a sidewalk, parking and two-way traffic. This is based on two unspoken assumptions of overhead utilities and that the road remain two-way and one would assume that a one-way road would take less area. It was again emphasized that the road needs to be 20 feet wide for emergency vehicles.

Roger Harlan stated that he did not feel it appropriate to encumber another future council with his decision tonight. Fred Jones indicated that if it is the desire of the neighborhood to delay the project he will entertain that, however, he is hesitant because priorities can change with another council. He sensed that the residents believe they are in a better position by waiting and making it one project. The Mayor commented that Woodside Avenue is stubbed so that at a future date the utilities can be under-grounded and there may be an opportunity for a more comprehensive under-grounding project throughout the Historic District. Peg Bodell felt it prudent to do it all at once. Fred Jones and the Mayor questioned where the $1 million would come from and Mike Guetschow believed the $1 million estimate is high and the costs need to be realistically determined. Candace Erickson stated that she thoroughly reviewed the CIP budget to find $1 million and couldn't find a project that should be cut, but if the neighborhood wants to take that gamble, she will support the delay. If the money were available, she would like to see the project done all at once, but is unsure about the City's obligation to pay the $1 million. Ms. Bodell stated that she feels comfortable in exploring options despite the increase in engineering costs and expressed that the City has been negligent about the request a year ago. Ms. Erickson added that the final consensus may be that under-grounding should be comprehensively conducted in Old Town and home owners must bear the cost. The City Manager clarified that $50,000 will not provide absolute numbers on the cost. It is his experience with special improvement districts that once the share is determined, the home owners pay what it costs. This occurs after the project is completed and once a special improvement district is supported by 51% of the home owners and a majority of the Council, home owners are obligated. Fred Jones stated that he is hesitant to delay and would like to see the street improvements made as there is still uncertainty about adequate support by the residents. Mr. Plunkett stated that they will have signatures to Council as soon as possible and the Mayor asked about support of the commercial properties. Mr. Guetschow pointed out that about half of the commercial buildings have already under-grounded utilities. Ms. Erickson stated that if she were a Park Avenue resident she would proceed with the project as recommended and asked when the signatures would be provided. Toby Ross interjected that staff needs to know tonight if there is a project this year to meet engineering time lines to keep the project on line. Fred Jones agreed with Ms. Erickson that he would not pass up the opportunity and urged proceeding with under-grounding independent of this project moving forward. The Mayor added that if the project is delayed but under-grounding is not pursued, the delay will result in added costs to the project and additional funds will need to be identified. Eric DeHaan added that the Snyderville Basin Water Reclamation District is also a party to the contract to replace the sewers and a firm decision should be rendered tonight for its benefit.

Fred Jones emphasized that there are so many demands on the City's capital funds that he would not pass up this opportunity. The Mayor acknowledged that Roger Harlan supports proceeding; Council members Bodell and Erickson support delaying the project to explore options. Fred Jones stated that he can not advocate delay because there is still an opportunity to under-ground utilities in the future. The street needs to be improved; it can be delayed a year or two but not much longer. The Mayor recognized the 2:2 position and his responsibility to break the tie opinions to reach a majority consensus. He stated that he supports the project as originally funded. Mr. Plunkett understood that Roger Harlan recused himself from voting and Mr. Harlan clarified that his statement dealt with encumbering a future council with a commitment on funding the project which would be inappropriate. He stated his position that the project should proceed as outlined. The ultimate decision was 3:2 to move ahead with the project without under-grounding utilities; Mayor Brad Olch, Fred Jones, and Roger Harlan in favor and Candace Erickson and Peg Bodell voting against.

4. Review of regular meeting:

Water contracts. This discussion occurred prior to Item 3, but appears here for ease of reference. Jerry Gibbs referred to the recent capital facilities plan, water rate study and impact fee study which identified a number of projects slated for the next two years. Staff is requesting Council to allocate a pool of money in the amount of $400,000 and authorization for staff to enter into engineering contracts with Montgomery Watson, Entranco, and Stantec. He pointed out that as the City completes the preliminary phases on treatment alternatives and move into a design stage, formal approval from Council will not be sought. There was a request for qualifications from the each firm. It is anticipated that a final report from Stantec will be reviewed by Council in October on the feasibility study for Judge Tunnel and at that time, Council will be asked to determine the methodology in proceeding with improvements. In response to a question from Fred Jones, Mr. Gibbs explained that staff will attempt to match projects with the appropriate firm as each has its own expertise. There is comparable pricing for each firm and there is funding for water source and system development in the capital portion of the Water Fund. The funding for the capital projects has not yet been formulated. The Public Works Director continued that he would like to add a fourth contractor, Ziegmiller & Associates, a mining engineering firm, because of the work required in the Judge Tunnel. In response to questions from the Mayor, Mr. Gibbs indicated that the City invested about $750,000 in the Spiro Tunnel. About six months ago, the mining company rendered notice to the City that because of a reduction in staff, it will no longer be able to provide mining services and maintenance in the Judge Tunnel.

MFL - Olympic parking at Snow Park, Deer Valley Resort. Brooks Robinson referred to the Bristlecone Home Owners Association's letter raising questions about this proposal. He clarified that the parking lot is 1.5 acres but the disturbance area is about four acres. The bonding amount will be for the entire four acres, totaling $170,000 for the landscaping enhancements. This change will be reflected in Item 2 of the conditions of approval. In response to a comment from Ms. Erickson, Bob Wheaton of Deer Valley explained that the pond concept will provide increased snow making storage. He understood that ponds are permitted uses in the ROS zone. Mr. Jones asked if other permits are required. Mr. Wheaton felt that the Army Corps of Engineers would probably need to be involved and he clarified for Ms. Bodell's benefit, that approval tonight does not include the pond. The bond addresses re-vegetation and landscaping enhancements to the area. The pond idea was the result of discussions with the home owners. Ms. Bodell insisted that there is no guarantee that the pond would be built. Mr. Robinson explained that the bond is designed to ensure vegetation on the disturbed area and a temporary irrigation system was discussed. Ms. Bodell asked if wildlife will be displaced and whether an environmental study was conducted. Donna Corrado of SLOC explained that the parking lot area is not considered wetlands but wetlands will be created with the addition of the pond. The Mayor pointed out that the property will be significantly improved. Ms. Corrado added that the Corps is typically supportive of creating wetlands; its concerns lie with disturbing wetlands and she did not anticipate obstacles with regard to obtaining needed permits.

In response to a question from Roger Harlan, Mr. Wheaton explained that the construction of the parking lot will be jointly managed by SLOC and Deer Valley. However, the onus to re-vegetate falls on Deer Valley and the bond is solely in its name. Donna Corrado explained the process in contacting home owner associations and stated that she and Bob Wells met with the Bristlecone HOA about three weeks ago. See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 30, 2001

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, August 30, 2001. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, and Fred Jones. Jeff Mann was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; Eric DeHaan, City Engineer; Pace Erickson, Parks and Golf Course Superintendent; Kevin LoPiccolo, Planner; Brooks Robinson, Planner; and Alison Butz, Special Events Manager.

II PUBLIC INPUT

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

Arsenic in drinking water - Jim Doilney, resident and Mayoral candidate, stated that for years there has been a cloud of concern about our water but now there is justification based on the National Research Council's Arsenic and Drinking Water Report published in the August 2001 University of California Berkeley wellness letter. Our water has dangerously high levels of arsenic. NRC's members are headed by the National Academy of Sciences under a congressional mandate to advise the federal government on scientific and technical matters. The members of the subcommittee on arsenic and drinking water are appropriately balanced and the NRC's conclusion has a direct bearing on Park City's water safety. Much of Park City's water contains the maximum 50 ppb arsenic level allowable according to the August 2001 EPA regulations as he understands them. The UC Berkeley wellness letter summarizes the report as follows: 50 ppb will pose a life time cancer risk in 1:100 if drinking two quarts a day. No food additive which poses such a high risk would be allowed on the market. He stated that Park City's water is too dangerous in carcenigenics to sell as a food additive. Park City has met its legal obligations but this information warrants a higher standard. There are answers, which cost money. In the short term, the City can reduce arsenic levels by further reducing the high use of arsenic water sources and more aggressive and mandatory water restrictions could also be evaluated. In the interim term, the City may be able to borrow Mountain Regional water surplus flows and reduce demand by adjusting our water rate structure and requiring drip irrigation for new construction. In the longer term, the Browns Canyon pipe line can be completed to deliver the arsenic-free water and substituting mine water with well water. There can also be arsenic filtration improvements and delivery of grey water to large irrigation users. Park City can build on its many successes by acting quickly on this new information and making our citizen's health our highest priority. He stated that if he is elected Mayor, he will make water his highest priority. He added that citizens should have this information in an unedited format.

Ms. Erickson stated that she is frankly offended by his comments because this topic has been addressed in detail the past several City Council meetings; Jerry Gibbs had this information more than a month ago, and accordingly has formulated a capital facilities plan. This plan, including a filtration program for certain sources, has been adopted by Council to reduce the arsenic level to the standard to be set four years from now to below 10 ppb. She added that these types of comments prompt fear. Mr. Doilney responded that citizens should have all of the information at the earliest moment possible. Ms. Erickson emphasized that water projects have been prioritized and funds appropriated by Council; obviously, this is a high priority and projects will be compliant four years earlier or by 2002. Mr. Doilney reiterated that there should be full disclosure to the public on these matters. Ms. Bodell added that through her experience in participating in the Utah League of Cities and Towns conferences, there are many communities involved with this problem and we are not alone. Park City has not been ignoring this issue and is addressing it on a national level as well. Mr. Doilney recognized that this is a huge problem and encouraged aggressive public discussion and disclosure and suggested that the report be included in water bills. He emphasized that he didn't call the Salt Lake media or television stations and wished there was another way to get his message heard.

<u>Parking - Prospector</u> - Jim Totara, owner of Nacho Mamas, stated that he attended a meeting a year ago requesting assistance in alleviating overflow parking from low cost housing into the business area, but nothing has been done. He pointed out the dollars invested in Main Street to discourage employee parking and asked if Council could help businesses in Prospector. Installing no parking signs on Sidewinder prohibiting overnight parking may be a solution. The Mayor asked that staff look into Mr. Totara's concern and the City Manager responded that part of the problem is that the cars just get displaced somewhere else and in previous discussions with the City, commercial property owner associations were reluctant to participate in the solution. Assistant City Manager Tom Bakaly explained that it has been some time since he met with Mike Sloan of the Prospector Square Property Owners Association. There is not an easy solution as the displaced cars will probably overflow into the residential neighborhoods and a more comprehensive parking analysis may be more beneficial. This could be similar and as complex as the Historic District area permitting system. Mr. Totara suggested that the signs be posted to see what happens.

Mr. Harlan felt that this is an area that needs to be addressed and Ms. Erickson agreed. Mr. Totara added that people will park in the commercial districts or the residential districts and Ms. Bodell asked if a permitting system could be formulated like on Main Street. The City Manager pointed out that this is not analogous because in this instance, it would be designed to discourage residential parking. There was discussion about prohibiting parking by permit on public streets. Toby Ross continued that time limitations may be viable but when asked by the City, the property owners association didn't support participating in the enforcement. Tom Bakaly commented that he will bring this back to Council. Jim Totara added that the main problem lies with the overcrowding in the housing units in the area.

III COMMUNICATIONS FROM COUNCIL AND STAFF

In response to a question from Peg Bodell about interactive features on the City's website, Bob Stephens discussed chat room and on-line purchasing which could be future phases of the City's website upgrade. The initial funding focused on redesigning the website. Ms. Bodell explained that she is looking for an opportunity to communicate with the public and Mr. Stephens offered to met with her to explain how to navigate our site. She asked that Ampco employees improve their appearance and that the window be repaired at the former Watts residence.

Eric DeHaan, City Engineer, described fiber optic work in Swede Alley performed by Qwest and the City will also be conducting the trash compactor project. There will be sewer and manhole work throughout town. The Empire Canyon day lodge water and sewer project is making good progress but still under construction.

Pace Erickson reminded the Council that on Miners Day, the skate board park will be officially dedicated. He encouraged the public to attend.

IV CONSENT AGENDA PUBLIC HEARING

<u>Ordinance approving the final subdivision plat for the Calderone Subdivision located at 300 McHenry Avenue, Park City, Utah</u> - Planner Kevin LoPiccolo explained that this application is a request to create a legal lot of record from a metes and bounds parcel. The 150 foot private driveway is located in the Estate Zone and this application went through the Board of Adjustment with an application to build within the 50 foot measurement of a steep slope. The variance was granted by the Board of Adjustment and the Planning Commission supported the conditional use permits for the guest house and forward a positive recommendation to the Council for a subdivision. Hearing no questions or comments from the Council or the public, the public hearing was closed.

V CONSENT AGENDA

The Mayor requested a motion to approve. Fred Jones, "<u>I so move</u>". Candace Erickson seconded. <u>Motion carried.</u>

Peg Bodell	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Absent

1. Ordinance approving the final subdivision plat for the Calderone Subdivision located at 300 McHenry Avenue, Park City, Utah - See public hearing and staff report.

2. Resolution amending Section 3, Beer and Liquor Licenses, of Resolution No. 14-01 and replacing Resolution No. 14-01 in its entirety - See staff report.

3. Award of bid to the Turf Sprinkler Company in the amount of $48,300 to upgrade the Prospector Buffer Strip - See work session notes and staff report.

VI RESIGNATIONS AND APPOINTMENTS

Two appointments to the Parks, Recreation and Beautification Advisory Board for terms expiring July 2004 - The Mayor requested a motion to appoint Loretta Haslock and Ann Lawton. Peg Bodell, "I so move". Candace Erickson seconded. Peg Bodell added that she had an opportunity to meet both appointees and feels they will be a good addition to the Board. Motion carried.

Peg Bodell	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Absent

VII PUBLIC HEARING

Ordinance amending Title 4 of the Municipal Code of Park City to extend the convention sales business licensing to include hospitality events in connection with the 2002 Winter Olympics (Section 4-3-9) - Alison Butz, Special Events Manager, explained that the resolution setting fees for temporary beer licenses was adopted on the Consent Agenda and the ordinance amends the Municipal Code to provide for an extension of the convention sales license to five weeks and allowing hospitality use within retail spaces. Hearing no further questions or comments, the public hearing was closed.

VIII NEW BUSINESS

1. Ordinance amending Title 4 of the Municipal Code of Park City to extend the convention sales business licensing to include hospitality events in connection with the 2002 Winter Olympics (Section 4-3-9) - See staff report and public hearing. The Mayor requested a motion to approve. Roger Harlan, "I so move". Fred Jones seconded. Motion carried unanimously.

Peg Bodell	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Absent

2. Professional services agreement with Montgomery-Watson Entranco, Stantec and Zeigmiller & Associates in an amount not to exceed $400,000 for general water engineering, inspections and planning for the Park City water system - See staff report and work session notes. Hearing no further comments, the Mayor requested a motion to approve. Candace Erickson, "I so move". Fred Jones seconded. Motion carried.

Peg Bodell	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Absent

3. Amendment to Master Festival License with the Salt Lake Organizing Committee for a temporary parking lot at Snow Park, Deer Valley Resort during the 2002 Winter Olympic Games - See staff report and work session notes. Brooks Robinson, Planner, stated that the parking lot is about 1.5 acres and the area of disturbance is nearly four acres, which encompasses the parking lot, pond and vegetated area. The total bond amount is increased to $170,000, and this change will be made to the conditions of approval outlined in the staff report. The pond will be used to increase snow-making capabilities for Deer Valley Resort and is a permitted use with in an recreation open space zone. Under the master festival license review criteria, this application falls within the Tier 2 Olympic services area and a temporary lot of 150 spaces or more requires Council review and approval.

(A) Public input - The Mayor invited the audience to comment:

Lou Tedley, President of Wildflower Home Owners Association, stated that his members support the pond proposal but are somewhat concerned about the $170,000 bond not being sufficient. Mr. Robinson clarified that the $170,000 does not include the pond project. Mr. Tedley requested some assurance that the pond would be installed and a completion date. The Mayor pointed out that even if the pond is not built, the area will be improved with the new vegetation. Mr. Tedley clarified his concern is that the pond should not be in a later phase, delaying the completion of the project area.

Kevin Ludlow, Trustee of Bristlecone Home Owners Association, stated that the Association became concerned about the bond amount and the size of the parking lot as they first understood the area of disturbance was only 1.5 acres. There should be a temporary irrigation plan for hydro-seeding so that germination is successful. Because of the size of the pond and the significant excavation involved, they would like assurances that it is completed in a timely manner.

Kevin McDonough, counsel for John Spladay in Bristlecone, stated that his client's main concern is timing as residents had little advance notice to assess the issue and that the bond be adequate to restore the property.

Bob Wheaton, Deer Valley Resort, explained that the parking lot project is slated for construction late fall and vegetation and the pond this spring with a completion date in August 2002. He discussed the success of the Deer Crest vegetation which required no temporary irrigation.

Kevin Ludlow asked if the size of the one acre pond will change. Bob Wheaton responded that their engineering firm has recommended this size for equipment and storage needs. There was again discussion about temporary irrigation systems.

(B) Findings of fact, conclusions of law, and conditions of approval - Fred Jones suggested outlining completion dates for the pond and vegetation, perhaps August 31, and if for some reason the pond is not a feature, to have the vegetation completed by the end of June. Ms. Bodell recommended a condition dealing with submitting plans to the City for the pond no later than April 1, 2002 and the Mayor pointed out that a pond is a permitted use only requiring staff review and approval. Mr. Robinson noted that if staff reviews a detail landscape plan by April 30, 2002, a decision about the pond will be made, and if the pond is not included, the total four acres of disturbed area will be landscaped. Fred Jones suggested that the conditions reflect that the site shall be graded, restored, and landscaped according to a detailed landscape plan. The temporary lot should be removed by June 15, 2002 and landscaping completed by June 30, 2002 in the event a pond is not to be constructed and by August 31 for both the pond and landscaping proposal. Peg Bodell felt that the commitment to building the pond should be expressed stronger and there was discussion about the bond only covering landscaping. The City Manager added that when the landscape plan is submitted, staff will assess whether additional guarantees are needed. Planner Brooks Robinson reiterated amendments to the conditions including increasing the bond amount from $90,000 to $170,000, submission of a detailed landscape plan, and the inclusion of completion dates for landscaping and the pond and vegetation plans. Fred Jones, "I move to allow the construction of the temporary parking lot according to the findings of fact, conclusions of law, and conditions of approval as modified by Brooks". Peg Bodell seconded. Ms. Erickson stated that in her opinion, Deer Valley sets a high standard and feels comfortable approving this project. Motion carried.

Peg Bodell	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Fred Jones	Aye

Jeff Mann	Absent

X ADJOURNMENT

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

* * * * * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, and Fred Jones. Jeff Mann was excused . Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; and Tom Bakaly, Assistant City Manager. Roger Harlan, "<u>I move to close the meeting to discuss potential litigation</u>". Fred Jones seconded. <u>Motion carried</u>.

Peg Bodell	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Absent

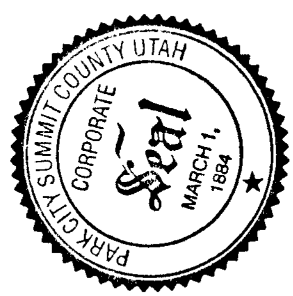
The meeting opened at approximately 3:30 p.m.

* * * * * * * *

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.

Janet M. Scott

Janet M. Scott, City Recorder



PARK CITY

1884

COUNCIL STAFF REPORT

DATE: August 30, 2001
DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Tom Bakaly, Assistant City Manager
TITLE: Upper Park Avenue Road Reconstruction Project
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION: This report is for informational purposes only. If necessary, City Council should provide Staff with direction after listening to the position of the Upper Park Avenue Property Association (UPAPA).

DESCRIPTION:

A. Topic: Upper Park Avenue Reconstruction Project - Position of UPAPA

B. Background: As part of the budget process in June of 2001, Council appropriated funds to complete the Park Avenue Reconstruction Project (no undergrounding of utilities) in the Summer of 2002 at a cost to the City of $2 million. The General Fund (Citywide property taxes, sales taxes, etc) is paying $1 million of the project, the Water Fund is paying for $700,000 and various other sources were pieced together to fund the remaining $300,000. The project was placed in the budget and scheduled for 2002 completion in response to the requests of the residents. The $2 million for the project came at the expense of other projects that remain unfunded in the Capital Improvement Program (CIP). As part of the budget process, on June 7, 2001 Chris Brand (UPAPA Steering Committee Member) came to the City Council and thanked them for including the Upper Park Avenue project in the budget. UPAPA was aware that the approved project did not include the undergrounding of utilities and was scheduled for completion in 2002.

On August 9, 2001 the City Council approved a contract for final design and engineering of the Park Avenue Reconstruction Project. The approved contract does not include the full undergrounding of utilities. The design of the project does allow for flexibility to come back after the street reconstruction is complete and underground the utilities if Council so desires. This is accomplished by placing multiple conduits in the ground when the street is torn up. This will reduce some costs in the future, but undergrounding the utilities even with this action is extremely expensive. This is a similar strategy to what was used for the Woodside project which does not as yet have underground utilities.

Mike Guetschow, another UPAPA Steering Committee member came to City Council on August 9, 2001 and stated that UPAPA would still like to see utilities undergrounded as part of the street reconstruction project. The cost of undergrounding the utilities has been estimated to cost an additional $1.75 million. This would bring the total estimated cost of the project to $3.75 million. UPAPA stated that Park Avenue property owners may be willing to contribute the cost of bringing the utilities the relatively short distance from the road to the houses ($750,000). Mr. Guetschow suggested that the City contribute the other $1 million necessary for undergrounding utilities.

Adding undergrounding of utilities to the project would extend the design and engineering of the project by one year to allow coordination with utility companies. This means that construction would not be able to start on any portion of the street reconstruction until 2003. Adding undergrounding of utilities to the project would also extend construction time of the project from 1 year to 2 years. This means that instead of having the street reconstructed as currently planned by November, 2002, an undergrounding project would not be completed until November, 2004.

UPAPA stated that they might be willing to wait that long and be affected to that degree if it meant undergrounding utilities. On August 9th UPAPA formally asked Council to delay executing the final design and engineering contract so that they would have time to meet with the UPAPA membership and assess their desire and commitment to undergrounding utilities.

The City Council also stated that a public project of this type that included undergrounding utilities would be unprecedented for a specific neighborhood. On August 9th, while still approving a contract to proceed with the Park Avenue Reconstruction Project without undergrounding utilities, a majority of the City Council did state that they would be willing to listen to UPAPA about undergrounding utilities at their August 30th meeting if UAPA was clear about their position on the project.

On August 13th, Tom Bakaly sent UPAPA a letter (attached) clarifying the City's position. Staff suggested, as it did in May, 2001 as part of the public budget process that UPAPA submit a petition that clearly states the position of UPAPA and commitments that the neighborhood is willing to make regarding this project. On August 23, 2001 UPAPA sent the City a letter requesting that the Upper Park Avenue project be placed on the August 30th agenda (attached). Staff and City Council decided to place the item on the agenda even though a petition had not been filed and UPAPA membership had not formally met on the subject at that time.

August 27th UPAPA meeting: On August 27th, Tom Bakaly and some Council members attended the UPAPA meeting. An e-mail from UPAPA that summarizes the meeting is attached. Of the 22 property owners in attendance (32% of total property owners), all were in favor of delaying the project so that the undergrounding of utilities could be discussed during next year's budget process. Staff did not get a sense that the neighborhood was agreeing to financial participation in the project. The majority of the attendees did not accept that their individual share of the project would be $11,000 (average - lump sum). The neighborhood strongly felt that their costs should be less. Therefore, Staff believes that the neighborhood will likely be reticent in agreeing to a Special Improvement District (SID) that splits costs as currently projected without a significant (50%) reduction. The neighborhood was also very focused on the Main Street RDA and had a sense that more funds from the RDA should have been spent on their street.

C. Analysis: City Council clearly stated on August 9th that the discussion on August 30th would not be about the City allocating the additional $1 million in City undergrounding funds for the project as suggested by Mike Guetschow on August 9th. Council was very clear that any additional funding decisions would need to be made during the budget process in May/June of 2002. This position is consistent with recently adopted policies from the City-wide Program and Resource Analysis which states that all funding requests been considered at one time.

Field Research: In response to a direct request from UPAPA on August 9th, Staff asked Telluride officials (in a meeting attended by all Summer Tour participants and the press) about their utility undergrounding program during the Summer Tour trip. In the words of the Mayor of Telluride, their undergrounding program had "stalled." Overhead utility lines are clearly visible in the Telluride Main Street area. Telluride officials confirmed that no City funds had been spent on undergrounding utilities in neighborhoods except to underground utilities on City-owned properties in neighborhoods where an undergrounding project was ongoing. Telluride officials stated that a Special Improvement District had been formed and the City did provide undergrounding conduit (like Park City did for Woodside and has currently planned for Upper Park Avenue). Both of these strategies have been proposed to UPAPA as previously stated.

Additional UPAPA Inquiries: On Friday, August 24, 2001, a third UPAPA Steering Committee (John Plunkett) made undergrounding inquiries of Staff that clearly indicated UPAPA was looking for funding options for the undergrounding project. Mr. Plunkett was particularly interested in information regarding the Main Street RDA. Staff informed Mr. Plunkett that with the exception of some RDA funds that are in the Downtown Revitalization project and historic restoration funds budgeted for private residences, Main Street RDA funds have been spent. The RDA is planned to expire in 2005. Staff provided Mr. Plunkett with a map of the RDA and the resolution that adopted the RDA. Mr. Plunkett asked for an accounting of where RDA funds had been spent since its inception in the late 1970s. Mr. Plunkett restated those inquiries in the attached August 28, 2001 e-mail. Staff has started pulling that information together for the budget process in May/June of 2002.

The City's purpose for the discussion on August 30th is to determine what UPAPA would like to do in regards to the Upper Park Avenue Reconstruction project.

1) Does UPAPA want to delay the project that is currently underway so that additional City undergrounding funds can be considered during the budget process in May/June of 2002? This means that the Upper Park Avenue reconstruction project (no undergrounding) will not be completed in 2002 as currently planned. 32% of Upper Park Avenue owners on August 27, 2001 agreed to delay the project.

2) Does UPAPA understand that even if undergrounding is considered in May/June 2002, there is no guarantee that the project will be funded? If UPAPA decides to delay the project and it is not funded as part of the budget process, the reconstruction of the street will not occur until 2003. It is Staff's opinion that UAPAPA expects the undergrounding to be funded in May/June 2001. UPAPA wanted a commitment from City Council that $2 million in road reconstruction funds currently budgeted would be still be available if undergrounding is ultimately not funded.

3) Will UPAPA commit to paying for a portion of the undergrounding costs? Staff has estimated those costs to be roughly $11,000 if paid in lump sum and $15,000 if financed through a Special Improvement District (SID). It was Staff's opinion that virtually all of the attendees at the August 27, 2001 meeting were unwilling to commit to funding their estimated portion ($11,000) of the project.

4) Does UPAPA understand that if the current project is delayed, the City commits in June to pay for a portion of the undergrounding, and UPAPA commits to fund a portion of the undergrounding, the project will not be constructed until 2003 and 2004? This time frame is necessary to coordinate with the utility companies and increases the complexity of the project. At the August 27, 2001 meeting, UPAPA seemed to understand this issue.

D. Department Review: This project has been reviewed by the City Manager's Office and the Community Development Department. UPAPA received a copy of this report on 8/27/01. The discussion about the August 27th meeting, alternatives and significant impact sections have been re-written since that draft was sent to UPAPA. UPAPA received the final report on 8/29/01.

ALTERNATIVES: Staff suggests that City Council determine UPAPA's commitment to the timing and funding issues relative to this project, and then provide staff with direction. Staff suggests the following alternatives:

1) Continue with the Upper Park Avenue Reconstruction Project (no undergrounding) as planned and budgeted. A precedent for this has already been set with the Woodside and King Road projects where utilities were not undergrounded. If Council so desired, Staff would suggest that over the next few years a City-wide utility undergrounding program be explored that sets parameters and funding alternatives for the undergrounding of utilities. This is the course of action Staff would prefer.

2) Delay the Upper Park Avenue Reconstruction Project (no undergrounding) if so requested by UPAPA, and consider funding the undergrounding of utilities as part of the budget process in May/June of 2002.Please note that Questar and SBWRD are gearing up for 2002 construction.

SIGNIFICANT IMPACTS:

Significant Staff resources have already been expended on this issue over the last few weeks due to the unanticipated nature of the request from UPAPA. Staff thought this issue had been addressed during the budget process based upon commits from UPAPA at a public meeting. This recent expenditure of high level resources has impacted other Council priorities such as regional transportation and Olympic planning. Delaying the project and considering undergounding as part of the budget process will continue these impacts. If Council selects alternative # 2, Staff will likely return to City Council in October with an amendment to the Stantec contract that was approved on August 9th. Staff would likely recommend that Stantec's contract be increased now to include: sidewalk alternatives, one-way street direction alternatives and Special Improvement District research and alternatives. This would likely increase Stantec's contract from its current amount of $170,000 to $220,000. This would increase the overall project estimate by $50,000.

Staff requests clear direction from Council (in accordance with Program and Resource Analysis policies) about whether to continue with the design of the Upper Park Avenue Reconstruction Project (no undergrounding) so that work plans can be properly amended.

The financial implications of this issue are significant. If Council decides to consider the funding request, it is likely that additional utility undergrounding requests will be received. Delaying the project at this time to consider undergrounding costs will likely cause UPAPA to expect that undergrounding costs will be ultimately paid for by the City. Due to UPAPA's unwillingness to commit to funding estimates of their share, it is possible that the City will be expected to fund more than the $1 million that is currently requested. On August 27, 2001 UPAPA stated that they would provide Council with a petition within the next few weeks. Hopefully the petition will include a realistic financial commitment by UPAPA. As described in the Program and Resource Analysis study, new programs such as this should be carefully considered given the projected 5 year financial condition of the City.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: This report is for informational purposes.

RECOMMENDATION: This report is for informational purposes only. If necessary, City Council should provide Staff with direction after listening to the position of the Upper Park Avenue Property Association (UPAPA).

Attachments:

1) August 13th Letter from Tom Bakaly to UPAPA

2) August 23rd Letter from UPAPA to City

3) August 28th E-mail from UAPAPA

PARK CITY
1884

Office of City Manager

August 13, 2001

Mr. Mike Guetschow, Steering Committee Member
Upper Park Avenue Property Association (UPAPA)
P.O. Box 1848
Park City, Utah 84060

Dear Mr. Guetschow:

On August 9, 2001 the City Council approved a contract for final design and engineering of the Park Avenue Reconstruction Project. As you are aware, that approved contract does not include the full undergrounding of utilities. The design of the project does allow for flexibility to come back after the street reconstruction is complete and underground the utilities if Council so desires. This is accomplished by placing multiple conduits in the ground when the street is torn up. This will reduce some costs in the future, but as you know, undergrounding the utilities even with this action is extremely expensive. This is a similar strategy to what was used for the Woodside project which does not as yet have underground utilities.

Barring a subsequent formal action from Council, we are still on schedule to complete the Park Avenue Reconstruction Project (no undergrounding of utilities) in 2002 at a cost to the City of $2 million. The General Fund (Citywide property taxes, sales taxes, etc) is paying $1 million of the project, the Water Fund is paying for $700,000 and various other source were pieced together to fund the remaining $300,000. The current project scope and schedule is consistent with what was originally anticipated in the budget that was adopted in June of 2001. The project was placed in the budget and scheduled for 2002 completion in response to the requests of the residents. The $2 million for the project came at the expense of other projects that remain unfunded in the Capital Improvement Program (CIP). As part of the budget process, on June 7, 2001 Chris Brand (UPAPA Steering Committee Member) came to the City Council and thanked them for including the Upper Park Avenue project in the budget. Chris was aware that the approved project did not include the undergrounding of utilities and was scheduled for completion in 2002.

In discussions with Staff and in a presentation to City Council on August 9, 2001 you stated that UPAPA would still like to see utilities undergrounded as part of the street reconstruction project. The cost of undergrounding the utilities has been estimated to cost an additional $1.75 million. This would bring the total estimated cost of the project to $3.75 million. You stated that UPAPA and Park Avenue property owners may be willing to contribute the cost of bringing the utilities the relatively short distance from the road to the houses ($750,000).

Adding undergrounding of utilities to the project would extend the design and engineering of the project by one year to allow coordination with utility companies. This means that construction would not be able to start on any portion of the street reconstruction until 2003. Adding undergrounding of utilities to the project would also extend construction time of the project from 1 year to 2 years. This means that instead of having the street reconstructed as currently planned by November, 2002, an undergrounding project would not be completed until November, 2004.

You have stated that UPAPA might be willing to wait that long and be impacted to that degree if it meant undergrounding utilities. On August 9th you formally asked Council to delay executing the final design and engineering contract so that you would have time to meet with the UPAPA membership and assess their desire and commitment to undergrounding utilities.

The City Council realizes that a public project of this type that included undergrounding utilities would be unprecedented for a specific neighborhood. On August 9th, while still approving a contract to proceed with the Park Avenue Reconstruction Project without undergrounding utilities, a majority of the City Council did state that they would continue to be willing to listen to UPAPA about undergrounding utilities with the following caveats:

1) UPAPA would need to show substantial support for the new scope, 2004 project completion extension and additional costs of the expanded project that would be borne by property owners.

2) If support existed, UPAPA should request in writing by August 24, 2001 that the item be placed on the City Council's August 30, 2001 agenda and attach documentation of UPAPA support as described in caveat # 1.

3) If caveats 1 and 2 were met by UPAPA, the item would appear on the August 30, 2001 agenda . A decision is needed on this date is needed so that the project can still be completed in 2002 (no undergrounding).

4) UPAPA should understand that Council would not be deliberating about contributing any funds to undergrounding utilities at the August 30th meeting. Any decisions regarding possible additional funding would be made in the context of the budget process after the Olympics in May of 2002.

5) UPAPA should understand that if they request Council to consider funding a portion of the undergrounding utilities on August 30th and Council ultimately does not decide to fund that request during the budget review process in May, 2002, the street reconstruction would not be completed until 2003.

6) UPAPA should understand and request that completion of their street improvement would not be completed until October of 2004 if undergrounding is added to the project during May, 2002 budget deliberations. UPAPA also should understand that their street would be under construction for two years instead of one as is currently planned due to the undergrounding of utilities.

7) UPAPA should understand and formally commit to pay the financial impacts by August 30, 2001. Those impacts would be on average roughly $11,000 ($750,000/68) if payed in lump sum and roughly $15,000 if payed over 10 years at 6% interest. These figures are based upon the figure of 68 properties provided by yourself. These figures are an average and may go up or down for individual property owners. Council would also need to decide if they would assist in financing UPAPA contributions through a Special Improvement District (SID). If a SID were pursued, Council would need to decide whether to include administrative costs (billing, collections, accounting) and how willing they would be to foreclose on Park Avenue properties if they do not pay their assessment.

8) UPAPA would need to understand that even if UPAPA formally committed to paying for a portion of the undergrounding of utilities and agreed to not have their street completed until October of 2004, there is no guarantee that Council will approve an additional $1 million in undergrounding funds in May of 2002.

As you can see, all caveats are subsequently contingent upon caveat #1 and caveat #2. When caveat #2 discusses documentation of support, that means signed petitions or letters representing the vast majority of property owners (75%). Please note that as part of the budget process and the accompanying Staff Report dated May 17, 2001, a petition from UPAPA regarding the undergrounding of utilities was also suggested at that time. Because no petition was received, and based upon UPAPA's comments in the official City Council minutes when the budget was adopted, the City assumed that UPAPA was in support of the project being budgeted and completed in 2002 without the undergrounding of utilities.

I would suggest that your petition to now underground the utilities physically include all 8 caveats discussed in this letter. I would be happy to e-mail this letter to you if so requested. Please note that I will be on Summer Tour and my last day in the office is August 14th until August 20th. You may want to include this letter with communication you make to UPAPA.

You have mentioned that you will have a UPAPA meeting to discuss this issue. Please let me know via e-mail (tom@Parkcity.com) if you would like City Staff to attend that meeting as an informational resource.

In conclusion, the topic of undergrounding utilities will be placed on City Council's August 30th agenda if a letter from UPAPA, accompanied by an indication of support from Upper Park Avenue property owners, is received by me on August 24th. Please contact me if you have any further questions or concerns.

Sincerely,

Tom Bakaly, Assistant City Manager

cc: Mayor, City Council and Toby Ross

August 23, 2001

Via Fax and email

PLEASE DISTRIBUTE FOR TONIGHT'S COUNCIL MEETING — THANK-YOU!

To: Park City Municipal Corporation City Council
Ms Peg Bodell, Ms Candace Erickson, Mr Roger Harlan, Mr Fred Jones, Mr Jeff Mann

From: The Upper Park Avenue Property Association (UPAPA):
Chris Brand, Mike Guetschow, John Plunkett (Steering Committee),

cc: UPAPA advisory committee: Father Robert Bussen, Ian Dowie, Lynn Fey, Tom Hurd, Gordon Strachan

Re: The Rebuilding of Upper Park Avenue

Dear Council Members:

We are writing today in response to Mr Tom Bakaly's letter of August 13, to formally request that our street rebuilding project be placed on City Council's August 30, 2001 agenda, to discuss an expanded project that would require additional funding and might take two construction seasons to complete.

Mr Bakaly suggested that we accompany this request with a signed petition from 75% of the street's homeowners which we are happy to do, however due to the summer season we will need more time to prepare the petition than the nine business days Mr Bakaly allowed, since some of our homeowners are away on vacation and others live out of state.

Please note that, although Mr Bakaly's letter refers to a May 17 staff report that requested a petition from UPAPA, we have no knowledge of the staff report or the request.

In the meantime, please consider the petition that UPAPA presented to Council at the 1999 budget hearings as strong evidence of our group's continued resolve to have Upper Park Avenue rebuilt, as first requested by the City Engineer in the 1997 Capital Improvements Plan. That petition was signed by 76 residents (44 homeowners) and we expect to improve on that total now that two more years have passed.

Towards that end, UPAPA has called a street meeting for this Monday evening, Aug 27, 7pm, at St Mary's Old Town Chapel Hall. Any council members who are interested and have the time are more than welcome to attend as spectators, to see our process for yourselves.

Thanks as always for your continued support.

Sincerely,

The UPAPA steering committee:

Chris Brand	Mike Guetschow	John Plunkett
201 Park Ave	325 Park Ave	553, 557 & 561 Park Ave

From: John Plunkett <john@plunkettkuhr.com>
To: "TOM BAKALY" <TOM@parkcity2002.com>
Date: 8/28/01 8:17AM
Subject: Re: The meeting tonight; your staff report

Hi Tom
Thanks for coming last night; it was very helpful. As you saw, and somewhat to the surprise of the steering committee, our straw vote of attendees appeared to be unanimous in favor of undergrounding the utilities. We knew folks wanted it done but we assumed the price tag would scare at least some off the idea. By our count there were 22 residents at the meeting, one of the larger turnouts we've had over the last two years.

Here are our comments/corrections to your staff report. We'd appreciate it if you would incorporate them into the final version. Thanks

Field Research
Our point about Telluride was, funding questions aside, isn't their residential historic district much better cared for than ours, and wouldn't that be a great goal for Park City? The streets, curbs, sidewalks and landscaping all make for a great walking tour of a proud town. Park City can do it too, and should.

Additional UPAPA Inquiries
Our questions regarding the RDA are more specific than the report indicates:
1. How much will be spent over the life of the fund?
2. How much was spent on Woodside?
3. Were RDA funds used to move the utilities off of Main?
4. Have any RDA funds been used for projects related to the Transit Center, such as landscaping or other (and if so how much?)

Staff's questions:

2) We do not have nor do we want the parallel strategy referred to here. We understand it's one or the other.

3) UPAPA's steering committee has indicated a willingness to participate in the funding, and through things like our meeting last night and mailings we will confirm to Council that there is majority support for undergrounding.
As the Council members and Mr Bakaly saw at our meeting, while there is a willingness to participate in funding if necessary, homeowners have legitimate questions regarding how this will work vis a vis Main St commercial buildings, actual cost vs the current estimate, etc.

CC: <mikeguetschow@hotmail.com>, <chrisj_brand@yahoo.com>

PARK CITY

1884

CITY COUNCIL REPORT

Date: August 30, 2001
Department: Planning Department
Title: 300 McHenry Avenue
Type of Item: Administrative

<u>Summary Recommendations</u>: Staff recommends that City Council adopt the attached Ordinance approving the Subdivision of a metes and bound parcel into one lot of record located at 300 McHenry Avenue.

A. Topic

Applicant:	**Ted Warr for Peter Calderone, owner**
Location:	**300 McHenry Avenue**
Proposal:	**A request for a Subdivision to create a single lot of record from a metes and bound parcel.**
Zoning:	**Estate (E)**
Adjacent Land Uses:	**Residential/Open Space**
Project Planner:	**Kevin LoPiccolo**
Date of Application:	**June 27, 2001**

B. Background

On June 27, 2001, the applicant, submitted a Conditional Use Permit application for a guest house, a Subdivision request to create a single lot of record from a metes and bound parcel, and a Variance to allow development within a distance of less than 50 feet of slopes in excess of 40 percent, located at 300 McHenry Avenue. The parcel size is 3.4 acres and is located within the Estate zone adjacent to City open space and is within the Sensitive Lands Overlay zone.

The Board of Adjustment approved a variance on August 21, 2001 allowing the applicant to develop within 50 feet of a 40 percent slope in order to minimize vegetation loss and site disturbance.

The Planning Commission approved the Conditional Use Permit on August 22, 2001 and forwarded a positive recommendation to the City Council for a Subdivision of a metes and bound parcel into one lot of record.

Proposal
The applicant proposes to construct a detached guest house comprising of a two car garage at the west elevation and a single car garage at the north elevation. The proposed guest house is approximately 1,800 square feet. By definition, a Guest House is "An Accessory Building and Dwelling intended for non-rent-paying guests of the primary Dwelling Unit's residents." (Section 15-15-1.90. LMC). One parking space is required for Guest Houses. Guest houses are not to be leased separately from the main house. Prior to issuance of a certificate of occupancy, a deed restriction regarding leasing shall be recorded at the County.

The proposed structure is two stories and consists of approximately 1,800 square feet with a building footprint of 1,100 square feet. The height of the structure is 25', as measured from existing grade.

	Proposed	Code Required
Height:	25'	33'
Setbacks:		
Front:	100'	30'
Sides:	115'/180'	30'
Rear:	340'	30'
Square Feet:	1,800	NA
Parking:	3 car garage*	1 car garage
Lot size:	3.4 acres	3 acres

* The garage that is located on the north elevation has no access for an automobile to enter. The intended use is for storage only.

C. Process

Subdivision:
The applicant is proposing to create a single lot of record from one metes and bound parcel. No new city streets are proposed, only an extension of an existing private driveway. A public hearing before the Planning Commission was held on August 22, 2001. The Commission forwarded a positive recommendation to the City Council. City Council approval is required before the plat may be recorded and final building permits are issued.

D. Analysis

Conditional Use Permit Criteria:
Staff has reviewed the applicant's request for a guest house and finds the proposal in compliance with the Conditional Use criteria of the Land Management Code (Section 15-1-10 of the LMC) as follows:

1. Size and location of the site; The proposed guest house does not have a square footage limitation requirement in the Estate Zone provided that the structure complies with height, setback and location criteria for guest houses as stated in the Land Management Code. The proposed structure is subordinate in size to the main residence and sited in a manner to minimize vegetation loss and site disturbance.

2. Traffic considerations; The proposal of the detached guest house will extend the existing driveway to the proposed structure. Sufficient parking is provided on site.

3. Utility capacity; Utilities are existing on site.

4. Emergency vehicle access; The guest house will not negatively impact the existing driveway or fire access turn around areas.

5. Location and amount of off-street parking; Off-street parking is not impacted by this proposal. The guest house will provide parking for two automobiles. The existing residence has an existing two car garage. There is adequate parking on site for residents and guests.

6. Internal circulation system; The internal circulation system is not impacted by the guest house.

7. Fencing, screening and landscaping to separate uses; The property owner must protect significant vegetation during any development activity. Significant vegetation includes large trees six inches (6") in diameter or greater measured four and one-half (4 ½) above ground, and groves of smaller trees. Disturbed areas of the site will be landscaped following construction. A landscape and grading plan will be required to be submitted at the time of building permit and shall be approved by staff prior to issuance of a building permit. Any disturbed areas outside the building pad (limited to 20' beyond the pad line) will be re-vegetated. The Community Development Department Landscape Architect shall determine the Limits of Disturbance consistent with Landscape Criteria found in the LMC Chapter 9.

8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots; The proposed guest house is approximately 1,800 square feet and is located north of the existing residence. The surround land uses in the area consist of residential. Orientation and massing of the guest house are consistent with the existing house.

9. Usable open space; Since all conditional uses within the Estate Zone are subject to the Sensitive Lands Overlay Zone, seventy-five (75%) of steep slope area shall remain in natural open space as defined in the Land Management Code. The proposed project has approximately 92% open space with construction of the guest house located within 50 feet of slopes in excess of 40% or greater.

10. Signs and lighting: The applicant has not proposed signs. All external lighting will be reviewed by staff prior to issuance of a building permit and shall be consistent with the lighting ordinance.

11. Physical design and compatibility with surrounding structures in mass, scale and style: The proposed guest house is compatible with the physical design of the existing house and surrounding structures in mass, scale, and style. The guest house is architecturally the same as the existing house. Exterior materials and colors of the guest house match the existing house.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people: Not applicable criteria.

13. Control of delivery and service vehicles, loading and unloading zones, and screening: The guest house will not impede removal of garbage or access for delivery and service vehicles.

14. Expected ownership and management of the property: The guest house may not be owned or leased separately from the main house and is intended for the use of non-paying guests of the primary residence. A Deed Restriction will be filed to memorialize this condition.

15. Architectural and Uniform Building Code review: Prior to issuance of a building permit, plans for the guest house will be reviewed by the Community Development Department to ensure that construction complies with the regulations stated within the Uniform Building Code, Design Guidelines in the Land Management Code.

16. Sensitive Lands Review: The project is located within the Sensitive Lands Overlay (SLO) Zone. Staff has reviewed the application against the criteria in Section 2: Sensitive Area Regulations in the SLO Regulations. The Board of Adjustment reviewed and approved a variance on August 21, 2001 to allow development within 50 feet of slopes greater than 40 percent. The proposal is not located within 150 feet of a ridgeline nor located within the Entry corridor.

Sensitive Lands Determination:

Sensitive Lands Overlay

City Council approved the amended Sensitive Lands Overlay (SLO) zone regulation in December 1993. The subject property located at 300 McHenry Avenue is within the Sensitive Lands Overlay. Due to the SLO and the requirement that all conditional uses within the Estate Zoning District are subject to SLO review. The applicant provided a topographic analysis of the site to assist staff in making a sensitive area determination.

Slope Analysis

An analysis of the property was completed by the applicant using topographic mapping prepared by Alliance Engineering when the existing house was built in 1993. The portion of the property that is being proposed for the construction of the guest house lies outside a 40% slope, with the exception of the proposed driveway extension that crosses a 40% slope. The guest house is within 50 feet of slopes in excess of 40% or greater for a distance of approximately 10-25 feet. The Board of Adjustment reviewed and approved a variance allowing construction of a guest house to encroach between 10-25 feet of a slope in excess of 40 percent.

Landscaping and Revegetation
As part of the conditions of approval, any vegetation that is disturbed outside the building pad will be revegetated per Section 15-2.10-11 of the Land Management Code.

Open Space Density
The parcel is 3.4 acres. With the proposal of the guest house and the existing residence, approximately 8% of the site would be developed. The remaining 92% of the site would be undisturbed.

Alternatives:

A. Approve the Subdivision, with conditions, to allow the construction of a guest house as a detached structure and the creation of a single lot of record.
B. Deny the Subdivision siting specific findings for denial.
C. Continue the discussion for additional information.

E. Department Review
The Staff Review Committee have reviewed this application and find it to be consistent with all requisite city development codes. The City Attorney's office will review the final plat before recordation.

F. Public Input
Property owners within 300 feet of the project were notified on July 11, 2001. The property was properly posted and legally noticed. As of the date of this report, staff has not received any public input concerning this application.

Recommendation:
Staff recommends that City Council approve the subdivision request based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact

1. The proposed guest house is located in the Estate zoning district and requires a Conditional Use Permit.
2. The proposed Subdivision is for a metes and bound parcel to create a single lot of record to accommodate the construction of a Guest House.
3. A Subdivision is required to create a single lot of record.
4. All vehicular circulation occurs on-site via a private driveway off McHenry Avenue. Significant vegetation exists on the property which buffers the proposed Guest House from adjacent properties.
5. The property owner is proposing a 1,800 square foot guest house on 3.4 acres.

6. The adjacent uses are residential and City open space.

Conclusions of Law

1. The use as conditioned is consistent with Park City General Plan, Land Management Code, and State law regarding subdivisions.
2. There is good cause for this subdivision.
3. Neither the public nor any person will be materially injured by the approval of the plat, subject to the conditions of approval. Approval of the subdivision does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. All standard project conditions shall apply.
2. The Subdivision is a condition precedent on review and approval by City Council.
3. A Construction Mitigation Plan (CMP) submitted to and approved by the Community Development Department is required prior to issuance of a building permit.
4. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
5. A lighting, grading, and landscape plan, compatible with the existing landscaping, shall be submitted to and approved by the Planning Department prior to issuance of any building permit.
6. This approval shall expire within (12) twelve months from the date of Council approval, unless this Subdivision is recorded prior to the date.

Exhibits

A. Location Map
B. Subdivision/Site Plan
C. Floor Plans
D. Elevations
E. Draft Ordinance

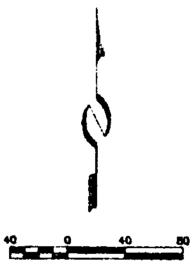
M:\CDD\KL\CC01\SUBS\mchenry300ph1.wpd

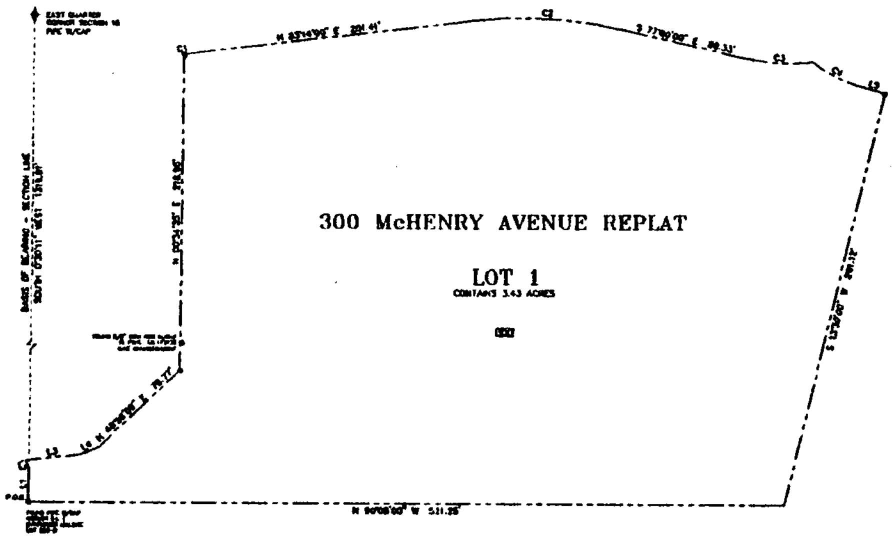
300 McHenry Ave

Vicinity Map Exhibit A

11

12





LEGEND

• Found 5/8" iron rod w/cap "Alliance Engr. LS 6164" unless otherwise noted.

◆ Section corner

NOTES

1. 300 STREET ADDRESS ON McHENRY AVENUE

2. SEE RECORD OF SURVEY S-3866 FOR RECORD OF SURVEY PLAT

LINE TABLE		
LINE	LENGTH	BEARING
L1	[illegible]	[illegible]
L2	[illegible]	[illegible]
L3	[illegible]	[illegible]
L4	[illegible]	[illegible]
L5	[illegible]	[illegible]

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	[illegible]	[illegible]	[illegible]
C2	101.77	[illegible]	[illegible]
C3	[illegible]	129.00	20°15'18"
C4	[illegible]	[illegible]	[illegible]

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163934, as prescribed by the laws of the State of Utah, and that this Lot Line Amendment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify that this plat accurately represents the surveyed property.

John Demkowicz ______ Date ______

BOUNDARY DESCRIPTION

Beginning at Corner No. 1 of the MAYFLOWER HILLSITE, Lot 220-B, which is located along the section line South 0°30'11" West 1319.91 feet (Deed South 1320.30 feet) from the East Quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; thence running along the section line North 0°30'11" East 23.62 feet; thence along the west line of Block 41 Park City Survey North 22°59'49" West 4.68 feet (Deed North 23°56' West); thence North 83°42'00" East 37.42 feet (Deed 83°00'25" East 37.44 feet); thence North 46°36'35" East 13.11 feet (Deed North 46°22' East); thence North 46°38'00" East 78.77 feet (Deed North 46°21'31" East); thence North 0°34'35" East 218.86 feet (Deed North) to a point on a 86.38 foot radius curve to the right, whose radius point bears South 6°47'44" East; thence along the arc of said curve 0.84 feet thru a central angle of 0°01'46"; thence North 83°14'00" East 201.41 feet to a point on a 205.00 foot radius curve to the right, whose radius point bears South 6°45'58" East; thence along the arc of said curve 101.77 feet thru a central angle of 18°45'58"; thence South 77°00'00" 89.33 feet to a point on a 129.00 foot radius curve to the left, whose radius point bears North 13°02'00" East; thence along the arc of said curve 45.60 feet thru a central angle of 20°15'18" to a point on a 86.98 foot radius curve to the left whose radius point bears North 36°30'43" East; thence along the arc of said curve and along the boundary of the SNOWPARK SUBDIVISION 37.16 feet thru a central angle of 24°30'43" West; thence South 78°00'00" East 17.67 feet along the SNOWPARK SUBDIVISION BOUNDARY; thence South 13°30'00" West 201.12 feet more of less (Deed 201.68 feet) along the SNOWPARK BOUNDARY; thence along the south line of the MAYFLOWER HILLSITE Lot 220-B West 521.25 feet more or less (Deed 508.48 feet) to the point of beginning.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owners of the herein described tract of land, to be known hereafter as the 300 McHENRY AVENUE REPLAT, do hereby certify that we have caused this Lot Line Amendment Plat to be prepared, and that we, Peter Anthony Calderone and Maureen Jean Calderone, husband and wife as Joint Tenants, hereby consent to the recordation of this Lot Line Amendment Plat. ALSO, the owners, or their representative, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with and irrevocable of dedication. In witness whereof, the undersigned set their hand this ______ day of ______________, 2001.

____
Peter Anthony Calderone

____
Maureen Jean Calderone

ACKNOWLEDGEMENT

State of Utah:
County of Summit:

On this ______ day of ______________, 2001, Peter Anthony Calderone and Maureen Jean Calderone personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, Peter Anthony Calderone and Maureen Jean Calderone, being duly sworn, acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication freely and voluntarily.

Notary Public: ______________________

My commission expires: ______________________

LOT LINE AMENDMENT PLAT

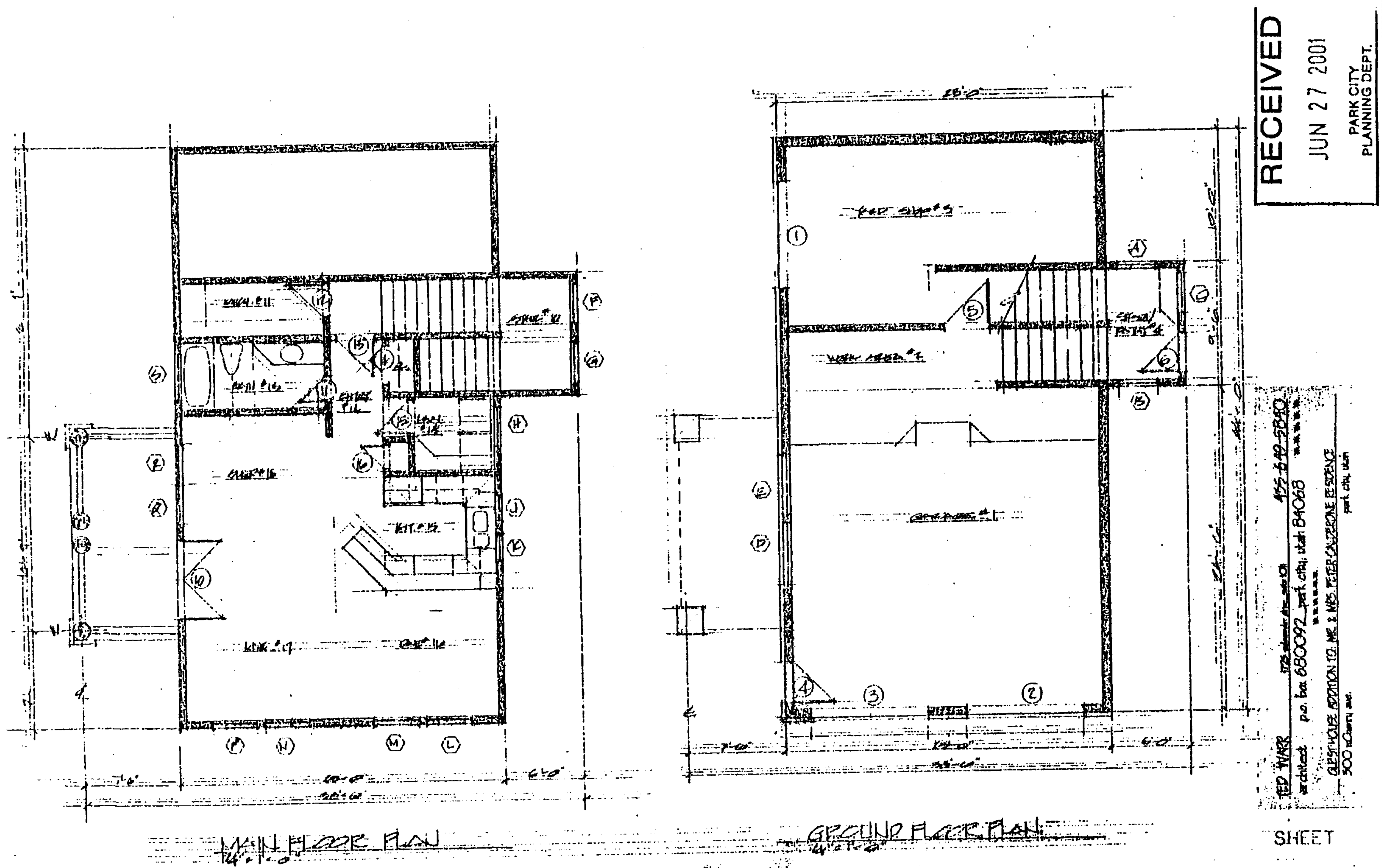
300 McHENRY AVENUE

R E P L A T

LOCATED IN SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

PAGE 1 OF 1

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ______ DAY OF ______ 2001 A.D. BY ______ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF ______ 2001 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ______ 2001 A.D. BY ______ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ______ DAY OF ______ 2001 A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ______ 2001 A.D. BY ______ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ______ 2001 A.D. BY ______ MAYOR	JOB NO.: 5-4-00 FILE: [illegible] STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______ DATE ______ TIME ______ BOOK ______ PAGE ______ FEE ______ RECORDER



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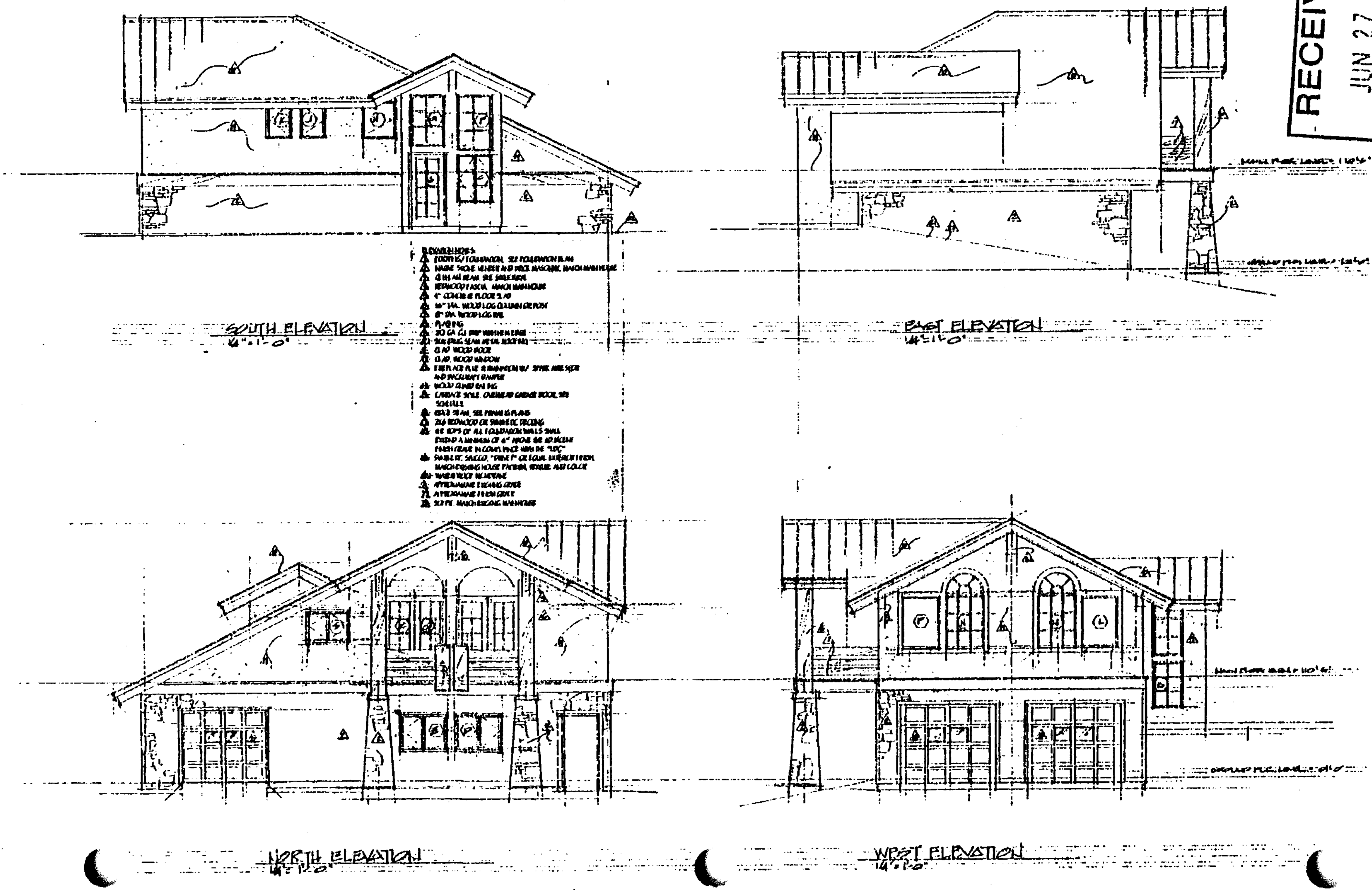
G. Floor Plans



TED WARR
architect
p.o. box 680092 park city, utah 84068
435-649-5840
GUEST HOUSE ADDITION TO: MR. & MRS. PETER CALDERONE RESIDENCE

SHEET

Ordinance No. 01-

AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT FOR THE CALDERONE SUBDIVISION LOCATED AT 300 MCHENRY AVENUE, PARK CITY, UTAH

WHEREAS, the owner, Mr. Peter Calderone, of the property at 300 McHenry Avenue, Park City, Utah, have petitioned the City Council for approval of a final Subdivision; and

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

WHEREAS, on August 22, 2001 the Planning Commission held a public hearing to receive public input on the proposed final Subdivision 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, it is in the best interest of Park City, Utah to approve the final Subdivision;

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.

1. The proposed guest house is located in the Estate zoning district and requires a Conditional Use Permit.
2. The proposed Subdivision is for a metes and bound parcel to create a single lot of record to accommodate the construction of a Guest House.
3. A Subdivision is required to create a single lot of record.
4. All vehicular circulation occurs on-site via a private driveway off McHenry Avenue. Significant vegetation exists on the property which buffers the proposed Guest House from adjacent properties.
5. The property owner is proposing a 1,800 square foot guest house on 3.4 acres.
6. The adjacent uses are residential and City open space.

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.

1. The use as conditioned is consistent with Park City General Plan, Land Management Code, and State law regarding subdivisions.
2. There is good cause for this subdivision.
3. Neither the public nor any person will be materially injured by the approval of the plat, subject to the conditions of approval. Approval of the subdivision does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 3. PLAT APPROVAL. The subdivision plat, known as Town Pointe, is hereby approved as shown on Exhibit A, with the following conditions:

1. All standard project conditions shall apply.
2. The Subdivision is a condition precedent on review and approval by City Council.
3. A Construction Mitigation Plan (CMP) submitted to and approved by the Community Development Department is required prior to issuance of a building permit.
4. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
5. A lighting, grading, and landscape plan, compatible with the existing landscaping, shall be submitted to and approved by the Planning Department prior to issuance of any building permit.
6. This approval shall expire within (12) twelve months from the date of Council approval, unless this Subdivision is recorded prior to the date.

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

PASSED AND ADOPTED this 30th day of August, 2001

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

DATE: August 30, 2001
DEPARTMENT: Park City Leisure Services Department
AUTHOR: Pace Erickson / Clint Dayley
TITLE: Irrigation System Upgrade for the Prospector Buffer Strip.
TYPE OF ITEM: Award of Construction Contract

SUMMARY RECOMMENDATION

Staff requests authorization to proceed with the construction of the installation of an irrigation system at the Prospector Buffer Strip. Staff recommends that Council award the construction contract to Turf Sprinkler Company for the amount not to exceed $48,300.00.

DESCRIPTION:

A. Topic:

Irrigation system upgrade for the Prospector Buffer Strip.

B. BACKGROUND:

The Prospector Buffer Strip was originally constructed in 1985. The irrigation system that was installed at the time was a small undersized system intended for temporary use only. The purpose of this system at the time was to assisting in the establishment of the plant material. Because this system is undersized the Park's Department has limited options in water conservation. In fact, the only option available is shut the system off. This is the reason for the poor, struggling plant material that we currently see at the park.

In 1995 soil testing indicated sections of the park exceeded the EPA standards and capping of these areas was necessary. At this time Council decided to not only mitigate the soils issue but enhance the park as well. The City Council with the support of the Prospector Home Owner's Association instructed staff to look into options in correcting the soils issues as well as park beautification.

In 1998 an architect put together a full redesign of the park, though the design was very impressive, budgetary restraints force staff in a conservative direction. Our primary goal is to alleviate soils issues, install a proper working irrigation system and bring in more plant material. This irrigation system will actually serve a dual purpose, besides watering the trees and shrubs it is necessary in maintaining a ground cover, in this case a drought tolerant grass. These grasses are necessary in protecting the soil cap from erosion thus protecting the environment from the contaminated soils.

The Park Department water conservation practices continue with the design of parks that have many options for water conservation. This system will not only have individual head control, it will have hose attachments that in drought years the sprinkler heads can be shut off, yet the trees and shrubs can still be irrigated.

C. Department/Public Review:
Prospector Home Owner's Association
Parks Department
Building Department
Legal Department

D. Analysis:
The bid invitation was advertised in the Park Record for two and a half weeks. In this time, we had three companies express interest in this project. However, at the bid closing we received only one bid. This bid was for $41,995.00, which turns out to be 20% cheaper than the engineer estimate. This project bid requires pipe pulling installations because of the contaminated soils issue. This type installation will greatly reduce soil disturbance because the pipe is actually pulled underground. This will reduce if not eliminate the use of chain type trenchers which bring all of the contaminated soil to the surface. Because there is a stream within the park this type of installation was the only environmentally friendly option available.

This project does present a few unknowns such as the size of the sleeves that currently exist under the roads. Because of this, staff is asking for a 15% contingency to handle these types of unknowns. This contingency will bring the total not to exceed $48,300.00. Also this contingency will also be used to pull extra wire for single head control instead of double, this will also increase our saving capabilities.

Reference checks have supported a reputation of quality workmanship and past customers highly recommend their product. Because of this and the cost is 20% lower than originally estimated, staff fully supports the recommendation of awarding this construction bid to Turf Sprinkler Company.

ALTERNATIVES:

A. **Support the Recommendation**: Award the construction contract to Turf Sprinkler Company for the amount not to exceed $48,300.00 and enter into a construction agreement drafted by the City Attorney's office.

B. **Deny the Recommendation**: This alternative appears to be an option if construction bid are unreasonably high as determined by the Council. Should Council decide not to award a contract to upgrade the irrigation system, the park will remain in its present condition.

C. **Continue the Item**: The Council could continue this item with direction for additional information.

SIGNIFICANT IMPACTS:

Fiscal: There is $244,740 available in the Prospector Entry Corridor Capital Improvement Project.

CONSEQUENCES OF NOT MAKING A RECOMMENDATION:

In the event that Council determines the bid is unreasonably high, the design and bid process would need to redone. This would greatly impact the construction schedule. If Council decides not to pursue the project, the park would remain in its present condition.

RECOMMENDATION:

Approval of the Construction Contract with Turf Sprinkler Company in a form to be approved by the City Attorney Office in the amount not to exceed $48,300.00 for the installation of a new irrigation system at the Prospector Buffer Strip.

PARK CITY 1884

DATE:	August 24, 2001
DEPARTMENT:	Olympics Business License Changes
AUTHOR:	Mark Harrington, Alison Butz, Jon Weidenhamer
TITLE:	1: Amendment to Title 4 of the MCPC to include Olympic Hospitality Events within Convention Licensing 2: Amendment to Fee Resolution to create a $250 fee for special event temporary 30 day beer license
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS:

Conduct a public hearing and approve the Ordinance and Resolution as prepared by staff.

DESCRIPTION

A. Topic:

Business Licenses.

B. Background:

Ordinance- Convention and Hospitality

The City uses MCPC Section 4-3-9 to license temporary activities in association with conventions and special events. The license is good for only two weeks and must be within an existing, licensed business for convention or meeting uses. (However, one cannot use retail for this- would have to get a full business license for the conversion.) In 2000, the City amended this section to expand its application to the Sundance Film Festival and include a flat $250 fee to cover administrative and regulatory costs. The analysis in the December 14, 2000 report is incorporated herein. Staff now recommends the same approach be used for the Olympics.

Resolution

Last month the Council amended the Beer and Liquor Ordinance to allow for 30 day temporary beer licenses. A fee was not established at that time. The Resolution establishes a fee of $250.

C. Analysis:

The Ordinance includes additional language allowing for temporary use of retail use in addition to assembly area. Building Department review would be required. The license cannot exceed five weeks (an extra week was added to allow a cushion at each end of the Games.

Resolution- Finance staff is recommending a fee of $250 to obtain the Large-Scale Special Event Temporary Beer License which must be done in conjunction with a MFL and cannot exceed 30 days. The current fee for a 72-hour license is $100. The Resolution was proposed after consultation with other venue cities to be consistent and the fee amount is estimated to cover the additional cost of regulation of beer sales for the extended period. There is no impact on the administrative costs.

D. Department Review:

This matter has been reviewed by the Administrative Services, Legal, CDD and Special Events departments.

ALTERNATIVES

A. **Approve the Ordinance and Resolution:** The Council may approve Ordinance and Resolution as proposed. This is the recommended action.

B. **Do Not Approve:** The Council may decide against approving the Ordinance and Resolution. Council should provide staff with direction on how to otherwise handle these two matters.

C. **Modify the Ordinance and/or Resolution:** The Council could decide to revise either the Ordinance or Resolution. .

D. **Do Nothing:** The Ordinance and Resolution package a number of required policy directions. The Council will have to make some decisions for Park City to effectively host these expected Olympic activities. The beer fee would remain $100.

SIGNIFICANT IMPACTS:

The revenue impacts are difficult to exactly estimate due to the unknown number of vendors at this time, but it is substantial. Utilizing this system for Sundance resulted in adequate cost recovery.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

We are quickly approaching the time when our Olympic efforts must shift from planning to implementation. Large delays in formalizing the policy and establishing administrative procedures could jeopardize successful implementation of plans.

RECOMMENDATION:

Staff recommends that the Council conduct a public hearing and approve the Ordinance and Resolution.

Ordinance No. 01-__

AN ORDINANCE AMENDING TITLE 4 OF THE MUNICIPAL CODE OF PARK CITY TO EXTEND THE CONVENTION SALES BUSINESS LICENSING TO INCLUDE HOSPITALITY EVENTS IN CONJUNCTION WITH THE 2002 WINTER OLYMPICS (SECTION 4-3-9)

WHEREAS, the state legislature amended Utah Code Ann. §10-1-201 to revise municipal authority with regard to business licensing and fees; and

WHEREAS, the state legislature identified the costs of administrative services as municipal services eligible for revenue generation by business license fees; and

WHEREAS, the City wishes to comply with said legislation by amending its business license ordinances to recover administrative costs incurred by the City in issuing convention sales licenses for hospitality events during the 2002 Winter Olympics; and

WHEREAS, a public hearing was held on August 30, 2001; and

WHEREAS, the following ordinance is deemed by the City Council to be in the best interest of the residents of Park City;

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

SECTION I. **PURPOSE**. The purpose of the amendment enacted hereby for convention sales issued during the 2002 Winter Olympics is explained in the City Council Staff Report dated August 24, 2001, and is incorporated herein by reference.

SECTION II. **AMENDMENT**. Chapter 3, Title 4 of the Municipal Code of Park City is hereby amended as follows:

4- 3- 9. CONVENTION SALES AND OLYMPIC COMMERCIAL HOSPITALITY.

The Finance Department may issue licenses for a period not to exceed two (2) weeks for temporary use of convention and meeting rooms within any licensed convention or meeting facility for the purpose of temporary retail sales of goods or services, whether in conjunction with a convention or not. Solicitation of orders for future sales or deliveries of goods or services is permissible without licensure.

Olympics: The Finance Department may issue licenses for a period not to exceed five (5) weeks for temporary use of convention, meeting, restaurant and retail rooms within any licensed business for the purpose of temporary commercial hospitality events.

The licenses may be issued on the following terms:

(A) LICENSE FEE. The license fee shall be as set forth in the Park City License Fee Schedule. An additional Administrative Fee as set forth in the Park City License Fee Schedule is hereby authorized for all such temporary licenses effective during any portion of the Sundance Film Festival or the 2002 Winter Olympics.

(B) STATE TAX NUMBER. The applicant must provide his sales tax identification number as a part of the license application to assist in verifying the collection and reporting of sales tax.

(C) APPLICATIONS. Applications must be filed at least ten (10) days prior to the proposed date of commencement of business to permit adequate time for the Police Department review and investigation. The police may request reasonable evidence of title to goods proposed to be offered for sale as a part of the review.

(D) RESPONSIBILITY OF HOST BUSINESS TO ENSURE LICENSING AND COMPLIANCE WITH THE UNIFORM BUILDING AND FIRE CODES. Businesses which make all of or a portion or portions of their licensed business locations available to other persons for the purpose of engaging in business shall be responsible to ensure that such persons obtain business licenses and possess Utah state sales tax numbers listed in Park City. In the event a licensed hotel, motel, inn or bed-and-breakfast business fails to require such a showing, that business shall be liable for payment of all license fees and penalties payable by the person engaging in business at their licensed location. If such business is not currently licensed for assembly use, the business shall obtain the necessary inspection and permit from the Building Department. Nothing herein shall relieve the sub-letting/guest business from their individual responsibility to obtain the necessary licenses.

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

PASSED AND ADOPTED this 30th day of August, 2001.

Park City Municipal Corporation

PARK CITY 1884

Resolution -01

RESOLUTION AMENDING SECTION 3, BEER AND LIQUOR LICENSE OF RESOLUTION 14-01 AND PLACING RESOLUTION NO. 14-01 IN ITS ENTIRETY

WHEREAS, it is necessary to update the fee schedule to reflect the changing costs of performing services and providing public benefits; and

WHEREAS, the City Council adopted Ordinance No. 01-32 on July 19, 2001 updating the liquor licensing provisions of the Municipal Code of Park City to ensure consistency with the Alcoholic Beverage Control Act in both form and substance and to reflect the current practice for reviewing such applications; and

WHEREAS, the City Council deems it in the best interest of the holders of beer and liquor licenses and the citizens of Park City to update the Fee Resolution, Exhibit A, so that fees are clearly defined consistent with the beer and liquor licensing provisions of the Municipal Code of Park City;

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

SECTION 1. AMENDMENT. Resolution No. 14-01 is hereby replaced in its entirety and the fees specified in Exhibit A, Fee Resolution, Section 3, Beer and Liquor License, are hereby adopted and incorporated into this Resolution.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 30rd day of August, 2001.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Over 100,000 gallons	$2.32 per 1,000 gallons

2.5 Water Violation Penalties

$ 50.00	first violation
100.00	second violation
200.00	third violation
400.00	fourth violation
500.00	for the fifth violation and for each subsequent violation within that calendar year.

2.6 Water Service Reinstatement Fee

$100 fee for meter shut off because of non-payment of account.

2.7 Water Service Call Fee $50 fee per service call

2.8 Water M

PROPOSED AMENDMENT TO EXHIBIT A FEE RESOLUTION

SECTION 3. B]

~~See attached Beer and Liquor license fees adopted and incorporated herein by this reference.~~
Beer and Liquor Regulatory Fees. $50.00 each with a minimum fee of $100.00:

Off premise beer retail (original container)
On premise (all others)
On premise (tavern)
Private club beer
Private club liquor
Restaurant liquor
Restaurant liquor (seasonal)
Liquor package agency

Special Event Beer and Liquor Fees. $50.00 each with a minimum fee of $100.00:

72 Hour single event liquor (maximum of two per year)
72 Hour special event temporary beer (maximum of four per year)

Temporary 30 Day Special Event Beer Fee. $250 (four days or more for specific Master Festival License dates; maximum of one per year)

SECTION 4. PEDDLERS AND SOLICITORS LICENSING

4.1 Solicitors Licensing Fee: $75.00 annually for each person licensed as a solicitor, except that

DATE: August 30, 2001
DEPARTMENT: Public Works
AUTHOR: Kathy Gammell
Jerry Gibbs
TITLE: Water Engineering and Planning Consultant Contracts
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to enter into contracts with Montgomery-Watson, Entranco, and EWP in a total amount not to exceed $400,000 for general water engineering, inspections, and planning for the Park City Water System.

DESCRIPTION:

A. Topic. Water Engineering and Planning Consultants

B. Background. Park City's water system is one of the most complex systems in the western United States for its size. The water system contains six water supplies water sources, thirty-six separate pressure zones, forty pressure-reducing valve locations, sixteen different storage reservoirs with a total full capacity of 10.65 million gallons, and seventeen pumping stations equipped with thirty-five pumps varying in size and capacity serving ten-square-miles and 1800 feet of elevation.

In July 1999 Park City Public Works solicited formal proposals from interested engineering firms identifying their qualifications and interests. A task force of city staff and two citizens with engineering backgrounds recommended to the city council to utilize three engineering firms Montgomery Watson, Entranco, and Stantec. The city council awarded a contract to be shared by all three firms in the amount of $235,000.

Projects underway or completed are:
- ❑ Test well program
- ❑ Divide Well
- ❑ Spiro treatment alternatives
- ❑ Judge Tunnel Feasibility
- ❑ Water Supply and Demand Study
- ❑ System Computer modeling
- ❑ Water User and Impact Fee update
- ❑ Construction inspection
- ❑ Assist in developing the Rockport Project

A "Water Supply and Demand Study " completed by Montgomery-Watson in 2000 identified existing water demands by area and use type. The demands were projected onto the unbuilt parcels and lots based on allowable zoning use. Montgomery Watson estimated an additional 3800 equivalent residential units (ERU) using 1 gallon per minute demand could be built.

Stantec Engineering has worked with Park City in developing a computerized model of our water system. The information from the "Water Supply and Demand Study " was entered into the model to identify infrastructure deficiencies. The result is the "Water Capital Facilities Plan".

On August 9, 2001 the city council adopted and approved the "Water Capital Facilities Plan" and an increase to the water impact fees. The "Water Capital Facilities Plan" identified $16 million in water distribution, storage and source improvements needed to be constructed over the next ten years. The water impact fees were increased to provide a revenue stream to fund the improvements until build out.

The "Water Capital Facilities Plan" identifies the projects and estimates the cost of engineering, design and construction. It takes approximately three to nine months to develop engineering designs and prepare the bid packages depending on the complexity of the projects. The "Water Capital Facilities Plan" has outlined the following projects over the next two years.

Judge Tunnel and Source Improvements	$ 416,000
Spiro Arsenic and Antimony Treatment	$ 533,600
Boothill Project	$1,620,007
North Park Meadows Tank	$ 461,795
Hidden Meadows Well	$ 705,000
Weber Basin Importation (Preliminary)	$ 538,200
Misc waterlines & Upgrades	$ 70,686
Total	$3,710,288

All three firms have provide acceptable services.

C. **Analysis.** There are many engineering firms with the qualifications to complete the design work. The advertising and interview process would require a minimum of two months. Entranco, Stantec and Montgomery Watson would be three of the firms considered for an interview. Other firms would have adequate technical knowledge but lack an understanding of our complex water system.

Staff is requesting an extension to the existing authorization in the amount of $400,000 to begin developing preliminary and final designs. Cost estimates in the capital facilities plan are conceptual. A preliminary design will allow us to identify impacts to property, construction installation, material requirements and timing. Stantec, Entranco and Montgomery Watson brings a mix of experience and knowledge of Park City's water system to match the projects with the consultants.

Additional advantages are awarding a contract to these consultants will allow the design work to begin in early fall and construction plans would be available by late spring. A formal request for qualifications process for consulting services would be completed in FY04.

A water revenue bond issue will be required to fund the construction of the projects outlined in the Capital Facilities Plan. The engineering work can be completed within the current water fund. These project expenditures are included in the FY02-03 City Budget. The account numbers are 51-45078.

D. **Departmental Review.** The staff report has been reviewed by Public Works, Legal, City Manger and the Office of Capital Management and Budget.

ALTERNATIVES:

A. **Authorize staff to amend the agreements with Entranco, Montgomery Watson and EWP for engineering and inspection services and authorize an increase in the amount of $400,000.** This would allow design work and assistance for projects within the budget to proceed. A lengthy selection process would not be required for each project. This is the staff recommended alternative.

B. **Authorize staff to amend the agreements with Entranco, Montgomery Watson and EWP for engineering and inspection services and authorize an increase in an amount less than $400,000.**

C. **Require staff to solicit proposals from all interested engineering firms**

D. **Require staff to solicit proposals from engineering firms for each project and service required.** This alternative will result in increased staff time, extended project time and decrease staff's ability to effectively and efficiently handle water issues.. A future RFP process will not yield a consulting firm with better or more experience. Staff is recommending against this alternative.

E. **Do Nothing.** This alternative will yield similar results to alternative C.

SIGNIFICANT IMPACTS:
Alternative A allows staff flexibility to match projects and skills to a select group of consulting engineering firms. This process meets the bidding and procurement requirements for professional services.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
The Council could approve an amount less than $400,000 (Alternative B). Previously, $235,000 was adequate. Design and engineering fees range from 8-12% of construction. With currently planned work we'd expect fees between $300,000 and $400,000. Alternatives C, D, and E would delay projects and increase staff time and costs. It is highly unlikely that any savings to the project will result.

RECOMMENDATION:
Authorize staff to continue using Stantec, Montgomery Watson, and Entranco for engineering services and increase the pool fund to $400,000.

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: August 30, 2001
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Deer Valley Olympic Venue Temporary Parking Lot
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a public hearing, consider any public input, and consider staff's recommendation of approval as conditioned or amended.

A. Topic

Owner	Deer Valley Resort
Location	Deer Valley Drive East across from The Lodges Bldg E
Zoning	ROS, Recreation Open Space
Adjacent Land Uses	Residential, Deer Valley ponds
Reason for Review	In accordance with the Master Festival License process passed by the City Council on August 15, 2001, temporary parking lots over 150 spaces require City Council review.

B. Background

This application is a request to construct a temporary parking lot (Lot 7) for Deer Valley to the north of existing Snow Park lot 6. The lot is located on 1.5 acres in Recreation Open Space and will provide approximately 200 parking spaces. Deer Valley Resort, in conjunction with the Salt Lake Olympic Committee (SLOC), identifies the need for parking for Deer Valley day skiers as the existing lots become used by SLOC in setting up the Olympic Venue. Deer Valley proposes to remove the temporary surfacing and construct an additional snowmaking water storage pond, and restore the site as soon as weather permits in the spring of 2002.

C. Analysis

The Snow Park parking lots (1-6) have a capacity of 1225 cars. Parking lots 1, 2, and part of lot 4 will be taken over by SLOC this fall and reduce the parking capacity at Deer Valley's opening date to 780 spaces. On January 5, 2002, lot 3 and the rest of lot 4 will also be in use by SLOC further reducing day skier parking to 460 spaces. Starting on January 28 and continuing to March 1, all of the lots will be in use for the Olympic Venue. SLOC identifies a need for Olympic Family and Dignitary sedan parking outside of the uses for lots 1-6.

Deer Valley has submitted an analysis of the parking lots based on actual user counts from the 2000-2001 ski season. If the same usage occurs during the upcoming season, a total of 40 days will have a shortfall of parking for day skiers and SLOC will have to pursue additional parking for the 7 days of competition at Deer Valley. With the addition of the 200 space lot 7, only 12 days of non-competition day skiing would need additional parking. These assumptions are based on last season's skier parking. What effect the Olympic will have on day skier usage can only be guessed.

Under the Land Management Code, a parking lot of this size in the Recreation Open Space zone is a Conditional Use. The area is within Tier 2 of the Community Olympic Master Festival and is exempt from the usual LMC Requirements. In accordance with the Master Festival License process passed by the City Council on August 23, 2001, temporary parking lots over 150 spaces in Tier 2 areas require City Council review and approval (See Exhibit C).

Deer Valley Resort states that they have contemplated enlarging the ponds that are used for snow making water storage. As soon as weather permits in the spring of 2002, the temporary parking lot will be removed and the pond dug in accordance with the proposed plans. Deer Valley has agreed to post a bond to insure that this work will be accomplished to the satisfaction of the City. Deer Valley also proposes additional trees, shrubs, and other improvements in the amount of $15,000. Staff recommends a Condition of Approval for a detailed landscape plan by April 30, 2002.

The Olympic Services Agreement includes a Contingency and Security to address repair, restoration and management of unforseen issues related to SLOC's activities. Staff recommends that $90,000 be added to that account with escrow instructions approved by the City Attorney to assure restoration and landscaping of the Deer Valley Parking Lot #7. The security amount is based on the City's usual landscape guarantee of $0.75 per square foot for hydroseed ($50,000) plus Deer Valley estimated costs of $25,000 to remove the surface of the parking lot and spread topsoil, plus $15,000 for enhanced landscaping. Additionally, temporary irrigation will be needed to ensure that the seeding germinates and grows through the first two years.

D. <u>Notice</u>

Notice was hand delivered to home owner associations within 300 feet on August 23, 2001. The Council Agenda was also posted in the Park Record. No formal notice requirement is specified in the MFL.

E. Public Input

Earlier this summer SLOC deposited a pile of asphalt chips and request a ~~grading~~ permit for a temporary lot. These actions triggered numerous objections from adjacent property owners. Most thought this was a proposal for a permanent lot to alleviate a parking problem during the ski season. Some people were also concerned that SLOC would walk away from the project after the Games and not re-vegetate and that any re-vegetation would be insufficient. Staff rejected the earlier proposal and requested that SLOC and Deer Valley modify the proposal to reduce the grading required for the temporary lot and prepare comprehensive plans for restoration. We also suggested that they contact homeowner groups to explain the new proposal, which they have done. At the time of this report, staff has received comments from Chaparral, Lakeside and Trail's End Homeowner Associations in support of this proposal (Exhibit D).

ALTERNATIVES

A. The City Council may approve the application with the conditions stated, or modify the conditions, or

B. The City Council may deny the application and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion to a later date. If this proposal is not ultimately approved, SLOC will need to find an alternative which could be difficult if the action is substantially delayed.

SIGNIFICANT IMPACTS

No significant environmental impacts will occur with Deer Valley's anticipated pond enlargement. The meadow area is replaced with a pond, that is generally an acceptable landscape feature. Staff finds that the temporary parking lot for the winter to accommodate the loss of usable day skier parking is not a significant impact. Not constructing the temporary lot would be a significant fiscal impact to Deer Valley, and possibly to the City, as 40 days of the ski season, based on last years' count, would have a parking shortfall. Usually overflow parking spills out onto Deer Valley Drive East causing traffic, parking and enforcement problems.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

Deer Valley and SLOC will need to find additional parking for 47 days during the ski season for day skiers (40 days) and Olympic Family (7 days).

RECOMMENDATION

Staff recommends that the City Council hold a public hearing, consider any public input, and consider staff's recommendation of approval as conditioned or amended based on the following:

Findings of Fact:

1. The Olympic Winter Games of 2002 ("Olympics") will be held from February 8-24, 2002. The event will be conducted by the Salt Lake Organizing Committee ("SLOC"). Deer Valley Resort is an event venue site.

2. The Deer Valley Snow Park area is a Tier 2 Master Festival Licensing and Activity Area.

3. The Olympics is by its very nature and magnitude a unique and extremely complex event. The event also requires an enormous number of temporary structures and improvements. Deer Valley parking lots 1, 2, and part of 4 will be used by SLOC beginning in the fall of 2001. Lot 3 and the rest of lot 4 will be used by January 5, 2002, with lots 5 and 6 taken on January 28. All lots will be the exclusive use of SLOC through March 1. The loss of day skier parking amounts to 40 days of inadequate parking for resort guests..

4. Additional parking by SLOC is required for Olympic Family and Dignitaries during the seven (7) days of competition at Deer Valley.

5. Deer Valley will remove the temporary parking lot when weather permits in the spring of 2002. A snow making water storage pond will be constructed and $15,000 worth of trees and shrubs will be installed.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8 and in accordance with the Master Festival License process passed by the City Council on August 15, 2001, temporary parking lots over 150 spaces in Tier 2 areas require City Council review and approval.

Conditions of Approval

1. A detailed landscape plan that includes temporary irrigation must be submitted by April 30, 2002.

2. A financial guarantee in the amount of $90,000 must be posted prior to the beginning of construction in a form approved by the City Attorney.

3. The temporary lot must be removed by June 15, 2002.

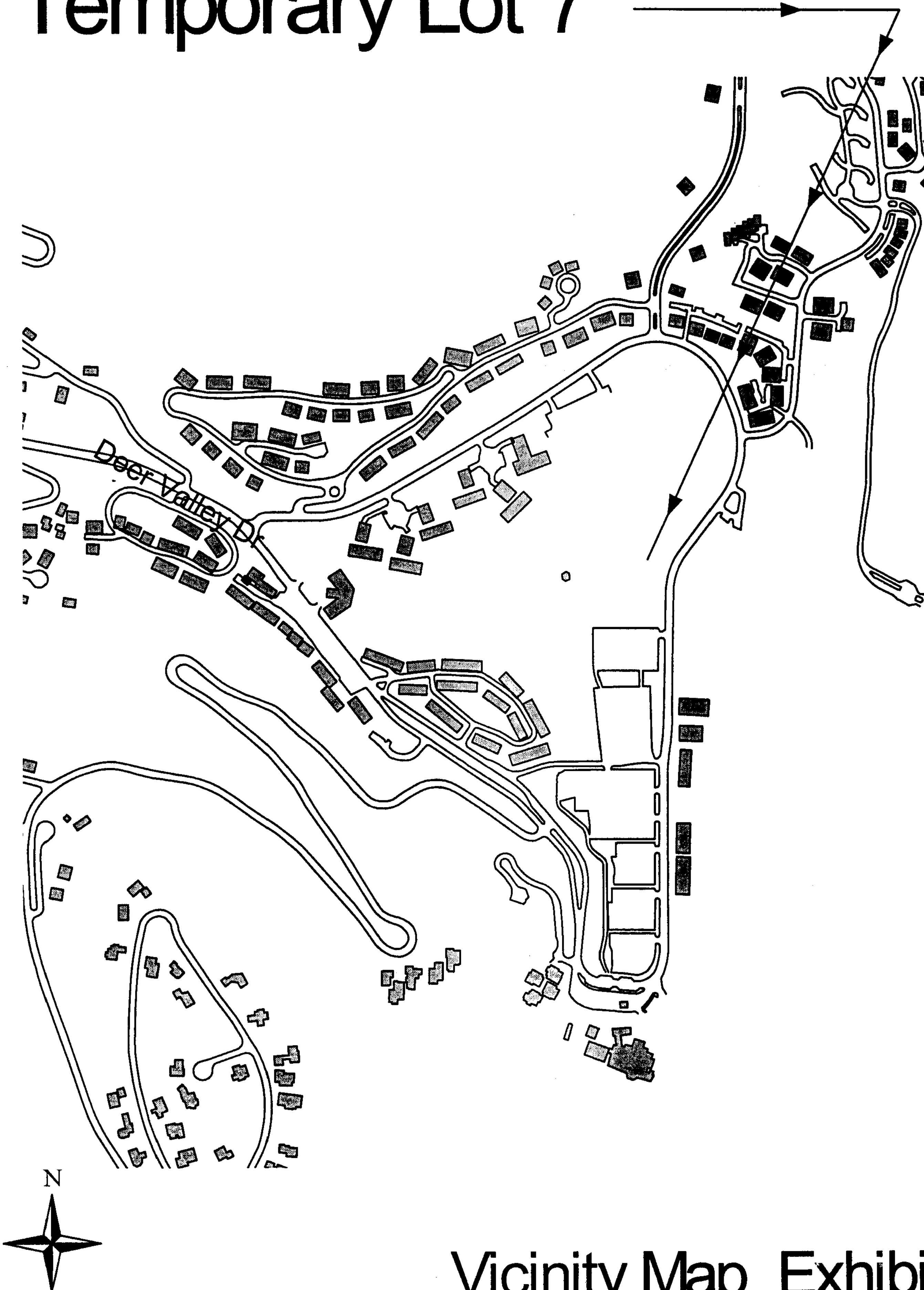
4. The site shall be re-graded, restored and landscaped according to the detailed landscape plan before the security will be released.

EXHIBITS

Exhibit A - Location Map
Exhibit B - Applicant's statement and parking analysis
Exhibit C - Olympic MFL Approval Matrix
Exhibit D - Letters from adjacent HOAs.

M:\Brooks\COUNCIL\Cc01\Deer Valley Parking lot(2)

Temporary Lot 7



Vicinity Map Exhibit A

DEER VALLEY

August 21, 2001

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

Dear Planning Commissioners,

As you are aware, Deer Valley will be hosting the Freestyle and Slalom events during the 2002 Winter Olympic Games. The Olympics require a significant amount of temporary facilities that will be installed in our current skier day parking area. After reviewing our parking requirements for the 2001-2002 ski season, it has become obvious to us that additional parking will be required to ensure a successful ski season.

With this in mind, we would like to submit an application for a temporary parking facility to accommodate approximately 200 cars. This parking lot will be constructed on land that Deer Valley presently owns but is zoned open space. We believe that with this additional parking we would be able to continue to operate out of the Snow Park Lodge while accommodating the Olympics.

Enclosed in this packet is a set of plans showing the existing site conditions, a temporary parking lot and a revegetation plan. We have been contemplating enlarging the existing lakes to increase our water storage for snowmaking. We believe that next spring would be an appropriate time to install this lake and included this in our plans. We are further willing to install $15,000 worth of trees and shrubs to enhance this property.

It is our hope to start this work this fall, as soon as we receive approvals, and to construct the lake and revegetate the property next summer as weather and soil conditions permit. We would be willing to post a bond to ensure the revegetation of this property and suggest the following amounts:

• Remove 1,520 cubic yards of rotomill	$15,200
• Spread existing topsoil over entire site	$10,000
• Hydroseed property @ 7¢ a square foot	$10,640
• Additional trees and improvements	$15,000
Proposed Bond Amount	$40,840

We appreciate your consideration of this project. Obviously we have a very short window of time to work in and appreciate your cooperation with our schedule.

Sincerely,

Bob Wheaton

Bob Wheaton
President/General Manager

Exhibit B (7 pages)

Enclosures

P. O. Box 889 • Park City, Utah 84060-0889 • 435.649.1000 • Fax 435.649.1910
www.deervalley.com

The Salt Lake Organizing
Committee for the Olympic
Winter Games of 2002

Comité d'organisation des
Jeux Olympiques d'hiver
à Salt Lake City en 2002

299 South Main Street, Suite 1300
P.O. Box 45002
Salt Lake City, Utah 84145-0002

Telephone: (801) 212-2002
Facsimile: (801) 364-7644
www.saltlake2002.com

SALT LAKE 2002

August 21, 2001

Park City Planning Department
P.O. Box 1480
Park City, UT 84060

Dear Park City Officials,

The Salt Lake Organizing Committee ("SLOC") will be hosting several events at Deer Valley Resort ("DVR") as part of the 2002 Olympic Winter Games. SLOC needs to install a large amount of support infrastructure in DVR's existing parking lots in the upcoming months. This build-out will result in a large reduction of available day skier parking at Deer Valley Resort.

In order to install our Olympics facilities while maintaining Deer Valley's ability to run a successful operation, DVR and SLOC are seeking to build a temporary 1.5 acre parking lot. This lot would help to alleviate some of the parking shortfalls that will occur in the upcoming ski season. This lot would be a temporary solution to a temporary problem. The specifics of the proposed lot, a parking analysis, and a re-vegetation plan are included in Deer Valley's submittal.

We hope you will support this proposal as we reach this critical time in our Olympic effort.

Sincerely,

Donna Corrado

Donna Corrado
Event General Manager, Deer Valley Resort
Salt Lake Organizing Committee for the Olympic Winter Games of 2002

cc: Fraser Bullock, Chief Operating Officer, SLOC

Deer Valley
Parking Analysis

Assumptions

1) **This is an analysis of SLOC's effect on DVR day skier parking if the Olympics had taken place during the 2000-01 ski season.**

2) **Parking numbers supplied by DVR Parking Manager based on car counts conducted each day of the 2000-01 ski season.**

3) **445 parking spaces will be taken by SLOC's Fall installations.**

4) **765 spaces will be taken on January 5th - date of SLOC's exclusive use of Lots 1 -4.**

5) **All spaces will be taken on January 28th by SLOC.**

5) **Day skier/staff shuttle from Route 40 Park & Ride will run January 28th - February 24th.**

6) **During the Games Period Lot 7 will be used for Olympic Family & Dignitary sedan staging.**

7) **SLOC will return parking lots 1-6 to DVR on March 1st.**

8) **Lot #7 will not be used after Lots 1-6 are returned to DVR.**

		SLOC's Impact on Day Skier Parking		
Capacity of Lots 1 - 6		SLOC Fall Installation	SLOC 1/5 Installation	SLOC 1/28 Exclusive Use
Lot 1	135	135	135	135
Lot 2	150	150	150	150
Lot 3	140		140	140
Lot 4	340	160	340	340
Lot 5	250			250
Lot 6	210			210
Total:	1225	445	765	225
Day skier parking remaining:		780	460	0

Parking Analysis Conclusions

1) Without Lot #7 DVR will have to pursue additional parking 40 days next year to accommodate Day Skiers ar
SLOC will have to pursue additional parking during the 7 days of competition to accommodate dignitary vehic

Without Lot #7 = 47 Days of Additional Parking Needed
Lower Service Level for Day Skier/Homeowner/Olympic Dignitaries

2) With Lot #7 DVR will have to purse additional parking 16 days next year to accommodate Day Skiers. and SLOC will be able to park any dignitary vehicles in Lot #7 during the Games period.

With Lot #7 = 12 Days of Additional Parking Needed
Higher Service Level for Day Skier/Homeowner/Olympic Dignitaries

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Deer Valley
Parking Analysis - 2000/2001

Date	12/22/00	12/23/00	12/24/00	12/25/00	12/26/00	12/27/00	12/28/00	12/29/00	12/30/00	12/31/00
Total Parking Lots 1 - 6	1225	1225	1225	1225	1225	1225	1225	1225	1225	1225
Spaces to be taken over by SLOC	445	445	445	445	445	445	445	445	445	445
Day skier parking remaining:	780	780	780	780	780	780	780	780	780	780
- Parking used in 2000/2001 season	726	911	805	803	812	1132	1153	1286	1165	975
Remaining capacity/(shortfall) without Lot 7	54	**(131)**	**(25)**	**(23)**	**(32)**	**(352)**	**(373)**	**(506)**	**(385)**	**(195)**
+ Lot 7 capacity	200	200	200	200	200	200	200	200	200	200
Remaining capacity/(shortfall)	254	69	175	177	168	**(152)**	**(173)**	**(306)**	**(185)**	5
Additional parking needed	0	0	0	0	0	152	173	306	185	0

<u>Notes:</u>
****Gateway Freestyle Challenge spectator numbers not included, N/A for 2002**

Deer Valley
Parking Analysis - 2000/2001

Date	1/1/01	1/2/01	1/3/01	1/4/01	1/5/01 **	1/6/01 **	1/7/01 **	1/8/01	1/9/01	1/10/01	1/11/01
Total Parking Lots 1 - 6	1225	1225	1225	1225	1225	1225	1225	1225	1225	1225	1225
Spaces to be taken over by SLOC	445	445	445	445	445	445	445	765	765	765	765
Day skier parking remaining:	780	780	780	780	780	780	780	460	460	460	460
- Parking used in 2000/2001 season	973	873	810	950	976	901	958	527	522	639	543
Remaining capacity/(shortfall) without Lot 7	(193)	(93)	(30)	(170)	(196)	(121)	(178)	(67)	(62)	(179)	(83)
+ Lot 7 capacity	200	200	200	200	200	200	200	200	200	200	200
Remaining capacity/(shortfall)	7	107	170	30	4	79	22	133	138	21	117
Additional parking needed	0	0	0	0	0	0	0 0	0	0	0	0

Notes:
****Gateway Freestyle Challenge spectator numl**

Deer Valley
Parking Analysis - 2000/2001

Date	1/12/01	1/13/01	1/14/01	1/15/01	1/16/01	1/17/01	1/18/01	1/19/01	1/20/01	1/21/01	1/22/01
Total Parking Lots 1 - 6	1225	1225	1225	1225	1225	1225	1225	1225	1225	1225	1225
Spaces to be taken over by SLOC	765	765	765	765	765	765	765	765	765	765	765
Day skier parking remaining:	460	460	460	460	460	460	460	460	460	460	460
- Parking used in 2000/2001 season	899	1234	844	918	566	543	578	653	1129	1066	587
Remaining capacity/(shortfall) without Lot 7	**(439)**	**(774)**	**(384)**	**(458)**	**(106)**	**(83)**	**(118)**	**(193)**	**(669)**	**(606)**	**(127)**
+ Lot 7 capacity	200	200	200	200	200	200	200	200	200	200	200
Remaining capacity/(shortfall)	**(239)**	**(574)**	**(184)**	**(258)**	94	117	82	7	**(469)**	**(406)**	73
Additional parking needed	239	574	184	258	0	0	0	0	469	406	0

Notes:
****Gateway Freestyle Challenge spectator numl**

Deer Valley
Parking Analysis - 2000/2001

Date	1/23/01	1/24/01	1/25/01	1/26/01	1/27/01	2/25/02	2/26/01	2/27/01	2/28/01
Total Parking Lots 1 - 6	1225	1225	1225	1225	1225	1225	1225	1225	1225
Spaces to be taken over by SLOC	765	765	765	765	765	765	765	765	765
Day skier parking remaining:	460	460	460	460	460	460	460	460	460
- Parking used in 2000/2001 season	592	593	656	768	1014	658	624	603	585
Remaining capacity/(shortfall) without Lot 7	(132)	(133)	(196)	(308)	(554)	(198)	(164)	(143)	(125)
+ Lot 7 capacity	200	200	200	200	200	200	200	200	200
Remaining capacity/(shortfall)	68	67	4	(108)	(354)	2	36	57	75
Additional parking needed	0	0	0	108	354	0	0	0	0

Notes:
****Gateway Freestyle Challenge spectator numl**

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Exhibit C

OLYMPIC MASTER FESTIVAL LICENS AND ACTIVITY APPROVAL MATRIX

	TIER #1	TIER #2	TIER #3
PURPOSE	1. Provide an environment that supports the unique nature of Olympic competition and celebration. 2. Permit necessary temporary improvements while adhering to the general spirit of existing code requirements and protecting the aesthetic character and historic integrity of Park City. 3. Assure that the area is consistent with City and SLOC contractual commitments to Olympic sponsors. a) sponsor agreements for participation. b) offset Olympic expenses. 4. Facilitate participation of SLOC. a) Meet terms of City ServiceAgreement b) Enhance resource provision, code enforcement, transit. c) Insure consistent look & feel of Games. d) Produce a public celebration.	1. Allow for community Olympic activity - non-venue & non SLOC specific. 2. Provide approval discretion for ancillary Olympic activities and facilities. 3. Prevent incompatible or undesirable activities. 4. Support leasing City properties	1. Limit impacts of Olympic activities 2. No exception to existing regulations
MFL/AREA	1. Main Street Celebrations Area (City MFL). 2. SLOC Venues (SLOC MFL). 3. SLOC Use Areas (SLOC MFL).	1. Other areas of known Olympic activity. a) City Park. b) Library Park. 2. Areas not in Tier #1. a) Areas of potential Olympic Activity. b) Commercial areas. c) Non-Use Area, transportation corridors. d) Non-Use Area, pedestrian corridors.	1. All other areas of City. a) Neighborhoods. b) Other parks. c) Open space. d) Private lots.
STANDARDS of ADMINISTRATION or APPROVAL	1. Administer City Services Agreement. 2. MFL participants/sponsors &other entities. 3. Ancillary contracts and permits w/Olympic entities. 4. Internal staff approval for inclusion in MFL based on City's Olympic objectives & stated policies.	1. Negotiated Contracts w/ Council approval. 2. Administrative Approval under Dec. 14th Council Resolution. 3. Standard departmental approvals & permits.	1. Not eligible.
COUNCIL APPROVAL	1. Commercial or temporary parking for more than 150 cars 2. Contracts and purchases requiring Council approval according to budget policies 3. Significant modifications to MFL Tier boundaries.	1. Commercial or temporary parking for more than 150 cars 2. Contracts and purchases requiring Council approval according to budget policies 3. Significant modifications to MFL Tier boundaries 4. Assembly uses in temporary structures outside Tier 1 for more than 250 people;	1. Uses or activities requiring exceptions to usual city regulations.

August 13, 2001

To : Mayor Olch and Members of City Council

From: Chaparral Homeowners Association

Subject: Proposed Deer Valley Temporary Parking Lot # 7

On Friday, August 10, 2001, the Chaparral Homeowners Association conducted our shareholders annual meeting. At that meeting, a presentation was made on behalf of the Salt Lake Organizing Committee (SLOC) and Deer Valley Resort regarding a proposal to build a Temporary Parking Lot # 7 at the north end of the existing parking lots in front of Snow Park Lodge. This presentation was made by Donna Corrado, the Event General Manager of SLOC and Bob Wheaton, the President and General Manager of Deer Valley Resort.

After listening to the formal presentation and a brief question and answer session, the Chaparral Homeowners Association discussed how this proposal would affect us and what our reaction should be. We concluded that we should go on record in support of the Temporary Parking Lot # 7 proposal with the following caveat. We strongly endorse the option presented by Mr. Wheaton of removing the temporary lot at season end and building a new pond to compliment the pond structure already in close proximity. Mr. Wheaton stated that they would also consider building appropriate berms around the pond and vegetating these with plantings that would do well in a wetland setting. We would be less enthusiastic about the proposal if a simple plan of revegetation were to follow removal of the lot.

Our support for the pond option is based on the following logic. A pond, with supplemental berm and wetland vegetation, would improve the overall appearance and visual effect of this area. Second, a new pond built in this area is likely to be a permanent fixture and as such discourage future requests to build on or otherwise disturb this parcel. Third, we understand and endorse the motivation of Deer Valley Resort to build the pond as an additional water source to be used for future snowmaking.

The Chaparral Homeowners would also like to formally endorse Deer Valley's basic proposal to build a temporary lot in the first place. We feel the potential negative impact on Deer Valley's business operations caused by the 2002 Games is real. It is not in anyone's best interests to cause them unnecessary economic harm. Deer Valley Resort has historically been a good neighbor and we feel they deserve the benefit of the doubt that the lot will be temporary and that they will remove the lot and restore the parcel to an

Exhibit D (4 Pages)

improved condition at the earliest practical time. It is our hope that the City will respond positively to the SLOC and Deer Valley Resort proposal as defined above.

We would be pleased to amplify our comments or discuss the matter further at your convenience.

Respectfully,

Chaparral Homeowners Association

Cc: Donna Corrado, Event General Manager - Salt Lake Organizing Committee
Bob Wheaton, President and General Manager of Deer Valley Resort

LAKESIDE AT DEER VALLEY

August 6, 2001

To Whom It May Concern:

RE: SLOC's Proposed parking lot in Lower Deer Valley

This is to advise that The Lakeside Homeowner's Association during its annual meeting on August 3, 2001 passed the resolution supporting the proposed SLOC parking lot with conditions.

"The Lakeside Homeowners Association will support a temporary parking for number 7 for the 2001-2002 ski season. Said lot will be removed after the ski season ends in 2002 and a "lake" will be established on the site of the temporary lot with vegetation supporting wetland wildlife. It is further approved that the Deer Valley Resort will be able to use this lake for their mountain operations and a secure and proper bond be in place to insure the construction of said lake."

Respectfully submitted,

WMW Sheppard Jr
President

P.O. Box 682530 • Park City, Utah 84068 • Phone: (435) 655-8363 • (800) 239-6144

Trail's End Lodge
AT DEER VALLEY

August 25, 2001

City Council Members
Park City Municipal Corporation
Hand delivered

Dear City Council Members:

After having reviewed the proposal for the installation of an additional temporary Olympic parking lot (Lot # 7) and the corresponding mitigation plan presented by Deer Valley Resort I am writing to express the Pine Inn/Trails End Homeowners Association's support of this proposal.

Most everyone I have talked to in Park City is committed to hosting the best Olympic games ever. With that in mind, it is naive to think that everything can remain just as it is today. Based upon our review of the plan it appears that this parking lot is a necessary temporary addition in order to accommodate the traffic flows and additional demands the Olympics place on the Snowpark area.

The fact that this is a temporary lot that will be restored after the Olympics is an important point to be made in considering this approval. The fact that you have a commitment from Deer Valley Resort to restore this area to a condition that would be superior to its present condition through additional vegetation and tree planting seems to be a win/win situation for everyone involved. Furthermore, the fact that a bond will be in place to insure that this restoration work takes place provides the assurance that the restoration work will be completed as committed.

With the above facts in mind, we believe it is in the best interest of our community and those of us who own property in the Snowpark area to approve the request to install the additional temporary parking lot being referenced as Parking Lot # 7.

Sincerely,

Arnold Staloff
President
Pine Inn/Trails End Homeowners Association

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