•TENTATIVE MASTER AGENDA

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

AUGUST 29, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 29, 2002.

Closed Session

2:30 p.m. Property disposition

Work Session

3:10 p.m. Council questions/comments

3:40 p.m. Website update

4:20 p.m. Old Town needs assessment projects

4:35 p.m. Rail Central Project

4:50 p.m. Economic development work program

5:10 p.m. Conservation reserve program

5:25 p.m. Open space bond

5:40 p.m. 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 WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 1, 2002

V PUBLIC HEARING

Ordinance approving a plat amendment to relocate and reconfigure the building pad located within Lot 1 of the Morning Star Estates Subdivision (7301 Rising Star Lane), in Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving a plat amendment to relocate and reconfigure the building pad located within Lot 1 of the Morning Star Estates Subdivision (7301 Rising Star Lane), in Park City, Utah

2. White Pine lease assignment

3. Insurance renewal for workers compensation and crime coverage in the amount of $35,797

4. Authorization to enroll in the Continuous Conservation Reserve Program for McLeod Creek Stream Corridor

VII NEW BUSINESS

License agreement with AT&T Broadband in the amount of $285,285 for use of City's fiber optic conduit

VIII ADJOURNMENT

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

SEPTEMBER 5, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will not hold its regularly scheduled meeting on Thursday, September 5, 2002.

Posted: 09/02/02

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

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

September 2002

2	*Miners Day*
5	**No meeting**
12	**Fred gone**
	Resolution formalizing the November 5, 2002 General Election Open Space Bond initiative - work and new business
19	2002 Euston Drive rezone from E to RD - KL - public hearing
	Sign Code revisions - public hearing - RM
	LMC revisions - legacy projects - PP
26	

October 2002

3

20

17

24

31

November 2002

7

14

21

28 *Thanksgiving Day*

26

Nightly rentals

DATE: August 29, 2002

AUTHOR: Colin Hilton, Project Manager

TITLE: Old Town Improvement Study (OTIS)

TYPE OF ITEM: Informational Update

UPDATE ON PROGRESS:

Through the first phase of the Old Town Improvement Study (OTIS), the following activities have been completed:

- A review of past analysis & recommendations from previous Old Town Studies
- An internal collection of identified street, sidewalk, curb/gutter replacement needs
- An internal review of suggested street segments for water line replacements
- Three public input sessions with the historic district residents and business owners
- Obtained survey responses through a mailed questionnaire to residents & businesses
- Held meetings with the Fire District, SBWRD, HMBA UPAPA residents, Marsac Avenue homeowners, and a variety of interested individuals.

As outlined in the initial overview of the OTIS project plan in June, the first phase of this OTIS study was intended to provide an awareness of the Old Town infrastructure needs / desires and to publicly discuss those items to obtain initial sentiment on each. Additionally, the feedback obtained was to be used to verify the need to further pursue and research projects that were going to require additional outside resources.

To date, a draft listing of capital infrastructure projects has been compiled and initial sentiment on the above categories has been obtained. Projects discussed were categorized in the following way:

a. Street, sidewalk, storm drainage, and water/sewer utility improvements
b. Pedestrian-friendly enhancements to access ways & neighborhoods

c. Parking facility enhancements to Main Street – to include a possible new structure

d. Burying overhead electrical/telecom utilities

e. Land/property acquisition for the purposes of retaining the Old Town feel and creating neighborhood parks

f. Additional projects brought up through the 1st phase of public meetings

For the categories of "a, b, e, and f," excellent information and feedback was received through a variety of meetings. Identification of needed work for streets and sidewalks repairs, thoughts on areas to improve stairways and pocket parks, and the identification of creative pedestrian friendly enhancements to corridors have been captured. Further outlining the projected costs, timeframes, and funding options will be able to be done through "in-house" resources.

For items "c and d" - "Utlilities & Parking" - excellent feedback was also received. This however had much more discussion and strong opinions expressed. Responses ranged from strong support to absolute disgust that the topics were still even being considered. However, overwhelming support was made to at least further explore those two items in greater detail. The following "straw poll" shows how those who participated in either the public meetings or responded through the questionnaire felt:

Topic	Yes	No
Do you support further research into the parking supply concerns in Old Town?	81	2
Do you support further research into estimating costs of burying overhead utilities and looking into possible cost sharing programs ?	83	11

In order to properly perform what I am labeling as additional "technical analysis" of these two project areas, I am recommending moving forward with engaging the services of professional outside resources. The needed next steps are beyond the scope of past projects and current staff abilities. Specifically, the needs surround a) cost projections for burying overhead utilities and to assist the City in coming up with a proposed cost sharing program b) updating the parking demand/supply analysis, evaluating an increase in supply without a need to build a structure, and provide a concept / schematic design for a possible new structure. These two areas have solid constituent backing (business, visitor, and resident) to further look into.

RFP's for these two service needs – Utilities & Parking – have been sent out. As of the 8/29 Council meeting, they will be received and forwarded for review by a selection committee. The amount of funding needed is proportionate to the amount of detail desired in the scope of services. I have carefully minimized the scope of work to only those services that cannot be done by in-house resources or provided by previous studies. It is my opinion that the needed funds will be far less than the 200k budgeted. In fact, my estimate on funding needs is less than 65k for both components (that is unless he scope of services increases). In any event, I will be returning to Council for any authorizations to proceed into a contractual arrangement.

As a reference, the following itemizes the scope of services for the two needed areas:

Scope of Engineering Services Required - Utility Component

The consultant should outline their approach and identify estimated service costs (time & materials) to perform the following work.

A. Provide a breakdown of projected costs for burying overhead utilities for all streets within the historic zoned districts of Old Town. A map can be provided if required.

B. Projected costs will need to be broken down in logical street segments within Old Town neighborhoods.

C. Costs within a street segment should also be logically broken down between figures associated with transmission and main distribution lines to those of individual service connections from a junction box.

D. Provide a listing of challenges in coordinating the entities involved with such an endeavor

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

Scope of Services Required - Parking Component

The consultant should outline their approach and identify estimated service costs (time & materials) to perform the following work.

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

B. Review past demand analysis and provide ideas and recommendations on how to update this data. We would like to take another look at the commercial mix and estimate the parking demand for the area.

C. Evaluate, research, and provide conceptual design drawings of a parking structure of a net addition of 500 car spaces. The area already identified is just north of the current China Bridge parking structure on Swede Alley. The selected firm will be asked to provide several alternatives. The City would like to consider options that include a parking only facility and one with possible retail and office space elements. In all alternatives, careful consideration will need to be had with the challenges the current terrain and the need for properly providing an aesthetic fit to the historic area.

D. Provide a breakdown of projected costs for the associated work in both Items #1 & #3.

E. Provide a written summary and analysis of Items #1 and #3 that will be used to assist PCMC in furthering the goal of increasing the capacity of parking in the most cost-effective and prudent way.

F. Itemize a list of suggested next steps the city would need to take, with projected costs, to further the planning and design of a proposed structure.

An attached project listing (in very draft form) will be used to eventually itemize all the targeted projects. Work still to be completed includes adding detail to the cost projections, anticipated time frames, financing options, and a summary of constituent sentiment.

ACTIVITIES UPCOMING:

Aug 29th	RFP's for "Utilities' & "Parking" received
Sept 10th thru Oct.	"Technical Analysis"
October	2nd Round of Public Meetings
Nov / Dec	Report back to Council

Category & Project Item	Priority	Projected Costs	Timeframe to Complete	Funding Source Options	Analysis Highlights	Comments
Streets & Sidewalks						
General Comments						Key point made - City should reconstruct streets to meet character of neighborhood - sidewalks / lights / etc vary by street
Prospect Ave	tbd	tbd	tbd	tbd	tbd	Drainage Issues of large concern
Lower Norfolk						
Upper Park Ave.						sidewalk placement / utility coordination as key remaining items
Sandridge						
Hillside						debate on benefits of upgrading too well
Empire & Upper Lowell						
8th, 9th, 10th, 11th, 12th streets						
13th, 14th, 15th streets						
Silver King						
Sullivan Road						
Ridge Ave						
Woodside - north of 14th						
Swede Alley						
Intersection - Marsac & Hillside						
12th & Park - Malwhieney Lot						
Rossi Hill Drive						
McHenry Drive						
Sidewalks & Gutters only						
Main, Heber, Swede, and Lower Park Ave Street Sidewalks & Gutter repair	tbd	tbd	tbd	tbd	289 linear feet of Level #4 sidewalks. 201 linear feet of Level #4 curb/gutter	Level #4 equates to areas in the most dire repair need
Rest of the historic district areas					88 linear feet of Level #4 sidewalks. 353 linear feet of Level #4 curb/gutter	Level #4 equates to areas in the most dire repair need
Water Line Replacement						As provided by the Water Dpt.
Upper Park Ave.	tbd	tbd	tbd	tbd		
Empire Avenue						
Deer Valley Loop Road						
Lower Norfolk						

Hillside, Ontario, McHenry, Rossi Hill Drive						
Prospect Ave.						
Sandridge Ave.						
Chamber Ave.						
Pedestrian Friendly Enhancements - Corridors / pocket parks						
General Comments						Mainatin access to trails - upkeep trailheads
Upgrade "Tramway"	tbd	tbd	tbd	tbd	tbd	
Add decorative lighting to top of Main to Upper Park Ave						
Spruce up historic "white house" near the top of Main St - Hillside						
Revamp / add to stairways - 9th or 8th						
Street lighting enhancements on Lower Park Ave - b/t Library and Heber						
Add public drinking fountains & places to sit - Park & 11th						
Parking Enhancements						
General Comments	tbd	tbd	tbd	tbd	tbd	Parking supply a large concern for business owners & visitors. Accesibility issues are desiring to be enhanced. Would like the OTIS study to look at alternatives to building a structure in addition to looking at a structure. Angled parking on main ? Re-configuring of Swede Alley ? Better access ways to the upper surface lots off of Marsac ?
Burying Overhead Utilities						
General Comments						Safety concerns and visual aestetics are noted as reasons for desire to do this. Concerns expressed over indiv owners who do not support doing so. HDC position on this ?
Upper Park Ave section	tbd	tbd	tbd	tbd	tbd	
Woodside						
etc.						

Land / Property Acquisitions						
General Comments	tbd	tbd	tbd	tbd	tbd	
Acquire open space either side of new ski bridge						
House at top of Main / near Upper Park Ave						
Other Misc Projects						
Hiding areas for garbage cans	tbd	tbd	tbd	tbd	tbd	
Add signage to ends of stairways						
Sr. Citizen Center - parking lot & landscaping						
City Hall upgrades - including accesibility issues						
Bulb outs/Road narrowing at 2 locations along lower Park Ave.						

DATE: August 29, 2002

DEPARTMENT: Executive

AUTHOR: Tom Bakaly, Assistant City Manager

TITLE: Rail Central Project Request

TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION: Staff recommends that City Council consider Centura's request for permission to apply for an amendment to the Master Planned Development (MPD) that incorporates city-owned land and provide direction.

DESCRIPTION:

A. Topic: Centura Rail Central Project

B. Background:

Centura owns the Business Commons building on Bonanza Drive just north of the Rail Trail. Centura proposes significant multi-use redevelopment of the building (Rail Central) which could include retail and additional Single Room Occupancy affordable housing on the second floor (see proposal).

As Council may be aware, the City owns the strip of land adjacent to the Rail Trail and the Rail Central parcel extending from Bonanza Drive east about 75 feet. This land was purchased with open space bond proceeds, is currently paved and totally borders the Business Commons property. Centura proposes access to Bonanza Drive across City property. Centura hopes to use the City's property as trail parking for an enhanced trail head for the rail trail. To proceed with review of this project, Centura needs the City's authorization to incorporate city-owned land in the application. Permission to apply is not the same as approval to use. Permission to use would require a formal agreement setting out the terms and conditions of use.

The current trail head for the rail trail is accessed off of the Prospector Parking Lot further east along the Rail Trail. Centura's proposal is to jointly redevelop and greatly enhance the trail head at Bonanza Drive, allow reciprocal easements for access to the City's and Centura's property, provide for public restrooms, and jointly participate in environmental clean up of the City's property.

Trails and Trail Head Development is a 2002 high priority goal for City Council. The City Council has in the past expressed a desire to improve the trail head for the rail trail. The Parks Recreation and Beautification Board has not formally reviewed this proposal.

Under the proposed terms section of the proposal, the Principal Member of Centura, Rodman Jordan, requests City Council to consider the following:

1) Centura be authorized to petition the Community Development Department for an amendment to the MPD including uses on the City-owned Rail Trail Property;

2) That a favorable statement be forwarded to the Community Development Department acknowledging the council members' preliminary encouragement of the project; and

3) That funding sufficient to the City's portion of the project costs ($175,000) be allocated in the 2003 Capital Improvement Program (CIP) Budget.

C. Analysis: Centura is applying for an amendment to a MPD which includes access to Bonanza Drive. Since the City owns the land where the street would join Bonanza Drive, the City as the adjacent property owner needs to authorize Centura to include its land in the application. This does not mean that the City also needs to endorse the project. Since the amendment to the MPD could appear before the City Council on appeal, Staff recommends that the Council remain objective on the project at this stage. If City Council would like Staff to have a more active economic development role in this project, Council should provide Staff with that direction in the context of the Economic Development policies that are coming before City Council on August 29, 2002.

D. Department Review: This proposal has been reviewed by the City Manager's Office and the Legal Department. The Community Development Department will review this proposal in the context of an amendment to a MPD prior to Planning Commission review. Staff has raised concerns that the proposed parking will unavoidably be used by patrons of the Rail Central's commercial tenants. Such commercial use squarely contradicts the stated purpose of the open space bond - to acquire and forever preserve open space and recreational land.

E. Alternatives: This report is for information purposes. City Council could approve or deny

Centura's request for permission to apply for an amendment to a MPD that involves City land.

F. Significant Impacts: The City has received $127,000 in enhancement funds from UDOT to improve the Rail Trail property. The City has been waiting to see where private development was going before committing to the UDOT funds. Another option would be to use City funds and simply cap and pave the parcel at far less of a cost than the UDOT or Centura project. It is unclear but also unlikely that the UDOT funds could be used for all of the City's share of the Centura project.

These are only some of the financial aspects of the proposal that would effect City funding of the project. Staff recommends that formal City budget policies stating that budget requests be considered all at one time be followed.

G. Consequences of Not Taking the Recommended Action: This report is for informational purposes.

H. Recommendation: Staff recommends that City Council consider Centura's request for permission to apply for an amendment to a MPD that incorporates city-owned land and provide direction. Staff would suggest that Council refrain from discussing items 2 & 3 of Centura's request until the project has had an opportunity to go through the planning process. Since the project could provide significant public amenities and economic benefit and may involve public expenditures, the Council may wish to request that staff to continue to work with the applicant to define the character and scope of public amenities and the nature of the city's financial participation.

DATE: August 29, 2002
DEPARTMENT: Community Development/ OCMB
AUTHOR: Rick Lewis, Tom Bakaly, Jonathan Weidenhamer
TITLE: Economic Development Plan - Work Program
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION: Staff is requesting input from the City Council on the attached Economic Development Work Program.

D. Topic - Economic Development Plan - Work Program

E. Background

The City Council has identified establishing Park City as a World Class, Multi-Seasonal Community as a high priority goal. To further that goal an Economic Development Plan (EDP) will be established. This Plan will be based on business and economic data with an evaluation of the strengths, weaknesses, opportunities, and threats our community will face over the next decade. The plan will be guided by stakeholders representing the multiple interests of the community.

The Economic Element of Park City's General Plan stipulates that the local economy is primarily ski resort based. This base has a high dependency on other seasonal recreational activities and visitor draws including: restaurants, recreational based retail, high value second homes and lodging. Cultural and heritage tourism also play an important role in attracting visitors. Rounding out this economic model, are large festivals, and other special events that the City plays host to.

We are fortunate that we have so many established events and festivals, already have an established Historic District, museum, and performing arts organizations, plus a great selection of restaurants and shopping. These activities are all listed as top five attractions by the National League of Cities as keys to developing local tourism.

F. Analysis

Park City's challenge over the next decade is to: maintain and enhance the tourism/recreational economy; to remain competitive in the recreational marketplace; and to offer something unique for the visitor, while enhancing the quality of life for local residents.

The purpose of this Work Program and resulting plan is to clearly identify areas the City will focus future economic enhancement efforts. The EDP will develop a task force, establish goals, and implement an action plan for assessing both short and long term economic decisions. Please find the attached draft EDP(Exhibit A), which identifies a process by which staff will address this issue.

G. Department Review

This report has been reviewed by the City Manager, Assistant City Manager, Community Development Director, and Public Affairs Director.

H. Alternatives

A. Review, comment, and follow the attached EDP as outlined.

B. Review, comment, amend the attached EDP.
C. Provide other direction

I. Significant Impacts:

The purpose of this Plan is to clearly identify areas the City will focus economic enhancement efforts, and a process by which to do so. This Plan will address a top priority goal of the Council for assessing both short and long term economic decisions.

There is $50,000 available in the budget for economic development activities in the Main Street area.

J. Recommendation

Staff is requesting input from the City Council on the attached Economic Development Work Program.

Economic Development Plan
-Work Program-

XI. Background

The City Council has identified establishing Park City as a World Class, Multi-Seasonal Community as a high priority goal. To further that goal an Economic Development Plan (EDP) will be established. This plan will be based on business and economic data with an evaluation of the strengths, weaknesses, opportunities, and threats our community will face over the next decade. The Plan will be guided by stakeholders representing the multiple interests of the community. The purpose of this Plan is to clearly identify areas the City will focus economic enhancement efforts. The EDP will establish goals and implement an action plan for assessing both short and long term economic decisions.

II. Mission Statement

Park City's challenge over the next decade is to: maintain and enhance the tourism/recreational economy; to remain competitive in the recreational marketplace; and to offer a unique experience for the visitor, while enhancing the quality of life for local residents.

III. Economic Vitality Focus Areas:

The following focus areas have been defined as key elements necessary for economic enhancement. Each of these elements will be reviewed individually and comprehensively to determine their suitability for policy determination.

A. Resort Based Economy - City and Regional Approach
B. Main Street Vitality - Commercial mix
C. Economic Diversity - resort/lodging(redevelop existing stock)/office & residential
D. Special Events
E. Capital Improvements geared towards economic vitality
F. Cultural & Heritage Tourism

IV. Economic Development Work Program:

A. City Council Review:
   1. Present draft work program to council for review and direction
   2. Establish the role of the Council and Commission members, if any

B. Organizational Structure:
   1. Establish the project manager(s) and staff resources needed
   2. Identify the stakeholders and Establish a Steering Committee or "Task Force"
      Stakeholders are all those affected by plan. The Task Force will be the representatives of the stakeholders.
      a. Members of the Task Force will be represented by:
         Deer Valley Resort — Park City Mountain Resort
         PC Board of Realtors — PC Home Builders Assoc.
         Lodging (prop mngmnt) — Chamber of Commerce

HMBA Myles Rademan
Rick Lewis (co-project mgr.) Tom Bakaly (co-project mgr.)
Jonathan Weidenhamer(staff)

b. The Task Force will remain operational for the duration of study. Upon adoption of the final EDP the Task Force will be dissolved

3. Establish the role of the Council and Commission members
   a. Council member Calvert has been identified as the liaison for this project as part of City Council's visioning and strategic plan process
   b. Present draft plan/ regular updates to Planning Commission. Identify interest / need for Commission liaison
4. Identify one or more spokespersons to represent the Task Force
   a. Myles Rademan - PCMC Public Affairs Director
   b. Bill Malone - Chamber of Commerce President
5. Determine if consultants are needed. Establish their role and assignments
   a. Identify potential costs
   b. Identify potential budget source - $50,000 budget currently exists in the Main Street RDA

C. Public Involvement Process:
1. Establish the role of the Task Force
   a. Establish Focus Areas (See III. Economic Vitality Focus Areas)
      1) use Wikstrom Study to examine tourist economy in Park City
      2) survey stakeholders
      3) create vision (Economic Element of General Plan)
2. Establish a process for involving the Task Force
   a) Initiate weekly/bi-weekly Task Force meetings
   b) Establish Work Plan (See Section D)
   c) Establish benchmarks/ deadlines for work plan
   d) Issue regular progress reports to
      1) City Council
      2) Plng Commission
      3) Stakeholders at large
      4) Stakeholders focus groups (ie MSBA)
3. Establish a role and process for involving the community at large -or- Determine how the recommendations of the Task Force will be presented to the public (city council mtg.)
   a. Monthly progress reports prepared for Council
   b. Monthly appearances at Council work session
   c. Issue regular progress reports to

a. Stakeholders at large
b. Stakeholders focus groups (ie MSBA)

D. Create Work Plan

1. Identify the City's: Economic strengths; weaknesses; opportunities; and threats
2. Analyze the roles and effectiveness of existing organizations
3. Analyze the impact of increasing competition from the County (Snyderville Basin) and rest of the region.
4. Establish short and long range economic goals and objectives for the City
5. Define benchmarks which include:
   1) Identification of clear policies/processes that can be used for implementing economic vitality decisions
   2) Action Plans for each Economic Vitality Focus Area
   3) Determination of the financial ramifications of implementing the Plan
6. Present final plan to stakeholder groups and community
7. Present plan to Council for review
8. Monitor Plan/ Coordinate Changes/ Facilitate Implementation

E. Implement Work Plan

1. Present ordinance to Council for review
2. Present ordinance to Council for adoption

V. Projected Benchmarks

Date	Benchmark
~~7/22/02~~	~~Establish staff project manager - Tom Bakaly, Rick Lewis~~
~~7/25~~	~~Identify the stakeholders (Task Force)~~
~~7/26~~	~~Develop draft EDWP~~
~~8/21~~	~~final draft EDWP~~
8/29	draft EDWP to council work session - input/direction
8/29	establish role of council
9/12	identify other staff resources needed
9/12	Establish Task Force
9/12	establish role of plng commission
8/29-9/12	Establish a role and process for involving the Task Force
8/29-9/26	Establish a role and process for involving the community at large (if necessary)
10/1	Begin regular Task Force Meetings (bi-weekly?)
10/1	Identify spokesperson (Myles, Bill Malone?)
9/26	Final EDP to council work session(regular mtg?)

10/?/02	Present initial findings/ action plan to Council (work session) - input direction
ongoing...	Establish work plan benchmarks.......
1/03	Adopt policy (ordinance) to implement Action Plan for each focus area.

DATE: June 30, 2016
DEPARTMENT: Community Development Department
AUTHOR: Jeff Schoenbacher, Environmental Specialist
TYPE OF ITEM: Conservation Reserve Program

SUMMARY RECOMMENDATIONS

Authorize enrollment into the Continuous Conservation Reserve Program for McLeod Creek Stream Corridor.

DESCRIPTION

Owners: Park City Municipal Corporation
Location: McLeod Creek Stream Corridor
Adjacent Land Uses: Agriculture and Recreation
Reason for Review: Information on Conservation Reserve Program

BACKGROUND

On March 25, 2002, Park City Municipal Corporation (PCMC) implemented a Storm Water Management Plan to facilitate and improve the management of storm water with the intent of improving surface water quality. Defined within the plan were practical goals that would be directed at controlling and minimizing non-point source pollutants from entering waters of the state. Non-point source (NPS) pollution, unlike pollution from industrial and sewage treatment plants, comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground surface. As water runoff flows across the ground, it picks up and carries natural and human-made pollutants that impact lakes, rivers, and wetlands. These pollutants include the following:

- Excess fertilizers, herbicides, and insecticides from agricultural lands and residential areas.
- Oil, grease, and toxic chemicals from urban runoff and energy production.
- Sediment from improperly managed construction sites, crop and forest lands, and eroding stream banks.
- Salt from irrigation practices and metals from abandoned mines;
- Bacteria and nutrients from livestock, pet wastes, and faulty septic systems.

PCMC's plan was structured in order to voluntarily comply with USEPA Phase II National Pollutant Discharge Elimination System (NPDES) Permit Program requirements (Utah adopted). By PCMC implementing the plan voluntarily, the city is avoiding being designated by the Utah Department of Environmental Quality as a "point source" which would require a prescriptive discharge permit. These permits are similar to discharge permits issued to the industrial sector (i.e. mining, oil/gas, utilities) and they contain compliance benchmarks that must be achieved in order to be in compliance with the permits.

Defined within PCMC Storm Water Management Plan are measurable goals that the city has chosen to pursue in order to assist in improving water quality within the watershed. As a result, one of the measurable goals was to improve the McLeod Creek river corridor. This creek is located adjacent to SR224 and is part of the East Canyon Creek Watershed which has been placed on the 303 (d) list of the federal Clean Water Act as being "impaired" or "threatened" for excess nutrient enrichment and dissolved oxygen. Because the McLeod Creek is headwaters for the East Canyon Creek watershed the improvement of this creek would play an important role in improving water quality within this watershed. As a result of PCMC Storm Water Management Plan strategy, the city is considering the Continuous Conservation Reserve Program that is administered by the United States Department of Agriculture (USDA).

ANALYSIS

The Conservation Reserve Program (CRP) is administered by the United States Department of Agriculture and is one of the largest private-lands enhancement improvement programs in the United States. The CRP encourages owners of agriculture land to voluntarily plant permanent areas of grass and trees on land that need protection in order to control non-point source pollutants from entering a watershed. The program's intent is to establish a 180' buffer zone of vegetation that would in turn retain topsoil thereby preventing erosion. In addition, the CRP program is known for enhancing habitat for wildlife while also providing a source of food.

Participants entering the CRP sign up for a period of 10 to 15 years. The areas that are entered into the program are at the discretion of the property owner. In return, the owner receives an annual rental payment, incentive payment, and cost share payment for the enhancements that occur (fencing, seed, water tanks) on the property. In addition, owners can also receive an additional one-time payment for completing the work defined in the work plan. Payments are made to the owner on a per acre basis, meaning the more acres you have in the program the higher the payment. For the areas PCMC is considering the CRP rental rate would be $52.00 per acre and buffer zone area would comprise of 23.2 acres with a total length of 16,000 ft. As a result, the base annual payment would be $1,206.04 and with additional incentives that rate would be raised 40% within the first year. In addition, the installation of fencing and other barriers would be cost shared at a rate of 95% with PCMC picking up the remaining 5%. This is the best cost-sharing program out of all the conservation programs. In addition, it is a no hassle program, the owner enrolls and implements the work plan and follows the rules of the program.

The paybacks of PCMC entering the CRP are many; the following are just some of these benefits:

- A monetary return back to the city, higher than current agriculture rental rates. In addition, designated areas feed sensitive watersheds (Silver and East Canyon); as a result there is a 40% bonus payment on the acreage.
- Improving the entry corridor into the city, which is paid for by a government program (cost share rate 95/5). This cost sharing includes the restructuring of the fence to better reflect PCMC property. Also, the purchase of seed or trees would be paid for.
- Great opportunity to have participation by local high schools or civic groups to participate in the restoration of the area. NRCS will develop a work plan that recommends woody species and seed for the CRP areas. Many groups (i.e. Boy Scouts, PC Clubs) have expressed and

interest to participate in assisting in CRP improvements.

- Entering the program would show PCMC commitment to improving water quality within an impaired watershed. In addition the program would showcase PCMC commitment to conservation.
- This would be a major achievement within PCMC Storm Water Management Plan, which UDEQ oversees.
- PCMC would be the only municipality entered into the program in the state.
- Great PR and Political Benefits as UDEQ or other environmental groups cannot accuse PCMC for not implementing conservation measures.
- No restrictions for the current use of the property (i.e. public access, cross country skiing, hiking)
- The nesting habitat for migratory birds will thrive in the CRP areas allowing the public to view a diverse population.

DEPARTMENT REVIEW

The USDA has received the CRP enrollment form and concurred with the NRCS that the land is eligible for entering the program. The Planning Commission, Historic District Commission, Friends of Farm, and Parks, Recreation and Beautification Board, reviewed the program.

NOTICE

Notice has been given to Franklin Richards of the proposed fencing to eliminate cattle grazing within the stream corridor.

SIGNIFICANT IMPACTS

As with any federal program there are restrictions and rules and the following apply to the CRP.

- No grazing of any type of livestock. Since this area is going to be a riparian buffer, livestock is not allowed to impact the area. With the exception of the Richards parcel, this should not be a problem.
- No hay can be cut within the designated CRP areas. Much of these areas contain riparian species and in the wet zone. However as previously stated the CRP areas could encroach on the hay fields at the McPolin Barn area and Richards Parcel area on the east side of SR 224.
- The NRCS work plan (i.e. planting, maintenance) will be monitored to validate the plan is being implemented.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

PCMC has voluntarily implemented the storm water management plan to avoid being regulated as a point source discharge under the NPDES Phase II regulations. The importance of controlling NPS continues to be addressed within a regulatory program. By PCMC enrolling acreage in the CRP the voluntary approach will assist in avoiding being regulated under a NPDES permit containing prescriptive language.

RECOMMENDATION

The enrollment into the CRP program has major benefits to the city as it reflects commitment towards water quality while at the same time the city would be compensated for land improvements. As a result, the Development Department recommends that the city council authorize staff to complete the CRP enrollment process.

EXHIBITS

PPT Presentation

DATE: August 22, 2002
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Linda Cook
TITLE: 2002 Open Space Bond Initiative - Issues and Time Line
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Staff requests that Council identify modifications to the anticipated 2002 Open Space Bond Initiative based on experience with the 1998 General Obligation Bonds for Open Space. Council should discuss all possible modifications so that the Election Resolution can be finalized and adopted on September 12th.

DESCRIPTION:

A. Topic: In anticipation of a General Obligation Bond Initiative for Open Space on the ballot in the November general election, staff has enlisted bond counsel Chapman and Cutler. We have coordinated a time line for placing the initiative on the ballot.

B. Background: Council will be asked to adopt a formal Election Resolution at the regular Council Meeting on September 12th. Generally, the resolution should be adopted at the earliest practicable date, since the resolution provides the basis for several other election mechanisms, including a reimbursement resolution. Adoption of the resolution is required in September and the closely related ballot language must be finalized and forwarded to the Summit County Clerk by September 15th for printing of election materials. A public notice period follows in October.

The ballot proposition (ballot language) should only set forth the question to be voted on and must closely follow the statutory language of the Utah Code. The 1998 bond initiative ballot language read:

Proposition

Shall Park City, Utah be authorized to issue general obligation bonds in an amount not to exceed ten million dollars ($10,000,000) payable and due in no more than fifteen (15) years from the date or dates of said bonds to acquire and forever preserve undeveloped park and recreational land and amenities.

C. Analysis: The Council may wish to modify or expand the proposition intent for the current bond initiative. For example, some constituents have suggested that this bond issue should allow for acquisition and development of neighborhood parks and others have suggested that some of the money should be available for improvements necessary to protect environmental assets or allow property management improvements that make open space areas suitable for public access. If the City Council can provide general direction, staff will modify the ballot language. These details must be finalized no later than the regular Council meeting on September 12th.

The Election Resolution, to be adopted no later than September 12th , will be drafted by bond counsel and include, among other things, **the purpose for which the bonds are to be issued (including the finalized ballot proposition) the maximum principal amount of the bonds to be issued (we are anticipating $10 Million) and the maximum number of years over which the bonds may mature (we anticipate 15 years).**
Any modifications to the above language or details should be discussed and finalized by Council prior to September 12th in order to ensure parameters comport with statutory requirements and are included in the resolution.

Additionally, staff has considered including a Reimbursement Resolution, incorporated explicitly in the Election Resolution, that allows the City to reimburse itself from future bond issues for bond-related purchases made prior to the first issuance. Since 1998, the City has adopted two reimbursement resolutions, most recently for the McMillian acquisition. Incorporating the provision for reimbursement in the Election Resolution relieves the City from needing separate reimbursement resolution on an ad hoc basis.

Based on a bond principal amount of $10 Million, Staff has estimated the debt service payment, the tax levy increase and the annual dollar tax increase per $100,000 of market value for a primary and secondary residence. See estimates on following page.

D. Department Review: City Manager
OCMB
Public Affairs
Legal

ALTERNATIVES:

A. Provide Direction to Staff: Provide direction to follow the same ballot language, intent, principal amount and maturity as that which received voter approval in 1998.

B. Modify Direction to Staff: Provide direction to modify any or all parameters and direct staff to research and draft the resolution with bond counsel to ensure that modified parameters comport with statutory requirements and deadlines.

C. Continue the Item: The Election Resolution must be adopted by the Council meeting on September 12th in order to submit to the County by September 15th. Time is of the essence in considering modifications to the 1998 bond parameters so that modifications can be incorporated in the Election Resolution.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Should Council decide not to pursue a bond initiative in the November 2002 general election, the next opportunity would be February 2003. Likewise, failure to submit the requisite election materials according to the time line would require that we wait for the local special election date in February.

RECOMMENDATION: Tom Bakaly, Myles Rademan and Linda Cook are available to discuss the bond initiative and any Council modifications to bond parameters. Staff requests that Council initiate these discussions with the intent of finalizing details prior to the September 12th Council meeting.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 1, 2002

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

Toby Ross, City Manager; Rick Lewis, Community Development Director; Alison Butz, Facilities and Special Events Manager; Bob Stephens, Administrative Services Director; Mark Harrington, City Attorney; Shauna Stokes, Enforcement Officer; Matt Twombly, Trails Manager; Kathy Kelly, Racquet Club Manager; Linda Cook, Special Projects Manager, Matt Twombly, Trails Coordinator; Clint Dayley, Golf Course and Parks Manager; Paul Noetling, Project Manager; Colin Hilton, consultant

Cindy Lea, Eileen Kittner and Janet Goldstein, water aerobic patrons; Joe Tesch, attorney for Aerie Subdivision Home Owners; Bruce Shapiro, attorney for April Mountain, Dean Schulman, Aerie resident

Absent: **Council member Kay Calvert**

1. Council questions/comments. Jim Hier suggested that in light of recent debates about nightly rentals, that this topic be scheduled on a City Council work session so that some direction can be given to the Planning Commission. He clarified that he isn't interested so much in zoning as in licensing and regulation. There was discussion about this not being a LMC issue and possible budgetary impacts. He continued that the General Plan should be on the website as it is very beneficial that the public have access to these documents. Candace Erickson reported that the ice facility task force has decided to fund-raise $2 million to ensure total funding before proceeding with the project. Jim Hier noted the benefits of providing cost information by way of having a rink designed. Ms. Erickson explained that there will be several designs because there is an interest in having a floor for conventions. Acquiring land is in negotiations and more information will be available in 60 days. Ms. Bodell emphasized that the fund-raising effort should be separate from City involvement and Ms. Erickson explained that the subcommittee will be a third entity with a governing Board.

In response to a question from Peg Bodell about businesses vending during the Arts Festival, Alison Butz explained that under the business licensing section of the Municipal Code, there is provision that all business must be conducted in an enclosed building, except in the cases of outdoor dining. This policy has been in place and applied for a very long time not just enforced when there is an event. There is enhanced enforcement during certain times because there are more violations, i.e., Sundance, Olympics, and Arts Festival. She continued to discuss that warnings are given first to businesses before a ticket is issued and advised that a letter was sent to all Main Street businesses about the application of codes during the Arts Festival. There was no feedback except for Mother Urban's and O'Shucks. Shauna Stokes explained the Building Department's approach which is first verbal, then written, and finally a ticket for non-compliance. Ms. Butz explained that businesses who want to participate on the street must seek licensing through the Kimball Art Center.

Ms. Bodell encouraged Council to register for the NLC conference to be held in Salt Lake in December and the ULCT annual September conference. She discussed supporting Candace Erickson's potential appointment to the ULCT Board of Directors. Fred Jones stated that he attended an HMBA meeting where there was consensus to keep the Farmers Market at the flag pole lot this year. There was also discussion about outdoor lighting being maintained by the businesses under the seasonal lighting ordinance and the activities on Main Street associated with the Senior PGA Golf Tournament. The Chamber is conducting a summer survey on tourism. Business are reporting very mixed sales information demonstrating no real trend and Zions Bank has indicated more people moving here on a permanent basis, including new and second home owners. Council member Jones discussed scheduling work session time on making our website more user-friendly and providing clear organizational charts and staff directories. Bob Stephens thanked Mr. Jones for his input and discussed the *question of the week concept* which has been designed by the City's web site contractor. Staff continues to monitor other web sites for ideas and would like to explore e-commerce. Peg Bodell suggested a live cam shot of Park City and the results to the question available for the public. Mr. Stephens explained that a data base will easily provide information which can also be archived. Since the resorts had live cam shots during the Olympics on line, the City could link to those sites or perhaps use the cameras that were installed on the street during the Games. The Council directed Mr. Stephens to proceed with *the question of the week* and Ms. Bodell urged staff to formulate specific rather than general questions.

Mr. Jones asked Council's feeling on arriving at a consensus on funding other Olympic legacies other than the tower and plaque program before appointing a task force and soliciting ideas. It was decided to hold another work session this topic. He discussed his weekly correspondence and noted that he attended the international music performance at the Farm which was a great success and very enjoyable. There were about 100 patrons, a number which worked well at this location. These activities are effective tests for programming the Farm and the City should be looking at ways of using this wonderful facility. Council member Jones emphasized that parking will ultimately have to be addressed. He stated that the concern of the Elk Hunt being extended in August prompted a meeting with the Assistant Director of Division of Wildlife Resources, Tom Bakaly and him. It is too late to change the August date, but he hoped that in the future it won't be scheduled again at the time of the year when our mountains and trails are heavily used for recreation.

Mayor Williams recognized Blaise Carrig's resignation from The Canyons and his many contributions to the community. He urged staff to direct the speakers eastward for the skate park events and complimented staff on the competitions held. The Friends of the Animals fund-raiser was a success and there was discussion about local attorneys working on the City's animal control ordinance. He asked for clarification on the what constitutes a quorum since the Mayor doesn't vote. Mark Harrington advised that a quorum is three Council members, or the Mayor and two members. He discussed recent issues on the Iron Canyon trail and a meeting is planned next week to review the trail easement. He suggested that a crosswalk be installed in Swede Alley and Ms. Bodell asked if the City has a crosswalk plan. Matt Twombly responded that there is no plan;

crosswalks are typically recommended by the City Engineer and based on warranting criteria. The Mayor reviewed his correspondence from the week.

2. Pool update. Kathy Kelly explained that many people were surprised that the new design didn't duplicate the existing pool. Although the new pool design is different, it is state-of-the art and typical in style for a leisure pool. Most pools are zero entry to four and a half feet, but the City could only afford one foot to four and a half feet. In response to concerns about not having a deep end, she has been assured by other operators that a variety of users really enjoy the four and a half feet and the water current provides a great aerobic workout. Murray City generated about $130,000 with its leisure pool in contrast to $70,000 annually with the prior traditional pool. She relayed that Brigham City's regret in its sixth year of operating a leisure pool is that the shallow area is not large enough; its 50 meter Olympic size pool is empty most of the time. She received the same feedback from Farmington and Murray City who is building a second leisure pool. Through illustration of a rendering, she discussed the features of the leisure pool and programming. The slide is estimated at $30,000 and the Recreation Department is interested in finding a sponsor or conducting a fund-raiser so that it is part of the first phase. Ms. Kelly explained that the criteria provided the architects included accommodating swimming lessons; providing features that are fun for kids and families; having a facility that could be marketed by the Chamber/Bureau; and designing a pool with a deep section. The architects advised that there is not enough area to provide for a deeper area because code only allows one foot of depth per ten feet. Restrooms and outdoor showers could be added at a later phase. She emphasized that patronage of the pool has dropped off dramatically as the old pool is not fun for kids anymore. For $200,000, staff believes this is a good design for the site; most public pools range in the millions. Fred Jones asked if the water depth is a cost or site consideration and Ms. Kelly answered both. The architect feels the site is too constrained to accommodate six feet and this depth isn't typical for a leisure pool. The lap pool is close to five feet deep and could be used for water aerobics. She also advised that adding depth increases water volume to the point that the design becomes a gutter pool, increasing overall costs because of upgrades in operational equipment. Currently the deep end is used about 30 minutes each day for water aerobics and does not contribute much to the enterprise fund. Peg Bodell stated that she likes the design as it meets the needs of families which should be the focus, and hoped that the $30,000 for the slide could be raised from users. Ms. Kelly interjected that staff will explore Restaurant Tax and RAP Tax opportunities and discussed interest in renaming the Racquet Club facility.

Ms. Erickson relayed her concerns about the absence of a deep end and asked if some deck space could be used. Ms. Kelly explained that the architect can not recommend cutting back on more deck space and added that she shared the same concerns until she learned more about leisure pools which are fun for adults as well. In response to a question from Fred Jones about the design of a pool if there were no budget constraints, Ms. Kelly stated that the whole site would be evaluated and it would require substantially more money to address reorientation of the parking lot and landscaping. The Mayor invited the interested public in attendance to comment.

Resident Cindy Lea believed the pool proposed in the bond had a deep end and Kathy Kelly explained that it wasn't specific and there was only a rendering which contemplated the entire site being redesigned. Ms. Lea argued that making the pool a foot deeper for water aerobics would be an improvement and everyone she has spoken with has supported something deeper than four and a half feet.

Eileen Kittner stated that she is a participant in the water aerobic program and her sons were distressed to learn they couldn't dive in the new pool. She surveyed kids informally and found that they all want a deep end and the City may want to conduct a scuba program in the future. She suggested switching the proposed slide to the other side to gain a few feet. The cinder block wall could also be moved for more width without losing much parking and it could be visually more appealing. She suggested spending more time on this project and repair the pool for $40,000 in the meantime.

Janet Goldstein agreed that the City is rushing into this project and the architect should be available to answer questions before a decision is made. The configuration may be the *in-thing* for kids now but may be outdated in a few years. There are not as many kids in Park City as the Wasatch Front and the slide adds costs and liability. Additionally, the City should not be competing with Silver Mountain Spa; this project needs more consideration.

Ms. Kelly pointed out that the current pool has a deep end and it is not drawing customer, including kids. The engineer estimated $40,000 to repair the pool, without complete knowledge of the extent of interior damage from the leaks over the years. The plan is to begin construction this fall, but if more time is warranted, the project will be delayed until next year. She explained the tight bid and design window. The Mayor expressed the benefits of having the architect available for questions. Ms. Kelly understood that to add two more feet to the pool would cost $150,000 and beyond that it would be much more costly because gutters and larger equipment is required. Also, there are few contractors qualified to install gutter pools in Utah and staff is recommending staying at the maximum volume for a skimmer pool. Fred Jones stated that he is pleased that staff is concerned about costs and suggested that the architect provide Council with options on increasing the depth by one foot and by two feet. Jim Hier agreed that these options are worth exploring and is not in favor of spending $40,000 on a repair. Ms. Erickson supported postponing the project for a week or two, even if it results in the pool opening later next summer.

3. Trail head progress update. Linda Cook explained that trail heads are part of the Trails Master Plan and a work plan has been approved by the Parks and Recreation Board. As the plan evolves and takes shape with fiscal considerations and process approvals, phases of the plan will be formally presented to various boards.

Fred Jones felt the City needs to look at the Land Management Code with regard to trail head parking. He questioned if paving and lighting are necessary for trail heads and if there could be a separate category created for this specific use. There are several suitable locations outlined in the staff report that would not have nighttime use and may not need to be paved. The City Manager explained that there is an administrative policy for lighting and paving which is being reviewed by the Planning Department. He understood that under the LMC, lighting is required for areas with five or more spaces. Jim Hier agreed with Council member Jones that a specific category for trail heads should be incorporated in the Code. Ms. Bodell pointed out areas in Old Town that have the potential of being trail heads which are not identified on the matrix. Ms. Cook responded that the five or six locations in the staff report are some of the easiest to deal with from a planning standpoint and would make a positive impact on the trail system. Ms. Bodell recommended the Sandridge Lot could as a possible trail head and City Park as another site where people could be directed with the assistance of signing. She suggested that Old Town and Park City Mountain Resort be added to sites currently under review. The Art in Public Places Committee should be involved because they are in a position to procure funding for amenities like benches and would be advantageous to the process. In response to questions from Ms. Bodell, Matt Twombly explained that the biggest issue is designated parking for trail users and he discussed the integrated signing plan with the County for the trail system. There was discussion about removing grazing signs, restricting dogs in the Round Valley area. Jim Hier stated that in his mind there are two City-owned sites suitable for affordable housing including the Snow Creek property and the Sewer Site and asked if a trail head is possible adjacent to the Pederson property in the Meadows Drive area. Linda Cook acknowledged that users are informally parking there now and it may also serve to accommodate parking for the Farm. Staff is working with the owners. Mayor Williams discussed the City-owned parcel in Prospector where the neighborhood is willing to maintain with landscaping or a community garden.

She reported that the Parks Department has been hosting picnics throughout neighborhoods to solicit public input on these issues. Comments will be compiled and distributed to the Council. Jim Hier requested that Council be e-mailed regarding the picnics. Fred Jones asked if the Farm parking is part of the trail head discussion or associated with another project. Ms. Cook pointed out that she has not been involved specifically in the Farm but recommends the McLeod Creek and the old kiosk information site on SR224 for parking for the Farm. The Mayor expressed his frustration in not making this valuable open space available to the public. Fred Jones stated that perhaps the Farm shouldn't be part of this discussion, but at some point really needs to be addressed. Ignoring it won't solve the problem. There was discussion about UDOT's concern with another road cut into the property and Peg Bodell also felt this issue needs to be dealt with by staff. The City Manager explained that a parking plan for the Farm has been stymied because the Council, Planning Commission and other groups support conflicting directions and staff has been somewhat reluctant to proceed without a clear consensus. Fred Jones suggested soliciting input from the Friends of the Farm group. Jim Hier added that ADA compliance is also an issue and this is not an easy project, however since the Farm is seeing some use, planning is critical.

4. Neighborhood parks. Ms. Cook continued that the Parks and Recreation Board subcommittee is looking at City property that may be suitable for parks and referred to the property matrix in the staff report. She encouraged the Council to review the material and contact her with suggestions or concerns over the next couple of weeks.

5. Review of regular meeting.

April Mountain plat amendment. Joe Tesch explained that a settlement agreement between parties is in the process of being executed and requested that the final plat for April Mountain be continued to August 8. Bruce Shapiro, attorney for April Mountain, stated that it is their commitment to place a no nightly rental provision and a restriction on expansion on the plat. He didn't feel there are any outstanding issues with regard to the plat and another week's delay represents additional expense to his client. Resident Dean Schulman described in detail the difficulty in getting all of the Aerie Subdivision board members, specifically out-of-town owners, to concur on the settlement agreement in a week. He urged Council to delay this for a couple of days so the agreement can be finalized.

In response to a question from Jim Hier, the City Attorney advised that both the plat and CUP appeal can be continued to next week; the appeal has not been formally withdrawn. Mr. Hier felt that reviewing both matters at the same time is more efficient. Mr. Harrington stated that once the appeal is withdrawn, the developer could proceed to obtain fencing and grading permits so the plat approval would not delay the project.

Prospector buffer strip. Clint Dayley explained that sections of the buffer strip will be capped in compliance with our soils ordinance. Planting 150 trees and 90 shrubs will be a visual enhancement and provide a better buffer for the neighborhood. Drainage will also be addressed as part of the project. Red Barn Nursery was selected as the lowest qualified bidder. Jim Hier expressed concerns about planting trees along highways because of failed projects in the past and asked if there are guarantees. Mr. Dayley explained that the trees will be planted in the middle of the berm about 50 to 60 feet away from the road and associated salt and a one year guarantee on the landscaping material is part of the contract. Paul Noetling added that the irrigation system has been upgraded which will have a positive impact on the project. There was discussion about replacing trees at the skate park; Ms. Bodell suggested that the contractor be contacted to see if the conifers could be replaced with a dissiduous species for more shade.

Rockport pipeline. Colin Hilton explained that last year the Army Corps of Engineers appropriated about $100,000 toward a study of the Rockport pipeline. The terms of the agreement specify that Park City contribute 25% of the initial design costs. The total amount of the contract is $120,000 and Park City's share is $30,000. Staff recommends proceeding.

Newspaper racks ordinance amendment. Through illustration of a map, Gary Hill pointed out the affected three locations in question. It is proposed to move the rack from the Brewpub to the Main Street Mall. He continued that the Kimball Art Center was contacted since the last work session and would like to be designated as a permanent location. The owners of the Claimjumper requested that their rack be relocated and staff recommends that it be moved to across the street on the bulb-out on City property. Ms. Bodell suggested that it be moved toward Swede Alley as there is a lot of activity on the plaza. Mr. Hill pointed out that the distributors are concerned about moving racks further away from Main Street. Ms. Bodell felt that the rack may get more use if placed more toward Swede Alley because of the volume of pedestrian traffic from the transit center. It was explained that the ordinance is very specific and would have to be amended to consider a change in location.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 1, 2002

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 1, 2002. Members in attendance were Dana Williams, Peg Bodell, Candace Erickson, Jim Hier, and Fred Jones. Kay Calvert was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; and Eric DeHaan, City Engineer.

II PUBLIC INPUT

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

Art Festival master festival licensing regulations - Bruce Corrigan, owner of O'Shucks since 1984, stated that on special events he sells hot dogs and hamburgers on his patio which is part of his licensed premise. He stated that he has done this for many years on the 4th of July and Arts Festival, but last year on the Saturday of the Arts Festival, he was informed by the City that he couldn't sell food on his property. He received a verbal warning and the next day he continued to sell, but never received a citation. Mr. Corrigan added that he contacted the Mayor and some Council members about his concerns. He pays restaurant tax, special resort tax and employs locals. He asked why he is not in violation of codes on the 4th of July. He is a small operation and his profits are minimal, but it is the principle of the matter. This is selective enforcement and there are bigger issues that the City should be dealing with. There are many people who enjoy his patio to relax during the Arts Festival who don't spend money at O'Shucks. Mr. Corrigan urged Council to look at the ordinance. Jim Hier asked for clarification on the City's regulations.

Mark Harrington assumed Mr. Corrigan has a conditional use permit for outdoor dining and can sell food and beverages as long as it is consumed by seated patrons on the patio. No sales are allowed to people passing because that is street vending as opposed to outdoor dining. He acknowledged that there are enhanced enforcement activities for special events because they are needed ast these times. The Mayor pointed out that people can buy food to go at O'Shucks. The City Manager emphasized that the financial transaction occurs in the building which is an important distinction. There has been a long-standing policy of not allowing commercial activity on the street, thereby eliminating competition with licensed businesses in enclosed buildings. The City Attorney reiterated that the purpose of the conditional use permit is for outdoor dining not outdoor vending. Kirsten Whetstone explained an administrative approval process for vending on private property like the plazas at the resorts. Jim Hier encouraged Mr. Corrigan to explore the administrative permit option and believed that enforcement efforts naturally increase when violations are more likely to occur which is the case with special events.

Recognizing that Mother Urban's shares the same concerns, Ms. Bodell asked if private clubs can only sell to their members. Mark Harrington agreed that private clubs are limited to serving its membership or patrons that are sponsored. Ms. Bodell cautioned business owners to comply with DABC regulations because state enforcement officers could be on the street as well.

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Responding to public comment. Ms. Bodell felt there is a delicate balance in moving a meeting along and appropriately responding to public input or public hearing comments. She suggested that the Council and other boards and commissions be provided with a *script* so that people feel less intimidated in the process. Mark Harrington reminded the Council of the City co-sponsored session with CARG on public hearings which is scheduled in September.

2. Swearing-in of Police Officer Christian Oles - Chief Lloyd Evans introduced Christian Oles and the Mayor swore him in office.

3. Miscellaneous - The City Manager reported that there will be fireworks this Saturday at the Park Meadows Country Club. He also updated the Council on the status of Council's priority lists. Mark Harrington added that Judge Hilder will be leaving Park City and suggested that the Mayor send him a thank you letter on behalf o the City. Ms. Bodell suggested that the Office of the Mayor also send a letter of appreciation to Blaise Carrig.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 27, 2002

Ms. Bodell made a couple of clarifications and most importantly added a notation that Mr. Farley left the building after his public input testimony. Peg Bodell, "With those changes, I would move approval". Fred Jones seconded. Motion carried.

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

V RESIGNATIONS AND APPOINTMENTS

Three appointments to the Library Board for terms expiring July 1, 2004 - Mayor Williams recommended that Jane Campbell, Stacy Dymalski and Bobbie Pyron be appointed. Fred Jones, "I so move". Candace Erickson seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Absent

Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

VI CONSENT AGENDA

Jim Hier, "I move that we remove Item 1 from the Consent Agenda (for discussion purposes)". Peg Bodell seconded. Motion carried. Fred Jones, "I move approval of Consent Agenda Items 2, 3 and 4". Jim Hier seconded. Motion carried.

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

1. Ordinance amending Title 6, Chapter 14 of the Municipal Code to authorize the relocation of News Racks - See staff report, work session notes and above motion. Gary Hill explained that if the rack is moved from its proposed location on the bulb-out toward Swede Alley there are logistical problems with property boundaries. The Mayor pointed out that there is already a rack at the transit center and Mr. Hill reiterated that distributors want racks placed as close to Main Street as possible. Peg Bodell stated that she would rather see something like another bench on the bulb-out than a newspaper rack and perhaps this matter should be continued. The narrow width of the right-of-way was discussed. Mark Harrington suggested more flexible language by striking the wording *"south side"* of the bulb-out in Section (3) of the ordinance. Fred Jones expressed that the City has made great process on the newspaper rack issue and it's important to work with all parties, "I move to approve Consent Agenda Item 1 with the language change as proposed by Mark (Harrington)". Jim Hier seconded. Motion carried. It was clarified that if the rack restricts the bulb-out area, it could be moved without another amendment to the ordinance. The distributors will also be contacted about this rack location.

Peg Bodell	Aye
Kay Calvert	Absent

Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

2. Resolution adopting an interlocal cooperation agreement between Summit County and Park City Municipal Corporation for a joint planning process of the Quinns Junction Area - See staff report.

3. Authorization to staff to enter into an agreement with the US Army Corps of Engineers for the design study for the Rockport Pipeline; in the amount of $30,000 for Park City, and $100,000 for the US Army Corps of Engineers - See staff report and work session discussion.

4. Award of construction contract to Red Barn Trees and Landscaping Company in an amount not to exceed $94,000 - See staff report and work session notes.

VII OLD BUSINESS

Ordinance approving a final subdivision plat known as the April Mountain Subdivision, located on Mellow Mountain Road, Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah - Jim Hier, "I move to continue Old Business regarding the April Mountain Subdivision plat and schedule the review of the appeal on the conditional use permit for the meeting of the 8th". Fred Jones seconded. Eric DeHaan interjected that although the plat is continued there may be backhoe work on the site to under-ground utilities. Motion carried.

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

VIII ADJOURNMENT

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

* * * * * * * *

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

Prepared by Janet M. Scott

DATE: August 29, 2002

DEPARTMENT: Planning Department

AUTHOR: Jonathan Weidenhamer

TITLE: 3701 Rising Star Lane - Plat Amendment

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a public hearing, consider any public input, and consider approving a plat amendment to modify the platted building pad within Lot 1 of the Morning Star Estates Subdivision, in Park City, Utah.

A. PROJECT STATISTICS

Applicant:	Stewart Willason & Elizabeth Kirsch
Location:	3701 Rising Star Lane (Lot 1 - Morning Star Subdivision)
Proposal:	Plat Amendment
Zoning:	Residential Development - Master Plan Development (RD-MPD), Recreational Open Space (ROS); Estate(E).
Adjacent Land Uses:	Residential
Date of Application:	July 18, 2002

B. BACKGROUND

This application was reviewed by the Planning Commission on August 28, 2002, at which time a recommendation to approve the application was forwarded. A public hearing was held and no input was received.

The owners submitted an application to modify both the configuration and location of the platted Building Pad within Lot 1 of the Morning Star Estates Subdivision (3701 Rising Star Lane - Exhibit B). The purpose of the plat amendment is to preserve a significant grove of mature aspen trees as a buffer between their proposed residence and Rising Star Lane.

The building pads were platted during the original annexation and subdivision plat in 1992. The subdivision is unique in that the building pads were zoned RD-MPD while the rest of the lots were zoned ROS (with the exception of one small residual parcel zoned E - Exhibit C).

On July 28, 1998, the Planning Commission reviewed and approved a comparable plat amendment for the previous owners of this property (Steve & Susan Megur), to modify the existing building pad. However, the approved plat was not recorded, and the approval has expired. The City Council also approved a plat amendment for lot 5 Morning Star in February 1996 to relocate and reconfigure the building pad to allow for a larger landscape buffer from the road.

C. ANALYSIS

The applicant is proposing to modify the configuration and location of the platted Building Pad within Lot 1 of the Morning Star Estates Subdivision. The original platted building pad is 25,878 s.f.. The proposed building pad is 24,395, a reduction of 1,483 s.f.. The proposed building pad will maintain the same amount of buildable area, while reducing the overall size of the envelope.

The proposed reconfiguration and relocation of the existing Building Pad will place it further north on the lot, away from the road, and into a gambel oak area. According to the topography information submitted (Exhibit D), the proposed Building Pad's highest elevation is 7506', while the highest elevation for the existing building pad is 7502'. The low point on the proposed building pad is 7460', while the low point on the existing pad is 7468'. Staff finds the relocation of the building pad will not result in a more visible, or significantly higher structure. Staff finds the proposal will not adversely impact any ridge lines or result in a structure inconsistent with other building placements in the subdivision.

The requested Building Pad modifications will maintain the integrity of the Platted subdivision notes. The proposed modification is supported by the Morning Star Subdivision Home Owners' Association, as well as by the adjacent property owner across the street (Lot12) and next door

(Lot 2 - Exhibit E). The proposed plat amendment complies with the RD-MPD zoning regulations as prescribed in the LMC. This proposal does not increase the density on the lot.

The current Park City Zoning Map incorrectly identifies the building pads in the Morning Star Subdivision as E zoned instead of the correct RD. Also, neither of the previous applications to amend the building pads in this subdivision contemplated amending the zoning map to reflect the modifications. It is staff's intent with to move forward with this application without a rezone, under the stipulation that staff updates the Park City Zoning Map to include the new building pads for this application (lot one), and lot five, to correctly label the zoning of the building pads to RD, and to correctly label the residual parcel adjacent to lot seven to E as adopted by the annexation agreement and final plat.

D. NOTICE

Notice of this hearing was sent to property owners within 300' on July 31, 2002, as part of the Plat Amendment procedure. No formal comments have been filed at the time of this report.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The request was discussed at a Staff Review Meeting on August 7, 2002, where representatives from local utility companies and City Staff were in attendance and found it to be in conformance with all requisite City development codes of which we are currently aware. The City Engineer shall review and approve the slope and drainage issues related to the proposed driveway having access off Rising Star Lane, since there may exist a small-scale local drainage impairment.

ALTERNATIVES:

A. Approval of the proposed plat amendment to modify the configuration and location of the platted Building Pad within Lot 1 of the Morning Star Estates Subdivision (3701 Rising Star Lane), as conditioned to preserve the existing aspen grove and accommodate the proposed single-family residence.

B. Deny the plat amendment and retain the original Record of Survey which would prohibit the applicant from making the proposed modifications to the existing Building Pad for Lot 1.

C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will not alter the size of the property, but will modify and relocate the existing Building Pad. The requested Building Pad modifications will reduce the overall size of the building pad while maintaining the same buildable square footage, thus the application will not reduce the required Open Space restrictions associated with the platted lot, and will comply with the other lot requirement for the RD-MPD zone. The plat amendment will not increase the density of the lot.

F. RECOMMENDATION:

Staff recommends that the City Council Conduct a public hearing, consider any public input, and consider approving a plat amendment to modify the platted building pad within Lot 1 of the Morning Star Estates Subdivision, in Park City, Utah.

Findings of fact:

23. The building pads in the Morningstar Estates Subdivision were platted during the original annexation and subdivision plat in 1992. The building pads were zoned Residential Development (RD), while the rest of the lots were zoned Recreation Open Space (ROS) with the exception of one small residual parcel adjacent to lot seven zoned Estate (E).

24. On July 28, 1998, the Planning Commission reviewed and approved a plat amendment for the previous owners of this property (Steve & Susan Megur), to modify the existing building pad. The approved plat was not recorded, and the approval has expired.

25. The City Council approved Ordinance 96-3 on February 1, 1996 which was a plat amendment to relocate and reconfigure the building pad for lot five in Morning Star Estates Subdivision. This allowed for a larger landscape buffer between the building pad and the road.

26. The applicant is proposing to modify the configuration and location of the platted Building Pad within Lot 1 of the Morning Star Estates Subdivision (3701 Rising Star Lane). The purpose of the plat amendment is to preserve an existing, significant grove of mature aspen trees found near the front of the lot within the existing building pad. The applicants would like to maintain the trees as a buffer between their proposed residence and Rising Star Lane.

27. The original platted building pad is 25,878 s.f.. The proposed building pad is 24,395, a reduction of 1,483 s.f.. The proposed building pad will maintain the same amount of buildable area, while reducing the overall size of the envelope.

28. The proposed reconfiguration and relocation of the existing Building Pad will place it further north on the lot, away from the road, and into a gambel oak area.

29. According to the topography information submitted, the proposed Building Pad's highest elevation is 7506', while the highest elevation for the existing building pad is 7502'. The low point on the proposed building pad is 7460', while the low point on the existing pad is 7468'.

30. The relocation of the building pad will not result in a more visible, or significantly higher structure.

31. The proposal will not adversely impact any ridge lines or result in a structure inconsistent with other building placements in the subdivision.

32. Because of water pressure limitations, note 12 on the Morning Star Estates plat reads, "no residential structure may be constructed with a habitable floor elevation higher that 7537 feet above see level...". The proposed building pad meets this plat note.

33. Lot 1 in the Morning Star Estates Subdivision has the following requirements per the recorded plat: Maximum house size of 10,000 s.f.; additional maximum area of irrigated landscape disturbance of 10,000 s.f.; 40' front yard setback from the Rising Star Lane right-of-way; and portions of a 20' waterline/ ingress/egress easement to a Water Tank Parcel located at the rear of lots two and three.

34. The proposed modification is supported by the Morning Star Subdivision Home Owners' Association, as well as by the adjacent property owners across the street (lot 12), and the property owner next door (lot 2).

35. This proposal does not increase the density on the lot.

36. The current Park City Zoning Map incorrectly identifies the building pads in the Morning Star Subdivision as Estate zoned instead of the correct Residential Development.

37. Neither of the previous applications to amend the building pads in this subdivision contemplated amending the zoning map to reflect the modifications.

38. It is staff's intent with to move forward with this application without a rezone, under the stipulation that staff updates the Park City Zoning Map to include the new building pads for this application (lot one), and lot five, to correctly label the zoning of the building pads to RD, and to correctly label the residual parcel adjacent to lot seven to E as adopted by the annexation agreement and final plat.

39. This application was reviewed by the Planning Commission on August 28, 2002, at which time a recommendation to approve the application was forwarded. A public hearing was held and no input was received.

<u>Conclusions of Law:</u>

I. There is good cause for this plat amendment.

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

III. Neither the public nor any person will be materially injured by the proposed amended plat.

IV. The proposed plat amendment complies with the Residential Development zoning regulations as prescribed in the LMC.

Conditions of Approval:

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

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

7. No building permit will be issued prior to recordation of the Plat Amendment.

8. Any snow storage and encroachment issues shall be resolved prior to the issuance of building permits for any addition or remodel.

9. The City Engineer shall review and approve the slope and drainage issues related to the proposed driveway having access off Rising Star Lane.

10. All plat notes and tables for the Morning Star Estates Subdivision shall be incorporated on this plat.

Exhibits

Exhibit A - Existing Subdivision Map

Exhibit B - Proposed Plat Amendment

Exhibit C - Existing Zoning Map

Exhibit D - Existing topography

Exhibit E - Correspondence from HOA and Adjacent Property Owners

Exhibit F - Ordinance

Ordinance No. 02-

AN ORDINANCE APPROVING PLAT AMENDMENT TO RELOCATE AND RECONFIGURE THE BUILDING PAD LOCATED WITHIN LOT 1 OF THE MORNING STAR ESTATES SUBDIVISION (3701 RISING STAR LANE), IN PARK CITY, UTAH.

WHEREAS, owners of the property known as 3701 Rising Star lane, have petitioned the City Council for approval of a subdivision plat; and

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

WHEREAS, on August 28, 2002 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

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

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit F is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The building pads in the Morningstar Estates Subdivision were platted during the original annexation and subdivision plat in 1992. The building pads were zoned Residential Development (RD), while the rest of the lots were zoned Recreation Open Space (ROS) with the exception of one small residual parcel adjacent to lot seven zoned Estate (E).
2. On July 28, 1998, the Planning Commission reviewed and approved a plat amendment for the previous owners of this property (Steve & Susan Megur), to modify the existing building pad. The approved plat was not recorded, and the approval has expired.
3. The City Council approved Ordinance 96-3 on February 1, 1996 which was a plat amendment to relocate and reconfigure the building pad for lot five in Morning Star Estates Subdivision. This allowed for a larger landscape buffer between the building pad and the road.
4. The applicant is proposing to modify the configuration and location of the platted Building Pad within Lot 1 of the Morning Star Estates Subdivision (3701 Rising Star Lane). The purpose of the plat amendment is to preserve an existing, significant grove of mature aspen trees found near the front of the lot within the existing building pad. The applicants would like to maintain the trees as a buffer between their proposed residence and Rising Star Lane.
5. The original platted building pad is 25,878 s.f.. The proposed building pad is 24,395, a reduction of 1,483 s.f.. The proposed building pad will maintain the same amount of buildable area, while reducing the overall size of the envelope.
6. The proposed reconfiguration and relocation of the existing Building Pad will place it further north on the lot, away from the road, and into a gambel oak area.

11. According to the topography information submitted, the proposed Building Pad's highest elevation is 7506', while the highest elevation for the existing building pad is 7502'. The low point on the proposed building pad is 7460', while the low point on the existing pad is 7468'.

12. The relocation of the building pad will not result in a more visible, or significantly higher structure.

13. The proposal will not adversely impact any ridge lines or result in a structure inconsistent with other building placements in the subdivision.

14. Because of water pressure limitations, note 12 on the Morning Star Estates plat reads, "no residential structure may be constructed with a habitable floor elevation higher that 7537 feet above see level...". The proposed building pad meets this plat note.

15. Lot 1 in the Morning Star Estates Subdivision has the following requirements per the recorded plat: Maximum house size of 10,000 s.f.; additional maximum area of irrigated landscape disturbance of 10,000 s.f.; 40' front yard setback from the Rising Star Lane right-of-way; and portions of a 20' waterline/ ingress/egress easement to a Water Tank Parcel located at the rear of lots two and three.

16. The proposed modification is supported by the Morning Star Subdivision Home Owners' Association, as well as by the adjacent property owners across the street (lot 12), and the property owner next door (lot 2).

17. This proposal does not increase the density on the lot.

18. The current Park City Zoning Map incorrectly identifies the building pads in the Morning Star Subdivision as Estate zoned instead of the correct Residential Development.

19. Neither of the previous applications to amend the building pads in this subdivision contemplated amending the zoning map to reflect the modifications.

20. It is staff's intent with to move forward with this application without a rezone, under the stipulation that staff updates the Park City Zoning Map to include the new building pads for this application (lot one), and lot five, to correctly label the zoning of the building pads to RD, and to correctly label the residual parcel adjacent to lot seven to E as adopted by the annexation agreement and final plat.

21. This application was reviewed by the Planning Commission on August 28, 2002, at which time a recommendation to approve the application was forwarded. A public hearing was held and no input was received.

Conclusions of Law:

I. There is good cause for this plat amendment.

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

III. Neither the public nor any person will be materially injured by the proposed amended plat.

IV. The proposed plat amendment complies with the Residential Development zoning regulations as prescribed in the LMC.

Conditions of Approval:

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

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

24. No building permit will be issued prior to recordation of the Plat Amendment.

25. Any snow storage and encroachment issues shall be resolved prior to the issuance of building permits for any addition or remodel.

26. The City Engineer shall review and approve the slope and drainage issues related to the proposed driveway having access off Rising Star Lane.

27. All plat notes and tables for the Morning Star Estates Subdivision shall be incorporated on this plat.

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

PASSED AND ADOPTED this 28th day of August, 2002.

DATE: **August 22, 2002**
DEPARTMENT: **Leisure Services**
AUTHOR: **Bob Johnston**
TITLE: **White Pine Sublease Reassignment**
TYPE OF ITEM: **Legislative**

Summary Recommendation: Authorize staff to reassign the current Sublease Agreement and Track Grooming Agreement with White Pine Touring to Jans Mountain Outfitters.

Description:

A. Topic: Reassignment of sublease agreement and Track Grooming Agreement.

B. Background: Park City is currently entered into a Sublease Agreement with Outdoor Endeavors Unlimited, a Utah corporation d.b.a. White Pine Touring for the operation of the cross country ski concession at the Park City Golf Course. Park City is also entered into an agreement with White Pine for track grooming. Due to a pending sale, White Pine Touring has requested that the Sublease Agreement and the Grooming Agreement be reassigned to Jans Mountain outfitters.

C. Analysis: Paragraph 14 of the sublease states; Neither this Agreement nor any interest herein may be assigned by the Tenant voluntarily or involuntarily by the operation of law, and neither all nor any part of the leased premises shall be sublet by Tenant without the prior written consent of the City, which consent shall not be unreasonably withheld.

This language is designed to protect the City from financial or operational risks associated with assignment to an unqualified lessee. Jan's is experienced and financially sound and staff finds no reason to withhold this request for reassignment.
The reassignment of the Sublease and Grooming agreement will not affect their terms. The sublease will terminate as stated in the current sublease on April 5, 2004.

The City does plan to exercise its right to renegotiate the rental rate for the remaining term of the sublease with the new concessionaire and will be back to Council in September for that authorization.

D. Department Review: This topic has been reviewed by the Leisure Services Department, The Legal Department and the City Manager.

Recommendation: Authorize staff to reassign the current sublease agreement with White Pine Touring, to Jans Mountain Outfitters.

DATE: August 29, 2002
DEPARTMENT: Legal
AUTHOR: Thomas A. Daley, Deputy City Attorney
Cindy LoPiccolo, Legal Assistant
TITLE: **Insurance Renewal**
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS:

Authorize the payment of a premium of $33,673.00 for the City's worker's compensation insurance coverage from September 1, 2002 through January 1, 2003, and the payment of $2,124.00 for public officials employee dishonesty coverage from September 1, 2002 through January 1, 2004.

DESCRIPTION:

A. Topic: Insurance Renewal

B. Background: Park City contracted with Marsh USA Risk and Insurance Services in 2001 to act as the City's insurance brokers through August 31, 2004. Marsh obtained necessary premium quotes for insurance to cover Park City's expiring worker's compensation and crime/public officials employee dishonesty coverage.

Originally, the insurance terms were September 1 to September 1. A year ago staff began changing the terms to January 1 in order to have sufficient time to provide underwriters with fiscal year-end data. Worker's compensation and public officials employee dishonesty coverage are the final insurance coverages to change to this term.

After considering the options last year, the City made the decision to obtain worker's compensation insurance from Workers Compensation Fund (WCF). WCF submitted a worker's compensation quote for a short term policy which will bring the term in line with liability and property terms that expire January 1, 2003. WCF increased the premium this year due to removal of a ten percent (10%) safety credit (they no longer offer it) and increased rate for street and roads payroll and clerical payroll.

C. Analysis: The total payment of $35,797.00 will provide Park City with worker's compensation coverage through January 1, 2003 and crime coverage through January 1, 2004. Summaries of the City's current schedule of insurance and proposed limits and renewal quotes for worker's compensation and public officials employee dishonesty is attached for review.

D. Significant Impacts: The insurance market began hardening and overall cost for insurance increased prior to September 11, 2001. Post September 11 insurance costs have increased across the board. Staff will review all possible options for workers compensation and other renewing insurance coverage for the full year renewal on January 1, 2003.

E. **<u>Department Review</u>:** The Legal Department consulted with the Finance Department for payroll information. Quotes and coverages presented by Marsh were reviewed by the Legal Department. Accordingly, staff requests the City Council to authorize the payment of $35,797.00 as recommended below.

<u>Alternatives</u>:

A. Approve the request. This is the recommended action.

B. Deny the request. This is not recommended. The City is required to provide worker's compensation coverage.

C. Continue the item and provide direction to staff. This is also not recommended as there may be a lapse in coverage.

<u>RECOMMENDATION</u>:

Authorize the total payment of $35,797.00 for worker's compensation insurance for a period September 1, 2002 through January 1, 2003 and crime coverage for a period September 1, 2002 through January 1, 2004.

DATE: August 29, 2002
DEPARTMENT: Administrative Services/Tech Services
AUTHOR: Bob Stephens
TITLE: ASD Director
TYPE OF ITEM: License Agreement

SUMMARY RECOMMENDATIONS: Authorize staff to enter into the License Agreement in a form to be approved by the City Attorney with AT&T Broadband aka TCI Cablevision of Utah, Inc. to lease 8778 feet of PCMC fiber optic conduit.

DESCRIPTION:

A. Topic. License agreement with AT&T Broadband aka TCI Cablevision of Utah, Inc. for use of a portion of PCMC's fiber optic conduit.

B. Background. In early 1997 the Technical Services Division of the Administrative Services Department developed a fiber optic telecommunication master plan to meet the current and future needs of PCMC. The master plan called for creating a fiber optic network that linked all municipal buildings.

The opportunity to install Phase 1 of this plan occurred in July 1997 with the City and SBSID (sewer district) reaching a joint-trench agreement allowing the City to install a 6 inch fiber optic conduit in the relief sanitation sewer trench running from Marsac Avenue to the Yarrow Hotel. Phase 2 occurred in March 1998 with another 6 inch conduit connecting with the Phase 1 conduit near the tennis courts in City Park, going up the bike path and across Park Ave. to the Library and Education Center. Connections were included to Miners Hospital and the Recreation Building in City Park. The City cost of the first two phases was $189,625. PCMC used a six inch conduit for this fiber optic backbone to create excess capacity that eventually could be sold or leased to help recoup the costs of this project. AT&T Broadband is interested in leasing capacity in these two legs. Phase 3 was installed in August 1998 at a cost of $63,612, connecting the Golf Course Pro Shop, the Water Department and the Parks Maintenance Building to the network. The final significant phase of the City fiber optic network is to connect the Racquet Club.

C. Analysis. Upon completion of Phase 1, staff began contacting telecommunication companies both in- and out-of-state to offer them the opportunity to utilize the excess capacity. Meetings were held with US West, Brooks Fiber, Nextlink, and ELI. Phone conversations occurred with Qwest, Williams Company and Enron. The response was always that the economics of running fiber to the Park City area did not make sense at this time. These companies were focusing on major metropolitan areas.

AT&T Broadband brought fiber optic connections to Park City as part of their commitment to SLOC and the 2002 Winter Olympic Games. As a result, they are able to bring broadband technology to the citizens and businesses of Park City more economically than any other telecom company with the possible exception of Qwest. AT&T is committing funding of approximately $7 million to make this happen. AT&T already has a cable services franchise agreement with PCMC. Staff believes this is a win-win situation. AT&T Broadband will have immediate access to a well-built, well-protected, easily accessed fiber optic conduit system at a competitive rate. It will speed up their construction time line through this corridor. The City will recoup its initial conduit installation costs, minimize traffic disruptions and road cuts, and obtain conduit to complete the final phase of the fiber optic network to the Racquet Club.

The terms of the license include a one time, up-front cost to AT&T Broadband of $285,285 for 8,778 feet of conduit for a period of 25 years. In addition to the license fee, AT&T would provide the City a separate 2 inch conduit of more than 8,000 feet in length, also for 25 years, to connect the Racquet Club with the Public Works Building where our main computer room and telephone switch are located. The City will bear the cost for making the connection from these buildings to the AT&T conduit.

AT&T Broadband has already installed conduit up to the intersection of Homestake Road (between Rite Aide and Albertsons) and Park Avenue and is ready to proceed when and if this agreement is signed.

D. **<u>Departmental Review</u>.** The staff report has been reviewed by Technical Services, the Legal Department, the City Engineer, and the City Manager.

ALTERNATIVES:

A. **<u>Authorize staff to enter into an agreement in a form to be approved by the City Attorney, with AT&T Broadband aka TCI Cablevision of Utah, Inc.</u>**

B. **<u>Instruct staff to renegotiate terms of agreement.</u>** This would delay the continued progress of AT&T Broadband and run the risk of having the deal fall apart.

C. **<u>Instruct staff to keep the excess capacity for future City use.</u>** Staff does not anticipate needing the excess capacity for City use in the foreseeable future. The City has built in excess capacity for expanded City capacity within our existing innerducts.

SIGNIFICANT IMPACTS: The City has the opportunity to generate $285,285 for the Capital Improvement Fund and to connect the Racquet Club to the fiber network.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If the City does not enter into this agreement at this time, in all probability, it will be years before a similar opportunity presents itself. With the downturn of the economy over the past 12 months, the telecom industry has been hit extremely hard. Park City does not offer the population and/or business opportunities to make it economically feasible for most telecom companies to make the commitment that AT&T is.

RECOMMENDATION: Authorize staff to enter into the License Agreement, in a form to be approved by the City Attorney, with AT&T Broadband aka TCI Cablevision of Utah, Inc.**.**

ATTACHMENTS
Proposed Contract