

TENTATIVE MASTER AGENDA

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

AUGUST 8, 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 8, 2002.

AGENDA

2:30 p.m. City Park field trip - meet at Recreation Building

Closed Session

3:15 p.m. Litigation

Work Session

3:50 p.m. Council questions/comments

4:20 p.m. [Pool design](#)

5:00 p.m. [Olympic legacies update](#)

5:20 p.m. [Bus graphics](#)

5:35 p.m. [Home owners association noticing](#)

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 MAY 23, 2002](#)

V PUBLIC HEARING

[Ordinance approving an amended record of survey for the Cache at Silver Lake
Planned Unit Development Unit #3 located at 7950 Royal Street East, Park City, Utah](#)

VI CONSENT AGENDA

[Ordinance approving an amended record of survey for the Cache at Silver Lake
Planned Unit Development Unit #3 located at 7950 Royal Street East, Park City, Utah](#)

VII OLD BUSINESS

1. [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](#)
2. [Appeal of Planning Commission June 26, 2002 approval of April Mountain Conditional
Use Permit for 39 condominium units - Aerie Owners Association](#)

VIII ADJOURNMENT

Posted: 08/05/02

See parkcity.org

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

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

August 2002

15 No meeting

14-18 Summer Tour

22 Personnel - closed

Rail Central Project - TB - work

City Park master plan - work

Economic development study - TB - work

Ordinance - Sunnyside Subdivision - motion to continue

Ordinance - 1641 Lakeside Circle record of survey plat - RM

Ordinance - 350 Main Street plat amendment - RM

Ordinance - 7800 Royal Steet East, Sterlingwood - JW

Ordinance - April Mountain condominiums record of survey - KW

Economic development - strategic plan - TB

Open Space Easement - White Pine/Colony - MH (New Business)

29 Old Town Needs Assessment projects - work session - CH

Ordinance - 3701 Rising Star Lane plat amendment - DS

September 2002

2 Miners Day

5 No meeting

12 Ordinance - rezone Sunnyside Subdivision from RD to SF

19

26

October 2002

3

20

17

24

31

November 2002

7

14

21

28 Thanksgiving Day

26

DATE: August 8, 2002
DEPARTMENT: Leisure Services
AUTHOR: Tom Bakaly and Kathy Kelly
TITLE: Pool Design and Alternative Pool Plans
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION: This report is for information purposes. Input from Council regarding pool design is requested in order to take the design out for construction bidding.

DESCRIPTION:

A. Topic: Current pool plans, along with plans showing alternative pool depths and designs will be distributed to City Council prior to Thursday's meeting. Plans were not yet available for attachment to this report as of Monday afternoon.

B. Background:

On August 1, Recreation Staff presented a final pool design to Council. Council action is not needed prior to going out for construction bids, but given the nature and schedule of the project Staff wanted to get input from the Council prior to requesting bids. The pool design is for a small leisure pool to replace the old pool, with depths from 1 foot to 4.5 feet. After input from several water aerobics patrons on their desire for a pool with greater depths, Council directed staff to work with the architect to come up with possible pool designs that would have deeper depths.

C. Analysis:

Brent Tippetts, a partner in VCBO Architects, will present the requested plans at Thursday's meeting. The architect will present cost estimates at that time, but as of Monday, August 5, 2002, he anticipates that costs for the new pool designs will be an additional \$100,000. This

would put the total pool cost roughly at \$400,000. The designs will explore increasing the depth of the pool to 6 feet within the design that was presented August 1, 2002. Alternative designs will also explore removing an existing element of the August 1, 2002 design in order to create enough space to reach the 6 foot pool depth.

The current budget for the replacement pool is \$300,000. The architect will propose designs that will keep the pool as skimmer pool and not require a costly gutter system.

The time line for the design and build of the pool was very aggressive. Staff had hoped to be out to bid for construction by now. The process will now be approximately three weeks behind the original schedule. We had initially hoped to demolish the old pool and pour the concrete for the new pool this Fall (before October 15, 2002) and complete finish work in the Spring of 2003. Construction will now be delayed and possibly not start in the Fall, or not proceed as far as anticipated (demolition only).

It is very likely that the pool will not open next season until early July, 2003. If a pool is not operational by Memorial Day, 2003 revenues will be impacted and an additional General Fund subsidy to the Recreation could be required.

D. Department Review: This staff report has been reviewed by the City Manager's Office.

E. Alternatives: Council can choose among the three alternative designs or postpone the decision until next year.

F. Significant Impacts: Further delay in pool design direction will likely impact Recreation Fund revenues for the next season and possibly eliminate any swim lessons, classes or open swim for next summer if the current pool continues to leak and must be closed down.

The Program and Resource Analysis policies that were adopted in 2001 as part of the budget document (pages 69-73) urge City Council to consider all requests at once during budget process. If Council chooses a more costly pool design than is in the budget, Staff would

recommend using funds from the future 5 year CIP plan. Any funds Council uses from that account will mean that less money will be available for other Council priorities such as Old Town Improvements.

TO: Mayor & City Council
FROM: Myles Rademan, Public Affairs Director
DATE: August 8, 2002
RE: Olympic Legacies Update

The Council asked staff to explore several additional aspects of providing Olympic Legacies, especially as they relate to keeping the flags at Deer Valley Resort, the flags and Olympic Legacy Tower at Park City Mountain Resort, and locating the city's Olympic Legacy Tower in the Olympic Welcome Plaza. In addition, several council members asked about the desirability of allocating city resources to creating Olympic legacies and appointing an Olympic Legacy Task Force to offer recommendations:

1. Olympic Legacy Towers & Flags

One suggestion by the council to avoid Board of Adjustment concerns was to shorten and locate the city's Olympic Legacy Tower toward the rear of the Olympic Welcome Plaza. Unfortunately, on closer examination we discovered that this suggestion creates additional LMC problems as identified by Jonathan Weidenhamer of the planning department:

"Council recommended staff investigate a second location at the Olympic welcome plaza for the tower. This location on a small hillock, is more towards the rear of the plaza or closer to Snow Creek shopping ctr. The site is approx. 160' from the right-of-way line so it's out of the FPZ. However, it is in the RDM zone, not the GC Zone. The height limit for the RDM zone is 28' with a standard 50% exception for church spires, bell towers, and like architectural features. So the height limit for the RDM zone for a tower is only 42'. We cannot manipulate the tower to meet this limit."

Consequently, if the Council wishes to place the tower in the Olympic Welcome Plaza it will need to institute revisions to the Land Management Code. The same pertain to the Olympic

Tower at Park City Mountain Resort and the flags at both Deer Valley Resort and the Park City Mountain Resort.

To accomplish these goals, the Council requested that staff recommend code revisions permitting the Olympic flags and towers be located after public input at council's discretion. The Planning Department and Legal Department have crafted language to accomplish this aim. Amendments would be made to both the LMC and the sign code and all applicable zones would be subject to these provisions. The amendments would permit *official Olympic Legacy Displays* on City property including public rights of way or within Olympic venues subject to Council approval and administrative standards.

Policy

The City Council recognizes that Park City's role as a venue city for the 2002 Winter Olympic Games is a unique and historic achievement for our resort community. Accordingly, the City Council finds that there are compelling governmental, economic and aesthetic interests in providing for the on-going commemoration of Park City's role in hosting the Olympics. It is the intent of the City Council to allow such displays in limited public spaces and venues connected to the Olympics, where the Council finds that the displays are generally compatible with the surrounding uses, and where the manner of display is not adverse to the health, safety and welfare of the community.

Draft Amendments to Land Management Code

Add to Section 15-15-1: Definitions--Olympic Legacy Displays: Official exhibits from the Salt Lake City 2002 Winter Olympic Games created and/or provided by the Salt Lake Organizing Committee (SLOC) and approved for installation on City property, public rights-way and/or within Olympic venue areas at Park City Mountain Resort and Deer Valley Resort. Olympic Legacy Displays include but are not limited to Olympic way-finding towers, flagpoles, commemorative plaques, and Banners.

Sign Code Revision

Section 12-9-1(G).3 Permitted Sign Regulations—Types of Signs Allowed—Flags – Number of Flags. Add as a third paragraph:

Flagpoles and Flags approved by City Council as Olympic Legacy Displays for permanent installation on City property, public rights-way and/or within Olympic venue areas at Park City Mountain Resort and Deer Valley Resort may exceed the allowed number of Flags and Flagpoles permitted in this Section.

The Land Management Code revisions would be submitted to the Planning Commission for their recommendations. That recommendation would be sent to the City Council for final action. The Sign Code Revision is an administrative action by staff.

Question: should staff proceed with code revisions?

2. City Funding of Olympic Legacies & Creation of an Olympic Legacy Task Force

The question of whether the city should allocate city monies to create additional Olympic legacies is open for consideration, and if so how much. One suggestion is that funds could be allocated from the surplus in the Olympic budget.

It was also mentioned that appointing a task force without allocating city funding might be an exercise in futility and frustration. Especially in light of all the non-profits and others seeking private contributions and community funding in these trying economic times.

Question: Does the Council wish to authorize legacy funding and/or form a Olympic Legacy Task Force?

TO: Mayor & City Council
FROM: Myles Rademan, Public Affairs Director
DATE: August 8, 2002
RE: Olympic Legacies

At a recent Council meeting the question was raised whether we had a list of legacies resulting from hosting the Olympic Winter Games. As part of staff's final Olympic wrap-up report, which will be issued shortly, the following list was produced. I'm certain that additional items can and should be added, but this represents the collective thinking of at least several staff members who brain-stormed this question.

"The term "legacy" is often used in measuring success. What are the lasting physical benefits a community or the larger region will receive as a result of hosting the Games? Presumably, though the potential fallacies connected with the statement are numerous, the more a community gets beyond what it has to provide, the greater the measure of success. In turn, there are several categories of legacies which add to the greater question of whether or not legacies are clearly identifiable. In short, some legacies are more tangible than others, success may vary widely throughout the Olympic theater, and managing community expectations may determine how success is quantified."

Park City's Olympic Legacies

Physical Legacies

1. Transportation
 - a. Highway Improvements
 - i. Kimball Junction
 - ii. Silver Creek Junction
 - b. Transit Center
2. Main Street Improvements
 - a. Olympic Walkway between Transit Center & Main Street
 - b. Asphalt Inserts on Main Street

- c. Main Street Historic Building Lighting
 - d. Olympic Banners
 - e. Upgraded Banner Hardware
 - f. Fire Barrels
- 3. Utility Upgrades
 - a. Power/Electrical Upgrades
 - b. Fiber Optic (Sonet Ring)
 - c. Communication Infrastructure Upgrades
 - d. City Park Trail Lighting
- 4. Trash Compactors/Buildings
- 5. Stair Upgrade (13th Street)
- 6. Olympic Welcome Plaza
- 7. Local Signs and Way-Finding
 - a. Olympic City Logo on Signs
 - b. Direction Sign to Previous Olympic Cities
- 7. New Improvements at Broken Thumb
- 8. GIS System/Baseline Maps
- 9. Security Cameras on Main Street & Marsac Building
- 10. Resort Upgrades
 - a. Ski Terrain
 - b. New Events
 - c. Decorations
- 11. Utah Olympic Park
- 12. Legacy Plaques
- 13. Legacy Entry Tower (under consideration)
- 14. Sidewalk on Thaynes Canyon Drive
- 15. Public Art Legacy
 - a. Olympic Decorations in City Hall
 - b. Bronze Bear on Olympic Walkway
 - c. Olympic Tile Logo Center
 - d. Muses at Transit Center

Community Legacies

- 1. Perception as an International Olympic City
 - a. Heightened Community Pride
 - b. Sense of Accomplishment
 - c. Image Enhancement
 - d. Worldwide Media Exposure

e. Marketing Advantage

16. Volunteer Training
17. Enhanced City Credibility with Citizens
18. Heightened Cooperation among Governmental Entities
 - a. Venue Communities
 - b. Hospitality to Other Utah Cities
19. Stronger Working Relationship with Chamber
20. Greater Appreciation of the Central Role of Main Street
21. Improved Hispanic Relations
7. Non-Profits Benefitting from Providing Services Citizen Education: Bud Greenspan
Films, Slide Shows, Newsletters
9. Recycling Bins

Organizational Legacies

22. City Staff
 - a. Enhanced Negotiation Skills
 - b. Cross-Training in Different Positions
 - c. Expanded Capabilities
 - d. Interdepartmental Cooperation
 - e. GIS Skills
 - f. Expanded Experience for Future Events
 - g. Expertise to Share with Future Venue Communities
23. Hospitality Center
 - a. Welcoming of City Officials
24. Improved Master Festival License
25. Expanded & Updated Ordinances & Fee Schedules
26. Olympic Master Plan & Olympic Budget Documents
27. Contract with SLOC
28. Balanced Budget & Made Profit for City
 - a. Rented Public Buildings
29. Archives to Library & Museum
30. Photo Library of Olympics
31. PowerPoint Shows on Olympics
32. Olympic Coats, Pins, Vests for Employees
33. New Relationships with the Federal Government
34. Interagency Cooperation

- 35. Better Understanding of Local and Mass Transportation Issues.
- 36. SLOC personnel working for city
- 37. Public/Private Partnerships
 - a. Restaurant Association
 - b. Relationships with Sponsors
- 38. Stronger Sponsor Presence in Future
- 39. Public Safety Training

DATE: August 8th, 2002
DEPARTMENT: Transit
AUTHOR: Kent Cashel, Transportation Director
TITLE: Bus Graphics Program
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Staff is requesting Council input on the bus graphic program detailed in this report. Unless directed otherwise staff intends to implement the recommended program beginning in September of 2002.

DESCRIPTION:

A. **Topic:** Bus Graphics Program.

B. **Background:** As part of the FY 2000 CIP budget City Council approved funding to design and implement a new bus graphics program. Transit currently has 3 white 35' low floor buses (which need graphics applied) and will take delivery of 4 additional buses in October 2002 (these will also need graphics applied).

On July 12th, 2002 City Council authorized the execution of a letter of intent with Summit County for regional transit service. This letter of intent included the formation of the Summit County\Park City Joint Transit Advisory Board (JTAB). In April of 2002 Council authorized execution of a regional transit agreement with Summit County. This agreement tasked the JTAB with making recommendations on graphics for new buses .

JTAB has researched and developed a design concept, sought and incorporated public input on that design concept and is now prepared to implement the make a graphic design recommendation to City Council.

The recommended graphics will be installed only on new buses as they are brought into the fleet. This approach will require a transition period until all old buses are phased out of the fleet. Staff has chosen the transitional approach because it is more cost effective and operationally efficient than retrofitting old buses with the new graphic concept.

No formal action is required by Council on this item.

C. **Analysis:** The first task JTAB completed as it developed the graphic concept was to list the operating criteria that the new bus graphics must meet. That list included the following operating criterea:

- The graphic concept should clearly communicate to riders that the bus is a Park City Transit bus (incorporate both Park City and Summit County logos).

- The graphic concept should allow for ease of maintenance and repair when accidents and environmental conditions require.
- The graphic concept should cover a minimum amount of window space (while visibility is maintained, vinyl applied to glass requires more frequent repair and replacement).
- The graphic concept should provide enough contrast to make buses very visible to pedestrians and other motorists during low light conditions such as snow storms.

In addition to the operating criteria, a list of desired visual characteristics was developed. That list included the following criteria:

- The graphic concept should utilize “renderings” rather than photos.
- The graphic concept should communicate something unique about the Park City area.
- The graphic concept should allow for some variety in the look of buses.

Using this set of operational and visual criteria a two step graphic concept was developed. This two-step concept includes a common and a variable graphic area for each bus.

The common graphic, as the name states, is the same for all buses. There will be 3-4 variable graphics that will provide for variety amongst the buses.

The common graphic will occupy the full length of the buses primarily below window height. The variable graphic will occupy the area behind the rear wheel using the full vehicle height. Attachment A shows the location of each of the graphics.

JTAB is recommending a mountain theme as the common graphic (see attachment B “Graphic Concepts”).

JTAB recommends that the variable graphics are designed using one of the three following thematic areas (See attachment B “Graphic Concepts”).

- **Environmental** (Wildlife, fall colors, etc.)
- **Recreational** (Skiing, mtn biking, golf, hiking, hot air ballooning, etc.)
- **Historical** (main street, mining, historic structures, etc.)

It is important to note that the attached drawings are concept proofs only and the final variable graphics may differ somewhat from those presented.

When these concept drawings are developed into final proofs Staff will present these to a bus graphics committee for final approval. This committee will be made up of representatives from the City Managers office, Public Affairs office, Planning division, and the Public Works department. Any graphic that does not fit one of the three thematic areas above will be brought back to Council for review and comment. This process is consistent with the way special event and other bus graphics are currently approved.

The two-step graphic concept detailed above (including attached drawings) has been reviewed and is supported by representatives from the following groups:

- Joint Transit Advisory Board (JTAB)
- Historic Main Street Business Alliance Board
- Park City Chamber of Commerce
- Park City Mountain Resort
- Deer Valley Resort
- The Canyons Resort

D. Department Review: This report has been reviewed by the City Managers Office, Public Affairs Office, Public Works Department and the Office of Capital Management and Budget.

ALTERNATIVES:

A. Provide staff with input on recommendation: Council could provide staff with input on the recommended graphic concept and program.

B. Direct staff to develop a new recommendation: Council could direct Staff to develop a new graphic concept and program.

C. Direct staff to implement a Council developed graphic: Council could direct Staff to implement a Council developed graphic concept and program.

D. Continue the item:

E. Do nothing:

SIGNIFICANT IMPACTS: To have graphics produced and installed on new buses by the start of winter service final proofs must be produced no later than October 1 2002. Any direction from Council that will delay the current process for more than four weeks will make it highly likely that busses will enter winter service with no graphics installed.

RECOMMENDATION:

Staff is requesting Council input on the bus graphic program detailed in this report. Unless directed otherwise Staff intends to implement the recommended program beginning in September of 2002.

attached: Attachment A “Common and Variable Graphic Areas”
 Attachment B “Bus Graphic Concept Drawings”
 Letter of Support

DATE: August 5, 2002
DEPARTMENT: Legal
AUTHOR: Mark Harrington, City Attorney
TITLE: Amendment to Title 15 of the MCPC to adopt changes to the HOA notice provisions
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Review proposal and direct staff to proceed with public hearing before the Planning Commission.

DESCRIPTION

A. Topic:

Homeowner association (“HOA”) notice of City building permits.

B. Background:

The current Land Management Code allows HOAs to register with the Building Department to receive notice of any building permit within their subdivision. The notice is sent by the developer/owner, not the City. The Code requires the developer/owner to file proof of mailing or a signed acknowledgment from the HOA. The City does not wait for nor even consider any action before an architectural committee or HOA Board prior to issuing the permit. The City permits are issued solely pursuant to the Uniform Building Code and LMC.

Over the years, the City has received several requests to make HOA approval of a plan a condition precedent to the City’s issuance of a building permit. The City has consistently rejected such pleas due to: 1) fear of getting too involved in HOA disputes; 2) Building Dept. workload in administratively tracking the approvals; and 3) inconsistent reliability of valid HOA actions.

Earlier this year, Mayor Williams, Ron Ivie and I met with representatives from the Oaks and Prospector to again look at the noticing. We reiterated the City’s opposition to granting the HOAs veto authority over the building permit process, but did offer to revise the City consent forms and make the code section require the new form. The forms were edited and approved by the designated HOA representatives (Rick and Andy Barros).

C. Analysis:

The new language requires the permit applicant to provide a copy of the City’s acknowledgment form signed by the HOA, or a signed receipt showing a copy of the form mailed to the HOA. The old language did not specify what had to be with the return receipt and it was possible for someone to mail an empty envelope and still keep their permit process going.

Attached are: 1) ordinance redline; 2) new form; and 3) old form.

D. Department Review:

This matter has been reviewed by the Building and Legal Departments.

ALTERNATIVES

- A. Direct staff to proceed with the Ordinance:** This is the recommended action.
- B. Direct staff to work with the HOA on additional changes or process.**
- C. Leave the Code as is.** The City would still use the new form but technically could only require a return receipt as evidence of notice from the applicant.

SIGNIFICANT IMPACTS:

The proposal broadens the protections offered to HOAs by attempting to ensure timely and accurate notice of pending permit activity.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Considerable staff time is taken administering this notice. Any additional requirements would have a negative impact on the work load of the Building Department's administrative staff.

RECOMMENDATION:

Staff recommends that the Council direct staff to proceed with the Ordinance.

**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 23, 2002**

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

Toby Ross, City Manager; Myles Rademan, Public Affairs Director; Patrick Putt, Planning and Zoning Administrator; Kathy Kelly, Recreation Manager; Mark Christensen, Budget and Grants Manager; Kent Cashel, Transportation Director; Jerry Gibbs, Public Works Director; Bob Johnston, Leisure Services Director; Kathy Gammel, Water Manager; Alison Butz, Special Events Manager

Rick Giardina and Kevin Burnon of Giardina & Associates; and Chris Everetson and Stacey Demmoski of Mountain Town Stages

1. Council questions/comments. Kay Calvert reported on Recycle Utah who requested a list of home owner associations from the City for its educational programs on water conservation. Eric DeHaan reported that only a handful of associations are registered with the City and Mr. Hier suggested contacting the Lodging Association for this information. She added that Recycle Utah would like to use the second bay at the center. Candace Erickson thanked everyone involved in the visioning session held last week. She attended the Library Board meeting where the new software was discussed. The ULCT is already preparing for the next legislative session and now is the time to submit issues of concern. Ms. Erickson reported on her tour of the Judge Tunnel. She attended the Parks and the Recreation Board meeting where delineating the bike and pedestrian trails on Holiday Ranch and concepts for the park were discussed. Peg Bodell expressed that she is pleased to learn that the visioning process approach is being used by other groups. She invited the Council to lunch at the Senior Center on June 6. There will be an afternoon reception honoring Olympic athletes as part of the July 4th celebration proposed at the Farm and Park City Mountain Resort may be an appropriate partner for the event. The Mayor recommended that it may be more convenient for guests to hold the reception in town. Ms. Bodell congratulated Arlene and Lew Fine as the Rotary citizens of the year. Jim Hier stated that he attended the Interagency Task Force meeting where joint planning for Quinns Junction and hiring a consultant were discussed. Other topics included the location for an ice facility, and a report from Wasatch County on the proposed development on the north end of the Jordanelle and other golf course projects. There is a multi-cultural group forming as an additional avenue for social services, represented by a variety of local providers, and Mr. Hier noted that he will continue to attend those meetings. Mayor Williams reported that he received mainly positive feed-back from participants on the citizens summit. He attended the Jump-In graduation and met with the Executive Director of Mountainlands Association of Governments. Ms. Bodell suggested that staff attend MAG meetings, since Council meetings are held on the same night. The Mayor reported that he received an email from a Woodside resident who is opposed to expanding special events in the Old Town area. Next week, the Mayor stated he will be participating in a forum on open space bonds at Holladay. Fred Jones indicated that he met with the Chairman of

the Summit County Commission and it appears they have not made a determination on how it will provide water to Promontory.

2. Olympic legacy project. Myles Rademan stated that Olympic legacies have been discussed over the years and the City had considered installing a “Look Tower” during the Games but the \$100,000 cost was a deterrent. There are towers located at Park City Mountain Resort, Deer Valley Resort, and the Utah Olympic Park. The tower at Deer Valley may be donated to the City by SLOC if we cover the cost of installation of about \$20,000. Additionally, there may be a possibility of receiving two graphics, which represents a cost of about \$20,000. He referred to distributed computer simulations illustrating the towers in different locations, including the Olympic Welcome Plaza, transit center, old kiosk area or shed area on SR224, the round-about, Coalition parcel, new post office round-about, and Huntsman parcel. Each site has its own attributes with regard to utility and foundation requirements. Fred Jones felt that the tower compliments what already exists in the Olympic Welcome Plaza which is his preference and there was discussion about moving the cauldron in the plaza area. Jim Hier agreed with Mr. Jones and felt the other suggestions in the Historic District were not compatible. He added that there may be opportunities for revenue for the City by installing telecommunication facilities on the tower. Ms. Erickson stated that she likes both the Welcome Plaza and transit center, where the tower was originally planned for installation during the Olympics as a visual landmark for visitors.

Peg Bodell stated that she is uncomfortable with the cost and spending more time on this topic and is not pleased with any of the sites. Fred Jones believed this project would be subject to a public planning process and Mr. Hier pointed out that a legacy project costing only \$20,000 is attractive. This is consistent with comments from the visioning process regarding marketing and maintaining an Olympic presence. Ms. Bodell pointed out that the public has not been involved in discussing this expenditure or developing a legacy. Mr. Hier countered that this project exists now and there are no other suggestions, and donation of the tower should be pursued for these reasons.

In response to a question from Mr. Hier, Pat Putt advised that the maximum height for a tower at the Olympic Plaza is 33 feet with an additional 50% exception. The frontage protection zone surrounds the plaza and there may be a conditional use permit process. The City Manager added that only one zone can accommodate the height which is the transit center. Dana Williams believed that public input may be appropriate because of the height of the tower and Mr. Hier believed that the Welcome Plaza location should be explored and if a conditional use permit is required, the process will be public. Fred Jones agreed with Mr. Hier and with regard to Ms. Bodell’s comments, acknowledged that there has not been an economic analysis of this proposal but it seems consistent with Council goals as far as identifying Park City with the Olympics. Currently, there is very little and the investment ties us directly to the Olympics in a location that is visible. Mr. Jones stated that he would like to pursue installation at the plaza. Council members concurred with the exception of Peg Bodell.

Youth Advisory Committee grant recommendations - See staff report. Kathy Kelly explained that the charge of the committee is to review grant applications and make recommendations to Council on awards. Because not all funds will be distributed, YAC is requesting to repeat this process in the Fall rather than just once a year. Mark Christensen explained

that unused funds would roll into the next year's 2002-2003 budget. Peg Bodell explained that the Council grants subcommittee forwarded several grant requests to YAC, because it seemed like the more appropriate funding source. She emphasized that it is important to her that the Fall review occur. In response to a question from Kay Calvert about who Sports Life serves, Ms. Kelly explained that the request falls within the youth perimeter and this particular program targets at risk youth in the community. Mayor Williams pointed out that Sports Life of Young Life is a non-denominational Christian organization, and asked if it is appropriate for government to support religious programs. The City Attorney explained that there is application criteria, and the City can't discriminate against a religious group if it meets the guidelines. There is no legal problem giving grant money to a religious organization if there is a generally applied process, just as public facilities are leased for religious services. Ms. Calvert believed that Young Life is capable of raising a lot of money on its own where others don't have that resource. The City Manager explained that the award of youth grants should be determined during work session as it doesn't appear on the regular agenda.

Jim Hier understood that the only grant under contention is the Sports Life grant. Council member Erickson interjected that her child has been in the Sports Life program for five years. Although it is a national organization, it is supported by communities and is not a wealthy organization. Jim Hier compared the value of the awards by number of youth served; and stated supports the \$3,000 funding to Sports Life without hesitation. Peg Bodell added that this is not seed money. She stated that she knows very little about the organization and suggested that all awards be processed except for this one. Council members Erickson, Jones and Hier supported funding Sports Life while Peg Bodell and Kay Calvert expressed reluctance. Ms. Calvert indicated that she needs some more information and more time to consider the Sports Life request and Ms. Bodell stated that she didn't feel the request is justified. Ms. Calvert explained that she would like to see financials for the organization and fund-raising numbers. Young Life is a wonderful organization but she is a little uncomfortable with granting money if it can raise it. Candace Erickson felt that Sports Life provided financial information to YAC who carefully reviewed the applications. YAC made decisions based on its criteria as did the Parks and Recreation Board. There was discussion about sharing application information with Ms. Calvert and making a decision on this grant by June. Ms. Erickson understood that grants less than \$500 do not need Council authorization, and Mr. Christensen believed that that provision was never formally adopted but the budget policy could be easily amended. In response to a question from Peg Bodell, Candace Erickson stated that she feels comfortable supporting YAC's recommendation as its membership is very diligent in its review. It was decided to make the policy amendment and to again discuss Sports Life on June 6.

4. Special event bus banner policy. See staff report. Kent Cashel explained that there are growing requests to place banners on buses to promote events and also identify buses serving the event. The proposed policy details who can place banners, size, content, materials, duration, fees and deposits, and approval process. He continued that only non-profit entities, licensed under a master festival license, qualify. Banners can be placed on the left side of the bus; dimensions are 2' x13.5' and content guidelines limits logos to no more than 20% of the total banner size. The graphics must present something unique relating to Park City or the event, and not used to solely to promote the sponsors. A staff committee will review the content. The banners must be placed immediately prior to the time period of the licensed event and removed immediately after the event. There is a

\$50 fee per banner to cover installation costs and does not reflect market value of the space on the bus nor staff time to review the application. There is also a damage deposit. Fred Jones pointed out the profitability of the bus wraps during the Games and Mr. Cashel explained that that was a one-time opportunity as the commercial value of this proposal is very different. Ms. Calvert suggested that the City cover all of its administrative costs with the fee and Mr. Hier agreed. Ms. Bodell suggested that bus wrap specifications be included in the MFL package for applicants. The Mayor agreed that the City should collect all associated costs, and suggested that banners be displayed before the event. There was discussion about including for-profit organizations and City advertising or promotions. Kent Cashel responded that the policy would not limit the City from using bus space. With regard to costs, the City Manager suggested imposing an application fee plus \$50 per banner and Council agreed that the Transportation Director could calculate the fee without coming back to Council. Fred Jones emphasized that the advertising should be nominal; buses should not turn into billboards which is inconsistent with our image. Mr. Cashel believed the necessary language is included in the policy to manage Mr. Jones' concern.

5. Review of regular meeting:

Budget review:

Water rates. Jerry Gibbs introduced Rick Giardina and Kevin Burnon of Giardina & Associates who performed the rate study last year and this year's update. Mr. Giardina explained that there were three primary goals relating to the update including reviewing the effectiveness of the rate increase adopted last year, revising the five year financial plan of the water utility, and recommending an alternative rate structure encouraging water conservation and obtaining a greater degree of equity between customer classes. Last year, the City Council adopted an across-the-board 5% revenue increase, which was effective July 1, 2001. Even with the downturn in consumption, revenues collected were 98% of those projected. The financial plan determines how much funding is needed to operate the water utility, including maintenance, expansion, and O&M recovery. Mr. Giardina added that there is still an identified need for funding in order to support the capital improvement program for both growth and non-growth scenarios. Non-growth represents borrowing estimated at \$2.5 million and approximately \$8 million for growth related facilities. Over this five year period, even with bond issuances, there is not a need to increase revenues as the 5% increase last year should be adequate for capital needs and operating requirements. The caveats are that staff will continue to monitor the budget process each year and the City may enter into a long-term agreement with the Jordanelle Special Service District for water at a price tag of about \$750,000 per year. This commitment would necessitate a 4% rate increase effective this July followed by a 5% increase.

He explained that last year the rate structure wasn't adjusted but amended to merely increase all components by 5% and the proposed rate structure is more conservation and equity oriented. This involved minimizing the impact on domestic water use which doesn't contribute significantly to conservation efforts and providing the customer with greater influence over his bill. There is currently a minimum charge which provides 5,000 gallons per month whether that amount is used or not. The trend in the industry is to eliminate a minimum charge and impose a fixed charge that recoups costs for reading a meter, producing a bill, and perhaps an average level of capital investment, but does not include water use. By doing so, the fixed charge is lowered while the

volume charges are increased to encourage conservation. He continued that they wanted to achieve more equity between customer classes and this proposed rate structure accomplishes this. Giardina Associates is proposing a four block single family residential structure. Block 1 would include indoor water use. Block 2 is described as irrigation use which is based upon an analysis of water requirements specific to Park City. Block 3 is deemed as excessive irrigation use and Block 4 the same with a higher price tag. The proposed rate for Block 1 is only marginally higher than the current rate with an increase also in Block 2. Block 3 would be priced at roughly the cost of the JSSD water, i.e., \$3.32 per 1,000; and Block 4, slated for consumption over 100,000, gallons is priced at \$5 per 1,000 gallons. There are only a few residences that fall in Block 4. This class also includes multi-family accounts with a 1 ½" meter and smaller individually metered. In response to a question from Ms. Bodell, Rick Giardina responded that Block 3 represents approximately 20% and Block 4, 3%.

There was discussion about creating more blocks and he cautioned that the number of blocks don't equate to a more effective rate structure and explained the billing process. There was discussion about the City's bill not detailing water consumption in each block on a bill and Jim Hier indicated that if providing this information is effective it would be worth doing in consideration of the estimated \$20 million projected for capital improvements. Mr. Giardina explained that Block 3 ranges from 30,000 gallons to 100,000 gallons. If it were divided to 30,000 to 60,000 and 60,001 to 100,000 it would result in lower yields in Block 3 and the rate structure needs to be revenue neutral. Mr. Hier asked if data exists for consumption in each block as Block 3 seems too broad and suggested limiting the block at 75,000 gallons. Block 4 could be increased to \$5 and Block 3 reduced from \$3.32 to \$3.30. Rick Giardina stated that he has block information and Mr. Hier felt that breaking up Block 3 would have a positive psychological effect on consumers. He stated that if it is not reasonable to ask for this analysis because of our time frame, it could be looked at next year. Rick Giardina added that the goal is to have the new rate structure implemented by July 1 and could present this alternative on June 6.

Toby Ross asked if Mr. Hier's aim would be achieved by lowering the threshold for the fourth block based on distribution information, rather than adding a block. Council member Hier noted that that is the direction he supports. Mr. Giardina added that Block 1 could be lowered if the others are raised, making domestic water more affordable. Mr. Hier emphasized that he doesn't support an across-the-board increase and feels this approach is appropriate. Fred Jones pointed out that many units are vacant and asked if that has been factored into lost revenues from the lower fixed rate. Rick Giardina stated that that was adjusted in the volume charge.

He continued that there is a similar structure for multi-family and for irrigation with a goal of creating better equity between classes. They are continuing to work with City staff to refine this proposal before it comes back to Council so that Block 1 of the irrigation rate schedule is determined at 23,000 gallons like single family. Jerry Gibbs indicated that the area of irrigation is not something now considered, only meter size and use. This is why the median uses for Block 1 are being analyzed to adjust Block 2 and 3 for the higher irrigation uses. Peg Bodell felt that rates should not be adjusted every year and supported incentives for the lower groups. For the benefit of Candace Erickson, Rick Giardina explained that if JSSD water is not purchased, revenues do not need to be increased. By restructuring the rates, some people's rates increase, others decrease, to

maintain a revenue neutral level. With regard to Ms. Bodell's comment, he explained that a 4% increase in revenue needs to be raised the first year, and 5% the second year of the JSSD contract. If the structure is satisfactory, there could be a 5% across-the-board increase, if needed. Jerry Gibbs interjected that because of major capital improvements, staff is recommending increases over the next three to five years and felt incremental increases are more palatable for consumers. Rick Giardina believed that phased increases enforces water conservation messages and revenues from Block 4 could be used to fund conservation programs, acquire additional water sources and facilities.

Fred Jones was pleased with the revised structured and looked forward to getting it in place as soon as possible. He supports incremental increases as needed as water resources are often unpredictable.

Budget. With regard to the capital improvement budget, Mark Christensen explained that the refinance of the RDA bond created new money which is tentatively allocated in the Main Street RDA for an economic study, capital needs assessment, and downtown revitalization plan. Bonds on parks and an ice facility may be issued this year in full or part but ultimately the tax rate will need to be adjusted. Mayor Williams felt that it is likely that these projects will proceed. Mark Christensen didn't feel this is a big issue as the final budget will not be adopted until June 20. Unused bond revenues can go into the state pool or be invested and Council member Jones expressed interest in maintaining flexibility and taking advantage of good interest rates. Jim Hier felt it more prudent to issue bonds when the project is ready to be funded rather than an opportunity to invest. The City Manager explained that the debt could be issued, and arranged for payment the following year thereby adjusting the tax rate.

Mark Christensen pointed out that the recreation facilities master plan is not funded. The Racquet Club pool and roof is currently unfunded, and staff is anticipating more direction after the citizen visioning session. Fred Jones believed there was consensus on repairing the roof and looking at constructing the pool and pool building in two-phases, but recalled that funding was never identified. Mr. Christensen felt the five year capital improvement fund is a good source as well as anticipated additional revenues from the General Fund which could be transferred to the project, depending on the scope of the project. Mr. Jones added that a study on parking structures, for example, is another unfunded project and the Council may need to consider other unscheduled projects.

Mr. Christensen understood that Council supported repairing the roof on May 9; the pool could be part of the overall capital improvement review in the Fall and the budget could be adjusted for the 2003 construction season. At that time, the study on capital needs for Old Town may be available as part of the analysis. The City Manager explained that the existing pool would have to be removed in the Fall and not the Spring. Bob Johnston recalled estimates to replace the roof to be \$200,000 and \$40,000 for the ceiling. It is anticipated to install a pool that would likely be twice the surface area size of the existing pool that would accommodate program needs; it would not be a leisure pool. The Parks and Recreation Board recommended a leisure pool, but the bond didn't pass. The City Manager explained that the pool project will come back to Council, very likely with options and recommendations from the Board. An allocation of \$300,000 in the budget, with a

portion coming from the capital improvements fund, doesn't commit to a specific design but allows for the pool project to proceed. The City Manager stated that the capital improvements fund will be augmented by about the same amount this year. Mark Christensen clarified that the money for the capital needs study is supported with RDA funds and must be spent in that area. After discussion, Council concurred to support \$240,000 for the roof and ceiling and \$300,000 for the pool.

Another point of clarification is the request for the Historical Society funding for a full-time director for an additional \$28,000; currently there is a \$26,000 cash donation and a \$17,000 in-kind value for rent. The full-time salary is estimated at \$47,000 per year and Kay Calvert stated that it is a good expenditure for the benefits they bring to our community. Fred Jones commented that he is not familiar enough with the proposal and would be more comfortable with a long-range plan, including plans to obtain additional space. Peg Bodell explained that there is information that can be shared with Mr. Jones and Mark Christensen explained that a final decision does not need to be made until June 20. Fred Jones clarified his question of whether it is the City's role to fund a full-time position for the Historical Society to enable them to reach their expanded goals. Ms. Erickson pointed out that if the City were hiring someone, set criteria would have to be met and she has never seen a resume or job responsibilities. She is not sure she can commit to the full \$47,000.

Mark Christensen explained that the Olympic budget totaled \$5.6 million and the City was able to stay well within the budget using staff resources.

Well projects. Kathy Gammel explained that staff is requesting approval to proceed with the redrilling of the Park Meadows Well and developing an exploratory well at the Keetley site and authorization from Council to award a contract to Lang Exploratory Drilling in the amount of \$413,250. It is anticipated that the replacement well will be drilled deeper into the aquifer. Jim Hier referred to the first drilling project and the 24 hour a day impacts on the Park Meadows neighborhood and Ms. Gammel explained that the low bidder came in on a 12 hour proposal from 7 a.m. to 7 p.m. Additionally, the City requested sound curtains. There was discussion that the Keetley Well is actually located near Quinns Junction. In response to a question from Peg Bodell about the necessity of the exploratory well, Jerry Gibbs explained that recently drilled wells have produced water which the City hasn't tapped into yet. It would still require the City to have 1,000 to 2,000 gpm of additional water from another source. He pointed out that wells are not a long term answer, but provide a short-term water supply during peaking times. This is not a test well providing information on volume, but an exploratory well which solely determines if there is water at the location.

Jazz Festival. Alison Butz explained that if Mountain Town Stages is denied the Jazz Festival will make arrangements for its own canopy.

Mountain Town Stages. Ms. Butz continued that an application was received for two stages within the Old Town area. This specific request is handled as an amendment to the Municipal Code and then Mountain Town Stages submits a master festival license. The stage at Dynamite Doms plaza is planned for Tuesday, Friday and Saturday nights from 5 p.m. to 8:30 p.m., which was previously set at 8 p.m. The second request is for a stage in Miners Park which would be programmed on Saturdays and Sundays from 3 p.m. to 6 p.m., contingent on approval of a beer

license. Staff is concerned about approving a beer license and controlling open containers in the area. Kay Calvert felt that could be a condition of approval. Christ Everetson of Mountain Town Stages stated that they feel they can manage the area and it is important to provide a positive environment for entertainment. It will also help Mountain Town Stages financially as the other stage is supported by adjacent restaurants. Stacey Demmoski added that last year, it was her job to monitor open containers which didn't present a problem on the plaza. Mr. Everetson emphasized that they want to create a family environment with all types of concessions and will provide security personnel if requested. The Mayor noted that it is a necessity. In response to a question from Ms. Bodell about the reason for applying for a beer license, Stacey Demmoski discussed the need to financially support the location on Main Street and the ambiance is secondary. This site is somewhat different because Miners Park doesn't have an adjacent restaurant located there. Moose's and McHenry's are off the schedule this year, but The Canyons Forum will be used for larger events. There was discussion about limiting the decibel level at Miners Park as opposed to the number of performers, as drafted. Ms. Bodell asked if adjacent residences have been contacted. Mr. Everetson indicated that he met with the owners of the Blue Church Lodge and has provided written notice to residences about the meeting tonight. There were no responses.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 23, 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, May 23, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Jerry Gibbs, Public Works Director; Derek Satchell, Preservation Planner; Alison Butz, Special Events and Facilities Manager; Mark Christensen, Budget and Grants Manager; Brooks Robinson, Planner; and Patrick Putt, Planning and Zoning Administrator.

II PUBLIC INPUT

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

Water rate fees - Joe Kearnin, Silver Meadows resident, explained that placing all projects with 2" meters in the same block, without consideration of acreage, will not be equitable. He suggested additional categories within the meter size to encourage conservation in irrigation, to account for the amount of acreage. Last year, Silver Meadows reduced its water use by 44% by watering every second or third day and turning off the system when it rains. It would be difficult to reduce usage further and there should be recognition of conservation efforts taken. He believed Silver Meadows should be placed in the lowest category, similar to single family and the proposed rate structure could be adjusted to be more fair to encourage water conservation. The City Manager commented that staff will continue to work on this problem, which is not simple to solve. It may be possible to break up land use types. Jerry Gibbs explained that Silver Meadows is in the higher 25% of water use for 2" class meters and the amount of acreage is not considered. The indoor use is much lower than the average and Silver Meadows will realize a decrease in monthly bills based on indoor use and it is expected that the net increase, including outdoor watering, is 5% to 10%. Single family units, using an average of 30,000 gallons, will see a 15% increase because of the redistribution. Toby Ross assured Council that staff will continue to work with Mr. Kearnin.

Fred Jones stated the importance of adopting a water conservation rate structure as soon as possible, and doesn't want its implementation delayed if this situation can not be resolved now. The City Manager suggested that there be a mechanism for adjustments to unique situations in the water policy.

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Jerry Gibbs reported on the current flushing program. The six week program is proving to be effective and the City is still sampling water to compare numbers from prior flushing periods. The flushing method continues to be improved.

IV WORK SESSION NOTES AND MINUTES OF APRIL 25, 2002 AND WORK SESSION NOTES OF MAY 2, 2002

Kay Calvert disclosed that she will not be voting on the work session notes of May 2 as she was not in attendance. The Mayor requested a motion to approve. Peg Bodell, "I so move". Candace Erickson seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye 04/25/02, Abstention 05/02/02
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

V RESIGNATIONS AND APPOINTMENTS

Appointments (2) to the Historic District Commission for terms expiring February 2005 - Jim Hier, "I move to appoint David White and Tom Hurd to the Historic District Commission". Kay Calvert seconded. Motion carried unanimously.

VI CONSENT AGENDA PUBLIC HEARINGS

1. Resolution adopting the Historic Element of the General Plan of Park City, Utah - Preservation Planner Derek Satchell explained that this item was reviewed by the Planning Commission who forwards a positive recommendation to City Council. The Council reviewed the draft element in November and held a public hearing. Since that time, staff received input from the public and individual Council members and the proposed document incorporates those suggestions.

Mr. Satchell explained that some of the editorial changes eliminated general statements making the element more concise. Ms. Calvert asked how individuals can be encouraged to maintain historic structures if they can't afford to rehabilitate in accordance

with historic guidelines. Mr. Satchell stated that our Historic District Grant Program and state and federal tax incentive programs are often suggested to property owners as resources and there is a provision in the LMC addressing economic hardship. Ms. Calvert clarified her concern that the City not financially participate in renovations to save buildings. Mr. Hier added that the General Plan determines policies for objectives to guide the City and the historic preservation element may not have every remedy in place. With no further comments from Council, the Mayor invited public input. Hearing none, the public hearing was closed.

2. Master Festival License for the Fidelity Investments Park City Jazz Festival to be held August 16 - 18, 2002 - Fidelity Investments - Alison Butz explained that this year's proposal which includes three venues in the Main Street area: Miners Park, Wasatch Brewpub parking lot, and Heber Avenue. In order to accommodate jazz on Main Street, Heber Avenue will be closed from August 16 through August 18 as well as a portion of the Wasatch Brewpub lot. She noted that this application is consistent with Council's goals of promoting a multi-seasonal resort by having more activities, to improve historic Park City by assisting in events and improvements, and to promote and market Main Street. She corrected Condition No. 1 dealing with the conclusion of the Main Street stage time from 6 p.m. to 8 p.m. which is consistent with past performances in the area. The Mayor invited the Council and the public to comment, hearing none, the public hearing was closed. Alison Butz acknowledged the email recently received from Steve Schuler opposing more special events in Old Town and a letter from Dave and Jane Shaffner in support.

3. Ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas (Mountain Town Stages) - See staff report and work session notes. Alison Butz continued that staff supports Mountain Town Stages application for music at two of the stages, but not the Miners Park venue. The Mayor invited comments.

Stacia Colt, a representative of the No Name Saloon, read a letter from the owners in support of this series and developing more events on Main Street.

Monty Coates, President of HMBA, stated that the membership supports this application and feels that permitting concessions is a good way to support performances on Main Street. With no further comments, the Mayor closed the public hearing.

VII CONSENT AGENDA

The Mayor suggested that each item be acted upon separately.

1. Resolution adopting the Historic Element of the General Plan of Park City, Utah - Peg Bodell, “I move approval of Item 1 on the Consent Agenda for the Resolution adopting the Historic Element of the General Plan of Park City, Utah”. Fred Jones seconded. Motion carried unanimously.

2. Master Festival License for the Fidelity Investments Park City Jazz Festival to be held August 16 - 18, 2002 - Fidelity Investments - Peg Bodell, “I move approval for the Master Festival License for the Fidelity Investments Park City Jazz Festival to be held August 16 - 18, 2002 with the revision to the conditions of approval to read “beginning at noon and ending at 8 p.m.”.” Fred Jones seconded. Motion carried unanimously.

3. Ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas (Mountain Town Stages) - Kay Calvert made a motion to approve and the City Attorney explained that the drafted ordinance does not reflect the requests in the application for Mountain Town Stages. Miners Park and its associated beer license is not included in the ordinance, for instance, as well as the 8:30 p.m. time extension. Kay Calvert withdrew her motion and Fred Jones his second. The City Attorney recommended that staff be directed to amend the ordinance for ratification by City Council on June 6. Peg Bodell, “I move that we approve staff the recommendations as it stands”. Jim Hier seconded. Motion failed.

Peg Bodell
Kay Calvert

Aye
Nay

Candace Erickson
Jim Hier
Fred Jones

Nay
Aye
Nay

Candace Erickson then made a motion to approve the staff recommendation with the changes noted on Page 59 of the staff report, extending the hours of operation to 8:30 p.m. and allowing alcohol in Miners Park. She emphasized the importance of controlling open containers. Mr. Everetson of Mountain Town Stages interjected that they are planning on delineating the area with bike barriers. There was discussion about Miners Park operating from 3 p.m. to 6 p.m. and that this venue is open to everyone. Ms. Bodell felt that the barricades would discourage tourists to enter the area. Mark Harrington stressed that he feels it important that the provisions are clear and suggested that Council direct staff to return with an ordinance on June 6, incorporating changes as referenced on Page 59. This will allow staff more time to analyze the Miners Park site and the applicant could move ahead on programming the Dom's stage where the 8:30 p.m. extension would apply. Candace Erickson, "I so move". Fred Jones seconded the motion to continue. Motion carried.

Peg Bodell
Kay Calvert
Candace Erickson
Jim Hier
Fred Jones

Nay
Aye
Aye
Nay
Aye

4. Award of construction contract to Weyher Construction Company LLC in the amount of \$32,775 for the construction of Snow Creek Trail - The Mayor requested a motion to approve. Fred Jones, "I so move". Kay Calvert seconded. Motion carried unanimously.

VIII PUBLIC HEARING

1. Revised budget for fiscal year 2001-2002 and the tentative budget for fiscal year 2002-2003 for Park City Municipal Corporation and its related agencies - See staff report and work session notes. Mark Christensen relayed that after the public hearing is held, it should be continued to June 6. The Mayor invited the public to comment; hearing none, the public hearing was closed.

2. Ordinance approving a plat amendment for 6538 Silver Lake Drive, Evergreen Subdivision, Park City, Utah - See staff report. Planner Brooks Robinson explained that when the subdivision was originally approved, each lot had platted building pads which were removed by a plat amendment in 1995. Through illustration of a projected map, Mr. Robinson explained the location of Lot 23 owned by applicants Brad and Lisa Wilson. The owners of Lot 22 are represented by Colin McMullen, Esq. because of a dispute on the proposed plat amendment. Along with the building pads, there were also ski easements from some Deer Valley runs to the Evergreen Subdivision. The building pads were removed to accommodate larger homes. A size limit was set by the home owners association and the Planning Department reviews applications for set backs, limits of disturbance, etc. and support from the architectural committee is also required.

Lots 22 does not have a ski easement and the owners chose to build a larger home. Because of the sloping topography, practical ski access to Lot 22 is achieved by skiing across Lots 20, 21 and 22 and skiing away on the Last Chance ski trail, across Lot 23. Mr. Robinson continued that Mr. McMullen has testified before the Planning Commission that his clients use the current platted ski easement on Lot 23. There is a significant stand of vegetation in the ski easement area on the Wilson lot and Brooks Robinson described the topography. There was lengthy testimony at the Planning Commission from the applicant and the representative of Lot 22. The staff sees this plat amendment application meeting the state statute as there is good cause and no material injury. He clarified that the ski easement was platted but never separately recorded, but it is referenced in the CC&Rs which were recorded.

The CC&Rs allow construction within the ski easement. Staff looks at *good cause* in this situation as a matter of equity for all home owners. Mr. McMullen has represented that *material injury* is incurred because the owners of Lot 22 can no longer ski to their home across Lot 23, but staff represents that using the current ski easement would mean going uphill after making a sharp right turn off of the Last Chance ski trail. It seems like the ski in access would actually be across Lots 21 and 22 and that the replatted ski easement on Lot 23 would provide the ski out access from Lot 22.

Dave Connors, Esq. representing the owners of Lot 22, strongly suggested continuing arguments until the Council has an opportunity to visit the site. The Mayor stated his preference to proceed this evening.

Applicant Brad Wilson referred to his sources of information and introduced his appraiser Chris Donaldson who has written an appraisal opinion which basically states that there is no material impact with moving the ski easement. Mr. Wilson also introduced architect Mark Walker who has designed about 25% of the homes in Evergreen and has written a letter stating that it would be difficult to get 2,000 square feet of living space on the pad given the confinements of the ski easement. Realtor Craig Reese is also in attendance who has completed more transactions in Evergreen than any other realtor in the community. Mr. Reese has written a letter stating that the Lot with a 2,000 square foot house is probably worth less than the vacant lot because of the typical house size in Evergreen. Bob Wells is here representing the architectural committee familiar with house expansion requests. He is also representing Deer Valley Resort as the declarant, who is in support of the plat amendment. Mr. Wilson also mentioned Steve Dority who is his legal counsel.

A video was shown showing skiers at the location which illustrated Mr. Wilson's point about the topography of his lot which doesn't lend itself to practical ski-in/ski-out access. At this point in the meeting, there is no recording of the discussion because the City Recorder made a recording error when manually changing cassette tapes. As a result, the minutes will be considerably less detailed than typically provided. Transcription of recorded minutes resumes with the discussion of the Land Management Code.

Mr. Connors presented his argument about diminishing the value of Lot 22 by eliminating the ski-in/ski-out amenity by virtue of the plat amendment. He could not say whether his client was using the particular area platted for the easement at this time, but he argued that he and his daughter could ski up the existing easement across Lot 23 and stated the change precluded ski-in access. He stated he understood why the Wilson's had good cause for the amendment as their proposed house could not be constructed without the

change to the easement. Mr. Connors then stated that they believe the easement is their property right and the City Council can't change it. He suggested the Council direct the Wilsons to file a declaratory judgment action prior to moving forward. There was considerable discussion about the topography of the property and the history of the Evergreen Subdivision.

Chris Donaldson, Mark Walker, Craig Reese and Bob Wells testified on behalf of the Wilsons.

Mr. Wilson alleged that in conversations with Mr. Connors associate, Colin McMullen indicated that the real issue was protecting views. He believed that opposition to the plat amendment with the ski easement argument is an effort to delay or prevent him from building his home. Mr. Connors clarified that views and setbacks were not the issue. Their position vests solely on their belief that the easement is a vested private property right and can't be changed by the City.

With no further comment, the public hearing was closed.

IX NEW BUSINESS

1. Ordinance approving a plat amendment for 6538 Silver Lake Drive, Evergreen Subdivision, Park City, Utah - Jim Hier, "I move approval of the Ordinance approving a plat amendment for 6538 Silver Lake Drive, Evergreen Subdivision, Park City, Utah". Kay Calvert seconded. Motion unanimously carried.

2. Award of contract to design and drill the Park Meadows replacement well and drill the Keetley exploratory well - See staff report and work session notes. Fred Jones, "I move approval". Kay Calvert seconded. Motion carried unanimously.

3. Amendments to Land Management Code - Phase 2: Comprehensive and substantive rewrite of Chapter 4, Historic Preservation; Chapter 6, Zoning Administration and Enforcement; Chapter 8, Supplementary Regulations; Chapter 10, Master Planned Developments; Chapter 11, Master Planned Moderate Income Housing Developments; and Chapter 14, Child Care Regulations; additional provisions; to Chapter 1, General Provisions;

and Chapter 15, Definitions - Pat Putt explained that a public hearing was held on the LMC a couple of weeks ago. Consistent with Council direction, the temporary Olympic telecommunications section was struck, the language for satellite dishes has been clarified so that the only larger ones require a building permit, and with regard to public art, CDD will review applications rather than approve. It is planned to hold public work shops to formulate a new Chapter 4, Historic Preservation so that there will be input for substantive changes. However, there is clarification to Chapter 4 providing for an intermediate appeal level to the Community Development Director which is consistent with the allowed uses under the Planning Commission chapter. It is hoped this will expedite decisions without the necessity of a formal appeal before the HDC.

Council previously discussed the 60% open space requirement in the master development section, and Mr. Putt proposed additional language. *“Applications involving the redevelopment of existing developments. The Planning Commission may reduce the required open space in exchange for project enhancements, including greater landscape buffers along public ways and pedestrian areas, increased landscape material sizes, use of water efficient irrigation systems, long-term landscape maintenance agreements, transit improvements, pedestrian plazas, pedestrian linkages, and public art.”* Mr. Putt explained that this would apply to all MPDs and there was some discussion about setting a minimum, but this verbiage allows the Planning Commission to use its discretion. This will take into account projects that may not even have 20% of open space to provide some additional benefits. Jim Hier pointed out that affordable housing is excluded and Mr. Putt felt that *“including but not limited to”* could be added. Mayor Williams felt that the statement should simply read, *“The Planning Commission may reduce the required open space in exchange for project enhancements.”*, and eliminate examples. The City Attorney felt that in that instance, legislative language should be added describing some sort of standard. Fred Jones stated that he still felt uncomfortable with the proposed language and would like some language allowing the reduction of open space if a project meets the City’s redevelopment objectives. The City should have a vision for Kearns Boulevard, for instance, and be out in front of the redevelopment effort from a planning standpoint. He added that there could be more definition in the General Plan and

Mr. Hier agreed that redevelopment could be addressed in that document. The City Attorney recommended, *“The Planning Commission may reduce the required open space in exchange for project enhancements that directly comply with applicable General Plan or more specific area plans, as determined by the Planning Commission. Such enhancements may include, but shall not be limited to. . .”* Mayor Williams opened the public hearing.

Craig Elliott, resident and architect, expressed concerns about 60% open space in the GC zone, as it relates to redevelopment. Park City has grown as a resort community and Main Street has its own unique commercial businesses. The GC area adjacent to Kearns, Bonanza and Deer Valley Drive provides a location for services for residents and most parcels only have 10% to 20% open space. The MPD process is good for Park City and provides an opportunity for public input and review but working back from 60% without a minimum percentage requirement, removes a good basis to determine the density and value of property. Mr. Elliott pointed out that lending institutions may not participate because they don't believe that the applicant can obtain the density. He supports the bonus approach for more density and feels it is appropriate for a commercial area. This area will probably become the growth sector with the potential of being improved. The 60% open space number may hinder redevelopment and Fred Jones asked what he would suggest. Mr. Elliott responded that there is currently good zoning in the GC, as there are setbacks, footprints, and height requirements that already force underground parking. Sixty percent open space is not common in this zone and may restrict the ability to redevelop and may prompt retaining old building stock that really needs to be replaced. This MPD process is subjective and flexible and the 60% is too restrictive. In response to a question from Peg Bodell regarding good commercial development, Mr. Elliott explained that he is referring to the quality of the structures. The existing stand of structures are relatively poor; they served an industrial purpose originally. The 60% limits the ability to redevelop existing parcels that have 10% to 15% open space.

Candace Erickson felt that eliminating a number diminishes the City's ability to obtain amenities or enhancements. Mr. Elliott stated that he doesn't disagree but 60% is far too high and reiterated that the GC zone has building requirements. The open space

requirement in the GC zone since its creation has been zero, and that may not be good, but going from 0% to 60% may not be better. With a 60% open space requirement hanging over a project, lending institutions may view a project as a risk if the density is not there. He suggested a compromise of perhaps 30%. If the 60% remains and financing can not move forward, the highest and best use may be what you see today, which would not be positive for the City. Sixty percent open space may be a disincentive, resulting in existing businesses in the GC zone moving to the Junction and eliminating jobs and services within the City.

The Mayor felt that Mr. Elliott's comments are valid and Mr. Putt pointed out that this provisions applies to all master planned developments in all zones and this language helps define what the City is looking for with regard to trade-offs. Council member Calvert felt that everyone is in agreement conceptually, but the 60% will deter developers and lending institutions. Jim Hier asked if there is an average minimum.

Rodman Jordan, commercial property owner, added that his properties average 20%, including the frontage protection zone. Council member Hier pointed out that the older condominium stock on Park Avenue may also go through redevelopment and the MPD process would apply. Mr. Hier suggested including a minimum number. Mr. Rodman stated that the MPD section, as written, exempts Main Street and the GC zone from the open space requirement so there is a precedent. He felt that the imposition of a 30% open space requirement would be very restrictive and destroy the feasibility of some of his projects but he could support 30% with the potential for a reduction with trade-offs. The City Manager suggested something like 20% for a minimum, provided that additional enhancements are incorporated in the project. This would probably satisfy lenders and provide the Planning Commission with tools to evaluate features of the project. Mayor Williams pointed out that inducements should not be given for things like water conservation, which people should be doing regardless. Water efficiency should be a requirement for projects and Fred Jones agreed and those expectations should be somewhere else in the Code. Mr. Jones supported the City Manager's suggestion. Mr. Hier stated that he still supports the 60% as there needs to be a large number to begin with for the Planning Commission. Kay Calvert expressed that

eliminating opportunities for commercial projects may come at a cost to the community. Peg Bodell cited Salt Lake as a good example of redevelopment.

Pat Putt suggested, *"A master planned development shall contain a minimum of 60% open space as defined in Section 15-15, with the exception of the GC zone wherein redevelopment of existing developments, 30% open space shall be the minimum. The Planning Commission may reduce the open space in exchange. . ."*. Mr. Rodman emphasized that the 30% is still very restrictive, but is more workable financially. Mr. Elliott responded to Ms. Bodell's comment, by emphasizing that the Salt Lake redevelopment area has zero percent open space requirement. Jim Hier pointed out that the Planning Commission has not considered this adjustment to the GC zone. Mr. Putt suggested that the language for redevelopment in the GC zone be added so that action can be taken tonight. The Planning Commission could be directed to formulate a plan for the GC area. Fred Jones requested that valid enhancements be itemized, not things like water efficient features. Mark Harrington recommended language, *in exchange for project enhancements in excess of those otherwise required by the LMC that directly advance policies reflected in the applicable General Plan or more specific area plans."* The City Council concurred with the suggested language and direction on the GC zone. The Mayor requested a motion to approve with changes, as discussed. Fred Jones, "I so move". Kay Calvert seconded. Motion carried unanimously.

X 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.

DATE: August 8, 2002
DEPARTMENT: Planning Department
TITLE: Amendment to Record of Survey - Cache @ Silver Lake Condos
TYPE OF ITEM: Legislative

RECOMMENDATION: Staff recommends that the City Council review the proposed record of survey plat amendment, conduct a public hearing and consider approving the application according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

TOPIC

Applicant: Blooming Enterprises
Applicant's Representative: Mindy Long
Project Address: 7950-8150 Unit #3 Royal Street East
Zoning: Residential Development - Master Planned Development
(RD - MPD)
Adjacent Land Uses Residential
Project Planner Ray Milliner

BACKGROUND

The applicant is requesting that the Planning Commission review an application to expand Unit #3's platted private ownership area of the main floor by ninety six (96) square feet, and to expand the upper level deck area by approximately one hundred fifty (150) square feet. The property in question is currently shown as common ownership on the plat. The owner would like to convert it to private ownership in order to accommodate a proposed addition to the unit.

The applicant has received approval from the Cache at Silver Lake Homeowners Association, and signed approval letters from each of the twelve unit owners to amend the existing record of survey plat to allow the property under common ownership to be converted to "Private Ownership" and subsequently developed. This application was reviewed by the Planning

Commission at its regular meeting on July 31, 2002, wherein the Commission forwarded a positive recommendation to the City Council.

ANALYSIS

The original Cache @ Silverlake was approved in 1981 as a 12 unit planned unit development, with building pads on which the units could be built. The applicant has utilized the entire area available and is now seeking a plat amendment to convert existing common area to private area in order to accommodate the proposed addition. The proposed addition consists of an expansion of the main floor (at grade) to accommodate an enclosed area for a hot tub. This area is proposed to be ninety six (96) square feet in area. The second floor (above grade) expansion calls for a one hundred and fifty (150) square foot expansion for a deck. The proposal will add approximately two hundred and forty four (244) square feet of private area to the unit. The parking requirement for multi-unit dwellings stipulates that any unit with a square footage greater than 2,500 square feet requires three parking spaces. The existing unit is approximately 4,000 square feet in size. The proposed project and additional square footage will not trigger the need for expanded parking, as the structure has three existing parking spaces.

The amendment will result in a minor change in the amount of open space in the Cache @ Silver Lake, however, if this application is approved, the amount of open space for the project will remain above the required 60% open space. Consent letters were received from each of the 12 unit owners (excluding the applicant). A certified survey will be required prior to issuance of a building permit to verify setbacks (per the RD zone) or other Land Management Code Regulations.

DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with State Law prior to recording. The request was discussed at a Staff Review Meeting on July 16, 2002, where representatives from local utilities and City Staff were in attendance. No major issues or concerns were raised at that time.

NOTICE

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record. No public input has been received the time of this report.

RECOMMENDATION

Staff recommends that the City Council review the proposed record of survey plat amendment, conduct a public hearing and consider approving the application according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report:

Findings of Fact:

56. The Planned Unit Development known as The Cache @ Silver Lake is located at 7950-8150 Royal Street East and is zoned RD-MPD.
57. The applicant is proposing to convert 244 square feet of common area of Unit #3 of the Cache @ Silver Lake to private ownership.
58. The Planning Commission forwarded a positive recommendation to the City Council at its July 31, 2002 regular meeting.
59. The proposed amended record of survey changes the type of ownership of the area in question from common area to private area.
60. A vote of 66.66% or more for approval of the amendment was received by the members of the Homeowners Association.
61. The existing unit is approximately 4,000 square feet in size. The conversion of common area to private ownership will add approximately 244 square feet to the unit.
62. The parking requirement for multi-unit dwellings stipulates that any unit between above 2,500 square feet requires three parking spaces.
63. The existing unit has three parking spaces.
64. The additional square footage will not require additional parking.
65. The additional square footage will not decrease the amount of open space on the property to a level below 60%.

Conclusions of Law:

1. There is good cause for this Amended Record of Survey.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey.

4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Cache @ Silver Lake Planned Unit Development project continue to apply.
4. Converted Private area cannot be used to create a lockout unit.
5. In all cases where necessary in the opinion of the Community Development Department, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.

EXHIBITS

Exhibit A - Amended Record of Survey

AN ORDINANCE APPROVING AN AMENDED RECORD OF SURVEY FOR THE CACHE AT SILVER LAKE PLANNED UNIT DEVELOPMENT UNIT #3 LOCATED AT 7950 ROYAL STREET EAST, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 7950-8150 Unit #3 Royal Street East, has petitioned the City Council for the approval of an amendment to record of survey 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 July 31, 2002 the Planning Commission held a public hearing to receive public input on the proposed amendment to the record of survey plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed amendment to the record of survey plat allows the property owner to convert existing common ownership area to private ownership; 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. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

6. The Planned Unit Development known as The Cache @ Silver Lake is located at 7950-8150 Royal Street East and is zoned RD-MPD.
7. The applicant is proposing to convert 244 square feet of common area of Unit #3 of the Cache @ Silver Lake to private ownership.
8. The Planning Commission forwarded a positive recommendation to the City Council at its July 31, 2002 regular meeting.

9. The proposed amended record of survey changes the type of ownership of the area in question from common area to private area.
10. A vote of 66.66% or more for approval of the amendment was received by the members of the Homeowners Association.
11. The existing unit is approximately 4,000 square feet in size. The conversion of common area to private ownership will add approximately 244 square feet to the unit.
12. The parking requirement for multi-unit dwellings stipulates that any unit between above 2,500 square feet requires three parking spaces.
13. The existing unit has three parking spaces.
14. The additional square footage will not require additional parking.
15. The additional square footage will not decrease the amount of open space on the property to a level below 60%. requirements are met.

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

16. There is good cause for this Amended Record of Survey.
17. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law.
18. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey.
19. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

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

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All other conditions of approval of the Cache @ Silver Lake Planned Unit Development project continue to apply.
4. Converted Private area cannot be used to create a lockout unit.
5. In all cases where necessary in the opinion of the Community Development Department, a certified survey will be required prior to issuance of a building permit to verify setbacks or other Land Management Code Regulations.

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

PASSED AND ADOPTED this 8th day of August, 2002.

August 8, 2002

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 - and

Appeal of Planning Commission June 26, 2002 approval of April Mountain Conditional Use Permit for 39 condominium units - Aerie Owners Association - In an effort to avoid duplicating information which has been copied and distributed for previous meetings, please refer to the staff report of July 18 for the appeal and August 1 for the final plat.

If you have questions or would like copies of a report, please contact Kirsten at 615-5066 or Jan 615-5007.