**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

**PARK CITY WORK SESSION NOTES**
**SUMMIT COUNTY, UTAH**
**AUGUST 8, 2002**

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

**Tom Bakaly, Assistant City Manager; Eric DeHaan, City Engineer; Alison Butz, Special Events and Facilities Manager; Kathy Kelly, Racquet Club Manager; Myles Rademan, Public Affairs Director; Patrick Putt, Planning and Zoning Administrator; Kent Cashel, Transportation Director; and Mark Harrington, City Attorney**

**Brent Tippets, VCBO Architecture, Marianne Cone, resident; Toni Brider and Elizabeth Swank, Park City Arts Council; and Bill Brown, Olympic volunteer**

**Absent:** **Council member Kay Calvert (present for regular meeting)**

1. **Council questions/comments.** Council member Candace Erickson urged equestrian users to clear off the trails after their horses, like dog owners. Fred Jones commented on the poor condition of the round-about and asked that it be cleaned up. In response to a questions from Mr. Jones, Tom Bakaly explained that he met with the developers of the Park City Hotel and they are moving ahead with the project in hopes of opening for the winter. Eric DeHaan reported that the Four Seasons affordable housing component on Munchkin Road is tentatively scheduled for 2003. Peg Bodell reported that she received a noise complaint from Café Terigo because Mountain Stages is amplifying *canned* music before the live performance begins. She asked that staff monitor this and pointed out that the designated area is not inviting and people are sitting or standing outside the site. Alison Butz stated that she met with Mountain Stages after hearing from Mr. Jones's two weeks ago about the canned music, and Mr. Barton was advised to discontinue playing recordings because it is not part of the license agreement. Ms. Bodell also relayed that Mountain Stages is soliciting donations for performances which is inappropriate. Selling CDs or displaying a donation jar is fine, but not harassing patrons. Ms. Butz stated that she will follow-up. There was discussion about the City's dental insurance program and adding an additional category for participation.

The Mayor reported on his meeting with the Silver Creek watershed group noting the progress that has been made. Fred Jones questioned what has been accomplished and the Mayor reported that the surface water study is completed and available for the public and the ground water study is underway. He feels that with agencies working together, a significant amount of money has been saved by omission of duplication of services. Peg Bodell felt that setting up a process for lead testing is important as well as sharing information with the medical community. Mr. Jones agreed that it is constructive that agencies are cooperating, but is very concerned that the EPA has targeted Park City for reasons outside the study. When he participated in the group, no one could describe *success* to him and it appeared to be an endless study without quantifying what needs to be accomplished. The Mayor felt that there is always the potential of discovering more *hot spots*, and is not sure that there will ever be an end. Mr. Jones acknowledged that setting up a process is positive but it's important to formulate solutions. Mayor Williams added that it has been helpful that the BLM has joined the meetings and much of the background information is complete.

He shared his weekly correspondence, including a letter from Dick Welch about the irresponsible fireworks display at Park Meadows County Club last weekend. The Chief Building Official issued a permit with conditions, but the Country Club violated those conditions and conducted a display under dangerous dry and windy conditions. Mayor Williams suggested that a memorial be held on September 11 at City Park and there was discussion about applying for a master festival license. Fred Jones expressed his support and suggested hanging flags on Park Avenue and Main Street for the month of September. Mayor Williams stated that he and Myles Rademan gave a presentation on Council's goals to the Rotary Club and a final version will be presented to Council. Myles Rademan explained that the presentation will be shown to boards and commissions and employees. It is contemplated that Council will alternate hosting the program and a script and CD will be provided to members. Mr. Jones suggested that Council schedule this with their liaison meetings.

Bob Stephens reported on negotiations with AT&T Broadband for use of the City's fiber optic conduit. AT&T is willing to give the City a sleeve from the Public Works Building to the Racquet Club which is an important link. Candace Erickson asked if other companies are interested. Mr. Stephens indicated that since 1997, when the project began, staff spoke to every associated company in Utah but Park City is not a large enough community to make it worthwhile in consideration of infrastructure costs. The reason AT&T is interested is because of its technical investment in Park City prior to the Games. Other offers are not anticipated for at least four or five years and he felt this is a good opportunity. A lease is preferable to a sale as it provides the City with more control and Council indicated its support to move forward.

**2. Pool design.** Kathy Kelly introduced Brent Tippets of VCBO, contract designer, who explained the evolution of the traditional rectangular pool to the recreation pool which became popular in the 1980s. This concept allows for interactive features, i.e., current channel, play components in shallow water. He reported that on the average, activity recreation pools attract ten users to every one person for the traditional rectangular pool. Through illustration of a slide show, Mr. Tippets displayed and discussed examples. He explained the benefits of the current channel for cardio-vascular exercise and the vortex feature. The temperature of the water should be cooler for aerobics and warmer for play activities. He discussed in detail the proposed design reviewed by Council, which was a challenge because of budget limitations and physical constraints of the site. The slide is planned to be installed at a later phase. This design contemplates 2,400 square feet of pool area. An alternate design adds about 500 square feet, which is required by code, to accommodate deeper water and is similar to the initial design. It contains the same features but adds a six foot depth in the middle of the pool which could be used for aerobics and volleyball. The second option is designed so the deep water is located in a rectangular area at one end and in lieu of the current channel, there is a vortex.

Mr. Tippets explained that the budget for the pool is $200,000 and $300, 000 for the total project, including additional play features, demolition, technical reports, and professional services fees. The two alternative schemes are 2,900 square feet and would increase the cost by approximately $7,500. The slide is not included in these numbers, which is estimated at $30,000. Candace Erickson expressed concern about kids having to swim across the deep area to get to the opposite shallow play area, and Mr. Tippets explained that a route could be roped through the shallow area to the other side. It is anticipated that there will be favorable bids because there are many more contractors licensed to install the smaller skimmer pools as opposed to gutter pools. There was discussion about changing the configuration and the minimum space requirements for deck space. Fred Jones pointed out a better location for the pool stairs from the Racquet Club and asked for clarification about water temperature. Mr. Tippets stated that there may be as much as an 8° variance for the ideal temperature for aerobics and leisure activities and it is suggested to find an average between both. The Mayor invited the interested public to comment. Cindy Lea, aerobic patron, stated that they like the water warmer because the class is in the morning. She supports Alternate 1 with the current channel and deep water and most participants in the class agree.

Council members Hier and Jones both felt that the design should work for as many people as possible and Alternative 1 seems to be a viable solution. The Mayor suggested that the slide be installed in this phase. Jim Hier disagreed and Fred Jones interjected that he would like to get through the capital improvement process before committing more funds to this project. Brent Tippets explained that about two months of disturbance should be planned for the separate installation of the slide. Peg Bodell asked about fund-raising efforts for the slide which were previously discussed. Kathy Kelly clarified that fund-raising and applying for restaurant tax and RAP tax funding is planned. Tom Bakaly explained that when the construction contract is bid, there may be an opportunity for the slide and completing the pool earlier by working through the winter. Fred Jones recommended that the slide be identified in the bid as an alternate feature. Mr. Bakaly added that the $7,500 difference in cost for the alternate design would come from the five year CIP Budget. Mr. Hier asked that staff provide him with the bond language for recreation on the ballot last year.

3. **Olympic legacies update.** Myles Rademan commented that in order to allow the flags at PCMR and Deer Valley and the Olympic tower in the Olympic Welcome Plaza requires code amendments, including the Land Management Code and Sign Code.

Additionally, the plaza contains two zones, the front is zoned GC and the back RDM with different height requirements, 42 feet and 28 feet respectively. LMC considerations will be reviewed by the Planning Commission. Another issue is what to budget for Olympic legacies and forming a task force was suggested at the last Council work session. In response to a question from Jim Hier, Pat Putt explained that there will be a definition of Olympic legacy displays in the definition section of the LMC and inserted in the allowed uses in different zones. There are also specific height exceptions for each zoning district. Mr. Putt clarified that the Planning Commission will also make a recommendation on an amendment to the Sign Code. Jim Hier addressed the option of sending applications to the Board of Adjustment previously discussed, and felt this is a better and more appropriate approach since hardship can't really be demonstrated. Peg Bodell believed that the language should be broader than flags and towers in the event there is an for a unique exhibit. Mr. Putt explained that this was discussed but it was felt that if there is an Olympic related outdoor display of art, there is already a provision in the LMC for public art and a process in place.

With regard to funding, Ms. Bodell felt that a task force would be helpful in formulating a budget. Mr. Hier agreed. Fred Jones pointed out that if Council is unwilling to commit more time and money to a legacy program, there is no need for a task force. The effort should be concentrated on Main Street because of the Olympic celebration. Ms. Bodell discussed the possibility of a partnership for projects with Utah Olympic Park. Council member Jones noted the importance that the task force act quickly. Bill Brown, Olympic volunteer, displayed a model he constructed of the Olympic tower in the plaza.

Marianne Cone, resident artist, suggested that visuals be installed at locations reminiscent of the Olympic experience, these could include but not be limited to competitions. The photographic plaques are fairly indestructible and quite reasonable. The Mayor invited her to participate on the task force and she agreed. Myles Rademan discussed the current Olympic plaque program.

Toni Brider, Director of the Park City Arts Council, felt there needs to be some coordination with public art. She suggested that the Arts Council be designated as the entity to review applications initially, not necessarily make final decisions. The Arts Council already has formulated and applied criteria on soliciting and selecting art. It is important that the art community be involved at the beginning of a project, which may save time, dollars and unforeseen conflicts. If the Arts Council is so designated by the City Council, it would then be eligible for more funding from federal agencies.

Bill Brown recommended that since the tower in the rear won't work because of more stringent height limitations in the zone, that the tower be placed in the center of the plaza at full height. It was pointed out that the tower height is not allowed in either zones in the plaza.

With regard to the task force, Fred Jones pointed out the importance that it have a focus. Candace Erickson added that the committee should have explicit direction of the City Council's expectations. Peg Bodell suggested that Mr. Rademan talk to some of the candidates to determine interest and a program. Mr. Rademan suggested that he explore the concept and come back to Council. The Mayor recommended that the Chamber/Bureau and other associations be involved; he received a letter from the Chamber's Board of Directors supporting the tower, other legacy projects and requesting that it be included in projects.

4. **Bus graphics.** Kent Cashel explained that in FY 2000, Council approved a capital project that would provide funding of a bus graphics program, which was delayed because of the Olympics. Last April, Council authorized a contract with Summit County for provision of regional transit and it was contemplated that the joint transit advisory board would develop and recommend a bus graphic concept. Although this is already budgeted, Council expressed interest in seeing the design. In response to a question from the Mayor about costs, Mr. Cashel explained that painting the buses costs about $3,500 where the vinyl applications have a surface life of about five years. The wraps are about $5,000 per bus over the life of the bus estimated at 12 years and the financial plan is in place. There was discussion about future acquisitions of low floor buses where riders can take their skis inside, eliminating the need for racks. The task force looked at designs that were easy to maintain, repair and identified as part of the system. The group decided against photos and other commercial-like approaches and wanted to communicate something unique about Park City. In response to a question from the Mayor, Mr. Cashel indicated that Summit County will be participating in its portion of the cost.

He continued that there will be a common graphic below the window running the full length of the bus and a variable graphic which will be placed on the back of the bus. The common graphic is a mountain theme and the variable graphics are geared toward recreation, history, and environment. The Mayor recognized support for the project among Council members, but invited questions. Peg Bodell stated that the concept is good but some images aren't historical, like panning for gold. She urged staff to include the Historical Society and the Arts Council who could provide some valuable input. The Mayor agreed with Ms. Bodell about accurately portraying our history. Mr. Cashel emphasized that these are only concepts and final proofs will be available in a month.

5. **Home owners association noticing.** Mark Harrington explained that representatives from associations in American Flag and Prospector requested that the City make issuing building permits contingent upon HOA sign-off. The Building Department has never been in favor of this but a form has been developed which is an improvement to noticing but keeps the City out of neighborhood disputes. The home owner will be required to produce a signed form from the HOA or proof of service to the designated HOA representative to the Building Department before receiving a building permit.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**AUGUST 8, 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 8, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, Assistant City Manager; Mark Harrington, City Attorney; Ray Milliner, Planner; and Kirsten Whetstone, Planner.

## II PUBLIC INPUT

April Mountain - Paul Pilzer, Aerie Subdivision resident, stated that he was out-of-town during most of July when this project was heard. He urged Council to continue a decision because condominiums don't belong in a single family neighborhood. The Mayor interjected that there have been lengthy public hearings on this and ample time to write Council. He expressed his concern that the appeal was rejected because it was submitted late. There is no money in the system to maintain condominiums, and he suggested that $5,000 a year be given to the City for upkeep on the buildings. Mr. Pilzer reiterated that the condos don't belong there and he wants more single family developments, more children in the community, and more full-time and year-round activities. See Old Business.

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

## III COMMUNICATIONS FROM COUNCIL AND STAFF

Arts Council - Peg Bodell asked for Council support to involve Tom Bakaly in working with the Arts Council. Mr. Bakaly responded that he is comfortable with that and added that one of Council's policy action items is arts. Elizabeth Swank, Arts Council, stated that they have formulated a five year plan focusing on cultural tourism, and are committed to getting grants and raising money, and not asking the City for funding. However, in order to receive state and federal grants, they must be formally recognized by the City. Ms. Bodell discussed a cultural tourism conference this Fall and urged participation.

## IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 23, 2002

The Mayor requested a motion to approve. Peg Bodell, "I so move". Candace Erickson seconded. Motion carried unanimously.

## 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 - Ray Milliner explained that the application requests a change in common area to private area for Unit 3. Staff is recommending approval after holding a public hearing. The Mayor invited the Council and the public to comment. Hearing no input, the public hearing was closed.

## 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 - Jim Hier, "I move to approve the Consent Agenda". Fred Jones seconded. Motion carried unanimously.

## VII OLD BUSINESS

The City Attorney explained the Aerie Home Owners Association has reached a settlement agreement with the April Mountain developer. The appeal of the CUP is stipulated to be dismissed with prejudice and there is an order that Council should adopt by motion.

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 - Kirsten Whetstone, planner stated that the plat is for 31 single family lots and three development parcels for future development of 39 condominium units. This property consists of 39 acres of RD zoned property and 33.9 acres of open space. A public hearing before Council was held July 18; the Planning Commission held a public hearing on June 26 and voted to approve the project with conditions. She suggested one additional condition to ensure pedestrian easements, which is reflected in Condition No. 12. Condition No. 16 was requested by the applicant that a note be added to the plat stating that no nightly rentals are allowed. Mark Harrington clarified that since it will be on the plat and not in the CC&Rs, there will be a conflict with the LMC and there are no findings on the prohibition of nightly rentals. Mr. Hier thanked Ms. Whetstone for her response to information requests during the process. Fred Jones, "I move to approve the April Mountain Subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the July 31, 2002 staff report". Jim Hier seconded. Motion carried unanimously.

2. Appeal of Planning Commission June 26, 2002 approval of April Mountain Conditional Use Permit for 39 condominium units - Aerie Owners Association - Peg Bodell, "I move that we adopt the order to dismiss the appeal". Candace Erickson seconded. Motion unanimously carried.

## 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

Janet M. Scott, City Recorder