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

AGENDA

Work Session

4:00 p.m. Council questions/comments
4:30 p.m. Pool update
4:50 p.m. Trail head progress update
5:10 p.m. Neighborhood parks
5:30 p.m. Review of regular meeting

April Mountain plat amendment
Prospector buffer strip
Rockport pipeline
Newspaper racks ordinance amendment

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

Swearing-in of Police Officer Christian Oles

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

V RESIGNATIONS AND APPOINTMENTS

Three appointments to the Library Board for terms expiring July 1, 2004

VI CONSENT AGENDA

1. Ordinance amending Title 6, Chapter 14 of the Municipal Code to authorize the relocation of News Racks

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

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

4. Award of construction contract to Red Barn Trees and Landscaping Company in an amount not to exceed $94,000

VII OLD BUSINESS

Ordinance approving a final subdivision plat known as the April Mountain Subdivision, located on Mellow Mountain Road, Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah

VIII ADJOURNMENT

Posted: 0729/02

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

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

August 2002

8 **Toby gone**

Kay gone

Rail central project

Bus graphics - work session 15 min.

15 **No meeting**

14-18 Summer Tour

22 Personnel evaluations

Ordinance - 1641 Lakeside Circle record of survey plat - RM

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

29 Old Town Needs Assessment projects - work session - CH

Ordinance - rezone Sunny Subdivision from RD to SF

DATE: July 29, 2002

DEPARTMENT: Leisure Services

AUTHOR: Kathy Kelly, Recreation Services Manager

TITLE: Recreation Pool Progress Report

TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION: No action required.

DESCRIPTION:

A. Topic: Informational update on the progress of the replacement recreation pool.

B. Background:

In June, Council approved a design and engineering agreement with the architectural firm VCBO. An aggressive time line for the design and build was agreed upon so the pool could be replaced by May, 2003 without impacting pool users this Summer. Since then, Recreation staff has worked with VCBO to prioritize design elements and produce a final proposal. Input was received from aquatics staff, pool patrons and some user groups. Priority items included a pool that would accommodate swimming lessons, aquatics classes, and draw both tourists and residents to come and enjoy open swim times in the pool.

C. Analysis:

The desire of the community and City Council is to modestly replace the existing pool which has become a liability. The budget for the project dictated much of the design; but staff is pleased with the result. The pool construction will be in the $200,000 range; the remaining $100,00 will be for pool demolition, deck construction, mechanical, electrical, architectural and engineering fees. The goal in the pool construction was to get maximum utility in replacing a failing pool, with a design and water features that would meet program needs and attract both tourists and residents.

The new pool will be constructed essentially in the same area as the existing pool. Since the slope of the pool must be no more than 10 feet per 1 foot of depth, the shallow end will be 1 foot deep instead of "zero" entry (please see attached design). The deepest section of the pool with be between 3.5 and 4 feet deep. While the lack of a 7 foot deep area will be disappointing to some of our water aerobics customers, the addition of a current channel should, according to our instructors, will result in some interesting new cardio segments of the classes. (Walking against the current is a great workout.) The current channel, or "lazy river" is also a big draw for kids and adults during open swim.

The shallow end of the pool will also have an interactive water feature: an overhead fountain that can be controlled by the swimmers.

The addition of a slide has been designated as a possible future feature. This slide, which will have a maximum height of only 8 feet, but a long run of about 60 feet, will cost about $30,000. A slide is a big tourist draw and also important to residents, so the goal is to raise enough money over this winter to add the slide before the pool's grand opening next summer. Funding could be sought from restaurant sales tax, RAP tax, and through fund raisers.

Pursuant to Council direction, Staff has also shown additional locker room facilities that could be added in the future.

VCBO and Curtis Engineering are currently finalizing plans and preparing to go out to bid for construction. Staff will, hopefully, return to Council on August 29 for approval of the construction contract so that construction can begin shortly after Labor Day.

Due to the tight time line, the pool design was reviewed by the Racquet Club Sub-committee of the Parks, Recreation and Beatification Board and the Chair of the Board, but not by the full Board. Subcommittee members had questions about the curved design of the pool. Based upon comments from the subcommittee, a formal ADA accessible entry point to the pool will be added to the design.

Soil sample testing has already been completed. Staff has also had meetings with the Building and Planning Departments. The Health Department will oversee much of the project, and initial contact has also been made with them.

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

E. Alternatives: This report is for informational purposes. Staff is planning to have design and engineering work completed within two weeks. If Council does not wish to proceed with this design or something close to it, then the pool replacement will need to be delayed another year or the recreation pool will be under construction during the Summer of 2003. This would greatly impact pool users and Racquet Club revenues.

F. Significant Impacts: Funds for this project in the total amount of $300,00 are in the CIP budget. Funds were unexpectedly available for this project due to the strong financial performance of the Olympics and unrealized negative impacts to 2002 City revenues due the events on September 11, 2001.

Attachments

Design of Pool

DATE: July 26, 2002

DEPARTMENT: Office of Capital Management and Budget

AUTHOR: Linda Cook and Matt Twombly

TITLE: Trail Head Work Plan

TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Review the following work plan for trail head implementation and related trail amenities and provide comment or additional direction for staff and the Parks, Recreation and Beautification Board.

DESCRIPTION: Staff presents this work plan as an informational item to Council. The Parks, Recreation and Beautification Board has approved the work plan. Staff stands ready to implement the plan in light of Council comment.

A. **Background**: The City Council has placed a high priority on the development of trail heads in conjunction with the integrated trail system. The Council approved the development of trail heads as a priority component of the Trails Master Plan in January of 2001. City staff and the Parks and Rec Board, with the Snyderville Basin Trails Coordinator and Mountain Trails Foundation staff are concentrating on trail head development as a regional approach to create consistency in look, postings and wayfinding information displays. This work plan is offered for discussion of recommendations, priorities, opportunities, Parks and Recreation Beautification Board review, Planning Commission review and City Council progress updates. As the plan evolves and takes shape with fiscal considerations and process approvals, sections of the plan will be formally presented to the various approval entities.

B. **Analysis**: It's anticipated that several of the recommended sites will require various levels of approval from the City Engineer, Planning Dept. staff and the Planning Commission where zoning constraints apply and must be conditionally approved. The County and the Snyderville

Basin have been very cooperative in approving prior sites that complement the look and wayfinding for the quickly developing regional trail system. Initial progress has been made on City-owned property both within and outside the City limits and staff will be discussing trail head possibilities with related land owners such as United Park City Mines, Park City Mountain Resort, Deer Valley Resort and private property neighbors where questions arise.

C. Department Review: Office of Capital Management and Budget
City Manager
Police Chief
City Engineer and Community Development Department

ALTERNATIVES:

A. Approve the Request: Review and comment on the work plan and direct staff and the Parks and Rec Board to pursue as many sites as possible this year.

B. Modify the Request: Modify any element(s) of the work plan or initial recommendations and instruct staff and the Parks and Rec Board to modify future plans accordingly.

C. Continue the Item: Review and discuss at a later date, allowing that staff should continue to pursue Parks and Rec Board recommendations until such time as the item can be discussed.

SIGNIFICANT IMPACTS: Associated costs for trail heads and related amenities will be covered by the Trails Master Plan capital account. Should the opportunity arise to improve a trail head or site under circumstances that require additional funds for easement acquisition or minor lease (or some other unforeseen circumstance), staff will provide detail to the Parks and Rec Board, Planning Commission and/or Council for final determination. Each recommended site will be evaluated on its own merits and a cost/benefit analysis will assist in determining the extent of funding necessary and prudent to complete the improvements.

All current and future projects will be evaluated in terms of future maintenance and Public Safety factors. The estimates for future maintenance will be included in the entire project cost; likewise, Public Safety evaluation will allow staff to be proactive with neighborhood concerns, potential health and safety problems that might be mitigated by design, and allow the police force to formulate staffing plans when projects create additional resource impacts, such as, parking, signs/notices, animal control, safety, allowed uses or prohibitions, emergency services / law enforcement access, etc.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Staff and the Parks and Rec Board are providing a progress report and work plan for trail head implementation previously approved. Unless Council would like to see a dramatic deviation from the work plan as presented, there should be no negative consequences of minor changes, additions or site deletions as suggested by Council. There are currently no sites or amenities that are in danger of being compromised because of lack of immediate attention. Nor does progress to date preclude an opportunity to modify.

RECOMMENDATION: Review the work plan and discuss any areas of concern or priority. Staff will work with the Parks, Recreation and Beautification Board to implement the plan with any Council modifications.

2002 - 2003 Trail Head Development and Related Elements - Projected Work Plan

I. Purpose

The City Council has placed a high priority on the development of trail heads in conjunction with the integrated trail system. The Council approved the development of trail heads as a priority component of the Trails Master Plan in January of 2001. City staff and the Parks and Rec Board, with the Snyderville Basin Trails Coordinator and Mountain Trails Foundation staff are concentrating on trail head development as a regional approach to create consistency in look, postings and wayfinding information displays. This work plan is offered for discussion of recommendations, priorities, opportunities, Parks and Recreation Beautification Board review, Planning Commission review and City Council progress updates. As the plan evolves and takes shape with fiscal considerations and process approvals, sections of the plan will be formally presented to the various approval entities.

II. Plan Elements

The plan elements provide for a 2002 Time line, overview of recommended and potential sites, review of recommendations and public input/neighborhood requests, prioritization of projects, zoning and land use permits, trail head parking areas and related amenities on a site specific basis, review of opportunities to acquire or lease additional space, and project funding and approval.

“Trail heads”, in the most general sense, will either provide access to a particular trail or loop, with or without parking, or will provide interim trail information at logical junctions or trail segments. The signature landmark feature is a trail “kiosk”. To be used throughout the Basin and the City, each kiosk includes a display sign mounted on 8X8 wood posts with an inverted V overhang roof. The 36"x48" display area, suitable for maps and other trail use information, is covered with plexiglass. Map dispensers can be affixed to the posts. The design is reminiscent of an old rail stop and should be readily identifiable throughout the regional trail system.

The Board and staff are paying particular attention to the cost/benefit of related amenities that will cause a direct increase in maintenance costs. Restrooms, for instance, no matter how simple, create a new regular maintenance issue. Likewise, defined parking areas must be maintained, in some cases resurfaced, on a regular schedule. Staff is proposing the most simple concept in every case. Where additional amenities are approved, the Parks Department will be consulted for maintenance estimates that will be incorporated as a true cost for any given site.

Parking for trail heads will be reviewed on a site-specific basis. Priority will be extended to potential sites that can relieve problems on streets or right of ways, e.g. staff is currently seeking approval for trail head parking on Meadows Dr. just east of the intersection with Hwy 224. A small pull-out area already serves as fishing access. It could be improved and delineated for at least 4 parking stalls adjacent to a trail kiosk. The site not only provides access to the McLeod Creek trail but is sufficiently close to the underpass to direct trail users to the Farm or Quarry Mountain thereby relieving pressure from Aspen Springs or the Hwy 224 ROW and entry corridor. The state's Division of Wildlife Resources owns the small site and have been contacted for approval of shared use. Further site detail is available below.

Trail head parking is treated in the Land Management Code. Within the City limits, a parking area greater than 4 delineated stalls must be hard-surfaced and provide area lighting. Each site must be evaluated on its own merits given these LMC standards. The McLeod Creek trail head, while suitable for parking, would likely not be appropriate with lighting. Conversely, the old Chamber/Bureau information space on Hwy 224 (part of Richards acquisition) is ready-made for ten parking spaces, is already paved and is lit per its prior use. This site like McLeod Creek will alleviate pressure from the Farm right of way. However, it also illustrates the merits of site evaluation and the range of impacts that the scale of parking and lighting will have on an area. Some sites only require administrative approval by Planning staff. Others with zoning issues or scale standards must be formally reviewed by the Planning Commission and the City Council may have particular interest in any given site. Given that we don't have any experience with the trail head standards in the LMC, the CUP applications for the proposed sites should give both staff and the Planning Commission an opportunity to test the practical applications of lighting and paving on a case by case basis.

Cross-walks will need to be addressed in conjunction with some trail head sites. In addition cross-walks are likely part of a greater discussion of traffic calming around the entire town and will be a Council policy issue currently under study by the Public Works Dept. The City Engineer has requested that cross-walk locations be comprehensively identified for Park City and prioritized such that they can be evaluated by a uniform traffic study which warrants a site. In conjunction with trail heads and prior recommendations of the Parks and Rec Board, cross-walks will require an official study city-wide. As part of the traffic calming study on Holiday Ranch Loop Road, the engineering firm of Fehr and Peers will study the need for a pedestrian crossing at the Snow Creek/McLeod Creek trail.

The Parks, Recreation and Beautification Board, with staff, has identified at least six trail head locations, identified below, for which staff has entered conditional use applications for administrative approval. Those locations requiring Planning Commission approval will be forwarded by Planning staff. Four kiosks have been placed in coordination with the Basin/County - at the entrance to Round Valley near the National Abilities Center; at the Old Ranch Road trail head; at the entrance to Round Valley (the McMillian acquisition) off Round Valley Way above Park Meadows; and at Quarry Mountain where the trail diverts from highway 224.

III. Time Line

July/August 2002

A. Distribution and Review of Work Plan for consistency with prior Council approval to the Parks and Rec Board regarding the Trails Master Plan.

B. Informational progress report to Council

C. Overview of Parks and Rec Board Recommendations

4. Consideration of Funding Possibilities - the Trails Master Plan Capital account will likely suffice to cover work plan projects for 2002.

5. Consideration of optional trail head amenities - maps and other postings, signs, crosswalks, restrooms, water, trash receptacles, dog waste scoopers

July thru October

Possible Public Input Mechanisms

Area notices where conditional use permits are required
Community or Neighborhood Design Review Information Meetings
Optional Public Information Meetings conducted by Parks and Rec Board
Required Public Hearings - Planning Commission, City Council

July thru October

1. Creation of Concept Renderings for Approved Projects - if necessary
2. Approval of Concept Renderings
3. Determination of Site Mitigation
4. Permit Process - internal and external
5. Production of Construction Documents - engineering, grading, landscaping if necessary
6. Probable Cost Estimates or Bid of Approved Projects
7. Determination of Future Maintenance Costs
8. Coordination of site amenities with Parks Department
9. Bid and Construction unless in-house project feasible

IV. Sites Currently Under Review - see attached site plans

Tier 1

1. Round Valley Way Trail Head - Access to Round Valley above Park Meadows into the City's McMillian acquisition. Access off a City street with trail head kiosk and parking area of eight stalls in County ROS. County does not require paving or lighting for the site. Motorized vehicle access beyond trail head will need to be prohibited with fence or boulders.
2. McLeod Creek Trail Head with four parking stalls
3. Hwy 224 Farm Trail Head (west side between Thaynes and Aspen Springs at old Chamber/Bureau Visitor Info kiosk) with ten parking stalls
4. The Cove / Rossman Trail Head with four parallel parking stalls

Tier 2 - to be reviewed in next round

5. Daly Canyon Trail Head - with UPCM approval?
6. PCMR Spiro Trail Head - with PCMR approval
7. The Farm Trail Head - where trail crosses the Farm Access Rd.
8. Prospect Ridge Trail Head - above Hillside Ave.

V. Proposed Site Evaluation Criteria

To be determined by subcommittee

DATE: July 26, 2002

DEPARTMENT: Office of Capital Management and Budget

AUTHOR: Linda Cook and Matt Twombly

TITLE: Parks Bond Work Plan and Property Disposition Matrix

TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Review the work plan and the property disposition matrix and provide Council direction as to the issuance and use of municipal bonds for parks and park improvements.

DESCRIPTION: Proposed work plan and City property disposition matrix

A. Background: In anticipation of the 2001 voter-approved recreation bond issue, this work plan is offered for discussion of priorities, appropriate methods of garnering public input, Parks and Recreation Beautification Board review, Planning Commission review and City Council review.

B. Analysis: The plan is ordered to ensure consideration of the following elements: 2002 time line; review of properties; review of recommendations and public input/neighborhood requests; interim funding and review of bond parameters; parks evaluation criteria; prioritization of projects; review of opportunities to acquire or lease park space, especially in the Old Town core; and project funding and approval. The Parks, Recreation and Beautification Board is poised to make some initial recommendations for parks and park improvements. These recommendations can be formalized in the near future if Council is comfortable with this plan. Staff requests direction based on Part VI. Questions for Council Consideration enumerated at the end of the plan. There is a certain danger in forging too far ahead in recommending a park use for a property that has several other use options. Council direction is requested so that the Parks and Rec Board and staff aren't working at cross purposes.

C. Department Review: Office of Capital Management and Budget

City Manager

Community Development

City Engineer

Police Department

Leisure Services and Parks Department

ALTERNATIVES:

A. Approve the Request: Provide Council direction for project action to take place this year and discuss appropriate properties.

B. Deny the Request: Consider an alternate time line that delays parks projects and bond proceeds until Spring 2003.

C. Continue the Item: In light of initial Board recommendations, these issues could be continued or further discussed until September 1, 2002. Beyond that date, the feasibility of any park project completion this year is unlikely.

SIGNIFICANT IMPACTS: The major impacts have to do with the proportion of the bond proceeds to be devoted to parks in conjunction with an ice facility, the timing of the bond issuance, interim funding if necessary, and the optional uses of particular properties that could become parks.

All current and future projects will be evaluated in terms of future maintenance and Public Safety factors. The estimates for future maintenance will be included in the entire project cost; likewise, Public Safety evaluation will allow staff to be proactive with neighborhood concerns, potential health and safety problems that might be mitigated by design, and allow the police force to formulate staffing plans when projects create additional resource impacts, such as, parking, signs/notices, animal control, safety, allowed uses or prohibitions, emergency services / law enforcement access, etc.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The Parks, Recreation and Beautification Board is ready to forward several parks recommendations for Council approval. The timing of Council decisions in this matter allow staff and the Board to plan the remainder of the project season.

RECOMMENDATION: Council should consider the questions posed in the work plan and provide direction as to the extent and timing of parks projects this year. The property disposition matrix is meant to provide an overview of relevant City properties so that Council can include or set aside priority properties in the discussion of park space recommendations.

2002 - 2003 Parks Improvements Projected Work Plan

I. Purpose

In anticipation of the 2001 voter-approved recreation bond issue, this work plan is offered for discussion of priorities, appropriate methods of garnering public input, Parks and Recreation Beautification Board review, Planning Commission review and City Council review. As the plan evolves and takes shape with fiscal considerations and process approvals, sections of the plan will be formally presented to the various approval entities.

II. Plan Elements

The plan is ordered to ensure consideration of the following elements: 2002 time line; review of properties; review of recommendations and public input/neighborhood requests; interim funding and review of bond parameters; parks evaluation criteria; prioritization of projects; review of opportunities to acquire or lease park space, especially in the Old Town core; and project funding and approval. The Parks, Recreation and Beautification Board is poised to make some initial recommendations for parks and park improvements. These recommendations can be formalized in the near future if Council is comfortable with this plan. Staff requests direction based on Part VI. Questions for Council Consideration enumerated at the end of the plan. There is a certain danger in forging too far ahead in recommending a park use for a property that has several other use options. Council direction is requested so that the Parks and Rec Board and staff aren't working at cross purposes.

III. Time Line

July/August 2002

A. Distribution and review of work plan and City Property Matrix

B. Identification of Council concerns regarding alternate uses of properties

C. Review of Parks and Rec Board initial recommendations for park improvements and future sites.

4. Consideration of funding possibilities - interim funding for approved projects prior to bond issuance; bond parameters and terms
5. Approval of site specific evaluation criteria
6. Possible resolution to allow City to be reimbursed for current project costs from future bond proceeds

July thru September

Possible Public Input Mechanisms

A. Outline of property use options to Council
B. Parks Dept. Neighborhood Picnics - questionnaire to residents
C. Community Visioning Meetings with Myles Rademan
D. Community or neighborhood design review information meetings
E. Optional public information meetings conducted by Parks and Rec Board
F. Required public hearings - Planning Commission, City Council
G. Summarize public input

August/September

A. Update to Council or presentation of additional recommendations

August thru October

1. Creation of concept renderings for approved projects - if necessary
2. Approval of concept renderings
3. Determination of site mitigation
4. Permit process - internal and external
5. Production of construction documents - engineering, grading, landscaping if necessary
6. Probable cost estimates or bid of approved projects
7. Determination of future maintenance costs
8. Coordination of site amenities with Parks Department
9. Bid and construction unless in-house project feasible

IV. Initial Parks and Recreation Beautification Board Subcommittee Recommendations / Prioritization *The Board will forward recommendations for park space that could be considered for an entire property or part of a parcel (at Council's discretion) based on alternate or joint land use.*

1. Sewer Treatment Facility Site - concept drawings for community park to incorporate trail head / park parking and mixed use, passive neighborhood park with possible native plants garden and/or community garden.
2. Prospector Neighborhood Lot - improve to neighborhood park with green space, maintained area with benches
3. Racquet Club Northeast Lawn - improve to neighborhood park; add benches and/or picnic tables and amenities
4. Shortline Parcel (N/E corner of Shortline x Deer Valley Dr. next to Frontier Bank) - improve to neighborhood park or annex as part of the City Park Master Plan for basketball courts or similar use.
5. City Park Improvements - under separate process and as approvals dictate.

V. Proposed Project Evaluation Criteria

1. Is the proposed site suitable for a public park?

2. Are there higher or better alternative uses that outweigh park space for the site?
3. Does any potential site mitigation factor favorably for park space as opposed to alternative uses? - or does likely site mitigation render the site unsuitable for park space because of cost/benefit analysis?
4. Are the proposed park improvements and amenities otherwise affordable in light of opportunity costs associated with other sites?
5. Is the time frame for improvements in line with funding and the burden of other capital projects?

VI. Questions for Council Consideration

1. Has the Council pre-determined a general amount of the bond issue that should be devoted to developing / improving park space?

2. Is there an opportunity to acquire additional property or easements for park space under the bond parameters?

3. Should any of the bond proceeds be used for City Park improvements, where existing capital funds are already programmed; If so, how much?

4. Has Council determined any site or neighborhood priority areas?

5. Upon review of the Property Matrix, can Council identify suitable properties for which staff can proceed with park planning?

6. Upon review of the Board's initial recommendations and/or the property matrix sites where parks are a viable option, does Council wish to remove any potential sites from consideration at this time?

7. Would Council like to propose a process for reviewing the Board's pending formal recommendations?

8. Does Council wish to define a public art component for approved projects and is that compatible with the terms of the bonds? If so, the Parks, Recreation and Beautification Board would like to continue to be a reviewing board in the process of site selection, design review and art selection. The Board would like to form a Beautification subcommittee to initially review all public art proposals pertaining to parks and trails regardless of the source of the proposal.

PARK CITY WORK SESSION NOTES

SUMMIT COUNTY, UTAH

JUNE 27, 2002

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

Toby Ross, City Manager; Frank Bell, Director of Olympic Planning; Mark Harrington, City Attorney; Jerry Gibbs, Public Works Director; Patrick Putt, Planning and Zoning Administrator; Tom Bakaly, Assistant City Manager; Colin Hilton, Contract Consultant; Kevin LoPiccolo, Planner; Kathy Kelly, Racquet Club Manager; and Bob Johnston, Leisure Services Director

Rory Murphy, United Park City Mines Company; Gary Lawton, Prospector Park Association; Kevin Callahan, Summit County Public Works Director

Absent: Council member Kay Calvert

1. **Council questions/comments.** The Mayor and City Attorney presented a plaque and a gift to retiring Director Frank Bell, noting his 20 years of service to the City. Mr. Bell served as Chief of Police from 1982 and Director of Olympic Planning from 1997 and is taking a position as the City Manager in Crested Butte, Colorado.

Peg Bodell reported on the interagency meeting held this week, where school bus service was explained. She pointed out the importance of designing walkways and bus stop areas for children. There is an opportunity for wastewater pilot programs through the Snyderville Basin Reclamation District and there was a report on the $173 million state budget shortfall, and the legislature is considering cutting road funds. She continued that Summit County will send a copy of its fireworks ordinance to the City. Candace Erickson referred to a letter from resident Linda McReynolds complaining about the condition of Norfolk Avenue. Jerry Gibbs explained the process in scheduling street repairs, and the pothole will be repaired in the next two weeks. Many Old Town are not a part of the pavement management program because they have a pavement quality less than four, requiring reconstruction. The Mayor added that he received letters regarding properties that should have a larger meter for irrigation and don't, which places them in a higher block rate. Jerry Gibbs explained that owners decide the meter size at the time of installation and equalizing multi-family reflecting a per unit basis would compare to single family; this is a Council policy decision. (See discussion later during work session on water rates.) Mayor Williams continued that he and the City Manager met with the developers proposing a medical campus in the Quinns Junction area. They were informed of the inter-local planning agreement with Summit County to study Quinns Junction which should be completed before discussions are initiated on the project.

In response to a comment made by the Mayor, Pat Putt stated that the Wasatch County Planning Commission approved the Bonanza Mountain Resort prompting subsequent concerns from the public about a 40,000 square foot lodge. The development agreement with regard to Bonanza Mountain sets forth parameters including 280 unit equivalents for residential development and in addition, there is provision for a 20,000 square foot club house, and 75,000 square feet of commercial. The 40,000 square foot lodge is a condominium which is debited against the 280 unit equivalents. Rory Murphy of UPCM indicated that he spoke with an interested constituent to clarify the project, noting that it isn't the club house project.

Peg Bodell discussed a Chamber/Bureau marketing concept targeting males from 18 to 25 years old, specifically an ad that she felt was in poor taste. She asked that other members take a look at it as she would like some feedback. The City Recorder reminded Council of a social hosted by the Summit County Commission on Wednesday, July 17.

In response to a question from Jim Hier regarding appeals on April Mountain, the City Attorney explained that he is working with both parties to determine a time line for the various actions on this project. The plat amendment and determination of the timing of the MPD appeal will be scheduled on July 11, and all three items, including an appeal of the CUP, will be scheduled for consideration on July 18.

2. **Traffic calming.** Jerry Gibbs stated that traffic calming has been a project since 1999 and at that time, Council was presented with a draft policy. This was prompted by a number of citizen requests dealing with traffic problems. Ultimately, Council decided to take an informal approach rather than formally adopting a policy. As a result, situations are examined by staff on a case-by-case basis by him, the City Engineer, and a representative from the Police Department to formulate tests and solutions. A number of traffic calming studies have been performed as well as the installation of temporary speed humps on Holiday Ranch, Solamere and Buffalo Bill. It was discovered that the speed humps on Holiday Ranch slowed down drivers, but created a noise nuisance for the adjacent neighborhood. There were multiple vehicles traveling in excess of 70 mph. Last year, staff developed a median plan including landscaped containers and striping which was effective. This year staff will meet with the neighborhood to develop a plan for three medians.

The policy before Council today proposes setting up a technical committee or citizen advisory committee and Colin Hilton would be the City contact. Fred Jones felt that the citizen advisory committee would be more broad-based while most problems are unique to a neighborhood. Formulating solutions specific to a neighborhood is the correct approach and asked if the process is working without a formal policy.

Mr. Gibbs explained that when there is a call, staff decides if it can be resolved by signing or striping. Under the policy, a response would require more than one person in a neighborhood; five residents must agree on identified problems. Fred Jones felt the involvement is constructive as buy-in is important. The Public Works Director discussed the first phase involving petitioning the City and the next step is to meet with the neighborhood to identify the scope of options. A study is then conducted and a meeting is again called with the residents for consensus on proceeding with the action(s). Fred Jones reiterated the importance of obtaining buy-in from the neighborhood and not just responding to one caller. There was discussion about informing neighborhoods about this process through home owner associations. Peg Bodell suggested researching police records to identify traffic issues throughout the City and Mr. Gibbs believed that if residents were aware of the traffic calming policy, there would be participation. The Mayor felt that proactive marketing, like public service announcements, would be helpful. Jim Hier asked the downside of adopting a formal policy. The City Manager explained that the current process is more liberal and Peg Bodell interjected that a formal process is more objective than just reacting to complaints. Mr. Gibbs concurred with an earlier comment made by Council member Hier regarding the timing of an application as initiation of the process in the spring may result in a more prompt solution. The Streets Department is scheduled for a variety of projects in July and August. He is hopeful that a formal process will accommodate scheduling and responsiveness. The City Manager added that once identified, traffic calming projects can be considered as a part of the budget review process every year. Council concurred to proceed with a formal policy and it was relayed that $95,000 is in place for the program. There was discussion about blocking driveways with medians and avoiding landscaping maintenance. Follow-up meetings with neighborhoods are necessary to ensure that everyone's expectations are consistent.

Gary Lawton explained his frustration in dealing with traffic issues on Buffalo Bill and Sidewinder for three years. The neighborhood has stopped calling the Police Department and residents are actually chasing offenders. There are motorists traveling 30 mph through stop signs. Speed bumps were installed on Buffalo Bill, but speeding isn't the problem. The problem is running stop signs and he didn't think things will change unless there is more enforcement and that can't be solved by adopting policies. Mr. Lawton emphasized that the neighborhood's safety issue needs to be addressed now but suggested a temporary solution. To encourage slower speeds when approaching the intersection, install speed bumps 50 feet before the stop sign. He asked who is going to take responsibility for a death? The neighborhood needs help now and following the policy will take too long. Being a resident in the area, the Mayor felt Mr. Lawton's idea is reasonable. There was discussion about the no-left hand turn traveling west on SR248 onto Buffalo Bill Drive and compliance when there is a police car in the area. When the police are not there, drivers will travel through Buffalo Bill and other side streets to cut time on their commute. He believed that these may very well be the people speeding through stop signs and very little is going to provide disincentives to them to slow them down unless there is an enforcement aspect. It's doubtful that obstructions other than a gate, will keep them from speeding through the neighborhood. The Mayor directed staff to test Mr. Lawton's suggestion. Mr. Gibbs agreed and added that traffic counts should be conducted before after a traffic calming device is installed. Peg Bodell volunteered to help monitor the intersection.

3. **Old Town Needs Assessment Study.** See staff report. Tom Bakaly discussed studies completed for Old Town including a 1993 streets analysis and the Downtown Action Plan. As a result of UPAPA's request to underground utilities, the Council directed the production of an Old Town Needs Assessment Study where other areas are addressed like Main Street and the Marsac Avenue neighborhood. The study is budgeted at $200,000 for consultant and technical costs. He added that the HMBA has made a request to the City to maintain the white lights installed on buildings on Main Street for the Olympics at an estimated cost of $20,000 a year, which could be folded into this analysis.

Colin Hilton stated that the study will research, examine, publicly discuss and prioritize capital needs projects for Old Town. The boundaries encompass the Historic District designated on the zoning map and lower Park Avenue from Empire and Deer Valley Drive. Priority projects will be based on an evaluation process factoring costs, scheduling, funding sources, public preferences, imminent infrastructure needs, and professional recommendations. Funding options would also be presented as well as policies for evaluation and approval of capital projects. He added that he is the project manager for the process with the assistance of professional consultants. The plan includes reviewing costs, prioritize and investigating financing options for streets, sidewalks, storm drainage, sewer, water, and utility reconstruction; and lighting, and pedestrian-friendly enhancements. The second major area is to review recent parking studies to enhance parking capacity in the Old Town area, identified as the number one priority of the HMBA. Conceptual drawings for a parking facility north of the China Bridge lot, contemplated by the 1996 Wilbur Smith, will be produced. Mr. Hier expressed concerns about proceeding with designs for a parking structure without fully exploring other options. Mr. Hilton responded that parking data is being collected and will be examined before moving ahead with conceptual drawings of a parking structure which will helpful to facilitate discussions with the public. Mr. Hier emphasized that spending $55,000 on the parking structure is too much and Mr. Hilton pointed out that it will also include traffic circulation and traffic calming projects. With regard to under-grounding utilities, it is proposed to only project costs for all neighborhoods, not to actually proceed with construction/design drawings. There may be additional qualified capital projects identified during the public process which would be included in the final report. It is anticipated that this phase would occur in July and August and the public and interested groups would have an opportunity to review the analysis of these capital projects produced internally and with consultants. Council would review this list and approve proceeding with RFPs with a target date of November 1 for completion of the Old Town Needs Assessment Study.

Fred Jones stated that he believes this is a good outline and strongly encouraged Mr. Hilton to utilize previous studies and available information before embarking on new studies. Colin Hilton agreed that there is a lot of information readily available but sees a need to engage some professional cost estimating for under-grounding utilities and a parking structure. The Mayor felt that the benefits of eliminating paid parking should be included, i.e., selling the meters and a cost analysis of returning customers to Main Street. Colin Hilton understood from meeting with the HMBA that they were more interested in enhancing the number of parking spaces than debating the paid parking issue, and the Mayor commented that that is not what he is hearing. The parking system demands a lot of money for maintenance and enforcement and he is not convinced of its financial viability. The City Manager explained that the study will not focus just on a parking structure as a solution, and there is a lot of current data and information on parking meters. Moving away from paid parking is essentially another project which has cost implications. Fred Jones believed that funding a parking structure through paid parking is probably a discussion that needs to occur in this study. Peg Bodell expressed that programming is extremely important to maintain the synergy of the district and Colin Hilton pointed out that this process is bringing groups together like UPAPA and the HMBA and there may be multiple benefits from conducting this study.

4. **Extended recycling and hazardous waste program.** Summit County Public Works Director Kevin Callahan explained that when BFI was retained in 2000, a pilot program for curbside recycling was initiated. The Commission desires to expand the program and invite a City Council representative to serve on a task force for the next two and a half months. BFI has proposed changing to an automated curbside recycling system with a single container but would like to obtain more community input before implementing the program. Currently there are 2,000 households served and it is felt that 3,500 could be accommodated with an automated system. He added that Summit County is still working with an allocated budget of $100,000, but an automated system is significantly more efficient. There will be

marketing to promote the program and options for recycling to fit customers' individual needs which are the keys to success.

In March, the Summit County Commission adopted a storm management plan, including household hazardous waste collection at the landfill. There have been initial discussions to provide quarterly collections at various locations and this will be paid for by imposing a tipping fee. In response to a question from Peg Bodell about these efforts impacting Recycle Utah, Mr. Callahan explained that this will also be examined by the task force in discussing the overall transition. Mayor Williams volunteered to serve on the committee. In response to a question from Candace Erickson about the effectiveness of the current curbside program, Mr. Callahan explained that about 24 tons a month are collected. However, the program has not been promoted; there is about a 55% participation rate and there is a lot of room for growth.

5. Review of regular meeting.

Nutriceutical application. Kevin LoPiccolo explained that the applicant is requesting Council consideration of an amendment to the RDM zone which would allow an office as a primary use, currently it is a secondary use. A fiscal analysis has been prepared by Tom Bakaly, as requested by Council. Mr. Bakaly distributed more current financial information. Jim Hier pointed out that this is a land use consideration and not an economic development issue. The Mayor understood that there could be a variance for the parcel and the City Attorney emphasized that a use variance would be illegal and this is the proper approach. Fred Jones agreed with Mr. Hier's comments. Mr. LoPiccolo noted that there will be a formal presentation at the regular meeting and described the amendment to the RDM section of the Code relating to a footnote change. Fred Jones recalled that the footnote was added after Saddleview was built and occupied, and the footnote was added for a good reason. Mr. LoPiccolo acknowledged that the intent of the RDM zone is to maintain a residential component along the entry corridor and to discourage strict commercial uses and the Planning Commission found that the application did not comply with the General Plan. Fred Jones commented on the difficulty on controlling the intensity of office use, and Mr.

LoPiccolo added that Nutriceutical plans on the building being its corporate headquarters. Mr. Jones warned that the allowed use will remain after Nutriceutical is gone.

Water rate fees. Jerry Gibbs distributed an amended fee resolution reflecting meter sizes that were inadvertently omitted from the document. He reported that he checked out the Four Lake Village situation and the new rate structure will increase their costs by 24%. However, there is provision in the Code for him or the City Manager to review special requests and grant up to a 20% reduction if justified for unique circumstances. Adjustments can be made by analyzing base rates and meter sizes and applying the appropriate rate, which has been the argument expressed by multi-family projects. Fred Jones stated that greater equity for users and promoting conservation should be our goals but didn't feel that multi-family is equivalent to single family by virtue of land use, and treating them the same may not be fair to single family. Both sides need to be evaluated to reach our ultimate objective of not draining the tanks. Ms. Erickson added that affordable housing projects, like Silver Meadows, should be given some consideration and Mr. Gibbs believed the rate amendment will result in about a 5% increase.

Racquet Club pool. Kathy Kelly explained that five formal proposals were received from the RFP for architectural and design services and the committee selected VCBO. She corrected the amount on the agenda from $22,500 to $22,800. In response to a question from Jim Hier, Ms. Kelly indicated that the staff report includes review criteria, including cost, creativity, past projects, customer service, etc. The RFP stated that the cost for the total project is $300,000 and bidders calculated costs in a variety of ways. The City Attorney added that rankings of bids are available for the Council to inspect, but not the general public. Jim Hier felt that advertising the cost of the project may not be the proper way to proceed with the project, and Ms. Kelly explained that staff is not sure what $300,000 will get us; some companies were reluctant or unwilling to bid on a small project like this. Once the design is completed, bids will be let for the construction of the pool. Bob Johnston explained that staff felt it important to disclose cost parameters to designers, especially given the tight time-frame. The City Manager explained an alternative process where components are bid separately to attempt to control costs. Peg Bodell stated that meeting the time line is important to her. The architect from VCBO assured Council that the time line is attainable.

Other Consent Agenda comments/questions. None. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

JUNE 27, 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, June 27, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Candace Erickson, Jim Hier, and Fred Jones. Kay Calvert was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Kevin LoPiccolo, Planner; Jonathon Weidenhamer, Planner, Brooks Robinson, Planner; Jerry Gibbs, Public Works Director; and Tom Bakaly, Assistant City Manager.

II PUBLIC INPUT

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

Fireworks ban - Jerry Farley stated that he is a lobbyist for American Promotional Events who contracts with Dan's Foods, Albertson's, Smith's Foods, and Wal-Mart and represents clients in several states. Through a combination of actions by the City and Summit County, his client and their customers have been prohibited to sell state legal fireworks. His visit last year was unproductive and he hoped it would be different in 2002. All four retail locations applied for and received their state licenses in a timely manner. City permits were applied for on May 3 and as of yesterday, none have been issued and state law specifies that sales may begin on June 20. Both local and corporate representatives of Dan's and Smith's have expressed to him their problems with Park City over the years, making it difficult to impossible to sell fireworks. He discussed citations issued to Dan's and Albertson's for not having permits and expressed that he believes the ordinance adopted by Summit County is not legal and that neither the County or the City has the authority to prohibit sales or possibly even use. Mr. Farley stated that his clients will not sell fireworks. This has damaged their reputations within the community and has damaged them economically. There will be fireworks in Park City purchased *up the road*. American Promotional Events is the one company in the United States that has a continuous record of over 50 years to work with elected officials for safe use of fireworks, but that's not going to happen. He will leave but will obviously consider options and has mailed a registered letter to the City regarding the non-issuance of permits and authority to prohibit sales and use. His legal council is quite confident it could, but will not force the sale and use of fireworks in the City this year because it's too late. From this time forward *you're going to have a hard sell with me* because this is the second time. In his 22 years of representing this company, this is the only time actions of this nature have continued and he thought Park City could be different. Mr. Farley stated that his clients will do what is in their best interests, possibly legally and legislatively. He could have been a partner in preventing the sale of illegal fireworks, but that's not possible now.

Peg Bodell asked if he was successful in talking with anyone at the City. Fire Marshal Ron Ivie responded that he worked with Mr. Farley this year and last year on the same issue. Danger from the extraordinary drought conditions should be quite clear and he believes the City has statutory standing and he simply doesn't. Last year, there was discussion about a legislative solution, but with the shortened legislative session, this bill was never considered. This still needs to be done to clarify criteria. Mr. Ivie added that the City doesn't want to restrict their product, but must consider public safety first and act responsibly which is to prohibit the sale and use of fireworks and other ignition sources within the City boundaries of Park City. Although Mr. Farley made application for the locations in the City within the time prescribed, the City didn't process those permits waiting until a decision was made about the ban. The weather forecast is for hot temperatures, dryer than normal and Mr. Ivie discussed the wildfires in the West in the same environmental conditions. The ban has only been imposed twice in 20 years. He reiterated that he believes that a ban is the right thing to do but will support Council's direction. Mr. Harrington explained for the benefit of the Mayor, that Mr. Ivie's order will proceed without Council action. He added that the Legal Department worked with the Fire Marshal to ensure the order was effective in the event of a legal challenge. Fred Jones stated that he is in full support of Mr. Ivie's order and agreed with being very cautious. He understood economic damage, but it is Council's responsibility to take a longer economic view and a fire will have a much larger economic impact on all of us, than the second year of not selling fireworks. We must minimize the exposure as much as possible. Peg Bodell stated she agrees with Mr. Jones. Mr. Ivie clarified that he didn't want to issue permits and then rescind them, and the delay in the process was intentional. There will be a fireworks display on July 3 at Deer Valley and July 4 at PCMR. Jim Hier also supported the Fire Marshal's decision.

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a plat extension for combining lots in Block 52, Park City Survey, Park City, Utah, located at 128 - 134 Ontario Avenue - Mark Harrington disclosed that Kay Calvert is one of the owners, but is absent this evening. Kevin LoPiccolo explained that although the staff report requests six months, the applicant is asking for a one year extension in order to work out details with the adjacent property owner. Mr. Jones pointed out that the letter from Alliance Engineering in the staff report indicates that an agreement was reached with Mr. Ivers for extension of the private driveway. Mr. LoPiccolo relayed that Alliance called today to request one year, but believed the plat could be recorded in six months. In response to a question from Jim Hier, Mark Harrington explained that the one year approval was added as a standard condition of approval because there were approved plats *out there forever,* and lingered while circumstances and conditions changed. Taxes are assessed when plats are recorded and some owners take advantage of the economic benefits of a plat amendment without actually filing it, particularly with regard to vacation or dedication of rights-of-way. Staff doesn't feel strongly one way or another, but the City Attorney continued that he agrees with Mr. Jones in that Council should treat all applications the same and have sufficient findings for the extension. No concrete reason is given for the additional six month extension except that it would be nice to have. Fred Jones believed that if the property issue is solved that the plat can be recorded in relatively short order. Mark

Harrington clarified that six months is standard, which is specified in the draft ordinance. The Mayor invited the public to comment. Hearing none, the public hearing was closed.

2. Ordinance approving an amended record of survey for Three Kings Condominiums, located at 1420-1585 Three Kings Drive, Park City, Utah - Jonathon Weidenhamer stated that the plat amendment contemplates conversion of limited common deck area to private. The Planning Commission unanimously approved and forwarded a positive recommendation to Council on June 13, 2002. Ms. Erickson commented that the Council is reviewing many similar requests. Mark Harrington explained that the process for amending records of surveys was very arduous as it required 100% owner support. The legislature was convinced by Park City to make a state code amendment in consideration of the merits of redevelopment to reduce that requirement to 66%. It makes these applications more possible legally and staff is continuing to pursue legislative options that may further accommodate improvements for properties. Hearing no further comments from Council, the Mayor opened the public hearing. Hearing no input, the public hearing was closed.

3. Ordinance approving an amended record of survey plat for Sterlingwood Condominiums, located at 7800 Royal Street East, Park City, Utah - Planner Jonathon Weidenhamer again explained that this application is to convert limited common area into private area. The Planning Commission forwarded a positive recommendation on June 12, 2002. Hearing no comments from the Council or the audience, the public hearing was closed.

4. Ordinance approving the amended record of survey for the Royal Plaza Condominiums Subdivision, located at 7620 Royal Street, Park City, Utah - Kevin LoPiccolo explained that the applicant is Cole Sports who wishes to construct a 8,000 square foot addition and there is an encroachment in a common area. The home owners association is 100% in support of this application. Candace Erickson disclosed that as an employee of Cole Sport, she will be abstaining from voting on this matter. The Mayor opened the public hearing. Hearing no comments, the hearing was closed.

5. Ordinance approving a two lot subdivision plat for 1550 Lower Iron Horse Loop, Park City, Utah - Brooks Robinson stated that this subdivision was previously approved but expired without a request for an extension. The Planning Commission reviewed this on June 12, 2002 and forwards a positive recommendation to the City Council. Hearing no comments or questions from the Council or the audience, the Mayor closed the public hearing.

6. Ordinance approving an amended record of survey for Stag Lodge located at 8200 Royal Street East, Park City, Utah - Planner Robinson noted that this is the third application on the Consent Agenda seeking to convert common area to private space for the purpose of minor expansions. The Planning Commission added a condition that the expanded areas could not be used for separate lock-out units. Hearing no questions or comments, the Mayor closed the public hearing.

7. Ordinance amending Title 8, Chapter 2, Section 2 of the Criminal Code of the Municipal Code of Park City, regarding the crime of stalking - The City Attorney explained that the new language broadens stalking elements by removing a prior requirement of credible threat and replacing it with showing emotion distress. The Mayor opened the public hearing. Hearing no comments, the public hearing was closed.

8. Ordinance amending Title 13, Chapter 1 of the Water Code, of the Municipal Code of Park City to address the changes in water rate billing - Jerry Gibbs explained that the current water rate structure includes 5,000 gallons in the base rate, and the proposed plan would eliminate the 5,000 gallons and an individual base rate would stand on its own.

Kimball Reid, resident in Prospector Square, noted his confusion with this legislation and was not convinced that it would promote conservation. The details of the Prospector Square irrigation system was explained by Joe Kearnin. The City Manager interjected that the matter before Council is eliminating the 5,000 gallons for the first block. There is also the ability to examine situations on a case-by-case basis which may result in installing additional meters, larger sized meters, separate meters, etc. Additionally, there are only two irrigation blocks contemplated to minimize impacts on multi-family projects. The Mayor pointed out his observation that the sprinklers at Prospector Square are on regularly during the day. Hearing no further comments from the Council or the audience, the Mayor closed the public hearing.

V CONSENT AGENDA

Peg Bodell, "I move to approve Items 1 through 10 on the Consent Agenda and would like to remove Item 11 and discuss that separately". Fred Jones seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Absent
Candace Erickson	Aye; abstention on Item 4
Jim Hier	Aye
Fred Jones	Aye

1. Ordinance approving a plat extension for combining lots in Block 52, Park City Survey, Park City, Utah, located at 128 - 134 Ontario Avenue - See staff report and public hearing.

2. Ordinance approving an amended record of survey for Three Kings Condominiums, located at 1420-1585 Three Kings Drive, Park City, Utah - See staff report and public hearing.

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

4. Ordinance approving the amended record of survey for the Royal Plaza Condominiums Subdivision, located at 7620 Royal Street, Park City, Utah - See staff report and public hearing.

5. Ordinance approving a two lot subdivision plat for 1550 Lower Iron Horse Loop, Park City, Utah - See staff report and public hearing.

6. <u>Ordinance approving an amended record of survey for Stag Lodge located at 8200 Royal Street East, Park City, Utah</u> - See staff report and public hearing.

7. <u>Ordinance amending Title 8, Chapter 2, Section 2 of the Criminal Code of the Municipal Code of Park City, regarding the crime of stalking</u> - See staff report and public hearing.

8. <u>Ordinance amending Title 13, Chapter 1 of the Water Code, of the Municipal Code of Park City to address the changes in water rate billing</u> - See staff report and public hearing.

9. <u>Authorization to staff to execute a letter of intent with Snyderville Basin Special Recreation District for reimbursement of the Round Valley Connector Trail in an amount of $20,000</u> - See staff report.

10. <u>Award of contract to VCBO for engineering and design services for the Racquet Club Pool in the amount of $22,800</u> - See staff report and work session discussion.

11. <u>Memorandum of Understanding between Park City Municipal Corporation and American Skiing Company</u> - Mayor Williams stated that he received several calls regarding concerns that the document suggests that the City will supply The Canyons with water. With regard to providing five parking spaces, the Mayor added that he doesn't support the City also providing enforcement services for the five spaces. Peg Bodell agreed and added she has a problem with the transportation section. Peter Tomai of ASC explained that water and transportation provisions are generally written to reflect an intention of mutual cooperation. It is their belief that a cohesive integrated transportation system is more efficient and water is also common interest. The Canyons has access to substantial excess water from Summit Water than it doesn't need in the immediate foreseeable future which may be beneficial to the City. Jim Hier asked for clarification of the Mayor's concerns about water and Mr. Williams explained that people have the perception that the City is obligated to provide The Canyons with water, and Mr. Hier pointed out that the language doesn't read that way. The City Attorney emphasized that there is no binding requirement on the part of the City, and

suggested an additional sentence, *nothing herein shall be deemed to bind future city councils in accepting or rejecting such expansions or future system proposals*, which was accepted by Council. Tom Bakaly explained that ASC is working with the state on a loan/grant which should be finalized in July. The Mayor acknowledged interested citizens in the audience and invited them to speak.

Jana Potter, owner of Silver Queen next to the Gateway Center, felt that the parking for ASC at the Gateway is a benefit to the landlord Mr. Tozier. He should be responsible for providing parking for his tenants, not the City. She has just invested millions of dollars in renovating her property for the benefit of the Main Street area. Since paid parking has been implemented, she has paid over $10,000 in parking passes to accommodate her guests. She discussed in detail, the process of developing the parking passes for the convenience of visitors by her and the Public Works Department. Additionally, if ASC brings 46 employees to this location, five parking spaces are not sufficient. With regard to the City entering into private contracts, she doesn't want the City to do something that it may regret. She again discussed the appropriateness of the City helping an individual landlord. It makes more sense to have ASC's corporate headquarters at The Canyons or the parking could be accommodated in another location, like the Flag Lot. Ms. Potter stated that if parking is available and obtainable through a lease, then all adjacent property owners should be noticed so they have the same opportunity. If public parking spaces are encumbered, there should be a plan to expand parking. She warned that private agreements *may bite* the City in the future.

Candace Erickson explained that the provision for five parking spaces was something the City offered in order to attract a business with employees who will financially support Main Street businesses. Ms. Potter added that she has 20 employees and reiterated her concerns about the City placing itself in a bad position. Peg Bodell responded that she never viewed this as helping the landlord, but bringing a corporation to town that would benefit the entire community. Ms. Potter reiterated her parking concerns. The City Manager added that the City hasn't offered spaces in the past on any kind of basis, and that probably should be explored. Ms. Potter again expressed that the parking offered should be in another location as it is already congested in the garage. Fred Jones added that no matter who occupies the space, there is going to be an impact and she repeated her argument that parking options should be offered to everyone.

Roy Crandle, Little Kate resident, expressed his surprise that The Canyons has excess water. Peter Tomai of ASC explained that there may be opportunities to accomplish mutual interests and explained its role with Summit Water. Mr. Crandle stated that water is a touchy subject and referred to a meeting recently held in the Santy Auditorium where water conservation was the focus. For most issues covered in the MOU no input is probably okay, but not for water. He felt that residents didn't like getting notice through Jay Hamberger's article in the *Park Record* that Park City has agreed to cooperate in future water works projects for culinary, snow-making, and irrigation water with The Canyons. He quoted, *"ASC and City agree to work cooperatively in the planning and development of future culinary, snow-making, and irrigation water supplies, including the storage and distribution systems"*. If there is an excess, he saw no reason that The Canyons and ASC should have any advantage over other developers and residents for access to that water. Park City should not be in the water distribution business outside of the City limits. With regard to water, Park City residents are entitled to open door discussions and Mr. Crandle requested that Council remove Section 5 regarding water with ASC from the MOU. Quotes like that should not be showing up in the paper at a time when residents are trying to conserve water.

Peter Tomai, speaking as a resident, relayed that he served on the parking committee and is very familiar with most aspects of the system. A main principle of the plan was to move employee parking out of the Main Street core to provide more parking for visitors and shoppers. He relayed his experience as a business owner with an office at the Gateway. Paying for parking for employees prompted him to move to the County but in retrospect, it was a decision he regretted. Employees had to drive to work; riding the bus or walking were not options which is bad for the environment and our roads. ASC's second choice is Salt Lake City and with this MOU, there will be a business in our downtown core, which may result in local employment opportunities. He emphasized that the MOU is the only agreement contemplated between ASC and the City. The Mayor proposed striking Item 5.

Fred Jones stated that there seems to be a great misunderstanding about Item 5. Water is a two-way street and he described a recent urgent water situation that occurred in short order and had the JSSD pipe line been up and running, it would have gone a long way in alleviating the problem. His point is that interconnected water systems are essential to our local and regional community because there are well failures, breaks, etc. and if there aren't connections, the remedies are extremely expensive and overbuilding individual systems doesn't make a lot of sense. Water projects costs an exorbitant amount of money, and Park City can't economically build a project alone that only services our needs. The City will have to sell water to others, i.e., Summit Water, Mountain Regional, etc. as there need to be other customers to make that project viable. It's not realistic to think a separate system is economically feasible or environmentally responsible. Mr. Jones clarified that he doesn't care whether Item 5 remains or is removed, but it is written in recognition that we all need to work on water together and he has no problem with the language whatsoever. Interconnection is the only thing that is going to work and it is exactly what we're doing whether it is written here or not. Jim Hier added that the City is trying to cooperate on major infrastructure projects with the County which he feels is very positive. Jana Potter again spoke on the responsibility of the landlord to provide parking to tenants, not the City.

Fred Jones, "I move to approve the MOU with the addition of the sentence to No. 5". Jim Hier seconded. Peg Bodell suggested that ASC vacate the parking at 6 p.m. for visitors. This was discussed but didn't seem practical. Motion carried.

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

VI PUBLIC HEARING

1. Resolution amending Section 2, Water Fees, of Resolution No. 27-01, and replacing Resolution 27-01 in its entirety - Jerry Gibbs explained that 5,000 gallons are not included in the base rate. The base rate is reduced so that the current $15.75 for single family is reduced to $10, each meter size is reduced by 5,000 gallons and the cost

associated with the meter. There are ranges for meter sizes within each use category except for single family and 3/4", 1", 1 ½" usage would be treated the same within the single-family category. There are use ranges for all other categories and the overall effect is a 10% net increase to met capital needs for future water projects. The Mayor invited the Council and the public to comment. Hearing none, the public hearing was closed.

2. Ordinance amending Section 15-2.14-1 and 15-2.14-2(B) RDM zone of the Land Management Code - applicant Nutriceutical - Planner Kevin LoPiccolo explained that the applicant is seeking approval from the City Council to amend the RDM zone to allow general office use with a conditional use permit. Nutriceutical is considering buying the Brookside Inn, property located at 2260 Park Avenue, which is zoned RDM and is surrounded by condominiums to the east, The Radison Hotel to the north, and offices to the south. The Planning Commission reviewed this application at two meetings before rendering a negative recommendation to the City Council and determined that the proposed office use does not comply with the General Plan. In order for the application to proceed, an amendment to the RDM zone would have to be made to the LMC deleting Footnote No. 8 so that office use is a primary use. On May 22, the majority of the Planning Commissioners were supportive of allowing general office use as a primary use in the RDM, provided that the applicant comply with the zoning requirements. At the June 4 meeting, the Commissioners present did not support the applicant's request to modify the RDM zone to allow general office as a primary use by a 3:1 vote. The descending Planning Commissions expressed that the change in use was not compliant with the RDM zone which is intended to be residential to support commercial type uses. It was felt that it would create more traffic, a net increase of 29 parking spaces, and is incompatible with the neighboring developments. Planning Commissioners present felt that the General Plan supported in greater detail, resort related uses versus office type uses and the members felt that general office use is too intense on our entry corridor. He continued that currently office use is allowed as a subordinate use to a residential or resort use and as of today, the area is a mix of residential, office and hotel uses. The proposed LMC amendment would not significantly alter the character of the neighborhood, however, it will reinforce a commercial entry corridor.

Mr. LoPiccolo explained that the City may overturn the Planning Commission's denial, amend the LMC, make a determination that the change is consistent with the stated purpose of the RDM zone and amend the purpose statement to be consistent with the proposed change. He read proposed language and pointed out that general office is only permitted in an approved master planned development, and may only be considered with redevelopment of an existing building. Applications must meet specific criteria, including the Economic Element of the General Plan.

Bruce Huff, President of Nutriceutical Corporation, publicly thanked staff for assistance with their applications. Nutriceutical has been in Park City since 1994; employ over 500 people in Ogden with sales and corporate staff in the City. As a natural ingredient company, they wanted to be associated with a mountain environment which is also attractive for inviting customers and vendors to this area. Members of the corporate staff own homes throughout the area and contribute to the economy. Mr. Huff indicated that he prepared an economic analysis that shows this to be about a *wash*. Currently, they occupy the seventh floor of the Wells Fargo Building, a large portion of the Park Meadows Plaza and half of the bottom floor of the Associated Title Building. This is an awkward set-up and they have been looking for property for two years to consolidate corporate headquarters in a workable area. He emphasized that the corporation is extremely stable. The only property that has become available is the Brookside Inn; he considered purchasing the City-owned property south of the post office, but presented too many details to work out. The Brookfield Inn is in foreclosure and has been closed since April. It has not made a profit in its short life; it is a 42 room hotel which is not economically viable based on research . Nutriceutical has an agreement to acquire the notes on the property which expires tomorrow and he described the critical state of the bank holding the notes in California. He assumed that if City Council approves this amendment, it would be with the understanding that it supports the CUP. Nutriceutical would exercise its option on the notes both with the SBA and the principal lien holder and take possession of the property. Mr. Huff stated that they really are out of options and may be forced to move to Kimball Junction.

He added that he understood that it is not an easy decision to change use for a zone but they have followed the process and rely on the advice of staff and the Legal

Department with regard to the amendment. He pointed out a section of the General Plan addressing a vibrant economy, *Park City should support local businesses in their efforts to grow and expand. Regionally and nationally owned business that maintain our community's character and reinvests in community also, should be supported to ensure the long-term success of our economic vigor*. He added that there was discussion during the Planning Commission process about diversifying our economic base and emphasized that they are not asking for incentives or inducements, they are here and want to stay. This is a narrow change to the Code and they believe they are a low impact use. Their 80 employees are here now and are currently traveling Kearns and Bonanza and traveling to this location may actually lessen traffic impacts. Adjacent owners of the property are in support of an office use and prefer it over a hotel, and Nutriceutical has agreed to install under-ground parking. They don't have a lot of deliveries or walk-in customers and Mr. Huff discussed entertaining clients in Park City by way of dining and lodging. An economic analysis indicates that the bed-base argument is a *wash*. He added the importance that his employees volunteer in over 18 organizations in the City and most don't live here, but are involved in community activities. This is intangible but says something about Nutriceutical's commitment to the community.

He continued that there was support in two of the three Planning Commission meetings and because of absences, their request was not successful. The Council is the policy maker and can make a decision to have this plan move forward. Kevin LoPiccolo clarified the RD and RDM zoning by way of map as his current offices are located in GC. The City Attorney also clarified that technically the City Council can not act on the CUP; it is not an action before Council. Because this is public hearing on a land use matter and although this is legislative, he asked that public comments received outside the hearing process be disclosed on the record. Mr. Huff indicated that he spoke with the Mayor, Peg Bodell and Kay Calvert. Jim Hier disclosed that he was contacted by Jeff Mann on this issue.

Rick France, principal of the Brookfield Inn, stated that he reluctantly testifies to relay the series of events contributing to the failure of the project. With regard to bed-base and losing skier days, there are 42 rooms and 150 rooms were lost during Sundance because of a reservation error and at a very busy time of the year, the management company was unable to fill those beds. As a resident of Park City for only three years, Mr. France acknowledged his mistake in trusting a couple of local people who felt this was a good retirement investment for him. His real estate agent disclosed that he performed due diligence which was clearly not the case. It is rare that Park City is 100% occupied; he lost skier days and the revenue associated with that. The construction was more expensive than planned for a variety of reasons and he could not find financing and was forced to go to a small bank in California. Subsequently, this bank has been given a *cease and desist order* by the FDIC and has become difficult to work with. Mr. France stated that they would have lost a lot less money if he had abandoned the project at that point because it was a construction loan with no personal guarantees. However, they subsidized the project in the amount of about $4 million over two years, which is not a viable option. The banks will write off about $2 million of the $9 million spent, and he vigorously tried to find partners. They were not successful because of the configuration of the hotel; it's not considered a bed and breakfast and its not a hotel. The overhead is the same with or without the rooms and a cheap franchise hotel in Park City was not an option. He detailed the efforts involved in attracting buyers, and Nutriceutical came forth with a cash deal and good timing. The economic viability of the building as a hotel is slim and Mr. France urged Council to overturn the decision of the Planning Commission.

Hearing no further comments or questions from the Council or the audience, the Mayor closed the public hearing.

Fred Jones stated that he is very supportive of keeping Nutriceutical in town but the issue he's struggling with is land use. Under the Code, the Council can not deal with this application differently, because there are properties along SR224 and SR248 that could have the potential of becoming office properties if the clause is changed. He didn't feel that office use on the entry corridor is appropriate. With regard to a comment made by Fred Jones about acquiring vacant property, the City Manager interjected that this amendment would only apply to redevelopment projects. Ms. Erickson noted that she does not have a problem with the request. First, the building is already constructed and secondly, she believes an office use has less impact than a hotel in the neighborhood. The ordinance also provides that each project will be reviewed on an individual basis. Ms. Erickson stated she would like to see Nutriceutical stay in town. Jim Hier agreed with Mr. Jones' views and has a problem changing land use rules based on economic considerations. He believes there's not one hotel in this town who hasn't gone back to the bank and bankruptcy is not a sufficient reason and/or stated in the LMC. He is concerned about the entry corridor and would not want to set a precedent for other properties. He is reluctant to amend the Code. Peg Bodell stated that she disagrees with the potential traffic impacts identified by the Planning Commission and agreed with Ms. Erickson. She felt that future applications for existing properties will still be subject to a full process. This is not just benefitting one person, but a whole community and is supportive of the ordinance.

Mr. Huff added that the change is not significant in the zoning, and the language has been crafted narrowly in a way that protects the RDM and the City has additional control over what gets developed in the area, as a property owner. In response to a question from Fred Jones, the City Attorney explained that staff tried to create a note that addresses a specific redevelopment project because the City has additional authority in redevelopment situations. The legislature has recognized these higher public purposes to improve economics for individual properties. Similarly, with struggling properties, there is a condition which requires identifying findings from the Economic Element in the General Plan in addition to the usual conditional use process. If it was just a CUP, it would be different. He added that staff has worked hard to minimize risk without crossing the use variance line. There was discussion about projects being supported by findings in the Economic Element and in order for the project to proceed, the Planning Commission must approve the CUP. Fred Jones asked if the City has any control if Nutriceutical moves out of the building. Mark Harrington felt the CUP would be transferrable unless otherwise conditioned. If the use is a more intense office use, it would be subject to a CUP process or not allowed. The City Attorney advised not to limit transferability. In response to a question from Jim Hier about monitoring use, Pat Putt explained that it would be triggered through business licensing, building permits, and sign code requirements.

VII NEW BUSINESS

1. Resolution amending Section 2, Water Fees, of Resolution No. 27-01, and replacing Resolution 27-01 in its entirety - Peg Bodell, "I move we approve Item 1 under New Business amending Section 2, Water Fees of Resolution No. 27-01 and replacing Resolution

27-01 in its entirety, amended (see work session notes) - Candace Erickson seconded. Motion carried.

2. Ordinance amending Section 15-2.14-1 and 15-2.14-2(B) RDM zone of the Land Management Code - applicant Nutriceutical - Peg Bodell, "I move we approve Item 2 under New Business with the language changes made to subsections (a) and (d)". Candace Erickson seconded. Motion carried.

Mayor Williams expressed his concern about the long-term economics of Park City, specifically, overbuilding the bed base and bankruptcies. Nutriceutical is someone willing to employ 80 people in town with a business not dependent on snow. The City needs to look beyond the ski industry; he didn't feel the loss of 82 pillows is significant, and is supportive of the amendment. Mayor Williams broke the tie.

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

VIII ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:45 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Candace Erickson, Jim Hier, and Fred Jones. Kay Calvert was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; and Tom Bakaly, Assistant City Manager. Peg Bodell, "I move to close the meeting to discuss property disposition". Fred Jones seconded. Motion carried.

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

The meeting opened at approximately 3:15 p.m.

* * * * * * * *

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

Prepared by Janet M. Scott

DATE: August 1, 2002

DEPARTMENT: Office of Capital Management and Budget

AUTHOR: Gary Hill

TITLE: News Rack Ordinance - News Rack Locations

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that Council amend Title 14, Chapter 6 of the Park City Municipal Code regulating News Racks in the Historic District and authorize (1) the relocation of the Brew Pub Parking Lot news racks to the Main Street Mall, (2) the reinstallation of the news racks currently at Zoom to the Kimball Art Center, and (3) the relocation of the Claimjumper news racks to the pedestrian bulb-out across the street.

DESCRIPTION:

A. **Topic:** Ordinance amending Title 14, Chapter 6 - News Racks

B. **Background:** On March 29, 2001, City Council adopted an ordinance regulating the placement of News Racks within Park City's Historic District. Each news rack's location is defined by the ordinance and removal or relocation requires Council authorization. On July 18th, staff presented an ordinance amendment to Council to relocate the Brew Pub Parking Lot news rack to the Main Street Mall and make the temporary location of the news racks in front of Zoom permanent. The news racks at Zoom had been temporarily moved from their codified location at the Kimball Art Center due to construction prior to the Olympics. During Work Session on the 18th, Council expressed support for the Main Street Mall location, but requested that staff contact the Kimball Art Center to discuss possible relocation of the Zoom news racks back onto the Kimball property.

In addition to the two locations discussed on the 18th, staff has received a request for relocation of the news racks in front of the Claimjumper Hotel. The news racks are on the Claimjumper property and the owners of the hotel have asked if the City can find another location for their installation.Staff has researched the three sets of news racks listed above and their potential locations and presents its findings below.

C. <u>Analysis</u>: .

Brew Pub/Main Street Mall Location

As mentioned in the July 18th staff report, the Main Street Mall is central to the upper portion of Main Street and provides a location that meets the set-back and line-of-site requirements of the ordinance. Staff has contacted affected distributers and received enthusiastic support for the relocation. Russ Wong, owner of the Mall has agreed to the new location with the condition that the City pay for the installation, maintenance, and possible removal of the boxes (should the need arise). This site is one of only a few possible locations on upper Main Street (public or private), and is the most suitable with regards to pedestrian safety and visual blight. Paul Brown of the Brew Pub has no problem with the removal of the news racks as long as the racks n the sidewal remain where they are.

Kimball Art Center/Zoom Location

Judith McConkie, director of the Kimball Art Center was very amenable to the relocation of the news racks to the Kimball property. The Art Center has agreed to allow the City to reinstall the racks near their original location between the Kimball Art Center building and the access ramp to the new plaza. The City will be responsible for installation and maintenance but the Art Center has agreed to make the location permanent. In the event that the Art Center needs to remove the racks, they will be responsible for relocation at their expense and subject to the City's approval. The distributors with boxes in these news racks have indicated that the current location at Zoom is probably preferable, but are not opposed to relocation to the Kimball. Staff has contacted the management of Zoom restaurant who are also supportive of the move to the Art Center.

Claimjumper/ Bulb-out Location

Staff has located a suitable site for the Claimjumper news racks directly across Main Street in the new pedestrian bulb-out. The bulb-out provides a location on City-owned property that meets all the set-back and site requirements of the ordinance and still leaves the news racks on Main Street. The distributors affected by the move have been contacted and do not have any problems with this new location. David Ulandorf, owner of the Silver Junction Mercantile which is adjacent to the proposed site has also been contacted and has no concerns with the relocation. To accommodate the news racks, the City will need to relocate a lighted informational kiosk and its power source approx. 4 feet. If the City decides to move the other news racks, this would be an appropriate time to relocate this set as well.

The distributers affected by the relocations do support the moves to the new sites, but some have expressed concern over any more potential relocations. The distributers are comfortable with the overall layout of news racks in the Old Town area (please see attached map). Single-copy sales from news racks are dependant upon visibility and customer familiarity with news rack locations, and any more movement would be detrimental to sales according to various distributors.

D. Department Review:

Office of Capital Management and Budget

Legal Department

City Manager's Office

ALTERNATIVES:

A. Approve the Request: Council could adopt the ordinance to amend Title 14, Chapter 6 of the Municipal Code, authorizing the removal and reinstallation of the Brew Pub Parking Lot news racks at the Main Street Mall and the relocation of the Claimjumper news racks to the pedestrian bulb-out across the street. Council could also direct staff to relocate the Zoom racks to their original location at the Kimball Art Center. This is staff's recommendation.

B. Modify the Request: Council could approve the Main Street Mall location and request that the Claimjumper news rack be left in its current location.

C. Deny the Request: Council could deny the request and instruct staff to leave the Brew Pub Parking Lot, Claimjumper, and Zoom news racks in their present locations (see Consequences of not taking the recommended action below).

D. Continue the Item: Council could continue the item to a later date and request that staff investigate other possible solutions.

SIGNIFICANT IMPACTS:

Fiscal: Staff estimates that removal and reinstallation of the news racks at the Main Street Mall, Kimball Art Center, and the Main Street bulb-out will cost approximately $6,000. This will be paid for from the Downtown Revitalization CIP account.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If Council decides not to move the Brew Pub Parking Lot and Claimjumper news racks, it is likely that the City will continue to receive requests from businesses and distributers to find more suitable locations. Should Council disapprove the Kimball Art Center location, the news racks at Zoom would remain out of compliance with the News Rack Ordinance, requiring either a change to the ordinance or removal to another location. Because there are few locations meeting the set-back and site requirements of the ordinance, it would be very difficult to find another news rack location in that area. Considering the cost and time involved with relocating the news racks, this would be an appropriate time to take care of all three situations.

RECOMMENDATION: Staff recommends that Council amend Title 14, Chapter 6 of the Park City Municipal Code regulating news rack locations and authorize staff to relocate the Brew Pub Parking Lot racks to the Main Street Mall and the Claimjumper news racks to the pedestrian bulb-out. Staff also recommends that Council authorize the relocation of the Zoom racks to the Kimball Art Center.

EXHIBITS:

A - Draft Ordinance

AN ORDNANCE AMENDING, TITLE 14, CHAPTER 6, SECTION 7 OF THE MUNICIPAL CODE, REGULATING NEWS RACK LOCATIONS WITHIN PARK CITY'S HISTORIC DISTRICT

WHEREAS, Park City has an interest in promoting pedestrian safety and reducing visual clutter within Park City's Historic District, and

WHEREAS, Park City wishes to protect the right to distribute information protected by the United States Constitution and the Constitution of Utah, and

WHEREAS, the City Council has determined to protect these interests through the installation and use of uniform News Racks within the Historic District, and

WHEREAS, Park City seeks to cooperate with Main Street business and visitors in providing convenient access to news racks, and

WHEREAS, the location of the News Racks is significant to business, visitors, and distributers,

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

SECTION 1. FINDINGS: The Council finds that:

In recognition of diverse interests including pedestrian safety, protection of Park City's Historic District, and cooperation with local businesses and distributers of newspapers and periodicals, the Main Street Mall provides a more suitable location for News Racks than the Public Parking Lot at the top of Main Street.

The pedestrian bulb-out at 560 is preferable to a location on private property near the Claimjumper Hotel.

Relocating News Racks to these locations does not adversely affect the public safety interest or the right to distribute information.

Distributers participating in Park City's News Rack program approve of the new locations.

SECTION 2. AMENDMENT TO TITLE 14, CHAPTER 6 OF THE MUNICIPAL CODE. Title 14, Chapter 6 is hereby amended by modifying Section 7 as follows:

CHAPTER 6 - NEWS RACKS

14- 6- 7. CITY PERMITTED NEWS RACK LOCATIONS.

News Racks shall be permitted and installed within the Special Distribution Area pursuant to this Chapter.

(A) NEWS RACK RECEIVING AREAS. The City shall provide pedestals and trays at the following locations for the installation of that number of News Racks specified below:

(1) Summit Watch, 780 Main Street - twelve (12) News Racks; along the stone walls within the four stepbacks.

(2) Kimball Art Center, 638 Park Avenue - twelve (12) News Racks; along the cement wall to the east of the building.

(3) ~~Claimjumper Hotel, 573 Main Street~~ *Main Street Bulb-Out, 560 Main Street* - six (6) News Racks; ~~along the building between the two windows on the south end of the facade~~ *along the south side of the bulb-out between Main Street and the pedestrian walkway.*

(4) Dolly's Bookstore walkway to Swede Alley, 510 Main Street - eight (8) News Racks; along the railing within the stepback towards the east end of the walkway.

(5) Post Office, 450 Main Street - sixteen (16) News Racks; along the wall on the south end of the entrance.

(6) Cafe Terigo walkway to Swede Alley, 424 Main Street - eight (8) News Racks; along the brick wall on the south end of the plaza on Swede Alley.

(7) South of Wasatch Brew Pub, 248 Main Street - twelve (12) News Racks; along the railing.

(8) ~~Wasatch Brew Pub Parking Lot, 249 Swede Alley~~ *Main Street Mall, 333 Main Street* - twelve (12) News Racks; ~~along the cement wall below the stairs~~ *outside the south entrance between the sidewalk and building.*

(9) China Bridge Parking Structure, 320 Swede Alley - eight (8) News Racks; outside of the west entrance along the sidewalk.

(10) Transit Center, 540 Swede Alley - six (6) News Racks; on the plaza level.

DATE: August 1, 2002

DEPARTMENT: Community Development

AUTHOR: Richard Lewis, Community Development Director

TITLE: Quinn's Junction Joint Planning Interlocal Agreement

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS Adopt the Resolution establishing the Interlocal Cooperation Agreement between Summit County and Park City Municipal Corporation for a Joint Planning Process for the Quinn's Junction Area.

DESCRIPTION

10. Topic Interlocal Governmental Planning Agreement

B. Background The Summit County Board of Commissioners, at their August 18, 2002 meeting adopted and signed the attached Resolution which, if also adopted by the City Council of Park City, would authorize a joint study of the Quinn's Junction area with both jurisdictions jointly funding the study. Each jurisdiction would fund up to $50,000 each for related expenses to conduct the study. The study will begin in August and is estimated to take approximately six months and would supplement the recent amendments to the Snyderville Basin General Plan providing a greater level of detail for future land use decisions for both jurisdictions.

The Park City Planning Commission, at their March 13, 2002 meeting, recommended that the City Council communicate their interest for a joint planning effort, including matching funding up to $50,000, to the Summit County Board of Commissioners and the Snyderville Basin Planning Commission. The attached Letter of Intent was signed by both Planning Commissions and sets forth the process for developing a work program and Inter-local Planning Agreement.

C. Analysis Even though Quinn's Junction and the surrounding area are entirely in the County and outside the City limits, it is a critical entry corridor to Park City. This is an opportunity for the City to work directly with Summit County on a joint planning effort for this important area. Each Planning Commission has appointed three representatives to serve on the technical committee for the study. The County and City Staff is finalizing the work program and a request for proposal for a consultant to assist with the work. The first joint meeting of the commissions has been scheduled for August 26. The work program will provide for stakeholder involvement as well as opportunities for the general public to review and offer suggestions as the study progresses.

D. **Department Review** This request has been reviewed by the Community Development Department, the Legal Department, and the Administrative Department.

ALTERNATIVES

1. Approve the Interlocal Cooperation Agreement Resolution. This is the Staff's recommended alternative.

2. Deny the request and give staff direction.

3. Modify the request.

SIGNIFICANT IMPACTS The City's matching share of funding for this request could be as much as $50,000, although neither organization expects the cost to be that high. The Planning Department budget has approximately $37,000 in the 2002-2003 budget for planning consulting services. Since the consulting service budget has been previously approved by the City Council, no formal action is necessary. However, if the City's share of the study exceeds this amount, it may will be necessary to amend the Planning Budget later in the year.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION The plan for Quinn's Junction would be developed without Park City's direct participation.

RECOMMENDATION Adopt the Interlocal Cooperation Agreement which will establish the joint planning process for Park City Municipal Corporation and Summit County to study the land use patterns and future land use options for the Quinn's Junction Area.

Attachments:

1. Summit County Resolution 2002-18
2. Letter of Intent - Park City Planning Commission & Snyderville Basin Planning Commission.

DATE: Aug 1, 2002
DEPARTMENT: Executive & Public Works
AUTHOR: Colin Hilton, Tom Bakaly, Jerry W. Gibbs, P.E.
TITLE: US Army Corps of Engineers Agreement with PCMC
RE: Initial Design $$'s for Rockport Pipeline
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:
It is recommended that City Council authorize staff to enter into the attached agreement with the US Army Corps of Engineers for participation in an initial design study for the proposed Rockport Pipeline. This will require the appropriation of $30,000 from PCMC to combine with an amount of up to $100,000 from the Corps of Engineers.

DESCRIPTION:
A. Topic: US Army Corps of Engineers Agreement with PCMC involving initial design $$'s for the proposed Rockport Pipeline.

B. Background:
In an effort to further explore possible water resources for the growing demands of the Park City area, a possible pipeline supply of water from the Weber Basin has been one option.

Last year, due to the City's and Senator Bennett's efforts in Washington D.C., the Corps of Engineers set aside $100,000 out of its "Investigations" account to actively work with Park City. This was targeted for an initial design study for a proposed pipeline from the Rockport Reservoir to Park City. More recently, they have provided a "Model Agreement for Design" that would formalize an agreement between the two entities. These initial efforts will focus on alignments, right-of-ways and preliminary environmental issues.

Part of the Agreement terms stipulate that Park City Municipal Corporation would need to contribute 25% of the initial design monies.

C. Analysis:
The acceptance of this Agreement would:

1. Allow the City and the Corps to begin an initial analysis and design of a pipeline concept from Rockport Reservoir to Park City.
2. Initiate a total of $120,000 toward the design - $90,000 from the Corps of Engineers and $30,000 from Park City.
3. Not commit or bind Park City Municipal or the Corps of Engineers to pursue further design work.
4. Not require the City to pay back the Corps of Engineers an amount of money up to $100,000 if the project did not move ahead.
5. Would allow further exploration of this pipeline concept to continue.

D. Department Review:
This report has been reviewed by the Public Works Director, OCMB, Legal Department, and Asst. City Manager.

ALTERNATIVES:

A. Review, comment and authorize staff to engage into an Agreement with the US Army Corps of Engineers for an amount of $30,000.

B. Review, comment and authorize staff to engage in an Agreement with the US Army Corps of Engineers containing suggested conditions for a financial commitment of $30,000.

C. Review, comment and decline authorization for staff to engage in an Agreement with the US Army Corps of Engineers.

SIGNIFICANT IMPACTS:
Additional supplies of water resources will need to be addressed over the next 20 years. Actions taken now to explore the possibilities of enhancing the supply and quality of the water will result in the most cost efficient process for gaining the eventual supply.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
The Corps of Engineers offer to assist in the initial design may not continue in the future. Acting now, will reduce the long term research costs for the City.

RECOMMENDATION:
Authorize staff to enter into an initial design study agreement with the US Army Corps of Engineers.

DATE: August 1, 2002
DEPARTMENT: Park City Parks Department
AUTHOR: Pace Erickson / Clint Dayley
TITLE: Soil Capping and Landscape Improvements at the Prospector Buffer Strip
TYPE OF ITEM: Award of Construction Contract

SUMMARY RECOMMENDATION

Staff requests authorization to proceed with the soil capping and landscape improvements at the Prospector Buffer Strip. Staff recommends that Council award the construction contract to Red Barn Trees and Landscaping Company for the amount not to exceed $94,000.

DESCRIPTION:

7. Topic:

Soil capping and landscape improvements for the Prospector Buffer Strip.

B. BACKGROUND:

The Prospector Buffer Strip was originally constructed in 1985. The park was sparsely planted with low quantities of trees and shrubs. The irrigation system was small, under-rated, and intended for temporary use only.

In 1995 soil testing indicated sections of the park exceeded the E.P.A. standards and capping of these areas were necessary. At this time Council decided not only mitigate the soils issue but enhance the park as well. The City Council with the support from the Prospector Home Owners Association instructed staff to look into options for correcting the soils problem and look into options for beautification as well.

In 1998 an architect put together a full redesign of the park, though the design was very impressive, budgetary restraints force staff in a conservative direction. Our primary goal is to alleviate soil issues, install a proper working irrigation system and bring in more plant material.

In 2001 a new irrigation system was installed at the park. This new system employs water conservation measures and options, for example, each sprinkler head has individual run capabilities and every other head at the park has hose bib attachments. In drought years the Parks Department can shut off the sprinklers heads, yet the trees and shrubs can still be irrigated.

This irrigation system actually serves a dual purpose, besides watering the trees and shrubs it is necessary in maintaining a ground cover, in this case drought tolerant grasses. These grasses are necessary in protecting the soil cap from erosion thus protecting the environment from the contaminated soils.

C. Department Review:

Parks Department
Building Department
Legal Department
Prospector Home Owners Association Board Members

D. Analysis:

The bid invitation was advertised in the Park Record for two weeks. In this time, we had four companies express interest in this project. At bid closing three bids were received. Bids ranged from $85,140 to $139,601 with Red Barn Trees & Landscaping Company turning in the low bid. After reviewing Red Barn's bid, they have met all the qualifications requested by the City.

Scope of Project
This project will included, mitigating the soils problem by capping portions of the park with topsoil. All capped areas will be hydro-seeded with drought tolerant grasses. These particle types of grasses can survive without water for a long period of time, as drought conditions dictate. Landscaping will consist of planting approximately 150 evergreen and deciduous trees and 90 shrubs. The plant material will serve a dual purpose, first it will provide an aesthetical pleasing entry corridor, second it will provide a sound buffer for the resident living in the Prospector area.

Red Barn Trees and Landscaping Company has 21 years of experience in the landscaping business. Red Barn has provided quality workmanship for the City in past years, and since they were the lowest bidder, staff is recommending awarding this construction contract to Red Barn Trees and Landscaping Company. The Parks Department would like to request a 10% contingence for the project to cover unforseen issues such as buried debris, possible additions in plant material or topsoil, etc. This overage would bring the total sum not to exceed $94,0000.

ALTERNATIVES:

A. **Support the Recommendation:** Award the construction contract to Red Barn Trees and Landscaping Company for the amount not to exceed $94,000.00 and enter into a construction agreement drafted by the City Attorney's office.

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

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

D. **Do Nothing**: Should Council decide to hold off on this project, the soils issue would not be mitigated and the park would remain in its present condition.

SIGNIFICANT IMPACTS:

Fiscal: There is $219,689 available in the Prospector Buffer Strip Capital Improvement Fund.

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

RECOMMENDATION:

Approval of the Construction Contract with Red Barn Trees and Landscaping Company in a form to be approved by the City Attorney and in the amount not to exceed $94,000 to cap the soils and improve the landscaping at the Prospector Buffer Strip.

DATE: **July 31, 2002**
DEPARTMENT: **Planning Department**
TITLE: **April Mountain - Final Subdivision plat**
TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATION: Staff recommends the Council hold a public hearing; review the proposed findings of fact, conclusions of law, and conditions of approval; and consider approving the proposed April Mountain Subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the staff report.

A. PROJECT

Applicant:	**Henry Sigg, April Mountain Development LLC**
Location:	**Mellow Mountain Road between the Hearthstone Subdivision and Sunnyside Subdivision.**
Proposal:	**Final Subdivision plat for 31 single family lots and three development parcels for 39 condominium units.**
Zoning:	**39.2 acres of RD and 33.9 acres of ROS zoning**
Adjacent Land Uses:	**City open space to the west of Masonic Hill, Hearthstone (Estate) vacant Kearns Tribune "Hope Parcel" to the north, BLM parcel known as the Gambel Oak Park to the east and south, and Pinnacle Condominiums and Sunnyside/Sunnyside up Subdivision (multi-family and single family residential) to the south.**
Date of Application:	**March 5, 2002**
Project Planner:	**Kirsten Whetstone**

2. BACKGROUND

On July 25, 2001 the Planning Commission approved the April Mountain MPD for 54 single family lots and up to 15 condominium units, with conditions. The approval was based on a detailed visual analysis and a Sensitive Lands review and density determination. On March 5, 2002 the applicant submitted an application for phase one of a final subdivision plat, for 27 of the approved 54 single family lots and one lot for up to 15 multi-family units, per the approved MPD. The applicant also submitted a revised MPD application to propose 33 single family lots and 44 attached/detached single family condominiums. On April 10, 2002 the Planning Commission discussed revisions to the MPD at a work session.

On April 24 the Planning Commission conducted a public hearing on the phase I plat. There were some concerns raised about technical issues that would arise with phasing the plat in more than one phase. Traffic concerns specific to the condominium project were expressed, as were concerns about the type of housing, ie. condominiums, proposed for the next phase. On May 8 and May 22 the Planning Commission discussed the revised April Mountain MPD, now consisting of 31 single family lots and 39 detached and attached (in pairs) condominium units.

On June 12 the Planning Commission took additional public input. Following the public input and Commission discussion, the Commission conditionally approved the revised MPD for 31 single family lots and 39 detached and attached condominium units.

On June 26 the Planning Commission held a public hearing on the final subdivision plat and found it consistent with the April Mountain MPD and forwarded to the Council a positive recommendation to approve the plat with conditions as stated herein.

On July 18, the City Council conducted a public hearing on the subdivision plat. Council requested additional information on compatibility, trails and access, traffic, and wildlife.

Compatibility

The applicant has agreed to place a restriction regarding Nightly Rental of the houses and condominiums described by the plat. A note will be added to the plat regarding this restriction.

Trails and Access

To address the concern regarding delay in dedication of the Hope Parcel ROW, public pedestrian access easements (6' wide) will be indicated on the plat in the location of the public access easements that provide reserved access to the Hope parcel. Additional pedestrian easements will remain to the Gambel Oak parcel if the City's lease expires. No other changes are recommended. See attached memo from Matt Twombly, City Trails Coordinator, regarding sidewalks and trails.

Traffic

The City Engineer has previously stated that the streets have the capacity to handle traffic from this development. These streets will also serve the additional traffic created by public access to the BLM property. The amended MPD allows a single additional unit over the previous MPD (70 as opposed to 69 single family and duplex units) and a traffic study was not required. The current density is considerably less than once approved April Mountain/Surprise MPD which had a density of 180 to 190 multi-family units, utilizing Mellow Mountain Road. No multi-family units are part of the currently approved MPD. Duplexes are not multi-family units.

Mellow Mountain Road is one of the lengthiest City maintained streets with few properties "contributing" to the cost of this maintenance. There are currently 5 or 6 lots directly on Mellow Mountain Road and 99 lots in the Aerie Subdivision. Aerie Drive provides primary access to Deer Valley Drive for the Aerie lots for much of the year, the exception being during winter snow storms and prior to snow plowing and sanding. A comparable length street, Royal Street measured from American Flag to Deer Valley Drive, currently serves the 93 lots in American Flag Subdivision and the 15 La Maconnerie condominiums in addition to all traffic from upper Deer Valley/Silverlake (500+ units) that does not take the shorter, steeper Mine Road. Given the circuitous nature of Aerie Drive, it is unlikely that traffic from April Mountain will wind through the Aerie Subdivision to access Deer Valley Drive and will most likely take Mellow Mountain Road down to Deer Valley Drive.

Wildlife

Given the extent of the Gambel Oak park, adjacent city open space lands, and significant open space within the April Mountain project, it is likely that wildlife will remain in this general area, as it currently remains in and around the Aerie Subdivision, Deer Valley MPD, Aspen Springs Ranch, and other residential areas within the City limits.

The approved MPD, which includes more open space, locates lots and roads further down the northern slope, protects more oak brush higher on the hill, provides a more open corridor through the center portion of the project, adds one additional unit, perfects public access to the Gambel Oak Park, and provides valuable affordable housing funds, was found by the Planning Commission to be a positive change and not significantly different to require a redo of the Sensitive Lands Analysis. Even if a wildlife study had been required, Council needs to understand that the SLO regulations deal primarily with Sensitive or Specially Valued Species as defined by State and Federal law, and likely would not have resulted in any applicable findings. See LMC 15-2.21.9.

The Master Planned Development of June 12, 2002, with which this plat is consistent, is consistent with the Sensitive Lands Analysis for the April Mountain property, ratified by the Planning Commission on April 25, 2001, with findings of fact and conclusions of law. The Sensitive Lands Analysis was consistent with the Land Management Code at the time of submittal of the April Mountain Master Planned Development.

The overall density of less than one unit per acre for the April Mountain MPD did not significantly change with the additional unit and is well within the density range (unit count) provided by the Sensitive Lands Analysis and is significantly less than the 3 units per acre allowed in the RD, Residential Development zoning district. In addition, more than 70% of the April Mountain MPD will remain in some form of open space, as either dedicated ROS parcels, ROS areas within lots, or open space areas within the condominium parcels.

(Note: Please see July 18, 2002 staff report for additional information, description of property and analysis.)

3. PUBLIC INPUT

Notices of the public hearing on the subdivision plat, conditional use permit, and the amended MPD were sent to the paper and posted at the post office and city hall. The property was duly posted. Staff has also been in contact with the Aerie HOA representative as well as with residents of Sunnyside and Deer Valley Drive. A public hearing was conducted by the City Council on July 18, 2002. Public input from this meeting is described in the **Background** section of this report.

STAFF RECOMMENDATION

Staff recommends the Council approve the April Mountain subdivision plat with the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located in the RD and ROS zoning districts.

2. On June 12, 2002 the Planning Commission approved the amended April Mountain MPD with conditions.

3. The property is subject to the amended April Mountain Master Planned Development (6/12/02).

4. A Development Agreement between the City and the Owner will be recorded prior to recordation of the plat, to memorialize the specific conditions of approval of the MPD.

5. The proposed subdivision plat includes 31 single family lots and 3 lots for development of 39 condominium units, in detached and attached (in pairs) single family units with private garages, in accordance with the amended April Mountain MPD (6/12/02).

6. The proposed subdivision plat provides to the City, a 50' access easement for public access and utilities to the Gambel Oak park, contingent on the City's lease.

7. The proposed subdivision plat provides a 50' ROW access, as spelled out in the Development Agreement, to the adjacent parcel, known as the "Hope Parcel", with specific conditions of access agreed to by the City and spelled out in the Development Agreement, is provided. This ROW access preserves access to the public street system and utilities for the owner of the Hope Parcel.

8. A financial guarantee for all public improvements, including streets, utilities, trails, landscaping, etc. is necessary to protect the health, safety, and welfare of the general public.

9. The approved April Mountain MPD (June 12, 2002) allows Front Yard Setback reductions on specific lots, spelled out in the Lot Restrictions Table. The Lot Restrictions table is included on the plat.

10. On April 25th, 2001, the Planning Commission ratified the findings of fact and conditions of approval regarding the Sensitive Lands Analysis and the Density Determination for the April Mountain site.

11. The findings of the **Analysis** section of this report are included herein.

12. Public hearings were held by the Planning Commission on the proposed subdivision plat on April 24 and June 26, 2002.

13. Snow storage easements are required along the public ROW to provide additional snow storage area due to heavy winter snow fall in this location.

14. On June 26, 2002 the Planning Commission voted to forward to the City Council a positive recommendation to approve the April Mountain Subdivision plat with findings, conclusions of law, and conditions of approval as stated in the June 26, 2002 staff report.

15. On July 18, 2002 the City Council conducted a public hearing to receive input on the April Mountain Subdivision plat.

16. The applicant stipulates to the conditions of approval.

Conclusions of Law

4. There is good cause for this subdivision

5. The Subdivision as conditioned is consistent with the Park City Land Management Code, the Park City General Plan, and the amended April Mountain MPD (June 12, 2002).

6. Neither the public nor any person will be materially injured by the proposed subdivision.

7. Approval of the subdivision, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. City Engineer and City Attorney review and approval of the final form and content of the subdivision plat, for compliance with State subdivision laws, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.

2. City Engineer approval of the project utility and drainage plan is a condition precedent to plat recordation.

3. A note shall be added to the plat indicating that all conditions of approval of the amended April Mountain MPD (June 12, 2002) apply.

4. Development of the condominium lots is subject to a conditional use permit, which will include conditions of approval specific to these lots.

5. Development of Lot 21 is subject to a conditional use permit with Land Management Code steep slope criteria from the HR-1 and HRL zoning districts used as additional review criteria.

6. Community Development Department approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any grading or building permits.

7. Modified 13-D residential fire sprinklers are required and no wood roofs are permitted.

8. The applicant shall record the subdivision plat within one (1) year from the date of the City Council approval. If recordation has not occurred within one year, this approval shall be void.

9. A financial guarantee for all public improvements necessary to serve development of these lots, in an amount to be approved by the City Engineer, and in a form approved by the City Attorney, shall be in place prior to plat recordation.

10. The Development Agreement shall be signed and recorded prior to recordation of the plat.

11. A landscape plan shall be submitted for City review and approval for each single family lot, as a precedent to building permit issuance and a final landscape plan for the condominium units shall be reviewed and approved by the City as a precedent to building permit issuance.

12. The width and specific construction details of the trails shall be approved by the City trails coordinator prior to beginning construction of the trails and shall be consistent with the April Mountain MPD and Master Trail Plan. All trails shall be completed prior to issuance of a certificate of occupancy for any unit and/or a guarantee shall be posted to ensure completion of trails. **Six foot wide public pedestrian access easements shall be shown on the plat, over the public access easements to the Hope and Gambel Oak parcels that are subject to specific conditions of the Development Agreement. These public pedestrian access easements provide access until such time as the ROW to the Hope parcel is dedicated and provide continual pedestrian access to the Gambel Oak Parcel should the City's lease with the BLM expire.**

13. Ten (10') foot snow storage easements along and outside the public ROW are required.

14. City acceptance of the public streets for maintenance and snow plowing shall not occur until at least 50% of both single family houses and also the condominium units have received a Certificate of Occupancy. Specifically, 16 single-family houses and also 20 condominium units must be legally occupied prior to City acceptance of snow plowing responsibility.

15. In general, a single one-inch irrigation supply line is the maximum water source for each condominium parcel landscaped area.

16. At the applicant's request, a note shall be added to the plat stating the following: "No Nightly Rentals are allowed on lots or condominiums described by this plat."

<u>EXHIBITS</u>

Q. Proposed plat
R. Trails memo by Matt Twombly, Trails Coordinator

AN 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, SUMMIT COUNTY, UTAH

WHEREAS, the owner, April Mountain Development LLC, of the property known as April Mountain MPD, located off of Mellow Mountain Road in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah and also known as the April Mountain Subdivision, have petitioned the City Council for approval of a final subdivision plat; and

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

WHEREAS, on April 24 and June 26, 2002, the Planning Commission held public hearings to receive public input on the proposed subdivision plat and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on July 18, 2002 the City Council held a public hearing and reviewed the proposed subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed subdivision plat;

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the RD and ROS zoning districts.

2. On June 12, 2002 the Planning Commission approved the amended April Mountain MPD with conditions.

3. The property is subject to the amended April Mountain Master Planned Development (6/12/02).

4. A Development Agreement between the City and the Owner will be recorded prior to recordation of the plat, to memorialize the specific conditions of approval of the MPD.

5. The proposed subdivision plat includes 31 single family lots and 3 lots for development of 39 condominium units, in detached and attached (in pairs) single family units with private garages, in accordance with the amended April Mountain MPD (6/12/02).

6. The proposed subdivision plat provides to the City, a 50' access easement for public access and utilities to the Gambel Oak park, contingent on the City's lease.

7. The proposed subdivision plat provides a 50' ROW access, as spelled out in the Development Agreement, to the adjacent parcel, known as the "Hope Parcel", with specific conditions of access agreed to by the City and spelled out in the Development Agreement. This ROW access reserves access to the public street system and utilities for the owner of the Hope Parcel.

8. A financial guarantee is necessary for all public improvements, including streets, utilities, trails, landscaping, etc. to protect the health, safety, and welfare of the general public.

9. The approved April Mountain MPD (June 12, 2002) allows Front Yard Setback reductions on specific lots, spelled out in the Lot Restrictions Table. The Lot Restrictions table is included on the plat.

10. On April 25th, 2001, the Planning Commission ratified the findings of fact and conditions of approval regarding the Sensitive Lands Analysis and the Density Determination for the April Mountain site.

11. The findings of the **Analysis** section of this report are included herein.

12. Public hearings were held by the Planning Commission on the proposed subdivision plat on April 24 and June 26, 2002.

13. Snow storage easements are required along the public ROW to provide additional snow storage area due to heavy winter snow fall in this location.

14. On June 26, 2002 the Planning Commission voted to forward to the City Council a positive recommendation to approve the April Mountain Subdivision plat with findings, conclusions of law, and conditions of approval as stated in the June 26, 2002 staff report.

15. On July 18, 2002 the City Council conducted a public hearing to receive input on the April Mountain Subdivision plat.

16. The applicant stipulates to the conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed plat. Approval of the subdivision plat, subject to the conditions below, does not adversely affect the health, safety, and welfare of the citizens of Park City. The plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats. The plat is consistent with the April Mountain Master Plan approved on June 12, 2002.

SECTION 3. PLAT APPROVAL. The final plat for the April Mountain Subdivision is hereby approved as shown on Exhibit A, with the following conditions:

1. City Engineer and City Attorney review and approval of the final form and content of the subdivision plat, for compliance with State subdivision laws, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.

2. City Engineer approval of the project utility and drainage plan is a condition precedent to plat recordation.

3. A note shall be included on the plat indicating that all conditions of approval of the amended April Mountain MPD (June 12, 2002) apply.

4. Development of the condominium lots is subject to a conditional use permit, which will include conditions of approval specific to these lots.

5. Development of Lot 21 is subject to a conditional use permit with Land Management Code steep slope criteria from the HR-1 and HRL zoning districts used as additional review criteria.

6. Community Development Department approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any grading or building permits.

7. Modified 13-D residential fire sprinklers are required and no wood roofs are permitted.

8. The applicant shall record the subdivision plat within one (1) year from the date of the City Council approval. If recordation has not occurred within one year, this approval shall be void.

9. A financial guarantee for all public improvements, necessary to serve development of these lots, in an amount to be approved by the City Engineer, and in a form approved by the City Attorney, shall be in place prior to plat recordation.

10. The Development Agreement shall be signed and recorded prior to recordation of the plat.

11. A landscape plan shall be submitted for City review and approval for each single family lot, as a precedent to building permit issuance and a final landscape plan for the condominium units shall be reviewed and approved by the City as a precedent to building permit issuance.

12. The width and specific construction details of the trails shall be approved by the City trails coordinator prior to beginning construction of the trails and shall be consistent with the April Mountain MPD and Master Trail Plan. All trails shall be completed prior to issuance of a certificate of occupancy for any unit and/or a guarantee shall be posted to

ensure completion of trails. **Six foot wide public pedestrian access easements shall be shown on the plat, over the public access easements to the Hope and Gambel Oak parcels that are subject to specific conditions of the Development Agreement. These public pedestrian access easements provide access until such time as the ROW to the Hope parcel is dedicated and provide continual pedestrian access to the Gambel Oak Parcel should the City's lease with the BLM expire.**

13. Ten (10') foot snow storage easements along and outside the public ROW are required.

14. City acceptance of the public streets for maintenance and snow plowing shall not occur until at least 50% of both single family houses and also the condominium units have received a Certificate of Occupancy. Specifically, 16 single-family houses and also 20 condominium units must be legally occupied prior to City acceptance of snow plowing responsibility.

15. In general, a single one-inch irrigation supply line is the maximum water source for each condominium parcel landscaped area.

16. **A note shall be added to the plat stating the following: "No Nightly Rentals are allowed on lots or condominiums described by this plat or any future record of survey plat."**

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