SOCIAL
PARK CITY COUNCIL,
SUMMIT COUNTY COMMISSION
AND PARK CITY SCHOOL BOARD
JULY 17, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will join the Summit County Commission and Park City School Board on Wednesday, July 17, 2002 at 6 p.m. for a dinner at 6 p.m. at Jacobson Park, 3495 East Chalk Creek Road, Upton, Utah. This is a social gathering; no formal business will be conducted.

Posted: 07/12/02

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 18, 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, July 18, 2002.

AGENDA

Closed Session

3:45 p.m. Property acquisition

Work Session

4:20 p.m. Council questions/comments
4:50 p.m. Review of regular meeting
Ordinances - plat amendments/news racks
Fence award and cleaning contracts
Other meeting questions/comments
5:20 p.m. Olympic legacy
5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JUNE 6 , 2002 AND JUNE 20, 2002

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a plat amendment to combine Lots 4 and 5 of Block 27 of the Snyder's Addition, located at 1117 Norfolk Avenue, Park City, Utah into one lot

2. Ordinance approving 157 Park Avenue lot line adjustment to combine the southerly ten feet of Lot 15, and all of Lot 14 in Block 1 of the Amended Park City Survey, into one platted lot located at 157 Park Avenue, Park City, Utah

3. Amendment to Fidelity Investments Park City International Jazz Festival Master Festival License

4. Ordinance amending Title 14, Chapter 6, Section 7 of the Municipal Code regulating News Rack locations within Park City's Historic District

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4. Ordinance amending Title 14, Chapter 6, Section 7 of the Municipal Code regulating News Rack locations within Park City's Historic District

5. Authorization to staff to enter into a contract with Mountain States Fence Company for replacing the cemetery fence and entrance gates in an amount not to exceed $94, 215

6. Authorization to staff to enter into a two-year contract with Resort Commercial Property Management for janitorial services in an amount not to exceed $81,100 per year

VII NEW BUSINESS

1. Findings of fact and conclusions of law rejecting the appeal of the Planning Commission action of June 12, 2002 approving the MPD for April Mountain for failure to timely file the appeal

2. Appeal of Planning Commission June 26, 2002 approval of April Mountain Conditional Use Permit for 39 condominium units

VIII PUBLIC HEARING

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

IX OLD BUSINESS

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X ADJOURNMENT

PARK CITY COUNCIL SPECIAL WORK SESSION

SUMMIT COUNTY, UTAH

JULY 22, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold a special work session on Monday, July 22, 2002 at 3 p.m. at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah to discuss its long-term strategic plan, and goals and objectives. The work session is open to the public; no formal action will be taken.

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

JULY 25, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will not hold its regularly scheduled meeting on Thursday, July 25, 2002.

Posted: 0715/02

To: Mayor & City Council

From: Myles Rademan, Public Affairs Director

Date: June 30, 2016

Re: Olympic Legacies

Background

Even though it's now become a cliche, hosting the Olympic Winter Games in Park City was a 'once-in-a-lifetime' experience. How can the city appropriately honor its Olympic accomplishments while encouraging residents and visitors to share in our pride and excitement?

To say that the Olympics were monumental in size, scope, and excitement is probably an understatement. Park City's Olympic legacies should reflect these qualities. Bronze plaques, a walking tour, colorful picture books and a scattering of Olympic marks while appropriate, do not do justice to the sense of accomplishment that Park City felt in February 2002.

The original idea to host the Olympics and the 13 subsequent years of steadfast effort to fulfill that dream took leadership and a fair measure of political courage. Implementing an Olympic legacy program worthy of Park City's participation will likewise take leadership and courage.

The time is ripe to implement an Olympic Legacy program. There will be many 'nay-sayers', those who do not share the vision that Park City is an international, multi-season resort community playing on a global stage. But after our resounding Olympic successes the city should proudly proclaim its Olympic role and present and interpret this heritage for future generations.

The Council has stated its intention to capitalize on the city's Olympic experiences by making it both a goal and a high priority management objective. This also furthers the Economic Element of the General Plan which supports tourist attractions. As with most opportunities timing is of the essence. Opportunities delayed are often lost. To implement this goal it is important that the Council agree on a set of concrete actions and be willing to explain and if necessary defend them to Park City's citizens, and the boards and commissions entrusted to approve certain Council actions.

When the Council selected the Olympic Welcome Plaza as the most appropriate site for the Olympic Look Tower it took the first step in implementing its goal of creating a permanent and monumental legacy. The Board of Adjustments did not share this vision and would not grant a height variance. Either a new site or new strategy must be pursued.

Park City's Olympic Legacy Projects

Park City's Olympic Legacy Program presently includes the following projects and concepts. Indications on funding is included if known. Additional projects can suggested at the Council's discretion.

1. **Olympic Look Towers**

   a. **SLOC donated Look Tower (formerly at Deer Valley Resort)** (approximately $100,000 value). There are two potential strategies for siting this Olympic Look Tower:

1) If the council is uncertain whether the Look Tower is an appropriate legacy then it should not pursue it further. If Council does pursue another location it should be willing to either enact a zoning ordinance which establishes Olympic Legacy uses as permitted uses in the applicable zoning districts in the Land Management Code, or be willing to call up any negative decision from its Planning Commission or HDC.

2) Olympic Welcome Plaza: We have consulted with YESCO, the manufacturer of the Look Tower, who informs us that for approximately $2000 they can modify the Tower and remove 5 feet from the bottom; the site at the

Olympic Welcome Plaza can then be excavated an additional 2.5 feet, and the Tower would then meet the height limitations of the zone and not need a height exemption from the Board of Adjustment. It would still need to go before the Planning Commission for a Conditional Use Permit for construction in the Frontage Protection Zone. Bill Brown informs me that we might run into water problems if we excavate down below grade.

3) New Location: The Olympic Welcome Plaza has been taken out of contention for the Look Tower in its present height configuration, but the Council can still consider any of the other 9 locations suggested in the original siting memo of May 16, 2002 (attached), or it can suggest other locations. As was mentioned in that memo, each location has pluses and minuses and each presents it own set of challenges.

b. **Park City Mountain Resort Look Tower & Flagpoles:** The resort wishes to keep and maintain the tower that now stands on the hillside near the resort base, but it does not meet current city height codes and regulations.

2. **Flags at the Entrance to Deer Valley Resort:** These flag poles lining the entrance to Deer Valley are on the city's right-of-way and do not meet the city sign code regulating flags. Deer Valley Resort wishes to keep and maintain these flagpoles if permitted to do so.

3. **Recognition Plaques:** the city and resorts are sponsoring and funding a series of commemorative plaques to highlight areas where significant Olympic activities took place on Main Street, Swede Alley, City Park, the Library, and at the resorts. A self-guided walking tour brochure sponsored by the Chamber will accompany these plaques.

4. **Banner Program:** a series of Olympic commemorative banners can be designed to line Main Street. It has yet to be decided whether these would be hung only during the yearly anniversary of the Olympics each February, or whether a more extensive banner program encompassing Olympic themes can be hung all year round. The city will fund this project.

5. Signing Program: Summit County has reactivated it's Corridor Enhancement Committee to look at the signing and beautification of the S.R. 224 highway. One element of this plan calls for a series of signs calling attention to our Olympic heritage and providing visitor information on a large changeable copy sign calling attention to upcoming community events. Some funding is expected from the Chamber and the Utah Olympic Park, other funding sources remain uncertain at this time.

6. Additional Graphics: the city has been contacted by ProGrafix, the company SLOC used to produce all of the official Olympic building, bus, and commercial wraps during the Olympics. They would like to present a series of coordinated 'look of the Games' legacy ideas to the Council. Funding remains uncertain.

7. Maintain Park City's Olympic signs & logos: unfortunately a number of the city's Olympic sign logos have been stolen and we are in the process of replacing them. This will likely be a recurring situation over the years as Park City's Olympic emblems has become very popular collectors items. We can consider adding more signs and elements should the Council so desire. Funding will come from the city's signing capital improvements program budget.

8. Historic Main Street Olympic Lighting: the Historic Main Street Association is requesting that the city fund the necessary electrical upgrades on each Main Street building (approximately $20,000) and the yearly maintenance of the Olympic accent lights (outlining each of Main Street's buildings) which proved so popular and photogenic during the Games ($10,000 yearly). These costs are all estimates and need further refinement.

9. Other Olympic Legacy Projects:

a. Bronze Sculpture: the city was approached by Jonathan Bronson, a sculptor who cast several bronzes of a skier for the Olympics. Two of these are
located in Salt Lake City, and he is proposing casting another for Park City. His
price is $15,000, though he claims it is worth $80,000, and suggests we find a sponsor willing to donate the bronze and take a tax write-off for the difference. I presented this

concept to the Park City Arts Council, but they apparently are unwilling to take on the task of finding a private sponsor. The bronze could be placed on Main Street, possibly in the new Post Office Plaza to be constructed next year. Funding uncertain.

b. **Other Olympic Legacy Projects:** yet to be determined.

Policy Framework for Determination of Olympic Legacies

The policy questions before the council now center on how to implement the Olympic Legacy program. A number of avenues can be pursued:

1. Normal Processes: present all legacy plans to the appropriate boards and commissions for recommendations to the Council, and should the council disagree, then the decisions can be 'called up' and reversed, except in the case of the Board of Adjustments decision.

2. Olympic Legacy Uses: establish a specific City Only Olympic Legacy Use category in the Land Management Code, which defines city sponsored Olympic Legacy projects as permitted uses subject to newly defined requirements. The Council presents it's Olympic Legacy plans directly to the public, and following a public hearing the Council makes the final decision. This is essentially the strategy used in hosting the Olympic Games.

3. Olympic Legacy Review Commission: create a new body to review and make recommendations to the Council on appropriate Olympic Legacies. The Council can then hold a public hearing on the recommendations and make a final decision. The legacy projects can either be permitted uses in the Land Management Code as in the above example, or put through the normal approval process.

Council Actions Requested:

1. Determine if a 'Look Tower' donated by SLOC is an appropriate Olympic Legacy for Park City

a. Determine where it should be located.

b. Determine the appropriate policy framework for deciding this issue.

2. Determine whether the 'Look Tower' at Park City Mountain Resort is appropriate and the framework for deciding this issue.

3. Determine whether the 'flagpoles' along Deer Valley Drive are appropriate Olympic legacies and the framework for deciding this issue.

4. Determine if the other Olympic Legacy projects presented meet Councils' objectives, and whether and how they should be modified. Suggest funding strategies to implement the projects needing funding.

PARK CITY WORK SESSION NOTES

SUMMIT COUNTY, UTAH

JUNE 6, 2002

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

Toby Ross, City Manager; Pace Erickson, Streets and Water Superintendent, Myles Rademan, Public Affairs Director; Mark Christensen, Grants and Budget Manager; Jerry Gibbs, Public Works Director; Alison Butz, Facilities and Special Events Manager; Patrick Putt, Planning and Zoning Administrator; Eric DeHaan, City Engineer; and Tom Bakaly, Assistant City Manager

Dean Schulman, Chair of Parks, Recreation and Beautification Advisory Board

Barb Clark, Director of Historic Main Street Business Alliance (HMBA); Doug Clyde, agent for Flagstaff

1. **Council questions/comments.** In response to questions from Peg Bodell, Pace Erickson explained that Friends of the Skate Park is a concept to encourage kids using the facility to wear safety gear. The Mayor volunteered to serve on the committee. He continued that the Health Department has offered to donate about $7,000 toward a reward program to riders wearing safety equipment. Rick Lewis indicated that he didn't have information at hand regarding the outdoor display of lanterns at Renee's, but would follow-up with a report. Ms. Bodell invited the public to participate in the Historic Home Tour scheduled on Saturday, June 15.

Fred Jones clarified that when asked to participate on the parking committee, the HMBA declined because there is not total support of the paid parking program among members of this group and there was concern that this would detract from its mission. In reading through the neighborhood traffic management plan drafted last year, he found some valid suggestions that should be considered in a future work session. Council concurred to schedule this topic. He reported that he, Council member Erickson and Summit County Commissioners Schifferli and Cone recently met regarding water on two occasions and believed there is a better understanding in terms of the Weber Basin project. There was then discussion on obtaining the final report from consultant Lyle Sumak. Jim Hier stated that he attended the water forum sponsored by CARG which was very well done. It was well attended and informative.

He continued that at some point would like some clarification with regard to prioritizing Weber Basin water over East Canyon and suggested pursuing legislation with regard to terminating paper water rights not been used in a five year period. The City Manager advised that rights can be lost for non-use, which is a judicial procedure. Use can be as little as applying or leasing them to land for irrigation. It takes someone to challenge the validity of a water right to prompt an action, which doesn't mean that it can be gained by that individual which basically eliminates any incentive to proceed. Mr. Hier explained that there may be an incentive for Summit County to clean up paper water rights and Ms. Erickson added that there is a delay claim and in addition, owners are entitled to rotate rights.

The Mayor congratulated staff on the success of the first skate park event, but suggested that the sound system be directed away from residences. He thanked Ms. Bodell for setting up the lunch with the seniors. He relayed that they requested some maintenance services, including turning on the irrigation system, fixing the stove and front door, striping the parking lot and repairing the pot holes in front of the center. He strongly suggested that the cell phone for their bus service be reinstated since the transportation office closes at 5 p.m. for reservations. Kent Cashel explained that there isn't a driver available after 5 p.m. which has always been the case. If a trip is scheduled in advance after 5 p.m., the Department makes special arrangements, but Council could elect to fund an expanded service. There are only two people using the later service and the cost per ride is already very expensive. The only change in the system is that scheduling has been centralized at the front desk at Public Works and Mr. Cashel indicated that he will be meeting with the seniors on Monday. He felt that there probably needs to be better on-going communication between staff and the seniors. A bus field trip is planned to the Justice Center next week where transit information will be disbursed. Toby Ross added that the City has not traditionally had a responsibility for maintenance. The building is leased by the seniors but it is free, and the program is run by the County. The City would be responsible for the pot holes in the street, but not necessarily the other capital projects. The Mayor asked whether the seniors received a portion of the rental revenue from the Olympics. The City Manager explained that an arrangement was made with regard to improvements to the center accomplished with these funds, but the above mentioned items were not on the list. He felt that the seniors have expectations beyond our legal obligation. Ms. Bodell disagreed and felt that they simply don't want our building in disrepair and recommended that a clear policy be established.

The Mayor thanked staff for its participation in the CARG water session. In a letter from UDOT regarding investigating the mine road, the state is suggesting 30 mph downhill, the use of a mandatory brake test area located near the top, and additional warning signs installed in front of the stop sign at the intersection. He added that it is his personal observation that directing trucks to Royal Street is not a valid alternative because there is not a wide enough radius for semi-trucks to negotiate curves in the road. The Mayor stated that he received nine letters of support for installing the Olympic tower. Myles Rademan indicated that SLOC is willing to donate $20,000 toward the installation cost. This project will be scheduled before the Planning Commission on June 26. Kay Calvert disclosed that she received some negative calls.

2. **Participation strategies.** Based on comments from Council from the last election and the recent visioning process, Myles Rademan referred to his report outlining a number of ideas and requested Council direction. Approaches include community long-range visioning, assessing community sentiment, communicating with the public on a regular basis, and educating residents. He understood that the Council would like to present its goals to a

broader group than the 70 members involved in the visioning session. Fred Jones commented that he supports the *living room* sessions to be held in the Fall and added the importance of getting the County and the ski resorts to participate in a visioning process. With regard to living room sessions, Mr. Rademan pointed out that participants could be a mix from different neighborhoods, as done in the past, or there could be neighborhood meetings. Mr. Jones suggested that visioning addresses long term goals, while neighborhood meetings focus on immediate local needs. It would also be beneficial to initiate discussions with the County and the ski resorts to ensure that the City's objectives are not in conflict with other entities.

Peg Bodell believed that the lengthy visioning process has concluded and felt that the next step is problem solving work shops between entities and more visioning may be a result of that effort. She proposed that the next step is meeting with neighborhoods to identify specific problems and solutions. Fred Jones emphasized the importance to fold the Council's goals into a broader range of visioning to eliminate conflicts so there is agreement on common elements with the County and others. This may be very constructive in achieving goals and does not preclude Ms. Bodell's neighborhood meeting concept. At this point, there has not transpired. For example, how important is Main Street and the Historic District to The Canyons? Is it important to Summit County that Main Street is viable? If it is, it is important that Main Street and Kimball Junction are not in competition as they are distinct. Entry corridors is another topic that could be addressed and these projects can not be funded by the City or the County alone.

Jim Hier pointed out that Council has not yet received Lyle Sumak's final report, making it difficult to implement a plan. After a published document is received he would like it disseminated to the public at a meeting so it is available for review by the public. After this is accomplished, the neighborhood meetings can be held with citizens and special interest groups. The Mayor's Advisory Task Force and special association meetings, which should be scheduled quarterly apart from Council meetings, are missing options in the report. Myles Rademan explained that traditionally, it has been more convenient for groups to schedule Council on their agendas and suggested setting up a general meeting for City boards and commissions. Jim Hier agreed that that may be a better approach, but people need time to review the Sumak Report and the Mayor added that Council needs to finalize the document. Kay Calvert expressed her desire to have a complete report available for distribution and Jim Hier added that the format needs to be understandable and clear. Ms. Calvert relayed that the first step may be formulating an effective communication strategy, and a start and an end date which she felt can be accomplished in a short amount of time. Peg Bodell suggested the need for a realistic calendar. Mr. Rademan pointed out that the list includes successes from the past and new concepts and the Council can't do them all. They involve a lot of meetings and Council already has a variety of commitments; a strategy is needed before a calendar can be designed. The Mayor concluded that the final report from Lyle Sumak must be available and reviewed by Council and Mr. Rademan suggested preparing more refined strategies for the next discussion on this topic.

3. **Review of regular meeting.**

Budget review. Mark Christensen stated that staff is adjusting revenues to better reflect a more favorable situation than anticipated. Other changes involve amending the special service contract policy as a result of the May 23 discussion and language to streamline the process for grant requests. Specifically YAC will have a $500 discretionary authority without Council approval. A deadline of March 31 will be established to provide the special service committee an opportunity to review all requests in advance of the budget process. With regard to the Sports Life application, staff is recommending continuing a decision until June 20 as staff is still collecting information. Ms. Calvert understood that Sports Life has retracted its application and will submit another request. There was discussion about this application being part of YAC's Fall review. Mr. Christensen indicated that the committee is recommending the $830 award to the Domestic Peace House and referred to the Historical Society's fully funded cash allocation established at last year's $28,000. Fred Jones commented that he appreciated the information provided by staff on the history of the formation of the grant fund, which is based on a percentage of the General Fund. Increasing funding for the Historical Society without understanding potential implications on other programs would be remiss. The two-year cycle is designed to address all budget impacts at one time and he is uncomfortable with the timing of this particular request. This is the reason he is reluctant to support the request. Mr. Jones also pointed out that increasing the director's salary may become an on-going expectation and it is more appropriate to consider this request next year, not mid-term.

Ms. Calvert suggested a compromise that the City increase the Historical Society's funding but not earmark it for the director's salary. Fred Jones clarified that the additional $28,000 is not the issue but his *hang up* is considering a request out of cycle and its implications on other demands. Ms. Erickson agreed with both Council members, but believed the City could provide additional funds for the Historical Society this year. There may be future options for the Historical Society such as applying for RAP tax revenues. She believed Council should set a policy with regard to preserving its historical heritage to support our financial commitment. Jim Hier stated that he has a problem with this approach as the request is specific with regard to the director's salary. If there are other needs, they should appear in the application and if there is an emergency, he would agree wholeheartedly. This is discretionary and out of context with the budget planning cycle and Council's decision should be deliberate and clear. The Mayor stated that he supports the seed money concept and Ms. Bodell emphasized that the consideration is a service contract with the Historical Society, for a service that the City does not want to perform itself. The City Manager indicated that the Council could fund the request with the proviso that the Historical Society look at other resources in the future.

Mark Christensen agreed that the request is for the director's salary but other projects and/or programs are highlighted as a part of the application. Ms. Calvert emphasized the importance of this organization which fits within the goals of the City. Ms. Bodell argued that this is not piece-mealing like the Olympic tower which has no accompanying legacy plan. The Community Celebration Committee formulated a document which has been totally ignored. In this particular case, the Historical Society has been providing a service that the City values and appreciates. The director's position needs to be full-time now and the Historical Society has every right to approach Council at this time. Fred Jones clarified that Ms. Bodell may have missed his point. He is not commenting on the merits of the application, but timing of the budget process as this is probably not a one-time request. If there is a need to fund a full-time position, it should be explored but as a matter of policy, he has a difficult time with this matter. Kay Calvert philosophically agreed with Council member Jones from a policy stand point, but there are exceptions. This organization is really trying to capitalize on the Olympic momentum and the increase in expected visitors. Candace Erickson recommended granting the Historical Society an additional $20,000 this year, noting that it is to be used to expand the program and the Council will look at the full-time salary in next year's budget review. Peg Bodell suggested $22,000 and the Mayor directed to fund the request at $21,000.

Mr. Christensen added that the HMBA has prepared a strategic plan and ways to fund it. Council approved $12,500 last year which is budgeted again for this year. Changes from the budget since May 2 are outlined in Exhibit B and changes from the entire two-year document are broken down in two categories, itemized details, and technical adjustments. These include cost-of-living, Olympic budget, 27th pay period, and the elimination of a trash service option. The $540,000 capital option for the Racquet Club; $240,000 for the roof and ceiling repairs, and $300,00 for the pool are included in the exhibit. There is a technical adjustment to the five-year capital improvement budget for the Main Street RDA. The City is still reconciling the Olympic budget as some expenses have not yet occurred but staff feels comfortable with the estimated $315,000 economic benefit. This exhibit also reflects the elimination of the sales tax stabilization.

JSSD water sales agreement. Jerry Gibbs stated that staff has been negotiating this agreement for four years with limited success until last Fall when an understanding was reached for a five-year short-term water supply. Subsequently, JSSD has offered a 20 year contract with five-year renewal clauses for 1,000 gpm, minimum 1,000 acre feet with a potential to take more water if capacity is available. This is the most expensive water the City has purchased, but the advantage is that as of July 1, it looks like the pipeline will be operating, connecting to JSSD, making real water available. This year the City has subscribed for 200 acre feet which provides 45 days of 24 hour pumping which will be well received in our system. In response to a question from Jim Hier regarding the transfer of water from one basin to another, Mr. Gibbs explained that this issue has not been resolved but it is a requirement of the contract that a permanent exchange be approved by the state engineer. JSSD feels confident that they will receive that approval and deliver the water as outlined. In response to a question from Fred Jones, Mr. Gibbs emphasized that he feels proceeding with the agreement is a better alternative than speculating on whether Rockport will be completed in a reasonable time frame. The Mayor expressed that this transaction could lessen the need to pursue Rockport. Mr. Gibbs felt that it lessens our demand from that source but may not lessen the need to have an alternate water strategy. The advantage of having another surface water source is to augment our system so wells can be used for peaking capacity and not on a long-term basis which result in the degradation of the well and water quality over time.

Farmers Market. Alison Butz stated that an application has been received from HMBA to hold a farmers market in the flagpole lot from June 24 through October 14 from 2 p.m. to 6 p.m. on Mondays. It is proposed that the lot be closed from noon to parking and would open at 7:30 p.m. Because this is a new event, she recommended an additional condition of approval stating that if staff finds that parking or other adverse impacts have not been mitigated, the master festival license shall be revoked. In response to a question from the Mayor about clearing parked cars, Barb Clark explained that every effort will be made not to tow cars. She felt the event could work around this problem and can be handled through an educational process. The lot will be signed the week before the first event. The City would not be responsible for towing cars and Ms. Clark explained that no cars were towed from the Park City Mountain Resort when the event was hosted in that location. Fred Jones suggested that the HMBA staff the lot for the first event in the morning to inform people about the noon closure. There was discussion about operating the Monday after Arts Festival and Miners Day.

Ms. Bodell asked for justification for waiving the $12,326 fee. Ms. Butz explained that the majority of the fee represents the special use parking application. The flagpole lot is free in the summer so the City is not losing revenue and reiterated that the fee is listed because there is an application process. Fred Jones pointed out that the waiver is really only $220.

Plat amendment questions.

Flagstaff plats. Pat Putt explained that Council will be taking action on a series of plats that form the subdivisions and right-of way dedication for the first phase of the Flagstaff MPD, including the realignment right-of-way for Guardsman Pass Road which will now be known as Marsac Avenue. The plat dedication will run from the old Guardsman Road connector in the vicinity of the horse stables, up and around Pod A and connect to the new road improvements to the new Empire Day Lodge. The subdivision plat is for ten single family lots as a part of the MPD approved by the Planning Commission on May 22, 2002 and three multi-family lots at the base of the Northside Lift. Approval of plat will create the lots and not result in density entitlement for those lots, which is subject to review of the next phase of the MPD. A lot of record will also be created for the Empire Day Lodge and the associated utilities. Finally, a 3.4 open space parcel will be created at the northeastern most entrance to the Mountain Village. The Planning Commission and staff have forwarded a positive recommendation to Council based on the findings of fact, conclusions of law and conditions of approval that address the requirements of the Development Agreement.

Fred Jones asked about the timing for improvements of the Mine Road from the connector area. City Engineer Eric DeHaan advised that road construction is anticipated in the Summers of 2003 and 2004 per the Development Agreement, which include some grading and the installation of a center passing lane. He clarified that this improvement is on the mountain and not on the Mine Road and valued at $4 million plus; the contract is ready to be let if approval is rendered tonight. There will be a number of additional improvements in subsequent years, including the Mine Road improvements tied to the balance of the development. Pod D review triggers the secondary access discussion to a greater degree. In response to another question from Mr. Jones regarding whether improvements to the Mine Road will be solely a state decision, Mr. DeHaan felt this would be discussed in detail at the Planning Commission level whether or not SR224 is transferred to the City at that time.

Letter of intent - SBSRD. Tom Bakaly explained that this was approved by SBSRD and clarified that while the City is committing $2 million of its $4 million bond toward ice, we would have the ability to increase that amount by reassessing the allocation of bond funds for parks. This is language that the City is proposing to add. The Basin Recreation Board requested that the language specifically referring to The Canyons lower village be removed and replaced with verbiage in the revised letter of intent. Kay Calvert asked about consensus on the location of the ice facility and Mr. Bakaly noted that the letter of intent would expire the end of December and the site will be identified by way of the interlocal agreement. Generally the focus is on the lower Canyons area, however, the letter of intent encompasses the SR224 corridor. It also contemplates a survey to involve the public and there will be opportunities for public input. The survey will be reviewed by Council prior to distribution to City and Basin residents.

Jim Hier expressed his confusion that the instrument is very general except for the details on the locker rooms. Tom Bakaly agreed that this provision is more specific than is typical for a letter of intent, but sets the table for discussions on programming. Fred Jones understood that this will ultimately be a $6 million facility, leaving an outstanding $2 million. Tom Bakaly explained that this shortfall will be addressed in the survey to determine tax payer tolerance. The Basin feels comfortable, once a site is identified, that fund-raising can be initiated, but has committed to a $2 million match. It is hoped that Summit County will also assist with Restaurant or RAP Tax funding. Fund-raising will also be detailed in the interlocal agreement. There was discussion about the timing of a decision on the location of the ice facility and its placement on the survey. Chairman Dean Schulman added that it is hoped that discussions on the lower Canyons site will yield enough information to be address the location issue in the survey.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

JUNE 6, 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 6, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Jonathon Weidenhamer, Planner; Brooks Robinson, Planner; Kirsten Whetstone, Planner; Patrick Putt, Planning and Zoning Administrator; Alison Butz, Facilities and Special Events Manager; and Jerry Gibbs, Public Works Director.

II PUBLIC INPUT

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

Water rate flyer - Joe Kearnin - In response to the City's concerns on his flyer an acre-based water proposal, he stated that he has removed his Recycle Utah board position disclosure on the flyer and apologized for any implication that the proposal came from Recycle Utah. The board neither reviewed or endorsed his proposal. Additionally, information was clarified with regard to the 20,000 gallon figure in the block outlined in the consultant's recommendation from 7,000 to 30,000 gallons. Mr. Kearnin advised that acreage information for Park City can be obtained from the County at a fee of about $250 which can probably be waived.

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MAY 9, 2002

The Mayor corrected roll call to reflect Ms. Calvert's attendance. Ms. Bodell corrected a typographical error. Hearing no further corrections, the Mayor requested a motion to approve. Peg Bodell, "I so move (as corrected)". Candace Erickson seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a plat amendment to combine all of Lots 12, 13, 14, and portions of Lots 11, 15, and 16 of Block 13 of the Park City Survey into one lot, located at 151 Main Street, Park City, Utah - Planner Jonathon Weidenhamer explained that the applicant is Bill White, owner of Grappa Restaurant. Approval of the plat would allow the applicant to construct an addition to the commercially zoned portion of the property; the design will be reviewed under the Historic District Guidelines. The Planning Commission recommended a positive recommendation to City Council on May 22, 2002. Peg Bodell asked if the design of the addition will alleviate existing trash problems and Mr. Weidenhamer indicated that staff believes so, but a final set of plans have not yet been submitted. This trash issue was brought up at the Commission public hearing where it was pointed out that a trash receptacle will be installed. Ms. Bodell suggested that the existing landscaping to be disturbed be replanted. Hearing no further questions from the Council or the public, the public hearing was closed.

2. Ordinance approving a record of survey for Hotel Park City, located at 2001 Park Avenue, Park City, Utah - Planner Brooks Robinson stated that the subdivision for this project has been approved and the plat determines the land uses in a condominium for the restaurant, hotel, office, spa and pro shop. This also provides expandable area for the future

cottages. Staff recommends approval as outlined in the staff report. In response to a question from Kay Calvert regarding inquiries from the public on this action referred to in the staff report, Mr. Robinson explained that they related to concerns about changes to the project. Hearing no comments or questions from the Council or the audience, the public hearing was closed.

3. Ordinance approving amendments to the final subdivision plat known as the Roosevelt Gap Subdivision, located at 2300 Deer Valley Drive, Park City, Wasatch County, Utah - Planner Kirsten Whetstone explained that the application is a request to amend the final subdivision plat, which is located in Wasatch County and in Park City, east of Summit County. This is part of Deer Crest which was annexed to the City in 1999. The subdivision plat was approved and recorded in Wasatch County. During the review of the Rosewood CUP for the hotel, the applicant requested a shift of the north development parcel line about 60 feet to the north. This will better accommodate construction disturbance and keeps it within the development parcel. In exchange for that, the applicant would dedicate a north facing slope and the City would realize a net increase of open space of about .75 acre. The third item is to realign and narrow the easement for the private drive as a result of the redesign of the hotel. She continued that on May 22, 2002, the Planning Commission held a public hearing where no public comment was rendered. The Commission added a condition regarding conducting another balloon test to make sure the hotel meets height limitations. She believes the changes will tuck the hotel further into the hillside and well behind the ridge line. The Planning Commission forwards a positive recommendation as outlined in the staff report. Hearing no comments or questions from Council or the public, the Mayor closed the public hearing.

4. Ordinance approving the final plats for Northside Subdivision; Northside Subdivision II; Parcel A, Mountain Village Subdivision; Parcel E, Mountain Village Subdivision; and the Marsac Avenue right-of-way located at Flagstaff Mountain Resort MPD, Park City, Utah - Pat Putt stated that three years ago, Council adopted Ordinance No. 99-30 which approved an annexation and development agreement for Flagstaff Mountain Resort which

comprises 1,655 acres of land now within the City, located between Deer Valley and Park City Mountain Resort. Ordinance No. 99-30 granted an equivalent of a large scale MPD and set forth sites and locations of land uses, maximum densities, the timing of development, the development review processes as well as development conditions and amenities for each of the parcels in the annexation area. The development agreement specified that only 147 acres would be developed and the remainder would be designated as passive and recreation uses, and open space. The agreement further limits the mix use development in the Mountain Village area, located in Pods A, B-1 and B-2. No more than 705 unit equivalents can be built, and no more than 470 residential units. In addition, support resort commercial is limited to 75,000 square feet and a maximum 35,000 square footage for the Empire Day Lodge is specified. Prior to construction, the applicant was required to receive a site specific MPD and final plat approval for each phase of development. Ordinance No. 99-30 also specifies that the applicant submit 14 technical reports for review and approval by the City. The Planning Commission approved all studies. The LMC, development agreement and General Plan form the standards by which all future development phases for the Flagstaff Resort will be reviewed. The Commission held several public hearings on Phase 1 and the MPD consists of the following. A density assignment and configuration of ten single family lots in the B-1 area in the Northside Subdivision; one lot of record for the Empire Canyon Day Lodge in Pod B-2, three multi-family lots in the areas of Pods A and B-1, known as the Northside Subdivision II, which are subject to subsequent MPD review and approval; an open space parcel located at the entrance of the Mountain Village in Pod A; and the realignment of the Guardsman Road aka Marsac Avenue. Mr. Putt continued that the Planning Commission reviewed and approved the MPD on May 22, 2002 and forwarded a positive recommendation to the City Council.

The realignment will finalize an irrevocable offer for public use and the proposed right-of-way is 50 feet wide and extends from existing SR224 below the stables up around Pod A to the newly constructed round-about at B-2. A master home owners association will be formed by contract and will participate in all road maintenance expenses which exceed normal City or state costs (i.e., primarily snow plowing). The Planning Commission spent many meetings reviewing the realignment with a series of visual simulations and established five additional vantage points together with the Sensitive Lands Ordinance for the project. The goal was to tuck the road into the hillside to minimize cuts and fills and most of the retaining walls will be constructed on the downhill side of the road to save the larger more mature stands of trees.

Mr. Putt stated that the ten single family lots range in size from .33 acre to one acre and the building pads have been designed to save vegetation and minimize areas of disturbance. The maximum house sizes have been reduced and range from 7,500 square feet to a maximum of 10,000 square feet. Building heights will be limited to the 33 foot requirement of the RDM zone and a maximum disturbance limit is specified for each lot. By way of an exhibit, the buildable area for each lot was illustrated. The MPD also provides that a survey of significant trees must be submitted to allow staff the flexibility to work with the owner to site the structure within the buildable area. The plat refers to all provisions of the MPD rather than plat notes. The three multi-family lots at the base of B-1 are subject to future MPD approval and density assignment and the setbacks will be regulated by the RD zone. There will be a height discussion on Building H in Pod D relating to the hotel before the Planning Commission next week. Once MPDs and plat approvals are obtained there will be a CUP review process considering the finer details under the LMC. The open space lot is 3.4 acres and will be dedicated to the home owners association or Deer Valley.

With regard to siting the lots in the Northside Subdivision, Doug Clyde gave a computer assisted presentation. He explained that clusters of trees were identified and will be surveyed and analyzed at the time of issuance of a building permit. This will be done in tandem with compliance of limits of disturbance requirements. He discussed a winter field trip of the area with the Planning Commission which, in some cases, resulted in improved solutions for individual building pads.

Pat Putt explained that staff finds the project, as proposed, consistent with the development agreement and meets the standards of the subdivision ordinance. With approximately 88% open space, the project exceeds the required 60%. The development agreement specifies that the applicant must dedicate all open space in the MPD area and all open space outside the remaining development pods, which are currently zoned ROS within 30 days of the MPD approval. As of today, the City Attorney is reviewing drafts of those agreements. There is an area in the southeast portion of the annexation area subject to negotiation between UPCM and other property owners and UPCM is requesting that the conservation easement in that area await subsequent MPD approval. The development agreement provides for a density reduction in the event the other property owners do not reach consensus. Also, given the fact that the property is already zoned ROS, staff feels comfortable in removing those portions from the dedication at this time.

In light of the recent Evergreen Subdivision issues, there was discussion on ski-in and ski-out easements and their interface with building pads. Candace Erickson asked if the retaining walls become the responsibility of the City if UDOT transfers the road. Eric DeHaan responded that the retaining walls would become part of the road system, but they will be subject to a rigorous building permit and inspection process. He added that the design is solid and is free of the drainage and utility conflicts. Most walls are downhill eliminating salt infusion and allowing snow to cascade over the side. Staff is confident that the design is structurally sound. Ms. Erickson noted that there are eight retaining walls and expressed concern about associated maintenance costs borne by tax payers. Mr. DeHaan stated that the inspections will be superior to those provided in the past and to some extent the City's hands are already tied by virtue of the development agreement. A more maintenance free option would have been fill slopes which would have taken out large portions of the aspen trees. Doug Clyde added that the walls meet a higher design standard than those typically seen on UDOT roads. In response to a question from Peg Bodell, the City Engineer stated that the official name of the road from our round-about to the top round-about is Marsac Avenue. From the upper round-about at the Empire Canyon Day Lodge, it turns into the Guardsman Pass Road. Hearing no further comments from the Council, the Mayor opened the public hearing to the audience.

Ilene Stewart asked if the road will be private or public and the delegation of snow-plowing responsibilities. Through illustration of a map, Doug Clyde explained that there will be year-round public access up to the Empire Canyon Day Lodge. When it is dedicated to the City, there is some City obligation, but the property owners have agreed to pay for the differential based on average costs. With no further comments or questions from the public, the Mayor closed the public hearing.

5. Master Festival License for the Farmers Market to be held at the Flagpole lot from June 24 - October 14, 2002 - HMBA - Alison Butz explained that the applicant is seeking an approval of a farmers market in the flagpole lot on Mondays from June 24 through October 14 from 2 p.m. to 6 p.m. Parking in that lot will be closed from noon to 7:30 p.m. on Mondays. She suggested adding a condition reading that *if staff finds that parking or other adverse impacts can not be mitigated, the master festival license shall be revoked*. The Mayor opened the public hearing. Hearing no comments, the public hearing was closed.

VI CONSENT AGENDA

The Mayor requested a motion to approve the Consent Agenda. Fred Jones, "I so move". Kay Calvert seconded. Peg Bodell indicated that she would like to register a negative vote on Item 7 and include the additional condition on Item 5 discussed above. The Council concurred to add the condition of approval for the farmers market. Motion carried.

Peg Bodell	Aye, Nay on Item 7
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

1. Ordinance approving a plat amendment to combine all of Lots 12, 13, 14, and portions of Lots 11, 15, and 16 of Block 13 of the Park City Survey into one lot, located at 151 Main Street, Park City, Utah - See staff report and public hearing

2. Ordinance approving a record of survey for Hotel Park City, located at 2001 Park Avenue, Park City, Utah - See staff report and public hearing.

3. Ordinance approving amendments to the final subdivision plat known as the Roosevelt Gap Subdivision, located at 2300 Deer Valley Drive, Park City, Wasatch County, Utah - See staff report and public hearing.

4. Ordinance approving the final plats for Northside Subdivision; Northside Subdivision II; Parcel A, Mountain Village Subdivision; Parcel E, Mountain Village Subdivision; and the Marsac Avenue right-of-way located at Flagstaff Mountain Resort MPD, Park City, Utah - See staff report, work session notes, and public hearing.

5. Master Festival License for the Farmers Market to be held at the Flagpole lot from June 24 - October 14, 2002 - HMBA - See staff report, work session notes, and public hearing.

6. Resolution adopting retention schedules for certain record series maintained by Park City Municipal Corporation pursuant to the Utah Governmental Records Access and Management Act and replacing Resolution 21-98 in its entirety - See staff report.

7. Ratification of ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas (Mountain Town Stages) - See staff report and motion.

8. Revision to letter of intent for joint ice facility with Snyderville Basin Special Recreation District - See staff report and work session notes.

9. Rescind award of cemetery fence bid and reject all bids - See staff report.

VII PUBLIC HEARING

Revised budget for fiscal year 2001-2002 and the tentative budget for fiscal year 2002-2003 for Park City Municipal Corporation and its related agencies - See staff report and work session notes. Hearing no questions or comments from the Council, the Mayor asked if anyone in the audience has a comment or question of staff regarding the budget. Hearing none, the public hearing was closed.

VIII NEW BUSINESS

1. Revised budget for fiscal year 2001-2002 and the tentative budget for fiscal year 2002-2003 for Park City Municipal Corporation and its related agencies - Peg Bodell, "I move to approve the revised budget for fiscal year 2001-2002 and the tentative budget for fiscal year 2002-2003 for Park City Municipal Corporation and its related agencies". Kay Calvert seconded. There was discussion about adopting a final budget on June 20. Motion unanimously carried.

2. Water sales agreement Jordanelle Special Service District - Fred Jones expressed his concern about the exorbitant price of the water. The City Manager explained that this transaction represents today's high water costs. The City spent less in the past because water rights were actually dedicated to the City which is not now the case. He emphasized that this agreement is for 20 years while ten years would be much more desirable, but would result in escalated costs. He acknowledged that this is a tough decision, but staff is prepared to recommend proceeding. In response to a question from the Mayor, Jerry Gibbs stated that the water is already treated resulting in a low hardness quality product. He added that there will be substantial electrical savings because it will reduce the pumping demand to Deer Valley. Fred Jones, "I move to approve the water sales agreement with the Jordanelle Special Service District". Candace Erickson seconded. Motion unanimously carried.

IX 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 _2:30 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. No staff present was present. Jim Hier, "I move to close the meeting to discuss personnel". Peg Bodell seconded. Motion carried unanimously.

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

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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

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 20, 2002

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

Toby Ross, City Manager; Mark Harrington, City Attorney; Jerry Gibbs, Public Works Director; Mark Christensen, Grants and Budget Manager; Pace Erickson, Streets Manager; Bob Stephens, Administrative Services Director

Rick Giardina, Giardina & Associates; Bruce King, Soaring Wings Montessori School

Absent: Council member Fred Jones

1. **Council questions/comments.** In response to a comment from Council member Jim Hier regarding the Planning Commission's denial of the CUP for Nutricuetical, Mark Harrington explained that it continued the CUP pending Council's action on its negative recommendation on the amendment to the LMC to allow office use. Mr. Hier requested sales tax information for associated uses in advance of Council's consideration. He continued that in preparation for the request to zone the April Mountain area SF, that Council members be provided an updated zoning map. It is important to see how SF interfaces with the RD zone throughout the City. Peg Bodell thanked staff for its assistance in the success of the Historic Home Tour and reminded the Council about the reception for Olympic athletes on July 5. Kay Calvert asked the status of repairing Old Town streets. Jerry Gibbs explained that the pavement management plan contemplates patching potholes (see later discussion). Candace Erickson expressed her surprise at how well the noise has been mitigated for the Park Meadows Well drilling project. She added that in water meetings with Summit County, the City is moving ahead with the pipeline albeit without the County. The Parks and Recreation Board

public hearing on the master plan for City Park was held last week and she reported on the ULCT meeting where the nuclear waste issue was discussed. Summit County will be rendering a formal statement in opposition. The Board of Health is working on bio-terrorism and will be hiring a coordinator to create a County-wide plan. She attended two ice rink meetings where the County indicated its commitment to participate which may result in a determination of a site. She reported on the Library Board meeting. The Library is experiencing on-going technical problems with its web site which should be explored by Tech Services.

Mayor Williams reported on his meeting with a delegation from a southern province in China who interested in creating a relationship with Park City. He also met with a group looking for a location for a hospital, requiring about 40 acres. He discussed an Olympic presentation to SCORE, a group of retired individuals and a meeting with the attorney for the Provo River Water Users. With regard to the information requested for Nutricuetical, he requested an analysis of employment opportunities this company may provide.

2. **Water rates.** Consultant Rick Giardina noted that Council requested an alternative rate structure option at its last meeting. This update reflects a higher degree of equity in terms of how the rate structure is applied to residential, multi-family and irrigation customers. It also relates to the proposed approximate 10% revenue increase based on a variety of factors, including the JSSD water purchase contract. The plan is proposed to recoup through this modified rate structure, a larger percentage from single family residential customers as opposed to irrigation and multi-family. Mr. Giardina continued that the elimination of the 5,000 gallon allowance in the fixed charge is still recommended; there is still a four block structure for single family but the usage allowance is reduced in the first block. The biggest change appears in the irrigation category from a three block to a two block approach to provide a greater amount of usage within those lower priced blocks. Through illustration of a computer assisted presentation, he pointed out that the fixed amount is greater than in the May report necessitated to balance revenues, based on the modifications proposed to the volume charge structure. He discussed the current rate structure. The proposed volume rate

structure narrows the residential block structure from five to four blocks, reduces the block one usage allowance from 7,000 to 5,000 gallons, and ties it directly to the fixed charge at $1.25 which is below the current rate. The multi-family block structure considers the capacity of the meter size for accounts. There is an attempt to provide the irrigation accounts the same amount of use on a per unit basis as allowed for residential. Mr. Giardina emphasized that this will not be perfect for everyone, but the proposal is a significant step in the right direction. He discussed a sample of the consumption of a summer single family account at different levels which is not significant when compared to the current and proposed structure. Although it sends a stronger message to irrigation customers using over 30,000 gallons.

In response to a comment made by Council member Hier, Jerry Gibbs explained that residential and single family represent about 2/3rds the number of meters. *All others* represents commercial users like hotels and businesses using a 2" or larger meter, except irrigation which is a use in and of itself. Jim Hier recommended that since irrigation is half of the City's consumption, it would be beneficial to analyze it at some point in the future, and also suggested that the top of the third block be adjusted to 80,000 rather than 100,000 gallons. Mr. Gibbs explained that the proposal doesn't quite double the number of connections that would be affected and represents a net gain of revenue of about $150,000. About 125 single family connections use over 100,000 gallons per month; at 80,000 gallons, the number increases to 220 accounts. Kay Calvert felt that the 80,000 gallon block adjustment would promote conservation and Mr. Hier agreed that the range from 30,000 to 100,000 is too broad and suggested that it be narrowed. Mr. Gibbs stated that he has no objections and will incorporate that change. The City Manager interjected that the other rates would have to be decreased and the revenue neutral approach was discussed. If excess revenue is collected, it may eliminate an increase next year and conversely if conservation is effective less revenue is collected.

By way of example, Mr. Giardina explained that when the 5% across-the-board increase was implemented last year, a 9% to 10% reduction was realized in summer use. We want people to conserve, but there is a financial risk. If the block is lowered to 80,000 gallons, the same pricing structure should be maintained and revisited next year. Jim Hier felt this is appropriate. With regard to concerns raised about multi-family rates, Jerry Gibbs stated that he met with Mr. Kearnin who indicated that this is moving in the right direction. Council member Hier publicly thanked Mr. Kearnin for his efforts on this issue and urged him to continue to work with the City. Jerry Gibbs added that an amendment to the fee resolution will appear on Council's agenda next week.

Review of regular meeting.

Budget. Mark Christensen stated that comments from the last meeting have been incorporated in the budget, including adjusting the Historical Society's special service contract by an additional $21,000 for 2003. Revenues now better reflect estimates. There is a General Fund transfer to the five year CIP fund of $3.5 million, consistent with City policy. Approximately $157,000 has been moved from FY2002 to FY2003 in the Transportation Fund and reconciliation of the Olympic budget is still on-going. He discussed the actions scheduled on tonight's agenda. The City expended about $7 million for open space and there are adjustments in the CIP in 2003 because some projects were pulled. In response to a question from Jim Hier about the CIP fund, Mr. Christensen explained that the Racquet Club project affects the balance. The expenditure for open space in 2002 also affects the carry-over funds to 2003. State requirements dictate that the City adopt a budget by June 22; if there is a property tax increase, the deadline is August 20. The City Manager advised that the Council also has discretion to reopen the budget and adjust it during the year.

Peg Bodell presented a gift to Mr. Christensen on behalf of the Council and in acknowledgment of his department's hard work on the budget.

Leases - Park City Library and Education Center. The Mayor expressed concerns about satisfying the future space needs of the Library. Toby Ross explained that the University of Utah and Soaring Wings Montessori School leases on for action tonight, represent an exchange of space which frees up some area. Mr. Hier understood that there is provision for tenants to sublease space without the consent of the City. Mr. Ross explained that this flexibility is designed for approved tenants to exchange space among themselves if the arrangement meets use criteria and the City is notified. Ms. Bodell suggested that if the University of Utah is not using all of its space, that the City have the right to control it in light of many community demands. There was discussion about the University paying the City whether or not the space is occupied, guaranteeing rental revenue. The Mayor understood that a non-profit organization subleasing from the University pays a lower rate, while the University covers the difference. It was clarified that the tenant determines the sublease rental rate and the City is notified.

Peg Bodell reiterated her concerns that the University has rented space that has been unoccupied limiting opportunities for other groups when it is available. Council member Erickson believed that the University has offered it to others over the years, but Ms. Bodell disagreed. Alison Butz added that both leases provide for five years with options to renew for up to ten years and Soaring Wings has requested a 15 year lease. Bruce King stated their preference for a 15 year lease. The City Attorney explained that the drafted lease represents current practice to preserve flexibility and not over-committing the City in the event of unforeseeable circumstances. There are tied fixed rental rates and a longer term arrangement didn't seem to be in the best interest of the public. Additionally, the term relates to future demands for the City's internal space needs. Bruce King added that he had concerns about space not utilized by the University and urged the City to look at this. Peg Bodell asked how this could be addressed, and the City Attorney explained that performance conditions would have to be added. The University has certainly been approachable over the years when there has been a need to use those rooms from time to time. The City could be more aggressive in this regard. Ms. Butz continued that a survey was performed last spring among tenants, including the Library, and percentage of use was included. This practice could be continued. The Mayor believed that by way of the increase in space to Soaring Wing's lease slated for action tonight, that the system is working. Candace Erickson emphasized that the lease with the University of Utah guarantees payment on a public building to tax payers and maintenance costs are covered. Kay Calvert pointed out the potential of leasing to unsuitable tenants. Ms.

Erickson stated that the non-profit center issue is a philosophical policy that needs to be determined by Council. Jim Hier commented that this is a City facility for public use and should be utilized, and in the future, availability and usage should be addressed. Another alternative is limiting the lease to two years, without renewable options or tying renewals to usage. Bruce King stated that he is comfortable with a ten year lease.

2002 Pavement Management Program. Pace Erickson urged Council to accept the bids for the pavement management program and authorize staff to enter into agreements with Staker Paver for the overlays, Asphalt Guard Inc. for slurry seals, and Rivas Construction for utility adjustments. Pavement management is a program that sets forth maintenance projects and time frames. He relayed that roughly 25% of deterioration occurs during the first 75% of the pavement life. He discussed a scale to evaluate conditions of roads: 85 to 100 relates to minor patching and crack sealing; 80 to 84 is seal coats or thin overlays; 70 to 79 thin to thick overlays; 60 to 69 thicker overlays or possibly reconstruction; 10 to 59 surface or base reconstruction and possibly sub-grade stabilization. Park City has an average rating of 73; roughly 13% of the pavement is below 60 and another 47% is in the 60 to 79 range. These are deteriorating at an accelerated rate but most can be saved with slurry seals and overlays; delay would increase costs.

He continued that Staker Paving was the low bidders at $222,054; Asphalt Guard was the low bidder at $61,810 for Type 3 slurry seal, and $59,122 for Type 2 slurry seal. The process involved for utility adjustments was discussed. The award of bid is recommended to low bidder Rivas Construction at $27,650. Type 3 slurry seal is a rough surface, but will last one third longer than Type 2, which is slightly cheaper, and there are benefits associated with traction. Park City has spent about $300,000 per year on the pavement management program, and last year spent $500,000 to $600,000 preparing for the Olympics. Projects are scheduled to minimize impacts on neighborhoods. In response to a question from Peg Bodell, Jerry Gibbs explained that this program does not include curb and gutter or major street reconstructions. The Old Town Needs Assessment, scheduled next week, addresses road infrastructure projects. The City Manager explained that most of the streets in Old Town are past the point where a slurry seal or overlay can extend their life as they lack integrity throughout the base structure. These streets will need to be replaced and will be evaluated in the needs assessment.

Other meeting questions/comments. Bob Stephens reported that the final Sumak Report should be available to the Council next week. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 20, 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 20, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Jim Hier. Fred Jones was excused Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Richard Carlile, Building Inspector; Eric DeHaan, City Engineer; Alison Butz, Facility and Special Events Manager; Tom Bakaly, Assistant City Manager; Jerry Gibbs, Public Works Director; Derek Satchel, Preservation Planner; Planner Ray Milliner; Mark Christensen, Grants and Budget Manager;

II PUBLIC INPUT

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

1. Proposed water rate structure - Joe Kearnin expressed his appreciation of open government and Council and staff being receptive to public input. After talking with most multi-family housing projects, the new approach is pretty equitable, but there are exceptions. He felt that in cases where there are unique circumstances but conservation practices, that the appeal process will work.

2. Primary Election, Tuesday, June 25 - Candidate Sue Follete urged the public to vote on Tuesday and explained the process for the closed Republican race. She thanked the media for keeping people informed about the candidates.

The Mayor discussed his observation of illegal campaign signs in the City's and UDOT's rights-of-way. Council member Hier suggested that candidates receive a copy of our Sign Code well before the General Election.

3. Fireworks - Eric Anderson, employee of a fireworks company, requested clarification on the prohibition of sale and use of fireworks. Richard Carlile explained that a final determination has not been made but the City is leaning toward the ban approved by Summit County today and a decision will be made by June 30. The County passed an ordinance banning the sale and use fireworks, other than the 4th of July. Mr. Anderson believed the ban spans from July 21 through July 27 for the Founders Day holiday. The City Manager stated that the Fire Marshal has the authority to impose a ban and it wasn't staff's intent to come back to Council. Mr. Anderson stated that he would like to have an opportunity to meet with the Fire Marshal to work out alternatives to banning fireworks. It is not their normal practice to approach city councils with regard to public safety, however, there is state law that prohibits cities or counties to enact regulations or ordinances in conflict with state law, which outlines dates of sale.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Eric DeHaan reported on the AT&T Broadband fiberoptic link project throughout town. Flagstaff is heavily under construction and he urged the public to use marked trails away from the construction area. Staff is very involved with this project and held a lengthy meeting today with contractors on truck safety on the Mine Road. The attendees were local contractors who are cooperative and wanted the Council to know that there are also outside contractors using the road. Peg Bodell relayed that she heard from the neighbors that there was another truck incident on the Mine Road. In response to a comment from the Mayor regarding the timing of the reduction in the speed limit recently recommended by UDOT, Mr. DeHaan stated that he will follow-up.

Jerry Gibbs reported on two water line breaks at the intersection of Lucky John and American Saddler which took a day to repair. At the same time, the Judge Tunnel appeared to have caved-in resulting in turbidity problems and activating the 13th Street pump station. KPCW aired a public service announcement asking residents for cooperation in not watering for one day and with that assistance, tank levels were maintained. The Judge Tunnel was turned back into the system today and the condition of the tunnel will be explored as soon as possible. There was discussion about AT&T Broadband being responsible for the damage to the water line. Peg Bodell stated that Council should be advised first before hearing about emergencies on the radio. The City Manager stated that he sent an e-mail to Council, but members indicated that they didn't receive it. Mr. Gibbs emphasized that this was decision that had to be made quickly. The incidences separately didn't create an emergency, but in tandem created an urgent situation. The notice on the radio urged a voluntary effort on the part of the community which was provided.

IV CONSENT AGENDA PUBLIC HEARINGS

1. Master festival license for Movies in the Park - Sundance Institute and PCMC - Tom Bakaly explained that the City is a co-applicant for this new event in City Park on four dates during the summer and the film selections are classic Westerns. A fee waiver of $220 and a noise ordinance waiver are requested. Attendance is projected at 250 to 300 people based on numbers from Concerts in the Park. He stated that more cultural activities were suggested by citizens participating in the visioning session and staff believes this is consistent with Council's goal in promoting Park City as a multi-seasonal resort. Ms. Erickson expressed her concern about the number of Salt Lake visitors and increased traffic and parking problems and felt that attendance is grossly underestimated. She felt this is an intrusion to residents in the area. Sara Conrad from Sundance stated that they are showing the exact same films at the Gallivan Center in Salt Lake and Salt Lake patrons will probably attend those films. Additionally, there will be no advertising in Salt Lake. There was discussion about the probability of Salt Lake visitors coming to Park City and Kay Calvert stated that she supports the idea. Ms. Erickson clarified that she likes the concept but this is yet another event during

the week in the same part of town; perhaps there should be a parking management plan. Tom Bakaly suggested that patrons could be directed to park at the Park City Mountain Resort. The Mayor recalled that there was a trolley service from the Snow Creek parking lot to the Concerts in the Park. Jerry Gibbs responded that the program didn't attract enough ridership to justify the cost.

Peg Bodell stated her support of the new event but pointed out that this event will be just beginning when the Concerts in the Park would be ending so the comparison is really *apples to oranges*. She felt it reasonable to ask people to park at the resort and referred to Old Town resident's Steve Schueler's letter about the impacts on this area of town by special events. Traffic calming has been discussed for lower Park Avenue, but nothing has been done. She suggested three and four-way stop signs at intersections along Park Avenue to slow down drivers. Something needs to be done immediately on Park Avenue if these events keep occurring.

Jerry Gibbs stated that Council will be reviewing a traffic calming program at its next work session. Studies have shown that stop signs do not necessarily reduce overall speeds, and speeds often actually increase between stop signs creating more noise. There is also a safety issue by randomly or arbitrarily installing stop signs as drivers don't stop unless they are reasonably located. Peg Bodell countered that the reasons from those generic studies are probably true and that they were cited for the stop sign at Heber Avenue and Park Avenue, which is effective and has made a significant difference. It's time to do something and she solicited support from Council for temporary stop signs. Jerry Gibbs advised that speed studies on Park Avenue indicate that drivers are compliant with the 30 mph. and Ms. Bodell stated that it should be 25 mph like other residential neighborhoods. Eric DeHaan pointed out that it is 25 mph at the south end of Park Avenue and added that lowering the speed limits is problematic for operating the buses and would create a noise component with down-shifting, stopping and accelerating. There is a traffic calming element that is part of the City Park Master Plan to narrow Park Avenue at 12th street to better accommodate pedestrian crossings and narrowing the road would encourage slower speeds. He added that there are many commercial businesses on Park Avenue. In response to a comment made by Jim Hier about lowering the speed limit, Mr. DeHaan advised that the 35 mph reflects the average speed of motorists and it is a collector road for Old Town. Peg Bodell stated that that reasoning is unacceptable to her and if events are added, the Council is responsible for dealing with traffic. Ms. Erickson asked if this could be a separate discussion as she agrees with many of these points and Jim Hier agreed. However, he didn't feel the MFL should be held hostage over this point. Tom Bakaly added that a survey will be conducted throughout the neighborhood since more events are being added to City Park. Kay Calvert asked that a parking plan be developed quickly and Jim Hier suggested a review of the first event immediately after it is held. The Assistant City Manager stated that a plan could be reviewed by Council at its July 11 meeting. The Mayor discussed spreading out events in various areas in town.

Mayor Williams opened the public hearing. Hearing no comments, the public hearing was closed.

2. Ordinance approving a plat amendment, located at 805 Woodside Avenue, Park City, Utah - Planner Derek Satchel explained that the application contemplates combining two lots into one single family lot, as conditioned in the staff report. Hearing no comments or questions from the Council or the public, the public hearing was closed.

3. Ordinance approving a condominium conversation, located at 938-942 Norfolk Avenue, Park City, Utah - Planner Ray Milliner explained that this application requests combining lots and designating the existing duplex as condominium units. This application was approved by Council a year ago but the approval expired. Staff recommends approval. Hearing no comments or questions, Mayor Williams closed the public hearing.

4. Ordinance establishing compensation for the Mayor and City Council for Fiscal Year 2002-2003 in Park City, Utah - Mark Christensen explained that this ordinance reflects

a 1% increase in salary for the Mayor and Council members. Hearing no comments from the Council or the audience, the public hearing was closed.

V CONSENT AGENDA

Peg Bodell, "I move we approve the Consent Agenda Items 1, 2, 3, and 4". Jim Hier seconded. Motion carried.

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

1. Master festival license for Movies in the Park - Sundance Institute and PCMC - See staff report and public hearing comments.

2. Ordinance approving a plat amendment, located at 805 Woodside Avenue, Park City, Utah - See staff report and public hearing comments.

3. Ordinance approving a condominium conversation, located at 938-942 Norfolk Avenue, Park City, Utah - See staff report and public hearing comments.

4. Ordinance establishing compensation for the Mayor and City Council for Fiscal Year 2002-2003 in Park City, Utah - See staff report and public hearing comments.

VI PUBLIC HEARING

Revised budget for fiscal year 2001-2002 and final budget for fiscal year 2002-2003 for Park City Municipal Corporation and its related agencies - See staff report and work session notes. Mark Christensen stated that in response to discussions about not adopting a budget in a time consistent with state code, the City Treasurer would be held accountable and liable. The Mayor suggested that the budget review for next year begin earlier and it would be helpful if Council hears from each department head. Hearing no further questions or comments from the Council or the public, the public hearing was closed.

VII NEW BUSINESS

1. Award of bids and authorization to staff to enter into agreements for the 2002 Pavement Management Program: Staker Paving for overlays $222,054; Asphalt Guard Inc. for slurry seals $61,810; and Rivas Construction for utility adjustments $27,650 - See staff report and work session discussion. Peg Bodell, "I move approval to award the bids and authorization to staff to enter into agreements for the 2002 Pavement Management Plan, as listed". Kay Calvert seconded. Motion carried.

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

2. Soaring Wings Montessori lease at the Park City Library and Education Center - and

3. University of Utah lease at the Park City Library and Education Center - See staff reports and work session discussion. Peg Bodell, "I move that we approve Items 2 and 3 under New Business for the Soaring Wings Montessori lease and the University of Utah lease". Candace Erickson seconded. Motion carried.

Peg Bodell	Aye

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

4. Resolution adopting a revised budget for FY 2001-02, and final budget for FY 2002-03 for Park City Municipal Corporation and its related agencies - See staff report, work session notes, and public hearing. Jim Hier, "I move that we adopt the resolution for the revised budget for FY2001-02 and a final budget for FY2002-03". Motion carried.

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

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. A Redevelopment Agency, Municipal Building Authority, and Water Service District meeting were held

* * * * * * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Jim Hier. Fred Jones was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; and Jerry Gibbs, Public Works Dirctor. Peg Bodell, "I move to close the meeting to discuss property acquisition and litigation". Kay Calvert seconded. Motion carried.

Peg Bodell	Aye

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

The meeting opened at approximately 4 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: July 18, 2002

DEPARTMENT: Planning Department

TITLE: 1117 Norfolk Avenue Plat Amendment

TYPE OF ITEM: Legislative

RECOMMENDATION: Conduct a public hearing, take any public input and consider Staff's recommendation to approve a plat amendment to combine lots 4 and 5 of block 17 of Snyder's Addition into one lot.

PROJECT

Applicant:	Carl Weaver, Jill Dunlap
Location:	1117 Norfolk Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Date of Application:	June 4, 2002
Project Planner:	Jonathan Weidenhamer

BACKGROUND

This application was reviewed by the Planning Commission on July 10, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and no input was received.

The applicant proposes to combine lots 4 and 5 of block 17 of the Snyder's Addition to the Park City Survey into one lot of approximately 3,750 square feet. The property has an existing non-historic structure which straddles the lot line between lots 4 and 5. The applicant intends to renovate the existing home, and put a small addition onto the rear of the structure. To date, the applicant has received an interior demolition and remodel permit from the Building Department and is working with the Planning Department regarding a future Historic District Design Review application for exterior work. At this time, an HDC application has not been submitted to the Planning Department. A fence and retaining wall currently encroach onto lot 5 from lot 6 and is noted on the proposed plat. The applicant originally brought the application to staff as an administrative lot line adjustment, but was unable to secure the required signatures from the adjacent property owners and is therefore bringing the application to the Planning Commission as a plat amendment.

ANALYSIS

The property is zoned HR-1, Historic Residential. Renovations of existing historic structures are permitted in this zone provided that all plat issues are in accordance with Section 15-7-10(C) of the Land Management Code, which mandates that a building be in compliance with the subdivision requirements of the LMC prior to the issue of a building permit by the Community Development Department. The project will be reviewed for compliance with the Historic District Design Review Guidelines prior to the issue of a building permit for any addition or exterior remodel.

Because the existing home is not historic, it is not exempt from the off-street parking requirements in Chapter 2 of the Land Management Code. Therefore, any proposed changes to the structure including an addition or renovation, will require that the building provide adequate off-street parking. Currently, the structure provides one off-street parking space. Access to the property is off Norfolk Avenue and will not change as a result of this plat amendment.

NOTICE
Notice of this hearing was sent to property owners within 300' on June 26, 2002.

DEPARTMENT REVIEW
The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with State Law prior to recording. The request was discussed at a Staff Review Meeting on June 25, 2002, where representatives from local utilities and City Staff were in attendance. No major issues or concerns were raised at that time.

RECOMMENDATION
Staff recommends that the City Council conduct a public hearing, take any public input and consider Staff's recommendation approve a plat amendment to combine lots 4 and 5 of block 17 of Snyder's Addition into one lot.

Findings of Fact:

1. This application was reviewed by the Planning Commission on July 10, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and no input was received.
2. The property is located in the Historic Residential (HR-1).
3. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
4. There is an existing non-historic single family home on the property.
5. The existing non-historic single family home straddles lots 4 and 5 of block 17 of Snyder's Addition to the Park City Survey
6. The amendment will combine lots 4 and 5 of Block 17 of the Snyder's Addition to the Park City Survey into one (1) platted lot.
7. The proposed lot will combine two standard 25' x 75' old town lots. The resulting lot size will be 3,750 square feet (50' x 75')
8. An existing fence and retaining wall encroach approximately two feet (2') onto the northern section of the property from lot 6 of Block 17 of the Snyder's Addition to the Park City Survey.

9. The required front yard setback in the HR-1 zone for a 75' deep lot is ten feet (10').
10. The existing non-historic structure encroaches into the front yard setback approximately one foot (1').
11. An existing deck on the second floor of the structure extends three feet (3') into the front yard setback.
12. The required side yard setback in the HR-1 zone for a 25' lot is three feet (3'). The required side yard setback for a 50' wide lot is five feet (5').
13. A second floor deck on the existing non-historic structure encroaches into the north side yard setback approximately two feet and six inches (2' - 6").
14. On June 10, 2002 the Building Department issued an interior demolition and remodel permit for the existing non-historic structure.
15. No proposal has been made to increase the amount of non-compliance of the building, by encroaching further into the side or front yard setbacks.
16. Minimal construction staging area is available along Norfolk Avenue.
17. The project will be reviewed for compliance with the Historic District Design Review Guidelines prior to the issue of a building permit for any addition or exterior remodel.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.
4. The proposed use is consistent with the Park City General Plan.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for exterior work, or an addition, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No plans for improvements to the existing structure shall be approved by the Community Development Department which increase the amount of existing non-compliance on the lot.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.

EXHIBITS

Exhibit A - Proposed Plat Amendment
Exhibit B - Ordinance

AN ORDINANCE APPROVING PLAT AMENDMENT TO COMBINE LOTS 4 AND 5 OF BLOCK 17 OF SNYDER'S ADDITION INTO ONE LOT.

WHEREAS, owners of the property known as 1117 Norfolk Avenue, have petitioned the City Council for approval of a subdivision plat; and

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

WHEREAS, on July 10, 2002 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

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

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

Findings of Fact:

6. This application was reviewed by the Planning Commission on July 10, 2002, at which time a unanimous vote forwarded a recommendation to approve the application. A public hearing was held and no input was received.
7. The property is located in the Historic Residential (HR-1).
8. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
9. There is an existing non-historic single family home on the property.
10. The existing non-historic single family home straddles lots 4 and 5 of block 17 of Snyder's Addition to the Park City Survey
11. The amendment will combine lots 4 and 5 of Block 17 of the Snyder's Addition to the Park City Survey into one (1) platted lot.
12. The proposed lot will combine two standard 25' x 75' old town lots. The resulting lot size will be 3,750 square feet (50' x 75')
13. An existing fence and retaining wall encroach approximately two feet (2') onto the northern section of the property from lot 6 of Block 17 of the Snyder's Addition to the Park City Survey.
14. The required front yard setback in the HR-1 zone for a 75' deep lot is ten feet (10').

15. The existing non-historic structure encroaches into the front yard setback approximately one foot (1').
16. An existing deck on the second floor of the structure extends three feet (3') into the front yard setback.
17. The required side yard setback in the HR-1 zone for a 25' lot is three feet (3'). The required side yard setback for a 50' wide lot is five feet (5').
18. A second floor deck on the existing non-historic structure encroaches into the north side yard setback approximately two feet and six inches (2' - 6").
19. On June 10, 2002 the Building Department issued an interior demolition and remodel permit for the existing non-historic structure.
20. No proposal has been made to increase the amount of non-compliance of the building, by encroaching further into the side or front yard setbacks.
21. Minimal construction staging area is available along Norfolk Avenue.
22. The project will be reviewed for compliance with the Historic District Design Review Guidelines prior to the issue of a building permit for any addition or exterior remodel.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.
4. The proposed use is consistent with the Park City General Plan.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit for exterior work, or an addition, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No plans for improvements to the existing structure shall be approved by the Community Development Department which increase the amount of existing non-compliance on the lot.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 18th day of July, 2002.

DATE: July 18, 2002

DEPARTMENT: Planning Department

AUTHOR: Derek Satchell

TITLE: 157 Park Avenue - Lot Line Adjustment

TYPE OF ITEM: Legislative

<u>SUMMARY RECOMMENDATIONS:</u> Staff requests that the City Council conduct a public hearing, consider public input, and approve the proposed Lot Line Adjustment to combine the southerly ten feet (10') of Lot 15 and all of Lot 14 in Block 1 of the amended Park City Survey, into a single lot as conditioned.

A. PROJECT STATISTICS

Applicant:	Ruth Drapkin for Amos E. Madanes
Location:	157 Park Avenue
Proposal:	Lot Line Adjustment
Zoning:	Historic Residential - (HR-1)
Adjacent Land Uses:	Historic and Contemporary Residential Dwellings
Date of Application:	June 11, 2002

B. BACKGROUND

The owner's representative, Ruth Drapkin, submitted an application to combine the southerly ten feet (10') of Lot 15 and all of Lot 14 in Block 1 of the amended Park City Survey, into a single lot. The purpose of the lot line adjustment is to accommodate the construction of an addition to the existing historic dwelling. This application was reviewed by the Planning Commission, and forwarded to the City Council with a positive recommendation on July 10, 2002. An Historic District Design application was submitted on June 28, 2002, and is pending an administrative review and possible action.

C. ANALYSIS

The applicant is proposing to combine the southerly portion of Lot 15 and all of Lot 14 in Block 1 of the amended Park City Survey, to create one 2,625 square foot lot for an existing single-family residence. The parcel is bordered by the existing Park Avenue right-of-way to the east, and by Lots 18 and 19 to the west (which are under separate ownership). The existing historically significant dwelling is non-complying to LMC required setbacks. The applicant is proposing to create a single lot in order to construct an addition to the dwelling. The proposed addition will comply with all required setbacks.

		Proposed	
Current Use		Single-family residence	
Lot Size		2,625 square feet	
Setbacks			
	• Front Park Avenue	10 feet minimum from edge of right-of-way (14+ ft. existing)	Front and Rear setbacks must total 20 feet
	• Rear	10 feet minimum (18+ ft. existing)	Front and Rear setbacks must total 20 feet
	• Side(s)	3 feet minimum, total 6 feet (existing house is non-complying by maintaining a 1' setback to the south)	

Height	27'
Parking	None required - Existing Historic dwelling.
Design	Historic District Review application submitted on June 28, 2002.

The City will require a minimum five (5') foot utility and snow storage easement measured west from the Park Avenue right-of-way. The property's front yard fronting Park Avenue shall be measured from the edge of property, westerly into the property. The proposed plat amendment complies with the HR-1 District regulations. This proposal does not increase the density on the lot. The proposed lot is consistent with other lot sizes in the immediate area. There is an existing non-historic shed to the rear of the subject property, which maintains a small physical existing encroachment onto the adjoining Lot 18. This shed will be demolished as part of the proposed addition under the Historic District Design Review application, and the encroachment will be resolved. After reviewing the request, the Community Development Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the plat amendment.

The lot line adjustment is being processed through the Planning Commission and City Council procedure due to the fact that applicant was unable to secure the written consent of all Owners of Property contiguous to the adjusted subject Lot, per Section 15-7.1-6(E)(1)(b) of the LMC. No remnant lot is created as the result of this action.

D. NOTICE

Notice of this hearing was sent to property owners within 300' on June 26, 2002, as part of the lot line adjustment procedure. No formal comments have been filed at the time of this report.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Engineer and City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on June 25, 2002, where representatives from local utility companies and City Staff were in attendance and found it to be in conformance with all requisite City development codes of which we are currently aware. The Chief Building Official noted a potential snow shed problem associated with the proposed roof design of the rear addition. The design will be modified to address this concern.

ALTERNATIVES:

A. Approval of the proposed lot line adjustment to combine the southerly portion of Lot 15 and all of Lot 14 in Block 1 of the amended Park City Survey, into a single lot, as conditioned to accommodate the existing single-family residence and addition.

B. Deny the lot line adjustment and retain the original Record of Survey which would prohibit the applicant from making the proposed modifications to the existing historic structure.

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

SIGNIFICANT IMPACTS:

The lot line adjustment will result in one (1) lot which will meet the lot requirement for the HR-1 District. The plat amendment will not increase the density of the lot.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the lot line adjustment is not approved as proposed, the proposed expansion to the existing historic dwelling cannot be permitted.

F. RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing, consider Staff's recommendation to approve the proposed Lot Line Adjustment to combine the southerly portion of Lot 15 and all of Lot 14 in Block 1 of the amended Park City Survey, into a single lot, as conditioned.

Findings of Fact:

6. The property is located in the Historic Residential District (HR-1).

7. The lot line adjustment will combine the southerly ten feet (10') of Lot 15 and all of Lot 14 in Block 1 of the amended Park City Survey, into a single lot consisting of approximately 2,625 square feet, to allow for proposed improvement to the property.

8. The remaining northerly portion of Lot 15 is under separate ownership and tied to Lot 16.

9. The proposed lot line adjustment will maintain the historic dwelling's non-compliance with the LMC required HR-1 District Side Yard Setback of three feet (3'), to the south. The existing southerly Side Yard Setback is one foot (1'). The proposed addition will comply with all required setbacks.

10. There is an existing non-historic shed to the rear of the subject property, which maintains a small physical existing encroachment onto the adjoining Lot 18. This shed will be demolished, and the encroachment will be resolved, as part of the proposed addition under the Historic District Design Review application.

11. The lot line adjustment will not increase density on the lot.

12. There is limited on-street parking in Old Town, so snow removal is very important.

13. The lot line adjustment is being processed through the Planning Commission and City Council procedure due to the fact that applicant was unable to secure the written consent of all Owners of Property contiguous to the adjusted subject Lot, per Section 15-7.1-6(E)(1)(b) of the LMC.

14. The applicant stipulates to the conditions of approval herein.

10. An Historic District Design application was submitted on June 28, 2002, and is pending a administrative review and possible action

11. On July 10, 2002, the Planning Commission reviewed this application, conducted a public hearing, and forwarded it to the City Council with a positive recommendation.

Conclusions of Law:

1. There is good cause for the lot line adjustment.

2. Neither the public nor any person will be materially injured by the proposed lot line adjustment.

3. The proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to recordation.

2. A note shall be added to the plat stating that no accessory apartment shall be permitted as part of the historic dwelling or future additions.

3. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed improvements to the existing driveway fronting Park Avenue.

4. A five foot (5') non-exclusive utility and snow storage easement shall be incorporated in the first five feet from the edge of asphalt of the existing built Park Avenue.

5. The existing non-historic shed to the rear of the subject property, which maintains a small physical existing encroachment onto the adjoining Lot 18, shall be removed and the encroachment shall be resolved, prior to the issuance of a full building permit for the proposed rear addition.

6. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).

7. This approval shall expire one year from the date of City Council approval, unless this Plat Amendment is recorded prior to that date.

Exhibits
Exhibit A - Location Map
Exhibit B - Existing Plat
Exhibit C - Proposed Lot Line Adjustment
Exhibit D - Standard Conditions of Approval

DATE: **July 18, 2002**
DEPARTMENT: **Facilities and Special Events**
AUTHOR: **Alison Butz**
TITLE: **Amendment to Fidelity Investments Park City International Jazz Festival Master Festival License**
TYPE OF ITEM: **Master Festival License Application**

SUMMARY RECOMMENDATIONS: Review the proposed amendment to the approved Master Festival License application for the Fidelity Investments Park City International Jazz Festival and consider approving the amendment.

8. TOPIC

Review of the amendment to the Master Festival License Application, submitted by the Fidelity Investment Park City International Jazz Festival, hereinafter referred to as the Jazz Festival, for August 16, 17 and 18, 2002.

9. BACKGROUND

On May 23rd the City Council approved the Master Festival License for the Jazz Festival to include venues on Main Street. The Jazz Festival approached Staff after the approval to request an additional date for the music in Miners Park. The applicant requests that their current license be modified to include music in Miners Park on August 18th from 11:00am until 2:00pm.

10. ANALYSIS

The Miners Park venue would be programmed with acoustic music and has already been approved for Saturday, August 17, from 12:00pm until 8:00pm. The applicant has requested an additional day of music at Miners Park. The request is for Sunday, August 18th from 11:00am until 2:00pm. Mountain Town Stages operations begin at 3:00pm on Sundays and run until 6:00pm. The amendment for the Jazz Festival will not interfere with the Mountain Town Stages schedule.

ALTERNATIVES

11. Approve the amendment to the Jazz Festival's Master Festival License allowing music in Miners Park on Sunday, August 18th from 11:00am until 2:00pm.
12. Deny the requested amendment to the Jazz Festival's Master Festival License prohibiting additional music in Miners Park.
13. The City Council may continue the discussion in order to receive additional information.

RECOMMENDATION:

Staff recommends approval of the amendment to the Master Festival License to allow the Fidelity Investments Park City International Jazz Festival to program music in Miners Park on August 18th from 11:00am until 2:00pm, based on the following:

Findings of Fact:

14. The Fidelity Investments Park City International Jazz Festival shall program music in Miners Park on Sunday, August 18th from 11:00am until 2:00pm.

15. The programming of music in Miners Park on Sunday, August 18th will be contained and will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area.
16. The Fidelity Investments Park City International Jazz Festival will not need the diversion of traffic. Police and other public employees will be not be used to an extent where there will be a diversion of so great a number of police, fire or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
17. The crowd associated with the venue will be contained within the designated areas and the areas are of such size to hold anticipated crowds. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety concerns.
18. No other Master Festival or Special Event Licenses have been issued for August 18, 2002. The Fidelity Investments Park City International Jazz Festival will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
19. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

<u>Conclusions of Law</u>:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

<u>Conditions of Approval</u>:

1. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
2. All plans for tents and other temporary structures shall be submitted to the Building Department for review and permitting.
3. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

DATE: July 18, 2002
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Gary Hill
TITLE: News Rack Ordinance - Change of News Rack Location
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 to (1) authorize the relocation of the Brew Pub Parking Lot news racks to the Main Street Mall, and (2) make permanent the temporary news rack location in front of Zoom.

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. This ordinance added Chapter 6, News Racks, to Title 14 of the Municipal Code. The new chapter regulates items such as the allocation, location, and design of the News Racks to be used. Each news rack's location is defined by the ordinance and removal or relocation requires Council authorization. There are currently two news rack locations that require Council attention: The Brew Pub Parking Lot location and the Kimball Art Center location.

Brew Pub Parking Lot Location

During the original site selection process, priority was given to locations on city-owned property. Because there were no suitable city-owned locations (i.e. - locations meeting the set-back requirements of the Ordinance) on upper Main Street, two sets of news racks were placed near the Wasatch Brew Pub; one set was located on the sidewalk to the south of the building and another in the adjacent public parking lot. The next nearest news rack was located at Café Terigo, leaving visitors and business without a news rack on Main Street for 3 blocks.

Several distributors and businesses expressed interest in having a news rack installed on Main Street between the Brew Pub and Café Terigo. Staff has recently made arrangements with the owner of the Main Street Mall to place a news rack between the building and the sidewalk in front of the north entrance of the Mall.

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Zoom Location

A set of news racks was originally installed on the northwest corner of Heber Avenue and Main Street next to the Kimball Art Center. Shortly after the news racks were installed in September of last year, the Kimball Art Center began construction on its Olympic facade and the City temporarily moved the news racks across the street (in front of Zoom) as a part of the Olympic Master Festival Licence. The news racks have remained in that location.

C. Analysis: .

Brew Pub/Main Street Mall Location

The Main Street Mall is central to the upper portion of Main Street and provides a location that meets the set-back and site line 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.

Kimball Art Center/Zoom Location

The current location is within the public right-of -way and meets the line-of-sight and set-back requirements of the ordinance. The former location was on the Kimball Art Center property and subject to their approval. Additionally, the site has not been an issue for local businesses, publication distributers, or visitors. Distributers affected by the move of the Kimball Art Center news rack were contacted prior to removal and were universally supportive of the new location. Rather than move the news rack back to its original location, staff recommends that the current location be made permanent.

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 permanently relocating the Kimball Art Center news racks to the side walk in front of Zoom.

B. Modify the Request: Council could approve the Zoom location and request that the Brew Pub Parking Lot news rack be left in its current location.

C. Deny the Request: Council could deny the request and instruct staff to relocate the Kimball Art Center news rack to its original location and leave the Brew Pub Parking Lot news rack in its present location.

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

SIGNIFICANT IMPACTS:

Fiscal: Removal and reinstallation of the news racks at the Main Street Mall will cost approximately $2,000. 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 news racks, it is likely that the City will continue to receive requests from businesses and distributers to find another location closer to the central part of upper Main Street.

Should Council decide not to make the Zoom location permanent, staff will be required to move the news racks back to the Kimball Art Center location, requiring additional funds and staff time. The news racks would also be on private property and subject to approval from the owners.

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. Staff also recommends that Council amend Title 14, Chapter 6 to make permanent the Zoom news rack location.

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:

IV. 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.

V. The location at 660 Main(the sidewalk to the west of the Zoom restaurant) is preferable to a location on private property near the Kimball Art Center.

VI. 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 favor 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:

PARK CITY MUNICIPAL CODE - TITLE 14 TREES/LANDSCAPING; STREETS, SIDEWALKS AND STAIRS; STREET CUTS; SNOW REMOVAL; STREET ADDRESS SYSTEM; NEWS RACKS

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~~ *Zoom,660 Main Street* - twelve (12) News Racks; along the ~~cement wall to the east of the building~~ *stone wall to the west of patio*.

(3) Claimjumper Hotel, 573 Main Street - six (6) News Racks; along the building between the two windows on the south end of the facade.

(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.

<u>SECTION 3. EFFECTIVE DATE.</u> This Ordinance shall be effective upon adoption.

PASSED AND ADOPTED this 18th day of July, 2002.

DATE: July 18,2002
DEPARTMENT: Parks Department
AUTHOR: Pace Erickson/ Troy Dayley
TITLE: Approve Cemetery Fence Replacement
TYPE OF ITEM: Contract Approval

SUMMARY RECOMMENDATIONS: Approve entering into a contract with Mountain States Fence Company for replacing the Cemetery fence and entrance gates.

DESCRIPTION:

A. Topic: Replace existing Cemetery fence with a comparable fence that mimics the existing fence using an industrial strength powder coated aluminum in lieu of iron.

B. Background: In 1981 the existing iron fence was installed. Several years ago the Parks Department looked to a metals expert for the most current technology available. Their findings proved the fence deteriorating was from salt exposure. At that time we started a maintenance program using epoxy base paint to prolong its expected life. The fence has now corroded to a point that it is not maintainable and has become an increasing hazzard. Staff has researched the life span comparing aluminum with iron and has found aluminum to be a superior product in highly corrosive areas. The proposed fencing will have removable panels to aid in repair and maintenance including a life time warranty on the finish.

C. Analysis: Staff posted a request for proposals on June 17,2002 We received four (4) proposals, they are:

Contractor	Bid Amount
American Fence	$124,420.00
R&L Incorporated	$123,420.00
Custom Fence	$116,916.00
Mountain States Fence	$ 94,215.00

The criteria used in this recommendation are:

7. Prior experience installing ornamental fencing that were equal or comparable to this installation.
8. Prior experience with aluminum fencing.
9. Prior experience in working around pedestrian traffic.
10. References and letters of recommendation. Bid a list of not less than five (5) equal or comparable installations completed within the last three years; one of which must be for remodel type installation where removal techniques were used.
11. Overall price
12. Unit price
13. The overall bid package presented, including the submitted documents ask for by this bid documents.

14. Demonstration of professional experience of the contractor, including any prior experience with the City.

9. Demonstration of financial responsibility and business viability of the contractor.

10. Past customer service history.

Staff has reviewed all of the proposals. As a result, Staff feels that Mountain States Fence has successfully fulfilled the criteria laid out in the request for proposals and has a proven willingness to cooperate and fulfill the City's requirements.

D. Department Review: The Parks, Planning, and Legal Department's have reviewed this proposal and it complies with all guide lines including the Park City Historic District.

ALTERNATIVES:

A. Approve the Request: Approve staff's recommendation and enter into a contract with Mountain States Fence for $94,215. Mountain States Fence Company will install the same fence as displayed at the May 9, 2002 Council Meeting.

B. Deny the Request: Re-bid the fence contract.

C. Continue the Item: Modify the scope of work to reduce the project cost.

D. Do Nothing: As the fence deteriorates, it becomes a greater hazzard for pedestrians. Over the past few years as the fence begun to fail it has become unsightly and will continue to become an eye sore. The integrity of the fence has diminished. In many places the fence has rusted so badly it is leaning.

SIGNIFICANT IMPACTS:
We currently have $150,000 for replacement in a Capital Improvement fund.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
We risk further deterioration and possible collapse in places.

RECOMMENDATION: Staff recommends entering into an agreement with Mountain States Fence for the amount not to exceed $94,215.

HISTORY OF BID:
On June 6, 2002 council approved rescinding the previous award of bid to Mountain States Fence Company, reject all bids on the project due to widespread non-compliance with bid requirements from the bid pool. Staff posted a request for proposals on June 17, 2002 and moved forward with a re-bid process. Staff is confident that the new bid from Mountain States meets the bid requirements.

DATE: July 18, 2002
DEPARTMENT: Building Maintenance Department
AUTHOR: Pace Erickson, Lane Jensen
TITLE: Approve Janitorial Contract
TYPE OF ITEM: Contract Approval

SUMMARY RECOMMENDATIONS: Approval of staff to enter into a two year contract with Resort Commercial Property Management for janitorial services in the amount not to exceed $81,100 per year.

DESCRIPTION:

A. Topic: Janitorial Contract Service at twelve City buildings.

Marsac	South End restrooms (summer season)
Miner Plaza restrooms	City Park Building
Parks and Golf restrooms	Public Works
Water Treatment	Transit Center
Swede Ally restrooms	Racquet Club
Education Center	Miners Hospital

B. Background: Over the years Park City Has looked at various approaches to janitorial services. At one point, all janitorial services were performed in house by building maintenance staff. As more and more buildings and areas of responsibility were added, rather than add staff, contract labor was increased to handle the increased work load.

There are currently areas in city buildings that are not included in the cleaning contract and are maintained by the City's building maintenance staff. The Library, Marsac offices, Tech Services offices, Public Works offices, and the Museum are examples of these areas.

Although contracting is an excellent alternative to hiring in house staff, it does have its drawbacks. Because the contractors employees do not work directly for us they have a different operating philosophy, different values, different work ethic, etc. and sometimes these differences do not mesh well with Park City's values. This has not had dramatic consequences, but it does contribute to considerable frustration from time to time. The City has contracted with Resort Commercial Property Management for the past two years and feel RCPM is successfully meeting our needs.

C. Analysis: Staff advertized in the paper, June1, 2002, for a request for proposals. We received three (3) proposals, they are:

Resort Commercial Property Management	$81,100 per year
Park City Cleaning Services	$150,000 per year
Lino Sosa Professional Service	$131,712 per year

The criteria used in this recommendation are:

1. The variety, creativity and scope of the services to be offered to the City.
2. The proposed charges/fees to be paid to the contractor.
3. The demonstrated professional experience of the contractor.
4. The demonstrated financial responsibility and business viability of the contractor, including the ability to commit to a two-year contract.
5. The general attitude, ability and apparent willingness of the contractor to tenant, to cooperate and fulfill the City's requirements.

D. Department Review:
The Building Maintenance department reviewed the proposals and feel Resort Commercial Property Management has met all of the criteria came in the scope of services at the lowest price.

ALTERNATIVES:

A. Approve the Request: (Staff recommended) Approve staff's recommendation to enter into a two year contract with Resort Commercial Property Management at a cost of $81,100 per year.

B. Deny the Request: Hire additional staff and perform the work in-house, at a cost of three (3) contract employees, at $95,000 per year.

C. Continue the Item: Rebid the cleaning services with a more limited scope to reduce the yearly cost.

SIGNIFICANT IMPACTS: There is currently $85,000 in account 11-40522-4520 allocated for contract cleaning of City facilities. Delaying the contract is not recommended. If delayed, greater impacts on staff will result. RCPM are trained as to the City needs and have demonstrated the ability to sufficiently clean City facilities.

RECOMMENDATION: Allow staff to enter into an agreement with Resort Commercial Property Management for a two (2) year contract, at a cost of $81,100 per year for janitorial service at Park City buildings.

DATE: **July 18, 2002**
DEPARTMENT: **Legal Department**
AUTHOR: **Mark Harrington, City Attorney**
TITLE: **Timeliness of Aerie Owners' Association v. April Mountain MPD and Park City Municipal Corporation, Appeal of Planning Commission Action of June 12, 2002**
TYPE OF ITEM: **Quasi-Judicial**

SUMMARY RECOMMENDATIONS: The City Council should review and adopt the attached Findings of Fact and Conclusions of Law rejecting jurisdiction of an appeal of Planning Commission action of June 12, 2002 approving the MPD for April Mountain.

DESCRIPTION:

A. Topic.

Appeal of Planning Commission action of June 12, 2002 in approving the MPD for April Mountain, filed by Joseph E. Tesch representing Aerie Owners' Association, Appellant.

B. Proposal.

This review only pertains to the filing date of the Appeal, not the merits of the Appeal.

C. Background and Analysis.

The City Council held a hearing on this matter July 11, 2002 and directed staff to return with Findings and Conclusions reflecting the Council's discussion and findings to deny hearing the appeal due to the fact that the appeal was not timely filed. The Council should review the attached Findings and Conclusions to ensure they describe the Council's decision, modify them as necessary and adopt them. The Appellants have 30 days to appeal the matter to District Court.

D. Significant Impacts

The Council's decision on this matter will determine whether the MPD Appeal goes forward or not.

E. Alternatives

1. Adopt the attached Findings and Conclusions which reject the Appeal pursuant to the Municipal Code of Park City, § 15-1-18 based on the fact the Appeal was not filed within ten (10) calendar days of June 12, 2002. This is the recommended action.

2. Modify the Findings and Conclusions as necessary and adopt them.

3. Vote to reconsider the direction given to staff at the last meeting.

F. Staff Review

The City Manager and Community Development Director have reviewed this matter.

G. **Recommendation**

Adopt the attached Findings and Conclusions which reject the Appeal pursuant to the Municipal Code of Park City, § 15-1-18 based on the fact the Appeal was not filed within ten (10) calendar days of June 12, 2002.

BEFORE THE CITY COUNCIL OF PARK CITY

Aerie Owners' Association,)
Appellant) FINDINGS OF FACT, CONCLUSIONS
) OF LAW AND ORDER DENYING THE
v.) APPEAL OF PLANNING COMMISSION
) DECISION ON JUNE 12, 2002 TO
April Mtn. MPD and Park City) APPROVE APRIL MTN. MPD
)

This matter, having come for hearing before the City Council ("Council"), with the Appellant appearing by attorney, Joe Tesch, the Applicant represented by attorney Bruce Shapiro, and with the Council advised by the Community Development Department ("CDD") and City Attorney; and having reviewed the evidence and records presented at the hearing which are all incorporated herein, and having heard argument from concerned parties on July 11, 2002, and having been fully advised in the premises, the Council enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT:

5. This matter is governed by Municipal Code of Park City ("MCPC") § 15-1-18, Appeals; MCPC § 15-6-4 MPD Process; and MCPC § 15-15 -1.87, Definitions.
6. MCPC § 15-1-18(E) requires the Appeal to be filed within ten (10) calendar days of the Final Action.
7. Final Action by the Planning Commission was on June 12, 2002 when it adopted findings of fact, conclusions of law and conditions of approval as written and executed in the Staff Report, by motion without any changes.
8. The Appeal deadline was Monday, June 24, 2002 as the tenth day fell on a Saturday.
9. The Appeal was not filed until Wednesday, June 26, 2002.
10. The Applicant objected to the Appeal based on timeliness.
11. The meeting minutes of the June 12, 2002 Planning Commission meeting were adopted by the Planning Commission on July 10, 2002.

12. The majority if not all of the Appellants' objections (and City/Applicant defenses) can be properly raised in the pending review of the Final Subdivision Plat and a timely filed appeal of the Conditional Use Permit for the project.
13. The definition of Final Action in MCPC § 15-15 -1.87 applies to MCPC § 15-1 -18(E) and must be read consistently with MCPC § 15-1 -18(M) which was added to the Chapter to address finality of appellate action.

CONCLUSIONS OF LAW:

3. The Appeal was not filed within ten (10) calendar days of Final Action.
4. The City Council does not have jurisdiction to hear the Appeal.
5. The ten (10) calendar day requirement does not violate due process as a matter of law.
6. Official meeting minutes are a record of the entire meeting, and are not individual Final Actions.
7. There is no equitable basis for the Appeal to go forward.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Appeal is denied for lack of jurisdiction.

Dated this 18th day of July, 2002.

DATE: July 18, 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.

3. <u>DESCRIPTION OF PROPERTY</u>

The 73.09 acre site is located off of Mellow Mountain Road, between the Hearthstone and Sunnyside and Sunnyside-Up Subdivisions (Exhibit A). There are two BLM parcels between the April Mountain property and Sunnyside Subdivision. The site is currently vacant and undeveloped, with the exception of improved Mellow Mountain Road, utilities which traverse the site from north to south, a dirt road through the parcel, and the city-owned Masonic Hill water tank and associated access road.

Property directly to the west, ie. the west slope of Masonic Hill, is under City ownership and is open space. Property to the east and southeast is BLM property, leased to the City for public use. There is a parks master plan, known as the Gambel Oak Park Master Plan, on this BLM parcel. One of the City’s agreements in the lease of this BLM property is that the City provide vehicular access to the Park. The MPD provides trail and vehicular access, as well as fire and emergency access.

Directly to the north is property held by the Kearns Tribune Corp., commonly known as the “Hope parcel”. This parcel is approximately 110.2 acres in size and primarily consists of areas of steep or very steep slopes, with limited amount of development potential. The Sensitive Lands Overlay applies to any future development of the property. The “Hope parcel” and the adjoining Hearthstone Subdivision are zoned E, Estate. Approximately 450' of ROS zoned open space property, within the Hearthstone subdivision, lies between the lots of Hearthstone and the lots of the April Mountain development.

The closest lot in the Aerie Subdivision (Lot 1) is 950 linear feet “as the crow flies” from the April Mountain Subdivision (Lot 5 which is a 4.25 acre single family lot) and over 1,750' “as the crow flies” from the nearest proposed condominium unit in April Mountain (more than 2,500' by road distance). The closest lot in Sunnyside Subdivision is 600' from the nearest proposed condominium unit in April Mountain (more than 2,000' by road distance).

D. PROPOSED SUBDIVISION PLAT

The applicant proposes platting the subdivision in a single phase to be consistent with the approved Master Planned Development. The plat consists of 31 single family lots, open space, and 3 lots for development of 39 condominiums. On June 26, 2002 the Planning Commission reviewed and approved a conditional use permit for 39 condominiums on these lots. The main roads through the subdivision are proposed as dedicated public streets. Driveways and roads serving only the condominiums are to be private streets.

The plat provides a 50' wide City easement for public access and utilities to the Gambel Oak park. This language is further defined in the Development Agreement. Future access to the public street/utility system (via a 50' wide ROW) for the “Hope parcel” is also reserved, with language further defined in the Development Agreement (see attached).

The April Mountain subdivision plat contains an offer to dedicate public right of way to the Hope Parcel, but the dedication is not final until a subsequent cost reimbursement agreement is approved. The reserved ROW across the April Mountain property is intended to provide the Hope Parcel with access to the public street system, in order to not “land-lock the Hope Parcel”. Public access is provided to the Gambel Oak parcel (public property under the BLM), with additional trails to be constructed as needed to connect to existing trails in the area, as part of the development of improvements of the Gambel Oak park. This vehicular easement is conditional on the City’s BLM lease.

E. DEVELOPMENT AGREEMENT

A Development Agreement addressing conditions of the MPD and plat has been drafted by the City Attorney (see attached). The Planning Commission has reviewed a draft of the Agreement, according to Section 15-6-4 (G) of the Land Management Code. As the agreement is finalized, staff shall forward the agreement to the Planning Commission for ratification. The applicant has 6 months from the time of MPD approval to record the Development Agreement.

F. ANALYSIS

LAND MANAGEMENT CODE

A final subdivision plat is reviewed against the criteria in Section 15- 7.3 of the Land Management Code, including road and utility design, limits of disturbance, open space, trails and other recreation amenities or access thereto, sidewalks, soil conditions, fire access and other fire code requirements such as fire sprinkler requirements, grading, drainage and storm water facilities, and access to adjacent properties.

All lot improvements are also subject to the conditions of approval of the amended April Mountain MPD. Minimum setbacks for all lots are to be regulated by the underlying RD zoning minimums. The Land Management Code allows for, and the amended April Mountain MPD was approved with, front-yard setback reductions if such a reduction better accommodates access to steep lots; preserves significant vegetation, eliminates or minimizes cut/fill areas; promotes clustered development, or preserves open space. Front yard setback reductions (pursuant to the MPD chapter of the LMC) are indicated on the Lot Restrictions Table on the plat. These setback reductions create the opportunity to reduce site excavation impacts and protect additional significant existing vegetation.

A maximum disturbance limit is specified for each lot and included on the plat in the form of a table (Lot Restrictions Table) per the MPD. All site disturbance is exclusive of driveway and utility connections.

Trails per the MPD are shown on the plat in general locations within the ROS portions of the lots and within the ROS zoned parcels. Matt Twombly, the City's trail coordinator, requests that the location of the trails be generally as is shown on the MPD, to allow flexibility during trail construction, to minimize grade, cuts and fills, and vegetation disturbance. 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 comply with the City's Master Trail Plan. No existing public trail easement will be removed or relocated. Trails shown on the plat are those requested by the City Trails Coordinator. A sidewalk system is provided on one side of the streets through the east side of the April Mountain MPD to provide public pedestrian access through to the trails of the Gambel Oak Park and beyond. A western trail will be constructed to connect in to public trails through City open space to the west of April Mountain MPD. All trails will be completed prior to issuance of Certificate of Occupancy or a guarantee will be posted to ensure completion.

Site Specific Approvals

Conditional use permit approval is required prior to construction on the condominium lots, and on Lot 21. No conditional use permit is required for the 31 single-family lots. Approval and recordation of the subdivision plat, as well as City Engineer approval of all public improvements and/or financial guarantees are necessary prior to issuance of building permits for the lots.

Setbacks

The proposed application complies with the LMC requirement specifying that a minimum 25-foot setback be provided around the exterior boundary of the MPD. Building setbacks and heights are regulated by standard RD zone minimums with setback and height exceptions, responding to specific site constraints, indicated on the Lot Restrictions table on the plat per the approved amended April Mountain MPD.

Open Space

The 75% open space provision exceeds the normal 60% open space requirement set forth in the LMC. Some construction disturbance will occur in limited areas of open space due to infrastructure and trail construction. Restrictions on the use of the various open space areas, ie. the Recreational Open Space (ROS) and Natural Open Space (NOS) areas, are spelled out on the plat per the approved amended April Mountain MPD. Maintenance of all ROS areas within individual lots shall be the responsibility of the individual lot owner. Maintenance of the remaining ROS areas shall be the responsibility of the April Mountain HOA. Open space within the condominium lots shall be the responsibility of the April Mountain Condominium HOA.

Off-Street Parking

Parking for all single-family and condominium-style single-family units will meet or exceed the two-space/unit requirement. Many single family homes will have three car garages and each condominium unit will have a private 2 car garage.

Building Height

The single family homes will be constructed pursuant to the 33' RD-zone height limitation. No height exceptions are proposed. Certain lots have lower height restrictions, as per the approved amended April Mountain MPD. The Lot Restrictions table on the plat addresses these lots.

Site Planning

The eleven site planning criteria outlined in the LMC are intended to promote overall design which incorporates the development into the site's natural characteristics. These site planning criteria were reviewed during the MPD approval process. Location of the proposed lots and development parcels is consistent with the approved amended April Mountain MPD.

Subdivision Regulations

Staff has reviewed the proposed subdivision plat per the LMC, Section 7.3-2: Subdivisions– Requirements For Improvements, Reservations and finds that the plat, as conditioned, is in compliance with these requirements.

Density

The proposed plat is consistent with the density allocated during approval of the amended April Mountain MPD.

Limits of Disturbance/Vegetation Protection

Limits of Disturbance Areas (LODA) for each lot are spelled out on the Lot Restrictions Table and in the conditions of approval of the amended April Mountain MPD. All construction, improvements and irrigated landscaping are to occur within the allocated LODA for each lot. There is some flexibility as to where the LODA is located on each lot, to be reviewed by Staff at the time of the building permit. LODA for the condominium parcels will be assigned at the time of review of the conditional use permits and further refined at the time of building permit review. In general, a single one-inch irrigation supply line is the maximum water source for each condominium parcel landscape area.

Ridge Line Development

The final plat is consistent with the approved amended April Mountain MPD and is consistent with the Sensitive Lands Determination Findings ratified by the Planning Commission on April 25, 2001.

Open Space

The 75% open space provision exceeds the normal 60% open space requirement set forth in the LMC. As previously mentioned in this report, construction disturbance will occur in some areas of open space due to infrastructure and trail construction.

Roads

The City Engineer has completed a preliminary review of the proposed road layout. The designs are in general conformance with the City Engineering Standards. The main roads will be dedicated 50-foot wide public rights-of-ways with roads accessing the condominiums only held as private streets by the HOA. Specific comments regarding the designs have been forwarded to the applicant's engineers. City Engineer approval of the road design plan is a requirement prior to the issuance of any building permits. Grading permit issuance for the roads is permitted subject to compliance with the UBC and the conditions of approval of the plat and the amended April Mountain MPD as determined by the Community Development Director.

Utilities and Drainage Ways

The City Engineer has reviewed a preliminary utility and drainage plan. The applicant's Engineer will continue to work with the City Engineer on revising the plans to be in conformance with the City's Engineering Standards. Final City Engineer approval of the utility and drainage plans is a requirement prior to the issuance of building permits. The applicant has offered to dedicate a lot for the City's water tank.

Trails and Sidewalks

Sidewalks on one side of the public roads will be constructed. These sidewalks will facilitate pedestrian circulation within the subdivision and to the Gambel Oak park. Additional public trails are proposed within ROS parcels or within the ROS portions of individual lots. All trails and sidewalks are indicated as public trails/access on the plat, shown locations consistent with the approved amended April Mountain MPD. These trails provide opportunities to connect with public trails on adjacent property.

The City constructed a trail from Mellow Mountain Road to the Gambel Oak parcel for public trail access to the park. The applicant will construct a new connection to this trail higher on Mellow Mountain Road, this connection is shown on the plat.

Architectural Standards

Development within the project area is subject the LMC architectural design review standards and the amended April Mountain MPD conditions of approval. The above-specified design standards, enhance with the MPD conditions of approval, provide clear expectations for quality architecture within the project area. No wood roofs are permitted due to the location of the project within the wildland interface zone. Residential modified 13-d fire sprinkler systems are also required.

Lot Arrangement and Lot Dimensions

The proposed lot arrangement, lot sizes, and lot dimensions comply with the standards of the Subdivision Code and the approved amended April Mountain MPD.

Building Sites and Maximum Building Sizes The proposed building sites are consistent with the development areas approved in the amended April Mountain MPD. Specific limits of disturbance areas (LODA) are defined and specified on a Lot Restrictions Table on the plat.

April Mountain MPD

Specific plat notes are included on the plat, or recommended as conditions of approval, to ensure that all conditions of approval of the approved April Mountain MPD have been addressed;

specifically regarding building footprint, limits of disturbance and vegetation protection, location of and type of open space, irrigation restrictions, construction of trails and access to Gambel Oak park, architectural design, building height restrictions, setbacks, utility concerns, as well as conformance with the SLO (sensitive lands overlay) analysis that was an integral part of the MPD approval. Development of the condominium lots is subject to the approved April Mountain conditional use permit, which includes conditions of approval specific to these lots.

Phasing

The April Mountain MPD is being platted in one phase. Construction of the infrastructure is proposed in a single phase as well. A specific construction phasing plan is required as part of the Construction Mitigation Plan that is required at the time of building permit review and issuance.

Summary

In summary, staff finds the proposed subdivision plat for the April Mountain MPD, as conditioned, to be in compliance with the Land Management Code and the City's General Plan.

G. 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.

STAFF RECOMMENDATION

Staff recommends the Council conduct a public hearing on the proposed subdivision plat and consider approving the April Mountain subdivision plat with the following findings of fact, conclusions of law, and conditions of approval:
(*Italics indicates changes made by Staff for Council consideration)*

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

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

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

13. 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.

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

15. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. There is good cause for this subdivision

2. 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).

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

4. 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.*

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.*

EXHIBITS

16. Proposed plat and Lot Restriction Table
17. Conditions of Approval of the April Mountain MPD
18. Development Agreement Draft

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

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

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

13. 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.

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

15. 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.

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

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

PASSED AND ADOPTED this 18th day of July 2002.