

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 10, 2008**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, July 10 2008.

Closed Session

3:00 p.m. Property and personnel

Work Session

5:00 p.m. Council questions/comments

5:10 p.m. Special event joint venture update – Bob Kollar

5:25 p.m. Direction on future conservation revisions to Water Code P. 40 - 65

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Administration of Oath of Office to Wade Carpenter, Chief of Police

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

**IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 19, 2008
AND WORK SESSION NOTES OF JOINT PLANNING COMMISSION CITY COUNCIL
MEETING OF JUNE 13, 2008**

P. 4 - 17

V RESIGNATIONS AND APPOINTMENTS

1. Consideration of the appointment of Martin Fox and Jennifer Johnson and reappointment of Charles Neal to the Police Complaint Review Board for terms expiring July 2010

2. Consideration of the appointment of Shaun Jackson, Veronica Miller, and Pat Ball to the Library Board for terms expiring July 2011

3. Consideration of the appointment of Bob Peek and Greta Church and reappointment of Rhoda Stauffer and Julie Hopkins to the Public Art Advisory Board for terms expiring July 2010

VI NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of a plat amendment for 900 Round Valley Drive, Park City, Utah (IHC)
 - (a) Public hearing
 - (b) Motion to continue to July 31, 2008
2. Consideration of a plat amendment for 408 & 412 Deer Valley Drive Loop Road, Park City, Utah
 - (a) Public hearing
 - (b) Motion to continue to July 31, 2008
3. Consideration of an Ordinance Approving the 543 Woodside Avenue Plat Combining Lots 12 and 13 of Block 28 of the Park City Survey, Park City, Utah
 - (a) Public hearing P. 18 - 24
 - (b) Action
4. Consideration of an Ordinance Approving the First Amended Agio 260 Condominium Record of Survey Plat Located at 260 Main Street, Park City, Utah
 - (a) Public hearing P. 25 - 30
 - (b) Action
5. Consideration of a Resolution authorizing the issuance and sale of not more than \$10,000,000 aggregate principal amount of sales tax revenue bonds, Series 2008; and related matters P. 31 - 39
6. Consideration of Ordinance Amending Title 13, Chapter 1 of the Water Code
 - (a) Public hearing P. 40 - 65
 - (b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 07/07/08

See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

July 2008

- 10 **Jim gone**
12-26 Tom gone
- 17 426 Woodside Avenue plat amendment – KW
PC Heights annexation
Construction Agreement with ____ for the construction of the Ontario Avenue
Waterline Replacement project for a lump sum amount of \$____ - KL
Professional services agreement for preparation of SR-248 Corridor Plan
- 24 **No meeting – Pioneer Day**
- 31 Richardson Flat Road construction agreement.- KC
900 Round Valley Drive Plat Amendment (IHC) - BR
408 & 412 Deer Valley Drive Loop Road plat amendment – FA
Consultant lobbying services contracts
Austin Healy Car Show MFL - partial street closure MP
Public hearing parameter resolution OTIS BH

August 2008

- 7 Quarterly goal update
Joint Planning Commission work session
- 14-15 *Management Team meeting*
- 14 **No meeting**
- 21
- 28 Sundance State of the Festival Update at Silver Star – 4 p.m.
Deed restrictions for Snow Creek affordable housing project – PR
Affordable housing resolution

September 2008

- 1 *Labor Day*
- 3-7 *City Tour*
- 4 **No meeting**
- 11
- 18
- 25 City-wide wireless - SR

Pending Items:

Update on “The Yard” operation on Kearns Blvd – 2008 Film Festival
Update on water supply and demand
Resolution - Trails Master Plan
Carrying capacity/market analysis survey
Wild land interface issues

**JOINT PARK CITY COUNCIL AND
PLANNING COMMISSION DISCUSSION NOTES
SUMMIT COUNTY, UTAH
JUNE 13, 2008**

Mayor Williams called the discussion to order at 6:15 p.m.

City Council Members:

Mayor Dana Williams and City Council Members Roger Harlan, Candace Erickson, Jim Hier, Liza Simpson and Joe Kernan.

Planning Commission Members:

Evan Russack, Charlie Wintzer, Julia Pettit, Jack Thomas, Dick Peek, and pending member Adam Strachan.

City Manager Tom Bakaly, City Attorney Mark Harrington.

Commissioner Jack Thomas inquired whether Council wants Planning Commission involved in long term planning. Mayor Williams responded in the affirmative and the rest of Council concurred. A general discussion regarding the upcoming Community Vision ensued. Consensus was reached that Planning Commission should actively participate.

Commissioner Thomas wanted to encourage an environment building on concepts from Place Matters and engaging the public in a more specific planning process.

Council Member Jim Hier discussed the importance of greater consideration of economic plan/impacts, including traffic, into the planning process.

Council Member Candace Erickson discussed the importance of balancing various old town and long-term residents with resort economic goals. Mayor Williams discussed the timing of including the various competing public segments.

Council Member Roger Harlan left the meeting.

A discussion of how to productively engage design professionals with mixed motivations versus more representative public participation ensued. Candace Erickson questioned how we could better learn from mistakes and correct the Land Management Code. How to better align the staff role with Commission expectation was discussed.

Mayor Williams discussed the importance of recognizing the social/economic diversity of the community, sustainability and the building blocks of where we want to go. A brief discussion of SR 248 ensued. The Mayor suggested getting broader input on long term visioning and integrating that into whether or not to adjust the General Plan.

Planning Commissioner Evan Russack discussed the importance of how the question is asked in relation to the policy decision at issue in a potential amendment to the plan. The value of an independent third party facilitator was discussed.

Council Member Liza Simpson and Planning Commissioner Charlie Wintzer reviewed the success of past facilitators. Both Planning Commission and City Council members agreed that existing staff should not serve as facilitators in the upcoming visioning session.

The timing of the vision sessions envisioned was discussed. Mapping and documentation standards were agreed to be a necessary component to get a visual picture of the long-term goal. The ability to measure success, similar to environmental guidelines and sustainability/carbon footprint, were discussed. The City should integrate but distinguish between economic/business plans and community neighborhood and sustainability goals.

City Manager Tom Bakaly confirmed the desire to have early involvement of both Planning Commission and City Council in the upcoming visioning process. Specific questions are the key as learned from communities reporting to Place Matters.

Charlie Wintzer reiterated a concern from pending Planning Commissioner Adam Strachan about ensuring the Planning Commission doesn't operate in a vacuum. Mayor Williams clarified that the Council has a greater accountability to balance competing interests. Jim Hier explained his attempts to communicate between the two and the role of meeting minutes. The Planning Commissioners responded that the pressures of redevelopment necessitate a continued priority on long term planning and not just administration of existing code.

Planning Commissioner Russack left the meeting.

Neighbor property owner expectations and fears were discussed. The timing of future joint meeting and participation in the upcoming visioning was discussed. Both PC and CC agreed to have more meetings like this.

Mayor Williams confirmed that City Council doesn't not mind and, in fact, encourages differences of opinion between Council and Planning Commission. Healthy debate should continue and is part of the balance of power. The increasing difficulties of changing demographics will continue to challenge both elected and appointed officials in gauging consistent expectations of governing and economic development versus preservation of community character.

Mayor Williams left the meeting.

Planning Commissioners and City Councilors committed to more regular dialogue in an informal setting.

The meeting adjourned at 7:15 p.m.

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

Prepared by Mark Harrington, City Attorney.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 19, 2008**

Present: Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; Joe Kernan; and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney

Park City Ice Arena staff: Stacey Noonan, Manager; Debbie Modrovsky, Hockey, Erika Roberts, Skating, Kirsten Furr, Front Desk, Chanz Skeffington, Operations, Jason Glidden, Marketing, and Jon Pistey, Operations; Kent Cashel, Deputy City Recorder

Chris Chestnut, UTA

1. Council questions/comments. Liza Simpson commented on a Historic Preservation Board meeting where the Historic District Guidelines were introduced to the public. Joe Kernan welcomed the International Mountain Biking Association to Park City. Roger Harlan reported that the Library has mailed a survey to residents to assess needs and demands for the future. Candace Erickson addressed upcoming state legislation and described transportation-related, affordable housing and alcohol sale issues. Jim Hier reported on the HMBA meeting, and competing fund-raisers which may impact the Peace House. He also attended a Ski Utah meeting where it was pointed out that the nation went over the 60 million skier days this season, the Rocky Mountain numbers increased by 2.3% and Utah by 4.3%. Mayor Williams relayed that the Governor opened the IMBA international event with very complimentary words about our community. He stated that he has received complaints from hikers about no parking in the cul-de-sac in Iron Canyon and believed Council may have to revisit prohibiting parking on public streets. The Mayor added that the memorial service for Nick Badami was very nice and well attended.

2. Year in review – Park City Ice Arena. Stacey Noonan thanked Council for its support over the past two years and introduced the rink team. She stated that the last year has been spent on building events, programs and relationships with user groups and clubs. The Marketing Events Coordinator position, approved last year, provides the team with a broader reach to meet community needs by hosting events supporting economic development. She is working with Diane Foster on solar and wind applications and an energy audit of the building.

Jon Pistey spoke about electrical and leak problems and issues with the quality of ice because the resurfacer was broken down. He discussed purchasing a rebuilt resurfacer for back-up which will reduce pressures on the operations staff. The installation of a natural gas line will decrease utility costs since propane costs are skyrocketing. Jason Glidden explained the high use of the facility and described a variety of programs. The first marketing objective is to reach over 10,000 visitors, the second to increase program

registration, and the last is to build user groups. All three goals were accomplished through the marketing plan focusing on local users and visitors. He relayed that there are free promotional opportunities to market events and programs and described visiting schools to make kids aware of winter sports available in the area. There is a lot of coverage through local media and two television shows were filmed at the ice arena last year. Mr. Glidden addressed a variety of special events held the past season. The printed internet coverage alone is valued at \$59,000 and he added that staff is focusing more on attracting corporate groups for team building and exercise programs.

Erika Roberts, Skating Director, stated that she is an original staff member. There were over 700 participants in the learn-to-skate program and she explained six different sessions. The Park City Figure Skating Club was voted a full-member club of the US Figure Skating Association this past May and has 35 members. Ms. Roberts spoke about the popularity of curling classes. Debbie Modrovsky stated that she has been the Hockey Director since September 2006. Adult hockey league participation has expanded; there were 229 players during the 2006-2007 season and close to 400 last season. All the leagues are co-ed and the number of women players is growing. She stated that she also oversees the adult and youth learn-to-play hockey programs and spoke about purchasing highly discounted hockey equipment for kids which will be available in a rental pool. Ms. Modrovsky stated that a new Youth Hockey Association was formed with a broader board of directors to replace the Park City Knights. Kirsten Furr described her job as the front desk supervisor.

Stacey Noonan stated that the facility was ahead \$57,000 this fiscal year due to the \$90,000 RAP Tax funding and \$50,000 added to the budget for capital replacement. She believed the installation of the gas line will be financially beneficial, as well as selling locker space and holding events. Marketing and advertising will improve with the Marketing Director beginning his second year and selling ice will be better supported with more participation from user groups. The facility will be open to the public on July 1 and she again thanked Council members for their support. In response to comments from Roger Harlan, Debbie Modrovsky described the growing interest in youth hockey in Park City. Liza Simpson congratulated the group on evolving into an effective management team. Jim Hier commented that operating without a budget history may result in a more objective and analytical approach.

3. Park City Salt Lake City bus service. Kent Cashel explained the request to enter into a Letter of Intent with UTA and Summit County to explore a Salt Lake to Park City transit link. Studies have been performed over the years and there is demonstrated demand to support a service. He acknowledged the work that needs to be conducted regarding patterns of riders and there are challenges with administration and operations among three jurisdictions. The true cost and allocations will need to be formalized and there are questions regarding integration of service, management, and other legalities. He suggested conducting a feasibility study so that information can be analyzed in a comprehensive fashion to make a decision by all parties.

Approval of the LOI pledges Park City's cooperation to study the service but there is no financial commitment and the analysis will be conducted with in-house resources. UTA is willing to dedicate some of its planning resources which will involve City and County staff time. Kent Cashel estimated that the study will take 8 to 12 months and about 100 hours of staff time to complete. He asked for direction from Council and explained that a LOI formalizes the commitment of support from the governing bodies.

Jim Hier stated that until economic feasibility is known, the subsequent steps cannot proceed. He asked that this statement be included in the LOI and Mr. Cashel explained that it is implied. Mr. Hier insisted that it be stated in the document and Mr. Cashel agreed to follow up with the modification and discussed determining a level of recovery of costs later in the process. Joe Kernan felt that cost per rider mile would be helpful. Roger Harlan expressed that the proposal is timely with the trend of more people using public transit. Jim Hier emphasized that this services falls below the Kamas-Summit County expansion priority identified in the Transit Plan and the Salt Lake service does not replace this project.

Mr. Cashel stated that it will take years to implement the service. Tom Bakaly indicated that the LOI is scheduled on the regular agenda for action, but can be amended in the meantime to reflect the addition of the economic feasibility statement.

4. Police Board interviews. Steve Hooker, Linda Beligiano, Martin Fox, Charles Neal, Tom DeLeone, and Jennifer Johnson were interviewed by Council members.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 19, 2008**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, June 19, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Bret Howser, Budget Analyst; Brooke Moss, Human Resources Analyst; Kent Cashel, Deputy Public Works Director; Max Paap, Special Events Manager; Darren Davis, Transit Operations Manager; Pace Erickson, Public Works Manager; Francisco Astorga, Planner; Kirsten Whetstone, Planner; and Jim Carter, Planning Consultant.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that he has recycling contracts with Summit County, Talisker and Park City Chamber/Bureau.

III PUBLIC INPUT (*Any matter of City business not scheduled on agenda*)

Budget decisions – Roger Strand, resident, complimented staff on the excellent snow removal services last winter. He asked how the \$45,000 Sustainability Department contract got approved without some sort of public input and pointed out that there are many residents who do not share global warming concerns or beliefs. Mayor Williams relayed there has been many public hearings held on the budget and asked if Mr. Strand's comments could be continued until the public hearing on the budget is formally opened later in the meeting.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JUNE 5, 2008

Roger Harlan corrected his affirmative vote on the Johnson Controls contract. Jim Hier "I move we approve the work session notes and minutes of the meeting of June 5, 2008, as corrected". Joe Kernan disclosed that he will be abstaining as he was not in attendance. Liza Simpson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Abstention
Liza Simpson	Aye

V RESIGNATIONS AND APPOINTMENTS

Appointment of one member to the Planning Commission for a term expiring July 2012 – Jim Hier, “I move we appoint Adam Strachan as the newest member of the Planning Commission”. Candace Erickson seconded. Motion unanimously carried.

VI NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of a Resolution adopting a final revised budget for fiscal year 2008 and the budget for fiscal year 2009 for Park City Municipal Corporation and its related agencies – The Mayor opened the public hearing (see public input comments).

Roger Strand, resident, referred to the significant \$50 million budget adjustment for 2008 and Jim Hier explained that the carry-forward amount from previous is assumed to be consumed. It existed in the previous year at the time the budget is approved, but it is never spent and is usually allocated to capital projects, not operating. Roughly \$50,000 was not spent from the previous year but is included as though it was going to be spent in the current FY2008 Budget and will roll forward into the FY2009 Budget. Mr. Hier stated that this is confusing to just about everyone. A better indication of changes in the FY2008 Budget is on the Page 40 where resources and requirements by function are listed and the capital improvements projects budget increased from an ending balance of \$25 million to a balance of \$84 million. He encouraged Mr. Strand to focus on operational expenses and revenues as opposed to inter-fund transfers.

Roger Strand asked about the process for presenting the budget and Mr. Hier explained that a recommended budget is formulated by staff and presented to Council members. This is the second year of a two-year budget review and the first year of a two-year budget prompts a more detailed review. Line items are available for review by members, but typically not discussed individually. The Mayor relayed that each department addresses Council the first year of the budget cycle with more detailed presentations. Mr. Strand asked if there is any community input or outreach effort and the Mayor stated that this is the seventh public hearing on the budget and the budget document is available to the public on line and at a variety of facilities.

Dana Williams stated that aside from the global warming issue, he felt almost everyone is in agreement that there is value in efficiencies and emphasized the dual goal of the Johnson Controls contract. However, he believes that most residents are concerned about climate change, lessening CO², and increasing energy efficiency. Jim Hier emphasized that the project was discussed publicly twice. Mr. Strand felt that the City reducing energy consumption and costs is a good thing but he became concerned after learning about the Council's commitment to the Kyoto Accord and he assumed the City was spending the money to boost its image as the *carbon footprint king*.

Joe Kernan stated that public hearings are held every year which are formal opportunities to receive public input. Occasionally people provide input but in his five years on Council, the budget is not modified very much. He agreed that it would be easier to gauge what is important to citizens if a resident committee was formed.

With no further comments, the public hearing was closed.

Bret Howser pointed out a minor zero change to the final budget relating to the career development reclassification policy. Staff is requesting that an Accounting III position be classified to an Analyst II position which would be offset in the Budget Department. In response to a question from Liza Simpson about the cost of spring clean-up, the Public Works Department budgets \$20,000 but this year Summit County did not waive dumping fees which totaled \$16,000. Staff will return to Council with a discussion of whether or not to continue the program. The Mayor remarked that a lot of recycled material is thrown in the dumpsters and Joe Kernan felt that if the program is eliminated that it should be replaced with something.

Roger Harlan stated that he will be voting for the budget, and noted that he voted against the tentative budget because he could not support a portion of the walkability project. Candace Erickson, "I move we approve a Resolution adopting a final revised budget for fiscal year 2008 and the budget for fiscal year 2009". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Nay
Liza Simpson	Aye

2. Consideration of adoption of the revised Personnel and Policies Manual for Park City Municipal Corporation – Joe Kernan felt the language addressing release time is confusing. There was discussion about the wording and Brooke Moss explained that release time needs to occur between 8 a.m. to 5 p.m. or within the shift to avoid confusion with overtime because it is part of a wellness benefit. Liza Simpson also felt the language should be reworded in the future so it is clear to employees and Ms. Moss stated that it will be modified. Roger Harlan, "I move adoption of the revised Personnel and Policies Manual for Park City Municipal Corporation". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of Master Festival License for the Triple Crown fast pitch softball opening ceremonies street closure and parade to be held July 7, 14, and 21, 2008 – Max Paap explained that the Chamber and Triple Crown Sports submitted an application requesting a MFL to hold an opening ceremony parade on the first three consecutive Mondays in July. All teams will be represented at the ceremony and the parade route was described. The HMBA was notified at its March meeting and the Board was unanimously in favor of the application. Bob Kollar, Chamber, explained that Triple Crown previously held ceremonies at the Olympic Winter Park and Deer Valley but always wanted to hold them on Main Street. He explained that there will be three one week tournaments of different age groups. Candace Erickson expressed concerns

about getting cars off the street and Mr. Paap felt this can be accomplished by posting the street early in the morning but admitted there will be challenges. Electronic signage will also be used to control potential traffic problems. The Mayor opened the public hearing and with no comments, closed the hearing.

Liza Simpson, "I move that we approve the Master Festival License application for the Triple Crown Sports World Series opening ceremonies for the 7, 15 and 21 of July". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of a three-year professional services agreement with Utah Outdoor Advertising Inc for sales and placement services for the interior advertising space on the Park City Transit Fleet – Darren Davis, Transit Administrator, explained that the advertising sheet is illuminated plastic and the contract is similar to previous contracts. The monthly fee is the about the same; the contract split is a 44/56% which is a one percent increase for the City from last year. Candace Erickson asked if rates increase with ridership and Mr. Davis said no but the City has the option to raise rates. The spaces are typically sold out and some spaces are reserved for City information. Kent Cashel explained that the consultant manages the rates so that the spaces are sold and based on the local market. The City compares rates with other communities from time to time and most advertisements are for local businesses. The Mayor invited input but none was rendered. Candace Erickson, "I move we approve a three-year professional services agreement with Utah Outdoor Advertising Inc for sales and placement services on our Transit Fleet". Roger Harlan seconded. Motion unanimously carried.

5. Consideration of executing a Letter of Intent to develop a Salt Lake City to Park City Transit Plan, in a form approved by the City Attorney – Kent Cashel introduced Christopher Chestnut, Manager of strategic planning with UTA. The LOI is a formalized statement between UTA, Summit County and Park City to cooperate to review a Salt Lake City to Park City transit link. Economic, operational, and legal questions need to be answered to fully understand if such a service is viable. During work session, there was direction to return with a modification to the LOI and staff is proposing adding the following subsection: *(d) Determine economic feasibility of such a transit service and present these findings to each governing body before proceeding further with this study.* Jim Hier pointed out an error in the first paragraph changing the word *both* to *all* parties. The Mayor invited input.

Kent, Park City Jewelers, stated that he works and owns a couple of businesses on Main Street and is very excited by the service which would be helpful for commuting employees and visitors and is surprised this hasn't happened sooner.

Steve Deckert, resident, understood that the School District is exploring a rideshare system because teachers can't afford to live here and are commuting from the Valley. Jim Hier explained that the UTA rideshare program provides a 15 passenger van service. Kent Cashel added that staff is working with the District to assess sharing vanpools and UTA has information on its website about programs that people can subscribe to. Roger Harlan, "I move we execute a letter of intent to develop a Salt Lake

City to Park City Transit Plan, in a form approved by the City Attorney with the correction and adding a subsection (d) to Section A". Joe Kernan seconded. Motion unanimously carried.

6. Consideration of executing a contract with Daley Excavators, in a form approved by the City Attorney, for the removal of contaminated soils and refill with clean material at the Public Works Maintenance Facility in the amount not to exceed \$114,502 – Pace Erickson explained that in May 2005, Park City and UPCM entered in a MOU to create a repository to deposit contaminated soils for residents and businesses. During the 1997 Public Works remodel, soils were discovered and moved to another area on the property and capped. Staff is recommending that the soils be removed at this time and deposited at the repository because it is unknown how long this facility will be available. Additionally, a remodel of the Public Works facility is slated for 2009-2010 and moving the soil would be timely. The Mayor invited public comment; there was none. Liza Simpson, "I move we authorize the City Manager to enter into a contract, in a form approved by the City Attorney, with Daley Excavators for the removal of contaminated soils and refill with clean material at the Public Works Maintenance Facility in the amount not to exceed \$114,502". Roger Harlan seconded. Motion unanimously carried.

7. Consideration of an Ordinance approving the Third Supplemental Record of Survey Map of The Pinnacle at Deer Valley, located at 1375 Deer Valley Drive South, Park City – Francisco Astorga explained the request to reconfigure a private entry roadway to facilitate the development of a common area structure to house offices, storage, dumpsters, vehicle maintenance, and parking. The Planning Commission reviewed the application twice to review additional information on open space requirements and to review elevations of the building. Jim Blakesly, attorney for the HOA, explained the process of approving the project by the membership. In response to a question from Roger Harlan about shielding the project with trees, Steve Deckert explained that the condition was added by the Planning Commission and a landscape plan has not yet been designed but conifers will probably be planted. Mr. Astorga indicated that Condition No. 7 can be amended to specify the type of trees and the number of trees can be determined by staff. Mr. Blakesly further explained that the property management company will occupy the office space; there are no nightly rentals and the space is exclusive for HOA business. The Mayor opened the public hearing and with no comments from the audience, the public hearing was closed. Candace Erickson, "I move we approve an Ordinance approving the Third Supplemental Record of Survey Map of The Pinnacle at Deer Valley". Roger Harlan seconded. Motion unanimously carried.

8. Consideration of an Ordinance approving the Kentay Subdivision at 430 Main Street, being a replat of a portion of Lots 7 and 8, Block 23, Park City Survey, and including an adjacent parcel – Kirsten Whetstone explained that the application is a request to combine the northerly 10.17 feet of Lot 17 and the southerly 10 feet of Lot 8 in Block 23 of the Park City Survey and a 20 x 45 foot unplatted parcel at 430 Main Street. The lot and parcel are under common ownership and the unplatted parcel was originally

owned by the City. The City retained a non-exclusive public utility easement over the quit-claimed parcel. Prior to issuance of building permits on the rear parcel, utilities would have to be relocated at the owner's expense and the City would have to approve a vacation of the utility easement. The owner is in the process of obtaining permission from utility owners and adjacent property owners in terms of relocating utilities and the vacation of the easement would require subsequent action. A 987 square foot historic retail commercial building sits on the property and the adjacent building encroaches onto this property; the plat would resolve the encroachment. On May 28, 2008 the Planning Commission forwarded a positive recommendation to the Council and there was no public input. The Commission added a condition of approval requiring the owner to notice adjacent property owners about the relocation of utilities. The Mayor opened the public hearing and with no comments, closed the hearing. Roger Harlan, "I move approval of an Ordinance approving the Kentay Subdivision at 430 Main Street, being a replat of a portion of Lots 7 and 8, Block 23, Park City Survey, and including an adjacent parcel". Candace Erickson seconded. Motion unanimously carried.

9. Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR 248 and US40 Interchange in the Quinns Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and amending the Official Zoning Map of Park City to zone the property in the Community Transition Zoning District (CT) – Jim Carter, consultant, explained that staff is seeking confirmation that the Council is comfortable with assigning the CT Zone, finding that the application of the MPD meets the nine requirements of the LMC that would entitle it to some increase in density over the one unit per acre base density, and supports importing affordable housing units to this site. He understood Council felt that the 157 market units together with the 52 required affordable housing units would constitute too much density on the site. At the last meeting the Council found that the MPD project as currently proposed is consistent with the following LMC purpose statements of the CT Zone (c), (d), (e), (f), (g) (h) (l), (j). Additional MPD modifications are necessary to comply with CT Zone purpose statements (a), (b), (j) and (k). He referred to the staff report outlining possible improvements to the MPD that might better meet these four objectives. At the last meeting, he indicated that Ms. Erickson spoke to the benefits of the relocation of the IHC affordable housing and during task force deliberations the value of the bringing these units on this site was estimated at 14.5 units. Mr. Carter referred the final step of preparing an annexation agreement which would include the water component. It was confirmed for the benefit of Dana Williams that green building is still a component of the project; the focus tonight is the density and CT Zone. In the base density determination section in the staff report, the Mayor pointed out that (a) tighter clustering and (b) additional open space between units are conflicting statements. It was decided to just include the words *additional open space*.

Jim Hier stated that the Flagstaff annexation agreement provided general parameters but required a number of technical reports on elements which needed to be adopted by the Planning Commission before the MPD could move forward. Green building, for instance, could be a technical report. Roger Harlan felt that might be a good way to

address irrigation use and Jim Carter acknowledged water conservation concerns and believed there may be alternative approaches to achieve those objectives.

Candace Erickson asked how PC Heights formulated the 14.5 unit value. Jim Carter reiterated the request from the task force for the estimate of the cost of importing 28 pads. The infrastructure value is calculated at \$35,000 per lot. The uncaptured value is the decreased value of the estate lots at \$10,000 per lot by virtue of having affordable housing in the vicinity, and the average profit per unit is \$122,000 resulting in 14.5 units. Spencer White, agent, explained the significance of bringing IHC over, not costing IHC additional money to do so, and to provide the additional infrastructure for them.

The Mayor opened the public hearing, and with no comments from the audience, the hearing was closed. Tom Bakaly recommended that the public hearing be continued to July 17 so that all members can be present. Action is anticipated on that date. In the meantime, staff will be working with the applicant on a water agreement and it will be staff's strong recommendation that water issues be addressed at the time of consideration of the annexation agreement.

Jim Hier believed that the criteria outlined, amending (b), is an accurate list and should be forwarded with the recommendations to the Planning Commission for addressing increased density. Jim Carter explained that the calculation of 14.5 units was based on relocating 28 units from the IHC site representing a total infrastructure cost including land, improvements and amenities of approximately \$35,000 per unit. This would diminish the value of the remaining 78 market estate lots at \$10,000 per lot. Spencer White clarified that it is their intent to quantify bringing in an additional 28 units of affordable housing into the project. If there is such a way to quantify; it is not the type of housing but the additional units. It was emphasized that the use of the word estate does not refer to the Estate Zone. Dividing \$1.7 million by \$122,000 is 14.4. Joe Kernan asked about arriving at the \$35,000 figure. Mr. Carter noted that it includes infrastructure, land, off site improvements and amenities costs. Joe Kernan asked if land costs should be included.

Owner Walt Plum explained that Ivory Homes will be building the affordable housing on the site for IHC, but the design must meet the PC Heights' architectural theme which may require some subsidy from PC Heights. There are many unknowns but the \$35,000 per pad includes minimal land costs in consideration of the water tank, sewer, etc. and he felt this number is conservative. Mr. White reiterated that the task force asked them to come up with a number. Jim Hier agreed that \$35,000 per pad is extremely conservative but is unsure about the \$10,000 number for diminished profits, but if the \$35,000 is solely used, dividing that by \$122,000, results in eight units. The average between eight and 14.5 is 11 units; looking at it a different way and using \$50,000 per pad, is \$1.4 divided by \$122,000 which is about 11.5 units. Walt Plum pointed out other potential costs that may be incurred. Jim Hier discussed using 135 units as base density. Liza Simpson suggested the value be established at half of 11.5 units at 14 or 13 units. In response to concerns expressed by Roger Harlan about 14.5

being a fair number, Mr. White stated that it is a generous number and encouraged Council to consider the public benefits with increased open space at the IHC site.

Jim Carter understood density to be at 148 units and based on discussions with the applicants, the number is reasonable with the potential to apply for more density during the MPD process. Mayor Williams asked members if they are comfortable with 148 units for base density and all members agreed. In response to Dana Williams' comments, Jim Hier explained that green building is not a purpose statement and should be addressed as a technical report as an element of the development agreement. The Mayor felt green building should be mandatory and not considered a bonus for projects.

Jim Carter believed that there are opportunities for improvement with regard to the objectives in the CT Zone. Staff will begin to draft documents implementing the annexation. Mr. Hier requested that there be a technical report on affordable housing. There was discussion that Talisker's affordable housing obligation be subtracted from Quinns and Jim Hier indicated that he would like to see this addressed in the development agreement.

Jim Hier, "I move to continue the public hearing and the annexation to July 17, 2008". Joe Kernan seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:45 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jerry Gibbs, Public Works Director; Kathy Lundborg, Water Manager; and Mark Harrington, City Attorney. Jim Hier "I move to close the meeting to discuss property". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 3:15 p.m. Jim Hier, "I move to open the meeting". Roger Harlan seconded. Motion unanimously carried.

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, City Recorder

City Council Staff Report



Author: Katie Cattan
Subject: 543 Woodside Avenue
Date: July 10, 2008
Type of Item: Administrative - Plat Amendment

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the City Council conduct a public hearing and consider approving the 543 Woodside Plat based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Topic

Applicant: Steve Maxwell
Location: 543 Woodside Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Use: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

The applicant is the owner of Lots 11 and 12 of Block 28, of the Park City Survey. On May 12, 2008, the City received a completed application to combine these properties into one lot of record. Each lot is 25 feet wide by 75 feet deep. The result of combining the two lots is one lot 50 feet wide by 75 feet deep. By combining the two lots, the new area of the proposed single lot would be 3750 square feet.

The applicant wishes to combine the lots into one lot of record to facilitate construction on the lot. There is an existing historic home situated across the two lots. A building permit cannot be issued for construction across a lot line.

The applicant has submitted applications for a Historic District Design Review (HDDR) and a Steep Slope Conditional Use Permit (CUP). At the time of writing this report the plans were in the process of being reviewed for compliance with the HDDR. The applicant has submitted a complete preservation plan outlining the existing deteriorating condition of the historic home. The applicant is proposing the home be allowed to be reconstructed due to the failing current condition of the home. Compliance with the Land Management Code and the Historic District Design Guidelines, as well as approval of a Steep Slope CUP by the Planning Commission are required prior to issuance of a building permit.

The Planning Commission heard this application at its regular meeting on June 25, 2008, and forwarded a unanimous positive recommendation. There was no public input.

Analysis

The purpose of the application is to combine the two lots into one lot of record. This plat amendment will create one lot of record that would be 3750 square feet in area. The lot will be required to have 5' side yard setbacks and 10' front and rear setbacks. The maximum allowable footprint is 1519 square feet. The maximum height allowed is 27' above existing grade.

Planning Staff finds there is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling rehabilitation or reconstruction of the existing historic home. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposed plat complies with requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements, as outlined below:

	Permitted
Height	27'
Front setback	10'
Rear setback	10'
Side setbacks	5' min, 10' total
Lot size	1,875 square feet minimum
Footprint	1,519 square feet maximum
Parking	None for historic home

Department Review

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Development Review Meeting on May 27, 2008, where representatives from local utilities and City Staff were in attendance. All concerns raised during this meeting have been resolved.

Notice

Notice of this hearing was sent to property owners within 300'. Legal notice was also put in the Park Record.

Public Input

No comments have been received by staff at the date of this writing.

Alternatives

1. The City Council may approve the 543 Woodside plat as conditioned or amended; or
2. The City Council may deny the 543 Woodside plat and direct staff to make Findings for this decision; or
3. The City Council may continue the discussion on the 543 Woodside plat.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

A building permit would not be issued across lot lines.

Recommendation

Staff recommends that the City Council hold a public hearing for the 543 Woodside plat and consider approving the plat based on the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

Exhibits

Exhibit A – Proposed Ordinance

Attachment 1 – Proposed Plat

Ordinance No. 08-

AN ORDINANCE APPROVING THE 543 WOODSIDE PLAT COMBINING LOTS 12 AND 13 OF BLOCK 28 OF THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owner of the property known as 543 Woodside Avenue, has petitioned the City Council for approval of a plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on June 25, 2008 to receive input on the 543 Woodside plat.

WHEREAS, the Planning Commission, on June 25, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on July 10, 2008, the City Council held a public hearing to receive input on the 543 Woodside plat; and

WHEREAS, it is in the best interest of Park City Utah to approve the 543 Woodside plat.

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

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The 543 Woodside plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 543 Woodside Avenue.
2. The zoning is Historic Residential (HR-1).
3. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
4. The plat will combine two lots into one lot of record.
5. There is an existing historic duplex on the property.
6. Access to the property is from Woodside Avenue.
7. The proposed lot is 3,750 square feet in size.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.

9. The maximum building footprint for the proposed lot is 1,519 square feet.
10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Minimal construction staging area is available along Woodside Avenue.

Conclusions of Law:

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

Conditions of Approval:

1. The 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 construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. The plat must be recorded prior to any new development activity.
4. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. No remnant lot created hereby is separately developable.

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

PASSED AND ADOPTED this 10th day of July 2008.

Error in plat map document. Will have to be emailed before the meeting.

Error in plat map document. Will have to be emailed before the meeting.

City Council Staff Report



Subject: 260 Main Street
Condominium Plat
Author: Katie Cattan
Date: July 10, 2008
Type of Item: Administrative – Condominium Conversion

Summary Recommendations

Staff recommends that the City Council hold a public hearing for the First Amended Agio 260 condominium record of survey plat and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant	260 Main Streets, LLC. c/o Architect - Chris Moore
Location	260 Main Street
Zoning	Historic Commercial Business (HCB)
Adjacent Land Uses	Commercial/Residential

Background

On March 25, 2008, the City received a completed application for an amendment to the condominium plat at 260 Main Street. Two changes to the original plat triggered the necessity of recording a new plat. The structure of the building was changed slightly for engineering purposes and to accommodate electrical lines. Also, a portion of the basement floor area designated to be common was changed to a convertible area for storage. Under Utah Law, a plat must be amended if the structure is modified and if areas that were private become common and/or limited common and vice versa.

On June 25, 2008, the Planning Commission heard this application at its regular meeting and forwarded a unanimous positive recommendation. There was no public input.

On October 5, 2007, the City Council approved the original 260 Main condominium plat. The plat has been recorded with Summit County. The building is currently under construction.

The multi-use building consists of a commercial area on the main floor and two residential units on the second and third floor. The basement contains two parking spaces for each of the residential units and the necessary mechanical equipment for the building. The commercial area is described on the condominium plat as convertible space. The type of commercial use has not been decided by the owner. The convertible space must comply with the requirements of the Land Management Code for allowed use in the HCB zone.

Previous applications received by the applicant in reference to this location have been a plat amendment application, a Historic District Design Review application, and a conditional use permit for fractional ownership. The Planning Department has approved the Historic District Design Review and made findings that the design complies with the Historic District Design Guidelines. The Conditional Use Permit for fractional ownership was approved by the Planning Commission on October 10, 2007.

Analysis

The mixed-use building is under construction at 260 Main Street. The lot has a width of 33', a depth of approximately 115.26', and an area of 3514 square feet. The building is located in the Historic Commercial Business (HCB) district. The multi-use building complies with the requirements of the HCB District as summarized below:

	CODE REQUIREMENT	PROPOSED
LOT SIZE	1250 sq. ft. Minimum	3514 sq. ft.
FRONT, REAR AND SIDEYARD	Zero setbacks	Zero
SIDEWALK PROVISIONS	Minimum 9'	Existing width of sidewalk along Main will be maintained and the applicant has dedicated right-of-way to City off of Swede Alley for a minimum width sidewalk.
FLOOR AREA RATIO	FAR of 4 or 14,928 sq.ft.	13,060 sq. ft.
MAXIMUM BUILDING VOLUME AND HEIGHT	30' off Main and Swede 45' above natural grade from 45 degree angle connection 5' exception for pitched roof.	Meets code with 5' exception for pitched roof and mechanical equipment (elevator).
PARKING - RESIDENTIAL	4 enclosed spaces	4 enclosed spaces

The proposed condominium conversion complies with the requirements of the HCB for parking. Two parking spaces are required for each residential unit. A total of four spaces are provided in the basement of the building. The parking requirement for the commercial use has also been fulfilled. The property was paid in full to the Main Street Parking Special Improvement District prior to Jan 1, 1984 allowing an exemption for 1.5 of the Floor Area Ratio parking obligation.

The North-East corner of the building was modified due to necessary structural changes for engineering and electrical changes. The difference, although minor, is evident when comparing the amendment (Attachment 1 Exhibit A) with the original plat (Attachment 2). The second change was a change in designated area from common to private. This occurred within the garage. A portion of the mechanical room (common area) was

converted into a closet (private). Both types of alterations require an amendment to the recorded plat.

Staff finds good cause for this condominium conversion as the units comply with the regulations of the Land Management Code and can be sold separately.

Department Review

This project was introduced at a Development Review meeting on April 22, 2008. Representatives from the City's Building, Engineering and Planning Departments, and the City's Attorney Office were in attendance. No issues were raised during this meeting.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

At the time of writing this report, no public input has been received.

Alternatives

1. The City Council may approve the First Amended Agio 260 condominium record of survey plat as conditioned or amended; or
2. The City Council may deny the First Amended Agio 260 condominium record of survey plat and direct staff to make findings for this decision; or
3. The City Council may continue the discussion of the First Amended Agio 260 condominium record of survey plat.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The condominium plat would not reflect the changes during construction.

Recommendation

Staff recommends the City Council hold a public hearing for the First Amended Agio 260 condominium record of survey plat and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A - Ordinance

Attachment 1 – Record of Survey plat

Exhibit B – Original Record of Survey plat

Exhibit A.

Ordinance No. 08-

AN ORDINANCE APPROVING THE FIRST AMENDED AGIO 260 CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 260 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 260 Main Street have petitioned the City Council for approval of the First Amended Agio 260 condominium record of survey plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on June 25, 2008, to receive input on the First Amended Agio 260 condominium record of survey plat;

WHEREAS, the Planning Commission, on June 25, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Agio 260 condominium record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended Agio 260 condominium record of survey as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 260 Main Street, Park City, Utah.
2. 260 Main Street is one lot of record located within portions of Lots 14 and 15 in Block 21 and portions of Lots 14 and 15 in Block 70 of the Park City Survey recorded as the 260 Main Street Subdivision.
3. 260 Main Street is located in the Historic Commercial Business (HCB) district.
4. The lot is 3514 square feet in size.
5. The 3 condominium units vary in size and use. One unit will be utilized as commercial space off of Main Street. Two units are designated as residential units on the second and third floor.
6. Two parking spaces are required for each residential unit. A total of four spaces are provided in the basement of the building.

7. Parking requirements for the Commercial Use has been fulfilled. The property was paid in full to the Main Street Parking Special Improvement District prior to Jan 1, 1984.
8. The new mixed-use building located at 260 Main Street complies with all requirements of the HCB district within the Land Management Code.
9. The findings within the Analysis section are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

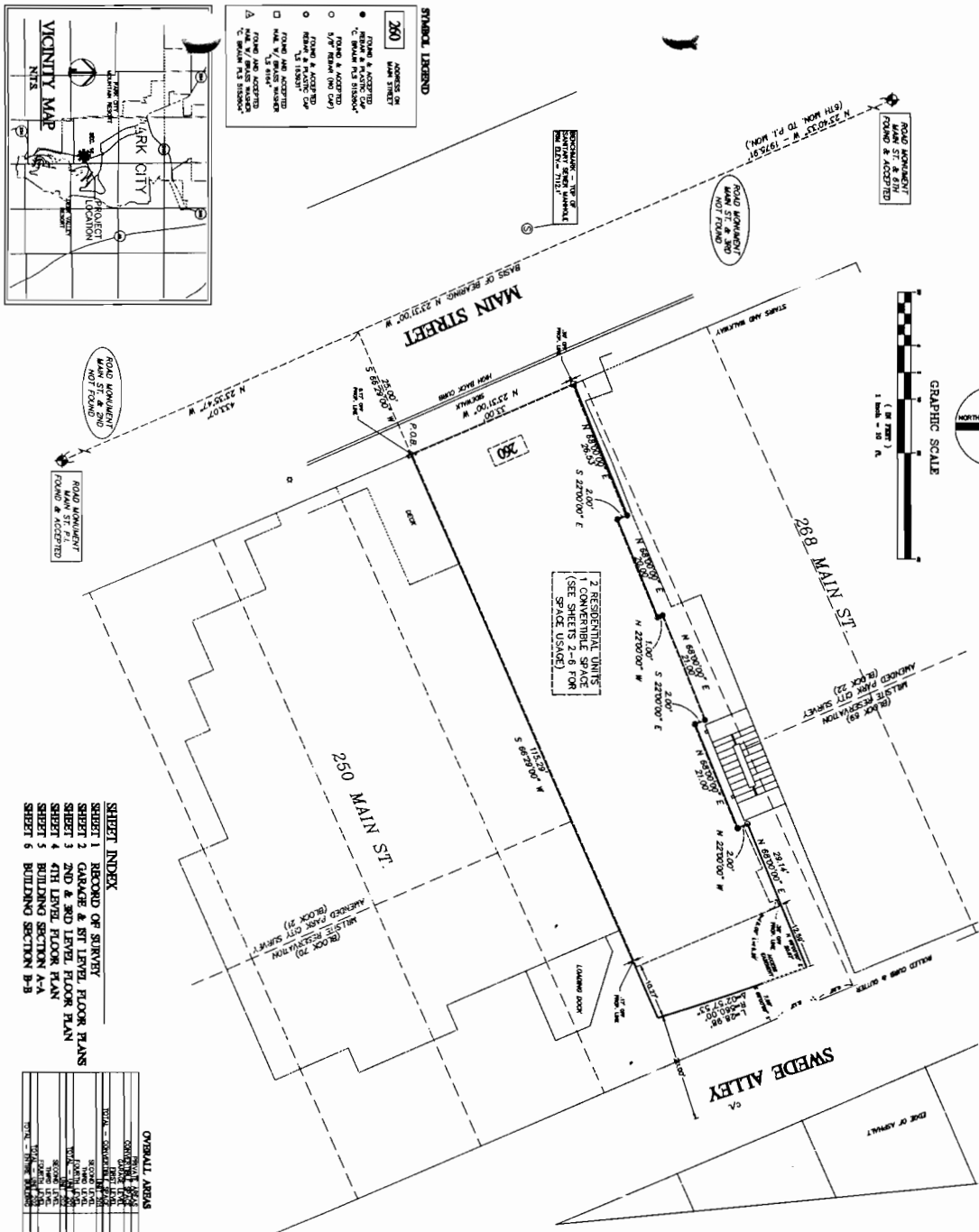
1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey and CCRs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the 260 Main Street Subdivision shall continue to apply.
4. The proposed convertible space within the building must comply with the allowed use requirements of the Land Management Code.
5. The four parking spaces in the basement shall be allocated and restricted to the residential units.

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

PASSED AND ADOPTED this 10th day of July, 2008.



GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft



CONDOMINIUM PLAT AGIO 260

A PARCEL OF LAND LOCATED WITHIN THE SOUTHEAST QUARTER
OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION

THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:

EXISTING ACCESS EASEMENT

THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:

THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:

REMARKS

1. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
2. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
3. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
4. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
5. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
6. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
7. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
8. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
9. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
10. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
11. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
12. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
13. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
14. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:
15. THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:

SURVEYOR'S CERTIFICATE

I, THE SURVEYOR, HEREBY CERTIFY THAT THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:

REPORT BY SURVEYOR



OWNER'S DECLARATION AND CONSENT TO RECORD

I, THE OWNER, HEREBY CERTIFY THAT THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:

ACKNOWLEDGMENT

I, THE OWNER, HEREBY CERTIFY THAT THE PARCEL OF LAND SHOWN ON THIS PLAT AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER (SUMMIT CO. RECORD, RECORDED
CONTRACT 151448, BOOK 100, PAGE 100) IS DESCRIBED AS FOLLOWS:

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF _____ PARK CITY
CITY COUNCIL, THIS _____ DAY OF _____, 2007, AT WHICH TIME
THIS RECORD OF SURVEY WAS APPROVED.

RECORDED

STATE OF _____
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION
ON FILE IN THE OFFICE OF THE PARK CITY
ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____, A.D. 2007.

SANDERVILLE BASIN W.R.D.

REVIEWED FOR CONFORMANCE TO
SANDERVILLE BASIN WATER RECLAMATION
PLANNING STANDARDS ON THIS _____ DAY
OF _____, A.D. 2007.

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY
PLANNING COMMISSION ON THIS _____ DAY
OF _____, A.D. 2007.

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY
OF _____, A.D. 2007.

CITY ATTORNEY

APPROVED AS TO FORM ON THIS _____ DAY
OF _____, A.D. 2007.

CITY RECORDER

APPROVED AS TO FORM ON THIS _____ DAY
OF _____, A.D. 2007.

COUNTY RECORDER

APPROVED AS TO FORM ON THIS _____ DAY
OF _____, A.D. 2007.

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
P.O. Box 2881 • Park City, Utah • 84060
Phone: 435-644-4467 • Fax: 435-644-4219
Email: office@evergreen-engineering.com



City Council Staff Report

Subject: OTIS Sales Tax Bond Parameters Resolution
Author: Bret Howser
Department: Budget, Debt, & Grants
Date: July 10, 2008
Type of Item: Legislative

Summary Recommendations:

Staff recommends that Council approve the attached parameters resolution related to the sales tax bond issuance for old town street reconstruction projects.

Topic/Description:

OTIS Sales Tax Bond Parameters Resolution

Background:

The City has completed 3 of the 21 street reconstruction projects outlined in the 2002 Old Town Improvement Study (OTIS). The final projects of Phase I of OTIS (Lower Norfolk and Woodside North of 13th) are budgeted in FY 2009 at a total cost of \$4,213,000. That includes \$1,283,045 from General Fund Surplus (cash on hand) and \$2,929,955 from anticipated sales tax bond proceeds. Staff has enough money with the cash on hand to move forward with the projects, but with the bulk of the construction getting underway next spring, bond proceeds would be required.

In addition, Phase II(a) of the OTIS projects is scheduled for the spring. Council adopted a budget of \$4,036,000 for these projects for FY 2009, which would include reconstruction of Sandridge in FY 2009, Hillside in FY 2010, and Empire and Upper Lowell in FY 2011. This proposed bond issuance would provide the funding for these projects as well.

The budgeted costs for each of these projects are based on cost estimates which were updated in 2006. Council expressed concern on May 1st that projected costs for future phases of OTIS are underestimated. Staff is preparing a work group to review future OTIS projects this summer (before issuing the proposed sales tax bond) to update cost estimates, realign scheduling of the projects, and make updated recommendations. This update will be considered along with the reprioritization of the CIP during next year's budget process. Its impact on the bond issuance at hand will be analyzed and presented in a staff report prior to the final bond resolution adoption.

Analysis:

The attached parameters resolution sets the parameters of the sales tax bond issuance and initiates the process of public notice. The resolution sets the maximum issuance amount at \$10 million (actual bond issuance expected to be \$7-8 million) and defines the project as follows:

Capital improvements including street improvements, storm sewer, utility relocations, curb, gutter, sidewalks, signage, landscaping, engineering, design and other related improvements

The resolution also establishes the format for public notice, which should be published in the Park Record on July 16. The public notice will announce a public hearing to be held on July 31,

2008, and will initiate a 30 day period in which interested parties may contest the legality of the resolution or the bonds.

The resolution also establishes maximum terms of 6% interest, 16 years, and 1% discount from par. Currently, the average coupon rate on a municipal bond with a AA rating would be around 4%. Staff anticipates that the actual interest rate of the bond would be closer to the current rate than the 6% maximum. The parameters allow for a maximum 1% discount from par, which would be necessary if interest rates were higher than the coupon rate on the bond. However, staff plans to do a competitive sale with this bond and does not expect to sell the bonds for less than the face value.

Department Review:

Budget, Debt & Grants; City Manager; Legal

Alternatives:

A. Approve:

Staff recommends approving the attached parameters resolution related to the sales tax bond issuance for OTIS street reconstruction projects.

B. Deny:

So doing would impact the old town street reconstruction plans and scheduling. Council would have to revisit funding decisions during the capital budgeting process.

C. Modify:

D. Continue the Item:

This may impact the construction schedule as currently laid out by staff.

E. Do Nothing:

This would have a similar impact as B.

Significant Impacts:

The parameters resolution is the first step in initiating a bond issuance. This bond issuance is budgeted as the funding source for the remaining OTIS reconstruction projects. The funding would allow staff to continue these projects next spring.

Consequences of not taking the recommended action:

Reconstruction of designated old town streets could be delayed until Council decides to move forward with the bond issuance or until an alternative funding source is identified.

Recommendation:

Staff recommends approving the attached parameters resolution related to the sales tax bond issuance for old town street reconstruction projects.

Attachments:

A – Parameters Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$10,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2008 (OR SUCH OTHER SERIES DESIGNATION SELECTED BY THE ISSUER), OF PARK CITY, UTAH FOR THE PURPOSE OF DEFRAYING ALL OR A PORTION OF THE COST OF CERTAIN IMPROVEMENTS; CALLING A PUBLIC HEARING AND ESTABLISHING A TIME, PLACE AND LOCATION FOR SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR A PLEDGE OF SALES TAX REVENUES FOR REPAYMENT OF THE BONDS; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; EXPRESSING AN INTENT TO REIMBURSE; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Municipal Bond Act”) the City Council (the “Council”) of Park City, Utah (the “Issuer”), has authority to issue its Sales Tax Revenue Bonds, Series 2008 (or such other series or title designation selected by the Issuer) (the “Bonds”) for the municipal purposes set forth therein; and

WHEREAS, Issuer desires to finance the cost of capital improvements including street improvements, storm sewer, utility relocations, curb, gutter, sidewalks, signage, landscaping, engineering, design and other related improvements (the “Project”) by issuing the Bonds; and

WHEREAS, the Municipal Bond Act provides that prior to issuing bonds secured by excise tax moneys, an issuing entity must give notice of its intent to issue such bonds and hold a public hearing to receive input from the public with respect to the issuance of the Bonds; and

WHEREAS, the Issuer desires to call a public hearing for this purpose and to publish a notice of such hearing, including a notice of bonds to be issued, in compliance with the Municipal Bond Act with respect to the Bonds;

WHEREAS, on May 1, 2008 the Issuer adopted a resolution expressing its intent that it may expend amounts for costs of the above described improvements prior to the issuance of the Bonds and its intent that, to the extent it pays such costs, the Issuer be reimbursed for such costs from proceeds of the Bonds.

NOW, THEREFORE, it is hereby resolved by the City Council of Park City, Utah, as follows:

The Council of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than \$10,000,000 aggregate principal amount of its Sales Tax Revenue Bonds, Series 2008 (or such other series designation selected by the Issuer) to bear interest at a rate or rates of not to exceed six percent (6.0%) per annum, to mature in not more than sixteen (16) years from their date or dates, and to be sold at a price

not less than ninety-nine percent (99%) of the total principal amount thereof to be issued for the purpose of financing the Project and related improvements, all pursuant to this Resolution, a General Indenture of Trust dated as of March 1, 2005, as heretofore amended and supplemented (the “General Indenture”), and a Second Supplemental Indenture of Trust (the “Second Supplemental Indenture” and collectively with the General Indenture, the “Indenture”) to be entered into at the time of issuance of the Bonds in substantially the form attached hereto as Exhibit B, and the Council hereby declares its intention to issue the Bonds according to the provisions of this Section, a final bond resolution, when adopted, and the Indenture.

The Issuer hereby directs officers and staff of the Issuer to proceed with the preparation of any offering material, if needed, for the sale of the Bonds and to make other necessary preparations for the issuance and sale of the Bonds.

Pursuant to the Indenture, the Issuer has pledged 100% of the Local Option Sales and Use Tax revenues received by the Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended and 75% of the Resort Communities Tax revenues received by the Issuer pursuant to Title 59, Chapter 12, Part 4, Utah Code Annotated 1953, as amended.

The Issuer hereby authorizes and approves the issuance and sale of the Bonds to the purchaser or purchasers to be identified in the Final Bond Resolution, pursuant to the provisions of this Resolution and the Final Bond Resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds, with such changes thereto as shall be approved by the Council upon the adoption of the Final Bond Resolution, provided that the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in Section 1 hereof.

The Issuer shall hold a public hearing on July 31, 2008, to receive input from the public with respect to the issuance of the Bonds, which hearing date shall be not less than fourteen (14) days after notice of the public hearing is (A) first published once a week for two consecutive weeks in the Park Record, a newspaper of general circulation in the Issuer and (B) published on the Utah Public Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended. The City Recorder shall also cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer's principal offices for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the last date of publication thereof. The Issuer directs its officers and staff to publish a “Notice of Public Hearing and Bonds to be Issued” in substantially the following form:

NOTICE OF PUBLIC HEARING
AND BONDS TO BE ISSUED

PUBLIC NOTICE IS HEREBY GIVEN that on Thursday, July 10, 2008, the City Council (the “Council”) of Park City, Utah (the “Issuer”) adopted a resolution (the “Resolution”) declaring its intention to issue and authorizing the issuance of the Issuer’s Sales Tax Revenue Bonds, Series 2008 (or such other series and title designation selected by the Issuer) (the “Bonds”) pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended and to call a public hearing to receive input from the public with respect to the issuance of the Bonds.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on Thursday, July 31, 2008, at the hour of 6:00 p.m. The location of the public hearing is at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah. The purpose of the meeting is to receive input from the public with respect to (i) the issuance of the Bonds and (ii) any potential economic impact that the improvements, facility or property financed in whole or in part with the proceeds of the Bonds may have on the private sector. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING BONDS

The Issuer intends to issue the Bonds for the purpose of (i) financing the costs of capital improvements including street improvements, storm sewer, utility relocations, curb, gutter, sidewalks, signage, landscaping, engineering, design and other related improvements, (ii) funding any required debt service reserve and (iii) paying issuance expenses to be incurred in connection with the issuance and sale of the Bonds.

PARAMETERS OF THE BONDS

The Issuer intends to issue the Bonds in the aggregate principal amount of not to exceed Ten Million Dollars (\$10,000,000), to bear interest at a rate or rates of not to exceed six percent (6.0%) per annum, to mature in not more than sixteen (16) years from their date or dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof, plus accrued interest to the date of delivery.

EXCISE TAXES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge 100% of the Local Option Sales and Use Tax revenues received by the Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended and 75% of the Resort Communities Tax revenues received by the Issuer pursuant to Title 59, Chapter 12, Part 4, Utah Code Annotated 1953, as amended to the payment of the Bonds.

The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, and a General Indenture of Trust, as previously amended and supplemented (the “General Indenture”), and a Second Supplemental Indenture of Trust (the “Second Supplemental Indenture”) and collectively with the General Indenture, the “Indenture”) which was before the Council and attached to the Resolution in substantially final form at the time of the adoption of the Resolution and said Second Supplemental Indenture is to be approved by the Council in

Attachment A – Parameters Resolution

such form and with such changes thereto as shall be approved by the Council upon the adoption of a final bond resolution.

A copy of the Resolution and the Indenture are on file in the office of the City Recorder at 1354 Park Avenue, Park City, Utah, where they may be examined during regular business hours of the City Recorder on Monday through Friday from 8:00 a.m. to 5:00 p.m., for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS HEREBY GIVEN that a period of thirty (30) days from and after the last date of the publication of this notice is provided by law during which (i) any person in interest shall have the right to contest the legality of the Resolution, the Indenture or the Bonds, or any provision made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever, and (ii) registered voters within Park City, Utah may sign a written petition requesting an election to authorize the issuance of the Bonds. If written petitions which have been signed by at least 20% of the registered voters of Park City, Utah are filed with the Issuer during said 30-day period, the Issuer shall be required to hold an election to obtain voter authorization prior to the issuance of the Bonds. If fewer than 20% of the registered voters of Park City, Utah file a written petition during said 30-day period, the Issuer may proceed to issue the Bonds without an election.

DATED this 10th day of July, 2008

/s/ Janet M. Scott

City Recorder

All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this 10th day of July, 2008.

(SEAL)

Mayor

ATTEST:

City Recorder

Attachment A – Parameters Resolution

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

Mayor

ATTEST:

City Recorder

Attachment A – Parameters Resolution

PARK CITY UTAH)
 : ss.
COUNTY OF SUMMIT)

I, Janet M. Scott, the duly appointed and qualified City Recorder of Park City, Utah, (the “City”) do hereby certify according to the records of said City Council in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the City Council held on July 10, 2008, including a resolution (the “Resolution”) adopted at said meeting and that said minutes and Resolution are officially of record in my possession.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on July 10, 2008, and that, pursuant to the Resolution, a Notice of Public Hearing and Bonds To Be Issued will be published:

(i) once each week for two consecutive weeks in the Park Record, a newspaper having general circulation in Park City, Utah, with the affidavit of said publication being attached hereto upon availability; and

(ii) on the Utah Public Notice Website (<http://pmn.utah.gov>).

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City, this 10th day of July, 2008.

City Recorder

(SEAL)

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Janet M. Scott, the undersigned City Recorder of Park City, Utah (the “City”) do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the July 10, 2008 public meeting held by the City Council as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the City on July ___, 2008, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Park Record on July ___, 2008, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2008 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the City Council of the City to be held during the year, by causing said Notice to be posted on _____, at the principal office of the City Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the geographic jurisdiction of the City on _____.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 10th day of July, 2008.

City Recorder

(SEAL)



City Council Staff Report

Subject: Title 13 - Water Code Revisions
Author: Tamara Lindsay
Department: Water
Date: July 10, 2008
Type of Item: Legislative

Summary Recommendations:

1. Adopt Ordinance to amend Title 13 Chapter 1 of the Water Code as presented in Attachment A.
2. Provide direction on future revisions to water code and future conservation measures.

Topic/Description:

Revisions to Title 13 – Water Code

Background:

As part of the ongoing conservation plan, staff continues to seek new and innovative ways to conserve water. Anticipated future drought conditions and growth will continue to challenge our ability to supply the water needs of our community. Periodic revisions to the code are necessary to capture new conservation measures that will allow us to achieve our goal of sustainable and efficient water use. The short term conservation goal is to reduce water consumption by 8 to 10%. The long term goal is to match the state goal of 25% reduction in per capita water use by 2050.

The proposed section 13-1-21 will define water waste and give staff the means of prohibiting this practice.

Further, the existing water code does not address the critical issues related to control of backflow and cross connections. The State of Utah requires that these controls be outlined in code to ensure the protection of the water system and the quality of the water supply. It has been the practice of the Park City water department to implement these controls.

Analysis:

The purpose of the revisions to Title 13 – Water Code is to omit redundancy, clarify language, remove fixed fee amounts and set fees as part of our annual fee resolution.

Staff recommends the following additions to the code:

1. 13- 1-21. Water Conservation -B. Water Waste Prohibited

This section will prohibit flagrant water waste defined as follows:

- a. Watering so that water falls directly onto impervious surfaces to the extent that running water leaves the property and enters gutters, storm drains, ditches and other conveyances (watering impervious surfaces); or
- b. Watering to the extent that water is allowed to accumulate on the surface of the ground and leave the property and enter gutters, storm drains, ditches and other conveyances (excess watering).

2. 13- 1-29. Control of Backflow and Cross Connections

The purpose of this section is to:

- a. To protect the public drinking water supply of Park City from the possibility of contamination or pollution by requiring compliance with the Cross Connection Control Program of the Utah Division of Drinking Water and the currently adopted plumbing code that require cross connection protection of all public drinking water systems in the State of Utah. Compliance with these minimum safety codes will be considered reasonable diligence for the prevention of contaminants or pollutants that could backflow into the public drinking water system; and,
- b. To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by the State and plumbing regulations to assure water system safety; and,
- c. To provide for the administration of a continuing program of backflow prevention that will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system.

Staff also seeks discussion and direction on future water conservation measures including the following alternatives:

1. Revise the watering schedule as set forth in Title 13-1-21 Water Conservation to be twice per week instead of every other day.

Staff would study the effectiveness of watering established landscape twice per week instead of every other day; determine the effects on the distribution system; create an ordinance to specify an irrigation schedule; identify possible exceptions and identify a plan to educate customers on the new schedule. Irrigation days could be specified by address as follows. If the address ends in:

- 0, 1 or 2 - Monday and Thursday watering
- 3, 4 or 5 - Tuesday and Friday watering
- 6 or 7 - Wednesday and Saturday watering
- 8 or 9 - Wednesday and Sunday watering

In the 2008 watering season, the third day watering option has increased from 179 participants to 282 participants as of July 1, 2008. This represents a 58% increase from last season. Staff anticipates that this program will continue to grow throughout the season. Although 282 participants represent a small percentage of total users, this increase in participation confirms the surge in public interest and awareness of the importance of conserving water.

The goal is to present these findings to Council in winter of 2009, and if Council approves, implement the new schedule by May 1, 2009.

2. Design a landscape ordinance to be in effect by spring of 2009.

Staff from the water, building and planning departments would work together to design a landscape ordinance to be used as part of the permit process for new construction and remodels/additions. Staff would take into consideration the impacts on personnel and financial resources. Some possible issues to address include:

- Requiring inspection and approvals of landscape and irrigation plans.
- Drainage issues.
- Limits of disturbance.
- Limiting turf to 50% or less of total landscaped area.
- Encouraging use of drought tolerant grasses and plantings.
- Prohibit HOA rules that prohibit xeriscaping and water-wise landscaping.
- Address regulations for plantings and irrigation of parking strips.
- “Water Point” program similar to the LEEDS program that would offer impact fee incentives.

Several municipalities in Utah including West Valley City, Sandy City, West Jordan and Salt Lake County have successfully adopted landscaping ordinances. See Attachment B –West Valley City Landscaping Code. Staff plans to gain knowledge of the successes and failures these municipalities have faced in order to better craft an ordinance that will serve Park City’s unique landscape issues.

3. Research and implement a Water Budget Rate Structure.

Water budgets are defined as volumetric allotments of water to customers based on customer-specific characteristics and conservative resource standards; they represent an innovative means of improving water use efficiency. In short, a water budget is the quantity of water that would be required by an efficient level of water use. An “efficient level” of water use (particularly as it relates to outdoor irrigation) must be based on public expectations, established landscaping guidelines as well as water supply realities. As population increases and climate uncertainties place heightened demands on our water system, a water budget rate structure could be an effective tool to provide a meaningful price signal, increase efficiency and manage drought response in a sensible and equitable manner.

Water budget rate structures have been successfully implemented by mid-sized utilities since the early 1990's. Rather than lump customers together in large classes such as residential and commercial, water budgets are based on individual characteristics of customers including number of household members, irrigated area, type of landscape, regional evapotranspiration rate, or some combination of thereof. Studies have shown that if the basis of the individualized rate is communicated well, then the rate is seen as a more equitable way of charging water rates than rate structures that do not include individual customer characteristics.

As part of the existing water conservation plan, the water department will be installing an Automatic Meter Reading (AMR) system that will allow up to hourly reads. When this system is in place and functioning, the City will be able to access sufficient information and data for the development of water budgets. The growing information available through GIS will also make the use of water budgets more feasible.

Staff will need to do significant research to design a water budget rate structure to ensure equitability to all City customers. The AMR system implementation is not estimated to be complete for two years. As customers are switched over to the AMR system starting next summer, data will start to be collected. Individual use data for the last customers that are put on the AMR system in the spring/summer of 2010 will also need to be collected. The anticipated schedule to complete the water budgeting work is three years.

Department Review:

Public Works, Legal, and the City Manager have reviewed this staff report.

Alternatives:

A. Approve:

Staff recommends Council approve the submitted revisions to Title 13 – Water Code as shown in Attachment 1 and give direction on alternative future conservation measures staff should pursue.

B. Deny:

Council could deny the revision to Title 13 – Water Code. This is not the recommended action as staff would not gain the means to prevent water waste and the City would not be following State policy on development of an ordinance to control backflow and cross connections.

C. Modify:

Council could modify the revisions to Title 13 – Water Code. While there may be room for minor modifications, staff recommends that council approve the core provisions of the amended ordinance which would allow the City to meet its conservation goals.

D. Continue the Item:

Council could continue the item to a future date. However, in order to give staff the resources it needs to meet the goals of the ordinance, council should approve an ordinance no later than July 17, 2008.

E. Do Nothing:

Council could do nothing. Staff does not recommend this alternative; staff would not gain the means to prevent water waste and the City would not be following State policy on development of an ordinance to control backflow and cross connections.

Significant Impacts:

Staff would have the ability to impose violation fees to customers who flagrantly waste water. City ordinance would be in compliance with State policy on control of backflow and cross connections. It is the State's goal to conserve water wherever possible and reduce per capita usage by 25% by 2050. The water waste amendment would provide staff with an additional tool to move toward this goal.

Consequences of not taking the recommended action:

Staff would not gain the means to prevent water waste. The State policy for cross connection program development requires the development of an ordinance to control backflow and cross connections. The City would not be following this policy if the ordinance is not adopted.

Recommendation:

1. Adopt Ordinance to amend Title 13 Chapter 1 of the Water Code as presented in Attachment A.
2. Provide direction on future conservation measures.

ATTACHMENT A – DRAFT ORDINANCE NO. 08-

AN ORDINANCE APPROVING AMENDMENTS TO TITLE 13 CHAPTER 1 OF THE WATER CODE

WHEREAS, provision for addressing Water Waste is added to define water waste and to provide staff with the means of prohibiting this practice; and

WHEREAS, Control of Backflow and Cross Connection is added to comply with State policy to develop an ordinance on backflow and cross connection controls;

NOW, THEREFORE, BE IT ORDAINED, that the Water Code of Park City, Utah is hereby revised to omit redundancy, clarify language, remove fixed fee amounts and set fees as part of our annual fee resolution as follows.

TITLE 13 – WATER CODE

CHAPTER 1 – CITY WATER SERVICE

13- 1- 1. METERED SERVICE

A base rate will be charged to all water connections according to the size of the meter in use. The base rate for all meter sizes shall be established by resolution: All water used from the City water system for household, domestic, irrigation, commercial, industrial, or any other use shall be metered and water paid for according to the quantity used.

All water delivered through each meter shall be charged at a rate as established by resolution. Unoccupied structures will be billed the charge set by resolution for the meter used in the structure unless a service disconnect request has been received by the Water Department. A service disconnect request will be charged a reconnect fee, established by resolution, to reestablish water service. When an oversized meter is required for fire sprinklers, the base charge will be adjusted downward to reflect the meter size that would have been used for the culinary and irrigation demand.

(Amended by Ord. No. 02-16)

13- 1- 2. WATER CONSERVATION RATES.

All water billed between June 1 and October 30 of each year for water delivered through each meter serving individually metered residential (single-family, condo, townhouse) and through each meter serving multi-family residential and landscape irrigation customers shall be billed at the rate established by resolution.

The water conservation rates established by said resolution are based on the City's cost of providing water service, which cost may change. The City Manager may provide administrative relief up to a twenty percent (20%) reduction in any water billing following

application to and recommendation by the ~~Public Works Director~~ Water Manager in cases of hardship or unusual circumstances.

(Amended by Ord. No. 02-16; 04-27)

13-1- 3. METER READING.

Meters may be read monthly, but shall be read a minimum of five (5) times per year. In the event that one reading covers consumption for more than one month, consumption shall be prorated equally to each month included in the meter reading. By connecting to the water system, property owners and occupants of the property are deemed to have consented to permit meter readers onto their property to read the meters. In the event that meters were installed within any building on the premises, and there is no remote read-out device, the property owner or occupant must permit access for the reading of the meter during normal business hours as a condition of continued water service.

13- 1- 4. METER ERROR.

In the event that a meter malfunctions so that a reliable reading is not possible, charges shall be estimated.

13- 1- 5. METER TEST.

If a water user contests the accuracy of a meter, which when removed and checked, proves to be accurate or under reading, the actual costs of removing, replacing, and testing the meter shall be charged to the water user on the next water bill. If the meter is over reading, no charge will be made for the repair, and an adjustment for the error will be estimated, for not more than three months. Meter errors of three percent (3%) or less shall be deemed accurate readings. If upon the second rereading requested by the customer within six (6) months the meter is found to be accurate, a reread charge as established by resolution will be included in the next billing.

13- 1- 6. METER TAMPERING.

| It shall be a violation of this Title to tamper with or bypass any water meter for the ~~purpose of~~ causing it to produce inaccurate meter readings or for any other purpose, or to willfully cause damage to any water meter. Willful consumption of water through a meter known to be damaged, bypassed, or tampered with, constitutes theft of services and may be punishable as a felony. All meters installed throughout the system shall become the property of the City upon installation. Only meters meeting the City's specifications may be used.

13- 1- 7. DISCOUNT OF RATES.

The City Manager shall be authorized to discount water charges for indigent persons who suffer serious hardship as a result of increased rates. The discounted rate shall

never be less than two dollar (\$2.00) per month. All current senior ratepayers will be grandfathered at the current \$2.00/month base rate for the first 10,000 gallons. Additional use will be billed at the normal user rates as established by resolution pursuant to Section 13-1-1.

13- 1- 8. BILLING.

The ~~Finance Department~~ City shall send a monthly or bi-monthly billing for water used in the previous month as shown by the meter readings or as estimated. Payment is due within fifteen (15) days from receipt of the bill, or by the end of the month when the bill is mailed.

Interest shall be assessed against all accounts which are more than thirty (30) days past due at the rate of one and a half percent (1½%) per month, which is an annual rate of eighteen percent (18%). An account is due and payable upon mailing of the monthly statement, and interest will be assessed if the bill, or any portion of the bill, remains unpaid thirty (30) days from mailing. Interest will be charged only against the unpaid balance, and not against any partial payment, or against the current billing cycle charges.

13- 1- 9. SHUT OFF.

In the event of non-payment of any billing for city service and a sixty (60) day balance exceeding fifty dollars (\$50.00), the City may maintain an action to recover the amount owed, and after giving written notice to the owner of the property and the occupant thereof, may terminate service. Notice of termination of service shall be served upon the occupant of the property in person, or shall be posted on the property, and notice shall be given to the owner of the property by mail to the last known address if the owner has signed a service agreement with the Water Department. When more than one dwelling or unit is served through a single water meter, or when there are multiple or time-share owners, notice may be given to the owners association, management company or representative owner as shown on the City billing records. The multi-unit, single metered structures shall be posted with notice of termination, but it shall not be necessary to post each unit served. Service shall not be terminated for non-payment without at least ten (10) days notice.

13- 1-10. METER DEPOSIT.

All customers requesting new services will be required to pay a deposit as set forth by resolution. If no outstanding, unpaid balance occurs for twelve (12) consecutive months, the deposit will be applied to the thirteenth (13th) month bill. However, if the occupant paying the deposit is a renter, the City shall retain the deposit until the renter vacates the unit, at which time the deposit shall be returned to the renter. No interest will be paid on the deposit.

13- 1-11. REINSTATEMENT OF WATER SERVICE.

Any water customer who has had water shut off for non-payment of a bill, a request for disconnect from water service, failure to repair leaks, or failure to comply with a requested curtailment during a water emergency, in addition to any other fees, monies owed, deposits or fines, shall pay a reconnection fee as established by resolution before service is reinstated.

13- 1-12. RETURNED CHECKS.

Any user paying by check will pay an additional ~~fifteen dollar (\$15)~~ fee established by resolution if the check is returned by the bank for any reason.

13- 1-13. CONNENCTION TO SYSTEM.

Prior to connection, the owner must sign a customer agreement. Applicants for water service shall include in their system a suitable meter box or vault, and all appurtenances to specifications required by the Public Works Department and approved at the time the building permit is issued. It shall be unlawful for unauthorized individuals to tap or connect to the Park City Municipal water distribution system without authorization. The owner of the property with an unauthorized connection shall be liable to the City for all water use resulting from such connection and may be subject to criminal fines and penalties. All connections shall be approved and inspected by the City Engineer. Upon connection, regular water service fees must be paid.

(Renumbered by Ord. No. 04-27)

13- 1-14. WATER METER FEES.

All water meters shall be supplied and installed by Park City Municipal Corporation or by its authorized representative. For all water lines serving residential and commercial uses, an installation fee shall be paid to the Building Official at the time the building permit is issued. The meter installation fee shall be established by resolution.

13- 1-15. ACCESSIBILITY OF WATER METERS.

All water meters shall be located in City rights-of-way or utility easements with direct and reasonable access for City water crews on accessible property lines unless otherwise authorized by the ~~Director of Public Works~~ Water Manager or the City Engineer. The area surrounding the meter box must be kept clear of obstructions and must be accessible at all times. The meter lid must be kept free of weeds, plants, trees, rocks, planter, grass and anything that would impede access to the meter box.

13- 1-16. WATER CONNECTION PLAN.

Any applicant for development with a two inch (2") water meter or larger meter shall submit to the Water Department a water connection plan for approval by the Water

Department prior to the installation of water service lines and to the issuance of a building permit. The water connection plan shall include the location of meters, service lines and water mains in relation to the property lines, streets, driveways, City mains and the buildings to be served.

13- 1-17. RESPONSIBILITY FOR REPAIR AND MAINTENANCE.

The City shall be responsible to maintain and repair city owned transmission and distribution water lines mains lying within City rights-of-way and utility easements. ~~Water meters shall be maintained and repaired by the City so long as the meter lies within five feet (5') of City property, rights-of-way, or utility easements and not within any building.~~ The property owner shall be responsible for the repair and ~~maintain~~ maintenance all water lines on its property outside of the City rights-of-way or utility easements. of their water service line from the meter to their building. Water meters and city maintained water service lines shall be maintained and repaired by the City so long as the meter/service line lies within five feet (5') of property line, rights-of-way, or utility easements and not within or under any building or structure.

13- 1-18. LEAKING PIPES OR FIXTURES.

If at any time, the City Manager or his/her designate shall ascertain that the plumbing fixtures, appliances, sprinkler systems or service lines on any premises are leaking or otherwise wasting water, he/she shall immediately give notice to the property owner to repair the same. If the same is not repaired within forty-eight (48) hours after notice has been given, the ~~Public Works Director~~ Water Manager or his/her agent shall shut off the water from the premises and shall immediately notify the City Fire Marshal.

Notice for the purposes of this section shall consist of any of the following:

- (A) Posting notice on the premises;
- (B) Leaving notice with any occupant or employee on the premises over the age of eighteen (18) years;
- (C) Mailed notice by regular mail, to the owner or responsible party according to the records of the Water Department. Notice shall be deemed received three (3) days after such mailed notice is sent.

13- 1-19. SERVICE CALLS.

When a water customer requests a service call by Park City Municipal Corporation, and no problem exists on the City side of the meter, Park City Municipal Corporation, at the discretion of the ~~Public Works Director~~ Water Manager, may charge a fee as set forth by resolution for the second such call for the same complaint made within one (1) year by the same water customer. After the second call, every subsequent call shall also be chargeable at the same rate.

If a customer requests a check for a leak and the meter is located inside the unit, customers will be instructed on how to check the meter to see if water is flowing through the meter and subsequent information where a leak might be found.

13- 1-20. SERVICE AGREEMENT.

Park City Municipal Corporation shall require all persons desiring water service and the owner of real property to be serviced to sign a service agreement. Said agreement shall be binding upon both the City and the individual in setting forth terms and conditions of water service and methods of collection of past due amounts owed for water service. When more than one dwelling or unit is served by a single water meter or when there are multiple owners or time-share interval owners of the property, the service agreement will designate a single responsible party to whom all notices and billings shall be sent. Notice to the responsible party shall have the same force and effect as notice to the owners.

13- 1-21. WATER CONSERVATION.

A. Watering Schedule

In order to conserve water, a limited resource in Utah, outside watering of lawns and landscaped areas using City water will be restricted to every other day from May 1 to September 30. Outside watering at even-numbered street addresses shall be limited to even-numbered days of the month and outside watering at odd-numbered addresses shall be limited to odd-numbered days of the month. Hours of outside watering shall be restricted to between 7:00 p.m. and 10:00 a.m. Exceptions to these outside watering restrictions may be permitted, in writing, by the ~~Public Works Director~~ Water Manager or his/her designee for new landscaping and seeding.

B. Water Waste Prohibited.

(1) Definitions. The following terms, when used in this section, shall have the meanings ascribed herein:

a. Impervious surface: any artificially created surface which cannot be penetrated by water or which causes water to run off the surface, including streets, driveways, sidewalks and rooftops.

b. Person: any individual, partnership, firm, corporation, limited liability company, or other legal entity in whose name water is provided and billed by the town.

c. Repeated or flagrant wasting of water: those situations where persons who have received informal notice that they are wasting water while watering continue to water in the same manner. It does not mean those persons who waste water while watering on solitary or isolated occasions.

d. City water: all water that passes through the City's water distribution system.

e. Waste water while watering: either of the following:

(i) Watering so that water falls directly onto impervious surfaces to the extent that running water leaves the property and enters gutters, storm drains, ditches and other conveyances (watering impervious surfaces); or

(ii) Watering to the extent that water is allowed to accumulate on the surface of the ground and leave the property and enter gutters, storm drains, ditches and other conveyances (excess watering).

f. Watering or to water: the act of applying water to the outdoor landscape through means such as moveable sprinklers, installed watering systems and hoses, and similar devices.

(2) Notice of prohibited use.

(a.) The water manager or designee shall identify persons who waste water while watering.

(b) Whenever the water manager finds that any person wastes water while watering, he or she may give such person verbal or written notice of that fact, with recommendations as to how the wasting of water can be eliminated. Such recommendations might include, but are not limited to, redirection of sprinkler heads, resetting of system timers, addition of devices to prevent water pressure fluctuations, or changes in location of sprinkler systems.

(c.) Whenever the water manager or designee finds that any person repeatedly or flagrantly wastes water while watering, he or she may serve upon such person a written violation notice. Such notice shall be served by personal delivery or by mail, and shall identify the location at which water is being wasted while watering, shall identify the manner in which the water is being wasted while watering, and shall specify a time within which the wasting of water while watering shall cease. The notice shall also warn that more severe measures (such as imposition of civil penalties or restriction or termination of water service) may be assessed or brought against the person unless the wasting of water while watering ceases within the time provided. The time given to cease wasting water while watering may range from a requirement for immediate compliance to 30 days, depending upon the facts and circumstances of each case. For instance, if a remedy involves moving a portable hose or sprinkler, immediate compliance may be appropriate; if a remedy involves repairing or replacing a sprinkler head, several days may be required; if the remedy involves more extensive or expensive work, up to 30 days may be necessary.

(d.) Any person who continues to waste water while watering after the period of time specified in the notice for ceasing such activity shall be issued a citation by personal delivery or by mail, and shall be subject to the fees established by resolution.

13- 1-22. WATER EMERGENCIES.

The Mayor may declare by executive order, or the City Council may declare by resolution, a state of water emergency when it appears to the Mayor or the City Council that the City's water sources are incapable of producing sufficient water to meet all the needs of the City's water users.

(A) During a declared water emergency, water service may be interrupted in any or all

parts of the City in order to ~~effect~~ affect repairs-, provide water for fire fighting, or for any other good cause. Upon the expiration of the emergency, water service shall be restored without charge.

(B) Upon such a declaration, and for the duration of the state of water emergency, it shall be unlawful to use Park City Municipal water supply water for outside irrigation, watering, or sprinkling uses, except as provided in Paragraph "(C)" of this section-.

(C) The declaration of state of water emergency shall specify outside watering and irrigation schedules and may specify other water conservation measures appropriate to the circumstances of the emergency.

(D) The owner or tenant of property cited for illegal watering or irrigation under this Title shall be required to pay a penalty in the amount set forth by resolution and, if the allegations in the citation are not contested, may forfeit the penalty in lieu of trying the charges.

(E) Bail and/or fines shall be paid to Park City Municipal Corporation by cash or check to the City's post office box (which shall be stated on all citations) or at the City offices. Unpaid, uncontested bail forfeitures and fines may be debited against the municipal water account of the cited party and will be subject to collection pursuant to City water bill collection policies.

(F) The provisions of this Title shall not apply insofar as the watering restrictions established herein are in conflict with any provision of the Park City Land Management Code.

(Amended by Ord. No. 03-28)

13- 1-23. FIRE HYDRANTS.

No individual may draw water from a fire hydrant without the written permission from the Director of Public Works and in compliance with ~~Section 10.203 of the Uniform~~ the current adopted Fire Code. The Park City Fire Service District is authorized to draw water from fire hydrants in the case of fire at all times without advance notice. The Park City Fire Service District after notification to the ~~Director of Public Works~~ Water Manager, may utilize the fire hydrants in the course of training or practice exercises. Any unauthorized connection to a fire hydrant is a violation of this Title.

13- 1-24. PUBLIC HEALTH.

For reasons of public health, the City Manager may extend or reinstate water service to indigent individuals regardless of past due amounts owed or ability to pay. A reasonable fee for such services may be established by the City Manager.

13- 1-25. SALE OF WATER OUTSIDE OF PARK CITY.

It is the policy of the City to provide culinary water within the corporate limits of Park City. Those individuals or entities desiring connection to the Park City water system must petition the Park City Council for Annexation as a condition of water service. Those individuals and entities outside the corporate limits of Park City currently connected to the water system and receiving water shall agree to abide by the terms and conditions of this Title and shall pay double the applicable rate charged for water provided inside the corporate limits of Park City. Upon annexation, they will receive water service at the normal rate.

13- 1-26. WATER USE DURING PERIODS OF DROUGHT.

(A) **OBJECTIVE**. The objective of this section is to establish authority, policy and procedure by which the Park City Water Service District and Park City Municipal Corporation will assure during periods of water shortages that the peak daily demand for water does not exceed ninety percent (90%) of available water source capacity.

(B) **STAGE ONE DROUGHT**. Stage One of a drought shall exist when the ~~Public Works Director~~ Water Manager, or his or her designee, determines that water demand has exceeded ninety percent (90%) of available water source capacity. During Stage One of a drought, the ~~Public Works Director~~ Water Manager shall immediately implement the measures set forth in the Stage I goals outlined in the City's "Water Conservation and Drought Management Plan."

(C) **STAGE TWO DROUGHT**. Stage Two of a drought shall exist when the ~~Public Works Director~~ Water Manager, or his or her designee, determines that water demand continues to exceed eighty-five percent (85%) of available water source capacity in spite of the implementation of Stage One measures. During Stage Two of a drought, the Park City Mayor, or his or her designee, shall by executive order impose the following regulations:

(1) Lawn and landscape irrigation shall be limited to two (2) times per week. Houses with odd address numbers shall be allowed to use water for outdoor irrigation on Monday and Thursday. Houses with even address numbers shall be allowed to use water for outdoor irrigation on Tuesday and Friday. All other use of water for outdoor irrigation shall be prohibited;

(2) Sidewalk and driveway washing shall be prohibited;

(3) Car washing, unless done at a commercial car wash that recycles water, shall be prohibited; and

(4) The installation of additional lawn or landscaping, whether by seed or sod, shall be prohibited.

(D) **STAGE THREE DROUGHT**. Stage Three of a drought shall exist when the ~~Public~~

~~Works Director~~ Water Manager, or his or her designee, determines that water demand continues to exceed ninety percent (90%) of available water source capacity in spite of the implementation of Stage Two measures. During Stage Three of a drought, the Park City Mayor, or his or her designee, shall by executive order impose the following regulations:

- (1) All acts prohibited during Stage Two of a drought shall be prohibited during Stage Three of a drought;
- (2) All use of water for outdoor irrigation shall be prohibited;
- (3) Use of water in ornamental fountains, ponds, or other aesthetic water features shall be prohibited;
- (4) A moratorium prohibiting new or additional connections to the Park City Water Service District's water distribution system shall be prohibited;
- (5) All car washing shall be prohibited;
- (6) The use of water for filling or refilling all private and public swimming pools shall be prohibited; and
- (7) The irrigation of all golf courses, whether public or private, shall be prohibited.

(E) **NOTICE**. The ~~Public Works Director~~ Water Manager in the case of a State One drought and the Mayor in the case of a Stage Two or Stage Three drought, shall provide notice of his or her declaration of drought stage as follows:

- (1) Notice shall be published in a newspaper of general circulation in the Park City community at least once each week during the period of drought;
- (2) Public service announcements shall be made on a radio station broadcasting in the Park City community at least once each day during the period of drought; and
- (3) Written notice shall be posted on all government buildings.

(F) **ENFORCEMENT**. Upon a first violation of this ordinance, in addition to any fine imposed pursuant to Section 28 of this Title, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to be responsible for the violation or its correction shall be provided with notice. Said notice shall describe the violation and order that it be corrected within such specified time as the ~~Public Works Director~~ Water Manager determines is reasonable under the circumstances.

If the violation is not corrected within the proscribed time, the ~~Public Works Director~~ Water Manager may order the disconnection of water service to the violating property

subject to the following procedures:

(1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a City official designated as a hearing officer by the governing body;

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(G) **RECONNECTION.** A fee of \$100 established by resolution shall be paid for the reconnection of any water service terminated pursuant to subsection (A). In the event of subsequent violations, the reconnection fee shall be \$200 double the fee established by resolution for the second reconnection and \$300 the fee established by resolution for any additional reconnections.

(Amended by Ord. No. 03-28)

13- 1-27. PENALTY.

All violations of this Title shall be a Class B misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) and incarceration not exceeding six (6) months. Unauthorized taking of water is theft of services and may be a felony if the taking exceeds a value of one thousand dollars (\$1,000).

(Amended by Ord. No. 03-28)

13- 1-28. DRINKING WATER SOURCE PROTECTION.

(Section Created by Ord. No. 06-51)

(A) **DEFINITIONS.** When used in this Ordinance, the following words and phrases shall have the meanings given in this Section:

(1) **DESIGN STANDARD.** A control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.

(2) **LAND MANAGEMENT STRATEGIES.** Zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinance, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household

hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

(3) **POLLUTION SOURCE.** Point source discharges of contaminants to ground water or potential discharges of the liquid forms of "~~extremely~~ extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain field, class V underground injection wells, landfills, open dumps, land filling of sludge and ~~seepage~~ seepage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

(a) Animal Feeding Operation. A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two (2) or more animal feeding operations under common ownership are considered ~~to be~~ a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

(b) Animal Unit. A unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by .04, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

(c) Extremely Hazardous Substances. Those ~~substances which~~ substances, which are identified in the Sec. 302(EHS) column of the "Title III List of Lists - Consolidated List of Chemicals Subject to Reporting Under SARA Title III." (EPA 560/4-91-011).

(4) **POTENTIAL CONTAMINATION SOURCE.** Any facility or site which employees an activity or procedure, which may potentially contaminate ground water. A pollution source is also a potential contamination source.

(5) **REGULATORY AGENCY.** Any governmental agency with jurisdiction over hazardous waste as defined herein.

(6) **SANITARY LANDFILL.** A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

(7) **WELLHEAD.** The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

(B) **ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION ZONES.**

There are hereby established ~~hereby-established~~ use districts to be known as zones one, two, three, and four of the drinking water source ~~protection~~ protection area identified and described below.

(1) **ZONE ONE.** The area within a 100-foot radius from the wellhead.

(2) **ZONE TWO.** The area within the 250-day ground water line of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground water divide, whichever is closer.

(3) **ZONE THREE.** Waiver Criteria Zone. The area within a three (3) year ground water time of travel to be wellhead or margin of the collection areas, the boundary of the aquifer(s) which ~~us~~supplies water to the ground-water source, or the ~~ground-water~~ ground water divide whichever is closer.

(4) **ZONE FOUR.** The area within a fifteen (15) year ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

(C) **PERMITTED USES.** The following uses shall be permitted within drinking water source protection zones:

(1) **PERMITTED USES.** The following uses shall be permitted within drinking water source protection zones.

(2) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

(D) **PROHIBITED USES.** The following uses or conditions shall be and are hereby prohibited within drinking water sources protection zones, whether or not such use or condition may otherwise be ordinarily included as part of the use permitted under Section 4 of the ordinance.

(1) **ZONE ONE.** The location of potential contamination sources as defined herein unless they are controlled with design standards.

(2) **ZONE TWO.** The location of pollution sources as defined herein, unless they are contaminated discharges are controlled with design standards.

(3) **ZONES THREE AND FOUR.** The location of potential contamination sources unless they are controlled through land management strategies.

(E) **ADMINISTRATION.** The policies and procedures for administration of any ~~source~~ source protection zone established under this ordinance, including without limitation those applicable to non-conforming uses, exception, enforcement and penalties, shall

be the same as provided in the ~~existing~~ existing zoning ordinance for Park City, as the same is presently enacted or may from time to time be amended.

13- 1-29. CONTROL OF BACKFLOW AND CROSS CONNECTIONS.

A. PURPOSE

1. To protect the public drinking water supply of Park City from the possibility of contamination or pollution by requiring compliance with the Cross Connection Control Program of the Utah Division of Drinking Water, as amended, and the Park City Municipal Corporation Municipal Code Title 11- Chapter 7 Plumbing Code, that require cross connection protection of all public drinking water systems in the State of Utah. Compliance with these minimum safety codes will be considered reasonable diligence for the prevention of contaminants or pollutants that could backflow into the public drinking water system; and,
2. To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by the State and plumbing regulations to assure water system safety; and,
3. To provide for the administration of a continuing program of backflow prevention that will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system.
4. Responsibility: Water Purveyor
 - a. Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by the City and the State of Utah. Survey records shall indicate compliance with the State of Utah Regulations. All such records shall be maintained by the City.
 - b. The City shall schedule and notify in writing all consumers of the need for the periodic system survey to insure compliance with existing applicable minimum health and safety standards.
 - c. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey.
5. Responsibility: Consumer

- a. To comply with this Ordinance as a term and condition of water supply and consumer's acceptance of service is admittance of his awareness of his responsibilities as a water system user.
- b. It shall be the responsibility of the consumer to purchase, install, and arrange testing and maintenance of any backflow prevention device/assembly required to comply with this Ordinance. Failure to comply with this Ordinance shall constitute grounds for discontinuation of service.

6. Responsibility: Chief Building Official

- a. The Chief Building Official's responsibility to enforce the applicable sections of the Chapter 7 - Plumbing Code begins at the point of service (downstream or consumer side of the meter) and continues throughout the length of the consumer's water system.
- b. The Chief Building Official will review all plans to ensure that unprotected cross connections are not a part of the consumer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an approved backflow prevention device/assembly, in accordance with the plumbing code currently adopted by the state of Utah.

7. Responsibility: Certified Backflow Technician, Repair Person

- a. Whether employed by the consumer or Park City to survey, test, repair, or maintain backflow prevention assemblies the Certified Backflow Technician or Repair Person will have the following responsibilities:
 - i. Insuring that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
 - ii. Make reports of such testing and/or repairs to the consumer and the Water Purveyor on form approved for such use by the Water Purveyor within 10 working days of the tests and/or repairs.
 - iii. Include the list of materials or replacement parts being used on the reports.

- iv. Insuring that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
 - v. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
 - vi. Performing all tests of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all tests and reports.
 - vii. Insuring that his license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition.
 - viii. Being equipped with, and competent in the use of, all tools, gauges, and other equipment necessary to properly test and maintain backflow prevention assemblies.
8. Responsibility: Testing, Installation and Repair of Backflow Assemblies
- a. In the case of a consumer requiring an assembly to be tested, any currently Certified Backflow Technician is authorized to make the test and report the results to the consumer and the Water Purveyor.
 - b. In the case of a consumer requiring an assembly to be installed or repaired, the work must be performed by a tester having Class II or III Backflow Technician Certification, who is also a licensed plumber or “agent of the owner.”

B. DEFINITIONS

1. Water Purveyor – The Water Department of Park City is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this Ordinance.
2. Approved Backflow Assembly – An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water and the Water Purveyor, as meeting the standards of the currently adopted plumbing code for a specific application.
3. Auxiliary Water Supply – Any water supply on or available to the premises other than the purveyor’s public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor’s public

potable water supply or any natural source(s) such as well, spring, river, stream, etc., or “used waters.” These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the Water Purveyor does not have authority for sanitary control.

4. Backflow – The reversal of the normal flow of water caused by either backpressure or backsiphonage.
5. Backpressure – The flow of water or other liquids, mixtures, or substances from a region of high pressure to a region of low pressure into the water distribution pipes of a potable water supply system from any source(s) other than the intended source.
6. Backsiphonage – The flow of water or other liquids, mixtures, or substances under vacuum conditions into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure into the potable water system.
7. Backflow Prevention Assembly – An assembly or means designated to prevent backflow. Specifications for backflow assemblies are contained within the currently adopted plumbing code and in the Cross Connection Control Program for Utah maintained by the Division of Drinking Water.
8. Contamination – A degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials that may create a health hazard.
9. Cross Connection – Any actual or potential connection between the potable water system and any other source or system through which it is possible to introduce into the public drinking water system any used water, industrial fluid, gas or substance other than the intended potable water. This includes any temporary conditions such as swing connections, removable sections, or other similar plumbing arrangements.
10. Cross Connection – Controlled – A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
11. Cross Connection – Containment – The installation of an approved backflow assembly at the water service connection to any customer’s premises where it is physically and economically infeasible to find, permanently eliminate or control all actual or potential cross connections within the customer’s water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer’s water system where there are actual or potential cross connections which cannot

be effectively eliminated or controlled at the point of the cross connection (isolation).

C. REQUIREMENTS

1. Policy

a. No water service connection to any premises shall be installed or maintained by the Water Purveyor unless the water supply is protected as required by State laws, the currently adopted plumbing code, and this Ordinance. Service of water to a consumer found to be in violation of this Ordinance may be discontinued by the Water Purveyor after due process of written notification of violation and an appropriate time interval for voluntary compliance, if:

i. A backflow prevention assembly required by this Ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or

ii. It is found that a backflow prevention assembly has been removed, bypassed, or altered, or

iii. An unprotected cross connection exists on the premises, or

iv. The periodic system survey and assembly tests have not been conducted.

Service will not be restored until such conditions or defects are corrected.

b. The customer's water system(s) shall be open for inspection at all reasonable times to authorized representatives of the Water Purveyor to determine whether cross connections or other structural or sanitary hazards exist (including violation of this Ordinance), and to audit the results of the required survey.

c. Whenever the Water Purveyor deems that a service connection's water usage contributes to a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, downstream of the meter, at or near the beginning of service or immediately inside the building being served; but in all cases, before the first branch leading off the service line.

d. The type of protective assembly required under section III.1.C shall depend upon the degree of hazard which exists at the point of cross connection

(whether direct or indirect), applicable to local and state requirements or resulting from the required survey.

e. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections and operational tests made at least once per year at the consumer's expense. In those instances where the Water Purveyor deems the hazard to be great, they may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the purveyor to see that these tests are made according to the standards set forth by the State Division of Drinking Water.

f. It shall be the responsibility of the consumer to have all backflow prevention assemblies installed on their water system tested within ten (10) working days of initial installation.

g. No backflow prevention assemblies shall be installed so as to create a safety hazard, such as over an electrical panel, steam pipes, boilers, or above ceiling level, and shall be easily accessible for testing, maintenance, and repair.

2. Right of Reasonable Entry

a. Whenever necessary to make an inspection to enforce any of the provisions of any code adopted pursuant to this Ordinance, or whenever the Water Purveyor has reasonable cause to believe that there may exist in any building or upon any premises unsafe, substandard, or dangerous cross connection, as defined in the applicable sections of the currently adopted plumbing code, that presents a danger to the public water system or the building or premises itself, the Water Purveyor or his authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Water Purveyor, provided that:

i. If such building or premises be occupied, he shall first present proper credentials and demand entry; and

ii. If such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Water Purveyor or his authorized representative shall have recourse to every remedy provided by law to secure entry.

b. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is

made as herein provided, to promptly permit entry therein by the Water Purveyor or his authorized representative for the purpose of inspection and examination pursuant to any provisions of the currently adopted plumbing code or the provisions of this Ordinance.

3. Appeals

a. A customer may appeal the deficiencies noted within the survey or test results which the Water Purveyor is authorized to make pursuant to this ordinance.

b. Appeals shall be taken within ten (10) days of the Water Purveyor's written notification of the deficiencies noted within the survey or test results by filing with the Water Purveyor a notice of appeal specifying the grounds for the appeal.

c. The Water Purveyor shall fix a time for the hearing of the appeal and give notice to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.

d. The Hearing Officer is authorized to make findings of fact regarding the customer's compliance with the currently adopted plumbing code and the Water Purveyor's decision regarding any deficiencies found in the survey or test results. The decision of the Hearing Officer shall be final, and may be appealed to to the Third District Judicial Court for Summit County.

e. The Hearing Officer may, so long as such action is in conformance with the provisions of this Ordinance, reverse or affirm, in whole or part, or may modify the determinations of the Water Purveyor with respect to the customer's compliance with the currently adopted plumbing code upon a determination that it is proper to do so based on proper safeguarding of the public water system, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the Water Purveyor by this Ordinance.

f. Where the Hearing Officer determines that there is a flaw in the Cross Connection Control program or that a specific exemption should be awarded on a consistent basis or that the proper safeguarding of the public water system require amendments to this Ordinance, the Hearing Officer shall advise the City Attorney as to any question or questions that the Hearing Officer believes should be reviewed and/or amended.

4. Violations of this Policy

If violations of this Ordinance exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of the deficiencies noted within the survey or test results, then the consumer shall be charged with a class B misdemeanor, and the Water Purveyor may deny or immediately discontinue service to the premises by providing a physical break in the service line until the consumer has corrected the condition(s) in conformance with all state and local regulations and statutes relating to plumbing, safe drinking water suppliers, and this Ordinance.