PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 10, 2003

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Lloyd Evans, Chief of Police; Linda Tillson, Library Director; Craig Sanchez, Golf Director; Ken Fisher, Recreation Manager; Sharon Bauman, Administrative Secretary; Colin Hilton, Economic Development and Capital Projects Manager; Ron Ivie, Chief Building Official; Tim Twardowski, Assistant City Attorney; Derek Satchell, Preservation Planner; and Eric DeHaan, City Engineer

1. **Council questions and comments.** The Mayor expressed his sympathy to the family of Joram Licthenstein who passed away today. He thanked staff for organizing the 10 year anniversary celebration at the Library and also extended his appreciation to the public for taking the time to attend the four community neighborhood meetings held recently. Mayor Williams suggested that the City provide *free zones* for artists to display and sell their work and the City Attorney responded that his department is already working on this proposal. Ms. Bodell recommended that the location be limited to Coalition Park for twelve times a year and Mark Harrington agreed that it is wise to specify locations so the Code is clear to readers. There was discussion about the 4th of July celebration

Ms. Erickson felt the amnensty for parking tickets is a good program and thanked the recreation staff for the fitness program for the Chrysalis community. She referred to a School District effort to encourage developers to voluntarily make contributions to the District and pointed out that imposing school impact fees is no longer an option. Jim Hier reported on the Planning Commission meeting where projects in the park were discussed. There was testimony about kids using the skate park after hours and the Chief of Police emphasized the importance of calling the police when the trespass is occurring and he agreed to further monitor the area. Fred Jones felt the community meetings were constructive. Hearing comments on speeding prompted an idea that perhaps the City should reexamine its speed limits throughout town. Park Avenue's speed limit continues to be a concern and should probably be looked at and there was discussion about the variety of speed limit posted there. Mr. Jones acknowledged that the pedestrian crosswalk program is still being implemented but believed it should continue to be supported by Council. Ms. Bodell stated that she received complaints about the Planning Commission not being sensitive to the public, and she discussed the benefits of training board and commission members. Ms. Bodell stated that she reported a noise complaint to Dispatch last night created by a motorcycle group at the Town Lift Plaza and informed the Council that she responded to Barbara Fontaine's concern about noise emanating from motorcycles.

2. Standardization of boards and policies. Linda Tillson referred to her staff report and a matrix comparing attributes of current boards and commissions. The committee felt it helpful to standardize applications. Terms limits, number of members, compensation, meeting frequency, liaison roles, and operating policies are areas where staff is looking for Council input. Kay Calvert pointed out that the Library Board and Recreation Advisory Board members are not compensated per meeting like other boards and felt that some incentive should be offered. In response to a question from Ms. Calvert about membership on the Historic Preservation Board, Fred Jones explained that not all members have to be residents to qualify; current provisions provide more opportunities for including experts on the board. Mark Harrington added that in particular, the architect position prompted concerns with conflicts of interest in appointing a local and making ensuring that the board has a licensed architect. Ms. Tillson continued that it has been her experience that most library board trustees are not compensated.

Mr. Hier pointed out that the compensated boards are statutory in nature, and the others are advisory. Mayor Williams suggested that RAB members be offered Racquet Club memberships. Candace Erickson recommended that there be a day at the Racquet Club and or day at the golf course for RAB members; it's also very beneficial for members to be familiar with the City's facilities. Ken Fisher agreed it is a good idea to encourage member participation. Council member Jones concurred with Mr. Hier's observation of the distinction of types ~~of~~ boards, but felt that the uncompensated boards should be recognized in some matter. There may be opportunities for a social setting for board members in appreciation of their service. He felt that RAB members should be able to use recreation facilities while serving. Peg Bodell recalled that there was an idea of hosting all boards at the Farm. Kay Calvert indicated that a dinner with boards would be beneficial as well as passes ~~to facilities~~.

Mayor Williams believed Council is in agreement for compensation for the Planning Commission, Historic Preservation Board and Board of Adjustment. Craig Sanchez pointed out that Council will be meeting with RAB next week and the pass suggestion can be revisited. Candace Erickson suggested going on field trips with the Library Board to visit other libraries. Linda Tillson suggested that uncompensated groups like RAB and the Library Board be reimbursed for educational conferences.

Fred Jones suggested standardizing terms by increasing the Historic Preservation Board from two years to three, like the Library Board and RAB. The five year term for Board of Adjustment could be reduced to four, consistent with the Planning Commission. All board members would be allowed a maximum of two terms. Sharon Bauman emphasized the difficulty in recruiting applicants for the Board of Adjustment. Craig Sanchez interjected that a shorter term may be more attractive to candidates and there was a suggestion to further reduce the Board of Adjustment term to three years. Ms. Bauman explained the process for recruiting and Peg Bodell felt that one department should be responsible for managing all board vacancies, perhaps Human Resources, rather than individual departments. Tom Bakaly explained that a clearing house for applications could be identified to one department but pointed out that the best customer service is delivered by associated staff, but other resources can be tapped for the process. Locations for applications were discussed as well as making applications available on line. Fred Jones felt that there could be a recruitment page for interested people on our website and as vacancies occur, they can be contacted.

In response to a question from Craig Sanchez about interviewing, Peg Bodell felt that everyone should be interviewed by Council and Ms. Erickson felt that this would take the burden off of the peer board members making the final selections. Peg Bodell felt it important that all liaisons are non-voting positions and that appointments are made at the same time.

3. Review of regular meeting.

Leases for sidewalk dining. Colin Hilton referred to the drafted standard lease which will be executed by each business. Neighboring businesses have also received notice. Staff is recommending approval as presented on the agenda. In response to a question from Kay Calvert about limiting participation, the City Attorney explained that there is no limit specified because this activity is not accomplished through ordinance. Council will approve applications on an individual basis for use of City property. Mr. Hilton pointed out that six businesses have expressed interest. In response to a question from Council member Hier about adjusting business license square footage and fees, the City Manager explained that the outdoor dining expansion area will be included in assessed business license fees. Mark Harrington explained that staff is recommending to proceed with this proposed process this year because it is a new concept. There was discussion that the assessment of outdoor dining space be clearly defined in the process. The required clearance needed for pedestrian circulation and curb ramps was addressed. Fred Jones pointed out that the refund sentence should be omitted from the lease and the legal staff agreed.

Meeting questions/comments. Jim Hier suggested that Council change the terms to three years with a maximum of two terms for the Historic Preservation Board in tandem with the review of the Historic Preservation Ordinance. The Mayor pointed out that Mountainlands should be removed from the Consent Agenda; it already appears under New Business. Jim Hier felt that the Historic Preservation Ordinance should also provide for a Council liaison.

He continued that the conditions of approval for 9 Hillside Avenue recommended by the Planning Commission have changed and felt it should be moved off the Consent Agenda and placed under New Business. Additionally, Peter Marth can not be in attendance tonight, and as an adjacent property owner; Mr. Marth is concerned that the plat amendment will shift the six foot encroachment problem to all properties on the street. Eric DeHaan explained that the Park City Survey has been carefully researched and 9 Hillside Avenue has obtained a certified survey and a title report. The statement that the property lines will move is not an accurate assumption. The lot lines and encroachments remain the same, which is misunderstood by some owners on the street. He continued that this survey was referenced from the monument while other earlier surveys conducted for neighboring properties were not referenced from any monument. Council member Hier felt that approval of the plat creates more encumbrances. The City Engineer emphasized that the property lines are where they are and the fact that there is an encroachment can be dealt with with an encroachment agreement. It is impossible to retroactively change every lot line because there is an encroachment. The Stanton survey has been correctly conducted, showing the encroachments of the McGee deck and the Marth retaining wall encroaching on the property as it has done for 125 years. It is inappropriate to *re-monument* the area. It is best to resolve lot lines on a case-by-case basis through the process of plat amendments.

Jim Hier pointed out that the encroachment permits proposed for the deck and retaining wall are not in perpetuity which has created consternation among adjacent property owners. He stated that he is inclined to continue the plat amendment so all property owners can attend a meeting. Fred Jones appreciated Mr. Hier's comments but expressed reservations about delaying an applicant who has followed the process. Chief Building Official Ron Ivie relayed that he has been meeting with the affected parties. The survey is certified and correct and there and no other certified survey has been submitted by Mr. Marth or Paula McGee. If there is a property dispute, a decision lies with the courts in a quiet title action which is beyond the City's jurisdiction. Jim Hier stated that he is uncomfortable with proceeding without all the property owners present.

Derek Satchell clarified that the change in the condition requiring signatures was a concern of the legal staff as it appeared to bestow veto power to the neighbors. Mr. ..er felt that objecting parties understood that they had veto power which has now changed. He asked that a vacation of Hillside Avenue be explored to create an easement on the north side. Mark Harrington explained that a vacation would be a separate process prompted by the Council. It requires a different noticing process and couldn't be accomplished as a part of this action. Fred Jones expressed confusion about the benefit of a vacation proceeding.

Tim Twardowski added that the applicant met with Mr. Marth and the McGees to resolve the issues, which staff believed was accomplished when the application went to the Planning Commission a few weeks ago. Staff and the Planning Commission assumed the easements would be granted and recorded and included this as a condition. It was not the Commission's intent to provide veto power to the neighbors which is why he suggested a language change. Mr. Stanton has clear title consistent with a certified survey showing that he has ownership of the land and his neighbors are encroaching on his land. It doesn't seem good cause to deny his plat. Mr. Twardowski added that he contacted the

Planning Commissioner who authored the condition who stated it was not his intent to create veto power. The Commissioner also relayed his preference that the City Council proceed with the amended language rather than remanding it to the Planning Commission. Jim Hier suggested a one week continuance. Kay Calvert indicated that she felt it appropriate to continue one week as did Ms. Erickson who felt it would provide more time for another survey to be submitted.

Fred Jones expressed that delaying the matter is not fair to the applicant who has a certified survey and clear title. Additionally, there has been sufficient time for the neighbors to refute the application with another survey. Mr. Twardowski agreed and noted that there have been three Planning Commission meetings over several weeks on the plat amendment and understandably the applicant would like the Council to proceed tonight. Planner Derek Satchell reported that Peter Marth indicated the he may not execute any kind of easement, whether or not it is perpetual, because of potential negative impacts when he sells his property at a later date. Mr. Twardowski informed Council that the matter may have to be continued more than one week because of Mr. Marth's schedule. Jim Hier still insisted that it be continued one week.

With regard to the Mountainlands fee waiver, the City Manager clarified that the fee waiver has increased slightly to $58,410 and that impact fees are waived, with the exception of water impact fees. This is on the Consent Agenda but could be moved to New Business.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 10, 2003

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, July 10, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Derek Satchell, Preservation Planner; Tim Twardowski, Assistant City Attorney; Patrick Putt, Planning and Zoning Administrator; Kathy Gammel, Water Manager; and Ron Ivie, Chief Building Official.

II PUBLIC INPUT

Historic preservation - Property owner Dale Nelson discussed his frustration in trying to sell his historic building on Main Street, The Centennial. He submitted an application for demolition because of the difficulties and expense of renovating old structures. There is no benefit. The City should provide incentives like free materials or utilities. The Historic District grant program requires owners to lien their property is unattractive. The City's support of affordable housing projects has eliminated his renters. This is the last of six buildings he owned in Park City. Mr. Nelson noted that he was highly criticized for the stained glass and ornamental enhancements to the building by the HDC last spring. He reminded Council that historically there was commercial activity the entire length of Main Street but now conditional use approvals are needed. The process for remodeling historic structures is very cumbersome and discriminatory. Mr. Nelson reiterated that the City should provide incentives like waivers or reductions on taxes or utilities.

Council programs - Resident Kate Doordan thanked Council for making more free parking available and is supportive of the new PACE program.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Resolution extending the Mayor's and City Council's appreciation of the patriotic commitment of Jose Melendez and Brent Emery Jones honored to serve our country - The Mayor read the resolution and personally extended his appreciation by way of presenting the families signed resolutions.

IV WORK SESSION NOTES AND MINUTES OF THE MEETINGS OF JUNE 12, 2003, AND JUNE 19, 2003, AND WORK SESSION NOTES FOR THE MEETING OF JUNE 26, 2003

Peg Bodell corrected the roll call of the meeting of June 26, "I move approval of the minutes (as corrected). Kay Calvert seconded. Motion unanimously carried,

V PUBLIC HEARINGS

1. Ordinance approving the M. R. Brugge plat amendment to combine the southerly five feet of Lot 23, and all of Lots 24 and 25 in Block 10 of the Snyder's Addition to the Park City Survey, into two lots of record located at 932 and 936 Norfolk Avenue, Park City, Utah - Derek Satchell explained that the property is zoned HR-1 and is surrounded by historic and contemporary buildings. The lots will be equal in size, measuring 27 ½ feet by 75 feet. The Planning Commission reviewed the application on June 11, 2003 and forwarded a positive recommendation to the City Council, after adding a new condition of approval regarding mitigation of potential drainage issues. The Mayor invited the Council and the audience to comment or ask for clarification on the plat amendment. Hearing no comments, the public hearing was closed.

2. Ordinance approving the Stanton Plat Amendment to combine all of Lots 2, 3, 4, 16, 17 & 18 in Block 19 of the Amended Park City Survey, into one lot of record located at 9 Hillside Avenue, Park City, Utah - Derek Satchell stated that the plat amendment contemplates the creation of one lot of record in order to facilitate the rehabilitation of the existing historic single family dwelling and barn. On June 12, 2003, the applicant submitted a revised plat, including easements to resolve two exiting encroachments. One is a deck owned by the McGees and the other a stone retaining wall owned by Peter Marth who disputes the location of the southern property line. The Planning Commission forwarded a positive recommendation to City Council adding a specific condition of approval regarding the easements which has since been omitted. Mr. Satchell presented options including that the application be remanded to the Planning Commission for further discussion on the encroachment issues or approving the application subject to the findings of fact, conclusions of law, and conditions of approval as outlined in the staff report.

Mr. Hier believed that the two property owners left the Planning Commission meeting believing that if they didn't sign the easement agreements, the plat would not proceed to be recorded. In his opinion, they should not have *veto power*, but he would like the conditions clearly understood by everyone before Council takes action. It is not appropriate to remand it to the Commission because of delays, but Mr. Hier recommended that it be continued for one week and Peg Bodell agreed. The Mayor opened the public hearing.

Steve Stanton, 9 Hillside property owner, stated that he is trying to restore an historic structure and is encountering issues he didn't anticipate. Due diligence involved obtaining a certified survey which identified the encroachments on his property. Staff advised him immediately that this is not a City issue but that seems to have changed. He has been delayed for two months for something that is not his fault or under his control and would like to start construction, especially in consideration of the short construction season. Mr. Stanton emphasized that he has no problem with the deck or the retaining wall remaining and he believed he was offering his neighbors a viable solution. They didn't seem to appreciate the offering of the easements and it is not reasonable to ask him to contest the survey or wait indefinitely until another survey is produced substantiating Mr. Marth's arguments. Under the circumstances, delaying him any longer is becoming a problem because of the short construction season and the project still requires review by the Historic Preservation Board. The Mayor understood that another survey was being prepared. Steve Stanton wasn't aware of another survey being prepared but has no reason to believe that his survey is incorrect. He feels frustrated and a victim of the situation.

Kay Calvert stated that she is sympathetic to his situation but agreed with Jim Hier's reasoning for continuing the matter for a week. Mr. Stanton felt that by giving the neighbors another week, provides veto power. He's granting legitimate easements to satisfy the issues but doesn't feel that the request for a perpetual easement is reasonable or in his best interest. Neighbors have not returned his calls and he can't do any more than he's already done. The easement provides them and their heirs, successors and assignees the right to have the deck and retaining wall on his property as long as those structures exist. Peter Marth has concerns that will take many years to resolve and this is not his problem. What will a week gain?

Fred Jones understood that adjacent owners attended the Planning Commission meeting representing that the easements have been resolved and the Commission added language to the conditions so it would be recorded on the plat. Mark Harrington indicated that the condition was not intended to reopen negotiations. The Mayor asked if a week would provide an opportunity to get everyone in agreement. Mr. Stanton relayed that the Council is still holding him responsible for something he can't control. The easement documents are standard and straight-forward and he didn't believe he can get Mr. Marth beyond his concerns. Peg Bodell felt that the burden of proving the validity of the survey falls on his neighbors and Mr. Stanton's testimony has been informative.

Steve Stanton pointed out that Mr. Marth and Paula McGee have much different concerns and the McGees conducted a survey which is consistent with his survey which shows that her deck is encroaching on his property. He is granting an easement for the deck and access for maintenance and his issue is rebuilding the deck on his property in the event it is torn down. Mark Harrington explained that Mr. Stanton has a non-conforming building on his side yard setback, technically putting his property in non-compliance. Options include a quiet title court action to move the boundary, a demand to remove the deck and retaining wall, or an easement that rectifies the encroachment in a manner conforming with the Uniform Building Code. The City supports the latter. Peg Bodell believed that Mr. Stanton is proceeding appropriately. Jim Hier clarified that he is very supportive of Mr. Stanton's plans for the property.

Paula McGee, adjacent neighbor, stated that she is appreciative of the steps Mr. Stanton has taken but the easement issue is not resolved and she was troubled by the change in the conditions. The current easement language provides that if the deck is removed by Mr. Stanton by his own act or negligence, that it could not be rebuilt and she strongly feels that the easement should be in perpetuity. There are potential negative impacts with regard to her property value. Once construction commences, she asked for protection of her property. There was discussion about Mr. Marth's domino theory with regard to the shift in property lines, expressed by email to City Council members. Mayor Williams questioned an easement in perpetuity and Ms. McGee stated that she is relying on the advice of her attorney. Peg Bodell reminded her that her deck is on Mr. Stanton's property, who has the right to ask that the deck be removed. As a good neighbor, he is proposing an easement and Ms. Bodell urged her to consider his offer. Mark Harrington emphasized that the City is not making a determination on prescriptive rights. There was clarification about density. Ms. McGee indicated that Mr. Stanton willingly took a risk by purchasing the property; the neighbors should not be burdened and the process should not be obstructed.

The Mayor stated that the options expressed above are not under the jurisdiction of the Council. The City Attorney clarified that if the plat amendment is reasonably related to the problem, there could be a finding to achieve resolution before the plat is recorded, which is primarily a removal of interior lot lines. However, this finding would have to be legally defensible.

Steve Stanton referred to language in the easement agreement where there is no mention of him tearing down encroaching structures. Candace Erickson noted that Ms. McGee probably has concerns if her deck is irreparably damaged during construction without a right to rebuild. However, she agreed that the easement should not be in perpetuity. Mr. Stanton continued that granting a perpetual easement is not practical, and Peter Marth has an issue that he can't address. In response to a question from Fred Jones, Mark Harrington explained that the easements don't need to be on the plat, but can be recorded as separate easement agreements running with the property.

Tim Twardowski, the City's legal counsel on the project, explained that the intent of the Planning Commission's condition of approval was that the easements would be recorded prior to the plat with the book and page number referenced as a plat note. The strike-out language in the meeting packet specifies a plat note that recognizes the existence ~~of the encroachments, but not requiring that the~~ easement agreements be recorded prior to the plat. This does not foreclose the ability for the parties to reach agreement and subsequently record the agreements. Mark Harrington added that Council could force a quiet-title action before approving a plat, but that is not typically done for minor encroachment issues. Fred Jones reiterated his concern of holding up a property owner who has a certified survey and has offered to resolve the encroachment issues. Jim Hier again referenced the amended conditions of approval and the fact that Peter Marth could not be in attendance tonight who has a different understanding of the approval. Peg Bodell felt that execution of the easement agreements would have proceeded but after the Planning Commission meeting, the adjacent property owners believed that they could veto the approval by not signing the agreements.

With no further comments or questions, the public hearing was closed.

3. Amendment to Chapter 11, Historic Preservation, of the Land Management Code - Pat Putt explained that amendments relate to direction from Council to improve the planning process within the Historic District, because it is important to the entire community. Public input on the amendment addressed responsibilities of the Historic Preservation Board as well as reasonable time frames for processing applications. The amendments clarify the roles of staff and balances the need for timely reviews and public involvement. The amendment shifts the emphasis of the HRB being a design review board to being pro-active in formulating design guidelines and strategic plans for City owned buildings. Main changes include:

- Change the name of the HDC;
- HDC retained having 3 new or re-appointed members, or with fewer members;
- Planning Staff takes action on all design review applications with appeals of staff action going to HDC;
- HDC reviews grant program, establishes preservation policy, and oversees program development;
- Member of Planning Commission serves as a voting member of HDC (term rotates with office of Chair or Vice Chair of Planning Commission) ;
- Certificate of Appropriateness of Demolition (CAD) applications go to appointed CAD hearing Officer; and
- Improve communication with public and HDC on pending administrative action on projects via website, KPCW interviews, etc.

The Planning and Zoning Administrator added that input has been solicited from the Council, HDC, local and state preservation organizations, and two public hearings with the Planning Commission. The Mayor opened the public hearing.

Gary Knudson, resident, didn't believe that the Recreation Commercial area should be required to meet strict Historic District guidelines which is a financial burden. This area was created to support the resort and his property is surrounded by condominiums. Owners should have the right to protect their investment and property values. Derek Satchell explained that the RC chapter in the Code specifies that all construction within a two block radius of the Historic District is subject to review with the Historic District design guidelines. Those properties are required to submit an Historic District design review application and staff holds them to some degree of compliance so that the transition from one zone to another is not drastic.

Tom Hurd, Chair of the HDC, stated that he looks forward to the new duties of the board and supports the new Code amendments. It is clearer and takes the members out of the design review process and charges them with broader issues. He urged approval.

Peter Barnes, designer, referred to Section 15-11(a)(c), decision on significance, where the language attempts to prove a negative which is impossible. He suggested striking the first half of the paragraph and replace with "*if HPB, based on the standards of review do not find that it is significant. . .*".

Steve Stanton, referred to Dale Nelson's negative comments about the process which should be a collaborative and rewarding experience.

Gary Knudson, stated that his house on Empire would have to blend with condominiums to be consistent.

In response to a question from Mr. Stanton, Mr. Putt explained staff review for compliance with design guidelines. Appeals of planners go to the Planning and Zoning Administrator and that decision is appealable to the HPB. Jim Hier explained that the prior process required a public hearing before the Historic District Commission which now is a staff function to streamline and expedite project reviews. With regard to appeal rights of adjacent neighbors, Derek Satchell explained that the appeal must have merit, i.e., error in applying standards and/or guidelines. Mark Harrington explained the minimum appeal requirements including name, address, standing and a comprehensive statement including reference to code or guideline sections alleged to be violated.

With no further comments or questions, Mayor Williams closed the public hearing. Peg Bodell suggested that terms begin May 1 rather than February 1 and the Planning and Zoning Administrator agreed that that timing may be better. She stated that she is open to increasing the membership of the Board in consideration of the amount of work. There was discussion about the placement of the provision regarding preserving City-owned historic stock, and it was agreed to support the draft language. Council confirmed that length of terms should be changed from two to three years. With regard to Section 15-11-11, Council member Bodell felt that the statement "*historic or community significance should be encouraged*" should be stronger by reading "*. . .significance should be required*" based on its level of significance. Fred Jones clarified some language.

VI CONSENT AGENDA

Jim Hier, "<u>I move that we remove Items 2 and 6 from the Consent Agenda and move them to New Business and continue Item 2 to next week, and approve Items 1 3, 4, and 7 on the Consent Agenda</u>". Candace Erickson seconded, stating that she hoped there would be resolution on the Stanton plat. Council member Hier continued that approval of the plat approves a non-conforming deck and perhaps the retaining wall and he would like to have an opportunity to have those issues worked out. Motion defeated.

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

Fred Jones, "I move to move Item 6 to New Business". Peg Bodell seconded. Motion carried unanimously. Fred Jones, "I move to approve Consent Agenda Items 1, 2, 3, 4, 5 and 7, as modified". Motion carried.

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

1. Ordinance approving the M. R. Brugge plat amendment to combine the southerly five feet of Lot 23, and all of Lots 24 and 25 in Block 10 of the Snyder's Addition to the Park City Survey, into two lots of record located at 932 and 936 Norfolk Avenue, Park City, Utah - See staff report and public hearing.

2. Ordinance approving the Stanton Plat Amendment to combine all of Lots 2, 3, 4, 16, 17 & 18 in Block 19 of the Amended Park City Survey, into one lot of record locat3d at 9 Hillside Avenue, Park City, Utah - See staff report and public hearing.

3. Lease with Soaring Wings Montessori for space located in the Library and Education Center, 1255 Park Avenue - See staff report.

4. Lease with Park City Cooperative Pre-School for space located in the Library and Education Center, 1255 Park Avenue - See staff report.

5. Lease with University of Utah for space located in the Library and Education Center, 1255 Park Avenue - See staff report.

6. Approval of fee waiver for 12 affordable housing units located at 555 - 557 Deer Valley Drive Subdivision - Mountainlands Community Housing Trust - See staff report and New Business.

7. Approval of leases for sidewalk dining for:

- Morning Ray Café, 255 Main Street
- Main Street Pizza, 630 Main Street
- No Name Saloon, 447 Main Street
- Main Street Deli, 525 Main Street
- Bistro 412, 412 Main Street
- Eating Establishment, 317 Main Street

See staff report and work session comments.

VII NEW BUSINESS

1. Amendment to Chapter 11, Historic Preservation of the Land Management Code - Peg Bodell, "I move approval of the Amendment to Chapter 11, Historic Preservation of the Land Management Code, as modified". Kay Calvert seconded. Motion carried unanimously

2. Professional services agreements with Montgomery Watson Harza in an amount not to exceed $137,000 for Spiro project construction management and with Remote Control Systems in an amount not to exceed ~~$40,000~~ $65,000 for the telemetry system upgrade - Kathy Gammel explained that the amount for Remote Control Systems has increased and requested that Council consider a not to exceed amount of $65,000. Fred Jones, "I so move". Candace Erickson seconded. Motion unanimously carried.

3. Approval of fee waiver for 12 affordable housing units located at 555 - 557 Deer Valley Drive Subdivision - Mountainlands Community Housing Trust - See staff report and work session notes. Tom Bakaly explained that the Code specifies that Council can waive up to $5,000 per unit which amounts to $110,000; another section provides for waivers of other fees which amount to $22,000. The staff recommendation is to waive impact and building fees, with the exception of water impact fees, for a total of approximately $180,000. In response to a question from Mayor Williams, the City Manager stated that Council could waive water impact fees, but it is not recommended since this is the fifth year of a drought and the water enterprise fund would have to be reimbursed because of the terms of the water bond.

Scott Loomis, Director of Mountainlands, explained that in order to accommodate affordable housing, there has to be support from the City. There are a number of provisions in the Municipal Code allowing the waiver of building fees, plan check fees and the staff report is in error. Additionally, according to resolution, Council can waive impact fees up to $5,000 per unit and there is a CIP account consisting of about $500,000. These funds have been used in the past for the purchase of the Silver Meadows units. More recently, the housing element of the General Plan encourages that the $5,000 figure be increased. Mr. Loomis emphasized that imposing these fees makes housing less affordable. He asked that not only the building and plan check fees be waived, but also water impact fees, to be reimbursed by the CIP fund. In response to a question from Council member Jones, Mr. Loomis believed water impact fees amount to about $2,500 per unit and Mr. Bakaly concurred. Chief Building Official Ron Ivie pointed out that the two existing historic buildings will not incur water impact fees and the total fees on the project are about $115,248; $57,000 are fees other than water. Irrigation fees have been prorated for the disturbed area per unit, but are minimal. Scott Loomis distinguished that former contributions to affordable housing went to private developers and this is the first time a non-profit has requested fee waivers. Tom Bakaly pointed out the loan with Mountainlands which Mr. Loomis acknowledged and noted that it has been paid off.

Candace Erickson expressed her difficulty with waiving water impact fees but can support waiver of other fees. She had hoped there was more open space on the project and less density. The purpose of street impact fees was discussed. Peg Bodell stated that the bottom line for her is what the citizens will be paying for this particular project and asked if the pricing of the units assumed waiving all fees. Mr. Loomis stated that it did. She felt it would be short-sided to expend all available funds to support one project. He added that costs must be kept close to $100 per square foot to keep it affordable and is not aware of any other pending affordable housing projects. The CIP fund is generated by in-lieu-of fees paid by developers specifically for affordable housing. The City Manager believed that the most recent appropriations are from Redevelopment Agency monies and from 1990 to about 1995, the City has contributed about $2 million in affordable housing efforts. Mr. Loomis recalled that most of the money was spent for the purchase of Silver Meadows units which really don't contribute to affordable housing stock. There was discussion about regional workforce housing.

Jim Hier stated that the staff report is not consistent with recently discussed numbers and a recommendation for a waiver should be clear together as well as funding sources. The City Attorney advised that the Code provides for a petition for waivers, and if Mountainlands can coordinate with the Building Department with an exact list of requests and perhaps an alternative, Council can respond to a specific proposal. Kay Calvert requested clarification on RDA and affordable housing appropriations. Peg Bodell, "<u>I move to continue this item to a date uncertain</u>". Jim Hier seconded. <u>Motion carried unanimously</u>.

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 3 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim

Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney. Peg Bodell, "I move to close the meeting to discuss litigation and property". Kay Calvert seconded. Motion carried unanimously.

The meeting opened at approximately 4 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE Seal
MARCH 1, 1884

DATE:	July 11 ,2003
DEPARTMENT:	Recreation & Library Department
AUTHOR:	Ken Fisher & Matt Twombly
TITLE:	Visioning Session with Recreation Advisory Board
TYPE OF ITEM:	Closed Session

SUMMARY RECOMMENDATIONS:
Council should develop a work plan consistent with the new ordinance and Council adopted operating policies for the newly appointed Recreation Advisory Board (RAB) for the next year. Determine which Council goals and issues facing recreation should be studied by Council appointed task forces and which should be assigned to standing RAB committees appointed by the RAB Chairman.

DESCRIPTION:

A. Topic
Visioning session with the new Recreation Advisory Board

B. Background
The former Parks, Recreation & Beautification Board was disbanded and reorganized in the spring of 2003. The RAB operates under a new city ordinance and set of Policies & Procedures that were adopted by City Council in April 2003 (see attachment 1). The new seven member Recreation Advisory Board (RAB) was selected by City Council in May 2003. The RAB is Council directed and will be responsible for making recommendations to City Council on recreation issues as requested by City Council.

RAB members may also be asked to serve on specific task forces that relate to recreation and other specific issues. Task forces may be created by the Mayor and Council. It was envisioned that task forces will typically last 6 months, or until they have completed the work for which they were appointed. Each task force shall meet goals and objectives as outlined by the Mayor and Council. The RAB members serving on recreation related task forces will elect a Chair that will communicate with the Mayor and City Council. The task force will give informational updates to the RAB but will not take direction from them and RAB action will not be taken for task force issues.

Committees may be appointed by the Chair of the RAB, with the advice and consent of the Mayor and City Council. These committees will deal with operational and capital project issues. Committees will give an update at each RAB meeting as to their status. Committees will typically be longer term and focus on existing facilities.

As set forth in the Council adopted operating policies, the City manager will approve of staff involvement in both task forces and committees..

C. Analysis:
There are several areas within Recreation that need to be covered through the

formation of task forces and committees. Below is a list of these areas and a description of some of the issues that staff recommends be addressed, as well as a staff recommendation of whether they should be handled by a task force or a committee. The staff recommendation is based on previous discussions with Council, staff and the former PRBB. RAB needs to have these task and ongoing issues broken out by Council priority as well as a clear understanding of roles and responsibilities.

Recommended RAB Appointed Committees:

Racquet Club(Committee)**:** Despite the completion of the new pool and the current construction on the new roof there are other areas that need to be addressed. Recreation still has just over $100,000 in Recreation, Arts & Parks Tax money to use on improving the facility. Several areas within the facility need to be remodeled or have equipment replaced. There is currently a survey being done of Racquet Club patrons that asks how this money should be allocated. There is also $50,000 in CIP Funds that can be used for long term physical facility improvements. General operating goals for the Racquet Club also need to be addressed.

Youth Issues (Committee): Council has received input from citizens about the status and future of the Youth Advisory Council Grants (YAC). In the past the PRBB had a subcommittee that made recommendations to Council on how the grants should be distributed. Council may want to give the RAB direction on how to proceed and the timing priority of this. Other issues this committee could address would be to come up with recommendations on ways to engage the Hispanic and under privileged community in recreation programs.

Neighborhood Parks (with the exception of the Sewer Treatment Site)(Committee): City residents approved a 4 million dollar bond in 2001 that is divided equally between an ice rink and park improvements. Initially City Park was specifically identified for park improvements, but the Board felt that it is better to have more flexibility and were struck by the strong support from the survey respondents for neighborhood parks. Neighborhood Parks are a Council goal in the Preservation of Park City Character.

Based on the prior direction of the PRBB, the responsibilities of the Recreation Advisory Board (Board) as set forth in the Municipal Code, the resolution appointing the Board as the advisory body for the expenditure of parks bond funds (attached), and the Council's goal of the Preservation of Park City Character with neighborhood parks; staff requests direction on the formation of a subcommittee and the roles and responsibilities of the sub-committee to accomplish these goals.

Trails & Trail Heads (with the exception of Farm Trailhead) (Committee) The PRBB subcommittee on trails have made substantial contributions toward the Council Goal of more Open Space and Usable Trails. There was considerable input from the committee on the revisions to the recently adopted Trails Master Plan Update. Staff recommends that a committee or subcommittee continue to work with staff to help inform, prioritize, and advise the City Council in order to meet this goal.

City Park (Committee) Previously the PRBB had a subcommittee that worked with staff on the revisions and the priorities of the City Park Master Plan. Due to the recent Planning Commission discussion of City Park (during the Basketball Court CUP) and their desired involvement in the Master Planning process, staff is seeking direction from Council on the most suitable form of multi board and citizen participation to implement the City Park Master Plan. From prior Council discussions, there are several items that need clarification and prioritization:

1. One way or closure of the driveway around Miner's Hospital:
On May 6, 2003 staff from a variety of departments met to discuss the possible closure of the circular driveway around Miner's Hospital. Staff made the following recommendations: 1. Turn the drive around Miners' Hospital back to one-way. This has been completed. 2. If Council requests Staff to further investigate the cruising issue Staff will investigate installing bollards to prevent all but emergency vehicle traffic around the drive. 3. If Council wishes to eliminate the drive around Miners we can look at relocating the fire suppression system for Miners Hospital to the front of the building to avoid having to turf block the area.

2. The construction of the basketball courts at the Mucking and Drilling site.
Pursuant to Council direction in the Fall of 2002, the City submitted an application for an Administrative Conditional Use Permit through the Planning Department where Outdoor Recreation Equipment in the ROS zone require an Administrative Conditional Use Permit. The project was reviewed at the June 3, 2003 Staff Review meeting and the Administrative Conditional Use Permit hearing on June 17, 2003 as part of the required process. Due to opposition at the hearing, the C.U.P. was scheduled before the Planning Commission on July 9, 2003. At the Public hearing the neighbors again raised opposition to the courts in this location and the Planning Commission continued the item because of concern for noise in a portion of City Park that is directly across Sullivan Road from residential and rental dwellings. The Commission also wished to be involved in the master planning of the uses within City Park. Council may wish to explore other locations for the basketball courts.

3. The schematic design, expansion or replacement of equipment of the Recreation Building/Tot Lot.
Last year a fence was installed around the existing tot lot, and has worked well. With concerns about water, costs of funding capital projects, and maintenance costs; the removal of the recreation building, basketball courts, tot lot , volleyball courts in order to construct the proposed children's play area may not be a direction the City Council wishes to pursue at this time. However, Council should consider replacement of a majority of the play equipment which is 25 years old and possibly expanding the tot lot into the shuffleboard area which is rarely used. In our current contract with Design Workshop schematic design of the Recreation building and children's play area is included, but has not yet been performed.

4. Parking at the North of the Library and Education Center field.
There are presently 20 spaces at the North end of the Library field along 13th Street. It would be difficult to expand parking, even parallel parking, along the East side of Norfolk adjacent to the field. The existing parking is often under-utilized on a day to day basis. Parking could be expanded onto the field, although some parking would need to be removed to create a driveway into a parking lot. This is a new concept that would likely require more input from the neighborhood, the Library Board, and others concerned, prior to going before the Planning Commission for a Conditional Use Permit.

5. One way of Sullivan Road.
There were discussions at the Parks, Recreation, and Beautification Board and at City Council brought forward by neighbors of the park regarding cruising in City Park. The Police Department and Park Hosts have had meetings with Park neighbors regarding cruising and the amount of traffic in City Park. The Park Hosts had a neighborhood meeting on June 23, 2003. The neighbors felt that one way of Sullivan (Enter at the Miner's Hospital from Park Ave. and exit to North and South) should be tested with painting lanes, using barricades and signs prior to the possible construction of a diversion to control traffic at the Miner's Hospital entrance. The neighbors wished to try out the concept this season.

6. Other concepts: Vert Ramp, South end of City Park, parking along the West side of Sullivan Road, options for the drainage basin by Snow Country Condos and the gravel vacant lot behind 7-11.
There have been varied discussions about these concepts. The PRBB did not have these concepts in the first phases of the Master Plan. Council may wish to direct staff to further develop any or all of these concepts.

Previously, the City Park Master Plan was planned through a committee of the PRBB, then upon recommendation of the entire Board, reviewed by Council, then each item would be designed/engineered and implementation required various levels of Planning or Planning Commission review, before returning to the Council for approval. Staff requests that Council give direction on the formation of a task-force or committee to implement the Master Plan and discuss how the various concepts be processed by staff, the Recreation Board and Planning Commission.

BMX Bike Track (Committee): Council has received input from some citizens about the possibility of building a BMX bike track. Council may want to give the RAB direction on how to proceed and the timing priority of this.

<u>Recommended Council appointed Task Forces:</u>
The Old Sewer Treatment Plant Site (Task-force) There have been various discussions and media attention placed on the Old Sewer Treatment Site for a neighborhood park and affordable housing site. Both neighborhood parks and

affordable housing are goals of the Council and Mayor. A wetland delineation of the site has been completed as well as the McLeod Creek Trail connection. If Council desires to look at this site as a possible park, staff requests direction as to how to proceed on this.

Farm Trail Head (Task-force) Many trail-heads have been installed or planned. In review of the entryway (East side of SR-224) a task-force was formed to plan for a trail-head parking area in this location. Staff recommends that this task-force be maintained to continue the work on the entryway, as well as, other opportunities and/or problem areas for trail-head parking.

Municipal Recreation Complex at the Gilmore Parcel (Task Force): Planning of this parcel is pending the completion of the Quinn's Junction Master Plan. Any development at Gilmore will conform to the completed and approved master plan. The City received $128,571 from the RAP Tax Committee and augmented that in the recent budget adoption for a Phase 1 total of $428,571. This can be used for the development of a field complex on the Gilmore Property. This parcel is a key piece in the development of future recreation facilities as well as an important component in exploring the use of recreation as an economic driver. The Municipal Recreation Complex will be a key component if Park City hopes to continue to attract large sporting events like Triple Crown Sports and other pending ideas. There is currently a critical shortage of available field space for local youth & adult leagues. Given the economic development and planning issues involved, staff recommends a Council appointed task force.

Ice Rink (Task Force): There is an existing group that is made up of one member of the RAB and others that has continued to work on the development of the ice rink. This group is know as the Regional Ice Committee (RIC) and also has representation from Basin Recreation. The group has identified a location for the rink and it is estimated that the land will be dedicated by the County this Fall. Once this is done, an inter-local agreement between the Snyderville Basin Recreation Districy and the City will formalize a Regional Ice Authority (RIA). RIA will take over the design, construction and operation of the rink. The RIA will consist of 2 people appointed by City Council, 2 appointed by the County and 1 jointly agreed upon appointment. The appointments can be RAB Members, citizens or staff. Given the long history involved in ice discussions, staff recommends that the current task force continue.

Questions to be Answered:

1. What is the priority ranking for Council in regard to the above Recreation Task Forces and Committees ?

2. What are the roles and responsibilities of the Task Forces and Committees ?

D. Departmental Review:

This report as been reviewed by the City Manager, Recreation & Library Management Team & The Economic Development and Capital Projects Manager.

ALTERNATIVES:
Recommendation: Approve the task forces and committees as recommended.

A. Change designations of task forces and committees

B. Add additional task forces and committees to meet Council goals.

C. Direct staff to further research recreation issues and come back at a later date with recommendations for task forces and committees.

SIGNIFICANT IMPACTS:
The new RAB is eager to begin its work. They are waiting for Council direction.

RECREATION ADVISORY BOARD
Policies and Procedures

1 The RECREATION ADVISORY BOARD (BOARD) is created by Municipal Code of Park City ("Code") Section 2-4-17, attached as Exhibit A and incorporated herein. Nothing in these policies shall overrule any requirement in Section 2-4-17, as amended

2. The Board will advise City Council and staff on parks and recreation policy as requested by the City Council and consistent with the Code. The City Council will refer particular matters to the Board for discussion, public input and recommendations. The Mayor or Council liaison member will communicate the Council's referral of a matter to the Board.

3. The Board shall meet annually with the City Council as part of the Council's visioning workshop, or as otherwise directed by the Council, to receive updated city goals and direction from the City Council.

4. The Chair of the Board shall communicate regularly with the City Council Board liaison member regarding priorities of the Board as they relate to City Council goals. The City Council liaison member will typically report Board progress on matters to the City Council at least once a month. The Board will provide a quarterly progress report to the City Council during work session of a regular meeting.

5. The role of the City Council liaison will be to:
Attend regularly scheduled meetings.
Communicate back to the Board recreation issues brought to Councils attention, or acted on by City Council.
Notify Council of recreation issues brought to the Board by citizens.
Align Board priorities with Council goals.
Be a non-voting member of the Board.

6. The Board may request background information from the recreation staff, but such requests shall typically occur at meetings and information shall be requested by the Board as a whole, and all members of the Board shall receive a copy of the information. Board members will use reasonable efforts to communicate independent research material and ex parte information received from the public to the other Board members.

7. Closed meetings may only be held for purposes authorized by U.C.A. 54-4-5, as amended. A quorum for the transaction of business shall be a simple majority of the Board members. Minutes shall be kept at all meetings.

8. Special Task Forces for the study of particular issues may be created by the Mayor and Council. Task Forces may include members of the Board. They will typically serve for 6 months, or until they have completed the work for which they were appointed. Each Task Force shall meet goals and objectives as outlined by the Mayor and Council. The Task Force will elect a Chair to communicate with the Mayor and City Council. City Manager will approve any staff involvement in these Task Forces.

9. Special committees may be appointed by the Chair, with the advice and consent of the Mayor and City Council. These committees will deal with operational, and capital project issues. City Manager will approve any staff involvement in these committees.

10. Special "Friends" groups may be formed by Staff, with the advice and consent of the Mayor, City Council, and City Manager. These groups may include members of the Board. Staff will communicate directly with Council any Council issues brought to the group. These groups will deal with user specific programming, operational, and capital issues.

11. At its first meeting, and annually thereafter, the Board shall elect a Chair, Vice-Chair and any additional officers as necessary. The Chair shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Vice-Chair or a Board member designated by the Chair shall preside when the Chair is absent. The agenda for meetings shall be prepared and noticed by the Recreation Manager and the Chair.

12. The Board shall also act as a sounding board for new recreation policies and programs. The Board will hear initial proposals by the public for new programs and ideas, unless otherwise decided by the City Council. Prior to initiating staff time or resources on a new program or policy, the Board shall inform the City Council of the matter and request direction on how to proceed and the timing priority of the new matter.

13. The Board may provide annual policy recommendations in conjunction with the City's review of the General Plan with regard to use of City facilities and property for recreation purposes, and recommendations on recreation policies generally.

Ordinance No. 03-09

AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 17 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, UTAH TO DISSOLVE THE PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RE-WRITE SECTION 17 IN ITS ENTIRETY TO CREATE A NEW RECREATION ADVISORY BOARD WITH NEW TERMS, MEMBERSHIP, PURPOSE, DUTIES, PROCEDURES AND SUB-COMMITTEE RESPONSIBILITIES

WHEREAS, Utah Code Annotated ("UCA") § 11-2-1 gives the City the power to designate and acquire property for playgrounds and recreational facilities and UCA 11-2-2 gives cities the authority to organize and play sports and other recreation activities ; and

WHEREAS, UCA §10-8-84 allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Chapter 8 of UCA Title 10 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, the City Council wishes to reconstitute its advisory board on recreation matters with new terms and responsibilities to facilitate Council communication, goals and priorities; and

WHEREAS, this board is not intended to be a supervisory and maintenance Recreation Board as defined by UCA § 11-2-3, but the board is intended to provide policy input and public communication opportunities in support of recreation programs and facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, AS FOLLOWS:

SECTION 1. FINDINGS. The recitals above are incorporated herein as findings by the City Council, the legislative body of Park City.

SECTION 2. AMENDMENT. Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah is hereby amended to read as follows:

2- 4-17. RECREATION ADVISORY BOARD CREATED.

There is hereby created a-Recreation-Advisory Board. The Board shall consist of up to seven (7) members, and-one additional representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

(A) TERM OF SERVICE, REMOVAL AND VACANCIES. Members of the Recreation Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council. Each Board member shall serve terms of three years, but shall serve until their successor is appointed. Initially, two appointments shall be made for one and two year terms, and three appointments shall be made for three year terms. Annually thereafter, appointments shall be made for three year terms. Board members shall serve not more than two full terms in succession, however the initial one year term holders may seek two additional terms. The Council shall appoint one of its members to serve as the non-voting member for a term not to succeed the member's City Council term of office. The Council may rotate its appointed member at any time. The terms shall begin on July 1 and end on June 30 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the un-expired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or public at large. Ex-officio members serve at the invitation of the Council and have no vote.

(B) OFFICERS AND THEIR DUTIES. At its first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meetings shall be prepared by the Recreation Manager and the Chairman.

(C) PURPOSE AND DUTIES OF THE BOARD. The purpose and duties of the Park City Recreation Advisory Board are as follows:

(1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.

~~(2) To advise the City Council and Staff on parks, recreation and beautification projects as requested by the City Council.~~

(3) To support and promote the policies and programs of the Library and Recreation Departments.

(4) To advise and support staff on staff recommended budget priorities concerning parks, and recreation ~~and beautification~~ projects and programs.

(5) To serve as liaison between the community and public agencies on parks, and recreation ~~and beautification~~ issues within Park City.

(6) To stimulate, and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

(D) MEETINGS AND PROCEDURES. The Board may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. Special meetings may be called at the request of the Recreation Manager or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C.A.52-4-5,as amended.

(E) COMMITTEES. Special committees for the study of particular issues ~~problems~~ may be appointed by the Chairman, with the advice and consent of Mayor and City Council to serve until they have completed the work for which they were appointed. Each committee shall meet goals and objectives, as delineated by the Chairman, with the advice and consent of Mayor and City Council. Recommendations of committees may be given directly to the City Council. The Chairman of the Recreation Advisory Board shall appoint a chairman for each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may include Recreation Advisory Board members. *(Ord. 03-__; Ord. 99-50)*

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 17th day of April, 2003.

PARK CITY MUNICIPAL CORPORATION

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Mayor Dana Williams

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark D. Harrington, City Attorney

PARK CITY 1884

Resolution No. 19-01

RESOLUTION TO APPOINT THE PARKS RECREATION AND BEAUTIFICATION BOARD TO ADVISE THE CITY COUNCIL ON COMMUNITY PRIORITIES FOR IMPROVEMENTS TO THE RACQUET CLUB, THE CONSTRUCTION OF AN ICE FACILITY AND PARK IMPROVEMENTS, AND TO RECOMMEND GENERAL PARAMETERS FOR THE MANAGEMENT, REGIONAL COOPERATION AND EXPENDITURE OF BOND PROCEEDS SHOULD VOTERS APPROVE A GENERAL OBLIGATION BOND FOR IMPROVEMENTS TO THE RACQUET CLUB AND OR A GENERAL OBLIGATION BOND FOR ICE FACILITY CONSTRUCTION AND PARK IMPROVEMENTS

WHEREAS, like many mountain resort communities, Park City has a commitment to recreational opportunities for its residents and visitors ; and

WHEREAS, through community visioning, preference polls, and the adoption of the 2000 Recreation Master Plan and 1999 City Park Master Plan, it is clear that the community values additional recreation facilities for a variety of reasons, including enhanced recreation opportunities, recreational use and contribution to our quality of life and livelihood as a gateway to destination resorts; and

WHEREAS, current recreational facilities are in need of repair and new recreational facilities are needed for new types of recreational activities; and

WHEREAS, General Obligation Bonds are a cost-effective form of government financing because they pledge the full faith and credit of the City to repay the bonds, in exchange for the lowest tax-exempt rate of interest available to the City. By pledging the full faith and credit of the City, the City would commit to repay the bonds with property tax revenue and to raise property taxes to the extent necessary to repay the bondholders; and

WHEREAS, this November, the Park City Council will offer the community an opportunity to vote for two General Obligation Bonds initiatives: One bond initiative in an amount not to exceed $2 million to fund improvements to the Racquet Club and a second bond initiative in an amount not to exceed $4 million to fund an ice facility and make park improvements; and

WHEREAS, the 1993 General Obligation Bonds for the Racquet Club are due to be retired in 2003 and new bonds in the amount of $2 million for repairs and enhancements to the Racquet Club could be issued without increasing existing property tax rates; and

WHEREAS, based on 2001 projections of City-wide assessed valuation, current interest rates, and on the current 45% tax exemption for primary residential property, bonds for the $4 million in ice facility and park improvements would likely cost a primary resident approximately $24 for an average home of $350,000 of assessed market value. For second homes and commercial properties, the bonds would likely cost approximately $44 per $350,000 of assessed market value; and

WHEREAS, as the concept of a General Obligation Bond for recreation facility improvements has been discussed in the past few weeks, it is clear that the community would like immediate assurances that the proper recreation improvements will be made; and

WHEREAS, to meet those concerns, the Council hereby commits to invite broad-based community advice regarding the recreation facility improvements to be made with bond proceeds; and

WHEREAS, the Council is also committed to regional cooperation and partnerships with other entities to maximize community investment;

NOW, THEREFORE, BE IT RESOLVED by the Park City Council as follows:

SECTION 1. PARKS, RECREATION AND BEAUTIFICATION BOARD.
The Council hereby appoints the Parks Recreation and Beautification Board to provide policy advice to the City Council regarding the distribution of bond proceeds. The Parks, Recreation and Beautification Board will hold public hearings and receive public input prior to making policy recommendations to the City Council.

SECTION 2. PROPOSED $2 MILLION IN RACQUET CLUB BONDS.
Existing 1993 recreation bond property tax rates would not be increased and will be applied directly toward repaying the $2 million of new Racquet Club bonds if approved by the voters.

SECTION 3. PROPOSED $4 MILLION IN ICE FACILITY AND PARK IMPROVEMENT BONDS.
The $4 million in bond proceeds will be divided between ice facility and park improvements if approved by the voters. Should the Snyderville Basin Recreation District Bond initiative fail, or in the event that the City is unable to to reach agreement with said District on the development of a joint ice facility, then the Parks Recreation and Beautification Board shall cause a statistically significant community survey to be taken in conjunction with formulating its recommendations to City Council on allocation of bond proceeds between ice and parks.

SECTION 4. COOPERATION WITH THE SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT ON THE DEVELOPMENT OF AN ICE FACILITY.
The City will make all best efforts to create a multi-jurisdictional task force and work with the Snyderville Basin Recreation District to develop an ice facility in the greater Park City area.

SECTION 5. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 27th day of September, 2001.

PARK CITY MUNICIPAL CORPORATION

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Bradley A. Olch, Mayor

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark Harrington, City Attorney

DATE: 7/17/2003
DEPARTMENT: Budget, Debt, and Grants
AUTHOR: Mark Christensen
TITLE: Council Compensation
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Council should provide direction to staff if further action is deemed necessary beyond work session review of this item.

DESCRIPTION:

A. **Topic:** Council Compensation

B. **Background:** During the budget process several questions regarding Council compensation were raised. Specifically, Staff was asked to return to Council in July with information regarding compensation packages, business related services, materials, and equipment available for Council usage. Staff has reviewed the IRS regulations relating to these issues as well as surveyed other communities to determine municipalities' practices and policies regarding these issues in relation to Park City's Policies. Staff has also included the modified compensation analysis provided to Council during the budget process to provide additional information relating to Council Compensation.

C. **Analysis:** In accordance with the IRS regulations, the City classifies the Mayor and Council as employees and they are therefore predominantly governed by Municipal Administrative Policies rather the federal regulations relating to compensation and reimbursement. After reviewing the above issues there are three primary issues that will be addressed in discussing compensation and Council related expense reimbursement and usage policies:

1. **Council Compensation** – Pay, Benefits, and Housing Allowance
2. **Council Reimbursement Policy** – Meals, Travel, Home Internet, and Phone
3. **Council Equipment/Office Space for use** – Laptops, Office Space, Office Equipment, and Cell Phones

1. **Council Compensation:** The first issue Council Compensation is a basic philosophical issue that stems from organizational consistency. Council compensation historically has been raised at the same rate of Staff citywide. Until now, Staff has never conducted "market pay analysis" for the Mayor and Council's compensation using the same methodology that is used in computing staff compensation. Staff recommended a pay plan on May 1st that did not adjust the Mayor's and Council's compensation based on the same "market" analysis for staff. Rather the traditional citywide compensation adjustment was presented which recommended 2 percent each year for a total increase of 4 percent.

Staff subsequently compared the mayor's and Council's compensation with other communities and presented additional information to the Council on June 5, at that time the Council decided to defer any further discussion until July. Attachment A shows the market analysis of the Mayor and Councils pay that was presented in June. City Council did adopt the 2 percent increase for FY2004 and FY2005.

The market pay analysis for the City does not include housing allowance in the comparison data. Typically, the City pays $200 per month ($250 for emergency service workers) for full-time employees to live within the School district. This is done as incentive to encourage employees to move into the City and be part of the community they work for. For the Mayor, Council, and City Manager residency in the City is a requirement for public service eligibility. While this benefit is not currently available to the elected officials this could be given to the Mayor and Council within our current pay structure with the direction of the Council.

Based on market data (Attachment A) for Council/Manager forms of government, and consistent with the City pay plan methodology, the Mayor and Council are eligible for a market pay adjustment. The total compensation value is greater than 10 percent below the market, triggering eligibility for a pay or a benefit adjustment to bring the total compensation value (TCV) within market tolerance levels. For the Mayor's and Council's information, staff has included comparables with cities that have a strong mayor form of government (Attachment A, Page 3) even through Park City is a Council/Manager form of government by ordinance. At this time Council can pursue several alternatives relating to being under market compared to cities with a Council/Manager form of government.

The Council and Mayor are approximately $225 per month or $2,700 per year below the market at the -10 percent threshold. To be at market pay/compensation the City would need to increase annual pay or benefits for the Council $4,117 and the Mayor $5,290. If the Mayor and Council were to increase medical benefits from single to family medical coverage the total annual cost would be approximately $6,000 or a $36,000 total annual increase. Council could choose to increase other benefits to remedy the market deficit for the Mayor and Council.

Compensation Alternatives

1. Council can direct staff to prepare a resolution that adjusts Council pay to be within market levels. Noticing and public hearing requirements are required.

2. Council can amend the practice of only allowing the Mayor and Council Single Medical Benefits and offer Council family Medical benefits status. Due to timing issues with Open Enrollment for insurance coverage, a decision on this will need to occur prior to August 1, 2003. Noticing requirements are not required. This action (as seen on page 2 of Attachment A) would get the Mayor and Council within tolerance levels.

3. Council could amend policies relating to the issuance of other benefits such as housing allowance or retirement. Noticing requirements are not required.

4. Council could use elements of each of these alternatives to create a hybrid.

5. Council could use an existing committee such as CTAC or appoint a Blue Ribbon Citizens Review Committee to study this issue, request citizen input, and present alternatives.

6. Council could do nothing

Staff would like direction on this issue (particularly on alternative 2) if further staff action is required

2. Council Reimbursement Policy – The current Council reimbursement policy as it relates to meals and travel are governed by internal administrative policy. This policy is typically at the discretion of the City Manager and is in the process of being updated. (Attachment B) This policy stipulates the City's reimbursement practices and is consistent with other municipalities' reimbursement policies. The policy allows for reimbursements only with receipts for City related travel and meal expenses. One of the proposed changes requires that travel be pre-approved in order to be reimbursable, this changes is consistent with the City policy governing all other employees. Staff would like input as to who (if anyone) should pre-approve travel for the Mayor and Council.

The City historically has not allowed reimbursement for home internet services or phone expenses generated from one's residence. Other cities allow for these types of reimbursement practices although there are many factors that dictate their usage. For example, cities that have shared office space and equipment for the Council do not reimburse home internet or phone expenses while cities without access to these facilities may or may not allow that type of reimbursement. Attachment C shows a summary of the reimbursement and equipment usage practices of other communities.

3. Equipment/Office Space for Council use – The City historically has not issued laptops, cell phones or other office equipment for council use. There is a long standing policy however to make resources available to Council based for the various committees, groups, and projects that are City-related. These resources include limited staff time, access to office supplies, copying services, phones etc. In short, any resources the Council or Mayor need are currently available. The City is in the process of updating staff office space on the third floor of Marsac and a Council work station will be available.

The issuance of City Cell Phones for Council is another option that administratively could be handled with direction from Council. Historically, the City has not issued cell phones to Council members although there are other communities that do. The only limitation based on the issuance of any equipment, space, or service to Council is that these can not be used to campaign for anyone including themselves. The Mayor and Council are eligible for favorable personal cell phone rates by buying through the City's provider.

The issuance of laptops is a practice that could be implemented in lieu of creating office space at City Hall. This option was recently raised to Council members individually and rejected as unnecessary by the majority of Council members. Based on additional discussion staff could implement this practice with direction from Council.

D. Department Review: City Manager, Budget, Debt, and Grants, Finance

ALTERNATIVES:

- **A.** Provide direction to staff if additional action is desired by Council.
- **B.** Recommend alternatives, hybrid options, or policy changes to any of the above issues or topics.
- **C.** Appoint a Citizens Blue Ribbon Committee to Council Compensation issues and make recommendations to Council.
- **D.** Do Nothing

SIGNIFICANT IMPACTS: By changing the current City practices as they relate to Council Compensation, benefits, equipment, and office usage the City is granting additional resources to Council and the Mayor to carry out City Business. These options will have some fiscal impact that may be mitigated by the overall benefit to the Mayor and Council. Council will need to determine if there are additional public benefits that could be received by authorizing additional resources for the Mayor and Council and provide direction to Staff.

RECOMMENDATION: This report is for informational purposes.

Attachments:
A. Council/Mayor Compensation Analysis
B. Reimbursement and Travel Policies
C. Reimbursement and Equipment Usage Practices

(1) Council/Mayor Compensation - June 2003
Average of the Top Five and Current Single Health & Dental Coverage

City Councilor

City	2002-03 Annual*	Actual Monthly	Hourly	Benefit $$	TCV
Aspen	20,400	1,700	9.81	385	12.03
Orem	8,976	748	4.32	696	8.33
St. George	12,000	1,000	5.77	438	8.30
Telluride	9,600	800	4.62	448	7.20
West Valley	14,750	1,229	7.09	0	7.09
Average	13,145	1,095	6.32	393	8.59
Park City	**10,895**	**908**	**5.24**	**238**	**6.61**
Difference	(2,250)	(188)	-1.08	-155.4	-1.98
% of Difference	-17.12%	-17.12%	-17.12%	-39.50%	-23.04%

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Mayor

City	2002-03 Annual	Actual Monthly	Hourly	Benefit $$	TCV
St. George	30,000	2,500	14.42	438	16.95
Aspen	27,900	2,325	13.41	385	15.63
Orem	17,952	1,496	8.63	696	12.65
Telluride	18,000	1,500	8.65	502	11.55
Park City	18,498	1,542	8.89	238	10.27
West Valley	20,350	1,696	9.78	0	9.78
Average	22,117	1,843	10.63	377	12.81
Park City	**18,498**	**1,542**	**8.89**	**238**	**10.27**
Difference	(3,619)	(302)	-1.74	-138.5	-2.54
% of Difference	-16.36%	-16.36%	-16.34%	-36.79%	-19.86%

*On July 1, 2003 Council and Mayor each received a 2% increase. Staff is unaware of what increases were received by other cities.

Attachment A

(2) Council/Mayor Compensation - June 2003
Average of the Top Five & Family Health & Dental Coverage

City Councilor

City	2002-03 Annual*	Actual Monthly	Hourly	Benefit $$	TCV
Aspen	20,400	1,700	9.81	385	12.03
Orem	8,976	748	4.32	696	8.33
St. George	12,000	1,000	5.77	438	8.30
Telluride	9,600	800	4.62	448	7.20
West Valley	14,750	1,229	7.09	0	7.09
Average	13,145	1,095	6.32	393	8.59
Park City	**10,895**	**908**	**5.24**	**842**	**10.10**
Difference	(2,250)	(188)	-1.08	448.6	1.51
% of Difference	-17.12%	-17.12%	-17.12%	114.03%	17.53%

24

Mayor

City	2002-03 Annual	Actual Monthly	Hourly	Benefit $$	TCV
St. George	30,000	2,500	14.42	438	16.95
Aspen	27,900	2,325	13.41	385	15.63
Park City	18,498	1,542	8.89	842	13.75
Orem	17,952	1,496	8.63	696	12.65
Telluride	18,000	1,500	8.65	502	11.55
West Valley	20,350	1,696	9.78	0	9.78
Average	22,117	1,843	10.63	477	13.39
Park City	**18,498**	**1,542**	**8.89**	**842**	**13.75**
Difference	(3,619)	(302)	-1.74	364.83	0.36
% of Difference	-16.36%	-16.36%	-16.34%	76.46%	2.70%

*On July 1, 2003 Council and Mayor each received a 2% increase. Staff is unaware of what increases were received by other cities.

Annual compensation for City Council and Mayor by form of government (FY 2002-03)

Council/Manager Form of Government

City	Population	City Council Salary	City Council Benefits	City Council Total Comp.	Mayor Salary	Mayor Benefits	Mayor Total Comp.
Aspen	5,914	$ 20,400	$ 4,620	$ 25,020	$ 27,900	$ 4,620	$ 32,520
Orem	84,000	$ 8,976	$ 10,327	$ 19,303	$ 17,952	$ 12,293	$ 30,245
Park City	7,000 - 25,000	$ 10,895	$ 2,856	$ 13,751	$ 18,498	$ 2,856	$ 21,354
St. George	60,000	$ 12,000	$ 5,782	$ 17,782	$ 30,000	$ 5,782	$ 35,782
Telluride	2,058	$ 9,600	$ 5,376	$ 14,976	$ 18,000	$ 6,024	$ 24,024
West Valley	108,000	$ 14,750	$ -	$ 14,750	$ 20,350	$ -	$ 20,350
	Average:	**$ 12,770**		**$ 17,597**	**$ 22,117**		**$ 27,379**

Council/Mayor Form of Government

City	Population	City Council Salary	City Council Benefits	City Council Total Comp.	Mayor Salary	Mayor Benefits	Mayor Total Comp.
Logan	42,000	$ 13,679	$ -	$ 13,679	$ 71,343	$ -	$ 71,343
Murray	34,000	$ 12,350	$ -	$ 12,350	$ 78,707	$ 20,510	$ 99,217
Ogden	77,000	$ -	$ -	$ -	$ 73,818	$ 14,634	$ 88,452
Provo	105,000	$ 8,976	$ 7,471	$ 16,447	$ 76,980	$ 16,958	$ 93,938
S. Salt Lake	22,000	$ 9,888	$ 7,560	$ 17,448	$ 68,289	$ 14,913	$ 83,202
Salt Lake City	181,000	$ 18,337	$ 7,015	$ 25,352	$ 91,687	$ 5,421	$ 97,108
Sandy	88,418	$ 11,313	$ 8,339	$ 19,652	$ 90,375	$ 21,420	$ 111,795
	Average*:	**$ 12,424**		**$ 17,488**	**$ 78,743**		**$ 92,151**

*Excludes Ogden City Council

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FINANCIAL PRACTICES, STANDARDS & GUIDELINES

Subject: Expense Reimbursements/Travel for all City employees, Mayor and City Council

Objective: The intent of this standard is to clarify the process for expense reimbursement and travel authorization and to describe the types of expenses that would normally be covered. The philosophy is to seek pre-approval for foreseeable expenses and to plan economically in order to save the City's and the taxpayers' money. It is the responsibility of the employee, to find the most cost-effective and reasonable means of travel and lodging associated with necessary expenses for work-related travel.

Authority: Employees are encouraged to discuss anticipated expenses and/or travel arrangements with their department head/manager prior to the expense being incurred. The Mayor and City Council are encouraged to discuss anticipated expenses and/or travel arrangements with the City Manager prior to the expense being incurred. Department heads/managers are encouraged to discuss anticipated travel arrangements with their team members. Employees are encouraged to pay any travel expenses in advance by preparing a purchase order and submitting a PCMC check to the vendor either through the mail or upon arrival at the destination. A cash advance of $25 per day for each day away from home can be requested prior to travel to pay for meals, gratuities, cab fare, etc. It is the employee's responsibility to keep all receipts needed to justify advanced or reimbursed expenses. The department head/manager, City Manager and Finance Manager retain the discretion to question and deny reimbursement for inappropriate or unreasonable expenses. The employee must be prepared to justify the business need in writing. Employees should return unused cash advances, complete an itemized reimbursement form and attach all receipts within one week of return from travel. Original detailed receipts must be submitted for reimbursement. **Credit card receipts and statements are not sufficient. If an original, detailed receipt is not submitted with the expense report, the expense will not be reimbursed.** The signature of a department head/manager will be required on all reimbursement forms. Department heads/managers may but are not required, to obtain the signature of a team member. The signature of the City Manager will be required on all reimbursement forms submitted by the Mayor and City Council. The signature of the Mayor or Council designee will be required on all reimbursement forms submitted by the City Manager. All reimbursement forms must be approved and signed by the Finance Manager.

Practice: The City will typically cover the following business-related expenses:

<u>Transportation</u>

Employees are encouraged to select the least costly, yet most practical means of travel. Air travel or mileage reimbursement for driving will be determined by such things as:

- Availability of a City vehicle,
- Distance of travel (airfare may be more economical than vehicle mileage reimbursement), and

- Time restrictions.

Airfare must be in the moderate price range with the following exceptions:

- Time restrictions,
- Only first class seating is available to meet agenda requirements.
- Urgency of travel,
- Length of trip (over 4 hours) if the employee opts to pay the difference in price for better seating,
- Medical reasons, and
- Other special circumstances with pre-approval by the department head/manager.

There may be occasions (mainly weekend travel) when hotel layover is more convenient than purchasing a high-rate air ticket. Air travel may be postponed, within reason, until discount air rates can be obtained, as long as net savings are achieved.

Mileage reimbursement is available to an employee when dropping off or picking up packages or attending meetings for City business. If this is in addition to traveling to or from work the employee will be reimbursed for that portion of mileage that was out of the way of the regular route. Mileage reimbursement shall be at the authorized IRS rate. Mileage reimbursement requests must be submitted within sixty (60) days of incurring the mileage and include the date, purpose, destination and mileage for each individual trip. Mileage reimbursement requests without this detail will not be reimbursed.

<u>Lodging</u>

An employee should normally make arrangements to stay at the hotel where the conference or training is being held. If other lodging arrangements are necessary, the reservations should be made at a moderately priced hotel. Overnight travel to Provo, Ogden, Salt Lake City, or anywhere within 50 miles of Park City, must be approved in advance by the department head/manager.

An employee should advise the hotel that government rates are necessary. If the accommodations are within the State of Utah, advise the hotel that the room should be tax exempt.

Employees of the same sex, traveling together, should make arrangements to share a room.

<u>Other</u>

The following miscellaneous expenses will also be considered for reimbursement:

- Airport parking for air travel,
- Long-term parking through a travel agency,
- Round trip mileage from home to the airport,
- Meals when the employee is away from home overnight,
- Car rental when business activities are not being held in or close to lodging (requires pre-approval by a department head/manager), and
- Reasonable phone calls home.

Payment for recreational activities such as golf, tennis, skiing, movies, etc. will be the responsibility of the employee. However, if the activity is job-related, it can be reimbursed if the employee has prior approval by a department head/manager. Payment for alcohol purchases will only be reimbursed if the business need can be justified by the employee to the department head/manager.

Travel time for any out-of-area or overnight travel shall be compensated time for the employee(s) for the actual hours of travel required for the least expensive mode of travel, but not to exceed seven (7) hours each way. Exceptions must be approved by the City Manager.

Moving & Relocation Expenses

Employee incurs and pays for their moving expenses. It is the employee's responsibility to keep all moving expense receipts and reimbursement check stubs for submitting with their personal income tax (if applicable). Depending upon the employment agreement with the new employee, the employee will receive one lump-sum amount from the City. It is at the employee's discretion as to how this moving allowance is to be spent. The City does not pay for moving expenses directly to vendors/moving companies, hotels, airlines, etc.

Benefits Summary

Council	Part Time	Full Time	Retirement	Health	Dental	Life Insurance	401K a, b	457	Form of Government	
Aspen	X			X	X				Council/Manager	$350
Layton									Council/Manager	
Murray									Council/Mayor	
Ogden							X		Council/Mayor	
Orem			X	X	X	X	X	X	Council/Manager	
Park City		X		X	X				Council/Manager	
Provo			X	X	X	X	X		Council/Mayor	
Roy			X	X		X			Council/Manager	
Salt Lake City		X		X	X	X	X	X	Council/Mayor	
Sandy				X	X	X	X		Council/Mayor	
South Salt Lake			X	X	X	X	X		Council/Mayor	
St. George				X	X	X		X	Council/Manager	
Telluride				***					Council/Manager	***Not Classified as Employees but receive $387 toward own medical benefits.
West Valley	X								Council/Manager	
Vail	X		X	X*	X		X		Council/Manager	Part of Seasonal Retierment Plan replacing SSI
Breckenridge	X			*					Council/Manager	*Pay out of Pocket at COBRA rate.
Mayor										
Aspen	X								Council/Manager	
Layton		X	X	X	X	X	X		Council/Manager	
Murray		X	X	X	X	X	X		Council/Mayor	
Ogden		X	X	X	X	X	X		Council/Mayor	
Orem			X	X	X	X	X	X	Council/Manager	
Park City		X		X	X				Council/Manager	
Provo		X	X	X	X	X	X		Council/Mayor	
Roy			X	X		X			Council/Manager	
Salt Lake City		X		X	X	X	X	X	Council/Mayor	
Sandy		X	X	X	X	X	X		Council/Mayor	
South Salt Lake		X	X	X	X	X	X		Council/Mayor	
St. George				X	X	X		X	Council/Manager	
Telluride				***					Council/Manager	***Not Classified as Employees but receive $387 toward own medical benefits.
West Valley	X								Council/Manager	none
Vail	X		X	X*	X		X		~~Council~~/Manager	Part of Seasonal Retierment Plan replacing SSI
Breckenridge	X			*					Council/Manager	*Pay out of Pocket at COBRA rate.

Equipment Usage Practices

Council	City Issued Cell Phone	Laptop/Home Computer	Comuter at City Hall	Office at City Hall	Postage for City Business	Home Internet Access	Car Allowance	On Site Copy Service	Mileage Reimbursemet	Meal Reimbursement	Travel Reimbursement	Phone Reimbursement	Non- City Website	Other	
Aspen			X	X	X	X		X	X	X	X				
Logan		X	X	X	X	X		X	X	X	X	X			
Murray	X				X	X		X	X						Cell phone - $65 a month, Mileage $100 a month stipend
Ogden			X	X				X			X				1 Computer for all council members
Orem															
Park City															
Provo															
Roy					X				X	X	X				
Salt Lake City															
Sandy									X	X	X				
South Salt Lake															
St. George															
Telluride									X	X	X				
West Valley	X		X	X	X	X			X	X	X			X	Palm Pilot or planner refills
Vail			X	X	X			X	X	X	X	X			Ski, Recreation Pass
Breckenridge					X			X	X	X	X			X	City Issued Fax and partial pay of designated Phone Line
Mayor															
Aspen			X	X	X			X	X	X	X				
Logan		X	X	X	X	X			X*	X		X			*For specific boards $25 per month
Murray	X				X		X						X		$100 Per Month Car Stipend
Ogden			X	X	X					X	X				
Orem															
Park City			X	X	X				X	X	X				
Provo															
Roy									X	X	X				
Salt Lake City															
Sandy									X	X	X				
South Salt Lake															
St. George	X	X	X	X	X		***			X	X				***Part of salary
Telluride									X	X	X	X			
West Valley	X		X	X	X	X*		X	X*	X	X				* For personal PC's** Mayor $300 per month, City Issued Palm Pilot or Planner refills
Vail			X	X	X			X	X	X	X	X			Ski, Recreation Pass
Breckenridge					X			X	X	X	X			X	City Issued Fax and partial pay of designated Phone Line

DATE: July 17, 2003
DEPARTMENT: Special Events and Facilities
AUTHOR: Alison Butz
TITLE: Public Outdoor Music Plazas
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff requests the City Council continue the discussion of this item until the July 31, 2003 Council Meeting.

A. TOPIC
Review of the Ordinances regulating Outdoor Music Plazas within Park City.

B. BACKGROUND
On May 8, 2003, the City Council approved changes to Title 4 Chapter 8A allowing for the programming of outdoor music on stages within Park City for the Summer of 2003 and made a further amendment to the Code on June 19, 2003 to include an additional stage at the Town Lift Plaza.

Since those adoptions, the City has received an application for a fourth stage in the Main Street area, at LaCasita Restaurant. Staff had administratively approved the stage, under the Administrative Approval Section, for a period of three weeks. The approval was based upon the fact that the north Summit Watch Stage was not programmed for use until July 17th. Mountain Town Stages has requested an extension on the operation of the LaCasita stage for the rest of the Summer. Since the stage is in close proximity to two other operating stages, north Summit Watch Plaza and Town Lift Plaza, Staff has requested a full review, including a public hearing on the proposed location.

The City has contracted with Spectrum Engineering to perform additional sound analysis on the stages and to provide input with regards to neighborhood impacts when all three stages are in operation. The sound analysis was not available for the July 17th meeting, but is scheduled to be available for the July 31st Council Meeting.

The applicant has requested a review and approval of the additional stage at LaCasita at this meeting. Staff does not have sufficient sound measurements to conclude that there would be no impact to the neighborhood and recommends the discussion be postponed until the July 31st meeting.

C. ANALYSIS
Chapter 8A authorizes administrative approval of additional outdoor music locations provided the proposed location satisfies the criteria at Section 4-8A-6(C). Due to the number of stage in close proximity, Staff finds a need for a public hearing and additional sound analysis. The analysis is not available at this time.

Staff has included a summary of the applicant's request for the LaCasita below.

LaCasita

Location:	825 Main Street
Duration:	July 17th through August 24th
Operation Days:	Fridays, Saturdays and Sundays
Hours:	5:30pm until 8:30pm on Fridays and Saturdays, and 12:00pm until 3:00pm on Sundays
Additional Exceptions:	Four additional nights from 5:30pm until 8:30pm
Type of Music:	Bands
Additional Licenses:	None requested.

The current ordinance does require monitoring of sound during performances, and the City has monitored sound in the area during the three weeks the stage was approved. While the measurements were preformed by a Staff member certified to use a noise meter, Staff further recommends study by a sound engineer.

ALTERNATIVES

1. Continue discussion and action to the ordinance amending Title 4, Chapter 8A, regulating Public Outdoor Music Plazas within Park City.
2. Deny the request to amend Title 4, Chapter 8A, regulating Public Outdoor Music Plazas therefore preventing music at this location.
3. Approve an amendment to Title 4, Chapter 8A, allowing outdoor music at LaCasita.

D. RECOMMENDATION:

Staff requests the City Council continue the discussion of this item until the July 31, 2003 Council Meeting.

RESOLUTION PROCLAIMING THE MONTH OF AUGUST AS ART AND CULTURE MONTH IN PARK CITY, UTAH

WHEREAS, the City Council has consistently demonstrated its support for public art and cultural programs and projects over the years; and

WHEREAS, the community offers a wealth of cultural happenings in the month of August including:

Park City Arts Festival
Park City International Music Festival
Mountain Town Stages performances
Summit County Fair
Utah Symphony at Deer Valley
Summer Screenings in the Park
Celebrate Saturdays at The Canyons
Fidelity Investments Park City Jazz Festival
Arts and Eats Gallery Stroll
Summer Theatrefest 2003

WHEREAS, culture is a key component to building and diversifying our tourism business and attracting patrons of the arts and heritage to visit Park City is a long-term economic goal; and

WHEREAS, the Park City Summit County Arts Council received restaurant tax funds and Chamber Bureau support to market our first annual "Artstravaganza" in August 2003; and

WHEREAS, this marketing effort includes publishing a full-page ad in Sunset Magazine, distributing 300 posters celebrating Arts Month, and holding a cooperative kick-off event on August 1 coinciding with the Arts Festival;

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council hereby declare the month of August 2003 as:

ART AND CULTURE MONTH IN PARK CITY, UTAH

and encourage citizens to take advantage of the many art and cultural opportunities available in August and to celebrate Park City's unique quality of life filled with creative expression and historic character.

PASSED AND ADOPTED this 17th day of July, 2003.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

DATE:	7/14/2003
DEPARTMENT:	Budget, Debt, and Grants
AUTHOR:	Mark Christensen
TITLE:	Bond Parameters Resolution – General Obligation Bonds, 2003 Series for Park Improvements an Ice Facility and Open Space
TYPE OF ITEM:	Legislative/Administrative

SUMMARY RECOMMENDATIONS: The City Council should:

1. Consider and approve the attached Parameters Resolutions relating to the issuance of General Obligation Bonds, Series 2003. These Bonds will be used to finance Park Improvements an Ice Facility and Open Space.

2. Authorize the City Manager to execute a contract with Chapman Cutler for Bond Counsel services in the amount of $7,500 plus expenses and Zions Bank for Financial Advisor Services in an amount of $15,000 plus expenses.

DESCRIPTION:

A. Topic: Consideration and adoption of a resolution that does the following: 1) Authorizes the issuance of General Obligation (GO) Bonds, Series 2003: 2) Sets maximum parameters relating to the issuance size, length to maturity, interest rates, and discount of the bonds: 3) Authorizes the publication of a Notice of Bonds to be Issued: 4) Authorizes the preparation and distribution of documents pertaining to the issuance of the bonds.

B. Background: On November 6, 2001 and November 5, 2002 Park City held Bond Elections where voters approved General Obligation Bonds for the creation of an Ice Rink and Park Improvements ($4 million) and Open Space ($10 million). At this time it is in the best interest of the City to issue part of each of the bonds for upcoming projects and purchases. This summer marks the lowest interest rates have been with rates at about 4 - 4.5 percent. The proceeds from these bonds will be used to purchase open space as well as fund improvements for city wide parks including neighborhood pocket parks and possibly the ice facility.

On June 19, 2003, when staff updated Council on the 2003 combined debt issuance, staff did not discuss the option of including ice in this issuance. The discussion only included the possibility for park improvements and open space. The parameters resolution before you covers all expenses approved by the voters in both bond elections including ice. This resolution is a combined issuance that will enable the City to use funds for both voter approved authorizations or for only Open Space. Adopting the resolution at this point allows for the greatest flexibility in structuring our debt issuance. By not including ice in the parameters resolution, the City will not be able to use funds from this issuance in the event expenses for ice are incurred before the next bond issuance. While the intent is to not use these funds for ice at this point, by including the ice description in the parameters resolution the City has the ability to use these funds in the most advantageous way.

C. Analysis: The parameters resolution that Council is being asked to adopt will enable staff to start the process of issuing General Obligation Debt on behalf of the City. The resolution establishes broad parameters within which Staff, Bond Counsel, and the Financial Advisor can structure the debt. The attached resolution grants preliminary authorization to issue the GO bonds. Before bonds are issued, the City Council needs to formally approve the "Final Bond Resolution." Staff will return to Council with the "Final Bond Resolution" during August. The Parameters resolution gives advance notice that the City intends to issue these bonds and starts an appeals period. The resolution also authorizes the preparation and distribution of the Preliminary Official Statement (POS). The POS is the document that investors, the bond rating agencies, and the bond insurance companies use to evaluate the credit worthiness of the bonds. Staff is finalizing the POS and plans to distribute it in July.

This resolution also incorporates language that will allow the City if Council so chooses, to reimburse itself for property already purchased such as Bilogio and McMillian for open space as well as expenses relating to park improvements. Members of COSAC II have expressed concern about reimbursing the McMillian purchase with COSAC II funds. At the very least, staff recommends City Council keep the option open by including the reimbursement in the parameters resolution. Council can ultimately decide whether or not to do the reimbursement. Final payment on the McMillan/Bilogio parcel is December, 2003.

Lastly, the resolution sets the following general parameters for the Bond issue:

1) Size: The resolution sets the maximum amount of the bonds at $5,000,000.

2) Length to Maturity: The maximum length to maturity cannot exceed 15 years as approved by the voters. The 15 year limit begins from the point of issuance for each series. This means that this series will mature in 15 years.

3) Interest Rates of the Bond Coupons: The resolution states that no single coupon of the bond issue can exceed 5 percent. When the bonds are sold, they will be structured in such a way that different maturities will have different interest rates. This parameter means that the coupon with the longest maturity will not have an interest rate of greater then 5 percent.

4) Maximum Discount: In addition, the resolution sets the maximum amount of discount for which the bonds can be sold. The 2 percent parameter is again conservative, and the discount rate should be less than that amount.

5) Financing Team: The City is using Zions Bank as the Financial Advisor and Chapman Cutler as Bond Counsel for this issuance. In March, 2003, the City conducted a competitive RFP process for Financial Advisors and Bond Counsel. Through a Request for Terms (RFT) process, the City will select the Underwriter for this transaction. Fees for all of these services are based on industry standards, which are typically driven off of the value of the issuance and the scope of work provided. By approving the Parameters Resolution, Council will be approving the various contracts with the Financing Team and the as of yet undetermined underwriter.

6) Bond Rating: The City currently has an Aa-3 or an AA- rating from Standard & Poor's, Moody's, and Fitch. Staff and the Financial Advisor are currently working with these agencies to determine the possibility for a rating upgrade to AA from Moody's and Fitch and a reaffirmation of the existing rating from Standard & Poor's.

7) Notice of Bonds: The Notice of Bonds to be issued will be published in the Park Record and will inform the public of the proposed bond sale. Furthermore, it establishes a 30-day protest period in which any person may file a legal challenge to the issuance of the proposed bonds. After the 30-day protest period has run, no more legal challenges are allowed. It essentially establishes a short statute of limitations with respect to this bond issue.

D. Department Review: Budget and Debt, City Manager, Legal, and Finance.

ALTERNATIVES:

A. Approve the Request: Adopting the Parameters Resolutions will allow the City to proceed with the bond issue authorize the Finance Team contracts and identify an Underwriter and competitively sale the bonds.

B. Deny the Request: A Parameters Resolution is not required to issue bonds, but is generally recommended to reduce the City's legal exposure. Staff will need direction from the City Council as to how they would like to proceed if the Parameters Resolution is not approved.

C. Continue the Item: Continuing the item would mean that the Parameter resolution would not be before the City Council again until July 31 and the 30-day contest period would go from that time. The City can only issue $10,000,000 per calendar year of bank-qualified debt; this issuance anticipates that we will not issue more than $10 million in this calendar year. If the City decides to issue more than $10 million in debt in 2003, some interest penalties will be applied on this issuance.

D. Do Nothing: This would have the same impact as continuing the item.

SIGNIFICANT IMPACTS: Adoption of this resolution will allow the City to proceed with the issuance of the bonds in a timely and efficient manner. Swift completion of the bond issuance is needed to take advantage of favorable interest rates.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION: Not adopting the resolution will impact the City's ability to fund upcoming projects. Although Council can adopt a Final Resolution authorizing the issuance of this debt without a parameters resolution, Bond Counsel and Staff do not recommend this action.

RECOMMENDATION: Approve the attached Parameters Resolutions relating to the issuance of General Obligation Bonds, Series 2003 for Park Improvements an Ice Facility and Open Space; and authorize staff to enter contracts with the Finance Team.

DATE: July 17, 2003
DEPARTMENT: Public Works
AUTHOR: Kent Cashel, Asst. Public Works Director
Eric Nesset, Transit and Parking Manager
TITLE: Contract for construction of Park Avenue bus pullout, and crosswalk.
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATION:
Authorize Staff to execute a contract, in a form approved by the City Attorney, with Cache Valley Electric in an amount not to exceed $82,366.23 for the construction of a pedestrian crossing and bus pullout.

DESCRIPTION

Background

Council's guiding principles state the desire to create and maintain a more pedestrian, transit oriented community. In support of that principal Staff began pursuing a project in early 2002 that will build a bus pullout, passenger shelter and mid-block pedestrian crosswalk in the 1800 block of Park Avenue (between Albertson's and the Park Avenue Condominiums).

This project will provide a defined and signaled crossing (over the road pedestrian activated flashing lights) for pedestrians and transit riders to safely cross Park Avenue. In addition, this project will allow buses to stop out of traffic lanes and the passenger shelter will provide transit riders with a lighted waiting area away from the weather. Attachment A indicates the location and signage of the UDOT approved project.

In the fall of 2002 Staff applied for and was awarded a Utah Department Of Transportation (UDOT) pedestrian enhancement grant ($16,800) to help with the construction costs of this project.

This pedestrian\transit enhancement has been a challenging and complex project that has required a significant amount of Staff time and effort to bring to the construction stage. The complexity is driven by the fact that the project lies in Park City's frontage protection zone, crosses a Utah Department of Transportation Highway (SR224), and required the cooperation of the Park Avenue Condominium Association.

Staff has completed the required engineering studies and obtained the necessary approvals from the Utah Department of Transportation, the Park Avenue Condominium Association, the Park City Board of Adjustment and the Park City Planning Commission. Park City's Building Department has reviewed the project plans and has indicated which permits must be obtained prior to construction.

Analysis

Staff has conducted a bid process in compliance with City and State requirements to secure a contractor to build the project. Although the project was advertised in local, statewide and professional publications only one contractor submitted a bid. The number of contractors that could bid on the project was very limited due to the fact that the project site is in State right-of-way and the State will allow only UDOT bonded contractors to bid on this project. The number of contractors willing to bid on the job was further reduced given the complexity (signalization) and small size of the project.

Staff believes the $82,367 bid submitted by Cache Valley Electric is fair and reasonable based upon an engineer's estimate prepared by Fehr and Peers Transportation Consultants and a review of the contractor's bid by the City Engineer.

Funding to complete this project exists in the approved CIP budget and the UDOT Pedestrian Enhancement Grant. The amount of each source is detailed below:

CIP Project 630 (Bus Shelters)	$47,198
CIP Project 695 (Bonanza Crosswalk)	$18,369
UDOT Pedestrian Enhancement Grant	$16,800
Total	$82,367

Department Review

This report has been reviewed by the City Manager, City Engineer, Public Works, and the Budget and Grants Manager.

ALTERNATIVES

A. Approve The Recommendation: Council could authorize Staff to execute a contract, in a form approved by the City Attorney, with Cache Valley Electric in an amount not to exceed $82,366.23 for the construction of a pedestrian crossing and bus pullout. Staff recommends this alternative.

B. Deny The Recommendation: Council could direct Staff to conduct another bid process. This would be costly and require a significant amount of Staff time. Staff does not recommend this alternative.

C. Defer the item to a later date: Council could defer the item to a later date. Any significant deferral (longer than 2 weeks) would delay construction of this project until 2004. Staff does not recommend this alternative.

D. Do Nothing: Staff does not recommend this alternative.

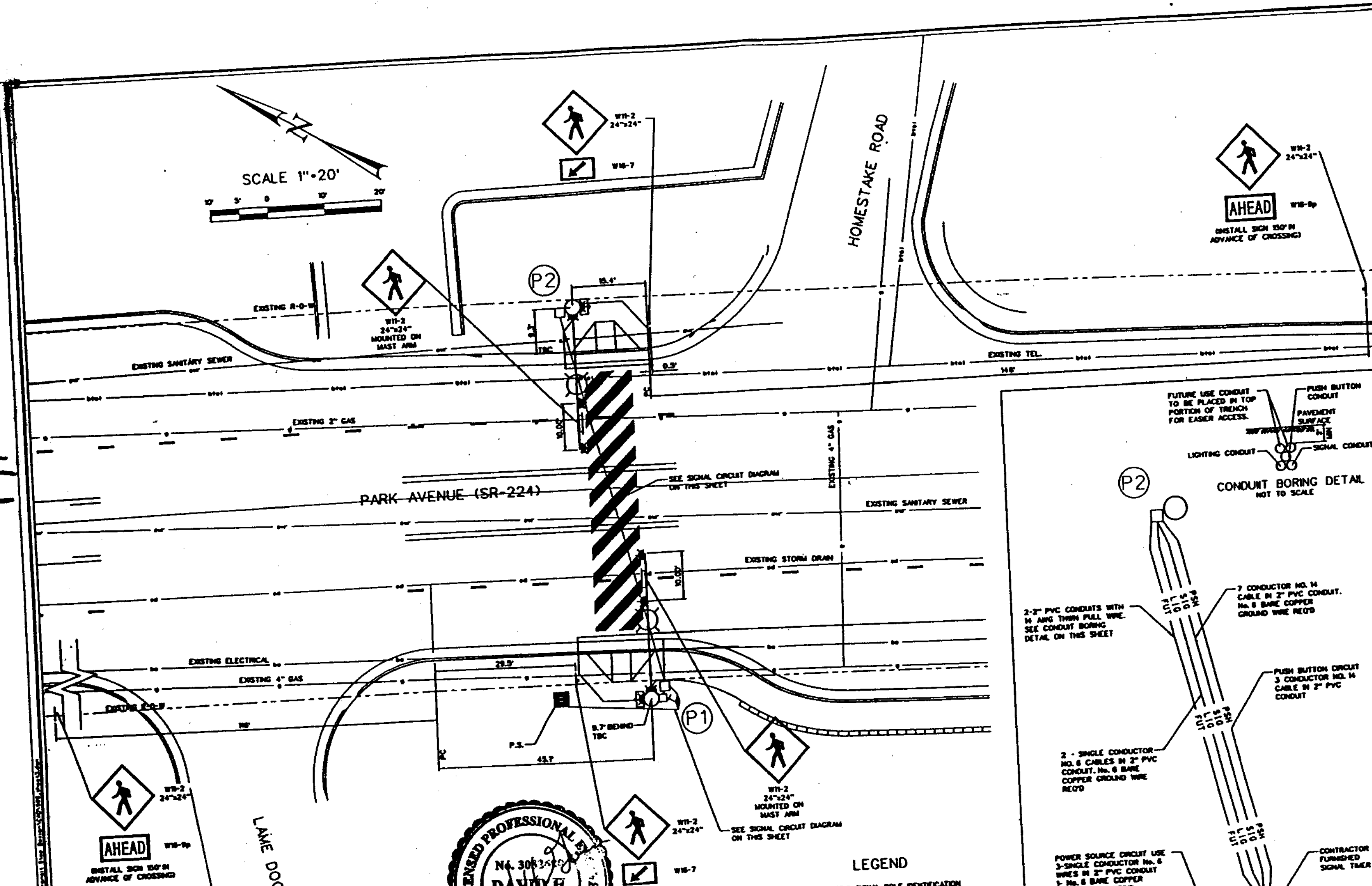
SIGNIFICANT IMPACTS

Signalized pedestrian crossings and bus pullouts (particularly those on State roads) are expensive and time consuming endeavors. When all required items are considered the project costs for this pedestrian enhancement will total approximately $127,000 ($15,000 engineering and design, $40,000 crosswalk ramps, markings and signals,$47,000 bus pullout, $25,000 bus shelter).

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

An analysis conducted by Fehr and Peers Transportation Consultants in August of 2002 indicated the need for a clearly marked and signaled pedestrian crossing in the 1800 block of Park Avenue.
This need is driven by the large number of transit riders and pedestrians that choose to J-walk directly across Park Avenue rather than walk to the signalized crossing at Kearns and Park Avenue. If Council should choose not to approve the contract for construction of the crossing this pedestrian safety condition will not be mitigated.

RECOMMENDATION
Authorize Staff to execute a contract, in a form approved by the City Attorney, with Cache Valley Electric in an amount not to exceed $82,366.23 for the construction of a pedestrian crossing and bus pullout.



NOTES:

1. UTILITY LOCATIONS: EXISTING UTILITIES SHOWN ON PLANS ARE APPROXIMATELY LOCATED. EXISTING UTILITIES ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF AND PRESERVING ALL UTILITIES INCLUDING THOSE NOT SHOWN OR INCORRECTLY SHOWN ON DRAWINGS.
2. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITY SERVICE LINES, AND REPAIRING ANY DAMAGE TO SUCH LINES AS A RESULT OF THE CONTRACTOR'S OPERATIONS. IN GENERAL, SERVICE CONNECTIONS FOR UTILITIES ARE NOT SHOWN ON THE DRAWINGS.
3. NOTIFY BLUE STAKES AT 1-800-662-4111 BEFORE BEGINNING CONSTRUCTION
4. SEE UDOT STD DWG SL4 FOR FOUNDATION DETAIL
5. LED LENSES ARE REQUIRED FOR ALL SIGNAL HEADS
6. 240 VOLT-400 WATT HIGH PRESSURE SODIUM LUMINAIRE AND EXTENSION REQUIRED AT "P1" AND "P2"
7. ALL PEDESTRIAN CROSSING AND ADVANCED PEDESTRIAN CROSSING SIGNS FOR THIS PROJECT SHALL BE STANDARD YELLOW BACKGROUND. FLOURESCENT YELLOW-GREEN BACKGROUNDS WILL NOT BE ALLOWED

LICENSED PROFESSIONAL ENGINEER
No. 308[illegible]
DAVID H. GOERES
STATE OF UTAH

POLE SCHEDULE

POLE IDENT.	LOCATION NORTHING	LOCATION EASTING	MAST ARM LENGTH	LUMINAIRE MOUNTING HEIGHT	LUMINAIRE ARM LENGTH	REMARKS
C1	MOUNT TO POLE P1					NEW
P1	SEE PLAN DIMENSIONS		30'	40'	15'	NEW
P2	SEE PLAN DIMENSIONS		30'	40'	15'	NEW

LEGEND

- TRAFFIC SIGNAL POLE IDENTIFICATION
- TRAFFIC SIGNAL MAST ARM & POLE
- TRAFFIC SIGNAL MAST ARM & POLE W/ LIGHT POLE EXTENSION
- P.S. POWER SOURCE
- CONTRACTOR FURNISHED SIGNAL TIMER
- POLYMER CONCRETE JUNCTION BOX TYPE II-PC WITH GROUND ROD (SEE UDOT STD DWG AT-7)
- PEDESTRIAN PUSH BUTTON
- UNDERGROUND SERVICE PEDESTAL
- 12" - 1 SECTION SIGNAL HEAD (FLASHING AMBER)

FEHR & PEERS

FEHR & PEERS ASSOCIATES, Inc.
TRANSPORTATION CONSULTANTS

REVISIONS

NO.	DESCRIPTION	BY	APP	DATE

PARK CITY TRANSIT STOP
SIGNAL DESIGN SHEET

PARK AVENUE
PARK CITY, UTAH

DRAWN BY:	DHC
DESIGN BY:	DHC
CHECK BY:	TH
PLOT SCALE:	1"=20'
DATE:	20/7/803
HOR SCALE:	1"=20'
VER SCALE:	1"=20'
SHEET	3 OF 3

41

DATE:	**July 17, 2003**
DEPARTMENT:	**Special Events Department**
AUTHOR:	**Alison Butz, Special Events and Facilities Manger** AB **Mark Christensen, Budget and Grants Manager**
TITLE:	**KPCW Lease**

<u>SUMMARY RECOMMENDATIONS:</u> Review the terms of the Special Service Contract and approve a new lease, for space within City Hall, to KPCW.

I. TOPIC

Review the draft lease for the rental of space within City Hall to KPCW.

I. BACKGROUND

The Council last reviewed the draft lease for KPCW at their June 19, 2003 meeting. At that meeting the Council directed staff to return with the lease and to further clarify services provided within the Service Agreement.

The Special Service Contract Subcommittee is reviewing the application submitted by KPCW and will provide Council with an update at the meeting. Although, no formal recommendation has been made the subcommittee has discussed a Special Service Contract outlining the use of Public Service Announcements (PSA). The use of PSAs have been increasing with Council's goal to get more information to the public. Staff could monitor the use of PSAs and provide Council with an update on how many are used over the one (1) year contract.

The lease contains the same terms with regards to duration and rental amount. Staff also has addressed KPCW request for use of conference rooms, and has added a section, which allows the use of the Main Floor and 3rd Floor Conference Rooms by appointment.

II. ANALYSIS

The proposed lease is for 1,566 square feet within City Hall and would be for a one-year lease with option of two (2) one-year renewals, for a total of three years. The lease also requires the City to give KPCW six (6) months notice of its intention to renew or not renew the lease before the expiration of the term.

As part of the radio service KPCW provides to the community, the City discounts the standard rental rate. In the previous lease the annual rent for the space was set at $1.00. Council will have an opportunity to view the Service Agreement at a future meeting. The annual value for the space shall be set at $26,481.

ALTERNATIVES

- **A.** Recommend the draft lease, which authorizes the rental of 1,566 square feet, in City Hall, to KPCW.
- **B.** Modify duration and/or the annual rent of the lease or available space within City Hall.
- **C.** Recommend denial of the new lease with KPCW, preventing them to further occupy City

Hall.

D. The City Council may continue the discussion in order to receive additional information.

III. RECOMMENDATION:

Staff recommends that 1,566 square feet, in City Hall, be leased to KPCW.

IV. Exhibits

Exhibit A - Lease

EXHIBIT B

SUBLEASE AGREEMENT BETWEEN PARK CITY COMMUNITY WIRELESS, INC. (a.k.a. KPCW) AND PARK CITY MUNICIPAL CORPORATION

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (hereinafter "City") and PARK CITY COMMUNITY WIRELESS, INC., a non-profit corporation (hereinafter "KPCW"), to set forth the terms and conditions under which City will lease to KPCW certain surplus City space as described below. The parties agree as follows:

1. Property. The property covered by this lease is located on the first (basement) level of the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah. The specific suite of office consists of the northernmost 1,566 square feet of the first floor, together with the right of access through the common hallways and entrances during normal business hours of City. Subject to paragraph 8 below, KPCW may convert the hallway between the office space to additional finished tenant space provided alternative ADA access is provided at KPCW's cost. The property also includes the right to use the yard area on the north side of the building for the location of a satellite downlink, and the flagpole or roof as a location for an emergency broadcast antenna, subject to Community Development Department historic design review approval. Construction on the property to the north may make the flagpole location unsuited for the use of KPCW, in which case KPCW may use the roof of the building.

2. Term. The term of this lease is from July 1, 2003 to June 30, 2004, unless sooner terminated under the provisions of this Agreement, or by the joint agreement of the parties. Upon mutual agreement of the parties, this Agreement shall renew twice for an additional term of one (1) year (July 1, 2004 to June 30, 2005 and July 1, 2005 to June 30, 2006).

3. Rent. The consideration for the space shall be one dollar ($1.00) per year for the space, together with the observance of the other covenants and conditions of the lease and that Special Service Agreement between the parties dated 8/1/03. If the Special Service Contract is terminated pursuant to the terms of the Policy in the Park City Municipal Corporation Annual Budget, Policies and Objectives- General Budget Policies (so the City is no longer receiving value in kind announcements), the rent shall be in an amount agreed by both parties but in no event shall exceed $17.50 per square foot annually.

4. Tenant Improvements. KPCW agrees to install, at its own expense, all specialized equipment needed for the operation of its radio and future television studios, offices and other facilities it may require. This includes any additional partitioning, soundproofing, specialized or additional electrical and mechanical equipment, air conditioning, internal heating, and any other tenant improvements that are necessary for KPCW's intended use of the space. Any tenant improvement items that can be removed at the end of the lease without causing substantial damage to the remaining walls, ceilings, or other finishes may be removed by KPCW at the termination or expiration of the lease. All work done by KPCW will comply with the applicable building codes.

5. Utilities. City agrees to pay the utility bills for light and heating of the space, as those services are tied into the central mechanical system of the building. City will also provide water and sewer service. KPCW will provide its own telephone system and its own monthly service fees for telephone service at its own expense. If City has any surplus telephone equipment that could be made available to KPCW without charge, except that installation, monthly line, and long distance charges will be paid by KPCW. KPCW agrees to pay utilities for the Park City Police Station's main transmitter unit, which is located in KPCW's space on Quarry Mountain. KPCW agrees to contribute, in a fair and equitable amount mutually agreed upon by the parties to this Agreement, funds for the cost of an emergency back-up generator in the event that the City proceeds with such proposal.

6. Janitorial Services. KPCW will provide its own janitorial service for the space it occupies. In the event KPCW desires to have the City's janitorial contractor maintain KPCW's space, KPCW will pay the additional costs incurred by the City for that service at a cost basis to the City.

7. Insurance. City will carry insurance on the structure for casualty loss, and public liability policies that provide insurance against claims of persons injured in or about the building in amounts in excess of those required by state law. The City policies will not extend to any contents of KPCW's space, and the City will not have any liability to KPCW for loss or damage to its equipment or contents, except through the gross negligence of the City or its employees or agents. KPCW will carry insurance on its contents as it deems appropriate. KPCW will not store or keep any product or equipment within the space that will, because of its nature, increase the risk of casualty losses to the overall building, or that will require additional premiums or specialty coverage. KPCW will provide a policy of liability insurance on its premises in an amount of not less than One Million Dollars ($1,000,000) per person and Two Million Dollars ($2,000,000) per occurrence, with the City named as an additional insured. The policy will provide that no cancellation will be made without first having given the City thirty (30) days notice of the cancellation. Failure to maintain the insurance is a violation of the lease, and grounds for termination.

8. Access and Parking. KPCW's primary access to the building will be through the exterior doors on the north end of the first floor of the building. Another entrance may be designated by the City Manager, with the consent of the Chief Building Official. During City's normal business hours, KPCW will have the right to use the common hallways in the building for access, in addition to the outside door to the leased suite. Use of the north parking lot shall be on an as available basis subject to the same regulations as generally applicable to the public and employees of the City. Additional parking for KPCW will be limited to the public parking in Swede Alley, except that on nights when there is no City meeting or other public use of the building, after normal business hours KPCW's employees may park in the Marsac Building lot to the south of the building. KPCW hereby acknowledges the planned construction of the Transit Center and understands that said construction will result in the closure of the access driveway to the parking lot north of City Hall and loss of parking. Upon completion of the north parking lot, KPCW employees may resume use of the lot, unless otherwise directed in writing by the City Manager.

9. Interference with City Telecommunication Systems. The City has extensive computer, radio, and telecommunication systems in the building. This electronic equipment may be sensitive to the electronic equipment installed by KPCW. KPCW agrees that it will so install its equipment that there is no interference with the City equipment, and will pay all costs associated with isolating KPCW's equipment from the City's. In the event interference occurs, KPCW will discontinue use of its equipment until the cause of the interference can be determined and a solution found. If City adds new equipment or changes its existing equipment, and interference occurs after the change, it is KPCW's responsibility to eliminate interference on these future installations as well.

10. Contribution. In making this lease, the City is recognizing the unique community contribution of KPCW to Park City. This lease is a form of grant in aid to KPCW, in lieu of cash donations from the City.

11. Force Majeure. This lease agreement shall automatically terminate upon any holding, interpretation, or determination by a Court, legislative, or administrative body, that bonds issued by Park City Corporation or the Municipal Building Authority will not qualify as tax exempt if the property is leased to a private entity or monies are received for so leasing, or that the MBA may not lease to a private entity, either under existing state and federal law regulation or future state and federal law regulation. In the event of termination pursuant to this paragraph, tenant shall have six (6) months to vacate the premises, and the City may, at its option, either eliminate or reduce rent from the date of termination until the date of vacation of the premises so as to not endanger its tax exempt status.

12. Tax Exempt Status. KPCW is a non-profit corporation under the Internal Revenue Code, and the subsidy by the City is made only as long as the non-profit, tax exempt status remains. In the event KPCW loses it tax-exempt status, the City shall have the option of terminating the lease, or increasing the rental to the fair market value of the space occupied by KPCW on the date that the tax exemption was revoked. KPCW will provide its annual report and audit to the City each year.

13. Assignment/Sublease. KPCW has no right to sublet or assign all or any portion of the leased space for any purpose whatsoever, including subleases or assignments to other non-profit organizations, or assignments for the benefit of creditors. Any attempt to sublet or assign shall cause this lease to immediately terminate.

14. Notice. In recognition of the time it takes to move the radio station equipment and obtain FCC approval for the move, the City will give six (6) months notice of its intention to renew or not renew the lease before the expiration of the term.

15. Default/Termination. If the City determines that KPCW is in default of the observance of any of the covenants of this Agreement, it shall give KPCW notice of the alleged default, and a reasonable period of time, not less than thirty (30) days nor more than sixty (60) days, in which to cure the default. If KPCW fails to cure the default, this lease shall terminate. KPCW will immediately become a tenant at will of the City, and the City may demand possession of the

space upon three (3) days written notice, or, at the City's option, the City may increase the rental to the fair market value of the space until KPCW has vacated it, and state a date certain by which the space must be vacated.

16. Conference Rooms Tenant shall have access to the Main Floor and 3rd Floor Conference Rooms by appointment.

17. Building Directory. KPCW will be shown on the building directory, but will be placed there in a manner that does not suggest that KPCW is a department or agency of the City.

18. Indemnity. KPCW covenants and agrees to indemnify and hold the City harmless from all claims, loss damage, injury or liability (hereafter "liability") resulting from KPCW's use and occupancy of the leased premises (including broadcasts) to the full extent provided in the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any liability resulting from acts or omissions of City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. §§ 63-30-1, et seq.). The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act.

The City will indemnify and hold KPCW and its employees harmless to the full extent provided in the Utah Governmental Immunity Act, from claims, loss, damage, injury, or liability resulting from City's use and occupancy of the leased premises or from the conduct of City's operations; including, but not limited to, City's negligence or intentional acts. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. §§ 63-30-1, et seq.).

19. City Liable only for City's Negligence. Except where caused by City's negligence, City shall not be liable for any failure of water supply, natural gas supply or electrical supply; or for any injury or damage to persons or property caused by gasoline, oil, steam, gas or electricity; or hurricane, tornado, flood, wind or similar storms or disturbances; or water, rain or snow which may leak or flow from the street, sewer, gas mains or any subsurface area or from any part of the building or buildings or for an interference with light.

20. Municipal Building Authority Consent. The City's position in the Marsac Building is one of a lessee of the Municipal Building Authority of Park City, with the full right to sublet all or portions of the building. The Municipal Building Authority has signed this lease to indicate its consent to the sublease to KPCW in order to comply with the provisions of its financing arrangements on the building.

21. Waiver of Covenants. It is agreed that the waiver of any of the covenants of this Lease Agreement by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenant or any provisions herein contained.

22. Entire Agreement. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

EFFECTIVE THIS ____ day of July, 2003.

PARK CITY COMMUNITY WIRELESS, INC. (KPCW)

____
Blair Feulner

CORPORATE ACKNOWLEDGMENT

STATE OF ________)
: ss.
COUNTY OF ________)

On this ___ day of ______________, 2003, personally appeared before me Blair Feulner, who being duly sworn, did say that he/she is the Secretary and Treasurer of **PARK CITY COMMUNITY WIRELESS, INC**, and acknowledged to me that the preceding Agreement was signed on behalf of said company, by their authority and he/she acknowledged that the company did execute the same for its stated purpose.

____
NOTARY PUBLIC

MUNICIPAL BUILDING AUTHORITY

by: ______________________________
Dana Williams, Chairman

PARK CITY MUNICIPAL CORPORATION

by: ______________________________
Tom Bakaly, City Manager

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark Harrington, City Attorney

DATE:	July 10, 2003
DEPARTMENT:	Public Works
AUTHOR:	Kathy Gammell
TITLE:	General Water Planning and Services Engineering Contracts
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to enter into Professional Services Agreements with Hansen Allen and Luce, and Montgomery Watson Harza (MWH) engineering firms for general water engineering, inspections, and planning for the Park City water system in a shared amount not to exceed $450,000.

DESCRIPTION:

A. Topic. Water Planning and Services Engineering Consultant

B. Background.

Since July 1999 Park City has had three engineers under Council approved agreements to act as consultants for general water planning and services. The three original firms selected and approved were Montgomery Watson Harza (MWH), Stantec, and Entranco. In August 2001 Council approved a renewal of contracts with each of the three engineering firms in an amount not to exceed $300,000. Costs invoiced against this approval were drawn from the Water Source Storage and Delivery CIP fund.

When Entranco closed it's Salt Lake City office in early 2002, staff performed a formal selection process to replace Entranco which resulted in Council approval to enter into an agreement with Hansen, Allen and Luce (HAL) in August 2002. Work performed by HAL was funded from the $300,000 that was previously approved by Council. Agreements for all three consultants, MWH, Stantec, and HAL, will expire in July and August 2003.

It is important to have engineering expertise immediately available to water staff to address unforeseeable system problems and to address identifiable near term projects and services. Known projects and services, and unforeseeable engineering needs are estimated in the table below.

(Note: The cost evaluation table below addresses identifiable projects and services that may extend into 2005. However, this request for funding covers only fiscal year 2004. 2005 costs are presented only for information.)

Projects		Capital Estimate	Engineering for Capital Projects		Misc. Engineering Services Costs		Comment
Capital Projects	Misc. Engineering Services						
			2004	2005	2004	2005	
Park Meadows Well Resolution		$700,000	$84,000				12% of capital cost, all in 2004
Stage II Spiro - Clear Well, Safety Upgrade		$1,000,000	$120,000				12% of capital cost, all in 2004
Spiro Antimony (pipeline for blending)		$300,000	$18,000	$18,000			12% of capital costs, ½ in 2004
Boothill Tank, Pump Station, Pipeline		$3,500,000	$105,000	$105,000			12% of capital costs, 50% completed. Remaining 50% split between 2004 and 2005.
Miscellaneous pipeline projects		$500,000	$18,000	$42,000			12% of capital costs for water line portion of OTIS projects. Split 30/70 between 2004, 2005.
	Update Water Supply and Demand Study				$5,000		Estimate.
	Update Water Source Protection Plan				$9,800		Engineering quote
	Water rights issues				$10,000		Estimate
	Distribution system computer modeling				$10,000		Estimate
	Potential need for future Water User and Impact Fee update				$15,000		Estimate
	Unforeseeable Projects				$50,000		Estimate
			$345,000		$99,800		

C. **Analysis.**

A selection committee comprised of staff from Public Works, Engineering, Economic Development and Capital Projects, and HAL reviewed SOQ submittals and came to the following conclusions:

Hansen Allen and Luce - Staff recommends to City Council that HAL's agreement with Park City be renewed based on HAL's increasing knowledge of Park City's water system and issues, their design experience in reservoirs, pump stations, and pipelines, their exceptional references on past work, and on Park City's successful relationship with HAL over the last year. With a fairly steep learning curve with Park City's water system, it is advantageous to maintain a relationship with an engineering firm for at least 2 years. If approved, this will be HAL's second year.

Other Two Expiring Agreements - Staff elected to open the expiring agreements with Stantec and MWH for competition after 4 years of contract renewals. In early May 2003 Statements of Qualifications (SOQ's) were solicited from engineering firms through ads in the Park Record and the Salt Lake Tribune. Eight SOQ's were received from the following engineering firms:

Brown and Caldwell
Psomas
Horrocks
Stantec
Montgomery Watson Harza
Caldwell Richards Sorensen (CRS)
Ward
Boyle

The selection committee made the following determinations after reviewing each SOQ and discussing firm qualifications:

- It was the consensus of the selection committee to recommend that the City Council authorize renewal of MWH's agreement based on the depth of MWH's local office, the quality of their Statement of Qualifications, and staff's confidence in overall capabilities, past performance, and responsiveness to the needs of Park City.

- It was the consensus of the committee to further review the qualifications of three of the remaining engineering firms through interviews with firm staff. Although it was the original intent to have 3 engineering firms under agreement, the selection committee was unable to clearly identify experience and capability in any of these firms that would add to, or compliment the experience and capability of HAL and MWH.

- It is the consensus of the selection committee to seek authorization from Council to enter into Professional Services agreements with only two consulting engineers, MWH and HAL.

If approved, agreements will cover fiscal year 2004, renewable in 2005 with Council approval at that time. Contracts can be cancelled with 30 days notice if engineering firms do not meet expectations. When firms have similar areas of expertise, staff will require proposals from two or three of the pre-approved engineering firms to ensure lowest cost.

It is recommended that funding for engineering services come from the Water Source, Storage and Delivery CIP fund 51-45078, which has been approved at $1,890,533 in budget year 2004.

D. Departmental Review.

This staff report has been reviewed by Public Works, City Manager, Economic Development and Capital Projects, and the selection committee.

ALTERNATIVES:

A. Authorize staff to enter into agreements with the two engineering firms of Montgomery Watson Harza, and Hansen Allen and Luce for water planning and services projects for a shared amount not-to-exceed $450,000. Recommended by staff.

B. Authorize staff to enter into agreements with the two engineering firms of Montgomery Watson Harza, and Hansen Allen and Luce for water planning and services projects for a total amount less than $450,000.

C. Require staff to issue a new Request for Statements of Qualifications and repeat the submittal and review process.

D. Require staff to solicit proposals from engineering firms for each individual project and service as required.

E. Authorize staff to enter into agreement(s) with one or the other of the engineering firms in an amount determined by Council.

F. Do Nothing.

SIGNIFICANT IMPACTS:

Alternative A will continue to provide staff with engineering resources without delay to address water system projects and maintenance requirements. This is staff's recommendation.

Alternative B will provide staff with tools needed to begin engineering work but may necessitate returning for City Council approval of additional funds if/when the approved funding is exhausted. If City Council prefers this option, staff recommends $225,000 increments. This alternative is not recommended by staff.

Alternative C may delay some water projects or create a gap in engineering services in the near term. This is not recommended by staff.

Alternative D will result in increased staff time, extended project time, a gap in engineering services and will decrease staff's ability to effectively and efficiently handle unforeseeable system problems. This is not recommended by staff.

Alternative E may increase costs and decrease flexibility for water planning or service projects. This is not recommended by staff.

Alternative F will eliminate ready access to engineering resources for water planning or service needs and will effectively have the same results as alternative D. This is not recommended by staff.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Staff may not have adequate engineering resources required for timely, cost effective, and sometimes urgent response to water system issues.

RECOMMENDATION:

Authorize staff to enter into Professional Services Agreements with Hansen Allen and Luce, and Montgomery Watson Harza (MWH) engineering firms for general water engineering, inspections, and planning for the Park City water system in a shared amount not to exceed $450,000.

DATE:	**June 17, 2003**
DEPARTMENT:	**Building Department**
AUTHOR:	**Michelle Barrus**
TITLE:	**Fee Waiver for 22 units located at 555 Deer Valley Dr.**
TYPE OF ITEM:	**Administrative**

SUMMARY RECOMMENDATION: Staff recommends that City Council review and provide staff with direction regarding the fee waiver for 22 single family units located at 555 Deer Valley Drive.

DESCRIPTION

A. Topic

Fee Waiver for 22 new single family units located at 555 Deer Valley Drive.

B. Background

Last week at Council, Mountainlands Community Housing requested additional fee waivers. Staff is going to present Council with 3 options to grant Mountainlands request.

The Current Fees for the 22 units at 555 Deer Valley Drive are listed in the table below. These are the totals for each category of fees.

Fee Breakdown for All proposed units Totaling $115,248.92	
Building Permits	$14,240.90
Plan Check Fees	$9,256.60
Building 1% State Surcharge	$142.42
SUBTOTAL FOR BUILDING FEES	**$23,639.92**
Parks and Open Space Impact Fees	$28,480.00
Public Safety Impact Fees	$ 3,355.00
Streets Impact fees	$2,935.00
Water Impact Fees	$56,839.00
SUBTOTAL FOR IMPACT FEES	**$91,609.00**

A request has been made by Mountainlands Community Housing which is attached as exhibit A. They are asking the City Council to waive the following:

1. Pursuant to Park City Municipal Code Section 11-12-13, waive building permit and plan check fees in the amount of $23,639.92;

2. Pursuant to Park City Municipal Code Section 11-13-4, waive impact fees in the amount of $91,609.00; and

3. Pursuant to the Park City resolution Adopting Affordable Housing Guidelines and Standards (1999) Council, acting as the park City Housing Authority, provide financial assistance in the amount of $5,000 per unit for a total of $110,000.

C. Analysis

Applicable Municipal Code Sections:

Section 11-12-13 of the Municipal Code provides that: "Any part of any of the fees included in this Title may be waived by the City Council upon the recommendation of the City Manager, for those projects which are deemed to serve a beneficial public purpose that would be harmed by the City requiring payment of such fees, such as low income housing projects."

Section 11-13-4(A) authorizes the City Council to "waive impact fees for construction of affordable housing, up to $5000 per unit."

The City Manager notes that the subject property is a moderate income housing development serving Park City's need for affordable housing (the Planning Commission approved a Master Planned Development for this project on January 8, 2003–records are on file with the Planning Department). In general, all fees arguably are harmful to the affordable housing nature of this development. Historically, however, the City has not waived Water Impact Fees. Consistent with prior practice, Council could approve a partial fee waiver in the amount of $58,409.92 (all but the water impact fees), leaving Mountainlands Community Housing to pay $56,839.

Should the Council decide to waive water impact fees, the Water Fund with must be reimbursed. These monies could come from the Affordable Housing Program fund.

In addition to its request for a complete fee waiver at $115,248.92, Mountainlands also requests pursuant to the Park City Resolution 17-99 Adopting Affordable Housing Guidelines and Standards, that the Council, acting as the Park City Housing Authority, provide financial assistance in the amount of $5,000 per unit for a total of $110,000. The combined total of fee waivers and financial assistance requested is $225,248.92.

D. Department Review

Building Department, City Manager, and Legal Department

ALTERNATIVES

A. The City Council may approve a partial waiver of fees (excluding water impact fees) for the 22 units located at 555 Deer Valley Drive in the amount of

$58,409.92, or

B. The City Council may approve a full fee waiver for the 22 units located at 555 Deer Valley Drive in the amount of $115,248.92 and reimburse the water fund, or

C. The City Council may approve a full fee waiver for the 22 units located at 555 Deer Valley Drive in the amount of $115,248.92 and reimburse the water fund and additionally provide $110,000 in financial assistance to this affordable housing project, or

D. The City Council may choose to deny all requests, or

E. The City Council may continue the item.

RECOMMENDATION

Staff recommends that City Council review the above alternatives and provide staff with direction regarding the fee waiver for 22 single family units located at 555 Deer Valley Drive.

ATTACHMENTS

Exhibit A- Petition to waive building permit fees, impact fees, and for financial assistance for affordable housing.

PETITION TO WAIVE BUILDING PERMIT FEES, INPACT FEES AND FOR FINANCIAL ASSISTANCE FOR AFFORDABLE HOUSING

Comes now Mountainlands Community Housing Trust and petitions the Park City Municipal City Council to waive certain building permit fees, impact fees and to provide financial assistance to a proposed affordable housing development by petitioner at 555-577 Deer Valley Drive.

FACTS

Petitioner has received approval to build twenty "for sale" new condominium units and rehabilitate or renovate two historically significant homes located at 555-577 Deer Valley Drive. Ten of the new units will be 650 square foot one bedroom residences and ten will be 1000 square foot two bedroom residences. The target sales price is approximately $100 per square foot, which is substantially under the market. All units have pre-qualified buyers who represent essential workers and other low-income members of the local workforce.

Total fees charged by the building department and impact fees will be $115,248.92. Building Department fees total $23,639.82 and impact fees total $91,609 of which $56,839 are water impact fees. (See attachment).

REQUEST

Petitioner is requesting the following:

1. Pursuant to Park City Municipal Code Section 11-12-13, Council waive building permit and plan check fees in the amount of $23,639.82.

2. Pursuant to Park City Municipal Code Section 11-13-4, Council waive impact fees in the amount of $91,609.00.

3. Pursuant to the Park City Resolution Adopting Affordable Housing Guidelines and Standards (1999) Council, acting as the Park City Housing Authority, provide financial assistance in the amount of $5000 per unit for a total of $110,000.

POINTS OF AUTHORITY

A. The Housing Element of the Park City General Plan (2000) recognizes the importance of providing and maintaining diverse housing opportunities for our residents. The policies to help accomplish this objective list, among others, are:

1. Apportion the costs for providing affordable housing equitably based on impact generation, growth inducement and underlying goal to provide a cross section of units in our community.
2. Designate for-sale housing units as a priority because of the overwhelming demand for these types of homes rather than rental properties.
3. Continue to work with private developers, local non-profit organizations and other interested parties to supply affordable housing.

Under "Action" items, the General Plan sets forth the city utilize the budget, among other items, to continue to offer permit fee waivers and grants to affordable housing projects and expand the current $5000 per residential unit subsidy to include city wide rehabilitation projects. At its December 19, 2002 discussion of affordable housing, present Council asked staff to determine if the waiver amount of $5000 was sufficient or should be increased.

B. The Park City Municipal Corporation Municipal Code Title 11 Chapter 12 deals with fees related to the building department. Section 13 entitled 'Exceptions" allows the Council to waive any of the fees covered in Chapter 12 without limitation.

C. The Park City Municipal Corporation Municipal Code Title 11 Chapter 13 deals with varies impact fees related to new construction. Section 4 allows for the Council waive impact fees for construction of affordable housing up to $5000 per unit.

D. The Resolution Adopting Affordable Housing Guidelines and Standards for Park City, Utah provides that the Housing Authority may provide financial assistance of $5000 per unit regardless of unit size or configuration for affordable housing developments.

MEMORANDUM OF POSITION

Park City Municipal Corporation has a long history of supporting affordable housing. Short of construction of new units by the city, the principal means of support are providing a General Plan, Land Management Code and Municipal Code that strongly encourage the development of affordable housing projects. Past and present City Councils have adopted supportive codes and policies to assure the needed focus on affordable housing. In addition to supportive codes and policies, Council can assist in creating this community need by providing land or financial assistance. In the past, loans have been provided to private and non-profit developers and building and impact fees of more than $160,000 have been waived. An Affordable Housing CIP Account has been established. This fund has been used for purchase of property by the city, loans and other means of assistance to the workforce and low- income housing projects. Presently, this fund has in excess of $500,000 and will continue to be replenished by $200,000 from the in-lieu fees for the April Mountain development, in-lieu fees from other developments, sale of the Pencnik property and Silver Meadows units and other sources.

Petitioner's project is exactly the type of development encouraged by the General Plan and contemplated by the waiver provisions of the Municipal Code. One must assume that when the code was adopted and impact fees set, waiver of fees for affordable housing were part of the formula for determining these fees since the code specifically provides for them. Petitioner respectfully requests that the requested support be provided to enable this project to be truly affordable benefiting the very low- income residents of our community.

Respectfully Submitted,

Scott Loomis
Executive Director
Mountainlands Community Housing Trust

Deer Valley Drive Project Fees

Address Permit #	Building Permits	Plan Check Fees	Bldg 1%State fee	Impact Parks open spa	Impact Public safety	Impact Streets	Water Impact Fees	Total
555 Deer Valley Drive A-1 Permit # B03-08397	1030.50	669.83	10.31	2800.00	330.00	290.00	4805.00	9935.64
555 Deer Valley Drive A-2 Permit # B03-08398	1030.50	669.83	10.31	2800.00	330.00	290.00	4805.00	9935.64
555 Deer Valley Drive A-3 Permit # B03-08399	1254.38	815.35	12.54	2800.00	330.00	290.00	4805.00	10307.27
555 Deer Valley Drive A-4 Permit # B03-08400	1254.38	815.35	12.54	2800.00	330.00	290.00	4805.00	10307.27
555 Deer Valley Drive B-1 Permit # B02-08405	1254.38	815.35	12.54	2800.00	330.00	290.00	4805.00	10307.27
555 Deer Valley Drive B-2 Permit # B03-08406	1254.38	815.35	12.54	2800.00	330.00	290.00	4805.00	10307.27
555 Deer Valley Drive C-1 Permit # B03-08407	1556.59	1011.78	15.57	2800.00	330.00	290.00	5903.00	11906.94
555 Deer Valley Drive C-2 Permit # B03-08408	1556.59	1011.78	15.57	2800.00	330.00	290.00	5903.00	11906.94
555 Deer Valley Drive D-1 Permit # B03-08403	1555.85	1011.30	15.56	2800.00	330.00	290.00	5903.00	11905.71
555 Deer Valley Drive D-2 Permit # B03-08404	1555.85	1011.30	15.56	2800.00	330.00	290.00	5903.00	11905.71
555 Deer Valley Drive E-1 Permit # B03-08401	487.50	316.88	4.88	480.00	55.00	35.00	2747.00	4126.26
555 Deer Valley Drive E-2 Permit # B03-08402	450.00	292.50	4.50				1650.00	2397.00
Total Fees By Category	**$ 14,240.90**	**$ 9,256.60**	**$ 142.42**	**$ 28,480.00**	**$ 3,355.00**	**$2,935.00**	**$ 56,839.00**	**$115,248.92**