PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 14, 2007

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the approximate times as described below on Thursday, June 14, 2007.

Closed Session – City Council Chambers
2:30 p.m. Property and litigation

Work Session – City Council Chambers
4:00 p.m. Council questions/comments
4:10 p.m. Regular meeting questions/comments
4:20 p.m. Snow removal priority service
5:00 p.m. Budget review:
Outstanding issues
Recommended action items
5:50 p.m. Break

Regular Meeting – City Council Chambers
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Resolution celebrating and proclaiming the week of June 17, 2007 as Park Silly Sunday Market Week in Park City, Utah

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 24 AND 31, 2007

V CONSENT AGENDA PUBLIC HEARINGS

1. Consideration of an Ordinance amending Title 15, Land Management Code, Title 15, Section 11-3(B), Historic Preservation Board Quorum

2. Consideration of an Ordinance approving the Roundabout Subdivision, 300 Deer Valley Loop, Park City, Utah

VI CONSENT AGENDA

1. Ordinance amending Title 15, Land Management Code, Title 15, Section 11-3(B), Historic Preservation Board Quorum

2. Ordinance approving the Roundabout Subdivision, 300 Deer Valley Loop, Park City, Utah

3. Resolution celebrating and proclaiming the week of June 17, 2007 as Park Silly Sunday Market Week in Park City, Utah

VII NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Resolution adopting revised personnel policies and procedures manual, dated July 1, 2007
(a) Staff presentation and input
(b) Consideration of approval

2. Ordinance increasing the Resort Community Sales Tax within the City of Park City, Utah from one percent (1%) to one and one-tenth of one percent (1.1%).
(a) Public hearing
(b) Consideration of approval

3. Ordinance increasing the Transit Sales Tax within the City of Park City, Utah from one-quarter of one percent (.25%) to three tenths of one percent (.30%)
(a) Public hearing
(b) Consideration of approval

4. Ordinance amending the Capital Facilities Plan, an Impact Fee Analysis, and amending Title 11, Chapter 13 of the Municipal Code of Park City, Utah setting forth the assessment and calculation of impact fees
(a) Public hearing
(b) Consideration of approval

5. Revised budget for fiscal year 2007 and the budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies
(a) Public hearing

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 06/11/07
See: www.parkcity.org

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

June 2007

21 Closed session - property
MFL- White Pine Touring demo days (amplified music)
Resolutions – adoption of final budgets for all agencies
Ordinance - deck and outdoor dining - JW

28 Closed session
Housing Authority – St. Regis affordable housing plan – work – 30 min
Resolution – affordable housing fees – work/action (30 min)
Trails Master Plan
Park City Ice Arena concession contract
Resolution – Environmental Action Plan – work/action AB
Contract with Jacobsen for construction of shell space – DG
Lease with Mountain Trails Foundation for space within Miners Hospital – AB
Lease with Arts Council for space within Miners Hospital – AB
Lease with DABC for space within 450 Swede Alley – AB
Dog Park at Quinn's Rec Complex Recommendation - MT

July 2007 – *Candidate filing window July 1 - 15*

5 **No meeting**

12 Ordinance approving a plat amendment to remove a plat note from the Parcel 2-Amended Walter Daniels Subdivision Plat, located at 615 and 621 Woodside Avenue, Park City, Utah
Relay for Life MFL
Relay for Life resolution – Susan Morrell – 645-6592

19 **Jim gone**
Closed session

26 **No meeting**

August 2007

2

9

16

23 **No meeting**
Candy gone

30 Closed session

September 2007

6

11 Primary election

13

20

27 Closed session

Pending Items:
Vertical zoning – work – JW
MOU between Park City and Summit County for Animal Control Services
Emergency preparedness – work
Solid waste strategic plan
Market analysis – Phases 1 and 2
Naming rights contract
General Plan - Park/Bonanza
Electronic voting

Tentative "no meeting" dates:
October 18
November
December 27

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 24, 2007

Work Session – City Council Chambers

Present: Mayor Dana Williams; Council members Marianne Cone; Jim Hier and Joe Kernan. Members Candace Erickson and Roger Harlan were excused.

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Chief Lloyd Evans; Gary Hill, Budget Manager; Jerry Gibbs, Public Works Director; Pace Erickson, Public Works Operations Manager; Matt Twombly, Trails Planner; Max Paap, Special Events Manager; Myles Rademan, Public Affairs Director; Alison Butz, Project Manager

1. Council questions/comments. Marianne Cone commented on the success of Bike to Work Day. She thanked Maria Barndt for landscaping the Sandridge Lots buffer strips and Zions Bank for installing curb cuts on their sidewalks. She mentioned the passing of Jack Dozier, former High School principal, from whom she learned the importance of discipline. Jim Hier also participated in the Bike to Work Day activities. He reported the Inter Agency Task Force received a presentation about wildlife migration activities and discussed growth in Wasatch County. He also noted that Gary Hill gave an excellent presentation to the Chamber Board of Directors. Joe Kernan participated in Pride in Your Park Day and thanked Maria Barndt for distributing seedlings to participants. In advance of the solid waste discussions, he disclosed he owns a recycling business. Mayor Williams reported on a recent wedding trip to Southern Utah where he ran into a number of former "Parkites."

2. Pavement management. Pace Erickson, Public Works Operations Manager, explained that the pavement management program maximized pavement life and minimized pavement costs by identifying the timeframe for appropriate maintenance based on the remaining service life. Based on the ever-increasing cost of asphalt it is important to maintain a higher service life, which will eliminate the need for repairs.

Mayor Williams commented on the incongruity of promoting walkability and bikeability versus the use of slurry seal, which creates a rough surface that is difficult for bicyclists. He suggested that Council discuss alternatives at the Visioning Session next year.

Joe Kernan wondered whether they could avoid main arteries so road riders would only be impacted on side roads, create bicycle lanes without it, or explore alternatives that use smaller gravel.

Pace Erickson explained there are different types of slurry seal, however a smaller aggregate only lasts about three years as opposed to five, so costs would be increased. He noted the aggregate is a problem the first summer it is put down. Traffic tends to push the aggregate into the asphalt and it smoothes out once the snow plows have gone over during the winter season. He indicated they could research alternative ways of applying it and noted they were going to experiment with a fog seal on some bike paths to see how well it holds up against traffic. He stressed they had tried unsuccessfully to roll freshly applied seal on Geronimo Court.

3. Backhoe report for the Main Street core. City Engineer Eric DeHaan updated Council on the public and private sector projects that will impact the Main Street core this summer. Projects include UDOT work on the Belt Route, soil removal from the Montage project in Upper Deer Valley, and numerous business and residential construction in the Main Street area.

Marianne Cone stated it would be nice if Deer Valley Drive were reconfigured to create turning lanes and add space at the edges for bicycle lanes.

4. Main Street short-term parking and deliveries. Kent Cashel, Public Works Deputy Director, explained the policy for short-term delivery zones had been in place on Main Street since 2000, and Staff has determined a need to revisit the geographic distribution of several thirty-minute free parking spots located on Main Street, Heber Avenue and Park Avenue. Staff periodically receives requests from business owners who desire to have dedicated use of parking spaces to accommodate their business. The reallocation of spaces offer a net-zero change in the total of short-term parking spaces offered on Main Street.

In addition, Staff requested that Council consider creating a pick-up/drop-off zone for non-City buses on the west side of Swede Alley an area near the compactor building. During the summer, we experience a heavy volume of buses that include Park City as a short-term tour destination. Double-parked delivery trucks often hinder transit operations in that area, and there are safety issues in terms of people backing into the traffic flow. From 12-15 spaces would be lost, however the new parking structure provides additional spaces in Swede Alley. He explained the Transit Center is at full capacity and cannot accommodate additional use by private buses.

Jim Hier commented that all buses have to come into Swede Alley now and allowing access on the lower portion, with access to exit through the transit center was appropriate. Providing a spot for loading/unloading would be a big help. Marianne Cone suggested a pick-up spot at the bottom of Main Street to accommodate tour groups walking downhill from the top of Main. Mr. Cashel stressed that Staff would explore Council's comments and noted this would accommodate a need for the summer months.

Ken Davis, HMBA President, felt it was critical not to lose any spots and suggested that Staff consider drop zones at both the top and bottom of the streets to allow flexibility. Mike Sweeney, business owner, requested an opportunity to review the report in detail with Staff since they had not had time to review it.

Mr. Cashel clarified that deliveries are not allowed in red curb zones and it was helpful to provide spaces in the nearby vicinity for business deliveries. Council members wished to have the busses turn into the transit center to exit the area.

5. Main Street commercial trash. Jerry Gibbs, Public Works Director, presented two items for Council's consideration: 1) trash removal from Main Street, formation of a Business Improvement District, and 2) storage of trashcans in Old Town.

The County will no longer be involved in commercial trash hauling effective July 1, 2007 and there will be new fees at the landfill that will increase the cost of hauling commercial trash thirty to forty percent. Staff is seeking direction for handling, at a minimum, community dumpsters located in Swede Alley (two compactors and two eight-yard containers).

In addition, the HMBA has submitted a petition, which is under review by the Legal Department, to request formation of a Business Improvement District. If it meets requirements, a 45-day period begins wherein Council issues intent to form a BID and provides an opportunity for affected parties to respond.

Mr. Gibbs reviewed options for consideration and requested short-term and long-term direction from Council. Staff can prepare an RFP for commercial trash to deal with community dumpsters, at a minimum, but allowing the City to provide commercial services to Main Street if the BID is formed. We also need to plan to provide additional short-term coverage through Allied Waste during the RFP/contract process that could be completed in August. Also, Gordon Raymond of Allied Waste has indicated they are willing to continue commercial services. They are concerned with the collection rate in community dumpsters and associated costs and need some assurance to proceed.

Jim Hier encouraged extending temporary service as we go through these changes and recommended moving forward. He favored the BID as a vehicle for accomplishing the general task.

Manager Bakaly clarified that PCMC is getting into the commercial trash business. Part of the RFP, in addition to the community dumpsters will include commercial hauling on Main Street if the BID is successful. The City will contract temporarily with Allied to ensure that the services jibe. Council members indicated they supported a BID option.

<u>Trash can time limits for Old Town.</u> Mr. Gibbs explained that Staff has received a handful of complaints over the past few years and Council has discussed the issue numerous times. Staff has advised complainants of the neighborhood process for requesting enhanced levels of service. Due to the amount of enforcement that would be required, costs could be as high as $5,000 per month. He asked Council if they wished to impose restrictions to times trashcans could be left on the street.

Joe Kernan asked the level of buy-in from neighbors to initiate the Neighborhood Enhancement Process. Mr. Gibbs explained that a petition signed by five residents begins the process, issues are identified and staff holds neighborhood meetings to determine whether there was neighborhood support. Mr. Kernan supported the concept, but needed to be convinced that the neighborhood supported the request. He suggested that a private company manage enforcement.

Marianne Cone suggested trading the big blue cans for two smaller brown cans. Mr. Gibbs explained that fees are based on the number of cans, not the volume. Mr. Raymond, Allied Waste, explained this was a unique market in Utah and the smaller bins aren't of use anywhere else. He suggested the County might buy the smaller bins and maintain ownership of them. Ms. Cone indicated she would speak to Park Avenue residents to determine their interest in enhanced levels of service.

6. Capital Improvements Budget and introduction of walkability projects. Gary Hill, Budget Manager, reviewed the upcoming budget schedule and noted Council was set to adopt the tentative budget on June 7, with final adoption on the June 21, 2007. Mr. Hill began the discussion with a presentation about revenue projections that influence the City's budget, particularly the CIP budget. The City is likely to experience a significant reduction on potential revenues due to the recent tax changes. Staff estimates that by 2012 the City will lose approximately $928,000 due to the hold harmless clause and approximately $480,000 due to removal of food from the sales tax base. With a change to the City's sales tax rate, Staff projects a loss of only ½ of that revenue and projections relative to the budget and CIP budget anticipate such an increase.

As an example, Mr. Hill referred to OTIS, the Old Town Improvement Study, which identified 21 significant projects to be completed over the course of 18-20 years. Three projects have been completed, and the 18 remaining projects, balanced with new projects are contingent upon available general fund surplus and continued growth in sales tax. Every two years the CIP Committee considers all projects, proposed as well as existing, and ranks them based on criteria, which includes Council priorities, funding availability, impact, timeline and investment. This year's committee consisted of Lori Collett, Ken Fisher, Eric DeHaan, Kathy Lundborg, Jonathan Weidenhamer, Jerry Gibbs, Stacey Noonan, and Gary Hill.

Joe Kernan wished to discuss the sales tax increase and the projected losses. He stressed that Park City had experienced amazing sales tax growth over the past five years, and it had also been good for the past 12 years. He asked why Staff had forecast a drop in sales taxes from 2007 to 2008 before the legislative change. Mr. Hill explained the sales tax model on which we base forecasts is an econometric model which takes into account not only historical information, but leading indicators. The analysis is not simply based on past trends or average growth, but changes in the economy as well as sales tax history. The model is based on past history in large part which suggests that we would see an average growth, but that average growth happens to be less than actual growth we have seen this year. He added that 2007 figures are predicted because we have two months remaining of collection. He added that the majority of our sales occur between November and March. He added the hold harmless changes have been in effect for a year. Reduced sales tax on food begins in 2008.

Mr. Hill reviewed ongoing CIP projects, including the Police Facility, Town Plaza and Shell Space, and the Marsac Seismic Upgrade. Due to rapidly increasing construction costs, budgets have been increased and he explained budgeting sources to address the increases, noting that some funding would come from sales of assets and bond proceeds. The Marsac Seismic Upgrade now includes a budget increase to reconfigure internal space to move Engineering and Planning to the main floor to create "one-stop shopping" environment. Based on the magnitude of change to the original estimate, Mr. Hier requested an analysis of the same level cost variance versus the change of scope increase. Marianne Cone suggested separating the Shell Space and Town Plaza projects, which Mr. Hier concurred was "not a bad idea."

Mr. Hill introduced the Walkability Implementation Projects. From the Landmark Study, Council identified issues that were important to solve as well and a level of service and provided direction to Staff to consider how proposed solutions affected traffic, transportation, and funding. The Walkability Steering Committee considered the issues and has identified a number of projects, including some that differ from Landmark's recommendation. On May 31st Staff will present Council with a detailed listing of recommended projects as well as timing. Some of the Committee's recommendations are different, and most are less expensive. A contingency budget has been created, in addition to the implementation and maintenance budgets, which could cover projects overruns, or fund additional projects. Staff feels they can accomplish the desired level of service more economically than Landmark's projected costs.

Mr. Hill briefly reviewed Recreation CIP Projects, including tennis bubble replacement, Quinn's Fields Phases II and II, and Ice Facility Capital Improvements. Public Works and Streets improvements include the Meadows Drive Traffic Signal, purchase of a pavement recycler, improvements to the Deer Valley Drive Roundabout, Public Works site cleanup, China Bridge improvements and cleaning equipment, as well as various water projects. Marianne Cone wanted to ensure the cleaning equipment could be used in other areas than just China Bridge.

Continuing with Other Significant Projects, Mr. Hill explained the 5-Year CIP includes an increase for reimbursement from the sale of property; Biocell Remediation includes an increase for the remediation project at the end of Poison Creek; Historic District Guidelines Update; purchase of Time and Attendance Software; and purchase of the Park Avenue Fire Station.

Mr. Hill summarized requests for the future discussions: cost variance analysis for the Marsac Building that would point out what portions of increase are related to cost of construction versus scope change; separation of shell space and plaza project; cost saving analysis on time and attendance software; sales taxes; and walkability projects.

Prepared by Sharon Bauman

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 24, 2007

I ROLL CALL

Mayor Dana Williams called the meeting to order at 6:00 p.m. Roger Harlan and Candace Erickson were excused. Jim Hier, Joe Kernan and Marianne Cone were present. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Gary Hill, Budget Manager; Alison Butz, Project Manager; Ken Fisher, Racquet Club Manager; Matt Twombly, Trails Planner; Jonathan Weidenhamer, Economic Development Coordinator; Pace Erickson, Public Works Operations Manager; Jerry Gibbs, Public Works Director

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Jim Hier commented on an e-mail regarding levels of service regarding snow removal and requested a Staff response prior to the final budget vote.

Jonathan Weidenhamer announced a public input session on Friday at McPolin Elementary regarding the school drop zone on Lucky John.

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

Puggy Holmgren urged Council to scrutinize the museum remodel. As resident of Old Town and member of HPB, she had many questions about it and felt it was not acceptable.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 10, 2007

Marianne Cone, "I move approval of Work Session Notes and Meeting Minutes of May 10, 2007". Jim Hier seconded. Motion unanimously carried.

VI CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

1. Consideration of an Ordinance approving the Roundabout Subdivision, 300 Deer Valley Loop, Park City, Utah **(motion to continue to June 14, 2007)**
Marianne Cone, "I move to continue Consent Agenda Item 1 to June 14, 2007". Jim Hier seconded. Motion unanimously carried.

2. Consideration of an Ordinance amending Title 4 of the Municipal Code of Park City Utah regulating liquor-licensed establishments - Jon Weidenhamer read minor revisions to the Ordinance into the record. Section 4-5-1 would be amended to include, "No Beer license shall be issued for any Private Club or Bar in the HCB District or HRC District, unless the general public may join the club, either as a member or visitor, and the cost of that membership or visitor card is not more than $50.00"; and, 4-6-1 would read, "No Liquor license shall be issued for any Private Club or Bar in the HCB District or HRC District, as described in Sections 4-6-2 and 4-6-3 unless the general public may join the

club, either as a member or visitor, and the cost of that membership or visitor card is not more than $50.00."

The general intent of the ordinance is to assure that private clubs, bars and restaurants on Main Street would allow public access at all times. He explained the $50 fee was based on double the average of the norm of general Main Street fees. City Attorney Mark Harrington emphasized this addressed temporary visitor cards as well as annual membership cards and did not prevent private events such as fund raisers.

Mayor Williams questioned the need to include a specific fee. Attorney Harrington expressed concern that unless it included a cap, exorbitant fees, or fees attached to private home ownership, could be charged and this was the safest way to ensure public access. He explained we were not interfering with the State definition of a private club, we are just addressing local consent for clubs within a limited area.

Mayor Williams opened the public hearing.

Mike Wong, Main Street businessperson, understood it could be beneficial for the Main Street district and it was important to place a cash limit so portions of the population were not excluded. He supported the changes and encouraged Council to prevent loopholes in the ordinance.

Mike Sweeney, speaking on behalf of the HMBA, his tenants and himself. He expressed concern about the wording to prevent loopholes. He did not want to preclude businesses that collect cover charges to pay for performing groups. He was supportive of Council's consideration of the changes.

John Burdick, director of restaurants for Sky Lodge, opposed including the cost of membership in the ordinance changes.

Attorney Harrington emphasized this ordinance would not regulate cover charges nor special event ticket prices. This ordinance is most defensible if we follow the state regulatory categories and not attempt to distinguish differences in membership types. Jim Hier commented this was a great first step in trying to ensure the viability of Main Street and encouraged Staff to consider additional measures to help maintain that economic viability.

With no additional input, the Mayor closed the public hearing.

VI CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and* discussed *and acted upon under "Additional Discussion – Agenda Items")*

Mayor Williams mentioned he had discussed landscaping, xeriscape and drip irrigation methods with Matt Twombly, and felt it would be good to include that information in Staff Reports so the public knows we are doing that.

Manager Bakaly clarified a revision to Consent Agenda Item 3, which deals with affordable housing. Any affordable housing projects the City does would comply with energy savings and certification standards. Marianne Cone asked for a clarification of differential pricing. Alison Butz explained it was a description for pricing differences between costs of standard construction method opposed to alternate methods, i.e., the cost of a sod roof for the shell space is $80,000 versus a standard membrane roof that costs $20,000.

City Attorney Harrington requested they insert “annual” and “temporary” membership language in Item 1.

Jim Hier “I move approval of Consent Agenda as modified and corrected by the City Attorney and the documents issued supplemental to the packet that Council received”. Marianne Cone seconded. Motion unanimously carried.

1. Ordinance amending Title 4 of the Municipal Code of Park City Utah regulating liquor licensed establishments – See Staff Report and discussion in Work Session

2. Award of a Construction Contract, in a form approved by the City Attorney’, to Action Snowplow and Lawn Care Inc., in the amount of $45,876 for the Quinns Junction Recreation Sports Complex – See Staff Report

3. Resolution adopting green high performance building requirements for all new or renovated public buildings, owned and controlled by Park City, Utah and allocation of 4% maximum additional budget to achieve higher levels of certification and promote energy efficiency and sustainable design – See attached Resolution and Staff Report

VII NEW BUSINESS

1. Consideration of acceptance of the 2007 Pavement Management Plan, authorizing the City Manager to enter into an agreement, in a form approved by the City Attorney, with: a. Kilgore Paving for pavement overlays in the amount of $ 289,203; b. Intermountain Slurry Seal for slurry seals in the amount of $111,005; c. Kilgore Paving for crack seal in the amount of $71,760; and d. CTS Utilities for utility adjustments in the amount of $34,800. – See Staff Report and Work Session Discussion.

Council Members had no questions and there was no public input.

Joe Kernan, “I move approval of acceptance of the 2007 Pavement Management Plan” . Marianne Cone seconded. Motion unanimously carried.

VIII OLD BUSINESS *(pending items that have been continued from a previous meeting)*

1. Consideration of a Resolution adopting a Joint Use of Facilities for Recreation Inter-local Agreement between Park City School District, Snyderville Basin Special Recreation District, and Park City Municipal Corporation - See Staff Report

Marianne Cone, "I move approval of a Resolution adopting the Joint Use of Facilities for Recreation Interlocal Agreement" . Joe Kernan seconded. Motion unanimously carried.

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

Marianne Cone expressed confusion about the Museum expansion review process. Because the Historic Preservation Board lacked a quorum, the design review was continued for two weeks. The Planning Commission approved the Conditional Use Permit by a 3-2 vote and two members were absent, one of whom submitted a letter of opposition to the project.

City Manager Tom Bakaly explained that Council could call up the CUP if they wished. The design review was being conducted by the Historic Preservation Board at Council's request since it is a City-owned building. City Attorney Harrington clarified that an appeal of the design review process would go through Board of Adjustment. Project Manager Alison Butz clarified that design review was typically conducted following the CUP approval in case mitigation issued needed to be addressed.

Mayor Williams asked if Council wanted to call up the CUP approval granted for the Museum expansion. Although Marianne Cone wanted to call it up, neither Jim Hier nor Joe Kernan wished to call it up at this point. City Attorney Harrington clarified there was a 15-day appeal period, during which the action could be called up by City Council or appealed by the public.

X PUBLIC HEARING ON BUDGET

1. Revised budget for fiscal year 2007 and the budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies – See Staff Report and Work Session Discussion.

Mayor Williams open the public hearing, which was continued without any input.

XI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned at 6:45 p.m.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney., Tom Daley Assistant City Attorney; Myles Rademan, Public Affairs Director; Dave Gustafson and Alison Butz, Project Managers; Jonathan Weidenhamer, Economic Development Coordinator. Joe Kernan, "I move to close the meeting to discuss property". Jim Hier seconded. Motion carried unanimously.

The meeting opened at approximately 3:00 p.m. Joe Kernan, "I move to open the meeting". Marianne Cone seconded. Motion carried unanimously.

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 Sharon Bauman.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 31, 2007

Present: **Mayor Dana Williams; Council members, Marianne Cone; Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Linda Tillson, Library Director; Gary Hill, Budget Manager

Planning Commissioners Evan Russack, Michael O'Hara, Charlie Wintzer, and Julia Petit

1. Council questions/comments. Joe Kernan discussed consideration of a number of changes to the budget policy, and distributed his written comments. He asked for input on whether the budget committee or CTAC look at it first. There was consensus to address this topic during the regular meeting, under *Additional Discussion.* He pointed out the growing number of complaints about traffic and suggested exploring constructing tunnels into town. Marianne Cone stated that Vail has talked about tunnels for years, but has never proceeded because of the significant expense. Eric DeHaan stated that he will meet with Mr. Kernan. Roger Harlan distributed gifts he acquired in China to fellow Council members and reported on Beijing's progress in preparing for the Olympics. Candace Erickson provided an update on ULCT business, specifically regarding water applications and land use. The big issue for Park City is potential legislation removing the remainder of sales tax from food. She spoke about consideration of voting by mail, creating voting centers and combining municipal, state and federal elections. The ULCT is compiling a variety of statistical information on cities for on-line use by members. Marianne Cone encouraged the installation of bike racks at all City facilities. Jim Hier reported on meetings, including the joint traffic committee, special service contract committee, and Park City Heights task force meeting. He explained the request to convert the project's affordable housing density into 2,000 square foot unit configurations. This will result in less than 219 units because an affordable housing unit equivalent is defined as 800 square feet. Mr. Hier asked that Council members think about this and get back to him. Discussion ensued on current affordable housing obligations. Mayor Williams reported that he met with the Air Force during the week.

Linda Tillson, Library Director, announced that *Water for Elephants* is the selection for the *One Book Program*. She felt the messages conveyed in the book are pertinent to the community and encouraged everyone to participate.

2. Review of regular meeting. There were no comments or questions.

3. Budget overview – walkability and water projects; outstanding issues. Gary Hill reviewed the budget calendar. Through illustration of a PowerPoint presentation, Mr. Hill discussed sales tax information which was also shared with the Chamber/Bureau. The state sales tax, resort communities tax, and mass transit tax will change on January 1. He explained that two years ago the legislature modified the sales tax distribution formula to 50/50 population and point of sales and Park City was *held-harmless* and able to keep 75% of our 1% local option tax which is no longer effective. This results in collecting only $.61 on every dollar of sales tax revenue. Additionally, the state removed food from the base of the resort and transit taxes which affects the funding of capital projects and the Transportation Fund. Foregone revenue from the hold harmless projected to 2012 represents about $930,000 and he pointed out that lost revenue from sales tax on food is about $500,000 annually, for a total impact to the City of $1.4 million by 2012.

The legislature understood there would be negative impacts and authorized cities to increase the transit rate up to .05 and the resort rate by.1, rather than enacting increase for these taxes itself. It is important to note that the state rate dropped by .1% to help offset the increases adopted by municipalities. Mr. Hill explained that if Park City increased our sales tax by the authorized .5%, there still would be lost revenue, but would allow us to collect back approximately $500,000 to $700,000 by 1012. In essence the state rate goes down by 1/10th of a cent; the resort tax is increased by 1/10th of a cent for a wash and the transit tax goes up by .05 for a total sales tax increase from 7.35% to 7.4%. There will be no change to the transient room tax or restaurant tax rate. By way of a graph, he illustrated impacts if an increase is not imposed and emphasized that this proposal would affect the average winter visitor by $.19 per day and summer visitors $.13 per day. Assuming a tax increase, Mr. Hill compared the new rate with rates from similar communities, where Park City is in the middle and its place remains the same. Bill Malone, Executive Director of the Chamber/Bureau relayed that this increase would not negatively impact our competitiveness with other resorts. Joe Kernan suggested increasing the tax total by 1% rather than 1.5%, which was calculated by staff in the meantime. Gary Hill continued that the impact to residents would be about a $36 savings per year per average residence. With the tax increases, residents will save about $25 per year.

Mr. Hill stated that sales tax is used to fund capital projects like OTIS, where the average annual debt service payment is about $1.3 million. This number is pretty close to what staff believes the City will lose. He illustrated the impact of losing sales tax dollars over time, which will shift debt service payment through property taxes costing residents more per year than the proposed increase in sales tax. The average second property valuation determined at $650,000 was discussed and explained, specifically the variety of housing stock. The methodology for calculating primary and secondary property owner numbers was discussed and Gary Hill emphasized that impacts would affect people differently and there are a number of ways to present the information. Actual property tax rolls were used from Summit County. In summary, the Budget Manager stated that staff recommendation is to increase the resort tax from 1% to 1.1%;the transit tax from .25 to .5; and with the state's decrease from 4.75% to 4.65% for a total tax increase of .05%.

In response to Mr. Kernan's earlier question about lost revenue if the tax were raised to only 1%, Gary Hill explained that the loss is estimated at about $300,000 per year. Bonding debt service was discussed. Ms. Erickson explained that she was against the sales tax increase, until she understood that shifting the burden to property taxes would be a greater negative to citizens. Mr. Hier strongly believed that the recommendation should be implemented as it may be likely that another sales tax change will be enacted by the legislature. Basing this decision on inconveniencing merchants to program their registers is not a good decision, and it is prudent to proceed with the adjustment now. Joe Kernan felt that reprogramming efforts may not be the most important reason and strongly felt the rate should be set at 1% not 1.5%. Roger Harlan believed that the small increase in sales tax will be accepted by the community, because of the number of successful projects shepherded by the City. Jim Hier expressed that this will affect visitors to a greater extent than residents. Marianne Cone relayed her support. Joe Kernan emphasized that sales tax revenues have been underestimated over the years, and believes this will occur again this year. Ms. Erickson stated that she agrees that the City has done very well over the last four years, but the trend will not go on forever. She believes it is better for cities to operate conservatively; her goal is not to increase property taxes, while paying off debt service. In her mind, this is best option for local taxpayers. She would have significant concerns if the City ran to the dollar each year. The Mayor relayed that the majority of Council concurs with the recommended 1.5% increase.

With regard to the pay plan, Mr. Hill explained that bench marks and job descriptions are analyzed, a recommendation for modifications from the committee is forwarded to the City Manager and then to the City Council. He emphasized that positions are being reclassified, not individuals and increases for employees are not automatic. Mobility is based on performance and policy. Mr. Hill explained the history of the methodology for compensating the Mayor and City Council which was implemented in 2003. The City's intent in benchmarking employee positions relates to competing in the market, which is not the case with elected officials. The goal of the task force was not to find a level of compensation for elected officials to be competitive, but to identify a consistent methodology for setting compensation consistent with other similar cities. A peer group of resort communities was established and compensation was set from the average of the top five. In 2004, the Council expanded the list to include the Wasatch compensation group used for the pay plan where the average of the top five is applied. He explained that if a position is 5% below market or more, it will be adjusted but this hasn't been applied to the compensation for the Mayor and Council. There is no pay grade to move elected officials into so stipends were moved to the 5% dollar amount. This is the primary difference between the two plans but Park City numbers are included in both comparison groups.

Jim Hier explained his concern. Because Park City is included among the top five, only four cities are compared, which is inappropriate. Park City should be compared to the top five and there should be consideration of whether this method is used for the entire pay plan. He recommended that Park City numbers be excluded and if the Mayor's and/or Council's compensation drops below the 5% threshold, an adjustment is made. If stipends fall within the 5%, no adjustment is made. Gary Hill explained that the compensation level that works for attracting and retaining employees is the average of the top five communities. Staff feels confident with this methodology because of the actual level of turn-over and responses from employee satisfaction surveys. The employee position peer group is compared as a group as opposed to against a group, and including Park City makes more sense for this analysis than for elected officials. When staff analyzed the pay plan without the inclusion of Park City this year, the impact was negligible. Candace Erickson agreed with Jim Hier's comments about elected officials, and supports adjustments outside the 5%. Joe Kernan commented that we have to prove that we're *the best managed resort town* over time in order to justify the levels of compensation paid. He asked for data supporting turn-over rates over the past two years. Mr. Hill clarified that staff has been compared to the average of the top five for at least eight years. What has changed is the reclassification threshold, which was closer to 14% or 15%, and is now is within 5%. Mr. Hier noted that as Park City moves closer to the top five, the impact will be greater, however, he didn't feel that any changes should be made to the pay plan at this time, but as we go forward that his recommendation be considered. Mayor Williams stated that he has personally witnessed less turn-over, especially in the Police Department.

Gary Hill stated that consistent with Council direction from May 24, staff reviewed all of the recommended project solutions for each issue against traffic and transportation funding, timing with other City projects, and challenges within the footprint and altered some of the recommendations. The majority remains the same as the Landmark recommendations but some differ and are identified in the staff report. On May 24, staff received direction on Bonanza Drive to include improvements with the road construction, and an RFP has been advertised for design services. The amount budgeted reflects what the consultants recommended for the solution, but as the process unfolds, staff will return with refinements. The cross-walk at SR248 and the hawk beacon signal requires UDOT approval which may take some time, but staff is hopeful it will be installed by the fall. Jim Hier spoke about enforcing jay-walking and educating the public about impeding the flow of traffic. Jon Weidenhamer stated that immediate walkabilitly projects include the less-expensive intuitive improvements. Landmark recommended one-way on Wyatt Earp and Buffalo Bill and staff would like to study this further from a public safety standpoint and there are other Prospector neighborhood requests in the process. Candace Erickson suggested that there be a contingency fund for eminent projects that may arise between budget cycles. Mr. Hill added that the recommendation from the group is to budget projects in the budget as placeholders. This year, parking would be removed from one side of Comstock and next season, a sidewalk would be installed with the stop light. Widths of and riding bicycles on sidewalks were discussed. Joe Kernan shared data he collected about the varying widths of sidewalks throughout town. Mr. Weidenhamer pointed out that the trails master plan identifies general standards for separate multi-use paths at eight feet. Matt Twombly added that generally sidewalks are five feet wide at a minimum but can be wider depending on the level of use. Options can be developed to design individual projects and the contracts will come before Council. Gary Hill stated that in order to identify projects and bid them out together, construction is contemplated next year

Mr. Hill pointed out that four countdown timers and the installation of signs to direct people to the bike path from Park Avenue are recommended. Discussion ensued about inadequate sections of sidewalks to connect to the system and designing for parking lanes and bike paths. Mr. Hill reported that the City received a grant for the sidewalk at The Yarrow. The objective of the walkability study is to determine how best to use funding throughout town. Last week, the work session discussion focused on transportation, timing, and footprint recognizing the needs of the walkability study including safe and connected routes. The Landmark study recommended adding a five foot wide sidewalk on the grassy side of the gutter along Little Kate to Lucky John to the school drop-off zone at a cost of about $325,000. Staff recommends a five foot sidewalk from Holiday Ranch Loop to the Racquet Club on the grassy side of the gutter which takes advantage of the existing sidewalk, allowing people to connect to the school drop off zone. This option is based on a number of reasons but primarily pedestrian counts. For instance, the Kearns Blvd and Comstock areas experience two to three times the level of activity than Little Kate at peak times. There are 10,000 more average daily trips in the Kearns Blvd area than Little Kate. In addition, traffic data suggests that there is not a great safety concern on Little Kate, requiring a separate bike path, especially relative to other projects. The four primary project areas include Park Meadows/Little Kate; Bonanza, Prospector, and the rest of the City which represents connection pieces. The money is split pretty evenly between the groups with about $240,000 in Park Meadows, $260,000 in Bonanza, $380,000 in Prospector and $120,000 for the remainder of projects. Staff feels that this plan addresses immediate safety needs to provide a safe route to school from the neighborhoods. This is an incremental approach which doesn’t preclude the City from extending the sidewalk, if the need should arise, and minimizes disturbance to landscaping. Also, neighborhoods could proceed with forming a special improvement district, if desired. Mr. Hill explained that staff realized that projects could not be started this year and completed before the winter. Jim Hier added that the School District will finish the school drop off zone and bus shelter before school begins next fall. There was discussion about neighborhood meetings on these projects. Roger Harlan commented on his support of an incremental approach because it provides an opportunity to evaluate the overall plan. Jon Weidenhamer pointed out budgeting $30,000 annually to cover operations and maintenance of added walkability projects. Joe Kernan supported the approach of spreading improvements throughout town, and recognized that walkabilitly is a high priority among citizens. He expressed concerns about the Little Kate solution working and suggested widening the sidewalk design to encourage kids to bike to school. Candace Erickson pointed out the need to re-crown Little Kate and believes that Little Kate is dangerous for kids to walk and bike to school. She personally believes that the road should be done right, recognizing the significant expense. Installing a sidewalk in the allotted space will place the fence within ten feet of someone’s window at the Racquet Club Condominiums. Discussion ensued on re-crowing the street at an estimated $1.5 million and options with regard to the width of the sidewalk. Jim Hier stated that he has a problem spending $1.5 million on one street for a sidewalk that transitions back to the same alignment and favored an incremental approach. Joe Kernan suggested that the sidewalk be at least six feet wide and Ms. Erickson pointed out that there is not enough room. Jon Weidenhamer added that the right-of-way limits the width to five feet. Mr. Hill understood consensus supporting staff's recommendation to move forward; Council members agreed.

Mr. Hill relayed that public safety retirement costs have been increasing for a number of years, and it is about double for police than other positions. Similarly, workers compensation and dental costs are also increasing, representing about $260,000. Staff is recommending funding increases incrementally with a $130,000 increase in 2008 and $130,000 in 2009. The pay plan technical committee is recommending moving the Deputy City Attorney up one grade, representing $8,000.

4. Joint review with Planning Commission – vertical zoning. Jon Weidenhamer explained that vertical zoning is intended to provide control to the City with regard to the mix of uses buildings on historic Main Street and is consistent with the Economic Development Strategic Plan. There have been concerns expressed about the proliferation of real estate offices on the street, and he referred to studies performed in 2002 and 2006. Staff believes that perhaps this is more of a perceived threat than real because the number of offices has decreased from 2002 to 2006. Office use represents 8% of the available storefronts on Main Street and this translates into foregone sales tax revenue of about $30,000 annually. During the 2006 Visioning Session, the City Council introduced a new goal of community sustainability balancing economy, quality of life and the environment. At the April 5, 2007 joint session, direction was given to staff to compare data from other cities and Mr. Weidenhamer contacted the Colorado Association of Ski Towns. Additionally, staff was asked to formulate legislative remedies to manage use mix, specifically private residence clubs and on May 24, 2007, the City Council adopted an ordinance regulating private clubs to ensure accessibility to visitors and residents. He asked if Council desires pursuing further regulations by prohibiting offices and/or private residence clubs on the street level. Joe Kernan stated that he was pleased to learn that peer communities are also considering the vitality of their downtowns. He felt real estate offices detract from the street, but at the same time there should be a balance with regard to property rights. Jon Weidenhamer added that some people feel that real estate offices are not a bad thing on Main Street if they contribute to the sales of second homes, for instance. Jim Hier recommended that use criteria be tied to sales tax generation and that existing offices be grandfathered; he asked whether Swede Alley properties should be included.

Planning Commissioner Michael O'Hara suggested clearly stating the problem and defining a target goal (i.e., number, percentage, and/or square footage on Main Street). A conditional use permit could be required for non-retail businesses which could be accomplished through an overlay zone. Jim Hier stated that he doesn't favor implementing an arbitrary percentage for retail and suggested allowing only sales tax generators on the street level on Main Street. He doesn't believe there is a problem now, but feels this approach is proactive to ensure the vitality of Main Street. Charlie Wintzer agreed with Mr. Hier and pointed out the significant expense in building and managing parking in the downtown core which was never contemplated for supporting office use. The easiest thing to do is the best thing and conditional uses are not always straight-forward. Julia Petit agreed with previous comments and felt it would be extremely difficult to arrive at a percentage and manage it. She agreed with controlling use on the street level with a policy developed by the Legal Department supporting the City's control of a land use right, rather than imposing an arbitrary formula. Evan Russack expressed that he personally would like all of the real estate offices off of Main Street and whatever can be done to move forward is a step in the right direction. He discussed the possibility of appropriate non-sales tax generating operations being overlooked. Candace Erickson emphasized that a conditional use is described as an *approved use* unless it is proved it can't be mitigated. This is where the application of the conditional use permit process becomes an issue for her. Mr. O'Hara explained that the conditional use permit would only be workable if there is a target or standard. Roger Harlan stated he liked the sales tax generating criteria; more retail would make Main Street more diverse, acknowledging that high rent may drive certain uses like restaurants. Mayor Williams countered that the limitations of many historic buildings preclude restaurant use as a practical matter and he didn't feel this will potentially become problematic. Jim Hier discouraged regulating the types, numbers and mix of businesses on Main Street which is driven by the market. He pointed out that the museum is not sales generating, but belongs on Main Street and there may have to be a provision addressing these circumstances. He expressed concern that crafting conditional use criteria may become complicated. All members of Council and the Planning Commission in attendance agreed on pursuing a vertical zoning ordinance.

Charlie Wintzer agreed with Mr. Harlan about the impacts of artificially high rents and felt that limiting use will keep the market more level. Mayor Williams stated that he doesn't want offices in storefronts and/or private residence clubs and supports moving ahead with an ordinance regulating at least the street level. It should include Swede Alley as well. Michael O'Hara reiterated his first comment about identifying a target and proceeding with a simple solution. He feared that criteria will be a challenge to apply if it is too complicated. Mark Harrington understood direction to be to explore the feasibility an ordinance, restricting office use because it doesn't generate sales tax and consideration of exemptions for public safety, non-profits, etc. Evan Russack stated that he agrees that private residence clubs should not be allowed in storefronts and suggested considering an economic development program to promote diversity of businesses. Discussion ensued on definitions and Mark Harrington pointed out the importance of consistency with terms in the land use table. There was discussion of including the plaza area and a portion of Park Avenue and adjacency to a public right-of-way. Jim Hier pointed out commercial uses being allowed in historic buildings in the overlay zone if qualified under the preservation incentive program. Candace Erickson commented on the significant sales tax generated by Butchers on Park Avenue. There was consensus that an economic development program for incubator businesses on Main Street is a separate topic and the ordinance on vertical zoning should be the focus. The City Manager referred to Option A in the staff report as summarizing direction and pointed out that vertical zoning will be reviewed by the Planning Commission as early as June 13.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 31, 2007

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, May 31, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Lloyd Evans, Chief of Police; David Beavers, Police Officer; Katie Cattan, Planner, and Gary Hill, Budget Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan thanked Council for its discussion on sales tax demonstrating its strong commitment to what is best for the community.

Swearing-in of Police Officer David Beavers – Chief Lloyd Evans introduced Officer Beavers and the Mayor administered the oath of office.

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

Snow removal service level – Alex Butwinski, Ashley Court, referred to conversations and an email he sent Council members on snow removal and warned that because the City doesn't receive a lot of complaints about snow removal doesn't mean that everyone is satisfied, especially those living on cul-de-sacs and Priority 3 streets. He acknowledged the cost limitations of providing Priority 2 level service everywhere, but he pays high taxes as do his neighbors. Some cul-de-sacs were only cleared last year immediately preceding a storm which is unacceptable. He spoke about the Council balancing priorities and it may be that the City needs a better defined service level and a method to measure it. He felt Council will find a fair amount of public support for dealing with this issue now. Mr. Butwinski urged consideration of adequate snow removal in cul-de-sacs as a top priority. Jim Hier agreed with Mr. Butwinski that there should be an effective way to track performance as defined and the City will follow-up. There was detailed discussion about how cul-de-sacs are addressed. Mr. Butwinski referred to the November staff report describing an option of clearing cul-de-sacs with front end loaders which very expensive and unneeded but there may be other solutions.

Tom Bakaly emphasized that the discussion contemplated on June 14 is how staff is implementing Council's policy direction as opposed to revising snow operations. There was discussion about staff looking at Ashley Court in the meantime. Alex Butwinski felt that aside from methodology questions, the lack of snow plowing for 24 hours when there is a foot of snow on the street needs to be examined. He explained his extensive management background and volunteered to review operations with staff, if desired. Joe Kernan suggested that staff might be able to come up with some numbers for an additional swath, and the City Manager strongly warned that this is turning into an operations policy discussion. Cul-de-sacs are a lower priority and if there is desire for a snow removal standard less than 24 hours, it is a service level discussion, which was agreed upon by members in November. Mr. Bakaly believes Mr. Butwinski's concern to be how staff is implementing Council's policy, which will be the update. Mr. Butwinski felt provisions in the Ordinance are very confusing and unclear. Joe Kernan pointed out that Priority 3 includes a number of streets in town, not just cul-de-sacs. Discussion ensued between Council members Kernan and Hier about ensuring delivery of the defined level of service. Alex Butwinski noted that the priority levels were established 20 years ago and the town has dramatically changed. All streets should be cleared in a timely manner.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 17, 2007

Roger Harlan disclosed that he will not be voting, as he was not in attendance. Marianne Cone, "I move that we accept the work session notes and minutes of the meeting of May 17, 2007". Candace Erickson seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Abstention
Jim Hier	Aye
Joe Kernan	Aye

V CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

1. Consideration of an Ordinance approving the 621 Woodside Avenue plat amendment **(motion to continue to July 12, 2007)** – The Mayor requested a motion to continue. Roger Harlan, "I so move". Marianne Cone seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Abstention
Jim Hier	Aye
Joe Kernan	Aye

2. Consideration of an Ordinance amending the Park City Municipal Code Title 3, Chapter 3, Campaign Disclosure Amendment – City Attorney Mark Harrington explained that this amendment reflects changes to the state code, clarifications, and the removal of a reporting period. Candace Erickson suggested striking the word "*second*" in the new Paragraph C because it is somewhat confusing, and members concurred. The Mayor opened the public hearing and with no comments, closed the hearing.

3. Consideration of an Ordinance approving the 2036 Prospector Condominiums plat located at 2036 Prospector Avenue, Park City, Utah – Katie Cattan explained the application which is compliant with the Code, and the Planning Commission forwards a positive recommendation. There was no public input at that time and she urged approval based on the Ordinance. The Mayor opened the public hearing and with no comments from the audience, closed the public hearing.

4. Consideration of an Ordinance approving the 260 Main Street Subdivision combining portions of Lots 14 and 15 of Block 70 and portions of Lots 14 and 15 of Block 21 of the Park City survey into one lot of record, Park City, Utah – Katie Cattan explained that the City received an application to combine these lots into one lot of record, consisting of 3,514 square feet. The lot is currently vacant. The Planning Commission forwards an unanimous positive recommendation and there was no public input. In accordance with the Streets Master Plan, the City Engineer required the applicant to modify the original application to dedicate a street right-of-way adjacent to Swede Alley. The Mayor opened the public hearing, and with no comments, closed the hearing.

VI CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and* discussed *and acted upon under "Additional Discussion – Agenda Items")*

Joe Kernan, "I move we approve Consent Agenda Items 1 through 3 (Item 1, as corrected)". Marianne Cone seconded. Motion unanimously carried.

1. Ordinance amending the Park City Municipal Code Title 3, Chapter 3, Campaign Disclosure Amendment – See staff report and public hearing.

2. Ordinance approving the 2036 Prospector Condominiums plat located at 2036 Prospector Avenue, Park City, Utah - See staff report and public hearing.

3. Ordinance approving the 260 Main Street Subdivision combining portions of Lots 14 and 15 of Block 70 and portions of Lots 14 and 15 of Block 21 of the Park City survey into one lot of record, Park City, Utah - See staff report and public hearing.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

Consideration of budget policy amendments – See work session comments. Mr. Kernan referred to the written material he shared with members earlier and asked for direction on who should first review it, staff, Council, budget committee, and/or CTAC, etc. He explained that his concepts relate to a long-term goal, and not reflected in this budget. Mr. Hier understood his request to be to discuss on-going refinements to the budget process and he didn't envision this taking staff time. Gary Hill explained that budget policies will be discussed on June 14. Joe Kernan noted that the work session on his suggestions could occur after the adoption of this budget.

VIII PUBLIC HEARING ON BUDGET

Revised budget for fiscal year 2007 and the budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies – The Mayor opened the public hearing. With no comments from the public, the hearing was closed.

Budget Manager Gary Hill emphasized that next week the tentative budget will be before the City Council for action. This document contains the walkability recommendations discussed earlier. Tom Bakaly explained that state law mandates that a tentative budget be adopted by next week and available for review by the public ten days in advance of action on the final budget.

Joe Kernan encouraged staff to look at varying widths of pathway between Park Avenue, Kearns Blvd., and Deer Valley Drive (Squatters area) to determine if the route is adequate for biking. Jon Weidenhamer noted that this was never identified as a concern by the public and as a result, no capital funding was allocated toward it; but staff will look at it again to see if there is a solution. There may be some available funding in the operations/maintenance budget. Marianne Cone again brought up the poor condition of the underpass to the Farm which will also be addressed by staff. Adding lights on Iron Horse and Kearns Blvd. was requested by a number of members and maintaining a contingency fund for safety needs that may arise from time to time.

IX 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 1 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Alison Butz, Project Manager; Jon Weidenhamer, Project Manager; Mike Lennon, Building Maintenance Manager; and Jerry Gibbs, Public Works Director. Jim Hier, "I move to close the meeting to discuss property". Candace Erickson seconded. Motion carried unanimously. The meeting opened at approximately 2 p.m. Roger Harlan, "I move to open the meeting". Marianne Cone seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

DATE: June 14, 2007
DEPARTMENT: Public Works
AUTHOR: Pace Erickson, Operations Manager
TITLE: Snow Removal Operations Discussion
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Review information provided by Staff as to the Park City snow plan and current snow removal standard contained in Municipal Code Section 14-4-3. Evaluate information regarding performance standards and how Staff is implementing those standards.

DESCRIPTION:

Topic Snow removal standards information discussion

Background

Park City Snow Removal Plan Objectives
Developing an efficient and effective snow removal plan is critical to keep roads clear of snow and ice. The plan considers many variables, such as personnel, equipment, scheduling and callout procedures, and establishes performance standards. A formal snow removal plan has been the normal mode of operation for most, if not all, municipalities involved in snow removal. The objectives of Park City's plan include:

- Establish strategies that help maximize productivity, identify resources, priorities and responsibilities while meeting the needs of the community.
- Create a set of guidelines based on the priority sequence to provide safe, efficient transportation in all weather conditions for the health and safety of residents and guests.
- Provide access to commercial and recreational areas and especially for emergency vehicle access throughout Park City.
- Balance public safety priorities with costs, efficiencies and the needs of the citizens and visitors.
- Establish guidelines for determining an effective level of service to be provided based on an acceptable budget.

- Improve public transportation and the safe flow of traffic.
- Provide the most benefit to the greatest number of residents / guests.
- Establish areas of responsibility and priority for service.
- Identify when operations will begin and the measurements to judge the success of the program.
- Establish a methodology for snow emergency procedures
- Consider environmental impacts associated with the use or limited use of de-icing materials.
- Account for new development.

How a storm arrives, deposits its snow and ultimately clears is another factor in determining the appropriate steps taken to remove the snow. In general, a small amount of heavy wet snow over several days will require more resources and time to remove than a heavy snowfall of dry powdery snow overnight. Therefore in providing snow removal services staff has to be extremely flexible in its response to provide the best service possible in changing weather conditions.

November 9, 2006 Service Level Discussion
In November of 2006, staff presented City Council with an option to increase services to priority 3 streets. See (Attachment A) for the minutes of the November 9, 2006 City Council meeting.

- Staff recommended City Council not increase the level of service at that time.
- Council elected to leave the service level as it is and discuss this issue at their visioning session after the first of the year.
- Council discussed snow removal service levels at the visioning session and reaffirmed current service levels.
- Council did not give staff direction to include and staff did not forward a budget option to increase snow removal service levels.

Analysis

Performance Measurements
Staff has reviewed snow removal standards set forth in the municipal code. The current budgeted snow removal plan allows staff to meet the standard called out in the snow removal standards ordinance.

City Ordinance 14- 4- 3
SNOW REMOVAL STANDARDS” *Regular and adequate snow removal service" shall mean that snow shall be cleared from the roadway to a width of twenty feet (20') within a period of eight hours from the end of each snow storm which deposits an accumulation of four inches (4") of snow or more. It shall be unlawful to permit an accumulation of more than four inches (4") of snow to remain on a private street for more than eight (8) hours from the end of each storm.*

The standard which staff uses as a performance measure is to have snow removed from City streets gutter to gutter within 16 hours after a storm. This in no way reflects differently on the 20 feet within 8 hours after a storm as called out in ordinance 14-4-3. However, it is an additional measurement which staff uses to achieve several things over and above the 20 foot wide in 8 hours standard. They include:

- Provides a wider roadway for vehicle traffic
- Reduces congestion
- Achieves more efficient and convenient on street parking
- Improves pedestrian flow in areas without sidewalks
- Creates snow storage for subsequent storms

In 98% of cases during sustained heavy snowfall, snow is removed to a minimum of 20 feet within 8 hours of the end of the storm and all roadways are clear of snow within the standards of the ordinance after short duration storms. In 98% of cases roadways are cleared gutter to gutter within 16 hours after a storm.

Winter Snow Operations Performance Standard

		Goal	1st Half	Overall
Percentage of roads plowed gutter to gutter within 16 hours after a storm.	2004	100%		90%
	2005	100%	100%	95%
	2006	100%	98%	98%
	2007	100%	98%	98%

Please note that staff interprets “after a storm” as the end of a snowstorm event, which could mean the last storm in a series of storms.

Flexibility in the plan

In providing snow removal services, staff needs the ability to be extremely flexible in its response to provide the best service possible in changing weather conditions. The below table demonstrates the variability in snow conditions and the effort placed in hauling snow from year to year. Placing too stringent of standards in the snow plan will restrict the ability to remove snow in the most efficient and effective manor.

Citizen Request

Staff met with Mr. Alex Butwinski on May 14, 2007 to discuss his concerns regarding snow removal and the three priority sequence snow removal program. On May 24, 2007 Mr. Butwinski sent City Council an email requesting Council consider increasing the level of snow removal on priority level III streets and asked that three questions be addressed. In response to Mr. Butwinski’s inquiries staff would like to address three key points raised by Mr. Butwinski.

1. The City needs a viable plan to maintain authorized staff.

- Staff believes we have a viable plan to recruit and maintain current staffing levels.
- Recruitment of seasonal staff has and will continue to be a challenge for both public and private entities. However, in the event of staff shortages, staff has developed a contingency plan that enables our crews to maintain service levels during staffing shortages. One method used to address staff shortages is utilizing staff from other crews.

2. Sufficient budget to implement the plan.

- Staff can maintain the current Council's approved service levels without increasing the overall maintenance budget.
- Park City budgets for an average winter snowfall. This means that we have the budget to remove snow and meet our service quality goals in an average winter.
- During times of an above average snow year more overtime, contract hauling etc. is expended which generally requires a mid year budget adjustment. This occurred during the 2004-2005 and 2005-2006 FY budgets. Funding for this contingency is maintained in a general fund contingency account. Staff also has at it's disposal contract plowing as a contingency in the event of staff shortages or heavyer than average snowfall.
- During less than average snow years money which is unspent goes back into the general fund budget and may be redistributed to the CIP budget.

3. A service level that keeps priority 3 streets open to a drivable standard and a means to meet that standard.

- Drivable standard is difficult to define. However, staff would define drivable standard as a health and safety issue vs. an inconvenience issue. Staff does not believe public health and safety has been compromised at any time due to a lack of snow removal.
- Park City consistently receives indicators that citizens are satisfied with current snow removal service levels. In fact, the City has actively sought public input on the quality of the City's snow removal services. See (Attachment B) for a copy of Insight Survey Studies satisfaction survey conducted for years 2003 and 2006 regarding snow removal satisfaction results. Customer satisfaction levels remain high regarding snow removal service and the number of respondents rating snow removal as "excellent" have increased from 2003 to 2006.
    - 2003 – 83% of respondents rated snowplowing as "good" or "excellent"
        - 17% of respondents rated service as excellent
    - 2006 – 73% of respondents rated snowplowing as "good" or "excellent"
        - 27% rated service as excellent

- Staff has actively sought and not received any requests or complaints from the Park City Fire District regarding their ability to respond in the event of an emergency nor have we received any service related calls from UPS, Fed Ex and Allied Waste etc. On the contrary, Park City has received several compliments from these vendors regarding the level of service Park City provides in relation to other entities in the area.
- Two years ago staff implemented a rapid response and customer service program to respond to citizens concerns. This has elevated overall customer satisfaction and reduced call backs.

Sustained Snow Events
Some confusion seems to arise during a sustained snow event that may last several days or weeks. In this case staff makes at least one pass down every City street in a 24 hour period including priority III streets. With this in mind the pass may be at 2:00 in the morning when most people are asleep and by the time they wake up the snow may have accumulated and may look like a plow has not been by.

Priority Sequence for Snow Removal on City Streets:
Park City has adopted a priority sequenced snow removal program. This is an industry standard almost all municipalities, state and federal agencies follow. Much time, thought and experience have been put forth to develop the current snow removal priority sequence. This approach maximizes benefit to commuters and establishes the most cost effective use of resources and equipment. Park City's priority sequence is:

Priority I	Bus routes, main parking areas, upper elevation streets, Old Town, business core areas, Royal Street and Guardsman Connection

Priority II	Main arterial streets through residential areas

Priority III	secondary streets through residential areas and cul du sac's

Snow crews are separated into four crews of four covering 20 hours a day 7 days a week. This is increased to 24/7 in the event snow is falling. Call outs for additional personnel will occur if it is a major snow storm or we begin to fall behind.

Ashley Court
Ashley Court presents several challenges which do not exist in other areas of Park City. This is due to the fact that there is a partial cul du sac at the intersection of Ashley Court and American Saddler. See (Attachment C) for a layout of the intersection. Staff believes an operational change in how we remove snow in that area may help elevate some of the issues regarding access into Ashley Court by moving a higher proportion of the snow to the other side of

the intersection. Staff will implement this change during the upcoming winter without the need for additional budget appropriations.

Summary

- Park City's current snow plan takes in to consideration all of the critical elements to effectively improve transportation and the safe flow of traffic during inclement weather conditions providing a high level of snow removal service with the most cost effective use of resources.
- The plan is based on traffic numbers to provide the maximum benefit to greatest number of residents and guests.
- The plan is well thought out and remains highly flexible to meet the changing needs of our community. Having the ability to be flexible with resources is critical in order to keep businesses viable, schools open and public transportation flowing.
- The plan is fiscally responsible and maintains public health and safety priorities
- Staff has adequate resources and is efficiently implementing the plan

Alternatives:

Alternative A: Direct staff to maintain the current snow removal standard and do not amend municipal code 14-4-3. **This is the staff's recommended alternative.**

Alternative B: Direct staff to return with a discussion to amend ordinance 14-4-3 to reflect a higher standard. **Staff does not recommend this alternative.**

Alternative C: Direct staff to modify performance measures to a higher standard for snow removal. **Staff does not recommend this alternative.**

Significant Impacts

Amending Municipal Code Section 14-4-3 and or the performance measurements to a higher standard will have significant fiscal impacts. Impacts may include personnel, materials and equipment. Storing and maintaining additional equipment will need to be addressed as Park City does not have the storage space to accommodate the additional equipment. Attracting qualified operators and keeping them for an entire season will continue to be an issue and raising service levels will exacerbate this issue.

Recommendation:

Alternative A: Direct staff to maintain the current snow removal standard and do not amend Municipal Code 14-4-3.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 9, 2006

Present: **Mayor Dana Williams; Council members, Marianne Cone; Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Pace Erickson, Streets Manager; Lloyd Evans, Chief of Police; Eric DeHaan, City Engineer; Max Paap, Special Events Manager; Gary Hill, Budget Manager

Kimberly Kuehn, Jewels Harrison, and Julie Doerr-Arenson, Park Silly Sunday Market; Mike Sweeney and Ken Davis, HMBA

1. Council questions/comments. Joe Kernan discussed the transportation session held at the Richins Building last night. As liaison to MCHT, Roger Harlan reported that all of The Line Condominiums have been sold but not all units have closed. He also attended the transportation meeting which was very informative and productive and encouraged the public to attend high school and collegiate hockey games scheduled at the ice arena. Jim Hier stated that the transportation committee met during the week and produced a booklet containing a variety of statistical information. The process is going well and recommendations will return to Council in a couple of months. Candace Erickson relayed that the Recreation Advisory Board is forming committees consistent with Council direction a couple of weeks ago. She thanked Eric DeHaan for having the right-hand turn arrow re-painted on Deer Valley Drive and Deer Valley Drive. There was discussion about UDOT also installing signage. Ms. Cone expressed her appreciation for the completion of the reconstruction of Prospect Street. In response to a question from Council member Cone about patron parking for Squatters, Mr. DeHaan advised that SR224 is posting no parking signs. Mayor Williams reported that EPA has formally recognized our commitment to renewable energy and has inducted Park City into its Green Power Partnership.

2. Snow removal operations. Pace Erickson reported that the snow removal program was modified before the Olympics and has remained the same for years. An effective change implemented last year was designating an employee to clear parking lots so they are available by 8 a.m. Staff is not proposing changes this year and for the first time in many years, are not adding any streets. Many years of collaboration and effort have been invested to create the current snow plan establishing the priority sequence.

Joe Kernan previously requested information on a revised snow removal plan, eliminating Priority 3. He acknowledged that the 20% to 23% increase in costs outlined in the staff report seems reasonable but asked why two additional loaders are required with this scenario. Pace Erickson explained the challenges with clearing cul-de-sacs because of equipment limitations. Loaders are very maneuverable and capable of moving snow in about half the time of a truck. They are more expensive but a lot more effective, except for the fact that they can't accommodate a salt box, like plow trucks. The City now has three loaders; one is used to push back snow banks on streets and areas in Old Town, Royal Street, for instance. Another is used to load trucks with salt and grit material, and the remaining loader is stationed at the City's primary snow storage area located at Quinn's Junction. There is no surplus equipment available to support an increased service level for Priority 3, primarily consisting of cul-de-sacs. In order to implement a snow plan with only two priority areas including about 40 cul-de-sacs, staff felt cul-de-sacs would have to be split and assigned equally.

Joe Kernan referred to the snow removal plan map and pointed out that streets in Aspen Springs, part of Thaynes Canyon, Fairway Hills, part of the Oaks, and Chatham Crossing are all designated in Priority 3. He asked for clarification on service levels for Priority 2 and Priority 3. Pace Erickson explained that Priority 1 primarily includes bus routes and there is very little accumulation of snow on those routes. Often Priority 2 routes are serviced at the same time depending on their proximity to Priority 1 streets. Priority 1 streets are almost continually plowed if it is snowing hard and cleared every hour. Priority 2 streets are probably plowed every two to three hours and Priority 3 roadways will also be cleared if located in the same area. Priority 3 streets are cleared at least once in a 24 hour period. If a big storm hits but clears up the next day, all areas can be cleaned up by 11 a.m.

Marianne Cone asked if Public Works receives complaints from residents in the Priority 3 area. Mr. Erickson stated that staff maintains a log of complaints and has not received many complaints from residents in Priority 3. Most complaints are generated from Old Town, primarily regarding snow deposited in front of driveways when plowing streets; complaints generally are not related to the conditions of roads. Joe Kernan referred to the intersection of SR224 and Aspen Springs. The subdivision is a Priority 3 and he asked if additional salting and plowing at the intersection would increase safety. Eric DeHaan responded that salt is applied to sloped areas throughout town to maintain adequate friction levels, however storm drains directly dump into the trout stream and there's very little ability to screen the material. He emphasized that there is no level entry into Aspen Springs. Snow events occur approximately 60 days a year and the crews address any emergency situations that may arise. Council member Kernan felt that Aspen Springs accumulates more snow because of its location by the hillside and he asked about general accident rates. Chief Lloyd Evans relayed that on average there are about 450 motor vehicle accidents a year. From November 1 to mid-May, there are probably 300 incidents and about 40% are attributable to the weather. Candace Erickson felt that the low number of accidents due to snow conditions is remarkable. Marianne Cone pointed out that drivers should be prepared for mountain conditions and suggested that two-wheel drive vehicles use chains, if necessary. She questioned increasing levels of snow removal service when there are other options. Pace Erickson added that dispatchers are in constant contact with plow drivers and immediately respond to emergencies.

Joe Kernan referred to million dollar valuations of homes in Aspen Springs and other Priority 3 neighborhoods and asked the amount of property tax paid to the City per $100,000 value. Gary Hill responded that the City's rate is about $109 per $100,000 of assessed value for primary residences. Mr. Kernan felt the amount of property taxes paid should be considered when determining levels of service and asked if the money could be found to increase service for expensive homes. Mr. Hill responded that if Council directed a change in snow removal services in the upcoming budget, staff would provide that analysis and it would be likely that other levels of service or programs would be re-prioritized. Candace Erickson expressed concerns with the thinking that more expensive houses are entitled to higher levels of service. Mr. Kernan suggested that a minimal level of service for all households be considered, pointing out again that properties paying higher taxes may be receiving less service. Councilmember Cone believes that priorities are based on terrain and accessibility. Pace Erickson agreed and clarified that Old Town, for instance, is a high priority because it has a denser population and the streets are generally narrower and steeper than other areas in the community.

He explained that the current priority sequence best utilizes resources; it is based on average year data and the program is not over-staffed, for instance, which is important in non-snow years. Mr. Kernan believed that staff has responded appropriately to Council direction but perhaps during the budget review, the snow removal program can again be discussed in the context of surplus tourist dividends. In response to a question from the Mayor about the mentioned surplus, Mr. Kernan explained that because revenues are conservatively projected, there is typically more capital available than expected. Reduction in taxes or increases in services are efforts that are tangible to citizens and perhaps this could be discussed in a broader context at another time. The City Manager felt this is consistent with long-term planning and he will be meeting with Council members Kernan and Hier on this topic next week; it will be addressed by members during the visioning session in January.

Marianne Cone asked about the budget for a two-pronged priority snow removal system. Pace Erickson stated his numbers are preliminary and more work would have to be performed to implement a new program this year. Loaders could be purchased rather than leased, which will require up-front spending. He emphasized that the snow removal crew is staffed now, but transit is struggling to recruit 24 drivers. The dichotomy of the community has changed and more construction companies are working year-round, resulting in a shrinking pool of commercial drivers. Even if Council directs staff to enhance snow removal services, it is uncertain if the program could be staffed. There was discussion about plowing around parked cars which should have been moved during snow emergencies. Pace Erickson explained that there are public service announcements on the radio and electronic signs are used when snow is being hauled. Some people don't listen to the radio or read the paper and another option is purchasing additional electronic signs or other tools to better inform the public. Towing vehicles is not preferred which requires police time and a huge coordination effort. He added that staff is flexible with regard to service and the City is hauling more snow than ever before because of the lack of vacant lots for storage. Mayor Williams felt the electronic signs worked well in Prospector.

Roger Harlan was pleased to hear about the low number of complaints received and it may be that snow on the streets is expected by residents and visitors, especially at a winter resort. As a resident on a cul-de-sac, he doesn't receive complaints from neighbors. There was discussion about the expense of hauling snow and the technology available to melt snow which is not an economical alternative at this point.

Jim Hier summarized the discussion. Currently there are not a significant number of complaints from Priority 3 residents and the largest number of complaints is generated from Old Town, in Priority 1. He stated that he lives on a cul-de-sac on a hill in a Priority 3 area and his neighbors are not bashful about contacting him about problems with City services. He has yet to receive complaints on snow removal. There are not a significant number of traffic accidents because of inadequate snow removal. He felt that the money could probably be found to eliminate Priority 3, leaving Priorities 1 and 2, but it is unknown whether the man-power is available for the program. For well over an hour, the Council has been discussing solutions in search of a problem. He commended Pace Erickson on his staff report and the continued good job performed by his staff. A broader concept regarding City service priorities should be discussed during the budget review. Council members concurred that the current program should not be modified.

3. Park *Silly* Sunday Market MFL and street closure proposal. Max Paap explained that the purpose of the work session discussion is for Council to provide staff with direction on the master festival license application. The event is proposed for successive Sundays from June through October 2007 from 9 a.m. to 4 p.m., except the first Sunday in August because of the Art Festival. The application is for an open air market, featuring unique and eclectic local and regional arts, crafts, music, performance art, and a farmers market. The application was received in August and the group initially approached the Marriott Summit to operate on the plaza, but was denied permission. The applicants are now requesting the closure of Main Street between 9th Street and Heber Avenue.

Applicant Kimberly Kuehn spoke about preserving Park City's funkiness and this market is for everybody; they are willing to work with the non-profits and all of Main Street businesses. Jewels Harrison stated that it's important that Old Town and Main Street remain the heart of the community and spoke about the competition of Redstone. Julie Arenson believed the market will create an opportunity for local artists, who can't afford to display in high-end galleries, to show and sell art work. The goal is to revive summers here and to provide something for locals to do on Sundays. Candace Erickson stated that it is important that someone is designated to oversee the weekly event and that responsibilities not fall on the Special Events Manager. Ms. Kuehn responded that they will all be present every week. They are working with the Utah Farmers Association, Utah Arts Council, Kimball Art Center, etc. In response to questions from Council member Hier about fees and HMBA support, Mr. Paap indicated that no fee waiver is requested. Mike Sweeney stated that merchants on lower Main Street are all very excited about the event, however, the HMBA did not formally vote but generally felt that a one-year trial would be beneficial.

Marianne Cone pointed out that Sunday may be a difficult day to recruit Utah vendors for the Farmers Market and Kimberly Kuehn responded that they have quite a few under contract. There are half and full year memberships and there was discussion about ensuring consistent participation. Ms. Arenson added that most of their advice and research has come from other successful markets like Boulder, Sun Valley, and Aspen. Additionally merchants on lower Main Street could also participate, if desired. Roger Harlan concurred with Ms. Cone's comments about potential challenges in recruiting vendors on Sundays because of the predominant culture in Utah. The event is proposed for five months every Sunday and he wondered if the town is getting to the point of *event fatigue*. Ms. Kuehn noted that most comments she has received are positive and relate to having a market here. Ms. Arenson stressed the forum created for local events; it's about bringing the community together and creating a sense of *self* which she believes Park City doesn't have yet. Jim Hier relayed that this type of event needs to have some regularity in order to be successful and holding it every Sunday is a good feature. Joe Kernan agreed that this weekly event may be a good venue for people to get together. With regard to the five month duration, Ms. Harrison explained that the Chamber was supportive of a Park City event in the May-June and October periods. Candace Erickson stated that she doesn't view this as an event, as described by Council member Harlan, because it's more passive than most special events.

Ken Davis, HMBA, asked what will happen if a *real* event is proposed for lower Main Street. Mayor Williams replied that this is a real event. Mr. Davis stated that the HMBA is generally supportive but pointed out that if the Silly Sunday Market is approved, it may preclude other events on lower Main Street. Tom Bakaly explained that as the master festival license holder, the applicants could agree to allow an event to occur if possible. Ms. Kuehn expressed their openness in considering accommodating tandem events. Marianne Cone suggested that parking in the garage be promoted, as opposed to parking on Park Avenue which is closer to the activities. Max Paap suggested including parking information in promotional material and directional signage. Mayor Dana Williams acknowledged Council support of the event with a one year review. Discussion ensued about the potential of inclement weather in June and the issue of consistency. Jim Hier suggested that the license include language that if the occupancy falls below a certain level during the first three months, then the MFL will be evaluated and possibly rescinded. An expressed occupancy level could be a requirement for continuation. The City Manager stated that the MFL will return to Council for approval on November 30 and a two or three month review could be included as a condition of approval. Defining an appropriate participation level may be difficult. Kimberly Kuehn stated that their contracts with vendors clearly state that snow, rain or shine, the show will go on. Jim Hier recognized that the contract is written for the entire five month duration and if the City interrupted operations, it would be in violation of these contracts; he dismissed consideration of his earlier suggestion.

Mayor Williams summarized that Council is supportive of the event and the proposed dates. There was discussion about programming unamplified music and Max Paap interject that music will be coordinated with Mountain Town Stages who holds a license for outdoor music on a number of days in the summer.

4. **Review of regular meeting – LMC amendments.** In response to a question from Marianne Cone, Mark Harrington advised that the side yard exceptions apply to zones outside of the Historic District.

Strike the Motherlode MFL. Tom Bakaly clarified that a public hearing is scheduled, but action appears under the Consent Agenda. It is staff's recommendation that paid parking not be suspended which would be approved as part of the Consent Agenda. If Council decides to provide free parking on Main Street, he suggested that it be removed from the Consent Agenda and moved to New Business for action.

Prepared by Janet M. Scott,

Park City Survey

Comparison of Results 2006 and 2003

by Insight Research

You receive a number of services from Park City, I am going to read you a list of some of the services you receive and I would like you to rate your satisfaction with them.
Numbers in the table represent the percentage of responses for each possible response.

	Excellent		Good		Fair		Poor		Don't know	
	2006	**2003**	**2006**	**2003**	**2006**	**2003**	**2006**	**2003**	**2006**	**2003**
Library	53%	36%	31%	54%	5%	5%	-	-	11%	5%
Trails	50	32	36	58	4	5	1	-	10	5
Parks	45	37	40	52	3	8	1	-	12	3
Special Events	47	35	37	52	4	7	2	-	10	5
Police	34	36	36	49	11	11	3	1	16	4
Recreation Programs	45	27	39	58	2	6	-	-	15	9
Golf Course	31	32	37	48	3	6	1	1	29	13
Transit	41	27	36	42	4	12	2	1	17	18
Racquet Club	24	20	46	54	3	15	1	1	27	11
Water	26	22	42	36	26	12	5	11	3	4
Streets	19	10	51	60	22	24	5	2	3	4
Billing & Licensing	31	19	26	54	3	15	2	1	34	18
Planning	13	16	33	42	16	22	6	6	34	14
Snow Plowing (2003)		17		66		15		-		9
Snow removal - streets (2006)	27		46		16		5		7	
Snow removal - sidewalks (2006)	9		28		21		8		35	

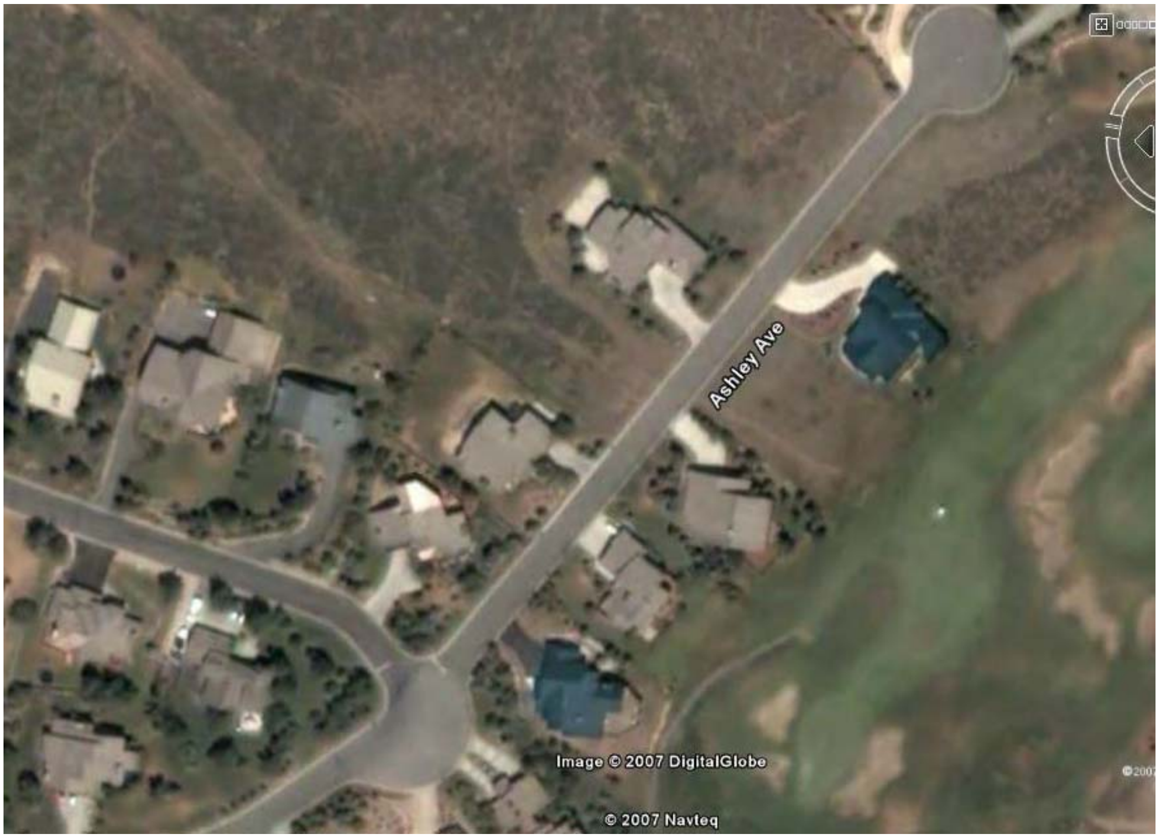
Comments:

Library, trails, parks, special events, recreation programs, transit, billing and licencing, all are rated excellent more frequently by respondents in 2006 than in the survey of 2003. This indicates a move to a more positive opinion of those services.

Street and water had a modest positive increase in the opinion of the respondents from 2003 to 2006.

The racquet club and the planning department took a slight decrease in positive regard in the judgment of those surveyed in the 2006 survey as opposed to those who were a part of the 2003 survey.

Snow Removal Service Level Discussion
Attachment C



City Council Staff Report

Budget, Debt, & Grants

Author: Gary Hill, Bret Howser, Seth Atkinson
Budget Department
Subject: FY 2007 Revised Budget, FY 2008 Budget
Date: June 14, 2007
Type of Item: Discussion/Legislative

Description:

Topic:
FY 2007 Revised Budget, FY 2008 Budget, and FY 2009 Financial Plan

Background:
On May 3rd staff delivered the City Manager's Recommended Budget (Tentative Budget) to City Council and discussed proposed changes to the City's Pay Plan. On May 17th Council and Staff discussed Special Service Contracts, Departmental Budget Requests, and sales tax. On May 24th Staff and City Council discussed the city's Capital Improvement Program (CIP) budget. On May 31st Staff and City Council discussed Walkability Projects, Water Impact Fees and Capital Facilities Plan, Council Compensation, Special Service Contracts, and other outstanding budget issues. The June 7th discussion included amendments to the Fee Resolution, the Council Compensation ordinance, and adoption of the Tentative Budget by resolution. Additional public hearings are currently scheduled for June14th, and 21st. Discussion/action is slated for these dates as follows, barring changes as needed:

June 14th – Sales and Transit Tax Amendments, Water Impact Fee adoption, Outstanding Issues

June 21st – Final Adoption of Budget

Analysis:
On June 14th, staff will focus on the following topics for discussion:

1. Budget & Personnel Policies & Procedures
2. Sales Tax Ordinances
3. Impact Fees
4. Additional Budget Issues
    a. Operating Budget
    b. Capital Budget

Budget Policies and Procedures

Staff recommends that Council adopt a change to the purchasing policy in the Budget Document involving exceptions for bidding provisions for vendors with State contracts. The State of Utah selects vendors for certain goods and services through a competitive selection process and allows other governmental units to use the same vendors without repeating their selection procedure. The following change is proposed (in italics and underlined) below:

Exceptions: Certain contracts for goods and services shall be exempt from bidding provisions. The manager shall determine whether or not a particular contract or purchase is exempt as set forth herein.

1. Emergency contracts which require prompt execution of the contract because of an imminent threat to the safety or welfare of the public, of public property, or of private property; circumstances which place the City or its officers and agents in a position of serious legal liability; or circumstances which are likely to cause the City to suffer financial harm or loss, the gravity of which clearly outweighs the benefits of competitive bidding in the usual manner. The City Council shall be notified of any emergency contract which would have normally required their approval as soon as reasonably possible.
2. Projects that are acquired, expanded, or improved under the "Municipal Building Authority Act" are not subject to competitive bidding requirements.
3. Purchases made from grant funds must comply with all provisions of the grant.
4. *Purchases from companies approved to participate in Utah State Division of Purchasing and General Services agreements and contracts are not subject to competitive bidding requirements.*

Personnel Policies and Procedures

The recommendation for revisions to the employee Policies and Procedure Manual (included with this staff report under separate cover) results from the input provided by the employee Policies and Procedures Task Force, City Manager, Legal Department, Management Team, Human Resources and City Council during the work session of June 7th. Policy requires that the manual be updated once every calendar year through this revision process and approved by City Council. The manual was last updated in July of 2006.

Analysis: Each spring the City Council adopts changes to the Personnel Policies and Procedures. All recommendations for changes were reviewed by the City Manager and Management Team along with an employee Task Force, Legal Department, and Human Resources.

Recommendations for *new* policy insertions include *Volunteer appointments* (pp. 7) and *Child Labor Underage Workers* (pp.9) on Section Two (2) Employment.

Significant amendments to policy (as recommendations) are noted in the following sections:

- Section Five (5) Classification Plan. The new language not only better describes the Professional Development Plan as a whole, but also all administrative steps involved in it.
- Section 8.6 Use of City Vehicles regarding the use of cell phones while operating a City vehicle, while acknowledging the possible necessity of addressing an emergency or public safety matter.
- Section 8.13 Disciplinary Procedures, a clarification confirming a tool that some managers advocated for that expressly allows a written reprimand to be removed from a personnel file and permanent record at the discretion of direct supervisors, upon certain performance standards being met, and approval by HR and the City Manager.
- Recommendations for changes were also made regarding benefits, especially on Sections 10.13 Sick Leave, 10.14 Family Illness, 10.15 Parental Leave, 10.20 Family Medical Leave and 10.21 Administrative Leave. Of note, employees are currently allowed up to 21 consecutive, paid Sick Leave days (and unlimited if not consecutive) for care of an immediate family member (Family Illness). The committee recommends that a 15 day (120 hour) annual limit be instituted, and with accrued vacation of FMLA time taken after that as necessary.
- Section 4.4 Overtime amends the overtime policy to allow law enforcement personnel to collect overtime pay after 80 hours in a two-week period. This is consistent with other non-exempt employees who can earn overtime after 40 hours each week.
- Section 10.22 Housing Allowance. This amendment adds dispatchers to the list of public safety positions that are eligible for $250/month of housing allowance. This option

has a budget impact of approximately $9,600 and is included in the City Manager's Recommended Budget.

- Section10.23 Telecommuting. This new section allows for the creation of a administrative telecommuting policy. With the upcoming Marsac Seismic upgrade, a telecommuting policy would encourage qualified employees to work from home. The policy will likely include a $50/month incentive which would be covered within existing department resources.

Recommendations for major policy changes and other changes can be found as listed below. City Council will receive a copy of the Personnel Policies and Procedures Manual with the Council Packet. Please note: Sentence/policy clarifications, or changes in sentence structure that did not change policy have not been listed. Major changes to the Personnel Policies and Procedures Manual will be discussed with City Council on June 7, 2007:

Summary of Sections that are Recommended for Change

Section 3 – Change in Employment Status

3.3. Transfer for Disciplinary Reasons (Demotion)
3.4. Resignations
3.6. Final Paycheck
3.7. Separation Agreement

Section 4 – Hours

4.1. Work Week
4.3. Time Keeping
4.4. Overtime
4.5. Flex Schedules
4.6. Absences and Tardiness

Section 5 – Classification Plan

5.8. Professional Development Plan and Reclassification within a Family
    1. Criteria for Eligibility
    2. Professional Development Plan Agreement
    3. Process
    4. Budget Request
    5. Denial of Request

Section 6 – Pay Plan Administration

6.7. Salary Increase and Performance Bonus
    g. Pay Raises for Salaries Above the Working Level
6.8. Merit Eligibility
6.10. Pay upon Promotion
6.17. Bonuses
    a. Purpose
    b. Categories
        2. Cost Savings Bonus
        6. Part-Time Non-Benefited and/or Seasonal Employee Pro Shop Bonus
6.19. Employee Pay

Section 8 – City Rules

8.1. Personnel File
8.5. Use of City vehicles
8.7. Personal Conduct
8.8. Rules of Conduct
8.10. Use of Drugs and Alcohol
8.11. Workplace Violence
8.13. Disciplinary Procedures
8.17. E-mail

Section 10 – Employee Benefits

10.3. Workers' Compensation
10.6. Health and Dental Insurance
    b. Open Enrollment
    c. Change in Family Status – Life Event
10.7. Life Insurance
10.9 Retirement
10.10. Holidays
10.13. Sick Leave
10.14. Family Illness
10.15. Parental Leave
    a. Medical Maternity Leave
10.18. Jury Duty
10.21. Administrative Leave
10.22. Housing Allowance
10.25. Wellness Program
10.26. Part-Time and Seasonal Employee Recreational Opportunities
10.27. Other Employee Discounts and Recreational Opportunities
10.28. Summary of Benefits
10.29. Educational Assistance

The recommendations and revisions to the Policies and Procedures Manual will go into effect immediately upon Council approval for all employees (unless otherwise specified in the manual). Employees will be issued a copy of the new manual. They will be required to sign that they have received a copy of the updated manual and that they are accountable for reviewing and understanding the policies within it.

Members of the committee have been invited to the Council meeting to respond to any questions, with assistance from HR and Legal as necessary.

Additional P&P Issues - Last year during Policies and Procedures updates, Council requested that Human Resources monitor the trends, costs, and challenges of cities who extend domestic partner or adult designee benefits. Since that time, we have been researching the feasibility and compiling data from Salt Lake City, Salt Lake County, Aspen, Breckenridge and other cities across the country. We anticipate coming to Council with information, recommendations and a request for direction on domestic partner and adult designee benefits before we start our request for insurance bids in March or April of next year. Our current insurance contract language does not include domestic partners or adult designees and new language would have to be negotiated as part of next year's bid request.

Sales Tax Ordinances
On May 31st Council directed staff to return with ordinances to increase sales tax rates for the Transit and Resort Sales Taxes by 0.05% and 0.1% respectively. These sales tax changes are an effort to recover some of the tax forfeited when the State Legislature removed food from the

sales tax base of those taxes and removed the hold-harmless provision from the local option sales tax.

Staff has met with members of the business community, including the HMBA, Park City Chamber/Bureau, and the Park City Lodging Association to discuss the proposed sales tax increase. Discussions have been very positive, with general support of the increase (a letter from the Park City Lodging Association endorsing the increase is attached).

Council will find ordinances attached which would raise the Transit Sales Tax from 0.25% to 0.30% and the Resort Community Tax from 1% to 1.1%. Staff recommends that Council approve the attached ordinances which would become effective January 1, 2008.

Capital Facilities Plans, Water Impact Fees, and Water Service Fees

Last week Staff updated City Council on recommended changes to the Capital Facilities Plans for the City's Water, Streets, Parks, and Public Safety Impact Fees. Every few years the City updates its Capital Facilities Plans (CFP) to ensure that new growth is continuing to pay for its impacts. Staff completed a Water Impact Fee Study in May of this year. The study indicated that the City's Water Impact Fee must be increased by approximately 68% to make sure that the City has access to the funds necessary to complete the projects required to import and treat the additional water. The 2003 adopted fee and the recommended 2007 fee are as follows:

2003 Adopted Fee	$13,723 per Equivalent Dwelling Unit (EDU)
2007 Recommended Fee	$23,049 per EDU

The increased fee has been necessitated by the following three factors:

1. Construction Cost Increases

General construction costs have increased in excess of 23% since 2003 (based upon a cost analysis prepared for Public Works by the engineering firm Bowens & Collins). Prices for some specific construction materials such as concrete and steel have increased far in excess of 23%. These cost increases are reflected in project budgets included in the updated Water Impact Fee Capital Facilities Plan.

2. Rockport Importation and Treatment Project

Over the next 25 years this importation and water treatment project will cost in excess of $30,000,000. A large portion of this project (65%) is attributable to new growth and as such these costs are reflected in the recommended impact fee. This project was not defined clearly enough in 2003 to be included in the impact fee calculation.

It is important to note that Staff believes that this critical importation project would be extremely difficult, if not impossible, to finance without the recommended impact fee as a component of the Water Fund's revenue sources.

3. Source Redundancy

Council approved a water strategic plan in 2006. One major element of this plan is a goal to secure 2000g.p.m. (gallons per minute) in excess of peak demand. This source redundancy will help ensure an adequate water supply in the event of a source failure (e.g., tunnel cave in or well contamination). Each new development that is built in the water district must now pay its fair share of this redundant source and the infrastructure needed to bring the water to the district.

The tables on the next page summarize the new fees (both non-residential and residential uses):

Non-Residential Water Impact Fees			
Property Type	EDU Per Occupant	Floor Area Per Occupant	Fee Per Occupant
Assembly (without Fixed Seats)			
Bar	0.0125	7	$288
Restaurant	0.0219	7	$505
Theater, Auditorium, Church	0.0031	7	$71
Assembly (with Fixed Seats)			
Bar	0.0125	NA	$288
Restaurant	0.0219	NA	$505
Theater, Auditorium, Church	0.0031	NA	$71
Office	0.0094	100	$217
Educational			
Classroom	0.0156	20	$360
Shop\Vocational	0.0156	50	$360
Exercise Area	0.0156	50	$360
Hotel\Motel	0.0938	580	$2,162
Industrial	Calculated		Calculated
Institutional			
Inpatient Treatment	0.1563	240	$3,603
Outpatient Treatment	0.0031		Calculated
Sleeping Area	0.0031		Calculated
Other	Calculated		Calculated
Retail	0.007	60	$161
Swimming Pool or Skating Rink			
Rink or Pool Area	0.0063	50	$145
Decks	Calculated		Calculated
Warehouse	Calculated		Calculated
Parking Garage	Calculated		Calculated
Government	Calculated		Calculated
Library			
Reading Area	Calculated		Calculated
Stack Area	Calculated		Calculated

Residential Indoor Water Impact Fees						
Size (SF)	**< 1000**	**1001-1500**	**1501-3000**	**3001-4500**	**4501-6000**	**>6000**
Fee	**$3,573**	**$5,359**	**$7,145**	**$8,931**	**$10,718**	**$12,504**

Residential Outdoor (Landscaping) Water Impact Fees						
Irrigated Area (SF)	**0 - 2000**	**2001-4000**	**4001-6000**	**6001-8000**	**8001-10000**	**>10000**
Fee	**$2,996**	**$5,762**	**$8,759**	**$11,525**	**$14,521**	**$1441 per 1,000 sq'**

Staff has publicly noticed the City's intent to increase its Water Impact Fee in accordance with all requirements set forth in Utah State Code. A copy of the impact fee study has been made available to the general public at the Marsac City Hall front desk and the Park City library. In the interest of good communication Staff has meet with the Park City chapter of the Utah Home Builder's Association to communicate Staff's recommended fee increase and the reasons behind that recommendation.

Attached to this staff report is an ordinance adopting the updated CFPs for Parks, Streets, Public Safety, and Water Impact Fees, and adopting an increase to the Water Impact Fee. City Council is scheduled to consider adoption of the ordinance on June 14th.

Operating Budget Adjustments

Recreation Department

The Recreation Department has a need for a second 15 passenger van due to increased program participation. The existing 15 passenger van is heavily used in the summer by several different programs resulting in program inefficiencies. For example, this year Recreation has added a third week of adventure camp. The current van is used for this program resulting in the summer day camp program not having access to the vehicle. Adventure Camp is sold out with a waiting list and the addition of a second van would enable Recreation to expend that program in the future.

A second van would also benefit summer tennis camps as the City offers an all day camp that is filled with non-tennis activities in the afternoon. The van would allow the camp to take participants off-site for activities (hiking, alpine slide, etc.). Currently all afternoon activities are confined to the Racquet Club due to a lack of transportation. Finally, use by non-profits during less busy times could be a possibility contingent upon Council approval, policies governing the use being established, and risk management issues.

An additional van would be a one-time cost of $22,000 with approx. three to four thousand dollars a year budgeted in the Fleet Fund for fuel, maintenance, and eventual capital replacement.

Sustainability Function

As discussed on May 17th, several departments were rearranged this year to create the City's new Sustainability Function. This new function, made up of the Implementation and Visioning Teams, was created to align city resources with Council's vision of a sustainable economy and environment. As the City is beginning to implement more environmental initiatives, Staff recommends creating a full-time Environmental Affairs Director position. This function has been performed with a part-time contract. This position would be at Grade 9 on the Exempt Pay Plan and would be offset with the removal of the Special Events and Facilities Manager position and current contract expenditures. In addition, staff recommends reclassifying the Special Projects and Economic Development Coordinator position from a Grade 7 to a Grade 8 to recognize its expanding role. The cost of both of these changes when considered alone is approximately $19,000 in FY 2008 but still represents a cost savings to the City of $76,400 for the reorganization as a whole.

Self-Insurance Fund - Staff is recommending a one-time increase of $200,000 in expenditure appropriations in the Self Insurance Fund to cover increased outside legal fees related to litigation. This is to be paid for from fund balance (from the Self-Insurance fund) and will affect the current fiscal year only.

CIP Project Adjustments

Staff discussed the City's Capital Improvement Program (CIP) on May 24th. City Council requested some additional information about several projects including the Marsac Seismic Upgrade (CIP #73) and the Town Plaza and Shell Space (CIP #85).

Marsac Seismic Upgrade (CIP #73)
In May 2006, City Council approved a budget of $3.5 million for the seismic upgrade of Park City's City Hall, the Marsac Building. This spring, staff recommended that the project budget be increased by approx. $2.5 million to cover increased costs of construction and the realignment of office space to provide better customer service. A summary of the change in the recommended budget is included below:

	2005 Original (estimate)	2007 Adjusted Budget	Increase
Cost of Construction			
Seismic	$1,250,000	$1,814,240	$564,240
HVAC	$520,000	$639,180	$119,180
ADA	$100,000	$184,007	$84,007
Power/Materials/General Contitions	$370,000	$579,231	$209,231
Contractor's Contingency	$200,000	$372,745	$172,745
Cost of Construction Subtotal	**$2,440,000**	**$3,589,403**	**$1,149,403**
Interior Plumbing Improvements	$100,000	$250,000	$150,000
Rearrangement of Department Offices	$0	$250,000	$250,000
Citywide Space Needs Analysis	$0	$25,000	$25,000
10% Construction Contingency	$244,000	$358,940	$114,940
Architectural Design (6% construction cost)	$146,400	$215,364	$68,964
Engineering, FFE (9% construction cost)	$219,600	$323,046	$103,446
Temporary Relocation of Staff	$350,000	$500,000	$150,000
1% cost of construction for art	$0	$35,894	$35,894
4% cost of construction for green building	$0	$143,576	$143,576
10% increase in cost of construction per yea	$0	$358,940	$358,940
Total	**$3,500,000**	**$6,050,164**	**$2,550,164**

Please note that the majority of the increase is related to inflated construction and material costs, but that other significant factors include the office realignment, additional costs related to plumbing and relocation of staff, and the new policy on art and green building. A work session review of the project is scheduled for August consistent with the green building policy

Green Building Policy - The Marsac Building will meet the Council's resolution outlining green building elements. Schematic design of the Marsac Building will be complete this summer and Staff will return to Council at that time to outline the items incorporated and to discuss the 4% of the budget that can be utilized to design and construct a high performance building above the Energy Star and LEED Certified levels outlined in the resolution. The resolution does allow Council to additionally require that projects receive LEED certification from the United States Green Building Council. The current budget for the Marsac Remodel does not include the cost of the certification. If Council requests the project receive formal LEED certification, staff estimates that an additional 5% ($350,000) of the cost of construction would need to be added to the budget to cover the cost. Staff recommends that if Council were interested in increasing the construction budget for the Marsac Building beyond what is already recommended and in compliance with Council policy that the funds go to achieve a higher level of LEED such as silver or gold instead of going towards the certificate.

Town Plaza and Shell Space (CIP #85)
The proposed budget for both projects is currently recommended at $5,006,843. This includes $830,000 in other contributions and a request for additional funding in FY 2007 of $1.2 million. $1 million of that comes from the sale of the Watts property, which came in higher than expected. $268,000 of Sales Tax Bond proceeds remained in the Prospect Avenue project at completion and were transferred to the Town Plaza and Shell Space project. On May 24th Council asked staff to break the budget into two separate projects. This is summarized below:

- Shell Space: $2,700,000
- Plaza: $2,306,843 (plus $5 million unfunded – see comment below)

The Shell Space project includes construction costs, design, engineering, and planning costs, and funding for Art and Green Building. Due to the unknown costs associated with the Post Office location, staff is also showing an unfunded amount of $5 million for the Town Plaza. Consistent with Council direction, Staff will create a new CIP for the Shell Space project.

Recycling Bins

On April 19th Council directed Staff to begin a recycling program along Main Street per their Environmental Strategic Plan. Staff also recommends installing recycling bins at City Parks. Staff selected recycling containers to be used in all locations that are consistent with the current look of the street furniture on City property. The recycling containers will be placed in four locations along Main Street, two locations in City Park, one location at Rotary Park and one location at the Quinn's Recreation Fields. The total cost of the bins is $25,000. Additionally, Staff has written and will issue an RFP for pick-up of those locations. Staff has included the ability to increase pick-ups during Sundance, Triple Crown Softball and other events. The annual cost is estimated at $20,000. Due to timing, this funding was not included in the Tentative Budget delivered to City Council on May 3rd so Staff proposes amending the Parks department budget to include $20,000 for annual recycling pickups, and adding $25,000 to the CIP for purchase of recycling bins.

Budget Issues for June 21st

Ice Facility Budget

Staff is taking a final look at the operating budget for the ice facility, with the intent to make a final recommendation to Council on June 21st. Staff intends to finalize projections for FY 2007 operating expenses at the ice facility and may use those projections to recommend adjustments for the FY 2008 budget. Consistent with Council direction and upon additional information from the National Abilities Center this adjustment will likely include a recommendation for a "scholarship" type line item to assist with the learn-to-skate sledge hockey program. Staff also plans to propose a monthly budgeting approach similar to the strategy used in the Golf Fund.

Final General Fund Transfer

Staff is in the process calculating the final, end-of-year interfund transfer from the General Fund to the CIP Fund. According to State Code, the General Fund ending balance cannot exceed 18% of the following year's budgeted revenues. This necessitates a transfer at the end of the fiscal year of any General Fund surplus in excess of 18% to the CIP Fund to be dedicated to capital projects.

Council has adopted a surplus policy directing staff to dedicate any surplus above and beyond previous estimates to complete or expedite the funding of existing projects in the 5-Year CIP. Staff will return on the 21st with the final General Fund transfer figure and recommendations for use of excess surplus above previous estimates (if there is any). As mentioned on May 3rd, staff will likely recommend that Council dedicate any unbudgeted surplus toward the next Old Town Improvement Study (OTIS) projects. This will allow the City to avoid unnecessary debt and interest payments.

Fleet Fund

The Fleet Fund is an internal service fund that requires an adjustment at the end of each year to ensure proper accounting. According to GASB 34, internal service funds are meant to break even each year. Once again, staff's practice historically has been to wait until the very end of the budget process to finalize this calculation so that the fund comes as close to break even as possible. Staff will return with these finalized interfund transfer figures on the 21st.

Contingency Adjustments
According to adopted Council and administrative policies, a department which has much or all of its employees at working level and which has experienced little to no turnover during the year can request to have its personnel line adjusted. The final budget which will be presented to Council for adoption on the 21st of June will also include several vacancy factor adjustments for qualifying departments. These adjustments are made by transferring funds from the Personnel Contingency budget, thus resulting in a zero-sum budget impact.

A. Department Review:
The Budget, Debt, & Grants and City Manager departments reviewed this report. Other departments have considered other relevant portions.

Alternatives:
A. City Council should do the following:
1. **Adopt the ordinances enacting a .30% Transit Tax and a 1.1% Resort Tax;**
2. **Adopt the ordinance adopting a Capital Facilities Plans and Impact Fees**
3. **Adopt a resolution adopting the Personnel Policies and Procedures manual**
4. **Provide direction on the other outstanding budget issues**

B. Continue the Item: Time will be available on June 21st to address any outstanding issues. Council could choose to give additional direction at that time.

C. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide policy direction on budget issues. Any unresolved issues should be discussed by June 14th so that the Final Budget can be prepared for adoption on June 21st.

RECOMMENDATION: The City Council should follow the budget presentation schedule described above and provide direction concerning budget policies and issues if needed.

Attachments:
A – Letter from Park City Lodging Association
B – Transit Tax Ordinance
C – Resort Tax Ordinance
D – Impact Fee Ordinance
E – Resolution Adopting the Personnel Policies and Procedures Manual
F – Personnel Policies and Procedures (under separate cover)

Park City Area Lodging Assn.
PO Box 4256
Park City, UT 84060

June 7, 2007

Park City Municipal Corp
ATTN: City Council
P.O. Box 1480
Park City, Utah 84060

Re: Proposed Tax Increase

To Whom It May Concern:

In the Park City Lodging Association meeting, Wednesday June 6, we had a presentation from Gary Hill concerning the proposed tax increase. He presented some very useful information that showed what the impact is on Park City from recent laws by the Utah State Legislature and the proposed tax increase to attempt to re coop that lost revenue from the state.

Based on that presentation, we understand the situation it creates for the city, and as a result the Park City Lodging association is in full support of the proposed tax increase. We are hopeful that the increase will solve the problem so that any future increase that could potentially harm the tourism industry in Park City can be avoided

Best Regards,

Paul Christensen
President, Park City Lodging Association

City Council
Staff Report

Author:	**Sharon Mayes-Atkinson, Sr. Planner**	**Planning Department**
Subject::	**Land Management Code Amendments Chapter 15-11-3 (A) and (B) Historic Preservation, Organization.**	
Date:	**June 14, 2007**	
Type of Item:	**Legislative LMC Amendments**	

<u>Summary Recommendations</u>

Staff recommends the City Council conduct a public hearing and discuss proposed amendments to LMC Chapter 15-11-3, Historic Preservation, Organization, allowing a Chairman Pro Tem to be appointed in the absence of the Chairman, changing the quorum from three (3) to four (4), and requiring if a quorum is present but the chairman is absent, the members may appoint a Chairman Pro Tem to act in the absence of the chairman and have the right to vote

<u>Topic</u>

Project Name:	LMC Amendments
Applicant:	Planning Department
Proposal:	Revisions to the Land Management Code- Chapter 15-11-3 (A) and (B) Historic Preservation, Organization.

<u>Background</u>

The Planning Department has been doing amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year. One such issue is the change in the number of members of the Historic Preservation Board (HPB) from five (5) to seven (7). This requires a change in the number of the required members present to constitute a quorum. The current reading of LMC 15-11 also requires that one of the members of the quorum be the Chairman. There is no present provision for appointment of a Chairman Pro Tem.

The Planning Commission held a public hearing on May 23, 2007 and forwarded a positive recommendation to the City Council based on the findings of fact and conclusions of law found in the draft ordinance.

<u>Analysis and Discussion</u>

This change is required because a quorum must be a majority of the entire board. Therefore the LMC must be amended to require four (4) members for a quorum and not three (3) members. The current wording also requires that one of the quorum <u>must be the Chairman</u>. Since there may be times when the Chairman is unable to attend, some wording is suggested to allow the Chairman Pro Tem to take the place of the Chairman for purposes of a quorum, and allowing the members present to appoint a Chairman Pro Tem from the members present.

Department Review
These amendments have been reviewed by the Planning Department, the Legal Department and City Manager.

Notice
Legal notice of the public hearing was posted in the required public spaces and placed in the Park Record.

Public Input
A public hearing is required to be conducted by the Planning Commission and City Council prior to adoption of these amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code. Staff has not received any public input and no input was received at the Planning Commission hearing.

Alternatives
- Conduct a public hearing on the above described LMC amendments and adopt the draft ordinance attached hereto.
- Conduct a public hearing and direct staff to make changes to the proposed ordinance and direct staff to prepare specific findings for this action and bring the matter back with the changes.
- Refer the matter back to the Planning Commission to explore changes to the ordinance.
- Deny the ordinance.
- Continue action on the LMC amendments.

Significant Impacts
There are no fiscal or environmental impacts on the City as a result of this amendment.

Consequences of not taking the Suggested Recommendation
Not taking the suggested recommendation will leave the LMC unchanged and result in a conflict with authorizing legislation, which requires a quorum to be a majority of the entire membership. It will also result in a lack of quorum, and no action possible, even if six of the seven members are present, if the Chairman is absent.

Recommendation
Staff recommends the Council conduct a public hearing and discuss amending Chapter 15-11-3 (A) and (B) and adopt the draft ordinance attached hereto.

Draft Ordinance 07-________

AN ORDINANCE APPROVING AMENDMENTS TO THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, TO ADDRESS A REVISION TO CHAPTER 15-11-3 HISTORIC PRESERVATION (BOARD), ORGANIZATION.

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City reviews the General Plan and Land Management Code on an annual basis and identifies necessary amendments to the Land Management Code to address substantive revisions;

WHEREAS, Chapter 15-11-3 Historic Preservation, Organization presently requires only three (3) members of the Historic Preservation Board to constitute a quorum for purposes of taking action, including the Chairman;

WHEREAS, it is in the best interests of the public to have applications acted on in an expedient manner;

WHEREAS, in order to allow for action when the Chairman is absent, a Chairman Pro Tem should be appointed by the members present, to act as Chairman for purposes of constituting a quorum;

WHEREAS, Chapter 15-11-1 was amended in 2006 by Ordinance No. 06-09, requiring seven (7) members rather than five (5) members, but the quorum was not amended at that time;

WHEREAS, this amendment is a needed change identified since the 2006 Land Management Code revisions;

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at its regularly scheduled meeting on May 23, 2007, and forwarded a positive recommendation to the City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 14, 2007; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code.

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

SECTION 1.INCORPORATION. The above recitals are hereby incorporated as findings of fact and conclusions of law.

SECTION 2. AMENDMENT TO CHAPTER 15-11-3 OF THE LAND MANAGEMENT CODE. Chapter 15-11-3 is hereby amended to read as attached hereto on Exhibit A, pursuant to the to the Findings of Facts, Conclusions of Law. Any conflicts or cross-references from other provisions of the LMC to Chapter 15-11-3 shall be resolved by the Planning Director.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

EXHIBIT A

15-11-3. ORGANIZATION.

(A) **CHAIRMAN**. The HPB shall elect one of its members to serve as Chairman for a term of one (1) year at its first meeting in March. The Chairman may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chairman is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chairman Pro Tem to act as Chairman solely for that meeting.

(B) **QUORUM**. No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by ~~three (3)~~ four (4) of the appointed members, including the Chairman or Chairman Pro Tem.

(C) **VOTING**. All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chairman or Chairman Pro Tem may vote at the meetings.

City Council Staff Report

Author: Katie Cattan
Subject: Roundabout Subdivision
Date: June 14, 2007
Type of Item: Administrative - Subdivision

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the City Council review the proposed application, conduct a public hearing, and consider approving the Roundabout Subdivision application as described herein:

Topic

Applicant:	Blake Henderson
Location:	300 Deer Valley Loop Road
Zoning:	Residential District (R-1)
Adjacent Land Uses:	Residential and Multi-family residential
Reason for Review:	Subdivisions require Planning Commission review and City Council approval

Background

On February 16, 2007, the City received a completed application for the Roundabout Subdivision. The property is located at 300 Deer Valley Loop Road in the Residential (R-1) zoning district. The proposed subdivision creates two lots from one metes and bounds parcel of Block 57 of the Park City Survey. The metes and bounds parcel is .64 of an acre, or 24,877 square feet of land. The proposed new lots will be 12,658 square feet (Lot 1) and 12,219 square feet (Lot 2) in size. No previous applications have been received for this property.

The applicant wishes to create the subdivision to facilitate the new construction of one duplex on each of the lots. A duplex is an allowed use in the R-1 district. The proposed lot sizes could accommodate triplexes. Triplexes are a conditional use in the R-1 District. A building permit cannot be issued for metes and bounds parcels of land.

On April 11, 2007, Staff introduced the Planning Commission to the proposed subdivision. During this meeting the Planning Commission requested that the draft site plan be attached to the staff report. Under the LMC Subdivision General Provisions - Conditions statement (LMC 15-7-6) it states:

> "Regulation of the Subdivision of land and the attachment of reasonable conditions to land Subdivision is an exercise of valid police power delegated by the state to this municipality. The Developer has the duty of compliance with reasonable conditions for design, dedication, improvements, and restrictive Use of the land so as to conform to the physical and economical Development of Park City and to the safety and general welfare of the future Lot Owners in the Subdivision and of the community at large."

The proposed site plan with future dedication and improvements is attached as Exhibit B.

On May 23, 2007, Planning Commission reviewed the application during the work session. The Planning Commission held a public hearing during the regular meeting and unanimously forwarded a positive recommendation. Public input from concerned neighbors was heard during the public hearing. Concerns focused primarily on the impact of construction on the neighborhood. A construction mitigation plan is a requirement for all building permits.

Analysis

The intention of the application is to create two lots of record with one duplex on each of the lots. Lot 1 of the subdivision will be 12,658 square feet. Lot 2 of the subdivision will be 12,219 square feet. In the R-1 district, the following Land Management Code regulations apply:

	Required	Proposed
Site Requirements	Lot has frontage on the streets master plan, or on private easement connecting the lot to a street shown on the streets master plan	Frontage is adjacent to Deer Valley Drive and Deer Valley Loop Road. Access is proposed off of Deer Valley Loop Road
Lot Size	Single Family 2812 square feet minimum Duplex Dwelling 3750 square feet minimum Triplex Dwelling 5625 square feet	12,658 sq. ft. Lot 1 12,219 sq. ft. Lot 2 Single Family and Duplex Dwellings are allowed uses. A Triplex Dwelling requires a conditional use permit.
Minimum width of Lot	37.5 feet	140’ on each lot
Front yard setback	15’ minimum; 20’ for garage	Required to meet code
Rear yard setback	10’ minimum	Required to meet code
Side yard setback	5’ minimum	Required to meet code
Height	28’ maximum	Required to meet code
Parking	2 off-street spaces per dwelling unit	Required to meet code

Planning Staff finds there is good cause for the application as the subdivision will bring the parcel into compliance with state law by creating two lots of record and will create a new bus pull-off area for the enjoyment of the public. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal mitigates the issues of density, scale, and access addressed within the General Plan and LMC for this area. All future plans must comply with the requirements of the Land Management

Code and all future development will be reviewed for conformity with requisite Building and Land Management Code requirements.

The property is located in the R-1 district. Therefore, prior to the issuance of a Building Permit for any conditional or allowed use, the Planning Department must review the proposed plans for compliance with architectural guidelines and Chapter 2.12 of the Land Management Code.

Zoning

The R-1 district of Park City is a transitional zone leaving Old Town entering the Deer Valley Resort area. Under the purpose statement of this zone, the LMC clearly describes the encouragement of densities that preserve the existing residential environment and that allow safe and convenient traffic circulation. In terms of safe and convenient traffic circulation, the purpose statement also notes that designs that minimize the number of driveways accessing directly onto Deer Valley Drive are encouraged. Another goal of the R-1 district is to require building designs that are compatible with the topographic terrain and steps with the hillsides to minimize grading. The applicant has worked with Staff to comply with the purpose statement of the R-1 district and mitigate the issues of access, density, and steep slope.

Steep Slope and Density

One defining characteristic of the metes and bounds parcel is the steepness of the slope. Steep slopes in the R-1 zone do not require a steep slope analysis. LMC Section 15-7.3(D) explains the role of the developer and planning commission in the instance of Land being restricted due to the character of the land. This section states "Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendations of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for uses as shall not involve such a danger." City staff has worked with the applicant on the proposed subdivision in an effort to mitigate the impact of developing a steep slope. Prior development on neighboring lots provides evidence that this land is situated on stable ground, and therefore, staff has not required a geotechnical report of the parcel. During the building department review of the project, a geotechnical report will be required dependant on the proposed foundation and location of the building.

The applicant is aware of the limitations of working on a steep slope. The applicant has voluntarily proposed less density in the subdivision given these limitations. Under the LMC, a duplex requires 3,750 square feet of lot area. The applicant agrees to a limitation of one duplex on each lot. Both lots are greater than 12,000 square feet in area, much greater than the lot requirement of 3,750 square feet. There is sufficient square footage on the lot to meet the minimum square footage for a triplex dwelling. A triplex dwelling requires a conditional use permit.

The Park City General Plan discussed the current trend of density in the area and states that “the zone’s permitted density is resulting in more density and larger scale than the neighborhood is comfortable with.” One recommendation within the General Plan to address the issue is to “re-evaluate the zoning in the area and make changes necessary to decrease the density and scale of structures.” The LMC defined density as “The intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre. Density is a function of both number and type of dwelling units and/or non-residential units and the land area.”

The surrounding land use in the area is made up of single family and multi-family units. The applicant has introduced preliminary plans for one duplex (footprint 3200 sq. ft) on each of the lots. Planning staff has analyzed the density of the surrounding development and has found that the proposed density is appropriate for the surrounding scale and use. In an analysis of the surrounding properties and the percent of land utilized for footprint, the applicant is just below the average of 27 percent (Exhibit C). Percent of footprint of the analyzed lots ranges from 11.7% to 38.9%. The applicant is proposing 25.3% and 26.2% for each of the lots. This is consistent with the density of the adjacent properties. In terms of number of dwelling units per lot area, the applicant well exceeds the neighboring developments with an extra 2000 square feet of lot area per dwelling unit (Exhibit C).

The footprint of a dwelling is not regulated in the R-1 zone. The findings for density are based on preliminary plans. Setback requirements in the R-1 zone determine the allowable footprint of dwellings. In the neighboring HR-1 zone the footprint of a building is determined using the maximum foot print formula. If this formula were applied to the lots the following footprint would be allowed: 12,658 square foot lot results in a 3107.63 square foot footprint, 12,219 square foot lot area results in a 3074 square foot footprint. These amounts were within 125 square feet of the 3200 square foot footprint that the applicant is requesting. Staff has incorporated a condition of approval that the footprint of each dwelling on each lot will not exceed 3200 square feet.

<u>Safety</u>
Emergency access into and out of the subdivision is a concern for Staff. The applicant has worked with the Chief Fire Marshal to resolve access in the case of an emergency. The applicant plans to widen a portion of the frontage off Deer Valley Drive for a city bus pull-off area and to provide sufficient room for emergency vehicles. The applicant will be required to place a fire hydrant in the location of the bus pull-off area. Stairs will access the two duplexes from the bus pull-off area. The proposed bus pull-off area is supported by the Park City Transportation Department. The applicant has met with staff from the Transportation Department and the Chief Fire Marshal to identify the appropriate location of the bus pull-off area. A dedicated right of way for the city has been identified on the proposed subdivision.

The proposed shared driveway into the Roundabout Subdivision is accessed off of Deer Valley Loop Road. The applicant agrees to the condition of approval requiring vehicular access from Deer Valley Loop Road. The access point is on a steep portion of the public road within 50 feet of the Deer Valley Drive access. The applicant will mitigate the steep slope by widening the existing Deer Valley Loop Road an additional 5 feet. Due to the steep slope of this area, a series of landscape terraces is proposed for the excavation of the driveway and across platted 3rd Street. An encroachment agreement will be created for improvements to the platted 3rd Street between the applicant and the City providing for private maintenance of the terraces and their retaining walls. The terracing will retain 16' of height along the driveway into the subdivision. The height of each terrace cannot exceed 4' per the supplemental regulations for fences and walls on street side yards (LMC 15-4-2). The applicant is requesting an exception from the Planning Director and City Engineer to the 4' regulation. The applicant is requesting that two separate six feet high retaining walls be allowed in the side yard. The LMC requires a Conditional Use Permit for applicants requesting a wall greater than 6' in height within the side yard. If the exception to the 4' height limit is not granted by the Planning Director and City Engineer, the applicant will be required to seek an alternative.

Department Review

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on February 21, 2007, where representatives from local utilities and City Staff were in attendance. A second meeting occurred on March 26, 2007 in which the City Engineer, the Chief Building Official, the Chief Fire Marshall, and representatives from the Transportation Department were in attendance. City staff worked with the applicant to resolve safety and access issues. The attached site plan (Exhibit B) resulted from this meeting.

Notice

Notice of this hearing was sent to property owners within 300' on March 7, 2007. Legal notice was also put in the Park Record.

Public Input

Two letters, addressed to Planner Cattan, are attached as Exhibit D. Several neighbors expressed their concerns during the public hearing on April 11, 2007. These concerns included snow storage, steep slope, density, the stability of the land, fire, traffic and speeding, wildlife, construction mitigation, impact of excavation on neighboring properties, parking for construction workers, impact of 6' retaining walls, safety due to speeding, and the creation of more traffic due to increased density. During the May 23, 2007 Planning Commission meeting, one neighbor again expressed concerns for the impact of construction on the neighborhood, construction staging issues, the existing vegetation, steep slope, wildlife, and pedestrian safety.

Alternatives

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

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The metes and bounds parcel would remain a metes and bounds parcel and no construction would be allowed.

Recommendation

Staff recommends that the City Council review the proposed application, conduct a public hearing, and consider approving the Roundabout Subdivision application.

Exhibits

Exhibit A – Proposed Subdivision
Exhibit B – Draft Site Plan
Exhibit C - Neighborhood Analysis
Exhibit D – Letters of Concern
Exhibit E – Planning Commission minutes from April 11, 2007 and May 23, 2007

Ordinance No. 07-

AN ORDINANCE APPROVING THE ROUNDABOUT SUBDIVISION CREATING TWO LOTS OF RECORD AT 300 DEER VALLEY LOOP ROAD, PARK CITY, UTAH.

WHEREAS, the owner of the property known as 300 Deer Valley Loop Road, has petitioned the City Council for approval of a subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 11, 2007 and May 23, 2007 to receive input on the Roundabout Subdivision.

WHEREAS, the Planning Commission, on May 23, 2007, forwarded a positive recommendation to the City Council; and

WHEREAS, on June 14, 2007 the City Council approved the Roundabout Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Roundabout Subdivision.

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

SECTION 1. APPROVAL The above recitals are hereby incorporated as findings of fact. The Roundabout Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 300 Deer Valley Loop Road.
2. The metes and bounds parcel is 24,877 square feet in size.
3. The property is located in the Residential (R-1) District.
4. The R-1 zone is a transitional zone in use and scale between the historic district and the Deer Valley Resort.
5. The subdivision will create two lots of record. Lot One will be 12,658 square feet. Lot Two will be 12,219 square feet.
6. There are no existing structures on the metes and bounds parcel.
7. Access to the property is from Deer Valley Loop Road within 50 feet of Deer Valley Drive.
8. The minimum lot size in the R-1 zone is 3,750 square feet for a duplex dwelling.
9. A duplex dwelling is an allowed use in the R-1 zone.

10. The maximum height limit in the HR-1 zone is 28 feet from existing grade.
11. Minimum setbacks for the lots are 5’ on the side yard, 15’ in the front yard, and 10 feet in the rear yard.
12. Minimal construction staging area is available along Deer Valley Loop Road and Deer Valley Drive.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. Prior to the receipt of a building permit for construction on the lots, the applicant shall submit a building application that will be reviewed by the Planning Department for compliance with applicable Architectural Design Guidelines and the Land Management Code.
4. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval and the plat will be void.
5. The applicant stipulates to restricting the development to a single family home or duplex dwelling on each lot.
6. The footprint on each lot will not exceed 3200 square feet.
7. Shared access for the proposed lots will be accessed off of Deer Valley Loop Road.
8. An encroachment agreement will be created for improvements to the platted 3rd Street prior to building permit issuance on either lot.
9. The applicant shall submit a financial guarantee, in an amount approved by the City Engineer and in a form approved by the City Attorney, for the public improvements including the fire hydrant, bus pull-off, improvements to Deer Valley Drive, and lighting, prior to plat recordation.

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

PASSED AND ADOPTED this 14th day of June 2007.

Exhibit A: Proposed Subdivision

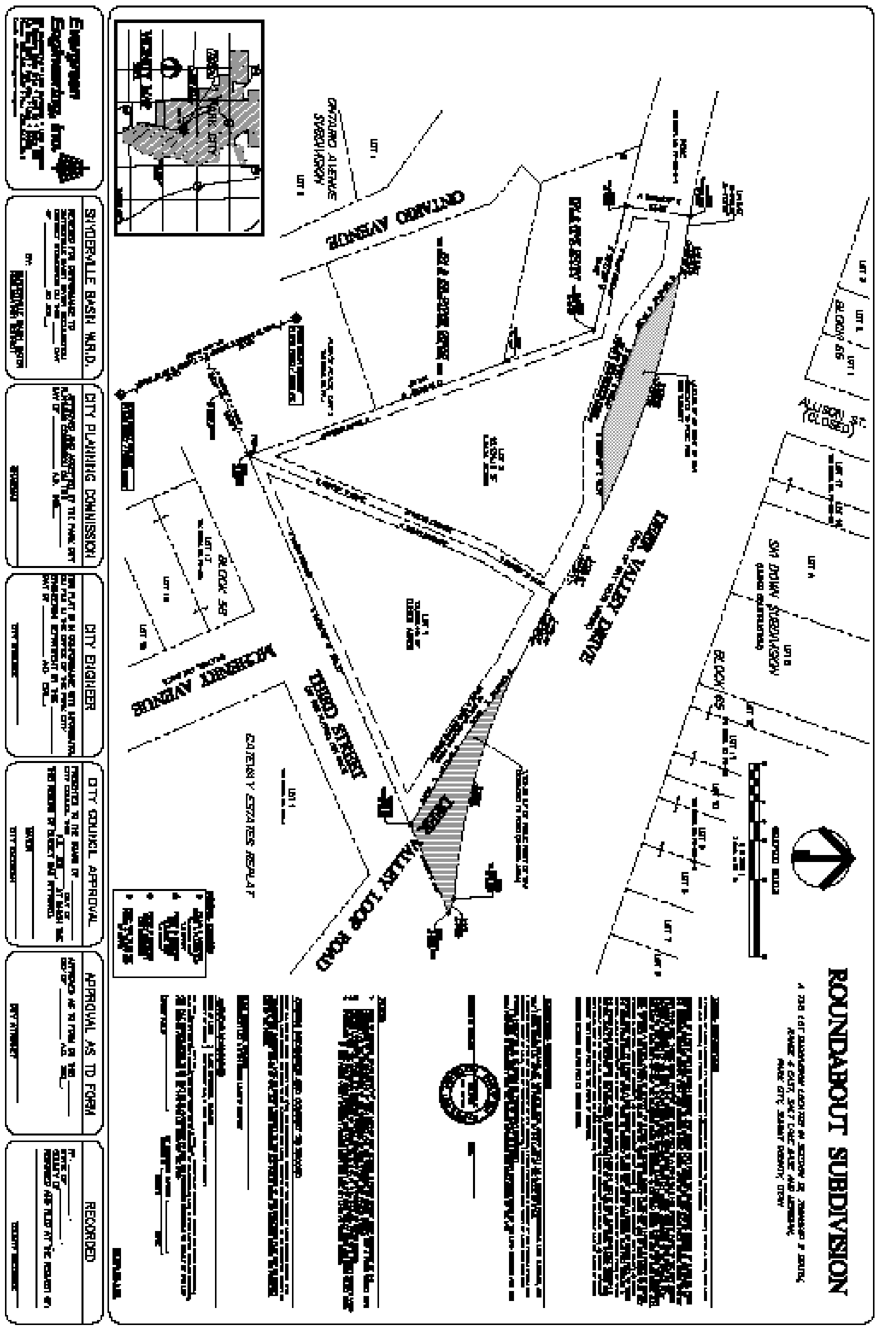


Exhibit B –

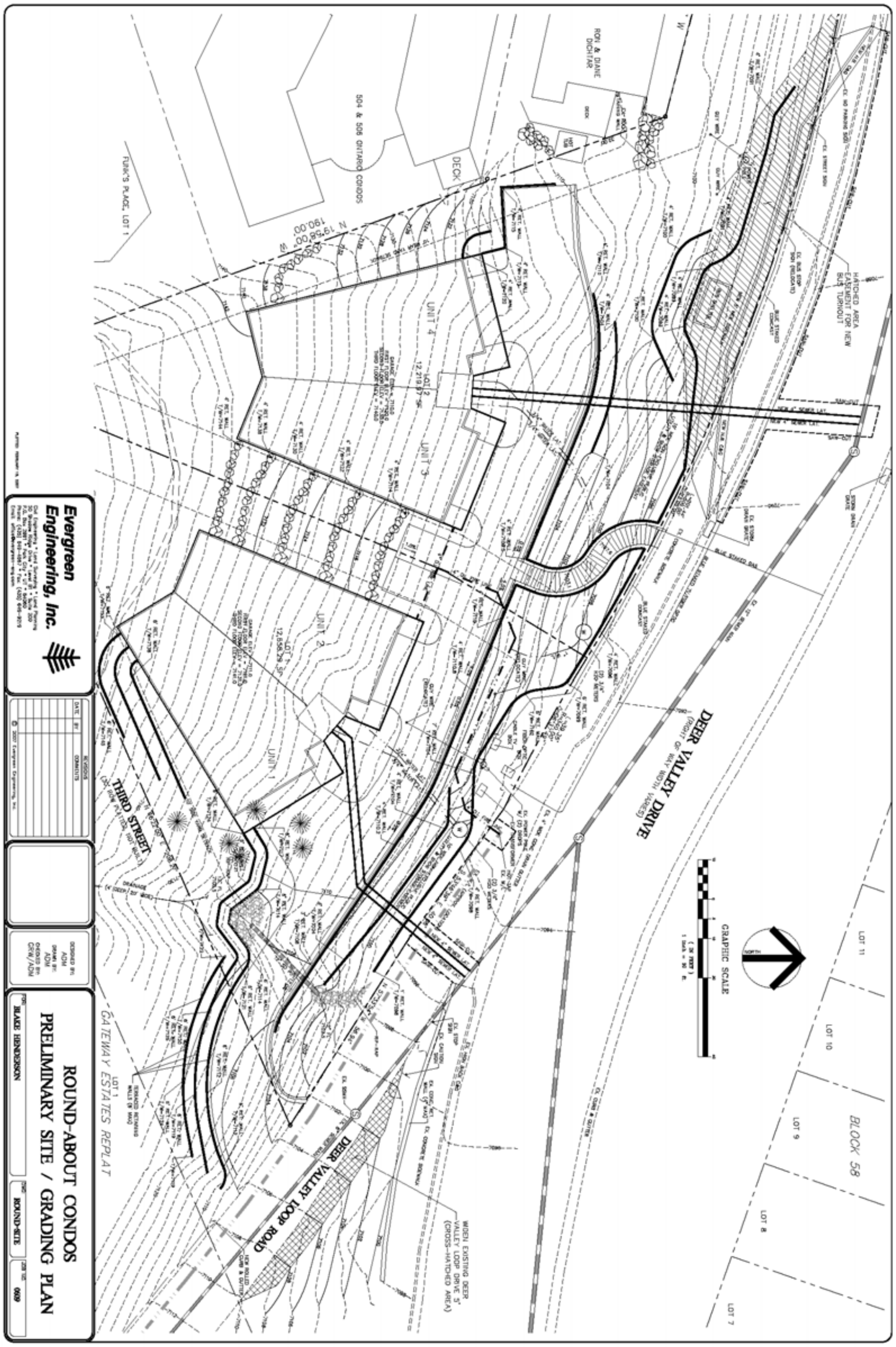

ROUND-ABOUT CONDOS
PRELIMINARY SITE / GRADING PLAN
BLAKE HENDERSON
Evergreen Engineering, Inc.
DEER VALLEY DRIVE
DEER VALLEY LOOP ROAD
THIRD STREET
GATEWAY ESTATES REPLAT
GRAPHIC SCALE
NORTH
BLOCK 58
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
UNIT 1
UNIT 2
UNIT 3
UNIT 4
504 & 506 ONTARIO CONDOS
RON & DIANE DICHTAR
DECK
HATCHED AREA EASEMENT FOR NEW BUS TURNOUT
WIDEN EXISTING DEER VALLEY LOOP DRIVE 5' (CROSS-HATCHED AREA)

Exhibit C – Neighborhood Analysis

Address	Lot Size	Footprint	Total SF	Units		zone	Percent footprint of total lot area	Square feet of lot area per unit
504 & 506 Ontario Ave	7676	2441	6021	4	2 duplexes	R-1	31.8	1919
510 & 511 Ontario Ave	4791	954	2507	2	1 duplex	R-1	19.9	2396
408 Deer Valley Loop Rd	27007	3150				HR-1	11.7	
412 Deer Valley Loop Rd	12196	2593				HR-1	21.3	
267/269 Deer Valley Drive	6400	2412	4653	2	1 duplex	R-1	37.7	3200
345 Deer Valley Drive (Posner)	5625	2187	8161	3	1 duplex and 1 mother-in - law	R-1	38.9	2250
355 Deer Valley Drive (Posner)	7500	2248	6270	2	1 duplex	R-1	30.0	3750
365 Deer Valley Drive (Posner)	7500	2248	6270			R-1	30.0	
300 Deer Valley Loop Rd (Lot 1)	12658	3200		2	1 duplex	R-1	25.3	6329
300 Deer Valley Loop Rd (Lot 2)	12219	3200		2	1 duplex	R-1	26.2	6110
						Average	**27.3**	**3707.6**

Melissa "Sunny" Still
P.O. Box 3221
Park City, UT 84060
Owner of 415 Deer Valley Drive
Resident since 1999
(435) 647-9400

City Council Meeting March 28th, 2007

Property division on Deer Valley Loop

Concerns/objections

- **Prefer that land remain open space**
- **Completion date for building to be upheld/penalties**
  Possner's too long (new townhouses on Deer Valley Drive, near turn circle)
- **Construction Parking**
  park on edges of our properties, city property and leave mud bogs/no fix
- **Construction debris/dust/noise –**
  We have dealt with trucks rumbling down the road from the empire building explosion and there is more to come. Our decks have become useless for enjoyment/Can't hold a conversation – reminds me of an airport
- **Excavation Stability**
  Cutting into hill with homes above it
  ***Possner Townhouses Excavation has effected 3 homes Foundations/driveways/landscaping through compacting/digging**
  *** Main Road is cracking**
- **Overbuilding in area**
- **Safety**
  - **Ingress/Egress/Deer Valley Loop**
    Drivers too fast up hill
    Should be "one way" in the winter/narrow passage
- **Moose/Fox frequent that area**
  Fox Den – live there in winter
  Moose trail
  Witness moose 3/25/07
  Tourists stopped to take pictures.
  ***Witnessed Moose calves while walking Snow Park Ponds, stuck in orange Snow fencing at what is now Silver Baron at the Lodges Deer Valley. It surrounded perimeter for survey purposes. Called Sheriff. Afraid same thing will happen at this project.**

How can I be proactive? How do I address?

Speeding on Deer Valley Drive/Park City
Frequent complaints/little action
Taxi's/Lodging Shuttles/Construction/Evening Diners
Most speeding occurs: 6:30am until 9am
5:00pm until 8pm
Unsafe to cross road
Speed sign like Park Ave.
Groove the road
Sidewalk on North side
Crosswalk with lights/flags

Round-a-bout issues
Painted
Need signage
Send flyers to citizens/car rental /taxi/hotel shuttle
Permanent bolted flexible break-away rods

Park City Planning Commission

Subject: Roundabout Subdivision

David and Patricia Constable
375 Deer Valley Drive
Park City, UT 84060

5/23/07

Upon review of the Roundabout Subdivision proposal, we contend that having an official bus pull out would accentuate rather than mitigate the already hazardous traffic situations on Deer Valley Drive. It is a well known fact that the round about area has numerous traffic safety issues such as:

1. drivers flying around the round about in a hurry and exceeding the speed limit
2. traffic backing up at the end of every ski day and concert closure
3. residents exiting or entering their homes find it nearly impossible at these times and must break into traffic to enter or exit their homes
4. busses, construction traffic and cars all interfacing with bikers, hikers, runners and skate boarders who are accessing town or trail heads

Deer Valley Drive does not need one more traffic feature such as a bus pull out to complicate an already difficult situation. We request that the bus pullout be deleted from the Roundabout Subdivision plans.

David and Patricia Constable

David Constable
Patricia Constable

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 11, 2007

COMMISSIONERS IN ATTENDANCE:

Chair Michael O'Hara, Jim Barth, Julia Pettit, Evan Russack, Mark Sletten, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Brooks Robinson, Principal Planner; Ray Milliner, Planner; Katie Cattan, Planner; Kirsten Whetstone, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

REGULAR AGENDA/PUBLIC HEARINGS

1. 300 Deer Valley Loop, Roundabout - Subdivision

Chair O'Hara stated that the Planning Commission discussed this item during the work session. One issue was to have a discussion during the regular meeting about whether or not to limit a triplex in the future on that site.

Planner Katie Cattan made two corrections to the Staff report. The first is that the metes and bounds parcel is .64 of an acre. The square footage was correct. The second was on page 45 and the statement, "The Staff has incorporated a condition of approval that the footprint of each dwelling on each lot will not exceed 2100 square feet". She corrected that to read "3200 square feet".

Planner Cattan reported that the Roundabout Subdivision is currently a metes and bounds parcel that is .64 of an acre. Access to the subdivision will be off of Deer Valley Loop drive and through platted Third Street. The subdivision is proposing two lots of record; Lot 1 will be 12,658 square feet; and the second lot will be 12,219 square feet. Single family homes and duplexes are allowed uses in the R-1 zone. Planner Cattan stated that all the requirements for a lot in the R-1 zone have been met with this application.

Planner Cattan remarked that the applicant has worked closely with the City Staff on this subdivision to mitigate the challenges of the lot because it is on a steep slope. Access and steep slope are two of the main issues. One issue raised by the Fire Department was fire access, since the large trucks cannot get up the road. The applicant is willing to create a bus pull off area off of Deer Valley Drive, which would be a public improvement for the City. A staircase would access the two duplexes or single family home from the bus pull-off area for fire access. A fire hydrant will be located at the bus pull off area.

Planner Cattan reported that the R-1 zone does not require a steep slope CUP. Therefore, the applicant has worked with Staff to lessen the impact of the steep slope and proposes less density than allowed on that land. Planner Cattan remarked that the proposal supports the General Plan recommendation for the area. The General Plan recommends that the zoning in this area be reevaluated and that changes are made as necessary to decrease density and scale of structures in that area.

Planner Cattan stated that the dwelling footprint is not regulated in the R-1 zone and the setback requirements determine the allowable footprint. The Staff had incorporated a condition of approval stating that the footprint of each dwelling on each lot will not exceed 3200 square feet, as agreed upon in preliminary meetings with the applicant. Planner Cattan remarked that based on her analysis of density of the surrounding properties and the percent of land utilized for a footprint, the proposal is slightly below the average of 27%. In terms of dwelling units per the lot acreage, this proposal provides 2,000 square feet more open space than the surrounding lots.

The Staff finds good cause for this application as the subdivision will bring the parcels into compliance with State law by creating two lots of record and will create a new bus pull off area for the enjoyment of the public. The Staff finds that the plat will not cause undue harm on adjacent property owners because the proposal mitigates density, scale, and access issues addressed within the General Plan for this area.

Blake Henderson, the applicant, stated his agreement with the Staff report. Mr. Henderson remarked that he previously lived in Deer Valley and has travels Deer Valley Drive. He is now a resident of Old Town and he is very much involved and aware of all the development issues. In developing this piece of land, he carefully considered what would be appropriate after gathering information from friends, neighbors, and other developers in the area. Mr. Henderson stated that he spent a tremendous amount of time with the Planning Staff in an effort to put an appropriate project on this site with appropriate design and density. He noted that the proposal puts these structures above Deer Valley Drive, which will limit the massing visible from the street. Open space and green space will be provided between the duplexes and Deer Valley Drive. Mr. Henderson stated that they also considered traffic issues and the flow of traffic in terms of speed and congestion on Deer Valley Drive. They worked with Staff to find another entrance and proposed to use the Third Street access easement. He noted that no driveways are proposed off of Deer Valley Drive. Mr. Henderson commented on their plan to provide a bus pull out so buses can pull off of Deer Valley Drive and eliminate traffic congestion. They are also working with the Fire Marshall to use the bus pull out for fire trucks in the event of an emergency.

Chair O'Hara questioned a statement in the Staff report that a building permit cannot be issued for metes and bounds parcels. Planner Robinson replied that this statement was correct. The City prefers to have legal lots of record rather than parcels.

Mr. Henderson clarified that the metes and bounds parcel was .71 of an acre when the application was filed; however, the bus pullout reduced the size to .64 acres.

Commissioner Barth noted that Condition of Approval #8, states that the applicant will submit a financial guarantee. He understood that the applicant is planning on paying for the public improvements and wanted clarification that the applicant would be doing both. Planner Robinson stated that typically the City Engineer requires a financial guarantee for financial improvements. Commissioner Barth asked if the Fire District has signed off on the turn out solution for fire protection. Planner Cattan replied that Ron Ivie concluded that this solution would work.

Planner Cattan stated that with the access off of Platted Third Street, the applicant is proposing to install a 6 foot high retaining wall due to the slope. Normally the side retaining wall is only allowed to be 4 feet high. Finding of Fact #13 indicates that the Planning Commission finds in favor of a 6 foot high retaining wall if this application is approved.

Commissioner Barth noted that the Staff report indicates that triplexes could be allowed in this zone. He understood that the applicant is requesting two duplexes; but he did not see where triplexes were restricted in the conditions of approval. Mr. Henderson was willing to restrict the development to two duplexes.

Chair O'Hara opened the public hearing.

Ed Brophy, a resident at 500 Deer Valley Drive, wanted to know what would happen to the trees in the area when the road is widened and whether the salt on the road would impact the trees. Mr. Brophy wondered how the snow storage will be affected if the road is widened, since there is very little space now when the City plows. He currently has an easement for his property on platted Third Street for snow storage. He hoped that the snow coming down from that development will go into their designated snow storage areas and not overflow onto his.

Joe Still, a resident at 415 Deer Valley Drive, stated that he has been in the real estate business for over 20 years and he has done a number of development projects in Seattle. Mr. Still remarked that development is not a bad thing and he is a proponent more than an opponent. Although he is a stakeholder in the neighborhood, if he puts that aside and only looks at this piece of property and the applicant's proposal, it appears that they are trying to put something on that land because it is allowed in the zone. Mr. Still believes a variety of issues need serious consideration. He referred to the Staff report and the paragraph regarding steep slope density. He concurred with the Staff determination that the footprint density on the property is significantly less than what is allowed. Mr. Still remarked that in a more global view, there is already a lot of density and this project will put more in the neighborhood. He suggested that they address the steep slope element before granting approval for this application. Mr. Still explained why he believes this is important. The land across the street is moving and his driveway has sunk 1-l/2 inches since mid-December. His neighbors driveway is also moving and the area does not appear to be stable. Mr. Still referred to page 47 of the Staff report and the statement that there are no significant fiscal or environmental impacts from the application. He was unsure how the Staff defines environmental impacts but he had his own issues. He believes the bus pull out is a good idea. Two summers ago there was a fire right above his house and it took the Fire Department fifteen to twenty minutes to respond. Fire burns up and not down, so if there was a fire in this proposed area, it would most likely burn straight up to the dwellings above before fire suppression could get there. Mr. Still commented on the amount of wildlife on that parcel. Mr. Still commented on traffic mitigation. Construction for this project and all that is going on up Empire will worsen the problem for both ingress and egress up and down Deer Valley Drive. Mr. Still recommended that the Planning Commission choose Alternative #3 in the Staff report and continue the discussion on the Roundabout subdivision, as opposed to approving or denying the application this evening. He believes the issues are important for the people who live there.

Bob Wells, representing Royal Street Land Company, the parent company of Deer Valley, stated that Lot 57 was owned by Royal Street Land Company for 35 years until the property was conveyed to Blake Henderson last year. Mr. Wells provided a brief history which he believed contributed to the pot of community benefits that have occurred over the years and resulted in the present parcel. One benefit was the improvement of Ontario Avenue. Another benefit was that a number of years ago portions of this property was deeded to the Clifford Funk subdivision and the adjacent subdivision, which resolved property issues and enabled those developments to occur. In addition, a provision of additional right-of-way for Deer Valley Drive and a portion of land that was carved out of Block 57 enabled the roundabout to be constructed. Mr. Wells stated that this is the last piece to be developed and it is always harder when you are the last person on the block. He supports this application and believes that Mr. Henderson and the Staff did a good job of mitigating the effects of the development.

Melissa Still, a resident at 415 Deer Valley Drive, reiterated her husband's comments and expressed concerns and objections of her own. Ms. Still mentioned the impacts from the Posner project and how the excavation and the process of compacting the soil has affected neighboring properties. She was concerned about further affects to their properties when development occurs at 300 Deer Valley Loop. Ms. Still commented on the amount of vehicle parking that occurs on Deer Valley Drive during construction and the problems this has created. She had parking concerns associated with this project and wondered where more cars would park. Snow storage and pedestrian safety were also major concerns. She expressed concern for the wildlife because moose frequent the area and fox live there during the winter. Ms. Still was bothered by the idea of 6 foot tall retaining walls and she found it disheartening to see the town explode for the sake of building. Ms. Still proposed that the City purchase the land for open space.

Jim Hauser, a resident at 395 Deer Valley Drive, echoed the comments regarding safety. He was forced to put a fence in his backyard because when he moved there five years he and his wife were continually chased off by speeding cars using the roundabout. Mr. Hauser opposed changing the metes and bounds parcel to a platted lot because it creates more density. Mr. Hauser asked if building on a steep slope is a safety issue and if that is why a CUP is required.

Planner Robinson replied that all conditional use permits are allowed uses with impacts that need to be mitigated. The steep slope CUP requirement is only in place in Old Town because of the narrow lots and three foot setbacks, excavation impacts, and mass and scale of the buildings to surrounding structures in close proximity.

Mr. Hauser clarified that the steep slope CUP addresses neighborhood impacts rather than safety issues. Planner Robinson replied that this was correct. He noted that excavation impacts could be considered safety issues.

Mr. Hauser remarked that creating two lots out of one and doubling the density will increase congestion and decrease safety in an area that is already incredibly unsafe.

Chair O'Hara closed the public hearing.

Chair O'Hara noted that the Planning Commission had this same discussion about a bus pull out when they reviewed the affordable housing project on Deer Valley Drive. At first glance a bus pull out appears to be a safe alternative for moving the bus out of the traffic area. In his opinion, a bus pull out is not a good idea because having a bus parked at the curb creates a traffic calming device.

Commissioner Thomas did not favor widening the road for a bus pullout for the same reason expressed by Chair O'Hara. If the bus can pull over, the traffic speed will increase.
Commissioner Sletten understood that the bus pullout would serve a dual purpose. One is for the bus and the other is for fire access.

Planner Cattan clarified that the applicant proposes to widen the road for a bus pullout; however; they are also planning to widen the road 5 feet as you come up Deer Valley Loop in order to make the access in and out of this subdivision more user friendly.

Commissioner Wintzer stated that once again the Planning Commission is being asked to approve something without knowing the design or what is intended for the property. He understands that the Land Management Code does not provide them an option, but he felt like their decision was being made in a vacuum.

Commissioner Russack agreed with Commissioner Wintzer, particularly on this parcel, given the steepness of the slope and the fact that it is in the R-1 zone and does not require a steep slope review. In other instances where there is a steep slope, they usually know they can rely on the steep slope process. Commissioner Russack read the purpose statement for the R-1 District, "Encourage development that protects and enhances the entry corridor of the Deer Valley Resort area". He wondered how they could do that without knowing more specifically what is proposed for the site.

Planner Cattan reviewed a drawing that the applicant presented to Staff when discussing mitigation and the bus pullout. Commissioner Thomas noted that the drawing was not included in the Staff report even though it was a pertinent part of the information being reviewed this evening. Planner Robinson stated that omitting the drawing from the Staff report was a conscious decision because the Planning Commission recommendation for approval or denial should be based on the Subdivision Code and not the building.

Commissioner Thomas stated that a component of their decision relates to significant environmental impacts of the application and being able to see a drawing helps with their evaluation.

Assistant City Attorney, Polly Samuels McLean, redirected the Planning Commission to the criteria of the Subdivision portion of the Land Management Code. She read from Section 15-7-6, Regulations of the Subdivision of Land and the attachment of reasonable conditions to land, "subdivision is an exercise of valid police power delegated by the State to this municipality. The developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of Park City and to the safety and general welfare of the future lot owners in the subdivision and of the community at large." She also read from Section 15-7.3-1(d), Restrictions Due to the Character of the Land, "Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, mine hazards, potentially toxic waste, adverse earth formations or topography, wetlands, geological hazards, utility easements, or other features, including ridgelines, which will reasonably be harmful to the safety, health, or general welfare of the present or future inhabitants of the subdivision or its surrounding areas, shall not be subdivided or development unless adequate methods are formulated by the developer and approved by the Planning Commission upon recommendation of a qualified engineer to solve the problems created by the unsuitable land conditions. The burden of proof shall lie with the developer. Such land shall be set aside or reserved for uses as shall not involve such danger."

Chair O'Hara asked to what extent the Planning Commission should apply Section 15-7-2, The Purpose. Ms. McLean stated that the Planning Commission could also consider the purpose of that area. Commissioner Thomas reiterated his previous comment that a drawing like the one presented this evening would help the Planning Commission in evaluating the criteria read by Ms. McLean. Ms. McLean replied that the Planning Commission could request a drawing for the purpose of evaluating the criteria.

Chair O'Hara summarized that the Planning Commission was still questioning whether this property should be subdivided at all based on the Land Management Code. Commissioner Sletten felt that he did not have enough information to make a decision this evening and wanted the opportunity to spend time reviewing the drawings. Chair O'Hara recommended a motion for continuance if the Commissioners wanted to discuss this further.

MOTION: Commissioner Sletten moved to CONTINUE this item. Commissioner Russack seconded the motion.

Planner Cattan asked if the Planning Commission needed additional information besides the drawing. Commissioner Wintzer wanted to know what would happen to Deer Valley Loop Road if the road is widened, as well as the plan to egress the property if it is subdivided. He believed this addresses safety issues.

Commissioner Russack asked the applicant to provide information based on the two citations of the Land Management Code. He put the onus on the applicant to provide enough information to make an accurate decision based on those criteria.
Commissioner Barth stated that he was very frustrated. They have wasted the applicant's time and money, as well as Staff and Planning Commission time, because the Staff report was not complete enough for an appropriate discussion to make a decision.

Commissioner Pettit remarked that because the site is challenged due to the steep slope, adequate information is essential for the Planning Commission to make a decision on whether the subdivision makes sense under the provisions of the Land Management Code.

Planner Robinson requested that the matter be continued to May 9th.

Commissioner Sletten amended his motion to continue the matter to May 9, 2007. Commissioner Russack accepted the amendment.

VOTE: The motion passed 5-1. Commissioner Barth voted against the motion.

RESOLUTION CELEBRATING AND PROCLAIMING
THE WEEK OF JUNE 17, 2007
AS PARK SILLY SUNDAY MARKET WEEK IN PARK CITY, UTAH

WHEREAS, the Park Silly Sunday Market is an exciting new forum featuring a variety of non-profit groups, artists, chefs, and entertainment to be held on lower Main Street every Sunday from 9 a.m. to 3 p.m. from June 17, 2007 through October 14, 2007; and

WHEREAS, the idea for the Market was conceived by Kimberly Kuehn, Jewels Harrison and Julie Doerr-Arenson in February 2006 as a desire to bring people together to acknowledge and celebrate what is good in the world and the *CommUnity* in which we live; and

WHEREAS, the eco-friendly, open air Park Silly Sunday Market will be a one of kind experience, offering a treasure box full of local and regional arts and crafts, antiques and collectibles, live music and performance arts. Patrons will be able to enjoy fresh fruits and vegetables, grown locally, along with gourmet prepared foods. The weekly featured chef will create an inspired combination of food and wine for the tasting; and

WHEREAS, the City Council is very supportive and interested in the success of this new special event, demonstrated by its favorable consideration of the master festival license but more importantly, its award of an economic development grant to the applicants on May 3, 2007;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby proclaim the week of June 17, 2007 as Park Silly Sunday Market Week in Park City, Utah and urge all residents to enjoy the cultural and culinary delights this new forum has to offer and thank Kimberly, Jewels and Julie for their steadfast vision to add more fun and funk to Main Street.

PASSED AND ADOPTED this 14th day of June, 2007.

Resolution No.

A RESOLUTION ADOPTING REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL, DATED JULY 1, 2007 FOR PARK CITY MUNICIPAL CORPORATION

WHEREAS, personnel policies and procedures may be adopted and amended at the discretion of the City Council and are subject and subordinate to applicable federal and state laws, rules, and regulations, and local ordinances; and

WHEREAS, the City Manager, Legal Department, Human Resources Department, management team and the Policies and Procedures Task Force has reviewed the proposed amendments of the Revised Personnel Policies and Procedures and recommends adoption by the City Council; and

WHEREAS, the City Council deems it in the best interest of the employees of Park City Municipal Corporation to formally adopt them;

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

SECTION 1. ADOPTION . The Revised Personnel Policies and Procedures, dated July 1, 2007 attached hereto, are hereby adopted, to replace all others previously adopted and become effective immediately.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect on July 1, 2007

PASSED AND ADOPTED this 14th day of June, 2007

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 Harrington, City Attorney

Ordinance No.

ORDINANCE INCREASING THE RESORT COMMUNITY SALES TAX WITHIN THE CITY OF PARK CITY, UT, FROM ONE PERCENT (1%) TO ONE AND ONE-TENTH OF ONE PERCENT (1.1%).

WHEREAS, the City Council has the power to establish a sales tax on retail sales where the city has a transient room capacity greater than equal to 66% pursuant to UCA Section 59-12-401; and

WHEREAS, Park City enacted a resort community sales tax of 1% in 1986; and

WHEREAS, during the 2007 General Legislative Session the Utah State Legislature altered the State Tax Code to remove unprepared foods from the sales tax base of the resort community sales tax; and

WHEREAS, the State Legislature anticipated that the removal of unprepared food from the sales tax base would negatively affect sales tax collections by municipalities which have imposed the resort community sales tax; and

WHEREAS, the State of Utah provided for cities to increase the resort community sales tax to up to 1.1% pursuant to UCA Section 59-12-401 with the intent to reclaim a portion of said forfeited tax collections, and

WHEREAS, a city may increase the transit tax rate to up to 1.1% on or after January 1, 2008, without being subject to the voter approval requirements enumerated in State Code,

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

SECTION 1. REPEALER: Ordinance No. 83-7(1) levying a one percent resort community sales tax hereby is repealed.

SECTION 2. ESTABLISHMENT OF A 0.30% TRANSIT SALES TAX: In addition to any other tax authorized by the laws of the State of Utah and/or of this municipality, there hereby is established, approved, and levied a sales and use tax upon the retail sales, as defined and included in UCA Subsection 59-12-103(1) and as restricted in UCA Subsection 59-12-401 (1)(b), as amended, of one and one tenth of one percent (1.1%).

SECTION 3. EFFECTIVE DATE**.** This Ordinance shall become effective on January 1, 2008.

PASSED AND ADOPTED this 14th day of June, 2007

Ordinance No.

ORDINANCE INCREASING THE TRANSIT SALES TAX WITHIN THE CITY OF PARK CITY, UT, FROM ONE-QUARTER OF ONE PERCENT (.25%) TO THREE TENTHS OF ONE PERCENT (.30%).

WHEREAS, the City Council has the power to establish a sales tax on retail sales for the purposes of funding a public transportation system pursuant to UCA Section 59-12-501; and

WHEREAS, Park City enacted a transit sales tax of 0.25% in 1977; and

WHEREAS, during the 2007 General Legislative Session the Utah State Legislature altered the State Tax Code to remove unprepared foods from the sales tax base of the transit sales tax; and

WHEREAS, the State Legislature anticipated that the removal of unprepared food from the sales tax base would negatively affect sales tax collections by municipalities which have imposed the transit sales tax; and

WHEREAS, the State of Utah provided for cities to increase the transit sales tax to up to 0.30% pursuant to UCA Section 59-12-501 with the intent to reclaim a portion of said forfeited tax collections, and

WHEREAS, a city may increase the transit tax rate to up to 0.30% on or after January 1, 2008, without being subject to the voter approval requirements enumerated in State Code,

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

SECTION 1. REPEALER: Ordinance No. 77-12 levying a one-quarter of one percent transit sales tax hereby is repealed.

SECTION 2. ESTABLISHMENT OF A 0.30% TRANSIT SALES TAX: In addition to any other tax authorized by the laws of the State of Utah and/or of this municipality, there hereby is established, approved, and levied a sales and use tax upon the retail sales, as defined and included in UCA Subsection 59-12-103(1) and as restricted in UCA Subsection 59-12-501 (1)(a)(ii), as amended, of three tenths of one percent (0.30%), the same to be used in connection with the financing of a public transportation system for the City of Park City, Summit County, Utah.

SECTION 3. EFFECTIVE DATE**.** This Ordinance shall become effective on January 1, 2008.

PASSED AND ADOPTED this 14th day of June, 2007

Ordinance No. 07 -

AN ORDINANCE AMENDING THE CAPITAL FACILITIES PLAN, AN IMPACT FEE ANALYSIS, AND AMENDING TITLE 11, CHAPTER 13 OF THE MUNICIPAL CODE OF PARK CITY, UTAH SETTING FORTH THE ASSESSMENT AND CALCULATION OF IMPACT FEES

WHEREAS, Park City Municipal Corporation is a political subdivision of the state of Utah, authorized and organized under the provisions of Utah law; and

WHEREAS, the City has created a Capital Facilities Plan and requires the payment of impact fees as a condition of development approval, so that development pays an equitable portion of the costs of facilities relating to growth; and

WHEREAS, the City Council has caused an Impact Fee Study and Analysis to be completed for the City and consistent with the Impact Fees Act Section 11, Chapter 36 Parts 101-401, Utah Code Ann.; and

WHEREAS, the Impact Fee Study contains an analysis and an executive summary that clearly defines the methodology by which the impact fees have been calculated and which identifies the impact upon parks, trails, open space, police facilities, and roadway systems required by the development activity and demonstrates how those impacts on system improvements are reasonably related to the development activity; and

WHEREAS, the Study and Plan establish that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received; and

WHEREAS, a public hearing was duly noticed and held at the regular scheduled City Council meeting of June 14th, 2007.;

NOW THEREFORE BE IT ORDAINED:

SECTION 1. PURPOSE. This Impact Fee Ordinance is promulgated pursuant to the requirements of the Impact Fees Act, Utah Code Annotated §11-36-101-401 (the "Act"). The purpose of this ordinance is to provide for the generation of sufficient revenue to pay the costs of capital projects and debt service related to or required due to demands of new development activity.

SECTION 2. CAPITAL FACILITIES PLAN ADOPTED. The Capital Facilities Plan dated July 31, 2006 relating to capital projects to be funded through Parks, Trails, Open Space; Police; and Roadway Facility impact fees is hereby adopted. Additionally, the Park City Water Capital Facilities Plan dated June 2007 is hereby adopted.

SECTION 3. IMPACT FEE ANALYSIS ADOPTED. The July 31, 2006 Impact Fee Study and Analysis generated by the City pursuant to the Act is hereby adopted. Additionally, the June 2007 Water Impact Fee Study and Analysis generated by the City pursuant to this act is hereby adopted.

SECTION 4. AMENDMENTS TO THE MUNICIPAL CODE OF PARK CITY, UTAH ADOPTED -

(A) **Amendment to 11-13-2, Assessment and Calculation of Impact Fees**.

11-13- 2. ASSESSMENT AND CALCULATION OF IMPACT FEES.

(A) **ASSESSMENT OF IMPACT FEES**. The City shall collect the following Impact Fees from any applicant seeking a Building Permit:

(1) Parks, Trails, Open Space, Public Safety Facilities, Streets and Storm Water Facilities Impact Fees.

2005 PCMC IMPACT FEE ANALYSIS UPDATE
Proposed Impact Fee Schedule (Calendar Year 2005)

	Parks, Trails, Open Space	Police	Roadway Facilities	Total
New Construction				
Single Family				
Average Unit	$3,855.00	$605.00	$315.00	$4,775.00
Unit Less Than 3,000 sq. ft.	$1,925.00	$300.00	$155.00	$2,380.00
Unit More Than 5,000 sq. ft.	$5,780.00	$910.00	$470.00	$7,160.00
Duplex & Multi-Family				
Average Unit	$3,150.00	$495.00	$290.00	$3,935.00
Unit Less Than 2,000 sq. ft.	$1,575.00	$245.00	$145.00	$1,965.00
Unit More Than 4,000 sq. ft.	$4,725.00	$740.00	$435.00	$5,900.00
Hotel Room				
Average Unit	$2,005.00	$315.00	$170.00	$2,490.00
Unit Less Than 750 sq. ft.	$1,000.00	$155.00	$85.00	$1,240.00
Unit More Than 2,000 sq. ft.	$3,005.00	$470.00	$255.00	$3,730.00
Commercial	NA	$555.00	$410.00	$965.00
Light Industrial	NA	$445.00	$320.00	$765.00
Additions				
Single Family				
0-500 Square Feet	NA	NA	NA	$0.00
501-1500 Square Feet	$480.00	$75.00	$35.00	590.00
1501-3000 Square Feet	$960.00	$150.00	$75.00	1,185.00
3001-5000 Square Feet	$1,925.00	$300.00	$155.00	2,380.00
More than 5000 Square Feet	$3,855.00	$605.00	$315.00	4,775.00
Duplex & Multi Family				
0-500 Square Feet	NA	NA	NA	0.00
501-1000 Square Feet	$390.00	$60.00	$35.00	485.00
1001-2000 Square Feet	$785.00	$120.00	$70.00	975.00
2001-4000 Square Feet	$1,575.00	$245.00	$145.00	1,965.00
More than 4000 Square Feet	$3,150.00	$495.00	$290.00	3,935.00
Hotel Room				
0-200 Square Feet	NA	NA	NA	0.00
201-750 Square Feet	$500.00	$75.00	$40.00	615.00
751-2000 Square Feet	$1,000.00	$155.00	$85.00	1,240.00
More than 2000 Square Feet	$2,005.00	$315.00	$170.00	2,490.00
Commercial (per sq. ft.)	NA	$0.55	$0.41	$0.96
Light Industrial (per sq. ft.)	NA	$0.44	$0.32	$0.76

(2) **Water Impact Fee Schedule**:

Non-Residential Water Impact Fees			
Property Type	**EDU Per Occupant**	**Floor Area Per Occupant**	**Fee Per Occupant**
Assembly (without Fixed Seats)			
Bar	0.0125	7	$288
Restaurant	0.0219	7	$505
Theater, Auditorium, Church	0.0031	7	$71
Assembly (with Fixed Seats)			
Bar	0.0125	NA	$288
Restaurant	0.0219	NA	$505
Theater, Auditorium, Church	0.0031	NA	$71
Office	0.0094	100	$217
Educational			
Classroom	0.0156	20	$360
Shop\Vocational	0.0156	50	$360
Exercise Area	0.0156	50	$360
Hotel\Motel	0.0938	580	$2,162
Industrial	Calculated		Calculated
Institutional			
Inpatient Treatment	0.1563	240	$3,603
Outpatient Treatment	0.0031		Calculated
Sleeping Area	0.0031		Calculated
Other	Calculated		Calculated
Retail	0.007	60	$161
Swimming Pool or Skating Rink			
Rink or Pool Area	0.0063	50	$145
Decks	Calculated		Calculated
Warehouse	Calculated		Calculated
Parking Garage	Calculated		Calculated
Government	Calculated		Calculated
Library			
Reading Area	Calculated		Calculated
Stack Area	Calculated		Calculated

Residential Indoor Water Impact Fees						
Size (SF)	**< 1000**	**1001-1500**	**1501-3000**	**3001-4500**	**4501-6000**	**>6000**
Fee	**$3,573**	**$5,359**	**$7,145**	**$8,931**	**$10,718**	**$12,504**

Residential Outdoor (Landscaping) Water Impact Fees						
Irrigated Area (SF)	**0 - 2000**	**2001-4000**	**4001-6000**	**6001-8000**	**8001-10000**	**>10000**
Fee	**$2,996**	**$5,762**	**$8,759**	**$11,525**	**$14,521**	**$1441 per 1,000 sq'**

SECTION 5. REPEALER. This ordinance amends and repeals Title 11, Chapter 13, of the Municipal Code of Park City to the extent it is inconsistent with this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective June 15th, 2007. All projects receiving a construction permit (defined as having received a Building Permit Number) after this date are subject to the fees set forth above.

PASSED AND ADOPTED this 14th day of June, 2007.

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