PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 12, 1997

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 12, 1997.

AGENDA

Work Session - To be held in Work Session Room - Main Level

2:30 p.m.	Council questions and comments	
3:00 p.m.	Mountain Top Subdivision	
3:30 p.m.	Impact fees	
	Review of regular meeting	
4:00 p.m.		Budget questions/new grant requests
4:30 p.m.		Remodel of City Council Chambers
5:00 p.m.		Interlocal agreement with Snyderville Basin Special Recreation District
5:30 p.m.		Other questions/comments

Regular Meeting - To be held in Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

Hot air balloon complaint - Brenna Herteux

III COMMUNICATIONS FROM COUNCIL AND STAFF

Resolution recognizing the outstanding accomplishments of Freestyle Ski Team Champion Joe Pack and declaring June 12, 1997 as Joe Pack Day in Park City, Utah

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 22, 1997

V PUBLIC HEARING

1. Resolution adopting a final budget and tax rate for FY 1997-98, and a financial plan for FY 1998-99 for Park City Municipal and its related agencies (**to be continued June 19, 1997**)

2. Ordinance establishing compensation levels for elected and statutory officers and adopting a pay plan for exempt and non-exempt employees for FY 1997-99

3. Ordinance enacting Chapter 13, Title 4 of the Municipal Code of Park City relating to the imposition of a Municipal Energy Sales and Use Tax to replace the Utility Franchise License Tax, and amending Chapter 10, Title 4 of the Municipal Code of Park City relating to such taxes

VI CONSENT AGENDA

1. Resolution recognizing the outstanding accomplishments of Freestyle Ski Team Champion Joe Pack and declaring June 12, 1997 as Joe Pack Day in Park City, Utah

2. Amendments to the Land Management Code amending Chapter 1, Section 13 to clarify the conditional use review process; Chapter 1, Section 15 to change the minimum notice requirements; Chapter 1, Section 16 to clarify the finality of action and appeals review process; and Chapter 5 to clarify and update the duties and procedures of the Board of Adjustment

VII NEW BUSINESS

1. Award of contract for the remodel of the City Council Chambers, Marsac Municipal Building

2. Authorization for an expanded scope of improvements for the Last Chance Pump Station project with Deer Valley Resort and Royal Street Land Company

3. Authorization for staff to enter into a professional services agreement with Barker, Seacat and Partners for the development of a recreation facilities master plan and ice facility feasibility study in an amount not to exceed $55,795

4. Resolution authorizing Park City Municipal Corporation to enter into an interlocal agreement with the Snyderville Basin special Recreation District

VIII ADJOURNMENT

Posted: 6/9/97

Note: It should be noted that the entry under Public Input occurred at the meeting and was not posted. It appears here for reference purposes.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 12, 1997

Present: Council members, Hugh Daniels, Roger Harlan, Shauna Kerr, and Chuck Klingenstein

Toby Ross, City Manager; Rick Lewis, Community Development Director; Mark Harrington, Assistant City Attorney; Frank Bell, Chief of Police; Myles Rademan, Public Affairs Director; Eric DeHaan, City Engineer; Jerry Gibbs, Public Works Director; Tom Bakaly, Finance Manager; Linda Cook, Special Projects Coordinator; and Bob Johnston, Leisure Services Director

Vince Desimone and Joan Edwards, Mountain Top Subdivision; Dell Fuller, Arts Council Grant Committee Chairman; Mike Andrews, Arts Council; Richard Miller, Vice President of Habitat for Humanity; Charlie Wintzer and Joann Krajeski, Save Our Stage Foundation; Holly Adams, EDA; Amanda Peterson, Scott Hill and Bonnie Parks, Snyderville Basin Special Recreation District

Absent: Mayor Brad Olch, Council member Paul Sincock

1. **Council questions and comments.** Roger Harlan reported on the Library Board meeting where the recruitment of the new Library Director was discussed. He added that the detachable field lights are again an issue at the School Board. Rick Lewis continued that his department has provided the District with technical information on lighting. Chuck Klingenstein stated that he initially suggested the detachable light technology. He has received calls from his neighbors who are upset by the height of the Performing Arts Center and the potential light standards; the neighborhood is concerned that once the lights are in place that there will be concerts on the fields. There was discussion about the ice cream vending applicant who has decided not to do business in town and an illegal ice cream truck operating in Park City. Chuck Klingenstein pointed out the recent discussions on concurrency with the County Commission and the School District which will continue to be a topic of mutual concern. He added that the School District has expressed the need for a new elementary school and middle school in the near future. Mr. Klingenstein acknowledged the substantial sales tax figures produced in Park City as a result of tourism.

Hugh Daniels reported that he received complaints about Mike Hale Chevrolet parking vehicles in the park. There was discussion about scheduling town meetings; Council decided to schedule these in mid-September and one in December in Deer Valley to accommodate second home owners in the area. Mr. Daniels asked staff to investigate the property for sale adjacent to the Baingo-Wortley property. He requested that the stop sign at King Road, Main Street and Park Avenue be repaired. There was discussion about contracted work on the new fields. Hugh Daniels added that he received a compliment on the City staff's assistance in the 4th of July festivities. The Restaurant Committee Sales Tax applications were approved by the County Commission and the City received $70,000 for moveable bleachers and $40,000 for a new trail from the Gillmor property toward Trailside. Frank Bell and Myles Rademan reported that they attended the Olympic Planning Committee which wasn't particularly informative because of the timing of the closed session. Roger Harlan referred to a memo from Paul Sincock regarding the Summit Water lawsuit and the City Manager noted that it will probably be discussed at the July 3 meeting. In consideration of a protected memo distributed to Council, Mayor Pro Tem Kerr suggested that Council close at the end of the work session to discuss property acquisition.

She suggested that there be a construction checklist to streamline the process, particularly with regard to construction mitigation efforts. Rick Lewis answered that staff is in the process of designing this, but would like to get feedback from local contractors. Mr. Kerr reported that she received a letter about the intersection of American Saddler Drive and Meadows Drive and the difficulty of seeing the stop sign. Eric DeHaan clarified that the stop sign is temporary; it will meet height requirements and will be located so that it is more visible.

2. **Mountain Top Subdivision.** Through illustration of a map, City Engineer Eric DeHaan pointed out the location of Sandstone Cove, Eagle Pointe (aka Kearns-Tribune) and Mountain Top Subdivision. He stated that Eagle Pointe Phase 1 is a platted recorded subdivision, and Eagle Pointe Phase 2 formalized Mountain Top Lane up to Mountain Top Subdivision. Sandstone Cove was recently annexed and final plat approval is upcoming. Eagle Pointe Phase 3 has preliminary plat approval. He referred to the Mountain Top water line which was installed about 20 years ago and water is pumped from a well. The line came across the Kearns-Tribune property and accesses a cistern in the Mountain Top Subdivision. As a part of the Eagle Pointe Phase 1 construction, some relocation took place but the Mountain Top line is still crossing a section of Eagle Pointe who has requested that this section of water line be removed from the property. Mr. DeHaan continued that one option is to bring the line into the City parcel which was dedicated to the City as part of Eagle Pointe Phase 1. There was discussion about the expense of excavating the rocky soil and Vince Desimone of Mountain Top, pointed out the difficulty with 30 foot steep cliffs and the scarring of the hillside. Mr. DeHaan added that another option is connecting Mountain Top to the Quarry Mountain Tank but there would be low water pressure and he discussed the potential locations of the connection. Mr. Desimone discussed temporarily connecting to the City's system about nine years ago when their well lines froze and the flow was about two gallons; normal flows operate at 6.2 gallons per minute. He discussed the pond for fire suppression needs and pointed out that outside watering is restricted in the CC&Rs. The City Engineer acknowledged the growth inducing concerns expressed by Council, but felt that the Sandstone Cove Tank is at an elevation that could adequately serve the neighborhood.

Chuck Klingenstein understood this to be a private dispute over an easement with the developer of Eagle Pointe. Joan Edwards of Mountain Top explained that this is a prescriptive easement; there are some legal problems, and the developer is determined to have the line moved and is willing to spend money on legal fees. Mr. Desimone felt that their position is strong if they have to go through a legal process, but it is not money well spent. Ms. Edwards emphasized that Mr. Rossman of Eagle Pointe is not willing to sell the easement and just wants the line off of his property and is willing to take them to court. She explained that the line is located behind the developable property and there is really no logic for moving the line and they are forced with requesting an easement from the City on open space and then determining how to fund the relocation. Mr. Desimone added that Council member Sincock negotiated an option of moving the line under the trail easement which will be dedicated to the City as part of Phase 3, which is planned but not platted. Ms. Kerr asked their preference. Ms. Edwards indicated that if Mountain Top could hook up to City water from the Sandstone Cover tank, it would provide fire protection. Another option is rerouting the line on City property and installing a temporary valve in the event of an emergency. Roger Harlan suggested approaching Mr. Rossman again, and Ms. Edwards explained again that unfortunately he wants them off of the property. Mr. Desimone discussed a proposal on the map, and the location of a temporary valve for an emergency situation. With regard to the growth inducing concern, Ms. Edwards pointed out that only one house can be built on a lot. Chuck Klingenstein felt that overcoming the water problem induces growth and it also sets precedence of the City providing water to unannexed areas. Mr. Desimone felt that since the Mountain Top Subdivision has been in existence for 20 years that it is different, and Ms Edwards explained that they are also concerned about growth.

Mr. Harlan stated that the City would not want to jeopardize the fire protection of the Sandstone Cove homes when it is built out. Mr. DeHaan noted that 6.2 gallons per minute keeps the pond full and Vince Desimone noted that the well meets their culinary needs. The temporary valve is only a back-up in the event of an emergency. Hugh Daniels emphasized that he is not as concerned about growth inducing factors as much as public safety, not only for Mountain Top, but to protect adjacent City properties. He stated that he is leaning toward allowing the use of the trail easement and didn't feel that connecting to the Quarry Tank makes sense. Roger Harlan suggested one last negotiation with Mr. Rossman and that perhaps the City could assist. The City Manager explained that there are things Mr. Rossman needs from the City and it is worth a discussion. Jerry Gibbs explained the operational issue of providing water through Quarry or Sandstone Tanks. The City is responsible for maintaining the elevations of the tanks and it doesn't matter which tank is used. Mountain Top could install a pressure pump on the connection out of Quarry Mountain and increase the pressure and capacity; it is an easy solution. The City Manager pointed out that there is a broad policy question with regard to the payment of impact fees and if only a monthly water rate were charged, Mountain Top would be receiving a windfall. Ms. Kerr felt that the other policy issue is extending water service to areas outside the City boundaries without annexation, which to date, the Council has not, although it is legally viable since the City has established a Special Water Service District. Vince Desimone pointed out that the City is providing water service to the Park City Ski Area. It was clarified that the connection is only for fire suppression which may never be used as a back-up system. Chuck Klingenstein stated that he prefers the trail easement for the location of the line, and could support the back-up system in consideration of fire safety. He added that there are five unbuilt lots and asked if the Mountain Top CC&Rs have house restrictions and siting requirements. Vince Desimone responded that there are minimum size but not maximum size requirements. Mr. Klingenstein felt that it may be time to put restrictions on future building, especially efforts to avoid breaking the ridge line.

Ms. Kerr summarized that it appears that Mountain Top would also like to maintain its current water system. The more sensitive siting for the line seems to be the trail location as opposed to going straight up the hillside. Ms. Kerr felt it appropriate to hook into the City's culinary system for emergency fire suppression protection, but personally preferred connecting Mountain Top to the Quarry Mountain Tank. She did not support Mountain Top coming onto the City's system without paying impact fees or connection fees. She did not have a problem with again approaching Mr. Rossman, but is not optimistic that he will cooperate. Ms. Kerr clarified that connecting to the emergency water line would not require fees, because it is also a safety benefit to Park City.

4. **Impact fees.** Toby Ross explained that a public hearing will be held on June 26 which will be continued to July 3 to meet legal noticing requirements regarding the availability of the impact fee analysis report. Action is contemplated on July 3, as close to the July 1 dead line as possible, and there will be a determination on applications before and between July 1 and July 3. Medium sized and large single family homes will be favored with the new fees while commercial development would probably prefer the old fees. The impact fee analysis will be distributed to Council.

Before staff can draft an ordinance, Mr. Ross explained that the Council needs to make a determination on exemptions for affordable housing; it is allowed but it is uncertain if it can be done selectively. Mr. Ross continued that if standards are created, it can be exempted. Council supported this concept and Ms. Kerr suggested that the standards reflect the existing affordable housing restrictions, i.e., perpetuity, local preference, etc. With regard to the calculated fee, the City Manager pointed out that there are advantages with charging less as it provides a cushion in the event the ordinance is challenged. Additionally, it may be more favorably received by some legislators. Ms. Kerr pointed out that impact fees have been imposed since 1981, but not at the full assessment, and no one has challenged them. The City Manager suggested some fee less than 100%. Chuck Klingenstein added that other cities started charging impact fees around 1990 and Ms. Kerr noted that there were some cities charging impact fees in the early 1980s. The City Manager stated that currently the City is collected about 85%, but every dollar not collected, the City must make up, i.e., over five years, the City has collected about $7 million, and 10% would represent $700,000. Ms. Kerr favored collection at 90% and there was consensus among the other members present. Mr. Harlan advised to budget legal fees in the event this is challenged and felt it wise to charge less than 100%.

The City Manager explained the complexity of impact fees. He believed Park City's impact fees were not challenged in the 1980s because developers recognized the need for infrastructure, understood there were no City resources to develop infrastructure, and were willing to pay for it. The City Manager emphasized the importance of strict procedural compliance. He felt that someone may challenge the ordinance, but a larger jeopardy may be a general legislative action to cap fees. This is a serious possibility that may occur next year, and reducing the fee by 10% may not be persuasive. Mr. Ross added that Jodi Hoffman has been working with the Utah League of Cities and Towns supporting the collection of impact fees and there has been talk of an option of creating an initiative which would take it out of the hands of the legislature. Ms. Kerr believed that the citizens of the state feel that growth should pay its own way, but the legislature's actions do not reflect the sentiment of the people.

Mr. Ross referred to a table in the meeting packet which indicates total project cost and the CFP cost assigned to the capital facility plan. In all cases, it is the same or less than the project and if it is less it is because the project includes components correcting deficiencies and components of serving new development. He added that impact fees can not be charged for projects receiving grant funds; it is anticipated that a fee calculation will be conducted every two years. If a project is listed and it is not done, the money must be returned unless there is a comparable project. The City Manager urged Council to review the listed projects and advise if there are any changes because it will affect the calculation. There were no further comments or questions from the Council.

4. Review of regular meeting:

Budget questions/new grant requests. Tom Bakaly reported that the public hearing should be continued to the June 19 meeting, at which time the tax rate information should be available. In response to a question from Ms. Kerr on the funding for the Sandridge lot, Mr. Bakaly stated that the budget has been increased by $90,000, bringing the project into the $310,000 range. Chuck Klingenstein disclosed that he is on the Board of the Glenwood Cemetery and will not participate in the discussion about this grant. Roger Harlan disclosed that he is on the Board for Habitat for Humanity and will refrain from discussing this request.

Mr. Bakaly explained that the Arts Council has made recommendations for grant awards which will be funded in the arts category; new grant requests will be funded through the contingency fund. Roger Harlan, Hugh Daniels, and he met as the grants subcommittee to review the new requests and the recommendations of the Arts Council. Ms. Kerr and Mr. Bakaly commented on the excellent job of the Arts Council in evaluating grant requests. Mr. Bakaly recommended Council support of the Arts Council's recommendations.

Dell Fuller, Chairman of the Arts Council Grant Committee, introduced members of the committee. Mr. Fuller explained that this process has been going on for about a year and the Arts

Council's bylaws were restructured for this task. He believed that of all of the worthy requests, there was some money given, but some of the requests did not meet the criteria. Chuck Klingenstein recognized the Arts Council's efforts, and Mike Andrews, on behalf of the Arts Council thanked Mr. Fuller for his involvement. Dell Fuller relayed that this process will probably begin again in September, but the criteria is in place. Hugh Daniels added that it would be appropriate to allocate the Arts Council's funds through a special services contract and tie the funds to a percentage of the General Fund. This change could be made next year. Ms. Kerr appreciated seeing the unfunded requests as well and the the logic for funding.

Finance Manager Tom Bakaly explained that the Counseling Center grant request is for assistance for low income individuals in the amount of $15,000. The subcommittee decided on an award of $7,500 and requested information regarding the number of Park City residents served. There were concerns that the amount represented too high of a percentage of its budget (16%) and organizations need to grow through a number of different means. Chuck Klingenstein clarified that in theory, contingency requests are one-time requests. Hugh Daniels noted that about 350 to 400 of Park City residents are served. This request is described as a one-time request and if there is a future request, it should be special services grant. Representatives from the Counseling Center indicated the percentage of the budget represented earlier is not correct as it is only for low income and does not include funding for domestic violence, child abuse, and work done in Summit and Wasatch Counties. She felt that the grant request represented more like 10% of its budget and stated that the Counseling Center has been serving Park City for 15 years. United Way has been a main source of funding and has requested that the Counseling Center obtain local funding. Special services grant agreements were discussed.

Mr. Bakaly indicated that it was the subcommittee's decision to deny the request for Habitat for Humanity because the use of funds for office operations has been discouraged in grant considerations. The other issue relates to direct service to Park City residents. Although an employee from Park City Municipal Corporation is benefitting from housing, it is outside the City. Hugh Daniels explained that the subcommittee supported the work Habitat is doing in the greater Park City area, but the request didn't fit grant criteria. Roger Harlan disclosed that he is Board member and will not comment on the grant request. Richard Miller of Habitat for Humanity, agreed that the homes are in Kamas and Coalville, but the recipient of the house in Coalville has been an employee of the City for 16 years and that is a help to Park City. He added that of the 16 applications received for housing, four were in subsidized Park City housing. Mr. Miller explained that they would like to build a foundation so there is room for Park City residents to obtain housing. He explained that the funding doesn't have to be used for office operations as there are a variety of expenses. He added that they have been operating for two years and have one home built and another under construction. They have approached the County Commission who is considering forming a housing authority. Hugh Daniels explained there is a provision that the money be spent in Park City because it is taxpayers' dollars. Chuck Klingenstein pointed out that the grant contingency fund is intended for seed money and he felt Habitat is an appropriate recipient and City support could provide some leverage for obtaining County funding. Ms. Kerr stated that anyone who provides housing in the area assists in Park City's affordable housing issue, particularly for people who are employed in the City. She agreed with Mr. Klingenstein that Habitat for Humanity is filling a need in the community that should be fostered and $5,000 is insubstantial to the City's budget but substantial to this organization. Ms. Kerr explained that she served on the first grant committee and was opposed to funding office space because it seemed on-going, but she is in favor of funding this request.

Mr. Bakaly explained that the Save Our Stage Foundation has a request to waive and cover the costs of parking in-lieu fees for additional spaces relating to the Egyptian Theater renovation and the original calculation was about $200,000. It was the recommendation of the subcommittee to deny the request but provide direction to staff in negotiating for deferred payment for the in-lieu parking fees with or without interest. Mr. Bakaly noted that the Council could make the loan interest-free but on $200,000 over a ten year period, investment return on this amount would yield about $70,000, or resulting in a $7,000 on-going annual grant.

Charlie Wintzer discussed the renovation of the building, and the addition of the third floor, but because of the reduction of seats, they did not anticipate increased parking requirements. In talking with the lighting technicians, it appears as if the majority of the new floor will all be equipment and the parking requirements will probably be cut in half. He added that this is a community project and they are trying to stay within a budget by not having to pay for the parking. It was explained to Chuck Klingenstein that waiving parking requirements for historic buildings is not an option in the Code; money would have to be transferred from the grant fund to the parking fund. Hugh Daniels relayed his attachment to this particular historic building, but explained that Council's recent increase for the in-lieu fees based on parking concerns, and as much as he likes the Egyptian Theater, it is hard for him to exempt this building. He emphasized that he also doesn't like the City being the "bank". He would be willing to assist them so that they could spread out the payment of the fees and would prefer payment of interest. Roger Harlan noted that the subcommittee was sensitive to the precedent setting of the request. Ms. Kerr felt it is different because it is owned by a non-profit. Chuck Klingenstein noted that perhaps there could be more of an exchange to the City than a facade easement and expressed a desire to know the final number of required parking spaces. There was a discussion about the timing of the building permit which can't be issued unless fees are paid up-front. Mr. Wintzer noted the urgency for a decision since they are ready to take the roof off. Shauna Kerr stated that she is in favor of lending the parking fee amount, and funding the interest out of the contingency fund if a decision needs to be made today. She reiterated that this is a non-profit organization, the parking fees will be paid, and the only thing being waived is the interest. Chuck Klingenstein expressed his concern about the loss of the Memorial Building, and hoped the Egyptian Theatre would not be divided into a bunch of shops. He encouraged as many preservation mechanisms in place as possible. Roger Harlan explained that the grant subcommittee was not in favor of waiving the parking fees and interest was at the discretion of the Council. It would be helpful to know the recalculated required fee. Mr. Wintzer felt that the fees would be half, but fees will be calculated tomorrow. Joann Krajeski pointed out that exterior lighting might also be an issue that they may have to approach the City Council on.

Tom Bakaly discussed the request from the Glenwood Cemetery, which is a private fraternal organization with restrictions on who can be buried there. The request is for $5,000 for refurbishing headstones which are historically significant. Mr. Bakaly suggested a one-time grant to the Historical Society who could administer the funds for this project. Ms. Kerr expressed her support of the project.

5. **Remodel of City Council Chambers.** There was discussion about additional work included in the project for improvements to the building, which Council agreed made sense. It was explained that the base amount is $270,000, but Council has requested to see different grades of video and LCD screens. Ms. Adams distributed a bid tabulation and explained the improvements that the base bid of $273,594 included. She emphasized that the bids came in higher than expected and there was only one electrical and one mechanical subcontractor who bid on the project and both came in at double the estimate. Normally, there are several subcontractors bidding and Ms. Adams indicated that she personally called several subcontractors; two said they would pick up drawings and never did and the other indicated he was too busy. Linda Cook added that a local contractor showed some interest but declined to bid. Ms. Adams advised that the project could be rebid but generally the second bid comes in about 15% higher and the project now is over by 17%. The other option is to award the bid and negotiate with the low bid contractor to reduce the scope of the project. Ms. Kerr asked if the contractor would be willing to "fish" the market to see if the scope of the electrical and mechanical can be expanded for the same cost. Ms. Adams didn't think that was likely and added that she tried to do that herself; there is a $60,000 difference between RCON, the low bidder, and the next bid. In response to a question from Roger Harlan, Ms. Adams stated that RCON has performed two jobs for EDA and its expertise is interior renovation. The other companies do general construction and their understanding of the project may not be as good as RCON. She continued that RCON is from San Francisco and has done high end interior work; she feels the most comfortable with this firm and her second choice is Greenwood. Roger Harlan expressed that this is a large dollar spread and he is uncomfortable with the bid, which is $23,000 more plus alternatives. Toby Ross explained that Council established a $250,000 limit and the bid is 10% over that, but personally believed that there is a chance that there are other subcontractors that may be interested. Ms. Adams agreed that electrical and mechanical may be negotiated downward but there isn't a lot of architectural elements to cut. Hugh Daniels emphasized the importance of making improvements to the Chambers so that the citizens can better benefit from meetings and there is a benefit in gaining two meeting rooms. He stated that he could support the 10% overage. There was discussion about RCON wanting to showcase a project in Utah as it has only been here a few years as a reason its bid was $60,000 less than the second lowest bidder. Holly Adams emphasized that this bid does not include furnishings. Roger Harlan noted that he could support the project and discussed contacting contractors working on local projects. Toby Ross encouraged awarding the bid and having contractors contact the general contractor. Chuck Klingenstein stated

that he wants the project completed, but would like the electrical and mechanical costs revisited. Ms. Kerr asked that Ms. Cook prepare information explaining the audio-visual components of the project. Ms. Adams understood that Council will approve the base bid with the first three options and she will contact RCON regarding cost savings suggestions for mechanical and electrical.

6. **Interlocal agreement with Snyderville Basin Special Recreation District.** Bob Johnston noted that all parties have worked very hard on this agreement and urged Council to approve it and the Parks and Recreation Board met with the Board members of the District. Amanda Peterson, board member, recognized Paul Sincock's efforts when he was a member of the Parks and Recreation Board who encouraged them to solicit the Special Recreation District as an election issue. She continued that this is a separate body politic from the Board of County Commissioners. This has allowed the Special District to accrue its own funds through taxing and bond elections and the District has control of its own funds. The Recreation District has signed an agreement with the School District and are in a master plan process with the Western Summit County Planning Commission. She felt that the Recreation District and the City are a "one recreation family" because of School District boundaries and similar socio-economic backgrounds. It is beneficial to the taxpayers to maximize funds by not duplicating services at the administrative level and to develop fields together. Mark Harrington explained that the Recreation District's attorney drafted the agreement which he has reviewed and will be suggesting some minor revisions. Amanda Peterson introduced Scott Hill who is the Chairman of the Interlocal Subcommittee. Scott Hill expressed that it was time for Snyderville Basin to become equal partners in recreation and hoped that the agreement reflects that intent. County residents will be treated the same for enrollment in programs jointly funded by the Special District. Mr. Hill added that they will complete a capital facilities plan, complimenting City facilities, rather than paralleling them and this is an important philosophical element of the agreement. Roger Harlan pointed out that there may be less City residents participating in programs compared to County residents and the contribution from the Recreation District may be higher than anticipated. He described the interlocal agreement between the City and the School District as a good one, but there still are occasional misunderstandings and asked what facilities the Special Recreation District is planning on developing that the City currently doesn't have.

Mr. Hill discussed their relationship with the School District and the City which are interdependent. There are many elements in the agreements that "are not carved in stone" and there is flexibility for the changing parameters; he felt that there will be tremendous growth up until the Olympics. With regard to a capital facilities plan, Mr. Hill explained that the Special Recreation District has discussed this but hasn't identified a specific plan and the City will work with them on this project. Chuck Klingenstein stated that the document is complete and appreciated Mr. Hill's comments on complimentary parody, but pointed out that there are City facilities that are maxed out but he felt encouraged about future levels of service. Mr. Klingenstein suggested that sometimes you have to say "no" to people as it is impossible to meet everyone's demands.. Amanda Peterson explained that the big driver in the beginning was serving the youth first and the Board took advantage of acquiring the 63 acre park. Scott Hill felt that fields are in demand and fields should be ready next summer.

Ms. Kerr understood that the Park City Recreation Department will be handling all of the scheduling whether it is in the City or the County and the concept of "one recreation family", but felt it irresponsible with regard to transportation, i.e., Park City residents traveling to County fields rather than using local fields. Bob Johnston relayed that he will be happy to look at that issue. He added that staff already does a lot of that and tries to accommodate car pooling by trading kids on teams. Mr. Johnston emphasized that staff did not want to force a segregated program which is against the goals of this effort. Ms. Kerr explained that she doesn't want a shuttling program to result in more traffic. Mr. Johnston assured Ms. Kerr that staff will work on this and added that they have a lot of experience in scheduling programs.

Mark Harrington continued that state statute requires a definite term not to exceed 50 years and suggested that language in Paragraph 18. He suggested amending the resolution to include language "approved as to form by the City Attorney". Amanada Peterson added that the Board has been working on a trails program. She emphasized that in all of their public meetings held over the past year, trails have been ahead of parks in community interest and priority. Ms. Kerr stated that the Council found that transportation, parking, and traffic are top priorities for City residents, followed by open space and growth management, which is a recent change.

Chuck Klingenstein, "I move to close for property acquisition". Hugh Daniels seconded. Motion carried. See Memorandum of Closed Session in the regular minutes.

Prepared by Janet M. Scott

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 12, 1997

I ROLL CALL

Mayor Pro Tem Shauna Kerr called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 12, 1997. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, and Chuck Klingenstein. Mayor Brad Olch and Paul Sincock were excused. Staff present were Toby Ross, City Manager; Tom Bakaly, Finance Manager; Mark Harrington, Assistant City Attorney; Jerry Gibbs, Public Works Director; Bob Johnston, Leisure Services Director; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

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

Hot air balloon complaint - Brenna Herteux, 2400 Holiday Ranch Loop Road, stated that last Friday she heard a hot air balloon fueling, which upset her animals, especially her horses. She yelled at the balloon riders that they were scaring her animals and that one of her mares is pregnant and they laughed. She alleged that the pilot understood what was going on and he was not at the minimum 1,000 feet above the ground and was not in a take-off or landing position. She called the Park City Police and an officer showed up and the balloon descended at the Radisson Hotel. Ms. Herteux indicated that she contacted the FAA and the Park City Legal Department provided her with a number for the hot air balloon pilot organization. She stated that the pilot is Mike Ivers. Ms. Herteux reiterated her concern about her horses' protection and felt this is an invasion of privacy. Ms. Kerr asked what Ms. Herteux would like Council to do. Ms. Herteux felt that regulations should be tightened and Park City is not an appropriate venue for ballooning any longer because of development.

Mark Harrington explained that the prior Council has on two separate occasions evaluated whether to regulate the take off and landing areas for balloons which is the only option the City has with regard to regulatory authority. The prior Council decided not to regulate them and encouraged the volunteer self-policing balloon association which has worked to some extent. The number of complaints have dramatically decreased. He believed that the membership has dropped somewhat although the venues in Park City has diminished. The Council may consider zoning this use out of the area as there will always be an occasional conflict with ballooning and residential development. Ms. Herteux interjected that the FAA informed her that the Council may make regulations stricter. Ms. Kerr reiterated Mark Harrington's comments and added that it is her observation that there are fewer complaints but the Council may want to consider this at another date. Mr. Klingenstein felt it appropriate to contact the pilots' association to remind them of their responsibilities. The Council thanked Ms. Herteux for her input.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Resolution recognizing the outstanding accomplishments of Freestyle Ski Team Champion Joe Pack and declaring June 12, 1997 as Joe Pack Day in Park City, Utah - The Mayor Pro Tem read the resolution into the record and presented Mr. Pack with a framed resolution.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 22, 1997

Shauna Kerr stated that she was not in attendance. There were two clarifications made on Page 9 of the City Council Work Session Notes. Hugh Daniels, "I move approval of the Work Session Notes and Minutes of the Meeting of May 22, 1997, as amended". Roger Harlan seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Abstention
Chuck Klingenstein	Aye
Paul Sincock	Absent

V PUBLIC HEARING

1. Resolution adopting a final budget and tax rate for FY 1997-98, and a financial plan for FY 1998-99 for Park City Municipal and its related agencies **(to be continued June 19, 1997)** - See staff report and work session notes. Tom Bakaly, Finance Manager, explained that the public hearing should be continued to June 19 when a final budget and a financial plan are contemplated to be adopted. With no comments or questions from the public or the Council, the public hearing was closed.

Hugh Daniels, "I move to continue the hearing until June 19,1997". Roger Harlan seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

2. Ordinance establishing compensation levels for elected and statutory officers and adopting a pay plan for exempt and non-exempt employees for FY 1997-99 - The Mayor Pro Tem invited the public and the Council members to comment. Hearing no comments, the public hearing was closed.

3. Ordinance enacting Chapter 13, Title 4 of the Municipal Code of Park City relating to the imposition of a Municipal Energy Sales and Use Tax to replace the Utility Franchise License Tax, and amending Chapter 10, Title 4 of the Municipal Code of Park City relating to such taxes - Mark Harrington explained that this legislation is mandated by the state which enacted a law curtailing the City's ability to institute franchise utility license taxes, but through a special lobbying effort, there is replacement authorization for a sales tax on energy sales and use. The assessment can be in the same amount as the franchise tax. Mayor Pro Tem Kerr invited the public to comment. Hearing no input, the public hearing was closed.

VI CONSENT AGENDA

Hugh Daniels, "I move approval of Consent Agenda Items 1 and 2". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

1. Resolution recognizing the outstanding accomplishments of Freestyle Ski Team Champion Joe Pack and declaring June 12, 1997 as Joe Pack Day in Park City, Utah - See back-up information and Communications from Council and Staff.

2. Amendments to the Land Management Code amending Chapter 1, Section 13 to clarify the conditional use review process; Chapter 1, Section 15 to change the minimum notice requirements; Chapter 1, Section 16 to clarify the finality of action and appeals review process; and Chapter 5 to clarify and update the duties and procedures of the Board of Adjustment - See attached staff report.

VII NEW BUSINESS

1. Award of contract for the remodel of the City Council Chambers, Marsac Municipal Building - Hugh Daniels, "I move approval of the award of contract to RCON as the general contractor with a base bid not to exceed $273,194 with the additions of Alternate 1, restroom renovation of $45,597; Alternate 3, fire alarm panel of $17,440; and not to exceed, if needed,

Alternate 2, door and divided panel for public safety at $3,072 and the remaining alternates to be reviewed at a later date". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

2. Authorization for an expanded scope of improvements for the Last Chance Pump Station project with Deer Valley Resort and Royal Street Land Company - Jerry Gibbs, Public Works Director, explained that the City went through a design-built process with Deer Valley, the responsible party for the contract. Park City's share was 30% of the overall contract and there was a conceptual design with an engineer's estimate based on putting the facility back in the original location and modifying the pump station in the ski run. In consideration of providing safety for maintenance personnel for operating the new pump station, the facility design expanded. He continued that the pump station ended up directly in the area of the Clipper Ski Lift and Deer Valley objected to the location and the size of the building. Deer Valley is interested in an alternate location, and staff is approaching Council for additional funds because of the increased costs in moving the building down to the street area in the amount of $120,000 which will be shared equally, if approved by Council. Mr. Gibbs clarified that this allows an ADA approved pump station and staff believes this should be an above-ground facility in the event of a mechanical break-down. There was discussion about making the building ADA accessible for employees. In response to a question from Shauna Kerr, Mr. Gibbs explained that currently employees must ride a ski lift and walk to the Last Chance Pump Stations and it now takes about 45 minutes in travel time. Shauna Kerr disclosed that she is a part-time seasonal hostess for Deer Valley, but did not perceive a conflict.

Hugh Daniels, "I move approval of the authorization for an expanded scope of improvements for the Last Chance Pump Station project with Deer Valley Resort and Royal Street Land Company". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

3. Authorization for staff to enter into a professional services agreement with Barker, Seacat and Partners for the development of a recreation facilities master plan and ice facility feasibility study in an amount not to exceed $55,795 - Bob Johnston, Leisure Services Director,

explained that Council chose not to select an expanded scope of work option a couple of months ago and staff renegotiated a new scope of work in accordance with Council direction. It was clarified for Hugh Daniels that the first phase is covered in the $55,795, although not indicated in the agreement. There was a discussion about cutting consultants' expenses. Roger Harlan expressed that this has been a long process, and he looks forward to its completion. Chuck Klingenstein, "I move to authorize staff to enter into a professional services agreement with Barker, Seacat and Partners for the development of a recreation facilities master plan and ice facility feasibility study in an amount not to exceed $55,795". Roger Harlan seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

4. Resolution authorizing Park City Municipal Corporation to enter into an interlocal agreement with the Snyderville Basin Special Recreation District - See staff report and work session notes. Hugh Daniels stated that generally interlocal agreements are good and in the long run felt that this agreement will be beneficial to the residents of Park City and the Snyderville Basin. He felt the elimination of the local and non-local enrollment issues will be alleviated; both taxing parties will benefit from the economy of scale by using existing staff and there will be more equity in paying for recreation services. He agreed with Ms. Kerr that the transportation issues need to be worked out between the various venues and at some point in the future, the Recreation District may have to look at vans or some type of private transportation system, if the event the City bus system can't operate in the County. Roger Harlan expressed his gratitude for the spirit of cooperation the document represents. Ms. Kerr clarified that although see expressed concerns in work session about importing and exporting kids, she felt this is an agreement that can and will work. The transportation issue is something she wanted to highlight not something she felt couldn't be overcome. Chuck Klingenstein, "I move approval of the resolution authorizing Park City Municipal Corporation to enter into an interlocal agreement with the Snyderville Basin Special Recreation District, in a form to be approved by the legal staff". Hugh Daniels seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 5:50 p.m. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, and Chuck Klingenstein. Mayor Brad Olch and Paul Sincock were absent. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Chuck Klingenstein, "<u>I move to close the meeting to discuss property acquisition</u>". Roger Harlan seconded. <u>Motion carried</u>.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

The meeting opened at approximately 6 p.m.

* * * * * * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY
1884

CITY COUNCIL REPORT

DATE: June 12, 1997
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer EDH
TITLE: Mountain Top Subdivision
TYPE OF ITEM: Discussion of water service options for Mountain Top Subdivision

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SUMMARY RECOMMENDATIONS: Discuss the options for water service to Mountain Top Subdivision and provide direction to the homeowners and City Staff regarding Park City's role in those options.

DESCRIPTION:

A. Topic: Mountain Top Subdivision is in unincorporated Summit County adjacent to and contiguous with Park City as shown on the attached vicinity map. Mountain Top (not to be confused with Mountain Ridge Subdivision, which is in Park City) abuts both Eagle Pointe Subdivision, formerly known as Quarry Mountain or Kearns-Tribune, as well as newly-annexed Sandstone Cove. Mountain Top is served by a water system consisting of a well in Ridgeview Subdivision, an intermittently-pumped water line up through Eagle Pointe to a covered cistern in Mountain Top, and an uncovered pond which provides water storage for fire protection. Mountain Top contains 12 lots, seven of which contain homes. Their CC&R's allow only one building per lot.

B. Background: The development of Eagle Pointe Subdivision has affected the easement in which the Mountain Top water line runs up to the cistern. The developer of Eagle Pointe has challenged the validity of the easement and has demanded the removal of the Mountain Top water line from a portion of Eagle Pointe which has not yet received final plat approval.

The Mountain Top Subdivision Association of Property Owners would like to explore the City's position with respect to either connecting Mountain Top to the City's water system or granting an easement within the City's parcel within Eagle Pointe to provide a location for a relocated Mountain Top water line. Please refer to the attached letter dated May 5 from Joan Edwards, the president of Mountain Top H.O.A.

C. Issues for Discussion: With the assistance of City Councilman Paul Sincock, who trench even farther to fetch the higher-pressure water. The precedence issue discussed in Option 2 would be even more important with Option 3.

RECOMMENDATION: Listen to input from Mountain Top representatives and discuss the options as presented or any other options that may arise. The Staff would appreciate direction regarding whether annexation would be required as a condition to allowing Options 2 or 3, and whether any deviation from our policy requiring payment of fees would be considered. We would also like direction as to whether the easement in Eagle Pointe should be granted and what consideration, if any, would be appropriate. Also, due to the tiny size of the Sandstone Cove and Quarry Mountain tanks, should Option 2 or 3 be considered, it would be desirable to discuss limitations on outdoor water use.

MOUNTAIN TOP SUBDIVISION ASSOCIATION
OF PROPERTY OWNERS
P.O. BOX 68901
PARK CITY, UTAH 84068

May 5, 1997

Mr. Toby Ross, City Manager
City of Park City
P.O. Box 1480
Park City, Utah 84060

Dear Mr. Ross:

Thank you for you time in meeting with me and Vince DeSimone on Thursday, April 24, 1997 to discuss the options available to us to resolve our dispute with Mr. Norman Rossman over the delivery of water to Mountain Top homeowners. As you know, Councilman Paul Sincock has been facilitating this process. He has suggested that the next step is to request a work session before the Park City Council to further explore the City's position with respect to either connecting Mountain Top to city water or granting an easement within which we can move our existing water line.

Therefore, please consider this letter a formal request to place this matter on the agenda for a work session as soon as practicable. I appreciate that City Council's plate has been very full for some time and that there are more pressing issues to be considered in the near future. However, we would respectfully request your consideration in finding a time slot for us.

Thank you for your cooperation.

Sincerely,

Joan B. Edwards

Joan B. Edwards
President, Mountain Top H.O.A.

c: Paul Sincock

PARK CITY
1884

DATE: June 12, 1997
DEPARTMENT: Administration
AUTHOR: Toby Ross, City Manager TR
TITLE: Impact Fee Discussion
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Review the proposed approach for a new development impact fee ordinance and the issues that surround its adoption and provide direction.

DESCRIPTION:

A. **Topic:** Impact Fee Discussion

B. **Background:** Development impact fees have been allowed in Utah by case law for over 25 years. Park City has used impact fees to fund capital projects since 1981under common law authority. However, until 1995 local jurisdictions never had statutory authorization for impact fees. The 1995 Legislature passed the 7th Substitute of S.B. 95, the Impact Fees Act which Governor Leavitt vetoed. The Governor formed a committee to draft compromise legislation. The committee, with substantial input from the Utah League of Cities and Towns, recommended a revised statute that protected most of the interests of local government. The Governor signed the Impact Fee Act into law on April 24, 1995. The law describes how impact fees are to be imposed and collected. Specifically, the law includes:

1. **Menu...§11-36-201** defines, and by definition limits, the types of activities for which local government may charge impact fees (fees being considered by Park City in the proposed amendment in bold; our water impact fees are not currently proposed for revision).
   a. water distribution and water supply, treatment, and distribution facilities;
   b. wastewater collection and treatment facilities;
   c. storm water, drainage, and flood control facilities;
   d. municipal power facilities;
   e. **roadway facilities**;
   f. **parks, recreation facilities, open space, and trails**;
   g. **public safety facilities (police and fire stations but not jails)** and
   h. certain habitat conservation measures.

2. **Definitions...§11-36-102** defines terms related to impact fees including the concept of *proportionate share*; impact fees must be found to be roughly proportionate and reasonably related to the impact caused by the development activity.

3. **Capital Facilities Plan..§11-36-201(2)** requires a capital facilities plan (CFP) to impose impact fees. The plan must be available at least 14 days prior to the public hearing which is scheduled for June 26, 1997. The plan must identify a list of public facilities required by new development activity and a description of how the local government will pay for the public facilities. The Council must determine that "impact fees are necessary to achieve an equitable allocation of the costs born in the past and to be born in the future, in comparison to the benefits already received and yet to be received."

4. **Impact Fee Analysis...§ 11-36-201(5)(a)** requires an analysis that
   a. identifies the impact of growth on the need for capital facilities;
   b demonstrates a reasonable relationship between the impacts of growth and the capital facilities;
   c. estimates the proportionate share of the costs for capital facilities; and
   d. identifies how the fees are calculated.

5. **Proportionate Share Analysis...§ 11-36-201(5)(b)** defines factors to be considered in determining proportionate share
   a. the cost of existing public facilities;
   b. the manner of financing those facilities;
   c. the relevant extent to which the newly developed properties have already contributed to the cost of existing facilities;
   d. the relevant extent to which the newly developed properties and other properties will contribute to the cost of existing public facilities in the future;
   e. the extent to which the newly developed properties are entitled to a credit to offset the costs of system improvements that the development will install;
   f. extraordinary costs in servicing the newly developed properties, and;
   g. the time/price differential inherent in fair comparisons of amounts paid at different times.

6. **Ordinance/"Enactment"**- defines the procedure for adoption. The actual enactment of an impact fee is by ordinance for cities. The ordinance must contain
   a. a provision that establishes one or more service areas;
   b. a schedule of impact fees for each type of development activity giving the dollar amount imposed for each type of system improvement or the formula by which the fee is calculated;
   c. a provision that allows the local government to adjust the impact fee as it

is administered, to respond to unusual circumstances in specific cases, to ensure that the impact fees are imposed fairly;

d. a provision that allows for the adjustment of an impact fee when further information, by way of studies and data, indicate the fee should be different;

Ordinances may include:

e. a provision exempting low income housing or other development activities with a broad public purpose, from the imposition of an impact fee;

f. a provision that imposes an impact fee to recover the costs of oversized public facilities already constructed by the local government due to anticipated growth;

g. a provision allowing a credit against the impact fees for the dedication of land or construction of system improvements.

7. **Calculation of an Impact Fee...§11-36-202(1)** specifies that the following costs may be considered in establishing the impact fee.
   a. construction contract price;
   b. cost of acquiring land, improvements, materials and fixtures;
   c. cost of planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements; and
   d. debt service charges to pay the principal interest on binds, notes or other obligation issued to finance the costs of the system improvements.

8. **Administration of the Impact Fee** describes accounting, reporting and spending requirements.

9. **Appeal...§11-36-401** describes how the fee ordinance and individual fees may be challenged.

For impact fee ordinances in effect as of July 1, 1995 that basically complied with the list of eligible fees (menu) such as Park City's, the law had little immediate effect. The law requires that all impact fees be in full compliance by July 1, 1997. Park City modified its impact fee ordinance before July 1, 1995 to comply with the basic requirements of the new law. This winter Park City commissioned Rosenthall and Associates to prepare an impact fee analysis and a CFP. To provide the most current capital planning information, this study relies heavily on the Capital Improvement Plan contained in the 1997-98 budget. Consequently, the analysis and CFP are being presented to the Council and the public virtually simultaneously with the adoption of the budget.

C. Analysis:

Several questions and issues emerge from the impact fee analysis, the CFP and the proposal to amend the impact fee which the Council should discuss before adopting a new ordinance.

1. **Why have a fee?** Unlike most Utah cities, Park City has a long history of using impact fees. Park City has used impact fees for the past 16 years to pay for capital facilities required by new development. In fact, until as recently as 1991 essentially all the money for such facilities came from impact fees. Since 1991, a small portion of the cost of such facilities has been paid for from general fund money (primarily from sales tax). The majority of all existing residential and commercial development in town has paid an impact fee.

   If Park City were to stop collecting impact fees, the cost of capital facilities required by new development would be paid for by the general fund. This would shift the burden of paying for these new facilities from new development to existing development. The existing homeowner who paid impact fees to cover the cost of facilities he demanded could find his taxes going up to pay for facilities demanded by new development.

2. **Why change the structure?** The current approach of collecting an impact fee as a proportion of construction value was established with the first fee in 1981. It is a simple, easily understood mechanism that has worked well. It uses the cost of a structure as measure of impact. The 1995 Impact Fee Act establishes rigorous guidelines for calculating fees. The fees must be roughly proportional to impact. While cost of construction may be a fair measure of some types of impact, it poorly represents others. For example, a fast food restaurant may cost no more to construct than a single family house but its effect on roads would be dramatically greater. Traffic generation rather than cost of construction would be a better measure of impact on roads. The proposed fee analysis uses a variety of measures to establish fees.

3. **CFP projects.** The size of an impact fee is directly proportional to the *CFP Cost* or the cost assigned to new development. Since the money collected through impact fees generally must be spent within six years, it is important that the projects included in the CFP be real projects with a high probability of being constructed in this relatively short time frame. It is possible to use money collected through impact fees for related projects and to change the scope of projects. However, if the city fails to construct a project similar to the one for which it collected fees, it must return the fees. The CFP projects are listed in the Draft CFP attached. The Council should review the projects and the proportion of the total project assigned to *CFP Cost*. The CFP table is a draft and subject to change.

4. **Amount of fee.** The amount of the impact fee imposed cannot be greater than the highest fee justified by the impact fee analysis. The impact fee may not be imposed to cure deficiencies in existing public facilities. Generally, fees cannot be collected at a rate that would result in an improved level of service. For example, the fee for parks cannot be so high that the new development is providing more acres of parkland per person or household than the existing population had. While level of service is not specifically cited in the Utah impact fee statute, it is commonly presumed that the fee necessary to provide the facilities to maintain the same level of service is the ***maximum fee*** that can be justified. However, the maximum fee can be charged only if the CFP includes sufficient

projects to maintain or improve the level of service. If the CFP does not include sufficient projects to maintain the same level of service, the ***calculated fee*** is the highest fee that can be charged. A city can then charge any fee that is no greater than the maximum fee or calculated fee, whichever is lower. So the ***actual fee*** could, by policy, be less than either the maximum or calculated fees. For example, a city could decide to charge 85% of the maximum fee or calculated fee, whichever is lower, to minimize the political or legal risks of adopting impact fees or in recognition that fee calculations are not an exact science. The Council should consider whether or not to charge the full fee or somewhat less. The current fees are less than the maximum fee that could have been charged when the last study was done in 1995.

4. **Political risk.** Several groups and a number of state legislators are philosophically opposed to impact fees. ULCT cautions all cities to be careful and conservative when considering impact fees. Because our fees have been among the highest in the state, we are likely to come under close scrutiny. The quality of our analysis and the tone of our comments may determine whether or not our ordinance is challenged. If council members have any questions about the technical or philosophical underpinnings of our fees, you are encouraged to contact Jodi or me directly.

5. **Housing.** An impact fee ordinance may include a provision exempting low income housing or other development activities with a broad public purpose, from the imposition of an impact fee. One of the main criticisms of impact fees is that they increase the cost of housing. While this proposition can be debated, the Council may wish to include a provision exempting employee housing that is appropriately deed restricted from these impact fees.

D. Department Review: This report has been reviewed by the City Attorney and the Finance Manager.

ALTERNATIVES:

Staff will review basic issues with the Council and is seeking general direction with **no formal action** expected. We intend to schedule both a public hearing and action for June 26, 1997. On the 26th the Council could consider the following actions.

A. Approve a revised impact ordinance:

B. Decline to adopt any impact fee ordinance:

C. Continue the item with direction:

SIGNIFICANT IMPACTS: Park City relies heavily on impact fees to support its capital improvement programs. Last year the City collected about $2 million in the categories being discussed in this ordinance. Historically, Park City impact fees (excluding water) have represented 2 percent of calculated construction value (less of construction contract prices). In the aggregate, fees would go down in this by 10% or more as a result of the new fee analysis. However, the new approach does not affect every type of construction equally so that fees for some types of construction will go up (for example, larger multifamily units) while others will go down (very large single family units).

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Not adopting any impact fee ordinance would significantly limit our long term capital development, particularly in parks and open space. Delaying adoption past July 1, 1997 could create some logistical problems; long delays could result in significant loss of revenue.

RECOMMENDATION:

Review the proposed approach for a new development impact fee ordinance and the issues that surround its adoption and provide direction

Park City Impact Fee Analysis

Draft Five (7-9-97) Year New Development CFP (1997 to 2002)

Project Number	Description	Total Project Cost		CFP Cost	
Parks, Trails, Open Space					
1	Planning/Capital Facilities Analysis	$ 23,333		$ 23,333	
48	City Park Improvements	599,996		95,000	
54	Trails Master Plan Implementation	756,045		479,500	
198	Community Entryway	619,771		263,750	
460	Park Meadows Sidewalks	95,302		27,500	
547	Open Space Acquisition	2,639,525		2,250,000	
611	Gillmor Property Improvements	66,000		55,000	
621	Gillmor Property Purchase	600,000		500,000	
627	Snow Creek to Holiday Ranch Loop Trail	200,000		160,000	
669	Pedestrian Improvements (regional linkages)	6,600,000		959,000	
	Total		**$12,199,972**		**$ 4,813,083**
Public Safety Buildings					
1	Planning/Capital Facilities Analysis	$ 23,333		$ 23,333	
671	Land, Construction, Financing	2,880,470		1,248,517	
	Total		**$2,903,803**		**$1,271,850**
Roadway Facilities					
1	Planning/Capital Facilities Analysis	$ 23,334		$ 23,334	
37	Hillside Avenue Design and Widening	1,328,571		476,180	
74	Meadows Drive Connection at Middle School	700,000		185,000	
187	Reconstruction 8th Street and Crescent Tram	650,000		148,000	
437	Prospector Entry Corridor	300,720		200,000	
496	Bonanza/Kearns Intersection	322,500		142,500	
	Total		**$ 3,335,125**		**$ 1,175,014**
TOTAL			**$18,438,900**		**$ 7,259,947**

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: June 12, 1997
DEPARTMENT: Administrative Services
AUTHOR: Tom Bakaly, Finance Manager
TITLE: Additional Grant Requests
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The City Council should approve the following recommendations of the Grants Subcommittee concerning the disbursement of grant funds:

1) Approve the recommendations made by the Park City Arts Council for the disbursement of FY 1996-97 grant funds for arts, culture and humanities programs.

2) Approve the use of grant contingency funds for a one-time grant award of $7,500 to The Counseling Center.

3) Deny the $5,000 grant request of Habitat for Humanity for office operations.

4) Deny the request of the Save our Stage Foundation for the City Council to waive or cover the cost of parking in-lieu fees for additional parking spaces related to the Egyptian Theater renovation. The cost of this waiver or subsidy is approximately $200,000. It is recommended that City Council direct staff to negotiate with the Save our Stage Foundation a deferred payment plan (with interest) for the parking in-lieu fee requirement.

5) Approve the request of $5,000 for historic head stone repair at the Glenwood Cemetery, and award the one-time grant to Park City Historic Society.

DESCRIPTION:

A. Topic: Grant Disbursement

B. Background:

In May of 1996, the City Council adopted a new policy that governs the disbursement of grant funds. This policy is included within the Policies and Objectives section of the recommended 1997-98 Budget. In addition to establishing criteria for determining grant recipients, the policy also established categories in which organizations receiving grants were placed. Each category then gets a portion of the total funds appropriated for grants. The total amount of funds available for grants is a percentage (2.25%) of the General Fund budget for each year.

One category that was established was arts, culture and humanities. Per the policy, the Park City Arts Council was designated as the representative organization for the purpose of planning how grant funds will be distributed to the arts, culture, and humanities community. The Park City Arts Council has completed their grants review process and their recommendations are included. Representatives from the Park City Arts Council will be available at the City Council meeting to answer specific questions about the arts grant disbursement process.

In anticipation that new organizations not assigned to established categories may request grant funds, the City Council designated one of the categories as the grant contingency fund. This "reserve" is for organizations, programs or endeavors that arise throughout the year. This year, three organizations have requested additional grant funds. These organizations would fall into the contingency category per City policy.

During May of 1997, as part of the current budget process, City Council formed a Grants Subcommittee to review the additional grant requests and make a recommendation to the City Council. The Grants Subcommittee consists of Council member Daniels, Council member Harlan, and a City staff representative (Tom Bakaly).

C. Analysis:

1) Arts Grants: The FY 1996-97 (current year) recommended adjusted budget for the arts category is $32,753. Per the policy, another $38,117 is recommended to be appropriated for FY 1997-98 (next year). The Park City Arts Council received 19 requests totaling $48,265. Attached is an explanation about each request, the recommended grant amount, and an explanation for the funding recommendation. The criteria used to evaluate these requests was: Quality of project; Importance of Project; Range of Influence; Management Competence; Qualifications; Measure of Success; Financial Support; Grant Request as a % of Organization Budget; and Community Component.

The recommendation from the Park City Arts Council for the distribution of grant funds is:

Park City International Music Festival*	8,500
Park City Arts Council	10,500
Park City Performances	6,350
Bitsy Beall - Student Writers	500
Utah Symphony	900
Park City High School Music Program	1,050
Kathleen Shorr - Dance	800
Jill Gibbons - Documentary	1,200
Kimball Art Center	2,200
Total	**$32,000**

* Funds were distributed to this organization per City Council authorization in July of 1996.

2) Grant Contingency: The FY 1996-97 (current year) recommended adjusted budget for the grant contingency fund is $57,584. Per the grants policy, another $37,313 is recommended to be appropriated for FY 1997-98 (next year). In considering these requests, City Council will need to determine whether funding these requests will continue on an annual basis. If so, the percentages awarded to each category will most likely need to be re-evaluated a year from now when the 1998-99 budget is considered.

The Counseling Center: The Counseling Center has been providing mental health services in the Park City area since 1982. The counseling center is requesting a grant award of $15,000 from the City. A summary of their grant request is attached. If more information is needed, a detailed application packet is available for perusal in the City Manager's office.

Grants Subcommittee Recommendation: Award a grant in the amount of $7,500. The subcommittee agreed that the services offered by the Counseling Center and their application met the criteria of the Grants policy. There was some concern that the request represented such a large portion of the Counseling Center's program budget (16.65%). The subcommittee decided to award half of the grant request on a one-time basis to the Counseling Center.

Habitat for Humanity: Habitat for Humanities is an organization that assists qualified families in obtaining a home that they would otherwise not be able to afford. Habitat accomplishes this by receiving donations in the form of money, land, and skilled labor. Habitat has been successful in completing one home in the Coalville area, and is now working on their second home. Habitat requested a grant from the City in the amount of $5,000 to assist with office operations. A letter from Habitat for Humanity is attached to this report.

Grants Subcommittee Recommendation: Deny the grant request. While Habitat for Humanity is a valuable organization to the Summit County area, the subcommittee had two major issues with the grant request. First, the services of Habitat for Humanity do not appear to be located in Park City which is one of the criteria in the grants policy. The two houses that the organization is constructing are located in Coalville and Kamas. Second, the grant request is for office operations which is an area that City Council has typically chosen to de-emphasize with its grant awards. The subcommittee did suggest that the City explore the possibility of working with Habitat for Humanity to construct/acquire a house in Park City. If these efforts prove to not be feasible, the subcommittee suggested that Habitat for Humanity return with another grant request during next year's budget process.

Save Our Stage Foundation: The Save Our Stage (SOS) Foundation is in the process of restoring the Egyptian Theater. The S.O.S. Foundation is requesting a grant to cover the additional cost or a waiver of parking requirements related to renovation of the building. The cost of the additional parking or a waiver of the parking in-lieu fees would be approximately $200,000.

Grants Subcommittee Recommendation: Deny the grant request. The subcommittee agreed that the amount and scope of the request exceeded the limitations of the City's current grant policy. However, as part of its recommendation to the City Council, the subcommittee suggests that the City Council direct staff to negotiate with the S.O.S. Foundation a deferred payment (with interest) of the parking in-lieu fees.

Glenwood Cemetery: The Glenwood Cemetery Association has requested a $5,000 one-time grant for the repair of headstones. The association has written a letter describing their request (attached).

Grants Subcommittee Recommendation: Award $5,000 to the Park City Historical Society. The grants subcommittee agreed that this grant met the requirements for historical preservation. Therefore, the subcommittee decided to recommend award of $5,000 to Park City Historical Society for the on-time purpose of restoring historic headstones at the Glenwood Cemetery.

D. Department Review:

These requests have been reviewed by the Finance Division of the Administrative Services Department, the City Manager and the Grant Subcommittee that was appointed by City Council. The subcommittee discussed each request in detail. In the case of the recommendation for Habitat for Humanity, the decision reached by the subcommittee was not unanimous.

ALTERNATIVES:

1) Approve the recommendations from the subcommittee: This action would allow for the release of grant funds to the organizations described above.

2) Deny the Recommendations (in total or individually): This action relating to the arts, culture and humanities recommendation would most likely necessitate further City Council direction concerning the grants policy and its implementation. Denying the recommendation relating to the Contingency Fund would also necessitate further direction and revision to the grants policy concerning the Contingency Fund. For the S.O.S. Foundation, another option would be to negotiate a deferred payment that was interest free. An interest free loan of $200,000 (5.8%) over ten years would cost the City approximately $7,000 per year. Therefore, if this option was pursued, a grant in the amount of $7,000 would need to budgeted to offset the lost interest. This would be handled in a similar fashion as the rent contribution category.

3) Continue the Item: Action relating to the arts, culture and humanities request would be needed prior to adoption of the 1997-98 budget on June 19, 1997 in order to assure that the budget for future years was correct in its assumptions.

4) Do Nothing: Same as Continuing the item.

SIGNIFICANT IMPACTS:

Implements the City's grants policy which to do date has worked well. Funds for the recommended action are in the grants budget.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The City Council would need to provide further direction and perhaps make modifications to the Grants policy.

RECOMMENDATION:

Approve the recommendations of the Arts Council for the distribution of Grants funds, approve a one-time grant award for $7,500 to The Counseling Center, deny the grant requests from Habitat for Humanity and the Save Our Stage Foundation, and approve a one-time $5,000 grant award to the Park City Historical Society for headstone restoration at the Glenwood Cemetery.

Park City Arts Council

PARK CITY CULTURAL GRANT APPLICATION RECOMMENDATIONS 1996-7

GRANT COMMITTEE MEMBERS:
DELL FULLER- CHAIR, PARK CITY ARTS COUNCIL MEMBER AT LARGE
MIKE ANDREWS- PARK CITY ARTS COUNCIL PRESIDENT ELECT
MARY BEHRENS- FORMER BOARD PRESIDENT, KIMBALL ART CENTER
BITSY BEALL- TREASURE MIDDLE SCHOOL TEACHER, WRITER
DEBRA CORRIGAN- MAIN ST. BUSINESS, ARTS VOLUNTEER EDUCATOR JEREMY RANCH ELEMENTARY SCHOOL
RICHARD SCOTT- ARTISTIC DIRECTOR, PARK CITY PERFORMANCES
KATHLEEN SHORR- DANCE CHOREOGRAPHER & INSTRUCTOR
KRISTINE WIDENER- OAKLEY RESIDENT, UTAH SYMPHONY STAFF PERSON
DON ZINN- PARK CITY INTERNATIONAL MUSIC FESTIVAL BOARD MEMBER

1. **PARK CITY ARTS COUNCIL** REQUEST $10,500

Park City Arts Council requests continued general support, and receives matching funds from Summit County. Park City Arts Council has taken on additional responsibility of re-granting.

RECOMMENDATION: FULLY FUND BUT GRANT COMMITTEE FEELS ARTS COUNCIL FUNDING SHOULD BE SEPARATE LINE ITEM IN MUNICIPAL BUDGET.

2. **PARK CITY PERFORMANCES** REQUEST $10,000

Park City Performances requests funding for their second annual Youth Theatre program which is a joint partnership between Park City School District and Park City Performances. They are expanding this year to accommodate all ages. Their goal is to help students realize their potential through theatrical training, develop self esteem, and improve commuication skills.

PCP RECOMMENDATION: $6,350

EXCELLENT PROJECT ESPECIALLY SINCE YOUTH NEED MORE ALTERNATIVES & CREATIVE OUTLETS

Post Office Box 4455
Park City, Utah
8 4 0 6 0
801 • 647 • 9747

3. **GEORGE AUSTIN STONEWORK** REQUEST $4,000
RECOMMENDATION: -0-
George Austin is a stoneworker whose bench resides in front of Morning Ray Cafe. George would like to be commissioned to do a bench in the Library's Reading Garden. The Park City Arts Council asked him to submit a drawing for a water sculpture in the Reading Garden but his work lends itself to stone benches.
APPLICATION DOES NOT SUFFICIENTLY MEET CRITERION. A DIFFERENT FUNDING MECHANISM SHOULD BE SOUGHT FOR STONE BENCHES SUCH AS PARK CITY PROFESSIONAL ARTISTS ASSOCIATION. STONE BENCHES MAY BE NEEDED TWO YEARS FROM NOW IN SECOND PHASE OF READING GARDEN BUT FIRST PHASE REQUIRES WOOD BENCHEs BUDGETED AT $1,000 EACH NOT $4,000.

4. **UTAH SYMPHONY** REQUEST $3,000
RECOMMENDATION: $900
Utah Symphony requests funding to help market summer concerts at Deer Valley to Park City residents and visitors. Although the symphony is not based in Park City we feel it is important to support them in a limited capacity.
ALTHOUGH THIS PROJECT MEETS CRITERIA, WITH EXTREMELY LIMITED FUNDS AVAILABLE WE CAN ONLY MODESTLY FUND THIS PROJECT. THE SUMMER CONCERTS WILL STILL BE ABLE TO COMMENCE WITH OR WITHOUT SUPPORT FROM PARK CITY GRANT MONEY.

5. **WASATCH FLIES** REQUEST $26,000
This request, a local performing arts group concerned with ecology appears to be a hoax.
PROJECT DOES NOT MEET CRITERIA
RECOMMENDATION -0-

6. **BITSY BEALL STUDENT SCREENWRITERS' PROJECT** REQUEST: $700
RECOMMENDATION: $500
Every year TMMS language arts teacher Bitsy Beall conducts a screenwriting contest. Guest lecturers who are professional screenwriters hold workshops, and prizes are awarded to several students' screenplays. Funds are requested modestly pay guest lecturers and to cover prize costs. This project is also supported by Sundance Film Institute.
PARTIALLY FUND PROJECT

7. **PARK CITY HIGH SCHOOL MUSIC PROGRAM** <u>REQUEST: $1,500</u>
<u>RECOMMENDATION: $1,050</u>
Dana Kress, Park City High School graduate, music teacher & composer, will compose a special piece to be played at the opening of the Park City Performing Arts Center. He needs to be compensated for his composing & conducting efforts. This request is an example of the ways in which public money can help students while simultaneously having an impressive cultural impact on the community.
DUE TO EXCELLENCE OF BAND, TALENT OF COMPOSER DANA GRESS & BECAUSE THIS REQUEST IS A ONE TIME ONLY & WILL BE VISIBLE TO SO MANY STUDENTS & COMMUNITY MEMBERS, FUND AS MUCH AS POSSIBLE.

8. **KATHLEEN SHORR** - <u>DANCE REQUEST: $1,775</u>
<u>RECOMMENDATION: $800</u>
Ms. Shorr requests funds for an innovative interdisciplinary project. She will choreograph dance pieces along the Rails to Trails inspired by the sculptures of Bill Kranstover. Student dancers will be involved in the project. The final dance compositions will be videotaped and played for fine arts curriculum students at Park City High School.
THIS PROJECT MEETS CRITERIA BECAUSE IT IS INTERDISCIPLINARY & BECAUSE IT WILL BE SHOWN TO STUDENTS UPON COMPLETION, IT SHOULD RECEIVE SOME FUNDING.

9. **MOTHERLODE MUSIC** <u>REQUEST: $3,500</u>
<u>RECOMMENDATION: RESUBMIT FOR 1997-1998 FISCAL YEAR</u>
This locally-based folk/rock group requests funding to produce and market a CD cassette of their music featuring original compositions.
THIS PROJECT DOES NOT MEET CRITERIA GIVEN CURRENT INFORMATION. COMMITTEE RECOMMENDS RESUBMITTING FOR 1997-1998 FISCAL YEAR. COMMITTEE NEEDS TO KNOW: HOW MANY RESIDENTS WILL BE IMPACTED BY MOTHERLODE MUSIC? HOW IS MOTHERLODE HELPING/GIVING BACK TO COMMUNITY? IS THIS A PROFIT MAKING VENTURE? IF SO, GRANT WOULD BE INAPPROPRIATE.

10. **PADDY HISS VISUAL ART PROJECT** <u>REQUEST $1,200</u>
<u>RECOMMENDATION: RESUBMIT FOR 1997-1998</u>
This accomplished visual artist suffered a stroke several years ago requiring her to re train herself in all facets of her life. She wants to run lecture/workshops for special needs populations how she paints, and how art can be a therapeutic form of self expression & healing. She wants to work with Senior Citizens, abused women affiliated with the Peace House, AA, & special needs children and teens.
GRANT COMMITTEE IS VERY TOUCHED & MOVED BY PROPOSAL BUT IT NEEDS TO BE MORE FULLY DEVELOPED. WHERE WOULD ART SEMINARS TAKE PLACE? COULD THEY BE VIDEOTAPED? WHO WILL PAY FOR ART MATERIALS? CONCEPT GREAT BUT NEEDS FURTHER DEVELOPMENT. HAVE GROUPS BEEN CONTACTED YET? WILL THEY PARTICIPATE?

11. **BETH LAWRENCE MUSIC** REQUEST: $1,700
RECOMMENDATION: -0-
Beth Lawrence is a professional singer songwriter who performs at concerts and donates the proceeds to special needs populations such as Peace House, the abused women's shelter. Ms. Lawrence needs more equipment to take her concerts on the road and perform at some small venues that are not equipped with acoustical speakers and mikes. She is requesting funds for equipment.
THE MUSIC PROJECT AS STATED IS NOT REALLY FOCUSED IN PARK CITY. COMMITTEE IS UNCOMFORTABLE WITH ONE ARTIST REQUESTING CITY MONEY FOR HER OWN EQUIPMENT. COMMITTEE IS NOT SURE OF THE OUTCOME OF THE PROJECT. SCHOOLS HAVE EQUIPMENT ALREADY. COMMITTEE WOULD BE MORE INCLINED TO SUBSIDIZE HER PERFORMANCE AS OPPOSED TO HER EQUIPMENT.

12. **JAMES KLEINERT FILM PROPOSAL** REQUEST: $???
RECOMMENDATION: -0-
Mr. Kleinert is a local actor, screenwriter and director. He is creating a movie on the environment and the importance of Native American values and their inherent respect for the environment. He has requested any amount of funding but did not submit a full project budget nor did he adhere to the specific grant application format.
PROJECT DOES NOT SUFFICIENTLY MEET GRANTING CRITERIA. COMMITTEE AGREES IT CANNOT FUND A PROPOSAL THAT DOES NOT CONVEY ITS MONETARY NEEDS NOR SHOWS EVIDENCE OF FUNDING FROM OTHER SOURCES.

13. EVA TOBIE: JEREMY RANCH SCHOOL ART FAIR REQUEST $450
RECOMMENDATION: RE SUBMIT FOR 1997-1997 FISCAL YEAR
Eva Tobie volunteers teaching masterpieces in art and artists in the schools at Jeremy Ranch Elementary. She organized an art fair in which Park City professional artists exhibited their work and also worked with the children showing them how they do their form of artwork. EXCELLENT CONCEPT. HOWEVER, GRANT COMMITTEE CANNOT DO A 100% FINANCING OF A PROJECT. APPLICANT NEEDS TO CLARIFY OTHER FUNDING SOURCES. JEREMY RANCH ISN'T IN THE CITY LIMITS, HOWEVER, FALLS UNDER SCHOOL DISTRICT. COMMITTEE WOULD LIKE TO SEE MORE DETAILS IN RE SUBMITTAL PLUS A WILLINGNESS IN MS. TOBIE'S BEING ABLE TO SHOW TWO OTHER SCHOOLS HOW TO DO THIS PROJECT.

14. **JILL GIBBONS DOCUMENTARY FILM PROPOSAL** REQUEST: $2,000
Jill is a U of U film studies student, volunteer Park City Film Series projectionist, Snyderville resident, who has already received grant money from KUED to follow a group of Park City teens as they go to help Native Americans in South Dakota build homes. Her documentary proposal was two out of 20 selected to be aired on KUED. She needs a bit more money, has a very realistic budget and film implementation plan.
RECOMMENDATION: $1,200
EXCELLENT PROJECT, GREAT THAT SHE HAS MATCHING FUNDS ALREADY IN PLACE ESPECIALLY FROM KUED, & AIR TIME GUARANTEED. THIS FILM WILL BE AN EXCELLENT TEACHING TOOL. SUBMIT TO UTAH HUMANITIES COUNCIL FOR REMAINDER OF FUNDING. WE WANT TO BE ASSURED THAT THIS FILM WILL BE SHOWN IN THE PARK CITY SCHOOLS.

15. **CARDEN CHRISTIAN ACADEMY** REQUEST: $600
Carden would like grant money to create and implement a Masterpieces in Music pilot program. Their goal is to teach Music Appreciation and make the program available to the public schools. The program is ambitious and helps meet the need for more fine arts curriculum planning.
RECOMMENDATION: -0-
DOES NOT MEET CRITERIA. THE SCHOOL IS A SMALL PRIVATE SCHOOL OUTSIDE CITY LIMITS. NOT ENOUGH PEOPLE ARE IMPACTED. OTHER CONCERN: WHO WILL ACTUALLY DEVELOP THE MUSIC APPRECIATION PROGRAM?

16. **ALLISON FINE LITERARY PROJECT** REQUEST: $3,000
RECOMMENDATION: -0-
Ms. Fine wants to create a literary magazine tabloid comprised of local writers' work. She would be editor and publisher, no other people involved. She would select all work. THE PARK CITY ARTS COUNCIL ALREADY SUPPORTS PARK CITY WRITERS THROUGH A GRANT FROM THE ALTSCHUL FOUNDATION. COMMITTEE CANNOT SUPPORT PROJECT THAT BASICALLY FUNDS AN INDIVIDUAL'S PURSUITS. NO BUSINESS PLAN WAS SUBMITTED, SHE IS REQUESTING 100% FUNDING. PROJECT DOES NOT MEET CRITERIA.

17. **SHAWN EMERY FILM PROPOSAL HISTORY OF SKIING** REQUEST $4,500
RECOMMENDATION: RE SUBMIT FOR FISCAL YEAR 1997-1998/
This filmmaker is requesting general project support for a history of skiing film. Total budget cost is $410,000. Shawn in requesting small percentage of total project cost. He has strong background in writing, producing and directing documentaries. Park City Arts Council is a Fiscal Sponsor of this film.
THIS IS A GREAT PROJECT FOR HISTORICAL SOCIETY. NOT APPROPRIATE USE OF TAXPAYERS' MONEY. PROPOSAL NOT WELL ENOUGH DEVELOPED. HOW MUCH OF THIS FILM PERTAINS TO PARK CITY ? WOULD IT BE SHOWN FOR FREE?

18. **KIMBALL ART CENTER MASTERPIECES IN ART** REQUEST: $3,440
RECOMMENDATION: $2,200
Masterpieces in Art is an art appreciation program in its third year of implementation. It utilizes parent volunteers who come into the classroom and teach art appreciation to correspond to Utah statewide Core Curriculum Art eduction requirements. This program is coordinated by Patti Volla, Park City Arts Council Board Member and Parley's Park second grade teacher. Kimball Art Center agreed to take over program last year. They are requesting funds to pay for materials and for guest lecturers to further train the volunteers.
EXCELLENT PROGRAM. COMMITTEE WOULD BE HAPPY TO PAY FOR STUDENTS' ART MATERIALS. ALTHOUGH PROJECT HAS BEEN DONE BY VOLUNTEERS IN PAST, COMMITTEE RECOGNIZES THIS PROJECT SHOULD GROW SO THAT MORE ART IS TAUGHT TO STUDENTS IN THE SCHOOLS.

19. **PARK CITY INTERNATIONAL MUSIC FESTIVAL** REQUEST: $8,500
RECOMMENDATION: RESUBMIT
Music Festival requests general support for summer music program consisting of six weeks of performances and student workshops. Support is to help with administrative and marketing costs.
THIS GRANT PROCESS IS FOR 1996-1997. MUSIC FESTIVAL ALREADY AWARDED $8,500 FOR THIS YEAR. RESUBMIT FOR 1997-`998 FISCAL YEAR.

LOW-INCOME COMMUNITY OUTREACH PROGRAM

GRANT REQUEST

The Counseling Center requests a grant of $15,000 from Park City Municipal Corporation to be used to help provide community education and counseling services to Park City residents and those who work in the city. The Counseling Center's grant request will demonstrate that the services the agency provides benefit the citizenry and are unique in our area. Objectives, goals, and evaluation for our program and services will be defined.

Staff at The Counseling Center have worked to develop programs which meet expressed community needs and we cooperate with other service entities to minimize duplication of services. We follow a strict observance of non-discrimination in providing our services. We have a strong volunteer Board of Directors who contribute over 1500 hours per year of their time and we have received substantial community support through our annual fund raiser. (See Appendix A for Board list).

The Counseling Center was founded in 1982 and has provided continual service since that time. It has been estimated, and then extrapolated, that over the years at least 4400 Park City residents have received some service through The Counseling Center. (See Appendix C for Non-Profit status verification). At the present time we have 95 current, individual or family clients who are Park City residents. During the 1995-1996 fiscal year we provided over 1650 hours of direct service at greatly reduced rates or free of charge to residents of Park City. Due to the growth in our area, it is anticipated that our service hours will increase by 15% during the 1997-1998 fiscal year.

Funding for low-cost or free services has come through United Way, State contracts, local fund raising, and fees paid by clients and third party payers. For the past three years United Way, which is a significant donor to The Counseling Center, has issued annual reviews which have included requests that The Counseling Center expand fund raising locally. The majority of United Way funds come from the Wasatch front population and the concern has been voiced with increasing loudness that The Counseling Center broaden local (Park City) support.

Over the years, The Counseling Center has provided an increasing number of below cost service hours to the community. As the amount of community service increases, the need to find additional financial resources also grows. As the agency becomes more successful at providing needed services locally, the financial challenge becomes greater.

Without funding, the above mentioned services would not be available in the community; low-income individuals and families would be seriously disadvantaged in receiving services, and many of our educational services could not be presented.

Habitat for Humanity
for Summit County, Utah
"Building Partnerships for a Better Tomorrow"

February 3, 1997

To: Park City Council

Re: Habitat for Humanity for Summit County
Grant Request

Dear Council Members,

After putting out notice that our organization was taking applications for its next home, we received 18 applications back from around the county and Park City. We then put these applications through an extensive qualification process and narrowed the qualified families down to the four with the most pressing needs for housing. Unfortunately we only have enough money to build one home this year.

The first home we built is 3 weeks away from completion and a Park City employee, Karen Robinson and her family are being sold the home at cost, with a 0% interest loan. We currently have an office in Park City at 1500 Kearns and since we do benefit City residents as well as County we wonder if a grant of $5,000 would be available to help defray the costs of office space, supplies, etc. We do a lot of work and spend a lot of money with City business's as well.

This past Christmas I had to call 3 families 5 days before and tell them that even though they were thoroughly qualified for a home we just did not have the funds to build them one. Several of these families are in subsidized City housing. Please help us in any way you can. If you feel you can be more generous that what has been asked for that would be greatly appreciated.

Sincerely yours,

Richard J. Miller
Vice President
Board of Directors

1500 Kearns Blvd., Suite E-200 • PO Box 682704 • Ph: 801-658-1400 • Fax: 801-647-0023

The Save Our Stage Foundation

The Historic Egyptian Theatre...... Home of Park City Performances

May 22, 1997

Park City Council
PARK CITY MUNICIPAL CORPORATION
Park City, UT 84060

Dear Council Members,

As you are aware the S.O.S. Foundation is in the process of restoring the Egyptian Theater. At our last meeting with the HDC the question of parking came up and we were told we needed 14 parking spaces for additional space we added to the building. The space is actually a result of correcting problems we had with the roof; had it been our choice we would not have added the square footage. The cost for requested parking will be more than $200,000.00.

We are writing the council for a grant to cover the additional cost, or waiver of parking requirements for this building. The Egyptian was saved by generous contributions from a small group of private citizens, and your input to the RTC, on behalf of the community. The theater was leased to Park City Performances for a nominal rate. Over $1,300,000.00 dollars in renovation funds has been raised by the S.O. S. Foundation for this project. Since the community is clearly the benefactor of this project, we ask your consideration of the request as our representatives.

We realize this request is outside the scope of the Arts and Youth Grant process, and therefore direct it to you. Please note that we are decreasing the number of seating in the auditorium by approximately one-forth, and believe this relieves parking during peak hours: evenings, performances time.

We appreciate your consideration.

Respectfully submitted,
THE SAVE OUR STAGE FOUNDATION

JoAnn Krajeski
President

cc: Pat Putt
Charlie Wintzer

RECEIVED
PARK CITY
PLANNING DEPT.

P.O. Box 1180 Park City, UT 84060 (801)649-6006 Fax(801)649-5648

Glenwood Cemetery Association
P.O. Box 4422
Park City, Utah 84060

June 6,1997

Mayor Brad Olch
Park City Council
PO Box 1480
Park City, Utah 84068

Dear Honorable Mayor and City Council,

The Glenwood Cemetery Association was formed in 1885 as a Trust for the purpose of owning, maintaining and preserving, in perpetuity, the Glenwood Cemetery in Park City. The original Cemetery Association was formed by fraternal orders located in Park City so that family members and descendants would have an affordable place of burial in town. The original fraternal orders were the Masonic Order, the Independent Order of Odd Fellows, Knights of Pythias, Woodmen of the World, B.P.O. Elks, Loyal Order of Moose, and Modern Woodsmen of America.

In recent years, the Glenwood has become an historic asset to the community. Besides providing citizens a quiet, peaceful place to visit and experience Park City history, the Glenwood draws the community together for such events as the annual Halloween Walk (cosponsored with the Historical Society) and annual Memorial Weekend Cleanup.

During the past couple of years, the Association has worked on several projects including the repainting of a major portion of the fence, re-working of the Association Bylaws and Trust Charter, clarified cemetery ownership, straightening and repairing headstones, and applying and receiving National Historic Register status. In addition we have our annual cleanup and ongoing cemetery supervision. All of this work is done by volunteers and through limited fund raising.

During our January 6, 1997 meeting, the Association identified the repair and straightening of headstones as a priority for 1997. We have never done a comprehensive repair effort and we realize that we are falling further behind. We are requesting assistance from the city in the form of a grant from the City's grant contingency fund so we may complete the repair and straightening of all of the headstones in the cemetery. This will not repair all of the damage caused by vandalism and natural deterioration, but will allow us to return the headstones close to their original positions and reinforce them.

We have contacted a few companies (including the company who has been doing the work up until now) and have selected Hans Monuments from Salt Lake City. We have met with Hans and Ursula Huettlinger both in Salt Lake and at the cemetery. They will commit to work on the site for 50 hours a month and estimate that the work will take 4 months. Due to the special nature of the repair and straightening of each of the stones, they were unable to commit to a fixed bid. Given our previous experience, we feel comfortable with their estimate. Their cost is $45.00 an hour which includes two laborers, truck and equipment. Materials such as cement, gravel, steel rods, etc. will be extra.

50 hours
$45.00
$2250 per month
x4 months
$9000 plus materials and supplies (estimated between $500 and $1000 depending on each headstone's requirements)
$10,000 estimated total project cost

We are requesting from the City $5000 to assist in this project. We have received a commitment from the Historical Society for $1000 and we have saved $4000 from our previous fund raising. We have reviewed the City's grant policy and feel that we meet the three criteria.

Thank you for your thoughtful consideration.

Hal Compton

Hal Compton, President

3. Long Range Capital Improvement Plan
   a. Project identification and prioritization
   b. CIP financing plan

4. Rate and fee increases

5. Other related and contributing plans and policies
   a. Water Management
   b. Flood Management
   c. Parking Management
   d. Budget
   e. Pavement Management
   f. Property Management
   g. Facilities Master Plan
   h. Recreation Master Plan

Assumptions:

1. Growth
   a. Population
   b. Resort

2. Inflation

3. Current service levels
   a. Are they adequate?
   b. Are they adequately funded?

4. Minimum reserve levels (fund balances)

5. Property tax increases (When?)

Findings, Conclusions and Recommendations:
1. Current financial condition and trends
2. Capital Improvement Program
3. Projected financial trends
4. General operations
5. Capital improvements
6. Debt management

GRANTS

As part of the budget process, the City Council appropriates funds to organizations and endeavors whose missions are consistent with those of the City. Depending upon the type of grant category, grants may take the form of ongoing cash contributions for operations, one-time capital project donations, and forgone fees or rent relating to City property.

Grant Distribution Criteria: Organizations or projects must meet the following criteria in order to be eligible for a grant: 1) Accountability and Sustainability of Organization; 2) Program Need and General Public Benefit and; 3) Fiscal Stability and other Financial Support.

Criterion #1 - Accountability and Sustainability of Organization or Endeavor: The organization or endeavor must have: 1) Quantifiable goals and objectives; 2) Non-discrimination in providing programs or services; 3)

Cooperation with existing related programs and community service; 4) Compliance with the City contract and 5) Not-for-profit Status.

Criterion #2 - Program Need and General Public Benefit: The organization or endeavor must have: 1) A clear demonstration of public benefit and provision of direct services to City residents and; 2) A demonstrated need for the program or activity.

Criterion #3 - Fiscal Stability and other Financial Support: The organization or endeavor must have: 1) A clear description of how public funds will be used and accounted for; 2) Other funding sources that can be used to leverage resources; 3) A sound financial plan that demonstrates managerial and fiscal competence; and 4) A history of performing in a financially competent manner.

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Total Grant Appropriations: The City appropriates a total of 2.25% of its annual General Fund budget year for grants in categories 1 - 5 as described below. In addition, the City appropriates specific dollar amounts from other funds specifically related to categories 6 - 7 as described below. The General Fund budget is defined as the sub-total of the General Fund operating budget, less interfund transactions.

Grant Categories and Percentage Allocations: For the purpose of distributing grant funds, grants are placed into the following categories: 1) Special Services; 2) Arts, Culture, Humanities; 3) Youth; 4) Rent Contribution; 5) Grant Contingency 6) Housing and; 7) Historic Preservation. A percentage of the General Fund budget (whose sum does not exceed 2.25 %) is allocated to each of the first five individual categories by the City Council. A specific dollar amount is allocated to categories 6 and 7.

The General Fund category percentage allocation does not vary from year-to-year. However, as the City's budget fluctuates (up or down) due to economic conditions, the dollar amounts applied to each category will fluctuate proportionally. In the case of categories 2, 3, and 5 (Arts, Youth and Contingency), unspent grant balances from a prior fiscal year are reappropriated one a one-time basis to the upcoming fiscal year. The unspent prior year balance is added to the new grant amount for the upcoming fiscal year.

1) Special Services: An amount not to exceed 1.13 % of the General Fund budget will be designated for grants relating to services that would otherwise be provided by the City. Special services that fall into this category would include, but not be limited to; sustain economic development, historical preservation, marketing/sales, public safety, and recycling.

To the extent that is possible, individual special services will be delineated in the budget. Any amount not specifically designated in the budget for special services will be placed in the Grant Contingency Category. Each

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special service grant will have a special service contract with a term of one year. If a special service grant recipient wishes to increase their budgeted grant amount, they must justify why a change is needed. Funds used to increase individual special service contracts must come from within the Special Services Category or the Grant Contingency Category.

2) Arts, Culture, Humanities: .29% of the total General Fund budget will be designated for a grant to a representative organization of the arts, culture, and humanities community. The representative organization will propose a plan by June 1st of each year of how the grant funds will be distributed to organizations in the arts, culture, and humanities community.

The proposal must be consistent with the criteria listed in this policy. In particular, criterion 1-3: (cooperation with existing related programs and community services) will be closely monitored. Failure to comply with this criteria may result in loss of representative organization status.

Upon being designated by the City Council as the representative organization, the representative organization will enter into a contract prior to July 1st with the City for the distribution of grant funds for a one year period. If a representative organization is not identified by City Council, the grant funds will be held in a City trust fund until a representative organization is identified.

3) Youth: .24% of the total General Fund budget will be designated for a grant to a representative organization for youth services. All of the policies relating to category #2 also apply to the youth category.

4) Rent Contribution: An amount not to exceed .31% of the General Fund budget will be used as a rent contribution for organizations occupying City owned property. To the extent that is possible, individual rent contributions will be delineated in the budget. Any amount not specifically designated in the budget will be placed in the Grant Contingency Category.

The City is required to make lease contributions to the Park City Building Authority for buildings that it occupies. Organizations may enter into a lease with the City to occupy City space at a reduced rental rate. The difference between the reduced rental rate and the rate paid to the Park City Building Authority will be funded by the rent contribution amount. The City Council may make long-term lease commitments for reduced rental rates under this policy. Please note that this policy only applies when a reduced rental rate is being offered. This policy does not apply to lease arrangements at "market" rates.

5) Grant Contingency: .28% of the General Fund budget will be designated as a grant contingency reserve for organizations, programs, or endeavors that arise throughout the year. Use of the grant contingency fund requires City Council approval. The policies stated above will be applied to requests from the Grant Contingency Category. City Council will review contingency fund balance every two years and make decisions for appropriations based upon recommendations from the Grants Committee.

6) Housing: Each year, the City Council will appropriate a specific dollar amount relating to housing issues. The City Council will designate the funding for these expenditures during the annual budget process. In instances where another organization is involved, a contract delineating the services will be required.

7) Historic Preservation: Each year, the City Council will appropriate a specific dollar amount relating to historic preservation. The City Council will designate the funding for these expenditures during the annual budget process. In instances where another organization is involved, a contract delineating the services will be required.

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It is at the discretion of the City Council as to which categories individual organizations or endeavors are placed. Any percentage changes to the General Fund categories described above must be approved by the City Council. All final decisions relating to grant funding are at the discretion of the City Council.

INVESTMENTS

I. Policy: It is the policy of the Park City Municipal Corporation (PCMC) and its appointed Treasurer to invest public funds in a manner that ensures maximum safety, provides adequate liquidity to meet all operating requirements, and achieve the highest possible investment return consistent with the primary objectives of safety and liquidity. The investment of funds shall comply with applicable statutory provisions, including the State Money Management Act, the rules of the State Money Management Council and rules of pertinent bond resolutions or indentures, or other pertinent legal restrictions.

II. Scope: This investment policy applies to funds held in City accounts for the purpose of providing City Services. Specifically, this Policy applies to the City's General Fund, Enterprise Funds, and Capital Project Funds. Trust and Agency Funds shall be invested in the State of Utah Public Treasurer's Investment Pool.

III. Prudence: Investments shall be made with judgement and care under circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by the Treasurer shall be applied in the context of managing an overall portfolio. The Treasurer, acting in accordance with written procedures and the

PARK CITY MUNICIPAL COPRPORATION
GRANTS FY 1998 - Adopted - June 5, 1997
Does not include Carry Forward from FY 1997 for Arts, Youth, or Contingency

CATEGORY/DESCRIPTION	GRANT $ FY1997 (April 18)	% OF BUDGET GENERAL FUND	GRANT $ FY1997 ADJUST	% OF BUDGET GENERAL FUND	GRANT $ FY1998 Budget	% of BUDGET GENERAL FUND
SPECIAL SERVICES						
Recycling	$8,000		$8,000		$10,000	
Chamber Bureau	$65,000		$65,000		$75,000	
Historical Society	$34,621		$34,621		$40,000	
Domestic Peace Task Force	$10,000		$20,000		$23,000	
Sub-total Special Services	**$117,621**	**1.10%**	**$127,621**	1.13%	**$148,000**	1.13%
ARTS/CULTURE/HUMANITIES						
Sub-total Arts	**$31,500**	**0.29%**	32,753	0.29%	38,117	0.29%
YOUTH						
Sub-total Youth	**$26,000**	**0.24%**	27,106	0.24%	31,545	0.24%
RENT CONTRIBUTIONS						
Sub-total Rent Contribution	**$45,992**	**0.43%**	40,492	0.36%	40,492	0.31%
GRANT CONTINGENCY FUND	**$20,355**	**0.19%**	26,143	0.23%	37,313	0.28%
TOTAL GRANTS - GENERAL FUND	**$241,468**	**2.25%**	254,115	2.25%	295,734	2.25%
GENERAL FUND BUDGET W/O GRANTS	**$10,712,423**		**11,293,981**		**13,143,736**	
HOUSING						
Sub-total Housing	**$260,000**		260,000		280,000	
HISTORIC PRESERVATION						
Sub-total Historic Preservation	**$175,000**		175,000		175,000	
TOTAL GRANTS - All FUNDS	**$676,468**		**$689,115**		**$750,467**	

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PARK CITY
1884

RESOLUTION RECOGNIZING THE OUTSTANDING ACCOMPLISHMENTS OF FREESTYLE SKI TEAM CHAMPION JOE PACK AND DECLARING JUNE 12, 1997 AS JOE PACK DAY IN PARK CITY, UTAH

WHEREAS, Parkite Joe Pack is 19 years old and a member of the United States Freestyle Ski Team, and his career is already full of titles and experience. He has captured the prestigious honor of being the 1997 F.I.S. Rookie of the Year, is a World Junior Champion, U. S. Junior National Champion, North American (NorAm) Champion, and World Cup Champion. Traveling with the U. S. Ski Team, Joe has competed in Australia, Sweden, France, Canada, Austria, Quebec, Switzerland, Austria, and Norway; and

WHEREAS, Joe achieved all of his accomplishments, thus far, not by having the highest degree of difficulty, but rather, his superb execution; proven by receiving a perfect score at the 1996 Calgary, Canada Nor-Am. He became the youngest aerialist ever to complete triple flipping maneuvers on snow, and this increase in degree of difficulty is propelling him to the top ranks of freestyle skiing; and

WHEREAS, Joe impressed the Freestyle Circuit with his accomplishments when he started his career in 1992, and his recent achievements continue to add excitement to the sport. In 1997, he captured first place in the Breckenridge World Cup, second place in the U. S. National Championships, fifth place in the Blackcomb World Cup, sixth place in the Altenmarkt World Cup, sixth place in the Hundfjallet World Cup, seventh place in the World Championships, tenth place in the Mt. Tremblant World Cup, and tenth place in the Meriengen World Cup; and

WHEREAS, Joe Pack, otherwise known as "Bo" Pack, is an incredible talent all around and was a football and soccer standout at Park City High School. He was Captain of both teams and was voted to the All-State for both sports, and above all, he was an Honors Student;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Park City, Utah declare

JUNE 12, 1997 AS JOE PACK DAY IN PARK CITY, UTAH

to congratulate, recognize and applaud Joe's hard work and resulting outstanding performance. The entire Park City community is proud of him and looks forward to Joe's continued success in Nagano, Japan, and here at home for our own 2002 Olympics. WAY TO GO JOE!

PASSED AND ADOPTED this 12th day of June, 1997.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch

Mayor Bradley A. Olch

Attest:

City Recorder

Ordinance 97-___

AN ORDINANCE ADOPTING THE EMPLOYEE PAY PLAN FOR FY 1998 AND FY 1999 AND ESTABLISHING THE SALARIES OF ELECTIVE AND STATUTORY OFFICERS

WHEREAS, the City Council has the power to establish compensation schedules pursuant to U.C.A. Section 10-3-818; and

WHEREAS, the City Council held a public hearing on this matter on June 12, 1997; and

WHEREAS, the City Council recognizes the importance of maintaining a high quality work force and has repeatedly acknowledged the contributions of its employees; and

WHEREAS, the salary increases reflected herein are generally consistent with a survey of comparable municipalities;

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

SECTION I. **ADOPTION.** The Pay Plans for FY 1998 and FY 1999 as attached as "Exhibit A" are hereby adopted.

SECTION II. **ADOPTION.** The following salary levels are hereby adopted:

	FY1998
Mayor	$16,680
City Council	$9,825
City Manager	$87,000
City Attorney	$70,000

SECTION III. **EFFECTIVE DATE.** This ordinance shall become effective upon publication.

PASSED AND ADOPTED this ____ day of ___________ , 1997.

Park City Municipal Corporation

____

Bradley A. Olch, Mayor

Attestation by:

Jan Scott, City Recorder

Approved as to Form:

Mark D. Harrington, Asst. City Attorney

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Exhibit A

Exempt **1997-98**

Grade	Title	Salary Range
1	Information Systems Coordinator I Librarian	$25,000 - $30,600
2	Administrative Assistant Associate Planner City Recorder/Administrative Assistant Facilities Manager Information Systems Coordinator II Landscape Architect	$27,750 - $33,966
3	Assistant Water Superintendent Assistant to the City Engineer Attorney I Public Works Inspector	$30,000 - $37,740
4	Accountant Attorney II Building Inspector Supervisor Detective Sergeant Fleet Maintenance Manager Golf & Parks Superintendent Human Resources Manager Library Director Plan Check Coordinator Planner Project Administrator Senior Landscape Architect	$34,000 - $42,840
5	Attorney III Accounting Manager Recreation Services Manager Systems Engineer Senior Planner	$38,500 - $47,124
6	Chief Building Official Technical Services Manager Transportation Director Deputy Chief of Police Planning & Zoning Director	$43,000 - $52,632
7	City Engineer Finance Manager	$46,000 - $56,100

Grade	Title	Salary Range
7	Deputy City Attorney Public Affairs Director Water & Streets Superintendent	
8	Administrative Services Director Chief of Police Community Services Director Leisure Services Director Public Works Director Director of Olympic Planning, Facilities & Special Events	$50,000 - $62,220

Non-Exempt **1997-98**

Grade	Title	Salary Range
1	Custodian Clerk General Office Grounds Maintenance Worker I Library Clerk Recreation Program Assistant	$6.45 - $8.06
2	Building Maintenance I Grounds Maintenance II Library Assistant Streets Maintenance I	$7.25 - $8.95
3	Accounting Clerk I Circuit Court Clerk Front Desk Clerk Senior Library Assistant Tennis Secretary	$8.00 - $9.94
4	Accounting Clerk II Audio Visual Specialist Building Maintenance II Bus Driver I Grounds Maintenance III Secretary I	$8.85 - $11.03
5	Circulation Services Supervisor Dispatcher Landscape Gardener Secretary II Bus Driver II Streets Maintenance II Transit Day Shift Lead Worker	$9.50 - $11.96

6	Building Maintenance Supervisor Customer Service Coordinator Community Services Officer Dispatch Supervisor Irrigation Specialist Mechanic Police Officer I Police Records Coordinator Streets Maintenance III Transit Night Shift Lead Worker Water Worker II	$10.50 - $13.27
7	Accounting Clerk III Administrative Secretary Golf Course Supervisor Human Resources Assistant Planning Technician Police Officer II Senior Mechanic Water Worker III	$11.50 - $14.57
8	Analyst Building Inspector Circuit Court Supervisor Detective Mechanic Supervisor Paralegal Parking Supervisor Parks Supervisor Police Officer III Recreation Coordinator Streets Supervisor Transit Supervisor	$12.00 - $16.65
9	Reserve Police Officer Coordinator Senior Building Inspector	$13.00 - $18.21
10	Police Sergeant	$16.00 - $19.77

Exempt **1998-99**

Grade	Title	Salary Range
1	Information Systems Coordinator I Librarian	$25,000 - $31,212
2	Administrative Assistant Associate Planner City Recorder/Administrative Assistant Facilities Manager Information Systems Coordinator II Landscape Architect	$27,750 - $34,645
3	Assistant Water Superintendent Assistant to the City Engineer Attorney I Public Works Inspector	$30,000 - $38,495
4	Accountant Attorney II Building Inspector Supervisor Detective Sergeant Fleet Maintenance Manager Golf & Parks Superintendent Human Resources Manager Library Director Plan Check Coordinator Planner Project Administrator Senior Landscape Architect	$34,000 - $43,697
5	Attorney III Accounting Manager Recreation Services Manager Systems Engineer Senior Planner	$38,500 - $48,066
6	Chief Building Official Technical Services Manager Transportation Director Deputy Chief of Police Planning & Zoning Director	$43,000 - $53,685
7	City Engineer Finance Manager	$46,000 - $57,222

7	Deputy City Attorney Public Affairs Director Water & Streets Superintendent	$46,000 - $57,222
8	Administrative Services Director Chief of Police Community Services Director Leisure Services Director Public Works Director Director of Olympic Planning, Facilities & Special Events	$50,000 - $63,464

Non-Exempt **1998-99**

Grade	Title	Salary Range
1	Custodian Clerk General Office Grounds Maintenance Worker I Library Clerk Recreation Program Assistant	$6.45 - $8.22
2	Building Maintenance I Grounds Maintenance II Library Assistant Streets Maintenance I	$7.25 - $9.13
3	Accounting Clerk I Circuit Court Clerk Front Desk Clerk Senior Library Assistant Tennis Secretary	$8.00 - $10.13
4	Accounting Clerk II Audio Visual Specialist Building Maintenance II Bus Driver I Grounds Maintenance III Secretary I	$8.85 - $11.25
5	Circulation Services Supervisor Dispatcher Landscape Gardener Secretary II Bus Driver II Streets Maintenance II Transit Day Shift Lead Worker	$9.50 - $12.20

Building Maintenance Supervisor Customer Service Coordinator Community Services Officer Dispatch Supervisor Irrigation Specialist Mechanic Police Officer I Police Records Coordinator Streets Maintenance III Transit Night Shift Lead Worker Water Worker II	\$10.50 - \$13.53
Accounting Clerk III Administrative Secretary Golf Course Supervisor Human Resource Assistant Planning Technician Police Officer II Senior Mechanic Water Worker III	\$11.50 - \$14.86
Analyst Building Inspector Circuit Court Supervisor Detective Mechanic Supervisor Paralegal Parking Supervisor Parks Supervisor Police Officer III Recreation Coordinator Streets Supervisor Transit Supervisor	\$12.00 - \$16.98
Reserve Police Officer Coordinator Senior Building Inspector	\$13.00 - \$18.57
Police Sergeant	\$16.00 - \$20.16

PARK CITY
1884

CITY COUNCIL REPORT

DATE:	**June 12, 1997**
DEPARTMENT:	**Legal Department**
AUTHOR:	**Mark Harrington**
TITLE:	**Proposed Amendments to the Municipal Code of Park City ("MCPC") enacting an Energy Sales and Use Tax**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Conduct a work session and public hearing on the proposed ordinance and provide staff with direction on the ordinance.

DESCRIPTION:

A. Topic.

The Municipal Code of Park City ("MCPC").

B. Proposal.

Recommended amendments to the MCPC which replace the Franchise License Tax as applied to energy suppliers with a Municipal Energy Sales and Use Tax.

C. Background and Analysis.

Park City currently receives 6% of the gross revenue of energy franchises as a combination of franchise agreement fee (2.5%) and franchise license tax (3.5%). The state legislature amended the Utah Code this last session to eliminate franchise license taxes as applied to energy suppliers, but authorized a replacement energy sales tax. (See H.B. 98)

The proposed ordinance merely replaces the franchise license tax with the newly authorized energy sales tax. The energy sales tax is capped at 6% and the way the legislature has structured it is that the franchise agreement fee is credited to the tax. The bottom line is that the change is a financial wash as the City will continue to collect a total of 6%.

D. Significant Impacts

The City must adopt the new tax by July 1st or it will lose the revenue. The legislature has written a quarterly effective date of the tax so that if we delay and enact the tax after July 1, it will not be effective until October 1. Adoption of the ordinance has some additional accounting consequences, but is a financial wash.

E. Alternatives

1. **Hold a work session and public hearing on the Ordinance.** This is the recommended action.

2. **Modify the Ordinance.** If after public input and discussion during the work session, the Council desires further changes, it should direct staff accordingly.

F. Staff Review

The Legal and Finance Departments reviewed this matter.

G. Recommendation

Conduct a public hearing and work session on the ordinance.

Ordinance No. 97-

AN ORDINANCE ENACTING CHAPTER 13 TITLE 4 OF THE MUNICIPAL CODE OF PARK CITY RELATING TO THE IMPOSITION OF A MUNICIPAL ENERGY SALES AND USE TAX TO REPLACE THE UTILITY FRANCHISE LICENSE TAX, AND AMENDING CHAPTER 10 TITLE 4 OF THE MUNICIPAL CODE RELATING TO SUCH TAXES

WHEREAS, it is the intent of Park City Municipal Corporation to provide both a stable revenue source and create a more competitive environment for the energy industry by repealing its utility franchise license tax as applied to energy suppliers Municipal Code of Park City §4-10-2 and adopting the municipal energy tax pursuant to, and in conformance with, Utah Code Ann. §10-1-301 et seq. "The Municipal Energy Sales and Use Tax Act"; and

WHEREAS, a public hearing was held on June 12, 1997; and

WHEREAS, the following ordinance is deemed by the City Council to be in the best interest of the residents of Park City;

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

SECTION I. Adoption. Chapter 13, Title 4 of the Municipal Code of Park City is hereby enacted as follows:

4-13-1 DEFINITIONS.

Those definitions contained under Utah Code Ann. §10-1-303, as amended, are hereby incorporated by reference.

4-13-2 TAX IMPOSED.

There is imposed on every sale or use of taxable energy made within Park City Municipal Corporation a tax of six percent (6%) of the delivered value of taxable energy to the consumer.

4-13-3 EXEMPTIONS FROM THE TAX.

No tax under this ordinance is imposed on the sale or use of taxable energy which is exempt from taxation pursuant to Utah Code Ann. §10-1-305 or its successor sections, which are incorporated by reference herein.

4-13-4 NO EFFECT ON EXISTING FRANCHISE AGREEMENTS; TAX CREDITS.

There is allowed a credit against the tax due under this ordinance for any contractual franchise fee paid where:

a. the taxpayer's energy supplier pays a contractual franchise fee to Park City Municipal Corporation pursuant to a franchise agreement in effect on July 1, 1997;

b. the contractual franchise is passed through by the energy supplier to the taxpayer as a separately itemized charge; and

c. the energy supplier has accepted the franchise.

4-13-5 TAX COLLECTION.

This ordinance incorporates by reference the tax collection provisions of the Title 59, Chapter 12, Par. 1, Tax Collection, and any amendments thereto, for the purpose of levying and collecting the tax imposed by this ordinance. The Finance Director is hereby authorized to contract, in a form approved by the City Attorney, with the State Tax Commission effective July 1, 1997 and thereafter, to have the Commission perform all functions relative to administration or operation of this ordinance, except an energy supplier which estimates that the municipal energy sales and use tax collected annually by it from its Utah customers equals $1 million or more shall pay the tax imposed by this ordinance directly to Park City Municipal Corporation. In such case, the energy supplier may retain that percentage of the tax authorized under Subsection 59-12-108(3) for the energy supplier's costs of collecting and remitting the tax. The energy supplier shall remit the tax no later than 45 days after the end of the month in which the tax was collected.

SECTION II. **Amendment**. Chapter 10, Title 4 of the Municipal Code of Park City is hereby amended as follows:

CHAPTER 10 - FRANCHISED UTILITIES AND CABLE TELEVISION OPERATORS

4-10-1. BUSINESS LICENSE REQUIRED.

All franchised utilities and cable television operators must obtain from the city a license to do business within the city. It shall be unlawful for a franchised utility or cable television operator to conduct business in Park City without a license.

4-10-2. LICENSE TAX.

There is hereby imposed on all franchised utilities, except "Energy Suppliers" taxed pursuant to Chapter 13, Title 4, and cable television operators who conduct business within the city a license tax. The license tax shall be three and one-half percent (3.5%) of the gross revenue of the franchised utilities or cable television operator derived from the sale of its service or product within Park City's corporate limits. For purposes of this chapter, gross revenue shall include all revenue generated from the sale of the franchisee's product or service. The franchise fee imposed by other ordinances as a consideration for granting the franchises shall be excluded from the gross revenue.

4-10-3. EXCLUSIONS.

This gross revenue tax shall not apply to "Energy Suppliers" taxed pursuant to Chapter 13, Title 4, or revenue derived from the sale of household appliances by a franchisee, service of appliances, or to the sale or rental of telephone switching equipment not included in "exchange access service".

4-10-4. SCOPE OF TELEPHONE AND TELECOMMUNICATION SERVICES.

For the purpose of determining gross revenue in accordance with Section 4-9-2 for telephone and telecommunication service, the following will apply:
"Telephone service" means those services which may lawfully be taxed under the provisions of U.C.A.§ 11-26-1 (1993), or any successor provision, including: 1) exchange access service; 2) extended area service; 3) customer access line charges; and 4) any service for which a tax or other charges was being paid pursuant to Utah Code Section 11-26-1, this chapter or previous applicable ordinances as of January 1, 1992.

However, with respect to customer access line charges for Centron/Centrex services, the tax shall be applied on a trunk equivalency basis or as though Centron/Centrex network access registers were PBX trunks on which customer access line charges would be assessed.

"Telephone service" does not include any customer access line charge or extended area service that is provided as part of the Utah Low Income Assistance Program as set forth in the "Lifeline" Rule of the Utah Public Service Commission.

"Exchange access service" means telephone exchange lines or channels, and services provided in connection with them, which are necessary to provide access from the premises of a subscriber to the local switched public telecommunications network of the public utility to effect communication or the transfer of information. "Exchange access service" does not include (1) private line service; (2) long distance toll service; (3) carrier access service; (4) telephone services that are not regulated by the Utah Public Service Commission; and (5) services that emulate functions available in customer premises equipment.

4-10-5. PAYMENT OF TAX.

The license tax is payable in monthly installments which shall be due on or before the fifteenth (15th) day of the month following the billing cycle of the utility or cable television operator. The tax shall be paid on the basis of the preceding month's actual collections. A service charge of one and a half percent (1.5%) per month of the total amount due may be imposed on late payments.

4-10-6. PENALTY.

The operation of a franchised utility or cable television business within Park City without paying the required tax shall be a Class "B" misdemeanor punishable by a fine of not more than two hundred and ninety-nine dollars for each day of each violation and imprisonment of the corporate officials responsible for the violation for not more than six months in the County jail for each day of each violation. These criminal penalties are in addition to, and not in lieu of a civil action to recover the license tax due, or a civil action to terminate the franchise. Each connection to the utility or cable television system through which service is provided by the franchisee is hereby deemed a separate transaction or sale, and each such sale, while unlicensed, shall constitute a separate violation.

4-10-7. TAX ON THE GROSS REVENUES OF BUSINESSES IN COMPETITION WITH UTILITIES.

Tax levied. There is hereby levied on the business of every person or company engaged in the business within this city, of supplying telephone services, gas, electric energy in competition with any public utility, an annual license tax based on the revenue derived from the sale and use of the service or equipment of such business from users located with the city limits of Park City.

(A) **DEFINITIONS**. As used in this Section:

(1) "In competition with public utilities" - to trade in products or services within the same market as a public utility taxed pursuant to §4-10-2.

(2) "Gross revenue" - all revenue generated from the sale of the person's product or service within Park City's corporate limits. Telephone and telecommunication services shall be treated the same as in § 4-10-4.

(3) Public utility service - the sale and use of electrical power and energy, natural gas and local exchange telephone services.

(B) **AMOUNT OF TAX**. The amount of the annual license tax hereby levied shall be equal to three and one-half percent of the gross revenue derived from the sale of services or equipment of all businesses in competition with public utilities from users located within Park City.

(C) **REPORTS AND PAYMENT OF TAX**. Within forty-five days after the close of each quarter in a calendar year, businesses in competition with public utilities shall file with the City Treasurer a report of its gross revenues derived from the sale and use of services and equipment which is in competition with the use of services and equipment provided by public utilities and taxed by the City. The report shall also contain a computation of the amount of the tax due the City. The business taxed pursuant to this ordinance shall be paid to the City Treasurer in the amount due at the same time the report is filed.

SECTION III. EFFECTIVE DATE. This ordinance shall become effective upon June 30,1997. The tax imposed in Section I herein is effective July 1, 1997, and thereafter.

PASSED AND ADOPTED this ____ day of June, 1997.

Park City Municipal Corporation

____
Bradley A. Olch, Mayor

Attestation by:

____
Jan Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, Asst. City Attorney

PARK CITY
1884

DATE: June 6, 1997
DEPARTMENT: Executive
AUTHOR: Linda Cook
TITLE: Council Chambers Renovation
TYPE OF ITEM: Award of Construction Contract

SUMMARY RECOMMENDATIONS: Staff requests direction to proceed with the renovation of the Marsac City Council chambers. Staff recommends that Council accept a reasonable construction bid, approve the inclusion of three bid alternates in the scope of work, and direct staff to proceed with award of contract and the tentative construction schedule.

DESCRIPTION: Since Council's review of the project in December of 1996, staff and consultant architects have proceeded with design and production of construction documents that support Council's concern that the scope of the Council chambers renovation be reduced to a total estimated cost under $250,000. EDA, Inc. (architects) designed a mid-range concept that holds estimated costs below $230,000 and allows some flexibility in the various components of the remodel with additive alternates. The scope of the chambers renovation includes:
- Full room plan with replacement of the Council dias, recorders station and general seating
- Partitioned room plan with moveable partition
- Improved lighting, heating and ventilation systems
- Uncovering of existing east windows behind dias
- Upgraded audio/visual/acoustic capabilities for presentations
- Complete upgrade of finishes/furnishings and color scheme

A. Analysis: The construction design phases triggered several additional issues that staff has included in the construction specifications as bid alternates: upgrade of electrical service to the Marsac Building; replacement of the fire alarm/suppression system operating panel; and upgrade of the first floor public restrooms for compliance with the federal Americans with Disabilities Act (ADA) and building code. These improvements are not part of the Council chambers but are general building improvements which should be completed whether or not the Council chambers are remodeled.

Electrical Service Upgrade Consultants conducted an analysis of the current electrical service capacity of the building and found that any upgrade of the HVAC system contemplated for the Council chambers remodel would render the entire building deficient. The current service is approaching the outside limits of capacity for expansion of any upgraded system in this building, including the computer network. Staff has determined that an additional 800 AMP panel will provide adequate service for most system upgrades for perhaps ten years of expansion in the Marsac Building.

Fire Alarm/Suppression System Ordinary design review by the consultants revealed problems with required upgrade connections to the fire panel. The existing system was installed in the early 1970s. The panel supports the operation of automatic fire doors, sprinklers, and alarms. The panel is not adequate to support more recent requirements for horns and strobes in particular locations in public buildings, e.g. public meeting spaces and public restrooms. In addition to concerns of anticipated ADA compliance, the system suffered a general failure in May and failed to meet inspection due to spent electrical modules. Maintenance staff has experienced difficulty in locating discontinued replacement elements for the panel. It seems that the primary modules have been discontinued as well, and service calls are frequent to keep an obsolete system in basic operation. Building authorities and staff agree that the fire panel must be replaced now, regardless of pending building renovation. By law, we have a six month window for replacement, which happens to coincide conveniently with the chamber renovation.

First Floor Restrooms The public restrooms that serve the first floor of the Marsac Building do not meet ADA accessibility requirements. Further, a building code deficiency relative to fixture count for the entire building needs to be cured. Public Works had scheduled needed upgrades to the restroom facilities for ADA compliance. Staff asked EDA, Inc. consultants to provide preliminary plans in addition to the Council chambers. Including the restrooms in the scope of work allows us to achieve economies of scale for the total construction project cost and isolates construction disruption to the first floor in a condensed time frame.

B. Department Review:

Executive
Police Chief
Building Department and Building Inspector
Public Works and Building Maintenance
Legal

Also: State Courts Administration

ALTERNATIVES:

A. Approve the Request: Award the construction contract, in whole or in part, and direct staff to proceed with the renovation of the Council chambers consistent with prior instructions. Consider the bid alternates (electrical service upgrade, fire panel replacement and restrooms) for inclusion in the scope of work so that these deficiencies can be cured in a timely, cost effective manner.

B. Deny the Request: This alternative appears to be an option if construction bids come in unreasonably high as determined by the Council. Should Council decide not to award a contract to remodel the chambers, the lack of adequate, functional public meeting space will continue to be a problem. Council could decide not to include any or all of the bid alternates, though losing the opportunity to take care of some issues that will have to be addressed separately in the near future, with greater disruption for the building.

C. **Continue the Item:** The bids may require more extensive analysis than time allows in the June 12th meeting. If this is the case, we have 30 days to deliberate before the bids expire. Assuming we eventually award a contract, the consequence of continuance is that our preferred deadline for construction completion is set back and use of the space is delayed through the fall and into the winter season when meeting demand is historically high.

SIGNIFICANT IMPACTS:

Fiscal

Approximately $200,000 available from the Marsac Remodel in the current CIP account. An additional $300,000 is requested in the 1997-98 CIP.

Bid alternates are eligible for Municipal Building Authority funds with itemized costs estimated as follows:

- Electrical Service Upgrade: $6,000 to $10,000
- Fire Panel: $20,000
- Restroom ADA compliance: $50,000

Formal bids opened on Tuesday, June 10, 1997 will provide a more accurate cost breakdown.

Other

Council chambers may be unusable for three to four weeks which would limit our ability to host large meetings in the Marsac Building. Planning Commission and Circuit Court would be displaced during that time, although the Council Work Session room can probably accommodate most of these meetings. EDA architects have scheduled construction such that loud disruption would take place at outside normal work hours and total displacement from the chambers is minimized to several consecutive weeks.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The exclusion of bid alternates will require staff to pursue these issues by different means and under separate contracts. Construction disruption will probably be staggered and more extensive. Staff anticipates greater costs if we attend to each need separately.

In the event that bids are unreasonably high or Council decides to take a different direction with the chambers, the design and bid process may have to begin anew. If the issue is continued beyond the bid expiration, the bid process would have to be re-opened.

If Council decides not to pursue the project, the existing space will remain with all current limitations: the atmosphere is considered to be overbearing and intimidating for public formats; light, sound, and acoustical problems are not conducive to formal presentations; audio/visual capabilities are poor; and the facility is not equipped to meet the increasing demand for large public meetings.

RECOMMENDATION: Construction contract bids will be formally opened on Tuesday, June 10, 1997 at 4:00 p.m. Staff requests that Council review the reasonableness of the bids and consider awarding the contract, with bid alternates, so that the tentative construction schedule can be met. Bid figures and specifications will be relayed to Council during regular Work Session on June 12, 1997. Representatives from EDA, Inc. will be available. Staff recommends that a reasonable bid (at or about the total estimated construction cost of $225,000) be approved, with direction to proceed with award of contract. Council will have future opportunities to determine preferences among various architectural options designed as additive alternates, e.g. audio/visual components.

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **June 12, 1997**

DEPARTMENT: **Legal Department**

AUTHOR: **Mark Harrington**

TITLE: **Proposed Amendments to the Land Management Code ("LMC")**

TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: Adopt the proposed ordinance.

DESCRIPTION:

A. Topic.

The Park City Land Management Code ("LMC").

B. Proposal.

Amendments to the LMC which clarify appeals process, statutory noticing requirements, and the Board of Adjustment's powers.

C. Background and Analysis.

Please refer to your June 5th packets for background on this item. Staff has incorporated all of Council's comments at the last work session.

D. Alternatives

1. **Adopt the Ordinance.** This is the recommended action.

2. **Modify the Ordinance.** If the Council desires further changes, it should direct staff accordingly.

E. Recommendation

Adopt the ordinance.

ORDINANCE 97-____

AN ORDINANCE AMENDING CHAPTER 1, SECTION 13 OF THE LAND MANAGEMENT CODE TO CLARIFY THE CONDITIONAL USE REVIEW PROCESS; AMENDING CHAPTER 1, SECTION 15 OF THE LAND MANAGEMENT CODE TO CHANGE MINIMUM NOTICE REQUIREMENTS; AMENDING CHAPTER 1, SECTION 16 OF THE LAND MANAGEMENT CODE TO CLARIFY THE FINALITY OF ACTION AND APPEALS REVIEW PROCESS; AND AMENDING CHAPTER 5 OF THE LAND MANAGEMENT CODE TO CLARIFY AND UPDATE THE DUTIES AND PROCEDURES OF THE BOARD OF ADJUSTMENT

WHEREAS, the City Council has determined that a clearer, more accurate description of the conditional use review process will benefit Park City; and

WHEREAS, the City Council has determined that a clearer, more accurate description of the notice requirements and finality of City action will benefit the residents of Park City; and

WHEREAS, the City Council has determined that Chapter 5 of the Land Management Code will clarify the duties and procedures of the board of adjustment; and

WHEREAS, Park City must comply with relevant state law; and

WHEREAS, the City Council has determined that the Board of Adjustment needs to make decisions based on proper standards and guidelines.

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

SECTION I. Amendment. Section 1.13 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

1.13 CONDITIONAL USE REVIEW PROCESS. Although each zone district is an attempt to segregate predominant land uses within identified residential, commercial, resort lodging, and similar districts, there will be proposals that are generally compatible in land use with other permitted uses in the zone~~, and~~. If properly and carefully planned, these uses, which are different from the predominant use, or more intensive than permitted uses in the same zone, may become compatible and appropriate for the zone in question. For example, the location and nature of the proposed use, the character of surrounding development, the traffic capacities of adjacent and feeder streets, the environmental factors such as drainage, erosion, and soil stability, all may dictate circumstances where a more intensive use may or may not be appropriate for the zone. The conditional use procedure is intended to provide greater flexibility in land uses while at the same time, preserving the neighborhood characters and assuring compatibility between the conditional uses, the uses on adjoining properties, and the City at large. The Community Development Department will review all proposed conditional uses and may impose conditions of approval to preserve ~~Development of conditional uses will be subject to review by the Community Development Department, and may be allowed subject to conditions imposed for the purpose of preserving~~ the character of the zone district~~,~~ and ~~mitigating~~ to mitigate potential adverse effects of the conditional use. Where the City and applicant cannot devise conditions that ~~conditions to the use cannot be devised to~~ satisfactorily mitigate the adverse effects of the conditional use, the City shall deny ~~application for~~ the conditional use permit ~~shall be denied~~. ~~Any land use that is defined in this Code as a conditional use for the zone in which it is proposed shall be reviewed~~ The City shall review all proposed conditional uses according to the following procedure, unless a subsequent provision of this Code spefically sets forth an administrative approval process, in which case that section shall control:

(a) Pre-Application Conference. ~~A pre-application conference may be held~~ An applicant may request a pre-application conference with the Community Development Department to ~~determine~~ discuss ~~the nature of~~ the proposed conditional use and the ~~general nature of~~ conditions that the City might ~~be~~ impose~~d~~. At the pre-application conference, the Department and applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.

(b) The Application. ~~A conditional use application shall be filed on a form prepared by the Community Development Department, and shall be supported and accompanied by the following information (seven sets are required)~~ An applicant shall file seven copies of a completed conditional use application and seven copies of the following information:

(1) a map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, showing north arrow and scale;

(2) a map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale;

(3) the boundaries of the site, and any easements of record or known prescriptive easements;

(4) topography with contours shown at intervals of not more than five feet;

(5) vegetation type and location;

(6) soil type and load carrying capacity information;

(7) 100 year flood plain and high ground water areas, known spring and seep areas

and ditches or canals;

(8) all existing roads, fences, irrigation ditches, and drainage facilities;

(9) location of public utility facilities and easements;

(10) site plan of the proposed conditional use showing building locations;

(11) proposed road locations and other circulation features;

(12) proposed finish grade;

(13) proposed drainage, drainage works, retaining walls, and erosion control plans;

(14) proposed location of all site improvements such as plazas, tennis courts, pools, and similar improvements;

(15) proposed easements for new utility services or relocated utility services;

(16) proposed landscaping;

(17) designations of proposed ownership of areas shown on site plan as being part of a condominium unit, common area, dedicated open space;

(18) proposed intersections with existing public streets;

(19) general architectural concept drawings of proposed buildings;

(20) lighting plans, if any;

(21) signage plans, if any;

(22) proposed location of a common satellite receiving station; and

(23) other information as may be useful or necessary for the meaningful review of the project. ~~Additional information may be requested~~ The Community Development Department may request additional information at the pre-application conference ~~based on the nature of the project or the site~~.

(c) Written Statement. ~~A written statement shall be submitted~~ An applicant shall submit a written statement containing the following information:

(1) a preliminary title report showing the title to the property vested in the

applicant(s), ~~and listing all~~ the encumbrances, covenants, easements, and other matters affecting the title, and ~~a~~ the legal description of the site;

(2) copies of any covenants or easements ~~which are referred to~~ mentioned in the title report;

(3) a development schedule indicating phased development, if any, and the estimated completion date for the project;

(4) stamped and addressed envelopes for all property owners within three hundred (300) feet of any boundary of the subject property ~~of the perimeter of the site~~ with their current mailing addresses as shown from the most recently available county assessment rolls, ~~provided~~ except that if the subject property is a condominium which has an owners association, ~~that~~ the name and address of the ~~registered agent for a condominium project~~ owners association is sufficient in lieu of each owner;

(5) a general description of the project, the prospective tenants or ~~types of tenants of~~ occupants, whether condominium ownership, time share ownership, or nightly rental uses are proposed, and the proposed property management structure for timeshare or nightly rental;

(6) and other information that might be helpful to the Department in reviewing the proposed use.

(d) Notice/Posting. Upon receipt of ~~the~~ a complete conditional use application and payment of all applicable fees, the Community Development Department shall ~~cause~~ provide notice ~~to be given~~ to the public in accordance with the provisions of Section 1.15 of the Code.

~~(e) Public Comment. The posted, mailed, and published notice shall advise the public that a conditional use application has been filed on the site, and shall state that interested persons may review the application at the Community Development Department office during normal business hours. The notice shall provide a public comment period for not less than 15 days during which written comments may be submitted for staff consideration while reviewing the project. Comments filed after the close of the comment period may be considered or disregarded by the Department. All persons who have submitted written comments shall receive notice of the approval or denial of the application and the conditions imposed.~~

(e) Department Action. Once ~~an application is received~~ the Community Development Department receives a complete application, the staff will work diligently to review the application as quickly as time and workload allows. ~~It is reasonable to expect that an application will appear before the Planning Commission with a recommendation within~~

~~90 days of receipt of the application, if the developer has been diligent in responding to requests for additional information required to process the application~~. The scale or complexity of a project or staff workload may necessitate a longer processing period. ~~In such cases, the staff will notify the applicant when an application is filed as to the projected processing time frame~~. The Community Development Department and other appropriate City departments or officials shall review the project and propose a conditional use permit encompassing all conditions of development and approval. The permit shall incorporate the site plans and architectural plans for the project. ~~The conditional use permit shall be subject to a public hearing and shall be either approved, denied, or modified by the Planning Commission~~. The Planning Commission shall conduct a public hearing on the proposed conditional use permit and shall either approve, deny, or modify the permit. Upon Planning Commission approval, the City shall issue building permits ~~After action by the Commission has become final, building permits are to be issued~~ as provided in the Building Code and this Code, unless otherwise conditioned.

If the Community Development Department has not acted on an application which it has administrative authority to approve~~or has not indicated to the developer what aspects of the plan are not acceptable~~ ~~as proposed~~ within 45 working days~~-after~~ of the application's complete submission, the developer shall have the right of review by the Planning Commission. The developer may, ~~at any time in~~ within 10 days of completion of the administrative review process, request that the Planning Commission review ~~of~~ the Community Development Department's decision and/or specific conditions of approval ~~by the Commission~~.

(f) Standards for Review. ~~No conditional use permit shall be issued~~ The City shall not issue a conditional use permit unless the Community Development Department or Planning Commission finds that the application complies with all requirements of this Code; that the use will be compatible with surrounding structures in use, scale, mass and circulation; that the use is consistent with the Park City ~~Comprehensive~~ General Plan, as amended; and that the effects of any differences in use or scale have been mitigated through careful planning. The Department shall review each of the following items when considering a conditional use permit:

(1) size and location of the site;

(2) traffic considerations including capacity of the existing streets in the area;

(3) utility capacity;

(4) emergency vehicle access;

(5) location and amount of off-street parking;

(6) internal circulation system;

(7) fencing, screening, and landscaping to separate the use from adjoining uses;

(8) building mass, bulk, and orientation, and the location of buildings on the site; including orientation to buildings on adjoining lots;

(9) usable open space;

(10) signage and lighting;

(11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing;

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site;

(13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas;

(14) expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies;

(g) Architectural Review. ~~All conditional uses are subject to architectural review by the Community Development Department subject to a right of review by the Planning Commission for all zones, except those in the Historic District, where architectural review shall be by the Historic District Commission~~. The Historic District Commission shall conduct an architectural review of all proposed conditional uses in the Historic District. ~~Within the Historic District,~~ Such proposed conditional uses ~~and permitted uses shall be subject to~~ must comply with the Historic District Commission architectural guidelines ~~promulgated by the Historic District Commission and adopted by the Council by resolution as a~~ provided in a supplement to this Code. The Community Development Department shall conduct an architectural review of all proposed conditional uses in the zones outside the Historic District. ~~Outside the Historic District~~, Such proposed conditional uses ~~are subject to~~ must comply with the General Architectural Guidelines ~~adopted as a part of this Code~~ in Chapter 9. ~~Compliance with the architectural criteria is a condition of approval of all conditional use permits~~. The Planning Commission shall review all architectural review appeals.

(h) Sensitive Lands Review. If a proposed conditional use ~~approval~~ is located within the Sensitive Area Overlay Zone, additional requirements and regulations ~~may~~ shall apply. See the Sensitive Lands Provisions.

(i) Plat Approval. When a conditional use requires the recording of a ~~condominium~~ record of survey, planned unit development, or subdivision plat, ~~the final plat shall be taken to~~ an applicant shall take the final plat to the Planning Commission for plat approval ~~only~~. ~~The scope of review for plat approval is limited as set forth below in Section 1.24(e)~~. ~~Plat approval may be granted~~ The Planning Commission may forward a recommendation to the City Council at the same time as the conditional use approval.

(j) Transferability. A conditional use permit is transferrable with the title to the underlying property so that ~~an approved project may be conveyed or assigned by the applicant to others~~ an applicant may convey or assign an approved project without losing the approval. ~~The permit cannot be transferred~~ The applicant cannot transfer the permit off the site on which the approval was granted.

(k) Expiration. Conditional use permits shall expire one year from the date of ~~the~~ Planning Commission approval ~~of the conditional use~~, unless substantial construction activity has commenced on the project. Substantial construction activity ~~is~~ shall be evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project). ~~Permits may be issued in stages, but t~~The issuance of a footing and foundation permit is not evidence of substantial construction activity, unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are paid ~~for~~ within six months of the issuance of the footings and foundation permit. Demolition permits do not evidence substantial construction activity ~~work for purposes of extending a conditional use permit~~. Whether construction has commenced or not, the Planning Commission may grant an extension of the conditional use permits for up to one additional year when the applicant is able to demonstrate a legitimate need to delay the start of construction, such as inclement weather, delays in financing, or similar factors. Extension requests shall be noticed and processed with a public hearing the same as a normal CUP.

(l) Appeals. Appeals of approval or denial of conditional use permits shall be to the City Council pursuant to Section 1.16 herein.

SECTION II. **Amendment.** Chapter 1, Section 15 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

~~1.15. NOTICE. Notice of hearings before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission concerning amendments to the comprehensive plan, zoning and zone changes, substantive amendments to the Land Management Code, preliminary and final subdivision and condominium plat approvals, master planned development approvals, certificates of appropriateness for demolitions, appeals and variances shall be provided in accordance with this section. Notice of amendments to the comprehensive plan and zoning actions shall be given at least fourteen (14) days before the date set for hearing. Notice of amendment or vacation of subdivision plats, when required, shall be given in accordance with State law. All other notice required herein shall be given at least ten (10) days before the date set for hearing. All notice required under this section shall be given as follows:~~

1.15 NOTICE. Notice of amendments to the general plan, substantive amendments to the Land Management Code and zoning actions shall be given at least fourteen (14) days before the date set for hearing. Notice of amendment or vacation of subdivision plats, amendment of a record of survey, or of vacating or changing a street, when required, shall be given in accordance with State law. Notice of hearings before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission shall be provided in accordance with this section and the attached Notice Matrix. All notice required by this section, unless otherwise specified in this Code, shall be given at least seven (7) days before the date set for hearing and shall be given as follows:[1]

(a) Posted Notice. The Community Development Department shall post notice on the property affected by the application and in at least three other public places within the City, stating that an application concerning the ~~development of that~~ subject property has been filed, and stating that more detailed information concerning the application is available from the Community Development Department.

(b) Published Notice. Published notice shall be given by publication in a newspaper having general circulation in Park City. Published notice shall describe the action ~~state than an application has been filed~~ affecting the subject property, ~~or than an appeal or call-up has been made, the nature of the application or action~~, and the time, place and date set for public hearing on the matter.

(c) Courtesy Notice. As a courtesy to property owners, the applicant shall provide the Community Development Department with stamped and pre-addressed envelopes for

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[1]Consult the "Notice Matrix" at the end of this section for the various notice requirements.

each owner of record of each parcel located entirely or partly within 300 feet from any boundary of the subject property ~~subject to the application~~, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the most recently available Summit county tax assessment rolls. ~~except~~If the subject property is a condominium which has an owner's association, ~~that~~ the name and address of the ~~registered agent for a condominium project~~ owner's association is sufficient in lieu of the address for each unit owner. The courtesy notice shall state that an application has been filed affecting the subject property, ~~or that an appeal or call-up has been made, the nature of the application or action,~~ and the time, place and date set for public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any board or commission.

Proof that notice was given pursuant to either subsection (a) or (b), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within 30 days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper

(d) ~~Home~~Owners Associations Registration and Notification:

(1) Registration. ~~Home~~Owners associations desiring notice of requests for building permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars ($50). This registration shall be due by January 31 of each year.

The registration shall consist of the name(s), address including post office box, and telephone numbers of at least three (3) authorized representatives of the ~~home~~owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

Any change(s) in the above information shall be forwarded in writing to the Building Department within ten (10) days of the change.

(2) Notice. Beginning January 31, 1990 prior to application for a building permit for all new construction or major alterations, additions or repairs, variances, conditional use permits or expansion of non-conforming uses in subdivision or condominium developments registered with the City, the applicant shall file with the City evidence of notification to the appropriate registered ~~home~~owners association. Acceptable evidence of notification shall be the following: (a) properly executed approval from the ~~home~~owners associations; (b) a signed return receipt from a certified letter posted to the proper association representative; and/or (c) the properly executed notice form, as approved by the City.

(3) No Notice Required. Minor alterations, additions or repairs, as defined by the Land Management Code Section 12.3(b), shall not require notice to the ~~home~~owners association prior to permit issuance.

Minor changes to projects after permit issuance shall not require further notice to the ~~home~~owners association.

Associations not registered with the City will not be included in the published list of ~~home~~owners associations and may not receive notice of building permit requests prior to their issuance.

(4) City Not Party to Disputes. The City shall not become a party to disputes between the permit applicant and the ~~home~~owners association and shall not delay the City's permitting process because of such dispute.

SECTION III. **Amendment.** Chapter 1, Section 16 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

1.16. APPEALS, ~~REVIEW~~ RECONSIDERATION AND CALL-UP PROCESS. Decisions by the Historic District Commission on architectural review in the Historic District may be appealed to the City Council. Decisions by the Planning Commission regarding conditional uses, including small or large scale Master Planned Developments, may be appealed to the City Council. Any person who submitted written comment on a proposal before the Historic District Commission or Planning Commission, the owner of any property within three hundred (300) feet of the boundary of the subject site, any City official, board or commission having jurisdiction over the matter and the owner of the subject property shall have standing to appeal a decision of ~~the~~ any Board or Commissions~~,~~ except the Board of Adjustment, to the City Council within ten (10) calendar days of the final action. Appeals ~~from Commission actions~~ shall be by letter or petition to the City Recorder, ~~to~~ contain the name, address, and telephone number of the petitioner, his or her relationship to the project or subject property, and must have a comprehensive statement of all the reasons for the appeal ~~requesting review~~, including specific provisions of the law~~this Code~~, if known, that are alleged to be violated by the action taken.

(a) Written Findings Required. The City Council, Planning Commission or Historic District Commission (whichever has acted) shall prepare detailed written findings on any application or appeal that it denies or approves. These findings shall state the reasons for denial or approval, and the provisions of this Code or other City ordinances, or guidelines, or applicable state or federal laws or regulations that would be violated by approval, and/or the proposed conditions of approval to be imposed and the reasons why those conditions were thought necessary. When deciding an appeal, the City Council shall adopt the written findings within fifteen (15) working days of its vote on the matter, unless there is no City Council meeting scheduled within the third week (10-15 days), in which case the Council shall adopt the findings at its next regularly scheduled meeting.

(b) Non-owner Petitions. Any person who submitted written comment on a proposal before the Planning Commission or Historic District Commission, and the owner of any property within three hundred (300) feet of the boundary of the subject site has the right to appeal to the City Council any final decision of the Planning Commission or Historic District Commission. The petition must be filed in writing with the City Recorder within ten (10) calendar days of final action ~~project approval~~. The petition for the appeal shall state the name, address, and telephone number of the petitioner and his agent, if any, the name of the project, and a comprehensive statement of all the grounds for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The City Council, with the consultation of the appellant, shall set a date for the appeal~~, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the Recorder~~. The City Recorder shall notify the petitioner and the owner of the project of the appeal date. The City Recorder shall obtain the findings ~~from~~

~~the Community Development Department~~, and all other pertinent information and transmit them to the Council.

(c) Petitions by the Owner. The owner of any project has the right to appeal to the City Council any final decision of the Planning Commission or Historic District Commission affecting that project. The petition must be filed in writing with the City Recorder within ten (10) calendar days of final action ~~project approval~~. The petition for the appeal shall state the name, address, and telephone number of the owner and his agent, if any, the name of the project, and a comprehensive statement of all the grounds for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The City Council, with the consultation of the appellant, shall set a date for the appeal~~, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City Recorder~~. The City Recorder shall notify the owner of the project of the appeal date. The City Recorder shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council.

(d) Action on Petitions. The City Council may affirm, reverse, or affirm in part and reverse in part any decision of the Planning Commission or Historic District Commission. The City Council may remand the matter to the appropriate commission with directions for specific areas of review or clarification. Council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(e) City Council Call-up. Within fifteen (15) calendar days of final action on any project, the City Council, on its own motion, may call any final action taken by the Planning Commission or Historic District Commission or Community Development Department up for review by the Council. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Community Development Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 1.15 of this Code. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues, and need not take public input at the hearing. ~~The City Council shall act on the matter within thirty (30) days of the call-up, or the prior action is deemed approved.~~ The City Council, with the consultation of the applicant, shall set a date for the call-up. The City Recorder shall notify the applicant of the project of the call-up date. The City Recorder shall obtain the findings from the Community Development Department, and all other pertinent information and transmit them to the Council.

(f) Stay of Approval Pending Review or Appeal. Upon the filing of a non-owner petition or a petition by the owner for review by the City Council of a Historic District Commission or Planning Commission decision, any approval granted by the Historic District

Commission or the Planning Commission will be suspended until the City Council has acted on the appeal. In the event the City Council votes to call-up an action taken by the Historic District Commission, Planning Commission or Community Development Department, any approvals granted by those entities shall be suspended until the Council has acted on the call-up.

(g) Appeal from the City Council. The owner of any project, or any person aggrieved by the approval of any project may appeal from the final action by the City Council affecting the project by filing a civil action in a court of competent jurisdiction. The decision of the Council shall stand, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order stating the effectiveness of that decision.

(h) Finality of Action. Final Action shall occur when the deciding body has adopted and executed written findings of fact, conclusions of law, and when applicable, conditions of approval. ~~If no appeal or call-up has been taken at the end of fifteen (15) days from the date of final action by the Planning Commission, Community Development Department or Historic District Commission, the action is final.~~

(i) Reconsideration. The City Council, and any board or commission, may reconsider at any time any **legislative** decision upon an affirmative vote of a majority of that body. The City Council, and any board or commission, may reconsider any issue or matters of consideration of an **appeal or quasi-judicial** decision upon an affirmative vote of a majority of that body at any time prior to Final Action, as defined above. Any action taken by the deciding body shall not be reconsidered or rescinded at any special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

SECTION IV. **Amendment.** Chapter 5 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

5.1 ESTABLISHMENT OF BOARD. In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members, one member of which shall be a member of the Planning Commission. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

5.2. TERM OF OFFICE. Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

5.3 ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL. Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the ~~Council~~ Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed against the member with the Mayor. The Mayor shall provide the member with a public hearing if the member requests one.

5.4. ORGANIZATION.

(a) Chairman. The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.

(b) Quorum. No business shall be conducted unless at least three members of the Board, not counting the alternate, are present.

5.5. MEETINGS. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall be open to the public. The Board shall keep minutes of its proceedings showing the roll call of votes upon all questions or, if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of said Board and shall be public record.

5.6. HEARINGS BEFORE THE BOARD. The Board of Adjustments is created to hear four (4) classifications of cases as follows:

(a) Variance Applications. ~~Whenever any application or permit has been stayed or denied by the Planning Commission or City staff on the basis that approval of the requested permit or application would violate the provisions of this code relating to set back, building height, side yard, lot size, site requirements, parking requirements, or some similar provision of the Code that has the effect of depriving the applicant of the reasonable use of his property, when others similarly situated are entitled to make such use of their property, the Board may hear the matter, and grant a variance from the strict enforcement of this Code~~. Pursuant to Section 5.7 of this Code, the Board shall have the power to grant a variance from the provisions of this Code whenever a strict or literal application of the provisions of this Code would create a hardship on the owner of the subject property that is unique to that property.

(b) Modifications of Non-Conforming Uses. The Board shall have the power to rule on all requests for enlargements, modifications, or changes in the character of any non-conforming use, and to have hearings to determine whether the use in question is in fact a non-conforming use, as opposed to a violation of the ordinance or an allowable use within the zone. Non-conforming uses are addressed in Chapter 12 of this Code.

(c) Appeals. The Board shall hear and decide appeals ~~where any party with standing as defined in Section 1.17 of this Code alleges~~ from an applicant or any other person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting a zoning ordinance which allege that there is an error in any order, requirement, decision or determination of the zoning ordinance. ~~made by the Community Development Department in the enforcement of Article 1, Chapter 9, Title 10 of the Utah Code (1953, as amended), or any City ordinance adopted pursuant thereto~~. The appeal must be made within ten days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The person or entity making the appeal has the burden of proving that an error has been made. Only final decisions of the Community Development Department applying the zoning ordinance may be appealed to the Board of Adjustment. A person may not appeal, and the Board of Adjustment may not consider, any zoning ordinance amendments, or appeals of conditional use permits or Master Planned Developments which shall be to the City Council. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

(d) Special Exceptions. The Board may hear applications for special exceptions to the terms of this Code which apply to variances, modifications of non-conforming uses, appeals and other matters upon which the Board is required to pass judgment under this Code. No application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

(1) The proposed use and development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

(2) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

(3) The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety, and general welfare.

(4) The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

(5) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

(6) The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

5.7. VARIANCE. ~~Variances from the provisions of the Code may be granted by the Board whenever a strict or literal application of the provisions of this Code would create a hardship on the owner of the subject property that is unique to that property. Because of the historical development of Park City, which has resulted in a number of irregular lots, encroachments by public streets, and the access problems inherent in the area because of these misplaced streets and steep grades, the Board shall exercise broad discretion in acting on variances to assure the public and the owners of property on which variances are requested that~~

~~substantial equity results from Board actions~~.

(a) Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the zoning ordinance.

(b) An application for variance review must be filed with the City, and the required fee paid in advance. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or conditional use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(c) Variances shall be granted only if all of the following conditions are found to exist:

(1) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;

(2) there are special circumstances attached to the property that do not generally apply to other properties in the same district;

(3) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

(4) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

(5) the spirit of the zoning ordinance is observed and substantial justice done.

(d) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (c), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (c), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(e) In determining whether or not there are special circumstances attached to the property under Subsection (c), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted other properties in the same district.

(f) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(g) Variances run with the land. However, the Board of Adjustment may condition a variance by requiring the owner to obtain a building or other necessary permit within one year of issuance of the variance, or the variance shall be null and void.

(h) The Board of Adjustment and any other body may not grant use variances.

(i) In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

~~**5.8. APPLICATION FOR VARIANCE REVIEW**. An application for variance review must be filed with the City, and the required fee paid in advance. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or conditional use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.~~

~~**5.9. HEARING**. The Board shall, upon receipt of the application for a variance, schedule a date for hearing on the matter. The hearing date shall be no less than fifteen (15) days, nor more than thirty (30) days from the date of application. Notice shall be given to adjoining land owners in the manner described in Chapter 1 of this Code, and in addition, notice of hearing shall be published at least once prior to the date of the hearing in a newspaper having general circulation in the city.~~

~~5.10~~ 5.8. PERSONS ENTITLED TO APPEAR. At the hearing on any matter before the Board of Adjustment, any person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The applicant shall have the right to respond to testimony offered in opposition to the application.

~~5.11~~ 5.9. DECISION. ~~In exercising the above-mentioned powers the Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify~~

~~the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official or board from whom the appeal is taken.~~ Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

~~5.12~~ 5.10. **VOTE NECESSARY ~~FOR REVERSAL~~**. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official or board, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to ~~effect any variation in such ordinance~~grant a variance or special exception.

~~5.13. LIBERAL CONSTRUCTION~~. ~~Because of the unique historical factors in the platting of the older portions of Park City, and the fact that many times existing public streets encroach on platted lots, or that platted lots may be adjacent to platted but unopened street rights-of-way, the powers of the Board shall be liberally construed to grant the flexibility reasonably necessary to enable the owners of property within the affected parts of the City reasonable opportunities to develop that property to the same extent as others similarly situated within the zone, but without the unique site constraints affecting the applicant's site.~~

~~5.14~~ 5.11 **JUDICIAL REVIEW OF BOARD DECISION**. The City or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief therefrom in the District Court in Summit County provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision with the City Recorder.

SECTION VI. **EFFECTIVE DATE.** This ordinance shall become effective upon publication.

PASSED AND ADOPTED this ____ day of ____________, 1997.

Park City Municipal Corporation

____
Bradley A. Olch, Mayor

Attestation by:

____
Jan Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, Asst. City Attorney

K:\LEGAL\MH\ORD\LMCCHANG.2

PARK CITY
1884

DATE: June 12, 1997
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs, P.E.
TITLE: Last Chance Pump Station
TYPE OF ITEM: Legislative/administrative

SUMMARY RECOMMENDATIONS: Authorize an additional appropriation of $60,000 to construct the Last Chance Pump Station at the above ground location next to the Snow Park Lodge.

DESCRIPTION:

A. **Topic:** Constructing a new Last Chance Pump Station (LCPS).

B. **Background:** The 1994 Water Supply vs Demand Study by Eckhoff, Watson and Preator (EWP) determined there was an inadequate system capacity to deliver water to meet future culinary and snowmaking requirements to the Deer Valley area. The report identified three short term improvements necessary to meet the water demand of Deer Valley and the adjacent property. The City and Deer Valley Resort Company (DVRC) entered into an agreement identifying the proportioned cost sharing for each project.

Chatham Crossing Pump Station was the first project completed in 1995. The shared cost was divided 65% DVRC and 35% City. The LCPS is the second project with an estimated project cost of $530,000. The shared cost will be divided 70% DVRC and 30% City. The third project will replace the existing Boothill Pump Station. The shared cost will be 35% DVRC and 65% City.

EWP was hired by the City to look at alternate sites for the pump station. The preliminary cost estimates for these sites exceeded the remodel option by $150,000. DVRC was not interested in participating in the additional cost. City Council authorized staff on April 3 to enter into an agreement with Deer Valley Resort (DVRC) in an amount not to exceed $170,000 to remodel the existing pump station.

DVRC, Park City Water and EWP met on site to review the proposed layout and discuss the criteria for the facility. Because of the high working pressures (excess of 375 psi) and problems anticipated from a water hammer effect (instantaneous pressures of 450 psi), a surge tank was added to the design. A larger above ground footprint would be needed.

DVRC determined the above ground portion of the facility would reduce the beginner's skiable area; limit their abilities to make changes in the adjoining runs; and may interfere with the lift operations. DVRC requested EWP to look at their previous alternate site recommendations.

C. Analysis: A site was selected on the east side of the Snow Park Lodge at the end of their existing service driveway. This site will meet DVRC's and the City's design criteria. The City's criteria includes easy accessability; year around access; all electrical panels above ground allowing safer work area; and abandoning the Neck Booster Pump Station.

The current LCPS is located approximately 150 yards south of the Snow Park Lodge above the run out ski area adjacent to the children's area on Deer Valley property. During the winter equipment removals are done in a joint effort with Deer Valley Maintenance crews, Park City Water crews, and a pump supplier. The overall effort tries to minimize the impact to skiers.

The Neck Booster Station is a back-up for the existing LCPS. The new location will have a back-up supply or redundancy designed into the facility. This will allow for a more efficient operation.

The main City criterion is improved safety. The pump station will require 480 volt electricity and the water pressure is in excess of 375 psi. In the unlikely event of a water break in the pump house water would flow across the floor with the potential of shorting out the electrical panels. There are many underground pump stations in operation. The risk is low for a mechanical failure that would flood the pump station. If a mechanical failure caused the below ground pump station to flood while occupied, a fatality or serious injury would be likely. The new location would reduce this risk.

Both options provide similar pumping capacity. The current LCPS must operate during the new construction. The underground option adds incremental capacity and utilizes the existing pump system. A larger vault is required. The efficiency of pump system will be slightly reduced at peak capacity. The new location can be built without interfering with the existing LCPS. The group of pumps will be designed to operate at their peak efficiency individually or in tandem depending on the demand.

The Snow Park location improves the serviceability of the pump station allowing pump contractors and water personnel easy access year around. Water personnel will save at least 45 minutes per visit. The building will be ADA accessible.

Since April 3rd, final costs have been negotiated with the contractor and EWP. DVRC has tentative contracts with Eckhoff, Watson and Preator ($67,000) and Counter Point Construction ($555,000). Through a previous contract, DVRC and the City will share the project cost on a

70% and 30% ratio, respectively. Because relocating the LCPS is equally beneficial to both parties, the cost differential for moving ($125,000) is proposed to be shared equally. A 10% construction contingency is included within the request.

This project cost is within the approved budgeted amount of $375,000 in the FY97 budget. The account code is 51-45060.

D. **Department Review:** This has been reviewed by Public Works and the City Manager. Finance has verified the availability of funds. The legal department has reviewed the proposed contract between DVRC and the City.

ALTERNATIVES:

A. **Approve the Request:** Authorize an additional appropriation of $60,000 to construct the Last Chance Pump Station at the above ground location next to the Snow Park Lodge. This will allow staff to complete an agreement with DVRC in an amount not to exceed $230,000.

B. **Deny the Request for the relocation:** The DVRC could proceed with the project in the original location. This alternative would forego the City spending approximately $60,000 in the short term. The long term effect would be higher repair cost, more disruption to DVRC operations, a less efficient pump station operation and a less desirable location.

C. **Continue the Item:** This alternative would cost DVRC and the City additional money. DVRC has tentative contracts with the engineer and contractor based on the relocation alternative. DVRC is trying to expedite the construction through the lawn area directly south of the Snow Park Lodge to minimize interference with summer activities.

SIGNIFICANT IMPACTS: The negotiated project cost with contingencies is $677,500. Park City's share is about $228,750. The capital improvement plan includes $375,000. The detailed cost breakdown is presented below.

Component (Share)	Deer Valley	Park City	Total
Engineering (70/30)	$46,900	$20,100	$67,000
Relocation (50/50)	$62,500	$62,500	$125,000
Construction (70/30)	$301,000	$129,000	$430,000
Contingency (70/30)	$38,850	$16,650	$55,500
Total (66/34)	$449,250	$228,750	$677,500

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: DVRC could proceed with the project in the original location. This alternative would forego the City spending about $60,000 in the short term. The long term effect would be higher repair cost, more disruption to DVRC operations, a less efficient pump station operation and a less desirable location.

The decision to have DVRC responsible for the contract in April was to expedite the construction. Postponing a decision would add additional cost to both entities and reduce any benefits from the original process.

RECOMMENDATION: Authorize an additional appropriation of $60,000 to construct the Last Chance Pump Station at the above ground location next to the Snow Park Lodge. Authorize staff to complete the agreement with Deer Valley Resort Company to build and dedicate to the City, the Last Chance Pump Station in an amount not to exceed $230,000 The City's share is approximately 34% of the actual project cost.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: June 6, 1997
DEPARTMENT: Leisure Services
AUTHOR: Bob Johnston, Director of Leisure Services
TITLE: Contract for Consulting Services with Barker Rinker Seacat and Partners for a Recreation Facilities Master Plan.

SUMMARY RECOMMENDATION: Authorize staff to enter into a professional services agreement with Barker, Rinker, Seacat and Partners (BRS) for the development of a recreation facilities master plan and ice facility feasibility study. Contract amount not to exceed $55,795.

DESCRIPTION:

A. Background: Late last fall, Council directed staff to work with the Parks, Recreation Beautification Advisory Board (Board) and a facility consultant on the development of a recreation facility plan that would identify Park City's recreational needs over the next ten years. Following the selection process for the consultant, the committee chose the firm of Barker, Rinker, Seacat (BRS). An initial workshop took place in mid February to better define the scope of work for this study. A follow up workshop was held in early March and a few days following, BRS submitted a preliminary findings report for an ice facility feasibility study and a cost option breakdown for the remainder of the work yet to be completed.

On March 20, staff and members of the Board came to Council with a proposal to take a broader look at recreation facilities and master planning issues and expand the original scope of the study. The costs for the expanded scope were an additional $11,000.00. $3,00.00 was to be spent on a study and $8,000.00 was to take a more comprehensive look at recreation including a more extensive site investigation and more detailed reports on programming and facility needs.

Council denied the request for additional funding and instructed staff and the Board to develop a scope of work that fell within the original cost for the base study of $55,795.00. Some members of Council also asked that we take a more comprehensive look at the feasibility of an ice skating facility at the old sewer treatment plant site. Given that direction, we have developed a new scope of work and are asking Council to authorize staff to enter into the attached agreement.

B. Analysis: The status of our master planning effort is as follows:

Phase I of the study consisted of 2 ½ days of meetings, primarily with staff to decide exactly what information would be critical to the study process. We also held two discussion group sessions with the Board. We held one meeting with a community focus group. These meetings were the basis for the preliminary report, the cost for Phase I was $7,500 and was authorized by Council.

Phase II The preliminary information and findings were presented to the Board and staff during this phase and the Board's recommendation to Council was developed. BRS also gathered much of the statistical and graphic information during this phase and interviewed key staff members. Costs of this phase were $13,406.00

Phase III Has taken place since Council's most recent direction. Staff has directed BRS to focus on a preliminary study of the feasibility of ice skating on the sewer treatment plant site. Site visits and statistical information had been obtained by the BRS on a previous visit, so no trip to Park City was necessary. Staff also has been working with BRS on defining a new scope of work. That scope is attached to the agreement. The preliminary study of ice skating has been completed and will be discussed with the Board at their next meeting on June 18. The costs for this portion of the study are expected to be approximately $4,000.00.

Phase IV is currently proposed to accomplish the following: BRS will

✘Assist City with development of public opinion survey.
✘Prepare summary findings of all sites considered.
✘Prepare preliminary feasibility assessments of three sites elected for specific study. These studies would
- -Identify facility components and scope ability to be placed on the sites.
- -Develop sketch concepts for facility and site design.
- -Identify preliminary capital costs.
- -Identify preliminary cost recovery.

✘Participate in workshop in Park City with a broad group of key parties to consider alternatives and select one for further development.
✘Refine the selected alternative design, cost estimates, operating recovery analysis.
✘Prepare final documents for public presentation.

The anticipated cost for Phase IV is $30,889.00.

C. Department Review: The Leisure Services staff and the Legal Department have reviewed the agreement. The Legal Department shared their concern over the money BRS had listed for reimbursable expenses. As a result, we will attempt to reduce those estimated expenses. We have eliminated one of the proposed workshops which should reduce the amount significantly. The Finance Department has a general understanding of the terms of the agreement but they have not reviewed this in any detail.

ALTERNATIVES:

A. Approve the Request Council has authorized the funding for this study and the new direction and scope of work has been developed.

B. Continue Action Council could continue action until the preliminary study has been reviewed and a recommendation forwarded to you by the Board. The preliminary feasibility study may influence the Board or Council enough to force a change to Phase IV or the remaining scope of work. Staff is anxious, however, to have a contract in place before more work is completed by BRS.

C. Approve request with amended scope of work Council may not agree with the new proposed scope of work and ask for that portion to be amended. Approval could be given with the new scope as a condition.

Significant Impacts: If Council wishes to change the scope of work, consideration should be given to the budget amount. If the decision is to add additional components to the study you might want to examine the proposed scope and discuss what might be eliminated.

Consequences of not taking recommendation: If the Council chooses not to approve the request and selects one of the alternatives, the consequences may be (1.) A longer time line to complete the study or, (2.) More funding may be required if the project scope is expanded.

RECOMMENDATION

The Council should authorize staff to enter into a professional services agreement with BRS for the development of Phases II, III and IV of the proposed recreation facilities master plan and ice facility feasibility study for an amount not to exceed $55,795.00.

PARK CITY MUNICIPAL CORPORATION
PROFESSIONAL SERVICES AGREEMENT

ATTACHMENT "A"
SCOPE OF WORK

PHASE I

WORKSHOP / PARK CITY

* meet with staff to collect and preview data and information
* meeting with the Parks, Recreation and Beautification Board
* conduct focus group sessions
* visit existing recreation facilities
* visit potential sites for new facilities
* follow up with the Parks, Recreation and Beautification Board
* begin ice facility research

WORK PERIOD / PHASE I

* develope public information approach
* develope preliminary recreation program needs summary
* complete field work for ice facility market analysis
* develope preliminary facility and site program, i.e. area requirements, for ice facility
* develope preliminary capital budget model for ice facility

PHASE II

WORKSHOP / PARK CITY

* conduct site assessment work session
* work session with the Parks, Recreation and Beautification Board
* compile additional data for site analysis work
* preliminary findings reported to the Parks, Recreation and Beautification Board

PHASE III

WORK PERIOD

* prepare ice facility market study
* document site information on old sewer treatment plant site
* refine program for ice facility study

* develope design concepts for ice facility test fit on old sewer treatment plant site
* prepare and present preliminary study for ice facility at old sewer treatment plant site

PHASE IV

WORKSHOP / PARK CITY

* assist in the development of a public opinion survey to obtain information in key areas
* participate in workshops with the Parks, Recreation and Beautification Board, staff and special interest groups to narrow down site considerations

WORK PERIOD / PHASE IV

* prepare summary findings of all sites considered
* prepare feasibility studies for three sites selected for future recreation use
    - to identify facility components and their ability to be placed on site
    - to develope sketch concepts for facility and site design
    - to identify preliminary capital costs
    - to identify preliminary cost recovery
* refine and recommend optimal site and facility concept design, including cost estimates and operating recovery analysis
* prepare final documents for public presentation

SUMMARY OF BASE FEES FOR SERVICES

TOTAL PROFESSIONAL SERVICES:	$ 49,240.00
ESTIMATE FOR REIMBURSEMENT EXPENSES :	$ 6,555.00
TOTAL FOR BASIC SERVICES:	$ 55,795.00

RATE SCHEDULE FOR ADDITIONAL SERVICES
* IF REQUESTED VIA CHANGE ORDER

BARKER, RINKER, SEACAT AND PARTNERS:	$ 100.00 / hr
WINSTON ASSOCIATES:	$ 100.00 / hr
BALLARD - KING AND ASSOCIATES:	$ 85.00 / hr
EXPENSES	at cost

PARK CITY
1884

CITY COUNCIL AGENDA REPORT

DATE: June 6, 1997
DEPARTMENT: Leisure Services
AUTHOR: Bob Johnston
TITLE: Interlocal Agreement

Summary Recommendation: Enter into an interlocal agreement for the implementation of recreation programming and facility operations and maintenance with the Snyderville Basin Special Recreation District (SBSRD)

DESCRIPTION:

A. Background: In spring of 1987, Park City established a formal relationship with Summit County to provide basic recreation services for youth living in the Snyderville Basin. The program was called the Western Summit County Youth Sports program

Philosophically, the program was meant to provide the same recreational opportunities for basin residents that existed for City residents. This would enable the children that go o school together to also recreate together during after school programs and during the summer. A system was developed for tracking revenue and expenditures and a method was created for the equitable sharing of the costs associated with the program.

As time passed, growth in the basin began to influence the participation in the program. In the early 90's, we were experiencing greater participation from the basin. Non-resident participation became an issue and increased dialog with the County regarding growth and lack of adequate field space resulted in the re-establishment of the Snyderville Basin Special Recreation district. In fall of 1995, basin resident voted to approve a $7.5 million bond to fund the construction of community recreation facilities. To date, the SBSRD has contributed to the funding of an enhanced swimming pool complex, currently being constructed at the new middle school on Kilby Road and four playing fields on the same site. The SBSRD has also purchased 63 acres of land, located to the west of Silver Summit and to the south of Highland Estates. Plans are underway for the construction of playing fields, trails, picnic areas and playgrounds.

In May 1996, the SBSRD recommended that Park City (Leisure Services) operate the District parks and programs shortly afterward work began on the development of the attached interlocal agreement. The intent of the agreement is to jointly and cooperatively operate and maintain basin recreation facilities, to run programs for all area residents and avoid the duplication of similar services.

B. Analysis: Philosophically, the intent behind the original Western Summit County Youth Sports program implemented in 1987 and the proposed basin recreation program is the same. Administratively, they are different and staff views this as an advantage. One of the issues we've had historically in dealing with the County Commissioners was their lack of responsiveness. Recreation issues, while critical for us in the basin, never seem to get the attention they required. The Commissioners were dealing with higher priorities. The SBSRD on the other hand is charged with developing, operating and maintaining a recreating program and will likely be more responsive and have a better understanding of the issues.

Financially the arrangement will remain the same for the most part. Revenue and expenditures will be calculated bi-annually. Program participation will also be tracked. The City and SBSRD will both contribute their proportionate share of the revenue shortfall. For example: if the joint program costs are $300,000 and $200,000 is collected in revenue, the shortfall is $100,000. If 60% of the participation comes from the basin and 40% from the city, then the county would be responsible for making up 60% of the shortfall, or $60,000 and the city 40% or $40,000. A significant difference now will be that the county will be responsible for the entire maintenance of their facilities and the city will only snare in those costs directly related to joint programming.

We will also be looking to recover our expanded overhead as part of this new relationship. Expanded overhead is a percentage of the costs for executive services, i.e. City Manager, Legal and Administrative Services like Finance and Data Processing.

C. Department Review: This document has been reviewed by Leisure Services Administration, the Legal Department, the City Manager and the Finance Department. The Finance Department has requested some administrative changes that will be handled internally. Those requests include:

- Finance Department handling of the accounting for the financial aspects of the agreement
- that criteria be developed for fee waivers
- clarification on the purchase of capital equipment
- the establishment of procedures for billing and payments

The Finance Department has also pointed out that with the City's new policy on capping the subsidy for Recreation Services , the Basin Recreation program will need to look to a higher recovery rate and rely less on the General Fund subsidy.

The Parks, Recreation and Beautification Board has also reviewed the agreement and is sending along its recommendation for the City to enter into this agreement with the Basin Recreation District as proposed by staff.

ALTERNATIVES:

1. **Approve the Request.** Council may approve the request to enter into the Interlocal Agreement with the Basin Recreation District, continuing the recreational relationship we have had with the County.

2. **Table the Request.** Council may not be comfortable with certain aspects of the agreement and desire additional information or request that changes be made.

3. **Deny the Request.** Council may decide that it is philosophically opposed to the relationship developed by this document or the direction in which this program is headed.

SIGNIFICANT IMPACTS: Currently the program is working and is probably the best example we have of a positive relationship between City and Basin residents. If for whatever reason the current relationship changed and Basin residents were no longer involved in City Recreation programming, the financial impact would be significant. Simply stated, a loss of 56% of our current participation would not result in a 56% drop in expenditures. A City only recreation program could result in double the current City subsidy, without significant fee increases.

CONSEQUENCES OF NOT TAKING ACTION: If Council chooses to table or continue action the consequence would be that we would continue in our current state of doing business without a formal agreement in place. Should Council deny the request, the Basin Recreation District would have to seek another means by which to operate and maintain their proposed recreation program. City/County relations, which have been identified as a Council priority, may suffer.

RECOMMENDATION: The Council should enter into the attached Interlocal Agreement with the Basin Recreation District for the implementation of recreation programming, facility operations and maintenance.

PARK CITY 1884

Resolution No. -97

RESOLUTION AUTHORIZING PARK CITY MUNICIPAL CORPORATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT

WHEREAS, Section 11-13-1 et seq. Utah Code Ann. 1953, as amended, commonly known as the Interlocal Cooperation Act, permits local governmental agencies to make the most efficient use of their services and facilities by enabling them to cooperate with other localities on a basis of mutual advantage for the general welfare of their citizens; and

WHEREAS, the intent of the Interlocal Agreement between Park City Municipal Corporation ("the City") and Snyderville Basin Special Recreation District ("the Basin") is to jointly and cooperatively operate and maintain Basin recreation facilities, to run programs for all area residents, and avoid the duplication of similar recreation services; and

WHEREAS, Exhibit A, an Interlocal Agreement with Park City Municipal Corporation and the Snyderville Basin Special Recreation District, will enhance City and Basin recreation services through the proportionate financial participation of both parties in the funding of joint programming and the reimbursement of overhead costs incurred to the City; and

WHEREAS, the City Council finds it in the best interests of its citizens to enter into the attached Interlocal Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of Park City that:

SECTION 1. AUTHORIZATION TO EXECUTE INTERLOCAL AGREEMENT. The City Council hereby authorizes the Mayor to execute the Interlocal Agreement, attached hereto as Exhibit A, between the City and the Basin.

SECTION 2. EFFECTIVE DATE. This Resolution becomes effective upon adoption. The Interlocal Agreement becomes effective upon the execution of both parties.

PASSED AND ADOPTED this 12th day of June, 1997.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradlely A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, Assistant City Attorney

DRAFT DOCUMENT 4/30/97

COOPERATIVE INTERLOCAL AGREEMENT FOR THE IMPLEMENTATION OF RECREATION PROGRAMMING AND FACILITY OPERATIONS AND MAINTENANCE

THIS AGREEMENT is made and entered into this ____ day of _______, 1997, by and between the SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT (hereinafter "SBSRD") and the PARK CITY MUNICIPAL CORPORATION (hereinafter "Park City"), bodies corporate and politic of the state of Utah.

WHEREAS, SBSRD and Park City Municipal Corporation provide recreation programs within their respective jurisdictions; and.

WHEREAS, the governing bodies of SBSRD and Park City recognize that urban development is occurring at a rapid rate, characterized by a populace that places a high value on recreation activity, demonstrated by their approval of bonds and support of increased taxes to provide for recreation; and,

WHEREAS, it is in the best interests of both parties to provide efficient delivery of recreation services; and,

WHEREAS, a comprehensive recreation program for the Park City and the Snyderville Basin may be best realized through joint, cooperative, and consolidated effort; and,

WHEREAS, the governing bodies of Park City and SBSRD each desire to achieve maximum quality recreation programs and activities at reasonable costs to taxpayers and participants alike, as more fully set forth below.

NOW THEREFORE, in consideration of the mutual covenants of the parties herein contained, it is agreed as follows:

1. <u>Definition and Description of Parties and Terms:</u>

1.A. "SBSRD" shall mean the Snyderville Basin Special Recreation District, a Utah body politic, whose principal address is c/o District Administrator, P.O. Box 980127, Park City, UT 84098.

1.B. "Park City" shall mean Park City Municipal Corporation , a Utah body politic, whose principal address is c/o City Manager, P.O. Box 1480, Park City, UT 84060.

1.C. Recreation programs will be established by Park City and SBSRD and administered by the Park City Leisure Services Department. The program will be known as and entitled "Basin Recreation Program."

1.D. Operation and Maintenance programs will be established by Park City and SBSRD and administered by the Park City Parks Department. The program will be known as and entitled "SBSRD Parks O & M Program."

1.E. "Facilities" shall mean playing fields, and any buildings or fixtures constructed thereon during the term of this agreement, located on Exhibits "A" (Middle School Facilities) & "B" (Trailside Park) attached hereto. The parties may agree to consider future sites under the terms of this agreement.

1.F. "Program Fields" shall mean all SBSRD and Park City fields required to run Basin Recreation programs.

2. Purpose of Agreement:

2.A. There shall be established a recreation program for children and adults residing in that area of Summit County contained within boundaries identical to those of the Park City School District, according to the parameters set forth herein.

2.A.1 It is the intent of the parties to provide a recreational program experience that is integrated. The participation of Park City and SBSRD patrons will be "seamless" at the user level for all programs identified under the terms of this agreement.

2.B. There shall be established an operations and maintenance program for Facilities owned by the SBSRD, and maintained by Park City Parks Department, according to the parameters set forth herein.

3. Basin Recreation Program Content:

3.A. All programs sponsored by Park City and SBSRD, as identified in the Basin Recreation Program, shall grant equal access to all citizens residing within the boundaries of Park City and SBSRD.

3.B. The content of the program will be the responsibility of Park City's Leisure Services Department working and consulting with the SBSRD or designated representative. Best efforts shall be expended by both parties to include a variety of programs and activities for youth and adults provided that funding and facilities are available for such programs.

3.B.1. It is the policy of the SBSRD Board to track and respond to Basin resident comment in an effort to provide, when fiscally appropriate, a broader scope of recreational programs.

3.C. Park City may invite SBSRD and its citizens to participate in special events on a case by case basis.

3.D. SBSRD may invite Park City and its citizens to participate in special events on a case by case basis.

3.D.1. The parties recognize that in order to meet annual cost recovery goals, SBSRD may organize special events independent of Park City Leisure Services, for fundraising purposes.

3.D.1.1 Best effort will be expended by both parties to avoid scheduling conflicts between regularly scheduled recreation programming and special events. Basin Recreation Programs shall take calendaring priority over special events. Special events shall take priority over makeup games or other irregularities in recreation program schedules.

3.E. The Basin Recreation Program year will begin on January 1, and end on December 31.

3.F. The officials of SBSRD and Park City shall consult with one another quarterly concerning aspects of the Basin Recreation Program relative to the goal of equal access to recreation opportunities for all area residents whether city, town or unincorporated county residents.

3.G. Day to day communication will be between the Park City Recreation Services Manager and the SBSRD District Administrator, or designee.

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3.H. Calendaring of facilities will be in accordance with Section 7, herein.

4. Basin Recreation Program Administration:

4.A. Park City Leisure Services, as administrators of the Basin Recreation Program, will determine the SBSRD contribution for recreation programming under the terms of this agreement.

4.A.1. Park City Leisure Services recognizes that SBSRD is a new and developing entity and their ability to grow will be dependent upon revenue generating programs. The development of effective cost recovery strategies helps to ensure the long term viability of SBSRD and thus benefits both parties in attaining their goal of "complementary parity" and one recreation family.

4.A.2. Participant fees for all programs identified as Basin Recreation Programs will be received by Park City Leisure Services representatives for the benefit of SBSRD.

4.A.3. Revenue and expenses from Basin Recreation Programs will be accounted for by Park City Leisure Services. At the present time, Park City and SBSRD acknowledge that registration fees for some youth programs offered through the Basin Recreation Program may not offset the expense of those programs. The SBSRD and Park City agree to pay their proportionate share of the difference between the actual program costs and revenue derived from Program participant fees, as provided for below.

4.A.3.1. The share of program expense payable by Park City and SBSRD will be calculated and divided proportionately based on the actual number of program participants and their residence identified at the time of program registration (Park City or SBSRD).

4.A.4. Program costs will include but are not limited to: staffing, materials, supplies, and Program Fields maintenance costs related to Basin Recreation Programs. Administrative costs will be charged in accordance with Section 4.A.4.1 - 4.A.4.3, below.

4.A.4.1. The SBSRD recognizes there are related services (legal, finance, administrative) provided by Park City in relation to recreation program operations. The SBSRD will agree to a reasonable administrative charge, subject to annual review and approval, during Park City departmental budget preparation.

4.A.4.2. Park City Leisure Services will provide Basin Recreation Program budget information to a SBSRD designee, for approval by the SBSRD Board, prior to submittal for Park City budget adoption.

4.A.4.2.1 Expenditures in excess of those provided for in the annual Basin Recreation budget must be approved by the SBSRD Board.

4.A.4.3. If, after SBSRD Board approval, Park City fails to adopt the Basin Recreation Program budget, Park City agrees to re-submit revisions through the process set forth in 4.A.4.2, above.

4.B Leisure Services will submit an itemized statement, along with a program report to the SBSRD Board twice per year, in November and May, or as otherwise agreed to by both parties. (Exhibit C) This statement will reflect (1) the balance of current period's expense (six months), plus (2) 50% of the estimated program cost for the next period. Failure by SBSRD to make payments within 30 days of the first SBSRD Board Meeting following receipt of the billing statement will result in a late payment penalty of 1% per month.

4.C. SBSRD and Park City representatives agree that a differential fee will be charged to participants residing outside the corporate boundaries of Park City for all non-Basin recreation programs and rentals. At such time that the SBSRD has reached a level of "complementary facility parity," as defined in Section 10.A herein, this interlocal agreement may be amended by the parties.

4.D. Leisure Services may receive reservations and rental fees from outside groups for use of SBSRD Facilities. Rental income for SBSRD facilities will be accounted for as a revenue source for the benefit of SBSRD. Scheduling of fields will be in accordance with Section 7 hereunder. Fee waivers will be reviewed jointly by designees of Leisure Services and SBSRD.

5. <u>SBSRD Parks Operation and Maintenance Program Content:</u>

5.A. The content of the program will be the responsibility of the Park City Parks Department working and consulting with the SBSRD or designated representative. Best efforts shall be expended by both parties to include a parks maintenance program comparable to that of Park City, in consideration of recreational programming uses.

5.A.1. In order to maintain community satisfaction with active sport field conditions, the parties agree to utilize a minimum level three maintenance standard (Exhibit D) for programmable field facilities.

5.A.2. The parties agree that in areas not actively programmed for recreation, an <u>average</u> level three maintenance standard (Exhibit D) will be acceptable. Areas of high visibility and/or high use, e.g. walk ways, playgrounds, picnic areas, may require a level one or two maintenance standard. In areas that are not highly impacted, e.g. naturally vegetated embankments or open space, a level four maintenance standard may be acceptable. The parties agree to consult and come to an agreement on site specific expectations.

5.A.3. Park City Parks Department shall coordinate janitorial, garbage collection, repairs and maintenance on the Facilities in accordance with Section 6, below. This shall include, but is not limited to, field irrigation systems, winterizing, and minor electrical, plumbing, and building repairs.

5.A.4. Park City and SBSRD will agree to employ contract service when specialized repair is needed. For contract service outside the scope of the annual budget, Park City will agree to notify SBSRD prior to performance of service for approval of funds.

5.A.5. Utility expense for the Facilities will be the responsibility of SBSRD.

5.A.6. The parties shall establish a reasonable schedule of maintenance of fields and facilities to be conducted during regular business hours and to provide the least interference with the activities scheduled by the parties.

5.B. The SBSRD Parks O&M Program year will begin on January 1, and end on December 31.

5.C. The officials of SBSRD and Park City shall consult with one another on a quarterly basis concerning all aspects of the O&M Program to ensure, insofar as possible, that SBSRD and Park City program participants, and SBSRD taxpayers, are satisfied with field and facilities maintenance. Annual performance reviews will coincide with the budget process.

5.D. Day to day communications will be between the Park City Parks Superintendent and the SBSRD District Administrator, or designee.

6. <u>Parks Operation and Maintenance Program Administration:</u>

6.A. Park City Parks Department, as administrators of the SBSRD Parks O&M Program, will determine the SBSRD contribution for Facility operations and maintenance under the terms of this agreement.

6.A.1. Expense associated with the SBSRD Parks O&M Program will be accounted for by Park City Parks Department. The share of program expense payable by SBSRD will be calculated and invoiced based on the following criteria:

6.A.1.1 SBSRD Parks O&M costs will include, but are not limited to: staffing, materials and supplies.

6.A.1.1.1 Program Field maintenance costs related to Basin Recreation programs will be accounted for in accordance with 4.A.4 herein. Best effort will be made to avoid duplication of charges in accounting for Facility and Program Field maintenance.

6.A.1.2 The SBSRD recognizes there are related services (legal, finance, administrative) provided by Park City in relation to Parks program operations. The SBSRD will agree to a reasonable administrative charge, subject to annual review and approval, during Park City departmental budget preparation.

6.A.1.3 SBSRD and Park City recognize that both parties may benefit from economies of scale, including bulk purchase of chemical, and the sharing of equipment rental costs and/or purchase of equipment. (aeration, sprayers, backhoes and tractors). Such economies will be reflected in the Parks Program budget, provided for below.

6.A.1.4 Park City Parks Department staff will provide SBSRD Parks O&M Program budget information to a SBSRD designee, for approval by the SBSRD Board, prior to submittal for Park City budget adoption.

6.A.1.4.1 Expenditures in excess of those provided for in the annual Parks O&M Program budget must be approved by the SBSRD Board.

6.A.1.5 If, after SBSRD Board approval, Park City fails to adopt the SBSRD Parks O&M Program budget, Park City agrees to re-submit revisions through the process identified in 6.A.1.4, above.

6.A.2. Expense associated with Capital Equipment purchases will be funded as provided for below.

6.A.2.1 SBSRD will agree to fund "up front" capital equipment purchases required for site specific facility maintenance, in consultation with Park City representatives and in accordance with SBSRD annual budget parameters. Capital equipment funds not to exceed $50,000 will be made available in Program year 1998. The SBSRD agrees to consider additional capital equipment purchases annually thereafter, as the Facilities are developed and demands become apparent. Equipment purchases by SBSRD shall remain the property of SBSRD.

6.A.2.2 SBSRD and Park City will consult and may agree to other shared capital equipment purchases, within budget parameters set forth annually. Prior to expenditure of funds, a detailed purchase, use and buy out arrangement will be agreed upon by the parties for each piece of equipment under consideration.

6.B. Facility rental fees for pavilions and other cost recovery opportunities identified by SBSRD, in consultation with Park City representatives, may be collected and accounted for as a revenue source by the Parks Department, subject to the administrative fee per 6.A.1.2 herein. Fee waivers will be reviewed and approved jointly by designees of the Parks Department and SBSRD.

6.C. The Park City Parks Department will submit itemized statements to the SBSRD as provided for in 4.B., herein, or in accordance with other payment procedures agreed to by the parties. Acceptable procedures for providing backup documentation will be established.

7. <u>Calendaring of Facilities:</u>

7.A. Basin Recreation Programs will have priority use of the Program Fields except as identified in 3.D.1.1 herein, and in accordance with 7.F hereunder.

7.B. As agent for SBSRD, Park City will coordinate scheduling of Program Fields at the Ecker Hill Middle School for Basin Recreation Programs, in accordance with Lease and Joint Use agreements between SBSRD and Park City School District, dated December 10, 1996, or as amended. Park City may, at its option, have representation on the Middle School Joint Use Committee for the duration of this agreement.

7.C. SBSRD reserves the right to schedule the Facilities for other programs and facility uses that will not conflict with schedules set forth for Basin Recreation Programs, and in accordance with 3.D. and 3.D.1 herein.

7.D. The Leisure Services staff will receive and calendar requests for Facility field reservations, based on criteria for priority use of fields and fees established by the parties.

7.E. The Parks Department will receive and calendar requests for Facility park pavilion reservations.

7.F. Park City and SBSRD will annually review, and revise if necessary, policies and prices of Facility field and pavilion rentals, and may develop new policies as new park facilities are developed by SBSRD.

7.G. SBSRD and Park City recognize and support the existence of club sports in the Basin area. These sports groups will have access to SBSRD Facilities according to availability, impact and utilization. Fees and reservation policies developed by SBSRD and Leisure Services staff will apply.

7.H. The SBSRD, in consultation with Park City, shall implement reservation policies and fee structures specific to "local" and "out of area" users. For Basin Recreation Programs and Facilities, "Local" users will benefit from advanced reservation privileges and reduced facility rental rates. "Out of area user" is defined as an individual or group residing outside the boundary of the Park City School District.

8. Facility Development:

8.A Both parties agree to annually assess recreation needs of their taxpayers and participants. Independent recreational needs assessments will define the manner in which appropriate level of service (LOS) standards, for adequacy and availability of public recreation facilities and services, may be coordinated in the western Summit County region.

8.B. SBSRD and Park City mutually understand and agree that the need for additional recreation facilities is critical to the continued success of the Basin Recreation Program. SBSRD and Park City agree to use reasonable effort to develop and upgrade additional and existing facilities within their respective boundaries, at no cost to the other, under the terms of this agreement.

8.B.1. Facility development in the Basin will be in accordance with policies of the Snyderville Basin General Plan and Snyderville Basin Recreation and Trails Master Plan.

8.B.1.1 Section IV.E. of the Snyderville Basin Recreation and Trails Master Plan identifies "Major Facilities" as Community Facilities buildings that have large capital requirements and annual operations and maintenance budgets. SBSRD will work to develop these type of facilities with other service providers to avoid duplication of services and to meet the objective of a "single recreation family."

8.C. In order to mitigate potential future conflicts with differing field construction standards, Park City and SBSRD will agree to a minimum level three construction standard (Exhibit E) on all sports fields developed during the term of this agreement. It is mutually understood that a higher standard, level one or two, will be acceptable, as well.

8.D. SBSRD and Park City agree that development of a non-motorized Trails system is an important component of recreation in western Summit County. SBSRD and Park City agree to coordinate boundary connections and work cooperatively in identification of favorable trail system linkages. SBSRD and Park City agree to develop trails, at no cost to the other, under the terms of this agreement. The parties acknowledge that other agreements related to Trail system development, operations and maintenance may be appropriate.

9. Suitable Use:

9.A. The parties will use the Facilities only in the manner for which they were constructed, and will not make any permanent or substantial physical change to the Facilities without first obtaining approval of the SBSRD Board.

10. Complementary Facility Parity:

10.A. The parties to this Agreement acknowledge and understand that the needs of the parties may change over time due to increased growth in the area. The parties agree to negotiate in good faith and make necessary amendments to this Agreement to accomplish this intent. The parties will strive to develop future facilities that will contribute to and complement, rather than duplicate, existing recreational opportunities within western Summit County. At such time the SBSRD and Park City agree that a level of "facility parity" has been achieved between the parties, this interlocal agreement will be modified, with the long term goal to eliminate differential fees for recreation programs and facility use.

11. Indemnification and Insurance:

11.A. Each party covenants and agrees to indemnify, hold harmless and defend the other, its agents and employees from all fines, suits, claims, demands and actions of any kind and nature, including attorney's fees, by reason of any and all of the uses or operation as set forth hereinafter. Park City and SBSRD agree to assume all risks in the operation of Basin Recreation Programs and Facilities hereunder and will be solely responsible and answerable in damages for any and all accidents or injury to persons or property. SBSRD agrees to indemnify, hold harmless and defend Park City, its agents and employees from all claims, damages, demands, actions, costs and charges, including attorney's fees, arising out of or by reason of any of its agents' or employees' acts or omissions hereunder or the operation of Basin Recreation Programs on said Facilities. Park City agrees to indemnify, hold harmless and defend SBSRD, its agents and employees from all claims, damages, demands, actions, costs and charges, including attorney's fees, arising out of or by reason of Park City's use of the Facilities.

11.B. Each party shall maintain Public Liability Insurance to protect patrons and participants on the premises. Each party shall carry a policy of general liability insurance in an amount of at least $2,000,000 per person and $2,000,000 per incident or occurrence. SBSRD shall be named as an additional insured on Park City's policy, and Park City shall be named as an additional insured on SBSRD's policy. A certificate of insurance with a 30-day cancellation notice provision shall be provided to each party within 60 days of the date of this agreement. Each party may carry whatever additional insurance they deem appropriate.

12. Effect of Partial Invalidity:

12.A. The invalidity of any portion of this agreement for any reason will not and shall not be deemed to affect the validity of any other provision, except as follows. Both parties recognize that, under the terms of this agreement, recreational programming and operation and maintenance are integrally connected. The most effective implementation of recreational programming and facility O&M necessitates that they be managed by one entity. The parties agree that termination of either program defined in Section 1, will result in the termination of both programs. In the event that any other provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

13. Default:

13.A. Park City shall be in default of this Agreement if it:

Fails, after ninety (90) days written notice from the SBSRD, to perform or observe any material condition or obligation of this Agreement.

13.B. SBSRD shall be in default of this Agreement if it:

Fails, after ninety (90) days written notice from Park City, to perform or observe any material condition or obligation of this Agreement.

Fails to make payment for services as set forth herein.

13.C. In the event of default by any party, the non-defaulting party may demand for cure, seek specific performance, rescission or any other equitable or legal remedy. In the event a civil action is commenced to enforce the provisions of this Agreement, the prevailing party shall be entitled to an award of its costs of suit, including a reasonable attorney's fees.

13.D. Arbitration:

Any claims, disputes or other matters in question between the parties arising out of or relating to this Agreement or breach thereof shall be subject to and decided by binding arbitration in accordance with the Rules of the American Arbitration Association currently in effect unless the Parties mutually agree otherwise.

13.D.1. Demand for arbitration shall be filed in writing with the other party and with the American Arbitration Association. A demand for arbitration shall be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event shall the demand for arbitration be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statutes of limitations.

13.D.2. The award rendered by the arbitrator or arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

14. Notice:

Notice required by this Agreement may be given by mail, postage prepaid, to the following addresses and will be deemed to have been given when posted, properly addressed as follows:

Snyderville Basin Special Recreation District
Attention: District Administrator
P.O. Box 980127
Park City, UT 84098

Park City Municipal Corporation
Attention: City Manager
P.O. Box 1480
Park City, UT 84060

15. Choice of Law:

It is the intention of the parties to this agreement that this agreement and the performance under this agreement, and all suits and special proceedings under this agreement, be construed in accordance with and under and pursuant to the laws of the State of Utah and that, in any action, administrative action, special proceeding or other proceeding that may be brought arising out of, in connection with, or by reason of this agreement, the laws of the Sate of Utah shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction in which any action or special proceeding may be instituted, with the exception that any action arising out of federal law shall be construed in accordance with and under and pursuant to the federal laws at issue.

16. No Waiver:

The failure of either party to this agreement to insist upon the performance of any of the terms and conditions of this agreement, or the waiver of any breach of any of the terms and conditions of this agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

17. Integrated Contract:

This Agreement represents the entire agreement between the parties, and supersedes any and all other agreements or understandings between the parties whether written or oral.

18. Term:

This agreement will be in effect upon its execution by each of the parties indefinitely or upon either parties decision to terminate the agreement after giving six month's notice.

19. No Assignment:

Neither SBSRD or Park City shall assign its rights and duties under this Agreement without the prior written consent of the other party.

20. Modification:

There may be no modification of this Agreement, except in writing, executed with the same formalities as this instrument.

21. Clause Headings:

The clause headings appearing in this Agreement have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to define, limit, or extend the scope or intent of the clauses to which they appertain.

22. Authorization:

The minutes of the SBSRD Board meeting and Park City Council authorizing this Agreement are attached hereto as Exhibit F.

DATED THIS ____ day of ______________, 1997.

SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT

____
Amanda C. Peterson, Board Chair

ATTEST:

____
Sharon Odell, Treasurer

PARK CITY MUNICIPAL CORPORATION

____
Bradley A. Olch, Mayor

ATTEST:

____
City Recorder

APPROVED AS TO FORM:

____
City Attorney's Office

Exhibits are available in Jan's office.