PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 3, 2004

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 3, 2004.

AGENDA

7:30 – 9:00 a.m. Envision Utah Governor's Quality Growth Awards
485 N Canyon Road, Salt Lake City

Work Session – City Council Chambers

4:30 p.m. Council questions/comments
4:45 p.m. Recycling update – Insa Riepen
5:00 p.m. Budget wrap-up:
- Formal adoption of tentative budget
- Resort cities sales tax ordinance

5:30 p.m. Review of regular meeting – meeting questions/comments
5:50 p.m. Break

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

I ROLL CALL

II COMMUNICATIONS FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MAY 13 and 20, 2004

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a plat amendment to the Park City Survey for Lots 13 and 14 of Block 2 of the Park City Survey, located at 255 Park Avenue, Park City, Utah **(motion to continue to June 17, 2004)**

2. Ordinance rescinding Ordinance No. 83-7, 83-7(1) and amending the Municipal Code, Title 4, Chapter 11, pertaining to resort communities sales and use tax procedures and filing requirements

3. Ordinance approving an amendment to subdivide all of Lots 26, 27 and 28 of Block 9 of the Snyder's Addition to the Park City Survey into two lots of record, located at 1024 and 1030 Norfolk Avenue, Park City, Utah

4. Ordinance approving an amendment to subdivide a metes and bounds parcel into two lots of record, located at 601 Deer Valley Drive, Park City, Utah

5. Amendments to Title 4, Chapter 5-3C, regulating Special Event Temporary Beer Licenses, and Title 4, Chapter 6-5, regulating Special Event Liquor Licenses of the Park City Municipal Code

VI CONSENT AGENDA

1. Ordinance rescinding Ordinance No. 83-7, 83-7(1) and amending the Municipal Code, Title 4, Chapter 11, pertaining to resort communities sales and use tax procedures and filing requirements

2. Ordinance approving an amendment to subdivide all of Lots 26, 27 and 28 of Block 9 of the Snyder's Addition to the Park City Survey into two lots of record, located at 1024 and 1030 Norfolk Avenue, Park City, Utah

3. Ordinance approving an amendment to subdivide a metes and bounds parcel into two lots of record, located at 601 Deer Valley Drive, Park City, Utah

4. Amendments to Title 4, Chapter 5-3C, regulating Special Event Temporary Beer Licenses, and Title 4, Chapter 6-5, regulating Special Event Liquor Licenses of the Park City Municipal Code

5. Resolution adopting revised Personnel Policies and Procedures for Park City Municipal Corporation

6. Acceptance of 2004-2005 Pavement Management Program for Park City, Utah

7. Outdoor dining lease with The Eating Establishment located at 317 Main Street

8. Outdoor dining lease with Java Cow, located at 402 Main Street

9. Authorization to increase contract with Theide Construction in the amount of $31,759 for the Park City Library renovation project

VII PUBLIC HEARINGS

1. Revised budget for fiscal year 2003-04; the tentative budget for fiscal year 2004-2005; and the final budget for fiscal year 2004-2005 for Park City Municipal Corporation and its related agencies **(open public hearing, take comment, and continue to June 17, 2004)**

2. Ordinance establishing compensation for the Mayor and City Council for Fiscal Year 2004-2005 in Park City, Utah

VIII NEW BUSINESS

1. Resolution adopting a tentative revised budget for fiscal year 2003-04; the tentative budget for fiscal year 2004-2005; and the final budget for fiscal year 2004-2005 for Park City Municipal Corporation and its related agencies

2. Ordinance establishing compensation for the Mayor and City Council for Fiscal Year 2004-2005 in Park City, Utah

3. Appeal of Planning Commission's March 24, 2004 decision approving modifications to the Deer Crest conditional use permit – Avalon LLC, et al

IX ADJOURNMENT

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

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 10, 2004

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, June 10, 2004.

Posted: 05/31/04
see: parkcity.org

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

June 2004

10 **No meeting**

13 City Park playground ribbon-cutting – 3 p.m.

17 Closed session – personnel
Soil remediation program - work
City/RDA/MBA meetings – public hearings and adoption
Adoption of fee resolution (including water fees)
Telecommunications ordinance – public hearing/action
Ordinance approving a plat amendment to the Park City Survey for Lots 13 and 14 of Block 2 of the Park City Survey, located at 255 Park Avenue, Park City, Utah – public hearing/action
Ordinance to amend Title 11, Chapter 13 - Impact Fees, of the Park City Municipal Code and increase to water user fees
Ordinance – 41 Sampson Avenue plat amendment – Ray
Ordinance – 1889 Prospector Avenue amendment to record of survey plat – Jonathan
Maintenance contract for janitorial services for City-owned buildings - Pace
Ordinance – 1617 and 1621 Lakeside amendment to record of survey plat - Jonathan

24 **No meeting**
Council and staff workshop – 9 a.m. – 5 p.m. – National Ability Center

July 2004

1 Ordinance – 8200 Royal Street East, Stag Lodge Condominiums, amendment to record of survey –Kirsten
Ordinance – 1617 and 1621 Lakeside Condominiums amendment to record of survey plat – Jonathan
Ordinance – 2001 Park City Hotel amendment to record of survey plat – Brooks
Spiro annexation – Kirsten
Hoffman annexation - Kirsten

8 **No meeting**

15 **No meeting**

22 General obligation bond resolution

29

August 2004

5

12 Resolution adopting final budget (tax increase)

19 **No meeting**

26

September 2004

2 **No meeting**

6 *Labor Day*
9
16
23
30

Water Service District – Grant of easement from Iron Mountain Associates
Transit Center Land Match Resolution – Gary
Public safety agencies - planning and education - Phil
Conservation easements – Brooks
City-owned buildings – Pat
January – update on temporary liquor and beer licenses – Alison

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 13, 2004

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Gary Hill, Budget Manager; Colin Hilton, Economic Development Director; Alison Butz, Special Events and Facilities Manager; Lloyd Evans, Chief of Police; Kathy Gammel, Water Manager; and Jerry Gibbs, Public Works Director

Randy Barton, Mountain Town Stages

Council questions/comments - Mayor Dana Williams announced that Park City High School soccer and tennis teams won state titles and congratulated Warren Pretorius and Mike Guetschow for their coaching efforts.

Mayor Williams reported that he had received letters regarding the field complex and thanked everyone for their involvement. He also relayed his discussions with members of the Latino community at a recent adult ESL class at the High School. He passed along compliments from Accommodations Unlimited for the work of the Public Safety Department with an ongoing investigation.

Jim Hier reported that the public meeting for the recreation complex was very well organized. He also attended a COSAC meeting. They are discussing some parcels, but have nothing to report at this point.

Kay Calvert congratulated Max Paap on his promotion to the Special Events Department.

Candy Erickson thanked Colin Hilton for the recent open houses, and thanked Alison Butz and Colin Hilton for their renovation efforts at the Library Center. She attended the Library Board meeting where they set their goals and re-aligned their by-laws to meet state requirements. The state-mandated filtering system will be installed by July 1st. Marianne Cone noted there was really no way to filter sexually-oriented messages.

Joe Kernan had attended the first meeting of Summit County Solid Waste Committee He invited Council members to review the waste plan outline, and advise him if they had topics for future agendas. Joe had spoken with an enthusiastic bike rider who wanted to create jumps in various places and he suggested that he meet with the Recreation Advisory Board to present his ideas.

Temporary beer and liquor licensing amendments – Mountain Town Stages - Special Events Manager Alison Butz, Chief Lloyd Evans and Randy Barton, Mountain Town

Stages were present for the discussion. Staff sought direction from Council for Mountain Town Stages' request for changes to the Municipal Code governing temporary beer and liquor licensing. Ms. Butz reviewed the additional information requested by Council at the April 29, 2004 meeting. She reported that 11 temporary liquor permits and 4 temporary beer permits were issued in 2003. She contacted other municipalities (only Moab, West Valley City and Salt Lake City responded) and none had changed their ordinances in response to the state code changes.

In addition, she reviewed the comparison of the City's current regulations to the proposed regulations contained in the Staff Report. The City allows 4 small-scale temporary beer licenses per year for a maximum duration of 72 hours and no change is requested. The City allows 1 large-scale temporary beer license per calendar year for 30 consecutive days maximum for events with a Master Festival License and duration of more than 4 days. Mountain Town Stages has requested a change to allow 3 licenses, for 30 consecutive day duration, with an expansion of the types of groups allowed to receive the license. The City allows 2 temporary liquor licenses per calendar year for a maximum of 72 hours for events that are a special event, a master festival, or corporation, church, political organization, etc. Mountain Town Stages requests a change to allow 4 licenses for 120 hours duration for the groups currently allowed.

Alison noted that the Staff Report addressed concerns of the Public Safety Department. Chief Evans stressed that he did not oppose the desire to bring this ambience to the community; however, it was his responsibility to keep public safety issues in the forefront and have open discussions about the possible impacts of modifying these ordinances.

Jim Hier asked whether Park City had any events that lasted 30 days. Alison explained there were no events that lasted 30 consecutive days, but some events occurred on multiple consecutive weekends, and could be permitted under the 30-day restriction.

Mayor Williams asked if the Police had experienced issues resulting in arrests following Mountain Town Stages events. Chief Evans responded there were relatively few; however, one issue in trying to quantify these was that the incident may have occurred a distance away from the event itself. Incidents are reported by address and without further research, he could not ascertain how many were directly involved with Mountain Town Stages' events at Miners' Park. He reiterated concern about the potential of all the non-profit groups requesting to maximize the number of permits they could get in a calendar year.

Kay Calvert felt most non-profits held 1 or 2 fundraisers per year, typically in a building. Mountain Town Stages is an anomaly and the code hinders the ability to stage events that would draw more people, or give people a better experience.

Randy Barton stated for the past 3 years he had used all the available permits and he had to move some events out of Park City. He was certain other non-profits would be

interested in the availability of alcohol at events, but most only hold 2 events due to permit restrictions.
Candace Erickson noted her concerns were not with the Mountain Town Stages' programs, but the potential of a large number of permits in effect at a given time.

Joe Kernan asked if it would be helpful for Mountain Town Stages to cover the cost of off-duty patrolmen. Chief Evans explained it was not necessarily the event, but the residual effect as individuals came onto public streets following events. He indicated that any gatherings that involve alcohol and large numbers of people create control issues.

Mayor Williams clarified that permits could be conditioned by Staff, and could be revoked if there were blatant disregard of those conditions. Attorney Mark Harrington felt there was a greater degree of flexibility by allowing Staff to place conditions on an individual basis, rather than amending the ordinance.

Mayor Williams requested public input. There was no public input.

With unanimous agreement, Jim Hier directed Staff to increase the number of permits for Large Scale Temporary Beer Licenses from 1 to 3 (for the same 30 day duration) and to increase the number of Temporary Liquor License permits from 2 to 4, for the same 72-hour duration. There was no change to the process criteria. Council members wished to have an annual review. Ms. Butz stated Staff would return in the future for adoption on an ordinance. In addition, she would return in January, 2005, with a report of permits issued.

Capital Improvement Budget Projects - Gary Hill, Budget, Debt and Grants Manager, and Colin Hilton, Economic Development and Capital Projects Manager were present for the discussion.

Gary Hill, Budget, Debt and Grants Manager, discussed upcoming budget review topics, which would culminate in presentation of the budget for tentative approval on June 3rd, and final adoption on June 17th. Although two members of Council would be absent on June 3rd, a quorum will be present, and Manager Bakaly noted the final budget must be adopted before June 22nd. Adoption of the tentative budget on June 3rd, allows 10 days for the public's review prior to final adoption.

Gary Hill explained the change in direction for funding Capital Improvement Projects (CIPs). In the past, there had been a tendency to consider some CIP accounts as "pots of money" waiting for projects and this resulted in a piecemeal approach to some of the projects. The Old Town Improvement Study enabled Staff to consider long-term needs and earmark resources for identified needs. Council's approval of the budget would not constitute approval for construction and they will have several opportunities to consider each of the projects as progress toward design takes place.

Gary Hill explained that Staff researched controlling language for the Parks and Ice Bond. The Proposition stated, in part, "bonds to construct an ice facility and make park improvements". The voter information pamphlet noted that "Citizens have also expressed a desire to improve and increase the number of neighborhood parks…. proceeds from the bond would be used for these upgrades." Staff recommends allocating the bond proceeds between neighborhood parks, City Park and the Recreation Complex. Staff will address this in detail on May 20^{th}.

<u>Downtown Enhancements</u> - The Staff report outlines all CIP projects and recommended funding, as well as descriptions for each project, and a matrix delineating alternatives for funding. Staff's recommendation is <u>Alternative #4 Accelerated</u>.

Mr. Hill explained the accelerated nature of the projects helped Staff consider alternative methods of funding. A key piece of Staff's strategy is a 15 year extension of the Main Street RDA, which is due to expire in FY 2006. This would generate $8.5 million, the majority of which would go toward funding the parking structure, town plaza and reconstruction of Prospect Avenue; and, free up other monies that would be consumed by the downtown projects. In order to extend the RDA, other affected taxing entities must be notified and a board convened, from which a majority vote is required. Staff recommends beginning the RDA extension process concurrent with the adoption of the Tentative Budget.

At Joe Kernan's request, Gary explained that when RDA's are created the property tax rate is frozen and any growth that occurs as a result of increased property values is retained by the RDA and used for redevelopment in that area. He emphasized that Park City pays the school district almost the entire amount they would have received if there were no RDA.

Colin Hilton emphasized the timing, funding and location of the Town Plaza, Parking Structure, Marsac Building Upgrade and Public Safety Complex projects were interrelated and each project is outlined in major project summaries attached to the Staff Report. He also briefly reviewed the extended RDA/Downtown Enhancement Projects and explained rationale, timing, identified funding sources and funding impacts of the projects. He noted they were key to the City-wide goals and strategies for economic development and were enthusiastically supported at the open house.

Mr. Hilton referred to Project 715, Downtown Enhancement/Design which has $850,000 earmarked in FY 2004 for a number of studies related to the downtown projects. He emphasized it was important to plan these areas under a master planning process, the first step of which would be geo-technical and environmental impacts and traffic mitigation/traffic circulation review to collect information before the full-fledged design RFP. Manager Bakaly stressed Staff would need Council's direction by early June. Jim Hier felt it was appropriate to proceed.

Joe Kernan felt there would be many different decisions to be made as during the design process and asked whether the enhanced pedestrian features were included in this budget. Colin noted they were suggestions from the task force and the Plaza could incorporate some of them.

Mayor Williams expressed concern about spending funds for studies at Snow Creek for public safety, since there was a feeling some public safety element should remain at Marsac. Manager Bakaly believed the stand-alone research might be useful for consideration with research for this building, i.e., an annex.

Marianne Cone asked Staff to consider design options that would create aesthetic enhancements on the top of China Bridge.

Water Fund and Rate Increase - Gary Hill reviewed operating requests from the Water Department, which include budget reductions consistent with the rate study, increased budget to match current assessments to the Weber Basin Water District, and reclassification of two water worker positions in the FY2004 budget.

Kathy Gammell, Water Manager, explained that a review of the status of the water O&M and capital budgets caused concern regarding the funding of capital projects so they asked Giardina and Associates to re-evaluate the fund's expense and revenue. The study demonstrated that: impact fees were nearly $1,000,000 less than estimated; projected revenues decreased by $155,000 as a result of water conservation; and, interest income was $176,000 less than projected, due to decreased revenues. In addition, debt service payments were underestimated by $300,000 and estimated grant proceeds, which had been included in revenue for calculation of the debt coverage ratio in the past, were not allowed in the recent calculation

As a result, Kathy stated Staff had reduced the O&M budget; deferred some projects and vehicle replacement; and deferred additional staffing until 2006. They also deferred the two Boothill projects to FY 2008 and FY2009. Staff recommends a 20% increase in water rates in FY 2005, to be applied straight across the board. They will consider incremental increases in future years, but want to see the effect of the '05 increase. She reported that only two people had attended the public hearing about a rate increase. They plan to adopt the water rates on June 17th, with the budget. She also reported that Staff was recommending a 50% reduction in impact fees as an incentive for installation of drip irrigation systems in new construction.

Jim Hier asked about the allocation of additional debt service for the Public Works Building of $332,000 mentioned in the Giardina letter. Jerry Gibbs, Public Works Director, explained they conduct a considerable amount of water business there, and the water funds portion of the debt service was deemed to be appropriate for repayment of debt on the building, in addition to funds from transportation and the general fund.

Jim Hier noted that in FY 2007-08 the comparison of debt service payments jumps from roughly $300,000 to $500,000. He asked if it were based on the assumption the Boothill projects were added and debt service on those was deferred. Gary Hill noted water revenue bonds would be issued about that time.

Jim Hier commented they had established a 20% cash reserve, in addition to the 1.4 debt ratio, and asked why the cash reserve was so large compared to the debt ratio. Staff agreed to inform him what makes up the cash reserve and what it is a percentage of, as well as criteria regarding the debt ratio.

Mark Harrington advised Council that the findings prepared for the appeal should reflect direction given at the last meeting. Since he had not received any input, he wanted to make sure Council was comfortable with them.

Prepared by Sharon Bauman

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 13, 2004

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order to 6:00 p.m. at the Marsac Municipal Building on Thursday, May 13, 2004. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier and Joe Kernan. Staff present were Tom Bakaly City Manager; Mark Harrington, City Attorney; Gary Hill, Budget, Debt and Grants Manager; Colin Hilton, Economic Development and Capital Projects Manager; Kathy Gammell, Water Manager; Alison Butz, Special Events and Facilities Manager; Eric DeHaan, City Engineer; and Patrick Putt, Planning and Zoning Administrator.

II COMMUNICATIONS FROM COUNCIL AND STAFF

Joe Kernan announced that the debut for Dinosaur Water would be held at Ken's Kash in Oakley on Saturday.

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

John Tanner, Congressman Bishop's district office, introduced himself and noted he would be attending Council meetings once a month to stay abreast of the City's activities.

<u>Mountain Mediation Center</u> - Lisa Dator and Natalie Segall distributed information about various programs the Center offers. Theirs is the third center in Utah and is the first community mediation center. Mark Harrington clarified that the City is funding some administration costs during the start up phase.

The Mayor requested input from Deer Valley Drive residents if their issues were other than the Deer Valley Concert Series.

<u>Flagstaff construction mitigation plan</u> - Patricia Constable, 25 year resident on Deer Valley Drive, questioned the decision to have Flagstaff traffic travel up Marsac and down Royal Street and onto Deer Valley Drive. She understands that Deer Valley Drive is a corridor to a major entertainment area in Park City, but she feels the burden of uphill and downhill traffic should be shared.

Patrick Putt, Planning and Zoning Administrator, explained that Construction Mitigation Plans for two Flagstaff projects currently under construction routed trucks up the mine road and down Royal Street, exiting onto Lower Deer Valley Drive. However, the overall Flagstaff Construction Mitigation Technical Report has been amended and each future Conditional Use Permit application will require approval of a construction mitigation plan that includes truck routing, and the applications will be discussed in public hearings before the Planning Commission.

Mr. Putt could not predict the number of truck trips per day, but the Conditional Use Permit review provides an opportunity to consider all active projects and to develop alternatives so that no one neighborhood has to unduly carry the burden.

Ms. Constable expressed concern about the removal of hazardous waste materials. Jim Hier clarified that a decision had not been made whether to keep them on site or truck them out. Manager Bakaly stated it would be Staff's recommendation to work with the mining company to haul the materials out of town; and, for economic reasons, they would come down Marsac, if that were decided. There are with conflicting neighborhood interests as it relates to construction traffic that will need to be balanced. .

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 29, 2004

Jim Hier, "I move we approve the work session notes and minutes of the meeting of April 29, 2004". Kay Calvert seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1, Hoffman annexation plat **(motion to continue to a date uncertain)** - Jim Hier, "I move we approve this item to a date uncertain." Candace Erickson seconded. Motion unanimously carried.

2. Amendments to Section 15-2.20-5, Entry Corridor Protection Overlay Zone to the Park City Land Management Code **(motion to continue to May 20, 2004)** - Kay Calvert, "I move we continue this item to May 20, 2004". Marianne Cone. Motion unanimously carried.

3. Men's Rugby National Sevens Championship MFL – August 14 – 15, 2004 – City Park - See staff report. The Mayor invited public comment. There was none.
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4. Summer Concert Series at Deer Valley MFL – Wednesdays from June 30 through September 1, 2004, excluding August 11, 2004 – See staff report. The Mayor invited public comment.

Jeb Griffith, 521 Deer Valley Drive, expressed concern about the impacts from increased traffic flows generated by the concert series and other activities occurring in Deer Valley. He also mentioned a recent increase in construction truck traffic. City Engineer Eric DeHaan explained that the April Mountain developer was removing 50,000 cubic yards of dirt with traffic circulating down Mellow Mountain Road and traveling out on Deer Valley Drive Mr. Griffith commented on the sense of camaraderie in Old Town and emphasized he wanted to participate in the process of making Deer Valley Drive safer for its residents.

Manager Bakaly noted that Staff has received a request from this neighborhood under the Administrative Policy for Neighborhoods Needs Assessments Policy. Information will be presented to Council in the coming weeks.

VI CONSENT AGENDA

Kay Calvert, "I move we approve the Consent Agenda". Jim Hier seconded. Motion unanimously carried.

1. Men's Rugby National Sevens Championship MFL – August 14 – 15, 2004 – City Park - See Staff Report.

2. Summer Concert Series at Deer Valley MFL – Wednesdays from June 30 through September 1, 2004, excluding August 11, 2004 – See Staff Report.

3. Resolution proclaiming May 15, 2004 as Arbor Day in Park City, Utah Planting day at City Park. See Staff Report.

4. Ratification of findings of fact and conclusions of law of the City Council meeting of May 6, 2004 concerning the matter of the Bamberger Appeal. See Staff Report.

VII PUBLIC HEARINGS

1. Revised budget for fiscal year 2003-04; the tentative budget for fiscal year 2004-2005; and the final budget for fiscal year 2004-2005 for Park City Municipal Corporation and its related agencies. See Staff Report and work session notes.

Gary Hill, Budget, Debt and Grants Manager explained they were reviewing some of the Capital Improvements Budget and the discussion centered on proposed funding for Downtown Improvements. He reported that Staff recommended extending the Main Street RDA for 15 years, which would help to provide funding for the parking structure ($5.3 million); the Town Plaza, in part ($2.5 million); and reconstruction of Prospect Avenue. Other projects contemplated in the budget include seismic and ADA upgrades and rehabilitation of the Marsac Building and the Public Safety Building ($2.5 million).

The Mayor invited the public to comment.

Rick Anderson, President of the Main Street Business Alliance, stated the Alliance supported the China Bridge and Town Plaza proposals. He stressed that Main Street was essential to the existence of Park City as a tourist destination and improvements in parking, as well as the enhanced tourist experience, were essential to maintaining the vitality to the downtown business district. The Mayor closed the public hearing.

Candace Erickson, "I move we approve continue the public hearing to May 20, 2004". Marianne Cone seconded. Motion unanimously carried.

2. Ordinance amending Title 11, Chapter 13 - Impact Fees, of the Park City Municipal Code and Resolution amending Section 2, Water Fees, of the Park City Fee Resolution **(open public hearing, take comment, and continue to June 17, 2004) See staff report and work session notes** - Kathy Gammell, Water Manager, explained the Water Department requested a 20% increase in water fees for FY 2005 in order to address shortfall in revenue and many capital projects that are scheduled. Mayor Williams emphasized that water conversation efforts last year created a $150,000 decrease in revenue.

The Mayor invited the public to comment.

Brent Gold expressed his frustration that the fee structure did not reward people for their conservation efforts.

The Mayor closed the public hearing.

Jim Hier, "I move we continue the public hearing to June 17, 2004". Candace Erickson seconded. Motion unanimously carried.

3. Ordinance vacating of a portion of Crescent Tram, located at 650 Woodside Ave, Park City, Utah - Planning and Zoning Administrator Patrick Putt explained Council was holding the public hearing in response to an application from Lowell Brown, Jr. and Fred Moore, for the City to abandon its interest in a segment of historic Crescent Tram between Park Avenue and Woodside Avenue. Mr. Putt explained that Utah Municipal Code requires City Council to take final action on vacation requests, subject to criteria outlined in Section 10-8-8.1, i.e., there is good cause for the action, and the action will not be detrimental to the public interest. As explained in the Staff Report, the recommendation is for Council to refer the request to Planning Commission for consideration during the subdivision and steep plat CUP review of this parcel. That would allow additional public input and consideration of alternatives for site development.

Marianne Cone stated she had received input from neighboring owners. Mr. Putt noted some input was included in the packet, and clarified that two adjacent owners stated they did not receive notice, although their names were on the mailing list in the file.

City Attorney Mark Harrington clarified that Council is required to hold a public hearing for the petition to vacate because the Subdivision Code does not govern this action. In addition to prescriptive rights the City asserts, the City also asserts dedication by public use for 10 years. Jim Hier asked whether it was required that the Council be petitioned for the vacation prior to review by the Planning Commission. Mr. Harrington explained they could have requested that concurrent with the plat issue, however, the applicants preferred to make the request of Council.

Brent Gold, representing the petitioner, explained they had discussed submitting this to the Planning Commission, but by statute it is the prerogative of City Council. Under their proposal, the petitioner would grant a dedicated 20' easement to the City across the southerly portion of Lot 30 and would convey Lot 8 to the City. In addition, at their cost, they would relocate the city water lines into a deeded easement for a new water line from Woodside Avenue to Park Avenue and would construct a stairway through Lot 30 in the easement. He emphasized they could not move forward with site planning until they resolve the road issue.

The Mayor closed the public hearing.

Marianne Cone asked if vacation of this portion would affect the other portions of Crescent Tram. Patrick Putt explained each request for street closure would require a separate legislative decision.

VIII NEW BUSINESS

Direction on Ordinance vacating of a portion of Crescent Tram, located at 650 Woodside Ave, Park City, Utah - Jim Hier expressed discomfort in making the required determinations (that there was good cause for the action and that the action would not be detrimental to the public interest) without having the Planning Commission review it in context of the plat amendment and steep slope analysis. He was comfortable following the Staff recommendation.

Joe Kernan, "I move we refer this matter to the Planning Commission for review and recommendation in conjunction with the review of the 650 Woodside Plat Amendment." Kay Calvert seconded. Motion unanimously carried.

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned at 7:40 p.m.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Kay Calvert, "I move to close the meeting to discuss personnel and property". Jim Hier seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m.

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

Prepared by Sharon Bauman

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 20, 2004

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

Tom Bakaly, City Manager; Gary Hill, Budget Manager; Colin Hilton, Economic Development Director; Ken Fisher, Recreation Manager; Eric DeHaan, City Engineer

1. Council questions/comments. Candace Erickson reported on a meeting held by the Legislature during the week on a variety of water related issues facing the state of Utah. She urged fellow Council members to participate in the monthly employee golf tournaments. Marianne Cone discussed her visit to Deseret Ranch comprised of 450,000 acre. Kay Calvert commented on the offender review board meeting she attended, where parolees are introduced to the community through the Police Department and Sheriff's Office. Mayor Williams thanked the Police Department for attending an Aspen Springs HOA meeting where the neighborhood watch program was discussed. He complimented staff on the completion of the tot lot at City Park and added that he will be participating on a panel tomorrow on renewable energy.

2. Budget overview. Gary Hill discussed the status of the budget schedule and the material covered. He referred to Page 65 in the packet regarding the proposed distribution of parks/ice bond proceeds in the amount of $4 million. Staff is recommending allocating $2 million to ice, $1.2 million for neighborhood parks, $300,000 for City Park, and $500,000 for the fields complex. It is proposed to use the lower Park Avenue RDA tax increment monies and City Park CIP funds for the Quinns Junction recreation facility. He explained that recreation and affordable housing are two categories where RDA funds can be used outside the RDA project boundaries. Table 2 in the report, outlines recommended funding for the recreation complex; the total project cost is $6.5 million and current funding sources amount to $5.7 million. There was discussion about selling the Imperial Hotel to raise assets for this project. Tom Bakaly explained that if the hotel is traded to the Air Force, the City would use open space bond proceeds to reimburse the General Fund. Assets from the sale of the Watts property are earmarked for the proposed downtown plaza project.

Colin Hilton explained that the recreation complex is proposed to be located on 80 acres of City-owned land adjacent to the National Ability Center near Quinns Junction. The facility could accommodate two to three softball/baseball fields; four to five rectangular fields for soccer, lacrosse, rugby, etc.; and the $4 million regional ice facility, of which the City's share is $2 million. The request for FY 2005 is $3.7 million followed with annual $500,000 increments. Adopting the proposed budget would allow the design and planning to proceed to another level. He clarified that the regional ice task force was charged over the past six months to review uses of City-owned property at Quinns, and those recommendations are included in the staff report. The location of the regional ice rink at Quinns, rather than The Canyons, is a new concept based on rationale including a reduction in lower forecasted construction and operating costs. Lower design and construction costs would allow for better interior components and accommodating the City in its management of the design, construction and operation of the facility. This is preferable to the original concept of forming and empowering a new organization. The access to Quinns Junction is favored to eliminate further impacts to traffic flow on SR224. Additionally, there has been limited progress on development plans at The Canyons and it is felt that Quinns would better accommodate the design and construction of ice and expansion if a second sheet is needed. He stated that on May 10, over 70 people attended a public meeting on the recreation complex and staff was encouraged to see that over 97% of those filling out the survey were supportive of a recreation complex at the City-owned property at Quinns Junction. Seventy-seven percent supported ice as being part of the facility, and 84% agreed with the task force recommendations. Mr. Hilton stated that staff is recommending completing a wetland study and site survey, enter into an RFP process to contract a design team, and engage in phased construction of the fields complex in Spring 2005, with ice being one of the components. In response to a question from Jim Hier, Gary Hill explained that $5.7 is budgeted for the project this year. For the benefit of Kay Calvert, Mr. Hilton explained that there needs to be another level in planning to determine what occurs in each phase with input from the School District and SBSRD.

Candace Erickson asked how fellow Council member felt about using lower Park Avenue RDA money for recreation at the Gillmor site. The City Manager acknowledged that the City has never used RDA increment outside of the RDA district. He explained that after reviewing the language in the voter information pamphlet on the bonds, it seemed more appropriate to support City Park with that source. Ms. Erickson understood that it is legal, but from an ethical standpoint, there may be future needs in the lower Park Avenue area that won't have the benefit of this funding source. Kay Calvert felt that there are other options that may be available. Marianne Cone suggested phasing the projects over a longer period of time and analyze what spending $3.7 over two years buys the community. Mr. Hilton advised that in order to better determine that approach, there needs to be a more detailed design process which is slated this summer and fall. Gary Hill clarified that the total project amount is earmarked to a capital improvement account. Mr. Hier expressed that he is comfortable using the lower Park Avenue RDA money, because nothing is identified for its use at this point. Colin Hilton added that the regional ice committee recommends entering into an inter-local agreement with SBSRD to define its interest in the recreation complex to be executed by the end of June.

Gary Hill referred to Page 66 of the staff report regarding projects in City Park. In 2004, $850,000 was budgeted. In 2005, $350,000 from the parks and ice bond, and an additional $200,000 over the next two years from lower Park Avenue RDA will be allocated. The projects identified by the Recreation Advisory Board include expansion of the skate park, curb and gutter for a portion of City Park, and playground equipment. This leaves about $800,000 for future projects and RAB will be identifying additional projects for City Park, which will be a part of the CIP prioritization process. Ken Fisher reported that in September, Council directed staff and RAB to proceed with soliciting public input and preliminary designs on an expanded skate park in the drilling and mucking area of the park. Public input was rendered in March with the general consensus to build a larger street plaza that meets a wide range of users. Adding 8,000 square feet of skating surface and associated features is estimated at $275,000. The RFP will include a shade structure, skate park traffic flow analysis, skating elements for a wide range of abilities, and design of a drop-off and pick-up zone. Staff will return to Council for contract approval.

Mr. Hill referred to additional CIP projects, which include open space purchases, replacement of the tennis bubble in 2006, and acquisition of finance and e-commerce software. The software is budgeted at $750,000. Mr. Hill explained that the current finance server is outdated and the manufacturer will no longer provide technical support or parts. In essence, the hardware is obsolete. There was discussion about the Old Town stairs project, and Matt Twombly explained that most of the funding for the trailhead at McPolin Farm is budgeted in the associated CIP fund account and there is also a trails account, which could supplement costs. In consideration of the circulation of traffic with a new entrance to an expanded parking structure, Council member Hier asked the status of the Hillside Avenue project. Eric DeHaan acknowledged that although there is $600,000 budgeted, it is not enough to reconstruct the street. The downhill retaining walls are failing and the money is set aside in the event of a catastrophic event. He emphasized that there is a lack of neighborhood support to reconstruct Hillside Avenue. Colin Hilton stated that Mr. Hier brings up a good point with regard to analyzing traffic circulation as a part of any downtown enhancement project.

Gary Hill referred to the section of the staff report dealing with the history of the Mayor/City Council compensation issue raised last spring. Staff brought information back to the Council in July who directed the formation of a citizen task force to render recommendations on compensation levels and comparisons. The task force returned on September 25 and presented its philosophy and recommendations to Council. The task force compared compensation with similar resort communities by way of population and form of government. The task force averaged the top five compensation levels in the peer group as a benchmark and based on this data, the recommendation is to increase the City Council's compensation/benefit package by $3,000 per year. However, it was discovered that the Mayor's salary is commensurate with other communities in the peer group. The committee also recommended that the Mayor and Council have the option of electing a benefit/compensation package, which equals the recommended compensation figure. On November 13, a public input meeting was held and on December 4, the results were presented to Council. Council's direction was to follow the task force's methodology and recommendations with the exception that modifications occur during the spring budget review. In the meantime, staff updated peer group numbers, which didn't change very much.

The Budget Manager explained that the Mayor and Council receive a stipend and single health benefits. If there are no other modifications other than the 2% approved last year, in 2005 the Council would receive $14,000 and the Mayor $23,000. In many of the other surveyed communities, elected officials received family medical insurance. The City Manager's recommendation is a departure from the task force recommendation, by offering family health insurance to members and increasing the Mayor's car allowance by $150 for a total of $250 per month. This is comparable to other car allowances for mayors in the Wasatch Front group. This strategy will increase the City Council's total compensation by 47% or $6,626 and the Mayor's package by 36% or $8,426. Gary Hill continued that it is intended that the compensation for the Mayor and Council remain constant, but be reviewed every two years until the peer group reaches the same levels. The City Manager's recommendation is identified as Option 1.

Option 2, formulated by Council members Hier and Kernan, proposes that the Council and Mayor reduce their salaries by $2,489 if family medical is selected. This places Council's compensation at the same level as the average of the top five cities in the peer group. Option 3 is the task force recommendation. Jim Hier stated that Option 2 should include a requirement for documentation of mileage, which is the basis for reimbursement. He felt it important to stay within the range of compensation of the peer groups, and supported reducing salaries accordingly if family medical insurance is elected. Joe Kernan pointed out that Council members gave up a 2% raise last year and supports Option 2 without any requirement for tracking miles. Kay Calvert felt that a $250 per month car allowance for the Mayor is appropriate. She didn't feel Park City should be compared with some cities in the peer group because they're not the same size. Mr. Hill explained that populations of the peer group fall within 5,000 to 15,000, putting Park City in the middle. Council member Calvert stated that resort towns and their challenges are unique. Gary Hill agreed and felt that the task force chose to benchmark other resort communities for the same reasons. The Mayor suggested keeping a mileage log for a couple of months to determine an average. Jim Hier clarified that his concern is that he doesn't know if $250 is high, low, or accurate; it was arbitrarily arrived at and he is not comfortable with this approach. Reimbursement should be based on specific expenses, which is easily defined.

Mayor Williams felt there are major flaws in the methodology employed by the task force. Budgets, cost-of-living multipliers, time demands, etc. were never considered. He felt that elected officials in other communities should have been contacted about their individual time commitments. The Mayor stated that he could not find any information on raises for the Mayor and Council over the past 25 years. Mr. Hill explained that over the last 15 years, there has been an average 2% cost-of-living increase. The Mayor added that he doesn't agree with the task force's position that this is not a job, but public service. Running for office is exclusionary for many people in the community who cannot commit to another full-time job, which may offer health benefits. Kay Calvert agreed. Jim Hier stated that he believes serving on council is a voluntary community service position. Members should not be compensated by the number of hours expended, which is impossible to quantify or compare with other communities. He noted the amount of time contributed by Planning Commission members, who are compensated $100 per meeting. Time spent has nothing to do with the compensation they receive; it's a commitment to make Park City a better place and that is the reason he ran for office. The Mayor felt that all Council members ran for the same reason. Kay Calvert agreed that Council members didn't run for financial gain, but has a philosophical issue with the insurance coverage. She felt that Park City is always trying to catch up with the peer group and that the City should take a leadership role in compensating elected officials. Jim Hier pointed out that if Aspen were removed from the average, the salary range would be dramatically different. The recommendation is to review compensation in tandem with the pay plan so that Park City meets the average. Kay Calvert argued that we're always going to be behind. Marianne Cone pointed out that the commitment and performance of individual council members and mayors over the years has varied. She felt this group takes on a lot of responsibility and feels the Mayor deserves a raise.

Candace Erickson stated that she was pleased to see Option 2 because it makes a distinction that elected officials are not employees and are not entitled to benefits. The salary is a stipend for conducting City business. Health insurance should be available for members to acquire but it should not be a benefit for elected officials. Jim Hier emphasized that Option 2 includes the cost of health insurance, but reduces salaries accordingly. If a member declines the insurance, the premium is added to the stipend, which meets the average compensation determined by the task force. Marianne Cone stated that as a School Board member, her husband receives full medical insurance but a low salary. Ms. Erickson indicated that she has struggled with this issue, but strongly feels that the amount of time spent on City business is a member's choice. This has consistently been her position and she will not vote for a raise. She knew what the compensation was when she ran for office. Kay Calvert asked why pay anything. Ms. Erickson pointed out that if Aspen was excluded in the comparison, Park City would be higher than the average. Joe Kernan felt that comparison cities are not like Park City. It is difficult to find compelling data to make a decision, but the Council and Mayor should be paid fairly. Additionally, the cost-of-living in Park City has increased more than 2% annually. He stated that he feels Option 2 is the best compromise. It was pointed out that there is a public hearing scheduled on the agenda tonight.

Jim Hier stated his preference for Option 2 as written, with documentation of mileage over the next several months to establish an appropriate car allowance. Tom Bakaly added that it would be helpful to provide direction on the methodology for future comparisons as the task force only used resort communities not the Wasatch Front, which consists of about 60 cities. Orem and St. George increase the average salary for the Mayor and excluding them drops the average down to the resort cities amount. Gary Hill explained that the peer group would consist of about 60 cities, which would include several Colorado communities. The top five are identified and the average is used as the benchmark. Mr. Bakaly noted that this is the strategy for staff salary data and consistent with Option 2. Joe Kernan believed this is a good approach and supports using the same process used for staff for collecting salary information for elected officials. See public hearing.

3. Review of regular meeting. Tom Bakaly invited comments or questions on the two pre-annexation agreements under the Consent Agenda. He explained that the documents set forth time frames for a process and in no way commits the City to the annexations. These agreements act as letters of intent. Jim Hier understood that these are not legally required, but pointed out that the Hoffman and Spiro annexations did not have pre-annexation agreements. There was discussion about acceptance of the annexation petition by the Council to officially begin the annexation process.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 20, 2004

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 20, 2004. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; Breena Hathaway, Administrative Assistant, Ray Milliner, Planner; Brooks Robinson, Planner; Jonathan Weidenhamer, Planner; and Kirsten Whetstone, Planner.

II COMMUNICATIONS FROM COUNCIL AND STAFF

Citizen survey prize drawing – Breena Hathaway explained that the people who responded to a survey in the Citizen's Guide by May 15 became eligible for a prize drawing. The City received a total of 275 responses. Council members drew names of the winners, which will be disclosed at a later date.

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

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 6, 2004

Kay Calvert, "I move to approve the work session notes and minutes of the meeting of May 6, 2004". Marianne Cone seconded. Motion carried unanimously.

V RESIGNATIONS AND APPOINTMENTS

Appointment of seven members to the Public Art Advisory Board for two year staggered terms to be determined – Mayor Williams thanked all 15 residents for applying and recommended the appointment of Ron Butkovich, Julie Hopkins, Kathleen Metcalf, Susan Packard, Peter Roberts, Bianca Mead, and Carol Potter. Candace Erickson, "I so move". Marianne Cone seconded. Motion unanimously carried.

VI CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving the subdivision of the property known as the R J Long Subdivision, located at 1483 Park Avenue, Park City, Utah – Ray Milliner explained that the applicant is proposing dividing one lot into two, not to increase the density but to redistribute the density. Staff reviewed the application and is recommending approval by the City Council, following a public hearing. The Mayor opened the public hearing. There was dialog with an unidentified person in the audience about the proposed

development having access to Park Avenue. He declined to make a formal comment but stated that his adjacent property does not have access from Park Avenue and must use Woodside. With no further comments or questions, the public hearing was closed.

2. Amendments to Section 15-2.20-5, Entry Corridor Protection Overlay Zone to the Park City Land Management Code – Brooks Robinson explained that this is a 250 foot overlay zone on SR224 north of Holiday Ranch Loop and Payday Drive, SR224 south of Prospect, and on SR248 east of Wyatt Earp Way. There is a provision prohibiting development within 100 feet of the edge of the right-of-way, with the exception of sidewalks and trails. Given the locations of the Farm trail and Rail Trail, future trail connections and trailheads are anticipated in the entry corridor, which are provided a 30-foot setback. The Planning Commission felt it important that trailhead parking be reviewed as a conditional use. Hearing no input from the audience, the Mayor closed the public hearing.

3. Ordinance approving the first amended condominium plat of Snow Flower Condominiums, located at 401 Silver King Drive, Park City, Utah – Jonathan Weidenhamer explained that when the owner tried to sell his unit, it was discovered that the survey didn't accurately reflect the configuration of his unit, as the loft is not indicated. The Planning Commission forwards a positive recommendation and staff recommends approval. In response to a question from Mayor Williams about the total project being re-platted, Mr. Weidenhamer responded that the HOA was not supportive and the applicant is anxious to sell his unit. Hearing no further questions or comments from the public or the Council, the Mayor closed the public hearing.

4. Ordinance approving the 501 Woodside Subdivision to combine Lot 1 of Block 27 of the Park City Survey and a three-foot section of vacated Fifth Street City right-of-way into one lot of record – Ray Milliner stated that the combination of lots will accommodate rebuilding an historic home. The Planning Commission reviewed the application and forwards a positive recommendation. In response to a question from Marianne Cone, Mr. Milliner explained that a portion of Fifth Street was vacated in 1992. The Mayor opened the public hearing and hearing no input, closed the hearing.

5. Ordinance approving an amended record of survey for Stag Lodge Condominiums Phase I, II, and III, located at 8200 Royal Street East, Park City, Utah – Kirsten Whetstone explained that there have been many modifications made over several years to units in the Stag Lodge Condominiums. In June 2002, the City Council amended the plat for similar reasons but it was recently discovered that the air space under existing decks and roofs has not been described accurately on the condominium plat. The HOA is the applicant and there was no public input at the public hearing held by the Planning Commission. Hearing no public input from the audience or the Council, the public hearing was closed.

VII CONSENT AGENDA

Mayor Williams emphasized that the two pre-annexation agreements on the Consent Agenda are merely letters of intent to begin discussions on annexing these properties. Jim Hier, "I move approval of the Consent Agenda Items 1 through 7". Kay Calvert seconded. Motion unanimously carried.

1. Ordinance approving the subdivision of the property known as the R J Long Subdivision, located at 1483 Park Avenue, Park City, Utah – See staff report and public hearing.

2. Amendments to Section 15-2.20-5, Entry Corridor Protection Overlay Zone to the Park City Land Management Code – See staff report and public hearing.

3. Ordinance approving the first amended condominium plat of Snow Flower Condominiums, located at 401 Silver King Drive, Park City, Utah - See staff report and public hearing.

4 Ordinance approving the 501 Woodside Subdivision to combine Lot 1 of Block 27 of the Park City Survey and a three-foot section of vacated Fifth Street City right-of-way into one lot of record - See staff report and public hearing.

5. Ordinance approving an amended record of survey for Stag Lodge Condominiums Phase I, II, and III, located at 8200 Royal Street East, Park City, Utah = See staff report and public hearing.

6. Acceptance of pre-annexation agreement with Quinns Junction Partners – See staff report.

7. Acceptance of pre-annexation agreement with Burbs LLC – See staff report and work session notes.

VIII PUBLIC HEARINGS

1. Revised budget for fiscal year 2003-04; the tentative budget for fiscal year 2004-2005; and the final budget for fiscal year 2004-2005 for Park City Municipal Corporation and its related agencies **(open public hearing, take comment, and continue to June 3, 2004)** – The Mayor opened the public hearing. Hearing no comments or questions from the audience or the City Council, the public hearing was closed. Jim Hier, "I move to continue the public hearing to June 3, 2004". Candace Erickson seconded. Motion unanimously carried.

2. Ordinance establishing compensation for the Mayor and City Council for Fiscal Year 2004-2005 in Park City, Utah **(open public hearing, take comment, and continue to June 3, 2004)** – Mayor Williams invited the public to comment.

Dave Staley, resident, felt that the compensation comparisons are fair based on the model and the efforts of the task force should be commended. However, he does not agree with the outcome and pointed out that the budget wasn't a factor. Park City's budget of $30 million is unique from other towns of our same population. He added that we don't do things like everyone else and cited several examples and suggested that Park City set a new standard. He disclosed that he has considered running for office but could not support his family on this salary and it is also not an option for his wife who is interested in serving the community. Mr. Staley suggested comparing Park City Municipal Corporation with a private $30 million company. It is simple to calculate the time devoted to City business in a week, look at compensation salaries for boards of directors of $30 million companies, and calculate the percentage of the average salary based on the number of hours entailed. This could be used as a baseline for Park City elected officials. A salary of $25,000 a year, which is minimal, represents only 5/10ths of 1% of a $30 million budget.

Dick Fontaine, resident and compensation task force member, pointed out the importance of evaluating the position not the person. He felt it reasonable to compare Park City salaries with similar communities and there was a lot of committee discussion on describing the position as a public service or volunteer job with pay. People serving on non-profit boards for KPCW, the Egyptian, KAC, etc. aren't paid at all, but make significant contributions to the community. He added that two former Council members served on the committee and agreed that holding office is public service. Whatever system is supported, it should be replicable so the methodology is consistent and can easily be updated every couple of years.

With no further comments, the Mayor closed the public hearing and asked for a motion to continue. Jim Hier, "I so move". Joe Kernan seconded. Motion unanimously carried.

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

City Council Staff Report

Subject: 1024 /1030 Norfolk Avenue
Date: June 3, 2004
Type of Item: Plat Amendment

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving it according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

DESCRIPTION

Name:	1024 / 1030 Woodside Avenue
Project Planner:	Ray Milliner
Representative:	Peter Barnes
Owner of Property:	Jamie and Kathleen Thomas
Location:	1024 / 1030 Norfolk Avenue
Zone:	Historic Residential (HR-1)

BACKGROUND

The applicant is the owner of lots 26, 27 and 28 of Block 9 of the Snyder's Addition to the Park City Survey. He is requesting that the Planning Commission review and approve an amendment to the plat to combine the three lots into to two (thereby creating two 37.5' x 75' lots). If approved, the applicant is proposing to construct a single-family home on each of the new lots. The Planning Commission reviewed this application on May 26, 2004, and a positive recommendation was sent to the City Council.

ANALYSIS

The property is located in the HR-1 zone. If approved, the application will create two lots of approximately 2,812 square feet. The proposed single-family homes are allowed uses in the HR-1 zone provided they meet the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines. The maximum building footprint on a lot of this size is 1,201 square feet, and must meet the minimum setback requirements of 3' on the sides and 10' in the rear and front. Both lots will have access from Norfolk Avenue and approximately 37.5 feet of linear frontage on said avenue. Portions of the property have a slope of greater than 30% and therefore any application for a single-family home in excess of 1,000 square feet will require review and approval by the Planning Commission as part of a steep slope CUP. The proposed lot sizes and configurations meet the necessary standards required by the LMC subdivision requirements.

There is an existing foundation / basement that was once a High School heat and boiler building. The building itself has been removed from the site. The remainder of the site is vacant.

NOTICE
Notice of this hearing was sent to property owners within 300' on April 28, 2004. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW
The Planning, Engineering and Building Departments have reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on April 20, 2004, where representatives from local utilities and City Staff were in attendance. No additional issues were raised.

RECOMMENDATION
Staff recommends that the Planning Commission review the proposed plat amendment, conduct a public hearing and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval outlined below:

Findings of Fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will divide lots 26, 27 and 28, Block 9 of the Snyder's Addition to the Park City Survey into two 37.5' wide lots of record.
4. Each proposed lot would be 2,812 square feet in size.
5. The lots have 37.5 feet of frontage on Norfolk Avenue.
6. Portions of the lot exceed 30% slope, which requires a Steep Slope CUP.
7. There are no existing easements on the property.
8. No remnant lots will be created as a result of this application.
9. There is a remnant portion of a previously razed structure on the property.
10. The Planning Commission reviewed this application on May 26, 2004, where a positive recommendation was forwarded to the City Council.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval

is a condition precedent to recording the plat.

2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment

Ordinance No. 04-

AN ORDINANCE APPROVING AN AMENDMENT TO SUBDIVIDE ALL OF LOTS 26, 27 AND 28 OF BLOCK 9 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO TWO LOTS OF RECORD, LOCATED AT 1024 AND 1030 NORFOLK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 1024 and 1030 Norfolk Avenue, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on May 26, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to combine three lots of record creating two lots of record; and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will divide lots 26, 27 and 28, Block 9 of the Snyder's Addition to the Park City Survey into two 37.5' wide lots of record.
4. Each proposed lot would be 2,812 square feet in size.
5. The lots have 37.5 feet of frontage on Norfolk Avenue.
6. Portions of the lot exceed 30% slope, which requires a Steep Slope CUP.
7. There are no existing easements on the property.
8. No remnant lots will be created as a result of this application.
9. There is a remnant portion of a previously razed structure on the property.
10. The Planning Commission reviewed this application on May 26, 2004, where a

positive recommendation was forwarded to the City Council.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

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

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

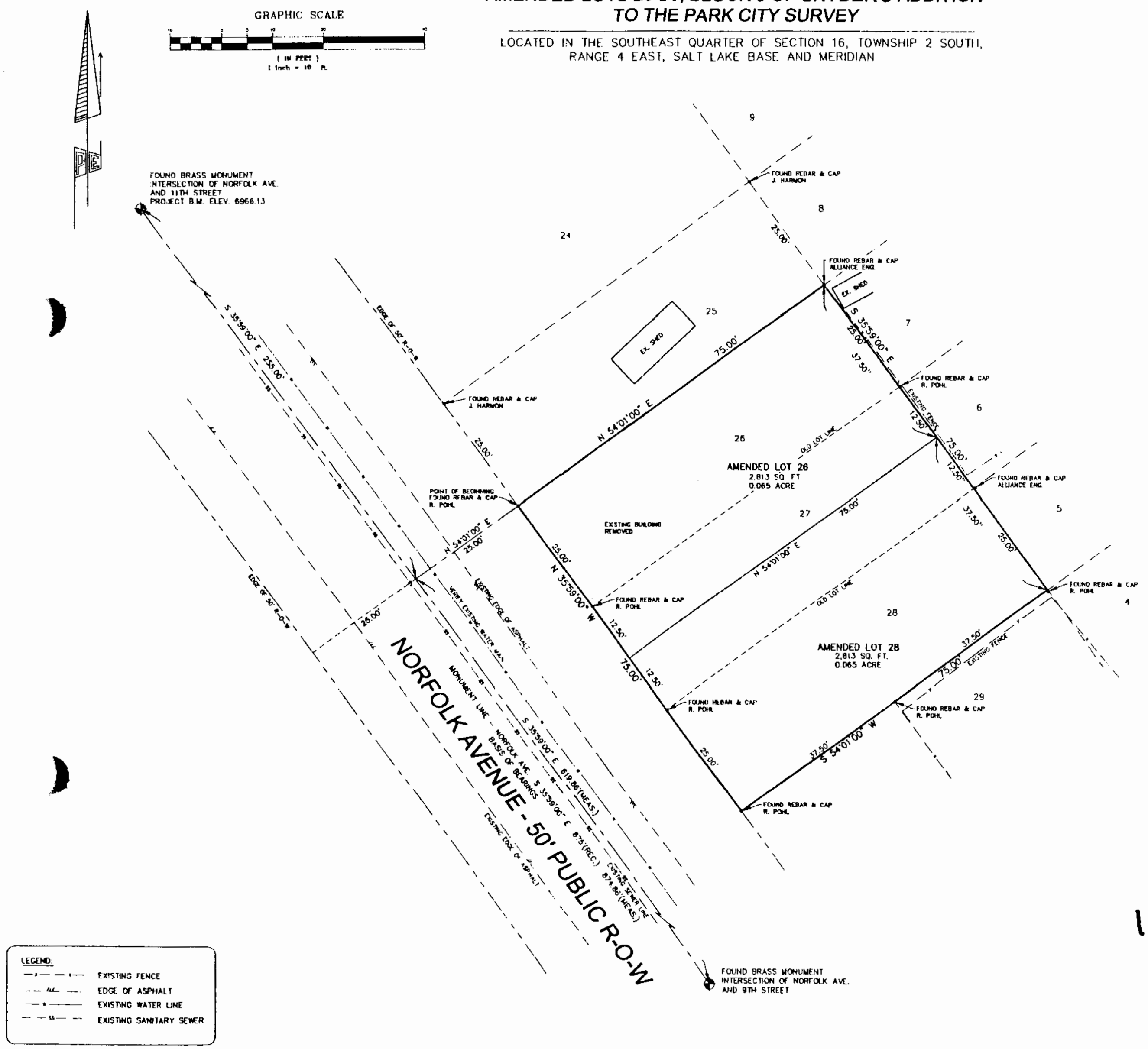
1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 3rd day of June 2004.

AMENDED LOTS 26-28, BLOCK 9 OF SNYDER'S ADDITION TO THE PARK CITY SURVEY

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



SURVEYED PROPERTY DESCRIPTION:

All of Lots 26, 27, and 28, Block 9, Snyder's Addition to the Park City Survey on file and recorded in the Summit County Recorder's Office, more particularly described as follows:

Beginning at a point which is South 35°59'00" East 225.00 feet from the Southwest corner of said Block 9, said point being South 35°59'00" East 255.00 feet and North 54°01'00" East 25.00 feet from a survey monument located at the intersection of Norfolk Avenue and 11th Street; and running thence North 54°01'00" East 75.00 feet; thence South 35°59'00" East 75.00 feet; thence South 54°01'00" West 75.00 feet; thence North 35°59'00" West 75.00 feet to the point of beginning.

Contains 5,625 square feet or 0.129 acre.

SURVEYOR'S CERTIFICATION:

I, David D. Peterson, do hereby certify that I am a registered land surveyor, licensed by the laws of the State of Utah, and that I have made a survey on the ground of the following tracts of land. This survey was made in conformity with generally accepted local surveying practices. It does not guarantee title to the lines set nor purport to show all easements of record; nor is it proof of ownership.

BY: ______________________
REGISTERED LAND SURVEYOR

DATE: ______________________

PROFESSIONAL LAND SURVEYOR
DAVID D. PETERSON
3/18/04
295120
STATE OF UTAH

NARRATIVE:

The survey was requested by Jamie Thomas of Mayflower Construction for the purpose of developing the 3 lots shown. The basis of bearings for the Survey is South 35°59'00" East between two survey monuments located at the intersection of Norfolk Avenue and 11th Street and Norfolk Avenue and 9th Street. Survey markers were found at all lot corners as shown.

1024 & 1030 Norfolk

Kathleen & Jamie Thomas

PETERSON ENGINEERING, P.C.
CONSULTING ENGINEERS & LAND SURVEYORS
7107 SOUTH 400 WEST #1 MIDVALE UTAH 84047 801-255-3503

DATE: 03 NOV. 2003
JOB No.: F-03-063
DRAWN: J. BEDARD
CHECKED: D. PETERSON

~~MAYFLOWER CONSTRUCTION~~
AMENDED LOTS 26-28, BLOCK 9 OF SNYDER'S ADDITION TO THE PARK CITY SURVEY

PRELIMINARY SUBDIVISION

S 1.0

PROJECT No. F-03-063

MAR 25 2004

Planning Commission
Staff Report

Subject:	**601 DEER VALLEY DRIVE SUBDIVISION**
Date:	**May 26, 2004**
Type of Item:	**Administrative; Plat Amendment**

RECOMMENDATION: Staff recommends that the Planning Commission review the proposed subdivision and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

DESCRIPTION

Project Name:	601 Deer Valley Drive
Project Planner:	Ray Milliner
Applicant:	Jason Gyllenskog
Location:	601 Deer Valley Drive
Zone:	Residential Medium (RM)

BACKGROUND

On February 27, 2004 staff received an application for the subdivision of a 14,265 square foot metes and bounds parcel located northeast of the intersection of Deer Valley Drive and Sunnyside Drive. The subdivision would create two lots of record, each approximately 7,100 square feet in size. If approved the applicant has indicated that he will seek to build a duplex on each of the two lots, an allowed use in the RM zone. There is a remnant of a collapsed historic structure on the site.

On April 28, 2004 the Planning Commission reviewed the project, provided staff and the applicant direction, and conducted a public hearing. No comments were received. Central to the Planning Commission's direction was the access to the property, and the appropriate number of units for the lot.

ANALYSIS

The property is located in the RM zone. The applicant is proposing to subdivide the property into two lots of approximately 7,100 square feet each. Additionally, each lot in the RM zone must have a lot width of at least 37.5 feet measured 15 feet back from the property line. As proposed, each lot is just over 49 feet wide measured 15 feet back from the front property line.

The property is located near the intersection of Deer Valley Drive and Sunnyside Drive. Deer Valley Drive is a busy collector road leading to the base of Deer Valley Resort, while Sunnyside Drive is a less busy local street. Section 15-3-3(H)(2) of the LMC requires that all driveways accessing a collector street must be spaced at least 75 feet from the edge of any intersection to the centerline of the driveway. Although access to proposed parcel 2 from Deer Valley Drive can satisfy this requirement, the far edge of proposed parcel 1 is approximately 54 feet from the edge of the intersection between Deer Valley Drive and Sunnyside Drive. Therefore, access from Deer Valley Drive directly onto said lot cannot comply with the aforementioned spacing requirement. Access from Sunnyside Drive is not possible, as the property does not have frontage onto the City right-of-way for Sunnyside Drive. A sliver of Lot 4, Sunnyside Subdivision runs between Parcel 1 and Sunnyside Drive all the way to Deer Valley Drive (see attached plat). Therefore, staff is recommending that the Planning Commission consider requiring combined access to both parcels via a single driveway per Section 15-7.3-3(E)(2) of the LMC, which states:

> "Where driveway Access from an arterial or collector Street may be necessary for several adjoining Lots, the Planning Commission may require that such Lots be served by a combined Access drive in order to limit possible traffic hazard on such Streets. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial or Collector Roads."

Staff recommends that the Planning Commission require that both lots be served by a combined access drive onto Deer Valley Drive from Parcel 2, a minimum of 75 feet from the curb line of the Deer Valley/Sunnyside Drive intersection, and that sufficient turn-around area be created on site to ensure that automobiles do not have to back onto the busy collector street. Staff recommends that the combined access drive be a condition of approval for this plat. Approval of the easement location, size and configuration will be subject to review and action by the City Engineer. The applicant has agreed to work with staff to create the access agreement.

The applicant has indicated that he would like to build two duplexes on each of the lots. LMC section 15-2.15-3(A) states, "developments consisting of more than four dwelling units require a lot area of at least equal to 5,625 square feet plus an additional 1,000 square feet per additional dwelling unit over four units." Therefore, each of the lots would possibly be entitled to 5 units on each lot, provided height, setback, and parking requirements are met. However, the Planning Commission at the April 28, 2004 meeting stated that because of the above-mentioned driveway and access issue, it would be more appropriate to allow 2 units per lot. Therefore, staff has conditioned the plat to allow 2 units per lot.

NOTICE

Notice of this hearing was sent to property owners within 300' on April 15, 2004. At the time of this writing, staff has received verbal inquiries regarding the application, but no formal comments either for or against the project.

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on March 23, 2004, where representatives from local utilities and City Staff were in attendance. No additional issues or concerns were identified.

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed subdivision application and consider forwarding a positive recommendation to the City Council according to the findings of fact, conclusions of law and conditions of approval outlined below:

Findings of Fact:

1. The property is located in the Residential Medium Density (RM) zone.
2. The RM zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The subdivision will divide a metes and bounds parcel into two lots of record.
4. The applicant is proposing a duplex structure on both lots.
5. Section 15-2.15 of the LMC establishes that duplex structures are an allowed use in the RM zone provided they are built on a lot of 3,750 square feet or greater.
6. The applicant is proposing two lots of approximately 7,100 square feet each.
7. Buildable lots in the RM zone must have a lot width of at least 37.5 feet measured 15 feet back from the property line.
8. The proposed lots are approximately 50 feet wide measured 15 feet back from the front property line.
9. Section 15-3-3(H)(2) of the LMC requires that all driveways accessing a collector street must be spaced at least 75 feet from the edge of the intersection to the centerline of the driveway.
10. The edge of proposed parcel 2 is approximately 100 feet from the curb line of the Deer Valley Drive Sunnyside Drive intersection.
11. The edge of proposed Parcel 1 is approximately 50 feet from the curb line of the intersection of Deer Valley Drive and Sunnyside Drive.
12. 15-7.3-3(E)(2) of the LMC authorizes the Planning Commission to combine driveway access to lots in situations where access is necessary from a collector street.
13. Deer Valley Drive is a collector Street.
14. Sunnyside Drive is a local street.
15. The lot has no frontage on Sunnyside Drive.
16. No remnant lots will be created as a result of this application.

Conclusions of Law:

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

Conditions of Approval:

The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.

Because of the limited access to the property from Deer Valley Drive, the maximum number of units allowable on each lot is 2 units.
Pursuant to LMC Section 15-7.3-3(E)(2), access to both lots shall be by a single combined access drive. The driveway shall be designed consistent with the requirements of Sections 15-7.3-3(E)(2) and 15-3-3 of the LMC
Substantial turn around area shall be provided on site to ensure that automobiles do not back onto Deer Valley Drive.
No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

EXHIBITS
Exhibit A – Proposed Plat Amendment
Exhibit B – Site Survey

Ordinance No. 04-

AN ORDINANCE APPROVING AN AMENDMENT TO SUBDIVIDE A METES AND BOUNDS PARCEL INTO TWO LOTS OF RECORD, LOCATED AT 601 DEER VALLEY DRIVE PARK CITY, UTAH

WHEREAS, the owner of the property known as 601 Deer Valley Drive, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on May 26, 2004 the Planning Commission held a public hearing to receive public input on the proposed subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed subdivision allows the property owner to create two lots of record from a metes and bounds parcel; and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Residential Medium Density (RM) zone.
2. The RM zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The subdivision will divide a metes and bounds parcel into two lots of record.
4. The applicant is proposing a duplex structure on both lots.
5. Section 15-2.15 of the LMC establishes that duplex structures are an allowed use in the RM zone provided they are built on a lot of 3,750 square feet or greater.
6. The applicant is proposing two lots of approximately 7,100 square feet each.
7. Buildable lots in the RM zone must have a lot width of at least 37.5 feet measured 15 feet back from the property line.
8. The proposed lots are approximately 50 feet wide measured 15 feet back from the front property line.
9. Section 15-3-3(H)(2) of the LMC requires that all driveways accessing a collector street must be spaced at least 75 feet from the edge of the intersection to the centerline of the driveway.

10. The edge of proposed parcel 2 is approximately 100 feet from the curb line of the Deer Valley Drive Sunnyside Drive intersection.

11. The edge of proposed Parcel 1 is approximately 50 feet from the curb line of the intersection of Deer Valley Drive and Sunnyside Drive.

12. 15-7.3-3(E)(2) of the LMC authorizes the Planning Commission to combine driveway access to lots in situations where access is necessary from a collector street.

13. Deer Valley Drive is a collector Street.

14. Sunnyside Drive is a local street.

15. The lot has no frontage on Sunnyside Drive.

16. No remnant lots will be created as a result of this application.

17. The Planning Commission reviewed this application at its May 26, 2004 meeting and forwarded a positive recommendation to the City Council.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

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

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

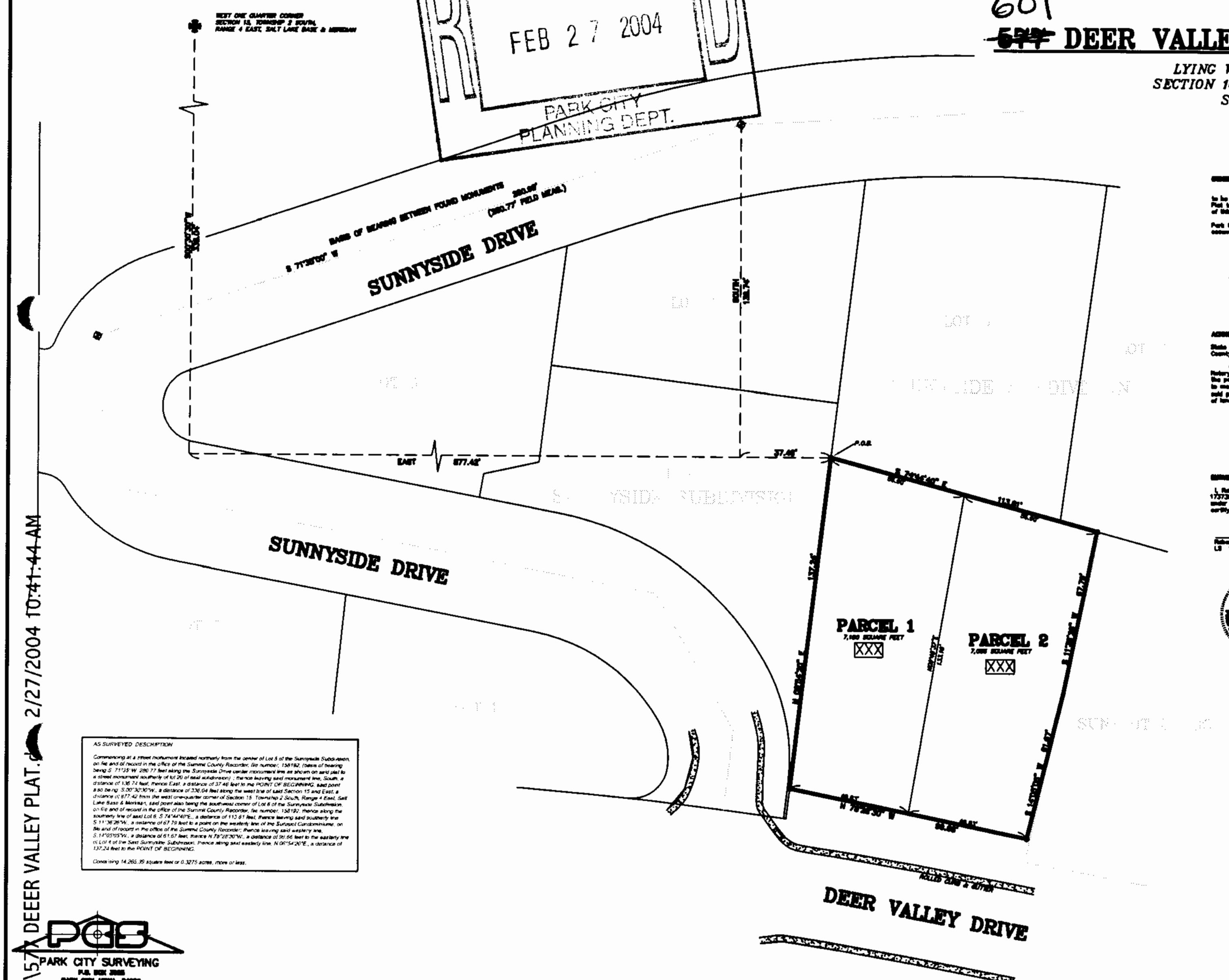
1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Because of the limited access to the property from Deer Valley Drive, the maximum number of units allowable on each lot is 2 units.
3. Pursuant to LMC Section 15-7.3-3(E)(2), access to both lots shall be by a single combined access drive. The driveway shall be designed consistent with the requirements of Sections 15-7.3-3(E)(2) and 15-3-3 of the LMC
4. Substantial turn around area shall be provided on site to ensure that automobiles do not back onto Deer Valley Drive.
5. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
6. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 3rd day of June 2004.

601 ~~577~~ DEER VALLEY DRIVE SUBDIVISION PLAT

LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



AS SURVEYED DESCRIPTION

Commencing at a street monument located northerly from the center of Lot 5 of the Sunnyside Subdivision, on file and of record in the office of the Summit County Recorder, file number, 158192, (basis of bearing being S. 71°35' W. 280.77 feet along the Sunnyside Drive center monument line as shown on said plat to a street monument southerly of lot 20 of said subdivision) ; thence leaving said monument line, South, a distance of 136.74 feet, thence East, a distance of 37.46 feet to the POINT OF BEGINNING, said point also being S.00°30'30"W., a distance of 338.04 feet along the west line of said Section 15 and East, a distance of 877.42 from the west one-quarter corner of Section 15, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point also being the southwest corner of Lot 6 of the Sunnyside Subdivision, on file and of record in the office of the Summit County Recorder, file number, 158192, thence along the southerly line of said Lot 6, S 74°44'40"E., a distance of 113.61 feet, thence leaving said southerly line S 11°36'26"W., a distance of 67.79 feet to a point on the westerly line of the Sunspot Condominiums, on file and of record in the office of the Summit County Recorder; thence leaving said westerly line, S.14°05'05"W., a distance of 61.67 feet, thence N 78°28'30"W., a distance of 98.66 feet to the easterly line of Lot 4 of the Said Sunnyside Subdivision, thence along said easterly line, N 06°54'20"E., a distance of 137.24 feet to the POINT OF BEGINNING.

Containing 14,265.39 square feet or 0.3275 acres, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owner(s) of the herein described tract of land, to be known hereafter as the 577 DEER VALLEY DRIVE SUBDIVISION PLAT, do hereby certify that I have caused this Plat to be prepared, and I/we, DIANE CRAIG HARDMAN, hereby consent(s) to the recordation of this Plat.

ALSO, the owner(s), or his/her representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with and irrevocable of dedication.

In witness whereof, I have hereunto set my hand this ______ day of ____________, 2004.

____
DIANE CRAIG HARDMAN

ACKNOWLEDGMENT

State of Utah
County of Summit

On this ______ day of ____________, 2004, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, DIANE CRAIG HARDMAN the person that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the person who executed the within instrument on behalf of said persons, being duly sworn acknowledged to me that he is the owner of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

______________________ My commission expires ____________
Notary Public

SURVEYOR'S CERTIFICATE

I, Robert W. Pett, certify that I am a Registered Land Surveyor and that I hold Certificate No. 173736, as prescribed by the laws of the State of Utah, and this Lot Line Adjustment Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

______________________ ______________________
Robert W. Pett Date
LS 173736

PARK CITY SURVEYING
P.O. BOX 2065
PARK CITY, UTAH 84060
(435) 649-2918

PARK CITY PLANNING COMMISSION	CERTIFICATE OF ATTEST	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF ________ A.D. 20__. ________ CHAIRMAN	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 2004 A.D. BY ________ PARK CITY RECORDER	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ________, 2004 A.D. BY ________ S.B.W.R.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 2004 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________, 2004 A.D. BY ________ PARK CITY ATTORNEY	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________ 2004 A.D. BY ________ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ________ DATE ____ TIME ____ BOOK ____ PAGE ____ ________ FEE ________ RECORDER

SPECIAL EVENTS AND
FACILITIES DEPARTMENT

City Council
Staff Report

Author: **Alison Butz and Lloyd Evans**
Subject: **Title 4, Chapter Liquor and Beer**
Date: **June 3, 2004**
Type of Item: **Legislative – Municipal Code Amendment**

Summary Recommendations: Staff requests the City Council conduct a public hearing and approve the ordinance amending Section 4-5-3(C) of the Park City Municipal Code, regulating Special Event Temporary Beer Licenses and Section 4-6-5 of the Park City Municipal Code, regulating Special Event Liquor Licenses within Park City.

Description:

Topic:
Review of the Ordinances regulating Temporary Beer Licenses and Special Event Liquor Licenses within Park City.

Background:
The City Council reviewed the request from Randy Barton, representing Mountain Town Stages, regarding to Municipal Code Title 4, Chapters 5 & 6 regulating temporary beer and liquor licenses within Park City. At the April 26th meeting, Council requested Staff return with clarification on the following issues:

1. Number of temporary liquor and beer permits issued in 2003
2. Information on any other communities changing their licensing regulations to conform to new State Code.
3. Outline current regulations with proposed regulations in a table format

Staff returned with further analysis at the May 13th Council meeting where Council directed Staff to return with an amendment allowing an increase in the number of permits for Large Scale Temporary Beer Licenses from 1 to 3 (keeping the 30-day duration and MFL license requirement intact) and increase the number of Temporary Liquor Licenses from 2 to 4 (keeping the 72-hour duration intact).

Analysis:
The City Council discussed the requested changes at the May 13th Council meeting. The main concern of the Chief of Police with an increase in the number and duration of special event beer and liquor permits are the residual effects on public safety these licenses have. A few of the major public safety concerns are; roadway safety, public order and consistence of enforcement of drinking laws outside of special events. Although these events do not necessarily put a huge draw on law enforcement resources or services during the event, there is a cumulative affect on the community as

a whole following these events and to minimize those affects, ensuring that the special event promoter is following the requirements and restrictions of these event beer and liquor permits becomes very important. Staff raised these issues at the previous Council meeting and Council seemed receptive to pursuing an amendment as drafted.

Department Review:
All applicable departments have reviewed the request for modification to Park City's temporary beer and liquor licensing and comments have been incorporated into the report.

Significant Impacts:
The Police Department has voiced concerns that increasing the number and duration of beer and alcohol permits has the potential to draw police resources toward an increased number of community or neighborhood complaints if regulations, guidelines and restrictions on those permits are issued without sufficient oversight by Staff. This amendment to the code could cause the department unanticipated overtime at an average cost of $30.00 per hour or require the redeployment of reserve officers from their anticipated and regularly scheduled functions.

ALTERNATIVES

1. Approve the ordinance amending Section 4-5-3(C), regulating Special Event Temporary Beer Licenses and Section 4-6-5, regulating Special Event Liquor Licenses.
2. Deny the ordinance amendment therefore allowing the existing number of Special Event Temporary Beer licenses and Special event liquor licenses as currently allowed by Code.
3. The City Council may continue the discussion in order to receive additional information.

Recommendation:
Staff requests the City Council conduct a public hearing and approve the ordinance amending Section 4-5-3(C) of the Park City Municipal Code, regulating Special Event Temporary Beer Licenses and Section 4-6-5 of the Park City Municipal Code, regulating Special Event Liquor Licenses within Park City.

ORDINANCE 04-___

AN ORDINANCE AMENDING TITLE 4, CHAPTER 5 SECTION 3 AND TITLE 4, CHAPTER 6 SECTION 6 OF THE MUNICIPAL CODE OF PARK CITY REGULATING TEMPORARY BEER LICENSES AND SPECIAL EVENT LIQUOR LICENSES

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

WHEREAS, UCA § 32A-7-101 authorizes the Alcoholic Beverage Control Commission to issue a maximum of four (4) single event liquor permits to a single eligible person or entity in any one calendar year and Park City wishes to amend the Municipal Code of Park City to be consistent with this provision of state law; and

WHEREAS, UCA § 32A-10-301(3)(b) authorizes the Alcoholic Beverage Control Commission to issue a series of temporary special event beer permits totaling a maximum of 90 days to a single eligible person or entity in any one calendar year and Park City wishes to amend the Municipal Code of Park City to be consistent with this provision of state law; and

WHEREAS, the City desires to amend the Municipal Code of Park City in a manner consistent with state law and to maintain flexibility to grant temporary licenses for special events;

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

SECTION 2. AMENDMENT. Section 4-5-3(C) of the Municipal Code of Park City is hereby amended as follows:

4-5-3

(C) **SPECIAL EVENT TEMPORARY BEER LICENSE**. A special event temporary beer license shall carry the privileges of either an on-premise or off-premise license. A special event temporary beer license shall authorize the storage, sale, service and consumption of Beer ~~beer for a period not to exceed seventy-two (72) consecutive hours~~ in conjunction with a Master Festival, Special Event, convention, civic or community event and pursuant to the Utah Alcoholic Beverage Control Act, Alcoholic

Beverage Control Commission Rules and Regulations, and the ordinances of Park City. ~~No person, individual or association shall be licensed for more than four (4) special event temporary beer licenses in any one calendar year.~~ No person under the age of twenty-one (21) shall sell or serve Beer ~~beer~~ under this license. Special Event temporary beer licenses shall be valid only if the licensee has been granted a temporary special event beer permit by the Utah Alcoholic Beverage Control Commission pursuant to U.C.A. Sections 32A-10-301 to 306, as amended, for the same Master Festival, Special Event, or other convention, civic or community event. Special event temporary beer licenses must provide the City with proof of State licensure not less than ten (10) business days prior to the Master Festival, Special Event, or other convention, civic or community event for which the City license has been issued. All licensees must notify the City immediately if their State license is denied, revoked, or suspended for any reason. ~~Persons holding a special event license issued by Park City are not required to have a State on-premise beer license.~~ The sale of Beer under a series of small-scale and/or large-scale special event temporary beer licenses issued to the same Person may not exceed a total of ninety (90) days in a calendar year.

(1) **SMALL-SCALE SPECIAL EVENT TEMPORARY BEER LICENSE**. A small-scale special event temporary beer license shall authorize the storage, sale, service and consumption of Beer ~~beer~~ for a period not to exceed seventy-two (72) consecutive hours in conjunction with a Master Festival, Special Event, or other convention, civic or community event. No ~~person, individual or association~~ Person shall be licensed for more than four (4) small-scale Special Event temporary beer licenses in any ~~one~~ calendar year, unless otherwise approved by the City Council.

(2) **LARGE-SCALE SPECIAL EVENT TEMPORARY BEER LICENSE**. A large-scale ~~Special Event~~ special event temporary beer license shall authorize the storage, sale, service and consumption of Beer ~~beer~~ for a period not to exceed thirty (30) ~~consecutive~~ days. Large-scale ~~Special Event~~ special event temporary beer licenses shall be issued only in conjunction with a duly licensed Master Festival having a ~~continuous~~ duration of four (4) days or greater, and shall be limited in duration to match the term of the Master Festival license. No ~~person, individual or association~~ Person shall be licensed for more than ~~one (1)~~ three (3) large-scale special event temporary beer licenses in any ~~one (1)~~ calendar year.

SECTION 3. AMENDMENT. Section 4-6-5 of the Municipal Code of Park City is hereby amended as follows:

4- 6- 5. SPECIAL EVENT LIQUOR LICENSE.

A Special Event liquor license shall authorize for a period not to exceed seventy-two (72) consecutive hours the storage, sale, service and consumption of liquor at an event sponsored by a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise. The City may not issue more than ~~two (2)~~ four (4) Special Event liquor licenses in any one (1) calendar year to the same association, church, or political organization, chapter, lodge or unit thereof.

SECTION 4. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unlawful by a Court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon publication.

City Council
Staff Report

Author:	**Pace Erickson**	**PUBLIC WORKS**
Title:	**Operations Manager**	
Subject:	**2004 and 2005 Pavement Management Program**	
Date:	**June 3, 2004**	
Type of Item:	**Administrative**	

SUMMARY RECOMMENDATIONS: Accept the 2004 and 2005 Pavement Management bids and authorize staff to enter into agreements, in a form to be approved by the legal department, with Staker & Parsons Company for overlays in the amount of $357,287.68; Intermountain Slurry Seal for slurry seals in the amount of $90,716.45, Kilgore Paving for crack seal in the amount of $96,000.00 and Rivas Construction for utility adjustments in the amount of $86,945.00. The cost of the contracts for summer 2004 is $302,823 and for summer 2005 is $328,126 for a total of $630,950.

DESCRIPTION:

Topic. Pavement Management Program 2004 and 2005

Background. Pavement management is a program that maximizes pavement life and minimizes pavement costs by identifying the time frame for carrying out appropriate maintenance or rehabilitation. The benefit of this practice is to extend pavement life and reduce the overall life cycle cost. Pavements typically deteriorate in a non-linear fashion. Twenty-five percent of the deterioration occurs during the first seventy-five percent of pavement life. The more cost-effective maintenance should occur when the pavement is still in fair condition. Pavement repairs can be done inexpensively using sealing and overlay techniques. Proper pavement management should minimize the need for costly pavement reconstruction.

The pavement management plan has been up-dated several times in the last ten years most recently in 2001. The review consisted of visually inspecting the surface of every City street, testing pavement and subgrade deflection, analyzing the data, and ranking streets and developing implementation plans based on different funding levels.

Pavement condition reports have identified the overall condition of Park City's pavement system. A 10 to 100 scale is used with 100 being pavement in the best possible condition. This includes the effect of surface, base, subgrade, load, environmental conditions and materials.

Pavement Condition Warranted Maintenance/Rehabilitation Effort

90-100	Minimal - minor patching and crack sealing
80-89	Some - slurry seal coats or thin overlays and crack sealing
65-79	Routine - thin to thick overlays
55-64	Increasing - thicker overlays or possible reconstruction
40-54	High - surface or base reconstruction, possibly subgrade stabilization
10-39	Critical - Total reconstruction including subgrade

The average pavement condition of all Park City streets is 73 with a range from a low of 38 to a high of 94. A value of 73 means that a pavements in a routine maintenance category and will require a medium thickness overlay for repair. Most of them can be saved by overlays and or slurry seals. Delay would increase the cost of repair significantly for these pavements. In a sense, they are the optimal pavements for repair. All pavements which are determined to be rated at 40 or below are beyond restoration within the pavement management program. These pavements are patched as soundly as possible and are sent to the CIP budget for consideration for reconstruction.

The higher we can keep the pavement score the less expensive they will be to repair and maintain. Over the last several years, Park City has invested between $500,000 and $600,000 per year, four out of the last five years for crack seal, overlays, slurry seals and utility adjustments. Council could choose to increase this as funding becomes available.

The bid and RFP notification/process was advertised in the Park Record and Salt Lake Tribune. All bid and RFP requirements were met.

Analysis.

Overlays

The following streets have been identified within the pavement management program as having a rating of 40 to 79 and are slated to receive a total of 8,666 tons of asphalt in the form of overlays as part of the overall pavement management strategy:

2004 ASPHALT OVERLAYS	**3939 tons**
Meadows Drive: Sunny Slopes to 1000 ft.	
Eagle Ct: Golden Eagle Ct to south end CDS	
Centennial Dr: Royal Street to Centennial Dr	
12th Street: Norfolk to Park Ave	
King Road: Main Street to Sampson Ave	
Bonanza Dr: Deer Valley Dr to Kearns Blvd	
TOTAL	**$ 162,969.35**

2005 ASPHALT OVERLAYS	**4727 tons**
Sun Ridge Dr: Solamere Dr to End of Pavement	

Park Ave: Deer Valley Dr to 14th Street
Golden Eagle Dr: Royal St to Royal St
Iron Horse Dr: Park Ave to Bonanza Dr
Royal Street: Centennial Dr to Silver Lake Dr
TOTAL $ 194,318.33

Slurry Seal

The following streets have been identified within the pavement management program as having a rating of 80 to 89 and are slated to receive 113,395 square yards of slurry seal as part of the overall pavement management strategy.

2004 SLURRY 57,275 Sq. Yards

13th Street: Park Ave to Norfolk Ave
4th Street: Main Street to Swede Alley
7th Street: Park Ave to Main Street
Aspen Springs Dr: Meadows Dr to Meadows Dr
Daly Ave: Main Street to end of road
Deer Valley Lp: Rossie Hill Dr. to Deer Valley Dr
Meadows Dr: American Saddler to Gallivan Lp.
Meadows Dr: American Saddler to Hwy 224
Morning Sky Court: Silver Cloud Dr to end CDS
Shadow Ridge Dr: Lowell Ave to Empire Ave
Woodside Ave: 10th St to King Road
Senior Citizen Parking Lot
TOTAL $ 45,003.65

2005 SLURRY SEALS 42,141 Sq. Yards

Comstock Dr: Kearns Blvd to Sidewinder Dr
Cooke Dr: Kearns Blvd to Kearns Blvd
Creek Dr: Holiday Rnch Lp Rd to End of Pvmt
Eagle View Court: Meadows Dr on South End
Gold Dust Ln: Sidewinder to Prospector Ave
Golden Way: Aerie Dr to West End CDS
Holiday Ranch Lp Rd: Lucky John to HRLR
Holiday Ranch Lp Rd: HRLR to HRLR
Ina Ave: Monarch Dr to Comstock Dr

Little Kate Rd: Holiday Rnch Lp Rd to HRLR

Meadows Dr: Amer Saddler Dr to Mtn Top Ln

Pine Hurst Ct: Amer Saddler to South End CDS

Sidewinder Dr: Wyatt Earp Way to Buffalo Bill Dr

Silver Cloud Dr: Meadows Dr to Sunny Knoll Ct

Spy Glass Ct: Amer Saddler Dr to So End CDS

Sullivan Rd: Deer Valley Dr to Sullivan Loop

Thaynes Canyon Dr: Payday Dr to Three Kings Dr

TOTAL $ 45,712.80

Crack Seal

Crack seal is an excellent way to prolong pavement life by sealing the surface cracks to prohibit water penetration on pavements which are in relatively good condition. However, all pavements in various stages and condition benefit from crack sealing. Public Works will apply 60 tons of crack seal to City streets identified as needing crack seal:

2004 CRACK SEAL	
30 tons crack seal applied to designated streets	
TOTAL	**$ 48,000.00**

2005 CRACK SEAL	
30 tons crack seal applied to designated streets	
TOTAL	**$ 48,000.00**

Utility Adjustments

Utility adjustments are required after an overlay to raise manholes, water valves and monument markers to the same grade as the pavement surface. Some require lowering prior to an overlay due to the milling process in advance of an overlay. 54 water valves and 55 manholes have been identified as needing to be adjusted prior to overlay application:

2004 UTILITY ADJUSTMENTS		
	Water Valves	**Manholes**
	38	46
	TOTAL	**$ 46,850.00**
2005 UTILITY ADJUSTMENTS		
	Water Valves	**Manholes**
	20	33
	TOTAL	**$ 40,095.00**

Bid Results
There were four bids received for street overlays, three bids for slurry seals, two bids for crack sealing and one bid for utility adjustments:

Street Overlays	**2004**	**2005**	
Staker Paving	**$162,969.35**	**$194,318.33**	(Recommended)
Kilgore Paving	$174,936.46	$206,498.37	
Granite Construction	$179,255.35	$212,560.85	
Geneva Rock	$180,692.60	$207,619.07	
Slurry Seals	**2004**	**2005**	
Intermountain Slurry Seal	**$45,003.65**	**$45,712.80**	(Recommended)
Morgan Asphalt	$50,486.00	$55,923.15	
Kilgore Paving Inc.	$57334.00	$50,348.31	
Crack Sealing	**2004**	**2005**	
Kilgore Paving	**$ 48,000.00**	**$48,000.00**	(Recommended)
Morgan Asphalt	$ 62,910.00	$62,910.00	
Utility Adjustments	**2004**	**2005**	
Rivas Construction	**$ 46,850.00**	**$40,095.00**	(Recommended)
Total FY 2004	**$302,823**	**FY 2005 $328,126**	

Department Review. Bids were reviewed by the Public Works Department. Sufficient funding is designated in the Pavement Management CIP.

ALTERNATIVES:

- **Approve awarding and authorize staff to enter into agreements, in a form to be approved by the legal department, with the lowest qualified bidder.**
  Staker & Parsons Company (overlays) in the amount of $162,969 FY 2004; and $194,318 FY 2005; Intermountain Slurry Seal (slurry seals) in the amount of $45,004 FY 2004 and $45,713 FY 2005; Kilgore Paving (crack seal) in the amount of $48,000 FY 2004 and $$48,000 FY 2005 and Rivas Construction (utility adjustments) in the amount of $46,850 FY 2004 and $40,095 FY 2005 (Staff recommended).
- **Change scope and re-bid the 2004 and 2005 pavement management program.**
  (Staff does not recommend this alternative).
- **Reject all bids.**
  (Staff does not recommend this alternative).

SIGNIFICANT IMPACTS:

The pavement management plan is designed to maintain and improve Park City pavement quality. Approval of less than the recommended program will cause a decline of pavement quality. There are sufficient funds available in the Pavement Management CIP to finance these projects.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Failure to maintain an adequate pavement management program will increase maintenance dollars in subsequent years and lower overall pavement quality.

RECOMMENDATION: Accept bids and authorize staff to enter into agreements, in a form to be approved by the legal department, with:

- Staker & Parsons Company for asphalt overlays, in the amount of $357,287.68.
- Intermountain Slurry Seal for slurry seals, in the amount of $90,716.45.
- Kilgore Paving for crack seal for crack seal in the amount of $96,000.00.
- Rivas Construction for utility adjustments in the amount of $86,945.00.

The cost of the contracts for summer 2004 is $302,823 and for summer 2005 is $328,126 for a total of $630,950.

City Council Staff Report

Author: Jonathan Weidenhamer
Subject: Sidewalk Dining - Leases
Date: June 3, 2004
Type of Item: Administrative

PLANNING DEPARTMENT

Summary Recommendations:
Approve the leases for sidewalk dining for each of the applicants as presented

Topic:
Sidewalk Dining on Main Street.

Background:
After a one-year trial period in summer ’03, City Council has provided direction to continue seasonal Outdoor Dining on Main Street. On May 24, 2004, Staff presented a work session report to the City Council outlining the approval process staff will follow to regulate Outdoor Dining. Council provided direction supporting only dining immediately in front of a proprietor’s restaurant, and did not support continuing sidewalk dining using the entire sidewalk, which was subsequently resulting in routing pedestrians into parking areas on Main Street.

Section 15-2.6-12 of the Land Management Code allows Outdoor Dining on “leased public property” as an Administrative Conditional Use Permit. On May 24, 2004, the City Council provided direction that they preferred to continue to sign only one-year leases for sidewalk dining. They also permitted the dining season to lengthen to May 1 – October 30.

Analysis:
Any seasonal lease the City enters would: regulate the time and duration of the use, provide for consistency in look and materials, ensure the aesthetic value of the Historic District by preventing visual clutter, prevent conflicts with Special Events/MFL’s, mitigate for conflicting uses in the public right-of-way, ensure for cleanly sidewalks, and provide an ongoing monitoring mechanism and revocation provision for failure to comply with regulation.

Staff has prepared a draft lease that would be executed with each individual applicant prior to approving any Outdoor Dining on City Sidewalks (Exhibit A). At this time staff has made a preliminary determination that the following applicants’ locations meet the standards for outdoor dining provided at LMC Section 15-2.6-12 as well as the proposed operational restrictions (Exhibit C):

317 Main Street – The Eating Establishment

402 Main Street – Java Cow Café & Bakery

Per LMC requirement, notification of these applications was sent to adjacent property owners on May 28, 2004. The site plans for each of these are attached as Exhibit B.

Alternatives:

- Approve the leases for sidewalk dining for each of the applicants as presented; or
- Modify the lease language or operational restrictions and then provide direction to approve the lease(s) as amended; or
- Provide direction to not execute the lease(s) as presented; or Continue the hearing for more information or discussion.

Recommendation:
Approve the leases for sidewalk dining for each of the applicants as presented

Exhibits
Exhibit A – Typical Lease
Exhibit B – Site Plans
Exhibit C – Operational Restrictions

Exhibit A
MAIN STREET SIDEWALK
OUTDOOR DINING LEASE

(typical)

This LEASE AGREEMENT is made and executed this 3rd day of June 2004, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and *restaurant name*, a Utah LLC, located at *address* Main Street, Park City, Utah ("Tenant").

The Parties agree as follows:

PROPERTY. The property affected by this lease is generally described as the sidewalk area directly fronting Tenant's restaurant located at *xxx* Main Street, and more specifically described via site plan at Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as the "Premises").

2. RENT. Tenant shall be solely responsible for payment of any and all costs associated with Tenant's performance under this lease, including but not limited to City additional business licensing fees, insurance, sales taxes and other expenses.

3. TERM. The term of this Agreement shall commence on May 1, 2004 and shall terminate on October 30, 2004, unless terminated earlier as provided herein.

4. USE OF PREMISES. Tenant may use the Premises only for the provision of outdoor dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. Additional operational restrictions are attached hereto at Exhibit C, if applicable.

5. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement.

6. SIGNS. No signs shall be permitted on the Premises except as specifically approved pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.

7. INSURANCE. Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least One Million Dollars ($1,000,000) per person and One Million Dollars ($1,000,000.00) per incident or occurrence. Park City shall be named as an additional insured on each policy. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Park City on or before the lease commencement date, and maintained continuously during the term of the lease. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this

provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.

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

9. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.

10. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this contract at the highest professional standards, and to the satisfaction of Park City.

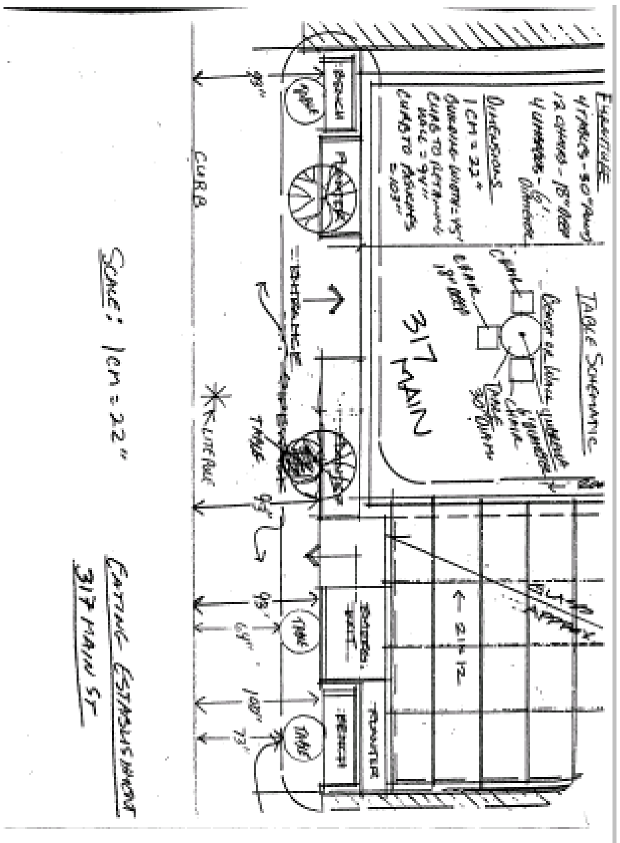
11. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.

12. FORCE MAJEURE. Any delay or failure of either Party to perform its obligations under this Agreement shall be excused to the extent that it is caused by an event or occurrence beyond its reasonable control, including act of nature, terrorism or war.

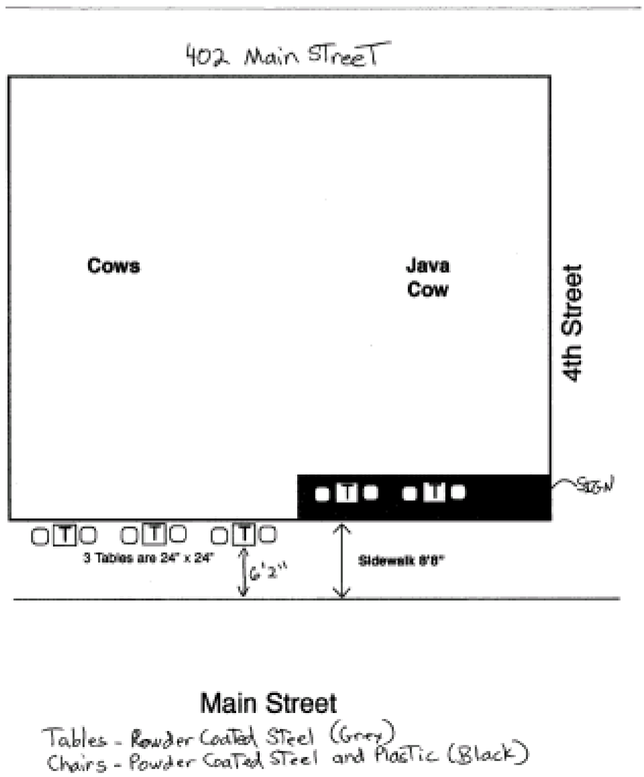
13. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Exihibit B



317 Main St
Eating Establishment
(4 tables)



402 Main Street
Java Cow
(3 tables)

Exhibit C
SIDEWALK DINING
OPERATIONAL RESTRICTIONS

The following operational restrictions shall apply to all leases for outdoor dining on Main Street sidewalks:

1. Site Plan - This plan shall be to scale and indicate: the proprietors' building as it relates to the exact locations of chairs, tables, stanchions, umbrellas, heaters, curb (width of sidewalk), and any other existing public improvements (light fixtures, fire department connections, parking meters, utility covers, etc.).
2. Details/ Spec Sheets – Shall be submitted for each piece of equipment proposed with this application. This will include all tables, chairs, umbrellas, heaters, lighting sources, and crowd barricades, etc.
3. Parameters of Permit - Sidewalk Dining is allowed from May 1until October 30, from 8:00 am until 10:00 pm.
4. Violations - Ongoing Monitoring will be provided to ensure compliance with lease parameters. A revocation provision will be included for lessee's failure to comply.

Design Standards

1. SIZE. Sidewalk dining area shall be limited to the linear frontage a building has on Main Street.
2. ADVERTISING. Additional signing or advertising is prohibited beyond what is allowed by the Sign Code. Umbrellas, table tents, or any other equipment must be free of branding or other promotion.
3. FURNITURE. All tables and chairs shall be metal and be either black or gray, and have a powder coated finish.
4. STANCHIONS. Any necessary crowd control barricades must be equivalent to the Crowd Controller TensaBarrier & Tape - Model 890 Standard, or T-Max, which has been approved by the Preservation Planner and chosen for its minimal visual intrusion, durability, and functionality. TensaBarrier poles shall be black and powder coated, and the tape shall be black also.
5. UMBRELLAS. Umbrellas are prohibited from having any advertising or signing and shall be in solid, primary colors. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas must meet international building code and standards and shall not create any public hazard.
6. HEATERS. Any proposed heaters shall be reviewed at the time of initial application. In most cases, additional heating elements may require additional building permits.
7. LIGHTING. No additional electric lighting is permitted, including exterior building lighting.
8. LANDSCAPING/ ATMOSPHERE. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter.

9. ADDITIONAL EQUIPMENT. To prevent unnecessary visual clutter, additional equipment beyond those outlined in this section is prohibited. This includes server or bus-stations, garbage receptacles, podiums, pedestals, etc.
10. LICENSING. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances.
11. HEALTH & SAFETY. The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.
12. MUSIC. The use of outdoor speakers and music is prohibited unless expressly allowed by Park City Municipal Corporation Special Events Director.
13. SPECIAL EVENTS. Operation of Sidewalk Dining during Special Events and Master Festival Licenses is prohibited when the boundary of that Special Event includes Main Street unless expressly allowed by Park City Special Events Director.
14. MAINTENANCE. The dining area shall be cleanly and maintained in a neat and orderly fashion.
15. STORAGE. All equipment and other associated materials must be removed from the sidewalk and stored on private property overnight and during prohibited times.

City Council Staff Report

Author: Matthew A. Twombly
Subject: Library Addition and Renovation
Date: June 3, 2004
Type of Item: Approval of Construction Contract Increase

ECONOMIC DEVELOPMENT AND CAPITAL PROJECTS

Summary Recommendation:
Staff requests approval for an increase in the Library addition and renovation construction contract with Thiede Construction Corporation, in the amount of Thirty One Thousand Seven Hundred Fifty Eight and 50/100 Dollars a ($31,758.50). The increase in the construction contract is still within the overall project budget.

Description:
Topic: Library Addition and Renovation

Background:
On April 1, 2004, City Council approved entering into a contract with Thiede Construction Corporation for the Library addition and renovation project. Since the award there were changes to the plans and additions to the project brought about through coordination with the project team, architect, building tenants (room 209 to be vacated by the Montessori school), Library staff, Technical Services staff and the Friends of the Library. The accumulated change orders, if approved will total $31,758 on a base contract of $267,700 for a total of $299,458.50. The City's policy requires that City Council approve accumulated change orders to any contract in excess of 10% of the contract, for projects over $200,000.

Analysis:
The overall project budget is attached. The project still remains within budget and on schedule with regular hours and grand opening scheduled for the week of July 12, 2004. The added scope reflects necessary adjustments following tenant relocations and budgeted project items not initially awarded in the base contract.

The first change order to the construction contract includes: the plastering of existing walls for a better match between the newly renovated areas and existing library; additional fiber optics and telecommunications hardware and wiring; additional lighting on the second floor; the renovation of room 109 (Montessori); and miscellaneous framing, plumbing and electrical items.

The second change order to the contract (pending approval) includes: The main entrance archway and monument sign; millwork shelving dividers for the Children's Library. The proposed 1% for art will be a part of the entry archway and sign to be included in this change order. The Friends of the Library desire to help financially with the project in order to provide a feature element to the project. The Friends of the Library considered a number of items that could have been added to the project, and have selected to fund half of the entry archway and sign in the amount of $5,670.00. This will reduce the overall construction and project cost to the City, but cannot be applied directly as payment to the contractor, thus the accumulated change orders are technically over the 10% mark.

Department Review:
City Manager, Special Events and Facilities, Library, Technical Services

Alternatives:

Approve the Request:
Approve the construction contract change order in the amount of Thirty One Thousand Seven Hundred Fifty Eight and 50/100 Dollars a ($31,758.50).

Deny the Request:
The entryway arch, sign or millwork dividers could not all be constructed and the proposed art component as part of the entry archway and sign might be jeopardized.

Do Nothing:
Delaying a decision would jeopardize the desired construction completion date for the Library renovation project.

Significant Impacts:
The overall Library Addition and Expansion project is budgeted at $385,000 and the change order is still within the project budget.

Consequences of not taking the recommended action:
Not all of the desired construction items could be completed as part of the current contract and/or the project completion could be delayed.

Recommendation:
Staff requests approval for an increase in the Library addition and renovation construction contract with Thiede Construction Corporation, in the amount of Thirty One Thousand Seven Hundred Fifty Eight and 50/100 Dollars a ($31,758.50).

Attachment A - Project Budget

Attachment A
Budget Forecast / Actual - Library Expansion Project

as of: 5-28-04

	Budgeted	Forecast/Actual
1. Base Construction Estimate	$254,000	$226,700
2. ADA Compliance	$ 10,000	-
3. Technology Upgrades		
a. Original upgrade forecast	$ 10,000	$ 10,000
b. IT Department Additions	$ 31,000*	$ 31,000*
i. Rewiring 50+ outlets		
ii. Consolidated server room		
4. Change Orders		
a. CO #1		$ 15,660.50
i. Room 109 renovation		
ii. Added fiber optics($3,979*)		
iii. Plaster skim coat		
iv. Rm 112 / 2nd flr lighting		
b. CO #2		$ 16,098
i. Millwork dividers for shelves		
ii. Entry archway / signage (FOL assistance $5,670*)		
Construction Cost Subtotal	$305,000	$299,458.50
5. FF&E purchases	$ 40,000	$ 40,000
6. Signage Plan	$ 6,000	$ 8,835
a. Interior & Street Sign		
7. Art allowance (1% of project)	$ 3,800	$ 3,800
Purchases Subtotal	$ 49,800	$ 52,635
8. Admin / Project Mgmt Costs	$ 2,000	$ 6,000
9. Tenant Relocation	$ -	$ 24,000
10. Design / Engineering	$ 30,000	$ 32,725
11. Interior design – tenant relocation		$ 3,500
12. Design costs – (IT server room)		$ 2,570*
Soft Costs Subtotal		$ 68,795
13. Contingency	$ 29,200	$ 7,330.50
a. Alarm sensors for new areas		(800)
b. Book Movers		($ 2,000)
Forecasted Contingency Balance		$ 4,530.50
14. Overall Totals	$385,000	$ 428,219
(less outside resources*)		($ 43,219)

Project Budget Total	**$385,000**	**$385,000**

City Council Staff Report

Author: Tom Bakaly, Gary Hill
Subject: FY 2004 Adjusted Budget, FY 2005 Tentative Budget
Date: June 3, 2004
Type of Item: Legislative

PARK CITY 1884

Budget, Debt, & Grants

Topic:

Tentative adoption of the FY 2004 Adjusted Budget and the FY 2005 Budget

Background: The background for the budget was presented in staff reports to Council on May 6th, 13th, 20th, and 27th. Please refer to those reports for more information. In summary, the topics discussed were as follows:

- May 6th – Budget Overview
  Review of Policies and Procedures

- May 13th- CIP Overview
  Downtown CIP Projects
  Water Fund and Rate Increase

- May 20th- Recreation Complex CIPs
  City Park CIPs
  Miscellaneous CIPs
  Council Compensation

- May 27th- Departmental Operating Requests
  Future Funding Issues
  Budget and Personnel Policies and Procedures

This report will highlight the changes requested by Council on May 6th, 13th, 20th, and 27th and address any issues where Council direction is required. Any additional changes, questions, or budget issues should be addressed by Council on June 3rd for inclusion in the June 17th budget presentation although changes to the budget can occur up to the final budget adoption.

Analysis:

On June 3rd, staff will address the following topics with City Council:

(1) Additional changes to the City Manager's Recommended Budget
  A- Revenues
  B- Police ATV option

C- Transit CIP
(2) Resort Community Sales Tax
(3) Council Compensation
(4) Personnel Policies and Procedures amendments
(5) Certified Property Tax Rate

In addition, Council will be asked to do the following:

(1) Hold a public hearing and adopt the FY 2004 Tentative Revised Budget and the FY 2005 Tentative Budget for Park City and its related agencies. The resolution will also authorize the Budget, Debt, and Grants Manager to compute the City's Certified Property Tax rate for 2004 at a "No Tax Increase Rate" and file it with the County;

(2) Hold a public hearing and adopt an ordinance establishing compensation for Park City's Mayor and City Council for FY 2005;

(**3**) Adopt an ordinance amending the City's Municipal Code as it relates to the 1% Resort Community Sales Tax imposed by Park City; and

(**4**) Adopt a resolution amending the City's Personnel Policies and Procedures Manual

Additional Changes to the City Manager's Recommended Budget
<u>Revenues</u> Citywide revenues are being adjusted to better reflect current estimates. Staff anticipates that Sales Tax revenues will be favorably adjusted for the June 17th meeting. Any additional revenues in the General Fund will be transferred into the City's 5-Year CIP Account consistent with the City's Budget Policy. In all other funds, any excess revenues will become fund balance for the next year.

<u>Police ATV Option</u> On May 27th, an option for the purchase of an ATV, related equipment, and police overtime, was presented to City Council. The ATV was intended to be used for emergency response in the City's expanding open space areas. Council member Hier raised questions about the request.

After discussions with Council member Hier, the Chief of Police has determined that the overtime requested as a part of the option would not be necessary. Because police personnel would be required to respond to an emergency with or without the ATV, the purchase of the vehicle itself should not create work that would require additional overtime. Any overtime associated with service for expanded city limits will be covered within the existing budget.

In addition, the original request was to adjust the current year budget (FY 2004) in order to purchase the equipment this spring. Because there will not be enough time to purchase the vehicle this Fiscal Year, staff is now recommending that funding be made available next year instead of adjusting the current year budget. This will result in no budget change for FY 2004. Next year's budget process will include an option to reduce the Public Safety budget to reflect only the ongoing maintenance costs.

This change reduces the option by approximately $17,000 each year, resulting in a first year cost (FY 2005) of $17,850 (to include the purchase of the ATV) and a future year cost of $3,000.

Pending Council direction, this change will be in place for the final adoption of the budget on June 17th.

Transit Coaches CIP (# 419) As presented to Council on May 6th, CIP # 419 (Transit Coaches) contemplated receiving federal funds for the purchase of new buses in FY 2006. Since that time, staff has learned that federal financing will be available in FY 2005. To take advantage of this, the City will need to show sufficient funding in that fiscal year. The tentative budget presented for adoption on June 3rd now reflects $1,021,000 that has been moved forward from FY 2006 to FY 2005.

Resort Community Sales Tax Ordinance
Staff worked closely with the Tax Commission and the ULCT to tighten up the State's Resort Community Sales Tax (RCST) law this last legislative session. The changes to State law will require the City to amend it's own RCST ordinance. The changes (1) ensure that all items that are exempt from state law are also exempt from the City's imposed tax; and (2) remove the exemption on single items of $2,500 or more.

Council will be asked to adopt the ordinance on June 3rd following a public hearing. These changes will go into effect on July 1, 2004.

Council Compensation
As directed by Council on May 20th, the tentative budget includes changes to the Council Compensation option originally recommended by the City Manger. The new package includes family medical coverage for the Mayor and Council with an offsetting $2,500 (approx.) reduction in salary. Included with this staff report is an ordinance adopting the new compensation levels. Staff requests that this ordinance be adopted on June 3rd following a public hearing. The changes will go into effect on July 1, 2004.

In addition to the compensation amounts, Council has determined that the same compensation methodology used for staff compensation would be used for Council and Mayor. This methodology would be similar to Council also directed that resort data also be used.

Personnel Policies and Procedures Amendments
On May 27th Council reviewed a staff report outlining the proposed changes to the Personnel Policies and Procedure manual. At that time, staff asked that Council adopt the changes by resolution on June 3rd.

Attached to this staff report a resolution amending the Policies and Procedures manual with the proposed changes.

Certified Property Tax Rate
As discussed above and in prior meeting, the resolution for tentative adoption of the budget will also authorize the Budget, Debt, and Grants Manger to compute the City's Certified Property Tax Rate for 2004 at a "No Tax Increase Rate." It should be noted, however, that the rate will include an increase due to the issuance of Open Space bonds as approved by voters in 2001.

Once the City receives the Certified Property Tax date from Summit and Wasatch Counties (typically in mid-June), the Budget, Debt, and Grants Manager will compute and set the City's property tax rate.

Department Review:
Budget, City Manager, Public Safety, Human Resources

Alternatives:

Council should provide direction about outstanding budget issues and do the following:

(1) Hold a public hearing and adopt the FY 2004 Tentative Revised Budget and the FY 2005 Tentative Budget for Park City and its related agencies.

(2) Authorize the Budget, Debt, and Grants Manager to compute the City's Certified Property Tax rate for 2004 at a "No Tax Increase Rate" and file it with the County;

(3) Hold a public hearing and adopt an ordinance establishing compensation for Park City's Mayor and City Council for FY 2005;

(**4**) Adopt an ordinance amending the City's Municipal Code as it relates to the 1% Resort Community Sales Tax imposed by Park City; and

(**5**) Adopt a resolution amending the City's Personnel Policies and Procedures Manual

Continue the Item: Any additional changes, questions, or budget issues should be addressed by Council on June 3rd for inclusion in the June 17th budget presentation although changes to the budget can occur up to the final budget adoption

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide policy direction on budget issues. Any unresolved issues should be discussed so that the Final Budget can be prepared for adoption on June 17, 2004.

RECOMMENDATION: The City Council should follow the budget presentation schedule described above and adopt the ordinances and resolutions as recommended.

ATTACHMENTS:

A – Resolution Adopting the Tentative Revised Budget for FY 2004 and the Tentative Budget for FY 2005
B – Resort Communities Sales Tax Ordinance
C – Resolution Amending the Personnel Policies and Procedures manual
D – Ordinance Adopting Compensation for the Mayor and City Council for FY 2005

Resolution No.

A RESOLUTION ADOPTING A TENTATIVE REVISED BUDGET FOR FY 2003-04 AND A TENTATIVE BUDGET FOR FY 2004-05 FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES

WHEREAS, the Utah State law requires that city budgets be adopted by resolution: and;

WHEREAS, a public hearing was held on May 13, May 20, and June 3, 2004 at the City Council's regularly scheduled meetings, complying with State law;

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

<u>SECTION 1. TENTATIVE REVISED BUDGET ADOPTED</u>. The budget as outlined in the City Manager's Recommended budget presented on May 6, 2004 and with changes as summarized in the Attachments to this resolution is hereby adopted as the Tentative Revised 2003-04 Operating Budget for Park City Municipal Corporation and its related agencies.

<u>SECTION 2. TENTATIVE BUDGET ADOPTED</u>. The budget as outlined in the City Manager's Recommended budget presented on May 6, 2004 and with changes as summarized in the Attachments to this resolution is hereby adopted as the tentative budget for FY 2004-05 for Park City Municipal Corporation and its related agencies.

<u>SECTION 3. CERTIFIED PROPERTY TAX RATE</u>. The City's Budget, Debt & Grants Manager is authorized, after the County has provided the Certified Property Tax data, to compute the City's Certified Property Tax Rate for 2004 at a "No Tax Increase Rate" and file said rate with the County.

<u>SECTION 4. EFFECTIVE DATE</u>. This Resolution shall take effect June 3, 2004 for the FY 2003-04 revised budget, and July 1, 2004 for the FY 2004-05 budget.

PASSED AND ADOPTED this 3rd day of June, 2004.

Ordinance No. 04-

AN ORDINANCE RESCINDING ORD. NO. 83-7; 83-7(1) AND AMENDING MUNICIPAL CODE TITLE 4, CHAPTER 11 PERTAINING TO RESORT COMMUNITIES SALES AND USE TAX PROCEDURES AND FILING REQUIREMENTS

WHEREAS, during the 2004 General Legislative Session the Utah Legislature passed Senate Bill SB-13 pertaining to Resort Community Tax Amendments amending U.C.A. Sections 59-12-401 and 59-12-402 and enacting Section 59-12-405; and

WHEREAS, the Tax Commission and State Legislature during previous interim studies had identified several administrative problems with the current resort community tax legislation. SB-13 addressed issues concerning lack of clearly defined criteria for eligibility to impose the tax, procedures for compliance, and the situation where a community may lose eligibility; and

WHEREAS, SB-13 requires a municipality to file with the State Tax Commission a form containing information regarding lodging capacity within the incorporated boundaries of the municipality; and provides procedures and requirements for a municipality to file the form with the State Tax Commission; and

WHEREAS, SB-13 requires the State Tax Commission to provide written notice to a municipality if the municipality has a transient room capacity that is less than 66% of the municipality's permanent census population; provides procedures and requirements for the State Tax Commission to provide the written notice to a municipality; and

WHEREAS, SB-13 provides that a municipality that receives the written notice from the State Tax Commission may not impose a resort communities tax under certain circumstances; and

WHEREAS, the purpose of this ordinance is to repeal Ord. No. 83-7/83-7(1) and update Park City Municipal Code Title 4, Chapter 11 in accordance with SB-13.

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

<u>SECTION 1. Ord. No. 83-7/83-7(1) is hereby repealed.</u>

<u>SECTION 2. AMENDMENTS TO TITLE 4, CHAPTER 11 OF THE MUNICIPAL CODE.</u> Title 4, Chapter 11 is hereby amended as follows:

CHAPTER 11 – ~~LOCAL OPTION~~ RESORT <u>COMMUNITIES</u>~~CITIES~~ SALES TAX

4-11- 1. DEFINITIONS.

For purposes of this Chapter, all terms used shall have the same meaning and definition as applied to those terms by the provisions of U.C.A. 59-12-405, and the State Tax Commission regulations adopted under U.C.A. Title 59, Chapter 12, Part 4.~~that Chapter, unless superseded by the definitions provided below:~~

4-11- 2~~3~~. RESORT COMMUNITIES SALES TAX IMPOSED.

~~T~~Except as otherwise provided herein, there is levied and there shall be collected and paid a tax upon every retail sale within Park City of tangible personal property, services, meals, lodging, admission to places of recreation, entertainment or amusements, utility service and all other personal property taxed under U.C.A. 59-12, within Park City at the rate of one percent (1%) of the retail selling price.

4-11- 3~~4~~. PLACE OF SALE.

For the purpose of this Chapter,~~section~~ the location of a sales transaction shall be determined in accordance with U.C.A. Sections 59-12-207.1 through 59-12-207.4.~~retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property is sold and delivered by the retailer or its agent to an out-of-state destination or sold or delivered to a common carrier, including the United States Postal Service, for delivery to an out-of-state destination. In the event the retailer has no permanent place of business in the City, or has more than one (1) place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission of Utah for the administration of the local sales tax under U.C.A. 59-12- 201 et al, or any successor provision. Public utilities, as defined by U.C.A. 54, 1953, shall not be obligated to determine the place or places within any municipality where public utility services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the City shall be determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations prescribed and adopted by the Commission for the application of the general sales tax.~~

4-11- 4~~5~~. COLLECTION AND PAYMENT OF TAX.

The tax imposed by this ordinance is in addition to and not in lieu of the general sales tax imposed under the provisions of the local sales and use tax ordinance adopted by Park City, and the state sales tax under U.C.A. 59-12. The procedure for collection and payment of this tax shall be identical to the procedure prescribed by U.C.A. Sections 59-12-401(2) and 59-12-402(2) and the State Tax Commission Regulations adopted under that Chapter.

4-11- 5~~6~~. STATE STATUTES APPLICABLE. (A) Except as hereinafter provided, and except as they are inconsistent with the provisions of the Local Sales Tax Law of

Utah, all other provisions of U.C.A. 59-12 pertaining to sales tax as in force at the effective date of this Ordinance, and as thereafter amended, are hereby adopted in full and made a part of this ordinance as though fully set forth herein, except for the provisions stating the rate of the tax applied.

(B) Wherever, and to the extent that in U.C.A. 59-12, the State of Utah is named or referred to as the taxing agency, the name of Park City shall be substituted therefore. Nothing in this paragraph shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

(C) If an annual license has been issued to a retailer under U.C.A. 59-12, an additional license shall not be required by reason of this section.

4-11-6~~7~~. EXCLUSIONS.

As provided in U.C.A. Section 59-12-401, the resort communities tax imposed under this section shall not apply to the sale of:

(A). a motor vehicle;

(B) an aircraft;

(C) a watercraft;

(D) a modular home;

(E) a manufactured home;

(F) a mobile home; or

(G) the sales and uses described in U.C.A. Section 59-12-104 to the extent the sales and uses are exempt from taxation under that section.
~~This local option sales tax shall not apply to the following sales or kinds of sales:~~

~~(A) Sales of a single item for a total consideration, before adjustment for trade-in allowances, of $2,500 or more;~~

~~(B) Wholesale sales as defined in this ordinance;~~

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

Resolution No.

A RESOLUTION ADOPTING REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL, DATED JULY 1, 2004 FOR PARK CITY MUNICIPAL CORPORATION

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

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

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

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

SECTION 1. ADOPTION . The Revised Personnel Policies and Procedures, dated July 1, 2004 attached hereto, are hereby adopted, to replace all others previously adopted and become effective immediately.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect on July 1, 2004.

Attachment A.
Recommendations for Revision to the Policies and Procedures Manual

Section Four (4) HOURS 4.4 Overtime

Overtime is time in excess ~~of theof the~~ of a ~~normal~~ ~~normal~~ 40-hour work week.

Section Four (4) HOURS 4.5 Flex Schedules
Any department interested in allowing a modified flex schedule must have approval from the City Manager. Managers must submit a flex plan and schedules including but not limited to recommendations, benefits, and customer service costs to the City Manager before scheduling begins. Flex schedules may be modified or rescinded at any time if deemed necessary by the Department Head, Managers or City Manager. The Human Resources Manager will compile a list of which departments and divisions are implementing a flex schedule and present it to the City Manager annually. Flex schedules must comply with the Fair Labor Standards Act (FLSA) and the City's policy on overtime and workweek designation as defined in Section 4.4 Overtime.

Section Six (6) PAY PLAN AND ADMINISTRATION 6.2 Total Compensation Survey
The Human Resources Manager will conduct and/or subscribe to employee, City Council and Mayor salary surveys for the purpose of determining prevailing pay rates of the organizations such as comparable municipalities and other government entities within the state of Utah and ski resort areas. Where possible Vail, Aspen, Breckenridge and Steamboat Springs, Colorado are included in the list of comparison cities.

Section Six (6) PAY PLAN AND ADMINISTRATION 6.17 Bonuses b. Bonus Categories
#1. Instant Bonus
Any employee can nominate another employee for an instant bonus from $25.00 to $100.00 without the City Manager's approval but with the nominee's Department Head or Manager's approval. Nominations must be in writing and forwarded to the Human Resources Department.

#3. Meritorious Bonus
A meritorious bonus of up to $250.00 may be recommended for an employee by his/her supervisor at any time throughout the year; however, the amount of this bonus if approved may be taken into consideration and included in the overall lump merit increase given at the annual review. Meritorious bonuses should be reserved for the most productive and estimable performances. They should be based upon the employee's contribution to a department or city essential project, completion of a specific project milestone, exceptional meritorious performance, and/or acknowledgement of efforts during particularly challenging work.

Projects or events that become ongoing will not be given a bonus beyond the year of implementation.

Section Six (6) PAY PLAN AND ADMINISTRATION 6.18 On-Call Pay

On-call employees shall receive one hundred dollars ($100.00) flat rate pay, per seven day on-call period with two (2) hour minimum pay per call out. ~~any twelve (12) hour period,~~ excluding travel time.

Section Nine (9) PROCEDURES FOR EMPLOYEE COMPLAINTS AND DISCHARGE AND TRANSFER APPEALS 9.3 ETDAB Appeal Rights and Procedure

~~The ETDAB shall be created by ordinance and consist of five members; three of whom shall be chosen by and from the appointive officers and employees, the other two of whom shall be members of the governing body (City Council). ETDAB's procedure for conducting an appeal and the applicable standard of review shall be prescribed by the City Council pursuant Utah Code Annotated Section 10-3-1106, as amended.~~

~~The Administrative Rules of the Employee Transfer and Discharge Appeals Board (ETDAB) are available in Human Resources. Copies of Utah Code Annotated Sections 10-3-1105 and –1106, as amended, are available at the Legal Department.~~

~~In cases of transfer or discharge, employees shall have the right to appeal to The Employee Transfer and Discharge Appeal Board (ETDAB) as set forth in Utah Code Annotated 10-3-1106, as amended. This statute prohibits the discharge or transfer of employees (excluding Department Heads) to a position with less remuneration because of the employees politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of departments. The statute also provides that any employee or officer who is discharged or transferred from one position to another, for any reason, shall have the right to appeal the discharge or transfer to the ETDAB.~~

~~The ETDAB shall be created by ordinance and consist of five members; three of whom shall be chosen by and from the appointive officers and employees, the other two of whom shall be members of the governing body (City Council).~~

a. Except as otherwise provided in Subsection b herein, in cases of involuntary transfer to a position with less remuneration, suspension without pay for more than two days, or discharge, employees shall have the right to appeal to the Employee Transfer and Discharge Appeal Board (ETDAB) as set forth in Utah Code Annotated Sections 10-3-1105 and –1106 as amended.

b. Pursuant to Utah Code Annotated Section 10-3-11-5, the ETDAB appeal rights provided herein do not apply to: (1) an officer appointed by the Mayor or City Council; (2) the Chief of Police; (3) the Deputy Chief of Police;(4) the Fire Chief; (5) the Deputy or Assistant Fire Chief; (6) a head of a municipal department; (7) a deputy head of a municipal department; (8) probationary employees; (9) part-time employees; and (10) seasonal employees.

c. An employee to which ETDAB appeal rights apply may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of department. Any employee or officer who is discharged, suspended without pay for more than two days, or involuntarily transferred to a position with less remuneration, for any reason, shall have the right to appeal the discharge, suspension without pay, or involuntary transfer to the ETDAB. Appeals to the ETDAB shall be taken by filing written notice of the appeal with the City Recorder within ten (10) days of the discharge, suspension without pay, or involuntary transfer.

The ETDAB shall be created by ordinance and consist of five members; three of whom shall be chosen by and from the appointive officers and employees, the other two of whom shall be members of the governing body (City Council). ETDAB's procedure for conducting an appeal and the applicable standard of review shall be prescribed by the City Council pursuant Utah Code Annotated Section 10-3-1106, as amended.

The Administrative Rules of the Employee Transfer and Discharge Appeals Board (ETDAB) are available in Human Resources. Copies of Utah Code Annotated Sections 10-3-1105 and – 1106, as amended, are available at the Legal Department.

~~The Administrative Rules of the Employee Transfer and Discharge Appeals Board (ETDAB) are available in Human Resources.~~

Section 10 Employee Benefits **<u>10.12 Sick Leave</u>**
The bonuses will be paid 30 days after the end of the quarter. Any discrepancies on whether or not an employee is eligible for a sick leave bonus shall be resolved by the employee's supervisor. Sick leave bonuses do not apply to ~~employees on short term or long term disability or~~ employees off work due to a Workers Compensation related injury.

Section 10 Employee Benefits **<u>10.24 Wellness Program</u>**
Full time regular employees may be granted, with prior supervisory approval an additional 30 minutes during their shift to exercise. Release time may be granted in conjunction with an employee's lunch hour or at the beginning or end of their shift and may be granted up to a maximum of three times per week depending on the needs of the employee's department. Time must be recorded as "release time" (RL) on timesheets.

This and all other qualified Racquet Club benefits are available to employees only; there are no Racquet Club benefits available to spouses or families.

Ordinance No.

ORDINANCE ESTABLISHING COMPENSATION FOR THE MAYOR AND CITY COUNCIL FOR FISCAL YEAR 2004 – 2005 IN PARK CITY, UTAH

WHEREAS, the City Council has the power to establish compensation schedules pursuant to UCA Section 10-3-818; and

WHEREAS, the number of duties for the Mayor and City Council is significant and each elected officer is required to devote considerable time and expense to public service and community affairs; and

WHEREAS, according to state law, public hearings were duly advertised and held on May 20, 2004 and June 3, 2004;

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

SECTION 1. REPEALER: All previous compensation ordinances regarding elected officers hereby are repealed.

SECTION 2. COMPENSATION FOR MAYOR AND CITY COUNCIL ADOPTED: The following salary levels are hereby adopted:

	FY 2004-2005
Mayor	$1,396 per month
City Council	$ 737 per month

SECTION 3. BENEFITS: The Mayor and each member of the City Council shall receive family medical insurance. This benefit may be received as cash in lieu of the insurance coverage. The Mayor shall also receive $250 per month in car allowance subject to mileage certification by City Council.

SECTION 4. EFFECTIVE DATE**.** This Ordinance shall become effective on July 1, 2004.

PASSED AND ADOPTED this 3rd day of June, 2004

City Council
Staff Report

Planning

Author: Kirsten Whetstone
Subject: Deer Crest Hotel CUP
Date: June 3, 2004
Type of Item: Appeal of Planning Commission's March 24, 2004 decision approving modifications to the Deer Crest conditional use permit

Summary Recommendations:
Staff recommends the City Council discuss the issues on appeal, hear testimony from appellant and applicant/appellee, and uphold the Planning Commission's March 24, 2004 decision to approve the Deer Crest Hotel CUP amendments.

Description
Topic
Appellant: Avalon Deer Valley LLC, et al
Applicant/Appellee: Deer Crest Associates I, LC
Location: 2300 Deer Valley Drive East
Proposal: Request for amendments to the approved Deer Crest Hotel CUP (previously known as the Rosewood CUP)
Project Planner: Kirsten Whetstone
Date of Application: January 13, 2004
Date of PC Action: March 24, 2004
Date of Appeal: April 4, 2004

Background Information- Planning Commission Action
On January 13, 2004 Deer Crest Associates I, LC ("Deer Crest") filed an application to amend the conditional use permit for the Deer Crest Hotel (previously known as the Rosewood CUP) as approved on February 28, 2001 and amended on July 25, 2001. On February 25, 2004, the Commission conducted a public hearing and discussed the proposal at length. No public input was offered. The Commission requested additional information regarding the amendments and voted to continue the public hearing. At the public hearing on March 10, 2004, Robert Simon, representing Avalon Deer Valley LLC, protested the application and expressed concerns regarding (1) ownership of the CUP approval, (2) affordable housing requirements, and (3) access to the hotel site. The Planning Commission requested that staff and Deer Crest review and respond to these issues and continued the public hearing for further discussion on March 24, 2004.

On March 24, 2004, the Planning Commission reviewed staff's analysis and written responses from Deer Crest representatives regarding Mr. Simon's concerns and then approved the request to amend the Deer Crest Hotel CUP, based upon findings of fact, conclusions of law, and conditions of approval as stated in the March 24, 2004 staff report (see Exhibit A).

A detailed description of the proposed changes to the Conditional Use Permit and the staff analysis of the proposal are found in the March 24 staff report.

Substance of Appeal

On April 4, 2004, an appeal of the March 24, 2004 Planning Commission approval of the amended Deer Crest Hotel Conditional Use Permit was filed by Willamette Landing Investments Inc., and Avalon Deer Valley LLC, by and through A. Paul Brenneke, President ("Avalon"). Staff's responses to the issues raised in the appeal letter follow in italics.

The appeal states the following:

1. "In sum the Rosewood Applicant does not consent to the modification, and opposes any transfer of the approval. If the landowner wishes to file for its own land use approval, then it is free to do so. It just is not free to modify a fully vested land use approval without the consent of the Applicant."

    Here, Avalon claims that they were the applicant for the July, 2001 Deer Crest CUP amendment and therefore no one—including the property owner—can modify that approved CUP without their consent. Avalon's argument, however, is flawed for a number of reasons.

    First, Avalon was not the applicant for either the original CUP or the July, 2001 CUP amendment. Park City's files demonstrate that Deer Crest consistently has been identified and recognized as the owner of the subject property and CUP applicant. Please refer to Exhibits A, D—L for copies of the relevant portions of the following documentation, all uniformly identifying Deer Crest as property owner and applicant:

    > *October 5, 2000 CUP application; September 22, 2000 title report; November 22, 2000; February 14, 2001; and February 28, 2001 Planning Commission staff reports; March 1, 2001 notice of Planning Commission action; June 20, 2001 letter applying to amend the CUP; October 1, 2003 and March 4, 2004 title reports; July 25, 2001 Planning Commission staff report; and July 27, 2001 notice of Planning Commission action.*

    Secondly, Avalon's appeal letter acknowledges that they own no interest in the subject property and that Deer Crest is the record title owner. Avalon offers no explanation nor support for their claim that, despite holding no ownership interest in the property, they should be recognized as "owner" of the "fully vested land use approval."

    Finally, Avalon's appeal ignores the Land Management Code definition of Applicant: "The Owner of the Property that is the subject of the Application, or the Owner's Agent." (LMC Section 15-15-1.14). An "Agent" is defined as "The Person with written authorization to represent an Owner." (LMC Section 15-15-1.8). Avalon admits that *they are not owner of the subject property. Pursuant to the LMC, even if Avalon were considered an "applicant" to the Deer Crest CUP, it could only be in the capacity of an agent to Deer Crest. As agent to Deer Crest, any action taken by Avalon with respect to the Deer Crest CUP was solely as the property owner's representative; any approvals and/or development rights to the property therefore vest in the property owner—Deer Crest—not the representative. Accordingly, pursuant to the LMC, Avalon holds no "ownership" or other right to the July, 2001 CUP approval.* ***Therefore, the Planning Commission did not err in approving Deer Crest's application to amend the Rosewood CUP as approved on July 25, 2001 .***

2. "PCMC 15-1-16 provides for vesting of a land use approval. A grading and shoring permit were pulled and used at substantial expense in reliance upon this land use approval. Therefore, such an approval may not be changed without the consent of the Applicant."

   Avalon's citation to this LMC Section seems misplaced or erroneous. LMC Section 15-1-16 states that "Licenses and permits issued in violation of the LMC are null and void." Vesting is not discussed or governed by LMC Section 15-1-16.

   Any discussion of vesting is appropriately guided by Section 15-1-17. That section provides that "Upon submittal of a Complete Application, the Application shall vest pursuant to the terms of the LMC and Zoning Map in effect at the time of filing the Complete Application." Even assuming Avalon intended to reference this section, Avalon's discussion of permits and vesting is erroneous. More specifically, the intent behind the vesting provision is to clearly identify—to both Park City and the applicant—the specific LMC and zoning terms upon which a specific application will be reviewed. Subject to certain qualifications (see LMC Sections 15-1-17(C)), once a complete application is filed, subsequent amendments to the LMC and/or zoning map would not apply.

   Whether and when Avalon may have pulled grading and shoring permits is wholly irrelevant to the question of vesting. Moreover, a property owner is free to apply for and process an application to modify and existing permit (in this case a CUP) at any time, provided the underlying permit is valid. Here, the Deer Crest CUP was valid at the time Deer Crest filed application to amend—a fact that Avalon does not dispute (Avalon's appeal letter refers to the July, 2001 CUP as a "fully vested land use approval"). ***Therefore, the Planning Commission did not err in approving Deer Crest's application to amend the Rosewood CUP as approved on July 25, 2001.***

3. "PCMC 15-1-10 (E) provides for the transferability of the approval by the Applicant. The Applicant has not consented to the transfer. Requiring the consent of the Applicant to the modification of an

approval is a logical extension of the policy articulated by the City in the provisions relating to transferability. Therefore it is reasonable to request the City to interpret its ordinances to provide that a vested land use application may not be modified without the consent of the Applicant."

Again, Avalon appears to have cited the wrong LMC section—the following analysis applies LMC Section 15-1-10(F), which governs transferability of conditional use permits. The Park City Land Management Code, Section 15-1-10 (F) Transferability, states the following:

> *"A Conditional Use Permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not transfer the permit off the Site on which the approval was granted."*

Avalon's claim with respect to transferability of the CUP necessarily rests on the claim that Avalon "owns" the CUP and that Deer Crest does not. As discussed above, Avalon's 2001 involvement in the CUP process was in the capacity of agent or representative of the property owner, Deer Crest. The CUP is attached to the subject property and the rights thereto belong to Deer Crest, as property owner.

Additionally, the language of LMC Section 15-1-10(F) demonstrates that the CUP is attached to the land. If property upon which a CUP has been approved is transferred, the CUP transfers with title to the property. This allows a subsequent property owner to continue the use without need to re-apply for another CUP. Section 15-1-10(F) also provides that "The Applicant may not transfer the permit off the Site on which the approval was granted." Each CUP is valid only on the property for which it was granted. In other words, the CUP is not separable from the underlying property.

Deer Crest Associates I, L.C. was the Property Owner when the Planning Commission approved the original CUP on February 28, 2001. Deer Crest Associates I, L.C. was also the Property Owner when the Planning Commission approved the first amendments on July 25, 2001. The Deer Crest Hotel CUP, as approved by the Planning Commission on July 25, 2001, is attached to the subject property and rights thereto are held by the owner of the subject property, Deer Crest Associates I, L.C. ***Therefore, the Planning Commission did not err in approving Deer Crest's application to amend the Rosewood CUP as approved on July 25, 2001.***

4. "Further grounds for appeal include the violation of the Settlement Agreement by the landowner. That agreement allowed the Deer Crest Subdivision and the Rosewood CUP but required the compliance of the landowner with two Affordable Housing Agreements. The first, with Park City was prepared by the Applicant and presented by the

Applicant to the Planning Commission for Approval. The landowner has not adopted that plan as its own.

The second, with Wasatch County required the presentation of a plan within a year of execution, which occurred on December 16, 1998 (recorded document #00209771). That event never occurred and thus the terms of the Settlement Agreement have not been satisfied by the landowner (despite the pleas of the Applicant). Therefore, the entire subdivision is in non-compliance with the terms of the Settlement Agreement, and should not be allowed to proceed under that Agreement while in default of its express terms to the detriment of the public."

Again, Avalon asserts that the affordable housing plan approved by Park City does not belong to Deer Crest. Staff's analysis of this issue is the same as the CUP ownership issue discussed above—any action taken by Avalon in this respect was on behalf of and in representation of Deer Crest. The approved affordable housing plan belongs to Deer Crest, not Avalon.

The December 29, 1995, Deer Crest Settlement Agreement, as amended, set forth the base affordable housing requirement. In addition, the Planning Commission, on December 12, 2001, approved an affordable housing plan for this property. This plan remains in full force and effect with the amended CUP. This requirement is reflected in condition of approval #21 of the March 24, 2004 Planning Commission staff report (see Exhibit A). No certificates of occupancy for the hotel will be issued until the affordable housing obligations have been satisfied for each phase of development.

Regarding Avalon's claim with respect to Wasatch County affordable housing requirements, staff notes that such issues are beyond Park City's jurisdiction and are a matter to be addressed between Wasatch County and Deer Crest Associates I, L.C.

Deer Crest is in compliance with all affordable housing requirements under Park City's jurisdiction (pursuant to the 1995 Settlement Agreement and affordable housing plan approved by the Planning Commission on December 12, 2001). ***Therefore, the Planning Commission did not err in approving Deer Crest's application to amend the Rosewood CUP as approved on July 25, 2001.***

5. "There is another issue of access to the Roosevelt Gap parcel. There is only one deeded access (see recorded document #00198231) which allows 12 single-family residences. No other access of record, signed by the parties, provides for public access from the Hotel to a public highway. It is not possible to approve such a land use."

First, it is worth noting that access to the Roosevelt Gap parcel was *platted on November 3, 1997. The same access remains in place today, as it was in 2001 when Avalon served as agent to Deer Crest. The same access that Avalon challenges today was relied on in 2001 to gain approval of the Deer Crest CUP, which Avalon describes as "a fully vested land use approval." Avalon offers no explanation why the access that was adequate in 2001 is now alleged to be insufficient.*

Legal counsel for Deer Crest explains the Roosevelt Gap access issue as follows: "Deer Crest is a master planned community accessed solely by private roads. At the time of the first subdivision approval within Deer Crest, Deer Crest dedicated access easements extending from Queen Esther Drive, through the present Roosevelt Gap site, through the single family subdivisions and ending at the public right of way frontage road to US 40. These easements expressly run to the benefit of ' Lot owners, owners of units within condominium or multifamily projects within the Deer Crest Estates Subdivision—Phase 1 Plat, which was recorded on November 3, 1997 as Entry number 198233 in book363 at page 432 in the official records of the Wasatch County Recorder." See March 17, 2004 letter from Thomas A. Ellison, attached hereto as Exhibit M. This access easement is also included in the March 4, 2004 title report submitted by Deer Crest. Further discussion of the access to the Roosevelt Gap parcel is reflected on the recorded Roosevelt Gap subdivision plat as note #2. An amended plat for this property was recently approved by the City Council on April 15, 2004.

The Deer Crest Settlement Agreement and subsequent development plans for the Deer Crest Master Plan include specific language about a hotel development to be located at the Roosevelt Gap site, subject to various conditions. The private drive, Deer Crest Estates Drive, is located on and in fact bisects the Roosevelt Gap parcel. ***Therefore, the Planning Commission did not err in approving Deer Crest's application to amend the Rosewood CUP as approved on July 25, 2001.***

Notice of appeal
Notice of this appeal hearing was duly posted and letters were sent to property owners as prepared by Coalition Title Agency. Notice of the appeal hearing was published in the Park Record at least 7 days prior to the appeal date. The appellant was contacted by the Park City Legal Department on May 11, 2004 regarding the scheduled appeal date of June 3, 2004.

Staff Recommendation
Staff recommends the Council conduct a hearing on the appeal, consider input, and uphold the Planning Commission approval of Deer Crest's application to amend the July 25, 2001 Deer Crest Hotel Conditional Use Permit based on the findings of fact, conclusions of law, and conditions of approval as stated below.

<u>Findings of Fact</u>

1. Title reports dated September 22, 2000; October 1, 2003; and March 4, 2004 identify Deer Crest Associates I, L.C. as owner of the subject property.
2. The original conditional use permit application for the Deer Crest Hotel (formerly known as "Rosewood Hotel at Deer Crest") was submitted to Park City on October 5, 2000. This application identifies the applicant as "Deer Crest Associates, LLC" (page 1) and "Deer Crest Associates I, L.C." (page 4).
3. Planning Commission staff reports dated November 22, 2000; February 14, 2001; and February 28, 2001 for the Deer Crest Hotel (formerly known as "Rosewood Hotel at Deer Crest") uniformly identify Deer Crest Associates as the Applicant.
4. The Planning Commission approved a Conditional Use Permit (known as the Rosewood CUP) on the subject property, located at 2300 Deer Valley Drive, on February 28, 2001 with findings of fact, conclusions of law, and conditions of approval.
5. The March 1, 2001 notice of Planning Commission action (approving the Rosewood CUP) was addressed to Deer Crest Associates.
6. An application letter dated June 20, 2001—applying to amend the approved Rosewood CUP—was submitted by Deer Crest Associates and Avalon Holdings, Inc.
7. Planning Commission staff reports dated July 11 and 25, 2001 for the application to amend the Rosewood CUP uniformly identify Deer Crest Associates as the Applicant.
8. The Planning Commission approved the application to amend the Rosewood CUP on July 25, 2001 with findings of fact, conclusions of law, and conditions of approval.
9. The July 27, 2001 notice of Planning Commission action (approving the application to amend the Rosewood CUP) was addressed to Deer Crest Associates, LLC.
10. An application to amend the Rosewood CUP (as amended on July 25, 2001) was submitted to Park City on January 13, 2004. The application identifies the applicant as Deer Crest Associates I, L.C.
11. Planning Commission staff reports dated February 11, 2004; February 25, 2004; March 10, 2004; and March 25, 2004 for the application to amend the amended Rosewood CUP uniformly identify Deer Crest Associates I, LLC as the Applicant.
12. The Planning Commission held public hearings on Deer Crest Associates I, LC's application to amend the amended Rosewood CUP on February 25, 2004; March 10, 2004; and March 24, 2004.
13. Attorney Robert Simon, representing Avalon Holdings, testified at the March 10, 2004 Planning Commission hearing on Deer Crest Associates' application to amend the amended Rosewood CUP. Mr. Simon protested the application on grounds relating to transfer of the CUP, compliance with required affordable housing, and access to the Roosevelt Gap parcel.
14. Thomas A. Ellison submitted a letter to Park City on March 17, 2004, explaining and identifying legal access to the Roosevelt Gap parcel. That letter states that "Deer Crest is a master planned community accessed

solely by private roads. At the time of the first subdivision approval within Deer Crest, Deer Crest dedicated access easements extending from Queen Esther Drive, through the present Roosevelt Gap site, through the single family subdivisions and ending at the public right of way frontage road to US 40. These easements expressly run to the benefit of 'Lot owners, owners of units within condominium or multifamily projects within the Deer Crest Estates Subdivision—Phase 1 Plat, which was recorded on November 3, 1997 as Entry number 198233 in book 363 at page 432 in the official records of the Wasatch County Recorder."

15. Dan R. Larsen submitted a letter to Park City on March 18, 2004 explaining and identifying legal access to the Roosevelt Gap parcel as being "reflected in General Note 2 of the original plat."
16. Dan R. Larsen and Cary D. Jones submitted a letter to Park City on March 18, 2004 responding to the issues raised by Robert Simon during the March 10, 2004 Planning Commission hearing.
17. The Planning Commission on March 24, 2004, approved the application to amend the amended CUP now known as the Deer Crest Hotel CUP (formerly Rosewood CUP) with findings of fact, conclusions of law, and conditions of approval.
18. The Deer Crest Settlement Agreement was executed on December 29, 1995 and contains an affordable housing requirement for the Roosevelt Gap/Snow Park Area to "provide for affordable housing, subject to Park City qualified renters guidelines and shall otherwise comply with Park City Resolution No. 7-95. The total affordable employee housing shall be ten percent (10%) of the total number of unit equivalents within the Roosevelt Gap/Snow Park Area. Property Owners' affordable employee housing obligation can be satisfied anywhere on the Property, at Property Owners' discretion." (See Section 5.2.2.4)
19. The Rosewood Hotel affordable employee housing plan was approved by the Planning Commission on December 12, 2001. Condition of approval No. 4 provided that "No certificates of occupancy shall be issued for Phase 1 of the Rosewood CUP until the affordable housing obligation for that Phase has been satisfied." Certificates of occupancy for Phase 1 have not been applied for or issued; therefore, satisfaction of the affordable housing obligation is not yet due and Deer Crest is not out of compliance with that requirement.
20. Condition of approval No. 21 from the Planning Commission's approval of Deer Crest's application to amend the Rosewood CUP (as amended on July 25, 2001) provides the following regarding affordable housing: "The Deer Crest affordable housing plan, approved by the Planning Commission on December 21 [sic], 2001, shall remain in full force and effect unless amended and approved by the Planning Commission. No certificates of occupancy shall be issued for this Deer Crest Hotel CUP until all affordable housing obligations (10% of the approved u.e.'s) have been satisfied for each phase, ie. In-lieu fees paid and any built units certified for occupancy. Phase 1 in the approved affordable housing plan shall mean the Roosevelt Gap site and Phase II shall mean the Snow Park site."
21. The March 4, 2004 title report access easement identified a number of

easements to the subject property, including the following: ”an easement and right-of-way as platted on the east bench multi family parcel in Deer Valley, recorded plat no. 228831 (12-28-84) in the Summit County Recorder’s Office, and described as follows.” (legal description omitted).

22. On April 4, 2004 the City Recorder received from Willamette Landing Investments Inc. and Avalon Deer Valley LLC, an appeal of the March 24, 2004, Planning Commission decision to approve the amended CUP on grounds of CUP transferability, affordable housing, and access.
23. Staff duly and properly noticed this appeal hearing by placing a legal advertisement in the Park Record, posting required notice, and sending written notice as a courtesy to adjacent and affected property owners

Conclusions of Law

1. The Planning Commission did not err in approving Deer Crest’s application to amend the February 28, 2001 Rosewood CUP (now known as the Deer Crest Hotel CUP) as amended on July 25, 2001.
2. The subject property is owned by Deer Crest Associates I, L.C. The subject property was owned by Deer Crest Associates I, L.C. on July 25, 2001.
3. The Deer Crest Hotel CUP (aka Rosewood CUP), as approved by the Planning Commission on July 25, 2001, is attached to the subject property and rights thereto are held by the owner of the subject property, Deer Crest Associates I, L.C.
4. Avalon holds no rights to the July 25, 2001 Deer Crest Hotel CUP (aka Rosewood CUP.
5. Deer Crest is in compliance with all affordable housing requirements under Park City’s jurisdiction (pursuant to the December 29, 1995 Settlement Agreement and affordable housing plan approved by the Planning Commission on December 12, 2001).
6. Access to the Roosevelt Gap parcel is via recorded and platted easements.
7. Avalon’s appeal filed with the Park City Recorder on April 4, 2004 is denied.

Exhibits

(*All Exhibits are available at the City Recorder' office during regular business hours*.)

Exhibit A – March 24, 2004 Planning Commission staff report
Exhibit B – March 10 and 24, 2004 Planning Commission Minutes
Exhibit C – Avalon Appeal document
Exhibit D – October 5, 2000 CUP Application (Rosewood Hotel at Deer Crest)
Exhibit E – September 22, 2000 title report (relevant portions only)
Exhibit F – March 1, 2001 notice of Planning Commission action
Exhibit G – November 22, 2000; February 14, 2001; and February 28, 2001 Planning Commission staff reports (cover pages identifying Applicant only)
Exhibit H – June 20, 2001 letter applying to amend the Rosewood Hotel CUP

Exhibit I – July 11 and 25, 2001 Planning Commission staff reports (cover pages identifying Applicant only)
Exhibit J -- July 27, 2001 notice of Planning Commission action
Exhibit K – January 13, 2004 CUP Amendment Application (Deer Crest Hotel)
Exhibit L – October 1, 2003 and March 4, 2004 title reports
Exhibit M -- March 17, 2004 letter from Thomas A. Ellison
Exhibit N – March 18, 2004 letter from Dan R. Larsen
Exhibit O – March 18, 2004 letter from Dan R. Larsen and Cary D. Jones
Exhibit P – Minutes of December 12, 2001 Planning Commission hearing approving the affordable housing plan for Deer Crest
Exhibit Q -- December 29, 1995 Deer Crest Settlement Agreement (first page and affordable housing section only)

IN THE STATE OF UTAH IN THE CITY OF PARK CITY

In re: **ROSEWOOD CUP,** aka EER CREST HOTEL AMENDED UP AND SUBDIVISION PLAT **Applicant(s),**	))))))))))	**APPEAL, OF FINAL ACTION OF PLANNING COMMISSION** **Pursuant to PCMC 15-1-17(C)**

COMES NOW, the Applicant Willamette Landing Investments Inc., and Avalon Deer alley LLC, by and through **A.** Paul Brenneke, President, and objects to the Final Action of the lanning Commission taken March 24, 2004, approving the request of Deer Crest Associates LC [the landowner) to modify the Rosewood CUP (as amended).

There is no dispute that the land owner may apply for its own land use application for its wn property at any time as far as the City is concerned. However, where the land use approval ıs been obtained, and then used by an applicant, the land owner may not modify that particular nd use approval without the consent of the applicant.

In the present case, the applicant is Willamette, and it was Willamette which pulled the :ading permits (Exhibit #1) and thus, it is Willamette which must consent to modifications of its nd use approval. Willamette has a "vested right" in the approval, and no voluntary government :tion may interfere with that vested right (unless pursuant to a law enforcement power). No ›luntary government action may divest Willamette of its property right in the approval upon hich Willamette has relied. Certainly, no such action may take place without just compensation › Willamette.

Dated this 6/1/04, 2004

A. Paul Brenneke
President, Willamette Landing Investments Inc.,

Dated this 6/1/04, 2004

A. Paul Brenneke
President, Willamette Landing Development Inc.,

Dated this 6/1/04, 2004

A. Paul Brenneke
President, Willamette Landing Investments Inc.,
Manager, Avalon Deer Valley LLC

BUILDING INSPECTION DEPARTMENT
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
(435) 615-5100

Building B-GRADE
Permit Number: B01-07207

Date of Application: 11/08/2001
Date Issued:
Permit Expires:

Job Address: 2300 DEER VALLEY DR EAST PC
Parcel No:

Status: APPROVED

Owner of Property: WILLIAMETTE LANDING DEVELOPMENT
Mailing Address:

Phone #:
Zip:

Contractor: BAILEY, BUD CONSTRUCTION JNC
Mailing Address: P O BOX 27848
SALT LAKE CITY UT

Phone #: 8018870600
Zip: 84127-0848
St. Lic #: 97349335501

Work Description: excavation

PERMIT FEE SCHEDULE

Permit Fee...	$481.50
Plan Review Fee....	$135.00
Investigation Fee.	$0.00
1% State Surcharge.............	$4.82
Water Connection Impact Fee...	$0.00
Water Development Impact Fee..	$0.00
WAIVE FEE (y/n) .... N	
TOTAL FEES	$621.32

Landscape Guarantee......................... $71,550.00

Conditions: Cond: CON0012949
Excavation and grading only. No footings are approved with this permit. No buildings are approved with this permit. No utilities are approved with this permit.
Cond: CON0012972
Please be aware that due to the owner's design of this project Park City cannot provide water to the project. The contractor and owner are hereby notified that they are proceeding at their own risk with regard to the service of water to the project. Do not proceed with the project if there is any question that the owner and developer must reach agreement with a separate water provider. Such agreement will be very expensive. By commencing excavation the owner, developer, and contractor stipulate their

EXHIBIT 1
1/4

BUILDING INSPECTION DEPARTMENT

agreement with this warning, with this condition, and with all other conditions of this permit.

SIGNATURE Scott Carlson DATE 21 Dec 2001

EXHIBIT 1
2/4

WILLAMETTE LANDING INVESTMENTS, INC.
P.O. BOX 6059
PORTLAND, OR 97228

CENTENNIAL BANK
PORTLAND, OR
96-605/1232

3286

12/11/2001

PAY TO THE ORDER OF Park City Municipal Corp. $ **621.50

Six Hundred Twenty-On and 50/100 ******** DOLLARS

Park City Municipal Corp.
PO Box 1480
Park City, Utah 84060

VOID IF NOT NEGOTIATED WITHIN 120 DAYS OF ISSUANCE

MEMO Excavation Permit Fee

⑈003286⑈ ⑆123206053⑆ 21 052071⑈

WILLAMETTE LANDING INVESTMENTS, INC.

Park City Municipal Corp.	12/11/2001	3286
		621.50
Operating-Centennial Bank Excavation Permit Fee		621.50

EXHIBIT 1
3/4

B01-07207

GRADING & EXCAVATION PERMIT

BUILDING INSPECTION DEPARTMENT
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060
(435) 615-5100

Building Permit Number:	B-GRADE B01-07207	Date of Application:	11/08/2001
		Date Issued:	
		Permit Expires:	
Job Address:	2300 DEERVALLEY DR EAST PC	Status:	PLANCK
Parcel No:			

Owner of Property: WILLIAMETTE LANDING DEVELOPMENT **Phone #:**
Mailing **Address:** Zip:

Contractor:	BAILEY, BUD CONSTRUCTION INC	Phone #:	8018870600
Mailing Address:	P O BOX 27848	Zip:	84127-0848
	SALT LAKE CITY UT	St. Lic #:	973495135501

Work Description: **excavation**

PERMIT PEE SCHEDULE

Permit: Fee....................	$481.50
Plan Review Fee..............	$135.00
Investigation Fee..........	$0.00
1% State Surcharge...........	$4.82
Water Connection Impact Fee...	$6,580.00
Water Development Impact Fee..	$37,600.00
WAIVE FEE (y/n)	N
TOTAL FEES..................	$44,801.32

Landscape Guarantee......................... $71,550 00

Conditions: Cond: CON0012949
Excavation and grading only, No footings **are approved with this permit. No buildings are approved** with this **permit.** No **utilities** are **approved with thus** permit.

SIGNATURE________________________ DATE ____________

EXHIBIT 1
4/4