PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 1, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 1, 2000.

Work Session - City Council Chambers - Lower Level

3:30 p.m. Council questions and comments
4:00 p.m. Trash collection
4:15 p.m. Budget review
5:15 p.m. Review of regular meeting

- Outdoor music ordinance
- Telecommunications ordinance
- Amendment to water agreement - The Colonies
- Other meeting questions and comments

5:45 p.m. Break\snack

Regular Meeting - City Council Chambers - Lower Level

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF MAY 11, 2000

V RESIGNATIONS AND APPOINTMENTS

Reappointment of Marydee Ojala for a term expiring July 2003 and appointment of Chris Haerter and Kate Doordan for terms expiring July 2003 to the Library Board

VI CONSENT AGENDA PUBLIC HEARING

1. Ordinance approving the 187 Daly Avenue plat lot line amendment plat to combine the sourtherly 13 feet of Lot 30, all of Lot 31, and the northerly 15 feet of Lot 32 of Block 73 of the First Subdivision Millsite Reservtion, into two separate lots located at 187 Daly Avenue, Park City, Utah

2. Ordinance approving an amendment to the Park City Plat to combine all of Lot 20 and a portion of Lot 21 of Block 28 of the Snyder's addition to the Park City Survey into one lot or record at 1048 Lowell Avenue, Park City, Utah

3. Ordinance approving the 347 Woodside Replat lot line combination plat to combine the north 20 feet of Lot 12, all of Lot 13, and the southerly half of Lot 14, Block 30 of the Park City Survey into one platted lot, located at 347 Woodside Avenue, Park City, Utah

VII CONSENT AGENDA

1. Ordinance approving the 187 Daly Avenue plat lot line amendment plat to combine the sourtherly 13 feet of Lot 30, all of Lot 31, and the northerly 15 feet of Lot 32 of Block 73 of the First Subdivision Millsite Reservtion, into two separate lots located at 187 Daly Avenue, Park City, Utah

2. Ordinance approving a final subdivision plat for 1340 and 1360 Lowell Avenue, known as Park City Mountain Village Subdivision, Phase B-1, Park City, Utah

3. Ordinance approving an amendment to the Park City Plat to combine all of Lot 20 and a portion of Lot 21 of Block 28 of the Snyder's addition to the Park City Survey into one lot or record at 1048 Lowell Avenue, Park City, Utah

4. Ordinance approving the 347 Woodside Replat lot line combination plat to combine the north 20 feet of Lot 12, all of Lot 13, and the southerly half of Lot 14, Block 30 of the Park City Survey into one platted lot, located at 347 Woodside Avenue, Park City, Utah

5. Resolution adopting the housing element of the General Plan, Park City, Utah

6. Approval of Prospector Athletic Club settlement agreement

VIII PUBLIC HEARINGS

1. Continuation of hearing on revised budget for fiscal year 1999-2000 and tentative budget for fiscal year 2000-2001 for Park City Municipal Corporation and its related agencies

2. Continuation of hearing on Ordinance amending Section 8.30 of the Land Management Code regulating telecommunications facilities in all zoning districts in Park City, Utah

IX OLD BUSINESS

Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City regulating master festival licensing; by adding a new sub-chapter 8A regulating public outdoor music plazas; and amending Section 6-3-10 of Title 6, Health, Nuisance Abatement, noise by creating an exemption for such outdoor music plazas

X NEW BUSINESS

1. Resolution adopting a tentative revised budget for FY 1999-00, a tentative budget for FY 2000-01 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate that reflects the issuance of general obligation bonds

2. Ordinance amending Section 8.30 of the Land Management Code regulating telecommunications facilities in all zoning districts in Park City, Utah

3. Amendment to the water and land service agreements for The Colonies - Iron Mountain Holding Group

XI ADJOURNMENT

Posted: 5/30/00
See parkcity2002.org

PARK CITY 1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 1, 2000

Present: **Mayor Pro Tem Shauna Kerr, Council members Peg Bodell, Candace Erickson, Roger Harlan, and Fred Jones**

Toby Ross, City Manager; Tom Daley, Deputy City Attorney; Tim Twardowski, Assistant City Attorney; Rick Lewis, Community Development Director; Jerry Gibbs, Public Works Director; Patrick Putt, Planning and Zoning Administrator; Tom Bakaly, Director of Capital Projects and Budget; Melissa Caffey, Special Events Manager; Mark Christensen, Budget and Grants Manager; Eric DeHaan, City Engineer

BFI Representatives Brad Mertz, Michael O'Hara, Jason Kumelski; Joanne Charnes, Executive Director of Arts Council; Keith Kelly, Iron Mountain Holding Group (The Colony)

Absent: **Mayor Brad Olch**

Council questions and comments.

Golf Course Revenues - Council member Harlan inquired if the recent good weather reflected an increase in golf revenues. Capital Improvement and Budget Manager Bakaly responded golf revenues were up $50,000.00 to date from last year over the same period; reported although season passes were down, the course has been getting a lot of daily play.

Council member Jones stated he reviewed the golf course budget restructuring; inquired if staff could prepare a progress update for Council after the end of the fiscal year with financial estimates, identify how much was borrowed from the Rec fund, what was the deficit. Manager Bakaly responded staff could provide a report in July following the close of the fiscal year processes.

Skateboard Park - Council member Harlan commented he had the privilege of attending the Treasure Mountain Middle School 7th grade final art presentations of computer designed skateboard parks.

Council member Jones reported he attended skateboard park meetings with staff, Recreation Board and Planning Commission representatives to discuss various issues particularly concerns raised by the Planning Commission; reported the project is moving forward, the Planning Commission objective is to require temporary landscaping at the Hale-Mawhinney parcel to soften the asphalt and discontinue use of that lot for parking; recommended Council give direction to the Planning

Commission to form a task force or take action necessary to address the planning aspects of Lower Park Avenue and its relationship with the park, noted it is on the Council's list of priorities, also recommended a comprehensive review of future development and improvement of that area and incorporation into the General Plan and guiding development principals to get the process moving.

Bed and Breakfast, 1011 Empire - Council member Bodell inquired concerning plans for Bed and Breakfast parking area, noting it was graded for parking then the front was filled in with boulders. Director Lewis responded he will check if plans have been changed, original plans called for expansion of the rear parking area with tandem parking on the north side of the house approximately six feet deeper toward the back of the lot.

Main Street properties - Council member Bodell reported the gates providing emergency access off of Park Avenue for Main Street properties are not locked, people are using them for access; noted trees there do not look well, and installation of past due landscaping pursuant to the spring deadline; also reported the rear and kitchen area emergency doors to the lower building are being propped open. Director Lewis responded he will followup with building and enforcement staff concerning these issues.

Carr Parcel Trees - Council member Bodell reported the trees transferred on the north side of the Carr parcel look like they are not doing well. Director Lewis responded staff is also concerned about the trees, particularly the larger tree, affirmed the trees have been given adequate water, and staff will contact the nursery as the trees are under warranty.

Historical Society - Council member Bodell reported the Historical Society Board met today and will be issuing their newsletter soon advising summer programs that include: hikes through History tours, a bike on the rail trail tour visiting historical train sites toward the end of summer, Historical Tour scheduled for June 17 has fourteen homes lined up, award ribbons have been passed out this week and five plaques will also be awarded. There will also be a historically significant lecture series program in conjunction with the Kimball Arts center on the patio and they have teamed up with the Utah Humanities Society.

Deer Valley Drive/Marsac - Council member Erickson thanked staff for the speed upgrade on Deer Valley Drive, and thanked City Engineer DeHaan for the response concerning the one way on Marsac.

City Show - Council member Erickson thanked staff for the City Show, and especially the talents of Craig Sanchez and Tom Bakaly.

Outdoor Music - Council member Erickson reported she received a call this week concerning outdoor music inquiring why it hasn't started.

Water Issues - Council member Erickson inquired concerning status of recent water issues and if staff intends to submit a report to council. Deputy Attorney Daley responded a lot has happened this last week and plans to meet with council members; City Manager Ross requested a meeting with Council members Erickson and Jones next Thursday at 10:30 a.m., Jerry Gibbs office.

ESPN/Oakley Rodeo - Mayor Pro Tem Kerr reported ESPN will be broadcasting the Fourth of July Rodeo at Oakley, at 6 p.m.; Summit County is buying a couple of spots during the broadcast to promote tourism and is working with the Chamber Bureau, has asked if Park City has a video or something that could be used during the two 30 second spots, seems like a good way to showcase Park City and Summit County and the great sport of rodeo. Requested staff coordinate with the Chamber.

Cable TV Programming - Mayor Pro Tem Kerr reported she received a citizen call concerned about a Wall Street Journal front page article concerning pornography channel regulations; requested staff review the City's franchise and cable provider agreements. Council member Harlan stated he heard these channels can now broadcast at unrestricted hours whereas they were regulated to 10:00 p.m. to 6:00 a.m. in the past.

Courchevel Club - Mayor Pro Tem Kerr announced several times during the meeting she has fund raiser tickets for sale for a concert at the Canyons tomorrow night 6:00 p.m. to 9:00 p.m.

Max - Mayor Pro Tem Kerr requested 30 seconds of silent respect to pets and good-bye to Max.

Olympic Celebrations Committee update - Council member Jones reported the committee continues to meet weekly, made a presentation to SLOC in terms of their plans toward the sponsor village in the north end of the park so they could understand what could potentially happen there; also had a meeting with a VISA representative indicating interest in participating in the Olympics celebration, although their interest was vague, no mention of funding, focus seemed to be convention based. Stated the committee met with Canyons and Park City Mountain Resort representatives who shared their plans for activities at their resorts during the Olympics; PCMR plans extensive events outside of the venues after the competitions, mostly evening events, entertainment, on-hill demonstrations, history of snow sports; the Canyons is also putting together an extensive program comprised of named entertainment provided by sponsors likely staying at the Canyons as well as community based events; noted progress is being made, and the committee is happy to see plans being made for events as the purpose of the committee was to coordinate and not stage events.

Golf Course - Council member Erickson commented she went golfing at the City's golf course and the course was in excellent shape, staff was doing a great job, even with the construction going on there.

GASB 34 - Finance Manager Collett presented 'Elected Official Guide to GASB 34' booklets by Government Finance Officers Association, to Council members for their information.

Transportation Director - Director Gibbs announced Kent Cashel has accepted the position of Transportation Director and is no longer 'interim'.

Main Street Trash Billing Alternatives

Director Gibbs reported BFI indicated last February in a discussion with staff about Old Town trash, they were beginning to see some delinquencies; staff has quarterly meetings with BFI to monitor how things are going and at the last meeting BFI indicated that they have not been able to collect approximately $1,000 per month for Main Street collection. Stated BFI is looking at a collection strategy where they would lock down the containers, provide keys to customers, and for small businesses provide small containers that would be set out either on Main Street or Swede Alley and picked up on a regular basis, as the current program having community dumpsters does not allow BFI a collection method to cut off service to those businesses not willing to pay. Director Gibbs stated it was staff's opinion that was not a direction the City would want to go in, pointing out potential problems of people taking their trash elsewhere, dumping it in front of the dumpsters, or overfilling the 55 gallon Main Street containers, and noting BFI would still not have received the revenue or solved the problem and it would just increase the trash problems for the City.

Director Gibbs noted the staff report outlines five approaches to solve the problem, advantages and disadvantages. 1) Existing Service - All businesses have unlimited access to the Swede Alley dumpsters; pickup up daily in winter, three times per week in summer, quarterly bills with fee established by business type; 2) BFI proposal - as explained in previous paragraph; 3) City Billing - BFI would bill Park City at approved rate and City would bill individual businesses; 4) Subsidize Small Businesses - Subsidize the small businesses and increase the cost for larger businesses; 5) City Ordinance - Adoption of an ordinance that required businesses to use BFI's refuse collection service and be current on billing to have their business license renewed.

Director Gibbs requested Council direction and input, whether staff work with BFI to find a solution to the collection problem, or allow BFI to go ahead with their proposal; recommends a pro-active staff approach to try to come up a solution and assist with the collection problem, noting BFI is willing to delay implementing their proposed collection plan if the City wants to work with them and try to develop a different strategy.

Mayor Pro Tem Kerr inquired what percentage of the merchants are not paying, and if there are businesses that have never paid. BFI Public Sector Manager Brad Mertz responded 24% of Main Street are delinquent, some have never paid. Council member Bodell inquired what were the reasons for not paying. Mr. Mertz responded there were many different reasons, many businesses still do not understand the reason for increase in fees, others disagree with fee category they were placed in. Council member Bodell inquired if BFI had spoken with the merchants or the Main Street Business

Association to figure out the categorizations before implementing the new fees. Mr. Mertz responded they established the business classifications based on their industry knowledge. Mayor Pro Tem Kerr inquired if there were businesses not paying based on the fact they never paid before. Mr. Mertz responded he was unsure if any businesses were not paying because of that reason. Council member Harlan inquired what collection techniques BFI has used in the past e.g. litigation, small claims. Mr. Mertz responded their clientele is typically residential, many cities in Utah combine their commercial and residential in a franchise, BFI has form letters that can be sent that indicate there may be legal action, they have put liens on properties and gone to small claims court, however, they want to avoid that.

City Manager Ross pointed out BFI is providing a service and people are taking advantage of it without actually having to subscribe to it, which would be required before BFI could take someone to court for non-payment. The City does not currently have an ordinance that requires the subscription to service, it is one of the alternatives.

Council member Erickson reported one business owner has been contacting her for quite a long time, begun putting the money into escrow until a BFI representative showed up to personally evaluate the business and determine the appropriate category, and when that occurred it was found the business did not generate as much trash as originally determined and there was an adjustment made. Inquired if BFI should conduct a more thorough review of the differences in restaurants, capacities, and establish appropriate categories. Director Gibbs noted all businesses are charged per a seven day a week pick up in the winter even though some of the office buildings have the same amount of trash then as they do in the summer, but are paying their percentage based on the seven day pickup; agreed that the pricing structure needs to be reviewed along with the business categories and allocations. Mayor Pro Tem Kerr concurred there are discrepancies that should be addressed, suggested a fee structure similar to the business license criteria; stated Main Street Merchants Association should also be made aware of the certain businesses not paying or contributing. Finance Manager Collett stated staff has business license information available, restaurants are taxed based on square footage with some occupancy information. Council member Jones concurred, recommended the review be coordinated with the Historic Main Street Business Association representatives, get their ideas. Mr. Mertz agreed with the concept of mediation, stated BFI is committed to make the fees fair and equitable, however, noted they still need to address the delinquencies, and if somebody's bill is cut a dollar, somebody else's bill has to increase that dollar; stated BFI representatives can certainly work with the Association, although they have been contacted in the past and were able to offer little assistance. Council member Jones stated the Association has new officers, he shared the staff report with certain Association members and they indicated a willingness to try to work through it, had some ideas, and were willing to cooperate.

Council member Harlan stated he has some reservations with the City's involvement with the bill collecting processes, feels the City's costs need to be passed on to those delinquent in their payments; stated there may come a point where BFI has to take the business to court; concur with working with the Association and working out any inequities where timely paying businesses are not penalized and paying for the collection program.

Council member Bodell stated she feels penalties are premature, does not have sufficient billing and delinquency information. Mr. Mertz stated collections are handled by local BFI employees, payments are processed in Arizona; five businesses have never paid, 12 businesses over 90 days delinquent, 35 to 40 business over 60 days delinquent; believes slow payment may be the biggest problem, however, they are not wanting to take legal action unless absolutely necessary. Mayor Pro Tem Kerr pointed out BFI initially billed at a lesser rate, then the rates increased substantially late March or early April, which may be the reason for 60 and 90 day delinquencies. Council member Bodell stated she concurs with suggestions given, work with the Main Street Association and merchants, review the billing criteria, if there is to be an adjustment to the fee categories in order to achieve a fair and equitable fee schedule, believes the merchants on Main Street will understand that; stated City representatives should talk to the five people that have never paid.

Council member Jones inquired if there were plans to go to automated pickup on Main Street. Mr. Mertz responded the plan is to not change the current process which has been working well, customers are provided containers as requested and Park City is prioritized first to get them.

City Manager Ross stated merchants/businesses that have been reluctant to pay may have a different attitude upon review and possible adjustment of the fee categories, staff has the ability to assist with sorting out the information and facilitate at the meetings between BFI representatives and the Association and business owners. Council concurred, staff should facilitate but not lead the meetings, if suggestions do not work, staff may look to proceed with option five, draft City ordinance requiring businesses to use BFI's refuse collection service and be current on billing to have their business license renewed.

Budget Review

Capital Improvement and Budget Director Bakaly and Budget and Grant Manager Mark Christensen presented the tentative Fiscal Year 2001 Budget and Fiscal Year 2000 Revised Budget, noting a public hearing will be held during the regular meeting. Director Bakaly reported final adoption of the operating and CIP, RDA and MBA budget is scheduled for June 15, 2000; noted there is a ten day review period requirement, by adopting the tentative budget it ensures the public an opportunity to see exactly where the budget is heading, and Council can make changes on June 15. The City will not impose a Transient Room Tax nor increase property taxes for FY 2001; changes to the Operating budget include both cuts and increased expenditures, proposed General Fund Reductions totaling $657,602 for FY 2001. The reductions include decreased personnel costs and vacancy factor, 5% General Fund Expenditure cut, and public service contracts. New appropriations for FY 2000 totaling $96,436, and $127,483 for FY 2001 were authorized by Council. A comprehensive review of potential revenues, expenditures and programs will begin this summer and a direct cost analysis determining costs associated with city services will be completed by the second quarter.

Director Bakaly stated tonight staff would like to answer questions, see if there are any changes; requested authorization for staff to calculate and submit the certified tax rate, the rate will be an estimation based on last year's property tax and include estimated new growth revenue, pointing out if revenues from new growth come in greater than the amount included in the budget, staff would return with an adjusted budget. Director Bakaly reported staff is also requesting authorization to calculate the property tax rate for the general obligation bonds pertaining to the remaining $6 million dollars of the $10 million approved by voters in 1998.

Arts Council Request: Director Bakaly reported the Grants Subcommittee has submitted a recommendation addressing the Arts Council request for $29,000 to fund a reorganization within the Arts Council coinciding with establishment of a special services contract independent from the other Arts/Culture/Humanities group; reported the Grants Subcommittee reviewed the issue and recommends a one-time grant of $15,000 be issued to the Arts Council, bringing the balance of the grant contingency to roughly $20,000. Council member Harlan commented it is hoped the Arts Council will be successful in obtaining a matching $15,000 grant from Summit County, and that the Arts Council understands this is a one-time grant and the City will not be obligated in the future for that level of funding. Council member Erickson noted the Arts Council coordinates a number of local programs throughout the year and fulfills a number of needs and services, feels it is appropriate to assist with this grant; Council member Jones concurred, hoping it is the goal of the organization to become the umbrella organization of the local arts culture and activities. Joanne Charnes, Executive Director of Arts Council, thanked Council for the grant, stated the Arts Council is looking at cutting costs internally along with looking for outside grants and funding.

Motion by Council member Harlan to approve the recommendation of the Grants Subcommittee and grant a one-time grant of $15,000 to the Arts Council. Council member Erickson seconded the motion. Motion carried 4-0, Council member Bodell abstained due to her affiliation with the Arts Council.

Peg Bodell	Abstained
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Aye
Shauna Kerr	Aye

Park Avenue Project - Council member Erickson reported she has discussed with staff what could be done for Park Avenue resurfacing, possible transfer of funds from other projects. Director Bakaly responded staff could review for revenue sources to fund an additional $600,000 which would guarantee construction for a three month period as opposed to the current appropriation of $200,000 for design and engineering only; stated staff believes funds necessary for the entire project to be approximately 1.5 million, the project would have to be phased or entire funds appropriated; staff could review and return with options on June 15. Council member Harlan requested staff also return with project information, and depending on the project time frame, address if we are considering accelerating a major road construction project possibly one year sooner, with other major projects if it is necessary to obtain project management expertise for this project outside of current staff and what the approximate cost would be. Bakaly responded regardless of how much outside expertise or project management is obtained, it still may not be physically possible to complete the project in one summer, however, that does not mean Council cannot appropriate the money for the project and complete it over two summers; pointed out the problem is staff will not know next week at the time the budget is due, whether the project can be done in one season. Mayor Pro Tem Kerr concurred stating Council needs to know the scope of the project before making a decision, whether it is a one season or two season project, the project cost, there is a concern of tearing up the neighborhood and having the time to finish the project prior to the Olympics. City Manager Ross responded regardless of appropriating additional funds for the project at this time, staff anticipates returning to Council in October or November with necessary information, logistics and cost; noted the neighborhood would probably be more comfortable that the project was on track with additional appropriation to the budget, however, there is still a policy decision relating to the administrative capacity, timing and construction difficulties.

Mayor Pro Tem inquired if it was possible to do slurry seal this year to improve the road with minimal disruption this summer and expenditure. Council member Erickson concurred, however, expressed opinion Council needs to make a commitment, create a project number and appropriate additional funds at this time. Council member Jones stated he was reasonably confident revenues could be shifted by changing priority of projects, willing to appropriate additional money for the project as a show of good faith, believes it is high priority, however, stated it would be his preference to go through the budget analysis that includes the CIP sooner than later, has many questions probably because of lack of project history, use the $200,000 to do the engineering as additional funds may not get the project any further this year, do an evaluation of all Old Town streets and not just look at one, as there may be others in a similar condition, need to address preserving the historic district and make it a showplace. Council member Harlan commented he feels the $200,000 is a commitment to doing the project, however, would like to see where the funds for the entire project is coming from, doesn't have a problem doing the project, but doesn't think it is necessary to increase the appropriation in this budget to move ahead. City Manager Ross commented he is comfortable staff can identify $800,000 that would not jeopardize current projects and come back with that; Council may receive helpful public comment during the public hearing or budget review period.

Review of Regular Meeting

Telecommunications Ordinance - Planning and Zoning Administrator Putt presented the staff report and recommendation to Council to take action on the proposed ordinance; stated the issue of whether or not increased utility pole or antenna heights should be considered in the right-of-way for telecommunication purposes was addressed by the Planning Commission on May 24, 2000; the Commission's recommendation to Council was not in support of additional heights or larger poles in public rights-of-way, the Commission would only be willing to recommend consideration of a height exception only as part of a franchise agreement entered in between the City and the provider, and does not recommend the draft ordinance be modified to include that provision. Administrator Putt reported providers were contacted following that meeting by Assistant Attorney Twardowski and himself to get their input whether they would consider entering into a franchise agreement with the City, and although they did not speak to each and every provider, spoke with a large representative number who responded they were not interested. Stated the draft ordinance has not been changed since the last public hearing and has been distributed to interested parties; reminded Council the temporary zoning ordinance expires June 6, strongly recommends adoption of the proposed ordinance this evening as there is a concern once the TZO expires a substantial number of applications would be submitted under the old regulation and not require public hearing and in staff's opinion not in the best interest of the City.

Council member Jones clarified if a telecommunications company desired to pursue use of larger poles, it would be subject to a Board of Adjustment hearing. Council member Bodell inquired what provisions of the ordinance would the providers object to. Administrator Putt responded the telecommunications providers do not see themselves as essential utilities, so primarily it is a philosophical difference of opinion. Mayor Pro Tem Kerr added telecommunications providers are taking the position as an industry they have the right to do this as a matter of right, therefore, do not need a franchise agreement. Noted Planner Alison Kuhlow was not able to attend tonight's meeting, however, should be thanked for her hard work on this ordinance.

Outdoor Music Ordinance - Special Event Coordinator Caffey and Assistant City Attorney Twardowski presented the draft outdoor music ordinance. Coordinator Caffey clarified, in response to Melanie Reif's letter, restaurants were waiting to see if they were going to have outdoor music events <u>or</u> rehearsal dinners, they would not be held simultaneously. Reported the Legal Department made some modifications to the ordinance, primarily to include a ratification provision for license agreements.

Assistant Attorney Twardowski explained the intent of the changes addressed concerns raised at the last hearing regarding provision for revocation and suspension of the licenses in the event of police citations; stated the ordinance allows the police chief or designee to suspend a license until the next regular Council hearing under any one of those three circumstances which are described 4-8A-10(B)1-3. Council member Bodell inquired concerning fees charged by the sound engineer; Coordinator Caffey explained charges were higher for initial events then decreased, staff is checking into alternatives. Council member Bodell inquired as to the legality of Melanie's suggestion for a bond requirement. Assistant Attorney Twardowski responded he believed the intent of the suggestion was to require placement of a bond before the performance, with a risk of forfeiting the bond if a violation occurs; stated it was his recollection the City Attorney reviewed the suggestion and deemed it not an appropriate action. Mayor Pro Tem Kerr noted the City holds bonds for certain improvements, and there is a specific process to be able to retain. City Engineer DeHaan stated staff prefers to use the term 'financial security' versus 'bond' for that type of paperwork, financial security required by the City is problematic as taking steps to retain the security deposit requires enforcement of an agreement and a substantial amount of staff time. Council member Harlan noted the purpose of a performance bond is to give the City money to complete an unfinished or inadequate project; believes Melanie's suggestion pertains to a penalty situation which is a substantially different than the purpose of a performance bond. Coordinator Caffey noted the Master Festival License process provides for a bond and/or deposit to cover negligence.

Special Event Coordinator Melissa Caffey reported she received correspondence from Harry Reed, General Partner McIntosh Mill, Ltd., representing the Lower Main Street Plaza and Condominium Board of Summit Watch, in support of outdoor music in the area of Dynamite Dom's and Jambalaya.

Council member Erickson noted differences in data relating to noise decibel comparisons; inquired what the flexibility of the ordinance was. Assistant Attorney Twardowski responded the ordinance builds in a significant amount of monitoring with the citizens committee and monthly reports to the council, if it is found 90 decibels is too loud, the ordinance can be amended to decrease that figure; stated the practical effect of including language in the ordinance to the effect the decibel range was established at 90 on our best knowledge and the City reserves the right to come back and amend the ordinance upon further information, doesn't change the fact that it has to be brought back and amended. Council member Jones stated he agrees it would have to be brought back and amended anyway, however, pointed out such inclusion would put everyone on notice, including the performer, it is Council's intention to amend the ordinance if necessary.

Amendment to The Colonies Water Service Agreements - City Manager Ross reported staff has been working with Colony representatives and the county to transfer the responsibility of water service for The Colonies from the City's current obligation to a county obligation. Stated what is involved is Iron Mountain Holding Group entering into an agreement with Mountain Regional Water Service District, also amendments to our agreements relating to the annexation.

Keith Kelly, representing The Colony, reported he has signed an agreement with Mountain Regional which commits them to purchase culinary water from Mountain Regional, and also provides that future irrigation connections will also be purchased, substantially reducing the City's obligation for water delivery to The Colony. Mr. Kelly stated The Colony will use the City's consolidated application for interim irrigation use, which water will not derive from the City's existing sources, but from a new source established by The Colony at Russell Ranch, therefore, does not deplete any existing City reserves; this water will be delivered to The Colony until such time as the County Mountain Regional Water District is contractually obligated to deliver irrigation water. Stated homeowners will be given the option to purchase water from Mountain Regional at the existing fee rate, with the understanding they will pay the established future rate which may be lower or higher. Mr. Kelly stated he is aware significant changes to the water agreement with the City are necessary; thanked the City for the original agreement to provide water, noted the City will receive a substantial amount of open space, stated they believe the City agreement will remain as a backup for irrigation water if needed, and they commit to continuing relationship with the City. Mr. Kelly stated they hope to have everything worked out in ten days, annexation proceedings initiated, adjustments to the contract completed, easement executed. Stated the obligation to grant fee title to land will continue as currently provided in the agreement, noting they must retain ownership of the land until the plats are done and then they can be signed over to the City. Council thanked Mr. Kelly for his report.

Council adjourned the work session at 5:45 p.m. See regular meeting minutes.

Prepared by Cindy LoPiccolo

PARK CITY
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PARK CITY COUNCIL MINUTES
SUMMIT COUNTY, UTAH
JUNE 1, 2000

I ROLL CALL

Mayor Pro Tem Shauna Kerr called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 1, 2000. Council members in attendance were Roger Harlan, Peg Bodell, Candace Erickson, and Fred Jones. Mayor Brad Olch was absent.

Staff present were Toby Ross, City Manager; Rick Lewis, Planning Director; Patrick Putt, Planning and Zoning Administrator; Tom Bakaly, Director of Capital Projects and Budget; Eric DeHaan, City Engineer; Mark Christensen, Budget and Grants Manager; Tim Twardowski, Assistant City Attorney; Melissa Caffey, Special Events Manager; Kirsten Whetstone, Senior Planner; Derek Satchell, Historic Planner; Ray Millner, Planner; Meg Ryan, Event Consultant

II PUBLIC INPUT

Dominik Lewinsohn, owner of Dynamite Doms, requested consideration of removing the no parking restriction on Main Street to allow parking from 2:00 a.m. to 6:00 a.m., especially during the summer. Mayor Pro Tem Kerr explained the purpose of no parking at that time was to allow for snow removal, street sweeping and street maintenance. Chief Lloyd reported cars are not necessarily towed during the summer months, however, may be ticketed with a $15.00 parking ticket.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Lower Park Avenue Comprehensive Planning - Council member Jones inquired what procedure should be used for Council to give direction to the Planning Commission to address Lower Park Avenue comprehensive planning. Mayor Pro Tem Kerr responded it may be best to schedule the issue as a regular agenda item to give public notice, and at that time take action to give staff and Planning Commission direction.

Council member Bodell noted there are several related priority issues that direction should be given in order to take the next step; suggested it may be possible to tie this in with the City Manager's review, at which time Council could provide direction as to what should be accomplished, or address the priority issues in a retreat setting. City Manager Ross responded Council could review and discuss Lower Park Avenue issues at a public work session, also there would an additional opportunity during the evaluation to clarify relative priorities and administrative policies; another option could be to incorporate the issue on the next Council agenda along with the property ownership of the 1200 block of Park Avenue item.

Field Trip - Director Lewis reminded Council of the bus field trip leaving City Hall next Thursday, 3:00 p.m. for approximately 30 minutes to visit construction sites, wear comfortable shoes.

IV WORK SESSION NOTES AND MINUTES FROM THE MEETING OF MAY 11, 2000

Motion by Council member Harlan to approve the Work Session Notes and Minutes of May 11, 2000, as amended. Seconded by Mayor Pro Tem Kerr. Motion carried unanimously.

V RESIGNATIONS AND APPOINTMENTS

Library Board - Motion by Council member Harlan to reappoint Marydee Ojala for a term expiring July, 2003, and appoint Chris Haeter and Kate Doordan for terms expiring July, 2003 to the Library Board. Seconded by Council member Jones. Motion carried unanimously.

Council member Bodell presented the newly appointed board members tokens of appreciation; the members were welcomed and thanked for their donation of time to the City.

VI CONSENT AGENDA PUBLIC HEARINGS

1. **Ordinance approving the 187 Daly Avenue Plat - Lot Line Amendment to combine the southerly thirteen feet (13') of Lot 30, all of Lot 31, and the northerly fourteen feet (14') of Lot 32 of Block 73 of the First Millsite Reservation Subdivision, into two (2) separate lots located at 187 Daly Avenue, Park City Utah;** Applicants Richard and Leona Martinez - Planner Satchell presented the staff report and recommendation to approve the proposed plat amendment. Council member Harlan inquired if the residence will add a basement, and if so, is it a concern. Planner Satchell responded the residence will not have a basement, explained if it did, the concern is that area of town is located within the flood zone and new construction that includes a basement would not be permitted. Mayor Pro Tem Kerr opened the public hearing to receive public input concerning the fore mentioned issue. Engineer DeHaan advised Mr. Martinez served on the City Council twenty two years ago, has been a great citizen, and urges approval of the subdivision. With no further questions or comments from Council or the public, the public hearing was closed.

2. **Ordinance approving an Amendment to the Park City Plat to combine all of Lot 20 and a portion of Lot 21 of Block 28 of the Snyder's Addition to the Park City Survey into one lot of record at 1048 Lowell Avenue, Park City Utah;** Applicants James and Deborah Christensen - Planner Millner presented the staff report and recommendation to approve the proposed resubdivision. Mayor Pro Tem Kerr opened the public hearing to receive public input

concerning the fore mentioned issue. With no questions or comments from Council or the public, the public hearing was closed.

3. **Ordinance approving the 347 Woodside Replat - Lot Line Combination Plat to combine the north twenty feet (20') of Lot 12, all of Lot 13, and the southerly half of Lot 14, Block 30 of the Park City Survey into one platted lot, located at 347 Woodside Avenue, Park City, Utah;** Applicants George Nitze and Carol Carter - Planner Satchell presented the staff report and recommendation to approve the proposed plat amendment. Mayor Pro Tem Kerr opened the public hearing to receive public input concerning the fore mentioned issue. With no questions or comments from Council or the public, the public hearing was closed.

VII CONSENT AGENDA

Mayor Pro Tem Kerr requested a motion to approve the Consent Agenda items.

<u>Motion by Council member Jones to approve the following consent agenda items. Seconded by Council member Harlan. Motion carried unanimously.</u>

1. <u>Ordinance (00-32) approving the 187 Daly Avenue Plat - Lot Line Amendment to combine the southerly thirteen feet (13') of Lot 30, all of Lot 31, and the northerly fourteen feet (14') of Lot 32 of Block 73 of the First Millsite Reservation Subdivision, into two (2) separate lots located at 187 Daly Avenue, Park City Utah</u> (See consent agenda public hearing minutes)

2. <u>Ordinance (00-33) approving a final subdivision plat for 1340 and 1360 Lowell Avenue, known as Park City Mountain Village Subdivision, Phase B-1, Park City, Utah</u>

3. <u>Ordinance (00-34) approving an Amendment to the Park City Plat to combine all of Lot 20 and a portion of Lot 21 of Block 28 of the Snyder's Addition to the Park City Survey into one lot of record at 1048 Lowell Avenue, Park City Utah</u> - (See consent agenda public hearing minutes)

4. <u>Ordinance (00-35) approving the 347 Woodside Replat - Lot Line Combination Plat to combine the north twenty feet (20') of Lot 12, all of Lot 13, and the southerly half of Lot 14, Block 30 of the Park City Survey into one platted lot, located at 347 Woodside Avenue, Park City, Utah</u> - (See consent agenda public hearing minutes)

5. <u>Resolution (11-00) adopting the Housing Element of the General Plan for Park City, Utah</u>

6. <u>Approval of Prospector Athletic Club settlement agreement</u>

VIII PUBLIC HEARINGS

1. **Continuation of Hearing on FY2001 Budget and FY 2000 Revised Budget** (Also see Work Session Notes) Director Bakaly presented the staff report and recommendations; requested the hearing be continued to June 15, 2000 for final adoption following receipt of public input this evening. Mayor Pro Tem Kerr opened the public hearing to receive public input concerning the fore mentioned issue.

Public Comment:

John Plunkett, representing Upper Park Avenue Property Association (UPAPA), presented a petition containing 74 Park Avenue resident signatures, 'requesting the rebuilding of Upper Park Avenue as called for in the Main Street RDA, and to rebuild it in the summer of 2001, as planned for in the 1997 Capital Improvements Budget 5-Year Plan'.

Chris Brand, representing UPAPA, commented in support of the petition request, stated Park Avenue residents are united and clear in their desire that the street be redone.

Ron Duffaut, commented in support of rebuilding Park Avenue, noting the street in front of his house is unpaved/dirt.

Monty Coates, representing Main Street merchants, requested continued funding of the Downtown Action Plan, revitalization of downtown Main Street, and Main Street flower baskets. Mayor Pro Tem Kerr inquired if Main Street Business Alliance members have discussed contribution to bridge possible budget reduction concerning the flower baskets. Mr. Coates responded there has not been discussion, however if necessary, merchants would be asked for contribution. Council member Bodell noted many merchants have flowers on their own, suggested the Alliance develop an incentive program that would encourage other merchants to do the same thing.

With no further comments, the public hearing was closed.

<u>Motion by Council member Bodell to continue the budget hearing to June 15, 2000. Seconded by Council member Jones. Motion carried unanimously.</u>

2. **Continuation of hearing on Ordinance amending Section 8.30 of the Land Management Code regulating telecommunications facilities in all zoning districts in Park City, Utah** (Also see Work Session Notes) Administrator Putt presented the staff report and recommendation to take final public input, modify the proposed Ordinance as necessary, and adopt the Ordinance.

Mayor Pro Tem Kerr opened the public hearing to receive public input concerning the fore mentioned issue.

Public Comment:

Laura Outshell, Director of Public Relations, VoiceStream Wireless, stated they appreciate staff's understanding concerning a franchise agreement, although wireless carriers cannot sign franchise agreements and get into franchise fees they are willing to work with the City to secure some other type of agreement, it is their position if the public right-of-way is used it is their obligation to pay the City for use of that right-of-way. Requested consideration of ordinance amendments as follows: Section (C)4b Submittal Requirements - requested the word 'any' in that sentence be replaced by the words 'the applicant's'; Section (C)4d - requested this requirement be stricken, stated it places an unfair burden on a carrier to provide competitive information; Section (D) Compliance With Other Laws - requested clearer definition of what evidence of compliance means, noting it may be difficult to provide an FAA determination at the time of submitting an application as they typically do not have that information at the time; Section (F)2 Consent Agenda Review - requested clarification of process in the event their application is taken off of the consent agenda and moved into a public hearing process; requested the applicant be allowed to determine whether or not they are prepared to address a full public hearing at that meeting or tabled for a future meeting. Stated they have significant concerns regarding the drive test agreement that governs drive tests on municipal properties as it applies to the types of drive tests that they conduct. Commended the Commission and Council for looking at the utility pole issue, stating it makes sense to utilize an existing utility pole, increase the height within the standards for the area, rather than erecting a mono pole to provide service in an area, and they will continue to work with staff.

Kevin Damon, Aerie Home Owners Association, urged approval of the Ordinance.

With no further comments, the public hearing was closed.

IX OLD BUSINESS

Ordinance (00-36) amending Title 4, Chapter 8 of the Municipal Code of Park City regulating master festival licensing by adding a new Sub-Chapter 8A regulating public outdoor music plazas, and amending Section 6-3-10 of Title 6, Health, Nuisance Abatement, Noise by creating an exemption for such outdoor music plazas (Also see Work Session Notes) Assistant City Attorney Twardowski reported staff could amend section 4-8A-7(C) relative to work session discussion, and include the following language at the end of that section: "*The data currently available to the City indicates that a maximum decibel level of 90 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.*" Assistant Attorney Twardowski pointed out in the engineer's May 4 statistical report, the study concluded the maximum sound level in the residential area directly across Park Avenue to be approximately 76 DBA for performances taking place at the Town Lift Plaza, and 74 DBA for performances taking place at the Summit Watch Plaza. Stated the L1 average between 12 and 9:00 p.m. is 75.3 DBA.

Public Comment:

Ron Whaley, stated it appears Council does not know what 90 decibels is and cannot testify as to what that experience will be; expressed opinion the outside maximum should not have been applied at the outset, particularly where facts were not known or tested, believes the imposition of this level arbitrarily high and applied opposite other implementations such as speed limits, zoning levels, whereby you typically begin with something proven safe to protect the health, safety and welfare of the community, and work from there; stated if the City continues with the ordinance as proposed he would look for injunctive relief; believes it would be worthwhile to test first and begin at a far lesser decibel rate.

Dominik Lewinsohn, owner of Dynamite Doms, spoke in support of the proposed ordinance allowing outdoor music; expressed his opinion the delays were affecting his business and the community, believes opponents trying to stall action until summer is over; presented letter in support from Harry Reed, McIntosh Mill, representing Lower Main Street Plaza and Condominium Board of Summit Watch, noting Lower Main Street Plaza is planning to add financial support for the venue in their area, owners have voted nearly unanimously for outdoor music in that area, and urged Council to take action tonight.

Melanie Rief, referred to her May 30 letter with respect to the study by Mr. Fulmer, wherein she pointed out the road closure brought a significant amount of traffic through the neighborhood and Park Avenue, and requested consideration if the study reveals the appropriate level of background noise in their area.

Marcus, Main Street business owner, expressed opinion outdoor music essential to a resort community and outdoor dining experience and is common in other resort communities; understands residents concerns, however, feels there should be an understanding of what living in a resort community entails and a degree of tolerance for the events designed to enhance the tourist experience.

Council member Jones stated the 90 decibels was set upon an engineer's recommendation, not a figure that anyone pulled out of the air without study, noted many City ordinances include maximums 'not to exceed' criteria and does not see a logical comparison of 90 decibels with a speed limit; explained the 'don't know' is, if he heard a sound, he could not tell what the decibel level was. Mayor Pro Tem Kerr concurred, stating 90 decibels is a level with scientific data to support it, and along with data that the sound shells deter noise impact off-site, Council is comfortable that 90 decibels is a number that is legally supportable; pointed out if that proves to be problematic, the ordinance will provide the flexibility to further limit it; would agree if Council were going with a greater number not supported by data, however, it should not matter if the sound is 90 decibels right in front of the stage as long as it is not at that level at the residences, which is what they are trying to accomplish.

Council member Bodell referred to Melanie's disclaimer claiming the City has in fact declared a position on the Ordinance; responded Council members are community builders and problem solvers, no one had a predisposed position or opinion on this issue, feels the statement unfair, and hopes the process they have gone through is appreciated. Consultant Ryan reported monthly status reports will be issued to Council the beginning of each month until November, at which time Council will review any ramifications of the program and processes; pointed out the police chief has the right to stop any performance in violation of the ordinance. Council member Jones stated it has been a lengthy process but a good process, appreciates everyone's work, noted the intent of this Ordinance was to address concerns of the residents. Council member Harlan stated differences of opinion were brought to light, Council will see how outdoor music operates under the band shells, believes the community needs the ambience outdoor music provides and a good job has been done to address concerns. Council member Erickson stated she feels outdoor music will be a nice addition to the town, hopes the surrounding businesses take heed of the rules, noting Council has three ways to stop the event and hopes that doesn't have to happen.

<u>Motion by Council member Jones to adopt Ordinance (00-36) amending Title 4, Chapter 8 of the Municipal Code of Park City regulating Master Festival Licensing by adding a new Sub-Chapter 8A regulating public outdoor music plazas, and amending Section 6-3-10, of Title 6, Health, Nuisance Abatement, Noise, by creating an exemption for such outdoor music plazas, with inclusion of amending language recommended by staff. Seconded by Council member Harlan. Motion carried unanimously.</u>

X NEW BUSINESS

1. **Resolution adopting a tentative revised budget for FY 1999-00, a tentative budget for FY 2000-01 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate** (Also see Work Session Notes; Public Hearing) Director Bakaly presented the staff recommendation to adopt the Resolution and approve the amended Grants policy; noted the Resolution calls out that staff would be calculating the no tax increase rate in addition to the property tax rate pertaining to the general obligation bonds.

<u>Motion by Council member Harlan to approve Resolution (12-00) adopting a tentative revised budget for FY 1999-00, a tentative budget for FY 2000-01, for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate that reflects the issuance of general obligation bonds, and approve the revised Grants policy. Motion seconded by Council member Jones. Motion carried unanimously.</u>

2. **Ordinance amending Section 8;.30 of the Land Management Code regulating telecommunications facilities in all zoning districts in Park City, Utah** (Also see Work Session Notes; Public Hearing) Administrator Putt reported staff concurs with some of the comments raised by industry representatives; specifically Section (C)4b Submittal Requirements, staff recommends the word 'any' in that sentence replaced with the words '*the applicant's*'; Section (D) Compliance With Other Laws, staff recommends inclusion of the word '*substantial*' before the word 'compliance', believes that will give a little bit more flexibility and leeway.

Assistant Attorney Twardowski suggested amendment to Section (F)2 Consent Agenda Review, to include wording as follows '*Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing on the same date or a later meeting of the Planning Commission at the applicant's discretion.*' Clarified concerning Section (C)4d, the key language in that particular section is 'if applicable', and if there was a circumstance where more than one carrier coordinated together to co-locate on a specific site, staff would like to know up front in order to anticipate working with multiple carriers on an application.

Motion by Council member Bodell to adopt Ordinance (00-37) amending Section 8.30 of the Land Management Code regulating telecommunications facilities in all zoning districts in Park City, Utah, with those amendments prescribed by staff. Motion seconded by Mayor Pro Tem Kerr. Motion carried unanimously.

3. **Amendment to the water and land service agreements for The Colonies - Iron Mountain Holding Group** (Also see Work Session Notes)

Motion by Council member Harlan to continue this issue to a later date. Motion seconded by Council member Erickson. Motion carried unanimously.

Council Announcement:

Mountain Stages Fund Raiser - Mayor Pro Tem Kerr announced she received a copy of a proclamation requesting a campaign be undertaken to elect a Majestic Jester, Ruler of Fun, which is a fund raiser for Mountain Stages events; explained the election rules and requirements, dollars are requested and counted as votes, noted the official coronation will take place June, 25, 2000 at the Egyptian Theater.

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

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The meeting for which these minutes were prepared was noticed by posting 72 hours in advance and by delivery to the news media 6 days prior to the meeting.

Prepared by Cindy LoPiccolo.

Cindy LoPiccolo, Deputy City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1,
1884

PARK CITY
1884

DATE: June 1, 2000
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs, P.E.
TITLE: Main Street Trash Removal
TYPE OF ITEM: Discussion

SUMMARY RECOMMENDATIONS: **Discuss potential changes to the Main Street trash collection procedures.**

DESCRIPTION:

A. Topic: Main Street trash billing alternatives.

B. Background:

The Summit County Commission entered into a contract with BFI in November 99. The general terms of the contract as it relates to Main Street commercial uses are:

1. BFI has an exclusive right to provide services to commercial businesses;
2. Commercial businesses (except home business) are required to subscribe to the service;
3. Collection for non-payment is BFI's responsibility;
4. The County subsidizes commercial rates by not charging a tipping fee at the landfill.

The Issue: BFI has been unable to collect from all Main Street businesses. The community dumpsters in Swede Alley do not facilitate BFI's ability to stop service for businesses refusing to pay the quarterly trash collection rate.

There are 22 community and private trash containers located in Swede Alley. The County through a competitive bid process has established a weekly rates based on the number of pick-ups. BFI developed a spread sheet identifying all of the Main Street business using the Swede Alley dumpsters. Working from the capacity of the dumpsters, BFI estimated a volume used by each business and allocated the cost. These rates varied from $21.63 per month for small business to $255.23 per month for some restaurants.

Some of the smaller businesses are refusing to pay the quarterly fee for trash. During the G&F

era, G & F billed the larger users more and did not bill the smaller businesses. BFI chose to allocate the cost across all businesses. Approximately 13% of the businesses are not paying (about $1,000 per month). BFI would like to modify the trash collection system to improve compliance.

C. Analysis:

Several approaches have been examined to address the problem of billing Main Street businesses. These approaches are described below.

1. Existing Service- All businesses have unlimited access to the Swede Alley dumpsters. Dumpsters are picked up every day during the winter. The frequency decreases in the summer to three times per week. Bills are sent quarterly. Bills are established by type of business.

Advantages

- ❑ High utilization rate
- ❑ Seasonal adjustability
- ❑ Area around the dumpsters can be kept clean
- ❑ Each business is allocated space in a dumpster. Service costs are divided proportionately among all users based on anticipated need. Fees will be adjusted annually to reflect the frequency of pick-ups.

Disadvantages

- ❑ Services to non-paying businesses can not be cut off without affecting other businesses
- ❑ Increasing or decreasing pick-up schedules to reflect actual use is difficult
- ❑ Some businesses are not paying
- ❑ BFI would like City/County to make up difference if existing service is to continue
- ❑ BFI does not have a use history for any Main Street business
- ❑ Use and space are based on estimates
- ❑ Service is billed in advance.
- ❑ It is difficult to differentiate between the service requirements of the various businesses: once a week, twice a week, seven day a week
- ❑ It is difficult to make individual changes without reallocating cost to all users in a specific dumpster.

2. BFI Proposal- BFI would lock all lids on community dumpsters and provide keys to users. Smaller businesses would be given totes or cans and trash would be put out on Main Street or Swede Alley on designated days based on demand.

Advantages

- ❑ Limits trash services to those businesses willing to pay
- ❑ Reduce the number of delinquencies
- ❑ BFI could suspend services for non-payment

- ❑ Implementation requires less than 30 days
- ❑ BFI would be responsible for collection of past due accounts
- ❑ Rates would better reflect their actual usage

Disadvantages

- ❑ Non-paying businesses may dump their trash in front of the Swede Alley dumpster requiring city clean-up or an add-on charge for clean-up to paying dumpster users
- ❑ Non-paying businesses could choose to use the city's containers on Main Street
- ❑ Containers would need to be set out on the street for pick-up
- ❑ More staff time will be required to monitor dumpster area

3. City Billing- BFI would bill Park City at the approved rate per dump per container size and Park City would bill individual businesses (approved rate structure is below.) BFI would be paid for the actual service delivered.

Advantages

- ❑ BFI is only paid for services delivered
- ❑ Park City would control trash disposal in the Main Street area
- ❑ An equitable rate schedule could be developed with public input
- ❑ City could bill monthly with water billing
- ❑ A collection fee could be added to cover billing cost

Disadvantages

- ❑ Park City would need to develop and adopt an ordinance
- ❑ Park City would allocate cost of service to each business
- ❑ Park City would be responsible for collections and non-payment
- ❑ Park City would have to expand its billing procedures which could cost up to $10,000
- ❑ Requires dedication of staff time (Finance, Streets, Community Enforcement)
- ❑ Implementation would take 90 to 120 days.
- ❑ City would need a collection policy in place for delinquencies

4. Subsidize Small Businesses- The G& F approach avoided the problem of collection by only charging the large users This alternative would subsidize the small businesses and increase the cost for larger businesses.

Advantages

- ❑ Reduces the number of delinquencies
- ❑ Reduces billing cost

Disadvantages

- ❑ Does not fairly assess cost to all users
- ❑ Large users pay higher costs
- ❑ Provides no incentive for to use Swede Alley containers over Main Street barrels

❑ Not preferred by BFI

The current county rate schedule is below.

Container Size	Frequency per Week						
	1	2	3	4	5	6	7
90 gal	$7.25	$14.50	$21.75	$29.00	$36.25	$43.50	$50.75
2 yard	$20.87	$41.74	$62.44	$82.96	$103.49	$124.01	$144.31
3 yard	$25.55	$56.48	$87.00	$117.53	$148.06	$178.58	$209.11
4 yard	$34.21	$75.37	$115.72	$156.08	$196.43	$236.79	$277.14
6 yard	$51.10	$111.50	$173.35	$233.36	$293.38	$353.39	$413.40
8 yard	$68.42	$147.91	$230.37	$309.70	$389.02	$468.35	$547.67

5. City Ordinance- Park City could adopt an ordinance that required businesses to use BFI's refuse collection service and be current on billing to have their business license renewed.

Advantages
- ❑ Reduces the number of delinquencies
- ❑ All businesses would pay for services
- ❑ An equitable rate schedule could be developed with public input
- ❑ BFI would continue to be responsible for billing
- ❑ A City fee could be added to BFI to cover administrative costs

Disadvantages
- ❑ Park City would need to develop and adopt an ordinance
- ❑ Park City would probably be involved in allocating cost of service to each business
- ❑ Requires dedication of staff time
- ❑ Implementation would take 30 to 60 days.
- ❑ City would need a policy delinquent accounts

D. <u>Department Review</u>: Finance, Legal, Community Development, Public Works, and the City Administration have had an opportunity to review the alternatives.

ALTERNATIVES:

A. <u>Approve the Request</u>: Staff requests the city council to identify preferred options and concerns. Staff would coordinate with BFI to implement.

B. BFI Proposed Option: If unacceptable options or time frames are suggested to BFI, they will proceed with their scheduled change over to a locked dumpster and individual tote system on June 15.

C. Request BFI delay any changes: This option would allow staff to work with BFI to find suitable alternatives based on Council and public input.

D. Do Nothing: This option would provide the same results as alternative B.

SIGNIFICANT IMPACTS: The County's position is collection is BFI's issue. BFI is asking for Park City's input and assistance in resolving a billing issue.

The BFI alternative will place bags or containers back on Main Street. The locked container may encourage non-complying businesses to dump trash on the ground in front of the dumpsters or use the city's Main Street containers. All alternatives will require a greater level of direct city involvement.

Staff does not prefer locked containers due to potential enforcement issues or setting containers or bags on Main Street due to aesthetics and other nuisances.

RECOMMENDATION: Staff believes that approaches 2 (**BFI Proposal**) and 3 (**City Billing**) would have significant negative impacts on Park City. Staff asks that the Council review and discuss the approaches and implementation issues with BFI and provide staff with direction.

PARK CITY 1884

CITY COUNCIL REPORT

DATE: June 1, 2000
DEPARTMENT: Planning Department
AUTHOR: Derek Satchell
TITLE: 187 Daly Avenue Plat - Lot Line Amendment Plat
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council conduct a public hearing and approve the proposed plat amendment to combine the southernly thirteen feet (13') of Lot 30, all of Lot 31, and the northerly fourteen feet (14') of Lot 32 of Block 73 of the First Millsite Reservation Subdivision, into two (2) separate lots as conditioned.

A. TOPIC

Applicant:	Richard & Leona Martinez
Location:	187 Daly Avenue
Zoning:	Historic Residential District (HR-1)
Adjacent Land Uses:	Residential
Date of Application:	May 11, 1999
Project Planner:	Derek Satchell

B. BACKGROUND

The project site is located at 187 Daly Avenue in the Historic Residential District (HR-1). The project involves a request for a Plat Amendment to combine the southerly thirteen feet (13') of Lot 30, all of Lot 31, and the northerly fourteen feet (14') of Lot 32 of Block 73 of the First Millsite Reservation Subdivision, into two (2) separate lots. An existing historic structure having several non-historic additions, straddles all the lots. There is also a non-historic detached garage located near the Daly Avenue right-of-way on the southern-most corner of the lot. Additionally, a four foot tall concrete retaining wall extends from the garage, north onto the adjacent property. Lastly, the adjoining single-family structure to the north encroaches diagonally onto the Martinez property from two to five feet.

The request of the applicant is to subdivide the lots in order to accommodate the possibility of a duplex on one lot, and reconstruct the historic dwelling on the adjacent lot. Approval of the plat is subject to the removal of the existing encroachments involving the subject property (the existing house over the proposed intermediate lot line; the existing house over the southerly lot line; and the adjacent house over the northerly lot line). Removal of the encroachments require approval of a Historic District Design Review Application, which was submitted on April 20, 1999. It was reviewed by the Historic District Commission on May 1, 2000, who remanded the project back to Staff for final review and approval. On May 24, 2000, Staff found the project to be in compliance with the Historic District Design Guidelines, and approved the application. Staff is requesting the City Council to conduct a Public Hearing and approve the Plat Amendment application.

C. ANALYSIS

The applicant proposes to combine the southerly thirteen feet (13') of Lot 30, all of Lot 31, and the northerly fourteen feet (14') of Lot 32 of Block 73 of the First Millsite Reservation Subdivision, into two (2) separate lots, which total approximately 7,300 square feet in area (See Exhibit B). The request of the applicant is to subdivide the lots in order to accommodate the possibility of a duplex on one lot, and a reconstruction of the historic dwelling on the adjacent lot. The existing detached garage located near the southwestern-most corner of the lot will be removed.

	Lot A	Lot B
Lot Size	3,417 sq. feet	3, 712 sq. feet
Setbacks		
• **Front**	12'	12'
• **Rear**	12'	12'
• **Side**	3' minimum 6' total	3' minimum 6' total
Height	27'	27'
Max. Bldg. Footprint	1,413.35 s.f.	1,505.22 s.f.

The remnant lots created by the proposed plat amendment (northern portion of Lot 30 and the southern portion of Lot 32) are tied to Lot 29 and Lot 33 respectively, which are under separate ownership. The proposed plat amendment complies with the HR-1 District regulations. This proposal does not increase the density on the lot. The proposed 35.55' and 37.55' wide lots are consistent with other lot sizes in the immediate area. After reviewing the request, the Community Development Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the plat amendment.

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The Plat Amendment is being processed through the Planning Commission and City Council procedure due to the fact that State Law prohibits use of the administrative approval when the action results in the creation of a remnant lot. The Community Development Director does not have the authority to approve a lot line adjustment that creates a remnant lot even though signatures from all adjacent properties owners have been submitted.

D. NOTICE

Notice of this hearing was sent to property owners within 300' on May 25, 2000, as part of the Plat Amendment procedure. No formal comments have been filed at the time of this report.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat prior to recordation. The request was discussed at a Staff Review Meetings on May 18, 1999, where representatives from local utilities and City Staff were in attendance. Discussion focused on issues involving flood hazard (basements in the area are questionable), possible utilities relocation, snow storage easements, and need for public improvements.

ALTERNATIVES

A. Approval of the proposed plat amendment combining the southerly thirteen feet (13') of Lot 30, all of Lot 31, and the northerly fourteen feet (14') of Lot 32 of Block 73 of the First Millsite Reservation Subdivision, into two (2) separate lots.

B. Deny the subdivision plat amendment and retain the original Record of Survey.

C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in two (2) lots which meet the minimum lot requirement for the HR-1 District. This proposal does not increase the density on the lot and will resolve existing non-conforming conditions. Given the required setbacks, the historic district height restrictions, and the predominant ownership pattern and house size in the area, any increase in density by this subdivision plat amendment will result in structures that are compatible in mass and scale with the immediate neighborhood.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the necessary structural repairs to the existing historic dwelling will not be permitted.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing, consider public input and forward a positive recommendation to the City Council to approve the 187 Daly Avenue Plat based on the following Findings of Fact, Conclusions of Law and Conditions of approval:

Findings of Fact:

1. The lots are located in the HR-1 District.
2. The site currently contains an existing dwelling composed of historic and non-historic construction campaigns which straddles all of the existing lots. The applicants intend to petitioned the Historic District Commission to relocate and reconstruct the historic dwelling on one of the proposed lots.
3. The proposed Plat Amendment will combine three (3) lots to accommodate the possibility of two single-family residences, or a single-family dwelling and a duplex.
4. This proposal does not increase the density on the lot.
5. Dedication of a ten (10) foot non-exclusive snow storage easement on Lot A and B along Daly Avenue is necessary to provide adequate snow removal services.
6. The property is shown as a Flood Hazard Area on the Flood Insurance Rate Map from FEMA.

Conclusions of Law:

1. There is good cause for the amendment as increased setbacks are provided and overall density is controlled.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 2.2 and Chapter 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording
2. A ten (10) foot non-exclusive snow storage easement on Lot A and B, along Daly Avenue shall be dedicated to the City on the plat.
3. Any new structures on Lot A or Lot B shall comply with the setback, height, and maximum footprint requirements set forth in the Land Management Code and the Historic District Design Guidelines, as amended.
4. The design and rehabilitation of all structures on Lots A & B shall comply with the Historic District Design Guidelines.
5. Full building permits for Lot A and Lot B may not be issued until the plat is recorded.
6. The Plat Amendment shall not be recorded prior to the removal of the encroachment of the existing structure over the proposed intermediate lot line which will divide Lot A and Lot B.
7. A note shall appear on the final plat that the property is a designated Flood Hazard Area.
8. No remnant lot hereby created is separately developable.
9. All Standard Project Conditions shall apply (Please see Exhibit E- Standard Project Conditions).
10. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

M:\CDD\DS\COUNCIL\2000\reports\187daly.wpd

EXHIBITS:
Exhibit A - Location Map
Exhibit B - Existing Site Plan
Exhibit C - Existing Plat
Exhibit D - Proposed Plat Amendment
Exhibit E - Standard Conditions of Approval

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187 Daly Ave.

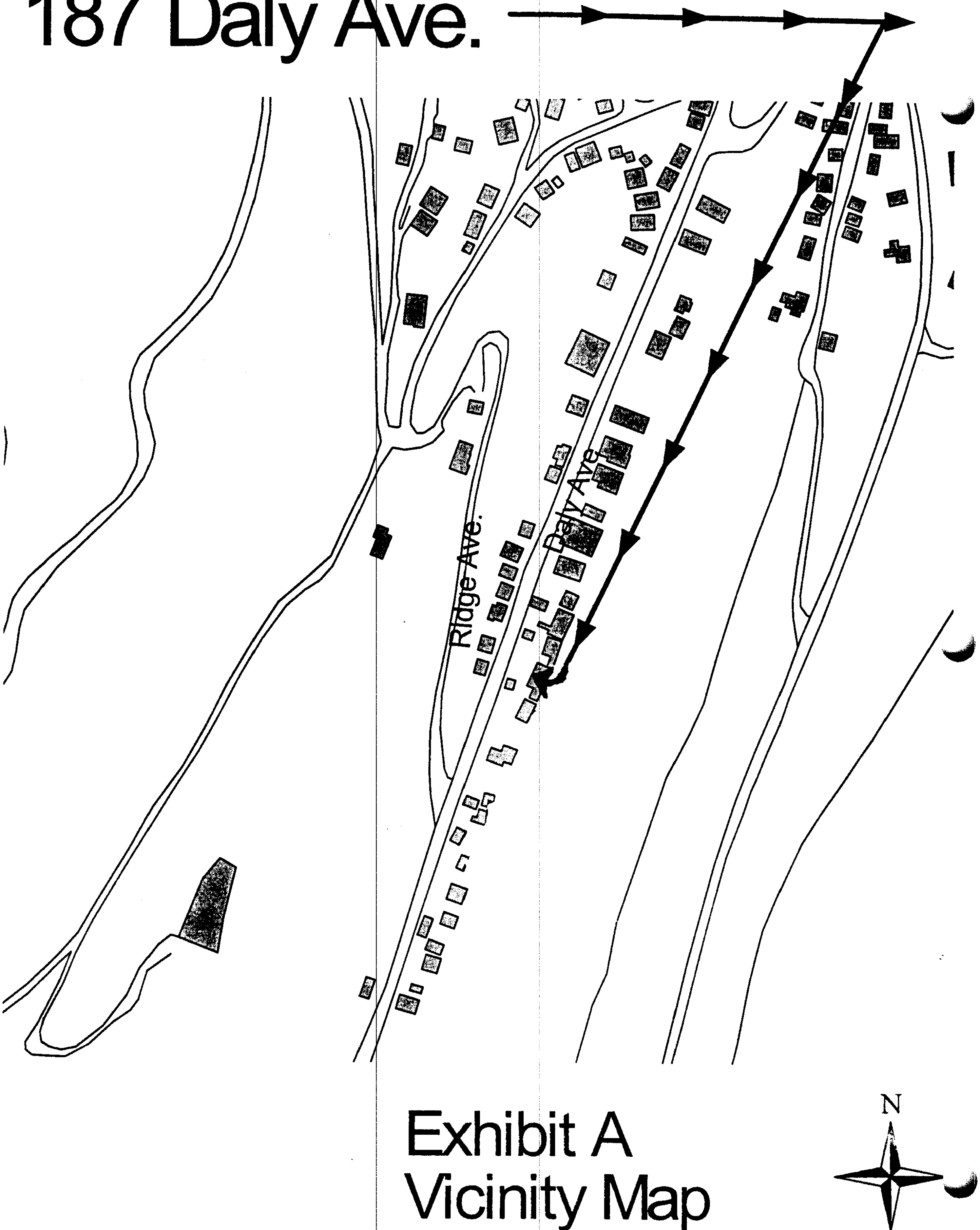
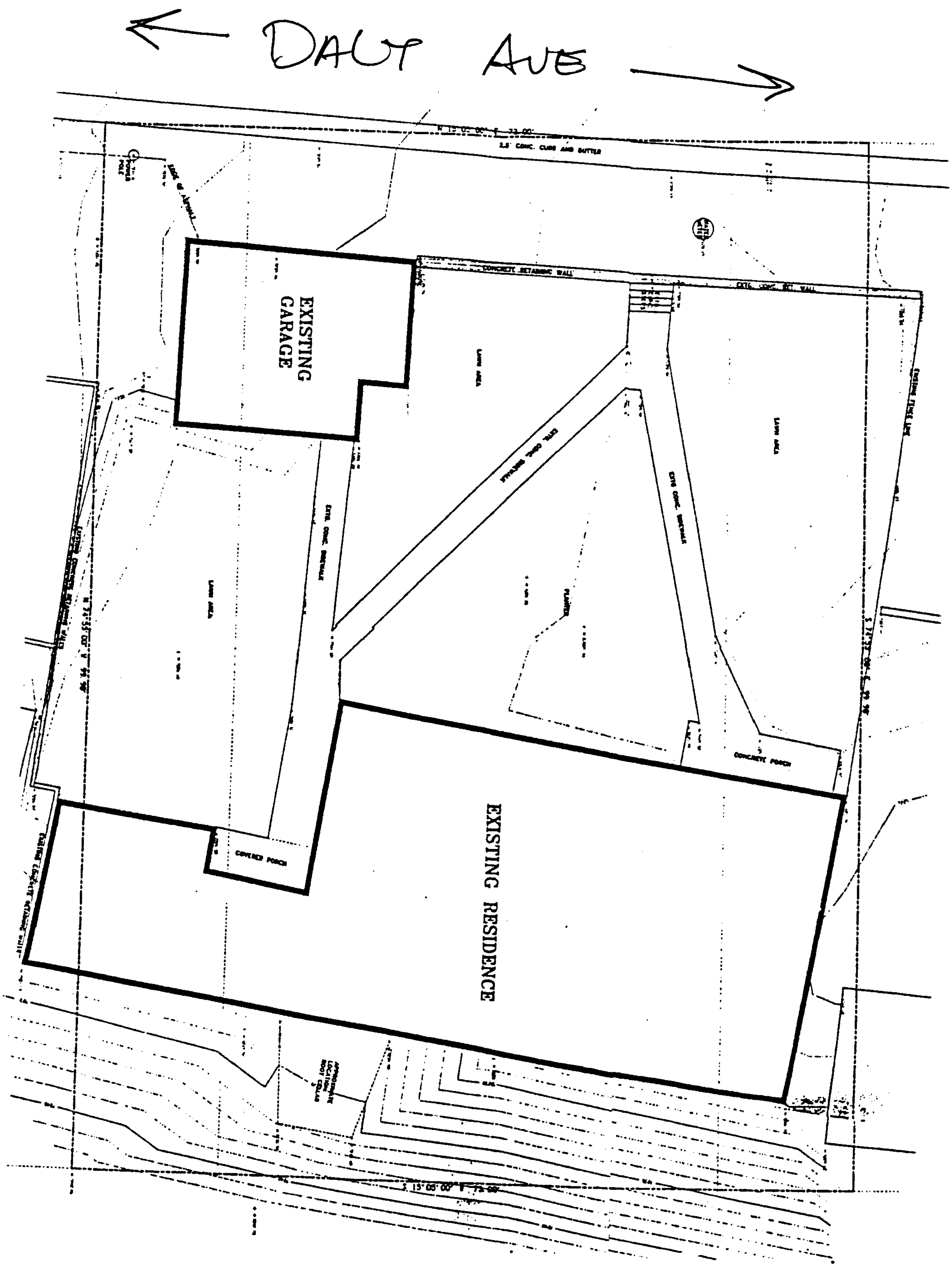
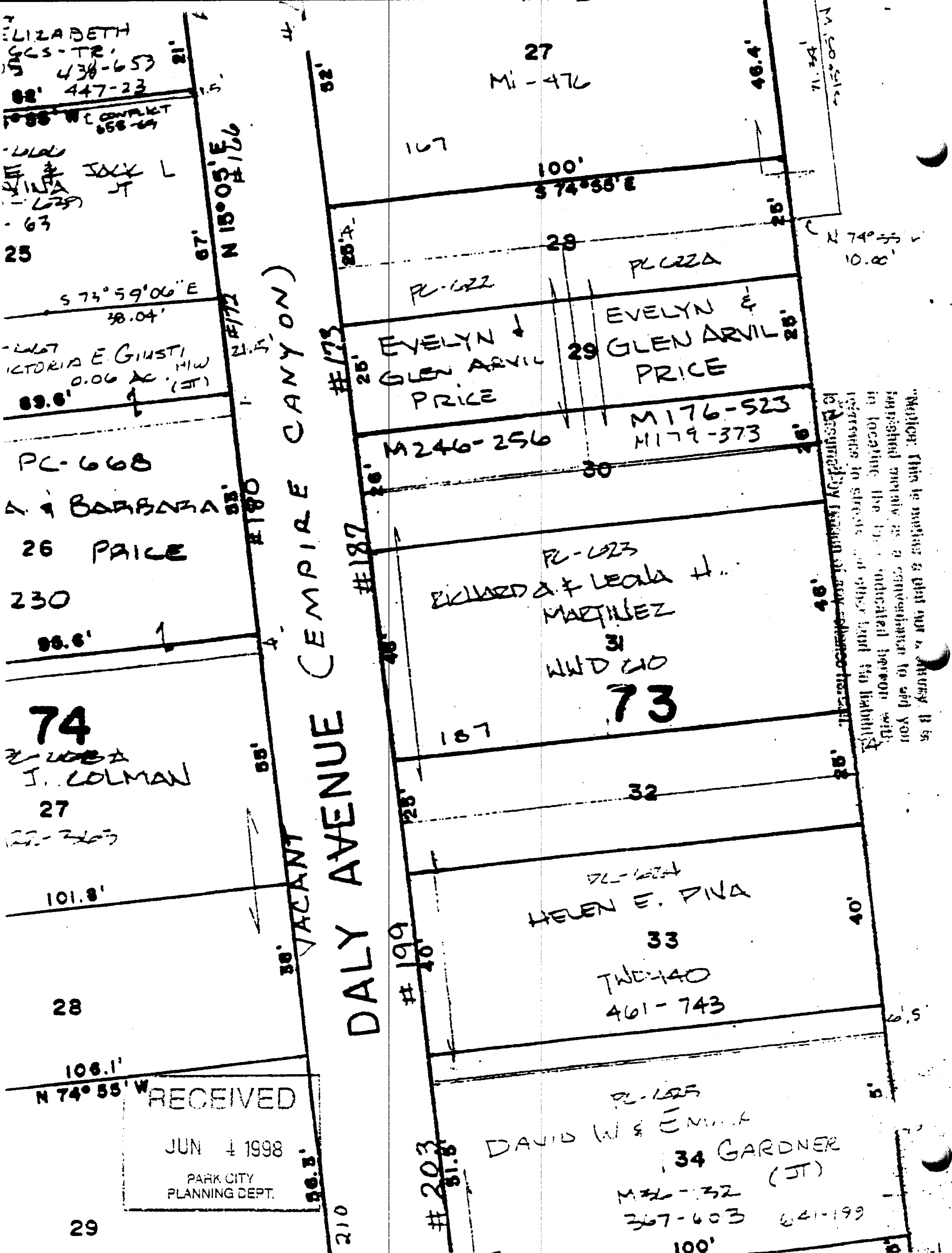


Exhibit A
Vicinity Map



← DAUT AVE →
EXISTING GARAGE
EXISTING RESIDENCE
CONCRETE RETAINING WALL
CONCRETE PORCH
COVERED PORCH
EXTG. CONC. SIDEWALK
LAWN AREA
PLANTER


DALY AVENUE
(EMPIRE CANYON)
N 15°05' E
VACANT
73
74
27
Mi-476
167
100'
S 74°55' E
N 74°55' W
10.00'
28
PC-622
PC-622A
29
EVELYN & GLEN ARVIL PRICE
M176-523
M179-373
M246-256
30
PC-668
A. & BARBARA PRICE
26
230
PC-623
RICHARD A. & LEONA H. MARTINEZ
31
WWD 610
187
32
PC-624
HELEN E. PINA
33
TWD-140
461-743
PC-625
DAVID W & EMMA
34 GARDNER
(JT)
367-603
641-199
100'
ELIZABETH
438-653
447-23
CONFLICT
JACK L
25
S 73°59'06" E
38.04'
VICTORIA E GIUSTI
0.06 AC.
(JT)
J. COLMAN
27
101.8'
28
106.1'
N 74°55' W
29
#173
#180
#187
#199
#203
210
#166
#172
25'
26'
28'
35'
40'
45'
46'
46.4'
48'
51.5'
52'
56.5'
57'
67'
88'
89.6'
95.6'
RECEIVED
JUN 4 1998
PARK CITY
PLANNING DEPT.

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed by the laws of the State of Utah, and that this Lot Line Amendment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify that this plat accurately represents the surveyed property.

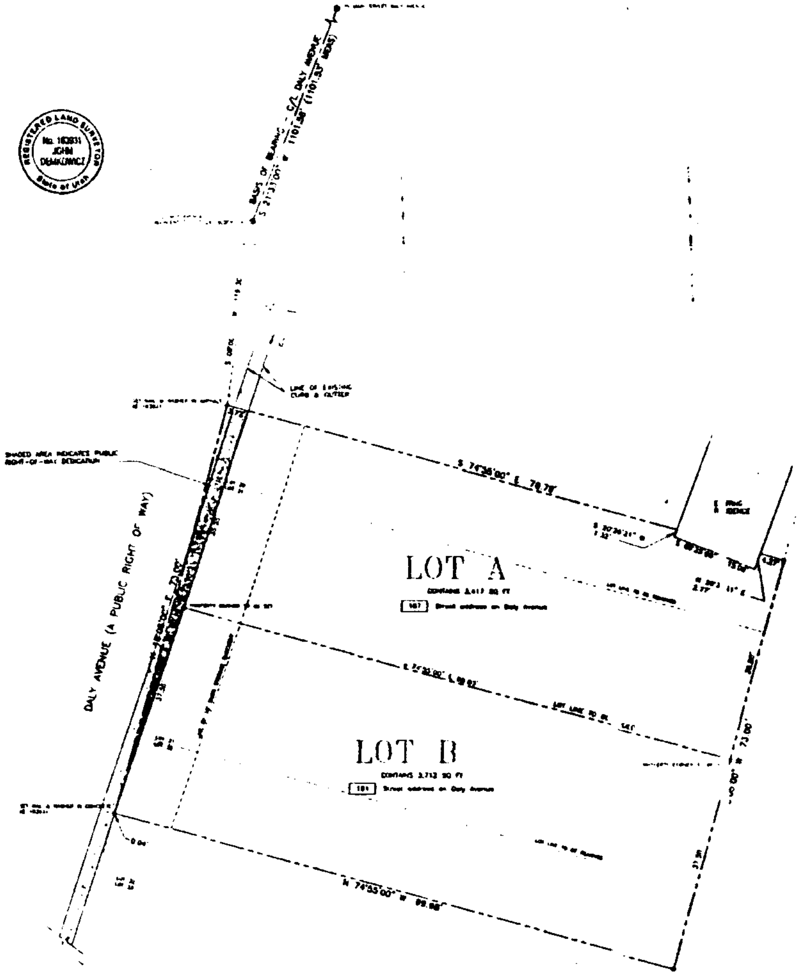
John Demkowicz — 5/16/00 Date

LEGAL DESCRIPTION

Being part of the First Subdivision Millsite Reservation, known as the South 13 feet of Lot 30, all of Lot 31, and the North 14 feet of Lot 32, Block 73, according to the plat of said subdivision on file in the office of the Recorder of Summit County, Utah.

LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:
A portion of Lot 30, Block 73, according to the plat of Millsite Reservation on file in the office of the Recorder of Summit County, Utah, being more particularly described as follows:
BEGINNING at a point that is N 15°05'00" E 13.00 feet and N 74°55'00" W 4.27 feet from the northeast corner of said Lot 32, said point being on a corner of an existing structure, and running thence along the walls of said structure through the following three (3) courses: (1) S 20°26'21" W 2.77 feet; thence (2) N 69°25'00" W 15.00 feet; thence (3) N 20°26'21" E 1.32 feet; thence S 74°55'00" E 15.18 feet to the point of beginning. CONTAINS 34 SQ. FT. MORE OR LESS

REGISTERED LAND SURVEYOR No. 163931 JOHN DEMKOWICZ State of Utah



NOTE

A 10' WIDE SNOW STORAGE EASEMENT ALONG DALY AVENUE IS HEREBY DEDICATED

LEGEND

● Found survey monument

● Set 5/8" iron rod w/cap ALLIANCE, ENG'G 163931, unless otherwise noted

[181] Indicates street address on Daly Avenue

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the 187 DALY AVENUE PLAT do hereby certify that we have caused this Lot Line Amendment Plat to be prepared, and we Richard A. Martinez and Leona H. Martinez, husband and wife as joint tenants, hereby consent to the recordation of this Lot Line Amendment Plat.

ALSO, the owners or their representatives, hereby irrevocably offer 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, the undersigned set their hands this 16th day of

May ~~1999~~ 2000

Richard A. Martinez
Richard A. Martinez
Owner

Leona H. Martinez
Leona H. Martinez
Owner

ACKNOWLEDGEMENT

State of Utah
County of Summit

On the 16th day of May ~~1999~~ 2000 Richard A. Martinez and Leona H. Martinez personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Richard A. Martinez and Leona H. Martinez acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Heidi Barker-Grace
Notary Public

My commission expires November 5, 2001

10 0 10 20

33

LOT LINE AMENDMENT PLAT

187 DALY AVENUE PLAT

LOCATED IN SECTION 18
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

JOB NO 5-6-98 FILE I:\PCS-P\187DALY.DWG

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (435) 649-9467	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 16TH DAY OF MAY 2000 A.D. BY [signature] S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ___ DAY OF ______ 2000 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 16TH DAY OF MAY 2000 A.D. BY Eric W. DeHaan P.E. PARK CITY ENGINEER	APPROVED AS TO FORM THIS ___ DAY OF ______ 2000 A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY ______ 2000 A.D. BY ______ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF ______ 2000 A.D. BY ______ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ______ DATE ____ TIME ____ BOOK ____ PAGE ____ ______ FEE ______ RECORDER

Ordinance No. 99-

AN ORDINANCE APPROVING THE 187 DALY AVENUE PLAT - LOT LINE AMENDMENT PLAT TO COMBINE THE SOUTHERLY THIRTEEN FEET (13') OF LOT 30, ALL OF LOT 31, AND THE NORTHERLY FOURTEEN FEET (14') OF LOT 32 OF BLOCK 73 OF THE FIRST MILLSITE RESERVATION SUBDIVISION, INTO TWO (2) SEPARATE LOTS LOCATED AT 187 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the southerly thirteen feet (13') of Lot 30, all of Lot 31, and the northerly fourteen feet (14') of Lot 32 of Block 73 of the First Millsite Reservation Subdivision, have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 22, 1999, to receive input on the proposed plat;

WHEREAS, the Planning Commission, on September 22, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 1, 2000, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The lots are located in the HR-1 District.

2. The site currently contains an existing dwelling composed of historic and non-historic construction campaigns which straddles all of the existing lots. The applicants intend to petitioned the Historic District Commission to relocate and reconstruct the historic dwelling on one of the proposed lots.

3. The proposed Plat Amendment will combine three (3) lots to accommodate the possibility of two single-family residences, or a single-family dwelling and a duplex.
4. The proposed plat amendment, as conditioned, reduces the potential density on Daly Avenue

by requiring HDC design review of the all proposed structures.

5. Dedication of a ten (10) foot non-exclusive snow storage easement on Lot A and B along Daly Avenue is necessary to provide adequate snow removal services.

6. The property is shown as a Flood Hazard Area on the Flood Insurance Rate Map from FEMA.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The plat amendment to combine the southerly thirteen feet (13') of Lot 30, all of Lot 31, and the northerly fourteen feet (14') of Lot 32 of Block 73 of the First Millsite Reservation Subdivision, into two (2) separate lots, known as 187 Daly Avenue Plat - Lot Line Amendment Plat, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording

2. A ten (10) foot non-exclusive snow storage easement on Lot A and B, along Daly Avenue shall be dedicated to the City on the plat.

3. Any new structures on Lot A or Lot B shall comply with the setback, height, and maximum footprint requirements set forth in the Land Management Code and the Historic District Design Guidelines, as amended.

4. The design and rehabilitation of all structures on Lots A & B shall comply with the Historic District Design Guidelines.

5. Full building permits for Lot A and Lot B may not be issued until the plat is recorded.

6. The Plat Amendment shall not be recorded prior to the removal of the encroachment of the existing structure over the proposed intermediate lot line which will divide Lot A and Lot B.

7. A note shall appear on the final plat that the property is a designed Flood Hazard Area.

8. No remnant lot hereby created is separately developable.

9. All Standard Project Conditions shall apply (Please see Exhibit D- Standard Project Conditions).

10. This approval shall expire one year from the date of City Council approval, unless

this plat amendment is recorded prior to that date.

<u>SECTION 4. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of June, 2000.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: June 1, 2000
DEPARTMENT: Planning
AUTHOR: Kirsten Whetstone, AICP KAW
TITLE: Park City Mountain Village Subdivision-Phase B-1
TYPE OF ITEM: Final Plat

SUMMARY RECOMMENDATIONS: Approve with conditions.

DESCRIPTION

Owners:	Powdr Development Company
Location:	1340, and 1360 Lowell Ave
Zoning:	RC-MPD (subject to PCMR Development Agreement)
Adjacent Land Uses:	Ski Area, Resort Residential
Reason for Review:	Subdivision Plat creating a development parcel for Jupiter Peak Lodge

B. Background

On June 25, 1997, the Planning Commission approved a Large Scale MPD for the Park City Mountain Resort (PCMR). That approval was later formalized in a Development Agreement which was dated June 25, 1998. The first phase of the Master Plan (Marriott MountainSide) was approved by the Planning Commission and is under construction.

The approved phasing plan anticipated that the next parcel for development would be parcel B. This parcel is the main parking lot in front of the resort. This parcel was proposed to be developed in three or four phases. In November 1999, the Planning Commission approved a CUP for the first phase of development on parcel B (B1), which is known as Jupiter Peak Lodge. Powdr Corp. is now requesting a subdivision of this parcel to allow it to be developed.

On May 10, 2000 the Planning Commission forwarded to City Council a positive recommendation to approve the subdivision plat for Parcel B.

C. Analysis

Public Improvements

The staff and Powdr Development have been discussing future development phasing at the Park City Mountain Resort and the timing in relation to the Olympics. The Park City Mountain Resort is not anticipating construction of any additional development parcels (other than the Jupiter Peak Lodge on parcel B1) prior to the Olympics. They are also not planning to relocate Lowell Avenue until after the games. In addition, Park City Olympic Coordinator Frank Bell indicates that most of the lower parking lot areas will be occupied with Olympic related activities beginning in the fall of 2001. There will be little room for construction staging of any kind and there will be limited skier parking available.

The relocation of Lowell Avenue and construction in the lower parking lot will include extensive pedestrian circulation and landscape improvements. Since that will not occur for at least two years, the staff asked Powdr Development to propose and install temporary pedestrian and landscape improvements along Lowell Ave. This is not to accommodate the Olympics, but rather to improve an existing deficient situation along Lowell Ave. The applicant has agreed to stripe a pedestrian lane along Lowell Avenue and stripe some crosswalk locations this summer. Other sidewalk and circulation improvements will be done concurrent with the construction on the Jupiter Peak Lodge. PCMR has agreed to provide perpetual maintenance of all of the striping.

There will also be landscape, pedestrian and other improvements associated with the development of Parcel B1. No building permits will be issued for development on parcel B1 until and unless a plan and financial security is submitted for those improvements.

Parcel B Phasing and Ownership

Eventually, development on Parcel B will have a common underground parking structure and may actually be developed by one developer as a phased project. Powder Development does not want to release the entire parcel to any one developer at this time to ensure that they do not lose control over the future development phases. The development on parcel B1 will be allowed to build to property line, with the understanding that when the adjacent parcel develops, a plat amendment will be processed to eliminate the property line. This same process was followed with the subdivision of the Marriott MountainSide parcel (Parcel A).

D. Department Review

Planning, Engineering, Building and Legal Departments have preliminarily reviewed the plat.

RECOMMENDATION

The staff recommends the City Council approve the subdivision plat based on the following:

Findings of Fact:

1. The City and Powdr Corporation have entered into a Development Agreement which sets forth the Master Planned Development Approval for the remaining parcels at the base of the Park City Mountain Resort.
2. The Park City Mountain Resort Master Plan anticipated that parcel B (the main parking lot)

would be developed in phases.
3. The Planning Commission has reviewed and approved a CUP for construction on the first phase of parcel B which is now known as Jupiter Peak Lodge.
4. In order for Powdr Corporation to transfer ownership of the B1 parcel to the developer of the Jupiter Peak Lodge, a subdivision is necessary.
5. When the balance of the B parcel is developed, there will be a common parking structure and a plat amendment will need to be processed to eliminate the property line.
6. On May 10, 2000 the Planning Commission held a public hearing and forwarded to City Council a positive recommendation to approve the Park City Mountain Village Subdivision-Parcel B-1.

Conclusions of Law:
1. The proposed subdivision plat is consistent with the Large Scale Master Plan Development for the Park City Mountain Resort.
2. The proposal, as conditioned, is consistent with the Park City Land Management Code and General Plan.
3. There is good cause for this proposed plat.
4. Neither the public nor any person will be materially injured by the proposed plat.

Conditions of Approval:
1. All standard conditions of approval shall apply.
2.City Engineer and City Attorney review and approval of the plat for compliance with the conditions of approval, the Land Management Code and state law is a condition precedent to plat recordation.
3. The plat shall contain the following notes:
a. A zero sideyard setback is permitted along the lot lines common to Lots B1 and B2.
b. No structural penetration between buildings may be located on separate lots unless the project is platted under the Utah Condominium Act, as an expandable condominium project and a lot combination occurs prior to construction. See note "c" for exception.
c. Penetration between lot B1 and B2 will be allowed only to accommodate subsurface parking and circulation subject to specific requirements of the Park City Chief Building Official.
4. Prior to issuance of building permits, a final plan for pedestrian improvements will be required to be approved by the City. A financial security to ensure installation of those improvements must be posted prior to permit issuance. The applicant is responsible for maintenance of all pedestrian improvements of whatever nature.

EXHIBITS
Exhibit A - Plat
Exhibit B - Location Map

Ordinance No. 2000-

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR 1340 AND 1360 LOWELL AVENUE, KNOWN AS PARK CITY MOUNTAIN VILLAGE SUBDIVISION- PHASE B-1, PARK CITY , UTAH

WHEREAS, the owner of the property at 1340 and 1360 Lowell Avenue, known as Park City Mountain Village Subdivision- Phase B-1, petitioned the City Council for approval of a final subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 10, 2000 to receive input on the proposed subdivision; and

WHEREAS, on June 1, 2000 the City Council reviewed the proposed subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the final subdivision plat for Park City Mountain Village Subdivision Phase B-1;

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

SECTION 1. FINDINGS. The following findings are hereby adopted:

1. The City and Powdr Corporation have entered into a Development Agreement which sets forth the Master Planned Development Approval for the remaining parcels at the base of the Park City Mountain Resort.
2. The Park City Mountain Resort Master Plan anticipated that parcel B (the main parking lot) would be developed in phases.
3. The Planning Commission has reviewed and approved a CUP for construction on the first phase of parcel B which is now known as Jupiter Peak Lodge.
4. In order for Powdr Corporation to transfer ownership of the B1 parcel to the developer of the Jupiter Peak Lodge, a subdivision is necessary.
5. When the balance of the B parcel is developed, there will be a common parking structure and a plat amendment will need to be processed to eliminate the property line.
6. On May 10, 2000 the Planning Commission held a public hearing and forwarded to City Council a positive recommendation to approve the Park City Mountain Village Subdivision Phase B-1.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat, that neither the public nor any person will be materially injured by the proposed amendment. The final plat is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The final subdivision plat for 1340 and 1360 Lowell Avenue, known as Park City Mountain Village Subdivision Phase B-1, is approved as shown on Exhibit A, with the following conditions:

1. All standard conditions of approval shall apply.
2. City Engineer and City Attorney review and approval of the plat for compliance with the conditions of approval, the Land Management Code and state law is a condition precedent to plat recordation.
3. The plat shall contain the following notes:
   a. A zero side yard setback is permitted along the lot lines common to Lots B1 and B2.
   b. No structural penetration between buildings may be located on separate lots unless the project is platted under the Utah Condominium Act, as an expandable condominium project and a lot combination occurs prior to construction. See note "c" for exception.
   c. Penetration between lot B1 and B2 will be allowed only to accommodate subsurface parking and circulation subject to specific requirements of the Park City Chief Building Official.
4. Prior to issuance of building permits, a final plan for pedestrian improvements will be required to be approved by the City. A financial security to ensure installation of those improvements must be posted prior to permit issuance. The applicant is responsible for maintenance of all pedestrian improvements of whatever nature.

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

PASSED AND ADOPTED this 1 st day of June, 2000.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____

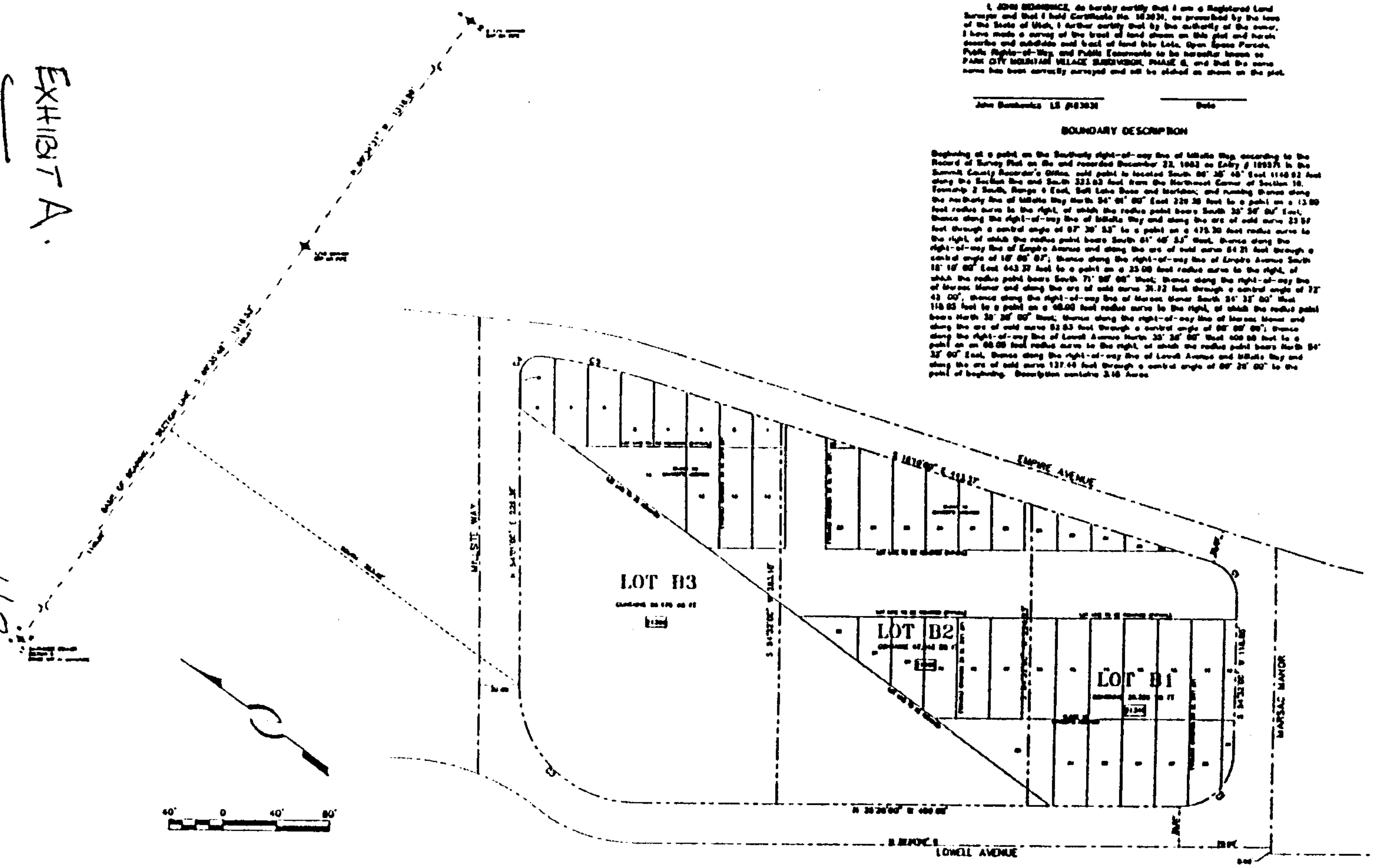
Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

EXHIBIT A.



43

SURVEYORS CERTIFICATE

I, JOHN DEMKOWICZ, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163031, as prescribed by the laws of the State of Utah. I further certify that by the authority of the owner, I have made a survey of the tract of land shown on this plat and herein describe and subdivide said tract of land into Lots, Open Space Parcels, Public Rights-of-Way and Public Easements to be hereafter known as PARK CITY MOUNTAIN VILLAGE SUBDIVISION, PHASE B, and that the same same has been correctly surveyed and will be staked as shown on the plat.

John Demkowicz LS #163031 ______ Date ______

BOUNDARY DESCRIPTION

Beginning at a point on the Southerly right-of-way line of Millsite Way according to the Record of Survey Plat on file and recorded December 22, 1983 as Entry # 1093?? in the Summit County Recorder's Office, said point is located South 00° 35' 48" East 1148.02 feet along the Section line and South 321.63 feet from the Northwest Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the northerly line of Millsite Way North 54° 01' 00" East 220.30 feet to a point on a 15.00 foot radius curve to the right, of which the radius point bears South 35° 59' 00" East; thence along the right-of-way line of Millsite Way and along the arc of said curve 23.57 feet through a central angle of 87° 30' 53" to a point on a 475.30 foot radius curve to the right, of which the radius point bears South 61° 40' 53" West; thence along the right-of-way line of Empire Avenue and along the arc of said curve 84.21 feet through a central angle of 10° 09' 07"; thence along the right-of-way line of Empire Avenue South 18° 10' 00" East 443.37 feet to a point on a 25.00 foot radius curve to the right, of which the radius point bears South 71° 50' 00" West; thence along the right-of-way line of Marsac Manor and along the arc of said curve 31.73 feet through a central angle of 72° 43' 00"; thence along the right-of-way line of Marsac Manor South 54° 33' 00" West 116.83 feet to a point on a 60.00 foot radius curve to the right, of which the radius point bears North 35° 30' 00" West; thence along the right-of-way line of Marsac Manor and along the arc of said curve 62.83 feet through a central angle of 60° 00' 00"; thence along the right-of-way line of Lowell Avenue North 35° 30' 00" West 400.00 feet to a point on an 88.00 foot radius curve to the right, of which the radius point bears North 54° 33' 00" East; thence along the right-of-way line of Lowell Avenue and Millsite Way and along the arc of said curve 137.44 feet through a central angle of 89° 30' 00" to the point of beginning. Description contains 3.16 Acres.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned owner of the herein described tract of land has caused the same to be subdivided into lots hereafter to be known as PARK CITY MOUNTAIN VILLAGE SUBDIVISION, PHASE B.

In witness whereof I have hereunto set my hand this ______ day of ______ 1990

POWDR DEVELOPMENT COMPANY

By ______
Douglas Clyde, President

ACKNOWLEDGMENT

State of Utah:
County of Summit:

The foregoing instrument was acknowledged before me this ______ day of ______ 1990, by ______ the President of POWDR DEVELOPMENT COMPANY, a Utah Corporation.

Notary Public ______
My Commission Expires ______

NOTES

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]

LEGEND

[illegible]

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	31.73	25.00	72°43'00"
C2	62.83	60.00	[illegible]
C3	137.44	88.00	89°30'00"
C4	23.57	15.00	87°30'53"
C5	84.21	475.30	10°09'07"

PARK CITY MOUNTAIN VILLAGE SUBDIVISION

PHASE B

A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED
NOV -3 199?
PARK CITY PLANNING DEPT.

PAGE 1 OF 1

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ______
DAY OF ______ 1990 A.D.
BY ______ SBSID

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF ______ 1990 A.D.
BY ______ CHAIRMAN

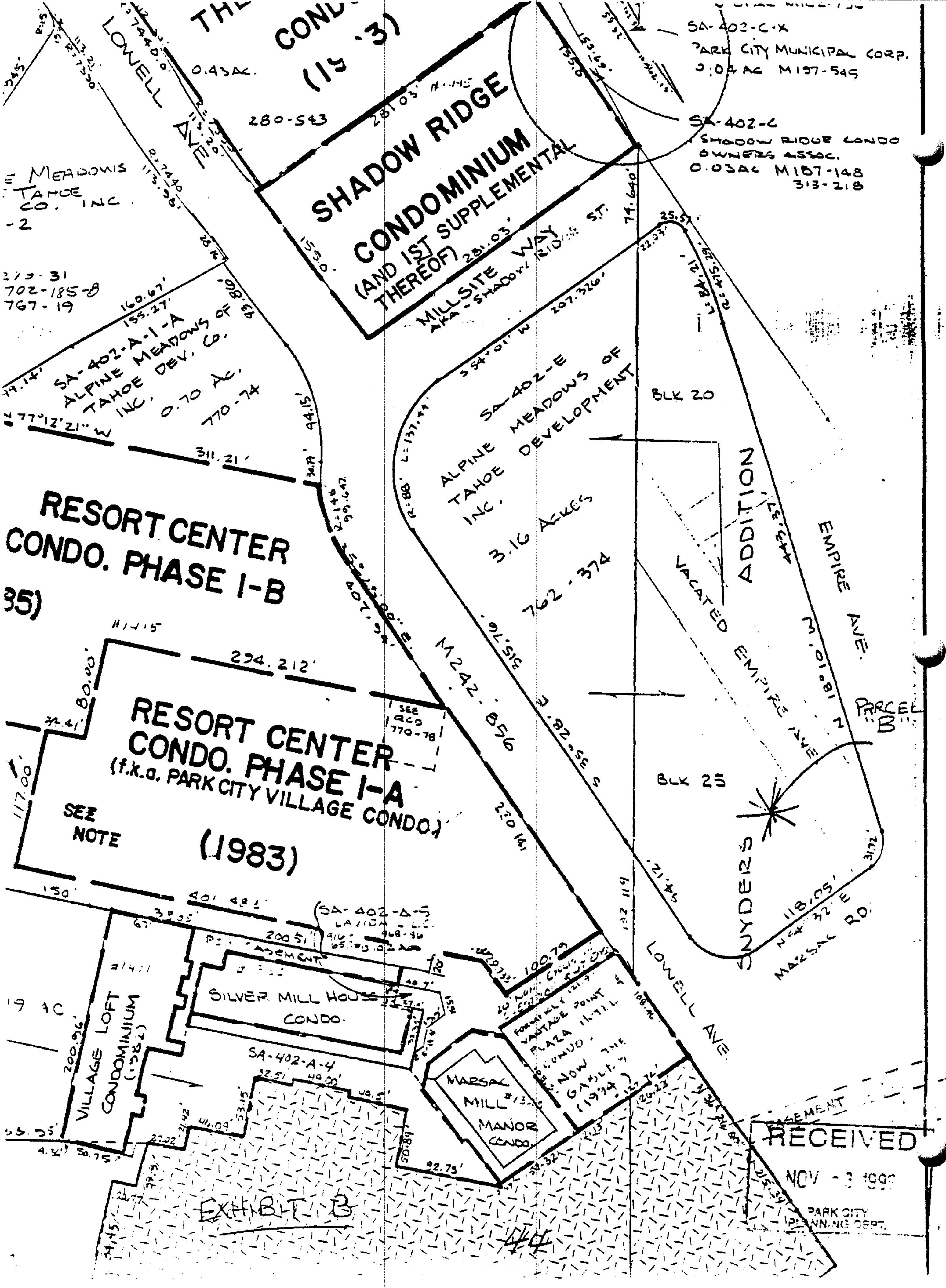
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ______ 1990 A.D.
BY ______ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ______ DAY OF ______ 1990 A.D.
BY ______ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF ______ 1990 A.D.
BY ______ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ______ 1990 A.D.
BY ______ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______
DATE ______ TIME ______ BOOK ______ PAGE ______
FEE ______ RECORDER ______


SHADOW RIDGE
CONDOMINIUM
(AND 1ST SUPPLEMENTAL THEREOF)
SA-402-C-X
PARK CITY MUNICIPAL CORP.
0.04 AC M197-545
SA-402-C
SHADOW RIDGE CONDO OWNERS ASSOC.
0.03 AC M187-148
313-218
LOWELL AVE
MILLSITE WAY
AKA - SHADOW RIDGE ST.
SA-402-A-1-A
ALPINE MEADOWS OF TAHOE DEV. CO. INC.
0.70 AC.
770-74
SA-402-E
ALPINE MEADOWS OF TAHOE DEVELOPMENT INC.
3.16 ACRES
762-374
BLK 20
BLK 25
SNYDERS ADDITION
VACATED EMPIRE AVE
EMPIRE AVE.
PARCEL B
MARSAC RD.
RESORT CENTER CONDO. PHASE I-B
RESORT CENTER CONDO. PHASE I-A
(f.k.a. PARK CITY VILLAGE CONDO.)
SEE NOTE
(1983)
SEE REC 770-78
SA-402-A-5
SILVER MILL HOUSE CONDO.
VILLAGE LOFT CONDOMINIUM
SA-402-A-4
MARSAC MILL MANOR CONDO
FORMERLY VANTAGE POINT PLAZA CONDO. NOW THE GABLES (1994)
EASEMENT
EXHIBIT B
RECEIVED
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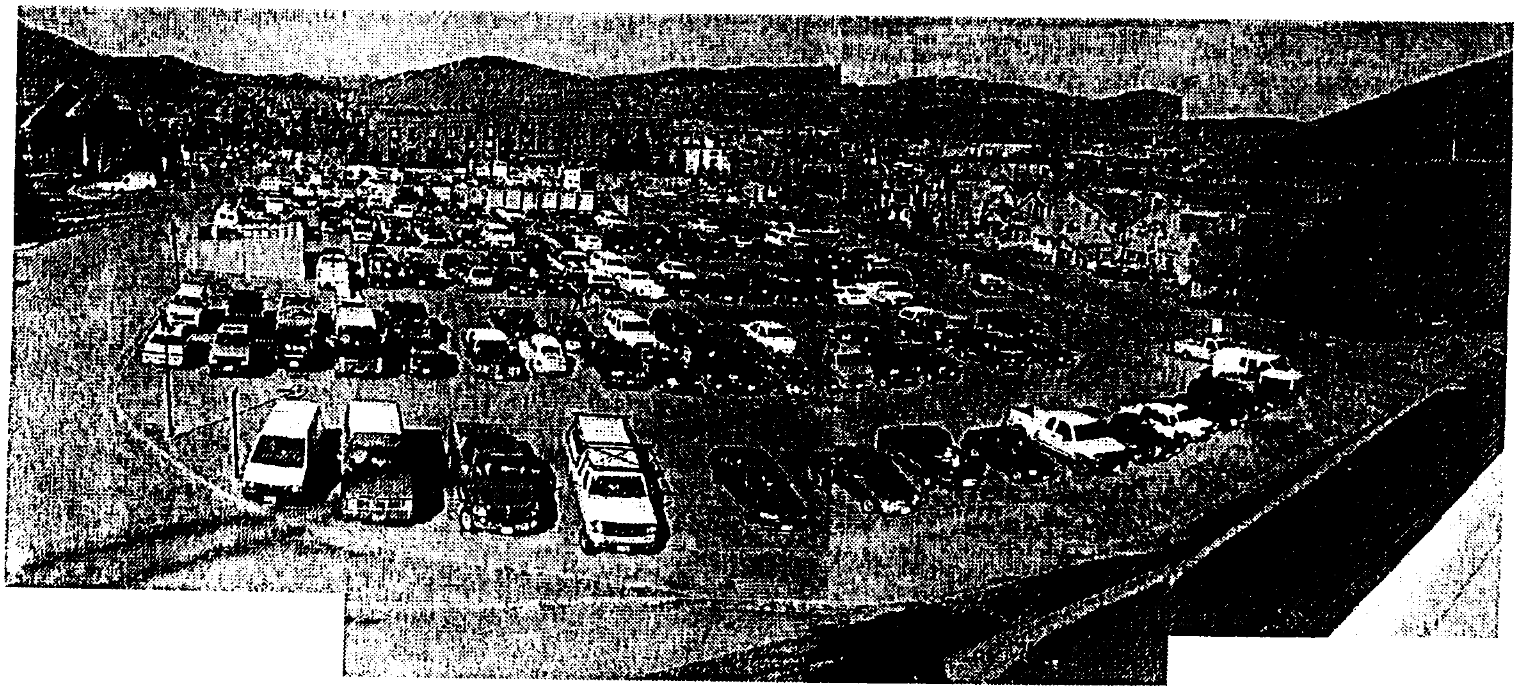
PARK CITY PLANNING DEPT.
44

EXHIBIT B.

PARK CITY MOUNTAIN VILLAGE
PARCEL B SUBDIVISION
EXISTING PARCEL



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PLANNING DEPT.

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **June 1, 2000**
DEPARTMENT: **Planning Department**
TITLE: **1048 Lowell Avenue - Plat Amendment**
TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: Conduct a public hearing and approve the proposed resubdivision of Lots 20 and 21, Block 28, of the Snyder's Addition to the Park City Survey into one (1) lot.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Owners:	James and Deborah Christensen
Location:	1048 Lowell
Proposal:	Plat amendment
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Project Planner:	Ray Milliner

B. Background.

The proposed plat amendment will combine lots 20 and the north ½ of lot 21 of Block 28 of the Snyder's Addition to the Park City Survey. The Planning Commission reviewed the application on May 24, 2000 and forwarded a positive recommendation to the City Council. The applicant has filed this application with the intention of some day constructing a new single family residence on the lot.

C. Analysis

This request is to combine portions of two (2) lots to create one (1) parcel to accommodate a single family home. Staff has evaluated the overall project against the Land Management Code regulations for the HR-1 District, and determined the proposed lot combination complies as presented with all requisite City codes. All proposed building construction will be reviewed by staff for compliance with all Land Management Code and Historic District Guidelines.

D. Notice

Notice of this hearing was sent to property owners within 300' on March 27, 2000. No comments have been filed at the time of this report.

E. Department Review.

The Community Development Department has reviewed this request. The City Attorney and City Engineer Offices will review the plat prior to recording. The request was discussed at a Staff Review Meeting on April 18, 2000, where representatives from City Staff were in attendance and found it to be in conformance with all current requisite City development codes.

F. Recommendation:

Staff recommends that the City Council conduct a public hearing and approve the Plat Amendment for 1048 Lowell based on the following Findings of Fact, Conclusions of Law and Conditions of approval;

Findings of Fact:

1. The property is located in the HR-1 District.
2. The property in question is currently vacant.
3. The proposed Plat Amendment will combine one lot and a portion of another lot into one lot to accommodate the construction of a new single family home.
4. The construction of this home and driveway improvements will diminish the amount of land available for snow storage on Lowell Avenue during the winter months.
5. The Planning Commission forwarded a positive recommendation to the City Council

Conclusions of Law:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapters 2.2 and 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording.
2. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
3. A five foot snow storage easement shall be dedicated and shown on the final plat near Lowell Avenue.
4. A note shall be added to the plat that the remnant lot is not hereby rendered separately developable

Exhibits:

Exhibit A - Location Map
Exhibit B - Proposed Plat

1048 Lowell Ave.

PARK CITY 1884

Exhibit A
Vicinity Map

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of the 1048 LOWELL AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

______________ John Demkowicz ______ Date

BOUNDARY DESCRIPTION

All of Lot 20, and the North 1/2 of Lot 21, Block 28, SNYDER'S ADDITION TO PARK CITY SURVEY, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the 1048 LOWELL AVENUE SUBDIVISION PLAT, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, James D. Christensen and Deborah Reade Christensen, husband and wife as joint tenants, hereby consent to the recordation of this Subdivision Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities or ... easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____________ 2000.

James D. Christensen
Owner

Deborah Reade Christensen
Owner

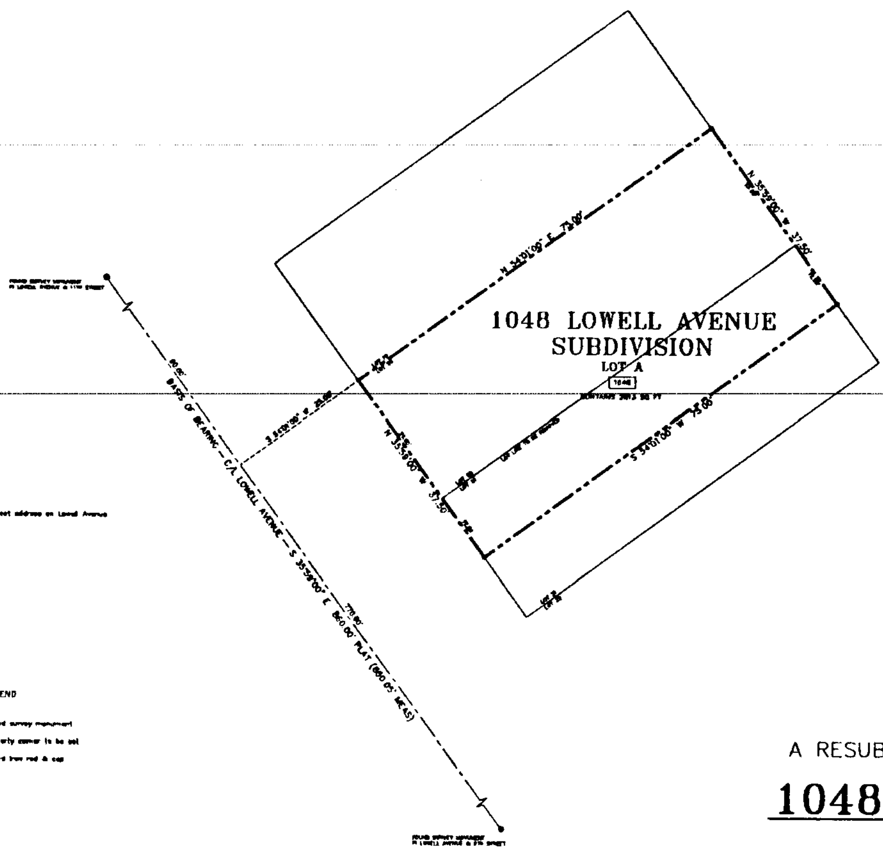
ACKNOWLEDGMENT

State of Utah
County of Summit

On this _____ day of _______________ 2000, James D. Christensen and Deborah Reade Christensen personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, James D. Christensen and Deborah Reade Christensen acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
Notary Public

My commission expires ______________



NOTE

1048 Street address on Lowell Avenue

LEGEND

- Found survey monument
- Property corner to be set
- Found iron rod & cap

RECEIVED
MAR 30 2000
PARK CITY
PLANNING DEPT.

10' 0 10' 20'

A PARCEL COMBINATION PLAT

A RESUBDIVISION OF LOTS 20 AND 21, BLOCK 28, SNYDER'S ADDITION

1048 LOWELL AVENUE SUBDIVISION

LOCATED IN SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 5-10-99 FILE: Z:\5a\dwg\srv\plat99\351095.dwg

Alliance Engineering	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS _____ DAY OF _________ 2000 A.D. BY _________ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _________ 2000 A.D. BY _________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _________ 2000 A.D. BY _________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF _________ 2000 A.D. BY _________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _________ 2000 A.D. BY _________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _________ 2000 A.D. BY _________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _________ DATE ___ TIME ___ BOOK ___ PAGE ___ FEE ___ RECORDER

49

PARK CITY 1884

Ordinance No. 00-

AN ORDINANCE APPROVING AN AMENDMENT TO THE PARK CITY PLAT TO COMBINE ALL OF LOT 20 AND A PORTION OF LOT 21 OF BLOCK 28 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD AT 1048 LOWELL AVENUE

WHEREAS, the owners, James and Deborah Christensen, of the property known as 1048 Lowell Avenue, have petitioned the City Council for approval of a subdivision plat; 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 24, 2000 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 consolidate one lot and a portion of another into one lot 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 Planning Commission forwarded a positive recommendation for the subdivision plat to the City Council on May 24, 2000.
2. The property is located in the HR-1 District.
2. The property in question is currently vacant.
3. The proposed Plat Amendment will combine one lot and a portion of another into one lot to accommodate the construction of a new single family home.
4. The construction of this home and driveway improvements will diminish the amount of land available for snow storage on Lowell Avenue during the winter months.
5. The Planning Commission 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 the amendment.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapters 7 and 15 and State subdivision requirements.

SECTION 3. CONDITIONS OF APPROVAL. The proposed subdivision plat attached as Exhibit B is hereby adopted with the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording.
2. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.
3. A five foot snow storage easement shall be dedicated and shown on the final plat near Lowell Avenue.
4. A note shall be added to the plat that the remnant lot is not hereby rendered separately developable.

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

PASSED AND ADOPTED this 6th day of June, 2000.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

PARK CITY 1884

CITY COUNCIL REPORT

DATE:	**June 1, 2000**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Derek Satchell**
TITLE:	**347 Woodside Replat - Lot Line Combination Plat**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council conduct a public hearing and approve the proposed plat amendment to combine the north 20' of Lot 12, Lot 13, and southerly half of Lot 14, Block 30 of the Park City Survey into one (1) Lot as conditioned.

A. TOPIC

Applicant:	George Nitze and Carol Carter
Applicant's Representative:	Jonathan DeGray, Architect
Location:	347 Woodside Avenue
Zoning:	Historic Residential District - HR-1
Adjacent Land Uses:	Residential
Date of Application:	December 15, 1998
Project Planner:	Derek Satchell

B. BACKGROUND

The project site is located at 347 Woodside Avenue in the Historic Residential District (HR-1) immediately east of the Treasure Hill Subdivision. The project involves a request for a Plat Amendment to combine the north 20' of Lot 12, all of Lot 13, and southerly half of Lot 14 into one (1) platted lot. An existing historic structure (having several non-historic addition campaigns) straddles all the lots. There are two retaining walls/planters made of railroad ties which transverse the downhill side of the front yard set back, and a dry-stack stone retaining wall between the front property line and the edge of Woodside Avenue. Additionally, there is a non-conforming exterior parking pad (located in the city right-of-way) which "benches" into the hillside fronting Woodside Avenue.

A Conditional Use Permit Application for development on a steep slope was reviewed and approved by the Planning Commission on April 12, 2000, to construct a two-story addition to the rear of the existing historic single family structure. Furthermore, the applicant proposes to remodel the historic portion of the dwelling that will include a full basement level, front deck and two-car tandem garage. Staff is requesting the City Council to conduct a Public Hearing and approve the Plat Amendment application. An Historic Design Review Application was submitted by the applicant, and the design was found to be in compliance with the Historic District Design Guidelines. The addition design proposed is incumbent upon the approval of the plat amendment.

C. ANALYSIS

The applicant proposes to combine the north 20' of Lot 12, all of Lot 13, and southerly most half of Lot 14 into one (1) platted lot, which totals 3,619 square feet in area (See Exhibit B). The applicant proposes to create a single lot in order to accommodate an addition to the existing historic structure.

The existing structure has vehicular access off Woodside Avenue, although it is currently non-conforming in use. Because of the steep uphill slope of the front yard, there is currently no garage and no driveway access to the existing structure. There is an existing stairway leading to the front door which is approximately thirty-five (35) feet back from Woodside Avenue. The applicant proposes to "bench-out" the front yard of the existing Lot 12 (along Woodside Avenue) in order to accommodate a driveway leading to a garage.

		Lot #12	Lot #13	Lot #14
Existing	**Current Use**	Existing Historic Dwelling		
Proposed	**Lot Size**	3,619 sq. ft.(Total)		
	Units	1		
Code Requirements				
	Setbacks	Existing Historic Dwelling w/ Addition		
	• Front	10' min/ 20' total with rear		
	• Side	5' min/ 10' total		
	• Rear	10' min		
	Height	27' maximum		
	Parking	Not required by Code		
	Design	Conditional Use Permit Review and Historic District Design Review		

The remnant lots created by the proposed plat amendment (southern 5' of Lot 12 and the northern ½ of Lot 14) are tied to Lot 11 and Lot 15 respectively, which are under separate ownership. The proposed plat amendment complies with the HR-1 District regulations. This proposal does not increase the density on the lot. The proposed 57.5' wide lot is consistent with other lot sizes in the immediate area. After reviewing the request, the Community Development Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the plat amendment.

The Plat Amendment is being processed through the Planning Commission and City Council procedure due to the fact that State Law prohibits use of the administrative approval when the action results in the creation of a remnant lot. The Community Development Director does not have the authority to approve a lot line adjustment that creates a remnant lot even though signatures from all adjacent properties owners have been submitted.

D. <u>NOTICE</u>

Notice of this hearing was sent to property owners within 300' on April 26, 2000, as part of the Plat Amendment procedure. No formal comments have been filed at the time of this report.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on February 2, 1999, where representatives from local utility companies and City Staff were in attendance and found it to be in conformance with all requisite City development codes of which we are currently aware. The City Engineer shall review and approve the slope and drainage issues related to the installation of the new driveway off Woodside Avenue, since there exists a small-scale local drainage impairment.

<u>ALTERNATIVES</u>

A. Approval of the proposed plat amendment to combine the north 20' of Lot 12, Lot 13, and southerly half of Lot 14, Block 30, into a single lot as conditioned to accommodate the existing single-family residence and addition.

B. Deny the plat amendment and retain the original Record of Survey which would prohibit the applicant from making the proposed modifications to the existing historic structure.

C. Continue the item and request further evaluation from the Staff.

<u>SIGNIFICANT IMPACTS</u>:

The proposed amendment will result in one (1) lot which will meet the lot requirement for the HR-1 District. The plat amendment will not increase the density of the lot.

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:</u>

If the plat amendment is not approved as proposed, the necessary structural repairs to the existing historic dwelling will not be permitted.

<u>RECOMMENDATION</u>:

Staff requests that the City Council conduct a public hearing and consider Staff's recommendation to approve the 347 Woodside Replat - Lot Line Combination Plat to combine the north 20' of Lot 12, Lot 13, and southerly half of Lot 14, Block 30, into a single lot based on the following:

Findings of Fact:

1. The property is located in the Historic Residential District (HR-1).

2. The amendment will combine the north 20' of Lot 12, Lot 13, and northern most half of Lot 14, Block 30 into a single lot to allow for proposed improvement to the property.

3. The lots are occupied by an existing historic dwelling.

4. The Conditional Use Permit Application for Development on a Steep Slope was reviewed and approved by the Planning Commission on April 12, 2000, to construct a two-story addition to the rear of the existing historic single family structure.

5. An Historic Design Review Application was reviewed by Staff for the rehabilitation of the existing historic house and construction of the rear addition for compliance with the Historic District Design Guidelines. The application was approved on May 22, 2000.

6. The addition design proposed is incumbent upon the approval of the plat amendment.

7. The plat amendment will not increase density on the lot.

8. Parking is a problem in the area.

Conclusions of Law:

1. There is good cause for the amendment.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. Design of the proposed addition and garage requires compliance with the Historic District Design Guidelines.

3. This approval shall expire one year from the date of Planning Commission approval, unless this Plat Amendment is recorded prior to that date.

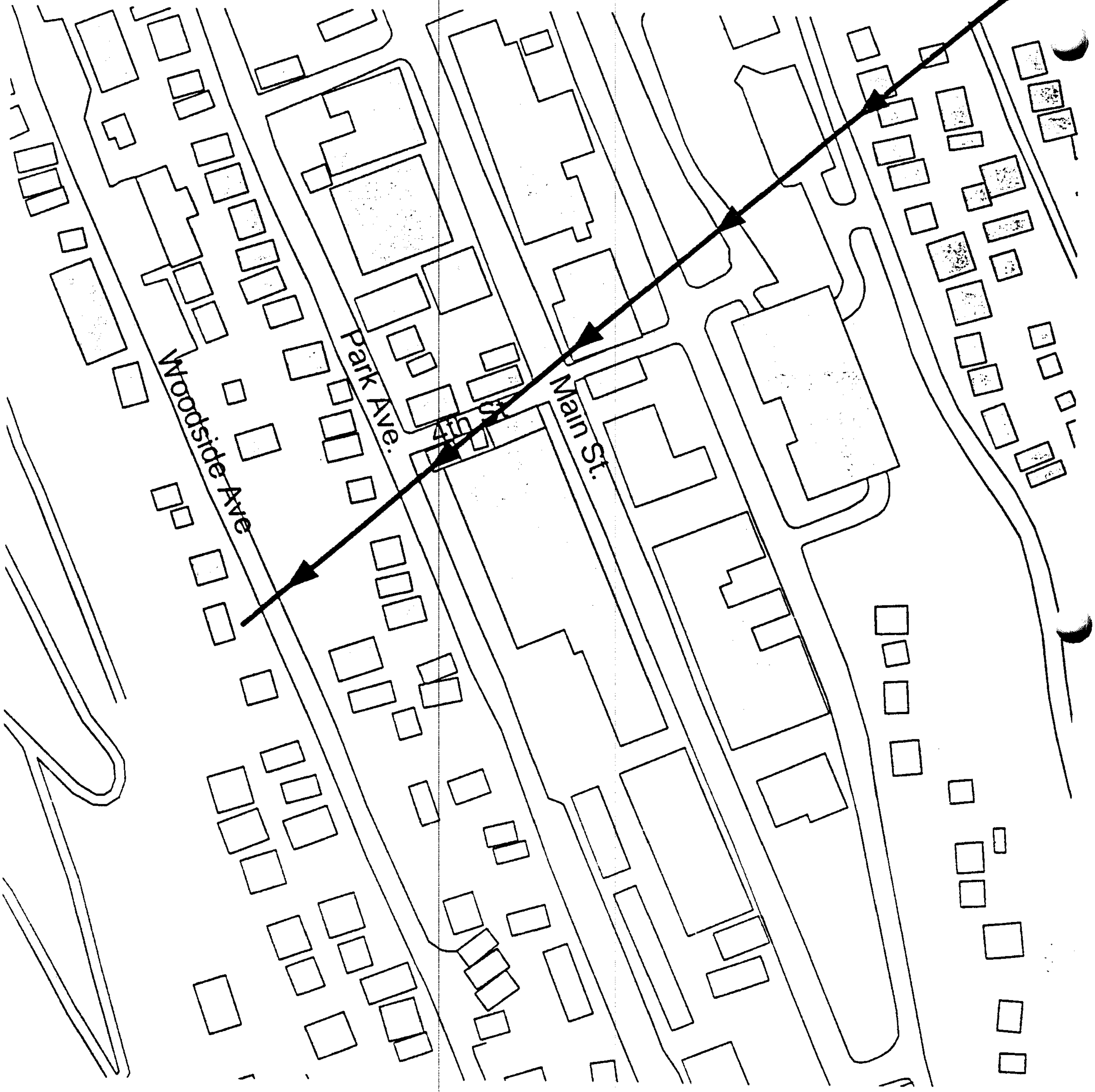
4. No remnant lot created is separately developable.

5. A note shall be added to the plat stating that no accessory apartment and/or lockouts, etc. shall be permitted as part of the historic dwelling or lower living areas (including the garage).

6. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed driveway fronting Woodside Avenue.

EXHIBITS:
Exhibit A - Location Map
Exhibit B - Existing Plat
Exhibit C - Proposed Plat Amendment
Exhibit D - Standard Conditions of Approval

347 Woodside Avenue



PARK CITY
1884

Exhibit A
Vicinity Map

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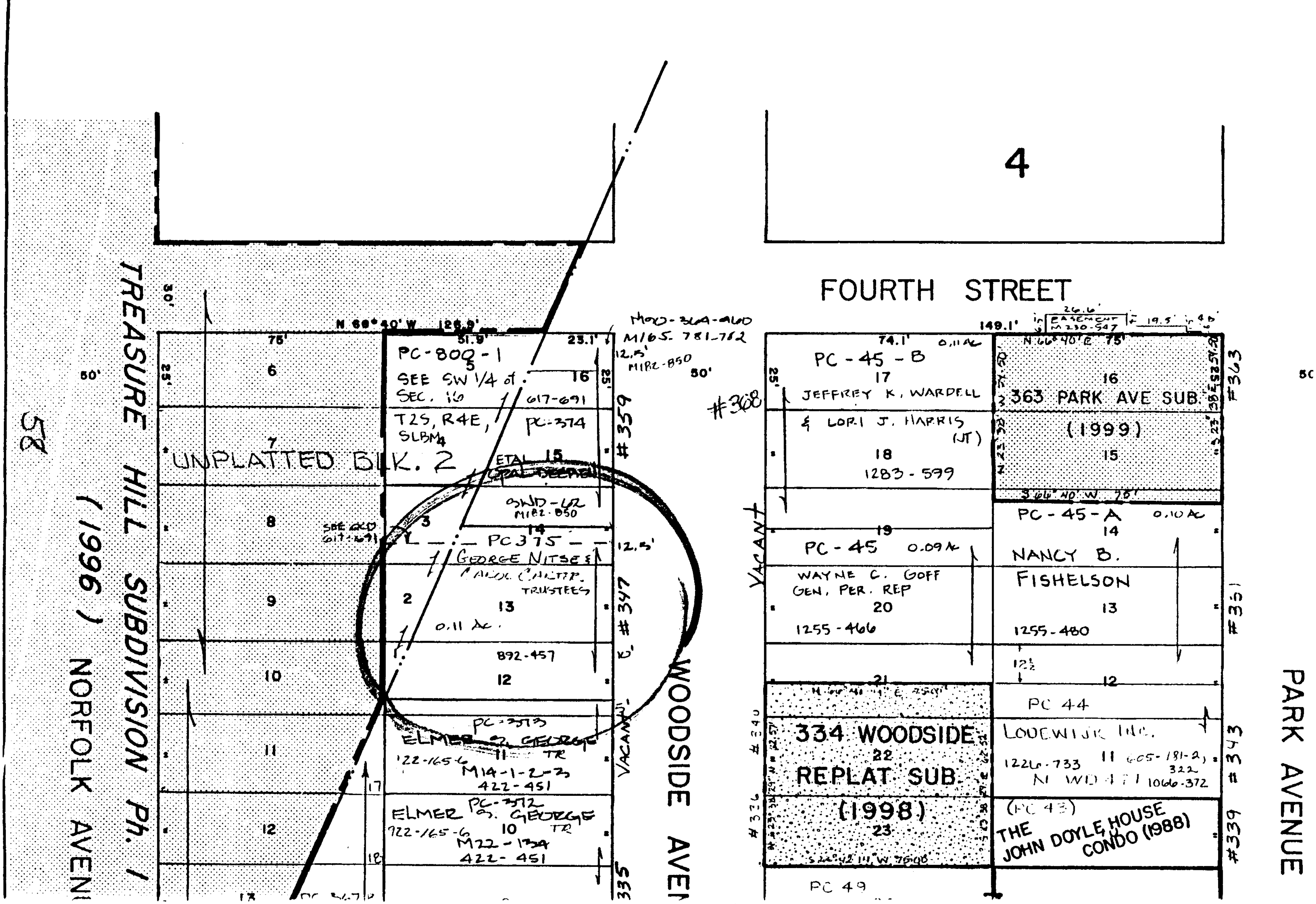
PARK CITY - BLOCKS 3,11,30 SECTION 16, T



58

OWNER'S DEDICATION AND CONSENT TO RECORD

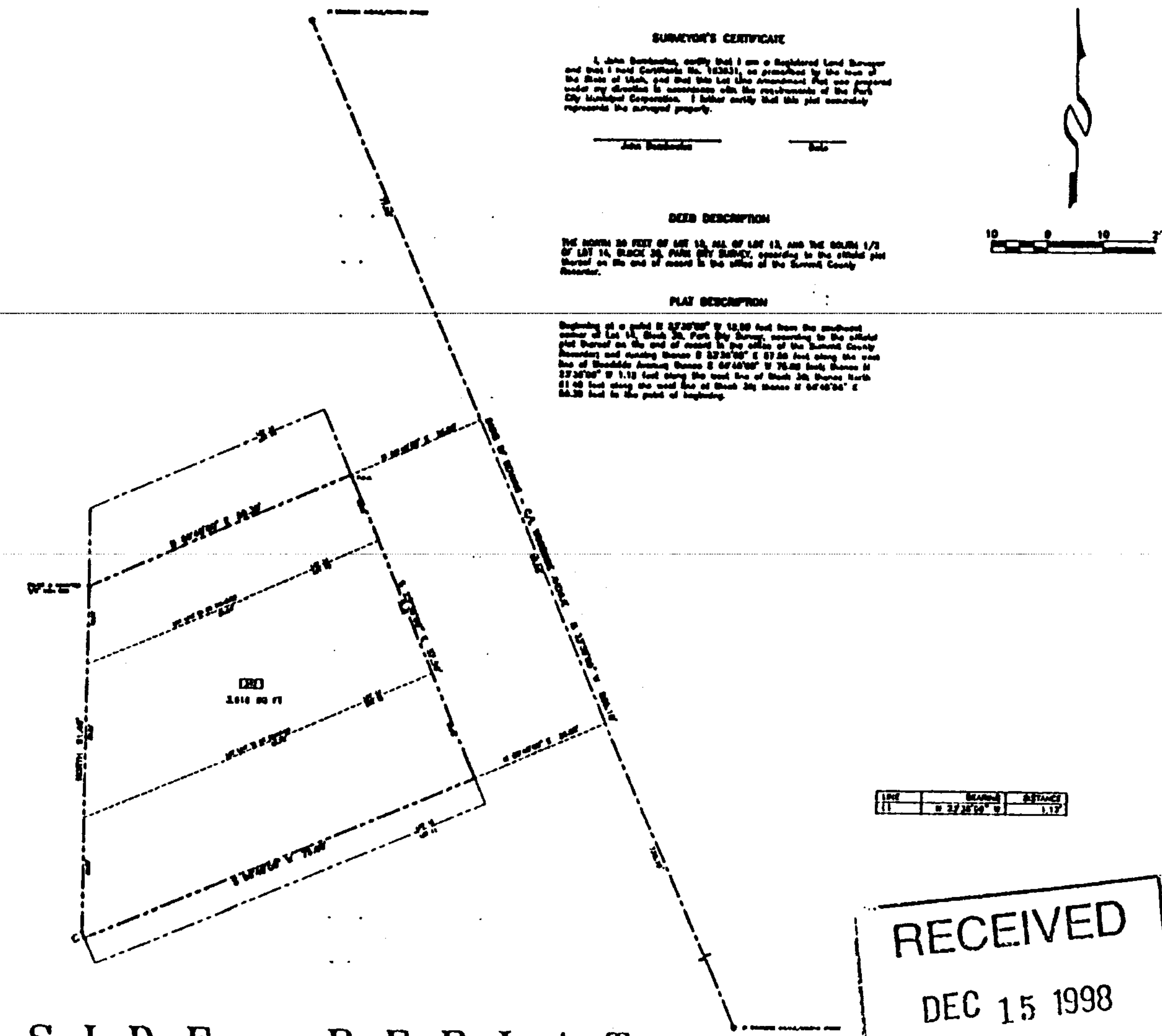
ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

SURVEYOR'S CERTIFICATE

DEED DESCRIPTION

PLAT DESCRIPTION



347 WOODSIDE REPLAT

A LOT COMBINATION PLAT

LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ____ DAY OF ________ 1998 A.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________ 1998 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________ 1998 A.D.	APPROVED AS TO FORM THIS ____ DAY OF ________ 1998 A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________ 1998 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________ 1998 A.D.	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________ DATE ____ TIME ____ BOOK ____ PAGE ____

1 OF 1

RECEIVED
DEC 15 1998
PARK CITY
PLANNING DEPT.

EXHIBIT C
PLAT AMENDMENT

59

Ordinance No. 99-

AN ORDINANCE APPROVING THE 347 WOODSIDE REPLAT - LOT LINE COMBINATION PLAT TO COMBINE THE NORTH 20' OF LOT 12, ALL OF LOT 13, AND THE SOUTHERLY HALF OF LOT 14, BLOCK 30 OF THE PARK CITY SURVEY INTO ONE PLATTED LOT, LOCATED AT 347 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the north twenty feet (20') of Lot 12, all of Lot 13, and the southerly half of Lot 14 in Block 30 of the Park City Survey have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 10, 2000, to receive input on the proposed plat;

WHEREAS, the Planning Commission, on May 10, 2000, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 1, 2000, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is located in the Historic Residential District (HR-1).

2. The amendment will combine the north twenty feet (20') of Lot 12, all of Lot 13, and the southerly half of Lot 14 in Block 30 of the Park City Survey, into a single lot to allow for proposed improvement to the property.

3. The lots are occupied by an existing historic dwelling.

4. The Conditional Use Permit Application for Development on a Steep Slope was reviewed and approved by the Planning Commission on April 12, 2000, to construct a two-story addition to the rear of the existing historic single family structure.

5. An Historic Design Review Application was reviewed by Staff for the rehabilitation of the existing historic house and construction of the rear addition for compliance with the Historic District Design Guidelines. The application was approved on May 22, 2000.

6. The addition design proposed is incumbent upon the approval of the plat amendment.

7. The plat amendment will not increase density on the lot.

8. Parking is a problem in the area.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned plat amendment, that neither the public nor any person will be materially injured by the proposed amendment and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The plat amendment to combine the north twenty feet (20') of Lot 12, all of Lot 13, and the southerly half of Lot 14 in Block 30 of the Park City Survey, known as 347 Woodside Replat - Lot Line Combination Plat, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. No remnant lot created is separately developable.

3. Design of the proposed addition and garage requires compliance with the Historic District Design Guidelines.

4. A note shall be added to the plat stating that no accessory apartment and/or lockouts, etc. shall be permitted as part of the historic dwelling or lower living areas (including the garage). The lot shall only contain one (1) single-family home.

5. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed driveway fronting Woodside Avenue.

6. A five (5) foot non-exclusive snow storage easement along Woodside Avenue shall be dedicated to the City on the plat.

7. Building Permits for this project may not be issued until the plat is recorded.

8. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).

9. This approval shall expire one year from the date of Planning Commission approval, unless this Plat Amendment is recorded prior to that date.

<u>SECTION 4. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 1st day of June, 2000.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE:	**June 1, 2000**
DEPARTMENT:	**Community Development**
AUTHOR:	**Rick Lewis, Community Development Director, Megan Ryan, Consultant**
TITLE:	**Housing Element - Phase II General Plan**
TYPE OF ITEM:	**Adoption of Resolution**

SUMMARY RECOMMENDATIONS: Discuss and adopt the proposed resolution adopting a Housing Element for the Park City General Plan.

A. Description
Housing Element of Phase II of the General Plan.

B. Background
This element set the direction for City's policies on housing. The element was reviewed at a public hearing by the Council on May 18, 2000 with a positive recommendation from the Planning Commission. The staff had also asked the Council for direction on the establishment of the Park City Housing Authority. An issues paper has been attached as Exhibit B for discussion and future action by the Council.

C. Analysis
The housing element focuses on policies and suggested action plans for the production of housing in our community. Many of the items have already been accomplished but are included because this is the first Housing element adopted by the City and it is felt past achievements should be chronicled as evidence to the City's ongoing commitment to affordable housing.

D. Impacts
As drafted some of the policies outlined in the document would have financial impacts to the City. The policies would require staff review and/or additional funds to contract for services to implement the program. Action plan items would require code amendments and/or new ordinances and would require action and review by the Planning Commission and/or City Council prior to implementation.

E. **Department Review**

Community Development Department, Office of Capital Management and Budget and the City Attorney's Office.

RECOMMENDATION:

Adopt the attached Resolution adopting a Housing Element for the Park City General Plan.

Exhibits

Exhibit A - Proposed Resolution
Exhibit B - Housing Authority issues paper

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PARK CITY
1884

Resolution No. _____

RESOLUTION ADOPTING THE HOUSING ELEMENT
OF THE GENERAL PLAN FOR PARK CITY, UTAH

WHEREAS, the Comprehensive Plan was adopted by City Council in 1985 and certain elements have not been substantively amended or replaced since that time; and

WHEREAS, the Utah State Municipal Land Use Development and Management Act specifies that municipalities prepare and adopt a comprehensive, long-range general plan to accomplish the purposes of the Act; and

WHEREAS, the City Council recognized the inadequacy of the 1985 Comprehensive Plan and the need to adopt an effective planning tool to address the many planning challenges which have been prompted by the dramatic changes in the community since the original Comprehensive Plan was adopted; and

WHEREAS, the City Council has identified the updating of the General Plan as a high priority and an integral component in the long range planning of the community; and

WHEREAS, Phase 1 of the revised General Plan was adopted on March 20, 1997; and

WHEREAS, the Planning Commission held work sessions and public hearings on the Housing Element of Phase II of the General Plan on March 8 and April 12, 2000, and the City Council held public hearings on May 11, 2000 and May 18, 2000; and

WHEREAS, our a diverse community is vital to the quality of life for our residents and visitors, and providing diverse housing stock is crucial to the economic success of our world-class mountain resort community; and

WHEREAS, the City Council considered public input, recommendations from its staff and consultants and the Planning Commission and deems it in the best interest to proceed with the adoption of the Housing Element of the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that the Housing Element is hereby adopted and becomes effective upon the adoption of this Resolution.

PASSED AND ADOPTED THIS 1st day of June, 2000.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

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Housing Authorities
Background paper prepared for Park City Council

Issue:
A Housing Authority is enabled by State Statute Utah Code Title 9, Chapter 4 Section 9-4-603. In 1980, The City Council created a Housing Authority with five commissioners per State law. In 1984 the Council amended the 1980 resolution to create a five member board with staggered terms. Since the early 1990's, the City Council has been meeting as the Housing Authority. The Council may either continue to meet as the Housing Authority, appoint five community members to serve or disband the authority. <u>In any case a resolution is needed to clarify the Council's preferred course of direction.</u>

Background:
Housing Authorities are limited in scope by the following statute:
Utah State Code

9-4-609. Powers of housing authority. *(1) Each authority shall have perpetual succession and all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part.*
(2) Any authority may:
(a) sue and be sued;
(b) have a seal and alter it;
(c) make and execute contracts and other instruments necessary or convenient to the exercise of its powers;
(d) make, amend, and repeal bylaws and rules;
(e) within its area of operation, prepare, carry out, and operate projects and provide for the acquisition, construction, reconstruction, rehabilitation, improvement, extension, alteration or repair of any project;
(f) undertake and carry out studies and analyses of housing needs within its area of operation and ways of meeting these needs, including data with respect to population and family groups and its distribution according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and meeting these needs;
(g) make the results of studies and analyses available to the public and the building, housing, and supply industries and engage in research and disseminate information on housing programs;
(h) utilize, contract with, act through, assist, and cooperate or deal with any person, agency, institution, or organization, public or private, for the provision of services, privileges, works, or facilities, or in connection with its projects;
(i) notwithstanding anything to the contrary contained in this part or in any other provision of law, agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards in the development or administration of projects, include in any contract awarded or entered into in connection with a project stipulations requiring that the contractor and all subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions attached to the financial aid of the project;
(j) lease, rent, sell, or lease with option to purchase any dwellings, lands, buildings, structures, or facilities embraced in any project;
(k) subject to the limitations contained in this part with respect to the rental or charges for dwellings in housing projects, establish and revise the rents or charges therefor;

(l) own, hold, and improve real or personal property;
(m) purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest in it;
(n) sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest in it;
(o) make loans for the provision of housing for occupancy by persons of medium and low income;
(p) insure or provide for the insurance, in stock or mutual companies, of any real or personal property or operations of the authority against any risks or hazards;
(q) procure or agree to the procurement of government insurance or guarantees of the payment of any bonds, in whole or in part, issued by the authority, including the power to pay premiums on any insurance;
(r) invest any funds held in reserves, sinking funds, or any funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control;
(s) redeem its bonds at the redemption price established or purchase its bonds at less than redemption price, with all bonds so redeemed or purchased to be canceled;
(t) within its area of operation, determine where blighted areas exist or where there is unsafe, insanitary, or overcrowded housing;
(u) make studies and recommendations relating to the problem of clearing, replanning, and reconstructing blighted areas, and the problem of eliminating unsafe, insanitary, or overcrowded housing and providing dwelling accommodations and maintaining a wholesome living environment for persons of medium and low income, and cooperate with any public body or the private sector in action taken in connection with those problems;
(v) acting through one or more commissioners or other persons designated by the authority, conduct examinations and investigations and hear testimony and take proof under oath at public or private hearings on any matter material for its information;
(w) administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers, and issue commissions for the examination of witnesses outside the state who are unable to appear before the authority or are excused from attendance;
(x) make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist that are dangerous to the public health, morals, safety, or welfare; and
(y) exercise all or any part or combination of the powers granted under this part.
(3) No provision of law with respect to the acquisition, operation, or disposition of property by other public bodies is applicable to an authority unless the Legislature specifically states that it is.

Discussion:
The authority does not have to engage in these activities but is simply limited to this scope by state law. Many larger cities have well established housing authorities that own a large number of units and operate federal housing programs.

In Park City, the role of the Authority has been limited. One advantage in maintaining the Housing Authority would be to retain the greatest flexibility for receiving state and federal assistance and for the ownership, maintenance and repair of the few employees units the city owns. The form of the Authority could be regional with members from both the city and county, local with community members or local with the City Council as members.

At this time it may be premature to create a regional authority (which is permitted under state law) due to the infancy of the neighboring counties programs but it is an idea that may warrant future analysis. If the Council appoints community members to the position they would probably only be required to meet on an as needed basis and could monitor the annual housing reports and ongoing work with Mountainlands. They would also be enabled to pursue projects as outlined in the state statute above. Fiscally there is currently a housing authority budget with nominal funds (approximately $90,000). The majority of the housing funds rest with the City in the Capital Improvement Project Fund.

The Council can also resolve to appoint themselves to act as the Housing Authority as they have informally for the past few years. This alternative would be the preferred recommendation at this time.

Attachments:

A. Park City Housing Authority resolutions 1980, 1984

B. State Statute on Housing Authorities - Title 9, Chapter 4, Sections 609 through 632

PARK CITY
1884

CITY COUNCIL REPORT

DATE: May 23, 2000

DEPARTMENT: Legal Department

AUTHOR: Mark Harrington, City Attorney
mk

TITLE: Prospector Athletic Club- Settlement Agreement

TYPE OF ITEM: Administrative

<u>SUMMARY RECOMMENDATIONS:</u> Approve the Settlement Agreement attached as Exhibit A.

<u>DESCRIPTION:</u>

A. <u>Topic.</u>

Lawsuit filed by Prospector Athletic Club ("PAC") in September, 1998. Causes of action include misrepresentation, unfair competition and promissory estoppel. PAC also files for temporary restraining order ("TRO") and preliminary injunction to prevent the City from adopting a new Recreation Fee Resolution that includes monthly and annual passes. On October 8, 1998, the Court denies the request for the TRO and grants City's motions to strike various portions of affidavit of Jon Gage. The judge directs both parties to try and resolve the matter without further litigation.

B. <u>Proposal.</u>

The Agreement is consistent with the direction provided by the City Council to address in good faith the concerns of PAC, without an admission of wrongdoing by the City.

C. <u>Analysis.</u>

The Agreement was reviewed by the Parks, Rec. and Beautification Board and the Recreation

Department managers. No outstanding issues remain.

D. Significant Impacts

The proposal imposes some notification responsibilities on the City and prohibits the City from conducting "direct and unfair competition" with the Club in a manner to specifically attract customer base away from the Club. Although on-going monitoring is required, impacts are predicted to be minimal to existing and future recreation programs.

E. Alternatives

1. Approve the Agreement. This is the recommended action.

2. Modify the Agreement. If after discussion, the Council desires further changes, it should direct staff accordingly.

3. Delay Action. Schedule close session re: litigation to discuss.

F. Staff Review

The Legal and Leisure Service Departments reviewed this matter.

G. Recommendation

Adopt the Agreement.

Thomas L. Howard (1550)
LAW OFFICE OF THOMAS HOWARD
Attorney for Plaintiffs
1912 Sidewinder Drive, Suite 216
Park City, Utah 84060
Telephone: (801) 649-4660

IN THE THIRD DISTRICT COURT

SUMMIT COUNTY, STATE OF UTAH

PROSPECTOR ATHLETIC CLUB, INC. and JON GAGE and PAT GAGE, as individuals, Plaintiffs, vs. CITY OF **PARK CITY**, UTAH; CITY COUNCIL OF PARK CITY, UTAH; TOBY ROSS, as City Manager; City of Park City, Utah d/b/a PARK CITY RACQUET CLUB; ROBERT JOHNSTON, individually and as Leisure Services Director; KATHY KELLY, as Recreation Services Director; and PARK CITY PARKS, RECREATION AND BEAUTIFICATION BOARD, Defendants.	**SETTLEMENT AGREEMENT** Civil No . 980600254 Judge

SETTLEMENT AGREEMENT

In order to resolve litigation pending in the Third Judicial District Court, Summit County, Civil No. 980600254 ("Litigation"), the following parties enter into this Settlement Agreement ("Agreement") on this ____ day of ___________, 2000: **PROSPECTOR ATHLETIC CLUB**, INC, ("The Club"), and JON GAGE and PAT GAGE, as individuals, CITY OF **PARK CITY**, UTAH; CITY COUNCIL OF PARK CITY, UTAH; TOBY ROSS, as City Manager; City of Park City, Utah d/b/a PARK CITY RACQUET CLUB; ROBERT JOHNSTON, individually and as Leisure Services Director; KATHY KELLY, as Recreation Services Director; and PARK CITY PARKS, RECREATION AND BEAUTIFICATION BOARD, and Mayor Bradley Olch for purposes of consenting to this Agreement on behalf of the Park City Municipal Corporation. The above entities resolve the pending litigation under the following terms and provisions:

MUTUAL RELEASE

Each of the above named parties, individually and in their capacities as elected or public officials, officers, directors, managers, board members or otherwise of their respective organizations or corporations, hereby fully and unconditionally releases and forever discharges all other parties and their respective members, officers, directors, committees, representatives and agents from any and all claims, losses, liabilities, demands, actions and/or causes of action of any kind or character, including without limitation claims for attorney's fees, costs and expenses ("Claims") that any of them may now have, both known and unknown and in whatever capacity, against any released parties arising out of, or by virtue of any fact event or circumstance occurring or in existence up to the date of this Agreement, including, but not limited to any and all Claims that were or could have been asserted at any time in the Litigation.

SPECIFIC PROVISIONS

1. **Policy Statement**. It is the City's policy to protect and promote the continued existence and viability of the private sector business in the City in keeping with the spirit of a free enterprise system. Because this Agreement addresses the claims by the private business sector that the City has been in direct competition with them and has engaged in predatory pricing practices, the

City agrees to refrain from "direct and unfair competition" with the Club in a manner to specifically attract customer base away from the Club. "Direct and unfair competition" shall mean:

a. City advertisements naming the Club or the Club's rates or programs, and comparing any such Club offering to City programs and rates.

b. Directly subsidizing specific programs identical to those offered by the Club in a manner inconsistent from subsidies of other City recreation programs. Said restriction shall not apply to promotional offerings that do not exceed one month.

2. **Play Magazine Advertising**. The City shall list the Club in a section of Play Magazine devoted to alternative recreation providers.

3. **Bus Marquee**. The City will explore the possibility of changing City bus marquees with the name "Racquet Club" to "Racquet Club Condos" or a similar derivative. The Club acknowledges that any such name change would have to go through a public process and the City may decline to change the name, so long as such decision is not arbitrary and capricious. The City has installed a bus shelter in front of the Club parking area as consideration for this settlement.

4. **Signage and Fee Resolution**. The City will notify the Club of the proposed changes to the City's master signing plan contemplated for later this year and of proposed changes to the Recreation Fee Resolution prior to consideration of the resolution by the City Council, so that the Club may provide input on the proposals.

5. **No Third Party Beneficiaries.** No third party beneficiary is created by the terms herein.

6. **Dismissal of Litigation**. The pending Litigation shall be dismissed with prejudice and each party shall bear its own attorneys fees and costs.

7. **Enforcement.** In the event any party is required to enforce any portion of this Settlement Agreement either through mediation, arbitration or judicial determination, the prevailing party shall be entitled to recover from the other party its attorney's fees and costs so incurred.

IN WITNESS WHEREOF, the undersigned have affixed their signatures hereto the dates indicated below:

PROSPECTOR ATHLETIC CLUB, INC.

By: Jon Gage, its President
Date: 4/14/00

JON GAGE

Date: 4/14/00

PAT GAGE

Pat Gage
Date: 4/14/2000

TOBY ROSS

City Manager
Date:

PARK CITY RACQUET CLUB

By Kathy Kelly, its Manager
Date:

ROBERT JOHNSTON

Date:

KATHY KELLY

____
Date:

PARKS. REC & BEAUTIFICATION BOARD

____
By: George Hull, its Chairman
Date:

ATTESTATION: This Settlement Agreement was approved by the City Council of the Park City Municipal Corporation at its meeting held on the ____ day of __________, 2000.

JANET M. SCOTT

____
City Clerk
Date:

BRADLEY OLCH

____
Mayor
Date:

Approved as to Form:

____
MARK D. HARRINGTON
City Attorney
Date:

____
THOMAS L. HOWARD
Attorney for Plaintiffs

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: **June 1, 2000**
AUTHORS: **Planning, Facilities and Special Events, and Police Staff**
TITLE: **Outdoor Music at Town Lift Plaza and Summit Watch Plaza**
TYPE OF ITEM: **Legislative and Administrative (Section 4-8A-5 only)**

SUMMARY RECOMMENDATIONS:

Staff requests the City Council review the revised draft and approve the Ordinance amending Title 4, Chapter 8 (Master Festival Licenses) and Title 6 (Noise) of the Municipal Code to allow for regulated outdoor music events.

A. Topic

Recommendation from the Outdoor Music Task Force and City Staff in regards to outdoor music events.

B. Background

Attached is the Ordinance revised according to the direction given by the Council at the last meeting. A revocation section has been added. Please review the changes in light of last meeting's discussion and approve the Ordinance.

C. Analysis

The revocation section gives the Police Chief the ability to suspend the license at both venues and schedule a revocation hearing before the Council.

D. Department Review

The Police, Community Development, Special Events and Facilities, and Legal Departments have reviewed the Ordinance.

ALTERNATIVES

A. Adopt the proposed Ordinance amending Title 4, Chapter 8 and Title 6 of the Municipal Code to allow for Music Plazas within the HCB zone.

B. Deny or modify the proposed Ordinance.

C. Continue the item for further information, input or discussion.

SIGNIFICANT IMPACTS

If the proposed Ordinance is adopted, the music plazas will feature outdoor events throughout the summer in the designated stages. As outlined in the proposed Ordinance, comprehensive mitigation measures and time/program limits are required to be followed and additional concerns must be addressed on an on-going basis by the on-site manager.

E. Recommendation

Staff requests Council adopt the Ordinance amending Title 4, Chapter 8 and Title 6 of the Municipal Code to allow for regulated outdoor music events.

Exhibits

Exhibit A - Ordinance
Exhibit B - Sound Check Cost Estimate; Spectrum Acoustical Engineers

ORDINANCE 00-___

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8 OF THE MUNICIPAL CODE OF PARK CITY REGULATING MASTER FESTIVAL LICENSING; BY ADDING A NEW SUB-CHAPTER 8A REGULATING PUBLIC OUTDOOR MUSIC PLAZAS; AND AMENDING SECTION 6-3-10, OF TITLE 6, HEALTH, NUISANCE ABATEMENT, NOISE BY CREATING AN EXEMPTION FOR SUCH OUTDOOR MUSIC PLAZAS

WHEREAS, Utah Code Annotated ("UCA") § 10-8-73 and 10-8-76 give the City the power to regulate and prohibit public demonstrations, processions and other street or otherwise public performances which may interfere with public order or otherwise create a noise nuisance; and

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

WHEREAS, UCA § 10-8-60 gives the City the right to declare what constitutes a public nuisance, and provide for the abatement of the same, and impose fines upon persons who may create, continue or suffer nuisances to exist; and

WHEREAS, the City Council received a petition supporting outdoor music, but also heard from several area residents who objected to amplified music; and

WHEREAS, the City Council received recommendations based upon the findings and experiences of a volunteer citizen committee, and a University of Utah class concerning the effects and regulation of noise and the construction of sound mitigating stages, to properly set forth reasonable regulations and time limits to substantially mitigate the effects of such music upon neighboring residents and businesses; and

WHEREAS, the Community Development Department recommended the restrictions herein based upon the Department's noise measurements around the neighborhood and other parts of the City; and

WHEREAS, the City commissioned an independent noise study by Spectrum Acoustical Engineers along Park Avenue and the study concluded that music performed pursuant to the restrictions herein should be compatible with the existing background and traffic noise of the neighborhood; and

WHEREAS, the plazas authorized herein are within the Historic Commercial Business ("HCB") zoning district, where noisy commercial operations, businesses and public master festivals/parades are common; and

WHEREAS, the adjoining neighborhood to the west of the Town Lift Plaza is primarily residential, however the neighborhood is separated from the plaza by Park Avenue, is adjacent to ski runs with permitted but not yet installed snow making with noise levels as high as 85 decibels, and Park Avenue is along a primary municipal transit route with existing noise levels as high as 90 decibels. The snow making decibel limitation was established after extensive on-site testing and analysis with the City staff and officials; and

WHEREAS, licensing and zoning are legitimate and reasonable means of time, place and manner regulations to ensure that outdoor music performers comply with reasonable regulations and to ensure that performers do not knowingly allow their music to become a nuisance to nearby residences and businesses, nor create public disorder; and

WHEREAS, the City Council received convincing testimony that outdoor music performances, because of their very nature, have a positive effect on both the existing businesses around them and the community at large, causing enhanced resort atmosphere and business patronage; and

WHEREAS, as a result of these findings and testimony, the City Council finds that public outdoor music in the specified plazas is not a nuisance per se, but if performed consistently with the regulations contained herein, is reasonably within the standard of comfort prevailing in the areas of and adjacent to the plazas defined herein, promotes the arts and cultural enhancement in the community, and is consistent with pending Master Festival Licensing section 4-8-5; and

WHEREAS, the City Council finds that outdoor music, **if unregulated**, may have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby contributing to increased noise, pedestrian traffic and downgrading the quality of life in such adjacent residential areas; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby preserve the property and character of surrounding neighborhoods, deter unreasonably large pedestrian crowds, protect the citizens from increased noise, preserve the quality of life, and protect the health, safety and welfare of the citizenry; and

WHEREAS, the time, place and manner restrictions of this ordinance are required to protect legitimate and important governmental interests and are reasonably related to achieve the protection of those interests with the minimum interference necessary to rights protected by state and federal constitutional provisions; and

WHEREAS, implementation of the Ordinance eliminates approximately nine potential venues for non-master festival licensed outdoor music; and

WHEREAS, the City Council finds that barring all amplified events and music would be over broad and arbitrary; and

WHEREAS, the City Council held work sessions with public input on this matter as regularly scheduled meetings on November 18, 1999, and February 10, 2000, and public hearings on March 2, 2000, March 30, April 13, and May 18, 2000.

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

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

SECTION 2. AMENDMENT. The Municipal Code of Park City is hereby amended by adding the following Chapter 8a to Title 4:

CHAPTER 8A - PUBLIC OUTDOOR MUSIC PLAZAS

4- 8A- 1. TITLE FOR CITATION.

This section shall be known and may be referred to as the Public Outdoor Music Plaza Ordinance.

4- 8A- 2. PURPOSE: REASONABLE LICENSING PROCEDURES.

It is the purpose and object of this section that the City establish reasonable and uniform regulations governing the licensing and manner of operations of Public Outdoor Music Plazas in Park City. This section shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of Public Outdoor Music Plazas within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects, while providing to those who desire to perform in and patronize Public Outdoor Music Plazas the opportunity to do so. The purpose of this Chapter is to prevent and control the adverse effects of Public Outdoor Music Plazas and thereby to protect the health, safety, and welfare of the citizens and guests of Park City, protect the citizens from increased noise, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods.

4- 8A- 3. APPLICATION OF PROVISIONS.

This section imposes regulatory standards and license requirements on certain activities, which are characterized as "Public Outdoor Music Plazas." It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United

States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of Public Outdoor Music Plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise, of the Municipal Code; and Chapter 7 (including pending Municipal Code § 15-2-6.10(B)(4)) of the Park City Land Management Code, as amended.

4- 8A -4. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the following meanings:

(A) **AMPLIFIED EVENT OR MUSIC**. An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

(B) **PUBLIC OUTDOOR MUSIC PLAZA**. The following plazas used for public performances and outdoor music:

(1) Town Lift Plaza as shown on **Exhibit A**; and

(2) Summit Watch Marriot Plaza as shown on **Exhibit B**.

(C) **STAGES**. The raised and semi-enclosed platforms that are designed to attenuate sound, in a form substantially similar to as depicted in **Exhibit C** or as otherwise approved by Special Events staff.

4- 8A- 5. MASTER FESTIVAL LICENSE; REVIEW PROCEDURE.

The City Council hereby grants Master Festival Licenses for each of the plazas in Section 4. The Licenses shall be subject to all regulations and conditions of this Chapter. The Licenses shall be valid as of June 1, 2000 and shall expire October 1, 2000, unless renewed by the City Council. The City Council may not renew said licenses until after a public hearing and receipt of a staff evaluation of the prior year's compliance with this Chapter. Renewal shall be granted in the sole judgment of the City Council based upon compliance with the regulations herein, community impacts, and so long as such decision is not arbitrary and capricious. No licensee nor performer shall accrue any vested rights under this revocable license.

4- 8A- 6. PROGRAM LIMITS AND CATEGORIES.

Each Stage may be programed for not more than four days per week, and of those four days, only one program day may be a weekend day (Saturday or Sunday). The categories of programming allowed at Public Outdoor Music Plazas are:

(A) **Amplified Event or Music**: This type of event shall be programmed for **no more** than [illegible] days a week at each plaza, only one of which may be a weekend day (Saturday or Sunday).

Amplified Music shall be limited to **no more** than 5 hours of total performance time on each of those two days (breaks are not included in total time but warm-up and rehearsals are).

(B) **Non-amplified music and events:** Programming for music and events such as poetry readings, dance, or other events that require no amplification.

4- 8A-7. GENERAL REGULATIONS.

(A) The program manager, or his/her designee, shall provide on-site management for each event.

(B) A sound technician shall provide on-site noise monitoring for each event with music, Amplified or otherwise, and any Amplified Event.

(C) For Amplified Events or Music, a sound limiter will be placed on the sound system that maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five (25) feet from the stage. Non-amplified music and events shall not exceed a maximum decibel level of 90, as measured twenty five (25) feet from the stage.

(D) All events shall be open to the public and free of charge.

(E) Power controls. A timer device will be installed that shuts the power of the stage and sound system off at 8:00 p.m.

(F) Time: All performances, regardless of type, are permitted only between noon (12:00 p.m.) and 8 p.m.

(G) No event shall exceed 250 people unless a separate Master Festival License is granted for that event.

(H) The Police Department or other proper City official shall have access at all times to all plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

(I) All events shall take place only on authorized Stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

4- 8A-8. ALCOHOL.

It is unlawful for the licensee or any person or business to allow the sale, storage, supply, or consumption of alcoholic beverages on the Public Outdoor Music Plazas, unless licensed pursuant to Chapters 4-6 of Title 4, as applicable.

4- 8A-9. LICENSE HOLDER; PROGRAM BOARD

(A) The Park City Arts Council will be the licencee of the events and will own the Stages. The Arts Council will hire a program manager, approved by the City, said approval not to be unreasonably withheld. The program manager will be responsible for general management of each plaza and on-sight oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.

(B) The Arts Council will appoint an independent Programming Board, consisting of five residents of Park City (community and arts). The Programming Board will schedule the selection and times of events. Nothing herein shall allow the City to regulate the content or otherwise censor plaza productions or speech. The Arts Council shall at all times hold the City harmless and indemnify the City for all claims, actions and liability arising from the Arts Council's use of the Public Outdoor Music Plazas. The Arts Council shall maintain its own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.

(C) Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or plaza owner.

4- 8A-10. ON-GOING COMPLIANCE EVALUATION.

(A) The City Special Events Department will appoint an independent neighborhood review group of at least three area residents which will be contacted weekly by the City Special Events staff and the program manager to receive comments and concerns. A phone number will also be available at each venue so that individuals may phone in comments. Based upon such comments, the Special Events staff may issue additional conditions consistent with the intent of this Chapter to the program manager. A summary of, and recommended response to comments will be forwarded to the City Council within seven days of the end of each month of operation, or sooner if requested by the program manager to resolve any issue. At the end of the season, the Special Events staff will forward a final recommendation to the City Council, with proposed changes, if any, prior to renewal of the licenses granted herein.

(B) The Police Chief, or his/her designee, may suspend the Licenses granted herein and schedule a revocation hearing before the City Council at the next regularly scheduled City Council meeting for any of the following causes:

(1) Any violation of this Chapter as evidenced by a citation issued by the Police Department.

(2) Any violation of law or City ordinance.

(3) Upon any other evidence that the Program Manager or entertainer constitutes a hazard or nuisance to the health, safety, or welfare of the community.

4- 8A-11. TRANSFER LIMITATIONS.

The Master Festival Licenses granted under this Chapter are not transferable without the written consent of the Mayor. It is unlawful for an individual to transfer a Public Outdoor Music Plaza master festival license without City approval as provided herein. If any transfer of the controlling interest in a Public Outdoor Music Plaza license occurs without City approval, the license is immediately null and void and the Public Outdoor Music Plaza shall not operate until a separate new license has been properly issued by the City as herein provided. The City will not unreasonably withhold consent of transfer provided the proposed Licensee is a non-profit organization within Park City, meets all the criteria of this Chapter, and demonstrates experience managing special events.

4-8A-12. PLAZAS LICENSES IN LIEU OF ADMINISTRATIVE PERMITS FOR OUTDOOR MUSIC AND OUTDOOR SPEAKERS.

The Master Festival Licenses granted under this Chapter are in lieu of any Administrative Conditional Use Permit for outdoor music (including outdoor speakers) pursuant to the existing Land Management Code and pending ordinance MCPC § 15-2-6.10(B)(4) . The Community Development Department shall not issue any outdoor music permits in the Historic Commercial Business ("HCB") zoning district north of Heber Avenue. The City may still issue outdoor music permits in conjunction with an approved Master Festival License.

SECTION 3. AMENDMENT. Section 6-3-10, of Title 6, Health, Nuisance Abatement, Noise, is hereby amended to add the following to as an exemption to Chapter 3, Noise:

(J) Noise resulting from a duly licensed and operated Public Outdoor Music Plaza pursuant to Title 4, Chapter 8a of the Municipal Code of Park City.

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.

PASSED AND ADOPTED this ____ day of ____________, 2000.

Park City Municipal Corporation

____
Bradley A. Olch, Mayor

Attestation by:

____
Jan Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, City Attorney

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Spectrum *Acoustical Engineers*

May 23, 2000

Melissa Kaffey
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060-1480

Attn: Melissa Kaffey

We appreciate this opportunity to submit this acoustical engineering services agreement for the project described below.

Name: Park City Concert Sound Measurements
Location: Park City, Utah
Estimated beginning/end dates: May 2000 through May 2001

Description: Acoustical engineering services.

We propose the following general description of acoustical engineering services:

Sound level measurements at two (2) locations for each of two (2) concerts, two (2) hours minimum.
Data compilation and analyses.
Data reduction and report.
Includes all sound level measurement equipment.

We propose the following compensation basis for the acoustical engineering services within the scope of this agreement:

Proposed Fee: $1,200.00

Additional services, not expressly or implicitly included with those herein specified, are not covered by this agreement.

Spectrum Professional Services Inc.
175 South Main Street, Suite 300, Salt Lake City, Utah 84111
801-328-5151 • 800-678-7077 • FAX 801-328-5155

Spectrum *Acoustical Engineers*

The hourly rates for engineering services are as follows:

Classification	Rates
Principal Engineer	$65.00
Principal Lighting Designer	$75.00
Principal Acoustical Engineer	$75.00
Principal Electronic Systems Designer	$75.00
Project Engineer	$45.00
Staff Engineer	$35.00
CAD Draftsman	$30.00
Clerical	$20.00

Reimbursable expenses, which are expenditures by the engineer in the interest of the project, include but are not limited to: expense of transportation, subsistence and lodging when traveling in connection with the project; expenses for the reproduction of drawings; postage and handling of drawings, specifications, reports or other project-related instruments of service of the engineer (excluding two [2] sets at each phase of design); expense of computer modeling for energy, sound, and lighting analyses where other than standard programs owned by the engineer are utilized.

The engineer shall present an invoice covering current services performed each month. Payment is due upon receipt of statement.

Client has read and understood the terms and conditions set forth in Attachment NO. 1 and agrees that such items are hereby incorporated into and made a part of this agreement.

Having read, understood and agreed to the foregoing, client and engineer, by and through their authorized representatives, have subscribed their names hereon effective this______day of_______________, 2000.

Park City Municipal Corporation	Spectrum Professional Services, Inc.
____________________	____________________
Title: ____________________	Richard K. "Jim" Fullmer, P.E., Principal
Date: ____________________	Date: May 23, 2000
	rkf

SPECIAL REPORT

Capitalizing on Downtown Celebrations, Local Pride

May 15, 2000

Festivals, Parades Bring Cities Together

America's cities are experiencing a renaissance of sorts, as the decades-long trend of suburban flight is reversing and people are embracing downtown areas. Events such as festivals, parades, even restoring landmarks, can bring people downtown who may not live there and encourage growth and a sense of community.

These events attract local residents and often people from miles away. Some are associated with national holidays such as St. Patrick's Day or the Fourth of July while others celebrate ethnic diversity, [illegible] a city [illegible] a waterfront [illegible]

Some cities don't limit a festival to one day or a weekend. One offers regularly occurring street fairs to boost the economy, attracting artists and vendors who sell crafts, antiques and food to spur a flurry of retail activity and new business in the area. Another city [illegible] heighten multicultural awareness. The festivals showcase diversity with a parade, ethnic food and other activities.

Some cities have partnered with local businesses for some downtown [illegible] derived from the businesses for cultural [illegible] and other recreational and educational programs for young people.

Art and music may [illegible] downtown activities. In an effort to increase evening traffic and growth in the after-hours [illegible] a series of free, live folk concerts supported by volunteerism and local sponsors. A free weekend of arts and musical events in another city helps raise funds for city arts programs from the artists and vendors who participate.

Further details of these and other examples of downtown celebrations in cities can be found on pages 6 and 7 as part of the "Solutions for Cities" from the NLC examples database.

Downtown Location Boosts Garlic Festival

In the Poconos town of Borough, an annual community festival is getting a boost from a change to a central downtown location that also allows the festival to expand and offer more activities.

The Pocono Garlic Growers Association will hold its annual Garlic Festival on Sept. 2 in Courthouse Square. The association started the festival six years ago at St. Luke's Catholic Church, but it quickly grew too big for the church, so organizers moved it to Stroudsburg Borough Park three years later. Organizers wanted local vineyards to be able to sell wine at this year's event, but alcohol sales and samplingwere not allowed in the school district-owned Borough Park.

The move to Courthouse Square means vineyards will be able to participate, and the festival can expand even more, Andrew said. Besides the strong-smelling bulbs, local crafters, farmers, storytellers and face painters will round out the scene.

Borough officials, the Jacob Stroud Corporation and Monroe County Commissioners all pitched in to offer free parking downtown on the day of the festival. The county's parking garage will also be open for free parking.

"They really opened up the town for us," said Carl Andrew, an organic farmer and festival organizer said.

Garlic lovers from as far as Philadelphia and New York

see page 7, col. 4

Displays, from page 5

Each sculpture became a conversation piece, breaking down racial and cultural barriers, said Michael Lash, director of public art for the city's Department of Cultural Affairs.

"It had an economic impact of $200 million for increased tourism and raised $3.4 million for the community," added Kimberly Costello, assistant cultural affairs commissioner.

"People are still talking about the cows. You'll probably see a lot of Chicagoans up there (in Saginaw County)."

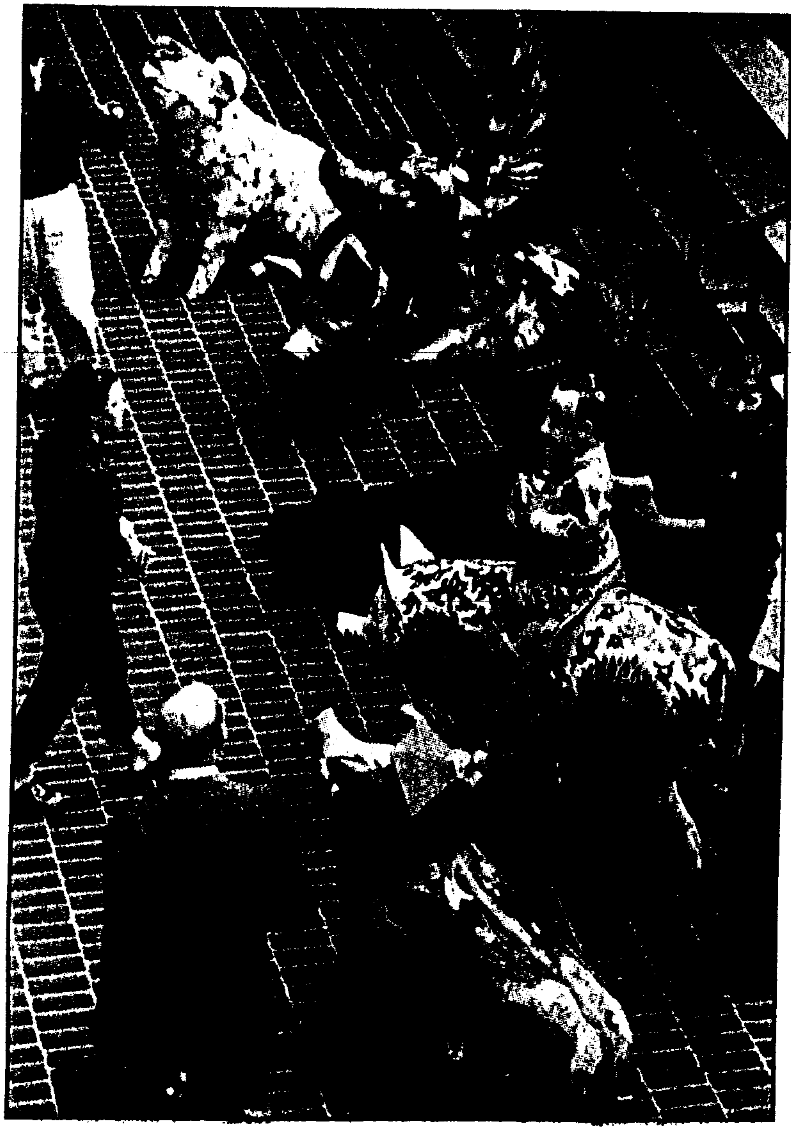
The exhibit will begin in June and continue through October. New sightings of the refined rabbit sculptures will occur weekly, Barrera said.

Also planned are a five kilometer Bunny Run, a Tortoise Walk and a Hop, Skip and Jump at 8:30 a.m. Saturday, Sept. 9, at Ojibway Island. Other activities may include a Bunny Hop oldies dance, he said.

"We're working hard on assembling a Jack Rabbit Festival on Ojibway Island in late August or early September," Barrera said.

Activities will culminate with a "Hare Ball" and sculpture auction.

"Saginaw is in a period of spiritual growth and looking for



Festivals, from page 5

come to the festival to sample delicacies made with the organic garlic grown by the four members of the Pocono Garlic Growers Association.

Cincinnati Landmark Revives Memories

Water is flowing once again from a 129-year-old bronze fountain that has come to symbolize Cincinnati to its residents.

Nearly 10,000 people turned out last week to see Gov. Bob Taft officially unveil the restored fountain at a rededication ceremony on Fountain Square. The unveiling was part of a weekend-long celebration in the city.

"That's the most beautiful thing I've seen in a long time," said Cody Enneking, 26.

Most residents came to see the new look of the structure that played a part in many of their personal memories.

"It's history," said Odie Morrison, 72, who remembered the fountain from childhood. "I'm glad to get it back. It has been missed."

The water was turned off and the fountain was barricaded in the spring of 1999 to prevent further deterioration. That was while a committee began to raise private funds for badly needed repairs and cleaning. Restoration began in August 1999.

New lighting, water and electrical systems also were added as part of the $2.2 million restoration. The remaining $800,000 of the $3 million raised by the committee will be used for maintenance.

The fountain was presented to the people of Cincinnati in 1871 by Cincinnati businessman Henry Probasco in memory of his brother-in-law and business partner, Tyler Davidson. The fountain, which weighs 18 tons and is 34 feet tall, was cast from a design depicting people in everyday pursuits involving water. ■

87

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE: **May 26, 2000 (June 1, 2000 Meeting)**
DEPARTMENT: **Planning Department**
AUTHOR: **Alison Kuhlow and Patrick Putt**
TITLE: **Telecommunications Ordinance**
TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: Staff recommends that the Council take final public input, modify the attached ordinance as necessary, and adopt the revised telecommunication regulations.

DESCRIPTION:

A. Topic.

The intent of this policy is to modify the review criteria for telecommunication facility siting permits in response to a Temporary Zoning Ordinance approved as a result of concerns by Park City residents. The language within the ordinance makes no attempt to regulate satellite dishes. The Temporary Zoning Ordinance 99-51 expires on June 6, 2000.

B. Background.

On April 26, 2000, the Planning Commission forwarded a positive recommendation to the City Council on the proposed modifications. At that meeting the Commission expressed their desire to continue to participate in any revisions of the ordinance as well as developing a proactive approach for the siting of these utilities.

At the May 11, 2000, City Council meeting, representatives from the telecommunications industry approached the Council requesting an allowance for a ten (10) foot height increase to existing utility poles to accommodate the location of antennas. The issue over whether or not to allow an exception for utility pole/antenna height in the public rights-of-way was the last primary concern remaining for the Council prior to the ordinance's adoption. The Council directed Staff to return to the Planning Commission to receive direction on this request.

The Planning Commission reviewed this matter on May 24, 2000. The Commission forwarded a recommendation to Council that it would be appropriate to consider allowing an increase in utility pole/antenna height within public rights-of-way, but only as part of a franchise agreement with the telecommunication provider. None of the telecommunication industry representatives present at the meeting offered comment on the Planning Commission's recommendation.

C. Analysis

Following the May 24, 2000 Planning Commission meeting, Staff contacted several telecommunication industry representatives for input regarding the Commission's recommendation. The representatives which were contacted were uniform in their response that the industry would not support a height exception linked to a requirement that involved entering into a franchise agreement with the City. In general, industry representatives offered that they are fundamentally different from utilities such as gas or electric and therefor oppose the franchise approach entirely. Based on the Planning Commission's input and feedback from the telecommunication carriers, Staff recommends Council adopt the ordinance without an exception for increased utility pole/antenna height in public rights-of-way. Staff recommends that Council take final public and industry input prior to taking action on this matter.

D. RECOMMENDATION:

The Planning Department recommends that Council take final public comment, modify the attached ordinance as necessary, and adopt the revised telecommunications regulations.

EXHIBITS:

Exhibit A - Ordinance

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Exhibit A

8.30 TELECOMMUNICATIONS FACILITIES. The intent of this section is to ensure that Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City, and that adverse impacts on community quality ~~and public health~~ and safety in residential, commercial and industrial areas, are mitigated. The intent of these requirements is to locate ~~such~~ Telecommunications Facilities and related equipment where they are least visible from public streets, public areas and designated view corridors and, to the best extent possible, provide screening from adjacent property owners. The installation of these devices is governed by the following regulations.

(A) Permit Required. The installation of Telecommunications Facilities, unless otherwise addressed in this Code, shall be deemed a Conditional Use and subject to the Park City Building Permit process. It shall be unlawful to install any Telecommunications Facility without first having a Conditional Use Permit and Building Permit from the City. ~~Plans of such facility shall be submitted with each Telecommunications Application.~~

(B) Definitions.

1. **Antenna.** ~~Transmitting or receiving device used in telecommunications~~ A device that transmits and/or receives ~~that radiates or captures~~ Telecommunications and/or radio signals for Telecommunications.
2. **Antenna, Drive Test.** A Temporary Antenna which is used for field testing of Telecommunications signals and possible locations but does not provide Telecommunications services to customers.
3. **Antenna, Enclosed.** An Antenna or series of individual Antennas entirely enclosed inside a structure including but not limited to a cupola or wall of a building or chimney.
4. **Antenna, Freestanding.** An Antenna mounted on or within a stand-alone support structure including but not limited to a wooden pole, steel pole, lattice tower, utility pole, lift tower, light standard, flag pole or other vertical support.
5. **Antenna, Roof Mounted.** An Antenna or series of individual Antennas mounted on a roof~~, mechanical room or penthouse~~ of a building.
6. **Antenna, Temporary.** An Antenna used for a time period of less than thirty (30) days.
7. **Antenna, Wall Mounted.** An Antenna or series of individual Antennas mounted fully against the ~~vertical~~ exterior face of a building ~~or chimney~~ including on the face of a chimney or penthouse. A wall ~~of~~ or face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.
8. **Co-location.** The location of a ~~wireless~~ Telecommunications Facility on an existing structure, tower or building in a manner that precludes the need for that ~~wireless~~ Telecommunications facility to be located on a free-standing structure of its own.
9. **Equipment Shelter.** A cabinet or building used to house equipment for Telecommunications Facilities.
10. **Stealth Telecommunications Facility.** A Telecommunications Facility which is

disguised as another object or otherwise concealed from public view.

11. **Telecommunications**. The transmission, between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

12. **Telecommunications Facility.** A Telecommunications Facility consists of Antenna, Equipment Shelters and related structures used for transmitting and/or receiving Telecommunications and/or radio signals.

13. **Technical Necessity.** A particular design, placement, construction, or location of a Telecommunications Facility that is technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(C) **SUBMITTAL REQUIREMENTS.** A complete application shall include all elements of the proposed Telecommunications Facility and shall produce all information required by the Telecommunications Facility Application. Applicants shall provide the following submittal requirements: ~~the requirements as stated within the Telecommunications Facility Application available in the Community Development Department.~~

1. Each applicant shall present documentary evidence regarding the need for Telecommunications Facilities within the City. This information shall identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City.

2. An applicant proposing to erect a new Telecommunications Facility shall provide documentary evidence that a legitimate attempt has been made to locate the new Telecommunications Facility on existing buildings or structures or as a co-location. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or co-location sites in the radio frequency coverage area for the proposed Telecommunications Facility. Efforts to secure such locations shall be documented through correspondence between the applicant and the property owner(s) of the existing buildings, structures or co-location sites.

3. Applicants proposing to construct new Telecommunications Facilities shall document the locations of all of the applicant's existing Telecommunications Facilities that provide Telecommunications within the City, as well as any changes proposed within the following twelve-month period, including plans to discontinue or replace such existing Telecommunications Facilities. Applicants shall provide competent testimony from a radio frequency engineer regarding the suitability of potential Telecommunications Facility locations in relation to the applicant's existing Telecommunications Facilities.

4. Each application shall include a site location alternative analysis describing the location of other sites considered for the proposed Telecommunications Facility, the availability of those sites, the extent to which other sites do or do not meet the applicant's Telecommunications needs and the reason why the subject site was chosen for the proposed Telecommunications Facility. The analysis shall address the following issues:

    a. How the proposed location and Telecommunications Facility relate to the object of providing full Telecommunications services within the City area;

b. How the proposed Telecommunications Facility relates to the location of any existing Telecommunications Facilities that provide Telecommunications within and near the City;

c. How the proposed Telecommunications Facility relates to the applicant's anticipated need for additional Telecommunications Facilities that provide Telecommunications within and near the City;

d. If applicable, how the applicant's plans specifically relate to, and are coordinated with, the needs of all other Telecommunications providers within and near the City.

5. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility will be most visible.

(D) **COMPLIANCE WITH OTHER LAWS.** ~~Such structures~~ Telecommunications Facilities shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations. Evidence of compliance must be submitted prior to the issuance of a Building Permit for ~~tower construction~~ a Telecommunications Facility.

(E) **NOT ESSENTIAL SERVICES.** Telecommunications Facilities shall be regulated and permitted pursuant to this and other applicable sections of the Park City Land Management Code, General Plan and Sensitive Lands Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

(F) **CONDITIONAL USE REVIEW PROCESS.** A Conditional Use Permit is required for all Telecommunications Facilities. The Community Development Department shall review all Telecommunications Facility Applications and forward the applications to the Planning Commission. The Planning Commission ~~Community Development Department~~ shall review an application ~~administratively pursuant to Sections (f) and (m) below.~~ pursuant to Section 1.13 herein.

1. **Noticing.** Noticing of all applications shall comply with Section 15-1.10(c) which requires a published notice of not less than fourteen (14) days prior to the hearing and courtesy mailed notice to owners of property within 300 feet of the proposed Telecommunications Facility. If there are no occupied properties within 300 feet, notice shall be given to the closest, registered Home Owners Association.
2. **Consent Agenda Review.** Applications meeting the Consent Agenda Review criteria will be placed on the Planning Commission's agenda and will not require a public hearing. Applications placed as a consent agenda item may be removed by the Planning Commission from the consent agenda and set as a public hearing.
3. **Public Hearing.** Applications requiring a public hearing shall be placed on the Planning Commission's regular agenda for review.
4. ~~**Exemption for Towers Located on City Land.** Towers located on City owned land shall pay fair compensation in an amount determined by the City Council.~~ ~~No~~

~~Planning Commission review shall be necessary but a building permit must be obtained and the criteria in Section (f) or Section 1.13 followed.~~

(G) **SITE REQUIREMENTS.**

1. **Setbacks.** The placement of Telecommunications Facilities on a lot shall comply with the setbacks of the underlying zone as stated herein. Telecommunications Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.
2. **Height.** The Telecommunications Facilities shall comply with the base height requirement, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply.
   a. Roof Mounted Antenna, placed on a flat roof, may extend up to ten (10) feet above the existing structure, provided that the Antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.
   b. Roof Mounted Antenna, placed on a pitched roof, may extend a maximum of five (5) feet above the existing structure.
3. **Use of Property.** The Telecommunications Facility shall be an ancillary use on the lot on which it is placed. The lot shall contain a separate principal use.
4. **Design.**
   a. Equipment Shelters located outside of an existing building shall require a public hearing in front of the Planning Commission for compliance with the Architectural Design Guidelines if applicable, and Park City Design Guidelines.
   b. Antenna and associated equipment shall incorporate materials and colors present in the context of the surrounding area. Stealth Telecommunications Facilities shall be designed in a manner to blend with the existing and natural environment.
   c. Panel Antennas shall be no more than five (5) square feet in area per face.
   d. Freestanding Antennas and Wall Mounted Antennas shall be mounted a maximum of twelve (12) inches from the wall or pole.

(H) **SITE DISTURBANCE.** Any application, temporary or permanent, which requires the removal of significant vegetation or proposes any new, or improvements to driveways or roads a length greater than twenty (20) feet and/or a width greater than ten (10) feet wide, shall require a public hearing before the Planning Commission. As used herein, "Significant Vegetation" includes trees six inch in diameter (6") or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an area of twenty (20) square feet or more measured at the drip line. Plans must show all such trees within twenty feet (20') of a proposed Telecommunications Facility. The Community Development Department shall determine the Limits of Disturbance and may require mitigation for loss of significant vegetation consistent with Landscape Criteria in Chapter 9.

(I) **ZONING RESTRICTIONS.** Unless otherwise required within this Section, applications for Antennas shall be permitted and reviewed as follows.

1. **Freestanding Antenna.**
   a. Prohibited. Any Antenna located on Historic structures and all Freestanding Antenna located within the HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, and COS zones. Freestanding Antenna on new structures within the ROS zone are also prohibited.
   b. Consent Agenda Review. Freestanding Antenna located in RDM, GC, and LI zones may be approved by the Planning Commission on its consent agenda.
   c. Public Hearing Required. Freestanding Antenna located in HRC, HCB, RD, and RC zones. Any Freestanding Antenna located on existing poles in the ROS zone.
2. **Roof Mounted Antenna.**
   a. Prohibited. Any Roof Mounted Antenna located on a Historic or underground structure or within the COS zone.
   b. Consent Agenda Review. Roof Mounted Antenna within the RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.
   c. Public Hearing Required. Roof Mounted Antenna located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, and RM zones.
3. **Wall Mounted Antenna.**
   a. Prohibited. Any Wall Mounted Antenna located on a Historic or underground structure or within the COS zone.
   b. Consent Agenda Review. Wall Mounted Antennas located within the RD, RDM, RC, GC, and LI zones may be approved by the Planning Commission on its consent agenda.
   c. Public Hearing Required. All Wall Mounted Antennas located in HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, and RM zones.
4. **Enclosed Antenna.**
   a. Prohibited. Any Enclosed Antenna located within a Historic structure or within the COS zone.
   b. Consent Agenda Review. Enclosed Antennas located within the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, GC, and LI may be approved by the Planning Commission on its consent agenda.
   c. Public Hearing Required. The location of Enclosed Antenna which require an increase in height or exterior wall modification to the existing structure.

(J) **TECHNICAL NECESSITY EXCEPTION.** If the application does not meet the criteria as stated in Sections F, G, H and I ~~(e)~~, the applicant may apply to the ~~Planning Commission~~ Board of Adjustment for a Technical Necessity Exception. The ~~Planning Commission~~ Board of Adjustment shall review the application as a ~~Conditional Use Permit~~ Variance pursuant to ~~Section 1.13 herein~~ Chapter 5 and ~~may~~ shall require the applicant to provide any additional technical information in order to approve the variance including the following.

1. A written explanation describing the surrounding topography, structures, vegetation and other factors which make the proposed Telecommunications Facility technically necessary for Telecommunications consistent with the Federal Telecommunications Act of 1996, as amended.

(K) **CO-LOCATION.** To discourage the proliferation Telecommunications Facilities co-location ~~of communication towers, shared use of tower structures~~ is both permitted and encouraged. ~~Placement of more than one (1) tower~~ Co-location on a ~~land site~~ lot may be permitted by the Planning Commission if all setbacks, design and landscape requirements are met for each ~~tower~~ Telecommunications Facility. The application shall include any existing or approved, but unbuilt, Telecommunications Facility ~~communication towers~~ within the ~~transmission~~ Telecommunications area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

1. Structural capacity of the ~~communication~~ Antenna towers;
2. Geographic Telecommunications ~~service~~ area requirements;
3. Mechanical or electrical incompatibilities;
4. Inability or ability to locate equipment on existing ~~communication~~ Antenna towers; and
5. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the ~~communication~~ Antenna tower

~~Accessory Buildings. The Planning Department shall review accessory building applications through the building permit process, along with the details for the construction of the tower. The accessory building shall comply with the guidelines stated in the Land Management Code and the Historic District Design Guidelines where applicable. Outdoor storage of materials is prohibited.~~

(L) **SIGNS.** Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility application and subject to review by the Planning Department.

(M) **ABANDONMENT.** The ~~property owner~~ applicant, or the applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities ~~towers~~ within twelve (12) months of ~~cessation~~ abandonment of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(N) **SUBDIVISION AND CONDOMINIUM COVENANTS**. Many subdivision and condominium covenants may address the location of Telecommunications Facilities ~~receiving stations~~ within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of ~~wireless~~ Telecommunications Facilities ~~receivers~~ are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Home Owner's Association or management committee, the applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the Telecommunications Facilities ~~Antenna~~ within the common area has been granted as a part of the permit application filed with the City.

~~Action. The Community Development Department shall respond, in writing, to a complete application within a reasonable period of time. A denial must be supported by substantial evidence from the written record.~~

~~Appeal of the Administrative Conditional Use Denial. If the applicant does not agree with the determination of the Community Development Director, the applicant may request Planning Commission review within ten (10) calendar days of the Community Development Department's decision. All actions of the Planning Commission are appealable to the City Council. Appeals shall be pursuant to Section 1.16 herein.~~

~~Technical Necessity Exception. If the application does not meet the criteria as stated in Section (e) the applicant may apply to the Planning Commission for a Technical Necessity Exception. The Planning Commission shall review the application as a Conditional Use Permit pursuant to Section 1.13 herein.~~

(O) **TEMPORARY PERMITS.** A temporary permit may be approved for Temporary Antennas only in conjunction with a special event licensed under Title 4, Chapter 8 of the Park City Municipal Code. A Temporary Antenna permit application must be submitted to the Community Development Department. The application will be administratively reviewed by the Community Development Department based on the following criteria:

1. **Time.** Permits will be issued only for the duration of a licensed special event plus five (5) calendar days. In no case will a temporary administrative permit be issued for a period of greater than thirty (30) days.
2. **Height.** The height of the Temporary Antenna may not be greater than five feet higher than the zoning height for the specific zone where the Antenna is placed, as stated in the Park City Land Management Code.
3. **Zoning.** Temporary Antennas are permitted in the following zones: RCO, GC, HCB, HRC, RC, and LI.
4. **Permission.** Temporary Antenna permit applications shall be accompanied by written permission from the property owner.

If the above criteria are met, the Planning Department shall grant a temporary administrative permit for the Facility.

(P) **TEMPORARY ANTENNA FOR USE DURING DRIVE TESTS.** Telecommunications companies wishing to perform drive tests shall submit notice to the Park City Planning Department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period greater than one day. Drive tests shall be limited to testing functions only and shall not be used for Telecommunications services to customers. Drive tests on City property also require Planning Department approval and execution of the City's standard drive test agreement.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: June 1, 2000
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly, Mark Christensen TB MC
TITLE: FY2001 Budget (next year) & FY2000 Revised Budget (current year)
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

1) Pass and Adopt the Resolution that contains the following items:

   a) Tentative adoption of the City Manager's Amended Budget for FY 1999-00 (with adjustments that have occurred during the budget process).

   b) Tentative adoption of the FY 2000-01City Manager's Recommended Budget presented to City Council on May 4th, 2000 (with adjustments that have occurred during the budget process).

   c) Authorization for the City's Director of Capital Management and Budget to compute the City's Certified Property Tax Rate for 2001 at a "No Tax Increase Rate" and file said rate with the County.

   d) Authorization for the City's Director of Capital Management and Budget to compute the City's Tax rate in regards to the issuance of $6 million General Obligation Bond for the Open Space Bond as approved by voters.

   e) Adopt the City's budget policy regarding public service contracts as amended.

DESCRIPTION:

A. Topic: Tentative Adoption of the FY 1999-00 Amended Budget and FY 2000-01 Recommended Budget in accordance with Utah State Law.

B. Background: On May 4, 2000, Staff presented City Council with a balanced amended budget for FY 1999-00 (current year) and a recommended budget for FY 2000-01 (next year). Since that time there have been several changes made to both the FY2000 Budget (current year) and the FY2001Budget (next year). These changes will be outlined in this report. The focus of the June 1st meeting will be to review and comment on the changes that were made as a result of the technical cleanup and to review and move on the aforementioned resolution.

On May 4, City Council was informed that to balance the General Fund Budget in FY2001, beginning balance reserves have been used. At the May 11th meeting alternatives were presented to balance the budget. At the May 18th meeting Council reviewed Transient Room Tax (TRT), changes to the Capital Improvement Budget, City Services Agreements and wrapped up changes for the budget. The following is the recommended schedule for updating the FY2000-2001 Budget:

Budget Review Schedule

June 1th	1) Hold Public Hearing on the Budget and continue to 6/15/2000. 2) Tentative adoption of FY2001 Budget (no tax increase) 3) Tentative adoption of FY2000 Amended Budget
June 15th	The schedule for June 15, 2000 will be as follows: (No Tax Increase) Continuation and closure of the public hearing on the budget, with final adoption, by resolution, of both the FY2001 Budget, the FY2000 Adjusted Budget and the certified no increase tax rate for FY 2001.

C. Analysis:

Operating Budget: This year there have been changes to the Operating budget within the City including both cuts and increased expenditures. On May 11th, 2000 City Council directed staff to take all of the proposed General Fund Reductions totaling $657, 602 in FY2001. Because the reductions, including decreased personnel costs, the vacancy factor was reduced. The total reductions controlling for the vacancy factor is $655,159. These reductions represent a 5% reduction in General Fund Expenditures. In addition to the General Fund reductions, City Council authorized the new appropriations for FY 2000 totaling $96,546 and $127,483 in FY 2001. (Attachment A) In addition Public Service Contracts were reduced roughly $15,000. Staff have also presented several options for revenue enhancements. On May 18th, City Council directed staff that at this time the City will not impose a Transient Room Tax, nor will they increase property taxes for FY2001. Instead they directed staff to conduct a comprehensive review of potential revenues, expenditures and programs. This study will begin this summer and by early fall staff will complete a direct cost analysis determining the costs are associated with the city's services.

Additional Operating Budget Changes: In addition to the above analysis staff recommends that 1 Full Time Temporary Secretary Position be moved from OCMB to Public Affairs. This position has been used primarily for general office and clerical support for Public Affairs and Olympic Planning. This position is budgeted in the system and this move represents no net impact on the City's budget and is "housekeeping" in nature..

Capital Improvement Program(CIP): As explained on May18th, there have been relatively few changes in the CIP. Last year the City went through a comprehensive prioritization process for the CIP. On May 18th Staff were encouraged to provide more detailed descriptions of projects that have expenditures planned for FY2001. (Attachment B contains expected FY2001 expenditures including a cost breakdown of the proposed expenditures. With a few exceptions as described, Staff recommends that the CIP remain basically as prioritized last year. At present there have been four projects added to the CIP. In addition to the four new projects money has been moved from several projects as shown below. The following list shows the changes in the CIP.

Project #	Project Title	FY2000 Adjusted	FY2001 Adjusted
32	Old Town Stairs	(511,508)	511,508
37	Hillside Avenue Design and Widening	(78,969)	
48	City Park Improvements	(1,060,891)	829,095
445	Affordable Housing	(381,054)	381,054
485	Lower Park Avenue	(328,825)	328,825
579	Library Donations Expenditures	29,001	70,750
630	Bus Turn Out and Shelters	40,000	
648	5 Year CIP Project Funding	(200,000)	(200,000)
681	Golf Pro Shop	(200,000)	1,665,000
699	Open Space Acquisition	(6,000,000)	6,000,000
705*	Water Source, Storage and Delivery	(58,255)	
708	Trails Master Plan Implementation	(841,291)	861,291
709	Property Improvements	(92,000)	92,000
712*	Building Replacement & Enhancement	22,000	
713	Golf Course Improvements	100,000	(80,000)
719	Snow Creek Parcel	2,239,702	
740*	CIP Transfer to General Fund	0	0
741	Storm Water Runoff - Upper Park Ave.	200,000	
743*	DVD equipment for PC Film Series.	40,000	
744	Snowcat Replacement	6,524	
		($7,075,567)	$10,459,523

* Amounts have been updated as discussed in previous budget meetings.

On May 18th, City Council asked if the $100,000 assigned to project 713 Golf Course Improvements was new money. Staffs response to this was that the money was in fact new and in addition to the other money being appropriated to the Golf Course. The $100,000 that is being appropriated to this account is grant money received from the County for the purchase of a Snow Cat.

The project funding for Storm Water Runoff (Upper Park Avenue) has changed from Impact fees to revenues from the water fund. In addition to this all of the carryover from project 37 that is not impact fees has been moved to project 741. These changes are offset in projects 37 Hillside Avenue, and 705 Water Source, Storage and Delivery. At present Upper Park Avenue is funded through the design phase only. Residents of Upper Park Avenue have asked throughout the budget process that Park Avenue south of Heber be reconstructed. Their request that $800,000 be included in the 2001 CIP and that the project to be 100 percent funded before the Olympics. Project 743: This project is funded through money received from a County grant for the Park City Film Series. This money is to be used for DVD equipment purchase for the film series. It is anticipated that all of the money will be spent in FY2001.

On May 18th, City Council directed staff to provide information regarding the CIP planned expenditures for FY2001 including a cost breakdown. Attached is a list of projects that staff anticipates will have expenditures in the next fiscal year. (Attachment A) All CIP projects are listed in Attachment D.

Changes June 1: At the June 1st meeting it will be necessary for Council to give staff direction for the final budget. Due to time constraints staff will need the councils final recommendations and changes regarding the FY2001 budget. On June 1st, council should be prepared to give staff direction on all of the issues discussed in the budget meetings. Any new changes to the Operating Budget or Capital Improvement Program, and any additional direction regarding the comprehensive should occur on June 1st.

Arts Council Request: The Arts Council Request presented on May 18th, was twofold in nature. First they wanted to have a special services contract established independent from the other Arts/Culture/Humanities group. The second part of the request was for an additional $29,000 dollars to fund a reorganization within the Arts Council. Organizationally the Arts Director would be changed from Part Time to Full Time, along with an increase for the Arts Council contract services. These changes represent a shift in their structure with long term organizational and financial implications. Specifically, the Arts Council requested long term funding support from the city for this organizational restructuring.

The direction given to staff on May 18th was to execute part on of the Arts Council request by separating their funding to a special service contract in the amount of $13,775 ($14,500 less 5%). Council asked the Grants Subcommittee to make a recommendation about the appropriation of a one-time grant contingency funds. On May 26, the Grants Subcommittee reviewed this issue and recommends that a one-time grant in the amount of $15,000 be issued to the Arts Council. This will bring the balance of grant contingency to roughly $20,000.

Budget Wrap-up: This report completes the discussion of budget changes for the revised FY2000 budget and FY2001 budget. City Council indicated on May 11th that they would be willing to reduce General Fund expenses by roughly $657,000 as outlined in Attachment D of the May 11th report. Council stated on May 11th that they were not interested in increasing property taxes at this time. One Council member suggested we monitor how other cities respond to State action relating to liability claims levels, and that the City may want to raise property taxes to compensate for this action. It appears that major cities are not implementing this property tax increase. Council supported the option of studying City fees and programs in anticipation of a difficult budget process this time next year.

D. Department Review: - To be provided as needed.

ALTERNATIVES:

A. Provide Direction About Tentative Budget

B. Amend the Tentative Budget Presented

C. Continue the Item - June 15, 2000 is the last date on which adoption (No Tax Increase Rate) can occur in order for us to meet the filing deadlines with the County and State if there is no property tax increase.

D. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide direction on any revenue and CIP changes. Any additions or changes to the Operating budget or the CIP need to made by June 1st to allow staff to present a completed and balanced budget according to State Law deadlines.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The staff has presented a balanced budget for tentative adoption on June1st as required by state law. However, this budget may not fully meet the City Council's expectations given the nature of some issues that still remain undecided. Council should direct staff on these issues on June 1st, in order to make changes by June 15th.

RECOMMENDATION: The City Council should follow the budget presentation schedule described above and provide final direction if needed. The Council should Pass and Adopt the Resolution that contains the following items:

a) Tentative adoption of the City Manager's Amended Budget for FY 1999-00 (with adjustments that have occurred during the budget process).

b) Tentative adoption of the FY 2000-01City Manager's Recommended Budget presented to City Council on May 4th, 2000 (with adjustments that have occurred during the budget process).

c) Authorization for the City's Director of Capital Management and Budget to compute the City's Certified Property Tax Rate for 2001 at a "No Tax Increase Rate" and file said rate with the County.

d) Authorization for the City's Director of Capital Management and Budget to compute the City's Tax rate in regards to the issuance of $6 million General Obligation Bond for the Open Space Bond as approved by voters.

e) Adopt the City's budget policy regarding public service contracts as amended.

Attachments:

A. Changes to Budget
B. CIP Project Summary
C. Grants Spreadsheet and Policy Update
D. Arts Council Request
E. Resolutions adopting the FY2000-2001 Budget.
F. Resolution Adopting the FY2000-2001 Municipal Building Authority Budget.
G. Resolution Adopting the FY2000-2001 Redevelopment Agency Budget.

Resolution No. -00

A RESOLUTION ADOPTING A TENTATIVE REVISED BUDGET FOR FY 1999-00, A TENTATIVE BUDGET FOR FY 2000-01, FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES AND AUTHORIZING THE COMPUTATION OF THE PROPERTY TAX RATE THAT REFLECTS THE ISSUANCE OF GENERAL OBLIGATION BONDS

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

WHEREAS, a public hearing was held on May 11, 2000, and May 18, 2000, and one is scheduled for June 1, 2000, and June 15, 2000, 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:

SECTION 1. TENTATIVE REVISED BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 11, 2000 and with changes as summarized in the Attachments to this resolution is hereby adopted as the Tentative Revised 1999-00 Operating Budget for Park City Municipal Corporation and its related agencies.

SECTION 2. TENTATIVE BUDGET AND TENTATIVE PLAN ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 11, 2000 and with changes as summarized in the Attachments to this resolution is hereby adopted as the tentative budget for FY 2000-01 and the tentative plan for FY 2000-01 for Park City Municipal Corporation and its related agencies.

SECTION 3. CERTIFIED TAX RATE. The City's Director of Capital Programs and Budget is authorized, after the County has provided the Certified Property Tax data, to compute the City's Certified Property Tax Rate for 2000 at a "No Tax Increase Rate" and file said rate with the County. The Director of Capital Programs and Budget is also authorized to compute the City's Certified Property Tax rate for the issuance of General Obligation Bonds as approved by a vote of the people in November of 1998.

ATTACHMENT-E

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect June 1, 2000 for the FY 1999-00 revised budget, the FY 2000-01 budget.

PASSED AND ADOPTED this 1st day of June, 2000

PARK CITY MUNICIPAL CORPORATION

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Mayor Bradley A. Olch

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney