TENTATIVE MASTER AGENDA

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 23, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, May 23, 2002.

AGENDA

Work Session

3:00 p.m. Council questions/comments

3:30 p.m. Olympic legacy project

4:00 p.m. Youth Advisory Committee grant recommendations

4:10 p.m. Special event bus banner policy

4:20 p.m. Review of regular meeting

- Budget review
  - Water rates

5:20 p.m.
- Well projects
- Jazz Festival
- Mountain Town Stages

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF APRIL 25, 2002 AND WORK SESSION NOTES OF MAY 2, 2002

V RESIGNATIONS AND APPOINTMENTS

Appointments (2) to the Historic District Commission for terms expiring February 2005

VI CONSENT AGENDA PUBLIC HEARINGS

1. Resolution adopting the Historic Element of the General Plan of Park City, Utah

2. Master Festival License for the Fidelity Investments Park City Jazz Festival to be held August 16 - 18, 2002 - Fidelity Investments

3. Ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas (Mountain Town Stages)

VII CONSENT AGENDA

1. Resolution adopting the Historic Element of the General Plan of Park City, Utah

2. Master Festival License for the Fidelity Investments Park City Jazz Festival to be held August 16 - 18, 2002 - Fidelity Investments

3. Ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas (Mountain Town Stages)

4. Award of construction contract to Weyher Construction Company LLC in the amount of $32,775 for the construction of Snow Creek Trail

VIII PUBLIC HEARING

1. Revised budget for fiscal year 2001-2002 and the tentative budget for fiscal year 2002-2003 for Park City Municipal Corporation and its related agencies

2. Ordinance approving a plat amendment for 6538 Silver Lake Drive, Evergreen Subdivision, Park City, Utah

IX NEW BUSINESS

1. Ordinance approving a plat amendment for 6538 Silver Lake Drive, Evergreen Subdivision, Park City, Utah

2. Award of contract to design and drill the Park Meadows replacement well and drill the Keetley exploratory well

3. Amendments to Land Management Code - Phase 2: Comprehensive and substantive rewrite of Chapter 4, Historic Preservation; Chapter 6, Zoning Administration and Enforcement; Chapter 8, Supplementary Regulations; Chapter 10, Master Planned Developments; Chapter 11, Master Planned Moderate Income Housing Developments; and Chapter 14, Child Care Regulations; additional provisions; to Chapter 1, General Provisions; and Chapter 15, Definitions

X ADJOURNMENT

Note: This future meeting schedule is TENTATIVE and subject to change.

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

May 2002

30 **No meeting**

June 2002

6 Public hearing - budgets

Adoption of tentative budget

Ordinance - 151 Main Street plat amendment

Ordinance - April Mountain subdivision Phase 1 - KW

Ordinance - 2001 Park Avenue final record of survey plat

Resolution adopting revised water rates

Resolution adopting retention schedules for certain record series maintained by Park City Municipal Corporation pursuant to the Utah Governmental Records Access and Management Act and replacing Resolution 21-98 in its entirety

13 **Fred gone**

No meeting

20 Continuation of budget hearing

Adoption of final budget

Ordinance - 805 Woodside plat amendment

Ordinance - 923 Norfolk condo conversion

27 Ordinance - 15 Eagle Point Court plat amendment

July 2002

4 **No meeting**

11

18

25

August 2002

1

8 **Toby gone**

15 **No meeting**

14-18 Summer Tour

22

29

To: **Mayor & City Council**

Date: **June 30, 2016**

Re: **Olympic Legacy Project - Olympic 'Look' Tower**

One of the Council's high priority goals is the desire to capitalize on, benefit from and perpetuate Park City's 'once-in-a-lifetime' Olympic experience. Many in the community have also expressed a desire to install additional Olympic legacies as reminders that we hosted the 'best Olympics ever' in February 2002. To further this goal, staff is pursuing acquiring one of the Olympic 'Look Towers' used as entryway statements at the various venues. These 60' metal towers stretched in photo-printed fabric were located at Deer Valley Resort, Park City Mountain Resort (see attached photo of this installation near First Time Lift), and the Utah Olympic Park, in addition to the Airport and various venues in Salt Lake Valley and elsewhere.

The city originally asked SLOC to install one of these towers during the Games, but SLOC wanted us to purchase the tower for $70,000, plus the cost of installation, which is between $15,000 - $20,000. This was beyond our means and we passed on the opportunity.

Additional inquires to SLOC reveal that either the tower previously located in Deer Valley, or another similar tower, could be donated by SLOC as a legacy to the city if we agree to erect and maintain it.

If this is the City Council's direction, a number of suitable locations are recommended below which will immediately create an Olympic legacy statement.

Costs

- initial set up; including site work, footings, foundation, steel frame erection, use of existing photo-graphic fabric, and lighting: **approx $20,000**

- 5-10 year maintenance: replace existing graphic fabric with newly designed graphic fabric: **$20,000** (it is possible that we might secure a number of existing graphic fabric panels if these are not used elsewhere and store them which would significantly lower our future costs)

If the Council wishes to proceed we need to send a letter to SLOC stating our intention to take possession of one of the 'look towers'. Once approved by SLOC, we can work out the details of installation and maintenance. Each of the proposed locations has advantages and constraints, and each might require a slightly different city approval process.

Potential 'Look Tower' Locations

3. Olympic Welcome Plaza (place where the Olympic Cauldron is now located)
4. Transit Center
   a. north side, next to Transit Center building
   b. on Marsac hillside as buses exit Transit Center
5. Entryway into City on S.R. 224
   a. location of the old Chamber Info Kiosk on the west side;
   b. next to the old white equipment shed on the east side
6. Roundabout on Deer Valley Drive
7. Deer Valley Drive (hillock between roadway and creek) in front of Miners Hospital
8. Roundabout at new Post Office entrance
9. Coalition Park at 9th & Park Ave.
10. Huntsman Gateway Entryway
11. Others ???

Action Requested

- Council makes preliminary decision on whether to pursue a 'look tower' as a legacy project
- Council makes preliminary decision on 3 possible locations, and prioritizes them
- Staff proceeds through approval process per councils' direction

DATE:	May 6, 2002
DEPARTMENT:	Leisure Services
AUTHOR:	**Youth Advisory Council, Kathy Kelly**
TITLE:	**Youth Program Grants**
TYPE OF ITEM:	Public Service Contract Disbursement

SUMMARY RECOMMENDATIONS:

Allocate funds for youth programs as recommend by the Park City Youth Advisory Council and The Parks, Recreation and Beautification Advisory Board.

DESCRIPTION:

A. Topic: Public Service Contract Disbursement

B. Background: The Youth Advisory Council (YAC), a sub-committee of the Parks, Recreation and Beautification Board (PRBB) is charged with reviewing applications and making recommendations for youth grants distributed each year by City Council. Applications were made available throughout the City during the months of January through March. Advertisements were placed in the Park Record and announcements made on KPCW with information regarding locations of applications. Currently, there is $36,274 available in YAC public service contract funding. Monies not used during this application process will be carried over to next fiscal year.

The YAC met in April to review the public service contract applications based on City Council's policy and criteria, particularly in regard to the intention that public service contracts be used for "specific services rendered, special projects, or organizational 'seed' money." and not for ongoing funding of programs.

The YAC received 8 applications during the application window, and 1 after the deadline. After careful consideration of each application, the YAC's recommendations for FY 2002 youth grant funding are outlined in Attachment 1. This attachment is a summary of the applicants' requests for funding, age groups serviced, dates of activity and the YAC's recommendations for funding.

At the PRBB meeting of April 17, 2002, Kris Beer reviewed the recommendations with the Board. The PRBB recommended that the YAC requests be forwarded to City Council with a positive recommendation from the PRBB.

C. Analysis:

If the current funding requests are approved, there will be monies remaining in the account. These monies will be carried over and added to next fiscal year's appropriation. The YAC plans to meet early in the new fiscal year and conduct another application process by fall 2003.

D. Review:

This report has been reviewed by the Leisure Services Department, Office of Capital Management and Budget and the City Manager.

ALTERNATIVES:

A. Approve the recommendations and authorize grant money recommendations.

B. .Continue action for further review.

C. Deny the request.

SIGNIFICANT IMPACTS:

Approval of the grants will allow the recipients to move forward with their programs. Further review or denial may impact or delay implementation of programs.

DATE: May 23, 2002
DEPARTMENT: Transportation
AUTHOR: Kent Cashel, Transportation Director
TITLE: Administrative policy governing the placement of special event bus banners.
TYPE OF ITEM: Informational

<u>SUMMARY RECOMMENDATIONS:</u>
Staff is requesting City Council's feedback on the placement of special event banners on Buses and the policy governing those banners contained in this report. This feedback will provide Staff with the direction required to implement a policy or deny requests for banners.

<u>DESCRIPTION:</u>

A. <u>Topic:</u> Policy regarding placement of special event banners on exterior of buses. Staff has prepared an administrative policy for banners. While no formal action of the Council is required, staff desires to review the policy with the Council before implementing it.

B. <u>Background</u>: Staff is receiving numerous requests from special event coordinators to place vinyl banners on the exterior of Buses to promote the special events and their sponsors. Currently the "Cadillac Park City Art Festival" and the "Uniting for Care Classic Presented by Novell" events have requested permission to place vinyl banners on buses during their events.

The placement of these banners creates several operational impacts for Transit. Some of those impacts are:

- Buses must be removed from service to make them available for the installation and removal of the banners.
- Staff time is consumed reviewing requests.
- Staff time is consumed supervising installation and removal of banners.
- Staff time is consumed administering agreements and damage deposits.
- Bus body, paint or graphics may be damaged during installation\removal of graphics

Staff believes a formal policy is required to ensure the impacts created by the banners are controlled and that approval of the banners is equitable and consistent. The policy outlined in the analysis section of this report has been developed by Staff to meet these requirements

C. <u>Analysis</u>: Administrative Policy
Permitted Parties: Permission to place banners under this policy will be given only to non-profit organizations for an event covered under an approved Master Festival License. The requesting entity is responsible for all coordination and costs for production, installation and removal of banners

Permitted Use: Banner graphics must communicate something unique about Park City and or the special event and cannot be utilized solely to promote the event's sponsors. Sponsor logos will be permitted but cannot exceed 20% of total banner space.

Banners may be placed only on buses that will serve as special shuttles (including spares) for the event.

Banners may only be placed on the left side and rear of Buses. Left side banners may not exceed dimension of 24" wide by 156" long. Rear banners may not exceed dimension of 21"wide by 84" long.

Banners must utilize professional grade vinyls and temporary adhesives and be installed in a fashion that will not damage bus bodies, graphics or paint.

Use Approval: Non-profit entities wishing to place banners on Park City Transit Buses must submit an application package to the City's Transportation Director for approval. This package must contain:

1. A graphic representation of the banner(s) the entity wishes to place on Park City Transit Buses. This representation must be of sufficient quality and scale to determine compliance with all requirements set out in this policy.

2. A detailed description of the materials and adhesives to be utilized and identification of the graphics company that will be used to install and remove the banners.

3. Schedule for installation and removal of banners.

This package will be reviewed by a committee made up of representatives from the City Manager's office, City Attorney's office, Community Development department and Transportation division. This committee will determine if the request meets the requirements set forth in this policy and will approve or disapprove the request.

Time Frame for Permitted Use: Banners will be permitted only for the days during which the special event is licensed to operate. The event will be responsible for coordinating placement of banners immediately prior to the event and the removal immediately after the event.

Fees: A $50 per bus fee for placement of banners will be collected from the requesting entity to recover the incremental staff overtime required to facilitate and administer the installation and removal of banners. It is important to note that this fee captures incremental Transportation staff time it does not recapture all related staff costs or market value of the space requested. Entities may request waiver of this fee when the application for a Master Festival License is presented to City Council or when subsequent applications are reviewed and approved by the City Manager.

Other Requirements: A $500 damage deposit (per bus) must be filed with the City prior to installation of the banners. This deposit will be used to pay for any damage caused to bus body, paint or graphics due to installation or removal of banner.

D. Department Review: This report has been reviewed by the City Manager, City Attorney's Office, the Office of Capital Management and Budget, Community Development Department and Public Works.

ALTERNATIVES:

A. Implement policy as presented: Council could direct staff to adopt the banner policy as presented.

B. Implement polciy with Council changes: Council could direct staff to adopt the banner policy with recommended changes.

C. Direct Staff to deny any request for placement of banners: Council could direct staff to deny all requests for the placement of banners.

D. Continue the Item:

E. Do Nothing:

SIGNIFICANT IMPACTS: The policy allowing vinyl banners to be placed on Buses will require a commitment of staff resources to approve requests and administer installation and removal of banners.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Currently the "Cadillac Park City Art Festival" and the "Uniting for Care Classic Presented by Novell" events have requested permission to place vinyl banners on Buses during the festival. Both of these entities need an answer immediately on whether or not they are going to receive permission to place banners. Continuing the item or doing nothing will delay this answer and complicate the requesting event's planning process.

RECOMMENDATION:
City Council should provide Staff with feedback on the placement of special event banners and the policy contained in this report. This feedback will provide Staff with the direction required to implement a policy or deny requests for banners.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 25, 2002

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

Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; Alison Butz, Special Events Manager; and Ken Fisher, Recreation Coordinator; and Patrick Putt, Planning and Zoning Administrator

Toni Brider, Park City Arts Council; Michael Kaplan, Oktoberfest MFL applicant; and Pat Drewry Singer, Director of Arts-Kids

1. Council questions/comments. Jim Hier reported on the Interagency Meeting where a study for expanded transportation services to Heber City and the 800 MHZ conversion were discussed. With regard to the latter, the group agreed that Wasatch County be included so there is one communications area and a more complete regional data base. There was also an update from the Animal Control Director which will be discussed later this evening. He reported that School District Superintendent Nancy DeFord is retiring. Peg Bodell reported on the committee's progress in organizing activities for the 4th of July, honoring Olympic athletes.

Fred Jones stated that he attended a Chamber/Bureau meeting which focused on creating a group of interested constituencies to formulate common long-term goals for the post-Olympic era. Planning for the Olympics over the last 12 years has been the main drive of the community and this is an effort to capitalize on the Games, i.e., cooperation between agencies to meet common goals. He pointed out regional transportation and a joint ice facility and often these issues are approached without a context. He asked if this is something the City Council is interested in pursuing, recognizing that it will require time to participate. Ms. Bodell suggested that this is taking the form of a *"Summit Summit"* in that businesses are also involved. Mr. Jones agreed and suggested to initially start with a small group to set forth a mission. For instance, if our goal is a world class resort, the City, County, or resorts can not be proceed in a vacuum but need to work together; it's time for a new focus. This may fit well within the community vision program slated in the Fall. Mayor Dana Williams suggested that he, Council member Jones, and Tom Bakaly participate in the initial group meetings. Council concurred. Mr. Jones continued that he attended a meeting with the HMBA who intend to poll merchant support on the concept of increasing City business license fees for Main Street businesses as a way of funding HMBA activities. Jim Hier stated that he has serious concerns about forcing membership which is inconsistent with the operations of the Restaurant and Lodging Associations. Mark Harrington encouraged the HMBA to meet with staff before this progresses any farther. State law regulates imposition of business license fees and there are limitations.

Kay Calvert indicated that she was inundated with comments from neighbors on the dog issue raised last week. She attended the School Board and 4th of July meetings. Candace Erickson reported that she is working on the joint ice facility project with the Recreation District and the committee is working through the features of the memorandum of understanding. At the Library Board meeting, there as discussion about reducing the $75 non-resident fee since some members felt it was too high and the County now has a library. She suggested printing conservation messages directly on the water utility bills, as it may be more cost effective and efficient than enclosing additional printed material. Mayor Williams reported on the farewell to Justine Fellows. The Jump-In walk-a-thon was very successful last Saturday, raising some $4,000 for the People's Health Center. Students from the Colby School and a group of girl scouts visited his office last week. He also met with the Friends of the Farm who are planning new events for the summer, and complimented Recycle Utah and the many other associated agencies on producing an educational water conservation program in City Park this week. It was attended by hundreds of students. The Mayor commented on the many conversations he has had over the week expressing both sides of the dog control issue. He apologized for letting that discussion get out of hand at last week's meeting.

2. **Arts Council grant request.** Tom Bakaly explained that the Arts Council is preparing to submit a grant to the National Endowment for the Arts and has asked the City to send a letter of support. The draft letter in the staff report indicates the City's support of the application, our willingness to match up to $2,000 and allow City Hall to be a designated location for art in public places. The Council subcommittee met on this request who endorses the letter of support. Depending on NEA granting the award, Council will need to consider whether the City's $2,000 match would be additional funding in the arts grant category, be apportioned from the $43,000 annually budget for culture and arts, or come from the grant contingency in FY 2002-03. However, this action is not required tonight to send the letter to meet the deadline for the Arts Council.

Toni Brider, Director, pointed out that the match can be in-kind as a challenge grant so if Council decides that $2,000 in cash is not appropriate, services like photo-copying, providing a Spanish translator, or transporting art are acceptable. The Arts Council has a permanent art in public places program, studies have been performed identifying needs, economic stability and it has facilitated the placement of public art. On April 13, the Board of Directors very clearly outlined its goals and focused on its five year plan. She emphasized that the organization is in serious financial trouble and will be actively pursuing grant funds. If the NEA grant is approved, the Arts Council will receive its money in September. In response to a question from Kay Calvert, Tom Bakaly explained that the contingency now has a balance of $3,500 which would roll into the next fiscal year and another $4,000 appropriation is budgeted for a total of $7,500. Council concurred that a letter of support is appropriate. Mayor Williams clarified that although he indicated his verbal support in a previous meeting with Ms. Brider, appropriations from the budget must be approved by the majority of the Council members.

3. **Master Festival License - Oktoberfest.** Alison Butz explained that Oktoberfest is a newly proposed event beginning on Friday afternoon, October 4 until midnight and all day Saturday to midnight on October 5. It is envisioned to have ten tents with food, music, beer, and crafts; the large tent can accommodate 650 people. The street closure is requested between Heber Avenue, Park Avenue and Main Street as well as a portion of Main Street between Heber Avenue and 7th Street. She expressed that the Police Department believes this section will work as proposed. Ms. Butz added that she is looking for Council guidance on this proposal. Events are required to end at 10 p.m., under the noise ordinance, and this is an extension until midnight. The logistics of the

events are estimated to result in about $3,000 in fees, i.e., police, building inspection, banner installation and the applicant has asked for those fees to be waived. Additionally, Mr. Kaplan is asking that the City produce banners for the Main Street light poles; in the past, this has never been done, and the cost is estimated at $4,000. In response to questions from Council member Calvert, Mr. Kaplan explained that he hopes to get five sponsors but has not yet received commitments. It is proposed that beer companies will buy a space in the tent to promote their products. He stated that he is applying for a $43,000 grant from the Restaurant Tax Committee and there may be smaller organizations willing to donate. There was discussion about the time table for producing this event and the entertainment estimate of $20,000.

Mr. Kaplan continued that the speakers will be directed to minimize impacts to the neighborhood and is requesting midnight to add to the festivities. Jim Hier recalled that the Main Street Olympic Celebration was cut off at 10 p.m. and is concerned about increased public safety measures from 10 p.m. to midnight. Additionally, many patrons may be traveling from the Wasatch Front which may present problems. Ms. Butz interjected that the Police Department supports the 10 p.m. time. Mr. Kaplan countered that bars close at 1 a.m. Ms. Erickson stated that she supports 10 p.m. because noise carries in the canyon and if Restaurant Tax monies are received, she felt it appropriate that event patrons also support Main Street businesses. There was discussion about the design of the street closure and Mr. Kaplan explained that it is the result of technicalities relating to the grade of the street and erecting the beer garden tent. In response to a question from Peg Bodell, Mr. Kaplan clarified that the small tents will house arts and crafts and perhaps used ski equipment from a shop and it is really opened up to everyone. Peg Bodell brought up lining the tents up Main Street. Candace Erickson added that going up Main Street would create an inconvenience for Post Office patrons, and it probably is a good idea to start small with fewer tents for the first year. Alison Butz added that the City has experience will closing portions of lower Main Street. Peg Bodell stated that she supports the 10 p.m. cut off time as the neighborhood would be impacted. The Mayor asked about benefits to other local businesses. Mr. Kaplan emphasized that he is not organizing this for his own personal financial gain and has opened participation to everyone, local and regional.

Candace Erickson recalled that the City has autumn banners. Mr. Kaplan noted that he is not asking the City for much money which prompted the request for the City to produce and install special Oktoberfest banners. Peg Bodell indicated that she asking for seed money is appropriate, but has concerns about subsequent requests. Alison Butz clarified that fee waivers are estimated $3,300 and banners are an additional $4,000. With regard to the time of closure, she understood the Council consensus to be 10 p.m. but asked for direction on the street closure and waiver of fees. Once comments are rendered, the application will be reviewed by associated departments and returned to Council for final approval. Jim Hier stated that in general the event is a great idea and supports the street closure, the 10 p.m. closing, and the one-time seed money concept. If there are profits this year, he preferred that these be reimbursed to the City to cover fee waivers or applied to next year's fees. Peg Bodell added that the City doesn't want to be in the event funding business, but should be involved in economic development for the Main Street area. This has the potential of bringing a good draw for other businesses and she is interested in considering fee waivers. Fred Jones agreed with Council members Hier and Bodell and added the emphasis should be first for local vendors and he could not support a Salt Lake business selling its sports equipment on Main Street. The focus should be local. He is also willing to entertain fee waivers, but is sensitive to incremental costs like police and security and needs more input in this area. The HMBA's involvement is important as it may be the key to making the event successful. Kay Calvert concurred and emphasized that the City should not be paying for the banners and Council members agreed. Ms. Erickson agreed with all of the previous comments, and felt that actual costs to the City need to be carefully examined, like police and manpower costs. In response to a question from Ms. Calvert regarding clean-up, Ms. Butz responded that typically the applicant is responsible. There was discussion about Mr. Kaplan's application for non-profit status. Mr. Jones asked if the event would proceed if the Restaurant Tax grant is denied, and Mr. Kaplan indicated that those funds are key and he is reluctant to proceed this year if the event can not be done well.

4. Review of regular meeting:

Master Festival License - Skate Series. Ms. Butz explained that the Skate Series is an event sponsored by the Leisure Services Department slated for the last Saturday of the month from May to September from 11 a.m. to 2 p.m. There will be age group categories, amplified music and vendor booths for local skate shops. Amplified music was part of the Miners Day celebration at the skate park and was directed away from the neighborhood. Staff performed sound checks to monitor the sound levels. Jim Hier felt important to only advertise locally. In response to a question from Ms. Bodell, Ms. Butz stated that there are no other competing events scheduled in the park so there should be sufficient parking and an area for spectators. There was discussion about bringing in bleachers. Fred Jones pointed out that the conditions of approval indicate 4 p.m. as the closing time which needs to be corrected to 2 p.m. Ken Fisher added that the local shops are very supportive and will be providing the disk jockey and prizes. Dana Williams expressed his support; this is what the park is for. Ms. Erickson agreed that these events should not be advertised in the Salt Lake skate shops because the crowds could be overwhelming. Mr. Fisher clarified that the number of participants in each category will be limited which will be helpful. She requested that the neighbors be contacted after the first event to receive their comments on noise and crowds and that Council receive a report. Chief Evans added that the event will also be monitored by his Department.

Master Festival License - Art in the Park. Alison Butz stated that this is a fund-raiser for Arts-Kids, Inc. which provides programs for Summit County kids. It will be held on June 22 on the south end of City Park and will include music, crafts, food, and pony rides. The fees are estimated at $150 and a full waiver is recommended. Fred Jones supported the request and was pleased to learn that it is being scheduled in City Park this year. He felt this may be a better location for the future as well.

Land Management Code amendments. See staff report. Patrick Putt briefly discussed the proposed amendments, which were also detailed last week and repeated in the public hearing portion of the regular meeting.

Historic District Commission interviews: The City Council then interviewed the following candidates for two of the five seats on the HDC:

Barbara Harding
Steve Hooker

Tom Hurd
Kevin King
Peter Marth

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 25, 2002

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 25, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Alison Butz, Special Events Coordinator; Patrick Putt, Planning and Zoning Administrator; and Kirsten Whetstone, Planner.

II PUBLIC INPUT

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

1, Taxi companies - Rob O'Brien, owner and operator of 649-TAXI, thanked Council for listening to his issues in the past. Over the past three years, he has addressed his concerns with staff members with no results. He began his business about ten years ago and has been operating 365 days a years, taking the *high road*, i.e., qualified drivers, vehicles, etc. and about five years ago more companies surfaced taking the *low road,* i.e., unqualified drivers, and uninsured vehicles. About three years ago, the City enacted laws regulating taxis and this was a good first step, however, there are deficiencies in the ordinance which should be addressed. One of the biggest problems is that there is no enforcement or consequences for violations which has worsened to the point where he feels about half of the providers are not in compliance. Mr. O'Brien is confused about the chain of command at the City and is not sure who is responsible for enforcement. He agrees with the Chief of Police that it would be inappropriate to stop a van filled with passengers, but there are subtle ways to approach enforcement. Is it the Business License Division, Finance Department, or Police Department? He urged Council to determine what department is responsible; he has talked with everyone.

Currently, the Finance Department sends out a certified letter to a provider when a complaint is filed but that is not working. There should be hefty fines and if there are further violations, tow the vehicle an impose a higher fine. Mr. O'Brien emphasized that his company has been 100% legitimate and compliant. There are cab companies that run ten vehicles and have only three licensed. Licensing, insurance and advertising has cost him a lot of money and he is competing with people who invest in $45 in a taxi light. Council would not tolerate outdoor vendors in front of legitimate businesses for very long and he has been waiting for three years. He should be protected by the City. To carry $1.5 million liability on one vehicle can be as much as $100 per month per vehicle and could total $50,000 a year. There are unregistered cars and out of state vehicles, price gouging, and unqualified drivers and vehicles. At some point, Mr. O'Brien believes that a limit on the number of cabs will need to be determined in Park City, and suggested identifying operators that were legitimate on April 1 and award those licenses next year. Those who have only three out of ten vehicles legally licensed, would only be allowed three next year. Drivers who are cited can then argue with the judge, not the person writing the ticket. He suggested that enforcement officers observe Harry O's on a Saturday night where illegal taxi companies appear every week. The word would spread. The level playing field has not been established with the three year old legislation and he urged Council to put its *weight* behind this issue and establish a work group. He offered his 20 years of experience to serve on a committee and hoped that something can be initiated before next ski season. Additionally, the vans and shuttles from Salt Lake operating in Park City may escalate the non-compliance factor. Mr. O'Brien distributed information to the Council and displayed 50 complaint forms he will submit to the Finance Department. He could write a complaint every day on violations but doesn't want to do that and has probably lost $100,000 in profits because of *stolen* fares over the past three years.

Kay Calvert complimented him on his presentation and there was discussion about the stickers identifying licensed vehicles. The Mayor believed that his input before the Games resulted in more enforcement at the pick-up location, and agreed that something needs to be done.

2. Dog control issue - John Helton, 15 year resident, referred to Mr. Pilzer's input last week. He stated that he feels completely opposite as do other people. City Park may not be the best place for loose dogs but he feels that a leash law is sometimes inappropriate especially on trails. He suggested exempting dogs that are under voice command control and pointed out that the dog catcher has picked up his dog right in front of his house. Animal control should not be looking for trouble and it is a waste of taxpayer dollars. Mr. Helton described his neighborhood where people enjoy dogs visiting their houses and suggested a *dog catcher-free zone* where there is a consensus among residents that dogs add to their quality of life. He believed that visitors love the dogs and that they are an attribute to the community. Rather than funding animal control, there should be educational efforts for dog owners, and have a portion of City Park dedicated to dogs.

3. Public art project - Paul Jakobowski, local artist, referred to his tunnel painting project on the bike path, depicting mining operations, and explained that he would like to paint another nearby tunnel. He is seeking sponsorship and funding, but doesn't want to proceed further until he receives permission from the Council. The project is envisioned as the *music tunnel* celebrating local musicians and music festivals. Public art projects are needed and involve the community. Council indicated its support to paint the tunnel and the City Manager urged Mr. Jakobowski to work with staff. Applying for an administrative permit through the Community Development Department will be required as the project is proposed on City property.

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Mayor Williams reported that he attended the farewell to Mitt Romney and several people in the community were also honored at that reception. He displayed the mounted Olympic torch presented to guests.

Animal Control update - Mike Godman, Director of Summit County Animal Control, stated that he is presenting information in response to comments made last week about animal control services in Park City. Last year, there were 1,826 licenses issued in the County and 45% from Park City. In 2001, there were 1,000 impounds; 926 were dogs and cats; 394 in Park City. The number of calls responded to in Park City were 660 details and 323 follow-ups. The number of hours for routine patrol, not responding to a detail, totaled 326 hours and an additional 42 hours along the Rail-Trail. He explained the recent Rail-Trail program which is a joint educational/enforcement patrol with the Park City Police Department. There are four full-time animal control officers for Summit County who each have a truck and their own equipment.

Although he found some of the comments made last week inaccurate, he stated that he believes there is a need for more routine patrol here. He has submitted a budget request for FY 2003 for another officer dedicated to Park City for 40 hours a week to hit the trouble areas like City Park, trail heads, Old Town, and Main Street. A short-time solution would be revamping the schedule by placing more officers here for more hours and another would be to hire a part-time officer for the spring, summer and fall. Winter is typically a lot slower. Mr. Godman felt that a good long-term solution would be a full-time officer, leaving four officers for the rest of the County. This may appear like a large staff for the population but his officers spend about 35% of their time traveling to details and if there is another office here, there would be positive results. He emphasized that when he is in Park City he rarely receives complaints from citizens for more or less service, but rather requests for dog parks or a place where owners can let their dogs loose. These have been extremely successful in Salt Lake County and would cut down on a majority of the problems. The approximate cost for one officer for half a year is $13,750 and he has enough funding for equipment and a truck. He believes the County Commission will match that amount for funding the position next year. There was discussion about dog parks, and Ms. Bodell asked if he and Chief Evans would research the concept. She thanked Mr. Godman for coming to the meeting and his quick response and expressed that educating the public is important. Perhaps a task force could be formed to create an outreach program and he indicated that the Mayor also brought up the idea.

Mike Godman added that Park City is different than the rest of the County because it is more populated than outlying areas. The more crowded, the more problems arise because of conflicts. Based on the number of officers and hours worked, Ms. Erickson pointed out that Park City is receiving about 9% of the services and probably produces about 50% of the revenues. Instead of paying for another officer, she asked if efforts could be increased here. Mr. Godman explained that there are many days when there are not four officers working. Jim Hier added that most of the animal control revenue comes from property tax, not licensing and Park City represents about half of the property tax revenues. Mr. Godman clarified for Ms. Calvert, that they don't pick up dogs on the owner's property. With regard to the comment on tax revenues, he stated that his budget is approximately $367,000 and about $139,000 comes directly from Park City. Jim Hier understood that Park City represents 45% of the work, but suggested that it would be helpful to know the total hours. Additionally, travel time would be significantly decreased if the Park City officer didn't have to travel to Coalville. Mr. Godman explained that they have to unload animals at the shelter and there is paperwork that has to be done in the Coalville office. Fred Jones thanked Mr. Godman for this information as these numbers certainly refute the statement that there is no enforcement in Park City. Mr. Godman added that effective enforcement often means being at the right place at the right time. The Mayor also thanked him for his presentation and participating at the Interagency meeting yesterday.

Fred Schwab, resident, added that dogs need to run, which is difficult to do on a lease, and encouraged Council to form a task force to educate people and to consider a dog park. If dogs don't run, they present other problems and may result in a vicious animal.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 4, 2002

Hearing no omissions or corrections, the Mayor requested a motion. Peg Bodell, "I move to approve the minutes". Jim Hier disclosed that he will be abstaining as he was not in attendance. Candace Erickson seconded. Motion carried.

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

VI CONSENT AGENDA PUBLIC HEARINGS

1. Master Festival License for Skate Series to be held on May 25, June 29, July 27, August 31, and September 28, 2002 - The Mayor invited the Council and the public to comment. Hearing none, the public hearing was closed.

2. Master Festival License for Art in the Park to be held June 22, 2002 - The Mayor invited the Council and the public for input. Hearing none, the public hearing was closed.

VII CONSENT AGENDA

Peg Bodell, "I move approval of the Consent Agenda, Items 1 and 2, with the change on Condition of Approval #1, the ending time of the Skate Series to 2 p.m., and that a survey with the neighborhood be conducted after the first event to evaluate the impacts of the amplified music and the crowd". Candace Erickson seconded. Motion carried.

1. Master Festival License for Skate Series to be held on May 25, June 29, July 27, August 31, and September 28, 2002 - See staff report, work session notes, and public hearing.

2. Master Festival License for Art in the Park to be held June 22, 2002 - See staff report, work session notes, and public hearing.

VIII PUBLIC HEARING

Continuation of hearing - Amendments to Land Management Code - Phase 2: Comprehensive and substantive rewrite of Chapter 4, Historic Preservation; Chapter 6, Zoning Administration and Enforcement; Chapter 8, Supplementary Regulations; Chapter 10, Master Planned Developments; Chapter 11, Master Planned Moderate Income Housing Developments; and Chapter 14, Child Care Regulations; additional provisions; to Chapter 1, General Provisions; and Chapter 15, Definitions - Pat Putt, Planning and Zoning Administrator, explained that on November 29, 2001, the Planning Commission forwarded a positive recommendation on the LMC amendments to City Council, and additional comments were rendered last week. One of the discussion points was that the RC zone was omitted from the affordable housing MPD provisions which has been reinstated under this legislation. Another consideration was whether an affordable housing MPD should be allowed in the Estate zone. The 1989 LMC contained wording referring to qualified property in the Estate district and that language was struck from one section but remained in another. This should be reconciled and Mr. Putt recommended reinstating that opportunity, including the public hearing process on a site by site basis to determine if it is appropriate. Another issue discussed with Council related to minimum open space requirements for MPDs, particularly in the GC zone. He relayed that the Planning Commission found there were benefits to establishing a 60% open space requirement for MPDs in the GC zone, based on the fact that it would be consistent in its application throughout all of the zoning districts. It was felt that it resulted in better urban design, and the requirement of the 60% open space provision would be balanced by other provisions within the MPD, i.e, exceptions to height, density increases, variations in setbacks, parking reductions, etc.

Pat Putt continued that the City received input from the design community and property owners expressing concern that a 60% open space requirement would significantly hinder redevelopment efforts in the GC zone. There are other communities who use a flexible approach, balancing open space requirements with provisions for other amenities, including larger landscaped areas adjacent to public rights-of-way, for example. There also may be opportunities for transit improvements, better pedestrian linkages to adjoining pedestrian areas, public gathering spaces, and public art. If Council concurs to proceed in this direction, there could be language crafted for a reduction in the open space requirement, and that at a minimum the amount of open space that is existing on the property at the time, be maintained.

He clarified that Chapter 4, Historic District Commission, is the existing chapter and is not the prior proposed draft and it is suggested to simply reformat it and incorporate it in Phase 2. It is also recommended to elicit a broader perspective of designer and public input this summer to evaluate existing legislation.

Kirsten Whetstone reported that since the November meeting, there have been no substantial changes to Chapter 6. Chapter 8, supplemental regulations and Chapter 14, child care regulations have been combined and also remain the same as the November draft. She clarified that affordable housing in the Estate zone is currently allowed as a conditional use by way of the land use table, and suggested that language referring to qualified property be simply deleted. However, most of the property in the Estate zone is subject to the sensitive lands ordinance and that overlay would significantly reduce acreage, but there may be some parcels that may be appropriate for an affordable housing MPD. She clarified for the benefit of Fred Jones, that a zone change would not be required as a part of the MPD.

Pat Putt explained that existing Chapter 4, Historic District Commission, does not require design review by the HDC, but rather applications are reviewed by the Community Development Department. Actions by the HDC typically involve clearer direction on a policy or direction when there is disagreement between the staff planner and the applicant on a project. He suggested the inclusion of an allowed uses review in this chapter. This would provide an interim appeal opportunity for a decision from the Community Development Director, which could significantly expedite the process for the property owner. That action would then be appealable to the Historic District Commission. This may also result in the HDC being placed in a more proactive role and less of a review role. Mr. Putt added that Section 15-11-2 of the Code states that *the purposes of the HDC are to make recommendations to City Council on policies and ordinances that may encourage preservation*. With Council's consensus, it is proposed that the LMC return to Council at its May 23 meeting for possible adoption.

Mr. Hier pointed out that the new column format is cumbersome because it results in a cumbersome document. Mr. Putt explained that the format was a decision made by the previous Council, making the LMC consistent with the Municipal Code, as it will be a newly incorporated section. Mr. Jones requested clarification on maintaining existing open space for the GC-MPD zone when considering the 60% open space requirement reduction and new amenities. Pat Putt explained that this recent recommendation could apply to all zones as it relates to providing incentives to renovate aging projects. As long as the property owner maintains the open space available on the site currently, the Planning Commission wouldn't necessarily have to apply the 60% open space requirement to exact something that can't be provided. Through redevelopment efforts, there may be valuable trade-offs. Councilman Jones felt that is workable but is concerned about the wording, *public amenity*, and there may be better terminology to describe enhancements to a project. For example what is critical to him, particularly in the GC zone, is the street-scape but the expectation may be a park. Ms. Whetstone suggested that perhaps there could be an in-lieu payment if enhancements cannot be provided on-site to satisfy the open space requirement. Mr. Jones stated that a vision for the GC zone should be achieved rather than designating an arbitrary number for open space and believed that staff is heading in the right direction. Jim Hier concurred and pointed out that there has to be some economic incentive to accommodate redevelopment, which will be lost if available square footage is taken away. He supports this change and would direct the Planning Commission to come back with verbiage to achieve flexibility. Peg Bodell believed that more open space makes a project more appealing. Jim Hier responded that many businesses in the GC zone, like property management companies, are not retail and these types of businesses need a functional and cost effective building. From a City standpoint, the design should be as attractive as possible, but making it more expensive to do business here by increasing open space requirements, will force those businesses out of town. In response to a comment made by Ms. Bodell about retail producing sales tax dollars, Mr. Hier emphasized the transient room tax generated by property management companies far exceeds sales tax revenue. The Mayor discussed the various types of open space and expressed the importance of providing affordable rental space for businesses. Jim Hier felt it important to focus on redevelopment with incentives to make the area more attractive. The Mayor invited the public to comment.

Peter Barnes, local designer, agreed with Mr. Putt's suggestion to involve interested parties in reviewing Chapter 4. Density should be increased in general. With regard to the accessory apartment provisions, he suggested removing the language *there may be no more than four accessory apartments within a 300 foot radius*, as it is arbitrary and irrelevant to planning. If criteria like parking can be satisfied, there should be as many accessory apartments encouraged for affordable housing. For example, an accessory apartment would be prohibited if located on the uphill side of Woodside Avenue and the downhill side of Norfolk Avenue. He also questioned why the Community Development Department would be involved in the approval of public art projects; this provision should be abandoned as it is not a planning issue. He agreed with Councilman Hier's comments about the bulk of the document.

Pat Putt stated that staff doesn't feel strongly about the Department regulating public art. The Mayor asked for clarification on the reasoning for determining a distance between accessory apartments. Mr. Putt responded that 300 feet is a traditional standard which attempts to reconcile density issues in single family neighborhoods. The Mayor pointed out inequities when a house between two residences with apartments is denied an accessory unit. The City Attorney interjected that the parking requirements include an exemption for accessory apartments to allow tandem parking, and the Planning and Zoning Administrator clarified that tandem parking is also allowed for other types of projects, if appropriate. There was discussion about the small number of accessory apartments on file with the City, estimated at 17 and the minimal number of applications which were denied. Jim Hier stated that during his tenure on the Planning Commission, he didn't recall accessory apartments being an issue. The 300 foot criteria wasn't an issue, but applications simply weren't being submitted. This section probably should not be amended unless deficiencies become apparent because of the increased number of accessory units. Kay Calvert pointed out that some home owner associations prohibit accessory apartments in their subdivisions. Fred Jones commented on the definition section regarding resort accessory uses which is oriented to ski and mountain activities and should be broadened to refer to year-round recreation. With regard to language regulating satellite receiving dishes, there is obsolete language with regard to equipment and the requirement for a permit and Mark Harrington added that the City is federally pre-empted from regulating small dishes. He pointed out that the section relating to Olympic telecommunication facilities should be deleted. Mr. Jones continued that he reads the section on public art to mean that the CDD only regulates the location of art, not content. Mark Harrington explained that the Legal Department is still reviewing this section to make this point clearer. Peg Bodell agreed with Mr. Barnes that staff should not evaluate art, and felt the City should take advantage of the Arts Council's services, including review of public art applications. It should be empowered to make recommendations to the City Council like other advisory boards. Pat Putt explained that the City's role is to make sure there is a building permit, for instance, if there is a structural element as a part of the art work, or to ensure it meets setbacks, etc. Jim Hier pointed out that the City Council doesn't select Arts Council board members and has concerns about this concept. Ms. Bodell responded that the Arts Council participated in the transit center project and it would only be making recommendations. Mr. Putt added that nothing in the Code precludes the involvement of the Arts Council, and the LMC deals only with the placement and public safety elements of the public art piece.

Mark Harrington noted that staff will look at options. Ms. Bodell felt that public art should be included as criteria for enhancements to a project. Mr. Putt felt that it is often difficult to quantify specifics and would like to keep incentives general to encourage redevelopment. The LMC is recommended to be reviewed on an annual basis and will be monitored and amended as needed.

Ms. Erickson asked if staff is looking for a minimum open space number. Mr. Putt stated that he prefers language allowing the Planning Commission to reduce the 60% open space, but in no way should it diminish the amount of open space that is currently on the property. There was discussion about the current Anderson Lumber site where there could be as much as 90% open space and the Mayor pointed out the possibility of it being sold and a new redevelopment project proposed for the location. There was discussion about impervious surfaces not qualifying as open space. Jim Hier and Fred Jones expressed concern about maintaining the current amount of open space if it is 60% or over in redevelopment situations, and Pat Putt indicated that he will come back with alternatives addressing their comments regarding flexibility in evaluating community benefits. Mr. Hier felt it is difficult to identify a specific number and recommended that the Planning Commission reconsider this and make a recommendation on the GC zone. Fred Jones felt it important that a vision for the area be clearly defined in order to formulate criteria. Councilman Hier suggested that the balance of the LMC proceed, and Mr. Putt stated that the only problem would be that the other zones in the pending Code have a 60% open space requirement. There are pending applications in the GC zone which would have to meet the 60% open space requirement. If there is general agreement on formulating flexible language, this issue can be further refined by the Planning Commission this year.

IX 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 at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 2, 2002

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

Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; John Lind, Assistant Public Works Director; Patrick Putt, Planning and Zoning Administrator; Mark Christensen, Grants and Budget Manager; Myles Rademan, Public Affairs Director; and Bob Stephens, Administrative Services Director

David White, HDC applicant

Absent: Kay Calvert

1. **Council questions/comments.** Candace Erickson discussed a gathering at Memorial House in Salt Lake hosted by Tree Utah and Community Forest Partners who recognized our past projects and are donating more trees to Park City. There was discussion about encouraging people to pick up trash about town. Peg Bodell complimented the new spring banners and reported on the bird house session held at the Farm last Saturday. She expressed that she is very pleased with the promotion of our history and heritage through Friends of the Farm's programming.

Jim Hier reported that he received many calls regarding animal control and there was discussion about the role of a potential task force on this issue which will be addressed at the upcoming Council work shop. The Mayor continued that he welcomed the Utah National Guard and met with the Main Street Business Alliance during the week. With regard to City clean-up week, John Lind reported on this year's program and there was discussion about installing an additional container in the residential area west of Main Street if an appropriate location can be determined. The Mayor acknowledged John Lind's resignation and read a resolution into the record highlighting his many achievements and contributions during his 18 year tenure with the City. Ms. Erickson reminded the public that Recycle Utah will be holding its hazmat collection on May 24.

Mayor Williams requested an update on 316 Ontario Avenue. Pat Putt explained that it was brought to the City's attention that the living conditions within the house are extremely substandard, i.e., electrical, plumbing, and the family has no means to make repairs. Historic District Commissioner Tom Hurd suggested using Historic District loan funds for threatened buildings for this type of project. Initially, those funds were established as a revolving loan fund for redevelopment of threatened buildings, as outlined in the budget. Tom Bakaly added that there is $50,000 in this fund and the Council could broaden the intent of the fund in the budget narrative to include a straight loan with interest. If more than $50,000 is required for repairs, the City could assist in buying down interest for a personal loan where the City takes a second. There would likely be some criteria formulated if Council pursues an amendment to the budget on May 23. The Mayor believed that the Rotary Club is willing to get involved in this project and Fred Jones understood that the HDC will discuss this further on May 20.

The Mayor thanked staff for preparing information on ADA, particularly transportation, and stated that he prefers that the driver of the City's paratransit van carry a cell phone. He added that he received many calls on dogs and he and Pace Erickson will look at the playground at City Park tomorrow to explore installing a fence to keep dogs out of the area. Fred Jones suggested running the idea past the Parks and Recreation Board.

2. **Budget overview.** Mark Christensen clarified that this is the second year of a two year budget. This year, department heads were instructed to maintain costs at the same level of services. He referred to Attachment A in the staff report which outlines recommended changes to this year's budget from the plan last year. Attachment B details budget options

and Attachment C is a brief analysis of the Olympic reconciliation which will be finalized on May 23. Mr. Christensen reviewed the schedule for the budget process where it is hoped to have final policy direction from Council to prepare a tentative budget for adoption for June 6. This is a *no tax increase* budget, but there will be an adjustment to the tax rate based on the general obligation bonds, approved by voters, for ice and parks. He explained that staff, Fred Jones and Jim Hier participated in the Citizens Technical Advisory Committee for three months which produced an executive summary to make the budget more user-friendly and to frame policy issues for this year.

CTAC concluded that the City is financially healthy, demonstrated by our strong bond rating of AA-. The City has operating revenue, fund balances, and funds available for capital projects for the next few years. Although the Olympics is a great economic driver, it is clear that revenues will level in the future compared to the last decade and capital contributions from the General Fund will not be at recent high historic levels. New programs and capital projects can not be established without diminishing existing services or doing them more efficiently. The group found that it is time to assess community wants and charter a course for providing those services or facilities. Mr. Christensen explained that the issues CTAC is recommending to tackle this year include determining an economic development plan which examines the impacts of tourism and City revenues, Olympic reconciliation, capital facility funding, and regional cooperation, including planning, water, transportation, and recreation. The committee posed questions as to level the City should continue to seek capital and operating grants and whether services match the needs of the community. Addressing capital needs and deviating from the City's primary revenue stream which is tourism, are other issues as well as potential new environmental policies or water management strategies that may be implemented. He continued that CTAC views the executive summary as the next step from actions taken in 2002 when the City Council cut the budget by $650,000, and the next step is the community visioning process. There will be a summary budget available to the public once the revised budget is adopted in June.

Mark Christensen added that staff is relatively pleased with our sales tax numbers, and explained that most communities projected huge sales tax revenues for this fiscal year which were not met. Sales tax was up 35% and the City received our portion of the 1/64% sales tax reimbursement for the Winter Sports Park in the amount of $350,000. This fiscal year, staff predicted a downturn in sales tax revenues and was very conservative based on the low destination skier days projected. Council member Jones recalled budgeting $1 million in the Olympic budget to cover sales tax stabilization and asked its status. Mr. Christensen explained that if the City exceeds its sales tax estimate, those funds would be transferred into the five-year capital improvement plan, which is consistent with policy. He suggested allocating funding for projects after the community visioning occurs and again discussed the City's conservative approach in budgeting sales tax. In response to a question from Fred Jones, he explained that the City budgeted sales tax revenues at about $6 million and last year collected about $8 million. It is anticipated that this number will be adjusted to $7.5 million. However, it appears building activity will substantially decrease from last year. With regard to expenditures, Mr. Christensen noted the challenges of the $5.6 million Olympic budget and the 27th pay period. There will be traditional budget options, i.e., new programs which were unanticipated, and some technical adjustments, which represent the largest portion of the budget options. Peg Bodell pointed out that the chart on the growth of employees is somewhat misleading.

There will be roughly $4 million coming in as part of the approved bond issue for ice and parks. The refinance last year will represent a savings on future principal payments, and rendered new money this year. As a result, $50,000 has been earmarked for an economic development study, consistent with CTAC recommendations. Mr. Christensen emphasized that improvements to the Racquet Club are unfunded at this point and are estimated between $200,000 to $500,000 for the pool and roof repairs. The Old Town capital needs assessment study is funded at $200,000, and the remainder of the refinance is allocated to the downtown revitalization plan. He stated that new expenses have been held to a minimum this year and staff will need direction from Council on capital projects. Jim Hier requested a quarterly report through March, if available and Peg Bodell thanked him for his clear presentation.

Myles Rademan reported on the Summer Tour planned for Montana from August 15 to August 18. Bob Stephens discussed the poor response from invited citizens for the upcoming Summit and Council committed to call the people they invited.

3. **Historic District Commission interview.** The City Council then interviewed David White who applied for a position on the HDC.

4. **Public input.** None.

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

Prepared by Janet M. Scott

DATE: May 23, 2002

DEPARTMENT: Planning Department

AUTHOR: Derek Satchell

TITLE: Review of Historic Preservation Element of the Park City General Plan

TYPE OF ITEM: Legislative

<u>SUMMARY RECOMMENDATION</u>: Staff requests that the City Council review the Historic Preservation Element of Phase II of the Park City General Plan, conduct a public hearing, consider public input, and adopt the element by resolution.

<u>DESCRIPTION</u>

A. <u>PROJECT STATISTICS</u>

Applicant: Community Development Department

Proposal: Adoption of the Historic Preservation Element of Phase II of the Park City General Plan

B. <u>BACKGROUND</u>

Park City is in the process of replacing the City's Comprehensive Plan, which was originally adopted in 1985. The General Plan contains policies and strategies to guide the future of the City. Changing times and conditions often have an influence on a community's character and self image. This document is a part of that process.

It is important to discuss how Park City's historic resources are going to be protected as the community grows and continues to develop. The proposed Historic Preservation Element contains the many policies and strategies which relate to historic preservation.

On August 20, 2001, the HDC reviewed the draft document, conducted a public hearing, and forwarded it to the Planning Commission with a positive recommendation. The HDC's comments and suggestions were incorporated into the draft. There was no public input received at the August 20, 2001 meeting.

On September 12, 2001, the Planning Commission reviewed the draft element, conducted a public hearing, and forwarded it to the City Council with a positive recommendation. The Planning Commission's comments were incorporated into the draft. There was no public input received at the September 12, 2001meeting.

On November 15, 2001, the City Council reviewed the draft element, conducted a public hearing, closed the public hearing, and continued the item to the next available meeting. At this time, Staff requests direction from the City Council.

C. ANALYSIS

A clean copy of the draft Element (incorporating the changes recommended by Council members) from the November 15, 2001, meeting is attached.

D. IMPACTS

General plan elements set the policy direction for the City. As drafted, some of the policies outlined in the document could have financial impacts to the City. The policies may require staff review, studies, and/or additional funds to contract for services to implement various programs. City policies suggest that all additional requests be considered at once during the budget process. Staff recommends that Council not approve any amendments to the Historic Preservation Element at this time that would incrementally increase the City's budget. Some action items would require review, public input, and approval by the City Council prior to implementation.

E. DEPARTMENTAL REVIEW

The Community Development Department, Office of Capital Management and Budget, and the City Attorney's Office all had the opportunity to review and comment on this draft.

RECOMMENDATION:

Staff requests that the City Council review the attached draft of Historic Preservation Element of the Park City General Plan, conduct a public hearing, consider public input, and adopt the resolution attached to include the Historic Preservation Element into the General Plan.

EXHIBITS

Exhibit A - Historic Preservation Element Draft (dated May 23, 2002).

Exhibit B - Resolution Adopting the Historic Preservation Element

Exhibit C - HDC Meeting Minutes (August 20, 2001)

Exhibit D - Planning Commission Meeting Minutes (September 12, 2001).

Exhibit E - City Council Meeting Minutes (November 15, 2001)

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

WHEREAS, the Comprehensive Plan was adopted by City Council in 1985; 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 various revised elements of the General Plan have been reviewed and updated annually since March 20, 1997; and

WHEREAS, the Historic District Commission discussed the Historic Preservation Element and held a work session on the Historic Preservation Element of Phase II of the General Plan on July 16, 2001, and held a public hearing on August 20, 2001, and forwarded a positive recommendation to the Planning Commission on August 20, 2001; and

WHEREAS, the Planning Commission held a public hearing on the Historic Preservation Element of Phase II of the General Plan on September 12, and the City Council held a public hearing on the Element on November 15, 2001 and May 23, 2002; and

WHEREAS, protection and the continued use of Park City's cultural, social, economic and architectural history is vital to the quality of life for our residents and visitors; and

WHEREAS, the Planning Commission has recommended that the City Council adopt the Historic Preservation Element of Phase II of the General Plan; and

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

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

HISTORIC PRESERVATION ELEMENT

Issues Statement

Park City attracts tourists and new residents from all over the world. In numerous public surveys, residents proclaim that the community's character is fundamentally due to the allure of the Park City Historic District. More than 200 historic residential and commercial buildings in the community are listed on or potentially eligible for inclusion to the National Register of Historic Places. This serves as tangible evidence of Park City's cultural, social, economic and architectural history as one of the three top metal mining communities in the state during the late nineteenth and early twentieth centuries.

Accordingly, Park City has a substantial and significant interest in protecting its historic resources, including regulating new construction within the Historic District. This element focuses on policy statements and an action plan to sustain and protect the architectural significance of Park City through historic preservation.

Discussion

Although skiing may be the primary reason for visitors coming to town, it is because of the numerous historic buildings around town that contribute significantly to Park City's cultural "*sense of place*" which make visitors want to stay. People enjoy Park City because of the blend between the historic commercial zone and the surrounding historic residential areas. Because of this, Park City retains its small town feel. Residents, old and young alike, are attracted to this community and live here because of the strong sense of neighborhood pride in being a historic mining town.

The importance of Park City's historic buildings is not limited to merely aesthetics. These buildings also provide a heightened sense of relevance to our past as a community. Built primarily of wood—a handy, relatively inexpensive building material that was readily available compared to brick or stone—most of the historic dwellings were considered to be temporary, containing four rooms or less. Many of these original buildings still stand today as a physical testimony of the past.

Today, many owners of these quaint "temporary" houses (consisting of approx. 1000 square feet and less) seek to make them more accommodating by enlarging the houses to incorporate various contemporary comforts for family and friends. In doing so, numerous small historic houses have been remodeled beyond recognition of their earlier appearance. In other instances, historic buildings are left to deteriorate from neglect to make way for new construction. Hence, Park City's historic architecture is continuously threatened and the remaining physical vestige of the city's mining heritage will be lost if these actions persist. Therefore, efforts must be taken by the City not to "preserve" the town as a museum artifact, but to actively ensure the sensitive rehabilitation and continued use of Park City's significant buildings, structures and sites.

The factors affecting the Park City Historic District are varied and have both positive and negative ramifications. The primary factors are associated with the regular maintenance of existing historic properties and the successful infill of new construction within the sensitive area.

Preservation Incentives

The offer of financial assistance to owners is an effective incentive to foster ongoing redevelopment and maintenance. The aesthetics–or visual quality–of Park City is vitally important to our economic success as a resort community. Because of the impact and role aesthetics play in Park City, it is necessary that the City define its role and responsibility in protecting and maintaining the historic aesthetic quality of Park City's Historic District.

In 1987, Park City began to offer matching grants to owners of historic properties to be used toward necessary repairs. Early matching grant awards equaled $5,000 for residential buildings and $10,000 for commercial buildings. Since then, the City has awarded more than one million dollars toward the rehabilitation and preservation of numerous historic buildings. The result of these matching funds is evident all over town. Entire city blocks which were once spotted with poorly maintained residential properties, now reflect historical integrity and aesthetic continuity. The funds used to establish this program come from two (2) separate Redevelopment Funds (RDA's). As of 2005, one of these funds (the Main Street RDA, which provides funding for properties south of 8th Street) will no longer be available. By the year 2020, the remaining Lower Park Avenue RDA (which provides funding for properties north of 8th Street) will no longer be available.

Rehabilitation and New Construction

Since the 1980's, Park City has invested a significant amount of time and money into the Historic District, such as the rehabilitation of numerous historic buildings and the incorporation of many new buildings. Some of these projects were very successful examples of appropriate rehabilitation and compatible in-fill architecture. These accomplishments have in turn fostered the City's evolved theory and approach to issues involving building scale, massing, character and development on steep slopes.

Historic Preservation Ordinance

Park City has supported the protection of its Historic District by creating the Historic District Commission (HDC), and by initiating specific design review policies and procedures. All property within the Historic District is regulated by the Land Management Code. It is a goal of the City to implement strategies to promote and ensure public awareness of the pending legislative changes and general knowledge of historic preservation regulations and incentives.

Park City Historic District Design Guidelines

Park City citizens feel strongly that the core of Old Town must continue to provide a blend of new and old buildings, while also functioning as an attraction for tourists. In 1983, the City Council adopted the Park City Historic District Design Guidelines. The purpose of the Guidelines is to identify specific design-related issues that may affect the District's overall integrity, as well as to define the criteria by which the City will evaluate both proposed changes and new construction. Noncompliance with the Guidelines will result in one's inability to obtain a building permit to make the proposed changes. It is a goal of the City to implement strategies to promote and ensure public awareness of the pending legislative changes and general knowledge of the Guidelines. The Guidelines are useful, but should be reviewed and updated on a regular basis.

Demolition-by-Neglect

The term "demolition by neglect" refers to the gradual deterioration of a building when routine or general maintenance is not performed on a regular basis. The deterioration of any property (or element/feature thereof) has a detrimental effect upon the overall character of the Historic District, as well as the property values within the surrounding area. The City promotes the protection of historic buildings and sites from Demolition by Neglect by encouraging owners to maintain their properties by making routine repairs at an early stage in the deterioration process before serious defects occur. It is a goal of the City to implement strategies to promote public awareness of the characteristics of Demolition by Neglect and general knowledge of historic preservation.

Intent

The Historic Preservation Element recommends methods to sustain, enhance and protect the historic buildings, structures, sites and aesthetic qualities of the Park City Historic District.

Accurately identifying the physical attributes and features that make Park City appealing as a place to visit and live is essential to maintaining a healthy and strong local economy as a resort town. Most important, the creation of incentive programs will encourage owners to maintain and rehabilitate their historic properties, while also stimulating a broad-based level of community participation. These actions will not only sustain local heritage, but significantly contribute to the area's fiscal health. Success in developing a balance between economics and historic preservation should include the following efforts:

4. Foster a strong sense of community awareness of the importance of the Historic District;
5. Develop innovative, fair and consistent design review policy and guidelines;
6. Propagate sensible protection of the area's historic architecture;
7. Encourage sensitive rehabilitation and quality in local rehabilitation efforts;
8. Promote the incorporation of architecturally-compatible new construction within the Historic District; and
9. Develop and offer financial incentives to property owners towards the regular maintenance of their historic buildings.
10. Strengthen customer service relations to facilitate a streamline and convenience design review process.

Policies & Action Plans

The following policies are suggested to address the preservation objectives of Park City as the community continues to grow and prosper.

<u>Historic District Policies</u>

- Identify those buildings, structures and sites in Park City which are historically significant, historically contributing, and historically insignificant to the Historic District.

- Enact regulations to protect those buildings, structures and sites in the Park City which are historically significant and contributory to the original character of Park City.

- Support preservation efforts toward buildings, structures and sites in the Park City which are historically significant and contributory, including their rehabilitation and continued use.

- Encourage the continued use of those buildings, structures and sites in the Park City which are historically significant and contributory to the original character of Park City.

- Involve the real estate sector and general public in promoting preservation within the Historic District.

<u>Historic District Action Plan</u>

Celebrate Old Town’s unique character, its evolution of architectural styles (diversity), its shared characteristics with others (i.e. height, scale, facade proportions, materials, etc.) that give it a historic “sense of place” and unity.

- Maintain support and financial assistance for the Park City Museum, and of other organizations or events that celebrate the heritage of Park City.

- Ensure a sufficient quantity and variety of parks and open space to foster a the scale and “neighborhood feel” throughout the Historic District.

- Support the incorporation of beautification improvements to public streets, utilities, and existing open space (such as pocket parks along public rights-of-way), including intersections and other areas within the Historic District.

- Educate elected officials as well as the general public of the importance of the Historic District, and the positive impacts of historic preservation.

- Encourage collaboration among individual neighborhoods within the District regarding historic preservation and provide meaningful opportunities for citizen input during the adoption of historic legislation.

<u>Preservation Incentives Policies</u>

- Research, identify and utilize existing financial incentives for historic preservation being offered to communities by federal , state and private institutions.

- Research, identify and utilize potential supplemental funding available in order to continue offering existing financial incentives for preservation such as the HDC matching grant program.

<u>Preservation Incentives Action Plan</u>

- Identify sustainable funds or other resources to subsidize and replace the current matching grant program, as well as to foster other financial incentives.

- Develop and implement other financial incentives for preservation (e.g. low-interest loan programs, local tax credits, sales tax waivers, rebates for rehabilitation construction material, etc.).

- Continue providing general appropriations towards existing preservation incentive programs.

- Consider the formulation of bond issues in association with existing programs, or existing state’s bonding authority to help underwrite the rehabilitation of historic buildings.

- Consider instituting other funding initiatives to help underwrite the rehabilitation of historic buildings (e.g. real estate tax for surrounding non-historic areas, mortgage registration fees when houses are bought and sold, etc.).

- Enter into cooperative agreements with state and federal agencies which own any property with historic buildings, structures and sites in Park City to manage and/or acquire such property consistent with the policies herein.

- Establish a committee or encourage an existing group (e.g. Historic District Commission, Historical Society, etc.) to publically recognize entities and/or individuals for their outstanding work in the historic preservation process.

Land Management Code - Chapter 4, Historic Preservation Policies

- Educate elected officials as well as the general public of legislative changes affecting the Historic District.
- Support and maintain a high standard of qualification and expertise in the field of preservation for Historic District Commissioners and staff persons involved in the design review process.
- Respect and be aware of Park City's natural environmental constraints such as steep slopes, significant vegetation and other factors when land is developed.

- Integrate the goals and priorities of historic context into the broader planning process.

Land Management Code - Chapter 4, Historic Preservation Action Plan

- Participate in the Internet by maintaining a current listing of preservation regulations, etc.

- Establish workshops and/or "open houses" to promote awareness and involve the public prior to taking action to adopting any changes in legislation.

- Amend the Land Management Code, as needed, to address the outstanding historic preservation issues raised in this element of the General Plan.

- Improve the Land Management Code and design review mechanisms for preservation planning to promote clarity in the design expectations of construction projects.

- Improve regulations which pertain to the procedure of design review affecting those buildings, structures and sites within the Historic District, including the processes for determining historical significance, economic hardship, demolition and demolition-by-neglect.

- Preserve the aesthetics of sensitive historic areas through zoning regulation, and the acquisition of historic lands/buildings, etc. as opportunities and finances become available.

- Maintain and refine lighting standards to preserve a visible night sky.
- Write regulations in a simple and clear manner.

Park City Historic District Design Guidelines Policies

- Educate elected officials as well as the general public of the purpose of the Guidelines and knowledge of the benefits to preservation.
- Seek to improve the outcome of design projects in Old Town by ensuring the support of the regulations outlined in the Guidelines.
- Enhance the quality of growth and new development in town.
- Provide a clear, simple and objective basis for the decisions of the Historic District Commission of design review.
- Encourage architects to create new buildings that will become landmarks for future historical designation.
- Ensure that the character of new construction that is architecturally-compatible to the existing historic character of Park City.
- Increase public awareness of design issues, concerns and options.
- Encourage sensitive development on steep slopes.
- Increase the awareness among adjacent governmental jurisdictions (e.g. Summit County, Wasatch County, etc.) of the preservation issues and projects having a potential adverse impact on Park City's historic character, economy, and quality of life.

Park City Historic District Design Guidelines Action Plan

- Participate in the Internet by maintaining a current listing of Historic District Design Guidelines, staff reports for pending HDC meetings, zoning regulations, etc.
- Establish workshops and/or "open houses" to promote awareness and involve the public prior to taking action to adopt changes to the Historic District Design Guidelines.
- Rewrite the Historic District Design Guidelines to address current developmental issues within the Historic District.

- Present the Guidelines in a more comprehensive and user-friendly format. Ensure amendments to the Guidelines that avoid duplication or confusion.

- Communicate a good understanding of the purpose for the Historic District Design Guidelines in terms of type of architectural compatibility that is being sought regarding existing and new construction (e.g. traditional infill, contemporary, or replication) within the Historic District.

- Indicate which approaches to design are encouraged and discouraged by the community to preserve the historic integrity of the Historic District.

- Encourage future hillside development that it is clustered at the base of the hills and stays off ridge lines within the Historic District.

- Encourage alternatives to the use and reliance of automobiles, and discourage the use of hard-surfacing in highly-visible areas on properties within the Historic District.

- Guide development to create a smooth transition between commercial and residential areas within the Historic District.

- Preserve existing aesthetics (including open vistas and natural stream corridors) of the entry corridors leading into the Historic District.

- Protect existing significant natural vegetation and require new vegetation to compliment the existing vegetative character of sites within the Historic District.

- Maintain large expanses of open space within the Historic District in its existing condition.

- Maintain and enhance trails and open space linkages within the Historic District.

- Review and establish criteria for reviewing the use of new technology, and for handling sensitively utilities, infrastructure, etc. within the Historic District.

<u>Rehabilitation and New Construction Policies</u>

- Reduce loss of existing historic material and reduce construction waste in nearby landfills through the rehabilitation and repair of existing construction, encouraging recycling, etc.

- Encourage early consultation with Staff to foster strong communication throughout the planning and construction process.

- Support architectural compatibility with the historic character of the area and maintain visual quality.

- Recognize and preserve the architectural uniqueness of Old Town as a whole.

- Promote the use of new technologies within the fields of both new and rehabilitative construction that meets or exceeds national Federal standards for historic preservation.

Rehabilitation and New Construction Action Plan

- Maintain a staff that is capable of providing technical assistance to applicants during the planning and construction process in order to promote sensitive rehabilitation efforts within the Historic District.

- Mitigate impacts of development on steep slopes.

- Provide regular inspections and general project follow-up to ensure compliance with city regulations and project conditions of approval.
- Utilize and promote existing recycling programs that serve our residents and visitors to reduce the amount of material currently being deposited in land fills.

Demolition-by-Neglect Policies

- Educate elected officials as well as the general public of the characteristics of Demolition by Neglect.

- Work pro-actively with the Building Department to clarify required maintenance, economic hardship and demolition standards, and procedures.

- Develop incentive packages to discourage demolition based on claims of economic hardship.

- Mitigate valid economic hardship claims.

- Build partnerships with adjacent governmental jurisdictions (e.g. Summit County, Wasatch County, etc.) to implement a regional approach to demolition-by-neglect.

Demolition-by-Neglect Action Plan

- Provide City funding for the enforcement of Uniform Building Code requirements that has not been available in the past, nor is currently available.

- Monitor and enforce demolition-by-neglect provisions.

- Work with owners to identify and mitigate neglect relating to the long-term maintenance of historic properties.

- Assess incorporation of demolition-by-neglect provisions into the existing LMC to help identify and catch potential demolition and hardship applicants before the building reaches an unsalvageable state or condition.

- Implement incentive packages to discourage demolition based on claims of economic hardship.

- Provide funding of a minimum maintenance program (as described in the Uniform Building Code and Uniform Housing Code) for mitigating demolition-by-neglect.

DATE: May 23, 2002
DEPARTMENT: Facilities and Special Events
AUTHOR: Alison Butz
TITLE: Fidelity Investments Park City International Jazz Festival
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application for the Fidelity Investments Park City International Jazz Festival and consider approving the Master Festival License, as conditioned for August 16, 17 and 18, 2002.

G. TOPIC

Review of the Master Festival License Application, submitted by the Fidelity Investment Park City International Jazz Festival, hereinafter referred to as the Jazz Festival, for August 16, 17 and 18, 2002.

H. BACKGROUND

The 5th Annual Jazz Festival has submitted their Master Festival License for their Summer 2002 event which includes two significant changes. The Jazz Festival is looking to expand its presence on Main Street by adding three stages to be programmed with live music on August 17th. Their request also includes extending the end time for their Friday evening concert at Deer Valley from 10:00 pm until 10:30pm. Since both of these changes are significant, Staff has brought the license to Council for review.

I. ANALYSIS

The Jazz Festival is reviewed as a Master Festival License and has expanded its scope within Park City to include a request for use of City Property, Street Closure and additional exemption from the Noise Ordinance, therefore requiring approval by the City Council.

Time Extension

The Park City Municipal Code allows the Chief of Police to provide an applicant relief from restrictions when it pertains to the Noise Ordinance. For past events the Police Department has recommended against the continuation of events past 10:00pm due to the impact to adjacent residences. However, if the Council wishes to recommend the increase of the end time until 10:30 the Police Department would consider that recommendation.

Jazz on Main

The MFL application has requested the location of three stages within the Main Street area. Staff has included a summary of each location below.

Wasatch Brew Pub Venue

This request is for a partial closure of the Wasatch Brew Pub parking Lot. The closed portion of the lot would contain a shaded stage, 20'x20' merchandise tent, portable toilets and beer garden. The portion of the lot would need to be closed on Friday August 16 for the installation of the structures and reopened the afternoon of August 18, 2002.

Heber Avenue Venue
The Heber Avenue Venue would require the closure of the street between Park Avenue and Main Street from August 16th though August 18th. A stage, 20'x20' merchandise tent, art display and Beer Garden would be located in this area.

Miners Park Venue
The Miners Park area would be used to program acoustic performances. The applicant would like to erect a canvasing or covering over the wood timber frame for the Saturday event to provide shading for the performer and audience.

All three venues are located on City property and therefore require City Council approval to use the property as well as to permit the street closure. The Police Department has reviewed the application and states that the closure of Heber Avenue can be mitigated through proper signing and barricading. The applicant will need to apply for the beer garden through the temporary beer license issued by the Police Department. Given the size of the area and the ability to accommodate a larger number of people the Police Department finds that the applicant could comply with the requirements of the license and prevent the overflow of the areas thereby controlling the crowd within the defined venue.

Other Items
The applicant has requested fee waivers and since the event is not a new event the fee waiver application will be reviewed by the City Manager as outlined in the Municipal Code.

Issues for Discussion

- Are all impacts to the adjacent neighborhood mitagated to allow for the extension of the ending time for the Friday night performance?
- Is the City Council willing to approve use of Heber Avenue, Miners Park and the Wasatch Brew Pub parking lot for the use of the Jazz Festival for programming?

ALTERNATIVES

L. Provide Staff with direction on extending the end time for the Friday evening concert at Deer Valley Resort, as well as approve the Master Festival License revisions to allow for three venues in the Historic District.

M. Recommend against the three stage locations. The event organizer would need to look for alternate locations for the event or revise the application to eliminate the areas and proceed with the event as operated in previous years.

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

RECOMMENDATION:
Staff recommends approval of the Master Festival License to allow the Fidelity Investments Park City International Jazz Festival on August 16, 17 and 18, 2002, based on the following:

Findings of Fact:

15. The Fidelity Investments Park City International Jazz Festival includes two outdoor performances at Deer Valley Resort and three venues in the Historic District. To accommodate the venues the Wasatch Brew Pub parking lot will be partially closed and

Heber Avenue will be closed between Park Avenue and Main Street. The event will take place on August 16, 17 and 18, 2002.

16. A portion of the event will take place at Deer Valley Resort. The resort is located on the City's bus system as well as it can provide adequate parking to accommodate the audience for the event. The Main Street Venues will be contained within themselves and will be mitigated with proper signing and barricades in order to not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area.
17. The Fidelity Investments Park City International Jazz Festival will not need the diversion of traffic. Police and other public employees will be not be used to an extent where there will be a diversion of so great a number of police, fire or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
18. The crowd associated with the venues will be contained within the designated areas and the areas are of such size to hold anticipated crowds. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety concerns.
19. No other Master Festival or Special Event Licenses have been issued for August 16, 17 or 18, 2002. The Fidelity Investments Park City International Jazz Festival will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
20. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The amplification of music on the Heber Avenue stage and the Wasatch Brew Pub stage shall conclude at 6:00pm. The programming of the Miners Park stage shall also conclude at 6:00pm.
2. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
3. All plans for tents and other temporary structures shall be submitted to the Building Department for review and permitting.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary

D. <u>EXHIBITS</u>

Exhibit A - Site Plan

DATE:	**May 23, 2002**
DEPARTMENT:	**Facilities and Special Events**
AUTHOR:	**Alison Butz**
TITLE:	**Mountain Town Stages**
TYPE OF ITEM:	**Master Festival License Application**

SUMMARY RECOMMENDATIONS: Staff requests the City Council conduct a public hearing and approve the ordinance amending Title 4, Chapters 8A of the Park City Municipal Code, regulating Public Outdoor Music Plazas within Park City.

J. TOPIC

Review of the Ordinance which regulates Outdoor Music Plazas within Park City for the Summer of 2002.

K. BACKGROUND

Randy Barton with Mountain Town Stages has been programming outdoor music stages within Park City since 1999. As in the past, Randy Barton has submitted his request for stages within Park City for the Summer of 2002. Approval of the stages will require a modification to Title 4, Chapter 8A of the Park City Municipal Code. The first request is the continuation of "Party on the Plaza"located between Dynamite Dom's and Picasso's. The second stage request is for Miners' Park, a City owned property.

Last year Mountain Town Stages approach the Council with changes to the decibel levels as well as three new locations. The Council approved three locations for summer stages during 2001. Those locations were at Silver Lake, Dynamite Dom's and Moose's. The proposed location at Miners Park was denied by the City Council as well as a request to extend the ending time for the performances to 9:00pm.

The 2001 Mountain Town Stages season included three stages within Park City. The stages were located at Dynamite Dom's, McHenry's at Silver Lake and Moose's over at Park City Mountain Resort. Throughout the season Staff monitored compliance with the set regulations. At the conclusion of the season Staff received no negative input from the neighborhoods adjacent to the stages regarding their impacts.

L. ANALYSIS

The current ordinance governing Outdoor Music operations needs to be amended in order to for any of the proposed operational changes and new locations to take effect for the Summer of 2002. Staff has included a summary of the applicant's request for each location below. Please note that the applicant has requested an increase in the ending time from 8:00pm until 8:30pm.

"Party on the Plaza"

Location:	Summit Watch Plaza between Dynamite Dom's and Picasso's.
Duration:	June 15th through September 15th

Operation Days:	Tuesdays, Fridays and Saturdays
Hours:	5:30pm until 8:30pm
Additional Exceptions:	July 4th from 1:00pm until 8:30pm
	August 4th from 6:00pm until 8:30pm (Arts Festival)
	August 10th from 1:00pm until 8:30pm (Bluegrass Festival)
	August 18th from 1:00pm until 8:30pm (Jazz Festival)
	September 2nd from 1:00pm until 8:30pm
	Four additional nights, special occasions, from 5:30pm until 8:30pm
Type of Music:	Bands and Solo Acts
Property Owner:	Summit Watch Commercial Condominium Association
Additional Licences:	None requested.
Costs:	None to the City

Staff Analysis: In previous years the event operated smoothly in the location with little or no impacts to the neighbors while providing a great benefit to the merchants in the area. There are no modifications proposed to the decibel restrictions, however the applicant has requested an increase to the ending time from 8:00pm until 8:30pm. Last year Staff recommended the increase in time to 8:30pm when the applicant has requested 9:00pm. Council did not approve either increase and kept the original ending time of 8:00pm.. Based upon Council's 2001 decision, Staff recommends keeping the ending time at 8:00 for the 2002 season.

"Music at Miners Park".

Location:	Miners Park
Duration:	July 4th through September 9th
Operation Days:	Saturdays and Sundays
Hours:	3:00pm until 6:00pm
Type of Music:	Solo and Duo Acoustic Acts Only
Owner:	Park City Municipal Corporation
Additional Licences:	Mountain Town Stages has stated that this location is contingent upon receiving approval from the City to obtain a beer licence from the State of Utah.
Costs:	The City would need to prepare the site and alter the existing irrigation system in order to incorporate Mountain Town Stages request to modify the existing planter on the south side of the park to accommodate musicians and sound. A lease agreement would need to be negotiated between Mountain Town Stages and the City to address ongoing maintenance, liability and general operations.

Staff Analysis:
The applicant has modified last years proposal for Miners Park from six hours of programmed music to three on Saturday and Sunday afternoons. The proposal includes two items essential to Mountain Town Stages in order to make the venue successful. The first being the construction of a performance area in the planter bed located in the south end of the park. Placement of the stage would require a modification to the existing irrigation system. A shade device (roof) would also be placed over the performance area. The second request is the consent of City Council to go forward

with an application to the State of Utah to receive a license to sell beer in the park. All State regulations would need to be met by the applicant such as the monitoring of the ingress and egress.

In 2001, the City Council discussed the viability of a stage in Miners' Park. It was the general consensus of the Council that a stage would work well in the location. However, a requirement of the programming of the stage by Mountain Town Stages is approval to apply for a State Beer License. Over the past years the Police Department has worked hard to maintain enforcement of the open container law and finds the park to be too small of a size to properly contain the consumption of beer. Still the applicant has made the approval of the site contingent upon the approval of the beer sale in the park. The Police Department's concerns have not changed from 2001. If Council wishes to direct Staff to develop a plan to allow the consumption of beer in the Park, Staff would return with a plan to mitigate the use. The plan would require the presence of a substantial barrier between the park and the sidewalk as well as a requirement for two security officers to man the ingress/egress into the park area. If a stage were to be constructed in the area the Park Department requests final design approval to ensure a proper amount of vegetation is maintained in the area.

Additional Stages

As part of past discussions a section within the Municipal Code was added to address additional locations that Mountain Town Stages might add throughout their summer season. That section states criteria which that stage must meet such as the location of the site and proximity to residential areas; any traffic considerations including capacity of the existing streets in the area; emergency vehicle access; location and amount of off-street parking; pedestrian circulation system; and, compliance with time limits and decibel level limits. Mountain Town Stages has requested, as part of their current proposal, for that language to remain within the Code.

ALTERNATIVES

O. Approve the ordinance as written or with changes, amending Municipal Code Title 4, Chapters 1 and 8 regulating Master Festivals and Special Events which will allow for the stage at Dynamite Dom's/Picasso's and deny the proposed stage at Miners Park.

P. Recommend approval of both stages. Staff will return to Council with revisions to the Municipal Code language as well as with a lease and Master Festival License Approval for the use of Miners Park.

Q. Deny both stage locations. Staff will return to Council with language to remove Chapter 8A from the Municipal Code.

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

RECOMMENDATION:

Staff requests Council conduct a public hearing and approve the attached Ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas.

D. EXHIBITS

Exhibit A - Request for Summer Stage Locations from Randy Barton

Exhibit B - Minutes from 2001 Miners Park Stage Discussion

Exhibit C - Letter of Support from the Main Street Business Alliance, Jazz Festival and Chamber of Commerce

Exhibit D - Miners Park Stage Design and Site Plan

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8 OF THE MUNICIPAL CODE OF PARK CITY REGULATING MASTER FESTIVAL LICENSING;BY AMENDING SUB-CHAPTER 8A REGULATING PUBLIC 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, in 2000 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 plaza 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, 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

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, the City Council has reviewed the 2001 season's compliance with the regulations set forth in § 4-8A-5 and have conducted a public hearing and found no neighborhood impacts; and

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 Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of Public Outdoor Music Plazas in Park City. This Chapter 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 Chapter 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, and Title 15, Land Management Code, of the Municipal Code.

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.

2. **STAGES**. The raised and semi-enclosed platforms that are designed to attenuate sound, 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 Public Outdoor Music Plazas in Section 6. The Licenses shall be subject to all regulations and conditions of this Chapter. The Licenses shall be valid as of June 15, 2002 ~~1, 2001~~ and shall expire September 15, 2002 ~~October 1, 2001~~, 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. PUBLIC OUTDOOR MUSIC PLAZAS.

The following locations, dates, and times may be programmed by Mountain Town Stages for public performances and outdoor music:

1. **PARTY ON THE PLAZA**:
    1. **LOCATION**. On Summit Watch Plaza between Dynamite Dom's and Picasso's. Approved plans are on file with the Special Events Department.
    2. **OPERATION DAYS/HOURS/MONTHS**. This Stage may be programmed Tuesdays, Fridays, and Saturdays from 5:00 PM to 8:00 PM from June 15^{th} ~~12th~~ through September 15^{th} ~~30th~~. A timer device will be installed that shuts the power of the stage and sound system off at 8:00 PM.
    3. **TYPE OF MUSIC**. Amplified and acoustic. For amplified events or music on Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five feet (25') in front of the stage.

4. **SPECIAL EVENTS**. This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional week-nights during the summer for special events from 5:00 PM to 8:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.

2. **DEER VALLEY NEAR MCHENRY'S GRILL**.
   1. **LOCATION**. Deer Valley near McHenry's Grill. Approved plans are on file with the Special Events Department.
   2. **OPERATION DAYS/HOURS/MONTHS**. This Stage may be programmed Wednesdays, Thursdays, Fridays, Saturdays, and Sundays from 11:30 AM to 2:30 PM, from June 27th through September 9th. A timer device will be installed that shuts the power of the stage and sound system off at 2:30 PM.
   3. **TYPE OF MUSIC**. Amplified and acoustic.
   4. **SPECIAL EVENTS**. This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional weekdays during the summer for special events from Noon to 6:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.
3. **PARK CITY MOUNTAIN RESORT AT MOOSE'S PUB & GRILL**.
   1. **LOCATION**. Park City Mountain Resort at Moose's Pub & Grill. Approved plans are on file with the Special Events Department.
   2. **OPERATION DAYS/HOURS/MONTHS**. This Stage may be programmed Saturdays and Sundays from Noon to 6:00 PM, from June 30th through September 9th. A timer device will be installed that shuts the power of the stage and sound system off at 6:00 PM.
   3. **TYPE OF MUSIC**. Amplified and acoustic.
   4. **SPECIAL EVENTS**. This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional weekdays during the summer for special events from Noon to 6:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.

(B)~~(D)~~ **ADDITIONAL LOCATIONS; ADMINISTRATIVE REVIEW**. Additional Public Outdoor Music Plaza locations may be administratively approved by the Special Events Department for programming by Mountain Town Stages of public performances and outdoor music pursuant to the criteria set forth herein. No additional Public Outdoor Music Plaza location shall be administratively approved unless the proposal fully complies with all of the following criteria:

1. No more than two (2) additional Public Outdoor Music Plaza locations may be administratively approved;
2. No proposed location may occupy or otherwise compromise any public parking space(s), whether for use by performers, attendees, or other amenities directly connected to programming pursuant to this Chapter;
3. The proposed location must include sufficient area to accommodate performers, MTS staff, and anticipated attendees without interfering with pedestrian or vehicular traffic or otherwise impairing any public right of way;

4. No proposed location shall be approved unless located within the HRC, HCB, RC, RCO, GC, or LI Districts, and in no case shall a proposed location be approved within one hundred feet (100') of a residential neighborhood;
5. No additional Public Outdoor Music Plaza location shall be programmed prior to June 1, nor after September 30, 2001;
6. Additional Public Outdoor Music Plaza locations may be programmed no more than three (3) days or evenings per week; and
7. No additional Public Outdoor Music Plaza location may be programmed for more than five (5) hours in any day, and in no event shall programming commence prior to 11:30 AM nor end later than 8:00 PM.

4-8A- 7. GENERAL REGULATIONS.

1. The program manager, or his/her designee, shall provide on-site management for each event.
2. A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.
3. Except as otherwise provided at Subsection 6(A) herein, for amplified events or music, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 95, as measured thirty-five feet (35') in front of the stage. The data currently available to the City indicates that a maximum decibel level of 95 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.
4. All events shall be open to the public and free of charge.
5. No event shall exceed 250 people unless a separate Master Festival License is granted for that event.
6. The Police Department or other proper City official shall have access at all times to all Public Outdoor Music Plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.
7. 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 at the Public Outdoor Music Plazas, unless licensed pursuant to Chapters 4-6 of Title 4, as applicable.

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

1. Mountain Town Stages (MTS) will be the licensee of the events and will own the Stages. MTS 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 Public Outdoor Music Plaza and on-site oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.
2. Mountain Town Stages shall schedule events in accordance with the regulations set forth in this Chapter. Nothing herein shall allow the City to regulate the content or otherwise censor plaza productions or speech. Mountain Town Stages shall at all times hold the City harmless and indemnify the City from all claims, actions and liability arising from Mountain Town Stage's use of the Public Outdoor Music Plazas. Mountain Town Stages shall maintain its

own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.

3. Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or Public Outdoor Music Plaza owner.

4-8A-10. SUSPENSION AND REVOCATION.

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 o 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. PLAZA 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 Title 15 of the Municipal Code, Land Management Code. The City may still issue outdoor music permits in conjunction with an approved Master Festival License.

SECTION 3. 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 4. EFFECTIVE DATE. This ordinance shall become effective upon publication.

DATE: 5/23/02
DEPARTMENT: OCMB
AUTHOR: Matt Twombly
TITLE: Snow Creek Trail
TYPE OF ITEM: Award of Construction Contract

SUMMARY RECOMMENDATION:

Staff requests authorization to proceed with the construction of the Snow Creek Trail project consistent with the Trails Master Plan. Staff recommends that Council award the construction contract to Weyher Construction Company, LLC in the amount of Thirty Two Thousand Seven Hundred Seventy Five dollars ($32,775.00).

DESCRIPTION

5. A. Topic Award of the construction contract to Weyher Construction Company, LLC in the amount of Thirty Two Thousand Seven Hundred Seventy Five dollars ($32,775.00), and proceed with the construction of the Snow Creek Trail.

B. Background The project briefly entails paving a 10 foot wide trail along the western boundary of the Old Sewer Treatment Plant Site from the pedestrian bridge over the creek at the Park View Condominiums to Holiday Ranch Loop Road across from the McLeod Creek Trail. There will be pedestrian crossing signs installed on Holiday Ranch Loop Road, signs along the trail and a new gate and pedestrian opening at the entry drive to the Old Sewer Treatment Plant Site.

This is the last major section of trail connecting the sidewalks in town to the trails to the North. In 2001 the Snow Creek Trail was connected through the Post Office parcel with a bridge. As part of the City Wide Traffic Calming Program, the Public Works Department placed potted trees and painted a crosswalk in the location of the proposed trail crossing at Holiday Ranch Loop Road. The plans require pedestrian crossing signs, but did not contemplate a painted crosswalk as part of the project. The yearly cost for painting the crosswalk twice per year is approximately $250.

The plans were approved by the Building, Engineering and Planning Departments less the Construction Mitigation Plan required from the contractor awarded the bid and contract. The Snow Creek Trail is identified on the Trails Master Plan and has been identified by the Parks, Recreation and Beautification Board Trails Subcommittee as a high priority.

C. Analysis The request for bids was noticed in the Park Record. There were four bids for the project and the bids were opened and read aloud on May 16, 2002. The low bid was $32,775 by Weyher Construction Company LLC. The next low bid was by DRD Paving in the amount of $38,250 and then Preferred Paving in the amount of $46,250 and Cottonwood Builders, Inc. in the amount of $52,535.45.

The work will proceed approximately ten days after the award, upon the execution of the construction agreement drafted by the City Attorneys office and receipt of bonds and certificates of insurance. The project documents require a project completion date of August 1, 2002.

D. D. Department Review Office of Capital Management and Budget, City Managers Office.

ALTERNATIVES

A. Approve the Request Award the construction contract to Weyher Construction Company, LLC in the amount of Thirty Two Thousand Seven Hundred Seventy Five dollars ($32,775.00).

B. Modify the Request.

C. Deny the Request.

D. Continue the Item.

SIGNIFICANT IMPACTS There is approximately a total of $749,000 in the Trails Master Plan Capital Improvement Account. There was $32,000 in impact fees dedicated to the project in 1997. In 1999 the Snow Creek Trail project account was incorporated into the Trails Master Plan account during the Capital Improvement Plan Reprioritization. The crosswalk will need continual yearly maintenance of approximately $250 per year. The trail is not contemplated to be plowed in the winter, where the annual maintenance cost is approximately $500 to $1,000.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION The Old Sewer Treatment Plant Site will remain in its current condition not linking the McLeod Creek Trail with the trail to town.

RECOMMENDATION Staff recommends that the City Council award the construction contract to Weyher Construction Company, LLC in the amount of Thirty Two Thousand Seven Hundred Seventy Five dollars ($32,775.00), and proceed with the construction of the Snow Creek Trail.

DATE: May 23, 2002

DEPARTMENT: Office of Capital Management and Budget

AUTHOR: Tom Bakaly, Mark Christensen

TITLE: FY2002 Budget Adjustment (current), FY2003 Tentative Budget (next year)

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

- Review the budget on May 23rd; Conduct a Public Hearing on May 23rd, June 6th and June 20th; Amend the FY2002 budget; Adopt the FY2003 tentative plan with recommended changes as the FY2003 budget. (Tentative adoption is scheduled for June 6, 2002 and final adoption on June 20th.)

- Adopt the "Certified Property Tax Rate" {No Tax Increase Rate} for FY2003. [*Actual tax rate will not be known until Mid June*]

- Review & adopt the recommended changes to the FY2003 budget (Tentative adoption is scheduled for June 6, 2002 and final adoption on June 20, 2002.)

- Authorize the Budget and Grants Manager to compute the City's Tax at a "no increase" rate but include the issuance of a $4 million General Obligation Bonds for the Citywide Parks and Ice improvements as approved by voters in November 2001.

DESCRIPTION:

A. Topic: Continuing the FY2002 Adjusted and FY2003 Budget Review.

B. Background: The background for the budget has been presented in staff reports to Council on May 2nd and 9th. Please refer to those reports for any questions on the budget background.

The following is the recommended schedule for reviewing the FY2002 Adjusted Budget and FY2003 Plan:

May 23rd	**Enterprise Funds Cont. and Capital Improvement Budget** 1) Hold Public Hearing on the Budget and continue to 6/06/2002 2) Water Fund - Rate Study and Water Conservation 3) New and Modified CIP Projects 4) Olympic Budget Reconciliation 5) Budget Wrap-up
May 30th	No meeting scheduled.
June 6th	1) Hold Public Hearing on the Budget and continue to 6/20/2002. 2) Additional budget discussions as needed. 3) Tentative adoption of FY2003 Budget (no tax increase) 4) Tentative adoption of FY2002 Amended Budget
June 20th	Continuation and closure of the public hearing on the budget, with final adoption, by resolution, of both the FY2002 Adjusted Budget and the FY2003 Budget with a no increase tax rate for FY2003.

C. Analysis:

Enterprise Fund: On May 9th Council Reviewed the Transit, Golf and Recreation Enterprise Funds. On May 23rd, Council will review the Water Fund. Detailed information on these issues is provided under a separate cover.

Capital Issues: The City's Capital Improvement Program (CIP) has undergone several changes since last year. Several capital projects still require Council policy direction. These changes are outlined in Attachment A. Some of the more significant capital changes involving the Recreation Fund were addressed on May 9th. Other major issues yet to be reviewed include the Main Street RDA Refinance completed last fall and the Recreation Bond Election for both the Racquet Club, Citywide Parks and Ice, and the other CIP budget changes.

RDA Refinance: The RDA refinance created approximately $114,000 in new money in addition to deferred principal payments to future fiscal years. These funds have been tentatively allocated to the following projects: $50,000 for an Economic Development Study for the Main Street RDA, $200,000 for the Old Town Capital Needs Assessment study, and remainder of $474,303 has been allocated to the Downtown Revitalization project. It is anticipated that these projects will be reviewed in more detail as part of the visioning process.

Economic Development Study ($50,000): This project was recommended by the CTAC group in the Executive Budget Summary. This study will initially review the viability of economic development in the Old Town area. The scope of this project extends well beyond the Main Street RDA but presently only RDA funds are budgeted for this project. If Council decides to expand this study outside of the Main Street RDA, additional funding will need to be identified. It is anticipated that this study will enable the City to make comprehensive decisions based on the best economic uses for Park City.

Old Town Capital Needs Assessment ($200,000): This project will fund a comprehensive analysis of the Old Town area and its capital needs. This study is to better understand capital issues in Old Town that include undergrounding utilities, an additional parking structure, street repairs, and other capital projects in Old Town. This study will be conducted in conjunction with the community visioning process. If Council decides to expand this study outside of the Old Town area additional funding from outside the Main Street RDA will need to be identified and the scope of the project would need to be expanded to encompass the larger study area.

Downtown Revitalization: This project has been used to build bulb-outs, create pocket parks and improve the Main Street area. Staff recommends the new funding for this project not be specifically earmarked until after the community visioning process in FY2003 is complete.

Parks and Ice: The recommended budget anticipates the issuance of the $4 million Citywide Parks and Ice debt in FY2003. As part of this process Council will need to authorize staff to compute the tax rate for this debt increase as part of the budget process. Additional information on this project will come forward as staff prepares to issue the bonds.

Recreation Facilities Master Plan: The failed bond election in November of FY2002 required this project's funding status to be changed to unfunded. If the City Council intends to commence the pool and roof maintenance projects this fiscal year, it should direct staff accordingly (see "Racquet Club Pool and Roof" below).

Library Donation Expenditures: This change represents a change in funding for the Friends of the Library. This account historically has been funded through donations from the Friends of the Library and grants. The Friends of the Library has decided to hold their donations in a separate account within their organization while still providing the same services for the Library necessitating a budget adjustment for this account.

5 Year CIP Funding: This adjustment is required as a technical change to the document printed last year. A transaction appeared in some reports but was excluded from others. This represents a technical adjustment only. This is the Olympic Sales Tax stabilization money transferred to the General Fund. It is anticipated that these funds will be returned to the 5 Year CIP account as part of the adjustments on June 6th consistent with General Fund 18 percent fund balance limits.

Bus Shelters: This is the result of one time Federal Capital Grant Funding for bus shelters which was discussed on May 9th.

Open Space Bond Acquisition: This is a technical adjustment representing the interest accrued on the Bond Funds for Open Space. This money has been earmarked for the Open Space purchases identified last fall by the COSAC group.

Snow Cat: Each year a portion of the proceeds generated by grooming the cross country trails is dedicated for the capital replacement of the snow cat that was purchased with restaurant grant money in FY2001. This represents this years contribution to the replacement of that equipment.

Affordable Housing: This adjustment allowed the City to purchase two additional affordable housing units in Silver Meadows. The funding for these project was made available through payments made to the City for affordable housing-related loans and properties.

Golf Course 18th Hole: The hotel developer will be rebuilding the 18th hole this summer pursuant to the land swap agreement for the Golf Course. Staff anticipates assisting with this project in a number of supporting roles. Staff anticipates the completion of work on this hole this year with play on this hole beginning next Spring.

Park City Historical Society Request: Council should provide direction if any change to the existing budget is requested for June 6th Tentative Budget Adoption.

Domestic Peace Task Force: Last year Park City provided $28,816 to the Domestic Peace Task Force (DPTF) for the Peace House Women's Shelter and Project Hope. This year DPTF is requesting an additional $1,184 for a total FY2003 allocation of $30,000 (see Attachement D). Council should provide direction regarding this request on May 23rd.

Racquet Club Pool and Roof: On May 9th Council reviewed the Racquet Club capital needs for the Pool and Roof. Council requested that this issue be revisited after the community visioning process. Costs include $200,000 for the Roof and a range of expenses for the pool from $300,000 to $500,000. Council requested that Staff identify a potential funding source for this project. Given the former funding strategies for the Racquet Club, 5 Year CIP project would be the primary funding source for this project.

Council should provide direction for staff on May 23rd so a balanced budget can be presented on June 6th for Tentative Adoption.

Public Safety Facility: For several years the City has been collecting impact fees for a Public Safety Facility. Staff anticipates that in FY2003 it will begin expending funds for a Public Safety needs assessment and feasability study. This study will address the current Public Safety Facility and address the future needs of this operation. Staff will begin the bid selection process this summer for this study unless directed otherwise on May 23rd by Council.

Olympic Reconciliation:

- FY2002 Revenues Exceeded Expenses by roughly $376,000
- Overall Olympic Revenues exceeded Olympic Expenses by roughly $430,000 (FY1988 to FY2005.

The largest operating issue for this budget process is the Olympic Budget. The Olympics represented an additional budget of roughly $5.6 million for the FY2002 Original Budget. Consistent with Olympic Budget policy and in response to September 11th, the City Manager asked each department to reduce its Olympic budget to offset a potential Olympic revenue short fall. In November 2001, departments reduced the Olympic budget by approximately $1.2 million. The departmental adjustments appear as a technical adjustment in the May 9th staff report. In addition, the City informally instituted the recession plan in January 2002 which included Olympic spending. Through this action and other cost saving efforts the city was able to keep costs well below budget. A reconciliation of expenses and revenues results in a 2002 Adjusted Olympic Budget of approximately $3,753,174 million. Additional adjustments will be included in the June 6th budget for tentative adoption based on these figures.

Exhibit A demonstrates the change between the FY2002 Original Olympic Budget and the FY2002 Adjusted Olympic Budget as presented in the tentative budget. The revenues and expenditures are shown as two major categories: Citywide and Celebrations. These represent the additional costs budgeted last spring. At that time it was impossible to determine what the total fiscal impact would be for the City given the dynamic changes associated with the Olympics.

Exhibit A

Attachment C (updated from May 2nd) shows estimated FY2002 Olympic Revenues exceeding estimated FY2002 Expenditures by roughly $376,000. Exhibit B shows the FY2002 Olympic Revenues and Expense Projections. This includes roughly $280,000 in estimated expenditures which are still outstanding. Exhibit B demonstrates the actual costs and projected revenues along with the allocation of resources Citywide as either allocated or additional expenses.

Exhibit B

In FY2002, Olympic Revenues exceeded Olympic Expenditures improving our general revenue picture. The FY2002 net revenue is the result of several issues. The first, was the use of existing or allocated staff and resources as opposed to incurring additional costs to provide the service. Allocated staff is best described as using an existing staff member to work on Main Street instead of carrying out normal staff duties. In this way the City was able to absorb a large amount of the expense through existing resources without having to out source the service. The City was also able to use volunteers to meet many of the City's staffing needs providing an invaluable service to the Community. Other favorable financial factors included, larger than expected contributions from SLOC for transportation and trash recycling as a result of their own beneficial financial position. The participation of the Park City Chamber provided not only volunteers but there contribution helped make the Main Street Celebration an outstanding success. Through these contributions and many others the City was able to hold total Olympic costs to approximately $3.38 million.

The following exhibit shows the departmental budget and expense breakdown between additional and allocated resources for FY2002.

Exhibit C

Departmental Olympic expenses show a detailed breakdown of both additional and allocated Olympic Expenses. Please note: allocated resources are those costs which would be incurred regardless of whether the Olympics were held or not. Additional costs are those costs incurred above and beyond existing resources. The City Council provided Staff with direction in 2000 that they were primarily interested in additional revenues/costs as opposed to allocated costs. This direction caused staff to focus on providing many Olympic services with allocated or existing resources. All departments were below their Olympic budget for additional expenses. In most cases the allocated expenses were reassigned to fill the staffing needs of other areas in the City. This is significant in that even including the allocated expense the City was under the total additional budget for FY2002 resulting in significant

Citywide cost savings. With the inclusion of these allocated costs the City was still able to generate a revenue surplus for FY2002.

The estimated 2002 surplus will offset expenditures from prior years. Table 1 shows total Olympic expenses from 1988 to FY2002 as well as a Olympic Revenues. The analysis excludes the millions of dollars of legacy benefits the City received because of its participation in the Olympics.

Table 1

The total direct estimated cost of the Olympics from 1988 through FY2002 is projected at $4,214,674. The total revenue collected in this time period is $3,878,156. The State

Governors Office of Planning and Budget (GOPB) has previously estimated that the total economic benefit from1995-2005 at $767,141 but staff feels that number is low. The net Olympic Revenue for Park City is $430,623. It is impossible to precisely calculate the total economic benefit of hosting the games. The benefits of tourism, building, and other economic,

cultural, and social benefits above those estimated by the GOPB more then surpass the cost of hosting the games as a venue City. Please note that the economic benefit identified from the GOPB is actual money that the City has already received and will continue to receive in the future.

In Summary, Olympic related revenues (including the Governor's estimated economic benefit of $767,141) exceed total Olympic Expenditures from 1988 to 2005. The long term benefits of

hosting the games significantly outweighs the fiscal impact associated with participating as a venue City. Exhibit D is a graphic depiction of the total Olympic Revenues and Expenditures from FY1988 to FY2005 showing a net Olympic Revenue of $430,623.

Exhibit D

Summary:

- Council should provide direction on the Water Rate Study.
- Staff will need policy direction on Capital Issues.
- The Olympics were a financial success with estimated revenues exceeding estimated expenditures.
- Department expenses were below their revised additional Olympic Budgets.
- Olympic Expenses were reduced using existing allocated resources.
- Since 1988, the benefits received from the Olympics have exceeded the costs associated with being an Olympic Venue City.

D. Department Review: City Manager, Finance, Office of Capital Management and Budget, Public Works, Office of Olympic Planning.

ALTERNATIVES:

A. Provide Direction About Budget Issues and Policies

B. Continue the Item - June 20, 2002 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.

C. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide policy direction on budget issues.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The specific impacts of not approving individual recommended options will be discussed during budget presentations.

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

Attachments:

A. Capital Improvement Adjustments

B. Budget Options

C. Olympic Reconciliation: Citywide and Celebrations Budget

D. Domestic Peace Task Force Request

DATE:	April 24, 2002
DEPARTMENT:	Planning
AUTHOR:	Brooks T. Robinson
TITLE:	6538 Silver Lake Drive, Evergreen Subdivision
TYPE OF ITEM:	Plat Amendment

SUMMARY RECOMMENDATION: Open the public hearing, take any public input, and consider staff's recommendation to approve this plat amendment as conditioned or amended.

DESCRIPTION

13. Topic

Owners	Brad and Lisa Wilson
Location	6538 Silver Lake Drive, Evergreen Subdivision
Zoning	Residential Development (RD), part of the Deer Valley Master Planned Development
Adjacent Land Uses	Residential and Deer Valley Ski Runs
Reason for Review	Plat amendments require Planning Commission review and City Council approval

14. Background

On December 3, 2001 the applicant submitted an application for a plat amendment to revise the location of a private ski easement. The subject property is lot 23 of the Evergreen subdivision and is vacant. It is located next to the Last Chance ski trail of Deer Valley Resort to the west and an existing house on lot 22 to the east.

On April 24, 2002, the Planning Commission held a public hearing and, after taking public input, forwarded a positive recommendation tot he City Council. (see Minutes, Exhibit B).

A ski easement exists over lots 20 and 21 and are used as ski-in to lot 22. The easement on lot 23, due to grade, would be used for ski-out for lot 22. Currently, without a house on lot 23, both ski-in and ski-out for lot 22 can be accomplished over lot 23.

3. Analysis

Ski easements are platted on the Evergreen plat but are not separately recorded. The easements are for the private use and benefit of the owners of Evergreen. Subsequent to the work session, Staff has reviewed the Evergreen CC&Rs (Codes, Covenants & Restrictions) and finds that the Declarant, Deer Valley Resort Company, expressly reserved these platted ski easements “for the benefits of the Owner of each Lot in the subdivision.” While the ski easements are shown on a recorded plat, the City is not a party to the ski easement. Lot 23, owned by the applicants, is burdened by this ski easement, while all lot owners in the Evergreen subdivision are collectively benefitted.

Since the location of the non-exclusive easement has been dedicated by subdivision plat, the State Code rules regarding modification and amendment apply (UCA 10-9-808-810). Any modification must therefore meet the standards of 1) good cause; and 2) no material injury. The February 26, 2002 letter from Bob Wells (Exhibit D) demonstrates good cause for the amendment. Staff also finds that moving the easement north causes no material injury in that it provides equal or superior access as the original location.

The owner of lot 22, arguably the only lot in the subdivision directly and actually benefitted by the easement in question, is on record opposing this application. However, the owner has failed to demonstrate how he is injured by the relocation. The Declarant of the Evergreen CC&Rs, Deer Valley Resort Company, and the Evergreen Architectural Committee have gone on record as supporting this application.

The Evergreen Architectural Review Committee (ARC), of which Mr. Wilson is a member, has supplied several items of correspondence addressing the issue of equity. An April 1, 1994 letter (Exhibit C) to the previous owners of lot 22 approved their request to shift the building location but anticipated that lot 23 would also request the same building pad extension. The February 26, 2002 letter (Exhibit D) from Bob Wells of Deer Valley Resort also explained some of the history and equity issues within Evergreen. He points out that the CC&Rs also do not limit or restrict the right of any property owner to construct buildings on the lot. A third letter from the ARC dated March 31, 2002 reiterated some of these same issues.

4. Department Review

This project has gone through an interdepartmental review. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with the Land Management Code prior to recordation.

5. Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

ALTERNATIVES

A. The Planning Commission may forward a positive recommendation to the City Council as conditioned or amended, or;

2. The Planning Commission may forward a negative recommendation to the City Council or;

3. The Planning Commission may continue the discussion with direction to the staff and applicant.

SIGNIFICANT IMPACTS

There are no significant environmental or fiscal impacts with this application. Staff finds the proposal to be compatible with the surrounding development pattern.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The ski easement and building zone will remain as is.

RECOMMENDATION

Staff recommends that the Planning Commission open the public hearing, consider any public input, and consider staff's recommendation to forward a positive recommendation to the City Council based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The property is located at 6538 Silver Lake Drive, also known as lot 23 of the Evergreen subdivision. The property is zoned Residential Development - RD within the Deer Valley Master Planned Development. The property is vacant.
2. A non-exclusive ski easement exists on the lot for the benefit of the owners in Evergreen.
3. The Evergreen Architectural Committee has given preliminary approval of the design and location of the house.
4. The Declarant, in a letter from Bob Wells of Deer Valley, has also given approval of this amendment.
5. The prior and current owners of lot 22 had notice of likely expansion of the building pad to the north via the April 1, 1994 letter from the HOA.
6. The Evergreen Codes, Covenants and Restrictions state that the Ski Easements shall not limit or restrict buildings on the lot in a manner permitted by the CC&Rs.
7. Lot 22, although not having a ski easement on the lot, benefitted from an expansion of the building zone and limits of disturbance.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

3. The building pad and contiguous ski easement can be moved to distance similar to the extension granted to lot 22.
4. The Conditions of Approval for the Evergreen subdivision, as amended, remain in full force and effect.
5. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
6. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

Exhibit A - Site Plan
Exhibit B - Minutes of Planning Commission hearing, April 24, 2002
Exhibit C - April 1, 1994 ARC approval for lot 22
Exhibit D - February 26, 2002 letter from Bob Wells
Exhibit E - March 31, 2002 ARC letter
Exhibit F - Adjacent Property Owner response, May 16, 2002.

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR 6538 SILVER LAKE DRIVE, EVERGREEN SUBDIVISION, PARK CITY, UTAH.

WHEREAS, the owners of lot 23 of the Evergreen Subdivision, located at 6538 Silver Lake Drive have petitioned the City Council for approval of plat amendment, and

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

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

WHEREAS, the Planning Commission held a public hearing on April 24, 2002, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on April 24, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 23, 2002, the City Council held a public hearing and approved the proposed plat amendment; 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. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

7. The property is located at 6538 Silver Lake Drive, also known as lot 23 of the Evergreen subdivision. The property is zoned Residential Development - RD within the Deer Valley Master Planned Development. The property is vacant.
8. A non-exclusive ski easement exists on the lot for the benefit of the owners in Evergreen.
9. The Evergreen Architectural Committee has given preliminary approval of the design and location of the house.
10. The Declarant, in a letter from Bob Wells of Deer Valley, has also given approval of this amendment.
11. The prior and current owners of lot 22 had notice of likely expansion of the building pad to the north via the April 1, 1994 letter from the HOA.
12. The Evergreen Codes, Covenants and Restrictions state that the Ski Easements shall not limit or restrict buildings on the lot in a manner permitted by the CC&Rs.
13. Lot 22, although not having a ski easement on the lot, benefitted from an expansion of the building zone and limits of disturbance.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

<u>Conditions of Approval:</u>

3. The building pad and contiguous ski easement can be moved to distance similar to the extension granted to lot 22.
4. The Conditions of Approval for the Evergreen subdivision, as amended, remain in full force and effect.
5. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
6. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 23rd day of May, 2002.

DATE: May 16, 2002
DEPARTMENT: Public Works
AUTHOR: Kathy Gammell
TITLE: Park Meadows Replacement Well and Keetley Exploratory Well
TYPE OF ITEM: Contractual

<u>SUMMARY RECOMMENDATIONS</u>: Award project to Lang Exploratory Drilling in the amount of $413,250 and authorize staff to enter into a construction contract to drill a replacement Park Meadows Well and an exploratory Keetley Well.

<u>DESCRIPTION</u>:

A. <u>Topic</u>. Drill a Park Meadows Replacement Well within 150 feet of the existing well to tap into lower levels of the Upper Thaynes formation aquifer. Drill an exploratory well near the Keetley junction as a potential new source.

B. <u>Background</u>.

<u>Park Meadows Well</u>

During the Winter and Spring of 2002 the Park Meadows Well static level did not recover as it has in past years for this same period. The draw down, which occurs when the well is in operation, has increased significantly in the past year. Based on well performance in the Summer of 2001, and lack of significant recovery this year, we anticipate having to shut down Park Meadows Well after 1 to 2 months of summer operation.

Montgomery Watson Harza (MWH) performed a thorough evaluation of all three of Park City's wells, the Divide Well, the Treasure Mountain Middle School Well, and the Park Meadows Well. The evaluation provided a current status, long term expectations of well performance, and recommendations for future operation and maintenance. The key recommendations from this evaluation are to replace the existing Park Meadows Well with a deeper well and operate all three wells alternately.

Originally it was believed that the aquifer from which Park Meadows draws may have reached the limits of it's life. However, while the aquifer level has been reduced, it has been concluded by MWH that the well itself is the primary cause of performance concerns. MWH's evaluation indicates that the Park Meadows well is in steady decline in quality, and well efficiency has decreased by 25%. After 23 years of operation, MWH believes there are several factors influencing the well deficiencies: extended pumping of the well during the past years of drought; collapse of the lower portion of the well; and growth of non-toxic iron bacteria along the well bore which inhibits flow from the aquifer into the well.

As a result of the evaluation of the Park Meadows well, MWH has recommended that a new well be drilled based on three key assessments:

- The existing well itself is in poor condition. It is improperly sealed and has collapsed at the lower levels.

- The pump can not be lowered as a result of the collapse.

- The existing well be abandoned.

Keetley Exploratory Well

The original Keetley Exploratory well was drilled in1995, targeting the lower Thaynes formation. Drilling was suspended at the recommendation of the engineer when, at 1000 feet, the lower Thaynes had still not been encountered. Since that time several successful wells, producing between 400 gpm and 1200 gpm, have been drilled into the lower Keetley volcanics near the interface with underlying fractured rocks. Performance of existing wells to this point indicates that water production is more sustainable than wells drilled in fractured rock, as are all three Park City wells. The exploratory well drilling depth is estimated to be 1500 feet.

C. Analysis.

Park Meadows Replacement Well - Drilling a new well and placing the pump in the lower portion of the Upper Thaynes formation will restore water capacity to an existing source and will not affect long-term strategy for Park City's water needs. Existing equipment in the Park Meadows well/pump house will be used to minimize costs. Water rights from the existing well can be utilized without a formal State Engineer application.

Keetley Exploratory Well - The six inch well will determine if water is available and provide an indication of potential capacity. The estimated drilling depth is 1500 feet. A test well will be required to determine actual flow capabilities and well performance. A test well will be recommended if the potential capacity exceeds 500 gpm. Depending on available flow, a successful Keetley Well may affect Park City's strategy with respect to use of JSSD water and/or the required capacity from the Rockport project. The proposals are as follows:

	12 hr drill	**24 hr drill**	**Keetley**	**Total (12)**	**Total (24)**
Lang/MWH	$332,275	$337,275	$80,975	$413,250	$418,250
Weyher	$299,550	$353,850	$104,250	$403,800	$458,100

Each bidder was aware that the proposals would be evaluated based on schedule, well/pump house design experience, price, well drilling experience, project approach, and permitting experience. The proposers received a copy of the scoring system prior to their proposal submission. A copy of the scoring is available.

Proposals were requested for a 12 and 24 hour drilling schedule. When the Divide Well was drilled last summer, many of the nearby residents complained about the late night noise. The contractor last year (Lang) was concerned about the integrity of the hole and the 24 hour pricing was considerable less than the 12 hour approach. The cost for a 12 hour drilling schedule for this project is less than the cost of a 24 hour drill schedule. The bidders had an opportunity to review the drill logs from the Divide Well project.

A staff review team composed of four employees from public works and OCMB evaluated each proposal against the selection criteria. Although Lang is $9450 higher in price for the combined drilling projects (based on a 12 hour drill schedule), Lang's proposal was better overall in terms of approach, schedule, experience, disposal of development water, sound control, and lower cost for drilling additional depth if required. Consideration of the rate for additional per-foot drilling, which we anticipate, and the difference in approach for disposing of development water and staging sound curtains, which were limited in the Weyer proposal, would give Lang the price advantage for both projects. The review team unanimously recommends to council to award the project to Lang Exploratory Drilling/Montgomery-Watson-Harza.

Staff recommends the 12 hour operating schedule (7 AM to 7 PM).

Both projects meet the criteria to support Council's goal to provide adequate and quality water to our citizens.

D. Department Review. This report has been reviewed by Public Works, Legal and City Manager.

ALTERNATIVES:

A. **Award the project to Lang Exploratory Drilling in the amount of $413,250 plus a unit cost for deeper wells and authorize staff to enter into a Construction Contract to drill a Park Meadows replacement well and a Keetley Exploratory Well.** This is the staff recommended alternative.

B. **Award a contract to Lang Exploratory Drilling in the amount of $332,275 and authorize staff to enter into a Construction Contract to drill a Park Meadows replacement well only.**

C. **Award a bid to Weyher Construction in the amount of $403,800 and authorize staff to enter into a Construction Contract to drill a Park Meadows replacement well and a Keetley Exploratory Well.**

D. Delay further action for now and run the Park Meadows Well as long as possible without compromising water quality.

E. **Delay further action indefinitely.**

SIGNIFICANT IMPACTS:

Assessment of alternatives:

Alternative A provides for the drilling of a replacement Park Meadows well to the lower depths of the aquifer and placing the pump at a lower elevation. A Keetley exploratory well could provide Park City with a potential new source for future growth at sustainable, reliable flow. Lang indicated they could be substantial complete in 35 days from notice to proceed, provided more sound attenuation, provided a more complete approach to handling the drilling mud and water and has a lower cost per foot to estend the drill hole at each location ($280 and $40 respectively). This is the staff recommended alternative.

Alternative B provides for the replacement of the existing Park Meadows well. This alternative would solve Park City's immediate well problem.

Alternative C is the lowest based strictly on the base price and a 12 drilling schedule. If drilling depths need to be extended, Weyher's price for each additional foot for Park Meadows and Keetley is $600 and $60 respectively. They had estimated 45 days from notice to proceed to reach substantial completion. Their proposal used a series of on site ponds to control water quality from the drilling operations and had fewer sound barriers identified. Based on these differences, staff is not recommending the Weyher proposal. Alternatives D & E would delay implementing a solution until after this summer.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The Park Meadows Well source will not be a reliable source this summer and may cease to be a reliable source until a replacement well is drilled sometime in the future. Loss of the source may result in water shortages and/or requiring use of more costly water sources. Not taking action on the Keetley exploratory well will not affect current capacity this summer, but will preclude the potential for a valuable new source in the future.

If the drilling depths are extended, the Weyher proposal may not be the lowest. The potential for problems and conflicts from neighborhood complaints due to excessive noise and water quality issues from the drilling operation may be higher.

RECOMMENDATION:

Award the project to Lang Exploratory Drilling in the amount of $413,250 plus a unit cost rate for deeper drilling and authorize staff to enter into a construction contract in a form approved by the City Attorney, to drill a replacement Park Meadows Well and an exploratory Keetley Well.

DATE:	**May 23, 2002**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Kirsten Whetstone, AICP**
TITLE:	**LMC Re-write- Phase II**
TYPE OF ITEM:	**Work session review of the Comprehensive and Substantive Rewrite of the Land Management Code- Phase II**

SUMMARY RECOMMENDATIONS Review the revised Land Management Code Phase II for Chapter 4 (Historic District Commission), Chapter 6 (Planning and Zoning Administration), Chapter 8 (Supplemental Regulations), Chapter 14 (Child Care Regulations), Chapter 10 (Master Planned Developments), and Chapter 11 (Master Planned Developments for Affordable Housing Projects). Additional revisions are recommended to previously amended Chapter 1 (General Provisions) and Chapter 15 (Definitions).

BACKGROUND

On November 14, 2001 the Planning Commission voted to forward to the City Council a positive recommendation on these proposed changes.

The City Council held public hearings on November 29, 2001 and April 25, 2002 to receive input on the revised Chapters. Staff has made revisions to Chapter 4, Historic District Commission and Chapter 10, Master Planned Developments, based on Council's direction. The other Chapters remain as proposed at the April 25 meeting.

SUMMARY
A summary of the Phase II revisions follows:

Chapter 4- Historic District Commission (now Section 15- Chapter 11- Historic Preservation
Staff has reformatted and re-numbered the existing Chapter 4 of the Land Management Code to match the other revised chapters, and is forwarding it to Council for adoption. No changes or modification have been made to the text, except for formatting and numbering, except to Section 15-11-5 Permit Issuance, Project Approval to make it clear that appeals of Planning Department staff decisions may be made to the Community Development Director (see attached).

Chapter 6- Planning and Zoning Administration (now Section 15- Chapter 14- Planning and Zoning Administration)
Changes to Chapter 6 are primarily administrative in nature. The Chapter has been reformatted and edited for consistency with the rest of the LMC and State Code.

Chapters 10 and 11- Master Planned Developments and MPD for Affordable Housing Projects (now Section 15- Chapter 6- Master Planned Developments)
This Chapter has been reformatted, re-organized, and re-written to better reflect the goals and objectives of the City's General Plan as well as the purpose statements of this Chapter. There are three major changes, including 1) addition of a Citizen Participation Plan requirement for Large Scale Master Planned Developments, 2) clarification of open space definitions and requirements, and

3) clarification of the Unit Equivalent formula and definition. Additional revisions have been made to the requirement for open space for MPD's within the General Commercial district (see attached).

Revised to be consistent with the current Affordable Housing resolutions Chapter 11- Master Planned Developments for Affordable Housing has been incorporated into this new Chapter 6- Master Planned Developments. A reduction in the amount of open space required for an affordable housing MPD, can be approved by the Planning Commission, with comparable public benefits provided. The clause regarding "qualifying properties" has been deleted, as discussed at the April 25, Council hearing (see attached).

Chapters 8 and 14- Supplemental Regulations and Child Care Regulations (now Section 15- Chapter 4- Supplemental Regulations)
Chapter 4 now contains all supplemental regulations, including Child Care and Group Care regulations as old Chapter 14 was combined with old Chapter 8 to form this new Chapter. These Chapters have not changed since the April 25th hearing. Information on Sale of Timeshare Units has been deleted as this is regulated by the State and Municipal Codes. Sections on Frontage Protection and Sensitive Lands requirements were moved to the Zoning District chapter as separate overlay districts, during Phase I. No changes have been made to the current Telecommunications Facilities Regulations, as recently amended to include temporary facilities. A section on temporary structures, tents, and uses was added consistent with current City review policies and requirements.

Section 15- Chapter 1- General Provisions
Completion of Site Work Requirements (previously hidden away in Chapter 8) has been added to Section 15- Chapter 1-General Provisions.

Section 15- Chapter 15- Definitions
Additional definitions and revisions to some existing definitions are included in this Phase of the re-write. These definitions have not been revised since the April 25 meeting.

ALTERNATIVES

1. The City Council may approve the ordinance to revise the Land Management Code as presented, or with modifications, or

2. The City Council may direct staff to make additional revisions for Council review at a future meeting or may remand proposed changes to the Planning Commission for recommendation, or

3. The City Council may deny the ordinance to revise the Land Management Code and direct staff to prepare findings supporting this denial, or

4. The City Council may continue discussion to a later date.

SIGNIFICANT IMPACTS

Approval of these amendments to the Land Management Code serve to implement the City's General Plan and put into place development regulations that have been pending for the past 2 years. Overall the revisions provide the community with a more user friendly and consistent development code.

RECOMMENDATION Staff recommends the Council discuss any outstanding issues, recommend any revisions, and consider adopting the Ordinance to approve the Land Management Code Phase II revisions as stated in the attached Exhibits.

EXHIBITS

Exhibits A - E. These Exhibits were handed out to Council Members prior to the April 18 Council meeting. Attached are the latest proposed revisions to Section 15-6-5 MPD Requirements, Section 15-6-7 Master Planned Affordable Housing Development, and Section 15-11-5 Permit Issuance, Project Approval.

All Ordinance Exhibits are available at the Planning Department.

Ordinance No. 2002-

AN ORDINANCE APPROVING A COMPREHENSIVE AND SUBSTANTIVE RE-WRITE OF THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, SPECIFICALLY FOR:
CHAPTER 6- PLANNING AND ZONING ADMINISTRATION,
CHAPTER 8- SUPPLEMENTAL REGULATIONS,
CHAPTER 10- MASTER PLANNED DEVELOPMENTS
CHAPTER 11- MASTER PLANNED DEVELOPMENTS- AFFORDABLE HOUSING
CHAPTER 14- DAYCARE REGULATIONS
TITLE 15, CHAPTER 1- GENERAL PROVISIONS
TITLE 15, CHAPTER 15- DEFINITIONS
AS RENUMBERED AND INCLUDED IN THE BODY OF THE MUNICIPAL CODE AS FOLLOWS:
CHAPTER 6 BECOMES TITLE 15, CHAPTER 14
CHAPTERS 8 AND 14 ARE COMBINED TO BECOME TITLE 15, CHAPTER 4
CHAPTERS 10 AND 11 ARE COMBINED TO BECOME TITLE 15, CHAPTER 6

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

WHEREAS, in January of 1998 the City Council directed staff to undertake a comprehensive and substantive re-write of the Land Management Code;

WHEREAS, the City is in the process of a comprehensive rewrite of the entire Land Management Code to reorganize the document's structure, clarify and resolve inconsistencies, update regulations to be consistent with the General Plan, and provide self-contained and user-friendly Chapters;

WHEREAS, the Planning Commission duly noticed and conducted several public hearings at its regularly scheduled meetings, on January 24, February 28, June 13 and 22, and November 14, 2001 and forwarded to City Council a positive recommendation on Chapters 6, 8, 10, 11, and 14, with additional changes to previously amended Chapters 15-1 and 15-15;

WHEREAS, the City Council duly noticed and conducted public hearings at its regularly scheduled meetings on November 29, 2001 and April 25 and May 23, 2002 ; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the General Plan and the values and identified goals of the Park City community, to protect health and safety, to maintain the quality of life for its residents; and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 6 is hereby deleted and replaced by LMC Title 15, Chapter 14 attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 6 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 14 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 2. AMENDMENT TO CHAPTERS 8 AND 14 OF THE LAND MANAGEMENT CODE. Chapters 8 and 14 are hereby deleted and replaced by LMC Title 15, Chapter 4 attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 8 and 14 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 4 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 3. AMENDMENT TO CHAPTERS 10 AND 11 OF THE LAND MANAGEMENT CODE. Chapters 10 and 11 are hereby deleted and replaced by LMC Title 15, Chapter 6 attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapters 10 and 11 shall be resolved by the Community Development Director. Defined terms in Title 15, Chapter 6 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 4. AMENDMENTS TO TITLE 15, CHAPTER 1 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 1- General Provisions, is hereby revised to include Section 15-1-13, Completion of Site Improvement Work Prior to the Approval of Plats or Issuance of Certificates of Occupancy, as stated on attached hereto Exhibit D and as deleted from Chapter 8. Any conflicts or cross references from other provisions in the LMC to Section 8.21 of Chapter 8 shall be resolved by the Community Development Director. Defined terms in Section 15-1-13 shall be defined in accordance with the LMC, Title 15, Chapter 15.

SECTION 5. AMENDMENTS TO TITLE 15, CHAPTER 15 OF THE REVISED LAND MANAGEMENT CODE. Title 15, Chapter 15- Definitions, is hereby revised to include new definitions and revised definitions as stated on attached hereto Exhibit E.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon publication.