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

Posted: 05/20/02
See parkcity2002.org

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 23, 2002

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

Toby Ross, City Manager; Myles Rademan, Public Affairs Director; Patrick Putt, Planning and Zoning Administrator; Kathy Kelly, Recreation Manager; Mark Christensen, Budget and Grants Manager; Kent Cashel, Transportation Director; Jerry Gibbs, Public Works Director; Bob Johnston, Leisure Services Director; Kathy Gammel, Water Manager; Alison Butz, Special Events Manager

Rick Giardina and Kevin Burnon of Giardina & Associates; and Chris Everetson and Stacey Demmosski of Mountain Town Stages

1. **Council questions/comments.** Kay Calvert reported on Recycle Utah who requested a list of home owner associations from the City for its educational programs on water conservation. Eric DeHaan reported that only a handful of associations are registered with the City and Mr. Hier suggested contacting the Lodging Association for this information. She added that Recycle Utah would like to use the second bay at the center. Candace Erickson thanked everyone involved in the visioning session held last week. She attended the Library Board meeting where the new software was discussed. The ULCT is already preparing for the next legislative session and now is the time to submit issues of concern. Ms. Erickson reported on her tour of the Judge Tunnel. She attended the Parks and the Recreation Board meeting where delineating the bike and pedestrian trails on Holiday Ranch and concepts for the park were discussed. Peg Bodell expressed that she is pleased to learn that the visioning process approach is being used by other groups. She invited the Council to lunch at the Senior Center on June 6. There will be an afternoon reception honoring Olympic athletes as part of the July 4th celebration proposed at the Farm and Park City Mountain Resort may be an appropriate partner for the event. The Mayor recommended that it may be more convenient for guests to hold the reception in town. Ms. Bodell congratulated Arlene and Lew Fine as the Rotary citizens of the year. Jim Hier stated that he attended the Interagency Task Force meeting where joint planning for Quinns Junction and hiring a consultant were discussed. Other topics included the location for an ice facility, and a report from Wasatch County on the proposed development on the north end of the Jordanelle and other golf course projects. There is a multi-cultural group forming as an additional avenue for social services, represented by a variety of local provides, and Mr. Hier noted that he will continue to attend those meetings. Mayor Williams reported that he received mainly positive feed-back from participants on the citizens summit. He attended the Jump-In graduation and met with the Executive Director of Mountainlands Association of Governments. Ms. Bodell suggested that staff attend MAG meetings, since Council meetings are held on the same night. The Mayor reported that he received an email from a Woodside resident who is opposed to expanding special

events in the Old Town area. Next week, the Mayor stated he will be participating in a forum on open space bonds at Holladay. Fred Jones indicated that he met with the Chairman of the Summit County Commission and it appears they have not made a determination on how it will provide water to Promontory.

2. **Olympic legacy project.** Myles Rademan stated that Olympic legacies have been discussed over the years and the City had considered installing a "Look Tower" during the Games but the $100,000 cost was a deterrent. There are towers located at Park City Mountain Resort, Deer Valley Resort, and the Utah Olympic Park. The tower at Deer Valley may be donated to the City by SLOC if we cover the cost of installation of about $20,000. Additionally, there may be a possibility of receiving two graphics, which represents a cost of about $20,000. He referred to distributed computer simulations illustrating the towers in different locations, including the Olympic Welcome Plaza, transit center, old kiosk area or shed area on SR224, the round-about, Coalition parcel, new post office round-about, and Huntsman parcel. Each site has its own attributes with regard to utility and foundation requirements. Fred Jones felt that the tower compliments what already exists in the Olympic Welcome Plaza which is his preference and there was discussion about moving the cauldron in the plaza area. Jim Hier agreed with Mr. Jones and felt the other suggestions in the Historic District were not compatible. He added that there may be opportunities for revenue for the City by installing telecommunication facilities on the tower. Ms. Erickson stated that she likes both the Welcome Plaza and transit center, where the tower was originally planned for installation during the Olympics as a visual landmark for visitors.

Peg Bodell stated that she is uncomfortable with the cost and spending more time on this topic and is not pleased with any of the sites. Fred Jones believed this project would be subject to a public planning process and Mr. Hier pointed out that a legacy project costing only $20,000 is attractive. This is consistent with comments from the visioning process regarding marketing and maintaining an Olympic presence. Ms. Bodell pointed out that the public has not been involved in discussing this expenditure or developing a legacy. Mr. Hier countered that this project exists now and there are no other suggestions, and donation of the tower should be pursued for these reasons.

In response to a question from Mr. Hier, Pat Putt advised that the maximum height for a tower at the Olympic Plaza is 33 feet with an additional 50% exception. The frontage protection zone surrounds the plaza and there may be a conditional use permit process. The City Manager added that only one zone can accommodate the height which is the transit center. Dana Williams believed that public input may be appropriate because of the height of the tower and Mr. Hier believed that the Welcome Plaza location should be explored and if a conditional use permit is required, the process will be public. Fred Jones agreed with Mr. Hier and with regard to Ms. Bodell's comments, acknowledged that there has not been an economic analysis of this proposal but it seems consistent with Council goals as far as identifying Park City with the Olympics. Currently, there is very little and the investment ties us directly to the Olympics in a location that is visible. Mr. Jones stated that he would like to pursue installation at the plaza. Council members concurred with the exception of Peg Bodell.

Youth Advisory Committee grant recommendations - See staff report. Kathy Kelly explained that the charge of the committee is to review grant applications and make recommendations to Council on awards. Because not all funds will be distributed, YAC is requesting to repeat this process in the Fall rather than just once a year. Mark Christensen explained that unused funds would roll into the next year's 2002-2003 budget. Peg Bodell explained that the Council grants subcommittee forwarded several grant requests to YAC, because it seemed like the more appropriate funding source. She emphasized that it is important to her that the Fall review occur. In response to a question from Kay Calvert about who Sports Life serves, Ms. Kelly explained that the request falls within the youth perimeter and this particular program targets at risk youth in the community. Mayor Williams pointed out that Sports Life of Young Life is a non-denominational Christian organization, and asked if it is appropriate for government to support religious programs. The City Attorney explained that there is application criteria, and the City can't discriminate against a religious group if it meets the guidelines. There is no legal problem giving grant money to a religious organization if there is a generally applied process, just as public facilities are leased for religious services. Ms. Calvert believed that Young Life is capable of raising a lot of money on its own where others don't have that resource. The City Manager explained that the award of youth grants should be determined during work session as it doesn't appear on the regular agenda.

Jim Hier understood that the only grant under contention is the Sports Life grant. Council member Erickson interjected that her child has been in the Sports Life program for five years. Although it is a national organization, it is supported by communities and is not a wealthy organization. Jim Hier compared the value of the awards by number of youth served; and stated supports the $3,000 funding to Sports Life without hesitation. Peg Bodell added that this is not seed money. She stated that she knows very little about the organization and suggested that all awards be processed except for this one. Council members Erickson, Jones and Hier supported funding Sports Life while Peg Bodell and Kay Calvert expressed reluctance. Ms. Calvert indicated that she needs some more information and more time to consider the Sports Life request and Ms. Bodell stated that she didn't feel the request is justified. Ms. Calvert explained that she would like to see financials for the organization and fund-raising numbers. Young Life is a wonderful organization but she is a little uncomfortable with granting money if it can raise it. Candace Erickson felt that Sports Life provided financial information to YAC who carefully reviewed the applications. YAC made decisions based on its criteria as did the Parks and Recreation Board. There was discussion about sharing application information with Ms. Calvert and making a decision on this grant by June. Ms. Erickson understood that grants less than $500 do not need Council authorization, and Mr. Christensen believed that that provision was never formally adopted but the budget policy could be easily amended. In response to a question from Peg Bodell, Candace Erickson stated that she feels comfortable supporting YAC's recommendation as its membership is very diligent in its review. It was decided to make the policy amendment and to again discuss Sports Life on June 6.

4. **Special event bus banner policy.** See staff report. Kent Cashel explained that there are growing requests to place banners on buses to promote events and also identify buses serving the event. The proposed policy details who can place banners, size, content, materials, duration, fees and deposits, and approval process. He continued that only non-profit entities, licensed under a master festival license, qualify. Banners can be placed on the left side of the bus; dimensions are 2' x13.5' and content guidelines limits logos to no more than 20% of the total banner size. The graphics must present something unique relating to Park City or the event, and not used to solely to promote the sponsors. A staff committee will review the content. The banners must be placed immediately prior to the time period of the licensed event and removed immediately after the event. There is a $50 fee per banner to cover installation costs and does not reflect market value of the space on the bus nor staff time to review the application. There is also a damage deposit. Fred Jones pointed out the profitability of the bus wraps during the Games and Mr. Cashel explained that that was a one-time opportunity as the commercial value of this proposal is very different. Ms. Calvert suggested that the City cover all of its administrative costs with the fee and Mr. Hier agreed. Ms. Bodell suggested that bus wrap specifications be included in the MFL package for applicants. The Mayor agreed that the City should collect all associated costs, and suggested that banners be displayed before the event. There was discussion about including for-profit organizations and City advertising or promotions. Kent Cashel responded that the policy would not limit the City from using bus space. With regard to costs, the City Manager suggested imposing an application fee plus $50 per banner and Council agreed that the Transportation Director could calculate the fee without coming back to Council. Fred Jones emphasized that the advertising should be nominal; buses should not turn into billboards which is inconsistent with our image. Mr. Cashel believed the necessary language is included in the policy to manage Mr. Jones' concern.

5. **Review of regular meeting:**

Budget review:

Water rates. Jerry Gibbs introduced Rick Giardina and Kevin Burnon of Giardina & Associates who performed the rate study last year and this year's update. Mr. Giardina explained that there were three primary goals relating to the update including reviewing the effectiveness of the rate increase adopted last year, revising the five year financial plan of the water utility, and recommending an alternative rate structure encouraging water conservation and obtaining a greater degree of equity between customer classes. Last year, the City Council adopted an across-the-board 5% revenue increase, which was effective July 1, 2001. Even with the downturn in consumption, revenues collected were 98% of those projected. The financial plan determines how much funding is needed to operate the water utility, including maintenance, expansion, and O&M recovery. Mr. Giardina added that there is still an identified need for funding in order to support the capital improvement program for both growth and non-growth scenarios. Non-growth represents borrowing estimated at \$2.5 million and approximately \$8 million for growth related facilities. Over this five year period, even with bond issuances, there is not a need to increase revenues as the 5% increase last year should be adequate for capital needs and operating requirements. The caveats are that staff will continue to monitor the budget process each year and the City may enter into a long-term agreement with the Jordanelle Special Service District for water at a price tag of about \$750,000 per year. This commitment would necessitate a 4% rate increase effective this July followed by a 5% increase.

He explained that last year the rate structure wasn't adjusted but amended to merely increase all components by 5% and the proposed rate structure is more conservation and equity oriented. This involved minimizing the impact on domestic water use which doesn't contribute significantly to conservation efforts and providing the customer with greater influence over his bill. There is currently a minimum charge which provides 5,000 gallons per month whether that amount is used or not. The trend in the industry is to eliminate a minimum charge and impose a fixed charge that recoups costs for reading a meter, producing a bill, and perhaps an average level of capital investment, but does not include water use. By doing so, the fixed charge is lowered while the volume charges are increased to encourage conservation. He continued that they wanted to achieve more equity between customer classes and this proposed rate structure accomplishes this. Giardina Associates is proposing a four block single family residential structure. Block 1 would include indoor water use. Block 2 is described as irrigation use which is based upon an analysis of water requirements specific to Park City. Block 3 is deemed as excessive irrigation use and Block 4 the same with a higher price tag. The proposed rate for Block 1 is only marginally higher than the current rate with an increase also in Block 2. Block 3 would be priced at roughly the cost of the JSSD water, i.e., \$3.32 per 1,000; and Block 4, slated for consumption over 100,000, gallons is priced at \$5 per 1,000 gallons. There are only a few residences that fall in Block 4. This class also includes multi-family accounts with a 1 ½" meter and smaller individually metered. In response to a question from Ms. Bodell, Rick Giardina responded that Block 3 represents approximately 20% and Block 4, 3%.

There was discussion about creating more blocks and he cautioned that the number of blocks don't equate to a more effective rate structure and explained the billing process. There was discussion about the City's bill not detailing water consumption in each block on a bill and Jim Hier indicated that if providing this information is effective it would be worth doing in consideration of the estimated \$20 million projected for capital improvements. Mr. Giardina explained that Block 3 ranges from 30,000 gallons to 100,000 gallons. If it were divided to 30,000 to 60,000 and 60,001 to 100,000 it would result in lower yields in Block 3 and the rate structure needs to be revenue neutral. Mr. Hier asked if data exists for consumption in each block as Block 3 seems too broad and suggested limiting the block at 75,000 gallons. Block 4 could be increased to $5 and Block 3 reduced from $3.32 to $3.30. Rick Giardina stated that he has block information and Mr. Hier felt that breaking up Block 3 would have a positive psychological effect on consumers. He stated that if it is not reasonable to ask for this analysis because of our time frame, it could be looked at next year. Rick Giardina added that the goal is to have the new rate structure implemented by July 1 and could present this alternative on June 6.

Toby Ross asked if Mr. Hier's aim would be achieved by lowering the threshold for the fourth block based on distribution information, rather than adding a block. Council member Hier noted that that is the direction he supports. Mr. Giardina added that Block 1 could be lowered if the others are raised, making domestic water more affordable. Mr. Hier emphasized that he doesn't support an across-the-board increase and feels this approach is appropriate. Fred Jones pointed out that many units are vacant and asked if that has been factored into lost revenues from the lower fixed rate. Rick Giardina stated that that was adjusted in the volume charge.

He continued that there is a similar structure for multi-family and for irrigation with a goal of creating better equity between classes. They are continuing to work with City staff to refine this proposal before it comes back to Council so that Block 1 of the irrigation rate schedule is determined at 23,000 gallons like single family. Jerry Gibbs indicated that the area of irrigation is not something now considered, only meter size and use. This is why the median uses for Block 1 are being analyzed to adjust Block 2 and 3 for the higher irrigation uses. Peg Bodell felt that rates should not be adjusted every year and supported incentives for the lower groups. For the benefit of Candace Erickson, Rick Giardina explained that if JSSD water is not purchased, revenues do not need to be increased. By restructuring the rates, some people's rates increase, others decrease, to maintain a revenue neutral level. With regard to Ms. Bodell's comment, he explained that a 4% increase in revenue needs to be raised the first year, and 5% the second year of the JSSD contract. If the structure is satisfactory, there could be a 5% across-the-board increase, if needed. Jerry Gibbs interjected that because of major capital improvements, staff is recommending increases over the next three to five years and felt incremental increases are more palatable for consumers. Rick Giardina believed that phased increases enforces water conservation messages and revenues from Block 4 could be used to fund conservation programs, acquire additional water sources and facilities.

Fred Jones was pleased with the revised structured and looked forward to getting it in place as soon as possible. He supports incremental increases as needed as water resources are often unpredictable.

Budget. With regard to the capital improvement budget, Mark Christensen explained that the refinance of the RDA bond created new money which is tentatively allocated in the Main Street RDA for an economic study, capital needs assessment, and downtown revitalization plan. Bonds on parks and an ice facility may be issued this year in full or part but ultimately the tax rate will need to be adjusted. Mayor Williams felt that it is likely that these projects will proceed. Mark Christensen didn't feel this is a big issue as the final budget will not be adopted until June 20. Unused bond revenues can go into the state pool or be invested and Council member Jones expressed interest in maintaining flexibility and taking advantage of good interest rates. Jim Hier felt it more prudent to issue bonds when the project is ready to be funded rather than an opportunity to invest. The City Manager explained that the debt could be issued, and arranged for payment the following year thereby adjusting the tax rate.

Mark Christensen pointed out that the recreation facilities master plan is not funded. The Racquet Club pool and roof is currently unfunded, and staff is anticipating more direction after the citizen visioning session. Fred Jones believed there was consensus on repairing the roof and looking at constructing the pool and pool building in two-phases, but recalled that funding was never identified. Mr. Christensen felt the five year capital improvement fund is a good source as well as anticipated additional revenues from the General Fund which could be transferred to the project, depending on the scope of the project. Mr. Jones added that a study on parking structures, for example, is another unfunded project and the Council may need to consider other unscheduled projects.

Mr. Christensen understood that Council supported repairing the roof on May 9; the pool could be part of the overall capital improvement review in the Fall and the budget could be adjusted for the 2003 construction season. At that time, the study on capital needs for Old Town may be available as part of the analysis. The City Manager explained that the existing pool would have to be removed in the Fall and not the Spring. Bob Johnston recalled estimates to replace the roof to be $200,000 and $40,000 for the ceiling. It is anticipated to install a pool that would likely be twice the surface area size of the existing pool that would accommodate program needs; it would not be a leisure pool. The Parks and Recreation Board recommended a leisure pool, but the bond didn't pass. The City Manager explained that the pool project will come back to Council, very likely with options and recommendations from the Board. An allocation of $300,000 in the budget, with a portion coming from the capital improvements fund, doesn't commit to a specific design but allows for the pool project to proceed. The City Manager stated that the capital improvements fund will be augmented by about the same amount this year. Mark Christensen clarified that the money for the capital needs study is supported with RDA funds and must be spent in that area. After discussion, Council concurred to support $240,000 for the roof and ceiling and $300,000 for the pool.

Another point of clarification is the request for the Historical Society funding for a full-time director for an additional $28,000; currently there is a $26,000 cash donation and a $17,000 in-kind value for rent. The full-time salary is estimated at $47,000 per year and Kay Calvert stated that it is a good expenditure for the benefits they bring to our community. Fred Jones commented that he is not familiar enough with the proposal and would be more comfortable with a long-range plan, including plans to obtain additional space. Peg Bodell explained that there is information that can be shared with Mr. Jones and Mark Christensen explained that a final decision does not need to be made until June 20. Fred Jones clarified his question of whether it is the City's role to fund a full-time position for the Historical Society to enable them to reach their expanded goals. Ms. Erickson pointed out that if the City were hiring someone, set criteria would have to be met and she has never seen a resume or job responsibilities. She is not sure she can commit to the full $47,000.

Mark Christensen explained that the Olympic budget totaled $5.6 million and the City was able to stay well within the budget using staff resources.

Well projects. Kathy Gammel explained that staff is requesting approval to proceed with the redrilling of the Park Meadows Well and developing an exploratory well at the Keetley site and authorization from Council to award a contract to Lang Exploratory Drilling in the amount of $413,250. It is anticipated that the replacement well will be drilled deeper into the aquifer. Jim Hier referred to the first drilling project and the 24 hour a day impacts on the Park Meadows neighborhood and Ms. Gammel explained that the low bidder came in on a 12 hour proposal from 7 a.m. to 7 p.m. Additionally, the City requested sound curtains. There was discussion that the Keetley Well is actually located near Quinns Junction. In response to a question from Peg Bodell about the necessity of the exploratory well, Jerry Gibbs explained that recently drilled wells have produced water which the City hasn't tapped into yet. It would still require the City to have 1,000 to 2,000 gpm of additional water from another source. He pointed out that wells are not a long term answer, but provide a short-term water supply during peaking times. This is not a test well providing information on volume, but an exploratory well which solely determines if there is water at the location.

Jazz Festival. Alison Butz explained that if Mountain Town Stages is denied the Jazz Festival will make arrangements for its own canopy.

Mountain Town Stages. Ms. Butz continued that an application was received for two stages within the Old Town area. This specific request is handled as an amendment to the Municipal Code and then Mountain Town Stages submits a master festival license. The stage at Dynamite Doms plaza is planned for Tuesday, Friday and Saturday nights from 5 p.m. to 8:30 p.m., which was previously set at 8 p.m. The second request is for a stage in Miners Park which would be programmed on Saturdays and Sundays from 3 p.m. to 6 p.m., contingent on approval of a beer license. Staff is concerned about approving a beer license and controlling open containers in the area. Kay Calvert felt that could be a condition of approval. Christ Everetson of Mountain Town

Stages stated that they feel they can manage the area and it is important to provide a positive environment for entertainment. It will also help Mountain Town Stages financially as the other stage is supported by adjacent restaurants. Stacey Demmosski added that last year, it was her job to monitor open containers which didn't present a problem on the plaza. Mr. Everetson emphasized that they want to create a family environment with all types of concessions and will provide security personnel if requested. The Mayor noted that it is a necessity. In response to a question from Ms. Bodell about the reason for applying for a beer license, Stacey Demmosski discussed the need to financially support the location on Main Street and the ambiance is secondary. This site is somewhat different because Miners Park doesn't have an adjacent restaurant located there. Moose's and McHenry's are off the schedule this year, but The Canyons Forum will be used for larger events. There was discussion about limiting the decibel level at Miners Park as opposed to the number of performers, as drafted. Ms. Bodell asked if adjacent residences have been contacted. Mr. Everetson indicated that he met with the owners of the Blue Church Lodge and has provided written notice to residences about the meeting tonight. There were no responses.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 23, 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, May 23, 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; Jerry Gibbs, Public Works Director; Derek Satchell, Preservation Planner; Alison Butz, Special Events and Facilities Manager; Mark Christensen, Budget and Grants Manager; Brooks Robinson, Planner; and Patrick Putt, Planning and Zoning Administrator.

II PUBLIC INPUT

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

Water rate fees - Joe Kearnin, Silver Meadows resident, explained that placing all projects with 2" meters in the same block, without consideration of acreage, will not be equitable. He suggested additional categories within the meter size to encourage conservation in irrigation, to account for the amount of acreage. Last year, Silver Meadows reduced its water use by 44% by watering every second or third day and turning off the system when it rains. It would be difficult to reduce usage further and there should be recognition of conservation efforts taken. He believed Silver Meadows should be placed in the lowest category, similar to single family and the proposed rate structure could be adjusted to be more fair to encourage water conservation. The City Manager commented that staff will continue to work on this problem, which is not simple to solve. It may be possible to break up land use types. Jerry Gibbs explained that Silver Meadows is in the higher 25% of water use for 2" class meters and the amount of acreage is not considered. The indoor use is much lower than the average and Silver Meadows will realize a decrease in monthly bills based on indoor use and it is expected that the net increase, including outdoor watering, is 5% to 10%. Single family units, using an average of 30,000 gallons, will see a 15% increase because of the redistribution. Toby Ross assured Council that staff will continue to work with Mr. Kearnin.

Fred Jones stated the importance of adopting a water conservation rate structure as soon as possible, and doesn't want its implementation delayed if this situation can not be resolved now. The City Manager suggested that there be a mechanism for adjustments to unique situations in the water policy.

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

Jerry Gibbs reported on the current flushing program. The six week program is proving to be effective and the City is still sampling water to compare numbers from prior flushing periods. The flushing method continues to be improved.

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

Kay Calvert disclosed that she will not be voting on the work session notes of May 2 as she was not in attendance. The Mayor requested a motion to approve. Peg Bodell, "I so move". Candace Erickson seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye 04/25/02, Abstention 05/02/02
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

V RESIGNATIONS AND APPOINTMENTS

Appointments (2) to the Historic District Commission for terms expiring February 2005 - Jim Hier, "I move to appoint David White and Tom Hurd to the Historic District Commission". Kay Calvert seconded. Motion carried unanimously.

VI CONSENT AGENDA PUBLIC HEARINGS

1. Resolution adopting the Historic Element of the General Plan of Park City, Utah - Preservation Planner Derek Satchell explained that this item was reviewed by the Planning Commission who forwards a positive recommendation to City Council. The Council reviewed the draft element in November and held a public hearing. Since that time, staff received input from the public and individual Council members and the proposed document incorporates those suggestions.

Mr. Satchell explained that some of the editorial changes eliminated general statements making the element more concise. Ms. Calvert asked how individuals can be encouraged to maintain historic structures if they can't afford to rehabilitate in accordance with historic guidelines. Mr. Satchell stated that our Historic District Grant Program and state and federal tax incentive programs are often suggested to property owners as resources and there is a provision in the LMC addressing economic hardship. Ms. Calvert clarified her concern that the City not financially participate in renovations to save buildings. Mr. Hier added that the General Plan determines policies for objectives to guide the City and the historic preservation element may not have every remedy in place. With no further comments from Council, the Mayor invited public input. Hearing none, the public hearing was closed.

2. Master Festival License for the Fidelity Investments Park City Jazz Festival to be held August 16 - 18, 2002 - Fidelity Investments - Alison Butz explained that this year's proposal which includes three venues in the Main Street area: Miners Park, Wasatch Brewpub parking lot, and Heber Avenue. In order to accommodate jazz on Main Street, Heber Avenue will be closed from August 16 through August 18 as well as a portion of the Wasatch Brewpub lot. She noted that this application is consistent with Council's goals of promoting a multi-seasonal resort by having more activities, to improve historic Park City by assisting in events and improvements, and to promote and market Main Street. She corrected Condition No. 1 dealing with the conclusion of the Main Street stage time from 6 p.m. to 8 p.m. which is consistent with past performances in the area. The Mayor invited the Council and the public to comment, hearing none, the public hearing was closed. Alison Butz acknowledged the email recently received from Steve Schuler opposing more special events in Old Town and a letter from Dave and Jane Shaffner in support.

3. Ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas (Mountain Town Stages) - See staff report and work session notes. Alison Butz continued that staff supports Mountain Town Stages application for music at two of the stages, but not the Miners Park venue. The Mayor invited comments.

Stacia Colt, a representative of the No Name Saloon, read a letter from the owners in support of this series and developing more events on Main Street.

Monty Coates, President of HMBA, stated that the membership supports this application and feels that permitting concessions is a good way to support performances on Main Street. With no further comments, the Mayor closed the public hearing.

VII CONSENT AGENDA

The Mayor suggested that each item be acted upon separately.

1. Resolution adopting the Historic Element of the General Plan of Park City, Utah - Peg Bodell, "I move approval of Item 1 on the Consent Agenda for the Resolution adopting the Historic Element of the General Plan of Park City, Utah". Fred Jones seconded. Motion carried unanimously.

2. Master Festival License for the Fidelity Investments Park City Jazz Festival to be held August 16 - 18, 2002 - Fidelity Investments - Peg Bodell, "I move approval for the Master Festival License for the Fidelity Investments Park City Jazz Festival to be held August 16 - 18, 2002 with the revision to the conditions of approval to read "beginning at noon and ending at 8 p.m.". Fred Jones seconded. Motion carried unanimously.

3. Ordinance amending Title 4, Chapter 8A of the Municipal Code regulating Outdoor Music Plazas (Mountain Town Stages) - Kay Calvert made a motion to approve and the City Attorney explained that the drafted ordinance does not reflect the requests in the application for Mountain Town Stages. Miners Park and its associated beer license is not included in the ordinance, for instance, as well as the 8:30 p.m. time extension. Kay Calvert withdrew her motion and Fred Jones his second. The City Attorney recommended that staff be directed to amend the ordinance for ratification by City Council on June 6. Peg Bodell, "I move that we approve staff the recommendations as it stands". Jim Hier seconded. Motion failed.

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

Candace Erickson then made a motion to approve the staff recommendation with the changes noted on Page 59 of the staff report, extending the hours of operation to 8:30 p.m. and allowing alcohol in Miners Park. She emphasized the importance of controlling open containers. Mr. Everetson of Mountain Town Stages interjected that they are planning on delineating the area with bike barriers. There was discussion about Miners Park operating from 3 p.m. to 6 p.m. and that this venue is open to everyone. Ms. Bodell felt that the barricades would discourage tourists to enter the area. Mark Harrington stressed that he feels it important that the provisions are clear and suggested that Council direct staff to return with an ordinance on June 6, incorporating changes as referenced on Page 59. This will allow staff more time to analyze the Miners Park site and the applicant could move ahead on programming the Dom's stage where the 8:30 p.m. extension would apply. Candace Erickson, "I so move". Fred Jones seconded the motion to continue. Motion carried.

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

4. Award of construction contract to Weyher Construction Company LLC in the amount of $32,775 for the construction of Snow Creek Trail - The Mayor requested a motion to approve. Fred Jones, "I so move". Kay Calvert seconded. Motion carried unanimously.

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 - See staff report and work session notes. Mark Christensen relayed that after the public hearing is held, it should be continued to June 6. The Mayor invited the public to comment; hearing none, the public hearing was closed.

2. Ordinance approving a plat amendment for 6538 Silver Lake Drive, Evergreen Subdivision, Park City, Utah - See staff report. Planner Brooks Robinson explained that when the subdivision was originally approved, each lot had platted building pads which were removed by a plat amendment in 1995. Through illustration of a projected map, Mr. Robinson explained the location of Lot 23 owned by applicants Brad and Lisa Wilson. The owners of Lot 22 are represented by Colin McMullen, Esq. because of a dispute on the proposed plat amendment. Along with the building pads, there were also ski easements from some Deer Valley runs to the Evergreen Subdivision. The building pads were removed to accommodate larger homes. A size limit was set by the home owners association and the Planning Department reviews applications for set backs, limits of disturbance, etc. and support from the architectural committee is also required.

Lots 22 does not have a ski easement and the owners chose to build a larger home. Because of the sloping topography, practical ski access to Lot 22 is achieved by skiing across Lots 20, 21 and 22 and skiing away on the Last Chance ski trail, across Lot 23. Mr. Robinson continued that Mr. McMullen has testified before the Planning Commission that his clients use the current platted ski easement on Lot 23. There is a significant stand of vegetation in the ski easement area on the Wilson lot and Brooks Robinson described the topography. There was lengthy testimony at the Planning Commission from the applicant and the representative of Lot 22. The staff sees this plat amendment application meeting the state statute as there is good cause and no material injury. He clarified that the ski easement was platted but never separately recorded, but it is referenced in the CC&Rs which were recorded. The CC&Rs allow construction within the ski easement. Staff looks at *good cause* in this situation as a matter of equity for all home owners. Mr. McMullen has represented that *material injury* is incurred because the owners of Lot 22 can no longer ski to their home across Lot 23, but staff represents that using the current ski easement would mean going uphill after making a sharp right turn off of the Last Chance ski trail. It seems like the ski in access would actually be across Lots 21 and 22 and that the replatted ski easement on Lot 23 would provide the ski out access from Lot 22.

Dave Connors, Esq. representing the owners of Lot 22, strongly suggested continuing arguments until the Council has an opportunity to visit the site. The Mayor stated his preference to proceed this evening.

Applicant Brad Wilson referred to his sources of information and introduced his appraiser Chris Donaldson who has written an appraisal opinion which basically states that there is no material impact with moving the ski easement. Mr. Wilson also introduced architect Mark Walker who has designed about 25% of the homes in Evergreen and has written a letter stating that it would be difficult to get 2,000 square feet of living space on the pad given the confinements of the ski easement. Realtor Craig Reese is also in attendance who has completed more transactions in Evergreen than any other realtor in the community. Mr. Reese has written a letter stating that the Lot with a 2,000 square foot house is probably worth less than the vacant lot because of the typical house size in Evergreen. Bob Wells is here representing the architectural committee familiar with house expansion requests. He is also representing Deer Valley Resort as the declarant, who is in support of the plat amendment. Mr. Wilson also mentioned Steve Dority who is his legal counsel.

A video was shown showing skiers at the location which illustrated Mr. Wilson's point about the topography of his lot which doesn't lend itself to practical ski-in/ski-out access. At this point in the meeting, there is no recording of the discussion because the City Recorder made a recording error when manually changing cassette tapes. As a result, the minutes will be considerably less detailed than typically provided. Transcription of recorded minutes resumes with the discussion of the Land Management Code.

Mr. Connors presented his argument about diminishing the value of Lot 22 by eliminating the ski-in/ski-out amenity by virtue of the plat amendment. He could not say whether his client was using the particular area platted for the easement at this time, but he argued that he and his daughter could ski up the existing easement across Lot 23 and stated the change precluded ski-in access. He stated he understood why the Wilson's had good cause for the amendment as their proposed house could not be constructed without the change to the easement. Mr. Connors then stated that they believe the easement is their property right and the City Council can't change it. He suggested the Council direct the Wilsons to file a declaratory judgment action prior to moving forward. There was considerable discussion about the topography of the property and the history of the Evergreen Subdivision. Chris Donaldson, Mark Walker, Craig Reese and Bob Wells testified on behalf of the Wilsons. Mr. Wilson alleged that in conversations with Mr. Connors associate, Colin McMullen indicated that the real issue was protecting views. He believed that opposition to the plat amendment with the ski easement argument is an effort to delay or prevent him from building his home. Mr. Connors clarified that views and setbacks were not the issue. Their position vests solely on their belief that the easement is a vested private property right and can't be changed by the City.

With no further comment, the public hearing was closed.

IX NEW BUSINESS

1. Ordinance approving a plat amendment for 6538 Silver Lake Drive, Evergreen Subdivision, Park City, Utah - Jim Hier, "I move approval of the Ordinance

approving a plat amendment for 6538 Silver Lake Drive, Evergreen Subdivision, Park City, Utah". Kay Calvert seconded. Motion unanimously carried.

2. Award of contract to design and drill the Park Meadows replacement well and drill the Keetley exploratory well - See staff report and work session notes. Fred Jones, "I move approval". Kay Calvert seconded. Motion carried unanimously.

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 - Pat Putt explained that a public hearing was held on the LMC a couple of weeks ago. Consistent with Council direction, the temporary Olympic telecommunications section was struck, the language for satellite dishes has been clarified so that the only larger ones require a building permit, and with regard to public art, CDD will review applications rather than approve. It is planned to hold public work shops to formulate a new Chapter 4, Historic Preservation so that there will be input for substantive changes. However, there is clarification to Chapter 4 providing for an intermediate appeal level to the Community Development Director which is consistent with the allowed uses under the Planning Commission chapter. It is hoped this will expedite decisions without the necessity of a formal appeal before the HDC.

Council previously discussed the 60% open space requirement In the master development section, and Mr. Putt proposed additional language. *"Applications involving the redevelopment of existing developments. The Planning Commission may reduce the required open space in exchange for project enhancements, including greater landscape buffers along public ways and pedestrian areas, increased landscape material sizes, use of water efficient irrigation systems, long-term landscape maintenance agreements, transit improvements, pedestrian plazas, pedestrian linkages, and public art."* Mr. Putt explained that this would apply to all MPDs and there was some discussion about setting a minimum, but this verbiage allows the Planning Commission to use its discretion. This will take into account projects that may not even have 20% of open space to provide some additional benefits. Jim Hier pointed out that affordable housing is excluded and Mr. Putt felt that *"including but not limited to"* could be added. Mayor Williams felt that the statement should simply read, "*The Planning Commission may reduce the required open space in exchange for project enhancements.*", and eliminate examples. The City Attorney felt that in that instance, legislative language should be added describing some sort of standard. Fred Jones stated that he still felt uncomfortable with the proposed language and would like some language allowing the reduction of open space if a project meets the City's redevelopment objectives. The City should have a vision for Kearns Boulevard, for instance, and be out in front of the redevelopment effort from a planning standpoint. He added that there could be more definition in the General Plan and Mr. Hier agreed that redevelopment could be addressed in that document. The City Attorney recommended, *"The Planning Commission may reduce the required open space in exchange for project enhancements that directly comply with applicable General Plan or more specific area plans, as determined by the Planning Commission. Such enhancements may include, but shall not be limited to. . .".* Mayor Williams opened the public hearing.

Craig Elliott, resident and architect, expressed concerns about 60% open space in the GC zone, as it relates to redevelopment. Park City has grown as a resort community and Main Street has its own unique commercial businesses. The GC area adjacent to Kearns, Bonanza and Deer Valley Drive provides a location for services for residents and most parcels only have 10% to 20% open space. The MPD process is good for Park City and provides an opportunity for public input and review but working back from 60% without a minimum percentage requirement, removes a good basis to determine the density and value of property. Mr. Elliott pointed out that lending institutions may not participate because they don't believe that the applicant can obtain the density. He supports the bonus approach for more density and feels it is appropriate for a commercial area. This area will probably become the growth sector with the potential of being improved. The 60% open space number may hinder redevelopment and Fred Jones asked what he would suggest. Mr. Elliott responded that there is currently good zoning in the GC, as there are setbacks, footprints, and height requirements that already force underground parking. Sixty percent open space is not common in this zone and may restrict the ability to redevelop and may prompt retaining old building stock that really needs to be replaced. This MPD process is subjective and flexible and the 60% is too restrictive. In response to a question from Peg Bodell regarding good commercial development, Mr. Elliott explained that he is referring to the quality of the structures. The existing stand of structures are relatively poor; they served an industrial purpose originally. The 60% limits the ability to redevelop existing parcels that have 10% to 15% open space.

Candace Erickson felt that eliminating a number diminishes the City's ability to obtain amenities or enhancements. Mr. Elliott stated that he doesn't disagree but 60% is far too high and reiterated that the GC zone has building requirements. The open space requirement in the GC zone since its creation has been zero, and that may not be good, but going from 0% to 60% may not be better. With a 60% open space requirement hanging over a project, lending institutions may view a project as a risk if the density is not there. He suggested a compromise of perhaps 30%. If the 60% remains and financing can not move forward, the highest and best use may be what you see today, which would not be positive for the City. Sixty percent open space may be a disincentive, resulting in existing businesses in the GC zone moving to the Junction and eliminating jobs and services within the City.

The Mayor felt that Mr. Elliott's comments are valid and Mr. Putt pointed out that this provisions applies to all master planned developments in all zones and this language helps define what the City is looking for with regard to trade-offs. Council member Calvert felt that everyone is in agreement conceptually, but the 60% will deter developers and lending institutions. Jim Hier asked if there is an average minimum.

Rodman Jordan, commercial property owner, added that his properties average 20%, including the frontage protection zone. Council member Hier pointed out that the older condominium stock on Park Avenue may also go through redevelopment and the MPD process would apply. Mr. Hier suggested including a minimum number. Mr. Rodman stated that the MPD section, as written, exempts Main Street and the GC zone from the open space requirement so there is a precedent. He felt that the imposition of a 30% open space requirement would be very restrictive and destroy the feasibility of some of his projects but he could support 30% with the potential for a reduction with trade-offs. The City Manager suggested something like 20% for a minimum, provided that additional enhancements are incorporated in the project. This would probably satisfy lenders and provide the Planning Commission with tools to evaluate features of the project. Mayor Williams pointed out that inducements should not be given for things like water conservation, which people should be doing regardless. Water efficiency should be a requirement for projects and Fred Jones agreed and those expectations should be somewhere else in the Code. Mr. Jones supported the City Manager's suggestion. Mr. Hier stated that he still supports the 60% as there needs to be a large number to begin with for the Planning Commission. Kay Calvert expressed that eliminating opportunities for commercial projects may come at a cost to the community. Peg Bodell cited Salt Lake as a good example of redevelopment.

Pat Putt suggested, *"A master planned development shall contain a minimum of 60% open space as defined in Section 15-15, with the exception of the GC zone wherein redevelopment of existing developments, 30% open space shall be the minimum. The Planning Commission may reduce the open space in exchange. . .".* Mr. Rodman emphasized that the 30% is still very restrictive, but is more workable financially. Mr. Elliott responded to Ms. Bodell's comment, by emphasizing that the Salt Lake redevelopment area has zero percent open space requirement. Jim Hier pointed out that the Planning Commission has not considered this adjustment to the GC zone. Mr. Putt suggested that the language for redevelopment in the GC zone be added so that action can be taken tonight. The Planning Commission could be directed to formulate a plan for the GC area. Fred Jones requested that valid enhancements be itemized, not things like water efficient features. Mark Harrington recommended language, *in exchange for project enhancements in excess of those otherwise required by the LMC that directly advance policies reflected in the applicable General Plan or more specific area plans."* The City Council concurred with the suggested language and direction on the GC zone. The Mayor requested a motion to approve with changes, as discussed. Fred Jones, "<u>I so move</u>". Kay Calvert seconded. <u>Motion carried unanimously</u>.

X 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.

Janet M. Scott, City Recorder

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