PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 20, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, May 20, 1999.

AGENDA

Work Session - City Council Chambers - Lower Level

3:15 p.m. Council questions/comments
3:30 p.m. Review of regular meeting
- Parks master plan
- Contracts
- Flagstaff development agreement
- Other meeting comments

4:30 p.m. Neighborhood traffic calming
4:50 p.m. Senator Bev Evans
5:00 p.m. Budget review:
- Departmental budget requests
- Review of Recreation Enterprise Fund

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

Library Board update

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF APRIL 15 AND APRIL 22, 1999

V CONSENT AGENDA

1. Ordinance approving a condominium conversion and final subdivision plat for 510/512 Ontario Avenue, Park City, Utah

2. Ordinance approving the record of survey plat for the Stein Eriksen Lodge Phase III located at 7770 Stein Way, Park City, Utah

3. Resolution proclaiming May 22, 1999 as Park City Arbor Day

4. Award of contract and authorization to staff to enter into an agreement with Cunningham Construction in the amount of $44,000 for the lower Sandridge Parking Project

5. Award of contract and authorization to staff to enter into an agreement with G-Bar Landscaping in the amount of $77,000 for landscaping the lower Sandridge Parking Project and Peace Park

6. Award of contract and authorization to staff to enter into an agreement with DRD Paving in the amount of $220,484 for the Main Street bulb-out and Miners Park Projects

VI NEW BUSINESS

1. Resolution adopting a revised master plan for City Park, Park City, Utah

2. Flagstaff annexation - United Park City Mines Company

   (a) Public input

   (b) Ordinance annexing approximately 1,500 acres adjacent to the Park City corporate limits known as the Flagstaff Development and amending the Official Zoning Map of Park City, Utah

   (c) Resolution approving a development agreement for the Flagstaff Development with United Park City Mines Company

VII PUBLIC HEARING

Revised budget for FY 1998-1999; tentative budget for FY 1999-2000; and budget plan for FY 2000-2001 for Park City Municipal Corporation and its related agencies

VIII ADJOURNMENT

Posted: 5/17/99
see parkcity2002.org

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 20, 1999

Present: **Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan; Shauna Kerr; Chuck Klingenstein; and Paul Sincock**

Toby Ross, City Manager; Lloyd Evans, Chief of Police; Frank Bell, Olympic Planning Director; Bob Johnston, Leisure Services Director; Nora Shepard, Special Projects Manager; Jerry Gibbs, Public Works Director; Kathy Kelly, Recreation Coordinator; and Tom Bakaly, Finance Director

George Hull, Parks and Recreation Board Chairman; Hank Rothwell, United Park City Mines Company (UPCM); Senator Bev Evans; and Matt Ripkin, Fehr and Peers

1. **Council questions and comments.** Mayor Olch and Hugh Daniels were excused for a portion of the beginning of the work session. Shauna Kerr reported that she attended the interagency meeting last week where environmental issues were addressed. Roger Harlan expressed his concern of a suspect fire of an historic structure on Deer Valley Drive this week. The Chief of Police responded that it is too early to decipher if it was arson and will keep the Council informed about the investigation. Chuck Klingenstein added that the Downtown Transit Center Task Force met this week and the total site has been analyzed as how it ties into the entryway. The Historic Main Street Alliance is making progress. He expressed his frustration that motorists are not stopping for pedestrians at the crossing on Bonanza Drive. Paul Sincock thanked everyone for their phone calls and cards during the past two weeks while he was recovering from injuries from a motorcycle accident. Ms. Kerr asked about the status the old shed on Marsac Avenue; Ms. Ryan indicated that its historical significance is in the process of being determined. Paul Sincock reported on the Olympic Cultural Task Force meeting. Frank Bell reminded Council of a venue cities meeting on Wednesday, May 26.

2. **Review of regular meeting:**

Parks Master Plan. Bob Johnston stated that this plan was presented to Council a couple of months ago, and staff is requesting formal adoption of the master plan. The use at the south end will be changed from a passive to an active use area. Any improvement will be subject to Council's approval and budgetary considerations. This is the first step to continue with the planning process. George Hull of the Parks and Recreation Board clarified that the request is to approve a modification in the philosophical approach to the park use, with the understanding that uses are expanding but park space is not. Therefore, the traditional less intensive uses of the south-end of the park probably need to give way to more intense uses. The old plan was adopted in 1981.

In response to a question from Shauna Kerr, Mr. Hull explained that last night the Board heatedly discussed exploring the possibility of using the skateboard park also as an ice skating rink. The Board narrowly voted to pursue attention to this option. Roger Harlan explained that the reason the Board was split was because of the possibility that if ice is pursued, this season is lost for the skateboard park. There was discussion about designing this facility for younger beginner skaters. George Hull described this project as more akin to playground equipment as opposed to an athletic facility. The Mountain Resort skateboard park is designed for older more skilled skaters. Paul Sincock understood the project to be a slab of concrete to be used for equipment and refrigerated for ice in the winter. Mr. Hull noted that the ice facility is not well defined and needs to be studied as it is important to assess if it is supported by the community and if the location is suitable. Chuck Klingenstein expressed that he envisioned it to be on a community scale and thinks dual use should be explored. There was discussion about the portable ramps from the resort being used at the schools. Roger Harlan stated he is not opposed to doing a feasibility study but it will be difficult to meet the variety of ice demands at that location. He didn't believe there would be enough financial support in Park City to have two facilities and hates to lose this year's skateboard season. Chuck Klingenstein referred to the feasibility study conducted for the old sewer site location which indicated the City couldn't afford to do it. Shauna Kerr didn't feel the community could support a full-blown ice rink that meets everyone's needs, i.e., hockey, figure skating, recreation, visitors, etc. The community should have recreational, not programmed ice. People already participating in programmed ice are probably willing to continue to commute to rinks. She supported moving forward with a study to determine if ice and skateboarding can work together at one site and readjusting expectations that the City is providing recreational not programmed ice. George Hull noted that is precisely what is envisioned here because of the size of the location. Hockey rinks are very large and expensive to operate and anything in City Park would in no way meet the needs of serious ice users. The Board is envisioning something a little larger than the rink at the resort center. He continued that having a skateboard park built by the end of the season is better than starting to build it next season. Ms. Kerr asked about the time frame for a study, design and construction. Mr. Sincock felt the project is simple as it is providing a concrete slab with refrigeration coils and equipment can be installed at any point. Mr. Hull felt that that is the way it probably would evolve but there should be a plan. Mr. Sincock discussed the failed ice sheet last season and didn't feel a rink is feasible unless there is refrigeration. Mr. Hull explained that the Board's proposal is to determine if it makes sense to proceed and fits with the priorities of the community.

In response to a question from Mr. Sincock regarding the purpose of the resolution, the City Manager explained that the resolution describes policy with respect to the park which modifies what was previously established as policy and a conceptual plan. Ms. Hoffman interjected that it also provides direction to amend the zoning at the south end of City Park for active use. Ms. Kerr asked if having a plan bolsters the City position for imposing impact fees; Ms. Hoffman noted as long as projects are included in the capital improvement plan. Chuck Klingenstein stated that the projects will have to go to Planning Commission and there should be a comprehensive package. He urged the Parks and Recreation Board to be cognizant of costs. The Council is currently considering an increase of the General Fund contribution to the Recreation Fund from $410,000 to $460,000 annually, not contemplating any of the operational aspects associated with the park. Ms. Kerr emphasized the Council's commitment in building a skateboard park.

Contracts. Rick Lewis requested that the City Council continue Item 6 on the Consent Agenda as there is a dispute.

Flagstaff development agreement. Nora Shepard explained that the draft has been available for a couple of days. There should be some discussion on outstanding issues during work session and public input at the regular meeting. Hank Rothwell distributed a memo to the Council members. He highlighted different sections of the development agreement of concern to him. He pointed out that yellow highlighted areas are where current language does not track draft parameters including exclusions and inclusions. Last week, the Council was clear that the agreement reflect parameters and UPCM would support that approach. Mr. Rothwell objected to language relating to employees and agents of UPCM as being parties bound by this agreement. Ms. Hoffman explained that the "employees" issue is technical and probably doesn't need to be resolved at this level and this language is consistent with other agreements drafted on behalf of the City. Ms. Hoffman referred to language in the development parameters that UPCM is granted a large scale master plan development, but that isn't true as it needs to submit many plans first. All of the listed large plan components are necessary and required for large scale master planning. The process last year was expedited and there were plans that needed to be submitted but there wasn't enough time. She felt the logic of it was that until these are submitted and approved, a large scale master plan exists. The drafted language reflects what Council intended not necessarily what was said. Paul Sincock believed this is a significant difference from what the parameters indicate which is that UPCM has a large scale master plan development approval. Hank Rothwell acknowledged that it is significant but would agree to a middle ground that UPCM is granted a large scale master plan, and instead of "prior to construction" agreed to "prior to the submittal of small scale master plans". Ms. Kerr stated that she would be comfortable with that language. There was discussion about the complexity of working through the agreement. The Mayor felt the developer and staff need to work through these issues and come back with a clean draft.

Mr. Rothwell pointed out that Deer Valley objects to being referred to as the developer. UPCM negotiated by giving up density, added open space to come to an agreement with the City. Without knowing what the Land Management Code (LMC) provisions will be is not reasonable, and Mr. Rothwell requested that the development be subject to today's LMC. An alternative is including at least the unit equivalency chart and the definitions of resort support and resort commercial uses which are referred to in the agreement. Ms. Kerr countered that the City treats everyone the same and imposes the current Code at the time of construction. Mr. Rothwell pointed out that in the Park City Mountain Resort development agreement, there was a chart on unit equivalency and a definition of resort support and asked that UPCM be treated the same. Nora Shepard explained that Phase 2 of the LMC revisions address master plan developments, unit equivalents, and these definitions. In discussions, there certainly is an intent to maintain flexibility in unit configuration. The current LMC is difficult to interpret with today's product as it was written 20 years ago. There is no exception in the current LMC for those resort and residential accessory uses and as the Code is revised and clarified, it will only help UPCM and other developers. She understands the UPCM's discomfort as it doesn't know what it's dealing with but once annexed, felt it should follow the same rules as everyone else. She pointed out that staff did not know the direction of the LMC when the Mountain Resort agreement was drafted. Staff is trying to be fair and understands that there needs to be an exemption from the unit equivalent formula for resort accessory uses and residential accessory uses. Creating more special situations is not desirable. Ms. Hoffman pointed out that the Mountain Resort project was different because property rights were vested with background zoning, and it submitted every single plan and comprehensive volumetrics for the entire project. To draw parallels with this and Flagstaff is unfair. Mr. Sincock asked if Phase 2 of the LMC could reduce the entitlements of the annexation. Ms. Shepard explained that things unique to Flagstaff should be included in the development agreement, but other features should be subject to the provisions of the LMC. In response to a comment from Paul Sincock, Ms. Shepard indicated that the development agreement addresses unit equivalents in that a single family house would be one unit equivalent and a hotel unit is a quarter of a unit, and regardless of what happens with the LMC, those things will not change. Mr. Sincock felt it reasonable to include a formula that defines unit equivalencies to protect entitlements, although it is not reasonable to uphold a 20 year old LMC for ten years in Flagstaff. Ms. Hoffman stated that the basic breakdowns between unit equivalents are not likely to change unless it makes it more flexible for the developer.

Hank Rothwell referred to a discussion from May 1997 regarding multiple property owners in the Northside neighborhood, or Pod D and the event that not all owners are included. There was an attachment to Resolution No. 10-97 which outlined what would happen if not all owners participated. UPCM and Deer Valley own over 90% of the property in that area. He suggested that the paragraph be redrafted to reflect that if all property owners are not involved, that the maximum density be a sliding scale according to Exhibit B, and indicate a maximum of 30 lots instead of the current maximum of 38. The parameters do not address this issue, but it is a critical issue to UPCM. Ms. Shepard explained that in May 1997, the development parameters adopted then had this attachment. The September 1998 parameters did not and she felt this was intentional. The application for annexation included the properties and was later amended to include the entire area, 1,750 acres. The development agreement would continue to go forward but before UPCM could obtain 38 units in Pod D, all of the property owners would have to be on board or there would have to be an amendment. At that time, the Planning Commission has the opportunity to analyze what properties are involved and what makes sense in terms of density. If those properties are not part of Pod D, they will be annexed to the City and the City has an obligation to serve them with infrastructure and services. Ms. Shepard stated that she is not prepared to do that today. There was discussion about the potential density of these owners and Ms. Kerr emphasized that the City would have to deal with them at a different date. Ms. Rothwell explained that in May 1997, UPCM anticipated a disproportional reduction from the maximum units as a penalty for not having achieved

100% of the property owners coming to the table. He adamantly felt that there needs to be a reasonable agreement with the City for some protection on this issue. Paul Sincock asked if his concern was the Planning Commission reducing the density to 20 units. Mr. Rothwell stated that his concern is that a lot of time has been spent on this issue over the last couple of years. Deer Valley and UPCM own over 90% of the property in the area and this is a disproportional entitlement. Chuck Klingenstein felt this is nothing but headache in the future in dealing with other owners.

In response to comments made by Ms. Kerr, Mr. Rothwell indicated that the Enchanted Forest and the meadow interior to Pod D is entirely within UPCM property and these areas will not be reduced in size if other property owners don't participate. Paul Sincock stated that he doesn't have a problem with the 38 units in Pod D and understood UPCM's concern with the Planning Commission's authority to reduce density. A map of Pod D would be helpful. In response to a question from Roger Harlan regarding the potential of more than eight units from other owners, Ms. Hoffman explained that if they are not a part of the master plan, they may come up with their own development proposal. She stated that Mr. Rothwell signed an affidavit that he represented all of these property owners when he applied for annexation. That has been the premise of the project in its entirety and part of the allure of Pod D was siting housing on specific properties for the owners. All of the planning issues should be reexamined if all of the properties are not included, in the opinion of staff. Roger Harlan felt that this is an issue that he is not comfortable moving forward on. Paul Sincock asked if those properties could be zoned. Ms. Hoffman assumed they would be zoned ROS if there wasn't a development agreement, which would entitle them to a variance for another house, but they will ask for more. There was discussion about procedural due process for those property owners. The Mayor stated that this discussion should be continued at the regular meeting.

Senator Bev Evans. Ms. Evans stated that she is the Senate Co-chair of the Sports Authority Committee. They will be examining the estimated local government fiscal impact from the Olympic Winter Games at a public hearing on July 14 at 10:30 a.m. in Room 403 at the State Legislature. In response to a question from the Mayor, Ms. Evans noted that she hasn't heard from the non-venue cities about this issue. The legislature will be visiting Park City on September 22 and there will be field trips and public input sessions; a schedule will be available in June. She invited direction for the event. Roger Harlan asked the reaction of the senators in southern Utah about revamping the sales tax distribution. Senator Evans believed there would be support as long as people understand the issues. Ms. Kerr suggested the option of reallocating at the point of sale of the tickets; Ms. Evans did not feel that this would be as politically marketable as the revenue sharing approach. Paul Sincock relayed that Summit County is contemplating placing a 1/10 of 1% sales tax on the ballot for the arts. There is consensus among the County Commissioners about changing the percentage of distribution to 50% for Class 2 counties which is currently 30% for recreation and 70% for culture and arts. In order to this, a bill has to be entertained. Ms. Evans didn't feel that would be a problem and urged him to call her. As a member of the Quality Growth Commission, Ms. Kerr noted that this group is just getting established and asked if there could be stabilization on policies such as annexation, subdivision, and impact fees during this period. Bev Evans did not believe these issues will be discussed in interim committees. Ms. Kerr explained that the local victim advocacy group has left the Peace House, and is now part of the County Attorney's Office. They requested funding from the Council and at that time she suggested looking to the legislature in creating a sir charge on criminal fines to help fund this program, similar to DUI fees. The victim advocates perform a valid role in the courts. The Senator felt this is feasible and this should be initiated soon. There was discussion about the improvements to the road project from Woodland to Tabiona.

Neighborhood traffic calming. Jerry Gibbs explained that Council approved a contract about a month ago with Fehr and Peers and introduced Matt Ripkin. Staff is requesting input from Council on the approach and priorities as presented. Mr. Ripkin explained that the goal is to develop a process to implement traffic calming on neighborhood streets, which is divided into about seven steps. Speed humps are one of those methods that seem to work most often at reducing speeds in neighborhood streets and described rubber speed humps which can be moved. However, most locations do not have extreme winter climates. About 15 streets were examined with criteria including frequency of accidents and complaints. Mr. Ripkin stated that six roads became apparent, including Solamere, Buffalo Bill, Pay Day, Holiday Ranch, American Saddler, and Sidewinder. Jerry Gibbs explained the Police Department's involvement in defining particular locations on a roadway. From the six roads, Mr. Ripkin pointed out that Buffalo Bill, Solamere and Holiday Ranch will be looked at specifically for intensive data collection and community involvement prior to implementation of speed humps. After installation, there will be data collection and public involvement. Paul Sincock stated that the improvements to SR248 and the no left turn on Buffalo Bill may act as traffic calming. Jerry Gibbs responded that if the police cars aren't visible, violations continue to occur.

Mr. Ripkin commented that there will be informational flyers and surveys distributed to affected households. There will also be neighborhood meetings and Jerry Gibbs explained that these will be held after the speed humps are installed to determine if this has solved some of the speeding problems. Mr. Ripkin felt it important to relay that this is only a pilot program. Storing speed humps in the winter were explained. In response to a question from Chuck Klingenstein about staff costs involved with installing and storing speed humps, Mr. Gibbs explained that this is a test program. If it is decided that the program works, permanent humps could be installed the following year; the rubber humps would then be tested in other areas. Mr. Ripkin discussed collecting speed, volume, and survey data. Jerry Gibbs indicated that the project is in next year's capital improvement program with $50,000 budgeted.

Budget review:

Departmental budget requests. Tom Bakaly emphasized that the major change from this year's budget is due to capital projects. There were requests totaling about $800,000 more than what is being recommended by the City Manager. In response to a question from Paul Sincock, Tom Bakaly explained that the plan for FY 2001 is smaller than FY 2000, because of the front-loading of the CIP. In the Administrative Services Department, the Finance Manager is moved to another department and there are no additional expenses for the Olympics other than Frank Bell's time and his office. There are two positions moving from contract in Community Development Department to full-time, including the preservation planner and the environmental specialist, which are being subsidized by surplus temporary employee money. Mr. Bakaly explained that the Office of Capital Management and Budget has been moved to the City Manager's Budget and a contacted analyst position is being recommended. In the second year, there is a requests for a contracted grants accountant which will be offset by federal money. The Olympic office and facilities functions will be moved to the City Manager's budget which were located in the Police Department. Mr. Bakaly explained that with the reorganization, there will be money transferred from other departments into the City Manager's budget. Chuck Klingenstein emphasized that this a restructuring and not creating new costs for the new department; the analyst position is the only addition. Tom Bakaly continued that there aren't a lot of changes in the Recreation Fund. There are some proposals for parks maintenance; building maintenance and capital costs for buildings will be discussed next week. There is a recommendation for an additional officer in the Police Department. The Water Fund proposes two full-time positions, a project administrator to assist in analysis work and a Water Worker III. The Transportation budget includes a transit analyst. The Transportation Fund anticipates a business license fee increase of 10% and this is included in the revenue projections.

Mr. Bakaly emphasized that there aren't a lot of changes on the operating side. It proposes and increase of 7.5 full-time positions which is offset by a decrease of 4.2 temporary positions. This is more in line with average employee growth prior to two years ago.

Recreation Enterprise Fund. Kathy Kelly explained the challenging balancing act of the staff to provide community recreation and run a business. The focus has been on advertising and revamping *Play Magazine* to encourage a better response to programs. Coupons have also been mailed out for use of the Racquet Club which has prompted increased revenues. She explained that the goal is to fine-tune current programs, and not initiate new areas. In response to a question from Paul Sincock, Ms. Kelly explained that pools are very expensive to operate and maintain. There have also been lost revenues with the new pool at Eckker Hill Middle School. There was discussion about the increased costs of heating the pool in the winter and the low number of participants which is a program that will be examined. Paul Sincock also suggested exploring alternate methods of heating the pool. In response to a question from Roger Harlan about dropping the winter aquatics program, Ms. Kelly estimated a savings of about $30,000. There will be an advertising and programming effort to encourage better participation. Ms. Kelly added that the tennis program is running in the negative and the Pro Shop has not made much money this year. Staff is requesting feed-back on the proposed changes in the pricing policy including introducing monthly passes at the Racquet Club and experimenting with corporate memberships. In response to concerns expressed by Hugh Daniels about the lawsuit on this issue, Jodi Hoffman reported that the plaintiff has been encouraged to determine if this pricing structure affects his business; the plaintiff has indicated that the proposal is tentatively acceptable. Ms. Kelly explained that many workers do not live in town can't afford the non-resident rate. A corporate membership would allow these people to participate in Racquet Club programs only. A third proposal is to reduce the pricing differential between the regular and resident rates. The drop-in rate will probably remain at $8 which is viewed as reasonable by visitors, but would offer punch cards to County residents at a lower drop-in rate, but higher than the local rate. Kathy Kelly added that to maintain the programs, staff is suggesting an increased subsidy. If there are future additional programs that require funding, staff would approach Council with individual proposals to evaluate. Paul Sincock asked for clarification on youth sports. Kathy Kelly explained that the County reimburses the City for basketball, baseball and soccer but there are many other City youth programs. The Basin doesn't have enough fields to run its own programs, but its Board is very interested in running its own programs some day. It is difficult to envision two recreation administrations in one School District and the City would prefer that not to happen but if it were, the City would focus on youth camp programs. She added that the County is subsidizing youth programs with a $170,000 annual contribution. She discussed the potential of duplication of services with the Basin. There was discussion about the administrative overhead fee recently charged by the City in addition to direct costs but disputed by the Basin. Tom Bakaly added that staff worked very hard with them to get the overhead cost down to 19%; 30% is more typical. Kathy Kelly added that the Basin Board implied that they would rather use that money to run their own programs for their own kids. Paul Sincock stated that the City's true costs need to be reimbursed. Bob Johnston interjected that the City is not negotiating to lower that overhead cost. Roger Harlan continued that purchasing floor matting for the tennis courts for special events may be profitable. Council supported the $50,000 contribution and the pricing strategies.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 20, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 20, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Carol Simmons, Library Director; Brooks Robinson, Planner; Tom Bakaly, Director of Capital Management and Budget; Nora Shepard, Special Projects Manager; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor requested public input not scheduled on the agenda.

Condominium conversion at 510/512 Ontario Avenue - See Consent Agenda. John Jensen, owner, acknowledged that some of the City's right-of-way is part of the existing parking area. The proposal that the Planning Commission recommends would reduce the parking from eight to four vehicles. Because the town needs parking, he suggested making a couple of the existing spaces permanently public parking or making the parking available all of the time for special events. The recommended redesign may inhibit emergency access and snow removal.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Paul Sincock thanked the public for its thoughtfulness and good wishes during his recovery the past two weeks. It meant a lot to him and his family.

Library Board update - Carol Simmons reported that the largest program this year is the outreach program to the Hispanic Community by means of a couple grants. There were incredible donations raised by the Friends of the Library. In 1998, there were over 155,000 patron visits which is a 6% increase over the prior year. Roger Harlan, liaison to the Library Board, recognized the great efforts of Joan Townsend and other dedicated members of the Friends of the Library and presented her with a gift of appreciation.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF APRIL 15 AND APRIL 22, 1999

Hearing no omissions or corrections, the Mayor requested a motion to approve. Chuck Klingenstein, "I so move". Hugh Daniels seconded. Motion carried unanimously.

V CONSENT AGENDA

The Mayor requested that Item 6 be removed from the Consent Agenda and continued to next week. Paul Sincock, "I so move". Shauna Kerr seconded. Motion carried unanimously. The Mayor requested a motion to approve the remaining five items. Shauna Kerr, "I so move". Hugh Daniels recalled reading Mr. Jensen's comments in the Planning Commission minutes where the Commission chose not to consider his suggestions. Planner Brooks Robinson added that Mr. Daniels is correct; these issues were brought before the Planning Commission who decided that there should be conformance of parking and setbacks according to the Land Management Code (LMC). Chuck Klingenstein felt that the Planning Commission spends a lot of time on applications and he tends to support its judgment. Motion unanimously carried.

1. Ordinance approving a condominium conversion and final subdivision plat for 510/512 Ontario Avenue, Park City, Utah - See staff report and public input session.

2. Ordinance approving the record of survey plat for the Stein Eriksen Lodge Phase III located at 7770 Stein Way, Park City, Utah - See staff report.

3. Resolution proclaiming May 22, 1999 as Park City Arbor Day - See resolution.

4. Award of contract and authorization to staff to enter into an agreement with Cunningham Construction in the amount of $44,000 for the lower Sandridge Parking Project - See staff report.

5. Award of contract and authorization to staff to enter into an agreement with G-Bar Landscaping in the amount of $77,000 for landscaping the lower Sandridge Parking Project and Peace Park - See staff report.

6. Award of contract and authorization to staff to enter into an agreement with DRD Paving in the amount of $220,484 for the Main Street bulb-out and Miners Park Projects - See staff report. This matter was continued to next week.

VI NEW BUSINESS

1. Resolution adopting a revised master plan for City Park, Park City, Utah - See work session notes and staff report. Paul Sincock emphasized that the master plan is conceptual and it contemplates more active uses in the south end. Paul Sincock referred to minutes of the meetings dealing with the acquisition of property on Park Avenue, adjacent to the park and shown on the master plan. He emphasized that the City did not acquire the property for open space, but to reuse or rent. The dealership will probably have to go, but the office building could be used as a youth or non-profit center and the Offret house could be used for affordable housing and that was the intent

of Council when it was purchased. He doesn't want the record to reflect that because the master plan is adopted, that the properties become part of the plan. Shauna Kerr agreed that the plan shows all three buildings demolished and understood Mountainlands Community Housing received support from the Parks and Recreation Board for exploring saving the house for affordable housing. Ms. Kerr stated that she would also support that effort. Shauna Kerr, "I move approval". Chuck Klingenstein seconded. Motion carried unanimously.

2. Flagstaff annexation - United Park City Mines Company - See work session notes. Nora Shepard explained the short time frame in reviewing the development agreement because of the possibility of a referendum in November. She believed there are only two or three points that need to be worked out between the City and UPCM. Before the Council is not the annexation, but considering the development agreement that will make the annexation occur. An application for annexation was filed in May 1994 and during those five years there have been many revisions to this plan and many work sessions and meetings with the Planning Commission and City Council. The Planning Commission and City Council held public hearings for annexations in 1997 and in the fall of 1998 of the Flagstaff area. On September 10, 1998, the City Council approved the Resolution of Intent to Annex with terms and conditions and a list of development parameters. She explained that the development parameters are being formalized in a development agreement which provides entitlements and outlines obligations on the part of the developer and the City. The parameters adopted in September agreed to annex about 1,750 acres of property which is in Summit County and not currently in the City limits. She explained that the Mountain Village is intended to be a mixed use of residential and commercial resort support and consists of 705 unit equivalents. There are 16 single family lots in Prospect Ridge and 38 single family lots in the Northside Neighborhood. In addition to the entitlements of the development agreement, there are many other requirements and public benefits, including trails, recreation facilities at Richardson Flats, affordable housing, traffic improvements to Marsac Avenue, possibility of a gondola connection from the Historic District, limitations on an application that UPCM has on file with Wasatch County, and infrastructure restrictions into the Wasatch County area.

Ms. Shepard continued that once the development agreement is approved by the City Council and signed, the annexation is in essence approved. The property isn't actually annexed until the plat is recorded. Once that occurs, there are about 20 items outlined in the development agreement, including City processes and often involving the Planning Commission. Once that is done, UPCM can request site specific development approval. The development agreement grants certain entitlements but the application is subject to the normal LMC process and requirements. The Planning Commission review of many of the plans will occur in public meetings and public input will be taken. She continued that the City Council received two written comments from Stan Christensen and Peter Marth.

(a) Public input - The Mayor urged the public to keep comments specific to the development agreement.

Jon Brinton, Park City Citizens for Local Control, felt that many of the issues raised by the public have been addressed. There is a contention as to whether annexation should or should not occur, and if it does, a referendum will be attempted. He believes that the contention is over the plan. Mr. Brinton continued that he is speaking for many citizens who feel that the Park City Council should annex Flagstaff. Over five years, the planning process has occurred at some 38 public meetings. After five years of tremendous effort, the Council and the staff are the planning experts and know how to make it a good plan. The citizens should support the annexation of Flagstaff and it should be the best development possible, precluding a referendum.

Bill Coleman, resident, expressed concern that there be flexibility for the developer as this is long term project. He pointed out the pressures from the banking community and if there are uncertainties associated with a project, it makes it difficult to finance a quality project. The development agreement is tied to future LMC, but there are current elements of the LMC that are important to maintain for a phased long term project. He understood that building code requirements need to be complied with, but there are uncertainties with future LMC. He pointed out that there may be a downturn in economics and didn't feel that stopping work for two years is a reasonable time frame to terminate the project. Ms. Kerr asked why this project should be treated differently than others. Bill Coleman felt that this hasn't been consistently imposed and it depends on how inactivity is defined. Rather than having this in the development agreement, there may be a better way to address this as it is a critical issue to lenders. He congratulated the Council for keeping Flagstaff in the City.

Jim Powell, resident, supported the document especially the work on transportation. This element makes skiing hassle-free like many resorts in Europe. This project can happen if the City is flexible, i.e., the gondola could be an aerial tramway. He supports getting rid of the automobile. The height restriction is an absurd restriction; there should be more flexibility so there isn't a ghetto there. This would also provide more density in a smaller area. If this development is not acceptable to the people of Park City, we're going to be a second grade ski resort. Flagstaff is great for Park City and UPCM.

Betty Brown, 20 year resident, stated that she has followed this project for six years and has observed that the density has decreased, the open space secured, and the transportation improved. She encouraged Council to be flexible and obtain a good quality project and to approve the development agreement and annexation.

Brian Burr, Old Town resident, felt that the trails, gondola, and historic preservation are three key areas in the agreement. The trail system is quite extensive and well designed. The gondola concept, keeping cars out of the development, is a great idea. He continued that the commitment of UPCM for historic preservation is also an important element that should be considered.

Lani Jones, Woodside Avenue resident, expressed her support for the annexation, particularly the trails.

Joe Dalto, property owner in Bonanza Flats, addressed Section 5.6 regarding the private road which provides access from Flagstaff to Bonanza Flats. He discussed this with Ms. Shepard and Mr. Rothwell and understands the intent. The wording he is concerned about is, "provided that such private road is properly controlled to prevent through access to adjacent properties and deed restricted to prevent its extension beyond the terminus depicted in Exhibit C". Currently, there are a limited network of roads and there is a good neighbor policy among owners where they gain access to their properties and he would like the wording changed or represented in such a fashion so that access is not restricted to adjacent property owners. Access to their property should be maintained. He understood that the wording is to prevent growth on the Wasatch County side, but there should be language about providing access to properties that currently utilize the road for access to their land. Nora Shepard clarified that these property owners have access over private roads off of SR224 through UPCM property and would like their access maintained. Mr. Dalto noted that they do not have easements, as it is a good neighbor policy and discussed the cooperative conservation efforts by owners in the area.

Joe Butterfield, Brighton Estates property owner, stated that the home owners association is also worried about historic access being SR224 and the possibility of that being sold to the County due to state legislation. The County has voiced its unwillingness to take the road. The Board is trying to reduce the density at Brighton Estates and would like to see the historic access maintained to the degree that it is now. Roger Harlan pointed out that they have access from Midway and Mr. Butterfield agreed.

Bill Ligety stated that he was Planning Director from 1979 to 1986 and during that time discussed the annexation and the master plan. He is pleased with what the City has been able to negotiate over the last few years. Allowing Flagstaff to have a successful project will help Park City as a destination resort and in turn increases the quality of life for residents. The City is very diligent in the review process and urged to the extent possible, to allow flexibility in the agreement so that the Planning Commission can take the latitude to come up with the best possible project.

Dana Williams, Executive Director of Citizens Allied for Responsible Growth, pointed out that the Council members ran on a controlled growth program and this did not happen. In the original decision, huge amounts of density were granted in exchange for protection of our borders. While that was not acceptable to the developer, the developer did find out that the County would not approve a project anywhere close to the original decision. When this project came back, the development was placed back in Pod D, back in Prospect Ridge, and back in Bonanza Flats without reduction in density, in fact, it was an increase in square footage. He continued that density should have been based on increased public benefit and actually the public benefit in the project was mitigated to the project and not a true community benefit. It is hard to render accurate public input on the development agreement, when it was available only 48 hours ago, missing the dozen exhibits relating to transportation, and the Enchanted Forest. They have no idea what that means and yet they are invited to a public input session. CARG members will try to comment on the development agreement as best it is known now.

Rich Wyman, CARG member, stated that he has described the proposal and the process in the past as misguided and Council has heard comments from others. He quoted Nora Shepard on February 21, 1997 about precluding development on Prospect Ridge and that all development is to occur in Pods A and B with a recommended development of up to 310 unit equivalents. She indicated that elements of the development are not consistent with the City's Comprehensive Plan, Sensitive Lands regulations and annexation policy. The 310 unit equivalents for 1,600 acres of Flagstaff will be allowed in only Pods A and B and not allowed on Prospect Ridge. Mr. Wyman stated that Ms. Shepard based her statement on the rules and she was right. He quoted Chuck Klingenstein as saying that he will support annexation which adds to Park City's quality of life and contributes to our small town character. He read a quote from Paul Sincock about holding on to our small town identity from a meeting on October 26, 1995. He quoted Shauna Kerr on October 25, 1997 about the discouragement of single family homes and road and utility connections in Bonanza Flats and opposed to any development in Pod D. Mr. Wyman commented that by approving this development agreement, the City Council will overburden our already overburdened community. Flagstaff should be held to the minimum, not allowed the maximum. He referred to the development around the Jordanelle, Deer Crest, The Canyons, Park City Mountain Resort, Greyhawk, Blackhawk and the list of over-development assault goes on. There is no reason Flagstaff should be granted anything over the minimum.

David Stahle, CARG member, echoed Dana Williams' comments about the process and the missing 15 exhibits. He referred to Section 2.2.1.4. which offers the option of the possibility of three pods. It was CARG's understanding that the development would be confined to two pods and he would like that reinstated, unless the third pod were to be a receiving zone for transfers of density from somewhere else. Section 2.8.1. deals with roads and the vacation of a portion of SR224 suggesting that two roads in Pod A would be constructed creating more site disturbance. Section 2.9.2. relates to the gondola and transportation and this is a critical aspect to the project which needs to be studied very closely. Comparisons to Europe or Telluride don't apply here. Once the mix of units is determined, transportation needs can be determined. If the number of vehicular trips isn't reduced by the gondola, the gondola doesn't make sense. He is concerned that the gondola is a very enticing feature, but questions whether it would really be a benefit to the reduction of traffic in this project. If the gondola is built and it does not prove to reduce traffic, Mr. Stahle proposed that UPCM still be held to its $1 million to help mitigate traffic, which is the issue now. He also felt that the $1 million should not be lumped together with the improvements for SR224. The issue of water in Section 2.10.1. is completely left out. In Section 5.5., relating to TDRs from Bonanza Flats, transfers don't necessarily have to be unit for unit where but rather a value consideration. Section 2.9.8., Iron Mountain, the section that the property that UPCM owns is in a critical view shed and he is worried about ski runs and ski lifts. Mr. Stahle pointed out that the real estate transfer fee almost entirely goes to mitigate the impacts of this project and questions whether than is truly a community benefit.

David Rockwood, 20 year resident, complimented the Council on the quality of life it has been able to offer residents. He also believed that CARG has done a very good job as an alternative voice and for any project, there are always two sides. The important aspect of this town is still the resort industry and there are many issues here, including private property rights. He feels it important to maintain the same quality of life and stated he is a strong proponent to annex Flagstaff and has more faith in City staff and the elected officials who have to be responsive to citizens. In the end, there will be a project that helps us economically.

Hans Fuegi, stated that the project is challenging and hoped that these obstacles will not get in the way of proceeding with this project. He urged the Council to continue working with the developer as Park City needs to offer a better product here. He hoped that everyone can work together toward a conclusion that works for all.

With no further comments from the public, the Mayor asked for Council direction on the issues at hand. Nora Shepard referred to the discussion during work session, and felt that some issues have been resolved and some can be worked through. Two issues have been discussed but require more direction; one is the LMC vesting and definitions, and what happens with the other property owners in Pod D. The third point, not yet addressed, is the real estate transfer fee. She pointed out additional language from the development parameters which provides security to the City in the event of loss of revenues should the real estate transfer fee be considered invalid. With regard to construction inactivity, Ms. Shepard explained the applicant's concern that much of the capital costs occur up-front and should there be a downturn in the market and a two year period of inactivity, this is a problem. She added that staff has worked with 20 year old development agreements which really don't work anymore in the current environment and that situation should be avoided. However, there may be a way to satisfy UPCM's concern and achieve the City's goals. In response to a question from Shauna Kerr regarding the drafted language, Ms. Shepard responded that it is two years with a possible two year extension, which is consistent with the Park City Mountain Resort agreement and the LMC. Jodi Hoffman indicated that this is a six year window; four years plus two years of inactivity from the date this is signed. This is two years more generous than the current LMC. If there was a downturn in the economy, the City would probably be back to the 1981 version of the LMC which is pro-development. Ms. Hoffman reiterated that the City has lived with 20 year old agreements which has created difficulties. Ms. Shepard understood that UPCM's concerns are not the front end, but the middle phase where there could be economic difficulties. She suggested that inaction be defined to deal with this issue for everyone. Paul Sincock asked Mr. Rothwell's opinion. Mr. Rothwell stated that Ms. Shepard has characterized his concerns. Projects are always front end loaded cost wise and Mr. Rothwell believed the City would like to see this project successful as well. He agreed that a better definition of inactivity would be helpful. Paul Sincock stated that he would like to see entitlements go away if a project is not acted upon in some time and would like to suggest time frames so the developer works on the project consistently. Shauna Kerr reiterated that she doesn't understand why this project should be treated differently as hard times are the same for everyone. Mr. Rothwell explained that most projects don't involve a transportation element with a gondola or millions of dollars worth of upgrades to the Mine Road. Mr. Rothwell understood there have been other developments that have been permitted to continue without activity and noted that they are not asking for an exception, but rather a clarification of inactivity. Jodi Hoffman explained that after six years, as drafted, it is at the Council's discretion to decide if the project stays; in the past it has been at the developer's entitlement. Staff strongly urges to leave this at the discretion of future Councils. She stated that the Deer Crest project is spending $110 million up-front in infrastructure with no similar assurance. Mr. Rothwell disagreed and pointed out that the majority of the infrastructure is Wasatch County. Paul Sincock described a process where the developer would notify the City. Ms. Kerr believes there is a definition of inactivity in the Building Code that may be applicable.

The Mayor urged the developer to continue to work with staff. Chuck Klingenstein felt there is potentially eight years, four up-front and a two-year extension of two years. Ms. Shepard reiterated that the concern is a downturn in the middle phase. Ms. Hoffman added that if the project is platted, the entitlements won't go away, and couldn't understand the problem. Mr. Klingenstein stated that he would like the agreement as tight as possible and inaction defined. Roger Harlan felt this could be defined to satisfy everyone's interests.

Shauna Kerr explained that the real estate transfer fee is an issue for her because of the state legislature's proclivity of interfering with the City. This is particularly a concern because of UPCM going to the legislature last year and changing the referendum law and the City needs assurance that UPCM will make the City whole if something changes by state law. Hank Rothwell stated that they have agreed to pay the fees and understand that they aren't impact fees. The fee is imposed with a covenant in the deed and he is happy to have that language expanded in the. agreement. UPCM's counsel believes this is outside the purview of the legislature as they are not impact fees, but it probably should not be called a real estate transfer fee either. The security for this pledge is the title to UPCM's property. He added that the home owner's association, over the long term, is the beneficiary of half of this fee and it is in the best interest of the project to have this collected over time. Chuck Klingenstein felt this feature of the project is very important and agreed with Ms Kerr's concern. Ms. Shepard felt that there could be language drafted and Ms. Kerr added that it should be contractual and tied with the land. Jodi Hoffman explained that there are technical impediments of having this bullet proof from a legal standpoint and the City needs some other asset on the line. In response to a question from the Mayor about after the property is transferred, and collecting funds from UPCM for future lost revenue, Ms. Hoffman explained that the way the agreement is written, none of the obligations are transferred. Mr. Rothwell explained that this has been legally researched and the obligation will appear in the deeds and the CC&Rs and UPCM is willing to do everything possible to perform. Ms. Kerr felt this is a contractual feature that needs to be negotiated between the staff and UPCM.

Ms. Shepard understood the Council's concern regarding the other property owners issue and asked what the Council wanted to achieve. Private property rights and access to roads were discussed by Ms. Kerr. Chuck Klingenstein expressed his reluctance to enter into a duty to serve with annexing everyone. Mr. Sincock insisted that no more than 38 houses are built there, no matter how many owners are involved. Hugh Daniels stated that the City can't bind these people if they aren't at the table. Ms. Hoffman explained that it is assumed that Pod D or the Northside Neighborhood will not occur in the near future because the Mountain Village will probably be built first which will be determined by the Planning Commission. This area is described as containing all property owners, no more than 100 acres, and no more than 38 units and if not all of the property owners are involved, then the agreement is renegotiated based on the circumstance at the time. She added that there are uncertainties on both sides and the way it is drafted protects the interests expressed by Council as there is incentive for UPCM to get the property owners to sign. Ms. Shepard understood that the Council supports the language in the development agreement as drafted regarding the property owners. Mr. Sincock reiterated that he didn't care who was involved as long as the density is held to 38 units; Ms. Hoffman explained that is almost impossible to mandate that until the circumstances are known. Ms. Kerr discussed UPCM facilitating the City negotiating with the "hold-out" property owners so that a maximum cap can be determined.

Ms. Shepard stated that the last issue is imposing the future LMC on the small scale master plans before the Planning Commission. Ms. Hoffman explained that the definitions are generally applicable terms throughout the City. The City Manager felt that at least these things would be defined as they aren't now with the current LMC and the revised code will be adopted in the near future. Paul Sincock emphasized that there is pressure to get this agreement approved by next week, but he is more interested in having the agreement done thoroughly and right so that everyone is on board. Roger Harlan agreed. Ms. Shepard felt it is fine as long as the Council understands the consequences, which may result in a special election in February. There was consensus to continue these items; there was no motion.

(b) Ordinance annexing approximately 1,500 acres adjacent to the Park City corporate limits known as the Flagstaff Development and amending the Official Zoning Map of Park City, Utah - Not applicable.

(c) Resolution approving a development agreement for the Flagstaff Development with United Park City Mines Company - Not applicable.

VII PUBLIC HEARING

Revised budget for FY 1998-1999; tentative budget for FY 1999-2000; and budget plan for FY 2000-2001 for Park City Municipal Corporation and its related agencies - The Mayor addressed this item out of order, but it appears here in the minutes for ease of reference. Tom Bakaly reported that on May 13, the recommended tentative budget was presented. The budget is available for review in the City Recorder's Office. The budget will again be reviewed during work session on May 27 and a public hearing held on June 3, 1999. Formal adoption is anticipated on June 17, 1999. He stated that this is a no tax increase budget for FY 1999-2000. The Mayor invited public input.

Roger Click, resident, commented that he is a fan of the Library and a regular patron. Whatever is budgeted is not enough and it could be improved and he wasn't sure if a new computer system is contemplated. Roger Harlan assured him a new computer system has been budgeted.

With no further comments from the Council or the public, the public hearing was continued. Hugh Daniels, "I move to continue the hearing to June 3, 1999". Paul Sincock seconded. Motion carried unanimously.

VIII ADJOURNMENT

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

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

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

Janet M. Scott
Janet M. Scott, City Recorder

DATE: 20 May 99
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs, P.E.
TITLE: Neighborhood Traffic Calming
TYPE OF ITEM: Discussion

SUMMARY RECOMMENDATIONS: Review and provide direction on traffic calming criteria, list of recommended streets for consideration, community input, and schedule.

DESCRIPTION:

A. **Topic:** Residential Traffic Calming

B. **Background:** Over the last few years residents have expressed concerns about the speed and the number of vehicles within residential areas. Traffic calming seeks to improve the "liveability" of neighborhoods with techniques to limit traffic speeds and redirect traffic to more appropriate routes.

The City has had limited experience with traffic calming applications. The now infamous "box of rocks" reduced southbound vehicle trips by over 10%. An assessment both before and after was used to determine the effectiveness of the traffic calming technique used.

The City Council authorized a contract with Fehr and Peers to develop a traffic calming program. Fehr and Peers will develop a program based on the following scope:

- Develop criteria to implement traffic calming techniques
- Perform field reviews;
- Identify the top three streets to benefit from traffic calming techniques based on community, City Council and staff input;
- Collect data prior to installation;
- Coordinate with emergency services to determine impacts;
- Provide recommendations and cost for the technique(s) being considered;
- Participate in neighborhood meetings to explain technique(s) being considered;
- Develop the necessary designs;
- Collect data after installation; and
- Prepare the final report by August 1, 1999..

A task force from the Police Department, Community Development, Capital Budgeting, Fire Department, and Public Works have been reviewing potential residential streets.

C. **Analysis:** The task force met to discuss areas of concerns with emphasis on where the police have received numerous calls for excess speeding within a neighborhood. A matrix has been developed that reviews the characteristics of each roadway. Accident and speeding violations issued within the neighborhood was not available at the time of this report. This information will be included as part of the City Council discussion.

A street matrix and summary is attached. The summary provides a rating of each street identified from 1 to 3 with 1 being the highest. An X in the ranking column indicates the roadway has a characteristic that may create a traffic hazard by implementing calming techniques.

Staff is considering using rubber speed humps in lieu of installing permanent asphalt or concrete speed humps. This provides flexibility in moving, replacing and trying other locations. The cost of a speed hump is approximately $4,000 per installation for material only. Street crews would install. A speed hump is recommended at lest every 550 feet. It is estimate that 10 to 15 speed humps will be required depending on the length of the streets included in the test program.

A bus route is desirable to include in this test program due to the long wheel base on a bus. It should also be mentioned that speed humps are designed to provide an uncomfortable ride if the designs speeds are exceeded. Speed humps will have a minimal effect on vehicles with excessive speed or higher end suspensions.

Fehr and Peers will hand out flyers in the neighborhood along the streets where traffic calming is being considered. The flyer will describe the project and goals of the program. It will also be a survey asking if the household would support the installation of traffic calming techniques in front or adjacent to their home. On street surveys of vehicles would be performed to determine destination and traffic patterns.

D. **Department Review:** A task force made of city departments are actively meeting and reviewing the program scope and schedule on a biweekly basis.

ALTERNATIVES:

A. **Review the work that has been completed and give staff and consultant directions to proceed. Authorize staff to proceed with the purchasing process to finalize pricing of rubberized speed humps.**

B. Review the work that has been completed and give staff and consultants directions to proceed. Authorize staff to proceed with plans to install permanent speed humps.

C. Discontinue the study.

SIGNIFICANT IMPACTS: Members of the City Council have expressed an interest in trying traffic calming techniques (speed humps) in residential neighborhoods. This program would develop a process, determine the appropriate technique(s) and measure if the technique(s) are successful after installation. A policy will be developed to provide staff guidelines to prioritize and implement request.

Money for traffic calming installation is part of the Capital Improvements Plan currently being reviewed by City Council. Money to purchase material will need to be approved prior to July 1 if the proposed schedule is to be accomplished.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The traffic calming program will need to be delayed until next spring.

RECOMMENDATION: Review and provide direction on traffic calming criteria, list of recommended streets for consideration, community input, and schedule. Authorize staff to proceed with final pricing of rubberized speed humps.

Park City Traffic Calming Study
Field Evaluation Matrix

+ Positive (characteristic is conducive to the study)   **- Negative** (characteristic is not conducive to the study)   **0 Neutral** (characteristic is neutral)

Suggested Route	Drainage /Grade	Sight Distance	Commer-cial Vehicles	Transit Route	Curb and Gutter	Lot Width	School Presence	Bike Route or Lane	Length of Street	Accident Frequency	Parallel Alternative
Deer Valley Neighborhood											
Deer Valley Dr. between Marsac and Rossi Hill*	+	+	0	Y	0	-	0	0	.3		+
Marsac Ave. above Deer Valley Drive	-	+	0	Y	0	-	0	0	.4		-
Solamere Dr. between Deer Valley Drive and Sun Ridge.	+	+	+	Y/N	0	+	0	0	1 .3		+
Park Meadow Neighborhood											
Holiday Ranch, 224 to Little Kate	+	+	0	Y	0	+	0	0	.3		+
Creek Drive	+	+	0	N	0	-	0	0	.4		+
Lucky John between Monitor and Little Kate	+	+	0	Y	0	-	0	0	.6		+
Meadows from Meadows to American Saddler	-	-	-	N	0	-	0	-	.3		+
Holiday Ranch north of Little	+	+	0	N	0	+	0	0	.3		+

**A roundabout is being installed at the intersection of Marsac and Deer Valley Drive.*

May, 1999

Kate to the loop											
Suggested Route	**Drainage /Grade**	**Sight Distance**	**Commer-cial Vehicles**	**Transit Route**	**Curb and Gutter**	**Lot Width**	**School Presence**	**Bike Route or Lane**	**Length of Street**	**Accident Frequency**	**Parallel Alternative**
Lucky John from American Saddler to Little Kate	+	+	0	N	0	-	0	0	.35		+
American Saddler between Estates Drive and Estates Drive	+	+	0	N	0	-	0	0	.5		+
Prospector Neighborhood											
Sidewinder between Comstock and Buffalo Bill	+	+	+	N	0	-	0	0	.25		+
Buffalo Bill from 224	+	+	+	N	0	-	0	0	.15		-
Cul-de-Sacs (List Candidates)	+	+	+	N	0	-	0	0	.1		-
Thaynes Neighborhood											
Three Kings	+	+	-	Y	0	+	0	0	.7		+
Pay Day	+	+	+	N	0	+	0	0	.4		+
Thaynes	+	+	0	Y	0	+	0	0	.2		+
Other											
Comstock	+	+	0	Y	0	-	0	+	.3		-

**A roundabout is being installed at the intersection of Marsac and Deer Valley Drive.*

Suggested Route	+	-	0	Fatal Flaw	Rank
Deer Valley Neighborhood					
DV Dr. between Marsac and Rossi Hill*	3	1	4		***2***
Marsac Ave. above DV Dr.	1	3	4		***3***
Solamere Dr. between DV Dr. and Sun Ridge.	5	0	3		***1***
Park Meadow Neighborhood					
Holiday Ranch, 224 to Little Kate	4	0	4		***1***
Creek Drive	3	1	4		***2***
Lucky John between Monitor and Little Kate	3	1	4		***2***
Meadows from Meadows to American Saddler	1	5	2	Steep Grade	***X***
Holiday Ranch north of Little Kate to the loop	4	0	4		***1***
Lucky John from American Saddler to Little Kate	3	1	4		***2***
American Saddler between Estates Dr.	3	1	4		***2***
Prospector Neighborhood					
Sidewinder	4	1	3	Lot Width	***X***

**A roundabout is being installed at the intersection of Marsac and Deer Valley Drive.*

between Comstock and Buffalo Bill					
Buffalo Bill from 224	3	2	3		***1***
Cul-de-Sacs Little Bessie/Doc Holiday	3	2	3		***1***
Thaynes Neighborhood					
Three Kings	4	1	3		***3***
Pay Day	5	0	3		***1***
Thaynes	4	0	4		***2***
Other					
Comstock	3	2	2		

PARK CITY 1884

Council Agenda Report

DATE: May 14, 1999
DEPARTMENT: Recreation
AUTHOR: **Kathy Kelly, Recreation Services Manager**
TITLE: **Recreation Fund**
TYPE OF ITEM: Background and request for pricing changes.

SUMMARY RECOMMENDATIONS:

Approve new pricing proposals.

DESCRIPTION:

A. Topic:

A summary of the Recreation Fund and its current challenges. Staff is seeking input from Council on funding proposals and Racquet Club pricing proposals.

B. Background:

In 1991, City Council approved a Recreation Fund Revenue Plan which outlined the goals and strategies for achieving an aggressive level of cost recovery over a five year time period. Many of those goals were achieved.

Revenue

The Recreation Fund, which includes all Racquet Club activities, plus all field sports and recreation programs for youth and adults, has seen steady revenue growth. In 1988, after the City purchased the Racquet Club, revenues were $115,000. At the close of fiscal year 1998, they stood at just under $1,000,000, not including the general fund subsidy.

The revenue can be looked at in four major categories (excluding the general fund contribution):

1. Racquet Club and Recreation Revenue: this is revenue from all Racquet Club activities and programs, both youth and adult; and all of the field sports, excluding the programs run with the

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Basin. This revenue stream has increased steadily over the years, but in Fiscal Year 1998, there was a drop in Racquet Club program revenues for the first time in several years. Swimming, tennis, and aerobics all brought in less revenue than in Fiscal Years 1996 and 1997. This is attributable to several factors. There are new facilities: pools at Ecker Hill and several sub-divisions, Body Tech at Kimball junction, and various outside tennis courts in the area. Several new children's summer camp programs were offered in Park City. The cold and wet spring in 1998 also depressed tennis and swimming revenues. These programs now have excess capacity. The lawsuit filed against the Racquet Club was another contributing factor to the revenue decline - price increases and adjustments, and the pass system were put on hold.

This loss will continue into fiscal year 99. However, the second half of the fiscal year is showing some dramatic turn-arounds. In the fall, a group of Recreation staff formed a marketing task force to refocus our marketing efforts. We adopted a new tag line, "Park City Racquet Club, Your Community Recreation Connection." We began a grass roots marketing campaign, going to hotels and stores at the Factory Outlet Mall with $2.00 off coupons. Play Magazine underwent a facelift.

At the same time, another group looked at programming and implemented changes in tennis, the fitness center and aerobics. We introduced a new junior tennis program, kick-boxing, and Park City Pump classes. Staff responsibilities have been re-arranged to bring more focus on the Racquet Club programs.

The results of these dual efforts have been dramatic so far. In December, our year-to-date Racquet Club and Recreation revenues were $10,000 lower than last year; by March month end we were $11,000 ahead of last year. April revenue numbers, just beginning to be reported, will be approximately **$30,000** ahead of last April! This is an enormous jump for us. We have challenged ourselves to keep this trend going in aerobics and the fitness center, which traditionally experience a big fall-off during the summer months.

2. *Lease Revenue.* The second category of revenue is the lease dollars from the restaurant and Massage Express. While Massage Express has been an excellent tenant and this year has paid $22,000 in rent and revenue sharing. The loss of the two restaurant leases has had a significant impact. For many years, the restaurant provided $30,000 in revenue each year. In FY99 it will be about $5,000.

3. *Special Events.* Revenue from "Special Events" has declined dramatically over the years. In the early years of the enterprise fund, these special events brought in up to $30,000 per year. Now, the increased costs of covering the tennis floors (approximately $6,500 per event) has effectively limited the special events revenue to the yearly Sundance party. Costs for putting on this event have risen to the point where costs to the Racquet Club are now slightly higher than the revenue brought in(I am currently working with Sundance on this problem). The cost of using the Racquet Club for events is also of concern to the Chamber of Commerce. Paying for flooring, and then paying a rental fee on top of that, means that the Racquet Club is not a viable

option for most big groups looking for a place to hold a banquet. The Chamber feels that the town has lost several large groups due to the lack of a large venue.

4. *Recreation District.* The fourth source of revenue is the contribution from the Synderville Basin Recreation District. Participation in youth sports has grown rapidly. In 1989, total participation in basketball, soccer and baseball was 966. In 1998, it grew to 2,296. The programs run very smoothly with several hundred volunteer coaches, and we often receive compliments on our organization and operation of this large program. The paradox is that the more successful the program, the more subsidy we need to run it.

The County, and now the Basin Recreation Special District, have contributed to the costs of these programs, so that all children living in the Park City School District can play together and the fees are the same for all. In 1989, 50% of the children in the program were City residents. City residents now account for about 40%.

The future of this joint program is somewhat uncertain at this time. As the Basin brings on more fields, and the percentage of children from the Basin continues to grow, it is possible that the Basin will run its own youth sports programs. This would increase the cost per child of running a City only program.

Expenditures

Expenditures in 1991 were $785,000. Fiscal year 1998 expenditures were $1,500,000. The strategy since 1991 has been to closely and continually scrutinize all programs to determine cost recovery rates. At the same time, the quality and safety of all programs have been held to high levels. For example, all our tennis professionals are USPTA Certified, our aerobics, fitness and swimming instructors are all certified within their respective fields. Class sizes are relatively small.

Although this strategy has worked fairly well from a cost recovery standpoint, it can also drive the decisions on which programs to offer. This is a departure from the mission of most municipal recreation programs "to offer community recreation at a reasonable cost."

When looking at the direct operating costs and not considering the general Racquet Club and "overhead" expenses, adult sports (with the exception of swimming) pay for themselves; youth programs do not. While the Basin Rec District contributes to youth team sports, other youth programs also receive City support, especially youth swimming programs.

One area which clearly does not pay for itself is aquatics. Chemicals, repairs, the cost of the heating the water and the excellent lifeguard ratios all contribute to the high costs for the aquatics programs. However, our pools serve a large number of our citizens, and are a source of pride in the community.

Here are some fiscal year to date(as of preliminary April month end) numbers for some our major programs. They do not include general Racquet Club overhead. Aerobic and tennis numbers reflect the slow summer and fall, but have shown improved revenues over the last few months.

FITNESS CENTER

Revenue	**$58,500**
Expenses	**$38,500**
Income	**$20,000**

PRO SHOP

Revenue	**$61,000**
Expenses	**$57,000 (includes staff and cost of goods)**
Income	**$ 4,000**

AEROBICS AND SPINNING

Revenue	**$24,000**
Expenses	**$27,000**
Income	**($ 3,000)**

AQUATICS

Revenue	**$39,000**
Expenses	**$92,000**
Income	**($53,000)**

TENNIS

Revenue	**$247,600**
Expenses	**$256,500**
Income	**($ 8,900)**

The Racquet Club's general expenses (those not associated with any particular program) have been rising. These expenses include the Front Desk staff, administrative staff, copy machines, heat, lights, etc. - which support all the Recreation and Racquet Club programs. Labor costs rose 8.5% last year and will continue to rise in this competitive labor market. The Recreation Fund also does not contribute to other funds for administrative and operational support.

Another part of the 1991 strategy has been to limit the addition of full-time, regular staff, instead using seasonal, contract and temporary staff. Again, this goal has been achieved. In 1991, the Recreation Department had eight full time employees. We have now nearly doubled our revenues, and have just nine full time employees: one exempt, one contract, seven non-exempt.

There are now many more programs and therefore many part time and seasonal employees. During some seasons, the number of temporary and part time workers rises to more than 150. This creates a lot of oversight for a few people. *Plus, our facilities and programs run 7 days a week, 16 hours a day, 364 days a year.* We are now at the point where adding any new programs would require additional full time staff and more administrative infrastructure.

The General Fund Contribution.

The goal from 1991 was to have the general fund contribution equal to 20% of expenditures, with Racquet Club activities generally recovering 100% and other programs 80%. The general fund contribution has averaged about 30%. This means the Recreation Fund has a recovery rate of about 70%. Nationwide, most recreation departments are in the 30% to 50% range. The national average for municipally owned recreation facilities is 52%.

Between 1991 and 1997, the general fund contribution rose as the Recreation Department expanded its programs to serve more people by offering more programs, and by increasing the participants in the current programs. For fiscal year 1998, City Council froze the contribution at $410,000 and directed the Recreation Department to attempt to have all new recreation programs pay for themselves. However, due to the factors listed in the above "Revenue" section, this has been difficult.

Of the $410,000, approximately $150,000 goes directly to the youth sports programs. Another $50,000 goes to support the aquatics program. The remainder of $210,000 goes to support the building, administrative staff, supplies, phones, utilities, and other overhead. Since many of our staff do tasks and support for multiple programs, the assignment of specific overhead dollars to each program is an estimation. To assess the health of a particular program, we allocate dollars based on the percent of revenue each program brings in, with an administrative weight factored in (children's programs have more instructors, take more time to organize, etc.)

Following is a summary of the Recreation Fund's net income statement (without depreciation, with the general fund contribution) for the last several years. In fiscal year 1998, there was a net loss for the first time in several years:

	1995	1996	1997	1998
Total Revenues	**$1,233,948**	**$1,293,157**	**$1,378,733**	**$1,389,455**
Total Expenses	**$1,092.149**	**$1,259,187**	**$1,341,737**	**$1,501,006**
Net Income	**$ 141,799**	**$ 33,970**	**$ 36,996**	**$ (111,551)**

Fiscal year 1999 is projected to show a loss of about $40,000.

CAPITAL

The Racquet Club is beginning to show its age, and there are several capital projects that need to be undertaken as soon as possible.

The deck of the restaurant is the ceiling of our new lobby and has developed extensive leaks over the winter. The water has leaked in to the subflooring of the deck, saturated ceiling tiles which are now falling out, and we have multiple major leaks in the lobby. Cost to fix: approximately $10,000.

The fence around the tennis courts is at 12 feet high in some spots, and 6 feet high in others. Last year, we had a problem with children from the Racquet Club condos climbing over the 6 foot section, and digging under the 12 foot fence in spots, and sneaking into the hot tub and pool after hours. We feel we need to reinforce the fence and add height to parts. Cost: approximately $6,000.

The lights in the indoor tennis courts are old, and the light bulbs are constantly shorting out. They use a tremendous amount of power. It is becoming difficult to find replacement parts for the ballast, as these type of lights are no longer manufactured. New lights are expensive, but vendors guarantee that the energy savings pay for the lights in five years. Cost: approximately $30,000.

Each year, we have unexpected surprises pop up. This year we had a broken water pipe in the middle of our lobby. It was leaking onto the indoor courts. Concrete in the lobby had to be drilled up and plumbers were here for several days. The Recreation Pool is currently undergoing repairs for leaks and broken skimmers. Cost: $6,000.

Other items include leaky toilets, locker rooms which need new tile and carpeting, and a roof which leaks in many spots, and some items which need to be updated for fire code purposes.

Challenges

While the enterprise fund approach has mandated a creative, entrepreneurial approach which has worked well in most areas, Staff feels it has created some difficult challenges. First, it is challenging to try to run as a "business" within the confines of municipal and political realities. Change can take a long time to implement. Hiring and pay practices must conform to City policies, etc.

The second challenge is in providing what most communities would call "Community Recreation Services." Since an enterprise fund should have revenues sufficient to offset expenses, it becomes difficult to provide some services such as scholarships for needy families, the after school latch key program, community gatherings at the Racquet Club, youth events in recreation, or a free skateboard park. Staff is finding that they could be providing more services which would benefit the community, but as these services have little or no revenue sources, they cannot be provided within the confines of a capped contribution.

An example is a City Park Ranger position. The City Park playgrounds, volleyball, tennis, and basketball courts are used intensively from Spring through Fall. However, there is no staff available to assist users in court rotations, mediate disputes, help out with playground injuries, assist with special events, and answer visitors' questions. A Park Ranger could make City Park a more user friendly, safer environment, but would have no revenue associated with the program.

Another example is clinics for our recreational coaches. Each year we try to train more coaches, and to recruit volunteers to train at a higher level for the older children. This year, we'll be adding an advanced soccer coaching clinic - at no fee to participants.

Other examples: teen nights at the Racquet Club, 4th of July activities at the Park, a free community day at the Racquet Club, a walking club for Seniors, free use of the gymnasium for morning winter walkers, free use of the Recreation Building in City Park for community meetings, paid coaches for the older youth recreational teams.

According to a recent National Recreation and Parks Association seminar, there are now many successful golf enterprise funds throughout the country, but very few successful recreation enterprise funds (only one has been cited), partially due to the community issues.

Another challenge will be in working with the Basin Recreation District as they bring more fields and more staff on-line. More of the games will move to their fields. This could create some duplication of services, and higher overall expenses for the youth programs, as the total inventory of fields and staff increases.

Another challenge is the management of City employees within an enterprise fund without the revenues to meet expenses. The regular full-time employees are in the same pay plan and receive the same benefits as other employees, but they sometimes feel like "second cousins." While we do have the offsetting benefits of use of some of the recreation facilities, the enterprise fund can create stressful parameters. At budget time, other departments can request items based on need, such as new software. Enterprise funds can only requests items that they can pay for out of their funds. For example, the Racquet Club's software is old, slow, difficult to use, and does not allow for corrections of errors. But new software would be difficult to pay for out of the revenue stream. Any promotions for staff must be paid for by revenues. Also, overtime must be scrupulously avoided, and this creates a lot of stress during our busy times. Another way to save funds is to limit the amount of money spent on such items as staff training and business travel; but this creates inequities with other City employees.

It is also challenging to keep up the motivation and feeling of "belonging" of the "temporary part-time employees." Some of our temporaries are seasonal, but the Racquet Club has some employees who have worked on a year round, part time basis for several years (for example, our aerobics supervisor has worked for the City on an on-going basis for almost ten years). But their status remains "temporary", exempting them from holiday pay, Christmas bonuses, and other small benefits that "regular part-time employees" have.

Also difficult is recruiting part-time employees, especially those who only work several hours a week, such as referees and umpires.

C. <u>Possible solutions</u>:

1. Increase revenues from Racquet Club programs by maximizing participation in programs which have excess capacity.

a. In addition to more aggressive marketing, which has already had some positive effects over the last few months, **Staff would like to introduce a new pricing structure.** Historically, "regular" or non-resident fees have been considerably higher than the discounted local rates. This has been acceptable for the daily drop-in fee, which is largely used by visitors from out of town. But our neighbors in the Synderville Basin have, for the most part, found the prices too high to use the Club on a regular basis. This is evidenced largely by punch cards sales: of the last 600 cards sold, only 11 were sold at the non-resident rate. **Currently, the "Regular Rate" is twice the "Resident Rate". We propose that this differential be cut.** The strategy has little downside risk as relatively few non-residents access the Club at the regular rate.

b. Monthly passes are offered at virtually every municipal facility that we are aware of. **We propose that monthly passes be offered at the Racquet Club. A pass would be in the $45 to $50 range.**

c. **Bring all employees who work within the City limits into the recreation community by making them eligible for the Resident Rate.** It is becoming increasingly difficult for front line employees to afford to live and recreate in Park City. However, they are vital to our economy. Offering them affordable work-outs would increase their commitment to our community, as well as improve their health and well-being. This could become a benefit offered by employers when they are recruiting staff.

To accomplish this, **we propose allowing local businesses to buy a "yearly corporate sponsorship" for their employees. Based on the number of employees, a business would pay a fee which would allow its employees to access the Club at the Resident Rate.**

If over-utilization of the Club occurs as a result any of these changes, it could be discontinued at the end of any year.

d. Introduce a sponsorship program for adult sports. This program is already under way. We are currently mailing out 150 packets to local businesses, offering them the chance to sponsor adult softball.

e. Continue small yearly increases in prices.

f. Continue the generation of ideas from all level of staff. For a couple of years we have been loading our own soft drink machines to take advantage of those profits.

g. Keep programming fresh and community oriented. Our new tag line is *"Park City Racquet Club, Your Community Recreation Connection."* and we want to offer our community outstanding programs in aerobics, fitness, tennis, and swimming.

We will also continue to focus attention on field sports for both youth and adults. Over the next few years, difficult decisions must be made with our partners in the School District and Basin Recreation about the best use of fields and gymnasium space. As more youth and adult competitive leagues come on line the demand for facilities will continue to grow. We must determine how to fairly allocate facilities and how to pay for their upkeep.

2. Reduce expenses wherever possible. Controlling expenses sometimes means walking a very fine line between the safety and continuing quality of the program and fiscal responsibility. We have been successful at reducing expenses (FY99 YTD we have spent $50,000 less than last year) by carefully watching staffing levels, putting off purchases as long as possible, shopping from discount catalogs for our large scale recreation equipment purchases, etc. In the next fiscal year, we will be purchasing an industrial washer and dryer to launder our own towels. Having the towels done by a vendor is so costly that we will pay for the equipment in six months. Of course, this will bring additional job tasks with no increase in staff.

A more significant cut could come by eliminating programs. Some examples:

*By closing the lap pool in the winter, we would save approximately $30,000 in staffing, chemicals and heating.

*By eliminating child care at the Racquet Club, we would save approximately $8,000 per year.

*The After School Latch Key program runs at a slight loss.

However, these programs are central to most community recreation programs. The customers who use them see tremendous value in these programs and we would like to continue them..

3. Consider a change in funding philosophy. In order to balance the recreational needs and wants of the community, we'd like to introduce more flexibility into the Recreation Fund. While the fund could continue to be operated as an entrepreneurial venture, maximizing revenues, minimizing expenses, and providing upscale products, there could also be a "community recreation" portion.

The cap on the subsidy could be increased. The amount of the subsidy could be determined at each budgeting cycle. One suggestion is to increase the subsidy to cover the costs of pay plan increases - determined City-wide and not under control of the Recreation Fund - and to cover any budget options which do not have a revenue stream sufficient to cover its costs. These options would be presented to the Council during each budget approval.

4. Continue to keep staff entrepreneurial and motivated. Bob Johnston has made Leisure Services an exciting place to work. All employees are encouraged to (and rewarded for) going above and beyond "basic" job responsibilities. Each recruitment of part time employees is undertaken carefully to get good matches. Each employee is charged with thinking about marketing, revenue, customer service improvements and expenses cutting. Celebrating every success is a large part of the culture.

D. Review:

This information was presented to the Parks, Recreation and Beautification Board. Their recommendation was to approve the pricing proposals, and to move to a funding mechanism which would allow the Recreation Department to offer more Community Recreation type services.

The Legal Department reports that the City has not yet settled the lawsuit filed by Prospector Athletic Club.

SUMMARY OF STAFF RECOMMENDATIONS

1. Approve changes in the pricing policy:

- *Introduce monthly passes at the Racquet Club.
- *Experiment with corporate memberships for local employer groups.
- *Reduce the pricing differential between Regular and Resident rates.

2. Allow the subsidy to increase. During each year's budgeting process, the Recreation Department would present a request for specific amounts to fund increases mandated by the pay plan, and any budget options with marginal or no revenues.

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE: May 20, 1999
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Condominium Conversion and Subdivision of 510/512 Ontario Avenue

SUMMARY RECOMMENDATION: **Hold a public hearing, consider any public input and approve the record of survey and subdivision as conditioned.**

DESCRIPTION

A. Project Statistics

Project Name:	Condominium Conversion and Subdivision
Owners:	John Jensen, *et al.*
Location:	510/512 Ontario Avenue
Zoning:	R-1 Residential
Adjacent Land Uses:	Residential
Reason for Review:	Subdivisions require Planning Commission review and approval by City Council

B. Background

The property is two metes and bounds parcels located at 510/512 Ontario Avenue. A structure, built around 1979, sits on parcel 1. Parcel 2 was acquired from Deer Valley when Ontario Avenue was realigned. The structure was previously used as a non-permitted fourplex, but has been remodeled into a duplex, a permitted use in the R-1 zone. The structure is non-conforming inasmuch as the side yard setbacks of 10 feet as it is 5.5 feet from the property line at the north rear corner and 8 feet along the south side. A deck along the south side and the rear also is an existing non-conforming structure.

There are four parking spaces with access from Ontario Avenue. The paved area encroaches onto the adjoining property to the north. In addition, areas of gravel that can be used for parking are on the north side of the building and the west side of the lot (See Exhibit C).

This application is a request for two different items. The first is to legally plat the lot from the metes and bounds parcels. The second is to form a condominium of the structure and lot.

The Planning Commission held a public hearing on October 21, 1998 at which no public input was received. The public hearing was closed and discussion by the Commissioners followed. The Commission directed the applicant and staff to work out a parking lot configuration that meets requirements for the zone, is off the rights-of-way and adjacent properties, and is landscaped to prevent parking outside the designated areas. Discussion was continued to April 14. At that time, the Planning Commission forwarded a positive recommendation to the City Council.

B. Analysis

The combined parcels have multiple property lines. For the purposes of the analysis, staff has determined that the three property lines along the west side, including the C1 curve along Ontario Avenue, are considered the front as the building faces this direction and has access from Ontario. Two side property lines roughly parallel the sides of the building on the north and south, and the rear property line is the eastern line.

In the R-1 zone, open parking spaces may be permitted within the required front yard area, but not within five feet of side property lines. As this is a discretionary review process, the Planning Commission may make the determination that the project meet current Code requirements as feasible. A parking configuration that permits at least four spaces has been demonstrated by staff (Exhibit C). The applicant proposes to keep the existing parking area (located on PCMC property and Deer Valley property as well as his own) and make it available to the public (Exhibit D). The Planning Commission disagreed as it does not meet the requirements of the zone and is an encroachment that is easily remedied. Therefore, as a condition of approval the Planning Commission recommended that the parking area be reconfigured to meet the current code. This will entail removing some asphalt and gravel areas. A landscape plan is also recommended to ensure that the parking does not revert to the same pattern. The applicant argues that this has been a long-standing use and it would be a hardship to remove.

Condominium conversions are allowed under section 8.13 of the Land Management Code:

> "Existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Community Development Department, City Attorney, and plat approval from the City. Required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the building code as a condition precedent to plat approval."

The current owners have remodeled the building to remove kitchen units and return the building to a duplex. A condition of approval will be for the Building Department to inspect the structure for building code compliance. The applicant agrees to this condition.

C. Department Review
This project has gone through an interdepartmental review. At such time as a final record of survey plat is required, the City Engineer and City Attorney will review the plat and CC&R's as to form and compliance with the Land Management Code prior to recordation.

D. Notice
The property was posted and notice mailed to property owners within 300 feet. Legal notice was also published in the Park Record. No public input has been received by the date of this staff report.

ALTERNATIVES

A. The City Council may approve the subdivision and record of survey with the conditions stated, or modify the conditions, or

B. The City Council may forward deny the subdivision and record of survey and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

The proposal results in a record of survey that allows individual ownership of each unit. Approval of this application will not result in any significant impacts to the City.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The ownership would remain the same and the parcels would remain as metes and bounds parcels.

RECOMMENDATION

Staff recommends that the City Council consider approval of the 510/512 Ontario Avenue condominium conversion and subdivision plat based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The two parcels and duplex building are located at 510/512 Ontario Avenue and are zoned R-1 Residential.
2. The proposed plat changes the ownership of this property to condominium ownership.
3. A duplex structure is located on the lot and is nonconforming to the sideyard setbacks.
4. The parking area is also nonconforming and spills over onto adjacent land owned by

Deer Valley and Park City Municipal Corporation.

Conclusions of Law:

1. There is good cause for this condominium plat as the units can be sold separately.
2. The subdivision is consistent with Chapter 15 of the Land Management Code.
3. The condominium conversion and subdivision plat is consistent with the Park City Land Management Code and applicable State law regarding condominiums.
4. Neither the public nor any person will be materially injured by the proposed condominium conversion and subdivision plat.
5. Approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium record of survey and CC &Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. 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.
3. A parking and landscape plan complying with all applicable R-1 zone and LMC requirements must be approved by the Community Development Department and implemented prior to recordation of the plat.
4. The Building Department must inspect the premises for compliance to Building Code and to ensure that there are only two units prior to recordation of the plat.

EXHIBITS:

Exhibit A - Location Map
Exhibit B - Proposed Plat
Exhibit C - Possible parking plan
Exhibit D - Applicant's parking proposal

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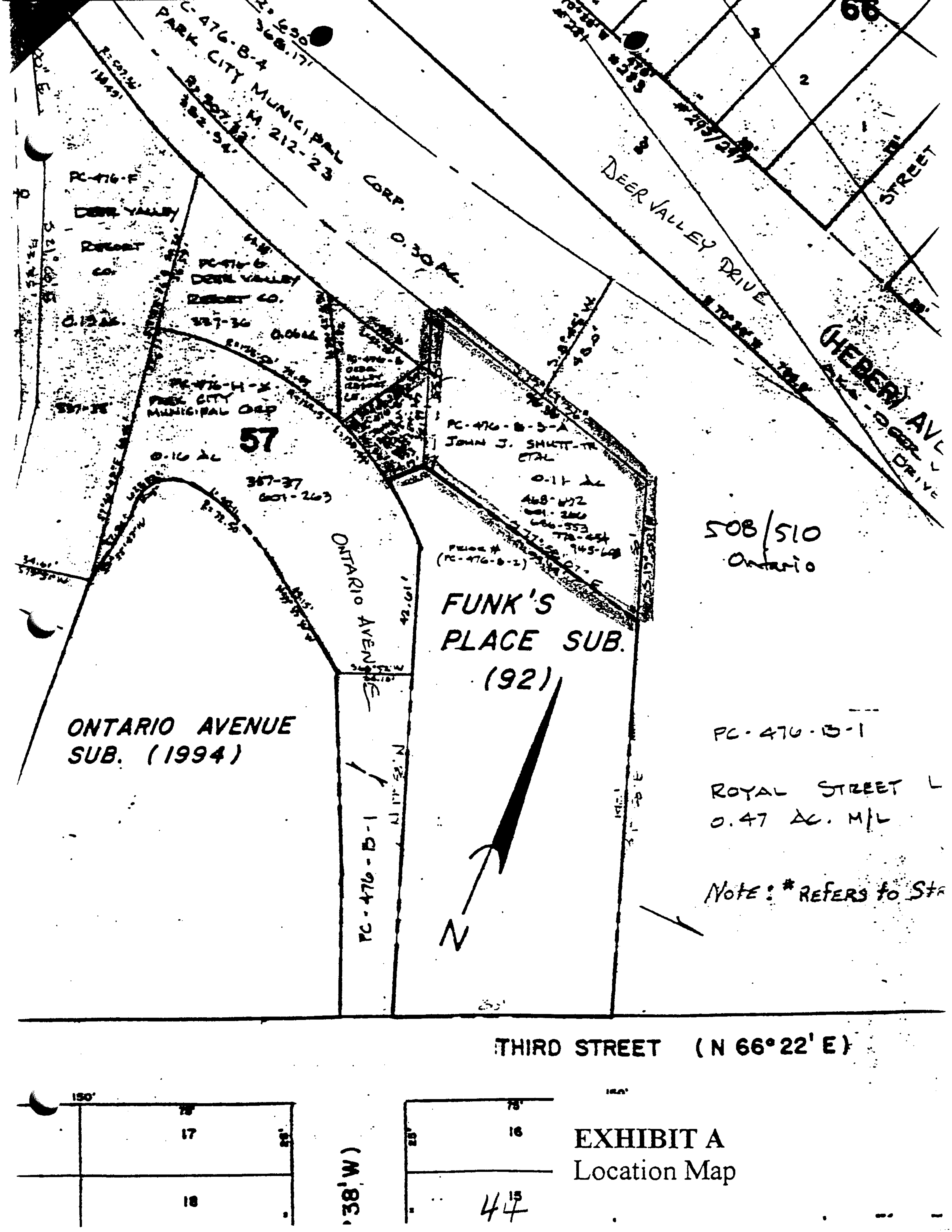


EXHIBIT A
Location Map

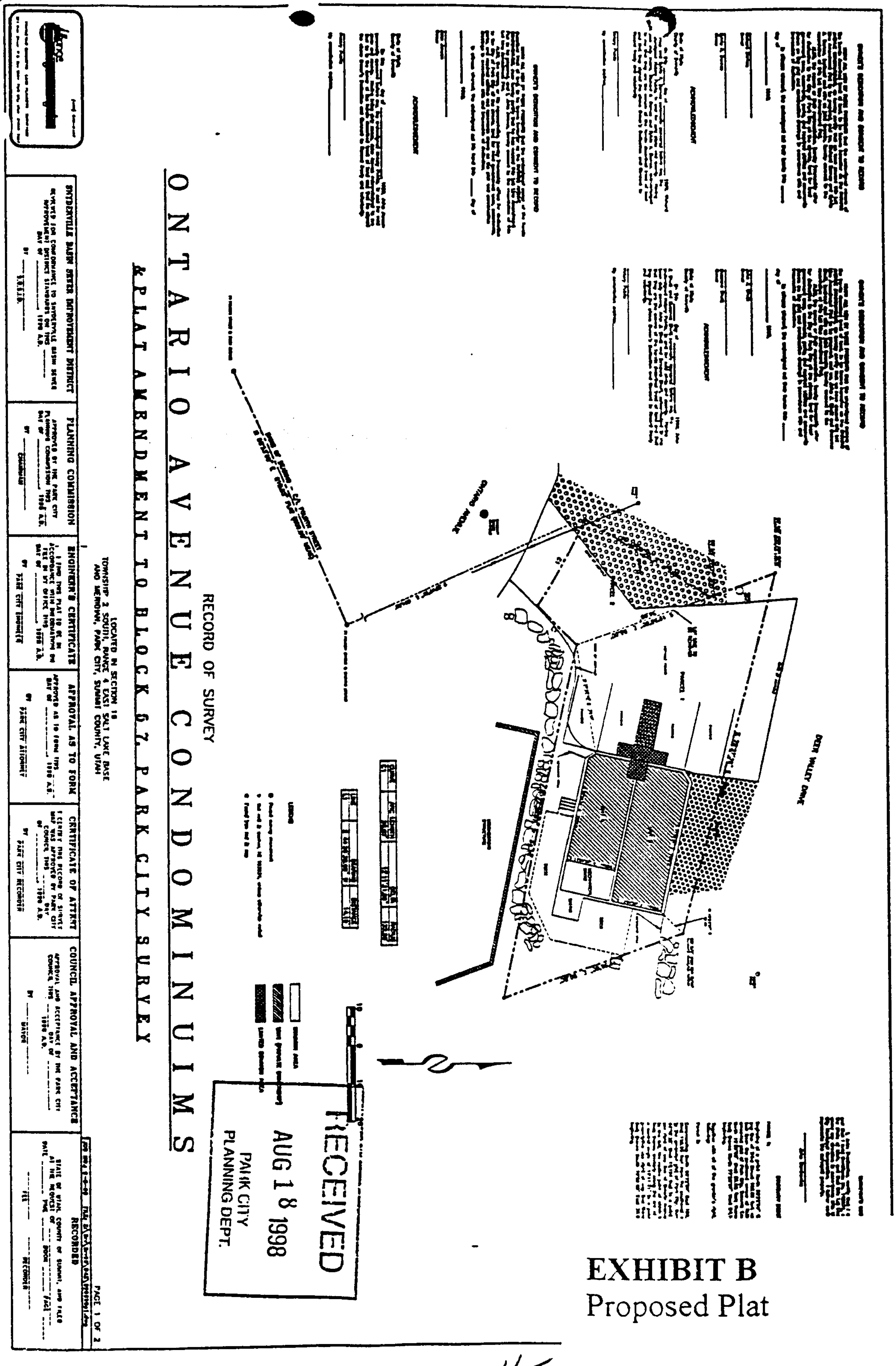


EXHIBIT B

Proposed Plat

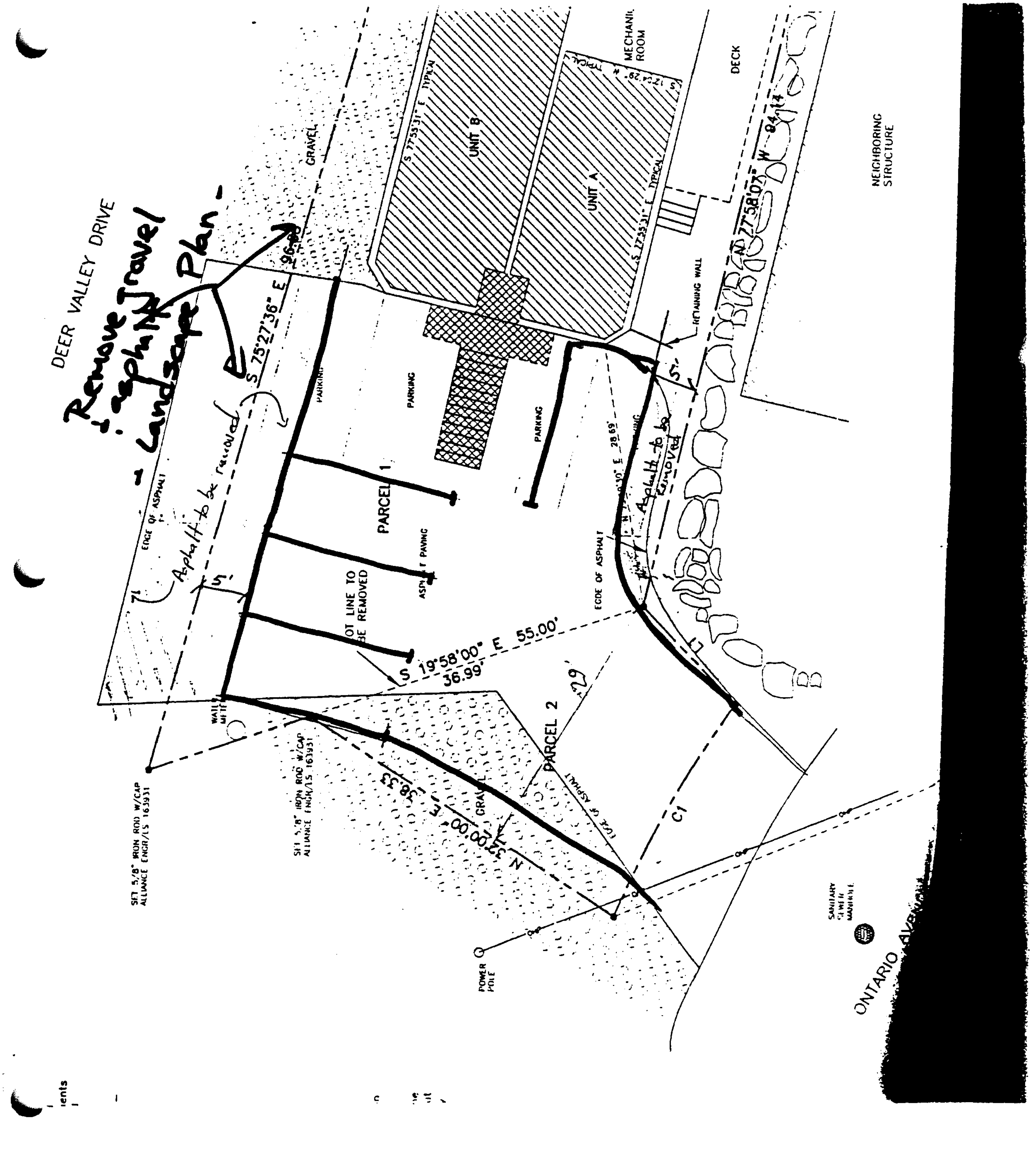

DEER VALLEY DRIVE
Remove asphalt/gravel - landscape Plan -
S 75°27'36" E 96.80
EDGE OF ASPHALT
Asphalt to be removed
5'
GRAVEL
UNIT B
UNIT A
MECHANIC ROOM
DECK
NEIGHBORING STRUCTURE
N 77°58'07" W 94.14
RETAINING WALL
PARKING
PARKING
PARKING
PARCEL 1
ASPHALT PAVING
LOT LINE TO BE REMOVED
EDGE OF ASPHALT
Asphalt to be removed
S 19°58'00" E 55.00'
36.99'
PARCEL 2
GRAVEL
EDGE OF ASPHALT
N 32°00'00" E 38.33
C1
L1
SET 5/8" IRON ROD W/CAP ALLIANCE ENGR/LS 163931
SET 5/8" IRON ROD W/CAP ALLIANCE ENGR/LS 163931
POWER POLE
SANITARY SEWER MANHOLE
ONTARIO AVENUE

EXHIBIT C

Reasons for keeping Existing parking at 510/512 Ontario

Cannot access Neither public or private vehicles could use it as it on a bluff and accessible only through 510/512 Ontario owner's land.

Bluff surrounds south and west sides. Varies form 12 to 6 feet from existing street.

Drawback to removing asphalt and landscaping would collect trash and weeds. City would need to allocate new funds to maintain. Owners won't do it

Drawback to creating a barrier Difficult to remove snow, would be forced into Barrier. Cars would have park back into street.

Fire department Fire trucks would have difficulty in accessing building if cars were in reduced lot. Especially in winter.

Alternative ways to benefit the city for it's "Right of Way"

Create CC&R's that would give city parking lot access during busy times.
Example: Film Fest, Art Fest, Street Dance, Miner's Parade, etc.

Annex the land and increase the property tax from the landowner.
Driveway is already annexed and property taxes were increased.

Pave lot & make 2-3 spaces public

EXHIBIT D

Ordinance No. 99-

AN ORDINANCE TO APPROVE THE FINAL SUBDIVISION AND RECORD OF SURVEY FOR THE CONDOMINIUM CONVERSION OF THE EXISTING DUPLEX AT 510/512 ONTARIO AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property known as 510/512 Ontario Avenue have petitioned the City Council for approval of a subdivision and record of survey for the condominium conversion; 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 14, 1999, to receive input on the proposed subdivision and record of survey for the condominium conversion;

WHEREAS, the Planning Commission, on April 14, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 20, 1999, the City Council held a public hearing to receive input on the proposed subdivision and record of survey for the condominium conversion; and

WHEREAS, it is in the best interest of Park City, Utah to approve the subdivision and record of survey for the condominium conversion.

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

SECTION 1. APPROVAL. The condominium conversion and record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The two parcels and duplex building are located at 510/512 Ontario Avenue and are zoned R-1 Residential.
2. The proposed plat changes the ownership of this property to condominium ownership.
3. A duplex structure is located on the lot and is nonconforming to the sideyard setbacks.
4. The parking area is also nonconforming and spills over onto adjacent land owned by Deer Valley and Park City Municipal Corporation.

Conclusions of Law:

1. There is good cause for this condominium plat as the units can be sold separately.
2. The subdivision is consistent with Chapter 15 of the Land Management Code.
3. The condominium conversion and subdivision plat is consistent with the Park City Land Management Code and applicable State law regarding condominiums.
4. Neither the public nor any person will be materially injured by the proposed condominium conversion and subdivision plat.
5. Approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium record of survey and CC &Rs for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. 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.
3. A parking and landscape plan complying with all applicable R-1 zone and LMC requirements must be approved by the Community Development Department and implemented prior to recordation of the plat.
4. The Building Department must inspect the premises for compliance to Building Code and to ensure that there are only two units prior to recordation of the plat.

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

PASSED AND ADOPTED this 20th day of May 1999 .

PARK CITY MUNICIPAL CORPORATION

____

Bradley A. Olch, MAYOR

ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, Deputy City Attorney

EXHIBIT A

OWNER'S DEDICATION AND CONSENT TO RECORD

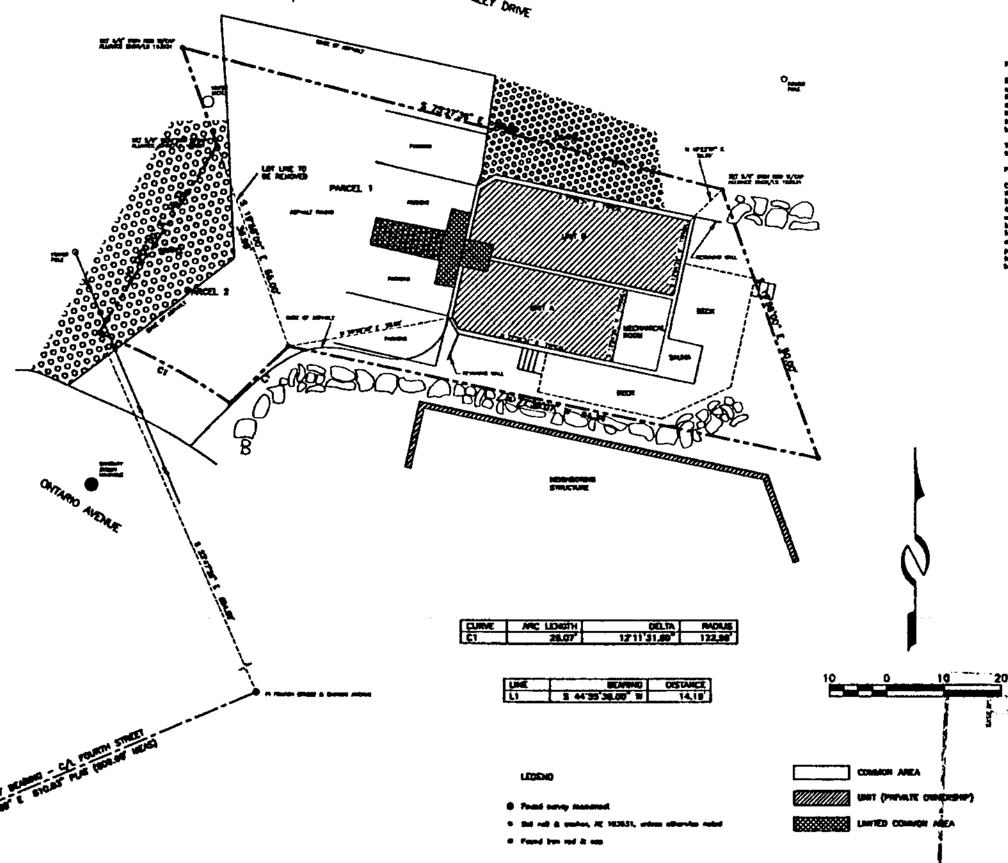
ACKNOWLEDGEMENT

OWNER'S DEDICATION AND CONSENT TO RECORD

ACKNOWLEDGEMENT

OWNER'S DEDICATION AND CONSENT TO RECORD

ACKNOWLEDGEMENT



CURVE	ARC LENGTH	DELTA	RADIUS
C1	26.07'	12°11'31.80"	122.58'

LINE	BEARING	DISTANCE
L1	S 44°35'36.00" W	14.19'

LEGEND

COMMON AREA

UNIT (PRIVATE OWNERSHIP)

LIMITED COMMON AREA

RECEIVED

AUG 18 1998

PARK CITY PLANNING DEPT.

51

RECORD OF SURVEY

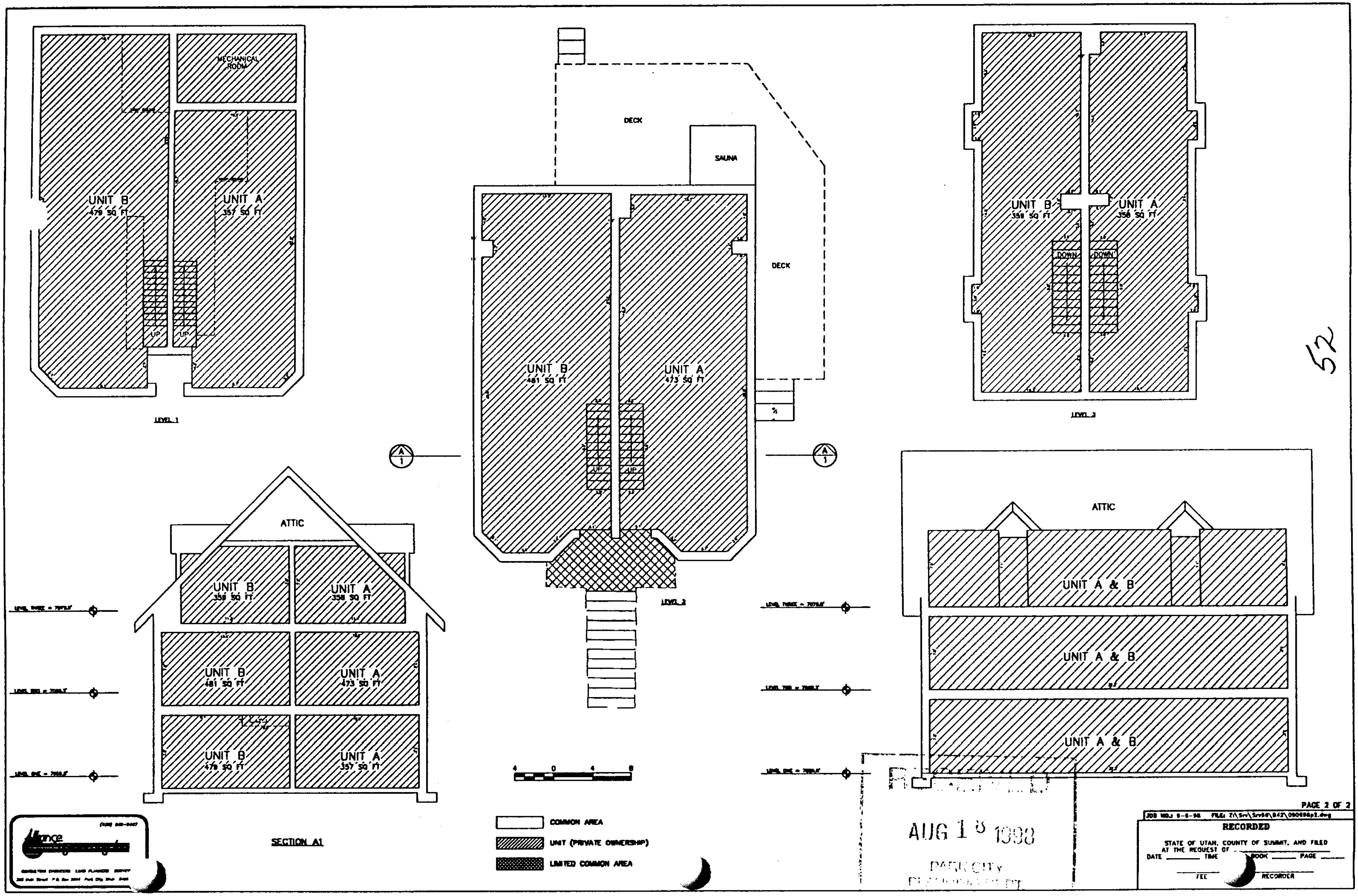
ONTARIO AVENUE CONDOMINUIMS

& PLAT AMENDMENT TO BLOCK 57, PARK CITY SURVEY

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

PAGE 1 OF 2

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


MECHANICAL ROOM
UNIT B
479 SQ FT
UNIT A
357 SQ FT
UP
UP
LEVEL 1
DECK
SAUNA
DECK
UNIT B
481 SQ FT
UNIT A
473 SQ FT
UP
UP
LEVEL 2
UNIT B
358 SQ FT
UNIT A
358 SQ FT
DOWN
DOWN
LEVEL 3
ATTIC
UNIT B
358 SQ FT
UNIT A
358 SQ FT
UNIT B
481 SQ FT
UNIT A
473 SQ FT
UNIT B
479 SQ FT
UNIT A
357 SQ FT
SECTION A1
ATTIC
UNIT A & B
UNIT A & B
UNIT A & B
4 0 4 8
COMMON AREA
UNIT (PRIVATE OWNERSHIP)
LIMITED COMMON AREA
AUG 18 1998
PARK CITY
PAGE 2 OF 2
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF
DATE TIME BOOK PAGE
FEE RECORDER
52

PARK CITY 1884

CITY COUNCIL STAFF REPORT

Date: May 20, 1999
Department: Community Development Department
Title: Record of Survey Stein Eriksen Lodge Phase III
Type of Item: Legislative

Summary Recommendations: Conduct a public hearing and consider adopting the attached ordinance approving a Record of Survey to Stein Eriksen Lodge Phase III.

A. Topic

Applicant:	Jack Johnson Company
Location:	7770 Stein Way
Proposal:	Record of Survey - Condominium Conversion
Zoning:	RD- Master Planned Development
Adjacent Land uses:	Residential
Project Planner:	Kevin LoPiccolo
Date of Application:	March 24, 1999

B. Background Information

The Planning Commission voted to forward to City Coucil a positive recommendation to approve a Record of Survey for 11 condominiums known as Stein Eriksen Lodge Phase III at their May 12, 1999. The project is consistent with the RD zone and the Deer Valley Master Plan.

This request is for approval of the Record of Survey of Stein Eriksen's eleven Condominiums at 7770 Stein Way. A final plat must be recorded with the County in order for the current owner to sell ownership interest to other parties.

C. Analysis

The project consists of condominiums and a conference center that will complete Phase III which is the final phase for Steins.The site can be accessed from Stein Way off of Royal Street. The proposed condominium plat is consistent with the Land Management Code, approved Stein Eriksen Phase III MPD plans. The plat changes the type of ownership of this parcel to condominium ownership.

D. Department Review

The Planning Staff and City Attorney's Office have reviewed this application and find it to be in conformance with all requisite city development codes.The City Attorney's office will review the plat and CC&R's before recordation.

E. Public Input

Property owners within 300 feet of the project were notified on April 28, 1999. The property was properly posted and legally noticed. As of this date of this report, staff has received a letter stating an address correction for future notice from one of the condominium owner's attorney.

Alternatives:

A. Approve the proposed amendment thereby allowing individual ownership of each unit.

B. Deny the condominiumization and retain the current form of ownership.

C. Continue the item and request additional evaluation from staff.

Significant Impacts:

The proposal results in a record of survey plat that allows individual ownership of each unit. Approval of this application will not result in any significant impacts to the proposed project.

Consequences of not taking the recommended action:

If the Council denies the Record of Survey to the Stein Eriksen Lodge Plat, the property can be developed under the MPD approval.

F. Recommendation

Staff recommends approval of the proposed Record of Survey for Stein Eriksen Lodge based upon the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The property is within the Residential Development District Zone.

2. The proposed plat changes the type of ownership of this property to condominium ownership.

3. The proposal is consistent with both the Park City Land Management Code and the General Plan in that the RD zone allows condominium units when all minimum code requirements are met.

4. The Plat is consistent with the Planning Commission approval of March 25, 1998 for the Stein Eriksen Lodge MPD.

5. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

6. The applicant stipulates to all conditions of approval.

7. Utility easements are necessary to provide adequate long-term utility maintenance.

Conclusions of Law:

1. There is good cause for this condominium plat.

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

3. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominiums plats.

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the condominium plat and CCR'S for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.

2. All standard project conditions shall apply.

3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee.

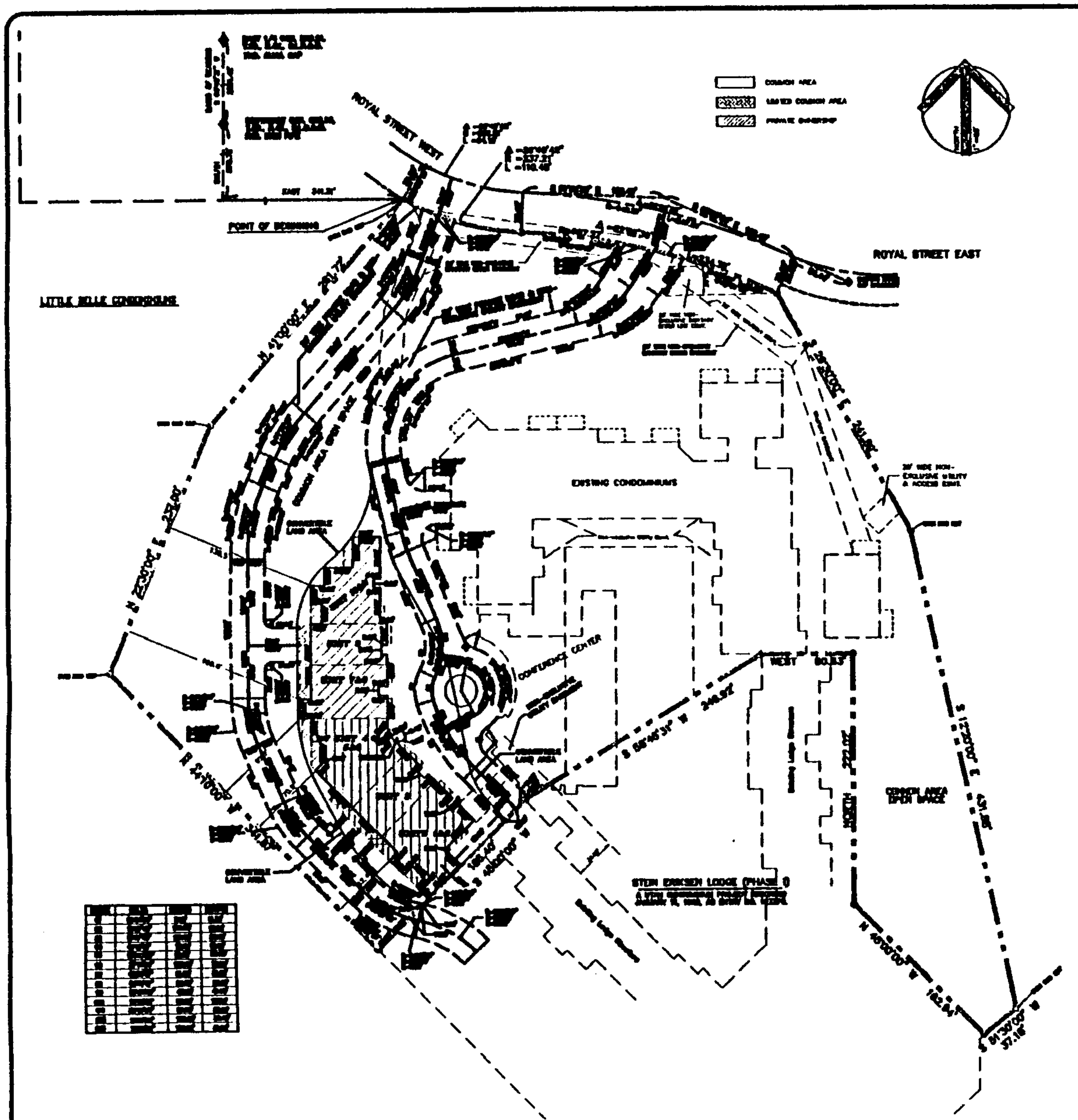
4. All Conditions of Approval under the MPD approved March 25, 1998 are in effect.

5. The final Record of Survey plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval, this approval and the plat shall be considered void.

6. Sewer, water, and various non-exclusive utility easements shall be shown on the plat to accommodate existing and future utilities.

G. Exhibits

A. Proposed Condominium plat
B Location Map
C. Proposed Ordinance



NOTES:

BOUNDARY DESCRIPTION

Containing 7.1284 acres, more or less.

SURVEYOR'S CERTIFICATE

CONSENT TO RECORD

ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

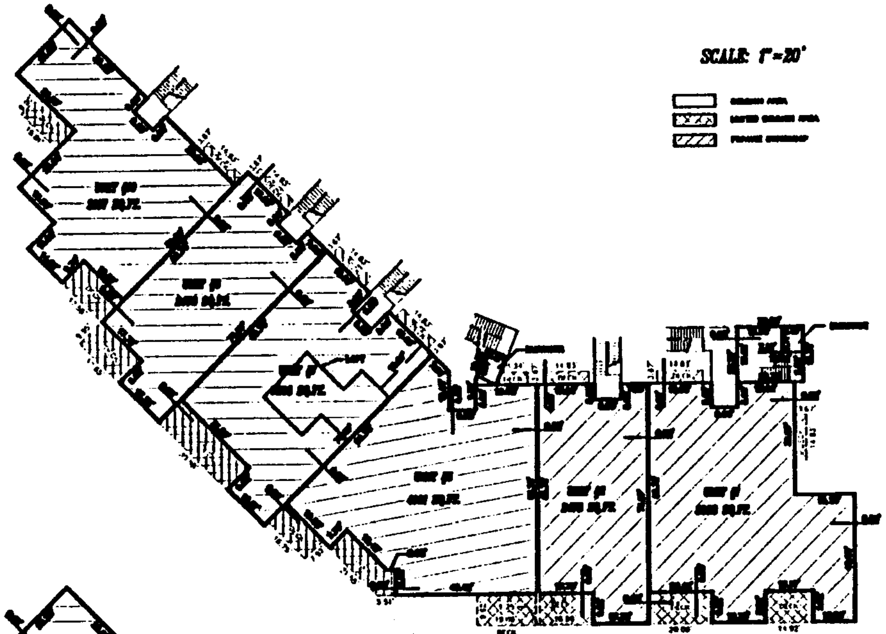
THIRD SUPPLEMENTAL
RECORD OF SURVEY MAP OF
STEIN ERIKSEN LODGE
A UTAH CONDOMINIUM PROJECT ESTABLISHED
PURSUANT TO THE RECORD OF SURVEY MAP
RECORDED JANUARY 12, 1982, AS ENTRY NO.187370,
IN THE OFFICIAL REAL PROPERTY RECORDS OF SUMMIT
COUNTY, UTAH, AS SUCH RECORD OF SURVEY MAP HAS
BEEN SUPPLEMENTED, AMENDED, AND CORRECTED.

SHEET 1 OF 4

RECEIVED
MAR 24 1999
PARK CITY
PLANNING DEPT.

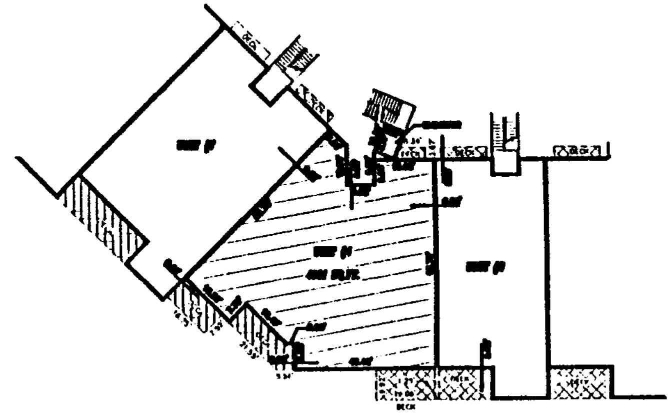
57

CITY COUNCIL		EXHIBIT A - PROPOSED CONDOMINIUM PLAT	RECORDED	THE JACK JOHNSON COMPANY
PRESENTED TO THE PARK CITY COUNCIL THIS ____ DAY OF ______ 19__ AT WHICH TIME THIS PLAT WAS APPROVED. MAYOR CITY RECORDER	APPR PARK ON R		NO. ____ STATE OF ____ COUNTY OF ____ RECORDED AND FILED AT THE REQUEST OF: COUNTY RECORDER	1777 Sun Peak Dr. • Park City, Utah 84098 (801) 645-9000 • fax (801) 649-1620

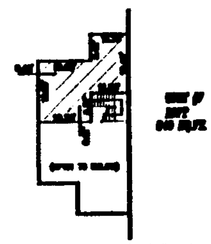


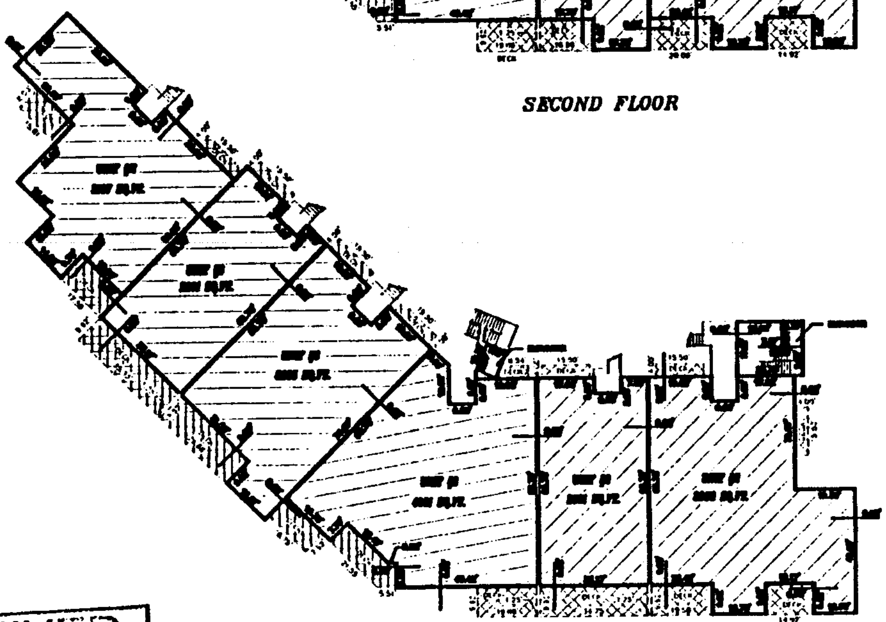
SECOND FLOOR

SCALE: 1"=20'



THIRD FLOOR





FIRST FLOOR

THIRD SUPPLEMENTAL
RECORD OF SURVEY MAP OF
STEIN ERIKSEN LODGE
A UTAH CONDOMINIUM PROJECT ESTABLISHED
PURSUANT TO THE RECORD OF SURVEY MAP
RECORDED JANUARY 12, 1982, AS ENTRY NO.187370,
IN THE OFFICIAL REAL PROPERTY RECORDS OF SUMMIT
COUNTY, UTAH, AS SUCH RECORD OF SURVEY MAP HAS
BEEN SUPPLEMENTED, AMENDED, AND CORRECTED.

SHEET 2 OF 4

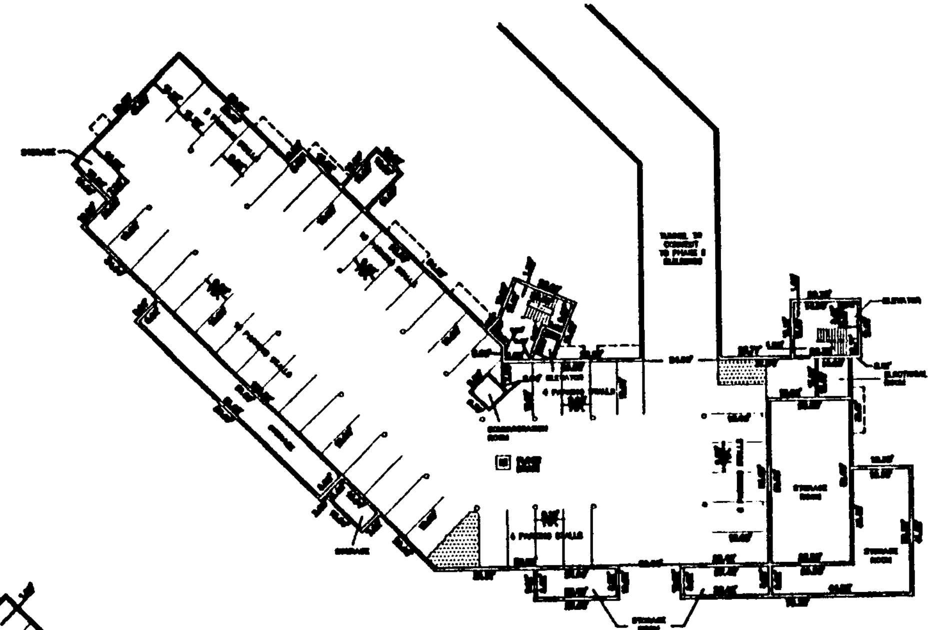
58

RECORDED

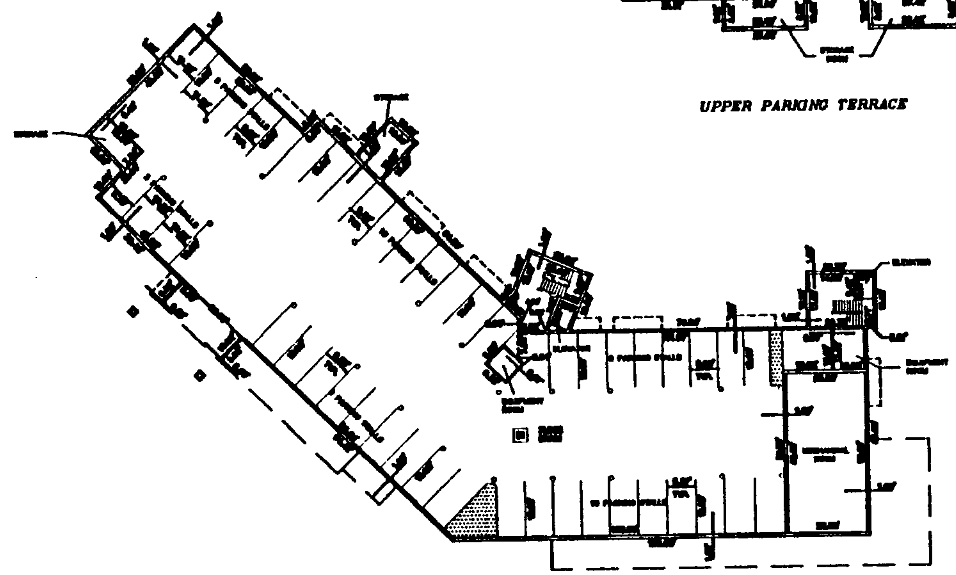
N°. ________
STATE OF ________
COUNTY OF ________
RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Dr. * Park City Utah 84098
(801) 645-9000 * fax (801) 649-1620



UPPER PARKING TERRACE



LOWER PARKING TERRACE

SCALE: 1" = 20'

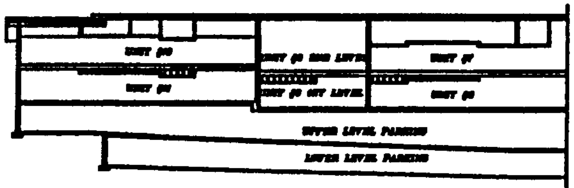
59

THIRD SUPPLEMENTAL
RECORD OF SURVEY MAP OF
STEIN ERIKSEN LODGE
A UTAH CONDOMINIUM PROJECT ESTABLISHED PURSUANT TO THE RECORD OF SURVEY MAP RECORDED JANUARY 12, 1982, AS ENTRY NO.187370, IN THE OFFICIAL REAL PROPERTY RECORDS OF SUMMIT COUNTY, UTAH, AS SUCH RECORD OF SURVEY MAP HAS BEEN SUPPLEMENTED, AMENDED, AND CORRECTED.
SHEET 3 OF 4

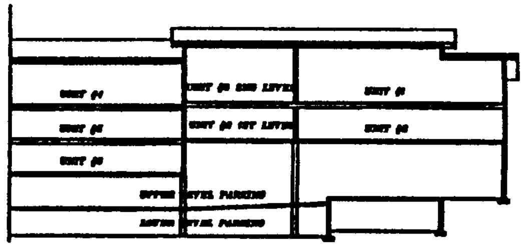
RECORDED
NO. ________
STATE OF ________
COUNTY OF ________
RECORDED AND FILED AT THE REQUEST OF: ________
____
COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Dr. • Park City, Utah 84098
(801) 645-9000 • fax (801) 649-1620

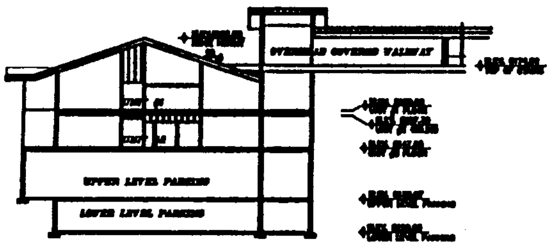
SCALE: 1" = 20'



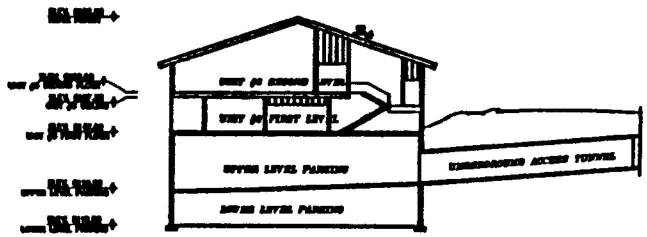
BUILDING SECTION



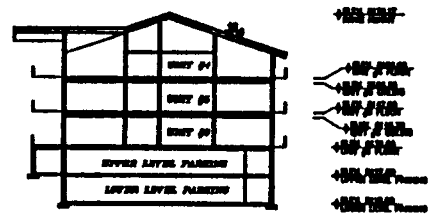
BUILDING SECTION



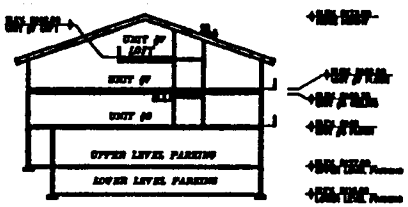
UNIT #1 AND #2 BUILDING SECTION



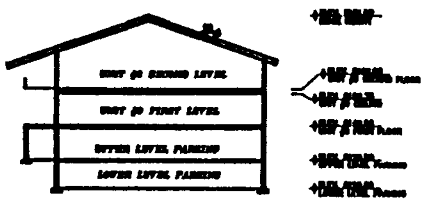
UNIT #3 BUILDING SECTION



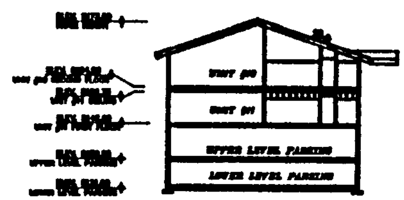
UNIT #4 #5 #6 BUILDING SECTION



UNIT #7 #8 BUILDING SECTION



UNIT #9 BUILDING SECTION



UNIT #10 #11 BUILDING SECTION

THIRD SUPPLEMENTAL
RECORD OF SURVEY MAP OF
STEIN ERIKSEN LODGE
A UTAH CONDOMINIUM PROJECT ESTABLISHED
PURSUANT TO THE RECORD OF SURVEY MAP
RECORDED JANUARY 12, 1982, AS ENTRY NO.187370,
IN THE OFFICIAL REAL PROPERTY RECORDS OF SUMMIT
COUNTY, UTAH, AS SUCH RECORD OF SURVEY MAP HAS
BEEN SUPPLEMENTED, AMENDED, AND CORRECTED.
SHEET 4 OF 4

RECEIVED
MAR 24 1999
PARK CITY
PLANNING DEPT.

RECORDED
NO. ______
STATE OF ______
COUNTY OF ______
RECORDED AND FILED AT THE REQUEST OF: ______

COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Dr. * Park City, Utah 84098
(801) 645-9000 * fax (801) 649-1620

60

7700 Royal Street

PARK CITY 1884

Exhibit - B
Vicinity Map

N
W E
S

PARK CITY
1884

Ordinance No. 99-

AN ORDINANCE APPROVING A RECORD OF SURVEY TO STEIN ERIKSEN LODGE PHASE III LOCATED AT 7700 STEIN WAY, PARK CITY, UTAH

WHEREAS, the owner, Stein Eriksen Lodge, of the property known as 7700 Stein Way, have petitioned the City Council for approval of Record of Survey to Stein Eriksen Lodge; and

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

WHEREAS, on May 12, 1999 the Planning Commission held a public hearing to receive public input on the proposed Record of Survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner; and

WHEREAS, on May 20, 1999, the City Council held a public hearing to receive input on the proposed Record of Survey; and

WHEREAS, the proposed plat changes the type of ownership of this property to condominium ownership; and

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

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

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

1. The property is within the Residential Development District Zone.

2. The proposed plat changes the type of ownership of this property to condominium ownership.

3. The proposal is consistent with both the Park City Land Management Code and the General Plan in that the RD zone allows condominium units when all minimum code requirements are met.

4. The Plat is consistent with the Planning Commission approval of March 25, 1998 for the Stein Eriksen Lodge MPD.

5. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

6. The applicant stipulates to all conditions of approval.

7. Utility easements are necessary to provide adequate long-term utility maintenance.

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

1. There is good cause for this condominium plat.

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

3. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominiums plats.

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

1. The City Attorney and City Engineer's review and approval of the condominium plat and CCR'S for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.

2. All standard project conditions shall apply.

3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee.

4. All Conditions of Approval under the MPD approved March 25, 1998 are in effect.

5. The final Record of Survey plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval, this approval and the plat shall be considered void.

6. Sewer, water, and various non-exclusive utility easements shall be shown on the plat to accommodate existing and future utilities.

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

PASSED AND ADOPTED this 20th day of May, 1999.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, Deputy City Attorney

PARK CITY 1884

Resolution No. -99

RESOLUTION PROCLAIMING MAY 22, 1999
PARK CITY ARBOR DAY

WHEREAS, Park City is vitally interested in maintaining its natural tree resources and other significant flora ; and

WHEREAS, Park City is further interested in planting trees and other significant flora so that the present generation can leave an even more lush and healthy environment to future generations than presently exists; and

WHEREAS, Park City recognizes the importance of educating and involving our citizens in the care, planting and nurturing of our arbor resources; and

WHEREAS, Park City desires to be known as a "Tree City USA" and so join the ranks of those other cities demonstrating their commitment to the arbor resources;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Park City, Utah proclaim May 22, 1999 as:

PARK CITY ARBOR DAY

and call upon all citizens to reflect upon.

PASSED AND ADOPTED this 20th day of May, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

DATE: May 27, 1999
DEPARTMENT: Community Development/Public Works
AUTHOR: Rick Lewis, Jerry W. Gibbs
TITLE: Main Street Bulb-out & Miners Park
Sandridge Parking/Peace Park
TYPE OF ITEM: Contractual

SUMMARY RECOMMENDATIONS:. Award a contract and authorize staff to enter into an agreement with Cunningham Construction in the amount of $44,000 for the lower Sandridge Parking project; G-Bar landscaping in the amount of $77,000 for landscaping of the lower Sandridge Parking project and Peace Park; and DRD Paving in the amount of $220,484.48 for the Main Street Bulb-out and Miner's Park Projects.

DESCRIPTION:

A. Topic. Completion of the Sandridge Surface Parking Program, Peace Park, and Main Street sidewalk and park improvements. .

B. Background:

Sandridge: The Sandridge Parking project began in the summer of 1997. Council authorized staff to proceed with design and construction of an eighty car facility. The bids received were higher than anticipated due to the short construction schedule and time of year. Council directed staff to reduce the scope and construct the upper lot consisting of 46 spaces. The landscaping for this phase was completed during the late summer of 1998.

The City Council authorized staff to proceed with the filling necessary to build the lower Sandridge Parking area. The fill was provided by the Park City Mountain Resort free of charge. The City paid for trucking and compaction. The project was completed in the late fall of 1999. Stairs and walkway were installed as the snow was falling to provide access from the parking lot to China Bridge. Asphalt grindings were used as base and walkway surfacing.

Main Street Bulb-outs, Sidewalk and Park improvements:

City Council authorized staff to proceed with the design of a pedestrian enhancement (bulb-out) and improvement to Miner's Park located on Main Street. Von Visions was hired to develop concepts and design drawings. The Main Street Merchants were given an opportunity to review and comment during the conceptual design phases.

Public Works and Community Development decided to advertise their projects jointly to attract a larger number of potential contractors. Fourteen contractors request plans and seven provided bids.

Each project is anticipated to take between 45 and 60 calendar days to complete. The Main Street projects must be completed prior to August 5, 1999. A substantial financial penalty will be inplace for each day the project goes beyond August 5.

C. **Analysis**. Bids were publicly opened at 2:00 pm on Wednesday May 12, 1999. The bids are as follows:

	Sandridge Parking	Sandridge Landscaping	Bulb-Outs	Miner's Park
Contractor	Base Bid 1	Base Bid 2	Base Bid 3	Base Bid 4
Nelson Trucking	$140,932.50	$115,124.00	Non-responsive	Non-responsive
Flare Construction	$66,500.00	No bid	No bid	No bid
Pochynok	No bid	No bid	$211,606*	Combined
DRD Paving	No bid	No bid	**$85,007.44**	**$137,479.04**
Cunningham Construction	**$44,403.00**	No bid	No bid	No bid
G-Bar Landscaping	No bid	**$77,466.45**	No bid	No bid
Staker Paving	$49,968.50	No bid	No bid	No bid

- Combined bid for base bid 3 & 4

The bid from Nelson Trucking for base bid 3 & 4 is considered non-responsive. They provided unit cost, no quantities, and no lump bid.

Pochynok did not separate base bid 3 & 4 and provided a combined bid. His combined total is less than DRD Paving's combined total. He was unwilling to separate his bid and indicated it made more sense to combine base bid 3 & 4. Pochynok also provide a certified check that was less than the five percent required with the bid. His bid is considered non-responsive even though it is lower. Mr. Pochynok is currently the contractor for the addition to 405 Main Street, the building south and adjacent to Miner's park and has permission to access the building addition through Miner's Park until June 1, 1999. Mr. Pochynok disagrees with the City's position.

Our bid process allows us to waive informalities if it is determined to be in the City's best interest. Staff does not recommend this approach. (This is a fairness issue to the other contractor who provided a bid in the correct form that was requested.)

Staff would like an opportunity to negotiate with the lowest qualified bidder to determine if a similar discount would be available if both projects were awarded to DRD Paving. The Main Street projects have a total budget available of approximately $750,000. The estimate for both projects were $200,000. DRD Paving's bid for Base bid 3 & 4 is $222,486.48.

The funding available for landscaping and parking lot improvements as May 17, 1999 is $262,000 (34-49099) and $32,691 (34-49007). The engineers estimate for the parking lot improvements and landscaping was $160,000. The lowest qualified bids total $121,869.45.

<u>ALTERNATIVES</u>:

A. **Award the bid and authorize staff to enter into an agreement with each of the lowest qualified bidders. Base Bid 1, Cunningham Construction for $44,403.00. Base Bid 2, G-Bar Landscaping for $77,466.45. Base Bid 3 & 4, DRD Paving for $222,486.48.**

B. **Award the bid and authorize staff to enter into an agreement with each of the low d bidders. Base Bid 1, Cunningham Construction for $44,403.00. Base Bid 2, G-Bar Landscaping for $77,466.45. Base Bid 3 & 4, Pochynok for $211,606.**

C. **Award the bid and authorize staff to enter into an agreement with each of the lowest qualified bidders. Base Bid 1, Cunningham Construction for $44,403.00. Base Bid 2, G-Bar Landscaping for $77,466.45. Negotiate a lower bid with DRD Paving for Base Bid 3 & 4 in an amount not to exceed $212,000.**

D. **Reject all bids for Base Bid 3 & 4 and rebid**

<u>SIGNIFICANT IMPACTS</u>: The Main Street project has a critical time element that all work needs to be completed prior to the Arts Festival. Main Street merchants are concerned with pedestrian access during construction. DRD paving is prepared to allow pedestrian traffic access through the construction area with minor closings for no more than three hours at a time. He is also willing to commit crews to complete the project in 30 days assuming no unanticipated problems are found.

<u>CONSEQUENCES OF NOT TAKING THE RECCOMMENDED ACTION</u>: Contractors

may consider our bidding policies as unfair. Rebidding would delay the start of the project to August. Merchants have indicated that August and September are one of their busiest time periods.

RECOMMENDATION: **Award the bid and authorize staff to enter into an agreement with each of the lowest qualified bidders. Base Bid 1, Cunningham Construction for $44,403.00. Base Bid 2, G-Bar Landscaping for $77,466.45. Negotiate a lower bid with DRD Paving for Base Bid 3 & 4 in an amount not to exceed $212,000.**

PARK CITY
1884

CITY COUNCIL AGENDA REPORT

DATE: May 20, 1999
DEPARTMENT: Leisure Services
AUTHOR: Bob Johnston
TITLE: City Park Resolution
TYPE OF ITEM: Legislative

Summary Recommendation: Approval of resolution adopting revised master plan for City Park.

DESCRIPTION:

A. Topic: Staff has been working closely with the PRBB, on a new direction for City Park. This new direction has come from the Board working on a variety of issues involving the Park from inadequate basketball facilities, skateboard parks and demands for more playground areas.

B. Background: For two years, staff has been working with the PRBB on a variety of issues including the need for additional recreational facilities. The Board has been working on a facilities master plan that will provide direction for Park City's recreational facility development. One recommendation that has already surfaced, is to review existing opportunities to improve or meet current demands, before looking to undeveloped parcels to meet the needs. Given future needs and existing challenges at City Park, the PRBB and staff have worked together with the firm of Claflin and Associates since October 1998, on a revised master plan for City Park. The PRBB and staff held two (2) public hearings on this issue January 20, 1999 and February 17, 1999. We received nothing but positive comments on the plan at both meetings. The only concern that was raised was the traffic issue on Park Avenue.

C. Analysis: The plan addresses a number of issues including; the addition of more basketball facilities, an expanded children play area, improved circulation and additional parking, a skateboard park, improved and additional plaza or public space that could be used for public celebration (Olympics) and improvements made to the existing Poison Creek stream corridor.

While the plan is exciting and very appealing, it is not without its issues. The issue before you today is that the new plan places very active recreational components in the South End of City Park which is currently designated for passive use only, and there is of course the cost. As you know, the current CIP has approximately $500,000, for this project and implementation could begin July or August as part of the overall CIP budget for the City.

D. Department Review: To date, this plan has been reviewed by the Leisure Services staff, Planning staff, Planning Commission and Parks, Recreation Beautification Advisory Board.

ALTERNATIVES:

1. **Approve Request** - Adopt revised master plan for City Park resoltion.

2. **Postpone Action** - Table resolution pending further information.

3. **Continue Action-** Provide feedback that would alter or change the course of the proposed process. Establish new direction.

4. **Deny Request** - Discontinue process.

RECOMMENDATION: Adopt resolution for a revised master plan for City Park.

Resolution No. -99

RESOLUTION ADOPTING A REVISED MASTER PLAN FOR CITY PARK, PARK CITY, UTAH

WHEREAS, a Park City Parks Master Plan was adopted on July 15, 1982, as a guideline for recreation development, and the City Council deems it in the best interest of the community to update the existing plan by recommending amendments that better meet the current and future needs of residents; and

WHEREAS, those changes differ significantly from the existing plan and call for the designation of the south end of the park to be changed from "PASSIVE" use to "ACTIVE" use; and

WHEREAS, the Parks, Recreation, and Beautification Advisory Board held several public work sessions and stakeholder meetings with interested citizen groups on proposed revisions to the City Park Master Plan over several months; and

WHEREAS, public input in support of the revised Master Plan was rendered at a noticed meeting of the Parks, Recreation, and Beautification Advisory Board held on January 20, 1999 and a noticed Capital Improvement Program Open House held on February 17, 1999;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council as follows:

SECTION 1. MASTER PLAN ADOPTED. The attached Exhibit "A", Master Plan for City Park, dated October 1998 and revised November 1998, is hereby adopted by the City Council of Park City, Utah.

(a) Staff is hereby directed to continue with its planning efforts on the City Park Master Plan, and consider the south end of the park for "ACTIVE" uses, as described on Exhibit "A".

(b) Staff is further directed to abide by the all regulations of the City by applying for and receiving appropriate approvals prior to commencing with any improvements to City Park.

(c) The City Park Master Plan is only a conceptual plan, and subject to change. The funding or construction of any specific component of this plan will not occur without City Council approval.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 20th day of May, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney

Conceptual Master Plan
City Park
Park City, Utah

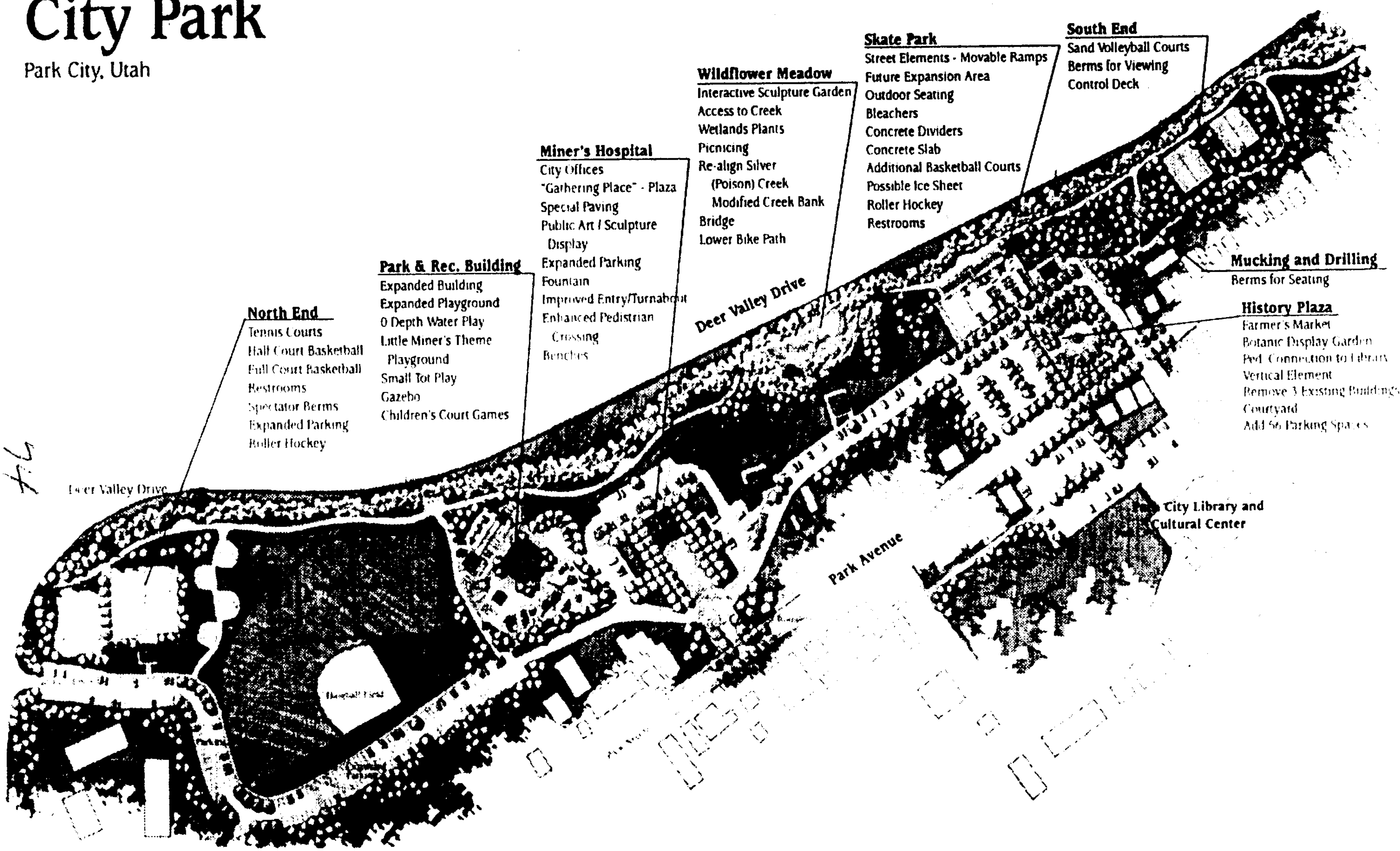


Exhibit A
Dated October 1998
Revised November 1998