PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 13, 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 13, 1999.

AGENDA

Work Session - City Council Chambers - Lower Level

11:30 p.m.	Capital Improvement Budget: overview and explanation of reports, explanation of recommended changes resulting from April 29 1999 CIP review and public hearing, and continuation of line-by-line alternative review
	Operating Budget: introduction, summaries and financial overview, budgeting philosophy and revenues, staffing strategies and pay plan, policies and procedures, grants
3:00 p.m.	(Break)
3:45 p.m.	Council questions and comments Customer Service Excellence Award for 1st Quarter, 1999
4:15 p.m.	Flagstaff discussion
5:15 p.m.	Review of regular meeting Wyoming Woolens lease NAC water extension Other meeting questions and comments

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV PUBLIC HEARINGS

1. Ordinance Approving the Condominium Conversion of Duplex, located at 556 Deer Valley Loop, Park City, Utah

2. Ordinance Approving the Plat Amendment to Combine Portions of Lot 21 and Lot 22, Block 16, of the Snyder's Addition to the Park City Survey, located at 1024 Empire Avenue, Park City, Utah

3. Ordinance Approving the Poison Creek Mercantile Record of Survey Plat for One Parcel In Block 50 of the Park City Survey, known as 255 Heber Avenue, Park City, Utah

V CONSENT AGENDA

1. 1999/2000 Pavement Management Program, Award of Contracts with: Daley Excavators, L.L.C., for haul away services, amount not to exceed $60,000; R.C. Heaton Construction, for concrete curb and gutter, sidewalk, and driveway flat work, amount not to exceed $62,000; Rivas Construction, Inc., for utility adjustments, in the amount of $117,100; Agra Earth & Environmental, Inc., for quality control testing, in the amount of $48,000; and Premier Concrete Cutting, for concrete cutting, sawing, grinding and planing, for amount not to exceed $44,000

2. City Park Trail Reconstruction, Award of Professional Services Provider Contract with Freston, Ostler and Associates, in the amount of $20,060, for design and engineering

3. An Ordinance Approving the Condominium Conversion of Duplex, located at 556 Deer Valley Loop, Park City, Utah

4. An Ordinance Approving the Plat Amendment to Combine Portions of Lot 21 and Lot 22, Block 16, of the Snyder's Addition to the Park City Survey, located at 1024 Empire Avenue, Park City, Utah

5. An Ordinance Approving the Poison Creek Mercantile Record of Survey Plat for One Parcel In Block 50 of the Park City Survey, known as 255 Heber Avenue, Park City, Utah

VI NEW BUSINESS

1. Assignment of Wyoming Woolens Lease to Jans

2. Additional Insurance Premium Payment, $33,964 to Genesis Insurance Company for general liability covering period September 1, 1997 through September 1, 1998

3. Extension of Water Service to National Abilities Center (NAC)

VII ADJOURNMENT

Posted: 5/10/99
see parkcity2002.org

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 13, 1999

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

Toby Ross, City Manager; Tom Bakaly, Finance Manager; Eric DeHaan; Myles Rademan, Public Affairs Director; Bob Stephens, Administrative Services Director; Nora Shepard, Special Projects Manager; Frank Bell, Olympic Planning Director; Rick Lewis, Community Development Director; Jerry Gibbs, Public Works Director

Hank Rothwell, United Park City Mines Company (UPCM); Russ Coburn, Jans LTD; Sandra Morrison, Park City Historical Society; Meechie White, National Ability Center (NAC)

Absent: **Councilman Paul Sincock**

1. **Budget.** See staff report. The City Council discussed the Capital Improvement Budget and Operating Budget from 11:30 a.m. to 2:30 p.m. This discussion has been recorded and a recap will be provided as part of the work session discussion on May 27. Tom Bakaly, Director of Finance discussed the budget review schedule. He addressed the operating budget including the recession/stabilization plan, Recreation Fund, Olympic budget policies, and surplus property procedures. Grants were also reviewed, specifically housing, the Victim Advocacy Program, and KPCW lease. Mr. Bakaly also presented the Capital Improvement Program Budget and associated projects. Bob Stephens explained the proposed pay plan and staffing strategies.

* * * * *

At approximately 2:35 p.m., the City Council convened in closed session to discuss personnel. See Memorandum of Closed Session as a part of the regular meeting minutes. The meeting opened at approximately 3 p.m.

* * * * *

2. **Council questions and comments.** In response to a question from Chuck Klingenstein about a citizen complaint, Eric DeHaan explained that the Eagle Mountain contractors have been filling in the Quarry Mountain area below Mountain Top. He spoke with a representative of the contractor about reclaiming the area, and this will be an issue with the Planning Commission during its consideration of the Eagle Point Phase 3 Subdivision. There is a plan to regrade, top soil

and reseed this landfill area. There was discussion about the 4th of July parade and use of the trolley. Hugh Daniels pointed out the investment in the Main Street Business Alliance in money and staff time and it has made a lot of progress. He suggested "weaning" staff support, unless someone's presence is essential because of related projects. Myles Rademan agreed and noted that he will coordinate meetings. The City Council discussed holding a joint dinner meeting with Wasatch County, Summit County, and the Park City School District; June 2 and June 9 were identified as possible dates. Roger Harlan requested that there be a substantive agenda so that the meetings are more worthwhile. Ms. Kerr reported that she attended her first meeting of the Quality Growth Commission and is impressed with the membership of the group. They will be meeting the second Wednesday of each month and there is an aggressive agenda to meet the deadline of November 30 for the first report. She will continue to keep the City Council informed. Ms. Kerr relayed that she attended the joint Park City and Summit County planning commission meeting which is a good first step and suggested that the staff reports on periphery areas be bifurcated noting comments related to provisions and concerns of each jurisdiction. Envision Utah did not have a great turn-out but was interesting. Roger Harlan reported that on Tuesday, the School Board voted to sell its property adjacent to I-80 to Swaner.

2. **Customer Service Excellence Award.** Shauna Kerr encouraged Council to visit Public Works and read some of the many letters from the public on paid parking. She read a nomination written by Jerry Gibbs for Jim Weinberg who was complimented on his ability to listen and understand the issue from the public's perspective. Jim is an exceptional dedicated employee. Mr. Weinberg accepted the award and acknowledged the efforts of his co-workers.

3. **Flagstaff discussion.** Nora Shepard stated that on September 10 the City Council approved development parameters and since that time, the staff and UPCM have moved forward on that criteria to develop a development agreement and annexation documents. The Flagstaff property has not been officially annexed yet, but the noticing and hearings have occurred and the review of the development and associated documents remain. In the course of drafting that agreement, the development parameters have been outlined in a clearer fashion. The draft should be available for review on Monday and a hearing will be held on May 20; action could be taken on the 20th, but more likely would occur on May 27.

She referred to a memo prepared by staff outlining issues, and the response from UPCM.. Staff met with UPCM to discuss the issues, some of which will require Council direction. The affordable housing requirement for annexation was 10% of residential units, interpreted as unit equivalents. In the course of the development parameters, 10% of the commercial unit equivalents were proposed and UPCM agreed to 10% of all of the unit equivalents, residential and commercial. Since the adoption of the development parameters, Council has revisited affordable housing requirements, proposed at 20% of employee generation for commercial square footage. Ms. Shepard explained that this is an unknown and one strategy is the possibility of negotiating 20% of commercial unit equivalents and 10% of residential unit equivalents as a middle ground. UPCM is willing to talk about this but the proposed affordable housing requirements differ from the development parameters which should be reflected in the development agreement.

Another issue is the 20 acre Quinns Junction parcel which is related to affordable housing as UPCM anticipated this to be the housing site. The staff and Planning Commission was always uncomfortable with assuming that that use made sense on the site as the area is unplanned. Ms. Shepard added that staff feels that annexing that piece may be premature. She suggested leaving the language in the development agreement consistent with the development parameters, describing this parcel as an option for affordable housing and that there be an option for annexation in the future. This is similar to the Richardson Flats land, which UPCM is proposing for recreation amenities. Staff doesn't have an issue with Bonanza Flats. The run-away truck lane has been an issue for years and everyone agrees that this is needed, but the question is liability. Marsac Avenue is a state highway and the City Engineer has written UDOT addressing this issue. She continued that water is an on-going discussion and it appears that there is conceptual agreement. The development parameters adopted in September did not discuss mining and it has been suggested that it be addressed. UPCM is willing to insert a clause in the development agreement agreeing not to mine on this side, unless Park City renders approval. The proposed LMC amendments would prohibit mining in all zones.

Ms. Shepard explained that when the development parameters were approved, there was a main village area (Pod A) and two other areas, one adjacent to the bottom of the Northside Lift and another by the Daly West Area. At that time, Council indicated that the density at the mountain village makes sense, and based upon the Planning Commission recommendations, some density in one of the other two pods. There was discussion about alternative transportation methods which may include a gondola between the three pods. The request from UPCM is that the development agreement include language which allows the Planning Commission to consider this concept. UPCM has always agreed to build a public safety facility and there has been requests from the Fire District for services beyond the scope of previous discussions. The language in the development agreement addresses the phasing of the public safety aspect to be negotiated with the Fire Marshal, Ron Ivie.

Hank Rothwell, UPCM, believed that their intent all along for public safety was supplying the site for a facility. UPCM has held separate discussions with the Fire District regarding impact fees and fiscal impacts on the District and its ability to phase fire protection from the Silver Lake fire station. He pointed out that the most distant of the proposed multi-family development is at the Daly West site which is the same distance from the Silver Lake station as American Flag. He reiterated that they have had discussions with the Fire District regarding the need to fund and phase development of the site over time. The parameters reflect UPCM's willingness to provide a site but discussions with the Fire District go well beyond that. Mr. Rothwell stated that he saw the draft development agreement for the first time today at noon and his memo yesterday did not contain any comments about the agreement, and only relate to the issues memo from staff. There are significant issues that need to be worked on in the agreement. Ms. Kerr brought up the possibility of mining at some point. Mr. Rothwell reiterated that this was never addressed in the development parameters. UPCM hasn't mined since 1982 and spent about $4 million turning the mining facilities into a tourist attraction. Surface mining, milling or active mining is not anticipated on Flagstaff or Bonanza, or in Summit County, and he didn't see mining in their future. If mining were to occur again, Mr. Rothwell felt it would be hundreds of feet below the surface. The technology hasn't improved in 50 years and the numbers are not feasible; the likelihood of silver mining is diminimous. At the same time, UPCM is a public company and he is concerned about making a blanket statement that they will never mine again. He stated that he can make a commitment not to negatively impact Park City by hauling or creating additional surface entries. The two existing portals are being preserved for historic purposes, but no access would be used for active mining. These would be used for emergency or air circulation sites which are maintained for UPCM and the City; maintenance is a requirement for discharge permits.

City Attorney Jodi Hoffman explained that in the West, some acquired title through homesteading, railroading, or laying claim to land which became converted to fee simple title as was the case with UPCM. The proposed LMC doesn't extend property rights to mining. She recommended not including mining in the development agreement. In the event UPCM desires to mine, the City could evaluate the situation with regard to job generation, housing, and taxes. She felt that the assessed valuation of the land is going to increase with the approval of a development agreement not mining. It is better to not provide an entitlement so that the City, some time in the future when the economy has changed, is able to negotiate what is in the best interest of the community. Mr. Rothwell agreed with the suggestion that the agreement remain mute on this issue. Ms. Kerr felt if the agreement accurately reflects the direction of Council at the time of the development parameters, it would not include mining. Hugh Daniels pointed out that they are just parameters, some features should be detailed, and a huge number of things that will go before the Planning Commission. Although the parameters should govern, they're not absolute. Ms. Kerr explained that she doesn't want to negotiate new terms now as the agreement language should reflect what happened. Hugh Daniels stated that he generally agrees and would also prefer to leave out the mining language. Chuck Klingenstein emphasized that he doesn't want this to become a de novo process and the agreement should be consistent with the spirit of the development parameters.

Hank Rothwell explained that the reason there are three pods as opposed to two shown in the General Plan is that the upper site has been split. The Council encouraged them to be creative and press the envelope on transportation issues. The plan today is much stronger than that discussed about last September. The concept of a second gondola to keep people out of cars comes with a cost. He asked that the Planning Commission be allowed to weigh that alternative and see if with transportation equipment in place, whether B-1 and B-2 can be offset. Last summer, the real issue was impact and the parameters reflect a density of not to exceed 115 acres in the multi-family component of the project. Mr. Rothwell added that further planning suggests a density not to exceed 90 if in fact, they are also able to incorporate alternatives that gives the Planning Commission and staff to work with them over the coming months. Ms. Kerr understood this proposal to mean that three pods could encompass 90 acres as opposed to the recommended two pods at a maximum of 115 acres. Mr. Rothwell agreed and pointed out that this is multi-family. Chuck Klingenstein felt that the parameters should be tantamount to the Planning Commission's consideration, but if from a planning perspective this makes more sense, a recommendation should be made to decrease the size of the footprint and encourage creative transportation methodology. However, all of this could be for naught, if the cost of operating transportation can not be determined. Ms. Shepard felt the Planning Commission should review transportation as it has evolved a lot since September.

Roger Harlan recognized the confusion over the issue at Quinns Junction, but suggested that it be considered as an option for affordable housing in the development agreement. Mr. Rothwell felt that whether or not this is annexed at this time is not as important as including the dialog in the parameters about the alternatives surrounding the site and the affordable housing obligation in the agreement. Ms. Hoffman explained that as drafted, the agreement has an irrevocable offer from UPCM to annex, preferably at the same time of the annexation of Richardson Flats so there is a comprehensive annexation in the area. The language about the affordable housing obligation and options regarding trading the site, or having it open space have been taken verbatim from the parameters. The Planning Commission and staff feel it is premature at this time to zone it for affordable housing; staff is recommending an irrevocable offer with the options negotiated in the development parameters. The affordable housing phasing plan is another document which needs to be submitted prior to perfecting the large scale master plan for the development. Ms. Kerr relayed that during the joint planning commission meeting on this issue, the Snyderville Basin Planning Commission did not buy into the housing concept at this point, and is convinced that there needs to be more planning on the site. Ms. Hoffman noted that this may work out in UPCM's favor as there may a better and higher use for the property. Mr. Rothwell stated that he doesn't have a problem with postponing annexation at this time as long as it tied to their commitment to the City for affordable housing, recreation, and open space. He believed that the parameters offered options and flexibility with regard to satisfying the housing exaction, including trading property with the City.

With regard to the affordable housing requirement, Ms. Hoffman explained that it is not based on employee generation but 10% of residential and 20% of commercial units. There may be a difference of about 15 to 20 units between commercial employee generation and units, but out of fairness, this proposal seems reasonable. With regard to the truck escape lane, Ms. Hoffman stressed that the City does not want the liability and it is recommended to strongly urge UDOT to take possession. Because of the configuration of the property, a run-away truck lane can not be designed to the highest standards. The run-away truck lane is a good thing, but the question is whether UDOT accepts it. There was discussion about the jurisdictional transfer of roads. Mr. DeHaan understood that UDOT's main concerns aren't engineering aspects as truck escape lane designs are more flexible, but rather environmental liabilities. Ms. Kerr pointed out that environmental issues should be directed to UPCM. Mr. Rothwell stated that they are committed to building the run-away truck lane but as a private company, not interested in owning it. Hugh Daniels didn't feel liability should be a responsibility of UPCM as this is a public safety issue relating to government. Ms. Kerr added that UDOT should not be in the environmental business. Ms. Hoffman felt that the agreement should be silent about ownership of the emergency truck lane and Council agreed.

With regard to water, Mr. Ross believed the language in the parameters resolution is adequate. Before UPCM can develop, the water has to be solved and doesn't need to be detailed at this point. Ms. Kerr reiterated that the development agreement should memorialize what happened and the Council really did not talk about water in September. The City Manager noted there is language in the parameters resolution about water and the City Attorney strongly feels water should be in the development agreement because of the 1992 agreement and water application protests. Ms. Hoffman believed that the leverage point is now and felt the draft is close. She expressed reluctance committing water to Bonanza Flats without tying up resources which are still in question. Mr. Ross felt that at the time of building or grading permit is another point of leverage and the parameters resolution contains language about cooperation of UPCM to the City Council's satisfaction. Ms. Hoffman warned that the City will lose leverage if there isn't resolution now. Chuck Klingenstein added that every annexation has brought water into the City and would to be consistent with past applications. Ms. Hoffman explained that there is an issue now because of the 1992 agreement which is unclear about density and how it relates to water demand and water rights. Mr. Rothwell suggested that he continue to work on this with the City Manager. The more the City Attorney describes the 1992 agreement, the more he takes exception and this is not the forum for that discussion.

Council concurred that the mining issue should be silent. Hugh Daniels expressed that he shares Mr. Klingenstein's concern that the transportation element operates on a regular basis at least four months a year and that the Planning Commission have the leeway to examine this issue. Mr. Daniels added that it would be silly to run a system if there is no one around and ridership could change over the years. Mr. Rothwell added that they are also committed to a rubber tire back-up system and would like an opportunity to take a transportation plan for the pods to the Planning Commission. Ms. Shepard anticipates the small scale MPD for the Mountain Village to occur simultaneously with the transportation plan because the design is related to the transit and the issues can't be separated. The Mayor felt that the fire station is an issue between UPCM, the Fire District and Chief Building Official Ron Ivie. Ms. Hoffman described the requests of the District for a facility, equipment and personnel, and indicated that the City is probably not interested in getting more from UPCM than it is legally required to provide. Mr. Klingenstein felt that the affected parties should work this out. Mr. Rothwell stated that the draft development agreement talks about constructing and dedicating a public safety facility. The parameters language specifies dedication of a site. He met with Chief Gee on Tuesday. He indicated a need some time in the future for a facility and Mr. Rothwell felt this should be deferred to the emergency response plan. UPCM is still committed to providing a site and to work to satisfy Ron Ivie. Ms. Hoffman pointed out that Mr. Rothwell is stating something different than what is drafted in the development agreement; that he will provide a site but not necessarily construct a station. She understood from Mr. Ivie that the station is the minimum he would require and this needs to be defined now. Hank Rothwell emphasized that the language states, "prior to any construction"; Ms. Hoffman noted she can fix that. Mr. Rothwell added that he was put on notice by Kelly Gee that there was an anticipation for UPCM to participate in a structure at some point in time through impact fees or other funding sources. Hugh Daniels interjected that the development agreement contemplates a building that wasn't originally in the parameters resolution. Ms. Hoffman indicted that she will check on this, but the Fire District asked her about the development agreement. These issues need to be resolved. Hugh Daniels stated that the Fire District is its own governmental agency and has its own authority. Chuck Klingenstein felt that the comprehensive emergency response plan seems to be key in this determination. Mr. Ross believed this to be a function of financing and timing. The Fire District doesn't have the current authority to charge impact fees in the City but with Council concurrence, it could. The development impact fees in turn could pay for a facility. He believed UPCM can work something out with the Fire District that will get them a facility, which is probably not needed at first and the public safety plan, approved by the City, will have to identify that question. Ms. Hoffman felt the language could be softened and referred to the emergency response plan.

There was discussion about getting comments back to the City Attorney over the weekend so that a draft is available for the public on Monday. Ms. Shepard stressed that the parameters resolution and development agreement leave a lot of discretion to the Planning Commission which is intentional. This is the beginning of the process, not the end, and there is a lot that has to happen before development commences. Before the MPD process, there are about ten reports that need to be reviewed and approved by the City and some by the Planning Commission. Ms. Hoffman suggested leaving a special events clause in the Richardson Flats uses in the event it can be used for the Olympics; as drafted that would be precluded from the agreement. In response to a question from Ms. Kerr, Mr. Rothwell indicated that he would be happy to support the City in attempting to accommodate satellite parking. Council supported the inclusion.

Mr. Rothwell acknowledged that there are about a dozen studies that need to be reviewed by staff and the Planning Commission and never anticipated that this was the end of the process. He reminded the Council that the parameters acknowledged that the development agreement will constitute a large scale MPD approval. In his cursory review of the draft, he wasn't sure if this is indicated and would like to have an opportunity to review this. He thanked Council for providing him the time and looks forward to continuing this dialog.

4. Review of regular meeting.

Wyoming Woolens lease. There was discussion about holding a closed session to discuss specific confidential financial information that may be inappropriate to reveal in open session. It was decided to keep the session open. Frank Bell stated that this proposal was considered by the Council last week when additional information was requested. There was some reluctance to rent the property at the rate of $25 per square foot. The recommendation now is for a rental rate of $31 per square foot. The second issue dealt with Olympic issues and this space has been determined as highly desirable for Olympic marketing. Mr. Bell continued that the third issue related to potential other uses and staff believes this is an assignment of an existing lease and no other tenants are being proposed at this time. The lease is controlled by Wyoming Woolens and until that lease expires or Wyoming Woolens defaults, it can assign the lease as it sees fit, and it has chosen Jans.

Russ Coburn, Jans LTD, emphasized the importance of having an apparel ski shop on Main Street where there is a range of rates. He explained that back stock areas are priced lower than the retail area and about 20% to 25% of total square footage is required for back stock. At Jans on Park Avenue, 6,000 of the 18,000 square feet is back stock area. The space on Main Street is 1,056 square feet; 800 square feet is needed for back stock. The going rate on Main Street for back stock area is about $16. If the other 250 square feet is averaged between the two rates, the result is about $27.38, which is a number that fits with Jans business plan. It is estimated that a good return on Main Street is around $300 per square foot or $316,000 in retail at this location. They believe the return can be $354,000 to $400,050 and Mr. Coburn proposed a minimum base rent of $27.50; pay 9% of gross up to $400,000; over $400,000, 8% of gross. At $400,000, the rate would be $34; at $500,000, $42 per square foot, which is calculated monthly. Roger Harlan discussed the merits of locally owned stores which enhance the charm and value of Main Street. He felt the figures seem fair but the bigger issue to him is the retail climate on Main Street and having Jans as a tenant is going in the right direction. Shauna Kerr expressed her concern about the clause of the City paying Jans $5,000 in cost mitigation and lost profits if it has to move out during the Olympics. As the agreement is just being negotiated and not already in place, she did not feel the City has a responsibility to mitigate. Toby Ross explained it is the City's option to kick Jans out but it seemed fair that the City have a reasonable financial return before this would happen. Russ Coburn discussed Jans' involvement in tying up sponsors for the Games at all of its locations and a back-up plan for Jans to negotiate a sponsor if the City doesn't have one at this location. Ms. Kerr supported Jans sharing a percentage of the profits in relation to the base rent. Chuck Klingenstein felt the proposal has come a long way and supports all of the previous comments made.

Sandra Morrison, Historical Society, relayed that the Museum has been very successful over the last 15 years, averaging 80,000 visitors a year, not including school groups. Demands on the facility are growing, and the Wyoming Woolens area is the only option for expansion for the Museum and the Chamber/Bureau is interested in an expanded area for information services. This is a ski town, but the reason people come to Park City is our history. She emphasized that they can not participate in a bidding war and are not prepared at this time, as they anticipated the Wyoming Woolens space becoming available in September 2000. She understood that Wyoming Woolens can sublet but didn't understand the term of 2005 as Wyoming Woolens is not requesting that extension. Hugh Daniels explained that Wyoming Woolens has the right to assign it to someone else subject to City Council approval. Shauna Kerr noted that she is sensitive to the needs of the Museum and wished the City had more money to support it. This is a business decision based on the situation today. The lease ends in 2005 and hopefully by then, the City will have benefitted from the Olympics and able to provide funds to make the Museum what it should be and provide a better facility. It is important for the City to generate cash at this time. Hugh Daniels added that the City's hands are tied by the terms of the lease and urged the Historical Society to prepare to submit a proposal at the expiration of the lease in 2005, as there is no option for an extension. Russ Coburn expressed that Jans has no problem with this; if the City wasn't going to provide the space to a non-profit, Jans would like the first opportunity to negotiate the space, and then open it to other businesses. Ms. Kerr would not prefer not to strap a future Council with this arrangement. Mark Harrington clarified that the pattern in writing leases has been decreasing from these types of options for tenants and leases are more favorably support the City's interests. Mr. Coburn reiterated that the would like to be before any other retailer; Ms. Kerr noted that she could support that as long as it was open first to any non-profit or quasi-governmental agency. The Mayor requested that Mr. Harrington draft a motion for the meeting.

5. **NAC water extension.** Rick Lewis reported that the Legal Department has researched NAC being included in the Park City Water District, and it has been determined that the City can serve the property even though it is not contiguous with our corporate boundary. NAC is willing to pay for the installation and maintenance of the water line and there are ways to protect the City against others connecting to the line. The NAC received conditional approval from Summit County. Mr. Lewis described the project as a ranch with open space and horses and in his opinion, would be a compatible use if it were applying for a conditional use permit in Park City.

Chuck Klingenstein recalled the project including a ropes course, barn, and riding arena and since then, he understands there is a full-blown campus, and would like more information. Ms. White indicated that the site plan was clearly presented in April, and through a presentation of illustrations, described the scope of the project. In response to a question from the Mayor, Ms. White estimated the open space to be about 70%. Roger Harlan asked if this included the riding arena and parking spaces. Ms. White was uncertain and noted that the figure was calculated by the County. She emphasized that this facility is for the community not just for their programs and could be used for special events. Ms. Hoffman asked if this is the maximum development for the 26 acre site in the foreseeable future. Ms. White explained that the property is deed restricted to the elements of this project and the only allowable addition would be a pool. Summit County will also be zoning the open space property.

Hugh Daniels asked if this project has been evaluated with City guidelines. Rick Lewis answered that the City's open space requirement is 60% and the County has an equivalent parking requirement. The City would review architecture, lighting and livestock regulations. NAC has agreed to abide by the City's criteria for animals. The City's lighting and signage regulations are similar with the County. He stated that he has a list of about ten criteria of the County that parallels almost exactly with what the City would evaluate. In response to a question from Shauna

Kerr about providing the water line but not inducing growth, Jodi Hoffman stated that she is confident that the development can be limited to what is proposed. There was discussion about the restrictions of the deed if NAC was extinguished. Ms. Hoffman continued that a condition of the water line extension would be to service this facility, no more no less, for these limited uses, no more no less. If for any reason, there was a transfer of ownership or change of use, NAC would have to come back and negotiate that with the City. Roger Harlan asked what would occur if the Gillmor Family took back the property in the event NAC failed. She emphasized that the City is generally indifferent to who uses the property as long as it is used in the same manner. It is uncertain how the City can control the trust, but it can control subsequent purchasers.

Chuck Klingenstein expressed concern that the City was not invited to review the project jointly with Summit County. He expressed willingness to go forward but hopes there is a better mechanism for City involvement. Ms. White explained that the Summit County Commissioners requested a letter from the City's Planning Department and would not move forward until receiving it. Rick Lewis stated that he wrote a letter which indicated that based on the Park City General Plan, this project would be compatible. He agreed with Mr. Klingenstein that there should be a more formal approach like an interlocal planning agreement. Ms. Kerr felt more comfortable that the Community Development Director was requested for input. She also believed it is compatible with the area, but if there is a way for the planning commissions to bifurcate reports on projects some of this confusion at this level can be avoided. Mr. Lewis assured the Council that the review was thorough and there are a number of conditions NAC must perform before a permit is issued.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 13, 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 13, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Chuck Klingenstein. Paul Sincock was excused. Staff present were Toby Ross, City Manager; Brooks Robinson, Planner; Pat Putt, Planning and Zoning Administrator; and Jerry Gibbs, Public Works Director.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

Ms. Kerr encouraged the Council to participate in the City golf tournament tomorrow.

IV PUBLIC HEARINGS

1. Ordinance Approving the Condominium Conversion of Duplex, located at 556 Deer Valley Loop, Park City, Utah - Planner Brooks Robinson recommended that Council approve the Ordinance as conditioned. With no comments from the public or the Council, the public hearing was closed.

2. Ordinance Approving the Plat Amendment to Combine Portions of Lot 21 and Lot 22, Block 16, of the Snyder's Addition to the Park City Survey, located at 1024 Empire Avenue, Park City, Utah - Pat Putt explained that this is a request for a plat amendment to combine two platted lots in Old Town located on Empire Avenue. The property is located in the HR-1 zone; there were no comments from adjacent property owners, and the Planning Commission is recommending that Council approve the Ordinance subject to the findings of fact, conclusions of law, and conditions of approval. With no comments from the public or the Council, the public hearing was closed.

3. Ordinance Approving the Poison Creek Mercantile Record of Survey Plat for One Parcel In Block 50 of the Park City Survey, known as 255 Heber Avenue, Park City, Utah - Pat Putt clarified that this formally condominiumizes the Poison Creek Mercantile Building that is near completion at the corner of Swede Alley and Heber Avenue. There will be six residential units and

several commercial units. The Planning Commission forwarded a positive recommendation subject to the findings of fact, conclusions of law, and conditions of approval. With no comments from the public or the Council, the public hearing was closed.

V CONSENT AGENDA

The Mayor requested a motion to approve the Consent Agenda. Shauna Kerr, "I so move". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

1. 1999/2000 Pavement Management Program, Award of Contracts with: Daley Excavators, L.L.C., for haul away services, amount not to exceed $60,000; R.C. Heaton Construction, for concrete curb and gutter, sidewalk, and driveway flat work, amount not to exceed $62,000; Rivas Construction, Inc., for utility adjustments, in the amount of $117,100; Agra Earth & Environmental, Inc., for quality control testing, in the amount of $48,000; and Premier Concrete Cutting, for concrete cutting, sawing, grinding and planing, for amount not to exceed $44,000 - See staff report. In response to a question from Roger Harlan, Jerry Gibbs explained that the annual $600,000 is for the total pavement management program. Recently, Council approved the asphalt contract for each year which is part of the $600,000 allocation. The proposal tonight represents the additional services that are necessary to accomplish the asphalt projects including hauling, concrete work, testing, etc.

2. City Park Trail Reconstruction, Award of Professional Services Provider Contract with Freston, Ostler and Associates, in the amount of $20,060, for design and engineering - See staff report.

3. An Ordinance Approving the Condominium Conversion of Duplex, located at 556 Deer Valley Loop, Park City, Utah - See staff report and public hearing.

4. An Ordinance Approving the Plat Amendment to Combine Portions of Lot 21 and Lot 22, Block 16, of the Snyder's Addition to the Park City Survey, located at 1024 Empire Avenue, Park City, Utah - See staff report and public hearing.

5. An Ordinance Approving the Poison Creek Mercantile Record of Survey Plat for One Parcel In Block 50 of the Park City Survey, known as 255 Heber Avenue, Park City, Utah - See staff report and public hearing.

VI NEW BUSINESS

1. Assignment of Wyoming Woolens Lease to Jans - Hugh Daniels, "I move to authorize the Mayor to execute approval of the Wyoming Woolens lease assignment to Jans Ltd. for retail space at 524 Main Street, subject to the following terms: (1) the term of expiration is September 30, 2005; (2) rent shall increase as of the next monthly due date to $27.50 per square foot or 9% of gross sales, whichever is greater to and including annual gross sales of $400,000. Upon exceeding annual gross sales of $400,000, the rent shall be 8% of gross sales; (3) should the City find the space surplus to its needs and the City decides not to offer the space to a non-profit organization, Jans Ltd. shall have a first right of refusal to the space. The City shall give notice of its determination to Jans by March 30, 2005; (4) in the event the City finds no suitable Olympic use for the building by February 1, 2001 and Jans still wishes to remain in the building during the Olympic month, Jans agrees to pay the City a $25,000 Olympic premium, payable March 1, 2001 and the City would no longer entertain perspective Olympic clients". Roger Harlan seconded. Mark Harrington explained the bid process and it was clarified that payments would be made monthly. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

2. Additional Insurance Premium Payment, $33,964 to Genesis Insurance Company for general liability covering period September 1, 1997 through September 1, 1998 - The Mayor requested a motion to continue to a date uncertain. Shauna Kerr, "I so move". Roger Harlan seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

3. Extension of Water Service to National Abilities Center (NAC) - See work session notes and staff report. Shauna Kerr, "I move to direct staff to negotiate with the applicant to work on the terms of an agreement to provide water service to the National Ability Center project". Roger Harlan seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

VII ADJOURNMENT

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

* * * * * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:35 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Chuck Klingenstein. Paul Sincock was absent. Shauna Kerr, "<u>I move to close the meeting to discuss personnel</u>". Roger Harlan seconded. <u>Motion carried</u>.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

The meeting opened at approximately 3 p.m.

STATE OF UTAH)
ss.
COUNTY OF SUMMIT)

CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH

As presiding officer of the City Council of Park City, Utah, I hereby certify that the closed session meeting held by the City Council on May 13, 1999, was held pursuant to Section 52-4-5(1)(a)(I) to discuss the character, professional competence, or physical or mental health of an individual.

DATED this ___ day of May, 1999.

Bradley A. Olch

Mayor Bradley A. Olch

Subscribed and sworn before me this 28 day of May, 1999.

Janet M. Scott

Janet M. Scott, Notary Public

NOTARY PUBLIC
JANET M. SCOTT
445 Marsac Ave. P.O. Box 1480
Park City, Utah 84060
My Commission Expires
March 11, 2000
STATE OF UTAH

* * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1,
1884

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: May 13, 1999
DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Tom Bakaly, Director of Capital Programs & Budget
TITLE: FY 2000 Budget (next year) & FY 1999 Revised Budget (current year)
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

1) Review the budget on May 13th, May 20th and May 27th; Conduct a Public Hearing on May 20th, June 3rd and June 17th; Adopt the FY 1999-00 budget as recommended or with adjustments that occur during the upcoming budget review process (Tentative adoption is scheduled for June 3rd, 1999 and final adoption on June 17th, 1999).

2) Adopt the "Certified Property Tax Rate" {No Tax Increase Rate} for FY 1999-00. [*Actual tax rate will not be known until Mid June*].

3) Review & adopt the recommended changes to the FY 1998-99 budget - current year (Tentative adoption is scheduled for June 3, 1999 and final adoption on June 17th).

4) Review and approve the recommended plan for FY 2000-01 (Tentative adoption is scheduled for June 3, 1999 and final adoption on June 17th).

DESCRIPTION:

A. Topic: In accordance with Utah State Code, the City Council must adopt a budget for each fiscal year. State Law has recently been amended to allow cities to adopt a two year budget. Staff is recommending that the City continue its practice of officially adopting an annual budget for FY 1999-00 and a plan for FY 2000-01.

B. Background: During the first year of this two-year "cycle", the City focuses on its operating expenditures, revises its pay plan, reviews its budget policies and takes a comprehensive approach to its Capital projects program. The actual recommended budget will be handed out on May 13th. The following is the proposed schedule for the budget review process.

Budget Review Schedule

May 13th (Morning)	**Capital Improvement Budget**	
	1) Overview & Explanation of Reports	
	2) Explanation of recommended changes resulting from April 29, 1999 CIP City Council Review and Public Hearing	
	3) Continuation of line-by-line Alternative Review (5-6)	
May 13th (Afternoon)	**Operating Budget**	
	1) Budget summary & financial overview	
	2) Budgeting Philosophy and Revenues	
	3) Staffing Strategies & Pay Plan	
	4) Policies & Procedures	
	5) Grants	
May 20th	1) Hold Public Hearing on the Budget and continue to 6/03/99	
	2) Discussion of Departmental Budget Requests	
	3) Review of Recreation Enterprise Fund	
May 27th	Follow-up review of Operating Budget, CIP, Policies & Grants	
June 3rd	1) Hold Public Hearing on the Budget and continue to 6/17/99	
	2) Tentative adoption of recommended FY 1999-00 Budget	
	3) Tentative adoption of FY 1998-99 Amended Budget	
	4) Tentative adoption of FY 2000-01 Plan	
June 10th	Introduction of Olympic Budget & Open Date (if necessary)	
June 17th	Continuation and closure of the public hearing on the budget, with final adoption, by resolution, of the FY 1999-00 Budget, the FY 1998-99 Adjusted Budget, the FY 2000-01 Plan and the certified no increase tax rate for FY 1999-00	

Olympic Budget Schedule: Please note that staff had originally intended to present the Olympic budget on May 27th. Due to the increased City Council review of the CIP budget and computer system issues, staff intends to introduce the Olympic budget on June 10th. The upcoming fiscal year (FY 1999-00) does not include incremental increases to the budget, other than those that have already been approved in the current year budget, related to the Olympics. Staff is hopeful that City Council will review the Olympic Budget in June and adopt it in late June by resolution (along with amendment policies). This will allow the City to adhere to State and venue city deadlines related to Olympic budget submittals.

C. **Analysis:**

OPERATING BUDGET

Financial Overview: On Thursday, May 13th, staff will give a financial overview of the City's recommended adjusted budget for 1998-99 (current year), the recommended budget for FY 1999-00 (next year) and the recommended plan for FY 2000-01. Due to City Council input on the capital budget on April 29th and computer system difficulties, the budget will be handed out at the City Council meeting on May 13th. Staff intends to walk Council through some of the CIP and Operating budget issues on May 13, 1999, but staff understands that Council will also need an opportunity to review the budget document. For that reason, staff has added an additional budget review day on May 27th. Staff is in the process of balancing the budget without a tax increase other than what was approved in the Open Space General Obligation Bond election last November. While the numbers have not been finalized, operating revenues have basically remained flat compared to last year. The City has made adjustments to its budgeting philosophy to address this issue and balance the budget without a tax increase.

Budgeting Philosophy and Revenues: Over the last several years, the City has taken steps towards closely matching operating revenues with operating expenses. In the past, the City has budgeted revenues low compared to actual history and expenditures high compared to actual history. Rising demands for limited City services has caused the City to change its budget philosophy and have budget expenses and revenues closely match actual expenditures.

On the expenditure side, the City has always budgeted positions at the top of their grade range and assumes that all positions will be filled. The City has moved its personnel budget closer to actual experience by assuming that some of these positions will remain vacant throughout the year. Also, in light of the fact that staff is spending a lot of time on capital projects, staff has instituted a transfer from the Capital Improvement Program (CIP) to cover these additional expenses.

In budgeting revenues this year, the City has assumed that revenues will basically be flat when compared to prior years. Pursuant to comments from recent City Council members, staff has included revenue projections that include a 10% increase in business license fees (roughly $55,000). All of these funds would go to the operation of the free bus system. The City Council would need to formally amend the business license ordinance in the Fall in order to actually implement the business license fee increase.

Staffing Strategies & Pay Plan: The total number of full-time regular positions employees increase by 8.5. Most of these positions are located in enterprise funds and are funded by the fees collected by those funds. The number of contract or temporary positions is recommended to decrease by roughly 4 as some temporary positions were turned into full-time positions. The total impact of the pay plan increase is about $450,000 including benefits. The total increase in personnel is about $900,000 when the cost of the new positions are included. This total increase of $900,000 was basically offset by the vacancy factor. In short, departments are handling these increases within their existing budgets. The budget document that will be distributed on May 13th has a discussion of the City's staffing strategy and pay plan philosophy.

Policies & Objectives: The City's budget document contains many of the policies and objectives that the City uses in its day-to-day operations of the City. The polices and objectives also dictate how the City financially plans for the future. The following policies and objectives have been changed or added. For a complete discussion of the polices, please see the budget document for a listing of City Policies and Objectives.

<u>Recession/Stabilization Planning:</u> The City's current recession plan dictates the steps the City goes through when there is a change in projected revenues and reserves. In accordance with State law and its own reserve policy, the City transfers General Fund Balance in excess of 18% of its budget to the Capital Improvement Program (CIP) budget for future 5 year CIP projects. Should a drastic change or downturn in General Fund revenues (property tax, sales tax, etc.) occur, pursuant to City policy, the City could transfer the funds back to the General Fund in order to "stabilize" the General Fund. In the past, when the City has transferred funds to the CIP, 25% was designated for Open Space. In light of the passage of the Open Space bond, this designation is no longer required in the recommend budget policies.

<u>Recreation Fund:</u> On May 20, 1999 staff will update City Council and make recommendations concerning the Recreation Fund. One recommendation involves the General Fund transfer policy. The General Fund currently transfers a fixed amount of $410,000 to the Recreation Fund. Prior to instituting that policy two years ago, the General Fund transferred a percentage of the Recreation Fund's budget. Given the significant growth of programs that essentially payed for themselves, the City changed its percentage based transfer policy because the transfer was being increased due to programs that were paying for themselves.

The Recreation Fund is now having difficulties funding the rising cost of programs that do not pay for themselves such as youth sports and programs relating to the Racquet Club facility. The proposed new transfer policy would increase the transfer of $410,000 to $460,000 to cover rising personnel and facility costs. In addition, if a new program is recommended that does not fund itself (skateboard park operations) the policy allows the Recreation Fund to request an additional General Fund transfer to fund that program. Naturally, given the limited nature of General Fund resources, additional resources or a reduction in other General Fund programs would be needed to fund these new recreation programs.

Olympic Budget Policies: Two years ago, the City adopted policies regarding the reporting of Olympic related expenditures. This policy has allowed staff to project future expenses based upon past experience. Staff is currently working on the Olympic Budget. It is contemplated that the Olympic Budget document will contain Olympic budget policies that will replace those in the Operating Budget document.

Surplus Property Procedures: The City has followed a policy regarding the disposition of surplus property. The policy basically calls for surplus property to go to auction or through a bidding process if it is no longer of use to the City, but has value. Placing the policy in the budget document simply memorializes the policy.

Grants: Attached is a revision to the grants policy to reflect recent Council direction (contingency funds for individual groups), administrative adjustments relating to grant calculations, and a reduction in grant categories due to housing moving into the special services category. The grants policy has worked well for several years. Attached is the spreadsheet that shows what the recommended grant amounts are for FY 1999-00 per the policy. With the exception of the changed grants in the special service category, the grants did not change due to the steady nature of the General Fund. The amounts shown do not reflect "carry-forward" balances for youth (approximately $28,000) and the overall contingency ($40,000). There have been recommended changes that are outlined below. Due to scheduling, the grants subcommittee has not been able to meet about the grants prior to writing this report. Staff is hopeful that the grants subcommittee will meet prior to May 13th and report its recommendations.

Housing: Until now, affordable housing grants have been funded from the housing authority. Since those funds have basically been exhausted, it is necessary to move the Mountainlands Community Housing Trust grant to the special services category. Last year, Mountainlands received $30,000 in grants from the City. $10,000 of that amount was a one-time program grant. The annual grant amount for Mountainlands has been $20,000. This year, Mountainlands is requesting $25,000. As you can see from their attached letter, Mountainlands is citing increased service requests and the fact that had they been in the special services category in the past, their grant would have increased to $25,000 due to the increase in the General Fund. Staff has included a grant recommendation of $22,500 in the recommended budget.

Since the Counseling Center is no longer receiving a grant in that category, it is possible to fund the Mountainlands grant out of the General Fund within the existing percentage parameter (2.25%). This is accomplished by reducing the annual contribution to the contingency fund to roughly $4,500 per year. There is a balance in the grant contingency fund from previous years of about $40,000. If Council wanted to fund the entire amount of Mountainlands' request, they could reduce the annual contingency contribution to roughly $2,000 per year or reduce other grant categories. The grant contingency fund has allowed the City flexibility over time.

Victim Advocacy Program: The Victim Advocacy Program is requesting a grant from the City for $10,000. Until January of 1999, the Victim Advocacy Program was part of the Domestic Peace Task Force (DPTF). DPTF receives a grant from the City under the special services category in the amount of $24,905. This DPTF grant was significantly increased a few years ago.

The grant request from the Victim Advocacy Program is not in the recommended budget. City Council could use some of the $40,000 in contingency funds for the request on a one-time basis. Council could reduce the grant on an ongoing basis to DPTF and give it to the Victim Advocacy Program as, until recently, they were connected. Lastly, Council could increase the General Fund grant percentage to include the Task Force. The last action would require an amendment to the attached grants policy.

KPCW Lease: KPCW has requested a longer term lease from the City (attached). KPCW currently receives a grant from the City and is included in the rent contribution category. The currently adopted grants policy would allow for a longer term lease. It is anticipated that staff will return to Council with this issue, and simply wanted to provide an update.

CAPITAL IMPROVEMENT PROGRAM BUDGET (CIP)

On April 29, 1999 the City held a public hearing about the recommended CIP and received input from City Council. The public hearing was the culmination of months of education and information concerning the CIP ranging from City Council presentations to a large, well-attended open house. Essentially, there are 6 CIP alternatives. Staff prioritized projects based upon criteria endorsed by Council in November of 1998 and made recommendations that would fund alternatives 1-4. City Council decided to review each project on April 29th, and finished a review of alternatives 1-2.

Based upon Council input and comments from the public hearing, staff went back and made some adjustments to the CIP. In the course of translating projects from the CIP prioritization to the budget system, staff discovered that the amount of the recommended CIP (through alternative 4) was understated in that it did not include the recently issued RDA deal. This is more of an accounting issue, but it caused the total amount of the recommended CIP to increase by about $8 million. This is not a problem due to the use of tax increment to fund this debt.

Because of the reductions recommended by City Council and new proposed reductions, staff feels that the City has regained some of the financial flexibility that was perhaps lacking in the April 29th recommendation. In the budget document City Council will receive on May 13th are reports that will show which types of restricted revenue sources fund which projects. It is staff's intention to walk City Council through these new budget reports rather than the old spreadsheet. Because Council will receive the new reports on May 13th, it may be necessary to return on May 27th for a follow-up review of the CIP and other issues.

Project # 702: Project Management Software - In light of other reductions to City projects, the Office of Capital Management and Budget recommends that the original software request be reduced from $125,000 to $50,000.

Project # 666: Film Equipment Replacement - Staff was hoping to fund this replacement account on a one-time basis. City Council wanted to continue the City's practice of funding the replacement account incrementally.

Project # 3: Information Systems Enhancement - This account is used for new technology such as laptops and scheduling devices. Due to the current balance of this fund, staff is recommending that it be reduced on a one-time basis by $100,000 to a new project amount of $444,785.

Project # 696: Snow Creek Signal: Based upon City Council action comments and action relating to the Post Office Parcel, staff is recommending that this project be funded in alternative 4 using impact fees and general fund contributions. The total project amount is $250,000.

Project # 695: Bonanza Intersection - Based upon community support of this project, staff is recommending that this project be increased to an alternative 3 from Alternative 4.

Project # 604: Bus Barn - Staff is recommending that this project and its balance of $32,191 be deleted.

Project # 667: Salt Storage - Staff is recommending that this project and its balance of $53,000 be deleted.

Project # 600: Park Dedication Fee Projects - Based upon City Council direction, staff replaced funding in the Peace Park project (Project # 649) with Park dedication fees of $8,895.

Project # 704: Reduce Racquet Club Improvements - Based upon Council direction and recommendations to increase the Recreation Fund Transfer to $460,000, the $50,000 for general racquet club improvements was reduced.

Project # 708: Trails Master Plan - Based upon Council direction $520,263 in trails funding was reduced leaving a balance in the account consisting mostly of impact fees and tax increment of $1,929737. $60,000 in General Fund contributions remain in the trails account and could be used to pave the Rail Trail if City Council so directed.

Project # 547: Parks Acquisition - Prior to the passage of the Open Space Bond, impact fees related to parks acquisition were placed in this account. $500,000 in impact fees has been removed from this project and shifted to other park impact fee eligible projects. In addition, $320,563 in General Fund contributions to this project were also removed leaving a project balance for the next 5 years of $980,000.

Project # 715: Downtown Revitalization: $500,000 ($100,000 per year) in parks impact fees were removed from the parks acquisition account (as discussed above) and added to the Downtown Revitalization project. These funds will need to be used for parks and trails projects as delineated in the Downtown Action Plan and the Impact Fee Capital Facilities Plan. This leaves a recommended 5 year budget in the Downtown Revitalization project of about $2.5 million.

Project # 648: 5yr. CIP Project - This account is for unfunded projects that are a part of the CIP. Per the City's recession plan, this is the fund where the City would look to transfer funds into the various operating budget accounts in the event of a serious revenue or reserve reduction.

Project # 473: City Farm Phase 2 - At the April 29, 1999 meeting, staff had recommended that an additional $300,000 be approved for landscaping and accessibility issues relating to the City Farm project. Staff was hopeful that Council would authorize the expenditure at the April 29th meeting. If Council was not interested in authorizing this expenditure at the May 13th meeting, staff could wait until the budget was adopted a month later in order to proceed with this expenditure if authorized.

Project # 757: Non-Profit Center - This project remains recommended as an alternative 5 which means it is not funded at this time and will not be completed in the next 5 years.

CIP Transfer - Due to the large amount of staff time being spent on capital projects, staff recommend transferring $300,000 to the General Fund from the CIP for administrative costs.

D. Department Review: - To be provided as needed at designated dates.

ALTERNATIVES:

A. Approve the Request - Either approve the budget as recommended or as adjusted during City Council review over the next couple of weeks.

B. Deny the Requested Changes - City Council could deny (in total or in part) the recommended changes. The impact of such denial would need to be elaborated upon during the Operating and CIP budget presentations.

C. Continue the Item - June 17 is the last date that adoption can occur in order for us to meet the filing deadlines with the Counties and State.

D. Do Nothing - Not an Option.

SIGNIFICANT IMPACTS:

Establishes the level of service that the City will provide for the next year and authorizes expenditure of funds. The budget is balanced without a tax increase.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The specific impacts of not approving individual recommended changes will be discussed during budget presentations.

RECOMMENDATION:

The City Council should follow the budget presentation schedule described above and tentatively approve the recommended FY 1999-00 budget and changes to the FY 1998-99 budget (or revisions thereof) by June 4, 1998. Final adoption of the budget should occur on June 17, 1999.

GRANTS POLICY - Amended 5/1/99

As part of the budget process, the City Council appropriates funds to organizations and endeavors whose missions are consistent with those of the City. Depending upon the type of grant category, grants may take the form of cash contributions, one-time capital project donations, forgone fees or rent relating to City property. The use of the grant funds will be for specific services rendered, special projects, or organizational "seed" money.

Grant Distribution Criteria: Organizations or projects must meet the following criteria in order to be eligible for a grant: 1) Accountability and Sustain ability of Organization; 2) Program Need and General Public Benefit and; 3) Fiscal Stability and other Financial Support.

Criterion #1 - Accountability and Sustain ability of Organization or Endeavor: The organization or endeavor must have: 1) Quantifiable goals and objectives; 2) Non-discrimination in providing programs or services; 3) Cooperation with existing related programs and community service; 4) Compliance with the City contract and 5) Not-for-profit Status.

Criterion #2 - Program Need and General Public Benefit: The organization or endeavor must have: 1) A clear demonstration of public benefit and provision of direct services to City residents and; 2) A demonstrated need for the program or activity.

Criterion #3 - Fiscal Stability and other Financial Support: The organization or endeavor must have: 1) A clear description of how public funds will be used and accounted for; 2) Other funding sources that can be used to leverage resources; 3) A sound financial plan that demonstrates managerial and fiscal competence; and 4) A history of performing in a financially competent manner.

Total Grant Appropriations: The City appropriates a total of 2.25% of its annual General Fund budget year for grants in categories 1 - 5 as described below. In addition, the City appropriates specific dollar amounts from other funds specifically related to category 6 as described below. The General Fund budget is defined as total departmental operations not including the "carry-forward" of unspent balances.

Grant Categories and Percentage Allocations: For the purpose of distributing grant funds, grants are placed into the following categories: 1) Special Services; 2) Arts, Culture, Humanities; 3) Youth; 4) Rent Contribution; 5) Grant Contingency and; 6) Historic Preservation. A percentage of the General Fund budget (whose sum does not exceed 2.25 %) is allocated to each of the first five individual categories by the City Council. A specific dollar amount is allocated to category 6.

The General Fund category percentage allocation does not vary from year-to-year. However, as the City's budget fluctuates (up or down) due to economic conditions, the dollar amounts applied to each category will fluctuate proportionally. In years when the budget decreases, the City Council may choose to reduce the contingency fund appropriation to the extent possible in order to hold grant amounts constant. In the case of categories 2, 3, and 5 (Arts, Youth and Contingency), unspent grant balances from a prior fiscal year are reappropriated on a one-time basis to the upcoming fiscal year. The unspent prior year balance is added to the new grant amount for the upcoming fiscal year.

1) Special Services: An amount not to exceed 1.19 % of the General Fund budget will be designated for grants relating to services that would otherwise be provided by the City. Special services that fall into this category would include, but not be limited to; sustain economic development, historical preservation, marketing/sales, public safety, affordable housing and recycling.

To the extent that is possible, individual special services will be delineated in the budget. Any amount not specifically designated in the budget for special services will be placed in the Grant Contingency Category. Each special service grant will have a special service contract with a term of one year. If a special service grant recipient wishes to increase their budgeted grant amount, they must justify why a change is needed. Funds used to increase individual special service contracts must come from within the Special Services Category or the Grant Contingency Category.

2) Arts, Culture, Humanities: .30% of the total General Fund budget will be designated for a grant to a representative organization of the arts, culture, and humanities community. The representative organization will propose a plan by June 1st of each year of how the grant funds will be distributed to organizations in the arts, culture, and humanities community. The representative organization may establish a reasonable contingency balance for requests specific to the Arts, Culture and Humanities category that may arise throughout the year.

The proposal must be consistent with the criteria listed in this policy. In particular, criterion 1-3: (cooperation with existing related programs and community services) will be closely monitored. Failure to comply with this criteria may result in loss of representative organization status.

Upon being designated by the City Council as the representative organization, the representative organization will enter into a contract prior to July 1st with the City for the distribution of grant funds for a one year period. If a representative organization is not identified by City Council, the grant funds will be held in a City trust fund until a representative organization is identified.

3) Youth: .25% of the total General Fund budget will be designated for a grant to a representative organization for youth services. All of the policies relating to category #2 also apply to the youth category.

4) Rent Contribution: An amount not to exceed .48% of the General Fund budget will be used as a rent contribution for organizations occupying City owned property. To the extent that is possible, individual rent contributions will be delineated in the budget. Any amount not specifically designated in the budget will be placed in the Grant Contingency Category.

The City is required to make lease contributions to the Park City Building Authority for buildings that it occupies. Organizations may enter into a lease with the City to occupy City space at a reduced rental rate. The difference between the reduced rental rate and the rate paid to the Park City Building Authority will be funded by the rent contribution amount. The City Council may make long-term lease commitments for reduced rental rates under this policy. Please note that this policy only applies when a reduced rental rate is being offered. This policy does not apply to lease arrangements at "market" rates.

5) Grant Contingency: .03% of the General Fund budget will be designated as a grant contingency reserve for organizations, programs, or endeavors that arise throughout the year. Use of the grant contingency fund requires City Council approval. The policies stated above will be applied to requests from the Grant Contingency Category. City Council will review contingency fund balance every two years and make decisions for appropriations based upon recommendations from the Grants Committee.

6) Historic Preservation: Each year, the City Council will appropriate a specific dollar amount relating to historic preservation. The City Council will designate the funding for these expenditures during the annual budget process. The funding source for this category is the Lower Park Avenue and Main Street RDA. The total amount of historic grants available is $200,000 ($100,000 from each RDA project area). In instances where another organization is involved, a contract delineating the services will be required.

It is at the discretion of the City Council as to which categories individual organizations or endeavors are placed. Any percentage changes to the General Fund categories described above must be approved by the City Council. All final decisions relating to grant funding are at the discretion of the City Council.

PARK CITY MUNICIPAL COPRPORATION
GRANTS FY 2000 - Recommended - May 13, 1999
Does not include Carry Forward from FY 1998-99 for Youth or Contingency

CATEGORY/DESCRIPTION	GRANT $ FY1999 Budget	% of BUDGET GENERAL FUND	GRANT $ FY2000 Budget	% of BUDGET GENERAL FUND
SPECIAL SERVICES				
Recycling	$10,828		$10,828	
Counseling Center	$7,500		$0	
Mountainlands Community Housing Trust			$22,500	
Chamber Bureau	$81,210		$81,210	
Historical Society	$25,121		$25,121	
Domestic Peace Task Force	$24,905		$24,905	
Sub-total Special Services	$149,564	1.06%	$164,564	1.19%
ARTS/CULTURE/HUMANITIES				
Sub-total Arts	$40,928	0.29%	40,928	0.30%
YOUTH				
Sub-total Youth	$33,871	0.24%	33,871	0.25%
RENT CONTRIBUTIONS				
KPCW	$25,172		25,172	
State Liquor Store	$15,320		15,320	
Recycling	$9,000		9,000	
Historical Society	$16,800		16,800	
Sub-total Rent Contribution	$66,292	0.47%	66,292	0.48%
GRANT CONTINGENCY FUND	$26,815	0.19%	4,692	0.03%
TOTAL GRANTS - GENERAL FUND	$317,470	2.25%	310,347	2.25%
GENERAL FUND BUDGET	$14,112,992		13,800,000	
HOUSING				
Mountainlands Community Housing Trust	$20,000			
Sub-total Housing	$20,000			
HISTORIC PRESERVATION				
Sub-total Historic Preservation	$200,000		200,000	
TOTAL GRANTS - All FUNDS	$537,470		**$510,347**	

MOUNTAINLANDS COMMUNITY HOUSING

April 6, 1999

Mr. Tom Bakaly
Director of Capital Management and Budget
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Dear Tom:

This fall there was considerable discussion by the City Council as to whether Mountainlands Community Housing should be funded through the Park City Housing Authority or through the Grant Programs. At your suggestion I am writing to request a Special Services Grant from the Park City Municipal Corporation to support the Affordable Housing Resource Center, a program of Mountainlands Community Housing Trust.

Last year Mountainlands Community Housing received a grant from the Park City Municipal Corporation for $30,000. The grant provided $20,000 in support of the Housing Resource Center and related housing services provided by Mountainlands Community Housing to and on behalf of the Park City Municipal Corporation. In addition, the City Council awarded a $10,000 seed grant for our community outreach efforts.

This year we are requesting a grant of $25,000. The amount of this request is based upon two factors: (1) increased demand for our services. Requests for assistance from the Housing Resource Center have increased 175 percent over the past 12 months from 371 requests to 1,025 requests. (2) the approximate level of funding we would have received had the $20,000 been a grant that increased annually based upon city performance over the past three years versus a contract through the Housing Authority.

The attached proposal outlines our current programs, services in Park City in 1999 - 2000. Attached is a copy of the interim report submitted to the City Council in January, 1999. Our final report is not due until July 15. I have also enclosed FY 1999 financials and our proposed FY2000 budget. Please let me know if you need additional information to complete your review.

To accomplish our goals requires vision, creativity, new sources of capital and commitment from many sectors. We appreciate the continued support and confidence of Park City Municipal Corporation in the work of Mountainlands Community Housing Trust.

Very truly yours,

Phyllis

Phyllis McDonough Robinson
Executive Director

P.O. Box 3661 • 544 Park Avenue • Park City, UT 84060 • (435) 647-9719 • Fax: (435) 658-3890 • email:pmcrob@sisna.com

SUMMIT COUNTY VICTIM ADVOCACY PROGRAM
P.O. BOX 981535
PARK CITY, UTAH 84098

April 12, 1999

Dear Mayor Olch and Park City Council Members,

I am writing to request a Park City grant in the amount of $10,000 for the Victim Advocacy Program. This funding would be used to increase advocate hours and purchase supplies to meet the needs of the programs growing client population.

Currently the program has three part-time employees providing services to victims of all crimes. However, since the number of crime victims continues to increase, advocates have worked many additional hours, without compensation, during busy periods. All three advocates work closely with the Park City Police, Summit County Sheriff's Department, prosecutors, and the justice system. Some of the program's services include crisis interventions, assistance with protective orders, community referrals and information, court support and information, assistance with Crime Victim Reparations, and preparation of Victim Impact Statements.

For the 97-98 fiscal year 326 victims from Summit County were served compared to 146 victims in 96-97. As you may already know, approximately half of these victims were residents of Park City. The demand for victim services is expected to increase in 1999 as the county's population continues to grow.

In the past, the Victim Advocacy Program has been part of the Domestic Peace Task Force. In January 1999, the program moved to the Summit County Attorney's Office. This move facilitates greater access to law enforcement, prosecution, and the justice system, and enables the advocates to follow the court cases more closely. Through better access advocates are able to come in contact with more victims. Most advocate programs in Utah are housed either in the prosecution office or in a branch of law enforcement. The trends in advocacy programs are to provide services to victims of all crimes, as well as domestic violence victims.

Total annual operating funds for the program are $63,417. Currently 75 percent of the funding for the program comes from Federal grants and 25 percent from Summit County. Funds previously channeled to the Victim Advocacy Program, through the Domestic Peace Task Force, are no longer available to the program since the January transition. Therefore, the program needs more financial support to continue to provide services to all crime victims.

Thank you for your consideration and support. We look forward to maintaining our collaborative effort to serve victims of crime in the Park City area.

Sincerely,

Jean Paulson

Jean Paulson
Victim Advocate Director

Telephone (435) 658-0510 Fax (435) 649-3552

MEMORANDUM
May 3, 1999

TO: Mayor Brad Olch
Members, Park City Council
City Manager, Toby Ross
City Finance Manager, Tom Backaly

FROM: Blair Feulner

RE: KPCW Lease Renewal

BACKGROUND

At the direction of the Park City council KPCW last year undertook a detailed examination of our options for moving out of the Marsac Building. The results of that study were detailed in a recent memo I shared with city council members and staff in a series of meetings over the past two months.

Based on my conversations with staff and council, I believe there is general consensus that:

•Given the space coming on-line at the new public works building, there is no pressing need to move KPCW out of the Marsac Building prior to the Olympics.

•Given the technical difficulty and high cost ($600,000) of constructing new studios, it is unlikely KPCW could raise the money in time to move prior to 2002.

•KPCW is also faced with having to raise over $200,000 during the next two years to move our main transmitter to the top of Bald Mountain and upgrade our Coalville station so that it becomes a second service to the Park City area.

•Because KPCW will be the only **local** means of mass communication available to disseminate public safety information during the Olympics, it's in the best interest of the city and the public to have KPCW proximate to police dispatch during the games.

•There is presently a lack of affordable rental space for KPCW--and other Park City nonprofit--and KPCW would be willing to be the lead, anchor tenant in a city-sponsored nonprofit center, should that materialize after 2002.

KPCW

P.O. Box 1372
Park City, UT 84060
435 / 649-9004
801 / 359-5279
435 / 645-9063 Fax

Below the bottom line, KPCW realizes that our own space needs will force us to move out of the Marsac Building post-Olympics. Therefore, we have formed a capital campaign committee whose purpose is to raise the $800,000 it will take to build the new transmitters and move our studios.

It will just take time.

In the meantime, we would like to negotiate a new lease in the Marsac Building under the following terms:

•Term of the lease would be from June 1, 1999 until January 1, 2004.

•KPCW would continue to pay utilities for the police station's main transmitter, which is located in KPCW's space on Quarry Mountain.

•The City would continue to furnish utilities at Marsac to KPCW, however, KPCW would be willing to share in the cost of an emergency back-up generator should the city proceed with that proposal.

•KPCW will continue to provide its own janitorial services for the space it occupies.

•In leu of rent, KPCW agrees to provide the city--and all of its departments--produced public service announcements not to exceed $24,000 per year.

•KPCW will continue to provide the city with an insurance liability policy in the amount deemed appropriate by the city.

•KPCW employees and visitors will continue to be able to use the North Marsac Parking lot at no charge.

•KPCW would like the option--with the city's concurrence and at our expense--to turn the hallway between our studios and offices into usable space. That may necessitate the relocation of the North entryway from its current location to the side emergency exit. We have discussed this matter with Ron Ivey who indicated that from an ADA and code standpoint there would not be a problem.

If these terms are acceptable, KPCW would be willing to have our attorney draft a preliminary agreement for review by the city's legal department.

PARK CITY
1884

CITY COUNCIL REPORT

DATE: May 10, 1999
DEPARTMENT: Legal Department
AUTHOR: Jodi Hoffman, City Attorney
Nora Shepard, Special Projects Planner
TITLE: **Flagstaff Development Agreement Issues for Discussion**
TYPE OF ITEM: Administrative

Staff has been working on the Flagstaff Development Agreement. Prior to finalization of the draft Development Agreement, the staff is requesting direction on a limited number of issues. It is anticipated that the draft Development Agreement will be scheduled for public hearing before the City Council on May 20th with possible action on May 20th or May 27th. At the work session on May 13, 1999, the staff would like the Council to discuss the following:

1. **Affordable Housing Policy in Transition.** In the development parameters, UPCM committed to supply affordable housing at 10% of the unit equivalents, based on then-existing City policy. Recently, Council directed staff to change the affordable housing resolution to include not only mitigation for residential units but also for employees generated by a Project s commercial component. Since an employee generation study has not been conducted, UPCM is willing to commit to a requirement of 20% of the commercial unit equivalents. For example, if the project proposes 75,000 sq. ft. of commercial, 20% would constitute 15 additional employee units.

2. **20 acre Quinns Junction Parcel. Another affordable housing issue relates to the 20-acre Quinns Junction Parcel. The applicant originally included this parcel in the annexation and designated it as a site for employee housing. The Planning Commission and staff have determined that it would be premature to designate this site as suitable for employee housing. The Park City and Snyderville Basin Planning Commission are just beginning a planning process to evaluate appropriate uses in this area. UPCM could be required to commit to annex this property in the future, prior to development, if deemed appropriate by the City.**

3. **Bonanza Flats.** Right now, the development agreement is written such that UPCM needs to satisfy our affordable housing policy for all development in Bonanza Flats. We do not know if this is an issue for UPCM. It is clear that UPCM would have to mitigate for employee housing if he were annexing Bonanza Flats. The agreement is set up in a manner that makes it somewhat of a wash. Whether UPCM annexes or does not annex, UPCM is obligated to mitigate the

impacts of the development on the City. The question is, should UPCM be required to create deed restricted affordable housing to mitigate the development on Bonanza Flats?

4. **Runaway Truck Lane. UPCM has committed to build a runaway truck lane on the Mine Road. They would like Park City Municipal Corp. to take the liability for the truck lane once it is completed. Staff has taken the position that for so long as SR 224 is a state road, UDOT should take the dedication. UPCM and UDOT meet Tuesday to discuss this outcome. If UDOT does not accept liability for the truck escape lane, should we? Or should liability remain with UPCM?**

5. **Water. Toby and Hank have worked out the following agreement on water for the project:**

   Developer shall build and dedicate to the Park City Water Service District an adequate water delivery system to serve the Project, including all fire flow and irrigation needs. Developer agrees to withdraw its protests to Citys pending water change applications before the State Engineer.

   Lease Terms
   City agrees to lease from Developer at the Base Lease Rate all of Developer s water rights. The Base Lease Rate shall be a nominal rate until water use within the Project actually begins.

   Note: Developers Weber Basin water rights are likely to be insufficient to serve the Project. City will need all of Developers rights to serve the Project.

   After water use begins, City will pay an Adjusted Lease Rate for all water committed (Committed Water) to the Project. The Adjusted Lease Rate shall be equal to the value of the water development impact fee actually collected by the Park City Water Service District amortized over a forty (40) year term at an interest rate equal to the average return of the Utah Public Treasurers Investment Fund. Committed Water shall be comprised of water rights approved for municipal use and adjusted for any flow restrictions imposed by the State Engineer. The amount of Committed Water shall equal the amount of water rights necessary to serve the portions o f the Project for which development impact fees are collected and shall not exceed the amount of Developer s water rights leased to City by Developer.

   In the alternative, Developer may dedicate the Committed Water to City and receive a single payment equal to the value of the water development impact fees actually collected by the Park City Water Service District.

   City agrees to charge Developer the same development, impact and water connection fees charged to all user connections within the Park City Water Service District unless extraordinary costs can be identified and fairly assigned to the Project.

   User rates charged to water users within the Project shall be the same as the rates charged to other water users within the Park City Water Service District unless extraordinary costs can be identified and fairly assigned to the Project.

If after fifteen (15) years or 90% buildout of the Project, whichever last occurs, City is leasing from Developer water in excess of the Project s water demand, City may, at City s option, either lease the excess water from Developer at the Adjusted Lease Rate or relinquish City s interest in the water. City shall elect to either lease or relinquish its interest in the excess water within 180 days of the expiration of 15 years or 90% buildout of the Project, whichever last occurs. If City takes no action within the 180 days, City will be deemed to have relinquished its interest in the excess water.

Bonanza Flats
City acknowledges it has an obligation to provide water to that portion of the Project located in Bonanza Flats. Developer will construct all infrastructure required for City to serve water to Bonanza Flats. User rates charged to water users within Bonanza Flats shall be the same as the rates charged to other water users within the Park City Water Service District unless extraordinary costs can be identified and fairly assigned. Developer acknowledges that water from a Weber Basis source cannot be used for outdoor purposes in Bonanza Flats.

Infrastructure
Developer agrees to design and construct a water source and distribution system and dedicate that system to City. Developer and City anticipate that the system will include the development of one or more wells to serve the Project. In the alternative, City may elect to develop alternative sources of water and infrastructure to meet the Projects water demands, in which case Developer agrees to pay a proportionate share of Citys capital cost of designing and developing such infrastructure and sources.

Group II Rights
Developer and City agree to file a joint application with the State Engineer to convert all Group II water rights owned by both parties to municipal use within the boundaries of the Park City Water Service District. The joint applications will list as hereafter points of diversion all of City s municipal sources and all of Developers sources including the Ontario and Empire Canyon Wells. Developer and City further agree to divide the Group II rights approved for municipal use evenly, with Developer and City each taking ownership of one-half of the total rights.

5. **Mining.** UPCM included in their proposed draft the right to resume silver mining. We excluded that paragraph from the draft before you because it was not included in the negotiations for the development parameters last fall. Phase I of the LMC suggests that mining will not be an allowed use in the City. Another point against allowing mining is that UPCM has first priority on our Judge Tunnel water, if the company resumes active mining. UPCM is a publicly traded company that advertises its history. Our recommendation is to defer the decision on mining to a day in which mining could again be profitable. We could then negotiate a good set of mitigation measures in exchange for allowing UPCM a rezone to mine.

6. **How many pods in the Mountain Village?** The development parameters resolution states that UPCM can develop in 2 of 3 development pods proposed for the Mountain Village, based upon

site specific review by the Planning Commission. UPCM would like the flexibility to develop in all three pods, if a gondola serves the all the pods.

7. **PCFSD.** We have enclosed a letter from Kelly Gee to Ron Ivie regarding exactions from UPCM for fire service. The staff would recommend that UPCM be required to be responsible for construction of a public safety facility at a standard and timing satisfactory to the Fire Marshall, Ron Ivie.

CITY COUNCIL STAFF REPORT

DATE: May 13, 1999
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: 556 Deer Valley Loop
TYPE OF ITEM: Condominium conversion

SUMMARY RECOMMENDATIONS Conduct a public hearing, consider any public input, and approve the condominium conversion as conditioned.

DESCRIPTION

Owners	GT Land Development LLC
Location	556 Deer Valley Loop Drive
Zoning	RM - Residential Medium Density
Adjacent Land Uses	Residential
Reason for Review	Plat amendments require Planning Commission review and City Council approval.

B. Background

The property is located at 556 Deer Valley Loop Drive. The property is bordered by condominium projects to the east and west, undeveloped land to the south and Deer Valley Loop Drive to the north.

The applicant proposes to convert a recently constructed duplex into a two-unit condominium. The Planning Commission considered this application at it's regular meeting of May 12, 1999. The Commission forwards a positive recommendation of this condominium conversion.

C. Analysis

The condominium conversion will allow the individual units to be sold separately. Staff has no outstanding concerns about the request. No changes to the structure as built are proposed by the applicant.

D. 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.

E. Notice

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

F. Public Input

Staff has not received any public comment on this proposal.

ALTERNATIVES

A. The City Council may approve the condominium conversion with the conditions stated, or modify the conditions, or

B. The City Council may deny the condominium conversion 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 plat that allows individual ownership of each unit. Approval of this application will not result in any significant impacts. No external or internal changes to the structure are proposed.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

If the City Council denies the condominium conversion, the property will remain under single ownership.

RECOMMENDATION

Staff recommends that the City Council approve the condominium conversion of 556 Deer Valley Loop Drive based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The proposed plat changes the type of ownership of this property to condominium ownership.
2. The proposal is consistent with both the Land Management Code and the General Plan in that the RM zone allows duplex structures on approved lots when all minimum code requirements are met.

Conclusions of Law:

1. There is good cause for this condominium plat as the units can be sold separately.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. 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:

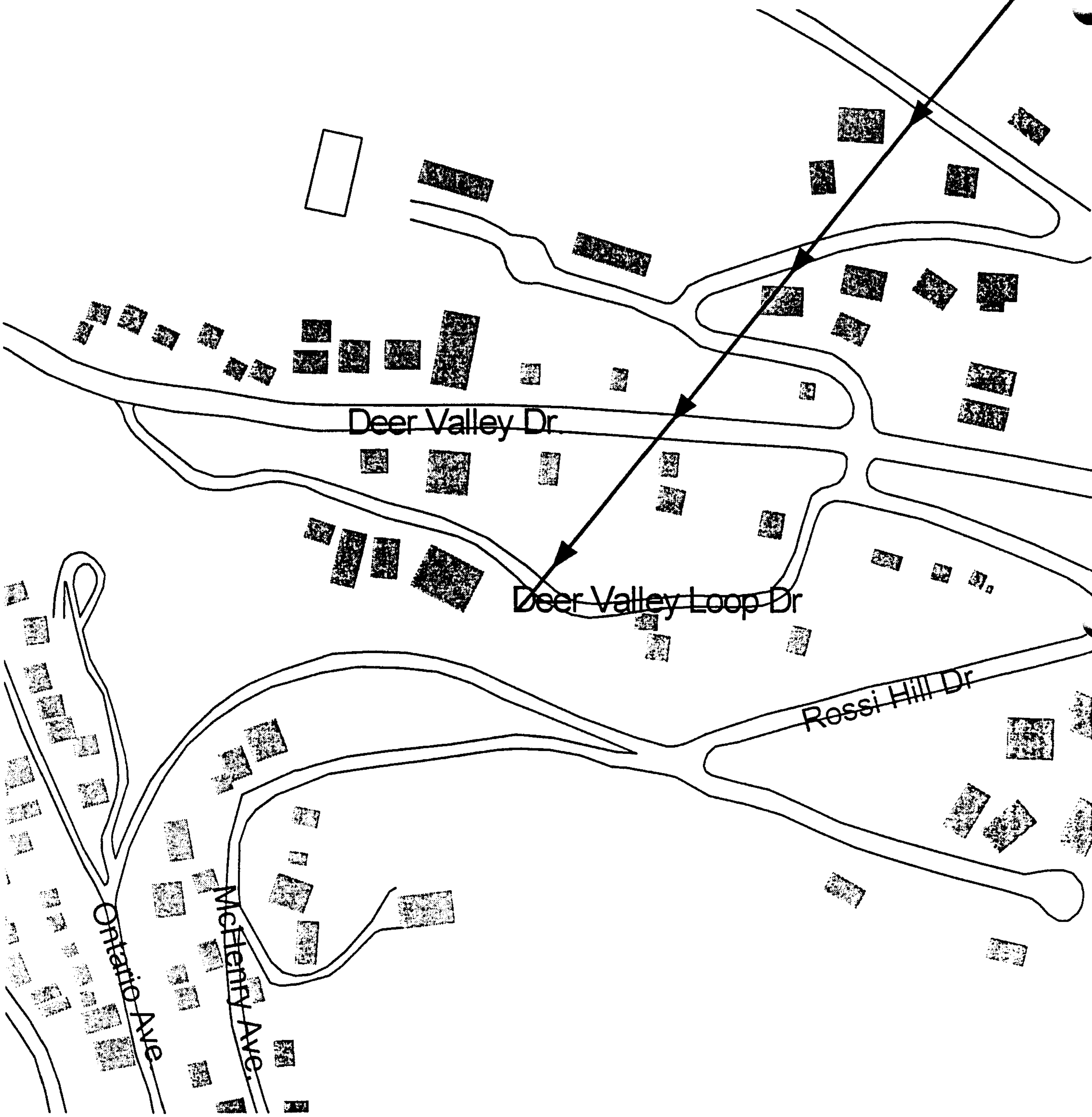
1. The City Attorney and City Engineer will review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All standard project conditions will apply.
3. The applicant will record the final condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time, this approval and the plat will be void.

EXHIBITS

Exhibit A - Location Map
Exhibit B - Condominium plat

M:\CDD\BTR\COUNCIL\CC99\dvlo556.wpd

556 Deer Valley Loop Dr.

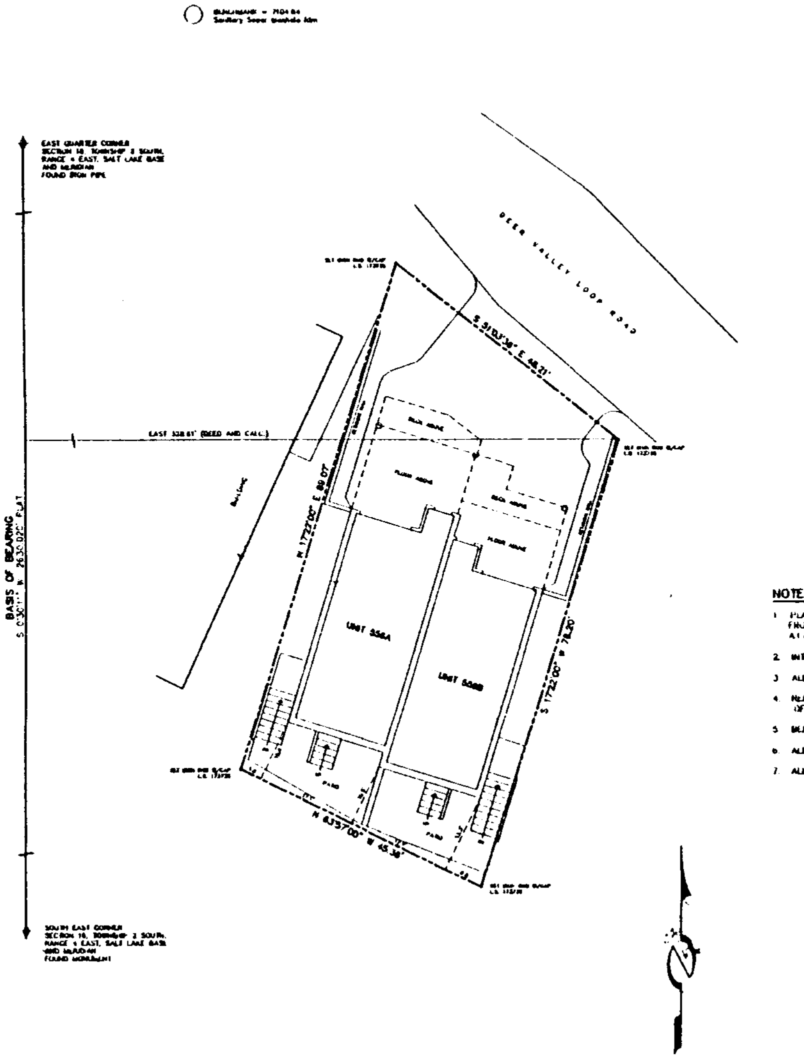


PARK CITY 1884

Exhibit A
Vicinity Map

N

32



COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY DESIGN WEST, INC., A.I.A., AND FIELD VERIFIED
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 2 FOR LOCATION AND ELEVATION
6. ALL FLOOR ELEVATION ARE ABOVE SEA LEVEL.
7. ALL BUILDING TIES TO PROPERTY LINE ARE PERPENDICULAR

LEGEND

S.F. REPRESENTS SQUARE FEET
F.P. REPRESENTS FIREPLACE
C.H. REPRESENTS CEILING HEIGHT

10 0 10 20 FEET

SURVEYOR'S CERTIFICATE

I, Bob Pohl, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 173736 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, this Record of Survey Map of 556 DEER VALLEY LOOP ROAD CONDOMINIUM, an Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act.

Bob Pohl L.S. 173736 ______ Date ______

BOUNDARY DESCRIPTION

Beginning at a point South 718.35 feet (South 0°30'11" West 721.235 feet measured) and East 328.61 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said corner being identified as an iron pipe set in the ground stamped 1/4 S. 16, U.P.C.M.C., 1-3018, 1965, and running thence South 17°22' West along an old fence line 78.20 feet, thence North 63°57' West along an old fence line 45.36 feet, thence North 17°22' East 89.07 feet, thence South 51°03'36" East along an old fence line 48.21 feet, to the point of beginning. Description contains 3750 square feet, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, GT Land Development, L.L.C., a Utah limited liability company, is the fee simple owner of the herein described tract of land and consents to the recordation of this Record of Survey Map in accordance with Utah Code Annotated §57-8-13, subdividing the land into condominium ownership, and creating units, common areas, limited common areas, and easements, all as set forth herein, to be known as 556 DEER VALLEY LOOP ROAD CONDOMINIUM. Also the undersigned dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County, any non-exclusive utility easements shown on this Record of Survey Map for the purpose of providing utility service to the property, and the installation, use, maintenance, and eventual replacement of utilities.

GT Land Development, L.L.C.,
A Utah Limited Liability Company

By: ______
Its: ______

ACKNOWLEDGMENT

State of ______)
) ss:
County of ______)

On the ____ day of ______, 1999, personally appeared before me ______, who, being by me duly sworn, did say that he is ______ of GT Land Development, L.L.C., a Utah limited liability company, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said limited liability company, and said ______ duly acknowledged to me that he executed the same on behalf of said limited liability company with proper authority.

The owner, or his representative, hereby irrevocably offers for dedication to the City of Park City, all the streets, land for local government uses, easements, parks, required utilities, and easements shown on the plat and construction plans in accordance with a irrevocable offer of dedication.

______
Notary Public

My commission expires: ______

RECORD OF SURVEY MAP

556 DEER VALLEY LOOP ROAD

CONDOMINIUM

A UTAH CONDOMINIUM PROJECT

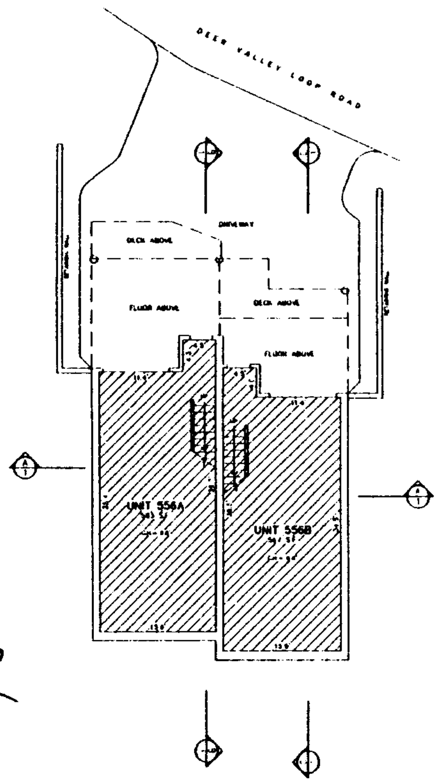
LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Recorded concurrently herewith is the Declaration of Covenants, Conditions, and Restrictions of the 556 Deer Valley Loop Road Condominium Owners Association.

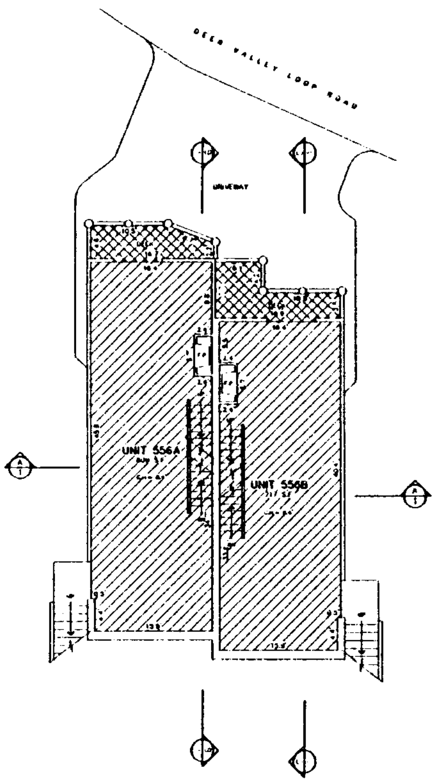
JOB NO. 5-3-99 \ANDREWS\D\ANDRWS1.DWG

PARK CITY SURVEYING, INC. P.O. Box 3003 PARK CITY, UTAH 84060 (435) 649-2918	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ____ DAY OF ______, 1999 A.D. BY ______ S.B.S.I.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ______ 1999 A.D. BY ______ CHAIRMAN	ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ______, 1999 A.D. BY ______ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS ____ DAY OF ______, 1999 A.D. BY ______ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ______, 1999 A.D. BY ______ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ______, 1999 A.D. BY ______ MAYOR	RECORDED STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ______ DATE ____ TIME ____ BOOK ____ PAGE ____ ______ FEE ______ RECORDER

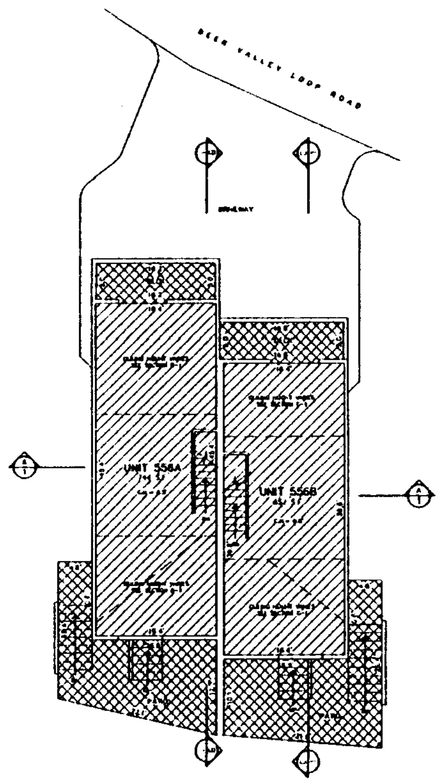
EXHIBIT B



UNITS 556A AND 556B
LOWER LEVEL



UNITS 556A AND 556B
MAIN LEVEL



UNITS 556A AND 556B
UPPER LEVEL

LEGEND

S.F. REPRESENTS SQUARE FEET.
F.P. REPRESENTS FIREPLACE
C.H. REPRESENTS CEILING HEIGHT

COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

8 0 8 16 FEET

NOTES:

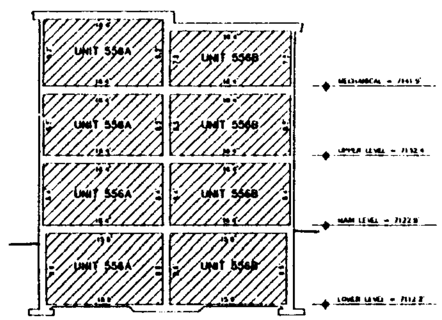
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY DESIGN WEST, INC. A.I.A., AND FIELD VERIFIED.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP
5. BENCHMARK: SEE SHEET 1 OF 2 FOR LOCATION AND ELEVATION.
6. ALL FLOOR ELEVATION ARE ABOVE SEA LEVEL.
7. ALL BUILDING TIES TO PROPERTY LINE ARE PERPENDICULAR.

RECORD OF SURVEY MAP

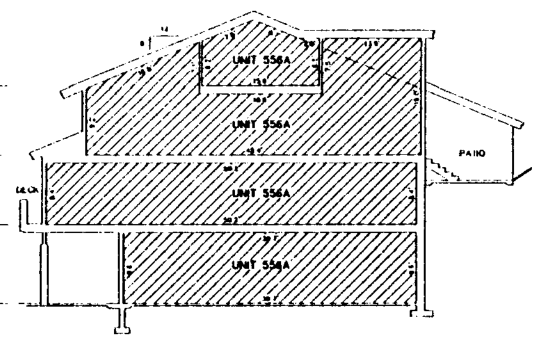
556 DEER VALLEY LOOP ROAD
CONDOMINIUM

A UTAH CONDOMINIUM PROJECT

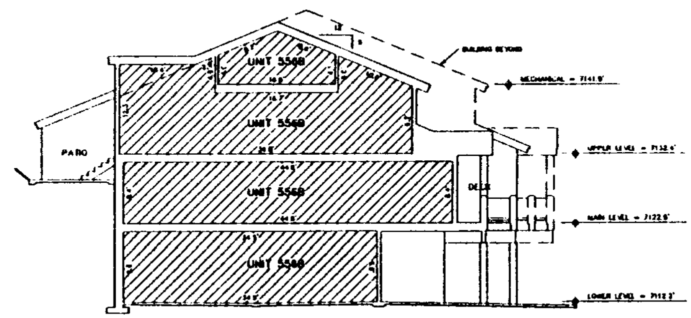
LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Covenants, Conditions, and Restrictions of the 556 Deer Valley Loop Road Condominium Owners Association



SECTION "A-1"



SECTION "B-1"



SECTION "C-1"

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF ______
DATE ______ TIME ______ BOOK ______ PAGE ______

______ FEE ______ RECORDER

JOB NO. 5-3-98 \ANDREWS\D\ANDRWS7.DWG

34

Ordinance No. 99-

AN ORDINANCE APPROVING THE CONDOMINIUM CONVERSION OF THE DUPLEX LOCATED AT 556 DEER VALLEY LOOP DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known as 556 Deer Valley Loop Drive have petitioned the City Council for approval of a condominium conversion and final record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 12, 1999, to receive input on the proposed condominium conversion and record of survey;

WHEREAS, the Planning Commission, on May 12, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 13, 1999, the City Council held a public hearing to receive input on the proposed condominium conversion and record of survey; and

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

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 proposed plat changes the type of ownership of this property to condominium ownership.
2. The proposal is consistent with both the Land Management Code and the General Plan in that the RM zone allows duplex structures on approved lots when all minimum code requirements are met.

Conclusions of Law:

1. There is good cause for this condominium plat as the units can be sold separately.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. 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 plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All standard project conditions will apply.
3. The applicant will record the final condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within the one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 13th day of May 1999 .

PARK CITY MUNICIPAL CORPORATION

____

Bradley A. Olch, MAYOR

ATTEST:

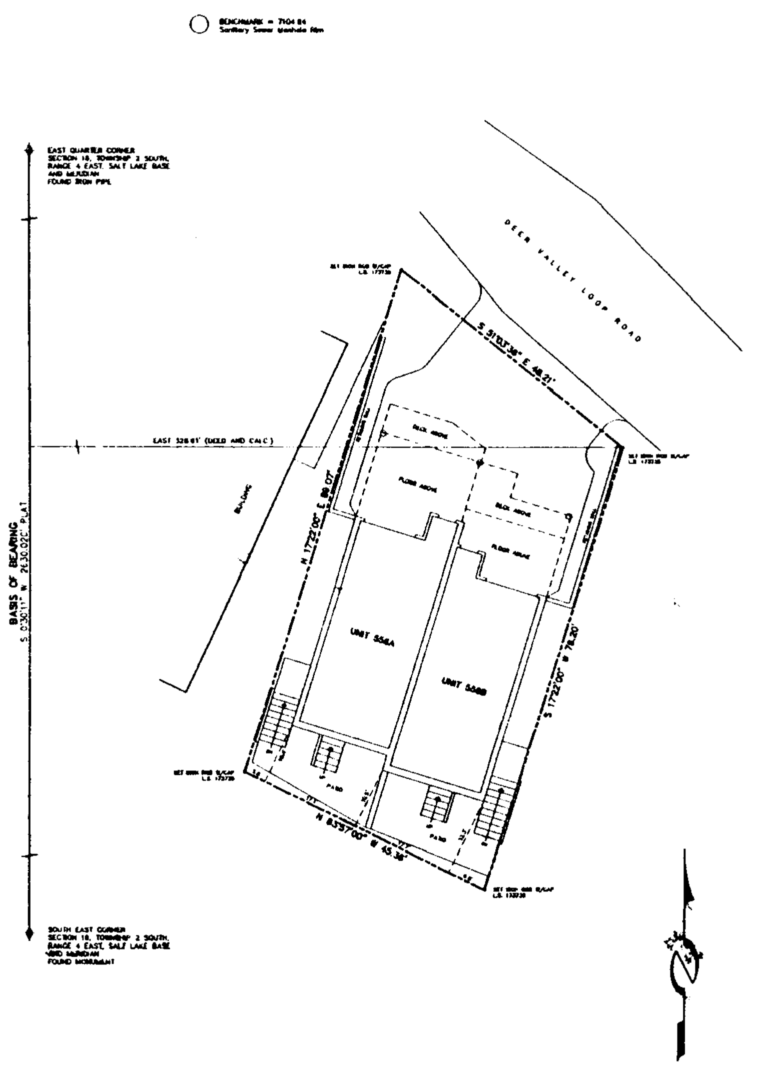
____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, Deputy City Attorney



COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY DESIGN WEST, INC., A.I.A., AND FIELD VERIFIED.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 2 FOR LOCATION AND ELEVATION
6. ALL FLOOR ELEVATION ARE ABOVE SEA LEVEL.
7. ALL BUILDING TIES TO PROPERTY LINE ARE PERPENDICULAR.

LEGEND

S.F. REPRESENTS SQUARE FEET.
F.P. REPRESENTS FIREPLACE
C.H. REPRESENTS CEILING HEIGHT

10 0 10 20 FEET

SURVEYOR'S CERTIFICATE

I, Bob Pohl, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 173736 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, this Record of Survey Map of 556 DEER VALLEY LOOP ROAD CONDOMINIUM, an Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act.

________________ Bob Pohl L.S. 173736

__________ Date

BOUNDARY DESCRIPTION

Beginning at a point South 718.35 feet (South 0°30'11" West 721.235 feet measured) and East 328.61 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said corner being identified as an iron pipe set in the ground stamped 1/4 S 16, U.P.C.&C., 1-3018, 1965, and running thence South 17°22' West along an old fence line 78.20 feet, thence North 63°57' West along an old fence line 45.36 feet, thence North 17°22' East 89.07 feet, thence South 51°03'36" East along an old fence line 48.21 feet, to the point of beginning. Description contains 3750 square feet, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, GT Land Development, L.L.C., a Utah limited liability company, is the fee simple owner of the herein described tract of land and consents to the recordation of this Record of Survey Map in accordance with Utah Code Annotated §57-8-13, subdividing the land into condominium ownership, and creating units, common areas, limited common areas, and easements, all as set forth herein, to be known as 556 DEER VALLEY LOOP ROAD CONDOMINIUM. Also the undersigned dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County, any non-exclusive utility easements shown on this Record of Survey Map for the purpose of providing utility service to the property, and the installation, use, maintenance, and eventual replacement of utilities.

GT Land Development, L.L.C.,
A Utah Limited Liability Company

____
By: ______________
Its: ______________

ACKNOWLEDGMENT

State of ____________)
) ss:
County of ____________)

On the _____ day of ____________, 1999, personally appeared before me ____________ who, being by me duly sworn, did say that he is ______________ of GT Land Development, L.L.C., a Utah limited liability company, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said limited liability company, and said ____________ duly acknowledged to me that he executed the same on behalf of said limited liability company with proper authority.

The owner, or his representative, hereby irrevocably offers for dedication to the City of Park City, all the streets, land for local government uses, easements, parks, required utilities, and easements shown on the plat and construction plans in accordance with a irrevocable offer of dedication.

____
Notary Public

My commission expires: ____________

RECORD OF SURVEY MAP

556 DEER VALLEY LOOP ROAD

C O N D O M I N I U M

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

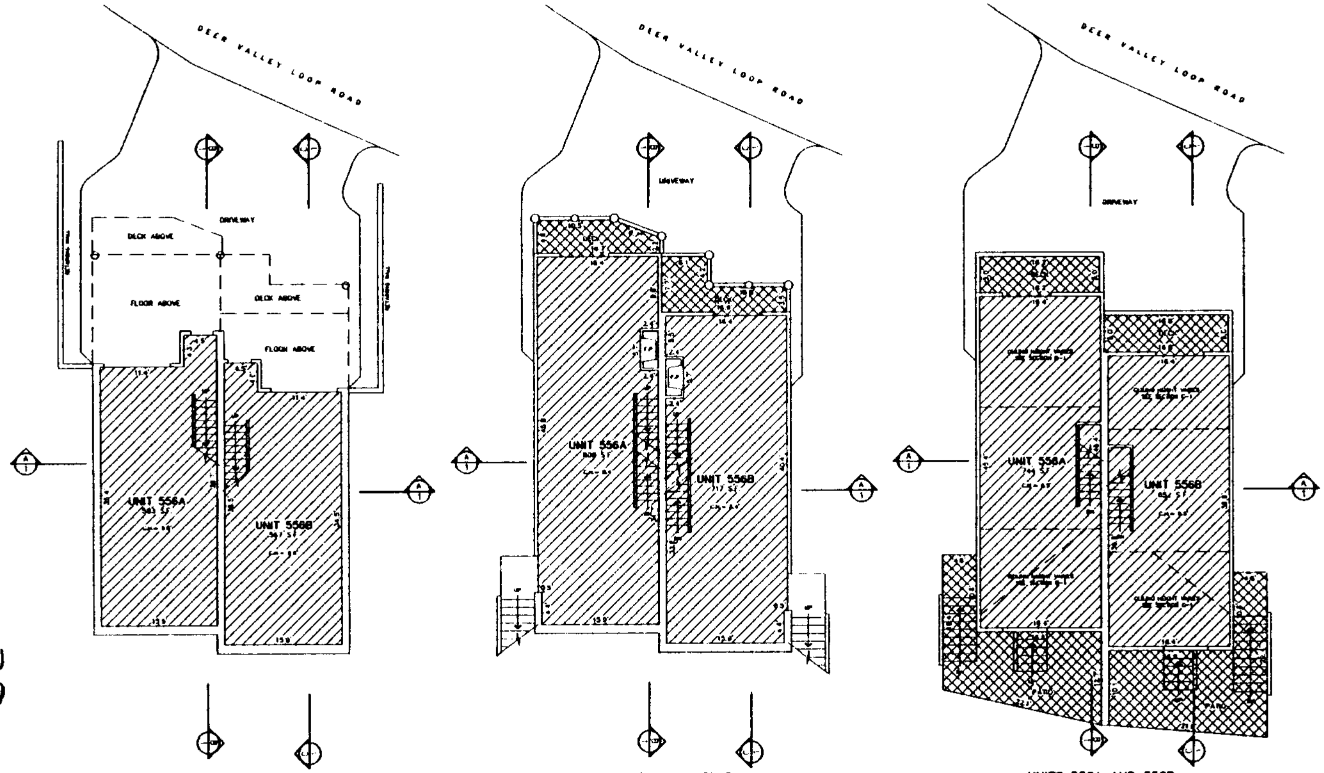
Recorded concurrently herewith is the Declaration of Covenants, Conditions, and Restrictions of the 556 Deer Valley Loop Road Condominium Owners Association

37

EXHIBIT A

JOB NO. 5-3-99 \ANDREWS\D\ANDRWS1.DWG

PARK CITY SURVEYING, INC. P.O. Box 3003 PARK CITY, UTAH 84060 (435) 649-2918	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS 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 ________, 1999 A.D. BY ________ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________ 1999 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 1999 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________, 1999 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 1999 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 1999 A.D. BY ________ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ________ DATE ____ TIME ____ BOOK ____ PAGE ____ ____ FEE ____ RECORDER



UNITS 556A AND 556B
LOWER LEVEL

UNITS 556A AND 556B
MAIN LEVEL

UNITS 556A AND 556B
UPPER LEVEL

LEGEND

S.F. REPRESENTS SQUARE FEET.
F.P. REPRESENTS FIREPLACE
C.H. REPRESENTS CEILING HEIGHT

COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP

8 0 8 16 FEET

NOTES:

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY DESIGN WEST, INC. A.I.A., AND FIELD VERIFIED.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
5. BENCHMARK: SEE SHEET 1 OF 2 FOR LOCATION AND ELEVATION.
6. ALL FLOOR ELEVATION ARE ABOVE SEA LEVEL.
7. ALL BUILDING TIES TO PROPERTY LINE ARE PERPENDICULAR.

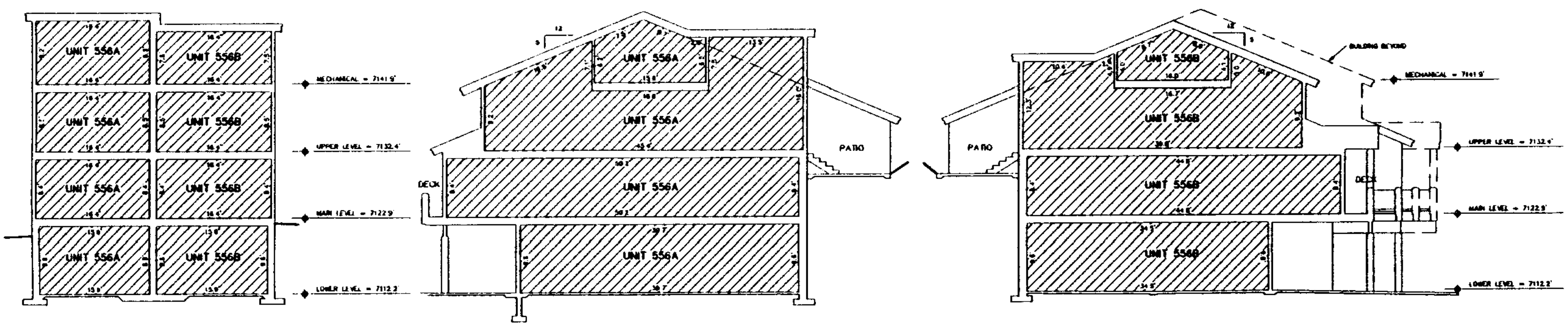
RECORD OF SURVEY MAP

556 DEER VALLEY LOOP ROAD

C O N D O M I N I U M

A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
Recorded concurrently herewith is the Declaration of Covenants, Conditions, and Restrictions of the 556 Deer Valley Loop Road Condominium Owners Association.



SECTION "A-1"

SECTION "B-1"

SECTION "C-1"

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ______
DATE ______ TIME ______ BOOK ______ PAGE ______

FEE ______ RECORDER ______

JOB NO. 5-3-99 \ANDREWS\D\ANDRWS2.DWG

38

PARK CITY
1884

CITY COUNCIL REPORT

DATE: May 13, 1999
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow AK
TITLE: 1024 Empire Avenue - Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a public hearing and approve the proposed combination of portions of Lot 21 and Lot 22, Block 16, of the Snyder's Addition to the Park City Survey into one (1) lot to accommodate a new single family structure.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Owners:	Peter Papineau
Location:	1024 Empire Avenue
Proposal:	Plat amendment
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential

B. Background.

The owner of portions of Lot 21 and Lot 22, Block 16 of the Snyder's Addition to the Park City Survey, Peter Papineau, submitted an application to combine the portions of two old town lots into one (1) 3,156 square foot lot to accommodate a new single family structure. The proposed project is located within a neighborhood of newly constructed single family and duplex structures, with vacant lots to the south.

The Applicant proposes to construct a structure on the newly created lot which will be required to comply with the setbacks, height and maximum footprint for the zone. Any proposed structure will need to conform with the Historic District Design Guidelines and Land Management Code Requirements. No application for Historic District Commission review has been filed at this time.

The Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council at their on April 28, 1999 meeting.

C. Analysis

This request is to combine portions of two (2) lots to create one (1) 3,156 square foot parcel to accommodate a new single family structure. Staff has evaluated the overall project against the Land Management Code (February 25, 1998) and (December 2, 1998) regulations for the HR-1 District. Staff determined the proposed lot combination complies as presented with all requisite City codes. Any structures will be limited by the setback, building footprint and height requirements of the Land Management Code for the HR-1 District.

		Lot A
Lot Size		3,156 square feet
Setbacks		
	• **Front**	10' minimum
	• **Rear**	10' minimum
	• **Side**	5' minimum, 10' total
Height		27'
Maximum Building Footprint		1,321 square feet

The two (2) lots are portions of originally platted lots, which were subdivided through past sales of the land. Each of the lots are less than the required 1,875 square feet needed for the development of a single family home, as required by the Land Management Code. The applicants wish to combine the two (2) lots to accommodate a new single family residence. Staff has added a condition to the Plat Amendment which would restrict any additional units, such as accessory apartments. Additional accessory units in this area would negatively effect the neighborhood in terms of parking, mass and scale. The Plat Amendment, as conditioned, would increase the potential density of the area by one single family structure, unless the applicant pursued a variance from the Board of Adjustment to allow construction on one or both substandard sized lots. The proposed lot size is compatible with the current ownership pattern along Empire Avenue. Structures in the neighborhood are typically new single family and duplex homes.

The Land Management Code states that the property owner must protect significant vegetation during any development activity. There exists several clumps of lilacs on the site. Staff has added a condition requiring the lilac be replanted on the lot, if removed during construction.

E <u>Notice</u>
Notice of this hearing was sent to property owners within 300' on April 12, 1999. No formal comments have been filed at the time of this report.

F. <u>Department Review.</u>
The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to recording. The request was discussed at a Staff Review Meeting on April 6, 1999, where representatives from the local utilities and City Staff were in attendance and found it to be in conformance with all current requisite City development codes.

<u>ALTERNATIVES</u>
A. Approval of the proposed plat amendment combining portions of Lots 21 and Lot 22, Block 16, of the Snyder's Addition to the Park City Survey and thereby creating one parcel to accommodate a new single family home.

B. Deny the subdivision plat amendment and retain the original Record of Survey for two (2) lots.

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

SIGNIFICANT IMPACTS:

The proposed amendment will result in one (1) lot which complies with the minimum lot requirement for the HR-1 District. Given the required setbacks, the historic district height restrictions, and the predominant ownership pattern and house size in the area, and the conditions of approval, the lot combination will result in a structure that is compatible in mass and scale with the immediate neighborhood.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the lots could not be developed separately which would not effect the current density on Empire Avenue. The Board of Adjustment approval would be required for a variance for the lot square footage, which would be less than the 1,875 square feet required. If a variance was approved the applicant could construct up to two single family homes on the substandard lots.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and approve the Plat Amendment for 1024 Empire Avenue based on the following Findings of Fact, Conclusions of Law and Conditions of approval;

Findings of Fact:

1. The property is located in the HR-1 District.

2. The site currently is vacant.

3. The proposed Plat Amendment will combine two (2) substandard parcels into one (1) legal lot to accommodate one single family residence.

4. Adding an accessory unit to the lot would negatively impact the neighborhood by increasing traffic and parking demands.

5. Dedication of a ten (10) foot non-exclusive snow storage easement along Empire Avenue is necessary to provide adequate snow removal services.

6. The lot contains significant lilac clumps.

7. Remnant portions of Lots 21 and 22 are not owned by the applicant.

Conclusions of Law:

1. There is good cause for the amendment as increased setbacks are provided and overall potential density is reduced.

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

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

Conditions of Approval:

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

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

3. The lilacs if removed, shall be replanted on the lot.

4. Accessory apartments and lockout units are prohibited on this newly created lot. The lot shall only contain one (1) single-family home.

5. Design of any proposed structures require review and approval for compliance with the Historic District Design Guidelines pursuant to Chapter 4 of the Land Management Code.

6. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

7. Building Permits for Lot A may not be issued until the plat is recorded.

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

9. No remnant lot created by this amendment is separately developable.

<u>EXHIBITS:</u>
Exhibit A - Location Map
Exhibit B - Proposed Plat
Exhibit C - Standard Project Conditions

Ordinance No. 99-

AN ORDINANCE APPROVING THE 1024 EMPIRE AVENUE PLAT AMENDMENT TO COMBINE PORTIONS OF LOT 21 AND LOT 22, BLOCK 16, OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, LOCATED AT 1024 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of portions of Lots 21 and 22, Block 16, Snyder's Addition to the Park City Survey have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 28, 1999, to receive input on the proposed plat;

WHEREAS, the Planning Commission, on April 28, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 13, 1999, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

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

1. The property is located in the HR-1 District.

2. The site currently is vacant.

3. The proposed Plat Amendment will combine two (2) substandard parcels into one (1) legal lot to accommodate one single family residence.

4. Adding an accessory unit to the lot would negatively impact the neighborhood by increasing traffic and parking demands.

5. Dedication of a ten (10) foot non-exclusive snow storage easement along Empire Avenue is necessary to provide adequate snow removal services.

6. The lot contains significant lilac clumps.

7. Remnant portions of Lots 21 and 22 are not owned by the applicant.

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

SECTION 3. PLAT APPROVAL. The plat amendment to combine portions of Lot 21 and Lot 22, Block 16, of the Snyder's Addition to the Park City Survey, known as 1024 Empire Avenue Plat Amendment, is approved as shown on Exhibit B, with the following conditions:

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

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

3. The lilacs if removed, shall be replanted on the lot.

4. Accessory apartments and lockout units are prohibited on this newly created lot. The lot shall only contain one (1) single-family home.

5. Design of any proposed structures require review and approval for compliance with the Historic District Design Guidelines pursuant to Chapter 4 of the Land Management Code.

6. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

7. Building Permits for Lot A may not be issued until the plat is recorded.

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

9. No remnant lot created by this amendment is separately developable.

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

PASSED AND ADOPTED this 13th day of May, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

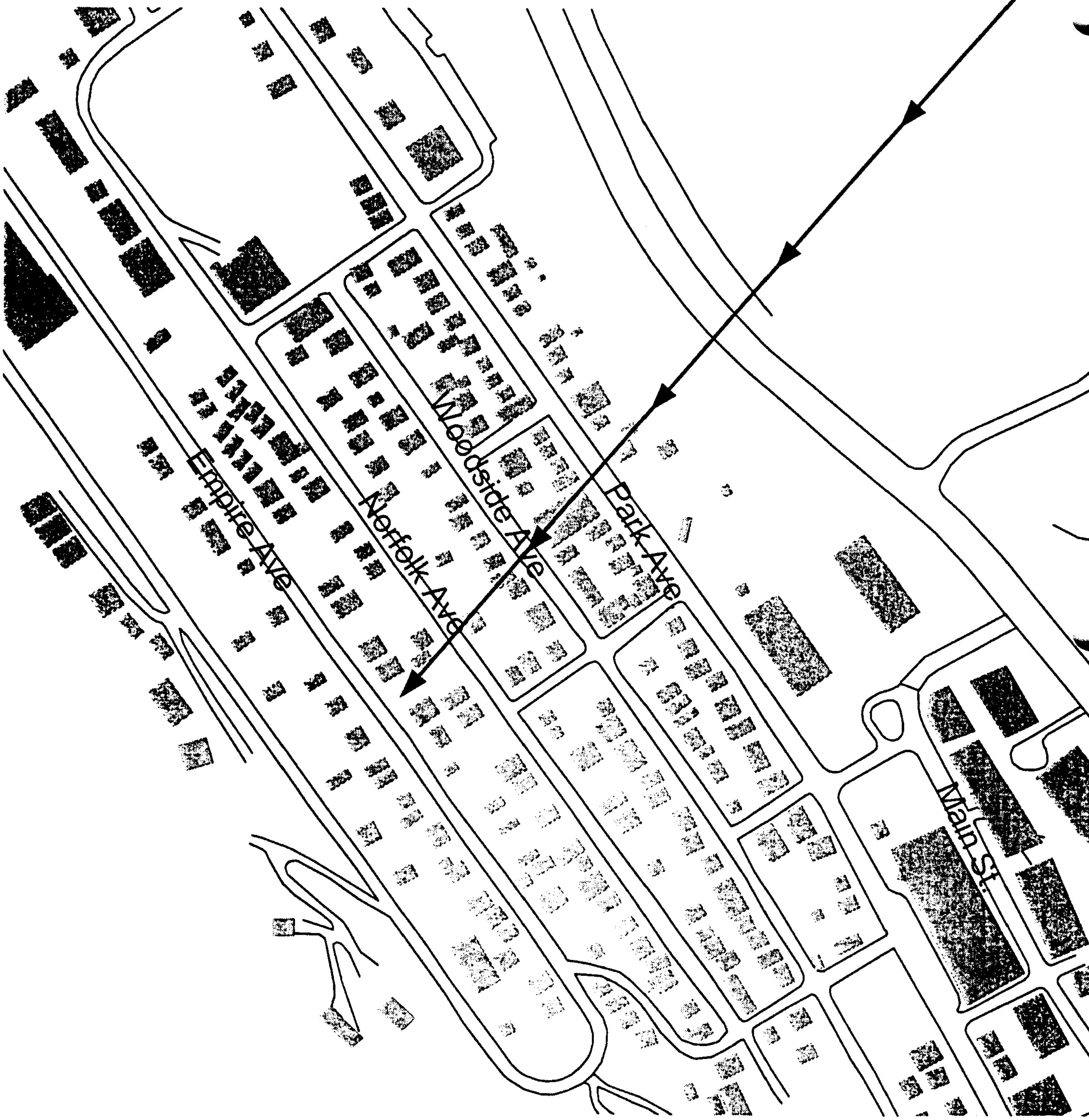
Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney

1024 Empire Avenue



PARK CITY 1884

Exhibit A
Location Map

N

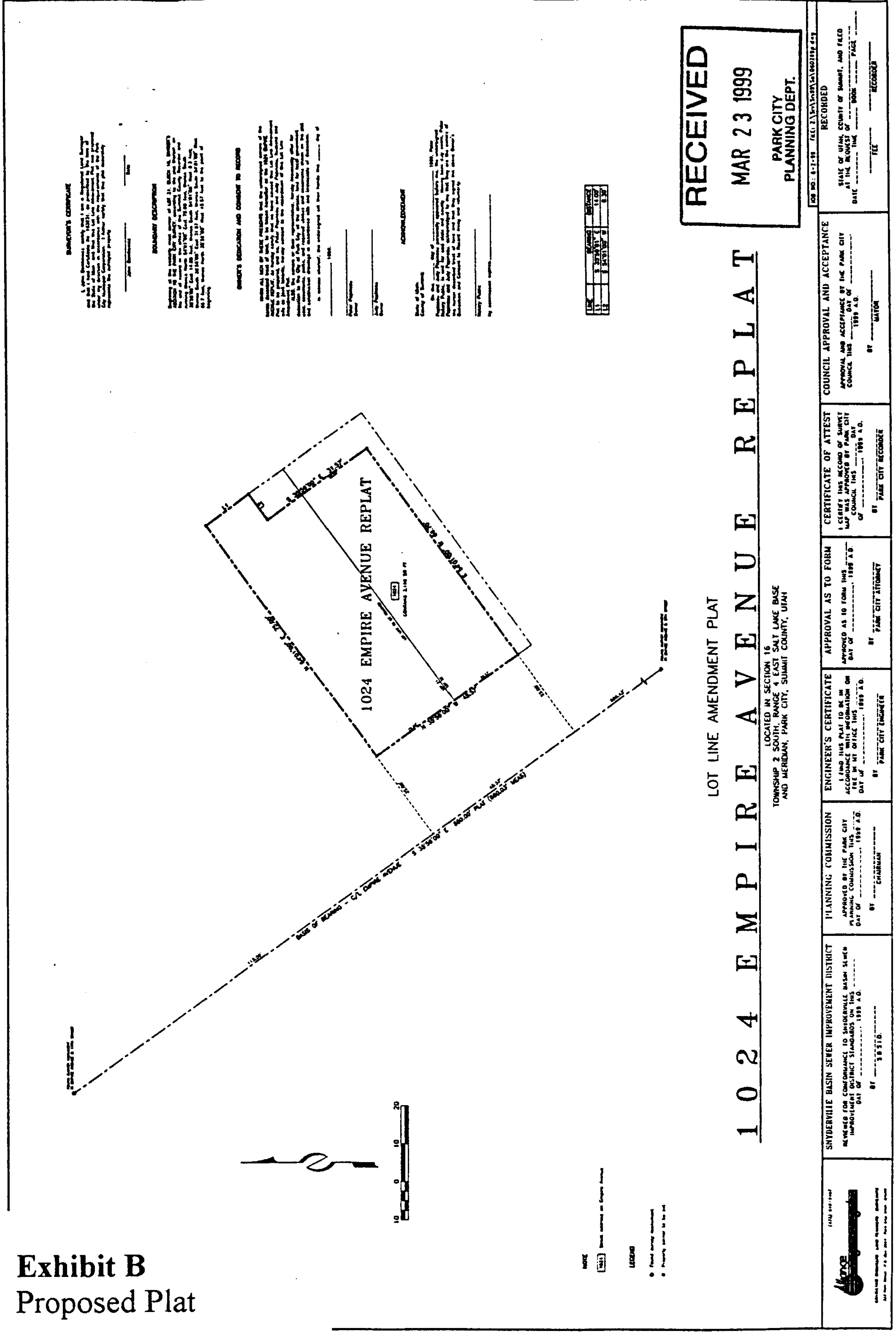


Exhibit B
Proposed Plat

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.
3. The applicant is responsible for compliance with all conditions of project approval.
4. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
5. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof.
6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.
7. Final grading, drainage, utility, erosion control and revegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
8. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.
11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.
12. Access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five feet easement is necessary below this elevation.
14. Lockout units are not permitted unless specifically approved.
15. The infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.
17. The name of a master planned development, plat, record of survey, subdivision, condominium project, or other approved project may not be changed without review and approval by the Community Development Department, said approval is not to be unreasonably withheld. The Community Development Department's review shall be limited to prevent confusion of the project with others in terms of emergency and delivery services and project identification.

Exhibit C
Standard Project Conditions

PARK CITY
1884

CITY COUNCIL
STAFF REPORT

DATE:	**May 13, 1999**
DEPARTMENT:	**Community Development**
AUTHOR:	**Megan B. Ryan** MBR
TITLE:	**255 Heber Avenue**
TYPE OF ITEM:	**Record of Survey (Condominium plat) Request**

SUMMARY RECOMMENDATIONS: Conduct a public hearing, consider the Planning Commission's positive recommendation to the City Council to record a Record of Survey plat for six residential units and seven commercial units at 255 Heber Avenue.

DESCRIPTION

A. Project Statistics

Owners: Kevin McInnis represented by Steve Deckert of Alliance Engineering
Location: One parcel in the Park City Survey, Block 50
Zoning: HRC with Heber Ave. Subzone
Adjacent Land Uses: Bike path, commercial, residential

B. Background

The Planning Commission voted to forward a positive recommendation to the Council on this item at their meeting of April 28, 1999. The Council approved a subdivision plat for this property in 1998. The HDC approved a building design in 1997. The building is currently under construction and completion is anticipated this summer.

C. Analysis

The applicant, represented by Steve Deckert, is requesting approval of a Record of Survey or condominium plat that would allow the applicant to sell the residential and commercial units individually. An association would be formed to deal with common area maintenance issues.

D. Department Review

The Community Development Department, interdepartmental staff review team and the City Attorney's office have reviewed this report. Any issues that were raised have been addressed through conditions of approval.

E. Notice
Notice was mailed to property owners within 300' on April13, 1999. No input has been received at the time of this report and no input was given at the public hearing on April 28, 1999.

ALTERNATIVES

A. Approve the Record of Survey plat

B. Deny the Record of Survey plat

C. Continue the item for further discussion

SIGNIFICANT IMPACTS:
Approval of the Record of Survey plat will allow the owner to sell the units individually.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
The project will remain under one ownership.

RECOMMENDATION:
Conduct a public hearing, consider public input, and consider staff's recommendation to forward a positive recommendation to the City Council to approve the Record of Survey plat at 255 Heber Avenue based on the following:

Findings:
1. The property is located in the Historic Recreation Commercial District HRC with the Heber Avenue Sub Zone overlay.
2. The property consist of one platted lot. A mixed use building is under construction on the site.
3. The owner proposes to record six residential units and seven commercial units.

Conclusions of Law:
1. There is good cause for the revision as the plat will allow the units to be individually sold.
2. Neither the public nor any person will be materially injured by the proposed plat.
3. The plat complies with the Land Management Code and State law regarding condominium conversion.

Conditions:
1. City Attorney and City Engineer review and approval of Record of Survey plat for compliance with Land Management Code, Utah State Code and these final conditions of approval is a condition precedent to plat recordation.

EXHIBITS:

Exhibit A - Location Map
Exhibit B - Proposed plat

M:\CDD\MR\COUNCIL\CC99\255heber.wpd

ORDINANCE NO. 99-

AN ORDINANCE APPROVING THE POISON CREEK MERCANTILE RECORD OF SURVEY PLAT FOR ONE PARCEL IN BLOCK 50 OF THE PARK CITY SURVEY, KNOWN AS 255 HEBER AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as Poison Creek Mercantile at 255 Heber Avenue petitioned the City Council for approval of a record of survey plat; and

WHEREAS, proper notice was sent and the City Council and Planning Commission held a public hearing to receive input on the proposed amendment on May 13 and April 28, 1999; and

WHEREAS, it is in the best interest of Park City to approve the amendment, and

WHEREAS, there is good cause for the amendment as it clarifies property lines, and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. Poison Creek Mercantile at 255 Heber Avenue , Block 50 is approved as shown on the attached Exhibit B with the following findings, conclusions and conditions:

Findings:
1. The property is located in the Historic Recreation Commercial District HRC with the Heber Avenue Sub Zone overlay.
2. The property consist of one platted lot. A mixed use building is under construction on the site.
3. The owner proposes to record six residential units and seven commercial units.

Conclusions of Law:
1. There is good cause for the revision as the plat will allow the units to be individually sold.
2. Neither the public nor any person will be materially injured by the proposed plat.
3. The plat complies with the Land Management Code and State law regarding condominium conversion.

Conditions:
1. City Attorney and City Engineer review and approval of Record of Survey plat for compliance with Land Management Code, Utah State Code and these final conditions of approval is a condition precedent to plat recordation.

SECTION 2. This ordinance shall take effect upon publication.

DATED this the 13th day of May, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Bradley A. Olch, Mayor

ATTEST:

____

Jan Scott, Deputy City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, Deputy City Attorney

DATE:	May 13, 1999
DEPARTMENT:	Public Works
AUTHOR:	John Lind, Assistant Public Works Director
TITLE:	1999/2000 Pavement Management Support Contractors
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to enter into contracts with Daley Excavators, L.L.C., for haul away services not to exceed $60,000; R. C. Heaton Construction for concrete curb and gutter, sidewalk, and driveway flat work not to exceed $62,000; Rivas Construction, Inc., for utility adjustments in the amount of $117,100; Agra Earth & Environmental, Inc., for quality control testing in the amount of $48,000; and Premier Concrete Cutting for concrete cutting, sawing, grinding and planing not to exceed $44,000 for the 1999/2000 pavement management program.

DESCRIPTION:

A. **Topic**. 1999 and 2000 Pavement Management Support Contract Services.

B. **Background**. The pavement management program requires support services such as waste material haul away to landfill; replacement of curb, gutter, sidewalk and driveway professional flat work; utility adjustments such as lowering manholes and water valves prior to grinding and then raising the manholes and water valves after the street has been asphalted, in accord with City specifications; and third-party engineering quality control testing of the asphalt and concrete work to ensure the City receives a quality product. These services were not a part of the 1999/2000 pavement management bids approved by Council on April 8, 1999. It was in the City's best interest to bid these separately, thus avoiding contractor add-ons.

C. **Analysis**. The support services contractors would work in coordination with the 1999/2000 pavement management program for streets.

There are approximately 1500 feet of sidewalk and curb/gutter to be replaced in both 1999 and 2000 for the streets that receive overlays. There are 89 utilities that require lowering and then raising for 1999 asphalt and 239 that require lowering and then raising in 2000.

The following streets are identified, in accordance with the pavement management program, to receive street overlays:

1999 ASPHALT OVERLAYS

- 11th Street from Woodside Avenue to Park Avenue
- Red Pine Road
- Quaking Aspen Court
- Walker Court from Three Kings Drive to end of cul-de-sac
- Webster Drive
- Keystone Court
- Gold Dust Lane from Poison Creek Lane to Sidewinder Drive
- Silver Lake Drive from E/W around Loop w/striping

2000 ASPHALT OVERLAYS

- 13th Street from Park Avenue to Norfolk Avenue
- 7th Street from Park Avenue to Main Street
- Thaynes Canyon Drive from Payday Drive to Three Kings Drive
- Main Street from Daly Avenue north to 9th Street
- Park Avenue from Heber Avenue north to Empire Avenue
- Monitor Drive from 200' north to Lucky John Drive (includes striping)
- Sidewinder Drive from Comstock Drive to Kearns Boulevard
- Hidden Splendor Court

Requests for bids were advertised in the *Intermountain Contractor* and the *Park Record.* Bid opening was held on April 29, 1999, at the Public Works Building. The pricing received is competitive and follows City contract and purchasing guidelines.

D. Department Review. Bids were reviewed by the Public Works Department, the Finance Department, and the Office of Capital Management and Budget. Funds are designated in the CIP fund and are appropriated under line item 31-44018-4520 in the amounts of $600,000 in each of the years 1999 and 2000.

The asphalt, slurry, and support services work will not exceed the designated CIP funding.

ALTERNATIVES:

A. Approve awarding of the contract to the support services contractors for 1999 and 2000. Daley Excavators, L.L.C., for haulage; R. C. Heaton Construction for concrete flat work; Rivas Construction, Inc., for utility adjustments; Agra Earth & Environmental, Inc., for quality control testing; and Premier Concrete Cutting for concrete sawing, cutting, and drilling.

B. Approve awarding of the contract to the bidders for 1999 and rebid in 2000.

C. Reject all bids and negotiate with Valley Asphalt.

SIGNIFICANT IMPACTS: Pavement management is designed to maintain and improve Park City pavement quality. With the approval of the support contractors the program will achieve the goal of an overall finished product.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Failure to maintain our overall pavement management program, including sidewalk repair, curb and gutter replacement, utility adjustments, and quality control testing, will cause a decline in pavement quality and City presentation.

The pavement management program could be delayed and the City would be unable to complete the designated maintenance in accord with state B & C maintenance implementation requirements. The resulting inability to control, schedule, and modify the services of the contractors could cause a detrimental delay in the completion of scheduled work for the 1999/2000 period.

RECOMMENDATION: Alternative A: Accept bids and authorize staff to enter into agreements for 1999/2000 pavement management support contracts with:

1. Daley Excavators, L.L.C., for haulage of waste materials to the county landfill in the estimated amounts of $20,000 to $30,000 in 1999 and $20,000 to $30,000 in 2000, with an aggregate estimate of $40,000 to $60,000.

2. R. C. Heaton Construction for concrete flat work for curb, gutter, sidewalk, and driveway replacement in the estimated amounts of $24,000 to $28,000 for 1999 and $28,000 to $34,000 for 2000, with an aggregate estimate of $52,000 to $62,000.

3. Rivas Construction, Inc., for utility adjustments in accord with pavement management overlays in the amounts of $28,925 for 1999 and $88,175 for 2000, with an aggregate total of $117,100.

4. Agra Earth & Environmental, Inc., for third-party quality control testing in the amounts of $20,000 for 1999 and $28,000 for 2000, with an aggregate total of $48,000.

5. Premier Concrete Cutting for concrete cutting, sawing, grinding and planing, in the estimated amounts of $22,000 in both 1999 and 2000, with an aggregate estimate of $44,000.

PARK CITY

DATE:	May 13, 1999
DEPARTMENT:	Office of Capital Management and Budget
AUTHOR:	Matt Twombly
TITLE:	City Park Trail Reconstruction
TYPE OF ITEM:	Award of Professional Services Provider Contract

SUMMARY RECOMMENDATIONS: Staff requests direction to proceed with the engineering design of the City Park Trail reconstruction. Staff recommends that Council accept a reasonable engineering service provider proposal, and direct staff to proceed with award of contract and the tentative schedule.

DESCRIPTION: The City Park Trail Reconstruction is a high priority of the Trails Master Plan and the City Park Master Plan. The proposed project would widen the path from 7.5 feet to a 10-12 foot width paved asphalt trail, realign for better sight distances and provide signs, turnouts/reststops, lighting and benches.

Staff has applied for funding through Federal and State sources, where the likelihood for grant funding of this project is quite high. Due to the likelihood of Federal funding, staff has requested engineering proposals from UDOT prequalified firms. There are possible federal funding sources which may not be applicable to the project without having the design engineering completed first.

A. Analysis: Staff advertised a request for proposals in the Park Record and had four engineering design firms respond with proposals. Staff assembled a review team from various departments to analize the proposals. The team selected Freston, Ostler and Associates, Inc based on their vast experience with Federally funded and UDOT coordinated trail projects. The firms estimated fees for the proposed project are as follows: Claflin and Associates: $16,530.00 + aerial survey; Freston, Ostler and Associates: $20,060; CRS Consulting Engineers: $18,000-$24,700; Entranco: $20,236.50.

B. Department Review:

Capital Management and Budget
Community Development
Leisure Services
Public Works
Legal

ALTERNATIVES:

A. **Approve the Request:** Award the engineering service contract to Freston, Ostler and Associates for $20,060 and direct staff to proceed with the design and engineering of the City Park Trail Reconstruction.

B. **Deny the Request:** This alternative appears to be an option if engineering services bids are unreasonably high as determined by the Council. Should Council decide not to award a contract for the design engineering to reconstruct the City Park Trail, then possible grant funding for the project may be impacted, leaving the trail in its present condition.

C. **Continue the Item:** The proposals may require more extensive analysis than time allows in the May 13, 1999 meeting. If this is the case, there is no set time before the proposals expire. The consequence of continuance may impact the present schedule.

SIGNIFICANT IMPACTS:

Fiscal

There is currently a total of approximately $405,000 in the Trails Master Plan Implementation CIP account.

Other

The existing trail would not be usable during construction, which is expected to occur in the Spring of 2000.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: If Council decides not to pursue the engineering design of the project, then possible grant funding for the project may be impacted, leaving the trail in its existing condition.

RECOMMENDATION: Staff requests that Council review the reasonableness of the proposals and consider awarding the contract, so that the tentative construction schedule can be met. Staff recommends that a reasonable proposal be approved, with direction to proceed with award of contract.

PARK CITY 1884

DATE: 5/13/99
DEPARTMENT: Legal
AUTHOR: Frank Bell, Olympic Services/Mark Harrington, Deputy City Attorney
TITLE: Wyoming Woolens Lease Assignment- Jans LTD.
TYPE OF ITEM: Administrative- Property

SUMMARY RECOMMENDATIONS: **Consider a request to approve a lease assignment to Jans LTD from Wyoming Woolens for retail space at 524 Main through 2005, with rent adjustments, and in a form approved by the City Attorney's Office.**

DESCRIPTION:

A. Topic: Commercial lease assignment.

B. **Background**: The City has leased the first floor of the Old City Hall to Wyoming Woolens since October of 1990. They paid $20-22 per sq. ft. over the first five-year lease term. The lease expired in October of 1995. Wyoming Woolens was granted a renewal for five years at $22 per sq. ft./year, or $23,232 ($1936 monthly) in 1995. The term expires September 30, 2000. No rent increases were included in the lease as the City Council accepted Wyoming Woolens' proposal to pay up to 2% of their annual gross profit to local charities. No option for renewal is given in the lease, but the Tenant has an option of first refusal (if the City is going to lease the space, the City must first offer it to the existing Tenant prior to leasing it to a new party).

Staff originally brought this lease to Council on April 30th, but some members of the Council were uncertain about the fair market value of the proposed rent ($25/sq.ft., now raised to $31/sq.ft.), the potential value of the building to Olympic clients, and whether the building ought to be used for some public purpose rather than retail. Additional research has now been done.

C. Analysis:

1. Assignment: Wyoming Woolens recently closed its store and moved out of the space. Wyoming Woolens has assigned its rights in the lease to Jans LTD. Jans requests approval of the assignment pursuant to Paragraph 14 of the Lease:

> 14. Assignment/Sublease. This Lease may not be assigned or the premises sublet without the prior written consent of Landlord. Landlord's consent to assignment or sublease will be granted on the basis of the financial reliability of

the assignee or sublessee and the business to be operated by the assignee or sublessee in order to insure a tenant that is compatible with the historic nature of the premises and the public ownership of the building. No assignment or sublease to a tavern, liquor club, or bar will be approved. Landlord's consent will not be unreasonably withheld.

Staff has no issues with the assignment and recommends that the Council approve the assignment.

2. Addition Term/Rent: Jans' assignment is contingent upon Jans receiving a longer term from the City Council. Jans proposes to amend the lease term to expire on September 30, 2005. Jans agrees to a vacation of the building during the Olympics, under certain conditions, to conform with the City's existing policy of placing breaks in its commercial leases to achieve the maximum level of space flexibility for the 2002 Winter Olympics. This property is unique in that it is the only space that is primarily **retail** that the City leases. Since the lease is for retail, it is dramatically more difficult for the tenant to remove inventory and move out for a short period of time, as compared to the office space the City typically rents out.

However, recent research indicates this building could be worth as much as $150,000 to an Olympic sponsor during the Games. Thus, assuming it can contract with a client, the City would substantially benefit by using this property for Olympic purposes. In return for Jans agreeing to vacate during the Olympic month, the following conditions have been agreed upon.

1. The City agrees to provide a one year notice to Jans.
2. The City agrees to pay Jans $5,000 in cost mitigation/lost profit damages, payable to Jans on March 1, 2001.
3. In the event the City finds no suitable Olympic use for the building by February 1, 2001, **and,** Jans still wishes to remain in the building during the Olympic month, Jans agrees to pay the City a $25,000 Olympic premium, payable March 1, 2001, and the City would no longer entertain prospective Olympic clients.

This is somewhat similar to the City's agreement with White Pine where we have contracted for a reduction in their lease at the golf course, but not a complete termination. However, SLOC has now identified the White Pine space as crucial to their plans, and the City and SLOC will have to negotiate with White Pine to fully utilize their leased premises. The Main Street location of Wyoming Woolens/Jans makes this space equally important. The Council must weigh its ability to get a temporary retail operation to commit to a lease, versus its potential use during the games.

If the Council agrees to extend the term, staff recommends that the rent be increased immediately to $31/square foot with a rent adjustment based upon the CPI beginning in October, 2001, and annually thereafter. The rental figure is based on information received from the Main Street Business Alliance and a local agent concerning Main Street rents in general which run between $25/sq.ft., and $45/sq.ft. A one to three dollar per sq.ft. adjustment for move out/lost profits is frequently applied to rents. It is felt that while the building is well located, it is old and wants for certain improvements including storage and Swede Alley access. It was felt by those consulted that the building could easily draw in the $30 - $33/sq.ft. range.

Jans cannot sublease the premises for **any period** (even a couple of weeks) without the consent of City Council. However, the Council may wish to direct staff to tighten the assignment clause above to include broader authority to deny assignment and/or address revenue sharing during the Olympics, or to restructure the lease to consider a base rent with a percentage of gross sales.

Other Uses: At the Council meeting of April 30th, the Historical Society/Museum voiced considerable interest in the space during Public Input. The Council could decide that this building better serves a public or private non-profit use, particularly that of the Historical Society since they are located next door. However, this matter is the assignment of the Wyoming Woolens lease to Jans. The existing lease has not expired, nor is it delinquent. Unless Wyoming Woolens chooses to assign their lease to someone other than Jans, or it becomes delinquent and eviction results, neither the Historical Society or any other organization has standing to negotiate with the City for use of the building until the current lease expires or is terminated.

The Historical Society is not interested in vacating the space during the Olympics.

D. <u>Department Review</u>: The Legal, Olympics & Special Events, and Administrative Departments reviewed this matter.

<u>ALTERNATIVES</u>:

A. <u>Approve the Request</u>: Authorize the Mayor to execute a lease assignment with Jans LTD for retail space at 524 Main through 2005, with annual rent adjustments as of 2001.

B. <u>Approve the Assignment without new terms:</u> Jans has indicated that they would not lease without the extension. The City would have to deal with Wyoming Woolens on termination of the existing lease or assignment to another third party.

<u>C. Change the Rental Terms</u>: The Council may decide to alter the terms of the proposed lease, in which case it should incorporate such changes into the motion to approve the lease or direct staff to prepare the changes for the next meeting.

D. <u>Continue the Item</u>: If the Council wants more information, it should request such additional data and continue the item. The Council should be aware that Wyoming Woolens has totally moved out and Jans is ready to move into the space immediately. Therefore, Jans respectfully requests feedback as soon as possible.

E. <u>Do Nothing</u>: This is not recommended since the Jans needs to make a decision regarding the space as soon as possible.

<u>SIGNIFICANT IMPACTS</u>: The leased area represents 1056 sq. ft. of prime retail space on Main Street. The Museum and other parties constantly express their interest in the space.

<u>RECOMMENDATION</u>: **<u>Determine whether or not to extend the lease. If the Council determines to extend the lease, it should authorize the Mayor to execute a lease assignment with Jans LTD for retail space at 524 Main through 2005, with rent adjustments, and in a form approved by the City Attorney's Office.</u>**

PARK CITY
1884

DATE: May 6, 1999
DEPARTMENT: Legal
AUTHOR: Tom Daley
TITLE: **ADDITIONAL INSURANCE PREMIUM REQUEST**
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS:

1) Authorize an additional payment of $33,964.00 in insurance premiums to Genesis Insurance Company for general liability coverage September 1, 1997, through September 1, 1998.

DESCRIPTION:

A. Topic: Payment of Additional Insurance Premium.

B. Background: The Commercial General Liability Policy premium for September 1, 1997, through September 1, 1998, was based on estimated gross operating expenditures.

C. Analysis: The "Projected" Gross Operating Expenditure for 1997-98 was $33,964,000.00. The "Actual" Gross Operating Expenditure was $36,745,278.00, a difference of $2,781,000.00 below the actual figure.

D. Department Review: The additional insurance premium was reviewed by the Legal Department.

ALTERNATIVES:

A. Approve the request; this is the recommended action.

B. Deny the request. This is not recommended. The additional premium is based on actual operating expenditure.

C. Continue the item. The Council may continue the item for further discussion.

D. Do nothing.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Future insurance coverage might be jeopardized or be more expensive.

RECOMMENDATION: Authorize the additional premium payment of 33,965.00 for insurance coverage for 1997-1998.

K:\LEGAL\TD\INSURANC\CnRpt01.01.wpd

Chris Brimhall

J&H Marsh & McLennan, Inc.
50 East South Temple
Salt Lake City, Utah 84111
801 539 7413 Fax: 801 539 7427
Chris.Brimhall@marshmc.com

:AR 8 1999

J&H MARSH &
MCLENNAN

March 5, 1999

Tom Daley
Park City Municipal
444 Marsac Avenue
Park City, Utah 84060

Subject: Premium due for final audit of 1997-1998 Liability Policy

Dear Tom:

Enclosed you will find the invoice for the additional premium for the final audit of the Liability Policy, YXB300348B, 09-01-97 to 09-01-98. Also enclosed are endorsements numbers 9 and 10.

If you have any questions, please don't hesitate to call.

Sincerely,

Chris Brimhall

Chris Brimhall
Insurance Assistant
IBS

Document2

A Marsh & McLennan Company

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

POLICY CHANGES

Endorsement
Number 9

POLICY NUMBER	ENDORSEMENT EFFECTIVE	COMPANY
YXB300348B	September 1, 1997	Genesis Insurance Company
NAMED INSURED		COVERAGE PARTS AFFECTED
Park City Municipal Corporation		Public Entity Policy Retained Limit Form Coverage Parts A and B

CHANGES

AUDIT ADDITIONAL PREMIUM ENDORSEMENT

For an additional premium of $33,964, the final premium adjustment for the period September 1, 1997 to September 1, 1998 will be as stated below:

Actual Gross Operating Expenditures	$	36,745,278
Rate per $1000 of Gross Operating Expenditures	$	3.36
Earned Premium	$	123,464
Less Advance Premium	$	89,500
Additional Premium	$	33,964

Signed at Stamford, Connecticut on December 7, 1998

Scott Pennell
Authorized Representative

GIC 999-5

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

POLICY CHANGES

Endorsement
Number 10

POLICY NUMBER	ENDORSEMENT EFFECTIVE	COMPANY
YXB300348B	September 1, 1998	Genesis Insurance Company
NAMED INSURED		COVERAGE PARTS AFFECTED
Park City Municipal Corporation		Public Entity Policy Retained Limit Form Coverage Parts A and B Common Policy Conditions

CHANGES

CANCELLATION ENDORSEMENT

This policy is cancelled pro-rata in its entirety, effective September 1, 1998 at 12:01 A.M. Standard Time. The Premium Audit provisions of this policy remain in effect.

Signed at Stamford, Connecticut on February 4, 1999

Scott Pennell
Authorized Representative

GIC 999-6

J&H MARSH &
McLENNAN

Salt Lake City, UT 365

801-539-7400

MAR 8 1999

CAB

Invoice No.
308953

Invoice

Date: 3/05/99

PARK CITY MUNICIPAL CORP
PO BOX 1480
PARK CITY, UT 84060

Effective Date	Expiration Date	Client No.
9/01/97	9/01/98	J32225

Policyholder: PARKCITYMUNI

AUDIT Effective: 9/01/98

Insurer	Policy No.	Type of Coverage / Item	Amount
GENESIS INS	YXB300348B	MULT-PERIL CAS PREMIUM	33,964.00
		INVOICE TOTAL:	33,964.00
		REMIT IN: UNITED STATES DOLLARS	

Additional premium for final audit of liability policy, 09-01-97 to 09-01-98.

RETURN ATTACHED COPY
WITH REMITTANCE TO:

J&H Marsh & McLennan, Inc.
PO Box 297620
Houston, TX 77297

Invoice Is Payable In Full Upon Receipt

RETURN ATTACHED COPY WITH YOUR REMITTANCE

67

PARK CITY
1884

CITY COUNCIL REPORT

DATE: May 13, 1999
DEPARTMENT: Community Development/Public Works
AUTHOR: Rick Lewis, Jerry Gibbs
TITLE: Extension of Water Service to National Ability Center (NAC)
TYPE OF ITEM: Legislative Administrative

SUMMARY RECOMMENDATIONS: The city staff is requesting direction from the City Council to determine if the National Abilities Center should begin the annexation process to the Park City Water Service District.

DESCRIPTION:

A. **Topic:** Delivery of City Water to the National Abilities Center.

B. **Background:** The NAC has requested water service from Park City to the proposed NAC facility east of Park Meadows. The proposed water line would connect at the east end of Morning Sky Court in Fairway Hills, from which it would dead-end about a half mile further east, at the NAC facility. The proposed water line would be 8 inches in diameter.

Extension of water service outside Park City's City Limits takes both Council approval and an annexation to the Park City Water Service District. The NAC has worked for some time to obtain a site for their facility and succeeded in obtaining a parcel in the rolling sagebrush hills north of S.R. 248 near U.S. 40, adjacent to the Gillmor property. According to Meeche White, NAC intends to construct a ropes course, barn, and indoor riding arena in the spring and summer of 1999.

The City Council discussed delivering water on April 1, 1999. The following issues were raised by City Council and staff:

- Does the area need to be contiguous to be annexed into the Water District?
- Should NAC dedicate water rights or pay for water rights sufficient to cover their development?
- How would we assure that water service would not be expanded to adjacent properties without City Council approval?
- Would NAC be willing to annex to the City at a later date?
- Would NAC pay for the full cost of installation and maintain the waterline?
- Could the pipe size be smaller than the propose 8"?
- Should annexation, connection and/or development fees be waived or reduced?

- Is the relatively intensive recreational use appropriate in our eastern corridor (the General Plan states "Recreation uses requiring fencing and lighting are not considered appropriate for this area")?
- Will NAC provide acceptable title to the City for all easements?
- If the project is annexed, NAC would comply with PCMC regulations for signs, lighting, parking lots, outdoor storage, noise and the care and raising of livestock?

NAC is currently completing the County approval process for their project. The County will require confirmation of water service prior to granting approval.

C. **Analysis:** Rick Lewis has sent a letter to Meeche White outlining many of these concerns. They have verbally indicated a positive response to all conditions. A written confirmation should be available by the May 13.

NAC is not opposed to annexation into the Park City and would actively support annexation of their property, at the first opportunity. The eight inch waterline is necessary to meet their fire flow requirements installation and maintenance will be paid in full by NAC. The City will be provided copy of the easement provided across the Edward Gillmor property. No additional connections can be made to the waterline without authorization from the City Council. NAC will provide a copy of their zoning approval from the County and comply with Park City Municipal regulations with respect to signs, lighting, storage, noise and livestock. NAC will pay all fees necessary for annexation and development including applicable water development and connection fees. .

NAC is proposing to donate eleven acre feet of decreed water to offset their anticipated use. They would like a provision that if the City allowed others to connect to the eight inch waterline a payback provision would be allowable. NAC would like the maintenance responsibility to transfer to the City upon annexing to the City or when others are allowed to connect to the waterline.

NAC has indicated that the only lighting on the site would be for security purposes and normal residential lighting. There will be no "intense recreational uses" on the site. Stables and a riding arena with the normal fencing associated with the keeping of horses are anticipated.

D. **Department Review:** The NAC request has been discussed at some length within Community Development and Public Works departments.

ALTERNATIVES:

A. **Authorize staff to initiate the annexation process:** NAC will provide an easement and will cover all construction costs, thereby obtaining some level of fire protection as well as adequate culinary water.

B. **Deny the Request:** This alternative would not address the needs of NAC.

C. **Delay the Request:** Another alternative would be to wait for the Rockport water transmission line to be completed by the Weber Basin Water Conservancy District. This location could be served by the Atkinson Water District (AWD) near Silver Summit. Park City may receive a request to provide temporary service to AWD until the Rockport water line can deliver water. If that service were approved, service to NAC could be considered.

D. **Postpone Action:** Postpone action until the area between NAC and Park City is approved as part of a Summit County SPA.

SIGNIFICANT IMPACTS: There could be long-term maintenance costs such as freeze-ups, line breaks, unauthorized taps by parties other than NAC. The proposed water demand should not create a significant impact on our system. Surplus storage exist within the Park Meadow #15 tank.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
NAC would be forced to drill their own well or seek water service from another provider. Delays in solving their water supply issues will cause a corresponding delay in their approval process with the County.

RECOMMENDATION: The city staff is requesting direction from the City Council to determine if the National Abilities Center should begin the annexation process to the Park City Water Service District. The staff would return to Council with a formal course of action and a contractual agreement, if necessary.