PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 10, 2001

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, May 10, 2001.

AGENDA

Work Session

3:30 p.m.	PATHS student presentation - community campaign Council questions/comments
4:00 p.m.	Review of regular meeting Outdoor music
4:20 p.m.	Skateboard park options
4:40 p.m.	Olympic budget
5:45 p.m.	Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 26, 2001

V PUBLIC HEARINGS

1. Ordinance approving a plat amendment to combine portions of several platted lots of Block 59 of the Park City Survey, located at 335 McHenry Avenue into one platted lot

2. Ordinance authorizing an extension to record the Treasure Hill Subdivision Phase II plat amendment, located at 503 and 503 ½ Woodside Avenue, Park City, Utah approved by Ordinance No. 00-40

3. Resolution adopting the Community Economy Element of the General Plan for Park City, Utah

VI CONSENT AGENDA

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3. Resolution adopting the Community Economy Element of the General Plan for Park City, Utah

4. Resolution honoring U S Ski Team athletes Muffy Davis, Eric Bergoust, Joe Pack and Erik Schlopy for their superb performances during the 2001 season

VII OLD BUSINESS

Ordinance amending Title 4, Chapter 8A of the Municipal Code of Park City, Utah regulating public outdoor music plazas

VIII ADJOURNMENT

Posted: 05/07/01
See parkcity2002.org

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 10, 2001

Present: **Mayor Brad Olch; Council members Peg Bodell; Candace Erickson; Roger Harlan; Fred Jones; and Jeff Mann**

Toby Ross, City Manager; Tom Bakaly, Assistant City Manager, Lloyd Evans, Chief of Police; Mark Harrington, City Attorney; Meg Ryan, Special Events Consultant; Frank Bell, Director of Olympic Planning; and Matt Twombly, Parks Planner

Chris Fournier, School District PATHS Coordinator; Randy Barton, Mountain Stages - MFL applicant; Beth Maziarz, performer and outdoor music proponent; and Dean Schulman, Chairman of Parks and Recreation Board

1. **PATHS community service campaign.** Coordinator Chris Fournier explained that the Program fo cademically Talented and High Achieving Students (PATHS) 5th Graders received a letter from the .layor's Office last month requesting assistance in a community clean-up campaign, slated for May 5 to May 21. The kids were enthusiastic about the project and produced posters, a brochure, cartoons, and a musical skit. The students introduced themselves and explained their efforts in encouraging citizens to clean up their yards and after their dogs and to demonstrate community pride.

2. **Council questions/comments.** Ms. Erickson reported that she met with Scott Loomis, the new Director of Mountainlands Community Housing. Mountainlands will hold an open house next month. The field trip to the skate park was helpful and she thanked staff for their proposed solutions on this project. Jeff Mann thanked the Park City High School and Middle School Jazz Bands and the Las Chicas dancers who performed at the Cinco de Mayo event. There were about 100 volunteers involved, and it went very well. He attended a PTSO meeting where a youth community service requirement for students was introduced as well as opportunities for kids to attend symphony performances at Deer Valley. Mr. Mann stated that he also met with Mr. Loomis who is an asset to the community. Fred Jones applauded Council member Mann's contributions in producing the Cinco de Mayo celebration. Correspondence with the State Engineer was discussed. Fred Jones reported on the Planning Commission meeting where a remodel of the theater complex in Holiday Village Mall was reviewed. The plan has been scaled down and seems workable and an improvement. The Commission also reviewed designs for the Town Lift Bridge. Mr. Jones encouraged the installation of dispensers in public areas to encourage people to clean up after their pets. Ms. Bodell felt that the PATHS campaign does not go far enough and felt Summit County could be a partner on this issue. She suggested a professional campaign to try to change attitudes and felt the letter to the State Engineer was harsh. Her meeting with Shelley Weiss and Scott

Loomis was productive. She requested that Sullivan Road be referred to correctly on signs and plats and reported on Historic District Commission business. The diversity workshop, hosted by the Police Department today, was well attended and interesting. She discussed the bad press from Channel 4 on the City's philosophy on affordable housing and has received comments from the public. Mr. Mann explained that a reporter interviewed him at the Cinco de Mayo celebration and misrepresented his comments by implying that Park City does not have the desire to provide affordable housing. Mr. Mann clarified his comments that it makes more economic sense to look at affordable housing over the County line with a good transportation system. He understood that Ms. Bodell feels that existing bed base can be converted into affordable housing, but questioned if property owners will come forward. His position is not an *us and them*, but strictly economics. Roger Harlan thanked the Public Works staff for the City clean-up; he commended the Cinco de Mayo event.

3. Review of regular meeting:

Outdoor music. Meg Ryan referred to her staff report and amended draft ordinance resulting in last week's review. There is also a letter from applicant Randy Barton on issues he would like revisited, including the use of Miners Park and to change criteria in the additional locations section. His request would allow flexibility at an appropriate location to program on weekends and that the programming time be increased from four hours to five hours. City Attorney Mark Harrington interjected that the City was served with a Summons and a Preliminary Injunction from Ron Whaley and Melanie Reif and if Council desires to discuss this issue, it would be appropriate to adjourn in closed session. In response to a question from Fred Jones about the level of neighborhood input in Silver Lake, Ms. Ryan suggested that a comment form be mailed out before and during summer programming.

Mr. Barton requested that Miners Park be reconsidered, as it was denied last week when he was not able to attend the regular meeting. The Mayor explained that the Council did not feel that it is in the best interest of the community to allow beer sales at that location, which was presented by Mr. Barton as an *ultimatum*. Jeff Mann clarified that he doesn't have a problem with the beer license, but does with altering improvements to the park by installing a stage. Roger Harlan expressed that he supports the Chief of Police's position of not allowing a beer license. Randy Barton felt that providing concessions allows performers to engage an audience rather than passers-by. Chief Lloyd Evans explained that he totally supports music on the street, but has concerns about allowing alcohol in the small park, which has the potential of moving into the street. There are also licensing complications that need to be worked out. He expressed that he has worked for years trying to rid open containers on Main Street as it complicates events and this is consistent with his recommendation on the Miners Park proposal. Fred Jones stated that his main concern was altering the recent improvements in Miners Park, but felt there could be some entertainment there. Performing artist Beth Maziarz added that MTS is attempting to create comfortable venues with stages and concessions for a quality product, rather than providing a performer on the street with a poor public address system. Mr. Barton assured Council that the stage could be easily removed and it is critical that MTS meet a high standard. The Mayor explained that he was not as concerned about the temporary stage as the beer license at Miners Park and Mr. Barton reiterated his arguments that beer is a major component for success. Ms. Bodell pointed out that the planter currently isn't planted and it makes sense to have a stage there, however, if there is beer and the area becomes restricted, then the park is no long open to everyone. Mr. Barton noted that there doesn't need to be a physical barricade and the beer license becomes a financial issue with respect to dynamics between the artist and the audience. He pointed out that the beer license is renewable on an annual basis, based on performance. Roger Harlan again commented that he would hate to lose an opportunity on Main Street, but can not support alcohol and urged Mr. Barton to try the location without offering beer. Mr. Barton discussed their efforts last summer at the Town Lift Plaza for seven successive weekends. Because there was no alcoholic food and beverage operation at that location, they were unable to gather a crowd.

Ms. Ryan added that she received a comment from Jack Myer, 416 Park Avenue, who is very concerned about amplified music adjacent to his residence. In response to a question from Ms. Erickson, Mr. Barton explained that the liquor laws don't require a physical barricade, but rather defined premises. He added that Miners Park is proposed to be programmed from noon to 6 p.m. Mr. Mann pointed out to Mr. Barton that he is probably the only Council member supporting a beer license in that location and the request may be moot. Fred Jones stated that he doesn't have a problem in general with beer, but he does in this location because of the size of the park. Mr. Barton suggested that he be granted a one-day trial and is willing to hire security. Ms. Erickson stated that she doesn't have a problem with beer at Miners Park. Her concerns stem from not creating problems for the Police Department or confusing tourists with our liquor laws. Additionally, it is important to be selective about programming because of the residents adjacent to the park and acoustical music may be more appropriate. Mr. Harlan stated that he is not convinced that MTS needs beer to be successful. Ms. Maziarz stated that it has been her experience from her thousands of performances in Park City that people will not stay unless there is alcohol available. The Mayor clarified that he would not have a problem with beer if there was a licensed establishment providing food services, but he felt that the applicant is trying to accomplish too much in a confined area. Mr. Barton continued that he initially proposed Miners Park at the urging of the Council to get something going on historic Main Street.

He stated that the request for the 95 dB level was proposed to accommodate bands, which would be programmed at Summit Watch. He prefers measuring sound levels from 30 feet as opposed to 25 feet to avoid encroaching in the outdoor dining area. The change in hours is a daylight savings consideration; Council did not comment on its 8 p.m. limit set last week. With regard to additional locations, Mr. Barton explained that he is requesting performances on a Saturday and Sunday and for a minimum of five hours a day, rather than four. Meg Ryan explained that a location adjacent to residences is prohibited by the criteria and administrative approval would be based on the location. It was explained that five hours can accommodate two different performances on the same day. See regular meeting minutes.

4. **Skate park options.** Tom Bakaly referred to the field trip, staff report, and drawings on options to mitigate the height of the retaining walls. It is proposed to reroute and raise the bike path closer to the creek to improve views and install landscaping on the Sullivan Road side. Residents appear to be supportive of the landscaping, but were concerned that the road not be narrowed eliminating some parking. Veneering the walls with stone is included in the option in the \$45,000 to \$60,000 range. Another option is landscaping the entire area, removing the parking, and constructing a berm which is in the \$55,000 to \$75,000 range. He added that the options will be reviewed by the Planning Commission on May 23, and staff felt it important to update the Council at this time. Staff feels the eight foot fence can be reduced to six feet to mitigate the overall height impacts. There was a condition in the Planning Commission's CUP approval of the skate park that the perimeter of the property be improved. Council has informally expressed an interest in using the Mawhinney lot for parking at special events, which is utilized on a master festival license basis. He explained that the Commission would like to see improvements to the area, before considering amending the condition for parking in the lot for special events. Jeff Mann stated that although Option 2 is attractive, he is reluctant to lose 12 parking spaces, and asked if there is a specific requirement for the fence. Tom Bakaly explained that research revealed that control of access to one point in the skate park is important and relates to safety and security reasons. In response to a question from Roger Harlan about the critical need for the parking spaces, Mr. Bakaly believed that the master plan contemplates more active uses in this section of the park and the parking spaces are very important. Peg Bodell noted that the Parks and Recreation Board has been focusing on the Racquet Club, but perhaps the master plan is a higher priority. Dean Schulman, Chairman of the Parks and Recreation Board, expressed that this is the first time he has seen these plans, but felt that decreasing the fence height reduces the overall impacts.

The Assistant City Manager emphasized that this project would not be funded with City Park funds and as a result the Mawhinney lot has not been a focus of the Parks and Recreation Board. It is contemplated that lower Park Avenue RDA funds be used for the skate park project. Peg Bodell asked about the use of this parcel during the Olympics. Olympic Planning Director Frank Bell stated that there is an interested party and the property is being assessed for suitability. However, he encouraged Council not to let the Olympics affect Council's decision. It has been marketed as a paved piece of property. Fred Jones stated that the plans presented will enhance the skate park and mitigate visual impacts; he favored Option #4, with the exception of the parking. When the Library and Education Center was approved, it was anticipated that the parking across the street would be utilized and a long-term incremental plan should be formulated. He felt that the improvements to the Mawhinney lot should occur after the Olympics, including landscaping. Ms. Erickson stated that she liked both Option #2 and #4 and agreed with Mr. Jones about the Mawhinney lot. She always understood the Offret area to the north would be green space and felt it makes more sense to have parking on the south paved Mawhinney area. She encouraged the

Planning Commission to make a determination about parking. Ms. Bodell relayed that she prefers Option #4 and has no problem with losing the parking. She felt there should be coordination with the transportation department about a bus shelter at that location. She suggested that Sullivan Road be one-way, which could increase angled parking spaces and discourage cruising. Tom Bakaly reported that the temporary skate park has been sold. It was the consensus of Council to pursue Option #4 with the caveat to look at the Mawhinney portion of the project after the Olympics. Mr. Bakaly suggested requesting the Planning Commission for a temporary conditional use permit so that the Mawhinney parking can be used to offset the lost 20 spaces. Fred Jones felt that a commitment to planning the area should be made in conjunction with the timing for a long-term plan. Additionally, the lot should not be open all of the time, but available for special events. Jeff Mann stressed that the Film Series has become very popular and would like to see the lot available Friday and Saturday nights. Roger Harlan pointed out that by lowering the fence two feet should result in a savings.

5. Olympic budget. The City Manager pointed out that the Olympic budget differs from other budget documents presented to Council. The budget is about $5.7 million and one-third of the revenues are produced by outside agencies, primarily SLOC and the state of Utah. The transfers from the CIP and Transportation Funds represent about one-fourth of the budget at $1.4 million with the rationale that the legacy of the Games will prompt revenue in the future. The state's estimated contribution is approximately $900,000 and sponsor fees include $750,000 for the enhanced celebration. Leasing properties make up about 20% of total revenues. Expenditures match revenues, making it a balanced budget.

This is an incremental budget which does not assign costs associated with manpower hours in the budget costs which is not the case with the County's Olympic budget. For example, there is about $750,000 for Public Works which is in addition to the normal budget for snow removal and transportation. Until normal costs are exceeded, it doesn't appear in the Olympic budget. The budget reflects City costs as opposed to the total costs of all entities and Mr. Ross cited the public celebration as an example. Both revenues and expenditures are uncertain at this point and there is flexibility in the process with regard to three different categories of monies which will be carefully managed. They include some pooled resources and the preparation for the Olympics in the capital fund is $250,000 and a contingency of about $365,000 will provide some management flexibility. There is also a policy that provides moving money between categories without constituting an adjustment to the Olympic budget, requiring Council action.

With regard to the public celebration, there is a $2.7 million overall cost reflecting a full-scale budget, including value in-kind, but the City's budget only includes the cash component of $2.1 million. If the celebration is scaled down, the cash requirement is $1.4. He pointed out a letter from Fraser Bullock of SLOC in the packet, outlining their participation and the broad range of assistance with the public celebration. There are 19 policies outlined in the Olympic budget. Contingency has been revised to $365,000 and can only be accessed with the City Manager's approval. There is also a specific contingency fund relating to the public celebration in the amount of $200,000. For instance, if the scope of snow removal is more than planned, the contingency fund could be used for expanded services. Mr. Ross continued that it is anticipated that sales tax revenues will not be as strong as a traditional year, and there is a $1.1 million stabilization fund and an associated policy. The reimbursement policy provides that there is no transfer between departments if manpower is used from other fund sources. The revenue shortfall provision is a new policy providing that if the City does not receive 75% of expected revenues by October 1, then staff would have to report back and provide a plan to Council, and if 100% is not achieved by January, the same process is followed for an unbalanced budget. There are some limitations with regard to seeking revenues and the City will not be competing with private businesses or the non-profit sector for all of the resources in the community. There are categories of revenue that the City is seeking and beyond that, staff would approach the Council for direction. The Olympic celebration is also a new policy where there is a separate budget component. The rental policy is unchanged and celebration donations can not be used for other Olympic activities. The City Manager continued that the revised expenditure policy reflects an incremental rather than comprehensive budget approach. The accountability policy is unchanged. This Olympic budget does not provide a unique vehicle for non-profits to obtain funding. They would be required to go through the City's annual grant process and enter into a service provider agreement.

Fred Jones complimented the format of the Olympic budget and believed that incremental costs are adequately identified in the document. He felt that many *shoulds* should be changed to *wills* in the policy section because the intentions of the City should be clear. The City Manager described the text as stylistic, which can easily been changed; staff does not draw a distinction with the semantics. There was discussion about staffing police services, and Mr. Ross pointed out that the largest number of people are needed in the transportation program and SLOC may be providing employees directly to the City. Mr. Jones suggested that more information be rendered on the expense side so that readers get a general sense of all of the components involved in producing a program or project. Peg Bodell pointed out that Summit County is not identified in the philosophy section. It would be helpful if there was information on which revenues have been secured and which are estimates and the City Manager explained that they are all estimates, but some are more secure than others. He reviewed specific categories and Roger Harlan suggested updates to Council on these uncertainties. The City Manager explained a policy which provides that staff report to Council quarterly and referred to the October 1 date discussed earlier.

Prepared Janet M. Scott, City Recorder

PARK CITY
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PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 10, 2001

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 10, 2001. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Rick Lewis, Community Development Director; Jerry Gibbs, Public Works Director; Jonathan Weidenhammer, Planner; Kirsten Whetstone, Planner; Meg Ryan, Planner; and Tim Twardowski, Assistant City Attorney.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

Council member Erickson thanked the parks crew for their efforts on the flowers throughout town. Fred Jones expressed concerns about scheduling enough time in meetings for the budget review. The Mayor suggested that he meet individually with OCM&B; broad topic discussions can be shared with Council. Peg Bodell requested that staff contact BFI about over-flowing dumpsters. Jerry Gibbs introduced Kathy Gammel, the newly hired Water Manager, who described her experience with water treatment projects.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 26, 2001

Roger Harlan made a correction and the Mayor requested a motion to approve, as corrected. Roger Harlan, "I so move". Jeff Mann seconded. Motion carried unanimously.

V PUBLIC HEARINGS

1. Ordinance approving a plat amendment to combine portions of several platted lots of Block 59 of the Park City Survey, located at 335 McHenry Avenue into one platted lot - Jonathan Weidenhammer, Planner, explained that the Planning Commission has forwarded a positive recommendation and there was no public input at the meeting. The Mayor invited questions and comments from the Council and the public. Hearing none, the public hearing was closed.

2. Ordinance authorizing an extension to record the Treasure Hill Subdivision Phase II plat amendment, located at 503 and 503 ½ Woodside Avenue, Park City, Utah approved by Ordinance No. 00-40 - Kirsten Whetstone asked if any clarification on the application is needed. See staff report. The Mayor invited questions and comments form the Council and the audience. Hearing no comments, the public hearing was closed.

3. Resolution adopting the Community Economy Element of the General Plan for Park City, Utah - Rick Lewis, Community Development Director, stated that this element will be incorporated in Phase 2, if adopted by the City Council, which is recommended by the Planning Commission. This section focuses on the importance of our resort economy to Park City's viability and our identity as a ski town. Ms. Bodell suggested that tourism be separately listed from recreation and Mr. Lewis explained that the concept is that the recreation in the community attracts tourists and the Commission intended to emphasize skiing. She suggested that *art centers* be changed to *art galleries* and that the City's museum be mentioned. Roger Harlan agreed with staff that skiing should be prominently highlighted. Fred Jones referred to the reference of Park City being the home of two ski resorts and felt that the statement needs to be broader to include The Canyons, perhaps described as being located in the *greater Park City area*. The Canyons impacts our economy and probably should be recognized. He added that he agrees with Council member Harlan about skiing being the driver, but felt that it is appropriate to include our historic and cultural features. Ms. Bodell suggested that as part of the action plan, that encouraging longer visitor stays be added as it relates to supporting special events. Fred Jones referred to Page 14 of the action plan and suggested language, *preserve and enhance the historical attributes of the community*. With regard to vital retail policies on Main Street, Ms. Bodell felt that the experience is just as profitable and Mr. Lewis explained that this comment relates to the cropping of real estate offices on Main Street. Ms. Bodell asked if the Chamber/Bureau feels comfortable with the draft and Mr. Lewis noted that staff has distributed drafts to the Chamber, Main Street Business Alliance and both resorts. In fact, many of the graphics were provided by the Chamber. He is comfortable with the document, but pointed out that it needs to be reviewed annually to be updated. Ms. Bodell suggested that the Arts Council and the Historical Society review the document and provide comments.

The Mayor asked if the this item should be continued and it was the consensus of Council to close the public hearing and vote on the resolution tonight with the corrections noted. Hearing no further comments, the public hearing was closed.

VI CONSENT AGENDA

The Mayor requested a motion to approve the Consent Agenda. Fred Jones, "I so move". Jeff Mann seconded. Motion carried unanimously.

1. Ordinance approving a plat amendment to combine portions of several platted lots of Block 59 of the Park City Survey, located at 335 McHenry Avenue into one platted lot - See staff report and public hearing.

2. Ordinance authorizing an extension to record the Treasure Hill Subdivision Phase II plat amendment, located at 503 and 503 ½ Woodside Avenue, Park City, Utah approved by Ordinance No. 00-40 - See staff report and public hearing.

3. Resolution adopting the Community Economy Element of the General Plan for Park City, Utah - See staff report and public hearing.

4. Resolution honoring U S Ski Team athletes Muffy Davis, Eric Bergoust, Joe Pack and Erik Schlopy for their superb performances during the 2001 season - Staff recommends approval.

VII OLD BUSINESS

Ordinance amending Title 4, Chapter 8A of the Municipal Code of Park City, Utah regulating public outdoor music plazas - Consultant Meg Ryan explained that a public hearing was held last week and there was discussion in work session. The proposed license anticipates three outdoor music locations at Silver Lake, Park City Mountain Resort and Summit Watch. Mountain Town Stages (MTS) requested changes to the proposal which were discussed in work session. She relayed that Jack Myer, 416 Park Avenue, expressed concerns about allowing amplified music at Miners Park.

Fred Jones asked about the type of programming contemplated at Miners Park. Beth Maziarz, representing MTS, explained that it would be single performers, duos, and no large bands. Jeff Mann disclosed that he has a professional relationship with Moose's at PCMR. Meg Ryan explained that as drafted, the ordinance excludes Miners Park. Roger Harlan, "I move to amend Title 4, Chapter 8A of the Municipal Code of Park City as it appears in the packet". Motion died for lack of second.

Ms Ryan emphasized that the time under Item 7 in the ordinance should be 8 p.m., not 8:30 p.m. Ms. Bodell expressed concern about changing the four hours to five because of residential uses and lodging. Tim Twardowski, Assistant City Attorney, explained that the ordinance as written, does not reflect Mr. Barton's requested changes. The staff report identifies the changes and if Council wants to change the four hours to five, the ordinance needs to be amended. Additionally, if Council wants to allow programming on both weekend nights, Item 6 will require an amendment to the ordinance. Any motion would need to include those amendments. Peg Bodell, "I move that we approve with the change to No. 6, but not a change to No. 7". Motion died for lack of second. Ms. Maziarz explained that the request for five hours is proposed to accommodate two different performances as four hours only provides enough time for one act. Jeff Mann, "I move to approve the outdoor music proposal, noting and approving the changes to Items 6 and 7 for the additional weekend night and up to five hours of music at the venue". Fred Jones seconded. Ms. Erickson asked if there is an opportunity with this motion, for Mr. Barton to request using Miners Park as an additional location. Mr. Twardowski clarified that as the ordinance is currently drafted, there is a section for additional locations that are administratively approved, but the Miners Park would not qualify under the criteria because of its proximity to residences. Roger Harlan pointed out that the amendment would mean that programming could occur three consecutive weekend nights for additional locations. Motion carried.

Peg Bodell	Nay
Candace Erickson	Nay
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Aye

VIII ADJOURNMENT

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

* * * * * * * *

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 STAFF REPORT

DATE: May 10, 2001
DEPARTMENT: Capital Management and Budget
AUTHORS: Tom Bakaly and Matt Twombly
TITLE: Skate Park Landscaping
TYPE OF ITEM: Information and Policy Direction

SUMMARY RECOMMENDATION: Staff requests that the City Council: 1) Provide direction on landscaping alternatives to help mitigate the Skate Park retaining walls; and 2) Provide direction regarding planning for the South end of City Park and possible improvements at the Mawhinney and Offret properties.

Background:
On June 14, 2000 the Planning Commission reviewed the Skate Park Conditional Use Permit (CUP) application and held a public hearing. The Skate Park application was approved with Findings of Facts, Conclusions of Law, and Conditions of Approval (Exhibit A). The Skate Park Construction Documents were developed between June 14, 2000 and September 26, 2000. The documents were prepared in coordination with the Skate Park design team of Holmes and Narver, Site Design Group and the geotechnical engineers of Kleinfelder, City staff from various departments, PRBB member input, with Planning, Building, and Engineering Department review and approval.

On November 1, 2000 the City Council authorized staff to award the bid for construction of the Skate Park to Arnell-West, Inc., in the amount of $424,481. The award included a construction completion date of June 8, 2001 and the additive alternates for an artistic featured gate and fence panels. Construction of the Skate Park began the first week in March 2001. Staff anticipates that the park will be open by July 2, 2001 due to weather delays.

During the Work Session of the March 28, 2001 Planning Commission meeting, Commissioner Larson raised an issue about the height of the Skate Park retaining walls. Assistant City Manager Tom Bakaly replied that staff would return to the Planning Commission with the facts surrounding the issue.

Staff prepared a memo (Exhibit B) addressing the issues and facts regarding the retaining walls and scheduled the item for the April 25, 2001 Planning Commission Work Session to review. The conceptual plan and analysis section of the staff report as reviewed during the CUP process by the Planning Commission suggested that the elevation of the Park would be roughly 11/2 feet above existing grade. The staff report also suggested that elevation changes relating to soils issues would be addressed during the building permit stage. At the May 24, 2000 Planning Commission meeting retaining walls were discussed and are reflected in the minutes.

As the construction documents developed from the concept plans it became apparent to the Engineers and Building Department that the elevation of the Park created a problem for construction and longevity of the structure due to significant flood plain, soils ordinance, and water table issues.

During the meeting of April 25, 2001 various mitigating efforts were discussed regarding the height of the Skate Park retaining walls. On the East side of the Park, the bicycle path could easily be raised to help mitigate the walls. The Planning Commission was more concerned with the height of the walls on the Sullivan Road side of the Park and it was suggested that different alternatives could be done on a larger scale to mitigate the walls. Staff suggested to return to the Commission with landscaping plans for the areas discussed and any associated changes to the Parks Master Plan affected by these plans. Please see the attached motion (Exhibit C) that was adopted by the Planning Commission.

On June 8, 2000 the City Council directed staff to proceed with the demolition of the Offret House, make temporary landscape improvements to the Mawhinney lot and gave direction regarding the Lower Park Avenue planning and the design of the South End of City Park.

The Offret house demolition and landscaping along Park Avenue and 12th Street was completed last summer. The Council directed staff to make minimal investment on the Mawhinney, Snug, and Offret properties until more information on Olympic use could be generated. There was also direction from Council to develop a more detailed long-range plan for the properties, pending the possible uses during the Olympics. This plan would likely develop through the use of a committee or task force made up of representative members of the PRBB, Planning Commission, Council, and staff, utilizing the prior planning efforts for the area. There has also been informational direction from Council to temporarily use the Mawhinney parcel for parking on an event-by-event basis. The Planning Commission has allowed temporary use of the Mawhinney lot through a Master Festival License. The Planning Commission has asked the City to return with a CUP application for Mawhinney in May or June.

Analysis:
In regards to the Skate Park CUP, there was no condition expressly written regulating the height of the Skate Park, but the Staff Report did state that the Park would be a maximum of two feet above existing grade. As an informational update, staff should have returned to the Planning Commission with the changes that were developed in the construction documents prior to the award of the contract.

In coordination with the design engineer for the project and the landscape architecture firm of

Blake McCutchan, staff has provided various alternatives (Exhibit D1-D9 under separate cover) to mitigate the walls on both the Sullivan Road and Deer Valley Drive sides of the Skate Park. The degree of investment ranges between the alternatives and is detailed in the next section of this report.

Due to construction timing, budget, and the Olympics, it would be difficult to fully plan and complete large scale renovations and improvements to the South end of City Park in conformance with or contrast to the City Park Master Plan. The PRBB has prioritized the City Park Master Plan capital improvements, where the top priority is the Skate Park and then second is the improvements to the Recreation Building and children's play area.

In the Skate Park CUP the Planning Commission has conditioned uses at the Mawhinney property where Condition 12. states: " The use of the parking lot at the Hale/Mawhinney lot shall require a Conditional Use Permit and be reviewed and approved by the Planning Commission. If the lot is used in conjunction with a Master Festival License, the City Council shall review and approve its use." The Council previously directed staff to make minimal investment in the area pending the possible uses during the Olympics and until the area can be effectively planned. However there has been direction to temporarily use the lot for parking during special events. It will be difficult to use the lot temporarily unless longer-term planning alternatives are undertaken now.

City Council identified Park Avenue and the City Park Master Plan as a top priority for 2001. The only improvements staff planned for the area prior to the Olympics are the Skate Park, Skate Park landscaping, pavement overlay of Park Avenue, stamped and painted crosswalk between the Library and the South end of City Park, and modifications to the " Box of Rocks." Staff has presented three rough concept alternatives, somewhat different than the original concept, for improving the Mawhinney lot. Staff would like input on those alternatives from Council before presenting them conceptually to the Planning Commission on May 23rd. Staff would also like direction concerning the timing of those improvements. If Council so directed, staff would then return to the Planning Commission in June for a temporary CUP for the Mawhinney lot while permanent improvements are further planned and developed.

Department Review:
This staff report and the concepts discussed herein have been reviewed by the City Manager's Office, and the Office of Capital Management and Budget.

ALTERNATIVES:

1) **Do Nothing.** The Construction of the Skate Park will continue as planned. The landscaping will be limited to the areas on the North and South of the Skate Park and disturbed areas capped and seeded. Staff would return at a later date to discuss the planning of Lower Park Avenue.

2) **Defer Action.** Council may want to defer any mitigation action or planning of Lower Park Avenue to a later date. Deference will have greater financial impact if elements in the contract documents under the present contract are substantially changed or replaced after construction.

3) **Cease Construction and Redesign the Skate Park**. Council may want to stop the construction, terminate the contract with Arnell-West and redesign the Skate Park completely below grade. This option will have a significant financial impact and disruption in the present and proposed recreational City services for the youth of this area. At this point in time there has been an investment of approximately $350,000 into the project. There would be substantial additional costs to tear out the present construction, redesign and reconstruct the Skate Park. To reconstruct the Skate Park entirely below grade in the present location the maximum depth of the bowls would be three to four feet, or smaller than the temporary park. This option would generate thousands of yards of material, involving a lengthy and costly program to remove the material for the City.

Skate Park Mitigation Alternatives: Please see the table in the Significant Impact section for a summary of alternatives, and the drawings under separate cover.

1) Veneer only. The cost to rock veneer all visible walls would be approximately $20,000 to $25,000 using cultured or natural stone. There would also be increased design costs (approx. $4,000) and increased maintenance costs over the life of the work. This alternative would also require an extension of the current contract, where the current contractor must perform the work to maintain their guarantee for the concrete walls. The work could be performed after the opening of the Park with some inconvenience due to construction activities. The total cost of this alternative is $17,000 - $22,000 excluding future maintenance costs.

2) Landscaping on the West side of the Park. The cost to landscape the West side Park walls would be approximately $25,000 to $35,000 for irrigation, block walls, boulders, stairs, and planting. The cost could be partially offset by the deletion of the concrete sidewalks, if timing allowed. There would be increased maintenance costs and increased water usage especially for Southwest facing raised planters. The timing of the improvements would coordinate with the overall Skate Park landscaping, which will be done under a separate contract after the Skate Park is completed. The deletion or transfer of up to three parking spaces could be added to this option, increasing the cost by approximately $5,000 to $10,000.

3) Landscaping and veneer. The cost to landscape and veneer together would be slightly less than the total of the two options separately, where the landscaping would take up a portion of the visible walls reducing the required veneer. The cost would be estimated at $50,000 to $60,000.

4) Delete all parking along East side of Sullivan Road, landscape the entire West wall, and veneer. This proposal would delete all parking along the Skate Park (East side of Sullivan Road) to 12th Street. The significant impacts would be the additional cost of landscaping (included in this estimate), future maintenance and loss of 13 parking spaces. The proposal would enable a larger raised viewing area at the advanced skating area and create a significant buffer along the highest section of wall. There is a 200 s.f. plaza planned for this area which could be raised or deleted from the contract. The site could be graded under the present contract and the landscaping performed after the Skate Park completion. The estimated cost for this proposal would be $55,000 to $75,000 (please refer to drawing). This is staff's recommendation.

Mawhinney Mitigation Proposals: Please see Table 2 in the Significant Impacts section for a summary of alternatives, and please see the drawings under separate cover. Costs are in addition to Skate Park Mitigation Alternatives.

1) West wall and Mawhinney berm landscaping: This proposal would include the landscaping of option #4 and add a landscaped berm on the West side of the Mawhinney lot (including temporary skate park). The site could be graded under the present contract and the landscaping performed after the Skate Park completion. The significant impacts would be the additional cost to landscape the berm, future maintenance and the temporary nature of the improvements on the Mawhinney site prior to the development of a detailed plan for the site. The cost for this proposal would be approximately \$20,000 to \$30,000.

2) Mawhinney Landscaping according to City Park Master Plan: On May 20, 1999, Council adopted by resolution the Revised Master Plan for City Park. Whereas the concept plan has been approved by Council, only limited design would need to be spent on the concept plan, public meetings and hearings for the improvements. The total cost for the improvements would be approximately \$450,000 to \$700,000 including design. This proposal would develop the most amount of parking in the area. The project would require a Conditional Use Permit, and upon approval of the concept plan the development of Construction Documents and Building Permit. Upon receipt of a permit the plans can be publicly bid and after the bidding requirements Council may award the Contract for construction. This process can take 3 to 6 months prior to the start of construction.

3) Alternative 3. Mawhinney Landscaping with <u>no</u> parking access from Park Avenue: The total cost of the proposed improvements would be approximately \$350,000 to \$600,000. This proposal would include a modest area of parking without access from Park Avenue and a modest amount of park space. All alternatives would require the same time-line prior to construction as stated in Section 2) above.

4) Alternative 4. Mawhinney Landscaping: The total cost for the proposed improvements would be approximately \$350,000 to \$600,000. This proposal would produce the least amount of parking and a larger amount of usable park space compared to Alternative 1. Ingress and egress would be made onto Park Avenue from the parking lot.

5) Alternative 5. Mawhinney Landscaping and closure of Sullivan Road before 12th Street. The total cost for the proposed improvements would be \$450,000 to \$700,000. This proposal would provide a modest amount of parking and the greatest amount of park space. There will be increased design, engineering, and impact to the current use of Sullivan Road.

SIGNIFICANT IMPACTS:

The significant impacts for the mitigation of the Skate Park retaining walls have been discussed in this report. There is approximately $25,000 remaining in the Skate Park budget from the sale of the temporary equipment not encumbered for the previously planned Skate Park landscaping. Additional funds for the mitigation of the Skate Park retaining walls could come from the Lower Park Avenue project where there is currently approximately $50,000 budgeted or from the City Park account where the funds have been previously prioritized by the PRBB for other projects in City Park (Recreation Building Improvements)

Funds for Mawhinney improvements could come from the Lower Park Avenue Redevelopment Parcel account where there is roughly $50,000 budgeted. Use of either of these accounts will limit available funds for other Lower Park Avenue Projects such as permanent traffic calming improvements at the intersection of Deer Valley Drive and Park Avenue. Staff resources for other projects will be limited to undertake a project of this magnitude, possibly delaying other prioritized improvements until after the Olympics.

Alternative	Description	Cost
1	Veneer only	$24,000 - $29,000
2	Landscape a portion of West side of Skate Park	$25,000 - $45,000
3	Alternatives #1 and #2 combined	$45,000 - $60,000
* 4	Landscape entire West side of Park and Veneer	$55,000 - $75,000

Table 1 -Skate Park Mitigation Alternatives

Alternative	Description	Cost
* 1	Berm on East side of Mawhinney lot	$20,000 - 30,000
2	City Park Master Plan concept	$450,000 - $700,000
3	No parking access from Park Avenue	$350,000 - $600,000
4	Sullivan remains same, Park Avenue parking access	$350,000 - $600,000
5	Sullivan closed from skate park to 12th Street	$450,000 - $700,000

Table 2 - Mawhinney Mitigation Proposals

Note: * Denotes staff recommendation.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The Skate Park construction would proceed as planned. The landscaping will be limited to the areas on the North and South of the Skate Park and disturbed areas capped and seeded. Staff would return at a later date to discuss the planning of Lower Park Avenue. The concrete walls would be most visible from the Park Avenue side of the Skate Park especially on Sullivan Road.

RECOMMENDATION:

1) Direct staff to proceed with the mitigation of the Skate Park walls with the proposed landscaping alternatives.

2) Provide direction to staff regarding planning for the South end of City Park and possible improvements to the Mawhinney and Offret parcels.

EXHIBIT A.

License is granted. She did not see that condition and asked for clarification. Planner LoPiccolo replied that no parking will be allowed unless the Planning Commission grants a CUP and he asked if they would also like that to include a master festival license. The Planning Commission concurred that these restrictions should be addressed in a condition of approval.

Commissioner Larson requested that the temporary landscaping for the Mawhinney parcel be completed this year.

Commissioner Hier asked if it was anticipated that the Mawhinney lot would be used as a construction staging area. Tom Bakaly replied that they would like that flexibility in case it becomes necessary. He noted that the intent is to landscape that parcel by the summer of 2000.

Commissioner Larson suggested a one year CUP review to address noise, parking, etc., and to resolve any problems that may arise. Commissioner Erickson agreed that a one-year review would be appropriate and could be helpful in developing standards for any future skatepark requests.

Chair O'Hara requested a condition of approval for maintaining access to the dirt road portion of Sullivan Road during construction.

Commissioner Volkman asked about the construction schedule for the skatepark. Matt Twombly replied that if the skatepark is approved this evening, they will proceed with construction documents to be prepared by Holmes and Narver which will take approximately 3 to 4 weeks. The documents will be submitted to the Building Department for review which will take another 2 to 3 weeks. Once those documents are completed, the project will go out for bid, which will take 2 to 3 weeks. Upon City Council's approval of the construction contract, the contractor will be notified to start construction. He noted that the schedule is tight to complete the project by the first part of November, but actual construction time is approximately 2 to 3 months.

MOTION: Commissioner Erickson moved to APPROVE the skateboard park Conditional Use Permit in accordance with the findings of fact, conclusions of law, and conditions of approval outlined in the staff report with the following revisions:

> To the Conclusions of Law, revise "the finding is that the proposal is consistent with the Park City General Plan," to read, "the proposal is consistent with Resolution 11-99 of the City Council, which is approval of the City Parks Plan."

Add to the conditions of approval:

10. Access to the dirt portion of Sullivan Road to the south of this skateboard park shall be maintained as indicated by the City Engineer.

11. The temporary landscaping on the Mawhinney Hale Lot as shown in an exhibit to the Planning Commission shall be completed within one year of the date of this approval.

12. There is no approval for parking on the Mawhinney parcel as part of this proposal. Parking in this location will require a separate Conditional Use Permit or Master Festival License to be granted by the City Council with due consideration to the conditions of approval of this skateboard park.

13. The Planning Commission will review the Conditional Use Permit of the operation of this park in one year of completion.

Commissioner Powers seconded the motion.

City Attorney Mark Harrington stated that the conclusion of law that was removed needs to be left in because it is required by the Land Management Code for all CUPs. He recommended that the motion be amended to add the conclusion that it be consistent with the Parks Master Plan as an addition rather than a replacement.

Commissioner Erickson amended his motion to state that the proposal is consistent with the general plan as modified by Resolution 11-99 of the City Council. Commissioner Powers accepted the amendment.

VOTE: The motion passed unanimously.

<u>Findings of Fact - Skateboard Park</u>

1. The project is located in the Estate zone. Municipal facilities are permitted in the Estate zone with a Conditional Use Permit. Once the pending zone change is adopted by City Council, the Skate Park will be in the Recreation Open Space (ROS) zone. The ROS zone allows for outdoor recreational uses under a Conditional Use Permit.

2. The Planning Commission reviewed the request for a Skate Park on May 24, 2000, under a public hearing.

3. The skate park will cover approximately 20,000 square feet of area and will be constructed mainly below existing grade.

4. A final fencing and sign plan will be designed in accordance with the Land Management Code. The fencing will be designed in order to control a point of entry, closure at night, and as useful for the maintenance of the park.

5. No music or exterior lighting is being proposed for this use.

6. The Planning Commission has stated their concern over the vacant paved lot known as the Hale/Mawhinney lot and has requested that the lot be screened and vegetated to help provide visual relief along Park Avenue for both pedestrian and vehicular traffic.

7. As of June 8, 2000, the City Council has authorized the necessary funding to landscape the Hale/Mawhinney lot. This improvement is expected to be completed in the year 2000.

8. As of June 8, 2000, the City Council directed Staff to demolish the Offret house. As part of the demolition, the City Council has authorized funding to install landscaping.

9. The findings from the analysis section are incorporated herein.

10. The General Plan provides direction to facilitate the development of recreational facilities.

11. The applicant stipulates to all conditions of approval.

<u>Conclusions of Law - Skateboard Park</u>

1. The application complies with all requirements of the Land Management Code, specifically Section 15-1-10.

2. The use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.

3. Any negative effects of the project have been mitigated through careful planning and conditions of approval.

4. The proposal is consistent with the General Plan as modified by Resolution 11-99 of the City Council.

Conditions of Approval - Skateboard Park

1. The Skate Park hours shall be limited to the hours of 9:00 a.m. to dusk.

2. The playing of amplified music is not allowed at the Skate Park.

3. On-site exterior lighting for the Skate Park is not permitted.

4. Trash receptacles shall be provided outside the fenced area of the Skate Park. No trash receptacles/containers are permitted on the premises of the skate facility.

5. The proposed wrought iron fence shall be erected no higher than eight feet.

6. The proposed art work to be incorporated into the fencing shall be reviewed by the Parks, Recreation, and Beautification Board.

7. Festivals and competitions require a Master Festival License.

8. All signs shall be reviewed by the Community Development Department.

9. Construction plans must be submitted to and approved by Building Department and Engineering Department.

10. Access to the dirt portion of Sullivan Road to the south of this skateboard park shall be maintained as indicated by the City Engineer.

11. The temporary landscaping on the Hale/Mawhinney Lot as shown in an exhibit to the Planning Commission shall be completed within one year of the date of this approval.

12. There is no approval for parking on the Mawhinney parcel as part of this proposal. Parking in this location will require a separate Conditional Use Permit or Master Festival License to be granted by the City Council with due consideration to the conditions of approval of this skateboard park.

13. The Planning Commission will review the Conditional Use Permit of the operation of this park in one year of completion.

EXHIBIT B

Memo

PARK CITY 1884

To: Planning Commission
From: Community Development Department, Planning Department, Office of Capital Management and Budget, City Manager
Date: April 17, 2001
Subject: Skateboard Park Update

On June 14, 2000 the City received a Conditional use Permit (CUP) for the Skateboard Park in City Park. The plan as reviewed by the Planning Commission suggested that the elevation of the Park would be roughly 1½ feet above existing grade. The Skate Park Construction Documents were developed between June 14, 2000 and September 26, 2000 after the CUP was approved by the Planning Commission. The documents were prepared in coordination with the Skate Park design team of Holmes and Narver and Site Design Group, City staff from various departments, PRBB member input, with Planning, Building, and Engineering Department review and approval.

During work session on March 28, 2001, the Planning Commission expressed some concerns to City staff regarding the height of the Skate Park retaining walls. The Commission felt that the cement walls that are visible from Deer Valley Drive were not representative of the plans as presented to the Planning Commission in June. City staff offered to investigate the Commission's concerns and return with some answers.

The current condition of the Skate Park construction is primarily due to groundwater / flood plain problems, Prospector Soils Ordinance issues, and the fact that the backfill, final grade, and landscaping have not been completed.

As the construction documents for the Skate Park developed from the concept plans presented to the Planning Commission, the layout of the Park in plan view did not change significantly. During the evolution of the plans it became apparent, however, that the elevation of the Park created a problem for the construction and longevity of the structure due to significant flood plain, soils ordinance, and water table issues. These issues had not been identified at the time of the CUP review. It was the final approved construction plans therefore, that took into account the necessary elevating of the Park.

The concrete walls that are visible from Deer Valley Drive and Sullivan Avenue have not been backfilled where the walls below grade are currently visible and appear to be up to 6 feet high. The wooden rail on top of the wall required by OSHA and the opaque tarp add to the apparent height of the walls. The Skate Park engineer has approved plans to raise the grade of the bike path and adjacent landscape along the East side walls visible from Deer Valley Drive to approximately 11/2 to 3 feet from the top of the wall. The North and South ends of the Park walls be at finish grade with additional landscaped berms, plaza, stairs, and ramps. The walls along Sullivan Road will be backfilled and the curb sidewalk replaced, raising the grade and reducing the seeming height of the walls. The permanent "wrought iron" fence will be 6' high and will not add to the visual height of the wall.

The biggest concern during the planning of the Park was the noise generated by the Park. The elevating of the Park should not change the sound level where most of the Park is still below existing grade and the urethane wheels on the smooth concrete is extremely quiet unlike the temporary park. The Park was also designed with viewing areas for spectators on the North and South end of the Park. The viewing areas in these locations should also help alleviate people hanging out in and around their cars along Sullivan Road.

Staff is considering several mitigating options to address the retaining walls that are visible from Park Avenue. One option would be the creation of a temporary landscaped berm along the Sullivan Road side of the Mawhinney lot. The proposed landscaped berm would be similar to the temporary berms created last year, producing a visual buffer of the Skate Park from Park Avenue. Other alternatives may include a fence along the East side of the Mawhinney lot or painting/covering the retaining wall along Sullivan Road.

Neighbors to the park have voiced some concerns over potential increased noise levels due to elevating the Skate Park. Staff has contacted the concerned individuals and estimates that the noise levels will not be significantly different from the concept plans where most of the Park is below existing grade. Other concerns have also been addressed concerning the view areas surrounding the park. There will be no fewer view areas than originally designed. The bermed areas and plazas at the North and South ends of the Park will provide substantially more viewing area than what is provided at the temporary park.

EXHIBIT C

VII. NEW BUSINESS

1. Skateboard Park - Modifications to Master Planned Development

The Planning Commission discussed this item at length during work session. The Staff requested that this item be continued to May 23.

MOTION: Commissioner Erickson moved to CONTINUE discussion of the modifications to the Master Planned Development of the skateboard park until May 23 with the following conditions of approval:

1. The purpose of the continuance is to review the current construction for compliance with the plans that were approved under the original CUP.

2. For potential modifications to the CUP to accommodate additional landscaping if, in fact, the plans are out of compliance with the original approval.

3. To consider modifications to the south end of the City Park Master Plan to accommodate the skateboard park in its revised configuration.

Commissioner Volkman seconded the motion.

VOTE: The motion passed unanimously.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: May 10, 2001
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Toby Ross, Tom Bakaly, Mark Christensen
TITLE: FY2001 Budget Adjustment (current), FY2002 Tentative Budget (next year) and FY2003 Fiscal Plan
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

- Review the budget on May 10th; Conduct a Public Hearing on May 17th, June 7th and June 21th; Amend the FY2001 budget; Adopt the FY2002 tentative budget with recommended changes as the FY2002 budget. (Tentative adoption is scheduled for June 7, 2001 and final adoption on June 21st)

- Adopt the "Certified Property Tax Rate" {No Tax Increase Rate} for FY2002. [*Actual tax rate will not be known until Mid June]*

- Review & adopt the recommended changes to the FY2001 budget (Tentative adoption is scheduled for June 7, 2001 and final adoption on June 21, 2001.)

DESCRIPTION:

A. Topic: In accordance with Utah State Code, the City Council must adopt a budget for each fiscal year. Last year, as part of the budget process, the City adopted the second year of the two-year budget process. This year the City Council will adopt both a budget for FY2002 and a financial plan for FY2003. It is also now time to formalize the Olympic Budget, which was created in 1999, by appropriating funds and adopting the FY2002 budget which includes the Olympic Budget. At the same time, the City Council also should adopt an adjusted budget for the current Fiscal Year (FY2001).

B. Background: During first year of the two-year budget, the City usually emphasizes pay plan revisions, capital improvements updates and changes that need to be made to the current year budget, and simultaneously develop a fiscal plan for the second year of the budget process.

The budget presentation for this year will focus on the recommended changes to the FY2002 budget and the FY2003 Plan. Accompanying this report is a new budget document that contains updated policies and objectives, an updated Olympic Budget, the conclusions from the Program and Resource Analysis and a comprehensive operating budget for FY2001, FY2002, and FY2003.

City Council should plan to use its new budget document as a "guide" during this budget process. Budget discussions will focus on changes that are significant in the operating budget, capital projects and the Olympic Budget. The following is the recommended schedule for reviewing the FY2002 Budget - FY2003 Plan:

May 10th	**Olympic Budget** 1) Introduction 2) Policies 3) Revenue and Expenditure Projections 4) Olympic 3rd Quarter Update
May 17th	**Operating Budget and Capital Improvement Budget** 1) Pay Plan (if needed- reviewed on 5-03-01) 2) Departmental Review - Budget Options 3) City Service Contracts 4) New and Modified CIP Projects 5) Budget Wrap-up
May 17th	1) Hold Public Hearing on the Budget and continue to 6/07/2001. 2) Discussion on budget as needed
May 24th	No meeting scheduled.
May 31st	No meeting scheduled.
June 7th	1) Hold Public Hearing on the Budget and continue to 6/21/2001. 2) Tentative adoption of FY2002 Budget (no tax increase) 3) Tentative adoption of FY2001 Amended Budget 2) Tentative adoption of FY2003 Plan (no tax increase)
June 21st	Continuation and closure of the public hearing on the budget, with final adoption, by resolution, of both the FY2002 Budget, the FY2001 Adjusted Budget and the FY2003 Plan with a no increase tax rate for FY2002.

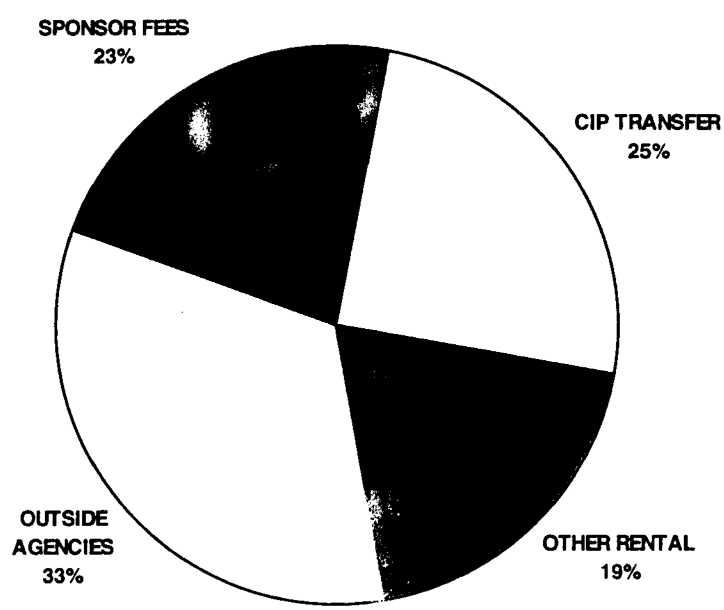
C. **Analysis**:

Olympic Revenue Summary: The Olympic Budget begins on page 36 of the budget document and an Olympic Revenue and Expenditure summary is found on page 38. This summary highlights the expenditures by department along with the non-departmental expenses such as celebrations, sales tax stabilization, and contingency. The Olympic Budget anticipates revenues equaling expenditures with several important notes.

In FY2002, the Olympic Budget will require a $1.1 million one-time transfer from CIP reserves in anticipation of reduced revenue the year of the Olympics. If citywide revenues do not slow as anticipated, then these reserves would be returned to the CIP during the budget adjustment next spring. Olympic Policies and Procedures beginning on page 48 outline how we propose to address the uncertainties of the Olympic year.

The Olympic Budget projects revenues of about $ 5.68 million (see Figure 1). The City has currently secured only a portion of the projected revenues. Staff expects to continue to raise revenues up to the games. However, most of the revenues should be committed by October, 2001. Some projected revenues may not be secured, in which case alternate revenues will be sought or expenditures will be reduced. Special policies have been established to monitor revenues and control expenses because of the uncertainties associated with the Olympics.

Figure 1
OLYMPIC REVENUE
$5.68 Million

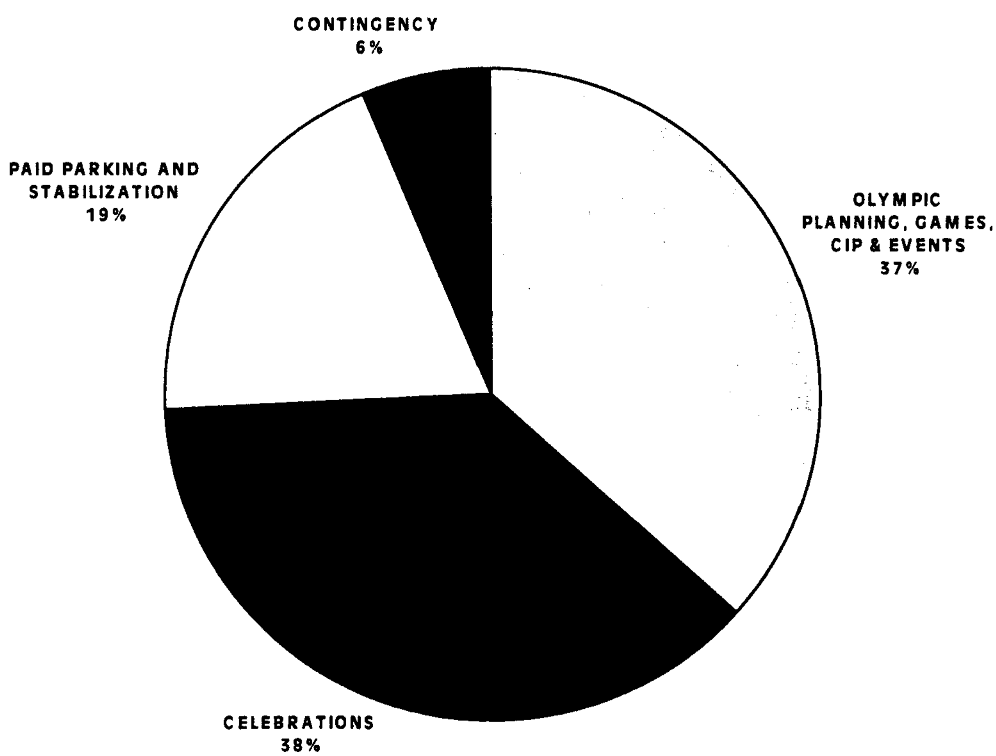


Olympic Expenditure Summary: The City's Olympic Budget lists incremental Olympic Expenses. That is, the expenditures listed are in addition to the City's basic service costs. Within the basic services some Olympic services will be performed. These services are considered "Allocated Costs" and are not included in the $5.68 million of projected Olympic expenditures. are tied to the anticipated services the City will be required to provide during the Olympics. Only City Olympic expenditures the exceed basic services are included in the Olympic Budget.

Some of the services required for the Olympics will be paid for by SLOC or other agencies. For example, we expect the Utah Olympic Public Safety Command to pay for venue related public safety costs. Consequently, these costs are not included in the City's Olympic Budget. SLOC expects the federal government to pay for transportation to and from the remote parking lots and these costs are also excluded from the City's Olympic Budget.

Some of the enhanced services the City will provide for the Olympics have no direct source of revenue to pay for them. The City will use Olympic related revenues such as *asset rental* to pay for these services. Olympic expenditures are projected with Olympic revenues at $5.68 million (see Figure 2). Actual expenditures will be adjusted with revenues.

Figure 2
OLYMPIC EXPENDITURES
$5.68 Million



The City Manager's recommended budget has "pooled" expenditures so that cost containment Pooled expenses will be controlled by a designated manager such as the Director of Olympic Planning, Assistant City Manager, or Olympic Project Manager. A pooled account has been established for Olympic overtime, uniforms, bonuses, temporary staff, and equipment rental. An Olympic site preparation account for capital improvements has also been established. The Olympic Budget also includes a contingency to address unanticipated issues. The City Manager will oversee the contingency.

Olympic Celebrations: Park City is planning for an Official Olympic Celebration (see page 39 and SLOC Letter of Support Attached). The following is a breakdown of the celebrations budget.

Park City Main Street Olympic Live Site and Celebration			
Revenues		**Expenses**	
Celebration A		**Celebration A**	
Cash	$1,325,000	Equipment, Services and Fees	$1,617,000
Value in Kind/Other	$692,000	Site Management	$200,000
		Contingency	$200,000
Subtotal	**$2,017,000**	**Subtotal**	**$2,017,000**
Celebration B		**Celebration B**	
Cash	$500,000	Look	$75,000
Value in Kind/Other	$224,000	Pyro and Laser	$90,000
		Content	$140,000
		Second Stage	$419,000
Subtotal	**$724,000**	**Subtotal**	**$724,000**
Total	**$2,741,000**	**Total**	**$2,741,000**

The first table shows an updated Live Site and Celebrations Budget. The second table shows a breakdown of the Live Site and Celebrations budget.

Park City Main Street Live Site and Celebrations					
Celebration Budget				**City Budget**	
		VIK and Other Revenue	**Cash**	**Cash ***	**Differences (Cash)**
Equipment, Services & Fees	$ 1,617,000	$ 692,000	$ 925,000	$ 1,007,000	$ 82,000
Site Management	$ 200,000	$ -	$ 200,000	$ 200,000	$ -
Contingency	$ 200,000	$ -	$ 200,000	$ 200,000	$ -
Total Celebration A	$ 2,017,000	$ 692,000	$ 1,325,000	$ 1,407,000	$ -
Celebration B	$ 724,000	$ 224,000	$ 500,000	$ 724,000	$ 224,000
Total	$ 2,741,000	$ 916,000	$ 1,825,000	$ 2,131,000	$ 306,000

* The Olympic Budget does not include Value in Kind (VIK) in the budget but VIK is included in the Celebrations Budget.

Staff will address the celebration in greater detail at the meeting.

Olympic Policies and Procedures: The Olympic Policies and Procedures have been established to anticipate the many needs of the City before, during and after the Olympics. Staff have tried to anticipate the range of policy issues and address them in this document.

Olympic Policies and Procedures begin on page 48 of the budget and cover 17 specific policies that are identified below:

1. Olympic Contingency and Emergency Account
2. Revenue Stabilization
3. Reimbursement of Enterprise Funds
4. Revenue Shortfalls
5. Generation of Unbudgeted Revenues
6. Use of CIP Olympic Preparation Funds
7. Main Street Celebration
8. Revenue Raising Priorities
9. Rental of City Assets
10. Application of Revenues
11. Expenditure of Funds
12. Accountability for Department Budgets
13. Budget Amendment
14. Requests from Not-for-Profit Organizations
15. Staffing
16. Pooled Resources
17. Fees & Service Rates

By adopting th budget in June, Council will also adopt these Olympic policies that will govern the financial and operational aspects of the Olympics.

Olympic 3rd Quarter Update: Attachment A is the Olympic Expenditure 3rd Quarter update. It highlights that throughout the 3rd quarter of FY2001 the City has spent roughly $264,000 on Olympic Preparations this fiscal year. Of the total expenditures roughly $167,000 is additional or unrelated to existing resources. The Existing Costs are expenses that would exist without the Olympics. An example of this would be Staff time dedicated to other projects if the Olympics were not a factor. To date the City has spent under $750,000 on preparations for the Olympics over the last 10 years.

Summary:

Staff have refined the Olympic Budget that was presented to Council in 1999. Pursuant to Council direction in January 2001, Staff has focused on incremental or additional Olympic costs. The adoption of the Olympic Budget Policies will establish the Olympic budget framework for FY2002. The Olympic budget represents the single largest expenditure and revenue issue for this budget. Staff anticipates that the Olympic Policies and Procedures outlined in this document will provide the Council and staff with the flexibility to prepare for and conduct our Olympic responsibilities while offering controls to prevent any financial hardship.

D. Department Review: - All departments have reviewed their budget requests. Additional review has been provided by Olympic Planning, City Manager, OCMB, Legal.

ALTERNATIVES:

A. Review Olympic Budget Issues and Policies

B. Continue the Item - June 21, 2001 is the last date on which adoption (No Tax Increase Rate) can occur in order for us to meet the filing deadlines with the County and State if there is no property tax increase.

C. Do Nothing

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

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

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

ATTACHMENT:

Olympic Expenditures
SLOC Letter of Support

ATTACHMENT A

Olympic Expenditure and Revenue Tracking

Olympic Operating Revenues and Expenditures

Operating Expenditures*:Department Administrative Services Community Services City Manager Legal Police Public Affairs Public Works Leisure Services Olympic Planning & Spec. Events City Council Olympic Budget (11-42002)Total Operating Expenditures

Olympic Expenditures

FY2001

Department	**Labor	Services	Materials	Other/Mtgs.	Jul-Mar FY 2001	Additional Costs	Existing Costs	FY 2000	FY 1999	FY 1998	Total To Date
Administrative Services	1,639	84	0	43	1,766	127	1,639	[illegible]	[illegible]	[illegible]	5,042
Community Development & Planning	12,359	0	0	539	12,898	539	12,359	[illegible]	[illegible]	[illegible]	20,797
City Manager*	6,503	0	0	0	6,503	0	6,503	[illegible]	[illegible]	[illegible]	[illegible]
Legal	3,368	0	0	0	3,368	0	3,368	[illegible]	[illegible]	[illegible]	[illegible]
Police & Communications Center	47,634	148	8,100	3,083	58,965	11,331	47,634	[illegible]	[illegible]	[illegible]	[illegible]
Public Affairs*	2,767	288	4,145	5,473	12,673	9,906	2,767	[illegible]	[illegible]	[illegible]	[illegible]
Public Works & Transportation	8,535	377	0	1,830	10,743	2,207	8,535	[illegible]	[illegible]	[illegible]	[illegible]
Leisure Services*	5,091	0	0	0	5,091	0	5,091	[illegible]	[illegible]	[illegible]	[illegible]
Office of Capital Management & Budget*	9,271	0	0	0	9,271	0	9,271	[illegible]	0	0	[illegible]
Olympic Planning & Spec. Events	85,364	648	8,392	2,000	96,405	96,405	0	[illegible]	[illegible]	[illegible]	[illegible]
City Council Olympic Budget (11-42002)	0	0	0	44,967	44,967	44,967	0	[illegible]	[illegible]	[illegible]	[illegible]
Facilities	0	0	206	1,111	1,317	1,317	0	0	0	0	1,317
Total Operating Expenditures	$182,531	$1,545	$20,843	$59,047	$263,966	$166,800	$97,167	$163,476	$140,560	$155,838	$723,841

* Labor costs calculated using departmental time estimates and Council-adopted pay plan.

** Labor Costs included salary and benefits, but not 30% indirect cost rate.

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Salt Lake Organizing Committee
for the Olympic Winter Games of 2002

299 South Main Street, Suite 1300
P.O. Box 45002
Salt Lake City, Utah 84145-0002 USA

Telephone: 801-212-2002
Facsimile: 801-364-7644

www.saltlake2002.com

SALT LAKE 2002

May 1, 2001

The Honorable Bradley A. Olch
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Dear Brad:

Recognizing the appeal that Park City will have for Olympic visitors, it is very encouraging to see the energy and enthusiasm with which your staff is proceeding to develop plans for a Park City Main Street Celebration during the Games. We at SLOC are pleased to become one of several sponsoring organizations that will have the opportunity to contribute to the celebration's success.

As it stands now, the plan calls for activities at both ends of Main Street, including large screen video boards carrying the NBC video signal, local programming, street level activities and atmosphere entertainment, food and beverage, exciting decorations, warming stations, and visitor conveniences. The street would become active in the early afternoon and continue through the night. Transportation would be provided, through a cooperative arrangement between SLOC and Park City Transit, from the US 40 park and ride lot to the celebration site so that the expected crowds will have access to Main Street without creating impossible gridlock. Other elements may be added as the budgetary picture becomes clearer.

Park City has agreed to support SLOC's Olympic sponsorship commitments by preventing non-Olympic sponsors from using the planned Main Street Celebration as an ambush marketing opportunity.

Since we are crafting a city services agreement to handle issues that grow out of our events at Park City Mountain Resort and Deer Valley, we have agreed to spell out the specifics of SLOC's support of the community celebration in an addendum to that document. You can appreciate the details that have to be hammered out, but I believe that it would be helpful to articulate the basic points of our involvement, both as information for the City Council and as an outline of the parameters that the City-SLOC planning team will observe.

1. SLOC has committed $500,000 as its contribution toward the cost of underwriting the Main Street Celebration.
2. SLOC has offered its services as a vendor to Park City to produce elements of the Main Street Celebration. Direct costs of any SLOC production assistance would come out of the Main Street Celebration budget.

3. SLOC will participate in the planning and execution team for the event. We envision creating a joint operations plan that clearly spells out the roles and responsibilities of all the participating entities.
4. SLOC will facilitate presentations to its sponsors to solicit their financial support of the celebration, consistent with our obligations to protect our sponsors and the Olympic brand. We pledge to use our best efforts in telling the story of the planned event and helping prospective sponsors to understand the business case for their involvement in the celebration. Any contracts resulting from these discussions will be between the sponsor and Park City.
5. SLOC will provide buses, drivers, and ground support to maintain Main Street celebration-time use of the US 40 park and ride lot for Park City's evening visitors. SLOC will also provide supplemental equipment and staff to support an expanded level of transit service within the Park City Transit service area.

We applaud Park City for taking the lead in organizing the celebration. It should provide our visitors a delightful complementary experience to the Olympic competitions, cultural and other entertainment opportunities that SLOC is producing. It will leave an indelible mark on the perceptions that Olympic guests and viewers will take away from their time in Utah as part of Salt Lake 2002.

Your staff and ours are committed to an ambitious schedule that should produce a document, ready for City Council action, by early summer. I hope that this letter gives an accurate sense of our support of the City's plan.

Sincerely,

Fraser Bullock

Fraser Bullock, Chief Operating Officer

cc: Park City Council
Toby Ross
Frank Bell
Scott Givens
Colin Hilton
Kelly Flint

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: May 10, 2001
DEPARTMENT: Planning Department
AUTHOR: Jonathan Weidenhamer
TITLE: 335 McHenry Avenue Replat
TYPE OF I,TEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the City Council conduct a public hearing, consider any public comment, and approve the proposed Plat Amendment to combine portions of several platted lots of Block 59 of the Park City Survey into one (1) platted lot.

A. Summary.

Applicant:	Ellyn Crutcher & Thomas Moran
Location:	335 McHenry Avenue
Zoning:	Historic Residential Low-Density (HR-L)
Adjacent Land Uses:	Residential
Date of Application:	March 26, 2001
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

B. Background.

The Planning Commission forwarded a positive recommendation to approve this Plat Amendment at their April 25, 2001 meeting. The project site is located at 335 McHenry Avenue in the Historic Residential Low-Density zone (HR-L). An existing, non-historic structure currently straddles several interior lot lines of the applicant's property. The applicant proposes to combine portions of several platted lots of Block 59 of the Park City Survey, into one (1) 9,603 square foot platted lot in order to accommodate proposed modifications to the existing non-historic structure. Work proposed for the house will include the enclosure of an existing deck and construction of a small addition to the rear of the dwelling. A Historic District Design Review application will be submitted once action is taken on the plat.

C. Analysis

The property is zoned HR-L, Historic Residential Low-Density. Expansions to existing non-historic structures are permitted in this zone provided that all plat issues and interior lot lines are resolved through the Plat Amendment process. Since there are numerous interior lot lines within the applicant's property, the Community Development Department is requiring the applicant to combine the portioned lots into one platted lot per state law. If the proposed application is denied, the construction of the addition for the house would not be permitted.

Lot combinations which result in larger than standard lots have been allowed in the past, in areas where the ownership pattern is one of several lots. In this particular area of Old Town, the lot ownership pattern typically consists of large metes and bounds parcels and multiple platted lots. Lots in the area range in size from 1,875 square feet to approximately 9,000 square feet. The minimum lot requirement in the HRL Zone is 3750 square feet (the equivalent of two old town lots). This plat amendment will result in a 9,603 square feet lot (Exhibit B)

The existing structure currently has vehicular access off McHenry Avenue via a private driveway that enters the property from the south east corner of the lot. Access would not change because of the proposed plat. McHenry Avenue does not exist in its platted right-of-way. The Park City Survey reveals the lots where 335 McHenry is located, fronts platted McHenry. Existing McHenry is just east of platted McHenry as indicated by the dashed line in Exhibit B. Due to the separation of platted McHenry Avenue from existing McHenry Avenue, adequate snow storage is available at the location. The parcel is located above (east of) Rossie Hill Drive, which was dedicated as part of Silver Pointe Condominiums.

E. NOTICE

Notice of this hearing was sent to property owners within 300' on April , 2001. No formal comments have been filed at the time of this report.

F. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with State Law prior to recordation. The request was discussed at a Staff Review Meeting on April 17, 2001, where representatives from local utilities and City Staff were in attendance. No outstanding issues were identified.

G. RECOMMENDATION

Staff recommends that the City Council conduct a public hearing, consider any public input, and consider Staff's recommendation to approve 335 McHenry Replat based on the following:

Findings of Fact:

1. The Planning Commission forwarded a positive recommendation to approve this Plat Amendment at their April 25, 2001 meeting.
2. The property is located in the Historic Residential Low-Density zone (HR-L).
3. The HRL District is characterized by a mix of small historic structures and larger contemporary residences.
4. The amendment will consolidate lots 21, 22, 23, and portions of lots 10, 11, and 20 of Block 59 of the Park City Survey into one (1) platted lot to allow the construction of an addition to the existing single-family dwelling.
5. The proposed lot size will be 9,603 square feet.
6. The project is on McHenry Avenue with dense residential uses. Minimal construction staging area is available along McHenry Avenue.
7. The existing structure currently has vehicular access off McHenry Avenue via a private driveway that enters the property from the south east corner of the lot.
8. McHenry Avenue does not exist in its platted right-of-way. The Park City Survey reveals the lots where 335 McHenry is located, fronts platted McHenry. Existing McHenry is just east of

platted McHenry as indicated by the dashed line in Exhibit B.

9. Due to the separation of platted McHenry Avenue from existing McHenry Avenue, adequate snow storage is available at the location.
10. The existing dwelling is non-historic.
11. The subdivision will not increase density on the lot.
12. Staff will review the applicant's proposed modifications to the existing non-historic structure upon the submission of a Historic District Design Review application.
13. The minimum lot requirement in the HRL Zone is 3750 square feet.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval:

1. The City Attorney and City Engineer review and approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The proposed construction of an addition and exterior improvements to the existing dwelling shall require compliance with the Historic District Design Guidelines.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
4. No remnant lot created is separately developable.
5. A note shall be added to the plat stating that no accessory apartment shall be permitted as part of this structure.
6. No accessory apartments or lock-out units shall be incorporated in the future as part of the existing dwelling with out prior approval.
7. No further subdivision of the property is allowed.

H. Exhibits

Exhibit A - Location Map
Exhibit B - Existing Plat
Exhibit C - Proposed Replat
Exhibit D - Ordinance

K:\ADMIN\CC\Cc01\packets\mchenry335.wpd

335 McHenry Ave

Vicinity Map Exhibit A

41

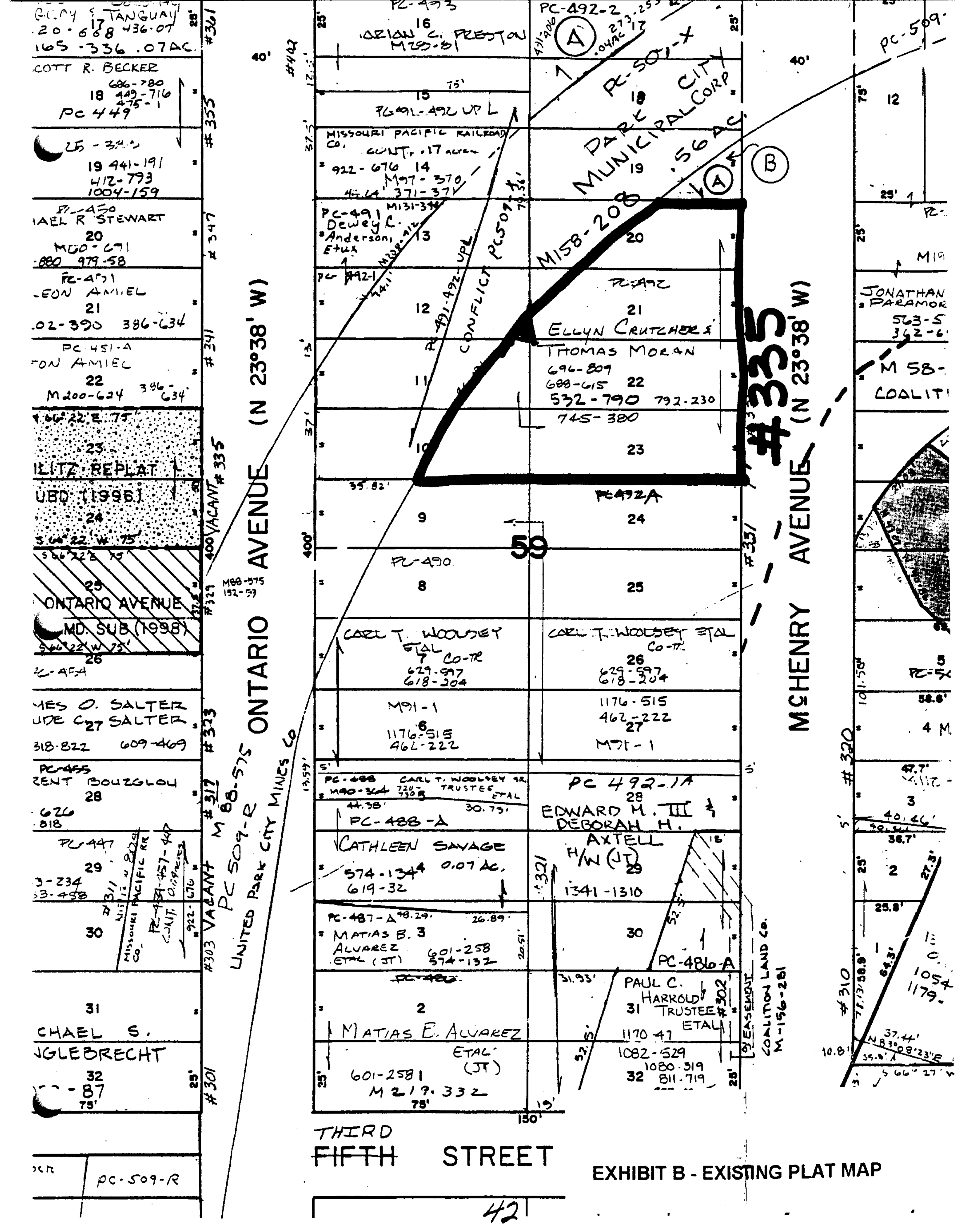


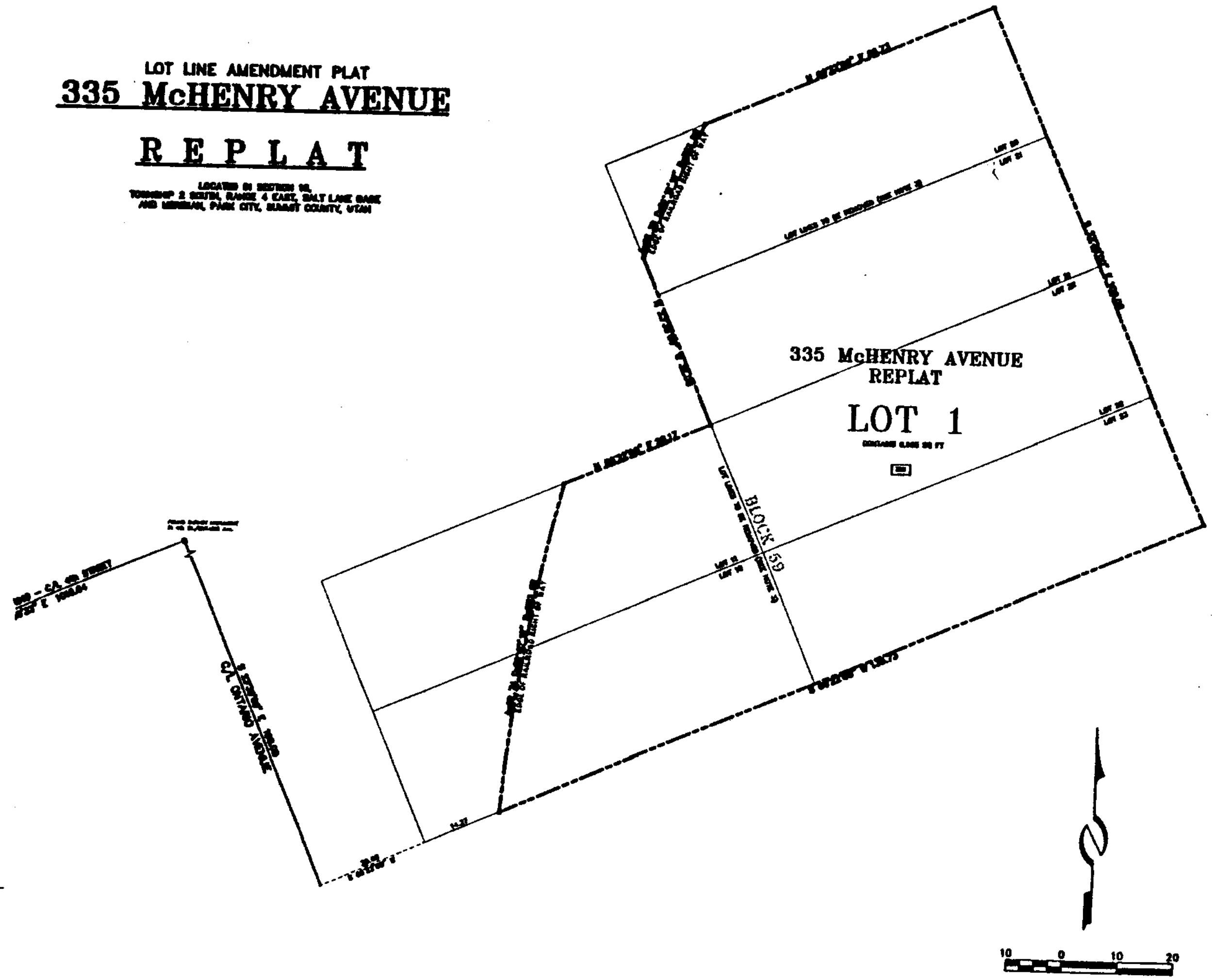
EXHIBIT B - EXISTING PLAT MAP

LOT LINE AMENDMENT PLAT

335 McHENRY AVENUE

R E P L A T

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



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that this Lot Line Amendment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation. I further certify that this plat accurately represents the surveyed property.

John Demkowicz ______ Date ______

LEGAL DESCRIPTION

All of Lots 10, 11, 20, 21, 22, and 23, less railroad right of way, Block 59, Park City Survey, according to the official plat thereof on file and of record in the Summit County recorder's office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned owners of the herein described tract of land, to be known hereafter as the 335 McHENRY AVENUE REPLAT, do hereby certify that we have caused this Lot Line Amendment Plat to be prepared, and that we, Thomas Moran and Elyn Crutcher, husband and wife, hereby consent to the recordation of this Lot Line Amendment Plat.

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

In witness whereof, the undersigned set their hand this ______ day of ______________, 2001.

______ Thomas Moran

______ Elyn Crutcher

ACKNOWLEDGEMENT

State of Utah
County of Summit

On this ______ day of ____________, 2001, Thomas Moran and Elyn Crutcher personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, [illegible] that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication freely and voluntarily.

Notary Public ______________

My commission expires ______________

NOTES

1. The street address of the property is 335 McHENRY AVENUE.
2. [335] Street address
3. Interior lot lines common to lots 10, 11, 20 thru 23 are to be removed.

LEGEND

- Property corner to be set
- Found property corner
- Found survey monument

RECEIVED
MAR 26 2001
PARK CITY
PLANNING DEPT.

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 __________ 2001 A.D. BY __________ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ______ DAY OF __________ 2001 A.D. BY __________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF __________ 2001 A.D. BY __________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ______ DAY OF __________ 2001 A.D. BY __________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF __________ 2001 A.D. BY __________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF __________ 2001 A.D. BY __________ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF __________ DATE ______ TIME ______ BOOK ______ PAGE ______ FEE ______ RECORDER

JOB NO.: 7-3-01 FILE: [illegible] 070301.dwg PAGE 1 of 1

EXHIBIT C - PROPOSED REPLAT

Ordinance No. 01-

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE PORTIONS OF SEVERAL PLATTED LOTS of BLOCK 59 of the PARK CITY SURVEY LOCATED AT 335 McHENRY AVENUE INTO ONE (1) PLATTED LOT.

WHEREAS, the owners of portions of several platted lots of Block 59 of the Park City Survey located at 335 McHenry Avenue 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 25, 2001, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on April 25, 2001, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 10, 2001, 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 plat amendment to the Park City Survey.

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

SECTION 1. APPROVAL. The Park City Survey is hereby amended as shown in Exhibit C subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Planning Commission forwarded a positive recommendation to approve this Plat Amendment at their April 25, 2001 meeting.
2. The property is located in the Historic Residential Low-Density zone (HR-L).
3. The HRL District is characterized by a mix of small historic structures and larger contemporary residences.
4. The amendment will consolidate lots 21, 22, 23, and portions of lots 10, 11, and 20 of Block 59 of the Park City Survey into one (1) platted lot to allow the construction of an addition to the existing single-family dwelling.
5. The proposed lot size will be 9,603 square feet.
6. The project is on McHenry Avenue with dense residential uses. Minimal construction staging area is available along McHenry Avenue.

7. The existing structure currently has vehicular access off McHenry Avenue via a private driveway that enters the property from the south east corner of the lot.
8. McHenry Avenue does not exist in its platted right-of-way. The Park City Survey reveals the lots where 335 McHenry is located front platted McHenry. Existing McHenry is just east of platted McHenry as indicated by the dashed line in Exhibit B.
9. Due to the separation of platted McHenry Avenue from existing McHenry Avenue, adequate snow storage is available at the location.
10. The existing dwelling is non-historic.
11. The subdivision will not increase density on the lot.
12. Staff will review the applicant's proposed modifications to the existing non-historic structure upon the submission of a Historic District Design Review application.
13. The minimum lot requirement in the HRL Zone is 3750 square feet.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval:

1. The City Attorney and City Engineer review and approve the final form and content of the replat for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The proposed construction of an addition and exterior improvements to the existing dwelling shall require compliance with the Historic District Design Guidelines.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
4. No remnant lot created is separately developable.
5. A note shall be added to the plat stating that no accessory apartment shall be permitted as part of this structure.
6. No accessory apartments or lock-out units shall be incorporated in the future as part of the existing dwelling with out prior approval.
7. No further subdivision of the property is allowed.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 10th day of May, 2001.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

ATTEST:

____
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

PARK CITY

1884

CITY COUNCIL STAFF REPORT

Date: **May 10, 2001**
Department: **Planning Department**
Planner: **Kirsten A. Whetstone, AICP** KAW
Title: **503 and 503 ½ Woodside- Treasure Hill Subdivision Phase II plat- one year time extension request**
Type of Item: **Administrative**

Summary Recommendations: Staff recommends the Council approve the extension request for one year as conditioned in this report.

A. Topic

Applicant:	Sweeney Land Company
Location:	503 and 503 ½ Woodside Avenue
Zoning:	Historic Residential District - HR-1- MPD
Adjacent Land Uses:	Residential and open space
Proposal:	One year extension of subdivision plat approval

B. Background

On June 15, 2000, the City Council approved with conditions a request for a two lot subdivision known as the Treasure Hill Phase II Subdivision, a part of the Sweeney Properties Master Plan, known as the Fifth Street Parcel. Council's approval also included a one year time expiration for plat recordation. The original approval expires on June 15, 2001. The applicant is requesting a one year time extension to allow sufficient time to comply with all of the conditions of approval regarding Historic District Commission approval of the driveway design. The applicant submitted a letter requesting this extension on April 16, 2001. Issues regarding the water system design have also arisen which will require additional time to resolve.

C. Analysis

Staff reviewed the proposed extension request for compliance with the Land Management Code, Section 15-2.2 (HR-1 Zoning District), Chapter 15, (Subdivision regulations), and Section 15-1-11(c) (plat approval). The property is part of the Sweeney Properties Master Plan and the subdivision plat is consistent with the Master Plan. Staff feels the extension is reasonable given the complexity of the project, the extent of improvements required, location in the Historic District, and the condition requiring Historic District Commission approval of the driveway design prior to recording the plat.

Alternatives

A. Approve the extension request, thereby extending the expiration date for an additional year, to June 15, 2002.

B. Deny the request, thereby, causing the Treasure Hill Phase II Subdivision plat to expire on June 15, 2001.

Significant Impacts

The extension allows the applicant time to comply with the conditions of approval, including the condition requiring Historic District Commission approval of the driveway design, and to attempt to obtain City Engineer's approval of the water system design.

D. Recommendation

The Community Development Department recommends the City Council approve this extension request based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The proposed extension request was reviewed for compliance with the Land Management Code, Section 15-2.2 (HR-1 Zoning District), Chapter 15 (Subdivision regulations), and Section 15-1.11(c) (Plat approval). The property is part of the Sweeney Properties Master Plan and the subdivision plat is consistent with the Sweeney Properties Master Plan, as amended.

2. The original approval expires on June 15, 2001. The applicant submitted an extension request on April 16, 2001.

3. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. The plat submitted and reviewed by the City Council on June 15, 2000 complies with the Land Management Code Sections 15-1-11(c) - Plat Approval and Section 15-2.2- (HR-1 Zoning District).

2. The plat as submitted and reviewed by the Council on June 15, 2000 is consistent with the Sweeney Properties Master Plan, as amended.

3. A one year extension request is reasonable given the complexity of the project and extent of improvements, location in the historic district, and the condition requiring Historic District Commission approval of the driveway design prior to recording the plat.

Conditions of Approval:

1. The City Council conditions of approval for the Treasure Hill Subdivision Phase II plat, approved by the Council on June 15, 2000, are in full force and effect.

2. All Standard Project Conditions shall apply.

3. Any changes or modifications affecting the original plat approval shall require Planning Commission review and approval and final approval by the City Council.

4. The new expiration date for the Treasure Hill Subdivision Phase II plat is June 15, 2002.

EXHIBITS

A. Subdivision plat

M:\CDD\KAW\CC\CC2001\wood503ext.ccr.wpd

PARK CITY
1884

Ordinance No. 01-?

AN ORDINANCE AUTHORIZING AN EXTENSION TO RECORD THE TREASURE HILL SUBDIVISION PHASE II PLAT LOCATED AT 503 AND 503 ½ WOODSIDE AVENUE PARK CITY, UTAH APPROVED BY ORDINANCE NO. 00-40

WHEREAS, the owners of the property at 503 and 503 ½ Woodside Avenue in Park City, Utah, known as Treasure Hill Subdivision Phase II, Edmund J. Beaulieu, Clyde Carlig, and the Sweeney Land Company, petitioned the City Council and received approval of a final subdivision plat on June 15, 2000; and

WHEREAS, the owners of the property have petitioned the City Council for an extension to record the subdivision plat.

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

SECTION 1. FINDINGS OF FACT

1. The proposed extension request was reviewed for compliance with the Land Management Code, Section 15-2.2 (HR-1 Zoning District), Chapter 15 (Subdivision regulations), and Section 15-1.11(c) (Plat approval). The property is part of the Sweeney Properties Master Plan and the subdivision plat is consistent with the Sweeney Properties Master Plan, as amended.

2. The original approval expires on June 15, 2001. The applicant submitted an extension request on April 16, 2001.

3. The applicant stipulates to all conditions of approval.

SECTION 2. CONCLUSIONS OF LAW:

1. The plat as submitted, reviewed and approved by the City Council on June 15, 2000 complies with the Land Management Code, Sections 15-1-11(c) - Plat Approval and Section 15-2.2 (HR-1 Zoning District).

2. The plat as submitted and reviewed by the City Council on June 15, 2000, is consistent with the Sweeney Properties Master Plan, as amended.

3. A one year extension request is reasonable given the complexity of the project and extent of improvements, location in the historic district, and the condition requiring Historic District Commission approval of the driveway design prior to recording the plat.

SECTION 3. CONDITIONS OF APPROVAL:

1. The City Council conditions of approval for the Treasure Hill Subdivision Phase II plat, approved by the Council on June 15, 2000, are in full force and effect.

2. All Standard Project Conditions shall apply.

3. Any changes or modifications affecting the original plat approval shall require Planning Commission review and approval and final approval by the City Council.

4. The new expiration date for the Treasure Hill Subdivision Phase II plat is June 15, 2002.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 10th day of May, 2001.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

QUITTING TIME SUBDIVISION
PHASE II TREASURE HILL SUBDIVISION

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

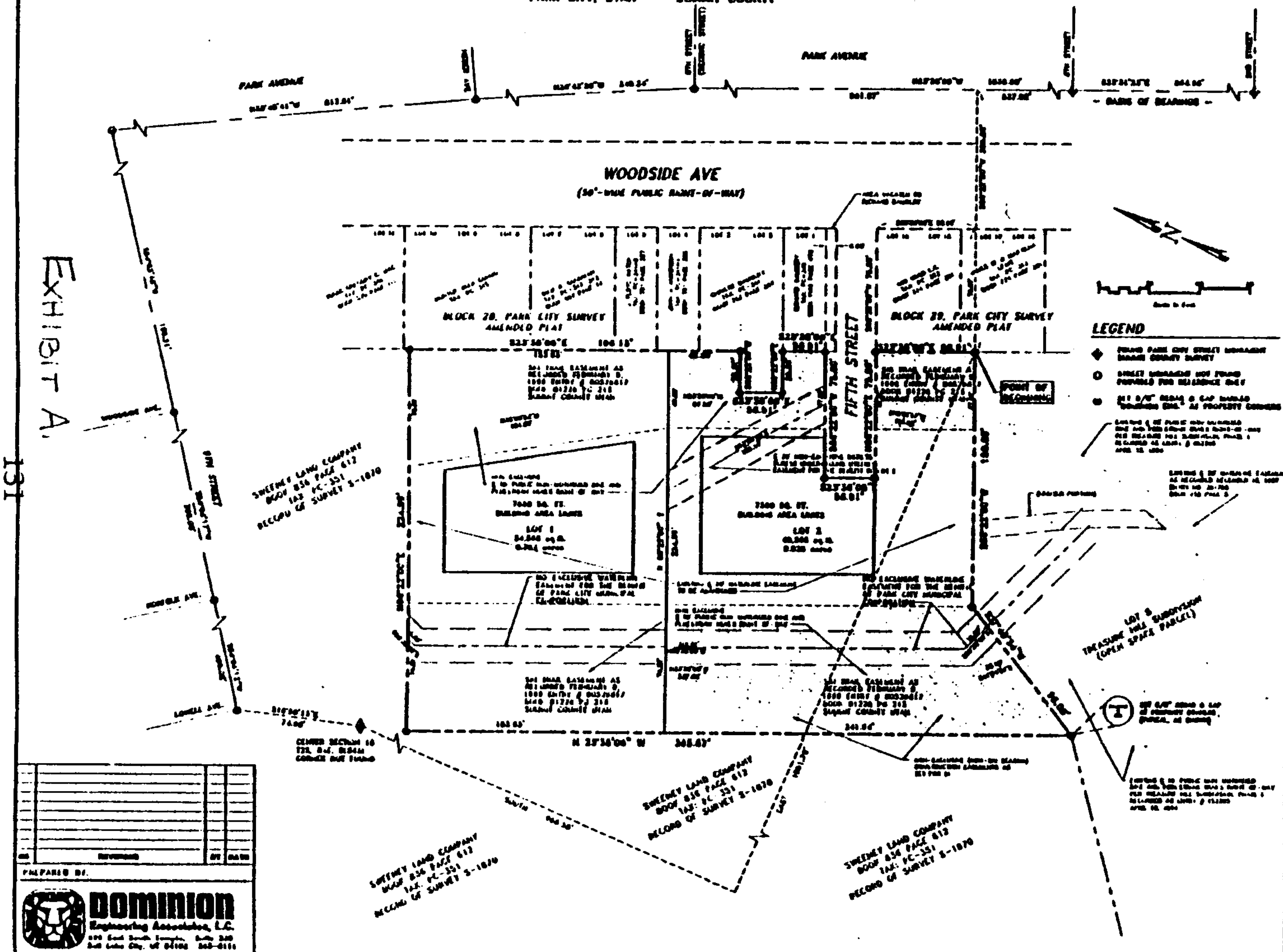


Exhibit A.

SURVEYOR'S CERTIFICATE

QUITTING TIME SUBDIVISION PHASE II TREASURE HILL SUBDIVISION

LEGAL DESCRIPTION

BASIS OF BEARINGS

OWNERS OFFER OF DEDICATION

ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

QUITTING TIME SUBDIVISION
PHASE II TREASURE HILL SUBDIVISION

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

PAGE 1 OF 3

PREPARED BY:
DOMINION Engineering Associates, L.C.

NUMBER ______ ACCOUNT ______ SHEET 1 OF 1 SHEETS	SNYDERVILLE BASIN SEWER IMP. DIST.	PLANNING COMMISSION	ENGINEERS' CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED

RECEIVED
MAY 1_ 2000
PARK CITY PLANNING DEPT.

131

PARK CITY
1884

CITY COUNCIL REPORT

DATE: May 10, 2001
DEPARTMENT: Community Development
AUTHOR: Richard E. Lewis, Community Development Director
TITLE: Community Economy Element - Phase II of General Plan
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct the Public Hearing on the Community Economy Element of the City's General Plan, make modifications if necessary, and adopt the resolution incorporating the Element into the General Plan.

DESCRIPTION:

A. Topic: Community Economy Element of the General Plan

B. Background: The Community Development Department, with the assistance of other City departments and consultants, prepared the enclosed Community Economy Element of the General Plan in the fall of 2000. The document and support information was presented to the Planning Commission, the City Council and several community organizations for comment. Since this is one of the elements of our General Plan, a public hearing was conducted by the Planning Commission on March 23, 2001. The Planning Commission suggested a few minor language changes and recommended that the City Council adopt the Element as amended.

C. Analysis: The Community Economy Element contains current information relating to the City's economic viability and also presents policies and action plans to guide the community in making future economic decisions. The information provided by Wikstrom Economic & Planning Consultants provided important technical information for the development of the Community Economy Element. Like all elements of the General Plan, it will be important to review this element annually and make modifications as necessary.

D. **Department Review**: In addition to review by the Community Development staff and the Legal Department, this element also was reviewed by the City's Service Level Analysis Committee, a special task force established by the City Council to review the City's operating and expenditure trends. The preliminary Element was also presented to the City Council as part of background information relating to the Service Level Study.

ALTERNATIVES:

A. Conduct the Public Hearing and adopt the resolution incorporating the Element into the General Plan.

B. Conduct the Public Hearing, make modifications to the Element as deemed necessary, and adopt the resolution.

C. Conduct the Public Hearing and continue the item for more study and discussion.

RECOMMENDATION:

Conduct the Public Hearing and review any testimony received. Discuss any amendments suggested by the public or the City Council. If amendments are determined to be necessary, and they are minor, adopt the attached resolution subject to said amendments to the Element.

Attachments:

Community Economy Element
Resolution adopting Community Economy Element

M:\CDD\RL\EconElemRptAdopt.CCMAY2001.wpd

PARK CITY
1884

Resolution No. _____

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

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

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

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

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

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

WHEREAS, the Planning Commission held a work session on the Community Economy Element of Phase II of the General Plan on December 13, 2000 , and held a public hearing on the Element on March 28, 2001, and the City Council held a public hearing on the Element on May 10, 2001; and

WHEREAS, a viable and healthy tourism economy is vital to the quality of life for our residents and visitors; and

WHEREAS, the Planning Commission has recommended that the City Council adopt the Community Economy Element of the General Plan; and

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

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

PASSED AND ADOPTED THIS ___ day of May, 2001.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

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CITY COUNCIL
STAFF REPORT

DATE: May 10, 2001
AUTHORS: Megan Ryan, Facilities and Special Events
TITLE: Outdoor Music Proposal in Old Town by Mountain Town Stages
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:
Staff requests the City Council review the finalized amendments to Title 4, Chapter 8A of the Municipal Code of Park City to allow for outdoor music at Deer Valley, Park City Mountain Resort and Summit Watch locations.

A. Topic
Adoption of finalized proposal for Outdoor Music, by Mountain Town Stages for the Summer of 2001.

B. Background
At the May 3 Council meeting the City Council held a public hearing on proposed outdoor music locations as proposed by Mountain Town Stages, (MTS). After input from the public, recommendations from staff and general discussion, Council directed staff to prepare amendments to the Outdoor Music ordinance to allow for music from June 1, 2001 to October 1, 2001 at Summit Watch plaza, Silver Lake at Deer Valley and Mooses Pub at Park City Mountain Resort. Council directed staff to maintain the original hours of operation (from the 2000 season) and maximum decibel levels at Summit Watch (8:00 pm close time and 90 db's measured at 25' from stage). The Council felt that the proposed increase in sound and extended time may create undue adverse impacts at this Old Town location. The other two locations were approved as recommended with the one addition to add neighborhood monitoring at the Silver Lake location.

C. Analysis
The Ordinance has been amended to reflect the following program parameters. Changes are italics. Mr. Barton has also requested that the Council consider changing the proposed language to Items 6 and 7 on the review criteria for additional locations for administrative approval. Item 6 would be

amended to allow for potential programming for three days a week. This change would give MTS the flexibility to program weekend days or nights in an appropriate setting. Item seven would change to allow one additional hour of programming resulting in a maximum of five hours, not four. Staff is not opposed to the proposed changes.

1. **"Party on the Plaza"**
Location: On Summit Watch Plaza between Dynamite Doms and Picassos.
Operation Days/Hours/Months: This stage will be programmed Tuesdays, Fridays and Saturdays from *5PM to 8PM* from June 12th through September 30th.
Type of Music: Amplified and Acoustic.
Occasions not covered under other Master Festival Licenses: A maximum of 4 additional week nights during the summer for special events that may arise from *5:00 PM to 8:00 PM* as approved by staff in accordance.
Owner: Summit Watch Commercial Condominium Association, Harry Reed. Permission granted.
Decibel Levels: *Maximum decibel level of 90db's when measured 25' from the front of stage.*
Additional Licences: Building Permit.
Costs: None to City

2. **Silver Lake at Deer Valley**
Location: Deer Valley near McHenry's Grill
Operation Days/Hours/Months: This stage will be programmed Wednesdays, Thursdays, Fridays, Saturdays and Sundays from 11:30AM to 2:30PM - June 27th through September 9th.
Type of Music: Amplified and Acoustic.
Occasions not covered under other Master Festival Licenses: A maximum of 4 additional week days during the summer for special occasions from Noon to 6PM as approved by staff.
Owner: Deer Valley Resort. Permission granted.
Decibel Levels: Maximum decibel level of 95db's when measured 35' from the front of stage.
Additional Licences: None requested.
Costs: None to the City.
Neighborhood Review: *Staff will gather input from condominium owners within immediate area of proposed stage and will report to the Council by August 1 on the results.*

3. **Moose's at Park City Mountain Resort**
Location: On plaza in front of Moose's Pub and Grill
Operation Days/Hours/Months: This stage will be programmed Saturdays and Sundays from Noon to 6PM, June 30th through September 9th.
Type of Music: Acoustic/Amplified.
Occasions not covered under other Master Festival Licenses: A maximum of 4 additional week days during the summer for special occasions from Noon to 6PM as approved by staff.
Owner: Park City Municipal.
Decibel Levels: Maximum decibel level of 95db's when measured 35' from the front of stage
Additional Licences: Building Permit.
Costs: None to the City.

Alternative Locations/Occasions not covered under other Master Festival Licenses: MTS has requested the right to submit additional locations to staff from June 1st to October 1st as agreements with property owners arise and the right to add a total of four events to each venue for special occasions that may arise. Staff is comfortable with consideration of alternative locations and special occasions as long as they have review criteria and are predominantly in compliance with the proposed ordinance with respect to operations, limited hours of operation and management, etc.. Staff suggests that the review criteria be based on the following (please note that Criteria 6 and 7 have been amended to reflect Mr. Barton's request):

Additional Locations:

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

(1) No more than two (2) additional Public Outdoor Music Plaza locations may be administratively approved;

(2) No proposed location may occupy or otherwise compromise any public parking spac s), whether for use by performers, attendees, or other amenities directly connected to programming pursuant to this Chapter;

(3) The proposed location must include sufficient area to accommodate performers, MTS staff, and anticipated attendees without interfering with pedestrian or vehicular traffic or otherwise impairing any public right of way;

(4) No proposed location shall be approved unless located within the HRC, HCB, RC, RCO, GC, or LI Districts, and in no case shall a proposed location be approved within one hundred feet (100') of a residential neighborhood;

(5) No additional Public Outdoor Music Plaza location shall be programmed prior to June 1, nor after September 30, 2001;

(6) Additional Public Outdoor Music Plaza locations may be programmed no more than three days or evenings per week~~, and not more than one weekend day or evening per week~~; and

(7) No additional Public Outdoor Music Plaza location may be programmed for more than *five (5)* ~~four (4)~~ hours in any day, and in no event shall programming commence prior to 11:30 AM nor end later than 8:00 PM.

Special Occasions at Deer Valley or Summit Watch:

(1) No more than four extra events shall be permitted at each venue.

(2) MTS must comply will all existing operational criteria for the approved site, such as noise levels, cleanup etc...as outlined in this Ordinance.

(3) The events shall not conflict with another approved Master Festival License for that day that is held in proximity.

Review and Compliance: City staff will monitor the events for compliance with this Ordinance. MTS will be responsible for all cleanup after all events.

D. Review
The Police Department, Community Development, Olympic Services, Special Events and Facilities, Parks Department and Legal Departments have reviewed this report.

ALTERNATIVES

A. Conduct a public hearing, provide direction and approve amendments to the ordinance with specific Conditions of approval; or

B. Conduct a public hearing and direct staff to return to Council with recommendations to deny the proposed ordinance; or

C. Continue the item for further discussion on program parameters.

SIGNIFICANT IMPACTS
If the application is not approved, outdoor music in the stages will not occur for this summer season.

RECOMMENDATION:
Staff requests that the Council consider adopting the proposed amendments to ordinance as drafted by staff for the Summit Watch, Park City Mountain Resort and Deer Valley locations. Findings, Conclusions and Conditions are incorporated into the amended Ordinance.

Exhibits
Exhibit A - Proposed Amendments to Title 4, Chapter 8A of the Municipal Code of Park City
Exhibit B - Staff Report May 3, 2001

Mountain Town Stages
P.O. Box 680896
Park City, Utah 84068
Tel (435) 901-SONG Fax (435) 783-5498

To: Park City Municipal

May 4, 2001

From: Randy Barton
Mountain Town Stages

Re: Summer of 2001

Mountain Town Stages, in response to our discussions with city staff and our receipt of "The Staff Report" authored by Meg Ryan, propose the following changes to our outlined program we have submitted for approval;

1. **We would still like to have a final discussion on The Miners Park location. Could we possibly be scheduled early in the work session of the City Council next Thursday and be scheduled late in the public session?**

2. **We also request additional discussion on The Party on the Plaza location. Specifically we still seek approval to program that location until at least 8:30pm June 12th through August 15th and we seek an approved increase in the maximum DB level to 95.**

3. **Under the "Additional Locations" section of The Staff Report, we propose that number six be amended to allow us to propose specific days and hours of operation with each additional location requested - no specific restrictions.**

4. **Under the "Additional Locations" section of The Staff Report, we propose that number seven be amended to allow for a maximum of [illegible] hours per day.**

Sincerely and musically;

Randy Barton
Mountain Town Stages

PARK CITY
1884

ORDINANCE 01-__

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 8A
REGULATING PUBLIC OUTDOOR MUSIC PLAZAS**

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

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

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

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

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

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

WHEREAS, on June 1, 2000, the City Council of Park City adopted Ordinance 00–36, regulating Outdoor Music Plazas at the Town Lift Plaza and Summit Watch Marriot Plaza; and

WHEREAS, amplified events and music operated at the Town Lift Plaza and

Summit Watch Marriot Plaza in accordance with Ordinance 00–36; and

WHEREAS, the Neighborhood Review Group, an independent review committee appointed to monitor ongoing compliance with Ordinance 00–36, delivered a positive recommendation and review of performance under the ordinance; and

WHEREAS, the Public Outdoor Music locations authorized herein are within the City limits, in areas where noisy commercial operations, businesses and public master festivals/parades are common; and

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

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

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

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

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

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

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

WHEREAS, the City Council held work sessions with public input on this matter as regularly scheduled meetings on March 19, 2001, and May 3, 2001.

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

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

SECTION 2. AMENDMENT. Title 4, Chapter 8A of the Municipal Code of Park City is hereby amended as follows:

CHAPTER 8A - PUBLIC OUTDOOR MUSIC PLAZAS

4- 8A- 1. TITLE FOR CITATION.

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

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

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

4- 8A- 3. APPLICATION OF PROVISIONS.

This Chapter ~~section~~ imposes regulatory standards and license requirements on certain activities, which are characterized as "Public Outdoor Music Plazas." It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of Public Outdoor Music Plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise, of the Municipal Code; and Chapter 7 (including pending Municipal Code ~~§~~Section 15-2-6.10(B)(4)) of the Park City Land Management Code, as amended.

4- 8A -4. DEFINITIONS.

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

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

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

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

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

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

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

The City Council hereby grants Master Festival Licenses for each of the Public Outdoor Music Plazas in Section 46. The Licenses shall be subject to all regulations and conditions of this Chapter. The Licenses shall be valid as of June 1, ~~2000~~ 2001 and shall expire October 1, ~~2000~~2001, unless renewed by the City Council. The City Council may not renew said licenses until after a public hearing and receipt of a staff evaluation of the prior year's compliance with this Chapter. Renewal shall be granted in the sole judgment of the City Council based upon compliance with the regulations herein, community impacts, and so long as such decision is not arbitrary and capricious. No licensee nor performer shall accrue any vested rights under this revocable license.

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

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

~~(A) **Amplified Event or Music**: This type of event shall be programmed for no more than 2 days a week at each plaza, only one of which may be a weekend day (Saturday or Sunday). Amplified Music shall be limited to no more than 5 hours of total performance time on each of those two days (breaks are not included in total time but warm-up and rehearsals are).~~

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

4- 8A- 6. PUBLIC OUTDOOR MUSIC PLAZAS.

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

(A) <u>PARTY ON THE PLAZA</u>.

(1) **LOCATION.** On Summit Watch Plaza between Dynamite Dom's and Picasso's. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed Tuesdays, Fridays, and Saturdays from 5:00 PM to 8:00 PM from June 12th through September 30th. A timer device will be installed that shuts the power of the stage and sound system off at 8:00 PM .

(3) **TYPE OF MUSIC.** Amplified and Acoustic. For Amplified Events or Music on Summit Watch Plaza, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty five (25) feet in front of the stage.

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

(B) <u>DEER VALLEY NEAR MCHENRY'S GRILL</u>.

(1) **LOCATION.** Deer Valley near McHenry's Grill. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed Wednesdays, Thursdays, Saturdays, and Sundays from 11:30 AM to 2:30 PM, from June 27th through September 9th. A timer device will be installed that shuts the power of the stage and sound system off at 2:30 PM .

(3) **TYPE OF MUSIC.** Amplified and Acoustic.

(4) **SPECIAL EVENTS.** This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional weekdays during the summer for special events from Noon to 6:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.

(C) **PARK CITY MOUNTAIN RESORT AT MOOSE'S PUB & GRILL**

(1) **LOCATION**. Park City Mountain Resort at Moose's Pub & Grill. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS**. This Stage may be programmed Saturdays and Sundays from Noon to 6:00 PM, from June 30th through September 9th. A timer device will be installed that shuts the power of the stage and sound system off at 6:00 PM .

(3) **TYPE OF MUSIC**. Amplified and Acoustic.

(4) **SPECIAL EVENTS**. This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional weekdays during the summer for special events from Noon to 6:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.

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

(1) No more than two (2) additional Public Outdoor Music Plaza locations may be administratively approved;

(2) No proposed location may occupy or otherwise compromise any public parking space(s), whether for use by performers, attendees, or other amenities directly connected to programming pursuant to this Chapter;

(3) The proposed location must include sufficient area to accommodate performers, MTS staff, and anticipated attendees without interfering with pedestrian or vehicular traffic or otherwise impairing any public right of way;

(4) No proposed location shall be approved unless located within the HRC, HCB, RC, RCO, GC, or LI Districts, and in no case shall a proposed location be approved within one hundred feet (100') of a residential neighborhood;

(5) No additional Public Outdoor Music Plaza location shall be programmed prior to June 1, nor after September 30, 2001;

(6) Additional Public Outdoor Music Plaza locations may be programmed no more than three days or evenings per week, and not more than one weekend day or evening per week; and

(7) No additional Public Outdoor Music Plaza location may be programmed for more than four (4) hours in any day, and in no event shall programming commence prior to 11:30 AM nor end later than 8:30 PM.

4- 8A-7. GENERAL REGULATIONS.

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

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

(C) Except as otherwise provided at Subsection 6(A) herein, for ~~For~~ Amplified Events or Music, ~~a sound limiter will be placed on~~ the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 95 ~~90~~, as measured thirty five feet (35') ~~twenty five (25)~~ feet ~~from~~in front of the stage. ~~Non-amplified music and events shall not exceed a maximum decibel level of 90, as measured twenty five (25) feet from the stage.~~ The data currently available to the City indicates that a maximum decibel level of 95 ~~90~~ satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.

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

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

~~(F) **TIME**. All performances, regardless of type, are permitted only between noon (12:00 PM) And 8 PM~~

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

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

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

4- 8A-8. ALCOHOL.

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

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

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

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

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

4- 8A-10. SUSPENSION AND REVOCATION.~~ON-GOING COMPLIANCE EVALUATION~~.

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

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

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

(B) Any violation of law or City ordinance.

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

4- 8A-11. TRANSFER LIMITATIONS.

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

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

The Master Festival Licenses granted under this Chapter are in lieu of any Administrative Conditional Use Permit for outdoor music, including outdoor speakers, pursuant to the existing Land Management Code and pending ordinance MCPC §Section 15-2-6.10(B)(4). The City may still issue outdoor music permits in conjunction with an approved Master Festival License.

SECTION 3. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unlawful by a Court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

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

PASSED AND ADOPTED this 10th day of May, 2001.

PARK CITY MUNICIPAL CORPORATION

____
Bradley A. Olch, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, City Attorney