PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 4, 2006

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 4, 2006.

Closed Session – City Council Chambers
2:30 p.m. Property and personnel

Work Session – City Council Chambers
4:00 p.m. Council questions/comments
4:10 p.m. Budget overview
- Revenues and Expenditures
- Operating Budget

5:40 p.m. Review of regular meeting
- Deer Valley Water Agreement
- Other meeting questions/comments

5:50 p.m. Break

Regular Meeting – City Council Chambers
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Call-up consideration of a Conditional Use Permit approved by the Planning Commission on April 26, 2006 for Fire Station #31, 2260 Holiday Ranch Loop Road

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF APRIL 13 AND APRIL 20, 2006

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving the Empire Park Subdivision (lots 1, 2, 3, 4, 5, 6, 43 and 44 of Block 18 of the Snyder's Addition to the Park City Survey, located at 1201 Norfolk Avenue, Park City, Utah

2. Ordinance approving a Record of Survey Plat for the Parkwood Place Condominiums, located at 801-817 Park Avenue, Park City, Utah

3. Ordinance approving the Connelly Subdivision, combining portions of Lots 48, 49, 50, 51 and 52 of Block 78 of the Millsite Reservation to the Park City Survey, located at 41 Sampson Avenue, Park City, Utah

4. Ordinance approving the amendment to Lots 1, 2, 3 and 4 of the Red Cloud Subdivision, Park City, Utah

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4. Ordinance approving the amendment to Lots 1, 2, 3 and 4 of the Red Cloud Subdivision, Park City, Utah

5. Sidewalk dining lease for Java Cow Café & Bakery, located at 402 Main Street, Park City, Utah

6. Resolution forming the Park City Heights Annexation Task Force

VII NEW BUSINESS

Authorization to the Mayor to execute an Amendment to the 1994 Deer Valley Water Facilities Improvement District in a form approved by the City Attorney

VIII PUBLIC HEARING

Tentative budget for fiscal year 2006-2007 for Park City Municipal Corporation and its related agencies

IX ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 11, 2006

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, May 11, 2006.

Posted: 05/01/06
See: parkcity.org

Tentative Budget Calendar

May 4th

Work Session

Presentation of the Tentative Budget
Budget Overview & Timeline
- Revenue/Expenditure Summary
- Economic Outlook

Operating Budget
- Employee Classification Task Force
- Part Time and Regular Pay Plan
- Departmental Requests

Regular Meeting

Public Hearing on the Tentative Budget

May 18th

Work Session

Capital Improvement Projects (CIP)
- CIP Prioritized List
- Long-term / Citywide Needs
- Existing CIP Requirements
- New Projects
- Ongoing Projects Updates

Regular Meeting

Public Hearing on the Tentative Budget

May 25th

Work Session

Capital Improvement Program (cont'd)
Regional Collaboration & Economic Development
- Transit Fund & Regional Transit
- Economic Development Grant Policy
- Business License Fees
- Water Fund
- Outstanding Issues

Regular Meeting

Public Hearing on the Tentative Budget

June 1st

Work Session

City Service Fees and Fee Resolution
Personnel Policies and Procedures (P&P) Manual
Outstanding Issues

Regular Meeting

Resolution adopting the Personnel P&P manual Public Hearing on the Tentative Budget
Adoption of the Tentative Budget
Public Hearing on the Fee Resolution
Adoption of the Fee Resolution

June 8th

Work Session

Outstanding Budget Issues

Regular Meeting

Public Hearing on the Budget

June 15th

Work Session

Presentation of the Final Budget
Outstanding Issues

Regular Meeting

Public Hearing on the Final Budget
Adoption of the Final Budget by Ordinance

Redevelopment Agency Meeting

Public Hearing on the RDA Budgets
Adoption of the RDA Budgets by Resolution

Municipal Building Authority Meeting

Public Hearing on the MBA Budget
Adoption of the MBA Budget by Resolution

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

May 2006

11 **No meeting**
13 Pride in the Park - Clean-up Day
18 Budget work session and public hearing
Sports Complex update - Stacey
Continuation - Ordinance approving a plat amendment for property located at 130 Sandridge Avenue, Park City, Utah
Continuation - Ordinance approving the Creekside subdivision plat, creating two lots of record, located at 2360 Holiday Ranch Loop Road
Construction contract for 2 MG Boothill Tank – Kathy
Ordinance – plat amendment 1135 Park Avenue – Ray
Amendment to Municipal Code – administrative code enforcement - public hearing and action
Park City Fire Station subdivision plat
Park City Fire Station REPC
25 Budget work session and public hearing
Tour of Utah MFL
29 Memorial Day – offices closed

June 2006

1 Budget work session and public hearing and tentative adoption
8 Budget work session and public hearing
15 Budget work session, public hearing and final adoption
22 Art Advisory Board interviews - work
29 Award of construction contract for police facility

July 2006

6
13
20
27

August 2006

3
10
17
24
31
One year review of Ordinance No. 05-49, outdoor display of merchandise – August 2006
One year review of land use associated with purchase of Aerie Drive/Deer Valley Drive property – August 2006

Pending Items:
Mosquito Abatement District update - John Yassi, District Director
Eagle Pointe V annexation public hearing/action - Brooks
Amendment to LMC creating Community Transition Zone and amending Chapter 6 Master Planned Developments creating unit equivalent multiplier for (I) occupancy buildings
KPCW lease
General Plan update
Regional bus service SLC
Conveyance of easement from Iron Mountain & Associates
Briefing on parking regulations and event parking permits for Sundance – Fall 2006

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 13, 2006

Present: **Mayor Dana Williams; Council members, Marianne Cone; Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Max Paap, Special Events and Facilities Coordinator; Alison Butz, Special Events and Facilities Manager; Phyllis Robinson, Consultant; and Craig Sanchez, Golf Director

Scott Preston, Tour of Utah; Pam Crowe-Weisberg, Director Kimball Art Center (KAC); Scott Loomis, Mountainlands Community Housing Trust (MCHT); and Bob Wells, Deer Valley Resort

1. Council questions/comments. Candace Erickson reported on the ULCT conference held in St. George last week, where planning for emergencies was a focus of discussion. She asked that the Historical Society be contacted about making a nomination to the Historic Preservation Board and commented on the police meeting. Roger Harlan reported on the memorial service for Steve Evans and discussed an editorial written by Bruce Margolias. The Mayor acknowledged Mr. Margolias' friendship, but stated that he disagreed with many of his comments. Marianne Cone shared Library Board business and reported on a potential heat pump system for the police facility. Jim Hier discussed a meeting with Wasatch County working toward a memorandum of understanding on SR224 and joint goals and objectives for the area. Joe Kernan reported on the Empire Pass Task Force meetings and budget sessions with staff. The Mayor expressed his appreciation of staff opening the skate park and soccer fields at Quinns. He added that UDOT continues to be informed on discussions regarding SR224 between the City and Wasatch County. He reported on a visit from the Ambassador of Spain and the events held in conjunction with National Library Week. Marianne Cone encouraged the public to participate in bike events associated with Silver Spoke Day to be held May 20.

2. Tour of Utah MFL – August 12, 2006. Max Paap advised that staff has received an application for a new cycling stage race, planned to arrive in Park City at the sixth stage. The template is modeled after the Tour of California and Tour of Georgia. He explained the route in and out of town on August 12; the biggest impact would occur at 9 a.m. to 10 a.m. when traffic could be delayed for a maximum of 15 minutes. The Intermountain Mustang Round-Up will also be held on that date, closing Main Street from 7 a.m. until 10 a.m. Jim Hier asked if the delays could exceed 15 minutes because of lagging riders and organizer Scott Preston explained that the riders will be clustered at this point since this is the first 30 miles of the race. If anyone drops behind the pack, the racer is disqualified. Joe Kernan asked about the need to control traffic lights and Mr. Preston explained that he will meet with the Chief of Police on this issue. Council member Kernan strongly suggested that volunteers explain delays to stopped motorists so that the experience is better for everyone on the road and he discussed in detail problems associated with bike races last summer. Mr. Preston agreed and added that there are 50 course marshals on the Tour. Roger Harlan and Candace Erickson expressed their support of the event.

3. Review of regular meeting:

2006 Art Festival Friday night opening. Alison Butz referred to the work session held two weeks ago where the Second Addendum to the MOU was approved but the Friday closure of Main Street and the free locals event was left open for discussion. Since that time, staff has meet with the Kimball Art Center and Main Street merchants to reach a consensus on four items, including (1) the City guarantees KAC the payment of $10,000 from parking revenues and shares any excess equally; (2) the HMBA contributes $3,000; (3) KAC sets up satellite stations on Friday for the Gallery Stroll; and (4) Main Street closes at 11 a.m. to set up in the middle of Main Street for a Festival opening at 6 p.m. She urged Council to approve the Third Addendum to the City Services Agreement as outlined.

Marianne Cone suggested not charging for parking on Friday night. Alison Butz explained that Friday night is scaled back and there are no available shuttles. Dana Williams agreed with not charging for parking and Alison Butz explained that foregone parking revenues on Main Street and the Brew Pub lot are calculated and charged to the event. In response to a question from Roger Harlan, Ms. Butz clarified that the $10 parking fee is similar to that charged by the Salt Lake Arts Festival and is felt to be reasonable. People will still be encouraged to park in shuttle lots. Jim Hier explained the rationale for the $10 fee. Candace Erickson supported the free Friday night for locals this year, but in the future as more people find out about it, there might have to be a charge. She added that having parking available close to Main Street may be a real convenience for patrons hauling large art purchases. Joe Kernan also felt that waiving parking fees on Friday night is a good idea and thanked staff, the HMBA and KAC for arriving at a solution for a free Friday night.

Pam Crowe-Weisberg also thanked everyone involved and clarified that Friday is basically a party for the City and doesn't benefit the KAC. Although they want to do it, they aren't able to pay for it and she emphasized that they are not looking for a *hand-out*. Ms. Crowe-Weisberg asked about the timing of the payment of contributions because of cash flow concerns, and the City Manager expressed that he will work with the Director on this request. There was discussion about the City contributing in-kind services valuing $55,000. Marianne Cone noted that the main attraction for many people with the Friday night opening is the opportunity to preview art before the weekend not necessarily because it is free.

New loan request – Mountainlands Community Housing Trust. Phyllis Robinson explained that the request is for a $250,000 construction bridge loan from the City to MCHT to complete the construction of the project located at 555 Deer Valley Drive, the Line Condominiums. This loan is in addition to the existing $100,000 loan for a total of borrowed capital in the amount of $350,000. The City has also assisted the project in the form of fee waivers in the amount of $115,000 and has contributed staff time on easement and Building Code issues. It is hoped that temporary certificates of occupancy on the project can be issued at the beginning of May with completion early summer. She stated that staff is recommending a 120 day window to allow some time to close the units. Scott Loomis detailed the four month delay on the back units and estimated completion of the first units 45 to 60 days and 60 to 75 days for the remaining units. Roger Harlan asked Mr. Loomis to repeat completion times and the Director then relayed that the first units will only require a couple of weeks of work and the other units should take about 45 to 60 days.

Ms. Robinson pointed out that timely completion of The Line Condominiums by MCHT will protect the City's investment and ensure repayment. Further assistance may protect against any potential performance defaults filed by the primary lender. Should that happen, it is difficult to predict how affordability can be protected. She explained that the loan to value exceeded the 2003 appraisal and a new one was not ordered. The loan represents 80% of the restricted sales price value and staff believes there is adequate value in the project to repay both the primary lien and well as the City's second mortgage. She recommended that this also be a secured loan and Zions Bank did not have a current appraisal to share. MCHT has a cash investment in the project of about $300,000 in hard and soft costs. She emphasized that the City is viewed as *a lender of last resort* by MCHT and seeking other funding would probably exceed the 90 day window.

The conditions of approval are outlined in the staff report. The loan is subject to draw requests approved by the City based on third party inspections performed by Zions Bank. Funds can only be used for capital expenses and are not available for general operating expenses, administration, management, or developer fees. The interest rate is 5.5%. She explained that the previous $100,000 is a five-year term unsecured promissory note. It is now recommended that the $100,000 together with the $250,000 be fully secured against the property or alternative collateral that would best protect the City's investment. When the loan is repaid, the $100,000 lien will be released and will revert to a promissory note. The checks will be made directly to the subcontractors, suppliers, or vendors to avoid any potential liens being placed on the property. Ms. Robinson explained that this is scheduled on the regular agenda for action. The Mayor understood that if there is default, the City has the option of buying out Zion's loan because the City is in second position. Ms. Robinson noted that if this occurred it would be considered a performance default and the City would then step in to complete the project.

Roger Harlan asked how a one week delay would affect the project. Scott Loomis didn't feel it would be significant. There was discussion about time requirements for the paperwork involved and the timing with draw-downs by MCHT. In response to a question from Joe Kernan, Ms. Robinson explained that the loan will be funded through the Affordable Housing CIP Fund which will be depleted until the loan is repaid. Joe Kernan expressed that the City appears to be protected and supports staff recommendation to move forward with the additional loan request. The Mayor asked if there is a conflict with the City being the lender and issuer of certificates of occupancy. The City Attorney explained that the Building Department, not the Council, will be issuing certificates of occupancy and there is adequate separation of powers. Mr. Loomis described the long process involved in acquiring a loan from a bank and Phyllis Robinson added that she understands that Zions has indicated its reluctance to increase the size of the loan.

Mayor Willilams stated that the Building Department should be empowered to review what has already been done. He agreed with Roger Harlan about potentially delaying approval to provide an opportunity to review more information and expressed the importance of public trust. The City could use this money and five years is a long time to wait to be paid back. Mr. Loomis stated that MCHT has no problem committing to reimbursing the City from the first sales of units. Jim Hier asked about Zions service charges. He expressed concerns about the demands on staff time by preparing the draw, cutting a check for the draw, giving the check to Zions, and having Zions prepare another check to the supplier as opposed to the City simply paying the suppliers directly. Ms. Robinson explained that the City would be wiring funds to Zions and Mark Harrington explained that this process was designed to meet the Finance Department's policies.

Jim Hier stated that he would like to review the schedule of outstanding costs, time estimates, and draw-downs for the $250,000 before he is willing to render approval. Scott Loomis added that MCHT will receive funds at closings and the City will be informed on those details. In response to a question from Joe Kernan, Tom Bakaly explained that the Affordable Housing CIP Fund is anticipated to be depleted with approval of the loan, but there are other uncommitted capital improvement funds and RDA monies that could be used.

The Mayor suggested that Council tentatively approve the loan subject to reviewing data next week. Jim Hier stated that he is troubled with providing tentative approval for $250,000 of taxpayer money without a detail on expenditures. Roger Harlan agreed and stated he would be more comfortable with having at least a week to review information. He recalled the January 12, 2006 meeting where MCHT assured the City Council that a number of units would be available for occupancy in a few weeks.

Candace Erickson favored tentative approval so that the paperwork can commence, because affordable housing is a high priority. She admitted that she was disappointed to see another loan request from MCHT on the agenda but is hesitant to do anything that will potentially delay the project and adversely affect buyers. Jim Hier suggested that rather than approving the loan with conditions, to direct staff to begin the process now to avoid delays. Marianne Cone acknowledged the frustrations expressed by the public about this project. Scott Loomis stated that they have done everything possible with limited resources to attain the goal of providing affordable housing to 22 individuals and families. Jim Hier relayed that he has also received negative comments from the public about supporting the project.

Tom Bakaly understood that staff is directed to begin the paperwork and prepare the information on the anticipated draw-down, income, and projections and suggested that a motion to continue to next week be made during the regular meeting. Mayor Williams asked that the requested information be emailed to members as quickly as possible.

Affordable Housing Resolution. Phyllis Robinson stated that this is scheduled on the regular agenda for public hearing and action. She pointed out that references to the 850 square foot net liveable space should be corrected to read 900 which is consistent with direction of Council. She referred to discussions on reduction of unit size for overall unit equivalents for incorporation of sustainable building practices and/or systems in unit design and development only. The employee generation guidelines allows for the application of the greater calculation for evaluating a condominium hotel which is a hybrid between residential and commercial. Ms. Robinson continued that the Council was not supportive of granting a reduction in the in-lieu-of fee if the payment is made in total all at once. The language has been modified to remove discounted fees and maintains the option for the developer of paying all fees upfront calculated at the current rate.

She discovered that there are many approaches to imposing administrative fees associated with in-lieu-of fees and assessments ranged from 2% to 25%. Staff is recommending a 15% administrative fee in addition to the calculated affordability gap which is $75,313 for 2006 in accordance with the formulas developed for Park City.

Staff recommends a reduction in base employee generation rates from 20% to 10% for uses that are considered non-commercial or non-residential in nature and provide educational and/or social-related services to the community which are proposed by public agencies, non-profit agencies, or similar organizations upon findings that the benefits and impacts of such development outweigh the housing impact. This is consistent with practices of other towns and is preferred to granting full waivers. She discussed employee generation calculations for additions or conversions of use as it relates to redevelopment. Ms. Robinson recommended that existing uses would be exempt from employee generation calculations but any expansion of use would be subject to an assessment. She clarified that language regarding total project density including affordable housing is consistent with the previous resolution that 15% of the units constructed will be provided for affordable housing. The number of affordable housing units required is in addition to the total number of approved units for the project and can be built on or off site. Mayor Williams discussed the in-lieu-of fee which is least preferred by the Council. He emphasized his dislike of the term *"essential employees"* and members agreed to remove the word *"essential"* from the resolution. In response to a question from Candace Erickson, Ms. Robinson explained that there will always be a first right of refusal for the City to purchase a unit at the deed restricted price.

Golf course concession. In response to a question from Council member Cone, Craig Sanchez clarified that the concession is the party cart on the course.

4. State of the Mountain Luncheon. Bob Wells stated that he forgot to schedule the end-of-the season Deer Valley luncheon meeting for City officials and will plan a spring event.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 13, 2006

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 13, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Myles Rademan, Public Affairs; Eric DeHaan, City Engineer; Alison Butz, Special Events and Facilities Manager; Phyllis Robinson, Consultant; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Marianne Cone disclosed that she owns a house on Prospect Street. Joe Kernan stated that Mountainlands Community Housing Trust and the Kimball Art Center are clients of his. Candace Erickson noted that her husband works for Stantec, but not in the water division.

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

<u>Upper Main Street open space</u> - Ellen Henrickson relayed that she purchased 150 Main Street in May 2003 and understood that the parcels purchased by the City were designated as open space. She asked that consideration be made to maintain the parcels as open space. Myles Rademan referred to the Resolution adopting a strategic plan for City-owned properties with development potential. There was discussion about the location of the parcel and moving the historic house and Mr. Rademan stated that it is the City's intention to keep it as open and/or trail space as outlined in the Resolution, but there is no conservation easement.

However, there are other building restraints relating to the property and Eric DeHaan explained it is located in a flood zone, there is a sewer easement and there is the possibility of widening Hillside Avenue some day. Marianne Cone pointed out that the Parks and Recreation Board and Historic Preservation Board discussed planting a garden and installing a walkway because of the flood zone limitations. Candace Erickson agreed and added that a bench and historic plaque were also contemplated but no structures and explained where the house would be relocated. Ms. Henrickson stated that she is aware of the plan but became alarmed when she saw the request for proposals for the sale of the lots in the paper. She complained about not receiving notice that the City's philosophy of keeping the property open changed. Candace Erickson stated that the property was never purchased as open space and the historic house was initially contemplated to be renovated as a museum but the Historical Society didn't have the funding.

Ms. Henrickson then requested that a task force be formed to study the area and Mr. Hier expressed his confusion about her concern. She stated that she wants assurances that the property will not be sold to a developer and that it remains open. Candace Erickson understood that the walkway area behind Ms. Henrickson's house is the location of concern and emphasized the constraints with regard to development. Mayor Williams stated that the City intentionally decided not to use open space money for the purchase because of the renovation feature. When the Historical Society decided not to proceed, the Council didn't feel it necessary to keep the three lots but there are no plans for any development behind Ms. Henrickson's house. Tom Bakaly explained that a conservation easement for the property was not contemplated for Lot 10 which is L-shaped. Mayor Williams felt confident that her issues can be solved with staff without forming a task force.

Betsy Wallace, 158 Main Street, asked that she be involved in any meetings. Mark Harrington emphasized that the reason there is no conservation easement is because the properties were purchased by the City to also resolve encroachments and boundary disputes. There may be a point when those issues are sufficiently resolved to move forward with a conservation easement.

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 23, 2006 AND MARCH 30, 2006

Roger Harlan, "I move we approve the work session notes and minutes of meetings of March 23 and 30, 2006". Candace Erickson seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. LMC amendments Chapter 1: General Provisions; Chapter 3: Off-Street Parking; Chapter 4: Supplemental Regulations; Chapter 6: Master Planned Developments; Chapter 7: Subdivision General Provisions; Chapter 8: Annexations relating to changes in the Utah State Code and to modify the use of the term Community Development Department and Community Development Director **(motion to continue to April 27, 2006)** – Marianne Cone, "I move to continue to April 27, 2006 the Land Management Code amendments". Jim Hier seconded.

2. Master Festival License for the Park City Food and Wine Classic to be held on Main Street on July 7, 2006 – Alison Butz explained that the wine-tasting stroll will occur at 4 p.m. to 7 p.m. and all stops have been confirmed. This requires City Council approval because of the requests to use Miners Park and amplified music at the Town Lift Plaza, Fiore, and Miners Park. There is a condition setting a limit on the decibel level consistent with the requirements for Mountain Town Stages. In response to a question from Council member Erickson, she explained that this is a fund-raiser for the Egyptian Theater and the Jazz Foundation. The Mayor opened the public hearing and hearing no comments, closed the hearing.

3. Master Festival License for the Park City Rugby Fundraiser to be held at City Park on August 19, 2006 – Ms. Butz explained that this will be held from 4 p.m. to 8 p.m. at the south end of City Park for the purpose of a fund-raiser. There will be a clambake, amplified music and beer sales. The Mayor opened the public hearing and there were no comments.

4. Third Addendum to the Park City Municipal Corporation Master Festival and City Services Agreement with the Kimball Art Center which outlines the terms for the Friday Free Locals Event on August 4, 2006 – Alison Butz referred to the discussion on this topic during work session. The Mayor opened the public hearing and hearing no input, closed the hearing.

VI CONSENT AGENDA

Jim Hier, "I move we approve Consent Agenda Items 1 through 5". Marianne Cone seconded. Motion unanimously carried.

1. Master Festival License for the Park City Food and Wine Classic to be held on Main Street on July 7, 2006 – See staff report and public hearing.

2. Master Festival License for the Park City Rugby Fundraiser to be held at City Park on August 19, 2006 - See staff report and public hearing.

3. Authorization to staff to execute a professional services agreement with Hotel Park City, in a form approved by the City Attorney, for a food and beverage concession at the Park City Golf Club in the amount of $500 per month plus 5% of gross revenues for golf course booked events - See staff report and public hearing.

4. Third Addendum to the Park City Municipal Corporation Master Festival and City Services Agreement with the Kimball Art Center which outlines the terms for the Friday Free Locals Event on August 4, 2006 - See staff report and public hearing.

5. Authorization to the Mayor to enter into a Memorandum of Understanding with the State of Utah Division of Facilities and Construction Management regarding local consultation for a new State Liquor Store at Snow Creek - See staff report.

VII NEW BUSINESS

1. Resolution repealing and replacing Resolution No. 17-99 in its entirety and adopting revised affordable housing guidelines and standards for Park City, Utah – Phyllis Robinson referred to the work session discussion regarding corrections including replacing references of 850 square feet with 900 square feet, and an employee generation calculation. Additionally the word "essential" will be stricken. She discussed a suggestion from Bob Wells to add more flexibility to language by changing it to read,

“seasonal lodging development may be required to house qualified employees of the community at large”. The Mayor opened the public hearing.

Mike Sweeney, developer, stated that he believes in the affordable housing program but it should be equitable. He acknowledged that paying in full at the time of the building permit issuance may avoid payment of higher fees at the certificate of occupancy stage. He felt there should be a definition of full time equivalent (FTE) and single room occupancy (SRO) and Jim Hier suggested spelling out the terms rather than creating definitions. Mike Sweeney continued that the calculation should be limited to the net leaseable square footage in a building that generates employees, not areas dedicated to storage for instance. Council member Hier explained that property owners typically configure leased or purchased areas for the businesses to accommodate their operations. Determining the affordable housing obligation after the building is built is almost impossible and standards need to be established when applications are reviewed. Affordable housing is determined as a component of the MPD and/or CUP and needs to be calculated before construction takes place. Mr. Sweeney argued that the fee can not be calculated without knowing the type of business.

In response to a question from Joe Kernan, Ms. Robinson explained that storage facilities don’t have an affordable housing component unless the square footage is part of an MPD. There is also an opportunity for the developer to submit an independent calculation for consideration by the City in the event the product has drastically changed or if there is a dispute. Mike Sweeney emphasized that everyone should be treated equally. Roger Harlan commented on the storage issue and warned against picking the policy apart, because nothing will be done. Mr. Sweeney felt that builders will reconfigure space to control affordable housing fees which may be detrimental with regard to the design of the building. Marianne Cone didn’t feel that scenario likely. He then referred to language on the independent calculation section and felt that there should be a provision to provide the applicant reasons for denial. Mark Harrington explained that appellants must provide compelling evidence and Phyllis Robinson described third-party calculations. The City Attorney stated that he will consider elaborating on this provision. Mr. Sweeney asked about square footage sizes and Candace Erickson explained that more bedrooms and occupants require more incremental space for kitchens, hallways, etc.

Joe Kernan referred again to employee requirements for storage units because it is a commercial use, and Ms. Robinson reiterated that housing exactions would only apply to projects reviewed as MPDs, CUPs, or annexations.

Scott Loomis acknowledged Phyllis Robinson’s and the Council’s commitment to the generation of affordable housing. MCHT supports the adoption of this document. With no further input, the public hearing was closed.

The City Attorney explained Council’s options, including continuance so that the Resolution can be updated with input. Jim Hier, “<u>I move we approve the Housing Resolution with the amendments changing 850 square feet to 900 square feet where</u>

applicable, to spell out full-time equivalents and single room occupancy and dropping the word "essential". Roger Harlan seconded. Ms. Erickson felt that Mr. Sweeny seems to have valid concerns and Mark Harrington explained that the issues involve adding clarity to the compelling evidence standard and lodging hotel in the table is calculated per room rather than unit equivalent, consistent with the LMC. Jim Hier felt the lodging/hotel designation should be by room and he didn't feel that compelling evidence should not be expanded. It can be modified at a later date. There was discussion regarding the differences between hotel rooms and suites. Motion unanimously carried.

2. Additional loan request in the amount of $250,000 for The Line Condominiums – Mountainlands Community Housing Trust – See staff report and work session notes. Roger Harlan, "I move that we continue the loan request for The Line Condominiums to next week". Marianne Cone seconded. Motion unanimously carried.

3. Authorization to the Mayor to execute a Project Cooperation Agreement, in a form approved by the City Attorney, with the U S Army Corp of Engineers for water and sewer line replacements on Prospect Avenue in an amount not to exceed $800,000 – Jerry Gibbs referred to his staff report. There were no comments from the audience. Jim Hier, "I move to authorize the Mayor to execute the Project Cooperation Agreement as per the staff report". Candace Erickson seconded. Motion unanimously carried.

4. Authorization to the Mayor to execute an amendment to the Professional Service Provider Contract with FFKR Architects, in a form approved by the City Attorney, in an amount not to exceed $297,000 for Police Facility Design Services – Colin Hilton explained that approval will allow staff to complete the design consistent with the February 16, 2006 discussion. Marianne Cone, "I move that we authorize the Mayor to execute an amendment to the Professional Service Provider Contract with FFKR Architects, in a form approved by the City Attorney, in an amount not to exceed $297,000 for Police Facility Design Services". Joe Kernan seconded. Motion unanimously carried.

5. Acceptance of Bernolfo Family Partners annexation petition for a metes and bounds parcel located off of Snows Lane, west of the Thaynes Canyon Subdivision and north of the Spiro Tunnel Annexation, containing 6.545 acres – Kirsten Whetstone described the location of the property, which is contiguous with the City's boundaries, located in the Annexation Expansion Boundaries and she referred to exhibits included in the staff report. There is an historic house, barn, spring house, pond and an irrigation pump on the parcel. The Family has petitioned for annexation of all contiguous property and is requesting Estate Zoning at 1:3 acres. A preliminary subdivision plat has also been submitted and the proposed annexation will not create an island or peninsula and staff believes the petition meets the requirements set forth in the state code. Acceptance of the petition does not represent final action or approval and the annexation could still be denied. She explained that acceptance allows for discussion on impacts of this proposal and the Council has broad discretion of review. The General Plan refers to this area as Park City West Hill and the plan encourages

development within or adjacent to the City limits. The plan also identifies concerns about the placement of any development in wetlands, wildlife areas, view sheds, etc. It calls for trails and additional residential and ski development if there is no net negative impact on City streets. Ms. Whetstone stated that staff has determined that there is no compelling reason to annex this area for one more house as this is a very small annexation. She suggested looking at it in the context of adjacent lands, which are owned by others. Provision of City services, existing roads or proposed access easements through Silver Star for utilities will not change

Hank Rothwell explained the history of the house on the property which was owned by the mining company for decades. It is the family's goal to divide the property in half to provide a place to live for his children.

Jim Hier felt acceptance is appropriate as it is incumbent for the City to weigh-in on development activities on our borders. Jim Hier, "<u>I recommend that we accept the annexation petition while maintaining a non-committal position on the annexation itself</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Joe Kernan "<u>I move to close the meeting to discuss property, litigation, and personnel</u>". Roger Harlan seconded. <u>Motion carried unanimously</u>.

The meeting opened at approximately 3:45 p.m.

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

Prepared by Janet M. Scott

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 20, 2006

Present: **Mayor Dana Williams; Council members Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan**

City Manager Tom Bakaly; City Attorney Mark Harrington; City Engineer Eric DeHaan; Special Events and Facilities Manager Alison Butz

Public Art Advisory Board Update
Public Art Advisory Board members were present to update Council on their activities during the past few months.

Ron Butkovich, chair of the Public Art Advisory Board updated Council regarding several completed projects. These included installation of art on seven bus shelters; acceptance of a piece donated by Jack Karmel which has been placed at the Library; deaccessioning of the Swede Alley Mural; artwork on construction fence during China Bridge construction; Sound Garden at City Park, and facilitation of 1% for public art for the new police facility.

Board member Carol Potter thanked Council for supporting the Sound Garden project, which was very successful and received outside funding of $18,000, in addition toward the City's funds. She reported that Mountain Trails Foundation has received an anonymous donation to construct "Sound Treasures" along the Round Valley trail. She thanked Council for believing in these projects.

Members Julie Hopkins, Susan Packard, Judy Taylor presented ideas for future projects, including Swede Alley art, a labyrinth, and completion of the Muses at the Transit Center. They would like to consider artistic benches and bike racks, bird feeders or birdhouses in the parks, as well as memorial benches.

Mayor Williams stated the parents of the High School soccer team have talked about donating a bench to the new recreation complex in honor of this year's team being the first to play on the new field. Council Member Cone also mentioned a memorial bench in honor of Aniceto Armendariz.

Council member Harlan recalled from driving bus that people didn't notice the Muses and asked if there was a way to draw attention to them. Julie Hopkins added that the Board was working on a marketing piece that would highlight the muses and bus stops.

Council was supportive of their efforts and complimented them on their work.

Review of regular meeting:

Prospect Street reconstruction contract
City Engineer Eric DeHaan stated Prospect Street had been identified as a high priority for reconstruction through the Old Town Improvement Study (OTIS) program. The CIP budget, contributions from Snyderville Basin Water Reclamation District, and a portion of the "595" federal grant will cover construction costs.

Mr. DeHaan explained that we received only one bid, which we attribute to the strong national and regional economies, the difficulty of the project, and the amount of work available for contractors. The bid was received from Geneva Rock Products, Inc., who has a long history of successful projects in Park City. Staff determined that the bid is responsive to the City's bid policies, as established by Council, and recommends that Council accept it. The $1,441,595 contract includes sewer, storm drain, sidewalks at the new Hillside/Marsac intersection, water lines, additional fire hydrants, gutters to channel runoff into the storm drain, and new paving.

Mr. DeHaan stated the city's resources include $1.2 million from the CIP budget; $325,000 for sewer improvements that SBWRD will reimburse the City for; and $100,000 in proceeds from a Federal "595" grant. These resources total $1.625 million and Park City's costs included $180,000 in engineering costs and the $1,441,595 contract with Geneva.

Council member Harlan asked whether it was possible that another bid might be received. Mr. DeHaan explained that we followed a formal bid process and our only option would be to reject this bid and re-advertise, which would jeopardize the fall completion.

Mr. DeHaan commented that we might need to bundle future projects to make them more attractive to larger contractors. The next OTIS projects will include Lower Woodside from 13th to 15th and Lower Norfolk from 8th to 13th.

Council questions/comments
Mayor and Council Members reported on their activities during the preceding week.

Jim Hier met with County Commission Bob Richer, County Public Works Director Kevin Callahan, Park City Deputy Public Works Director Kent Cashel and Park City Transit Director Eric Nesset regarding the Short Term Transportation Plan and requirements for updating it. He emphasized that in three years we had accomplished all but the conceptual items in the original plan. At the meeting they agreed, subject to approval, to proceed with updates to the plan. There will be costs associated which will tentatively be split 50/50 with the County.

Candace Erickson reported the Friends of the Farm will hold its annual meeting on May 20 at 2:00 P.M. at the Farm. They plan to host the annual Hoe Down/Pig Roast and Scarecrow Festival and are considering more events next year. She reported they have

a whole new board, with new ideas and concepts and Facilities Manager Alison Butz had briefed them on allowed uses at the Farm.
Ms. Erickson also announced the Friends of the Library luncheon on May 12, 2006.

Roger Harlan reported that he and Council Member Cone had toured the affordable housing project on Deer Valley Drive. Along with the Mayor, they had also attended a discussion regarding the housing situation for temporary workers in the ski industry. The group is interested in taking steps in the future to meet those needs.

Marianne Cone added that Deer Valley was the only resort represented at this meeting. She stressed they needed help from all the resorts.

Joe Kernan announced he was planning to attend the Summit County Commission's Council and Mayor meeting. He suggested that it might be appropriate to discuss county-wide RAP tax distributions to date in light of recent discussions about the $10 vehicle registration fee to aid corridor preservation efforts.

Mayor Williams concurred that the seasonal housing meeting was very helpful and added that is wasn't so much an affordable housing issue, as an availability issue. He reported that May 13th was National Ride or Bike to Work Day. He also announced that the bio-diesel trial for the trolley was a success and we were closing to making a deal with the fleet station to convert diesel pumps to bio-diesel.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 20, 2006

Regular Meeting – City Council Chambers

I ROLL CALL

Mayor Williams called the meeting of the City Council to order at approximately 6:00 p.m. at the Marsac Municipal building on Thursday, April 20, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan. Staff present was City Manager Tom Bakaly; City Attorney Mark Harrington; City Engineer Eric DeHaan; Special Events and Facilities Manager Alison Butz; and Special Events Director Max Paap.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Marianne Cone stated she resides at 86 Prospect and will substantially benefit from reconstruction of Prospect Street. Joe Kernan stated that Mountainlands Community Housing Trust is a customer.

III PUBLIC INPUT (any matter of City business not scheduled on agenda)

No public input

IV CONSENT AGENDA PUBLIC HEARINGS

1. <u>Ordinance approving a plat amendment for property located at 130 Sandridge Avenue, Park City, Utah</u> (**motion to continue to May 18, 2006)**

2. <u>Ordinance approving the Creekside subdivision plat, creating two lots of record, located at 2360 Holiday Ranch Loop Road</u> **(motion to continue to May 18, 2006)**

Roger Harlan, "<u>I move that we continue Consent Agenda Items 1 and 2 to May 18, 2006.</u> Marianne Cone seconded. <u>Motion was unanimously approved.</u>

3. <u>Master Festival License and closure of Main Street between 7th and 9th Streets from 6 a.m. to 9 p.m. for the Wasatch Back Relay to be held June 24, 2006</u> - Max Paap, Special Events Coordinator and, Dan Hill, Back Roads Events, discussed elements of the Staff Report and responded to questions from Council. Mayor Williams opened the public hearing. There was no public input and the hearing was closed.

4. <u>Ordinance approving the 1161 Park Avenue subdivision, Lots 14, 15, and 16 of Block 5, of the Snyder's Addition to the Park City Survey, located at 1161 Park Avenue, Park City, Utah</u> – Planner Ray Milliner reviewed Staff Report for this proposal to combine three lots into two. One lot would accommodate the existing historic home and one lot would be used for future development. The Planning Commission forwarded a positive recommendation and Staff recommended that Council adopt the attached Ordinance approving the subdivision.

Mayor Williams opened the public hearing. There was no public input and the hearing was closed.

Member Marianne Cone inquired about the historic home and Planner Milliner reported that plans had not been received for Historic Design Review. He stated all historical elements of the home would be preserved.

V CONSENT AGENDA

Candace Erickson, "I move approval of Consent Agenda Items 1-5." Roger Harlan seconded. Motion unanimously carried.

1. Master Festival License and closure of Main Street between 7th and 9th Streets from 6 a.m. to 9 p.m. for the Wasatch Back Relay to be held June 24, 2006 – see Staff report.

2. Ordinance approving the 1161 Park Avenue subdivision, Lots 4, 15, and 16 of Block 5, of the Snyder's Addition to the Park City Survey, located at 1161 Park Avenue, Park City, Utah - See Staff report.

3. Approval of Sidewalk Dining Lease for the Eating Establishment, located at 317 Main Street – See Staff report

4. Resolution proclaiming May 13, 2006 as Arbor Day in Park City, Utah

5. Resolution declaring May 13 to 21, 2006 as "See America Week" in Park City, Utah

VI OLD BUSINESS

1. Additional loan request in the amount of $250,000 for The Line Condominiums, 555 Deer Valley Drive, Mountainlands Community Housing Trust – Project Manager Phyllis Robinson noted the item was continued from previous meeting. This is a request from Mountainlands Community Housing Trust for a construction bridge loan in amount of $250,000 to complete construction at The Line Condominiums at 555 Deer Valley Drive. Council directed Staff to prepare documents for the loan should Council approve the loan and requested additional information on the use of funds, estimated withdrawal amounts, and timing. Mountainlands prepared that information which is included in the packets on page 36. She requested that Council direct questions to Scott Loomis following which she would like to address the Conditions of Approval.

Mr. Loomis stated they identified hard costs, and provided estimates of completion dates and draw requests.

Member Jim Hier asked whether the May 10 and June 10 draws would exhaust the funding from Zions Bank. Mr. Loomis stated the Zions Bank funding has already been exhausted and they would be draws against the City's $250,000. He added the closings from the first eight units would generate $100,000 which would be applied to the outstanding balance. The Zions Bank loan would be paid off after 18 closings, which means there will be $600,000 left and the final four closing will provide enough to repay outstanding invoices and the City's loan as well. He added they were also paying a good deal of interest, supervision, and crews who will also be reimbursed from that.

Mr. Hier asked whether the last units included, or excluded, the two restored houses. Mr. Looms felt those houses would be near the end of the completion.

Member Harlan asked whether this would be Mountainlands' last approach to the City for financial assistance. Mr. Loomis hoped so and noted Mountainlands has other funding coming in from other properties so they should be able to finish with their own resources. Ms. Robinson added the proposed schedule was consistent with progress reports prepared by the construction inspection with Zion's, as well as reviews by our Building Department.

Ms. Robinson turned the discussed to the Conditions of Approval discussed by Council at the last meeting. She reported on issues raised by Planning and Building Departments regarding substitution of building materials as well as preservation of the historic homes. Those items will need to be presented to the Planning Commission since they are related to the Master Planned Development Conditions of Approval. This has been schedule for May 22, 2006.

Ms. Robinson noted Staff has prepared recommended conditions of approval to ensure that City funding would not be spent on anything in contradictions with the MPD requirements. Staff recommends that Council approve the loan because we need to keep momentum going on the project. Ms. Robinson read into the record the proposed amendments to Conditions of Approval 2 and 5:

> **2 …all requests for funds must be for work done in compliance with approved building plans and conditions of approval outlined in the MPD and or CUP.**
> **5 Disbursement will require sign off of Chief Building official and Planning Director to insure all work funded is in compliance with approved building plans and conditions of approval outlined in the MPD and/or CUP. …**

Mayor Williams asked whether materials can be substituted without discussion or approval, under a Master Planned Development approval.

Planning Director Patrick Putt explained that type of information was spelled out on building permits and any changed must be reviewed by both Planning and Building. If the changes involved non-substantive changes, the Planning Director has some discretion to grant approval. He described those as changes from one type of siding or window style to another style that was approve by the Code. He stressed that he does not have the authority to allow changes to materials that are prohibited by Code. Specifically, some aluminum trim has been installed in soffit and fascia areas where the plans called for Hardy Plank.

Mayor Williams announced that Council would hear public comment, however, there was none.

Candace Erickson, "I move approval of the additional loan request in the amount of $250,000 for The Line Condominiums, Mountainlands Community Housing Trust, as outlined in the Conditions of Approval that have been amended." Joe Kernan seconded. Motion unanimously carried.

2. Ratification of approval of an Ordinance approving a subdivision of Lots 7, 8, 9, 10, 11 and one-half of Lot 12 and portions of Lots 21, 22, 23, 24, 25, and 26 of Block 16 of the Snyder's Addition to the Park City Survey, located at 1021 Norfolk Avenue, Park City, Utah

(a) Motion to reopen public hearing

(b) Action

Planner David Maloney noted that Staff had presented the Planning Commission's recommendation for denial of the plat amendment to Council on March 30, 2006. Council directed Staff to return with Findings of Fact that would support approval. Findings of Fact 13 and 14 address Council's directive. Staff has prepared the Ordinance for Council's review and approval.

Council Member Marianne Cone asked whether a representative from Planning Commission had been invited, since there was no one present. Planner Maloney indicated that the invitation had been extended. He also referred to copies of Planning Commission minutes that had been distributed to Council Members. .

Mayor Williams re-opened the public hearing. There was no input and the hearing was closed.

Joe Kernan, "I move approval of the ordinance approving the subdivision of 1021 Norfolk Avenue" . Roger Harlan seconded. Motion unanimously carried.

VII NEW BUSINESS

Award of construction contract with Geneva Rock Products, Inc., in a form approved by the City Attorney, for the Prospect Street Reconstruction Project, in an amount not to exceed $1,441,595 – See Staff Report and Work Session notes.

Bill Hummer, 32 Prospect Street resident, announced that the residents have been very much in favor of reconstruction and supported the approval of the budget to reconstruct Prospect Street. He stated there are numerous safety issues on Prospect and also noted it the trailhead was becoming increasingly popular. Over the past year, the residents have developed excellent working relationships with Eric DeHaan and Dave Gustafson, as well as Stantec and SBWRD representatives. He thanked the many people who have worked on the project and looked forward to construction equipment on the street.

Roger Harlan, "I move approval of the award of construction contract with Geneva Rock Products, Inc., in a form approved by the City Attorney, for the Prospect Street Reconstruction Project, in an amount not to exceed $1,441,595. Marianne Cone seconded. Motion unanimously approved.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.
A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:00 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Candace Erickson, "I move to close the meeting to discuss property and litigation ". Jim Hier seconded. Motion carried unanimously.

The meeting opened at approximately 5:00 p.m.

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 Sharon Bauman

City Council
Staff Report

PLANNING DEPARTMENT

Author:	David Maloney
Subject:	Empire Park Subdivision
Date:	April 26th, 2006
Type of Item:	Plat Amendment

SUMMARY RECOMMENDATION

Staff recommends that City Council review the proposed plat amendment, conduct a public hearing and approve the Empire Park Subdivision, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the attached ordinance.

Applicant:	**Gigaplex Inc.**
Location:	**1201 Norfolk Avenue**
Zoning:	**Recreation Commercial (RC)**
Adjacent Land Use:	**Low and Medium Density Residential, Institutional (Library)**

BACKGROUND

Planning Commission forwarded a positive recommendation to City Council at the April 26, 2006 Planning Commission meeting.

This plat amendment request involves Lots 1, 2, 3, 4, 5, 6, 44 and 43 of Block 18 of Snyder's Addition to the Park City Survey. The applicant is also the owner of the adjacent Lots 39, 40, 41, 42, 43, and 44, also of Block 18 of Snyder's Addition to the Park City Survey. These adjacent lots will remain as standard twenty five (25) feet by seventy five (75) feet Old Town lots.

On December 8th, 2005, the City received a complete application to remove five (5) lot lines and establish eleven (11) lots for the purposes of building single-unit housing. This proposal included the adjacent Lots 39, 40, 41, 42, 43 and 44, mentioned above. This proposed plat was not accepted by Staff as it resulted in lot lines bisecting existing structures which is not in accordance with Chapter 7 of the Land Management Code (Subdivisions / Plat Amendments).

The applicant amended the application on March 8th, 2006, so that the proposed plat does not have property lines bisecting existing structures. The applicant would like to remove some existing lot lines and add new lot lines in order to establish a lot for the existing, non-complying, multi-unit housing complex, known as the Innsbruck, and to create three (3) vacant lots for future single-unit housing development.

ANALYSIS

The property is zoned Recreation Commercial (RC), which permits residential uses. The vacant lots that are created through this plat amendment are the locations of proposed single unit houses. Single-unit houses are permitted within the RC zone. Any future site development on this property is subject to the Historic District Design Guidelines.

The plat amendment request involves the removal of the lot lines between Lot 1 and Lot 2, Lot 2 and Lot 3, Lot 3 and Lot 4, Lot 4 and Lot 5, and Lot 5 and 6, Lot 44 and Lot 43 of Block 18, Snyder's Addition to the Park City Survey. There are existing structures on Lot 1, 2, 43, 44 and part of Lot 3. Proposed Lot A consists of existing Lots 1, 2, 43, and 44 and the southern half of Lot 3. Proposed Lot B consists of the northern half of Lot 3 and the southern half of Lot 4. Proposed Lot C consists of the northern half of Lot 4 and the southern half of Lot 5. Proposed Lot D consists of all of existing Lot 6 and the southern half of Lot 5.

The proposed plat amendment will to create four (4) lots of record, Empire Park Lots A, B, C, and D, from eight (8) existing lots. Empire Park Lot A measures fifty (50) feet in width along Norfolk Avenue and sixty two and a half (62.5) feet along Empire Avenue. The depth of Lot A is one hundred fifty (150) feet, and the total area is eight thousand four hundred thirty seven point five (8437.5) square feet. Proposed Lot B and Lot C are twenty five (25) feet by seventy five (75) feet for a total area of eighteen hundred and seventy five (1875) square feet. The proposed Lot D, furthest to the north, has dimensions of thirty seven and a half (37.5) feet by seventy five (75) feet for a total area of two thousand eight hundred and twelve point five (2812.5) square feet. The proposed lot sizes are consistent with the requirements of LMC Section 15-2.16-5(A), which requires a minimum of eighteen hundred and seventy five (1875) square feet for a lot intended for a single-unit house.

The proposed Lot B, C and D will be accessed from Norfolk Avenue while the proposed Lot A will be accessed from both Empire Avenue and Norfolk Avenue.

The multi-unit housing complex known as the Innsbruck sits on proposed Lot A. None of the structures from this complex cross any of proposed Lot A's property boundaries. The structure complies with the setback requirement on the north side, between Lot A and Lot B. The required setback is ten (10) feet (LMC 15-2.16-3G) and the proposed setback is about twelve (12) feet. All other property lines surrounding Lot A currently exist and therefore issues of setbacks are not addressed.

This plat amendment is beneficial to the City as the proposal will result in a legal lot of record for existing structures, which currently are located atop property lines.

DEPARTMENTAL REVIEW

This application was reviewed at a Staff Review meeting in January, 2006. This report was reviewed by the Planning Department, the City Engineer, and the Legal Department prior to issuance in this packet.

NOTICING

The Planning Commission meeting for this application was legally noticed as required by the Land Management Code. The noticing for this Planning Commission includes publication in the Park Record, an on-site sign, and a courtesy letter to property owners within three hundred (300) feet. No public input has been received at the time of this report.

ALTERNATIVES

- The Planning Commission may forward a positive recommendation to City Council based on the Findings of Facts, Conclusions of Law, and Conditions of Approval found in the attached Ordinance; or
- The Planning Commission may forward a negative recommendation to City Council and direct Staff to prepare Findings to support this decision; or
- The Planning Commission may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant environmental or economic impacts associated with this plat amendment request.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION

The proposed Empire Park Lots A, B, C, and D would not be established and existing structures on the property would continue to bisect platted lot lines.

RECOMMENDATION

Staff recommends that City Council review the proposed plat amendment, conduct a public hearing and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the attached ordinance.

Ordinance No. 06-

AN ORDINANCE APPROVING THE EMPIRE PARK SUBDIVISION (LOTS 1, 2, 3, 4, 5, 6, 43, and 44 OF BLOCK 18 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY, LOCATED AT 1201 NORFOLK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 1201 Norfolk Avenue, has petitioned the City Council for approval of a Subdivision; and

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

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 4, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to establish four (4) lots of record; and

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

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

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

1) The property is within the RC zoning district.
2) The applicant owns Lot 1, 2, 3, 4, 5, 6, 39, 40, 41, 42, 43, and 44 of Block 18 of Snyder's Addition to the Park City Survey.
3) This plat amendment is with regard to Lots 1 through 6 of Block 18 of the Snyder's Addition to the Park City Survey.
4) The applicant is proposing to remove the lot lines between Lot 1 and Lot 2, Lot 2 and Lot 3, Lot 3 and Lot 4, Lot 4 and Lot 5, and Lot 5 and 6, Lot 44 and Lot 43 of Block 18, Snyder's Addition to the Park City Survey.
5) The applicant is proposing to create the Empire Park Subdivision which includes Lot A, B, C and D.
6) Lot A measures sixty two point five (62.5) feet along Norfolk Avenue and fifty (50) feet along Empire Avenue.
7) Lot A has a lot depth of one hundred and fifty (150) feet and a total area of eight thousand four hundred thirty seven (8,437.5) square feet.
8) Lot B and C measure twenty five (25) feet by seventy five (75) feet with total areas of eighteen hundred and seventy five (1875) square feet each.

9) Lot D measures thirty seven and a half (37.5) feet for a total area of two thousand eight hundred and twelve (2812) square feet.
10) All proposed lots meet the minimum lot size standards identified in the RC zoning district.
11) The resulting side yard setback between the existing structures on the proposed Lot A and Lot B is approximately twelve (12) feet.
12) Existing structures comply with the setback requirements of the RC zoning district.
13) Planning Commission forwarded a positive recommendation to City Council at the April 26, 2006 Planning Commission meeting.
14) All discussion within the Analysis section is incorporated herein.

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

1) There is good cause for this plat amendment.
2) Neither the public nor any person will be materially injured by the proposed plat amendment as there are no significant impacts associated with this proposal.
3) As conditioned the plat amendment is consistent with the Park City General Plan and Land Management Code, specifically as it relates to Land Use (Chapter V).

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

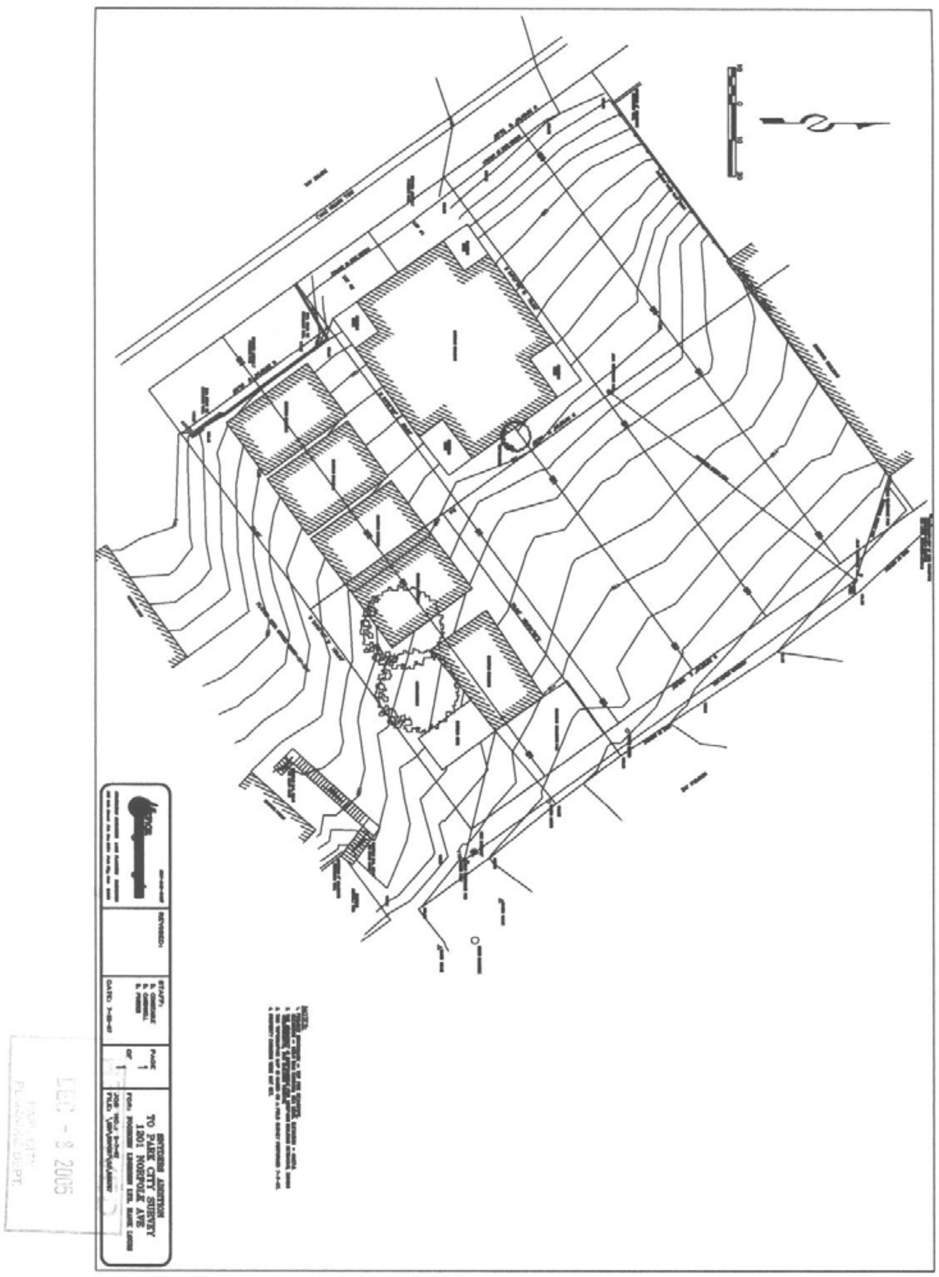
1) The City Attorney and City Engineer will review and approve of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2) No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
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 year's time, this approval and the plat will be void.
4) A financial guarantee for public improvements shall be satisfactorily in place prior to plat recordation, in an amount to be approved by the City Engineer and in a form to be approved by the City Attorney.
6) Fire protection deemed satisfactory by the Fire Chief is required prior to the issuance of building permits on Lots A, B, C, and D.

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

PASSED AND ADOPTED this 4th day of May, 2006.

Exhibit A: Existing Conditions (Survey)
Exhibit B: Proposed Plat
Exhibit C: County Plat Map

A:



B:

Empire Park Subdivision
A Lot Line Adjustment to Block 18, Snyders Addition to the Park City Survey

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned is a General Partner of Foghorn Leghorn, LTD., the owner of the hereon described Empire Park I Subdivision, Block 18, Snyder's Addition to the Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law.
Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has set his hand this _____ day of ____________, 2006.

By: ______________________________
Henry J. Louis
General Partner, Leghorn Foghorn, LTD.

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this ___ day of _____, 2006, Henry J. Louis personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is a General Partner of Foghorn Leghorn, LTD., that he has signed the above Owner's Dedication and Consent to Record on behalf of said Foghorn Leghorn, LTD., and that he executed this document in his capacity as General Partner as the act of said Foghorn Leghorn LTD., for the purpose set forth hereon.

My commission expires: ____________ ______________________________
NOTARY PUBLIC
RESIDING IN _______ COUNTY,_____

Legend

- Found Street Monument
- Found rebar & cap—LS 359005
- Found nail & washer—LS 359005
- Found 1/2" rebar—no cap
- 5/8" rebar & cap to be set

SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

__________ Date

__________ J.D. Galley RLS#359005

NARRATIVE

1. Survey requested by: Henry J. Louis.
2. Purpose of survey: lot line adjustment.
3. Basis of survey: found Street Monuments as shown. Block dimensions are from the Park City Monument Control Map by Bush & Gudgell, Inc. Recorded as Entry No. 197765 in the office of the Summit County Recorder. Subdivision of Block 18 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
4. Date of survey: November 21, 2005.
5. Property monuments found as shown.
6. Located in the Northwest Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.

LEGAL DESCRIPTIONS

Empire Park

Old Legal Description: All of Lots 1, 2, 3, 4, 5, 6, 43 & 44, Block 18, Snyder's Addition to The Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

Lot A

New Legal Description: Beginning at a point which is the southeasterly corner of Lot 1, Block 18, Snyder's Addition to The Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, said point also being the southeasterly corner of said Block 18, and running thence S 54°01' W along the southerly lot line of Lots 1 & 44 of said Block 18, 150.00 feet to the southwesterly corner of said Lot 44; thence N 35°59' W, along the westerly lot line of Lots 44 & 43 of said Block 18, 50.00 feet to the northwesterly corner of said Lot 43; thence N 54°01' E, along the line between Lots 43 and 42 of said Block 18, 75.00 feet to the corner common to Lots 2, 3, 42 & 43 of said Block 18; thence N 35°59' W, along the line common to said Lots 3 & 42, 12.50 to the mid point of said line; thence N 54°01' E, along the line between north half and the south half of said Lot 3, 75.00 feet to the mid point of the easterly line of said Lot 3; thence S 35°59' E, along the easterly line of Lots 3, 2 & 1, 62.50 feet to the point of beginning; containing 8,437.50 square feet, more or less.

Lot B

New Legal Description: Beginning at a point which is the mid point of the easterly line of Lot 3, Block 18, Snyder's Addition to The Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, said point also being on the westerly right of way line of Norfolk Avenue, and running thence S 54°01' W along the line between the north half and the south half of said Lot 3, 75.00 feet to the mid point of the westerly line of said Lot 3; thence N 35°59' W, along the line common to Lots 3, 4, 41 & 42 of said Block 18, 25.00 feet to the mid point of the westerly line of said Lot 4; thence N 54°01' E, along the line between the north half and the south half of said Lot 4, 75.00 feet to the mid point of the easterly line of said Lot 4 and the westerly right of way of Norfolk Avenue; thence S 35°59' E, along said westerly right of way, 25.00 feet, more or less, to the point of beginning; containing 1,875.00 square feet, more or less.

Lot C

New Legal Description: Beginning at a point which is the mid point of the easterly line of Lot 4, Block 18, Snyder's Addition to The Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, said point also being on the westerly right of way line of Norfolk Avenue, and running thence S 54°01' W along the line between the north half and the south half of said Lot 4, 75.00 feet to the mid point of the westerly line of said Lot 4; thence N 35°59' W, along the line common to Lots 4, 5, 40 & 41 of said Block 18, 25.00 feet to the mid point of the westerly line of said Lot 5; thence N 54°01' E, along the line between the north half and the south half of said Lot 5, 75.00 feet to the mid point of the easterly line of said Lot 5 and the westerly right of way of Norfolk Avenue; thence S 35°59' E, along said westerly right of way, 25.00 feet, more or less, to the point of beginning; containing 1,875.00 squar feet, more or less.

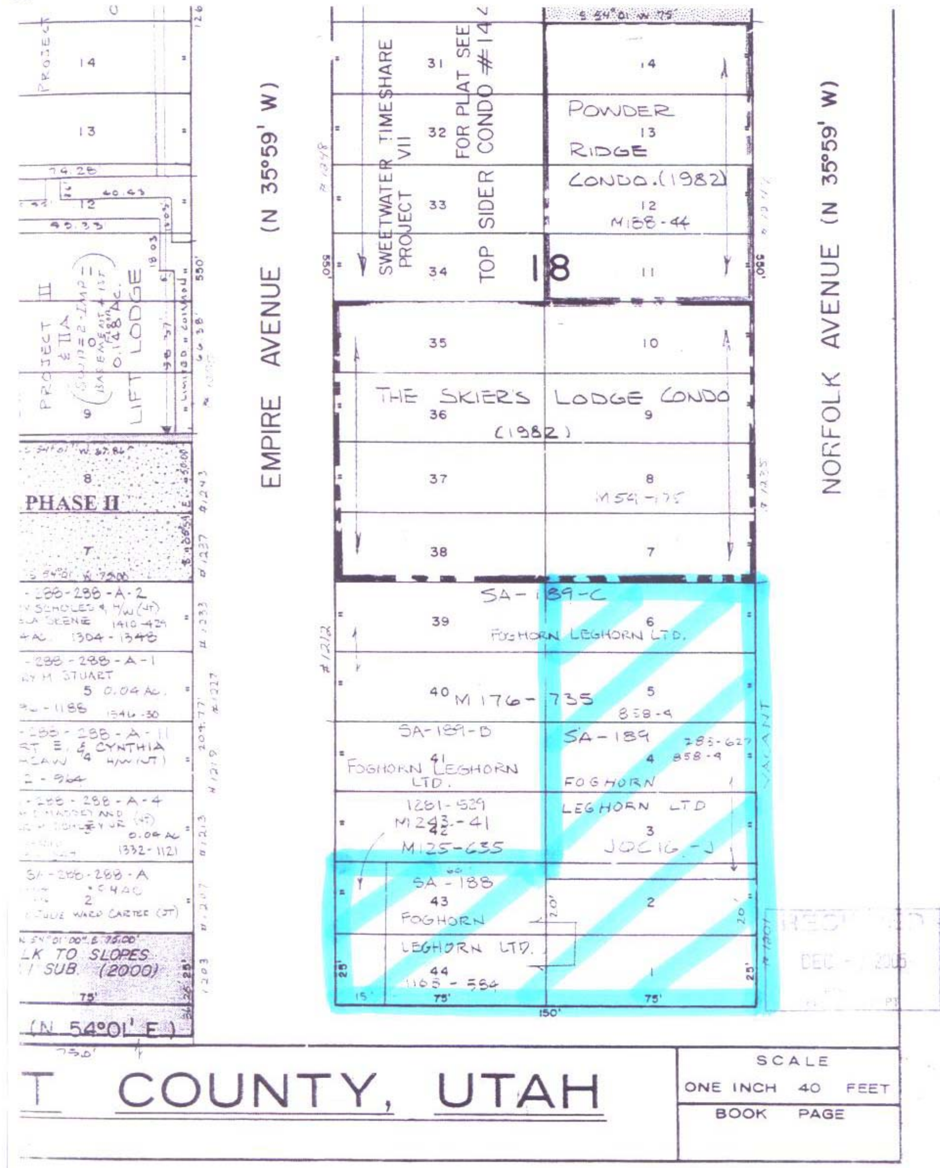
Lot D

New Legal Description: Beginning at a point which is the northeasterly corner of Lot 6, Block 18, Snyder's Addition to The Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, said point also being on the westerly right of way line of Norfolk Avenue, and running thence S 35°59' E along said westerly right of way and the easterly lines of said Lot 6 and Lot 5 of said Block 18, 37.50 feet to the mid point of the easterly line of said Lot 5; thence S 54°01' W along the line between the south half and the north half of said Lot 5, 75.00 feet to the mid point of the westerly line of said Lot 5; thence N 35°59" W along the line common to Lots 5, 6, 39 & 40 of said Block 18, 37.50 feet to the northwesterly corner of said Lot 6; thence N 54°01' E, along northerly line of said Lot 6, 75.00 feet, more or less, to the point of beginning; containing 2812.50 square feet, more or less.

Alpine Survey, Inc.	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
19 Prospector Dr. Park City, Utah 84060 (435) 655-8016	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF ________, 2006. BY ________ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2006 A.D. BY __________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF __________, 2006 A.D. BY __________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ______ DAY OF __________, 2006 A.D. BY __________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF __________, 2006 A.D. BY __________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF __________, 2006 A.D. BY __________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF __________ DATE ______ TIME ______ BOOK ______ PAGE ______ ______ FEE ______ RECORDER

C:

C:


EMPIRE AVENUE (N 35°59' W)
NORFOLK AVENUE (N 35°59' W)
SWEETWATER TIMESHARE PROJECT VII
FOR PLAT SEE TOP SIDER CONDO #14
POWDER RIDGE CONDO. (1982)
M188-44
18
THE SKIER'S LODGE CONDO (1982)
M54-175
SA-189-C
FOGHORN LEGHORN LTD.
M176-735
SA-189-D
FOGHORN LEGHORN LTD.
SA-189
FOGHORN LEGHORN LTD
SA-188
FOGHORN LEGHORN LTD.
1165-584
PHASE II
LIFT LODGE
PROJECT II
(N 54°01' E)
VACANT
150'
75'
25'
20'
T COUNTY, UTAH
SCALE
ONE INCH 40 FEET
BOOK PAGE

City Council
Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Author:	**Ray Milliner**
Subject:	**801 Park Avenue**
Date:	**April 26, 2006**
Type of Item:	**Administrative**

SUMMARY: Staff requests that the City Council review the proposed record of survey application, conduct a public hearing and approve it according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

DESCRIPTION

Project Name:	Parkwood Place Condominiums
Applicant:	David Belz
Representative:	Jeffery Kuhn
Location:	801 – 817 Park Avenue
Zone:	Historic Residential (HR-1) Historic Residential Commercial (HRC)

BACKGROUND

On February 6, 2006 the applicant submitted a Record of Survey Plat amendment application for an 8 unit condominium project for the Parkwood Place Condominiums. The property has frontage on both Park and Woodside Avenues and has two zoning designations (HRC to the east and HR-1 to the west). The Commission approved a Master Planned Development application for the property on April 30, 2005 and a development agreement on December 14, 2005. The applicant has submitted an application for historic design guideline review for the property that will be reviewed by staff prior to the issue of a building permit.

The purpose of a condominium record of survey plat is to identify private, limited common and common areas within the project. Recordation of a record of survey plat enables the owner to sell individual condominium units. This record of survey plat identifies 8 residential units.

ANALYSIS

The project is located at 801-817 Park Avenue, within the Park City limits. The property is zoned HR-1, Historic Residential and HRC, Historic Residential Commercial, and is subject to the 801-817 Park Avenue MPD. The proposed condominium locations are consistent with the zoning districts and the approved MPD. The record of survey plat is for the entire project. Primary access to the project is from Park and Woodside Avenues. The plat is consistent with the approved MPD, in terms of size and location of the buildings, proposed uses, and required parking. All conditions of approval of the 801-817 Park Avenue MPD approval continue to apply.

Staff finds that the record of survey plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with the approved Master Planned Development site plan and conditions of approval as well as all requisite Building and Land Management Code requirements.

DEPARTMENT REVIEW
This request was discussed at a Staff Review Meeting on April 11, 2006, where representatives from local utilities and City Staff were in attendance. No additional issues or concerns were identified.

NOTICE
The property was posted and notice was mailed to property owners within 300 feet on April 12, 2006. Legal notice was published in the Park Record on April 5, 2006.

ALTERNATIVES
1. The City Council may approve the Record of Survey Plat for the Parkwood Place Condominiums as conditioned, or
2. The City Council may deny the Record of Survey Plat for the Parkwood Place Condominiums and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the Record of Survey Plat for the Parkwood Place Condominiums.

SIGNIFICANT IMPACTS
There are no significant fiscal or environmental impacts from this application.

RECOMMENDATION
Staff requests that the City Council review the proposed record of survey application, conduct a public hearing and approve it according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Record of Survey plat

Ordinance No. 06-

AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE PARKWOOD PLACE CONDOMINIUMS, LOCATED AT 801-817 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as the Parkwood Place Condominiums, has petitioned the City Council for approval of the record of survey; and

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

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed amended record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 4, 2006 the City Council held a public hearing on the proposed amended record of survey; and

WHEREAS, the proposed record of survey plat allows the property owner to create an 8 unit condominium project; and

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

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

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

1. The property is located in the Historic Residential Commercial (HRC) and Historic Residential (HR-1) zones.
2. The HRC zone provides a transition in use and scale between the Commercial uses in the Historic Commercial Business zone and the HR-1 zone.
3. The HR-1 zone is characterized by a mix of contemporary residences and small historic homes.
4. The applicant is proposing an 8 unit development on a parcel 175’ wide and ranging from 129’ to 138’ deep. Four units are proposed as commercial / residential facing Park Avenue in the HRC zone and four units are proposed as residential in the HR-1 zone.
5. The entire site is approximately 23,043 square feet in size.
6. On May 11, 2005 the Planning Commission approved a Master Planned Development application for the project.
7. On December 14, 2005, the Planning Commission approved a development agreement for the property.

8. The location and design of the proposed structures is consistent with the approved MPD site plan and design.
9. No additional units are created by this record of survey amendment.
10. The applicant stipulates to the conditions of approval.

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

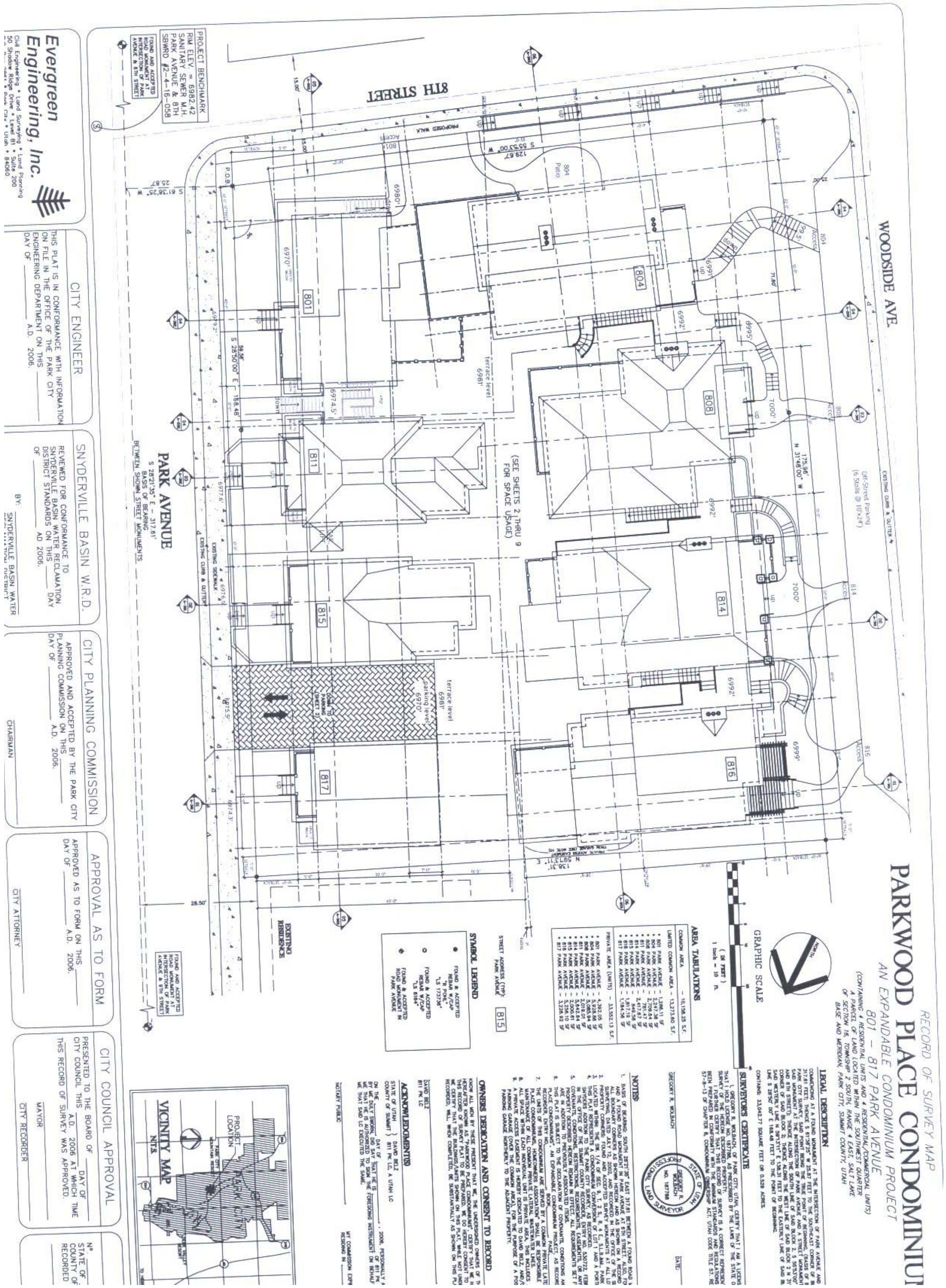
1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved 801-817 Park Avenue MPD Development Agreement.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCR's, as a condition subsequent to plat recordation.
3. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions of approval of the 801-817 Park Avenue MPD continue to apply.

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

PASSED AND ADOPTED this 4th day of May 2006.


RECORD OF SURVEY MAP
PARKWOOD PLACE CONDOMINIUM
AN EXPANDABLE CONDOMINIUM PROJECT
801 - 817 PARK AVENUE
WOODSIDE AVE.
8TH STREET
PARK AVENUE
(SEE SHEETS 2 THRU 9 FOR SPACE USAGE)
801
804
808
811
814
815
816
817
GRAPHIC SCALE
AREA TABULATIONS
SYMBOL LEGEND
LEGAL DESCRIPTION
SURVEYOR'S CERTIFICATE
NOTES
OWNERS DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGMENTS
VICINITY MAP
PROJECT BENCHMARK
Evergreen Engineering, Inc.
CITY ENGINEER
SNYDERVILLE BASIN W.R.D.
CITY PLANNING COMMISSION
APPROVAL AS TO FORM
CITY COUNCIL APPROVAL
CHAIRMAN
CITY ATTORNEY
MAYOR
CITY RECORDER

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

COMMON AREA –	5,609.85 SF
LIMITED COMMON –	413.56 SF
UNIT 801 –	272.86 SF
UNIT 804 –	8.16 SF
UNIT 808 –	12.65 SF
UNIT 811 –	65.42 SF
UNIT 814 –	12.65 SF
UNIT 815 –	--------
UNIT 816 –	12.65 SF
UNIT 817 –	29.17 SF
PRIVATE AREA –	10,093.33 SF
UNIT 801 –	1,807.93 SF
UNIT 804 –	1,714.49 SF
UNIT 808 –	965.03 SF
UNIT 811 –	1,069.03 SF
UNIT 814 –	1,096.64 SF
UNIT 815 –	1,136.58 SF
UNIT 816 –	1,040.23 SF
UNIT 817 –	1,263.40 SF

0 4' 8' 16'

A-100

PLOTTED: MARCH 14, 2006

RECEIVED
MAR 15 2006
PARK CITY
PLANNING DEPT.

SHEET 2 OF 9

PARKWOOD PLACE CONDOMINIUMS
BUILDING FLOOR PLANS
PARKING LEVEL

FOR: MR. DAVID BELZ

DWG: 0217_A-100.DWG

JOB NO. 0507

DESIGNED BY: EMA ARCH.
DRAWN BY: GRW
CHECKED BY: ADM/GRW

PROFESSIONAL LAND SURVEYOR
NO. 167788
GREGORY R. WOLBACH
STATE OF UTAH

REVISIONS		
DATE	BY	COMMENTS

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
50 Shadow Ridge Drive • Level B1 • Suite 200
P.O. Box 2861 • Park City • UT • 84060
Phone: 435-649-4667 • Fax: 435-649-9219
E-mail: office@evergreen-eng.com

HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

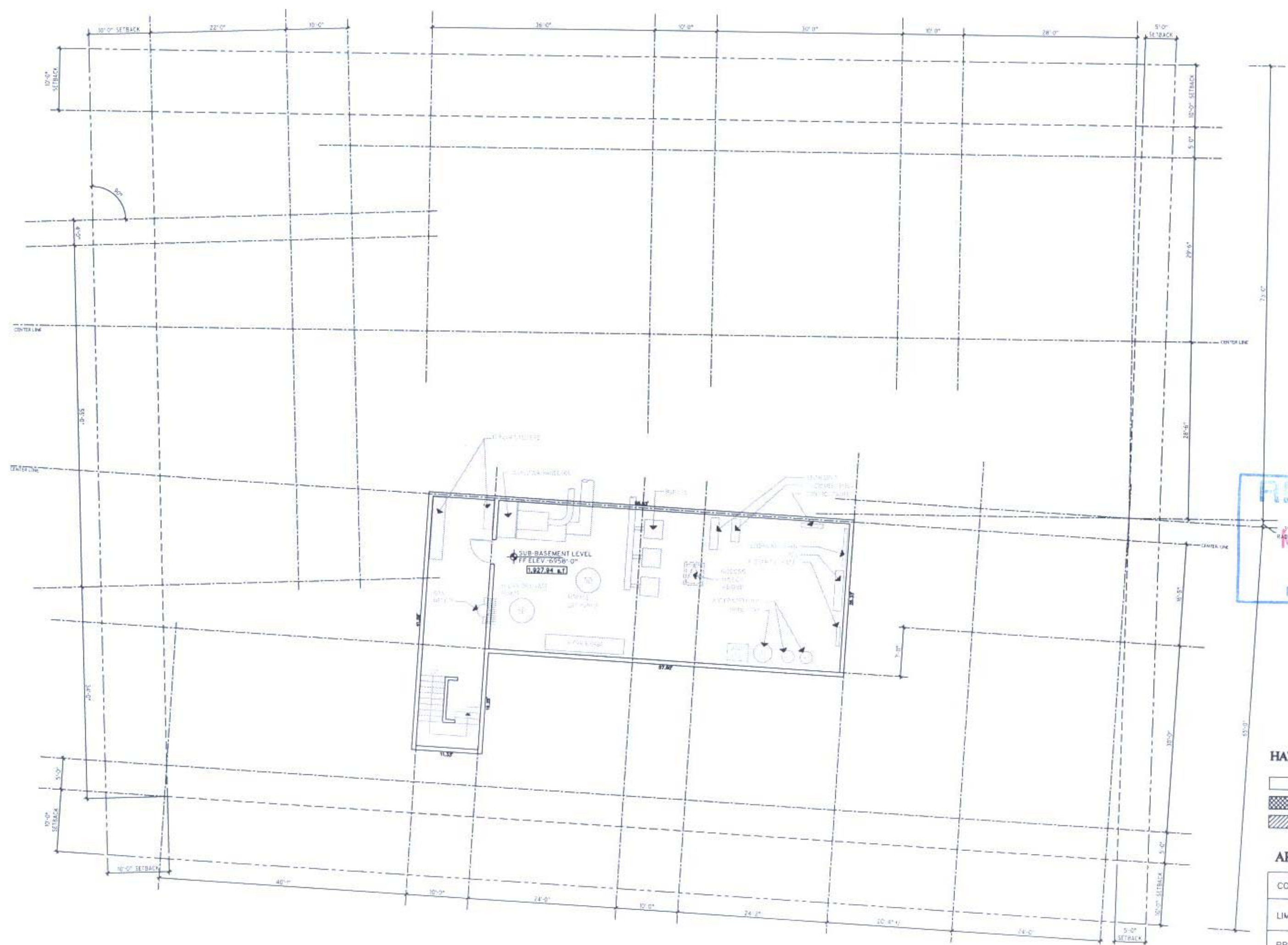
AREA TABULATIONS

COMMON AREA –	2,245.51
LIMITED COMMON –	6,834.56
UNIT 801 –	838.29
UNIT 804 –	500.62
UNIT 808 –	1,316.11
UNIT 811 –	696.05
UNIT 814 –	1,177.99
UNIT 815 –	849.58
UNIT 816 –	785.15
UNIT 817 –	670.77
PRIVATE AREA –	10,317.24
UNIT 801 –	1,395.96
UNIT 804 –	1,658.83
UNIT 808 –	1,371.54
UNIT 811 –	949.98
UNIT 814 –	1,494.00
UNIT 815 –	864.03
UNIT 816 –	1,351.38
UNIT 817 –	1,231.52

A-10


8th STREET
RECEIVED
MAR 15 2006
PARK CITY
PLANNING DEPT.
HATCHING LEGEND
COMMON AREA
LIMITED COMMON AREA
PRIVATE AREA
AREA TABULATIONS
COMMON AREA – 282.46 SF
LIMITED COMMON – 3,241.74 SF
UNIT 801 – 174.96 SF
UNIT 804 – 1,300.60 SF
UNIT 808 – 478.11 SF
UNIT 811 – ––––––
UNIT 814 – 460.03 SF
UNIT 815 – ––––––
UNIT 816 – 343.42 SF
UNIT 817 – 484.62 SF
PRIVATE AREA – 7,888.91 SF
UNIT 801 – 1,188.16 SF
UNIT 804 – 1,648.97 SF
UNIT 808 – 1,365.33 SF
UNIT 811 – ––––––
UNIT 814 – 1,516.00 SF
UNIT 815 – ––––––
UNIT 816 – 1,438.45 SF
UNIT 817 – 732.00 SF
A-102


8th STREET
HATCHING LEGEND
COMMON AREA
LIMITED COMMON AREA
PRIVATE AREA
AREA TABULATIONS
PARK CITY
PLANNING DEPT.



RECEIVED
MAR 15 2006
PARK CITY
PLANNING DEPT.

HATCHING LEGEND

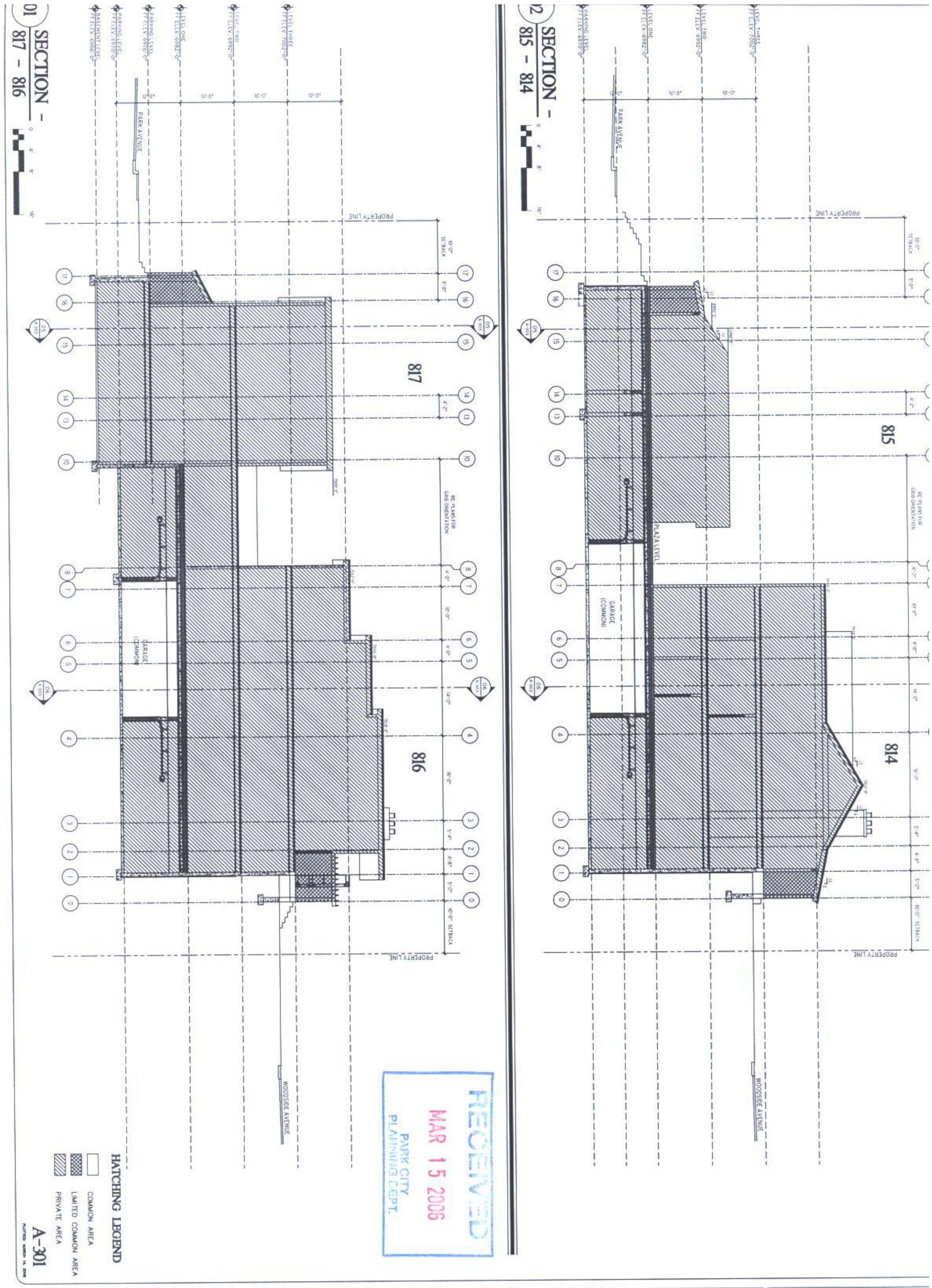
- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

COMMON AREA –	1,927.94 SF
LIMITED COMMON –	-------
PRIVATE AREA –	-------

A-099

PLOTTED: MARCH 13, 2006



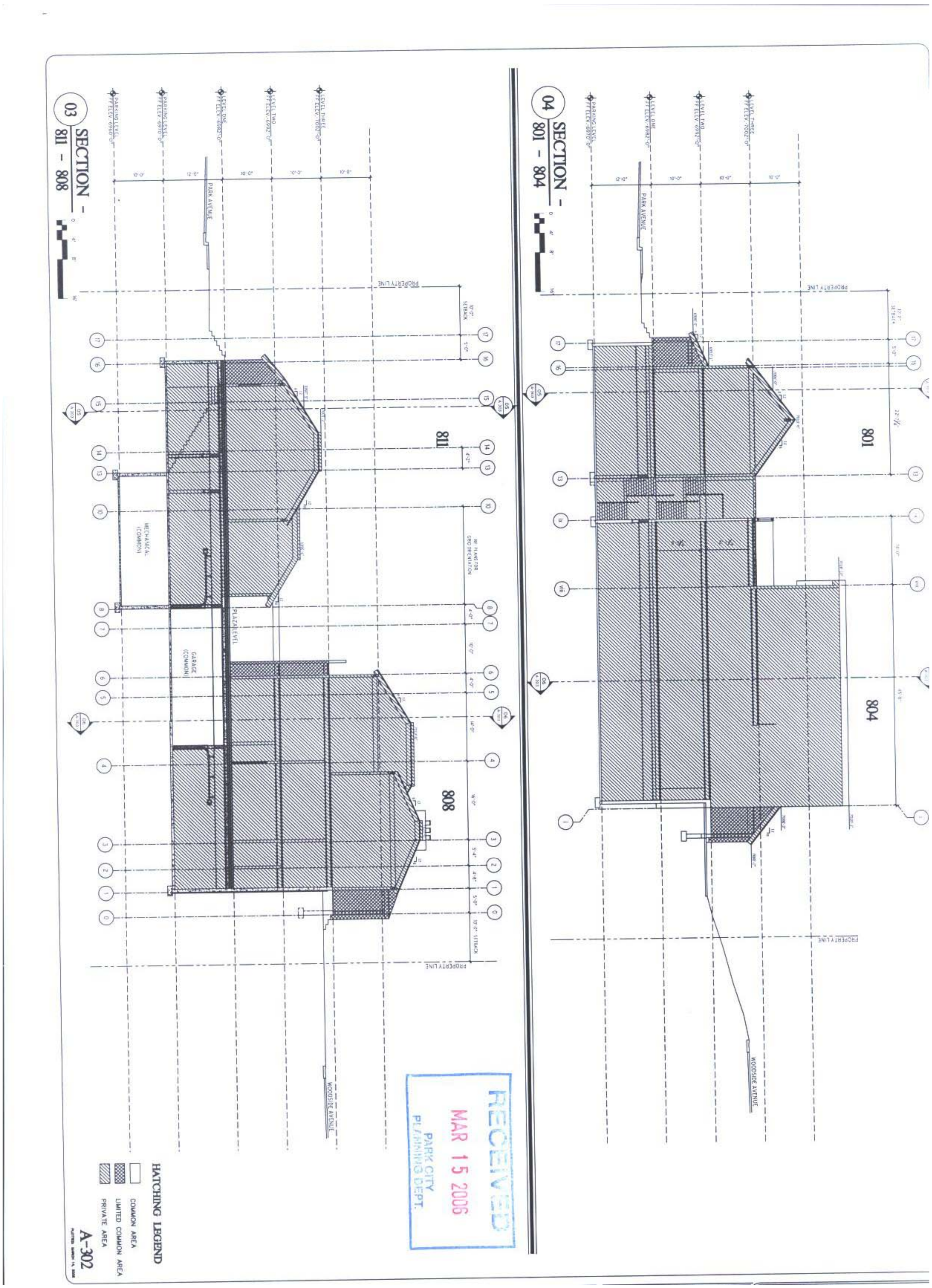
PARKWOOD PLACE CONDOMINIUMS
BUILDING SECTIONS
816–817 AND 814–815

DESIGNED BY: EMA ARCH
DRAWN BY: GRW
CHECKED BY: ADM/GRW

DATE	BY	REVISIONS COMMENTS

Evergreen Engineering, Inc.
Civil Engineering * Land Surveying * Land Planning
50 Shadow Ridge Drive * Level B1 * Suite 200

SHEET 7 OF


03 SECTION - 811 - 808
04 SECTION - 801 - 804
PARK AVENUE
WOODSIDE AVENUE
PROPERTY LINE
MECHANICAL (COMMON)
GARAGE (COMMON)
PLAZA LEVEL
811
808
801
804
HATCHING LEGEND
COMMON AREA
LIMITED COMMON AREA
PRIVATE AREA
A-302
RECEIVED
MAR 15 2006
PARK CITY PLANNING DEPT.

City Council Staff Report

Author: Ray Milliner
Subject: 41 Sampson Avenue
Date: May 4, 2006
Type of Item: Plat Amendment

PARK CITY 1884

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

DESCRIPTION

Project Name:	Donnelly Subdivision
Representative:	Jonathan DeGray
Owner of Property:	Tim Donnelly
Location:	41 Sampson
Zone:	Historic Residential Low (HRL)

BACKGROUND

On July 2, 2003 the applicant submitted a plat amendment to combine portions of lots 48, 49, 50, 51 and 52 of Block 78 of the Millsite Reservation to the Park City Survey into one lot of record, the plat amendment is for the purpose of renovating and building an addition to an existing historic home.

The property is accessed from Sampson Avenue. The prescriptive Sampson Avenue covers approximately 8 feet of the front of the site, and is supported by a retaining wall that concurrently serves as a foundation wall for the existing historic home.

There is an existing shed that encroaches onto two other adjacent properties. The applicant plans to remove this shed as part of the renovation of the historic house.

ANALYSIS

The property is located in the HRL zone. The proposed plat amendment will create a single lot of approximately 7,422 square feet and a maximum building footprint of 2,447 square feet (the existing building has a footprint of approximately 850 square feet), with 10 foot setbacks in the front and rear and 10 feet each side with a total of 24 feet setbacks on the sides. The maximum height for the zone is 27 feet above existing grade.

The retaining wall that supports Sampson Avenue and the front foundation of the existing historic home is in disrepair, and the Chief Building Official has determined that it is in need of replacement. Because the wall supports both the City's prescriptive right-of-way and portions of the home, the applicant requested that the City Council consider sharing the cost of rebuilding the wall. In June of 2005, the Council granted the request and appropriated $55,000 to the capital improvement fund to share in the rebuild of the wall.

Review and approval of all proposed rebuild plans for the wall (including the selection of a contractor) will be done by the City Engineer, Planning Director and Chief Building Official.

To formalize the prescriptive Sampson Avenue right-of-way, the applicant is requesting that the Council approve an access and utility easement along the front of the property.

Staff finds that there is good cause for the proposed plat amendment as it will enable the reconstruction of the existing retaining wall that has been determined to be in disrepair. Staff further finds that no member of the public will be materially harmed by the project as any future development on the property will be within the parameters of the existing Land Management Code, and International Building Code.

NOTICE
Notice of this hearing was sent to property owners within 300' on April 12, 2006. Staff has received no comments from the public at the time of this writing.

ALTERNATIVES

1. The City Council may approve the Donnelly Subdivision as conditioned or amended, or
2. The City Council may deny the Donnelly Subdivision and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the Donnelly Subdivision.

SIGNIFICANT IMPACTS
There are no significant fiscal or environmental impacts from this application. If the existing wall supporting both the house and prescriptive Sampson Avenue r-o-w were to further deteriorate, there may be a significant fiscal impact to the City.

DEPARTMENT REVIEW
The Planning, Engineering and Building Departments have reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting, where representatives from local utilities and City Staff were in attendance. No additional issues were raised.

RECOMMENDATION
Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment
Exhibit C – Survey of Property

Ordinance No. 06-

AN ORDINANCE APPROVING THE DONNELLY SUBDIVISION, COMBINING PORTIONS OF LOTS 48, 49, 50, 51 AND 52 OF BLOCK 78 OF THE MILLSITE RESERVATION TO THE PARK CITY SURVEY, LOCATED AT 41 SAMPSON AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 41 Sampson Avenue, has petitioned the City Council for approval of a Subdivision; and

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

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on May 4, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to combine portions of five lots into one lot of record; and

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

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

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

1. The property is located in the Historic Residential Low Density (HRL) zone.
2. The HRL zone is a residential zone characterized by a mix of larger contemporary residences and smaller historic homes.
3. The amendment will combine portions of lots 48, 49, 50, 51 and 52 of Block 78 of the Millsite Reservation to the Park City Survey into one lot of record.
4. There is an existing shed on the property.
5. There is a historically significant home on the property.
6. There is a retaining wall on the property that supports Sampson Avenue and provides the front foundation for the existing historic home.
7. In June of 2005, the Council appropriated $55,000 to the capitol improvement fund to share in the rebuild of the wall.
8. The Sampson Avenue covers approximately 8 feet of the front of the site.
9. Access to the home is from Sampson Avenue.
10. The proposed lot size is 7,422 square feet.

11. The maximum building footprint for a 7,422 square foot lot is 2,447 square feet.
12. No remnant lots will be created as a result of this application.

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

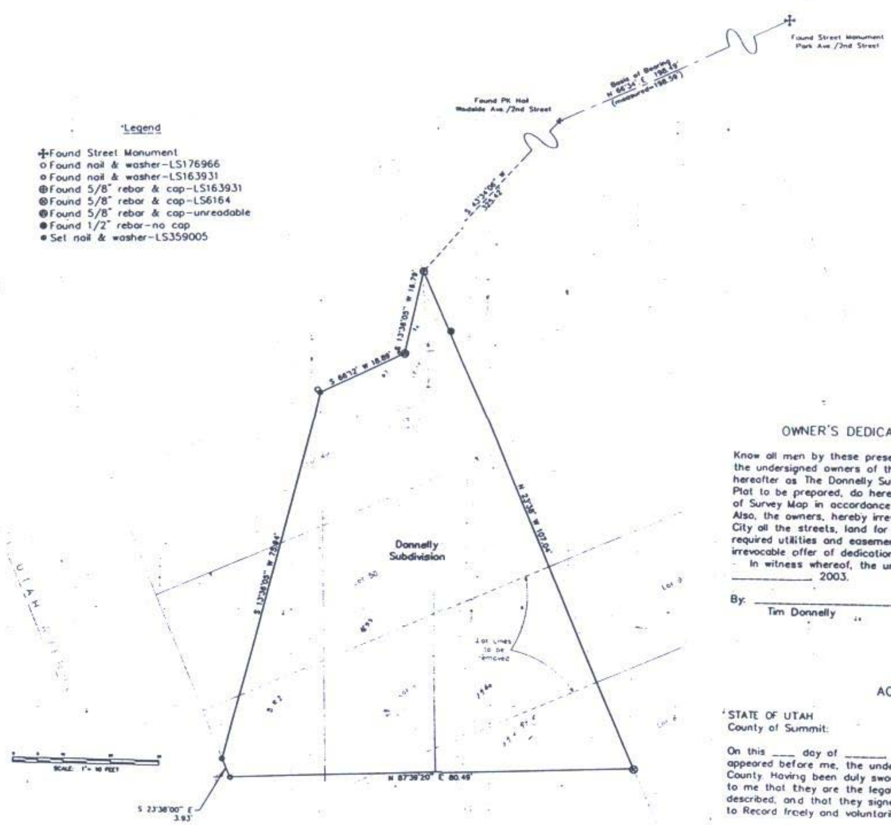
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with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

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. A non-exclusive public utility and public access easement shall be dedicated on the plat for the existing Sampson Avenue prescriptive right-of-way.
3. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines, and resolve any existing encroachment issues.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. 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 year's time, this approval and the plat will be void.
6. No remnant lots are developable.

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

Donnelly Subdivision, Block 78 Millsite Reservation to The Park City Survey



NARRATIVE

1. Survey requested by: Tim Donnelly & Erin B Donnelly
2. Basis of survey: found Street Monuments as shown
3. Date of survey: June 27, 2003
4. Property monuments set or found as shown
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
7. See the official plats of The Park City Survey for other possible easements, restrictions or setbacks
8. For the previous survey of the property see Record of Survey File No. S-2534 on file in the office of the Summit County Recorder.
9. The boundary was computed according to the description found in the Commitment for Title Insurance No. 2138901 by Equity Title Agence, Park City, Utah.

LEGAL DESCRIPTION

Beginning at a point N 86°02'50" W, 30.02 feet from the Easternmost corner of Lot 7, Block 78, Millsite Reservation to the Park City Survey, thence S 85°54'50" W 51.35 feet to the true point of beginning, said point being on the Northeasterly line of Lot 52 of said Block 78; and running thence N 23°38' W, along the Easterly line of Lots 52 through 48 of said Block 78, 107.04 feet; thence S 13°36'05" W, 16.79 feet to the Northerly line of Lot 49 of said Block 78; thence S 66°12' W, along said Northerly line of Lot 49, 18.89 feet; thence S 13°36'05" W, 75.94 feet to a point on the Westerly line of Lot 51 of said Block 78; thence S 23°38' E, along said Westerly line of Lot 51, 3.93 feet; thence N 87°39'20" E, 80.49 feet to the true point of beginning; containing 0.106 acres, more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that we, Tim Donnelly & Erin B. Donnelly, the undersigned owners of the hereon described tract of land, to be known hereafter as The Donnelly Subdivision, having caused this Amended Lotline Plat to be prepared, do hereby consent to the recordation of this record of Survey Map in accordance with Utah Law.
Also, the owners, 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 in accordance with an irrevocable offer of dedication.
In witness whereof, the undersigned set their hand this________day of __________ 2003.

By: ______________________ ______________________
Tim Donnelly Erin B. Donnelly

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this ___ day of ______ 2003, Tim Donnelly & Erin B Donnelly personally appeared before me, the undersigned Notary Public, in and for said State & County. Having been duly sworn, Tim Donnelly & Erin B. Donnelly acknowledged to me that they are the legal owners of The Donnelly Subdivision as hereon described, and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: __________ ______________________
NOTARY PUBLIC
RESIDING IN ______ COUNTY.____

SURVEYOR'S CERTIFICATE

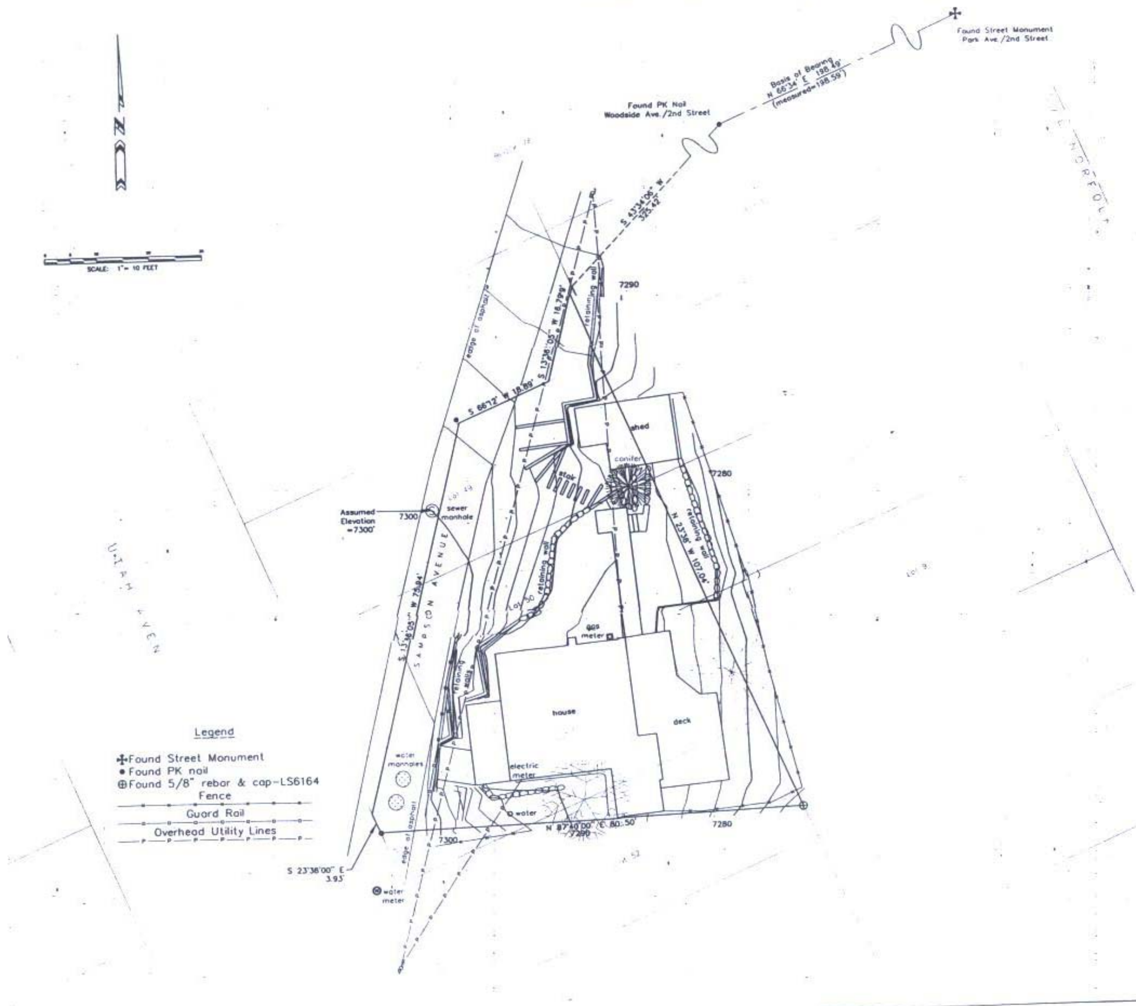
I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

RECEIVED JUN 25 2003 PARK CITY PLANNING DEPT.

__________ ______________________
Date J.D. Gailey RLS#359005

Alpine Survey, Inc. 19 Prospector Dr. Park City, Utah 84060 (435) 655-8016	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF ______ 2003. BY ______ SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ______ 2003 A.D. BY ______ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ______ 2003 A.D. BY ______ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ______ 2003 A.D. BY ______ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ______ 2003 A.D. BY ______ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ______ 2003 A.D. BY ______ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ______ RECORDER

A Portion of Lots 48 52, Block 78 Millsite Reservation to The Park City Survey



NARRATIVE

1. Survey requested by: Tim Donnelly.
2. Purpose of survey: locate the impovements and the topographic relief; survey conducted with 1 foot of snow cover
3. Basis of survey: found street monuments as shown.
4. Date of survey: March 14, 2003.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. See the official plats of The Park City Survey for other possible easements ahd restrictions.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. For the previous survey of the property see Record of Survey File No. S-2534 on file in the office of the Summit County Recorder.
9. An assumed elevation of 7300.00 feet was assigned to the sewer manhole lid west of the property as shown.

LEGAL DESCRIPTION

Parcel 1

Beginning at a point N 86°02'50" W, 30.02 feet from the Easternmost corner of Lot 7, Block 78, Millsite Reservation to the Park City Survey, thence S 85°54'50" W 51.35 feet to the true point of beginning, said point being on the Northeasterly line of Lot 52 of said Block 78; and running thence N 23°38' W, 94.18 feet to the Northernmost corner of Lot 49; thence S 66°34' W, 34.02 feet along the Northwesterly line of Lot 49; thence S 13°36'05" W, 67.73 feet to a point on the Southwesterly line of Lot 51; thence along said Southwesterly line S 23°38' E, 11.15 feet; thence N 87°40' E, 80.50 feet to the true point of beginning.

Less and excepting therefrom:

Beginning at a point which lies N 66°34' E, 40.98 feet from the most Southerly corner of Lot 48, Block 78 of the Millsite Reservation to Park City, Utah, and running thence N 66°34' E, 4.97 feet; thence S 13°36'05" W, 75.93 feet; thence N 23°38' W, 6.57 feet; thence N 13°36'05" E, 67.73 feet to the point of beginning.

Parcel 2

Beginning at the Southeast corner of Lot 48, Block 78, Millsite Reservation to Park City as recorded in Summit County, and running thence S 66°34' W along the Southerly line of Lot 48, a distance of 10.16 feet; thence leaving said Southerly line and going N 13°36'05" E, 16.79 feet to the Easterly line of Lot 48; thence S 23°48' E along said Easterly line 13.40 feet to the point of beginning.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

March 19, 03
Date

J.D. Gailey LS 359005

STATE OF UTAH — J.D. GAILEY — 359005

Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

RECEIVED

City Council
Staff Report

Author: Brooks T. Robinson
Subject: Red Cloud Plat Amendment
Date: May 4, 2006

PLANNING DEPARTMENT

Summary Recommendations

The Planning Staff requests that the City Council open the public hearing on the Amendment to Lots 1, 2, 3, and 4 of the Red Cloud subdivision. Staff has provided Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance.

Topic

Applicant	United Park City Mines / Talisker Corp.
Location	Village at Empire Pass, Red Cloud subdivision
Zoning	Estate (E)- MPD as part of the Flagstaff Master Planned Development (MPD)
Adjacent Land Uses	Deer Valley Resort ski terrain, unincorporated Wasatch County

Background

On June 24, 1999, Council adopted Ordinance 99-30 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Ordinance 99-30 granted the equivalent of a" large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

The Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forwards a recommendation to Council on subdivision plats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which any MPD and preliminary/final plat will be reviewed.

On November 11, 2004, the City Council approved the Red Cloud subdivision for 30 single-family lots. Red Cloud was known as Pod D of the Flagstaff Mountain Annexation.

The City received on February 24, 2006, a completed application for a plat amendment affecting lots 1-4 and the private road adjacent to these lots. The developer, United Park City Mines Company, still retains ownership of all lands within the plat amendment. The plat amendment revises the location of the private road, Red Cloud Trail, shifting it further north and away from the Wasatch County line (see Exhibit B). A one-foot protection strip is also platted along the property line with Wasatch County.

On April 26, 2006, the Planning Commission held a public hearing on this amendment and forwarded a positive recommendation.

Analysis

Red Cloud is zoned Estate within the Flagstaff Mountain Annexation and Master Planned Development (E-MPD). The four proposed lots range in size from 1.22 acres to 2.72 acres, which is similar to the previously approved lot sizes and the rest of the Red Cloud subdivision. The owner/developer retains two parcels (A and B) that are adjacent to Wasatch County. Each building lot has a building pad that will be field located based on the requirements established in the Red Cloud subdivision. These lots are subject to the original plat notes of the Red Cloud subdivision.

The plat also designates the 30-foot setback from property lines as required within the Estate zone.

In conjunction with obtaining an encroachment permit for the private road from UDOT, United Park City Mines consulted Wasatch County and the Commission suggested a different alignment of the road away from the County border. The 1-foot protection strip along the County line restricts road access without the formal approval of both Park City and Wasatch County. The lot and home sizes remain substantially the same.

Staff finds the proposed plat amendment complies with the requirements of Land Management Code section15-7 Subdivisions.

Department Review

This project has gone through an interdepartmental review. No additional issues have been raised.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No specific input has been received by the time of this report, although an adjacent property owner, Mayflower Stichting, has previously appealed and/or objected to other aspects of this project.

Alternatives

- The City Council may approve the Red Cloud plat amendment with the conditions stated, or modify the conditions, or

- The City Council may deny the Red Cloud plat amendment and direct staff to prepare findings supporting this recommendation, or

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

Significant Impacts

Staff finds no significant fiscal or environmental impacts to this application.

Consequences of Not Taking Recommended Action

The plat would remain as is. Wasatch County has raised concerns about the location of road as previously platted as it may be construed to provide access into Wasatch County.

Recommendation

The Planning Staff requests that the City Council open the public hearing on the Amendment to Lots 1, 2, 3, and 4 of the Red Cloud subdivision. Staff has provided Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance.

Exhibits

Exhibit A – Proposed plat
Exhibit B – Existing plat

Ordinance No. 06-

AN ORDINANCE APPROVING THE AMENDMENT TO LOTS 1, 2, 3, AND 4 OF THE RED CLOUD SUBDIVISION, PARK CITY, UTAH.

WHEREAS, the owners of the property known as lots 1, 2, 3, and 4 of the Red Cloud subdivision have petitioned the City Council for approval of a plat amendment to said lots and the private road adjacent to said lots; 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 26, 2006, to receive input on the amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision;

WHEREAS, the Planning Commission, on April 26, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on May 4, 2006, the City Council approved the amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision.

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

SECTION 1. APPROVAL. The amendment to lots 1, 2, 3, and 4 of the Red Cloud subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Red Cloud Subdivision Plat is located in the Estate (E) zoning district as part of the Flagstaff Mountain Annexation and Master Planned Development (MPD).
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.

4. On November 11, 2004, the City Council approved the Red Cloud subdivision for 30 single-family lots. Red Cloud was known as Pod D of the Flagstaff Mountain Annexation.
5. The City received on February 24, 2006, a completed application for a plat amendment affecting lots 1-4 and the private road adjacent to these lots. The developer, United Park City Mines Company, still retains ownership of all lands within the plat amendment.
6. The plat amendment revises the location of the private road, Red Cloud Trail, shifting it further north and away from the Wasatch County line (see Exhibit B). A one-foot protection strip is also platted along the property line with Wasatch County.
7. The four proposed lots range in size from 1.22 acres to 2.72 acres, which is similar to the previously approved lot sizes and the rest of the Red Cloud subdivision. The owner/developer retains two parcels (A and B) that are adjacent to Wasatch County.
8. Each building lot has a building pad that will be field located based on the requirements established in the Red Cloud subdivision. These lots are subject to the original plat notes of the Red Cloud subdivision.
9. The plat also designates the 30-foot setback from property lines as required within the Estate zone.
10. The proposed lot layout is in conformance with requisite Subdivision Code road requirements and designs inasmuch as access is by means a street designed to City standards; the proposed roads are designed to relate to the existing topography without need for excessive grading; and secondary access is provided.
11. The subject lots front Red Cloud Trail. No other streets in Summit County are named Red Cloud Trail, therefore confusion in street naming is not likely to occur.
12. The applicant stipulates to installing and maintaining all necessary street signs within the subdivision.
13. The applicant has stipulated to installing all necessary street lights within the subdivision.
14. Land Management Code Section 15-7-3-4(E) permits the creation of a protection strip adjacent to a proposed street in such a manner as to deny access from an adjacent property to such street. The 1-foot protection strip along the County line is proposed on the subdivision plant which restricts road access without the formal approval of both Park City and Wasatch County.
15. Staff finds the proposed plat amendment complies with the requirements of Land Management Code section15-7 Subdivisions.

<u>Conclusions of Law</u>

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Flagstaff Annexation and Development Agreement, the Village at Empire Pass Master Plan Development, Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. All original conditions and plat notes of the Red Cloud subdivision approved November 11, 2004, continue to apply.
2. City Engineer approval of a utility and infrastructure plan is a condition precedent to the plat recordation.
3. Both utility lines and ski trails shall be routed in existing clearings and common utility corridors to the greatest extent practical upon the City Engineer's approval.
4. The proposed over-length cul de sac that is Red Cloud Trail will have a secondary emergency access from the end of Red Cloud Trail. The emergency access will continue as a minimum 20-foot wide all-weather surface road. This emergency access road and all connections and private road construction below SR-224 must be installed prior to building permit issuance for any of the single-family homes within the subdivision.
5. A Construction Mitigation Plan, including truck routing, is a submittal requirement for each Building Permit and for the Red Cloud Subdivision infrastructure.
6. A financial security to guarantee the installation of public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer. All street improvements are privately maintained.

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

PASSED AND ADOPTED this 4th day of May, 2006.

Exhibits

Exhibit A – Record of Survey plat

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as AMENDMENT TO LOTS 1, 2, 3 AND 4, RED CLOUD SUBDIVISION and that the same has been correctly surveyed on the ground as shown on this plat.

DATE ______ JOHN DEMKOWICZ ______

BOUNDARY DESCRIPTIONS

A parcel of land comprised of Lots 1, 2, 3, 4 and a portion of the private right-of-way known as Red Cloud Trail of the Red Cloud Subdivision Record of Survey Plat, recorded January 27, 2005 as #724721 in the office of the recorder, Summit County, Utah, located in the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°24'56" East 1058.85 feet along section line and South 338.01 feet from the northwest corner of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being the southwest corner of Lot 7, Red Cloud Subdivision, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded January 27, 2005 as #724721; and running thence North 76°12'43" East 164.38 feet; thence South 53°58'42" East 121.89 feet; thence South 22°03'19" East 86.49 feet; thence South 40°22'52" East 50.00 feet to a point on a non tangent curve to the left having a radius of 175.00 feet, of which the radius point bears South 40°22'52" East; thence southwesterly along the arc of said curve 101.46 feet through a central angle of 33°13'10"; thence South 16°23'58" West 201.56 feet; thence South 37°34'45" East 421.42 feet; thence South 54°41'12" West 119.26 feet; thence South 88°54'12" West 344.13 feet; thence North 82°53'47" West 231.41 feet to a point on a curve to the right having a radius of 1275.00 feet, of which the radius point bears North 07°06'13" East; thence along the arc of said curve 147.29 feet through a central angle of 06°37'08"; thence North 13°43'21" East 50.00 feet to a point on a non tangent curve to the right having a radius of 50.00 feet, of which the radius point bears North 13°43'21" East; thence northerly along the arc of said curve 107.22 feet through a central angle of 122°51'58"; thence North 46°35'19" East 192.32 feet to a point on a curve to the left having a radius of 625.00 feet, of which the radius point bears North 43°24'41" West; thence along the arc of said curve 394.15 feet through a central angle of 36°08'00"; thence North 10°27'20" East 165.38 feet to a point on a curve to the right having a radius of 215.00 feet, of which the radius point bears South 79°32'40" East; thence along the arc of said curve 13.74 feet through a central angle of 03°39'38" to the point of beginning.

Description contains 9.03 acres.

OWNER RETAINED PARCEL A

A parcel of land located in the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the easternmost corner of Lot 1, Red Cloud Subdivision, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded January 27, 2005 as #724721; and running thence along the boundary of said Red Cloud Subdivision the following seven (7) courses: 1) South 54°41'12" West 119.26 feet; thence 2) South 88°54'12" West 344.13 feet; thence 3) North 82°53'47" West 231.41 feet to a point on a curve to the right having a radius of 1275.00 feet, of which the radius point bears North 07°06'13" East; thence 4) along the arc of said curve 147.29 feet through a central angle of 06°37'08"; thence 5) North 13°43'21" East 50.00 feet to a point on a non tangent curve to the right having a radius of 50.00 feet, of which the radius point bears North 13°43'21" East; thence 6) northerly along the arc of said curve 107.22 feet through a central angle of 122°51'58"; thence 7) North 46°35'19" East 33.12 feet to a point on a non tangent curve to the left having a radius of 100.00 feet, of which the radius point bears North 76°35'19" East; thence southeasterly along the arc of said curve 121.19 feet through a central angle of 69°26'20"; thence South 82°51'01" East 100.53 feet to a point on a curve to the left having a radius of 240.00 feet, of which the radius point bears North 07°08'59" East; thence along the arc of said curve 78.00 feet through a central angle of 18°37'13"; thence South 01°53'27" West 112.12 feet; thence South 82°53'47" East 103.37 feet; thence North 88°54'12" East 194.07 feet; thence North 63°08'32" East 243.42 feet to a point on the northeasterly boundary of said Lot 1, Red Cloud Subdivision; thence South 37°34'45" East 49.42 feet to the point of beginning.

OWNER RETAINED PARCEL B

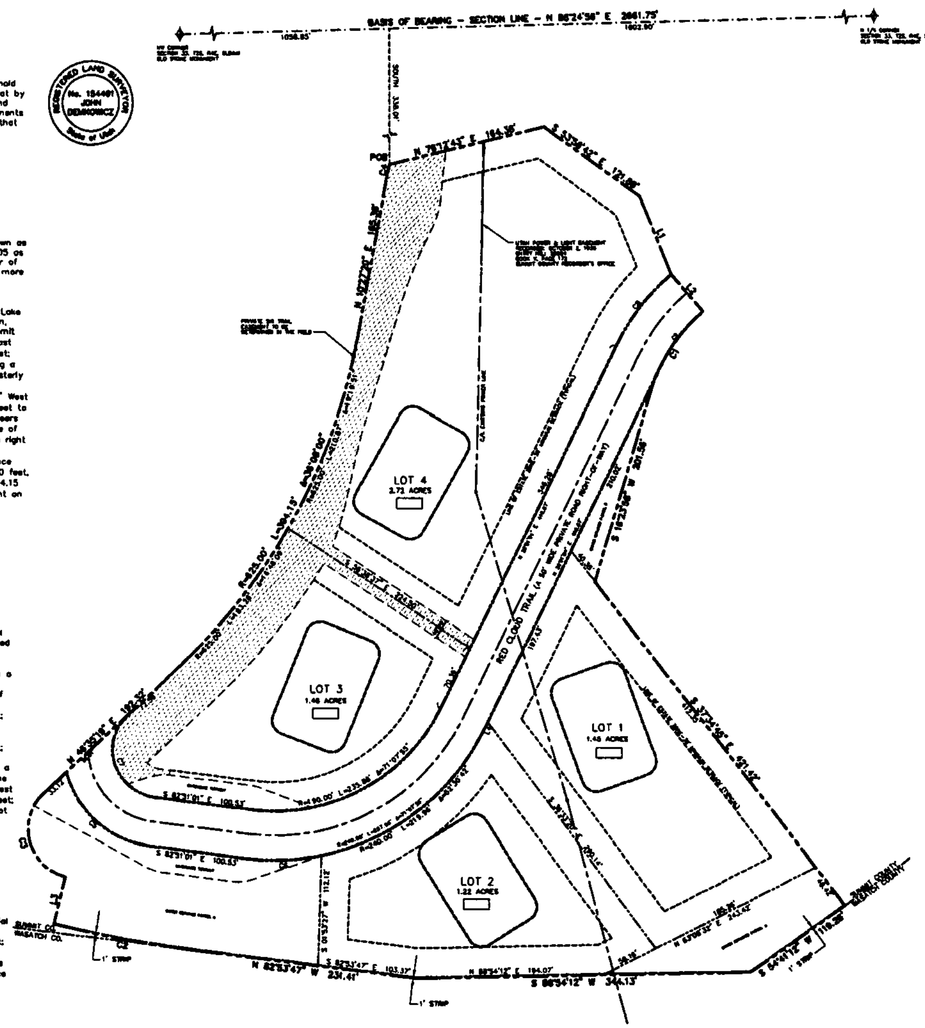
A parcel of land located in the northwest quarter of Section 33, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the northernmost corner of Lot 1, Red Cloud Subdivision, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, recorded January 27, 2005 as #724721; and running thence North 37°34'45" West 40.35 feet; thence North 26°01'04" East 210.02 feet to a point on a non tangent curve to the left having a radius of 175.00 feet, of which the radius point bears South 63°58'56" East; thence southerly along the arc of said curve 29.38 feet through a central angle of 09°37'06"; thence South 16°23'58" West 201.56 feet to the point of beginning.

NOTES

1. All notes shown on Sheet 4 of RED CLOUD SUBDIVISION recorded on January 27, 2005 as entry no. 724721 are applicable to this plat.

2. The 1' strip as depicted herein along the south boundary of this subdivision plat is subject to the following restriction: no road may be constructed across said strip without the formal approval of Park City Municipal Corporation and Wasatch County.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 22°03'19" E	86.49
L2	S 40°22'52" E	50.00
L3	N 13°43'21" E	50.00
L4	S 26°01'04" W	9.22

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	175.00	101.46	33°13'10"
C2	1275.00	147.29	6°37'08"
C3	50.00	107.22	122°51'58"
C4	215.00	13.74	3°39'38"
C5	100.00	121.19	69°26'20"
C6	240.00	78.00	18°37'13"
C7	50.00	112.96	129°26'20"
C8	225.00	92.68	23°36'04"
[illegible]	[illegible]	[illegible]	[illegible]

60' 0 60' 120'

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned is the owner of the herein described tract of land, and hereby causes the same to be divided into lots together with easements and private rights-of-way as set forth on the Plat, hereafter to be known as AMENDMENT TO LOTS 1, 2, 3 & 4, RED CLOUD SUBDIVISION. Also the owner hereby dedicates to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, and dry utilities providers, a non-exclusive easement over the utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, use, and eventual replacement.

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

In witness whereof the undersigned has set his hand on this ______ day of __________ 2006.

UNITED PARK CITY MINES COMPANY

By: ______________________

Title: ______________________

ACKNOWLEDGMENT

STATE OF UTAH)
: SS.
COUNTY OF SUMMIT)

On this ______ day of ____________, 2006, personally appeared before me, the undersigned Notary Public, in and for said State and County, ________________ who after being duly sworn, acknowledged to me that he is the __________ of UNITED PARK CITY MINES COMPANY, that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its bylaws.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: ______________________

My Commission Expires: ______________________

AMENDMENT TO LOTS 1, 2, 3 & 4
RED CLOUD SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTION 28 AND SECTION 33
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LEGEND
Street address on Red Cloud Trail

RECEIVED
APR 10 2006
PARK CITY
PLANNING DEPT.

PAGE 1 OF 1

(435) 649-9467
Alliance Engineering
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF __________, 2006 A.D.
BY ______________ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2006 A.D.
BY ______________ CHAIRMAN

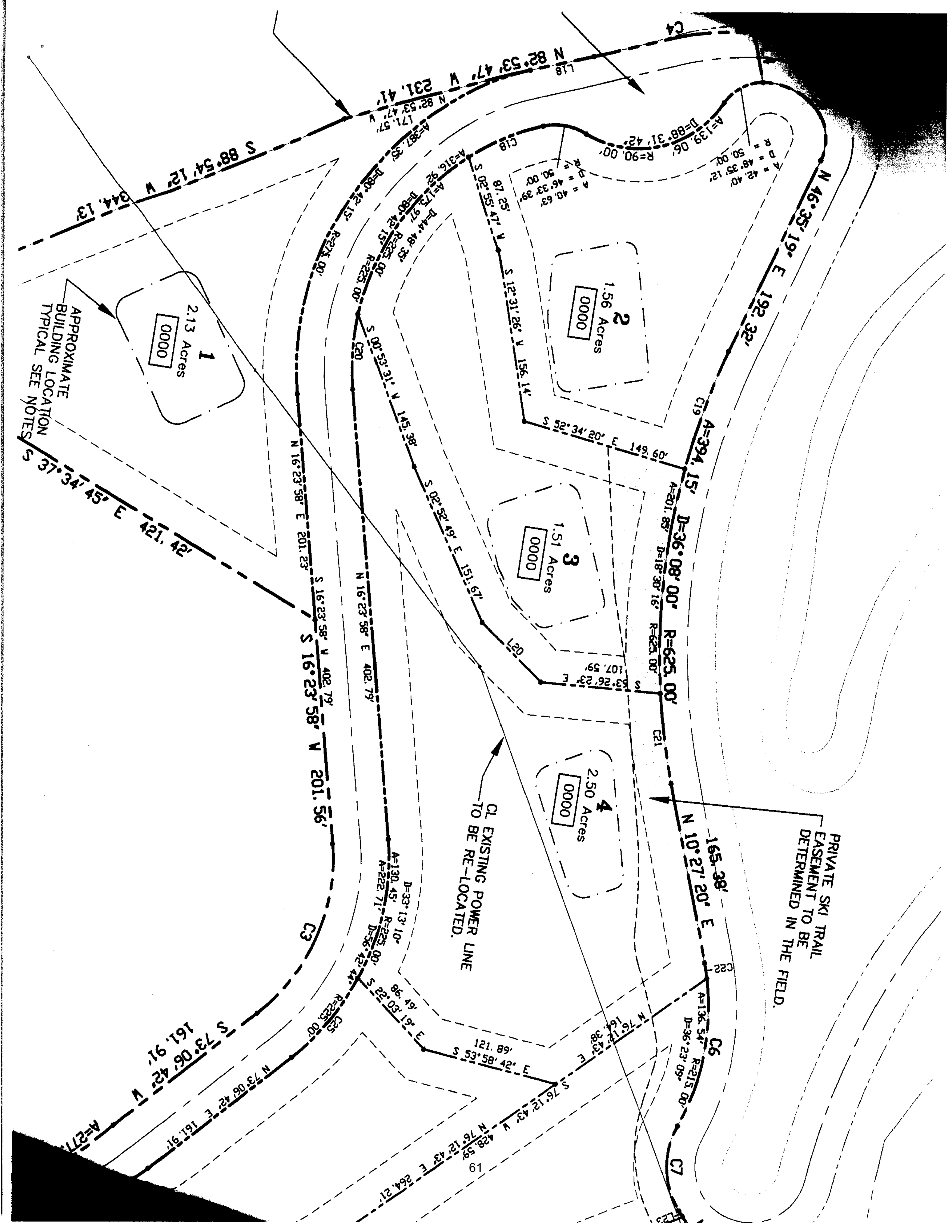
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF __________ 2006 A.D.
BY ______________ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ______ DAY OF __________, 2006 A.D.
BY ______________ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF __________, 2006 A.D.
BY ______________ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF __________ 2006 A.D.
BY ______________ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______________
DATE ______ TIME ______ BOOK ______ PAGE ______
______ FEE ______ RECORDER



1
2.13 Acres
0000
2
1.56 Acres
0000
3
1.51 Acres
0000
4
2.50 Acres
0000
APPROXIMATE BUILDING LOCATION TYPICAL SEE NOTES
PRIVATE SKI TRAIL EASEMENT TO BE DETERMINED IN THE FIELD.
CL EXISTING POWER LINE TO BE RE-LOCATED.
S 88°54'12" W 344.13'
N 82°53'47" W 231.41'
N 46°35'19" E 192.32'
A=394.15' D=36°08'00" R=625.00'
N 10°27'20" E 165.38'
S 37°34'45" E 421.42'
S 16°23'58" W 201.56'
S 73°06'42" W 161.91'
S 52°34'20" E 149.60'
S 12°31'26" W 156.14'
S 02°55'47" W 87.25'
S 00°53'31" W 145.38'
S 02°52'49" E 151.67'
S 63°26'23" E 107.59'
N 16°23'58" E 201.23'
S 16°23'58" W 402.79'
N 16°23'58" E 402.79'
S 22°03'19" E 86.49'
S 53°58'42" E 121.89'
N 76°12'43" E 164.38'
S 76°12'43" W 428.59'
N 76°12'43" E 264.21'
N 73°06'42" E 161.91'
C3
C4
C6
C7
C18
C19
C20
C21
C22
C25
L18
L20

City Council Staff Report

PLANNING DEPARTMENT

Author: Jonathan Weidenhamer
Subject: Sidewalk Dining Lease
402 Main Street – Java Cow Café & Bakery
Date: May 4, 2006
Type of Item: Administrative

Summary Recommendations:
Consider approving a lease for Java Cow Café & Bakery, located at 402 Main Street to conduct sidewalk dining on City property.

Background:
Section 15-2.6-12 of the Land Management Code allows Outdoor Dining on "leased public property" as an Administrative Conditional Use Permit. On May 24, 2004, the City Council provided direction that they would like to continue sidewalk dining, but preferred to continue to sign only annual leases. The lease under consideration is consistent with the direction provided by City Council on May 24, 2004. The Council in April of 2005 provided favorable consideration to extend the sidewalk dining season from the 3rd weekend of April through the end of October.

Analysis:
The City did not receive any complaints regarding the sidewalk dining program conducted in 2004 or 2005. Any seasonal lease the City enters would: regulate the time and duration of the use, provide for consistency in look and materials, ensure the aesthetic value of the Historic District by preventing visual clutter, prevent conflicts with Special Events/MFL's, mitigate for conflicting uses in the public right-of-way, ensure for cleanly sidewalks, and provide an ongoing monitoring mechanism and revocation provision for failure to comply with regulation.

Staff has prepared a draft lease template that would be executed with each individual applicant prior to approving any Outdoor Dining on City Sidewalks (Exhibit A). At this time staff has made a preliminary determination that application submitted by the Java Cow Café & Bakery, located at 402 Main Street, meets the standards for outdoor dining provided at LMC Section 15-2.6-12 as well as the proposed operational restrictions (Exhibit C):

Java Cow Café & Bakery has an approved Administrative Conditional Use Permit for Outdoor Dining on City Sidewalks (conditioned upon a current, approved lease). Their Administrative Conditional Use Permit does not have an expiration date, and runs with the land, or until City Council provides direction to not allow use of City-side walks for outdoor dining. The site plan the application is attached as Exhibit B.

Alternatives:

A) Provide direction to continue Outdoor Dining on City sidewalks; and approve the lease for sidewalk dining for the Java Cow Café & Bakery as presented; or

B) Provide direction to not continue Outdoor Dining on City sidewalks; or

C) Provide direction to continue Outdoor Dining on City sidewalks, but modify the lease language or operational restrictions and then provide direction to approve the lease(s) as amended; or

D) Continue the hearing for more information or discussion.

Recommendation:

Staff recommends Alternative A.

Exhibits

Exhibit A – Lease
Exhibit B – Site Plan
Exhibit C – Operational Restrictions

Exhibit A
MAIN STREET SIDEWALK
OUTDOOR DINING LEASE
Java Cow and Bakery - 402 Main Street

This LEASE AGREEMENT is made and executed this 4th day of May, 2006, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and New Cow USA, Inc., a Utah LLC doing business as Java Cow Café & Bakery, located at 402 Main Street, Park City, Utah ("Tenant")

The Parties agree as follows:

1. PROPERTY. The property affected by this lease is generally described as the sidewalk area directly fronting Tenant's restaurant located at 402 Main Street, and more specifically described via site plan at Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as the "Premises").

2. RENT. Tenant shall be solely responsible for payment of any and all costs associated with Tenant's performance under this lease, including but not limited to City additional business licensing fees, insurance, sales taxes and other expenses.

3. TERM. The term of this Agreement shall commence on May 5, 2006 and shall terminate on October 30, 2006, unless terminated earlier as provided herein.

4. USE OF PREMISES. Tenant may use the Premises only for the provision of outdoor dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. Additional operational restrictions are attached hereto at Exhibit C, if applicable. Park City makes no representations regarding the premises and tenant accepts the premises "as is".

5. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement.

6. SIGNS. No signs shall be permitted on the Premises except as specifically approved pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.

7. INSURANCE. Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least One Million Dollars ($1,000,000) per person and One Million Dollars ($1,000,000.00) per incident or occurrence. Park City shall be named as an additional insured by endorsement on each policy. Tenant's insurance is to be primary to Park City's and Park City's insurance shall be non-contributory. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Park City on or before the lease commencement date, and maintained continuously during the term of the lease. Tenant may carry whatever other insurance Tenant deems appropriate. The

parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.

8. HOLD HARMLESS. Tenant covenants and agrees to defend, indemnify, hold Park City harmless from all claims, loss damage, injury or liability (hereafter "Liability") resulting from Tenant' use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any Liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act.

9. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.

10. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this contract at the highest professional standards, and to the satisfaction of Park City.

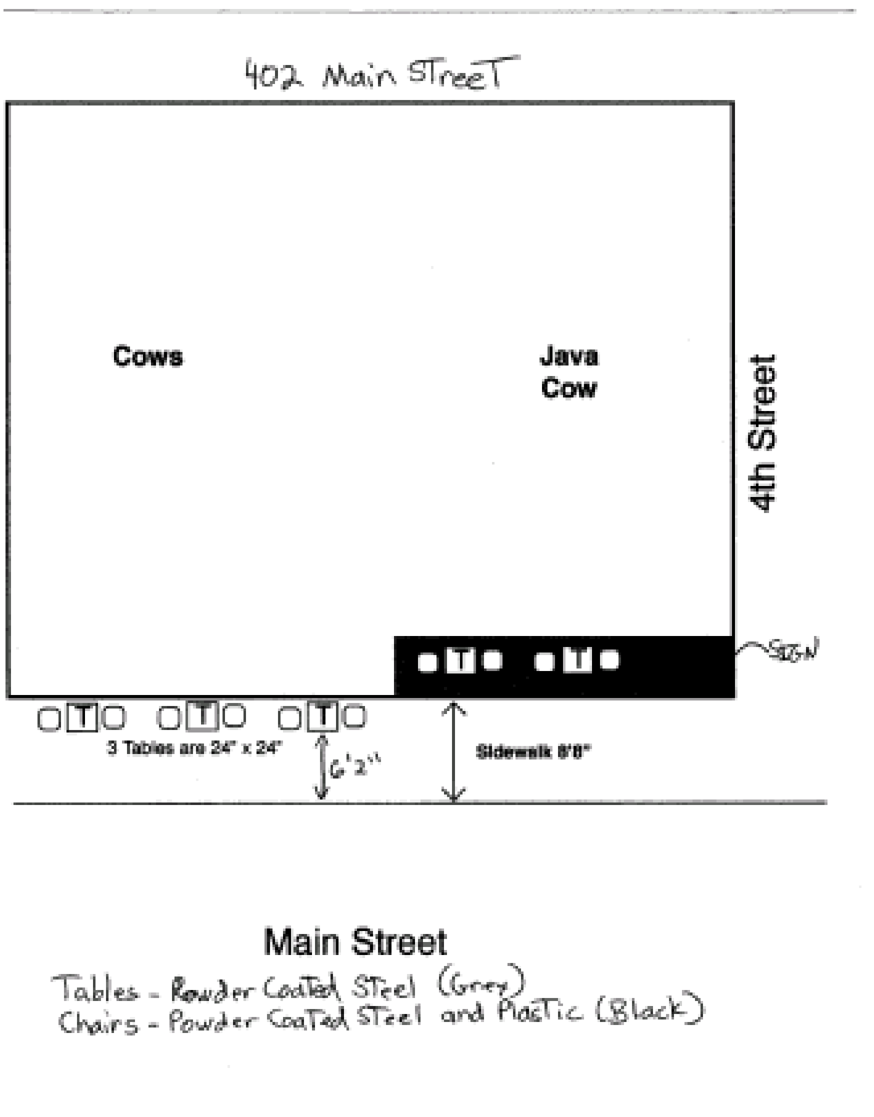
11. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.

12. FORCE MAJEURE. Any delay or failure of either Party to perform its obligations under this Agreement shall be excused to the extent that it is caused by an event or occurrence beyond its reasonable control, including act of nature, terrorism or war.

13. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Exihibit B



402 Main Street
Java Cow
(3 tables)

Exhibit C
SIDEWALK DINING
OPERATIONAL RESTRICTIONS

The following operational restrictions shall apply to all leases for outdoor dining on Main Street sidewalks:

1. Site Plan - This plan shall be to scale and indicate: the proprietors' building as it relates to the exact locations of chairs, tables, stanchions, umbrellas, heaters, curb (width of sidewalk), and any other existing public improvements (light fixtures, fire department connections, parking meters, utility covers, etc.).
2. Details/ Spec Sheets – Shall be submitted for each piece of equipment proposed with this application. This will include all tables, chairs, umbrellas, heaters, lighting sources, and crowd barricades, etc.
3. Parameters of Permit - Sidewalk Dining is allowed from May 1until October 30, from 8:00 am until 10:00 pm.
4. Violations - Ongoing Monitoring will be provided to ensure compliance with lease parameters. A revocation provision will be included for lessee's failure to comply.

Design Standards

1. SIZE. Sidewalk dining area shall be limited to the linear frontage a building has on Main Street.
2. ADVERTISING. Additional signing or advertising is prohibited beyond what is allowed by the Sign Code. Umbrellas, table tents, or any other equipment must be free of branding or other promotion.
3. FURNITURE. All tables and chairs shall be metal and be either black or gray, and have a powder coated finish.
4. STANCHIONS. Any necessary crowd control barricades must be equivalent to the Crowd Controller TensaBarrier & Tape - Model 890 Standard, or T-Max, which has been approved by the Preservation Planner and chosen for its minimal visual intrusion, durability, and functionality. TensaBarrier poles shall be black and powder coated, and the tape shall be black also.
5. UMBRELLAS. Umbrellas are prohibited from having any advertising or signing and shall be in solid, primary colors. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas must meet international building code and standards and shall not create any public hazard.
6. HEATERS. Any proposed heaters shall be reviewed at the time of initial application. In most cases, additional heating elements may require additional building permits.
7. LIGHTING. No additional electric lighting is permitted, including exterior building lighting.
8. LANDSCAPING/ ATMOSPHERE. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter.

9. ADDITIONAL EQUIPMENT. To prevent unnecessary visual clutter, additional equipment beyond those outlined in this section is prohibited. This includes server or bus-stations, garbage receptacles, podiums, pedestals, etc.
10. LICENSING. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances.
11. HEALTH & SAFETY. The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.
12. MUSIC. The use of outdoor speakers and music is prohibited unless expressly allowed by Park City Municipal Corporation Special Events Director.
13. SPECIAL EVENTS. Operation of Sidewalk Dining during Special Events and Master Festival Licenses is prohibited when the boundary of that Special Event includes Main Street unless expressly allowed by Park City Special Events Director.
14. MAINTENANCE. The dining area shall be cleanly and maintained in a neat and orderly fashion.
15. STORAGE. All equipment and other associated materials must be removed from the sidewalk and stored on private property overnight and during prohibited times.

City Council
Staff Report

PARK CITY 1884

Author:	**Patrick Putt**
Subject:	**Resolution to create the Park City Heights Annexation Task Force**
Date:	**May 4, 2006**
Type of Item:	**Legislative**

Planning Department

Recommendation: Staff recommends that the City Council adopt a resolution to establish the Park City Heights Annexation Task Force to review elements of the General Plan including affordable housing, traffic, and underlying zoning and density for the property as related to the Park City Heights Annexation Petition.

Background:
The Park City Heights Annexation Petition was accepted for consideration by the City Council on March 10, 2005. On July 27, 2005 the Park City Planning Commission held a public hearing on the annexation petition, at which time they expressed concerns including: proposed density type and location, lack of clustering, location and amount of open space, hillside development, traffic, and consistency with the resort community. Other remaining annexation elements to be addressed include the designation of the appropriate zoning and density for the proposed annexation area, and affordable housing obligation.

Analysis:
Creation of a Task Force is consistent with review of other annexation proposals in Park City. The Task Force would be empowered to review the aforementioned topics as they relate to elements of the General Plan as well as application of underlying zoning and density, and affordable housing. The proposed task force consists of two members of the City Council appointed by the City Council, three Planning Commissioners appointed by the Planning Commission, one ex-officio, non-voting Summit County Planning Commissioner appointed by Summit County Planning Commission, and staff support. The Task Force shall make a recommendation to the Planning Commission on the annexation petition prior to the Planning Commission forwarding a recommendation to the City Council.

The City Council should designate which specific Council members and their at large member they wish to appoint at tonight's meeting. One of the Council members appointed shall be designated Chair of the Task Force.

Recommendation: Staff recommends that the City Council adopt a resolution to establish the Park City Heights Annexation Task Force. The Council should appoint their members to fill two positions on this Task Force.

Resolution No. 06-

RESOLUTION ESTABLISHING THE PARK CITY HEIGHTS ANNEXATION TASK FORCE

WHEREAS, the Park City Heights Annexation Petition was accepted for consideration by the City Council on March 10, 2005; and

WHEREAS, on July 27, 2005 the Park City Planning Commission held a public hearing on the annexation petition, at which time they expressed concerns including: proposed density type and location, lack of clustering, location and amount of open space, hillside development, traffic, and consistency with the resort community; and

WHEREAS, Other remaining annexation elements to be addressed include the designation of the appropriate zoning and density and affordable housing obligation for the proposed annexation area which shall be based on the policies and action items set forth in the General Plan.

WHEREAS, creation of a Task Force is consistent with review of other annexation proposals; and

WHEREAS, the intent of the City Council in forming this Task Force is to provide early input to the Planning Commission and applicant on major components of the application, without effecting the overall procedural requirements of annexation review as required by the Land Management Code and state law.

WHEREAS, the other remaining annexation element to be addressed is the designation of the appropriate zoning for the proposed annexation area,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the IHC/USSA/Burbidge Annexation Task Force is established as follows:

SECTION 1. MEMBERSHIP. The membership of the Park City Heights Annexation Task Force shall include two members of the City Council appointed by the City Council, three Planning Commissioners appointed by the Planning Commission, and one ex-officio, non-voting Summit County Planning Commissioner appointed by Summit County Planning Commission. The Planning Department shall provide all staff and administrative support as necessary.

SECTION 2. DUTIES. Park City Heights Annexation Task Force shall conduct a review and provide a recommendation on the annexation petition to include the Housing, Transportation, and Community Economy Elements of the general plan, as well as designation of underlying zoning and density. The review and recommendation shall occur prior to the Planning Commission forwarding a recommendation on the annexation petition to the City Council.

Chairperson. One of the appointed City Council members shall serve as chairperson of the Task Force. The Chairperson shall vote.

Quorum. No business shall be conducted without a quorum at the meeting. A quorum shall consist when a majority (at least 3) of the voting members is present. All meetings must comply with the Utah Open and Public Meetings Act.

Voting. All actions of the Task Force shall be represented by a vote of the membership. A simple majority of the members voting at a meeting shall approve any proposed action.

SECTION 3. TERM. The Task Force shall dissolve upon final recommendation to the Planning Commission on the proposed annexation petition, but in no event shall the Task Force remain active past May 4, 2007, without subsequent City Council approval.

PASSED AND ADOPTED this 4th day of May, 2006.

City Council
Staff Report

PARK CITY 1884

LEGAL DEPARTMENT

Author:	Thomas A. Daley, Sr., Deputy City Attorney
Subject:	Amendment to 1994 Deer Valley Water Facilities Agreement
Date:	May 4, 2006
Type of Item:	Agreement

SUMMARY RECOMMENDATION

Staff recommends that the City Council authorize the Mayor to execute the attached Amendment to the 1994 Deer Valley Water Facilities Agreement.

BACKGROUND

Since its first Development approval in the 1970's, Deer Valley has been working with park city to develop water source capacity and water delivery infrastructure to support development within the deer valley resort. As the preamble within the attached Amendment sets out, Deer Valley and Park City have executed several agreements toward that end. Those efforts culminated in the 1994 water facilities agreement wherein deer valley and park city identified discrete infrastructure components needed to serve water to deer valley development and further assigned to each party a pro rata financial obligation toward each component. (A copy of the 1994 agreement is attached for your convenience).

Since the execution of the 1994 agreement, Deer Valley has satisfied its agreed contribution to the Chatham Crossing Pump Station and the Last Chance Pump Station. It is also worth pointing out that although the 1994 Agreement identifies the "Boot Hill Tank," Park City actually intended to build the "Boot Hill Pump Station;" that pump station is currently under design. Thus, with the completion of the Boot Hill Pump Station, all infrastructure called for in the 1994 Agreement will have been completed. (BY WAY OF BACKGROUND, Deer Valley Resort Company is a Utah limited partnership and the owner and operator of Deer Valley Resort. Deer Valley Resort Company is owned 75% by Royal Street of Utah, a Utah corporation, and 25% by Red Gables Corporation, which is owned by Roger Penske. Royal Street of Utah, along with Royal Street Land Company, are subsidiaries of Royal Street Corporation, which is the parent company owned by the Stern family. Royal Street Development Company was also a subsidiary of Royal Street Corporation which no longer exists).

ANALYSIS

The purpose of this amendment is to fully implement the terms of the 1994 Water facilities agreement. this amendment does not purport to supersede all other agreements governing the delivery of water to development within deer valley. With the lump sum payment of $500,000 provided for in the attached Amendment, Deer Valley will have fully satisfied its obligation under the 1994 Agreement. Staff feels that this is the most equitable and effective way of closing the 1994 deal.

DEPARTMENTAL REVIEW

This Amendment was reviewed by the Public Works Director and Bob Wells on behalf of Deer Valley Resort Company.

ALTERNATIVES

Authorize the execution of the Amendment.
Do not authorize the execution of the Amendment.
Continue the item.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION

Without execution of the attached Amendment, Park City will not, at this time, get the contemplated financial benefit of the 1994 Agreement. This would leave staff to revisit the litany of agreements and also the infrastructure constructed for the benefit of Deer Valley in the hope of devising another equitable means to fulfill the parties' intent.

RECOMMENDATION

Staff recommends that City Council authorize the Mayor to execute the attached Amendment.

AMENDMENT TO THE 1994 DEER VALLEY WATER FACILITIES IMPROVEMENT AGREEMENT

THIS AMENDMENT to the Deer Valley Water Facilities Improvement Agreement is entered into this 4th day of May, 2006, by and between Park City Municipal Corporation, a Utah municipal corporation (hereinafter "**Park City**"), Deer Valley Resort Company (hereinafter "**Deer Valley**"), and Royal Street Land Company, a Utah Corporation (hereinafter "**Royal Street**"), hereinafter referred to individually as "party" or collectively as "parties."

WITNESSETH:

WHEREAS, Park City and Royal Street entered into an agreement on May 29, 1979 (hereinafter "The 1979 Agreement"), wherein Royal Street agreed to convey to Park City certain water rights in the Spiro Tunnel and Royal Street agreed to construct a pipeline to convey water from the Spiro Tunnel; and

WHEREAS, on December 20, 1979, Park City and Royal Street amended The 1979 Agreement (the "First Amendment to Agreement"), which amendment provided for Royal Street to pay $264,121.52 to Park City in lieu of constructing the pipeline in the Spiro Tunnel; and

WHEREAS, Royal Street subsequently assigned to Deer Valley its rights and duties under The 1979 Agreement, as amended; and

WHEREAS, Park City, Royal Street and Deer Valley further amended The 1979 Agreement on November 20, 1986 (the "Second Amendment to Agreement") which amendment attempted to clarify the intent of the 1979 Agreement, as amended; and

WHEREAS, Park City, Royal Street and Deer Valley further amended The 1979 Agreement on November 17, 1988 (the "Third Amendment"), which amendment attempted to clarify questions relating to water impact fees, to convey certain water rights to Park City, and to restate The 1979 Agreement, as amended, in its entirety; and

WHEREAS, the Third Amendment also memorialized Park City's agreement to waive the collection of water connection fees related to certain lots previously sold by Deer Valley; and

WHEREAS, a 1993 engineering study determined that the infrastructure contemplated by the Parties was inadequate to meet the future culinary and snowmaking requirements of development within Deer Valley; and

WHEREAS, Park City, Royal Street and Deer Valley entered into an agreement on March 31, 1994, entitled "Deer Valley Water Services Agreement," (hereinafter "The 1994 Agreement"), which provided for the cost-sharing of certain water infrastructure (hereinafter the “Infrastructure”) to be constructed to serve both Deer Valley development as well as other areas of Park City; and

WHEREAS, Deer Valley has satisfied its financial obligation to Park City for the construction of portions of the Infrastructure; and

WHEREAS, the parties desire to further amend The 1994 Agreement to redefine both Deer Valley’s financial contribution to the Infrastructure and Park City’s entitlement to receive impact fees;

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained, the Parties agree as follows:

1. INFRASTRUCTURE

The Parties to this Amendment acknowledge and agree that The 1994 Agreement obligated Deer Valley to pay a proportionate share of the total cost of the Infrastructure as follows:

Chatham Crossing Pump Station	65%
Last Chance Pump Station	70%
Boot Hill Tank	35%

The Parties further acknowledge and agree that The 1994 Agreement obligated Deer Valley to hire a professional engineer to design the Chatham Crossing Pump Station for which Deer Valley would receive a $50,000 credit against its total financial contribution to the design and construction of the Infrastructure.

The Parties, through this Amendment, hereby agree that Deer Valley shall pay to Park City on or before May 31, 2006, a lump sum of $500,000, which payment will satisfy and extinguish Deer Valley’s remaining obligation to contribute to the cost of the Infrastructure. Deer Valley further agrees to waive its right to a $50,000 credit against said lump sum payment.

2. IMPACT FEES

The Parties to this Amendment acknowledge and agree that The 1994 Agreement obligated Deer Valley to pay to Park City $200,000 as consideration for Deer Valley’s agreement to pay water connection fees for development on 437 lots within Deer Valley for which payment of impact fees had previously been waived. The Parties, through this Amendment, hereby agree that Park City is currently collecting such impact fees directly from lot owners and Deer Valley is not entitled to receive and Park City is not obligated to pay said $200,000. The Parties to this Amendment further agree that Park City shall collect all impact fees, including but not limited to water connection and water development fees, on all development within Deer Valley, which agreement expressly includes the 437 lots for which payment of water connection fees had previously been waived.

3. DESIGN, CONSTRUCTION, AND OWNERSHIP OF INFRASTRUCTURE

Park City shall hire all contractors and secure all bids in its sole discretion and shall supervise the design and construction of the Infrastructure. Following its payment of $500,000 under Paragraph 1 of this Amendment, Deer Valley shall have no further financial obligation for the design or construction of the Infrastructure.

Park City shall at all times have exclusive ownership of the Infrastructure and shall be solely responsible for the operation, maintenance, and repair of the Infrastructure.

4. ENFORCEABILITY OF PRIOR AGREEMENTS

The Parties to this Amendment understand and agree that this Amendment applies only to those terms of prior agreements which are expressly identified. The Parties further acknowledge and agree that all terms of any previous agreement between the Parties, or to which the Parties are successors in interest or third party beneficiaries, which are not expressly amended by this Amendment shall be unaffected by this Amendment and shall remain in effect and be fully enforceable.

5. MISCELLANEOUS PROVISIONS

a. Binding Effect. The provisions of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

b. Assignment Limited. No assignment or other transfer of this Agreement or any part thereof or interest therein shall be valid unless and until approved in writing by both Parties.

c. Attorneys Fees. In the event that this Amendment or any provision hereof shall be enforced by an attorney retained by a Party hereto, whether by suit or otherwise, the fees and costs of such attorney shall be paid by the Party who is determined by a court of competent jurisdiction to have breached or defaulted hereunder, including fees and costs incurred upon appeal or in bankruptcy court.

d. Severability. If any term or provision of this Agreement shall, to any extent, be determined by a court of competent jurisdiction to be void, voidable, or unenforceable, such void, voidable or unenforceable term or provision shall not affect the enforceability of any other term or provision of this Amendment.

e. Inducement. The making and execution of this Amendment has not been induced by any representation, statement, warranty or agreement other than those herein expressed.

f. No Third Party Beneficiaries. This Amendment shall not be deemed to create any right in any person who is not a Party (other than the permitted successors and assigns of a Party) and shall not be construed in any respect to be a contract, in whole or in part, for the benefit of any third party (other than permitted successors and assigns of a Party hereto).

g. Warranty of Authority. The individuals executing this Amendment on behalf of the Parties hereby warrant that they have the requisite authority to execute this Amendment on behalf of the respective Parties and that the respective Parties have agreed to be and are bound hereby.

IN WITNESS WHEREOF, the parties have entered into this agreement on the day and year set out at the top of this Amendment.

DEER VALLEY WATER FACILITIES IMPROVEMENT AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of ____________, 1994, by and between PARK CITY, a Utah municipal corporation (hereinafter "City"), DEER VALLEY RESORT COMPANY (hereinafter "DVRC") and ROYAL STREET LAND COMPANY, a Utah corporation (hereinafter "Royal Street").

WITNESSETH:

WHEREAS, City has authorized construction and development in Deer Valley as a Planned Unit Development pursuant to the Land Management Code conditioned upon an agreement by Royal Street governing water services and facilities which was amended in 1988 (Third Amendment and Restatement of Agreement Dated May 29, 1979 hereinafter "1988 Agreement"), and

WHEREAS, according to the 1988 Agreement Royal Street and DVRC are obligated to construct and convey to City water facilities to the extent necessary to store and transmit water to serve development in Deer Valley, and

WHEREAS, in consideration of the construction and transfer to the City of the water facilities and rights required by the 1988 Agreement, City agreed that neither Royal Street nor its successors or assigns would be required to pay Connection Fees for connection to the water lines or facilities of the City. Royal Street or DVRC still controls land approved for 437 (Four Hundred Thirty Seven) units which is exempt from Connection Fees the locations of which are reflected on **Exhibit A** of this agreement, and

WHEREAS, the engineering firm of Eckoff, Watson and Preater (EWP) conducted an analysis of the water demand and water supply system for Deer Valley in 1993 and determined that the system was inadequate to meet future culinary and snow-making requirements and recommended improvements to the system including the Chatham Crossing Pump Station, the Last Chance Pump Station and the Boot Hill Tank, and

WHEREAS, these recommended improvements would benefit areas of Park City in addition to properties owned or assigned by Royal Street; and

WHEREAS, it is in the best interest of the City to support the recommended improvements by paying that portion of the cost of these facilities attributable to the public's benefit;

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained the parties agree as follows:

1. DVRC will pay a proportionate share of the total cost of water facilities according to the following schedule:

Chatham Crossing Pump Station	65%
Last Chance Pump Station	70%
Boot Hill Tank	35%

2. DVRC will retain a professional engineer to design the Chatham Crossing Pump Station to the approval of the City's Public Works Director and City Engineer. The cost of these professional services is estimated to be $50,000 (Fifty Thousand Dollars) and the total cost will be deducted from DVRC's obligation.

3. In consideration of the City's obligations hereunder, DVRC and Royal Street waive the exemption from connection fees bargained for under the 1988 Agreement and shall pay such fees for the 437 (Four Hundred Thirty Seven) units still under DVRC's control. Hereafter DVRC, Royal Street and successors or assigns will pay all customary water fees and charges for those 437 (Four Hundred Thirty Seven) units. In consideration of this waiver DVRC will receive a $200,000 (Two Hundred Thousand Dollar) credit toward its obligation to pay for the Chatham Crossing Pump Station.

4. DVRC will assist the City in acquiring easements or rights-of-way necessary to install the Chatham Crossing Pump Station.

5. City will own and supervise construction of all of the proposed facilities cited above and will be solely responsible for the timing of construction and selection of contractors. The cost of any outside professional services such as construction supervision will be included in the cost of the project and will be proportionately shared according to schedule above.

6. City will fund the Chatham Crossing Pump Station and finance DVRC's share of the cost over five years at six percent interest with principal and interest payments made annually. A formal note with security satisfactory to the City Attorney shall be executed prior to commencement of construction.

7. This Agreement is, and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

8. The text herein shall constitute the entire Agreement between the parties. This Agreement may be amended by the mutual written consent of the parties hereto. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Anita L. Sheldon, City Recorder

Approved as to form:

Jodi Hoffman, City Attorney

DEER VALLEY RESORT COMPANY

Bob Wheaton, President

ROYAL STREET LAND COMPANY

Robert W. Wells, President

City Council
Staff Report

Author:	**Gary Hill**
Subject:	**FY 2006 Revised Budget, FY 2007 Budget**
Date:	**May 4, 2006**
Type of Item:	**Discussion/Legislative**

PARK CITY
1884

Budget, Debt, & Grants

Description:

Topic:
FY 2006 Revised Budget and FY 2007 Budget

Background:
On May 1st, staff delivered the City Manager's Recommended Budget (Tentative Budget) to City Council. Public hearings are currently scheduled for May 4th, 18th, 25th, June 1st, 8th, and 15th. Discussion/action is slated for these dates as follows, barring changes as needed.

May 4th – Budget Overview (Revenues, Expenditures), Operating Budget Requests

May 18th – Capital Improvement Projects (Longterm/Citywide needs, new projects)

May 25th – Capital Improvement Projects (cont.), Regional Collaboration & Economic Development, Business License Fees.

June 1st – City Service Fees, Adoption of the Tentative Budget

June 8th – Outstanding Issues

June 15th – Final Adoption of Budget

Analysis:
On May 4th, staff will focus on the City's proposed operating budget. Topics for discussion will include the following:

1) Operating Budget Preparation Process

2) Overview of Proposed Operating Budget

3) Committee and Task Force Recommendations

4) Department Budget Requests (presented by Functional Teams)

<u>Operating Budget Preparation Process</u>
The budget is a financial plan created to determine the resources which are required to meet service-level expectations and workload needs for the upcoming fiscal year(s). This is accomplished through a multi-step process in which managers, teams, and the City Manager weigh Council goals and priorities together with citizen expectations and available resources. Per City policy, these recommendations are brought to City Council at one time

each year for discussion during the budget process. Staff has been meeting with Council liaisons Jim Hier and Joe Kernan for several months and focused mainly on a review of revenues.

Following the Council Visioning Session in January, managers submit operating requests to the Budget Department in January/February. Self-managed teams are required to prioritize their requests before they are submitted to the Budget office. Teams then meet with the City Manager to determine the most appropriate way to meet service levels. A summary of all requests made by departments this year is included in the Supplemental section of the Budget Document (Volume I: Executive Summary).

Overview of Proposed Operating Budget

The FY 2006 Adjusted Budget reflects a 0.69% increase from the FY 2006 Original Budget and an overall 10.5% *decrease* from FY 2005 actual expenses (with capital excluded). 2005 actuals are higher than the FY 2006 Budget primarily due to the unusually large debt service expense incurred by the City in retiring the Municipal Building Authority (MBA) debt in FY 2005.

The FY 2007 Recommended Budget increases to $34,342,030, which is up approximately 4% from the FY 2006 Adjusted Budget and 2.4% above the 2007 Plan that was approved by Council last year. Much of this increase occurs because of the changes in personnel in the General and Transportation Funds. These changes are associated with temporary and contract employees becoming Full-Time Regular employees per Temporary Employee Task Force recommendations.

Table 1 shows Citywide expenditures by Major Object. The FY 2006 Adjusted Budget reflects a marginal increase in personnel expenses of 1.3%, from the FY 2006 Original Budget. Pay plan changes combined with staffing increases for expanded county transit and the Quinn's Recreation Complex are the major reason for the 6% increase in personnel expenditures in the FY 2006 Adjusted Budget from the actual expenditures in FY 2005. The expenditures for transit and the Recreation Complex personnel have been largely offset by additional revenue. FY 2007 also shows an increase in Personnel due to the employee classification changes.

Expenditure Summary by Major Object - All Funds

	FY 2003	FY 2004	FY 2005	FY 2006 Orig	FY 2006 Adj	FY 2007 Recommended Bud
Personnel	13,220,378	13,900,853	14,557,489	15,249,823	15,448,504	16,735,904
Materials, Supplies, & Services	7,855,397	7,985,878	8,687,590	10,467,927	10,497,847	10,814,475
Capital Outlay	7,000,983	12,049,935	15,957,858	33,521,134	74,637,142	12,994,880
Debt Service	8,490,187	6,534,377	13,678,940	6,526,355	6,538,355	6,216,651
Contingencies	298,426	22,515		575,000	562,114	575,000
Actual Budget	**36,865,371**	**40,493,558**	**52,881,877**	**66,340,239**	**107,683,962**	**47,336,910**
Budget Excluding Capital	**29,864,388**	**28,443,623**	**36,924,019**	**32,819,105**	**33,046,820**	**34,342,030**
Interfund Transfers	11,906,096	14,054,357	29,203,184	22,098,649	22,417,706	9,490,285
Ending Balance	50,584,608	52,435,708	79,321,857	23,126,495	25,655,581	25,771,483
	62,490,704	**66,490,065**	**108,525,041**	**45,225,144**	**48,073,287**	**35,261,768**
Grand Total	**99,356,075**	**106,983,623**	**161,406,918**	**111,565,383**	**155,757,249**	**82,598,678**

Table 1 – Expenditure Summary

The following pie charts show the distribution of budgeted operating expenses in FY 06 Adjusted and FY 07 Recommended Budget. Personnel continues to be the principal operating expense for the City, followed by Materials, Supplies and Services.

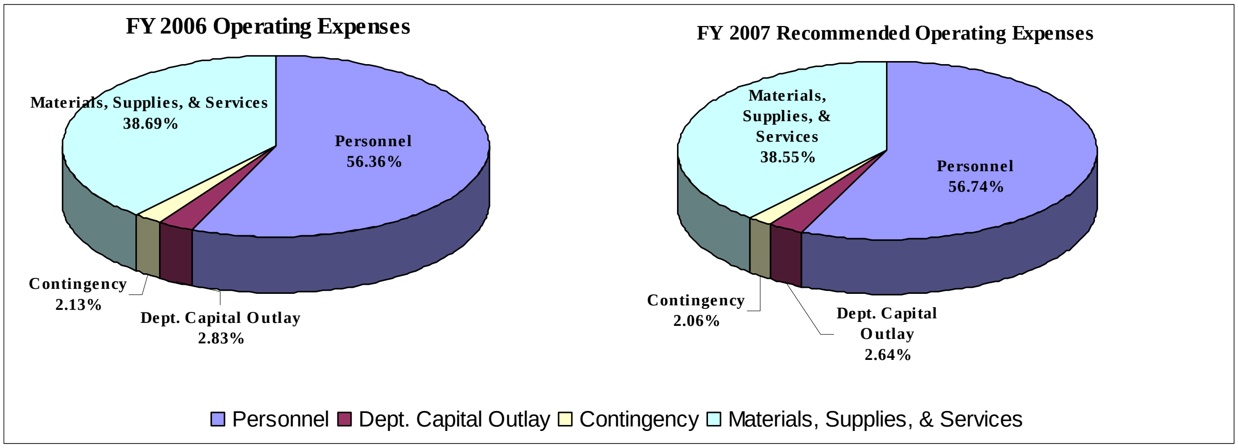


Figure 2 – Operating Expenses

Personnel increases occur in the General and Transportation Funds in FY 2006 Adjusted Budget. The increases in the Transportation and Parking Fund are tied to expanded county transit and have a revenue source from Summit County. The Recreation and Tennis departments have also request increases to their personnel budgets in the FY 2006 Adjusted Budget. The table below shows personnel changes by fund for FY 2006 and 2007.

Total Personnel Options by Fund					
		FY 2006 Adjusted Budget		FY 2007 Recommended Bud	
Fund 11	General Fund	$	94,023	$	343,605
Fund 12	Quinn's Recreation Complex	$	-	$	35,410
Fund 51	Water Fund	$	-	$	10,434
Fund 55	Golf Fund	$	-	$	(51)
Fund 57	Transportation and Parking Fund	$	104,658	$	712,105
	Total	$	198,681	$	1,101,503

Figure 3 – Personnel Requests

Most departmental Full-Time equivalent (FTE) increases have been offset with reductions in department personnel or materials, supplies, and services budgets. Public Works is the department seeing the largest increase in FTE's. Much of this is due to expanded county transit, which is offset by County funds.

Fund	FY 2005	FY 2006 Original	FY 2006 Change	FY 2006 Adjusted	FY 2007 Plan	FY 2007 Change	FY 2007 Budget
General Fund	193.31	194.34	0.6	194.94	194.34	0.48	194.82
Quinn's Recreation Complex		4.75		4.75	7	1	8
Water Fund	15	15		15	16		16
Golf Fund	16.96	14.86		14.86	14.86	(2.14)	12.72
Transportation and Parking Fund	43.35	50.85	4.5	55.35	51.85	13.29	65.14
Fleet Services Fund	7.25	8.75		8.75	8.75		8.75
TOTAL	**275.87**	**288.55**	**5.1**	**293.65**	**292.8**	**12.63**	**305.43**

Figure 4 – Change in FTE's

The remaining Operating Budget changes relate to Materials, Supplies, and Services and are largely driven by adjustments to the Transit and Water Funds.

Total Materials, Supplies, & Services Options by Fund					
		FY 2006 Adjusted Budget		FY 2007 Recommended Bud	
Fund 11	General Fund	$	13,000	$	(10,296)
Fund 12	Quinn's Recreation Complex	$	11,920	$	25,900
Fund 51	Water Fund	$	-	$	(390,290)
Fund 55	Golf Fund	$	-	$	188
Fund 57	Transportation and Parking Fund	$	5,000	$	(153,282)
	Total	$	29,920	$	(527,780)

Figure 5 – Materials, Supplies, & Services Requests

Large decreases in materials, supplies, and services budgets are requested as part of this proposed budget in the Water and Transit departments. Transit's requested to decrease $153,000 of their materials budget to offset some of the personnel budget increases which were resulted from the Temporary Pay Plan Committee's recommendations. The Water Department was able to request a decrease of $390,000 from their materials, supplies, and services budget after reducing the scope of the Spiro Water Treatment project.

Committee and Task Force Recommendations

Temp Classification Task Force:

An employee task force was assembled by the City Manager to look at various issues surrounding employee designations as they apply to temporary and contract employees. The intent was to review the City's current employee designations to ensure that all positions were properly classified based on average hours/week, job description, and whether or not the position received benefits. The task force also looked at immediate and long-term issues involving industry practices, legality, equity, cost, etc.

The task force's findings suggested that the City's employee designations needed to be updated and a defined process for classifying an employee to one of these designations be implemented. The task force recommended that the four employee designations of Full-time Regular, Part-time Regular, Full-time Temporary, and Part-time Temporary be consolidated into three: 1) Full-time Regular (FTR), 2) Part-time Non-benefited (PTNB), and 3) Seasonal.

Figure 6 – Recommended Changes to Employee Classifications

Employee Classifications	
Current	Proposed
Full-Time Regular	Full-Time Regular
Part-Time Regular	Part-Time Non-Benefited
Full-Time Temporary	Seasonal
Part-Time Temporary	

The task force generated guidelines and a decision tree to assist managers in placing employees into one of the three designations. The task force also fashioned principles to guide the usage of employment agreements (ie: contract employees). The decision trees designed by the task force are attached to this staff report.

Those recommendations resulted in shifting employee designations for much of the City's staff. Most Temporary positions became Part-time Non-benefited, while some became Seasonal. Part-time Regular positions also became Part-time Non-benefited.

While none of the changes mentioned thus far have a budget impact, the task force does recommend a change in designation for a number of Bus Driver (5 temporary positions and 4 contract positions) from Temporary to Full-Time Regular. Those changes will result in a budget impact of $232,963 to the Transit Fund beginning in FY 2007. This increase represents additional budget for employee benefits. Simply put, Park City's transit system has evolved from seasonal to full-time. Staffing should thus shift as well from seasonal to full-time employees.

The task force also looked at contract employee designations and produced recommendations for an administrative policy regarding the circumstances under which an employment agreement should be utilized. A recommendation was made that the Pay Plan Committee re-evaluate existing employment agreements using these new guidelines.

Pay Plan Committee:

The Pay Plan Committee was reconvened by the City Manager in an off year with the specific purposes of reviewing the outdated Temporary Employee Pay Plan. As with the regular (Exempt and Non-Exempt) pay plan, this document sets the wages for the City's part-time and seasonal work force. For a variety of reasons, the Temporary Pay Plan had not been adjusted in a comprehensive way for ten years. The committee's task was to match bring the temporary positions in line with the market as reflected by the regular pay plan.

The Pay Plan Committee recommendation, as outlined above, results in a budget impact of $201,370 in FY 2007. The impact is due to the change in pay ranges as the Temporary Pay Plan grades were adjusted to mirror the Non-Exempt Pay Plan (thus creating the Part-time Pay Plan). The chart below shows budget impacts by fund and department.

Temp. Pay Plan					
Fund	**Option**	**Acronym**	**Department**	**06 Adj.**	**07 Budget**
11	Temp Pay Plan	TPLN	Budget	$ -	$ 1,606
11	Temp Pay Plan	TPLN	Finance	$ -	$ 934
11	Temp Pay Plan	TPLN	Human Resources	$ -	$ 7,247
11	Temp Pay Plan	TPLN	Legal	$ -	$ 4,210
11	Temp Pay Plan	TPLN	Library	$ -	$ 10,275
11	Temp Pay Plan	TPLN	Police	$ -	$ 9,151
11	Temp Pay Plan	TPLN	Public Affairs	$ -	$ 1,561
11	Temp Pay Plan	TPLN	I.T.	$ -	$ 5,267
11	Temp Pay Plan	TPLN	City Recreation	$ -	$ 24,006
11	Temp Pay Plan	TPLN	Tennis	$ -	$ 2,595
11	Temp Pay Plan	TPLN	Street Maintenance	$ -	$ 59,336
11	Temp Pay Plan	TPLN	Parks & Cemetery	$ -	$ 58,541
Fund 11 Total					**$ 184,729**
12	Temp Pay Plan	TPLN	Ice Facility	$ -	$ 6,076
51	Temp Pay Plan	TPLN	Water Operations	$ -	$ 10,434
55	Temp Pay Plan	TPLN	Golf	$ -	$ -
55	Temp Pay Plan	TPLN	Golf Maintenance	$ -	$ 132
57	Temp Pay Plan	TPLN	Transit	$ -	$ -
TOTAL				**$ -**	**$ 201,371**

Figure 7 – Budget Impact of Part-time Pay Plan Adjustments

A new addition to the Pay Plan is the "Lesson Pay Ranges" on the Part-time Pay Plan. These ranges would be used, for example, by the golf department to pay golf pros for the hours they spend giving golf lessons. Unlike other pay grades and ranges, though, lesson pay range rates can only be applied when teaching a lesson for which there is an offsetting lesson fee that is (at least) equal to the lesson rate plus all applicable payroll taxes and/or administrative costs. As this is current practice, there is no budget impact.

Going forward, the Temporary Pay Plan will be referred to as the Part-time Pay Plan to match the new employee designations and will set pay levels for the City's Part-time Non-Benefited and Seasonal workforce.

Employment Agreements:
As previously mentioned, the Temporary Classification Task Force suggested that the Pay Plan Committee also review existing employment agreements in the context of newly recommended guidelines. The Pay Plan Committee did so, and found a handful of contract positions in the City that do not meet the qualifications for use of an employment agreement. These positions were recommended for reclassification to Full-time Regular. With few exceptions, departments were able to offset the budget impact of these reclassifications with existing contract services budget. The total budget impact of this recommendation is $4,393.

Employee Bonus Task Force:
As outlined in the City's Personnel Policies and Procedures Manual, Full-Time Regular employees are eligible to receive a performance bonus. Exempt employees are eligible to receive up to 6% annually, and Non-exempt employees are eligible for up to 4%. As part of an ongoing effort to encourage employee performance for exceeding expectations, the City Manager created an employee task force to examine the City's performance bonus program.

The task force compared Park City's bonus program with that of the Wasatch Compensation Group, Colorado Association of Ski Towns, and various communities along the Wasatch Front. The survey showed that with very few exceptions, bonus eligibility for employees was the same for both exempt and non-exempt employees and Park City's bonus percentage was on the high end of those surveyed. The task force therefore recommended that exempt and non-exempt employees be eligible to receive the same bonus percentage at am amount of 7%. The Tentative Budget includes a recommendation that all Full-Time Regular employees be eligible for 6%. The City Manager considered reducing exempt employees to 4% and achieving equity that way when compared to non-exempt employees. However, reducing performance bonus percentages for exempt employees would not achieve the goal of the performance bonus program which is to communicate performance evaluations and reward performance that exceeds expaectations.

The potential cost of this increase could range from $68,000 (if historical averages of payout continue) to $104,000 (if all employees qualified for a full bonus) This does not include additional costs as people move toward working level or take into account the 2% increase in salaries next year that was approved in the 2007 Plan to keep with marked fluctuations of other cities. However, since employee bonuses are expected to be covered within existing departmental budgets, there is no budget impact for this recommendation. However, the City Manager recommends that, as a precautionary measure, $100,000 be shifted (as a zero-sum base level adjustment) from the general contingency line to salary contingency.

Department Budget Requests

On May 4th, Self-managed Teams will present their operating options to Council during work session. Following is a brief summary of those options by team. A detailed listing of those options is included in the Supplemental section of the Budget Document (Volume I: Executive Summary).

Recreation/Library/Golf/Ice Facility: Operating requests total $89,740 in FY 06 Adjusted and $88,077 in FY 07 Recommended budget. Significant requests include career development reclassifications for three Recreation Coordinators and one Office Assistant I (consistent with Council-adopted policy), an additional Rec Instructor VII due to increased lesson demand, and a materials, supplies, & services request for the Ice Facility.

The bulk of operating requests from this team occur in the Tennis Department. There are two main changes in the Tennis operating budget. First, demand for Tennis lessons has been increasing greatly, and Tennis has requested about $60,000 in both FY 06 Adjusted and FY 07 Budget to keep up with demand. Revenues offset the direct operating costs. Second, Tennis will be reorganizing their department, removing the Tennis Director and Assistant Head Tennis Pro positions and replacing them with a Head Tennis Pro and Tennis Operations Supervisor. The changes result in a budget savings of about $15,000 in FY 2007.

Public Works: Operating requests total $109,658 in FY 06 Adjusted and $238,987 in FY 07. Significant requests were made for expanded county transit, Quinn's fields service level increase, County dump fees, Dial-a-ride transit service to Quinn's, and a water operations budget decrease.

Public Safety*:* Operating requests total $12,886 in FY 06 Adjusted for enhanced service during the Talisker soil removal project. All other requests are completely offset with currently budgeted expenditures.

Engineering/Building/Planning: Operating Requests for this team total -$24,158 in FY 2007, but two department reorganizations are represented in their budget options. The Planning Department will receive a new Senior Planner in FY 2007. This is offset by a reduction in the Department's contract services and consulting lines. The -$24,158 represents the reduction of 25% of the Engineering Analyst I position due to the Special Events reorganization (see Figure 8 below).

H.R./Budget/Finance: Operating requests total $27,110 in FY 07 for increase to temporary part-time budget to backfill career development job sharing opportunities. Under this program, if someone wants to pursue a career development opportunity consistent with Council policies, but needs workload help to pursue additional responsibilities, this fund will help temporarily backfill workload demands. This program was recommended by the Career Development Task Force.

Public Affairs/Special Events/I.T./Econ. Development: Operating requests for this team total -$4,199 which results from the Special Events Dept. reorganization. This reorganization converts the Special Events Analyst II to an Analyst III and the Public Affairs Office Assistant to an Analyst I. Those reclassifications are offset with roughly $45,000 of personnel budget in Special Events. Then 25% of the budget for the Public Affairs Analyst I is moved from Public Affairs to Special Events. Finally, the Engineering Analyst I position (which is currently budgeted 100% to Engineering) is redistributed 50% to Engineering, 25% to Public Affairs, and 25% to Special Events. While the budget impact of the reorganization to the

Public Affairs/Special Events/IT/Econ Development team is -$4,199, due to the decrease in Engineering's budget the total citywide budget impact of the Special Events reorganization is a net *decrease* of $28,652 in FY 2007. However, on an actual expenditure basis, expenditures will be even less because the Special Events Manager position will be vacated. Staff recommends keeping the manger position in the budget but vacant to cover contracts and provide for future flexibility.

Special Events Reorganization - Staffing Changes	
Before Reorganization	**After Reorganization**
Special Events	Special Events
Special Events Manager	Special Events Manager (vacated)
Analyst II	Analyst III
	.25 Analyst I (shared w/ Pub. Affairs)
	.25 Analyst I (shared w/ Engineering)
Public Affairs	Public Affairs
Contract Office Assistant	.75 Analyst I (shared w/ Special Events)
	.25 Analyst I (shared w/ Engineering)
Engineering	Engineering
Analyst I	.5 Analyst I (shared w/ Spec. Events & Pub. Affairs)

Figure 8 – Changes in staffing for the Special Events Reorganization

Legal: Legal requests two career development reclassifications which are offset and have no budget impact.

City Council/City Manager: Operating requests total $10,368 in both FY 06 Adjusted and FY 07 to account for City Council dental and payroll taxes paid on wages received in lieu of benefits. There is an additional request for a professional development reclassification which is offset with existing resources.

Non-Departmental: One request in FY 07 for $20,000 to fund the instant bonus program. This will not actually increase the budget as the funds will be transferred from the general contingency to the personnel contingency similar to the performance bonus recommendation. This request was a recommendation of the Career Development Task Force. Per Council adopted policy, employees can receive an instant bonus from other employees up to $100 for exemplary one-time performance. By centralizing these funds, employees will not be discouraged by department budget constraints to give instant bonuses when warranted. All instant bonuses are reviewed by the City Manager or his designee to ensure appropriateness.

A. Department Review:

Budget, Debt, and Grants and the City Manager reviewed this report. All departments and some task forces reviewed concepts of this report.

Alternatives:

A. Hold a Public Hearing on operating budget requests and provide direction about budget issues

B. **Continue the Item:** Time will be available in future budget meetings to address any outstanding issues. Council could choose to give additional direction at that time.

C. **Do Nothing**

<u>SIGNIFICANT IMPACTS</u>: The City's budget must be balanced. Staff recommends that Council provide policy direction on budget issues. Any unresolved issues should be discussed by June 8th so that the Final Budget can be prepared for adoption on June, 15.

<u>RECOMMENDATION</u>: The City Council should follow the budget presentation schedule described above and provide direction concerning budget policies and issues if needed.

Attachments:
A - Part-time Pay Plan
B - Temporary Classification Task Force Decision Trees
C – Operating request Summary

2006 - 2007
PART TIME PAY PLAN
(updated 3/21/06)

Grade		Position	Pay
Grade 1			**$6.89 – 9.13**
	80100	Work Study I	
	83010	Golf Cart Servicer	
	80105	Clerk – General	
	80270	Library Aide	
	83500	Recreation Aide	
	80110	General Officer Clerk I	
	83810	Official/Referee I	
	80200	Intern I	
	83510	Recreation Worker I	
		Camp Counselor I	
		Child Care Worker	
		Facilities Assistant	
		Jr. Lifeguard	
		Pool Maintenance	
	83560	Recreation Instructor Assistant	
	84710	Custodian I	
	84010	Parks I	
Grade 2			**$7.65 – 10.14**
	80120	General Office Clerk II	
	80260	Library Clerk	
	83020	Golf Course Ranger	
	83520	Recreation Worker II	
		Camp Counselor II	
		Lifeguard	
		Front Desk Clerk	
	83570	Recreation Instructor I	
	84720	Custodian II	
	83820	Official/Referee II	
	80210	Intern II	
Grade 3			**$ 8.42 – 11.20**
	80160	General Office Clerk III	
	80215	Intern III	
	80230	Library Assistant	
	81120	Parking Enforcement Officer	
	83040	Golf Course Starter	
	83530	Recreation Worker III	
	84210	Streets I	
	84740	Building Maintenance I	

83580	Recreation Instructor II
84020	Parks II
83250	Recreation Front Desk Clerk

Grade 4 **$9.18 – 12.46**

80125	Office Assistant I
80240	Senior Library Assistant
83540	Recreation Worker IV
83590	Recreation Instructor III
84530	Water Laborer I
85000	Bus Driver
84750	Building Maintenance II

Grade 5 **$10.20 - $13.74**

80130	Office Assistant II
85010	Bus Driver II
81140	Reserve Police Officer Trainee
83550	Recreation Worker V
83600	Recreation Instructor IV
84540	Water Laborer II
82100	Crossing Guard
84220	Streets II
New	Parks III

Grade 6 **$11.22 – 15.01**

81150	Reserve Police Officer
83551	Recreation Worker VI Program Director
83610	Recreation Instructor V
83080	Assistant Golf Pro
84280	Mechanic Assistant
84550	Water Laborer III
80140	Office Assistant III
84250	Streets III
82050	Dispatcher

Grade 7 **$12.24 – 16.45**

87010	Technical Specialist
83300	Hockey Coordinator
83350	Skating Coordinator
80420	Accounting Clerk III

Grade 8 **$13.77 – 18.78**

86030	Project Manager
80250	Cataloging Librarian

Grade 9 **$15.30 – 22.22**

	82130	**Special Events Police Officer**	
	86010	**Building Inspector**	
	83611	**Recreation Instructor VI**	
	New	**Parking Adjudicator**	
Grade 10			**$17.34 – 25.07**
	86020	**Senior Building Inspector**	
	86035	**Project Manager II**	
	87020	**Technical Specialist II**	
Grade 11			**$21.42 – 28.56**
		*** When Regular Non-exempt Pay Plan Grade 11 catches up with market, Part-time Grade 12 will be eliminated.**	
	81500	**Accountant**	
Grade 12			**$22.00 – 30.00**
	83100	**Tennis Pro**	
	83630	**Recreation Instructor VII**	

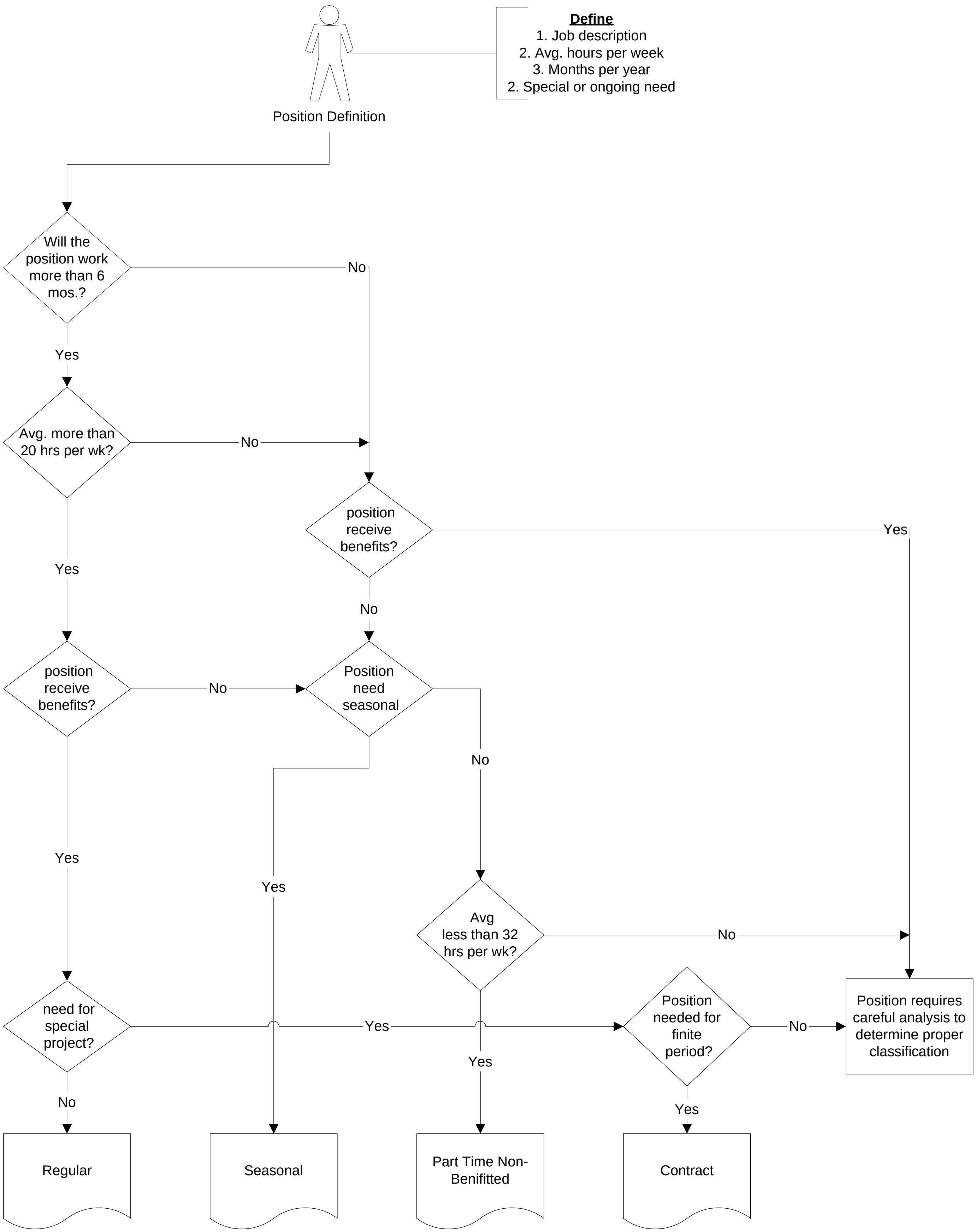
Lesson Pay Ranges*

Lesson Range 1	**$30.00 – 40.00**
No Positions	
Lesson Range 2	**$40.00 – 50.00**
No Positions	
Lesson Range 3	**$50.00 – 60.00**
Golf Lesson 1	
Lesson Range 4	**$60.00 – 70.00**
Golf Lesson 2	
Lesson Range 5	**$70.00 – 80.00**
Golf Lesson 3	
Lesson Range 6	**$80.00 – 90.00**
Golf Lesson 4	
Lesson Range 7	**$90.00 – 100.00**
Golf Lesson 5	

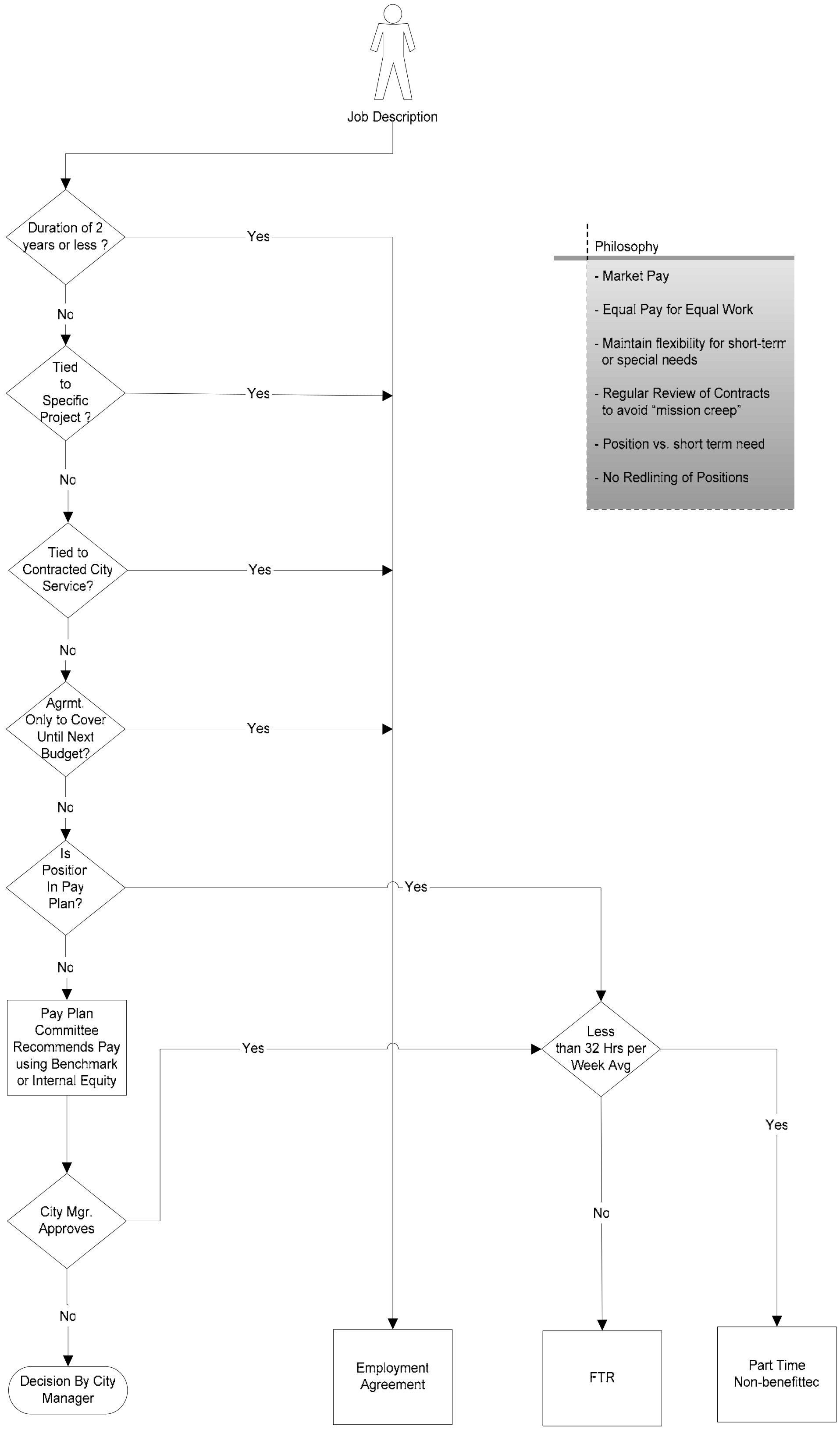
*Lesson Pay Range rates can only be applied when teaching a lesson for which there is an offsetting lesson fee that is (at least) equal to the lesson rate plus all applicable payroll taxes and/or administrative costs.

Any additions/changes to the Lesson Pay Ranges must be approved as a part of the Pay Plan.

Position Classification Decision Tree



Employment Agreement Decision Tree



Operating Request Summary

Fund		FY '06 Adj	FY '07 Rec.
11	Options	$ 88,188	$ 137,193
11	Temp Pay Plan & Contract Changes	$ -	$ 189,122
Total		**$ 88,188**	**$ 326,315**
12	Options*	$ 11,920	$ 63,859
12	Temp Pay Plan	$ -	$ 6,076
Total		**$ 11,920**	**$ 69,935**
51	Options	$ -	$ (390,290)
51	Temp Pay Plan	$ -	$ 10,434
Total		**$ -**	**$ (379,856)**
55	Options	$ -	$ -
55	Temp Pay Plan & Contract Changes	$ -	$ 137
Total		**$ -**	**$ 137**
57	Options*	$ 109,658	$ 766,716
57	Temp Pay Plan	$ -	$ -
Total		**$ 109,658**	**$ 766,716**
62	Options*	$ -	$ 207,893
	Temp Pay Plan	$ -	$ -
Total		**$ -**	**$ 207,893**
Grand Total		**$ 209,766**	**$ 991,140**

* Includes interfund transfers