

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 19, 2012**

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, April 19, 2012.

Closed Session

1:00 p.m. Property and litigation

Work Session

3:00 p.m. Park City 2030 Long Range Strategic Plan Presentation P. 7 - 15
• Public input
4:00 p.m. Library levels of service P. 16 - 27
5:00 p.m. Empire Avenue reconstruction P. 28 - 48
• Public input

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Quinns Junction Partnership annexation application and MPD review update

III PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)

IV WORK SESSION AND REGULAR MEETING MINUTES OF MEETING OF MARCH 29, 2012
P. 49 - 65

V CONSENT AGENDA (*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon.*)

1. Consideration to authorize staff to execute a Construction Agreement with Preferred Fire Protection for the Quinns Junction Water Treatment Plant fire sprinklers, in the amount of \$54,842, in a form approved by the City Attorney P. 66 - 70

2. Consideration to authorize staff to execute a Construction Agreement for the construction of the Crescent Tram sidewalk with Lyndon Jones Construction in the amount of \$71,795, in a form approved by the City Attorney P. 71 - 78

3. Consideration to authorize staff to execute a Professional Services Agreement with LSC Transportation Consultants in the amount of \$35,000 to provide transportation professional services related to conceptual scope and location for the PCMR Transit Hub & Parking Garage, in a form approved by the City Attorney P. 79 - 88

4. Consideration to authorize staff to execute the Seventh Addendum to the Professional Services Agreement with Bowen Collins & Associates, for general engineering services in an amount of \$191,826, in a form approved by the City Attorney P. 89 - 92

VI NEW BUSINESS

1. Consideration of an Ordinance approving the 7700 Marsac Avenue Subdivision, Park City, Utah
 - (a) Public hearing
 - (b) **Motion to continue to May 17, 2012**

2. Consideration of an Ordinance approving a condominium conversion for the 7700 Marsac Avenue Subdivision, Park City, Utah
 - (a) Public hearing
 - (b) **Motion to continue to May 17, 2012**
3. Consideration of a Resolution authorizing the issuance and sale of up to \$5,000,000 aggregate principal amount of water revenue bonds of the City; and providing for related matters P. 93 - 115
4. Consideration of a Resolution of the City Council of Park City, Utah designating an assessment areas are the purpose of (i) levying assessments against properties within the assessment area to finance the construction and installation of new roads, sidewalk, curb and gutter, culinary water improvements, sewer and storm drainage improvements, public parks and landscaping of public areas, and related improvements, (ii) estimating the amount of the assessments to be levied and the method or methods of assessments and (iii) generally describing the period over which the assessments are to be paid and the manner in which the City intends to finance said improvements; and related matters P. 116 - 136
5. Consideration of an Ordinance approving the 455 Park Avenue plat amendment, located at 455 Park Avenue, Park City, Utah P. 137 - 147
 - (a) Public hearing
 - (b) Action
6. Consideration of an Ordinance amending Ordinance 10-18 regarding an extension of the approval of the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat, located at 8800 Marsac Avenue, Park City, Utah P. 148 - 169
 - (a) Public hearing
 - (b) Action
7. Consideration of an ordinance amending Ordinance 11-8 regarding an extension of the approval of the First Amendment to the Resort Townhomes Condominium record of survey plat, located at 1109-1139 Woodside Avenue, Park City, Utah P. 170 - 192
 - (a) Public hearing
 - (b) Action
8. Consideration of Findings of Fact, Conclusions of Law and Order regarding the 60 Sampson Avenue appeal heard by the City Council on March 29, 2012 P. 193 - 197
9. Consideration of staff's recommendation on the Requests for Proposals for the sale, use and renovation of properties located at 1450 and 1460 Park Avenue, Park City, Utah P. 198 - 221

VII 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. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 04/16/12
See www.parkcity.org

**PARK CITY COUNCIL MEETING - TENTATIVE
SUMMIT COUNTY, UTAH
APRIL 26, 2012**

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, April 26, 2012.

Closed Session

Property and litigation

Work Session

3:30 p.m. Council questions/comments
3:50 p.m. Quarterly goals – 1st quarter
4:15 p.m. Historic Preservation Board interviews
5:45 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

IV WORK SESSION AND REGULAR MEETING MINUTES OF MEETING OF APRIL 5, 2012

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon.)*

1. Consideration of a Change Order to the IBI Professional Services Agreement in the amount of \$49,500, in a form approved by the City Attorney
2. Consideration of ratification of First Amendment to the Bowen Collins Professional Services Agreement for the design of the Judge Tunnel Pipeline

VI NEW BUSINESS

1. Consideration of a Master Festival License for the Utah High School Cycling League
 - (a) Public hearing
 - (b) Action
2. Consideration of an Ordinance - 269 Daly Avenue plat amendment – ME
 - (a) Public hearing
 - (b) Action

3. Consideration of an Ordinance - 12 Oak Court plat amendment – KW
 - (a) Public hearing
 - (b) Action
4. Consideration of an Ordinance - 80 Daly plat amendment – FA
 - (a) Public hearing
 - (b) Action

Study Session – following adjournment of regular meeting

Capital projects financing

VII 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. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 04/23/12

See www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.

May 2012

- 3 **Dana gone** (April 21 – May 7)
 Site tour – Quinns Junction
 Introduction of budget
 Recreation survey – work (1 hour)
- 10 **No meeting – Cindy gone**
- 17 Budget – work and public hearing
 Historic District – HPB and Nominations to the HIS (30 min)
 Community Water Efficiency Efforts – TP (20 min)
 Water bond – public hearing
 QJP annexation – public hearing/continuation
 PC Heights bonds
 Ordinance - 7700 Marsac Avenue Subdivision
 Ordinance – 7700 Marsac Avenue condo conversion
 Ordinance – 200 Ridge Avenue Subdivision – ME
 Ordinance – 573 Main Street and 564/572 Park Avenue plat amendment - FA
 High altitude training - study session
- 24 Budget – work and public hearing
 Emergency planning update – work
 PC Heights bonds
 Budget – work and public hearing
 Rocky Mountain Power substation – study session
 QJP annexation – public hearing/possible action
- 31 Budget – work and public hearing
 Balanced Growth Study findings – work – (90 min)

June 2012

- 7 Budget – work and public hearing
 Bonanza Park Plan update
- 14 Budget – work and public hearing – No meeting?
- 21 (Regular meeting begins at 5 p.m. and limited to budget)
- 28 Ice Arena update

July 2012

- 5 **No meeting**
- 12
- 19
- 26

Pending Items:

interviews/appointments

- BOA
- Planning Commission
- Library Board
- PAAB

Sundance Festival Policy – study session

Wildfire discussion – work

Conservation easements

Event discussion

RDA Strategic Plan

Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety



City Council Staff Report

Sustainability

Subject: Park City 2030 Long Range Strategic Plan
Author: Bret Howser
Department: Sustainability
Date: April 19, 2012
Type of Item: Informational

Summary Recommendation: On April 19, 2012, the Leadership ICMA Team will give an update on Park City 2030, the City's long-range strategic planning effort. Staff is asking that Council take public input and provide feedback and direction on the project.

Topic/Description: Strategic Planning

Background:

Earlier this year, Park City submitted a proposal (see attachment) to the International City & County Management Association (ICMA) Leadership Course. Each year, this prestigious leadership program selects a few projects from across the country to use as capstone projects for teams of program participants. Park City was fortunate enough to have our long-range strategic plan (Park City 2030) selected. The City has contracted with an assigned team from Leadership ICMA at a cost of \$5,000 plus expenses. Similar projects bid out to private market consultants have been known to cost up to six figures.

Over the past few months, staff has been working alongside the Leadership ICMA team on the layout, content, and eventual implementation of the City's long-range strategic plan. The Leadership ICMA team include Todd Aerni (Chief Building Official, Papillion, NE), Marc Landry (CAO, Beaumont, Alberta), Dele Lowman-Smith (Assistant to the County Manager, Fulton County, GA), and Nelsie Smith (Business Development Specialist, Decatur, GA). Their bios are attached.

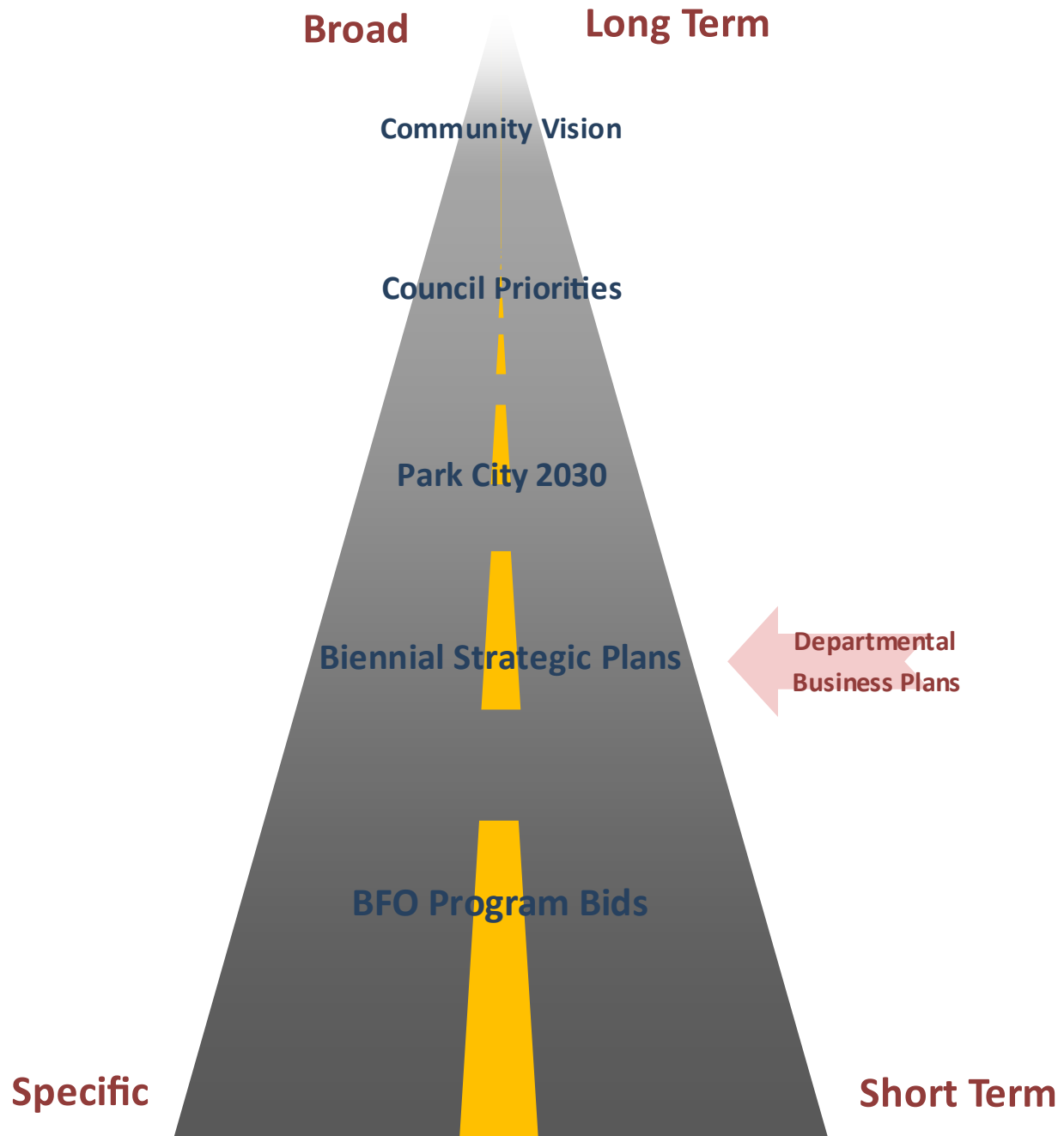
Analysis:

Strategic planning is the process of taking the broad ideas of the community and breaking them down into digestible strategies based upon prioritization that you can actually put a price tag on. This link between what government wants to do and how it does it is the gray area between policy and implementation.

The graphic on the following page provides an illustration of how we intend to make this happen.

- 1) Park City residents and stakeholders articulate an overarching vision for the community.
- 2) From this vision, Council develops and refines a set of long-term priorities, which it reviews each year.
- 3) Then a long-range strategic plan (tentatively dubbed Park City 2030) is developed to provide a sort of prioritized road map for achieving the Council's goals and the Community Vision.
- 4) Each biennium, elements of the long-term strategic plan are proposed to be put into action as part of a set of departmental business plans, summarized in the biennial strategic plan documents.

- 5) Finally, departments put together program bids based on the biennial strategic plans. These make up the budget that Council adopts each year.



Many of the elements described here already exist. A Community Vision was completed two years ago which gives a remarkably clear understanding of what our community expects from their government in general. City Council has refined this into a set of broad but clearly stated priorities. Biennial strategic plans were presented to Council during Visioning session earlier this year, and Budgeting for Outcomes (BFO) program bids will be submitted to Council next month.

During work session on April 19, the Leadership ICMA team will give Council an update on the process for creating the City's long-term strategic plan, Park City 2030. Park City 2030 is part of

the City's broader strategic planning process and is key to binding the City's operations and short-term strategic actions to Council's long-term priorities and the Community Vision. Park City 2030 will draw on, rather than replace, the City's existing strategic documents including the General Plan. The broad principles and strategies outlined in Park City 2030 will serve to guide staff in creating shorter term strategic and business plans that are in line with the City's overarching objectives.

On April 19, the Leadership ICMA team will seek feedback from Council on some key recommendations. These include the consolidation of Council priorities and strategies for implementing Park City 2030. The following draft flowchart gives a visual representation of the team's concept for implementing Park City 2030 and integrating the long-term strategic practices into the City's existing processes.

Park City 2030 Strategic Plan

Vision



Values



Council Priorities

- World Class, Multi-Seasonal Resort Community
 - Outcomes
 - Indicators
- Environmental Stewardship
 - Outcomes
 - Indicators
- Diverse Cultural and Economic Opportunities
 - Outcomes
 - Indicators
- Responsive, Cutting-Edge, and Effective Government
 - Outcomes
 - Indicators



Departmental/Team Business Plan

- Each Department (or Team, however Park City wants to align the Business Plans) develops a business plan.
- The Business plans are categorized by the 4 Council Priorities.
- Under each Council Priority shorter term strategies, initiatives and/or projects are outlined to ensure Park City 2030 is achieved, including inward / outward items.
- The Business Plans provide the linkage between the BFO bids, the Vision and the Long-Term Council Priorities.

Scorecard

- Quarterly and/or annually, the City will produce a Scorecard by Priority that combines the work of all Departments/Teams to showcase the advancement of the Outcomes/Indicators above.



BFO Program Bids

Next Steps:

During the days leading up to the Leadership ICMA team's presentation to Council on April 19, the team will be working with City staff to determine the remaining steps needed to complete the process and set hard deadlines. It is anticipated that the Leadership ICMA team will be back in Park City during the month of June to present draft deliverables. These deliverables include: 1) Park City 2030 Strategic Document, 2) Community Open House, 3) and presentations to Council and staff. The strategic plan is based upon the community visioning process which had significant public involvement. Staff is suggesting that Council take public input on April 19, 2012, and staff will conduct an open house in June to receive more input from the community once a draft of Park City 2030 is completed.

Department Review: This report was reviewed by Sustainability, the City Attorney and the City Manager.

Recommendation: On April 19, 2012, the Leadership ICMA Team will give an update on Park City 2030, the City's long-range strategic planning effort. Staff is asking that Council provide feedback and input on the current direction of the project.

Attachments:

- A – ICMA Capstone Project Application
- B – Leadership ICMA Team Bios

Attachment A

ICMA Capstone Project Application: Park City Municipal Corporation

Park City, Utah is home to 7,500 full time residents, however this often swells to well over 70,000 during certain times of the year due to our tourist based economy. Park City has hosted the majority of ski based events during the Olympics, is home to two of the top six winter resorts (Ski Magazine) Deer Valley ranked #1 and Park City Mountain Resort ranked #6 in North America. Park City is also home to the Sundance Film festival, one of the largest independent film festivals in the world today. Park City's residents and visitors alike have very high expectations on the deliverables from City programs and staff. Park City does an excellent job of soliciting citizen input for continuing quality improvement. However key to sustaining our quality culture would be to develop a long term strategic plan that brings everything together.

Project Scope

Work with Park City Municipal (PCMC) staff to develop long term strategic plan looking out to the year 2030.

Project Summary

Park City does not have a long-term strategic plan. Currently we do not have a singular long term vision of who we are and where we want to go. We have a patchwork of reasons why each person is here (here= Park City Municipal or Park City in general), but what is clear for the individual, it is not clear for the community as a whole. We need a focus to our vision of "Keep Park City Park City" – but we need to set that long-term vision in the context of a comprehensive, coherent direction. We would like to work with an ICMA Capstone Team to develop the long term strategic plan by pulling together many disparate but connected components.

Project Dimensions

While we are not set on this structure, we believe there are generally three categories of the 2030 long term strategic plan:

1. Inward focus
2. Outward focus
3. Implementation / Application

Within the category of "**inward focus**", the long term strategic plan should include the topics identified as such below. Additionally, the Capstone team may choose to include one or more of the optional topic area or areas of their own choosing:

- *Topic areas to definitely include in the 2030 long term strategic plan*
 - Consolidate and enhance the Vision and Values of the City that already exist;
 - Staff retention , development training & and succession planning throughout the City;
 - The role of technology in what we do;
 - What Park City's internal team structure might look like in the year 2030.
- *Optional topic areas:*
 - Alternative work week schedules;
 - Asset management: full spectrum analysis of components; how this equates to service deliverables and implementation; and
 - Staff-Council relationships and roles.

Within the category of "**outward focus**", the 2030 long term strategic plan should include the following categories (please address all of these topic areas). Additionally, the Capstone team may choose to include additional categories of their own choosing:

- Statement of Community Vision (based on community visioning process and materials developed approximately two years ago through and extensive visioning process) ;
- The Park City brand & how we use the brand & Park City Municipal's role in the brand;

Attachment A

- Evaluate Park City use of technology in governance in relation to the criteria of The Center for Digital Government and Digital Communities and incorporate recommendations for 2030 vision;
- Impact of regional growth pressures (on the perimeter of City limits)
- Our relationship with part-time residents (who pay the majority of residential property taxes);
- Community engagement.

Within the category of “**implementation/application**”, here are a few of the issues we would like covered.

For each of the following topic areas, both the inward focus and outward focus needs to be addressed:

- How can PCMC staff use the 2030 strategic plan, both within municipal operations and with the community at large?;
- What are the best applications for the plan within municipal operations and within the community?;
- Best practices for implementation of the 2030 strategic plan internally and externally; and
- How best can we communicate the plan internally and externally?

Connections: We would like to have the 2030 strategic plan tie to

- our individual team and issue specific strategic plans that are now in place;
- our Community Visioning process that was completed approximately two years ago;
- our General Plan and our developing neighborhood plans;
- our developing goal-specific short-term strategic plans (8 plans in total); and
- our budget and Budgeting for Objectives Program.

Supporting documents: In addition to the aforementioned team and issue-specific strategic plan, Park City Municipal has a number of documents that the IMCA Capstone team can use in the development of the 2030 strategic plan. These range from the results of our Community Visioning process to a recently completed Market Analysis & Carrying Capacity study to performance metrics.

Identification of Project Deliverables

- The 2030 strategic plan document;
- A one-hour presentation to all City staff of the 2030 strategic plan;
- A community open house;
- Press release, media talking points and direct media interaction by the Capstone team; and
- An additional one-hour presentation and Q&A to the City’s Management Team on recommendations for implementation and utilization of the 2030 strategic plan.

Conditions or Preferences:

We would like the ICMA Capstone Team to engage with PCMC staff to develop the plan – rather than just taking all of the documentation and writing it on their own. Park City will identify a team of people from various departments to work with the ICMA Capstone team during their time in Park City as well as when they are back in their home communities.

This would be analogous to the difference between going to another country to do a humanitarian project, such as building a water system, and engaging the local community in the design and physical construction of the water system vs. bringing in a team to do all of the work for the local community. The former will create more ownership, engagement and is more likely to result in the 2030 strategic plan actually being used by PCMC staff and elected officials.

**Nelsie Smith**

Business Development Specialist
Integrated Public Technologies (PayLock IPT)

Nelsie Smith is currently the Business Development Specialist for PayLock IPT, a field-based collections and parking management company. In this capacity, Nelsie works with local governments to improve their receivables for vehicle-related debt and enhance the customer service experience related to parking in cities and counties across the country.

Prior to this experience, Ms. Smith was the Assistant to the City Manager for the City of Greensboro, NC. In this role, Ms. Smith successfully designed and implemented a performance management program called MAP (management, accountability and performance) that the City uses as a framework to determine resource allocation and project prioritization to meet the results that the public desires. In addition, she was instrumental in drafting the City's economic development strategy and led the effort to create a consolidated economic development and business resource office.

Ms. Smith also served as the Principal Analyst for the Director of Finance in Baltimore, MD; Associate Director/Credit Analyst for Fitch Ratings' Public Finance Group; and Administrative Intern to the City Manager in Highland Park, IL.

Ms. Smith recently returned to her home state of Illinois, residing in Decatur. She earned her Bachelor of Arts degree in political science from Knox College in Galesburg, IL and her Masters in Public Administration from Northern Illinois University in DeKalb, IL. Ms. Smith has expertise in the areas of performance management, municipal finance, outcome based budgeting, and process improvement.

**Todd Aerni**

Chief Building Official
City of Papillion, NE

Mr. Aerni has been the Chief Building Official for the City of Papillion since June 2007. Papillion is located just south of Omaha and is one of the fastest growing communities in Nebraska. Papillion has been voted one of 'The Best Places to Live' by Money Magazine throughout the past decade. Prior to joining the City of Papillion, he was a Plans Examiner for the City of Lincoln, Nebraska for three years.

Mr. Aerni obtained his associates degree in Architectural Engineering Technology and his undergraduate degree in Business Management. He is currently pursuing his Masters of Public Administration degree and is now completing the ICMA Leadership Program.

Being an active member of ICMA has given him the opportunity to learn from the best local government managers in the world.

**Marc Landry**

Chief Administrative Officer
Town of Beaumont, Alberta, Canada

Marc Landry has been the Chief Administrative Officer (CAO) of the Town of Beaumont, Alberta, CA since January 2008. Beaumont is located in the Edmonton Capital Region and is one of the 20 fastest growing communities in Canada. Previously, he was the CAO of the Town of Bouctouche, NB for 5 ½ years. When he started in this position, he was the youngest person to occupy a CAO position in Canada. He has completed an MBA and is now completing the ICMA Leadership Program.

Mr. Landry has also done extensive international work. He helped communities in Louisiana following Hurricanes Katrina and Rita; worked with communities in South Africa, Mozambique and Swaziland; and is now working with the District of Kothom in Cambodia on capacity-building under FCM International. Being an active member of ICMA has given him the opportunity to learn from the best CAOs in the world, something that he truly values.

**Dele Lowman Smith**

Assistant to the County Manager
Fulton County Government, Atlanta

Dele Smith serves as Assistant to the County Manager for Fulton County Government where she is responsible for oversight of Communications, Fulton Government Television (FGTV), Performance Management and Training, along with the Information Technology and Personnel Departments. Prior to joining Fulton County in May 2008, Ms. Smith served as Special Assistant to the County Administrator and Strategic Initiatives Manager for Broward County Government in Fort Lauderdale, FL. She also held positions with the State of Florida, including with the Florida Sterling Council, a public/private partnership in the Executive Office of the Governor which administers the state-level Malcolm Baldrige program.

Ms. Smith originally hails from Pittsburgh, Pennsylvania. She obtained her undergraduate degree at Florida Agricultural & Mechanical University and also holds a Master of Public Administration degree from Baruch College in New York City. She is a 2004 graduate of the National Urban Fellows program. Ms. Smith is a trained facilitator and an aspiring thought leader in the areas of leadership, strategic planning, and organizational change.



City Council Staff Report

Subject: Library Service Level Discussion
Author: Linda Tillson, Library Director
Department: Recreation Library
Date: April 19th, 2012
Type of Item: Informational

Summary Recommendations:

Staff would like Council to review the staff report and provide strategic direction regarding the desired future service level for the Park City Library.

Topic/Description:

Future of the Park City Library

History of the Library:

The library is the highest rated community service* provided by the City and is an essential element to Park City's small town character and sense of community. The library has a long history of being valued and invested in by the community and local leaders. The bulleted and pictorial timelines below illustrate the community's investment in this cherished resource.

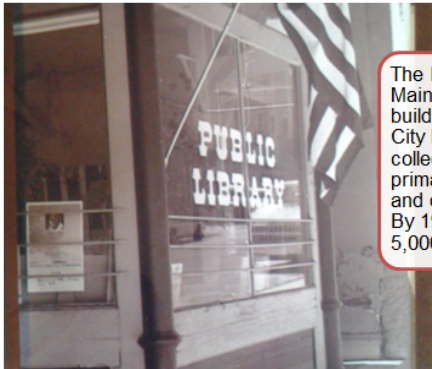
Quick Library Facility History

- Congregational Church Basement in 1888 (327 volumes). Run by Woman's Athenaeum Society.
- Main Street 1917-1982 in the building adjoining City Hall. (Collection grew to 5000 volumes by 1982). Collection consisted primarily of donated and older materials.
- Community members approached Summit County Council to ask that a branch library supported by property tax be established in Park City. The response was that the bookmobile service was "good enough."
- Citizens spearheaded an effort for Park City to establish its own city library supported by property tax.
- Library was moved from Main Street location to the renovated Miner's Hospital via book brigade of local citizens in 1982.
- As the library outgrew the Miner's Hospital an effort to relocate the library and preserve the abandoned and deteriorating Carl Winters High School Building was undertaken. In 1993 the library moved into the former high school gymnasium which had been renovated along with the rest of the building.
- In 2004 a 3300 square foot expansion added space on the first floor to accommodate the explosive growth of Internet computer use, children's programs and the expanding materials collection.

*Citizen Survey Ratings Library; 90% Good-Excellent, Insight Research 2003; 95% Good-Excellent, Insight Research 2006; 92% Good-Excellent, National Research Center 2011

Library Timeline

1917-1982



The library was on Main Street in the building adjoining City Hall. The collection consisted primarily of donated and older materials. By 1982, it grew to 5,000 volumes.

1982-1993



The Library was located in the Miner's Hospital building.

1993

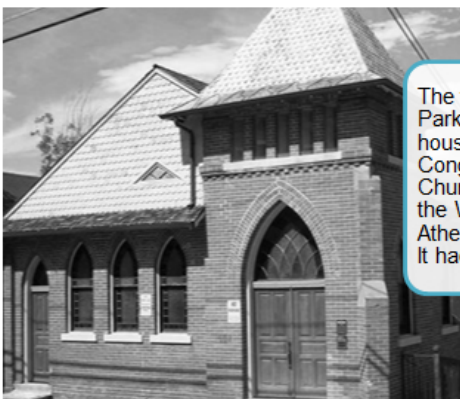


As the library outgrew the Miner's Hospital, an effort was undertaken to preserve the abandoned and deteriorating Carl Winters High School. The library moved into the former gymnasium which had been renovated along with the rest of the building.

Mid to Late 1970s

Community members approached Summit County Council to ask that a branch library supported by property tax be established in Park City. The Response was that the bookmobile service was "good enough." Citizens spearheaded an effort for Park City to establish its own City library supported by property tax.

1888



The first library in Park City was housed in the Congregational Church and run by the Women's Athenaeum Society. It had 327 volumes.

1982



The Library was moved from Main Street to the renovated Miner's Hospital via a book brigade of local citizens.

2004



A 3,300 square foot expansion added space on the first floor to accommodate the explosive growth of Internet computer use, children's programs, and the expanding materials collection.

Background:

On January 12, 2012 Library Staff brought a proposed expansion and renovation plan for the library to City Council for discussion. Council directed staff to consult with Sustainability Staff, who oversee other uses of the building, and return with a strategic plan that considers future uses for the entire building rather than just the 1st and 2nd floor areas proposed for library expansion.

Library and Sustainability Staff members met to discuss an overall future plan for the Library and Education Center. The group came to the realization that without a comprehensive policy discussion by Council on the future direction of the library, including a discussion on Council's preference for future level of service, having a cogent discussion of possible expansion was impossible.

Analysis:

Libraries have become much more than just places to check out a book. In order to continue Park City's long tradition of offering top notch library service the facility and services must keep up with current trends and the changing needs of the community by:

- Adding space to optimize technology access
- Offering the latest innovations in library services
- Continuing to grow the materials collection
- Facilitating community gathering

Attachment "A" in the appendix references articles from professional journals that discuss the need for libraries to innovate and change to meeting the rapidly changing needs of their communities of users.

Level of Service Options for Library

To facilitate a discussion of future strategic direction for the Park City Library four possible levels of service for the library facility are described below and further detailed in the Library Service Level Matrix. Photos from the American Library Association's 2012 design showcase, illustrate some of the latest innovations that could be implemented with a library renovation and expansion at the World Class Resort Library or World Class Resort Library & Community Center level of service.

Deteriorating Library: Significantly Reduced Level of Service @ 30% (Grade level F)

A deteriorating library is a facility in which no investment is being made and no improvements are being implemented. The lack of improvements and updates to meet community needs results in declining use and obsolescence.

Outdated Library: Current Level of Service @ 75% by 2014 (Grade Level C)

An outdated library is a facility for which minimal improvements are made. The status quo is maintained without implementing any significant advances or innovations. The facility falls behind and becomes less relevant to its community over time.

World Class Resort Library: Maintain Current Level of Service in Future @ 90% (Grade Level A-)

The world class resort library continues the precedent of past investment in the library allowing the institution to adapt to changing needs of the community and implement innovations in library services that ensure the library remains a vibrant and vital community resource.

World Class Resort Library and Community Center: Increased Level of Service @ 98% (Grade A+)

The world class resort library & community center implements all of the features of the world class resort library but with the additional benefit of creating a large flexible use space that can be utilized by local nonprofits, businesses and the library to offer a more vast array programming and large multi-use gathering space.

Library Service Level Matrix

	Deteriorating Library (Significantly Reduced Level)	Outdated Library (Projected Level with Business as Usual)	World Class Resort Town Library (Continued Enhanced Level)	World-Class Resort Library & Community Ctr. (Significantly Enhanced Level)
LEVEL OF SERVICE				
National Citizen Survey Rating	30%	75% by 2014	90%	98%
Desired Outcomes				
Connected, Knowledgeable & Engaged Citizens	Distinterested citizens	A portion of the population is engaged	Many connected, knowledgeable & engaged citizens	Many more connected, knowledgeable & engaged citizens
Vibrant Community Gathering Places & Spaces	Uninviting, dilapidated, infrequently used space	Moderately growing level of use, potential decrease if services are not updated	High level of utilization; more than a place to find a book; community spaces of differing sizes	Large percentage of the community utilizes the space; space is utilized for many community happenings; community center of Lower Park
Vibrant Arts & Culture Offerings	No arts & culture offerings	Limited arts and culture offerings	Rotating art displays; better spaces for various sizes of community group meetings & events	Artist talks; partnership with Kimball & Arts Kids;
Level of Service				
Adult Services	None	Book group and occasional programs through partnerships	Small business development area; window seating & a fireplace to create more comfortable spaces; Park City History room with oral histories & interactive history features ; rotating educational & artistic exhibits	Multiple meeting room sizes; reception space outside of Santy; small business development resource area; Coffee bar; Window seating & a fireplace to create more comfortable spaces
Youth & Spanish	No focus on children; no Spanish offerings	Childrens and Spanish areas with limited collection & program space	Early literacy interactive area for children; enhanced Spanish collection & area; family area in children's section	Children's Reading Room; interactive displays; bi-lingual staff; Spanish center
Circulation	no additions to circulation	limited additions to circulation	Maintain current pace of circulation expansion	Expanded circulation
Technical Services	very limited outdated technology; no classes	limited technology; basic services; infrequent classes	Technology hub w/ computer & wifi area; flexible use classrooms; digital media center; Technology expansion at current pace; more frequent classes	Technology hub; digital media center; maintain pace with current technology; expanded class offering; frequent classes
IMPLEMENTATION				
Impacts/Tradeoffs				
Impacts to Current Building	Deterioration of Existing Building over Time	Maintain Existing Building As Is	Expansion to 2nd Floor/Secure Control of 3rd Floor or Move to New Location	Expansion to 2nd & 3rd Floor Immediately or Move to New Building
Building Maintenance	No building maintenance	New Roof	New Roof; New HVAC system	New Roof, New HVAC System; Geothermal & Solar (PV)
Tenants	No Change	No Change	Some Tenants Move	Some Tenants Move
Programs	Elimination of Multiple Programs	Reduction of Some Programs	Some Expansion/Some Reduction	Expansion
Cost				
Capital				
Operating				
Forgone Revenue	Some tenants will eventually move out	none	\$85,000 per year	\$85,000 per year
Time Until Subsequent Renovation	N/A	N/A	10 years	15-20 years

The primary difference between the World Class Resort Library and World Class Resort Library and Community Center is that the latter would provide a gathering, meeting and programming space for community functions and educational programming. This would be achieved by remodeling the three adjacent classrooms in the center of the east side of the 3rd Floor to create a large flexible use space that would accommodate large or small meetings, exhibits, community programs, etc. Movable interior walls would create the ability for the space to serve as one, two, or three meeting rooms of different sizes equipped with projectors, screens, and speakers. This space would be turned over to Sundance for exclusive use during the Film Festival. This could be an opportune option to realize senior citizen and not-for-profit community needs currently identified in City's Plan for redevelopment of property at the Fire Station/Senior Citizens location.

A renovated third floor would also provide future expansion space for library if needed in the 15-20 year time frame.

The Library Board's recommendation on the level of service that the library should be providing will be articulated by the Chair and Vice Chair. Since their meeting last week was postponed to April 18 due to lack of a quorum, it was not possible to include this information.

The following images provide a better description of what a level of service between 90% and 98% might look like:

2012 American Library Association Design Showcase

"Ideas that could be implemented to ensure that Park City Citizens & Visitors have access to the latest innovations in library services."



Interactive Children's Learning Area

The Alphabet Landscape at Magna, UT Library features more than 100 interactive elements linked to the letters. While many are obvious to even the youngest children, others are more subtle, offering new things for families to discover on subsequent visits.



Flexible Meeting Space

The Miller Branch of the Howard County Maryland Library System features a dividable meeting room that seats 300 people, a historical center, and a community-based teaching garden opening in May that will focus on health, nutrition, and environmental education. Light settings can be adjusted depending on outdoor light levels to save energy, while an 8,800-square-foot vegetated roof adjacent to the terrace overlook includes Sedum and Phedmus plantings in colors that reflect the interior color palette.



Innovative Teen Area

The city of Scotts Valley in Santa Cruz refurbished a former indoor roller rink located in a redevelopment district for use as its new public library. The building is the first civic project in the city's new town center. Suspended polycarbonate "lanterns" introduce natural light into the library and define programmatic spaces. The roller rink's raised platform and booth seating inspired the teen space, providing space for both independent and collaborative work.



Computer Lab

The North Branch Library of Terrebonne Parish Library System in Houma, Louisiana has 36 public computers, as well as a lab with 12 more workstations for computer classes. Two meeting rooms each have LCD projectors and screens, as well as internet capability. Wireless is available throughout the facility, including in meeting rooms and on two reading decks, and some of the seating options are specially designed to incorporate laptops.



Library Café/Coffee Bar

Humboldt State University has opened the Library Café in the building's main lobby where patrons can buy refreshments and socialize, while taking advantage of multiple electrical outlets to power and recharge their handheld devices. Designed to provide a comfortable and relaxing atmosphere the new Library Café is serving coffee and espresso drinks bottled juices, teas, sodas and waters. Bagels and pastries are served mornings and pre-made sandwiches, salads, various fruits and assorted energy, health and candy bars are also available. The café has seating for 46 people, including diner-style booths, bar stools and full-size sofas and armchairs.



Flexible Space with Comfortable Reading/Study Areas

The Villard Square Branch of the Milwaukee Public Library occupies a mixed-use building that also contains 43 subsidized apartments that target grandparents raising their grandchildren. Separate entrances ensure that each section has its own identity. Within the library, a meeting room features retractable walls and chairs and tables that can be replaced with soft seating and rolling collections when the space is not being used for programs, a semi-enclosed teen space, a children's area with a window seat that doubles as a performance stage, and a central hearth with a gas fireplace.



Teen Room with Technology & Collaboration Emphasis

The new Otwell Teen Library at Fayetteville Public Library in Arkansas incorporates major increases in shelving for teen materials; seating for teens; and computing resources, which grew from five PCs to 25, plus three collaborative workstations. A project room accommodates eight people and has modular furniture, a whiteboard for brainstorming, and easily cleanable linoleum floors. Fabrics, countertops, and decorative panels all incorporate recycled content, and all post-construction materials were recycled.



Digital Media Lab

Arlington Heights, IL Library believes that “It’s time for libraries to stop functioning like grocery stores where people simply come to get stuff and start acting more like kitchens where people come to create and tell their own stories. Libraries need to start empowering users of all ages to work with videos, music, podcasts, and graphic design.” It is particularly important to provide these resources for citizens who could not otherwise access these technologies.

Tenants of Library and Education Center

Staff discussed current leases in the facility and agreed that extending leases for the non-profit lessees would be in alignment with an educational and community focus for the building. Thus, the levels of World Class Resort Library and World Class Resort Library and Community Center each retain leases for the Park City Coop and Park City Film Series. Both would be located on the third floor in areas not included in the renovated larger multifunctional space described earlier. This would involve a move for the Coop which is currently located on the second floor.

Other pertinent information:

- Revenues received from second floor meeting space totaled \$350.00 for FY 2011
- The annual revenue from tenant leases for FY 2011 was:

Soaring Wings (3 rd Floor tenant)	\$83,916.00
PC Film Series (Santy & one 3 rd Floor office)	\$10,283.76
PC Co-op Preschool (2 nd Floor tenant)	<u>\$8,193.73</u>
TOTAL	\$102,393.49
- The Museum Storage lease on the 2nd floor is set to expire on 08.31.2013.

Funding Should Council wish to maintain or improve the current level of service, building maintenance and other tenant improvements will be necessary. Because the Library is within the Lower Park Avenue Redevelopment Authority (LPA RDA) boundaries, RDA funds are available to the Park City Library. The implementation plan for City-owned property within the LPA RDA that was reviewed and accepted by City Council on January 27, 2011 included in the initial phases a Library expansion project, along with a community/ senior center, rehabilitation/restoration of two historic buildings and creation of an east-west corridor connecting neighborhoods. Later phases of the Plan included multiple housing options. Discussions recognized a \$700,000 cost estimate for the Library.

The LPA RDA is now generating approximately \$1.2M annually. There is a current balance of undesignated funds of approximately \$3.75 M. If increment remains otherwise unallocated, the RDA has the ability to pursue approximately \$8-10 Million in projects, which would allow the City to implement the majority of all phases of the Plan. This does not contemplate any extension of the RDA, which we estimate could generate another \$15-20 M through a 15 year extension.

Department Review: This report has been reviewed by the Recreation-Library Team, Sustainability Department, Legal Department and the City Manager.

Alternatives:

A. Approve:

Provide staff with direction as to the level of service desired for Library.

B. Deny:

Decline to provide direction regarding desired service level for Library.

C. Modify:

Direct staff to make adjustments to service levels proposed.

D. Continue the Item:

Staff will not have clear direction on level of library service to be provided to the community and visitors.

E. Do Nothing:

Staff will not have clear direction on level of library service to be provided to the community and visitors.

Significant Impacts:

With direction from City Council on desired level of service, staff can proceed with planning to deliver service level specified.

Consequences of not taking the recommended action:

Staff will not have clear direction on level of library service to be provided to the community and visitors.

Recommendation:

Staff would like Council to review the staff report and provide strategic direction regarding the desired future service level for the Park City Library

Attachments:

A. Bibliography of Articles re: the need for libraries to update to meet community needs

Attachment A

Niegaard, H. (2011). Library space and digital challenges. *Library Trends*, 60(1), 174-189.

This is an excellent article on library spaces and future trends. An adequate summary is impossible. Please see below for excerpts that highlight the major points of the article:

“Like the book, the library is occasionally declared as good as dead by futurologists. That is not true. In the global information society, the library’s best days still lie ahead of it, provided it is allocated the necessary resources and permitted to adapt in an age where a greater proportion of the world’s information, knowledge, and cultural services are disseminated digitally. But the library building is undergoing considerable change: a transition from the book- and the shelf-dominated library to a broad cultural and knowledge-bearing *holistic* library, where the focus is on the user’s stay in the library and on the user having access to *both* physical and digital resources” (p. 174).

According to Niegaard, “the new library” should be and characterizes as follows:

- “The library’s collection and presentation focus has been widened from essentially the printed documents of the Gutenberg “universe” to coverage of multimedia, music, images, and Web-based services.
- The library is used as a local community’s interactive meeting, learning, and transformation space, one which is open to all” (p. 177).

Contrary to the belief of some, “Books and reading will still be a core service in the twenty-first-century library” (p. 179). Niegaard writes: “The library of the future, or “the new library,” is a holistic library where printed, physical, and traditional materials are presented side by side with digitized, virtual services. It is characterized by a wealth of space, teeming with users who don’t only come to borrow materials but also to meet, read, listen, work, and “settle down” in a common meeting place, a pulsating communal cultural and knowledge center [...] In short, we are witnessing the arrival of buildings that combine the sacred, familiar book hall with the concept of the multimedia, cultural café, and which represent oasis of both personal immersion and digital exploration” (p. 180).

What does it take to have such a library? According to Niegaard, “What is required is ample space for the users and their activities at the library; a tighter collection layout and allocation of shelving; room for comfortable, spacious lounge facilities; a café; learning areas; exhibition areas; meeting rooms; and room for individual concentration, and access to books and other forms of media. There should be plentiful search and Internet facilities for those users who don’t bring their own laptops, and wireless Internet access to those who do, as well as space for Internet instruction. Also supplied should be individual guidance and professional assistance in finding the appropriate materials, accessing relevant knowledge, and knowing how to manage the vast quantities of digitalized information. Self-service borrowing and return facilities are essential. Spatial arrangement needs to be made for the presentation of cultural heritage (e.g., an interactive art, music, and learning room), and for reading aloud to children – and adults.” (p. 186)

Niegaard concludes with: “The library has always been a place for the dissemination of knowledge and culture. In the pre-modern age, library access was for the few. But with the establishment of public libraries in the nineteenth century, the library has since become a place for the masses, not just the privileged – a democratic place of accessible knowledge and culture where one will meet and interact with one’s peers [...] What the users come for is the unique library ambience and quality of experience; and they will no doubt keep coming. But this will only happen if library staff and managers, and parent bodies (city councils and

universities) understand the need for the continual updating of media formats and sources, competencies, services, and of course the physical premises" (p. 188).

Begg, R. (2009). Death or diversification? The use of space in public library buildings. *Aslib Proceedings*, 61(6), 619-635.

This research study examined the use of space in public library buildings for book and non-book purposes over time. The study finds that inclusion of non-book spaces is not a new trend in library buildings and has been around for quite some time. According to the author, "Books still have a significant role in terms of floor space and stock in new libraries even with the increased addition of non-book space, illustrating less dramatic changes than suggested by some" (p.1). The study concludes that "these trends in fact indicate a diversification of public libraries and their buildings and not their imminent death."

Kenney, B. (2003). The library reloaded: Tomorrow's libraries will have the same components but on a new scale. *Library Journal*, 8-10.

This article discusses components of modern library design including trends for new buildings and updates for existing buildings. How RFID impacts library service and design is mentioned. The author encourages libraries to "build for tomorrow," by incorporating technology, high speed Internet connections, media centers, and spaces for meeting and collaboration. Libraries should adapt flexible use spaces, be inviting, and connected to their communities by "providing varied collections that will support entertainment and learning in the 21st century" (p.10).

Jones, D. (2001). People places: Public library buildings for the new millennium. *Aplis*, 14(3), 81.

Library building design must take into consideration the type of community the library serves. Spaces and design that accommodate an increasingly elderly population, young adults and children, and people with disabilities must be considered. Especially important is the integration of technology into library designs. Jones writes: "Information technology will permeate every aspect of the services, resources and activities of the library. The building must provide every opportunity to facilitate this, otherwise it will be impossible to take full advantage of what is offered." Jones sees the library as continuing to play a vital role in the community and that the physical library will complement the virtual library, rather than replacing it. According to Jones, "Providing equity of access to information resources, irrespective of format, will be a continuing role of the public library, and a continuing reason to provide appropriate space for the community, with a variety of software and hardware, the right IT infrastructure and the necessary technical know how." He goes on to point out that promoting and teaching information literacy will be a key role of the library and that informal and formal training spaces will be required. It is important to note that user expectations for the library are changing. The future public library will be "a hybrid library with physical and virtual services and resources," and it will have a strong community focus and serve as a community hub. Finally, Jones emphasizes that "The physical presence, the character and personality of the building will still be vitally important. Quality space will be required which is appropriate to community expectations, and which will perhaps surpass them. Image is important. People need places of which they will feel proud."



City Council Staff Report

Subject: Design Discussion for Empire Avenue Reconstruction Project
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: April 19, 2012
Type of Item: Administrative

Summary Recommendations:

Staff wants to affirm the direction staff is going with the design for Empire Avenue so it is in alignment with Council policy for this Reconstruction Project. Staff recommends no sidewalks for the section of Empire Avenue south of Manor Way.

Topic/Description:

This work session is to provide Council with additional information on the Empire Avenue Project and to discuss any concerns.

Background:

City Council adopted the Old Town Improvement Study (OTIS) in 2002. OTIS reinforced the recommendations made in a 1992 study and the City has been steadily improving infrastructure in Old Town since then. Street projects which have been accomplished since 1992 include most of Swede Alley, King Road, Ontario Avenue, Marsac Avenue, Woodside Avenue south of 12th Street, Upper Park Avenue, Prospect Street, Upper Norfolk and lower Woodside/Norfolk, Hillside Avenue and Sandridge Drive.

In May 2011, the OTIS study was updated with current estimates of construction costs and with a reprioritization of remaining projects. Empire Avenue rose to the top of the list primarily because of the deteriorating and highly problematic water line located under Empire Avenue. Proposed improvements include road removal and replacement, upgrade of the existing water main, installation of hydrants, installation of new water services and/or meters as required, landscaping and coordination with dry utility companies for upgrade or replacement of their facilities. Sewer improvements or relocation will also occur from Silver King Drive to Manor Way. Traffic signs and regulatory signage will also be installed. The project includes evaluation for the potential of sidewalks along this road section.

Critical elements of this project include: providing residents access during roadway construction, determination of whether sidewalks will be installed, achieving no net parking loss and protecting the numerous historic homes and structures along the roadway.

To keep residents along Empire Avenue informed and provide them with a venue to voice their issues and concerns, three (3) public involvement meetings were scheduled

to be held during the course of the project. The first public meeting was held on February 7, 2012 during the preliminary design phase of the project with the purpose of capturing initial public concerns. The second public meeting was held on March 27, 2012 and was used to show the residents the nearly complete design and again provide for their input.

The third public meeting will be held just before construction starts in late May/Early June. This meeting's objective will be to let the residents know construction will be starting and give them a chance to meet the contractor.

Additional public involvement efforts included regular e-mail blasts, use of mail and the creation of a Facebook site. All these elements were used in an effort to keep the residents as informed as possible and to provide them with numerous means to communicate with staff and to gather and disseminate information.

Analysis:

The following analysis is focused on addressing the issues raised by residents along Empire Avenue. Included is discussion on the proposed cross section for Empire Avenue and the implementation of the survey.

Proposed Road Cross Section

The development of the Old Town residential road cross section occurred during the City's Traffic and Transportation Master Plan Study completed and adopted by Council in the fall of 2011. Two (2) cross sections were developed for Old Town residential streets, one with sidewalk and one without. It should be noted that the road width and sidewalk discussion only applies to the Empire Avenue section from Manor Way south to the bend at Lowell Avenue. Key elements in the development of the Old Town residential road cross sections include:

- Provide for a minimum of 20 foot clear space as required by the Fire Code,
- Provide rigid space in the cross section that cannot be changed while providing flexible space in the cross section that could be used for different needs or simply eliminated. The rigid space defined for the Old Town road cross section included the 20 foot of clear space as required by the Fire Code which includes the curb and gutter as part of this rigid space. Flexible space included parking and sidewalk (elements that can be eliminated if adequate width is not available),
- A conscientious discussion between staff and the consultants occurred pertaining to the need for sidewalks in Old Town. Using the Complete Streets philosophy of designing streets to accommodate all modes of movement, discussion centered on the proper location of pedestrians on a narrow residential street with speed limits posted at 20 MPH. The results of the discussion, as shown in the final approved Traffic and Transportation Master Plan, were that sidewalks are not needed in Old Town but would still be included in the flexible space area on one of the Old Town road cross sections and would be considered if an overwhelming number of residents requested it.

If space is limited in Old Town, sidewalks would be eliminated before street parking is eliminated,

- Allowed parallel parking will be provided on the road instead of behind the curb and gutter, and
- One of the key elements of the design, based on the issues arising from the Norfolk Avenue project, was to develop a design with no net loss in parking.

There are numerous benefits to moving the parallel parking back onto the street (as opposed to the numerous parking “pads” along the roadway that have developed over the years):

- Provide a small increase in snow storage areas for our public works people to use. Though not great in size, every square foot available to be used for snow storage will allow our Public Works Department to delay the need to haul snow,
- With the uphill parallel parking moved out to the edge of the street, existing parking conflicts with existing power poles, stairs, entranceways and retaining walls in the space behind the curb and gutter would be eliminated. It is anticipated that approximately four (4) to five (5) spaces would be gained just by moving the parking to the edge of the street, and
- The City would be responsible for plowing the snow from the parallel parking area.
- Parking enforcement would be straightforward and simple for the police as they would not need to determine if the parked car is on City ROW or whether the posted NO PARKING sign is a legal enforceable sign.

The existing road cross section varies in different locations but ranges from 17-1/2 feet to 24 feet of asphalt with some sections of curb and gutter. A couple of sections were measured and attached for comparison purposes. Parking is currently allowed along the uphill side with the majority of this parking occurring behind the curb and gutter. Parking along the downhill side is dominated by perpendicular parking with some opportunities to park parallel.

The proposed road cross sections will be 27 feet wide and 24 feet wide in the section near the Sweetwater Condos where parallel parking is unavailable. The proposed 27 foot wide section includes 22 feet of asphalt and a total of five feet of rolled curb and gutter (2-1/2 foot wide on each side of the road). The proposed 24 foot wide section includes 19 feet of asphalt and a total of five feet of curb and gutter. The difference in the proposed 27 foot wide section with the existing cross section is that vehicles will be required to now park parallel on the uphill side of the street instead of behind the curb and gutter. This will narrow the road to 17-1/2 feet available for two (2) travel lanes. Again, the current width of asphalt on Empire Avenue ranges from 17-1/2 feet up to 24 feet.

Comparison of this proposed road cross section has been made to Park Avenue, Woodside Avenue and Norfolk Avenue. Attached for comparison are measured sections from each of these roads. The difference between the road sections is that

upper Park Avenue and Norfolk Avenue were designed to provide parallel parking behind and on the curb and gutter, while Empire Avenue is using the updated road cross section with parallel parking on the street.

	Asphalt Between Curb and Gutters (feet)	Curb and Gutter Width (feet)	Parking Width (feet)	Sidewalk Width (feet)	Total Road Width (feet)
Current Empire Avenue Section (North)	24.7	5.0	14.0 (East) 16.0 (West)	0.0	29.7 (does not include Parking areas)
Current Empire Avenue Section (South)	23.6	0.0	7.0 (Gravel Area)	0.0	30.6
Upper Park Avenue Road Section	16.3	7.5	3.3	4.6	31.7
Norfolk Avenue Road Section	16.0	5.0	7.4	4.0	32.4
Woodside Avenue Road Section	14.75	5.0	7.0	0.0	26.75
Proposed Empire Avenue Section	22	5.0	On the Street	0.0	27.0

Impacts of sidewalks and conduit

As design commenced, it was found that adding sidewalk to the east side (downhill) of Empire Avenue would result in the potential loss of numerous parking spots all along the street or, even worse, they would simply park on the sidewalk and thus become an enforcement issue (e.g. Norfolk Avenue). Staff provided direction to the consultant to move the sidewalk to the west side (uphill) of Empire Avenue. This new location still resulted in the potential loss of numerous parking spots on the downhill side and would cause numerous downhill drives to be steeper. Moving the sidewalk to the west would also expand the width of the road section to 31 feet (20 feet of Fire Code clear space, seven feet of parking and four feet of sidewalk). Attached is a layout drawing, that was included with the second survey, showing the effects of the sidewalk on parking along the road.

Exact utility conduit location in the ROW was not analyzed during the design phase. It was assumed that the conduits would fit within the road section. The consultant was asked to determine the impacts of above ground facilities such as ground sleeves and transformers on the residents. With a transformer located every third home and ground sleeves located every 600 feet, the impacts were not extreme on parking with only four (4) to five (5) parking spots lost due to the facilities. The greater impact would be to the front yards (e.g. visual) of every third resident.

Survey review

During the first open house, staff provided a booth to collect residents' concerns and to determine if they preferred sidewalks and conduits for future undergrounding of overhead utilities. The attendance was sparse, so staff determined that a more formal process would be required to determine residence's preference. It was decided to use a more formal approach and use Survey Monkey to help distribute the survey and to collect and analyze the data. Additionally, staff recognized that the residents would require additional information so they would be better informed before voting. For instance, many of the residents believed that the City would install the conduits at the City's cost and that the installed conduits included the wiring and the connection of each of their homes. When they were informed of the process and the potential costs to each resident, they overwhelmingly voted against installing conduits.

The first survey was conducted from March 4, 2012 until March 16, 2012. Out of 99 residents/properties along Empire Avenue, 63 residents/properties voted and the final tally was:

- Per the question pertaining to conduits,
 - o 71.4% voted against installing conduits (45 votes),
 - o 28.6% voted for installing conduits (18 votes),
- Per the question pertaining to adding sidewalk,
 - o 65.1% voted against installing sidewalk (41 votes)
 - o 34.9% voted for installing sidewalks (22 votes).

Due to concerns expressed by a resident at the March 29, 2012 City Council meeting regarding the sidewalk, staff decided to redo the sidewalk portion of the survey. This sidewalk survey was updated with additional information to further clarify the impacts including a map of Empire Avenue that showed the potential impacts to existing parking. The second survey was conducted from April 6, 2012 until April 13, 2012. 24 residents voted and the final tally was:

- o 77.1% voted against installing sidewalk (27 votes)
- o 22.8% voted for installing sidewalks (10 votes)

Surveys are tricky. Rather than debate its results, staff suggests that we learn from the Norfolk experience where residents preferred on street parking to sidewalks.

Past NTMP Studies

Staff has evaluated traffic on Empire Avenue numerous times over the last two years because of requests by a few residents that speeding and volume of traffic is excessive and a problem in this corridor. Staff has monitored and recorded speeds and volume counts on five different occasions:

- February 12 to February 17, 2010,
- March 24 to March 29, 2010,
- April 9 to April 13, 2010,
- December 27 to December 28, 2010, and
- January 22 to January 24, 2011.

Additionally, staff hired a traffic consultant, Hales Engineering to further evaluate Empire Avenue. Based on the results of the speed studies and Hales evaluation, It was determined that a speed/volume problem does not exist. Hales did recommend a few minor adjustments (addition of signs) and these recommendations were implemented. Modifications will occur to the intersection of Manor Way and Empire Avenue with this proposed project to further discourage ski traffic from utilizing Empire Avenue.

It should be noted that on November 7, 2011 and after staff had completed Phase I and Phase II level evaluations, the unsatisfied residents were invited to petition the City to advance to Phase III of the NTMP process (25% of the affected residents would be required to sign the petition). To date, the required petition has not been submitted.

Project Schedule

At this point in the project, our consultant is over 90% complete with the design. Based upon the complete streets concept and lack of an overwhelming number of residents requesting it, there is no sidewalk in the design from Manor Way south to the bend to Lowell Avenue. Additionally, due to the unfavorable support of burying the conduit, conduit is not in the design. The anticipated project's schedule is as follows:

- Staff's goal is to have the project out to bid on April 23, 2012, which is critical for completion of the work this summer,
- Bid opening is anticipated to be on May 15, 2012,
- The construction and construction engineering management contracts would be brought to Council for approval on either May 24 or May 31, 2012,
- Construction would start in early June and would be complete by November 1, 2012.

Project Options

Because this road project is being driven by the need to replace the utilities specifically the deteriorating water lines, the question has been asked if the road can just be patched after the utilities have been installed. Staff recommends complete replacement of the road for the following reasons:

- With two (2), possibly three (3) water lines, a gas line installed, and a new sewer being installed between Silver King Drive and Manor Way, there will be very little road surface left to patch together,
- If an attempt is made to patch the road, the City will need to completely replace the road within the next year or so. This would result in another year of construction impacts for the neighborhood, and
- Cost efficiencies would be lost by patching the road now and coming back at a later date to fully replace the road section.

Project Budget

The engineer's estimate of construction costs is \$3,700,000. The cost for the sewer replacement is \$700,000 and will be funded by Snyderville Basing Water Reclamation District (SBWRD). The cost for the waterline replacement is \$1,600,000 and will be funded through the City's Water Department. The cost for the road reconstruction is \$1,400,000. This road cost is part of the upcoming 2013 budget discussion specific to OTIS but currently does not have funding identified. There is a study session scheduled for April 26 where funding alternatives for large projects such as OTIS, downtown improvements and open space acquisitions will be discussed.

Department Review:

This report has been reviewed by the Planning Department, Water Department, Public Works, City Manager, Sustainability and Legal. All issues have been resolved.

Recommendation:

Staff wants to affirm the direction staff is going with the design for Empire Avenue so it is in alignment with Council policy for this Reconstruction Project. Staff recommends no sidewalks for the section of Empire Avenue south of Manor Way.

Exhibits – Traffic and Transportation Master Plan Road Section
 Current Empire Avenue Road Sections
 Proposed Empire Avenue Road Sections
 Current Park Avenue Road Section
 Current Norfolk Avenue Road Section
 Current Woodside Avenue Section
 Map Showing Potential Impacts Caused by Installing Sidewalk
 Initial Survey Questionnaire with Summary
 Recent Survey Questionnaire with Summary

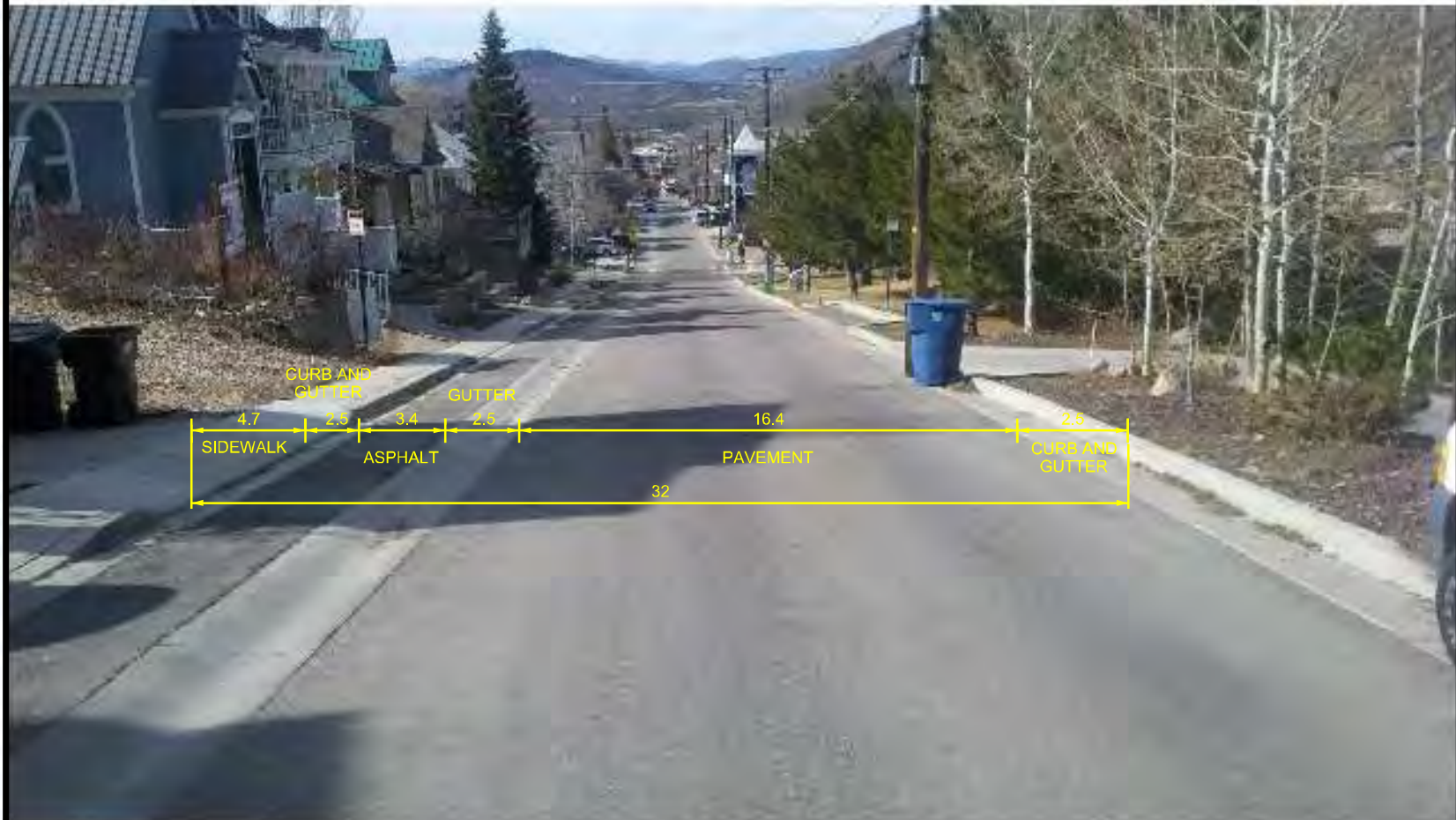




CURRENT EMPIRE AVENUE ROADWAY SECTION



PROPOSED EMPIRE AVENUE ROADWAY SECTION



PARK AVENUE ROADWAY SECTION



NORFOLK AVENUE ROADWAY SECTION



WOODSIDE AVENUE ROADWAY SECTION



Survey #1 Date MARCH 4-16, 2012

Exit this survey

Empire Avenue Reconstruction Property Owner Survey

Park City is requesting your participation in a property owner poll for additional improvements (new sidewalk and new underground conduit installation) as part of the planned Empire Avenue Reconstruction project. The City will move forward on the majority vote decision, for or against, the implementation of the additional improvements. If implemented, these additional improvements will have impacts to the current roadway configuration and cost to the individual property owners as outlined below.

****THIS SURVEY IS FOR EMPIRE AVENUE PROPERTY OWNERS ONLY. YOUR DEMOGRAPHIC INFORMATION IS NECESSARY TO SORT OUT "NON-ELIGIBLE" VOTES.****

Next

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Survey #1 March 4-16, 2012



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Empire Avenue Reconstruction Property Owner Survey

* 1. NEW UNDERGROUND CONDUIT (west-side only between Silver King and Crescent Tram)

- Property owners must create a neighborhood district then petition and prepay Rocky Mountain Power (RMP) to design and estimate the cost of underground conduit installation
- Cost to individual property owners (estimated \$10-15K per property) for:
 - Installation of underground wiring inside the conduit
 - power pole removal
 - connection from conduit to individual residence
- Property owners coordinate removal of the overhead poles with RMP (and any additional utility companies utilizing the poles)
- 10-12 feet of impact to property for above ground power transformer boxes
- Loss of on-street parking
- Unused conduits are not viable for conversion within a few years (conduits begin to degrade or damaged)

After reading the above, are you willing to pay to install new underground conduit?

- ☐ YES
- ☐ NO

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Empire Avenue Reconstruction Property Owner Survey

*2. NEW SIDEWALK (west-side only south of Manor Way intersection to Crescent Tram)

- Loss of on-street parking
- Travel lane narrows to 12'6" feet

After reading the information above, are you in favor of installing new sidewalk?

- ☐ YES
- ☐ NO

Prev Next

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Empire Avenue Reconstruction Property Owner Survey

3. **THIS SURVEY IS FOR EMPIRE AVENUE PROPERTY OWNERS ONLY. YOUR DEMOGRAPHIC INFORMATION IS NECESSARY TO SORT OUT "NON-ELIGIBLE" VOTES.*

Name:

***4. Address:**

***5. Contact information (for updates during construction):**

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Survey #1 March 4-16, 2012



Exit this survey

Empire Avenue Reconstruction Property Owner Sidewalk Survey

Park City is requesting your participation in a 2nd property owner poll specific to the installation of a new sidewalk on the uphill (west-side) of Empire Avenue between Manor Way and Crescent Tram Road.

****THIS SURVEY IS FOR EMPIRE AVENUE PROPERTY OWNERS (SOUTH OF MANOR WAY) ONLY. YOUR DEMOGRAPHIC INFORMATION IS NECESSARY TO SORT OUT "NON-ELIGIBLE" VOTES.****

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Survey #1 March 4-16, 2012



Survey #2 Date April 6-13, 2012

Exit this survey

Empire Avenue Reconstruction Property Owner Sidewalk Survey

With the installation of a new 4 ft sidewalk (City recommends 5 ft), please consider the following additional information:

- Potential loss of parking, city anticipates up to 36 spaces lost with the addition of the sidewalk.
- Loss of parking will create a parking shortage on the street as the displaced vehicles look for alternative locations.
- Increased impacts to the east side property owners (driveways, snow melt systems, landscaping). With sidewalk, the road will shift from its current location 4 feet to the east with increased impacts to the east side residents.

PLEASE CLICK THE LINK BELOW TO VIEW A MAP OF THE PROPOSED DESIGN AND USE THE MAGNIFYING CURSOR TO ZOOM IN FOR SPECIFIC LOCATIONS:

[click here](#)

Prev

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Survey #2 April 6-13, 2012

Adobe PDF

Your PDF file "Empire Sidewalk Survey PDF 1.pdf" has been created.



Exit this survey

Empire Avenue Reconstruction Property Owner Sidewalk Survey

*1. NEW SIDEWALK (west-side only south of Manor Way intersection to Crescent Tram)

After reading the previous information and viewing the map of proposed design with sidewalk, are you in favor of installing new sidewalk?

- ☐ YES
☐ NO

Prev

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Empire Avenue Reconstruction Property Owner Sidewalk Survey

2. **THIS SURVEY IS FOR EMPIRE AVENUE PROPERTY OWNERS ONLY. YOUR DEMOGRAPHIC INFORMATION IS NECESSARY TO SORT OUT "NON-ELIGIBLE" VOTES.*

Name:

***3. Address:**

***4. Email and Phone Contact Information (for updates during construction):**

Prev

Done

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**PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
MARCH 29, 2012**

Present: Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek; and Liza Simpson

Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney; Heinrich Deters, Trails Coordinator; Diane Foster, Interim Assistant City Manager; Tommy Youngblood, Special Events Coordinator; Jon Wiedenhamer, Economic Development Manager; Francisco Astorga, Planner; Kent Cashel, Transportation Manager

Cheryl Fox, Director of Summit Lands Conservancy (SLC); Alison Butz, Director of Historic Park City Association (HPCA); and Kevin Valaika, owner of Shabu

1. Annual open meetings law training. Polly McLean explained that the law is also referred to as the Sunshine Law and the spirit of the Act is making deliberations in public so that the public feels confident in government. The Act applies to anyone conducting the public's business including appointed board and commission members who also receive this training. She emphasized that a quorum is a meeting which is three Council members, including the Mayor because he can vote in the case of a tie. Discussion ensued on this point. Mark Harrington interjected that Council cannot hold two on two meetings with the intent of circumventing the Act by getting consensus. Ms. McLean stressed that the spirit of the Act is open deliberation and pointed out that a chance social meeting is not considered a meeting.

Ms. McLean stated that Council members cannot deliberate through email. Andy Beerman relayed that ULCT Attorney David Church has a different interpretation on emails. He feels emails are fine because they are static communication but not chat room or Skype which are dynamic. Mark Harrington stated that he disagrees with that interpretation. Polly McLean added that emails are subject to GRAMA requests. There was discussion about obtaining personal emails and Mark Harrington explained that these could be requested but a judge would examine the hard drive and decide which communications are public and which are private. Ms. McLean strongly encouraged members to limit City business to City accounts and that the Mayor announce where Council is going to socialize after a meeting. Electronic meetings are permitted.

The reasons for closed session were addressed. Mark Harrington interjected that Council can close for personnel where personal characteristics might be discussed and deliberated upon in closed session, considering the individual's privacy. This is an instance with competing private interests but the decision or vote must be made in public.

Ms. McLean stated that a meeting must be noticed at least 24 hours in advance and an annual meeting notice posted at the beginning of the year. She stated that the Council airs on the side of letting people speak on a matter but if there is no requirement for a public hearing, the audience has the opportunity to watch the Council deliberate but not necessarily to participate. Minutes and a recording of the meeting are required. Ms. McLean emphasized the importance of minutes as they are the official record of a meeting. Emergency meetings have certain criteria. If there is a violation of the Act, the Attorney General or County Attorney will enforce provisions. The bottom line is getting back to the intent of the law and recognizing its importance by conducting business publicly and making sure the citizenry is represented and is heard.

2. Council questions and comments. Alex Butwinski referred to the “nits” discussion during Visioning. He felt issues were never really resolved, specifically a consistent process for meetings. Ms. Simpson commented on the interagency meeting where the legislative session, the Shakeout, and trail safety/emergency response were discussed. The working group will return to the interagency group with regard to solutions for trail conflicts and emergencies.

Cindy Matsumoto reported on the Chamber Board meeting where education initiatives were addressed. She commented on the event survey conducted last summer where patrons at events responded. Fifty percent of attendees indicated they came to Park City because of the event and 75% were inclined to return to Park City because of the event calendar. Summer visitors spend approximately \$200 per day and 90% are from Utah. Ms. Matsumoto emphasized that events drive our economy.

Andy Beerman stated that he attended a BOSAC meeting during the week which focused on the cemetery and a conservation easement on the PRI Parcel. He also attended the Planning Commission meeting where members continue to make improvements to the Quinns Junction annexation.

Dick Peek commented on the poor sound quality associated with the electronic meeting last week and parameters for electronic meetings were relayed by the City Attorney.

Mayor Williams advised that Mayor Becker’s Office is organizing a conference call next week with other mayors in the state on a proposal for an Olympic bid but cannot participate because of a conflict. It was decided that Dana Williams and Andy Beerman will be Olympic liaisons for future meetings and Mr. Beerman will cover for the Mayor for the conference call.

3. Open space easements. Heinrich Deters asked if Council wishes to provide a stewardship endowment for existing or future conservation easements and if Council would like to place additional conservation easements on existing or future open space parcels.

SLC is currently under contract with the City until June 30, 2012 to provide monitoring, stewardship services, and possible new easements on parcels (PRI, Round Valley, Hope, Gambel Oak, etc.). A RFP for these services is proposed to be issued in May or June.

He referred to a letter from SLC outlining its desire to have an endowment in place. Factors include the uncertainty of future funding in a political climate and the uncertainty of funding the requests through existing sources such as the open space account which can vary from year to year. Council should consider the long-term cost savings that an endowment can provide versus a short-term financial impact to existing sources. He stated that finally, the Council should consider privatization of funds and real costs the City incurs annually from maintenance of open space which includes weeds and future commitments, like mine hazard mitigation or a wetlands restoration. Due to potential costs, staff is recommending that Council identify endowment costs as part of future parcel acquisitions rather than impacting existing funding sources.

Ms. Simpson asked for clarification between stewardship and monitoring. Mr. Deters explained that monitoring is walking the property and identifying physical characteristics and stewardship involves monitoring activities on the property and following-up on violations which could incur a variety of costs. Currently, the City meets with SLC on a monthly basis on reported incidences. Ms. Simpson recalled having this discussion in relation to the legal defense fund where it was concluded that the City Attorney's Office was basically acting in that capacity for currently held easements. Mr. Harrington interjected that his office defends the City's interests and is not acting as SLC's attorney, although interests may be mutual in most instances. However, he questioned what happens when the City and SLC disagree over enforcement and/or how SLC funds its own legal defense against the City or another party.

Diane Foster described stewardship as an umbrella. SLC is the steward with responsibilities including monitoring and responding to infractions. Mr. Beerman confirmed that the purpose of this endowment is for monitoring and not the legal defense fund. Alex Butwinski pointed out that the endowment does not fund maintenance; Heinrich Deters agreed and clarified that maintenance is provided through the existing open space account. Ms. Foster added that maintenance is performed by City staff or a contractor.

Mr. Butwinski referred to Cheryl Fox's comment in her letter about easements being overlooked, but he felt the likelihood of this is very low because they are recorded. Ms. Foster agreed with his statement. He asked why some parcels have deed restrictions while others do not because they add another layer of protection. Heinrich Deters explained that properties are dealt with on a case-by-case basis. Currently, staff makes sure that the property is perpetually deed-restricted but it may have been different ten years ago. Mark Harrington explained that property cannot be deed restricted retroactively. He believes there are only three small parcels that are not deed-restricted, some of which were not directly negotiated by the City.

Cindy Matsumoto acknowledged that properties have different layers of protection but ultimately, it is good to have a third party monitoring them. She felt staff can do some of that, but a third party provides legitimacy and there are no guarantees about future political decisions. For these reasons, she felt the City should have a stewardship for open space properties and believes the community would want the ability to sue to protect open space. Diane Foster pointed out that with property that is protected by bond language and a deed restriction but not a conservation easement, the community could still sue and there could still be third-party monitoring. Ms. Matsumoto felt redundancy is important because open space is one of the most valuable assets of the City; it preserves our lifestyle and economy. Andy Beerman agreed. The community has supported conservation easements for protection in the future and the stewardship fund makes sense in the event of a conflict. An independent fund would continue to support services provided by a land conservancy.

Liza Simpson separated the issues, monitoring, stewardship, and conservation easements. She understood the endowment runs with the land and not with SLC. Heinrich Deters explained that the endowment would be managed by the PC Foundation. Mark Harrington interjected that in cases where the conservation easement was deeded to SLC it was in perpetuity unless SLC ceases to exist or the deed is assigned.

Diane Foster explained that SLC was funded through the grants process but because the amount varies every year, it seemed more appropriate to move to a regular contract which is subject to the City's procurement policy. The term of the last contract was three years, expiring on July 1, 2012 for renewal, so the service will be bid. Mayor Williams questioned the reasoning for issuing a RFP especially when an endowment is established. Mark Harrington explained that the contracts with SLC are not written that way so they would have to be amended in an open process. Mayor Williams felt that the organization holding the easement should do the monitoring and have the ability to legally defend the easement. Ms. Foster believed that a contract for holding a \$1.5 million endowment would have to go to bid according to the City's policies.

Tom Bakaly explained that the contract with SLC was based upon monitoring for a three year period. Ms. Foster expressed that if another agency is selected the conservation easement could be reassigned. Mark Harrington described the existing contract as a hybrid as it addresses monitoring but not an endowment. The service contract refers to the conservation easement and he asked Council members if conservation easements should be amended to include an endowment. Mr. Harrington felt this is the real request although SLC is trying to repackage it through a more palatable contract element utilizing some flexibility by going through the third party group. Mayor Williams reiterated his feelings about considering another organization. Tom Bakaly clarified that SLC was initially selected under a competitive bid process for a contract with a three year period and this needs to be bid.

Dick Peek felt there could be parameters on the trust held by the PC Foundation and the trustees in the future could make decisions based on the contract. Tom Bakaly stated that this approach takes the matter to the next level because the City is not involved in how the properties are monitored in perpetuity. It provides safeguards that it will happen but it also removes the City from decisions by funding it.

Andy Beerman felt the purpose of a conservation easement is to take it out of the City's hands. Mark Harrington disagreed; the purpose of the conservation easement is to provide additional protection consistent with it being in our hands. This is a huge policy distinction. He explained that there are reasons why bond language may be inconsistent with an interpretation of a third party conservation easement. The terms of those should be very consistent unless the Council consciously makes the use more restrictive by granting the easement. Being too restrictive may be a violation of the bond because bond language may allow recreation use, for example. He emphasized that conservation easements are best done at time of acquisition. The public is buying the right, not the land conservancy.

Cheryl Fox interjected that a land conservancy ensures that today's interests are guaranteed into the future. Mark Harrington clarified that SLC is receiving the same enforcement right that the City has so it is an assignment of the same interest. The right was not sold or bought; it is an assignment which is the difference. Diane Foster pointed out that the bond language to purchase the PRI Parcel allows for recreation. The conservation easement is narrowing what recreation can be placed on it and an argument can be made that the bond language is not being upheld. Ms. Fox added that conservation easements are negotiated in detail and there may be conservation values that the bond did not articulate and that the community is interested in preserving. In those situations, the conservation easement can clarify uses.

Mark Harrington felt that there is agreement of a case-by-case determination at the time of purchase when everyone has the same opportunity to determine under what terms and restrictions the property is being acquired. The costs can be considered at this time. The problem with deeding conservation easements after the fact, is that the interest base and the environment changes. He encouraged Council members to be cautious. Everyone agrees with the principles but there are interest groups who want to use the property for certain purposes. Restrictions on the property should be done within the bond at a Council public policy level and not defined by one group by contract after the fact. He emphasized that a conservation easement is meant to be forever and he urged cautiousness.

Liza Simpson believed all open space bonds should provide for a stewardship which she understood runs with the property. She would like more information on managing the endowment in-house as opposed to having PC Foundation holding it. Mr. Beerman asked if establishing a stewardship fund could jeopardize the bonds. Mark Harrington stated that if it is tied to a permanent conservation easement with limited restrictions that are different than the bond, there is at least an argument. The devil is in the details

and he doesn't have contracts before him. He is more concerned about the legal tie to the conservation easement. Future councils cannot be bound with appropriations and the endowment can be problematic if not funded upfront. Ms. Foster emphasized that there is currently no funding source for an endowment.

Alex Butwinski felt the Council needs more time to review this. He felt it reasonable to issue a RFP at least for monitoring services.

Cheryl Fox explained that annual site visits represent one small part of stewardship. The point of stewardship is to protect the properties and conservation values that the community has enumerated. The organization holding the easements has to monitor them anyway and the Council could decide not to issue a RFP.

A continuance was discussed. Mayor Williams agreed that open space purchases should have a conservation easement placed on them at the time of acquisition. Liza Simpson stated that she needs more time to understand the endowment and Ms. Fox explained the role of the PC Foundation. Tom Bakaly advised that staff will proceed with the RFP process and return with a discussion about the endowment during the budget process.

4. Master Festival License code change and venue use guidelines. Tommy Youngblood relayed that the process began in 2009, recognizing the increase in event activity and potential community impacts. The goal is to balance a dynamic calendar while ensuring positive economic return. There are currently 66 events scheduled in 2012, totaling 120 days which represents four months of activity. Staff typically receives two to three inquiries per month on new events. He noted that the staff report frames some of these questions and solutions and many departments are involved. The fee resolution addressing special events is slated for action on the regular agenda.

He pointed out that *small scale community event* is now defined. Council wanted staff to help smaller events like Young Riders. Ms. Matsumoto stated that she has been involved in the Historic Home Tour over the years which never applied for a permit. She was concerned about the 300 attendance number and how it would affect small events, specifically fund-raisers. Mr. Youngblood explained that small scale community events do not have many regulations because they should be facilitated. She asked if 300 is a good number and Mr. Youngblood indicated that if attendance is estimated over 300, then special event criteria is applied. Ms. Matsumoto expressed concern about asking small event organizers to produce \$2 to \$4 million in insurance and he explained this is the standard. Mark Harrington interjected that the City can assist organizers in obtaining insurance for small events through the City's provider and most established non-profits have insurance.

In response to a question from the Mayor, Mr. Youngblood explained that all MFLs must be approved by the City Council while special and small scale events are administrative approvals based on criteria.

Mr. Youngblood clarified that applicants often use the umbrella of special events to avoid noticing requirements for tents and other temporary structures required under the CUP process. Special event licenses have also been issued for selling merchandise in parking lots. Staff feels that this practice is better regulated through zoning and use guidelines which have provisions for allowing this use or activity. He believed that the event process should not be used in this manner. Jon Weidenhamer elaborated on these types of activities and commented that staff believes the planning process is a better approach because it gets to the underlying use. He emphasized that staff would like to get away from an exemption based approach. Ms. Simpson believed that if a tent is put up at the Park Meadows Country Club for the whole summer, for instance, it should probably go through a planning process with a more thorough review than a weekend use.

Mr. Bakaly indicated that when this returns, the broad policy discussion can be framed regarding the trade-offs between creating business opportunities that support economic vitality while ensuring that the Code is being followed and not subverting zoning. It is both an opportunity and loophole situation.

5. Main Street dining parking fee. Francisco Astorga explained that this discussion relates to the parking fee and the request from HPCA for 15 additional free parking days. Council requested that staff provide an analysis relating to the parking fee charged for the pilot Main Street dining program. In 2010, a total of three decks were installed and all fees were waived by Council and in 2011 nine decks were charged \$300 per 20 linear feet. In order for the Transportation Department to break even on the parking program, it is recommended that the fee be increased from \$300 to \$550 per 20 linear feet for 2012.

Dick Peek understood that in 2010, the City agreed to 24 free days; 2011, 35 free days and 50 free days are requested for 2012 by the HPCA. He asked if the merchants experienced an actual boost in business on free parking days. Alison Butz explained the agreement between the Park Silly Sunday Market, HPCA and the City. When parking fees were increased on Main Street from \$1 to \$1.50, concessions were made regarding free parking. The HPCA tries to tie free parking with promotional efforts and she hoped that there will be an increase of sales on Main Street but admitted it is more of a *warm and fuzzy feeling*.

Ms. Simpson recognized that part of the reason for raising dining fees is to fund parking because the system should not operate in a deficit. Alex Butwinski felt the fees for dining were too low from the onset. Kent Cashel explained that the rate increase forecasted that revenues would be increased by \$160,000 per year. Of that amount, \$40,000 was to go to the PSSM, \$40,000 contributed to the HPCA, \$40,000 for enhanced parking and transit marketing for Main Street and \$40,000 was left as a cushion for the City. He advised that the City is using the last \$40,000 toward free

parking days. The goal set for the parking program in 2003 was that it breaks even and he detailed calculations.

Andy Beerman felt this is a good compromise and agreed with staff's recommendation. He asked that next year, 2009 data be included to create a base line. Mr. Cashel explained that 2009 was left out because the increase in rates was not in effect and including it would have skewed the information. Cindy Matsumoto also supported the increase in dining fees and free parking days.

Kevin Valaika, Shabu, asked what will happen next year with regard to dining fees. If fees continue to increase, decks will be less attractive to business owners. Mayor Williams believed fees may be reviewed every year.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 29, 2012**

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, March 29, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Sayre Brennan, Public Works Inspector; Brooks Robinson, Transportation Planner; Tommy Youngblood, Special Events Coordinator; Kent Cashel, Transportation Manager; Mat Evans, Planner; Polly Samuels McLean, Assistant City Attorney; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

III PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

1. 920 Empire Avenue demolition – Sandra Morrison, Park City Historical Society, read a letter into the record regarding the demolition of 920 Empire Avenue (shed at rear of property) on March 20, 2012. She approached the Planning Department regarding the proposed demolition but was told there is no appeal process. There was no opportunity for public input. She read the report from the consultant but believes her research paints a different picture of its history but the fact that she wasn't given an opportunity to present this information is of concern. Once a historic building is gone, it is gone forever and a more open policy should be encouraged. Ms. Morrison urged Council to amend the Land Management Code to allow the Historic Preservation Board to nominate structures and sites to the Historic Sites Inventory and asked that there be a public input component to any future demolition in the Historic District. Having the HPB review demolitions seems to be the obvious solution.

2. Empire Avenue reconstruction – Kyla Parkhurst, Empire Avenue resident, stated that she represents a group of residents on Empire Avenue. The process for the reconstruction began with Fehr & Peers sending out a survey but it was very vague and limited. She believed sidewalks were voted down because people thought that all parking would be removed. However, the diagram showing sidewalks also shows parking. Ms. Parkhurst felt that other options could be presented and considered. A question to residents could have been about widening the street to accommodate more traffic and increase speeds in order to provide another corridor for traffic from the base of the mountain to Main Street which seems like the goal of the project. Residents should have been asked if they want to lose three to four feet of frontage. Another option is using the street width but adding gutters to both sides of upper Empire connecting to the gutters on lower Empire. She stated that she measured Park Avenue which could be duplicated on Empire with 3'10" sidewalks, 2.5' gutters, and 16' for traffic and parking. There are other options that haven't been presented and the survey should not be the only determinant. She read an excerpt from the City's Neighborhood Traffic Management Plan regarding goals and did not feel this has been considered at all in the reconstruction plans. The Plan indicates that arterial street traffic will not be directed over neighborhood streets, which is not the case here. Ms. Parkhurst stated that she wants to work with the City and the consultant to make Empire Avenue is a narrower and safer street. Someone is going to get killed on the street because there are no sidewalks for pedestrians.

Sayre Brennan explained that the City's Neighborhood Traffic Management Plan is a separate program but Empire Avenue has been through two phases of it regarding traffic calming and cut-through traffic and the next step is to submit a petition to the City with at least 25% of the neighborhood signing. One of the main reasons for working on the street is because the water line is in dire need of replacement. The reason staff decided not to recommend sidewalks is because of the results of Survey Monkey; out of 93 households contacted, 63 responded and out of those, 71% said no to underground conduit, 28% said yes. For a sidewalk on the uphill west side of Empire, 65% said no to a sidewalk while 24% said yes. This was the basis for not recommending a sidewalk. As far as street width, Empire Avenue varies from 20 feet to 25 feet. The project is going to be narrowing the actual asphalt to 22 feet with 2.5 feet of curb and gutter adding five feet which makes it 27 feet. A portion of the 22 feet will be dedicated to on-street parking with no net loss of parking, leaving about 18 to 20 feet of actual drivable surface which cannot be any narrower based on the Fire Code.

Ms. Parkhurst asked if Mr. Brennan disputes her measurements of Park Avenue and upper Woodside Avenue at 15 to 16 feet for traffic. Mr. Brennan clarified that Norfolk varies between 15 to 20 feet and upper Park Avenue is one-way in the winter which is why it has a sidewalk. He pointed out that sidewalks were not supported by Norfolk Avenue residents. Ms. Simpson added that parking was lost on upper Park Avenue. Sayre Brennan reiterated that this plan has no net loss of legal parking. In response to a question from Tom Bakaly, he explained that open houses were held in February and March and a third one is planned once a contractor is selected in late April or early May. Construction is estimated from mid-May to mid-September.

Cindy Matsumoto discussed conflicting opinions of residents on Norfolk Avenue and believed more discussion may clarify expectations. Mr. Brennan emphasized that 97 properties were contacted through a variety of methods, and 93 responded. Sixty-seven percent of the 93 respondents indicated they did not want sidewalks or conduit.

Ms. Parkhurst stated that the Survey Monkey questions were leading and confusing and felt residents should have received something more informative. Mr. Brennan disagreed and again pointed out that 67% is overwhelming and two open houses were held where Ms. Parkhurst's concerns could have been raised. Kyla Parkhurst continued to complain about the survey and felt people would have voted differently if it was clearer.

Tom Bakaly interjected that the goal of the City is to gain consensus opinion on the street which is why the survey and open houses were conducted. He felt that a work session can be held on this matter although 67% is very high and there doesn't seem to be a geographic issue like there was on Norfolk Avenue.

Andy Beerman asked if people can park on the sidewalks. Mr. Brennan felt that parking on sidewalks defeats the purpose of sidewalks. He added that the NTMP process indicated that speeds and volumes are low on Empire Avenue and it is recommended to mix vehicles and pedestrians. Ms. Parkhurst continued to argue her street width measurements. Ms. Simpson stated that she would have to see overwhelming support by the neighborhood to support sidewalks and agreed that having pedestrians walk in the street makes it safer most of the time. Cindy Matsumoto commented on the disappointment of Norfolk Avenue sidewalks turning into parking pads and/or an area for snow storage.

IV VISIONING SESSION MINUTES OF FEBRUARY 9 AND 10, 2012

Andy Beerman made a grammatical correction and Dick Peek asked that Pace Erickson's comments on the enterprise fund be expanded. Liza Simpson, "I move we approve the Visioning Session Minutes of February 9 and 10 (as corrected)". Alex Butwinski seconded. Motion unanimously carried.

V NEW BUSINESS

1. Consideration of authorization to staff to execute a Grant Contract with the Federal Transit Administration in the amount of \$1,875,000 for the construction of seasonal housing – Brooks Robinson, Transportation Planner, explained that the request is for Council to authorize the grant with the FTA. In response to a question from Andy Beerman, he explained that a transfer of \$375,000 is proposed to cover interior costs.

Liza Simpson, "I move to authorize staff to execute a Grant Contract with the Federal Transit Administration in the amount of \$1,875,000 for the construction of seasonal housing". Dick Peek seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the 269 Daly Avenue plat amendment, located at 269 Daly Avenue, Park City, Utah – The Mayor opened the public hearing; there were no comments from the audience. Andy Beerman, "I move to continue the Ordinance approval for 269 Daly Avenue to April 26th". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of a Resolution amending Section 8, Recreation Services and Facility Rental Fees; Section 9, Ice Arena and Fields Rental Fee Schedule, adding Sections 10.4 Bleachers, 10.5 Banner Installation; 10.6 Parks Cleanup, labor and equipment; 10.7 Public Safety; 10.9 Parking Reservation Fees; 10.10 Barricades; 10.11 Dumpsters; 10.12 Streets Equipment and Materials; 10.13 Materials; 10.14 Personnel; 10.15 Application Fees; 10.16 Public Parking Lot Use; 10.17 and Trail Use fees and repealing and replacing Resolution No. 30-11 in its entirety - Tommy Youngblood pointed out that these fees have not been updated for over eight years and the City Council has established a 100% cost recovery goal. Current waivers represent 25% of overall fees collected but it works well. Fee waivers for non-profits outside the School District boundaries were discussed but no changes were made with regard to policy. Alex Butwinski asked if there has been any reaction to the proposed increases and Mr. Youngblood stated that he has not received complaints. He answered a number of questions ranging from dumpster fees, arriving at a fee, and installing banners. The low grass cut, priced at \$1,000 was explained and Mr. Youngblood added that many of these fees for services were charged by the City but not included in the fee resolution. Kent Cashel further explained the specialized equipment and treatment of the fields needed for a low cut. The Mayor invited public input, there was none.

Liza Simpson, "I move we approve New Business Item No. 3". Alex Butwinski seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving the 920 Norfolk Avenue plat amendment, located at 920 Norfolk Avenue, Park City, Utah – Mat Evans explained that the request is to combine four and a half existing lots into three new lots. The property has a historic home

which straddles two lots. If the plat is approved, those property lines disappear and the Planning Commission recommends approval.

Dick Peek pointed out an error in the findings with regard to the stated side yard setback which was corrected by Mr. Evans. Dick Peek, "I move we approve the 920 Norfolk plat amendment according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Ordinance as amended (with a numbering correction and correction to Finding No. 4 and No. 9 regarding the side yard)". Andy Beerman seconded. Motion unanimously carried.

5. Consideration of an Ordinance approving the 543 Woodside Avenue plat amendment, located at 543 Woodside Avenue, Park City, Utah – Planner Mat Evans explained that the request is to combine two lots into one lot. An existing historic home straddles the lot lines and the plat amendment will erase the lines to create one new legal lot. The owner is proposing an addition to the home and both staff and the Planning Commission recommend approval. Dick Peek pointed out the separate unit in the back of the property and Polly McLean understood that it is not considered a dwelling because it doesn't have a kitchen.

The Mayor opened the public hearing; there were no comments. Dick Peek, "I move to approve the 543 Woodside plat amendment according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Ordinance". Alex Butwinski seconded. Motion unanimously carried.

6. Consideration of an appeal of the Planning Commission's decision to deny the request for a Conditional Use Permit for a proposed Nightly Rental at 60 Sampson Avenue. Appellant - Jan Maltby, represented by Jones Waldo - Mark Harrington invited questions or comments regarding the scope of the appeal from members but stating that the hearing will be de novo. The Mayor invited staff to speak.

Mat Evans explained that Council will be acting as a quasi-judicial body in a de novo appeal of the Planning Commission's decision to deny a Conditional Use Permit for a nightly rental at 60 Sampson Avenue. The house is a 3,800 square foot single family dwelling and located within the Historic Residential Low Zoning District where nightly rentals require a CUP. The home is considered significantly historic on the Historic Sites Inventory and a history of improvements was outlined.

He stated that the matter came before the Planning Commission on January 11, 2012, the request was denied by a 3:2 vote and staff was directed to bring back findings denying the CUP. The Planning Commission found that CUP Review Criteria #2, 4, 5, 6 and 14 of the LMC could not be mitigated which are outlined in detail in the staff report. The Planning Commission also made additional findings and found parking at China Bridge as unreasonable and that Sampson Avenue is a narrow 12 foot roadway that functions as a one-way street.

On February 22, 2012, the Planning Commission voted 4:0 to ratify the findings to deny the CUP. Section 15-1-10 of the LMC outlines the conditions that the Planning Commission considered when it reviewed the CUP and the Commission found that Criteria #2, 4, 5, 6 and 14 could not be mitigated and denied the CUP. Mr. Evans stated that the applicant has appealed the decision in writing which is included in the meeting packet. Staff is recommending that the City Council uphold the Planning Commission's decision to deny the CUP request for the nightly

rental based on the Findings of Fact, Conclusions of Law and Order that the appeal be denied in whole.

Alex Butwinski expressed that the Planning Commission may have based its decision on perception rather than evidence. For example, Criteria #2 cites the narrow street as being problematic when there are other houses on the street who use the street and with Criteria #4, emergency access, the same idea holds true. He questioned the belief that just because it is a nightly rental, it will require more emergency use. He has never seen any evidence proving that point. Criteria #5 specifies two parking spaces for four bedrooms which almost seems capricious and he didn't understand Criteria #6 regarding internal circulation problems. *Internal circulation* was interpreted as circulation on Sampson Avenue. Mr. Butwinski again cited that there are other homes on the street. With regard to the finding on emergency access, he questions why it would be difficult for 60 Sampson but not the other homes on the street. The requirement for contracting with a property management company to nightly rent was discussed.

Mr. Evans explained that there isn't a separate set of conditions to consider. The 15 criteria established in the Code are the only things that can be considered and nothing in the LMC requires proof of hiring a property management company. Cindy Matsumoto asked about other nightly rentals in the area and Mr. Evans directed her to the analysis in the staff report where 11 nightly rentals are identified.

Andy Beerman stated that he is very familiar with the area and is sympathetic to residents because it is a nice community. He acknowledged that Sampson Avenue is surrounded by nightly rentals that face the exact same problems that have been allowed. Unless the LMC is changed to limit nightly rentals, it doesn't make sense to single out one application. He felt Ms. Maltby's strongest argument is the parking constraint. After looking at the house, in addition to the garage, he felt three cars can be easily parked in the driveway. Mat Evans explained that staff has to use the legal definition of a parking stall when calculating parking requirements.

With regard to the Code requiring local property management, Mark Harrington explained that the City licenses nightly rentals under the Municipal Code in addition to the land use requirements in the LMC. The Municipal Code requires a local representative but doesn't necessarily require an on-site manager.

Dick Peek believed the impacts of this use were anticipated in the HRL Zone by making nightly rentals a CUP; in other zones in Old Town, it is an allowed use. Sampson Avenue is uniquely narrow which he feels may be difficult to access for a visiting renter. A finding that the nature of the street cannot be mitigated is not unreasonable in this case.

Attorney Eric Lee, representing owners Jan and John Maltby, felt that Council understands the issues at hand. The three Planning Commissioners voting against the application were candid about their feelings about nightly rentals in the Historic District which are reflected in the minutes. He referred to quotes from opposing members of the Planning Commission including Adam Strachan expressing that *he believes the LMC should be amended to only allow nightly rentals on the streets that immediately surround Main Street. Chairman Wintzer believed that nightly rentals take away from a neighborhood and changes the nature of that neighborhood. He was unsure what could be done now since it is a conditional use in the zone per the LMC. Chairman Wintzer personally thought that the Planning Commission should look at changing the*

requirements in the LMC even though it would not apply to this application. Commissioner Hontz appreciated the public input this evening because it validates the negative impacts she sees and lives with every day as an Old Town resident.

Mr. Lee suggested that maybe it is time to re-evaluate whether short-term rentals approved as a conditional use, should be allowed in the Historic District and there are, of course, many competing issues to be analyzed. There is a need to accommodate our visitors who are the economic life blood of this community and on the other hand, there is the need to consider the desires of the permanent residents of this town and residential neighborhoods. He believes, however, that those kinds of competing policy issues are not the role of the Planning Commission to resolve, at least not in this context. Quite frankly, it is not the City Council's role tonight either, because members are sitting as an appellant body and looking at whether there is evidence in the record to support what the staff originally concluded which was a finding of no unmitigated impacts.

Polly McLean pointed out that a conditional use is an allowed use as long as the impacts can be mitigated. Mr. Lee believes the evidence in the record demonstrates convincingly that the planning staff got it right originally; there are no unmitigated impacts associated with this particular piece of property which has to be the focus. The broader or policy perspective is not what should be decided upon tonight. If Council views this matter properly, the reasonably anticipated impacts are fully mitigated and to the extent they are not, his clients are prepared to accept any reasonable condition that the Council may propose.

For example, the Maltbys have a local property manager and are willing to include this arrangement as a condition of approval. He indicated that they are willing to include a condition that no more than two cars be brought to the home at any given time and limit the number of people who rent their home. It is their intent to rent it out six to eight weeks a year to offset expenses associated with the property but are in the area all of the time. This is their home and the Maltbys have an interest in making sure that the property is maintained and that their neighbors are happy. No one but Carol Sletta is here tonight to complain about the use. Eric Lee stated that if there are any reasonable problems brought to the attention of the Maltbys, they are absolutely willing to address those problems as conditions of the CUP.

John Maltby pointed out that the property has access from King Road in the event emergency vehicles need to get to Sampson Avenue.

The Mayor opened the public hearing.

Carol Sletta, 135 Sampson Avenue, stated that she will not rehash her concerns raised at the Planning Commission meeting of January 11, 2012. She spoke about a drunken intruder at her home during Sundance who fell asleep and urinated on her couch. She alleged that people are renting their homes but not pulling a CUP. Nightly renters don't know how to park and navigate their cars and cars parked in a driveway but sticking out into the street could cause problems for snow removal. She has seen fire vehicles stuck on the turn from King Road to Sampson Avenue. Sampson Avenue is an Old Town neighborhood that is part of the historic character of Park City and she would like it maintained as a neighborhood.

She read a letter from Mary Wintzer (wife of Planning Commission Chairman Charlie Wintzer) into the record. Ms. Wintzer requested that the Council uphold the Planning Commission's

decision to deny the nightly rental request for 60 Sampson Avenue. Nightly rentals chip away at our neighborhoods and create hardships for all full-time residents. Visiting renters are just passing through and create issues such as noise, extra cars and impaired plow access. If our small town character is to be preserved, City officials need to support full-time residents in Old Town; we cannot do it alone.

Ms. Sletta suggested that the LMC be revisited for Old Town neighborhoods, specifically Sampson Avenue, to change the CUP process for nightly rentals.

Ruth Meisma, resident, referred to Mr. Lee's letter in the meeting packet and believed that the access from King Road could never really be emergency access during the winter because of a huge snow berm and King Road is not plowed. The property has access to ski runs but it is kind of a long walk and will not discourage car trips. She disagreed that short term nightly rentals produce less traffic than seasonal or long term rentals and elaborated on this point as a Woodside Avenue resident and questioned this as a fact. She pointed out that the staff report indicates there are 11 nightly rentals in the area but Finding of Fact No. 8 says there are no legally established nightly rentals on Sampson Avenue so the nightly rentals are on King Road and Ridge Avenue. The requirement for two off-street parking spaces should be four because it is a party situation. She clarified at length her comments in the Planning Commission minutes about her negative experiences with cars associated with nightly rentals on Woodside Avenue. She felt that the provision regarding the applicant adding conditions is very vague. A nightly rental at 60 Sampson Avenue will only create problems and will impact people's lives. Ms. Meisma referred to the City's snow removal priorities and concluded that Sampson is a primary street for clearing snow because it must be plowed. She discussed winter driving knowledge of local residents at length and spoke about being a landlord. Sampson Avenue is different than other Old Town streets with nightly rentals.

Matt Mullen, 1009 Norfolk Avenue, expressed that having the government randomly telling people what they can or cannot do with their properties is very scary. His neighbor to the back is a monthly renter and to the side is a nightly rental. The long term rental is a huge nightmare for him while the nightly rental unit is a good fit. Decisions should not be made on personal beliefs without consideration of the Code.

Mr. Lee agreed with Mr. Mullen's comments about making generalizations. This is a conforming application for a nightly rental, as a conditional use, in this zone. There may be problems with Sampson Avenue but they are not problems created by the Maltbys or by their application and under these circumstances, it has been demonstrated that there are no unmitigated impacts.

The Mayor closed the public hearing.

Alex Butwinski agreed with Messrs. Lee's and Mullen's comments that opinions lead to the denial. He pointed out that in theory the Maltbys could have five cars there which is a problem anywhere in Old Town and residents can do that anytime they want. He thanked the applicants for agreeing to additional conditions. He did not see a reason to uphold the Planning Commission decision to deny the nightly rental.

Cindy Matsumoto asked Mr. Peek to clarify his previous comments. Dick Peek stated that Sampson Avenue is a uniquely narrow, difficult-to-navigate, hard-to-access street which was anticipated when the HRL Zone was created by making nightly rentals a conditional use. He did

not believe traffic can be mitigated which is a reasonably anticipated detrimental effect of a nightly rental use which is a quasi-business use of the residence. The nightly rental map survey shows that there are no nightly rentals on Sampson Avenue. Based on the conditional use criteria, it is a reasonably anticipated detrimental effect that can't be mitigated and he will vote in favor of upholding the Planning Commission's decision.

Liza Simpson agreed that Sampson Avenue is a uniquely narrow street. She did not believe that Criteria #2, 5, 6, and 14 can be mitigated. The conditional use process is appropriate because it provides a higher standard of review and approving a CUP application is not a given. She pointed out that there are no nightly rentals on Sampson Avenue or the steep stretch of King Road. While she is sensitive to the applicants' needs and comments made about basing decisions on opinions, part of her opinion is based on living in Old Town for over 20 years with nightly rentals. There are some that are great and others that are not, but in her experience they increase traffic due to maintenance and unfamiliarity with the neighborhood. Ms. Simpson stated that she will uphold the Planning Commission's decision. The location of the house makes it inappropriate for a nightly rental use.

Ms. Matsumoto acknowledged that she is conflicted on this matter and would like to expand the discussion to adding conditions to mitigate impacts. Andy Beerman expressed that living in Old Town is complicated and unmitigated impacts can be found in half the streets in town. He didn't find the findings terribly strong and he is inclined to grant the appeal and overturn the Planning Commission's decision.

Liza Simpson appreciated the appellants' willingness to limit the number of renters or cars to mitigate impacts but her problem is enforcing the conditions. She is leery of creating mitigation solutions that are not enforceable despite best intentions.

Alex Butwinski countered that if there are four seasonal residents living there, there would be four vehicles and it is unfair to generalize and hold the Maltbys to a different standard than everyone else.

Alex Butwinski, "I move we grant the appeal for 60 Sampson Avenue". Mark Harrington asked if Council would like a mitigation plan offered by the appellants added in the motion and Mr. Butwinski felt it should be included. Mayor Williams understood additional conditions include hiring a local property manager and having no more than two cars on the property. Mark Harrington explained that staff can return with amended findings and an enforcement discussion. Alex Butwinski, "I move to grant the appeal subject to prepared findings based upon either disagreement that conditions cannot be mitigated or proposed mitigation alternatives to be proposed by the appellants". Cindy Matsumoto seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Nay
Liza Simpson	Nay

VI 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 3:30 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Diane Foster, Interim Assistant City Manager; Thomas Eddington, Planning Manager; Joan Card, Environmental Regulatory Specialist; Jim Blankenau, Environmental Regulatory Specialist; and Jason Christensen, Environmental Regulatory Counsel; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Andy Beerman seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Liza Simpson, "I move to open the meeting". Andy Beerman seconded. Motion unanimously carried.

The City Council met again in closed session following the adjournment of the City Council regular meeting. Liza Simpson, "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. The meeting adjourned at approximately 9:30 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, City Recorder

City Council Staff Report



Author: Roger McClain
Water Project Manager
Subject: QUINN'S JUNCTION WATER TREATMENT PLANT
FIRE SPRINKLER ADDITION - CONSTRUCTION AGREEMENT
Department: Public Works
Date: April 19, 2012
Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the City Manager to execute a construction Agreement, consistent with Park City Municipal Corporation's standard contract/agreement and in a form approved by the City Attorney, with Preferred Fire Protection, for the construction of the Quinn's Water Treatment Plant Fire Sprinkler Addition Project for a lump sum amount of \$54,842.00.

Description:

Source, Water Quality, and Infrastructure.

Topic:

Addition of fire sprinklers to the unsprinklered areas of the Quinn's Water Treatment Plant acts in accordance with the Water Strategic Plan's Source Strategies & Policies as follows:

- Maximize efficient use of existing City sources.
- Protect existing water sources.
- Ensure public health and safety is protected through quality water.
- Maximize operational efficiency.

Background:

On June 14, 2010, City Council authorized the City Manager to execute a Construction Agreement with Alder Construction for the construction of the Quinn's Junction Water Treatment Plant. Construction plans, approved by the City Building department, included fire sprinkler protection in only the chemical room, shop & locker room areas, and the second floor. Fire sprinklers in these areas and the main fire stack have been installed, tested and approved by the Fire Marshal.

During construction inspection activities at the QJWTP, the PCMC Building Inspector and Fire Marshal determined that the fire sprinkler system should have been provided in all rooms. The problem is apparently related to an incorrect assumption made during the review process by the Building Department's third party fire sprinkler reviewer.

A change order to the existing QJWTP construction contract was explored but upon review of the proposed change order by the Construction Manager it was determined to be advantageous to the Owner (PCMC) to complete the work under a separate contract. To facilitate completion of the Alder Construction contract and the ability to perform water treatment, while still addressing life/safety considerations, the Fire Marshal, Building Department, and the Water Department agreed that the additional fire sprinklers could be added following issuance of a temporary certificate of occupancy and prior to the issuance of a final certificate of occupancy. This construction contract addresses the completion of the fire sprinklers at the water treatment plant.

Proposed Construction:

The QJWTP Fire Sprinkler Addition Project consists of the design and construction of a wet-style fire sprinkler system in the Membrane Room, the Pump Room, and the Electrical Room. Initial analysis indicates that existing main fire stack is adequately sized to supply the additional sprinkler system.

Analysis:

The Project was advertised and placed on the Park City Website beginning February 27, 2012 through March 15, 2012. A mandatory pre-bid meeting was held on March 6, 2012. Two proposals were received and opened on March 15, 2012. The following summarizes the bids:

<i>Contractor</i>	<i>Total Bid</i>
<i>Engineer's Estimate</i>	<i>\$90,000</i>
Preferred Fire Protection	\$54,842.00
Delta Fire System	\$95,275.00

Preferred Fire Protection is the lowest responsive bidder. Bid Documents were verified by the Engineer, Bowen Collins & Associates Engineering and Staff. Staff therefore recommends Preferred Fire Protection, as the successful Bidder.

The funding for the project is impact fees and bonds and is part of the approved FY12 CIP under Water Department Quinn's Water Treatment Plant.

The City's Project Manager, Roger McClain, will be working under the guidance of the Water Manager.

Department Review:

This report has been reviewed by representatives of Public Works, Legal, Building, and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve the Request:

Council could accept the Bid and authorize the City Manager to execute a Construction Agreement, consistent with Park City Municipal Corporation's standard contract/agreement and in a form approved by the City Attorney, with Preferred Fire

Protection, for the construction of the Quinn's Junction Water Treatment Plant Fire Sprinkler Addition Project in the amount of \$54,842.00.

B. Deny the Request:

Council could deny Staff's request. Denying the request would delay the installation of the fire sprinkler system and result in potential delays to the occupancy of and treatment operations at the water treatment plant.

C. Continue the Item:

Council could continue the request. Continuing the request and not awarding the Contract within thirty (30) days would result in a delay to the start of construction and potential inability to meet the conditions of the temporary certificate of occupancy.

D. Do Nothing:

Staff does not recommend this alternative. Doing nothing would also delay the construction of the time-critical project and potentially the ability to operate the water treatment plant.

Significant Impacts:

The costs associated with this project are approved in the FY2012 CIP budget.

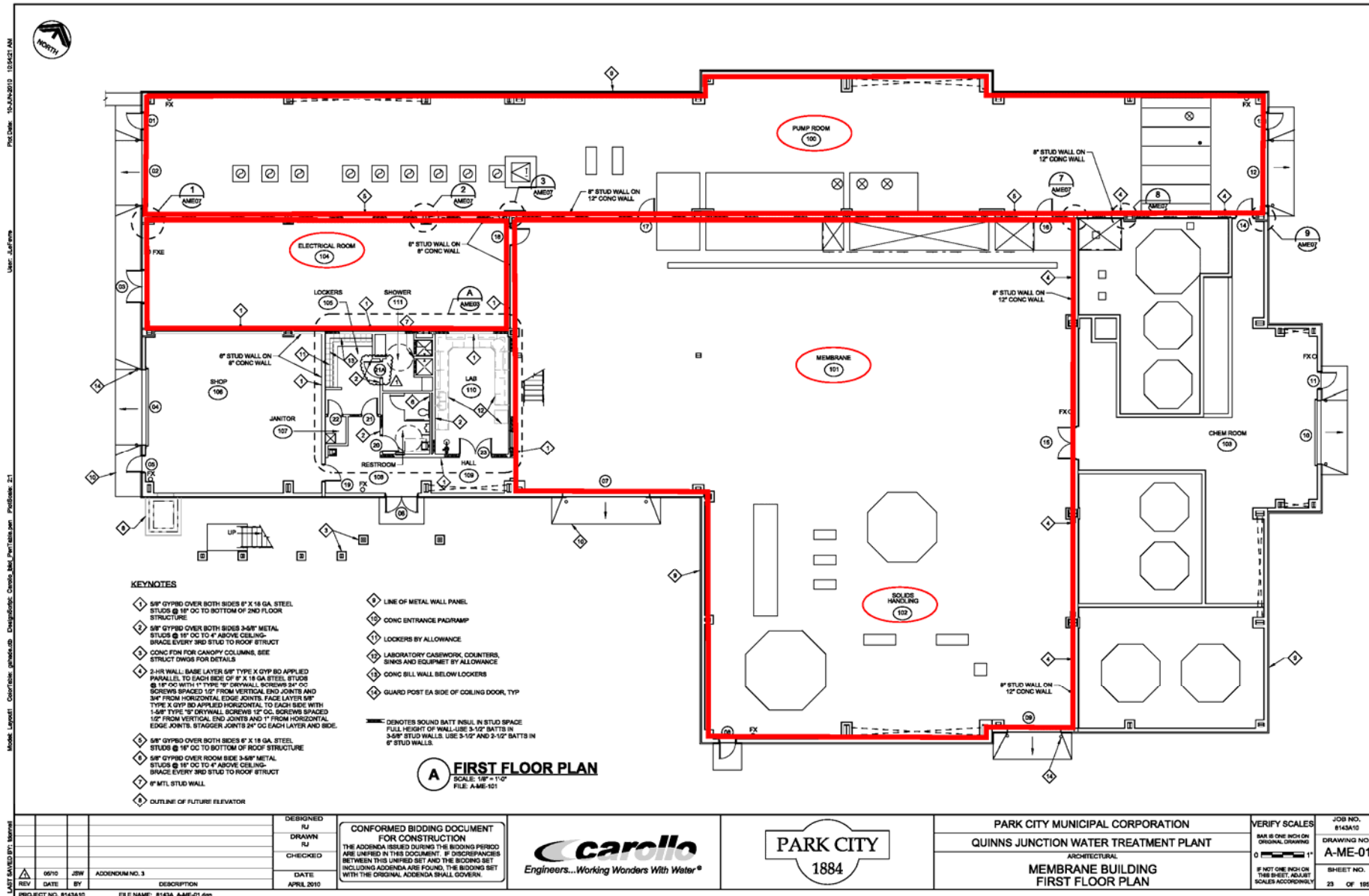
The installation of the additional fire sprinkler system is critical to the operation of the water treatment plant and the delivery of water to meet existing obligations.

Recommendation:

Staff requests and recommends Council accept the Bid submitted by Preferred Fire Protection, and authorize the City Manager to execute a Construction Agreement, consistent with Park City Municipal Corporation's standard contract/agreement and in a form approved by the City Attorney, with Preferred Fire Protection, for the construction of the Quinn's Junction Water Treatment Plan Fire Sprinkler Addition Project in the amount of \$54,842.00.

EXHIBIT A
Scope of Work
Quinn's Junction Water Treatment Plant Fire Sprinkler Addition Project
Construction Agreement

The Project Site at approximately 3800 Richard Flat Road, Park City, Utah. The Work includes extending the existing fire sprinkler system to the entire Water Treatment Building. The Quinn's Junction Water Treatment Plant was recently constructed and includes an existing fire sprinkler system for a portion of the building. This project includes extending the fire sprinkler system to the remainder of the building (the Pump Room, Membrane Room, Solids Handling Area, and the Electrical Room of the Membrane Building) a total of approximately 15,000 square feet. The Work includes engineering, labor, materials and installation in accordance with the Design Requirements & Criteria and Installation Requirements, and the Project Specifications.





City Council Staff Report

Subject: Crescent Tramway Sidewalk 2012
Authors: Sayre Brennan, Engineering
Thomas Eddington, Planning
Date: April 19, 2012
Type of Item: Administrative

Summary Recommendations:

The City Council should consider authorizing the City Manager to execute a construction agreement for the construction of Crescent Tramway Sidewalk with Lyndon Jones Construction in a form approved by the City Attorney and in an amount of **\$71,795.00**

Topic/Description:

The segment of Crescent Tram that runs from Park Avenue to Woodside Avenue is still unfinished and exists as a dirt path and a collection of private driveways (please see Exhibit A for a visual reference). Council supported placing a Sidewalk on the Tramway in 2011.

The construction improvements will include the following tasks: Grading, Concrete Sidewalk, Retaining Walls (concrete and stacked rock), Landscaping, Surveying, Trail head marker and plaque, and Construction Management.

The Council has approved funding for this project as follows:

- Sales Revenue Bonds issued in 2005 that allow for pedestrian-friendly enhancements in Old Town

Background:

Since its inception as an ore rail line in the late 19th century, the Crescent Tramway has served as a vital transportation link. The historical alignment of the original Tramway runs from the southwest corner of the intersection of Park Avenue and Heber Avenue to the east, across Woodside Avenue, Eighth Street and Empire Avenue until moving upwards into Park City Mountain Resort (PCMR). The Grade was abandoned in the late 19th century. At present, the trail serves as a non-motorized route for residents of Old Town, trail users, and mountain bikers to connect downtown to Treasure Hill and PCMR.

The Crescent Tramway is identified on the Snyder's Addition plat maps. The protection of the Historic Tramway's location has been a priority of the Planning Commission throughout the course of the development of adjacent parcels. This proposal will clarify for both the users and the adjacent property owners the exact location of the "trail" and will re-establish connectivity in this part of Old Town.

There have been a number of recent occasions where Code Enforcement has been requested to review possible parking violations within the Tramway. The proposed plan provides clarity regarding easement/trail location and cleans up the area significantly.

The design and layout of the proposed Crescent Tramway trail was a collaboration between Planning and Engineering. Based on this work, Alliance Engineering was hired in the spring of 2011 to design and engineer the Crescent Tram. The project went out to bid in the fall of 2011, but no bids were received. Staff determined to then rebid the project in early spring of 2012.

Analysis:

Constructing a user-friendly path from Park Avenue to Woodside Avenue will be a public benefit in several ways. First, it will help to identify and prioritize the path as a public trail by recognizing the existing easement that is in place. Secondly, the proposed improvements will provide for broadened neighborhood connectivity by linking to the concrete path that exists from Woodside Avenue to the Crescent Tram Roadway. Lastly, it will reinforce our mining heritage through a plaque and trailhead that tells the story of the old Crescent Tram rail line.

Alliance Engineering and staff advertised to obtain competitive bids for the construction of the Crescent Tram. The project was advertised in the Park Record and the Salt Lake Tribune. Bids were received on April 4th, 2012 and four (4) bids were received:

<u>COMPANY</u>	<u>BID AMOUNT</u>
Lyndon Jones Construction	\$71,795.00
Miller Paving, Inc.	\$72,029.40
S&L, Inc.	\$75,849.80
Wasatch Engineering Contractors, INC.	\$113,987.00

All bids submitted were reviewed and deemed compliant with the terms of the Contract Documents. No companies were "local" as defined in the contracting policy. Lyndon Jones Construction was the low bidder. It is anticipated that this project will be completed by June, 29th, 2012.

Department Review:

This report has been reviewed by Planning, Public Works, Engineering, Legal, Sustainability, and the City Manager's office. All issues have been resolved.

Alternatives:

A. Approve the Request:

This is the staff's recommendation.

B. Deny the Request:

This would not allow for the identification and preservation of this important pedestrian thruway.

C. Continue the Item:

If the Council needs more information the item can be continued, but this could impact the contractor's ability to complete the construction this season.

D. Do Nothing:

This option would make it impossible to complete the construction in a timely manner.

Significant Impacts:

Impacts associated with construction, such as noise, delays, parking and traffic circulation may become apparent. Coordination before and during construction with the adjacent residents will not eliminate the impacts, but should greatly mitigate the situation. Completion of the project will positively impact the walkability of the area. Staff also hopes that the project may help to clarify parking issues, associated with the development of adjacent parcels and their associated permitted driveway access across the tramway.

The funds for the 2012 construction have already been appropriated, as mentioned above, so there are no budget impacts which the Council hasn't already considered in the FY2013 budget.

Consequences of not taking the recommended action:

By not taking the recommended action, the lower portion of the Crescent Tramway trail will remain a mélange of dirt and private driveways, with a very unclear delineation of the walkway. Its affect will continue to be felt by the trail users and neighboring home owners.

Recommendation:

The City Council should consider authorizing the City Manager to execute a construction agreement for the construction of Crescent Tramway Sidewalk with Lyndon Jones Construction in a form approved by the City Attorney and in an amount of **\$71,795.00**

Exhibit A - A Crescent Tram Aerial
Exhibit B- Construction Plans

EXHIBIT A: CRESCENT TRAMWAY TRAIL



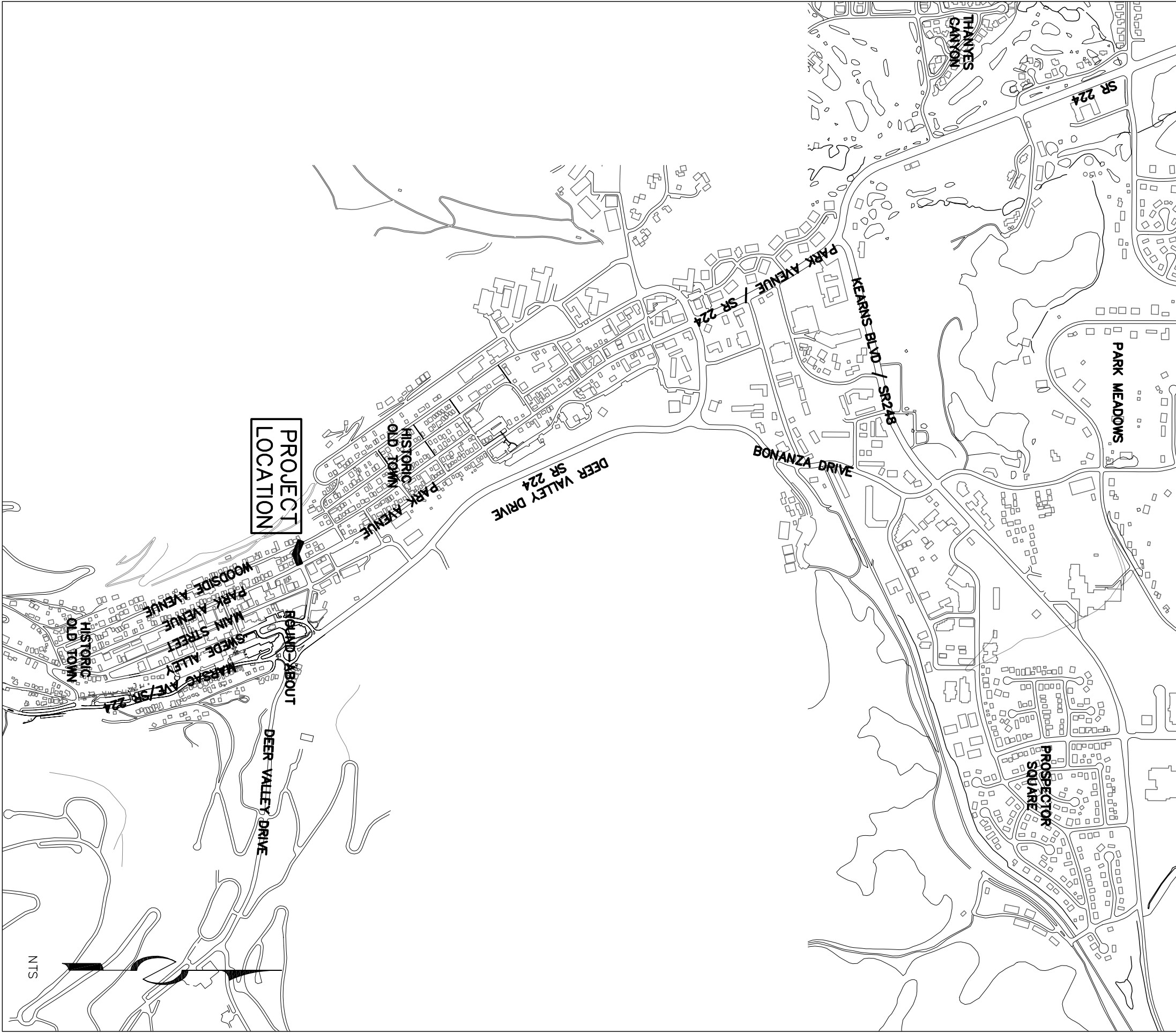
LEGEND

— =Existing Trail
Route

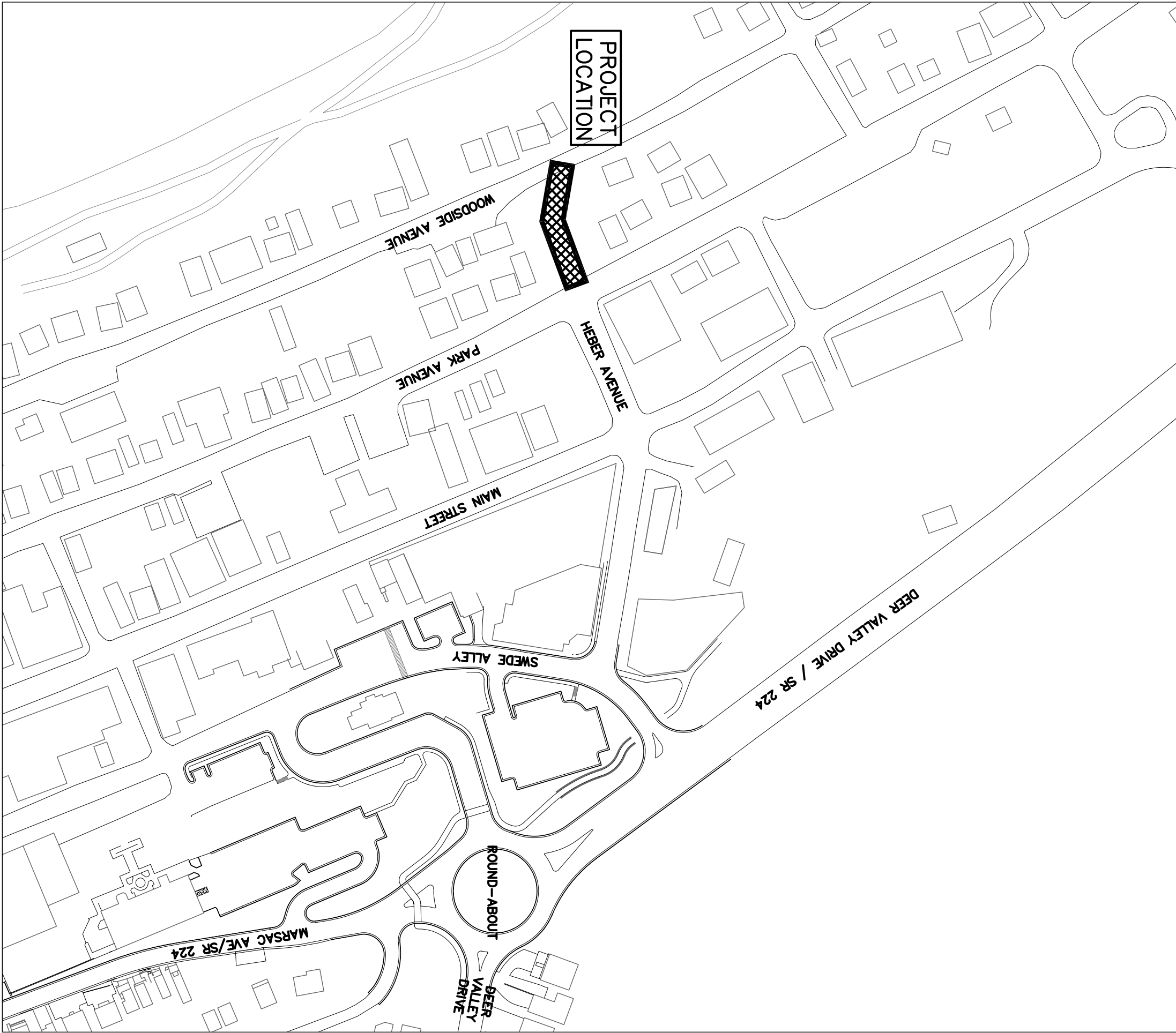
□ =Outline of Proposed
Trail Enhancements

0 65 130 260 Feet
74

VICINITY MAP



SHEET INDEX



GENERAL NOTES

- G-1 ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:
- A. Park City Design Standards, Construction Specifications, and Standard Drawings, Latest Edition.
 - B. Snyderville Basin Water Reclamation District (S.B.W.R.D.) Development Procedures, Design Standards and Construction Specifications, April 19, 2004
 - C. Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.
 - D. UDOT Standard Specifications for Road and Bridge Construction, latest edition, (for improvements in the UDOT right of way)
 - E. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
 - F. Approved construction plans and details.
 - G. Approved Traffic Control Plan.
 - H. Storm Water Pollution Prevention Plan. (SWPPP)
- G-2 Contractor/Bidder shall obtain a copy of the specifications, at his cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, P.C.M.C. engineer, S.B.W.R.D. engineer, and their designated representatives and inspectors.
- G-3 The Contractor shall be responsible for ground and surface water control during construction. This requirement shall include, but not be limited to the installation of utilities, manholes, vaults, catch basins, earthwork operations, sidewalk, and road construction.
- G-4 The contractor shall maintain accurate records of "As Built" conditions of all underground work. The "As Built" shall be tied to easily defined monuments and/or surface improvements or as required by accuracy for the as-built conditions. The as-built information shall be given to the owner and be incorporated in the final "As Built" drawings.
- G-5 Prior to any excavation work, the contractor shall contact Blue Stakes for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether shown on the plans or not, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.
- G-6 The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques such as, but not limited to, string line, rod and level, GPS, or Surveying.
- G-7 All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by Park City.
- G-8 The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. Refer to section 5007 of the Park City Specifications. The contractor shall submit to the City and Design Engineer for approval prior to construction, a Traffic Control plan indicating the type and location of construction signage, traffic control, traffic routing, and street closures, necessary during the construction of the improvements. The traffic control plan shall comply with MUTCD 2003 Edition, Part 6.
- G-9 Compaction testing shall be an integral part of the project. Compaction testing shall include, but shall not be limited to, earthwork, trench back-fill, base course, and asphalt pavement. Quality control testing shall be performed by a qualified, independent testing company retained by the contractor.
- G-10 Contractor shall obtain a National Pollutant Discharge Elimination System permit and Notice of Intent from the State of Utah Division of Environmental Quality Water Quality.

SHEET INDEX

1. TITLE SHEET
2. EXISTING CONDITION & SIGN DETAIL
3. SITE PLAN & DETAILS
4. PLAN AND PROFILE & DETAILS

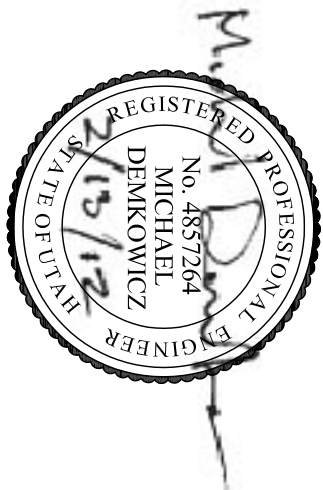
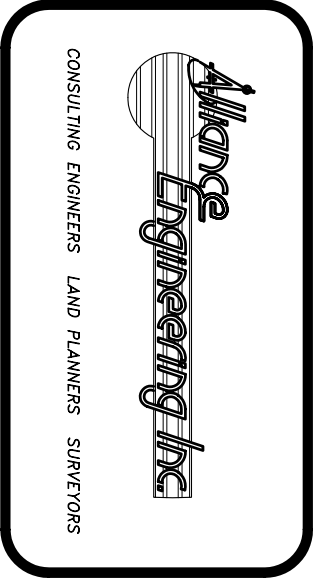
PREPARED FOR

PARK CITY MUNICIPAL CORPORATION
PO BOX 1480
PARK CITY, UTAH 84060



CIVIL ENGINEER

ALLIANCE ENGINEERING INC.
PO BOX 2664
323 MAIN STREET
PARK CITY, UTAH 84060
PHONE: (435) 649-9467
FAX: (435) 649-9475



CRESCENT TRAMWAY
SIDEWALK 2012



EXISTING CONDITIONS



* TRUCK WOOD ALONG ROSSER (25'-44'-1")
PROVIDE 4" BORDER AROUND SIGN. NOVOLUX SIGN SHALL BE RECESSED INTO WOOD
BACKING/BORDER. USE ADHESIVE AS NECESSARY. PROVIDE ANGLE BRACKETS, NUTS,
BOLTS, WASHERS TO CONNECT WOODEN BACKING/BORDER TO WOODEN POSTS.
NOVOLUX SIGN (25'x42'x3.6")
WILL BE PROVIDED BY OTHERS.

ADDITIONAL STEEL ANGLE BRACKETS/WASHERS (PAINTED
BLACK) AND NUTS, BOLTS, AND WASHERS REQUIRED TO
CONNECT PLATE TO TIMBER POST

4" STEEL STRAPS (PAINTED BLACK)
NUTS, BOLTS, AND WASHERS REQUIRED TO
(4 TOTAL)

8"x8" PRESURE TREATED TIMBER POST (2 TOTAL)

12"x12" CONCRETE PIER FOOTING (3'6" DEEP)
CONNECT TIMBERS TO CONCRETE FOOTING WITH
PLATES (PAINTED BLACK). INSTALL (4) 5/8"
GALVANIZED BOLTS, WASHERS AND NUTS.

12"x12" CONCRETE PIER (4000#-3)
(4) #4 VERTICAL BARS
AS TIES @ 10" O.C. W/ X' REINFORCING,
TYPICAL TIES TOP & BOTTOM

CRESCENT TRAMWAY SIGN DETAIL

ESD	EXISTING STORM DRAIN	SD	NEW STORM DRAIN
ESS	EXISTING SEWER	SS	NEW SEWER
EW	EXISTING WATER	W	NEW WATER
EP	EXISTING POWER	EO	EXISTING GAS
EDHU	EXISTING OVERHEAD UTILITY	ET	EXISTING TELECOM

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REGISTERED PROFESSIONAL ENGINEER
MICHAEL DEMKOWICZ
2/13/12
EXPIRATION DATE: 2/13/17

WONG ENGINEERING
(435) 648-9487
CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS
303 Main Street, P.O. Box 2684, Provo, Utah 84601-2684

STAFF:
MICHAEL DEMKOWICZ
DATE: 2/13/12

HISTORIC "OLD TOWN" PARK CITY
PARK AVENUE TO WOODSIDE AVENUE
CRESCENT TRAMWAY SIDEWALK
EXISTING CONDITIONS & SIGN DETAIL
FOR: PARK CITY MUNICIPAL CORPORATION
JOB NO.: 13-7-11
FILE: X:\Porch\Survey\dwg\Crescent Tram Walkway\Crescent Tramway.dwg



City Council Staff Report

Subject: PCMR Transit Hub & Parking Garage – Professional Services Agreement
Author: Bret Howser & Kent Cashel
Department: Sustainability
Date: April 19, 2012
Type of Item: Administrative

Summary Recommendations:

Council should authorize the City manager to approve a professional services agreement with LSC Transportation Consultants in the amount of \$35,000 to provide transportation professional services related to conceptual scope and location for the PCMR Transit Hub & Parking Garage.

Topic/Description:

PCMR Transit Hub & Parking Garage – Professional Services Agreement

Background:

Staff is currently working with Park City Mountain Resort (PCMR) to integrate a transit hub into a potential future parking garage project at the base of the resort. Currently, the two parties are discussing jointly addressing the parking project in order to fully address the community's interests as it pertains to transit and transportation.

The services provided under this contract would identify conceptual recommendations on size and location of a transit hub including preliminary circulation and transit programming in the immediate vicinity of the project. Ultimately the work would tie into the concurrent SR 224 Corridor Study and walkability planning. Deliverables of the project include varying conceptual layouts under different scenarios, transit planning, circulation planning, and public presentations.

Analysis:

Staff received two proposals prior to the deadline of 4:00 pm, March 30, 2012. A selection committee consisting of Jon Weidenhamer and Bret Howser of the Sustainability team, Destry Pollard of Transit, and Michael Barille of PlanWorks Design (representing PCMR) promptly reviewed the submissions and scored them based on the five criteria explicitly declared in the RFP (see attached). Composite scores were as follows:

PCMR Transit Hub & Parking Garage – Conceptual Scope & Location: Proposal Evaluation Form

	Relevant experience in public transit, transportation, and traffic planning (0-10 points)	Proposed team experience with Park City's Transit system or similar system (0-10 points)	Experience in resort communities (0-5 points)	The nature and extent of requested changes to our standard contract (deduct up to 10 points)	Cost (0-5 points)	Total Points (max 30)
Elliott Workgroup	7.0	5.0	3.7	0.0	4.3	20.0
LSC Consultants	9.3	10.0	5.0	0.0	3.3	27.7

Elliott Workgroup proposed to team up with Hales Engineering and bid their services at \$31,500. LSC bid their services at \$35,000. While both bidders were considered very well qualified by the selection committee, the direct experience that LSC has with Park City's transit and transportation system (including the Park City Transit Plan, the Old Town Transit Center Conceptual Design, Park City Transit Operations Center Study, etc.) were highly valued by the committee and could be considered the primary driver for the committee's final recommendation.

Park City's purchasing policy for professional services agreements states: "The evaluation process should include an objective assessment, preferably by multiple reviewers, of the services needed, the abilities of the contractors, the uniqueness of the service, the cost of the service, and the general performance of the contractor, Special consideration may also be given to local businesses during the evaluation in instances where knowledge of local issues, geography, statutes, etc., may enhance the quality of service rendered. The lowest quote need not necessarily be the successful contractor."

In this case, the committee felt that the abilities of LSC were more suited to the project than the expertise of Elliott Workgroup, as the former has proven expertise in transportation planning and the latter has more experience in architecture. The project at hand is a transportation concept design project rather than an architectural project. Also, despite the fact that Elliott is a local business, the committee felt that LSC has more "knowledge of local issues, geography... etc." as it pertains to this project given their history with the Park City transit and transportation system, which includes:

- Park City Transit Plan Study (1999)
- Old Town Transit Center Conceptual Design (1999)
- Summit County Regional Transit Studies (1999 and 2001)
- Park City/Summit County Transit Development Plans (2003, 2007 and 2011)
- Quinns Junction Transit Study (2005)
- Park City Transit Operations Center Study (2005)

This contract will be jointly funded by the Lower Park Avenue Redevelopment Fund and the Transit & Transportation Fund. Staff believes that the expenditures can be handled within current budget allocations but if necessary will return during the budget process with a request for a budget request to cover any potential shortfall.

Department Review:

Sustainability, Transit & Transportation, Legal, City Manager

Alternatives:**A. Approve:**

This is staff's recommended option

B. Deny:

If Council does not approve the professional services agreement, they should provide alternative direction for moving forward.

C. Modify:

Council could direct staff to select another bidder

D. Continue the Item:**E. Do Nothing:**

If Council does not approve the professional services agreement, they should provide alternative direction for moving forward.

Significant Impacts:

Approval of the contract will allow staff to move forward in preparation for the transit hub project and will further the stated goals of the City Council for Effective Transit & Transportation and World Class Multi-Seasonal Resort Community.

Consequences of not taking the recommended action:

If Council does not approve the professional services agreement, they should provide alternative direction for moving forward.

Recommendation:

Council should approve a professional services agreement with LSC Transportation Consultants in the amount of \$35,000 to provide transportation professional services related to conceptual scope and location for the PCMR Transit Hub & Parking Garage.

Attachments:

A – Request for Proposals

B – LSC Proposed Scope of Service

Park City Municipal Corporation

REQUEST FOR PROPOSALS FOR

Transportation Professional Services

PCMR Transit Hub & Parking Garage – Conceptual

Scope & Location

NOTICE
REQUEST FOR PROPOSALS

***Transportation Professional Services
PCMR Transit Hub & Parking Garage – Conceptual Scope & Location***

PROPOSALS DUE: March 30, 2012, 4:00 PM

PROJECT NAME: PCMR Transit Hub & Parking Garage – Conceptual Scope & Location

RFP AVAILABLE: www.parkcity.org

PROJECT LOCATION: Base of Park City Mountain Resort (PCMR), Park City, UT

PROJECT DESCRIPTION: Park City Municipal Corporation (PCMC) intends to explore long term transit needs at the base of PCMR which may be incorporated into a project to construct a major parking garage and transit hub at the base of the Resort. PCMC seeks conceptual recommendations on size and location of a transit hub including recommendation on circulation and transit programming in the immediate vicinity of the project.

PROJECT DEADLINE: November 2012

OWNER: Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

CONTACT: *Jonathan Weidenhamer*
jweidenhamer@parkcity.org
All questions shall be submitted in writing no later than March 27, 2012

Park City reserves the right to reject any or all proposals received. Furthermore, the City shall have the right to waive any informality or technicality in proposals received when in the best interest of the City.

I. Introduction

PCMC intends to explore long term transit needs at the base of PCMR. PCMR intends to build a major parking garage at the base of the Resort. PCMC seeks conceptual recommendations on size and location of a transit hub including recommendation on circulation and transit programming in the immediate vicinity of the project.

II. Scope of Project

Park City Municipal Corporation (PCMC) seeks proposals from transportation planning consultants to provide the following scope:

- Kickoff Meetings – One with city staff, one including PCMR and other consultants. Discussion of development goals, parking strategies, circulation issues, transit needs, coordination with other planning processes (Treasure Hill, 224 corridor study);
- Transit Programming – Review of transit plans and operations in order to identify a necessary number of bus bays and floor area of passenger waiting/loading area, both for existing and for a long term (20 year) horizon. Review of development proposals to evaluate potential changes in ridership generation in the base area. Prepare a memo documenting findings for review and comment;
- Conceptual Layout of Transit Center and Parking Structure – Using the program from the previous task, develop 3 to 5 scenarios for layout of the transit center, parking facilities, and also showing development pads. These also may include options for changes in ski area access, such as shifting more access to an expanded portal in the First Time/Silver King area. Preparation of a memo presenting the pros and cons of each;
- Circulation Planning –Develop and evaluate a series of circulation alternatives for the general base area (Empire Avenue, Manor Way, Lowell Avenue, Silver King Drive, Shadow Ridge Road). This may include provision of roundabouts, and/or conversion to one-way streets. Conduct Level of Service analyses, used to identify roadway and intersection configurations. Memo would be prepared presenting pros and cons;
- Review Meeting – Present to PCMC/PCMR staff, and facilitate discussion on the overall preferred alternatives;
- Preparation of Draft Report – Packaging the memos, and reflecting input/direction from staff;
- Public presentations – up to 2 presentations to Planning Commission and/or City Council;
- Preparation of Final Report – Reflecting public input.

III. Funding

The funding for the project is expected to be within \$20,000 - \$35,000 and will come from both Transit and Redevelopment Authority Funds.

IV. Content of Proposal

Proposals will be evaluated on the criteria listed below. Price may not be the sole deciding factor. Proposals shall be limited to 5 pages. Consultants for this project will be selected based on:

- Relevant experience in public transit, transportation, and traffic planning;
- Proposed team experience with Park City's Transit system or similar system;
- Experience in resort communities;
- The nature and extent of requested changes to our standard contract (see Section VI);
- Cost.

Park City Municipal Corporation reserves the right to reject any and all proposals for any reason. Proposals lacking required information will not be considered. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA §63G-2-309, as amended. The award of contract is subject to approval by City Council.

V. Selection Process

Proposals will be evaluated on the factors listed in Section IV, Content of Proposal, above.

The selection process will proceed on the following schedule:

- A. Proposals will be received via email prior to 4:00pm on March 30, 2012.
- C. Proposals will be opened at 4:00pm on March 30, 2012.
- D. It is anticipated that staff will choose the preferred consultant contract by April 6, 2012.

VI. Park City Municipal Standard Service Provider Agreement

The successful proposal will be required to enter into Park City's Professional Service Agreement, in its current form, with the City. A draft of the Agreement is attached to this RFP. Any substitute changes must be put forth as part of the proposal.

VII. Information to be submitted

To be considered, 1 copy of the proposal must be received via email to jweidenhamer@parkcity.org no later than 4:00 pm March 30, 2012.

VIII. Preparation of Proposals

A. Failure to Read. Failure to Read the Request for Proposal and these instructions will be at the offeror's own risk.

B. Cost of Developing Proposals. All costs related to the preparation of the proposals and any related activities are the sole responsibility of the offeror. The City assumes no liability for any costs incurred by offerors throughout the entire selection process.

C. If there is a conflict between the written and numerical amount of the proposal, the numerical amount shall supersede.

IX. Proposal Information

A. Equal Opportunity. The City will make every effort to ensure that all offerors are treated fairly and equally throughout the entire advertisement, review and selection process. The procedures established herein are designed to give all parties reasonable access to the same basic information. Park City's policy, subject to federal, state and local procurement laws, is to provide reasonable attempts to support Park City businesses by purchasing goods and services through local vendors and service providers.

B. Procurement Policy. It is Park City Municipal Corporation's policy, subject to Federal and State and local procurement laws, to make reasonable attempts to support Park City businesses by purchasing goods and services through local vendors and service providers. Local proposals that are within 5% of the low proposal will be extended the opportunity to meet the low proposal. If they do so within 48 hours, they will enter negotiations first.

C. Proposal Ownership. All proposals, including attachments, supplementary materials, addenda, etc., shall become the property of the City and will not be returned to the offeror.

D. Rejection of Proposals. The City reserves the right to reject any or all proposals received. Furthermore, the City shall have the right to waive any informality or technicality in proposals received when in the best interest of the City.

No proposal shall be accepted from, or contract awarded to, any person, firm or corporation that is in arrears to the City, upon debt or contract or that is a defaulter, as surety or otherwise, upon any obligation to the City, or that may be deemed irresponsible or unreliable by the City. Offerors may be required to submit satisfactory evidence that they have the necessary financial resources to perform and complete the work outlined in this RFP.

Attachment B – LSC Scope

Task 1: Project Initiation – LSC will attend a project kick-off meeting with PCMC staff, followed by a broader meeting that includes PCMR and other consultants. As part of these meetings, we will outline the following:

- Development goals for the area
- Potential parking strategies
- Current circulation/parking/transit/pedestrian issues
- Future traffic volumes
- Existing and future transit needs
- Planning/development goals and regulations for the area
- Any previous conceptual plans developed for the area
- Existing and planned resort operations in the area, along with truck access needs for other
- nearby private properties
- Coordination with other planning processes

Task 2: Transit Programming – We will work with PCMC staff to identify the number of buses that should be accommodated in the Transit Hub, their size and configuration, as well as other potential amenities (benches, shelters, bike racks, etc.). Private transportation (lodging shuttles, others) will also be considered, as well as auto passenger drop-off needs. A summary of desired elements will be prepared, including the optimal number of bus bays for existing and future (20-year) operations. In addition, available data will be obtained regarding bus movements and passenger activity per day and in the peak hour. We will review of development proposals and existing entitlements to evaluate potential changes in ridership generation in the base area. The resulting passenger levels will be used to identify the appropriate size for waiting areas. LSC will then prepare a memo documenting our recommended program, for review and comment.

Task 3: Conceptual Layout of Transit Center and Parking Structure – LSC will first obtain available parcel maps and utility maps for the study area. Using the program from the previous task, we will develop up to five scenarios for layout of the transit center and parking facilities. These site alternatives will also showing resulting development pads and drop-off facilities. This task will also consider pedestrian facilities and other potential connections to move skiers from the structure to the slopes. Real-time traveler information and active parking management strategies will be addressed to aid parking movements and reduce traffic queues/delays. These also may include options for changes in ski area access, such as shifting more access to an expanded portal in the First Time/Silver King area. These concepts will then be qualitatively assessed on a wide range of factors, such as:

- Ability to accommodate the transit program
- Traffic operations
- Pedestrian access and safety
- Convenience for arriving skiers
- Impact on ski area operations
- Impact on other businesses and adjacent property owners
- Arrival experience
- Ability to accommodate changes in skier activity and/or special events
- Emergency access/egress
- Parking garage operations and loading/unloading delays

A memo will be prepared presenting these factors and the pros and cons of each option.

Attachment B – LSC Scope

Task 4: Circulation Planning – LSC will collect available existing traffic volume data for the general base area (Empire Avenue, Manor Way, Lowell Avenue, Silver King Drive, Shadow Ridge Road), as well as traffic forecasts for the area. We will work with PCMC staff to identify a set of future design volumes, assuming no change in the roadway configuration. LSC will then develop and evaluate a series of 3 to 4 circulation alternatives for the general base area. This may include provision of roundabouts, and/or conversion to one-way streets, and will be developed in coordination with the conceptual layouts (Task 3). Level of service analyses will be conducted for key intersections, which will then be used to identify roadway and intersection configurations. Other planning-level impacts of circulation alternatives will also be considered, including changes in transit routing, impacts on pedestrian and bicycle movements, and qualitative impacts on nearby residential areas. A memo will be prepared presenting the pros and cons of each alternative.

Task 5: Review Meeting – LSC will present our findings to PCMC/PCMR staff, and will facilitate discussion on the overall preferred alternatives. This will also include discussions regarding action items needed to advance the plan concepts, and appropriate roles for public agencies and private parties.

Task 6: Preparation of Draft Report – We will update the individual memos based upon comments received, and meld them into an administrative draft study report. An additional chapter will be added that presents our recommendations, along with a recommended strategy to advance the concept and to evaluate any issues beyond the scope of this conceptual study. This document will not include perspective images, detailed cost estimates, or discussion of construction financing. This administrative draft document will be provided to staff, and modified as needed to reflect input/direction from staff (and others at staff direction) to create the public draft document.

Task 7: Public Presentations – Up to two presentations will be made to the Planning Commission and/or the City Council. Other meetings can be held as directed by staff as part of these trips.

Task 8: Preparation of Final Report – Any comments received through the public process will be reviewed with staff, and modifications made to the draft report as warranted. A final report meeting staff's full approval will be provided, including a pdf file. All files created as part of the study will be provided to PCMC.

While this study will be conducted with PCMC as the client, it will be important that it reflect a collaborative approach with the Park City Mountain Resort. Our intent will be to develop a conceptual plan that meets PCMC's transit operations, traffic and urban design goals, while also reflecting the Resort's economic, mountain operations, and site planning goals. As with any important project in Park City, this will require attention to all interested parties and willingness to problem-solve as issues arise.



City Council Staff Report

Subject: BOWEN COLLINS, & ASSOCIATES
PROFESSIONAL SERVICES AGREEMENT
ADDENDUM NO 7

Author: Roger McClain
Water Project Manager

Department: Public Works - Water

Date: April 19, 2012

Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the City Manager to execute the Seventh Addendum to the Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates, for General Engineering Services in an amount of \$191,826.

Topic/Description:

Source, Water Quality, and Infrastructure.

Description:

The Water General Engineering Services Contract Addendum No 7 acts in accordance with the Water Strategic Plan's Source Strategies & Policies as follows:

- Maximize efficient use of existing City sources.
- Protect existing water sources.
- Ensure public health and safety is protected through quality water.
- Maximize operational efficiency.

Background:

Bowen Collins & Associates (BC&A) was selected for General Engineering Services for Water Division projects after advertising an RFP and receiving proposals at the end of 2006. A Professional Services Agreement was executed in December 2006.

BC&A has performed very well on projects assigned since the beginning of their contract. BC&A has provided a variety of expertise in master planning, hydraulic modeling, design, and construction.

The First Amendment to the Contract (dated September 13, 2007) included updating the Master Plan, designing replacement lines for fire flow deficiencies, and infrastructure designs to meet demands.

The Second Amendment (dated November 28, 2008) includes the continuation of services including further updates to the Master Plan by modeling and making recommendations for future projects such as the Quinns Water Treatment Plant and Park City Heights. Projects where BC&A provided preliminary studies and designs were continued to final design and construction under the second amendment. These projects include: Mt Air Flume Replacement, Boothill Transmission Line Phase 2, Hillside Avenue Waterline Design and Construction, and the Fairway Hills Finished Waterline Design and Construction.

The Third Amendment (dated June 4, 2009) includes Program Management support to the City. This includes the development of an implementation plan that looks at capital costs by year and revenue requirements to meet that capital plan. The plan's focus is on a four year outlook of the development and implementation of projects to provide additional water supply to the City. This plan will incorporate the ongoing water system master plan, the Water Transport Study, and other previous planning studies.

Additionally, ongoing Program Management support includes:

- General Program Management Coordination.
- Development of Proposed Project Schedules and Implementation Plans for Individual Projects including the three segments of the Raw Water Line from Signal Hill pond to the Water Treatment Plant, Judge Tunnel Water Line, Quinns Junction Water Treatment Plant, Holiday Ranch Loop Road Pipeline, Bonanza Phase 2 Water Line, Rail Trail Water Lines, and various other projects.
- Assist the City in Locating and Selecting Needed Consultants/Sub-consultants for the Design of Individual Projects mentioned above.
- Assist the City in Managing Project Budgets/Consultants on project mentioned above.
- Assist the City in Planning, Study, and Design of Individual Projects.
- Environmental Support including the Judge Tunnel Environmental Assessment and wetland areas near the Rail Trail Water Lines Project and the Quinns Junction Water Treatment Plant.

The Fourth Amendment (dated August 31, 2010) includes ongoing Program Management support to the BC&A scope, Boothill Transmission Line Phase 2 design changes, updates to the Water Master Plan, Judge Tunnel collection improvements, and assistance with the City's drinking water source protection plan update for wells and springs. A large portion of the Program Management in the Fourth Amendment is for project management support on the Quinn's Junction Water Treatment Plant. This program will result in the City implementing many projects over the next several years.

The Fifth Amendment (dated July 18, 2011) includes ongoing Program Management support, Empire Avenue Waterline Replacement design revisions, updates to the Water Master Plan, the McLeod Creek Diversion system, and the upgrade of the Spiro North and East Ditch Splitter. The Program Management in the Fifth Amendment was for project management support on the Judge Tunnel Environmental Assessment and 5 year wetlands monitoring program.

The Sixth Amendment (dated January 18, 2012) includes developing a feasibility study for transporting water from the Judge Tunnel Portal in Park City to JSSD's Keetley Water Treatment Plant (KWTP), treating it at the KWTP, and then transporting the water back to Park City.

Analysis:

The proposed Seventh Amendment includes design and construction services for the Empire Avenue Waterline Replacement, the 13th Street Pump Station Rebuild, Last Chance Waterline Replacement Phase 2, Judge Tunnel Metering and Monitoring, Deer Valley snowmaking connection modifications, and ongoing Program Management support at the QJWTP.

Below is a summary of the tasks included in the Seventh Amendment. A detailed scope for the Seventh Amendment is attached and includes a fee estimated for each item.

- Empire Avenue Waterline Replacement. This task includes providing updates to the design and construction documents for the waterline replacement that were prepared by BC&A in 2007. Due to the proposed schedule for road and storm drain improvements, the waterline replacement project construction was put on hold in 2007. Now that the Council had put this project on the top of their priority list for the Old Town Improvement District projects, the design will be updated to include additional waterline improvements to both waterlines in Empire Avenue, the replacement of one pressure reducing valve station, waterline replacement/ upgrade from 13th to 15th Street, replacement/ upgrade of 6-inch and 10-inch waterlines on Manor Way from Empire to Lowell Avenue. Construction observation services during installation of the waterlines will also be provided.
- 13th Street Pump Station Rebuild. This task includes providing design and construction documents for the rebuild of the existing 13th Street Pump Station. It was determined during design of the Empire Avenue waterline improvements that it is cost-effective to move the existing 13th Street PRV inside the existing 13th Street Pump Station. The pump station will function as a partial back up to the Boothill Pump Station and as a pressure zone PRV station. Minor asset management related improvements will also be made to the pump station that was constructed in 1974. The project will be bid and contracted separate from the Empire Avenue Project.
- Program Management - Completion of Quinn's WTP Project Management. BC&A has been acting as the Project Manager on behalf of the City for this project as part of the Program Management Services contracted under the General Services Agreement. The Quinn's Junction Water Treatment Plant start-up is scheduled through April. Mr. Beckman will continue to provide the project management until project completion.
- Judge Tunnel Metering and Monitoring. This task includes providing design and construction services for the addition of a flow meter and turbidimeter to the discharge flows from the tunnel.
- Last Chance Waterline Replacement Phase 2. This task includes providing design and construction services for the continuation of the Last Chance Waterline Replacement that was initiated last fall to address emergency water pipe deterioration conditions in the Deer Valley ski runs immediately above the Snow Park Lodge. The Phase 2 waterline work consists of the replacement of the existing 10-inch ductile iron waterline with 12-inch welded steel waterline from the end of Phase 1 (2011 project) on the Deer Valley ski run near the old pump station to a point in the line where pressures drop below 350 psi. The task also includes drawings for the demolition of the abandoned Old Last Chance Pump Station and the Neck Pump Station.
- Deer Valley Snowmaking Connections. This task includes providing design and construction services for modifications to the existing water system and Deer Valley snowmaking connections to enhance monitoring and ensure compliance with current Utah Division of Drinking Water standards.

The Staff at BC&A has acted as an extension to the City Staff on an as-needed basis performing the type of tasks listed above. The 2009, 2010, 2011, and 2012 construction seasons included the projects mentioned above. Each of these projects has contractors, inspectors, and construction managers. BC&A Staff has been and continues to assist City Staff managing the inspectors, construction managers, and contractors.

BC&A is uniquely qualified to provide Program Management support to help implement the multi-year capital improvement program that has been developed. BC&A staff completed the

Snyderville Basin Water Transport Study which conceptually laid out the raw water system for Park City and the rest of the basin if it is ever expanded that far in the future. They have completed all of the recent Master Planning work and hydraulic modeling of the Park City water system. Staff needs support resources that can essentially hit the ground running. In addition to the project management support for the Water Treatment Plant, the ongoing program management will make BC&A available on an as needed basis to assist with various projects and issues that come up. These issues include environmental assistance, consultant selection and management, contractor selection and management, project scheduling and implementation, and assistance with individual projects.

BC&A were the Program Managers for Metropolitan Water District of Salt Lake and Sandy through the construction of the Point of the Mountain Aqueduct and Water Treatment Plant. This experience will be very valuable to City Staff who has limited experience in projects of this volume and magnitude. Additionally, BC&A billing rates are some of the lowest of the engineering firms that do work or have pursued work for the Water Division.

The funding for the work is part of the approved FY12 and proposed FY13 CIP. Improvement projects funding is user fees under the Water Department Water Infrastructure Improvements. The QJWTP Program Management funding is impact fees and bonds under the Water Department Quinn's Water Treatment Plant.

The City's Project Manager, Roger McClain, will be working under the guidance of the Water Manager.

Department Review:

This staff report has been reviewed by Public Works, Legal, and City Manager.

Alternatives:

A. Approve the Request:

Council could authorize the City Manager to execute the Fifth Addendum to the Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates, for General Engineering Services in an amount of \$191,862.

B. Deny the Request:

Council could deny Staff's request. Denying the request could jeopardize the ability to get all of the needed and budgeted projects completed.

C. Continue the Item:

Council could continue the request. Continuing the request would delay the ability to get all of the projects designed in time.

D. Do Nothing:

Staff does not recommend this alternative. Doing nothing would also delay the construction of the time-critical project and potentially the ability to operate the water treatment plant and water distribution system.

Significant Impacts:

The costs associated with the projects are approved in the FY2012 CIP budget and proposed FY2013 CIP budget.

Recommendation:

Staff recommends Council authorize the City Manager to execute the Seventh Addendum to the Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates, for General Engineering Services in an amount of \$191,862.



City Council Staff Report

Subject: 2012 Water Revenue Bond Resolution
Author: Nate Rockwood
Department: Budget, Debt, & Grants
Date: April 19, 2012
Type of Item: Legislative

Summary Recommendations:

Staff recommends that Council approve the attached bond resolution related to the proposed 2012 Series Water Revenue bond issuance.

Topic/Description:

Water Revenue Bond Designation Resolution

Background:

During the FY 2012 Budget process City Council approved the Capital Improvement Plan (CIP) for FY 2012. The CIP included budgeted water revenue bond funding for the following FY2012 projects: Judge Water Treatment, Boothill Transmission Line, PCWIP, Quinn's Junction Transmission Lines, and the Quinn's Water Treatment Plan. The Initial Water Revenue Bond amount planned in the Water Financial Model at the time the budget was passed for FY 2012 was \$4.5 million. After evaluating the current position of the Water Fund projects, it is staff's recommendation that Council approves the attached designation resolution in the amount not to exceed \$5,000,000 for the 2012 Series Water Revenue bond issuance. The net amount of revenue required in the Water Fund is \$4 million. It is anticipated that the actual bond amount will be well under the \$5 million maximum specified in the resolution, but having a cap of \$5 million will allow flexibility in preparing the bond issuance for final Council approval in May, 2012.

Analysis:

The attached bond resolution sets the parameters of the water revenue bond issuance and initiates the process of public notice. The resolution sets the maximum issuance amount at \$5 million and defines the purpose as follows:

- (I) financing the cost of various capital improvements to the system, including a water treatment plant, a pump station, transmission lines, and related facilities and improvements (the "project"),
- (ii) satisfying a debt service reserve requirement, and (iii) paying costs of issuance of the series 2012

The resolution also establishes the format for public notice, which should be published in the Park Record for two consecutive weeks, the first notice not less than 14 days before the public hearing. The public notice will announce a public hearing to be held on May 17, 2012, and will initiate a 30 day period in which interested parties may contest the legality of the resolution or the bonds.

The resolution also establishes maximum terms of 6% interest, not more than 15 years, and 1% discount from par. These terms are intentionally set high to allow flexibility in the bond structure. Staff anticipates that the actual interest rate of the bond would be closer to the current rate of 2.25% than the maximum. The maturity of the bond is expected to be 15 years. The parameters allow for a maximum 1% discount from par, which would be necessary if interest rates were higher than the coupon rate on the bond.

Staff anticipates Council holding a public hearing on May 17, 2012. After the public hearing the City Manager may authorize the final terms and sale of the water revenue bonds. It is anticipated that the sale of the bonds would occur on or around May 24, 2012. Staff would proceed with the bond closing on or after May 30, 2012. The bond will be sold by competitive sale. The City has previously sold water revenue bonds by negotiated sale, however it is the recommendation of the city's financial advisor and staff that, based on the current market for water bonds, the size of the bond, and the financially sound standing of the City, a competitive sale could provide better interest rates and therefore savings to the Water Fund and water users.

Department Review:

Budget, Debt & Grants; City Manager; Legal

Alternatives:

A. Approve:

Staff recommends approving the attached bond resolution related to the proposed 2012 Series Water Revenue bond issuance.

B. Deny:

This Bond was anticipated in the 2012 budget, by not approving the bond resolution the Water Department would have inadequate funds to continue projects and operations this Fiscal Year.

C. Modify:

D. Continue the Item:

This would impact the bond schedule in regards to public notice and public hearings and would potential delay the sale of the bond. Proceeds from the bonds are required this fiscal year in order to meet the Water Funds obligations.

E. Do Nothing:

This would have a similar impact as B.

Significant Impacts:

The bond resolution is the first step in initiating a bond issuance. This bond issuance is anticipated in the FY 2012 budget; proceeds from the bonds are required this fiscal year in order to meet the Water Funds obligations.

Consequences of not taking the recommended action:

This Bond was anticipated in the 2012 budget, by not approving the bond resolution the Water Department would have inadequate funds to continue projects and operations this Fiscal Year.

Recommendation:

Staff recommends that Council approve the attached bond resolution related the proposed 2012 Series Water Revenue bond issuance.

Attachments:

A – Bond Resolution (Bond counsel anticipated holding a public hearing on May 10 which is designated as a no meeting date. The language in this Resolution will be amended to reflect May 17 as the public hearing date.)

RESOLUTION NO. ____-12

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF WATER REVENUE BONDS; DIRECTING THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE HOLDING OF A PUBLIC HEARING AND THE PUBLICATION OF A NOTICE OF PUBLIC HEARING; EXPRESSING OFFICIAL INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED FROM THE PROCEEDS OF SUCH REVENUE BONDS; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE THAT THE BONDS MAY BEAR AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL INDENTURE OF TRUST AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION

*** *** ***

Whereas, Park City, Utah (the “City”) is a political subdivision and body politic duly organized and existing under the Constitution and laws of the State of Utah; and

Whereas, the City considers it necessary and desirable and for the benefit of the City and the users of the System (as hereinafter defined) to issue water revenue bonds as hereinafter provided for the purpose of financing the cost of acquisition, construction and completion of improvements to the water system of the City (collectively, the “Project”).

Whereas, pursuant to and in accordance with the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Utah Code”) and the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code (collectively, the “Act”), the General Indenture of Trust, dated as of December 1, 2002 (the “General Indenture”), between

the City and Zions First National Bank, as trustee (the “*Trustee*”), as amended and supplemented (the copy of which is attached hereto as *Exhibit A*), and an Eight Supplemental Indenture of Trust, dated as of May 1, 2012 (the “*Supplemental Indenture*” and, together with the General Indenture, the “*Indenture*”), between the City and the Trustee (the form of which is attached hereto as *Exhibit B*), the City has determined that it is in the best interest of the City to issue not more than \$5,000,000 Water Revenue Bonds, Series 2012 (Bank Qualified) (the “*Bonds*”) pursuant to this Resolution and the Indenture to provide funds for the purpose of (i) paying a portion of the costs of the Project, (ii) funding a debt service reserve fund and (iii) paying costs of issuance relating to the issuance, sale and delivery of the Bonds and (b) to cause the proceeds of the sale of the Bonds to be applied in accordance with the Indenture; and

Whereas, the City is authorized by the Act to enter into the Indenture and to issue the Bonds; and

WHEREAS, a notice inviting electronic bids for the purchase of the Bonds will be advertised by electronic dissemination through the PARITY® electronic bid submission system;

WHEREAS, in the opinion of the City, it is in the best interests of the City that (a) the City Manager (or, in the event of the absence or incapacity of the City Manager, the City Treasurer, or in the event of the absence or incapacity of both the City Manager and the City Treasurer, the Mayor (collectively, the “*Designated Officer*”)) be authorized to (i) accept or reject the bids received for the Bonds pursuant to the PARITY® electronic bid submission system and determine the best bid received that conforms to the parameters, deadlines and procedures set forth in the notice of sale prepared in connection with the advertisement for sale of the Bonds

and (ii) approve the final principal amount, maturity amounts, interest rates, dates of maturity and other terms and provisions relating to the Bonds and to execute the Certificate of Determination containing such terms and provisions and (b) the Mayor be authorized to execute the Official Statement with respect to the Bonds; and

Whereas, Section 11-14-318 of the Utah Code requires that a public hearing be held to receive input from the public with respect to the issuance of the Bonds and the potential economic impact that the Project will have on the private sector and that notice of such public hearing be given as provided by law, and the City desires to cause the publication of such a notice; and

Whereas, Section 11-14-316, Utah Code Annotated 1953, as amended, provides for the publication of a Notice of Bonds to be Issued and the City Council of the City (the “City Council”) desires to publish such a Notice of Bonds to be Issued at this time in compliance with said section with respect to said Bonds; and

Whereas the expenditures relating to the Project (the “*Expenditures*”) (i) have been paid from the City’s Water Fund (the “*Fund*”) within sixty days prior to the passage of this Resolution or (ii) will be paid from the Fund on or after the passage of this Resolution;

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

Section 1. Issuance of Bonds. (a) In accordance with and subject to the terms, conditions and limitations established by the Act and in the Indentures and for the purposes set forth herein, a series of water revenue bonds of the City is hereby authorized to be issued in the aggregate principal amount of Five Million Dollars (\$5,000,000). Such series of bonds shall be

designated “*Water Revenue Bonds, Series 2012 (Bank Qualified)*.” If the Designated Officer determines that the principal amount to be issued shall be less than Five Million Dollars (\$5,000,000), then the principal amount of such series of bonds shall be limited to the amount so determined by the Designated Officer.

The Bonds shall be dated as of their date of original issuance and delivery (the “*Dated Date*”), shall mature on the dates and in the principal amounts, and shall bear interest from the Dated Date, payable semiannually on June 15 and December 15 in each year, commencing December 15, 2012, at the interest rates provided in the Certificate of Determination, a form of which is attached hereto as *Exhibit C* (the “*Certificate of Determination*”).

The Bonds shall be issued in authorized denominations and shall be executed and payable as provided in the Indenture.

(b) There is hereby delegated to the Designated Officer, subject to the limitations contained in the this Resolution, the power to determine and effectuate the following with respect to the Bonds and the Designated Officer is hereby authorized to make such determinations and effectuations:

(i) the aggregate principal amount of the Bonds; *provided* that the aggregate principal amount of the Bonds shall not exceed Five Million Dollars (\$5,000,000);

(ii) the maturity date or dates and principal amount of each maturity of the Bonds to be issued; *provided, however*, that the final maturity of all Bonds shall not be later than twenty years from their date or dates;

(iii) the interest rate or rates of the Bonds, *provided, however*, that the interest rate or rates to be borne by any Bond shall not exceed six percent (6.00%) per annum;

(iv) the sale of the Bonds to the purchaser of the Bonds (the “*Purchaser*”) and the purchase price to be paid by the Purchaser for the Bonds; *provided, however*, that the discount from par of the Bonds shall not exceed one percent (1.00%) (expressed as a percentage of the principal amount);

(v) the Bonds, if any, to be retired from mandatory sinking fund redemption payments and the dates and the amounts thereof;

(vi) the optional redemption date of the Bonds, if any; and

(vii) the use and deposit of the proceeds of the Bonds; and

(viii) any other provisions deemed advisable by the Designated Officer not materially in conflict with the provisions of this Resolution.

Immediately following the date and time specified in the Official Notice of Bond Sale attached to the Official Statement for the receipt of bids for the purchase of the Bonds, the Designated Officer shall obtain such information as he or she deems necessary to make such determinations as provided above and to determine the bid of the responsible bidder that results in the lowest effective interest rate to the City (the “*Best Bidder*”). Thereupon, the Designated Officer shall make such determinations as provided above, shall award the bid to the Best Bidder and shall execute the Certificate of Determination containing such terms and provisions of the Bonds, which execution shall be conclusive evidence of the awarding of such bid to the Best Bidder and the action or determination of the Designated Officer as to the matters stated therein.

If the Designated Officer determines that it is in the best interest of the City, the Designated Officer may (1) waive any irregularity or informality in any bid or in the electronic bidding process; and (2) reject any and all bids for the Bonds.

(c) The Bonds shall be subject to redemption prior to maturity as provided in the Indenture.

(d) The form of the Bonds set forth in the Supplemental Indenture, subject to appropriate insertion and revision in order to comply with the provisions of the Indenture, is hereby approved.

(e) The Bonds shall be special obligations of the City, payable from and secured by a pledge and assignment of the Net Revenues (as defined in the Indenture) derived by the City from the operation of its System (as defined in the Indenture) for the distribution of water, and certain funds established under the Indenture, subject to the application of the Net Revenues upon the terms and conditions set forth in the Indenture. The Bonds shall not be obligations of the State of Utah or any other political subdivision thereof, other than the City, and neither the faith and credit nor the taxing or appropriation power of the State of Utah or any political subdivision thereof, including the City, is pledged to the payment of the Bonds. The Bonds shall not constitute general obligations of the City or any other entity or body, municipal, state or otherwise.

Section 2. Approval of General Indenture and Approval and Execution of Supplemental Indenture. The General Indenture and the Supplemental Indenture, in substantially the forms attached hereto as *Exhibits A* and *B*, respectively, are hereby authorized and approved,

and the Mayor is hereby authorized, empowered and directed to execute and deliver the Supplemental Indenture on behalf of the City, and the City Recorder is hereby authorized, empowered and directed to attest such execution and to countersign, and to affix the seal of the City to the Supplemental Indenture, with such changes to the Supplemental Indenture from the forms attached hereto as are approved by the Mayor, his execution thereof to constitute conclusive evidence of such approval. The provisions of the General Indenture and the Supplemental Indenture, as executed and delivered, are hereby incorporated in and made a part of this resolution. The General Indenture and the Supplemental Indenture shall constitute a “system of registration” for all purposes of the Registered Public Obligations Act of Utah.

Section 3. Approval of Continuing Disclosure Undertaking. The Continuing Disclosure Undertaking relating to the Bonds (the “*Continuing Disclosure Undertaking*”), in substantially the form attached hereto as *Exhibit D* is hereby authorized and approved, and the Mayor is hereby authorized, empowered and directed to execute and deliver the Continuing Disclosure Undertaking on behalf of the City, and the City Recorder is hereby authorized, empowered and directed to affix the seal of the City and to attest such seal, with such changes to the Continuing Disclosure Undertaking from the form attached hereto as are approved by the Mayor, his execution thereof to constitute conclusive evidence of such approval.

Section 4. Approval of Official Statement. (a) The Official Statement of the City is hereby authorized in substantially the form presented at this meeting and in the form attached hereto as *Exhibit E* (the “*Official Statement*”), with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, including the completion thereof with the

information established at the time of the sale of the Bonds by the Designated Officer and set forth in the Certificate of Determination. The Mayor shall sign and deliver the Official Statement to the Purchaser for distribution to prospective purchasers of the Bonds and other interested persons. The approval of the Mayor of any such changes, omissions, insertions and revisions shall be conclusively established by the Mayor's execution of the Official Statement.

(b) The use and distribution of the Official Statement in preliminary form (the "*Preliminary Official Statement*"), in substantially the form presented at this meeting and in the form attached hereto as *Exhibit E*, is hereby authorized and approved, with such changes, omissions, insertions and revisions as the City Treasurer shall deem advisable. The Mayor, the City Recorder and the City Treasurer are, and each of them is, hereby authorized to do or perform all such acts and to execute all such certificates, documents and other instruments as may be necessary or advisable to deem final the Preliminary Official Statement within the meaning and for purposes of paragraph (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission, subject to completion thereof with the information established at the time of the sale of the Bonds. The Mayor, the City Recorder and the City Treasurer are, and each of them is, hereby authorized to do or perform all such acts and to execute all such certificates, documents and other instruments as may be necessary or advisable to provide for the issuance, sale and delivery of the Bonds, and any actions taken thereby for purposes of deeming the Official Statement to be final for purposes of Rule 15c2-12 of the Securities and Exchange Commission are hereby authorized, ratified and confirmed.

Section 5. Other Certificates and Documents Required to Evidence Compliance with Federal Tax Laws. Each of the Mayor and the City Recorder is hereby authorized and directed to execute such other certificates and documents as are required to evidence compliance with the federal laws relating to the tax-exempt status of interest on the Bonds.

Section 6. Other Actions With Respect to the Bonds. The officers and employees of the City shall take all action necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all action necessary in conformity with the Act to carry out the issuance of the Bonds, including, without limitation, the execution and delivery of any documents required to be delivered in connection with the sale and delivery of the Bonds. If (a) the Mayor or (b) the City Recorder shall be unavailable to execute or attest and countersign, respectively, the Bonds or the other documents that they are hereby authorized to execute, attest and countersign the same may be executed, or attested and countersigned, respectively, (i) by the Mayor pro tempore or (ii) by any Deputy City Recorder.

Section 7. Public Hearing. (a) In satisfaction of the requirements of Section 11-14-318 of the Local Government Bonding Act, a public hearing shall be held by the City on Thursday, May 10, 2012, at 6:00 p.m., at the Marsac Municipal Building, Council Chambers at 445 Marsac Avenue, Park City, Utah, to receive input from the public with respect to the issuance by the City of the Bonds for the purposes set forth in Section 1 hereof and the potential economic impact of the Project on the private sector.

(b) The City Recorder shall cause the “Notice of Public Hearing,” in substantially the form attached hereto as *Exhibit F*, to be published (a) once each week for two consecutive weeks

in *The Park Record*, a newspaper of general circulation in the City, with the first publication being at least 14 days prior to the date set for the public hearing and (b) on the Utah Public Notice Website no less than 14 days before the public hearing described in Section 8.

Section 8. Notice of Bonds to be Issued. In accordance with the provisions of Section 11-14-316 of the Local Government Bonding Act, the City Recorder shall cause the “Notice of Bonds to be Issued,” in substantially the form attached hereto as *Exhibit G*, to be published one time in *The Park Record*, a newspaper of general circulation in the City, and shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in her office for public examination during the regular business hours of the City until at least thirty (30) days from and after the date of publication thereof.

For a period of thirty (30) days from and after publication of the Notice of Bonds to be Issued, any person in interest shall have the right to contest the legality of this Resolution or the Bonds hereby authorized or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of this Resolution or the Bonds or any provisions made for the security and payment of the Bonds for any cause.

Section 9. Reimbursement. For the purpose of satisfying certain requirements under the Internal Revenue Code of 1986, the City reasonably expects to reimburse the Expenditures with the proceeds of the Bonds to be issued in the maximum principal amount of \$5,000,000.

Section 10. Resolution Irrepealable. Following the execution and delivery of the Indenture, this resolution shall be and remain irrepealable until the Bonds and the interest thereon shall have been fully paid, cancelled, and discharged.

Section 11. Severability. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

Section 12. Effective Date. This resolution shall be effective immediately upon its approval and adoption.

ADOPTED AND APPROVED by the City Council of Park City, Utah, this 19th day of April,
2012.

PARK CITY, UTAH

By _____
Mayor

[SEAL]

ATTEST AND COUNTERSIGN:

By _____
City Recorder

APPROVED AS TO FORM:

By _____
City Attorney

EXHIBIT A

[ATTACH GENERAL INDENTURE OF TRUST]

EXHIBIT B

[ATTACH FORM OF SUPPLEMENTAL INDENTURE]

EXHIBIT C

[ATTACH FORM OF CERTIFICATE OF DETERMINATION]

EXHIBIT D

[ATTACH FORM OF CONTINUING DISCLOSURE UNDERTAKING]

EXHIBIT E

[ATTACH FORM OF OFFICIAL STATEMENT]

EXHIBIT F

NOTICE OF PUBLIC HEARING — PARK CITY, UTAH

PUBLIC NOTICE IS HEREBY GIVEN that on May 10, 2012, the City Council (the “*City Council*”) of Park City, Utah (the “*City*”) will hold and conduct a public hearing to receive input from the public with respect to the issuance of water revenue bonds (the “*Bonds*”) and the potential economic impact that the improvement, facility, or property for which the bonds pay all or part of the cost will have on the private sector, pursuant to Section 11-14-318 of the Utah Code Annotated 1953, as amended.

PURPOSE FOR THE ISSUANCE OF THE BONDS

The City intends to issue the Bonds for the purpose of (1) financing the costs of the acquisition, construction and completion of improvements to the water system of the City, (the “*Project*”), (2) funding reserves and (3) paying the costs incurred in connection with the issuance and sale of the Bonds.

MAXIMUM PRINCIPAL AMOUNT OF THE BONDS

The City intends to issue the Bonds in an amount not to exceed \$5,000,000.

THE TAXES, IF ANY, PROPOSED TO BE PLEDGED

The City will not pledge any taxes of the City for the payment of the Bonds. Instead, the City will pledge, pursuant to a General Trust Indenture, dated as of December 1, 2002, the revenues attributable to the City’s water system for the payment of the Bonds.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The City will hold and conduct a public hearing during a public meeting that is to begin at 6:00 p.m. on May 10, 2012. The public hearing will be held at 445 Marsac Avenue, in Park City, Utah. All members of the public are invited to attend and participate in the public hearing. Prior to the public hearing, written comments may be submitted to the City, to the attention of the City Recorder, 445 Marsac Avenue, Park City, Utah 84060.

DATED this 19th day of April, 2012.

PARK CITY, UTAH

By _____

City Recorder

EXHIBIT G

NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 11-14-316, Utah Code Annotated 1953, as amended, that on April 19, 2012, the City Council of Park City, Utah (the “City”), adopted a resolution (the “Resolution”) in which it authorized and approved the issuance of the City’s water revenue bonds in one or more series (the “Bonds”) in an aggregate principal amount of not to exceed Five Million Dollars, to mature in not more than twenty years from their date or dates, to bear interest at a rate or rates not to exceed six percent per annum, and to be sold at a discount from par of not to exceed one percent.

The Bonds are to be issued and sold by the City pursuant to (1) the Resolution, (2) a General Trust Indenture between the City and Zions First National Bank (the “Trustee”), and (3) one or more Supplemental Trust Indentures between the City and the Trustee, supplementing the General Trust Indenture. The Supplemental Trust Indentures will be executed and delivered and the Bond Resolutions will be adopted by the City Council at a future date or dates prior to the issuance of the Bonds in substantially the form attached to the Resolution, with such changes thereto as shall be approved by the City Council, *provided* that the principal amount, interest rate or rates, maturity or maturities and discount will not exceed the maximums set forth above.

The Bonds are to be issued for the purpose of (a) financing the costs of the acquisition, construction and completion of improvements to the water system of the City, (b) funding reserves and (c) paying certain costs relating to the issuance of the Bonds, all as set forth in the Resolution, the General Trust Indenture and the Supplemental Trust Indentures.

A copy of the Resolution (including a copy of the General Trust Indenture and draft of a Supplemental Trust Indenture) is on file in the office of the City Recorder, located at 445 Marsac Avenue, in Park City, Utah, where it may be examined during regular business hours of the City Recorder from 8:00 A.M. to 5:00 P.M. Said Resolution (including a copy of the General Trust Indenture and draft of a Supplemental Trust Indenture) shall be so available for inspection for a period of at least thirty (30) days from and after the date of the publication of this notice.

NOTICE IS FURTHER GIVEN that pursuant to law for a period of thirty days from and after the date of the publication of this notice, any person in interest shall have the right to contest the legality of the above-described Resolution (including the General Trust Indenture and the Supplemental Trust Indentures) of the City Council of Park City, Utah, or the Bonds or any provisions made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause.

DATED this 19th day of April, 2012.

PARK CITY, UTAH

By _____
City Recorder

City Council Staff Report



Subject: Park City Heights Assessment Area Designation
Author: Phyllis McDonough Robinson, Community Affairs Manager
Department: Sustainability
Date: April 19, 2012
Type of Item: Legislative

Summary Recommendations: Staff recommends that Council approve the resolution creating the Park City Heights Assessment Area more fully described in Exhibit A to this staff report. Because this assessment area is being done at the request of the property owner, that owner is facilitating approval by waiving certain rights to public notice and a public hearing prior to City Council action.

Topic/Description:
Special Assessment Bond

Background:

In November 2011 the City Council in its role as cotenant owner approved a Purchase and Sale Agreement with Ivory Development for the sale and development of approximately 195.56 acres of the Park City Heights subdivision located at the east entrance to Park City. One of the terms of the sale was the city provision of financing for publicly-owned infrastructure developed for this project. The City has determined the best way to do that is through the use of the Assessment Area Act. The Assessment Area Act authorizes cities to finance the cost of public improvements to be made within a portion of the city through the collection of special assessment levied against the benefitting private properties. The sole recourse for the bond holder in the event of default is the land and improvements for the subdivision. Ivory is undertaking these improvements in at least two phases. The second phase will follow whenever Ivory has determined that the market will support the development and sale of additional lots. Phase I allows for the improvements of 28 park home lots (transferred from the IHC campus to this project site) and four cottage home lots. In addition, Phase I includes the delivery of off-site publically-owned infrastructure to the project site.

Analysis:

Staff recommends that Council review and consider approving the Park City Heights Assessment Area resolution. Specifically the resolution addresses the following:

- establishes the physical boundary of the assessment area,
- details the public improvements to be made under City-issued construction contracts within the area and financed with assessment bonds or similar instruments;
- determines the method of assessment;
- estimates the amount of the assessments in this Phase 1;
- sets the outer time limit over which assessments will be repaid, and

- describes a reserve fund that will be used to further secure the assessment bonds.

Special Assessments

A special assessment is a first priority lien in a fixed dollar amount and recorded against each individual property. It is superior to all other liens except for tax liens and mechanics and materialman's liens. Hence, in a foreclosure it will be repaid before the Ivory note to the City and Boyer. However, in the loan agreement we made a default on any financial obligation to the City a default on the Ivory note. The assessment is released when the full assessment plus interest is paid in full.

The Public Improvements

The public improvements include installation of public roads, culinary water supplies, sewer lines, storm sewer lines, curb and gutter, landscaping, public parking areas, a public park, street lighting, etc. It may not include any improvements to the individual lots, nor may it include private utility improvements such as natural gas, electricity, telephone or cable.

The Assessment Area

The proposed PC Heights Assessment Area is 196 acres. It includes all of the privately held property sold to Ivory last year. It does not include the 24-acre piece dedicated to the city or the adjacent 15.6 acre parcel donated by Talisker to the City.

The Method of Assessment

The cost of the improvements will be allocated and levied upon all 239 individual lots based on the lot type. There will be three lot types: Park home lots (52 total, EDU = 0.5), Cottage homes lots (92 total, EDU = 1.0), and Homestead lots (95 total, EDU = 1.50). Total EDUs in all phases will be 260.5.

Estimated Total Assessment for Phase I

The current estimated total cost of Phase I assessments is \$6 million. This figure includes:

- the direct cost of improvements, including contingency;
- a City administration fee;
- an Ivory construction management fee;
- an interest reserve;
- a debt service reserve, and
- the cost of issuance.

The final bond amount will be determined after the City has selected the winning construction bidders pursuant to a competitive bid process. Staff will return to City Council to set the final assessment amounts in May that will include a breakdown of each of these costs.

Time Limitation for Repayment

This resolution allows for the repayment of the assessments over a period of up to twenty years. This is done to allow the City to capitalize (borrow) enough money to pay

interest on the BANs during the three-year period. This nominal 20-year repayment period is trumped by bond resolution and the Exhibit G of the Purchase and Sale Agreement (Exhibit B to this staff report) which calls for repayment at the earlier of three years from the date of the financing or at the time of home sale.

Bond Structure

Pursuant to future City Council approval, the City will issue a 3-year bond anticipation note ("BAN") [This is a bit of a misnomer because Ivory is required to repay all assessments within no more than three years from the date of the assessment bond funding so no long term bonds will be issued but it is the closest title available under the Act.] The BANs will be interest only and will be secured by a pledge and security interest in the assessments and the reserve funds (see hereafter). The City will not pledge any of its credit or taxing power to support repayment of the BANs.

Reserve Fund

The Bonds will be further secured by a reserve fund, funded from bond proceeds, and held by the bond trustee. This will only be drawn upon to prevent a default, which is possible if a property owner fails to pay its assessment when due.

Next Steps

Designation of the assessment area is the first of three approvals required by the City Council. The second step is the approval of the actual assessments based upon a competitive bid process. The third step is the approval of the bond sale. Staff anticipates returning to Council in May for approval of the actual assessments and subsequent approval of the bond sale.

Significant Impacts

The estimated bond amount for planning purposes is \$6 million. The final bond amount will be determined following a public competitive bid process. It is important to note that the final bond amount for Park City Heights, together with the planned issuance of water bonds will not exceed the \$10,000,000 bank-qualified limits for 2012. The issuance of bonds for subsequent stages will need to be evaluated against bank-qualified limits at the time of request.

Department Review:

Sustainability, City Attorney and City Manager reviewed this report.

Alternatives:

- A. Approve the Request.** Staff recommends that Council approve the bond resolution consistent with Exhibit G of the Purchase and Sale Agreement
- B. Deny the Request:** Denying the request would require the Developer to provide private financing and would have a significant increase on project affordability.
- C. Continue the Item:** Continuing the request could affect the bond issuance timing which would extend the development time frame for Phase 1.

Recommendation:

Staff recommends that Council approve the resolution creating the Park City Heights Assessment Area more fully described in Exhibit A to this staff report. Because this assessment area is being done at the request of the property owner, that owner is facilitating approval by waiving certain rights to public notice and a public hearing prior to City Council action.

Exhibits

- A. Bond Resolution
- B. Exhibit G from the Purchase and Sale Agreement

Park City, Utah

April 19, 2012

The City Council (the "Council") of Park City, Utah (the "City"), met in regular session on April 19, 2012, in Park City, Utah, at 6:00 p.m. with the following members of the Council present:

Dana Williams	Mayor
Andy Beerman	Councilmember
Alex Butwinski	Councilmember
Cindy Matsumoto	Councilmember
Richard Peek	Councilmember
Liza Simpson	Councilmember

Also present:

Jan Scott	City Recorder
Thomas Bakaly	City Manager
Mark Harrington	City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this April 19, 2012, meeting, a copy of which is attached hereto as Exhibit A.

Thereupon, the following resolution was introduced in written form, discussed in full, and pursuant to a motion made by Councilmember _____ and seconded by Councilmember _____, adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Mayor in open meeting and recorded by the City Recorder in the official records of Park City, Utah. The resolution is as follows:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL (THE “CITY COUNCIL”) OF PARK CITY, UTAH (THE “CITY”), DESIGNATING AN ASSESSMENT AREA FOR THE PURPOSE OF (i) LEVYING ASSESSMENTS AGAINST PROPERTIES WITHIN THE ASSESSMENT AREA TO FINANCE THE CONSTRUCTION AND INSTALLATION OF NEW ROADS, SIDEWALK, CURB AND GUTTER, CULINARY WATER IMPROVEMENTS, SEWER AND STORM DRAINAGE IMPROVEMENTS, PUBLIC PARKS, TRAILS AND LANDSCAPING OF PUBLIC AREAS, AND RELATED IMPROVEMENTS, (ii) ESTIMATING THE AMOUNT OF THE ASSESSMENTS TO BE LEVIED AND THE METHOD OR METHODS OF ASSESSMENTS AND (iii) GENERALLY DESCRIBING THE PERIOD OVER WHICH THE ASSESSMENTS ARE TO BE PAID AND THE MANNER IN WHICH THE CITY INTENDS TO FINANCE SAID IMPROVEMENTS; AND RELATED MATTERS.

BE IT RESOLVED by the City Council (the “City Council”) of Park City, Utah (the “City”), as follows:

Section 1. The City Council hereby determines that it will be in the best interest of the City to designate an area to finance the costs of acquiring, constructing and installing new roads, sidewalk, curb and gutter, culinary water improvements, sewer and storm drainage improvements, public parks, trails and landscaping of public areas and related improvements, and to complete said improvements in a proper and workmanlike manner (collectively, the “Improvements”). The City Council hereby determines that it is in the best interest of the City to levy assessments against properties benefited by the Improvements to finance the costs of said Improvements.

Section 2. Pursuant to Sections 11-42-104 and 11-42-202 of the Assessment Area Act, Title 11, Chapter 42, Utah Code Annotated 1953, as amended (the “Act”), the owners of all properties to be assessed within the designated assessment area have waived the notice and hearing requirements set forth in Sections 11-42-202, 203, and 204 of the Act to designate an assessment area, and have consented to (a) the levy of an assessment against their property for the benefit to be received from the Improvements, (b) the designation of the assessment area as herein described, (c) the financing of the Improvements by the City through the issuance of interim warrants, bond anticipation notes and/or assessment bonds; (d) the acquisition and/or construction of the Improvements, and (e) the method and estimated amount of assessment as set forth herein in accordance with the Acknowledgment, Waiver, and Consent attached hereto as Exhibit B. The properties to be assessed are identified by legal description and tax identification number in Exhibit C attached hereto.

Section 3. As required by Section 11-42-205 of the Act, the City has obtained an appraisal of the property proposed to be assessed from an appraiser who is a member of the Appraisal Institute, addressed to the City and verifying that the market value of the

property to be assessed, after completion of the proposed improvements, is at least three (3) times the amount of the assessment proposed to be levied against the property. See Exhibit G attached hereto.

Section 4. The City hereby designates a Assessment Area which shall be known as the “Park City, Utah PC Heights Assessment Area” (the “Assessment Area”). A description of the Assessment Area and its boundaries are more particularly described in Exhibit D attached hereto.

Section 5. The City presently anticipates financing the costs of acquiring and/or constructing the Improvements for the benefit of the properties within the Assessment Area in at least two phases. The City may, however, determine to finance all Improvements in one phase if it is determined by the City Council that it is beneficial to do so. A map showing the general location of the phases and Improvements, lots anticipated to be assessed for Improvements acquired and/or constructed within the first two phases is set forth in Exhibit E. The Improvements anticipated to be constructed within the first two phases are shown on the map and schedules attached hereto as Exhibit E and are more particularly described as follows:

Sidewalks, curb, gutter and roadwork including related site work, grading and excavation and related expenses.

Sewer, water and storm drainage improvements and related expenses.

Public parks, trails and landscaping of public areas and related expenses.

Section 6. Pursuant to the Act, the City Council has determined to levy assessments to pay the cost of the Improvements. The assessments shall be assessed against properties which will be directly or indirectly benefited by the Improvements and shall be payable in not more than twenty (20) annual installments with interest on the unpaid balance until due and paid.

Section 7. The total acquisition and/or construction cost of Improvements including overhead costs, interest costs during construction and the costs of funding a reserve fund, is estimated at \$6,000,000 all of which is anticipated to be paid by assessments to be levied against the properties within the Assessment Area to be directly or indirectly benefited by such Improvements, which benefits need not actually increase the fair market value of the properties to be assessed. The cost of Improvements includes estimated overhead costs which the City projects to incur in the designation and administration of the Assessment Area, and interest costs incurred during the construction of the Improvements. The City may finance the cost of the Improvements by issuing interim warrants, bond anticipation notes and/or assessment bonds (the “Bonds”). If the City issues Bonds, in lieu of utilizing a guaranty fund, the City Council intends to create a special reserve fund to secure payment of the Bonds. It is anticipated that the reserve fund will be initially funded with proceeds of the Bonds in an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued. The City Council anticipates applying any moneys remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payment to be made by the owners of property benefited by such Improvements, all of which will be

further described in the assessment ordinance to be adopted by the City Council. The estimated cost of Improvements to be assessed against the benefited properties within the Assessment Area under an equivalent residential unit (“ERU”) per lot type method of assessment are as follows:

<u>Improvements</u>	<u>Estimated Assessment</u>	<u>ERU Method of Assessment</u>
All improvements within Phase 1-A	\$50,875	Per Park Lot
	101,749	Per Cottage Lot
All improvements within Phase 1-B	51,901	Per Cottage Lot
	77,851	Per Homestead Lot
Initial Improvements within Master Plan Area Phase 2	2,372	Per Park Lot
	4,744	Per Cottage Lot
	7,116	Per Homestead Lot

Section 8. The City Council intends to levy assessments as provided in the Act on all parcels and lots of real property within the Assessment Area to be benefited by the Improvements, the owners of which have executed the Acknowledgment, Waiver, and Consent described in Section 2 herein. The purpose of the assessment and levy is to finance the cost of the Improvements which the City will not assume or pay.

The assessments may be paid by property owners in twenty (20) annual principal installments with interest on the unpaid balance at a rate or rates fixed by the City Council. The whole or any part of the assessment may be paid without interest within twenty-five (25) days after the ordinance levying the assessments becomes effective. After said twenty-five (25) day prepayment period, a property owner may prepay the assessment as provided in the assessment ordinance. The assessments shall be levied according to the benefits to be derived by each property within the Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with the Act.

A map of the Assessment Area and the general location of the Improvements and other related information are on file in the office of the City Recorder who will make such information available to all interested persons.

Section 9. The City Engineer has prepared a “Certificate of Project Engineer” which, among other things, identifies the Improvements to be constructed and installed attached hereto as Exhibit G. The findings and determinations set forth in this resolution are based, in part, upon said Certificate of Project Engineer.

Section 10. The City Council reasonably expects and intends to reimburse the City from proceeds of the Bonds for all expenditures paid by the City (whether or not such expenditures are paid from proceeds of interim warrants or bond anticipation notes) with respect to the Improvements in advance of the issuance of tax exempt bonds. The maximum principal amount of debt expected to be issued to acquire the Improvements is \$6,000,000. This amount may be reduced by cash payments received by the City from property owners who elect to pay their assessment in full during the cash payment period

immediately following the effective date of the assessment ordinance. This declaration of official intent is consistent with the City's budgetary and financial circumstances. No funds from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City Council or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

After the conduct of other business not pertinent to the above, the meeting was, on motion duly made and seconded, adjourned.

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF SUMMIT)

CERTIFICATE OF DESIGNATION
OF ASSESSMENT AREA

I, Jan scott, the duly chosen, qualified, and acting City Recorder of Park City, Utah, do hereby certify as follows:

1. That the foregoing typewritten pages constitute a full, true, and correct copy of the record of proceedings of the City Council taken at a regular meeting thereof held in said City on April 19, 2012, at the hour of 6:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the proposal of the City Council to designate the Park City, Utah PC Heights Assessment Area and finance Improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

2. That due, legal, and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said City.

3. That the above resolution was deposited in my office on April 19, 2012, has been recorded by me, and is a part of the permanent records of Park City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said City this April 19, 2012.

PARK CITY, UTAH

(SEAL)

By: _____
City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Jan Scott, the undersigned City Recorder of Park City, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the April 19, 2012, public meeting held by the City as follows:

(a) By causing a Notice in the form attached hereto as Schedule 1, to be posted at the City's principal offices on _____, 2012, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to _____ on _____, 2011, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) On the Utah Public Notice Website (<http://pmn.utah.gov>).

In addition, the Notice of 2011 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be posted on _____, 2012, at the principal office of the City Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the City on _____, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this April 19, 2012.

(SEAL)

By: _____
City Recorder

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B

ACKNOWLEDGMENT, WAIVER, AND CONSENT

EXHIBIT C

LEGAL DESCRIPTION AND TAX ID NUMBER OF
PROPERTIES TO BE ASSESSED

EXHIBIT D

DESCRIPTION OF BOUNDARY OF THE ASSESSMENT AREA

EXHIBIT E

MAP SHOWING PHASES AND IMPROVEMENTS
AND ADDITIONAL SCHEDULES ON IMPROVEMENTS

EXHIBIT F

CERTIFICATE OF PROJECT ENGINEER

EXHIBIT G

APPRAISAL

Exhibit B

Purchase and Sale Agreement Exhibit G: Bonding

The City shall use its best efforts to finance the Bonded Improvements with proceeds from special assessment bonds (the “**Bonds**”). The Bonds and the related assessments are authorized under Utah Code Section 11-42-1, et seq., the Assessment Area Act (the “**Act**”). Under the Act cities shall be authorized to create a special assessment district and make public improvements. The improvements will be paid for from Bond proceeds. The Bonds shall be repaid from recorded assessments against each Affordable Housing Unit and/or Market Housing Unit benefitting from the improvements. The assessment will create a super-lien on the assessed properties, i.e., it will be above all mortgage liens and equivalent to a tax lien. The assessment lien is released against an individual property when the owner has paid the full amount of the assessment lien. This structure assumes that the property has been, or will be by time of the bonding, subdivided into its final parcel configuration.

The Bonds will be structured so that assessments may be paid at any time but in all events shall be paid no later than 36 months after actual issuance of the Bonds. Buyer must pay all accrued interest on the Bonds. The Bonds are expected to bear a tax-exempt rate of interest which may be fixed or variable. The interest rate payable on the assessment may include a charge for ongoing City costs incurred for administration of the assessment area. The interest due upon payment of an assessment may include interest accruing on the Bonds until the Bonds can be redeemed, typically 30-40 days after payment of the assessment.

The amount of the assessment may include the estimated or actual cost of the Bonded Improvements, interest on any interim warrants or bond anticipation notes, contingency of not more than 10%, overhead costs not to exceed 15% of hard costs and up to 10% to fund a reserve fund for the Bonds. As a condition to issuance of bonds, the total assessments may not exceed 1/3 the estimated appraised value of the improved properties after the improvements have been made. Any surplus at the final retirement of all financial obligations will be rebated to the property owners at that time.

The assessments against each individual lot may be pro rata, per square foot of lot size, by frontage or any other reasonable standard as decided by the City and approved following a Board of Equalization hearing. The City may have different zones within the assessment area where different assessment rates apply.

If special assessment bonds cannot be utilized for the full funding of the Bonded Improvements, the City reserves the right to employ other financing mechanisms alone or in combination, including funding by the City, the Bonded Improvements, while still imposing the same payment obligations on the Developer.

City Council Staff Report



Application #: PL-12-01478
Subject: 455 Park Avenue Replat
Author: Francisco Astorga, Planner
Date: April 19, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the 455 Park Avenue Replat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Mike Phillips, represented by Rick Otto
Location: 455 Park Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

This is a request to combine two (2) Old Town lots into one (1) lot of record. There is an existing historic structure located at 455 Park Avenue which was constructed across an existing property line.

Purpose

The purpose of the Historic Residential (HR-I) District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On January 30, 2012 the City received a completed application for the 455 Park Avenue

Replat. The property is located at 455 Park Avenue in the Historic Residential (HR-1) District. The proposed plat amendment combines Lots 14 and 15, Block 4 of the Park City Survey into one (1) lot of record. The proposed new lot will be 3,750 square feet in size.

The current use of the property is a single family dwelling. The applicant wishes to combine the two (2) lots into one (1) lot to eliminate the lot line going through the structure and to facilitate an addition to the existing historic structure. The structure is currently listed as a Landmark site on Park City's Historic Site Inventory (HSI). The historic structure is known as the John H. & Margaret Rogers House, built circa 1881. It is currently listed on the National Register of Historic Places. The structure is approximately 2,944 square in size.

After submitting the required Historic District Design Review (HDDR) pre-application it was discovered that the historic structure was built over the two (2) lots. The addition will be subject to the HDDR review and approval which has not been finalized. A building permit cannot be issued for construction across a lot line.

On March 28, 2012 the Planning Commission reviewed the requested plat amendment. The Planning Commission forwarded a positive recommendation to the City Council.

Analysis

The proposed plat amendment creates one (1) lot from two (2) Old Town lots within the HR-1 District. The applicant wishes to eliminate the lot line going through the historic structure. Because the site is designated as a landmark site within the Historic Site Inventory (HSI), the historic structure is currently protected. Even though there are two (2) lots on site, the site is limited by the existing historic structure over the two (2) lots. Two (2) single family dwellings could not be built on the two (2) lots as the historic structure is protected. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	3,750 sq. ft.
Minimum lot width	25 ft.	50 ft.

Staff finds good cause for this plat amendment as the combined lot will remove the lot line going through the historic structure. The plat amendment will also provide an opportunity for an addition. The square footage of the structure is approximately 2,944. The building footprint is approximately 1,131 square feet. The proposed lot will meet the lot and site requirements of the HR-1 District. There are no other violations or non-compliances found on the site dealing with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum

Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum
Footprint	1,519 square feet maximum
Parking	None required for historic structures
Stories	3 stories maximum

If any addition is to take place in the future the applicant will have to follow the adopted Historic District Design Guidelines and additional applicable LMC criteria pertaining to additions to historic Landmark structures.

Process

The applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. They will also have to submit a Building Permit application. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The City Council may approve the 455 Park Avenue Replat plat amendment as conditioned or amended; or
- The City Council may deny the 455 Park Avenue Replat plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 455 Park Avenue Replat plat amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The historic structure would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the 455 Park Avenue Replat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Topographic Survey

Exhibit C – Aerial Photograph

Exhibit D – County Plat Map

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 12-__

AN ORDINANCE APPROVING THE 455 PARK AVENUE REPLAT LOCATED AT 455 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 455 Park Avenue has petitioned the City Council for approval of the plat amendment; 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 March 28, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 28, 2012, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 19, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 455 Park Avenue Replat.

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

SECTION 1. APPROVAL. The 455 Park Avenue Replat as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 455 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 3, 750 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is fifty feet (50').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The square footage of the structure is approximately 2,944.
8. The building footprint is approximately 1,131 square feet.
9. The maximum footprint for a lot this size is 1,519 square feet.
10. There are no other violations or non-compliances found on the site.

11. The current use of the property is a single family dwelling.
12. There is a historic structure on the site.
13. The site is currently listed as a Landmark site on Park City's Historic Site Inventory.
14. The site contains a lot line going through the historic structure.
15. No remnant parcels of land are created with this plat amendment.
16. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined lot will remove the lot line going through the historic structure.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat 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 for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Park Avenue.

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

PASSED AND ADOPTED this 19th day of April, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

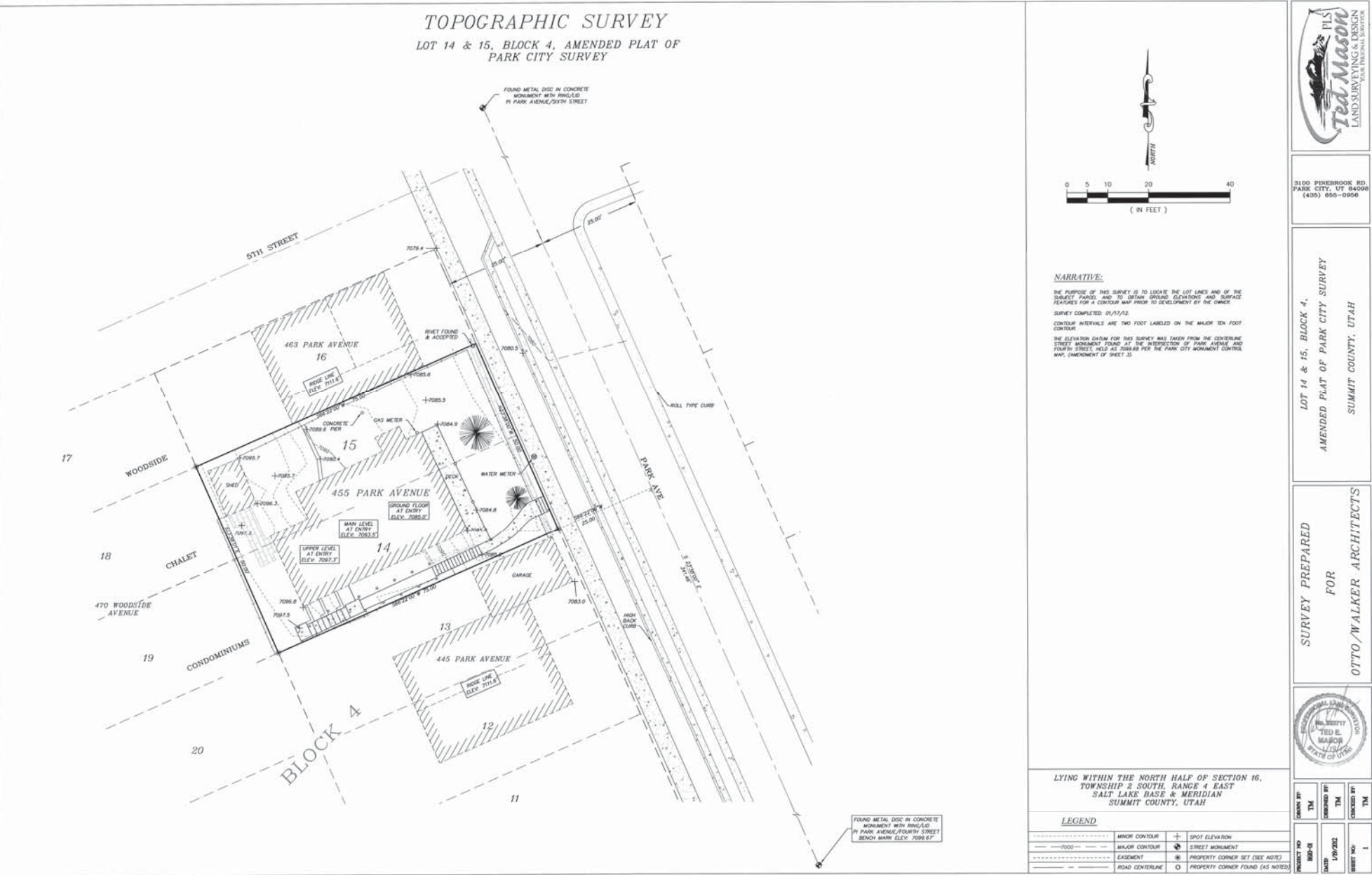
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat

Exhibit B – Topographic Survey



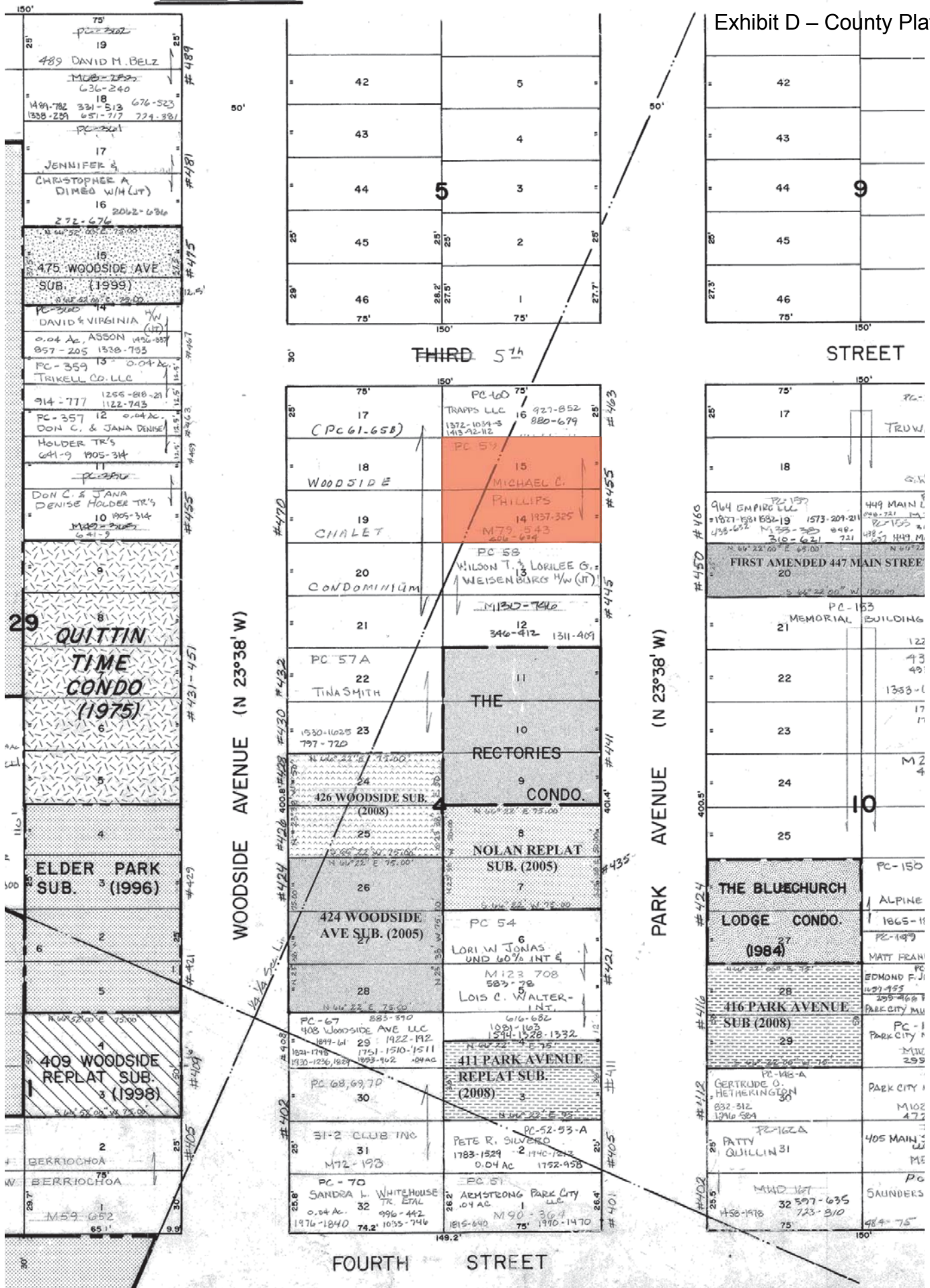
455 Park Avenue Vicinity Map



0 50 100 150 146 Feet

STREET PARK CITY -BLOCKS 4,10,29,SECTION 16,T2S R4E,S.L.B.&M.

Exhibit D – County Plat Map



DATE AND INITIAL	(In Pencil)

SUMMIT COUNTY, UTAH

City Council Staff Report



Subject: First Amendment to the Amended
and Restated Nakoma
Condominiums Plat

Author: Kirsten A. Whetstone, MS, AICP

Date: April 19, 2012

Project #: PL-11-01259 (PL-10-00898- original approval)

Type of Item: Administrative – Extension of approval of an amended
condominium record of survey

Summary Recommendations

Staff recommends the City Council conduct a public hearing and consider approving a request for a one year extension of the approval of the amended Nakoma Condominiums Amended and Restated record of survey plat for units 9 through 16, based on the findings of fact, conclusions of law, and conditions of approval as stated in the attached ordinance.

Topic

Applicant: Friends of Flagstaff, LLC

Location: 8800 Marsac Avenue, Lot B, Northside Subdivision II,
Pod B1, Village at Empire Pass

Zoning: Residential Development (RD) as part of the Flagstaff
Master Planned Development (MPD)

Adjacent Land Uses: Other development parcels of the Village at Empire Pass,
Pod B1, and Open Space.

Reason for Review: Extension requests require City Council approval

Proposal

This is a request for an extension of the May 20, 2010, City Council approval of the amended Nakoma Condominiums Amended and Restated record of survey plat for units 9 through 16. The final mylar of the plat was submitted for recordation prior to the expiration date of May 20, 2011, however due to issues with signatures and plat notes a revised mylar was necessary and the applicant submitted an application for an extension request to May 20, 2012.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 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.

On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II. This Master Planned Development included eighteen (18) detached single-family dwelling units utilizing 27 Unit Equivalents (UEs) on the Northside Village Subdivision II, Lot B; 25 townhouse multi-unit dwellings utilizing 37.5 UEs on Northside Village Subdivision II, Lot C; and a twenty-two (22) condominium multi-unit building utilizing 33 UEs on Northside Village Subdivision II, Lot D. Lot C has been developed as Ironwood at Deer Valley, Lot D is being constructed as the Grand Lodge at Deer Valley.

The Planning Commission approved an amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved (3,000 square foot footprint with a maximum house size of 5,000 square feet).

The Planning Commission approved a MPD amendment to Lot B on October 26, 2005, in which the unit locations and the road alignment were reconfigured, while maintaining the same footprint and maximum house size requirements as previously approved.

On July 6, 2006, the City Council approved the Nakoma Condominiums record of survey located on Lot B. That record of survey platted the first 8 units (Units 9-16) plus additional land. The condominium record of survey for the remaining units (1-8, 17 and 18) was approved by the City Council on September 20, 2007. That record of survey was not recorded and has expired.

A second amendment to the MPD was approved by the Planning Commission on April 23, 2008. That amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total Unit Equivalent count remained unchanged and cannot exceed 45 UEs (90,000 square feet).

On April 23, 2008, the Planning Commission approved a third amendment to the MPD to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage). That amendment would allow for variations in size from 4,300 to 5,750 square feet and also maintain the cap of 3,000 square feet on the footprint. An exception to both the maximum house size and footprint was allowed with the combination of units 17 and 18. In this case, the maximum square footage would be 7,500 square feet with a footprint of 5,000 square feet. The 2,500 square feet lost from the combination of 17 and 18 can be redistributed through the other units. An amended plat was also approved in conjunction with the Third MPD Amendment. The Amended and Restated Nakoma Condominiums plat was recorded on December 31, 2008.

On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD. The Fourth Amended MPD allows the following:

- Units 1 and 2 combined into a duplex configuration, maximum footprint of 6000

square feet.

- Unit 17 (previously combined with unit 18 into one larger unit) with an option to become a duplex, returning the unit count back 18. As a duplex, footprint increases from 5000 square feet to 6000 square feet.
- Reduce minimum unit size from 4300 to 4000 square feet.
- Maintain maximum unit size at 5,750 square feet (except if unit 18 is not constructed as a duplex with unit 17 and 17 can be 7,500sf).
- Maximum cap of 45 Unit Equivalents remain.

On January 28, 2010, the City received a completed application for the First amendment to the Amended and Restated Nakoma Condominiums plat. A plat note on each of the previous record of survey plats required the re-platting once the units were constructed to show to actual unit configuration. This First Amendment proposed record of survey is for units 9 through 16. All units have been issued Building Permits and are in various stages of construction (most completed).

On April 28, 2010 the Planning Commission conducted a public hearing, entertained no public comment, and forwarded a positive recommendation to the City Council on the First amended plat.

On May 20, 2010 the City Council adopted an Ordinance approving the fore mentioned amended condominium plat.

On May 20, 2011, the applicant submitted an application for an extension to the plat approval to allow additional time to make revisions to the mylar regarding plat notes and signatures.

Analysis

LMC Section 15-7.1-6 (C) (5) allows an applicant to request time extensions from the City Council by submitting a request in writing prior to the expiration of the approval and when the "Applicant is able to demonstrate that there are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the LMC in effect at the time of the extension request."

This application is a request for a one year extension of the May 20, 2010 approval. The extension request application was received on May 20, 2011. There have been no changes in circumstance, including changes to surrounding properties that would result in an unmitigated impact or in a finding of non-compliance with the Park City General Plan or LMC. The applicant has provided the corrected final mylar and the amended CCRs and the final mylar has been reviewed by the City Engineer and City Attorney and is ready to record before May 20, 2012, provided this plat extension request application is approved.

Staff finds good cause for this extension to allow recordation of the record of survey as this condominium is consistent with the development pattern envisioned in the amended MPD, the 14 Technical Reports, and the previous requirement that the units be re-

platted. There have been no changes in the underlying plat, Land Management Code, or other requirements that regulate this plat.

Department Review

The plat amendment application was taken before the Development Review team and all issues were addressed with the final amended plat. The applicant is not proposing any changes to the approved plat amendment with the extension request.

Notice

The property was posted and notice was mailed to property owners within 300 feet for the extension request. Legal notice for the extension request was published in the Park Record.

Public Input

Staff has not received public input regarding the extension request.

Future Process

Approval of this extension request allows the applicant until May 20, 2012 to record the approved plat. Building permits are required prior to commencing any construction work on the units.

Recommendation

Staff recommends the City Council conduct a public hearing and consider approving a request for a one year extension of the approval of the amended Nakoma Condominiums Amended and Restated record of survey plat for units 9 through 16, based on the findings of fact, conclusions of law, and conditions of approval as stated in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Plat

Exhibit B- Recorded Ordinance from May 20, 2010 approval

Exhibit C- Applicant letter

Exhibit D- Minutes from May 20, 2010 approval

Ordinance No. 12-

AN ORDINANCE AMENDING ORDINANCE 10-18 TO ALLOW AN EXTENSION OF THE APPROVAL OF THE FIRST AMENDMENT TO THE AMENDED AND RESTATED NAKOMA CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 8800 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Nakoma Condominiums, located at 8800 Marsac Avenue, Lot B of the Northside Village Subdivision II, have petitioned the City Council for an extension of the approval of the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat; and

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

WHEREAS, proper legal notice was sent to all property owners as required by the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on April 28, 2010, to receive input on the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat;

WHEREAS, the Planning Commission, on April 28, 2010, forwarded a positive recommendation to the City Council regarding the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat;

WHEREAS, the City Council, on May 20, 2010, held a public hearing and approved the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat as stated in Ordinance 10-18; and

WHEREAS, a condition of approval of Ordinance 10-18 states that the applicant will record the plat amendment at the County by May 20, 2011, unless an application for an extension is filed with the Planning Department and approved by the City Council.

WHEREAS, on May 20, 2011, the applicant submitted an application for an extension to the approval to allow additional time to address revisions to the plat that came up during review of the final mylar by Planning, Engineering, and Legal Departments that needed to be resolved prior to recordation of the plat;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension request for the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as

findings of fact. The First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat, 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 property is located at 8800 Marsac Avenue.
2. The Nakoma Condominiums are located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1).
5. The approved Flagstaff Mountain Resort Phase II MPD includes a maximum density assignment and conceptual site design for eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents on Northside Village Subdivision II, Lot B.
6. The Planning Commission approved an MPD amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The Planning Commission approved a second amendment to the Nakoma Master Planned Development on April 23, 2008. That amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total Unit Equivalent count remained unchanged and cannot exceed 45 UEs (90,000 square feet).
8. On April 23, 2008, the Planning Commission approved the third amendment to the MPD to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage). That amendment would allow for variations in size from 4,300 to 5,750 square feet and also maintain the cap of 3,000 square feet on the footprint. The approved maximum building footprint for the units 1-16 detached single-family units on Northside Village Subdivision II, Lot B, is 3,000 square feet with a maximum house size between 4,300 square feet and 5,750 square feet (whether considered a Basement or Floor Area by LMC definition). An additional 600 square feet is allowed for a garage.
9. Unit 17 may be up to 7,500 square feet of floor area (again, whether Basement or Floor Area as defined by the LMC) with a footprint not to exceed 5,000 square feet.
10. On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD. The Fourth Amended MPD allows the following:
 - Units 1 and 2 combined into a duplex configuration, maximum footprint of 6000 square feet.
 - Unit 17 (previously combined with unit 18 into one larger unit) with an option to become a duplex, returning the unit count back 18. As a duplex, footprint increases from 5000 square feet to 6000 square feet.
 - Reduce minimum unit size from 4300 to 4000 square feet.

- Maintain maximum unit size at 5,750 square feet (except if unit 18 is not constructed as a duplex with unit 17 and 17 can be 7,500sf).
 - Maximum cap of 45 Unit Equivalents remain.
11. The proposed amended record of survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II and the previous record of survey plats requiring a replatting of the units.
 12. Two parking spaces are required for each unit.
 13. Each building is required to conform to the 28+5 foot height requirement of the RD zone.
 14. Each building meets or exceeds the required setbacks of the RD zone.
 15. Each unit has a garage less than 600 square feet.
 16. The Total Unit Equivalents consumed in these eight units are 20.7 UEs.
 17. There have been no changes to the underlying plat or Land Management Code that affect the proposed plat amendment.
 18. If this plat is not recorded, the “as- built” units would not be in compliance with the amended Master Planned Development or the existing recorded Amended and Restated Nakoma Condominium record of survey plat and the related conditions of approval.
 19. On May 20, 2010, the City Council conducted a public hearing and approved Ordinance 10-18, the First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat, with a condition that the plat be recorded at Summit county within a year of the approval date unless an application for an extension is filed prior to the expiration date with the Planning Department and approved by the City Council.
 20. On May 20, 2011, the applicant submitted a complete application for an extension request to allow additional time to correct the plat notes on a revised mylar and get final signatures.
 21. On April 19, 2012, the City Council conducted a public hearing on the extension request application.
 22. There have been no changes in circumstance, including changes to surrounding property, that result in an unmitigated impact or in a finding of non-compliance with the Park City General Plan or LMC. No changes are proposed to the final approved plat.

Conclusions of Law:

1. There is good cause for this extension to the approved amended record of survey.
2. The amended record of survey and the request for an extension are 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 amended record of survey or the extension of the approval.
4. Approval of the amended record of survey and extension, 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. 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, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County by May 20, 2012, unless an application for an additional extension is submitted by May 20, 2012 and the City Council grants an additional extension, or the approval will be void.
3. All conditions of approval of the Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.
4. All construction requires a Building Permit and approvals from the Building and Planning Departments.

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

PASSED AND ADOPTED this 19th day of April, 2012.

PARK CITY MUNICIPAL CORPORATION

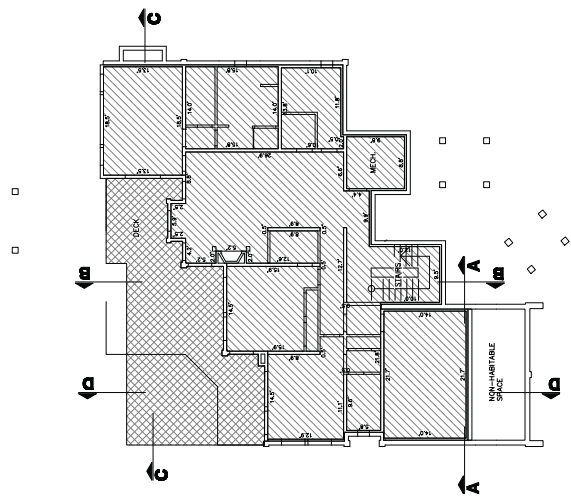
Dana Williams, MAYOR

ATTEST:

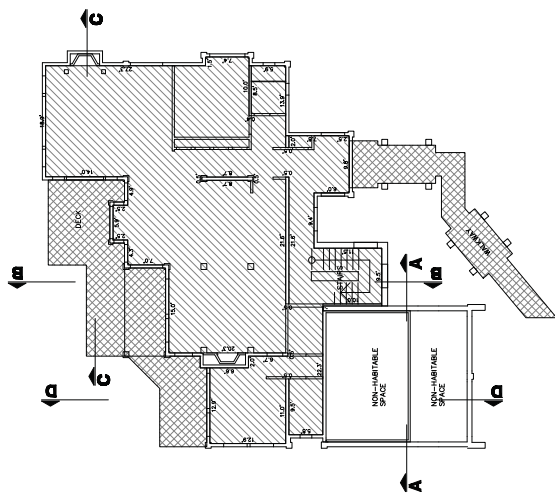
Jan Scott, City Recorder

APPROVED AS TO FORM:

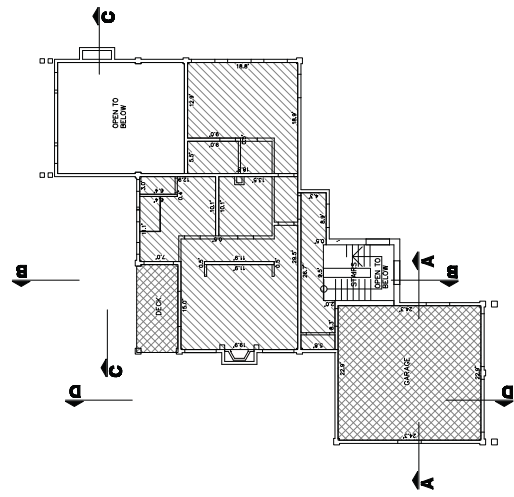
Mark Harrington, City Attorney



1 LOWER LEVEL AREAS
SCALE: 1" = 10'



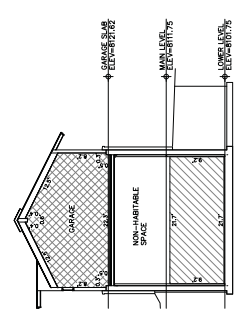
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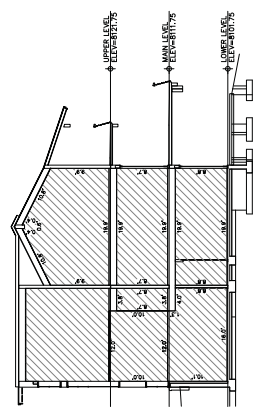
3 UPPER LEVEL AREAS
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON AREAS AND FACILITIES

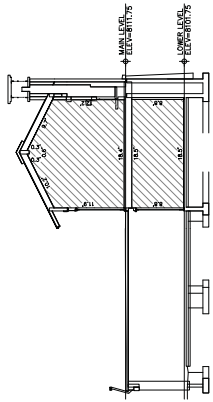
LEVEL	SQUARE FOOTAGE
LOWER	2,400 SF
MAIN	2,104 SF
UPPER	1,147 SF
TOTAL SF	5,651 SF
GARAGE	508 SF



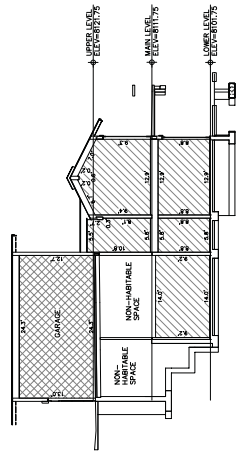
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B BUILDING SECTION
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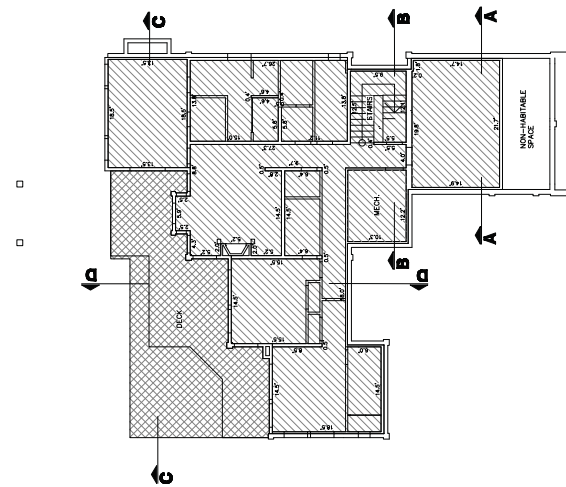


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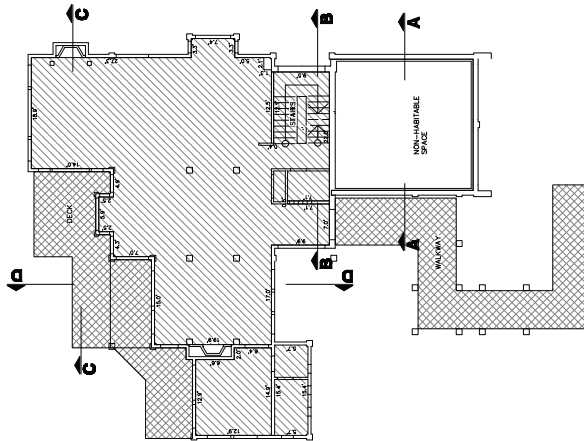


D BUILDING SECTION
SCALE: 1" = 10'

RECORD OF SURVEY PLAT
NAKOMA PHASE ONE UNIT 9
A UTAH PROJECT
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

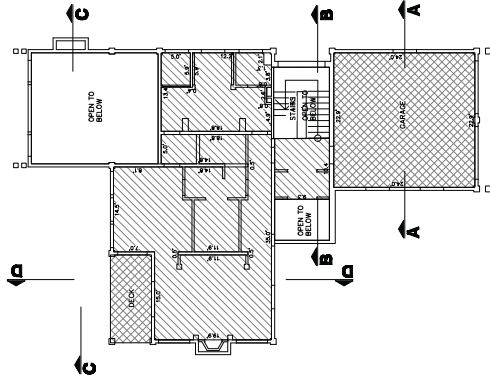


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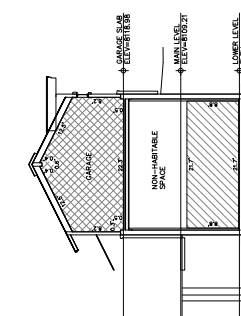


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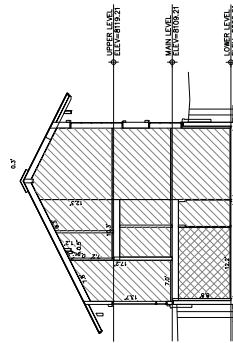
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LOWER	2,380 SF
MAIN	1,518 SF
UPPER	1,118 SF
TOTAL SF	5,016 SF
GARAGE	581 SF



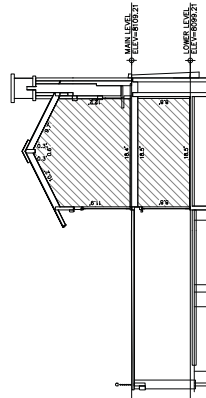
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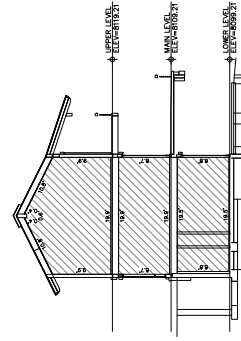
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B BUILDING SECTION
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C BUILDING SECTION
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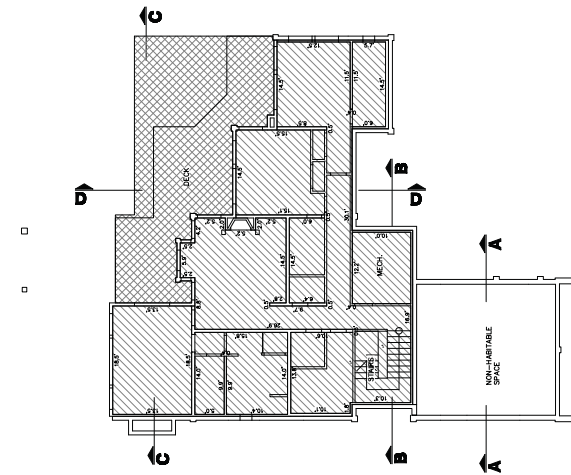


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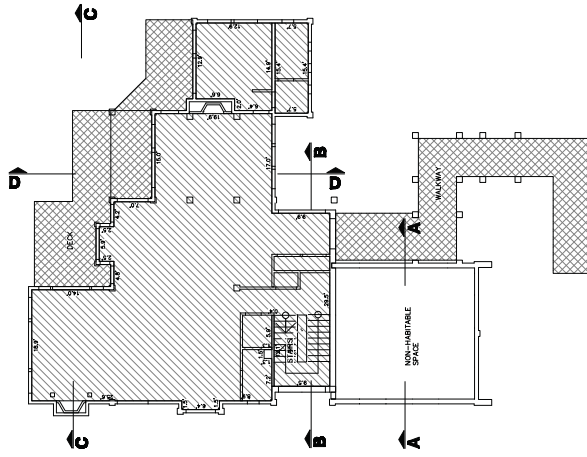
RECORD OF SURVEY PLAT

NAKOMA PHASE ONE UNIT 10

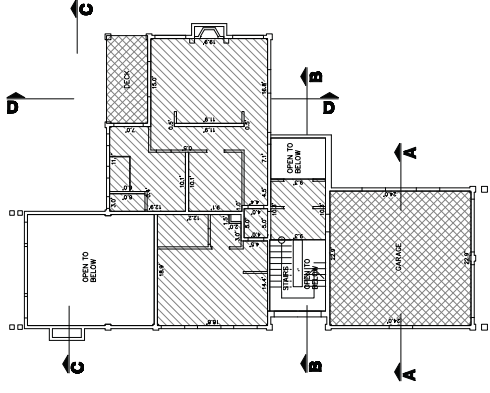
A UTAH PROJECT
LOCATED IN SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK
CITY, SUMMIT COUNTY, UTAH



1 LOWER LEVEL AREAS
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2 MAIN LEVEL AREAS
SCALE: 1" = 10'



3 UPPER LEVEL AREAS
SCALE: 1" = 10'

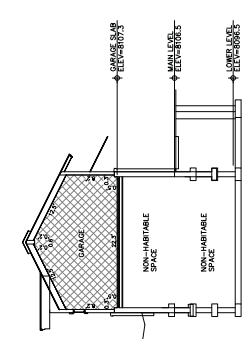
COMMON AREA

PRIVATE OWNERSHIP UNIT

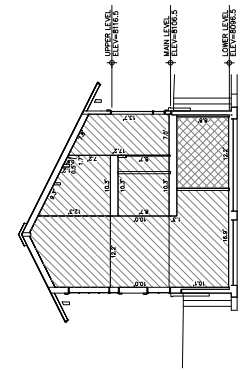
LIMITED COMMON OWNERSHIP

UNIT SQUARE FOOTAGE TABLE

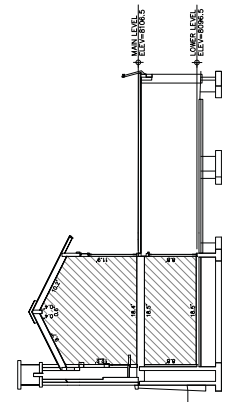
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LOWER	2,080 SF
MAIN	1,518 SF
UPPER	1,118 SF
TOTAL	4,716 SF
GARAGE	151 SF



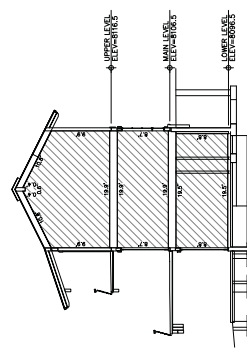
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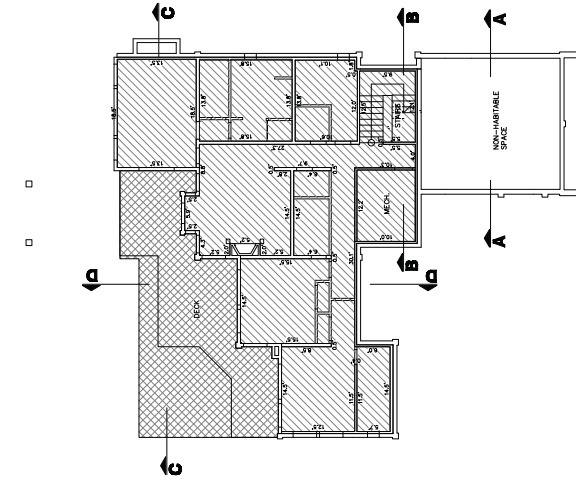


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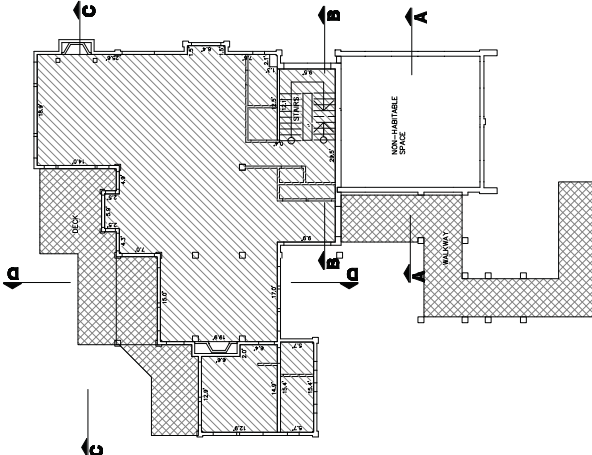


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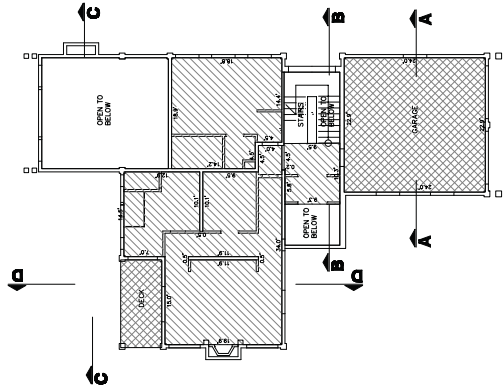
RECORD OF SURVEY PLAT NAKOMA PHASE ONE UNIT 11 A UTAH PROJECT LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



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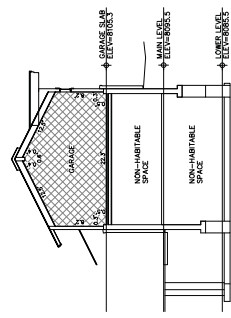


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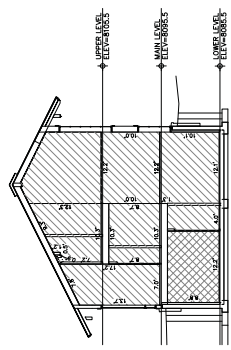


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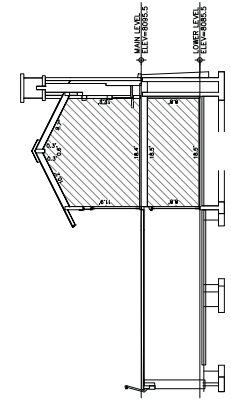
FLOOR	SQUARE FOOTAGE
LOWER	2,087 SF
MAIN	1,538 SF
UPPER	1,138 SF
TOTAL	4,763 SF
GARAGE	561 SF



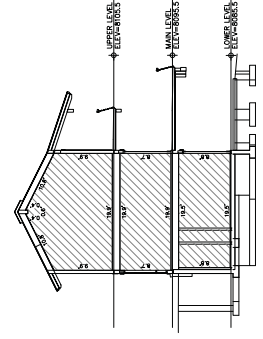
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C BUILDING SECTION
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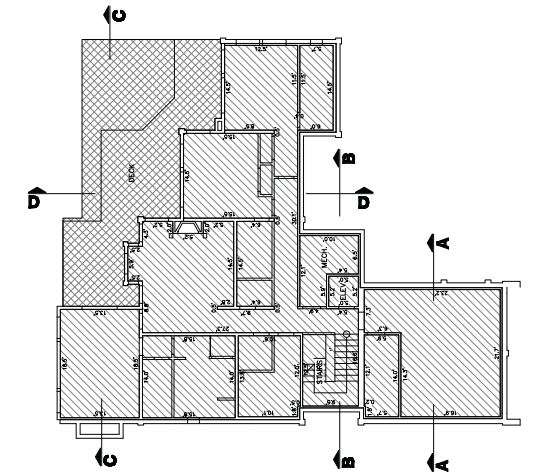
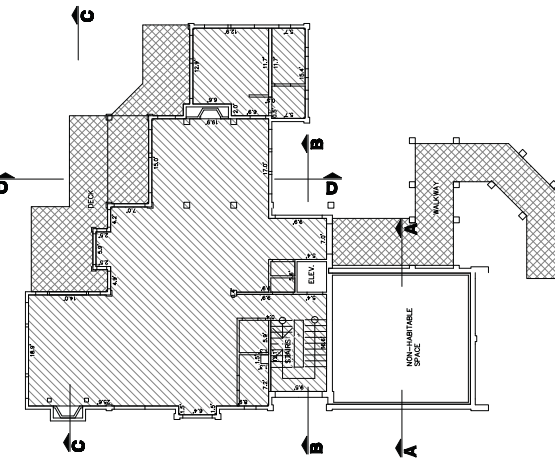
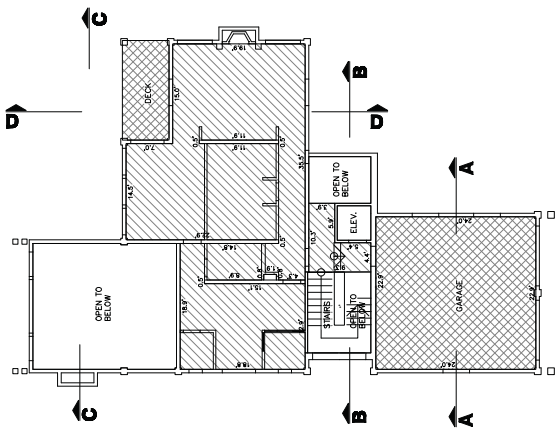
RECORD OF SURVEY PLAT **NAKOMA PHASE ONE UNIT 12**

A UTAH PROJECT
LOCATED IN SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

JOB NO: 2-10-03
SHEET 5 OF 9

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

FILE _____ RECORDED _____



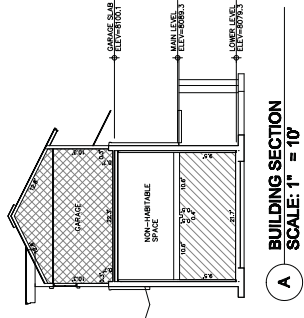
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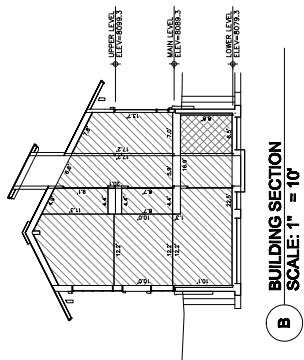
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FLOOR	SQUARE FOOTAGE
LOWER	2,010 SF
MAIN	1,020 SF
UPPER	1,020 SF
TOTAL SF	4,050 SF
GARAGE	1,020 SF

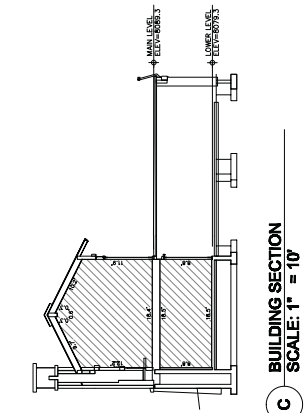
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UPPER	1,020 SF
TOTAL SF	4,050 SF
GARAGE	1,020 SF



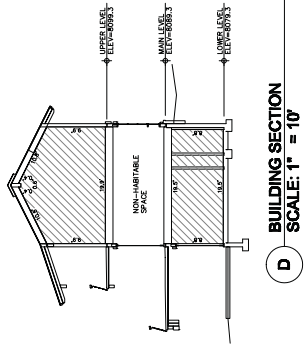
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B BUILDING SECTION
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C BUILDING SECTION
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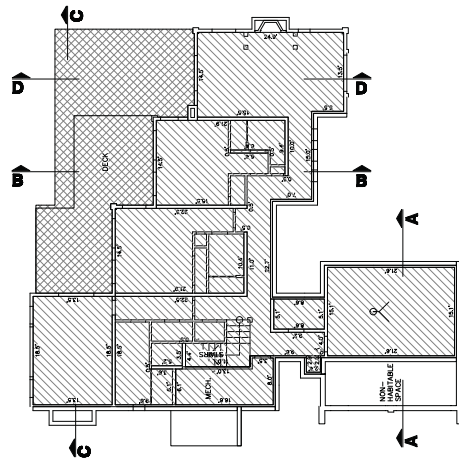
RECORD OF SURVEY PLAT **NAKOMA PHASE ONE UNIT 13**

A UTAH PROJECT
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 CITY, SUMMIT COUNTY, UTAH

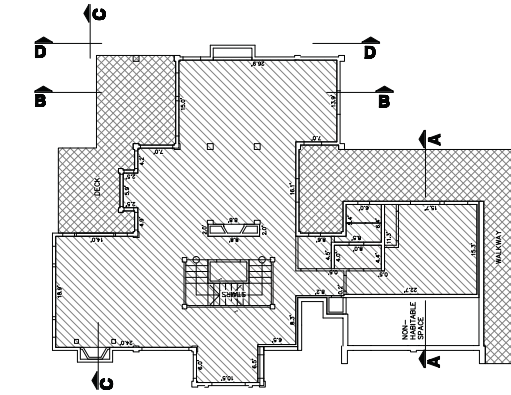
JOB NO: 2-10-03

SHEET 6 OF 9

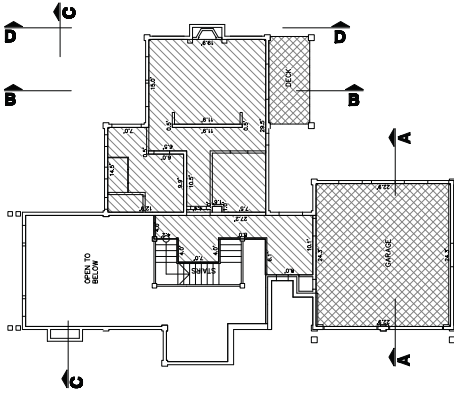
RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF
 DATE: TIME: BOOK: PAGE:
 FILE: RECORDER:



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SCALE: 1" = 10'

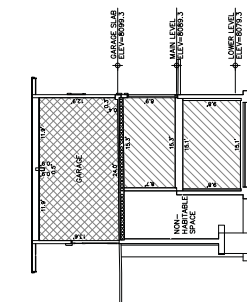


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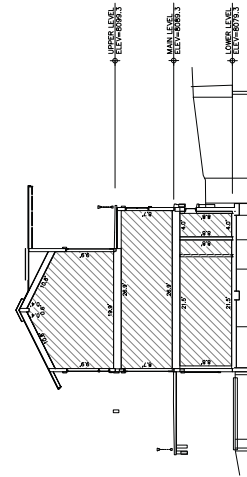
COMMON AREA
PRIVATE OWNERSHIP UNIT
LIMITED COMMON OWNERSHIP

UNIT SQUARE FOOTAGE TABLE

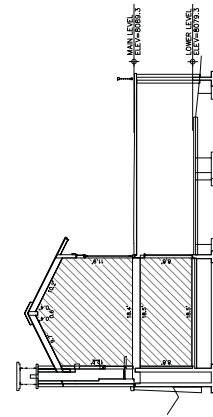
FLOOR	SQUARE FOOTAGE
LOWER	2,280 SF
MAIN	1,540 SF
UPPER	1,400 SF
TOTAL	5,220 SF
GARAGE	150 SF



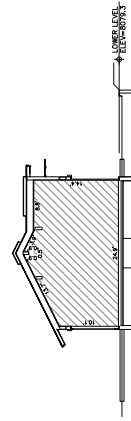
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B BUILDING SECTION
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C BUILDING SECTION
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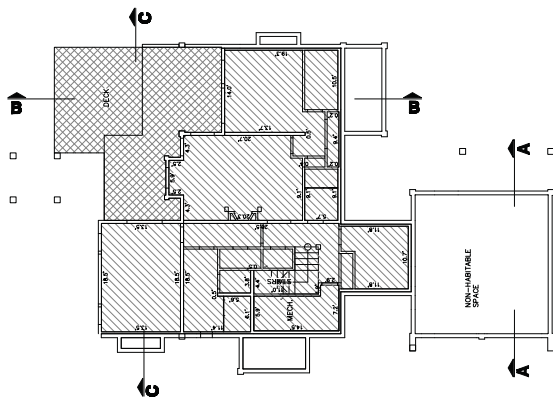


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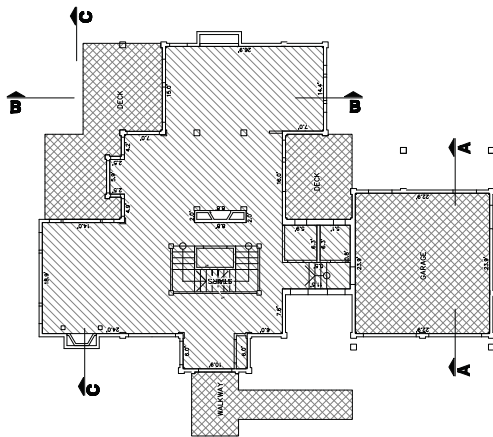
RECORD OF SURVEY PLAT **NAKOMA PHASE ONE UNIT 14** A UTAH PROJECT LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 7 OF 9

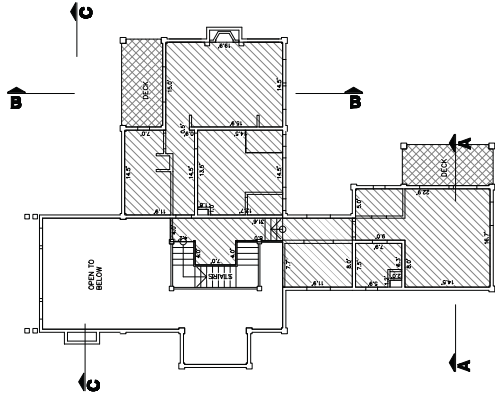
JOB NO: 2-10-03
RECORDED
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AT THE REQUEST OF
DATE: TIME BOOK PAGE
FEE RECORDER



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SCALE: 1" = 10'



2 MAIN LEVEL AREAS
SCALE: 1" = 10'

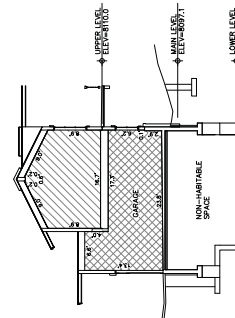


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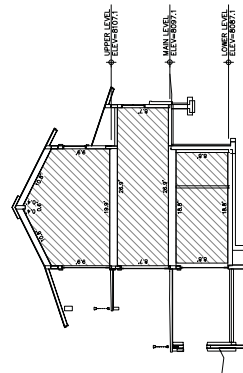
UNIT SQUARE FOOTAGE TABLE

FLOOR	SQUARE FOOTAGE
LOWER	1,011 SF
MAIN	1,770 SF
UPPER	1,120 SF
TOTAL SF	4,881 SF
GARAGE	948 SF

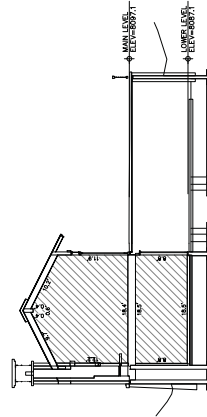
	COMMON AREA
	PRIVATE OWNERSHIP UNIT
	LIMITED COMMON OWNERSHIP



A BUILDING SECTION
SCALE: 1" = 10'



B BUILDING SECTION
SCALE: 1" = 10'



C BUILDING SECTION
SCALE: 1" = 10'

RECORD OF SURVEY PLAT

NAKOMA PHASE ONE UNIT 15

A UTAH PROJECT
LOCATED IN SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

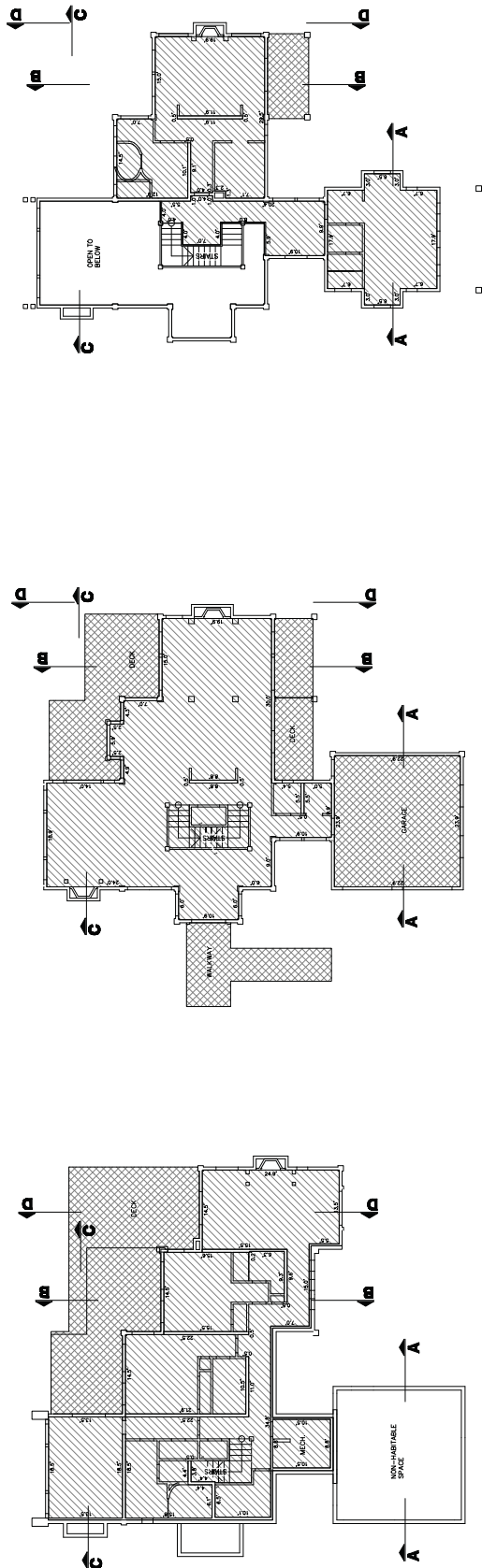
SHEET 8 OF 9

JOB NO: 2-10-03

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

FILE _____
RECORDED _____

5/2/09



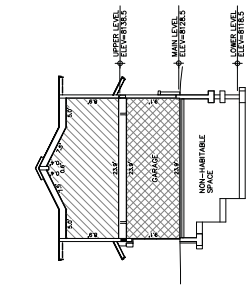
1 LOWER LEVEL AREAS
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2 MAIN LEVEL AREAS
SCALE: 1" = 10'

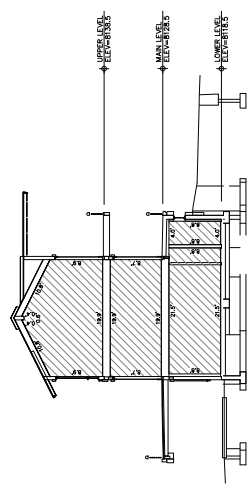
3 UPPER LEVEL AREAS
SCALE: 1" = 10'

- COMMON AREA
- PRIVATE OWNERSHIP UNIT
- LIMITED COMMON OWNERSHIP

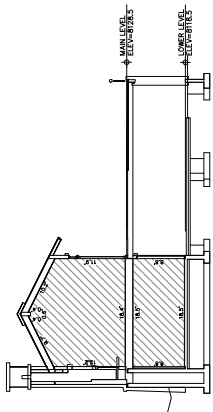
FLOOR	SQUARE FOOTAGE
LOWER	2,028 SF
MAIN	1,807 SF
UPPER	1,321 SF
TOTAL SF	5,156 SF
GARAGE	948 SF



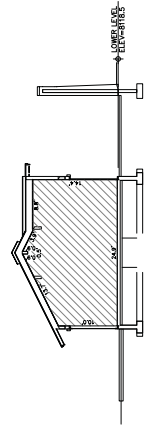
A BUILDING SECTION
SCALE: 1" = 10'



B BUILDING SECTION
SCALE: 1" = 10'



C BUILDING SECTION
SCALE: 1" = 10'



D BUILDING SECTION
SCALE: 1" = 10'

RECORD OF SURVEY PLAT
NAKOMA PHASE ONE UNIT 16
A UTAH PROJECT
LOCATED IN SECTION 29, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK
CITY, SUMMIT COUNTY, UTAH

Ordinance No. 10-18

**AN ORDINANCE APPROVING THE NAKOMA CONDOMINIUMS
FIRST AMENDMENT TO THE AMENDED AND RESTATED
NAKOMA CONDOMINIUMS RECORD OF SURVEY PLAT
LOCATED AT 8800 MARSAC AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property known as the Nakoma Condominiums, located at 8800 Marsac Avenue, Lot B of the Northside Village Subdivision II, have petitioned the City Council for approval of the Nakoma Condominiums First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 28, 2010, to receive input on the Nakoma Condominiums First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat;

WHEREAS, the Planning Commission, on April 28, 2010, forwarded a recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Nakoma Condominiums First Amendment to the Amended and Restated Nakoma Condominiums record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Nakoma Condominiums First Amendment to the Amended and Restated Nakoma Condominiums record of survey as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 8800 Marsac Avenue.
2. The Nakoma Condominiums are located in the RD-MPD zoning district.
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. On September 11, 2002, the Planning Commission approved a Master Planned Development for the Flagstaff Mountain Resort Phase II (Pod B-1).
5. The approved Flagstaff Mountain Resort Phase II MPD includes a maximum density assignment and conceptual site design for eighteen (18) detached single family units utilizing not more than 27 Unit Equivalents on Northside Village Subdivision II, Lot B.
6. The Planning Commission approved an MPD amendment to Lot B on October 27, 2004, in which the UE count on Lot B increased from 27 to 45, while maintaining the same footprint and maximum house size requirements as previously approved.
7. The Planning Commission approved a second amendment to the Nakoma Master Planned Development on April 23, 2008. That amendment allowed for the combination of units 17 and 18 into a single unit of 7,500 square feet and further allowed the distribution of the square footage to the other un-built units. Units 1-16 still have a maximum footprint of 3,000 square feet while unit 17 (combined unit) is allowed a maximum footprint of 5,000 square feet. The total Unit Equivalent count remained unchanged and cannot exceed 45 UEs (90,000 square feet).
8. On April 23, 2008, the Planning Commission approved the third amendment to the MPD to remove the 5,000 square foot cap on the total square footage of each unit while maintaining the total square footage cap for the project (45 Unit Equivalents or 90,000 square feet of total square footage). That amendment would allow for variations in size from 4,300 to 5,750 square feet and also maintain the cap of 3,000 square feet on the footprint. The approved maximum building footprint for the units 1-16 detached single-family units on Northside Village Subdivision II, Lot B, is 3,000 square feet with a maximum house size between 4,300 square feet and 5,750 square feet (whether considered a Basement or Floor Area by LMC definition). An additional 600 square feet is allowed for a garage.
9. Unit 17 may be up to 7,500 square feet of floor area (again, whether Basement or Floor Area as defined by the LMC) with a footprint not to exceed 5,000 square feet.
10. On November 11, 2009, the Planning Commission approved a Fourth Amendment to the MPD. The Fourth Amended MPD allows the following:
 - Units 1 and 2 combined into a duplex configuration, maximum footprint of 6000 square feet.
 - Unit 17 (previously combined with unit 18 into one larger unit) with an option to become a duplex, returning the unit count back 18. As a duplex, footprint increases from 5000 square feet to 6000 square feet.
 - Reduce minimum unit size from 4300 to 4000 square feet.
 - Maintain maximum unit size at 5,750 square feet (except if unit 18 is not constructed as a duplex with unit 17 and 17 can be 7,500sf).
 - Maximum cap of 45 Unit Equivalents remain.
11. The proposed amended record of survey is consistent with the approved and amended Master Planned Development for the Flagstaff Mountain Resort Phase II and the previous record of survey plats requiring a replatting of the units.
12. Two parking spaces are required for each unit.
13. Each building is required to conform to the 28+5 foot height requirement of the RD zone.
14. Each building meets or exceeds the required setbacks of the RD zone.
15. Each unit has a garage less than 600 square feet.

16. The Total Unit Equivalents consumed in these eight units are 20.7 UEs.

Conclusions of Law:

1. There is good cause for this amended record of survey.
2. The amended 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 amended record of survey.
4. Approval of the amended record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

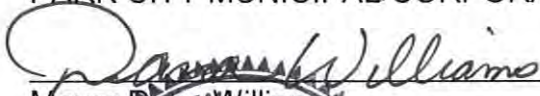
Conditions of Approval:

1. 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, prior to recordation of the plat.
2. The applicant will record the amended 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.
3. All conditions of approval of the Flagstaff Mountain Resort Phase II (Pod B-1) Master Planned Development, as amended, and the Northside Village Subdivision II plat shall continue to apply.

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

PASSED AND ADOPTED this 20th day of May, 2010.

PARK CITY MUNICIPAL CORPORATION

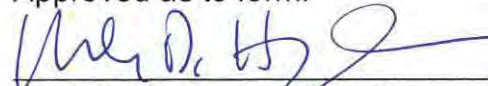

Mayor, Dana Williams

Attest:


Janet M. Scott, City Recorder



Approved as to form:


Mark D. Harrington, City Attorney



DOUGLAS CLYDE
Mountain Resort Consulting Services, LLC

P.O. Box 561
5258 N. New Lane
Oakley, UT 84055

May 20, 2011

Park City Municipal Corporation
Planning Department
445 Marsac Ave
Park City, Utah 84060

Re: Request for extension on Nakoma Plat Approval

Attached is an application of an extension of an approval of the Nakoma plat approval for the first amendment to the first amended and restated plat of the Nakoma project in Empire Pass affecting units 9-16.

The signed plat has been submitted to the City along with a recent title report. In addition the plat was accompanied by a document that explained the edits to the plat that the applicant has proposed. We understand that the City Staff is still reviewing the final form of the plat and has not collected the needed City signatures at this time. Consequently we are requesting an extension of the approval to allow time for the City to complete their process.

Sincerely,

Attachments:
Complete extension application
Check for extension fees

Mountain Resort Consulting Services, LLC
Douglas Clyde its Managing Member
Phone: 435-333-8001 - Fax: 435-783-5687 - email: dclyde@allwest.net

MAY 20 2011

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 20, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 20, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Bret Howser, Budget Manager; Brooks Robinson, Planner; Jed Briggs, Budget Analyst; Jon Weidenhamer, Economic Development Manager; Katie Cattan, Planner; Tommy Youngblood, Special Events Coordinator; Shelley Hatch, Finance Analyst; and Kayla Sintz, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

**IV WORK SESSION NOTES AND MINUTES OF THE MEETINGS OF APRIL 22, 2010
AND MAY 6, 2010**

Page 6
City Council Meeting
May 20, 2010

V REGULAR MEETING

(Items 1-8 not included)

9. Consideration of an Ordinance approving the Nakoma Condominiums First Amendment to the Amended and Restated Nakoma Condominiums Record of survey plat located at 8800 Marsac Avenue, Park City, Utah – Brooks Robinson referred to his staff report and briefly described the history of the project. The Mayor opened the public hearing; there were no comments. Liza Simpson, “I move we approve an Ordinance approving the Nakoma Condominiums First Amendment to the Amended and Restated Nakoma Condominiums Record of survey plat located at 8800 Marsac Avenue based on the findings of fact, conclusions of law and conditions of approval as found in the draft Ordinance”.

Alex Butwinski seconded.

Motion unanimously carried.

City Council Staff Report



Subject: Resort Townhomes Condominiums
First Amended plat
Author: Kirsten A. Whetstone, MS, AICP
Date: April 19, 2012
Project Number: PL-12-01499 (PL-10-01083- original approval)
Type of Item: Administrative- Extension of approval of an amended
condominium record of survey plat

Summary Recommendations

Staff recommends the City Council conduct a public hearing and consider approving a request for a one year extension of the approval of the amended Resort Townhomes condominiums record of survey plat, based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

Topic

Applicant: Resort Townhomes HOA
Location: 1109- 1139 Woodside Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Historic single family homes and duplexes, contemporary homes and condominiums, and the Shop Yoga studio.
Reason for Review: Extension requests require City Council approval

Proposal

This is a request for an extension of the March 4, 2011, City Council approval of the first amended record of survey plat for the Resort Townhomes Condominiums. The applicant is requesting a one year extension in order to finalize amendments to the CCRs and to obtain signatures of all of the unit owners on the final mylar. Several units were bank owned at the time of the approval and until the units were sold the HOA was unable to procure owner signatures on the plat.

Background

On October 15, 2010, the City received an application for the first amendment to the twelve unit Resort Townhomes condominium record of survey plat located at 1109-1139 Woodside Avenue (see Exhibits A, B, and C). The application was complete on December 3, 2010. On February 9, 2011, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council. There was no public input. On March 4, 2011, the City Council approved the following amendments with a condition that the plat be recorded within one year.

- Conversion of limited common areas associated with each individual unit and used for the open garages, to private area in order to allow the garages to be enclosed with a garage door. Garages currently have three walls and are counted in the building footprint calculations for the zone. No changes are

proposed to the building footprints.

- Conversion of common area interior to the site (yard area) and between buildings to limited common area to allow placement of hot tubs for exclusive use of adjacent units. No building construction is proposed with these amendments.

Resort Townhomes condominiums are located at 1109-1139 Woodside Avenue within the HR-1 zoning district. The Resort Townhomes record of survey plat was approved by the City Council on May 17, 1984 and recorded at Summit County on May 18, 1984. The buildings are not historic and are not listed on the Historic Site Inventory. The amended plat is the first amendment to this Record of Survey.

Resort Townhomes record of survey plat consists of 12 residential condominium units in six duplex buildings located on 12 old town lots. The record of survey plat recorded 12 residential condominium units of 587 sf each. The actual unit area is 573.64 sf, as recently surveyed for the plat amendment. The unit dimensions exist as originally platted; however the 573.64 sf is the accurate figure for the existing floor area.

The amended plat increased the square footage of private area for the units by converting the limited common area of the garages and existing storage areas on the ground floor to private area for each unit. The limited common areas ranged in size from 554.34 sf to 691.01 sf. The amended plat resulted in units ranging from 1,179.75 sf to 1,213.33 sf of private area. The total private area includes both the garage and private storage areas. The second story private floor area remains at 573.64 sf.

Each duplex is located on two lots in compliance with the current lot requirements in the HR-1 zone, with the exception of units 9/10 and 11/12 which exceed the building footprint by 14 sf per building.

Each unit has 2 parking spaces, currently located in an open garage configuration (with side and rear walls but no garage door) on the ground floor with the unit floor areas located above. The parking spaces were constructed with dimensions of 31.16' deep by 17.79' wide and are legal non-conforming garages. Current parking dimensions are required to be 20' deep by 20' wide. The garages currently count into the allowable footprint and no changes to the building footprints are proposed. Enclosed garages are proposed in order to mitigate issues the HOA has with pipes freezing due to the open garages.

There are two access driveways to the units. Units 1-4 are accessed off of a 12' wide private driveway off of Woodside Avenue and Units 5-12 are accessed off of a 25' wide driveway located further to the south on Woodside Avenue. No changes to the driveways are proposed. Garages face north/south and are not visible from the street (see Exhibit D). The existing buildings comply with the site and lot requirements of the HR-1 zoning district as outlined below.

Analysis

LMC Section 15-7.1-6 (C) (5) allows an applicant to request time extensions from the City Council by submitting a request in writing prior to the expiration of the approval and

when the “Applicant is able to demonstrate that there are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the LMC in effect at the time of the extension request.” Notice shall be provided consistent with the requirements for a Final plat. This application is a request for a one year extension of the March 4, 2011 approval. The extension request application was received on February 29, 2011. There have been no changes in circumstance, including changes to surrounding properties that would result in an unmitigated impact or in a finding of non-compliance with the Park City General Plan or LMC. No changes are proposed to the approved plat. Staff recommends a one-year extension to allow time necessary to procure the remaining signatures and return the mylar to the City for recordation by March 4, 2013.

Department Review

The plat amendment application was taken before the Development Review team on November 9, 2010. The applicant addressed issues raised at the meeting and notes were included on the final plat. The applicant is not proposing any changes to the approved plat amendment with the extension request.

Notice

The property was posted and notice was mailed to property owners within 300 feet for the extension request. Legal notice for the extension request was published in the Park Record according to noticing requirements in the Land Management Code.

Public Input

Staff has not received public input regarding the extension request.

Future Process

Approval of this extension request allows the applicant an additional year to record the approved plat. Historic District Design Review and building permits are required prior to commencing any exterior construction work on the units.

Recommendation

Staff recommends that the City Council conduct a public hearing and consider a request for a one year extension of the approval of the amended Resort Townhomes condominiums record of survey plat, based on the findings of fact, conclusions of law and conditions of approval as stated in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Approved plat

Exhibit B- Existing plat

Exhibit C- Applicant letter

Exhibit D- Ordinance 11-8

Exhibit E - Minutes

Ordinance 12-

AN ORDINANCE AMENDING ORDINANCE 11-8 TO ALLOW FOR AN EXTENSION OF THE APPROVAL OF THE FIRST AMENDMENT TO THE RESORT TOWNHOMES CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 1109-1139 WOODSIDE AVENUE IN PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Resort Townhomes Condominiums, located at 1109 – 1139 Woodside Avenue, within the HR-1 zoning district, have petitioned the City Council for an extension of the approval of the First Amendment to the Resort Townhomes Condominiums record of survey plat that 1) converted to private area the limited common area within the open garages in order to enclose the garages and existing storage areas and 2) converted to private area those limited common areas located internal to the site between buildings, for the purpose of locating hot tubs on limited common areas; 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 property owners as required by the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on February 9, 2011, to receive input on the proposed amendments to the record of survey plat; and

WHEREAS, on February 9, 2011, the Planning Commission forwarded a positive recommendation to the City Council on the proposed amendments; and

WHEREAS, on March 3, 2011, the City Council held a public hearing and approved the amendments to the Resort Townhomes Condominium record of survey plat in Ordinance 11-8; and

WHEREAS, a condition of approval of Ordinance 11-8 states that the applicant will record the plat amendment at the County by March 3, 2012, unless an application for an extension is filed with the Planning Department and approved by the City Council.

WHEREAS, on February 29, 2012, the applicant submitted an application for an extension of the approval to allow additional time to make revisions to the CCRs, address ownership issues of certain units and to procure signatures on the final mylar from each owner; and

WHEREAS, it is in the best interest of Park City, Utah to approve the extension request for the First Amended Resort Townhomes record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. An extension of approval of the First Amended Resort Townhomes Condominium record of survey plat, 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 property is located at 1109-1139 Woodside Avenue.
2. The property is located in the HR-1 zoning district.
3. The Resort Townhomes condominiums record of survey plat was approved by the City Council on May 17, 1984 and recorded at Summit County on May 18, 1984.
4. The Resort Townhomes condominiums record of survey plat recorded 12 residential condominium units of 587 sf each. The actual private area is 573.64 sf for each unit, as recently surveyed for the plat amendment. The unit dimensions exist as originally platted; however the 573.64 sf is the accurate figure for the existing unit floor area. The private area excludes the common garage and storage areas on the ground floor. The project consists of six duplex buildings.
5. The current Land Management Code requires 1 parking space for condominiums that are less than 650 sf and 2 parking spaces for duplex units with private garages.
6. There are two parking spaces for each duplex unit located in the unenclosed garage areas beneath the units. The existing garages have 2 side walls and a rear wall, but are open in the front. The parking spaces are 31.16' deep and 17.79' wide. The current Land Management Code requires two car garages to be 20' by 20'. The existing parking spaces are non-conforming in width. The applicant/owners desire to enclose the garages with garage doors and convert the current limited common garage and storage space to private area.
7. The buildings were constructed in 1984 and are not listed on the Park City Historic Sites Inventory. The buildings are located within the Park City Historic District and are subject to the Design Guidelines for Historic Districts and Sites.
8. On November 19, 2010, the Resort Townhomes owner association unanimously voted to approve the condominium record of survey plat amendments as described herein (83% of the owners were represented).
9. On December 3, 2010, the City received a complete application for a condominium record of survey plat amendment as described herein.
10. All units are currently 573.64 sf in floor area. The existing limited common areas range in area from 606.11 sf to 639.69 sf. The proposed plat amendment will result in units ranging from 1,179.75 sf to 1,213.33 sf of private area. The increase in private area is the result of converting the limited common area of the existing garages and storage spaces on the ground level. There are no additions to the floor area on the second floor and no new building footprint is proposed.
11. The existing building footprint for each duplex building complies with the HR-1 zoning district requirements, with the exception of Buildings E and F (Units 9/10 and 11/12). Buildings E and F are existing legal non-conforming structures in terms of building footprint as they exceed the footprint by 14 sf.
12. There are no floor area limitations in the HR-1 zone or on the plat.
13. The buildings do not exceed the allowable 27' building height and there are no non-conforming setback issues.

14. On February 9, 2011, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council. There was no public input.
15. On March 3, 2011, the City Council conducted a public hearing and approved Ordinance 11-8, the First Amended Resort Townhomes Condominium record of survey plat, with a condition that the plat be recorded at Summit County within a year of the approval date unless an application for an extension is filed prior to the expiration date with the Planning Department and approved by the City Council.
16. On February 29, 2012, the applicant submitted a complete application for an extension request to allow additional time to procure owner signatures on the final mylar.
17. On April 19, 2012, the City Council conducted a public hearing on the extension request application.
18. There have been no changes in circumstance, including changes to surrounding property, that result in an unmitigated impact or in a finding of non-compliance with the Park City General Plan or LMC. No changes are proposed to the approved plat.

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 amendments.
4. Approval of the plat amendments, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and these conditions of approval.
2. The applicant will record the plat amendment at the County by March 3, 2013, unless an application for an extension is filed with the Planning Department and approved by the City Council or the approval will be void.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. Any exterior changes to the buildings or site require a pre-HDDR application and subsequent Historic District Design Review.
4. The recorded Snyderville Basin Water Reclamation District (SBWRD) easements on the property shall be shown on the plat with the recording information noted.
5. A note shall be added to the plat stating that "At the time of any resurfacing of the common driveways, the Resort Townhomes Condominium Association shall be responsible to adjust wastewater manholes to grade according to the SBWRD standards. Prior notification of the adjustments and inspection by the SBWRD is required."
6. The property is located within the Park City Soils Ordinance and compliance with the requirements of this Ordinance is required for all construction and/or disturbances of the soil or landscaping on the site.

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

PASSED AND ADOPTED this 19th day of April, 2012.

PARK CITY MUNICIPAL CORPORATION

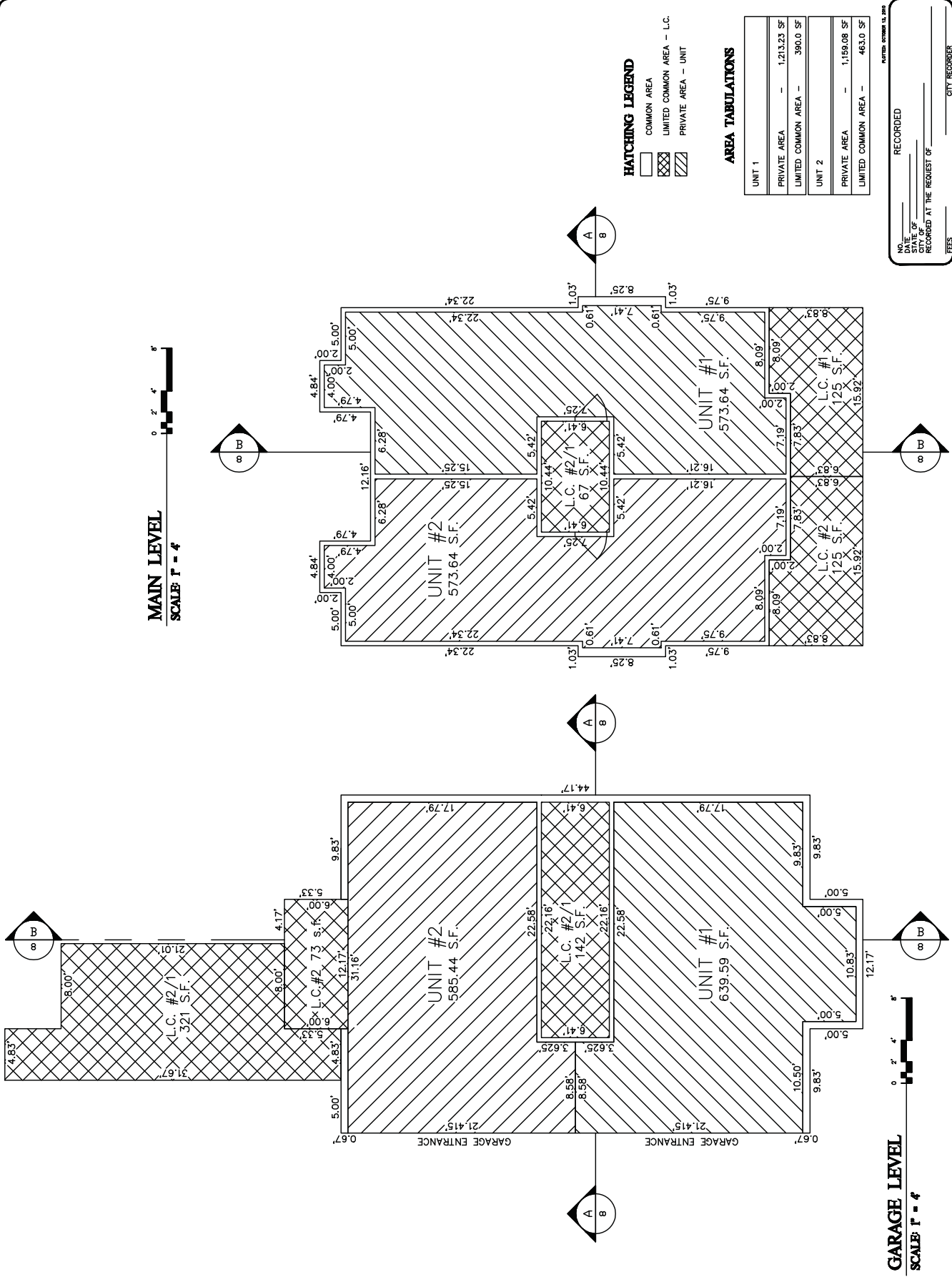
Dana Williams, MAYOR

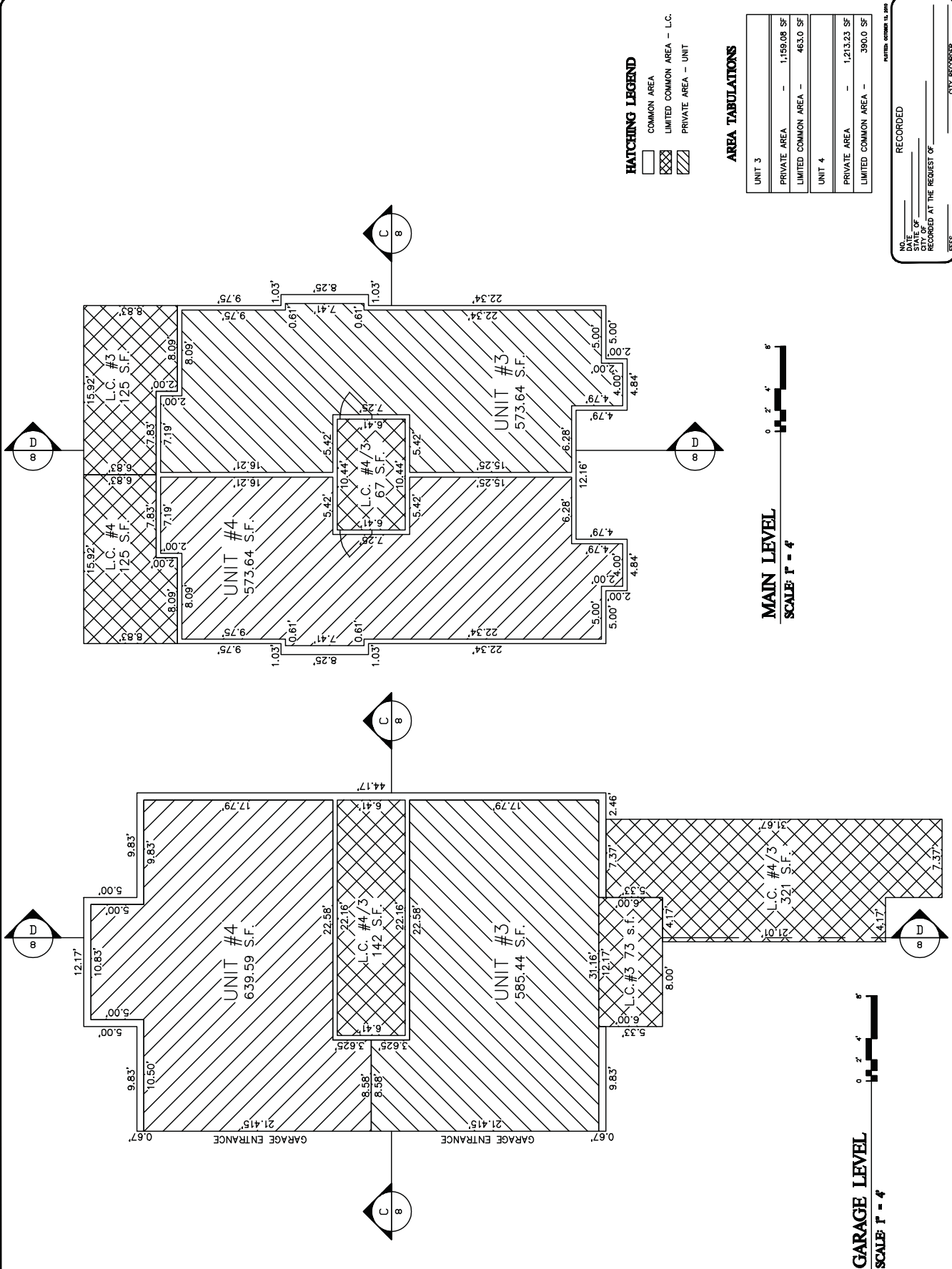
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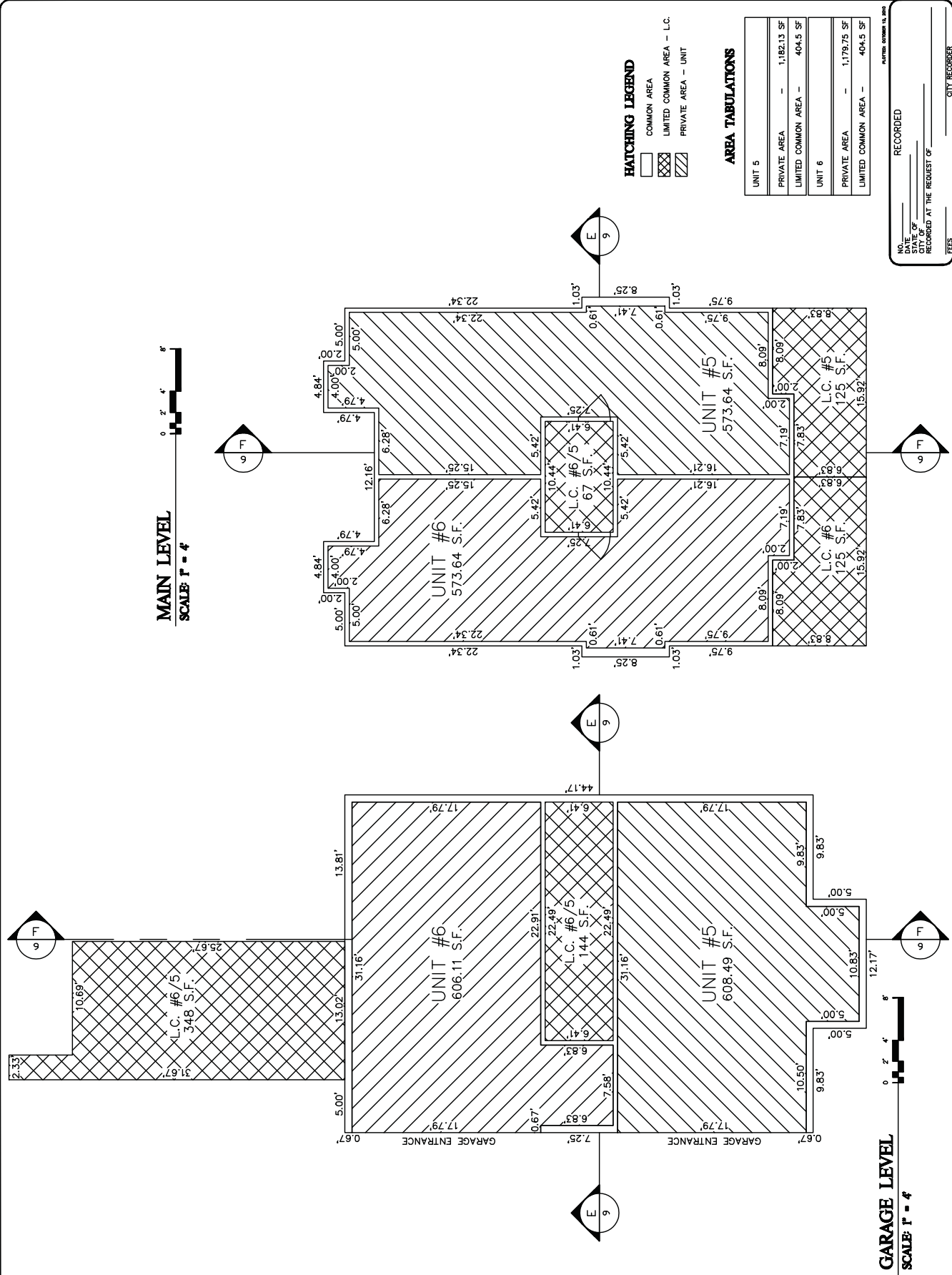
Jan Scott, City Recorder

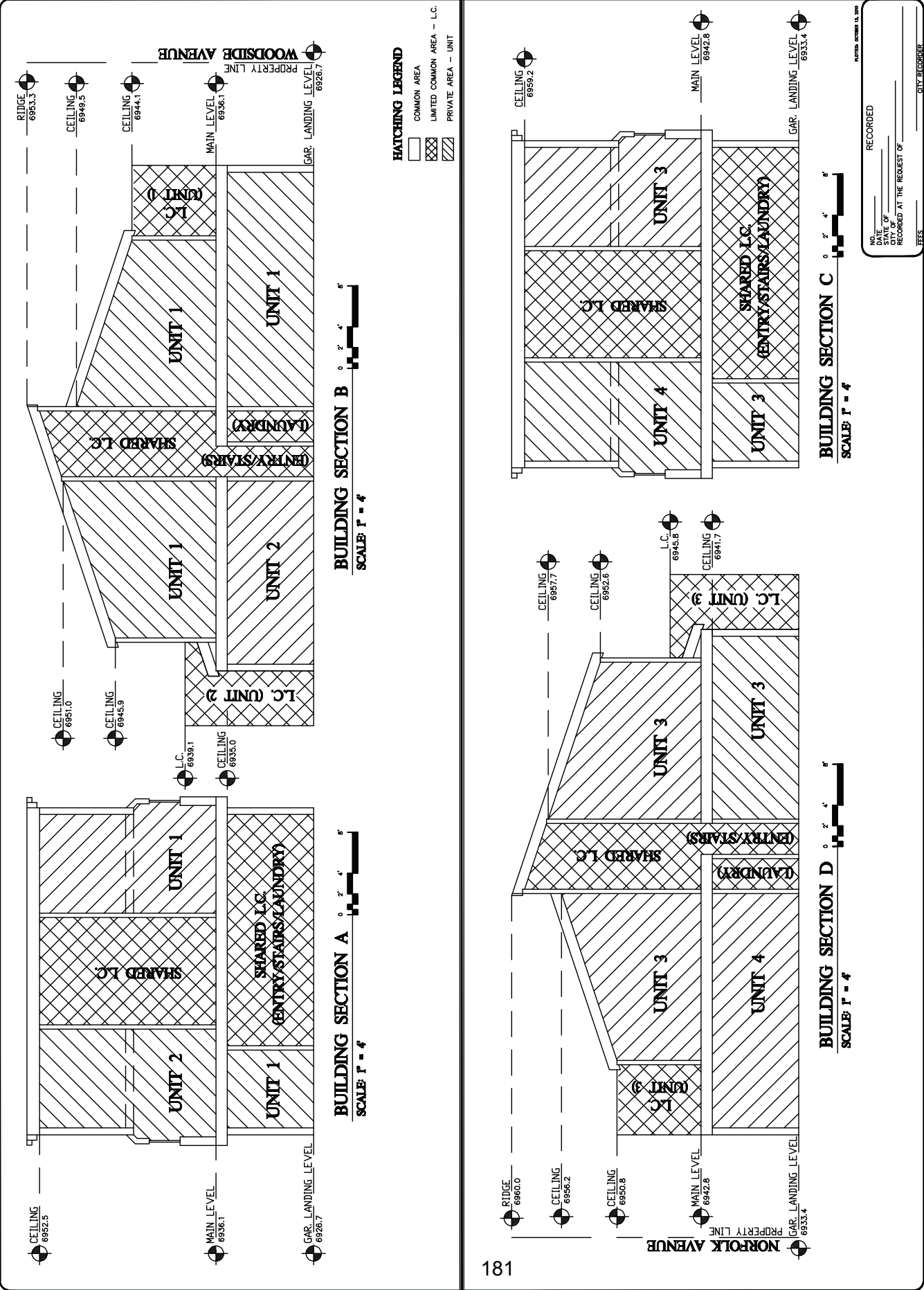
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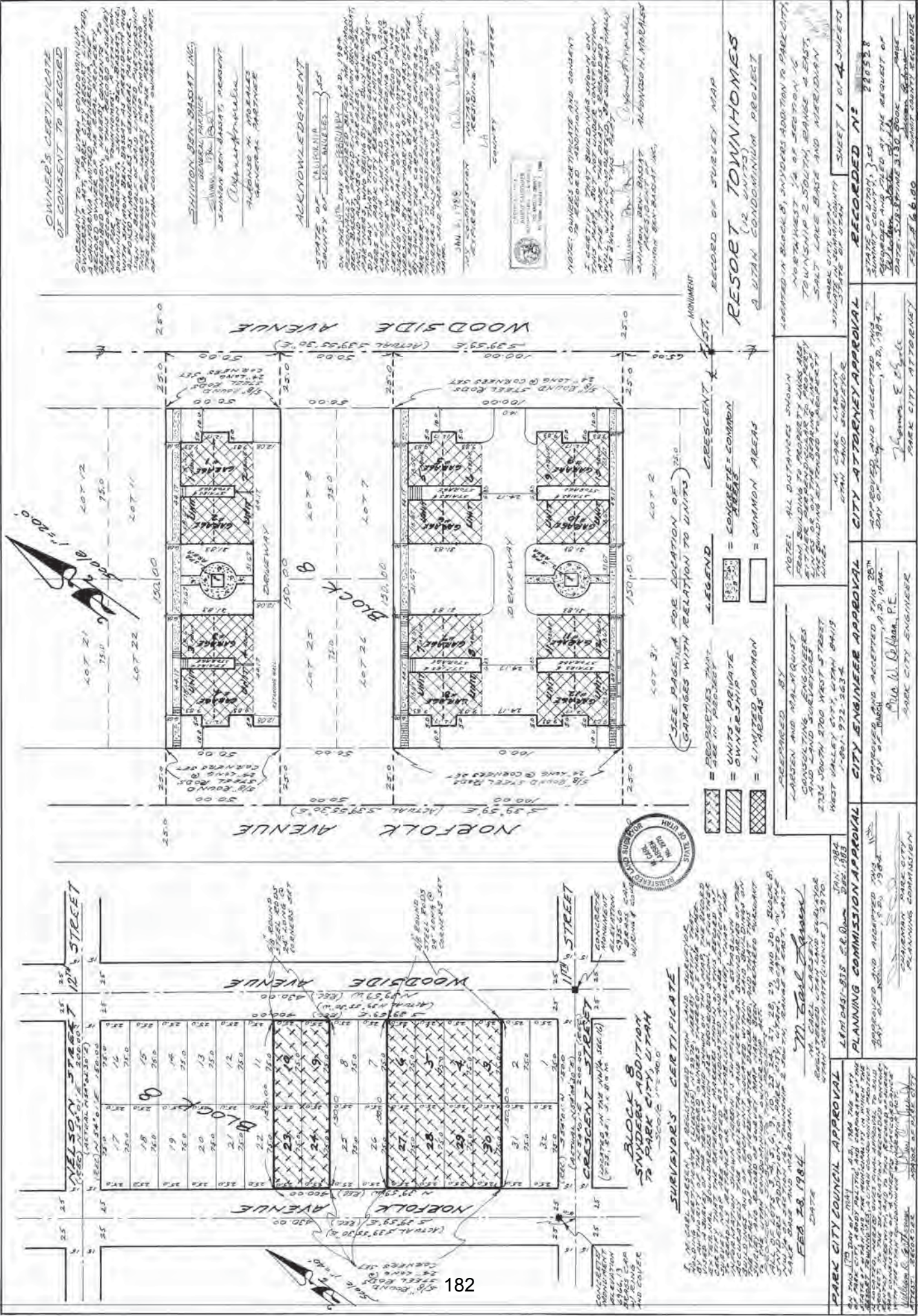
Mark Harrington, City Attorney

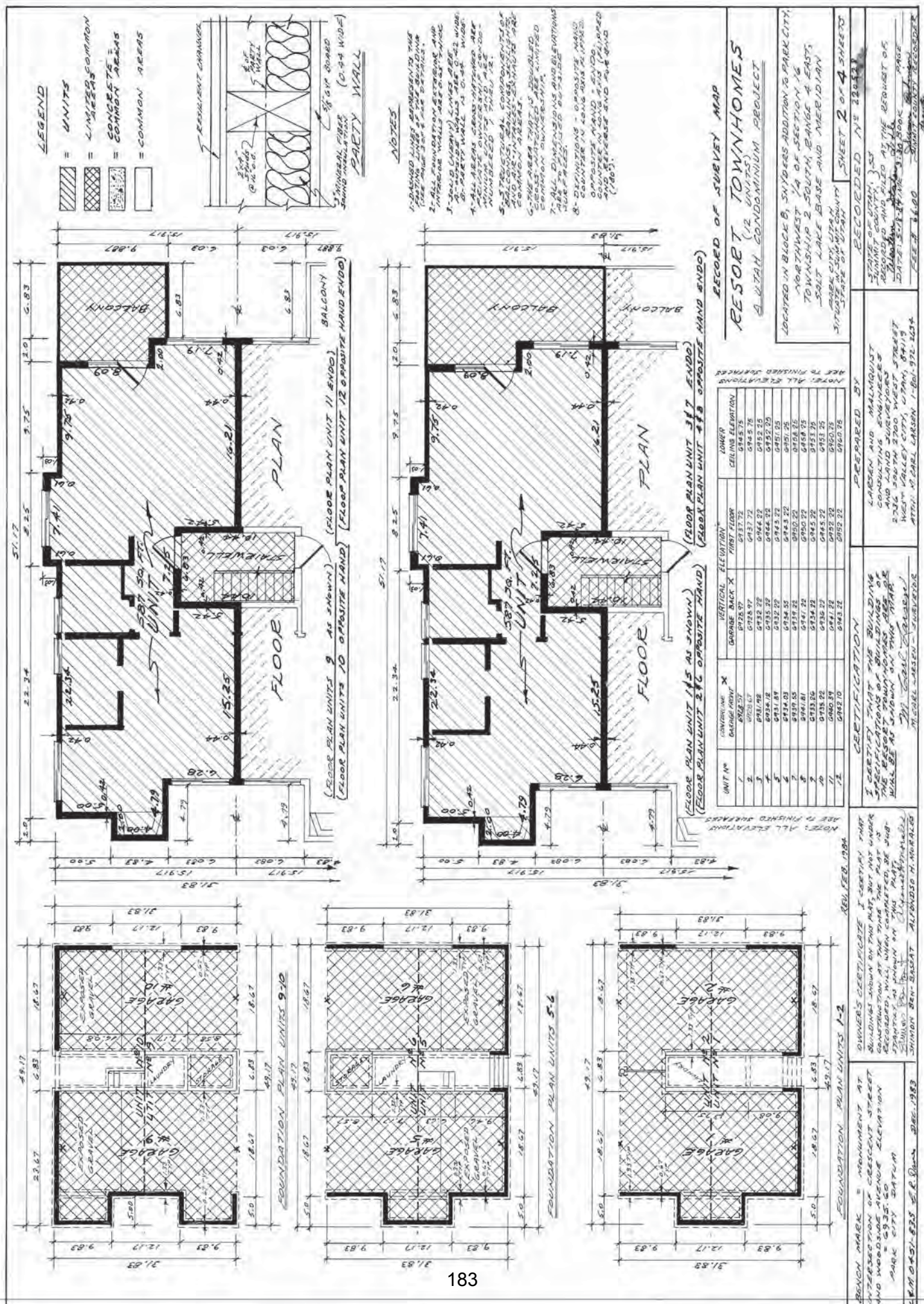


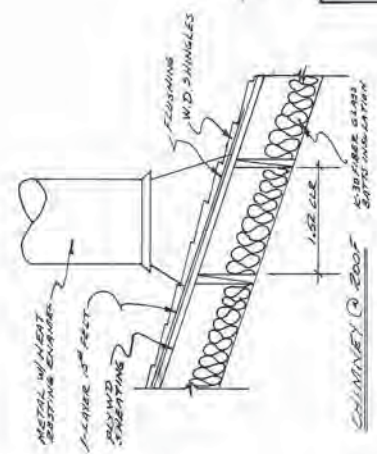
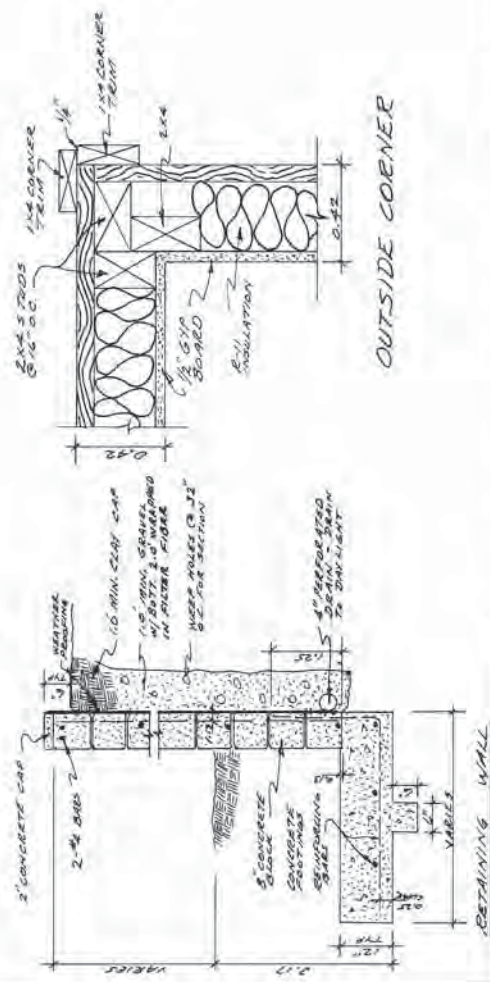
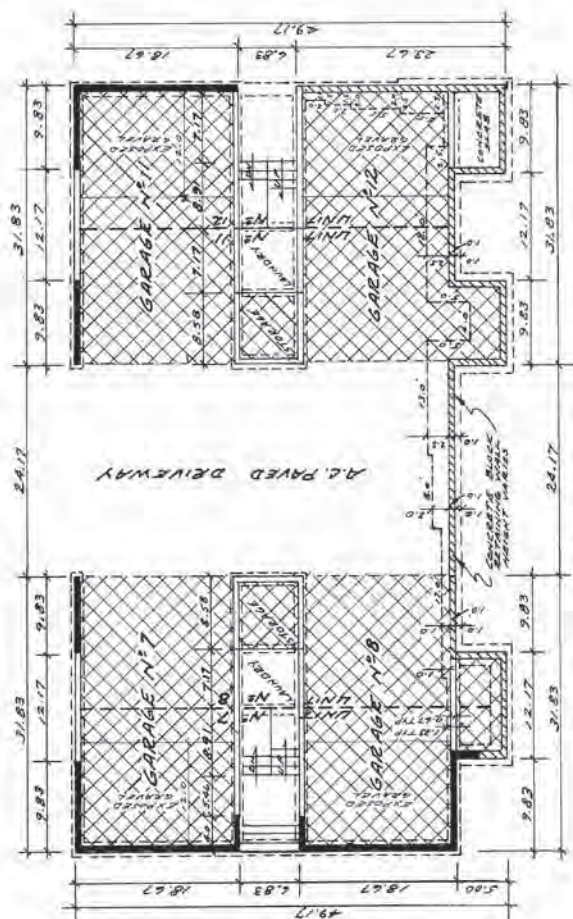








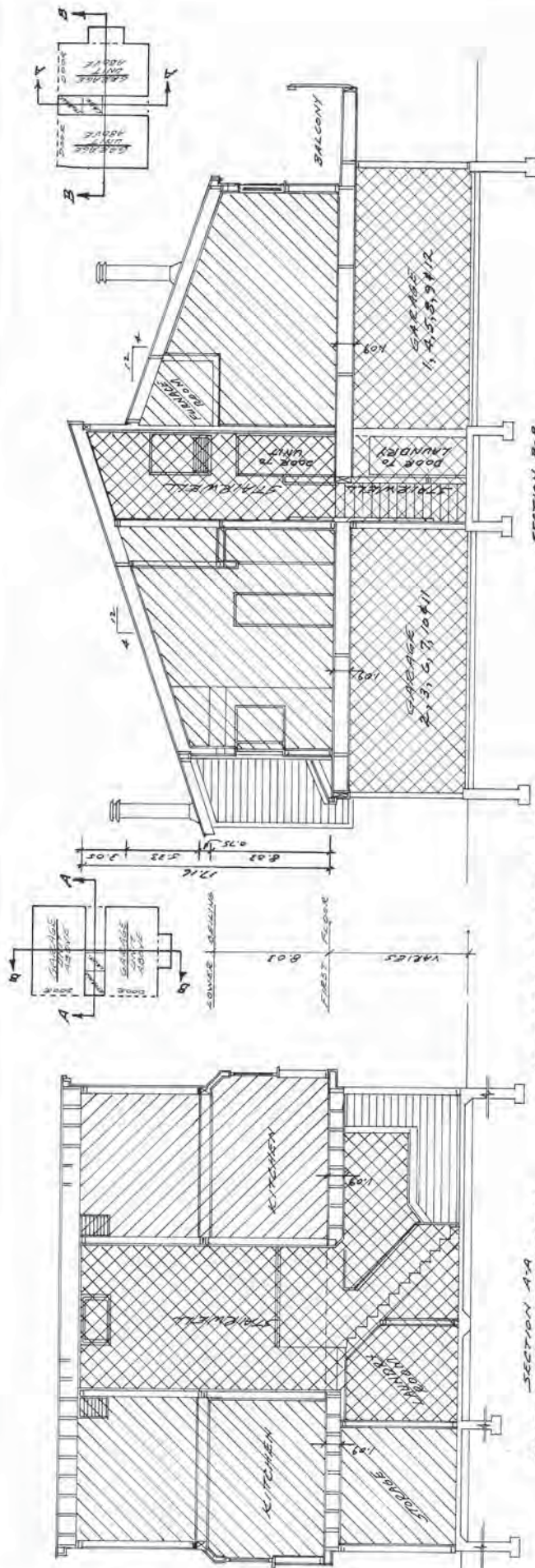




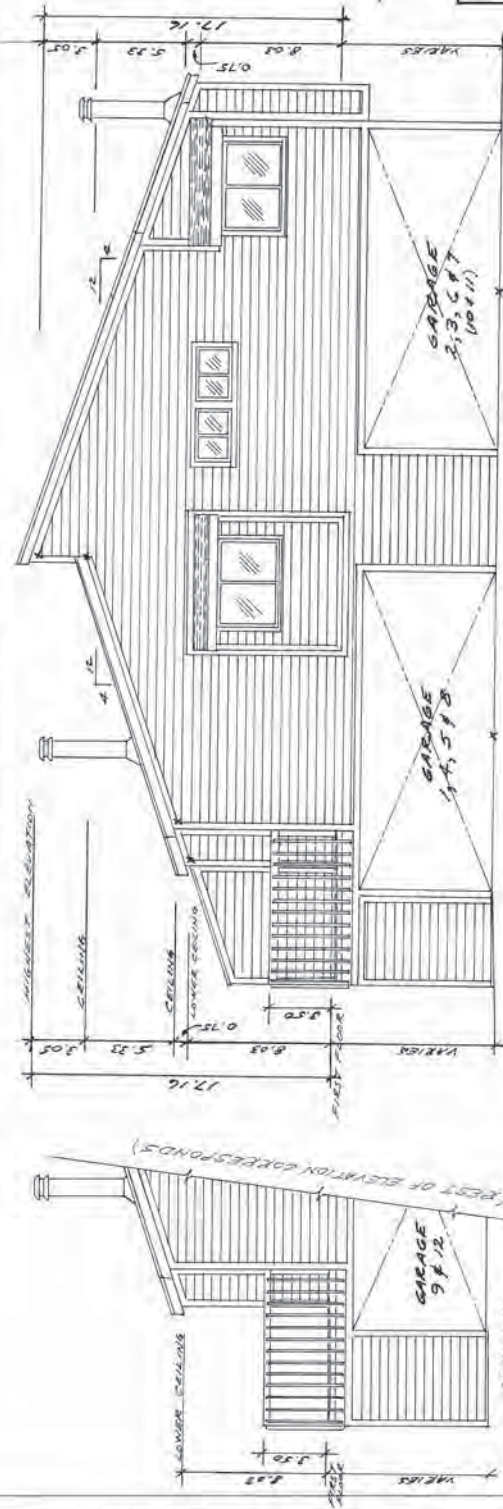
RECORD OF SURVEY MAP
RESORT TOWNHOMES
(12 UNITS)
A UTAH CONDOMINIUM PROJECT

LOCATED IN BLOCK 8, SNYDERS ADDITION TO PARK CITY,
NORTHWEST 1/4 OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY UTAH

[illegible]



THE GARAGES ARE LOCATED
IN LEVEL UNDER THE UNITS
IN THE MANNER BELOW.



GARAGES ARE LIMITED COMMON
AND ARE ATTACHED TO THE UNIT
WITH THE CORRESPONDING NUMBER.

RECORD OF SURVEY MAP

RESORT TOWNHOMES
(12 UNITS)
A UTAH CONDOMINIUM PROJECT

LOCATED IN BLOCK 8, SUBDIVISION ADDITION TO PARK CITY,
NORTHWEST 1/4 OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, UTAH
STATE OF UTAH

RECORDED NO. 22858
DATE 03/27/88
RECORDED AND FILED AT THE REQUEST OF
MICHAEL CARSON
DATE 03/27/88 TIME 3:30 PM
FILE NO. 16-00
COUNTY CLERK

PREPARED BY
LARRY AND MARILYN
AND LAND SURVEYORS
2736 SOUTH 2700 WEST STREET
WEST VALLEY CITY, UTAH, 84119
ATTN: MICHAEL CARSON 1-801-972-2634

CERTIFICATION
I CERTIFY THAT THE BUILDING
SPECIFICATIONS OF BUILDING A
WILL BE AS SHOWN ON THIS MAP
BY MICHAEL CARSON

OWNER'S CERTIFICATE I CERTIFY THAT
BUILDING SHOWN ON THIS MAP BUT NOT UNDER
CONSTRUCTION AT THE TIME THE PLAT IS
RECORDED, WILL, WHEN COMPLETED, BE SUB-
STANTIAL, AND SHOWN ON THIS MAP
BY MICHAEL CARSON

BENCH MARK = MONUMENT AT
INTERSECTION OF CORCORAN STREET
AND WOODSIDE AVENUE ELEVATION
6955.00
PARK CITY, UTAH
JAN 1983
E.E. 025-035
DEC. 1983

Application for Extension of plat modification of Resort Town Homes

The attached application is for an extension for the replat of the Resort town Homes Condominiums approved by City Council Last year. This extension is needed because of the difficulty we have run into getting homeowners from all over the country to sign and notarize the original mylar as needed for recordation. We hope to get this done much sooner but, in the event we continue to run into difficulties, we would respectfully request the maximum allowed extension for this effort.

Sincerely,



David Belz, Resort Town Homes HOA Vice president



Ordinance 11-08

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE RESORT TOWNHOMES CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 1109-1139 WOODSIDE AVENUE IN PARK CITY, UTAH

WHEREAS, the owners of the property known as the Resort Townhomes Condominiums, located at 1109 – 1139 Woodside Avenue, within the HR-1 zoning district, have petitioned the City Council for approval of amendments to 1) convert to private area the limited common area within the open garages in order to enclose the garages and existing storage areas and 2) convert to private area those limited common areas located internal to the site between buildings, for the purpose of locating hot tubs on limited common areas; 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 property owners as required by the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on February 9, 2011, to receive input on the proposed amendments to the record of survey plat; and

WHEREAS, on February 9, 2011, the Planning Commission forwarded a positive recommendation to the City Council; and

WHEREAS, on March 3, 2011, the City Council held a public hearing on the proposed amendments to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed amendments to the Resort Townhomes record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Resort Townhomes Condominium record of survey plat 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 property is located at 1109-1139 Woodside Avenue.
2. The property is located in the HR-1 zoning district.
3. The Resort Townhomes condominiums record of survey plat was approved by the City Council on May 17, 1984 and recorded at Summit County on May 18, 1984.
4. The Resort Townhomes condominiums record of survey plat recorded 12 residential condominium units of 587 sf each. The actual private area is 573.64 sf for each unit,

as recently surveyed for the plat amendment. The unit dimensions exist as originally platted; however the 573.64 sf is the accurate figure for the existing unit floor area. The private area excludes the common garage and storage areas on the ground floor. The project consists of six duplex buildings.

5. The current Land Management Code requires 1 parking space for condominiums that are less than 650 sf and 2 parking spaces for duplex units with private garages.
6. There are two parking spaces for each duplex unit located in the unenclosed garage areas beneath the units. The existing garages have 2 side walls and a rear wall, but are open in the front. The parking spaces are 31.16' deep and 17.79' wide. The current Land Management Code requires two car garages to be 20' by 20'. The existing parking spaces are non-conforming in width. The applicant/owners desire to enclose the garages with garage doors and convert the current limited common garage and storage space to private area.
7. The buildings were constructed in 1984 and are not listed on the Park City Historic Sites Inventory. The buildings are located within the Park City Historic District and are subject to the Design Guidelines for Historic Districts and Sites.
8. On November 19, 2010, the Resort Townhomes owner's association unanimously voted to approve the condominium record of survey plat amendments as described herein (83% of the owners were represented).
9. On December 3, 2010, the City received a complete application for a condominium record of survey plat amendment as described herein.
10. All units are currently 573.64 sf in floor area. The existing limited common areas range in area from 606.11 sf to 639.69 sf. The proposed plat amendment will result in units ranging from 1,179.75 sf to 1,213.33 sf of private area. The increase in private area is the result of converting the limited common area of the existing garages and storage spaces on the ground level. There are no additions to the floor area on the second floor and no new building footprint is proposed.
11. The existing building footprint for each duplex building complies with the HR-1 zoning district requirements, with the exception of Buildings E and F (Units 9/10 and 11/12). Buildings E and F are existing legal non-conforming structures in terms of building footprint as they exceed the footprint by 14 sf.
12. There are no floor area limitations in the HR-1 zone or on the plat.
13. The buildings do not exceed the allowable 27' building height and there are no non-conforming setback issues.
14. On February 9, 2011, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council. There was no public input.

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 amendments.
4. Approval of the plat amendments, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

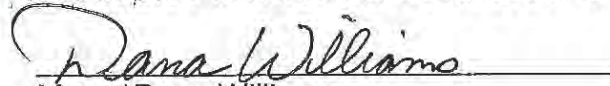
Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and these conditions of approval.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval unless an extension to the recordation date is granted.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. Any exterior changes to the buildings or site require a pre-HDDR application and subsequent Historic District Design Review.
4. The recorded Snyderville Basin Water Reclamation District (SBWRD) easements on the property shall be shown on the plat with the recording information noted.
5. A note shall be added to the plat stating that "At the time of any resurfacing of the common driveways, the Resort Townhomes Condominium Association shall be responsible to adjust wastewater manholes to grade according to the SBWRD standards. Prior notification of the adjustments and inspection by the SBWRD is required."
6. The property is located within the Park City Soils Ordinance and compliance with the requirements of this Ordinance are required for all construction and/or disturbances of the soil or landscaping on the site.

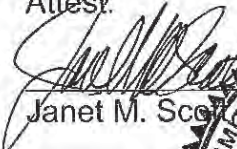
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED, this 3rd day of March, 2011.

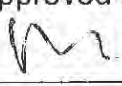
PARK CITY MUNICIPAL CORPORATION

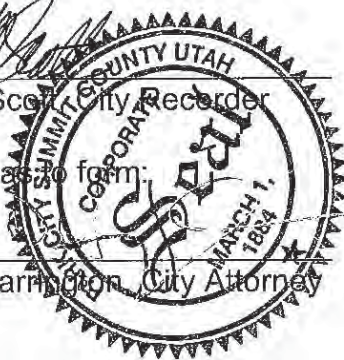

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrison, City Attorney



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 3, 2011**

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, March 3, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

New Fire District Chief - Kent Cashel introduced Paul Hewlitt, the new Fire District Chief and pointed out the experience he brings to Park City. Chief Hewlitt commented on his goal over the years of getting this position in Park City and his excitement to be here. He introduced his wife Annie and daughter Heidi.

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

Children and the danger of prescribed drugs - Julie Malecki, Park Meadows resident, commented on a documentary about psychotropic drugs given to children today on a global level which compelled her to come to the meeting. Most of these drugs are being administered through the school systems in our country. Children are committing suicide because of these drugs. There are birth defects as a result of these drugs and she feels she has to do something about this and she is here to let Council know the truth. The pharmaceutical companies are making millions of dollars by not telling the truth and most parents make the right decision if they know the truth. She is speaking for the children who can not speak for themselves and the government in Washington is not going to do anything. Murder is recognized as a crime but the documentary notes that there are now 43,000 deaths a year from these drugs by suicide and other means. These drug companies are doing this and nothing is being done about it. Ms. Malecki emphasized that there has to be reverence for life. She brought copies of the documentary for each Council member.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 10, 2011

Alex Butwinski, "I move we approve the work session notes and minutes of the meeting of February 10, 2011". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye

3. Consideration of an Ordinance approving the First Amendment to the Resort Townhomes Condominium Record of Survey Plat located at 1109 - 1139 Woodside Avenue, Park City, Utah – Planner Kirsten Whetstone explained this is a request to amend a Record of Survey Plat for the Resort Town Homes Condominium which is a 12 unit complex on Woodside Avenue. The amendment converts limited common area associated with the existing garages to private space. There are no changes in the building footprints. The second part deals with conversion of common area in the exterior between some of the buildings to allow construction of patios and hot tubs and is considered limited common space specific to certain units. No additional floor area is required. On February 9, 2011, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council and there was no public input at meeting. She confirmed for Ms. Simpson that the plat amendment will not change the allowed footprint or square footage in the zone in the future.

The Mayor opened the public hearing; there were no comments from the audience and the hearing was closed. Alex Butwinski, "I move we adopt an Ordinance approving the First Amendment to the Resort Townhomes Condominium Record of Survey Plat located at 1109 - 1139 Woodside Avenue, Park City, Utah". Joe Kernan seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Kathy Lundborg, Water Manager; Jason Christensen, Legal Intern, Joan Card, Legal Counsel, Diane Foster, Sustainability Manager; Jon Weidenhamer, Economic Development Director; Jason Glidden, Marketing Analyst; Phyllis Robinson, Public Affairs Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Liza Simpson seconded. Motion carried. The meeting opened at

approximately 3 p.m. Liza Simpson, "I move to open the meeting". Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

The City Council met again in closed session at approximately 3:45 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Council member Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Cindy Matsumoto, "I move to close the meeting to discuss litigation and personnel". Joe Kernan seconded. Motion carried. The meeting opened at approximately 4 p.m. Cindy Matsumoto, "I move to open the meeting". Alex Butwinski seconded. Motion unanimously carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

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, City Recorder



City Council Staff Report



Subject: Ratification of Findings for an
Appeal of a Planning Commission
Decision to Deny a Conditional Use
Permit for Nightly Rental
Author: Mathew W. Evans, Senior Planner
Date: April 19, 2012
Project Number PL-12-01500
Type of Item: Quasi-Judicial Appeal

Summary Recommendations

Staff recommends the City Council ratify the Findings of Fact and Conclusions of Law to grant the appeal and overturn the Planning Commission decision to deny a Conditional Use Permit for a nightly rental request at 60 Sampson Avenue for an existing home located in the HRL, Zone, and approve the Conditional Use Permit for the proposed Nightly rental according to the Findings of Fact, Conclusions of Law and Conditions of Approval and discuss an enforcement plan.

Topic

Applicant: Eric P. Lee on behalf of Jan Maltby
Location: 60 Sampson Avenue
Zoning: Historic Residential-Low (HRL)
Adjacent Land Uses: Single-Family Residential
Reason for Review: Appeals of Planning Commission decisions on Conditional Use Permits are heard by City Council

Background

On March 29, 2012, the City Council held a quasi-judicial public hearing to consider a appeal by Jan Maltby to overturn Planning Commission final action to deny a Conditional Use Permit (CUP) for a proposed Nightly Rental proposed to be located at 60 Sampson Avenue. The City Council voted 3-2 in favor of the applicant/appellants appeal to reverse the Planning Commission decision to deny the CUP. The City Council action granted the appeal subject to prepared findings based upon either disagreement that conditions cannot be mitigated or proposed mitigation alternatives to be proposed by the appellants.

Analysis

As discussed by the City Council during their March 29, 2012 meeting, the applicant could provide mitigation alternatives. The applicant is proposing the following mitigation measures:

1. The Applicant shall at all times have a property management company based in Summit County under contract and responsible for functioning as Applicant's agent with regard to all matters concerning nightly rental of the Property.
2. The Applicant shall limit the number of people occupying the Property during any given rental period to no more than 8. Applicant shall include express references to this limit in her marketing materials and rental agreements for the Property.
3. The Applicant shall limit the number of motor vehicles parked on the Property during any given rental period to no more than 2. Applicant shall include express references to this limit in her marketing materials and rental agreements for the Property.

Aside from the applicants proposed mitigation measures, other issues brought up during the public hearing have not been addressed by the applicants. The issue of trash being left out after a nightly rental tenant has left, and access to the property during the winter months were also issues and concerns brought up during both the City Council meetings. Enforcement of the conditions was also an issue. Staff recommends requiring applicant to come back to City Council after one year for a review of the Conditional Use Permit. Because these issues are of concern, Staff is proposing three additional mitigation measures:

1. Property management shall place trash receptacle(s) out for trash pickup no more than 12 hours prior to the anticipated pick-up time, and that the receptacle is properly placed back onto the property no more than 12 hours after the actual pick-up time.
2. The owner shall inform renters that all-wheel drive vehicles are highly encouraged during winter month rentals. Applicant shall include express references to this limit in her marketing materials and rental agreements for the Property.
3. Applicant shall come back before City Council after one year from the date of when the business license is issued for a review of the Conditional Use Permit.

The March 29, 2012 City Council meeting minutes are included in the packet for review and approval.

Ratification:

Findings of Fact, Conclusions of Law, Conditions of Approval and Order regarding 60 Sampson Avenue Conditional Use Permit for a nightly rental of an existing home within the HRL Zone.

The City Council hereby ratifies the Findings of Fact, Conclusions of Law and Conditions of Approval as follows:

Findings of Fact

1. The property is located at 60 Sampson Avenue. The property is improved with a 3,800 square foot, four bedroom, five full-bath, single family house.
2. The subject property is located within the Historic Residential Low Density (HRL) zoning district.
3. The house at 60 Sampson Avenue is located on an approximately 6,500 square feet (.15 acres) lot. Minimum lot size in the HRL district is 3,570 square feet.
4. The historic portion of the home is 1,818 square feet and was constructed in 1909 with a 1,953 square foot addition completed in 2008. The house has 4 bedrooms
5. Nightly rental uses are subject to a Conditional Use Permit in the HRL district.
6. The City Council finds that there is mitigation of the impacts of Criteria 1-15 as outlined in LMC Section 15-1-10(E) if the applicant adheres to the mitigation measures as proposed.
7. The City Council finds that Criterion #2 (Traffic) of Section 15-2.1-2, LMC, has no unmitigated impacts, and that the proposed Nightly Rental may contribute some level of increased traffic, however, the trip generation for long term rentals, seasonal work force rental, and/or housing for permanent residents, is generally greater than that of short term vacation rentals.
8. The City Council finds that Criterion #4 (Emergency Vehicle Access) has no unmitigated impacts. The nightly rental business license triggers an inspection of the house by the Park City Building Department and all IBC and Fire Code requirements have to be met prior to issuance of a business license. Nightly rental use does not change the requirement for, or conditions related to, emergency vehicle access which exists on Sampson Avenue and King Road. The double-frontage of the home allows emergency access from two sides, Sampson Avenue and King Road.
9. The City Council finds that Criterion #5 (Location and amount of off street parking) has no unmitigated impacts. Pursuant to LMC 15-3-6 parking for the first 6 bedrooms of a Nightly Rental is based on the parking requirement for the unit. The home has five bedrooms, and thus would not exceed the requirement. Furthermore, the parking requirement is the same as that required for the existing home which would be two (2) legal off-street parking spaces and the site has a two existing oversized off-street parking spaces available, 1 space in the large oversized single-car garage, and one space on the driveway leading to, and beyond the garage.

10. The City Council finds that Criterion #6 (Internal circulation system) has no unmitigated impacts. The home is accessible from both Sampson Avenue and King Road. Access to the site could be complicated during winter months, but the same is true for local residence. The internal circulation within the home is not at issue due to the fact that a majority of the home was recently constructed, minus the historic front, and that the home was built to 2006 Uniform Building Code Standards.
11. The City Council finds that Criterion #14 (Expected ownership and management of the property) has no unmitigated impacts. The applicant, who uses the property as a second home, has agreed to use a Property Management Company run the Nightly Rental business. The use of a Property Manager is also a condition of approval for the Conditional Use Permit.
12. Parking at the property is limited to the garage and driveway, which accommodate two legal parking spaces. The Applicant has agreed to limit the number of motor vehicles parked on the Property during any given rental period to no more than 2.
13. All-wheel or 4-wheel drive vehicles may be necessary to access the nightly rental during winter months.
14. Trash can be a problem with nightly rentals because tenants often leave on a Monday and the trash is put outside however, the garbage pick-up isn't until Thursday. Mitigation proposed would require the property management company hired by the applicant to make sure that trash receptacle(s) are out no more than 12 hours prior to the anticipated pick-up, and are put away no more than 12 hours after the actual trash pick-up time.
15. A property management company based in Summit County will be under contract and responsible for functioning as Applicant's agent with regard to all matters concerning nightly rental of the Property.
16. As proposed, the Applicant will limit the number of people occupying the Property during any given rental period to no more than 8. Applicant shall include express references to this limit in her marketing materials and rental agreements for the Property.
17. The applicant stipulates to the conditions of approval.

Conclusions of Law

1. Nightly rentals are a Conditional Use in the HRL Zone.
2. The proposed nightly rental use as conditioned is compatible with surrounding structures in use, scale and mass, and circulation.
3. The proposed nightly rental use as conditioned is consistent with the Park City General Plan.
4. Any effects in difference of the nightly rental use have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. A business license and inspection of the property by the building department are necessary to ensure that the business owners are verified and the property meets all

- applicable fire and building codes.
3. A detailed review against specific requirements of the Uniform Building and Fire Codes in use at the time of business license application is required as a condition precedent to issuance of a business license.
 4. No exterior commercial signs are approved as part of this CUP. All signs are subject to the Park City Sign Code.
 5. The Applicant shall at all times have a property management company based in Summit County under contract and responsible for functioning as Applicant's agent with regard to all matters concerning nightly rental of the Property.
 6. The Applicant shall limit the number of people occupying the Property during any given rental period to no more than 8. Applicant shall include express references to this limit in her marketing materials and rental agreements for the Property.
 7. The Applicant shall limit the number of motor vehicles parked on the Property during any given rental period to no more than 2. Applicant shall include express references to this limit in her marketing materials and rental agreements for the Property.
 8. Property management shall place trash receptacle(s) out for trash pick-up no more than 12 hours prior to the anticipated pick-up time, and that the receptacle is placed properly back onto the property no more than 12 hours after the actual pick-up time.
 9. Applicant shall include that all-wheel drive or 4-wheel drive may be necessary to gain access to the property during winter months in the marketing materials and rental agreements for the Property.
 10. Applicant shall come back before City Council after one year from the date of when the business license is issued for a review of the Conditional Use Permit.

Order: The Conditional Use Permit for Nightly Rental at 60 Sampson Avenue is hereby approved for the reason specified within the Findings of Fact and Conclusions of Law and Conditions of Approval listed herein.

ADOPTED this 19th day of April, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorn



City Council Staff Report

Subject: 1450 & 1460 Park Ave RFP
Author: Bret Howser & Diane Foster
Department: Sustainability
Date: April 16, 2012
Type of Item: Informational

Summary Recommendations:

Staff recommends that Council give direction to negotiate a final scope and price with GreenPark Cohousing for the purchase and development of the City-owned parcels at 1450 and 1460 Park Ave, and to return with an agreement for legislative action at a future date.

Topic/Description:

1450 & 1460 Park Ave RFP

Background:

On August 25, 2011, City Council requested informational documents pertaining to the existing historic homes at 1450 and 1460 Park Ave. and expressed an interest in looking at the homes. Staff offered to prepare a draft RFP to aid Council in discussing potential adaptive reuses of the property for a type of project aimed at creating new housing choices for attainable level housing within the City, in addition to other potential proposal alternatives.

On Oct. 5th, 2011, the HPB toured the Park Ave. properties and made a recommendation to City Council per their board's mission that included a desire to preserve the buildings and significant pieces of the buildings, have other structures in similar size and scale to houses to not dwarf them, a request to properly mothball them, save the old trees, and consider TDRs to keep the 2 houses there, potentially using a TDR multiplier to incentivize moving density to a receiving zone and/or use a preservation matching grant.

The Council toured the historic homes at 1450 & 1460 Park Ave. during work session on October 13th, 2011. A discussion followed where a majority of the Council indicated support for including language in the RFP that required rehabilitation of the historic structures and prohibited relocation.

On October 27, 2011, (staff report and meeting minutes attached) Council reviewed and made changes to a draft RFP and identified a higher standard of historic preservation, and staff advertised the RFP (attached) between November and December 2011. Proposals were due to the City by December 16, 2011. The RFP specified that a selection committee would review the proposals, conduct interviews, and make a recommendation to Council. The following analysis details the selection committee's review process and recommendations.

Analysis:

The City received three proposals from The Lodge LLC, KRN LLC, and GreenPark Cohousing. Each proposal was quite distinct from the others in its content and approach to addressing the City's goals. The major details of the proposals are provided in matrix form in Attachment D.

Due to a change in staffing, the original target date of February 2, 2012 was not achieved. However, all bidders were communicated with on a number of occasions during February and March to keep them apprised of the schedule.

A selection committee made up of staff from the Sustainability Team, Planning Dept, Building Dept, and Executive (Jason Christensen, Diane Foster, Bret Howser, Thomas Eddington, and Roger Evans – with input from Chad Root) reviewed the proposals and scored them in strict accordance with the scoring criteria outlined in the RFP. Proposals were allotted up to ten points for meeting community housing needs, ten points for meeting historic preservation requirements, and ten points for purchase price. An additional bonus of up to two points could be given to a proposal for any value added or unique advantages to the plan, such as monetary, social or in relation to City public policy and goals. City interests were weighted at 40% for Interest #1, 30% for Interest #2, and 30% for Interest #3.

The final composite scores (averaged out with the maximum score being 10) are as follows:

GreenPark – 6.78

KRN – 6.58

The Lodge LLC – 4.37

While the GreenPark and KRN proposals were quite distinct in detail, the committee felt that the overall positive impacts on City goals were similar, with the GreenPark project having a slight edge. The following analysis details the committee's thinking in each City interest area.

City Interest #1: Meeting Community Housing Needs - The committee felt that the general design of the KRN project was superior, but the GreenPark project delivered more net new affordable housing. A significant concern the committee had with the KRN project was that much of the funding would come from developers that owe the City affordable housing as part of existing projects, which would then satisfy those developers' obligations. The majority of the committee felt that this would result in less net new affordable units and would represent a public subsidy to an existing housing obligation.

Additionally, the RFP asked "Are there any value-added or other unique advantages to your plan, such as monetary, social or in relation to City public policy and goals?" The committee discussed the fact that the GreenPark project would provide the city with an affordable housing type that does not currently exist within City limits. Given City

Councils' goals that relate to building community, the co-housing proposal provided a unique advantage.

City Interest #2: Historic Preservation – The committee unanimously scored the KRN proposal slightly higher or the same as the GreenPark project.

City Interest #3: Purchase Price – The KRN project had the highest potential return to the City, but with only \$100,000 guaranteed, a fair amount of risk is involved. The GreenPark proposal guarantees \$400,000, but with uncertainty surrounding financing the construction, a fair degree of risk is also associated with this project. However buyers are already identified for seven of the ten units for the GreenPark projects, which mitigates some of the risk. In the end, the committee scored the two projects almost identically in this area.

The final scoring, and the final recommendation of the committee, is largely linked, then, to the amount of “net new” affordable housing that the projects promise. The KRN and GreenPark proposals similarly achieve City Interests #2 and #3, but the committee believed that GreenPark better achieved the City's housing goals.

Disclosure: GreenPark Cohousing group members include Rhoda Stauffer, a City employee in the Sustainability Department, and Sara Werbelow, a City official serving as a Historic Preservation Board member. Also, Brooke Hontz, an associate of HRN LLC, is currently serving on the City Planning Commission and is the spouse of Jon Weidenhamer who is employed in the City's Sustainability Department. Strict precaution was taken to avoid any interaction between these individuals and the selection committee which might improperly influence the outcome of the committee's deliberations.

Department Review:

Sustainability, Planning, Building, Legal, City Manager

Alternatives:

A. Approve:

Staff will meet with representatives of Greenpark Cohousing to finalize the terms of the purchase agreement and return to Council with a contract for approval

B. Deny:

Denial of the request will effectively end the RFP process and the City will retain ownership of the property pending further Council direction

C. Modify:

Council may direct staff to negotiate with one of the others bidders instead or to reject all bids and begin the RFP process anew

D. Continue the Item:

This has the same effect as Option B

E. Do Nothing:

This has the same effect as Option B

Significant Impacts:

The parcels at 1450 & 1460 Park Ave represent a key asset that the City can use to further the community's housing and historic preservation goals, both of which are tied closely to Park City's vision of what makes Park City, Park City (ie: small town, sense of community, and historic character). Staff believes that the recommended development proposed by GreenPark Cohousing achieves a balance of these goals and delivers the maximum public benefit for the dollars that the City would be investing.

The following table shows a rough estimate of the potential subsidy from the Lower Park Ave RDA on this project. The subsidy will net community benefits of affordable/attainable housing as well as historic preservation. It should be noted that the amount of subsidy required to make the project work is largely due to Council's direction to restore the historic houses at an enhanced level.

Summary of Lower Park Ave RDA Investment**Lower Park Avenue RDA Investment**

Land Cost	\$750,000
Construction Loan	\$500,000

Community Return on Investment

Purchase Price	\$400,000
Construction Loan Repayment (NPV)*	\$482,000
Non-Financial Returns	
New Affordable Units	6
New Attainable Units	1
Historic Preservation w/o reconstruction	Yes

Estimated Subsidy from RDA	\$368,000
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* Assumes \$500,000 loan from RDA to GreenPark repaid over 15 yrs at 2.5%

Consequences of not taking the recommended action:

If Council does not provide direction for moving forward, the City will retain possession of the properties and staff will return to Council at a future date to discuss the employment of these assets towards achieving the City's strategic goals.

Recommendation:

Staff recommends that Council give direction to negotiate a final scope and price with Greenpark Cohousing for the purchase and development of the City-owned parcels at 1450 and 1460 Park Ave, and to return with an agreement for legislative action at a future date.

Attachments:

- A – Staff report from October 27, 2011
- B – Minutes from October 13 & 27, 2011
- C – Request for Proposal
- D – Proposal Details Matrix



City Council Staff Report

Subject: Sale of Park Ave. Properties
Author: Michael Kovacs, Assistant City Manager
Department: Executive
Date: Oct. 27, 2011
Type of Item: Administrative

Summary Recommendations:

Review the attached Request For Proposals (RFP) and suggest modifications as needed. Give direction to go to publication and begin the RFP process for the sale of 1450 & 1460 Park Ave. with the intent of creating an attainable housing development.

Topic/Description:

Property disposition in the Lower Park Ave. RDA, with the following goals: return of RDA invested funds, attainable housing, and historic preservation.

Background:

On August 25th, in response to interest from a newly formed cohousing group, City Council requested informational documents pertaining to the existing historic homes at 1450 and 1460 Park Ave. and expressed an interest in looking at the homes. Staff offered to prepare a draft RFP to aid Council in discussing potential adaptive reuses of the property for a type of project aimed at creating new housing choices for attainable level housing within the City, in addition to other potential proposal alternatives.

Additionally, some Council and community members toured a cohousing development in downtown Fort Collins during this year's City Tour.

Building Official Chad Root conducted an inspection of the buildings a week prior to the Historic Preservation Board (HPB) visit noting the general poor condition of the houses.

On Oct. 5th, the HPB toured the Park Ave. properties and made a recommendation to City Council per their board's mission that included a desire to preserve the buildings and significant pieces of the buildings, have other structures in similar size and scale to houses to not dwarf them, a request to properly mothball them, save the old trees, and consider TDRs to keep the 2 houses there, potentially using a TDR multiplier to incentivize moving density to a receiving zone and/or use a preservation matching grant.

The Council toured the historic homes at 1450 & 1460 Park Ave. during work session on October 13th. A discussion followed where a majority of the Council indicated support for including language in the RFP that required rehabilitation of the historic structures and prohibited relocation. A draft RFP is attached for your review and is hopefully consistent with a majority viewpoint on the language of rehabilitation. This standard may be higher than potentially what the LMC could allow (disassembly or

reconstruction) and may add increased costs and/or limit adaptive uses on the remainder of the site. The purpose of this work session to confirm final RFP edits consistent with your project goals.

City staff are also working to seal, dry, and moth-ball the structures for the coming winter season. A Historic District Design Review (HDDR) is being prepared for Planning staff review and approval. Funds to moth-ball the structures will come from the Lower Park RDA, and attempts to be conservative in spending will be made while still protecting the structures and preventing further damages.

Analysis:

Council was provided information last week on the purchase of the Park Ave. properties. Although the properties were purchased with RDA funds with the intent for a housing development, any discussion of potentially alternative uses should take place now before the RFP is issued for the properties' sale. Such uses should be consistent with allowable uses of RDA funds, such as housing and economic development. Should a use not be consistent, Council should consider reimbursing the RDA from other allowable fund groups in the upcoming budget, and having the new project compete for funds in the budget process with millions of dollars of other City capital projects (Empire Ave., OTIS, Recycle Center, Repository, Main St. projects, etc.).

If the Council is interested in furthering the development of additional attainable housing in the City, while allowing for the restoration of the historic homes using private funds, the authorization of the RFP process would be appropriate and we are looking for your go-ahead. The City reserves the right to reject all submittals, so going through the RFP process itself does not in any way limit the Council's future options nor commit the City to certain expenditures. Prior to entering any contract for the property, the City will provide notice and opportunity for public comment pursuant to Municipal Code 2-3-11.

Disclosure: Cohousing group member Rhoda Stauffer is an employee in the Sustainability Department, and Sara Werbelow is a City official serving as a Historic Preservation Board member.

Department Review:

This staff report was reviewed by the Executive, Legal, Planning, Building, and Sustainability departments.

Alternatives:

A. Approve:

Authorize the beginning of the RFP process, to return to you for final sale approval.

B. Deny:

Do not proceed with an RFP or sale.

C. Modify:

Craft your own solution.

D. Continue the Item:

Take more time to consider the matter at a subsequent meeting.

E. Do Nothing:

Always an option, the structures will be protected from the weather and general plan efforts will explore use issues in the Lower Park Ave. RDA.

Significant Impacts:

The properties along Park Ave. have significant value to the RDA/City.

Consequences of not taking the recommended action:

Without a plan or taking action on the properties along Park Ave. that the City owns, we will continue to get public requests for competing uses.

Recommendation:

Review the attached Request For Proposals (RFP) and suggest modifications as needed. Give direction to go to publication and begin the RFP process for the sale of 1450 & 1460 Park Ave. with the intent of creating an attainable housing development.

Exhibit:

Proposed RFP

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 13, 2011**

Present: Mayor Dana Williams; Council members Alex Butwinski; Joe Kernan; Cindy Matsumoto; Dick Peek; and Liza Simpson

Tom Bakaly, City Manager; Mark Harington, City Attorney; Michael Kovacs, Assistant City Manager; Thomas Eddington, Planning Manager; Jonathan Weidenhamer, Economic Development Manager; Bret Howser, Finance Manager

Alison Butz, Historic Park City Alliance

1. Council questions/comments. Liza Simpson reported on a Mountainlands Community Housing Trust meeting and Dick Peek on a Historic Preservation Board meeting. Cindy Matsumoto reminded the public that October is Domestic Violence Awareness Month. She attended the Habitat for Humanity fund-raiser. The Mayor congratulated Heber City on its first natural gas pump station and commented on how well the Bonanza Drive project is coming along.

2. Debrief on field trip and discussion of potential sale of Park Avenue properties. Michael Kovacs noted that the Council has just visited the site and last week the HPB toured the property. Some immediate repairs may include the roof, doors, access, and possibly interior mold. The City will submit a HDDR application for planning staff review. A RFP draft will return to Council in a couple of weeks. He pointed out that the project poses three competing City goals. The RDA has a financial interest in the property totaling \$800,000; and the City has attainable housing and historic preservation goals. He spoke about creating a RFP to try to balance these interests or a RFP focusing on the treatment of the historic homes.

Mayor Williams commented on the number of additions made to the homes over the years. Thomas Eddington advised that the residences are considered significant structures not landmark. Mr. Kovacs noted that a requirement for a preservation plan could be included in the RFP and Thomas Eddington advised that the structures cannot be moved according to the 2009 Historic Preservation Guidelines. Mayor Williams felt the City should abide by the same standards expected by the public and Cindy Matsumoto added that the outbuildings need to be addressed now. Thomas Eddington agreed and stated that additions are allowed to be removed. Dick Peek pointed out that the original siding can usually be found under the layers of additions. Ms. Matsumoto believed they look like typical Park City homes and prefers a more complicated RFP. Mr. Peek stated that he has renovated a number of houses in Old Town in far worse condition and one project became a landmark property; it is doable but challenging. Liza Simpson asked if there are soil issues and Mr. Eddington replied that the soil has not been tested.

She asked for clarity on the HPB's comments on TDRs and Mr. Eddington felt the HPB was referring to the TDR Ordinance implemented last March, allowing for the transfer of development rights from historic properties that don't maximum their footprints. Mr. Kovacs believed that if the Council wants the homes restored but leaves the remaining property as is, a transfer of the density on the back could be applied somewhere else in town. Liza Simpson referred to the analysis section of the staff report and a statement that says the City has a goal that involves areas outside Park City's jurisdiction . . . *in boosting the in-City population while discouraging development in currently undeveloped areas in Summit County such as along and behind US40*. She stated that she is unaware of this City goal. Michael Kovacs explained that Summit County has conducted a study on TDRs and a presentation will be given to the Planning Commission. If attainable housing is not built in the City it will be provided in the County.

Tom Bakaly asked if members are comfortable with disassembling the structures. Thomas Eddington explained that disassembly was previously known as panelization and he explained the goal of salvaging historic elements. Reconstructions involve demolition and reconstruction of the structure to the original design and a disassembly or reconstruction approach is determined during the HDDR. He encouraged proceeding with a RFP and judging the submitted preservation plans. The three criteria in the Code for reconstructions include the Chief Building Official deeming the structure dangerous and determining the building cannot be made safe or serviceable through repair, and rebuilding some of the form features as part of a newly reconstructed project.

Michael Kovacs interjected that what happens to the houses will be driven by use. Dick Peek stated that the walls are plumb and aren't racking and in his opinion, the houses can be rehabilitated. He reiterated that the walls are vertical and are not buckling under the windows; it is a simple but technical construction involving lifting the houses up, pouring the foundations, and restructuring and reusing the houses. He pointed out that the most extreme option is reconstruction, the second is disassembly, and the third is using the existing structure in its current configuration and restructuring it as needed based on a structural engineer's assessment. The latter is the condition he views the houses. Thomas Eddington explained that that would be straight rehabilitation of the existing structures which is the preference according to the Department of Interior, second is disassembly and third reconstructions. The decision is based on the HDDR, the submitted proposal and preservation plan. Mark Harrington stated that members can decide to require rehabilitation. Cindy Matsumoto agreed with Mr. Peek that rehabilitation is possible and a preference for this approach could be included in the RFP, but it is difficult to know what the challenges are until construction begins. Dick Peek stated that the result is based on the motivation of the owner.

Tom Bakaly emphasized that if there is a preference for rehabilitation which is the most expensive, the bid price will be lowered and the subsidy from the City will be higher. He noted that the recommendation could be reconstruction in compliance with the LMC but as owner, the Council can request a preference for rehabilitation which is a higher

standard than what the Code provides. Cindy Matsumoto argued that the first choice is rehabilitation and the City asks homeowners to spend more. Mr. Bakaly explained that as an owner, the Council can request something more restrictive and there will be a cost implication. The Mayor invited public input.

Craig Elliott, architect, acknowledged the question to request additional restrictions over and above the requirements placed on individual property owners. There are different ways to address individual properties like rehabilitate, renovate, reconstruct, panelize and each property has its unique conditions. Park City is a leader in creating new product for historic properties and the reason options are in place is to allow identification of the issues. It is impossible to determine now the condition of the structure and whether it can be saved. If it cannot be saved but the Council requires rehabilitation, the expense becomes exorbitant. Mr. Elliott spoke about trying to save the old Park Avenue boarding house but because of the extent of rot, panelization was necessary. He felt that making a decision to add additional requirements over and above what the Code requires, would be a mistake because of the unknown and unforeseen conditions. The unknown will also affect how people respond to the RFP and the ability to meet Council's goals and criteria as far as affordable housing. Cindy Matsumoto again pointed out that rehabilitation is what the Code prefers. Mr. Elliott agreed and believed that staff does an excellent job in determining the approach.

Katherine Matsumoto-Gray, HPB, stated that she is happy to answer any questions regarding the HPB's position. The group's discussion centered on saving the structures and discouraging panelization or reconstruction. They are significant structures with the potential of becoming landmark status and eligible for the National Historic Registry. Once the panelization or reconstruction happens, that is not an option. The Mayor pointed out that High West Distillery was panelized and listed. Thomas Eddington pointed out that reconstructions are not typically considered as candidates for the National Register. Parts of the High West Distillery project were reconstructed but it was primarily a disassembly and the Department of Interior reviewed the application and agreed to keep it on the National Register of Historic Places. Dick Peek pointed out that the roof and front façade were removed as units, replaced and restructured. He was uncertain about the side walls and whether the siding was placed back on a restructured wall. Tom Bakaly emphasized that the designation was not easy to accomplish and Thomas Eddington explained that a reconstruction wouldn't become a landmark structure. Panelized buildings could be landmarked. Ms. Matsumoto-Gray continued that the character of the historic site includes the space, the land and the small size of the buildings. The size and scale should be compatible with the historic houses in the neighborhood and the HPB believes that any new construction should be the size and scale of the existing structures to compliment them. The ratio of built and unbuilt space on the land contributes to the character and should be preserved and the TDR recommendation emerged as an incentive to rehabilitate.

John Phillips, contractor, agreed with Mr. Elliott's comments. He feels confident that the buildings can be rehabilitated. It would be best for the City to do the project and set an

example for the community. The property could be sold to someone with different motivations than what the Council expects. The property is on Park Avenue and very visible and a well done restoration would be ideal.

Judy McKie, HPB member, agreed with Mr. Phillips and stated that this would be a great community preservation project. The City has an opportunity to show Park City what preservation is and the land presents a great opportunity for a community garden.

Dick Peek suggested removing some uncertainty by remediating the asbestos siding and making any exterior repairs that need to occur to keep the structures weather-tight and dry. Michael Kovacs interjected that the co-housing group is waiting for the City to make a decision with a timeline this spring. Cindy Matsumoto understood that the asbestos siding is protecting the original siding. Mr. Peek discussed the properties of asbestos and felt that removing it will improve the investment value because it removes uncertainty for the owner and provides information for the HDDR whether the buildings should be rehabilitated or disassembled. He asked how soon a RFP could be released to remediate the asbestos. Tom Bakaly understood that the suggestion is spending some money to help preserve the structures with rehabilitation being the answer. Ms. Matsumoto stated that she is not as concerned about the asbestos as she is about the roof.

Liza Simpson stated that the City bought the two properties for \$800,000 with the understanding at the time that because of the size of the lots and the lack of historic buildings in the neighborhood, that there would be no problem moving the historic houses. The idea was to move the houses forward but still have them fit in their historic context on the lot. She recalls a discussion where they could be picked up, turned around and oriented to Sullivan Road. The intention was to gain a large piece of land for uses by the community. There was discussion of a community garden and much more discussion about affordable or attainable housing of some sort. She added that since that time, it has been established that the houses cannot be moved and she asked if the back half of the lots can be subdivided into parcels, and separated from these historic buildings. As wonderful as it would be for the City to rehabilitate the homes, she pointed out that the City has already spent \$800,000 for the two properties which is something everyone needs to keep in mind. The current Historic Design Guidelines and the HDDR process already prioritize rehabilitation. However the Council decides to move forward, she is comfortable with the City going through the same process that all others have to go through. If Council was making a decision on the RFP tonight, she would select the submittal balancing community goals.

Alex Butwinski agreed with Ms. Simpson's comments and appreciated the background information on why the City bought the properties. He asked for confirmation that the houses cannot be moved. Thomas Eddington explained that the initial HDDR based on information submitted at that time did not recommend movement. Moving or reorienting the structures could be considered if it abates demolition or other unique conditions but he doesn't have the notes from the meeting. Mr. Butwinski expressed that *it is easy to*

spend other people's money and the City's number one goal should be recovering the money spent on the acquisition which sounds like the plan when the property was purchased. Money is important here and if the conditions on the RFP are too strict, the costs become astronomical for bidders and he can't support that. Mr. Butwinski expressed his frustration that the City let the properties go into further disrepair for two years and at this point, the City may need to shore up the buildings to dry them out. The goal should be recovering the investment

Thomas Eddington noted that the property can probably be subdivided into six lots with the historic homes on their own lots. If the houses cannot be moved, there would be four lots left. Cindy Matsumoto pointed out that the preference in the Guidelines is rehabilitation so she didn't feel the Council is asking a potential buyer to go above and beyond the standard. There was consensus to arrest the current deterioration and Mr. Bakaly explained that the plan was to shore up the buildings but it sounds like the Council wants more than that. Ms. Matsumoto didn't feel the asbestos siding needs to be removed.

Liza Simpson addressed the HPB's letter and to say that the City ignored the property for two years is not accurate. They do not look much different than they did when they were acquired. Tom Bakaly expressed that it seems that the majority of members want a balanced approach RFP. Joe Kernan noted that he doesn't have a problem with allowing people to propose what they want to do because it is additional information which can be helpful.

Mark Harrington cautioned that Council has its most control over the outcome now and he is hearing many assumptions on outcomes. If three members have a clear preferred outcome of rehabilitation, he advised specifying that in the RFP and not basing it on an assumption. If other priorities are in play and there is lack of information and members want to see all possibilities, then go with a modified first RFP or the second one which will clearly give the most flexibility. If the desired outcomes are known, specify them. If there is not enough information, then wait and get the information and then specify. If Council does not know and wants to consider everything, then do the second RFP. Moving the houses was again addressed and the Mayor stated that he is opposed to moving them because it conflicts with our Guidelines. Liza Simpson reiterated that she voted to purchase the property based on the fact that the houses could be moved. Tom Bakaly asked members if they would consider reconstruction. The Mayor, Cindy Matsumoto, and Dick Peek expressed they want to see rehabilitation.

Liza Simpson confirmed that the majority would not consider reconstruction or disassembly regardless of the recommendation, and prefers imposing the highest form of preservation whether it makes sense or fits the criteria. Dick Peek noted that he is not saying that blindly because he has walked the buildings three times and feels confident that rehabilitation is not an unreasonably high standard. He can support moving them slightly if needed, but orienting them toward Sullivan Road is not acceptable because they are the third and fourth historic homes coming into town. The

Mayor commented on losing historic buildings by allowing reconstructions and he felt the City should set an example and spoke about the renovation of the Marsac Building. Mr. Butwinski stated that he doesn't think the City can afford it. The Mayor felt that by working with the right partners the buildings can be restored and there will be preference to submittals that achieve that goal. He didn't feel the City has to do the restoration and agrees that the City should not do it. He would love to recover the investment. Alex Butwinski stated that it seems the Council is straying from the City Attorney's advice which is to prescriptively say in the RFP that the houses have to be rehabilitated and he is doesn't agree. There could be a preference for rehabilitation but the door should be left open for balancing all of the objectives so that the potential bidder has the opportunity to be creative with the goal of preserving the houses in some way. Joe Kernan felt that if three members want the houses rehabilitated the RFP should specify that. The City Manager stated that staff will return with language that reflects this.

The Mayor suggested that Council discuss whether the City wants to hold onto the property and doing the restoration project itself. Ms. Simpson stated that she has no desire to keep the property. Joe Kernan felt that the houses should be restored properly because of their visibility. Ms. Simpson commented that she would rather leave the determination to the HDDR and the City Manager pointed out that Council can accept or reject bids.

3. Main Street branding. Jon Weidenhamer spoke about the City's relationship with the HPCA who has forwarded a formal request to recognize the name change from the Main Street Historic Business Alliance to the Historic Park City Alliance, specifically referring to the business area as *Historic Park City*. The HPCA does not want to jeopardize the name of the Park City Main Street Historic District on the National Historic Register but are asking for a change in philosophy. He displayed current way-finding signs which are worded differently and the request is to change references to *Historic Main Street* to *Historic Park City*. Staff is recommending that from a professional planning standpoint that there be no change and the words *Main Street* remain. HPCA has done research which supports them in its desire to re-brand from other commercial areas.

Alex Butwinski recognized the pros in the name change and re-branding and felt that signs should be consistent. As a compromise, Jon Weidenhamer suggested a sign that says Historic Park City with bullets underneath that indicate Resorts and Main Street. Ms. Butz explained that the HPCA is not asking to take the signs off of Main Street but are looking to establish an umbrella name for the district because businesses are located on Heber Avenue, Swede Alley and Park Avenue. Liza Simpson stated that she is comfortable with staff's compromise suggestion but not removing Main Street from way-finding signs for visitors. Cindy Matsumoto emphasized that the HPCA is a business alliance and Main Street is an historic district. They are separate and different and she hates to get rid of the use of *Historic Main Street*. Dick Peek supported a cohesive marketing approach but questioned if Historic Park City is too vague because

the core is Main Street and Swede Alley, Park Avenue and Heber Avenue feed off of Main Street. The Mayor expressed that the majority is comfortable with the compromise.

Sandra Morrison, Director of Park City Historical Society, stated that changing the wording on way-finding signs does not affect the National Register of Historic Places designation. She supported the HPCA in its branding efforts.

4. New budget proposal. Bret Howser referred to specific goals developed recently, including being more collaborative and taking the principles learned from budgeting for outcomes and applying those in an on-going manner. Priority based decision making is inherent to a sound budgeting process and it is recommended to better integrate performance measurements as well as building accountability and efficiencies. The process should address long-term issues and short-term priorities. He discussed meeting with staff at Fort Collins on its experience with budgeting for outcomes. Fort Collins produces a budget on a two year cycle to best accommodate the approach of budgeting for outcomes. He discussed the two year budget cycle and the timing of elections. The pay plan, service contracts and CIP processes will remain the same but the operating budget will be reviewed as early as November. The technical team will review the methodologies and refine projections before going to City Council. In late November, pre-visioning workshops are suggested where Council has a chance to review the strategic plans for change in direction. After these meetings, staff will start to develop bids for programs. He explained that the results team then has a couple of months to review, negotiate and prioritize the bids. The executive budget team reviews the recommendations of the results team to make sure they align with Council's goals. Mr. Howser stated that budget hearings are held in May and June. He compared accepting bids as operating on contracts the first year and modifying the scope with change orders the second year. He spoke about using these techniques for carbon reduction.

Alex Butwinski complimented the budget staff on its hard work and Joe Kernan liked the concept of the technical team. Dick Peek stated that he attended the Fort Collins meetings and Bret Howser has done a good job in applying this approach.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 27, 2011**

Present: Mayor Dana Williams; Council members Alex Butwinski; Joe Kernan; Cindy Matsumoto; Dick Peek; and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Chad Root, Chief Building Official; Linda Tillson, Library Director; Chris Youngblood, Library IT Analyst; Jasmina Jusic, Adult Services Librarian; Heather Reynolds, Youth Services Librarian; and Bobbi Pyron, Library Board Chair

1. Council questions/comments. Alex Butwinski reported on the Planning Commission meeting and Liza Simpson commented on the Peace House's domestic violence vigil held at City Park which was well-attended. The Friends of the Farm conducted a retreat during the week. She thanked the group for the spectacular events produced on a tight budget. Ms. Simpson commented on the Utah Intergovernmental Roundtable which focused on food security and urban farming. Cindy Matsumoto discussed an article about designing power lines that are more architecturally pleasing.

2. City-owned Park Avenue historic properties. Michael Kovacs referred to the draft RFP included in the meeting packet and invited feedback from members before publishing. The City has filed a HDDR application for protection of the structures and there is a temporary plan to shore up the buildings in the interim and any soil issues will be addressed. Liza Simpson recalled a soils analysis when the properties were purchased. Phyllis Robison commented that adjacent properties were tested and there will probably be some remediation work needed. The Mayor asked if there is a definition for attainable housing and Michael Kovacs responded that there is no definition but described it as somewhere between market and affordable, based on the estimated price points. He believed the price will be in the \$250,000 to \$350,000 per unit range. Phyllis Robison suggested looking to the 2007 Housing Ordinance for benchmarks. Dick Peek didn't feel that a description of use in the RFP is necessary unless it is affordable housing. He believed that all of the property should be sold. Michael Kovacs interjected that the City would favor one purchaser. Tom Bakaly asked for clarity on the interior language in the RFP. Mr. Peek pointed out that an authentic layout of an historic structure takes the project to another level. Most members felt that an explanation on use would be helpful but were not overly concerned with the interior design. Mr. Harrington asked members if they want prices less than market and in a response to a question from Cindy Matsumoto, Mr. Bakaly explained that if the project is not affordable, RDA funds cannot be used for it. Liza Simpson stated that she is comfortable knowing the proposed use and is not concerned with the interior.

She continued that the timeline seems tight for a rehabilitative restoration bid and would like to move the deadline another month. Mr. Kovacs explained that tours of the property may be limited because the structures need to be sealed. Ms. Simpson felt

that the written assessments should be sufficient for interested persons. Mr. Kovacs discussed shrink-wrapping the structures and Chad Root described the process. Mr. Kovacs stated that once the HDDR is complete, a building permit will be pulled for the shrink-wrap. Mr. Bakaly suggested changing the RFP by pushing the deadline back a month, including a definition of attainable, and clarifying that use is a higher priority than design of interior. The larger issue is the language on historic preservation where rehabilitation is encouraged over the other two methods. The Mayor pointed out that with regard to compatibility, surrounding buildings are much larger than these two historic homes. After discussion, it was decided to refer to the Historic District Guidelines and provisions of the HRM Zone. The Mayor invited public input; there was none.

3. Performance measures – lessons learned. Michael Kovacs explained that the City participates in the ICMA performance measurement program which is a national scale comparison. There are a few comparisons with ski towns on the national survey. A variety of 130 cities joined the consortium with the goal of improving municipal operations and most measures relate to risk management and police. Through illustration of a PowerPoint presentation, he highlighted roads where Park City's cost per person is higher than the mean and it appears that our infrastructure needs more attention. Acres of park land per thousand population puts Park City number one in this measure in the entire mix of cities. Cost recovery for providing recreation services is average and golf is very high. Revenues from grants are well above the average. Park City rates number two for library services and visitation rates are very high. Even though Library expenses may appear high compared to other cities, when compared to ski towns Park City is low. The number of general liability claims is a little higher than most small towns and Park City is sued much more than the average city. It is anticipated to review claims with departments to determine why 2010 was a bigger year than others. He continued to explain that analyzing types of lawsuits will be helpful as well. In 2010, Park City experienced half the average for workplace injuries among cities and ranked No. 4 in the total sample for safety. Mr. Kovacs displayed a slide on the percentage of alternative fuel vehicles as part of the total fleet where Park City is at 40% and well ahead of everyone else in the sample. The last slide displayed code enforcement response time which is less than 24 hours for the City. He stated that these are the take-aways for 2010 and there will be more data next year.

The National Citizens Survey has been completed and the ICMA performance measure group has declined in numbers because of the demand on resources. It is hoped that CAST members provide comparison information on the NCS level. The NCS revealed that 97% of the respondents rated quality of life as excellent or good and 70% rated the overall direction taken by the City as good or excellent as well as value for tax dollars paid.

4. Annual Library report. Library Director Linda Tillson referred to the performance measure comparisons and pointed out that Park City spends the least amount of money for library services per capita among resort towns. She pointed out

that resort town libraries are different than typical city libraries. The library's annual visits are down somewhat but on a national level, Park City's visitation rate is higher than other communities. Liza Simpson remarked on the 20% reduction in computer work station use and Ms. Tillson felt it is related to the door counts and smart phones. Checking out hard copy items increased 4% which is consistent with the last four or five years. It was a record year for summer reading programs.

Chris Youngblood stated that the number of downloadable books only represents a small portion of what the library provides, but the number did double in one year. eBooks and audio books are provided through the state library and often people have to be put on a waiting list so staff looked at other options in serving patrons. Recently, the Friends of the Library provided funds to purchase a new eBook platform, Access 360. She detailed the features of the software. Although computer use has declined, there has been an increase in Wi-Fi use throughout the year. Ms. Youngblood spoke about the electronic Library Newsletter which is distributed bi-monthly.

Jasmina Jusic explained that a total of 31 computer classes were offered with 84 people attending. Classes have to be held before the Library opens because there is no classroom space but hopefully at some point the facility will be expanded. The test proctoring program has been very successful.

Heather Reynolds stated that in April a grant was received from the Utah Community Council for \$3,000 to work on a Reader's Theater Program and 260 English-learning children from ages 4 through 10 participated. She discussed the summer reading club program for kids which was very successful.

Bobbi Pyron explained that the Library Board is comprised of Park City residents who passionately believe that the Library is one of Park City's most important institutions for free and equal access to educational and informational resources. It is easy to forget that a segment of the population cannot afford computers, iPads, etc. As the economy continues to be challenging the Board believes it is vital to support the Library staff in providing excellent services. The Board continues to develop and revise policies that support the mission of the Library. Ms. Pyron spoke about meeting with the Summit County Library Board to ensure and further foster good communication between the systems. She discussed great ideas gained from a webinar for the future.

In response to a question from Alex Butwinski, Ms. Jusic stated that the computer classes are free. She added that perhaps if classes were offered in the evening, more people could attend. It would also be good to teach how to use other electronic devices. Joe Kernan remarked on the benefits of small classes.

Prepared by Janet M. Scott, City Recorder

Park City Municipal Corporation



REQUEST FOR PROPOSALS FOR

***Purchasers
1450 & 1460 Park Ave. Sale***

NOTICE
REQUEST FOR PROPOSALS
Purchasers
1450 & 1460 Park Ave. Sale

PROPOSALS DUE: 5 pm Mountain Time on 12/16/11

PROJECT NAME: 1450 & 1460 Park Ave. Sale

RFP AVAILABLE: Beginning 11/07/11

PROJECT LOCATION: 1450 & 1460 Park Ave., Park City, UT 84060

PROJECT DESCRIPTION (brief): Park City owns 2 parcels within the Lower Park Avenue RDA, zoned HRM, and envisions a housing development on these lands. The proposer will provide a proposal for purchasing and developing land at 1450 and 1460 Park Ave.

PROJECT DEADLINE: N.A.

OWNER: Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

CONTACT: Michael Kovacs, Asst. City Manager
Michael.kovacs@parkcity.org, fax: 435.615.4901
All questions shall be submitted in writing no later than 12/02/11.

Park City reserves the right to reject any or all proposals received. Furthermore, the City shall have the right to waive any informality or technicality in proposals received when in the best interest of the City.

I. Introduction

Park City owns 2 parcels within the Lower Park Avenue RDA, zoned HRM, and envisions an attainable housing development on these lands. The proposer will provide a proposal for purchasing and developing land at 1450 and 1460 Park Ave.

II. Scope of Project

The proposal should address the following three core City interests for the property (described in the scoring criteria below) and be consistent with the City's development regulations and historical guidelines. Any zoning amendments or variances from code or guidelines required for the proposal, if any, must be identified. Respondents are encouraged to inspect the property and public files. The property is being offered "as is," with no warranties for particular use or purpose. No proposal shall be accepted from, or contract awarded to, any person, firm or corporation that is in arrears to the City, for taxes, fees, debt or contract or that is a defaulter, as surety or otherwise, upon any obligation to the City, or that may be deemed irresponsible or unreliable by the City. Respondents may be required to submit satisfactory evidence that they have the necessary financial resources to perform and complete the work outlined in this RFP.

III. Funding or Assistance

The City has a lot of condition information on the historic homes which is recent, but not current. A video walkthrough of the properties may be available in digital format.

IV. Content of Proposal

Proposals will be evaluated on the criteria listed below. Proposals should be limited in both length and extraneous information/attachments.

City Interest 1 – Meeting Community Housing Needs:

Please describe how many units of housing you would construct on these properties, their size, quality level, layout, and overall value to the end purchaser. Identify type of ownership (Co-Housing, Condominium or Subdivision). Are there any value-added or other unique advantages to your plan, such as monetary, social or in relation to City public policy and goals? Identify your intended price ranges and price points for the different number and sized units proposed. In particular, please list how many units will

be affordable housing, for households earning 80% of AMI or less, which are units priced at \$195,000 or less. Also please list how many units will be attainable housing, for those households earning up to 120% of AMI, which are units priced at \$270,000 or less.

City Interest 2 – Historic Preservation:

Please describe your approach to the historic structures on the parcels. The City will require that the historic homes not be moved, and must be restored using renovation methodology, not reconstruction. Please tell us about your proposed exterior restorations and the type of adaptive reuse. Please briefly describe your intended methods and alternatives you would consider.

City Interest 3 – Purchase Price:

Please indicate an offer price for both properties, or one of the properties. Offers to purchase the total property will be considered more favorably under the evaluation criteria. Identify proposed closing date, payment terms and source of financing, if any.

An evaluation committee will evaluate proposals, and enter into negotiations for a purchase agreement with the selected proposal. If an agreement cannot be reached, the City may proceed to the next highest ranked proposal at its discretion. Any purchase agreement must be authorized by the City Council at a public meeting.

Price may not be the sole deciding factor.

The nature and extent of any changes requested to our standard Professional Services Agreement will be taken into consideration, and may lower a bidders standing in the ranking process.

Proposals lacking required information will not be considered. All submittals shall be public records in accordance with government records regulations (“GRAMA”) unless otherwise designated by the applicant pursuant to UCA §63G-2-309, as amended.

V. Selection Process

Proposals will be evaluated on the factors listed in Section IV, Content of Proposal, above.

The selection process will proceed on the following schedule:

A. Proposals will be received by Park City prior to 5 pm on December 16, 2011, at the Executive Office located at 445 Marsac Ave., Park City, UT 84060.

B. A selection committee made up of Park City Municipal Corporation staff and others will review the submitted Statements of Qualifications/Proposals and select a proposer. The selection committee is anticipated to meet in the remaining days of

December, 2011. A short list interview may be required. If short list interviews are required, they would occur during the week of January 9, 2011.

C. Park City will negotiate a final scope and price with the top ranked proposer and recommend to City Council for final approval and contract. Award of the contract is subject to approval by City Council.

D. Anticipated date of presenting recommendation to City Council to enter into an agreement with selected firm is on February 2, 2012 or sooner.

E. Finalize Agreement no later than February 17, 2012.

It is Park City Municipal Corporation's policy, subject to Federal, State, and local procurement laws, to make reasonable attempts to support Park City businesses by purchasing goods and services through local vendors and service providers.

Park City Municipal Corporation reserves the right to change any dates and deadlines. Park City Municipal Corporation reserves the right to cancel or modify the terms of this RFP and/or the project at any time and for any reason preceding contract award and reserves the right to accept or reject any or all proposals submitted pursuant to this request for proposals. Park City will provide respondents written notice of any cancellation and/or modification. Furthermore, the City shall have the right to waive any informality or technicality in proposals received, when in the best interest of the City.

VI. Information to be Submitted

To be considered, 4 copies of the proposal must be received at the Park City Executive Office, 445 Marsac Ave., Park City, UT 84060 no later than December 16, 2011 at 5 pm.

VIII. Preparation of Proposals

A. Failure to Read. Failure to Read the Request for Proposal and these instructions will be at the offeror's own risk.

B. Cost of Developing Proposals. All costs related to the preparation of the proposals and any related activities are the sole responsibility of the offeror. The City assumes no liability for any costs incurred by offerors throughout the entire selection process. A preservation plan for the historic structures is NOT required in proposals.

IX. Proposal Information

A. Equal Opportunity. The City will make every effort to ensure that all offerors are treated fairly and equally throughout the entire advertisement, review and selection process. The procedures established herein are designed to give all parties reasonable access to the same basic information.

B. Proposal Ownership. All proposals, including attachments, supplementary materials, addenda, etc., shall become the property of the City and will not be returned to the offeror.

C. Rejection of Proposals. The City reserves the right to reject any or all proposals received. Furthermore, the City shall have the right to waive any informality or technicality in proposals received when in the best interest of the City.

No proposal shall be accepted from, or contract awarded to, any person, firm or corporation that is in arrears to the City, upon debt or contract or that is a defaulter, as surety or otherwise, upon any obligation to the City, or that may be deemed irresponsible or unreliable by the City. Offerors may be required to submit satisfactory evidence that they have the necessary financial resources to perform and complete the work outlined in this RFP.

X. Confidentiality

All responses, inquiries, and correspondence relating to this RFP and all reports, charts, displays, schedules, exhibits, and other documentation produced by the offeror that are submitted to the City, as part of the proposal or otherwise, shall become the property of the City when received by the City and may be considered public information under applicable law.

1450 & 1460 Park Avenue RFP - Proposal Outlines

City Interest - RFP Element	Park Ave Lodge	Greenpark Cohousing	KRN LLC
City Interest #1: Community Housing Needs			
Number of affordable units (Priced \$195k or less)	18 (rental)	6	5
Number of attainable units (priced between \$196k and \$270k)	0	1	2
Number of market rate units	0	3	4
City Interest #2: Historic Preservation			
Exterior Restoration	Not Specific	Repairs to historic fabric; contemporary elements removed and restored to period design	Preserve salvagable siding, remove non-historic materials, and replace with period appropriate material/design.
Adaptive Reuse	Rental Houses	Cohousing Common Space	Sold at market rate
Intended Method	Comprehensive Renovation: Original material, techniques, design used where possible	Preservation, rehabilitation and restoration treatments	Renovation, not rebuild. Preserve building material where possible.
City Interest #3: Price			
What is the price ?	\$760,000	\$400,000	\$100,000-\$800,000
When will the City be reimbursed?	Over 25 Yrs	Lump Sum*	\$100,000 Lump Sum, Up to \$700,000 more in profit share
Net Present Value	\$529,000 (PV)	N/A	N/A
Other Considerations			
Parking Spaces	17 surface	10 surface	14 underground; 3 surface
Changes to Professional Services Agreement?	No	No	No

* GrenPark intends to solicit financing through the LPA RDA for construction costs or obtain co-signing assistance