PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 15, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, April 15, 1999.

AGENDA

Closed Session - City Council Chambers - Lower Level

1:00 p.m. Personnel
4:15 p.m. Property acquisition

Work Session - City Council Chambers - Lower Level

5:00 p.m. Council questions/comments
5:15 p.m. Recreation and youth grants
5:30 p.m. Meeting questions/comments
- Housing resolutions
- Contracts
- Other meeting questions/comments

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 1, 1999

V PUBLIC HEARINGS

1. Ordinance approving the plat amendment to combine Lot 7 and Lot 8, Block 5, Park City Survey, located at 527 Park Avenue, Park City, Utah

2. Ordinance approving the 313 Daly Avenue Subdivision, a plat amendment to the Park City Survey metes and bounds Parcels A and B, of Block 74, located at 313 Daly Avenue, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving the plat amendment to combine Lot 7 and Lot 8, Block 5, Park City Survey, located at 527 Park Avenue, Park City, Utah

2. Ordinance approving the 313 Daly Avenue Subdivision, a plat amendment to the Park City Survey metes and bounds Parcels A and B, of Block 74, located at 313 Daly Avenue, Park City, Utah

3. Resolution of the City Council authorizing Park City, Utah to participate as a member of the Utah Communications Agency Network (UCAN); appointing a representative and alternate to represent Park City in UCAN; and related matters

VII NEW BUSINESS

1. Affordable housing resolutions:

   (a) Resolution amending Resolution No. 7-95, Affordable Housing Guidelines and Standards for Park City, Utah

   (b) Resolution adopting Affordable Housing Guidelines and Standards for Park City, Utah

2. Award of contract to Thiede Construction Company for remodel of Public Works facility in the amount of $104,000

3. Award of contract to Cooper/Roberts Architects for engineering and design services of the Old Town Transit Center and Deer Valley Drive round-about in an amount not to exceed $600,015

VIII ADJOURNMENT

Posted: 4/12/99
see parkcity2002.org

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 15, 1999

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

Toby Ross, City Manager; Tom Bakaly, Finance Manager; Lani Furr, Parks Recreation and Beautification Board member

1. **Council questions and comments.** Because of the extended closed session, the Mayor requested that members of the Council hold comments to a minimum. There was discussion about staff providing information next week on a golf course fee waiver requested by the Education Foundation. Paul Sincock reported that the Olympic Cultural Task Force met again this week to work on a statement of goals and objectives and projects. Summit County has decided on an RFP process for the waste management contract. Roger Harlan reported that the Parks and Recreation Board held a retreat in Midway. Chuck Klingenstein noted that the transportation group working on City and County issues met this week. The County has secured $27,500 in UDOT and Mountainlands Association funding for a transportation study. He congratulated Ms. Kerr on her appointment to the Quality Growth Commission. Mr. Klingenstein asked for an update on SR248 some time in the future.

In response to a request from Hugh Daniels, Mr. Klingenstein agreed to serve as an alternate on the Historic District Business Alliance.

2. **Recreation and youth grants.** Tom Bakaly pointed out that the Youth Advisory Council's recommendations have been provided to Council together with the grants subcommittee's comments. The subcommittee commented on the carry-over of about $20,000 and the Finance Manager explained that YAC has developed a contingency fund to be used throughout the year. About $13,000 was unallocated and $7,000 represents a surplus from the skateboard park. The Counseling Center's grant will be administered by the School District who is also participating in the program. Lani Furr explained that the Recreation Board supported a contingency fund as programs and projects often come up during year. It is recommended that the contingency be $2,000 with grants for no more than $500 at a time. Hugh Daniels believed that this is a policy change which should be reflected in the budget document. Shauna Kerr thanked the Board for its work. Chuck Klingenstein acknowledged the merit of having a separate group examine grant requests and Ms. Furr introduced the grant subcommittee members.

3. **Review of regular meeting.** See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 15, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 15, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Jodi Hoffman, City Attorney; Alison Kuhlow, Planner; Patt Putt, Planning and Zoning Administrator; Meg Ryan, Planner; and Bob Stephens, Administrative Services Director.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 1, 1999

Ms. Kerr corrected the spelling of Vic Ayres' name. With that correction, the Mayor requested a motion to approve. Chuck Klingenstein, "I so move". Paul Sincock seconded. Motion unanimously carried.

V PUBLIC HEARINGS

1. Ordinance approving the plat amendment to combine Lot 7 and Lot 8, Block 5, Park City Survey, located at 527 Park Avenue, Park City, Utah - Alison Kuhlow recommended that Council hold a public hearing and consider staff's recommendations based on the findings of fact, conclusions of law, and conditions as outlined in the staff report (attached). Ms. Kerr asked if the planting of trees should be more specific. Pat Putt explained that the condition is flexible to provide an opportunity to arrive at the best solution. With no further comments or questions from the Council or the public, the public hearing was closed.

2. Ordinance approving the 313 Daly Avenue Subdivision, a plat amendment to the Park City Survey metes and bounds Parcels A and B, of Block 74, located at 313 Daly Avenue, Park City, Utah - Alison Kuhlow recommended that Council hold a public hearing and consider staff's

recommendations based on the findings of fact, conclusions of law, and conditions as outlined in the staff report (attached). With no further comments or questions from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Chuck Klingenstein, "I move approval of the Consent Agenda, Items 1 through 3". Paul Sincock seconded. Motion carried unanimously.

1. Ordinance approving the plat amendment to combine Lot 7 and Lot 8, Block 5, Park City Survey, located at 527 Park Avenue, Park City, Utah - See staff report and public hearing.

2. Ordinance approving the 313 Daly Avenue Subdivision, a plat amendment to the Park City Survey metes and bounds Parcels A and B, of Block 74, located at 313 Daly Avenue, Park City, Utah - See staff report and public hearing.

3. Resolution of the City Council authorizing Park City, Utah to participate as a member of the Utah Communications Agency Network (UCAN); appointing a representative and alternate to represent Park City in UCAN; and related matters - See staff report.

VII NEW BUSINESS

1. Affordable housing resolutions:

(a) Resolution amending Resolution No. 7-95, Affordable Housing Guidelines and Standards for Park City, Utah

(b) Resolution adopting Affordable Housing Guidelines and Standards for Park City, Utah

Meg Ryan explained that Council discussed this issue on March 18. The resolution basically initiates a housing plan, sets a cap at 100% of the median income and offers incentives to produce units. Mitigation of residential and commercial projects as a part of annexations should be discussed. As a part of master plan developments, exemptions need to be determined by the size of a project. She explained that staff is recommending an exemption for 50 units or less or 5,000 square feet or less. The outcome of these three alternatives is to produce units and also mitigate the demand created by the project.

Ms. Ryan continued that at the last meeting, Council discussed the objective of requiring the developer to house a certain percentage of employees generated from commercial, retail and hotel operations. The percentage and how the unit type and mix for employees needs to be determined so that the developer has an expectation of the requirements but also allows the City flexibility. She urged direction on these two areas. Other areas previously discussed where there was a consensus include requiring housing plans and requiring employee housing for master planned developments. The survey of 42 other resorts indicates a wide range of percentages. Aspen is at 100% mitigation; Summit County, Colorado at 40%; Jackson, Teton County at 100%; Whistler 90% to 100%; Telluride at 40%; and Mammoth Mountain at 60%. Vail, Beaver Creek, and Winter Park are developing standards as is the County. Ms. Ryan explained that this is a City Council policy decision and employees generated can be quantified. Paul Sincock pointed out that some resorts are remote and don't have the bed base in surrounding areas like Park City and believed that 20% is reasonable. He felt there should be a determination on using the number of employees to be housed, or the number of units required to be built, which are different approaches. Shauna Kerr stated that she is more comfortable with 30% as it is important to get as many employees as possible in close proximity to Park City. Roger Harlan discussed a situation in Aspen and the unintended consequences of set policies; he hoped those dimensions can be identified in solving housing issues. Ms. Ryan responded that because of Aspen's 100% mitigation, there were unintended consequences and it is her understanding that it is revisiting the requirement. It is recommended that Council revisit standards every two years to reevaluate circumstances. Chuck Klingenstein stated that he supports 20%; he considered a higher percentage but feels it important to be consistent with adjacent counties. Ms. Ryan explained that Wasatch County is requiring subdivisions to include affordable housing and is in the process of adopting housing elements; Summit County will be formulating a policy with The Canyons projects. Mr. Klingenstein felt the direction of the counties is important and also including the School District in the process with regard to pupil generation. Hugh Daniels noted that he would like to move toward the 30% figure but was uncertain if that can be implemented at this point, not knowing what is happening locally, however Council needs to revisit this issue. It could be a graduating figure in the resolution or tagged for a future discussion. The Mayor understood the consensus to be 20% with the proviso that the item is open to changing situations.

Meg Ryan explained that the next step is determining the unit type and mix. As mentioned, the developer should have an expectation while there should be flexibility as some projects are long-term. One feature of the resolution is to set review criteria and have the housing plan approved by the Housing Authority. The housing plan could meet a cross proportion of the employees generated, but as Mr. Sincock pointed out this alternative may not be clear enough for the developer to analyze costs. Another approach is setting a minimum square footage per person or a household size. Ms. Ryan emphasized that any approach can be refined further if there are problems. With regard to flexibility, the goal of this process is to mitigate the demand of a project. For the benefit of Paul Sincock, it was explained that a bedroom is intended for two people. Toby Ross interjected that a simple strategy is to assign numbers to unit equivalents which may have some advantages over square footage. Paul Sincock stressed the importance of providing the right mix of housing for employees. He agrees that there needs to be flexibility but there should be clear guidelines. Roger Harlan discussed the different needs of families and single occupants.

Hank Rothwell, United Park City Mines, expressed his interest on this issue and specifically an attempt to motivate different levels of housing based on the percentage of median. He admitted that he has doesn't have a magic number. Determining the number of persons to a bed room is important. Meg Ryan pointed out that when the employee generation study is done, there is a breakdown between seasonal and part-time employees to formulate a housing plan and using a household standard might be the way to go. Hugh Daniels felt that unit equivalents make sense as the goal is to have a mixture.

Chuck Klingenstein felt there needs to be some more work done to narrow down options so that the criteria for review is more predictable. Paul Sincock reiterated his comments about clarifying the City's expectations for the developer. Meg Ryan noted that this proposal was distributed to people in the community. The Mayor invited public comment.

Phyllis Robinson, Mountainlands Community Housing, felt that each draft ordinance is getting more on target to meet the changing needs in the local market place and appreciated the extension of 100% median income. It is difficult to determine which jobs will be taken by a single or married person, but one of the interesting trends in the Mountainlands office this year is more retired folks taking on seasonal jobs. At Park City Mountain Resort there was an assumption that a seasonal employee should be in a shared housing arrangement with two employees per room and 1.25 persons per bedroom for permanent employees. She supported the 30% mitigation percentage and noted that the resorts offering housing will be able to attract workers. The graduating requirement is interesting, as it would encourage the development of more affordable housing up front as opposed to providing more two to five years down the road. Ms. Robinson complimented Ms. Ryan on her efforts.

With regard to dealing with a myriad of different incomes, Ms. Ryan explained that the ordnance sets a cap at 100% of median. The Housing Authority would review a plan and if the plan provided for a lower end, i.e., 30% of the median, that perhaps the requirement are dropped because a higher subsidy is required. The intent is to provide a cross-section and range with the idea that a mix is what is desired rather than a project that is at 100% of one income level. Bob Stephens, Administrative Services Director, pointed out that the City operates five units at Silver Meadows. Single employees desire "mini-suites"; i.e., bedroom with private bathroom, as opposed to the three bedroom, shared bath concept designed more for families.

Hugh Daniels suggested some clarifying language with regard to the 5,000 square foot exemption. Paul Sincock stated that the in-lieu fee should directly relate to funding a viable project. Meg Ryan explained that all three options would be included so that Council has the greatest amount of flexibility in making a decision. There was discussion about the in-lieu fee. Toby Ross suggested that the Council consider the distinction of residential and commercial projects. It is generally easier for a residential property to incorporate and provide housing. Commercial projects may mandate another development project somewhere. It was explained to Roger Harlan that the new post office would be exempt from providing employee housing unless there is a contractual commitment.

Ms. Ryan understood Council direction to be that the mitigation standard is 20%; Mr. Klingenstein interjected unless there is other evidence that Council should go higher. Ms. Kerr suggested that the resolution include language of the intention of the Council to move toward working at a realistic number of employee generation. Mr. Sincock referred to Ms. Robinson's interpretation of a graduated requirement which was of interest for him to pursue. Ms. Ryan suggested including a two bedroom standard for shared seasonal housing and using the 1.25 for permanent housing. She suggested bringing this back to City Council and Chuck Klingenstein requested that the School District be contacted.

Paul Sincock, "I move to continue the affordable housing resolutions". Shauna Kerr seconded. Motion unanimously carried.

2. Award of contract to Thiede Construction Company for remodel of Public Works facility in the amount of $104,000 - Bob Stephens explained that last year, staff requested funding to finish the second floor of the Public Works Building and there is funding for remodeling the Marsac Building for additional space. An RFP was conducted in January and there was one bidder, Thiede Construction Company at $93,340. He explained the proposal of moving the Police Department to the Public Works Building but since it is not a seismic rated building for "essential services", the Chief Building Inspector did not support the concept. It has now been decided to move the Technical Services Division of the Finance Department to the Public Works Building, and with that move, the remodel of the Marsac Building will commence. Mr. Stephens explained the change order and the desire for offices as opposed to systems furniture; two additional offices represent $7,400. The original bid and change order total $104,740.

In response to a question from Chuck Klingenstein, Mr. Stephens stated that there will be a completion date and a penalty clause in the contract. The contractor is ready to work on this as soon as next week and it is anticipated that the project will take six to eight weeks. Hugh Daniels pointed out that the architectural services amount to $3,700 which technically is not part of Thiede's contract. He continued that this is budgeted at $150,000, leaving $45,000 for furniture and window coverings and strongly urged staff to come well under that amount for furniture and windows. Hearing no further comments, the Mayor requested a motion to approve. Roger Harlan, "I so move". Shauna Kerr seconded. Hugh Daniels emphasized that the motion is to approve $101,040 for Thiede Construction as the $3,700 for architectural services is not part of the contract. Motion carried unanimously.

3. Award of contract to Cooper/Roberts Architects for engineering and design services of the Old Town Transit Center and Deer Valley Drive round-about in an amount not to exceed $600,015 - Hugh Daniels noted that the federal government will not allow the City to look at the

contract based on price. The City Manager explained that this does not mean that the contractor can charge anything. Tom Bakaly introduced Council to John Chemliar who has been contracted for project management services and prepared the cost estimate which was used in negotiating price. The web site was used and worked very well for answering questions relating to the RFP. HDC and Planning Commission members were involved to facilitate better communication with the boards about this project. Seven proposals were received; interviews with three firms were conducted; and Cooper Roberts was unanimously selected for design and engineering services. Tom Bakaly clarified that the voting members of the team consisted of Mac MacQuoid, Michael O'Hara, Rick Lewis, and him. With regard to the scope of services, there is $35,000 for a schematic design for a parking structure. This project has been deferred to the future, but it is important to design the transit center so that it can interface with a parking structure if that is built. There is environmental work involved at the site which is a big component of the project. The first meeting of the Old Town Center Design Task Force will be May 5 and it is anticipated to have construction documents by mid-August and a contract by October 1.

Hugh Daniels commented that the architect should have the most recent version of the General Plan and the proposed changes to the Historic District Guidelines. He indicated that he reviewed the documentation and most of it is reasonable except for some items under reimbursable expenses. He urged staff to watch these expenses very closely. Roger Harlan asked what Cooper Roberts would do if a subcontractor is not performing adequately. Wally Cooper noted that they have done this already as the scope of services were reduced for one subcontractor and Sear Brown was brought in as part of the team. He discussed his confidence in the selection of the subcontractors. Tom Bakaly added that Cooper Roberts' fee is at risk if there are problems as there is a delivery incentive fee attached to the contract.

With no further comments or questions, the Mayor requested a motion to approve. Shauna Kerr, "I so move". Paul Sincock seconded. Motion unanimously carried.

VIII ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Mark Harrington, Deputy City Attorney; and Jodi Hoffman, City Attorney for the discussion on property acquisition. Jodi Hoffman was present for a portion of the personnel discussion. Roger Harlan,"I move to close the meeting to discuss property acquisition and personnel". Paul Sincock seconded. Motion carried unanimously.

The meeting opened at approximately 5:30 p.m.

STATE OF UTAH)
ss.
COUNTY OF SUMMIT)

CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH

As presiding officer of the City Council of Park City, Utah, I hereby certify that the closed session meeting held by the City Council on April 15, 1999, was held pursuant to Section 52-4-5(1)(a)(I) to discuss the character, professional competence, or physical or mental health of an individual.

DATED this ____ day of May, 1999.

____
Mayor Bradley A. Olch

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

____
Janet M. Scott, Notary Public

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

Prepared by Janet M. Scott

SUMMIT COUNTY UTAH PARK CITY CORPORATE Seal MARCH 1, 1884

Janet M. Scott
Janet M. Scott, City Recorder

COUNCIL AGENDA REPORT

DATE: April 15, 1999
DEPARTMENT: Leisure Services
AUTHOR: Youth Advisory Council
TITLE: Youth Program Money Allocation
TYPE OF ITEM: Grant Disbursement

SUMMARY RECOMMENDATION: Recommend being allocated for various youth programs as recommended by the Park City Youth Advisory Council, Parks, Recreation and Beautification Advisory Board and City Council Grants Subcommittee.

DESCRIPTION:

A. Topic: Grant Disbursement

B. Background: The Youth Advisory Council (YAC), subcommittee of the Parks, Recreation, and Beautification Board, was called to action for the second time in November 1998 to distribute and review applications for fiscal year 1999 City grant funding of youth programs. **A total of $49,000 is available in the City's FY '99 budget for youth grant funding.** Of that amount, roughly $15,400 was carried forward from the prior year as unspent balance. Approximately $7,000 of the prior year balance is earmarked as skateboard park concept development funds. Applications were made available throughout the City in November 1998, with a deadline for submission of January 29, 1999.

The YAC convened a total of four times, including two meetings to review the grant applications based on City Council's grant policy and criteria, particularly in regard to the Council's intention that grants be used for "*specific services rendered, special projects, or organizational 'seed' money*," and not for ongoing funding of programs.

Fifteen applications were received during this application period. After carefully considering each application, the YAC's recommendations for FY '99 youth grant funding are outlined in the following attachments:

Attachment 1.	Summary of applicants' requests for funding, age groups served, dates of activity, and YAC recommendations for funding.
Attachment 2.	More detailed description of each applicant's request and the YAC's rationale behind funding recommendations.

At the PRBB March 17, 1999 meeting, Lani Furr reviewed the process this committee went through in ranking the applications. She briefly reviewed each request with the Board. General discussion followed. The Board recommended that the YAC requests are forwarded to City Council with a positive recommendation from the PRBB.

On April 1, 1999, the City Council grants subcommittee consisting of Roger Harlan and Hugh Daniels and staff representative Tom Bakaly met to discuss YAC's recommendations. The grants' subcommittee voiced general support of YAC's recommendations. The subcommittee did raise an issue concerning unspent grant balances and whether the skateboard park grant would actually be spent in the future. It appears as though YAC has envisioned using this balance as a youth grant contingency fund. As this concept is not currently contemplated in the grants' policy, Council may want to provide direction on this issue.

The subcommittee concurred with the YAC that the City department's should not be eligible for grants. In light of the closure of the Counseling Center, the subcommittee also questioned the grant to the Counseling Center for $4,800. It is staff's understanding that the Eccles Center is honoring that request and it is still a valid recommendation from YAC.
STAFF: Leisure Services staff has also examined those requests regarding staff and budget impacts. This information was forwarded to the YAC.

RECOMMENDATION: Grant money request per list provided. A summary from YAC as follows:

..achment 1 -- Summary of Funding Request Appl.. tions for FY '99 Youth Grants

APPLICANT	TOTAL # SERVED	AGE GROUP SERVED	DATES OF ACTIVITY/ PROGRAM	$ AMOUNT REQUESTED	PREVIOUS CITY FUNDING RECEIVED? IF SO, YEAR/S? AMOUNT/S?	YAC RECOMMENDATION FOR FUNDING FOR FY '98
Park City Senior High National Honor Society	60	15-18	Sept-June 1999-2000	$1,000	No	Tabled pending clarification of certain issues
PCHS "Kaleidescope" magazine	75	15-18	Oct. 1998-June 1999	$2,000	No	$1,000
PCHS Senior Graduation Party	300	15-18	June 1999	$2,000	Yes '97 - $1,000 '98 - $2,000	$2,000
PC Community Church Senior High Youth Group	200-300	12-18	TBA	$1,000	No	Tabled until new date is set for event
Black Diamond Gymnastics Special Olympics Team	20	?	Summer 1999	$1,300	No	Tabled until questions in regard to population served are answered
"Smooth Operators" or "IZGs"	?	All ages	Year round	?	No	Deny funding based on vague nature of application
Park City Library & Summer Recreation Day Camp	100	5-12	Summer 1999	$1,000	No	No
Junior Mountain Bike Race Development Program	20	13-18	Year round	$3,000	No	$1,500
Young Riders	50	8-13	Summer 1999	$2,000	No	$1,000
Park City Racquet Club After School Theme Camp	30-65	6-12	Year round	$5,500	No	No
National Ability Center	60	12-18	Summer 1999	$3,500	Yes '97 - $3,000 '98 - $3,000	$3,500
Counseling Center	12	9-12	March - July 1999	$4,800	No	$500 contingency fund; $4,300

Norwegian School of Nature Life	6,100	5-18	Winter	$9,000	Yes '97 - $8,000 '98 - $4,000	$3,171.45
Park City Performing Arts Foundation	35-40	12-18	Summer 1999	$5,000	No	$3,500
Mayor's Youth Council	100s	Elementary-High School age	Year round	$3,120	No	$1,000
TOTAL						$20,471.45

Attachment 2 -- Description of Applicants and Recommendations for FY '99 Youth Grant Funding

1. Park City High School National Honor Society

Applicant Request: $1,000 for operational expenses; community service projects; transportation; pins and graduation sashes.

YAC Recommendation: Table recommendation pending questions regarding budget and use of funds.

2. Park City High School "Kaleidescope" magazine

Applicant Request: $2,000 for production and printing costs needed to improve the quality of the magazine.

YAC Recommendation: Fund $1,000 for costs as requested in support of their efforts to raise the quality of their magazine, and encourage alternative fund raising efforts for future years.

3. PCHS Community of Caring/Senior Graduation Party

Applicant Request: $2,000 for costs involved in providing an alcohol-free party for graduating Park City High School seniors.

YAC Recommendation: Fund $2,000 for costs as requested and encourage alternative fund raising efforts for future years.

4. Park City Community Church Senior High Youth Group

Applicant Request: $1,000 for costs involved in producing a benefit concert to help fund the youth group's work camp trip.

YAC Recommendation: Table recommendation pending confirmation of firm plans for a concert date.

5. Black Diamond Gymnastics Special Olympics Team

Applicant Request: $1,300 for start-up costs of forming a summer gymnastics training program designed for children with special needs interested in learning gymnastics and training to compete in the Special Olympics in gymnastics.

YAC Recommendation: Table recommendation pending further information about the specific population to be served.

6. "Smooth Operators" or "IZGs"

Application Request: No specific amount requested. Application described interest in forming after school creative and artistic projects and programs.

YAC Recommendation: Deny funding based on lack of specific funding amount requested and clear program description. Encourage applicant to develop ideas and reapply.

7. Park City Library & Summer Recreation Day Camp

Applicant Request: $1,000 to expand program with guest performers, education programs, and field trips.

YAC Recommendation: Tabled pending decision about funding City programs.

8. Junior Mountain Bike Race Development Team

Applicant Request: $3,000 for promotional costs to expand program to greater numbers of Park City youth.

YAC Recommendation: Fund $1,500 to be used as requested. Decision based on the fact that it is not start-up funding, but it is a relatively new program that is worthwhile supporting efforts to expand and addresses an age group for which few programs are available.

9. Young Riders

Applicant Request: $2,000 for promotional costs to expand program to greater numbers of Park City youth.

YAC Recommendation: Fund $1,000 to be used as requested. Decision based on the fact that it is a program worth expanding to a broader number of youth in the Park City area.

10. Park City Racquet Club After School Theme Camp

Applicant Request: $5,500 for purchase of equipment, computer, printer and software.

YAC Recommendation: Tabled pending decision regarding funding City programs.

11. National Ability Center

Applicant Request: $3,500 for startup equipment and transportation for a new summer program for at-risk disabled children which will include team building, problem solving and recreational opportunities..

YAC Recommendation: Fund $3,500 as requested as start-up funding for the new summer program.

12. Eccles Center Counseling Center

Applicant Request: $4,800 for establishing a pilot counseling program for children. The design will be a therapeutic group format with the primary focus being experiential activities in different art modalities led by local volunteer artists for four week segments. A strong research component will be included in the project.

YAC Recommendation: Fund $4,800 as requested ($500 through the contingency to allow the program to start, and $4,300 through the normal grant funding process).

13. Norwegian School of Nature Life

Applicant Request: $9,000 for the purchase of outdoor equipment in order to provide more services at lower costs..

YAC Recommendation: Fund $3,171.45 as start-up funding to purchase equipment for a new winter program. We felt that funding the entire amount requested would constitute ongoing funding.

14. Park City Performing Arts Foundation

Applicant Request: $5,000 for costs involved in establishing a program for youth interested in technical training in stage design and building, show management, sound board operation, and other backstage skills in theater. The funds would be used for handbooks/training manuals and tools and technical supplies.

YAC Recommendation: Fund $3,500 based on the fact that the program reaches 35-40 children through a two-week program.

15. Mayor's Youth Council

Applicant Request: $3,120 to be used for stationery, equipment, food and beverages, a fund raising brochure, and teen manual – costs described in relation to planning a black tie fund raising event for the group.

YAC Recommendation: Fund $1,000 based on start-up nature of group, purpose of committees to serve teen crisis situations, and generated by teen-age applicants.

The total amount of youth grant funds available in FY '99 is:	**$49,000.00**
The total amount of grant funding currently recommended by the YAC:	**$20,471.45**
Skateboard Park Concept Design Development Funds	**-$7,000.00 (+ or -)**
This leaves a balance of:	**$21,528.55**

PARK CITY 1884

CITY COUNCIL REPORT

DATE: April 15, 1999
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow AK
TITLE: 527 Park Avenue - Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends the City Council conduct a public hearing and consider the Planning Commission's recommendation to approve the Plat Amendment combining Lot 7 and Lot 8, Block 5, of the Park City Survey into one (1) lot to accommodate an existing historic structure.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Applicant:	Deffebach Limited Partnership
Owners:	Harry and Bonnie Deffebach
Location:	527 Park Avenue
Proposal:	Plat amendment
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential

B. Background.

On March 24, 1999, the Planning Commission forwarded a positive recommendation to the City Council to approve the Plat Amendment to create one (1) lot to accommodate an existing historic structure.

The owners of Lots 7 and 8, Block 5 of the Park City Survey, Deffebach Limited Partnership, submitted an application to combine two lots into one (1) 3750 square foot lot to accommodate the existing historic single family structure. The proposed project is located on the west side of Park Avenue with the Interline Condominiums on the southwest and vacant lots to the north. Lots 7 and 8 are each a standard 25' x 75' old town lots. The existing structure at 527 Park Avenue sits on Lot 7 and encroaches onto Lot 6. Lot 8 is currently undeveloped.

The existing historic structure is approximately 800 square feet and encroaches into Lot 6, to the south. The Applicant proposes to lift the structure and relocate it on the newly created lot to comply with the setbacks for the zone. Any additions proposed for the existing historic structure will need to conform with the Historic District Design Guidelines and Land Management Code Requirements prior to the issuance of any building permits. No application for design review has been filed at this time.

The Planning Department presented a Plat Amendment application to the Planning Commission and City Council in June, 1998. At that time the applicant proposed combining three (3) vacant lots into two parcels. The approved plat was never recorded. Since that time the applicant has revised the proposal to the application presented.

C. <u>Analysis</u>

This request is to combine two (2) lots to create one (1) 3750 square foot parcel to accommodate the existing historic structure. Staff has evaluated the overall project against the Land Management Code (February 25, 1998) and (December 2, 1998) regulations for the HR-1 District. Staff determined the proposed lot combination complies as presented with all requisite City codes. Any additions to the existing structures will be limited by the setback, building footprint and height requirements of the Land Management Code for the HR-1 District.

		Lot A
Lot Size		3750 square feet
Setbacks		
	• **Front**	10' minimum
	• **Rear**	10' minimum
	• **Side**	5' minimum, 14' total
Height		27'
Building Pad		1980 square feet
Maximum Building Footprint		1519 square feet

The two (2) lots are originally platted lots, which allows them the ability of accommodating a single family home on each lot. The applicants wish to combine the two (2) lots to accommodate the existing historic single family residence. Staff has added a condition to the Plat Amendment which would restrict any additional density. The Plat Amendment, as conditioned, would reduce the potential density of the area from two single family homes, to one. An addition to the existing historic structure may be possible provided it meets the Land Management Code requirements and design guidelines; however, as conditioned by Staff, no additional dwelling units or accessory apartments will be permitted. The proposed lot sizes are compatible with the current ownership pattern along Park Avenue. Structures in the neighborhood are typically single family historic and new homes.

The applicant is proposing to relocate the structure to conform to the setbacks as defined within the Land Management Code. The maximum building footprint shall also apply to the sum of the existing building footprint and all new additions. No application has been submitted for design review at this time. If any portion of the proposed addition is located on a slope greater than thirty percent (30%), it would require Planning Commission approval of a Conditional Use Permit.

The Plat Amendment shows a five foot (5') easement along the north edge of the new lot. The easement is noted as a sewer easement. Staff has added a condition requiring additional text including the easement also as a snow shed easement.

The Land Management Code states that the property owner must protect significant vegetation during any development activity. Significant vegetation exists on the site. The Planning Commission discussed the viability of preserving the existing Box Elder tree. The Commission moved to allow the applicant to remove the tree due to problems with insects and their residue. A condition was added stating the may be removed and replaced with a size and number of trees as approved by Staff with the minimum size being 3" caliper. Staff has added a condition requiring the lilac be replanted on the lot, if removed during construction.

D <u>Notice</u>
Notice of this hearing was sent to property owners within 300' on March 8, 1999. No formal comments have been filed at the time of this report.

E. <u>Department Review.</u>
The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to recording. The request was discussed at a Staff Review Meeting on February 23, 1999, where representatives from the local utilities and City Staff were in attendance and found it to be in conformance with all current requisite City development codes provided all conditions of approval are met.

<u>ALTERNATIVES</u>
A. Approval of the proposed plat amendment combining Lots 7 and 8, Block 5, of the Park City Survey and thereby allowing for the parcels to accommodate an existing single family home.

B. Deny the subdivision plat amendment and retain the original Record of Survey which may allow for the individual development of each lot.

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

<u>SIGNIFICANT IMPACTS</u>:
The proposed amendment will result in one (1) lot which meets the minimum lot requirement for the HR-1 District. The plat amendment will reduce the potential density of the units on the lots. Given the required setbacks, the historic district height restrictions, and the predominant ownership pattern and house size in the area, the lot combination will result in a structure that is compatible in mass and scale with the immediate neighborhood.

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:</u>
If the plat amendment is not approved as proposed, the two (2) lots could be developed separately which would increase the residential density on Park Avenue.

<u>RECOMMENDATION</u>:
Staff recommends that the Planning Commission conduct a public hearing, consider public input and forward a positive recommendation to the City Council to approve the Plat Amendment for 527 Park Avenue based on the following Findings of Fact, Conclusions of Law and Conditions of approval;

<u>Findings of Fact:</u>
1. The property is located in the HR-1 District.

2. The site currently contains a historic structure.

3. The proposed Plat Amendment will combine two (2) lots to accommodate one single family residence.

4. Modifying an historic residence to add an additional dwelling unit adversely impacts the architectural integrity of the structure in a manner inconsistent with the purposes of the HR-1 District.

5. The proposed plat amendment, as conditioned, reduces the potential density on Park Avenue by creating two lots for a single family homes instead of allowing the development of a single family home on each lot.

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

7. The lot contains a box elder tree and lilac bush.

8. The existing structure encroaches on Lot 6.

Conclusions of Law:

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

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

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

Conditions of Approval:

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

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

3. All additions to the historic structure shall comply with the setback, height and maximum footprint requirements set forth in the Land Management Code.

4. The tree may be removed and replaced with a size and number of trees as approved by Staff with the minimum size being 3" caliper. The lilac, if removed, shall be replanted elsewhere on the lot.

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

6. Design of any proposed additions shall comply with the Historic District Design Guidelines.

7. The existing structure will be moved entirely onto the new lot.

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

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

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

EXHIBITS:

Exhibit A - Location Map
Exhibit B - Proposed Plat
Exhibit C - Standard Project Conditions

Ordinance No. 99-

AN ORDINANCE APPROVING THE PLAT AMENDMENT TO COMBINE LOT 7 AND LOT 8, BLOCK 5, PARK CITY SURVEY, LOCATED AT 527 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owners of Lot 7 and Lot 8, Block 5 of the Park City Survey have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 24, 1999, to receive input on the proposed plat;

WHEREAS, the Planning Commission, on March 24, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 15, 1999, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

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

1. The property is located in the HR-1 District.
2. The site currently contains a historic structure.
3. The proposed Plat Amendment will combine two (2) lots to accommodate one single family residence.
4. Modifying an historic residence to add an additional dwelling unit adversely impacts the architectural integrity of the structure in a manner inconsistent with the purposes of the HR-1 District.
5. The proposed plat amendment, as conditioned, reduces the potential density on Park Avenue by creating two lots for a single family homes instead of allowing the development of a single family home on each lot.
6. Dedication of a ten (10) foot non-exclusive snow storage easement along Park Avenue is necessary to provide adequate snow removal services.

7. The lot contains a box elder tree and lilac bush.

8. The existing structure encroached on Lot 6.

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

SECTION 3. PLAT APPROVAL. The plat amendment to combine Lot 7 and Lot 8, Block 5 of the Park City Survey known as 527 Park Avenue Plat Amendment, is approved as shown on Exhibit B, with the following conditions:

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

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

3. All additions to the historic structure shall comply with the setback, height and maximum footprint requirements set forth in the Land Management Code.

4. The tree may be removed and replaced with a size and number of trees as approved by Staff with the minimum size being 3" caliper. The lilac, if removed, shall be replanted elsewhere on the lot.

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

6. Design of any proposed additions shall comply with the Historic District Design Guidelines.

7. The existing structure will be moved entirely onto the new lot.

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

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

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

<u>SECTION 4. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 15th day of August, 1999.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, Deputy City Attorney

527 Park Avenue

PARK CITY 1884

Exhibit A
Vicinity Map

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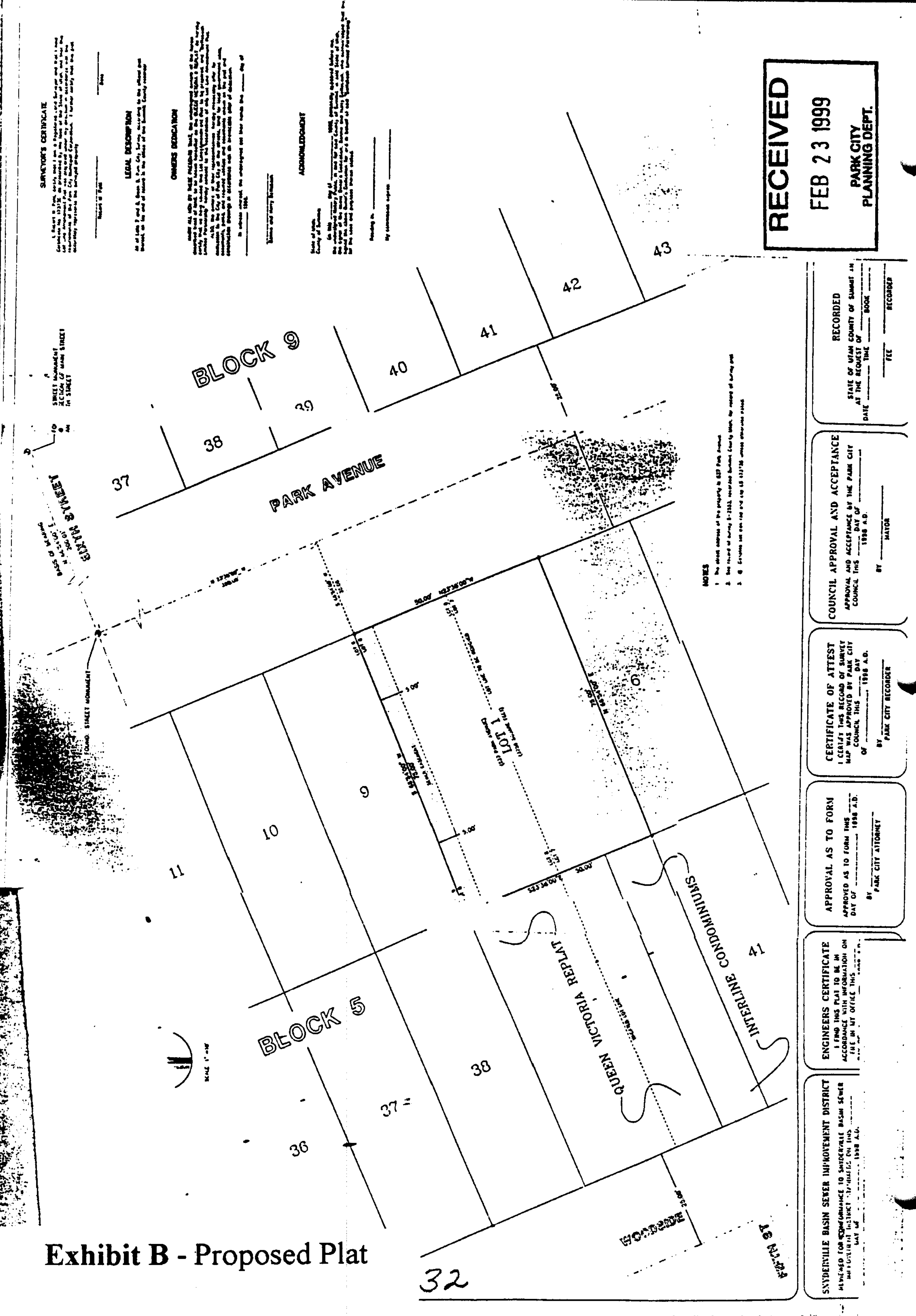

Exhibit B - Proposed Plat

32

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

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

Exhibit C - Standard Project Conditions

PARK CITY 1884

CITY COUNCIL REPORT

DATE: April 15, 1999
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow AK
TITLE: 313 Daly Avenue Subdivision
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a Public Hearing, consider public input and Staff's recommendation to extend the approval for the subdivision to combine two (2) metes and bounds parcels in Block 74 Park City Survey into two (2) platted lots.

DESCRIPTION:

A. Topic.

PROJECT STATISTICS

Project Name: 313 Daly Avenue Subdivision
Owner: Robert McMahon
Location: 313 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Project Planner: Alison Kuhlow

B. Background.

On June 18, 1998, the City Council approved, with conditions, the subdivision to combine two (2) metes and bound parcels in Block 74, of the Park City Survey. The approval expires on June 18, 1999. The applicant has submitted a request to extend the expiration date for another year. The applicant was unable to record the document within the first year due to the Historic District Commission's review.

RECOMMENDATION:

Staff recommends that the City Council conducts a public hearing, consider Staff's recommendation to adopt the attached ordinance for 313 Daly Avenue extending the plat approval based on the following Findings of Fact, Conclusions of Law and Conditions of approval:

Findings of Fact:

1. The property is located in the HR-1 zoning district.

2. The plat amendment combines two parcels into two lots.

3. Historic structures are a valuable asset which contribute to the distinct character of the Park City community. It is desirable for new construction and additions to historic homes to be compatible with the mass, scale, and architecture of the Park City Historic District. It is desirable for additions to be placed to the rear of historic structures in such a manner as to maintain the perceived scale and character of the original structure.

4. The rear parcel is steep and heavily wooded with significant trees.

5. Future additions to 313 Daly Avenue require review and approval by the Historic District Commission.

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

7. Construction activity on this property will have impacts on Daly Avenue and adjacent properties. A Construction Mitigation Plan (CMP) is necessary to mitigate any adverse impacts on neighboring properties and streets.

8. The actual buildable area on Lot 2, due to exclusion of the rear 65' as a "no-build" area, is approximately 4810 square feet. This meets the minimum requirement for a duplex.

9. Restricting the floor area on Lot 2 will ensure compatibility with the adjacent structures in the neighborhood.

10. Increased front yard setbacks comply with the Historic District Design Guideline policy of staggered front yard setbacks along streetscapes.

11. The applicant stipulates to all the conditions of approval.

Conclusions of Law

1. There is good cause for this plat amendment in that two contiguous parcels under common ownership are combined into two lots with conditions restricting the rear 65 feet to remain as open space.

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

3. The proposal as conditioned is consistent with all applicable sections of the Land Management Code.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.

2. To preserve and protect existing vegetation on the steep slope, the rear 65' of both Lot 1 and Lot 2 shall remain as open space only. No structures shall be constructed on the 65' "no-build" area as shown and indicated on the plat.

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3. Any future additions to the existing historic structure on Lot 1 shall be consistent with the Park City Historic District Design Guidelines in effect at the time of application.

4. The final plat shall be recorded at the County by June 18, 2000. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

5. A Construction Mitigation Plan, submitted to and approved by the Community Development Department, will be required prior to any construction on the newly created lot.

6. The ten foot (10') non-exclusive utility and snow storage easement along the Daly Avenue frontage shall be dedicated to Park City and shown on the amended plat.

7. The maximum floor area for future development on Lot 2 is restricted to 2800 square feet (plus 400 square feet per unit for garage allowance).

8. Lot 2 shall have a minimum front yard setback of twelve feet (12').

<u>EXHIBITS:</u>
Attachment A - Ordinance
Exhibit A - Location Map
Exhibit B - Proposed Plat
Exhibit C - Standard Project Conditions
Exhibit D - June 18, 1998 City Council Staff Report

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Ordinance No. 98-

AN ORDINANCE APPROVING THE 313 DALY AVENUE SUBDIVISION, A PLAT AMENDMENT TO THE PARK CITY SURVEY METES AND BOUNDS PARCELS A AND B, OF BLOCK 74, LOCATED AT 313 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property known as Park City Survey Parcel A and B of Block 74, have petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 27, 1998, to receive input on the proposed condominium plat;

WHEREAS, the Planning Commission, on May 27, 1998, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 18, 1998, the City Council held a public hearing to receive input on the proposed plat amendment; and

WHEREAS, on April 15, 1999, the City Council held a public hearing to receive input on the proposed plat amendment; and

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

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

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

1. The property is located in the HR-1 zoning district.

2. The plat amendment combines two parcels into two lots.

3. Historic structures are a valuable asset which contribute to the distinct character of the Park City community. It is desirable for new construction and additions to historic homes to be compatible with the mass, scale, and architecture of the Park City Historic District. It is desirable for additions to be placed to the rear of historic structures in such a manner as to maintain the perceived scale and character of the original structure.

4. The rear parcel is steep and heavily wooded with significant trees.

5. Future additions to 313 Daly Avenue require review and approval by the Historic District Commission.

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

7. Construction activity on this property will have impacts on Daly Avenue and adjacent properties. A Construction Mitigation Plan (CMP) is necessary to mitigate any adverse impacts on neighboring properties and streets.

8. The actual buildable area on Lot 2, due to exclusion of the rear 65' as a "no-build" area, is approximately 4810 square feet. This meets the minimum requirement for a duplex.

9. Restricting the floor area on Lot 2 will ensure compatibility with the adjacent structures in the neighborhood.

10. Increased front yard setbacks comply with the Historic District Design Guideline policy of staggered front yard setbacks along streetscapes.

11. The applicant stipulates to all the conditions of approval.

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

SECTION 3. PLAT APPROVAL. The amendment to the Park City Survey Parcel A and B of Block 74, to be known as the 313 Daly Avenue Subdivision, is approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.

2. To preserve and protect existing vegetation on the steep slope, the rear 65' of both Lot 1 and Lot 2 shall remain as open space only. No structures shall be constructed on the 65' "no-build" area as shown and indicated on the plat.

3. Any future additions to the existing historic structure on Lot 1 shall be consistent with the Park City Historic District Design Guidelines in effect at the time of application.

4. The final plat shall be recorded at the County by June 18, 2000. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

5. A Construction Mitigation Plan, submitted to and approved by the Community Development Department, will be required prior to any construction on the newly created lot.

6. The ten foot (10') non-exclusive utility and snow storage easement along the Daly Avenue frontage shall be dedicated to Park City and shown on the amended plat.

7. The maximum floor area for future development on Lot 2 is restricted to 2800 square feet (plus 400 square feet per unit for garage allowance).

8. Lot 2 shall have a minimum front yard setback of twelve feet (12').

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

PASSED AND ADOPTED this 15th day of April, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney

313 Daly Avenue

PARK CITY
1884

Exhibit A
Location Map

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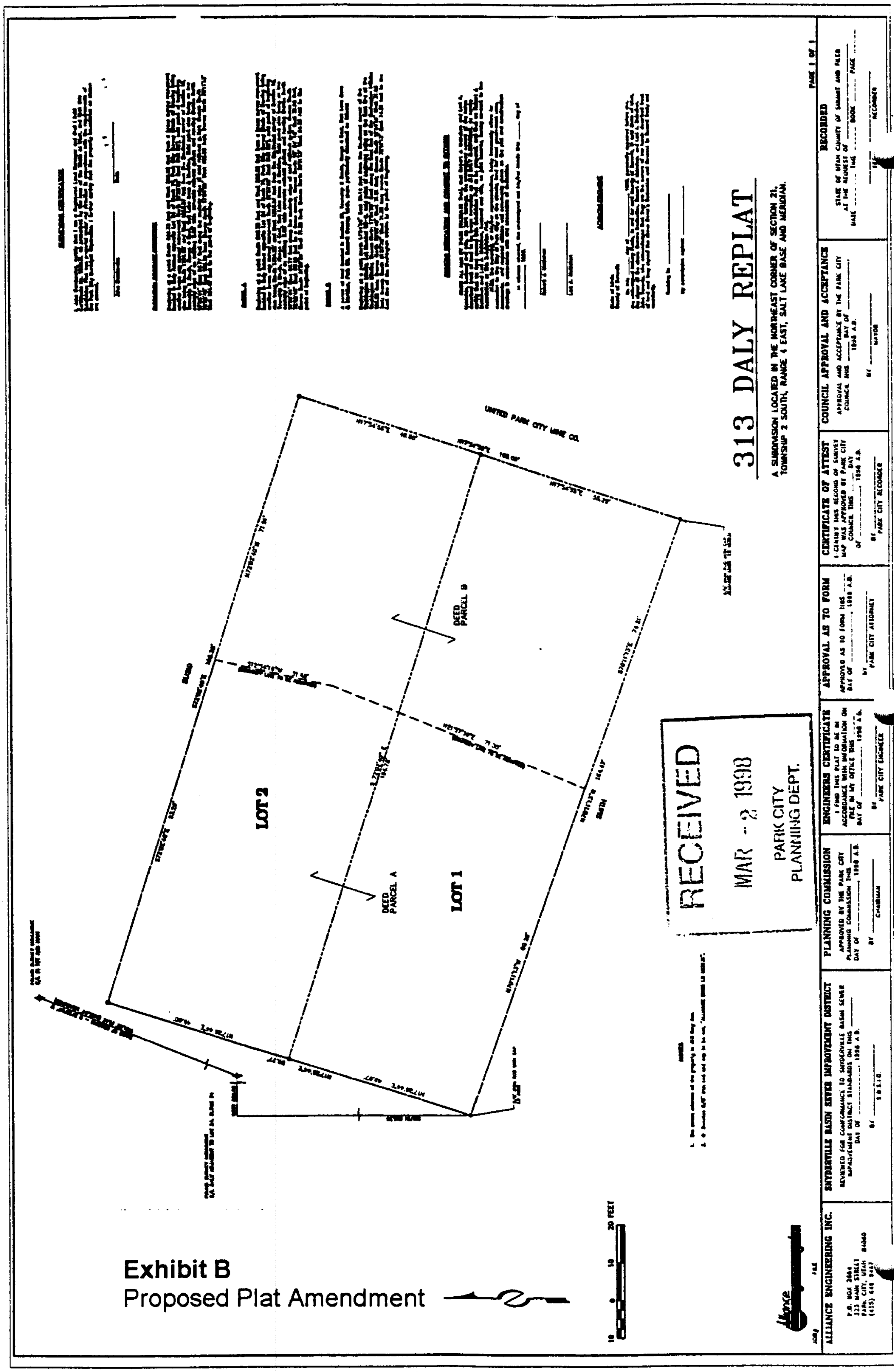

Exhibit B
Proposed Plat Amendment

PARK CITY MUNICIPAL CORPORATIO[N]
STANDARD PROJECT CONDITIONS

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

Exhibit C
Standard Conditions of Approval

PARK CITY

1884

CITY COUNCIL REPORT

DATE: June 18, 1998
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow AK
TITLE: 313 Daly Avenue Subdivision
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends the City Council conduct a public hearing and consider Staff's recommendation to approve the subdivision to combine two (2) metes and bound parcels in Block 74 Park City Survey into two (2) platted lots.

DESCRIPTION:

A. **Topic.**

PROJECT STATISTICS
Project Name: 313 Daly Avenue Subdivision
Owner: Robert McMahon
Location: 313 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Project Planner: Alison Kuhlow

B. **Background.**

The owner of the metes and bounds parcels A and B, Robert McMahon, submitted an application to combine the two parcels into two platted lots, Lot 1 and Lot 2, please refer to Attachment B. A 900 square foot historic structure currently sits in the center of Parcel A. The applicant, as part of the subdivision and historic district design review process has proposed to raise and move the historic structure to the newly created Lot 1. Lot 2 will be vacant allowing for the construction of either a single family or duplex structure.

The 900 square foot structure at 313 Daly Avenue is an historic home and has incurred several additions since its original construction in the 1900's. An addition of approximately 1700 square feet is proposed on the east side of the structure and is currently being reviewed by the Historic District Commission. Currently, the structure sits front and center on Parcel A. Parcel A is approximately 9500 square feet in area.
The applicants also own a metes and bound parcel of land, Parcel B, approximately 7426 square feet in

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area, adjacent to and east of Lot A. The parcel, which is heavily vegetated and very steep, was deeded to the applicant by Royal Street Land Company in 1996 and was never formally subdivided. The general development along Daly Avenue also includes a variety of structures from single family historic homes to new duplexes. The adjacent property to the north contains an historic single family home and the property to the south consists of 2700 square foot home.

The Planning Commission forwarded a positive recommendation to the City Council at their May 27, 1998 Meeting.

C. Analysis

The Plat Amendment request is to combine two (2) metes and bound parcels to create two (2) platted lots. Lot 1 would be approximately 8636 square feet and Lot 2 8241 square feet in area. As currently configured Parcel B could not be separately developed since there is no access to the parcel from a public right-of-way and it was not legally subdivided. The size of the structures located on the parcel will be limited by the setback, and height requirements of the Land Management Code for the HR-1 District. Currently the applicant could add additional structures to Parcel A as long as setbacks and the floor area ratio for the lot as specified for the zone are maintained.

The applicant is proposing to construct a 1700 square foot addition to the historic structure, which will be moved to sit entirely on Lot 1. Because the existing structure is an historic house the Floor Area Ratio of the HR-1 District does not apply. All other requirements of the Land Management Code shall apply. Any addition to the structure requires approval by the Historic District Commission and shall meet the applicable criteria of the Historic District Design Guidelines, including compatibility with the existing structures in the surrounding area.

Lot 2 has the potential to accommodate a duplex, due to the lot's width and area. All future construction to occur on Lot 2 shall comply with the Land Management Code regulations and shall be reviewed within the context of the Historic District Design Guidelines. As part of the Conditions of Approval, Staff is requiring the maximum square footage of future development on Lot 2 be limited to 2800 square feet (plus the 400 square foot garage allowance). Under the current floor area ratio, Lot 2 could have a maximum floor area ratio of 3604 square feet plus the allowance for a garage. The restriction on the maximum square footage will ensure compatibility between any proposed development and the existing structures in the neighborhood which range in size from 1000 square feet to 3592 square feet.

Staff has recommended a decrease in the maximum floor area ratio for Lot 1 to ensure compatibility between the exiting historic and modern structures along Daly Avenue.

A "no-build" area is dedicated on the proposed plat stating that the rear 65 feet, on both Lot 1 and Lot 2, shall be used as open space only. No structures shall be permitted within the open space area. Staff has visited the site and believes that the 65' no build setback area allows a reasonable addition to be constructed on the historic home and adequate area to accommodate a single family or duplex structure on Lot 2, without impacting the steep wooded hillside.

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	Lot 1		Lot 2			
Lot Size	8636 square feet		8241 square feet			
Setbacks	Addition		Single Family		Duplex	
• **Front**	10 feet	total 30 feet	12 feet	total 30 feet	12 feet	total 30 feet
• **Rear**	10 feet		10 feet		10 feet	
• **Side**	3 feet/total 10 feet		5 3 feet/total 10 feet		5 feet/total 10 feet	
Height	27'		27'			
F.A.R.	N/A		2800 square feet/+400 square feet per unit for garage			

D. Notice

Notice of the Planning Commission public hearing was sent to property owners within 300' on May 11, 1998. No formal comments have been filed at the time of this report.

E. Department Review.

The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on March 31, 1998, where representatives from the local utilities and City Staff were in attendance and found it to be in conformance with all current requisite City development codes of which we are currently aware.

ALTERNATIVES

A. Approval of the proposed subdivision plat amendment combining Parcel A and Parcel B, Block 74 Park City Survey and thereby allowing for two lots to accommodate the existing historic home and a future structure.

B. Deny the subdivision and retain the original Record of Survey which allows for an addition to the existing structure, and an increase in the total amount of units as long as setback, height and floor area all comply with the HR-1 guidelines. The applicant does meet the minimum lot requirements for a duplex lot and would be able to construct the additional unit as long as it complied with the Historic District Design Guidelines.

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

SIGNIFICANT IMPACTS:

The proposed amendment will result in two (2) lots which meet the minimum lot requirement for the HR-1 District. The subdivision will increase the potential density of the developed units on the lots. The subdivision allows for the preservation of open space on both proposed lots, and restricts the square footage for the future dwelling on Lot 2. Given the required setbacks, the historic district height restrictions, and the predominant ownership pattern and house size in the area, the lot combination results in proposed structures which are compatible in mass and scale with the immediate neighborhood.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the subdivision is not approved as proposed, no portion of Parcel B would be preserved as open space.

RECOMMENDATION:

Staff recommends that the City Council conducts a public hearing, consider Staff's recommendation to adopt the attached ordinance for 313 Daly Avenue based on the following Findings of Fact, Conclusions of Law and Conditions of approval:

Findings of Fact:

1. The property is located in the HR-1 zoning district.

2. The plat amendment combines two parcels into two lots.

3. Historic structures are a valuable asset which contribute to the distinct character of the Park City community. It is desirable for new construction and additions to historic homes to be compatible with the mass, scale, and architecture of the Park City Historic District. It is desirable for additions to be placed to the rear of historic structures in such a manner as to maintain the perceived scale and character of the original structure.

4. The rear parcel is steep and heavily wooded with significant trees.

5. Future additions to 313 Daly Avenue require review and approval by the Historic District Commission.

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

7. Construction activity on this property will have impacts on Daly Avenue and adjacent properties. A Construction Mitigation Plan (CMP) is necessary to mitigate any adverse impacts on neighboring properties and streets.

8. The actual buildable area on Lot 2, due to exclusion of the rear 65' as a "no-build" area, is approximately 4810 square feet. This meets the minimum requirement for a duplex.

9. Restricting the floor area on Lot 2 will ensure compatibility with the adjacent structures in the neighborhood.

10. Increased front yard setbacks comply with the Historic District Design Guideline policy of staggered front yard setbacks along streetscapes.

11. The applicant stipulates to all the conditions of approval.

Conclusions of Law

1. There is good cause for this plat amendment in that two contiguous parcels under common ownership are combined into two lots with conditions restricting the rear 65 feet to remain as open space.

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

3. The proposal as conditioned is consistent with all applicable sections of the Land Management Code.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval is a condition precedent to plat recordation.

2. To preserve and protect existing vegetation on the steep slope, the rear 65' of both Lot 1 and Lot 2 shall remain as open space only. No structures shall be constructed on the 65' "no-build" area as shown and indicated on the plat.

3. Any future additions to the existing historic structure on Lot 1 shall be consistent with the Park City Historic District Design Guidelines in effect at the time of application and shall be reviewed and approved by the Historic District Commission prior to issuance of any building permits.

4. The final plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

5. A Construction Mitigation Plan, submitted to and approved by the Community Development Department, will be required prior to any construction on the newly created lot.

6. The ten foot (10') non-exclusive utility and snow storage easement along the Daly Avenue frontage shall be dedicated to Park City and shown on the amended plat.

7. The maximum floor area for future development on Lot 2 is restricted to 2800 square feet (plus 400 square feet per unit for garage allowance).

8. Lot 2 shall have a minimum front yard setback of twelve feet (12').

EXHIBITS:

Attachment A - Ordinance
Exhibit A - Location Map
Exhibit B - Proposed Plat
Exhibit C - Standard Project Conditions

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PARK CITY
1884

DATE: April 8, 1999
DEPARTMENT: Public Safety
AUTHOR: Lloyd D. Evans, Sr.
TITLE: Chief of Police
TYPE OF ITEM: Council Action -Resolution for membership in UCAN

SUMMARY RECOMMENDATIONS:

Staff recommends that the Council approve membership in the Utah Communications Agency Network (UCAN) by resolution.

DESCRIPTION:

A. Topic:

Membership in UCAN

B. Background:

The Federal Communications Commission is in process of "REFARMING" radio frequency bandwidths which will effect communications operations of public safety and public works radio systems. "REFARMING refers to narrowing of frequency bandwidth to accommodate more radio channels per bandwidth. This effectively reduces the ability and capabilities of public service agencies to communicate interference free.

In 1993 the Governor established a task force to examine and study the future of communications in Utah on a state wide basis. This task force developed a guiding principal that lead to the creation of UCAN, that is; *(One radio system, state wide, to accommodate the needs of all public safety/service radio users.)* In 1997 the Utah Legislature created UCAN, gave it bonding capabilities and a tax exempt status. UCAN is a quasi-governmental agency with a Board of Directors comprised of user/members, with established by-laws and which holds regular board meetings to develop business plans and operational procedures of this communications network. This group studied the options and determined that the best avenue to pursue for the future communications needs of public service agencies was to move to a 800MHZ Trunked Mobile Radio Network. The Federal Government has set aside a large block of 800MHZ frequencies, some 240, for public safety/service users in Utah. An RFP was developed and distributed to communications companies to create an engineering plan for the system, and provide equipment and technology. Motorola was the company that was selected to perform on the RFP and is in process currently.

UCAN has obtained some federal funding for the implementation of the network 'backbone'. It has received 3 million dollars through a recent appropriation and is anticipating an additional 5 million dollars each year for the next three years.

C. Analysis:

The counties and police agencies surrounding Park City; Summit County, Wasatch County and the Utah Highway Patrol, are members of UCAN and will convert to the 800 MHZ system late in 1999 or early 2000. This has prompted us to look at the 800 MHZ system more closely, so that we do not become isolated from these agencies that we have inter-dependant relationships with.

To assess the financial and operational needs and changes that will be generated by a switch to a 800 MHZ system it would be in our best interest to become a member of UCAN and draw from the consultants and engineers they have hired. In assessing our equipment needs and if and how existing infrastructure can be utilizated, both for our use and UCAN's use, and to determine if there are off-setting funds available to meet our equipment needs, becoming a partner with UCAN makes more sense than hiring our own consultants and engineers to make those assessments and incur additional costs.

For Park City to join UCAN the governing body must adopt a 'Resolution of Membership' at a regularly scheduled and noticed meeting. There is no cost to be a member, however, upon joining UCAN we will need to appoint a staff member to sit as a member of the UCAN Board of Trustees. That staff member will then attend board meetings and coordinate the City's efforts with UCAN. I anticipate appointing our Communications Supervisor, Brent Ball to that seat. Brent is currently attending the regularly scheduled UCAN Board of Trustee meetings and is very familiar with this issue.

D. Department Review:

Communications and Technical Services have reviewed this report.

ALTERNATIVES:

A. Approve the Request:

Approving this action will move us in a positive direction toward obtaining critical information on costs and functionality of the future communications link with surrounding agencies.

B. Deny the Request:

Should this request for membership be denied, it is almost certain it will need to be addressed again in the very near future.

C. Continue the Item:

This item could be continued for further study, however, we are now at a point where we need to obtain critical information from UCAN to determine the future impacts, both financial and operational, on Park City. Joining UCAN will expedite obtaining the needed information.

D. Do Nothing:

Should the Council choose to do nothing, this will only delay the inevitable. We will at some point, down the road, need the cooperation and participation of UCAN to determine what the effects of this communications system change will be on our future communications operations and needs.

SIGNIFICANT IMPACTS:

There are no significant impacts to joining UCAN however there is a positive impact on our ability to make better decisions on the future of our communications system by creating this partnership.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

It is difficult to know the exact consequences of inaction on this issue. However, one thing is certain at this point, all surrounding public safety agencies are moving in this direction. Non-participation on our part may result in radio communications isolation.

RECOMMENDATION:

It is the recommendation of staff that the City Council approve membership in UCAN in the suggested resolution form.

Resolution No. - 99

RESOLUTION OF THE CITY COUNCIL AUTHORIZING PARK CITY, UTAH TO PARTICIPATE AS A MEMBER OF THE UTAH COMMUNICATIONS AGENCY NETWORK; APPOINTING A REPRESENTATIVE AND ALTERNATE TO REPRESENT PARK CITY; AND RELATED MATTERS

WHEREAS, the Utah State Legislature has pursuant to Title 63C, Chapter 7, Utah Code Annotated 1953, as amended (the "Act"), authorized the establishment and creation of a state agency to be known as the Utah Communications Agency Network ("UCAN") to provide public safety communications services and facilities on a regional or statewide basis for the benefit and use of public agencies and stated and federal agencies; and

WHEREAS, Park City Municipal Corporation ("Park City") is a public agency as defined in the Act and thereby is entitled to become participating member of UCAN; and

WHEREAS, Park City desires to become a member of UCAN by adopting this Resolution and appointing a representative and participant member to the Utah Communications Agency Network Board ("the Board").

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

SECTION 1. Park City hereby agrees to become a member of UCAN and to evidence the same, hereby approves this Resolution. The appropriate officers of Park City are hereby authorized and directed to deliver to the UCAN office an original executed copy of this Resolution which shall constitute evidence of Park City's agreement to become a member of UCAN.

SECTION 2. Park City hereby appoints Brent Ball as its representative and participating member of the Board of UCAN, and Rick Ryan as an alternate representative to act on behalf of Park City in the representative's absence.

SECTION 3. All orders, ordinances and resolutions with respect to this transaction heretofore adopted, or parts thereof, which are in conflict with any of the provisions hereof are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repeated.

SECTION 4. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the City Council.

SECTION 5. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 15th day of April, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, Deputy City Attorney

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE:	April 15, 1999
DEPARTMENT:	Community Development Department
AUTHOR:	Megan B. Ryan MBR
TITLE:	Proposed amendments to housing standards 7-95 and creation of new resolution for future affordable housing projects
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS: Review, discuss, and conduct a public hearing on the proposed changes to the Employee Housing Standards.

DESCRIPTION

A. Item

Proposed amendment to Resolution 7-95 concerning affordable housing guidelines and standards for Park City and adoption of a resolution for standards for new projects.

B. Background

On March 18th the Council held a work session and an initial public hearing on the proposed Resolutions. Minutes of this meeting are attached as Exhibit A. Previously the Council had discussed this item in December of 1998 and directed staff to return with suggested revisions to the Housing Standards outlined in Resolution 7-95.

Resolution 7-95 outlines standards and guidelines for the creation of employee housing within Park City. Over 100 units have been built since the adoption of this resolution. Resolution 8-95 outlines short- term and long-term goals. Both resolutions were adopted by the Council after recommendations were received from the Housing Advisory Task Force in 1994.

Staff is proposing to amend the current resolution (7-95) to reflect maximum rental rates for projects that are already approved that rely on this standard. A new resolution is proposed for addressing standards all future projects. Resolution 8-95 will remain in place.

The overall objective of the city's efforts to provide housing is based in the Mission statement that was adopted in 1995.

> "Park City is actively committed to fostering a diverse social and economic community in keeping with its unique heritage and equitable ideals. Toward this end and within its financial means Park City will encourage, facilitate and promote a wide range of inclusive housing choices for those who have demonstrated their commitment to the community by living and/or working in it. It is understood that the means to achieve this goal must be equitably shared across jurisdictions and embraced by a wide variety of interested stakeholders. "

The Council re-affirmed this Mission Statement at their December 10, 1998 meeting.

C. Analysis

The following changes and approaches are proposed :

1) Clarify standards. Provide clearer information on target market, housing type and offer more creative and specific alternatives to be used in negotiations.

2) Set a definition of Affordability, set a maximum cap on the price of units and revisit the maximum rental guidelines.

3) Require housing plans and an employee generation study for annexations. Provide greater detail on options available to developer and what information will be required by the City. Provides for expanded in-lieu fee alternatives. Discuss ways in which mitigation numbers are set for annexations and for development projects.

4) Require housing plans and an employee generation study for Master Planned Developments.

The proposed changes to Resolution 7-95 are directed to strengthen the Council's commitment to continue our role in working toward equitable solutions in the housing arena.

The proposed amendments offer a process for the review of the housing plans that are negotiated by the City. The intent of Section II is to delineate definitions and the overall process.

Sections III is to provide clearer information on target markets, housing types and to offer more creative alternatives to be used in negotiations. Section IV, dealing with annexations, provides greater detail on options available to developer and what information will be required by the City. An employee generation study would also be required under this process. Review and approval of employee housing components would also be detailed. Staff is recommending that Mountainlands and the Housing Authority act as the final review bodies.

Section V deals with Master Planned Developments and requires housing mitigation standards. None of the proposals outlined above exist in the current resolution.

The foremost changes proposed by staff are:
A) the delineation of a maximum rental and purchase price based on income; and

B) requiring a housing plan for annexations and expanding in-lieu fees alternatives

C) inclusion of an employee mitigation in Master Planned Developments.

1. Recommendation to set a maximum level for Purchase Price and Rentals for both annexations and for city assisted projects.

The proposed amendments would provide a definition for Affordability. The national standard used defines affordable housing as "housing that costs (rent or mortgage plus taxes and utility allowance) 30% or less of gross annual household income." Staff recommends using this definition.

Most jurisdictions then set housing programs to target groups that make at or less than a certain percentage of the median income. For instance federal programs are usually directed towards groups that make less than 80% of the median income (for their region). Our local median income is very high. In 1997 the Summit County (SC) median was $58,000. In 1998 it was $62,400 and in 1999 it is $64,800.

Correspondingly our annual market studies show that 59% of our population makes less than 80% of the SC median income ('97 data) and pay more than 30% of their income towards housing.

Approximately 1,000 residents make at or below 50% of the SC median income. We can also estimate annual earnings based on occupation types and what prices they can afford

1999 Maximum Rent/Purchase Price *(Summit County)*

Income Category	Income	Max. Affordable Shelter Cost (30% of income, less utility allowance)	
		Rent	Own
Less Than 30%	Less than $19,000	Less than $330	Less than $61,000
50%	$19,000 to $32,000	$330 to $650	$61,000 to $104,000
80%	$32,000 to $51,500	$650 to $1,130	$104,000 to $169,000
100%	$51,500 to $64,200	$1,130 to $1,455	$169,000 to $212,000
120%	$64,200 to $77,000	$1,455 to $1,775	$212,000 to $256,000

to rent or purchase housing.

Notes:
1999 median income is $64,200. AMI increased 7% and 4% in 1998 and 1999.
Max rent includes $150 utility allowance.
Max Own assumes 7.5%, 30-year mortgage with 10% down, and includes provision for real state taxes, mortgage and homeowner's insurance.

Annexations and City Assisted Projects:

Alternatives:
A. Leave the Resolution in place.
B. Contract to Mountainlands the negotiation of agreements with guidelines.
C. Remove the employee housing obligation and financial assitance.
D. Staff Recommendation.
Based on research and the data collected over the past years, the staff suggests that a **maximum level** be set for both purchase prices and rental rates on both city assisted projects and on annexations.

Based on input from the meeting of March 18th for annexations we recommend setting a maximum cap for employee units for annexations (rent and purchase) at levels that are at 100% of the median income. This means that developers would not be able to build affordable units that would not be affordable to those that make 100% of the median and below. This level was chosen to allow for the greatest flexibility in reaching a diverse cross section of households.

The 100% median criterion was chosen in order to:
1) provide for the most flexibility in negotiations;
2) most conventional housing programs do not reach the 80-100% median income groups; and
3) there still are limited market options available to those making 120% of median in the city and the basin. (Rosenthal Housing Study 1997)

As proposed this alternative would not constrain the Housing Authority's ability to approve a variety of purchase prices within that project. As each deal is negotiated, a specific mix of units and rents and/or prices can be delineated based on current market data and need. If a project proposes to target the lower end of the income level (30% of median and below) the Council could, for example, permit fewer units to be provided. We could, for instance, offset the higher subsidy expense by allowing for fewer units to be provided. Review criteria for assistance in project approval have been proposed.

We are also recommending the elimination of the use of specified maximum rental numbers because they constrain rather than assist us in tailoring the project to the specific need. The current numbers relate to one portion of the market and are static in that they don't allow the Council the ability to serve a broader range of constituents. We found that the current rents don't meet the areas where the greatest need exists. That is not to say the current projects do not help us house employees. They do, but only those at or above approximately 70% of the median income. These units will continue to be important inventory in our housing stock but with the way the current resolution is drafted this is the only product we would create.

We have pursued ways to devise ranges of rents and methods with which to relate rents to certain populations. We have concluded that the best method (assuming the goal is to target the assisted project to the variable current need), would be to set a maximum cap and to use the market data at the time of the application to develop the actual unit price and or rent.

This maximum purchase price can be adjusted in the future if adopted. The annual housing studies would provide data in assisting the council and staff on this issue. Currently there is no limitation on purchase price defined in City policies. This proposal will help to balance out our inventory and broaden the range of housing stock already available to moderate and lower income employees.

We will never entirely satisfy the demand for lower priced units and all the employees generated from a project but we can refine our guidelines in order to ensure that our efforts meet the mark.

These new guidelines will not affect existing city owned units as the rent guidelines are already in place. Other projects that rely on the existing maximum rents will continue to do so per Resolution 7-95. If adopted the new system would provide a greater choice to a lower income range.

Administratively the burden for staff would not be any greater than it currently exists and it is the intent of the recommendation to clarify and facilitate processes not burden them.

2. Housing plans for annexation, employee mitigation standards and in-lieu fees

Alternatives:

A. Leave the Resolution in place.
B. Contract to Mountainlands the negotiation of agreements with guidelines.
C. Remove the employee housing obligation.
D. Consider Staff Recommendation

Currently, the resolution calls for the developer to provide ten percent of the **total unit equivalents** in an annexation project to be developed for employee housing. Unit sizes and an in-lieu fee alternative are outlined. The problem with this section is that it does not provide clear direction for the staff or developer on what these employee units should be. Are they for mangers? Are they rental or purchase? Are they for seasonal or permanent workers? What should the rental or purchase prices be?

The staff suggests the following:

Housing plan

For annexations, we are recommending that a maximum cap on rental and purchase prices be made, (100% of median) and that a housing plan be submitted to the City. The plan would include an employee generation analysis and would be reviewed by Mountainlands Community Housing prior to adoption by the Housing Authority. The employee generation model has been created by the City and would not add an additional cost to the developer.

Mitigation Standard

Based on discussion from the last meeting the staff proposes the following:

> Maintain the 10% requirement for residential units and require a mitigation for employees generated from the retail, restaurant, hotel, and office uses.

An employee generation study will be calculated to determine the number and approximate salary range of employees the project will generate. The developer would then be responsible to house a percentage of the total number of employees. Staff recommends that a mitigation level of 20% for employees be set.

The mitigation level is ultimately a policy decision that needs to be determined by the Council. Research indicates that of the Resorts areas that require employee housing the range is from 30% to 100% with the majority falling into the 30-50% range. The staff has demonstrated through the employee generation model that there is a direct correlation between the development of a new project and the impact that project has on the local economy. New jobs are created and housing for those employees is needed. Given the existing current market demand for housing for employees this new demand will further exacerbate the demand.

A hypothetical example of how the staff's recommendation would translate into numbers is as follows:

Project: Big Silver Eagle Deer Canyon Pointe

Project Parameters:

100 residential condominium units

100 hotel units - 65,000 s.f.

2,000 s.f. restaurant

2,000 s.f. retail

Mitigation Requirement:

Residential:

10% of 100 = 10 units for residential

2 bedroom min size to meet 1 unit requirement e.g 20 bedrooms would meet requirement

Retail, Restaurant, Hotel, Office:

20% of total # of employees(162) = 33 employees

Hotel generates 150 employees

Restaurant generates 7 employees

Retail generates 5 employees

A housing plan can than be formulated that sets the unit type, price and configuration that will best meet the specific need generated by the project. The plan would be approved by the Housing Authority with a recommendation from the Mountainlands Housing. We have standard employee generation data and salary data developed which can be easily calculated by the staff. Administratively these calculations are not time consuming and the guidelines suggested in the resolution provide staff and the developer with clearer direction than currently exists today. This proposal would not add any additional administrative burden on staff.

Councilman Sincock has proposed setting specific standards for the types of housing to be provided under the employee component. His proposal would include definitions on the type or resident, e.g. single, married, seasonal, full-time and the type of unit allowed e.g dormitory or apartment, etc... The staff supports the idea of housing a number of employees but favors a more flexible approach that allows the developer and staff to create a plan that sets unit configuration during project approvals. The staff would appreciate input on this issue from the Council.

<u>In Lieu Fee</u>

Currently the resolution allows the developer the option to pay the city a fee instead of producing the housing. The fee is deposited in the Housing Budget and used for housing related activities. The staff suggests broadening the options available to developer if he chooses not to build on site or if it is impractical. The staff suggests including the three alternatives:

1. Allow the developer to satisfy his obligation by entering into an agreement with Mountainlands Community Housing that contributes the amount necessary to finance the subsidy needed by Mountainlands to construct units within the Snyderville Basin school District Boundary.

For example, if Mountainlands buys a unit that cost them $100,000 the unit should only cost $70,000 to meet Affordability standards, then the developer would be responsible for the "gap" or the $30,000. So if the developer has an obligation of ten units and Mountainlands has projects under way they could satisfy their agreement in full (and pay less than the cost to construct) or they could satisfy a part and create some units on site. This strategy allows the immediate satisfaction of the need.

2. Allow the developer to purchase a unit and the city the ability to accept the unit. The City can in turn assign the unit to a housing list member, sell the unit and or assign the unit to a city employee with restrictions.

3. Allow the developer to pay the cost of producing a unit based on the market at the time of the approval. For 1998 the estimated cost to build a three bedroom unit, including land, was $166,875 (1465 Park Avenue). Fees could be reduced if paid within the first two years of the project if the payment leveraged the production of additional units.

3. Employee Mitigation standards for new construction outside of annexations

In 1995, Resolution 8-95, the Council directed the staff to research the possibility of creating a system for an Affordability standard for commercial and ski area developments.

At the March 18th meeting the Council discussed alternatives and directed the staff to develop standards to include an employee housing component under the Master Planned Development process as outlined in Chapter 10 of the Land Management Code, (LMC) with exemptions for certain projects sizes.

MPD Alternative
The General Plan calls for a diversity of housing stock and price. Chapter 10, Section 10.9(a) 1, of the LMC calls for consistency with the General Plan. Inclusion of a housing component would be in keeping with this criterion.

Currently residential projects of fewer than 4 units and commercial projects less than 5,000 square feet are exempt from the MPD process. An employee housing mitigation standard could be applied to MPD's that would, like annexations, require that an employee generation study be conducted and that housing be provided for a minimum of 20% of the employees generated by the project and for 10% of all residential units constructed.

The Planning Commission could make recommendations on the employee housing mitigation plan and final action would be taken by the Housing Authority on each project. Again recommendations from Mountainlands Housing would be solicited on each plan.

Residential projects of fewer than 50 units or less than 5,000 square feet could be exempt from this requirement. The requirement could always be waived if it were deemed too onerous based on specific review criteria. 50 units were selected based on staff assessment of projects. Other alternatives on unit exemptions can be pursued.

Requirements on projects over 50 units or more than 5,000 square feet would encompass ski area expansions and large condominium projects with a demonstrated employee generation.

Phase II revisions of the Land Management Code have begun and Chapter 10 and 11 (Moderate Income Housing Developments) will be reviewed accordingly. Chapter 11 certainly needs to be revisited to be made consistent with Resolution 7-95. At this time it is anticipated that the entire MPD process may be revised but those discussions are a few months out. Staff has been working on the changes before you for the last several years and recommends adoption of the housing component at this time with further discussion and refinement fully anticipated in the Phase II LMC process.

Department Review
Community Development, Capital and Budget, Administrative Services, Executive and Legal have reviewed the proposed changes.

ALTERNATIVES
A. Leave Resolution 7-95 in place.
B. Implement all or selected portion of Staff's recommendations.
C. Direct staff to conduct further research on selected issues.

SIGNIFICANT IMPACTS:

The proposed changes will set a maximum cap for projects that are assisted by Park City Municipal Corporation and for annexations, will delineate a review process for employee housing plans and will require employee mitigation requirements for annexation and Master Planned Developments.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
If the Council chooses not to implement the proposed changes the 1995 guidelines will remain in effect. Developers and staff will continue to negotiate on individual deals. No maximum purchase prices will be set and commercial developments will not mitigate the housing demand created by their projects.

RECOMMENDATION:
Discuss the proposed changes, conduct a public hearing and consider taking action.

EXHIBITS:
Exhibit A - Minutes from 3/18/99 CC mtg.
Exhibit B- Resolution amending 7-95
Exhibit C- Proposed New Resolution

EXHIBIT A

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 18, 1999

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

Toby Ross, City Manager; Myles Rademan, Public Affairs Director; Derek Satchell, Planner; Jodi Hoffman, City Attorney; Ron Ivie, Chief Building Official; Meg Ryan, Planner; Craig Sanchez, Director of Golf; Ken Fisher, Recreation Coordinator; and Hope Bleecker, Transportation Director

Joan Calder, Chamber/Bureau Executive Director

Absent: **Chuck Klingenstein**

1. **Council questions and comments.** Shauna Kerr disclosed that she received calls regarding allowing nightly rentals in the HRL zone. Most were unaware that it was proposed that nightly rentals be maintained in existing structures in the HRL. She stated that she would like to apply for the Quality Growth Commission as a citizen applicant. Hugh Daniels reported that he attended the National League of Cities Conference in Washington, D.C. There is a bill coming forward calling for a point of order on any bill that would preempt local control that has pretty good support and federal administrative regulations that preempt local control. There is a lot of activity on Internet commerce and related sales tax. He referred to an unsigned letter about Deer Valley Resort parking and assumed staff would follow-up. Paul Sincock reported that at the Rocky Mountain Land Institute Conference last week, an interactive land use document was displayed from the city of Henderson, Nevada which is a tremendous tool for users and there was a good presentation on resort communities. There was a cultural arts task force workshop yesterday and SLOC gave a presentation. The task force then brain-stormed cultural and arts ideas for the Olympics. He discussed a tiled geodesic dome project made up of people's faces shown on video by Tom Grim, which could be an Olympic memorial. Mr. Sincock stated that he chided Jay Hamburger of the *Park Record* about some misleading reporting on Flagstaff, and emphasized that when the project was reviewed by the City Council, the developer agreed to reduce the application in Wasatch County from 650 to 250 units and it was not accurate to report that the City approved 750 units.

2. **Olympic international flag pole project.** Myles Rademan explained that the proposal is consideration of a site for a flag pole plaza in the Snow Creek area. The City purchased the car wash parcel in 1997 for about $650,000 and expended about $40,000 in mitigation efforts. With the addition of the adjacent parcel, dedicated by Keith Christiansen, the total site is a little over an acre. The Chamber/Bureau is proposing an international flag pole plaza because of its visibility

appeal period. The City's first option is always to save a structure, but Mr. Ivie felt the City owes it to the community and the neighbor to abate the nuisance. After a year of effort. saving the building hasn't materialized, although there have been several attempts, but it is very costly. He believes that the City needs to move forward and saving the building requires someone with a "sweat equity" interest. Mr. Ivie explained to Mr. Sincock that the process would involve a court order to proceed. This is policy so that the City is protected as to claim and the court has actually ordered the abatement of the nuisance. He emphasized that abatement doesn't necessarily mean demolition; it means to abate the nuisance so it always leaves the option of repair. The costs would become a tax against the property, if the City abates the nuisance. The City Manager explained that this matter will appear on the agenda next week for action.

3. Review of regular meeting:

Housing resolution. Meg Ryan explained that staff was instructed in December to update the housing resolutions. particularly for City assisted projects and annexations. Options include continue with the current policies, consider some of the staff recommendations, or contract services to another party. Staff is recommending that Resolution No. 7-95 be amended to only apply to projects already approved, and a new resolution be adopted for future projects. In December, Council reaffirmed its goal of maintaining a diverse social and economic community. She displayed slides of the Washington Mill project as part of Deer Valley's mitigation. In 1995, for City assisted projects, the City Council targeted essential service workers, permanent employees, and seasonal employees. Under annexations, the intent was to provide units that targeted employees created by the project, but the resolution is somewhat unclear. She explained that 59% of the Park City population earn less than $50,000. Under the resolution, there is a maximum rental rate which is used in City assisted projects and annexations, and Ms. Ryan asked if this should be continued or should there be more flexibility in negotiations to target populations.

She discussed a table outlining levels of affordability based on income. In 1999, the median income for Summit County was $64,000. The chart also illustrates the ranges of categories and what people can afford. In 1997, the Old Town average price for a single family home was $270,000 and $250,000 in Prospector which precludes many purchasers in town. Rents have risen in Heber and Kamas and Salt Lake vacancy rates have increased over the years. She asked if there should be better clarification of the City's expectations in the resolutions and one recommendation is to provide the City flexibility with individual projects. Another suggestion is to define affordability and to look at setting a maximum threshold for rental and purchase price. The state and federal standard for affordability suggests that not more than 30% of income should be spent for housing. Ms. Ryan discussed the merit of encouraging City assisted projects and setting a cap that would only assist projects that target certain areas. One of the suggestions is that the target be at 100% of the median income or $64,000 which provides the City the ultimate flexibility of targeting within that region of folks. There are still limited options for people who make more than 100% of housing. He is in support of adding a requirement for large scale MPDs, particularly for employees. Ms. Kerr pointed out that there may be instances were the calculation is less than one unit and suggested that the calculation be rounded up to one unit. If housing is impractical on a site, the fee in-lieu should be imposed.

Mr. Sincock felt that in addition to providing 10% of units for employee housing, that a percentage of employees should also be addressed. Jodi Hoffman discussed a fair share concept which mitigates instances where employees who can not afford to live in a community are being passed off to other communities, creating impacts. Another approach is addressing a percentage of employee generation either on or off site. Paul Sincock stated that he supports 10% as opposed to the 100% in Aspen which is extreme. Ten percent is a reasonable requirement for the community's obligation. He doesn't like the idea of indicating maximum rents which will change over time. There was discussion about minimum square footage requirements. Mr. Sincock believed the focus should be the number of people accommodated as opposed to the number of units, and this could determine the size of the units. Setting rental rates is difficult, but if set, should be tied to the median income level by some formula. Meg Ryan felt there could be some language drafted on employee generation as opposed to units produced. Salaries can be identified for a target range and affordability can be determined. Ms. Kerr felt there should be a cap so that existing units will remain available and both tools need to be included. Ms. Hoffman added that there are existing agreements that reference back to the resolution. Paul Sincock emphasized that the formula should be based on the number of people and their salaries. Roger Harlan continued that there should be the greatest degree of flexibility on annexations as there may be unanticipated creative solutions in the future.

Hugh Daniels stated that he is unsure if 10% is the right number. Ms. Ryan noted that one of the suggestions is that the minimum be 10% and if the employee generation is much greater, to increase that number. Ms. Hoffman interjected that if there is flexibility, the City may be accused of selective enforcement. Meg Ryan pointed out there is suggested criteria that could be refined; it is not the intention to leave this issue open-ended. Shauna Kerr asked if there is interest in the affordable housing industry in raising it and added that she is inclined to raising it based on employee generation experienced over the years. Paul Sincock stated that demand to live here drives costs, commercial development, and employees. It also causes development in the County generating employees in our City and the City is mitigating it, and he noted that he has to think this through. Ms. Kerr added that she felt that managers units in the GC should be permitted and not a conditional use. Hugh Daniels stated that he would like residential to remain in the HCB and although there are problems with parking, it is not a huge number, and residential is an important component in the community. Ms. Kerr agreed and felt it would be an opportunity to get one or two additional units and also supported a boarding house. Ms. Ryan understood that Council supported considering MPDs; see public hearing in regular meeting minutes.

Golf fees. Craig Sanchez reported that Council approved a ten year plan three years ago and revenue projections were based on a 50/50 mix of resident and non-resident play. This last

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 18, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 18, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincock. Chuck Klingenstein was excused. Staff present were Toby Ross, City Manager; and Meg Ryan, Planner.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business.

Mayor's Youth Council - Jessie Jackson stated that they are selling Easter baskets to raise funds. On May 1, they will also be hosting a costume ball at a $150 per couple and efforts are being made to hold a silent auction. Money is being raised for a teen center and Ms. Jackson discussed a teen assembly program organized by older kids for younger students on a variety of social issues.

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV SPECIAL WORK SESSION NOTES OF FEBRUARY 22, 1999 AND WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 25, 1999

Hearing no corrections or omissions, the Mayor requested a motion to approve. Shauna Kerr abstained from voting on the minutes of February 25, 1999 as she was not in attendance. Roger Harlan, "I so move". Hugh Daniels seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Abstention, February 25, 1999
Chuck Klingenstein	Absent
Paul Sincock	Aye

V PUBLIC HEARINGS

1. Affordable housing resolutions:

communities use 20%. Employee housing could become a perk for both the labor pool and the employer.

Ginger Tollman, ten-year resident, stated that she supports anything that can be done to expand and accommodate more affordable housing in the community. She relayed her experience of when her income was drastically cut, due to a divorce, and subsequently had to reluctantly face moving her family out of Park City. The community shouldn't have to provide housing for them, but she and her kids had become part of the community over the years, but couldn't afford to live here. She noted that they found a unit, but it was subsequently sold and Mountainlands worked very hard to accommodate them. Luckily, they found a place with a long-term lease and Ms. Tollman emphasized that she knows there are others in similar situations. There is a huge need in the community and again urged Council to support affordable housing.

With no further comments, the public hearing was closed.

2. Ordinance approving a plat amendment to combine six full lots and four partial lots in Block 65 of the Park City Survey into separate 7,500 square foot lots of record at 355 Deer Valley Drive, Park City, Utah - Planner Meg Ryan explained that the Planning Commission forwarded a positive recommendation to the Council after several meetings. There are two duplexes on each lot, creating four units. In response to a question from Roger Harlan, Ms. Ryan clarified that in order to minimize additional curb cuts, the number of access points onto Deer Valley Drive will be explored during the site design review process. Hugh Daniels relayed that he followed this project through the Planning Commission process where it was felt that this was the best result in consideration of the zoning, when in fact, the preference was probably two single family residences. This is another area that should be examined in the Land Management Code amendments. With no further comments from the Council or the public, the public hearing as closed.

VI CONSENT AGENDA

The Mayor requested a motion to approve, including the addition of the wording "and replacing" in Item 2. Shauna Kerr, "I move approval with the note on Item No. 2 that we clarify that all of the existing ordinance, not specifically dealing with golf, is replaced in exactly the same language and with that I move approval of the Consent Agenda of Items 1 through 4". Paul Sincock seconded. Motion carried.

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

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

EXHIBIT B

Resolution No. 99-

~~RESOLUTION REPEALING RESOLUTION NO. 8-93 AND ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH~~

RESOLUTION AMENDING RESOLUTION NO. 7-95 - AFFORDABLE HOUSING GUIDELINES AND STANDARDS

WHEREAS, the City Council has identified affordable housing as an action target in its work program for 1995 through 1996; and

WHEREAS, the City Council has identified affordable housing as an action target in its work program since 1995; and

WHEREAS, the City Council adopted Resolution No. 37-91 on December 5, 1991 which establishes policies to support and increase affordable housing in Park City; and

WHEREAS, it is the determination of this Council that it is in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, resort or ski area expansions, and other development actions where affordable housing is an issue; and

WHEREAS, the Council has considered standards in other resort communities, housing studies conducted for Park City, Housing and Urban Development Standards, and input from the Affordable Housing Task Force;

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. **Resolution No. ~~8-93~~** 7-95 is hereby amended and the adopted following housing standards and guidelines shall be as follows:

These standards shall apply to all ~~new and~~ outstanding housing obligations as notified per Resolution No. 6-94. Prior agreements on density or configuration shall take precedence over these standards but all rental rate guidelines and time limitations as described below shall apply:

~~1. Minimum Unit Size Standards:~~

~~Studio~~	~~400 square feet~~
~~1 bedroom~~	~~550 square feet~~
~~2 bedroom~~	~~700 square feet~~
~~3 bedroom~~	~~850 square feet~~
~~4 bedroom~~	~~1,000 square feet~~

2. Maximum Rent Guidelines:

Studio	$425
1 bedroom	525
2 bedroom	675
3 bedroom	825
4 bedroom	975

Modifications to the maximum rent guidelines and minimum unit standards may be made based upon such factors as housing configuration (detached) provisions of public benefits, such as shared common living areas, or additional project amenities.

The maximum rent guidelines will be adjusted annually in consideration of the Consumer Price Index (CPI) and Park City Rental Surveys.

~~3. Maximum City Assistance Standard. $5,000 regardless of unit size or configuration.~~

~~4. Limitation Period. 40 years minimum regardless of unit size. First right of refusal and/or option to purchase shall be granted to the City. The City shall have 90 days to respond or assign the above-described rights.~~

~~This limitation period may be reduced based upon the provision of additional public benefits such as preservation of historic structures as negotiated by the City Council.~~

~~5. Requirements for Annexations. Ten percent (10%) of the total project unit equivalent shall be provided as a minimum affordable housing contribution. A two bedroom unit size shall be the minimum standard that will satisfy this requirement. Land donation, or acquisition of off-site, deed-restricted units that meet the minimum standard unit size, shall also satisfy this requirement. The developer may request satisfaction o this obligation through a housing payment that is equivalent to the market cost of construction of a unit.~~

~~The strategy for meeting the housing obligation must be specified prior to issuance of final plat approval. Phasing and satisfaction of this obligation shall be described in the annexation agreement for each project. The intent of this Resolution is to ensure that the affordable housing requirement is satisfied in direct proportion to the original sale of lots within the project.~~

~~6. Unit Equivalents for Affordable Housing Obligations (Land Management Code, Section 10):~~

~~Studio~~	~~.50~~
~~1 bedroom~~	~~.75~~
~~2 bedroom~~	~~1.00~~
~~3 bedroom~~	~~1.25~~

~~4 bedroom 1.50~~

~~7. Guidelines for Affordable Housing Obligations:~~

~~Studio $ 44,000~~
~~1 bedroom 55,000~~
~~2 bedroom 71,500~~
~~3 bedroom 88,000~~
~~4 bedroom 104,500~~

~~These figures were derived from a recent estimate of the cost of providing a two bedroom unit of affordable housing. These estimates include financing and title costs, land costs, construction costs, and contingency costs. The City Council will reevaluate these figures as market changes occur.~~

~~SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon ratification by the City Council.~~

~~PASSED AND ADOPTED this 16th day of March, 1995.~~

~~RATIFIED this 30th day of March, 1995.~~

~~PARK CITY MUNICIPAL CORPORATION~~

~~Mayor Bradley A. Olch~~

~~Attest:~~

~~Janet M. Scott, Deputy City Recorder~~

~~Approved as to form:~~

~~Mark D. Harrington, Asst. City Attorney~~

SECTION 2. EFFECTIVE DATE.
This Resolution shall take effect upon ratification by the City Council.

PASSED AND ADOPTED this day of, 1999.

RATIFIED this day of , 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch.

Attest:

Jan Scott, City Recorder

Approved as to form:

Jodi Hoffman, City Attorney

EXHIBIT C

Resolution 99-

RESOLUTION ADOPTING AFFORDABLE HOUSING GUIDELINES AND STANDARDS FOR PARK CITY, UTAH

WHEREAS, the City Council has identified affordable housing as an action target in its work program since 1995; and

WHEREAS, the City Council adopted Resolution No. 37-91 on December 5, 1991 which establishes policies to support and increase affordable housing in Park City; and

WHEREAS, in 1994 the City Council convened a Housing Advisory Task Force to review and make recommendations on the City's housing strategies due to the dramatic increase in land costs and a concomitant rise in the cost of all housing in the community; and

WHEREAS, The Housing Advisory Task Force and annual housing studies conducted by the City concluded that the rise of housing costs has outpaced the increase in wages in the service sector areas of the resort based economy and has resulted in making housing unaffordable to working residents of the City; and

WHEREAS, the Task Force and Council targeted the population to be served be these efforts as essential services workers such as police, teachers, fireman, service workers and long time community residents; and

WHEREAS, the out-migration of service and community based workers has resulted in a deterioration of community character and threatens the city's economic success; and

WHEREAS, it is the determination of this Council that it is in the best interest of the community to formulate guidelines and standards so that there are consistent and established criteria for review of project applications, annexation petitions, resort or ski area expansions, and other development actions where affordable housing is needed to mitigate the impact of the project on the community; and

WHEREAS, the Council has considered standards in other resort communities, and those implemented by State and Federal Housing and Community Development Departments and has conducted local rental and residential market studies for Park City, and solicited input from the Affordable Housing Task Force; and

WHEREAS, the cost of providing affordable housing should not be disproportionately borne by any single sector of the community and any solutions should equitably apportion the costs based on impact generation, growth inducement and the underlying goal to provide a cross section of units in our community in order to maintain an healthy economy and diverse population.

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

SECTION 1. ADOPTED HOUSING STANDARDS AND GUIDELINES. The following housing standards and guidelines are hereby adopted:

Section 2 - Definitions/Applicability

A. Application: These standards shall apply to all new housing obligations as notified per Resolution No. 6-94. Prior agreements on density or configuration shall take precedence over these standards but all rental and for-sale guidelines and time limitations as described below shall apply.

B. Purpose: The purpose of this Resolution is to ensure that there is a reasonable supply of affordable housing to meet the needs of the citizens of Park City in order to maintain the social, economic and political fabric of its community character. The purpose is also to ensure that the affordable housing requirement is satisfied in direct proportion to the original sale of lots or square footage within the project.

C. Definition of Affordability: Housing that costs(rent or mortgage plus taxes and utility allowance) 30 percent or less of the gross household income. (Household means one or more persons living together as a single housekeeping unit)

D. Housing Authority: The Housing Authority is comprised of the Park City Municipal City Council members and meets according to Utah State statute.

Section 3. City Assisted Projects

Minimum Unit Size Standards for City Assisted Projects

SRO	200 square feet
Studio	450 square feet
1 bedroom	550 square feet
2 bedroom	700 square feet
3 bedroom	850 square feet
4 bedroom	1,000 square feet

Modifications to the minimum unit standards may be made by the Housing Authority based upon such factors as housing configuration (detached) provisions of public benefits, such as shared common living areas, or additional project amenities

Unit Types for City Assisted Projects

Specific product types shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with site constraints and the market need as outlined in the annual Housing Affordability update published by the City. The following are provided as guidelines on appropriate housing types:

Seasonal Types of Units - Rental:

½ bedrooms Dormitories
Efficiency Apts.

(SRO) Single Room Occupancy
Studios
Acc. Apts.
2/3 bedrooms

Permanent Types of Units - For Sale:
Duplex/Triplex
Twinhomes
Detached units
Condominium units
Mixed bedroom size

Maximum Rent Guidelines:
The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income. Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

The maximum rent guidelines will be adjusted annually using Housing and Urban Development (HUD) Annual Adjustment Factors and the annual Park City Municipal Housing Affordability Update.

For Sale Guidelines:
The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income ($46,400 in 1997). Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

Maximum City Assistance Standard.
$5,000 regardless of unit size or configuration. Land lease or acquisition is also negotiable.

Target Groups
1. Policies and programs should be developed for those who live and work in the Park city area.
2. The Park city area is defined as the park city school district limits which includes

Snyderville Basin.

3. While it is recognized that different solutions will be necessary for different groups and that some individuals may fit several groups, the following target groups should be given priority in any city assisted project.

   A."Essential" public and private service workers: Park City School District, Park City Fire District, Park City Municipal Corporation, Synderville Basin Sewer Improvement District
   B. Teachers, fire and safety officers
   C. Municipal employees
   D. Full time (30 hours of employment per week) Park city business employees
   E. A resident of the City for the prior 24 months
   F. An owner or owner's representative of a business within City limits

Limitation Period.
40 years minimum regardless of unit size. First right of refusal and/or option to purchase shall be granted to the Housing Authority. The Authority shall have 90 days to respond or assign the above-described rights. Longer terms of limitation may be negotiated on individual projects as directed by the Housing Authority. This limitation period may also be reduced based upon the provision of additional public benefits such as preservation of historic structures or other community benefits as negotiated by the Housing Authority.

Review
The Housing Authority shall review and approve the housing plan if it complies with these standards, addresses the need for affordable housing, and is consistent with the General Plan and Land Management Code. The Housing Authority may require a bond or other security approved by the City Attorney guaranteeing compliance with the Plan. Mountainlands Community Housing shall make a formal recommendation to the Council prior to adoption of the plan.
a) Criteria for Review
1. Define the need for units at the time the project is proposed.
2. Define the population served.
3. Define how the plan integrates, not segregates, various product types and income levels.
4. How does Mountainlands Community Housing recommendations relate to the plan?
5. Is the Housing Authority's participation at least of equal value to the financial commitment made by the developer?

Section 4. Annexations.
Housing Plan
The Housing Mitigation Plan shall included at a minimum the following components:
1. Residential units proposed.

2. Square footage analysis of proposed project from which an Employee Generation Study will be executed by staff. An employee generation study shall be utilized to determine the total number of employees generated by the proposed annexation project.
3. Number and methods by which the housing is to be provided
4. Unit Descriptions
5. Proposed unit restrictions that will ensure affordability of units
6. Land Specifications
7. In lieu Fee Calculations

Review of Plan

The Housing Authority shall review and approve the housing mitigation plan if it complies with these standards, addresses the need for affordable housing, and is consistent with the General Plan and Land Management Code. The Housing Authority may require a bond or other security approved by the City Attorney guaranteeing compliance with the Plan. Mountainlands Community Housing shall make a formal recommendation to the Council prior to adoption of the plan.

The strategy for meeting the housing obligation must be specified and executed prior to annexation approval. Phasing and satisfaction of this obligation shall be described in the annexation agreement for each project as a Housing Mitigation Plan. Construction of the restricted units shall be concurrent with the development of market rate units.

a) Criteria for Review

1. Define the need generated by the project in terms of units (rental and for sale) and prices (target levels)?
2. Determine how the plan serves the need generated by the project (unit type/price)?
3. Determine how the housing plan produces units that serve a cross section of the employees generated by the project. Determine the household types that are being served.
4. How does the plan address on site unit location? If none is provided on site is there compelling evidence (density or design) that the project cannot accommodate on-site units?
5. Define how the site plan integrates, not segregates, various product types and income levels?
6. Has Mountainlands Community Housing reviewed the plan? What are the recommendations?

Mitigation Requirements

Ten percent of the total residential units constructed shall be provided for affordable housing. Housing shall also be provided for twenty percent of employees generated by the retail, restaurant, hotel, and office components of the project.

Residential Requirement Unit Standards:

Unit Equivalents for Affordable Housing Obligations (Land Management Code, Chapter 10):

SRO of <200sf	.25 UE
Studio of <450sf	.50 UE
1 bedroom >500 <1000sf	.75 UE
2 bedroom >700 <1,200sf	1.00 UE
3 bedroom >1000sf	1.25 UE
4 bedroom >1000sf	1.50 UE

A two bedroom unit size shall be the minimum standard that will satisfy this requirement for the residential requirement

Retail, Restaurant, Hotel, and Office Employee Requirement Unit Standards
Final product types shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with site constraints and the market need as outlined in the annual Housing Affordability update published by the City. The following are provided as guidelines on appropriate housing types:

Seasonal Types of Units - Rental:
½ bedrooms Dormitories
Efficiency Apts.
(SRO) Single Room Occupancy
Studios
Acc. Apts.
2/3 bedrooms

Permanent Types of Units - For Sale:
Duplex/Triplex
Twinhomes
Detached units
Condominium units
Mixed bedroom size

Maximum Rent Guidelines:
The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income. Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

The maximum rent guidelines will be adjusted annually using Housing and Urban Development (HUD) Annual Adjustment Factors and the annual Park City Municipal Housing Affordability Update.

For Sale Guidelines:
The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income. Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

Development Alternatives
On-site location of affordable units is the preferred alternative in satisfying this obligation. Land donation, acquisition of off-site units subject to city approval, and/or financing subsidy agreements with Mountainlands Community Housing, are alternative mechanisms that assist the developer in satisfying this requirement. These alternatives can be used alone or in combination to satisfy this requirement.

Off-site units must be located within the Park City School District boundary. The developer may also request satisfaction of this obligation through a housing payment (in-lieu fee) that is equivalent to the market cost of construction of a unit. The market cost shall be determined by the Housing Authority in the year that the project begins construction.

The in-lieu fee figure can be reduced by the Housing Authority if the payment occurs in the first two years of the development process and results in a partnership that leverages the immediate production or purchase of units.

Section 5. Master Planned Developments
Housing Plan
The Housing Mitigation Plan shall included at a minimum the following components:
1. Residential units proposed.
2. Square footage analysis of proposed project from which an Employee Generation Study will be executed by staff. An employee generation study shall be utilized to determine the total number of employees generated by the proposed annexation project.
3. Number and methods by which the housing is to be provided
4. Unit Descriptions
5. Proposed unit restrictions that will ensure affordability of units
6. Land Specifications
7. In lieu Fee Calculations

Review of Plan

The Housing Authority shall review and approve the housing mitigation plan if it complies with these standards, addresses the need for affordable housing, and is consistent with the General Plan and Land Management Code. The Planning Commission and Mountainlands Community Housing shall make a formal recommendation to the Housing Authority prior to adoption of the plan. The Housing Authority may require a bond or other security approved by the City Attorney guaranteeing compliance with the Plan.

The strategy for meeting the housing obligation must be specified and executed prior to annexation approval. Phasing and satisfaction of this obligation shall be described in the annexation agreement for each project as a Housing Mitigation Plan. Construction of the restricted units shall be concurrent with the development of market rate units.

a) Criteria for Review

1. Define the need generated by the project in terms of units (rental and for sale) and prices (target levels)?
2. Determine how the plan serves the need generated by the project (unit type/price)?
3. Determine how the housing plan produces units that serve a cross section of the employees generated by the project. Determine the household types that are being served.
4. How does the plan address on site unit location? If none is provided on site is there compelling evidence (density or design) that the project cannot accommodate on-site units?
5. Define how the site plan integrates, not segregates, various product types and income levels?
6. Has Mountainlands Community Housing reviewed the plan? What are the recommendations?

Mitigation Requirements

Ten percent of the total residential units constructed shall be provided for affordable housing. Housing shall also be provided for twenty percent of employees generated by the retail, restaurant, hotel, and office components of the project.

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Unit Equivalents for Affordable Housing Obligations (Land Management Code, Chapter 10):

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3 bedroom >1000sf	1.25 UE
4 bedroom >1000sf	1.50 UE

A two bedroom unit size shall be the minimum standard that will satisfy this requirement for the residential requirement

Retail, Restaurant, Hotel, and Office Employee Requirement Unit Standards
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Twinhomes
Detached units
Condominium units
Mixed bedroom size

Maximum Rent Guidelines:
The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income. Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

The maximum rent guidelines will be adjusted annually using Housing and Urban Development (HUD) Annual Adjustment Factors and the annual Park City Municipal Housing Affordability Update.

For Sale Guidelines:
The housing units shall be provided for persons in Park City at or below 100% of the Summit County median income. Specific mixes and targeted incomes shall be determined by the Park City Housing Authority and Mountainlands Community Housing in accordance with the market need as outlined in the annual Housing Affordability update

published by the City. The housing unit type, minimum sizes and maximum prices shall be delineated through the Planning Commission process with direction from the Housing Authority and Mountainlands Community Housing.

Development Alternatives

On-site location of affordable units is the preferred alternative in satisfying this obligation. Land donation, acquisition of off-site units subject to city approval, and/or financing subsidy agreements with Mountainlands Community Housing, are alternative mechanisms that assist the developer in satisfying this requirement. These alternatives can be used alone or in combination to satisfy this requirement.

Off-site units must be located within the Park City School District boundary. The developer may also request satisfaction of this obligation through a housing payment (in-lieu fee) that is equivalent to the market cost of construction of a unit. The market cost shall be determined by the Housing Authority in the year that the project begins construction.

The in-lieu fee figure can be reduced by the Housing Authority if the payment occurs in the first two years of the development process and results in a partnership that leverages the immediate production or purchase of units.

Section 6. Park City Municipal Employee Generation Model For Annexations and Master Planned Developments

Generation Numbers:
Retail: 2.3 employees per 1,000 square feet
Restaurant: 3.6 employees per 1,000 square feet
Hotel: 1.1 employees per 1,000 square feet
Office: 4.4 employees per 1,000 square feet

Estimated Annual Average Earnings:
Retail:
$19,094
Restaurant:
Restaurant and Bar - $25,639
Hotel/Lodging:
Housekeeping/Front Desk - $19,656
Reservations/ Supervisor/Accounting - $22,464
Maintenance - $25,834
Office:
General Clerk - $22,240

Administrative Assistant/MIS - $30,326
Middle Management - $45,900

This data was created by Rosenthal & Associates after a employee generation study was commissioned by Park City Municipal in 1997. The data is based on survey information, interviews with local businesses, Chamber Bureau data, and State Labor information. The estimated annual earnings shall be adjusted annually by adding the annual change in the average Summit County wage for all job types as defined in the Job Service publication, Annual Report of Labor Market Information.

Independent Calculation. An applicant may submit an application for independent calculation requesting modification to the following:

a) Unit Standards
b) Limitation Standards
c) Unit Equivalents; and
d) In Lieu Guidelines cost calculations

The application shall for independent calculation shall be reviewed by the Housing Authority. If the material in the application demonstrate by substantial competent evidence that there is reasonable basis to modify the standards listed above because of unique circumstances related to the proposed development, the Housing Authority shall approve the independent calculation and make the relevant modification.

SECTION 6. EFFECTIVE DATE.

This Resolution shall take effect upon ratification by the City Council.

PASSED AND ADOPTED this day of, 1999.

RATIFIED this day of , 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Orch.

Attest:

____

Jan Scott, City Recorder

Approved as to form:

____

Jodi Hoffman, City Attorney

PARK CITY 1884

DATE: April 15, 1999
DEPARTMENT: Administrative Services Department
AUTHOR: Robert W. Stephens
TITLE: Administrative Services Director
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to enter into a contract with Thiede Construction Company for the finish construction of the second floor of the Public Works Building for the bid amount of $93,340.

DESCRIPTION:

A. Topic: When the new Public Works Building was constructed last year, the second floor was left unfinished. This is a contract that would finish this space to allow it to be occupied. The Technical Services Division of the Administrative Department has been targeted to move into this space to free up space in the Marsac Building.

B. Background: As part of the 1998-99 budget the City Council approved $150,000 to finish the second floor of Public Works. As a condition of approving the $150,000 budget for the second floor construction, City Council requested that staff return and provide an update before spending these funds. A Request for Proposal was distributed in January 1999 to which one bid was received by Thiede Construction for $93,340. This bid was reviewed by Ron Ivie, Chief Building Official, who felt it was in line with Park City construction costs. The project will finish the entire second floor of Public Works and will create two offices and two secured storage areas. Staff anticipates exploring the possibility of creating two additional enclosed offices that were not included in the original specifications and therefore would require a negotiated change order. Staff estimates such a change order would add approximately $7,400 to the original bid. The City has retained the services of Architect, Kurt von Puttkammer AIA, to design the project and prepare the required plans. The cost of the von Puttkammer's services is approximately $3,700.

C. Analysis: As mentioned above, the City received only one bid on this project. The cost of finishing the project will be approximately $104,740 ($93,340 for the original bid, $7,400 for the change order, and $3,700 for architectural services). The remaining funds from the appropriated $150,000 would be used to furniture, window coverings, etc. It is anticipated that Technical Services would occupy approximately 50% to 60% of the space with the remainder being available for future use.

D. Department Review: The bid was reviewed by the Building Department, the Building

Maintenance Department, the Public Works Department, the Technical Services Department, and the Community Development Administration Department. The Space Needs focus group had unanimous support in moving the Technical Services Department from Marsac to Public Works.

SIGNIFICANT IMPACTS: The space needs at Marsac have reached a critical state and require the moving of a function currently located in Marsac to another location. The obvious place to relocate to is the second floor of Public Works. Before space shuffle can begin in earnest in the Marsac Building, Technical Services needs to be relocated. The sooner this can be accomplished the better. The bid amount is within the budget.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: By not awarding the contract now runs the risk that Thiede Construction will move on to other projects and not be available to complete this one. This scenario would require staff to complete a new RFP and then there is no guarantee that anyone else would bid.

RECOMMENDATION: Authorize staff to award the contract for finishing the second floor of the Public Works Building to Thiede Construction in an amount of $93,340.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: April 15, 1999
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly, Director of Capital Programs and Budget TB
TITLE: Award of Contract for Engineering and Design Services for the Old Town Transit Center and Deer Valley Roundabout
TYPE OF ITEM: Legislative/Administrative

SUMMARY RECOMMENDATIONS: Authorize the Mayor to execute a contract, as attached with minor adjustments as needed, to Cooper/Roberts, Architects for engineering and design services of the Old Town Transit Center and Deer Valley Drive Roundabout in a fixed price with delivery incentives amount not to exceed $600,015.

DESCRIPTION:

A. Topic: Award of contract for engineering and design services for the Old Town Transit Center and Deer Valley Roundabout.

B. Background:

The Old Town Transit Center Concept was originally recommended as part of the City's transportation development plan as a way to consolidate incoming and outgoing routes into the downtown area. The program for the project was debated at several public meetings over the last year. The Old Town Transit Center in its proposed location was identified as a major component of the Downtown Action Plan that was endorsed in the Fall by the Historic District Commission (HDC), the Planning Commission and the City Council.

Concurrent with the planning efforts described above, the City submitted a grant application to the Federal Transit Administration (FTA) on August 5, 1998 and was later awarded 5.4 million dollars in December for preliminary planning work on the center, design, and the first phase of construction for the transit center. Staff is requesting an additional $4 million as part of the FY 2000 federal appropriations process for the amount needed to complete construction of the transit center and related pedestrian improvements.

In January, City Council authorized staff to proceed with the issuance of a Request for Proposal (RFP) for engineering and design services for the Old Town Transit Center and roundabout. City Council also suggested that staff contract with or hire a project manager to assist with this project and staff has done so.

C. Analysis:

Proposal Solicitation Process: The solicitation was advertised for a period of over 30 days. A pre-bid conference was held by the staff members to present the project and provide clarifications to particular questions or details. The City also initiated a web site for the project which functioned as a clearing house for answering questions and providing other relevant details. The use of the web site for handling vendor questions worked very well and drastically reduced the impacts on staff for this part of the selection process.

Proposal Evaluation Process: A selection committee for the Transit Center project was formed and was made up of Tom Bakaly - Capital Project Management & Budget, Jerry Gibbs - Public Works, Rick Lewis - Community Development, Mac MacQuoid - Historic District Commission, Michael O'Hara - Planning Commission, as voting members. John Chmelir, P.E. (contract project management assistance), Hope Bleecker, Paul Lammers, Linda Cook, Kent Cashel, and Mark Christiansen also participated in the process. Seven proposals were submitted on March 1, 1999. Firms submitting proposals were Prescott Muir, CH2MHill, Jack Johnson, OTAK, Cooper/Roberts, DMJM, and Edwards/Daniels Architects.

It should be noted that federal procurement regulations (The Brooks Method) preclude the evaluation of proposers based upon price. In addition to generally ensuring compliance with relevant federal regulations, each selection team member evaluated each of the proposals based upon the following evaluation criteria in order of importance:

1. A general evaluation of integrity, compliance with public policy, record of past performance, and financial and technical resources of the Proposer.

2. Specific Intermodal terminal/parking garage/intersection design experience of Proposer's team.

3. The experience of the Proposer's team in environmental investigations and design of environmental remediation.

4. The experience of the Proposer's team in dealing effectively with boards and commissions.

5. Proposer's ability to meet the required schedule.

6. Methodology proposed by the Proposer for its approach to the work.

7. Proposer's understanding of the project scope.

8. Experience of the Proposer's team with regard to transit and parking projects in a principally recreation based community.

Selection of a short list of firms was based on evaluation of the qualification proposals and the criteria listed above by the selection committee on March 2 and March 4, 1999. The three firms selected by the committee for the short list were CH2MHill, Cooper/Roberts Architects, and Edwards/Daniels Architects. After presentations from each of the three firms on March 10, 1999, the voting members were asked to rank each firm. Cooper/Roberts Architects were the unanimous choice for the Old Town Transit Center project. Edwards Daniels Architects was next highest rated with CH2MHill third. Final selection of Cooper/Roberts Architects was based upon an evaluation of the qualifications proposal and the presentation by the team (including sub-consultants) of their project approach and plan for implementing the project.

The Cooper/Roberts Team: While Cooper/Roberts Architects is the primary contractor for the project, their project team consists of the following subcontractors:

Firm	Discipline/Responsibility
Cooper/Roberts and RNL Design	Architects
Leigh, Scott & Cleary, Mellor and Sear/Brown	Engineers
Ourston & Doctors	Roundabout Engineers
Walker Parking	Parking Consultants
Mellor and Agra	Environmental
Swaner Design Group	Landscape Architect
Construction Control Corporation	Cost/Schedule Manager

Contract Negotiations: As stated above, federal regulations explicitly do not allow price to be a factor in selecting the "most qualified offeror." Staff did ask each proposer to include a sealed "level of effort" submittal with their qualifications proposal. The level of effort proposals were not opened or used in the selection process. Once Cooper/Roberts Architects were selected by the team, only their level of effort proposal was opened. Another federal requirement is that the City perform an independent cost estimate of the project to use as a benchmark for negotiations. The City had John Chmelir, P.E. perform this analysis. Staff has participated in contract discussions with Cooper/Roberts and negotiated with them to achieve a fair and reasonable price.

Contract Scope: A detailed scope of the project is attached. The contract scope is principally divided into the following services: 1) Schematic Design; 2) Design Development; 3) Construction Documents and; 4) Construction Services. Each of these services will be performed for the Intermodal Terminal, Intermodal Site Improvements and the Roundabout/Road Realignment. Schematic design services will also be performed for a parking structure to ensure engineering and design compatibility with the Transit Center should the City decided to build a parking structure at that location in the future. In addition to these services, the contract calls for environmental services and an enhanced level of commission and meeting involvement.

D. Department Review: The following departments have been involved with all aspects relating to the contract award recommendation: Office of Capital Management and Budget, Community Development, Public Works, Legal and the City Manager's Office. This process highlighted the City's "multi-discipline team approach" to project management, and it is working well. In addition, direct involvement of an HDC member and a Planning Commission member facilitated communication about the project with the two commissions impacted the most by this project. Staff has also regularly reported the status of the project to the two commissions.

ALTERNATIVES:

A. Approve the Request: Authorize the mayor to execute a contract, with minor adjustments as needed, with Cooper/Roberts Architects for engineering and design services of the Old Town Transit Center. This alternative will allow the project to continue as currently scheduled. This is staff's recommendation.

B. Deny the Request: This action would cause staff to renegotiate contract terms and scope of services with Cooper/Roberts Architects. If an acceptable and reasonable contract could not be reached, staff would begin negotiations with the second highest ranked proposer, Edwards & Daniels.

C. Continue the Item: The proposed schedule included in the attached scope of services is aggressive. Compensation of the consultant is in part tied to their ability to meet this schedule in the form of a delivery incentive ($31,331). The schedule contemplates completing design review during the Summer and selecting a construction contractor during the Fall. With the formation of the Old Town Transit Center Design Review Task Force (consisting of the HDC, two Planning Commission members and an ex-officio City Council member), staff is confident that this schedule can be met. Continuing action on this contract even one week would significantly impact the project schedule.

D. Do Nothing: This would have the same effect as continuing or denying the request.

SIGNIFICANT IMPACTS: Staff believes that the not-to-exceed contract price of $600,015 is fair and reasonable. A complete breakdown of the budget associated with this contract can be found in section A-3 of the attached scope of services. The City currently has an approved grant with the FTA that will cover 80% of the grant eligible components of this contract as long as the entire Transit Center construction project is completed. The City's 20% share of the contract cost will be covered by the value of the land that the Transit Center will be located on and the Transportation and Parking Fund. Please note that the cost of the schematic design of the possible parking structure ($35,861) and environmental mitigation related to the site will need to be covered by the City and the Parking and Transportation Fund. Lastly, City Council should be aware that the City has been reimbursed by the FTA per the grant agreement for outstanding transportation planning and concept design expenditures previously "fronted" by the Transportation and Parking Fund as authorized by City Council roughly a year ago.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION: The project schedule for the engineering and design of the Old Town Transit Center would be significantly impacted.

RECOMMENDATION: Authorize the Mayor to execute a contract, as attached with minor adjustments as needed, to Cooper/Roberts, Architects for engineering and design services of the Old Town Transit Center and Deer Valley Drive Roundabout in a fixed price with delivery incentives amount not to exceed $600,015.

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

PO #________; Grant #UT-03-0029

THIS AGREEMENT is made and entered into in duplicate this 16th day of April, 1999, by and between **PARK CITY MUNICIPAL CORPORATION**, a Utah municipal corporation, hereinafter referred to as the "City" AND **COOPER/ROBERTS ARCHITECTS**, hereinafter referred to as the "Service Provider".

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. **SCOPE OF SERVICES/FEDERAL REQUIREMENTS**:

A. The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "**Exhibit A**" and incorporated herein (the "Project").

B. The Service Provider shall also adhere to all requirements of "**Exhibit B**". If anything in Exhibit B conflicts with the terms of this Agreement, Exhibit B shall control.

2. **TERM**:

The term of this Agreement shall begin April 16, 1999, and end on December 31, 2001.

3. **COMPENSATION AND METHOD OF PAYMENT**:

A. The total fee for the project shall not exceed **SIX HUNDRED THOUSAND FIFTEEN DOLLARS ($600,015.00).** Payments for services provided hereunder shall be made monthly following the performance of such services, in accordance with the method of payment and schedule included in **Exhibit A**, Scope of Services. Payment is contingent upon the Service Provider:

1. providing to the City title to property (materials, work in progress, and finished goods) for which payment is being made; or

2. providing the City with an irrevocable letter of credit or the equivalent means to protect the City's title to property (materials, work in progress, and finished goods) for which payment is being made.

B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.

C. The Service Provider shall submit to the Project Manager or his designee on forms approved by the City Finance Department, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent per annum for services remaining unpaid for thirty days or more.

D. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.

E. The City, in its sole discretion, may award to Service Provider a Delivery Incentive fee up to 7% of the total project fee as specified in paragraph (A) herein at the completion of the Project. The criteria for the incentive award shall be:

1. Schedule Efficiency as proscribed in **Exhibit A, Attachment A-1, Method of Payment and Delivery Incentive.**

4. **REPORTS AND INSPECTIONS**:

A. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.

B. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider's activities, which relate directly or indirectly, to this Agreement.

5. **INDEPENDENT CONTRACTOR RELATIONSHIP**:

A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. **SERVICE PROVIDER MANAGER(S) AND EMPLOYEE/AGENTS**:

A. The Service Provider's Project Manager(s) shall be Wally Cooper and Allan Roberts, and may not be replaced without the consent of the City, said consent not to be unreasonably withheld.

B. The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. **HOLD HARMLESS INDEMNIFICATION**:

The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 35-1-60; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

C. The City will use best efforts to include the Service Provider in the construction contractor's indemnification of the City.

8. **INSURANCE**:

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors.

The Service Provider shall provide a Certificate of Insurance evidencing:

A. Professional Liability (errors and omissions) insurance written on an occurrence basis with limits not less than one million dollars ($1,000,000).

B. General and Automobile Liability and Property Damage insurance with a limit of not less than $1,000,000 per occurrence and not less than $2,000,000 aggregate.

The City shall be named as an additional insured on the insurance policy, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive 30 days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.

The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suite is brought, except with respect to the limits of the insurer's liability. The Service Provider represents that so long as it is commercially available the insurance shall remain in effect such that claims reported for up to three years beyond the date of substantial completion of the project are covered.

9. **TREATMENT OF ASSETS**:

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. **COMPLIANCE WITH LAWS** :

A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

11. **NONDISCRIMINATION**:

A. The City is an equal opportunity employer.

B. In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

C. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. **ASSIGNMENTS/SUBCONTRACTING**:

A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.

B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines, and the certifications in Exhibit B.

C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

13. **CHANGES**:

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. **MAINTENANCE AND INSPECTION OF RECORDS**:

A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject to all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. **POLITICAL ACTIVITY PROHIBITED**:

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. **PROHIBITED INTEREST**:

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. **MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS**:

A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.

B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an "extra" pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.

C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

18. **TERMINATION**:

A. The City may terminate this Agreement, in whole or in part, at any time for its convenience, by giving at least seven (7) days written notice to the Service Provider. The Service Provider shall be paid in accordance with Exhibit A on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. The Service Provider shall disclose a list of, and shall turn over to the City, any work product or property in its possession belonging to the City within three (3) days of termination, or otherwise dispose of it in a manner directed by the City.

B. If the Service Provider fails to perform in the manner called for in this Agreement, and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

C. If the City fails to pay Service Provider in the manner called for in this Agreement, or materially breaches this Agreement, and fails to correct such nonpayment or noncompliance within three (3) days written notice thereof, the Service Provider may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the City setting forth the manner in which the City is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

19. **NOTICE**:

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. **ATTORNEYS FEES AND COSTS**:

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

21. **JURISDICTION AND VENUE**:

A. This Agreement has been and shall be construed as having been made and delivered with the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. **SEVERABILITY**:

A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. **ENTIRE AGREEMENT**:

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representatives or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

PARK CITY MUNICIPAL CORPORATION

____

BY: __________________________

TITLE: _______________________

Attest:

____
City Recorder

Approved as to form:

____
Mark Harrington, Deputy City Attorney

____
Tom Bakaly, Director of Capital Programs and Budget

SERVICE PROVIDER

Address:

Tax ID#: ______________________

____
Signature

____
Printed name

____
Title

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
County of Summit)

On the ___ day of ______________, 19___, personally appeared before me ____________________________________ who did say that (s)he is the ______________________ of ______________________________________, and that the foregoing Service Provider Contract was signed in behalf of said corporation by authority of a resolution of its board of directors; and said persons acknowledged to me that said corporation executed the same.

____
NOTARY PUBLIC