

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 28, 2002**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 28, 2002.

AGENDA

Work Session

4:15 p.m. Council questions/comments
4:45 p.m. Olympic update
5:45 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 7, 2002

V NEW BUSINESS

1. Award of construction contract to DRD Paving in the amount of \$98,505 for 2002 Main Street Improvements Project
2. Appeal of a Planning Commission decision of October 24, 2001, denying a Conditional Use Permit for a gate across Sunny Slopes Drive in the Gleneagles Subdivision - Gleneagles Association

VI ADJOURNMENT

Posted: 03/25/02

See parkcity2002.org

**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 28, 2002**

Present: Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones

Toby Ross, City Manager; Rick Lewis, Community Development Director; and Frank Bell, Olympic Director

Colin Hilton, SLOC; Valorie Reed and Bill Malone, Park City Chamber/Bureau; Doug Hollinger, Pendleton Store; Tim Mertens, Destination Sports, and Kim McClellan, Deer Valley Lodging

Absent: Council member Jim Hier

1. **Council questions/comments.** In response to a request from Councilman Jones regarding Olympic legacy projects, Rick Lewis reported that approval from the Historic District Commission is required for the sculpture at the Kimball Art Center. Staff is developing a plaque program denoting special Olympic occurrences which will include the resorts. The temporary Coke building in Miners Park will have to be removed because it doesn't meet the standards of a permanent structure; materials will be donated to Recycle Utah. Mr. Jones understood that a segment of Main Street wanted to keep the white lights and Mr. Lewis pointed out the large maintenance expense involved. Ms. Bodell felt that the neighborhood hasn't been involved and understood there was a time limit to display the lights. Candace Erickson believed that the lights were secured on structures in the event merchants could fund them and didn't think there were restrictions. The City Manager interjected that there would need to be a policy determination in order for the lights to remain, but support should be determined before that occurs. There was discussion on the provision in the LMC governing lights and the City Attorney believed the date is April 15. Ms. Bodell also felt that the time has lapsed for the display of the sculpture at the KAC and there needs to be a *drop-dead* date. Mr. Lewis explained that the City received an application from KAC last night and if it is complete, could be heard by the Historic District Commission in April. The City requested a survey to determine exact locations of enhancements, which delayed the application submission.

Mr. Jones asked about plans for the Scottish Power site, and Toby Ross explained that as a part of staging the bridge construction materials on the site, PCMR agreed to landscape the site as soon as weather permits. In response to a question about formulating a strategy for Community Vision meetings, the City Manager continued that a work shop is being scheduled May 13 - 15, and this would be an appropriate topic as approximately four months lead time is required.

Peg Bodell reported on the Leadership session. At the Friends of the Farm meeting, installing an Olympic cauldron on the grounds was suggested. There was discussion about the final locations of cauldrons and the possibility of having one donated

to the City. Kay Calvert pointed out the complaints about speeding on Old Ranch Road so the problem is more widespread than Park City, and is curious about the speed monitoring conducted in Park Meadows by the Police Department. The Mayor stated that he has the numbers and will report them at the regular meeting. He added that we received a thank you for our Olympic hospitality from the city of Tooele. He read excerpts from a letter from the New York ground zero group thanking the citizens in Park City for a wonderful vacation.

2. Olympic update. Frank Bell felt that a portion of the success of the Olympics was due to the dedication of staff and volunteers, fine weather, and extraordinary performances of the athletes. Meeting our goals can also be attributed to the years of painstaking planning and all of the experiences gained from other hosting communities. The benefits and memories are short-term and Olympic legacies need to be determined through planning with a wide variety of agencies and local businesses now, beginning at the city government level. The post Olympic legacy is currently on the table and it is hoped that this discussion will trigger potential action items so that our success will carry on far into the future. He added that this will be a topic at Council's work shop in May.

Colin Hilton, SLOC, stated that ticketed spectators in the Park City area totaled close to 500,000 which generated about \$33 million in ticket revenue alone. There were many sell-outs at the venues and UOP saw close to 300,000 of the 500,000 there over 16 days and 19 events. There were no major security or medial incidents. Mr. Hilton continued that for the three venues in Park City, there were 6,382 staff, volunteers, and contractors; 3,300 alone for UOP, 1,200 at Deer Valley Resort, and 1,100 at PCMR, not including the Main Street celebration. He relayed interesting statistics on the amount of construction materials, hours of performances, decorations, food, etc. required at the venues. With regard to transportation at the UOP lot, there were close to 100,000 cars parked over the course of the competition and at the US40 lot close to 53,000 cars. Separate from the Park City transit system, SLOC moved 457,547 passengers from US40 and use of public transit was integral to the success of the Games. He recognized the cooperative efforts with agencies, cities, counties and SLOC over the course of years of planning. They heard not only great things from the spectators, but also from the athletes and media, who arrived in Utah with preconceived notions. The media was *blown away* by how knowledgeable and helpful the staff and volunteers were and astonished by the level of organization for these Games compared to prior events. He believes there are many *ambassadors* going back to their home countries to share great experiences about Park City. The Olympics brings people together and forges new relationships and more coordination efforts, which is a benefit to draw upon. A common project to rally behind has always been a unifying force and over the last three years, this has provided great opportunities for agencies and cities to continue good relationships and joint projects.

Valorie Reed, Park City Chamber/Bureau, stated that her job was to execute an Olympic sales marketing campaign; it was funded for three years by the Restaurant Tax

Committee. This was separate from other Chamber programs and designed to help mitigate anticipated downs in business levels prior to February, and to formulate programs to capitalize on the Games to create a legacy. The Park City Media Center was created as a working facility for the accredited and unaccredited press in the Main Street Mall. The media was very happy with the center and all services from computers, office supplies to purchase, etc. were provided. She found that journalists were self-sufficient and already had their story ideas determined when they arrived. The CNN family was housed there and broadcasted over 365 shots from Park City during the Games which is exposure we couldn't hope to purchase. German TV produced 100 international feeds which is a huge winter and summer market for the Chamber. There were 11 Park City clips on the Tonight Show and the Chamber staff believes the media center accomplished more than what was hoped for and created a great environment for people who will be returning. There were 185 volunteers that manned the various information booths who handed out over 95,000 brochures. Ms. Reed added that the third program was a hosting program bringing in 23 top corporate meeting planners, media and tour and travel operators with the goal of reaching these new outlets for the future of tourism.

Bill Malone, Chamber/Bureau Executive Director, emphasized that if it were not for Restaurant Tax funds, many Olympic programs would not have been possible. Funded projects included the fireworks at \$80,000; white lights on Main Street \$43,000, kick-off concert at \$50,000; 100 day count-down celebration \$16,000; \$20,000 for enhancing the entertainment on Main Street; Olympic Torch relay \$2,000; \$10,000 for ice sculptures and another \$13,000 for printing the celebrations guide. It took two years of applying for Restaurant Tax funds to secure these revenues. He explained an intercept survey they conducted involving 488 respondents who traveled greater than 100 miles to the Olympics. George Washington University has surveyed eight Olympics and the Chamber worked with them to design questions pertinent to Park City. Of those surveyed, 56% reported that they had previously skied in Utah. The average daily shopping showed spending between \$101 and \$500. When asked if they would return to Park City as a tourist, 41% responded highly likely and 37% likely to return; 88% are highly likely to recommend Park City to friends and families. He added that 84% of those surveyed reported having prior knowledge of Park City and when asked if their opinion of Park City changed for the better or the worse, 48% reported it had changed for the better and 49% had reported that their opinion had not changed. He described the profile of the visitors. Over 75% visited Main Street's celebration and 71% rated it a 4 or a 5 out of 5 regarding its entertainment and 72% rated it a 4 or 5 regarding its displays and exhibits. The Executive Director noted that the Restaurant Tax applications are due tomorrow and the Chamber is trying to portray that there is a logical next step to turn the recent media exposure into business. Their application is to fund a program targeting major markets prior to the ski season. They will also have a heavy presence at consumer and travel agent ski shows this fall which will have an Olympic tie. He described the *traveling road show* which will have a Main Street look and feel tying into the Olympic experience and targeted to the media.

Mayor Williams asked if there is any data on Utah visitors to the Games and Mr. Malone suggested that this information could be obtained from ticket sales. Bill Malone pointed out that his Board of Directors set aside \$400,000 in anticipation of a down-turn, which is designed to fund a significant marketing presence, including the international market and specifically mentioned an interest in Mexico, Argentina and Brazil. He relayed that during the Games, competing destination resorts seemed surprised at our product and its appeal to visitors. In response to a question from Peg Bodell about doing anything different for the celebration, Mr. Malone responded that what he *would do again* is the white lights on the buildings which created a backdrop for evening media coverage that may not have occurred had it not looked that way. The Mayor commented on the success of closing Main Street and residents and visitors using public transportation. The Council has discussed continuing car-free events and Bill Malone pointed out the importance of critical mass. Next season, the Chamber would like to use Main Street as a medals plaza for the Freestyle Championships as well as entertainment and fireworks. The Mayor mentioned a sister-city prospect with a community in South Korea bidding for the 2010 Olympics who are very interested in networking with Park City. He reiterated the importance of attracting Utah visitors and Mr. Malone indicated that perhaps the Board could look at setting aside some funding for enhancing relationships with other communities.

Doug Hollinger, owner of the Pendleton Store on Main Street, admitted that they had some doubts about the Games, but stated that they couldn't have had a better experience. About 30,000 people visited his store in a 17 - 20 day period and there were a lot of people from Utah. He emphasized that law enforcement did a fabulous job not only on the streets, but manned stores where merchants were nervous about shop lifting. Visitors were pleasant and anxious to exchange personal information. He thanked everyone; it couldn't have worked better for them. Mr. Hollinger discussed product mix and in response to a question from Kay Calvert, stated that they exceeded their revenue expectations. He felt they would do the same as last year, but actually experienced a 28% increase over what they estimated. He mentioned several other merchants who had a very profitable month.

Frank Bell envisioned formulating an action plan capitalizing on the Olympic investment in the spring and summer.

Tim Mertens, Destination Sports, echoed Mr. Hollinger's comments and pointed out the positive impact of the volunteers and great attitude of the visitors. He was busy but had a great time. Law enforcement and the Main Street celebration were incredible and the transit plan must have demanded a lot of planning. He agreed that having the right merchandise, owners being there, and flexible hours spelled success. He predicted a 20% decrease in retail and 40% decrease in rentals, but the store was up roughly 47% over last year. They would have done better if they could have obtained more merchandise. It was a great party. Mr. Mertens discussed his small food operation which

he decided to continue after the Games.

Kim McClellan, Deer Valley Lodging, stated that the occupancy during the Games was about 88%; vacancies occurred primarily in the larger condominium units because the majority of lodging requests were from small parties. Rates decreased as the Games approached and there were many savvy consumers who waited and were easily accommodated. It was challenging to manage expectations from owners who felt that their properties were worth considerable amounts of money. Guests were basically looking for a place to sleep. Owners who struck deals before 9-11 did the best along with hotels working with SLOC early in the process, and owners charging fair prices.

Fred Jones agreed with several comments that the real challenge is where we go from here to capitalize on the Games. Our challenge now is to come up with another common goal among entities and to develop a five year plan which needs to be bold and comprehensive. He believes the Council needs to discuss this as a group but the process needs to proceed now. Bill Malone expressed the Chamber's willingness to participate so their goals are not formed in a vacuum or conflict with livability. Peg Bodell pointed out the importance of creating the same experience that visitors saw in person or on television.

Kim McClellan added that it was a surprise to find that Deer Valley Lodging continued to receive reservations all the way up to and through the Olympics, rather than having things in place in January. People spontaneously made travel arrangements after watching the Games on television, which was not expected. Overall, the Olympics went smoother than anticipated with regard to traffic and access. They are seeing visitors booking earlier this year for next season and he believed the lodging community will take a more proactive approach to marketing next year to try to capture business that has eroded over the past few years. Candace Erickson complemented Bill Malone and his staff for taking on the enormous task of creating a media center. When SLOC decided not to use City Park as an Olympic Village, it still paid the City and assisted the City with supporting entertainment. Frank Bell felt that the ideas from this meeting will be helpful for later Council discussions.

Prepared by Janet M. Scott

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 28, 2002**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 28, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones. Jim Hier was excused. Because of a conflict of interest, Kay Calvert excused herself and left the meeting when the appeal was heard. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Matt Twombly, Parks Planner; and Brooks Robinson, Planner

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business, not scheduled on the agenda.

Main Street bulb-out project - Tim Mertens, representing the HMBA Board of Directors, referred to a letter from the Alliance supporting the continuation of the 1998 Downtown Action Plan, specifically the Main Street bulb-outs. In June 2000 when the first ones were constructed, the HMBA conducted a survey and found that 84% approved and only three businesses did not approve because of the loss of parking spaces. He encouraged Council to follow through on all of the recommendations of the Plan, including parking. He understood the City has revenue from refinancing RDA bonds and requested that these funds be allocated to downtown revitalization. John Sutton, Board member, supported Mr. Mertens comments. See New Business.

III COMMUNICATIONS FROM COUNCIL AND STAFF

There was discussion about opening the skate park. The City Manager discussed the proposed format of the Council work shop scheduled in May.

Park Meadows traffic survey - The Mayor referred to a report, prompted by a petition from Park Meadows residents, regarding speeding. The Police Department monitored speeds in the neighborhood from March 14 through March 27. The number of cars totaled 1,260, average speed 25.5 mph; there were 15 stop sign violations, and 20 speeding citations given for 10 mph or more over the speed limit. He stated that 95% of the citations were given to full-time residents of Park Meadows. He thanked the Police Department for stepping up enforcement efforts and emphasized that the buses were clocked at 23 mph, despite allegations from residents of buses speeding. The Mayor pointed out that there will be increased police presence on the Mine Road.

IV WORK SESSION NOTES OF MEETING OF MARCH 7, 2002

Peg Bodell, "I have reviewed the minutes and move approval". Kay Calvert seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

V NEW BUSINESS

1. Award of construction contract to DRD Paving in the amount of \$98,505 for 2002 Main Street Improvements Project - See staff report and public input comments. Matt Twombly stated that staff is recommending approval of the construction contract award to DRD Paving. This project was noticed to bidders on March 9 and 11 and three contractors responded; the low bid was DRD Paving. Five parking spaces will be lost with this project and the annual forfeited parking revenues is estimated at \$8,250. Staff met with all affected property owners. The project completion date is May 10 at the Claimjumper location and June 21 for the remainder of improvements. The Mayor invited the public to comment.

David Uhlenhof, owner of Silver Junction Mercantile, stated that he has been consistently opposed to bulb-outs because they displace parking without any provision for replacing it. He complained about lost parking with the construction of the transit center and trash compactor in Swede Alley. A better use of these funds would be to repair the sidewalks; as a merchant at this location for many years, he sees no benefit for the bulb-outs. The Mayor reported that the City will perform an inventory of the condition of the sidewalks to make repairs.

David Shaffner, owner of LaNiche and Flat Rabbit, agreed with Mr. Uhlenhof's comments and questioned how \$100,000 can benefit Main Street and believes it should be allocated to marketing local business. Business on Main Street is not good and there is better use of those funds and the bulb-outs already there should be removed so parking spaces are reinstated. He complained about the current paid parking system and the number of real estate offices on Main Street. Mr. Shaffner stated that merchants should be able to display their wares on the sidewalk and after he was told to remove his merchandise, his business dropped 50%. No Council members have been on Main Street, except the Mayor, since the election.

Tim Mertins, HMBA, presented Council with a petition with 49 signatures in support of the bulb-out projects. David Shaffner pointed out that just because Council received a petition doesn't make it the right thing to do. Mayor Williams stated that a parking structure was also a feature of the 1998 Plan, and this is something Council needs

to consider. Fred Jones interjected that the Plan was comprehensive addressing a variety of efforts, i.e., activities, pedestrian experience, parking, transit center, etc. and it is difficult to look at segments individually; they need to be considered collectively. He understood that there was no net loss of parking spaces with the transit center because of gained spaces in the flag lot and the north lot of the Marsac Building. Council members are developing priorities which have not yet been reviewed by staff or the public, and parking was identified as a high priority in Old Town. There will be an opportunity for the public to comment in May. Candace Erickson pointed out that federal funding was used for the transit center. Paying for a parking structure is a major issue as is available space in the Historic District core; *you can't create space that doesn't exist*. She disagreed with comments made on the bulb-outs, and believes they provide a place to rest for many visitors who find the walk on Main Street a challenge. It may also encourage people to linger and spend money in the stores. There was discussion about the \$25,000 grant Council award to the HMBA last year for marketing. Ms. Erickson acknowledged that the Council doesn't have all of the solutions, but will analyze the parking problem. Relating to previous comments made by Mr. Shaffner, Mayor Williams added that the City could look at programming the bulb-outs with entertainment. Peg Bodell emphasized that their concerns are valid, and bulb-outs are not the solution, but they add to the overall experience on the Street. She also mentioned first floor zoning, suggested by Mr. Shaffner, as a valid consideration.

David Uhlenhof stated that additional parking provided in the Sandridge lot and Flag pole lot is not *accessible parking* like the parking on Main Street. There was discussion about obtaining tokens.

Fred Jones, "I move to authorize staff to proceed with the construction of the Main Street improvements for 2002 projects, consistent with prior Council direction and award the construction contract to DRD Paving in the amount of \$98,505". Kay Calvert seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

2. Appeal of a Planning Commission decision of October 24, 2001, denying a Conditional Use Permit for a gate across Sunny Slopes Drive in the Gleneagles Subdivision - Gleneagles Association - The Mayor announced that since Kay Calvert recently owned property in the area, she is recusing herself from participating in the proceeding. Ms. Calvert excused herself from the meeting.

Mark Harrington referred to his memo distributed to Council, relating to several new documents submitted by the appellants for consideration as a part of this appeal. Because these are court documents that became available in December after the Planning Commission decision, Mr. Harrington advised Council to accept additional testimony at this time. Peg Bodell, "I so move". Candace Erickson seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Abstention
Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

Brooks Robinson, Planner, introduced appellants Jack Shinn and Jim Roberts from the Gleneagles Association. The matter deals with an application for an access control gate in the northern end of the Gleneagles Subdivision. The design of the gate would allow cars coming through Gleneagles to Broken Spoke, Fairway Meadows, and Sunny Slopes to exit to the north, however cars traveling south would not have access. He described the location of emergency access which is activated with a siren-sensitive mechanism. Irrespective of whether the roads are public or private roads, the application must be reviewed by the Planning Commission under pertinent sections of the Code addressing conditional use permits. This application was reviewed under a prior code where the purpose for the *"conditional use procedure is intended to provide greater flexibility and land uses while at the same time preserving neighborhood character and assuring compatibility between the conditional uses and uses on adjoining properties and the City at large. . .Where the City and the applicant cannot devise conditions that satisfactorily mitigate the adverse effects of the conditional use, the City shall deny the conditional use permit"*. Mr. Robinson continued that there are traffic and control considerations within the conditional use criteria review which have nothing to do with whether the streets are public or private. The decision of the Planning Commission hinged on the inability to find compatibility with this conditional use and the surrounding neighborhood and uses.

Jim Roberts, appellant - President of Gleneagles Home Owners Association, stated that they believe their application for a conditional use permit complies with Section 1.13 of the old Land Management Code. They also believe that without regard to those Code requirements, they have as a matter of right, the ability to install subdivision gates at both ends of the subdivision. This conclusion is based upon the fact that the plats for Gleneagles and Broken Spoke both provide that the home owners associations may control access to those subdivisions and the CC&Rs expressly provide for subdivision gates. It is his premise that it is a permitted use which is relevant in determining whether a conditional use permit ought to be granted. Mr. Roberts displayed a map of the subdivisions and pointed out the location of the roads. He discussed a private road section

owned by the golf course and a section connecting Gleneagles and Broken Spoke, owned by the golf course. He added there is a recorded easement allowing them to use the roadway. Fairway Village has no right to use this road. Recently, the Association received partial summary judgment from the court stipulating that Fairway Village has no right to use the road in Gleneagles Subdivision and further that Gleneagles Subdivision Home Owners Association has the right to control access to their subdivision. Similarly, Broken Spoke Subdivision has no right to use the road through Gleneagles even if the golf course is willing to permit use. He continued that the documentation for these subdivisions makes it clear that owners of property in Broken Spoke and Gleneagles and their guests have the right to use the roads through Fairway Village and up to Meadows Drive, which is the only legal exit and entrance in the area. They want to exercise their legal right to control access, but rather than two gates, are seeking one gate at the northern end of the subdivision. Mr. Roberts described a pressure switch so allowing traffic to exit. He referred to the meeting packet material on the Iron Horse Loop and Knoll Estates gate applications and felt there is no rationale basis to compare these projects with theirs. The siren activated mechanism was a part of their *permitted use* proposal; the current application does not provide for that but some other form of access; i.e., clicker. He didn't feel the gate would have a significant impact on Fairway Village, but even if it did, their plan clearly mitigates any inconvenience caused by the gate, because every vehicle can exit Gleneagles Subdivision. The Mayor invited the public to comment.

Jay Miller, resident of Fairway Village, stated that he really has no reason to drive through the Gleneagles Subdivision, but is concerned about increased traffic from Gleneagles' service vehicles on his street as the gate will create confusion with regard to circulation. It is currently a problem and will escalate once the gate is installed which affects his quality of living. Fairway Village pays for maintenance of their roads and additional traffic from service or vendor vehicles results in a financial impact as well. Mitigation is part of the review criteria as is circulation of traffic, identifying delivery and service vehicles specifically. Mr. Miller stated that personally, the installation of two gates would be better than one gate. Mark Harrington clarified that the gate was moved from the south end to the north end at the direction of Planning Commission.

Fred Jones stated that he read all of the material but is still unclear about what exactly Gleneagles is trying to solve. Jim Roberts responded that they are trying to limit the traffic on their road. There is a lot of traffic that doesn't belong on their private road. Mr. Jones added that he is familiar with the road system in the area and it is still unclear why people would be traveling through Gleneagles Subdivision. Jim Roberts responded there are lost construction vehicles from Fairway Village and traffic from golf course patrons. They are willing to allow one-way traffic on their road but not round-trip traffic. He reiterated that they have the right to use Fairway Village roads where speed bumps have been installed which prompts traffic to their subdivision. Jack Shinn, Gleneagles Subdivision HOA Vice President, interjected that the traffic is totally unrestricted and this proposal provides control to direct the traffic to flow one way. He

believed that after a period of time, the public will realize that there is a gate there. Mr. Jones asked if there is traffic count information. Mr. Roberts stated that there are no counts, which was a matter of dispute at the Planning Commission level. It was determined that no such traffic study was ever conducted in connection with any gate permitted in the City, in particular, with the Iron Horse and Knoll Estates applications and he explained the letter submitted by the Association in response to questions about impacts to adjacent property owners. Mark Harrington explained that the Planning Commission asked for a similar traffic report as was done in the prior two gate applications, i.e., Knoll Estates and Iron Horse. Some of the Planning Commissioners envisioned an actual traffic count, but the majority agreed that Gleneagles had complied in general with the direction to provide similar summaries and adjacent property owner support information.

Pete Park, Identity Properties - common area managers for Fairway Village, stated that speed bumps were installed on Sunny Slopes Drive to control speeds and it was not intended to detour traffic. There are plans to turn the bumps into humps which were determined to be too severe. Jim Roberts stated that he avoids driving through Fairway Village because the speed bumps are too aggressive. Mr. Park agreed but pointed out their safety considerations for the number of young children in the neighborhood.

In response to a question from Ms. Erickson regarding the future of access to the golf course road, Mr. Roberts explained that the City obtained an easement for emergency vehicles as part of the deal between the City and Park Meadows County Club in exchanging rights-of-way. The document commits the owner not to install a gate absent consent from the City and Mr. Roberts didn't know Park Meadow's intention. Ms. Bodell asked the purpose of the road. Brooks Robinson stated that he can not speak to the original intent in the 1970s, but in looking at the land use pattern, it appears to provide access from Broken Spoke, Gleneagles, and Fairway Village to Meadows Drive. The City Attorney interjected that part of the original MPD for the area showed it as a collector road, but the subsequent platting only occurred in the residential subdivisions, there is no dedication beyond that point, and the golf course was never platted after the MPD. Hence, it is completely private, creating the need for the City to obtain an emergency easement. Ms. Erickson pointed out that Fairway Village maintains their portion of Sunny Slopes Drive for their guests and Gleneagles traffic, but Gleneagles is not willing to do the same. Jim Roberts emphasized there is a legal difference. Gleneagles has an easement to use streets in Fairway Village; Fairway Village does not for Gleneagles Subdivision. In response to questions from Peg Bodell, Mr. Roberts explained that there is a sign posted on the boundary, which is routinely ignored, indicating the road is private, restricted, and prohibiting golf course parking. Gleneagles is not considering installing speed bumps in their subdivision and Mr. Roberts again discussed additional traffic in their neighborhood prompted by the speed bumps in Fairway Village.

Fred Jones commented that the installation of a gate has an impact on Fairway Village in that all service and delivery providers for Gleneagles must come through there because they can't access the gate. Jim Roberts explained that they have to come through Fairway Village, but don't have to leave through there. Jack Shinn explained the most logical way for delivery vehicles to travel is in a one-way north to south direction and pointed out the unlikelihood of vehicles turning around. Mr. Jones agreed that the traffic pattern may be logical for UPS or FedEx but not necessarily for contractors or service providers who come to service a house. Mr. Shinn reiterated that the platting of Gleneagles allows homeowners and guests to use the easement through Fairway Village. Mr. Jones acknowledged that right, but a gate may change the dynamics of how people service the area and without a traffic study, it is difficult to determine which way people are traveling. Mr. Roberts agreed that there will be an impact which they have made an effort to mitigate through revised plans. Mark Harrington interjected that the new material submitted demonstrates those invitees would not have a right to come through north and have legal access from the south only; Council can not ask someone to mitigate a right they do not have.

The Mayor requested options. The City Attorney indicated that the Council can continue this matter, or remand it to Planning Commission for further deliberation with specific instructions or for review of the new material submitted. He reminded Council of the long process the applicants have endured, and a remand has time consequences. The third option is upholding the Planning Commission's denial, and Mr. Harrington explained that if this is selected, the findings of fact would have to be amended to reflect the new material. There was discussion on the findings of fact, and the City Attorney advised that the recent judicial orders should be incorporated. The Planning Commission relied upon a specific situation which is contradicted by some portions of the judgment. Mr. Roberts stated that the findings of fact do not support a conclusion of law to deny a conditional use permit to install a gate. He individually argued the seven findings of fact and three conclusions of law. Jack Shinn indicated that as buyers, they expected to live in a gated community and Fairway Village has stipulated to a summary judgment that they have no right to use Gleneagles' roads and the golf course and Broken Spoke concur. He asked, *"what's there to deny?"*. There's not one entity who can claim a right to that space.

In response to a question from Fred Jones, Mark Harrington explained that the CC&Rs are inapplicable in relation to the Code and have no bearing on whether a gate is permitted or not. In the litigation that has been stayed while this application proceeds, the appellants alleged that by the City signing off on the plat with the language note regarding the right to control access in their subdivision, in conjunction acknowledging the CC&Rs at the time of recordation, that that implies that the City was aware of the ability to install a gate. The City's position is that the CC&Rs are inapplicable and the application must comply with the LMC, which was the basis of the permitted use argument. Jim Roberts noted that the plat indicates that the Association can control access to the subdivision. He asked how they can control access if a gate is not permitted. The

Planning Commission, City Council and staff signed the plat and the CC&Rs were reviewed by the City for conformity to the applicable master plan for Park Meadows. The Mayor remarked that not all CC&Rs conform with the City's code and Mark Harrington stressed that the focus of this hearing should be on the conditional use permit.

Fred Jones stated that there appear to be some inconsistencies with the Planning Commission's findings of fact and the summary judgment provisions and perhaps this matter should be remanded to consider this new information. Peg Bodell indicated that she agrees with the three conclusions of law and Mark Harrington added that the findings of fact are the bases for the conclusions of law. There was discussion about Conclusion #1, addressing compliance with Section 1.13. Peg Bodell stated that she would like to decide on the appeal tonight. Brooks Robinson explained that the Planning Commission looked at the same provision of whether a gate would help preserve neighborhood character and assure compatibility between the conditional uses and uses on properties. He contended that nothing really has changed as far as that finding is concerned. Ms. Bodell agreed and felt there are better options than a gate and the Planning Commission may be able to find another solution. Jim Roberts asked what those ideas might be and she described a situation in Silver Springs where she lived where the road was restricted to traffic and then reopened. Mr. Roberts reiterated that their goal is to keep illegal traffic off their road which can be achieved with a gate. If there are suggestions, he would like to hear them.

The City Manager interjected that the Planning Commission denial could be overturned, or it could be supported with modifications to the findings of fact; there are some conclusions of law that are required. A decision can be taken into submission or remanded to the Planning Commission or to staff with direction. Fred Jones stated that despite what he suggested earlier, he is not sure there is a lot to be gained by sending it again to the Planning Commission as the issue hinges on the conclusions of law. Peg Bodell, "I move that we deny the request for appeal. I would like some contact with staff that they would bring back some information based on the conclusions of law #1, #2, and #3 are valid and correct". Fred Jones indicated that the findings of fact would have to be amended and seconded the motion. Mark Harrington explained that conclusions need to be supported by the facts and staff needs to be directed regarding what findings are the basis for conclusions. Ms. Bodell believed that #4 and #8 need to be modified. Brooks Robinson suggested language for #8, *"the right to pass over Sunny Slopes Drive from the Park Meadows County southbound is by permission of the Park Meadows Country Club"*. Finding #4 was amended to read, *"Only residents of Gleneagles and, if agreed to by Gleneagles, Broken Spoke may have access southbound through the proposed gate"*. Finding #6 was altered to omit, *"increasing traffic on those roads"*. Fred Jones requested that the motion be amended to include changes to Findings #4, #6, and #8. Peg Bodell, "I move that the motion stands with the amended findings of fact for Items #4, #6, and #8 as per the recommendations". Fred Jones seconded, accepting the amendments. Motion carried.

Peg Bodell	Aye
Kay Calvert	Abstention
Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

Jim Roberts understood that this is the final action of the City Council, which is appealable to the Summit County District Court. He assumed the City would cooperate with them combining that appeal with the appeal of the permitted use issues. Mark Harrington indicated that he will meet with him on this. Mr. Roberts requested a transcript or recording of the meeting tapes.

VI ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:15 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones. Jim Hier was excused. Staff present were Toby Ross, City Manager and Mark Harrington, City Attorney, for the property discussion. Candace Erickson, "I move to close the meeting to discuss property and personnel". Peg Bodell seconded. Motion carried.

Peg Bodell	Aye
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

The meeting opened at approximately 4:45 p.m.

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

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City Council Meeting
March 28, 2002

Prepared by Janet M. Scott


Janet M. Scott, City Recorder

