PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 26, 1998

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, March 26, 1998.

AGENDA

Closed Session - City Council Work Session Room - Main Level

4:00 p.m. Litigation

Work Session - City Council Chambers - Lower Level

4:30 p.m. Council questions/comments
5:00 p.m. Park City Connection: Historic District Video
5:15 p.m. Review of regular meeting
    Sandridge parking lot
    Other meeting questions/comments

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

New private school - Betsy Bacon and Kathleen Smith

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 5, 1998

V NEW BUSINESS

1. Change order for Miller Paving for Sandridge Parking Lot Project

2. Resolution adopting revised golf fees and repealing Resolution No. 18-96 in its entirety for Leisure Services including Racquet Club, Golf, Library, Cemetery, Parks and City facilities for Park City, Utah

3. Real Estate Purchase Agreement with Anne L. Offret Charitable Remainder Trust for the purchase of property located at 1240 and 1260 Park Avenue in the amount of $1,000,000

VI PUBLIC HEARING

Ordinance amending the zoning map of Park City to adjust zone boundaries and modify zoning consistent with the Development Agreement for the expansion of the Park City Mountain Resort located in Park City, Utah

VII ADJOURNMENT

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 2, 1998

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will not hold its regularly scheduled meeting on April 2, 1998.

Posted: 3/23/98

PARK CITY 1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 26, 1998

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

Toby Ross, City Manager; Rick Lewis, Community Development Director; Pat Putt, Planning and Zoning Administrator; Jerry Gibbs, Public Works Director; Bob Johnston, Leisure Services Director

Absent: Hugh Daniels

1. **Council questions and comments.** Chuck Klingenstein referred to the contractors meeting and asked if there were any suggestions about construction mitigation efforts. Rick Lewis reported that in general, contractors were concerned about restrictions resulting in longer projects. He felt that they were aware of the nuisance, but receive pressure from their clients. Paul Sincock reported that he attended an interagency meeting where Frank Bell spoke on Olympic planning. The School District will suspend classes during the Olympics. In response to a question from Shauna Kerr, City Manager Toby Ross noted that there will be field trip to Deer Crest in conjunction with Deer Valley Day on April 10. Ms. Kerr felt it would be beneficial for staff, the Council, and Planning Commission to tour Deer Crest, which is installing a gondola from Jordanelle.

Myles Rademan reminded the Council of a Leadership 2000 program, Ethical Leadership, on Monday night. Paul Sincock referred to a request from Harry Reed to change the four-way stop to a two-way stop. The City Manager responded that because there is so much pedestrian traffic in the area, the staff is recommending maintaining the intersection as a four-way stop.

2. **Park City Connection: Historic District video.** Pat Putt explained that Derek Satchell was assigned to the Historic District grant program. Most people understand how the grant program works, but there seemed to be a need to educate the public on rehabilitation. The National Trust produced a video, but it wasn't relevant to Park City and as a result, Derek Satchell, Ray Millner, and Sean Flood worked very hard to produce a video in a week. This video explains the City's expectation of the preservation process in Park City and the work demonstrates the commitment of these three employees. The 18 minute video was shown; the Mayor thanked staff for doing a great job.

3. **Review of regular meeting.**

Sandridge parking lot. Jerry Gibbs explained that the change order being requested for Phase 2 totals $503,552.29 which represents $80,050 to complete Phase 1 landscaping and irrigation, to replace the rock wall with the keystone wall, to build the additional 57 parking spaces in Phase 2, the landscaping, irrigation, and stairway, and includes the cost of importing the fill. One of the concerns expressed by Council last year was the $80,000 needed to provide the fill material. Council directed staff to reduce the scope and to complete the landscaping and irrigation as a part of another contract. Mr. Gibbs explained that Peace Park is a budgeted Parks Department project and the total cost of the change order in its present form is $503,000.

Mr. Gibbs noted that the cost could be reduced by delaying the contract until there is sufficient fill which could be July or August of this year by $70,000, not by $76,000, because there will be some equipment time necessary. The wood stairs could be replaced with concrete which would be $28,000 as opposed to $72,000, saving about $45,000. There was discussion about stairs. He continued that landscaping costs could be reduced by $10,000 by planting less mature trees and still maintain the integrity of the landscape plan approved by the Planning Commission. The net savings is in the neighborhood of $125,000 and the change order could be reduced to $378,000. Instead of a $728,000, the project is reduced to $603,000; additional appropriations would be $114,000 instead of $239,000. He felt this would still be a good project and at $5,500 per parking space is less expensive than a parking structure or formal parking area. Mr. Gibbs explained the replacement of the rock wall with a keystone wall. Roger Harlan pointed out that the new Sandridge lot has had poor usage, and questioned moving ahead with another lot. Jerry Gibbs agreed and indicated that the usage has varied from 11% to 46% for the Sandridge lot. By comparison, the north Marsac lot is 180% utilized, based on the fact that people are parking in areas not designated as parking spaces and are parking illegally. He felt this is a clear indication that people are not willing to walk a long distance to get to the Swede Alley area. The south Marsac Building lot and China Bridge Parking Structure are also over 100% occupied, but he felt that those people may start parking in this new area. Mr. Harlan questioned taxpayers supporting a new lot because people are unwilling to walk from the Sandridge lot. Ms. Kerr agreed with Mr. Harlan and added that the reason she supports the 57 spaces was that it would improve the pedestrian access and the likelihood that the upper lot would be used. Ms. Kerr emphasized that she is not willing to spend $9,235 per space for the 57 spaces and would prefer to look at some sort of pedestrian connection that would not prohibit going forward with parking in the future. The upper lot will never work without some kind of pedestrian connection. She indicated that the amount of money for landscaping is nonsense, and the expectation that this is a park rather than a parking lot is unrealistic. This is the edge of Marsac Avenue which historically has been a drop-off, mud hole, and a dumping ground. The engineering and landscape architectural fees are extraordinary. Ms. Kerr stated, "This is not O.C. Tanner's rose gardens -- this is a parking lot".

The Public Works Director explained that there were a number of public meetings and staff met with property owners. The Planning Commission sent a clear message that it wanted extensive landscaping which is expected from any private developer. Ms. Kerr felt this far exceeds what a private developer would be required to install. She understood the Planning Commission's vision but she is responsible for the taxpayers' dollars and questioned if this is a prudent investment at these prices. The Mayor interjected that there was a split decision on the Planning Commission, but a unanimous approval by the Council to build the parking and the enhanced landscaping, but at the old price. Ms. Kerr didn't believe that the purview of the Planning Commission should be the price. The Mayor encouraged Mr. Gibbs to get the cost down to the old price and Council member Daniels relayed to him that he would not support the extra dollars. Paul Sincock agreed that the cost per space is prohibitive and the Council has to be judicious when funding projects. He favored finishing the landscaping, and providing some pedestrian access. The Mayor suggested that the project be rebid in the summer, because he didn't believe that it is the intent of the Council to totally abandon the project. He added that parking should be evaluated during the next year.

Jerry Gibbs indicated that he would have to go back to the Planning Commission to relay that the cost of the landscape plan was not approved by the City Council and present another plan. He asked what happens if the Planning Commission denies the other plan. The Mayor encouraged him to go back to the Planning Commission and pointed out that the Council ultimately makes the final decisions. Chuck Klingenstein referred to the Reading Garden where the price was reduced and he felt there are other options. Jerry Gibbs added that Phase 1 has a lot more topsoil than a regular landscaping project because of the topsoil ordinance. Paul Sincock pointed out that the cost per space on this project is $8,000 to $9,000 per space and Mr. Gibbs clarified that it is $6,429 per space. If the $125,000 is pulled out, it is down about $5,000. Phase 1 was a relatively flat area that just required grading; Phase 2 is a ditch that requires a lot of work. Chuck Klingenstein interjected that Peace Park and the landscape consulting costs, which were not part of the project, adds another $65,000. Mr. Gibbs asked for direction on Peace Park which was added to this project for economy of scale reasons. The Mayor believed that the parking should be done first before the park. Chuck Klingenstein stated that he would like the options more clearly defined before making decisions. He believed that staff should proceed with obtaining free fill and receive hard numbers. Mr. Gibbs assured him that those are hard numbers. One of the things staff will be looking at is separating the landscaping to see if there is an advantage of the City acting as the general contractor. Pace Erickson, Golf Course and Parks Superintendent, added that there is economy of scale if Peace Park is built with the project as it would provide access to construction vehicles. If there is no access, it may increase contractors' costs to get materials back there. He emphasized that he doesn't know what is going on with landscaping costs as bids are coming in unpredictably high and he discussed the Reading Garden project.

Ms. Kerr understood that the area would be filled, a pedestrian access would be constructed and the landscaping in Phase 1 would be completed. She emphasized that she is interested in the pedestrian access earlier than later. Mr. Gibbs felt it is possible but what staff would like to do is to get the fill material in by August and then build the stairs and the access points so that if and when there are funds to finish the project, everything is in place. A small asphalt area connecting Phase 1 with the stairway will not be very expensive.

Resolution increasing golf fees. Bob Johnston indicated that the increase is sufficient and the proposal has been reviewed by the golf course committee.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
1884

DATE: March 26, 1998
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs
TITLE: Sandridge Parking/Peace Park
TYPE OF ITEM: Legislative-Contract Administration

SUMMARY RECOMMENDATIONS:. Authorize staff to award a change order to Miller Paving in the amount of $526,400 to complete the Sandridge Parking Project and Peace Park.

DESCRIPTION:

A. **Topic:** Completion of the Sandridge Surface Parking Program and Peace Park.

B. **Background:** Council authorized staff to proceed with design, bid and construction of the Sandridge Parking Project last summer. Bids were received on August 27 and reviewed by Council on August 28 for an eighty car facility. Miller Paving submitted the low bid of $415,036 ($5,188 per space). The bid did not include landscaping. The bids received were higher than anticipated due to the cost of the fill material and storm sewer. Council directed staff to reduce the scope. The lower portion of parking (phase 2) and storm sewer replacement were removed. The remaining project consisted of grading, asphalt, lighting, curb and gutter, signs and minor storm sewer installation for 46 spaces. Miller Paving was awarded the contract for $133,955. Council asked staff to solicit free fill and have plans and specifications for landscaping and the remainder of the project completed by January 1998.

Staff presented parking alternatives to Council on January 15, 1998. Council selected an alternative that added 23 spaces to phase 2. This option was estimated at $247,600 including landscaping for both phases. The project expanded from an 80 space parking area to 103 spaces. The additional spaces required a public hearing and additional approval from the Planning Commission. Staff also indicated the rock wall constructed in phase 1 would need to be removed and replaced with a keystone wall. This cost was estimated at between $20,000 and $25,000. Miller Paving is assuming the responsibility to remove the wall.

The Planning Commission held a public hearing on February 11. The comments received at the hearing and expressed by the Commission reflected concern over the landscaping plan and a guarantee that adequate landscaping would be installed. The Planning Commission requested a complete landscaping plan. Staff presented the landscaping plan and the Planning Commission approved (on a 3-2 vote) the project on March 11.

Staff and our consultants have met with the neighborhood several times to review the plans and hear their concerns. The only outstanding issue is landscaping on Sandridge Lane versus reduced parking spaces adjacent to the road.

C. <u>Analysis</u>. The projected total project cost is estimated at $711,240 including consulting and construction cost. Approximately $181,000 has been spent to date for phase 1 construction and design fees. Because Miller Paving bid the original 80 space project and their contract scope was reduced, Park City has the option to amend the contract and reinstate phase 2 construction or rebid.

Staff is negotiating with Miller Paving to finalize their unit costs. They have agreed to a change order of $526,400 to complete the additional 57 spaces (phase 2), landscaping for both phases, replace the retaining wall and build the park at China Bridge (Peace Park).. This amount includes several items not included in the original estimates. Those items are the replacement crib wall on phase 1 ($24,750), imported fill ($76,500), landscaping ($117,281), a wood stair case ($45,000) and Peace Park ($49,000).

The status of the crib wall was discussed previously.

Use of export material from other projects could save $76,500. Staff, the consultant and the contractor has let the word out that this project would accept fill material. All fill material is checked for gradation and contamination prior to delivery. Some material has been delivered to our site. Other material has been offered but rejected due to too much clay. The contractor and engineer feel confident that appropriate free material can be found. Depending on the construction schedule a need for some or all imported fill may occur. The change order reflects the all imported fill, which is unlikely.

The estimate provided in January allowed $60,000 for the landscaping of both phases. In a February meeting before the Planning Commission, the Commission and neighborhood felt very strongly that this project required a substantial landscape plan. The change order of $117,281 reflects the plan approved by the Commission and reviewed by the Planning Department..

An asphalt pathway and concrete stairs were anticipated in the project cost. During a staff review, a request to consider the Park City wood stair standard was made. This adds approximately $46,000 to the cost. The wood stair cost is included in the change order.

The Parks Department has been working on a park for the south side of China Bridge for the last two years. They have a separate budget for Peace Park. The project was combined with the Sandridge in hopes of getting a better cost on a larger project. The change order includes an additional $20,000 for this project.

Below is a summary of project cost including construction, engineering and landscape design.

PHASE I	
-Construction of 46 spaces	*$133,956.00 (Spent to date)*
-Keystone Wall	$ 24,750.00
-Landscaping/Irrigation	$ 55,299.27
Phase I Totals	*$214,005.27*
PHASE II	
-Parking Lot	$155,162.00
-Imported Fill	$ 76,500.00
-Imported Engineering Fill	$ 7,600.00
-Outlet Structure for 36" RCP	$ 1,500.00
-Stairways (Alaskan Yellow Cedar)	$ 71,760.00
-Landscaping/Irrigation	$ 61,981.32
Phase II Totals	*$374,503.32*
PEACE PARK	
-Landscaping/Irrigation and other improvements	$ 49,000.00
Peace Park Totals	*$ 49,000.00*
CONSULTANT FEES	
-Engineering (Civil/Site/Soil) to date	$ 37,731.54
-Engineering (Civil/Site/Soil) to finish	$ 16,000.00
-Landscape Architect to date (phases 1 & 2)	$ 18,259.25
-Landscape Architect to finish	$ 1,740.75
-Landscape Architect to date (Peace Park)	$ 16,000.00
Consultant Fee Totals	*$ 89,731.54*
Total Project Cost	**$ 727,240.13**

The project budget has been adjusted as follows:

-Original Budget	$ 310,000
-Peace Park	$ 44,000
-Additional Authorization (January 99)	$ 135,000
-Requested Appropriation	*$ 239,000*
Total Budget	**$ 728,000**

The total project cost exceeds our original estimates. The original project cost including engineering and construction for the Sandridge project was $310,000 (34-49099 & 34-42997). The Peace Park element was budgeted at $44,000 (34-49007) including $20,000 available in FY 99. The need for additional money has been anticipated based on the bids received last fall. The full amount was unknown until the landscaping was designed and the final prices were negotiated.

Below is a table showing the cost per space for each major item in the construction of phases 1 and 2. The cost do not include Peace Park.

COST BREAKDOWN
103 PARKING SPACES

CONSTRUCTION ITEM	TOTAL COST	COST PER SPACE
Asphalt/c&g/grading/storm drain/walls	$299,868.00	$2,911.34
Alaskan yellow cedar stairways	$ 71,760.00	$ 696.70
Lighting (fixtures/wiring)	$ 15,500.00	$ 150.50
Import material	$ 84,100.00	$ 816.50
Landscaping/irrigation	$117,280.59	$1,138.65
Consultants	$73,731.54	$ 715.84
TOTAL COSTS	$662,240.13	$6,429.53

The Wilbur Smith Report estimated (1996) $3,000 per space which did not include landscaping, stairs and drainage. This compares to a cost of $15,000 and $20,000 for covered and structure parking respectively.

D. **Department Review**. The legal department has determined a change order may be issued to Miller Paving upon approval by the City Council.

The CD Department has reviewed the plans and has assisted Public Works in the Planning Commission review process. They concur with the current project outline. The Planning Department will need to review and approve the final lighting plan including the number and type of fixtures on Phase II of the plan. The same type of lighting fixture for the parking areas of both Phase I and Phase II should be used. The type of lighting for the pedestrian pathway also needs to be reviewed and approved by the Planning Department prior to installation.

The Parks Department supports the landscaping plan.

The City Manager supports looking at alternatives to wood stairs to determine if there are any attractive and cost-effective alternatives (stairs leading from Marsac to Swede Alley).

Finance has identified account 34-49050 (Main Street Parking) as a potential funding source. There is currently $378,350 available in this account. These funds had been discussed as a source for the China Bridge construction. Bond proceeds from the 1997 Main Street RDA bond refunding is also a potential source. This source of funding was used in the previous authorization of $135,000. Use of this source would reduce the money available for street, stairs and other RDA projects.

ALTERNATIVES:

A. **Authorize staff to enter into a change order in the amount of $526,400 with Miller Paving to complete the Sandridge Parking project and Peace Park and appropriate $239,000 in additional funds. The budget update will reflect any changes made by Council relating to this project.**

B. **Direct staff to rebid the project.**

C. **Direct staff to complete the phase 1 landscaping and retaining wall and defer a decision on phase 2 Sandridge and Peace Park.**

D. **Reduce the scope of Alternative A.**

E. **Complete Phase 1, allow fill material to be placed at the site and rebid phase 2 at a later date.**

SIGNIFICANT IMPACTS:

Alternative A provides 57 additional parking spaces, landscaping, retaining wall and Peace Park. It will complete a direct pedestrian link from Sandridge to the Marsac Building. Peace Park will provide an additional green space along the south edge of China Bridge. The additional space should help relieve the congestion in the north Marsac Lot and 5th Level of China Bridge. It may also meet the concerns of the Main Street Merchants to include more free parking in the overall Pay Parking Program.

Alternative B will add approximately 6 to 8 weeks of time. This will push the start date from April 15 to June 1. There is no guarantee that pricing will improve.

Alternative C would complete the retaining wall ($24,740) and landscaping ($55,300) in phase 1. Additional work will be needed to smooth the stockpiled dirt in phase 2 and reseed. A pedestrian connection ($35,000) should be considered if phase 2 is delayed for undetermined length of time. This alternative should not exceed the original budget of $310,000..

Alternative D would allow a modification to the current scope of work. This could include delaying the project by using free fill material only (savings$76,500), change the wood stairs to concrete flatwork (savings $46,000), install less mature landscaping (savings $10,000) or reduce the amount of landscaping (savings to be determined). The neighboring public and Planning Commission would view a reduction of the landscaping component as undesirable. The Planning Commission would want to review and reduction in landscaping.

Alternative E would be similar to Alternative C but would allow fill material to be placed in the area of phase 2. This may require one or two seasons depending on the quality of the imported material. Some additional equipment time and labor would be needed. It is estimated that this cost would be $8,000 to $12,000. The phase 2 portion would need to be rebid for construction.

CONSEQUENCES OF NOT BUILDING ADDITIONAL PARKING:

Demand for free and permit parking space exceeds the available supply on most days during the winter. The phase 1 parking area is moderately utilized in the evenings and on week ends. The demand for this space and close parking will continue to increase. If the extra parking spaces proposed for Phase 2 were not built, the pressure on the existing free and permit spaces would remain high. Simply completing the pedestrian connections and landscaping in Phase 1 would improve the attractiveness and usability of the Sandridge lot. Phase 2 would be an additional enhancement. Structure parking is estimated to cost $15,000 to $20,000 per space.

RECOMMENDATION:

Authorize staff to enter into a change order in the amount of $526,400 with Miller Paving to complete the Sandridge Parking project and Peace Park and appropriate $239,000 in additional funds.

Council Agenda Report

DATE: March 26,1998
DEPARTMENT: Golf
AUTHOR: Craig Sanchez, Golf Course Manager
TITLE: **Golf Fee Increase**
TYPE OF ITEM: Approval

SUMMARY RECOMMENDATIONS

Approve a resolution (attached) that would increase fees for the 1998 season.

DESCRIPTION

A. Topic:

The Park City Golf Course is requesting approval for a fee increase for the 1998 golf season.

B. Background:

In March of 1996 City Council approved a 10 year fiscal plan designed by the Golf Course and City Finance staff. The basis of this plan was to keep Park City Golf Course a fiscally sound enterprise fund. Capital funds were also built into this plan to be used to pay off the bond for new facilities within the Hotel project, as well as other capital projects. Staff feels these funds will be utilized in the future regardless of who develops the property. The plan called for an increase of 12% in 1996 and yearly increases of 3.5% for resident and 4.5% for non-resident play. There was no fee increase in 1997, due to anticipated construction, and the fact that revenues were already on budget as contemplated in the plan.

Because the Golf Course is a popular recreational facility for residents and tourists, we have been in operation at full capacity for about 10 years. Unfortunately, because the course is at capacity, revenue from additional users is impossible. Adjustments in fees is the only avenue to increase revenue.

C. **Analysis:**

Approval of the proposed fee increase would allow us to continue operating the Golf Course in the black. It would allow for the development of an operations and maintenance reserve and capital improvements fund.

The philosophy of having reserve funds is to provide funds to cover:

1) any revenue shortfalls
2) an emergency or disaster
3) any expenditures in excess of revenues
4) to provide working capital to finance expenditures from the end of the golf season until other revenues are collected.
5) the development of a long-range capital improvement program approved by the Golf Committee in 1996 as part of the 10 year plan.

With the privatization of Park Meadows Country Club, the pressure will be even greater to provide a quality golf experience to our residents and guests.

During golf season 1995, 49% of our customers were non-resident. They accounted for 63% of our revenues. These numbers have dropped to 41% of play and 55% of revenue. Because of the significant increase in local play our revenue projections dropped slightly for 1997.

There has been concern among the golfing public that the pull out of Island Outpost this will cause significant product degradation. The only areas that were impacted were #9 green and #3 tee. Our plan is to have these areas redesigned and rebuilt by the middle of June. At the completion of this work the course will once again be a par 72 facility.

Staff is reviewing program ideas to make the Golf Course more user friendly during period of reconstruction. There was some concern voiced by the Golf Advisory Committee, and they will be involved in developing these programs. Early stage ideas include, reduced rate golf days, use of range for pass holders, free instructional clinics. These programs would take place while we re-build #9 and #3.

D. **Review:**

The Leisure Services, and Administrative Services Departments have reviewed this proposal.

On March 11, 1998 the Golf Advisory Committee reviewed and endorsed this plan.

ALTERNATIVES

A. Approve fee increase.

B. Deny fee increase.

C. Continue the item for further discussion and input.

SIGNIFICANT IMPACTS

Rates for residents would rise by 3.5%. Rates for non-residents would rise by 4.5%. Please see attached resolution for detail about the new fee structure.

RECOMMENDATION

Staff recommends approval of the fee increase.

PARK CITY GOLF COURSE

	1997	1998 (PROPOSED)
GREEN FEES		
RESIDENT 9	8.50	8.75
RESIDENT 18	17.00	17.50
REGULAR 9	14.50	15.25
REGULAR 18	29.00	30.50
OFF SEASON 9	11.25	11.75
OFF SEASON 18	22.50	23.50
PASS RATES		
RESIDENT PASS	504.00	522.00
REGULAR PASS	650.00	702.00
JR./SR. PASS	250.00	260.00
PUNCH PASS	225.00	235.00
SR. PUNCH PASS	215.00	220.00
GOLF CART RENTAL		
PULL CART 9	1.50	1.75
PULL CART 18	3.00	3.50
RIDE 9	13.50	14.00
RIDE 18	22.50	23.50
CART PASS	335.00	350.00
RANGE FEES		
SMALL BUCKET	2.00	2.50
LARGE BUCKET	4.00	5.00
RANGE PASS	140.00	145.00
COUNTY- ASSOCIATION GOLF TAG		
	55.00	60.00

Resolution No. - 98

RESOLUTION ADOPTING REVISED GOLF FEES AND REPEALING AND REPLACING RESOLUTION NO. 18-96, IN ITS ENTIRETY FOR LEISURE SERVICES INCLUDING RACQUET CLUB, GOLF, LIBRARY, CEMETERY, PARKS, AND CITY FACILITIES FOR PARK CITY, UTAH

WHEREAS, it is necessary for the City Council to amend fee resolutions from time to time, to reflect current policies and philosophies regarding the increased costs of performing services and providing programs and other public benefits; and

WHEREAS, the City Council finds it in the best interest of the public to adjust golf fees at this time;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah, that Section 4E is hereby amended and the Leisure Services Fee Resolution is hereby adopted as follows:

SECTION 1. PURPOSE AND PHILOSOPHY. Leisure Services Administration, the Park Department and the Library are divisions of Leisure Services supported primarily by tax dollars through the City's General Fund. The Recreation Department, Racquet Club and Golf Course have been established as enterprise funds and should be primarily supported by revenues other than taxes. This policy applies to Recreation/Racquet Club and Golf Course Enterprise funds.

The purpose of this resolution is to establish a level of operations and maintenance cost recovery for programs, activities and facilities, and direction for establishing fees and charges for the use of and/or participation in the programs, activities and facilities offered by the Recreation Department, Racquet Club and Golf Course.

It is the intent of the City to offer its Leisure Services programs, activities and facilities to the entire community. To help offset the cost of providing these services, and since the primary beneficiaries of these services are users, it is appropriate to charge fees that are adequate to fund operation of the facility in line with other like programs.

SECTION 2. COST RECOVERY. It is the intent of the City to recover roughly 80% of the operations and maintenance expenses incurred by the Recreation Department and the Racquet Club and 100% of the operations and maintenance expenses incurred by the Golf Course through sources of revenue other than taxes. The City's cost recovery plan is described in detail in the City's budget document. User fees should not be considered the only source for accomplishing this objective. Revenues may also include:

Hourly Court Fees

	Indoor Singles	Indoor Doubles	Outdoor Singles	Outdoor Doubles
Per-Person Charges:				
Resident discount rate	$ 7.00	$ 3.50	$ 3.00	$ 1.50
Regular rate	14.00	7.00	6.00	3.00
Full Court Charges:				
Resident discount rate	$14.00		$ 6.00	
Regular rate	28.00		12.00	

Drop-in Fees. Drop-in activities may include use of any or all facility amenities, except tennis.

Resident discount rate	$3.50
12 and under	2.00
Regular rate	$6.75
12 and under	4.00

E. **Golf Fees**:

The Park City Municipal Golf Course is an 18 hole course and 6,743 yards in length. The fees listed below are established fees, however they may be altered for certain types of tournament play. To receive a resident discount, the recreation card (which must have a City resident designation) must be presented to the golf starter. Season passes are available only to those who possess a locals card. Playing conditions on the course may vary due to weather constraints, particularly early and late in the season. The Golf Pro may, at his discretion, discount the established fees in order to encourage use of the course when playing conditions are less than optimum.

~~High~~ Regular Season- Memorial Day through September
Off-Season- Pre-Memorial Day, October and November

~~**18 Holes**~~	
~~High Season~~	~~$ 29.00~~
~~Off Season~~	~~22.50~~
~~Resident Discount Rate (anytime)~~	~~17.00~~
~~**9 Holes**~~	
~~High Season~~	~~$ 14.50~~

~~Off Season~~	~~11.25~~
~~Resident Discount Rate (anytime)~~	~~8.50~~

~~**Punch Pass**~~

~~10- 18 hole rounds~~	~~$225.00~~
~~Senior~~	~~215.00~~

~~**Season Passes:**~~

~~Local~~	~~$ 504.00~~
~~Resident Junior~~	~~250.00~~
~~Resident Senior~~	~~250.00~~

~~**Power Cart Fees:**~~

~~18 Holes~~	~~$ 22.50~~
~~9 Holes~~	~~13.50~~
~~Range Season Pass~~	~~$ 140.00~~

Green Fees

Resident 9	$ 8.75
Resident 18	17.50
Regular 9	15.25
Regular 18	30.50
Off season 9	11.75
Off season 18	23.50

Pass Rates

Resident pass	$522.00
Regular pass	702.00
Junior/Senior pass	260.00
Punch pass	235.00
Senior punch pass	220.00

Golf Cart Rental

Pull cart 9	$ 1.75
Pull cart 18	3.50
Ride 9	14.00
Ride 18	23.50

Cart pass	$350.00

Range Fees

Small bucket	$ 2.50
Large bucket	5.00
Range pass	145.00

County - Association Golf Tag $ 60.00

F. **Library Fees**:

The Park City Library Board routinely reviews non-resident fee options and recommends changes. Library services, which are funded by the General Fund, are provided without charge to property owners, residents, and renters within the City's boundaries. Non-resident card fees are charged to those who request borrowing privileges but live outside the City's taxing area.

Non-Resident Card Fees

Family membership	$ 75.00 per year
Temporary membership	20.00 plus $10.00 deposit for a period of 90 days
Student card (Grades 6 - 12)	25.00 per year ($15.00 from student and $10.00 from Summit County)
Student card - College enrolled	25.00 per year
Organization card - non-profit	50.00 per year
Organization card - for-profit	100.00 per year

G. **Cemetery Fees**:

Anyone owning property, currently residing, or having resided in Park City for a period of more than ten years consecutively, is eligible to purchase cemetery property or may be buried in the Park City Cemetery. There are a limited number of lots available for individuals not meeting the eligibility requirements set forth in Resolution No. 11-93. These will be sold on a first-come, first-served basis.

	Eligible Resident Fees	Non-Resident Fees
Single adult grave	$300	$600
Single infant grave	150	300
Opening and closing adult grave	270	370

8. Only one rate reduction may apply to any group or user (the largest allowable reduction will apply).

9. City reserves the right to change fees, especially in the case of commercial enterprises.

10. These rates apply to Auditorium rental only, rental rates for film equipment are calculated separately.

SECTION 5. REPEALER. This Resolution setting forth fees, replaces and repeals any previous resolution with regard to Leisure Services or Recreation Fees, inconsistent herewith.

SECTION 6. EFFECTIVE DATE. This Resolution becomes effective upon adoption.

PASSED AND ADOPTED this 26th day of March, 1998.

PARK CITY MUNICIPAL CORPORATION

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Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

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Mark D. Harrington, Deputy City Attorney

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 26, 1998

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 26, 1998. Members in attendance were Brad Olch, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels was excused. Staff present were Toby Ross, City Manager; Bob Johnston, Leisure Services Director; Craig Sanchez, Golf Course Manager; Tom Bakaly, Finance Manager; Nora Seltenrich, Special Projects Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

New private school - Betsy Bacon and Kathleen Smith - Betsy Bacon, 5th grade teacher in the Park City School District, stated that she will be opening a private school in July. She felt that a private school will help relieve the overcrowded situation in classrooms and will provide extra tax dollars for public school students. She noted that the school will also offer another opportunity in the community. She has been recently apprised that the City owns the Century 21 building on Park Avenue (Offret property; see New Business). They are looking for temporary housing for a year, until there is a donated school site. Kathleen Smith stated that she and Ron Ivie inspected the building. The Chief Building Official indicated that there are a number of improvements that would need to be made for a school. Ms. Smith was not sure of the Council's intention with regard to this, but the location is great. They have also looked at the old sewer site which is very desirable where there could be a temporary structure. She discussed the possibility of the Wortley property, but it would cost $200,000 to run water out there. Tom Cammermeyer will be an integral part of the school.

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 5, 1998

There were two corrections to the Minutes of March 5, 1998. Roger Harlan disclosed that he will be abstaining as he was not in attendance. Chuck Klingenstein, "I move approval of the Work Session Notes and Minutes of the Meeting of March 5, 1998, noting the changes". Shauna Kerr seconded. Motion carried.

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

V NEW BUSINESS

1. Change order for Miller Paving for Sandridge Parking Lot Project - See staff report and Work Session Notes. Shauna Kerr, "I move that we not approve this change order". Chuck Klingenstein seconded. Motion carried.

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

2. Resolution adopting revised golf fees and repealing Resolution No. 18-96 in its entirety for Leisure Services including Racquet Club, Golf, Library, Cemetery, Parks and City facilities for Park City, Utah - Bob Johnston, Leisure Services Director, explained that the golf course will be managed differently; Craig Sanchez will be the Golf Course Manager and Bob Rudd the head golf professional. Mr. Johnston felt confident that this will be a good change. Craig Sanchez explained that a few years ago, the golf committee and the City Council approved a ten year fiscal plan to keep the Park City Golf Course a financially stable enterprise fund. At that time, a 12% increase was approved and increases yearly thereafter. He explained that there was no increase last year because of the anticipated construction of the hotel project and also the revenue projection numbers were in line. Last year, revenues projection numbers were not met mainly due to the fact of the increase in local play, which is a positive thing. The negative is that the fees charged to locals are substantially less than what is charged to non-residents. Utah, in general, is known as an affordable golf state and the Park City Golf Course is the most affordable golfing venue for residents in the state. He explained that most golf courses charge weekday/weekend fees while Park City charges resident/non-resident fees. Pass policies have changed in Utah so that pass holders pay per round and the pass is only valid on weekdays. Mr. Sanchez expressed that to continue with the product the City has, that the fee increase is beneficial to achieve that success. He explained the County Association tag. Roger Harlan asked about the 8% drop in non-resident play and asked if

it was because they couldn't get on the course, or didn't show up. Mr. Sanchez believed that it was both; tees times sell out a week in advance. Chuck Klingenstein asked if the golf course committee is aware that the loss of non-resident play may put the operation out of balance. Craig Sanchez explained that an option being looked at is the 5% in tournament play which is primarily Salt Lake City based organizations, and supplanting that with lodging groups and charging more than even non-residents. Tee times could be made well in advance at a higher fee. Because of the privatization of Park Meadows, visitors can rarely play Park City. Mr. Sanchez explained the strategy with eliminating tournament play and replacing it with lodging guests, which would prompt more tee times for locals.

In response to questions from Paul Sincock, the City Manager indicated that the City has reached an agreement with Island Outpost about the compensation provided for the interruption of activity; this doesn't affect the impact fee money received by the City. Basically, the City will perform all of the work except the clean-up and will pay about $88,000 to extend some golf paths. The pro shop will remain in the temporary cabin and there will be sufficient parking. Mr. Sanchez added that there will have to be a satellite facility for the driving range. The No. 3 Tee will have to be rebuilt as will the No. 9 Green, which will be a par three for part of the season.

Shauna Kerr, "I move approval of the rate increase for the Leisure Services fees, including golf". Chuck Klingenstein seconded. Motion carried.

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

3. Real Estate Purchase Agreement with Anne L. Offret Charitable Remainder Trust for the purchase of property located at 1240 and 1260 Park Avenue in the amount of $1,000,000 - See staff report. Toby Ross emphasized that this is a market rate acquisition. This was a long-term effort and staff is recommending acquisition. The money is coming from an advance which will be refunded by a Redevelopment Agency bond. Finance Manager Tom Bakaly clarified that the $1 million would go into a charitable trust, earning interest, and the principal would be decreased each year and paid to the trustees. With the City as the beneficiary, at 10% interest over 20 years, there would be $1 million available and he explained other scenarios at different interest rates. Paul Sincock felt that this is analogous to an annuity. Chuck Klingenstein, "I move approval of a real estate purchase agreement with Anne L. Offret Charitable Remainder Trust for the purchase of property located at 1240 and 1260 Park Avenue in the amount of $1,000,000". Roger Harlan seconded. Chuck Klingenstein emphasized that land acquisitions take a lot of time and work and the average preparation is five years. Ms. Kerr thanked Ms. Offret for her patience and dealing with

the City in good faith. Paul Sincock pointed out how well this parcel fits with the Library and the park and felt it is a great acquisition. Motion carried.

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

VI PUBLIC HEARING

Ordinance amending the zoning map of Park City to adjust zone boundaries and modify zoning consistent with the Development Agreement for the expansion of the Park City Mountain Resort located in Park City, Utah - Nora Seltenrich explained that this application is consistent with the Development Agreement and the MPD approval for the Park City Mountain Resort large scale master plan. After the Development Agreement was approved, there are three actions occurring. The Planning Commission and City Council need to approve this rezone which is a boundary line adjustment; there is a subdivision plat to create the parcel upon which the first conditional use permit is granted; and the CUP then needs to be processed. Ms. Seltenrich clarified that this is the first action. The Planning Commission forwarded a positive recommendation to the Council on the rezone. This is a public hearing only; action is anticipated on April 9. Through illustration of a map, she explained the areas rezoned from Recreation Commercial (RC) to Recreation Commercial Master Planned Development (RC-MPD), and areas zoned RC to Recreation Open Space (ROS). This is consistent with the Development Agreement and large scale master plan. This is also a net increase of about 13 acres of ROS.

With no comments or questions from the Council or the public, the public hearing was closed.

VII ADJOURNMENT

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

* * * * * * * * * * *

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Brad Olch, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels was excused. Staff present were Toby Ross, City Manager; Mark

Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Chuck Klingenstein, "I move to close the meeting to discuss litigation". Roger Harlan seconded. Motion carried.

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

The meeting opened at approximately 4:40 p.m.

* * * * * * * * * * *

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

Janet M. Scott, City Recorder

PARK CITY 1884

DATE: March 23, 1998
DEPARTMENT: Executive
AUTHOR: Toby Ross
TITLE: Anne Offret Property Acquisition
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the Council authorize the Mayor to execute the preliminary offer, which has been signed by Anne Offret (as trustee for the Anne L. Offret Charitable Remainder Unitrust) and authorize acquisition of the Offret property with funds borrowed from available City resources to be repaid by the RDA from proceeds of an RDA bond sale expected in the spring.

DESCRIPTION:

A. Topic:

Proposed property acquisition.

B. Background:

For many years, the City has discussed purchasing property on Park Avenue owned by Anne Offret. The Offret property is located on Park Avenue across form the Park City Library and Education Center, and adjacent to the south end of City Park. The entire property is zoned HCB. It consists of a small residence at 1260 Park Avenue, a paved parking area of approximately 6,050 square feet, a commercial building at 1240 Park Avenue (currently vacant and most recently used as a Century 21 Realty). The entire property is approximately 17,800 square feet.

As early as 1994, began negotiations to buy the this property. Unfortunately, Ms. Offret became ill around this time, and negotiations for the purchase of the property were halted.

In October of 1995, staff resumed discussions with Ms. Offret regarding our interest in the property. In January 1996, the City presented an formal offer to purchase the property which was not accepted. At about that time Ms. Offret gave the City and informal (non-binding) right of first refusal.

Discussions continued intermittently until mid-1997 when Ms. Offret proposed an approach to acquisition that would provide her with a reliable source of income. In January 1998, Ms Offret created a Charitable Remainder Unitrust (Trust) and placed the entirety of the property into this Trust. The City has been named as the beneficiary to the Trust.

Pursuant to Council direction, Staff submitted a preliminary purchase agreement to Ms. Offret's representative, Mr. Ted W. Dodge, on March 6, 1998. Ms. Offret signed slightly revised version of the agreement on March 20, 1998. The preliminary agreement is subject to Council approval, and must be presented to the Council within 2 weeks following receipt of the signed agreement. If Council approves the agreement it is binding. If Council does not approve the preliminary agreement it will lapse and be of no further effect.

C. <u>Analysis</u>:

This property was identified in the Lower Park Avenue Plan as a target for purchase so that the south end of City Park could be attractively connected with the Park City Library and Education Center. Since then, a small sidewalk has been installed to connect parking in City Park to the Education Center. Preliminary plans for pedestrian improvements have identified this property as a possible location for a major pedestrian link between the Park City Mountain Resort, City Park and Main Street. The acquisition would be consistent with the Council's priority for land banking. Recent discussions regarding the City's need for office, meeting and storage space have identified possible interim uses for the buildings before and during the Olympic Winter Games. The proposed acquisition contains no restriction on use or resale. The land around the commercial building is currently rented (month-to-month) by Mike Hale Chevrolet (Hale). Park City already owns the property to the south which is the main part of the Hale operation. Hale is building a new dealership near Kimball Junction and expects to cease use of both properties in the summer of 1998.

The role of the Trust is to provide reliable income for 20 years. If Park City buys the property from the Trust, the proceeds of the sale would be invested with the goal of earning at least a 10% annual return. Each year, the Trust would pay Ms. Offret or her heirs 10% percent (2.5% quarterly) of the principal value of the Trust. At the end of 20 years the entire remaining principal would be given to the City.

The purchase price of the property is $1 million, which we believe to be at or below the market value, although the property has not been appraised since 1995. If the investments in the Trust return 10% per year, the City would receive about $1 million in 20 years or a present value in excess of $300,000. If the investments in the Trust return 15% per year, the City would receive about $2 million in 20 years. If the investments in the Trust return 5% per year, the City would receive about $200 thousand in 20 years. The returns of similar investments in the past five years ranged from 15% to 20%, but the past is no guarantee of future returns.

D. <u>Department Review</u>

The Legal Department reviewed the Trust and a draft Purchase Agreement with the benefit of outside counsel. The Final Purchase Agreement reflects the input from that review. The City is proceeding with an RDA bond which contemplates this purchase.

ALTERNATIVES:

A. Authorize Offer to Purchase the Property & Advance the Purchase Price:

Staff has worked with the owner of the Property to prepare a preliminary offer to purchase the property. Council could authorize the acquisition as negotiated and prefunding the purchase prior to a bond sale. The purchase is compatible with both the City's and the owner's needs.

B. Present an Offer to Purchase the Property Without Advancing the Purchase Price:

Council could authorize the acquisition as negotiated without prefunding the purchase prior to a bond sale. The goal of prefunding is to allow the Seller to receive the benefits of the sale sooner and to permit the City to determine when to sell bonds without this purchase determining the timing. If the purchase is not prefunded, the City would have a maximum of 60 days to complete the purchase. In taking this action, Council should direct Staff to complete the bond sale process before advancing the purchase price to the Trust.

C. Not Present an Offer:

Council can direct City staff to communicate to Ms. Offret that we are no longer interested in acquiring the Property.

D. Continue the Item with Direction:

If the Council requires additional information or wishes to modify any terms, the Council could continue the item. The Council is not scheduled to meet on April 2, so staff would seek an extension of the Purchase Agreement to accommodate the continuance.

SIGNIFICANT IMPACTS:

The Property will cost the City $1,000,000. The Lower Park Avenue RDA is a logical source of funding. However, the cash balance is insufficient to make the purchase. The RDA expects to issue bonds within the next 60-90 days. The RDA could borrow from another fund to make the purchase and then repay that loan from bond proceeds. The Finance Manager recommends the CIP Fund (Five Year Funding Account # 31-42990). There is currently over $3 million in that account. Under the terms of the Purchase Agreement, we would be required to place the $1,000,000 into the Trust which currently owns the property at closing; at the end of 20 years PCMC would receive the principal remaining in the Trust which is estimated to be about $1,000,000 (it could be more or less depending on investment returns). The City is also required to update the property appraisal. A preliminary title report and a phase I environmental study are in process.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The price of this property has risen steadily since we first began negotiating with Ms. Offret. It would be reasonable to assume that this trend would continue, if we decide not to purchase this property at this time. Furthermore, the property could be advertised on the open market, which may also escalate the price. The sooner the property is purchased, the sooner the Trust can begin paying Ms. Offret. Significant delays would create a hardship for Ms. Offret and complications for the Trust.

RECOMMENDATION:

Because of the Council's prior interest in purchasing the Property, the location of the parcel and the potential benefits to the City, staff recommends Council authorize 1) the Mayor to execute the preliminary offer and 2) acquisition of the Offret property with funds borrowed by the RDA from available City resources to be repaid from proceeds of an RDA bond sale expected in the spring. Staff recommends that the City expedite the purchase subject to favorable outcomes of usual inspections, searches and studies.

REAL ESTATE PURCHASE AGREEMENT

WHEREAS, ANNE L. OFFRET CHARITABLE REMAINDER UNITRUST ("Seller") owns property at 1240 and 1260 Park Avenue, in Park City, Utah ("the Property.") and Anne L. Offret (Donor) desire to sell the Property; and

WHEREAS, PARK CITY MUNICIPAL CORPORATION ("Buyer") wishes to purchase the Property;

NOW, THEREFORE, based upon the mutual consideration herein, the sufficiency of which is acknowledged, Seller and Buyer agree as follows:

TERMS:

1. **Property:** described as approximately 17,888 square feet of land, an office building, a house and other improvements located at 1240 and 1260 Park Avenue, in Park City, **Utah.**

2. **Purchase Price:** Seller hereby agrees to sell the Property to Buyer for the Purchase Price defined as:

   $1,000,000 *Purchase Price:* is to be placed into the Anne L. Offret Charitable Remainder Unitrust (Trust).

3. **Trust Beneficiary:** Park City Municipal Corporation (the "Buyer") has been named as the beneficiary of the Anne L. Offret Charitable Remainder Unitrust (the "Trust") pursuant to paragraph F. Seller and Donor hereby represent and warrant that they have exercised the powers of appointment set forth in paragraph F of the Trust and further agree to exercise the powers of appointment set forth in paragraph F of the Trust so that the assets remaining in the Trust shall be distributed to Park City Municipal Corporation and no other beneficiary without restrictions upon the Termination Date, as that term is defined in the Trust.

4. **Financing** Following formal City Council approval of this Purchase Agreement, Buyer shall have a reasonable time to determine the method for financing the purchase. This financing determination will be at the sole discretion of the Buyer, and will not exceed 60 days.

5. **Possession:** Seller shall deliver physical possession of the Property to Buyer at Closing. Seller must remove all personal possessions from the Property before delivering physical possession to Buyer. Seller shall bear risk of loss of the Property until delivering physical possession to Buyer.

6. **Condition of the Property:** Seller warrants that the Property shall be broom-clean and free of debris and personal belongings on the date Seller delivers physical possession to Buyer. Any Seller moving-related damage to the property shall be repaired at Seller's expense. Seller will have 45 days after closing to remove all personal property.

7. **Leasing Restrictions:** Neither the Grantor, nor the Trustee, may enter into any leasing arrangements for the Property without prior approval of Buyer.

8. **Inspections & Studies:** Before Closing, Buyer may, upon reasonable notice, and at a reasonable time conduct inspections of the Property, or at Buyers expense conduct studies relating to the Property.

9. **Appraisal of Property:** Buyer's obligation to purchase the Property is not conditioned upon the Property appraising for the Purchase Price. However, on or before April 30, 1999, Buyer shall order a full and complete appraisal of the Property. The provider and scope of the appraisal will be at the complete discretion of the Buyer. One-half the cost of providing the appraisal over $2500 shall be the responsibility of the Seller.

10. **Closing and Associated Cost:** Buyer and Seller shall each pay one-half the costs of a title report and policy, creating the trust, escrow fees, recording fees and any other similar costs.

11. **Investment Reporting Requirements:** The Seller intends to invest the assets of the Trust to yield, on average, at least 10% per year consistent with the priories safety of principal and adequate liquidity. The Seller shall provide the Buyer quarterly statements of the principal, expenses and investments of the Trust.

12. **Offer Expires:** If this offer is not accepted by Sellers by the close of business on March 25, 1998, it will lapse and be of no further effect.

13. **Council Approval Required**. This offer is subject to approval by the City Council following public notification at a regularly scheduled meeting. This item will be presented to the Council within 2 weeks following receipt of a signed copy of this offer by Buyer. Buyer shall inspect and approve the Property within 15 days following formal Council authorization. If the Council does not approve the offer, it shall lapse and be of no further effect.

14. **Binding Agreement**. Upon approval of this offer by PCMC, this offer shall be deemed formally accepted and binding upon both parties, their successors and assigns. This agreement may only be amended by written agreement, which may contain other mutually acceptable terms, covenants, conditions and provisions, duly executed by both parties.

15. **Non Integration**. The obligations incurred in paragraphs 3 and 10 shall survive the Property transfer. Neither paragraphs 3 nor 10 shall merge into the deed.

Acceptance of Preliminary Offer to Purchase: Seller Accepts the foregoing offer on the terms and conditions specified above.

____
Seller (Date) (Time) (Seller's Name and Title, **Please Print**)

____
Anne L. Offret (Donor) (Date) (Time)

Approved as to Form:

____
Jodi Hoffman, City Attorney (Date)

Approved and Accepted:

____
Bradley A. Olch, Mayor (Date)

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **March 25, 1998**
DEPARTMENT: **Planning**
AUTHOR: **Nora Seltenrich**
TITLE: **PCMR Zone Boundary Adjustment**
TYPE OF ITEM: **Zoning Map Change**

SUMMARY RECOMMENDATIONS:
Public Hearing Only.

DESCRIPTION:
A. Topic.

PROJECT STATISTICS

Project Name:	PCMR Zone Boundary Adjustment
Owners:	Powdr Corp.
Location:	Park City Mountain Resort
Zoning:	Recreation Commercial/ Recreation Open Space
Adjacent Land Uses:	Ski Resort
Project Planner:	Nora Seltenrich

B. Background.

On June 25, 1997, the Planning Commission approved the a Large Scale Master Planned Development for the Park City Mountain Resort. A condition of that approval is that a zone boundary modification be processed to reflect changes necessary to accommodate the Master Plan. In addition, the existing zoning of Recreation Commercial and Recreation Open Space needs to be modified to include the MPD designation as outlined in the Development Agreement and the Large Scale Master Planned Development. A public hearing on the change in zoning was held before the Planning Commisison on February 25, 1998 and there was no public input. A recommendation from the Planning Commission is scheduled to occur on March 25, 1998.

C. Analysis

Zone Boundary Adjustment - There are three areas of land which are currently zoned Recreation Commercial (RC) and are being proposed to be rezoned to Recreation Open Space - Master Planned Development (ROS-MPD). The parcels are 6.13 acres, .76 acres and 7.58 acres, for a total of 14.5 acres. No development is proposed on these areas in the approved Large Scale MPD. There is a 1.43 acre parcel which is currently zoned Recreation Open Space and is proposed to be modified to Recreation Commercial - Master Planned Development (RC-MPD) to accommodate the development of Building A in the Master Plan.

MPD Designation - The areas in the Master Plan which were zoned Recreation Commercial, but are now subject to the Large Scale Master Plan are being rezoned to Recreation Commercial - Master Planned Development.

D. <u>Department Review.</u>

The proposed changes in zoning are consistent with the Master Planned Development Approval and the Development Agreement. They have been reviewed and are recommended by the Community Development and Legal Departments.

Draft 3/23/98

AN ORDINANCE AMENDING THE ZONING MAP OF PARK CITY TO ADJUST ZONE BOUNDARIES AND MODIFY ZONING CONSISTENT WITH THE DEVELOPMENT AGREEMENT FOR THE EXPANSION OF THE PARK CITY MOUNTAIN RESORT LOCATED IN PARK CITY, UTAH

WHEREAS, a Large Scale Master Planned Development has been approved by the Park City Planning Commission on June 25, 1997 and the City Council granted a height variation for the MPD on August 21, 1997;

WHEREAS, the Master Plan approval requires that a zone boundary between the Recreation Commercial Zone and the Recreation Open Space Zone be adjusted to accommodate the structures as approved;

WHEREAS, the zone boundary adjustment results in an increase in the area zoned Recreation Open Space;

WHEREAS, the Master Planned Development Approval also requires the existing zoning to be modified to add the "MPD" designation referencing the approved Large Scale MPD;

WHEREAS, the Planning Commission held a public hearing on the proposed rezone on February 11, 1998;

WHEREAS, it is in the best interest of Park City to amend the Official Zoning Map of the City and the rezone is consistent with the General Plan as proposed;

NOW, THEREFORE BE IT ORDAINED BY THE CIYT COUNCIL OF PARK CITY , UTAH THAT:

SECTION 1. Zoning Map Amended. The Zoning Map of Park City is hereby amended to change the zone boundary of the Recreation Open Space Zone and Recreation Commercial Zone as depicted on Exhibit A.

SECTION 2. Effective Date. This ordinance shall take effect upon publication.

DATED this 26th day of March, 1998

PARK CITY MUNICIPAL CORPORATION

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BRADLEY A. OLCH, MAYOR

ATTEST:

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Jan Scott, City Recorder

APPROVED AS TO FORM:

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Jodi Hoffman, City Attorney