PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 23, 2006

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 23, 2006.

Work Session – City Council Chambers
3:30 p.m. Council questions/comments
3:45 p.m. Conservation easement for the McPolin Farm
4:15 p.m. Summit County corridor preservation fee - Kevin Callahan
4:45 p.m. Trash issues:

- Swede Alley trash discussion
- Summit County Solid Waste Committee update

5:30 p.m. Dedication of new Parking Structure

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

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV PUBLIC HEARINGS

1. LMC amendments Chapter 1: General Provisions; Chapter 3: Off-Street Parking; Chapter 4: Supplemental Regulations; Chapter 6: Master Planned Developments; Chapter 7: Subdivision General Provisions; Chapter 8: Annexations relating to changes in the Utah State Code and to modify the use of the term Community Development Department and Community Development Director **(motion to continue to April 13, 2006)**

2. Ordinance approving The National Garage Subdivision of Lots 16, 17, 18, 21, 22 and a portion of Lot 20 of Block 6 of the Park City Survey and the Snyders Addition to the Park City Survey, located at 703 Park Avenue and 664 Woodside Avenue, Park City, Utah

3. Ordinance amending Chapter 15, Park City Landscaping and Maintenance of Soil Cover, to expand the Soils Ordinance Boundary to include property located at the Park City High School

V CONSENT AGENDA

1. Ordinance approving The National Garage Subdivision of Lots 16, 17, 18, 21, 22 and a portion of Lot 20 of Block 6 of the Park City Survey and the Snyders Addition to the Park City Survey, located at 703 Park Avenue and 664 Woodside Avenue, Park City, Utah

2. Ordinance amending Chapter 15, Park City Landscaping and Maintenance of Soil Cover, to expand the Soils Ordinance Boundary to include property located at the Park City High School

VI NEW BUSINESS

Resolution authorizing the issuance and confirming the sale of up to $4,450,000 Park City, Utah Water Revenue Bonds, Series, 2006; authorizing the execution and delivery of a second supplemental indenture of trust to secure said bonds, and other documents required in connection therewith; and related matters

VII ADJOURNMENT

PARK CITY HOUSING AUTHORITY MEETING
SUMMIT COUNTY, UTAH
MARCH 23, 2006

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF JANUARY 26, 2006

IV NEW BUSINESS

Approval of Silver Star Affordable Housing Plan – Paladin Development

V ADJOURNMENT

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

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

Posted: 03/20/06
See: parkcity.org

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

March 2006

30 Resolution – Entry Corridor Transit/Transportation Management Strategic Plan – public hearing/consent
Ordinance – 1021 Norfolk Avenue plat amendment – David
Ordinance – 208 Norfolk Avenue plat amendment - Jon
Corps of Engineers grant agreement – Jerry
Construction contract for locker room remodel at Racquet Club – Ken
Joint meeting with Planning Commission – general commercial districts

April 2006

6 **No meeting**
13 Affordable housing resolution – work/public hearing/action
LMC amendments Chapter 1: General Provisions; Chapter 3: Off-Street Parking; Chapter 4: Supplemental Regulations; Chapter 6: Master Planned Developments; Chapter 7: Subdivision General Provisions; Chapter 8: Annexations relating to changes in the Utah State Code and to modify the use of the term Community Development Department and Community Development Director
20 Art Advisory Board update - work
Wasatch Back Relay MFL – June 24, 2006 – public hearing/action
27

May 2006

4
11
18
25
29 Memorial Day – offices closed

Pending Items:

Main Street real estate office mix – Jon
Mosquito Abatement District update - John Yassi, District Director
Eagle Pointe V annexation public hearing/action - Brooks
Amendment to LMC creating Community Transition Zone and amending Chapter 6 Master Planned Developments creating unit equivalent multiplier for (I) occupancy buildings
KPCW lease
General Plan update
Regional bus service SLC
Conveyance of easement from Iron Mountain & Associates
One year review of Ordinance No. 05-49, outdoor display of merchandise – August 2006
One year review of land use associated with purchase of Aerie Drive/Deer Valley Drive property – August 2006
Briefing on parking regulations and event parking permits for Sundance – Fall 2006

City Council
Staff Report

PARK CITY 1884

Author:	**Brooks T. Robinson**
Subject:	**Conservation Easements**
Date:	**March 23, 2006**
Type of Item:	**Work Session discussion**

Planning Department

Summary Recommendations:
Staff recommends that the City Council discuss the baseline reports and annual monitoring provided by Summit Land Conservancy (SLC). Staff further recommends that the Council discuss the granting of a conservation easement on the McPolin Farm (the "Farm").

Background:
On September 30, 2004, the City Council directed staff to prepare third-party conservation easements on all lands purchased with the open space bond proceeds. The Council also directed staff to award a service provider contract in accordance with the procurement policies that have been adopted by City Council to one qualified non-profit (Summit Land Conservancy) to assist with monitoring. Monitoring includes Flagstaff annexation areas as well as bond purchased parcels.

Summit Lands Conservancy has completed a baseline report for both the Flagstaff conservation easements and the Round Valley areas. Round Valley includes the Grover, McMillian, Bilogio, Cranbrook and E. Gillmor Open Space bond purchases.

The Council also directed staff to research placing a conservation easement on the McPolin Farm. The City held a public Open House regarding the McPolin Farm on December 7, 2005 and attracted 15 members of the public plus staff and Councilmembers Heir and Erickson. While there was not outspoken support for or against adding a conservation easement on the Farm, several ideas were presented. These include additional recreation opportunities in the summer, a limited number of private functions in the renovated equipment shed to generate revenue, Historic Society tours into the barn (if deemed safe by the Chief Building Official), and providing a façade easement on the barn and other historic buildings.

Discussion:
Jennifer Guetschow with the Summit Land Conservancy has prepared two sets of baseline documents for the Flagstaff and Round Valley conservation easements. She would like to present a set to the City.

In addition, staff seeks Council direction on placing a conservation easement on the Farm. A conservation easement on the Farm may include the entire property or not. Direction on the exact boundary of the Farm easement is needed to proceed. Staff recommends that the acreage immediately surrounding the farm buildings on the west side of 224 be excepted out of the conservation easement in order to allow functions and possible future improvements to the buildings. If so directed by Council, staff will come back at a future date with both conservation easement language and a map of the area to be included.

Recommendation:
Staff recommends that the City Council discuss the baseline reports and annual monitoring provided by Summit Land Conservancy (SLC). Staff further recommends that the Council discuss the granting of a conservation easement on the McPolin Farm (the “Farm”). Staff recommends the area surrounding the Farm buildings not be included in the conservation easement.

City Council
Staff Report

Public Works

Author:	**Kent Cashel, Deputy PW Director** **Gary Hill, Budget and Grants Mgr.**
Subject:	**CORRIDOR PRESERVATION FUND MOTOR VEHICLE REGISTRATION FEE.**
Date:	**March 23, 2006**
Type of Item:	**Discussion**

Summary Recommendations: Council should provide a letter of support for Summit County to impose the local option corridor preservation fee. (draft attached).

Background:
The Utah legislature passed SB- 8 “Local Corridor Preservation Funding” during the 2005 general session. The legislation (codified at UCA 41-1a-1222, and UCA 72-2-117) created the Local Transportation Corridor Preservation Fund, established a local option corridor preservation fee and set forth an approval process for corridor preservation projects for county and municipal governments. This legislation took effect on January 1, 2006.

The legislation allows a county legislative body to impose a $10 local option transportation corridor preservation fee (local option fee) on motor vehicle registrations and renewals within the county.

The local option fee is collected by the Utah State Tax Commission (DMV) and then is deposited into the Local Transportation Corridor Preservation Fund that is administered by the Utah Department of Transportation (UDOT). These funds may then be accessed by the county or municipalities (subject to several conditions) within the county to fund corridor preservation projects.

Corridor preservation projects are a critical element of long range transportation planning as they allow a government body to protect critical project right of way and control highway access well in advance of highway construction or expansion. Given escalating property values this pre-purchase of property and right of way generally yields significant cost savings and protects the right of way from development.

These corridor preservation funds (subject to several restrictions) can be used for right of way acquisition, transportation planning, maintenance costs for preservation property and to pay interest and debts incurred in approved corridor preservation property acquisition.

Summit County has identified several corridor preservation projects as part of its Snyderville Basin Transit\Transportation Master Plan. The County has indicated an interest in adopting an ordinance imposing the local option fee.

Summit County is empowered by UCA 72-2-117 to impose the local option fee without the support or blessing of municipalities within its borders. However, Summit County has requested Council review the provisions of the Local Option Corridor Preservation Fee and then provide the County with a formal statement of the City's position regarding the imposition of the fee. To simplify this task for Council, Staff completed an analysis of the legislation, provided a summary of key considerations in the analysis section below and drafted a possible letter of support. The full text of SB -08, UCA 41-1a-1222 and UCA 41-1a-122 may be found at the end of this document.

Analysis:

City and regional need for corridor preservation
Two out of nine elements of the City Council's Strategic Plan provide guidance for the consideration of Summit County's request for the City's support for the imposition of a corridor preservation fee. Those two elements are:

- Effective Transportation and Parking System
- Regional Collaboration and Partnerships

Discussions with Summit County and Park City engineering staff have indicated a need for corridor preservation projects (in particular along SR-224 and SR-248). This local option corridor preservation fee would provide some of the funding these projects will require.

Park City currently has no formal corridor preservation plan or prioritized list of corridor preservation projects. Significant transportation study and planning work will need to be completed prior to seeking financing from this program. Providing the County imposes the local option fee the City would be eligible to apply for planning funds to complete these studies. Staff is reasonably confident that corridor planning along SR-224 or SR248 would meet project criteria set forth in the legislation.

Summit County has completed its Snyderville Basin Transit\Transportation Master Plan. This plan includes a prioritized list of corridor preservation projects in and around SR-224. The County could seek funding for these projects as soon as other program provisions are met.

Revenue forecast for Summit County
Staff estimates (using DMV registration data) that imposition of the local option fee would generate approximately $325,000 – $350,000 per year. This stable and predictable revenue stream generated from vehicle registration fees is ideal for

servicing bonded debt. Forecasted revenues are adequate to service a 20 year $4,500,000 bond issuance. Bonding would provide financing for larger projects. It is reasonable to assume that annual revenues will increase as the number of registered vehicles in Summit County increases with population growth.

Estimated financial impact to Park City residents
Staff, due to time constraints, was unable to obtain data regarding the actual number of current vehicle registrations within Park City limits. However, using Park City secondary household counts and estimated vehicles per household data Staff produced a reasonably accurate revenue estimate. This estimation indicates that 40-45% of Summit County registered vehicles list a Park City address as their home domicile. Applying these percentages to total estimated annual revenues of $350,000 indicates that $140,000 to $160,000 of annual local option fees will be paid by Park City households.

Timing Considerations
To collect the local option license fee beginning on July 1, 2006, Summit County must enact an ordinance imposing the fee on or before April 1, 2006. If this April 1st deadline passes the County cannot begin collecting the fee until July 1, 2007.

If Summit County should not enact the local option fee ordinance on or before April 1, 2006 the County will forego an annual collection of approx. $325,000 to $350,000. Staff has recently been made aware of an additional funding opportunity that may be forgone by failing to meet this years April 1st deadline.

A one time appropriation of $10,000,000 was made to the fund during the 2006 legislative session. This appropriation is to provide matching funds to selected corridor preservation projects. These matching funds could leverage the annual revenue collection well above $350,000. It is important to note that there is no guarantee that Summit County projects would be selected for matching funds.

Staff was advised by UDOT that these matching funds will likely be made available on a first come first served basis. There is more than one large corridor preservation project along the Wasatch Front (e.g., Mountainview Corridor) that will likely pursue and consume these matching.

Once Summit County enacts a local option fee ordinance several organizational and process tasks must be completed before being eligible to draw funds from the Corridor Preservation Fund, these task are detailed in the section below.

Formation of Council of Governments
After enacting an ordinance to impose the local option fee the County must facilitate the formation of a Council of Governments. This decision making body will be made up of three Summit County Commissioners and the Mayor from each municipality within the county. This decision making body will be empowered to provide a review of all potential County corridor preservation projects , with prioritizing those projects

and with issuing a formal endorsement of those projects to receive funding. The Council of Governments' project endorsement is submitted to UDOT and will serve as an application for fund dispersal.

This nine member Council of governments would be made up of the following representatives:

Summit County Board of Commissioners
Mayor of Park City
Mayor of Coalville City
Mayor of Henefer City
Mayor of Oakley City
Mayor of Kamas City
Mayor of the Town of Francis

Council of Government Process & Procedures

The legislation mandates that the Council of Governments shall be created and governed by an interlocal agreement negotiated and executed by all parties. This interlocal agreement must set forth a process by which an official endorsement is made by the Council of Governments. The only guidance provided by the legislation is a list of general factors that must be considered as projects are selected and prioritized for endorsement by the Council of governments.

1- Projects in areas with rapidly expanding population
2- Willingness of local governments to complete studies and statements that meet UDOT standards.
3- The preservation of corridors by the use of local planning and zoning processes.
4- The availability of other public and private matching funds for a project
5- Cost effectiveness of the project.
6 -Long and short term maintenance costs for property acquired.
7- Whether the transportation corridor is included as part of the County and\or Municipal Master Plan.

Beyond these broad considerations the process by which the Council of Governments selects and prioritizes projects for endorsement is left to the discretion of the local governments to define in the interlocal agreement. If Summit County chooses to adopt a local option fee ordinance on or before April 1st 2006 the interlocal agreement will be negotiated and executed after that date. This discretion and timing creates a high level of uncertainty regarding what type of process will ultimately govern the distribution of corridor preservation funds.

Additional Procedural Tasks

Prior to applying for corridor preservation funds the County and Municipality must have the following policies or ordinances in effect:

1- A corridor property acquisition policy or ordinance that meets the federal requirements for the acquisition of real property.

2- An access management policy or ordinance that meets the provisions of the legislation.

Staff has not fully researched what effort will be required to develop these policies. However, UDOT is mandated by the legislation to provide model policies for local government's use and Staff does not believe this task to be effort or time intensive.

Conclusions:

- In January 2006 Summit County and Park City executed the Entry Corridor Transit-Transportation Letter of Intent. This LOI states that the parties intend to work cooperatively in their efforts to secure funding for required transportation projects.

-The proposed Entry Corridors Transit\Transportation Strategic Plan (scheduled for Council adoption on March 30th , Council reviewed the draft plan at its February 2, 2006 meeting) includes two strategies that relate to transportation regional cooperation. Those strategies are: 1. Pursue formal agreements to cooperate with regional entities on transportation issues. 2. Facilitate regional efforts to secure Federal and State financial assistance to fund necessary transit and road projects.

- Both Park City and Summit County have identified the need for corridor preservation projects and jointly funded the development of the Snyderville Basin Transit\Transportation Master Plan (the majority of funding provided by the County).

- Summit County has indicated their desire to adopt the local option fee ordinance at its March 29th Commission meeting.

- Summit County has legislative auhtority to adopt a local option fee ordinance prior to negotiation and execution of an interlocal agreement that will establish and govern the decision making process of the Council of Governments.

-The local option fee would provide a significant and ongoing funding source for regional corridor preservation projects.

- Park City has a substantial amount of study and planning work to complete before its preservation projects would meet program requirements for funding. Park City could apply for planning funds under this program providing certain requirements are met.

- Park City is likely to directly benefit from County corridor preservation projects along SR-224 corridor and have jointly planned some of these projects.

- To impose the local option fee on July 1, 2006 the County must adopt an ordinance on or before April 1st. Failure to meet this deadline will result in the loss of one year's collections and the potential to secure one time matching funds.

- If Council should choose to support the County adopting the local option fee ordinance on or before April 1, 2006 the City must accept a high degree of uncertainty regarding details of the required interlocal agreement and the process that the Council of Governments will use to guide allocation of funds.

- Council could issue a letter of support to the County with caveats that clearly communicate the City's concerns regarding the process that the Council of Governments will utilize to determine the distribution of funds (see possible letter at end of this report).

Alternatives:

1. Provide Summit County With A Letter of Support:
This alternative provides a formal statement of City support for Summit County to adopt an ordinance imposing the $10 local option fee on or before April 1, 2006.

2. Provide Summit County With A Letter of Support with caveats:
This alternative provides a formal statement of City support for Summit County. The City could clarify its statement of support requesting that the County make a good faith effort to craft an interlocal agreement with the Council of Government cities that assigns each City's number of votes on the Council based on the amount of fees generated in that City or by population. This is Staff's recommendation and a possible draft letter is attached.

Continue the Item:
Given the April 1, 2006 deadline for adopting a local option fee ordinance, this alternative would signal, intended or not, that the City does not support imposition of the local option fee this year. City Council does have a meeting scheduled on March 30, 2006.

Do Nothing:
This alternative would have the same effect as continuing the item.

Significant Impacts:
A high degree of uncertainty exists regarding how funding will be distributed by the Council of Governments if the County imposes the local option fee on or before April 1, 2006 and prior to negotiation and execution of an interlocal agreement. However, given the fact that the City and County have cooperated very well on transportation planning, consistent with Council goals, Staff is confident the County will be receptive to City needs.

Conversely, if Council should offer conditional support that requested moving forward with negotiation and adoption of an interlocal agreement in advance of the County adopting the local option fee ordinance significant funding for corridor preservation projects will be forgone.

Summit County has indicated a desire to adopt the local option fee ordinance at its March 28th,commission meeting.

Recommendation:
Council should provide a letter of support for Summit County to impose the local option corridor preservation fee (draft attached).

S.B. 8 Enrolled

LOCAL CORRIDOR PRESERVATION FUNDING

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sheldon L. Killpack

House Sponsor: Rebecca D. Lockhart

LONG TITLE
General Description:
This bill modifies the Transportation Code and Motor Vehicles Code by creating the Local Transportation Corridor Preservation Fund and establishing a revenue source and an approval process for preservation projects for certain county and municipal governments.
Highlighted Provisions:
This bill:
. allows a county legislative body to impose up to a $10 local option transportation corridor preservation fee on motor vehicle registrations and renewals of registration;
. requires that revenues from the fee be:
. deposited in the Local Transportation Corridor Preservation Fund; and
. allocated for each county based on the total revenue received from the fee;
. defines council of governments and metropolitan planning organizations;
. allows fund monies to be used by counties that are not within a metropolitan planning organization for countywide transportation planning with certain limitations;
. provides that monies from the fee are a grant to each county provided that the state is not charged for any asset purchased with the monies;
. provides that unless otherwise provided by written agreement, the highway authority that holds the deed to the property is responsible for maintenance of the property and that transfer of ownership of property acquired shall be done with a recorded deed and a written agreement;

. provides that fund monies may be used to pay maintenance costs of properties acquired limited to a total of 5% of the purchase price of the property;

. requires the department to develop and implement a program to educate highway authorities on the objectives, application process, use, and responsibilities of the fund monies;

. requires the department to develop a model transportation corridor property acquisition policy or ordinance that meets federal requirements;

. requires the department to authorize the expenditure of fund monies after determining that the expenditure is being made in accordance with certain provisions from applications by a highway authority and endorsed by the council of governments;

. allows a council of governments to establish prioritization and application procedures for use of the monies allocated to each county;

. requires all fund monies to be prioritized by each highway authority and council of governments based on certain provisions;

. prohibits a highway authority from applying for fund monies unless the highway authority has:

. a transportation corridor property acquisition policy or ordinance in effect that meets federal requirements unless the highway authority has a written agreement with the department for acquisition of property; and

. an access management policy or ordinance in effect that meets certain requirements; and

. makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on January 1, 2006.

Utah Code Sections Affected:

AMENDS:

72-2-117, as last amended by Chapter 60, Laws of Utah 2001

ENACTS:

41-1a-1222, Utah Code Annotated 1953

72-2-117.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-1a-1222** is enacted to read:

41-1a-1222. **Local option transportation corridor preservation fee -- Exemptions -- Deposit -- County ordinance -- Notice.**

(1) (a) (i) A county legislative body may impose a local option transportation corridor preservation fee of up to $10 on each motor vehicle registration within the county.

(ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.

(b) If imposed under Subsection (1)(a), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local option transportation corridor preservation fee established by the county legislative body.

(c) A motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419 (3) is also exempt from the local option transportation corridor preservation fee required by this section.

(d) A commercial motor vehicle with an apportioned registration under Section 41-1a-301 is exempt from the local option transportation corridor preservation fee required by this section.

(2) The revenue generated under this section shall be:

(a) deposited in the Local Transportation Corridor Preservation Fund created in Section 72-2-117.5 ;

(b) credited to the county from which it is generated; and

(c) used and distributed in accordance with Section 72-2-117.5 .

(3) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:

(a) approving the fee;

(b) setting the amount of the fee; and

(c) providing an effective date for the fee as provided in Subsection (4).

(4) (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on July 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to April 1.

(b) The notice described in Subsection (4)(a) shall:

(i) state that the county will enact, change, or repeal a fee under this part;

(ii) include a copy of the ordinance imposing the fee; and

(iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Section 2. Section **72-2-117** is amended to read:

72-2-117. Transportation Corridor Preservation Revolving Loan Fund -- Distribution -- Repayment -- Rulemaking.

(1) There is created the Transportation Corridor Preservation Revolving Loan Fund within the Transportation Fund.

(2) The fund shall be funded from the following sources:

(a) motor vehicle rental tax imposed under Section 59-12-1201 ;

(b) appropriations made to the fund by the Legislature;

(c) contributions from other public and private sources for deposit into the fund;

(d) interest earnings on cash balances;

(e) all monies collected for repayments and interest on fund monies;

(f) all monies collected from rents and sales of real property acquired with fund monies; and

(g) proceeds from *general obligation bonds,* revenue bonds, or other obligations [~~issued in accordance with Title 63, Chapter 9a, State Building Ownership, and~~] *as authorized by Title 63B, Bonds.*

(3) All monies appropriated to the Transportation Corridor Preservation Revolving Loan Fund are nonlapsing.

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(4) (a) The commission shall authorize the expenditure of fund monies to allow the department to acquire real property or any interests in real property for state, county, and municipal transportation corridors subject to:

(i) monies available in the fund;

(ii) rules made under Subsection (7); and
(iii) Subsection (9).
(b) Fund monies may be used to pay interest on debts incurred in accordance with this section.
(5) Administrative costs of the Transportation Corridor Preservation Revolving Loan Fund shall be paid from the fund.
(6) The department:
(a) may apply to the commission under this section for monies from the Transportation Corridor Preservation Revolving Loan Fund for a specified transportation corridor project, including for county and municipal projects; and
(b) shall repay the fund monies authorized for the project to the fund as required under Subsection (7).
(7) The commission shall:
(a) administer the Transportation Corridor Preservation Revolving Loan Fund to*:*
(i) preserve transportation corridors[~~,~~]*;*
(ii) promote long-term statewide transportation planning[~~,~~]*;*
(iii) save on acquisition costs[~~,~~]*;* and
(iv) promote the best interests of the state in a manner which minimizes impact on prime agricultural land;
(b) prioritize fund monies based on considerations, including:
(i) areas with rapidly expanding population;
(ii) the willingness of local governments to complete studies and impact statements that meet department standards;
(iii) the preservation of corridors by the use of local planning and zoning processes;

(iv) the availability of other public and private matching funds for a project; and
(v) the cost-effectiveness of the preservation projects; [~~and~~]
(c) designate high priority corridor preservation projects in cooperation with a metropolitan planning organization;
(d) administer the program for the purposes provided in this section;
(e) prioritize fund monies in accordance with this section; and
[~~(c)~~] *(f)* make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, establishing:
(i) the procedures for the awarding of fund monies;
(ii) the procedures for the department to apply for transportation corridor preservation monies for projects; and
(iii) repayment conditions of the monies to the fund from the specified project funds.
(8) (a) The proceeds from [~~the revenue~~] *any* bonds or other obligations [~~issued on~~] *secured by* revenues of the Transportation Corridor Preservation Revolving Loan Fund shall be used for:
(i) the acquisition of real property in hardship cases; and
(ii) any of the purposes authorized for funds in the Transportation Corridor Preservation Revolving Loan Fund under this section.
(b) The commission shall pledge the necessary part of the revenues of the Transportation Corridor Preservation Revolving Loan Fund to the payment of principal of and interest on the [~~revenue~~] bonds or other obligations.
(9) (a) The department may not apply for monies under this section [~~for a~~] *unless the*

highway authority [~~that does not have~~] *has* an access management policy or ordinance in effect that meets the requirements under Subsection (9)(b).

(b) The access management policy or ordinance shall:

(i) be for the purpose of balancing the need for reasonable access to land uses with the need to preserve the smooth flow of traffic on the highway system in terms of safety, capacity, and speed; and

(ii) include provisions:

(A) limiting the number of conflict points at driveway locations;

(B) separating conflict areas;

(C) reducing the interference of through traffic;

(D) spacing at-grade signalized intersections; and

(E) providing for adequate on-site circulation and storage.

(c) The department shall develop a model access management policy or ordinance that meets the requirements of this Subsection (9) for the benefit of a county or municipality under this section.

(10) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules establishing a corridor preservation advisory council.

(b) The corridor preservation advisory council shall:

(i) assist with and help coordinate the corridor preservation efforts of the department and local governments;

(ii) provide recommendations and priorities concerning corridor preservation and the use of fund monies to the department and to the commission; and

(iii) include members designated by each metropolitan planning organization in the state to represent local governments that are involved with corridor preservation through official maps and planning.

Section 3. Section **72-2-117.5** is enacted to read:

72-2-117.5. **Local Transportation Corridor Preservation Fund -- Distribution -- Rulemaking.**

(1) As used in this section:

(a) "council of governments" means a decision-making body in each county composed of the county governing body and the mayors of each municipality in the county; and

(b) "metropolitan planning organization" has the same meaning as defined in Section 72-1-208.5 .

(2) There is created the Local Transportation Corridor Preservation Fund within the Transportation Fund.

(3) The fund shall be funded from the following sources:

(a) a local option transportation corridor preservation fee imposed under Section 41-1a-1222 ;

(b) appropriations made to the fund by the Legislature;

(c) contributions from other public and private sources for deposit into the fund;

(d) interest earnings on cash balances;

(e) all monies collected from rents and sales of real property acquired with fund monies; and

(f) proceeds from general obligation bonds, revenue bonds, or other obligations issued as authorized by Title 63B, Bonds.

(4) (a) All monies appropriated to the Local Transportation Corridor Preservation Fund are nonlapsing.

(b) The Tax Commission shall provide the department with sufficient data for the department to allocate the revenues provided under Subsection (3)(a) to each county imposing a local option transportation corridor preservation fee under Section 41-1a-1222.

(c) The monies allocated under Subsection (4)(b):

(i) shall be used for the purposes provided in this section for each county; and

(ii) are allocated to each county as provided in this section:

(A) with the condition that the state will not be charged for any asset purchased with the monies allocated under Subsection (4)(b); and

(B) are considered a local matching contribution for the purposes described under Section 72-2-123 if used on a state highway.

(d) Administrative costs of the department to implement this section shall be paid from the fund.

(5) (a) The department shall authorize the expenditure of fund monies to allow a highway authority to acquire real property or any interests in real property for state, county, and municipal transportation corridors subject to:

(i) monies available in the fund to each county under Subsection (4)(b); and

(ii) the provisions of this section.

(b) Fund monies may be used to pay interest on debts incurred in accordance with this section.

(c) (i) (A) Fund monies may be used to pay maintenance costs of properties acquired under this section but limited to a total of 5% of the purchase price of the property.

(B) Any additional maintenance cost shall be paid from funds other than under this section.

(C) Revenue generated by any property acquired under this section is excluded from the limitations under this Subsection (5)(c)(i).

(ii) Fund monies may be used to pay direct costs of acquisition of properties acquired under this section.

(d) Fund monies allocated under Subsection (4)(b) may be used by a county highway authority for countywide transportation planning if:

(i) the county is not included in a metropolitan planning organization;

(ii) the transportation planning is part of the county's continuing, cooperative, and comprehensive process for transportation planning, corridor preservation, right-of-way acquisition, and project programming;

(iii) no more than four years allocation every 20 years to each county is used for transportation planning under this Subsection (5)(d); and

(iv) the county otherwise qualifies to use the fund monies as provided under this section.

(e) (i) Fund monies allocated under Subsection (4)(b) may be used by a county highway authority for transportation corridor planning that is part of the corridor elements of an ongoing work program of transportation projects.

(ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the direction of:

(A) the metropolitan planning organization if the county is within the boundaries of a metropolitan planning organization; or

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(B) the department if the county is not within the boundaries of a metropolitan planning organization.

(6) (a) (i) The Local Transportation Corridor Preservation Fund shall be used to preserve transportation corridors, promote long-term statewide transportation planning, save on acquisition costs, and promote the best interests of the state in a manner which minimizes impact on prime agricultural land.

(ii) The Local Transportation Corridor Preservation Fund may not be used for a transportation corridor that is primarily a recreational trail as defined under Section 63-11a-101 .

(b) (i) The department shall develop and implement a program to educate highway authorities on the objectives, application process, use, and responsibilities of the Local Transportation Corridor Preservation Fund as provided under this section to promote the most efficient and effective use of fund monies including priority use on designated high priority corridor preservation projects.

(ii) The department shall develop a model transportation corridor property acquisition policy or ordinance that meets federal requirements for the benefit of a highway authority to acquire real property or any interests in real property under this section.

(c) The department shall authorize the expenditure of fund monies after determining that the expenditure is being made in accordance with this section from applications that are:

(i) made by a highway authority; and

(ii) endorsed by the council of governments.

(7) (a) (i) A council of governments may establish a council of governments endorsement process which includes prioritization and application procedures for use of the monies allocated to each county under this section.

(ii) The endorsement process under Subsection (7)(a)(i) may include review or endorsement of the preservation project by the:

(A) metropolitan planning organization if the county is within the boundaries of a metropolitan planning organization; or

(B) the department if the county is not within the boundaries of a metropolitan planning organization.

(b) All fund monies shall be prioritized by each highway authority and council of governments based on considerations, including:

(i) areas with rapidly expanding population;

(ii) the willingness of local governments to complete studies and impact statements that meet department standards;

(iii) the preservation of corridors by the use of local planning and zoning processes;

(iv) the availability of other public and private matching funds for a project;

(v) the cost-effectiveness of the preservation projects;

(vi) long and short-term maintenance costs for property acquired; and
(viii) whether the transportation corridor is included as part of:
(A) the county and municipal master plan; and
(B) (I) the statewide long range plan; or
(II) the regional transportation plan of the area metropolitan planning organization if one exists for the area.
(8) (a) Unless otherwise provided by written agreement with another highway authority, the highway authority that holds the deed to the property is responsible for maintenance of the property.
(b) The transfer of ownership for property acquired under this section from one highway authority to another shall include a recorded deed for the property and a written agreement between the highway authorities.
(9) (a) The proceeds from any bonds or other obligations secured by revenues of the Local Transportation Corridor Preservation Fund shall be used for the purposes authorized for funds under this section.
(b) The highway authority shall pledge the necessary part of the revenues of the Local Transportation Corridor Preservation Fund to the payment of principal and interest on the bonds or other obligations.
(10) (a) A highway authority may not apply for monies under this section unless the highway authority has:
(i) a transportation corridor property acquisition policy or ordinance in effect that meets federal requirements for the acquisition of real property or any interests in real property under this section; and
(ii) an access management policy or ordinance in effect that meets the requirements under Subsection 72-2-117 (9).
(b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a written agreement with the department for the acquisition of real property or any interests in real property under this section.
Section 4. **Effective date.**
This bill takes effect on January 1, 2006.

[Bill Documents][Bills Directory]

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Summit County Commisioners
P .O. Box
Coalville, Utah

March 23, 2006

Dear Commisioners:

I am writing on behalf of Park City Municipal Corporation to formally express the City's support for Summit County to impose a $10 local option transportation corridor preservation fee authorized by UCA 41-1a-1222. This support is offered in good faith to Summit County given the level of uncertainty that surrounds the yet to be defined process that the Council of Governments will use to determine which projects will be funded from the Corridor Preservation Fund.

Park City respectfully requests that the County work diligently to ensure the interlocal agreement (required by UCA 72-2-117.5) assigns the number or weighting of each member's vote on the Council of Governments based upon the proportion of either funding generated or population within the member's City or unicorporated boundaries. This weighting of votes will ensure that each motorist that pays the corridor preservation fee will be equitably represented on the Council.

Park City is honored to work cooperatively with all of Summit County's governmental entities to plan, to finance, and to build a transportation and transit system that meets the needs of today and that of the future.

Sincerely:

Mayor Dana Williams

DATE: March 23, 2006
DEPARTMENT: Public Works
AUTHOR: Jerry W. Gibbs, P.E.
TITLE: Trash Issues
TYPE OF ITEM: Discussion-Work Session

SUMMARY RECOMMENDATIONS: Discuss issues and give staff direction regarding the City's role with solid waste in Swede Alley and the County Solid Waste Committee.

DESCRIPTION:

Topic: Solid Waste Issues

Background:

Solid waste management is a county function funded through the County's portion of property tax that all businesses and residents pay. Until 2000, G & F Waste provided individual trash bag pick up for residential and commercial users. G & F Waste would negotiate rates and service levels for discerning commercial customers. Some commercial establishments had manual trash service by placing garbage bags on the sidewalk at the close of business to be picked up the next morning. Often trash bag contents would be littered on Main Street depending on the activity level of the nightlife the previous evening.

The Summit County Commission entered into an exclusive contract with BFI in November 1999 for residential and commercial trash removal with service beginning on January 1, 2000. The contract provided for:

- Automated pick-up only;
- Exclusive rights to provide services to residential and commercial businesses by BFI;
- Uniform pricing structure based on volume and frequency of pick-up adjusted annually based on CPI;
- Commercial businesses (except home business) are required to subscribe to the service;
- Collection for commercial non-payment is a BFI issue;
- County will subsidize commercial rates by not charging a tipping fee;
- Seven-year duration ending December 31, 2007 with renewal option upon agreement of both parties.

A residential unit is defined as single-family unit in a four-plex or less. All other residential units are treated as commercial. Residential trash pick-up, landfill operations, tipping fees for commercial trash and recycling is a General Fund expense for Summit County. Construction and demolition waste (C&D) generators pay a negotiated price based on the weight or volume of the material to be delivered to the landfill. The current pricing structure provides no incentive to recycle or reduce the waste stream.

County Solid Waste Committee
The County Solid Waste Committee (CSWC) has been meeting since November 2005. The CSWC has a committee member appointed from each of the Summit County towns, members at large from the Snyderville Basin, Recycle Utah, a County Commissioner and County staff. The goals for the CSWC are to make recommendations to Board of County Commissioners on the following:

- Possible extension of the BFI contract (currently ends 12-31-07)
- Develop RFP's for County trash removal
- Review the Summit County Master Plan

Recommendations on the first goal were due by January 06 to allow sufficient time to select a contractor if the Commission denied a contract extension. The CSWC recommended a six-month extension to the current contract.

Main Street/Swede Alley Trash:
One of the following methods handles trash removal for Main Street trash:

- A merchant may have exclusive use of a dumpster if it can be stored totally within their property boundaries and they leases a dumpster directly from BFI. The rate for dumping a container is based on size and frequency of dumping per week per their need. Examples are 350 Main and the Brew Pub dumpster next to their building.
- A merchant can have individual toter cans to set out on the curb for pickup between six & 7 AM at the contract rate based on size and frequency.
- Merchants that do not have space for their own dumpster or toters are required to pay for the use of community dumpsters located in Swede Alley. A formula using national standards for trash generated by certain business type was used to develop costs per square foot for general business types (restaurants, office, and retail) found on Main Street and Swede Alley. BFI bills these businesses on Main Street and Swede Alley based on this formula, and the square footage identified in their business. The rate is annually adjusted for these merchants mainly due to non-payment of fees by a business. Since these are community dumpsters, service cannot be withheld. Examples are the dumpsters in the Brew Pub parking lot, behind Cisero's, the four dumpsters on the sidewalk at China Bridge and the compactors.
- Public Works crews pick up pedestrian trash in the 55 gallon containers located on Main Street, Swede Alley and the Transit Center. Some merchants use these trashcans for convenience in lieu of the Swede Alley containers.

Bagged trash and grease left around the dumpsters in Swede Alley has been an ongoing problem. Public Works Operations Manager Pace Erickson estimates servicing the compactors and cleaning up trash around the compactors and dumpsters cost $35,000 per year. He also uses Chrysalis to pick up stray trash in Swede Alley at a cost of $14,000 per year. If the cost of removing trash from the 55-gallon trash containers is included, the total cost to the City is approximately $100,000 per year for solid waste management. The City receives no revenues for solid waste management.

The parking structure compactor has not been available for use during the construction. Four-eight yard dumpsters were placed on the sidewalk as a replacement. During Sundance and Presidents week, additional containers were delivered to Swede Alley to accommodate the higher level of trash generation. Some merchants did not breakdown boxes, which reduced the available space. If the first container was full, trash bags and boxes were left on the ground in lieu of finding a partially filled adjacent container. Public Works staff would check the dumpsters daily, pick up any loose trash and deposit the trash in an adjacent container. The current trash situation requires two man-hours per day seven days per week.

Public Affairs have issued flyers to the Main Street Merchant's Association asking for their help in keeping their street clean. It did not seem to have made any immediate effect however; the Street Department is reporting some improvement three weeks later.

<u>Analysis</u>:

County Solid Waste Committee

Over the next six months, the CSWC will:

- RFP for Residential trash- The discussion is to determine what qualifies as residential trash (single family, condo, town homes multi-family units, etc) and length of contract
- RFP for residential recycling (automated and/or curbside)
- Discuss if commercial trash removal should be a mutually exclusive contract or should be open competition.
- Discuss how more commercial recycling programs can be implemented either a voluntary or mandatory program (Ex. a recycling plan as a requirement of a business license)
- Update the current Summit County Master Plan and identify goals.
- Discuss the current funding structure for solid waste including eliminating General Fund contribution to residential trash & recycling, eliminating the tipping fee subsidy estimated at 35% of the current fee, incentives for recycling and a sinking fund for landfill cell closure and new development
- Review a monthly fee structure providing incentives for recycling and penalizes for size of the trash container.

Main Street/Swede Alley Trash

Employees of merchants choosing not to properly dispose of their trashcan create an eyesore and the perception the Main Street area does not have community pride. However, the trash around the dumpsters may be a symptom of a larger problem. The City has continued to provide more enhanced services and resources to the area to resolve issues. Examples are:

- Sidewalk snow removal (Ordinance requires adjacent property owner to remove snow)

- Reduced snow windrow to facilitate pedestrian movements
- City purchased two used compactors and built the lower Swede Alley trash compactor building to reduce the number of dumpsters in Swede Alley. The compactors reduced the annual bill by $20,000 to $25,000. The City invested approximately $45,000 for compactors and approximately $150,000 for the compactor building.
- Sweeping sidewalks
- Picking up trash from storefronts and in the gutter in front of businesses
- The City provided 50% of the cost toward the purchase of the flower baskets and 100% of the annual flower replacement and maintenance cost
- Increased parking availability at the cost of $5.75 Million

Current resources are being pulled from other areas to provide the attention to trash problem on Swede Alley. In some cases, the trash bags are loaded so heavy it requires two people to lift and place in the dumpster (one to hold the lid open and one to place it in the dumpster). In many instances, the bags are torn from being dragged across the pavement. Some bags break, strewing trash all over.

Potential solutions:

- City increase its resources as needed to maintain control through continually monitoring and picking up trash on Main and Swede Alley.
- Create a financing tool for Main Street businesses such as a business district or increase in business license fees to help fund a centralized solution.
- Work with Recycle Utah to educate the merchants through a series of forums on recycling and other trash handling techniques.
- Increase enforcement by citing businesses that improperly dispose of trash.

The County solid waste contract with BFI will expire June 30, 2007. Many of these issues could be discussed later. The more pressing issue is finding a solution(s) to the trash problem in Swede Alley.

An additional issue in Swede Alley is the screening of dumpster required by City Code. The City has steadily worked at complying with the ordinance requiring all dumpster to be screened. The compactors have consolidated many of the eight-yard containers where there are only a few locations where a solution is needed. Those locations are in the Brew Pub Parking Lot and behind Cisero's.

Department Review:
Budget & Grants, Public Affairs, Public Works, and the City Administration have reviewed the staff report.

<u>Issues for Discussion</u>:

1. **Trash handling in the Main Street/Swede Alley area** - Should the City continue its role and enhance resources and /or coordinate with the business community to take a more active role and reduce the City's participation?

2. **Financing a County Solid Waste Programs** - What position should the City take in determining how the county funds residential, recycling, and commercial trash management?

3. **Solid Waste Master Plan** - How should economics relate to recycling, diversion rates and community values?

4. **Commercial trash** - What position should Park City take on a non-exclusive contract within the City limits?

5. **Summit County may consider operating a residential trash service** - Under what conditions would the City be willing to support a Summit County operated residential trash service?

CITY COUNCIL
Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Subject:	**703 PARK AVENUE**
Date:	**March 23, 2006**
Type of Item:	**Plat Amendment**

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

DESCRIPTION

Project Name:	National Garage Subdivision
Project Address:	703 Park Avenue
Project Planner:	Ray Milliner
Applicant:	Park City Municipal Corporation
Zone:	Historic Residential Commercial (HRC); Historic Residential (HR-1)

BACKGROUND

Park City Redevelopment Agency is the owner of the property commonly referred to as the "Watts property" at 703 Park Avenue and 664 Woodside Avenue. There are three historic buildings on the site, the Watts single family home, the National Garage and the 664 Woodside Avenue historic single family home. The property is currently platted as Lots 16, 17, 18, 21, 22 and a portion of Lot 20 of Block 6 of the Park City Survey and Snyder's Addition to the Park City Survey.

This application seeks approval to combine Lots 16, 17 and 18 into one lot of record, and to combine Lots 21, 22 and the portion of Lot 20 into another lot of record, thereby creating a legal lot (Lot 1) encompassing the "Watts House" and National Garage and one (Lot 2) for the single family home at 664 Woodside Avenue. Proposed Lot 1 would have frontage onto Park Avenue and Proposed Lot 2 would have frontage onto Woodside Avenue. Lot 1, would consist of 8,520 square feet, Lot 2 2,175 square feet.

Concurrent with this application, the Planning Commission is reviewing a Pre-Master Planned Development application for a proposed whiskey distillery to be located on proposed Lot 1. No applications for the single family home at 664 Woodside have been received by staff at this time.

ANALYSIS

Proposed Lot 1 is located in the Historic Residential Commercial (HRC) and proposed Lot 2 is located in the Historic Residential (HR-1) zone. The minimum lot requirement for a lot in both zones is 1,875 square feet. The proposed plat amendment will create 2 lots of record, one for the historic home and one for the proposed distillery.

The existing sewer lateral for Lot 2 runs through the middle of Lot 1 to the main line in Park Avenue. Because of the significant site disturbance proposed on Lot 1, the Snyderville Basin Water Reclamation District (SBWRD) has required the house owner to install a new lateral and pump system to eject the wastewater up into Woodside as a condition of approval for this plat. Further, staff is requiring that a 10' snow storage and utility easement along the Woodside and Park Avenue frontages that are not covered by historic buildings be required as a condition of approval for this application.

Although the historic buildings are exempt from providing parking, staff anticipates that questions will arise about parking for the proposed distillery. Staff will continue to work with the applicant during the MPD process to create a logical parking solution/plan for the whiskey distillery. This application merely remedies the existing condition of structures crossing lot lines by creating 2 lots of record for the existing historic structures.

NOTICE
Notice of this hearing was sent to property owners within 300' on February 22, 2006. No comments regarding this application have been received by staff at the date of this writing.

DEPARTMENT REVIEW
The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on February 21, 2006, where representatives from local utilities and City Staff were in attendance.

ALTERNATIVES
1. The City Council may approve the Plat Amendment as conditioned, or
2. The City Council may deny the Plat Amendment and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion.

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

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

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment

Ordinance No. 06-

AN ORDINANCE APPROVING THE NATIONAL GARAGE SUBDIVISION OF LOTS 16, 17, 18, 21, 22 AND A PORTION OF LOT 20 OF BLOCK 6 OF THE PARK CITY SURVEY AND THE SNYDERS ADDITION TO THE PARK CITY SURVEY, LOCATED AT 703 PARK AVENUE AND 664 WOODSIDE AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as 703 Park Avenue, and 664 Woodside Avenue has petitioned the City Council for approval of the National Garage Subdivision; and

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

WHEREAS, on March 8, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 23, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to combine five lots and a portion of another into two lots of record; and

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

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

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

1. Lot 1 is located in the Historic Residential Commercial (HRC) zone.
2. The HRC zone designed to provide a transition in scale and land uses between the HR-1 and HCB districts that retains the character of historic buildings in the area.
3. Lot 2 is located in the Historic Residential (HR-1) zone.
4. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
5. The amendment will subdivide five platted lots and a portion of another into two lots of record.
6. Lot 1 is accessed from Park Avenue; Lot 2 is accessed from Woodside Avenue.
7. Proposed Lot 1 would consist of approximately 8,520 square feet.

8. Proposed Lot 2 would consist of approximately 2,175 square feet.
9. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
10. There are two existing historic structures on Lot 1.
11. There is an existing historic single family home and an accessory building on Lot 2.
12. Minimal construction staging area is available along Park and Woodside Avenues.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

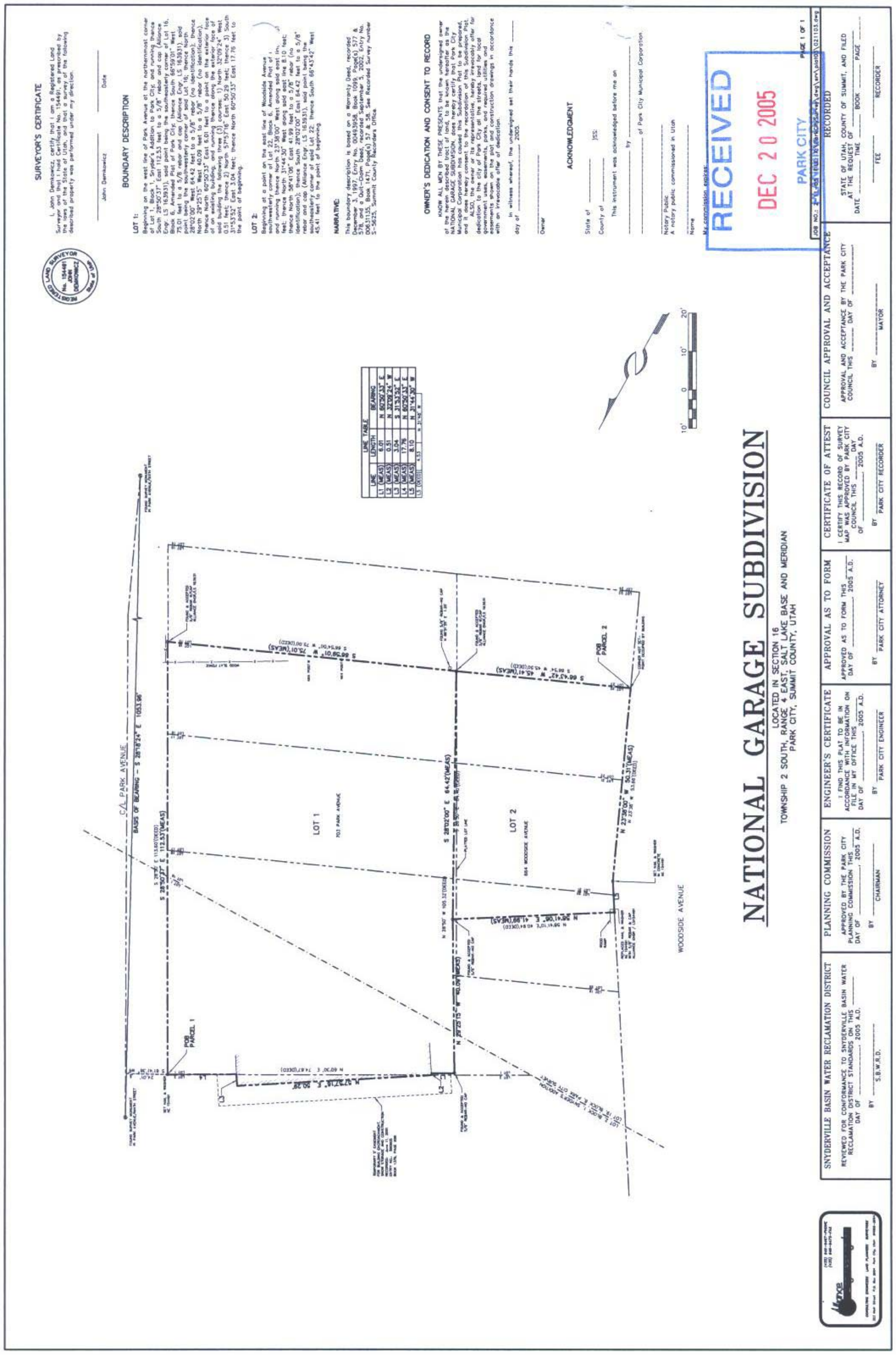
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with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

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

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. A new sewer lateral and pump system to eject the wastewater up into Woodside shall be installed on Lot 2 as part of any future development plan.
4. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.
5. A ten-foot-wide snow storage easement shall be provided along the Park Avenue and Woodside Avenue frontage of both lots.
6. No remnant lot is separately developable.

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

PASSED AND ADOPTED this 23rd day of March 2006.


NATIONAL GARAGE SUBDIVISION
LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
LOT 1
LOT 2
WOODSIDE AVENUE
C/L PARK AVENUE
SURVEYOR'S CERTIFICATE
BOUNDARY DESCRIPTION
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGEMENT
RECEIVED
DEC 2 0 2005
PARK CITY
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
PLANNING COMMISSION
ENGINEER'S CERTIFICATE
APPROVAL AS TO FORM
CERTIFICATE OF ATTEST
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED

City Council
Staff Report

Building Department

Author: Jeff Schoenbacher
Subject: REVISING THE SOILS ORDINANCE
Date: March 20, 2006
Type of Item: Legislative

Summary Recommendations:

Hold a public hearing, take public input, and amend the Soils Ordinance to include the Park City High School and Elementary School properties identified as Tax Serial Numbers (PCA-2-2300-X, PCA-2-2300-A-1-X, PCA-2-2101-6-A-X, PCA-2-2101-6-X).

Description:

Topic:
The Soils Ordinance titled “Landscaping and Maintenance of Soil Cover” found in Chapter 15 of the Building Code 11-15-1 was originally promulgated in 1988 to protect residents that reside within areas that are suspect or known to have underlying mine tailings. Consistent with the City’s agreement with USEPA and UDEQ the Environmental Management System (EMS) requires amending the ordinance boundary upon discovery of areas impacted with mine tailings.

Based on an Environmental Assessment that was conducted by Amec Earth and Environmental, Inc (AMEC) for Park City School District dated January 20th, 2006 the site does exhibit elevated underlying lead levels that exceed USEPA’s Health Based Risk Standard of 400 ppm. As a result, the purpose of revising the ordinance is to reinforce the City’s and Park City School Districts commitment of protecting human health and the environment by including the school complex into the ordinance boundaries.

Background:
USEPA and the UDEQ have been investigating and evaluating mine sites within the Park City area since the early 1980’s. To allay the regulatory agencies concerns Park City Municipal Corporation (PCMC) implemented the Landscaping and Soil Maintenance Cover ordinance which mandates a 6-inch “clean top soil” cap for property that exhibits elevated lead levels. The general objective of these measures is to isolate potentially contaminated material from the surface and minimize direct contact. Based on the Environmental Assessment that was done for the Park City School District the school complex does have underlying elevated lead levels consistent with concentrations found in mine tailings. As a result amending the ordinance to include the property into the ordinance will assure cap integrity is maintained and that generated

soils from construction activity are managed and controlled in accordance with state and federal law.

Analysis:
The expansion of the soils ordinance to include this parcel will provide assurances that the heavy metal exposure is minimized and the soils are managed and disposed of according to state and federal law.

Department Review:
Proposed changes have been reviewed and approved by the Ron Ivie (Building Official), Legal Department, Planning Department, and Park City School District.

Alternatives:

Approve the Request:

By approving the request this action further reinforces the City's and Park City's School District's commitment to protecting residents and the environment. In addition, by including a property with known mine tailing impacts into ordinance demonstrates to USEPA and UDEQ how the discovery of new sites are managed by the City.

Deny the Request:
Denying the request would jeopardize the value of the ordinance and the EMS program. Also the owners would lose regulatory flexibility in regards to mitigating the site.

Continue the Item:
The implementation of these changes is demonstration to USEPA and UDEQ of how newly discovered impacts are managed through institutional controls.

Do Nothing:
Not amending the ordinance is not consistent with the City's agreement with USEPA and UDEQ.

Significant Impacts:
Property will need to be capped in accordance with the ordinance and managed to sustain long-term integrity. The ordinance also specifies the required remediation, controls, and disposal requirements for generated soils.

Consequences of not taking the recommended action:
Lack of regulatory flexibility for the owners of the parcels and dilutes the soils ordinance effectiveness of addressing impacted locally.

Recommendation:
Staff recommends the adoption of these revisions to further strengthen the ordinance in a manner that is consistent with the City's EMS proposal which has been approved by UDEQ and USEPA.

Ordinance No.

AN ORDINANCE AMENDING TITLE 11, SECTION 11-15-1, AREA, BUILDING AND BUILDINGREGULATIONS, CHAPTER 15, PARK CITY LANDSCAPING ANDMAINTENANCE OF SOIL COVER, OF THE MUNICIPAL CODE OFPARK CITY TO EXPAND THE SOILS BOUNDARY AREA

WHEREAS, the presence of residential soils impacted with heavy metal constituents originating from historic mine tailings have been a cause for study and testing in regard to public health and environment; and

WHEREAS, the City, Environmental Protection Agency (EPA), and Utah Department of Environmental Quality (UDEQ) developed a series of scientific studies that focused on air, water, and health resulting with two EPA letters written in 1988 giving qualified approval of PCMC proposal for a local ordinance and the subsequent enacting of the ordinance; and

WHEREAS, the EPA has identified the existence of mine tailings with heavy metal constituents in the Prospector area of Park City and has made specific recommendations for mitigating any potential public health and environmental concerns; and

WHEREAS, the City Council of Park City, Utah, desires to take every reasonable and practical step to protect the health of its residents by implementing the EPA's recommendations to assure the continued health, safety, and welfare of the residents within park City; and

WHEREAS, a public hearing was duly noticed and held at the regularly scheduled City Council meeting on March 23, 2006 on the expansion of the Soils Boundary Area;

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

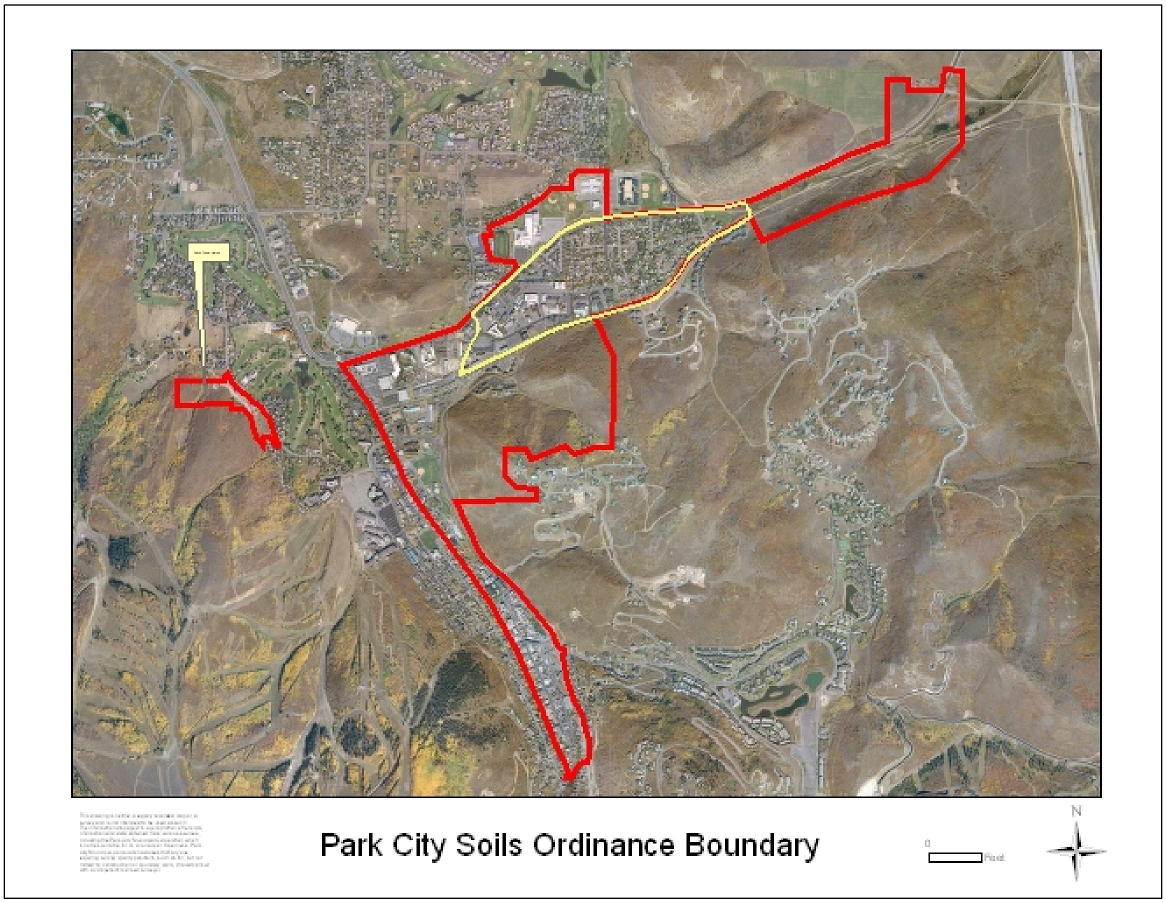
Section 1. Amendment. Title 11, Section 11-15-1, Chapter 15 of the Municipal Code of Park City is hereby amended as follows:

CHAPTER 15 - PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER

11-15- 1. AREA.

This Chapter shall be in full force and effect only in that area of Park City, Utah, which is depicted in the map below and accompanied legal description, hereinafter referred to as the Soils Ordinance Boundary.

(Amended by Ord. No. 03-50)



MAP OF AREA SUBJECT TO LANDSCAPING AND TOPSOIL REQUIREMENTS (ORIGINAL MAP AMENDED BY THIS ORDINANCE ON FILE IN THE CITY RECORDER'S OFFICE) and as described as follows:

Beginning at the West 1/4 Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; running thence east along the center section line to the center of Section 10, T2S, R4E; thence north along the center section line to a point on the easterly Park City limit line, said point being South 00°04'16" West 564.84 feet from the north 1/4 corner of Section 10, T2S, R4E; thence along the easterly Park City limit line for the following thirteen (13) courses: North 60°11'00" East 508.36'; thence North

62°56' East 1500.00'; thence North 41°00' West 30.60 feet; thence North 75°55' East 1431.27'; thence North 78°12'40" East 44.69 feet; thence North 53°45'47" East 917.79 feet; thence South 89°18'31" East 47.22 feet; thence North 00°01'06" East 1324.11 feet; thence North 89°49'09" West 195.80 feet; thence South 22°00'47" West 432.52'; thence South 89°40'28" West 829.07 feet; thence North 00°09'00" West 199.12 feet; thence West 154.34 feet to a point on the west line of Section 2, T2S, R4E; thence south on the section line to the southerly right-of-way line of State Route 248; thence westerly along said southerly right-of-way line to the easterly right-of-way line of State Route 224, also known as Park Avenue; thence southerly along the easterly line of Park Avenue to the west line of Main Street; thence southerly along the westerly line of Main Street to the northerly line of Hillside Avenue; thence easterly along the northerly line of Hillside Avenue to the westerly line of Marsac Avenue, also known as State Route 224; thence northerly along the westerly line of Marsac Avenue to the westerly line of Deer Valley Drive; thence northerly along the westerly line of Deer Valley Drive, also known as State Route 224, to the southerly line of Section 9, T2S, R4E; thence easterly to the west line of Section 10, T2S, R4E; thence northerly to the point of beginning.

Together with the following additional parcels:

Spiro Annexation Area Legal Description:

A parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is South 396.80 feet and West 1705.14 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being a 5/8” rebar on the westerly right-of-way line of Three Kings Drive, as described on the Arsenic Hall Annexation Plat, recorded no. 345954 in the office of the Summit County Recorder, said point also being on a curve to the left having a radius of 625.00 feet of which the radius point bears North 71°08’49” East; and running thence southeasterly along said right-of-way line the following three (3) courses: (1) southeasterly along the arc of said curve 352.91 feet through a central angle of 32°21’09”; thence (2) South 51°12’20” east 141.13 feet to a point on a curve to the right having a radius of 290.00 feet, of which the radius point bears South 38°47’40” West; thence (3) along the arc of said curve 70.86 feet through a central angle of 14°00’00”; thence along the southwesterly right-of-way line of Three Kings Drive and along the arc of a 680.00 foot radius curve to the left, of which the chord bears South 47°16’17” East 235.91 feet; thence along the westerly boundary of the Dedication Plat of Three Kings Drive and Crescent Road, recorded no.116010 in the office of the Summit County Recorder, the following eight (8) courses: (1) South 57°12’20” east 39.07 feet to a point on a curve to the right having a radius of 495.00 feet, of which the radius point bears South 32°47’40” West; thence (2) along the arc of said curve 324.24 feet through a central angle of 37°31’50”; thence(3) South 19°40’30” East 385.45 feet to a point on a curve to the left having a radius of 439.15 feet, of which the radius point bears North 70°19’30” East; thence (4) along the arc of said curve 112.97 feet through a central angle of 14°44’21” to a point of reverse curve to the right having a radius of 15.00 feet, of which the radius point bears South 55°35’09” West; thence (5) southerly along the arc of said curve 22.24 feet through a central angle of 84° 57’02” to a point of compound curve to the right having a radius of 54.94 feet, of which the radius point bears North 39°27’49” West; thence (6) westerly along the arc of said curve 115.99 feet through a central angle of 120°57’49”; thence (7) North 08°30’00” West 31.49 feet to a point on a curve to the left having a radius of 105.00 feet, of which the radius point bears South 81°30’00” West; thence (8) along the arc of said curve 378.43 feet through a central angle of 206°30’00” to a point on the easterly line of Park Properties, Inc. parcel, Entry no. 129128, Book M73, page 31, in the office of the Summit County Recorder; thence along the easterly boundary of said parcel the following five (5) courses: (1) North 42°30’00” West 220.00 feet; thence (2) North 11°00’00” West 235.00 feet; thence (3) North 21°32’29” West 149.57 feet (deed North 21°30’00” West 150.00 feet) to a 5/8” rebar; thence (4) North 42 30’49” West 195.18 feet (deed North 42°30’00” West 195.29 feet) to a 5/8” rebar; thence (5) North 89°57’46” West 225.95 feet (deed West 224.19 feet) to a 5/8” rebar; thence along a boundary of Park Properties, Inc. parcel, Entry no. 324886, Book 565, Page 717, in the office of the Summit County Recorder the following three (3) courses: (1) North 02°45’19” East 99.92 feet (deed North 100.20 feet) to a 5/8” rebar; thence (2) North 89°51’20” West 496.04 feet to a 5/8” rebar; thence (3) North 89°35’52” West 481.94 feet (deed North89 45’00” West 992.17 feet for courses (2) and (3) to a point on the west line of the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Basin and Meridian; thence along said quarter section line North 00°15’24” West 407.62 feet to a point on the Bernolfo Family Limited Partnership parcel, Entry no. 470116, Book 1017, Page 262, in the office of the Summit County Recorder, thence North 89°59’54” East 482.91 feet (deed East 493.92 feet) to a point on the Vince D. Donile parcel, Entry no. 423999, Book 865, Page 287, in the office of the Summit County Recorder, said point being a 5/8” rebar and cap; thence along said parcel the following five (5) courses: (1) South 89°59’49” East 358.30 feet (deed East 358.35 feet) to a point on a non tangent curve to the right having a radius of 110.00 feet, of which the radius point bears South 88°41’47” East (deed South 88°44’18” East); thence (2) northerly along the arc of said curve 24.32 feet (deed 24.14 feet) through a central angle of 12°39’58” to a 5/8” rebar cap; thence (3) North 13°46’17” East 49.98 feet (deed North 13°50’00” East 50.00 feet) to a 5/8” rebar and cap on a curve to the right having a radius of 60.00 feet (chord bears North 27 16’47” East 28.00 feet); thence (4) northeasterly along the arc of said curve 28.26 feet (deed 28.27 feet) through a central angle of 26°59’09” to a 5/8” rebar and cap; thence (5) North 40°46’38” East 83.23 feet (deed North 40°50’00” East 83.24 feet) to the point of beginning.

The basis for bearing for the above description is South 00°16’20” West 2627.35 feet between the Northeast corner of Section 8, and the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base & Meridian. TAX SERIAL NOS. PP-25-A AND PCA-1002-C-1

To be combined with a parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is West 1727.82 feet and South 310.72 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Three Kings Drive and running thence West 417.99 feet; thence South 246.59 feet; thence East 358.35 feet to a point on a curve to the right, the radius point of which bears South 88°44'18" east 110.00 feet; thence northeasterly along the arc of said curve 24.14 feet to the point of tangency; thence North 13°50'00" East 50.00 feet to the point of a 60.00 foot radius curve to the right; thence northeasterly along the arc of said curve 28.27 feet to the point of tangency; thence North 40°50'00" East 83.24 feet to a point on the westerly right-of-way of Three Kings Drive, said point being on a curve to the right, the radius point of which bears North 71°07'38" East 625 feet; thence northwesterly along the arc of said curve and along the right-of-way 89.33 feet to the point of beginning. TAX SERIAL NOS. PCA-1002-F

Also including the Park City High School and Elementary School properties identified as Tax Serial Numbers (PCA-2-2300-X, PCA-2-2300-A-1-X, PCA-2-2101-6-A-X, PCA-2-2101-6-X).

EXCEPTING THEREFROM all lots and parcels platted as Chatham Crossing Subdivision, Hearthstone Subdivision, Aerie Subdivision and Aerie Subdivision Phase 2, according to the official plats thereof recorded in the office of the Summit County Recorder.

(Amended by Ord. No. 03-50)

Section 2. Effective Date. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 23rd day of March, 2006.

City Council Staff Report

Budget, Debt, and Grants

Author: Gary Hill
Subject: Final Bond Resolution – Water Revenue Bond, 2006 Series
Date: December 15, 2005
Type of Item: Legislative

Summary Recommendations: The City Council should consider and approve a resolution (attached) that does the following:

1. Confirms the sale and authorizes the issuance of $4,450,000 in Water Revenue Bonds, Series 2006. These bonds will be used to finance (1) Park Meadows Treatment Facility; (2) Boothill Storage Tank; and (3) Boothill Pump Station.

2. Providing for other matters relating to the bond sale.

3. Authorize Mayor Dana Williams and Recorder Jan Scott to facilitate the closing of the bond, which includes executing closing documents.

Description:

Topic:
Final Water Revenue Bond Resolution

Background:
Last spring, staff completed an updated Water Master Plan which identified the capital projects necessary to ensure the City's water system can service current and future water demands. The capital projects identified in the report create the need for $10-$20 million dollars in additional debt financing over the next five years.

The Utah Community Impact Fund Board (CIB) is a program of the State of Utah which provides low interest loans and or grants to cities and counties which are or may be impacted (directly or indirectly) by mineral resource development on federal lands. Public facilities such as water infrastructure are eligible for CIB funding.

Occasionally jurisdictions outside the CIB boundaries are eligible to apply for loans. Last spring, funds were available for which Park City was eligible to apply. On August 11, 2005, the CIB approved a 20 year loan for approximately $4,450,000 to Park City. These funds will be used to construct the Park Meadows treatment facility, and the Boothill pump station and storage tank. The mechanism for lending the funds is essentially a negotiated bond issuance; Park City and the CIB agree to an interest rate and then the CIB purchases water revenue bonds issued by the City.

On December 15, 2005 City Council adopted a parameters and reimbursement resolution that signaled the City's intent to issue bonds and set the maximum length to maturity and size of the prospective bonds.

Analysis:

The Water Master Plan identified $10 to $12 million dollars in projects the City would need to bond for over the next several years. By working with the CIB, Park City will be able to bond for a portion of those costs at an interest rate (3.5%) that is substantially lower than market rates. Staff estimates that this will save the City approximately $500,000 in interest payments over the life of the bonds.

Table 1 (below) lists the projects to be funded by the bonds with their respective costs.

Table 1 - Projects and Costs

Project	Amount
Park Meadows Treatment Facility	$740,625
Boothill Water Storage Tank	$1,796,523
Boothill Pump Station	$1,912,852
Total	**$4,450,000**

On March 23, 2006, Council will be asked to adopt a resolution that will confirm the bond sale, and authorize the issuance of $4,450,000 principal amount of the Water Revenue Bonds, Series 2006. A draft of the resolution is attached to this staff report. The resolution establishes the details of the bond sale such as:

1) Size: The resolution sets the amount of the bonds at $4,450,000.

2) Length to Maturity: The resolution states that the length to maturity is 20 years.

3) Interest Rates: The interest rate for this issuance is fixed at 3.5%. This is the rate at which the CIB was willing to loan funds to Park City. This rate is approximately .5% below the market rate that the City would likely achieve if this were a market sale. Staff estimates that this lower rate will save the City approximately $500,000.

4) Financing Team: The City is using Zions Bank Public Finance as the Financial Advisor and Chapman & Cutler as Bond Counsel for this issuance. In March, 2003, the City conducted a competitive RFP process for the selection of Financial Advisors and Bond Counsel. The financing team for this issuance was selected through that process. Fees for all of these services are based on industry standards, which are typically driven off of the value of the issuance and the scope of work provided.

Department Review:

Budget, Debt, and Grants; City Manager; Finance; Public Works.

Alternatives:

A. Approve the Request:
Council should adopt the Final Bond Resolution to confirm the sale and authorize the execution of all related matters.

B. Deny the Request, Continue the item, or do nothing:
Failure to adopt the Final Bond Resolution will abandon the sale and prevent the City from issuing this debt series at this time. Staff will need direction from the City Council as to how they would like to proceed if the resolution is not approved.

Significant Impacts:
Adoption of this resolution will allow the City to proceed with the issuance of the bonds in a timely and efficient manner. Perhaps more importantly, adoption of the resolution will allow the City to design and construct the projects which are required to maintain Park City's quality water supply.

Consequences of not taking the recommended action:
Not adopting the resolution will impact the City's ability to fund upcoming projects.

Recommendation:
Approve the Final Bond Resolution relating to the issuance of $4,450,000 in Water Revenue Bonds, Series 2006 for the Park Meadows Well, Boothill Water Storage Tank and Boothill Pump Station.

Attachment: Draft Final Bond Resolution

RESOLUTION

A RESOLUTION AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF $4,450,000 PARK CITY, UTAH WATER REVENUE BONDS, SERIES 2006 FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTION AND INSTALLATION OF CULINARY WATER SYSTEM IMPROVEMENTS; AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE OF TRUST TO SECURE SAID BONDS, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY FOR THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION;

*** *** ***

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

Whereas, the City considers it necessary and desirable and for the benefit of the City and the users of the System (as hereinafter defined) to issue water revenue bonds as hereinafter provided for the purpose of financing the cost of acquisition, construction and installation of culinary water system improvements, including a UV disinfection facility to treat the Park Meadows Well, a 2 million gallon storage tank to meet System storage needs, and a 2200 gpm pump station to provide System redundancy for zones within Park City's Old Town (collectively, the *"Project"*).

Whereas, pursuant to and in accordance with the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the *"Act"*), the General Indenture of Trust, dated as of December 1, 2002 (the *"General Indenture"*), between the City and Zions First National Bank, as trustee (the *"Trustee"*), as amended and supplemented (the form of which is attached hereto as *Exhibit A*), and the Second Supplemental Indenture of Trust, dated as of March 1, 2006 (the *"Supplemental Indenture"* and, together with the General Indenture, the *"Indenture"*), between the City and the Trustee (the form of which is attached hereto as *Exhibit B*), the City has determined that it is in the best interest of the City (a) to issue its $4,450,000 Water Revenue Bonds, Series 2006 (the *"Bonds"*) pursuant to this Resolution and the Indenture to provide funds for the purpose of (i) paying a portion of the costs of the Project, (ii) funding a debt service reserve, if necessary, and (iii) paying costs of issuance relating to the issuance, sale and delivery of the Bonds, (b) to sell the Bonds to the State of Utah, Permanent Community Impact Fund Board (the *"State Agency"*), and (c) to cause the proceeds of the sale of the Bonds to be applied in accordance with the Indenture; and

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

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

Section 1. Issuance of Bonds. (a) There is hereby authorized and directed the execution, issuance, sale and delivery of the Bonds in the aggregate principal amount of $4,450,000 to (i) pay a portion of the costs of the Project, (ii) fund a debt service reserve, if necessary, and (iii) pay costs of issuance relating to the issuance, sale and delivery of the Bonds. The Bonds shall be dated as of their date of issuance and shall mature on the dates and in the principal amounts and shall bear interest at a rate of 3.5% per annum from July 1, 2006, payable on July 15 in each year, commencing July 1, 2007, as shown below:

July 15 of the Year	Amount Maturing
2007	$157,000.00
2008	163,000.00
2009	169,000.00
2010	174,000.00
2011	181,000.00
2012	187,000.00
2013	193,000.00
2014	200,000.00
2015	207,000.00
2016	214,000.00
2017	222,000.00
2018	230,000.00
2019	238,000.00
2020	246,000.00
2021	255,000.00
2022	264,000.00
2023	273,000.00
2024	283,000.00
2025	292,000.00
2026	302,000.00

The Bonds shall be in authorized denominations, executed and payable all as provided in the Indenture. The Bonds shall be subject to optional redemption prior to maturity as provided in the Indenture.

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

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

Section 2. Approval of General Indenture and Approval and Execution of Supplemental Indenture. The General Indenture and the Supplemental Indenture, in substantially the forms attached hereto as *Exhibits A* and *B*, respectively, are hereby authorized and approved, and the Mayor is hereby authorized, empowered and directed to execute and deliver the Supplemental Indenture on behalf of the City, and the City Recorder is hereby authorized, empowered and directed to attest such execution and to countersign, and to affix the seal of the City to the Supplemental Indenture, with such changes to the Supplemental Indenture from the form attached hereto as are approved by the Mayor, his execution thereof to constitute conclusive evidence of such approval. The provisions of the General Indenture and the Supplemental Indenture, as executed and delivered, are hereby incorporated in and made a part of this resolution. The General Indenture and the Supplemental Indenture shall constitute a "system of registration" for all purposes of the Registered Public Obligations Act of Utah.

Section 3. Sale of the Bonds. The Bonds authorized to be issued herein are hereby sold to the State Agency at par.

Section 4. *Arbitrage and Other Certificates and Documents Required to Evidence Compliance with Federal Tax Laws.* (a) The Mayor is hereby authorized and directed to execute (1) such certificates as shall be necessary to establish that the Bonds are not "arbitrage bonds" within the meaning of Section 148(a) of the Internal Revenue Code of 1986, as amended (the *"Code"*), or "private activity bonds" within the meaning of Section 141 of the Code, (2) an Information Return for Tax-Exempt Governmental Obligations as required under Section 149(e) of the Code, to be filed with the Internal Revenue Service, and (3) such other certificates and documents as are required to evidence compliance with the federal laws relating to the tax-exempt status of interest on the Bonds.

Section 5. *Other Actions With Respect to the Bonds.* The officers and employees of the City shall take all action necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all action necessary in conformity with the Act to carry out the issuance of the Bonds, including, without limitation, the execution and delivery of any documents required to be delivered in connection with the sale and delivery of the Bonds. If (a) the Mayor or (b) the City Recorder shall be unavailable to execute or attest and countersign, respectively, the Bonds or the other documents that they are hereby authorized to execute, attest and countersign the same may be executed, or attested and countersigned, respectively, (i) by the Mayor pro tempore or (ii) by any Deputy City Recorder.

Section 6. *Resolution Irrepealable.* Following the execution and delivery of the Indenture, this resolution shall be and remain irrepealable until the Bonds and the interest thereon shall have been fully paid, cancelled, and discharged.

Section 7. *Severability*. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

Section 8. *Effective Date*. This resolution shall be effective immediately upon its approval and adoption.

ADOPTED AND APPROVED by the City Council of Park City, Utah, this 23rd day of March, 2006.

PARK CITY, UTAH

____
Mayor

ATTEST:

____
City Recorder

[SEAL]

EXHIBIT A

[ATTACH FORM OF GENERAL TRUST INDENTURE]

EXHIBIT B

[ATTACH FORM OF SECOND SUPPLEMENTAL INDENTURE OF TRUST]

PARK CITY HOUSING AUTHORITY MEETING
SUMMIT COUNTY, UTAH
JANUARY 26, 2006

I ROLL CALL

Mayor Dana Williams called the meeting of the Park City Housing Authority to order at approximately 6:30 p.m. at the Marsac Municipal Building on Thursday, January 26, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Phyllis Robinson, housing consultant.

II PUBLIC INPUT

None.

III MINUTES OF MEETING OF OCTOBER 15, 1998

There was discussion of acting on unapproved minutes annually to close them out with seated members in the future. Roger Harlan, "I move approval of the Minutes of the Housing Authority meeting of October 15, 1998". Joe Kernan seconded. Motion unanimously carried.

IV NEW BUSINESS

Request by Cloud Nine Resorts for the payment of an in-lieu fee for 3.45 affordable housing units required for the Sky Lodge Development – See staff report and City Council work session notes. Phyllis Robinson explained the request which is before the Housing Authority because of specific language in the MPD. Candace Erickson suggested that the provision of affordable housing be discussed earlier in the planning process. She stated that she is not in favor of the payment of in-lieu-of fees, however, will probably be voting in favor because the Sky Lodge is too far along in its design. Jim Hier agreed and suggested that housing requirements be identified and triggered well in advance of final approvals. He asked that the Authority be updated regularly on the status of affordable housing production. Phyllis Robinson agreed that it may be prudent to determine the affordable housing component during the planning process. Mayor Williams feared that the new schedule for in-lieu-of fees will not cover the actual costs of building new construction and suggested setting fees to discourage the payment of in-lieu-of fees. Tom Bakaly noted that this could be addressed in the housing resolution which will be before Council on February 1, 2006.

Ms. Robinson explained that the in-lieu-of fee is currently calculated as the amount that was determined to be the difference between what a household could afford and what is available in the marketplace. The calculation reflects this gap, rather than construction costs, however, the calculation is significantly low and will be adjusted. Ms. Robinson again explained the formula which is essentially buying down a unit for an identified income group. Tom Bakaly understood Council consensus to be that applicants for pending MPDs be informed that Council may not be inclined to accept in-lieu-of fees and the resolution will emphasize this direction. Mr. Hier clarified that he does not want to eliminate it as an option and in-lieu-of–fees should be identified as Council's last choice. Tom Bakaly again spoke about notifying applicants in the planning process and clarifying Council's intent in the resolution. Marianne Cone suggested that an administrative fee be created for the in-lieu-of fee option because of the potential additional staff time involved. Roger Harlan agreed with Council members regarding producing housing and appreciates the message sent to developers on the onset. Jim Hier, "<u>I move we approve the request for payment of an in-lieu-of fee by Cloud Nine Resorts for the 3.45 affordable housing units required</u>". Candace Erickson seconded. <u>Motion carried</u>.

Marianne Cone	Nay
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

V ADJOURNMENT

With no further business, the Housing Authority meeting was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

Park City Housing Authority
Staff Report

Executive

Author:	**Phyllis McDonough Robinson**
Subject:	**Housing Obligation for Spiro Tunnel Master Planned Development**
Date:	**March 23, 2006**
Type of Item:	**Administrative**

Summary Recommendations: Approve the proposed housing mitigation plan for the Spiro Tunnel Master Planned Development (Silver Star at Park City).

Description:

Topic: Affordable Housing

Background: On October 27, 2004 the Park City Council approved the Master Plan Development for the Spiro Tunnel Master Planned Development (Silver Star at Park City Project). One of the conditions of approval is the submission and approval of a Housing Mitigation Plan by the Park City Housing Authority. The Master Plan Development was approved under Housing Resolution 17-99 and its housing mitigation plan is subject to the Housing Guidelines and Standards of that Resolution. The Applicant is required to satisfy an affordable housing requirement of 17 – 18.5 affordable unit equivalents. The residential component mitigation is 14.55. The commercial component will be 2.5 – 4.0 affordable unit equivalents depending upon the final commercial configuration. An affordable unit equivalent is 800 square feet.

Analysis

The Applicant has submitted a housing plan that meets the intent and spirit of the requirements of Housing Resolution 17-99. The general preference for fulfilling a housing obligation is the development of housing units. The applicant proposes to fulfill completely its housing obligation on-site through a combination of ownership and rental units. The following is an analysis of the proposed mitigation plan.

Proposed Mitigation Plan

The Applicant has submitted an affordable housing plan for 16.25 affordable unit equivalents configured as 11 for-sale condominium units and 10 seasonal rental units. The units would be located in the center of the project adjacent to the historic mine buildings.

Owner Occupied Housing: The Applicant is proposing 11 one-bedroom condominium units of approximately 600 square feet. These units would be deed restricted in a form acceptable to the City Attorney and would address issues including, but not limited to qualification priority option, limits on the sales price of the unit, nightly rental prohibitions, rental restrictions (other than the units that the Applicant might retain for its maintenance personnel) and term of affordability. The City will hold a right of first refusal.

Seasonal Rental: The Applicant is proposing four one-bedroom units of approximately 400 square feet and six two-bedroom units of approximately 775 square feet. The units would be available during the winter season (approximately October 1 – February 28) as housing for Sundance employees and during the summer season as housing for the Artist in Residence Program from approximately May 1 – September 30. The units would be deed restricted in a form acceptable to the City Attorney and would address issues including, but not limited to the targeted residents, rental rate limits, nightly rental prohibitions and term of affordability. Staff is concerned with the long-term effectiveness of the seasonal units. It is staff's recommendation that should either seasonal use cease, the units would be available for rental housing to other seasonal uses, for use by City employees or as general community rental housing. Should both seasonal uses be discontinued during the term of affordability, the units would revert to year-round housing either rental or owner-occupied.

Term of Affordability**:** The minimum term of affordability is 40 years with the preference for perpetuity. At the expiration of the initial 40-year term, the City shall assess the continued need for this Unit. Should the City determine a continuing need for these units, the term of this agreement shall be renewed for an additional ten years. A similar review as to the continued need for the affordable unit shall be conducted every decade as long as the Unit remains in the affordable/employee housing pool. This is consistent with current deed restrictions.

Unit Equivalents: The proposed mitigation plan would have a deficit of .75 to 2.25 affordable unit equivalents. The Applicant has proposed addressing the deficit by either (1) lowering the median income of the project to 45 percent or less. Under the current housing resolution, the applicant would receive a credit of .25 unit equivalents for each unit affordable to a household with an income at 45% of AMI, of (2) making an in lieu payment for the remaining affordable unit equivalents. Staff preference would be for the lower AMI target as it results in a lower base rent or sales price. Staff is requesting the flexibility to work with the applicant on the remaining .75 to 2.25 affordable unit equivalents in order to create the most beneficial project. This may include a small in lieu payment should the mitigation result in a fractional unit.

Timing of Construction: The Applicant is proposing to begin construction Summer 2006. The first Certificates of Occupancy for the overall project are not anticipated before Fall 2006. The affordable housing project would be bonded and include some completion dates. The MPD requires that the developer shall comply with the Affordable Housing requirements prior to receiving any certificate of occupancy. Staff would be satisfied that the Applicant has demonstrated substantial compliance with the affordable housing requirements should the above conditions be met.

Consistency with Spiro Tunnel MPD Development Agreement: Planning Staff reviewed the Housing Plan and found it consistent with the Spiro Tunnel MPD Development Agreement. In addition to the Housing Plan, Planning Staff has received a site plan and architectural details for these two buildings. The site plan is consistent with the approved site plan associated with the Spiro Tunnel MPD and the buildings meet all setback requirements. The architectural elevations are consistent with the architecture approved for the townhouses and condominiums as part of the MPD. Staff has not approved the final architecture or the details, materials, and colors.

The Applicant has received a sample deed restriction that will serve as the template for this property.

Department Review: This Planning and Legal Departments and the City Manager reviewed this report.

Alternatives:

- **Approve the Request:**

The Housing Authority could approve the housing mitigation plan subject to the conditions outlined in the staff analysis for the Silver Star project.

- **Deny the Request:**

The Housing Authority could deny the request and recommend an alternative mitigation strategy for the Silver Star project.

- **Continue the Item:**

The Housing Authority could continue the item and direct Staff to return with additional information.

Significant Impacts:
The approval of the Silver Star housing mitigation plan is consistent with the City's Housing Guidelines and Standards. It will result in the production of affordable housing concurrent with the market rate development.

Consequences of not taking the recommended action:
The consequence of not taking the recommended action is that of timing delay for the overall Silver Star Development and the creation of affordable units.

Recommendation:
Staff recommends that the Park City Housing Authority approve the Silver Star Housing Plan subject to the conditions outlined in the staff report.

Attachments:
Exhibit A: Silver Star Housing Plan proposal.

SILVER STAR
AT PARK CITY

October 26, 2005

Mrs. Phyllis Robinson
Affordable Housing Director
Mrs. Kirsten Whetstone
Senior Planner
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

RE: Silver Star Affordable Housing

Dear Phyllis and Kirsten:

Pursuant to our earlier conversations and correspondence, we are respectfully submitting this affordable housing proposal for the Silver Star at Park City project. Hopefully this proposal will fulfill the necessary requirements to satisfy our affordable housing obligations that have been incurred as a result of our entitlement for the development. However, we are submitting this plan with the clear understanding that it is subject to your review and the Council's ratification. In that vein, we welcome any comments you may have on how to make this a better plan.

Silver Star's Affordable Housing Obligation

On October 27th, 2004, the Park City Council ratified the master plan for the Silver Star at Park City project. One of the conditions of approval was developing an acceptable affordable housing plan to mitigate the project's impacts on the community's resources. It is well-established that in a community such as Park City, where the service economy dominates and real estate is at a premium, the affordable housing need is very acute. As per the Silver Star Master Plan Development Agreement, Silver Star was entitled to have 97 residential ERU's and 14,500 square feet of commercial space.

As per the PCMC affordable housing code, the requirement for residential affordable housing is straightforward at 15% of the density allocation. The commercial component is more complex, with employee generation numbers being the driving factor. Based upon earlier correspondence, we determined that our employee generation was approximately 50 employees. The affordable housing guidelines instruct that 20% of the generated employees must be accommodated. The Affordable Housing Guidelines are less clear in defining this requirement. We have discussed this on separate occasions and we have determined numbers from 2.5 to 4 ERUs to fulfill the commercial requirement.

Based on the Silver Star density allocation and above parameters, we will have an obligation that is based upon the following Table 1.0:

Table1.0

Obligation Type	Number of ERUs	Factor	Affordable Housing Obligation
Residential	97	X 15%	14.55 ERUs
Commercial	14.5 (50 employees)	X 20%	2.5-4.0 ERUs
Total **(rounding to 10ths)**			**17-18.5 ERUs**

An affordable housing ERU is defined by the Guidelines as an 800 square foot two-bedroom unit. Therefore, the Silver Star project would be required to have between (17-18.5 X 800 square feet) 13,600 and 14,800 square feet of affordable housing obligations. It is encouraged by the guidelines that a variety of units be included in the proposal.

Mitigating Factors

The Guidelines also outline mitigating factors to be considered when developing an affordable housing plan. These mitigating factors can be analyzed to determine the overall effectiveness of the individual affordable housing plan. Mitigating Factors can be utilized to reduce affordable housing obligations, reduce Limitation Periods (as defined by the Code), implement affordable housing alternatives and/or determine the nature of the affordable use (i.e. seasonal or permanent housing, type of employee, etc.). The Guidelines leave a great deal of flexibility on these issues, however the bottom line is the desire and need to address the current lack of affordable housing for low and middle-income citizens of Park City.

Another mitigating factor that is used in the overall consideration of an affordable housing proposal is whether the construction is on or off-site. Park City's Affordable Housing Plan encourages the affordable housing units be constructed on site which, due to economic reasons, is rarely achieved in reality. The Silver Star project plans to construct 100% of its units on site. On-site construction is listed as the highest priority for meeting minimum requirements.

There was also language in the 1999 Guidelines for considerations that can be made for the preservation of historic structures. The Silver Star historic preservation efforts are some of the most extensive in Park City's history. Silver Star's affordable housing is located adjacent to the current historic buildings and is architecturally themed to be compatible with the existing architecture. Although historic preservation may no longer be considered a priority with affordable housing proposals, it is nonetheless been a mitigating factor in the past and is one that at least bears mentioning.

An additional mitigating factor is renting or selling affordable housing to individuals at or below the 45% median income level as defined by the HUD guidelines. Summit County has a median income for a family of four of $83,400. A 45% median income level would place the total income for the family of four at $37,530 ($83,400 X 45%). Arguably, this practice places affordable housing in the hands of those with the greatest need. Silver Star plans to incorporate at least a percentage of its affordable housing into 45% AMI programs.

Proposal

The Silver Star project proposes the following configuration of affordable housing to satisfy its affordable housing obligations. Silver Star's affordable housing would consist of two buildings, located in the center of the project adjacent to the historic mine buildings (please reference attached exhibit drawings, "Silver Star Development Affordable Housing South Building" and "Silver Star Development Affordable Housing North Building"). The total square footages and configurations are outlined in the following Table 2.

Table 2.0

Building	# Units	# Bedrooms	Sq. Ft. per Unit	UE per Unit	Total UE's
South	11	1	590	0.75 UE	8.25 UE's
North	4	1	400	0.50 UE	2.00 UE's
North	6	2	771	1.00 UE	6.00 UE's
Totals	21	27	12,716		16.25 UE's

There is additionally an ADA accessible unit of 1,200 square feet in the South Building on the first floor and there is office space for the Sundance Institute in the North Building on the first floor.

Silver Star's affordable housing obligation, as calculated in Table 1.0, is 17-18.5 UE's. As is apparent in Table 2.0, Silver Star is proposing 16.25 UE's of affordable housing leaving a deficit of 0.75-2.25 UE's of affordable housing. As an aside, we had originally anticipated including the 1,200 square foot ADA unit as affordable housing. This would have given us an additional 1.5 UE's and put us squarely within our obligation parameters. After discussions with Park City staff, it was determined that this was not an appropriate designation for an ADA unit and thus this unit was dropped from the affordable housing equation.

We would propose making up the additional UE obligation through one of two ways. The first would be to make an acceptable number of the units available to 45% (or less) AMI individuals and families to garner enough credits to bring us into full compliance. The other proposed alternative would be to make up any deficit with in-lieu payments. Silver Star would like to explore with the City which alternative is most favorable to the City's current housing situation.

Silver Star is proposing that all of the 10 units available in the North Building (six 800-sq.ft two bedroom and four 400 sq.ft one bedroom) be made available as seasonal housing for two distinct periods (both winter and summer). The first (winter) period would be to house Sundance seasonal employees from approximately October 1st through February 28th. The second (summer) period would house the participants in the Artists-in-Residence program that is slated for the Silver Star property. This period would be from May 1st through September 30th. The condominiums would thus be occupied almost year-round.

The Sundance film festival, which is recognized as an important piece of Park City's winter economics and overall marketability, will be headquartered at the Silver Star site in the old historic buildings. Sundance has an acute need for seasonal housing for its volunteers and low paid seasonal staffers. These employees are an important part of the fabric of Park City's society in and around the festival period. To date, housing opportunities for these employees have been sparse and logistically difficult. For example, it is not unusual for a large group of these employees to rent a single house in the Salt Lake Valley and commute everyday to Park City. Obviously, during the winter it is not easy to find inexpensive, adequate housing in Park City.

The Artists-in-Residence participants would be occupying the units from approximately May 1st through the end of September. Silver Star is particularly excited about this opportunity. We have been in serious discussions with the Sundance Institute, the Park City Jazz Foundation and the University Of Utah College Of Humanities regarding hosting events as early as summer, 2007. The units would be made available to the visiting artists as well as interested students and would be capped at the 45% AMI affordable housing rate that has been outlined in the Park City Housing Data Handbook. We feel that this is a tremendous cultural opportunity for Park City that has excellent potential moving forward. In addition, this keeps the units available for the Sundance employees during the seasonally difficult winter period.

Generally speaking, Park City's 1999 Affordable Housing Guidelines hierarchy of affordable housing assignments were that essential personnel, current Park City residents and current Park City employees be given priority over other applicants for the housing.

While Silver Star would like to house at least some of the maintenance personnel on site, we are open to discussing the tenant/owner list with Park City. Silver Star would prefer to retain some discretion in the awarding of these units to what is bound to be a substantial demand. After all, ski-in, ski-out affordable housing is not a common commodity in Park City (nor anywhere else).

In closing, we hope that this affordable housing proposal meets both the letter of the law and the spirit in which it was intended in regards to Silver Star's affordable housing obligations. If the Park City Municipal Corporation Community Development and Affordable Housing Departments are conceptually in favor of this proposal, we will formally submit the plat. If there are items that bear discussion, or need further clarification, please do not hesitate to contact us at 640-5068 or 647-5701.

Sincerely,

Rory Murphy
Paladin Development Partners, LLC

Encl. (2)