PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 20, 1997

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 20, 1997.

AGENDA

Closed Session - To be held in Work Session Room - Main Level

3:15 p.m. Personnel matters
Litigation

Work Session - To be held in Work Session Room - Main Level

4:15 p.m. Council questions and comments
4:45 p.m. Review of regular meeting
Review of the final draft of Phase 1 - General Plan
Contract with SBSID
Ordinances

Regular Meeting - To be held in Council Chambers - Lower Level

6:00 p.m.

I **ROLL CALL**

II **PUBLIC INPUT**

III **COMMUNICATIONS FROM COUNCIL AND STAFF**

IV **WORK SESSION NOTES OF THE MEETING OF FEBRUARY 20, 1997 AND WORK SESSION NOTES AND MINUTES OF THE MEETING OF FEBRUARY 27, 1997**

V **OLD BUSINESS**

Ordinance approving a record of survey, Arrowood Condominiums, at Gilt Edge Circle, Park City, Utah **(motion to continue to a date uncertain)**

VI **NEW BUSINESS**

1. Grant of easement with the Snyderville Basin SID and authorization to proceed with a contract to install a fiber optic system in an amount not to exceed $138,000

2. Resolution adopting Phase 1 of the General Plan of Park City, Utah

VII PUBLIC HEARINGS

1. Ordinance correcting a scrivener's error to Chapter 8 of the Park City Land Management de and restoring a five foot height allowance for gable and similar pitched roofs to all zones except HR-1 and HRL Districts

2. Ordinance amending Chapter 4, Section 1 of the Park City Land Management Code, establishing the membership of the Historic District Commission

VIII ORDINANCES

1. Ordinance correcting a scrivener's error to Chapter 8 of the Park City Land Management Code and restoring a five foot height allowance for gable and similar pitched roofs to all zones except HR-1 and HRL Districts

2. Ordinance amending Chapter 4, Section 1 of the Park City Land Management Code, establishing the membership of the Historic District Commission

IX ADJOURNMENT

Posted: 3/17/97

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 20, 1997

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

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Rick Lewis, Community Development Director; Nora Seltenrich, Special Projects Manager; Bob Stephens, Administrative Services Director; Beth Sunday, Technical Services Manager; Rod Daughtee, Data Processing Manager; Eric DeHaan, City Engineer

1. **Review of regular meeting:**

Final draft of the General Plan - Phase 1. Hugh Daniels felt that the new draft reflected Council's comments. He referred to Pages 17 and 22 and pointed out that as a result of the new legislation affecting annexations, questioned if the City still maintains an "annexation area". Mr. Ross responded that staff is exploring language like "sphere of influence or interest" or "urban service areas". He also questioned using the word "annexation boundary" on Page 71. Chuck Klingenstein felt that the word "reasonable" on that page is vague and there should be a tie to the General Plan as the community's vision of what is reasonable. Ms. Kerr emphasized that it is important that the changes in annexation legislation are accurately described on Pages 35 and 36. She added that in the White Pine Canyon section, the recent Snyderville Basin General Plan changes are referenced and suggested that it should be reflected in the Flagstaff Mountain section and other mountain remote areas. Chuck Klingenstein referred to Page 3, last sentence, and recommended that the language be changed to "will work with these two counties to initiate and establish a program. . ." On Page 21, Mr. Klingenstein asked why the second bullet was stricken; Rick Lewis indicated that the statement was redundant. Mr. Klingenstein felt the description of open space was helpful on Pages 25 and 26.

Paul Sincock stated that he didn't like the way the document is organized. Annexation areas appear in four different sections rather than in one place and it is difficult to read. Mr. Ross explained that those sections would be incomplete if annexation wasn't referenced in each section. The Mayor suggested that there be an index. Mr. Sincock referred to Page 21 regarding the bullet on drive-up windows and felt it was already addressed in the Land Management Code. Ms. Kerr explained that the General Plan provides some direction to the reader. Ms. Seltenrich explained that potential amendments to the LMC are indicated to provide direction. On Page 22, Annexation Area, Mr. Sincock continued that a transportation statement is missing on Page 17 with regard to traffic not adversely affecting existing neighborhoods. It was felt that it is in the Plan and Mr. Ross stated that staff will make sure that it is addressed somewhere; Mr. Klingenstein suggested that the language appear on Page 17. Mr. Sincock stated that he didn't see a policy statement about defining the City limits with open space and focusing on the drainage area and entry corridors for annexation. The City Manager pointed out the general discussion in the open space element. Roger Harlan pointed out a typographical error in the first paragraph on Page 15, "community". Mr. Harlan suggested breaking up the statement in sixth the bullet on Page 17 with two sentences. Mr. Sincock suggested that the first sentence under Annexation Area Policies on Page 17 be amended to "into Park City" as opposed to "by Park City".

It was the consensus of Council to adopt Phase 1 at the regular meeting and reference the work session notes.

Contract with SBSID. Bob Stephens explained that a sewer line will be installed Snyderville Basin SID on Deer Valley Drive, providing an opportunity for the City to lay a fiber optic line in the trench. Phase 1 would connect the Public Works and the Marsac Buildings. Mr. Stephens indicated that staff met with the SBSID regarding laying the City's six inch conduit. Staff is requesting approval of Phase 1 at $72,000 and an amount not to exceed $50,000 to be paid to the SBSID for added costs in administering the contract. It is hoped that all of the City's buildings will be linked, saving telephone line costs. It would also speed up data transmission, increase band width, and save on server costs. Mr. Stephens added that this project will also enhance the GIS between CDD and Public works. Some of the lines may be leased to U S West or others for additional revenue and with the Olympics on the horizon, staff feels the project should be pursued. Mr. Stephens explained that the Data Processing Department has carry-forward money from last year's budget of $110,000. In next year's budget, consistent with prior years, there is a request for $132,000 for computer enhancements and staff is recommending drawing $60,000 from that allocation to finalize Phase 1. Monies in the Capital Improvement Budget may be considered for Phase 2.

Beth Sunday, through illustration of a map, pointed out the area in Phase 1. Future phases would include the Miners Hospital and the Library and Education Center, Water Building, and Golf Course Building; Phase 3 would include the Racquet Club. Because of the distance between Public Works and the Racquet Club, the Mayor suggested micro-wave dishes and Rod Daughtee described the expense with this type of technology. Roger Harlan pointed out that the expenditure is $388,000 and asked about potential cost savings. Mr. Daughtee explained that there has been an average 20% growth rate in technology over the past four years and within 15 years, the City is going to double its needs and it is felt that the City will break even in a 15 year period. This project will provide an infrastructure, the City will be able to reduce its hardware needs, and there will be a consolidation of resources. Beth Sunday added that this will reduce the number of lines purchased from the phone company. Mr. Stephens continued that the Capital Improvements Budget will provide an option for a new telephone system so that all of the buildings will be on the same system and these lines would be the City's phone lines. There was discussion about T-1 lines. Mr. Daniels understood funding with the existing $72,000, and the $50,000 need to pay SBSID, but questioned the assumption of receiving $60,000 in 1998. Ms. Sunday felt that Phase 1 could now be entirely funded. Mr. Stephens added that if Phase 2 was not approved, staff feels that it would be prudent to have the infrastructure installed and able to accommodate a project at some point. Mr. Daniels emphasized that he doesn't have a problem with the project, but has a problem with the

$60,000 which has not been approved yet. Mr. Stephens explained that the $60,000 is the same level budget proposal without a request for additional money; $132,000 has been approved each budget year for computer enhancement. Mr. Stephens explained the negotiations with SBSID and at one point, it was requesting $83,000 but recognized its need for an easement from the City. Beth Sunday explained that the $50,000 to SBSID covers to cost of its contractor laying the conduit; the City will be purchasing the hardware. In response to a question from Paul Sincock about the City undertaking the project, Mr. Ross explained that the cost isn't the issue as much as again disturbing the area. The Mayor continued that SBSID is doing this project this year, because in August UDOT will be overlaying Deer Valley Drive. Eric DeHaan pointed out that the easement has not been technically reviewed by the Legal Department and approval should be subject to review by the City Attorney.

Ordinances. With regard to the LMC amendment correcting height allowances in Chapter 8, Paul Sincock stated that he is concerned that since it took a year and a half to correct, it is not a scrivener's error. He questioned if the amendment is procedural or substantive which would require Planning Commission review. In response to a question about noticing, City Recorder Jan Scott assured Mr. Sincock that there was a legal notice publication well in advance of one week before this meeting. Council member Sincock expressed his concern that Council is proceeding in a legal way as there may have been applications for building permits that were not handled according to the LMC. Mr. Sincock referred to Arrowood and questioned if people were relying on the Code as written. Ms. Hoffman explained that this was an oversight when the downzone occurred in the HR-1 and HRL Districts in December 1995. Staff brought back a "fix" about four or five months later as a part of the TZO proposal which the Council ultimately rejected. She emphasized that staff has consistently applied the five foot bonus within all zones outside of the Historic District since December 1995. When a downzone amendment is contemplated, a notice must be published describing the proposal and there was never any notice except for the HR-1 and HRL for the downzone as it was never the intention. As a result, Ms. Hoffman stressed that law would dictate that a downzone never occurred outside of those two zones. Maximum height is limited to 27 feet in the HR-1 and HRL and 28 feet plus five in any other zone and everyone obtaining a permit has been treated consistently. Ms. Hoffman stated that the Queen Esther III people were approached with this argument, she spoke to them specifically about why the argument is invalid and why it will be fixed, and they have no objections to this amendment. Mr. Sincock admitted that he requested the amendment, but wanted to make sure that the procedure is correct. Because it took so long to correct, it may appear intentional. Ms. Kerr emphasized that it wasn't intentional; there was no intention to change the height anywhere else but the Historic District. Mr. Klingenstein disclosed that he received a phone call about this and the comment was that it is good that it is being corrected but Council should not lose sight of the fact that the LMC still needs to be amended. He added that he relayed that the LMC is a top priority of Council this year.

With regard to the ordinance dealing with the membership on the HDC and the possibility of extending terms, the Mayor relayed that the length of terms was discussed at its meeting on Monday evening and a majority supported maintaining a two year term.

The work session concluded and there was a motion to close the meeting to discuss personnel.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 20, 1997

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 20, 1997. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Beth Sunday, Technical Services Director; Rick Lewis, Community Development Director; Pat Putt, Planning and Zoning Administrator; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

Rick Lewis informed Council that two annexation proposals will be before Council before May 5, 1997 including Sandstone Cove and the Flagstaff annexation.

Shauna Kerr reported that she and Chuck Klingenstein attended the Summit County Commission and City Councils' meeting on Monday. Each city was presented with a new Summit County flag. The County is planning a Sesquicentennial celebrating the pioneers immigration through Henefer. Ms. Kerr encouraged support of this event, and requested that the Sesquicentennial Ball be coordinated with the Chamber/Bureau's event calendar. She discussed issues regarding television transmission and Lewis Peak based on the new federal telecommunications act and the potential of losing Lewis Peak and only having one local channel in rural areas, even if a household has cable service. The County will provide the City with more information. Ms. Kerr encouraged coordination with the County's clean-up day and the Chamber/Bureau's clean-up day.

Chuck Klingenstein asked staff to follow-up on a water meeting in Kamas. He reported that LeRoy Pia who served on the Summit Land Trust passed away; he was one of the driving forces on the Trust. He congratulated Adam Elggren of *The Park Record* in his decision to attend Georgetown Law School this fall. Roger Harlan reported that the Parks and Recreation Board is making progress on the facilities study.

Paul Sincock requested information on the Takings Appeal Board. He commented on Eric DeHaan's follow-up memo from the meeting of March 6, 1997 on rights-of-way issues and it was conveyed in the paper that Council's final determination was that issues need to be dealt with on a case-by-case basis. Mr. Sincock is not convinced that a protocol can't be formulated for handling variations of problems. He commented on information Myles Rademan distributed on the Olympics and urged the Finance Manager to specifically track time and money spent on the Olympic effort, especially in anticipation of negotiations with the Salt Lake City Olympic Organizing Committee. Hugh Daniels felt that the Land Use Conference in Denver was a worthwhile trip for the Council members attending. He reported that he received calls from Park Meadows residents regarding water accumulations at intersections and concerned about clogging culverts under the asphalt. Mr. Daniels added that he and Tom Bakaly attended the Utah State Money Management Council meeting as the City's recent written response was scheduled on its agenda. There may be a vacancy for an appointed treasurer on this board and suggested Mr. Bakaly as a possible candidate. He continued that he met with the Summit County Olympic Committee and reported that the current estimated cost for a week in Nagano, not including air fare, is $10,000. Mr. Daniels disagreed with Mr. Sincock's comments, as he felt that Council made a policy decision with regard to street vacations and so forth, and the fact that they are all different and all have to be negotiated differently. He acknowledged that the Council owes the Sand Ridge applicants better direction and suggested a joint meeting with the Planning Commission to discuss the project and provide better direction to the Planning Commission.

IV WORK SESSION NOTES OF THE MEETING OF FEBRUARY 20, 1997 AND WORK SESSION NOTES AND MINUTES OF THE MEETING OF FEBRUARY 27, 1997

Chuck Klingenstein corrected Pages 2 and 6 of the Work Session notes of February 20, 1997. Hearing no further corrections, the Mayor requested a motion for approval, as amended. Hugh Daniels, "I so move". Chuck Klingenstein seconded. Motion unanimously carried.

V OLD BUSINESS

Ordinance approving a record of survey, Arrowood Condominiums, at Gilt Edge Circle, Park City, Utah **(motion to continue to a date uncertain)** - The Mayor requested a motion to continue to a date uncertain. Shauna Kerr, "I so move". Roger Harlan seconded. Motion carried unanimously.

VI NEW BUSINESS

1. Grant of easement with the Snyderville Basin SID and authorization to proceed with a contract to install a fiber optic system in an amount not to exceed $138,000 - See staff report and work session notes. The Mayor requested a motion to approve and Shauna Kerr injected that the City Recorder expressed that the number on the agenda may be incorrect and should be adjusted to $186,896. Beth Sunday agreed that this is the correct amount but the funding could be generated from existing funds and clarified that the $60,000 is for Phase 2 and an option in next year's budget. Ms. Sunday clarified that the difference between the $138,000 and the $186,896 is the City's portion of the project from Deer Valley Drive into the Public Works Building and from Deer Valley Drive into the Marsac Building. Ms. Ross explained that they are all existing funds except for the $60,000.

Paul Sincock understood that the costs broke down to $132,000, $50,000 to SBSID for the cost of installing the hardware, and $22,000 for the cost of the hardware. The City Manager explained that the portion of the cost relating to the SBSID contractor to install the line in, hardware, and connection to Public Works brings the expenditure up to the higher level. Mr. Daniels referred to the alternatives outlined in the staff report and reiterated for the benefit of Mr. Sincock, an explanation of items totaling $186,896. Mr. Daniels noted that this includes the $60,000 which hasn't been authorized in the upcoming budget. Ms. Sunday stated that the $60,000 is for Phase 2 but Mr. Daniels countered that the $60,000 is included in the Phase 1 budget and a part of the $186,896. Ms. Sunday insisted that the Department has sufficient money in its current capital funds and operating budget to fund Phase 1. Hugh Daniels asked if this item could be continued. Mr. Ross indicated that the easement is pressing, the payment should be authorized for SBSID, and SBSID would like to proceed with the award of bid. The City Manager recommended Council authorizing $138,000 which will cover the contract issues and staff will come back to Council with additional requests. Shauna Kerr, "I move to approve the grant of easement with the Snyderville Basin SID and authorize to proceed with the contract to install the fiber optic system in an amount not to exceed $138,000 and the grant of easement is subject to review of the City Attorney". Hugh Daniels seconded. Motion unanimously carried.

2. Resolution adopting Phase 1 of the General Plan of Park City, Utah - Rick Lewis stated that he met with an individual concerned about specific language of the open space commentary and the five acre exemption. Mr. Lewis indicated that he will add language so that it is more clear and will point that change out to Council in the final version which will not change the context. The Mayor requested a motion to approve the Resolution adopting Phase 1 of the General Plan of Park City, Utah with the changes outlined in work session. Chuck Klingenstein, "I move approval". Roger Harlan seconded. Chuck Klingenstein disclosed that he received a call from a contractor about the construction mitigation features of the Plan and that the home builders are expecting these measures. Hugh Daniels thanked the Planning Commission, the Citizen Advisory Board and the staff for completing Phase 1 and hoped that Phase 2 can be accomplished more quickly. Motion carried unanimously.

VII PUBLIC HEARINGS

1. Ordinance correcting a scrivener's error to Chapter 8 of the Park City Land Management de and restoring a five foot height allowance for gable and similar pitched roofs to all zones except HR-1 and HRL Districts - See staff report and work session notes. Pat Putt explained that in December 1995, the City Council adopted Ordinance No. 95-65 which related to building heights and setbacks in the HR-1 and HRL Zones. In Section 4 of the Ordinance, the intent was to eliminate the five foot additional height bonus for those two zones, however in drafting the amendment, it inadvertently affected all of the zones in the City. He explained that this proposed ordinance amendment would put back the five foot bonus into the LMC for all zones, except the HR-1 and HRL Zones, thereby correcting the error, and because it was an unintentional mistake, staff

has reviewed plans, allowing for the five foot bonus in all other zones in the City. Mr. Putt added that staff has been working with the design community on subsequent amendments to the HR-1 and HRL Zones which have been reviewed by the Historic District Commission and a public hearing is scheduled next week before the Planning Commission. He estimated recommendations to be before the Council next month. The Mayor invited questions and comments from the Council and the audience.

Peter Barnes, Bedlam designer, argued that this is not a scrivener's error but a mistake. It is not known how many people have relied on this legislation and he alleged that there are four failures in the noticing procedure that have been identified by their attorney, Eric Lee. One of the issues was the five foot reduction in the setback requirements and the City has been imposing a ten foot setback, and that was written in the LMC but not the notice. There is a difference in what was noticed and what is being enforced. He continued that in order to demonstrate that there is a scrivener's error, the City must prove that no one has relied on the LMC and that can't be accomplished. He explained that Section 8.17 as currently drafted is exactly what was presented to the Planning Commission on October 25, 1995 and was subsequently placed before the City Council on November 9, 1995 and December 7, 1995. At the time of adoption, the staff stated that the Code changes had been reviewed by the Planning, Engineering and Building Departments and that the matter has also been reviewed by the City Attorney's Office and no unresolved issues exist. If this is an unintentional deletion and a section of the Code is mistakenly removed, Mr. Barnes questioned why the ordinance before the Council doesn't restore the previous language of 8.17, but instead changes it. Its unintended consequences can not be ignored simply because the City chooses to assume an ambiguity. He continued that in order to avoid specific performance of the ordinance, it will be necessary for the City to demonstrate by clear and convincing evidence that it has not understood and agreed to these LMC amendments. Ordinance No. 95-65 was challenged throughout the review process and yet in a rush to adopt, mistakes were made and many of those mistakes were outlined in a letter to the City from Attorney Eric Lee, dated April 23, 1996. The City has provided no response to the issues raised in that 15 page letter. Mr. Barnes added that the unintended consequences of the revisions to 8.17 is one of many concerns which the City administration has failed to address. He referred to the Design Task Force which was formed in September 1996 to suggest revisions to the LMC, specifically addressing the other unintended consequences of the current Code. People diligently follow the due process procedures and only ask that in correcting this scrivener's error, the City adopts the same standards. Mr. Barnes stated that the Ordinance before Council was before the Planning Commission on July 31, 1996 and was continued because of a failure in noticing procedure and again brought before the Commission on August 14 and 15, 1996. He asked how in good conscience this matter can be revived as a merely procedural item which does not require proper notice and a hearing before the Planning Commission in advance of being presented to the City Council. This has not been resolved for 14 months and Mr. Barnes suspected that the urgency now stems from the final realization of the potential liability arising from the City's failure to uphold the current provisions of the Code and a misunderstanding of its contents and/or selected interpretation in its application. He noted advice given at the February 13, 1997 hearing on the Queen Esther debate (Arrowood condominium approval) where two voting members of the public were effectively urged to sue each other because the City administration was interpreting the Code for them as written. He urged Council to correct the mistakes and respectively advised that tonight's meeting is not the time nor the place, encouraged Council to address the wider issues associated with these concerns, and not compound the current negligence with malfeasance of office. Changes in the LMC require a due process requirement and this is a substantive change. He felt he has demonstrated that this is not a scrivener's error and requested that Council dispenses with this excuse and uphold the law before attempting to change it.

Ms. Kerr asked if Mr. Barnes can give an example of when the five foot bonus was withheld from anyone outside the HR-1 and HRL Zones. Mr. Barnes stated that he couldn't but has advised a client that the LMC provides for a 28 foot height limit. His client was not prepared to take the risk of designing a 33 foot height building, if it was a discretionary decision of staff. Ms. Kerr argued that there has been no change in procedure as testified by staff, because there was no intent in changing the law which has never been enforced. Mr. Barnes argued that if the LMC states one thing, the staff can not impose a different law. Ms. Kerr emphasized that the testimony has been that staff has not applied the law, as written, in the last 14 months because the law was not actually changed. She continued that one of the necessary elements to amend the Code is intent and clearly the Council didn't mean to change heights in other zones. Mr. Barnes insisted that at the very beginning, no one understood the amendments and the design community is working to change the Code. Ms. Kerr understood that there are other areas that Mr. Barnes has a problem with, but this issue is nothing more than a scrivener's error. He stated that there are four other features of Ordinance No. 95-65 that were not noticed properly. He agreed that the ordinance needs to be amended, but the public should be notified. Ms. Kerr stated that this public hearing has been noticed by legal publication.

In response to a question from Paul Sincock, Mr. Barnes noted that if Council unintentionally deleted language and it was a mistake, simply put it back. Now, the language has changed and it can't be an unintentional deletion; this is a process issue and the problem is being compounded. He felt there should be public notice and the amendment should go back to the Planning Commission and emphasized that people need to rely on the written Code. Ms. Kerr asked what will be accomplished by sending it back to the Planning Commission as there are no examples that it was ever applied to any individual and questioned the public benefit. Mr. Barnes stated that he would like to roll all of the Historic District issues into this amendment process. There was discussion about revisiting the HR-1 and HRL issues. Ms. Hoffman explained that the LMC provides that substantive amendments be noticed and reviewed by the Planning Commission and technical revisions to the Code can go directly to the Council, after being noticed. The term "scrivener" has been debated, but it is simply a characterization for the agenda item. She continued that an ordinance has to survive the dictates of due process and Ordinance No. 95-65 notified the public that the HR-1 and HRL Zones were subject to a downzone; it did not include any other zones in town because that wasn't the intent. Due process was followed with HRL and HR-1, but not followed with the other zones and is not valid law.

Leslie Miller, resident and Sand Ridge Heights applicant, emphasized that as a Council member voting on Ordinance No. 95-65 in December 1995, did not support the legislation. She remembered public testimony accusing the ordinance as being flawed which has created an enormous amount of confusion as has the delay in rectifying it. She felt that the public should be notified and that seven days notice for people who have relied on the Code as written is not sufficient. As a citizen and applicant she is constantly regulated by City standards and would like the City to be held by the same standards. This short-cut is not an acceptable remedy for the nature of the error and the Council has nothing to lose by doing the right thing by sending it to the Planning Commission and if the public has no objections, it could be approved by the Council in two weeks.

Roger Harlan felt that Ms. Miller's comments would have merit if even one individual could testify that he suffered a delay or additional costs in processing his plans outside the HR-1 or HRL Zones. He added that this is a lot to do about nothing and that the City Council is proceeding properly; the testimony tonight is interesting but doesn't bear on the issue. Paul Sincock pointed out that he brought this to the attention of the Council about two weeks ago, because it was raised as a part of the Arrowood discussion. He appreciated the fact that it is now being addressed and the comments that it could have been taken care of months ago. He wasn't sure why it has taken so long or why there was no response to comments in the community. Mr. Sincock stated that the City has been remiss in letting this go on for so long, however, he welcomes the proposed amendment here as it needs to be corrected. Mr. Sincock emphasized that this does not relate to the recommendations by the design forum and does not impact proposed amendments. Ms. Kerr emphasized the importance of due process to her and if she felt that the public would be better served by delay and further notice, she would support that, however the alleged harms are hypothetical as there is no evidence. In practicality, people have not been penalized. She challenged the public to find anyone that has been held to a 28 foot height outside the Historic District. Chuck Klingenstein stated that Council is correcting an error that should have been corrected a long time ago, however, an attempt was made in August in conjunction with the Temporary Zoning Ordinance, which was not adopted. He added that it is appropriate that it is before Council tonight and that it is irresponsible for anyone to advise a client differently than what has been stated on the record.

With no further comments, the public hearing was closed.

2. Ordinance amending Chapter 4, Section 1 of the Park City Land Management Code, establishing the membership of the Historic District Commission - See staff report and work session comments. The Mayor invited the Council and the public to comment on this proposed ordinance. Hearing no comments, the public hearing was closed.

VIII ORDINANCES

1. Ordinance correcting a scrivener's error to Chapter 8 of the Park City Land Management Code and restoring a five foot height allowance for gable and similar pitched roofs to all zones except HR-1 and HRL Districts - Shauna Kerr, "I move approval of this Ordinance". Chuck Klingenstein seconded. Hugh Daniels agreed with the earlier Council comments and believed that there was confusion among the staff and Council that the correction had been made. He didn't feel that it is substantive, but rather a technical amendment. Mr. Daniels noted that it was never intended in the first place, and supports the motion. Motion unanimously carried.

2. Ordinance amending Chapter 4, Section 1 of the Park City Land Management Code, establishing the membership of the Historic District Commission - See staff report and work session discussion. The Mayor requested a motion to approve. Chuck Klingenstein, "I so move". Roger Harlan seconded. Motion carried unanimously

IX ADJOURNMENT

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

MEMORANDA OF CLOSED SESSION

The City Council met in closed session at approximately 3:15 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Shauna Kerr, "I move to close the meeting to discuss personnel matters and litigation". Hugh Daniels seconded. Motion carried unanimously.

The meeting opened at approximately 4:30 p.m.

The City Council met again in closed session at approximately 5:40 p.m. Members in attendance were Mayor Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Chuck Klingenstein, "I move to close the meeting to discuss personnel matters". Roger Harlan seconded. Motion carried unanimously.

The meeting opened at approximately 6 p.m.

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STATE OF UTAH)
ss.
COUNTY OF SUMMIT)

CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH

As presiding officer of the City Council of Park City, Utah, I hereby certify that the closed session meeting held by the City Council on March 20, 1996, was held pursuant to Section 52-4-5(1)(a)(I) to discuss the character, professional competence, or physical or mental health of an individual.

DATED this 9 day of April, 1997.

Bradley A. Olch

Mayor Bradley A. Olch

Subscribed and sworn before me this 9 day of April, 1997.

NOTARY PUBLIC
JANET M. SCOTT
STATE OF UTAH

Janet M. Scott

Janet M. Scott, Notary Public

* * * * * * * *

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

Prepared by Janet M. Scott

PARK CITY / SUMMIT COUNTY, UTAH
CORPORATE
Seal
MARCH 1,
1884

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY

CITY COUNCIL STAFF REPORT

DATE: March 14, 1997
DEPARTMENT: Planning Department
AUTHOR: Megan B. Ryan
TITLE: Arrowood Condominium Plat - Gilt Edge Circle
TYPE OF ITEM: Legislative

<u>**SUMMARY RECOMMENDATIONS**</u>**:** Continue to a date uncertain.

DESCRIPTION:

A. Topic.

Applicant: Chris Rideout for John Tracy
Location: Gilt Edge Circle
Zoning: Residential Development - RD
Adjacent Land Uses: Single Family and condominiums
Date of Application: January 18, 1996
Project Planner: Megan B. Ryan

B. Background.

The Council conducted a public hearing on this application for a request for a three unit condominium plat at their meeting on February 20, 1997. As the Council is aware, private litigation issues surround this application. On March 12th, the Staff was made aware that the Gilt Edge Homeowner's Association had filed action against the applicant, John Tracy. Staff requests that this item be continued indefinitely until the private litigation issues are resolved.

PARK CITY
1884

DATE: March 14, 1997
DEPARTMENT: Administrative Services
AUTHOR: Rod L. Daughetee
TITLE: Systems Engineer
TYPE OF ITEM: Consent to proceed with the fiber optic backbone conduit project and enter into an agreement with Snyderville Basin Sewer Improvement District to install fiber optic/communications conduit.

SUMMARY RECOMMENDATIONS:

Administrative Services developed a universal transport communications master plan that can meet current and future needs of PCMC. Due to critical timing issues of SBSID we are seeking approval to proceed with the fiber optic conduit backbone system and use existing Technical Services monies to fund the backbone conduit system. Additionally, grant SBSID an easement through city park for a sewer relief system. This will allow PCMC to bury the main backbone conduit system in the existing SBSID trench.

DESCRIPTION:

A. **Topic:**

Synderville Basin Sewer Improvement District (SBSID) is installing a relief sewer line that starts near the Marsac building and ends at the Yarrow. We are seeking approval to use existing Technical Services monies to fund the implementation of a fiber optic backbone system that will connect Marsac, Public Works, Library, Miners Hospital and the Water/Parks building. Additionally, we are seeking approval for a Grant of Easement for SBSID that includes language to allow PCMC to lay city owned conduit on top of the sewer conduit. This is a sewer relief system which would remain relatively undisturbed throughout its lifetime. However, PCMC would assume the risks and would be responsible for future maintenance and repairs of the fiber conduit. This project allows PCMC to touch city owned properties without disturbing additional roads, private properties or encroaching on private right of ways. There would be no additional disturbance to Park City by placing the conduit system with SBSID's summer project. Eric Dehaan, the City Engineer has already briefed the council concerning the impacts of the SBSID project.

B. **Background:**

Technical Services approached SBSID in January to discuss the feasibility of laying City owned conduit into the relief system project this summer. At the time, we were developing a fiber optic master plan for the City and looking for ways to save monies and take advantage of inter-local cooperation with the County, SBSID, utilities and business. PCMC Technical Services developed the master plan with the help of Siecor (fiber optic manufacturer), Eckhoff, Watson and Preator Engineering, Technical Services Systems Engineer and the City Engineer. Additionally, our efforts were aided by Cisco Systems and Anixter of Salt Lake City. A city-wide fiber optic communications master plan was developed for PCMC. A decision was made to recommend the use of the SBSID trench which allows PCMC to implement 50% of the conduit needed to complete the City's communications master plan.

C. Analysis:

In the rapidly advancing information age, it is becoming more critical to build a reliable and enduring communications infrastructure. Organizations that can best develop and harness information technologies will enjoy a significant competitive advantage. Why fiber optic? Building a successful communications platform requires significant foresight and planning. Park City has been developing a fiber optic plan over the last six months. We have examined data, telephone, security and other needs for the city and found that Park City has grown at record rates during the last decade. Most services are struggling to maintain existing service levels to the community. With scarce resources the city must increase efficiencies through the use of technology. Additionally, departments must coordinate on a technological level and develop interdepartmental projects. It is part of the overall Technical Services strategy to keep current with technologies and meet the needs of the departments throughout the city. In addition, it should meet the needs of possible impacts of the 2002 Olympics. In order to meet communication needs we must develop resilient high speed communication systems. Structured cabling with optical fiber can meet these needs. Applications include: 1) Video, or the use of fiber for active video, video conferencing, security cameras. 2) Telemetry: alarm, emission monitoring, centralized controls and long distance controls. 3) Voice/telephone: backbone capacity for extremely high speeds. 4) Data. Optical fiber is the only media with bandwidth to meet the needs to of today and for many years to come.

The fiber optic master plan involves nearly 16,000 line feet of six inch conduit of which 8,000 feet is considered main backbone with an approximate value of $604,800 ($75/ft). The remaining 8,000 feet of arterial line is valued at $280,000 ($35/ft).*

*Recent purchase by the Southern Pacific Railroad Corp.

Fiber optic benefits: 15 year warranty with the fiber up to 50 years of service

	Immediate Savings (No changes or growth)	15 year future (Estimated growth based on historical trend)
Data lines	$3500/year $52,500/15 years	$17,280/year $259,200/15 years
Phone lines	$17,280/year $259,200/15 years	$34,560/year $518,400/15 years
Telemetry/sensor		$10,000/year $150,000/15 years
Traffic signaling		$20,000/year $300,000/15 years
Security		$10,000/year $150,000/15 years
Video applications		$10,000/year $150,000/15 years
Lifecyle savings	$20,780.00/year $311,700.00/15 years	$101,840/year $1,527,600/15 years

The conservative estimates are based on PCMC doubling in communication demands during the next 15 years. Park City has averaged a 20% growth rate in the use of information technologies during the past 4 years. The only way to meet the ever increasing bandwidth needs will be the implementation of a high speed communication network. This can be practically met with the use of fiber optics. Leased lines cost $250 per line/per site and T1 offers 1.55 meg/bit speed. With the increased demand for bandwidth, the purchase of multiple T1 lines become impracticable for our future bandwidth demands/needs. Therefore, PCMC will recover the cost of the conduit very quickly. In addition, PCMC still owns the conduit system resource.

Total estimated costs including fiber optic cable to connect Marsac and the new Public works facility is $186,896. To finish the project with the Miners hospital, Water Building and the library is an additional $201,390 which we will request funding during fiscal year 1998. We are looking to complete phase I this year. We would like to fund phase I with existing Technical Services funds. For phase II, we will request $60,000 of computer enhancement fund of Fiscal year 1998 and we are asking to $120,000 to finish this project during Fiscal year 1998.

The remaining capacity in the conduit can be lease or sold to help offset the cost of the project. Or, unused conduit capacity can be used during the 2002 Olympics to help meet the tremendous communication needs of the City.

D. Department Review:
This project was coordinated with the City Engineer Eric DeHaan. All Department heads and mid-managers have been informed as to the City master fiber optic backbone plan. Departments are requesting the use of the resources as their needs grow. High speed links allow for the use of

less Data Communications and Telecommunications hardware. Plans are to install/bury cable in a manor impacting the community with minimal disturbance. Technical Services intends to create multiple paths to the Marsac building in order to create a fault tolerant ring. A path will follow the Marsac Avenue side of the road at the east side of the building in order to leave the north end free for future construction.

ALTERNATIVES:

A. Approve the Request:
1) Approve phase I of the project as outlined in the master plan. Authorize the use of existing funds ($72,000) and enter into agreement with SBSID.
2) Authorization to use existing funds to complete cabling between Marsac and the new Public Works building.
3) Authorization to proceed with the master plan as the council funds in the future. I.e. Technical Services will request $60,000 of FY98 computer systems enhancement and will seek the remainder ($120,000) through a budget option. It is our goal to deploy the entire operational system within 18 months. This will allow Technical Services the ability to leverage the use of the fiber optic network for a new phone system for Public Works and City Hall. Phone systems will be upgraded and integrated along with city wide phone system plan.

B. Deny the Request:
Park City must re-engineer a fiber optic communications master plan. In addition, a new plan will create significant disturbance to City properties and require additional approvals from the Utah Department of Transportation (UDOT). UDOT has placed a moratorium on cutting across the roads for the next two years. This would require longer routes and additional monies to place the required cable connectivity. Purchase additional communications lines to all buildings in lieu of the utilization of the fiber optic cable.

C. Continue the Item:
SBSID must award this contract this month in order to meet deadline requirements for the summer project. PCMC will be forced to re-engineer the project.

D. Do Nothing:
PCMC will need to purchase additional communication lines to meet current and future demands. Opportunities for the future will require local telco carriers to meet our needs at current or future rates. Our future communication needs will require separate systems for each application.

SIGNIFICANT IMPACTS:
The impact of the conduit phase of the project would not be an additional burden to the City. The City will have the ability to lease excess capacity to help offset current and future costs. The City will have long term communication savings. This is an exceptional opportunity for the City to achieve 50% of our communication conduit needs.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Current and future demands could more than double the costs to the taxpayers. PCMC will miss the opportunity to prepare itself for the future impacts/needs of the City.

RECOMMENDATION:
Authorize the use of existing Technical Services funds to fund the fiber optic conduit system as outlined. Authorize the Grant of Easement for the project which allows SBSID to install the relief system and PCMC to bury 50% of the City's communications conduit.

PARK CITY
1884

DATE: March 17, 1997
DEPARTMENT: CDD
AUTHOR: Patrick Putt
TITLE: Amendment of Section 8.17 of the Park City Land Management Code to correct a scrivener's error regarding a five foot height allowance for gable and similar pitched roofs in all zones other than HR-1 and HRL.
TYPE OF ITEM: Procedural

SUMMARY RECOMMENDATIONS: **Adopt the proposed amendment to Section 8.17 of the Park City Land Management Code to correct a scrivener's error regarding a five foot height allowance for gable and similar pitched roofs in all zones other than HR-1 and HRL zones.**

DESCRIPTION:

A. Topic:

Park City Land Management Code

B. Background:

In December of 1995, the Council adopted Ordinance 95-65 regarding height in the HR-1 and HRL zones. Section 4 of Ordinance 95-65 was to eliminate a five foot allowance for gable and similar pitched roofs within the HR-1 and HRL districts.

C. Analysis:

Section 4 of Ordinance 95-65 mistakenly removed the five foot allowance for gable and similar pitched roofs in all other zones. The proposed ordinance corrects this error and restores the language. The Community Development Department has not attempted to enforce this error in the other zones.

D. Department Review:

The Legal Department and the Community Development Department reviewed this matter.

ALTERNATIVES:

A. **Adopt the Ordinance** as proposed.

B. **Continue the Ordinance.** If the Council would like more information on this matter, it may postpone action on the ordinance and request additional information.

C. **Revise the Ordinance.** The Council may choose to revise the ordinance, but any substantive change would have to be re-noticed and processed through the Planning Commission as this matter is only a technical correction.

SIGNIFICANT IMPACTS: The change removes a confusing error from the LMC.

RECOMMENDATION: **Adopt the proposed amendment to Section 8.17 of the Park City Land Management Code to correct a scrivener's error regarding a five foot height allowance for gable and similar pitched roofs in all zones other than HR-1 and HRL zones.**

Ordinance 97-___

AN ORDINANCE CORRECTING A SCRIVENER'S ERROR TO CHAPTER 8 OF THE PARK CITY LAND MANAGEMENT CODE AND RESTORING A FIVE FOOT HEIGHT ALLOWANCE FOR GABLE AND SIMILAR PITCHED ROOFS TO ALL ZONES EXCEPT HR-1 AND HRL DISTRICTS

WHEREAS, on December 7, 1995, the City Council adopted Ordinance 95-65 relating to heights in the HR-1 and HRL zoning districts; and

WHEREAS, Section 4 of Ordinance 95-65 contained a scrivener's error which mistakenly deleted the availability of a five foot allowance above maximum zone height for gable and similar pitched roofs in all zones except theHR-1and HRL districts; and

WHEREAS, Ordinance 95-65 was not noticed as, nor intended to be, a general zoning amendment and the scrivener's error is not enforceable in the other zones; and

WHEREAS, the City Council now wishes to correct the scrivener's error; and

WHEREAS, this correction is a technical (procedural) amendment, not a substantive Land Management Code amendment;

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

SECTION I. AMENDMENT. Land Management Code § 8.17 is hereby amended to read as follows:

8.17. <u>HEIGHT</u> <u>PROVISIONS</u>. The total height of the building shall be measured as the vertical distance from natural grade or final grade (whichever yields the smaller\shorter building) at a point three feet out from the foundation wall, as defined in this Code, to the highest point of a flat roof or to the deck line of a mansard roof or to the highest ridge of a hip or gable roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than 18" above the deck line . Roofs not clearly fitting any of the above three classifications shall be classified by the Community Development Department in accordance with the roof classification it most resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. To allow for roof pitches and provide usable space within the Structure, the following exceptions apply:

(a) In all but the HR-1 and HRL Districts, the ridge of a gable, hip, gambrel or similarly pitched roof may extend up to five feet above the specific maximum height limit for the zone.

(ba) Antennas, chimneys, flues, vents, or similar structures may extend up to five feet above the specified maximum height limit for the zone.

(cb) Water towers and mechanical equipment may extend up to five feet above the specified maximum height limit.

(dc) Church spires, bell towers, flag poles, and like architectural features as permitted under the Historic District Guidelines, may extend over the specified maximum height limit by up to 50% of the height limit, but shall not contain any habitable spaces above the maximum zone height stated.

(ed) In order to accommodate a one-story element and pitched roof with a ridge design running perpendicular to the street, the Community Development Department may permit a building height increase, not to exceed 18 feet to the ridge line when measured from the midpoint of the front/street-side property line. Additional building height, pursuant to this exception, shall not be permitted for portions of the structure further back than 34 feet from the street-front property line. Prior to granting any additional building height, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines and results in a better overall architectural design and neighborhood compatibility.

(fe) In order to accommodate a pitched roof running with a ridge design running perpendicular to the street, the Community Development Department may grant additional building height provided that no more than 20% of the ridge line exceeds the height requirements. Prior to granting any additional building height, pursuant to this exception, the Community Development Department shall find that the proposal complies with all requisite policies in the Historic District Design Guidelines, results in a better overall architectural design, and does not substantially interfere with sight lines of adjacent properties. *(This is intended to promote more historic roof forms and to prevent the proliferation of non-historic, long-sloping roof forms that run parallel to the slope.)*

SECTION II. **EFFECTIVE DATE.** This ordinance shall become effective upon publication.

PASSED AND ADOPTED this ____ day of March, 1997.

Park City Municipal Corporation

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Bradley A. Olch, Mayor

Attestation by:

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Jan Scott, City Recorder

Approved as to Form:

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Mark D. Harrington, Asst. City Attorney

PARK CITY
1884

CITY COUNCIL REPORT

DATE: **March 17, 1997**

DEPARTMENT: **Legal Department**

AUTHOR: **Mark Harrington**

TITLE: **Proposed Amendments to Chapter 4 of the Land Management Code ("LMC")**

TYPE OF ITEM: **Legislative**

<u>SUMMARY RECOMMENDATIONS:</u> Conduct a public hearing and adopt the proposed ordinance which makes the Planning Commission representative to the Historic District Commission ("HDC") a liaison position and provides for the appointment of an additional at-large member.

DESCRIPTION:

A. Topic.

The Park City Land Management Code ("LMC").

B. Proposal.

Recommend amendments to the LMC to change the membership of the Historic District Commission by adding an at-large member and making the Planning Commission representative a liaison membership only.

C. Background.

The Planning Commission reviewed these changes in work session at its November 20, 1996 meeting, and forwarded a positive recommendation to the City Council on December 18, 1996 after a public hearing.

D. Staff Analysis

Pursuant to the Planning Commission's request, staff is proposing to change the Planning Commission representative to the HDC to a liaison position and replace it with a new at-large position to be appointed by the City Council. This request is consistent with the Council's policy to remove voting liaison positions to other boards when that body may have to also act on the same matter. Under the current code, two vacancies exist; if the amendment is adopted, three vacancies will occur.

E. Alternatives

1. **Adopt the Ordinance.** This is the recommended action.

2. **Modify the Ordinance to change the term of HDC members.** The Council briefly discussed the possibility of altering the term of HDC members at a recent work session, but no consensus was reached. No input has been received on the term length from the Planning Commission nor the HDC, so staff is not proposing to alter the term at this time. The HDC will review the matter at their meeting on Monday, March 17th.

3. **Postpone Action.** Delay is not recommended since the Council needs to fill the current vacancies as soon as possible.

F. Recommendation

Conduct a public hearing and adopt the ordinance as proposed.

ORDINANCE 97-____

AN ORDINANCE AMENDING CHAPTER 4, SECTION 1 OF THE LAND MANAGEMENT CODE TO MAKE THE PLANNING COMMISSION MEMBER OF THE HISTORIC DISTRICT COMMISSION A LIASON AND PROVIDING FOR THE MAYOR TO APPOINT ANOTHER AT-LARGE MEMBER

WHEREAS, the Planning Commission requested, and the City Council agreed, to make the Planning Commission member of the Historic District Commission ("HDC") a liaison member and to appoint another at-large member; and

WHEREAS, an additional at-large member on the HDC is in the best interests of the residents of Park City, Utah; and

WHEREAS, an additional at-large member on the HDC will reduce the likelihood of a conflict of interest upon consideration of applications before the Planning Commission that previously were reviewed by the HDC;

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

SECTION I. FINDINGS. The above recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Chapter 4, Section 1 of the Park City Land Management Code ("LMC") is hereby amended to read as follows:

4.1. COMMISSION CREATED. Pursuant to the Historic District Act (Section ~~11-18-1~~ 17A-3-1301, et seq, of the Utah Code, 1953 as amended) and other applicable powers, there is hereby created a Park City Historic District Commission (HDC). The HDC shall be composed of five (5) members appointed by the Mayor with the advice and consent of the City Council, and one ~~of whom shall be a~~ additional member ~~of the~~ from the Planning Commission who shall be a non-voting, liaison member.

K:\LEGAL\MH\ORD\LMCCHANG.HDC

SECTION III. **EFFECTIVE DATE.** This ordinance shall become effective upon publication.

PASSED AND ADOPTED this ____ day of March, 1997.

Park City Municipal Corporation

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Bradley A. Olch, Mayor

Attestation by:

____
Jan Scott, City Recorder

Approved as to Form:

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Mark D. Harrington, Asst. City Attorney

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