PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 8, 2001

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, February 8, 2001.

AGENDA

Work Session

4:30 p.m.	Council questions/comments
5:00 p.m.	Historic Main Street Business Alliance funding request
5:25 p.m.	Legislative update
5:45 p.m.	Review of regular meeting

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 25, 2001

V CONSENT AGENDA

1. Authorize staff to enter into a contract with Lewis, Young, Robertson & Hurningham in the amount of $16,220 for a water impact fee study

2. Authorize staff to negotiate a contract with Rick Giardina & Associates for a user rate cost of service study in an amount not to exceed $60,000

3. Authorize staff to enter into a contract with Stantec Consulting Inc. for $59,784 for the Judge Tunnel feasibility study

V OLD BUSINESS

Appeal of Planning Commission approval of December 13, 2000 of a conditional use permit for a telecommunications facility located at 1375 Deer Valley Drive South, Deer Valley Plaza

VI ADJOURNMENT

Posted: 02/05/01
See parkcity2002.org

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 8, 2001

Present: **Mayor Brad Olch; Council members Peg Bodell; Candace Erickson; Roger Harlan; Fred Jones; and Jeff Mann**

Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; Rick Lewis, Community Development Director; Shauna Stokes, Enforcement Officer; Melissa Caffey, Special Events Manager

Monty Coates, Historic Main Street Business Alliance (HMBA)

1. **Council questions/comments.** Jeff Mann expressed his appreciation to Myles Rademan for his Leadership 101 program and Bob Stephens for organizing a lunch with his Administrative Services staff which was helpful to him. He attended his first Park City Arts Council meeting as a City Council liaison and thanked everyone involved with the Olympic Count-Down Celebration which was a great evening. The Mayor added that there were members of the marketing department from IOC present who were very impressed with our local event. Fred Jones agreed. He suggested consideration of realigning the cross-country ski trail through the Richards property and away from the highway, which would substantially improve the skiing experience. Candace Erickson also commented on the merits of participating in the Leadership program. She discussed the Olympic torch event held at the schools and Roger Harlan expressed that booking Bud Greenspan at the Eccles Center was a coup; the show which was extremely entertaining.

Council member Harlan asked if there is consensus among Council members to discuss the Holiday Village project it relates to the future of Sundance and needed facilities, the renewed interest in the Main Street Mall, and a possible application for the ski bridge. He felt that these items play a vital role in the economic viability of Main Street. Fred Jones believed that the focus has to be the Olympics this year, but at the same time there are opportunities unfolding that deserve some discussion. It would be detrimental for the City to lose Sundance which needs to be addressed now and the Main Street Mall proposal should also be pursued. The Mayor requested that staff update Council next week about these issues. Ms. Bodell pointed out that the economic viability of Main Street was a topic that was scheduled for the retreat but because of time constraints, was never discussed. At this point, there is no long-range plan and it would be helpful to discuss these issues comprehensively at a mini-retreat. Council member Jones emphasized that the City is in a two-year budget process which spans beyond the Olympics and agreed that a long-range plan needs to be formulated for the entire town. The Mayor cautioned that staff be directed to work on clear priorities.

There was discussion about the vacancies on the Planning Commission and Historic District Commission and setting a breakfast meeting date with the School District and Summit County Commission. Ms. Erickson asked if there are tickets available for school kids for the Olympics. The Mayor believed that there is a program for kids for test events and reviewed the schedule for World Cup events. Ms. Bodell distributed programs on the Cultural Olympics and hoped there may be money in the budget to purchase tickets. There is an array of programs and exhibits featuring great talent. The Mayor discussed his experience in St. Anton, Austria, which is the home of modern skiing. He pointed out that World Cup skiing is extremely popular in Europe and is captured on prime time television for viewers. Candace Erickson reported on the Today Show which was televised from the Park City Mountain Resort today, highlighting the count-down to the Olympics.

2. **Update on Sundance Film Festival.** Rick Lewis stated that although Sundance is a wonderful event for the community, in the past, there have been code violations dealing with posters, handbills, and temporary licenses. This year, the City tried a completely new approach by recruiting City staff from various departments to work in teams to monitor Main Street and to educate Festival patrons about our code requirements. The City also installed additional kiosks for posting handbills. The program proved to be very successful much to the credit of Shauna Stokes. Ms. Stokes stated that this was her first Sundance Film Festival as a code enforcement officer, but she felt it went well. There were 101 warnings and two arrests. She understood that Main Street was much cleaner this year; she learned a lot and had great support from employees. In response to a question from the Mayor about suggestions to improve the program, Ms. Stokes stated that employees recommended shorter shifts and scheduling teams later in the day to later at night. Melissa Caffey added that she will be providing Council with a complete report on Sundance. She spoke about the training and cooperation relationships between departments; the feedback has been very positive.

3. **Legislative update.** Assistant City Manager Tom Bakaly reported that SJR 3 regarding all public entities paying property taxes, was held and the City is watching this closely. HB 86, creating a task force composed of legislators to review the tax system and policies has been approved by the House. The League is urging consideration of a technical task force which may be considered by the Senate. HB 315, Olympic public safety transportation routes, is scheduled at the City Council's meeting next week and Olympic Officer Lane Beattie will be present to explain the proposed legislation.

4. **Review of regular meeting:**

Historic District Main Street Business Alliance funding request. See staff report. Tom Bakaly explained that the first request is a one-time expenditure of $25,000 to the HMBA and the second consideration is on-going funding and staffing for this organization. The goal is business development through marketing efforts and partnerships between businesses and the City. This effort deals with short-term solutions not long-term strategies addressed by Council earlier. The Council provided a grant of $25,000 in 1999; that money was used well and met expectations with regard to setting up the HMBA. He felt this additional request meets grant criteria and it is proposed to fund it with excess parking revenues of $15,000 and a one-time grant of $10,000 from the grant contingency fund. However, this would reduce the balance of the contingency fund to $1,000. Fred Jones stated that he supports the one-time grant of $25,000, but feels there needs to be adequate discussion about a comprehensive strategy of the overall health of the City before a decision on on-going funding is decided. Ms. Bodell pointed out that many groups pursue other sources of funding in addition to the assistance provided by the City with the goal of becoming self-reliant. Mr. Bakaly agreed that with some grants, there is a matching component and there is a $10,000 commitment from the Chamber/Bureau. The HMBA plans to solicit sponsorships and apply for restaurant sales tax monies and Roger Harlan pointed out the difficulty of reaching its goals while devoting a great deal of time organizing fund-raisers. Ms. Bodell sympathized but felt the HMBA should be sustainable. She is pleased that unifying the merchants is a goal and that revenues from parking are going back to the Historic District, but is uncomfortable with the HMBA marketing and producing events and feels it is a band-aid approach. The money may be better spent hiring a consultant to assess the economy of Main Street. Jeff Mann stated that he fully supports the expenditure of $25,000. The Council will have the opportunity to look at the budget in May and supporting this proposal seems like a logical step to a long-term solution.

To clarify a comment made by Peg Bodell, HMBA Chairman Monty Coates stated that no one has been hired to date and it is their priority to ensure long-term economic viability for Main Street. He personally felt that forming a special district for the Main Street business community may be an option. Part of the strategy of unifying merchants is action, like bringing events to the streets, and as the organization is perceived to be solid, there will be a better buy-in from businesses. Mr. Coates added that it is important to have a contact person for the organization and all qualified applicants will be considered. Everyone in the district is invited to meetings, regardless of membership status. Ms. Erickson stated that she fully supports this grant, but hoped that the funding would be allocated toward marketing what businesses have to offer rather than producing events. Mr. Coates explained that a balanced tenant mix is important to attract a variety of patrons. Ms. Bodell warned not to produce events and he emphasized that their role is to partner with organizers to bring people to Main Street. Ms. Bodell expressed that if they follow their goals, they should be successful.

Assistant City Manager Tom Bakaly explained that staff approached the Main Street merchants about constructing a bulb-out adjacent to the Carr Parcel next summer. The HMBA decided not to proceed with a bulb-out this summer, given the activity on the street, and requested a stamped cross-walk at that location which can easily be tied to planned street improvements. Peg Bodell asked if a bulb-out could be stamped, and Mr. Bakaly appropriately quipped, *"that sounds painful"*.

Other meeting questions/comments. In response to a question from Fred Jones regarding the contract on the agenda for water user rates, Jerry Gibbs explained that the service study is a different approach where user classes, water usage, and impact on the system are analyzed. Rates are appropriately delegated to user classes so that they are more equitable. Currently, there is a base capacity rate structure with fixed fees based on meter size and defined ranges for water use. The cost of service study considers where those costs should be allocated within a range, i.e., retail may be set at a different rate than a restaurant. This also applies to residential uses, including single family and multi-family units where use patterns and rate structures better reflect impacts on the water system. This a different approach and Mr. Gibbs pointed out that the last time water rates were reviewed by a consultant was in 1982 and rate increases after that date were developed by staff. The study will recommend a rate structure that will produce adequate revenues to address future demands. Toby Ross added that this strategy is in response to Council's interest in a rate structure that motivates conservation and is a more complicated process involving a lot more analysis than what has been done in the past. This is a time-intensive effort and Rick Giardina & Associates specialize in rate studies. Roger Harlan expressed initial concern about the cost of assigning this project to a consultant, but in consideration of staff's workload and the expertise of the contractor, will support the award of the contract.

With regard to the appeal scheduled on the agenda, City Attorney Mark Harrington urged Council members to disclose at the regular meeting the nature of any discussion with the appellant, public, or applicant that may have occurred between meetings. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 8, 2001

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, February 8, 2001. Members in attendance were Brad Olch, Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Lloyd Evans, Chief of Police; Tom Bakaly, Assistant City Manager; and Alison Kuhlow, Planner.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Oath of office - Police Officer Terry Knechtel - Chief Lloyd Evans relayed that Terry Knechtel is a Reserve Officer who has been hired as a full-time officer; all vacancies in the Department have now been filled. The Mayor administered the oath of office.

2. Annual audit compliance letter from the state of Utah - Fred Jones complimented the accounting staff on a job well done on the City's annual audit.

3. Transit Center grand opening - Assistant City Manager Tom Bakaly informed the Council and the public that the grand opening is now scheduled for March 23, 2001 at 1 p.m. Senator Bennet will be in attendance and the indoor art work will be installed next week.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 25, 2001

Hearing no corrections or omissions, the Mayor requested a motion to approve. Peg Bodell, "I so move". Jeff Mann seconded. Motion carried unanimously.

V CONSENT AGENDA

The Mayor requested a motion to approve. Roger Harlan, "I move approval of the Consent as outlined in our packet, Items 1, 2, 3 and 4". Fred Jones seconded. Motion unanimously carried.

1. Authorize staff to enter into a contract with Lewis, Young, Robertson & Burningham in the amount of $16,220 for a water impact fee study - See staff report.

2. Authorize staff to negotiate a contract with Rick Giardina & Associates for a water user rate cost of service study in an amount not to exceed $60,000 - See staff report and work session discussion.

3. Authorize staff to enter into a contract with Stantec Consulting Inc. for $59,784 for the Judge Tunnel feasibility study - See staff report.

4. Authorization of a one-time expenditure of $25,000 and approval of the public service contract request from the Historic Main Street Business Alliance - See staff report and work session discussion.

VI OLD BUSINESS

Appeal of Planning Commission approval of December 13, 2000 of a conditional use permit for a telecommunications facility located at 1375 Deer Valley Drive South, Deer Valley Plaza - Alison Kuhlow stated that Council heard this appeal on January 25, 2001 at its regular meeting and continued the hearing to this date. Since that meeting, she spoke to the representative of employees from the Deer Valley Plaza, Mr. Kim McClelland, who expressed health concerns about emissions emanating from these facilities. Because of this fear, the applicant has agreed to install mesh screening under the antennas on the building. Also since that meeting, the City Council received information on FCC guidelines which indicate that the antennas are unlikely to cause any exposure. Candace Erickson disclosed that she received a call from Kim McClelland who relayed his conversation with the FCC who offered the suggestion of shielding the antennas. She is pleased that the applicant agreed to this precaution. In response to a question from Peg Bodell, Ms. Kuhlow stated that she has not received any additional comments from the public. City Attorney Mark Harrington stated that since the hearing was continued, that additional testimony can be rendered before the City Council deliberates.

Rita Gould, wife of appellant Gardiner Gould, representing Fawngrove Home Owners Association, stated that she is opposed to Metricom placing 16 antennas on the Deer Valley Plaza Building. She referred to information in a book written by Dr. George Carlos and Martin Shram. Dr. Carlos was hired by the telecommunications industry early on and as he began conducting research, he discovered associated health concerns. As he brought his findings forward, he was dismissed and his research monies were discontinued. She referred to a test described in the book where evidence was found that there is genetic damage that occurs at a 1.0 radiation level which is below the FCC's 1.6 specific absorption rate level (SAR). The book also addresses the FCC's radiation emission guideline which was established on the assumption that there are no adverse affects below a radiation level of 40 watts per kilogram and to protect the public, there must be a margin of safety that is 25 times lower than the known danger level where health effects had originally been found. The FCC experts simply divided 40 ÷ 25 and arrived at 1.6 for a safety standard. Wireless Technology Research (WTR) found significant genetic damage at 5 and 10 watts per kilogram and some damage at levels as low as 1.0. Based on the WTR's finding of genetic damage at SAR levels of 5 and 10, if the FCC still believes there should be a 25 fold margin of safety to protect, it must recalculate its guidelines. It will then find that its new safety guideline according to the FCC's own policy, must be between 0.2 and 0.4, far below the government's accepted guidelines. Ms. Gould felt that this is new information and urged Council to consider it. The mesh shielding may do some good, but she is not sure that it will drop the emissions to a safe level.

Steve Distad, representing Metricom, stated that he appreciates people like the Goulds and other citizens who stand up for their principles, but he disagrees. The FCC is the governing authority on this issue and the input it receives is from two autonomous sources, the Institute of Electrical and Electronics Engineers Institute and the American National Standards Institute which regulates all products, not just communications. They have no ties or interest in the wireless industry and their standards parallel those of the FCC. The argument has been that there is insufficient data, but quite to the contrary, there has been a great deal of data gathered over the last 50 years regarding RF emissions from various sources; wireless is just one of the latest groups, but this is nothing new. He believes that this has become an emotional issue, as there is no negative evidence. Dr. Carlos may have his own opinion, but yet no one can produce any empirical data that can be used to base changes on the current standards. Mr. Distad emphasized that all data now implies that it is safe . However, Metricom is willing to attempt to make people feel safer and is happy to go along with public sentiment by installing the mesh. He again urged Council to base its decision on hard evidence and not emotional outcry.

Rita Gould disagreed with Mr. Distad's comments and feels there is a lot of negative publicity and concern. There is research yet to be done; research has not proved the safety or lack of safety of telecommunication stations. Park City, with a population of 8,000 to 16,000 has 92 permanent facilities. St. Petersburg, Florida, where she and her husband reside, has a population of over half a million with 22 permanent telecommunications facilities. Ms. Gould asked if the City has an overall telecommunications facilities plan. The Mayor pointed out that the numbers could very well be related to the topography of Florida which is flat compared to the mountains and hidden coves in town which create interference. The Mayor closed the public hearing.

Peg Bodell emphasized that the Council is being asked to decide whether the Planning Commission erred in adopting the findings of fact and conclusions of law on December 13, 2001 approving the application, and whether the provisions of the Land Management Code have been violated. With no further comments from the Council, the Mayor requested a motion. Roger Harlan, "<u>I move that we deny the appeal that has been presented to us based on the fact that the Planning Commission, in the discharge of its duties, did not error in the procedure categories that</u>

they were dealing with". Fred Jones seconded. Roger Harlan added that this is a very difficult issue to him personally. He discussed how the public was mislead about smoking years ago, but government officials have to make decisions based on the facts presented before them and must follow procedures of law. City Attorney Mark Harrington requested that the motion be amended to include the findings outlined in the staff report. Roger Harlan agreed to amend his motion and Fred Jones ratified his second. Candace Erickson also recalled that it wasn't so long ago that the effects of x-rays were unknown. Unfortunately, the burden of proof lies with the appellant to present substantial evidence that there is a health and safety risk and there is no overwhelming proof that the FCC standards are not safe. In consideration of this, she stated that she is compelled to deny the appeal. Peg Bodell felt that Metricom's willingness to work with the tenants in the Deer Valley Plaza Building is very important as it alleviates some fears, which is in the interest of the Council. Motion unanimously carried.

VII ADJOURNMENT

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

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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

Janet M. Scott, City Recorder

DATE: February 8, 2001
DEPARTMENT: Public Works
AUTHORS: Jerry Gibbs, Tom Bakaly, Lori Collett
TITLE: Water Impact Fees and User Rate Study
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to enter into contracts with Lewis, Young, Robertson & Burningham in the amount of $16,220 for the water impact fee study and Rick Giardina $ Associates in the amount of $52,000 for the user rate cost of service study.

DESCRIPTION:

A. Topic. Water Impact Fees and User Rate Study

B. Background.

Water Impact Fees - Park City modified its impact fee schedule to conform to the change in Utah law in June 1995. Water impact fees are divided into two categories: development and connection. Development fees represent the cost of purchasing water rights to meet a water users potential needs. A connection fee represents the proportional cost of the delivery system or infrastructure required to deliver the water. A capital facilities plan has been developed identifying the infrastructure needs delineated by two categories, growth and regulatory.

The analysis will:

- Review growth projections and water demands
- Substantiate the need for planned capital spending
- Identify proportionate share for existing demand and anticipated demand.
- Identify the component of planned capital expense required by new development.
- Create a fee calculation methodology
- Provide written documentation to comply with all State requirements..

Our administrative objectives are to provide:

- A fee structure easy to explain
- Simple to calculate by use type and water demand.
- Cost effective to maintain
- Legally defensible

New impact fees will need to be adopted and in-place by May 1, 2001.

Water Rates - The water system provides water to approximately 4500 meter connection with an annual usage of 4700 acre feet. Summer usage from May through September represents approximately 64% of the total water used. A peak day in the summer is estimated to provide 69% of the water for outside irrigation and 31% for inside use. A supply and demand study completed by Montgomery Watson predicts are water demand at buildout will be 14.4 million gallons per day. New federal drinking water regulation are reducing the maximum contaminant levels for our existing sources. More treatment will be required in Spiro and Judge Tunnels. The capital and additional operational cost must be covered by user rates.

The current water rate structure has provided adequate revenues to date but has not deterred excessive water use. The current rate structure will not be adequate meet the capital demands of a new treatment plant for the Judge Tunnel or other major capital projects. The last water rate increase occurred in July 1995. The rate is divided into a summer and winter rate. Each rate has a flat rate by meter size and a rate per 1000 gallons used. The summer rate is an increasing block rate to provide an incentive to use less water. The upper level rate for single family use is $2.60 per 1000 gallons for use in excess of 40,000 gallons.

The consultant will review

- Park City's water utility customers by meter size and use category
- Availability of water resources
- Level of current and future costs
- Level of customer and department concerns
- Legal constraints

Our administrative objectives are to:

- Provide adequate revenues to provide a stable and predictable source
- Minimize an expected changes to customer's bills
- Discourage wasteful use
- Promote fairness and equity
- Maintain simplicity, convenience, certainty, feasibility and freedom from controversy
- Compliance with Utah law

The new rate will need to be adopted and in-place by May 1, 2001.

Staff has asked for a cost of service study not just a review of the existing rate structure to meet expenditure needs. A cost of service study identifies the base cost for average use across all classes of use. These cost include operational and maintenance and some capital costs. All other cost are considered extra capacity costs. These costs are assigned to the seasonal period they occur. This will require detailed cost accounting information to equitably split the cost to each seasonal period. This approach meets the city council objective of assigning the cost of peak day usage to high water users.

Staff developed an RFP and distributed a copies to CH2m Hill, Carrolla Engineers, Collins and Bowen, Stantec Consulting, Montgomery Watson, Bob Rosenthal, Wikstrom Economic and

Planning Consultants, Lewis, Young, Robertson & Burningham, Rick Giardina $ Associates, Zions, Dave Miner, and Deloite and Touche. Consultants were asked to develop a work approach that would meet the objectives identified for each study. A consultant could proposed to provide services for both projects.

C. Analysis.

A in-house rate committee included Lori Collett, finance department, Tom Bakaly, office of capital management and budget, and Jerry Gibbs, Public Works was formed to review the proposals, interview prospective firms, develop recommendations and interact with the selected firm(s) during the study. Only six firms submitted a proposal.

Company	Water Impact Fees User Rates Program	Fee Range
Bob Rosenthal	Water Impact Fees*	$11,000 to $12,000
Wikstrom Economic and Planning Consultants	Water Impact Fees* User Rates	$12,000 $12,000
Lewis, Young, Robertson & Burningham	Water Impact Fees* User Rates*	$12,500-$17,500 $14,500-$18,000
Rick Giardina $ Associates	Water Impact Fees User Rates*	$27,000-$35,000 $49,000-$61,000
Montgomery Watson	Water Impact Fees User Rates*	$25,000-$32,000 $35,000-$44,000
Deloite and Touche	User Rates	$50,000

* Identifies the study the firm was invited to interview

The committee chose to interview three firms for each study. The interviews showed there was a wide variety of experience and understanding of the elements involved in each study. The fee structures reflect the varying understanding.

The three firms interviewed for the water impact study showed the most consistency in experience and fee range. Lewis, Young, Robertson & Burningham experience appeared to be broader and they demonstrated a clearer understanding of Utah's legal requirements. The other two firms had experience but did not show a broad understanding of the issues.

The cost of service study to determine water user rates had fee estimates varying from $12,000 to $61,000. The firms in the lower fee range used simple spread sheets, compared revenue requirements to expenses, and modified the existing rate structure. The estimated hours were 120 hours for Lewis, Young, Robertson & Burningham, 304 hours for Montgomery Watson, and 350 hours for Rick Giardina & Associates. The rate review committee wanted a consultant to review water usage by user groups, meter size, impact the user group has on peak day and develop a rate structure to transfer the cost to upper end of each user group.

Only Rick Giardina & Associates had a clear understanding and experience in developing similar fee structures. Rick Giardina & Associates only works on utility rates. He served as co-chair on the AWWA subcommittee to develop the M29 manual, *Water Utility Capital Financing* and a member of the Rates and Charges subcommittee of AWWA. He has experience in resort areas and large municipalities in the western Unites States. Mr Giardina included two additional options in his proposal, a one day workshop to discuss rate options based on out use patterns and a financial model to adjust rates based on changes in use and expense patterns.

Rick Giardina & Associates has identified ten goals to their approach;

1. Understand current operations and service levels
2. Careful communications and coordination with staff and public process
3. Evaluate current rates and methodologies per general guidelines of AWWA and State of Utah
4. Review opportunities for alternate rates
5. Rigorously analysis and develop utility costs and clear identification of functional, service-related and customer class unit costs
6. Identify best opportunities and potential fatal flaws for alternate methodologies
7. Thoroughly identify, analyze evaluate pricing objectives to determine the most appropriate rate design
8. Identify step needed to implement
9. Prepare a clear, concise, highly readable explanation summary of finds and recommendations for public presentations
10. Develop a public involvement strategy to overcome barriers

Council may want to discuss the public process. The three person citizen group used in the Program and Resource Analysis study could have their roles expanded as a citizen review committee. A separate citizen group could be appointed. The second alternative could delay implementation of the rates until late summer. The other alternative is to ask for citizen involvement during the public hearing process.

The project expenditures would be from water operations 51-40451- . An amendment to the budget will be required. The water fund has adequate reserves to cover the cost.

D. <u>Departmental Review</u>.

This proposal has been reviewed by Public Works, the Office of Capital Management and Budget, Finance, and the City Manager.

ALTERNATIVES:

A. <u>Authorize staff to enter into agreements with Lewis, Young, Robertson & Burningham in the amount of $16,220 for the water impact fee study and Rick Giardina $ Associates in the amount of $52,000 for the user rate cost of service</u>

study. This is the staff recommended alternative.

B. **Authorize staff to enter into agreements with one of the other interviewed consultants for water impact fee study and the user rate cost of service study.** This is the not the staff recommended alternative.

C. **Require staff to solicit proposals from other consulting firms.**

D. **Have staff update either one or both fee structures**

E. **Delay implementation until 2002**

F. **Do Nothing.**

SIGNIFICANT IMPACTS:
Alternative A would retain experts for each study to develop cost effective, legally defensible rate structures and the best fit for Park City's unique needs. This is the staff recommended alternative.

Alternative B would meet the same objective as Alternative A with different consultants. Their estimated hours were less. The final product may not meet our highest expectations or be as innovative to meet our special needs.

Alternative C would not yield a better selection of consultants.

Alternative D would require a substantial amount of time from staff rate committee to develop scenarios from data generated from Tech Services. The staff solution would be a modification of the existing rate structure.

Alternative E would delay the work until after the Olympics. This alternative may not provide adequate revenues to meet anticipated capital projects and existing bond coverage.
Alternative F would yield the same results as Alternative E.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Alternative B would provide a rate structure to meet anticipated expenses. Our use would be fit into a standard model.

Alternatives C, D, E, and F would cause delays in implementation and not meet revenue expectations..

RECOMMENDATION:
Staff is recommending Authorize entering into contracts with Lewis, Young, Robertson & Burningham in the amount of $16,220 for the water impact fee study and Rick Giardina $ Associates in the amount of $52,000 for the user rate cost of service study.

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DATE: February 8, 2001
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs
TITLE: Judge Tunnel Feasibility Study
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to enter into contracts with Stantec for $59,784 for the Judge Tunnel Feasibility Study.

DESCRIPTION:

A. Topic. Judge Tunnel Feasibility Study

B. Background.
The Judge Tunnel has been the primary drinking water source for Park City for over one hundred years. Demands have steadily increased where Judge Tunnel is one of six water sources. The Judge source provides approximately 22.6% of the total culinary water flow. Its location allows water to flow by gravity to all areas of the City except upper Deer Valley.

Water samples taken in July 2000 showed lead levels higher then the EPA "Level of Concern". Previous sampling and follow-up sampling showed lead levels below the "Level of Concern". During this time the EPA was in town doing a water shed study. They became interested in identifying possible causes to the high lead levels in the water. Our investigation showed the lead was from sediments located on the tunnel floor. These sediments could accumulate over time in the storage tanks or water lines increasing the concentrations.

Park City developed a Judge Tunnel Work Plan in September 2001. The components were:

- ❑ Install an automated turbidity meter at the Judge source.
- ❑ Begin a comprehensive water quality sampling plan to include total and dissolved lead, arsenic, antimony, and zinc.
- ❑ Respond to dirty water calls within two hours of notification.
- ❑ Develop and distribute a public notice.

The EPA and State DEQ decided to take water samples from a dead-end line off of a fire hydrant in October 2001. The samples results showed excessive lead levels in the disturbed water. Montgomery Watson was asked to assist Park City to develop a management plan to address the sediment accumulation within the system. The Plan outlined a systematic program to flush the entire water system supplied by Judge Tunnel.

City staff met with representatives from the EPA and DEQ in late November 2001to discuss the next appropriate steps. The management plan was discussed and approved to move forward. EPA requested the notification plan to include a Tier Two Notification in individual water bills and a public notification procedure during the flushing program. In addition, the EPA expressed concern over the long term viability of the Judge Tunnel with changes in water quality requirements becoming more stringent and the reliability without a treatment plant.

It was suggested a Bilateral Compliance Agreement (BCA) be entered into between the State and Park City. A BCA would allow Park City to continue using the Judge Tunnel and in return must meet certain agreed upon outcomes within a given period of time. Failure on Park City's to schedule efforts would allow the State to take legal action including the discontinued use to the Judge Tunnel. The additional advantage is EPA would not be involved as long as Park City was in compliance with the BCA.

The BCA would allow us to determine the viability of the Judge Tunnel water source and balance regulatory compliance with fiscal responsibility. The first step is to complete a feasibility analysis of the options available to Park City.

The study would include:

Water Quality Goals:	Review levels of arsenic, antimony, lead, and the potential for being under the influence of ground water. Identify contributing factors and locations. Develop strategies to mitigate impacts.
Tunnel Options:	Determine the long term feasibility of maintaining the tunnel versus piping and diverting the water to the Ontario #1 or #2 tunnels . Identify possible contractors.
Primary Use vs Secondary Use:	Review the possibilities to use as culinary vs irrigation and snow making
Treatment Options:	Based on the scenario chosen, identify the appropriate treatment options.
Anticipated Impacts:	The construction and operation costs, reliability, impacts, and schedules will be compared to identify a preferred alternative.
Abandonment:	Identify other sources of water and facility requirements and impacts on existing water rights.

Staff is electing to use a consulting firm from the pool authorized by the City Council on July 29, 1999. The pool is made up of three engineering firms Montgomery Watson, Entranco, and Stantec (formerly EWP). Stantec and Montgomery Watson were interviewed to determine their understanding of the project, resources available to the project and their ability to meet the time schedule.

C. <u>Analysis.</u>

- Stantec - Excellent understanding of the Park City Water System, strong performer, responsive, experienced in pump station, wells, reservoirs and State Engineer process. Stantec provided engineering design for much of the Jordanelle Special Service District. Stantec has a solid understanding of our system operations through hydraulic modeling and a fifteen year association with Park City. They are proposing to partner with Seegmiller International, a mining consultant located in Salt Lake City. Seegmiller has extensive experience in mine stabilization technics.

- Montgomery Watson - Very strong in water treatment technology alternatives, hydraulic analysis and water planning studies. Montgomery Watson has assisted the City on water quality analysis; currently under contract to review and evaluate treatment options to meet the new arsenic standard at Spiro; and updated the City's supply versus demand study. Montgomery Watson is proposing to use personnel from their mining and geotechnical branch. They have extensive experience in mining reclamation and investigation. They are located out of state.

Both firms have estimated a project cost in the range of $50,000 to $60,000. Both firms have the ability to complete the work in the six month time frame.

Staff is recommending the contract be awarded to Stantec. Stantec's knowledge of Park City's water system, their understanding of the Jordanelle Special Service District is advantageous and Seegmiller's mining experience has the best fit for feasibility study.

The project expenditures would be from account numbers are 51-45077, 51- 5078, and 11-40312.

D. Departmental Review.

This proposal has been reviewed by Public Works, the Office of Capital Management and Budget and the City Manager.

ALTERNATIVES:

A. Authorize staff to enter into an agreement with Stantec for engineering services to determine the feasibility of maintaining Judge Tunnel as a water source for $59,784. This is the staff recommended alternative.

B. Authorize staff to enter into an agreement with Montgomery Watson for engineering services to determine the feasibility of maintaining Judge Tunnel as a water source for $50,000-$60,000

C. Require staff to solicit proposals from other engineering firms

D. Do Nothing.

SIGNIFICANT IMPACTS:
Alternative A & B- Both Stantec and Montgomery Watson have the ability to perform the work. Both firms estimated their fees in the $50,000 range It is staffs opinion that Stantec has the best fit, resources and experience for this project.

Alternative C- This alternative will result in increased staff time, extended project time and decrease staff's ability to effectively and efficiently handle water issues. It may hinder our ability to meet schedules in the BCA. A future RFP process will not yield a consulting firm with better or more experience. Staff is recommending against this alternative.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Alternative B may require additional time for Montgomery Watson to understand Jordanelle Special Services District operational issues. Out of state resources may add to the indirect costs.

Alternatives B & C- It is highly unlikely that any savings to the project will result.

Alternative D- EPA and DEQ could force a decision to discontinue or abandon the Judge Tunnel source. A clear understanding of our options is critical

RECOMMENDATION:
Staff is recommending Stantec provide consulting services to determine the feasibility of maintaining the Judge Tunnel as a water source and authorize staff to enter into an agreement. The project cost is estimated at $59,784.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: February 8, 2001
DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Tom Bakaly, Assistant City Manager
TITLE: Public Service Contract Request: Historic Main Street Business Alliance
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The City Council should:

1) Authorize the one-time expenditure of $25,000 and approve the public service contract request from the Historic Main Street Business Alliance (HMBA)

2) Provide Staff with direction as to whether they would like the upcoming budget to include ongoing funding for the HMBA and enhanced City Staff support for the HMBA

DESCRIPTION:

A. Topic: Public Service Contracts - Disbursement

B. Background:

In 1999, the City provided the Historic Main Street Business Alliance (HMBA) with $25,000 to assist with business development in the Main Street area and help initiate some of the recommendations of the Downtown Action Plan. Many of the initial goals and programs of the HMBA were accomplished.

The Historic Main Street Business Alliance has recently requested an additional $25,000 to fund a staff position that will assist with Main Street business marketing, Olympic celebrations and "help to unite the merchants thus creating more cohesiveness in the heart of our merchant district." (Please see the attached letter).

In June of 2000, the City Council adopted a new policy in the budget document that governs the disbursement of City service contracts 2000. In addition to establishing criteria for determining recipients, the policy also established categories in which organizations receiving service contracts were placed. Each category then gets a portion of the total funds appropriated.

The total amount of funds available is a percentage (2.25%) of the General Fund budget for each year. City Council formed a Subcommittee to review the additional public service contract requests and make a recommendation to the City Council. The Subcommittee consists of Council members Erickson and Harlan, and a City staff representative (Tom Bakaly).

C. Analysis:

City Council has recently made it clear that business development and economic development (especially for Main Street) are a City-wide priority.

Business Development: The request for $25,000 is largely related to marketing and business development efforts. The HMBA has made great strides towards business development of the area due in part to the 1999 operating contribution to the HMBA and significant capital contributions (Transit Center, Bulb-out, and Parking Improvements) that are consistent with the Downtown Action Plan. Another one-time $25,000 operating contribution will further assist the HMBA with its business development efforts. As Staff prepares the FY 2001-02 Operating Budget, Staff would like some input from Council as to whether the provision of ongoing operating funding and enhanced City Staff support for the HMBA are a priority.

Economic Development: As part of the 2001-02 Budget, Staff will present some broader, long-term economic development policies for the Council to review and perhaps adopt as a outline for maintaining the City's and Main Street's continued economic viability.

The Subcommittee reviewed the operating funds request and made inquiries with the HMBA. The Subcommittee asked staff to suggest possible funding sources for the request. Staff has determined that the request complies with the City's public service contract budget policies. The City Council informally discussed the request in the context of general economic development efforts at their retreat in January.

Subcommittee Recommendation: While generally supportive of the request, the Subcommittee has not made a formal recommendation.

D. Department Review:

This request has been reviewed by the Office of Capital Management and Budget, the Office of Olympic Planning and Special Events, the Community Development Department, Public Affairs Department, the Legal Department, the Public Works Department and the City Manager's Office.

ALTERNATIVES:

1) Approve the operating request for $25,000 for the Historic Main Street Business Alliance.

2) Approve the $25,000 operating request with caveats such as matching requirements, how the money should be spent and expected programs and/or required deliverables.

3) Deny the request (in total or partially): This action may necessitate further City Council direction concerning the Public Service Contract policy and its implementation.

4) Continue the Item: Delaying the request for a few weeks should not cause major problems.

5) Do Nothing: Same as Continuing the item.

SIGNIFICANT IMPACTS:

The Public Service Contract Subcommittee asked Staff to research possible funding options. Staff analyzed whether funds from the Main Street Redevelopment Agency (RDA) could be used for the requested business development and marketing efforts. It has been determined that RDA funds would not be an appropriate use of funds for this request. Therefore, on a one-time basis Staff is proposing that $15,000 in net revenue from pay parking operations and $10,000 from the public service contract contingency fund be used to fund the request. Using the $10,000 will bring the public service contract contingency fund balance to a little over $1,000. Under current policy, the contingency fund would receive a $4,000 appropriation on July 1, 2001.

As Staff prepares the 2001-02 Operating Budget, some direction from Council regarding continued funding and staff support for the HMBA would be appreciated. While an ongoing contribution from excess parking revenues is likely and perhaps justified, it may not equal $25,000 next year. If Council would like to fund this request on an ongoing basis, it is likely that other public service contracts or City services would need to be reduced. Council direction on whether they would like to continually fund ongoing Main Street business development efforts would be helpful.

In addition, as Staff time begins to be drawn towards the Olympics, how much in Staff resources would City Council like to dedicate in the next year towards Main Street? Council's response to this question may prompt additional staffing requests in the upcoming budget to free up existing staff resources for Main Street. The Service Level Analysis data that will be presented to City Council in March as part of the Program & Resource Analysis may assist Council with this decision. Staff is only looking for input at this time. Final decisions will not need to be made by Council until the budget is reviewed and adopted in May and June respectively.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Denying the operating funds request of $25,000 would hamper the HMBA's ability to pursue their business development efforts.

RECOMMENDATION:

The City Council should:

1) Authorize the one-time expenditure of $25,000 and approve the public service contract request from the Historic Main Street Business Alliance (HMBA)

2) Provide Staff with direction as to whether they would like the upcoming budget to include ongoing funding for the HMBA and enhanced City Staff support for the HMBA

HISTORIC MAIN STREET BUSINESS ALLIANCE
P.O. BOX 1348
PARK CITY, UT 84060

January 10, 2001

Mayor Brad Olch, Park City
Park City Council Members
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

Dear Mayor and City Council Members:

The Main Street Business Alliance would like to follow up on our December 4th,2000 grant request. We believe that the following information may be useful as you consider our grant request and any future decisions affecting the Main Street area. The importance of Main Street's appearance and vitality to our community is much greater than simply the bottom line of its merchants and restaurants. The long-term challenges faced by Main Street businesses may be insurmountable without your support and intervention.

Main Street is often referred to as the 'heart & soul' of Park City. It is the 'centerpiece' of much of the community's tourism promotion and advertising, and serves as a focal point for local pride and admiration. It's past successes have depended in large part on public/private partnerships, with the city government making strategic investments in infrastructure and transportation, while private businesses have made substantial investments in buildings, renovations and inventories. In addition, the Chamber/Bureau and ski resorts have spent considerable sums promoting Main Street as an integral part of the total vacation package. Now with the Olympics coming, Main Street will be ground zero for the celebrations. All of this activity is very positive, but does not show the entire picture.

Main Street is also facing some very real challenges to its future success and viability.

-A huge amount of commercial space has been approved outside of Main Street. Main Street has approximately 141,000 square feet of retail space. Many hundreds of thousands of square feet have already been built, and multiple hundreds of thousands of square feet are being approved and/or proposed for Kimball Junction, the Canyons, and possibly Quinns Junction. All retail sales in these areas pay sales tax at a lower rate than similar sales occurring in the city. This means less money is being collected by the city to reinvest in governmental services, infrastructure and transportation.

-Many locals still perceive paid parking as an impediment to shopping and dining on Main Street.

A 1999 Chamber/Bureau survey covering Park City and the Snyderville Basin shows that Main Street has:

-107 stores, totaling 141,742 square feet of retail space. This represents 42.6% of all the retail stores in the Snyderville Basin, but only 15.2% of the total retail square footage. All of these Main Street numbers have shrunk since 1999 due to non-retail uses increasing on Main Street and considerable amounts of retail space being added outside Park City in the Synderville Basin. 55.2% of all retail space is now located outside of Park City, and this number is growing quickly.

-39 restaurants (which is 38% of the total in Park City and the Synderville Basin) with 4,706 indoor seats (47.3%) and 801 outdoor seats (31%).

P.O.BOX 1348 • PARK CITY UTAH • 84060
FAX: 435-615-1734

What seems clear is that direct public action must match community sentiment and political rhetoric. It is not enough to say that Main Street is the 'heart and soul' of Park City. Concrete steps must be continually instituted to insure its viability in the face of the challenges it is now confronting. We have watched as healthy Main Streets all around the country have shriveled and died in the face of competition from outlying sprawling shopping malls. There is no guarantee of economic viability, but continued public investment and involvement along with strong business commitment is a key to success. We are aware that a rapidly changing community such as ours can generate many demands on city budgets and staff. However, we believe Park City's Main Street area is the cultural and historical adhesive, that combined with our world class ski resorts, has enabled the Park City area to become the unique tourist destination that it is. The success of surrounding new commercial developments, which now threaten the economic viability of the Main Street core, in contrast are dependent on the success and appearance of Main Street. Because of the Main Street areas unique value to our community, it must be given preferential treatment. With these thoughts in mind, a realistic action program can include:

-Funding a director's position, this person would help organize, market, plan, work on the Olympics and coordinate fund raising. This is our first priority.

-Continue to work with the public to make the paid parking more user friendly (for example, selling hang-tags at the transit center and at a Main Street location.)

-Continue City funding for the very successful hanging flower basket program.

-Continue investment in Main Street infrastructure (the bulb-out project, sidewalk repairs, and continued implementation of the proposals set forth in the downtown action plan).

-A possible source of funding for marketing and special event programming could include revenue generated by the Main Street parking meters. In this scenario, visitors would help to fund events and marketing which would bring additional visitors.

-Contribute staff time to aid The Main Street Business Alliance in the identification of a permanent funding source. The Salt Lake City model could be evaluated (see enclosed article).

Thank you for your time and consideration on this important matter. Should you have any questions, please contact Monty Coates 649-1612, or Paul Brown 649-0900.

Monty Coates
President

Paul Brown
vice-president

Mary Black
Treasurer

Dec 2000

Gateway Included in Downtown

BY REBECCA WALSH

THE SALT LAKE TRIBUNE

Salt Lake City's Gateway officially is part of downtown — at least when it comes to paying for the Downtown Alliance.

Tuesday night, the City Council expanded the alliance's boundaries to include the Gateway. Little America owner Earl Holding and other hoteliers at the south end of town escaped the alliance for now.

"The Gateway has consistently asked to be considered part of the downtown," said Councilman Keith Christensen.

Salt Lake City leaders created the alliance nine years ago to promote downtown with taxes raised from city businesses. Alliance staff use about $600,000 raised annually from 3,000 businesses plus $750,000 in grants and ticket sales to plant flowers, hang banners, string Christmas lights and pay for advertising. The alliance organizes the Pioneer Park Farmers Market, Salt Lake City Music Festival and First Night New Year's party.

Every three years, the city renews the alliance. But when Alliance members this year proposed expanding the boundaries to include Gateway and the hotel district, lowering each business' individual bill, some of the new taxpayers balked.

"The downtown has grown," said Bob Farrington, alliance director. "Those businesses that have not been participating probably should."

Hotel owners claim they get no benefit from the alliance. Besides, business in the overbuilt Salt Lake City market is tough, they said.

And The Boyer Co., developers of the Gateway, and other executives wanted the alliance to focus more on business recruitment and less on promotion.

"I feel a little sad that some members of our community do not feel community-minded enough to participate," said Councilman Roger Thompson.

The council pared the alliance's expansion plans and raised the proposed tax rate to equal the $2 million an even larger area would have raised over three years.

e-mail: walsh@sltrib.com

Historic Main Street Business Alliance
P.O. Box 1348
Park City, UT 84060

4/December/00

Mayor Brad Olch, Park City
Park City Council Members
Marsac Building
Park City, UT 84060

Re: Historic Main Street Business Alliance Request for Assistance

Dear Mayor and City Council Members:

The Historic Main Street Business Alliance, formed as the result of a recommendation made by the City Council appointed Main Street/Swede Alley Task Force, respectfully asks your consideration of the following proposal to fund a plan that will help to insure the viability of the historic merchant district.

The original execution of the Downtown Action Plan was begun under the leadership of a revised HMBA Board of Directors and the Interim Executive Director, Robbie Beck. Thanks to the support of the City Council and key community leaders, a positive momentum was begun with the construction of the Main Street round-about, bulb-outs, Heber Park and the wonderful programs that occurred in that location, and the awarding of grants to help with marketing efforts and event production. All of these projects have helped to increase the visibility of the area thus contributing to an increase in patronage and sales tax revenue.

Just as the process of formulating a functional/working board of directors came to fruition and the board began working on plan B for a self funding mechanism to support the Downtown Action Plan (plan A: a self imposed tax was shot down by merchants for being too costly), the organization lost their administrator. The loss of Robbie Beck did not stop the organization's attempts to accomplish their charted goals, but it did indeed slow the process, as the workhorse was no longer on board.

In the past several months it has become apparent that the organization needs to have a staff person to insure that work will continue in a timely manner. It is the consensus of the HMBA executive board, that having a staff person will help to unite the merchants thus creating more cohesiveness in the heart of our merchant district. The role of staff will also be to assist in the implementation of a marketing plan, which will as the Downtown Action Plan calls for, assure the long term viability of Main Street/Swede Alley as the commercial core of Park City, thus attracting both residents and visitors. In addition, the city staff may want to call upon the HMBA staff to assist with preparations for the 2002 Winter Olympic Main Street events.

The Historic Main Street Business Alliance requests that the Park City Municipal Corporation grant a total of $25,000 to assist the efforts put forth above. This money will pay the administrator's salary for one year while the organization continues to search out self-funding opportunities similar to the model presented by the Sedona Downtown business group. Those who attended the 2000 City Tour will recall that in the Sedona organization, funding was supported by the City, Chamber, fundraising efforts and membership. All of these mechanisms are very viable options with the right staff support.

Attached are documents, which demonstrate the goals and objectives of the HMBA. In addition, we have included validation of the successful completion of objectives set forth for the interim Executive Director. It is with great appreciation for the past support that the HMBA requests the City's endorsement for the future viability of the immediate and long-term projects facing the Main Street area, including the upcoming 2002 Winter Olympics.

Thank you for your consideration. Should you have any questions please contact Monty at 649-1612.

Best Regards,

Monty Coates President	Paul Brown Vice-President	Mary Black Treasurer

The following is a summary of Goals and Objectives stated for the Interim Executive Director of the HMBA in February 1999.

GOAL	RESULT
Draft an interim and long-term work plan	Completed
Develop an interim and long-term budget	Completed
Legal Constituting of organization	Completed (organization has 501 © 3 status)
Draft by-laws	Completed (see attached)
Draft Mission and Goals	Completed (see attached)
Establish district boundaries	Completed
Write grants and seek funding sources	Partial Completion
Develop a special assessment district	Rejected by constituents
Research marketing and sponsorship opportunities for organization	Partial Completion

2001
Historic Main Street Business Alliance
Objectives

⇒ Re-define marketing objectives for organization

⇒ Create a pre-Olympic marketing plan

⇒ Create a post-Olympic marketing plan

⇒ Implement above marketing plans

⇒ Determine funding mechanisms for Association

⇒ Define partnerships between Association, City, Chamber and others

⇒ Program and implement events for area

⇒ Recruit new events

⇒ Work with City staff on upcoming Olympic community celebrations

⇒ Institute a membership campaign

2001 Proposed Budget

Revenue	
Restaurant Sales Tax – Marketing	$25,000
Sponsorships	$25,000
Partnerships	
City	$25,000
Chamber	$10,000
Membership	$5,000
Alternate Revenue Source	$100,000
	$190,000

Expenses	
Marketing	$125,000
Administrator	$25,000
Administration Overhead	$10,000
Events	$30,000
	$190,000

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE: **February 8, 2001**
DEPARTMENT: **Planning Department**
AUTHOR: **Alison Kuhlow, AICP** AK
TITLE: **1375 Deer Valley Drive - Telecommunications Facility - Appeal**
TYPE OF ITEM: **Appeal/Quasi-Judicial**

SUMMARY RECOMMENDATIONS:

Staff requests the City Council uphold the appeal of the Planning Commission approval of a Conditional Use Permit for a Telecommunications Facility at 1375 Deer Valley Drive.

A. TOPIC

One January 25, 2001, the City Council reviewed and took public input on the appeal of the Planning Commission's approval of a Conditional Use Permit for a Telecommunications Facility at 1375 Deer Valley Drive. At that meeting the Council approved a motion to continue the item to the February 8, 2001, Council Meeting in order to allow adequate review of the documents submitted by Mr. Gould, the appellant.

B. BACKGROUND

Metricom submitted a Conditional Use Permit application for a Telecommunications Facility at 11375 Deer Valley Drive on July 21, 2000. The application requested the location of sixteen (16) antennas on the Deer Valley Plaza Building. The antennas would be placed within four new dormers constructed on the existing roof.

C. ALTERNATIVES

1. Deny the appeal of the Conditional Use Permit by adopting the Findings below and allow a telecommunications facility at 1375 Deer Valley Drive.
2. Grant the appeal and direct Staff to prepare Findings of Fact and Conclusions of Law pursuant to Council's decision.
3. Remand the matter to the Planning Commission for further consideration. The Council should specify the further review it deems necessary.

D. RECOMMENDATION

Staff requests the City Council consider Staff's recommendation to deny the appeal pursuant to the following Findings of Fact and Conclusions of Law:

Finding of Fact

1. The findings discussed in the Analysis section of this report are incorporated herein.

2. The Planning Commission approved a Conditional Use Permit for a Telecommunications Facility at 1375 Deer Valley Drive on December 13, 2000.
3. The applicant for the Conditional Use Permit is Metricom, a company not regulated under the 1996 Federal Telecommunications Act.
4. Metricom and its facilities are reviewed and regulated by the FCC.
5. Notice was published in the Park Record for the item on September 9, 2000, October 7, 2000, and November 25, 2000.
6. A posted notice was placed on the property on September 13, 2000. The notice contained information regarding the project type and public hearing date.
7. Courtesy notice was sent to adjacent property owners within three hundred (300) feet of the proposal on September 13, 2000 and again on October 11, 2000.
8. Mr. Gould submitted information regarding RF emission to the Planning Commission at their December 13, 2000, meeting.
9. A report by Hammett and Edison, Consulting Engineers regarding Metricom Inc.'s compliance with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields.
10. Hammett and Edison were retained by Metricom , Inc. to evaluate the ISM facility.
11. The report submitted by Hammett and Edison, is signed and certified by William F. Hammett, a registered professional engineer.
12. The Hammett and Edison report found the RF emissions to be so low as to be considered intrinsically compliant with the prevailing safety standards limiting RF exposure to RF energy.
13. The FCC has adopted human exposure limits for field strength and power density of RF emissions.
14. The Planning Commission included a condition that the applicant shall submit to the Planning Department an annual letter of compliance with the FCC regulations.

Conclusions of Law

1. The Planning Commission and Staff did not err in adopting the Findings of Fact and Conclusions of Law dated December 13, 2000.
2. The provisions of the Land Management Code have not been violated.

E. EXHIBITS

Refer to January 25, 2001, packet and minutes included within this week's packet.