PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
JANUARY 26, 2012

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, January 26, 2012.

Closed Session
3:00 p.m. Property and Litigation

Work Session

4:00 p.m.	Council questions and comments	
4:10 p.m.	GIS and new City mobile application presentation	P. 4 - 5
4:30 p.m.	Full building permit application process	P. 6 - 7
4:45 p.m.	Recreation Advisory Board Visioning	P. 8 - 19
5:30 p.m.	Special service contract extraordinary request – PC Performing Arts Foundation	
5:50 p.m.	Break	P. 20 - 30

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JANUARY 5, 2012 AND JANUARY 12, 2012 P. 31 - 49

V NEW BUSINESS

1. Consideration of a Resolution declaring February 4, 2012 as Shen Yun Performing Arts Day in Park City, Utah P. 50 - 51

2. Consideration of award of professional services contract with IBI Group in the amount of $281,240 for consulting services for the Historic Park City Alliance infrastructure improvements, in a form approved by the City Attorney P. 52 - 59

3. Consideration of approval of an Annexation Agreement between Park City and Quinns Junction Partnership, as part of The Settlement Agreement for Film and Media Campus between Summit County and Quinns Junction Partnership P. 60 - 89

4. Consideration of acceptance of an Annexation Petition by Quinns Junction Partnership regarding approximately 29 acres of land located generally on the southwest corner of US40 and SR248 in Summit County, Utah [Note: Acceptance of a petition initiates City review of a potential annexation; it is not a decision to approve the annexation.] P. 90 - 104

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 01/23/12
See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.

February 2012

2 Water update – work (30 min)
Resolution adopting amended FTA drug and alcohol policy
Resolution – water smart grant - Tamara
Quit claim deed for Thaynes Canyon remnant parcel
LOI Summit County – public trails

9 **No meeting**

9-10 Visioning Session

16 2012 Arts Festival – KAC – work
Golf course update
Special events and fees – (30 min) - work

20 Presidents Day – City offices closed

23 **No meeting**

March 2012

1

8

15 **No meeting**

22 Convention sale licensing and associated fees - March

29

Pending Items:

Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety

City Council
Staff Report

Subject: GIS Web Maps and Mobile Website
Author: Spencer Lace & Kay Lynn Stafford
Department: Information Technology
Date: Jan. 26, 2012
Type of Item: Informational

Summary Recommendations:
Staff will present a sample of web maps used to access City GIS data, including a new map formatted for mobile devices, part of the launch of a complete Park City mobile website.

Topic/Description:
The city has implemented several web maps using GIS data over the last 6 years and during that time many rapid changes in server technology, web browsers, and users have necessitated discontinuing the oldest map viewers and writing new ones. This is true of the City website as well, which was redesigned and now supports mobile browsers.

Background:
The city initially relied on the state GIS office (AGRC) to develop and host a web viewer for environmental related data. In 2007 staff implemented ArcGIS Server to create and host our own map services and .NET web viewers that we have used internally as an inexpensive alternative to desktop GIS software. Both of these early initiatives have become obsolete. We have already moved on to newer plugin based web apps using Flash and Silverlight for desktop web browsers. The next generation of web apps do not use browser plugins, and that allows them to work well on mobile devices. The best example of this is our new map for the city's mobile website using Javascript and JQuery. Not surprisingly this web app does not work well on some desktop browsers. So there is a need for both sorts of web maps depending on where our visitor is coming from – their desktop computer or their mobile device. Our web site now detects your browser and provides the appropriate layout.

Analysis:
Following GIS industry standards and keeping pace with web trends is a strategy for offering our customers an easy to view web map. In essence we won't be offering a 6 year old map viewer to a visitor with a new tablet device. Constant changes in technology also means developing web maps is a constant task. The time we used to enjoy using a web app after it was developed is getting shorter. Several of the current web map applications on our website are already using old versions and need to be updated. Time resources are being put towards first being compatible with mobile platforms. Investment has been made in the Vision Internet mobile content module that allows contributors to select pages that should be accessible from mobile devices.

Department Review:
IT, Legal, City Manager

Significant Impacts:
None

Consequences of not taking the recommended action:
None

Recommendation:
Staff will present a sample of web maps used to access city GIS data, including a new map formatted for mobile devices, part of the launch of a complete Park City mobile website.

City Council
Staff Report

Subject:	**Full Building Permits and Fees**
Author:	**Chad Root, Chief Building Official**
Department:	**Department of Building Safety**
Date:	**January 26, 2012**
Type of Item:	**Informational**

Summary Recommendations:
This report is informational. The Department of Building Safety's Staff is recommending changing its internal policy so that all building permit applications are full building permits and all building fees are collected at the time of application.

Topic/Description:
Change to building department policy to require all permits to be full permits except for special situations or occasions as determined by the Chief Building Official or his designee.

Background:
Currently a contractor may come in and pull a permit for either a grading or a foundation only permit. The foundation only permit cost just $75.00. There are no impact fees that are paid and the rest of the building permit is left hanging until they pull the full permit. It is also difficult to allocate staff resources due to the uncertainty of projects. The problem arises from the multiple partial permits that are issued which there is no obligation for them to pull a full permit and finish the project. There are no impact fees paid with just a foundation permit.

Analysis:
The advantage with a full permit is we collect all fees associated with the permit. The disadvantage with just a foundation permit is there is only a $75.00 dollar fee and nothing to guarantee that the contractor will finish the project and there are multiple permits issued for one project which becomes a tracking nightmare and we don't require remediation bonds for just foundation only permits. Currently we have numerous vacated foundations siting around within the City.

Department Review:
The Building/Planning/Engineering Team was in favor of the recommendation by the Building Department but thought that this change in policy should be brought to the attention of City Council.

Significant Impacts: Contractors will be required to pay all fees up front in order to obtain a building permit before any excavation or tree clearing begins.

Consequences of not taking the recommended action:
The purpose of this requirement is to stream line the process and collect all fees owed to the City up front. Many of the partial building permits issued by the City have not completed the project and there could be a need for the City to abate the foundations and the structures if not completed and many sites have expired permits.

Recommendation:
The Building Department is seeking direction from Council on its proposed change of policy requiring full permits be pulled at time of building permit application. Staff feels that if the owner/contractor pays all permit and impact fees up front that it would show in good faith that the owner/contractor is vested in the project and all financing is in place and will follow through to complete the project. The Department of Building Safety's Staff is recommending that all permit applications to be full building permits and to eliminate all partial permits unless approved by the Building Official.

City Council
Staff Report

Subject: **Recreation Advisory Board Visioning**
Author: **Ken Fisher, Recreation Manager**
Department: **Recreation & Library**
Date: **January 26, 2012**
Type of Item: **Informational**

Summary Recommendations: Provide direction to the Recreation Advisory Board (RAB) and staff with regards to the recommended work plan for the next year.

Topic/Description: Provide direction to staff and the Recreation Advisory Board on recreational items for the next year.

Background:
As outlined in the Recreation Advisory Boards Policy & Procedure (attachment 3) the Board shall meet annually with the City Council to receive updated city goals and direction from City Council. The RAB met with City Council in November 2010 for this purpose. The staff report from last year is attached as "attachment 1" and the minutes are "attachment 2".

Last year, Council was supportive of the City Park improvements, RAB looking at the Park City Sports Complex Master Plan but only at a very high level and working with the Public Art Advisory Board on the public art component at the PC MARC but realizing it is the PAAB role to select the art not RAB's.

Analysis:
The RAB and staff are looking for Council feedback and direction on the proposed work plan for the coming year.

Parks: RAB's primary focus has been to work on the development of new parks and recommendations on improvements to existing park facilities. Last year there was limited funding available until this past budget year when the City Park CIP Fund received $100,000 from the Lower Park Ave RDA. The following funds are available for park improvements.

Table 1 – City Park Funds (CIP #cp0005)

Revenue Source	FY 2011	FY 2012	FY 2013	FY 2014
Lower Park RDA – Property Tax Increment	$12,836	$100,000	$100,000	$100,000
Current Available Funds		$112,836		

Table 2 – Neighborhood Parks (CIP #cp0100)

Revenue Source	FY 2012
Open Space Impact Fees	$33,872
Current Available Funds	**$33,872**

Table 3 – Allocated Funds for Park Projects

Project Name	**Status**	**Funds Needed**
Replacement of City Park Tennis Courts	Conceptual Stage; Issue RFP for design. Construction this fall	Don’t know until a design is finalized and project is bid. Estimate at $225,000
Rotary Park Improvements	Construction Phase	Approximately $20,000
Dirt Jump Park Improvements	Construction Phase	Approximately $9,000

City Park: Last year the majority of Council was supportive of replacing the two tennis courts on the north end of City Park with three courts. As part of last year’s budget process the City Park CIP Fund received $100,000 so that project could begin to be funded. Staff and RAB anticipate working on this project this spring with the hopes of beginning construction in the Fall of 2012 with completion by summer 2013. The plan is that the third court would be built in the area to the west of the existing two courts and all three courts would have lights.

The other project that Council was supportive of was to create an event venue on the south west corner of the rugby/softball field. The idea is that it could function as a place for live music and performances. The existing field lights could be utilized for lighting. The idea is to create a performance area in the park that could potentially bring back such events as the "Concert in the Park" series. This potentially could be similar to the stage at New Park. Staff and RAB does not anticipate moving forward with this project until the tennis courts are reconstructed.

The park is located in the soils district and any excavation work will mean that the soils will need to stay on site or be disposed of properly.

Sullivan Road through the north end of the park is scheduled to be rebuilt in FY 2013. It will be important to coordinate the reconstruction of the road with any park improvements.

Park Signage: Currently, many of our parks lack signage identifying the name and address of the park. For example there is no signage at the entrance to “Creekside Park” so many people are unaware that there is a park at that location. RAB would like to look at a comprehensive signage plan that identifies all of our parks. This is as much as for safety as way-finding.

Public/Private Facility Development: RAB would like to be involved in working with the potential Public/Private Facility Development. We are unsure of what that role would be but RAB is willing to help in any way that Council deems appropriate.

Cemetery: To date RAB has had very little to do with the cemetery but recently there has been a citizen group that has an interest in developing a memorial wall at the cemetery. The idea is that individuals that may be adverse to purchasing plots would have another option to memorialize their loved ones.
The group consists of Marianne Cone, Bruce Erickson, Pat Putt and Roger Durst of Elliott Work Group architects. Marianne has taken the lead on this with the following goals:

1. Limited cost to the City because plaques will be purchased by interested private parties.
2. Low or no-maintenance materials.
3. Project costs under $15,000.
4. The best design possible, with additional compatible walls to be added, if necessary or desirable.

If Council is supportive we will schedule a future work session to discuss the project in more detail as potential plans, costs and location is developed. Currently there is no funding for such a project but staff would submit a CIP request as part of the upcoming budget cycle assuming Council support for the project.

Trail Etiquette: RAB would like to partner with the Mountain Trails Foundation to make the public more aware of proper trail etiquette. RAB is interested in working with Mountain Trails to develop a volunteer trail hosts that would help people with trail way finding and etiquette. This would be similar to the City Park Host program that was in place several years ago. RAB would like to have a member be a liaison to Mountain Trails so that there can be greater cooperation between the two groups.

Dog Park: The dog park has had a significant amount of use since it's completion in September 2008. There has been requests from the public for additional improvements. These generally relate to installing obstacle course type features in the park. It is estimated that this would cost $5,000 to get a few obstacles as they range in price from $700 to $3,000 per obstacle. Currently there are no funds budgeted for the park. If Council is supportive RAB & staff will submit a CIP request for dog park improvements as part of this year's budget process.

Public Art for the Recreation Center: As part of the Recreation Center project 1% of the construction budget is allocated to public art. RAB wants to work with the Public Art Advisory Board to incorporate interactive art on the entrance plaza of the facility. To date RAB has had limited involvement in the process and would like to take a more formal role with the PAAB. If Council is supportive of this approach this is an area that RAB could be working on over the next year.

Department Review: Budget, Legal, Sustainability, Recreation & Library, and City Manager

Alternatives:

A. Approve the Request:
Provide direction to RAB and staff with regards to the recommended work plan with regards to City Park, park signage, trail etiquette, public private partnerships, memorial wall, dog park and public art at the MARC.

B. Deny the Request:
Council may direct RAB and staff in a different direction than the one outlined in this report.

C. Continue the Item:
Council may continue the item to a future date

D. Do Nothing:
This will result in a lack of clarity and direction to staff & RAB.

Significant Impacts:
By giving direction to the RAB future recreational amenities and programs will continue to be developed that will meet the community's needs.

Consequences of not taking the recommended action:
No action is required only direction to the RAB and staff with regard to the items outlined in the proposed work plan.

Recommendation:
Provide direction to RAB and staff with regards to the recommended work plan for the next year.

Attachment 1: RAB Visioning Report 2010

City Council
Staff Report

Subject: RAB Visioning
Author: **Ken Fisher, Recreation Manager**
Department: **Recreation & Library**
Date: **November 4, 2010**
Type of Item: Informational

Summary Recommendations: Provide direction to the Recreation Advisory Board (RAB) and staff with regards to the recommended work plan for the next year.

Topic/Description: Provide direction to staff and the Recreation Advisory Board on recreational items for the next year.

Background:
As outlined in the Recreation Advisory Boards Policy & Procedure (attachment 2) the Board shall meet annually with the City Council to receive updated city goals and direction from City Council. The RAB met with City Council in October 2009 for this purpose and at that time the following committees were formed; Parks, Racquet Club, and Community Outreach. The staff report for last year is attached as “attachment 1” and many of the items outlined in that work plan are complete or in progress. These items are updated through the quarterly updates on Council goals.

Analysis:
The RAB and staff are looking for Council feedback and direction on the proposed work plan, feedback on the conceptual Master Plan for City Park and their recommendation on dogs being off-leash at the Library Field.

Dogs: Last year Council asked RAB and staff to look at making the Library field an Off Leash Area (OLA) for dogs. While researching the requirement and potential of doing this it was brought to the committee's attention that the current Summit County Animal Control Ordinance did not recognize the creation of dog parks or OLA's.

As a result there was a group of stakeholders consisting of PCMC representatives, Basin Recreation staff, Animal Control Officers and County representatives that looked at amending the ordinance to recognize the creation of dog parks and OLA's.

In June the stakeholders discussed the proposed changes with the County Council and they were supportive of giving local cities and jurisdictions the ability to create OLA's as they desired. The actual ordinance changes are scheduled to go before the County Council on November 24th.

RAB has spent the past year looking and considering different options for the Library Field and the creation of an OLA. RAB has received public input on the issue at their monthly meetings, received several emails, and has been on-site to talk to dog owners. There has been no formal public meeting on the issue.

The options considered by RAB and staff are the following:

Option 1: Do nothing - this basically means that the field and use stays as is. By law the users that allow their dogs to be off leash may be subject to fines as enforced by Summit County Animal Control. RAB does not recommend this option.

Option 2: Designate the field as an OLA- RAB looked at this long and hard and believes that this does not have the support of the neighbors. There is concern that designating the area as OLA will result in increase usage resulting in a potential parking issue and ultimately reduce the multiuse nature of the field. RAB considered designating certain days and times as off-leash but in the end felt that enforcement would be difficult. RAB does not recommend this option.

Option 3: Fence a section of the field and create a designated dog park. RAB heard from neighbors that they did not support this option as they like the area unfenced and open to all. The preschool tenants in the Library & Education Center like this option as it would be a separation from kids at recess and potential unleashed dogs. RAB does not recommend this option due to the fact they recommend that the field remains unfenced and open to all.

Option 4 (Recommended): Increased signage & Poop Dispenser Bags. Currently there is no signage onsite that outlines animal control laws and poop dispensers are only in two locations. RAB recommends that the City install signage that says:

- "By Summit County Ordinance all dogs must be leashed, owners that allow their dogs to run unleashed may be subject to fines."
- "Please be a responsible dog owner and pick up your dog's waste"
- Signage that shows the location of the dog park at the sports complex

Parks: The primary focus of this subcommittee has been to work on the development of new parks and recommendations on improvements to existing park facilities. The following funds are available for park improvements.

Table 1 – City Park Funds (CIP #cp0005)

Revenue Source	**2011**
Lower Park RDA – Property Tax Increment	$11,938
Total	$11,938

Table 2 – Neighborhood Parks (CIP #cp0100)

Revenue Source	**2011**
Open Space Impact Fees	$23,386
Transfer from Debt Service	$69,732
Other Contributions	$12,120
Total	**$105,241**

Table 3 – Allocated Funds for Park Projects

Project Name	**Status**	**Funds Needed**
Creekside Park	Finalizing Project Costs	$105,241
Total Funds Committed		**$105,241**

Table 4 – Current Funds Available for Future Projects

CIP Fund	Uncommitted Funds
City Park	$11,938
Quinn's Fields Phase III	$300,000
Total Funds Available	**$311,938**

City Park: Last year Council was supportive of hiring a landscape architect to create a Master Plan for the north & south end of City Park. RAB and staff worked with Dave Nicholas from IBI on the development of a conceptual Master Plan for the North & South Ends.

IBI looked at the park in sections with the following purpose*: "To creatively evaluate the under utilized, undeveloped or otherwise overlooked areas within City Park to complement, enhance and improve the recreational, social and environmental offerings to the community. "*

IBI identified the following opportunities: North End which includes the area by the tennis courts, the bermed area by Snowcreek Condos, the area directly behind 7-Eleven and the area to the south of the softball field & to the north of the playground.

The other area identified was the "South End" or more commonly referred to as the Boo Radley Forest.

The conceptual master plan is attachment 3 and staff will walk Council through the ideas as part of the work session.

In summary RAB recommends the following three items as the highest priority:

1. Add a third tennis court to the existing two when the courts are rebuilt. The courts are near the end of their useful life as they are asphalt based and have cracking each year which becomes more difficult to repair.
2. Make a park connection through the City owned property on Park Ave when it is redeveloped.
3. Create an event venue on the south west corner of the rugby/softball field. The idea is that it could function as a place for live music and performances. The existing field lights could be utilized for lighting. The idea is to create a performance area in the park that could potentially bring back such events as the "Concert in the Park" series. This potentially could be similar to the stage at New Park.

RAB has not had any formal public meetings on the conceptual master plan. The park is located in the soils district and any excavation work will mean that the soils will need to stay on site or be disposed of properly.

Sullivan Road through the north end of the park is scheduled to be rebuilt in FY 2012. It will be important to coordinate the reconstruction of the road with any park improvements.

There currently is no funding allocated for these projects but if Council is supportive of moving forward staff would work through the CIP budget process for potential funding.

Skatepark: Last year Council directed RAB to investigate expanded use of the park by looking at the cost to install lights for expanded use into the evening. If Council is still supportive of this RAB would like to investigate this option during the upcoming year.

If the park were to be lit it would extend the skating season significantly because once November hits it is dark by 5 p.m. and there is little time for the park to be used once school is let out for the day. Lights would allow the park to be used into the evening.

When the park was originally built the Planning Commission restricted the use of the facility to daylight hours through the approval of the CUP. The Land Management Code allows for lights in this location as an Conditional Use and the original CUP would need to be amended. The lighting needed for a skatepark is much less intense than the lighting for playing surfaces. Street light type lighting is sufficient for a skatepark. The lights would be under the same restrictions as the playing field and basketball/volleyball court lights currently in use at City Park.

Council also asked RAB to look into the option of expanding usage of the park to include bikes. RAB and staff did extensive research on this issue and recommend that the park should continue to operate in the manner that it has since the park opened. In other words, the City should continue to prohibit bicycles.

Park City Sports Complex: The Park City Sports Complex has an approved Conceptual Master Plan that shows the next phase of fields to be built on the west side of the property behind the existing maintenance building. Staff would like to engage RAB in reaffirming the existing Master Plan and to begin the process of planning for the future development of facilities. Currently there is $300,000 in Quinn's Phase III which is funded with impact fees. These funds could be used to begin the planning process for the next phase.

Public Art for the Recreation Center: As part of the Recreation Center project 1% of the construction budget is allocated to public art ($83,310). RAB wants to work with the Public Art Advisory Board to incorporate art into the facility. Currently there are a couple of walls that have been slated for a mural. One wall is in the child care area and the other is in the game room. These potentially could be good locations for an artist to create some original art work. The RAB will need to work closely with the PAAB so that there is a synergy between the two boards on what is incorporated or selected for the facility. If Council is supportive of this approach this is an area that RAB could be working on over the next year.

Community Outreach: The work with community outreach has moved from a RAB project to a department program. The Recreation Department has been very active working with ACT (Agencies Coming Together) and Holy Cross Ministries. The department continues to run activities on site at various apartment complexes and teach tennis lessons both at the Recreation Center and off-site. This summer the Tennis Department provided 241 kids free tennis lessons. Staff will continue with the programs and community outreach.

Department Review: Budget, Legal, Sustainability, Recreation & Library, and City Manager

Alternatives:

E. Approve the Request:
Provide direction to RAB and staff with regards to the recommended work plan with regards to the Library Field, Conceptual City Park Master plan, Skatepark, Park City Sports Complex and Public Art at the Recreation Center.

F. Deny the Request:
Council may direct RAB and staff in a different direction than the one outlined in this report.

G. Continue the Item:
Council may continue the item to a future date

H. Do Nothing:
This will result in a lack of clarity and direction to staff & RAB.

Significant Impacts:
By giving direction to the RAB future recreational amenities and programs will continue to be developed that will meet the community's needs.

Consequences of not taking the recommended action:
No action is required only direction to the RAB and staff with regard to the items outlined in the proposed work plan.

Recommendation:
Provide direction to RAB and staff with regards to the recommended work plan and formation of a parks, community outreach, and Racquet Club subcommittees.

Attachment 2: Recreation Advisory Board Visioning Minutes.
Ken Fisher introduced RAB Board members in attendance indicated above. Members are looking for Council direction on their proposed work plan, conceptual master plan for City Park, and dogs off-leash at the Library campus.

Last year, Council asked RAB and staff to look at making the Library field an off-leash area and it was discovered that the County Animal Control Ordinance didn't recognize dog parks. Summit County is in the process of formulating a new leash law regulation that will allow local communities to designate off-leash areas and the proposal is scheduled for review on November 24, 2010. Over the past year, RAB has received some public input on this issue and four options have been identified. (1) Do nothing and leave as is and (2) designate the field as an off-leash area. Neighbors were not supportive because they feel this area should remain multi-use. (3) Install a fenced-in dog park. RAB believed users should use the recently constructed dog park at Quinns. (4) Increase signage and poop dispenser bags. Signage would display leash laws, encourage owners to pick up after their dogs, and guide people to the dog park at Quinns Junction.

Mayor Williams explained that he has always been a proponent of not designating this field a particular use, although he recognized the conflicts with kids and dogs and keeping the field clean and usable. Candace Erickson, liaison to RAB, relayed a suggestion of making the people using the park responsible for those who are not. Another option is to hire a service to clean up the park on a regular basis. Liza Simpson observed that the evening user group is self-policing and she is inclined to support Option 4. Mayor Williams questioned the need for a sign directing people to the dog park. Joe Kernan supports Option 4 except for posting the leash law ordinance which could be confusing. He didn't feel it necessary to hire a maintenance service and suggested considering an electronic border system. Liza Simpson stated that conflicts with school children and dogs may significantly diminish when tenants move out of the building because of the potential Library expansion in a couple of years. Members agreed on Option 4 with all three suggested signs.

Mr. Fisher stated that all but $12,000 has been spent in City Park from the 2001 $2 million neighborhood bond and at Quinns Junction, improvements are funded at $300,000 from open space impact fee revenue. Last year, Council directed staff to hire a landscape architect to look at creating a master plan for the north and south ends of City Park. Dave Nicholas from IBI has worked on many parks throughout town was hired; he referred to conceptual drawings. Discussion ensued on City-owned property located behind 7-11 which looks more like it is associated with the store. He noted that programming this area is pretty dangerous with the potential of errant baseballs as the playing field is across the street. It is recommended to do nothing with this area at this point in time.

Ken Fisher referred to a possible site for a community garden on Park Avenue and creating a bandstand area on the southwest corner to try to bring some music back to the park because. This area is underutilized. Currently there are two tennis courts which will need to be rebuilt and there is enough space to accommodate a third court. Alex Butwinski was not supportive of a third court, felt there is no demand, and prefers more grass. The Mayor disagreed and stated that he often sees people waiting to use the only free courts in town. Candace Erickson agreed that the two courts are used on a regular basis all summer long. Cindy Matsumoto stated she is okay with three courts and Joe Kernan would also like to see the area used. Most members were supportive of the small performing area, but Ms. Matsumoto felt it is too small. Liza Simpson stated that she does not want to use City-owned property on Park Avenue for a community garden and preferred an area by Snow Country Condominiums, explaining that she wants to preserve the property for affordable housing. Kathy Kahn explained that community gardens can easily be moved and vacant property is typically used until it is developed. Mr. Fisher expressed the importance of placing community gardens conveniently close to participating households.

He asked if Council is supportive of lighting the skate park to expand use. If Council agrees, an amended CUP application would have to return to the Planning Commission for approval. The Mayor discussed covering the skate park so it could be used year round, which was presented to Council two years ago. Liza Simpson felt lighting the skate park for a month is a waste of money; spend the money to study the cover option. Joe Kernan supported lighting and exploring covering the facility. Alex Butwinski didn’t like either option. Cindy Matsumoto felt night lighting is often annoying to the neighborhood and is against extended lighting at the skate park. Candace Erickson agreed. Lighting was not supported.

Mr. Fisher stated that the next phase of the approved Sports Complex conceptual master plan is to build fields between the maintenance building and the National Ability Center. RAB would like to review the plan again to ensure it is a plan that should be implemented. In response to a question from the Mayor, Ken Fisher felt that the biggest demand on fields is evening play but there are available times during the day. With regard to clearing snow from a field this winter for lacrosse and soccer play, Tom Bakaly explained that Council approved the purchase of the snow bucket and the cost to clear it with corresponding revenue from the School District, SBSRD, and the users. If $3,000 is received from the user group, the program will be implemented.

Liza Simpson asked RAB to look at a possible field house at Quinns as the Newpark facility is constantly booked. Joe Kernan cautioned embarking down this road because of the expectations it will immediately prompt in the community. The Council should develop some budget procedures to make sure that the improvement is needed by demonstrated use. Existing facilities should be fully utilized first. Mr. Fisher explained the location of future conceptual fields and relayed that indoor playing fields ranked very low in the 2006 recreation needs assessment survey for Park City. He spoke about conducting a joint needs assessment with the County and Ms. Matsumoto suggested including the School District in discussions. Mr. Kernan felt that significant capital projects should be put to the voters.

Mr. Fisher stated that the group will be working with the Public Art Advisory Board for public art for the new recreation center. Tom Bakaly confirmed that PAAB will make the final recommendation to Council.

With regard to the master plan discussion, Ms. Erickson stated that if the City is not in a financial position to build a field house, it doesn’t make sense to spend the time and money to include it in a master plan. The Mayor clarified that the request is to just take a cursory look. Kathy Kahn explained that a field house has not been a topic of interest and she personally likes the idea of an indoor pool. It was clarified that an architect will not be hired for the next phase.

Attachment 3

RECREATION ADVISORY BOARD
Policies and Procedures

1 The RECREATION ADVISORY BOARD (BOARD) is created by Municipal Code of Park City (“Code”) Section 2-4-17, attached as Exhibit A and incorporated herein. Nothing in these policies shall overrule any requirement in Section 2-4-17, as amended

2 The Board will advise City Council and staff on parks and recreation policy as requested by the City Council and consistent with the Code. The City Council will refer particular matters to the Board for discussion, public input and recommendations. The Mayor or Council liaison member will communicate the Council’s referral of a matter to the Board.

3. The Board shall meet annually with the City Council as part of the Council’s visioning workshop, or as otherwise directed by the Council, to receive updated city goals and direction from the City Council.

4. The Chair of the Board shall communicate regularly with the City Council Board liaison member regarding priorities of the Board as they relate to City Council goals. The City Council liaison member will typically report Board progress on matters to the City Council at least once a month. The Board will provide a quarterly progress report to the City Council during work session of a regular meeting.

5. The role of the City Council liaison will be to:

Attend regularly scheduled meetings.
Communicate back to the Board recreation issues brought to Councils attention, or acted on by City Council.
Notify Council of recreation issues brought to the Board by citizens.
Align Board priorities with Council goals.
Be a non-voting member of the Board.

6. The Board may request background information from the recreation staff, but such requests shall typically occur at meetings and information shall be requested by the Board as a whole, and all members of the Board shall receive a copy of the information. Board members will use reasonable efforts to communicate independent research material and ex parte information received from the public to the other Board members.

7. Closed meetings may only be held for purposes authorized by U.C.A. 54-4-5, as amended. A quorum for the transaction of business shall be a simple majority of the Board members. Minutes shall be kept at all meetings.

8. Special Task Forces for the study of particular issues may be created by the Mayor and Council. Task Forces may include members of the Board. They will typically serve for 6 months, or until they have completed the work for which they were appointed. Each Task Force shall meet goals and objectives as outlined by the Mayor and Council. The Task Force will elect a Chair to communicate with the Mayor and City Council. City Manager will approve any staff involvement in these Task Forces.

9. Special committees may be appointed by the Chair, with the advice and consent of the Mayor and City Council. These committees will deal with operational and capital project issues. City Manager will approve any staff involvement in these committees.

10. Special "Friends" groups may be formed by Staff, with the advice and consent of the Mayor, City Council, and City Manager. These groups may include members of the Board. Staff will communicate directly with Council any Council issues brought to the group. These groups will deal with user specific programming, operational, and capital issues.

11. At its first meeting, and annually thereafter, the Board shall elect a Chair, Vice-Chair and any additional officers as necessary. The Chair shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Vice-Chair or a Board member designated by the Chair shall preside when the Chair is absent. The agenda for meetings shall be prepared and noticed by the Recreation Manager and the Chair.

12. The Board shall also act as a sounding board for new recreation policies and programs. The Board will hear initial proposals by the public for new programs and ideas, unless otherwise decided by the City Council. Prior to initiating staff time or resources on a new program or policy, the Board shall inform the City Council of the matter and request direction on how to proceed and the timing priority of the new matter.

13. The Board may provide annual policy recommendations in conjunction with the City's review of the General Plan with regard to use of City facilities and property for recreation purposes, and recommendations on recreation policies generally.

City Council Staff Report

Subject:	**Special Service Contract Request**
Author:	**Nate Rockwood**
Department:	**Budget, Debt, & Grants**
Date:	**January 26, 2012**
Type of Item:	**Administrative**

Summary Recommendations:
The Special Service Contract Subcommittee recommends that Council deny the extraordinary funding request by the Park City Performing Arts Foundation in the amount of $20,000.

Topic/Description:
Extraordinary Requests – Special Service Contracts

Background:
As part of the two-year budget cycle, Council approved the recommendation from the Special Service Contract Subcommittee regarding which organizations would receive funding through a Special Service Contract (SSC). As outlined in the Budget Document's Policies & Objectives section, Council may consider SSC extraordinary requests every six months if there are unallocated funds:

> **Deadlines:** All proposals for Special Service Contracts must be received no later than March 31. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements. If there are unallocated funds, extraordinary requests may be considered every six months during the two-year budget cycle, unless otherwise directed by Council.
>
> Extraordinary requests received after this deadline must meet all of the following criteria to be considered:
>
> **1.** The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under one of the existing Special Service Contract categories;
>
> **2.** The applicant must show that the requested funds represent an unexpected fiscal need that could not have been anticipated before the deadline; and
>
> **3.** The applicant must demonstrate that other possible funding sources have been exhausted.

There is currently $24,000 available for this Fiscal Year. During the last six-month period (ending Dec. 31) staff received one SSC extraordinary request from the Park City Performing Arts Foundation to provide partial funding for the "Student Outreach" program (Attachment A). The organization is requesting $20,000 over two years to provide program support related to extra artist fees, staff time spent with the artists and meals and lodging.

Analysis:
The Special Service Contract Subcommittee (Joe Kernan, Cindy Matsumoto, Nate Rockwood) reviewed the application and found that the applicant did not sufficiently satisfy all the criteria to qualify as an extraordinary request as outlined in the SSC requirements as set forth in *Budget Document Vol. I*, Policies & Objectives, Ch. 5, part 1 (pg. 119-123).

As outlined in the attached application, the organization sites low ticket sales, a shift in sponsorships and donations, and new restrictions on RAP Tax funding as causing financial need. As a result the Park City Performing Arts Foundation "must now turn to emergency funding to help maintain the rich and varied opportunities for students that otherwise would not exist without the Park City Performing Arts Foundation's Student Outreach program".

The subcommittee, in reviewing the organizations application and financial statements, did not see significant revenue loss which would immediately jeopardize the organizations ability to continue programing. It is the subcommittee's recommendation that the applicant apply for a SSC during the regular application process (Application due March 31, 2013 - awarded July 1, 2013) to be evaluated for funding with all other SSC applications.

Department Review:
The Legal Department and the City Manager reviewed this report. The City Manager recommends that the Council consider funding the request (all or in part) due to the fact that the request substantially meets the criteria and there were no other requests.

Alternatives:

A. **Approve:**
Approve the funding amount ($10,000 FY2012 & $10,000 FY2013) requested by The Park City Performing Arts Foundation to provide Student Outreach services as a SSC extraordinary request.

B. **Deny:**
Deny the SSC Extraordinary Request application and reserve the remaining budgeted amount for future extraordinary requests to be used at Council's discretion. ***SSC Subcommittee Recommended***

C. **Modify:**
Council may at its discretion modify the existing funding recommendation.

D. **Continue the Item:**
Council may continue the item in order to obtain any additional information which it deems necessary. Council may instruct the SSC Subcommittee to reevaluate the application with additional information. Reconvening the SSC Subcommittee would require Council to designate SSC Subcommittee Council representatives (typically designated during Council Visioning Session).

E. **Do Nothing:**
This has the same effect as Alternative B.

Significant Impacts:

The Special Service Contract budget has adequate funding to award the contact. Awarding the contract will reduce Special Service Contract remaining budget and may limit Councils ability to fund future SSC extraordinary requests.

Consequences of not taking the recommended action:
The SSC subcommittee recommends denying the request based on its interpretation of extraordinary request criteria 2 & 3. Awarding the request may be interpreted as setting award precedence for future extraordinary requests.

Recommendation:
The Special Service Contract Subcommittee recommends that Council deny the extraordinary funding request for the Park City Performing Arts Foundation in the amount of $20,000 (alternative B).

Attachments:
A – The Park City Performing Arts Foundation SSC extraordinary request application

Special Service Contract Application Form (extraordinary request)

Park City Municipal Corporation

Please provide six (6) copies of this application and all other requested information to the Budget, Debt, and Grants Office by the 6 month evaluation period deadline.

(1) Organization Contact Information

Name	The Park City Performing Arts Foundation
Address	PO Box 1297 Park City, UT 84060
Phone	(435) 655-8252 Fax (435) 940-9676
E-mail	TOrr@ecclescenter.org

(2) Indicate the applicable Special Service Contract category for this proposal:

☐ Youth Programming	☐ Victim Advocacy Services/Legal Services
X Arts	☐ Affordable Housing/Community Services
☐ Recycling	☐ History/Heritage
☐ Information and Tourist Services	☐ Health

(3) Proposed Total (two-year) Contract Amount: $20,000

(4) In addition to the above requested information, applications must address the following components:

1. Specific detail of how the requested funds will be used (attach summary – *one page maximum*);

2. Financial information for your organization including annual budget and other sources of potential funding. Please also include a 3 year balance sheet and income statement history (attach relevant documents);

3. Quantitative and/or qualitative goals (with specific targets) that can be used to measure the degree to which the funds were used for their intended purpose (attach summary - *half page maximum*); and

4. Summary of how your proposal meets the criteria described in the City's Public Service Contract Policy (specific criteria components are outlined below, please attach no more than one page for each criterion):

Criterion 1: Accountability and Sustainability of Organization - The organization must have the following:

- **a.** Quantifiable goals and objectives.
- **b.** Non-discrimination in providing programs or services.
- **c.** Cooperation with existing related programs and community service.
- **d.** Compliance with the City contract.
- **e.** Federally recognized not-for-profit status.

Criterion 2: Program Need and Specific City Benefit - The organization must have the following:

- **a.** A clear demonstration of public benefit and provision of direct services to City residents.
- **b.** A demonstrated need for the program or activity. Special Service Funds may not be used for one-time events, scholarship-type activities or the purchase of equipment.

Criterion 3: Fiscal Stability and Other Financial Support - The organization must have the following:

- **a.** A clear description of how public funds will be used and accounted for
- **b.** Other funding sources that can be used to leverage resources.
- **c.** A sound financial plan that demonstrates managerial and fiscal competence.
- **d.** A history of performing in a financially competent manner.

Criterion 4: Fair Market Value of the Services - The fair market value of services included in the public service contract should equal or exceed the total amount of compensation from the City unless outweighed by demonstrated intangible benefits.

5. Please describe how the requested funds represent an unexpected fiscal need that could not have been anticipated before the *regular SSC* deadline.

6. Demonstrate that other possible funding sources have been exhausted.

Signed: ____________________ **Date:** 7/20/2011

Extraordinary Request Special Service Contract Application from the Park City Performing Arts Foundation

Since its inception the **Park City Performing Arts Foundation** has sought to further arts appreciation by programming the **Eccles Center Main Stage** with music, theater and dance for Park City and Summit County audiences of all ages. Last season the GRAMMY-award winning **Turtle Island String Quartet** accompanied dance troupe **Luna Negra** on the **Eccles Stage**, but beforehand, spent more than an hour with high school and middle school students in a **Student Outreach** in the Park City High School band room, displaying the versatility of string instruments and culminating with their rendition of Jimi Hendrix' "All Along the Watchtower." The students departed the outreach, at once wowed by the performance and overcome with the possibilities art holds. This is what the **PCPAF Student Outreach** program brings the students of Park City: exposure to an amalgam of possibility.

Last April, acclaimed actor **Ed Asner** took center stage as **FDR**. The following Monday he appeared in Park City High School's advanced placement government class, where he spent the entire period discussing politics, from the New Deal to the Great Society to the politics of war in Iran and Afghanistan. The questions from students didn't stop, even after the bell rang.

Every single performance programmed by **PCPAF** at the **Eccles Center** contains a **Student Outreach** component written into each contract and at a cost to **PCPAF.** Performers and musicians agree to interface with students, offering personal instruction, answering questions, inspiring, educating and illuminating. Funds requested from Park City Municipal will support **Student Outreach** throughout this **Eccles** season. This season, those costs amount to more than $154,000.

Quantitative/Qualitative Goals:

An infusion of funds to the **Park City Performing Arts Foundation** will allow the organization to continue to program the **Student Outreach** element, so important to encouraging arts appreciation among the City's youth. Last year more than 500 students of Park City High School, Treasure Mountain Middle School and McPolin Elementary School were able to attend a free afternoon **Playing for Change** concert. **Playing for Change** is an international band composed or street musicians from the world over. The affable and down-to-earth **Playing for Change** crew was able to demonstrate the universal language of music to those fortunate students in attendance. Actor/ singer/ songwriter **Jeff Daniels** led an intimate discussion with theater and music students, dynamic fiddling team **Natalie McMaster** and **Donnell Leahy** took string students through fiddling exercises, while dance troupe **Luna Negra** led a lecture/ demonstration before an audience of 300 high school, middle school and elementary students, many of whom were enrolled in the dual emersion program. Thousands of Park City students should have the opportunity attend one of the more than 10 **Student Outreach** programs **PCPAF** has scheduled.

Accountability and Sustainability of Organization:

The mission of the **Park City Performing Arts Foundation** is **"to enrich community by providing innovative experiences that entertain, educate and illuminate."** This **Main Stage** season we have programmed the **George S. and Dolores Dore Eccles Center for the Performing Arts** with more than 10 acts . This is **PCPAF**'s 15th season programming the **Eccles Center**, having survived a global recession that nearly closed its doors. But as an organization that truly touches all facets of Park City life, we have persevered, relying on a three-pronged platform of sponsorships/ donations, grants and, finally, ticket revenues to maintain the nonprofit. Since 1998 **PCPAF** has been programming the **Eccles Center** with theater, dance and music appropriate for youth and family entertainment. Additionally, most of the musicians, actors, dancers and other performers appearing on the **Eccles** stage agree to the inclusion of a workshop, demonstration/ lecture, question/answer session, screening and/or concert, free to students and the Park City School District, but paid for by the **Park City Performing Arts Foundation**. Because of the close proximity of Park City High School, Treasure Mountain Middle School, McPolin Elementary School and the Learning Center to the **Eccles Center,** these students can walk to the theater and participate in a large number at these offerings. Last year nearly 3,000 students participated free of charge in the Sundance in the Classroom program at Park City, one more of the numerous youth programs offered through the **Park City Performing Arts Foundation**, and not available through the City or any other organization. Additionally, the **Park City Performing Arts Foundation** reaches out to the elderly, members of the Chrysalis community and other groups of underserved with free tickets to all of the **Eccles** performances.

Program Need and Specific City Benefit:

Music, theater and dance performance will continue to be programmed for the **Eccles Stage** by the **Park City Performing Arts Foundation.** Questionable is whether **PCPAF** can continue to offer the **Student Outreach** piece into the future as funding continues its downward slide. Letters from teachers and parents rave about the benefits of **Student Outreach.** Students, who show up in droves to attend, even on Saturday afternoons when other activities could take precedent, express appreciation for the programs. This is because **Student Outreach** offers unparalleled learning experiences to Park City students, exposing them to artists they may never have heard of and allowing them time with musicians who are their cultural heroes. But, while free to students and to the Park City School District, **Student Outreach** is not free to the **Park City Performing Arts Foundation. PCPAF** pays for the programs in extra artist fees, staff time spent with the artists and in meals and lodging that an extra day in town for the **Student Outreach** often requires. Artists will tell us following a **Student Outreach** that the activity sparked a renewed love for their art and that it was the best thing they'd done all year. **Student Outreach** programs benefit Park City Municipal as they offer the Park City "citizens of tomorrow" an opportunity to engage, often one on one, with international artists, widening perspectives and exploring "what ifs." The interchange, offered by no other entity in the area, further crafts the city into a more global community.

Fiscal Stability and other Financial Support

Public funds will be used to help defray the better than $154,000 cost of presenting **Student Outreaches** in conjunction with performances programmed at the **George S. and Dolores Dore Eccles Center for the Performing Arts**. More than 10 performances are scheduled this winter season at the **Eccles Center**. These include award winning actor **John Amos**, performing solo in **Halley's Comet**; big band sound with a holiday twist, **Big Bad Voodoo Daddy**; dancer illusionists **MOMIX'S Botanica**, bringing floral dance to the stage; children's rock band, **Milkshake**; cross-cultural tour de force **AfroCubism**; **Intergalactic Nemisis**, which will perform a graphic novel on stage; celebrity conservationist **Jeff Corwin**, among others, and all have a **Student Outreach** component tied to their artist contract.

Park City Municipal will receive a full accounting of student attendance at **Student Outreaches** at the close of the 2012 **Eccles** season.

Other funding sources being leveraged always include ticket revenues, donations and sponsorships. But with the global recession has come a decrease -- particularly during summer 2011 – of ticket sales and a shift in sponsorships and donations. In addition, RAP Tax rules and funding restrictions have changed <u>this year</u>. Now, RAP Tax grants can <u>only</u> fund up to 50 percent of one program.

Please see financial plan demonstrating managerial and fiscal competence. The Park City Performing Arts Foundation has a 15-year history of performing in a financially competent manner, meeting responsibilities and creating an increasingly complex amalgamation of arts and humanities programming.

Fair Market Value:

The fair market value of services afforded the City's youth by the **Park City Performing Arts Foundation** exceeds the requested compensation from the City by more than $134,000.

The Park City Performing Arts Foundation has relied upon a triple combination of sponsorships/ donations, grants and ticket sales to maintain a healthy financial footing from year to year. Last summer ticket sales fell, though the **St. Regis Big Stars, Bright Nights** concert series at Deer Valley Resort amphitheater certainly contained a world-class lineup of music acts. Studies show entertainment is one of the first of elective expenses to fall away when the economy contracts, and concert tickets clearly fall into this category. Last summer, as international prognosticators continued to predict a deepening recession; our concerts saw some disappointing turnouts to wonderful performances. At the same time sponsors and donors began to feel the economic pinch. Park City's real estate agents had once used marketing budgets to purchase tickets for clients. But as area real estate sales stalled, agents no longer had those marketing dollars to spend. As a result, **PCPAF** must now turn to emergency funding to help maintain the rich and varied opportunities for students that otherwise would not exist without the **Park City Performing Arts Foundation**'s **Student Outreach** program.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTA
JANUARY 5, 2012

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek; and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Diane Foster, Sustainability Manager; Matt Cassel, City Engineer; Kent Cashel, Transportation Manager; Michael Kovacs, Assistant City Manager; Jon Weidenhamer, Economic Development Manager; Heinrich Deters, Trails Coordinator; Bret Howser, Budget Manager; and Jed Briggs, Budget Analyst

Michael Barelle, consultant and Jon Beutler, Business Resource Center

1. Council questions/comments. Alex Butwinski pointed out that two great public art projects are wrapping up including the Bonanza Tunnel and the metal tree monuments being installed at the entrance of the Marsac Municipal Building. Efforts to increase ridership on the Salt Lake bus service were discussed and Mr. Butwinski believed there is a need to offer a pass to riders as an incentive. Kent Cashel spoke about subsidizing fares or creating a punch pass program. This may be a potential future work session item.

Mayor Williams extended his condolences to the families of Steve Deckert and Harry Reed who passed away during the holidays. He announced that Assistant City Manager Michael Kovacs will be leaving the City to accept a City Manager position in Galveston, Texas.

The Mayor referred to the fees at the PC MARC and announced that senior rates will be offered at age 65 which is consistent with the golf course. He complimented the planning staff on the Bonanza Park document which has taken two to three years to develop and welcomed the Pioneers Hockey Team back to Park City. The Mayor discussed a request for bus service at Hideout and shared information with Mr. Cashel. He met with Cheryl Fox of the Summit Land Conservancy during the week. BOSAC approved another $150,000 toward the Osguthorpe purchase, raising the donation total to $927,000 toward the $1 million goal. The Summit County Council stipulated the requirement for a management plan, a provision that will always allow Basin residents to use Round Valley, and 3% to 4% ownership in the easement which is equivalent to the amount of money contributed by Summit County. He referred to comments made by County Council member Claudia McMullen on the radio today indicating that she wants to make sure that Basin residents have access to property they paid for, but the Mayor emphasized that it needs to be clear that Basin residents did not pay for the acquisition of Round Valley but it is open to everyone so it isn't a problem. However, the $45,000 to $50,000 the SLC Board wants earmarked for a legal defense fund and hard costs was never part of the original proposal and the Mayor recommended that staff meet with SLC to work this out.

Dana Williams stated that an elk was killed in Round Valley last week which is unacceptable and he understood the state is telling people they can hunt on our open space. Diane Foster advised that no hunting signs will be installed in the area. With regard to the Osguthorpe easement ownership issue, the Basin Recreation District has to hold a percentage of the ownership because it is the bondholder. She emphasized that the City was clear with BOSAC that it does not have enforcement over the management plan but the City will ask for input from the County. Developing a management plan is consistent with Council's goals on open space. Heinrich Deters explained that the hunt occurred on December 31, 2011 and outside City limits; no citation was given. Matt Cassel pointed out a correction to his staff report on the reconstruction of Empire Avenue.

2. Fourth quarter goal update. With regard to the goal, Preservation of Park City's Character, Matt Cassel described the status of the Hillside retention wall for the benefit of Liza Simpson. Alex Butwinski asked what has been done to secure the Park Avenue houses. Michael Kovacs explained that an application was filed for a HDDR to consider the shrink wrap concept which was denied by planning staff. Another application will be filed on maintenance. He indicated that three proposals have been submitted for the sale of the property which will be reviewed by a team. The Mayor moved on to the Transportation goal and Liza Simpson prompted discussion on creating stations on Main Street and Swede Alley for taxis, hotel shuttles, courtesy vans and coaches. Kent Cashel explained that the number of for-hire vehicles licensed is high and research is being done to determine the trends on the street.

The Mayor spoke about withdrawing the reservation for funding with COG because no project is identified. Mr. Cashel indicated that the funding is intended for land procurement along SR248 and although the proposal is incomplete, he understands other entities are in the same situation and recommended that the allocation be left intact. Tom Bakaly and the Mayor exchanged opinions on the intent of the reservation program and Mayor Williams expressed that the City may not be in compliance with the terms of the fund. A work session may be scheduled on this issue. STAG Grants were explained.

With regard to open space, Ms. Simpson commented using the SharePoint database to manage open space and Heinrich Deters explained that it is a product the City already has in place. In response to a question, Matt Cassel explained that a signal at the Marsac and Guardsman Connection was bid in the fall, but there was no response and will be bid again in February with other projects. She was curious about potential changes to the County's leash law and Mr. Deters believed they will be minor.

Andy Beerman asked if Council intends to address the legal defense fund, not just for Osguthorpe, but to have a policy in place going forward. Mr. Deters indicated that staff will return with a discussion about easements on other properties perhaps in February. Ms. Simpson stated that she would like to see the report on high altitude training. Dick Peek asked about the status of the Monitor Drive traffic calming results since the MARC has opened and Mr. Deters explained that data will be collected and the intersection will be studied.

Relating to open and responsive government and in response to a question from Ms. Simpson about representation on CAST, Michael Kovacs noted that Diane Foster and Phyllis Robinson will be presenting at the next CAST meeting.

3. Request from the Mayor to speak at a conference in China. Ms. Foster explained that the Mayor was invited to speak at an international bio-diversity conference to be held in Xian, China in April 2012. It is an extensive conference and Dana is the only mayor who has been invited and he will be speaking at a session focused on sustainability in resort communities. The staff report identifies some of the other conferences the Mayor will participate in including climate change, low carbon cities and managing the impacts of outdoor recreation on mountain environments. Staff is recommending that Council approve this trip. Since he will likely fly through Beijing, it is not much more to actually spend time there where the Chamber has existing relationships. It is estimated that by 2014, China will have approximately 20 million skiers and it is likely that they will start skiing overseas because of the poor quality skiing in China. The skiing population in the United States has been stuck at 12 million for ten years and is not expected to grow significantly and will probably drop. The proposal is that the Mayor attends and speaks at the conference, representing Park City and spends time in Beijing. The Chamber is willing to help with setting up appointments with tour operators.

Ms. Foster explained that the City does not use a per diem system but reimburses for actual expenses. For reference purposes the per diem in Beijing is $370 per day which includes lodging, meals and incidentals. She explained that this is basically a $4,000 trip for Xian only, and including Beijing raises the price to $5,500. The Council currently has $4,000 available in its travel budget. The Environmental Regulatory Budget could cover additional travel costs or the money could come from the Contingency Fund.

Liza Simpson stated that she is fully supportive of the Mayor going on the trip for networking purposes and it is important for Park City to share information. She asked if the Chamber will contribute and Ms. Foster indicated that no request was made but the Mayor Williams stated that the Chamber is considering it. Alex Butwinski felt that the Chamber contributing is important to him and feels there is value in the Mayor attending and speaking at the conference. He is skeptical about the City absorbing marketing costs for the Chamber and is in favor of the first half of the trip but not the second half unless the Chamber kicks in at least $1,500. Mayor Williams stated that no matter what is decided he will not take it personally. Inviting Park City to participate made him very proud and to share our sustainability successes is a compliment. He will be the only elected official presenting and the remainder are scientists. Regardless of who goes, it is important that Park City participates and visits our second school. Cindy Matsumoto stated that she supports both legs of the trip which could prompt good publicity for the ski areas and didn't feel that $5,000 is a lot of money for that purpose. She would like the Chamber to help out but if that doesn't work, she is willing to look for money elsewhere. Andy Beerman relayed that it is tough to achieve being a world-class mountain town and a leader in sustainability in isolation and it makes sense on a number of levels to send the Mayor on this trip. It also makes sense to accomplish some of the Chamber's goals while he is over there and he hopes the Chamber would help financially to make the trip possible. Dick Peek felt the intangibles are probably beneficial to the community but noted that he was unclear about the trip being funded from the Council Travel Budget. Tom Bakaly stated that other options include the contingency or departmental budgets. Mr. Peek felt that the Chamber should contribute toward the marketing component. The Environmental Regulatory Budget was discussed. Diane Foster understood that everyone was supportive but the Chamber should be approached for helping with costs. She confirmed that Council felt comfortable splitting the cost of the trip between the Council Travel Budget and the Environmental Regulatory Budget.

4. Business retention and recruitment criteria. Bret Howser explained that the economic development strategic plan includes top and high priority projects, including business attraction and retention of both resort-based and year-round businesses. Staff is working on developing criteria for the types of businesses to attract. There are going to be elements in neighborhood plans that address business mix and there will probably be incentives to make that happen. Indicators in neighborhood plans will identify the preferred types of businesses. He pointed out that evaluating businesses will include consideration of environmental, social equity, economic, and quality of life impacts and the fit with the neighborhood plan and/or General Plan. He explained that social equity relates to creating a diverse economy. The analysis is more qualitative in nature and would be conducted by a team that would produce recommendations that aren't necessarily based on a checklist or an equation. After assessing all of these considerations a recommendation on the business fit is made.

Mr. Howser explained that the Community Visioning filter addresses chains naturally because it would not allow big box but staff is looking for more clarity on chain stores. The Mayor asked if members supported the team to include the Assistant City Manager, Public Community Affairs Manager, Environmental Sustainability Manager, Economic Development Manager, and the Planning Manager or designees. Ms. Simpson liked the idea of having designees but these are the departments that should be evaluating the business mix. Dick Peek suggested including the Chamber Bureau and the Mayor agreed that may be a good idea. Andy Beerman indicated that he had the same thought and it makes sense to include the Chamber and maybe representation from the business community. He asked if a Council member should serve on the task force as well. Mayor Williams pointed out that the goal is to bring back a recommendation to Council. Alex Butwinski questioned if final decisions need to be made by Council if members have already approved the process; it could be a staff function. Liza Simpson interjected that it would depend upon the type of incentives being offered by the City and Mr. Howser agreed that considering incentives affects the decision than just applying the criteria. The Mayor asked if the Business Resource Center should also be part of the team. There was no reaction but Ms. Simpson suggested appointing a Chamber staff member rather than a business owner. Mr. Beerman recommended including one Chamber staffer and one Board member. Jon Weidenhamer interjected that he prefers not having a Chamber Board member because visitation seems to be the main focus at all costs. Dick Peek felt that the Chamber may have to change its mission somewhat and not just focus on visitor nights. Liza Simpson suggested kicking it off as proposed by staff unless there is a need for outside input. All members agreed.

Mayor Williams pointed out that many resort communities have chains operating in smaller stores but he is not sure that should be encouraged here. Mr. Howser emphasized that this is not a discussion on what is allowed but rather what is being targeted in the business retention recruitment effort. The Community Vision filter may allow some types of chains. The Mayor believed that franchises should be evaluated because the City should be open to opportunities that don't create negative impacts but create higher paying jobs. Alex Butwinski felt that scoring applications would be a more empirical way to make decisions. Mr. Weidenhamer believed that the neighborhood plan for Bonanza Park will help with some framework and Mr. Howser explained that the process is intended to be more qualitative in nature.

Alex Butwinski felt that the overall plan is a good one and Ms. Simpson believed the effectiveness of the Community Visioning filter holds true. She referred to the Marmot store on Main Street which definitely fits with Park City and believed the team will flush things out. Mr. Peek added that another component is the recruitment of businesses into brick and mortar spaces and identifying appropriate locations. The City will be providing a service to land owners and developers and he pointed out the underutilized commercial space on lower Main Street. Mr. Weidenhamer felt the program could be tailored to address underutilized locations and the Business Resource Center will be giving a presentation next week. The Mayor believed that many businesses may not need financial assistance to operate in Park City and the ones that receive financial assistance should be the stores that bring a *wow factor* to town. He invited public input.

Consultant Michael Barelle believed that over the next few months, the business community may provide ideas about the role of the government and the private sector. There may be brick and mortar spaces that need some joint funding to incubate a business.

Jon Beutler, Business Resource Center, spoke about creating professional jobs here where there are adequate resources to make that happen. Mr. Barelle referred to Dick Peek's suggestion of cataloging a list of available spaces which could be helpful. Andy Beerman asked if the team is primarily reactive when approached by businesses or proactive in identifying and seeking out new businesses. Bret Howser felt that initially the team will be handling projects as they come in but that may change further into the program. Mr. Weidenhamer emphasized that the General Plan and neighborhood plans will be the blueprints for what types of businesses the City will pursue.

5. Strategic planning and the budget process. Members complimented Mr. Howser on his staff report. Bret Howser explained that local governments should make a clear link between the money allocated for services and the goals of the community. The City is trying to make a stronger link with this approach with strategic planning. Staff relies on Community Visioning results and Council's goals which are clear. He acknowledged that there are gaps in the Budgeting for Outcomes process and strategic planning elements are proposed to fill the gaps. One suggestion is to create a long-term strategic plan currently referred to as Park City 2030. Best practices reflect having a long range plan, community vision and goals, but also shorter term action plans. Staff is proposing formulating two-year plans or a biennial strategic plan which breaks down the long range plan into reasonable segments which can be budgeted for and strengthens the links. Then the BFO process isn't trying to bridge such a large gap and the strategic plan will provide clarity. He named a number of adopted City strategic plans and referred to studies and data that are related to strategic plans like needs analyses, etc. and those will not be replaced.

Mr. Howser displayed a four page document of a summarized biennial strategic plan; all seven goals will be represented plus an eighth one on public safety. The layout and categories were reviewed and the document is fairly static from year to year. This sample is consistent with what staff researched for best practices and rather than outlining a massive set of performance measures, there are a few core indicators for general outcome areas. The National Citizen Survey and ICMA data will help to determine how well Park City is actually doing in a goal. Liza Simpson suggested that as the process goes forward that we are not choosing things where Park City excelled like our exceptional rating for park land. Bret Howser explained that Council has the ability to refine drafts of the plans.

Mayor Williams spoke about his difficulty in determining if and when a level of service should be changed and hoped this approach will be helpful for Council members and the public. Mr. Howser stated that detailed data will be available and these papers are basically executive summaries with action plans. Andy Beerman liked the proposal and suggested that the core indicators section include basic five year financial trends in terms of key expenses and revenues. Mr. Howser noted that providing this information may be tricky because these are not departmental budgets and topics have not been tracked. Mr. Beerman clarified that he is just looking for relevant highlights and discussion ensued on the nature of the highlights. Dick Peek asked if there is a way to format the strategic plans so that they are easily read on iPads.

Mr. Howser introduced the bid template. Jed Briggs explained that there will be about 135 bids but they will be highlighted in the summary pages. Members were supportive of the format. Mr. Briggs expressed that the bids provide opportunities for managers to explain their recommendations on levels of service while performance measures are more textual. Ms. Simpson acknowledged that the last 18 months has not been easy for members or staff but feels this is an improvement and will benefit elected officials in the future. Alex Butwinski discussed the benefit of having more input from managers and the ability for Council to better explain the budget to constituents. Liza Simpson believed that this approach will be easier to understand by the public. Bret Howser stated that departments are working on their bids and developing base line reports. Drafts of the biennial plans will be available at Visioning in February. Once finalized, they will be used as guiding documents for the budget process and each paper acts like a contract to provide a service. Tom Bakaly stated that the budget is now based on City Council goals and changing goals during Visioning is not anticipated. City Council members expressed their appreciation of the budget team.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
JANUARY 5, 2012

SWEARING-IN CEREMONY

The Mayor welcomed Judge Keith Kelly who was appointed Third District Judge by Governor Herbert in 2009. Judge Kelly thanked the Mayor for having the opportunity to swear in the newly elected Council Members. He spoke about how much he enjoys working in Park City and commented that the Legal Bar in Park City is excellent. The Judge administered the Oath of Office lo Andy Beerman, Dick Peek and Liza Simpson.

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 5, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Bret Howser, Budget Manager; Jan Scott, City Recorder; Francisco Atsorga; Planner; Mat Evans, Planner; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Bret Howser clarified that the contract amount for Item 2 under the Consent Agenda is a sliding amount based on the size of the bond that is issued and $12,000 represents a $10 million bond.

The Mayor commended Ken Fisher and Matt Twombly for their efforts in getting the MARC open. It is a beautiful building.

III PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF DECEMBER 8, 2011 AND DECEMBER 15, 2011

Liza Simpson, "I move we approve the work session notes and minutes of the meetings of December 8th and December 15th. Cindy Matsumoto seconded. Dick Peek and Andy Beerman abstained as Mr. Peek was absent and Mr. Beerman was not yet a sworn Council Member. Motion carried.

Andy Beerman	Abstention
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Abstention
Liza Simpson	Aye

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a*

predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")

Andy Beerman, "I move to approve the Consent Agenda". Liza Simpson seconded. Motion unanimously carried.

1. Consideration of a Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2012 – Staff recommends approval.

2. Consideration of a three year contract renewable annually in a form approved by the City Attorney's office with Municipal Bond Consulting, Inc. for financial advisory services in the amount up to $12,000 – See Communications from Council and Staff. Staff recommends approval.

3. Consideration of the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with MWH Americas, Inc., to provide Construction Management Services for the Quinn's Junction Water Treatment Plant in an amount of $68,750 and extending the agreement for 63 full-time equivalent days – Staff recommends approval.

4. Consideration of a Professional Services Agreement with Stanley Consultants for engineering design services for the 2012 reconstruction of Empire Avenue in the amount of $191,048, in a form approved by the City Attorney – Staff recommends approval.

VI RESIGNATIONS AND APPOINTMENTS

1. Consideration of the appointment of Mayor Pro Tem and Alternate Mayor Pro Tem – Jan Scott, City Recorder, explained that based on tradition Cindy Matsumoto would move into the Mayor Pro Tem position and Dick Peek or Alex Butwinski would be appointed as Alternate Mayor Pro Tem. The Mayor suggested that Ms. Matsumoto and Mr. Butwinski be appointed accordingly. Liza Simpson, "I move we appoint Cindy Matsumoto as Mayor Pro Tem and Alex Butwinski as Alternate Mayor Pro Tem for 2012". Dick Peek seconded. Motion unanimously carried.

2. Consideration of the appointment of two Council members to the Employee Transfer and Discharge Appeals Board and a member as the Alternate – Brooke Moss explained that state statute and City policy dictate that ETDAB membership include an employee nominated by staff, two Council Members, and one Council Alternate. Employees can appeal the Board for a reversal of a personnel decision based on termination or demotion. In recent years there have been three hearings but prior to that there weren't any for 20 years. Alex Butwinski, "I move we appoint Liza Simpson and Dick Peek as Members of ETDAB and Andy Beerman as the Alternate". Cindy Matsumoto seconded. Motion unanimously carried.

VII NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of a Resolution naming the tennis courts at the PC MARC as the "Candy Erickson Tennis Center" – The Mayor commented on Council Member Erickson's commitment to the completion of the PC MARC project. Liza Simpson, "I move we approve a Resolution

naming the tennis courts at the PC MARC as the "Candy Erickson Tennis Center". Dick Peek seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the Ontario Canyon Subdivision located at 44 Chambers Street, Park City, Utah – Francisco Astorga distributed public input which was not included in the meeting packet. He explained that two metes and bounds parcels will be combined to make two lots of record. An historic structure sits on the northern section of the lots and the property owner will have the ability to construct another building on a newly created lot. The Planning Commission forwarded a positive recommendation.

In response to a question from Liza Simpson, he confirmed that when this was reviewed in 2005, the property had the same owner. The historic home will not be moved and will be subject to Historic District Guidelines. Mr. Astorga explained that a neighbor, Ken Martz, requested that Condition of Approval No. 5 be amended, but staff did not feel comfortable changing the Condition due to issues relating to prescriptive right versus prescriptive easement and the City is not the proper venue to stipulate. Condition of Approval No. 5 was something that the property owner and everyone signing the plat had agreed upon and the applicant confirmed to proceed as is. The Mayor opened the public hearing; there were no comments from the audience. Dick Peek, "I move we approve the Ontario Canyon Subdivision based on the findings of fact, conclusions of law, and conditions of approval included in the Ordinance". Cindy Matsumoto seconded. Motion unanimously carried.

VIII OLD BUSINESS *(Continued items)*

1. Consideration of an Ordinance approving a plat amendment for Lots 1 and 2 of Morning Star Estates, Park City, Utah - Mat Evans explained that the plat involves three lots, more specifically Lots 1 and 2 of the Morning Star Estates Subdivision. The Planning Commission recommends approval. The purpose of the plat amendment is to correct an error in the recorded plat for Lots 1 and 2. The title report included a discrepancy for the property and a piece of City property was not shown as being under City ownership. Application was made to correct the error by amending the plat. This creates a remnant parcel, known as Parcel A, which is unbuildable. Mr. Evans indicated that the property owner is requesting an easement through City property to gain access to a parcel and the proposal is to remove the City parcel from Lots 1 and 2. The overall sizes of both parcels are affected but the building envelopes will not change. The zoning is Estate and everything around it is ROS and additionally, the CC&Rs specify no development in the ROS areas. The ROS no long adjoins Lot 2 and the access easement is for the benefit of Lot 2.

Dick Peek asked if anything could be built over the ridge. Attorney Bob Dillon explained that the access easement was negotiated for the benefit of his client. Mr. Evans interjected that the ROS is just beyond the ridge point. The Mayor opened the public hearing; there was no input and the hearing was closed.

Liza Simpson, "I move we approve an Ordinance for a plat amendment for Lots 1 and 2 of Morning Star Estates, Park City, Utah". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of an access easement across the Water Tank Parcel for the benefit of Lot 2 of the First Amended Morning Star Estates, Lots 1 and 2 and Water Tank Parcel, Park City, Utah – See Item No. 1 discussion. The Mayor opened the public hearing. There were no

comments from the audience and the public hearing was closed. Dick Peek, "I move we grant an access easement in a form approved by the City Attorney for the benefit of Lot 2 for the First Amended Morning Star Estates". Alex Butwinski seconded. Motion unanimously carried.

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

X ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Michael Kovacs, Assistant City Manager; Diane Foster, Sustainability Manager; Heinrich Deters, Trails Coordinator; Greg Curtis, Esq.; Dave Stewart, Esq.; Justin Stewart, Esq.; Lincoln Schultz, ULCT; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Dick Peek seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Liza Simpson, "I move to open the meeting". Cindy Matsumoto seconded. Motion unanimously carried.

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, City Recorder

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 12, 2012

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Dick Peek; and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Bret Howser, Budget Manager; Linda Tillson, Library Director; Bobbi Pyron, Library Board Chair; Heather Reynolds, Children's Librarian; Jasmina Juric, Adult Services Librarian; Jon Weidenhamer, Economic Development Manager; and Heinrich Deters, Trails Coordinator

Jon Beutler, Director of Business Resource Center

Absent: **Cindy Matsumoto, Council Member**

1. Council questions/comments. Alex Butwinski attended a public art board meeting and Andy Beerman toured the Library in preparation for work session. The Mayor commented on the successful opening of the MARC and clarified some aspects about the conference he will be attending in China. He discussed the goals and accomplishments of the Youth Latino Advisory Council at the High School.

2. Business Resource Center update. Jon Beutler relayed that in November 2010, the Park City Business Resource Center was launched with the goal of helping small businesses. The Center offers confidential one-on-one mentoring, business seminars, entrepreneurial needs assessments, assistance with access to capital, free legal and accounting advice, market research assistance, resource libraries, government procurement information and international trade and technology assistance. He stated that over the past year, he had 164 unique visitors, six new company starts and approximately $2.5 million of cash infused in some of these companies. He is a member of the Summit County Economic Task Force and Mountainlands Revolving Home Fund. The BRC is looking at starting ten new companies next year, automate many tasks and expand the pro bono network. The Center is located at the Zions Bank Building and serves all of Summit County.

Mr. Beutler stated that the Park City Innovation Center has been his project for many years. The goal of the Innovation Center is to focus on companies offering high paying jobs and will complement the existing Park City lifestyle. He also has been working with the Park City High School on making curriculum available to students that correspond with the work at the Innovation Center. He pointed out that this relates to the Bonanza Park strategy and the focus is on a single economic cluster which is digital media to create a solid stream of good companies. The employees of the Innovation Center will become employees of these companies in order to drive the entrepreneurs during the hard stages of commercialization. A world-class resort and world-class technology accelerator will make it successful and Park City will become the global web center for start-up training and certification. The digital media industry creates a small carbon footprint, is eco-friendly and Park City will be one of two training centers in the US. The Innovation Center will look at other products as well and local companies will be exposed to tools, processes and opportunities. The goal is for new companies to graduate on a regular basis into a business park.

Bret Howser explained that the City will solicit a more detailed written proposal on the Innovation Center which may be a good test case for the business recruitment and retention criteria discussed last week.

The Mayor asked if the Innovation Center is a branch of the BRC and Mr. Beutler explained that the Innovation Center is under the BRC. Integrating this program with the High School was discussed. Mr. Butwinski expressed his difficulty is tying the Innovation Center with the BRC. Mr. Beutler explained that the Innovation Center has not been started yet and is a concept that he has been working on but will be connected to the BRC. A shift in funding will occur to start producing a line of digital media companies versus providing general business help. He stated that he has been working on this for about four years and Alex Butwinski asked what the deliverable will be. Jon Beutler noted that he needs some more feedback on the Bonanza Park project. Jon Weidenhamer pointed out that $20,000 is set aside for relocating businesses.

Andy Beerman stated that PCMR is interested in bringing in a Camp Woodward to the base area and that the resort's fastest growing segment is digital media. Mr. Beutler felt that as the Innovation Center develops, it will become a world-class innovation center.

3. Library Facility Needs Report. Linda Tillson introduced her staff. She noted that last year Council directed them to return with the expansion plan. A library expansion was done in 2004 which was projected to last seven to nine years and has been accurate. A community survey was conducted in 2008 and based on the findings, users continue to want hard copy materials. One of the features that could be added to an expanded facility would be an early literacy center.

Heather Reynolds discussed serving on a state library steering committee on a Utah Kids Ready to Read Program to get parents involved in preparing their children for kindergarten. This is an interactive program and a portion of it involves training parents. Ms. Tillson spoke about the kids' space installed in a Fort Collins library and the new branches in SLC have them.

Ms. Tillson explained how the current floor plan could be changed on the first floor. The front of the building was used for classrooms and now the rooms are vacant and being leased out from time to time. She suggested removing the walls from the mezzanine from the front end of the building. The floor height is a little bit higher than the mezzanine so there will have to be ramps and stairs to connect those spaces. In order to free up storage space, library staff could be relocated to the second floor and a computer classroom could be set up. People indicated that they would like quiet places to study or read and the natural light in front of the building makes a nice area for comfortable seating and this use. Stroller parking is another idea. She acknowledged the current leases in effect including Sundance which need to be considered.

Alex Butwinski felt that the popularity of eBooks will grow quickly so the space needed for the collection may change. Ms. Juric pointed out that libraries are in a difficult situation because publishers are limiting sales to libraries. Almost all major publishers in the US block access to eBooks for libraries and although eBook use will grow, libraries are going to be limited until things get worked out. Mr. Butwinski stated that it is hard to tell what will happen in ten years, but suggested that the City take back the Museum storage area. The proposed design and size of the study rooms were explained. Mr. Butwinski pointed out that in last year's minutes, Ms. Simpson asked to see a more comprehensive use of the building this year.

Andy Beerman understood that staff is looking for direction to proceed with a RFP so there is more information during the budget process. It was pointed out that the engineering work is priced at $62,000. Mr. Beerman expressed that in future proposals he would like to see the numbers on foregone rental renevue. Ms. Tillson described the new location of the Roger Harlan Meeting Room. Rather than designating a lifetime for the expansion, Andy Beerman encouraged staff to think about multi-use and how the space can be converted in the future. Dick Peek felt there is a lot of flexibility in the structure and added that the Historical Society is getting close to finding a location for storage.

Jon Weidenhamer believed that the latest capital budget funded the RFP. The Mayor felt there will be many considerations during budget and wasn't sure this is the right time to proceed with a RFP. Tom Bakaly countered that Council will have more cost information. Liza Simpson believed there will be a need for more shelf space over the next five to seven years but is concerned about making the decision to move ahead, spending at least $1 million on a space that hasn't been studied comprehensively. She would like the City to take the whole building over and look at what uses are appropriate with a $2 million renovation, for example. The Lower Park Avenue RDA plan contemplates a community/senior center and there may pieces of that plan that could fit in the Library. She would like the RFP to look at more than just a library expansion. If more shelf space is needed now, she suggested getting rid of the exhibit space and using it for shelf space in the meantime.

For the benefit of Andy Beerman, Tom Bakaly explained that a RFP will provide more cost information which can be used to prioritize projects. The Mayor felt that the leases should be settled first before moving ahead on a design. Liza Simpson expressed that she doesn't feel too badly about ending the leases but would really like to know the plans for the space and not in an incremental way.

The Mayor pointed out that there are many families in the community that rely on the Montessori School and the Preschool. Tom Bakaly clarified that a strategic planning discussion could occur at Visioning or a work session after that. Dick Peek acknowledged that parts of the building are obsolete and discussing uses before an expansion of the Library makes sense. Tom Bakaly confirmed that right after Visioning or at Visioning, staff will present a strategic plan for the building including uses and design.

4. Proposed special event/MFL criteria for use of City trails. Heinrich Deters stated that staff would like to apply trail criteria and trail fees as part of the special event application process. The trail system is managed through the Trails Master Plan which serves as a good planning and implementation tool but doesn't really deal with programming. Special events on the public trail system go through the MFL process and it should be noted that because our trail system is public property, use of the trail for an event requires a MFL. Basically staff deals with applications as they come in and is asking that criteria be codified for processing purposes. Trail events have doubled in the last two years including 5Ks, snowshoeing, etc. and staff views the trail system as a facility that needs to be managed. The terrain can get beat up for a number of reasons and Mr. Deters spoke about the popularity of some trail systems because of their condition over others during certain seasons. There are many users of the trail system and when an event is programmed, staff wants to ensure a positive experience for everyone. A major goal is to protect public access to residents and visitors and not to over-program trails. He emphasized that the City has no intention of regulating small commercial business guides. The criteria will be applied to the main trail system, and not trails like McLeod Creek, Rail-Trail, Poison Creek, etc. because they also act as a commuter system. He explained that an event is described as an activity charging a fee, has a programmed course, and/or lasts more than an hour. Staff avoids scheduling trail events every weekend and the criteria and fees are applied the same by the Snyderville Basin Recreation District. Safety and permission notifications are housekeeping aspects and the event debrief is a good addition, especially if a special event causes damage or problems, and this step may even make events better.

Heinrich Deters stated that special event fees will be allocated toward trail maintenance and fee waivers should be seriously considered. The Mayor supported staff's direction. Alex Butwinski referred to the 90 day application requirement and the number of applications that don't meet the deadline and asked if it makes sense to eliminate or make the requirement more realistic. It seems silly to have a policy that we don't follow. In response to a question from Mr. Butwinski, Mr. Deters explained that event applicants must obtain permission from any property owners that may be impacted. He commented on the $20 per hour proposed for clean-up which is consistent with what Mountain Trails Foundation is paid to do the work. Dick Peek felt it inappropriate that appeals are heard by the staffer licensing the event. Heinrich Deters clarified that an appeal would go to his boss, Jon Weidenhamer, which can be deferred to the City Council.

Andy Beerman asked how much the increase in special events is due to growth in applications as opposed to tightening up the management and permitting processes. Mr. Deters confidently stated that it is growth of events; the City Council has invested in the Quinns Loop Trails and infrastructure in Round Valley. Now there is parking and wide trails for all ability levels and the system is very conducive to holding events. Mr. Beerman commented on future growth which is the reason for implementing management tools for open space. It was pointed out that fees collected for events occurring in both the City and the County are split accordingly. He agreed with Mr. Butwinski that the $20 per hour fee for clean-up is too low and it would be helpful to add some flexibility. The Mayor interjected that $20 per hour probably doesn't cover City staff time. Mr. Deters explained both trail use fees and deposits are proposed and an amended fee resolution will be presented to Council on February 2, 2012.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
JANUARY 12, 2012

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 5:15 p.m. at the Marsac Municipal Building on Thursday, January 12, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Dick Peek, and Liza Simpson. Cindy Matsumoto was excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

III PUBLIC INPUT *(Any matter of City business not scheduled on the agenda)*

None.

IV JOINT WORK SESSION NOTES OF DECEMBER 8, 2011

Liza Simpson, "I move we approve the Joint Work Session Notes of December 8th". Dick Peek seconded and Andy Beerman abstained from voting. Motion carried.

Andy Beerman	Abstention
Alex Butwinski	Aye
Cindy Matsumoto	Absent
Dick Peek	Aye
Liza Simpson	Aye

V NEW BUSINESS

1. Consideration of a Resolution declaring the Deer Valley Resort and Park City Mountain Resort Teams as the *Greatest Snowmakers and Groomers on Earth* – The Mayor read the resolution into the record and proclamations were presented to both Resorts. Liza Simpson, "I move we approve a Resolution declaring the Deer Valley Resort and Park City Mountain Resort Teams as the *Greatest Snowmakers and Groomers on Earth, noting that there are mountain goddesses too".* Andy Beerman seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Absent
Dick Peek	Aye
Liza Simpson	Aye

2. Consideration of a Professional Service Provider Agreement with Alliance Engineering Inc. for the Wyatt Earp Way Traffic Calming Project in the amount of $69,850 in a form approved by the City Attorney – Heinrich Deters explained that the traffic calming study from Fehr & Peers was presented to Council in 2009. This project is recommended in the report which includes a center median towards Kearns Boulevard on Wyatt Earp to slow the crossing traffic and provide pedestrian refuge, change the radius of one of the corners of Sidewinder and Wyatt Earp, and improve the crosswalks. Installing driver feed-back signs and stripping has already occurred. The contract also improves the crossing at the Rail-Trail.

In response to a comment from Dick Peek, Mr. Deters acknowledged that Alliance was not the lowest bidder but the committee felt Alliance's bid was more realistic regarding needed work hours to complete the project. Soil work is not anticipated. The Mayor invited public input; there was none. Alex Butwinski, "I move to authorize the City Manager to enter into a Professional Service Provider Agreement with Alliance Engineering Inc. for the Wyatt Earp Way Traffic Calming Project in the amount of $69,850 in a form approved by the City Attorney". Andy Beerman seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Absent
Dick Peek	Aye
Liza Simpson	Aye

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council adjourned and a joint work session with the Planning Commission convened on the Bonanza Park Plan.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Dick Peek, and Liza Simpson. Cindy Matsumoto was excused. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Jon Weidenhamer, Economic Development Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Andy Beerman seconded. Motion carried. The meeting opened at approximately 3:45 p.m. Liza Simpson, "I move to open the meeting". Dick Peek seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Absent
Dick Peek	Aye
Liza Simpson	Aye

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, City Recorder

City Council Staff Report

Subject:	**Resolution declaring February 4, 2012 as Shen Yun Performing Arts Day in Park City, Utah**
Author:	**Janet M. Scott, City Recorder**
Department:	**City Manager's Office**
Date:	**January 26, 2012**
Type of Item:	**Administrative**

Summary Recommendations:
Adopt a Resolution declaring February 4, 2012 as Shen Yun Performing Arts Day in Park City, Utah

Background:
The Mayor's Office was contacted to issue a proclamation and welcome letter to Shen Yun for inclusion in its program next month.

This dance group will be performing at the Eccles Center on Saturday, February 4, 2012 at 2 p.m. and 7:30 p.m. For 5,000 years, the Chinese have considered culture as a divine gift. Based in New York, Shen Yun Performing Arts seeks to revive this once majestic tradition by creating a production worthy in its beauty of China's noble history. The grandeur of a fantastically rich culture is brought to life through brilliant choreographed classical Chinese dance with original orchestral compositions. The magnificently costumed dancers evoke the pastoral beauty, imperial drama and glory of an ancient civilization.

Department Review:
City Manager and City Attorney

Recommendation:
Adopt a Resolution declaring February 4, 2012 as Shen Yun Performing Arts Day in Park City, Utah

PARK CITY
1884

RESOLUTION DECLARING FEBRURY 4, 2012 AS SHEN YUN PERFORMING ARTS DAY IN PARK CITY, UTAH

WHEREAS, Shen Yun Performing Arts is a non-profit organization independent of China's Communist regime making it possible for them to be able to express ancient legends and heroic figures through music and dance with its leaps, spins, and delicate gestures; and

WHEREAS, this remarkable production came to be in 2006 with a vision of cultural renewal through a production consisting of three dance companies, two orchestras, leading dancers, choreographers, costume designers, backdrop artists, and musicians from around the world; and

WHEREAS, themes of kindness, compassion and courage are brought out through the songs of eminent vocalists and stunning choreography where the human spirit triumphs over adversity in powerful thought-provoking dances; and

WHEREAS, at a time when awareness of global cultures is so important, the work of Shen Yun Performing Arts is admirable and inspiring; and

WHEREAS, the world's premier Chinese dance and music company, Shen Yun Performing Arts seeks to revive the true, five-millennia-old artistic tradition of China; and

WHEREAS, Shen Yun's state-of-the-art animated digital backdrops, combined with classical Western and Chinese instruments, along with a dozen new dances and songs each season, creates laughter, tears, and standing ovations; and

WHEREAS, Shen Yun has already graced many of the world's greatest stages, including New York City's Lincoln Center, London's Royal Festival Hall, and Washington DC's Kennedy Center. Now citizens in the Park City community and beyond will have the incredible opportunity to experience ancient and modern Chinese tradition through the talent of Shen Yun Performing Arts here at our own Eccles Center on February 4, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Park City, Utah call upon all citizens to join in recognizing and commending the ancient art of classical Chinese dance and music in our area through the spectacular performers of the Shen Yun Performing Arts Company and formally proclaim February 4, 2012 as

SHEN YUN PERFORMING ARTS DAY IN PARK CITY, UTAH

PASSED AND ADOPTED this 26th day of January, 2012.

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

City Council
Staff Report

Author: Jonathan Weidenhamer
Matt Twombly
Subject: Historic Park City Alliance Infrastructure Improvements Professional Service Provider contract award
Date: January 26, 2012
Type of Item: Administrative - Award of Contract

Sustainability

Summary Recommendation –
Authorize the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with IBI Group, in the amount of Two Hundred Eighty One Thousand Two Hundred Forty Dollars ($281,240).

Topic: Historic Park City Alliance Infrastructure Improvements Professional Service Provider contract award.

Background:
During the FY12 budget process staff discussed using the unallocated Main Street RDA funding to advance recommendations from the HPCA Study. This amount is about $419,000. Staff recommended hiring a team to pursue the following scope:

1. Further a formal public input process;
2. Discussion with HPCA and City Council;
3. Produce concept drawings and preliminary cost estimates;
4. Elicit specific policy direction on priorities;
5. Design Development drawings, project engineering and formal cost estimates;
6. Include in FY 13 budget process → identify funding source;
7. Implement phased priorities (based on funding).

On September 15, 2011 Council reviewed the Historic Park City Improvement Plan (http://www.historicparkcityutah.com/resources/docs/11_07_20_Historic_Park_City_Improvement_Plan.pdf) performed by Dave Nicholas of the IBI Group, with members of the HPCA and City staff. In consideration of the lack of funding for specific projects, inventory of existing conditions and exploration of possible projects for the Main Street area should be further investigated with the goal of analyzing project costs with the 2013 budget in the Spring of 2012.

Staff found the best way to further define projects and estimated costs is to solicit proposals from design teams including land planners, architects and engineers with resort experience. Staff prepared an RFP based on the recommendations from the September 15, 2011 meeting and formed a selection committee to review the proposals.

Analysis:

The Request for Proposals was advertised on November 16th and 19th, 2011 in the Park Record and November 17th and 18th in the Salt Lake Tribune. Additionally, the RFP was posted on the City's website.

A selection committee included the following participants:
PCMC:
Jonathan Weidenhamer
Thomas Eddington
Matt Cassel
Matt Twombly
Sayre Brennan
And from the HPCA:
Alison Butz
Monty Coates

Seven firms responded and their cost proposals are as follows:

IBI Group	**$281,240**
Community Studio	$130,500
Denton House	$45,000
Hill Team	$305,000
Landmark Design	$244,110
Design Workshop	$371,448
Planworks	$145,000

Selection of the consulting firm was based on the following criteria:

- Overall proposal and team approach.
- Experience and Qualifications of Team Members.
- Destination and Mountain Resort Experience
- Past Experience with Public Spaces
- Work with Municipalities and Public Process
- Fee Structure or Other Consideration

The selection committee met on December 14, 2011 and determined that four of the firms should be brought in for short list interviews. Those firms were IBI Group, Design Workshop, Landmark Design and Planworks.

Park City's purchasing policy states that Professional Service Contracts are exempt from competitive bidding, where the lowest quote need not necessarily be awarded the contract. Furthermore, the policy states that emphasis will be placed on quality, with cost being the deciding factor when everything else is equal. In review of the proposals and interviews the committee determined that IBI Group was the most qualified. In addition members of the Committee felt strongly that additional members on a limited basis from the Landmark Team should be included on the design team to provide additional insight and depth to the conversation of “creating place” and supplementing design alternatives for the plaza and streetscape projects. This has been arranged with IBI Group and the amount of $6,750 has been included in the contract price to allow up to 50 additional hours of time from the Landmark Design Team.

The reason for the large disparity in the price tag for the proposals is based on how the individual firms/teams decided to interpret the scope of the RFP (what do design development drawings mean as asked for in the RFP, what existing conditions, as-builts, utility info is available, etc., to what degree will a sub be employed for creating engineered drawings…). Staff firmly believes that the IBI group is the most qualified to perform the scope, and that had another firm been chosen the price tag would have had to been negotiated up or down to ultimately provide the level of detail sought. The following chart boils down the price/hour of the principal firm’s work:

Firm	Total Cost proposal	cost of principal firm	principal firm hours	Cost/Hours proposed
IBI Group	$281,240	$281,240	2,156	$130
Community Studio	$130,500	$130,500	n/a	n/a
Denton House	$45,000	$45,000	n/a	n/a
Hill Team	$305,000	$305,000	n/a	n/a
Landmark Design	$244,110	$244,110	1,086	$225
Design Workshop	$371,448	$199,728	1,533	$130
Planworks	$145,000	$145,000	1,158	$125

RFP Expected Deliverables (from RFP):
The Team is expected to coordinate regular meetings with a Working Committee to create concept ideas, and schematic through design development drawings with preliminary cost estimates that can be ranked and prioritized for the City’s annual budget process that begins in March and is finalized in June 2012. The working committee will include representatives from the HPCA and City, including Economic Development, Planning, Engineering and Public Works. The deliverables will include:

- Prepare maintenance and operations assessment of existing streetscape conditions. Goal is to define critical need items which may be in need of repair, capital costs to do so as well as ongoing operational costs; additionally the Team should identify any “low hanging fruit” where big returns can be accomplished for little investment;
- Uses & Attractions (Plazas)* - Create two additional concept designs for the brew pub parking lot and one additional concept design for Miners Park and Coalition Park. Initial concept ideas were presented in the Historic Park City Improvement Plan as a basis for future design options. The goal is to refine and modify as required based on public input to create a final concept layout, initial capital and ongoing operational and maintenance costs. Plazas should include complementary uses, attractions and amenities needed to create “place”;
- Streetscape & Pedestrian Enhancements – Identify recommended treatments and furnishings. Prepare comprehensive plan and cost estimates (including Swede Alley and Park Avenue through 9th Street). Design elements will include:
    - Curb and sidewalk replacement & finish treatments (pavers, colored concrete, etc.)

    - Assessment of existing bulb out areas and consideration of additional bulb outs to improve pedestrian safety and vehicular conflict.
    - Street , pedestrian and specialty lighting
    - Parking meters
    - Furnishings (benches, trash/recycling receptacles, bike racks, miscellaneous)
    - Banners and signage (signage limited to inclusion of street related regulatory, informational or interpretive signs)
    - Public art (goal to maintain, enhance and grow current collection in the area)
    - Information kiosks
    - Coordinated with potential/future area infrastructure projects such as utility or paving projects.
- Facilitate public input to establish final projects and program for streetscape improvements and plaza areas. This should be limited to two (2) events which may include public open house, neighborhood meeting or other agency/ interest groups;
- Present preliminary recommendations to HPCA Board;
- Present preliminary recommendations to City Council. Elicit direction to move into Preliminary Design Development Drawings (approximately30%) with the goal of refined cost estimates and to verify that fatal flaws do not exist;
- Establish with input from City and HPCA staff triple bottom line scoring/ ranking to prioritize projects by balancing communities stated economic, environmental, and community & social equity goals.

Provide final recommendations and cost estimates for inclusion in City's budget process – categorized by available funding mechanisms.

* Although the Post Office Plaza was not specifically included in the RFP, based on previous direction from Council staff intends to coordinate with the Service Provider to facilitate input from HPCA and direction from City Council to vet if the "Town Plaza remains a priority.

Staff and the project team will provide updates to City Council during the process with a prioritized list of projects to be included during the 2013 Budget discussions. With the project budget of $419,000 staff is anticipating that some of the proposed improvements "low hanging fruit" will be constructed within that budget without the need for a request in the FY 2013 budget (approximately $50k). The majority of projects will not be completed without future funding being specifically allocated through a formal budget process.

Department Review: This report has been reviewed by representatives of Sustainability, Legal, and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. **Approve the request, and authorize the City Manager to execute the service provider agreement in a form approved by the City Attorney's Office with IBI Group, in the amount of Two Hundred Eighty One Thousand Two Hundred Forty Dollars ($281,240): (Staff recommendation)**
B. Modify the request: Council could choose to modify the agreement, which would likely delay the schedule of the project.
C. Deny the request: Council could choose to not continue with the project at this time.
D. Continue the Item: Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.
E. Do Nothing: Same effect as continuance.

Significant Impacts:
There is currently approximately$419,000 budgeted for the Main Street Improvements project in the Main Street RDA. Sustainability and on a limited basis other City staff resources will be required to complete the project.

Staff Recommendations:
Authorize the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with IBI Group, in the amount of Two Hundred Eighty One Thousand Two Hundred Forty Dollars ($281,240).

Exhibits:
Exhibit A – IBI Group Scope of Services

IBI Group Scope of Work

Task 1 – Existing Conditions Assessment

Through previous work and due to our office location on Main Street/Swede Alley we have already completed inventory of most of the study areas and are very familiar with the issues surrounding conditions of existing facilities and amenities. The purpose of this task is to complete the inventory and prepare a maintenance and operations action plan. Specific tasks and deliverables anticipated for this phase of work include:

☐ Assembly of existing conditions information from the City including as built documents, surveys, aerial photos, plats, historical data and other information that may influence or be affected by potential improvements.

☐ Meet with City staff to define infrastructure issues, needs and initiatives (2 meetings included).

☐ Meet with Historic Preservation Board (HPB) and Planning staff to fully understand historical impacts, needs and issues (1 meeting included).

☐ Field observation and documentation to complete inventory and verify existing conditions documentation.

☐ HPCA has done a great job of surveying the local residents, merchants, business and property owners on a variety of different issues. Work with HPCA to prepare quick surveys to gather input regarding existing conditions.

☐ Prepare summary of existing conditions defining critical need items, maintenance and operations issues and capital costs associated with repairs and ongoing care.

☐ Meet with Working Committee weekly to review progress and summary (3 meetings included).

Task 2 – "Place" Audit and "Triple Bottom Line" Evaluation

We understand the desire and need to maintain the character and key brand attributes of Historic Park City. We also understand the need to enhance the user experience with current and future technologies to offer better convenience and connectivity, and to maintain a competitive edge within the resort industry. Additionally, we embrace the City's goals of balancing the economic, environmental and social benefits of improvements. The purpose of this task is to define the goals and objectives for the project to maintain the historic character, enhance the sense of "place" and promote economic, environmental and social value. Specific tasks and deliverables for this task include:

☐ Assemble and synthesize previous and ongoing community and HPCA visioning work to define key brand attributes and what currently makes Historic Park City the "place" it is.

☐ Work with HPCA to prepare a quick survey to gather input regarding what makes Historic Park City the "place" it is and get the neighborhood "digitally engaged".

☐ Prepare preliminary "triple bottom line" evaluation to establish criteria and opportunities to provide economic, environmental and social benefits through the proposed improvements.

☐ Prepare "Place" Audit and "Triple Bottom Line" Evaluation Summary defining goals, objectives and design criteria for the project. This criteria will be utilized to help prioritize projects.

☐ Meet with Working Committee weekly to assemble information, review findings and confirms goals and objectives (3 meetings included).

Task 3 – Conceptual Design for Plazas and Streetscape

If we are not already having fun through Task 1 and 2, the excitement will most certainly begin in Task 3! There is nothing like a creative process to let the innovation and brainstorming bring a project to life! The purpose of Task 3 is to develop alternative design strategies for pedestrian plazas and streetscape improvements. Building on the conceptual thinking and public feedback through the HPC Improvement Plan process and the work completed in Task 1 and 2, IBI Group will facilitate a series of creative and interactive workshops with the Working Committee. Specific tasks and deliverables for this task include:

☐ Meet with the City Council, HPCA and Working Committee in a joint public work session to review previous concept alternatives for plazas and streetscape, public input gathered to date and discuss policy directives from City Council moving forward (Workshop #1).

☐ Meet with City staff to confirm design criteria and constraints including conservation easement requirements at Coalition Park (1 meeting included).

☐ Prepare two (2) additional design concepts for the Brew Pub Lot Plaza

☐ Prepare one (1) additional design concept for the renovation of Miners Park

☐ Prepare one (1) additional design concept for Coalition Park

☐ Meet with the Working Committee to review all plaza design concepts, gather feedback, generate new or modifying ideas and build consensus (Workshop #2).

☐ Prepare streetscape design concepts for Main Street, Swede Alley and Park Avenue (through 9th Street) including standards for the following elements:

o Curb and sidewalk replacement with proposed finish and material treatments
o Evaluation of existing bulb outs and consideration of additional bulb outs
o Street, pedestrian and specialty lighting (such as holiday lights)
o Street furnishings (parking meters, benches, trash/recycling receptacles, bike racks, etc.)
o Banners and street related signage
o Integration of public art
o Information kiosks
o Prepare options for short and long-term parking and staging for taxis, courtesy vehicles and tour buses. This Is not a traffic study, rather simple narrative or graphic studies of options that might be available.

☐ Meet with the Working Committee to review streetscape design concepts, gather feedback, generate new or modifying ideas and build consensus (Workshop #3).

☐ Prepare final design concept graphics for plazas and streetscape based on Working Committee feedback and consensus for purposes to gather public input.

☐ Prepare "place" and "triple bottom line" achievement summary for preferred concepts to evaluate compliance with goals and objectives.

☐ Prepare preliminary construction cost budgets for preferred concepts.

☐ Meet with Working Committee to establish public input strategy and schedule for open houses and public forums (1 meeting included).

Task 4 – Public Input and Approvals

The purpose of Task 4 is to reach out to the community, generate enthusiasm and excitement, gather feedback and build consensus in support of design concepts for plazas and streetscape. In addition, this task will include presentations to the HPCA and City Council to obtain support and authorization to move forward with preliminary design and cost estimating. Specific tasks and deliverables for this task include:

☐ Facilitate public input events (2 events included, format to be determined - one of these will be Workshop #1 listed above)

☐ Gather and document public input with Working Committee. Meet with Working Committee to review public input results and determine action required.

☐ Present preliminary recommendations, goals and objectives, design concepts and public support to HPCA Board.

☐ Present preliminary recommendations, goals and objectives, design concepts and public support to City Council to obtain authorization to move into preliminary design and refined cost estimating.

Task 5 – Preliminary Design and Refined Cost Estimating

Based on approved concept design, the IBI Group Team will prepare preliminary schematic design documents and construction cost budgets for streetscape and plaza enhancements. The accuracy of this work will largely depend on existing survey or as-built information available from the City, specifically related to impact on existing conditions and utilities. Our goal would be to move forward with enough design work to allow more accurate take-offs resulting in cost estimates that can be used for budgeting purposes. Specific tasks and deliverables for this task include:

☐ Streetscape Enhancement Documents

o Schematic layout and material plans (including curb/gutter, sidewalks, bulb-outs, planting areas, light pole locations, parking meter locations, pavement materials)
o Schematic utility plans (defining modifications, upgrades required for curb/sidewalk/bulb-out replacement including sewer, water, gas, power and storm sewer)
o Schematic furnishings plan (defining locations and products including benches, trash/recycling receptacles, bike racks and potential public art locations)
o Schematic signage plan (defining street signs, regulatory, interpretive and informational signs including kiosks)
o Schematic estimate of probable construction costs

☐ Public Plaza Documents (Brew Pub Lot/Miners Park/Coalition Park)

o Schematic demolition plans (defining items to be removed, salvaged or maintained)
o Schematic layout and material plans (including pavement, structures, walls, ramps, stairs, planting

areas, special features, furnishings, lighting and signage)
o Schematic utility plans (sewer, water, gas, power, storm sewer and potential snow melt areas)
o Schematic architectural plans (plans, elevations and sections of proposed structures including parking deck, restroom/multipurpose buildings, shade structures or pavilions)
o Schematic landscape plans (defining planting areas with general planting layout and irrigation zones)
o Schematic estimate of probable construction costs

Task 6 – Prioritization, Phasing and Budgeting

In collaboration with the Working Committee, IBI Group will facilitate a process to synthesize the work from previous tasks to define projects, their budgets and implementation priority into a logical and sequential phasing strategy. This can be a complex and fluid task, but understandably critical to budgeting and the ability to move forward with construction in a doable and meaningful manner. Specific tasks and deliverables for this task include:

☐ Meet with Working Committee to define projects and budgets and confirm/establish scoring/ranking criteria previously defined and modify if necessary (1 meeting included).

☐ Meet with Working Committee to score/rank project and establish project priorities (2 meetings included).

☐ Prepare Prioritization, Phasing and Budgeting Summary to list projects, project budgets and priority for use by the HPCA and PCMC budgeting process. Summary shall include funding mechanism categories established by HPCA/PCMC.

City Council Staff Report

Subject:	**Approval of Settlement Agreement between Park City & & Quinns Junction Partnership**
Author:	**Diane Foster**
Department:	**Sustainability**
Date:	**January 26, 2012**
Type of Item:	**Legislative- Zoning Settlement**

Summary Recommendations:

Staff recommends Council review the staff report and approve the Annexation Agreement between Park City and Quinns Junction Partnership, as part of The Settlement Agreement For Film and Media Campus between Summit County and Quinns Junction Partnership.

Background:

For over a decade, Quinns Junctions Partnership (QJP) and Summit County have been in litigation regarding the development rights associated with QJP's 29 acre parcel located to the southeast of the intersection of highway 40 and 248. In 2004, the City rejected an annexation petition and prevailed in District Court when QJP challenged the denial. An appeal was dropped by QJP to facilitate on-going settlement discussions.

Quinns Junction is currently home to Intermountain Healthcare Hospital, The National Ability Center, the United States Ski and Snowboard Association, Physicians Healthcare, the Park City Ice Arena & Sports and Summit County Health, whose building also houses The People's Health Clinic. Quinns Junction is also the home of the recently approved Park City Heights project.

Summit County and Park City have been in discussions with Mr. Ericksen for many years. Over the past year, the City and County have worked to find an alternative location for the movie studio. Unable to reach consensus on whether a viable location existed, QJP and the County refocused their efforts to settle their litigation. The worst case scenario facing the County included the possibility that the State would pass legislation that would put the studio at Quinns Junction and, concurrently, the QJP lawsuit would move forward. If the County lost the lawsuit and the legislature put the studio at QJP, it would be a loss not only for Summit County but also for Park City: It is unlikely the State would have negotiated the same density, design, hotel size and Sundance protections that exist in the proposed agreement. Additionally, all Summit County taxpayers, including those in Park City, would have been liable for any damages resulting from a lawsuit.

Analysis:
While the City and County have fought this project for a number of years, staff recommends that if the project is to be built, that the City turns the page and establish a partnership relationship with the developer and Raleigh Studios and work to make this project highly successful.

Proposal
The proposed agreement includes the following parameters:

- allow the movie studio and digital media complex up to 374,000 gross square feet of density;
- limit the hotel size to 100 rooms and 100 total keys;

- build the project to LEED standards;
- protect the Sundance Film Festival from unfair competition, and
- Raleigh Studios will have to comply with design guidelines included in the agreement (Exhibit A). The guidelines are such that the movie studio's look and feel would be similar to the surrounding buildings, such as the hospital. Additionally, the City's Planning Department would be heavily involved in the review of the design.

Process

Even if Council decides to both approve this agreement and accept the annexation petition from Quinns Junction Partnership, the agreement will not be approved until and unless the City Council approves the annexation following a recommendation from the Planning Commission after public hearing. The annexation process is spelled out quite clearly and due to the required public process, including a formal public comment period. The City is committing to review the petition within 90 days, subject to some very limited reasons for additional time.

Should the Council not approve this agreement; the terms of the settlement agreement with the County will be enacted:

- allow the movie studio and digital media complex up to 355,000 gross square feet of density;
- limit the hotel size to 100 rooms and 100 total keys, and
- protect the Sundance Film Festival from unfair competition.

Advantages to the City of Annexation

Council may want to consider the following advantages that may be provided by annexing this project:

- <u>Influence the design:</u> Where the proposed project is quite large and located at one of the City's two entry points, it is in the City's interest to ensure the project is well designed and consistent with the Park City brand. The design guidelines found in the agreement (Exhibit A) will ensure that the look of the project will be similar to that of other large buildings in the area, such as the hospital and requires the design and construction to meet at minimum LEED Silver standards.
- <u>Better manage the impacts:</u> Where this project is currently within Park City's Annexation Declaration Area and located at one of Park City's two egress points, the project will have a greater impact on Park City than on the County as a whole. Additionally, given this proximity, it is likely the City will have a greater concern about strict adherence to this agreement; and
- <u>If the City will receive the impacts, the City should get the funds to mitigate those impacts:</u> If the project is located within City limits, the City can use the tax revenue associated with the project to offset the impacts.
- A potential for a partnership with Sundance could result in a long term win – win for the state and local economies and cultural offerings of the City.

Department Review:
This report has been reviewed by the Legal and Executive Teams.

Alternatives:

A. Approve:
If Council approves this agreement AND accepts the annexation agreement, the project will move into the annexation process.

B. Deny:
The County would need to decide whether to proceed under the terms of the County's Settlement agreement or renegotiate their Settlement Agreement.

C. Modify:
While the City Council can request a modification to this agreement, staff believes that any substantive changes to the agreement at this juncture could have the same effect as denying the agreement.

D. Continue the Item:
Because of the timeframe associated with the annexation process, continuing the item could have the same effect as denying the agreement.

E. Do Nothing:
Doing nothing would have the same effect as denying the agreement.

Significant Impacts:
This project will be not only important to Park City and Summit County, but is of significant interest to the State. Building a movie studio and digital media campus on this site could help the State's nascent movie industry.

Consequences of not taking the recommended action:
Should the City Council reject the agreement, the County's settlement agreement will be in effect. The City will lose the opportunity to have input on the design of the project and will not receive the sales tax associated with the project.

Recommendation:
Staff recommends Council review the staff report and approve the Annexation Agreement between Park City and Quinns Junction Partnership, as part of The Settlement Agreement For Film and Media Campus between Summit County and Quinns Junction Partnership.

Attachments:

<u>Exhibit A:</u> Annexation Agreement between Park City and Quinns Junction Partnership, as part of The Settlement Agreement For Film and Media Campus between Summit County and Quinns Junction Partnership

<u>Exhibit B:</u> The Settlement Agreement For Film and Media Campus between Summit County and Quinns Junction Partnership

EXHIBIT B

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (the "Agreement") is entered into as of this ____ day of January, 2012, by and among QUINNS JUNCTION PARTNERSHIP (Michael Martin, General Partner), the sole owner of certain undeveloped real property in the Snyderville Basin, including all legal claims belonging to Ralph Merrill (the "QJP"), and PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah, by and through its City Manager (the "Park City").

RECITALS:

A. QJP is the owner of approximately 29 acres of land and appurtenant real property rights, located on the southwest corner of Quinn's Junction, which is at the intersection of U.S. 40 and S/R 248 in the Snyderville Basin, Summit County, Utah (the "Property"). QJP desires to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

B. QJP has asserted claims and commenced litigation against Summit County ("the County") in two separate lawsuits and other administrative actions that are currently pending in State and Federal Courts. QJP anticipates consolidating the cases and adding the Park City as a defendant to the litigation.

C. As a result of this litigation several disputes have arisen between the Park City, the County and QJP.

D. The parties desire to settle all claims, actions, and litigation between them (the "Litigation").

E. This Agreement is part of that certain *Settlement Agreement For Film And Media Campus* (the "Settlement Agreement") which is expected to be entered into by and between the County and QJP. This Agreement and the Settlement Agreement collectively implement the agreed upon conditions for settlement of the Litigation.

F. This Agreement provides that QJP shall attempt in good faith to annex into Park City. In the event of a rejection of the annexation petition, QJP will be vested with certain development rights within unincorporated Summit County as defined in the County Settlement Agreement.

PARK CITY AND QJP HEREBY AGREE AS FOLLOWS:

ARTICLE I
Property

1.1 Legal Description of Property. The legal description of the Property included with the Film Studio is attached to the County Settlement Agreement as Exhibit A, which is incorporated into this Agreement by this reference. No other property may be added to the legal description of the Film Studio for purposes of this Agreement, except by written amendment. Except as expressly set forth in this Agreement, this Agreement shall not affect any land other than the Property.

1.2 General Description of Film Studio. The Film Studio covered by this Agreement consists of approximately 29 acres of land located generally nearby and on the southwest corner of U.S. 40 and S.R. 248 in Summit County, Utah.

1.3 Vested Development Right. As a compromise of claims and in settlement of the Litigation, Park City hereby recognizes that the Property has a vested development right to the commercial uses, densities, and configuration as part of a Motion Picture Studio and Media Campus as stated in the County Settlement Agreement.

ARTICLE II
Annexation to Park City

2.1 Annexation Declaration Area. Utah law favors that development take place within the boundaries of cities and towns where land is located in a city's annexation declaration area. The Property is within the Park City Annexation Declaration Area.

2.2 Petition. Park City shall expedite its review process to decide whether to annex the Property or not within 90 days of acceptance of the petition. The petition shall include the most recent traffic study and the most recent Environmental report on the QJP property.

2.3 Decision on Petition. Park City shall use all reasonable efforts to either approve or reject the QJP Annexation Petition within ninety (90) days. If reasonable circumstances require additional time (such as QJP failure to provide legally required information, third party protest, or state or local mandated notice provisions), both parties shall continue to cooperate to expedite the review and QJP shall provide at least 14 days written notice after the expiration of 90 days of its intent to withdraw the petition unless the City Council votes to annex. QJP agrees it will not withdraw the petition prior to the City Council rendering a final decision/vote or the expiration of the above time periods, whichever occurs first.

2.4 Zoning. The annexation petition will propose Regional Commercial Overlay- CT (Community Transition) zoning for the Property, which Park City will adopt concurrently if the annexation is approved to enable the Master Plan discussed in Section 2.5.

2.5 Master Plan. The intent of the parties is to include such Master Plan components in a development agreement to be approved by the City Council concurrently with the annexation of the Property. The City Council shall receive the recommendation of the Planning Commission regarding the annexation, zoning and Master Planned Development ("MPD"). Due to the pre-existing vesting in the County and the terms of the County Settlement Agreement, QJP shall be exempt from any conflicting Park City Land Management Code provisions as expressly stated in the MPD. The following shall form the basis of the final MPD:

a. Total Development Activity shall be limited to a Gross Commercial Floor Area of 374,000 square feet. Gross Commercial Floor Area shall include all enclosed areas of a building but shall not include roads, parking lots, or parking structures. Unenclosed porches, balconies, patios and decks, vent shafts, courts and one atrium subject to the restrictions below are not calculated in Gross Commercial Floor Area. As part of the MPD Site Plan in subsection (b), QJP may propose an enclosed atrium which primarily serves as a pedestrian connection between two building pads but which may also be used for studio film/set work provided such atrium is not a stand-alone studio/building and may not be converted to habitable space, is in an area screened from SR 248, and is approved as part of the Annexation, such approval not to be unreasonably withheld.
b. The Site Plan and berming shall materially be the same as Site Plan included as **Attachment A**, unless modified by the City Council and accepted by QJP. Final design approval shall be an administrative conditional use permit reviewed by the Planning Department in compliance with LMC Chapter 5 and the Architectural Standards attached as **Attachment B**. This Annexation Agreement shall govern in the event of any conflict with Attachment B. Green Building design and construction shall meet minimum shadow LEED standards. All signage must comply with generally applicable Park City codes and no icon, water tower, or highway billboard is permitted.
c. No open space, setbacks or affordable housing requirements may be imposed. QJP shall post City affordable housing information in a work place accessible to all its employees.
d. Uses, including the amphitheater, shall be of the type as shown on **Attachment C** and/or consistent with the Film Studio and Campus concept and the gross square footage of those uses shall not exceed the limitation of paragraph 2.5 a. above. The hotel shall limited to 100 rooms and keys. The amphitheater stage may not be oriented toward City open space and shall be reviewed for compliance with Attachment B.
e. Maximum building height 50 feet for sound stages, or a maximum height not to exceed 60 feet in Pad 7 of Attachment A in the event a major, long-term film production contract necessitates the full studio height. Non- Sound Stage Buildings:

- No more than 70% of the remaining buildings on the campus are between 36 - 40 feet in height.
- Remaining building(s) on the campus are not greater than 28 feet in height (the CT Zone height limit).
- No building shall be greater than 28 feet in height unless located more than 150 feet from the centerline of a public roadway.
- Smaller buildings are massed and/or placed strategically to break up the volumes of the Sound Stage Buildings. This "stepping" will mitigate the appearance of the vertical façade of the taller buildings.

f. Park City acknowledges that the Movie Studio portion of the campus shall have perimeter and entry security controls. Otherwise, internal circulation and trails shall otherwise comply with generally required MPD requirements.

g. The City shall request state funding for structured/underground parking andQJP shall support the City's request including the use of lobbyists to coordinate such joint request for the 2012 legislative session. Mitigation of the visual impacts of the parking and its relation to public transit planned for the project are acknowledged to be a material element of this settlement. Both parties must agree in advance on any legislative strategy regarding film studios in Park City or in the County or associated parking as stated above.

h. QJP shall pay all normal and legally imposed fees associated with planning review, permits and subsequent Development Activity, and all generally applicable impact fees, levies and taxes, all of which shall be nonrefundable unless otherwise provided by Park City ordinance. Park City acknowledges prior receipt of the annexation fee and no additional annexation fee is required.

i. QJP is responsible for coordinating water and utility service, which may include a third party provider, in compliance with applicable standards prior to annexation approval.

j. As a result of QJP's rights vesting as a result of County applications prior to the Quinns Junction Area Study (the "QJAS"), Park City hereby finds the terms of this Agreement exempt from the findings of the QJAS.

2.6 Non-compete and Sundance Sponsorship. QJP shall encourage the owner/operator of the Film Studio (currently anticipated to be Raleigh Studios) to consult with and enter into such sponsorship and use agreement with the Sundance Institute regarding the 2012 Sundance Film Festival (and thereafter so long as the studio is operational) . Any agreements reached between Raleigh and Sundance shall be confidential but shall be provided to Park City prior to the approval of annexation of the property. QJP shall create covenants and restrictions (CCRs) applicable to the entire Property, including the Film Studio and all commercial owners and tenants, which prohibit commercial uses of any facility within the MPD which directly ambushes the Sundance Film Festival. Nothing herein shall prevent independent negotiations and agreements between the film studio operator and Park City or any Park City Master Festival License (MFL) holder. If such agreements are reached either prior to or subsequent annexation of the property, QJP shall incorporate such provisions into the CCRS so as to apply to all commercial tenants or owners. Direct ambush commercial uses shall be defined to include but not be limited to event rental or subleasing during the dates of the Sundance Film Festival for the purposes of commercial business activity, marketing or promotional gifting not approved by Sundance which directly and materially competes with existing, official Sundance sponsorship. In the event annexation is not approved, this paragraph 2.6 shall apply to the vested development rights as defined in the County Settlement Agreement.

ARTICLE III
Release

3. Mutual Releases. At the time of, and contingent upon approval or rejection of the completed annexation, and excepting the parties' respective rights and obligations under this Agreement, QJP, on behalf of itself and QJP's partners, officers, directors, employees, agents, attorneys and consultants, hereby releases Park City, council members, officials, employees, agents, attorneys and consultants, and Park City, on behalf of itself and Park City's board members, officials, employees, agents, attorneys and consultants, hereby releases QJP and QJP's partners, officers, directors, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the date of this Annexation Agreement in connection with the Property or the application for annexation, processing or approval of applications relating to annexation of the Property or the Film Studio, to include any past claims for vested development rights, not including those recognized by Summit County, that are not provided for in this Agreement and any claims or potential claims arising out those lawsuits styled Merrill v. Summit County, Case No. 2:08-cv-723 pending in the U.S. District Court in and for the State of Utah, Central Division, and Merrill v. Summit County, Case No. 050500052 pending in the Third District Court, Summit County, Utah Nothing herein shall alter or effect the terms and conditions of the Settlement agreement or subsequent agreements if annexation fails as provided herein between QJP and Summit County.

ARTICLE IV
General Terms and Conditions.

4.1 Agreements to Run with the Land. This Annexation Agreement and its accompanying Exhibits shall be recorded against the Property described in Exhibit A to the County Settlement Agreement. The agreements contained herein shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of the Property. As used herein, QJP shall include the parties signing this Agreement and all successor owners of any part of the Property.

4.2 State and Federal Law. The parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

4.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

4.4 Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

4.5 Rights of Third Parties. This Agreement is not intended to affect or create any additional rights or obligations on the part of third parties.

4.6 Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.

4.7. City Council Approval. This Agreement is subject to the legislative approval of the City Council at an appropriately noticed open and public meeting.

4.8. Notices. Notices pursuant to this Agreement shall be deemed to have been properly given when deposited, postage prepaid, with the U.S. Postal Service, addressed to the parties as follows:

Quinns Junction Partnership
Attn: Greg S. Ericksen
Law Offices of Greg S. Ericksen
1065 South 500 West
Bountiful, UT 84010

With copies to:

Scott M. Lilja
VanCott Bagley Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, UT 84111

Park City Municipal Corporation
Attention: City Attorney
P. O. Box 1480
Park City, Utah 84060
Tel.: (435) 615-5025
Fax: (435) 615-4901

4.9 Legislative Decision. The parties acknowledge that the decision to annex is purely a legislative decision by the City Council and nothing herein shall limit the City Council's discretion or power to make that legislative decision. While certain staff members of Park City have provided preliminary input to Quinn's and interested purchasers of the Property, and staff will continue to do so, such input is merely advisory as the final authority and decision to annex rests solely with the legislative body of Park City. Nothing herein shall limit the Park City's ability to annex the Property so long as an annexation petition is in conformance with U.C.A. § 10-2-403, and all other applicable requirements of Park City ordinances, the Park City General Plan, and Title 10, Chapter 2, Part 4 of the Utah Code.

4.10 This Agreement is contingent on QJP and Summit County entering into the *Settlement Agreement for Film and Media Campus* referred to in Recital E. above. In the event that *Settlement Agreement* is not entered into within 10 days from the date of this Agreement, this Agreement is null and void.

4.11 In the event Park City does not annex the property into the City jurisdiction in good faith as provided in this agreement, the parties hereby agree that QJP may apply to Summit County for development without protest ("protest" does not include public comment on final site planning and aesthetic design) from Park City provided that the application is consistent with the County Settlement Agreement. Nothing herein shall prevent Park City from public hearing participation or submitting comments on Settlement Agreement amendments or any subsequent development plan amendments.

DATED this 17TH day of January, 2012.

QUINN'S JUNCTION PARTNERSHIP

By: [signature], General Partner, Q.J.P.

PARK CITY MUNICIPAL CORPORATION

By: ______________________________
Thomas Bakaly, City Manager

Attest:

Sharon C Bauman
City Recorder's Office

Approved as to Form:

____
City Attorney's Office

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1,
1884

LEGAL DESCRIPTION

EXHIBIT A

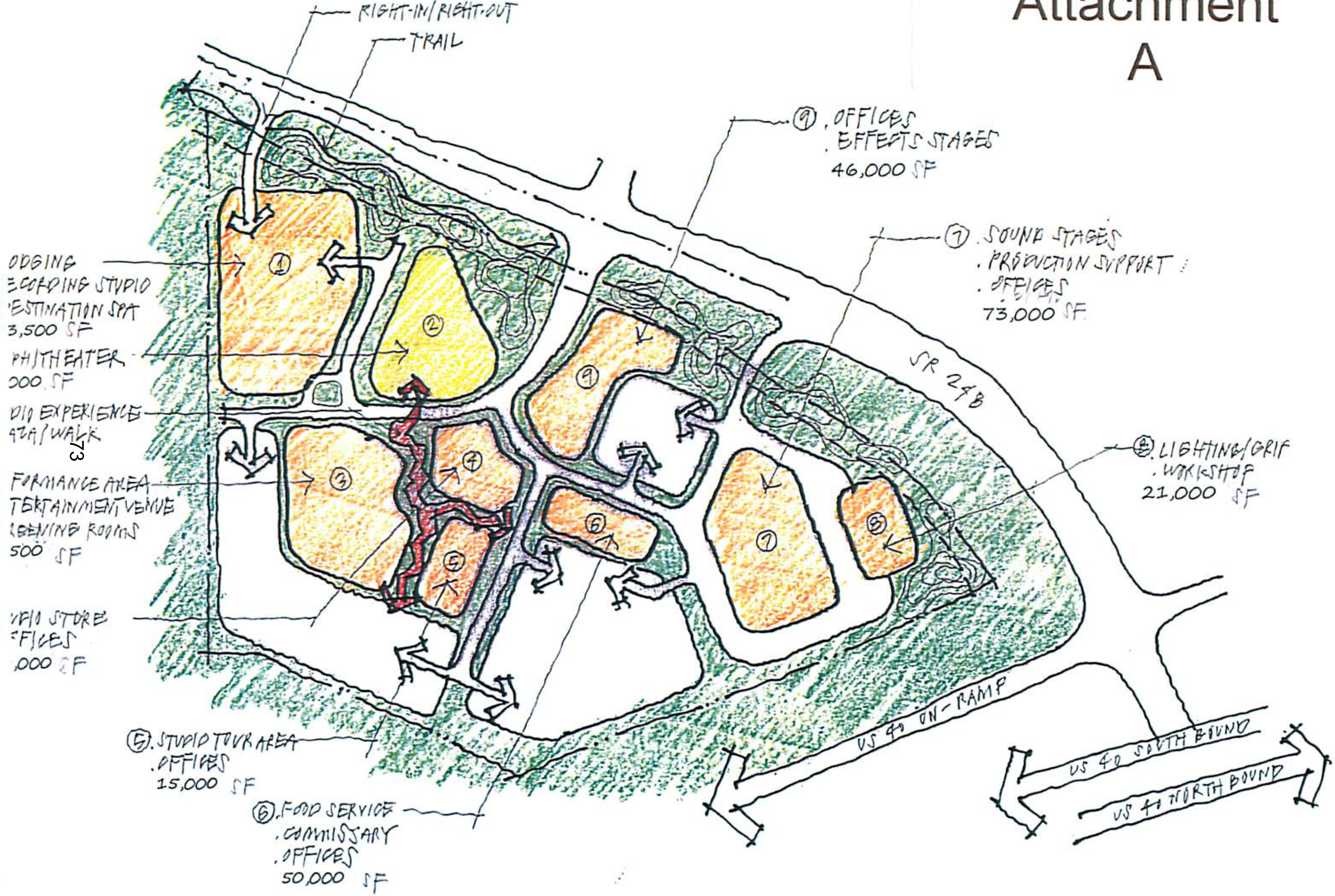
Order No. ***161891***

The land referred to in this exhibit is situated in the county of Summit State of Utah, and is described as follows:

Beginning on the Easterly line of State Highway 248 at a point which is South 89°53' East along the Section line 1557.19 feet and South 00°00'00" East 1834.09 feet from an aluminum pipe monument at the Northwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian (from which Section corner the Glo Stone Monument at the Northeast corner of said Section 2 bears South 89°53'00" East 5320.725 feet), thence along the Easterly right of way line of said Highway North 22°00'40" East 1005.180 feet to a UDOT brass cap monument, thence along said right of way line North 34°07'00" East 544.699 feet to a UDOT brass cap monument, thence along said right of way line 338.834 feet along the arc of a 638.500 foot radius curve to the right (chord bears North 49°20'26" East 334.872 feet) to a UDOT brass cap monument, thence North 64°25'25" East 14.394 feet to a UDOT brass cap monument, thence along the Westerly right of way line of the new U.S. Highway 40 South 25°33'14" East 223.713 feet to a UDOT brass cap monument, thence along said Westerly right of way line 535.196 feet along the arc of a 2664.790 foot radius curve to the right (chord bears South 19°45'25" East 534.297 feet) to a UDOT brass cap monument, thence along said right of way line South 23°49'09" East 243.421 feet to a UDOT brass cap monument, thence along said right of way line South 7°02'43" East 58.383 feet to a rebar with aluminum cap at a point that is South 89°53' East along the Section line 800.00 feet and South 25°20'00" West 1336.802 feet from the PK nail marking the location of the North Quarter corner of said Section 2, thence South 25°20'00" West 568.966 feet to a rebar with aluminum cap on the North-South Quarter Section line of said Section 2, thence along said Quarter Section line South 0°30'48" West 109.935 feet to a rebar with aluminum cap at a point that is South 0°30'48" West 1834.13 feet from said North Quarter corner of Section 2, thence North 89°53'00" West 1087.396 feet to a rebar with aluminum cap at the point of beginning.

Tax ID No: SS-91-A

Attachment A



Attachment B

Architectural Design Guidelines

The purpose of the architectural design guidelines is to provide direction for development of the vertical elements of the Film Studio Campus in order to achieve a built environment that is in harmony with the natural setting, existing structures where appropriate, and provides a comfortable, distinctive, and stimulating environment. The buildings currently located west of the US 40 and SR 248 Interchange and also located in the Park City Municipal limits were developed as a gathering of buildings to support sport, recreation and health.

In the design process, the existing buildings were reviewed by the Park City Planning Staff and Planning Commission. As such, the building designs capture the essence of the mountain setting while at the same time honoring the architecture of the era. Varying examples of this style can be found in the IHC Hospital, Summit County Public Health Center and Park City Ice Arena.

The goal of these design guidelines is to synthesize the proposed Film Studio Campus design into an architectural expression that connects to the surrounding structures and respects the importance of the Park City entry corridor.

General Guidelines

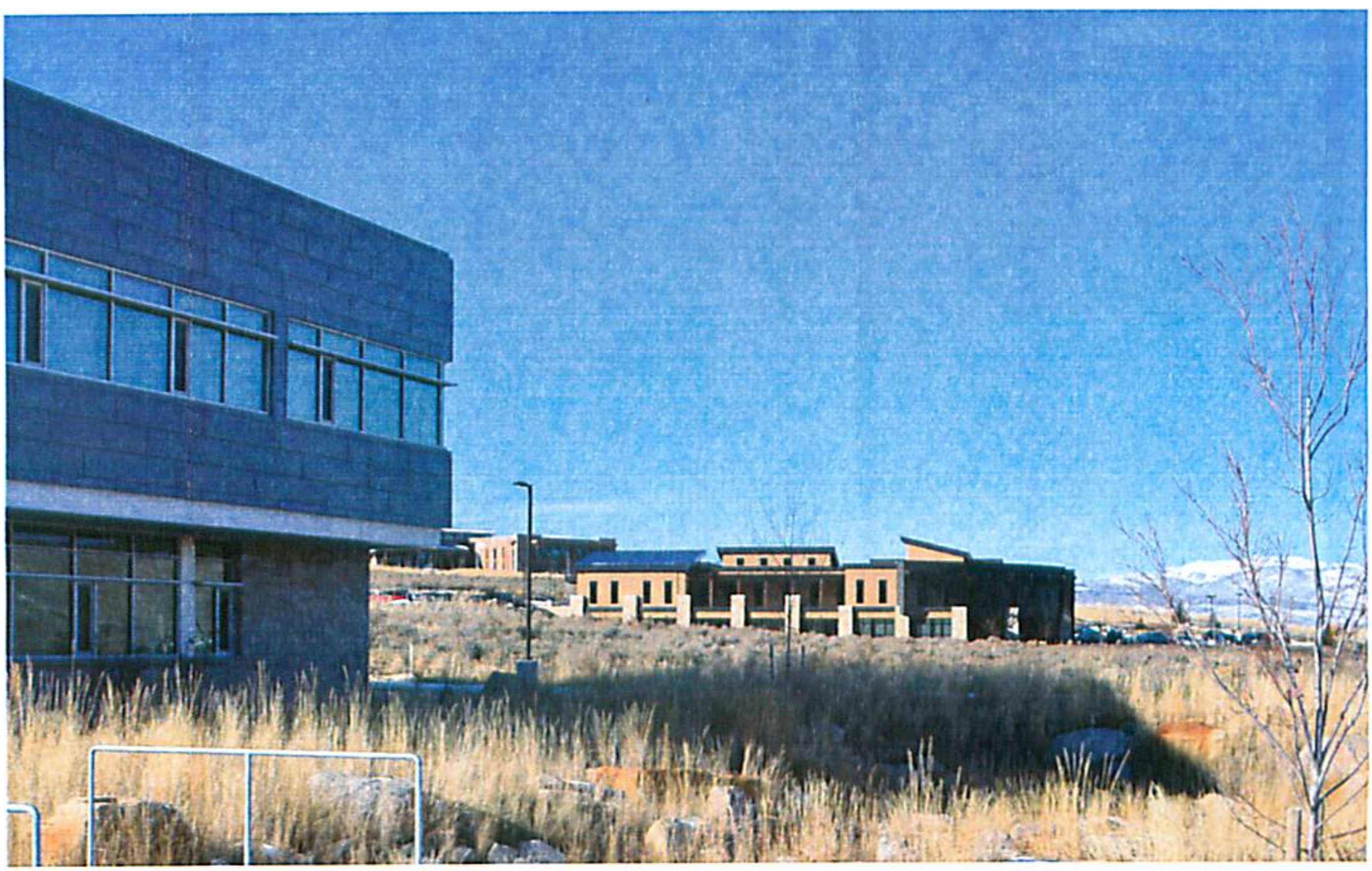
- Each new building should have a distinct architectural concept that is consistent in theme but rich in subtle variation.

- Buildings should be designed to provide a clear, unified, and easily identifiable image. Methods to achieve this include using similar architectural styles and materials, complementary roof forms, signs, colors, and pavement.

- All buildings should relate visually to one another and be compatible with adjacent buildings.

- Encouraged architectural and landscape design qualities and elements for the Film Studio Campus buildings are:

    - Using buildings to screen parking areas, service areas and storage areas;
    - Providing building modulation, entry accentuation and rich architectural details;
    - Incorporation of water conservation site design;
    - Use of shielded exterior lighting,protecting the night sky and creating path illumination; and
    - Natural landscaping to soften building exteriors and buffer between uses.
    - Green Building design and construction to meet minimum LEED Silver Standards.



View of three compatible buildings showing natural landscaping as a buffer between uses.

Height and Mass

- The height and mass of the Film Studio Campus buildings should consider the visual and physical relationship to adjacent uses. A structure that dominates its environment by its relative size is strongly discouraged.

- The mass of a larger building should be broken down into a group of buildings clustered into traditional building compounds or a campus setting to create a sense of community.

- Building design should employ clean, simple, geometric forms and coordinated massing to produce overall unity, scale, and interest.

- Varying building heights, massing, roof forms and setbacks to define different functions such as offices, residential, hotel, studio and other uses is encouraged.

- Buildings should relate to the terrain and each other in their massing and forms. Larger masses should be located at the centers of building compositions, with smaller forms stepping outwards and down.

IHC Hospital showing variation in building mass and roof form.

Building Design

- Variety in building forms should be employed to create visual character and interest.

- Facades with a high level of visual interest from both vehicular and pedestrian viewpoints are encouraged. The exterior character of all buildings should enhance pedestrian activity in their immediate vicinities.

- Long building facades should be broken up with architectural details. Facades with varied setbacks are encouraged to provide visual interest.

- Rear and side wall elevations should provide building offsets and architectural details similar to the front facade.

- Entrances to individual buildings should be readily identifiable to visitors through the use of recesses or pop-outs, roof elements, columns, or other architectural elements.

Park City Ice Arena showing a variety of form and identifiable entry.

Roofs

- Roofs should be integral to the architectural theme of the Film Studio Campus buildings and contribute to the visual continuity. Rooflines of buildings should include variations to avoid long, continuous planes.

- Rooftops should be considered as design elements from various viewpoints: at ground level, from other buildings, and from adjacent perimeter roadways. Mixing roof forms on buildings creates variety in the "roofscape." Roofs should also be interesting when seen from above from upper levels of the mountain terrain.

- Rooftop equipment should be screened from view on all four sides by architectural features integrated with the design of the building.

- Roof design shall allow solar panels to be integrated into the roof design. Building orientation and shading design should minimize solar gain and maximize daylight harvesting.

Summit County Public Health Center showing a roof as a design element.

Materials and Color

- Materials should be chosen to withstand abuse or accidental damage by machinery. False facades and other simulated materials and ornamentation are not allowed.

- Clear or lightly tinted low-e glass (glazing) should be used, particularly at pedestrian levels where transparency between indoor and outdoor spaces is desirable.

- The use of various siding materials (i.e. masonry, concrete, metal, or wood siding to produce effects of texture and relief that provide architectural interest) is required.

- The use of compatible colors in a single facade or composition is required. Compatible colors add interest and variety while reducing building scale and breaking up plain walls.

- A color palette should be used on the Film Studio Campus buildings to help reduce their perceived size. Contrasting design elements and material colors that help break up the vertical monotony of large walls is necessary.

Example of Material Palette.

Attachment C

FILM AND TELEVISION/RECORDING STUDIO -PARK CITY

	Squae Footage	Bldg Number	Bldg Total SF
STUDIO LODGING	85,000	1	
RECORDING STUDIO	2,500	1	
DESTINATION SPA	6,000	1	
			93,500
AMPITHEATER	6,000	2	
			6,000
SPECIAL EVENT STAGE	15,000	3	
SCREENING ROOMS	14,000	3	
ENTERTAINMENT VENUE	3,000	3	
PERFORMANCE AREAS/ OTHER VILLAGE VENUES	17,500	3	
			49,500
STUDIO STORE/ OTHER VILLAGE VENUES/OFFICES	20,000	4	
			20,000
STUDIO TOUR AREAS	6,000	5	
OFFICES/ OTHHER VILLAGE VENUES	9,000	5	
			15,000
FOOD SERVICES COMMISSARY/ OFFICES ANCHOR TENANT	50,000	6	
			50,000
SOUNDSTAGES	48,000	7	
PRODUCTION SUPPORT/OFFICES	25,000	7	
			73,000
LIGHTING & GRIP	10,500	8	
WORKSHOP/EQUIPMENT STORAGE	10,500	8	
			21,000
EFFECTS STAGE/ OFFICES	46,000	9	
			46,000
		TOTAL SF	374,000

WHEN RECORDED RETURN TO

David L. Thomas
Chief Civil Deputy
Summit County Attorney
P.O. Box 128
60 N. Main Street
Coalville, Utah 84017

SETTLEMENT AGREEMENT FOR FILM AND MEDIA CAMPUS

THIS SETTLEMENT AGREEMENT (the "Agreement") is entered into as of this 18th day of January, 2012, by and among QUINNS JUNCTION PARTNERSHIP (Michael Martin, General Partner), the sole owner of certain undeveloped real property in the Snyderville Basin, including all legal claims belonging to Ralph Merrill (the "QJP"), and SUMMIT COUNTY, a political subdivision of the State of Utah, by and through its County Manager (the "County").

RECITALS:

A. QJP is the owner of approximately 29 acres of land and appurtenant real property rights, located on the southwest corner of Quinn's Junction, which is at the intersection of U.S. 40 and S/R 248 in the Snyderville Basin, Summit County, Utah (the "Property"). QJP desires to build a mixed use development on the Property consisting of a Motion Picture Studio and Media Campus, ancillary and support commercial and lodging (the "Film Studio").

B. The Property is claimed to be within the Annexation Policy Plan of Park City Municipal Corporation (the "City") and its Expansion Area (the "Park City Annexation Declaration Area") in accordance with Utah Code Annotated ("UCA"), §10-2-201.5. The provisions of UCA, §10-2-402 have been satisfied. QJP has filed an Annexation Petition with Park City (the "QJP Annexation Petition" or "Petition") in accordance with UCA, §10-2-403.

C. QJP has asserted claims and commenced litigation against the County in two separate lawsuits and other administrative actions that are currently pending in State and Federal Courts.

D. As a result of this litigation several disputes have arisen between Summit County and QJP.

E. The parties desire to settle all claims, actions, and litigation between them (the "Litigation").

F. This Agreement implements the agreed upon conditions for settlement of the Litigation.

F. This Agreement provides that QJP shall attempt in good faith to annex into the City. In the event of a rejection of the annexation petition by the City, QJP will be vested with certain development rights within unincorporated Summit County.

G. Summit County, acting pursuant to its authority under Utah Code Annotated, Section 17-27a-101, et seq. and the Code, has made certain determinations with respect to the proposed Film Studio, and, in the exercise of the discretion afforded the County Manager in Summit County Code §1-14-10(F)(17) to settle lawsuits, has elected to approve of this Agreement.

SUMMIT COUNTY AND QJP HEREBY AGREE AS FOLLOWS:

ARTICLE I
Vested Rights within Unincorporated Summit County

1.1 Legal Description of Property. The legal description of the Property included with the Film Studio is attached hereto as Exhibit A, which is incorporated into this Agreement by this reference. No other property may be added to the legal description of the Film Studio for purposes of this Agreement, except by written amendment. Except as expressly set forth in this Agreement, this Agreement shall not affect any land other than the Property.

1.2 General Description of Film Studio. The Film Studio covered by this Agreement consists of approximately 29 acres of land located generally nearby and on the southwest corner of U.S. 40 and S.R. 248 in Summit County, Utah.

1.3 Vested Development Right. As a compromise of claims and in settlement of the Litigation, the County hereby recognizes that the Property has a vested development right to the following commercial uses, densities, and configuration as part of a Motion Picture Studio and Media Campus:

1.3.1 Total Density not to exceed a maximum of 355,000 gross square feet.

1.3.2 One Hotel/Lodging facility which shall not exceed 100 keyed rooms within the gross square footage granted herein without further approval by the County.

1.3.3 Heights not to exceed 32 feet except in the cases of sound stages/studios and entry way fire suppression water tank, which shall not exceed 60 feet.

1.3.4 Setback of buildings from the centerline of SR 248 and US 40 shall not be less than 150 feet from any building over 28 feet in height. Setback of all other buildings or structures shall not be less than 100 feet from the centerline of SR 248 and US 40.

1.3.5 All exterior street and other lighting shall be kept to a minimum, directed downward, and ensure that light sources are fully shielded. Only high pressure sodium, incandescent, LED or other sources appearing to be amber in color consistent with the Code provisions for the protection of the night sky shall be allowed.

1.3.6 Permitted Uses shall be Recreation, International Film School, Commercial Support Retail, Entertainment Center, Hotel/Lodging, Motion Picture Media Campus, Sound Stages/Studios, and Event Center. All other uses are prohibited.

1.3.7 All other provisions of Summit County Code, §§ 10-1 thru 10-11, and all other County ordinances, which are not in conflict with §§1.3.1 – 1.3.6 herein, shall be applicable to the Property.

1.4 Process. §1.3 shall be subject to the approval of an appropriate form of Development Agreement.

ARTICLE II
Annexation to Park City

2.1 Annexation Declaration Area. Utah law favors that development take place within the boundaries of cities and towns where land is located in a city's annexation declaration area. The Property is claimed to be within the Park City Annexation Declaration Area.

2.2 Annexation Agreement. As a condition subsequent to the vesting of uses, densities, and configuration of the Film Studio contained in §1.3, QJP and the City have executed an Annexation Agreement, a copy of which is fully set forth at "Exhibit B" herein.

2.3 Petition. As a further condition subsequent to the vesting of uses, densities, and configuration of the Film Studio contained in §1.3, QJP has filed the QJP Annexation Petition with the City and QJP agrees it will not withdraw the petition prior to the City Council rendering a final decision/vote or the expiration of the time periods set forth in paragraph 2.3 of the Annexation Agreement, whichever occurs first.

2.4 Decision on Petition. The City shall either approve or reject the QJP Annexation Petition within ninety (90) days of the acceptance of the Petition by the City consistent with UCA, §10-2-405(1).

2.5 Effect of Petition Approval. Upon approval of the QJP Annexation Petition, the provisions of §§1.3 and 1.4 as they pertain to the Film Studio shall be vacated. The remainder of this Agreement shall remain in full force and effect.

2.6 Effect of Petition Rejection. Upon rejection of the QJP annexation petition, the provisions of §§1.3 and 1.4 as they pertain to the Film Studio shall be effective and in full force and effect.

ARTICLE III
Releases and Hold Harmless

3.1 Mutual Releases. At the time of, and subject to, the execution of this Agreement, and the acceptance of the QJP Annexation Petition by the City pursuant to UCA, §10-2-405(1), and excepting the parties' respective rights and obligations under this Agreement, QJP, on behalf of itself and QJP's partners, officers, directors, employees, agents, attorneys and consultants, hereby releases the County and the County's board members, council members, officials, employees, agents, attorneys and consultants, and the County, on behalf of itself and the County's board members, officials, employees, agents, attorneys and consultants, hereby releases QJP and QJP's partners, officers, directors, employees, agents, attorneys and consultants, from and against any and all claims, demands, liabilities, costs, expenses of whatever nature, whether known or unknown, and whether liquidated or contingent, arising on or before the date of this Agreement in connection with the Property or the application, processing or approval of applications relating to the Property or the Film Studio, to include any past claims for vested development rights that are not provided for in this Agreement and those lawsuits styled Merrill v. Summit County, Case No. 2:08-cv-723 pending in the U.S. District Court in and for the State of Utah, Central Division, and Merrill v. Summit County, Case No. 050500052 pending in the Third District Court, Summit County, Utah. Said lawsuits shall be dismissed with prejudice within five (5) calendar days of the acceptance by the City of the QJP Annexation Petition in accordance with UCA, §10-2-405(1).

ARTICLE IV
General Terms and Conditions.

4.1 Agreements to Run with the Land. This Agreement and its accompanying Exhibits shall be recorded against the Property described in Exhibit A. The agreements contained herein shall be deemed to run with the land and shall be binding on and shall inure to the benefit of all successors in ownership of the Property. As used herein, QJP shall include the parties signing this Agreement and all successor owners of any part of the Property.

4.2 State and Federal Law. The parties agree, intend and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect.

4.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

4.4 Notices. All notices hereunder shall be given in writing by certified mail, postage prepaid, at the following addresses:

To the County:

Summit County Manager
Summit County Courthouse
60 N. Main
P.O. Box 128
Coalville, UT 84017

With copies to:

David L. Thomas
Chief Civil Deputy Summit County Attorney
60 N. Main
P.O. Box 128
Coalville, UT 84017

To Developer:

Quinns Junction Partnership
Attn: Greg S. Ericksen
Law Offices of Greg S. Ericksen
1065 South 500 West
Bountiful, UT 84010

With copies to:

Scott M. Lilja
VanCott Bagley Cornwall & McCarthy
36 South State Street, Suite 1900
Salt Lake City, UT 84111

4.5 Applicable Law. This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Utah.

4.6 Rights of Third Parties. This Agreement is not intended to affect or create any additional rights or obligations on the part of third parties.

4.7 Execution of Agreement. This Agreement may be executed in multiple parts as originals or by facsimile copies of executed originals; provided, however, if executed and evidence of execution is made by facsimile copy, then an original shall be provided to the other party within seven (7) days of receipt of said facsimile copy.

4.8 Duration. The term of this Agreement shall commence on, and the effective date of this Agreement shall be, the date upon which the last signature appears hereon. The Term of this Agreement shall extend for a period of ten (10) years following the effective date unless the Agreement is earlier terminated, or its term modified by written amendment to this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by Summit County, acting by and through the County Manager, and by a duly authorized representative of QJP as of the above-stated date.

COUNTY:

COUNTY MANAGER OF SUMMIT COUNTY,
STATE OF UTAH

By: ______________________
Robert Jasper, County Manager

APPROVED AS TO FORM:

____
David L. Thomas
Chief Civil Deputy

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this 18th day of January, 2012,
by Robert Jasper, the County Manager of Summit County, State of Utah.

CHRISTA S. HORTIN
Notary Public State of Utah
My Commission Expires on:
January 21, 2013
Comm. Number: 577375

____
NOTARY PUBLIC

Residing at: Wanship, Utah

My Commission Expires: 1-21-13

Quinns Junction Partnership:

Quinns Junction Partnership, by its General Manager:

By: Michael Martin, general manager

Michael Martin, Its General Manager

STATE OF UTAH)
: ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 12th day of January, 2012, by Michael Martin, General Manager of Quinns Junction Partnership.

JONI E SIMMONS
NOTARY PUBLIC•STATE OF UTAH
COMMISSION# 580730
COMM. EXP. 10-16-2013

Joni E Simmons

NOTARY PUBLIC
Residing at: West Jordan, Utah

My Commission Expires:

10/16/13

EXHIBIT A

EXHIBIT "A"

That certain real property located in Summit County, State of Utah described as follows:

Beginning on the Easterly line of State Highway 248 at a point which is South 89°53′ East along the Section line 1557.19 feet and South 00°00′00″ East 1834.09 feet from an aluminum pipe monument at the Northwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian (from which Section corner the Glo Stone Monument at the Northeast corner of said Section 2 bears South 89°53′00″ East 5320.725 feet); thence along the Easterly right-of-way line of said Highway North 22°00′40″ East 1005.180 feet to a UDOT brass cap monument; thence along said right-of-way line North 34°07′00″ East 544.699 feet to a UDOT brass cap monument; thence along said right-of-way line 338.834 feet along the arc of a 638.500 foot radius curve to the right (chord bears North 49°20′26″ East 334.872 feet) to a UDOT brass cap monument; thence North 64°25′25″ East 14.394 feet to a UDOT brass cap monument; thence along the Westerly right-of-way line of the new U.S. Highway 40 South 25°33′14″ East 223.713 feet to a UDOT brass cap monument; thence along said Westerly right-of-way line 535.196 feet along the arc of a 2664.790 foot radius curve to the right (chord bears South 19°45′25″ East 534.297 feet) to a UDOT brass cap monument; thence along said right-of-way line South 23°49′09″ East 243.421 feet to a UDOT brass cap monument; thence along said right-of-way line South 7°02′43″ East 58.383 feet to a rebar with aluminum cap at a point that is South 89°53′ East along the Section line 800.00 feet and South 25°20′00″ West 1336.802 feet from the PK nail marking the location of the North Quarter corner of said Section 2; thence South 25°20′00″ West 568.966 feet to a rebar with aluminum cap on the North-South Quarter-Section line of said Section 2; thence along said Quarter-Section line South 0°30′48″ West 109.935 feet to a rebar with aluminum cap at a point that is South 0°30′48″ West 1834.13 feet from said North Quarter corner of Section 2; thence North 89°53′00″ West 1087.396 feet to a rebar with aluminum cap at the point of beginning.

City Council Staff Report

Subject:	**Quinn's Junction Partnership Annexation** **ANNEXATION PETITION**
Date:	**January 26, 2012**
Project #:	**PL-12-00000**
Type of Item:	**Legislative (Annexation Petition Review)**

SUMMARY RECOMMENDATION

Staff recommends that the City Council review the annexation petition and take action to accept the petition for annexation.

DESCRIPTION

Project Name:	Quinn's Junction Partnership Annexation Petition
Project Planner:	Kirsten A Whetstone, Senior Planner
Applicant:	Quinn's Junction Partnership
Location:	Southwest corner of Quinn's Junction, intersection of SR 248 and US Hwy 40.
Proposed Zoning:	Regional Commercial Overlay- Community Transition (RCO-CT)
Adjacent Land Uses:	Dedicated open space, US 40 and SR 248, Quinn's Sports Complex, Park City Heights MPD, Park City Medical Center, USSA Center of Excellence, Summit County Health Department, Medical Offices, Rail Trail recreation trail, Quinn's Water Treatment Plant, and vacant agricultural land.
Proposed Uses:	Movie Studio, Lodging, and associated uses

BACKGROUND

On January 20, 2012, the applicant filed an annexation petition with the City Recorder for annexation of one (1) 29.55 acre metes and bounds parcel that is currently within the jurisdiction of Summit County. The property is located in the southwest quadrant of the Quinn's Junction Planning Area, at the intersection of US Highway 40 and State Road (SR) 248 (Exhibit A). The property is currently undeveloped. The applicant seeks to develop 374,000 square feet of commercial uses, including a movie studio, a 100 room hotel, amphitheater, and associated uses.

The current Summit County zoning for the property is Developable Lands (DL) at 1 unit per 20 acres-base zoning; and Sensitive Lands (SL) at 1 unit per 40 acres (for any wetlands areas and any land with slope over 30%). However, the property is subject to a County Settlement Agreement which acknowledges a vested development right for a Film and Media Campus up to 355,000 square feet.

The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8) and is contiguous with the current Park City Municipal Boundary.

The applicant has submitted an annexation plat (Exhibit B), prepared by a licensed surveyor and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code for the initial review of the petition. The applicant provided necessary notification of the intent to file the petition with the required affected entities, including the County Clerk and Recorder and the County Planning Commission. As part of the County Settlement Agreement, the Council is anticipated to enter into the associated 2012 Annexation Agreement between the City and QJP. This agreement requires a conceptual Master Planned Development site plan, and supporting information, which were also submitted (Exhibit C) to the Planning Department.

ANALYSIS

Review pursuant to the City's Annexation Policy

The annexation petition has been reviewed pursuant to the City's Annexation Policy Plan and complies as conditioned. The property is a contiguous area consisting of one metes and bounds parcel totally 29.55 acres. The property is contiguous to the Park City Municipal boundary along the Park City Heights Annexation boundary and is located within the Park City Annexation Expansion Area, as described by the adopted Annexation Policy Plan. Because S.R. 248 is not included, this annexation does not create an island of unincorporated land (Osguthorpe/City open space). However, the City round valley and Osguthorpe annexation has separately been filed and will likely be processed concurrently or shortly after this petition. If it is determined by third party protest that an island or peninsula of unincorporated land is created by this annexation, then staff recommends, at the time the annexation application is reviewed by the Planning Commission, a condition, that the two annexation plats get recorded concurrently notwithstanding the potential approval of the Quinn's Annexation within 90 days.

Utah Code Annotated (UCA) Section 10-2-401, 10-2-402 and 10-2-403

The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Sections 10-2-401, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.

PROCESS

Upon finding that an annexation petition is complete the matter is brought before the City Council for acceptance or rejection of the petition at its first regularly scheduled meeting, thereafter.

Municipal annexation is a legislative act governed procedurally by Utah state law. Once the annexation petition is filed with the City Recorder, the petition (not the annexation) is presented to the municipal legislative body for acceptance or rejection. Because annexation is a legislative act, the Council has broad discretion to accept or reject the petition. If the petition is accepted, then staff will complete the review and analysis of the annexation application and provide a recommendation to the Planning Commission. The Planning Commission shall hold a public hearing on the matter and shall forward a recommendation to the City Council. The City Council is the final decision maker regarding annexation of land into Park City.

In evaluating the annexation petition, the Council review the proposal in accordance with the City Annexation Agreement and any non-conflicting review standards of the Land Management Code and UCA to determine whether to accept or deny the petition. The Council decision can not be arbitrary, capricious, or illegal. The Council can also consider whether the annexation allows a logical extension of City services and City Boundary.

A decision to reject the petition ends the annexation process, and the applicant would be free to develop in the County pursuant to the County Settlement Agreement. A decision to accept the petition allows the process to continue for further consideration via the certification and subsequent public hearing process and allows for a review of the implications of the annexation to the City in terms of access, extension of city services and utilities, zoning, impacts on surrounding properties, and whether the annexation is consistent with the Park City General Plan and Quinn's Planning Principal. Additionally, considerations outlined in the 2012 Annexation Agreement will be considered at that time. .

Acceptance of the petition does not represent final action or approval of the annexation or proposed MPD concept plan.

If the Council accepts the petition, then a 30-day certification review process will commence wherein Staff will determine whether the petition meets statutory requirements of Utah State Code. If staff determines that the petition meets these requirements, then the City Recorder will certify the petition and commence the public notification and hearing process. If staff determines that the petition fails to meet any of the statutory requirements, then the City Recorder will reject the petition and deliver written notification of rejection to the applicant and other parties required by state law. The applicant then will have the opportunity to modify the petition to correct the deficiencies for which it was rejected and re-file the petition with the City Recorder.

ALTERNATIVES

Pursuant to Utah State Code Section 10-2-405(1)(a)(i)(B), if the Council does not take action on this annexation petition at its first regularly scheduled meeting that is at least 14 days after the date the petition is filed, then the annexation petition shall be considered accepted for further consideration. Accordingly, taking no action is not a unique option available to the Council; as the UCA considers no action as acceptance of the petition. Council alternatives include:

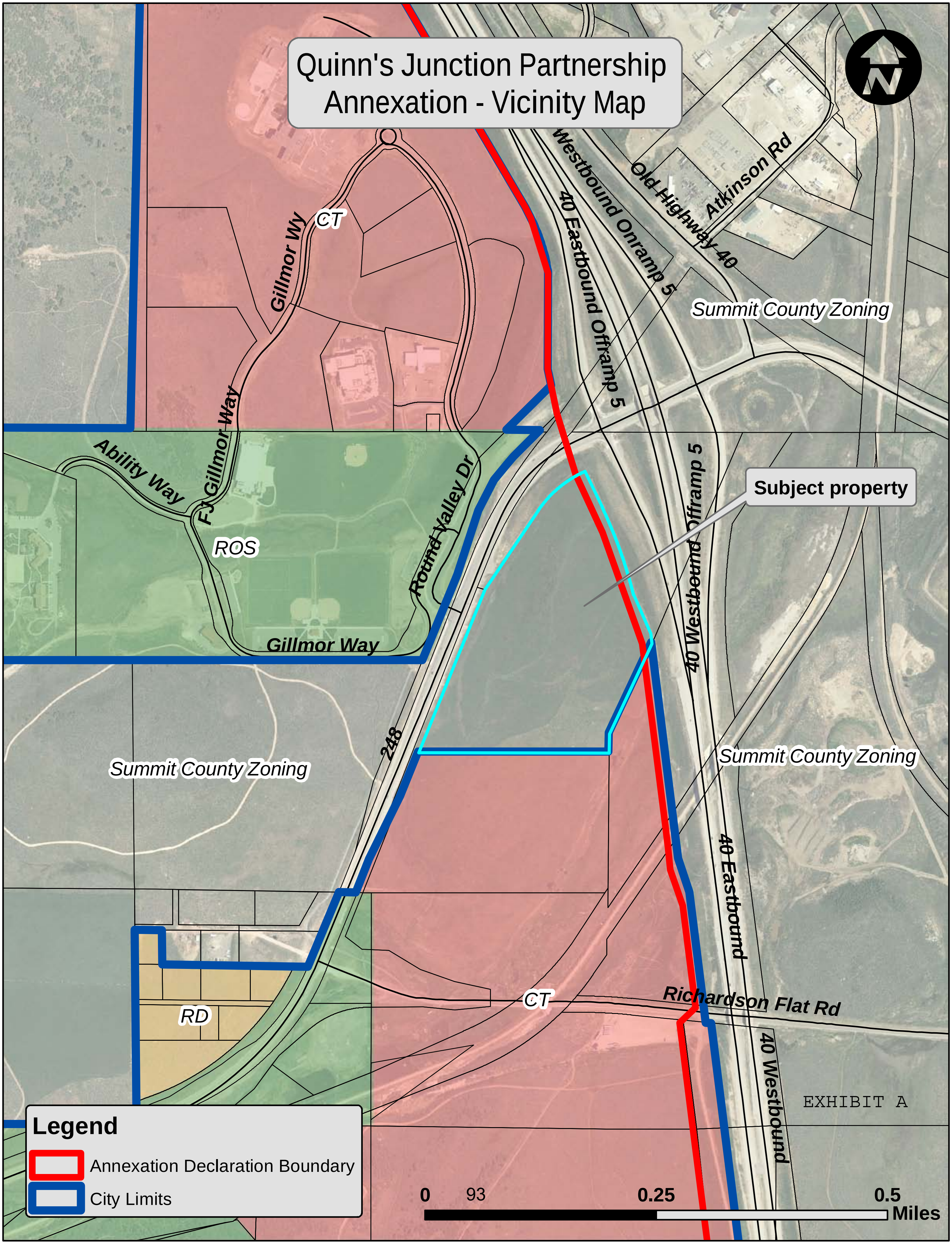
1. Accept the annexation petition for further consideration, thereby triggering the 30-day certification review process; or
2. Reject the annexation petition, thereby ending the annexation process.

RECOMMENDATION

Staff recommends the Council accept the petition for annexation.

EXHIBITS

Exhibit A- Existing Zoning and Municipal Boundary Map
Exhibit B- Annexation Petition and Plat
Exhibit C- Annexation Agreement MPD Concept Site Plan (see separate report in this packet)
Exhibit D- General Project Description



Quinn's Junction Partnership Annexation - Vicinity Map
Subject property
Westbound Onramp 5
Old Highway 40
Atkinson Rd
40 Eastbound Offramp 5
40 Westbound Offramp 5
40 Eastbound
40 Westbound
Summit County Zoning
Summit County Zoning
Summit County Zoning
Gillmor Wy
CT
Ability Way
FJ Gillmor Way
Round Valley Dr
ROS
Gillmor Way
248
RD
CT
Richardson Flat Rd
EXHIBIT A
Legend
Annexation Declaration Boundary
City Limits
0
0.25
0.5
Miles

93

PARK CITY Park City Municipal Corporation
445 Marsac Avenue • PO Box 1480 • Park City UT 84060 • (435) 615-5060 • (435) 615-4906-fax • www.parkcity.org

ANNEXATION PETITION

APPLICATION FILING DATE ____________________
APPLICATION FEE – RECEIPT # ____________________

PROCEDURE FOR PETITION AND ANNEXATION PLATS

Application Deemed Complete	Date _______	(day one)
Annexation Petition Accepted by City Council.	Date _______	(by day 14)
Annexation Petition Rejected by City Council.	Date _______	(by day 14)
If accepted, Annexation Petition certified by City Recorder	Date _______	(by day 44)
Notice is given to City Council regarding petition certification	Date _______	(by day 44)
City publishes notice of petition acceptance (once a week for three successive weeks)	Date _______	(starting by day 57)
City sends mailed notice of petition acceptance to Affected entities	Date _______	(by day 67)
Deadline for affected entities to file protest	Date _______	(by day 77)
If no protest, Planning Commission will hold a hearing and make a recommendation to the City Council. City Council will hold a hearing and take final action (each hearing requires 7 day published notice)	Date _______	(no sooner than day 78)
If protest is filed, consult State Code for information on boundary commission requirements and dates		

PLEASE READ AND SIGN BEFORE APPLICATION SUBMITTAL

As the applicant for this Annexation Petition, I understand that my application is not deemed complete until the Planning Department has reviewed the application and deemed it complete. I further understand I will be notified by mail when my application has been deemed complete. The determination of a complete application does **NOT** certify that the Annexation Petition has been accepted. The certification of an accepted petition requires City Council action.

Please sign your name (as ~~sole owner~~ or as designated sponsor)

Name: [illegible], General Partner, [illegible]
Date: 1-17-12

EXHIBIT B

I. PROJECT INFORMATION

Name of Property Owner or sponsor petitioner: Quinn's Junction Partnership

Address/Location (include location map):

Legal Description (attach): see attached

II. APPLICANT(S)

The petition shall contain signatures of property owners representing a majority of the private land area and at least 1/3 of the value of all private real property within the area proposed for annexation. If the area is within an Agricultural Protection Area (Utah Code - Title 17, Chapter 41, Agriculture Protection Area) then the petition shall contain signatures of all of the private land area within the annexation area). If the property is owned by a public entity other than the federal government, then the petition shall be signed by the owner(s) of all of the publicly owned real property.

Name: Quinn's Junction Partnership Signature: [signature], General Manager Q.J.P.
Mailing Address: 1065 South 500 West, PO Box 609
Bountiful, Utah 84010
Phone #: 801-299-5519 Fax #: 801-299-9799 E-mail gericlaw@aol.com

Name: ______ Signature: ______
Mailing Address: ______
Phone #: ______ Fax #: ______ E-mail ______

Name: ______ Signature: ______
Mailing Address: ______
Phone #: ______ Fax #: ______ E-mail ______

Name: ______ Signature: ______
Mailing Address: ______
Phone #: ______ Fax #: ______ E-mail ______

Name: ______ Signature: ______
Mailing Address: ______
Phone #: ______ Fax #: ______ E-mail ______

Please list additional owners on a separate sheet.

ANNEXATION SPONSOR(S) Up to five of the signers of the petition may be listed as sponsors. Please designate one whom shall be designated as the contact sponsor.

Name: ______________________ Signature: ______________________
Mailing Address: ____

____
Phone #: ______________ Fax #: ______________ E-mail ______________

Name: ______________________ Signature: ______________________
Mailing Address: ____

____
Phone #: ______________ Fax #: ______________ E-mail ______________

Name: ______________________ Signature: ______________________
Mailing Address: ____

____
Phone #: ______________ Fax #: ______________ E-mail ______________

Name: ______________________ Signature: ______________________
Mailing Address: ____

____
Phone #: ______________ Fax #: ______________ E-mail ______________

Name: ______________________ Signature: ______________________
Mailing Address: ____

____
Phone #: ______________ Fax #: ______________ E-mail ______________

III. SUBMITTAL REQUIREMENTS:

Five copies of the following information are required prior to a determination of application completeness. All site plans and drawings shall comply with the standard specified in Section 200.0.02 of the Park City Design Standards, Construction Specification & Standard Drawings-1000 Edition. Additional information and/or studies may be required depending on location and potential impact of the proposed annexation. A CD with electronic files of this information shall be submitted with the application.

1. Applicant and Notification information (see sample on page 6)
   a. Names, mailing addresses and stamped (forever stamps) #10 business size envelopes of property owners within the proposed annexation area. ***Please do not use self-adhesive style envelopes and do not include a return address on the envelope.***
   b. Names, mailing addresses and stamped (forever stamps) #10 business size envelopes of property owners within one-half mile of the proposed annexation area. ***Please do not use self-adhesive style envelopes and do not include a return address on the envelope.***

2. An accurate and recordable map (certified survey plat) of the property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing City boundaries and each individual ownership sought to be annexed, including an accurate legal description of the property to be annexed.

3. Existing conditions site plan, at a scale approved by the City, of the proposed annexation area and surrounding area, within a radius to be specified by the City, depending on the particular annexation (may be more or less than one-half mile). This site plan must be prepared by a licensed Surveyor and shall include the names, addresses, and property boundaries of all property owners within the annexation area and within the specified study area.

4. Title Report (no older than 60 Days) for the proposed annexation area.

5. If the proposed property is intended for development, the petition for annexation shall include complete applications for a preliminary subdivision plat and a Master Planned Development (applicable only for projects that would require review as a Master Planned Development according to Chapter 6 of the Land Management Code). Attached to all annexation petitions shall be a land use analysis, performed by a qualified land use planner with the assistance of other professionals such as traffic engineers, civil engineers, wildlife biologists, and hydrologists, of all undeveloped property within the annexation area and (but not limited to) within one-half mile of the proposed annexation. The City reserves the option of selecting the qualified professionals to perform this analysis with the cost being paid by the applicant. This analysis shall include, but not be limited to, a study of the following:

   a. Slope, wetlands, natural drainage, vegetation, slope, wildlife habitat, view corridors, and significant geological features.
   b. Existing and proposed road systems and easements, including traffic generation, if necessary.
   c. Proposed utility extension plans and easements, including water usage, supply and delivery systems. Applicant must demonstrate proof of adequate water rights sufficient to serve the proposed annexation area at full development.
   d. Location of proposed public and private open space, recreational areas, trails and trail easements.
   e. Proposed land uses including type, density, and if applicable, timing of build-out of residential and commercial areas.
   f. Proposed locations of community facilities such as fire stations, schools and parks.
   g. Consistency with the current General Plans of the governmental entities having jurisdiction
   h. A statement as to the anticipated timetable for development, if applicable.
   i. Location and description of any Historic and cultural resources on the property.

6. Affordable housing plan consistent with the City's affordable housing policies, if applicable.

7. Project phasing plan and construction mitigation plans for each phase, if applicable.

8. Public utilities and essential services analysis including:
   a. School impact analysis, including analysis of existing and projected schools which will serve the annexation area. Analysis shall project school-age population generated by the annexation area over a twelve-year period.
   b. Capacity of existing sanitary sewer trunk line and capacity of treatment facilities serving the project.
   c. Capacity and availability of solid waste collection, animal control and other services provided by agencies other than Park City.
   d. A full disclosure statement of any and all waters owned of historically utilized on the property to be annexed, and a statement from the water owner(s) as to the estimated value of the water or price at which owner(s) would be willing to sell the said water to the City.

9. Fiscal impact analysis of the proposed annexation on Park City, the remaining unincorporated area, special districts, school district and other governmental entities. The fiscal impact analysis format, including the revenue and cost assumptions shall be approved by Park City. If necessary, the City shall hire qualified experts to perform the analysis. The cost of such analysis shall be paid by the applicant as part of the Annexation Petition application. The fiscal impact analysis shall include, but not be limited to, the following:

a. Current and five year projections of demographics and economic base in the area proposed for annexation and surrounding unincorporated area, including household size and income, commercial and industrial development and public facilities.
b. Projected growth in the area proposed for annexation and the surrounding unincorporated area in five-year increments.
c. The present and future annual projected revenue to the City as a result of the annexation.
d. The projected impact the annexation will have over the following ten years on the amount of taxes that property owners within the area proposed for annexation, Park City residents, and the remaining unincorporated county will pay.
e. Present and future (over the next ten years) projects of costs of governmental services to the annexing area.

10. Other studies and analysis as necessary to determine annexation appropriateness.

Once the annexation has been approved, please submit the following:
1. CD disc containing the final annexation plat in electronic form, preferably AutoCAD.
2. 4 –mil mylar of the annexation plat trimmed to 24" x 36" with ½ inch border on top, right and bottom, and 1 ½ inch border on left. Annexation mylar plat shall be in a form approved by the City engineer and City Attorney, including all required signatures and certifications.

Note: once all the required studies and documents are submitted and deemed complete by the City, the appropriate City Departments and Commissions shall schedule the application for review. If deemed appropriate by the Planning Department, the application fee may be pro-rated provided an adequate fee has been collected to offset City costs for processing the application.

ENVELOPE:

a. #10 size business envelopes (addressed to property owners as described above) with mailing labels and forever stamps affixed (we do not accept metered envelopes). ***Please do not use self-adhesive style envelopes and do not include a return address on the envelope.***

b. List of property owners, names and addresses as described above. The distance is measured from the property line, not the location of the request. Please provide the Summit County Assessor's Parcel Number for each property owner if possible

Sample Envelope

No return address

Forever Stamp

JOHN DOE
PO BOX 2002
PARK CITY UT 84060

IV. ANNEXATION FACT SHEET

PROJECT DESCRIPTION

1. On a separate sheet of paper, please complete the following requests and attach to this application:
   a. Give a general description of the proposal and attach to the application.
   b. Provide a written statement addressing specifics of the request, indicating proposed use of the property, any other application submitted as part of the proposal, development time schedule, and any additional information required to describe the proposed annexation.

2. Is the property contiguous to Park City municipal boundaries? ☒ yes ☐ no

3. Is the proposed property a contiguous area? ☒ yes ☐ no

4. Will this annexation leave/create an unincorporated island or peninsula?
   ☐ yes ☒ no

5. Existing zoning: per settlement agreement Proposed Zoning: per settlement agreement

6. Will project be within Sensitive Lands Overlay Zone when annexed?
   yes ☒ no

7. Current use of property: vacant land

8. Project area (acreage): 29.55 (approx.)
   % of project area on slopes in excess of: 15% 0 ; 40% 0

9. Does the petition for annexation contain any land area proposed for annexation in a previously filed petition that has not been granted, denied or rejected?
   ☒ yes ☐ no

10. Are you also seeking development project approval at this time? ☒ yes ☐ no
    If yes, type of application filed MPD and settlement agreement with Summit County and Park City

11. Current ~~City~~ water service is available within 10,800 feet of the property.

12. Water rights sufficient to serve the project will be dedicated upon annexation
    ☐ yes ☒ no Third Party service provider as per settlement agreement
    Water already transferred to Summit Water Co.

13. Project will be accessed via:
    ☒ public road ☐ private road ☐ private driveway

(continued on next page)

14. State Law requires that on the date of filing the annexation petition with the City, the petition sponsor(s) shall also deliver or mail a copy of the petition to the County Clerk of the county in which the property is located, and also to the chair of the County Planning Commission which has review authority or jurisdiction over said property. Has this been done? ☒ yes Date______________ ☐ no

V. ACKNOWLEDGMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has review the application and has notified me that it has been deemed complete.

I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review the week prior to any public hearings or public meetings. This report will be on file and available at the Planning Department in the Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization with the study.

Signature of Applicant: Michael Martin, General Manager. QJP.

Name of Applicant (please print) Quinn's Junction Partnership - Michael Martin/ general partner

Mailing Address 1065 South 500 West, Bountiful, UT 84010

Phone 801-299-5519 Fax 801-299-9799

E-mail ericlaw@aol.com

Type of Application Annexation

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of Applicant (please print) Quinn's Junction Partnership

Mailing Address 1065 So. 500 West, Bountiful, UT 84010 - Attn: Greg Ericksen

Street Address/Legal Description of Subject Property:

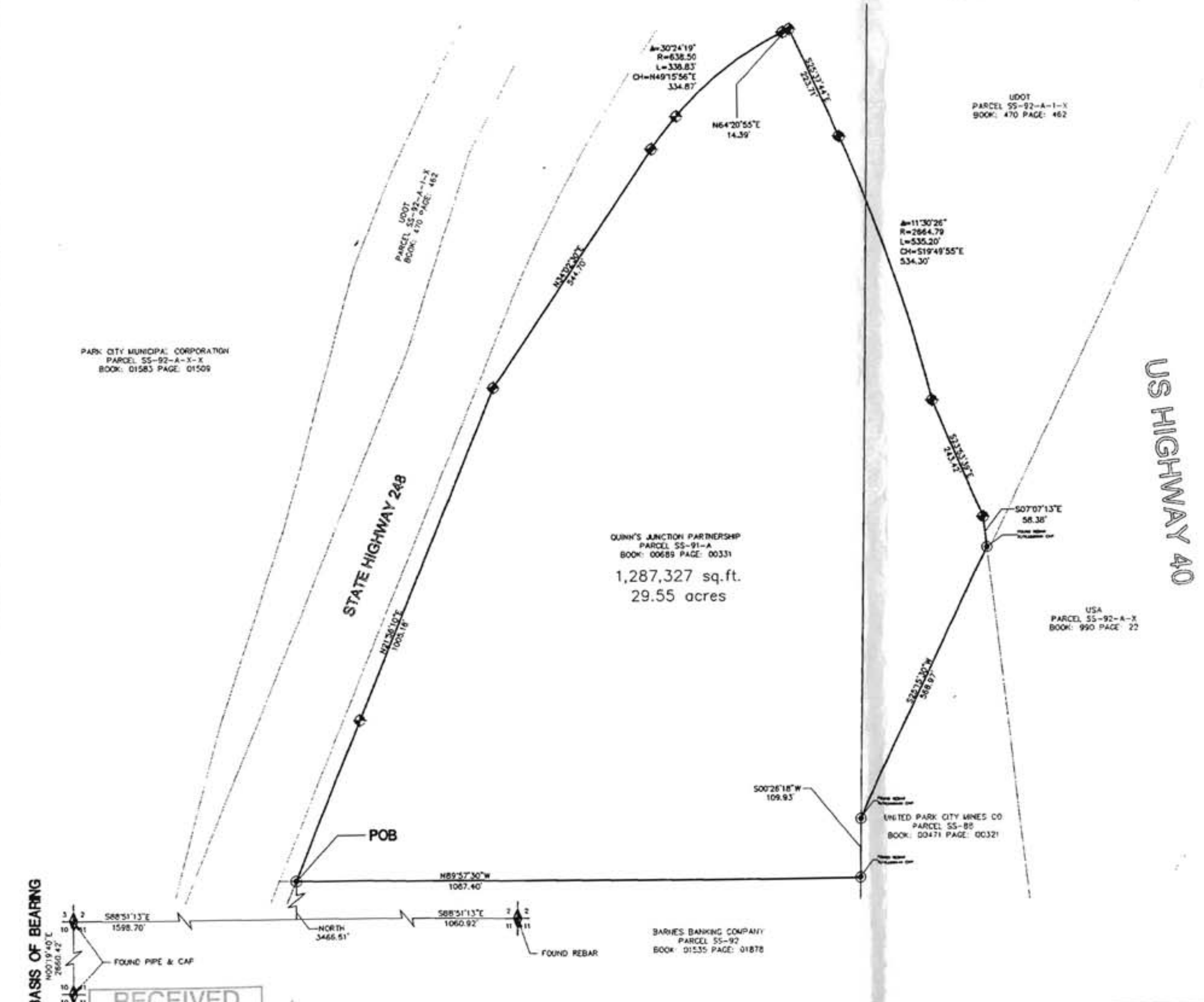
see attached

Signature Michael Martin, General Manager QJP. Date 1-17-12

1. If you are not the fee owner, attach another copy of this form that has been completed by the fee owner, or a copy of your authorization to pursue this action.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing this action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

Please Note: This affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to final action.

PLAT
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Donnie B. Green, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate No. 376078 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat.

Donnie B Green PLS 376078
PSOMAS

11/10/04
Date

BOUNDARY DESCRIPTION

Quinn's Junction Parcel

Beginning on the Easterly right of way line of State Highway 248 at a point which is 3466.61 feet North and 1598.70 feet S88°51'13"W from the Southwest Corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence along the Easterly right-of-way line of said highway N21°56'10"E 1005.18 feet to a UDOT brass cap monument; thence along said right-of-way line N34°02'30"E 544.70 feet to a UDOT brass cap monument; thence along said right-of-way line 338.83 feet along the arc of a 638.50 foot radius curve to the right (chord bears N49°15'56"E 334.87 feet) to a UDOT brass cap monument; thence N64°20'55"E 14.39 feet to a UDOT brass cap monument; thence along the Westerly right-of-way line of the new US Highway 40 S25°37'44"E 223.71 feet to a UDOT brass cap monument; thence along said Westerly right-of-way line 535.20 feet along the arc of a 2664.79 foot radius curve to the right (chord bears S19°49'55"E 534.30 feet) to a UDOT brass cap monument; thence along said right-of-way line S23°53'39"E 243.42 feet to a UDOT brass cap monument; thence along said right-of-way line S7°07'13"E 58.38 feet to a rebar with aluminum cap; thence S25°15'30"W 568.97 feet to a rebar with aluminum cap on the N-S Quarter Section Line of said Section 2; thence along said Quarter-Section Line S00°26'18"W 109.93 feet to a rebar with aluminum cap; thence N89°57'30"W 1087.40 feet to the point of beginning.

Contains 29.55 acres

NARRATIVE

This survey was requested by Walter Plumb of Plumb Development. The Basis of Bearing was N00°19'41"E between the Northwest Corner of Section 11 and the West Quarter Corner of Section 11 Township 2 South, Range 4 East, Salt Lake Base and Meridian. The Basis of Bearing was set in order to match the Hidden Meadow Subdivision Annexation Plat (Entry #425892) which was used as a reference along with the Schuchert Survey (File No. S-1019). The parcels were drawn as per deed and then rotated to the basis of bearing.

LEGEND

- ANNEXATION BOUNDARY
- MEAS. SECTION LINE
- ADJOINING DEED LINES
- FOUND SECTION CORNER
- PROPERTY CORNER
- UDOT ROW MON FOUND

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

Plat
Sections 2, T2S, R4E
Salt Lake Base and Meridian

PSOMAS
2825 East Cottonwood Parkway, Suite 120
Salt Lake City, Utah 84121
(801) 270-5777 (801) 270-5782 (FAX)

DATE: 10-06-2004
SCALE: 1" = 100'
PROJECT NUMBER: 8PLU010100

DESIGNED: JEH
DRAFTED: JEH
CHECKED: DBG

SHEET 1 / 1

RECEIVED
JAN 2 0 2012
PLANNING DEPT.

ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED #
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE.	APPROVED AS TO FORM THIS _____ DAY OF _________ A.D. 2004.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _________ 2004 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _________ A.D. 2004.	STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF _________ DATE _______ TIME _____ BOOK _______ PAGE _____ FEE $ _______
DATE / PARK CITY ENGINEER	PARK CITY ATTORNEY	PARK CITY RECORDER	ATTEST CLERK / MAYOR	SUMMIT COUNTY RECORDER

EXHIBIT B

PROJECT DESCRIPTION

Quinn's Junction Partnership is located at the Southwest corner of Highway 40 and 248. It consists of 29.55 acres of relatively flat land. The land has historically been used for agricultural purposes and does not contain any wetlands or flood plains. The parcel sits at a key intersection of the Highway 40 on/off ramps and is highly visible. The intent of the project is to create a film and media campus, as per the settlement agreement with Summit County and Park City, dated January 19th, 2012, to develop a project that compliments the Park City resort style and provides visitors another recreational venue in which to participate.

Quinn's Junction Partnership is proposing 374,000 gross square feet of regional commercial vested zoning, as per the settlement agreement with Summit County dated January 17, 2012 and an agreement with Park City effective January 19th, 2012. The parcel has been designed as a film and media campus consisting of film studio stages, offices, support retail and lodging, food services, recreation, entertainment and festivals. There will be a strong focus on the public realm as expressed in active, walk-able plazas, and buildings oriented toward the more public spaces.

The project presents a unique opportunity to shape Park City's entry corridor from Highway 248 in a manner that creates a strong mountain aesthetic. The use of local natural materials throughout the development will insure a Park City character and flavor to the site. The use of these local materials will be incorporated into the buildings, furnishings, light fixtures, signs, public benches, waste receptacles, and other site details, characterizing the individual architectural style. The architecture will express authenticity in simple building forms

To achieve a high quality community image, both overall building appearance and its details shall convey a sense of solid permanent construction incorporated into the site. Quality also extends to consistency and completeness of the project. All individual project components shall be designed and completed as a single homogeneous whole.

The primary design goal is to create a neighborhood that is mountain rural in its architectural character and preserves a buffer from Highway 248, as per settlement agreement with Summit County. One main access point has been designed to minimize interference with through traffic on the corridor roadway. Surface parking will be buffered from the entry corridor and will use landscaping, berming and buildings for screening purposes whenever possible.