PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 9, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 9, 1999.

AGENDA

Closed Session - City Council Chambers - Lower Level

3:00 p.m. Property acquisition/personnel

Work Session - City Council Chambers - Lower Level

3:45 p.m. Council questions and comments
4:00 p.m. Review of regular meeting
- Temporary ordinances
- Well drilling program
- Racquet Club fees
- Audit report
- Other meeting questions/comments

4:50 p.m. Youth Advisory Council grants
5:00 p.m. BFI presentation
5:30 p.m. Motorcycle Race Master Festival License application

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

1. Outdoor music

2. Taxi business licensing

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETINGS OF NOVEMBER 4, 1999 AND SPECIAL MEETING MINUTES OF NOVEMBER 5, 1999

V PUBLIC HEARING

An Ordinance approving a record of survey plat for the Portico Condominiums at 670 Deer Valley Loop, Park City, Utah

VI CONSENT AGENDA

1. An Ordinance approving a record of survey plat for the Portico Condominiums at 670 Deer Valley Loop, Park City, Utah

2. Resolution adopting revised Racquet Club fees and repealing and replacing Resolution No. 4-98 inits entirety for Leisure Services including Racquet Club, Golf, Library, Cemetery, Parks and City Facilities for Park City, Utah

3. Ordinance amending Section 2-4-17 Parks, Recreation, and Beautification Advisory Board created, of the Park City Municipal Code of Park City, Utah

4. Acceptance of audit report

VII OLD BUSINESS

Appeal of Planning Commission denial on September 22, 1999 of the Master Planned Development application for a professional office building located on the east side of Bonanza Drive between upper and lower Iron Horse Loop

VIII NEW BUSINESS

1. Citizen request for a Temporary Zoning Ordinance for telecommunication facilities

2. Staff request for a Temporary Special Event Ordinance for Millennium Celebrations

3. Authorization for an additional $200,000 for the well drilling project

IX ADJOURNMENT

Note: It should be noted that the entries under Public Input occurred during the meeting and were not posted.

Posted: 12/06/18
See parkcity2002.org

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 9, 1999

Present: **Mayor Brad Olch; Council Members Hugh Daniels; Roger Harlan; and Paul Sincock**

Toby Ross, City Manager; Myles Rademan, Public Affairs Director; Mark Harrington, City Attorney; Alison Kuhlow, Planner; Lloyd Evans, Chief of Police; Melissa Caffey, Special Events Manager; Jerry Gibbs, Public Works Director; Kathy Kelly, Recreation Services Manager; Lori Collett, Finance Manager; Denise Payne, Recreation Assistant; Tom Bakaly, Director of Budget and Capital Improvements; and Frank Bell, Director of Olympic Planning

Abe Young, Deloitte and Touche; Brad Mertz, BFI; Vern Greco, Park City Mountain Resort; Jim Colburn, Park City Motorcycle Club; Barbara Fontaine and Max Miller, Thanyes Canyon residents

Absent: **Council Members Shauna Kerr and Chuck Klingenstein**

1. **Council questions and comments.** Paul Sincock requested minutes from a citizens meeting, hosted by EPA. The City Manager noted that a meeting was held in November which set the ground rules and the scope of projects; in January, a meeting will be held to determine the strategy for public process. The facilitator prepares the minutes and the City is in the process of editing those. Once approved by the committee, they will be made public. Mr. Sincock reminded the public of a hazardous waste pick-up at Recycle Utah tomorrow and shared obesity statistics. He added that he loves the seasonal lights and encouraged a campaign to become the *City of Lights* by the time the Olympics arrive. Hugh Daniels reported that an interagency task force meeting occurred this week and there were updates on Olympics and legislative issues. In response to a question regarding town meeting dates, Myles Rademan explained that they will be arranged after discussion at the City Council retreat in January. Mr. Daniels continued that the handicap stalls in the north Marsac lot need to be cleared thoroughly.

The Mayor acknowledged a letter received from Bob Richer requesting dedicating a trail in McLeod Creek in Don Griffin's memory. COSAC is also interested in installing plaques identifying parcels that have been acquired with open space bond funds. Roger Harlan encouraged the new Council members to attend the *Day at the Legislature* on January 19. The library received a $47,000 grant to upgrade software and the staff worked hard to obtain the funding. He stated that he attended the school board meeting this week where the extension of the pay-back schedule for the Eccles Center was considered and approved by a 4-1 vote, which he supported.

2. Review of regular meeting.

Temporary ordinances.

Telecommunications facilities. The City Attorney explained that this is presented to the Council at the request of the Aerie Home Owners Association, represented by attorney Jeffrey D. Salberg. The TZO is drafted to meet the intent of the request and Mr. Harrington suggested that testimony be taken at the regular meeting. Roger Harlan understood that the Home Owners Association believes that the process could have easily bypassed them because of lack of noticing. Planner Alison Kuhlow explained that currently antennas can be approved through the conditional use permit process or through an administrative process. Almost all applications since 1997 have been approved through an administrative process, meeting certain requirements including height, camouflaging, etc. Exceptions or questions need to go before the Planning Commission. The administrative permit, as currently written, requires no public notice. Mr. Harrington explained there is a pending ordinance change with regard to the noticing provisions in the Land Management Code where mailed notice to property owners within 300 feet would also apply to all administrative permits. Adjoining property owners could appeal the permit, where it would be heard by the Planning Commission. Paul Sincock felt that all permits should be conditional uses and be considered by the Planning Commission. The Mayor agreed as it simplifies the process and this is a controversial issue in the community. Mark Harrington clarified that if the Planning Commission is considering all applications, appeals of the conditional use permits would be heard by the City Council. Technical necessity variances, outlined in the Telecommunications Act, would be heard by the Board of Adjustment, which would be a prerequisite for the conditional use permit. If someone disagreed with either the conditional use permit or the technical necessity exception, an appeal could be submitted to the City Council. Mr. Salberg brought up the situation of the City Council being precluded from hearing the appeal because it is a co-applicant or underlying property owner. The City Attorney felt this could be sent to an outside party and this issue will be discussed with Mr. Salberg prior to the regular meeting.

Mr. Harrington emphasized that whenever an application is on City property, easement, or right-of-way, negotiations for a lease do not occur until there is a zoning approval. He asked if Council is comfortable with this sequence. The Mayor suggested that this be discussed at the regular meeting.

Millennium celebration. Lloyd Evans explained that this temporary ordinance would enable City staff to review proposed events in connection with the Millennium celebration administratively. Staff would review applications under the same standards and guidelines currently imposed through the master festival license process. This would better accommodate requests in a short time frame. Mark Harrington explained that he added a 30 day courtesy notice to property owners living within 300 feet of the special events. He added language addressing *private events held on private or public property* and claims with regard to insurance requirements. In response to a concern raised by Hugh Daniels, Mr. Harrington explained that the ordinance is very clear that millennium events expire January 1, 2000. The December 15 application deadline was discussed. Hugh Daniels stated he is not supportive of across-the-board approvals and scheduling multiple events that can't be controlled. Chief Evans agreed. In response to a question from Roger Harlan, Melissa Caffey noted that there are two pending fireworks applications which are going through the master festival license process. There are rumors of other firework activities, but so far there are no other submittals. Ms. Caffey pointed out that December 15 is the deadline for events with significant impacts, other proposals may be considered afterward. Fire Chief Kelly Gee has stressed that there is no way the City could handle yet another fireworks display safely as there is one at The Canyons, Aspen Springs, and Park Meadows Country Club. The fire danger is minimal at these locations and the City and Fire District will be indemnified. Ms. Caffey discussed the Chamber/Bureau sponsored millennium celebration on Main Street but no fireworks or street closures are requested. Sky tracker lights have been approved on a one-time basis.

Well drilling program. Jerry Gibbs explained that the $200,000 request is an extension of the well drilling program to drill at least one more well in the Hidden Meadows areas. Staff is trying to determine if water is available in the Weber Quart site. There are currently no wells in this formation and geologists believe there is potential in that formation. Should there be water, there is potential for other wells. If not, this will probably be the last well in the current drilling program.

He continued that the Old Town well did not render direct success but geology information is now available. They were unable to explore the additional 500 to 600 feet to get to the water and this site may be pursued again. This was an $88,000 project for the well drilling and $22,500 for observation and geology. With regard to the Park Meadows observation well, the geology has been confirmed and there is water. The test well is being installed and this site has worked out. Jerry Gibbs noted that this project totaled $80,572 for the observation well and $320,000 for the test well. The Hidden Meadows well is a 6" observation well. Staff will be bringing to Council a development agreement with Untied Park Mines Company for Flagstaff for participation in the cost of the test well program and the observation well. Should this be approved, there is a potential of picking up 50% of what the City has already spent. In response to a question about residences in the Hidden Meadows area, Mr. Gibbs responded that there is less than 50% build-out and this is an area indicated on the plat as a drilling site. The property owners should be aware that drilling could take place there. He believed the sound curtain should work extremely well in this location. Costs associated with casing wells and geology were discussed. Mr. Gibbs felt that funding observation wells is the best way to proceed in the event the well is dry. There is money in the Water Fund to cover these additional costs.

Racquet Club fees. Kathy Kelly explained that this was approved by the Parks and Recreation Board last month and the resolution adjusting fees is before Council. Paul Sincock pointed out that an aerobic customer would pay $45 as opposed to the current $30 which is a 50% increase. Ms. Kelly clarified that in the last three years, the revenue has not been covering costs and programs that require instructors will be more expensive that individual activities. The task force considered information from other facilities and determined that patrons were getting a great deal over the past years and that these are fair prices. Roger Harlan relayed that Chuck Klingenstein received a call from a resident who can not afford the proposed increased prices. Kathy Kelly noted that it is a *basic juggling act* to be a community recreation center and an enterprise fund. Paul Sincock stated he received two calls on the same matter and there were comments that the Parks and Recreation Board probably receives little public input. Roger Harlan suggested that there be a middle ground for participants. Paul Sincock pointed out that there is a policy to cover 80% of the costs and asked if they are in line with other facilities. Ms. Kelly clarified that 80% is for the entire Recreation Fund, which includes youth sports. Youth sports does not approach anything near 80%, so the Racquet Club has to get closer to 100% or more if 80% cost recovery is maintained. Ms. Kelly noted that she is not aware of other municipally owned clubs operating as an enterprise. Most are heavily subsidized by the cities and the fees are far less. The Racquet Club tends to compare itself to private facilities in determining pricing, although instructors are paid less than in the public sector. Paul Sincock suggested taking it off the Consent Agenda so that it can be discussed further.

Audit report. Lori Collett introduced Abe Young, audit manager of Deloitte and Touche, the independent auditors for the City. Staff is requesting City Council acceptance of the audit report ending June 30, 1999. The General Fund ending balance was $1,693,606 which was down from the ending balance in 1998. This occurred as a result of some departments coming in under budget on expenditures and because of a $4.5 million transfer out of the General Fund balance to the Capital Improvements Fund. The ending balance falls within the statutory limitations and if needed, some of the $4.5 million could be transferred back to the General Fund.

She continued that with regard to enterprise funds, the Water Fund did well and working capital increased by about $556,000. The Golf Course experienced decreased working capital by $242,776 which was primarily due to a decrease in cash and investments caused by the decline in revenue impacted by the weather and the change of the mix in players at the course. The golf course will be reviewing its ten year plan and a recommendation to increase resident rates may be forthcoming so this trend doesn't continue. The Recreation Fund did better as its working capital increased $29,147 as of June 30. The subsidy from the General Fund last year was $410,000 for FY2000, it is $460,000. The loss was $174,000 compared to about $310,000 in 1998. The Transportation and Parking Fund had a net income of about $1.6 million. Ms. Collett stated that the auditors identified no major improvement areas or material weaknesses in the financial operations or internal control structure of the City. The did, however, make a finding for state compliance with regard to the City incurring expenditures in excess of the budget in the Fleet Services Fund and she explained the reasons being timing for reimbursements from other departments at the end of the fiscal year. Efforts have been made to eliminate this from occurring again.

Abe Young noted that in conjunction with the audit, the firm issues financial statements and reports on compliance on statutory requirements in reporting state and federal funding. In connection with the audit of the financial statements, performed in accordance with generally accepted auditing standards, Deloitte and Touche issued an unqualified or clean opinion. There is reference to Y2K but there is no opinion with regard to preparedness. He discussed the fleet services situation and there were no reporting errors on the part of the Finance Department that occurred this year. Mr. Young complimented the professionalism of the staff.

See regular meeting minutes.

3. **Youth Advisory Council grants.** Denise Payne explained that the grant process is on-going and YAC will be advertising again in January. In response to a question from Paul Sincock, Tom Bakaly stated that grant funds in the amount of $10,000 were provided for the skateboard park a couple of years ago and about $5,000 has been expended. Mr. Sincock pointed out the great public benefit of this facility. The decrease in applications was commented on by Roger Harlan and it was felt that they will increase. Paul Sincock discussed the policy of allocating a percentage of the General Fund toward arts and youth. In general there hasn't been as much demand for youth as there has been for art programs and it may make sense for the new Council to reconsider the policy. Roger Harlan expressed that the subcommittee concept has worked very well. Hugh Daniels noted that the appropriate time to review the policy would be during the budget process in May.

4. **BFI presentation.** Brad Mertz explained that BFI is the new waste hauler in Summit County beginning January 1. He displayed pictures of the truck and refuse bins. The County will provide one container per household and additional ones will be $10 per month per container. He discussed the benefits of this automated system. In some areas of Old Town, where the truck can not operate, garbage will be collected manually. Hugh Daniels pointed out that the truck may be able to handle some Old Town streets, but in many instances there is no curb and 25 steps to a house. A 90 gallon container will not work. Mr. Mertz explained that in the downtown area, BFI garbage bags will be provided for purchase. Mr. Daniels questioned the equity with property tax payers who have to purchase garbage bags. Mr. Mertz discussed businesses in the downtown area who are upset because they have never paid for garbage collection and many have been subsidized by others. BFI is trying to make it as equitable as possible. Mr. Sincock suggested that the County provide some households with bags as other residences get containers at no cost. Mr. Daniels emphasized that probably half of the households in Old Town could not use the 90 gallon containers and the potential of them being destroyed by snow plows. This is going to be a significant problem and was an issue that was passed on early on in the process. He added that there may be similar problems in Summit Park and in Pinebrook where there are steep streets. In many cases, there are no garages and steep stairs in Old Town and there are some senior citizens who may not be able to handle 60 gallon bags. Mr. Mertz felt that manually collecting garbage in these areas will continue to work and will approach the County about subsidizing garbage bags. It is important to use BFI bags so it can control what is being collected and to make sure people are receiving the service they are paying for. He again discussed the County subsidizing bags, and Mr. Daniels asked how they would be

distributed and who decides what gets picked up and what doesn't. Roger Harlan expressed that paying for bags would create a morale problem and felt that BFI could purchase bags for a minimal price. Mr. Mertz noted that BFI would like to use a specific color to identify their bags. Paul Sincock suggested that the fewer bags the better, and smaller containers would be preferable as there are dogs that wander and tear up garbage. Mr. Mertz explained that the bags should hold only dry waste and added that the dumpsters will remain in Swede Alley and commercial businesses will continue to haul their garbage to the bins. Dry waste can be put on the curb and BFI will pick it up manually. Hugh Daniels asked if other garbage, not placed in BFI bags, will be left for the City to collect. There was discussion about re-educating people about collection services. Mr. Mertz indicated that the County should provide residences who can't use bins, credit for bags.

Paul Sincock clarified that the policies were set by the County through an advisory board and the goal is to have the basic 90 gallons paid by the County and everything over that, paid by the user. Commercial waste will not be paid by the County and this is quite different. Landfill prices have escalated and recycling needs to be encouraged and one of the ways to do that is through *economic means*. Mr. Mertz added that the County will proceed with a pilot recycling program for one year in Silver Springs and Ranch Place for approximately 2,000 residents funded by the second container fee. Paul Sincock expressed interest for these services in Park City. There was discussion about collecting old trash containers and it was decided that people will be able to drop them off at a lot in the City. In response to a question from Council regarding billing for commercial, Mr. Mertz explained that there is a flat rate for businesses. Mr. Mertz discussed an informational flyer that will be distributed to businesses and residences. There will also be *Park Record* ads with a toll free number included. BFI has also been talking personally to businesses. Paul Sincock pointed out the promotion of recycling through the design of this program.

5. **Motorcycle Race Master Festival License application.** Frank Bell clarified an error in the staff report; the actual applicant is the Utah Motor Sports Group rather than the Park City Motorcycle Club. The applicant is requesting approval of a September 2000 event much like the event in September 1999 and this meeting is for an opportunity to discuss the event, not action. When action occurs, the Council may approve the request, deny it, continue it, provide some additional conditions of approval, or forward the application to another entity for later action. He referred to an evaluation of last year's event and noted there are several unresolved issues this year. One is whether the Park City Mountain Resort is willing to host the motor-cross in 2000 and Mr. Bell suggested that Vern Greco, Mountain Manager, testify now as he has a 6 p.m. commitment.

Vern Greco stated that due to the super-charged nature of the event, it wasn't fair to ask either staff or anybody representing the event to express the Resort's position to Council as to its willingness or ability to support the event. He indicated that he has had a number of meetings with the organizers and has provided Mr. Bell with copies of his correspondence. The Resort is willing to help support and host the event but there is a conflict in its ability to potentially host it. For the long-term, as indicated to the organizers, he has a real philosophical problem with the base of the Resort area bearing any resemblance to a motor sports track. The motor-cross inevitably leaves a fairly significant mark on the mountain and regardless of how successful the revegetation efforts are, if it were to be an annual event, there will always be a scar at the base of the ski area. He believes strongly in the visual aesthetics and the appeal of the entry of the Resort area and for that reason he has expressed to the event organizers that he is not interested in hosting the event on a long-term basis. If the event moves in 2001, this becomes a moot point.

Park City Mountain Resort would be willing to provide the parking areas available but in the summer of 2000, the base of the Eagle Race Arena and the Olympic Race Arena is scheduled for significant work in anticipation of 2002. Mr. Greco stated he can't relay the entire scope of the project right now, but at a minimum there is a significant re-contouring of the finish area of the America's Opening area which needs to meet Olympic caliber standards. In conjunction with that the timing facility is also scheduled to be constructed next year along with the telecommunications equipment, snow making improvements, additions and changes. This is a fairly aggressive and significant construction schedule to undertake next year and it is impossible for him to make a commitment that would as usurp his responsibility, preference, and priority to get the Olympic improvements completed in the race arena. He has stated to the organizers that if the event could be staged in an area that is already disturbed because of construction or in an area that is not visible from the base, and if the construction projects are sufficiently completed so as not to jeopardize the safety of activities, he would be willing to that. But there is no way he can predict that with any degree of certainty. In response to a question from Paul Sincock, Mr. Greco indicated that the Resort would have a better idea in mid-summer but there will still be uncertainties.

Paul Sincock indicated that there were negative comments about the road race, but not other elements of the event and asked what the differences are this year. The Mayor also asked for a response to Mr. Greco's comments. Jim Colburn, organizer, indicated that the motor-cross is not programmed in any set fashion and may be staged by the Resort buildings. Frank Bell pointed out the time lines and certainties of approvals. There may be uncertainties with obtaining permits from UDOT for the closure of SR224 unless the political controversy subsides. The organizers have indicated that they are operating under tight time frames and approvals need to be forthcoming by the end of the year which creates a conflict that is difficult to resolve. Mr. Colburn explained that AHRMA requested a December 1 date but an extension was obtained and next week should be plenty of time. With regard to differences, the race course will have the start/finish in front of Albertson's. They learned that they need better crowd control in the parking lot and the OEM exhibits will be staged across the street in the parking lot at Dan's. It is proposed to build a temporary bridge for pedestrian traffic across SR224. He emphasized that there weren't as many cars as anticipated last year. The fencing at Albertson's will be moved back earlier and more crossings will be designed so people can get to the in-field. They ordered too much straw last year and it is proposed to use jersey barriers this year, which will make the clean-up easier. In response to a question from the Mayor, Mr. Colburn indicated that they have tentative approval from

Snowcreek for the OEM exhibits. There will be volunteers and paid teams to assist with the fencing and hay bales.

Frank Bell referred to a letter to the City Council suggesting the formation of a citizens group. Roger Harlan stated that he would support this if the committee is balanced and there is a date certain dead line. He disclosed that he owns a motorcycle and is an officer of the Park City Motorcycle Club. Mr. Harlan suggested broad range representation including Barbara Fontaine, Art Roscoe, Mike Kessic, Don Sandborn, Dave Johnson, Christine Strachan, Val Chin, Bill Malone, and Hans Fuegi and Bill Brown as an alternate. The new Council members may reconsider their position on the event with the recommendations of a blue ribbon committee. Paul Sincock clarified that a date certain for AHRMA is to provide time to formulate a schedule and print brochures. It is evident that the road course raised concerns in the community and for that reason, it should be considered by a broader constituency. He suggested the possibility of considering approving motorcycle week without the road race which would be considered by the committee. Jim Colburn indicated that this would be the last year for the event in Park City. Paul Sincock added that the location of the motor-cross is impossible to determine at this point, and if it turns out that the motor-cross and road race can not be held, the event could be canceled on the schedule. The Mayor invited the public to speak.

Barbara Fontaine, Thaynes Canyon resident, stated that the proposal is acceptable to her and appears to be very fair. Frank Bell expressed his confusion over features of the event that would be approved next week; there was discussion about including the motor-cross in the approval as it may be held some place other than the Park City Mountain Resort. He understood that the task force would only consider the road race and another site for the road race would prompt a new MFL application process. Jim Colburn indicated that there are no other sites within the City limits. Max Miller questioned the urgency for an approval within two weeks and requested a published accounting of the event last year. Roger Harlan, Treasurer of the Club, stated that $13,800 was divided among 23 charities; the event broke even and all obligations were paid. This information was published as a full-page ad in the *Park Record* about three weeks ago. Paul Sincock responded that the timing is strictly a requirement of AHRMA which was the same condition last year. There was discussion about getting this matter back on a City Council January agenda, and flexibility for staff with regard to appointing members of the committee because of this time frame.

See regular meeting minutes.

Prepared by Janet M. Scott

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PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 9, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 9, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, and Paul Sincock. Shauna Kerr and Chuck Klingenstein were excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Lori Collett, Finance Manager; and Jerry Gibbs, Public Works.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda.

Outdoor music - Melanie Rief, also representing Ron Whaley at 819 Park Avenue, stated that she received a call from staff regarding the outdoor music issue. She understood that Mr. Barton presented a petition supporting outdoor music but no matter how many signatures it contains, it has absolutely effect on their property rights. Neither she or Mr. Whaley intend to prolong this issue any longer. She is aware that a committee is being formed to discuss the outdoor music issue and she has been asked to sit on that committee. Ms. Rief stated that she and Mr. Whaley provided the City and business owners more than adequate opportunity to resolve this issue. When Mr. Whaley requested that neighboring property owners turn down the music, he was told that there was a business to run and he shouldn't have moved here. They have no intention of acquiescing to anything other than complete abatement of this issue, and if anyone is still unclear about their position, there is no middle ground. They do not intend to put up with this issue for another day and do not intend to stand idly by while a nuisance created by private enterprise prevails over their property rights.

Taxi business licensing - Gordon Cummings, business owner, relayed that the Chief of Police stated that he can't enforce the ordinance and asked why he should pay fees for something that is not going to be enforced. Salt Lake City has dropped charging hired vehicles. He reiterated that he doesn't want to pay fees and that unlicensed shuttles are not cited. He understands that it is difficult to enforce. There are only two companies in Park City with an office. The City didn't collect from everyone last year, and why should he pay? There was a debriefing meeting with taxi companies but nothing significantly resulted. He is concerned that if he doesn't pay his license fees, the City will know where to find him, while others can not be found. The ordinance should be put on hold until the City can come up with a practical way to enforce it.

Mark Harrington explained that after the meeting with the taxi operators, an amendment was drafted which was anticipated to bring to the Council sometime in January. He acknowledged there are some difficulties with enforcement and there is additional political pressure from the state legislature on properly licensed vehicles and other municipalities not needing a license in Park City. All these things have been considered as staff has struggled to redraft the ordinance with enforcement on a complaint basis. Lori Collett, Finance Manager, explained the complaint process. The Mayor recommended that this item be discussed at next week's work session, and that the Finance Manager meet with Mr. Cummings during the week.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Public Works update - Jerry Gibbs reported on the repairs needed for the trolley and staff is suggesting that it be converted to diesel to significantly cut down on monthly maintenance costs and down time. The conversion will cost $18,000 and will be funded from the Transportation Fund. It is hoped that the trolley will be back in operation by Christmas and interim arrangements were discussed.

IV WORK SESSION NOTES AND MINUTES OF THE MEETINGS OF NOVEMBER 4, 1999 AND SPECIAL MEETING MINUTES OF NOVEMBER 5, 1999

Roger Harlan made a couple of minor corrections. Hugh Daniels disclosed that he attended the November 4 work session but was excused from the regular meetings of November 4 and 5, 1999, "I move that we continue this item because there is not a quorum to approve them. Paul Sincock seconded. Motion carried.

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

V PUBLIC HEARING

An Ordinance approving a record of survey plat for the Portico Condominiums at 670 Deer Valley Loop, Park City, Utah - See staff report. With no comments from the City Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Paul Sincock, "I move that we move Item 2 to New Business". Roger Harlan seconded. Motion carried. The Mayor requested a motion to approve the remaining three items. Paul Sincock, "I move approval. Hugh Daniels seconded. Motion carried.

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

1. An Ordinance approving a record of survey plat for the Portico Condominiums at 670 Deer Valley Loop, Park City, Utah - See staff report.

2. Resolution adopting revised Racquet Club fees and repealing and replacing Resolution No. 4-98 inits entirety for Leisure Services including Racquet Club, Golf, Library, Cemetery, Parks and City Facilities for Park City, Utah - See New Business.

3. Ordinance amending Section 2-4-17 Parks, Recreation, and Beautification Advisory Board created, of the Park City Municipal Code of Park City, Utah - See staff report.

4. Acceptance of audit report - See work session comments and staff report.

VII OLD BUSINESS

Appeal of Planning Commission denial on September 22, 1999 of the Master Planned Development application for a professional office building located on the east side of Bonanza Drive between upper and lower Iron Horse Loop - Hugh Daniels disclosed that he was not in attendance at the meeting of November 4 for discussion on this item, and although he has read through the minutes and participated in the site visit, is not comfortable making a decision on it tonight. He would hate to put the applicant at risk of a denial because he didn't attend prior meetings and two Council members are absent tonight. The Mayor apologized to the applicant for the delay, and requested a motion to continue to the meeting of December 16, 1999. Roger Harlan, "I so move". Hugh Daniels seconded. Motion carried.

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

VIII NEW BUSINESS

1. Citizen request for a Temporary Zoning Ordinance for telecommunication facilities - See work session comments. Mark Harrington pointed out a minor revision to the ordinance and suggested that public input be taken.

Glen Nelson, representing U S West Wireless, complimented staff on selecting appropriate sites and urged Council to consider less conditional uses and more permitted uses which is the trend in most jurisdictions. Accepted permitted uses can be identified and the staff has the background to define these, eliminating review time expended by public officials.

Kevin Damon, President of the Aerie Home Owners Association, referred to Mr. Harlan's comments during work session regarding noticing. It is their concern that there may have been an administrative decision made on the proposal by Sprint PCS on the top of Aerie Hill. It is their belief an approval would have been in conflict with the Sensitive Land Ordinance and the Land Management Code. He continued that it would have occurred without public notice, public accountability, and a clear appeal process. The TZO, as proposed, addresses all of their issues and they are pleased with the quick action of the City staff and the City Council in considering this matter. Mr. Damon understands that Sprint has withdrawn its application and hopes that they will be successful in finding another site.

Scott King, attorney for Sprint PCS, stated that he have withdrawn the application for Aerie Hill. He was unaware of the Sensitive Lands Ordinance prior to the submitting an application. He also complimented the staff and stated that they don't see a need for changing the ordinance at this point. The bad choice on Aerie Hill should not precipitate a change, when the process has actually worked quite well.

Jeffrey Salberg, attorney represented the Home Owners and other citizens, pointed out the interest of the public in the location of telecommunication sites and once a parcel is approved, it becomes a preferred area for other carriers. A proliferation of towers is an important consideration, and he recommended approval of the TZO in order to provide staff an opportunity to streamline a permanent ordinance.

Roger Harlan stated that he appreciated Mr. King's comments, but one failure could be tragic and this proposal ensures sites that work for the provider and the community. Hugh Daniels added that it is temporary and provides an opportunity to look at the existing ordinance. It could be that not all applications need to be conditional uses, but that needs to be decided by the community and the Planning Commission. Hugh Daniels, "I move adoption of the temporary zoning regulations for telecommunications facilities by amending Section 8.3 of the Land Management Code". Roger Harlan seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye

Shauna Kerr	Absent
Chuck Klingenstein	Absent
Paul Sincock	Aye

2. Staff request for a Temporary Special Event Ordinance for Millennium Celebrations - See staff report and work session notes. Hearing no comments from the Council or the public, the Mayor requested a motion to approve the ordinance as proposed. Paul Sincock, "I so move". Hugh Daniels seconded. Motion carried.

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

3. Authorization for an additional $200,000 for the well drilling project - See staff report and work session notes. Roger Harlan, "I move authorization for an additional $200,000 for the well drilling project in Hidden Meadows". Paul Sincock seconded.

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

4. Resolution adopting revised Racquet Club fees and repealing and replacing Resolution No. 4-98 in its entirety for Leisure Services including Racquet Club, Golf, Library, Cemetery, Parks and City Facilities for Park City, Utah - This item was moved from the Consent Agenda at the request of Paul Sincock. He suggested that the policy be re-examined as adult programs are not subsidized by the public, which escalates user fees. He feared that up to 30% of residents will not be able to afford recreation at the community facility; the Racquet Club may be competitive with private but not with public facilities. He is willing to accept staff's recommendation, but this is an increasingly difficult problem. Roger Harlan pointed out the broad representation on the Parks and Recreation Board and this proposal did not raise any *red flags*. The Mayor emphasized that this is a decision that the new City Council needs to make as a whole, and Hugh Daniels added that this needs to be done in context with the review of the budget document, which identifies recreation as an enterprise fund. What is before Council tonight, is a proposal that meets the policy adopted by the Council and this needs to be supported. The future of the Snyderville Basin Special Recreation District may also prompt impacts which are unknown now. Hugh Daniels, "I move we approve the revised fee schedule as presented". Roger Harlan seconded. Motion carried.

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

IX 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 Brad Olch, Hugh Daniels, Roger Harlan, and Paul Sincock. Shauna Kerr and Chuck Klingenstein were excused Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; and Myles Rademan. Bob Richer of COSAC was also in attendance for the property discussion. Roger Harlan,"<u>I move to close the meeting to discuss personnel and property acquisition</u>". Paul Sincock seconded. <u>Motion carried</u>.

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

The meeting opened at approximately 3:45 p.m.

STATE OF UTAH)
ss.
COUNTY OF SUMMIT)

CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH

As presiding officer of the City Council of Park City, Utah, I hereby certify that the closed session meeting held by the City Council on December 9, 1999, was held pursuant to Section 52-4-5(1)(a)(I) to discuss the character, professional competence, or physical or mental health of an individual.

DATED this 21 day of January 2000.

Mayor Bradley A. Olch

Subscribed and sworn before me this 21 day of January 2000.

Janet M. Scott, Notary Public

* * * * * * * *

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

COUNCIL AGENDA REPORT

DATE: December 9, 1999
DEPARTMENT: Leisure Services
AUTHOR: Youth Advisory Council
TITLE: Youth Program Money Allocation
TYPE OF ITEM: Grant Disbursement

SUMMARY RECOMMENDATION: Recommend funds being allocated for various youth programs as recommended by the Park City Youth Advisory Council, Parks, Recreation and Beautification Advisory Board and City Council Grants Subcommittee.

DESCRIPTION:

A. Topic: Grant Disbursement

B. Background: The Youth Advisory Council (YAC), subcommittee of the Parks, Recreation, and Beautification Board, was called to action in September 1999, to distribute and review applications for fiscal year 1999 City grant funding of youth programs. Applications were made available throughout the City in July and August 1999, with a deadline for submission of September 30, 1999.

The YAC convened to review the grant applications based on City Council's grant policy and criteria, particularly in regard to the Council's intention that grants be used for "*specific services rendered, special projects, or organizational 'seed' money*," and not for ongoing funding of programs.

Four applications were received during this application period. After carefully considering each application, the YAC's recommendations for FY 2000 youth grant funding are outlined in the following attachments:

Attachment 1. Summary of applicants' requests for funding, age groups served, dates of activity, and YAC recommendations for funding.

Attachment 2. More detailed description of each applicant's request and the YAC's rationale behind funding recommendations.

At the PRBB September 15, 1999, meeting, Lani Furr reviewed the process this committee went through in ranking the applications. She briefly reviewed each request with the Board. General discussion followed. The Board discussed ideas for making recipients of grants greater than $500 accountable for how they spend the money. Chairman Hull asked the YAC to develop the program further and report on their progress at later meetings. The Board recommended that the YAC requests are forwarded to City Council with a positive recommendation from the PRBB.

On November 30, 1999, the City Council grants subcommittee consisting of Roger Harlan and Hugh Daniels and staff representative Tom Bakaly met with Denise Payne and YAC representative Lani Furr, to discuss YAC's recommendations. The grants' subcommittee voiced general support of YAC's recommendations. The subcommittee did raise an issue concerning unspent grant balances and whether the skateboard park grant would actually be spent in the future. There is a remaining balance of $5,500 in the skateboard account. It appears as though YAC has envisioned using this balance as a youth grant contingency fund for future projects. Use of these funds would require Council approval if the grant request exceeded $500. YAC is soliciting additional grant requests as of January 1, 2000.

STAFF: Leisure Services staff has also examined those requests regarding staff and budget impacts. At this time there were no impacts on city staff or budget. Other than the grant amount, the office of Capital Management and Budget has also reviewed this report.

RECOMMENDATION: Grant money request per list provided. A summary from YAC as follows:

A .chment 1 -- Summary of Funding Request Appli .ions for FY 2000 Youth Grants

APPLICANT	TOTAL # SERVED	AGE GROUP SERVED	DATES OF ACTIVITY/ PROGRAM	$ AMOUNT REQUESTED	PREVIOUS CITY FUNDING RECEIVED? IF SO, YEAR/S? AMOUNT/S?	YAC RECOMMENDATION FOR FUNDING FOR FY 2000
Park City Museum	5-20	15-18	school year 99-00	$950	No	$950
National Ability Center	60	9-18	year round	$5,000	Yes '97-$3000 '98-$3,000 '99-$3,500	$2,500
Park City Chamber Bureau	hundreds	7-19	12-31-99	$5,000	No	$3,200
Easter Seals Utah Mountain Mentors	60	6-11	year-round	$3,500	Yes '99-$500	$3,500
TOTAL						$10,150

Attachment 2 -- Description of Applicants and Recommendations for FY 2000 Youth Grant Funding

1. Park City Museum

Applicant Request: $950 for purchase of digital camera, computer software and printer for photographic project of historic Park City for PCHS students.

YAC Recommendation: Fund $950 for start-up equipment as requested. YAC feels that this is a worthwhile educational project for high school students that will continue.

2. National Ability Center

Applicant Request: $5,000 for various costs (administration, facility expenses, maintenance, equipment, etc.) To fund year-round programs for reaching a new at-risk kids including disabled kids. Programs to include alpine skiing, horseback riding, cycling, water sports and "ropes" program.

YAC Recommendation: Fund $2,500 to cover equipment costs, transportation and printed materials. YAC feels that administration costs do not meet our criteria. YAC feels that administration costs do not meet grant criteria and grant money will not be used for administrative costs.

3. Park City Chamber Bureau

Applicant Request:	$3,200 to fund a child's program in conjunction with the Park City Community Millennium Celebration. Potential activities to include a parade, crafts, entertainment, etc.
YAC Recommendation:	YAC feels that it is impossible to predict the numbers of Park City youth who will actually participate in the New Year's celebration. Some of the activities, including participation in school before the holiday, may include Park City young people in the target age group of 11-18, but on a high tourist holiday, that will be difficult to assess. The spectrum of children participating in the schools at all levels is acceptable. Specific plans for expenditures remain vague, yet the YAC feels support for this Chamber-sponsored event is appropriate, since there are no other public plans for the millennium.

4. Easter Seals Utah Mountain Mentors

Applicant Request:	$3,500 to fund swimming lessons and other activity fees for at-risk kids, volunteer training and recruitment.
YAC Recommendation:	Fund $3,500 as requested. YAC feels that these start-up funds for at-risk kids at the elementary level will help provide healthy recreational activities, helping them develop into responsible teenagers.

The total amount of youth grant funds currently available for FY 2000 is:	**$60,399.00**
The total amount of grant funding currently recommended by the YAC:	**-$10,150.00**
This leaves a balance of:	**$50,249.00**

PARK CITY
1884

DATE: December 9, 1999
DEPARTMENT: Olympics and Special Events
AUTHOR: Frank Bell/Melissa Caffey
TITLE: Event Approval - Park City Motorcycle Week, September, 2000.
TYPE OF ITEM: Discussion/Legislative

SUMMARY RECOMMENDATIONS: The Council should discuss this application in work session on December 9, 1999, and reserve action until a later date.

DESCRIPTION: The Park City Motorcycle Club has applied for a Master Festival License for Motorcycle Week, first held in 1999, encompassing September 14 - 17, 2000. The event is hosted by the Park City Motorcycle Club on behalf of the American Historic Motorcycle Racing Association. The 1999 Master Festival License for this event was approved by City Council after several public information sessions and a formal public hearing. The event and racing schedule proposed for September, 2000 is substantially the same as that of 1999. An evaluation of the 1999 event has been provided to the Council.

Because this event requires lengthy street closures, creates significant impacts on municipal services, and has been controversial, staff feels that a work session discussion in advance of any approval is desirable. While there are a number of logistical and operational items have been identified and the sponsors have agreed to address our concerns as the event takes shape next spring and summer. As with our other major events, approval to hold the event often comes before logistical problems are completely resolved. The sponsors need to know soon whether or not the City is willing to host the event so they can seek out another community if their bid fails and have requested that the City Council act on the request at the December 16 meeting. In any event, the City always reserves the right to withhold services or cancel the license if critical issues are not resolved in a timely fashion.

This is a large and complex event that creates a number of public and neighborhood impacts, both actual and philosophical, that are difficult to resolve. Of greatest concern is the road race scheduled for Saturday, September 16, 2000. It requires lengthy street closures around the Park City Golf Course (including closure of the course itself for which the city is reimbursed), and closure of SR 224 from Thaynes Canyon Drive to Deer Valley Drive. It should be noted that the closure of SR 224 requires a separate permit from UDOT which is **not** a part of this approval application.

There are unquestionable impacts on residents and businesses around the race course, and in response a citizen's group has been formed to argue for additional study before the 2000 license is approved. Their letter is attached to this report.

Of additional concern is the participation of the Park City Mountain Resort. In 1999, the resort hosted the paddock (pit) area for the races in the north parking lots, and the motocross and trail event on the mountain. Due to construction at the resort, and preparations for the 2002 Winter Olympics, the resort is only able to host the event one more year. Further, the resort has concerns about environmental impacts of the races on the mountain, and is reluctant to host the field races again. As of this writing, that issue has not been resolved. According to the sponsors, there are no other suitable or useable venues for the racing and paddock area inside the city.

<u>ALTERNATIVES</u>: This item is slated for discussion only on December 9th. Despite certain benefits to some local businesses in the otherwise relatively slow month of September, and considerable potential to become a very successful event, its impacts have created considerable controversy. In addition to the formation of a adversarial citizen's group, the event has generated considerable media attention and editorial opinion, and was an issue in the recent City Council election. In short, action on any of the alternatives may cause additional controversy, political fallout, or otherwise fall short of resolving critical issues.

A. <u>Approve the Request</u>: Should the council approve the request for Master Festival License, the event would look much the same as it did in 1999, assuming logistical issues are resolved satisfactorily.

B. <u>Deny the Request:</u> Council could elect to deny the request. The event would then be forced to either relocate, or could perhaps make changes to reduce impacts and reapply.

C. <u>Continue the Item</u>: The time frames for approval are being driven by the event. Any urgency for approval stems from the needs of the event organizers rather than from the standpoint of public policy, other approvals or permits, or the provision of public services. The Council could choose to continue the matter for further study.

D. <u>Provide Conditional Approvals:</u> Certain aspects of this event cause few public impacts and may in fact create economic and entertainment benefits and opportunities for the community. The road race is by far the most controversial aspect. Council could choose to approve the event piecemeal, approve the event without the road race, or any combination of strategies aimed at reducing controversy and neighborhood problems without banning the event entirely.

E. <u>Forward the Application to the New Council:</u> The new council will be responsible for the conduct of this event, yet has no formal say in its approval or conditions thereof. Forwarding the application sends the message that the current council is willing to let the new council determine the future of this event. Such an action could have the same effect as a denial if AHMRA concludes that such a delay can not be accommodated.

F. <u>Do Nothing</u>: While no immediate action is required, the City Council should eventually act on the pending application.

To: The Park city Council

From: Citizens Against Neighborhood Motorcycling

Subject: Proposed AHRMA Motorcycle Race for the year 2000

The recent decision by the City Council to appoint a Citizens' Advisory Committee (or Task Force) to study and make recommendations on the issue of music noise on Main Street seems to be an excellent precedent for helping to resolve thorny issues in Park City.

We therefore suggest that the City Council give serious consideration to adopting the same position with regards to the proposed motorcycle race for 2000.

During the recent City Council campaign, many concerns regarding the race were raised by residents of the Thaynes Canyon area. Citizens all over town also expressed anger and frustration concerning the event.

This would seem to warrant a closer look by the City Council prior to a vote on the proposed 2000 race. Issues raised and to be addressed should include:

1) Public health and safety
2) Residential and business access
3) Impact of traffic rerouting

We therefore request the City Council appoint a broad-based group of residents, merchants, event supporters and organizers, and city staff to study and make recommendations on the conduct of the race event. Imposition of a tight deadline for completion of the Task Force's report would insure that event organizers would not be left hanging for too long.

An approach such as this would hopefully defuse much of the anger and divisiveness in our city that surrounds this event. It s goal would be to promote the start of reconciliation by proceeding with a democratic and concensus approach.

Thank you for considering our proposal for citizen involvement.

Respectfully submitted,

Citizens Against Neighborhood Motorcycling

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**November 30, 1999 (December 9, 1999 meeting)**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Kirsten A. Whetstone, AICP**
TITLE:	**670 Deer Valley Loop, Portico Condominiums Final Record of Survey Plat**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Approve with conditions.

DESCRIPTION:

A. Topic

PROJECT STATISTICS:

Applicant:	Regina Durazzo, Portico Development Corp.
Location:	670 Deer Valley Loop
Zoning:	RM, Medium Density Residential
Adjacent Land Uses:	Condominiums, single family residential
Date of Application:	September 9, 1999
Project Planner:	Kirsten A. Whetstone

B. Background

On November 20, 1996 the Planning Commission approved a Conditional Use Permit (CUP) for the 19 townhouse proposal, known as the Portico Condominium CUP. Located at 670 Deer Valley Loop (Exhibit B), the townhouses and associated road and utility improvements are currently under construction. On September 9, 1999 the applicant submitted this request for a final condominium record of survey plat for the 19 townhouses to change the form of ownership to condominiums. (Exhibit A). A final record of survey must be recorded with the County in order for the current owner to sell ownership interests in this building to other parties.

On November 10, 1999 the Planning Commission held a public hearing on this item and voted to forward a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as stated in this staff report.

C. Analysis

The condominium record of survey plat will allow individual units within the townhouse project to be sold separately. Staff has no outstanding concerns about the request. No changes to the structure as approved are proposed by the applicant.

D. Department Review

This project has gone through an interdepartmental review. At such time as a final record of survey plat is required, the City Engineer and City Attorney will review the plat and CC&R's as to form and compliance with the Land Management Code prior to recording.

E. Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

F. Public Input

Staff has not received any public comment on this proposal. On November 10, 1999 the Planning Commission held a public hearing on this request. No public comment was presented.

ALTERNATIVES

A. City Council may approve the final record of survey plat with the conditions stated, or modify the conditions, or

B. City Council may deny the request and direct staff to prepare findings supporting this determination, or

C. City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

The proposal results in a record of survey plat that allows individual ownership of each unit. Approval of this application will not result in any significant impacts. No external or internal changes to the structure are proposed.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

If the City Council denies the condominium conversion, the property will remain under single ownership.

RECOMMENDATION

Staff recommends the City Council approve the final record of survey plat for the Portico Condominiums, based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The property is located in the RM, Medium Density Residential, zoning district.
2. The proposed plat changes the type of ownership of this property to condominium ownership.
3. On November 20, 1996 the Planning Commission approved a Conditional Use Permit for the Portico Condominiums.
4. The proposal is consistent with both the Land Management Code and the General Plan in that the RM zone allows multi-unit townhouses with a Conditional Use Permit.
5. On November 10, 1999 the Planning Commission held a public hearing on this item. No public input was presented at that time.

Conclusions of Law:

1. There is good cause for this record of survey plat as the units can be sold separately.
2. The plat is consistent with the Park City Land Management Code and applicable State law regarding record of survey plats.
3. Neither the public nor any person will be materially injured by the proposed record of survey plat.
4. Approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All standard project conditions will apply.
3. The applicant will record the final record of survey plat at the County within one year from the date of City Council approval. If recording has not occurred within the one year's time, this approval and the plat will be void.
4. All conditions from the November 20, 1996 Planning Commission approval for the Portico Condominium CUP continue to apply.
5. A financial guarantee for the value of all public improvements and landscaping to be completed shall be provided to the City prior to plat recording. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

EXHIBITS

Exhibit A - Record of survey plat
Exhibit B - Location Map

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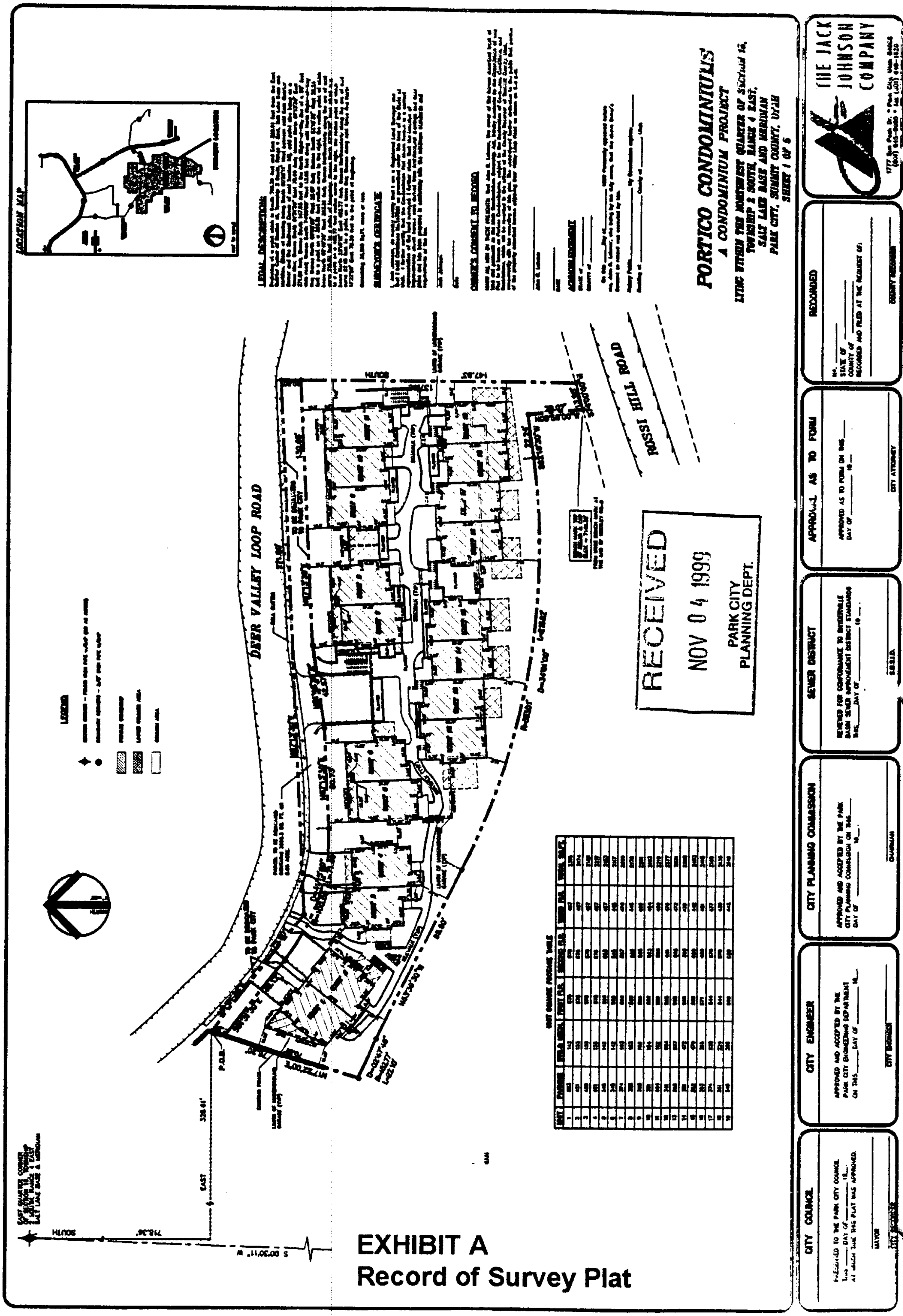
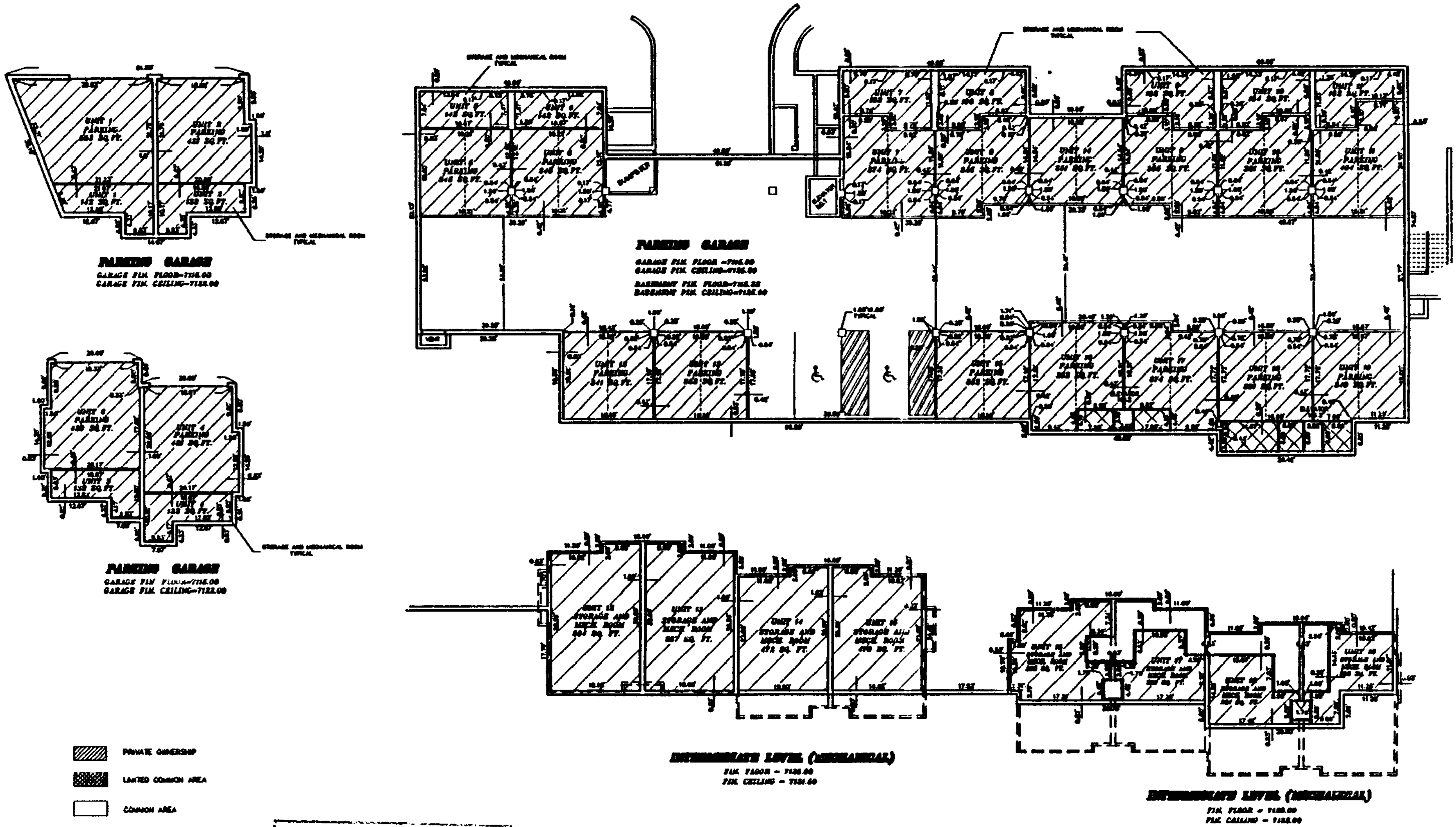


EXHIBIT A
Record of Survey Plat

27

SCALE: 1"=10'



PORTICO CONDOMINIUMS

A CONDOMINIUM PROJECT

LYING WITHIN THE NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 2 OF 6

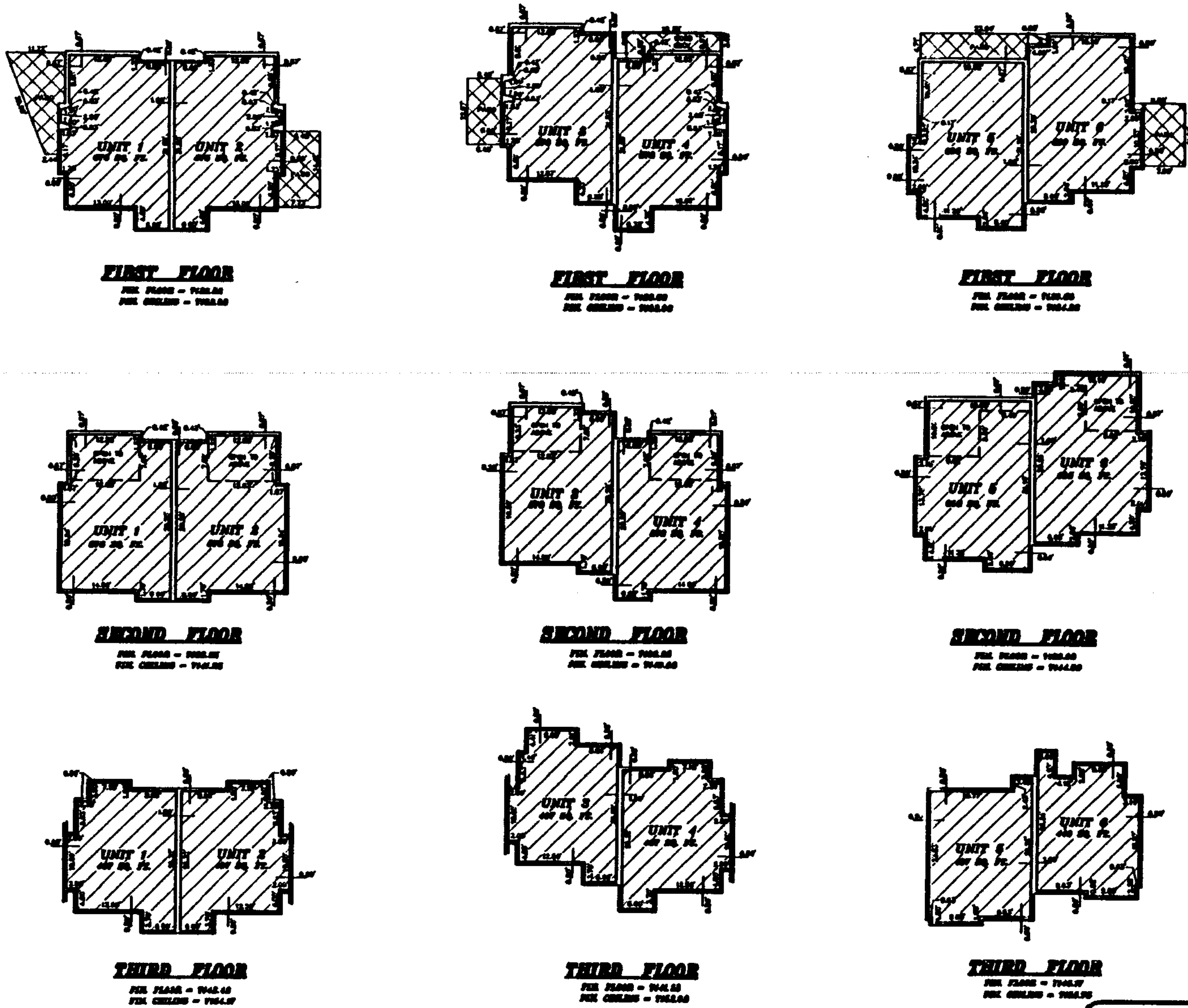
RECORDED

No. ________
STATE OF ________
COUNTY OF ________
RECORDED AND FILED AT THE REQUEST OF: ________

________ COUNTY RECORDER

THE JACK JOHNSON COMPANY
1777 Sun Peak Dr. • Park City, Utah 84098
(801) 645-9000 • fax (801) 649-1620

28



SCALE: 1" = 10'

- PRIVATE OWNERSHIP
- LIMITED COMMON AREA
- COMMON AREA

NOTE:
FIN. CEILING ELEVATIONS ON THIRD FLOOR ARE TO TOP OF CEILING RIDGE SUPPORT BEAM.

PORTICO CONDOMINIUMS
A CONDOMINIUM PROJECT

LYING WITHIN THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 3 OF 5

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PARK CITY
PLANNING DEPT.

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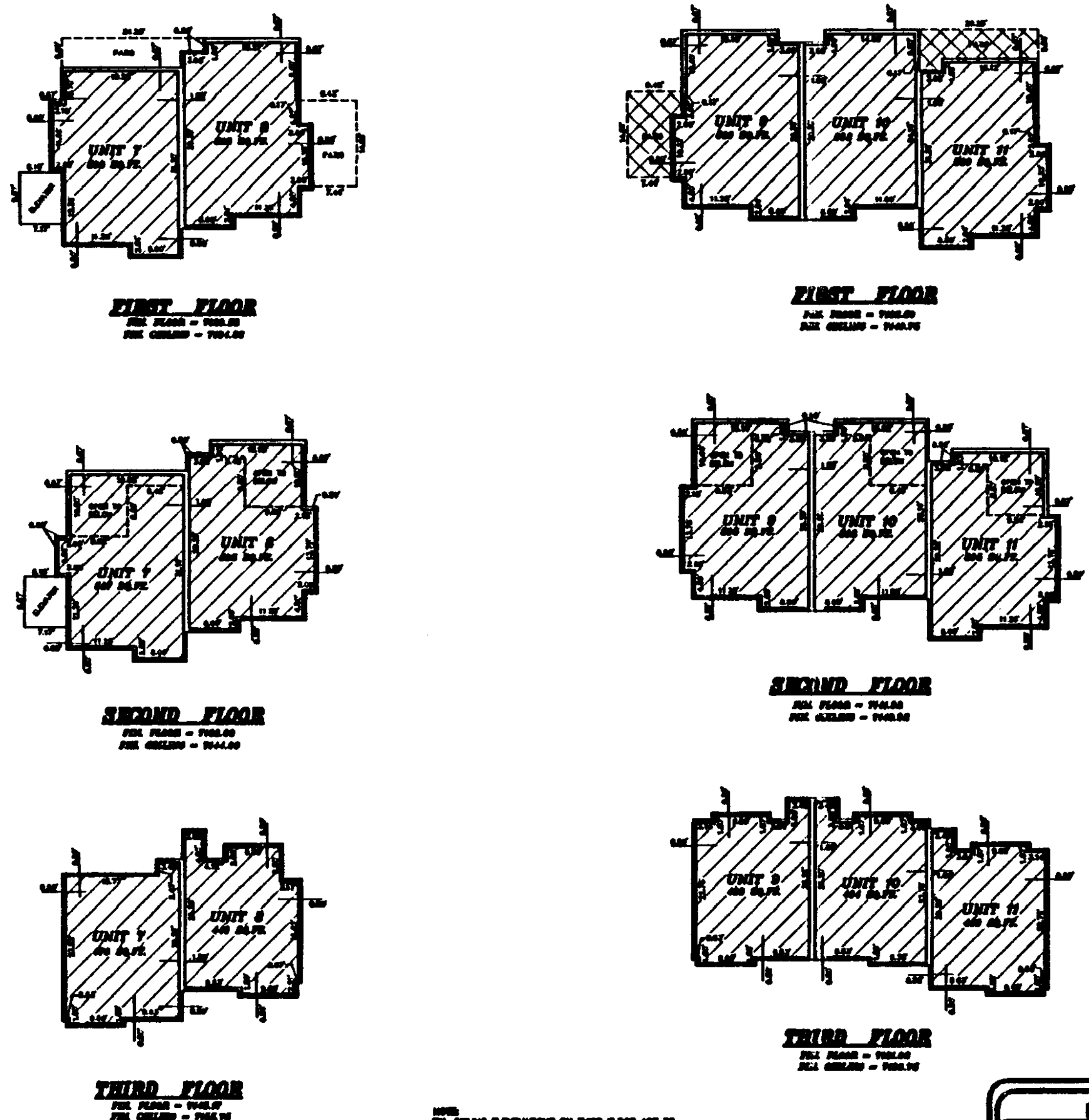
THE JACK JOHNSON COMPANY



NOTE:
FIN. CEILING ELEVATIONS ON THIRD FLOOR ARE TO TOP OF CEILING RIDGE SUPPORT BEAM

SCALE: 1" = 10'

- PRIVATE OWNERSHIP
- LIMITED COMMON AREA
- COMMON AREA

PORTICO CONDOMINIUMS

A CONDOMINIUM PROJECT

LYING WITHIN THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 4 OF 5

RECORDED

N°
STATE OF
COUNTY OF
RECORDED AND FILED AT THE REQUEST OF:

COUNTY RECORDER

THE JACK JOHNSON COMPANY

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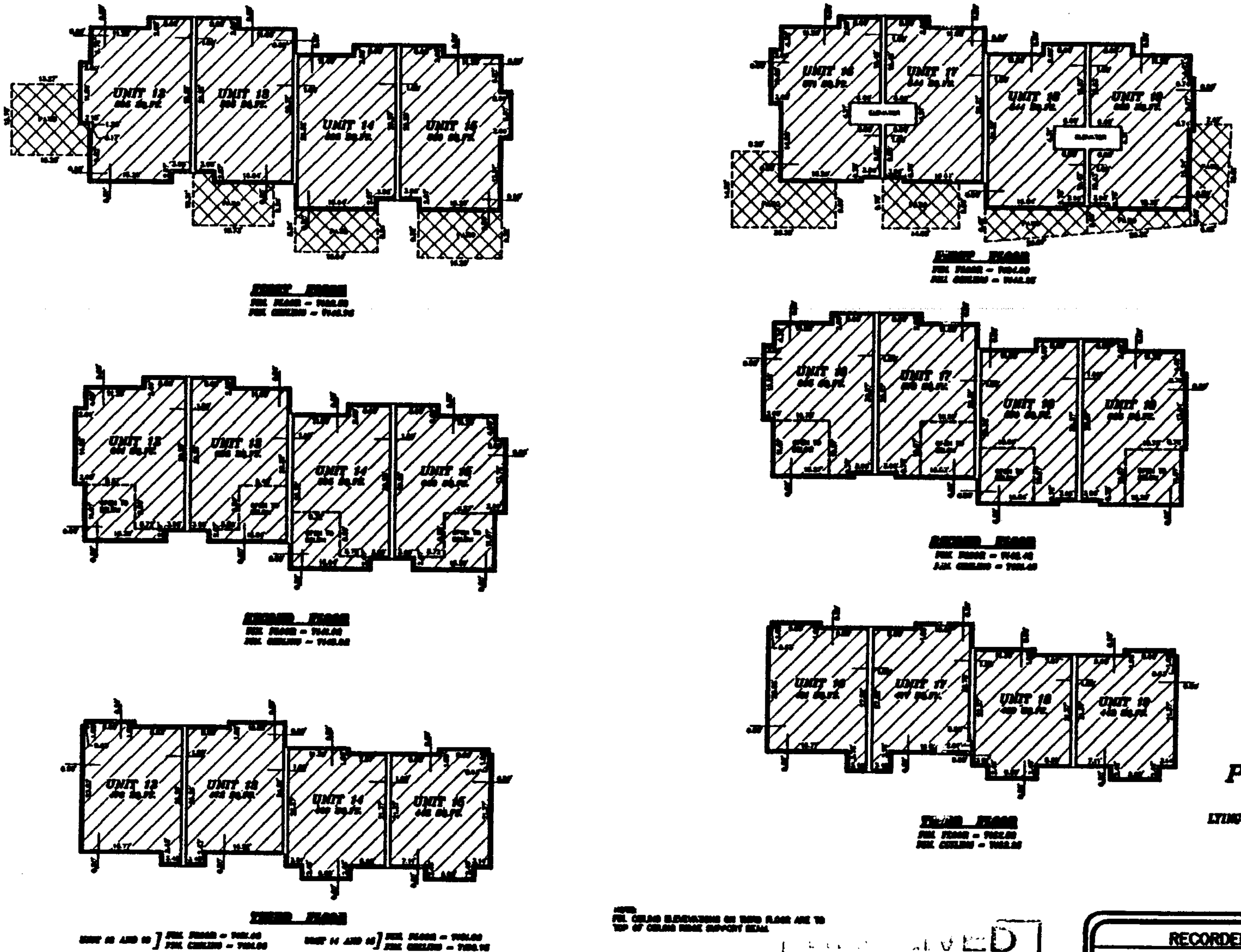
PARK CITY
PLANNING DEPT.



SCALE: 1" = 10'

PRIVATE OWNERSHIP

LIMITED COMMON AREA

COMMON AREA

PORTICO CONDOMINIUMS

A CONDOMINIUM PROJECT

LYING WITHIN THE NORTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SHEET 5 OF 5

NOV 0 4 1999
PARK CITY
PLANNING DEPT.

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N°. ____
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COUNTY OF ____
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COUNTY RECORDER

THE JACK JOHNSON COMPANY

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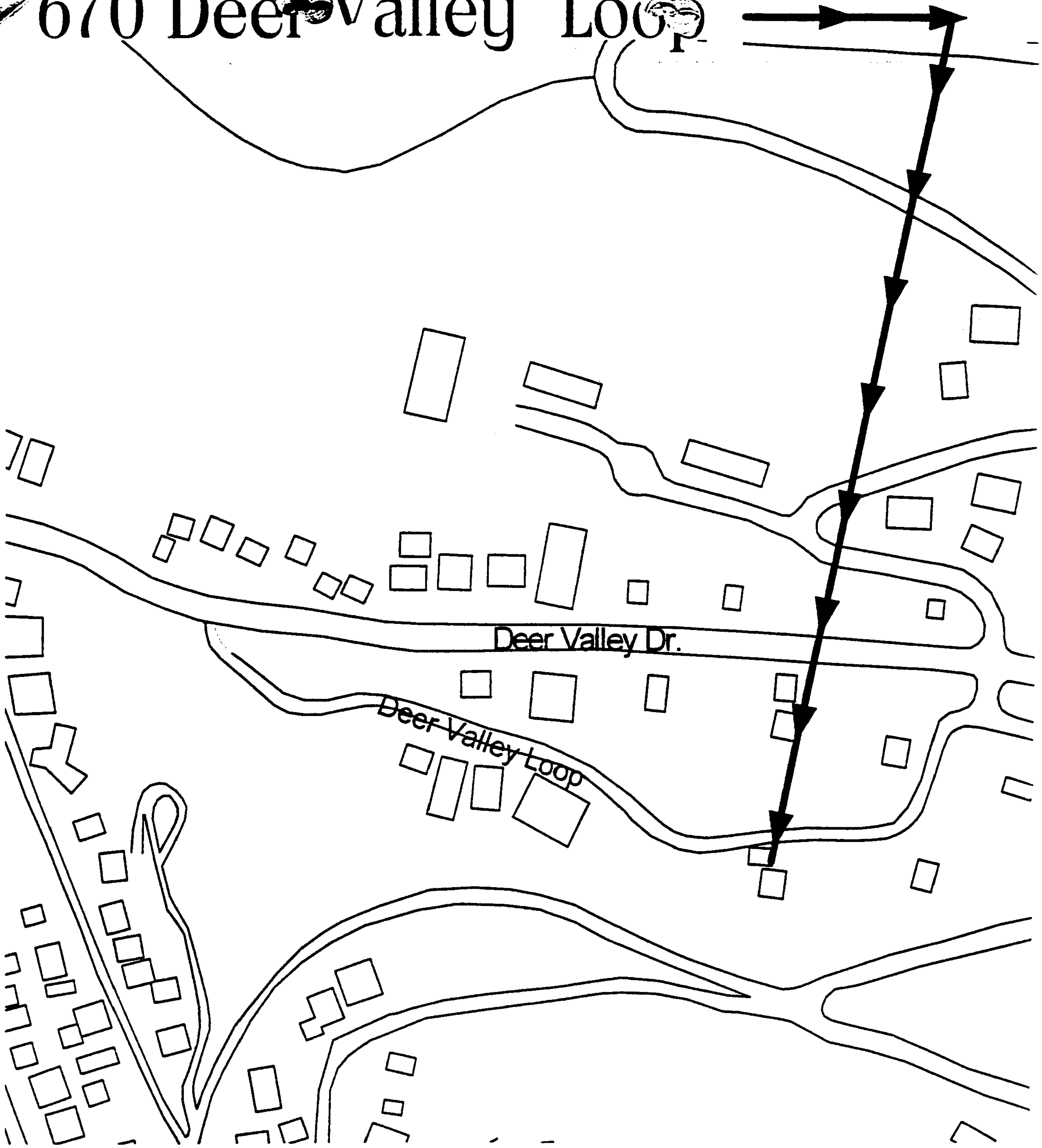
670 Deer Valley Loop



PARK CITY 1884

EXHIBIT B
Vicinity Map

Ordinance No. 99-

AN ORDINANCE APPROVING A RECORD OF SURVEY PLAT FOR THE PORTICO CONDOMINIUMS AT 670 DEER VALLEY LOOP, PARK CITY, UTAH

WHEREAS, the owners, Regina Durazzo and Portico Development Corp, of the property at 670 Deer Valley Loop, Park City, Utah, known as the Portico Condominiums, have petitioned the City Council for approval of a record of survey plat; and

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

WHEREAS, on November 10, 1999 the Planning Commission held a public hearing to receive public input on the proposed record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on December 9, 1999 the City Council reviewed the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat;

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

SECTION 1. FINDINGS OF FACT.

1. The property is located in the RM, Medium Density Residential, zoning district.
2. The proposed plat changes the type of ownership of this property to condominium ownership.
3. On November 20, 1996 the Planning Commission approved a Conditional Use Permit for the Portico Condominiums.
4. The proposal is consistent with both the Land Management Code and the General Plan in that the RM zone allows multi-unit townhouses and condominiums with a Conditional Use Permit.
5. On November 10, 1999 the Planning Commission held a public hearing on this item. No public input was presented at that time.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned record of survey and that neither the public nor any person will be materially injured by the proposed plat. The plat is consistent with the Park City record of survey plats. The plat is consistent with the November 20, 1996 Planning Commission approval of the Portico CUP.

SECTION 3. PLAT APPROVAL. The record of survey plat, known as the Portico Condominiums plat, at 670 Deer Valley Loop, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All standard project conditions will apply.
3. The applicant will record the final record of survey plat at the County within one year from the date of City Council approval. If recording has not occurred within the one year's time, this approval and the plat will be void.
4. All conditions from the November 20, 1996 Planning Commission approval for the Portico Condominium CUP continue to apply.
5. A financial guarantee for the value of all public improvements and landscaping to be completed shall be provided to the City prior to plat recording. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

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

PASSED AND ADOPTED this 9 th day of December, 1999.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, Deputy City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

PARK CITY 1884

Council Agenda Report

DATE: **December 3, 1999**
DEPARTMENT: Recreation Services
AUTHOR: **Kathy Kelly, Recreation Services**
TITLE: **Resolution No. 4-98 Amendments**
TYPE OF ITEM: Fees

SUMMARY RECOMMENDATIONS:

Approve the Resolution adopting revised Racquet Club fees.

DESCRIPTION:

A. Topic:

New drop-in fees and monthly passes are proposed for the Racquet Club.

B. Background:

In May 1999, City Council approved several changes in the Racquet Club pricing policies:

1. Introduce passes at the Racquet Club.
2. Experiment with corporate memberships for local employer groups.
3. Reduce the pricing differential between Regular and Resident rates.

These changes will be implemented on February 1, 2000 when our new software will be on-line and capable of administering the passes.

Details of the new pricing can be found in redline format in the attached resolution.

C. Analysis:

Factors

In setting the monthly fees, we took many factors into account: how many times our average customer works out, what other facilities charge, how our equipment and classes compare to other facilities, what our market segment is.

One of the goals is to move to a pricing differential between activities which have an instructor, like aerobics, and those that are purely drop-in, like noon basketball. A second goal is to move to a system which is easier and faster for the customer and for front desk staff. These goals conflict somewhat because two tiers of pricing is more complicated. We decided to have a two tier rate for daily fees: one rate for facility use, a higher rate for classes. A monthly pass would include all facility use (except for tennis) and all classes. This should make the pass attractive and help us move more customers in that direction.

The punch cards at most facilities are sold at a slight discount from the drop-in rate. They have intrinsic value not only in the discount but in not having an expiration date. As another goal is to move our regular customers to monthly passes, we decided to offer only a 10 punch pass, and not offer a 20 punch once the passes are available.

We tried various combinations of the monthly pass with tennis services. At this stage, it became too complicated. For example, tennis court rates and discount programs are run on a seasonal basis, not a monthly or quarterly time frame. So tennis rates will continue to be separate from the rest of the pricing structure in the first phase. During the next year, we hope to design a pass which would include tennis.

We are currently not attracting many customers from the greater Basin area. As our pricing has risen over the years, the current formula of the Regular rate set at two times the Resident rate has made us uncompetitive. If we find that we are bringing in too many Basin customers, the rate can be readjusted. While the differential for the punch cards and monthly passes will be dropped, the drop-in Regular rate will remain higher. This rate is largely paid by out of town customers who find all our rates reasonable.

Instructors have told us that they estimate the frequent customers use the facility about 9 times per month. The effect on a current aerobics customer would be to move from an estimated monthly expense of $30 to $45. Fitness Center users would move from $35 to $45. To help with the transition, the discounted introduction price for the first couple of months would be $40. Thereafter, we will offer various perks to be received when a customer buys a pass: i.e., free body composition analysis, a free water bottle or tee shirt, etc. There are significant savings in the 6 month and 12 month passes. There is also increased value with the monthly pass as the number of class offerings have increased lately with the addition of Pilates, advanced Yoga, and more circuit training classes.

The effect on total revenues is somewhat difficult to project, as we'll be introducing several pricing changes at the same time. Overall, we would expect revenue from drop-in activities and classes to be increase about 15% during the year 2000.

Tennis had a 10% price increase last Spring and will stay with that pricing for awhile. Tennis revenue has picked up in recent months due to successful efforts to bring more customers into the programs.

D. Review:

The resolution has been reviewed by the Legal Department, the Finance Department, the Office of Capital Management and Budget, and the City Manager.

ALTERNATIVES:

A. Approve the amendments to the resolution.

B. Stay with the current Racquet Club pricing.

C. Direct staff to develop alternative pricing.

SIGNIFICANT IMPACTS:

Racquet Club customers have been asking for passes for several years. Implementing them in conjunction with the new system coming on line should create greater efficiencies at the Front Desk and more convenience for our customers. The pricing differential between drop-in activities and instructed classes will help us meet our revenue goals and help us to continue to offer high quality products.

This contains only the amendments reflecting the proposed amendment to Racquet Club fees.

PARK CITY
1884

Resolution No. -99

RESOLUTION ADOPTING REVISED RACQUET CLUB FEES AND REPEALING AND REPLACING RESOLUTION NO. 4-98 IN ITS ENTIRETY FOR LEISURE SERVICES INCLUDING RACQUET CLUB, GOLF, LIBRARY, CEMETERY, PARKS, AND CITY FACILITIES FOR PARK CITY, UTAH

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah, that Sections 4A and 4B, dealing with fees for recreation cards and Racquet Club fees are hereby amended and the Leisure Services Fee Resolution is hereby adopted as follows:

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

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

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

SECTION 2. COST RECOVERY. It is the intent of the City to recover roughly 80% of the operations and maintenance expenses incurred by the Recreation Department and the Racquet Club and 100% of the operations and maintenance expenses incurred by the Golf Course through sources of revenue other than taxes. The City's cost recovery plan is described in detail in the City's budget document. User fees should not be considered the only source for accomplishing establishing fees, the City will consider rates charged by other public and private providers as well as the ability of the users to pay.

To establish and maintain the Council's objective of 80% cost recovery, the City Manager will have the authority to annually increase fees up to $.50 or 10%, whichever is greater. Any requested increase over that amount will require Council action.

Fee increases will take place only if they are necessary to achieve the City Council's objective and maintain program quality, and only with the authorization of the City Manager or the City Council.

E. **Discounting Fees**. The Leisure Services Director may, at his discretion, discount fees when:

1. Offering special promotions designed to increase use.
2. Trying to fill non-prime time.
3. Introducing new programs or activities.
4. Playing conditions are below standard due to weather or facility disrepair.

F. **Fee Waivers**. The City intends that no resident under 18 years old or over age 65 be denied the use of any program, activity or facility for reasons of financial hardship. The Leisure Services Director may, at his discretion, waive all or a portion of a fee, or may arrange offsetting volunteer work for anyone demonstrating an inability to pay for services.

SECTION 4. REVISED ESTABLISHED FEES AND CHARGES.

A. **Annual City Resident Recreation Card**

$ ~~5.50~~ $6.00 First card per family
~~5.50~~ $6.00 Each card thereafter
~~5.50~~ $6.00 Per card renewal fee

B. **Annual County Resident Recreation Card**

~~$200.00~~ $225.00 First card per family
~~5.50~~ $6.00 Each card thereafter

D. **Racquet Club Fees**

Punch Card Admission. For ease of administration and convenience to users, a punch card system has been established for Racquet Club programs and activities. Tennis court time and drop-in use may be purchased in advance and used when needed. The purchase of a punch card may result in a savings off the regular rate.

Tennis Court Fees. Tennis court fees ~~will now be charged on a per-person rate basis for play as follows:~~ are based on full court charges, divided by the number of people playing.

Hourly Court Fees

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

Full Court Charges:

~~Resident discount rate~~	~~$14.00~~	~~$ 6.00~~
~~Regular rate~~	~~28.00~~	~~12.00~~
	Indoor	Outdoor
Resident discount rate	$16.00	$6.00
Regular rate	$24.00	$9.00

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

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

Drop-in Fees: Drop-in activities fall into two categories - those with instructors, and those without.

Instructed classes	
Resident discount rate	$6.00
Regular rate	$8.00
Facility use	
Resident discount rate	$5.00
Regular rate	$6.25
Resident 12 and under	$2.00
Regular 12 and under	$3.00

Monthly and multiple month passes: Passes may include use of any or all facility classes and amenities, except tennis.

Resident discount passes	Single	Couple
1 month	$45	$80
3 month pass	$120	$215
6 month pass	$215	$385
12 month pass	$370	$665

Regular passes	Single	Couple
1 month	$56	$100
3 month pass	$150	$269
6 month pass	$269	$481
12 month pass	$463	$831

E. **Golf Fees**:

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

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

Green Fees

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

Pass Rates

Resident pass	$522.00
Regular pass	702.00

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: December 9, 1999
DEPARTMENT: Leisure Services
AUTHOR: Denise Payne
TITLE: Parks, Recreation, Beautification Advisory Board
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Modification of Park City Municipal Code Title 2 Administration, 2-4-17, Parks, Recreation and Beautification Advisory Board Created (attached)
.

DESCRIPTION:

A. Topic: Parks, Recreation, Beautification Advisory Board (PRBB) Amendment to Park City Municipal code regarding number of members, terms and service, officers and duties, meetings and procedures and committees.

B. Background: After the resignation of one of the Board members in the middle of a term, the PRBB reviewed the Park City Municipal Code which creates the PRBB and mandates procedures for their terms, removal, vacancies, officers and duties, meetings, procedures and committees. At that time, PRBB members agreed not to advertise to fill the remainder of the term which would have been approximately five (5) months. During this time, members have discussed changes in the ordinance for the PRBB and what changes have occurred in the past six years. The Board is requesting the attached changes and modifications in the code.

Review of Changes/Recommendations: PRBB would like the ability to increase or decrease member size according to the amount of projects at the time of member renewal between (8) eight and (12) twelve.

Change length of a member term to (3) three instead of (2) two, and will be staggered for three

(3) of four (4) members shall be appointed each year.

The non-voting Council member will serve consistent with the member's City Council term and will not always be the 12th (twelfth) member.

Chairperson, Vice Chairperson and any additional officers will be elected at the Board's annual July meeting in order to let new members learn how the Board works before elections are made.

Leisure Services Director in place of Parks and Recreation Director.

Committees will meet the needs of PRBB projects to replace two special committees.

C. Analysis: We will have a working eight to eleven member Parks, Recreation Beautification Advisory Board.

D. Department Review: Legal

RECOMMENDATION:

The Parks, Recreation, Beautification Advisory Board recommends the above changes/recommendations to the Park City Municipal Code-title 2 Administration regarding the Board.

ALTERNATIVES:

1. **Approve Request.** PRBB will move forward with changes to code.
2. **Deny Request**. PRBB will continue as is.
3. **Continue Action.** Council could continue action if additional information is requested.

CONSEQUENCES OF NOT TAKING ACTION: If Council chooses not to take action or to deny the request completely, PRBB will continue as they are.

RECOMMENDATION: Agree to recommendations.

PARK CITY
1884

Ordinance No. 99-

ORDINANCE AMENDING SECTION 2-4-17
PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD CREATED OF THE PARK CITY MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the Park City Council deems it in the best interest of the community to amend ordinances from time to time; and

WHEREAS, the Parks, Recreation, and Beautification Advisory Board recommended to the City Council amendments to the Municipal Code regarding membership, terms, and service on the Board for its consideration; and

WHEREAS, the City Council appreciates the Board's advice on policy, programs, and projects and supports amendments to the Code that better describe and accommodate the Board's services and operations;

NOW, THEREFORE BE IT ORDAINED:

SECTION 1. AMENDMENT. Section 2-4-17 is hereby amended as follows:

2-4-17. PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD CREATED.

There is hereby created a Parks, Recreation and Beautification Advisory Board. The Board shall consist of between 8 (eight) and 12 (twelve) members including one representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

(A) **TERM OF SERVICE, REMOVAL AND VACANCIES**. Members of the Parks, Recreation and Beautification Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council and serve terms of ~~two~~ three years. The terms shall be staggered so that ~~five (5) or six (6)~~ three (3) or four (4) members shall be appointed each year. The Council shall appoint one of its members to serve as the ~~12th (twelfth)~~ non-voting member for a term consistent with the member's City Council term of office. The terms shall begin on January 15 and end on January 14 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or City staff. Ex-officio members serve at the invitation of the Board and have no vote.

(B) **OFFICERS AND THEIR DUTIES**. At its annual ~~January~~ July meeting, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman 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 Chairman shall have the right to vote. The Vice-chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meetings shall be prepared by the ~~Parks and Recreation Director~~ Leisure Services Director and the Chairman.

(C) **PURPOSE AND DUTIES OF THE BOARD**. The purpose and duties of the Park City Parks, Recreation and Beautification Board are as follows:

(1) To advise the Parks and Recreation staff and the City Council on parks and recreation policy.

(2) To advise the parks planning staff on parks, recreation and beautification projects.

(3) To support and promote the policies and programs of the Parks and Recreation Departments and parks planning department.

(4) To work with staff to recommend and support budget priorities concerning parks, recreation and beautification projects and programs.

(5) To serve as liaison between the community and public agencies on parks, recreation and beautification issues within Park City.

(6) To initiate and promote parks, recreation and beautification planning and programs.

(7) To stimulate community involvement and support for parks, recreation and beautification projects and programs.

(D) **MEETINGS AND PROCEDURES**. The Board shall adopt rules and regulations not inconsistent with the law for governing of its meeting. The Board shall meet a minimum of four times per year with the Board establishing a meeting time and place. Special meetings may be called at the request of the ~~Parks and Recreation~~ Leisure Services Director or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings.

(E) __**COMMITTEES.**__ Special committees for the study of particular problems may be appointed by the Chairman to serve until they have completed the work for which they were appointed. ~~Two standing committees shall be established. These shall be the Recreation Committee and the Parks/Beautification Committee.~~ Each committee shall develop its own goals and objectives, as needed. These shall be reviewed by the full Board. The Chairman of the Parks, Recreation and Beautification Board shall appoint a chairman for each committee.

__**SECTION 2. EFFECTIVE DATE**__. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 9th day of December, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: December 9, 1999
DEPARTMENT: Administrative Services
AUTHOR: Lori Collett, Finance Manager
TITLE: Audit Report
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: Accept the audit. No other action is required.

DESCRIPTION:

A. Topic:

Audit report for the Fiscal Year Ended June 30, 1999. The following is an overview of the Audit Report.

B. Background:

Overview of City's Financial Position as of June 30, 1999

The City's General Fund ended the 1998-1999 fiscal year with a fund balance of $1,693,606. The ending fund balance decreased by $3,638,649 when compared to last year due to a combination of departments coming under their expenditure budget by approximately $1,711,222 and, as per City policy, an allocation of approximately $4.5 million to the Capital Improvement Program (CIP) Fund. Actual revenues came in $1,452,107 more than projected (Approximately $1,032,959 in sales and resort taxes, $256,506 in franchise taxes and $162,642 in other revenues such as interest). Please note that for the current budget (FY 2000), sales tax revenues are budgeted at approximately FY 1998-99 actual levels. Due to the $4.5 allocation of fund balance to the CIP Fund, the City's fund balance is within the statutory limitation on the amount we may carry in our fund balance for the General Fund. Approximately $3 million of the $4.5 million is in an account for future CIP projects. Per City policy, these funds could be transferred back to the General Fund in the case of an economic downturn.

The Water Fund ended the year with a debt service coverage rate of 1.69 on its debt (1.25 required). Working capital increased by $555,921 leaving a balance at year end of $6,548,542. Net income for the fund was $407,395 after depreciation expense of $838,211 compared to net income from the prior year of $718,665.

The City's Golf Course Fund ended the Fiscal Year with a decrease in working capital of ($242,776) due primarily to a decrease in cash and investment balances at fiscal year end. The cash and investment balances decreased due to the negative impact on revenues caused by inclement weather conditions and the fact that more residents than nonresidents are playing the course. Currently, a Park City resident pays $20 and a nonresident pays $33 for 18 holes of golf. Staff is reviewing the ten year golf plan and it is likely that staff will recommend that both resident and nonresident fees be increased to prevent future revenue shortfalls. Net loss, including depreciation of $136,972, was ($306,774) compared to net loss from the prior year of ($107,037). Despite the loss from FY 1998-99, on a whole the fund continues to be a self-supporting operation which does not require an operating subsidy from the General Fund.

With a $410,000 subsidy from the General Fund, the Recreation Fund ended the year with an increase in working capital of $29,147. This brings the fund's working capital balance from $163,891 to $193,038. Net loss, including depreciation of $209,349, was ($173,845) compared to the net loss from the prior year of ($309,730). The Recreation Fund is currently budgeted to receive a General Fund subsidy of $460,000 in fiscal year 1999-00.

The Transportation and Parking Fund experienced a $489,945 increase in working capital due primarily to an accrued grant receivable at year end from the U.S. Department of Transportation. Net income for the fund was $1,600,190 after depreciation of $338,545 compared to a net loss from the prior year of ($8- 757).

Comments from the City's Audit Firm of Deloitte and Touche LLP

The auditors identified no major improvement areas or areas involving material weakness in the operations or internal control structure of the City. The auditors identified one State Compliance issue. The City incurred expenditures in excess of the budget in the Fleet Services Fund. The Fleet Services Fund is an internal service fund that is funded by payments from departmental budgets. The actual expenditures in this fund were approximately $836,000; whereas, the budget was approximately $797,000. The budget overage was primarily caused by a $25,000 expenditure incurred late in June for refurbishing five snow plows. Since this expenditure occurred after the budget was adopted, funds were not transferred from the streets department to the Fleet Fund. The Finance Manager, Director of Capital Management and Budget, Public Works Director and the Fleet Services Manager have developed controls to prevent overspending the budget in the future.

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: December 11, 1999
DEPARTMENT: Planning
AUTHOR: Brooks T. Robinson
TITLE: Bonanza Place Office Building Master Planned Development
TYPE OF ITEM: Appeal of Denial by Planning Commission

DESCRIPTION

A. Topic

Owners	Ralph Evans, Architect for owners
Location	East side of Bonanza Drive between Upper and Lower Iron Horse Loop
Zoning	Light Industrial (LI) and Estate (E). Sensitive Lands Overlay on the Estate portion.
Adjacent Land Uses	Fireside condos, North Horse apartments, Deer Valley Lodging offices, Wintzer industrial park.

B. Background

On November 4, 1999 the City Council heard testimony from the applicant and three neighboring property owners. After discussion with staff and the applicant, the Council provided direction on several issues and continued the appeal. The applicant has made revisions to the plan based on Council's direction.

The Minutes of the Council meeting of November 4 are part of the packet for approval.

C. Analysis

The building and site plan have been modified in several areas. While the net leasable floor area remains at 3600 square feet with 18 required parking spaces, the footprint and volume of the office space has been reduced.

Setback: The Council has the ability within the MPD process to set the minimum setbacks. At the previous hearing, the Council was concerned with keeping a setback of 20 feet along

Upper Iron Horse Loop for safety and snow storage. The configuration of under-building parking lot is unchanged; however the south wall (along upper Iron Horse Loop) of the offices above has been moved to a setback of 20 feet from the curb. Ten feet of the garage would be buried. This is best seen in the East Elevation (Exhibit F). A 4-foot wide sidewalk, connecting to the sidewalk along Bonanza, is still proffered by the applicant with the remaining 16 feet to be landscaped. In three areas along the building, the applicant is proposing light wells that would extend 5 feet into setback to provide natural light into the corridor space of the offices.

The applicant proposes to make up the loss of floor area, due to the shift in the setback, by narrowing the corridors and reducing some of the deck space facing Bonanza as originally shown.

The setback along Lower Iron Horse is still proposed at the minimum required 10 feet. There was not clear consensus from the Council whether to make this setback 20 feet as well. There is only part of the lobby and stairwell and parts of two parking spaces within 20 feet of the property line. If the site and building configuration remains as shown, sight distances for turning movements are still well within Code requirements.

Building Height: The Council had concerns with the two story volume (plus roof parapets) for a single floor of office space. The applicant has reduced the building height and mass to address this concern. The height limit is 35 feet in the LI zone. Park City measures height from existing grade. Because of the topography on this site and the amount of cutting into the hill, the original proposal had a height of 40 feet from garage floor to the top of the roof parapet walls. The current proposal cuts 9 feet from this height (Exhibit D) in most areas. There is some mechanical screening walls on the west side that extend to 38 feet above the garage floor, but only 22 feet above existing grade. Although the interior volume will still be nearly 20 in height, 9 feet of this will be taken up with open roof trusses. The exterior (particularly as seen in the North Elevation, Exhibit C) of the building shows the short metal roofs over the truss space, thereby eliminating the perception of two floors. The parapets on the south side along Upper Iron Horse Loop remain for screening of mechanical equipment; however, the height from the road is 16-22 feet.

Trash Pickup: A location for trash is shown under the building in the garage. This can be a small dumpster or the 96 gallon trash cans. A professional office building does not generate much trash, almost exclusively white paper. The applicant has had discussions with the new County contractor regarding pickup. Either option is acceptable and pick-up times can be scheduled to avoid conflicts with school children being in the area.

Parking and Office Use: The Park City Land Management Code requires that a professional office have one parking space for every 200 square feet of leasable area. The 1/200 (or 5/1000) ratio is the most intense parking tabulation in the Code and is continued in the revised Code for intense office uses such as real estate offices. Professional offices drop to a ratio of 3/1000 in the proposed revised Code. The LMC does not make any provisions in any zone or land use for "overflow" parking or parking for those times when the required parking is not adequate. The applicant has agreed to prohibit real estate offices in this building as a condition of approval. At the time of review of the subdivision plat, the City may want to require a plat note to this effect.

As with all shops and offices on Main Street and within Prospector Square, delivery vehicles generally do not use parking spaces for the short time they are making deliveries. There are three parking spaces that are not covered by the building and will most probably be the last to be used, particularly in winter. Whether a FedEx delivery van will use these if available is unknown, however there is no Code requirement to provide for delivery vehicles. A general assumption in many municipal parking ratios is that some space will be used by delivery vehicles.

D. Alternatives

The City Council may choose from several alternatives including:

- Overturn the Planning Commission's denial of the project and direct staff to prepare Findings of Facts, Conclusions of Law, and Conditions of Approval for the MPD as presented or amended; or
- Uphold the Planning Commission's denial of the project; or
- Remand the project back to the Planning Commission with specific direction.

Attachments: Revised Site Plan and Elevations.

- Exhibit A: Office layout
- Exhibit B: Parking level layout
- Exhibit C: North elevation
- Exhibit D: West elevation
- Exhibit E: South elevation
- Exhibit F: East elevation

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PARK CITY 1884

DATE: 12/6/99
DEPARTMENT: CDD
AUTHOR: Patrick Putt, Alison Kuhlow PP
TITLE: Temporary Zoning Ordinance for Telecommunication Facilities
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: **Consider a citizen request to adopt a TZO requiring all permit applications for Telecommunication Facilities to be processed as a Conditional Use Permit by the Planning Commission. The request is made by the Aerie Homeowner's Association by their attorney, Jeff Salberg. (EXHIBIT A) Staff drafted a TZO that meets the request and it is attached as EXHIBIT B.**

DESCRIPTION:

A. Topic: Land Management Code ("LMC") Chapter 8.30.

B. Background: On November 20, 1997, the City Council adopted Ordinance 97-59 which created specific LMC regulations for the zoning of telecommunication facilities. The ordinance received a positive recommendation from the Planning Commission, after public hearing, on September 24, 1997. (See **EXHIBIT C** for original ordinance and staff report). Neither the Planning Commission nor the Council made any changes to the proposed ordinance and no public testimony was received at either public hearing. Please refer to the 11/20/97 staff report for a history of the 1996 federal legislation on this matter. You should recall that the ordinance was adopted in response from pressure from the League of Cities and Towns to avoid state-wide preemption on local zoning of telecommunication facilities, an issue still of current concern.

The ordinance provides for *administrative* conditional use permits ("CUPs") for telecommunication towers to be processed by the Planning Staff, unless the criteria specified in the ordinance are not met, in which case the application is heard by the Planning Commission as a full blown CUP, with a public hearing.

CDD processed several applications without resulting in negative impacts nor public reaction, but one application created this request. See Planning Commission minutes for October 27, 1999 for Technical Necessity for Telecommunication Towers at 3000 Eagle Way. **(EXHIBIT D.)** The two main issues raised by the neighbors were: 1) a tower enclosed within a flag pole should be considered "free standing" rather than "wall mounted"; and 2) the proposed location violated the Sensitive Lands Ordinance. Subsequent staff review confirmed that proper Sensitive Lands analysis would have not permitted the application. However, staff still disagrees with the flag pole interpretation but agreed to take the issue up with the Planning Commission during LMC amendments. Staff's position is simply that towers hidden within an otherwise permitted structure (flagpole) are "attached," and not "free-standing." The pending application was withdrawn by Sprint who have since filed an application for a different location in town. That application would not be subject to the TZO as written and the Council should seek advice from the City Attorney before making the TZO retroactive.

The neighbors however want the City to stop reviewing any applications for telecommunications administratively and request the formal CUP process so that the public is informed of any applications and given an opportunity to comment at a public hearing.

C. Analysis:

The TZO is drafted to comply with Utah Code 10-9-404 concerning temporary zoning regulations. The council must make a **finding of compelling, countervailing public interest** to adopt the TZO. The primary League telecommunications advisor, Paul Morris of West Valley was contacted by the Legal Department. Paul indicated the TZO does not violate any current agreement with industry representatives, but would likely result in criticism at the legislature.

D. Department Review: The Legal Department reviewed this matter.

ALTERNATIVES:

A. Approve the TZO as attached as EXHIBIT A: This is the action requested by the Aerie homeowners.

B. Adopt a modified TZO : The Council may decide to alter the terms of the proposed TZO. In which case, it should direct staff accordingly. One option would be to have a public notice to owners within 300 feet of all applications processed administratively, with a right to appeal the CDD decision to the Planning Commission.

C. Direct staff to address the issue during Phase II of the LMC re-write: This approach allows the industry to continue to apply for permits administratively until changes are considered by the Planning Commission and Council.

D. Continue the Item: If the Council wants more information, it should request such additional data and continue the item. Applications received until adoption of a TZO would continued to be processed under the current code (administratively), unless otherwise directed by Council.

SIGNIFICANT IMPACTS: The TZO should survive legal scrutiny, but may subject the City to additional scrutiny from the state legislature and the League of Cities and Towns. Changing the CUPs would also increase time and staff resources required to process the applicaitons

RECOMMENDATION: **Consider a citizen request to adopt a TZO requiring all permit applications for Telecommunication Facilities to be processed as a Conditional Use Permit by the Planning Commission.**

Exhibits: A-11/8/99 letter from Salberg/Aerie
B- TZO
C- Current Ordinance
D- 10/27/99 Planning Commission minutes for application on Eagle Way

Exhibit A

TESCH, THOMPSON & V
Attorneys at Law

Joseph E. Tesch
David B. Thompson*
Dwayne A. Vance+
Christina Inge Miller*
Sara A. Henry+

OF COUNSEL:
Tracy Paul

- Also admitted in Oregon & Colorado
+ Also admitted in California
# Also admitted in Idaho

314 Main Street, Suite 201
P.O. Box 3390
Park City, Utah 84060-3390
Telephone: (435) 649-0077
Salt Lake City Telephone: (801) 363-5111
Facsimile: (435) 649-2561
E-Mail: joet@teschlaw.com

Portland Branch Office
1800 S. W. First Avenue, Suite 380
Portland, Oregon 97205
Telephone: (503) 219-3769
Facsimile: (503) 236-1642

November 8, 1999

Mark Harrington
Park City Attorney
Post Office Box 1480
Park City, Utah 84060

Dear Mark:

Per our phone conversation of Wednesday, November 3, 1999, you advised me that our office would be notified promptly if Sprint PCS were to re-file for any type of structure on the top of the Aerie which would only require administrative review. Also, please advise us if any other application is made by any other entity or individual that would attempt to bypass public review.

Additionally, Utah Code 10-9-404(1) allows a municipal legislative body, without public hearing, to enact an ordinance establishing a temporary zoning regulation for any part or all of the area within the municipality, if the legislative body makes a finding of compelling countervailing public interest. This regulation may prohibit or regulate (emphasis added) the erection, construction, reconstruction, or alteration of any building or structure. Per Utah Code 10-9-404(2), the municipal legislation may establish a time period of limited effect for the ordinance not to exceed six months.

Our clients request you recommend that the Council suspend those sections of the Telecommunication Facilities Ordinance 8.30 that solely allow for administrative review for the placement of telecommunications facilities and enact a requirement that the Plan Commission shall review all applications as a Conditional Use Permit pursuant to Section 1.13 for the next 6 months or until the City Council passes a revised ordinance, whichever occurs first. This would allow time for the City Council and Plan Commission to review the existing ordinance and recommend a new ordinance which would permanently bring to a halt any process which sidesteps public scrutiny. Based on the many problems created by the administrative handling of the PCS Sprint application to place telecommunication towers at 3000 Eagle Way, it would be prudent to revisit the telecommunications facilities ordinance and assure public input on such a volatile issue.

As always, I appreciate your input and your assistance.

Respectfully,

TESCH, THOMPSON & VANCE, LLC

Jeff

Jeffrey D. Salberg

JET/ajp

Exhibit B

Ordinance No. 99-___

AN ORDINANCE ADOPTING TEMPORARY ZONING REGULATIONS FOR TELECOMMUNICATIONS FACILITIES BY AMENDING SECTION 8.30 OF THE LAND MANAGEMENT CODE

WHEREAS, telecommunications providers desire to locate telecommunications facilities within boundaries of Park City Municipal Corporation; and

WHEREAS, the City Council desires to establish a process for permitting such telecommunications facilities within Park City while providing for public participation in such process via notice and public hearings; and

WHEREAS, the City is in the process of comprehensively re-writing the Land Management Code ("LMC") and the final adoption of amendments is delayed pending new recommendations from the Planning Commission;

WHEREAS, the state legislature has enabled cities to adopt Temporary Zoning Regulations, without a formal public hearing, for a period not to exceed six (6) months (Utah State Code, Section 10-9-404); and

WHEREAS, it is in the best interest of Park City and for the protection of health, safety and the general welfare of its citizens to allow public participation in the telecommunications facility permitting process;

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

SECTION 1. FINDINGS: The Council finds that:

1. The current Section 8.30 of the Land Management Code permits administrative review and approval of telecommunications towers without need for pubic hearing;

2. Prior applications for telecommunications towers in Park City have aroused significant public interest and attracted considerable, valid public input that may not have otherwise been considered under the current ordinance;

3. There is a compelling, countervailing public interest to immediately change the ordinance to contain a public condition use permit process.

SECTION 2. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE. Chapter 8.30 is hereby deleted and replaced by amended Chapter 8.30 attached hereto as Exhibit A. Defined terms in Chapter 8.30 shall be defined in accordance with the pending revisions to the Land Management Code.

SECTION 4. PERIOD OF LIMITED EFFECT. This temporary zoning ordinance shall be effective, pursuant to U.C.A. Section 10-9-404, for a period no longer than six months.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

PASSED AND ADOPTED this ___ day of December, 1999

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

8.30 TELECOMMUNICATION FACILITIES. The intent of this section is to ensure that telecommunications facilities are compatible with the unique characteristics of each zoning district of Park City, and that adverse impacts on community quality and public health and safety in residential, commercial and industrial areas, are mitigated. The intent of these requirements is to locate such facilities and related equipment where they are least visible from public streets, public areas and designated view corridors and, to the best extent possible, provide screening from adjacent property owners. The installation of these devices is governed by the following regulations.

(a) Permit Required. The installation of telecommunication facilities~~, unless otherwise addressed in this Code,~~ shall be deemed a conditional use and subject to the conditional use review process pursuant to Section 1.13 of the Land Management Code and the Park City Building Permit process. It shall be unlawful to install any telecommunication facility without first having a conditional use permit and a Building Permit from the City. Plans of such facility shall be submitted with each Telecommunications Application. In addition to the criteria in Section 1.13, all applications must meet the criteria in subsections (f)—(i) herein, as applicable.

(b) Definitions.

1. **Antenna.** Transmitting or receiving device used in telecommunications that radiates or captures radio signals.

2. **Co-location.** The location of wireless communication facility on an existing structure, tower or building in a manner that precludes the need for that wireless communications facility to be located on a free-standing structure of its own.

3. **Roof Mounted Antenna.** An Antenna or series of individual Antennas mounted on a roof, mechanical room or penthouse of a building.

4. **Wall Mounted Antenna.** An Antenna or series of individual Antennas mounted against the vertical face of a building or chimney. A wall of face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.

(c) Submittal Requirements. A complete application shall include the requirements as stated within the Telecommunication Facility Application available in the Community Development Department.

(d) Compliance with other Laws. Such structures shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations. Evidence of compliance must be submitted prior to the issuance of a conditional use permit ~~Building Permit~~ for tower construction.

~~(e) Conditional Use Review. The Community Development Department shall review~~

~~applications administratively pursuant to Sections (f) and (m) below.~~

~~1. **Exemption for Towers Located on City Land.** Towers located on City owned land shall pay fair compensations in an amount determined by the City Council. No Planning Commission review shall be necessary but a building permit must be obtained and the criteria in Section (f) or Section 1.13 followed.~~

(e) Towers Located on City Land. In addition to obtaining a conditional use permit, applicants for towers located on City owned land shall pay to the City fair compensation in an amount determined by the City Council.

(f) ~~Administrative~~ Conditional Use Standards for Telecommunications Facilities

1. **Freestanding Antennae.**

i) Zoning. Free Standing Towers are prohibited in E, SF, SF-N, RD, RDM, R-1, HR-1, HR-2, HRL, ROS and RM zones.

ii) Height. The proposed height of the facility shall be within the height requirement for the zoning district in which it is placed.

iii) Setbacks. Any part of an Antenna tower shall be setback from the street line or any other lot line of the lot on which it is located a distance of not less than the height of such tower.

iv) Location. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized, unless such disturbance would result in less visual impact of the site and surrounding area. The effectiveness of visual mitigation shall be evaluated by the Planning Department, taking into consideration the site as built.

v) Fences. Fences in conjunction with a telecommunication site shall be reviewed under the same guidelines as fences constructed within Park City under the Land Management Code. There will be no exceptions to fence materials permitted within the zone. If the application proposes the use of a fence, the Planning Department will require landscaping to mitigate the visual impacts.

vi) Design, Materials and Color. The towers shall be designed in such a manner as to carry gravity loads and resist the effects of earthquakes per the regulations stated in the adopted building code. The towers and associated equipment shall incorporate materials and colors present in the context of the surrounding area. The intent of this provision is to minimize, to the greatest extent possible, the visual contrast between the towers and the existing built and natural environment.

Unless otherwise required by the F.C.C. and the F.A.A., towers shall be light gray in color. The pole, where appropriate, shall be earthtone colors in keeping with the Park City Design Guidelines. Camouflaged towers shall be designed in a manner to blend with the existing built and natural environment.

vii) Lighting. No artificial light shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be partially shielded, unless otherwise required by the FAA. Partially shielded means no more than ten (10) percent of the light rays are emitted by the installed fixtures at angles above the horizontal plane as certified by a photometric test report. These fixtures shall be equipped with high pressure sodium light sources and shall not exceed 70 watts.

2. **Roof or Wall Mounted Antennae.**

i) Zoning. Roof or Wall Mounted Antennae are permitted in all zones subject to the criteria herein.

ii) Height. Antennas or similar structures may extend up to five (5) feet above the specified maximum height limit of the zoning district.

iii) Location. The Antennas shall be located on the structure in areas where such location would provide the least visual impacts from the street and adjacent properties.

iv) Design, Materials and Color. The towers shall be designed in such a manner as to carry gravity loads and resist the effects of earthquakes per the regulations stated in the adopted building code. The Antennas attached to buildings or structures, where appropriate, shall match the color of the structure to which they are attached.

v) Lighting. No artificial light shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be partially shielded, unless otherwise required by the FAA. Partially shielded means no more than ten (10) percent of the light rays are emitted by the installed fixtures at angles above the horizontal plane as certified by a photometric test report. These fixtures shall be equipped with high pressure sodium light sources and shall not exceed 70 watts.

(g) Co-location. To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one (1) tower on a land site may be permitted if all setbacks, design and landscape requirements are met for each tower. The application shall include any existing or approved, but unbuilt, communication towers within the transmission area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

1. Structural capacity of the communication towers;

2. Geographic service area requirements;

3. Mechanical or electrical incompatibilities;

4. Inability or ability to locate equipment on existing communication towers; and

5. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the communication tower.

(h) Accessory Buildings. ~~The Planning Department shall review accessory building applications~~ Applications for accessory buildings shall be reviewed through the building permit process and conditional use review process, along with the details for the construction of the tower. The accessory building shall comply with the guidelines stated in the Land Management Code and the Historic District Design Guidelines where applicable. Outdoor storage of materials is prohibited.

(i) Signs. Signs shall only be permitted if they are related to the health and safety of the general public.

(j) Abandonment. The property owner shall be responsible for the removal of unused communication towers within twelve (12) months of cessation of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(k) Subdivision and Condominium Covenants. Many subdivision and condominium covenants may address the location of telecommunications receiving stations within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of wireless communication receivers are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Home Owner's Association or management committee, the applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the communication Antenna within the common area has been granted as a part of the permit application filed with the City.

~~(l) Action. The Community Development Department shall respond, in writing, to a~~

~~complete application within a reasonable period of time. A denial must be supported by substantial evidence from the written record.~~

(m) Appeal of the ~~Administrative~~ Conditional Use Denial. ~~If the applicant does not agree with the determination of the Community Development Director, the applicant may request Planning Commission review within ten (10) calendar days of the Community Development Department's decision. All actions of the Planning Commission are appealable to the City Council.~~ Appeals shall be pursuant to Section 1.16 herein.

(n) Technical Necessity Exception. If the application does not meet the criteria as stated in Section (e) the applicant may apply to the Board of Adjustment ~~Planning Commission~~ for a Technical Necessity Exception. The Board of Adjustment shall review the application pursuant to the Special Exceptions criteria provided herein at Section 5.6(d). The Board of Adjustment approval must be received prior to Conditional Use Permit approval pursuant to Section 1.13 by the Planning Commission. ~~The Planning Commission shall review the application as a Conditional Use Permit pursuant to Section 1.13 herein.~~

Exhibit C

Ordinance No. 97-59

AN ORDINANCE AMENDING CHAPTERS 7 AND 8 OF THE LAND MANAGEMENT CODE OF PARK CITY REGARDING THE REGULATION OF TELECOMMUNICATION FACILITIES IN ALL ZONING DISTRICTS

WHEREAS, recent advancements in the technology of telecommunications have made it imperative that Park City Municipal Corporation address the issue of the compatibility of telecommunication facilities with the quality of life of residents; and

WHEREAS, many of our citizens rely on these facilities in their daily business, social and family lives, resulting in a burgeoning demand for telecommunication services within Park City; and

WHEREAS, Park City has the desire to permit cellular and personal wireless towers and facilities; and

WHEREAS, these regulations are not addressing effect of non-ionizing delectromagnetic radiation; and

WHEREAS, the City recognizes the need to put in place laws and regulations that effectively balances the aesthetic and safety effects of telecommunication facilities on our landscapes, out citizen's demands for these services and accommodation of the needs of the service providers by enacting the minimum regulations necessary; and

WHEREAS, legal notice was duly published and public hearings were held before the Planning Commission on September 24, 1997, and before the City Council on November 20, 1997;

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

SECTION 1. AMENDMENT TO CHAPTER 7 OF THE LAND MANAGEMENT CODE. The Land Use Tables are hereby amended to include Telecommunication Facilities[1].

REFERENCE NOTES:

[15] These uses are conditional and shall be reviewed under the criteria as stated in Section 8.30 herein.

SECTION 2. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE. Chapter 8 is hereby amended to add a new Section 8.30 which reads as follows:

8.30 TELECOMMUNICATION FACILITIES. The intent of this section is to ensure that telecommunications facilities are compatible with the unique characteristics of each zoning district of Park City, and that adverse impacts on community quality and public health and safety in residential, commercial and industrial areas, are mitigated. The intent of these requirements is to locate such facilities and related equipment where they are least visible from public streets, public areas and designated view corridors and,

---

[1] Please note that the Land Use Table is attached at the end of this ordinance.

to the best extent possible, provide screening from adjacent property owners. The installation of these devices is governed by the following regulations.

(a) Permit Required. The installation of telecommunication facilities, unless otherwise addressed in this Code, shall be deemed a conditional use and subject to the Park City Building Permit process. It shall be unlawful to install any telecommunication facility without first having a Building Permit from the City. Plans of such facility shall be submitted with each Telecommunications Application.

(b) Definitions.

1. **Antenna.** Transmitting or receiving device used in telecommunications that radiates or captures radio signals.

2. **Co-location.** The location of wireless communication facility on an existing structure, tower or building in a manner that precludes the need for that wireless communications facility to be located on a free-standing structure of its own.

3. **Roof Mounted Antenna.** An Antenna or series of individual Antennas mounted on a roof, mechanical room or penthouse of a building.

4. **Wall Mounted Antenna.** An Antenna or series of individual Antennas mounted against the vertical face of a building or chimney. A wall of face of a building is defined as the entire area of all exposed vertical surfaces of a building that are above ground and facing approximately the same direction.

(c) Submittal Requirements. A complete application shall include the requirements as stated within the Telecommunication Facility Application available in the Community Development Department.

(d) Compliance with other Laws. Such structures shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations. Evidence of compliance must be submitted prior to the issuance of a Building Permit for tower construction.

(e) Conditional Use Review. The Community Development Department shall review applications administratively pursuant to Sections (f) and (m) below.

1. **Exemption for Towers Located on City Land.** Towers located on City owned land shall pay fair compensations in an amount determined by the City Council. No Planning Commission review shall be necessary but a building permit must be obtained and the criteria in Section (f) or Section 1.13 followed.

(f) Administrative Conditional Use Standards

1. **Freestanding Antennae.**

I) Zoning. Free Standing Towers are prohibited in E, SF, SF-N, RD, RDM, R-1, HR-1, HR-2, HRL, ROS and RM zones.

ii) Height. The proposed height of the facility shall be within the height requirement for the zoning district in which it is placed.

iii) Setbacks. Any part of an Antenna tower shall be setback from the street line or any other lot line of the lot on which it is located a distance of not less than the height of such tower.

iv) Location. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized, unless such disturbance would result in less visual impact of the site and surrounding area. The effectiveness of visual mitigation shall be evaluated by the Planning Department, taking into consideration the site as built.

v) Fences. Fences in conjunction with a telecommunication site shall be reviewed under the same guidelines as fences constructed within Park City under the Land Management Code. There will be no exceptions to fence materials permitted within the zone. If the application proposes the use of a fence, the Planning Department will require landscaping to mitigate the visual impacts.

vi) Design, Materials and Color. The towers shall be designed in such a manner as to carry gravity loads and resist the effects of earthquakes per the regulations stated in the adopted building code. The towers and associated equipment shall incorporate materials and colors present in the context of the surrounding area. The intent of this provision is to minimize, to the greatest extent possible, the visual contrast between the towers and the existing built and natural environment.

Unless otherwise required by the F.C.C. and the F.A.A., towers shall be light gray in color. The pole, where appropriate, shall be earthtone colors in keeping with the Park City Design Guidelines. Camouflaged towers shall be designed in a manner to blend with the existing built and natural environment.

vii) Lighting. No artificial light shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be partially shielded, unless otherwise required by the FAA. Partially shielded means no more than ten (10) percent of the light rays are emitted by the installed fixtures at angles above the horizontal plane as certified by a photometric test report. These fixtures shall be equipped with high pressure sodium light sources and shall not exceed 70 watts.

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I) Zoning. Roof or Wall Mounted Antennae are permitted in all zones subject to the criteria herein.

ii) Height. Antennas or similar structures may extend up to five (5) feet above the specified maximum height limit of the zoning district.

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iv) Design, Materials and Color. The towers shall be designed in such a manner as to carry gravity loads and resist the effects of earthquakes per the regulations stated in the adopted building code. The Antennas attached to buildings or structures, where appropriate, shall match the color of the structure to which they are attached.

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(g) Co-location. To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one (1) tower on a land site may be permitted if all setbacks, design and landscape requirements are met for each tower. The application shall include any existing or approved, but unbuilt, communication towers within the transmission area that may meet the needs of the applicant. The supplied documentation shall evaluate the following factors:

1. Structural capacity of the communication towers;

2. Geographic service area requirements;

3. Mechanical or electrical incompatibilities;

4. Inability or ability to locate equipment on existing communication towers; and ,

5. Any restriction or limitation of the Federal Communication Commission that would preclude the shared use of the communication tower.

(h) Accessory Buildings. The Planning Department shall review accessory building applications through the building permit process, along with the details for the construction of the tower. The accessory building shall comply with the guidelines stated in the Land Management Code and the Historic District Design Guidelines where applicable. Outdoor storage of materials is prohibited.

(I) Signs. Signs shall only be permitted if they are related to the health and safety of the general public.

(j) Abandonment. The property owner shall be responsible for the removal of unused communication towers within twelve (12) months of cessation of use. If such tower is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

(k) Subdivision and Condominium Covenants. Many subdivision and condominium covenants may address the location of telecommunications receiving stations within condominium units and the lots of a subdivision. The City is not a party to those covenants, and no permit from the City shall effect the enforceability of such covenants which might be more restrictive than this ordinance. Applicants for the installation of wireless communication receivers are advised to determine what private land use restrictions apply to their site before applying for the permit from the City. If the proposed installation is within the common area of a condominium or planned unit development, and the application submitted is not in the name of the Home Owner's Association or management committee, the applicant shall provide a letter from the Home Owner's Association or management committee indicating consent to the location of the communication Antenna within the common area has been granted as a part of the permit application filed with the City.

(l) Action. The Community Development Department shall respond, in writing, to a complete application within a reasonable period of time. A denial must be supported by substantial evidence from the written record.

(m) Appeal of the Administrative Conditional Use Denial. If the applicant does not agree with the determination of the Community Development Director, the applicant may request Planning Commission review within ten (10) calendar days of the Community Development Department's decision. All actions of the Planning Commission are appealable to the City Council. Appeals shall be pursuant to Section 1.16 herein.

(n) Technical Necessity Exception. If the application does not meet the criteria as stated in Section (e) the applicant may apply to the Planning Commission for a Technical Necessity Exception. The Planning Commission shall review the application as a Conditional Use Permit pursuant to Section 1.13 herein.

SECTION 3. FINDINGS OF FACT.

1. Recent advancements in the technology of telecommunications have made it imperative that Park City Municipal Corporation address the issue of the compatibility of telecommunication facilities with the quality of life of residents; and

2. Many of our citizens rely on these facilities in their daily business, social and family lives, resulting in a burgeoning demand for telecommunication services within Park City; and

3. Park City has the desire to permit cellular and personal wireless towers and facilities; and

4. These regulations are not addressing effect of non-ionizing delectromagnetic radiation; and

5. The City recognizes the need to put in place laws and regulations that effectively balances the aesthetic and safety effects of telecommunication facilities on our landscapes, out citizen's demands for these services and accommodation of the needs of the service providers by enacting the minimum regulations necessary.

SECTION 4. CONCLUSIONS OF LAW. The City Council hereby concludes that the proposed amendment is consistent with the Park City Land Management Code, General Plan, and State and Federal requirements.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect upon publication.
PASSED AND ADOPTED this 20th day of November, 1997 .

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch

Bradley A. Olch, Mayor

ATTEST:

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1,
1884

APPROVED AS TO FORM:

Mark D. Harrington

Mark Harrington, Deputy City Attorney

LAND USE TABLE (Continued)	E	SF	SF-N	RD	RDM	RCO	R-1	HR-1	HR-2	RM	GC	HCB	HRC	RC	LI	ROS	HRL
Sexually oriented businesses	*	*	*	*	*	*	*	*	*	*	C[4]	*	*	*	*	*	*
Free-Standing Telecommunication Antennae	*	*	*	*	*	C[15]	*	*	*	*	C[15]	C[15]	C[15]	C[15]	C[15]	*	*
Wall or Roof Telecommunication Antennae	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]	C[15]

PARK CITY
1884

CITY COUNCIL REPORT

DATE: November 20, 1997
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow
TITLE: Telecommunications Ordinance
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a Public Hearing, consider public input and Staff's recommendation to adopt the attached Ordinance approving regualtions concerning Telecommunication Facilities.

DESCRIPTION:

A. Topic.

The intent of this policy is to establish review criteria for the approval of telecommunication siting permits.

B. Background.

The Planning Commission held a public hearing on September 24, 1997 and at that meeting directed Staff to draft Findings of Fact and Conclusions of Law for the proposed ordinance. The Planning Commission voted to forward the City Council a positive recommendation on October 22, 1997.

Due to the growth trend of telecommunications and the number of applications anticipated over the next five years, Staff initiated a Telecommunications Ordinance. The growth of the telecommunications industry has been a direct result of the 1996 Federal Telecommunications Act, which is summarized below.

1996 Federal Telecommunications Act:

In early 1996 Congress and the President approved the 1996 Federal Telecommunications Act (the "Act"), which opened more portions of the radio spectrum for PCS (Personal Communications Services) licenses. The Act's "immediate objective" is to promote competition among local phone companies, long distance carriers, and cable providers. It is hoped that the long term effects of the Act will be new investment in technology and infrastructure, advanced and affordable telecommunications, universal services to all Americans, and open access to information networks through the creation of a more flexible regulatory environment.

The telecommunication industry has long argued that state and local laws have impeded them from entering many new markets. Congress addressed the "barriers to entry" problem by preempting state and local laws or conditions that prohibit, or have the effect of prohibiting, businesses and individuals the 1996 Telecommunications Act's Guidelines.

Staff has also requested the assistance of local telecommunication companies when drafting the ordinance. The thought behind including these organizations was to receive feedback from the group that will ultimately be using the Code.

Staff has added criteria to the ordinance to allow for the administrative review of these Conditional Use Permit applications where applicable. The Administrative Review will be similar the Outdoor Dining review, which is also a Conditional Use Permit, currently reviewed by Staff. The purpose for the administrative review is to make an easier process for antennae that comply with criteria that would minimize the visual impact on the community.

Staff began researching and preparing this ordinance in April 1997, prior to City Council directive to revise the Land Management Code. Therefore, Staff has not included this proposal as a part of the overall Land Management Code revisions.

D. <u>Notice.</u>
Notice of the Planning Commission public hearing was published in the Park Record on September 8, 1997 and the public hearing was held at the Planning Commission on September 24, 1997. There were no comments from the public at that time.

Notice of the City Council public hearing was published in the Park Record on November 15, 1997. There were no comments filed at the time of this report.

E. <u>Department Review.</u>
The Community Development Department and City Attorney's Office have reviewed this request. The request was discussed at a Staff Review Meeting on June 17, 1997, where representatives from local utilities and City Staff were in attendance. There were no concerns mentioned at that time. Staff requested additional review by individual telecommunications companies to ensure that the regulations proposed could be reasonably met.

<u>SIGNIFICANT IMPACTS</u>:
Telecommunication Facilities Applications will now have specific guidelines and standards for site and facility review. These standards will allow the Community Development Department to ensure compatibility between these new facilities and the neighborhoods in which they are located.

<u>ALTERNATIVES</u>

A. Approve the proposed Telecommunications Ordinance, as written, and thereby allowing telecommunication applications to be reviewed under specific criteria relating to the type of antennae and zoning district.

B. Approve the proposed Telecommunications Ordinance, with modifications, and thereby allowing telecommunication applications to be reviewed under specific criteria relating to the type of antennae and zoning district.

C. Deny the proposed Telecommunications Ordinance and retain the current process for approving telecommunication sites, which is as a Conditional Use Permit for essential municipal and public utility uses, facilities and services and buildings. These Conditional Use Permits require Planning

Exhibit D

1. The City Attorney and City Engineer's review and approval of the condominium plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.

2. All standard project conditions shall apply.

3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within one year of City Council's approval, this approval and the plat shall be considered void.

5. A ten-foot snow storage easement shall be shown on the plat adjacent to Deer Valley Loop.

6. A note shall be placed on the plat that access will be blocked from time to time during the construction of the house at Lot 1.

5. <u>1212 Empire Avenue - MPD/Plat Amendment</u>

The Staff requested that this item be continued to a date uncertain.

MOTION: Commissioner Hays moved to CONTINUE this item to a date uncertain. Commissioner Jones seconded the motion.

VOTE: The motion passed unanimously.

X

6. <u>3000 Eagle Way, Sprint PCS - "Technical Necessity" application for telecommunication facilities</u>

City Attorney Mark Harrington commented on a number of concerns that have been raised in the media. The presentation this evening will address the confusion with the process and explain the proposal. He commented that part of the confusion can be attributed to the City. This is part of the Land Management Code which the Staff and Planning Commission have tried to fix with revisions, and the current Code outlines a number of regulations in different areas that will eventually all come together. He explained that the telecommunications ordinance was one of two that the City was asked to adopt by the Utah League of Cities and Towns to put off an effort of State pre-emption. The other ordinance was the right-of-way telecommunications ordinance which addresses underground telecommunication facilities in rights-of-ways. The time frame for adopting those ordinances was tight so the League could go before the legislature to show that a number of cities had adopted the ordinance and it would be best to leave telecommunications issues to local entities. Park City did not adopt the model ordinance for the telecommunications facilities, but it was modified and made more restrictive. The telecommunications section will be revised in Phase 2 of the LMC revisions with the intent of making it more concise and clear. Public input will be encouraged and welcomed at that time.

Mr. Harrington explained the Telecommunications Act of 1996 and noted that the material contained in the staff report submitted by The Aerie residents is accurate. Local zoning is not pre-empted unless it is specifically addressed in the Act. He outlined a list of things the City cannot do. First is no discrimination. They must treat all proposed facilities equally. Second, personal wireless services cannot be altogether prohibited. Third, the City must act within a reasonable time frame. He noted that there are mining claims under both sites, and it is an arduous process to research those rights. One mining claim is held in equal portions by the Kearns Tribune Corporation and the Lynch family. The Lynch family has gone through an extensive probate matter, and until two weeks ago, no one was authorized to give approval one way or the other. That was compounded by the fact that the City has a utility easement for the water tank over the proposed area, and all three ownership interests must comply. There is no specific agreement, and the Lynch family is waiting to see what will happen and what the City will ultimately agree to. Typically, an applicant will not come forward without the ownerships on board. In this case, because the City is an owner, they did not want to proceed with the ownership question first, because the Planning Commission would be put in a difficult position if the City Council agreed to something up front and did not want an ownership decision to influence a planning decision.

Mr. Harrington explained that the City has a heightened basis for denial in these decisions. All telecommunications facilities are approved through a CUP process. Some are handled administratively by the Community Development Department, and others are approved through the technical necessity exception or by the Planning Commission. Any decision must be in writing and based on substantial evidence, and no decision can be based on the environmental effects of radio frequency emissions. The City is preempted by Federal law from considering health effects or alleged health effects.

Mr. Harrington explained that the ownership issue puts the City at an advantage in the process. Regardless of the strict application of the conditional use criteria, they have the ability as an owner to say no. He asked the Planning Commission to make a recommendation as to whether Masonic Hill and The Aerie are appropriate sites for the City to consider as an owner. He has made himself available to those who have contacted him with questions, and literature was distributed explaining what the Legal Department has done on this matter.

Planner Alison Kuhlow provided a brief history of how telecommunication applications have previously been handled and why this one is going through a special process. In 1997, the City adopted a telecommunications ordinance which was drafted based on some of the criteria in the Utah League of Cities ordinance and additional criteria specific to Park City. Since adoption of the ordinance, the Planning Department has received many telecommunications applications, and seven have been approved to date under the administrative conditional use process. The 1996 Federal Telecommunications Act allows cities to regulate zoning, height, setbacks, and design. For an applicant to receive administrative approval through the Community Development Department, they must comply with certain requirements, one of which is zoning. The City allows certain types of facilities in certain zones, and most zones restrict free standing towers. Also, in order to receive an administrative permit, the height of the tower must comply with the allowed height in the zone, and the tower must comply with the setbacks of the zone. Design is another issue. The City requires that the towers be hidden, and many people are surprised to find that there are seven sites in Park City because they are well hidden. Lighting is also restricted. Planner Kuhlow explained that when an application does not meet any of these criteria, a technical necessity exception can be requested, which is the type of application presented this evening. This application does not meet the height requirements for the zone, and the Staff felt that some community goals are not being met which would require further review by the Planning Commission. To clarify the zoning and freestanding issue, she explained that they have always considered antennas enclosed within flagpoles as not being freestanding. This antenna is no longer freestanding, because it is in a separate structure, and the structure itself becomes the freestanding object. Planner Kuhlow commented that three flagpole sites have been approved in Park City under these criteria at Snow Park Lodge, the Silver Lake Fire Station, and lodges approved in 1999.

Chair O'Hara asked if the flagpoles are flying flags. Planner Kuhlow replied that they are.

Planner Thomas Barlow reviewed the application at 3000 Eagle Way for a technical exception. He reiterated that the reason for the review is height. The applicants wish to place 45-foot-tall flagpoles, and the Estate Zone has a 28-foot height limit with an exception for flagpoles and similar structures to extend over the height limit by 50%. The exception would allow a 42-foot height. Subsequent to publication of the staff report, the applicant agreed to a 38-foot height. This proposal is reviewed under the guidelines for a CUP. Two procedures are required before a permit can be issued-an administrative decision and a lease agreement between the property owner, the City, and the applicant presented to the City Council. The applicant has asked to move forward with a public hearing to show a good faith effort.

Chair O'Hara questioned whether the Planning Commission needed to review this application since the applicant has agreed to reduce the height. Administrator Putt explained that the City was approached with the proposal to reduce the pole heights to within the height allowed in the zone with the exception. That meets the technical requirements of the ordinance, but the Staff has not yet received an official modification to the application. When the application is modified, it will be processed according to the existing ordinance at the Staff level if it meets all the technical requirements. The benefit of holding a public hearing this evening is to allow input and feedback from the community regarding whether this is an appropriate site and whether the City should entertain a lease agreement to put these structures on its easement.

Chair O'Hara asked if the applicant planned to fly flags from the poles and stated that would make a difference as to whether it was a flagpole or a freestanding tower. Planner Barlow replied that the original application requested flags, and the Staff has requested that flags not be flown on the hill.

Commissioner Jones asked why there was no apparent concern about ridgelines. Planner Barlow explained that this application was reviewed under Chapter 3 of the Sensitive Lands Ordinance, and he did not recall that ridgelines were addressed. He offered to research the SLO during the public hearing.

Commissioner Erickson clarified that if the Planning Commission chooses to take action against the towers, they would need to create a substantial body of evidence in the written record.

Larry Dougherty, director of regional site development for Sprint, stated that he understood a revised application for flagpole height was submitted today. Although there has been much discussion as to whether Sprint should be here this evening, he felt he should air the issues and be part of the discussion. He stated that the flagpoles are exactly that, flagpoles and presented a photograph showing one of the sites at the fire station in upper Deer Valley. The same flagpoles are proposed at the 3000 Eagle Way location. Antennas are contained inside the flagpole structure. and flags are flown from the poles. Due to the prominence of the proposed location, the Staff was concerned about flying flags all the time. The City wants to control when flags will be flown and for what types of events. He explained that, due to the design, the flagpoles are limited as to what antennas they can contain and how they function which is a technical requirement they must accept. The design provides space for other providers to use the flagpoles to avoid a proliferation of similar applications. There is an opportunity for Sprint's competitors to join them on this site without adding facilities for their antennas. Mr. Dougherty deferred to the Staff's interpretation of the SLO regarding the ridgeline, but he was unaware of any prohibition for this application. He explained that the towers are safe, pose no danger, and are far below all the standards that have been set. He offered brochures to the public describing the levels of exposure at different intervals from the site. He noted that there are ownership issues, and two factions are working to resolve the issues of property ownership and who can sign the consents for the easements and licenses.

Chair O'Hara opened the public hearing.

Matthew Anderson, representing the Lynch family, half owners of this property, stated that consent would be required from all the owners, and that consent has not yet been obtained. He stated that he was not in a position to represent whether that consent would be forthcoming.

Kevin Damon, president of The Aerie Owners Association, noted that the Association submitted information to the Planning Commission in a letter on October 22. Another letter was submitted late this afternoon. He stated that The Aerie Owners believe there are reasons why this proposal should be questioned under the Land Management Code and Sensitive Lands Ordinance. The Staff and Park City employees have used the interpretation that it is not freestanding if it is inside a flagpole. He questioned that interpretation and felt that a flagpole was freestanding. He felt that the idea that it is not freestanding seemed to be a way to take this application out of the zoning issue. The antenna is proposed in the Estate Zone, and freestanding antennae are not allowed. If an antenna that is held up by a pole is not freestanding, it appeared that the only thing that could be freestanding would be an antenna that defies gravity. It was hard for him to believe that the SLO was written to make sure no one builds an antenna that defies gravity. He felt this had gone through a level of intellectual gymnastics at the City level to make the request palatable. That gets around the zoning issue, but there is also the height issue. An antenna inside a flagpole that is not freestanding would be an antenna that is supported on the interior wall of a structure. The City Staff has decided that the antenna is not freestanding, which makes it wall mounted and meets the zoning requirements. The height issue changes it from a wall mounted antenna back to a flagpole. Mr. Damon felt that the treatment was inconsistent, which caused great concern for The Aerie Owners. He noted that cellular service is already being provided in Park City by a number of other companies, and this service is very good without having to put antennas on the ridgelines. No one else has had to violate ridgelines, and he did not understand why Sprint needed to. He noted that antennas are mounted in the air to increase broadcast range. In this case, the applicant has asked to put them on top of a mountain, giving them 800 feet off the ground to start with. He felt that the height of the towers was irrelevant when considering that they are already 800 feet off the valley floor. Mr. Damon commented that, if Sprint's application is approved by the Planning Commission and the City Council, the 1996 Act states that you cannot discriminate between cellular providers, and they might not be able to stop other providers making the same request. Once there are towers on this hill, the next technology would get to put towers on the hill under the 1996 Act. Mr. Damon believes that was an important consideration, particularly since this tower will jut above the ridgeline. The Aerie Owners believed the application should be reviewed under Section 2 of the Sensitive Lands Ordinance, not Section 3. The City has decided that this is a public utility, which allows more lenient standards under Section 3. The Aerie Owners disagreed with that interpretation and believed it should be reviewed under Section 2 which requires that 150 feet within the crest of the ridgeline be open space and that nothing protrude above the ridgeline. The proposed site can be seen from eight of the nine vantage points outlined in the SLO. Mr. Damon stated that The Aerie Owners Association wished to register their complaint against this application.

Francis Umlauf stated that she understood Sprint did not want to talk about health, but research promised by the industry to assuage an anxious public has not been forthcoming. The scientists of Wireless Technology Research which administers a $25 million research program underwritten by cellular carriers went on strike in 1997 until the scientists' research was indemnified. It was noted that the scientists who wrote the FCC safety standards 15 years ago insisted on indemnification. She read research documentation stating that people should not live within 2-1/2 miles of these sites. This was a grave concern to her and a serious health issue. She was concerned for herself, her neighbors, the children who live in the area, and for the buildout that will one day happen on the mountain where families will live within the cell phone tower sites. She saw this as a serious issue, because it could be 10 years or more before the full effects or answers are known. She commented that the neighbors were not individually notified, but the notice posted on a pole at the bottom of the hill was found lying in the dirt. She suggested that public notices be securely attached to the object or structure so they remain where people can see them. She noted that the address on the notice was 2002 Eagle Way, but the presentation this evening is for 3000 Eagle Way, and she asked for clarification of the address. Planner Barlow replied that the original application was 3000 Eagle Way. The subsequent application was for 2002 Eagle Way, and 2002 Eagle Way was put on the public notice.

Ms. Umlauf noted that the equipment building was not mentioned in the public notice. Planner Barlow explained that notices contain a brief description of the project in the hope that the public will call the number posted on the sign for more information. Ms. Umlauf felt that practice was improper because people are not accurately notified about what is being built in their neighborhoods. She expressed concern that this application is only the tip of the iceberg, and if three towers are allowed now, they will want seven or more later. She noted that the proposed towers are in a lightning strike zone, and residents who do not live here full time have called her to express concerns that the towers will bring lightning strikes to the area. She requested that Mr. Dougherty address that issue. She stated that she understood Mr. Gallivan applied for the permit, and now she is hearing the name Lynch. If it is Mr. Gallivan, he co-founded TCI which recently merged with AT&T, and he remains an active leader in Salt Lake City. She believe the City and the residents needed to know more about this project.

Howard Wallack, a resident of Park City and The Aerie, remarked that the water tower is mentioned when the ridgeline is discussed. He noted that the water tank was placed underground so it would not break the ridgeline and be visible. If the people who came before them had the wisdom to put the water tank in the ground, they should not try to change things and put up flagpoles that break the ridgeline.

Diane Mellon, an Aerie resident, presented 14 faxes from people living in the community who were unable to attend this meeting and signatures of 70 people who were not able to attend. She stated that she opposed the cell towers at 3000 Eagle Way. She felt the citizens should know that the Legal Department now states that Sprint PCS can request a building permit at any time and get it without a hearing or any public input. She did not believe tonight's public input meant much. The Legal Department has told Planning that the towers are not freestanding, which she felt was important because freestanding towers are banned from the Estate Zone. The Legal Department decided that the application should be considered as antennas mounted inside structures, which is a category that does not exist in the Park City Land Management Code. Having made up this category, the Legal Department decided that a public hearing was no longer necessary, and the application could be handled as an administrative approval. The first three antennas are at 3000 Eagle Way at the top of Aerie Hill, an Estate Zone District where freestanding telecommunications antennas are prohibited. The applicant describes three towers mounted 45 feet above the ground in a product designed to look like a flagpole. A computer simulated photograph shown to Ms. Mellon showed the poles flying flags and protruding prominently above the hilltop. The Legal Department ruled last Thursday that these flagpoles are not freestanding and are exempt from any hearing, which she found hard to believe. She could think of nothing more freestanding than a cellular tower disguised as a flagpole. She did not believe Park City citizens wanted the Legal Department to circumvent the desires of the citizens, and the citizens want them to stop the towers. She asked the Legal Department to represent the citizens of Park City, not special interests. In 1996, Congress passed comprehensive legislation overhauling the U.S. telecommunications industry, and the Act does pre-empt all local siting authority for health and safety issues. Despite that law, she wished to comment on health issues. Sprint and the telecommunications industry have tried to blur the distinctions between frequencies, likening their installations to a 100-watt light bulb in an attempt to confuse and placate concerned citizens. What is left out is that these systems operate in high frequencies and microwave bands which are maximally absorbed by human tissue. She cited examples of recent studies showing the harmful effects of cell towers and cell phones on test animals and the human body. She commented that DNA damage, blood disorders, brain tumors, electrical sensitivity, and other serious adverse health disorders are brushed aside in the name of progress. They are irrevocably altering the electro-magnetic signature of the world without clear understanding of the implications to humans and other species. She stated that communities around the United States have banded together to defeat proposed towers and asked how Park City could do less. This is about health and children's health, and she asked the Planning Commission not to let them down.

Chair O'Hara asked Mr. Harrington if the Commission should use testimony regarding environmental issues in making a decision. Mr. Harrington replied that, to the extent the Planning Commission might fashion a denial, it is important to distinguish between issues, because they cannot consider environmental issues. The public should understand that they could undermine their position when making statements regarding environmental issues, because the City will have to take extra steps to protect itself from the challenge of an applicant because those statements are on the record. The Planning Commission should distinguish on the record that those statements were not relied upon as a factual basis for findings.

Carol Honeywell, a 16-year resident of Park City, stated that she moved to The Aerie two weeks ago. She believed it would be inappropriate to approve commercial use in an area where the Building Department has given permits to build expensive homes with great views of whatever this proposal will look like. She believed it was inappropriate to go against the Summit County philosophy of breaking the ridgeline and opposed the proposal, because it does not belong in view of the subdivisions that surround it.

Joe Tesch requested that the Planning Commission take action this evening because there is a great deal of distrust among the population about whether the Planning Commission will act before an election. This item was published as an action item, and people came this evening expecting action. He understood that a reason for not taking action this evening was the need for a study of the SLO. He referred to the letter from Kevin Damon dated October 21 and noted that Mr. Damon reviews the sensitive lands issue in depth, so this is not a surprise to the Staff. He also suggested looking at Item 16 in the staff report under Sensitive Lands Review. He read, "The proposed structure was evaluated under the Sensitive Lands overlay zone regulation, Section 3, Administrative provisions with relation to public project, project works, and public utilities," and asked why that information was not available this evening. To suggest that no one at the Staff level or on the Planning

Commission knew whether the overlay was done is dodging the Planning Commission's responsibility. He felt they should start looking at the Telecommunications Act, and he read a portion of the intent section of the Act which states that telecommunication facilities and related equipment should be located where they are least visible from public streets, public areas, and designated view corridors. To the best extent possible, such equipment should be screened from adjacent property owners. He pointed out that what is being proposed are stealth towers visible from no less than 6 of the 7 view corridors. Under the Federal Act, subsequent facilities should be located in the same place as prior facilities. Once these three towers are allowed, they will have other applications that must go in the same location, and eventually it will look like a picket line. Mr. Tesch noted that he sat on the Planning Commission when the Sensitive Lands Overlay Zone was adopted, and there was no doubt in his mind that it clearly applied in this case and that this could not be viewed as anything but gross and absolute violation of ridgelines. He believed the height limitation issue was a misinterpretation of the Code by the Staff. This is not a flagpole; it is an antenna on a pole that is conveniently misnamed flag. He felt that the new application which has been verbally stated and supposedly will be submitted in the morning is an attempt to divest the City of all efforts to do the people good. He suggested that this approach was not sufficient, and the Planning Commission should address the issue this evening. Mr. Tesch outlined a number of actions he believed the Planning Commission should take. First was to give direction to the Community Development Director. Seven times telecommunications applications had been approved without the public, City Council, or Planning Commission knowing about them because they were processed administratively and the Community Development Director determined that a pole with an antenna inside was a flagpole, not a freestanding antenna. The Planning Commission has the responsibility to interpret the Code, and they should determine that when a pole is erected for the sole purpose of housing an antenna, it is not a flagpole but a free-standing antenna which is absolutely prohibited in the Estate Zone under the Telecommunications Act. He also believed the Planning Commission should rule that the 50% height exception will not be used for flagpoles when dealing with a pole to hold up an antenna, or they should at least use the criteria in the Land Management Code which allows five feet above the maximum zoning height of a building. This method would allow a maximum of 33 feet for this application. He requested that the Planning Commission reject the proposed 45-foot height in the original application and the revised height in the newly submitted application to send a clear message that neither one falls within the Code, and neither can be approved by the Planning Commission. Mr. Tesch believed the Planning Commission should amend the Code and direct the Staff to draft amendments allowing public input every time these issues arise. He felt the Planning Commission should take action this evening and send a clear message to the City Council that the City has no responsibility to enter into this lease. They have heard from the people, and the objection is unanimous.

Joan Jacobson, an Aerie resident, stated that she was told that there will be flashing red lights to alert aircraft since flags are not allowed. That would not only affect The Aerie residents, but the lights would be visible all over Park City. She commented that Sprint is coming into an unfavorable situation, and they should find another location for their antenna as it does not belong in a residential neighborhood.

Mr. Damon stated that he started looking into this matter two weeks ago and was told that the 1996 Federal Telecommunications Act tied the City's hands from acting on this application. He could not find that in the Act, and the attorney who did the work for him could not find it. He spent 10 days calling law firms who do FCC work, and no one was able to substantiate that position. He did not believe that the 1996 Federal Telecommunications Act took away zoning or regulatory authority as to where the towers could be placed. Mr. Harrington remarked that the City did not disagree with Mr. Damon's position.

Mr. Dougherty felt that some of the speakers this evening had been quite compelling. He stated that he is a planner, and they could argue the issue of what is and is not a flagpole forever. In some cases, flagpoles that support telecommunications equipment are appropriate, but not all towers are appropriate everywhere. The fact is, they are needed and are put everywhere. Sprint is a neighbor with the community, and the goal is not to frighten anyone or disturb their neighborhoods and the way they live but to provide complete service in the area and a choice for consumers. He requested the opportunity to take this matter back to his engineers to see if there are alternatives that might be more pleasing to the community.

Chair O'Hara closed the public hearing.

Chair O'Hara took exception to comments that the public had no say and that their input meant nothing. He also took exception to the comments that there is a lack of faith in what the Planning Commission and City Council do. He stated that he lives close by and he does not want to see these towers from his window either. Ridgelines are to be protected, and they must look at how the SLO affects this issue as it is critical to moving forward or stopping this issue completely. He noted that he has a problem with ridgelines and with the houses on The Aerie, because they are on the ridgeline. He had questions about the flagpole issue and felt that some agreement needed to be reached with the Staff on how to handle free-standing towers that look like something else. If it is a flagpole, it should fly flags, and he did not want to see flags flying on top of ridgelines. There are issues as to what section of the SLO should be applied, and he was unsure whether commercial use of telecommunications towers falls under public utilities. He requested input from the Planning Commissioners to provide direction to the City Council regarding the lease. He stated that he hoped for a unanimous vote to recommend to the City Council that the lease not go forward.

Commissioner Jones stated that he understood one direction of the Federal regulation was to use existing sites. A major concern is how many towers will follow the three towers requested with this application, which is a concern for this hilltop and any hilltop in Park City. He felt it was more appropriate to locate the requested towers on one of the hilltops which already has telecommunications facilities. Mr. Dougherty explained that Sprint tried to do that, but there was no room left because many facilities already have multiple carriers. Commissioner Jones suggested that Mr. Dougherty look at the three ski areas and Quarry Mountain as alternatives to The Aerie hilltop. Mr. Dougherty replied that The Aerie site is a network that will support other sites outside the community. It is a re-use of frequencies and quite complex. Many sites are needed to fill all the areas, and this one is being established to take care of the Prospector Square area where there is little or no coverage. He stated that much thought and engineering goes into choosing these sites.

Commissioner Zimney felt that, if the existing sites are full and the Federal Act requires additional towers to be located on the same site, this would further impact the Aerie in the future. She did not think the towers belonged at The Aerie because they are too big and too visible for that hilltop.

Commissioner Jones felt it was a long stretch to call this a flagpole on top of a hill. He explained that the City has an interest on this site and can refuse the lease, but the larger issue is that there are additional sites on which the City does not have a lease, and this should be addressed. He was uncomfortable with calling this a flagpole and so it can be allowed.

Commissioner Erickson agreed with the other Commissioners. He believed the decisions made by the Staff on existing flagpoles and flagpole locations were correct, and the Commission should carefully craft how these problems are handled. There was no question in his mind that the SLO strictly applies in this matter, and that message should be forwarded to the City Council.

Commissioner Hier concurred with the previous comments and stated that the SLO applies directly. Section 3 refers to the fact that all reasonable attempts to comply with the standards and guidelines of the Sensitive Lands regulations should be utilized. He believed that would prohibit any development on the ridgeline, particularly something that protrudes. He felt they should recommend to the City that it heed public opinion and not allow this lease.

Commissioner Hays agreed with the Commissioners' comments.

Commissioner Larson agreed with the previous comments and felt the flagpole issue should be addressed. The flagpole argument cannot be used across the board in all cases, but in this case a flagpole is a flagpole, and to call it something else does not work. This is a free-standing antenna and should be called such in looking at the underlying zone. He agreed that the SLO definitely applied and would preclude anything this size. He felt the Telecommunications Act had worked so far because the Staff has done a good job in administratively placing telecommunications towers. If there are seven sites, he does not know where they are.

Commissioner Hier commended The Aeries Homeowners Association for a cogent presentation of their arguments and stated that what the community says does make a difference when it is presented in this manner.

MOTION: Commissioner Erickson moved to POSTPONE this item. Commissioner Larson seconded the motion.

VOTE: The motion passed unanimously.

7. <u>915 Norfolk Avenue - Lot line adjustment</u>

Planner Barlow reviewed the application for a plat amendment in which the applicants are requesting combination of Lot 4 and the southern half of Lot 5 into one lot to accommodate a single-family home. Currently, an historic home is located over the lot line between Lots 4 and 5. This home is considered a legal, non-conforming use. The applicants have come to the Planning Commission to clean up the lot line. The plat amendment is being processed through the Planning Commission and City Council due to a State law which prohibits administrative approval when the action results in creation of a remnant lot. This request will create a remnant lot on the northern portion of Lot 5. If the plat amendment is not approved, the existing historic home on Lots 4 and 5 will remain as a legal, non-conforming use. After the staff report was prepared, a letter was received from the property owner requesting that Finding of Fact 4 regarding dedication of a 10-foot, non-exclusive snow storage easement along Norfolk Avenue be eliminated.

Chair O'Hara clarified that once the lots are combined, the lot will be too small for a duplex, and an accessory apartment would require a CUP. The applicant could use the planned addition for a lock-out, and the potential impacts should be addressed in a condition of approval.

Chair O'Hara opened the public hearing.

Rick Lewis, Community Development Director, reminded the Planning Commission that the City Engineer has consistently required the snow storage easements because this is the only way to acquire them. The City does not take any property and uses the easement only to store snow during the winter without having to debate with the property owner.

Chair O'Hara closed the public hearing.

PARK CITY
1884

DATE: December 2, 1999
DEPARTMENT: Police Department
AUTHOR: Lloyd D. Evans, Sr.
TITLE: Chief of Police
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends adoption of an ordinance creating temporary special event regulations for activities in conjunction with celebrating the new Millennium.

DESCRIPTION:

A. Topic:

Enactment of a temporary ordinance that would allow City staff to review and approve special events and/or functions, in connection with the Millennium Celebration, through an administrative process.

B. Background:

As the Millennium holiday approaches, there have been concerns voiced by citizens and business owners, that the Millennium will not be celebrated to its fullest, and would like the City to facilitate events surrounding the Millennium. With a desire to facilitate the celebratorial nature of this event, City staff has held meetings with the Chamber, citizens and community activists. These meetings yielded the suggestion of an ordinance that would allow City staff to approve and license events and/or functions administratively and, on a temporary basis, while allowing City staff to weigh each event or function requested against our ability to provide public services without compromising our Y2K readiness.

C. Analysis:

The approaching Millennium presents City staff with a number of unique concerns as it pertains to the Year 2000 conversion. We need to consider staffing for emergency response if needed, both on a physical presence and a stand-by basis.

The City staff has developed a "Y2K Response Plan" to prepare for a two tiered response; an internal response and a community assistance should something occur based on the year 2000 conversion problems. Because of the level of preparation that has been undertaken, and with the "Unknown" factors of this particular time frame, City staff will be paying close attention to maintaining adequate public resources, which may limit the number of events/functions that could be approved.

Under the provisions of the ordinance, City staff would review and approve or deny functions, in conjunction with the Millennium celebration, taking into account our ability to provide public services, the public benefit of the event in question, and reducing the time necessary for approvals. City staff would work closely with the event promoter/organizer to ensure that community impact, public safety and welfare issues are adequately addressed. The current standards for approval would still be used when reviewing events application, however City Council however would not be giving its approval. Approval of some events/functions may allow activities outside of the Land Management Code but only in connection with this one time Millennium celebration.

The ordinance establishes a fee, deadline, with a drop-dead date of December 15, 1999 for applications, and specific review standards to limit the staff's discretion in approving or denying individual applications.

D. Department Review:

This staff report has been reviewed by Police, Special Events, Building and Legal.

ALTERNATIVES:

A. Approve the Request:

Approval of this request will facilitate the approval and presentation of quality public and private events in conjunction with the Millennium celebration in a timely manner without straining public services or compromising Y2K readiness.

B. Deny the Request:

Denial of this request will most likely prevent approval of any additional events or functions being held in conjunction with the Millennium celebration.

C. Continue the Item:

Continuing this item would have the same effect as a denial.

D. Modify the Approach:

Council could decide not to approve the ordinance, rather call a special council meeting to address event requests and retain its ability to make a final decision on the event rather than relinquishing that authority to staff.

E. Do Nothing:

Taking no action on this item will also have the same effect as alternatives "B" and "C".

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If this ordinance is not approved as recommended by staff, the opportunities for the community to hold additional public or private celebrations would be unlikely due to the current guidelines and ordinances in place for licensing such things.

RECOMMENDATION:

Staff recommends that City Council pass the attached ordinance adopting temporary special event regulations for activities in conjunction with celebrating the new Millennium.

ORDINANCE 99-___

AN ORDINANCE ADOPTING TEMPORARY SPECIAL EVENT REGULATIONS FOR ACTIVITIES IN CONJUNCTION WITH CELEBRATING THE NEW MILLENNIUM

WHEREAS, individuals and organizations desire to celebrate the new millennium with public and/or private special events and facilities within boundaries of Park City Municipal Corporation; and

WHEREAS, the City Council desires to establish a process for permitting such activities and facilities while maximizing the safety of participants and minimizing the inconvenience to the general public and disruption of public services; and

WHEREAS, Section 10-8-84, Utah Code Annotated ("U.C.A.") authorizes the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by U.C.A. Title 10, Chapter 8 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, licensing is a legitimate and reasonable means of time, place, and manner regulation to ensure that sponsors and organizers of public and/or private special events and facilities comply with reasonable regulations and applicable building and fire codes;

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

<u>SECTION I. FINDINGS</u>: The Council finds that:

1. The above recitals are incorporated herein as findings of fact; and

2. Park City, as a resort community, has a compelling, countervailing public interest in allowing temporary special events to celebrate the new millennium, while ensuring adequate public safety.

<u>SECTION II. AMENDMENT TO TITLE 4 OF THE MUNICIPAL CODE OF PARK CITY</u>. Title 4 of the Municipal Code of Park City is hereby amended and superseded by the Millennium Event Licensing ordinance attached hereto as Exhibit A.

<u>SECTION III. PERIOD OF LIMITED EFFECT</u>. This temporary ordinance shall be effective through January 2, 2000.

<u>SECTION IV. TEMPORARY ZONING ORDINANCE</u>. To the extent that

anything in this ordinance conflicts with the Land Management Code, this ordinance shall be construed as a temporary zoning ordinance adopted pursuant to U.C.A. Section 10-9-404 and this ordinance shall control. This ordinance shall be effective in all zones of the City.

SECTION V. EFFECTIVE DATE. This ordinance shall be effective upon adoption.

PASSED AND ADOPTED this ___ day of December, 1999

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

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EXHIBIT A

MILLENNIUM EVENT LICENSING

A. DEFINITIONS.

(1) Millennium Event: Any public or private event, including but not limited to fireworks displays, held in conjunction with the new millennium on public or private Venue(s), which creates significant public impacts through attraction of large crowds, necessity for street closures, disruption of traffic and/or parking in the Venue(s), use of public property, use of pubic employees or equipment, requires additional police, fire, or emergency medical services, or includes outdoor music or temporary Millennium Facilities not otherwise permitted by City codes.

(2) Millennium Facility: Any temporary structure or tent used in conjunction with a Millennium Event and not otherwise permitted by zoning or business licensing ordinance.

(3) Venue: The location or locations upon which a Millennium Event is held, as well as the ingress and egress routes when included in the Millennium Event License.

B. UNLAWFUL TO OPERATE WITHOUT A LICENSE.

It is unlawful for any person, group, or business, to conduct a Millennium Event with or without charge for admission, on public or private property, without first applying for and being granted a Millennium Event License for the specific event and its Venue(s). Complete Applications for a Millennium Event must be received by December 15, 1999. All licenses issued pursuant to this Title are non-transferrable and expire at the completion of the given event or revocation, whichever is earlier, but in no event later than January 2, 2000.

C. MILLENNIUM EVENT LICENSE APPLICATION PROCEDURE.

Applications for Millennium Event Licenses shall be made in writing to the Special Events Department. Application materials will be reviewed by the Park City Police Department, Building Department, and Community Development Department and returned to the Applicant with comments and/or approval or denial of the license application pursuant to the standards provided herein at Section D (i.e., approval as is, approval with changes, cause for denial) as soon as reasonably possible, but no later than December 29th. Incomplete applications will be returned to the Applicant and noted accordingly.

D. STANDARDS FOR LICENSE APPROVAL.

The Park City Police Department, Building Department, and Community Development Department shall approve a Millennium Event License unless it is determined that any of the conditions enumerated in this Section exists at the time of application or is likely to occur. A Millennium Event License may be prohibited or restricted whenever any of the conditions enumerated in this Section is likely to occur, unless the event is modified to eliminate said condition.

(1) The conduct of the event will substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.

(2) The conduct of the event will require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

(3) The concentration of persons, vehicles, or animals will unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.

(4) The event will substantially interfere with any Millennium Event for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

(5) Where applicable, the Applicant fails to provide the following: (1) the services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices; (2) security for crowd control and safety; (3) safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety; (4) adequate off-site parking, shuttle service, or both where necessary to minimize substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; (5) required insurance, cash deposit, or other security; (6) adequate fire suppression and emergency medical staff on standby; or (7) any other services or facilities necessary to ensure compliance with the City uniform building code, or other applicable ordinance(s).

(6) The Applicant demonstrates an inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

(7) The Applicant has not obtained the approval of any other public agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.

E. LICENSES NECESSARY FOR A MILLENNIUM EVENT LICENSE.

The Applicant/ Licensee shall provide to the Special Events Department proof of temporary liquor or beer license, and building permits as applicable, and must pass all inspections as a condition precedent to a valid Millennium Event License.

F. PAYMENT OF FEES, POSTING OF CASH DEPOSIT.

The application fee is $100. Unless waived pursuant to the Fee Resolution, all other fees due the Park City Municipal Corporation as a result of a Millennium Event, must be paid within thirty (30) days from the final day of the event. This Section further empowers the Chief of Police or Building Official to require an Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs prior to the issuance of a Millennium Event License, as a guarantee against fees, damages, clean up, or loss of public property.

G. INSURANCE REQUIREMENTS.

Every event licensed under the provisions of this Chapter shall provide upon application for license proof of liability insurance in the amount of one million dollars ($1,000,000) or more as may be required by the Chief of Police or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured. Private events held on private property falling under the requirements of this Chapter shall further indemnify the City from liability occurring at the event.

H. CRIMINAL PENALTY.

Any person who willfully violates any provision of this Chapter shall be guilty of a Class B misdemeanor. Persons conducting Millennium Events without having first obtained a Millennium Event License are subject to arrest and the event is subject to closure.

I. REVOCATION FOR CAUSE; NOTICE TO CURE.

(1) Notice to Cure. If the Chief of Police or any sworn law or code enforcement officer determines that the conditions of any license issued pursuant to this Chapter have been or are being violated, then notice shall be given to the Licensee, sponsor, or designated organizer's representative of the Millennium Event to cure the violation.

(2) Failure to Cure. It is unlawful for the Licensee, sponsor, or on-site organizer's representative of an authorized Millennium Event to fail to take reasonable steps to promptly cure any notice of violation of this Chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the Licensee, sponsor, or on-site organizer's representative to cure their violation of this Chapter.

(3) Clear and Present Danger. If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police's designee, that any failure to cure a violation of this Chapter creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the Millennium Event, the Licensee, sponsor, or on-site organizer's representative

of the Millennium Event shall be promptly notified that the license is revoked and that the Millennium Event must immediately cease and desist.

(4) Violation of Cease and Desist Order. If a license is revoked as specified in Subsection C above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities.

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PARK CITY
1884

DATE:	December 9, 1999
DEPARTMENT:	Public Works
AUTHOR:	Jerry W. Gibbs, Public Works Director Thomas A. Daley, Asst. City Attorney
TITLE:	Observation and Test Well Program
TYPE OF ITEM:	Administrative

SUMMARY RECOMMENDATIONS: Authorize the award of a change order to Park City's contract with Lang Exploratory Drilling in the amount of $200,000 for two additional observation wells. Authorize a change order to Park City's contract with Weston Engineering for $20,000 for the continued supervision of drilling and sampling and analysis of information obtained during drilling.

DESCRIPTION:

A. Topic: Observation and Test Well Drilling

B. Background:

In September, 1999, the City Council awarded a $490,000 contract to Lang Exploratory Drilling to drill two observation wells and one test well. Lang drilled the two observation wells for approximately $155,000 and the test well - slated for completion on December 14, 1999 - for approximately $320,000.

As a reminder, the specific objectives of drilling an observation well are:

- to verify the geologic interpretation,
- to verify acceptable water quality in the target aquifer, and
- to verify adequate potential yields from the target aquifer.

The observation well at the Old Town site provided data significantly different than the information recently disseminated by the U.S. Geological Service. The Old Town site confirmed that Park City is an area of extreme hydrogeologic complexity where groundwater is stored primarily in fractures separating myriad bedrock formations. It is very difficult to predict hydrogeologic conditions more than a few hundred feet below the surface. Fortunately, United Park City Mines Company has cooperated by sharing geological information amassed over a century of mining and by meeting with staff and Weston Engineering to discuss possible well sites.

While the Old Town site did not meet our expectations, the Park Meadows site has shown very positive results. Preliminary tests indicate a high probability of a viable production well at this location; pump tests to conducted next week will confirm the well's capacity.

Lang Exploratory Drilling is prepared to leave the Park Meadows site on Wednesday, December 8, 1999, making them available to drill additional observation wells at their bid unit costs.

C. Analysis: Weston has suggested two additional sites where the suspected geology, adequate source protection and close proximity of existing water delivery system infrastructure make them ideal candidates for observation wells. Those sites are:

- Hidden Meadows. This is the site Weston most highly recommends. This site is made more attractive by the fact that United Park reserved a well site in the Hidden Oaks subdivision off of Fox Glen Circle and Solamere Drive. Lang would drill a six inch observation well in the hope of confirming the suspected geology, identifying water quality, and estimating the approximate yield of a production well.

- The Judge Tunnel area is the second most highly recommended site. There is a risk that this may have the same troubling geology as revealed by the Old Town observation well.

For either the Hidden Meadows or Judge Tunnel sites, the drilling process would be 24 hours per day, seven days per week. Sound curtains will again be used to mitigate the noise of drilling. These were very effective at the Old Town site and somewhat less successful in Park Meadows.

In addition to Lang's costs, Weston Engineering would monitor the drilling at a cost of approximately $10,000 per observation well.

If the information learned from an observation well indicates a test well is warranted, a subsequent request for funds would be made to the City Council. Additionally, the State Engineer would need to issue a test well authorization.

It is important to note that Park City anticipates entering into an agreement with United Park City Mines Company providing for their participation in Park City's well-drilling program. The imminent agreement would oblige United Park to pay 50% of the total cost of drilling observation and test wells. United Park would also pay a *pro rata* share of the costs of any production wells constructed; United Park's share would be determined by its ultimate build-out demand (800 gallons per minute) divided by the total capacity of all production wells constructed and multiplied times the total cost of all production wells constructed.

D. Department Review: This project is part of the Water Department's Capital Improvements Program. (Account Number 51-45078). The City Manager and legal staff have reviewed this proposal.

ALTERNATIVES:

A. **Authorize a change order to Lang's contract for $200,000.00 and Weston Engineering for $20,000.** This is the recommended alternative.

B. **Stop the existing well drilling program.** This is not recommended. There are significant costs associated with this alternative, including paying Lang to stand-by or to travel to Park City from another job site in the future.

SIGNIFICANT IMPACTS: An effective and successful well-drilling program is critically needed to meet Park City's short and long term needs. Our target well capacity is 2,500 gallons per minute. There is a strong probability that a production well at the new Park Meadows site may provide 1,000 to 1,200 gallons per minute. Further observation wells will help identify additional water resources in our area and direct us toward another target aquifer that will bring us closer to our goal. Also, the information derived from observation wells could hinder the scope of Park City's participation in the Rockport Pipeline; this consideration makes the decision to drill additional observation wells time-sensitive.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The Rockport Pipeline project is still three to five years from completion and it is expected that our participation in that project will meet 60% of our projected shortfall in peak day demand at full build-out. Consequently, Park City needs additional source capacity to satisfy the balance of the projected shortfall, and the wells discussed in this report represent the most viable solution.

It is important to remember while considering this request that Park City's wells could experience problems similar to those encountered recently by other Snyderville Basin wells. However, information obtained from observation and test wells decreases the likelihood of such problems.

RECOMMENDATION: Award a change order to Lang Exploratory Drilling in the amount of $200,000 and a change order to Weston Engineering in an amount of $20,000 for the completion of observation and test wells.