PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 19, 1996

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 19, 1996.

AGENDA

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

3:30 p.m. Council questions and comments
3:45 p.m. General Plan
4:45 p.m. Arts Council grant program
5:00 p.m. Review of regular meeting
Valet parking contract
Property acquisition
Other meeting questions/comments

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

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF NOVEMBER 21, 1996

V PUBLIC HEARING

An Ordinance approving an amendment to 1800 Prospector Square, Lot 30 Prospector Square of the Prospector Square Supplemental Amended Plat, Park City, Utah

VI CONSENT AGENDA

An Ordinance approving an amendment to 1800 Prospector Square, Lot 30 Prospector Square of the Prospector Square Supplemental Amended Plat, Park City, Utah

VII NEW BUSINESS

1. Authorization of valet program expenditure not to exceed $26,500 and authorization to staff to enter into a contract with Ampco System Parking in an amount not to exceed $22,500

2. Resolution of the City Council of Park City authorizing purchase of property and acceptance of a charitable donation of property located north of State Route 248 near U. S. 40

3. Resolution of the City Council of Park City authorizing purchase of property located at the eastern edge of Park City, Utah along State Route 248; declaring its official intent to reimburse itself from bond proceeds for certain capital expenditures including all acquisition costs; and authorizing incidental action

VIII OLD BUSINESS

1. Lease with White Pine Touring

2. Consideration of adoption of an Ordinance amending the Park City Land Management Code as replacement legislation for Ordinance No. 96-27, the Parking Temporary Zoning Ordinance, including amendments regarding off-street parking requirements to Chapter 7.2 (HCB Zoning regulations) and Chapter 13 (Off-Street Parking)

IX ADJOURNMENT

PARK CITY COUNCIL MEETINGS
SUMMIT COUNTY, UTAH
DECEMBER 26, 1996 AND JANUARY 2, 1997

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah **will not** hold its regularly scheduled meetings on Thursday, December 26, 1996 and Thursday, January 2, 1997.

Posted: 12/17/96

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 19, 1996

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

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Frank Bell, Chief of Police, Jerry Gibbs, Public Works Director; Myles Rademan, Public Affairs Director; Eric DeHaan, Engineer; Rick Lewis, Community Development Director; Nora Seltenrich, Special Projects Manager; Hope Bleecker, Transportation Director; Brian Anderson, Parking Operations Manager; Meg Ryan, Planner

Dell Fuller, Mike Andrews, Board Members, Joanna Charnes, Executive Director, Park City Arts Council; Charlie Sturgis, White Pine Touring

1. **Council questions/comments.** Roger Harlan reported that the Parks and Recreation Board prioritized RFPs regarding community recreation needs and will be forwarding its recommendation to Council; the time frame was unknown. He added that Valeska Spears contacted him regarding traffic problems with the traffic-calming median on Park Avenue and Deer Valley Drive. Mr. Sincock stated that he is chagrined with the outcome of the letter from the North Horse representatives as they now indicate they have no moral obligation to provide local preference. Toby Ross added that the City was paid off eliminating the subordination. There was discussion regarding North Horse not taking staff's position on local preference seriously. Chuck Klingenstein suggested that in the future, the local preference obligation be committed to before any approvals or zone changes are made. The Mayor discussed differences in legal opinions with regard to tax credits and Mr. Ross indicated that staff has come to the conclusion that projects involving tax credits are too complicated.

Chuck Klingenstein relayed a complaint from the owner of Go Big on Park Avenue about less traffic in front of her store and that people are missing the turn onto Heber Avenue and turning around in her driveway on Deer Valley Drive. Shauna Kerr explained that the road closure construction sign for the Town Lift Project intersection on Deer Valley Drive adds to confusion. Chief Bell continued that his Department has also been receiving comments. Mr. Klingenstein urged all City vehicles to comply with the speed limits in town. The Mayor commented on complaints he received about the median on Park Avenue not being attractive. Jerry Gibbs reported that the hazard markers and barricades have been removed; the island is temporary, but if Council would like it permanent, it could be enhanced with landscaping. Myles Rademan pointed out that changes cannot be made quickly and it will have an affect, like people missing a turn. Jerry Gibbs added that two more will be installed on Park Avenue. The Mayor felt that Council can later consider aesthetic improvements to the medians. In response to a question from Shauna Kerr, it was indicated that three accidents have occurred at the location. The Mayor suggested more separation between the directions on the sign to the Ski Area, Deer Valley, and Old Town. Shauna Kerr received input about the traffic calming effort and confusion with motorists, and felt that the problems with missing

Main Street is due to the construction in the Town Lift area. She asked when the project would be moved out of Deer Valley Drive. Eric DeHaan responded that UDOT has rendered an approval through August 1997. Roger Harlan recommended a temporary sign directing people to Main Street and the electronic sign was suggested. Ms. Kerr felt that the new parking enforcement efforts are working on Main Street as there is available parking for shopping. She thanked the staff for organizing a great Christmas party.

Hugh Daniels referred to a report from the State Auditor's Office distributed to the City Council. With regard to a statement of whether the City Council is aware of City investments, Mr. Daniels emphasized that the Council does have knowledge of investments and receives regular reports generated by the Finance Department. If Council concurs, Mr. Daniels stated that he is willing to write a letter to the Money Management Council reiterating Council's involvement in financial affairs of the City. He added that Park City is unlike most other cities in the state, who invest almost exclusively in the state pool. He felt that Park City is making good investments for the benefit of its citizens. There may be suggestions made by the state that could be incorporated into the budget process or for policies, but the bottom line is that Park City chooses to invest differently. Chuck Klingenstein felt that the auditors' concerns are already adequately addressed. The City Manager stated that he and the Finance Manager had agreed to provide the Money Management Council with information that reports the status of the City's investment. Mr. Ross continued that there will be time scheduled on Council's retreat agenda dealing with investment policies. Council member Harlan pointed out the proceeds from the City's sale of the long-term housing agency bonds which were invested in the state pool. Mr. Ross added that this sale was a good faith effort to address the concerns of the state and explained the features of the sale. It was the consensus of Council that Council member Daniels write a letter to the state as expressed earlier.

General Plan. The Mayor directed the Council to Page 16. Paul Sincock suggested eliminating the "floor-to-lot area ratios" language in the first bullet under Developing Area, as they may be discontinued. Chuck Klingenstein suggested adding, "or other methods". There was discussion about the status of the review of FARs and it was decided to keep options open. On Page 17, Mr. Harlan suggested that the fourth bullet and the and tenth bullet are redundant and Hugh Daniels added that the eighth bullet and eleventh bullet could be combined on Page 17. With regard to the statement on Page 17 to limit the construction of new drive-up windows in commercial areas, Mr. Klingenstein felt "limit" is a vague statement. Ms. Seltenrich stated that it is a policy issue. Ms. Kerr pointed out that by eliminating drive-up windows results in requiring parking spaces. Ms. Seltenrich added that there are franchises that simply will not consider Park City if they can't have drive-up windows and Mr. Klingenstein felt that is an issue worth discussing further. It was stressed that this would not only affect fast food restaurants but also banks. The City Manager suggested replacing the word "the construction" with "new construction". There was discussion about prohibiting or limiting drive-up windows, and Mr. Klingenstein added that there is no current standard. Council agreed to use the word "limit".

Paul Sincock referred to the map and pointed out the reference of "Park City active recreation complex and golf potential" across from Highway 40 in the Quinns Junction area. He felt that this makes the County nervous as it has its own overlay zones and it is important to understand the County's interests. On Page 21, second bullet, Mr. Sincock asked what "recreation" has to do with open space, as it could involve ball fields. In the third bullet on Page 21, Mr. Sincock suggested replacing the word "apparent" with "permanent/visible". With regard to the statement "important to weigh the relative values of the various types of open space" on Page 22, Mr. Klingenstein questioned the word "weigh". Ms. Seltenrich clarified that this has more to do with monetary value and the paragraph clarifies that there a variety of types of open space. Mr. Klingenstein continued that in the next paragraph that the trail component be described as "year round". On Page 23 with regard to the passive public recreation open space, Mr. Harlan suggested "plain open space or visual open space" be added, but thought that perhaps the reference to meadows on Page 22 may cover his concern. Paul Sincock pointed out that there is a list of the various types of open space but no definitions. Ms. Kerr asked if this was discussed at the Planning Commission level. Mr. Lewis explained that the Commission didn't want to prioritize different types. Mr. Sincock reiterated that the types should be defined. Mr. Klingenstein was concerned about the word "private" used to describe the last four categories of open space on Page 23, as he didn't like the country club inference. Ms. Kerr felt that the following paragraph indicates that private open space is considered a lower priority and handles her concern. She suggested that this could be further clarified by expanding language that the preference is that open space is for everyone and private open space is an exception and not the rule. Mr. Harlan pointed out a typographical error on Page 24; "Such as fund" should be changed to "Such funds". In the second bullet under Short-Term Actions on Page 24, Mr. Harlan suggested a definition of the word "usable". Ms. Kerr felt that usable could be described as including but not limited to the following (i.e., visual, trails) so that it has some type of meaning. With regard to Mr. Klingenstein's concern about private open space, the City Manager relayed that private dedications should not be discouraged but there could be a statement encouraging public open space. In the first bullet on Page 26 regarding a real estate transfer tax, the Mayor pointed out that this tax not very likely and the reference should be stricken. The Council agreed that it is still a worthy goal to pursue. There was discussion regarding the open space map and the City's acquisition of the Wortley/Baingo and Gillmor properties scheduled on the agenda. The Mayor informed Council that since 1990, the City has acquired over 1,200 acres of open space.

Chuck Klingenstein recalled that an earlier version included the reference to unit equivalents. Rick Lewis explained that there is discussion of units and there was a lot of testimony about densities. Mr. Lewis stated that the concept is base density which can be adjusted according to merits of a proposal. Ms. Seltenrich added that the vision of the land use plan is clustered development and expanses of open space. Rick Lewis explained that the features of an annexation would be evaluated, such as open space and this consideration would be included in an amended annexation policy. The Mayor asked how this would have affected the base density for Flagstaff and Mr. Lewis responded that the base density would have started at 70 units. Chuck Klingenstein liked the word "timing" in the first sentence on Page 30 regarding annexations. Roger Harlan supported

the inclusion of population numbers and asked about the 2,000 full-time residents in the annexation paragraph. Mr. Lewis referred to the map and pointed out the potential development pods where the acreage and average densities were determined. He added that the assumptions could change and that is why it is important to review the General Plan on a regular basis. Chuck Klingenstein indicated that when a city has a target population, the unintended consequences may result in second homes and rental properties becoming permanent residences. Mr. Ross discussed his experience with the problem of conversions in California, but there was never a constitutional solution that could be enforced. The Mayor asked if properties could be deed restricted to second homes. Mr. Ross added that in California, subdivisions could be limited to occupants 55 years and older, but beyond that there were no statutory allowances. There was discussion about encouraging second home developments. Ms. Seltenrich believed that it could be added to Page 35 under Community Design Policies. Jodi Hoffman pointed out that timeshares protect the bed base. Ms. Seltenrich reported that with regard to the Ski Area, the Planning Commission is considering restricting timeshares or conditioning them. With regard to the annexation map, Chuck Klingenstein relayed that the Wasatch County officials had problems with the Bonanza Flats Area as Park City will reap the benefits of annexation while it will inherit construction impacts. The Mayor noted that Wasatch County will benefit from sales tax from the lumber yards, etc. Mr. Klingenstein felt that Wasatch County supports a joint planning effort and that potential annexations belong on the map, but there should be some language about interagency cooperation. Mr. Sincock emphasized that annexation areas on the map are there to clarify the City's interest in the area, and do not necessarily mean that Park City will annex. Mr. Daniels felt that the map on Page 32 should be amended to reflect the open space purchases contemplated on tonight's agenda.

On Page 34, first paragraph indicating that new developments must general sufficient tax base to pay for public services and facilities, Mr. Harlan asked how that will be accomplished. Mr. Ross pointed out that it may not be possible in the situation of affordable housing. Ms. Seltenrich added that this statement is accurate with relation to annexations. Mr. Harlan felt that this sentence needs more clarification and is too encompassing. On Page 36, Mr. Klingenstein asked that trails be included under Transportation Policies.

Mr. Klingenstein pointed out that on Page 38 under Description of Round Valley, last paragraph, that the word "urban" be stricken before the word "development". On Page 40 under Transportation Objectives, Mr. Klingenstein requested that year-round trails be incorporated. Hugh Daniels suggested that bullet two under Transportation Objectives read "Provide efficient trail circulation, if any, between neighborhoods". The City Manager advised that the road shown in Round Valley needs to be revised because of the restrictions of the Gillmor acquisition. In response to a question from Roger Harlan regarding year-round trails, Chuck Klingenstein explained that this came up at a Planning Commission meeting where there was testimony about the functional efficiency of the trail systems in Europe. He wants to ensure that trails are prioritized over road systems. There was discussion about enhancing amenities attracting more people to move to Park City.

On Page 44 under Community Design Objectives, first bullet regarding support commercial needs of the Jordanelle Reservoir, the Mayor questioned if the City wants to become involved and felt that a boat storage area should be discouraged. Chuck Klingenstein felt that the City shouldn't be competing with County business. Shauna Kerr didn't feel that the City is pursuing this market, but rather that it is setting standards. Nora Seltenrich emphasized that the pressure for commercial activity at Quinns Junction is going to occur. The Mayor requested that boat uses be omitted and design emphasized. He discussed compensating the County for any potentially lost revenue but felt it important for the City to annex and control the uses in the area. Paul Sincock suggested that this area by considered for park and ride programs. He pointed out that this area is near the Jordanelle and Star Pointe and could turn into another Kimball Junction if the City is not careful. As there was no more time available to devote to the General Plan, the Mayor announced that the General Plan will be revisited the first work session of the year.

3. **Arts Council grant program.** Board Member Dell Fuller discussed the efforts of the Arts Council to formulate a process for awarding grant funds. It went through a self-analysis and realized that in order to take on a responsibility of this magnitude that it wanted to fortify its own internal structure and organization. He explained this was not the original goal, but through a series of retreats with various representatives of cultural and arts organizations in the community, it reorganized and made amendments to its by-laws. He continued that the Arts Council spent months last summer with a small committee creating new policies and procedures which specifically define the duties and responsibilities of certain members of the Arts Council with particular attention of creating a role for a member of the Executive Committee who would be responsible for overseeing the grant process. Mr. Fuller relayed that he is that individual.

The grant committee will be represented by arts and cultural groups as well as business organizations who will deliberate on the grant recommendations which will ultimately come back to Council for approval. Members will serve two year terms; there is provision for conflicts of interest. There was discussion about the inclusivity of the committee. Ms. Kerr felt that the youths could be included with regard to youth theater and\or film programs. Mr. Harlan referred to the policies and asked if there is a perceived conflict, why a member would have to leave the room. Joanna Charnes responded that this provision was taken from the Utah Arts Council guidelines and there are Park City Arts Council members on that committee. When the request from the Park City Arts Council is reviewed by the Utah Arts Council, for example, the Park City International Chamber Music Festival who is sitting on the Committee who actually has a grant that is submitted, leaves the room so there is no awkwardness in discussing its proposal. Chuck Klingenstein agreed that if there is a direct conflict, a person should leave the room so that there is no undue influence.

Paul Sincock believed that the eight member composition is good and it is better to be more inclusive. He would prefer members to be professionals in the arts as opposed to business

people with an interest in the arts. Mike Andrews stated that they are sensitive to this issue. Mr. Sincock assumed that there would be a higher level of detail of guidelines for the grants so there is criteria for applicants and priorities for requests. Mike Andrews responded that it is not desired to get too specific at this point, because the committee should be empowered to identify what is important as it reviews requests. Chuck Klingenstein supported the comprehensive efforts of the Arts Council. He hoped, however, that other funding sources would be pursued. Joanna Charnes indicated that the Arts Council receives a matching grant from Summit County. Mr. Klingenstein asked if grant recommendations would come back to the Council. Mr. Fuller felt that it would be appropriate that final approval be rendered from the City Council. Mr. Andrews asked for clarification on the status of the $10,500 annual grant to the Arts Council. Ms. Kerr explained that Council decided that grants would be a percentage of the annual budget which could fluctuate from year to year. Paul Sincock felt that the Art Council should continue to request grants for itself. The total amount of the cultural/arts grant category was identified at approximately $38,000. Ms. Charnes expressed that the Arts Council has worked diligently to accept these new responsibilities and she credited the integrity of the Executive Committee to formulate comprehensive guidelines. Mr. Sincock felt that the process has made the Arts Council a stronger and healthier organization. Hugh Daniels relayed that this is what he was looking for in a grant policy.

4. Review of regular meeting:

Valet parking contract. Hope Bleecker introduced Brian Anderson, Parking Operations Manager. He discussed the program last year which initially did not receive a lot of support from area businesses but toward the end of the program support became more positive. Valet parking will operate this year on Fridays and Saturdays; last year Thursdays were included but could not be justified this year. Operations will begin on January 10 to April 12 from 5 p.m. to 10 p.m. Levels one and three of the China Bridge Parking Structure will be used; last year only level one was utilized and this proposal adds another 80 spaces. Mr. Anderson explained that the other lots remain the same. Through illustration of slides, he explained that there will be signage directing people to the valet at the intersection of Heber Avenue and Swede Alley. A host will direct people to the entrance of the China Bridge Parking Structure and cars will be staged in the first level of the garage. He described the drop-off point in the south west corner, the other valet team area, and the strategy of the staging areas. Mr. Anderson explained that Ampco is the recommended service provider and discussed the retrieval system. Ms. Bleecker relayed that this year there will be a dedicated team for input and a dedicated team for output, which was absent from the valet parking plan last year and created difficulties. Mr. Anderson stated that he discussed an eight foot extension into Swede Alley from the parking area with the City Engineer to provide more capacity.

Mr. Anderson discussed the increased capacity this year; last year the collection rate was 54% and Ampco believes that can be increased to 75%. In response to a question from Paul Sincock about the recovery rate, Brian Anderson explained that there are people who park in advance and there are some drive-aways. This relates to a staffing issue and there will be more people on

board this year. The City will market validations at $.50 each to any business license holder and the validations will be capped at $15,000, resulting in a maximum total cost to the City of $22,500. Some will not be redeemed creating potential fluctuations. Roger Harlan asked what the City would be obtaining for six days of additional service this season at a price of $6,100. Mr. Anderson responded that this would be a trial run for the valet operation and customers would not be charged. Hope Bleecker added that this is a customer service effort and the City would fully fund the $6,100 option over the holiday weekend. Ms. Kerr suggested an alternative at a lesser price if service begins on December 27 rather than December 20, so there is more set-up time. She also believed that there aren't enough people in town yet on December 20 and 21 and recommended two holiday weekends rather than three. Ms. Bleecker felt that Ampco would consider that and Ms. Kerr felt that complimentary valet parking is good publicity and prepares the locals for the program. Hugh Daniels agreed as December 27 and 28 is one of the City's busiest weeks. He wasn't as concerned with January 3 and 4, but didn't feel it prudent to take a couple weeks off.

Paul Sincock relayed that the benefit of the validation system is that it is totally optional for businesses. He felt that businesses that are participating should be encouraged and urged to promote valet parking with their customers.

Property acquisitions:

Gillmore acquisition. Toby Ross pointed out that the deed restrictions for the Gillmor acquisition are substantial. The property cannot be sold to anyone but a City agency and uses are also limited. The City will not be held responsible for third party actions, such as recreation vehicles trespassing on the property. More intensive uses are concentrated on about 100 acres adjacent to SR248 and the City Manager pointed out the National Abilities Center's property adjacent to this property. Ms. Kerr stated that school facilities would be prohibited on the 100 acre parcel. Ms. Hoffman clarified that an educational conservancy type facility would be acceptable. Mr. Ross referred to the reversionary language. If there is a dispute about activity on the property, the clock doesn't start until there is a declaratory judgement and if the court rules against the City, the City has six months to correct the situation. This is a revised provision that adds more flexibility for the City. Mr. Harlan asked who becomes the trustee once Mrs. Gillmor dies. Jodi Hoffman responded that there is a charitable trust that may be created. Mrs. Gillmor has also discussed vesting the power of reverter to a national open lands preservation trust, which would result in open lands in any event. Paul Sincock asked why she didn't use a conservation easement, and the City Manager answered that Mrs. Gillmor wanted to give the property to the City. The Mayor compared this sentiment to Jon Huntsman and his donation. The City Manager added that Mrs. Gillmor has required that the open lands reserve be specifically named after her parents Edward Lincoln and Bessie Boyce Gillmor. Mr. Ross added that up to two months ago, a road would have been allowed but this proposal prohibits a road through the property which is intended to affect adjacent properties' development potential. Mr. Harlan asked the downside of not having a road. Mr. Ross

felt that there may be, but Mrs. Gillmor was firm on this issue and $1 million, plus interest, for 600 acres is a tremendous opportunity.

Baingo/Wortley acquisition. Mr. Ross explained that Mr. Cooke will be paid $120,000 for his purchase option. The 12.5 acre is being acquired, the balance of 24 acres is being donated and the transactions will occur simultaneously. The City Manager requested that Council amend the Gillmor resolution and Baingo/Wortley resolution to authorize the Mayor "or his designee" to execute documents in the event Mr. Olch is unavailable. Jodi Hoffman emphasized that both property proposals need to close before the end of the year. Chuck Klingenstein clarified that the Gillmor acquisition is mainly open space because of the deed restrictions while the Baingo/Wortley purchase is more of a land banking concept, rather than an open space acquisition.

1800 Prospector Square plat amendment. Roger Harlan observed that there is no parking for this lot. Meg Ryan added that uses could be expanded which would exacerbate the problem. She referred to the parking study that will be performed in the area and an overlay zone was made to attempt to downzone the area to accommodate current City standards. Ms. Ryan understood that there is a problem. Paul Sincock expressed his concern about having only five feet between buildings.

Lease with White Pine Touring. Charlie Sturgis stated that they appreciated the new wording on the term of the lease with regard to the Olympic issue. There is new wording on professional dress and track setting concerns and Mr. Sturgis asked that if Council has received complaints that they are made aware of them so that they can be addressed. The Mayor responded that he received complaints about the track from patrons who did not feel that White Pine was up to the standards of other cross-country centers who groom every day. The Mayor admitted that he is not at White Pine every day and is just relaying comments. Mr. Sturgis continued that because there isn't a sufficient base at times, he can't use his some of his equipment. Mayor Olch suggested posting a sign clarifying the conditions because people appreciate information. Mr. Sturgis again invited the Council to relay comments and added that he visited a center in Steamboat Springs and one day conditions were bad and the next day good. If dress is a concern with Council, Mr. Sturgis advised Council that employees are provided uniforms every year. He added that employees often set the track and man the desk; Mr. Sturgis reiterated that they would like to hear from Council.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 19, 1996

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 19, 1996. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Meg Ryan, Planner; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF NOVEMBER 21, 1996

Chuck Klingenstein, "I move approval of the work session notes and minutes of November 21,1996". Roger Harlan seconded. Motion carried unanimously.

V PUBLIC HEARING

An Ordinance approving an amendment to 1800 Prospector Square, Lot 30 Prospector Square of the Prospector Square Supplemental Amended Plat, Park City, Utah - See staff report and work session comments. Meg Ryan explained that this plat amendment will subdivide the parcel into two lots. Hearing no comments from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

An Ordinance approving an amendment to 1800 Prospector Square, Lot 30 Prospector Square of the Prospector Square Supplemental Amended Plat, Park City, Utah - Shauna Kerr, "I move approval". Hugh Daniels seconded. Paul Sincock indicated that he will vote in favor of the motion but encouraged the property owner to avoid a canyon effect with only a five foot wide setback between two story buildings. Motion carried unanimously.

VII NEW BUSINESS

1. Authorization of valet program expenditure not to exceed $26,500 and authorization to staff to enter into a contract with Ampco System Parking in an amount not to exceed $22,500 - Shauna Kerr, "I move that we approve the authorization of valet program expenditures not to exceed $26,500 for the original contract and adding $4,100 for the four day holiday service they (Ampco) will be providing for December 27, 28 and January 3 and 4". Roger Harlan seconded. Motion carried unanimously.

2. Resolution of the City Council of Park City authorizing purchase of property and acceptance of a charitable donation of property located north of State Route 248 near U. S. 40 - The Mayor clarified that this is the Gillmor property consisting of approximately 600 acres. Hugh Daniels, "I move that we approve the resolution, with gratitude to Florence Gillmor". Chuck Klingenstein seconded and added that this is primarily an open space acquisition because of the deed restrictions and should be distinguished from the following resolution. Hugh Daniels amended his motion to include language that the Mayor, or his designee, may execute related documents. Chuck Klingenstein accepted the amendment. Motion unanimously carried.

3. Resolution of the City Council of Park City authorizing purchase of property located at the eastern edge of Park City, Utah along State Route 248; declaring its official intent to reimburse itself from bond proceeds for certain capital expenditures including all acquisition costs; and authorizing incidental action - Paul Sincock, "I move approval of Item 3 under New Business, the acquisition of this parcel with the provision that the Mayor, or his designee, can act on the matter". Hugh Daniels seconded. Chuck Klingenstein added that this parcel has development potential and is not necessarily an open space purchase. Motion carried unanimously.

VIII OLD BUSINESS

1. Lease with White Pine Touring. Shauna Kerr, "I move approval". Chuck Klingenstein seconded. Motion carried unanimously.

2. Consideration of adoption of an Ordinance amending the Park City Land Management Code as replacement legislation for Ordinance No. 96-27, the Parking Temporary Zoning Ordinance, including amendments regarding off-street parking requirements to Chapter 7.2 (HCB Zoning regulations) and Chapter 13 (Off-Street Parking) - The Mayor invited the public to comment on this ordinance. Gary Cole, Main Street property owner, stated that the 1.5 FAR is moderately acceptable. It could be worse and may be workable, but it is unknown to what degree. He continued that throughout the temporary zoning ordinance time frame, it was hard to understand why five or six property owners have been singled out to be penalized unjustly for a problem that has not been dealt with. The vacant lot owners paid exactly the same amount as the improved lots for the existing public parking, but instead of being rewarded for others using their share of it, the City is proposing to punish them for being the last to develop. The issue would be easier to understand if there wasn't a mid-stream change in law which would dramatically alleviate the parking problem, but it doesn't. The fact is that the City, not necessarily all of the Council members personally, has neglected to recognize the importance of dealing with this problem in a timely manner to stay ahead of it. Recent Chamber/Bureau studies have shown that the town is being heavily carried by a tourism based economy, but he felt that it may soon be found that when the tourists can't get into or near the restaurants and shops without major hassles, they will quit spending and quit coming and the large sales tax will dwindle. Mr. Cole did not think that the City can change America's driving habits and sufficient parking needs to be built and/or close Old Town to cars or create a great transit system that people can use. A little bit of each doesn't seem to be working, but whatever is done, everyone in town who benefits from it either financially or from the service, should pay their fair share, not just the last few vacant land owners on Main Street.

Tom Clyde, attorney for various property owners, felt that the compromise worked out is a reasonable solution although it doesn't build any more parking and in the long-term, that

probably needs to happen. The group he is working with is generally supportive of the legislation. He pointed out that the customers of one business are the customers of other businesses on Main Street and uses should not be singled out. It is also difficult to determine uses when many business sell a variety of goods or restaurants that operate mainly for breakfast or lunch. Because of these considerations, the flexibility of the ordinance is good. Main Street, as a whole seems to be working pretty well but people are concerned about changes that would affect the economic balance that is there now. Mr. Clyde expressed his support of the ordinance.

Hugh Daniels reiterated his comments from last week and agreed with Gary Cole, that there is a fairness issue for the remaining property owners on Main Street with the change in the floor area ratio. Although there is a fairness issue, he stated that for the overall benefit of the community, he will support the ordinance. Chuck Klingenstein felt that there is a fairness issue in almost every decision he makes and understands the impacts of this one. He stated that he feels strongly about the seven year transportation program and looks forward to it working.

Shauna Kerr emphasized that the Council is still not addressing the problem. Until maximum occupancies on Main Street are regulated, the parking demands will not be addressed. As long as retail uses convert to restaurants, the parking demand will not be controlled. She recognized that she does not have the votes to back her opinion, and will support the ordinance because it is a step foward. However, she did not feel it will accomplish anything or result in any marked improvement in parking. There are ways to determine uses and to deal with tenant turn-over, but she didn't think that there is sufficient staff or community support to deal with the issue. The demands on parking are the result of conversions to major dining operations and the main problems are during the dinner hour because of increased seats.

Paul Sincock shared the concern about the fairness issue, but on the other hand it is a solution that has emerged out of a process with general support. He agreed with Ms. Kerr that it is not very effective. This will be discussed at Council's retreat as transportation was a topic of discussion at the community meetings. Roger Harlan is convinced that the UP&L building which is now a restaurant will create more need for long-term parking than it did as a utility company. He believed that the ordinance is a compromise.

Chuck Klingenstein, "I move approval of the ordinance amending the Land Management Code as replacement legislation for Ordinance No. 96-27, the Parking Temporary Zoning Ordinance, including amendments regarding off-street parking requirements to Chapter 7.1 (HCB Zoning regulations) and Chapter 13 (Off-Street Parking)". Roger Harlan seconded. Motion carried unanimously.

IX ADJOURNMENT

The Mayor announced that there will be no meetings held on December 26, 1996 or January 2, 1997. Shauna Kerr read a note from the Senior Citizens, thanking Council for hosting its Christmas luncheon. With no further business, the meeting of the City Council was adjourned.

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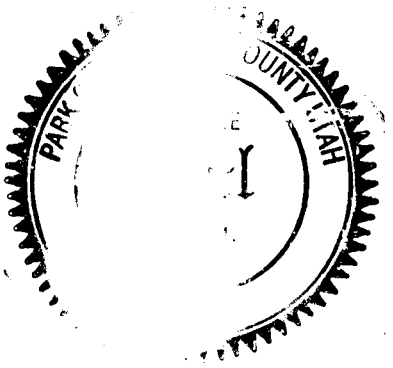
The meeting for which these minutes were prepared was noticed by posting 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, Deputy City Recorder



From: Park City Arts Council
To: Park City Council Members
Date: December 13, 1996
Re: Distribution of Cultural Arts Granting

Park City Arts Council

PROPOSED GRANTING PROCEDURES

As you may be aware, since our June 6th, 1996 Letter of Intent to City Council, the Park City Arts Council has held several retreats with representatives from all of the non profit cultural arts organizations. In September and October we determined short and long term goals and objectives for the Park City Arts Council. Subsequently, we established a Policy and Procedures Committee to thoroughly describe board member responsibilities, organizational priorities and exactly how the granting would be structured.

In the process of developing policies for overseeing granting responsibilities, we have relied heavily on the granting model created by the Utah Arts Council. We have also amended our By-Laws to reflect these added granting responsibilities.

Grant Criteria
Our Granting Criteria may fall under two categories:

I. Artistic, cultural, literary content of grant project
- Commitment to payment of professional fees to artists, when applicable
- Demonstrated need for financial support
- Willingness to provide access for underserved or special populations
- Constituency served by applicant and number of people served
- Effectiveness of funding requested vs. benefits to community
- Project timing & measurement for success

II. Applicant Profile
- Ability to generate cash, and in -kind support from a broad range of contributors
- Ability to administer and implement the project, including appropriate budget for proposed activities
- Be based in the greater Park City area
- If applicable, verification of Internal Revenue Service letter granting 501 (c) (3) Tax Exempt Status

*Additional criteria for content and applicant may be added by grant committee members

Grants Administrator
It is the Park City Arts Council's intent to assure that a grant review committee will have the widest possible representation from the arts community-at-large. To this end, we have added a new position to our Board of Directors: Grants Administrator. The duties and responsibilities of this position are as follows:

- Organize and chair a committee for the purpose of reviewing proposals submitted for consideration for grant funds made available through the city/county or other organizations for granting.

- Be responsible for the formation of the granting review committee **which shall be comprised of at least eight members**: an Arts Council Board of Director, the Arts Council Grants Administrator, and six other members representing the arts community and the public at large. It shall be the responsibility of the chair to assure a balanced committee membership representative of the many art forms and organizations of the greater Park City area.

Post Office Box 4455
Park City, Utah
84060
801▲647▲9747

- Submit proposed members of this committee to the Arts Council for approval.

- Be responsible for the granting committee establishing and publishing (in a local newspaper) the criteria and process for the granting. Submit recommendations to the Arts Council Board of Directors for review, approval, and/or modification. Forword a recommendation for final approval to the Park City City Council.

- A committee member may not vote on a proposal which they or their organization has a conflict of interest. The committee Chair shall vote only when required to break a tie.

We will solicit participation for this committee from the following and other organizations:

Park City Performances
Park City Gallery Association
Park City Writers
Who's Art
Park City Performing Art Center
Park City International Chamber Music Festival
Hidden West Cafe Troupe
Park City Chamber Bureau
County Citizen-at-large
Park City Professional Artists' Association
Kimball Art Center
Park City Library Board
Park City Historical Society
Media: KPCW, THE EAR, PARK RECORD
Park City Singers
Park City Film Series
Main Street Merchants Association

Grants Review Process

Grants will be reviewed on an annual basis, each spring, to correspond with the city budget planning. Committee members will serve two-year terms and will be selected by the Park City Arts Council Board of Directors with a recommendation from the Arts Council's Grants Administrator. No more than two consecutive terms will be allowed in order to assure fair rotation of committee membership.

Grant applications will be made available to the public via Public Service Announcements on KPCW, and Public Notices in *The Park Record* and *The EAR*. Applications will be available at City Hall, through committee members, and by calling the Cultural Arts Hotline.

Copies of completed grant applications will be mailed to committee members ten days prior to grant review meetings. Committee members will read applications before they meet and will be asked to make notations/comments on their copies of application forms, identifying possible points for discussion at the grant review meetings.

Committee members will meet to discuss grant applications and to formulate recommendations of support, partial support, or non-support for each application. Recommendations will include suggested funding levels for applicants, and will require approval of the majority of comittee members. Applicants will be reviewed in alphabetical order and will be given a numerical ranking after discussion of grant request.

Dealing with Conflict of Interest

The Park City Arts Council recognizes the importantance of disbursing public monies in support of the arts. Committee members will be required to disclose their affiliation with any organization under discussion. The interests of the arts require a maximum contribution from the leaders and representatives in each field. The committee members should be alert to avoid any action which could possibly be interpreted as a use of committee involvement to further their own interests or those of an organization with which they are affiliated. Committee members having a conflict of interest must leave the room during discussion and may not supply information, advocate a point of view or vote on the issue which they have a conflict.

The Park City Arts Council Executive Officers and Board of Directors are as follows:

Executive Committee	Position	Area of Representation
Leslie Miller,	President	Graphic Artist
Dr. Mike Andrews	President-Elect	Education, Parks & Recreation Board
Annette Baker	Vice President	County citizen-at-large
Dell Fuller	Grants Administrator	Parks & Recreation, Film Series
David Peters	Treasurer	Financial
Melissa Scott	Secretary	Park City Historical Society
Katherine Henney	Past President	Kimball Art Center, Film Festival, Masterpieces in Art
Board Members:		
Dr. Patsy Gleason	Lobbying, Grantwriting	Curriculum Director, Park City School District
Diane Rinehart	Special Events	Park City Performances
Hayden Williams	Special Events	Kimball Art Center, Artist in the Schools
Lauren Lore	Art Education in the Schools	County citizen -at-large
Patti Volla	Art Education in the Schools	Parley's Park fine arts specialist,
Joe Tesch	Legal; Artist Outreach	Park City Performances, Main Street Merchants
Diane Mellen	Second Homeowner	Performances in the Schools
Peg Bodell	Artist Outreach	Kimball Art Center, Park City Artists
Frank Normile	Park City Film Series	Park City Library Board
Community Liaisons:		
Claudia Howells	Ex-Officio	Music Educator
Paul Sincock	Liaison	Park City, City Council
JoAnn Krajeski	Cultural Arts Liaison	Summit County Olympic Planning Committee

See attachment for Advisory Board Members

The Park City Arts Council is pleased to be the public arts organization identified to allocate public funds. Our Board of Directors has spent countless hours meeting, researching and strategizing to find the best possible way for our organization to move forward, continue with our existing programming, yet accommodate our increased responsibilities. We are also distributing this letter to the arts organizations referenced on page two. We look forward to your comments and feedback.

Sincerely, Leslie Miller

Leslie Miller, President

attachmts.

ADVISORY BOARD

LESLIE HARLOW, PARK CITY INTERNATIONAL CHAMBER MUSIC FESTIVAL

NIKKI LOWRY, PARK CITY CHAMBER BUREAU, PARK CITY SCHOOL BOARD PRESIDENT

CHRIS MYERS, TEEN LIAISON, PARK CITY PERFORMANCES

RON BUTKOVICH, PARK CITY HISTORICAL SOCIETY

JUDY SUMMER, PARK CITY ARTWORKS COOPERATIVE GALLERY

MARIANNE CONE, PARK CITY MUSEUM

LEE ANN ROWSER, ELEMENTARY SCHOOL TEACHER, NORTH SUMMIT

MARSHA RAFTER ARTIST IN THE SCHOOLS CERAMICIST, SNYDERVILLE RESIDENT

JOAN ROSENTHAL, PARK CITY FILM SERIES, SNYDERVILLE RESIDENT

PAULA VEE KERR, ELEMENTARY SCHOOL TEACHER, ART SPECIALIST SOUTH SUMMIT ELEMENTARY SCHOOL

DONNA VAN BUREN, SNYDERVILLE RESIDENT, SNYDERVILLE PLANNING COMMISSION

SUSAN HACKNEY, SOUTH SUMMIT ELEMENTARY SCHOOL ART SPECIALIST, SNYDERVILLE RESIDENT

TERI ORR, EXECUTIVE DIRECTOR, PARK CITY PERFORMING ART CENTER

RICK ROGERS, PARK CITY PERFORMANCES, SAVE OUR STAGE FOUNDATION

DAVE WHITTEN, PHOTOGRAPHER

CHERYL FOX, PARK CITY LITERARY NETWORK

JULIE MC FADDEN, SNYDERVILLE RESIDENT, ARTIST, ART EDUCATOR

ARLENE FINE, SNYDERVILLE RESIDENT, PARK CITY AMBASSADORS, KIMBALL ART CENTER GUILD OFFICER

June 6, 1996

From: Park City Arts Council
To: Park City Council Persons
Re: Grants Proposal

In response to the proposed Budget Policy for the Distribution of Grant Funds authorized by the Park City Council on April 18, 1996, the Park City Arts Council anticipates accepting responsibilities as the Arts, Culture, and Humanities Grants Board to the Park City Council.

In preparation for this role the Park City Arts Council has:

1) organized an Arts Retreat (held May 3, 1996) which included all representatives from local arts organizations, art administrators, & artists from the Park City community. Cultural arts groups set priorities and made recommendations for future involvement and participation with the Park City Arts Council.

2) conducted a needs survey of participating arts groups and non profits, to evaluate levels and type of desired participation with the Park City Arts Council.

We are adding positions for community arts organizations within the Park City Arts Council to increase arts group participation in arts programs, and to ensure ongoing communication, representation, and advocacy for culture in our community.

The Park City Arts Council is establishing a special Grants Program within the structure of our organization. The purpose of this entity is to define criteria and funding levels for future requests from arts and humanities groups and artists for grants and public funds.

The Grants Program will be headed by a Grant Review Committee comprised of community and countywide representatives from the government, education, and business disciplines. This group will be assisted by a professional arts administrator from the Park City Arts Council. The committee (five individuals) will be responsible for creating additional granting guidelines and making recommendations to the Park City Arts Council for grant allocations. In turn, the Park City Arts Council will forward the grant recommendations to the Park City Council for final approval.

The Park City Arts Council is honored to be the public arts organization considered for allocating public funds dedicated to the community's cultural enrichment. We recognize the additional staff and volunteer effort and expense that this added responsibility will create for our organization. In an effort to adequately prepare for this new programming, the Park City Arts Council Board of Directors has committed to completing the necessary requirements of such a task by September 1, 1996. Additional administrative time, committee review and selection, and setting policy and criteria will develop during the upcoming three month timeline. In the future, a plan and recommendations will be proposed to Park City Council by June 1.

The Park City Arts Council proposes accepting these added responsibilities with the full understanding from the Park City Council that this effort will require increased revenues that fairly address the increased efforts as described. The Park City Arts Council looks forward to a fruitful and cooperative working relationship with the Park City Council.

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: December 12, 1996
DEPARTMENT: Community Development Department
AUTHOR: Megan B. Ryan
TITLE: Subdivision of Lot 30 - Parking Lot H, Prospector Square
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:
Conduct a public hearing, discuss and consider adopting the ordinance to approve the proposed Amendment to the Prospector Square subdivision supplemental amended plat, to subdivide Lot 30 into two parcels, Lot 30A and Lot 30B.

DESCRIPTION:

A. Topic.
Project Name: Minor Subdivision
Applicant: Steve Deckert for Polly Bethke
Location: Lot 30
Zoning: General Commercial
Adjacent Land Use: Office, Commercial
Date of Application: August 15, 1996

B. Background.
This item was heard before the Planning Commission on November 20, 1996. The Planning Commission voted to forward a positive recommendation to the City Council to approve the proposed subdivision.

Prospector Square
Prospector Square was platted in 1974 as a commercial business area which has, in accordance with the permitted uses in the GC zone, also been developed for multi-family residential units. The plat was recorded prior to the requirements of the Land Management Code that was created in 1984. The plat does not meet current code requirements for parking.

The residential projects and hotels represent the largest structures in Prospector Square. There are a few larger commercial buildings including the Park Record Building and the 1910 Commercial Office Building, but the recent trend for commercial uses in Prospector Square has been toward smaller buildings on partial lots which house one to four tenants. This trend has subsequently resulted in requests for subdivisions and have exacerbated parking problems in the area.

In order to respond to this problem two major plat amendments have been initiated and approved by the Planning Commission since 1993. The 1993 plat amendment made adjustments to parcel configurations in order to increase the number of parking spaces in several lots throughout the development. The 1996 amendment reduced the allowable building area to a maximum floor Area of 2.0. This amendment was intended to reduce the overall density in the Prospector Area. In combination it is anticipated that these two actions will help to mitigate but will not solve the parking shortage in the area.

C. Analysis.

The applicant, Polly Bethke, currently owns Lot 30. It is approximately 4,125 square feet. The Gazebo Hair Salon building currently sits on the easterly portion of the lot. The lot is accessed directly from parking Lot H. Parking agreements are subject to the Prospector Square Property Owners Association.

Ms. Bethke is interested in subdividing the lot into two parcels. The applicant intends to sell or construct a new commercial building on the newly created lot. The Gazebo would remain on the easterly side and a new structure would be built on the westerly side. The new parcel would be approximately 1,962 square feet and would house a structure of approximately 3,923 square feet. The Gazebo building would be approximately 3,060 square feet (the wooden shed would be removed). A five foot separation would occur between the two structures. This proposal would result in approximately 6,983 square feet on the two parcels.

If the subdivision does not occur the Gazebo building, which is approximately 4,125 square feet, could expand and create a remodeled structure that would add approximately 4, 000 more square feet to the structure. This option would result in a single structure of approximately 8,000 square feet.

- Sewer Service

Sewer service is available only from the privately owned sewer system in the adjacent parking lot. The staff recommends that this be shown on the plat and also requests a letter of approval from the Prospector Square Property Owners Association.

- Fire Protection

The newly created building will be separated by less than ten feet and will require special mitigation to comply with building and fire code requirements. The following improvements that are listed, but not limited to, may occur and are subject to final review and approval by the Chief Building Official: Windows on the existing building shall be retrofitted with wire and existing walls may need to be replaced with fire rated materials. The existing storage shed on site will need to be removed.

D. Department Review.

The Community Development Department and City Attorney's office have reviewed this application.

E. Notice

The property was posted and adjacent property owners were notified on November 6,1996. Suzy Meyers of Job Service and a neighbor to the Gazebo, called with concerns over the impact that an additional structure would have on the already tight parking situation in the area. Staff suggested that she call the Owner's Association and discuss the potential of limiting high intensity uses on this site with them. No input was given at the public hearing conducted on November 20,1996.

ALTERNATIVES

A. Approve the subdivision of Lot 30 into two parcels.
B. Deny the subdivision and retain Lot 30 as one parcel.
C. Continue the item for further information and discussion.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the subdivision does not occur the Gazebo building, which is approximately 4,125 square feet, could expand and create a remodeled structure that would add approximately 4, 000 more square feet to the structure. This option would result in a single structure of approximately 8,000 square feet.

RECOMMENDATION:

Conduct a public hearing, discuss and consider adopting the proposed amendment to the Prospector Square Subdivision plat, Lot 30, to create two parcels, Lot 30A and Lot 30B, based on the following findings, conclusions and conditions:

Findings:

1. The property is located in the General Commercial zone and Prospector Square Overlay zone.
2. Sewer service is available only from the privately owned sewer system in the adjacent parking lot.
3. The building on the newly created parcel will be separated by less than 20 feet from the existing structure on the east side of the Lot and will require special mitigation in order to comply with the Uniform Building Code.
4. Public improvements,such as water, will need to be created on the newly created parcel.
5. Two parcels will create less square footage than an addition to the existing building.

Conclusions of Law:

1. There is good cause for the revision as a smaller strucure will be created through this structure which will help to mitigate the buildings impact on parking in Lot H.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

Conditions:

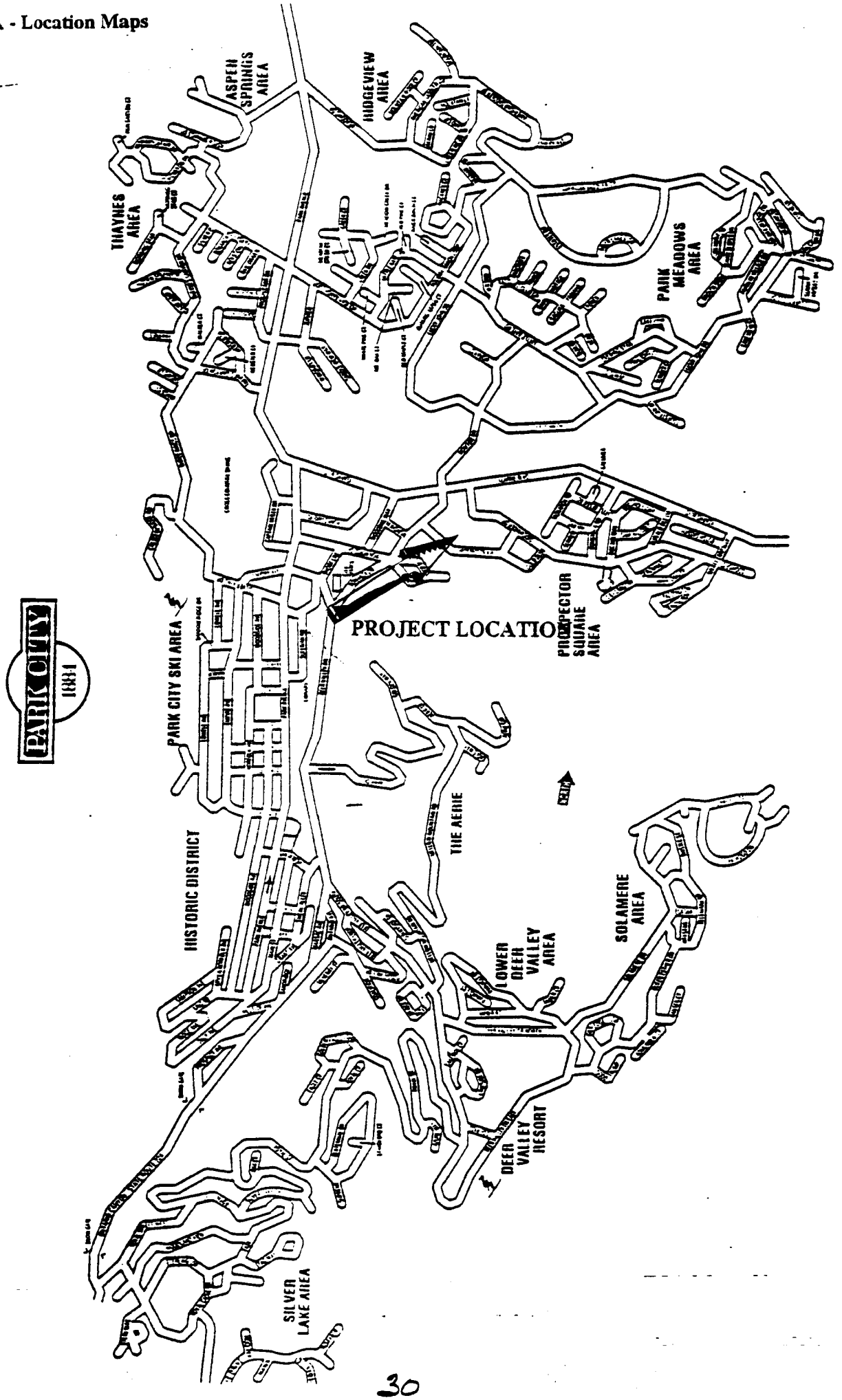
1. Any building proposed for the lots shall not exceed a Floor Area Ratio of 2.0.
2. The final plat shall show language in a manner to be approved by the City Engineer that indicates that public sewer service is currently not available to the project and that private arrangements for such service must be negotiated with the Prospector Square Owners Association.
3. The building plans must be reviewed by the Chief Building Official and Fire Marshal for compliance with the special fire code provisions that apply to building separations of less than 20 feet. The following improvements that are listed, but not limited to, may occur and are subject to final review and approval by the Chief Building Official: Windows on the existing building shall be retrofitted with wire and existing walls may need to be replaced with fire rated materials. The existing storage shed on site will need to be removed.

4. City Attorney and City Engineer review and approval of the amended plat for compliance with Land Management Code, Utah State Code and these Final Conditions of Approval is a condition precedent to plat recordation.
5. If the amendment is not recorded within one year of this approval date this approval shall become null and void.
6. Prior to plat recordation a public improvements security shall be established in an amount to be determined by the City Engineer for water installation and other public improvements.

EXHIBITS

Exhibit A - Location Maps
Exhibit B - Existing Conditions Map
Exhibit C - Proposed plat
Exhibit D - Minutes from 11/20/96 Planning Commission meeting
Exhibit E - Ordinance

Exhibit A - Location Maps



PROSPECTOR SQUARE

SUPPLEMENTAL AMENDED PLAT

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN PARK CITY, UTAH

SHEET 1 OF 2

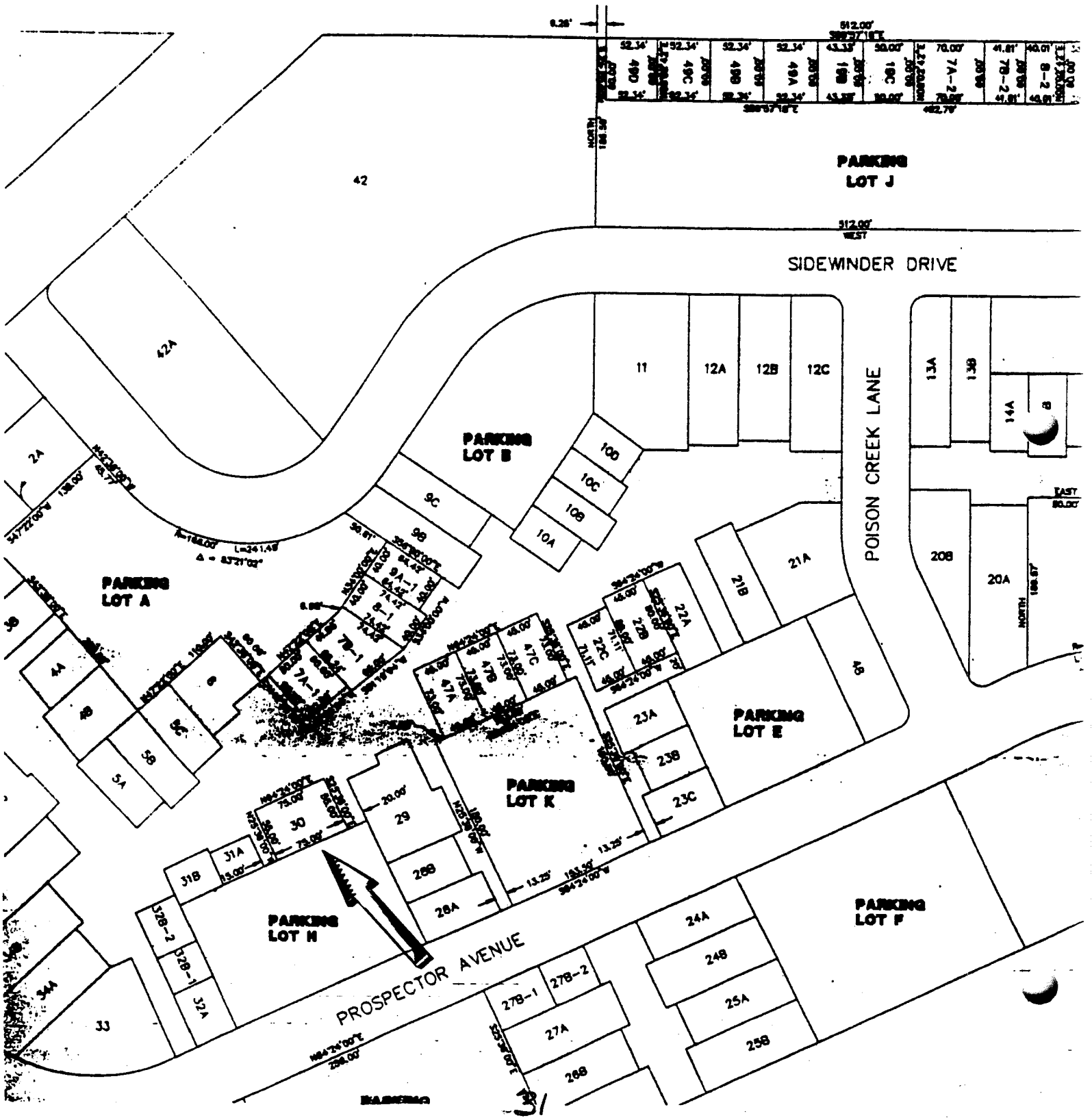
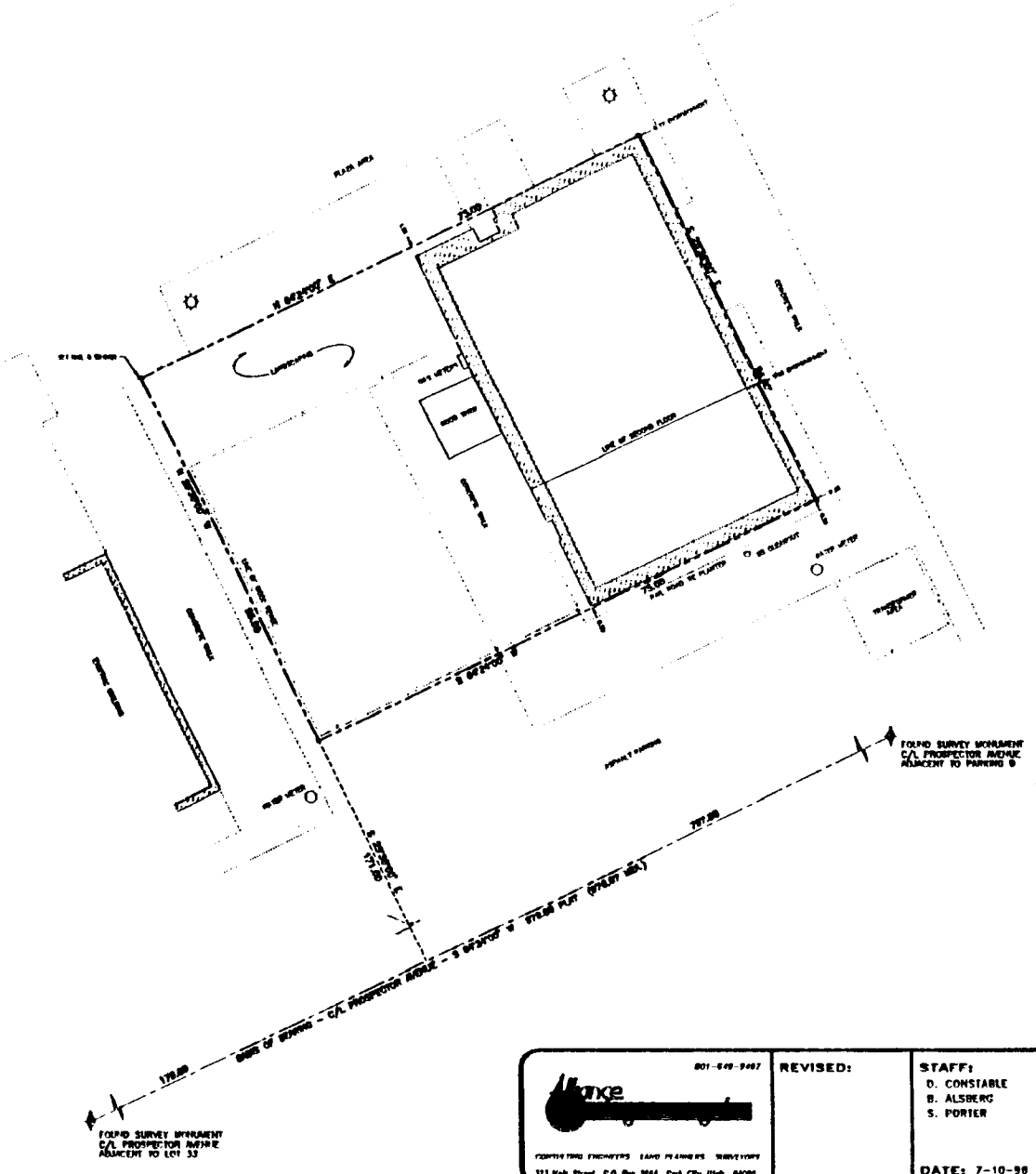


Exhibit B - Existing Conditions Map



RECEIVED
AUG 15 1996
PARK CITY
PLANNING DEPT.

10 0 10 20 feet

SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.

John Demkowicz — Date

LEGAL DESCRIPTION

LOT 30, PROSPECTOR SQUARE AMENDED PLAT according to the official plat thereof on file and of record in the office of the Summit County Recorder.

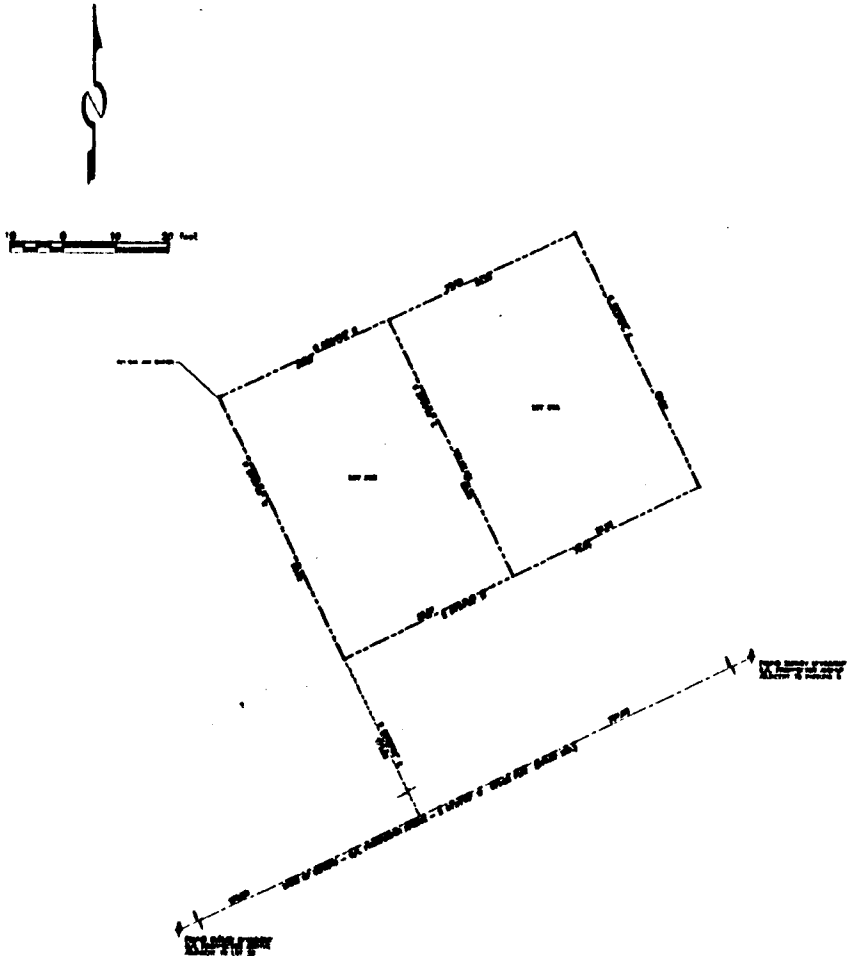
SURVEY

1. Location of survey: Section 9, T2S, R4E, SLB&M.
2. Basis of survey: Found Survey Monuments as shown.
3. Purpose of survey: To prepare subdivision plat.
4. Date of Survey: 9/19/91
5. Property corners were set or found as shown.
6. ○ Denotes set iron rod and cap LS 163931
7. Improvements on the property are as shown.

Jake — 801-649-9467 — Forsyth and Engineers Land Planners Surveyors — 333 Main Street P.O. Box 3004 Park City, Utah 84060	REVISED:	STAFF: D. CONSTABLE, B. ALSBERG, S. PORTER DATE: 7-10-96	PAGE 1 OF 1	PROSPECTOR SQUARE AMENDED PLAT LOT 30 FOR: POLLEY DETHKE JOB NO.: 10-8-96 FILE: SRV96\041\100696

Exhibit C - Proposed plat

RECEIVED
AUG 15 1996
PARK CITY
PLANNING DEPT.



BETHKE SUBDIVISION

A SUBDIVISION OF LOT 30, PROSPECTOR SQUARE AMENDED PLAT
SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO. 10-05-96 FILE: SRV96\041\100896-P

PAGE 1 OF 1

ALLIANCE ENGINEERING INC.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
P.O. BOX 2664 333 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS _____ DAY OF _____, 1996 A.D. BY _____ S.B.S.I.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ___ DAY OF _____, 1996 A.D. BY _____ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 1996 A.D. BY _____ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ___ DAY OF _____, 1996 A.D. BY _____ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF _____, 1996 A.D. BY _____ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF _____, 1996 A.D. BY _____ MAYOR	STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER

VI. PUBLIC HEARINGS/DISCUSSION/ACTION ITEMS

1. 1800 Prospector Avenue, Lot 30 Prospector Square - Plat amendment to subdivide the lot

Planner Megan Ryan explained that this is a request to subdivide one parcel into two, creating two lots.

Steve Deckert, representing the applicant, explained that the applicant, Polly Bethke, built a structure on half of Lot 30 in 1982 due to Park City's economy at the time. She now has no desire to expand the building and would like to sell the other half of the property. Mr. Deckert had met with Ron Ivie and extensively searched the Code to determine the minimum setbacks. Because the existing building has windows on the same side as the vacant portion of the lot, he wanted to know what could be done to retrofit and provide the required separation between her building and a new building built on the subdivided portion of the property. He felt the staff report clearly explained the proposal. Two smaller buildings will be located on the site rather than one larger building, and the five-foot building separation results in less building than if the existing structure were expanded.

Chair Jones opened the public hearing.

There was no comment.

Chair Jones closed the public hearing.

MOTION: Commissioner Calder moved to forward a POSITIVE recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval outlined in the staff report. Commissioner Larson seconded the motion.

Commissioner O'Hara asked if the conditions of approval should require compliance with Prospector Soils Ordinance. Planner Ryan explained that the issue is covered under the current building permit process but offered to add a condition for clarification. Commissioner O'Hara indicated that, if it was covered, it was not necessary to add the condition.

VOTE: The motion passed unanimously.

Conditions of Approval - 1800 Prospector Avenue, Lot 30

1. Any building proposed for the lots shall not exceed a Floor Area Ratio of 2.0.

2. The final plat shall show language in a manner to be approved by the City Engineer that indicates that public sewer service is currently not available to the project and that private arrangements for such service must be negotiated with the Prospector Square Owners Association.

3. The building plans must be reviewed by the Chief Building Official and Fire Marshal for compliance with the special fire code provisions that apply to building separations of less than 20 feet. The following improvements that are listed, but not limited to, may occur and are subject to final review and approval by the Chief Building Official. Windows on the existing building shall be retrofitted with wire, and existing walls may need to be replaced with fire rated materials. The existing storage shed on site will need to be removed.

4. The City Attorney and City Engineer review and approval of the amended plat for compliance with the Land Management Code, Utah State Code, and these Final Conditions of Approval is a condition precedent to plat recordation.

5. If the amendment is not recorded within one year of this approval date, this approval shall become null and void.

6. Prior to plat recordation, a public improvements security shall be established in an amount to be determined by the City Engineer for water installation and other public improvements.

2. **2179 Sunrise Circle, Sunrise Circle Condominiums - Condominium conversion**

Planner Whetstone reviewed the request to condominiumize an existing duplex so each half can be sold separately. The existing duplex is located on Lot 69 of the Prospector Village subdivision. A public hearing and Planning Commission recommendation to the City Council is required. A condition of approval has been included to insure compliance with the Prospector Soils Ordinance.

Chair Jones questioned Condition 4 and its applicability to this action. Planner Whetstone explained that the condition was added at the request of City Engineer Eric DeHaan to cover anything outstanding or not completed such as sidewalks, curbs, etc.

Chair Jones opened the public hearing.

Dana Williams, representing Prospector Park Homeowners Association, remarked that Prospector Village and Prospector Park do not have condominiums. He was concerned with this being condominiumized for fear of setting a precedent that would interfere with the single-

EXHIBIT E

ORDINANCE NO. 96-___

AN ORDINANCE APPROVING AN AMENDMENT TO 1800 PROSPECTOR SQUARE, LOT 30, OF THE PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, PARK CITY, UTAH

WHEREAS, the owners of the property known as 1800 Prospector Square, Lot 30 petitioned the City Council for approval of a amendment to the final plat; and

WHEREAS, proper notice was sent and the Planning Commission and City Council held respective public hearings to receive input on the proposed amendment on November 20, 1996 and December 19, 1996; and

WHEREAS, it is in the best interest of Park City to approve the amendment, and

WHEREAS, there is good cause for the revision as the reconfiguration minimizes the development parameters for site; and

WHEREAS, neither the public nor any person will be materially injured by the proposed plat revision.

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

SECTION 1. The amendment to Prospector Square Subdivision, Supplemental Amended Plat, is approved as shown on the attached Exhibit A with the following findings, conclusions and conditions:

Findings:

1. The property is located in the General Commercial zone and Prospector Square Overlay zone.
2. Sewer service is available only from the privately owned sewer system in the adjacent parking lot.
3. The building on the newly created parcel will be separated by less than 20 feet from the existing structure on the east side of the Lot and will require special mitigation in order to comply with the Uniform Building Code.
4. Public improvements,such as water, will need to be created on the newly created parcel.
5. Two parcels will create less square footage than an addition to the existing building.

Conclusions of Law:

1. There is good cause for the revision as a smaller strucure will be created through this structure which will help to mitigate the buildings impact on parking in Lot H.
2. Neither the public nor any person will be materially injured by the proposed plat revision.

Conditions:

1. Any building proposed for the lots shall not exceed a Floor Area Ratio of 2.0.
2. The final plat shall show language in a manner to be approved by the City Engineer that indicates that public sewer service is currently not available to the project and that private arrangements for such service must be negotiated with the Prospector Square Owners Association.

3. The building plans must be reviewed by the Chief Building Official and Fire Marshal for compliance with the special fire code provisions that apply to building separations of less than 20 feet. The following improvements that are listed, but not limited to, may occur and are subject to final review and approval by the Chief Building Official: Windows on the existing building shall be retrofitted with wire and existing walls may need to be replaced with fire rated materials. The existing storage shed on site will need to be removed.
4. City Attorney and City Engineer review and approval of the amended plat for compliance with Land Management Code, Utah State Code and these Final Conditions of Approval is a condition precedent to plat recordation.
5. If the amendment is not recorded within one year of this approval date this approval shall become null and void.
6. Prior to plat recordation a public improvements security shall be established in an amount to be determined by the City Engineer for water installation and other public improvements.

SECTION 2. This ordinance shall take effect upon publication.

DATED this 19th day of December, 1996.

PARK CITY MUNICIPAL CORPORATION

_____

Bradley A. Olch, Mayor

ATTEST:

_____

Jan Scott, Deputy City Recorder

APPROVED AS TO FORM:

_____

Mark Harrington, Assistant City Attorney

m:/cdd/cdd/mr/council/lot30prs

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: December 19, 1996
DEPARTMENT: Public Works
AUTHOR: Brian J. Andersen, Parking Operations Manager
Hope E. Bleecker, Transportation Director 12/13/96
TITLE: Main Street Assisted Parking Service
TYPE OF ITEM: Contract Approval

SUMMARY RECOMMENDATIONS: Authorize approval of total City expenditure in an amount not to exceed $26,500 for this year's valet parking program. Authorize staff to enter into a contract with Ampco System Parking of Salt Lake City, in an amount not to exceed $22,500 to provide the service. The remaining $4,000 will be dedicated to employee transportation and project marketing.

DESCRIPTION:

A. **Topic**: Main Street/Swede Alley Assisted Parking

B. Background:
Park City has experienced parking shortages during peak periods for the past several seasons in the Main Street Core area. In order to more efficiently use existing parking spaces during these times, the City tested the feasibility of an evening parking service. Last year's valet program succeeded in increasing the total space capacity of the lot by approximately 40 percent. Positive feedback on the general aspects of the program resulted in a staff recommendation to continue the program. Subsequently, requests for proposals were sent to area contractors for assisted parking to serve Main Street businesses and restaurants during designated peak periods between the hours of 4:00 p.m. and 10:00 p.m. Fridays and Saturdays for the remainder of the winter season.

The objective of employing a valet service is to improve evening access to the Main Street Core by creating additional capacity for up to 200 more automobiles per evening. The City would again offer Main Street employees the option of transportation via a free shuttle from the fourth level of China Bridge and the Miner's Hospital lot on a demand response basis. The free employee shuttle would operate between the hours of 4:00 p.m. and 3:00 a.m. on evenings when the valet program is operating.

Staff specified the following operational requirements in a recent request for proposals sent to three area contractors:

1) Provide a high level of service with easily identifiable staging areas and retrieval time of ten minutes or less with a "telephone call in" line for request of car return;

2) Provide sufficient staff and signage to ensure a smooth flow of traffic entering and exiting the parking areas;

3) The City would supply parking areas in Levels 1 and 2 of the China Bridge Garage, Swede Alley north of the China Bridge Garage between Fourth and Fifth Streets, and the North Marsac lot. It would also furnish an employee shuttle vehicle and fuel, at a total cost not to exceed $1,000;

4) The contractor would provide a driver for the demand-response employee shuttle bus to and from the top of the garage and other park-and-ride employee lots for the duration of the project between the hours of 4:00 p.m. and 3:00 a.m;

5) The project would begin on January 10 and would end on April 12. The parking service would operate during peak evenings (Fridays and Saturdays) between the hours of 4:00 p.m. and 11:00 p.m. with varying levels of peak staffing. Key retrieval would be available until 1:00 a.m.;

6) A fee of no more than $4 per automobile would be collected from customers by the contractor;

7) The City would pay the contractor $3 per vehicle for the first 5,000 cars. The City would not pay for any cars beyond 5,000, therefore capping its maximum risk on payment per car at $15,000;

8) Prior to start-up, the City would advance $10,000 to the contractor to initiate the program;

9) The contractor would retain all cash revenues up to $55,000. The City would receive 25 percent of all additional revenues received by the contractor to offset its loss;

10) The City would market and sell voucher stamps which any Park City business license holder could purchase at $.50 per stamp. Each stamp would allow a $1.00 credit toward valet parking. The contractor would agree to honor each voucher stamp at the rate of $1.00 per stamp and would honor a maximum of four stamps per car. The City would reimburse the contractor at a rate of $1.00 per redeemed stamp up to a limit of 15,000 stamps, resulting in a City subsidy of $.50 per voucher, or a maximum additional liability of $7,500.

C. **Analysis**:
Three firms were solicited and three proposals were received:

Ampco System Parking of Salt Lake City complied with the City's program and has estimated a total project expenditure of $46,000. Their proposal includes flexibility for staging vehicles that would maximize the accommodation of cars seeking access to the lots at any given time, thereby reducing the congestion problems experienced last year. The company has extensive experience in the Seattle area with valet services and has translated that experience to several operations along the Wasatch front. Ampco would staff the operation with 12 employees during peak times and would have the additional advantage of coordinating violations with its current enforcement operation.

Ampco has also proposed an additional option to provide a reduced level of service for $6,100 on December 20 and 21, December 27 and 28, and January 3 and 4. This would be an assisted parking service free to the customer. The advantages would be increased parking efficiency, orientation of customers to assisted parking, and training for the parking crews before the actual pay program began.

Diamond Parking of Salt Lake City did not submit a cost proposal and recently withdrew their proposal due to concerns in their ability to adequately staff the program.

Valet Parking Specialists (VPS) of Heber City proposed total fixed contract costs of $50,000 ($9,000 per month plus $5,000 start-up costs). Their proposal included 100 percent revenue retention and a provision to allow open parking for employees on Swede Alley with a single valet station. VPS would shuttle vehicles through residential areas along Park Avenue to remote lots (City Park and Carl Winters Library). VPS would attempt to staff its operation with 10 employees.

D. **Department Review**:
This proposal has been reviewed by the City Manager and the Director of Public Works.

ALTERNATIVES:

A) Award the Basic Contract to Ampco System Parking
Ampco has the resources and the expertise to provide a high degree of customer service by pooling from existing trained valet personnel. This proposal caps the City's maximum cost liability at $22,500. Ampco can adequately staff the operation and can coordinate enforcement issues associated with the program through its current enforcement program. Combined with employee transportation and City marketing costs, the request for authorization is $26,500 for this program.

B) Award the Expanded Contract to Ampco System Parking
Ampco could also provide assisted parking in the Swede Alley lots described above during holiday weekends between December 20 and January 4 for a total cost of $6,100. Staff would recommend no charge during this initial start-up period because the contractor would be unable to staff the operation for maximum need. The cost of adding this option to alternative A would require maximum total authorization of $32,600.

C) Award Contract to Valet Parking Specialists of Heber City.
Given the higher labor costs, this company would have to park more cars per hour. Their proposal relies on the circulation of cars into residential areas. Given the various unknowns with regard to this start-up project, it is recommended that the higher costs be avoided. Since they proposed utilizing only 10 employees, staff has concerns as to the VPS's ability to provide adequate customer service.

D) Do Nothing.
This alternative would not allow the opportunity to further experiment with a parking service, nor would it promote any opportunity to provide temporary relief to the insufficient parking conditions on Swede Alley in the evenings.

SIGNIFICANT IMPACTS:
The budgetary impact of Alternative A would be $19,000 plus whatever subsidy is paid to Ampco from the sale of vouchers. Staff estimates that the project will provide for a minimum of 200 additional parked cars beyond the number that could normally be parked in the 282 spaces displaced by the program between the hours of 6:00 p.m. and 10:00 p.m.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

1. Main Street Merchants and citizens who have supported the idea will not have the opportunity to benefit from the parking service.

2. Continued insufficient parking conditions in the Main Street Core area.

RECOMMENDATION:
Authorize total project costs for the valet parking program in an amount not to exceed $26,500 and authorize staff to enter into contract with Ampco System Parking as described in Alternative A according to the conditions cited in Section B Items 1-10 . The contract would include all costs to provide evening parking services and evening employee shuttle services for Main Street and would include a provision for a 25 percent refund to the City of all cash revenues received by the contractor in excess of $55,000. The City would furnish one transit vehicle with fuel to be used for the employee shuttle service. The parking service would be available to the public on Fridays and Saturdays between the hours of 4:00 p.m. and 10:00 p.m. during the project period January 10 - April 12, 1997.

PARKING DIAMOND SERVICE SINCE 1922

DIAMOND PARKING INC.

Home Office: 3161 ELLIOTT • SEATTLE, WA 98121
(206) 284-3100 • FAX (206) 285-5598
Seattle Office: (206) 284-6303

RECEIVED
16
PARK CITY MUNICIPAL CORP.

December 13, 1996

Ms. Hope Bleecker
Transportation Director
Park City Municipal Corp.
P.O. Box 1480
Park City, Utah 84060-1480

Ms. Bleecker:

This letter in response to Brian Anderson's call Wednesday requesting our operating costs for the Main Street Valet Proposal. That same day I saw a memo to the merchants association explaining the contract had already been awarded to my competitor and had operational details included. Hope, I must decline in pursuing the contract for the main street valet service. There are several reasons I do not feel it is Diamond Parking's best interest to provide the service, for the current ski season.

First, the bid process was started too late and has continued long so that staffing the project would be problematic, as most businesses have already hired the best available employees. Second, the operational requirements as specified by the R.F.P , in my opinion would make the project difficult to manage successfully. Lastly. I have become disillusioned with the ability of city transportation management to direct the bid process and make decisions, we have been talking about this years valet project, since the last project ended in march. But here we are in mid-december, biding the project. This puts us at a great disadvantage in staffing, training and organizing the valet project.

Because of the reasons I have listed above, we are of the opinion that we could not operate the valet in a professional manner and elect not to be involved at this time. As I have mentioned to you and the Merchants Association on December 3rd. We feel very strongly that the city leaders need to take a long term look at the parking problems facing the city and develop a long term plan. Instead of these monthly or annual contract with service providers, such as our- selves. So we can hire, train and retain good managers and employees to serve the community well.

We desire, to work with you to overcome the parking challenges that face you as well as the city. But it must be planned in advance, and made decisions to insure the best possible solutions can be reached prior to the contact period. I wish you well in your work.

Sincerely,

Ken S. Averett
Regional Manager

cc: Jerry Gibbs
Joseph Tesh
Paul Brown
City Council
Jon Diamond

PARK CITY
1884

DATE: December 16, 1996
DEPARTMENT: Executive
AUTHOR: Linda Cook, Toby Ross TR
TITLE: Gillmor Property Acquisition
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the Council adopt a resolution authorizing the acquisition of two parcels of the Gillmor property located in the Round Valley area northeast of Park City.

DESCRIPTION:

A. Topic:

A proposal by Park City Municipal Corporation, executed in June, 1996, set forth the general terms for the transfer to the City of approximately 607 acres northeast of Park City. The owner, Florence Gillmor, is interested in distributing the property as follows: Gillmor will transfer "Parcel A" (approximately 294 acres) to the City as a charitable donation in early 1997. Gillmor will sell, and the City will purchase "Parcel B" (approximately 313 acres) for the purchase price of $1.096 million. The City would agree to pay $100,000 per year for 20 years. The owner would prefer to consummate the sale portion prior to December 31, 1996

B. Background:

Several years ago, Mayor Olch approached a representative of Florence Gillmor about selling or donating some open space to Park City. The concept was generally acceptable and the City has pursued this opportunity to acquire this valuable addition to open space in Round Valley since then. The property is currently zoned in Summit County as "countryside" with a small portion as Sensitive Lands Open Space. The owner, Florence Gillmor, is currently willing to sell Parcel B (313 acres) to the City, while making a charitable donation of Parcel A (294 acres).

C. Analysis:

Formal appraisal of the subject parcels was completed by Appraisal Group, Inc. on September 30, 1996. The appraisal included the parcel of approximately 26 acres previously donated to the National Abilities Center. The total value and value of each parcel was estimated with consideration of deed restrictions generally limiting the use of the land to recreational, educational and open space purposes, rather than "highest and best use". Parcel A (donated parcel) was appraised at $1,030,000 and Parcel B (proposed purchase parcel) was appraised at

$1,096,000. There are no water rights associated with the property. The uses on the Gillmor properties (purchased and dedicated) would be limited to recreational, conservation, agricultural, public access, educational, resource protection, temporary uses related to special events, support services for those primary uses, and similar purposes. Residential (except for a caretaker unit), industrial, and service commercial development would be specifically prohibited as well as most new roads and rights-of-way. Both parcels are subject to reverter provisions in the event that the parcels are used for purposes contrary to the use restrictions. All of the property to be transferred is presently being leased and is subject to greenbelt requirements.

A Phase I Environmental Assessment of the properties, completed by Bingham Environmental October 27, 1996, "did not find evidence of significant environmental contamination on the property".

The property is not contiguous with the incorporated limits of Park City and could not be annexed without including other property. The City anticipates annexing the property at some time in the future.

D. Department Review:

The proposed purchase has been generally reviewed by the City Manager, City Attorney, Community Development Director and Public Works Director, all of whom recommend the acquisition.

ALTERNATIVES:

A. Approve the Request:

Approve the acquisition as negotiated, authorizing a purchase of property (and ultimately receipt of dedicated property) critical to control of development in the Round Valley area. The purchase is compatible with both the City's and the owner's needs.

B. Deny the Request:

If the City declines the opportunity to purchase now, the seller will most likely seek another buyer with an interest in conservation. The City would lose the benefit of a separate, significant charitable contribution of land.

C. Continue the Item:

Time is of the essence. The owner wishes to proceed with the sale portion before December 31, 1996. The charitable donation of Parcel A may be adversely affected.

SIGNIFICANT IMPACTS:

The acquisition requires payments of $100,000 per year, over 20 years for the purchase of Parcel B ($1,095,907.80 at 7.5% interest) with use restrictions, appraised at 1.096 million. The note makes no provision for early payment. The initial payment would come from the City's Capital Improvement Fund (Open Space Acquisition). The use of the land is significantly restricted by provisions of the deed. Failure to comply with these restrictions could cause the property to

revert to the seller.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The City has formalized intent to purchase the property by way of an acceptable proposal to the owner. The price, terms, and timing of this purchase are mutually advantageous. This may be the final opportunity to acquire this valuable open space property.

RECOMMENDATION:

Approve the resolution authorizing the Purchase of Parcel B and direct staff to close on the negotiated agreement by December 31, 1996 with the first payment of $100,000. The charitable donation of Parcel A will be formalized as early as January, 1997.

Attachment: site map

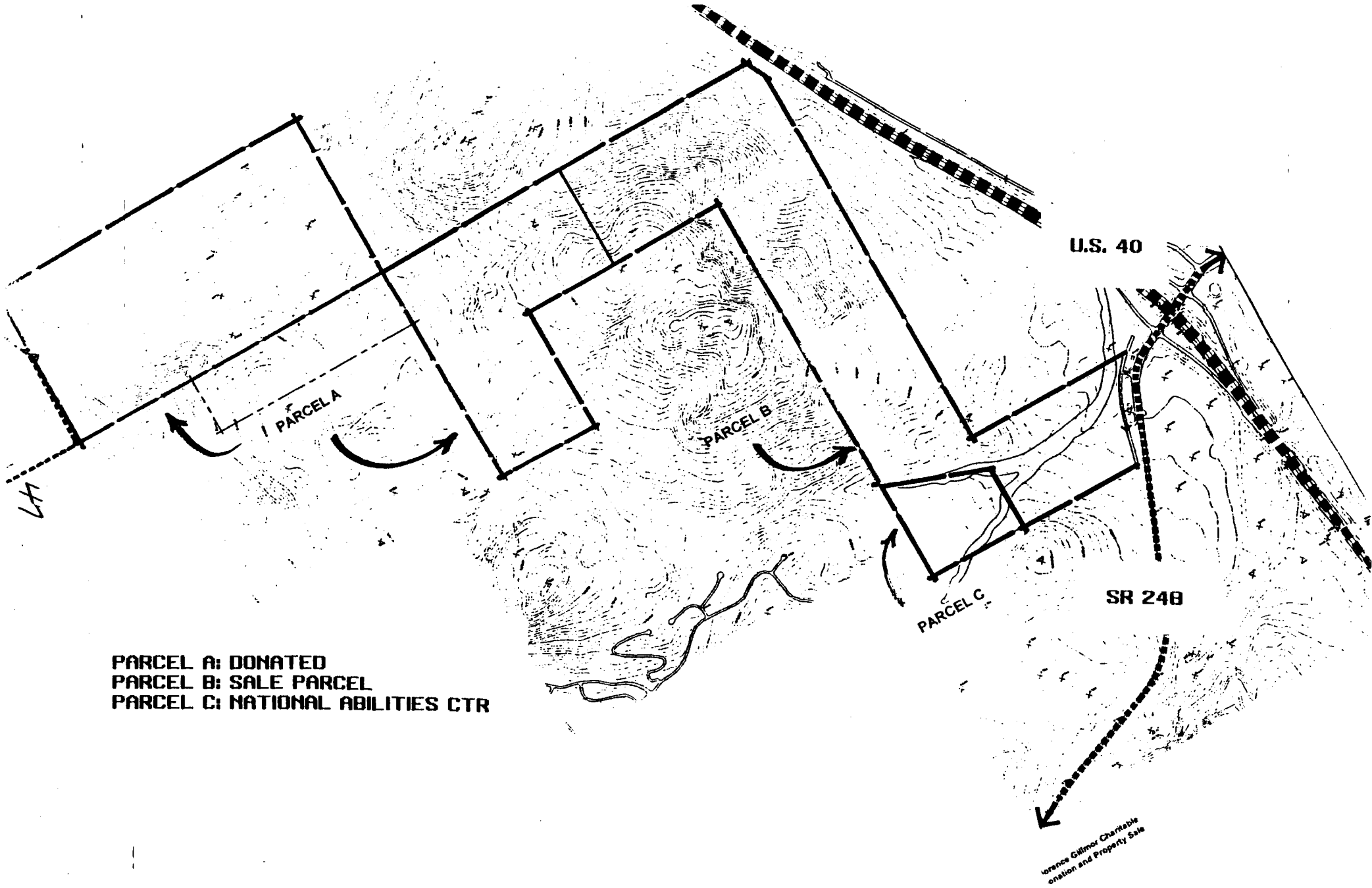

U.S. 40
PARCEL A
PARCEL B
PARCEL C
SR 248
PARCEL A: DONATED
PARCEL B: SALE PARCEL
PARCEL C: NATIONAL ABILITIES CTR
Lorence Gilmor Charitable
onation and Property Sale

Exhibit A

Resolution No. _____

Resolution of the City Council of Park City Authorizing Purchase of Property and Acceptance of a Charitable Donation of Property Located North of State Route 248 near U.S. 40.

WHEREAS, Florence J. Gillmor ("Gillmor") owns two contiguous parcels of land located north of State Route 248 near its intersection with U.S. 40; and

WHEREAS, Gillmor wishes to donate to Park City Municipal Corporation ("City") Parcel A with an area of approximately 294 acres; and

WHEREAS, Gillmor wishes to sell to the City Parcel B with an area of approximately 331 acres for a purchase price of approximately $1 million; and

WHEREAS, Gillmor is willing to finance the City's purchase of Parcel B with payments of $100,000 per year for 20 years; and

WHEREAS, the City intends to acquire the property for recreational, agricultural, educational, public access and conservation uses and possible annexation to the City;

NOW THEREFORE BE IT RESOLVED by the Council of Park City as follows:

SECTION 1. PURCHASE AND SALE AGREEMENT. The City Council authorizes staff to prepare and the Mayor to execute all documents necessary to acquire the property generally described in Exhibit A of this resolution and more specifically described in Special Warranty Deeds for Parcel A and Parcel B.

SECTION 2. RECOGNITION. The City hereby declares its intention to recognize and memorialize Gillmor's parents in an appropriate manner in connection with this property.

SECTION 3. EFFECTIVE DATE; REPEAL. This Resolution shall take effect immediately. All prior resolutions or portions thereof inconsistent herewith are hereby repealed.

ADOPTED AND APPROVED this 19th day of December, 1996.

Park City Municipal

_____

Mayor Bradley A. Olch

Attest:

_____

Janet M. Scott, City Recorder

Approved as to form:

_____

Jodi Hoffman, City Attorney

DATE: December 10, 1996
DEPARTMENT: Executive
AUTHOR: Linda Cook, Toby Ross
TITLE: Baingo-Wortley Property Acquisition
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends that the Council adopt a resolution authorizing the acquisition of the Baingo-Wortley property and declaring the City's intent to reimburse itself from bonds for the costs of acquisition.

DESCRIPTION:

A. Topic:

Proposed property acquisition.

B. Background:

Peter Cooke, President of Upper Meadows, L.C., has an agreement to purchase approximately twelve acres of land on the northwest side of State Route 248 near the eastern edge of Park City, Utah from a group of owners collectively known as Baingo-Wortley (Owners).
During a review of this and other properties in October, the Council expressed an interest in acquiring Cooke's option to purchase the Baingo-Wortley property. Cooke found this arrangement acceptable. After some negotiation, we have a proposal in which the Owners will lower the price to the City so that we could pay Cooke a six percent assignment fee to cover some of he incurred in holding and trying to develop the property. If the Council authorizes the purchase of the property, the Owners would donate (rather than sell) approximately twenty-four acres of land across the highway from the property.

C. Analysis:

Both the sale parcel and the donated parcels are irregular in shape. The sale parcel forms a triangle, with one side bordering SR 248. The donated parcels border the south side of SR 248 and both sides of the Rail Trail, creating valuable recreation open space.

A Phase I Environmental Assessment and investigation of the properties, completed by Encore Environmental December 4, 1996, did not find any evidence of environmental contamination on the property or with any of the immediate properties. Should the City acquire the property,

mobile homes, materials, equipment and debris will be removed from the property. Other mobile homes, materials, equipment and debris located on adjacent properties would remain.

If Council approves the acquisition, the City would:

- acquire land designated for housing;
- remove obligations from an earlier annexation agreement;
- reserve the right not to build on the site;
- acquire land designated for open space, some of which may be suitable for development;
- eliminate the trailer and debris south east of SR 248; and
- remove the pressure for immediate development of the site.

Staff is still resolving final details in the documents and seeks authority for the Mayor to execute documents in substantially the form discussed with the Council on Thursday.

In order to preserve the City's right to reimburse itself for costs associated with acquiring and improving the property (Project), the proposed resolution declares the City's intention and reasonable expectation to use tax-exempt bonds of the City or its agencies to reimburse itself for expenditures for costs of the Project. These reimbursements should be made no later than three years after the date the original expenditure was paid. The City anticipates that the maximum principal amount of the bonds which would be issued to finance the Project will not exceed $10,000,000. The resolution does not authorize issuing any bonds.

D. Department Review:

The proposed purchase has been generally reviewed by the City Manager, City Attorney and Community Development Director, all of whom recommend the acquisition.

ALTERNATIVES:

A. Approve the Request:

Staff has worked with attorney's representing Cooke and the Owners to prepare an assignment agreement, an amendment to the purchase, donation and sale agreement and other required documents. Approving the resolution would authorize the acquisition in substantially the form that has been negotiated, and the acceptance of the donated parcels. The purchase is compatible with both the City's and the Owners' needs. The resolution also declares the City's intent to reimburse itself with bonds.

B. Deny the Request:

If the City declines to purchase now, the failure to act may complicate future dealings with owners. Peter Cooke's arrangement is contingent upon the City's purchase of his option to buy now.

C. Continue the Item:

Time is of the essence. The owners wish to proceed with the sale before December 31, 1996.

SIGNIFICANT IMPACTS:

Approval provides solution to several problems. The City would **no longer** have to meet the following obligations of the annexation agreement or existing regulations:

1. Review the proposed housing project (or any other) at the current time;
2. Authorize private activity bonds for affordable housing;
3. Waive ("defer") all impact, building and planning fees for affordable units (this requirement would cost over $600,000 for the current proposal);
4. Recognize the assigned density of 120 to 240 units for the development property;
5. Debate the meaning and validity of the frontage protection zone applied to the property after it was annexed.

The City would have to:

1. Pay $1,878,000 from the CIP (Open Space, RDA or Housing) for the total purchase price on the following schedule:

   $ 327,120 at closing
   $ 329,000 ninety (90) days after closing
   $ 611,000 with all accrued, unpaid interest for first annual principal installment
   $ 611,000 with all accrued, unpaid interest for second annual principal installment.

   The installments are due on the anniversary date of the closing (The promissory note will bear interest at 7% per annum.)

2. Determine (eventually) how to use the land acquired (employee housing, open space, recreation or other); and

3. Determine (eventually) whether or not to resell the property with or without specific restrictions.

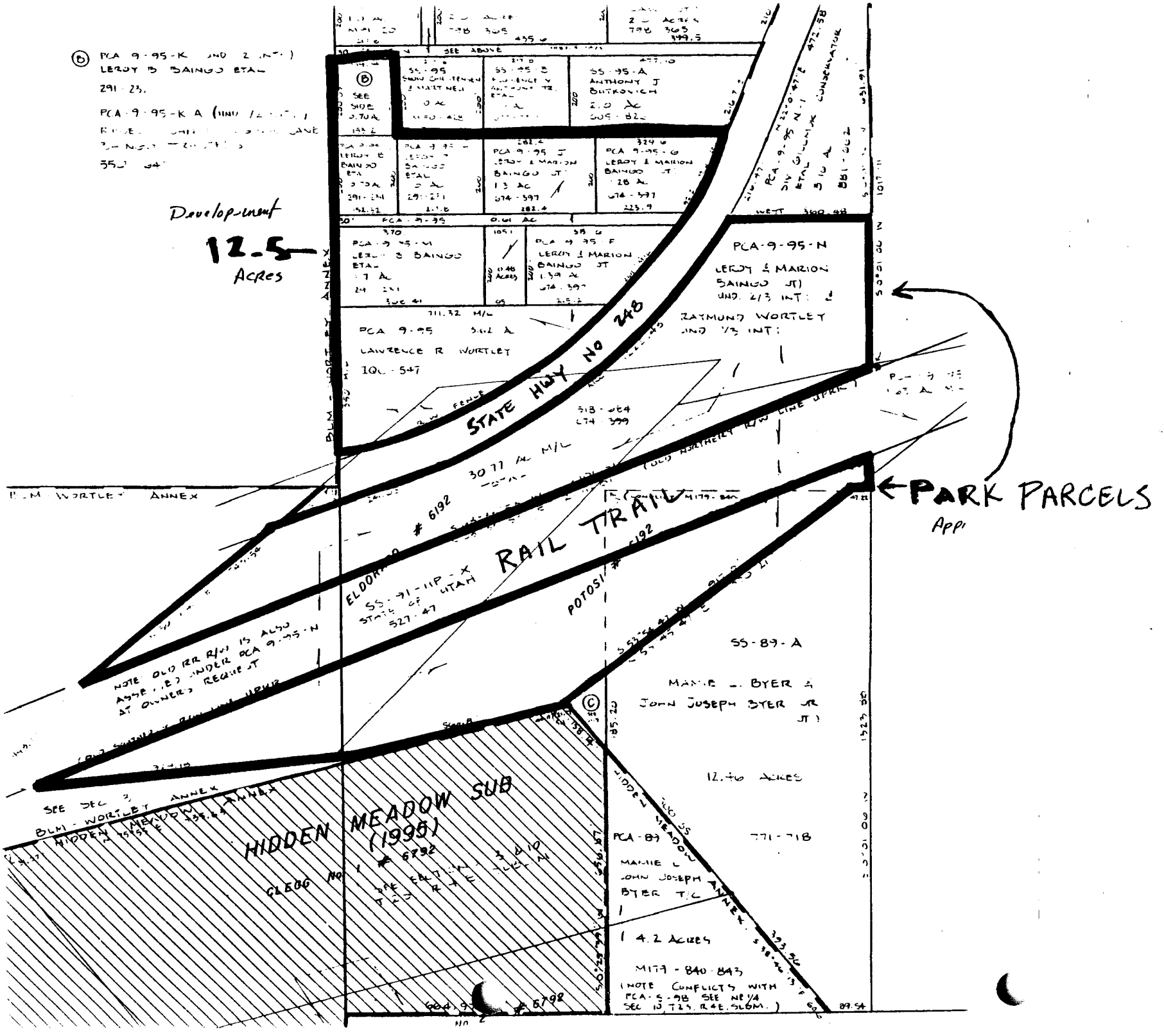
4. Pay Cooke six percent of all principal payments.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Declining to purchase means that we don't solve these problems with this acquisition and we may compound them. If the City declines to purchase now, the failure to act may complicate future dealings with owners. Peter Cooke's arrangement is contingent upon the City's purchase of his option to buy now.

RECOMMENDATION:

Approve the attached resolution, authorizing the purchase of property, accepting the donated parcels and declare the City's intent to reimburse itself with bonds.



PCA 9-95-K
LEROY B BAINGO ETAL
291-23
PCA 9-95-K A
Development
12.5
Acres
SS-95-A
ANTHONY J
BUTKOVICH
2.0 Ac
PCA 9-95-J
LEROY & MARION
BAINGO JT
1.3 Ac
674-397
PCA 9-95-G
LEROY & MARION
BAINGO JT
1.28 Ac
674-397
PCA 9-95-M
LEROY B BAINGO
ETAL
PCA 9-95-F
LEROY & MARION
BAINGO JT
1.39 Ac
674-397
PCA 9-95
LAWRENCE R WORTLEY
IQC-547
PCA-9-95-N
LEROY & MARION
BAINGO JT
UND. 2/3 INT.
RAYMOND WORTLEY
UND 1/3 INT.
STATE HWY NO 248
BLM WORTLEY ANNEX
30.77 Ac M/L
ELDORADO # 6192
RAIL TRAIL
POTOSI # 6192
SS-91-UP-X
STATE OF UTAH
527-47
PARK PARCELS
Appr
SS-89-A
MAMIE L. BYER &
JOHN JOSEPH BYER JR
JT
12.46 Acres
771-718
PCA-89
MAMIE L
JOHN JOSEPH
BYER T/C
4.2 Acres
M179-840-843
(NOTE CONFLICTS WITH
PCA-S-98 SEE NE 1/4
SEC 10, T2S, R4E, SLBM.)
HIDDEN MEADOW SUB
(1995)
CLEGG NO 1 # 6792
HIDDEN MEADOW ANNEX
SEE SEC 3
BLM-WORTLEY ANNEX

Resolution No. _____

Resolution of the City Council of Park City Authorizing Purchase of Property Located at the Eastern Edge of Park City, Utah along State Route 248; Declaring Its Official Intent to Reimburse Itself From Bond Proceeds for Certain Capital Expenditures Including All Acquisition Costs; and Authorizing Incidental Action

WHEREAS, Upper Meadows, L.C., a Utah Limited Liability Company ("Buyer"), has an agreement to purchase ("Purchase Agreement") approximately twelve acres of land on the northwest side of State Route 248 near the eastern edge of Park City, Utah ("Development Parcel") from a group of owners collectively known as Baingo-Wortley ("Sellers"); and

WHEREAS, the Buyer sought to develop an employee housing project on the Development Parcel consistent with the terms of an annexation agreement and remains interested in developing such a project when or if the City Council determines it would be timely and appropriate; and

WHEREAS, the Buyer is willing now to assign the Purchase Agreement to Park City Municipal Corporation ("City") and the Sellers are willing approve the assignment for a total purchase price, including an assignment fee, of $2 million; and

WHEREAS, the Sellers are willing to donate approximately twenty four acres of land on the southeast side of State Route 248 ("Donation Parcel"); and

WHEREAS, by purchasing the Development Parcel the City will be relieved of certain development commitments, use limitations and obligations that potentially could cost the City more than $600,000; and

WHEREAS, the City intends to acquire the property as a potential site for employee housing; to remove obligations from an earlier annexation agreement; to reserve the right not to build on the site; to acquire open space and some land designated as open space which may be appropriate for development; to eliminate a trailer and debris southeast of SR 248; and to phase out a legal non-conforming use; and

WHEREAS, the City expects to incur significant costs in the acquisition and improvement of the property (the "Project"); and

WHEREAS, the City has determined that it intends to finance all or a portion of the Project with proceeds of obligations of the City, the interest on which is excludable from gross income for federal income tax purposes ("Tax-Exempt Bonds"); and

WHEREAS, no costs of the Project to be reimbursed were paid more than 60 days prior to the date of this Resolution, other than preliminary expenditures (not exceeding 20% of the aggregate issue price of the Tax-Exempt Bonds issued to finance the Project), provided that such preliminary expenditures shall not include costs of land acquisition or site preparation or other costs of construction or acquisition of the Project;

NOW THEREFORE BE IT RESOLVED by the City Council as follows:

SECTION 1. PURCHASE AND SALE AGREEMENT. The City authorizes staff to prepare and the Mayor to execute all documents necessary to acquire the Development and Donation Parcels.

SECTION 2. DECLARATION OF OFFICIAL INTENT TO REIMBURSE. The City hereby declares its intention and reasonable expectation to use proceeds of Tax-Exempt Bonds (the "Reimbursement Bonds") of the City or its agencies to reimburse itself for expenditures for costs of the Project. The City intends that the Reimbursement Bonds are to be issued, and the reimbursements made no later than three years after the date the original expenditure was paid. The City anticipates that the maximum principal amount of the Bonds which will be issued to finance the Project (including the Reimbursement Bonds) will not exceed $10,000,000.

SECTION 3. NATURE OF PROJECT COSTS. The costs of the Project consists entirely of capital expenditures or costs of issuance of Tax-Exempt Bonds, and no cost of the Project to be reimbursed with the proceeds of the Reimbursement Bonds is a cost of working capital.

SECTION 4. INCIDENTAL ACTION. The appropriate officers of the City are hereby authorized and directed to take or approve the taking of such actions as may be necessary or appropriate in order to preserve the ability of the City to finance its capital expenditures in accordance with the federal tax regulations of this Resolution.

SECTION 5. NO REPLACEMENT PROCEEDS. The City will not, at any time within one year after any allocation of proceeds of the Reimbursement Bonds to reimburse any expenditure, use the reimbursed funds to create a sinking fund for any issue of Tax-Exempt Bonds, or to otherwise replace the proceeds of any issue of tax-exempt bonds.

SECTION 6. EFFECTIVE DATE: REPEAL. This Resolution shall take effect immediately. All prior resolutions or portions thereof inconsistent herewith are hereby repealed.

ADOPTED AND APPROVED this 19th day of December, 1996.

PARK CITY MUNICIPAL

_____

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Jodi Hoffman, City Attorney

DATE: 12/16/96
DEPARTMENT: Legal
AUTHOR: Mark Harrington, Asst. City Attorney
TITLE: Lease - White Pine Cross Country Ski Concession
TYPE OF ITEM: Administrative- Old Business

SUMMARY RECOMMENDATIONS: **Authorize the Mayor to execute a new lease with changes as noted with Outdoor Endeavors Unlimited, d.b.a. White Pine Touring, for use of the golf course for a ski concession.**

DESCRIPTION:

A. Topic: The lease of the golf course during the winter ski season.

B. Background: At the last meeting, Council directed staff to make a couple minor changes regarding the mailing of rent payments and complaints about grooming. The Council continued the matter to this meeting to enable Kathy and Charlie Sturgis an opportunity to address the proposed changes.

C. Analysis: Greg Cunningham's name was removed from the lease and the Tenant is directed to send payments to the "Finance Department." Lori Collett will make the sure the payments are properly coded and deposited.

Staff inserted two changes to address the grooming. In Paragraph 6, staff inserted a "professional manner" standard and a statement that complaints must be "promptly and satisfactorily addressed." Additionally, in Paragraph 31(c), staff inserted the line "the track shall be regularly groomed in a manner consistent with a first class ski operation." Kathy Sturgis has been informed of the proposed changes and will be at Thursday's meeting to respond to the Council's concerns.

D. Department Review: The Legal and Finance Departments reviewed this matter.

ALTERNATIVES:

A. Approve the Request: Authorize the Mayor to execute the Lease with the changes as noted, granting a new five year term to White Pine for use of the golf course as a ski concession.

B. Change the Rental Terms: The Council may decide to alter the terms of the proposed

lease, in which case it should incorporate such changes into the motion to approve the lease or continue action on the lease and direct staff to prepare the changes for the next meeting.

C. **Continue the Item:** If the Council wants more information, it should request such additional data and continue the item.

D. **Do Nothing:** This is not recommended since this season has already begun.

SIGNIFICANT IMPACTS: The leased area represents the winter use of the golf course and Osguthorpe parcels. White Pine has operated the concession since 1980.

RECOMMENDATION: Authorize the Mayor to execute the Lease as attached as Exhibit A, granting a new five year term to White Pine for use of the golf course as a ski concession.

require Island Trading or their successors to install the temporary and new facility in such a manner so as not to interfere with the rental periods specified herein. The City shall give the Tenant notice of the Owner's intent to raze the building within thirty days of the City receiving such notice from the Owner. Upon relocation of the Pro Shop, the rent may be adjusted pursuant to paragraph 3(e) below.

3. **Rent**. The parties agree that rental shall be ~~FOUR~~ FIVE HUNDRED DOLLARS ($~~4~~500.00) per month (hereinafter "Base Rent") and 6% (SIX ~~Percent) of~~ all track passes INCLUDING season passes each month. All checks shall be sent to Finance Department, Park City Municipal Corporation, P. O. Box 1480, Park City, Utah 84060.

(a) Minimum Guaranteed Monthly Rental. The minimum guaranteed monthly rental for the space shall be TWO-THOUSAND FIVE HUNDRED DOLLARS ($25~~0~~00.00) per year. Base Rent shall be paid in monthly installments of ~~Four~~ Five-Hundred Dollars ($~~4~~500.00) due by the first day of each month during the term of the lease.

(b) Percentage rental. For each and every month during the lease term, Tenant shall pay 6% of gross track sales per month as additional rental. Gross track sales shall be calculated by the parties and payment remitted by May 15~~, 1997~~ of each annual rental period. Pre-season track pass sales, including season passes shall be included in the calculation of percentage rental and shall be remitted to the City with the Gross Track Sales records and financial statements.

(c) "Gross Track Sales" as used herein is hereby defined to mean the total amount in dollars of all track passes and season pass sales, whether for cash, credit, or services. Gross track sales shall not include any sum collected for any sales, use, or gross receipts tax imposed by any federal, state, municipal or other governmental authority directly on sales to customers and paid by Tenant to such governmental authorities.

(d) Financial Statements No later than May 15~~, 1997~~ of each annual rental period, Tenant shall also furnish landlord with quarterly sales tax returns and a written statement certified by the tenant's CPA on quarterly gross receipts.

(e) Rent Adjustment. Upon relocation of the track or the Pro Shop to either a temporary or a new permanent location, the City may adjust the Base Rent (minimum monthly rental). The adjustment shall be based upon the increased or decreased value of the temporary or new space, or attributed to a loss or an increase in track area because of construction or track relocation. If the Tenant chooses not to accept the new rent amount, it shall give the City 30 days written notice of termination of this lease agreement. The Tenant shall retain a right of first refusal on any subsequent agreement between the City and a third party wishing to assume Tenant's lease term.

6. **Authorized Use**. Tenant shall use the leased premises for the operation of a cross-country skiing concession as stated below, and for no other purpose whatsoever without the prior written consent of the City and Owner, which consent shall not be unreasonably withheld.

The purpose of the Touring Center will be to provide and set a cross-country ski track, teach cross-country ski lessons, provide ski rentals and sell necessary cross-country equipment and supplies. All services will be available to the public without discrimination. Business shall be conducted and all employees of Tenant shall act and dress in a professional manner. All customer complaints shall be promptly and satisfactorily addressed.

The Leisure Services Director or his designee must give prior approval for the equipment, location, and methods to be used to set the ski tracks. Tenant shall not store ski equipment nor inventory outdoors overnight, unless approved by the Parks and Golf Course Superintendent. Large equipment and machines, including the track setting machines, shall be stored at the City's water treatment plant adjacent to the golf course, or at a location approved by the Parks and Golf Course Superintendent.

7. **Increased Insurance Risk**. Tenant will not permit said leased premises to be used for any purpose which would render the fire insurance on the buildings or the premises void or cause cancellation thereof or make the insurance risk more hazardous or increase the insurance premium in effect at the time of this lease. Tenant will not keep, use or sell, or allow to be kept, used or sold in or about the leased premises any article or materials which are prohibited by law or by standard fire insurance policies of the kind customarily in force with respect to premises of the same general type as those covered by this Agreement.

8. **Care and Repair of Premises by Tenant**. Tenant will not commit any waste on leased premises nor shall it use or permit the use of the premises in violation of any state or federal law or contrary to municipal ordinance or regulation applicable thereto. Tenant may, with prior consent of City but at its own cost and expense, in a good workmanlike manner, make such alterations and repairs to the building as Tenant may require for the conduct of its business without, however, materially altering the basic character of the building or improvements or weakening the structure on the leased premises. Any permanent alterations or improvements to the leased premises shall become the property of the City upon expiration or termination of this lease.

Tenant shall be responsible to patrol and maintain the Dairy parcel and Peterson property. Tenant shall, at the end of each day of operation, ski-sweep through the Dairy parcel and Peterson property to assures that all skiers are off the lands before dark. Tenant shall police and patrol the ski tracks to assure compliance with the terms of this agreement.

9. **Maintenance of the Building**. Tenant shall keep the path to the pro-shop and sidewalks reasonably free from ice and snow. It is understood and agreed that GPCC shall be responsible for snow removal in the parking areas for the leased premises and not the City. Tenant agrees to maintain the leased premises in a neat, clean and safe manner, including light tube replacement, all janitorial services, and maintenance of the premises at Tenant's sole expense.

for the period that such cause continues, save and except under the provisions of this paragraph, shall not excuse a non-payment of rent hereunder on its due date.

27. **Rights of Successors and Assigns**. The covenants and agreements contained within this Lease shall apply to the benefit of and be binding upon the parties hereto and upon their respective successors in interest and legal representatives, except as expressly otherwise hereinbefore provided.

28. **Time**. Time is of the essence of this lease and every term, covenant, and condition contained herein.

29. **Paragraph Headings**. The paragraph headings as to the contents of particular paragraphs herein are inset only for convenience and are in no way to be construed as part of such paragraphs or as a limitation in the scope of the particular paragraph to which they refer.

30. **Notices**. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing, deposited in the United States mail, postage prepaid and registered, and addressed to the below listed address of the party or to such other address as the parties may from time to time designate in writing:

CITY: Park City Municipal Corporation
Attn: City Attorney
P.O. Box 1480
Park City, Utah 84060

TENANT: Charlie Sturgis
Outdoor Endeavors Unlimited
d.b.a. White Pine Touring
P. O. Box 680068
Park City, Utah 84068

OWNER: Chris Blackwell
Island Trading
825 8th Avenue, 24th floor
New York, New York, 10019

31. **Conditions Precedent to Setting Track**. There must be 12 inches of snow or more to set or use the cross-country ski track. If there is less than 12 inches of snow, Tenant will not set the cross-country ski track until sufficient snow is on the golf course unless Tenant has the prior written consent of ~~Pace Erickson~~, the Parks and Golf Course Superintendent or another qualified representative of the City in the event ~~Pace Erickson~~ the Parks and Golf Course Superintendent is unavailable to provide consent. Tenant will initially set the track only in the presence of the Leisure Services Director, or his designee, who is hereby empowered to require adherence to the following guidelines:

(a) The track shall be at least 25 feet from any green or tee areas;

(b) The track shall be placed in the rough areas except where the track must cross the fairway to avoid any greens or ~~tee areas; and~~

(c) Once the track is set, the track shall be regularly groomed in a manner consistent with a first class ski operation.

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