PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 5, 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 5, 1996.

AGENDA

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

3:30 p.m.	Council questions and comments
3:50 p.m.	Council chambers remodel
5:10 p.m.	Presentation of audit report
5:30 p.m.	Review of regular meeting

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

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF NOVEMBER 7, 1996

V RESIGNATIONS AND APPOINTMENTS

1. Resignation of Anita L. Sheldon as City Recorder

2. Appointment of Janet M. Scott as City Recorder

VI NEW BUSINESS

1. Resolution honoring The Friends of the Park City Library and acknowledging their extraordinary contributions to the community

2. Findings of fact and conclusions of law for the denial of an appeal of the Community Development Department's denial of an encroachment permit in the City right-of-way at 577 Main Street for the construction of columns

VII PUBLIC HEARING

General Plan - Phase 1

VIII ADJOURNMENT

A Redevelopment Agency Meeting will convene

Posted: 12/2/96

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 5, 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; Ron Ivie, Chief Building Official; Hope Bleecker, Transportation Director; Frank Bell, Chief of Police; Jan Scott, City Recorder; Myles Rademan, Public Affairs Director; Jerry Gibbs, Public Works Director; Tom Bakaly, Finance Manager; Lori Collett, Accountant

Holly Adams and Burke Cartwright, Edwards & Daniels Architects (EDA); Joe Nelson, Spectrum Engineering

1. Council questions/comments. Roger Harlan complimented Myles Rademan for organizing the community meetings on December 2, 3, and 4 and thanked staff for including the article *Another Viet Nam* in the Manager's Report. He discussed his desire to attend the Municipal Open Space Acquisition Conference hosted by the Lincoln Institute in Salt Lake City on Thursday, January 30. Mr. Harlan commended the snow removal crews on their efforts during this storm, despite a shortage of equipment. Paul Sincock discussed a comment from a citizen at a community meeting regarding the Board of Appeals, which has only heard three appeals since 1980; appeals are scheduled upon request and are technical in nature. He added that he made a presentation to the Division of Environmental Quality on the Olympics who are concerned about the impacts of the Games. Staff pointed out that the Sandridge appeal will probably be heard on January 23.

With regard to the article *Another Viet Nam* dealing with the drug problem in Utah, Chuck Klingenstein suggested sending a letter to Governor Leavitt, and state and federal legislators about this problem. Roger Harlan recommended that Mr. Klingenstein draft a letter for Council's comments and review. In response to a question from Chuck Klingenstein, Toby Ross indicated that if the second home owner's lawsuit prevailed, property tax collection would be adversely affected by 21%. The City Manager added that the School District and County are more dependent on property taxes in a proportional sense. It would have the effect of shifting the School District tax burden to Snyderville Basin and away from Park City as the majority of second homes are within the City. A Supreme Court decision will probably be rendered within six months, and a change in the tax laws would require a legislative action in 1998 which may not take effect until 1999. In response to a question from Chuck Klingenstein, Hugh Daniels explained that three parking permits are provided to a household in Old Town.

There was discussion about the new programming of TCI Cablevision beginning in January. Mark Harrington pointed out that the Silver Meadows Project will have cable in the spring. Ms. Kerr requested that Council review the fitness equipment contract with U.S. Skiing before it is signed. She observed that snow removal contractors are hauling snow on other people's property. Ms. Kerr requested that contractors be put on notice that snow must be stored at the property site.

Jerry Gibbs reported that snow removal contractors were invited to a meeting and only one attended.

Hugh Daniels expressed that the Open Space Conference may be worthwhile for some of the Council to attend. Mr. Daniels relayed that he took a hot air balloon ride which provides a unique view of our area and suggested that it may be a good thing for Council to do at some point. He thanked staff for organizing the town meetings and recognized that December was not the best time to schedule these sessions. Mr. Daniels suggested June and October as better times.

Ron Ivie distributed information on the Board of Appeals and explained that decisions on appeals are based the Uniform Building Code. Mr. Harlan pointed out the difficulty when a citizen complains to a Council member who doesn't have all of the information, for example, the individual at Monday evening's meeting. Mr. Ivie explained that this particular matter deals with conversion of a duplex to a four-plex without a permit and it is being litigated. He relayed that at some a point a judge will rule on the facts and merits of the City's claim. Mr. Ivie explained that the City codifies the Uniform Building Code in the Municipal Code and everyone is on the same "playing field" in the state of Utah. Mr. Ivie further explained that every January, the City revises its building fee schedule based on the ICBO drop index. It is formulated on the national average for construction for valuations without using the Utah modifier which would decrease valuations by about 27%. It was emphasized that building fees are based on a substantially lower valuation than market value.

Hope Bleecker described Try Transit Week which will be promoted December 9 through December 15.

This comment occurred at the end of work session, but appears here for ease of reference. Mr. Sincock referred to input from a citizen at the community meeting complaining that the agendas appear in the paper the day before the meeting; he suggested publishing tentative agendas. The City Manager responded that staff will look at this, but warned that the tentative agendas could be misleading. The City Attorney pointed out that important issues are legally noticed in advance and Jan Scott stated that agendas are posted in the post office locations on Mondays. Toby Ross stated that this suggestion will be explored.

2. **Council chambers remodel.** Frank Bell explained that the City has contracted with EDA who has surveyed the Council members and staff, and based on that information, has provided a number of options which are included in the packet. He added that there are a number of limitations with the configuration of the room, which cannot be changed without brining the building up to Code. The plans address interior features which are presented in categories described as low-end, mid-range, and high-end. There are recommendations for lighting, heating, ventilation, and air conditioning (HVAC), audio-visual (AV) improvements, and any combinations thereof. Chief Bell urged Council to provide direction today on these options.

Architect Burke Cartwright commented on the unappealing colors and poor lighting in the chambers. He suggested that the room should be somewhat informal as opposed to a pompous look typical of other city council chambers. Holly Adams discussed the Value Renovation - Concept 1 which includes upgrading the finishes, changing the colors and carpet. Council could make a determination on lighting, AV, and furniture upgrades with this option. Under any option, Ms. Adams suggested that there be a double doorway so that it complies with the Uniform Building Code. Concept 1 accomplishes this with two separate single doors; she discussed the partition in the room. Concept 1 would be furnished with plastic laminate tables, but Ms. Adams explained that Council may pick and choose among the concepts for furnishings, AV, etc. She continued that Concept 2 is the Mid-range Renovation which involves wood finishes, vinyl wall coverings, and higher quality furniture. The partition divides the area into one large and one small meeting room and also included in this plan is a customized AV center. Shauna Kerr asked how this room would work as a courtroom and Ms. Adams described the moveable furniture feature. Ms. Adams recognized that there are some problems with this design for the court, but understood that the court may be short-term. She discussed the angled orientation of the seating for the Council and audience so that presentations are more widely viewed. Mr. Cartwright pointed out that the downfall of Concept 2 is that one has to walk through one meeting room to reach the other. Ms. Adams discussed Concept 3 - High-end Renovation, where there is a double partition system providing two meeting rooms which can be accessed individually, however, there is a dead-end partition wall at the entry way. The ceiling work creates a more open feeling, the modular furniture is more traditional, and there are large screens on both ends of the room. For the benefit of Paul Sincock, Joe Nelson of Spectrum Engineering explained the throw room required for rear projection and the inability to accommodate this technology because of the size of the room.

Roger Harlan pointed out the different moods of meetings where dealings can be adversarial or friendly and fun. He questioned whether the dias should be omitted as it is traditionally symbolic of authority. Holly Adams responded that the Council indicated on the surveys that members desired to move onto a more informal look and added that the dias also decreases the flexibility of the room. Mr. Cartwright felt that the attitude and behavior of the board is more important and recommended a bias toward a friendly feeling in the chambers.

Ms. Adams discussed the two structural ceiling beams that have to remain. In response to a question from Paul Sincock, she indicated that heating wasn't identified as much of a problem as the cooling. While there is temperature control, there is no ventilation and it doesn't meet Code. She added that the HVAC for the entire level could be improved beyond the room, if so desired, but the HVAC outlined in the proposal is solely for the chamber space. The Mayor suggested that the heating and cooling systems be combined in the same vents by adding a heat pump, so that it operates more efficiently. Jan Scott, City Recorder, pointed out that at times the boiler is so loud that it interferes with recording meetings. Paul Sincock hoped that the AV could be replaced with a wireless system, eliminating the recording station. Joe Nelson interjected that there may not be value in acquiring a wireless system. Mr. Sincock pointed out that because of the potential of having two meetings conducted in tandem and the configuration changing to accommodate both, a hard-wired microphone system is not flexible. Joe Nelson agreed that that is the downside of wired, but the upside is privacy and the elimination of potential interference. In response to a question from Roger Harlan, Holly Adams indicated that partitions are not totally soundproof, but some products are better than others. The City Manager clarified that the purpose of the partitions is mainly to create two rooms and Joe Nelson pointed out that the sound is reduced by about only 40 decibels. Paul Sincock supported Concept 1 because of the configuration of the rooms with the location of the partition; he suggested larger doors and swinging them in the opposite direction. Ms. Adams explained that exiting provisions require panic bars and the doors must swing in the direction of traffic. Mr. Cartwright agreed that the doors could be larger, and discussed the shortfalls of the entering and accessing plans in Concepts 2 and 3.

There was discussion about the angled orientation of the Council and audience area for presentations being less effective for everyone. Toby Ross relayed that this problem could be solved by mounting television monitors in the room. Chuck Klingenstein felt it important that everyone is able to see a presentation. Paul Sincock pointed out the shortfalls of the angled orientation, and the Mayor added that the problem will never be solved unless there is a commitment to a high-end upgrade with monitors for the AV system and there is still going to be some compromise. The Mayor encouraged the Council to accept that and move on. Holly Adams agreed that the room is difficult because it is 57 feet long and 27 feet wide. Burke Cartwright suggested that there be a consensus on the room configuration and then address an AV system.

Shauna Kerr expressed her concern about significantly changing the configuration of the room in consideration of the contract with the state for the Circuit Court. Ms. Hoffman explained that it is an annual contract which expires in July. There are already complaints from the court about the configuration, lighting and sound and anything that makes the room less formal will not be welcomed. She added that one of the chief functions of the room is for the court, but in the not too distant future, the court may move to the Justice Center. Frank Bell interjected that he did not anticipate a move for two or three years. Shauna Kerr emphasized that she doesn't see a need for the Council to be seated higher than the public but there is protocol for the judge to be seated higher.

Brad Olch asked that the Council reach a consensus on the HVAC; he felt that as long as the air conditioning is being installed, it may as well be centrally heated. Council member Kerr stressed that the benefits need to be for staff and the public, not the Council, in order for her to support the investment. The Mayor again asked about the HVAC. Paul Sincock discussed windows installed on the east side for ventilation and light and agreed with the Mayor's suggestion of a heat pump. The Mayor stated that he would like as much light for the least amount of money. Toby Ross indicated that the most elaborate lighting is $13,000 and the low-end is $6,000. Holly Adams emphasized that $12,000 spent on a lighting system is the best benefit in the entire renovation. The Mayor asked what the City would be obtaining for doubling the cost that would make it worthwhile and what improvements would be made in the mid-range price for lighting. Joe Nelson explained that the main difference between Option 2 and Option 3 is the replacement of the square pendants. In Option 2, the pendants remain but are better illuminated. Mr. Nelson emphasized that the replacement of the pendants will significantly enhance the room. Shauna Kerr agreed that the lighting pendants should be removed. The Mayor asked if the Council doesn't commit to the $13,000 expenditure, if there was another less expensive option where the fixtures can be removed. Joe Nelson felt it is possible. There was general consensus to remove the existing fixtures and to look at a less expensive option than $13,000. Ms. Adams felt that EDA could provide some choices. Hugh Daniels pointed out that this is an historic building and although this is not an authentic renovation, he wanted it to be compatible.

Paul Sincock discussed the partition system and defining each space with lighting. Ms. Adams warned the Council that she did not feel it possible to hold court and another meeting simultaneously as the areas are too small. Mr. Nelson added that there may be conflicts with the sound systems. Ms. Kerr pointed out that the court is leasing the entire room from the City. Toby Ross envisioned the rooms to be used for staff meetings that wouldn't be recorded. The City Manager felt that there are three major cost decisions; one is dividing the room, another is moving the dias and replacing it with furniture, and the third consideration is the AV system. When staff was polled, the AV was most important. He commented that there are problems related with keeping and losing the dias. Paul Sincock suggested having the dias pull out from a cabinet mounted on the wall. Mr. Cartwright felt that EDA could arrive at some creative options, but there will be an associated cost. It was emphasized that the court requires the entire room and Shauna Kerr added that there needs to be a station for the court reporter and her computer. Myles Rademan commented that if the Council is not raised on a dias, the audience in the back of the room have a difficult time seeing Council members. He felt it is more than a meeting room; it is a formal City Council chamber and that should not be lost. Mr. Rademan warned not to go to a too casual look. The Mayor added that Council spends most of its time in work session which is informal, and supported keeping some sort of dias or raising the back of the room. The City Manager felt that some of the barriers that the dias represents could be eliminated with cosmetic details. Mr. Cartwright discussed using wood detail and perhaps hanging historic photographs on the walls; he suggested a removable dias. Ms. Adams discussed raising the whole end of the room and Mr. Cartwright stated that they need to know the importance of accommodating the court. Hugh Daniels felt the room needs to work for the court and the Council. Ms. Adams pointed out that the Council is now 11" higher with the current dias which could be lowered to 6". Hugh Daniels continued that he liked the added windows for light, but they may be a distraction to the audience and he couldn't support the expenditure.

There was discussion about the furniture; Mr. Cartwright stated that the higher priced furniture lasts much longer. Ms. Adams indicated where furniture would be stored. Frank Bell added that the furniture can be moved in the event City Hall is relocated. Paul Sincock felt that the furniture should be high quality. With regard to the AV system, the Mayor felt it would be helpful to have pictures with the numbers and Ms. Kerr reiterated that EDA should describe how the equipment will benefit staff and the public.

Chuck Klingenstein supported the room configuration illustrated in Concept 1. There was discussion again about the dias; Ms. Kerr felt that it should be left as it is, but refurbished. A wireless system was suggested for ease of public input, but the Mayor emphasized that it is important to have people approach a podium so that the meeting is orderly. He suggested that because of the noisy boiler, to move the recorder's desk to the other side of the room. Ms. Kerr requested that when the AV is discussed again, that there needs to be better clarification on the features of the equipment.

Frank Bell summarized that with regard to the HVAC, the Council would like a self-sustaining system; lights should be in the range of $10,000 and the fixtures replaced; refurbish the dias; the Council would like to review options for the AV; the partition should be installed and the Council is leaning toward the low to mid-range design scheme; and furnishings finishes will be considered later. Jerry Gibbs asked for clarification on the dias, as there was discussion about it being a straight panel and he heard Ms. Kerr comment that Council members won't be able to see each other as they do now with the current curved configuration. He agreed that that is important. Ms. Kerr felt that the City could save money if the dias isn't rebuilt. It was determined to schedule a work session on the remodel on January 9.

3. **Presentation of audit report.** Tom Bakaly introduced employee Lori Collett, who is a CPA. He explained that the Comprehensive Annual Financial Report is the document presented to bonding agencies and investors. This will be forwarded to the State Auditor; it is the City's intention to apply for the GFOA award again this year. The introduction provides an overview of the economics in Park City and the statistical section outlines sales tax, property tax information, etc. City Council goals and major accomplishments are also identified. Mr. Bakaly indicated that the City is in its second year of a two-year budget. He pointed out that the state dictates that the City cannot exceed 18% of the General Fund for the reserve. He added that normally there is a management letter, but there is not one this year as there were no issues with the auditors, Deloitte & Touche. Mr. Bakaly commented that the fixed assets have been addressed this year which has been an accomplishment of the Finance Department. He invited questions from Council.

In response to a question from the Mayor, Mr. Bakaly explained that the Recreation Department is an enterprise fund and the policy is that 80% is funded through its operation and 20% subsidized by the General Fund. Currently that five year goal is being met and this is the last year of the recovery program. Toby Ross indicated that this will be discussed during upcoming budget sessions as the 20% has not been tied to a particular project or program. Mr. Bakaly explained that tennis revenues at the Racquet Club exceed expenditures. Western Summit County Youth is a reimbursement from the County but there is somewhat of a timing issue as the County's budget cycle is January, so the numbers may seemingly indicate that there is a subsidy. The Finance Director stated that the expenses of the recreation programs have increased; there have been some slight fee increases but this matter should be reviewed during the budget process. He stressed that a recreation enterprise fund is unusual. The working capital increased by $27,000 where last year it amounted to $130,000. This was due to spending less on recreation programs. Paul Sincock pointed out that it was the policy of the Parks and Recreation Board for recreation programs to be self-sufficient, with the exception of Youth Sports. Mr. Bakaly noted that with the new financial system, tracking program revenues and expenditures will be available. In response to a question from Roger Harlan, Mr. Bakaly explained that the City hired a consultant to inventory fixed assets and this project needs to be on-going. Shauna Kerr suggested that property values and coverages also be updated. Toby Ross discussed the City policy on reserves and Mr. Bakaly addressed the upcoming budget session, particularly if there is a negative decision from the Supreme Court on the second home property tax rate. The Mayor added that there would, however, be a two-year time frame to adjust the budget and the Finance Manager continued that the City has a recession plan in place. In response to a question from Chuck Klingenstein, Mr. Bakaly explained that about 100 copies of the report are requested by individuals annually. Council member Klingenstein suggested a summary budget for the public and the City Manager indicated that staff has considered this and will analyze the demand.

4. Review of regular meeting.

Findings of fact and conclusions of law - 577 Main Street. Chuck Klingenstein stated that he will refrain from commenting on the findings of fact for 577 Main Street as he was not in attendance for the entire hearing. Shauna Kerr relayed that if the building is moved back as suggested at the meeting, additional snow removal work results in front of the building. The Mayor stated that after the vote, this proposal will be discussed and Chuck Klingenstein will participate in the policy discussion. The City Attorney encouraged Council to make sure that the findings reflect the 3:2 positions taken last week.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 5, 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 5, 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; Pat Montgomery, Library Director; Pat Putt, Planning and Zoning Administrator; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF NOVEMBER 7, 1996

Hearing no corrections or omissions, the Mayor requested a motion to approve. Chuck Klingenstein, "<u>I so move</u>". Hugh Daniels seconded. <u>Motion unanimously carried</u>.

V RESIGNATIONS AND APPOINTMENTS

1. <u>Resignation of Anita L. Sheldon as City Recorder</u> - Roger Harlan, "<u>I move that we accept the resignation of Anita L. Sheldon as City Recorder</u>". Paul Sincock seconded. <u>Motion carried unanimously</u>. Shauna Kerr extended her appreciation of Ms. Sheldon's work over the years and wished her well in her new position in the Police Department.

2. <u>Appointment of Janet M. Scott as City Recorder</u> - The Mayor requested a motion for approval. Chuck Klingenstein, "<u>I so move</u>". Shauna Kerr seconded. <u>Motion unanimously carried</u>.

VI NEW BUSINESS

1. <u>Resolution honoring The Friends of the Park City Library and acknowledging their extraordinary contributions to the community</u> - The Mayor read the resolution into the record. On behalf of The Friends of the Park City Library, Library Director Pat Montgomery accepted the resolution and commented that this group is composed of reliable volunteers and have made an extraordinary contribution this year to library services of $8,630.

2. <u>Findings of fact and conclusions of law for the denial of an appeal of the Community Development Department's denial of an encroachment permit in the City right-of-way at 577 Main Street for the construction of columns</u> - Chuck Klingenstein disclosed that he was not present for the entire hearing, missed some of the visual presentations, and will abstain from discussing and voting on the findings. Pat Putt explained that Jim Gaddis is the property owner of 577 Main Street which is currently in the design review process for a commercial building on the site. One component of

the project is the construction of colonnades extending onto the City right-of-way. On September 6, 1996, the Community Development Department rendered a denial of the request for the encroachment and that action was appealed to the City Council. He continued that the Council heard the appeal on November 21 and a 3:2 decision was reached for staff to prepare findings to deny. The vote included the Mayor's tie-breaking vote. Staff is recommending action on the findings and any other architectural approaches will require HDC review. Ms. Hoffman encouraged the Council to separate the findings and the discussion on policy. Mr. Harlan pointed out a typographical error.

Paul Sincock pointed out that the Land Management Code Section 7.2.4.(a) states, "Buildings shall be located so as to provide an unobstructed sidewalk of at least nine feet, such width being measured from the front face of the curb to the front face of the building". He continued ". . .In no case may facade alignment or column placement be such as to create an unobstructed sidewalk of less than seven feet in width". He emphasized that the Code anticipates columns on the sidewalk and the applicant has complied with this provision. Secondly, he quoted (b), "Canopies and balconies attached to the building may extend into the public right-of-way, over the sidewalks and pedestrian ways only. Supports for canopies may not exceed 18" square and are permitted only within 36" of the front face of the curb. Canopies are allowed only on the second floor level. Canopies and balconies shall provide clearance of not less than ten feet from the sidewalk. A canopy or balcony may not be enclosed. With reasonable notice the City may require that canopies be removed from City property without compensation to the building owner. No canopy shall be erected, enlarged, or altered over the Main Street sidewalk without the advance approval of the City Council". Mr. Sincock interpreted this as permitting balconies to project into the public right-of-way and was confused why an applicant needs to obtain the City Engineer's approval when it is in the Code. Ms. Hoffman responded that Mr. Sincock is citing a zoning provision and the encroachment is a property matter. She pointed out that the Bahnhoff Sports building on lower Main Street has columns which permitted because they are located on private property. Ms. Hoffman explained that encroachments, easements, and leases are not described in the LMC because they are property contracts. Mr. Sincock insisted that the LMC provides for encroachments of balconies and canopies in the City right-of-way and it is anticipated since 36% of the buildings on Main Street encroach into the sidewalk. Ms. Kerr clarified that this is not dissimilar to the bridge issue crossing a City street where the applicant must obtain an encroachment permit. She continued that the general law is that in this zone, there can be such things as balconies and canopies but the second step is getting a license or a written contractual interest to cross the public right-of-way. Ms. Hoffman pointed out that although something is permitted in a zone, an applicant must own the property or have a right to use the property.

Mr. Sincock disagreed with Finding No. 7 stating that colonnades have not been allowed in recent years, and noted that Bahnhoff Sports has columns. It was again explained that the columns are on private property. Ms. Hoffman emphasized that Finding No. 7 represents the testimony from staff where there is about a ten year history that colonnades have not been allowed over City right-of-way on Main Street. The findings are suppose to reflect the testimony that supports the decision of the City Council. Mr. Sincock argued that there is a new building with colonnades; there are many on Main Street and they are part of our historical tradition. To disallow them will result in an uninteresting Main Street. He objected to Finding No. 8 which indicates that colonnades increase shading and icing conditions and create obstacles, as 36% of the buildings on Main Street have balconies; it is not accurate and opens liability to the City. The Mayor indicated that he made that statement and Hugh Daniels felt that the comment is true. Paul Sincock again registered his objection to the finding. He felt that Finding No. 10 with regard to spending $42/minute on snow removal is a spurious argument; although it may be true there are many columns on Main Street. Ms. Hoffman reiterated that that was the testimony from the Public Works staff who indicated that colonnades increase the time to remove snow. The Mayor explained that the findings of fact are the testimony brought forth at the last meeting. Mr. Sincock argued that would mean you could have findings of incorrect fact and if the testimony was incorrect it can be described as a fact. Ms. Hoffman interjected that the majority of Council making a decision deems a correct assessment of the facts given; the findings include testimony that was undisputed at the hearing. Mr. Sincock agreed that it is more time-consuming to remove snow around colonnades but there are so many already. Shauna Kerr asked why the City should continue to escalate the costs by adding colonnades. He answered that Park City is not about cost, it is more about the historical nature of the town and if money is our highest value, Main Street is going to look "crappy". Ms. Kerr noted that it is not historic colonnades on every building; Main Street now has a mix. If there are new properties that can accommodate columns on private property they will be allowed to do so, but the Council needs to decide if it is going to increase its cost of doing business in maintaining sidewalks for merchants, guests and residents.

Roger Harlan stated that the findings of fact represent the discussion on November 21. He added that he supports the colonnades and believes it provides variety on that part of Main Street. He asked if he should uphold his vote, although he finds the findings of fact accurate. Ms. Hoffman explained that if Mr. Harlan believes that the encroachment permit should have been issued for this design, he should vote against the findings. He stated that at the last meeting, it was suggested that the building be moved back to provide more space to accommodate snow removal efforts on the sidewalk. The Mayor requested that these comments be made later in the policy discussion. Shauna Kerr, "<u>I move approval of the findings of fact. I think they accurately reflect what happened last week (November 21, 1996) and with the information that we received as testimony from the applicant, from our staff, and from the Public Works Department</u>". Hugh Daniels seconded. <u>Motion carried</u>.

Mayor Brad Olch	Aye
Hugh Daniels	Aye
Roger Harlan	Nay
Shauna Kerr	Aye
Chuck Klingenstein	Abstention
Paul Sincock	Nay

Council member Harlan pointed out that he visited Main Street with Public Works staff and with today's snow storm, he observed a mound of snow next to a colonnade preventing a car from parking there. He is concerned about damage to the colonnades and emphasized that the City should not be liable. Ms. Hoffman stated that there could be language in an encroachment permit protecting the City's interest. Mr. Harlan recalled that Mr. Gaddis agreed to participate in the additional costs of utility work, but that he wanted to retain bids, which may not be possible in an emergency. Paul Sincock commented that the Mayor supported the concept of the building being moved back which would change the recommendation to staff. Ms. Kerr responded that it doesn't change the shading and icing problems and colonnade creates more snow removal work and possible hand shoveling in the setback. Even though the travel portion is widened, there is an additional maintenance nightmare. The Mayor continued that he did suggest this last week but at a time when he was in a position to cast a vote. Tonight his vote is replaced by Mr. Klingenstein.

Pat Putt encouraged the Council not to set a firm policy because this hasn't been an issue in the past and decisions should be based on a case-by-case site specific review in context with the neighborhood. Council understood that it was giving direction on this application. Chuck Klingenstein stated that although he doesn't like dollars to drive decisions, costs are a major consideration. The only way he could support this kind of concept is if the Main Street area entered into a special maintenance district. Mr. Klingenstein commented that in addition to the $42/minute snow removal cost, there are nine people devoted to clearing 12 miles of trails and sidewalks. He felt that the massive transportation/circulation/parking program will involve more trails and winter maintenance. He could not support colonnades unless there is a mechanism to recover additional costs and is not in favor of columns. The Mayor asked if he is opposed to cantilevered balconies, and he responded that he is not opposed. Hugh Daniels added that if a building was destroyed by fire, that it should be restored as it was, but new structures need to be reviewed on a site-by-site basis. Roger Harlan believed that with regard to the trade-off between dollars saved by doing away with the colonnades or creating architectural diversity on Main Street, he would vote on the side of columns. He felt that the design is a good one. The Mayor summarized that the majority position of the City Council is to direct staff to work with the developer to arrive at a solution without the colonnades.

VII PUBLIC HEARING

General Plan - Phase 1 - It was assumed that because of the snow storm, John Miller was only one person in attendance for this public hearing. The Mayor asked Council if they would like to continue the public hearing and Ms. Kerr felt that decision should be deferred to Mr. Miller who braved the storm. Mr. Miller indicated that it was fine with him. Shauna Kerr, "I move to continue the public hearing to a date in the future which is publicly noticed. Paul Sincock seconded. Motion unanimously carried.

VIII ADJOURNMENT

With no further business, the meeting of the City Council adjourned and a Redevelopment Agency Meeting will convened.

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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

PARK CITY
1884

DATE: December 2, 1996 for December 5th Council meeting
DEPARTMENT: Administration/Council
AUTHOR: F. M. Bell
TITLE: Council Chambers Remodel
TYPE OF ITEM: Work session Discussion/Study

SUMMARY RECOMMENDATIONS: Discuss and provide direction on options related to the renovation of the Council Chambers. Resolve issues concerning design and use of the room, and desired expenditures. Direct staff and consultant toward final architectural plan.

DESCRIPTION: Council has voiced dissatisfaction in the design and environment found in their downstairs chambers. Recently, the Council authorized a contract with EDA Architects to prepare conceptual options for renovation of the chambers. Early in November, staff reviewed a number of preliminary designs. Staff directed EDA to prepare architectural concepts focusing on "value renovation", "mid-range renovation", and "high end renovation". Also included in these concepts were upgraded lighting and audio/visual options, a variety of furnishing options, and HVAC. We now have several workable options along with a wide range of cost estimates. Council should now consider whether any of these ideas work in the context of your desires, and what sort of investment (if any) you wish to make in a new formal meeting room.

Representatives from EDA will attend the December 5th Work session

A. **Background**: A number of modifications have recently been made to the Marsac Building to make better use of existing space. As you may recall, improved space utilization is limited by our decision not to bring the building up to modern structural standards. Renovations, including the design of a new Council Chambers, have been confined within existing structural walls, ramps, and entry and egress patterns.

The Council has indicated a desire to do several things to their chambers which EDA considered in their architectural concepts:

1. Make the room less intimidating by eliminating or reducing barriers between the council and the public.
2. Create a warmer and more comfortable meeting environment.
3. Improve heating, lighting, and ventilation.
4. Improve audio/visual capabilities for presentations.
5. Promote more extensive use of this large meeting space.

The conceptual alternatives presented by EDA respond to the issues raised above. Architectural limitations of the room and budgetary considerations may prevent a workable response to all desires.

B. Analysis: EDA has prepared 2 architectural concepts (attached) for low, medium, and high end renovation options. Also attached are itemized cost estimates for HVAC, lighting, and audio/visual. Each architectural concept could be accompanied by almost any variety of lighting, HVAC, or AV upgrades. Precise design and cost estimates are therefore difficult until a final plan is designed. A matrix has been prepared showing progressive costs of each architectural concept along with possible HVAC, AV, and lighting upgrades.

EDA has studied the room and found that in addition to its intimidating nature and dated appearance, it is seven times darker than normal lighting standards, and lacks adequate ventilation and circulation.

There are additional questions which also enter into the decision making process.

1. What is the projected lifespan of the Council Chambers?

   Several months ago the Council indicated a desire to make the Marsac Building work without substantial renovation until after the Olympics. Desired expenditures for renovation may be different for a life span of 6-8 years than those of a more permanent room.

2. Does the Council want a raised dias (or raised audience), keeping in mind that the room will always have a relatively low ceiling?

   Changing the dias may help resolve barriers between the Council and an audience, but also substantially increases renovation costs.

3. Does the Council desire a combination Work session room and formal chambers separated by some type of portable or moving wall system?

   Such a plan may make the room more desirable as a multi-purpose conference area, but again increases architectural costs.

4. If the room is to have a 6-8 year life span, what sorts of things (audio/visual, furnishings etc.) could be purchased now that might be transferable to a new facility at a later date?

5. What can we do with a basic fix-up such as new paint, improved lighting, wall coverings, carpet, AV, and HVAC, without a major re-design of the room?

Value Renovation - is the least intrusive of the architectural options. Either on or off the existing dias, this plan includes minimal finishing upgrades, new paint, 5-7 year carpet, and a basic retractable partition (optional) dividing the room roughly in half. HVAC and improved lighting can be included in the "value renovation".

Mid-range Renovation - begins to focus on a general re-design of the room and the addition of more sophisticated audio/visual equipment. It includes upgraded finish work and wood trim, remodeling of the ceiling and dias, 10 year carpet, upgraded retractable partition, and restoration of the east windows (behind the dias) for improved natural lighting. Workspaces have been created along the walls, and may be moved and consolidated to form additional conference spaces.

High End Renovation - provides the greatest flexibility of meeting space, high levels of finish upgrades, wood trim, and 15 year carpet. Reconfigures ceiling and dias, sophisticated partitioning system with modified room entrance, and centralized audio visual system.

Over the last few years, the Council has appropriated funds for the renovation of the Marsac Building. Presently a total of $322,758.40 is available through two line item accounts for additional work on the building. Some or all of this money could be channeled toward renovation of the Council Chambers, though using all of the money would inhibit our ability to make other needed building improvements. The recent bond issue included $300,000.00 which also could be used for this project.

ALTERNATIVES: There is no specific request for council action, nor does staff have a specific recommendation for renovation. However, staff hopes to answer the following questions:

1. Given what we now know about architectural and cost considerations, do you wish to pursue this project further?

2. If yes, what general configuration is preferred?

3. Given a consensus on configuration, is there a an additional consensus on low, medium or high approach? Can we attach a dollar value to the desired approach (not to exceed amount)?

4. If the chosen approach is low end oriented, does the Council desire lighting and HVAC upgrades? What about a dias?

5. Given the chosen approach, what does the Council desire in audio/visual upgrades?

SIGNIFICANT IMPACTS: Most of the impacts are budgetary. If consensus exists, staff intends to proceed on this project quickly. Depending on the complexity of the renovation, Council Chambers could be unusable for a number of weeks which would limit our ability to host large meetings in the Marsac Building. Planning Commission and Circuit Court would also be impacted.

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: December 5, 1996
DEPARTMENT: Administrative Services
AUTHOR: Tom Bakaly, Finance Manager
TITLE: Audit Report
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: This report is for informational purposes only

DESCRIPTION:

A. Topic:

Audit report for the Fiscal Year Ended June 30, 1996. Bound copies of the Audit Report will be delivered on Tuesday, December 3, 1996. The following is an overview of the Audit Report.

B. Background:

Overview of City's Financial Position as of June 30, 1996

The City's General Fund ended the 1995-1996 fiscal year with a fund balance of $4,429,566 of which $2,496,207 has been dedicated for use in the fiscal year 1996-97 budget. The ending fund balance of $4,429,566 was $1,916,143 more in fund balance than was projected during the budget process. Actual revenues came in $1,005,586 more than projected (Approximately $550,00 in taxes, $260,000 in licenses and permits and $200,000 in other reveneues such as interest) and expenses were $920,066 under budget. Due to the $2,496,207 of fund balance dedicated for use in the fiscal year 1996-97 budget, the City's fund balance is within the statutory limitation on the amount we may carry in our fund balance.

The Water Fund ended the year with a debt service coverage rate of 4.70 on all of its debt (1.15 required) and 7.94 on the subordinated debt (1.25 required). Working capital actually increased by $1,269,900 leaving a balance at year end of $3,729,948. Net income for the fund was $1,050,721 after depreciation expense of $773,553.

The City's Golf Course Fund ended the Fiscal Year with a net increase in working capital of $117232. Net income, including depreciation of $112,399, was $95,791 compared to net income from the prior year of $110,439. As such, this fund continues to be a self-supporting operation which does not require an operating subsidy from the General Fund.

With a $362,295 subsidy from the General Fund, the Recreation Fund ended the year with a net increase in working capital of $26,779. Net loss, including depreciation of $180,942, was ($150,504) compared to the net loss from the prior year of ($31,528). The Recreation Fund will require a General Fund subsidy of $385,564 in fiscal year 1996-97.

The Transportation Fund experienced a $674,110 increase in working capital. As a result, the total working capital available for future acquisition of buses and equipment at June 30, 1996 is $3,615,234.

RECAP OF FUND BALANCE AND WORKING CAPITAL BALANCES AT JUNE 30, 1996

#	FUND	ESTIMATED ENDING BAL	ACTUAL ENDING BAL	DIFFERENCE
11	General Fund Balance	2,513,423	4,429,566	1,916,143
51	Water-Working Capital	2,500,907	3,729,948	1,229,041
55	Golf Course-Working Capital	307,448	462,715	155,267
54	Recreation-Working Capital	199,566	270,537	70,971
57	Transportation-Working Capital	2,017,450	3,615,234	1,597,784
	Grand Total	7,538,794	12,508,000	4,969,206

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

The auditors identified no major improvement areas or areas involving material weakness in the operations or internal control structure of the City. In addition, the auditors did not identify any State Compliance issues.

RESOLUTION HONORING THE FRIENDS OF THE PARK CITY LIBRARY AND ACKNOWLEDGING THEIR EXTRAORDINARY CONTRIBUTIONS TO THE COMMUNITY

WHEREAS, The Friends of the Park City Library have a membership of over 200 citizen advocates who volunteer an average of 1,000 hours a year to enhance public library service in our community and exemplify the ideal spirit of volunteerism; and

WHEREAS, The Friends of the Park City Library have been in continuous existence since 1980 when they organized to rally support for the move and restoration of the Miners Hospital as the town's new public library and are known for their famous Book Brigade from the Main Street Library to the Park Avenue location, which received national media attention; and

WHEREAS, the annual membership luncheon, featuring noted authors, and the Miners Day book sale, featuring the marching "book worm", are eagerly awaited community events, and enthusiastically attended; and

WHEREAS, The Friends are volunteer storytellers providing back-up to the staff for many Library projects; host children's programs and book discussion groups, decorate the Library for Christmas, and are currently spearheading the construction and development of a beautifully landscaped Reading Garden on the Library campus;

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council applaud the commitment of The Friends over the past sixteen years to secure funding for library needs outside the scope of the regular budget -- and this year has been very special as the endowment in the amount of $8,630 from The Friends of the Park City Library is the largest ever -- an extraordinary effort for a small community.

PASSED AND ADOPTED this 5th day of December, 1996.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

PARK CITY
1884

DATE: August 19, 1994
DEPARTMENT: Legal
AUTHOR: Jodi Hoffman, City Attorney
TITLE: 577 Main Street Appeal
TYPE OF ITEM: Quasi-judicial

SUMMARY RECOMMENDATION: Consider, revise where appropriate, and adopt Findings of Fact, Conclusions of Law and Order, Denying the 577 Main Street Appeal.

DESCRIPTION:

A. Topic: Findings of Fact, Conclusions and Law and Order in the Gaddis appeal of the Community Development Director's decision to deny an encroachment permit for proposed colonnades within the City right of way at 577 Main Street.

B. Background: On November 21, 1996 a quorum of the Council heard and decided the Gaddis appeal. The vote was split 2 to 2, with the Mayor casting the deciding vote to deny the appeal. The attached findings of fact, conclusions of law and order denying the appeal have been drafted to memorialize that vote. The Mayor, and the November 21, 1996 voting members of the Council should deliberate the draft findings, conclusions and order, should modify them if necessary, and should take action on the appeal.

On November 21, 1996, the Mayor and Council also expressed a desire to give the appellant and the staff direction on an appropriate modification to the design which would then warrant Council support for an encroachment permit within the Main Street right of way. Staff would then give effect to the Council's direction upon receipt of an appropriate redesign.

C. Analysis: The attached document should reflect the Council's decision. Because the Council has indicated its willingness to direct staff in anticipation of a new design for the balcony at 577 Main Street, CDD staff would like an opportunity to discuss with Council the merits of allowing colonnades within the Main Street right of way. Staff is concerned that colonnades may not be appropriate within the Main Street right of way. If Council disagrees, staff would request a minimum clearance of nine feet from the edge of the colonnade to the building facade, and a minimum setback of two feet from the back of curb to the facade.

The Historic District Commission will review any new proposal for conformance with the Historic District Design Guidelines.

D. Department Review: The City Attorney, the City Manager, and the Community Development Department have reviewed the attached findings.

ALTERNATIVES:

1. If the findings and conclusions do not memorialize the Council's decision, direct staff to modify the findings or conclusions to more accurately reflect the Council's action.

2. There really isn't a "no action" alternative.

SIGNIFICANT IMPACTS:

There are few significant impacts of these findings and conclusions. This is essentially a housekeeping measure.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

By not taking the recommended action, the Council risks violating the rights of the parties to due process.

RECOMMENDATION:

Adopt the Findings, Conclusions, and Order. Give staff direction on how to proceed with a new building/balcony design.

BEFORE THE CITY COUNCIL OF THE PARK CITY MUNICIPAL CORPORATION

Jim Gaddis, 577 Main Street	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW**
v.	)	**AND FINAL ORDER**
	)	**DENYING APPEAL**
Director of Community Development	)	

This matter, having come on regularly for hearing upon appeal, with appellant appearing *pro se,* and with the City Council being advised by the Office of the City Attorney; and having reviewed the files and records herein, supplemented by:

1. Appellant's Statement of Appeal dated September 16, 1996
2. Council Agenda Report dated November 15, 1996, with exhibits
3. Appellant's pictorial exhibits submitted (but not offered) on November 21, 1996

and having taken testimony of Megan Ryan, John Lind, Don Sargent, and Roger Durst on November 21, 1996 and having been fully advised in the premises, the City Council enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT:

1. Park City is an historic mining town with a tourism-based economy. Historic Main Street is the central shopping district for tourists.

2. On August 2, 1996 the applicant submitted a request to the City Engineer for an encroachment permit to allow columns within the City right of way to support a balcony over the Main Street sidewalk of a newly-proposed structure at 577 Main Street.

3. On August 14, 1996 the City Engineer denied the request due to safety, liability and snow removal concerns.

4. The applicant timely appealed the City Engineer's decision to the Community Development Director.

5. On September 6, 1996, the Community Development Director denied the applicant's appeal, reaffirming the City Engineer's findings and citing the Community Development Department's policy of discouraging colonnades within City rights of way.

6. The applicant timely appealed the Community Development Director's decision.

7. Although colonnades were once allowed within the right of way for historic Main Street, they have not been permitted in recent history.

8. Colonnades compromise the health, safety and welfare of citizens and guests by increasing shading and icing conditions for pedestrians and by creating additional obstacles to motorists who parallel park on Main Street.

9. Public works crews experience significant delays in removing snow in the vicinity of existing colonnades within the City rights of way.

10. The City's currently expends $42/minute to remove snow from historic Main Street. Any additional impediment to snow removal will cause the public to incur significant, recurring costs, without mitigation.

11. Photographs submitted (but not offered) by the applicant showed histroic colonnades surrounded by unsightly accumulations of dirty snow. The photos also dhowed that the right of way that was not obstructed by colonnades was clear of snow and ice.

12. Colonnades impede the City's ability to maneuver within the City right of way. City crews may require the use of the entire right of way if underground utilities need repair or replacement.

13. The applicant's desire for a balcony can be accomplished without colonnades, or with stepping of the building facade.

CONCLUSION OF LAW

1. The Community Development Director properly denied the applicant's appeal from the City Engineer's decision to deny the applicant's request for an encroachment permit for colonnades within the Main Street right of way at 577 Main Street.

ORDER

It is hereby ORDERED AND DECREED that the appeal is denied.

Dated this 5th day of December, 1996

Park City Municipal Corporation

____

Bradley A. Olch, Mayor

Attest:

____

Anita Sheldon, City Recorder

Approved as to form:

____

Jodi Hoffman, City Attorney