PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 9, 2000

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah, for the purposes and at the times as described below on Thursday, November 9, 2000.

Closed Session

4:00 p.m. Property acquisition

Work Session

4:30 p.m. Council questions/comments
5:00 p.m. Racquet Club pool
5:20 p.m. Review of regular meeting
5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF OCTOBER 12, 2000

V PUBLIC HEARINGS

1. Amendment to Title 12, Sign Code, of the Park City Municipal Code regarding the regulation of prohibited, permitted and temporary signs

2. Ordinance approving a final subdivision plat for 1760 Park Avenue, known as Albertson's Park City Subdivision, Park City, Utah

3. Ordinance approving the final subdivision plat for Town Pointe Subdivision located at 1000 Park Avenue, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving a final subdivision plat for 1760 Park Avenue, known as Albertson's Park City Subdivision, Park City, Utah

2. Ordinance approving the final subdivision plat for Town Pointe Subdivision located at 1000 Park Avenue, Park City, Utah

3. Findings of fact, conclusions of law, and conditions of approval upholding the Planning Commission approval of a conditional use permit for building on a steep slope, 327 Woodside Avenue

VII NEW BUSINESS

Award of contact to Arnell West in the amount of $424,481 for the construction of a skateboard park in City Park

VIII ADJOURNMENT

Posted: 11/06/00
See: parkcity2002.org

PARK CITY 1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 9, 2000

Present: **Mayor Brad Olch; Council members Peg Bodell; Roger Harlan; Fred Jones; and Shauna Kerr**

Toby Ross, City Manager; Mark Harrington, City Attorney; Bob Johnston, Leisure Services Director; and Kathy Kelly, Racquet Club Manager

David Weiner, Kim McGuire, and Joan Thompson, Friends of the Pool

Absent: **Candace Erickson**

1. **Council questions and comments.** The Mayor congratulated Ms. Kerr on her victory in the Summit County Commissioner race on Tuesday. The Mayor stated that he and Tom Bakaly recently visited three bond rating companies in New York City. He was pleased to report that the City received a general obligation bond rating upgrade based on its sound financial operations and management. Fred Jones complimented the improvements on the Mawhinney/Offret properties and the Olympic Plaza. He thanked staff for addressing the Mine Road incident and taking temporary measures to control the downhill truck traffic until the truck lane is completed. He understands that in order for the McPolin Farm project to move forward, that a conditional use permit needs to be approved by the Planning Commission. The process should move along and there ought to be some minimum uses in the initial CUP to gain some experience with the Farm. Pat Putt explained that the task force is scheduled to present its recommendations to the Planning Commission. The Mayor announced that the Olympic Plaza will be dedicated on December 6. Ms. Bodell felt that other states may have better ways to make registering to vote more convenient and asked the City Recorder to explore options. She added that she applied to serve on the NLC environmental steering committee and that she attended a transportation conference. There was discussion about UDOT touring the transit center and Ms. Bodell reported on an Envision Utah conference. She referred to an article in *Cities Weekly* about working with the media and thanked staff for working with the residents in the Marsac Avenue area concerned about the safety of the Mine Road. There was discussion about signing the Mine Road when it is closed. Roger Harlan complimented staff on the financial quarterly report.

2. **Racquet Club pool.** Bob Johnston explained that last May, Council directed staff to recover lost revenues resulting from provisions of the memorandum of understanding with the Snyderville Basin Recreation District, and at that time, staff proposed budget cuts and increases in fees. The proposed closing of the pool in the winter which resulted in a net savings of about $13,500, was announced in September and shortly after that, swimmers approached Council to

reconsider the program. Staff held two meetings with the group and additional meetings with individuals. The Parks and Recreation Board endorsed a concept presented by the swimmers which involved eliminating morning hours and operating from noon to 6 p.m. The swimmers also proposed to market the pool and raise money and have collected $4,250 in contributions. Mr. Johnston reviewed Council's options which include closing the pool; supporting the proposal from the swimmers; or increasing the General Fund subsidy to cover costs.

David Weiner, representing Friends of the Pool, stated that they have been working with staff on this issue and have rallied support in a short amount of time; he has $4,000 in checks and read a list of contributors. They have many ideas about promoting the pool which has not been advertised well. The pool is a great asset and there are many *non-savings* by closing the pool and there is more at stake here than just dollars. He asked if they must continue to raise the money each year to keep the pool open in the winter and urged Council to consider their positive actions.

Kim McGuire, masters program participant, expressed that the approach here is short sighted. If the pool is closed for 13 weeks, there is a risk that the master program will not survive. People may select another way to stay in shape and there is the potential of a masters program being implemented at the Prospector Athletic Club. Based on an average of 10 and 20 people swimming five days a week, there is a revenue of $11,115 to the City. The life guard has to be there because of other swimmers so the cost of labor is nothing. He emphasized the other programs and classes that master swimmers and their families participate in at the Racquet Club which may represent an additional $28,000. The City would then be saving $13,000 for three months with potential lost revenue on a yearly basis of $28,000. The Prospector Athletic Club is building a new pool and he believes it will create a masters program taking business from the Racquet Club.

Joan Thompson, 17 year resident, explained that her children participated in the aquatics program that were offered by the Racquet Club. The City hasn't tried to promote aquatic programs, like water polo and swim team, since the Ecker Hill pool was built. There are kids from McPolin who may not be able to get to Ecker Hill and the current program for kids is from June to August. The City could make a lot more money with an aquatics program if it was expanded.

Council member Fred Jones acknowledged that the amount is only $13,500 but to put this issue in perspective, pointed out that last spring there was a comprehensive effort to reduce expenses by $600,000 to balance the budget, which came from many departments and programs, which can't be ignored. However, he is impressed with the work of the Friends of the Pool and suggested that the pool be run on a month-to-month basis for this year. It could be that overall aquatics programming may be a solution to make up deficits on a longer term basis. Bob Johnston explained that the month-to-month concept is difficult for staffing reasons and would prefer to see the program extended for the year. Ms. Kerr asked the actual number of swimmers for the months January, February and March 1999 and if the number of swimmers has increased since closing the pool became publicized. Kathy Kelly reported that last year the Club averaged about 10 master swimmers per day Monday through Friday and about eight other people; now, there are about 10 master swimmers per day and about nine other people who swim anytime from 10 a.m. to 7 p.m. The publicity has not increased use of the pool and has increased the consciousness of other users who didn't know that the aquatics program is subsidized by $50,000 a year. Staff loves to provide programs for people passionate about sports, but their mission is to have users pay for their own sports. Two years ago there was a staff person charged with winter programming for the pool and his conclusion was that there aren't many people who want to swim outside in the winter. She added that they have tried spring and night swimming lessons with no success and staff watches programs closely to make sure that they are not losing money. The summer pool programs are very popular but off-season is difficult. Roger Harlan pointed out that there was not unanimous support by Parks and Recreation Board members on the swimmers proposal and two members voted against it. He understood that the proposal involves staff time in facilitating the ideas of the swimmers which is somewhat disconnected and agreed with Mr. Jones on the importance that the program was cut to help balance the budget which was mandated by the Council.

David Weiner added that if the pool hours are cut beyond the three month period, the costs are dramatically reduced. Bob Johnston clarified that there would be a savings of about $4,000 if the pool hours were reduced for three months. Mr. Weiner emphasized that there hasn't been an increase in swimmers because most people think the pool is closed and it is their intent to spearhead promotions, including winter luaus. They raised $4,000 very quickly and there may be people out there who also want to help support the pool. They would like to form a group, like the tennis players, who organizes events and raises money. The Mayor discussed the $4,000 raised in contributions and the cost savings realized by limiting the hours of operation. However, there is still a shortfall and the funds could be allocated toward a recreation program where the number of patrons benefitted are much greater. Mr. Weiner understands that City staffing can't be dedicated to marketing the pool, and they are here to help raise money. The Mayor asked the Leisure Services Director to comment on the proposal. Bob Johnston stated that the plan presented to the Parks and Recreation Board have three components which make sense. The one that hasn't been discussed in detail is building the program and increasing participation. He asked what that number should be; currently it is 20 swimmers a day. There was discussion about sharing swim lanes. In response to a question from the Mayor, Mr. Weiner stated that he believes they could raise an additional $4,000 to $5,500 pretty easily which doesn't even take into account revenues from other programs and events.

Kim McGuire suggested that pool hours be cut in November, March and April to save another $4,000. Ms. Bodell stated that she has a problem with heating the pool in the winter as there are other pools that are available and underutilized. Mr. Weiner indicated that some people are unwilling to pay the higher fees at the Prospector Athletic Club and going to Ecker Hill is a long drive. Mr. Harlan explained that the issue isn't necessarily that there aren't alternate pools, but that people enjoy swimming outdoors; Mr. Weiner discussed the aesthetics of an outdoor pool. He understood that their coaches would not be allowed to teach at Ecker Hill and it is uncertain if the

U S Ski Team could use the pool for rehabilitation. Ms. Bodell responded that those options have not been explored and it appears as if the group is only presenting this proposal. Mr. Harlan added that the Parks and Recreation Board has not specifically discussed programming the pool, but have addressed the on-going costly maintenance of the pools. Mr. Johnston agreed and noted that the Parks and Recreation Board will be looking at repair costs for the original pool which will be before Council in the next few months. The workout pool does not require as much major repair work. Fred Jones felt that with the contributions and reduced hours, that reaching the $13,500 is close and if it can be solved this winter, there may be an opportunity to address programming in the longer term. Bob Johnston reminded the Council that there are other swimmers who use the pool that aren't in the masters program. There are people who use the pool in the morning when there are child care services available and there may be some misplacement of patrons with this afternoon schedule. He added that staff will be bringing forth budget information for next year sometime in April and it is going to be difficult to assess the program in such a short time frame to project a long term plan. Ms. Kerr asked staff if there will be actual cash transferred to another recreation needs. Mr. Johnston indicated that they have a long list of items they would like to purchase like treadmills or backboards in the gym, but revenues will go back into the pool. There was discussion about cutting hours back beginning December 1. If the City is in the same budget situation next year, he Mayor urged the Friends of the Pool to consider how to make the program work themselves. Mr. Weiner requested that before the hours are cut, to encourage to Club to start actively promoting the hours the pool will be open. Ms. Kerr believed that the burden to market the pool is on the swimming group, not the City staff. Mr. Weiner, speaking personally, noted that that attitude is very negative. Ms. Bodell felt that the staff is over-worked now, and the request is inappropriate. He thanked Council and stated that it is their plan to organize events at the pool and will expect that it be available to them so that they can raise money for the Racquet Club. Roger Harlan added that it is good that the areas of responsibility are clear. There was discussion about the swimmers placing labels with the new pool hours on the recreation brochure which has already been printed but not distributed.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 9, 2000

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, November 9, 2000. Members in attendance were Brad Olch, Peg Bodell, Roger Harlan, Fred Jones, and Shauna Kerr. Council member Candace Erickson was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Frank Bell, Olympic Planning Director; Myles Rademan, Public Affairs Director; Pat Putt, Planning and Zoning Administrator; Ray Milliner, Planner; Kevin LoPiccolo, Planner; and Linda Cook, Special Projects Manager.

II PUBLIC INPUT

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

1. Appeal of conditional use permit for 327 Woodside Avenue - Kevin King, appellant, stated that the Code is designed to promote the general health and welfare of the inhabitants of the City and protect property values. He felt that Council made an error in judgment by denying his appeal and is disappointed in local government and staff over the process and outcome of the appeal. Instead of analyzing the issues and being truthful about the mistakes made by the staff and the omissions in the process, the Code was ignored as written to cover the staff's oversights and the project was passed on to the Historic District Commission when it has no authority for review. The application at the Planning Commission level was incomplete, i.e., snow shedding, parking, footprint of building, no vegetation shown on the plans. He brought this up in a letter which was never discussed at the August meeting. The HDC has no authority to change anything and the trees will be removed. The Code states that the trees must be looked at by the Planning Commission and the simplest solution would have been to remand it to the Commission. There was never any discussion by the Planning Commission. He believes that preservation before mitigation is the intent of the Code and urged Council to reopen and reconsider this matter or create some languages that provides the HDC the authority to manipulate the footprint to save vegetation.

Roger Harlan added that the City Council rarely takes field trips, but participated in a site visit at both Mr. King's residence on upper Norfolk Avenue and 327 Woodside prior to the appeal hearing. Secondly, the Council went through a parliamentary procedure where the matter was heard and formal action taken. Mr. King made comments from the audience area, without a microphone, that were not audible on the tape.

2. Arts and Recreation Sales Tax Initiative - Dan Nechemias, member of Citizens for a Better Summit County, thanked the Council for endorsing the 1/10th of 1% sales tax initiative for arts and recreation, which was approved by voters on Tuesday..

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Council vacancy - In response to a question from Peg Bodell regarding filling Council member's Shauna Kerr's upcoming vacant seat, the City Manager explained that the Council has 30 days to fill the position after her resignation. He understands that she is intending to resign when she takes office in January 2001 as a Summit County Commissioner. The Mayor suggested that the interview process be public; hold a closed session to deliberate; and then make the appointment publicly. There was discussion about deciding on the appointment by January 1; the deadline date for applications was set for December 1.

Staff reports - Frank Bell reported on an Olympic display in Southtown Mall hosted by Coca Cola. Myles Rademan reminded Council of the Sydney Olympics debriefing on Monday at the Jim Santy Auditorium. He invited Council to speak at the Leadership 2000 gathering on December 4 at 6 p.m. in the City Council Chambers and on December 6, there will be an Olympic Plaza ribbon-cutting dedication.

With regard to Council's citizen outreach program, Mr. Rademan reported that Mr. Eisenberg of KPCW is pleased to arrange a 45 minute evening call-in show and the first one is scheduled on December 6. KPCW requests a year long commitment; there should be two Council members present for the show. In addition, Channel 8, invites Council members to a ten minute interview every Friday morning following the City Council meeting. Peg Bodell again suggested that the newspapers consider an outreach format. The Mayor invited the public to attend an exhibit of his Olympic coins and pins at Zions Bank on Wednesday. Myles Rademan announced that the Summer Tour dates have been changed to better accommodate County participation to August 15 - 19, 2001. He discussed the City Council speakers program. Promotional information will be sent to organizations and home owner associations in Summit County and Council was asked to review and comment on the proposal before it is distributed.

Pat Putt reported that the Planning Commission Chairman, Michael O'Hara, requested that representatives of Council participate on a committee with members of the Commission, adjacent neighbors, and business owners regarding trash collection on the west side of Main Street. The primary concern is collection during the Olympics as well as a long-term solution.

As a new member of the City Council, Ms. Bodell felt it would be helpful to have feedback from staff on her job performance.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF OCTOBER 12, 2000

Roger Harlan, "I move that we approve the work session notes and minutes of October 12, 2000". Shauna Kerr seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Absent
Fred Jones	Aye
Shauna Kerr	Aye

V PUBLIC HEARINGS

1. Amendment to Title 12, Sign Code, of the Park City Municipal Code regarding the regulation of prohibited, permitted and temporary signs - Ray Milliner explained that the Sign Code was adopted in 1998. Staff is recommending grammatical corrections and clarifications and the majority of changes are minor in nature, but there are more significant amendments. It is proposed to eliminate the chart on illumination, which was confusing and restrictive in consideration of the new technology. Illumination is tied to the night sky ordinance and the draft requires a conditional use permit for electronic display terminals as there have been requests for them on Main Street. Posters and flyers are prohibited on public property and a fine for triple the cost of removing the illegal signs has been added. A conditional use permit is proposed for electronic message signs to announce events and activities; locations include the City boundary at SR224, SR248, and near the round-about. The Chamber/Bureau is very interested in this sign. Staff is also reviewing a welcome sign for the Olympics to be located at the entrance to the City on SR224 near the Catholic Church. The sign described in the staff report was approximately 120 square feet which has been reduced to 75 square feet. In response to a question from the Mayor about the reason for reducing it, Mr. Milliner explained that staff determined that the size of the sign detracted from the barn and the surrounding open space. Roger Harlan emphasized that the sign must work and motorists should be able to read it while traveling 55 mph; there was discussion about the Bear Hollow sign. Peg Bodell stated that a welcome sign in this location is inappropriate and the electronic message sign may be more appropriate at Kimball Junction; it doesn't have to be in the City limits. Pat Putt suggested that the welcome sign be remanded to the Planning Commissioners because they have never seen the specific proposal and there are view and entry corridor issues. Fred Jones supported a remand and Ms. Bodell felt there should be more public input on this sign. Ms. Kerr explained that there has been discussion for several years for an entry statement and there are many communities who have done it well. She would like an entry sign, but it should be softened by landscaping to

create a relationship with the topography and the Planning Commission may have concerns about the current design of the proposed sign in the frontage protection zone. Myles Rademan explained that over the years, a sign delineating the City limits has been discussed; the proposed sign is a part of a larger program that fits within this design scheme. Mr. Rademan agreed with Mr. Harlan that motorists should be able to read the sign at 50 mph to 60 mph. He added that he also agrees with Ms. Kerr about landscaping the sign, but that concept wasn't received well by staff. If it is remanded to the Planning Commission, there will not be sufficient time to install it this year. Roger Harlan supported a welcome sign in the entry way and pointed out that there are occasions where the value of a municipal sign supercedes the regulation of other signs. The Planning Commission should be advised up-front that the Council is moving strongly in this direction and would like its input. He expressed his frustration in losing a year on the Farm project. The Mayor suggested an Olympic torch with a flame incorporated in the design of the sign. Ms. Kerr supported a review by the Planning Commission. Ms. Bodell asked that the Planning Commission or staff propose other possible locations for the welcome sign.

Mr. Milliner explained that there was discussion about shopping center signs being allowed to identify the principal tenant. The Planning Commission has been strict about allowing only one name on the sign. Mr. Putt went into detail about the request from the Snow Creek Crossing Shopping Center and asked Council if there is interest in considering additional identification of a tenant. Council did not support amending this provision. Shauna Kerr suggested that the definition of *electronic display terminal* be moved from the t-s to the e-s for ease of reference. In response to a question from Ms. Bodell, Mr. Milliner explained that the ordinance does not limit times of illumination with regard to electronic signs. There was discussion about the screen sequence for electronic display terminals. Ms. Bodell suggested referencing repair work as part of the cost for damaged public property. In response to a question from Ms. Bodell, Mr. Milliner explained that flags were discussed at great length previously and it was decided to maintain those provisions which were adopted in 1998. She pointed out the installation of flags at Ciseros and her concern about flags not being controlled during the Olympics. She directed the Planning Commission to address the number of allowable flags. Mr. Milliner added that campaign signs were changed from three square feet to a 2 x 3 foot sign which is a standard size, and limiting the number of signs on a property has been eliminated. Ms. Bodell suggested that the section on historic signs be also included in Chapter 4 of the Land Management Code, Historic District Commission.

With no further comments or questions from the Council or the public, the public hearing was closed.

2. Ordinance approving a final subdivision plat for 1760 Park Avenue, known as Albertson's Park City Subdivision, Park City, Utah - Pat Putt explained that the property contains 4.23 acres and is located in the GC zone. The subdivision is being proposed in conjunction with the remodel of the Albertson's grocery store. The Planning Commission forwarded a positive

recommendation to the City Council on October 26 and staff recommends approval. With no further comments or questions from the Council or the public, the public hearing was closed.

3. Ordinance approving the final subdivision plat for Town Pointe Subdivision located at 1000 Park Avenue, Park City, Utah - Kevin LoPiccolo explained that this is a request to create one lot of record from a metes and bounds parcel. The proposed subdivision is located adjacent to Park Station Condominiums and is in the HR-1 zone. At the last meeting, Council asked the applicant to consider changing the stop-build date from November 1 to September 1 and the applicant, after talking with his investors, is proposing September 30, 2001, which is reflected in the Olympic mitigation plan. There was discussion about indoor trades not working during the Olympics and the contents of the project sign, required by Code, identifying the construction site. Roger Harlan expressed his concern that the sign is promotional. Peg Bodell suggested that the applicant construct a bus shelter on Park Avenue by 10th Street, but it was pointed out that the property is not owned by Town Pointe. Henry Sigg, agent for the applicant, indicated that they would consider participating in the cost of a shelter if a proposal is presented. Mr. Jones requested that Condition No. 3 regarding building permits be clarified that the garages are built and the framing will start on September 30. In response to a comment from Ms. Kerr, Mr. Sigg explained that there is an Olympics mitigation plan and a construction mitigation plan which addresses hours of operation.

With no further comments or questions from the public or the Council, the public hearing was closed.

VI CONSENT AGENDA

The Mayor requested a motion to approve. Shauna Kerr disclosed that she will be abstaining from voting on Item No. 3, as she was not in attendance for the portion of the meeting on the appeal. Peg Bodell, "I move approval". Roger Harlan seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Absent
Fred Jones	Aye
Shauna Kerr	Aye; Abstention on Item 3 only

1. Ordinance approving a final subdivision plat for 1760 Park Avenue, known as Albertson's Park City Subdivision, Park City, Utah - See staff report and public hearing.

2. Ordinance approving the final subdivision plat for Town Pointe Subdivision located at 1000 Park Avenue, Park City, Utah - See staff report and public hearing.

3. Findings of fact, conclusions of law, and conditions of approval upholding the Planning Commission approval of a conditional use permit for building on a steep slope, 327 Woodside Avenue - See staff report.

VII NEW BUSINESS

Award of contact to Arnell West in the amount of $424,481 for the construction of a skateboard park in City Park - Linda Cook explained that the bids appear reasonable and staff presented options in the staff report. The recommendation from staff is to construct the skate park next spring and combine the park with some functional artistic features. In response to a question from Fred Jones, Ms. Cook indicated that the total budget was $600,000 and about $100,000 has been expended on design work and construction of the temporary park. The bid contains irrigation connections but the landscaping plan has not been finalized or included in the contract. Ms. Cook stated that performance references for Arnell West have been conducted as well as for the newly assigned subcontractor. Roger Harlan, "I am delighted to make a motion to award a contract to Arnell West in the amount of $424,481 for the construction of a skateboard park". Shauna Kerr seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Absent
Fred Jones	Aye
Shauna Kerr	Aye

VIII ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Brad Olch, Peg Bodell, Roger Harlan, Fred Jones, and Shauna Kerr. Candace Erickson was excused. Staff present were Toby Ross, City Manager; and Mark Harrington, City Attorney. Roger Harlan, "I move to close the meeting to discuss property acquisition". Shauna Kerr seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Absent

Fred Jones	Aye
Shauna Kerr	Aye

The meeting opened at approximately 5 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

PARK CITY 1884

Council Agenda Report

DATE: November 7, 2000
DEPARTMENT: Recreation Services
AUTHOR: **Bob Johnston, Leisure Services Director**
Kathy Kelly, Recreation Services Manager
TITLE: **Racquet Club Pool Closure**
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Provide staff with directions on alternatives regarding pool closure.

DESCRIPTION:

A. Topic:

Consideration of alternatives to a plan to close the Racquet Club lap pool for three months in the winter.

B. Background:

Early in 2000, Park City signed a new Memorandum of Understanding (MOU) with the Basin Recreation District. In this MOU Park City agreed to waive certain administrative fees for the Basin and this resulted in a revenue shortfall of $55,000 for the Recreation Fund for fiscal year 2000 and 2001. Council agreed to fund part of this loss from the General Fund and the Recreation Fund was asked to make up $13,500. The Recreation Department chose to save money by recommending closing the pool in the winter since the adult aquatics program operates at a deficit and since two other pools are now available in the community. That recommendation was among a number of suggested budget cuts presented to and accepted by the City Council during review of the budget for FY 2000-2001.

In mid-September, posters went up announcing the closure. Swimmers, many of whom have swum through the winters for years, appealed to Council to look at other options. On October 10, staff met with swimmer representatives and Candy Erickson to explain the economic issues involved. At that time the swimmers offered some ideas for new programming. Staff analyzed these ideas and reported back to the group on October 17. Staff concluded that chances were low of recouping all of the $13,500 from these programming ideas.

At the October 18 Parks and Recreation Board Meeting, the swimmers group asked the Board to be given the chance to raise money through sponsorships and raise pool usage through increased marketing. They reported that they had commitments for more than $4,000 in sponsorships. The Board recommended that the swimmers be given an opportunity to continue their fund raising efforts and that the pool remain open with reduce pool hours.

C. Analysis:

Enterprise Fund Philosophy. The pool closure illustrates a broader philosophical debate about how recreation programming should be handled financially. Under currently policy the Recreation Fund operates as an enterprise fund or under the philosophy of "users pay." Under this philosophy the pool should not remain open because it does not generate enough revenue to cover costs. On the other hand, if recreation is viewed in the more traditional sense of being supported by the general fund or property tax rather than the users, a good argument could be made for keeping the pool open.

Proposal. The proposal presented by the swimmers is as follows: They would raise money, promote winter outdoor swimming in hopes of increasing winter pool use and agree to a reduction in the number of hours available for swimming. Currently, their proposal is to open the pool only in the afternoons. This will affect those swimmers who prefer to swim in the morning due to the availability of childcare. The proposal, when presented to the Parks, Recreation & Beautification Board was supported by the majority present. The minutes from the relevant PR&BB meeting are attached. No written proposal has been provided by the swimmers.

If the Council accepts the proposal from the swimmers, they may wish to establish clear standards for success. Historically, the Council has used per capita subsidy or total usage as measures of success for neighborhood transit service. Something similar may be appropriate here. The Council also may wish to establish a specific target for financial support such as $5000 or $7500 so that everyone clearly understands the objective.

The need for financial support will be perpetual unless usage or fees are increased dramatically. The Council may wish to gauge the swimmers commitment to supporting the program over the long-term .

The Aquatics Program. Last winter, about 20 swimmers per day used the pool from mid September through March. Closing the pool for December, January, and February would save direct costs of about $16,500. The revenue for these three months last year was $3,000. So the net savings would be about $13,500 exclusive of energy costs. Since its opening, the lap pool has been open to winter swimming despite a 1989 recommendation from the citizen committee that the new pool only be open seasonally, taking advantage of high season revenue and reducing expenditures during winter months. The major impetus for keeping the pool open all winter was for the Park City High School Swim team; the team now swims at Ecker Hill Middle School.

For the last ten years, a goal of recreation planners has been to have adult sports cover at least the direct costs with direct revenue. This philosophy of "user pays" also extends to golfers at the municipal course. The Racquet Club's aquatics program is an exception, in that expenses exceed revenues by at least $50,000 per year exclusive of energy costs, which are about $35 per day during the winter. The majority of the loss in the aquatics program occurs between October and May. Even with a three month closure, the aquatics program would be heavily subsidized.

D. Review:

This report has been reviewed by the Leisure Services Department Staff, the City Manager, the Office of Capital Management and Budget and the PR&BB. The Leisure Services Department Staff favors closing the pool for three months during December, January and February for financial and operational benefits. The PR&BB supports the swimmers' proposal to raise money, promote winter outdoor swimming in hopes of increasing winter pool use and reducing the hours for swimming.

ALTERNATIVES:

A. Support closing the pool for three months during December, January and February. This alternative would result in a net direct savings of about $13,500 and additional indirect saving.

B. Support the option presented by the swimmers and the Parks, Recreation and Beautification Board to leave the pool open while attempts are made to raise funds and market the program. In addition, reduce the number of hours that the pool is open with a goal of closing the $13,500 shortfall.

C. Fund the revenue shortfall by increasing the general fund subsidy in accordance with City budget policies.

D. Continue the item for additional information or to fine tune the details of winter operation including establishing standards for success.

SIGNIFICANT IMPACTS:

A. If the pool is closed, direct and indirect cost savings result.

B. If the fund raising is successful, the FY 2001 objectives will be met. If the fund raising is not successful, the Recreation Fund may need a general fund infusion at year end.

C. Increasing the General Fund subsidy would keep the pool open.

D. The pool is scheduled to close by December 1. Staff is working on a plan to keep the pool open until a policy decision can be made.

RECOMMENDATION

The Council should review the issue and the proposal from the swimmers and provide staff with directions on the alternatives regarding pool closure including any standards they wish to establish for winter operation.

Attachments: 1. PR&BB Minutes - October 18, 2000

DRAFT

subject to change during the life of the tax, changes in decision making will occur, but at this time there are no written criteria.

III. **Proposed Tax Resolution Memo** - Tom Bakaly reviewed his memo on the proposed tax resolution with his analysis showing about $420,000 being generated in Park City, with $175,000 coming back to the city for Park City programs. The City currently awards approximately $25,000 per year in arts and culture public service contracts and $32,000 in youth recreation public service contracts. If the tax passes, the City Council may consider no longer providing those contracts in other areas, saving roughly $57,000 per year in the General Fund. Peter Tomai expressed concern about the looseness of the distribution criteria. Mr. Bakaly replied that was one reason why the resolution should be subject to popular vote. Discussion followed regarding the restaurant sales tax. Mr. Bakaly suggested supporting the resolution but trying to work out an agreement to clarify the distribution with a caveat that the criteria need to be more fully developed. Kris Beer suggested that a member of the Parks and Recreation Board be represented on the advisory boards. The board suggested recommending approval of the tax with the stipulation that Roger Harlan make all remarks and concerns known to the City Council.

MOTION: Lani Furr moved to RECOMMEND approval of the proposed tax to the City Council. Holly Carlin seconded the motion.

VOTE: The motion passed with two opposing votes.

IV. **City Park Art Grant** - Bob Johnston reviewed the previous discussion regarding this item. He stated that the City Park has been selected as the site for the artwork, with placement options discussed. Some smaller panels could be placed behind the skateboard park fence, mural panels on the retaining wall outside the playground and Recreation Building, and possibly some paintings on the outside walls of the restroom building at the south end of the park. Paul Jakuboswki distributed examples of how the art would appear. Concern was expressed regarding graffiti. Mr. Jakubowski explained that a special coating will be painted on the finished artwork to make it possible to clean off graffiti. The panels can be removed when they are beyond repair.

MOTION: Lani Furr moved to ENDORSE the idea of removable panels on the restroom building subject to staff input for logistical concerns. Scott Dansie seconded the motion.

VOTE: The motion passed unanimously.

V. **Racquet Club Pool Closure** - Bob Johnston reported that the aquatic program at the Racquet Club has not been able to cover it expenses for some time, with most of the shortfall occurring between October and May each year. Closing the pool December through February would save $16,000 in direct costs. This issue will go before City Council October 26, 2000. Dave Staley asked about refunds to yearly pass holders. Kathy Kelly stated that most pass holders are fitness facility users, and they estimate maybe 30 patrons may ask for refunds. George Hull presented a response from Gail Meakins explaining feelings about supporting staff in this decision. The board discussed other options for swimmers, including the lap pool at the high school and the Ecker Hill pool. Acting Chairman Hull invited Friends of Swimming representatives Meg Ryan, Tim Polish, and Mike Lepey to address the board. Ms. Ryan distributed copies of a letter to the board members which stated several reasons why they felt the pool should be open year round, including sports injury rehabilitation, conditioning use by the Park City Ski and USSA teams, the City Wellness Program, and the Master Swimmers Program and lap swimmers. She explained that the Friends of Swimming would like the opportunity to work with the Racquet Club to increase revenue and pool use and outlined several proposals to accomplish that. She explained that they had raised approximately $4,000 to date. Ms. Kelly stated it is also a matter of staffing, which is the costliest item, especially having a lifeguard available. Opening the pool for reduced hours was discussed. Acting Chairman Hull asked that those members who are available attend City Council meeting on October 26, 2000. He asked for input from the board members on a recommendation. It was recommended that the Friends of Swimming be allowed to pursue their fund raising efforts. Acting Chairman Hull stated that he was inclined to support staff's decision to close the pool because there are viable options for alternate swimming sites. Peter Tomai recommended looking at modifying hours, raising interest levels, and carefully measuring quantifiable performance benchmarks, then revisit the issue perhaps in January to review the results and make a decision on keeping the pool open during the winter months. In summary, Acting Chairman Hull stated that it was the board's recommendation to accept the offer made by the Friends of Swimming to try to improve the program to the point where the numbers make financial sense when this is revisited. He suggested that staff and this board work together to make winter use of the pool viable, to prepare a list to present to City Council to give them direction, and to notify City Council that they may need to be prepared to cover a shortfall this year if efforts fall short.

VI. Board Member and Sub-Committee Reports

A. Cross Country Ski Trail - Dave Staley stated that the subcommittee met the previous week, and he will distribute his report via e-mail.

B. Youth Advisory Council - Lani Furr reported that the council has $32,000 to spend this year. Scott Dansie will meet Friday with Candy Erickson, Roger Harlan, and Jean Fox to prepare the criteria for grants, get the information out to the board, and distribute grant forms as soon as the criteria are completed by January 31, 2001.

C. Trails - Kris Beer reported there has been a change to the document written on Policy Recommendations related to easements. They cannot lose an easement, and the wording will be changed. She also learned from Senta Beyer that the City/County Sewer District and the Snyderville Basin Recreation District have met to implement a GIS system to aid in mapping capabilities. The importance of collaboration efforts between the County and the City were stressed, and the initiative has also been emphasized by the City Council that a trail cannot be designated to end at a county line, but the County needs to be involved in developing trails. She asked for feedback to the recommendations listed on page 5, as they would like to get the recommendations to City Council as soon as possible.

PARK C
1884

SIGN CODE UNDER SEPARATE COVER

CITY COUNCIL STAFF REPORT

DATE: October 26, 2000
DEPARTMENT: Planning Department
TITLE: Revisions to Title 12, Signs, of the Park City Municipal Code
TYPE OF ITEM: Public Hearing
PLANNER: Ray Milliner

SUMMARY RECOMMENDATIONS:

Staff requests that the City Council discuss the Planning Commission's recommended changes to the current Park City sign code, and conduct a public hearing concerning these changes. No action is requested at this time.

A. TOPIC:

Proposed amendments to Chapter 12 of the Municipal Sign Code.

B. BACKGROUND:

In April of 1998, the City Council gave final approval to a major revision of the Park City Sign Code. By January of 2000, staff had encountered problems that had been either unaddressed or not covered sufficiently in that revision. Therefore, in January of 2000, an amendment process for the Sign Code was initiated. On March 22, and again on May 10, 2000 drafts of these changes were presented to the Planning Commission as work session items. The Planning Commission provided staff with direction concerning proposed changes to the document and they were incorporated into the Sign Code draft. On June 6, 2000 the Planning Commission forwarded a positive recommendation to the City Council for the changes made to the Sign Code.

C. ANALYSIS:

Objective:

The purpose of the Sign Code is:

1) To set forth explicit parameters which will enhance the appearance of the community by allowing businesses to clearly identify themselves;
2) to encourage aesthetically pleasing signs that complement building architecture;
3) to give the business community very clear direction on what is permitted; and,
4) to improve the health, safety and welfare of the citizens of Park City by minimizing visual clutter and clearly identifying traffic and directional signs.

All proposed amendments have been written with these parameters in mind. Many changes are of a grammatical nature, intended to make the document easier to understand and interpret. Definitions have been clarified, grammatical errors, corrected and inconsistencies between the Sign Code and the Land Management Code have been remedied. The purpose of these changes is not to modify or change the intent of the Sign Code, rather to make it easier to read and enhance its usefulness. Those changes have not been specifically outlined in this report. However, based upon input from the Planning Commission and staff experiences, several substantial changes have been made. Outlined below is a summary of those changes.

(1) <u>12-4-10 Illumination</u>
The amendments propose to eliminate the requirement that applicants use either high pressure sodium or flourescent lighting for signs and that the maximum wattage per sign requirement be eliminated, with a reference to the Park City Night Sky Ordinance inserted. The primary objective for this action is to eliminate redundancy, as these requirements are addressed in the Night Sky Ordinance. The Night Sky Ordinance allows additional light sources that may be more appropriate for signs which were otherwise prohibited under the Current Sign Code.

(2) <u>12-7 Prohibited Signs</u>
There are three items in this section for which staff seeks direction from the City Council: (1) Electronic Display Terminals; (2) Signs in Public Places; and (3) Electronic Message Signs.

<u>A. Electronic Display Terminals:</u> The Planning Commission discussed language addressing two options for electronic display terminals: 1, prohibiting them and 2, making them a conditional use permit. Though the Planning Commission did not come to a unanimous decision regarding the issue, they did vote to make them a conditional use. Final direction from the Planning Commission was to create language in the Code limiting them to commercial zones and subject to review by the Historic District Commission if proposed within the Historic District.

<u>B. Signs in Public Places</u>: Due to the increased number of promotional handbills posted during festivals and special events, the current draft prohibits the placement of said items on public property. Additionally, language has been added to Chapter 16, Violation of Title stating that those persons responsible for placing the handbills will be fined triple the equivalent monetary amount incurred by the City when removing the handbills.

<u>C. Electronic Message Signs</u>: The Park City Chamber Bureau has requested a special exception allowing them to construct either an Electronic Message Sign or Changeable Copy Sign within the frontage protection zone. Given changes in technology, it may be a possibility that the Park City Chamber Bureau considers an electronic message sign to replace the existing changeable copy sign near the just completed round about and along the City entry corridors on Highway 224 and Highway 248 (first priority is given to the location on Highway 224). Such message boards are used in Vail and some European communities such as Chamonix. In order to keep the size of the signs reasonable, language has been inserted into the Code allowing them within the Frontage Protection Zone. The maximum square footage for each sign will be 36 square feet. The language specifically mentions three locations for the signs including: near the city limits on Highway 224; near the city limits on Highway 248; and near the recently completed round about at the intersection of Heber Avenue, Deer Valley Drive and Marsac Avenue.

The purpose of these signs would be to welcome people to Park City, and notify them of events, festivals, and other city related business. No flashing or blinking lights would be allowed. The Planning Commission directed staff to insert language making the excepted Electronic Message Signs Conditional Uses to be approved by the Planning Commission (the City will act as the applicant). As with electronic display terminals, the Planning Commission was divided on the appropriateness of this item.

(3) <u>12-10 Temporary Signs</u>

Changes to this chapter primarily address the issue of Project Marketing signs, and Construction signs. Originally, these signs were written as one type of sign. However, several circumstances have shown that they need to be defined separately. The current draft allows applicants to apply for either a Project Marketing sign, a Construction sign or a Project Marketing/Construction sign, and provides criteria for each.

Changes to the size of Real Estate Signs and Campaign Signs were also inserted into the Code. The maximum size of both types was increased from 3 square feet to 6, while the limitation of one campaign sign per property was eliminated.

(4) <u>12-9 Permitted Signs</u>

To provide a visitors a proper welcome in to Park City, Public Affairs Director Myles Rademan has requested that a special exception be added to the Free Standing Signs portion of the Permitted Signs section. Specifically for the creation of an 18'x20' sign near the city limits within the UDOT right-of-way (a permit from UDOT has been secured), and not within the frontage protection zone (the frontage protection zone is measured from the edge of the UDOT right-of-way.

The purpose of the sign is to welcome visitors to Park City and to inform them of Park City's status as a venue city for the 2002 Winter Olympic Games. Because the sign is to be placed on highway 224 in an area where automobiles travel at an average of around 60 miles per hour, Mr. Rademan is requesting that the size limitations for a free standing sign be relaxed in order to enhance a motorists ability to read the sign without slowing down or creating an otherwise dangerous situation on the highway.

Though the sign is much larger than other free standing signs in Park City, he feels that this is appropriate for the area in which it is proposed. All other free standing signs in Park City are placed in an area with a significantly lower maximum speed limit. The proposed design for the sign has been completed and is attached to this report (see EXHIBIT B). The Planning Commission has not reviewed this proposed exception, nor have they reviewed the proposed sign. Staff recommends that the City Council take input from the Planning Commission prior to taking action on this item.

(5) <u>12-13 Historic Signs</u>

To compliment the historic preservation requirements, staff has included historic sign criteria. This item defines a historic sign and provides criteria for preservation and removal.

<u>(6) 12-14 Murals</u>

Based upon direction from the Planning Commission, murals have been removed as a reviewable item in the Sign Code. It will be addressed in the Art in Public Places section of the Land Management Code. The definition for a mural, however remains in the code.

<u>(7) No Parking Signs in Public Right-of-Way</u>. The City Council has expressed concern over the regulation of non-city owned parking signs in Old Town. Particularly, on the legality of signs that designate parking in the city right-of-way or on city property as specific to private persons or addresses. Due to past experiences, it is anticipated that any language in the Code will result in concern from residents who utilize these signs, as this action may limit their ability to park at or near their home or business.

Therefore, the Planning Commission instructed staff to leave language restricting these signs out of the Sign Code, preferring to mitigate the problem with the much publicized, ongoing parking program initiated by the City Council over the past few years. Staff will continue to work with the Public Works Department to find a viable and comprehensive solution to the problem.

(8) Content:

Concerns regarding the Sign Code's regulation of sign content have been raised. To remedy this problem, all references to content have been removed from the code.

D. DEPARTMENT REVIEW

The Community Development Department and Legal Department have reviewed the proposed amendments.

E. PUBLIC INPUT

To date, staff has received no public input regarding this issue.

F. RECOMMENDATION

The Planning Department requests that the City Council review the proposed changes to the Sign Code and hold a public hearing.

EXHIBITS

Exhibit A - Proposed Sign Code
Exhibit B - Proposed Welcome Sign

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE: November 9, 2000
DEPARTMENT: Planning Department KAW
AUTHOR: Kirsten A. Whetstone, AICP
TITLE: 1760 Park Avenue- Albertson's, Inc.
TYPE OF ITEM: Subdivision plat

SUMMARY RECOMMENDATIONS: Staff requests the City Council consider the positive recommendation from the Planning Commission and approve the final subdivision plat for 1760 Park Avenue with findings of fact, conclusions of law, and conditions of approval as outlined in this staff report.

DESCRIPTION:

A. Topic

PROJECT STATISTICS

Applicant:	Albertson's, Inc.
Location:	1760 Park Avenue
Zoning:	GC, General Commercial
Adjacent Land Uses:	Commercial and condominiums
Date of Application:	September 15, 2000

B. Background

On September 15, 2000, the applicant submitted this request for a subdivision plat to create one legally platted lot from a metes and bounds parcel located at 1760 Park Avenue (see Exhibit A). In January of 2000, Albertson's submitted an application for a building permit to remodel both the interior and exterior of the existing market. As part of the remodel staff requested that the underlying metes and bounds parcel be legally platted through the subdivision process. No additional floor area will be constructed with the remodel, although the Albertson's store will include existing floor area previously occupied by the medical clinic. The remodel includes an interior reorganization, an exterior architectural upgrade, a re-design of the parking lot lighting to bring it up to code, a bus shelter and bus turnout with improved pedestrian connections to the store front, and an upgrade to the existing parking lot landscaping. Much of this work is currently underway. On October 25, 2000 the Planning Commission held a public hearing and voted to forward to City Council a positive recommendation on the proposed plat. There was no public comment.

C. Project Description

Location

The parcel is located at 1760 Park The property consists of one 4.32 acre parcel.

Subdivision Plat

The applicant is requesting approval of a final subdivision plat to create one legally platted and recorded lot from one un-platted metes and bounds parcel. No new city streets are proposed. No new easements or dedications are proposed. All existing agreements and easements of record, specifically cross access and parking easements with adjacent properties shall continue as previously recorded and stated in the title report. A public hearing before the Planning Commission, with final approval by the City Council, is required before the plat may be recorded. This subdivision plat was reviewed for conformance with Chapter 15 of the Land Management Code.

Landscape and Lighting Plan

A landscape and lighting plan was submitted with the building permit application. Staff has reviewed and approved the plan finding it in conformance with the Land Management Code, specifically with the lighting standards for parking lots. New landscaped islands will be added to the parking lot. All existing islands will be re-landscaped prior to completion of the remodel. Staff has inspected the loading area and finds that the existing mature landscaping is in good condition and screens the loading area from adjacent residential uses and public streets while also meeting safety requirements, as this area is used for pedestrian circulation.

Access and Parking

Access to the parcel is from Park Avenue and Homestake Drive. Access will remain unchanged upon completion of the remodel. Cross access and parking between this parcel and adjacent parcels, such as the Yarrow and Holiday Village, shall remain. The LMC parking requirement for the market is 160 spaces. There are 200 spaces available for Albertson's with an additional 26 spaces provided in the cross parking agreement.

Bus turnout and shelter

As part of the remodel, Albertson's agreed to work with the City to provide a bus turnout and bus shelter along the Park Avenue frontage. The City and Albertson's have signed an agreement to address the scope and timing of this work. This agreement, which was facilitated by the City's Transportation and Legal Departments, grants to the City a license for the construction, maintenance, and public use of the bus shelter on Albertson's property, as well as an approximately two foot encroachment by curb and gutter. On October , 2000, the Board of Adjustment approved a variance to the setback requirements of the FPZ to allow construction of the shelter. The turnout and shelter have been designed to minimize disruption of the existing landscaping. One or two of the large trees may need to be relocated to accommodate the shelter and retaining wall. The trees will be relocated to another area of the front berm. Additional plantings will be added to the front berm, as well as to the interior islands.

D. Analysis

The plat is consistent with all requisite requirements of the Land Management Code, specifically Chapter 15 (LMC- February 25, 1998) for development of a subdivision. All plans for the remodel have been reviewed against the Land Management Code and found to be in compliance. A financial guarantee for completion of all required public improvements was submitted to the City at the time of building permit issuance.

E. Public Input

Notice of this subdivision plat and the public hearing was properly published and posted. Letters were sent to property owners within 300' of the property on October 11, 2000. As of the date of this report staff has not received comment from the public regarding this plat. A public hearing was held by the Planning Commission on October 25, 2000. There was no public input at the hearing.

F. Department Review

City staff reviewed this proposal at the October 3, 2000 staff review meeting. Any issues raised have been mitigated through conditions of approval and plat notes. The City Attorney and City Engineer will review the plat for compliance with the Land Management Code, Utah State Subdivision law, and all conditions of approval prior to recordation of the plat.

ALTERNATIVES:

A. Approve the subdivision plat to create one legal lot from one metes and bounds parcel at 1760 Park Avenue.

B. Deny the subdivision plat as proposed, and provide direction to staff and the applicant on acceptable alternatives.

C. Continue the item and request further evaluation from the City Staff.

SIGNIFICANT IMPACTS:

The proposed subdivision plat results in one platted lot of record for an existing market.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the subdivision plat is not approved as proposed, the property will remain as a metes and bounds parcel and not as a legal lot of record as required by the State of Utah for improvements.

RECOMMENDATION:

Staff recommends the City Council approve the proposed subdivision plat based on the following:

Findings of Fact

1. The property is located in the GC, General Commercial zoning district. A market is an allowed use in the GC zone. All construction on the market is outside of the Frontage Protection Zone.

2. The proposed subdivision plat creates one platted lot for the purpose of creating a legal lot of record for the existing market and proposed improvements.

3. The property is approximately 4.32 acres in area.

4. The property has access off of Park Avenue and Homestake Drive. There are existing recorded cross access and cross parking agreements between Albertson's and the adjacent properties. Access and agreements remain unchanged with the plat.

5. The applicant and Park City executed an agreement dated May 18, 2000, whereby the applicant granted to the City a license for maintenance and public use of a bus shelter on the applicant's property fronting SR 224 and an encroachment of curb and gutter.

6. A financial guarantee for all landscaping is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if the required landscaping is not completed by the developer or owner. This guarantee was provided to the City at the time of building permit issuance.

7. The applicant stipulates to the conditions of approval.

8. On October 25, 2000 the Planning Commission held a public hearing and voted to forward to the City Council a positive recommendation to approve the proposed plat.

Conclusions of Law

1. The subdivision plat is consistent with the Park City Land Management Code (Forty-Sixth Edition) Chapter 15 and with the revised GC district requirements of Section 15-2.18.

2. The subdivision plat is consistent with State subdivision requirements.

3. Neither the public nor any person will be materially injured by the proposed subdivision.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the subdivision plat for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. All Standard Project Conditions shall apply.

3. The final plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

EXHIBITS:

Exhibit A- Proposed plat
Exhibit B- Location map

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Ordinance No. 2000-

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR 1760 PARK AVENUE, KNOWN AS ALBERTSON'S PARK CITY SUBDIVISION PARK CITY , UTAH

WHEREAS, the owner of the property at 1760 Park Avenue, known as Albertson's Park City Subdivision, petitioned the City Council for approval of a final subdivision plat; and

WHEREAS, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on October 25, 2000 to receive input on the proposed subdivision; and

WHEREAS, on November 9, 2000 the City Council reviewed the proposed subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the final subdivision plat for Albertson's Park City Subdivision,

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

SECTION 1. FINDINGS. The following findings are hereby adopted:

1. The property is located in the GC, General Commercial zoning district. A market is an allowed use in the GC zone. All construction on the market is outside of the Frontage Protection Zone.

2. The proposed subdivision plat creates one platted lot for the purpose of creating a legal lot of record for the existing market and proposed improvements.

3. The property is approximately 4.32 acres in area.

4. The property has access off of Park Avenue and Homestake Drive. There are existing recorded cross access and cross parking agreements between Albertson's and the adjacent properties. Access and agreements remain unchanged with the plat.

5. The applicant and Park City executed an agreement dated May 18, 2000, whereby the applicant granted to the City a license for maintenance and public use of a bus shelter on the applicant's property fronting SR 224 and an encroachment of curb and gutter.

6. A financial guarantee for all landscaping is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if the required landscaping is not completed by the developer or owner. This guarantee was provided to the City at the time of building permit issuance.

7. The applicant stipulates to the conditions of approval.

8. On October 25, 2000 the Planning Commission held a public hearing and voted to forward to the City Council a positive recommendation to approve the proposed plat.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat, that neither the public nor any person will be materially injured by the proposed amendment. The final plat is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. PLAT APPROVAL. The final subdivision plat for 1760 Park Avenue, known as Albertson's Park City, is approved as shown on Exhibit A, with the following conditions:

1. City Attorney and City Engineer review and approval of the subdivision plat for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. All Standard Project Conditions shall apply.

3. The final plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

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

PASSED AND ADOPTED this 9th day of November, 2000.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Albertson's, Inc., a Delaware Corporation, is the owner of the described tract of land, hereafter known as ALBERTSON PARK CITY SUBDIVISION, and having caused this Subdivision Plat to be prepared, does hereby consent to the recordation of this Subdivision Plat in accordance with Utah law.

ALSO, the owner or its representative, hereby irrevocably offers for dedication to the city of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the herein described tract of land for the purposes indicated hereon in accordance with an irrevocable offer of dedication.

Executed this _____ day of ___________, 2000

Albertson's, Inc., a Delaware Corporation

by: ______________________________
C. Lee Mumford
Title: Vice-President, Real Estate Law

ACKNOWLEDGEMENT

On this _____ day of ___________, 2000 personally appeared before me C. Lee Mumford who, being duly sworn did say that he is the Vice President, Real Estate Law of Albertson's, Inc., a Delaware Corporation, and the signer of the foregoing Owner's Consent to Record, and said C. Lee Mumford, duly acknowledged to me that he executed the same.

Notary Public: ____________________

My Commission Expires: ___________

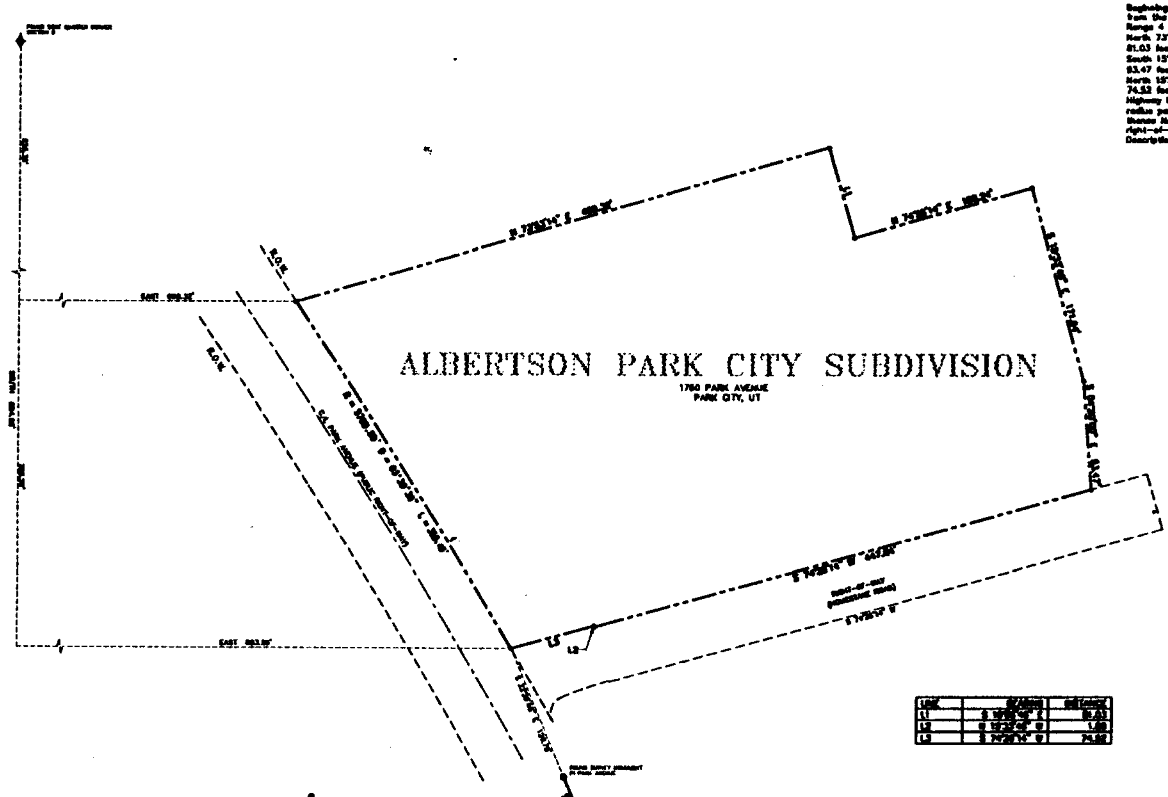
SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163031, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of ALBERTSON PARK CITY SUBDIVISION and that the same has been monumented on the ground as shown on this plat.

______________________ ____________
John Demkowicz Date

BOUNDARY DESCRIPTION

Beginning at a point South 525.39 feet and East 886.32 feet from the West quarter corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence North 73°53'14" East 480.32 feet; thence South 18°06'46" East 81.03 feet; thence North 74°26'14" East 166.24 feet; thence South 15°33'46" East 171.64 feet; thence South 4°20'09" East 83.47 feet; thence South 74°26'14" West 447.84 feet; thence North 15°33'46" West 1.80 feet; thence South 74°26'14" West 74.52 feet to a point on the Easterly right-of-way line of State Highway U-224; said point being on a curve to the right, the radius point of which bears South 59°37'52" West 5760.58 feet; thence Northwesterly along the arc of said curve and said right-of-way line 353.46 feet to the point of beginning. Description contains 4.32 acres.



LINE	BEARING	DISTANCE
L1	S 18°06'46" E	81.03
L2	N 15°33'46" W	1.80
L3	S 74°26'14" W	74.52

LEGEND

- ● Found survey monument
- • Set property corner.

50' 0 50' 100'

EXHIBIT A.

RECORD OF SURVEY PLAT

ALBERTSON PARK CITY SUBDIVISION

LOCATED IN SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 8-5-00 FILE: Y:\Pa\dwg\srv\plat00\080530.dwg

(435) 649-9467
Alliance Engineering
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ______ DAY OF __________, 2000 A.D.
BY ____________ S.B.S.I.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________ 2000 A.D.
BY ____________ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF __________ 2000 A.D.
BY ____________ PARK CITY ENGINEER

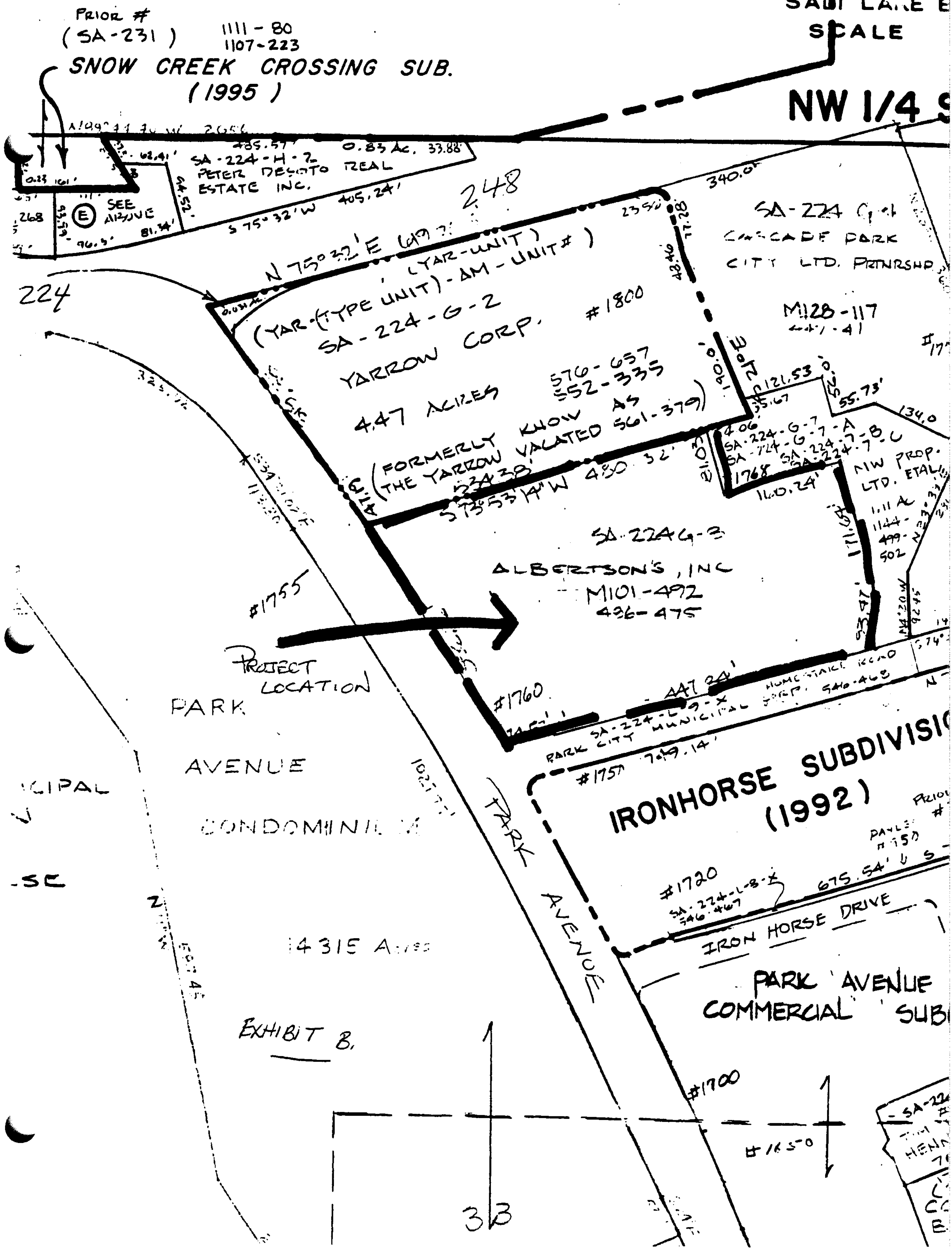
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ______ DAY OF __________ 2000 A.D.
BY ____________ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ______ DAY OF __________ 2000 A.D.
BY ____________ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF __________ 2000 A.D.
BY ____________ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF __________
DATE ______ TIME ______ BOOK ______ PAGE ______
______ RECORDER

PARK CITY
PLANNING DEPT.


PRIOR #
(SA-231)
1111-80
1107-223
SNOW CREEK CROSSING SUB.
(1995)
SCALE
NW 1/4
SA-224-H-2
PETER DESOTO REAL ESTATE INC.
0.83 AC.
SEE ABOVE
S 75°32' W 405.24'
340.0'
248
224
SA-224 G-1
CASCADE PARK CITY LTD. PRTNRSHP.
M128-117
N 75°32' E
(YAR-UNIT)
(YAR-TYPE UNIT)-AM-UNIT#)
SA-224-G-2
YARROW CORP.
#1800
4.47 ACRES
576-657
552-335
(FORMERLY KNOW AS THE YARROW VACATED 561-379)
S 73°53'14" W 480.32'
SA-224-G-7-A
SA-224-G-7-B
SA-224-7-C
1768
NW PROP. LTD. ETAL
SA-224G-3
ALBERTSON'S, INC
M101-492
436-475
#1755
PROJECT LOCATION
#1760
SA-224-L-9-X
PARK CITY MUNICIPAL
HOMESTAKE ROAD
PARK AVENUE CONDOMINIUM
14.315 Acres
PARK AVENUE
#1757
IRONHORSE SUBDIVISION
(1992)
#1720
SA-224-L-8-X
675.54'
IRON HORSE DRIVE
PARK AVENUE COMMERCIAL SUB
EXHIBIT B.
#1700
#1650

PARK CITY
1884

CITY COUNCIL STAFF REPORT

Date: **November 9, 2000**
Department: **Community Development Department**
Title: **Town Pointe Subdivision Plat**
Type of Item: **Legislative**

Summary Recommendations: Staff recommends that City Council adopt the attached Ordinance approving the Subdivision of a metes and bound parcel into one lot of record located at 1000 Park Avenue.

A. Topic

Applicant:	Town Pointe LLC
Location:	1000 Park Avenue
Proposal:	Subdivision
Zoning:	HCB- Historic Commercial Business District
Adjacent Land uses:	Residential, Commercial, Bike Trail, City Park, Hwy 224
Project Planner:	Kevin LoPiccolo
Date of Application:	April 7, 2000

B. Background Information

On April 7, 2000, the applicant submitted a Master Plan Development Application (MPD) for the construction of 41 condominium units to be located at 1000 Park Avenue, formerly known as Park Station Phase III. The project is proposed for the area where the existing parking lot and tennis courts are located, north of the Park Station buildings. Park Station Phases I and II were built in the early 1980's. A multi-family development is a permitted use in the HCB Zone. However, given that portions of the proposed buildings, parking areas and Deer Valley Drive access bridge will be located within the 100 foot setback of the Frontage Protection Zone from State Route 224, a Conditional Use Permit is required.

The Planning Commission approved the Conditional Use Permit on October 11, 2000 and forwarded a positive recommendation to the City Council for a Subdivision of a metes and bound parcel into one lot of record.

Subdivision
When Park Station I and II was approved, the parcel of land that the applicant now owns was platted for future expansion for Park Station Phase III. Since the parcel of land was never developed under Phase III, and due to the time limit of seven years to expand under Condominium law, the right to expand terminated. The applicant purchased the parcel of land from Park Station, and since it's a metes and bounds parcel, a Subdivision is required to create a legal lot of record in order to construct the 41 multi-family units.

The applicant is proposing to create a single lot of record from one metes and bounds parcel. No new city streets are proposed. A public hearing before the Planning Commission, with final approval by the City Council, is required before the plat may be recorded and final building permits are issued. This subdivision plat was reviewed for conformance with Chapter 15 of the Land Management Code, and the Planning Commission forwarded a positive recommendation for a subdivision request to the City Council at their October 11, 2000 meeting.

C. **Analysis**
The project consists of 41 multi-family residential condominiums situated on 2.3 acres. The site will provide both underground and surface parking and provide 162 parking spaces. As part of the proposal, Town Pointe will be constructing on the parking lot that is currently used by Park Station, but will be providing Park Station with a minium 59 parking spaces during construction and the remaining parking spaces when the underground parking structures are complete. Town Pointe will be providing a total of 80 temporary parking spaces throughout all phases of construction to Park Station. The proposed project is in an area of condominiums, commercial uses, single-family, City Park and Highway 224. There is a public trail (Bike Trail) east of the proposed project. This trail will be widened and slightly realigned along Town Point property and will comply with the Master Trails Plan.

Olympic Mitigation Plan
Due to concerns expressed regarding the impacts of the construction due to Olympic related activities, the applicant has agreed to complete the bike path relocation and bridge construction and tree relocation prior to issuance of any building permits for the residential structures.

The applicant has addressed the concerns that the Planning Commission, City Council and the City's Olympic Coordinator has had on the phasing of the project given that the Olympic games are 16 months away. Based on the projects approval date, the applicant is anticipating that:

- all site work involving trail alignment and bridge underpass will be completed by March 2001.

- Pier and footings will be placed and concrete poured for the 3 parking garage structures in the Spring of 2001.

- Framing of building "B" and "C", the two buildings closest to Park Station will be completed. Each building should take between 4-6 weeks. The duration of these buildings to be framed, roofed and sided to be completed by mid summer of 2001.

- Building "A", closest to City Park would not be able to begin framing after September 30, 2001. If the final building has begun framing prior to this date, the building would be framed, roofed and sided by December 31, 2001.

Staff has incorporated a condition of approval that states that if the applicant has not commenced with building "A" by September 30, 2001, that issuance of a building permit will not be given until the Olympic games are completed.

D. <u>Department Review</u>
The Staff Review Committee have reviewed this application and find it to be consistent with all requisite city development codes. The City Attorney's office will review the plat and CC&R's before recordation.

E. <u>Public Input</u>
Property owners within 300 feet of the project were notified on October 27, 2000. The property was properly posted and legally noticed. As of the date of this report, staff has not received any public input concerning this application.

F. <u>Summary and Recommendation</u>
Staff recommends that City Council approve the subdivision request based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

<u>Findings of Fact</u>
1. The property is zoned HCB, Historic Commercial Business District. The property is within the Frontage Protection zone and is subject to a Conditional Use Permit.

2. The proposed Subdivision is for a metes and bounds parcel to create a single lot of record to accommodate the construction of three buildings comprising of 41 multi-family units, a driveway and parking lot.

3. The Planning Commission forwarded a positive recommendation for a subdivision to the City Council at their October 11, 2000 meeting.

4. The subject property is located adjacent to City Park. City Park will be a primary public gathering site during the 2002 winter Olympic Games. Construction of the project poses potential impacts to the public safety and use of City Park.

5. The applicant stipulates to providing a Construction Management/Olympic Mitigation Plan is required in order to protect and minimize the on and off-site vegetation, and provide a timeline for trail realignment and an outline for how Town Pointe will mitigate its construction activities prior and during the 2002 Olympic Games.

6. The facts discussed in the Analysis section are hereby incorporated herein.

Conclusions of Law

1. The use as conditioned is consistent with Park City General Plan, Land Management Code, and State law regarding subdivision plats.

2. There is good cause for this subdivision.

3. Neither the public nor any person will be materially injured by the approval of the plat, subject to the conditions of approval. Approval of the subdivision does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.

2. The Developer shall provide a detailed Construction Management Plan (CMP), prior to issuance of any building permits, that addresses at a minimum the following:

a.) A construction staging, storage, circulation and parking plan.

b.) The developer shall instruct respective contractors that there is to be no wash out of concrete trucks on-site landscape areas. Further, the developer shall identify acceptable off-site dirt storage and disposal sites, obtain written permission by the owner and post a financial surety, to the satisfaction of the City, that will provide for the rehabilitation of the said storage and disposal site.

c.) Any temporary parking signs, subject to Public Works Director and City Engineer approval, shall be addressed in the CMP.

d.) The applicant shall comply with applicable Utah Air Quality standards, regarding dust mitigation, and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of building construction. Park City does not guarantee or monitor compliance with these standards.

3. The applicant will not be issued a Building Permit for the final building unless commencement begins prior to September 30, 2001. If a Building Permit is not issued prior to this date, a Building Permit will not be issued until the completion of the Olympic games.

4. A utility and grading plan satisfactory to the City Engineer shall be submitted and approved. On-site storm runoff detention is required. All water lines, fire hydrants, and appurtenances behind the master water meter shall be the private maintenance responsibility of the property owners.

5. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to condominium plat recordation. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee

6. This approval shall expire within (12) twelve months from the date of Council approval, unless this plat amendment is recorded prior to the date.

VII. Exhibits:

A. Proposed Subdivision
B. Location Map
C. Olympic Mitigation Plan
D. Standard Project Conditions
E. Draft Ordinance

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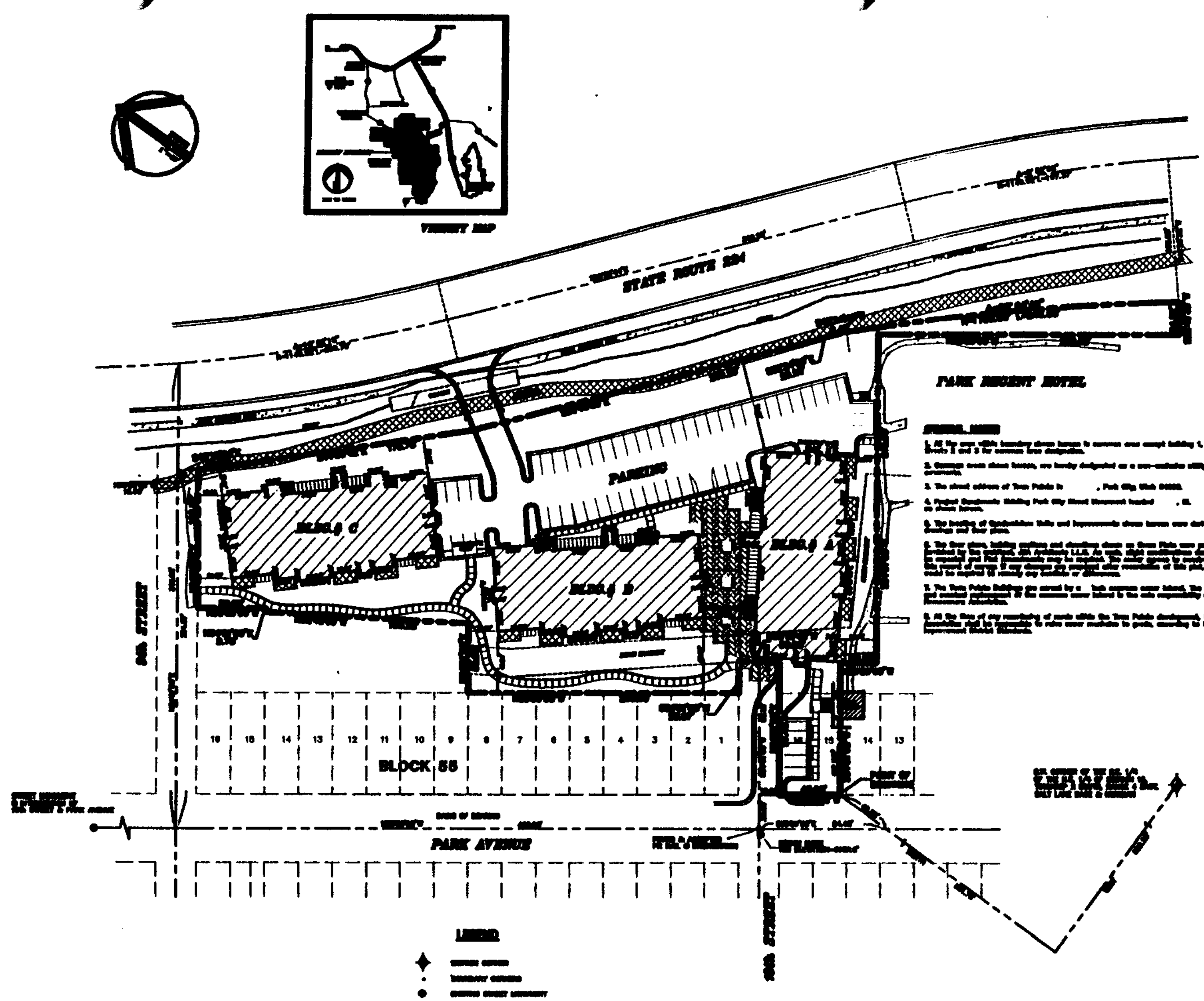

TOWN POINTE

A UTAH CONDOMINIUM PROJECT

LOCATED IN
THE NORTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 4

CITY COUNCIL	CITY ENGINEER	CITY PLANNING COMMISSION	SEWER DISTRICT	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE PARK CITY COUNCIL THIS ___ DAY OF ______ 20__ AT WHICH TIME THIS PLAT WAS APPROVED. MAYOR CITY RECORDER	APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS ___ DAY OF ______ 20__. CITY ENGINEER	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ___ DAY OF ______ 20__. CHAIRMAN	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS THIS ___ DAY OF ______ 20__. S.B.S.I.D.	APPROVED AS TO FORM ON THIS ___ DAY OF ______ 20__. CITY ATTORNEY	ENTRY NO. ___ BOOK ___ PAGE ___ STATE OF UTAH COUNTY OF SUMMIT DATE ___ TIME ___ RECORDED AND FILED AT THE REQUEST OF: COUNTY RECORDER

THE JACK JOHNSON COMPANY

1777 Sun Peak Dr. • Park City, Utah 84098

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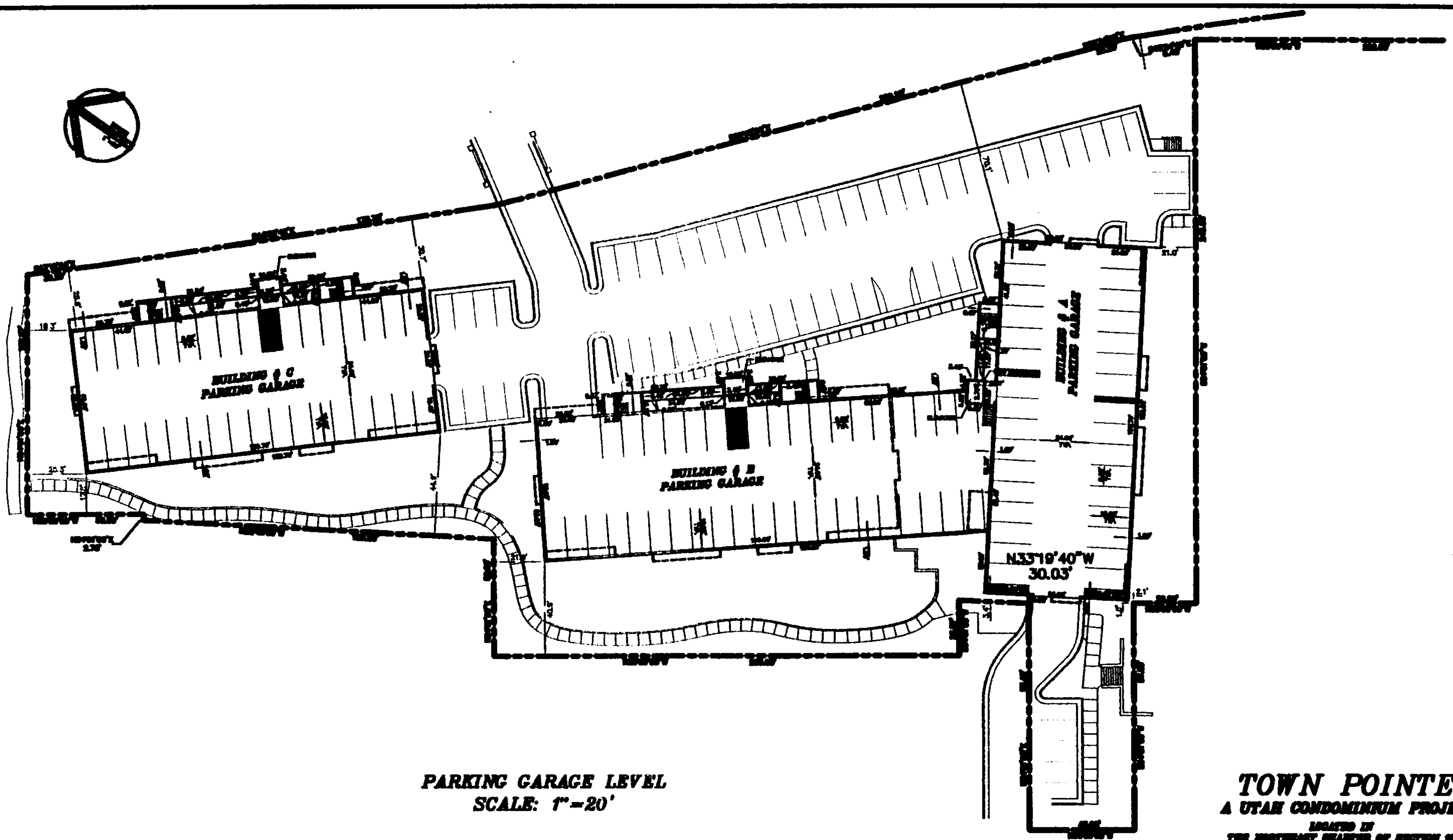
NOV 0 2 2000
PARK CITY

39



PARKING GARAGE LEVEL
SCALE: 1"=20'

TOWN POINTE

A UTAH CONDOMINIUM PROJECT

THE JACK
JOHNSON
COMPANY

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PARK CITY

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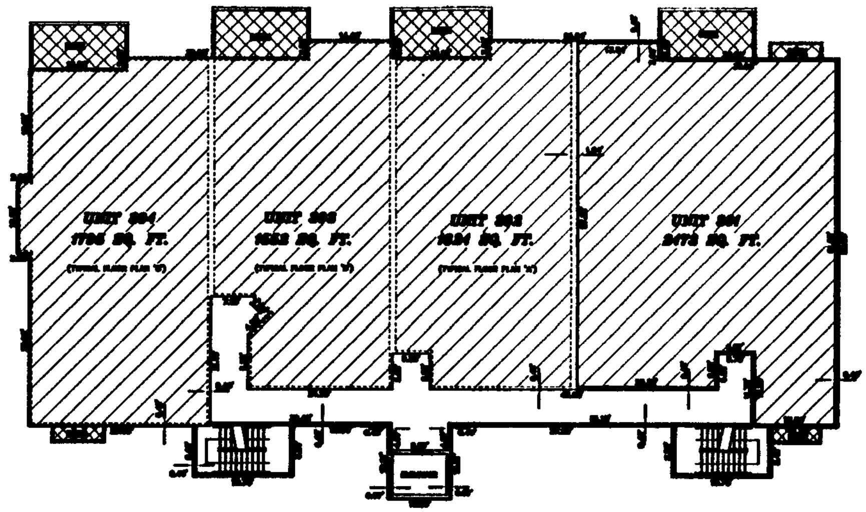
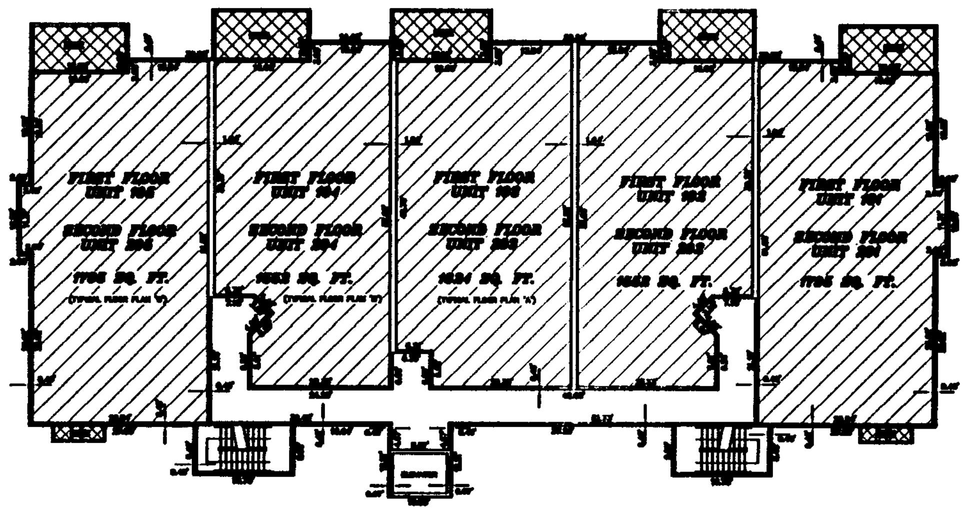


THIRD FLOOR (TYPICAL ALL BUILDINGS)
SCALE: 1"=10'



FIRST AND SECOND FLOOR (TYPICAL ALL BUILDINGS)

TOWN POINTE

A UTAH CONDOMINIUM PROJECT

THE JACK
JOHNSON
COMPANY

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PARK CITY

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TOWN POINTE

A UTAH CONDOMINIUM PROJECT

LOCATED IN
THE NORTHEAST QUARTER OF SECTION [illegible],
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 4 OF 4

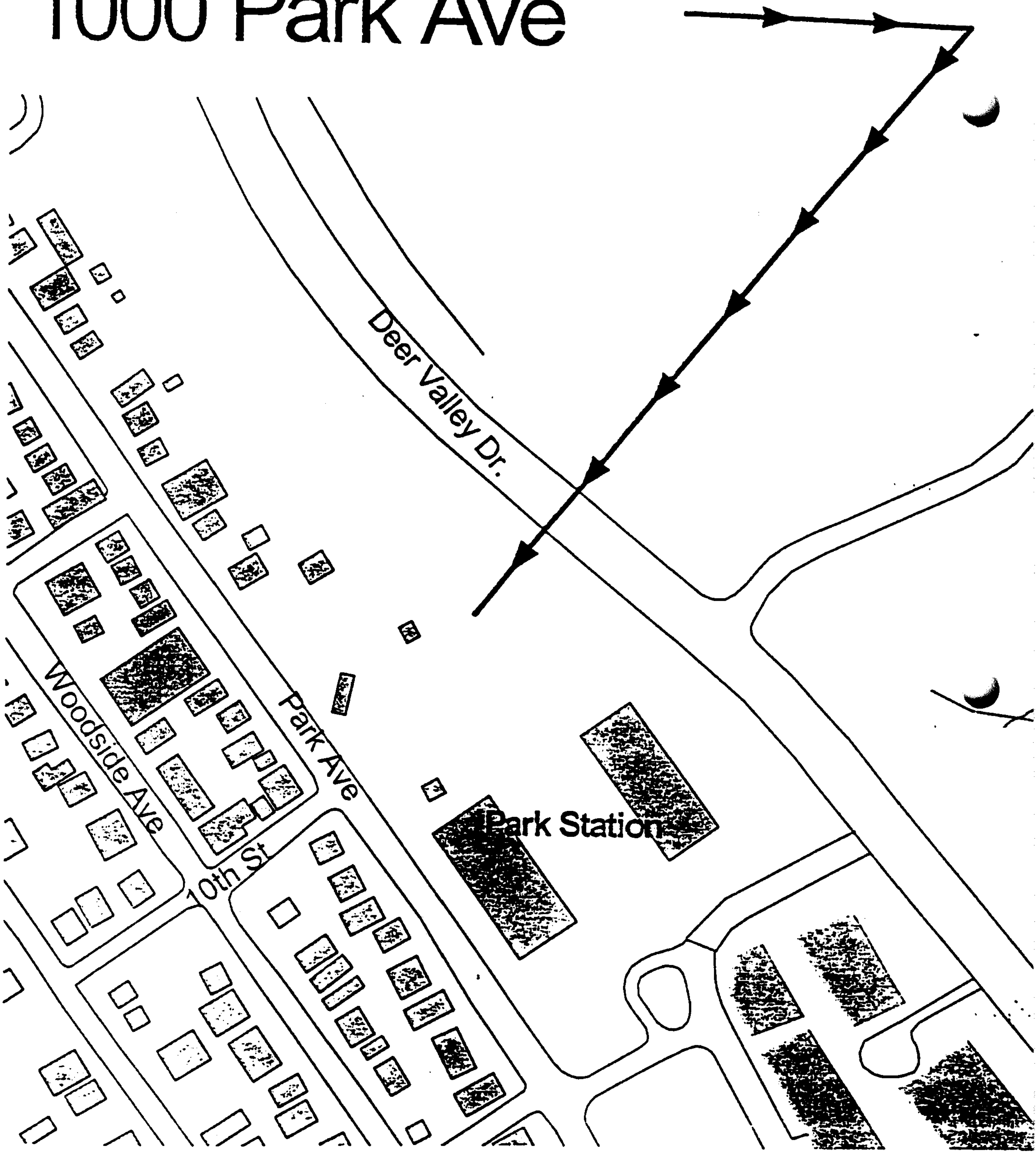
BUILDING SECTION AND ELEVATIONS

SCALE: 1"=20'

THE JACK JOHNSON COMPANY

42

1000 Park Ave



PARK CITY 1884

Exhibit "B"
Location Map

OLYMPIC MITIGATION PLAN

THE FOLLOWING IS THE OUTLINE FOR HOW TOWN POINTE CONDOMINIUMS WILL MITIGATE ITS CONSTRUCTION ACTIVITIES PRIOR TO AND DURING THE 2002 OLYMPIC GAMES.

LOCATION: 1000 PARK AVE, PARK CITY, UTAH

HOURS OF OPERATION: 7-9 MONDAY – SATURDAY. There will be no construction activity during the pendancy of the Olympic games.

PARKING: All parking will occur on site prior to the Olympic games. There will be no construction traffic access during the course of the Olympic games in accordance with Park City's proposed traffic control plan.

ACCESS: Prior to the Olympic games access to the site shall be from both Park Ave and Hwy 224 as completion of the 224 access dictates. At certain times one of the access points shall be closed for construction but access shall always be available for Park Station Parking and deliveries from at least one of the property access points. During the Olympic games resident access shall be dictated by the traffic access plan established by PCMC.

DELIVERIES: Prior to the games, deliveries will occur during the course of the construction day. Deliveries will not occur during the Olympic games in accordance with Park City's proposed traffic control plan.

STAGING: A limits of disturbance fence shall be placed around the perimeter of the property. Site work involving the rail trail alignment and bridge underpass will occur fall and winter 2000/2001, or at the latest, Spring 2001. During this phase the access from Hwy 224 will be installed, the rail trail underpass will be installed and all utility relocation shall be completed. All new utilities shall be installed. Any power lines to be moved shall be moved. All trees will be transplanted. All rough site grading shall be completed. Piers and footings will be placed and concrete poured for the 3 parking structures in Spring 2001. The framing of buildings 3 and 2 will commence thereafter. Depending on presales, building 1 will also commence. Each building should take between 4 to 6 weeks to frame. The duration for these buildings to be framed, roofed and sided shall last into mid summer 2001. Exterior facades shall be in place by year-end 2001. A cut off date will be established for the commencement for building 1 so as it will be 10/1/01. Site work including rough grade, rock walls, curb and gutter and first coat paving shall be compete prior to year-end 2001. There will not be a permanent crane used on the job. All un-landscaped area shall be contained within the limits area and hopefully be covered by snow.

C. Olympic Mitigation Plan

PHASING: As it relates to the Olympic games phasing should not be an issue. All site and public improvements work shall be complete will in advance of the games i.e.: utilities, bridge from Hwy 224, bike path realignment/completion and grading. There will be no heavy construction equipment visible on the site during the pendancy of the Olympic games. All three parking garages will be complete by the Olympic games allowing for storage and any equipment parking out of sight from media and pedestrians. It is anticipated that buildings 2 and 3 will be completed with TCO prior to the Olympic games. Building 1 will at the very least be framed and sided so as to give the appearance of a finished structure from the outside.

TRASH: Trash on site will be controlled on a regular basis. Prior to the Olympic games all trash will be removed from the site and should construction cease during the pendancy of the games there should not be any new trash generated from construction. During the pendancy of the games all trash containers shall be either removed or concealed inside the parking structures.

DUST/MUD: All rough site work shall be completed at the commencement of the project there by eliminating dust and mud issues during the pendancy of the games. All finish landscaping shall occur during the early summer of 2002 or after the Olympic games or sooner where practicable.

NOISE: There should be no exterior work on going during the pendancy of the Olympics. If any interior work is occurring it will be behind closed windows and predominately limited to building 1 (Buildings 2 & 3 will already be substantially complete). This assumes that there is any work going on at all during the Olympic games.

GRADING & EXCAVATION: Because of the small size of the site all grading and excavation will have occurred prior to the Olympic games.

SIGNAGE: All signage shall be in compliance with PCMC ordinance and construction sign requirements.

LIGHTING: Lighting will be incompliance with PCMC ordinance. Parking lot lighting should be in place by the Olympic games as well as exterior lighting on the buildings. There will be no night work occurring at the buildings.

SECURITY: There will be occupancy in buildings 2 & 3 during the pendancy of the Olympic games. Building 1 will be secured and there will be no access to the general public on or around building 1 should the buildings not be completed or occupied. This will be accomplished via locked gates at all building access points. Even though there will be occupancy in buildings 2 & 3 the limits fencing shall remain up and in place during the pendancy of the Olympic games.

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.

2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.

4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.

5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.

6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.

10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.

11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.

13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.

16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.

17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

Ordinance No. 00-

AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT FOR TOWN POINTE SUBDIVISION LOCATED AT 1000 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owners, Town Pointe, LLC, a Utah limited liability company, of the property at 1000 Park Avenue, Park City, Utah and to be known as Town Pointe Condominiums, have petitioned the City Council for approval of a final Subdivision; and

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

WHEREAS, on October 11, 2000 the Planning Commission held a public hearing to receive public input on the proposed final Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

WHEREAS, it is in the best interest of Park City, Utah to approve the final Subdivision;

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The property is zoned HCB, Historic Commercial Business District. The property is within the Frontage Protection zone and is subject to a Conditional Use Permit.

2. The proposed Subdivision is for a metes and bounds parcel to create a single lot of record to accommodate the construction of three buildings comprising of 41 multi-family units, a driveway and parking lot.

3. The Planning Commission forwarded a positive recommendation for a subdivision to the City Council at their October 11, 2000 meeting.

4. The subject property is located adjacent to City Park. City Park will be a primary public gathering site during the 2002 winter Olympic Games. Construction of the project poses potential impacts to the public safety and use of City Park.

5. The applicant stipulates to providing a Construction Management/Olympic Mitigation Plan is required in order to protect and minimize the on and off-site vegetation, and provide a timeline for trail realignment and an outline for how Town Pointe will mitigate its construction activities prior and during the 2002 Olympic Games.

6. The facts discussed in the Analysis section are hereby incorporated herein.

<u>SECTION 2. CONCLUSIONS OF LAW.</u> The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

1. The use as conditioned is consistent with Park City General Plan, Land Management Code, and State law regarding subdivision plats.

2. There is good cause for this subdivision.

3. Neither the public nor any person will be materially injured by the approval of the plat, subject to the conditions of approval. Approval of the subdivision does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>SECTION 3. PLAT APPROVAL.</u> The subdivision plat, known as Town Pointe, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.

2. The Developer shall provide a detailed Construction Management Plan (CMP), prior to issuance of any building permits, that addresses at a minimum the following:

a.) A construction staging, storage, circulation and parking plan.

b.) The developer shall instruct respective contractors that there is to be no wash out of concrete trucks on-site landscape areas. Further, the developer shall identify acceptable off-site dirt storage and disposal sites, obtain written permission by the owner and post a financial surety, to the satisfaction of the City, that will provide for the rehabilitation of the said storage and disposal site.

c.) Any temporary parking signs, subject to Public Works Director and City Engineer approval, shall be addressed in the CMP.

d.) The applicant shall comply with applicable Utah Air Quality standards, regarding dust mitigation, and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of building construction. Park City does not guarantee or monitor compliance with these standards.

3. The applicant will not be issued a Building Permit for the final building unless commencement begins prior to September 30, 2001. If a Building Permit is not issued prior to this date, a Building Permit will not be issued until the completion of the Olympic games.

4. A utility and grading plan satisfactory to the City Engineer shall be submitted and approved. On-site storm runoff detention is required. All water lines, fire hydrants, and appurtenances behind the master water meter shall be the private maintenance responsibility of the property owners.

5. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to condominium plat recordation. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee

6. This approval shall expire within (12) twelve months from the date of Council approval, unless this plat amendment is recorded prior to the date.

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

PASSED AND ADOPTED this 9th day of November, 2000

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

PARK CITY 1884

CITY COUNCIL REPORT

DATE: November 6, 2000
DEPARTMENT: Planning Department
AUTHOR: Derek Satchell
TITLE: 327 Woodside Avenue - Conditional Use Permit/Development on Steep Slope
TYPE OF ITEM: Consent Agenda - Findings for Denial of Appeal of Planning Commission Decision Regarding CUP Approval

SUMMARY RECOMMENDATIONS: Staff requests that the City Council review and adopt the proposed Findings of Fact, Conclusions of Law and amended Condition of Approval.

A. PROJECT

Project Name:	327 Woodside Avenue
Applicant:	Dick & Jill Lesh/Jonathan DeGray (Architect)
Appellant:	Kevin King
Location:	Lot 7, Block 30 along the western uphill side of Woodside Avenue (between 2nd & 3rd Streets)
Zoning:	Historic Residential (HR-1) zone
Adjacent Land Uses:	Residential
Date of Appeal Request:	September 11, 2000

B. Background.

At the last meeting, the City Council denied the appeal but directed staff to amend the Condition of Approval regarding HDC review of the setbacks to include language for the rear setbacks and significant vegetation.

C. ANALYSIS

Staff prepared the findings below to formalize the Council's decision. Council should make sure that the findings and modified condition appropriately reflect the Council's decision and make any changes that are necessary.

D. RECOMMENDATION

Staff requests that the City Council adopt the following Findings of Fact, Conclusions of

Law and Order:

Findings of Fact

1. The findings discussed in the Analysis Section of the Staff Report dated October 19, 2000 are incorporated herein.
2. This matter was properly appealed from a Planning Commission decision dated August 23, 2000. The minutes of that meeting and Planning Commission Action Letter dated August 24, 2000 are incorporated herein.
3. A hearing on this matter was held on October 12, 2000. The Planning Commission was represented by the Park City Community Development Department and the applicant by Jonathan DeGray, Architect. Kevin King was represented by attorney Joe Tesch and participated personally.

Conclusions of Law

1. The Planning Commission and Staff did not err in adopting the Findings of Fact, Conclusions of Law and Conditions of Approval dated August 23, 2000.
2. The provision of the Land Management Code have not been violated.

Order

1. The appeal is denied
2. The Condition of Approval #4 is clarified as follows:

   4. The Historic District Commission shall review and approve the design of the house for compliance with the Historic District Design Guidelines. The design review shall also include:
   a) the design review of any retaining walls in the front, rear and side yards;~~ as well as~~
   b) the preservation of vegetation at the rear of the lot to the reasonable maximum extent possible; and
   c) the amount of on-site landscaping necessary to mitigate the loss of any significant trees on the lot due to the proposed construction.

C:\My Documents\king.327wood.CUPappeal.findings.wpd

DATE: November 1, 2000
DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Linda Cook, Matt Twombly - Capital Management & Budget
TITLE: Award of Construction Contract - Park City Skate Park
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATION:

Award the bid for construction of the Skate Park, to include the Base Bid and Add/Alternates #2, #3 and #4 to **Arnell-West, Inc.**, in the amount of **$424,481**. Authorize staff to enter into the City's standard construction agreement in a form approved by the City Attorney.

DESCRIPTION:

This staff report reviews the bids received from contractors in anticipation of constructing a permanent skate park facility in City Park.

A. Background:

Staff has earnestly pursued the processes and planning for a community skate park facility over the last 12 months. On April 13, 2000, Council approved an agreement for the public design process, engineering, and production of construction documents with the firm of Holmes and Narver . That agreement includes the subcontractor, landscape architecture firm of Site Design, with a reputation for respected skate park design. Concurrent with the design and engineering processes, the Planning Commission conducted a thorough review of the location and uses of the proposed facility in City Park. On June 14, 2000, the Planning Commission approved a Conditional Use Permit for the Skate Park in the south end of City Park. In subsequent informational discussions with staff in respective work sessions, both the Planning Commission and the City Council reaffirmed their approvals to proceed with design and bid of the project, despite foreseen issues with construction and timing in potential adverse weather conditions. Rather than firmly postponing project construction until Spring of 2001, Staff proposed a bid format designed to distinguish the relative costs of concrete work in "ideal" conditions vs. adverse weather conditions assuming various measures of site protection. The resulting bids help to discern the cost differential and provide some insight to the contractors' risk associated with the project's concrete applications.

Additionally, staff agreed with a Planning Commission request for a minor preliminary project to provide visual impact mitigation in the Park Avenue area fronting the sites of the temporary and permanent skate parks. The demolition of the Offret residence and landscaping of the perimeter of the Hale/Mawhinney lot have been completed per that agreement.

Project Bid Process

September 29, 2000 - Invitation to Bidders properly posted.
October 4, 2000 - Request for Sealed Bids formally noticed and bid packages available.
Bid packages were held by 13 prime contractors and 3 subcontractors.
October 24, 2000 - A pre-bid site meeting with potential bidders was held (one week prior to bid opening) for the purpose of reviewing the project site, answering project and bidding questions and clarifying typical construction and concrete placement applications. The design consultants Holmes and Narver and Site Design attended to deal with these issues. The pre-bid meeting was attended by representatives of seven potential bidding firms.
October 31, 2000 - Bid opening date. Four bids were submitted according to the due date and time. The bids were publically opened, read aloud and recorded.

B. Analysis:
Please refer to the attached Bid Tabulation and Basic Analysis with Engineer's Probable Cost Estimation.
Bidders were instructed to submit the following costs (as well as references, licensing verification and bid bond):

Base Bid: The cost to fully complete the project, as shown on the plans and stated in the contract documents, between May 1, 2001 and August 1, 2001. (This is the clear fair weather period identified as a base of comparison with the two alternative completion dates, each of which assumes necessary adverse weather protection) Range = $393,281 to $489,311

Add/Alternate #1: (Additional to the base bid) the additional cost to complete the project by March 31, 2001. Base + Add/Alt #1 Range = $423,281 to $578,700

Add/Alternate #2: (in addition to the base bid) the additional cost to complete the project by June 8, 2001. Base + Add/Alt #2 Range = $410,281 to $494,703

Add/Alternate #3: Eleven artistic featured steel fence panels (in lieu of regular panels) Range = $5,500 to $13,700

Add/Alternate #4: One artistic featured roll gate (in lieu of regular gate) Range = $500 to $2,500

Add Alternate #5: (in additional to the base cost of the regular concrete) The additional cost to provide color to the concrete mix in all visible concrete of the skate park structure. Range = $22,500 to $73,934

The four base bids appear to comport with the Engineer's Probable Cost Estimate. As anticipated, the additional cost to construct with preventive measures for frost control through March is significant for each of the four bids (Add/Alt #1). Likewise, the additional cost to color the visible concrete is substantial across the board (Add/Alt #5). Both of these additive alternatives appear to involve a higher degree of risk to the finish quality of concrete. For this reason, staff recommends that Add/Alternates #1 & #5 not be included in the contract.

The remaining Add/Alternates #2, #3 and #4 are appealing for the following reasons:

Add/Alternate #2 assumes a completion date for the project of June 8, 2001, to coincide with the end of the school year. While some preventive measures for frost control will likely be necessary, a start date around the first of March would allow excavation and most forming to take place as the temperatures are likely to be rising and the window of temperate conditions widens. Excavation in March could actually be beneficial in allowing frost to escape ground. With the critical and sensitive concrete placement occurring near the end of the project (mid to late May), a contractor could presumably encounter full days of favorable temperatures for concrete work, relieving the pressure to heat and cover the site and more certainly assuring the structural soundness of the concrete applications.

Add/Alternates #3 & #4 were identified in the public design process. The Park City Arts Council was contacted and asked to identify an artist(s) interested in working with the users and architect to provide possible public art elements in the facility. One concept involved treating the entrance and concrete base of the structure with heavy timbers and heavy stone veneer reminiscent of the entrance to a mine shaft. Another concept (Add/Alt #3) involved sculpting the top rail of several of the steel fence panels in the simple shape of a mountain. Due to cost considerations, the timber/stone concept was less appealing to the Parks and Recreation Board and they also decided that decreasing the number of artistic fence panels would suffice while still providing artistry to a full span of rather bland black fence. Add/Alt #4 would add the same artistic top rail to the roll gate panel (the entrance security gate).

Note: Arnell-West, Inc., with the lowest base bid, remains the low bidder if Add/Alternates # 2, #3 and #4 are accepted. Should Council choose the Base Bid (completion by August 1, 2001) plus Alternate #3 <u>or</u> #3 <u>and</u> #4 combined (Artistic featured steel fence panels and gate), Garff Construction becomes the low bidder.

Staff Resources and Olympics: The City has the available funding and staff resources to complete the project in 2001. These resources (OCM&B and Parks staff) will therefore not be available at the same level for Olympic efforts. There may be logistical conflicts with Olympic celebration activities in the south-end of City Park if the skate park project proceeds as recommended in 2001.

C. <u>Department Review</u>:
This staff report has been reviewed by the City Manager's Office, the City Attorney's Office and the Office of Capital Management and Budget.

<u>ALTERNATIVES:</u>
Listed below are alternatives related to awarding the construction bid.

1) **Approve the recommended Bid and Add/Alternates with the identified low bid from Arnell-West.** This is staff's recommendation with an interest in completing the park in early June, 2001 and including some artistic design in the entrance gate and eleven fence panels.

2) **Modify the combination of bid and add/alternates and instruct staff to review and verify the low bid contractor for the modified combination of options.** Staff has identified eight plausible combinations of options, with corresponding low bid costs and the identified low bid contractor for each option. Add/Alternates #1 and #5 have not been considered.

3) **Reject all bids.** The bid process is sound, the bids appear to allow several reasonable options, with reasonable associated costs, and the bids comport with the Engineer's Probable Cost Estimate. Staff does not recommend rejecting the bids or re-bidding the project unless City Council would like to delay the project until after the Olympics

4) **Continue the item.** These bids are good for 30 days. Council has two additional meetings in November before the bids expire. Council may wish to further consider the options for this bid and continue the item until November 16th or November 30th. An Olympic discussion is scheduled for November 16th. Council may wish to have that discussion prior to approving the skate park construction contract.

5) **Delay the project** until the summer of 2002.

SIGNIFICANT IMPACTS:

Listed below are the estimated construction costs of possible options (maintenance costs are not budgeted or estimated). The total estimated maximum cost of staff's recommendation is in line with $500,000 budgeted for the Skate Park in the City Park CIP account.

** June 8, 2001 Completion + artistic fence panels + artistic gate Arnell-West	$424,481
June 8, 2001 Completion + artistic fence panels Arnell-West	$423,981
June 8, 2001 Completion + artistic gate Arnell-West	$410,781
August 1, 2001 Completion + artistic fence panels + artistic gate Garff Construction	$401,500
August 1, 2001 Completion + artistic fence panels Garff Construction	$401,000
August 1, 2001 Completion + artistic gate Arnell-West	$393,781
June 8, 2001 Completion - basic complete park Arnell-West	$410,281
August 1, 2001 Completion - basic complete park Arnell-West	$393,281

** Denotes Staff's recommended action

Maintenance Costs: City Council will need to appropriate additional funds during the FY 2001-2002 budget process or reprioritize existing parks maintenance services to maintain the skate park.

Landscaping: The landscaping plan for the area around the skate park, though not intensive, raised some important issues during final plan review. Rather than set back the bid period, staff agreed to take the landscaping plan out of the skate park contract, and bid the work separately in the spring. The City does not have the peak water capacity necessary to irrigate all areas in the south end of City Park and provide water to the Old Town area. Some tailoring of the landscaping plan is necessary to determine landscaping types and irrigation sizing in the greater area including the Offret property, the Hale/Mawhinney area and the entire south end of City Park.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Assuming that at least one of the options contained in the bids is awarded by Council, the consequences of not taking staff's recommendation are not critical. The major consequence arises if Council were to reject all bids, which could directly translate to a delay in the project or cancellation of the project. A delay would certainly have an impact in future staff time if the project were re-bid.

RECOMMENDATION:
Staff's recommendation is based on the "best fit" with the bid options and the wishes of the user groups and the Parks and Recreation Beautification Board as defined in the public design meetings. Arnell-West, Inc. has been deemed "responsive and responsible" as the low bidder for staff's recommendation (as well as most of the other plausible options). The subcontractor teaming with Arnell-West has produced the concrete work for at least four major skate parks similar to our plans. Staff recommends that Council award the bid for construction of the skate park, to include the Base Bid and Add/Alternates #2, #3 and #4 to Arnell-West, Inc., in the amount of $424,481 and authorize staff to enter into the City's standard construction agreement in a form approved by the City Attorney.

Attachment:
Bid Tabulations and Basic Bid Analysis

Bid Tabulation and Basic Analysis

Park City Skatepark Bids, 31 October 2000

Contractor	Base Bid (Aug 1)	Alt 1 (March 31)	Alt 2 (June 8)	Alt 3 (Panels)	Alt 4 (Gate)	Alt 5 (Color)	Base Bid + Alt 2	Base Bid + Alt 3	Base Bid + Alt 4	Base Bid + Alt 2,3, & 4
Thiede Const.	$489,311	$30,680	$5,392	$10,538	$958	$73,934	$494,703	$499,849	$490,269	$506,199
Allstate Const.	$459,000	$40,000	$25,000	$12,650	$2,500	$22,500	$484,000	$471,650	$461,500	$499,150
Garff Const.	$395,500	$183,200	$48,800	$5,500	$500	$44,000	$444,300	$401,000	$396,000	$450,300
Arnell-West	$393,281	$30,000	$17,000	$13,700	$500	$32,000	$410,281	$406,981	$393,781	$424,481

Engineer's Estimate*	$423,624	$90,000	$20,000	$2,750	$750	$896	$443,624	$426,374	$424,374	$447,124

* Engineer's Base Bid Estimate includes a 10% contingency

Denotes low bid in each category

LEGEND **Base Bid** - Basic construction with Aug. 1 completion date
Alt. 1 - March 31, 2001 completion date
Alt. 2 - June 8, 2001 completion date
Alt. 3 - Artistic Featured Steel Fence Panels
Alt. 4 - Artistic Featured Roll Gate
Alt. 5 - Colored Concrete

Conclusion:

Arnell West is the low bidder for the base bid plus virtually all combinations of alternates.
Garff Construction is the low bidder for Alternate 3 and a combination of Alternates 3 & 4.

James R. Van Orman
Professional Engineer