PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 1, 2007

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 approximate times as described below on Thursday, November 1, 2007.

1:30 p.m. Meet at Police Facility for Ribbon-Cutting Celebration

Closed Session - City Council Chambers
3:00 p.m. Property and personnel

Work Session - City Council Chambers
4:45 p.m. Council questions/comments
5:00 p.m. Quarterly goal update
5:30 p.m. KPCW purchase of Swede Alley shell space
5:50 p.m. Break

Regular Meeting - City Council Chambers
6:00 p.m.
I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF SEPTEMBER 20, 2007, OCTOBER 4, 2007 AND OCTOBER 11, 2007

V NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance approving the Monitor Drive Boothill Parcel Subdivision, Park City, Utah
   (a) Public hearing
   (b) Motion to continue to November 15, 2007

2. Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation Plat Amendment located at 200 Ridge Avenue, Park City, Utah
   (a) Public hearing
   (b) Motion to continue to November 29, 2007

3. Consideration of the appointment of Rich Miller as a member and Gordon Strachan as an alternate to the Board of Adjustment for terms expiring July 2011

4. Update of Board business and Consideration of a Resolution aligning the Public Art Advisory Board’s terms with other citizen boards

5. Consideration of the proposed issuance of Lease Revenue Bonds, Series 2007 (Park City Historical Society) of the Municipal Building Authority of Park City, Utah, in the principal amount of not to exceed $3,600,000
   (a) Public hearing

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 8, 2007

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, November 8, 2007.

Posted: 10/29/07
See: www.parkcity.org

TENTATIVE
PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 15, 2007

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 approximate times as described below on Thursday, November 15, 2007.

Board interviews
2:00 p.m. Planning Commission interviews

Work Session - City Council Chambers
3:45 p.m. Field trip to Peace House
4:30 p.m. Council questions/comments
4:50 p.m. Green purchase policy
5:20 p.m. Energy audit of City facilities
5:50 p.m. Break

Regular Meeting - City Council Chambers
6:00 p.m.
I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 25, 2007

V NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Resolution - canvass of General Election

2. JSSD Engineering Agreement - JG

3. USSA Conduit Financing Resolution

4. Final bond – Historical Society financing

5. Monitor Drive – Boothill Parcel – Subdivision RM
   (a) Public hearing
   (b) Action

6. 1376 Mellow Mtn Road – Plat Amendment KW
    (a) Public hearing
    (b) Action

7. 9 Hidden Splendor Court – Plat Amendment CW
    (a) Public hearing
    (b) Action

8. Ordinance accepting the public improvements at and relating to Banner Wood Subdivision and Silver Strike Subdivision
    (a) Public hearing
    (b) Action

9. Round Valley annexation petition
    (a) Public hearing
    (b) Action

10. Real estate purchase contract - KPCW
    (a) Public hearing
    (b) Action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 11/12/07
See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

November 2007

1 **Marianne gone**
6 General Municipal Election
8 **No meeting**
9 Quarterly management team meeting
15 **Tom gone**
22 **Thanksgiving**
27 & 28 Fam Tours
29 HPB interviews
1376 Mellow Mountain Road plat amendment
Contract with Johnson Controls – AB
LMC – Chapter 2.21 SLO – KC
Ordinance approving the Subdivision No. 1 Millsite Reservation Plat Amendment located at 200 Ridge Avenue, Park City, Utah

December 2007

6 Shingdig naming rights update - work
13 2008 Insurance Placement - CL
Approval of the Audit - LC
20
27 **No meeting**

Pending Items:

Resolution - Trails Master Plan
Business market analyses – Phases 1 and 2

MEMO

PARK CITY
1884

Executive Department

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To: **City Council**
From: **Tom Bakaly, City Manager**
Subject: **2007 Council Goals Update**
Date: **November 1, 2007**

On November 1, 2007 we have scheduled time in work session to review City Council goals and action items.

Attached is the latest quarterly update on Council goals for the period of July - September 2007. We continue to tentatively add (in bold) new action items to your goal status report based upon individual input from Council members, the Mayor and staff.

The report also includes quarterly summaries related to traffic calming and neighborhood service requests. This work session will provide an opportunity to for departments to provide operational updates on Council goals if requested.

2007 Park City Goals and Targets for Action – 3rd Quarter Report (July - September)

TOP PRIORITY				
Goal 1 Quality Water - Dana Williams and Candace Erickson; Alternate, Jim Hier				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Pipeline/Preferred Project Agreements Jerry Gibbs	Determine a preferred project with Weber Basin and Bureau of Reclamation 1. Decision point – Park City/County may opt out 2. WBWCD Water Sales/Petition Agreement 3. Decision point – Park City /County may opt out **4. Design of Pipeline Improvements** **5. Pipeline Construction Begins**	 03/05 04/05 05/06 **01/07** **04/09**	 03/07 01/07 12/07 **03/08**	 **Complete** **Complete** **Complete** **Pending** **Pending**
2. Judge Water Treatment Plants **Kathy Lundborg**	1. Judge: Resolve **Pump Station** Location and Land Transfer with Talisker **2. Judge NPDES permit** 3. Judge: Determine Scope and Timing for Plant Design and Construction 4. Judge: **JSSD Engineering Design for delivery** 5. Judge: **JSSD Delivery System** Construction **6. Judge Portal to JSSD Plant Design & Construction**	 12/05 **12/07** 09/05 08/04 04/06 **12/09**	 **12**/07 **04/08** **05/08** **12**/08	 Pending **Pending** Pending Pending Pending **Pending**
3. Other Water Solutions – Supply Options Jerry Gibbs/**Kathy Lundborg**	1. Summit County, Snyderville Basin Water Reclamation District Cooperation Discussions /Stream Flow Enhancements 2. JSSD Water Discussions **3. Water Demand Reduction Plan**	Annual Annual **12/07**		Ongoing Ongoing **Pending**
4. Water Funding Strategy Jerry Gibbs	1. Pursue future appropriations and authorizations **2. Lobby for passage of Water Resource Development Act (WRDA) Passed House & Senate, pending Presidential veto/signature override**	Annual **05/07**	 **10/07**	Ongoing **Pending**

TOP PRIORITY

Goal 2 *Preservation of Park City Character* – Marianne Cone and Dana Williams; Alternate, Candace Erickson

Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Old Town Improvements Alison Butz	1. Downtown Projects			
	- Town Plaza/Swede Alley			
	- USPS Talks, Site footprint determined	06/07	**12/07**	Pending
	- Public Dialogue	09/07	**02/08**	Pending
	- Design Complete	12/07	**06/08**	Pending
	- Swede Alley Plaza Construction Complete	10/08	**06/09**	Pending
	- Shell space			
	- Schematic Design	10/06	02/07	Complete
	_Executive tenant contracts		**08/07**	**Pending**
	- Construction	04/07	**09/07**	Pending
	- Construction Complete	09/07	**04/08**	Pending
	- Marsac Building			
	- **Confirm project with Council**		**08/07**	**Complete**
	- Space programming exercise	02/07	**09/07**	**Complete**
	- Design complete	04/07	**10/07**	Pending
	- Identify and move into temporary office space		**05/08**	**Pending**
	- Construction Start	10/07	**05/08**	Pending
	- Construction end	10/08	**08/09**	Pending
2. Affordable Housing Phyllis Robinson	**1. Snow Creek Affordable Housing**	**06/07**		
	-Topographic map			**Complete**
	-Wetland Delineation		**08/07**	**Complete**
	- Pre MPD application for Snow Creek parcel	**06/07**	**12/07**	**Pending**
	- Subdivision/MPD application	**07/07**	**02/08**	**Pending**
	- Groundbreaking		**05/08**	**Pending**
	- Completion		**03/09**	**Pending**
	2. Complete acquisition of Park Avenue Property	**06/07**	**08/07**	**Complete**
	3. Quarterly Housing Status Report – Set 2007 in lieu	**06/07**	**12/07**	**In Progress**

TOP PRIORITY

Goal 2 ***Preservation of Park City Character*** **– Marianne Cone and Dana Williams; Alternate, Candace Erickson**

Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
2. Affordable Housing (Cont.)	**fees**		**01/08**	
	4. Monitor Developer Obligations	**06/07**		**Ongoing**
	5. Analysis of deed restrictions and selection criteria	**06/07**		**Pending**
	6. Housing General Plan Element Review & Update	**10/07**		**Pending**
3. Trash and Recycling Jerry Gibbs	**1. Execute Letter of Intent – Hazardous Materials**	**03/07**	**04/07**	**Complete**
	2. Research: Formation regarding Main Street trash and possible BID/SID	09/04	**05**/07	**Complete**
	3. Decision on recycling facility relocation		**TBD**	**Pending**
	4. Joint County Trash and Recycling Study		**11/07**	**In Progress**
4. Environmental Initiatives Alison Butz	1. Identify Action Items for Strategic Plan	07/06		**Complete**
	2. Implement Strategic Plan	08/06	11/06	**Ongoing**
	3. Wasatch Back Environmental Alliance – Continue as an active member	Ongoing		Ongoing
	4. Rocky Mountain Energy Grant Findings		**02/08**	
	5. Green Policy for Capital Projects	**05/07**		**Complete**
	6. Adoption of Action Plan	**06/07**		**Complete**
	7. Develop and implement citywide green purchasing policy	**09/07** **10/07**		**In Progress**
	8. Develop General Municipal building Efficiency Measures	**10/07**	**02/08**	**In Progress**
	9. Inventory CO2 emissions from City operations	**10/07**	**03/08**	**In Progress**
	10. Explore mandatory green building initiatives	**02/08**		**In Progress**
	11. Energy Audits of Council Member Homes	**10/08**		**In Progress**
	12. Installation of wind turbine(s) at Park City Ice Arena		**06/08**	**Pending**
5. Historic Preservation Patrick Putt and Jonathan Weidenhamer	1. Retain Historic Significance Designation		**06/**07	Ongoing
	2. Review of Historic District			
	- **Adopt Historic Significance Survey**		**10/07**	**Complete**
	- Steep Slope Issues Update to PC/CC		**06**/07	**Complete**
	- Vertical Zoning Update to PC/CC		**07**/07	**Complete**
	3. Historic District Guideline Revisions		**12**/07	**In Progress**

TOP PRIORITY

Goal 2 *Preservation of Park City Character* – Marianne Cone and Dana Williams; Alternate, Candace Erickson

Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
5. Historic Preservation (Cont.)	4. 801 Park Ave Preservation – anticipated completion 5. Amend LMC as needed 6. Implementation of City-owned Historic Structures Plan - Upper Main/Park/Sandridge Structures		**12**/07 **12/08** **12/08** **12/08**	Ongoing Ongoing **In Progress** Ongoing
6. Senior Issues Phyllis Robinson	1. Facilitate **Senior Needs Regional Subcommittee through Interagency Task Force** **2. Conduct assessment of Senior Center Programming and other services**	**06/07** **10/07**	**11/07** **01/08**	**Pending** **In Progress**
7. Staffing Plan for Sustainable Vision and Implementation	1. Pursue self-managed teams to frame policy direction and implement Council Goals **2. Work Plan Completed** **3. Long Range Sustainability Community Plan**	12/06 **05/07** **11/07**		Complete **Complete** **Ongoing**
8. Park City Heights Task Force and Annexation Patrick Putt	1. Completion of Task Force Discussion 2. Annexation – PC review and recommendation to CC on Development Agreement	06/07 12/07	 **01/08**	**Complete** Ongoing

TOP PRIORITY				
Goal 3 ***Effective Transportation and Parking System*** **– Jim Hier and Roger Harlan; Alternate, Marianne Cone**				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Traffic Calming **Brian Andersen**	**See attached Traffic Calming Summary Report**			
2. Regional Transportation **Kent Cashel**	1. Enhance Transit Marketing 2. Implement employee carpool incentive program 3. Implement action items from 7/8/05 Transit Planning Summit **and Conduct next Summit (08/07)** 4. Update short-range transit plan with County 5. Secure land for expanded transit maintenance storage facility **6. Feasibility study of expanding existing Public Works facility to accommodate future transit requirements**	Annual Annual Ongoing 10/05 06/05 **10/07**	 **08**/07 **12**/07	Ongoing Ongoing Ongoing In Progress In Progress **In Progress**
3. Transportation Strategic Plan Kent Cashel	1. Alternative Transportation/Walkability Study 2. Annual Progress Report to City Council 3. Implement Transportation Plan Strategies 4 **Form** Transportation Task Force with School District **5. Recommendations from PCSC/PCMC Transportation Task Force** **6. Implement Task Force Recommendations**	06/06 12/06 01/07 **04/07** **09/07**	03/07 **05/07**	**Complete** **Ongoing** Ongoing **Complete** **Complete** **In Progress**
4. Public Parking Brian Andersen, Kent Cashel	1. Parking Garage Revenue 2. Policy on Pay Parking during events	**04/07** **06/07**		**Complete** **Complete**
5. Community Transportation Plan Kent Cashel, Jonathan Weidenhamer	1. Park and Ride 2. School Drop 3. Entry Corridor	 **08/07**	 **8/07**	**In Progress** **Complete** **In Progress**

TOP PRIORITY				
Goal 4 ***World Class, Multi-Seasonal/Resort Community* – Jim Hier and Marianne Cone; Alternate, Joe Kernan**				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Economic Development Jonathan Weidenhamer	1. Implementation of 2006 Economic Development Strategic Plan Initiatives 2. **Park**/Bonanza Redevelopment Area (PBR District) 3. Oquirrh Institute ED Grant - Follow-up **4. Park City Silly Market ED Grant - Follow-up** **5**. Market analysis – inventory existing business types; compare against demand model	 09/06 02/07 02/07	 **08/07** **02/08** **02/08** **02/08**	 **Complete** **Pending** **Pending** **In Progress**
2. Support for Arts **Gary Hill**	1. Art in Public Places Implementation 2. Bus Shelter Implementation **(8th Shelter)** 3. Pocket Park Benches, Bike Racks Phase I - **RFP for two Prospector Parks (Phase II)** 4. Completion of Muses at Old Town Transit Center 5. Poison Creek Fish **Sculpture Installation** 6. Memory Wall - **Work Session Discussion** **7. Police Facility Lobby Art RFP** **- selection of artist** **- installation**	Ongoing 08/05 05/07 11/07 **06/07** **10/07** **01/08** **09/08**	 08/07 **10/07** **08/08** **1/08** 	Ongoing **In Progress** **Complete** **Complete** **In Progress** **In Progress** **In Progress** **In Progress** **Pending** **Pending**
3. Community Amenities and Events: Evaluation, Future Direction Alison Butz	1. Special Events Retention & Attraction - Economic Development Plan 2. Museum Expansion **- Design Review** **- Financing** **- Lease** 3. Destination Events/Activities Joint Venture 4. Golf Course Pro Shop Acquisition 5. Imperial Hotel Sold or Traded 6. Joint Venture Annual Update – Chamber 6. Strategic Plan for Farm 7. Marsac Remodel Planning	Ongoing 11/04 07/05 10/06 Annual 03/05	 **09/07** **10/07** **10/07** **Ongoing** 02/07 **05/07** **11/07**	Ongoing Ongoing **Complete** **In Progress** **Complete** **Ongoing** **Ongoing** **Completed** Annual Pending

TOP PRIORITY				
Goal 4 ***World Class, Multi-Seasonal/Resort Community*** **– Jim Hier and Marianne Cone; Alternate, Joe Kernan**				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
3. Community Amenities (cont.)	- construction begins - construction ends (See Old Town Improvements)	10/07 11/08	**05/08**	Pending

HIGH PRIORITY				
Goal 5 Recreation, *Open Space and Trails* – Candace Erickson and Joe Kernan; Alternate, Marianne Cone				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Ongoing Open Space Acquisition **Alison Butz**	1. Flagstaff - Distribution of open space contribution 2. Gambel Oak - Legislation 3. Red Maple/Air Force 4. Other Properties	03/04 10/04 10/04 09/06	 **11/07** **04/08** **04/08**	Ongoing Ongoing Ongoing Pending
2. Conservation Easements Myles Rademan	1. Additional easement monitoring on new acquisitions 2. Conservation Easement on Farm	08/05 04/06	 **08/07**	Pending **Complete**
3. Trail Development Plan Matt Twombly	1. Round Valley Trails - Friends of Trails - Cross Country Ski Trails – Mountain Trails Found -Quinn's Loop trails 2. Trailhead Parking Phase II a. Cove b. Round Valley – Quinn's Rec Complex c. Other sites as available 3. Citywide study on Walkable Community/Trails Master Plan Update - Safe Sidewalks Grant – Kearns Blvd. - Safe Routes to School Grants – Little Kate & Comstock	 04/05 11/05 12/07	 **12**/07 **06/08** 09/07 **10/08**	 Pending In Progress Pending Complete In Progress **Complete** **In Progress**
4. Neighborhood Parks/City Park Ken Fisher	1. City Park Recreation Building - Remodel Complete 2. Old Town Park (Wisnewski) - Conceptual Design - Public Input on Conceptual Design **- Present Conceptual Plan to Council** **- RFP for design services and construction estimates/documents** **- Construction Contract**	 04/07 02/07 03/07 **01/08** **02/08**	 06/07 **06/07** **06/07** **09/07**	 **Complete** **Complete** **Complete** **Pending** **Pending** **Pending**

HIGH PRIORITY

Goal 5 Recreation, *Open Space and Trails* – Candace Erickson and Joe Kernan; Alternate, Marianne Cone

Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
4. Neighborhood Parks/City Park (cont.)	4. Lights on Basketball Court & **Volleyball Court** **5. Dog Park – Formation of friends group** **- Complete Dog Park** **6. Neighborhood Park on Holiday Ranch Loop** **- RFP for design services/development of master plan** **- Present design options to community** **- Cup for development of park**	06/07 **01/08** **01/08** **03/08** **05/08**	**05/08** **07/08**	**In Progress** **Pending** **Pending** **Pending** **Pending** **Pending**
5. Ice Rink Stacey Noonan	1. Ice Arena Strategic Plan 2. Ice Fundraising & Naming Campaign - RFP/selection process **- Naming Rights Campaign** 3. Ice Arena Completion – final punch list	11/06 08/06	03/07 **07/07** **08/08** **07/08**	Complete **Complete** In Progress **In Progress**
6. Recreation and Racquet Club: Next Steps Ken Fisher	1. Dirt Jump Park - **See Holiday Ranch park** -CUP Extension with Planning Commission 2. Racquet Club/recreation - Complete Recreation/Racquet Club Needs Assessment - Update to City Council on Needs Assessment **- RFP for Feasibility & Design of Racquet Club** - Recommendation – future capital improvements		 **04/07** **05/07** **09/07** **09/07** **01/08**	 **Complete** **Complete** **Complete** **Complete** **Pending**
7. Outdoor Recreation Complex **Matt Twombly**	1. Landscaping (trees, shrubs, drip irrigation)		**06/07**	**Complete**
8. Walkability Implementation Phase I Matt Twombly	1. Projects to be identified during budget process **2. Bond & Walkable Advisory Liaison Committee prioritization** **3. Implementation**			**Complete** **Pending** **Ongoing**

HIGH PRIORITY				
Goal 6 Regional Collaboration and Partnerships				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Transportation Kent Cashel	See Goal #3			
2. Flagstaff-Wasatch County Tom Bakaly	1. Work with Wasatch County re SR-224 and public versus private access	09/04	04/**08**	Ongoing
3. Recreation Ken Fisher	See Goal #5			
4. Health Pace Erickson	1. Noxious weed coordination 2. Enforcement on private property	08/04 Ongoing		Ongoing Ongoing
5. Water Jerry Gibbs	See Goal #1			
6. Solid Waste Jerry Gibbs & Joe Kernan	1. Implementation of Solid Waste Alternatives	11/05	12/07	Pending
7. Mosquito Abatement Pace Erickson	1. Continued coordination with Summit County	Ongoing		Ongoing
8. Wasatch Back Alliance	1. Continued participation	Ongoing		Ongoing
9. Library Linda Tillson	1. Library Reciprocal Borrowing for Summit County Students	Ongoing		Ongoing

OTHER PRIORITIES				
Goal 7 Open and Responsive Government to the Community – Roger Harlan and Joe Kernan; Alternate, Jim Hier				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
1. Community Vision 2015 and Beyond Myles Rademan Pat Putt **Phyllis Robinson**	1. Community Involvement & Outreach 2. Update Material for Vision Presentations **2007** 3. Develop Neighborhood Request Tracking Report (attached – Attachment B) 4. **Review** 2nd Homeowners Social (1st weekend in August) 5. Neighborhood Interest Group Meetings 6. General Plan Review with Planning Commission 7. General Plan Update Phase 1 (**Outline)**	Monthly Monthly 05/04 Annual Ongoing Annual	 **12/07**	Ongoing Ongoing Ongoing Ongoing Ongoing Ongoing In Progress In Progress
2. Budget Review & Benchmark Gary Hill	1. Bi-weekly budget review meetings 2. First set of Benchmark Data compiled 3. Draft of Long Range Financial Plan & Service Prioritization **4. Phase II Benchmarks determined with CAST** 5. Finance/Citywide Software System Conversion a. Personnel and Payroll b. Utility Billing c. Bid and Quote d. Business Licensing e. Position Budgeting f. Planning and permits f. Budget	08/06 10/06 12/06	 **01/07** **07/07** **02/07** **05/07** **07/07** **07/07** **10/07** **12/07** **01/08**	Ongoing **Complete** **Complete** **In Progress** **Complete** **In Progress** **Postponed** **In Progress** **Postponed** **Pending** **Pending**
3. Customer Service: Evaluation & Action Plan Myles Rademan	1. Accountability/responsibility training for Staff 2. Volunteer Bank – review program 3. City "Fam" Tour 4. Employee Survey & Training - communication of results	Monthly Annual Ongoing	 **09/07**	Ongoing Pending Annual Ongoing

OTHER PRIORITIES				
Goal 7 Open and Responsive Government to the Community – Roger Harlan and Joe Kernan; Alternate, Jim Hier				
Target for Action ***Staff Coordinator***	**Actions**	**Initial Target Date**	**Revised Target Date**	**Status**
4. Public Safety Lloyd Evans	1. Purchase of Additional Officer Safety Equipment 2. Emergency Response Plan Updated - Staff Training 3. Police Facility Complete 4. Community Oriented Program – Citizens Academy	10/06 10/07 12/06	04/07 **08/07** **12/07** **12/07** **04/08**	**Complete** **In Progress** Pending **In Progress** Pending
5. Communications Myles Rademan **Phyllis Robinson**	1. Press Releases/Communication Strategies 2. Leadership 101 3. Media Seminars 4. Sustainability Promotion 5. Park City University **6. Communications Strategic Plan**	Ongoing Ongoing Ongoing Annual Ongoing **04/08**	 **02/08** **03/08** 	Ongoing Ongoing Ongoing Ongoing Ongoing **In Progress**

Traffic Calming Summary Report
ATTACHMENT “A” TO QUARTERLY STATUS REPORT

Location	**Date Recd**	**Phase 1 Meeting**	**Citizen Concerns**	**Phase 1 Follow-up**	**Date Completed**
Prospector/ SR248	3/2006	3/2006	• Traffic using Prospector neighborhoods when school zones back traffic on SR248 • Removal of no left turn signs on SR248 and increased traffic • Traffic speeding and not stopping at stop signs-	• Data collected for both before and after school season start; copy given to HOA • Residents of Prospector neighborhoods comment at Council meeting regarding several traffic concerns; Council directs TCC to work with UDOT to reinstall no left turn signs on SR-248 • Petition received from HOA regarding several issues including long term closure of Wyatt Earp and Buffalo bill and building parking on north side of high school. No Comstock residents signed. • UDOT agrees to reinstall no left turn signs. Signs ordered from vendor. • **Phase 1 meeting** • **No Left turn signals installed** • **Additional counts taken showing substantial reduction in traffic between 7-9AM** • **Phase 1 follow-up meeting scheduled for next quarter**	Aug 2006 Nov 2006 Dec 2006 **Jan 2007** **Feb 2007** **April 2007** **Pending**

Traffic Calming Summary Report
ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	Date Recd	Phase 1 Meeting	Citizen Concerns	Phase 1 Follow-up	Date Completed
Meadows Drive/Risner Ridge	05/06	**2006**	• Speeding	• HOA meeting with residents to discuss TCC concerns • Citizen request for permanent driver feedback signs • Ongoing enforcement occurring • Counts with new counters • TCC recommendation pending data collection scheduled for Fall 06 • Counts rescheduled for Spring 07 • **Recommendation for feedback sign and narrowing of traffic lanes with striping** • **Counts Completed On Meadows Drive** • **Installed feedback sign & painted striping**	2002 June 2006 **June 2006** **Mar 2007** **Sept 2007**
Risner Ridge	09/05		• Dangerous curve on American Saddler • Intersection approach on bend • Thru route not apparent	• Curve ahead signs installed • Stop ahead sign installed • Squiggly lines painted approaching stops • Further actions pending Spring 06 counts • Counts pending winter season 06-07	Sept 2005 Jan 2006

Traffic Calming Summary Report
ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	Date Recd	Phase 1 Meeting	Citizen Concerns	Phase 1 Follow-up	Date Completed
Comstock Drive	**Revised petition 06/07**	**07/10/07**	• Traffic speed and high traffic volumes	• **Improve visibility of 25 MPH signs** • **Enforcement** • **Permanent driver feedback signs installed** • **Narrow travel lanes (repainted)** • **Install "residential area" signs** • **Painted intersection sight lines** • **Installed No parking 7-9am on east side** • **Commercial traffic study**	**July 07** **Ongoing** **Sept 07** **Sept 07** **Sept 07** **Aug 07**
The remaining items in this report are considered complete by the Traffic Calming Committee.					
Ridgeview	**7/2006**	**NA**	• Children playing ahead signs	• Advised TCC position of placement and purchase of Children playing ahead A-signs is up to HOA. Advised where to obtain.	July 2006
Royal Street (Little Bell Condos)	**7/2006**	**NA**	• Request for speed limit signs and additional asphalt width	• TCC determined signs existed at that location in the past and facilitated replacement but determined no need for additional asphalt width	Aug 2006
Three Kings Drive			• Speeding	• TCC determined this street would not qualify for reduced speeds according to TCC administrative policy	Aug 2006

Traffic Calming Summary Report
ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	Date Recd	Phase 1 Meeting	Citizen Concerns	Phase 1 Follow-up	Date Completed
Aspen Springs Drive	05/06		• Additional 20 MPH sign • Crosswalks on trail • Children playing signs	• TCC advised HOA policy-obtain children playing ahead A-signs and place in yard	Aug 2006
SR 248/Kearns	08/05	NA	• Speeding • Noise, higher earth berms • Driver feedback signs • Increase Enforcement • Speed Humps	• Enforcement is ongoing	2005
Silver Pointe			• Emergency access • Neighborhood parking in prohibited areas • Parking damaging landscaping • All-way stop request McHenry/Rossi Hill/Coalition	• Stop request postponed until review of additional area development impacts are assessed	2006
Empire & Lowell Avenues	12/05		• Speeding	• Installed residential speed limit signs	April 06

Traffic Calming Summary Report
ATTACHMENT "A" TO QUARTERLY STATUS REPORT

Location	Date Recd	Phase 1 Meeting	Citizen Concerns	Phase 1 Follow-up	Date Completed
Little Kate Road & Lucky John Drive	04/05	05/12/05	• **Additional safety measures near Lucky John school drop area**	• **Approval of "Abutting School Zone" - flashing beacons and pedestrians present signs have been ordered**	TCC no further action

Neighborhood & Business District Needs Assessment
Request for Elevated Levels of Service Request (RELS) - ATTACHMENT "B" TO QUARTERLY STATUS REPORT

Deer Valley Drive and Sunnyside Drive Neighborhood

Weidenhamer

Status Report
Staff met with neighborhood and prioritized requests – Project 1sidewalk on Deer Valley Drive completed. City bus stop installed. Projects 2 – 4 pending addition study/funding

Target for Action	Responsible	Actions	Target Date	Status	Budget
1. Pedestrian Lighting	Twombly (PCMC)	Install street and pedestrian lights from Stonebridge condos to roundabout	12/07	Cost identified ($250k) not in CIP budget	No City funding Private funds: Deer Valley Resort; Neighborhood SID
2. Bus Stop	Cashel Nesset	1. The school bus stop will be temporarily relocated to the NW corner of Sunnyside and Deer Valley Drive to accommodate construction of 601 & 605 Deer Valley Drive at the NE corner. 2. Concrete pad installed. Shelter to be installed summer 07. **Concrete pad was installed too close to fire hydrant. Mountainland's contractor was notified and indicated they would talk with The Gambler owners to get their permission to extend pad north onto their property.**	**11/06** **08/07**		**Private** **Existing PW**

Neighborhood & Business District Needs Assessment
Request for Elevated Levels of Service Request (RELS) - ATTACHMENT "B" TO QUARTERLY STATUS REPORT

Little Kate Road, Holiday Ranch Loop Road, Lucky John Drive

<u>Status Report</u>
Traffic Calming process has evolved into Walkability Study / Bond process to address capital projects requested.
Walkable Implementation - Approved with 2008 budget
Trails Master Plan to be completed 11/07
Formation of Walkability Advisory Liaison Committee (WALC) - contingent on bond passing 10/07
Vote on Walkability Bond - 11/07

Target for Action	Responsible	Action	Target Date	Status	Budget
1. Crosswalks	**Streets Dept**	**1. Crosswalks installed at Little Kate and Lucky John**	12/05	**Completed**	**Existing budget**
2. **Monitor & Little Kate Intersection**	Weidenhamer/ **Gibbs, Fisher**	**1. Realignment of intersection for a 4-way - Funding allocation ($75k) put in '07 budget** **2. Temporary bus pullout** **3. Install 3-way stop signs** **4. Phase 2 – Racquet Club remodel; realign 4 way intersection/ 4-way stop; permanent bus pullout**	**08/06** **008/06** **07/07** **Pending R Club process**	**Completed** **Completed** **Completed**	**Funded** **CIP** **Existing PW**

Target for Action	**Target for Action**	**Target for Action**	**Target Date**	**Status**	**Budget**
3. **Pedestrian connection from** Little Kate from HRL to schools	**Weidenhamer**	**1. Pending Bond outcome for final project determination** **2. Install "Abutting School Zone" signs w/flashing beacons**	**11/07** **11/07**	**Bond Process** **Signs ordered**	**FY08/09** **Existing**
4. Study on Walkable Community/Trails Master Plan Update	**Weidenhamer**	**1. Final direction on projects pending bond approval/denial**	**11/07**	**Pending**	**Pending**

City Council
Staff Report

Author: **Alison Butz**
Subject: **China Bridge Shell Building – Sale of Unit B**
460 Swede Alley
Date: **November 1, 2007**
Department: **Sustainability**
Type of Item: **Work Session – Contracts for purchase of significant property**

Summary Recommendations:
City Council should review the draft agreements and direct Staff to schedule a construction agreement and agreement to purchase Unit B of the Shell Building with KPCW, for a total amount of $924,676, for public hearing and consideration for approval on November 15, 2007.

Topic:
Disposition of Significant City Property.

Background:
The Marsac Building seismic upgrade is scheduled to begin in May 2008. The scope of the construction project has dictated that the entire building must be completely vacated. Through an analysis of the space, a need to relocate the IT Department to Marsac and a desire to realign space within the building, Staff determined the City needs all available square footage in the Marsac building upon completion of the seismic upgrade. Subsequently, the City would be unable to renew the lease with KPCW for their current space.

On April 19, 2007, the City Council provided direction to negotiate with KPCW to purchase a unit in the Shell Space. On August 9, 2007 Council approved a construction contract for the shell space, and further identified KPCW as a potential tenant. To that end, Staff proceeded with negotiations for KPCW to purchase Unit B of the Shell Building located at 460 Swede Alley. Completion of the construction of the Shell Space could coincide with the timing of the Marsac seismic upgrade and would require KPCW to move only once.

Analysis:
Staff negotiated a sale price of $654,076 for Unit B, which is approximately 2000 square feet. In addition, KPCW would pay for the tenant improvements for the space which is estimated to be $270,600. Should this amount increase or decrease upon final notice to proceed with the construction, KPCW will be responsible for the final amount identified by the contractor. They would also be responsible for any additional fees for any additional change order made at their request.

The Legal Department recommends moving forward with an agreement outlining the terms of the sale including escrow amounts and timing of the payment for the tenant improvements. The agreement specifies that once the condominium plat is recorded KPCW would then sign a Real Estate Purchase Contract (REPC) for the purchase of the space. Recordation of the condominium plat is anticipated the end of January.

Significant Impacts

KPCW would be paying the proportionate construction costs to building Unit B along with the entire amount to complete tenant improvements. Priority disposition of city property to non-profits and other governmental agencies is consistent with the City's budget policies. City financial transactions are generally subject to the "prudent man rule," which requires evaluation of the proposed transaction using that degree of judgment and care prevailing at the time the decision is made and that persons of prudence, discretion and intelligence exercise in the management of their own affairs, and further considers fair value, safety of any city capital, the probable benefits, and any other city investment objectives. Staff finds that the proposed transaction satisfies this standard.

Department Review:

The report has been reviewed by Executive and Legal Departments.

RECOMMENDATION:

City Council should review the draft agreements and direct Staff to schedule a construction agreement and agreement to purchase Unit B of the Shell Building with KPCW, for a total amount of $924,676, for public hearing and consideration for approval on November 15, 2007.

CONSTRUCTION AGREEMENT AND AGREEMENT TO PURCHASE UNIT B OF THE SHELL SPACE CONDOMINIUMS

THIS AGREEMENT IS MADE AND ENTERED into this _____ day of _______, 2007, by and between Park City Municipal Corporation, a Utah municipal corporation ("City") and Community Wireless of Park City, Inc., a Utah non-profit corporation ("PCCW").

<u>RECITALS</u>

This Agreement is made and entered into with reference to the following facts:

A. The City is the owner of a parcels of real property located at 460 Swede Alley, Park City, Utah. (Exhibit 1). This parcel of property, referred to herein as the "China Bridge Parcel", is more specifically described on Exhibit 1 to this Agreement and by this reference made a part hereof.

B. The City, pursuant to a planned downtown capital project for Swede Alley, intends to build a mixed–use commercial building to be located on a portion of the China Bridge Parcel on the north end of the new China Bridge parking structure ("Shell Space").

C. Subject to local land use authority approval, the City will record a condominium plat for the China Bridge Parcel once footings are poured for the Shell Space. The condominium plat will delineate Unit A and Unit B and the City expects to record the condominium plat for the China Bridge Parcel before the end of January 2008.

D. PCCW is currently leasing space in the City owned Marsac Building. It is necessary for the City to commence a seismic upgrade to the Marsac Building. Construction on the Marsac Building is scheduled to begin in Spring of 2008. To accommodate the seismic upgrade, the building must be completely vacated during the construction, during which any existing tenant leases will be terminated. The construction is scheduled to last approximately 15 months. There will be no available space for PCCW in the Marsac Building after the upgrade is complete.

E. PCCW is a local, community radio station specifically catering to the community of Park City. The City finds PCCW to be a valuable asset to the community, and wishes to ensure its long-term presence in the Main Street core of Park City.

NOW, THEREFORE, based upon the mutual consideration herein, the sufficiency of which both parties hereby acknowledge, the parties agree as follows:

1. **Construction**. The City will build a two (2) unit mixed–use commercial condominium located on the China Bridge Parcel on the north end of the new China Bridge parking structure substantially as depicted in the attached Site Plan (Exhibit 2). The condominium will consist of two (2) new units of approximately 3,690 gross square feet (including circulation, stairwell, and utility areas, configured in the following approximate sizes:

   Unit A- 1690 square feet

   Unit B – 2000 square feet

2. **Deposit and Purchase Price.** PCCW agrees to purchase Unit B at a fixed purchase price of $594,685 and to submit a deposit to the City to be held in escrow pending execution of a real estate purchase contract. The amounts shall be payable as follows:

   2.1. PCCW has previously, or will upon execution of this Agreement, deposit $100,000 with the City to be held in escrow until the real estate purchase contract for Unit B ("Unit B REPC") is executed, at which time the $100,000 reservation deposit shall be applied towards PCCW's earnest money deposit. Upon execution of the Unit B REPC, PCCW shall provide the City with an earnest money deposit in the amount of $118,937, that amount to include the $100,000 reservation deposit. The earnest money shall be held pursuant to the terms of the Unit B REPC. $475,748 in additional funds will be due upon closing pursuant to the terms of the Unit B REPC.

2.2. This purchase price includes the following: Unit B and an indivisible interest and all rights and responsibilities in the proportional common area as defined herein and in the Conditions, Covenants and Restrictions of the Swede Alley Condominiums.

2.3. This purchase price does not include the following additional costs:

2.3.1. PCCW will pay forty-five percent (45%) of architecture consultant fees, including: Phase I - Schematic Design; Phase II – Creation of Design Development and Construction Documents; and Phase III – Construction Administration of the Shell Space. This architecture consultant fee includes consideration of potential modification to current design to increase visibility of broadcast studios from Swede Alley. The City estimates PCCW's 45% share of the architecture consultant fees amounts to $59,391. The City shall promptly inform PCCW thereafter of any change to that estimate. The architecture consultant fee is due upon signing this Agreement.

2.3.2. All fees associated with PCCW's Engineer shall be PCCW's sole responsibility.

2.3.3. Construction of Specific Tenant Improvements requested by PCCW to Unit B. PCCW agrees to sole responsibility for additional construction costs for modifications to Unit B beyond the February 25, 2007 design (Exhibit 2), including but not limited to: general conditions, technical, mechanical and electrical upgrades, and building finishes. This cost is currently estimated at approximately $270,600 and shall be due upon execution of this Agreement. Should this amount increase or decrease upon final notice to proceed with the construction, PCCW will be responsible for the final amount identified by the contractor.

2.3.4. PCCW agrees to pay 33% of HOA fees for its tenant space and common area.

2.3.5. PCCW agrees to pay for all of its relocation costs.

2.3.6. If the REPC is not executed or closing on the REPC does not occur, the above additional costs incurred shall be paid by PCCW and the City may retain the reservation deposit or the earnest money deposit in to pay the balance of any such costs.

3. **Real Estate Purchase Contract.** The parties agree that the Unit B REPC will be executed within thirty (30) calendar days of the Shell Space Condominium Plat being recorded. A sample Real Estate Purchase Contract is attached as Exhibit 3. It is the intent of the Parties that this Agreement bind PCCW to purchase Unit B under the conditions stated herein from the City, and for the City to sell Unit B to PCCW. It is also the intent of the Parties that the terms of this Agreement shall remain in force independent of the REPC unless and until the Unit B REPC is signed..

4. **Other Conditions.**

4.1. PCCW agrees to provide residents and guests of Park City with public safety information, public service announcements and emergency information at minimum levels as established by PCCW's current Special Service Contract with the City.

4.2. City agrees to allow PCCW intellectual naming rights of Unit B– i.e. "Eccles KPCW Studios on Swede Alley" during on-air broadcasts or other correspondence; however, PCCW shall not have naming rights to the actual physical building.

4.3. The City agrees to make an easement available, at no additional cost, for land on the adjacent hillside and on China Bridge Parking Garage for PCCW to locate their satellite dish and telecommunications equipment provided the City approves the location. Such approval shall not be reasonably withheld.. PCCW is responsible for obtaining all permits and is responsible for all costs associated with the placement of said equipment including the pad, landscaping, screening, any other associated necessary mechanical infrastructure.

4.4. The City currently has a contract with Jacobsen Construction Company to build the Shell Space in accordance with state and local contract policies and procurement procedures. PCCW agrees to allow Jacobsen to complete their portion of the Shell Space and necessary plan amendments shall be processed as Change Orders as approved by the City.

4.5. The City will provide Capital and Construction Project Management. It will be the project manager's responsibility to ensure project completion on time and on budget. The project is tentatively scheduled to begin in August 2007 and be complete in May 2008. Provided PCCW is not forced to vacate the Marsac Building prior to occupancy of Unit B, no liquidated or other damages shall be due to PCCW if the project is delayed, and the City agrees that PCCW shall be required to vacate the Marsac Building three weeks after the Shell Space has reached substantial completion which is anticipated in the Spring of 2008.

4.6. PCCW will be subject to the Conditions, Covenants and Restrictions of the Swede Alley Condominiums ("CCRs"), and those CCRs shall be made available to PCCW for review prior to execution of the Real Estate Purchase Contract for Unit B.

5. **Subsequent Sale or Use of Unit**

5.1. PCCW agrees to execute and record at Closing the following instruments in a form approved by the City Attorney to restrict subsequent sale or use of the Unit B:

5.1.1. A deed restriction limiting use of Unit B to a Quasi-Public Use or Non-Profit Use otherwise approved by the City.

5.1.2. First right of refusal to the City at a price that does not exceed appreciation per year based upon the Consumer Price Index for the Western Region as calculated per year of PCCW's ownership of Unit B.

6. **<u>CUP Approval and Permits</u>.** A Conditional Use Permit (CUP) is required for the Radio Station Use. The City secured this permit on April 26, 2007. PCCW is responsible to any changes to the permit including pursuing applications for modification to the terms. See Exhibit C for the Conditions.

7. **<u>Approval by City Council.</u>** This Agreement is subject to approval by City Council following a public hearing. If this Agreement is not approved, this Agreement and the prior Letter of Intent dated February 2, 2007 shall be void.

8. **<u>Assignment</u>**. This Agreement is not assignable without the consent of the City.

9. **<u>Miscellaneous Provisions.</u>**

   9.1. **Interference with City Telecommunication Systems**. The City has extensive computer, radio and telecommunication systems in the Marsac Building, 445 Marsac Avenue. This electronic equipment may be sensitive to the electronic equipment installed by PCCW. PCCW agrees that it will so install its equipment that there is no interference with the City equipment. In the event interference occurs, PCCW will as quickly as is feasible discontinue use of its equipment until the cause of the interference can be determined and a solution found. If the City adds new equipment or changes its existing equipment, and interference occurs after the change, it is PCCW's responsibility to eliminate interference on these future installations.

   9.2. **<u>Captions</u>**. The headings and captions contained in this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope or intent of this Agreement nor of any provision herein contained.

   9.3. **<u>Time of Essence</u>**. Time is of the essence of this Agreement.

9.4. **Entire Agreement.** This Agreement contains the entire agreement of the parties with respect to the subject matter hereof and may only be amended in writing, signed by both Parties.

9.5. **Governing Law.** This Agreement will be governed by the laws of the State of Utah without reference to its choice of law provisions.

9.6. **Attorney Fees.** If a lawsuit is instituted by either of the parties with respect to this Agreement, the prevailing party will be entitled to recover from the other its reasonable attorney fees and all costs of litigation.

9.7. **Exhibits.** All exhibits hereto are expressly made a part hereof by this reference.

9.8. **Further Assurances.** In the event that additional documentation, consents or other action is required to carry into effect the intent of this Agreement, the parties agree that they will cooperate and provide any such further documentation or assurances as may reasonably be required.

9.9. **Termination.** The Parties may terminate this Agreement only upon the consent of both Parties, in writing.

9.10. **Notices**. Any notice or designation to be given hereunder shall be given by placing the notice or designation in the United States mail, certified or registered, properly stamped and addressed to the address shown below or such other address as the respective party may direct in writing to the other, or by personal delivery to such address by a party, or by a delivery service which documents delivery, and such notice or designation shall be deemed to be received upon such placing in the mails or upon such delivery:

To City: Park City Municipal Corporation
445 Marsac Avenue
P. O. Box 1480

Park City, Utah 84060-1480
Attn: City Attorney

To PCCW: Community Wireless of Park City, Inc.
P. O. Box 1372
Park City, Utah 84060
Attn: Board President

DATED AND ENTERED INTO as of the day and year first above written.

Exhibit 1 – Legal Description of China Bridge Parcel

Exhibit 2 – Plans for Shell Space Condominiums

Exhibit 3 – Sample REPC

Exhibit 4 – Conditional Use Permit Approval

EXHIBIT 1
Legal Description of China Bridge Parcel

A parcel located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Summit County, also located in the Amended Plat of Park City, on file and of record in the office of the Summit County Recorder, more particularly described as follows;

Beginning at a point which is North 89°58’40” West along the center section line, a distance of 715.93 feet, and South 00°00’00” East a distance of 703.97 feet from the East quarter corner of said Section 16 (a found iron pipe and brass cap), said point also being on the Southeasterly corner of the Plat Amendment and Subdivision for the Marsac Transit Center Replat, on file and of record in the Office of the Summit County Recorder, said point also being on the westerly right-of-way of Marsac Avenue, as shown on the said Amended Plat of Park City, said point being the true POINT OF BEGINNING; thence along said westerly right-of-way of Marsac Avenue, South 23°38'00" East, a distance of 724.57 feet; thence leaving said right-of-way South 66°28'46" West, a distance of 216.89 feet; thence North 21°29'15" West, a distance of 11.25 feet; thence North 23°31'08" West, a distance of 257.44 feet; thence North 23°18'23" West, a distance of 72.88 feet; thence North 23°25'34" West, a distance of 382.99 feet; thence North 66°34'00" East, a distance of 14.19 feet to the southwesterly corner of the said Marsac Transit Center Replat; thence along said Marsac Transit Center Replat southerly boundary North 66°34'00" East, a distance of 101.95 feet; thence continuing along said Marsac Transit Center Replat boundary North 66°22'00" East, a distance of 98.00 feet to the POINT OF BEGINNING. Containing 156,088 square feet or 3.583 acres, more or less.

EXHIBIT 2
Plans for the Shell Space Condominiums

EXHIBIT 3
Sample REPC

REAL ESTATE PURCHASE CONTRACT

This is a legally binding contract. Utah law regulates real estate licensees to use this form. Buyer and Seller, however, may agree to alter or delete the provisions or to use a different form. If you desire legal or tax advice, consult your attorney or tax advisor.

BUYER: ____

SELLER: **PARK CITY MUNICIPAL CORPORATION**, a municipal corporation and political subdivision of the State of Utah (the "City" or "Seller"), 445 Marsac Avenue, Post Office Box 1480, Park City, Utah 84060.

OFFER TO PURCHASE

1. **PROPERTY**: The subject property is located in the County of Summit, State of Utah, and described more specifically as follows:

(*Insert legal description*)

1.1 **Included Items**. Unless excluded herein , this sale includes the following items if presently attached to the Property: plumbing, heating, air conditioning fixtures and equipment; ceiling fans; water heater; built-in appliances; light fixtures and bulbs; bedroom fixtures; curtains, draperies and rods; window and door screens; storm doors and windows; window blinds; awnings; installed television antenna; satellite dishes and system; permanently affixed carpets; automatic garage door opener and accompanying transmitter(s); fencing; and trees and shrubs. The following items shall also be included in this sale and conveyed under separate Bill of Sale with warranties as to title:

1.2 **Excluded Items**. The following items are excluded from this sale:

1.3 **Water Rights**. The following water rights are included in this sale:

1.4 **Survey**. (Check applicable boxes):
A survey:
□ WILL
□ WILL NOT be prepared by a licensed surveyor.

The Survey Work will be:
□Property corners staked
□Boundary Survey
□Boundary & Improvements survey
□Other (specify) _________________.

Responsibility for payment:
□ Buyer
□Seller
□Buyer and Seller share equally.

Buyer's obligation to purchase under this Contract:
□IS
□IS NOT conditioned upon Buyer's approval of the Survey Work.
If yes, the terms of the attached Survey Addendum apply.

2. PURCHASE PRICE. The Purchase Price for the Property is $____________________.

2.1 Method of Payment. The Purchase Price will be paid as follows:

$________________ a. Earnest Money Deposit. Under certain conditions described in this Contract. **THIS DEPOSIT MAY BECOME TOTALLY NON-REFUNDABLE**.

$________________ b. New Loan, Buyer agrees to apply for a new loan as provided in Section 2.3. Buyer will apply for one or more of the following loans:
□**CONVENTIONAL** □**FHA** □**VA** □**OTHER** (specify):
____
If an FHA/VA loan applies, see attached FHA/VA Loan Addendum.
If the loan is to include any particular terms, then check below and give details:
SPECIFIC LOAN TERMS:

$________________ c. Loan Assumption (see attached Assumption Addendum if applicable)

$________________ d. Seller Financing (see attached Seller Financing Addendum if applicable)

$________________ e. Other (specify)____

$________________ f. Balance of Purchase Price In Cash at Settlement

$________________ **PURCHASE PRICE (total of a. through f.)**

2.2 Financing Condition. (check applicable box)
a. Buyer's obligation to purchase the Property IS conditioned upon Buyer qualifying for the applicable loan(s) referenced in Section 2.1 (b) or (c) "the "Loan(s)). This condition is referred to as the Financing Condition".
b. Buyer's obligation to purchase the Property IS NOT conditioned upon Buyer qualifying for a loan. Section 2.3 does not apply.

2.3 Application for Loan.
a. **Buyer's Duties**. No later than the Application Deadline referenced in Section 24(a), Buyer shall apply for the Loan. Loan Application occurs <u>only</u> when Buyer has:
(i) completed, signed, and delivered to the lender (the "Lender") the initial loan application and documentation required by the Lender; and
(ii) paid all loan application fees as required by the Lender. Buyer agrees to diligently work to obtain the Loan. Buyer will promptly provide the Lender with any additional documentation as required by the Lender.

b. **Procedure If Loan Application Is Denied**. If Buyer receives written notice from the Lender that the Lender does not approve the Loan (a "Loan Denial"), Buyer shall, no later than three calendar days thereafter, provide a copy to Seller. Buyer or Seller may, within three (3) calendar days after Seller's receipt of such notice cancel this Contract by providing written notice to the other party.
In the event of a cancellation under this Section 2.3(b):

(i) If the Loan Denial was received by Buyer on or before the _______ day of __________________, 200__, the Earnest Money Deposit shall be returned to Buyer;

(ii) If the Loan Denial was received by Buyer after that date, Buyer agrees to forfeit, and Seller agrees to accept as Seller's exclusive remedy, the Earnest Money as liquidated damages. A failure to cancel as provided in this Section 2.3(b) shall have no effect on the Financing Condition set forth in Section 2.2(a). Cancellation pursuant to the provisions of any other section of this Contract shall be governed by such other provisions.

2.4 Appraisal of Property. Buyer's obligation to purchase the Property ☐ **IS** ☐ **IS NOT** conditioned upon the Property appraising for not less than the Purchase Price. If the appraisal condition applies and the Property appraises for less than the Purchase Price, Buyer may cancel this Contract by providing written notice to Seller no later than three (3) calendar days after Buyers receipt of notice of the appraised value. In the event of such cancellation, the Earnest Money Deposit shall be released to Buyer. A failure to cancel as provided in this Section 2.4 shall be deemed a waiver of the appraisal condition by Buyer.

3. SETTLEMENT AND CLOSING. Settlement shall take place on the Settlement Deadline referenced in Section 24(d), or on a date upon which Buyer and Seller agree in writing. "Settlement" shall occur only when all of the following have been completed:

a. Buyer and Seller have signed and delivered to each other or to the escrow closing office all documents required by this Contract, by the Lender, by written escrow Instructions or by applicable law;

b. any monies required to be paid by Buyer under these documents, except for the proceeds of any new loan, have been delivered by Buyer to Seller or to the escrow closing office in the form of collected or cleared funds; and

c. any monies required to be paid by Seller under these documents have been delivered by Seller to Buyer or to the escrow/closing office in the form of collected or cleared funds.

Seller and Buyer shall each pay one-half (2) of the fee charged by the escrow/closing office
for its services in the settlement/closing process. Taxes and assessments for the current year, rent, and interest on assumed obligations shall be prorated at settlement as set forth in this Section. Tenant deposits, including, but not limited to, security deposits, cleaning deposits,and prepaid rents, shall be paid or credited by Seller to Buyer at Settlement. Prorations setforth in this Section shall be made as of the Settlement Deadline date referenced in Section 24(d), unless otherwise agreed to in writing by the parties. Such writing could include the settlement statement. The transaction will be considered closed when Settlement has beencompleted, and when all of the following have been completed:

(i) the proceeds of any new loan have been delivered by the Lender to Seller or to the escrow/closing office; and

(ii) the applicable Closing documents have been recorded in the office of the county recorder. The actions described in parts (i) and (ii) of the preceding sentence shall be completed within four (4) calendar days of Settlement.

4. POSSESSION. Seller shall deliver physical possession to Buyer within: hours ____________ days after Closing; Other (specify).

5. **CONFIRMATION OF AGENCY DISCLOSURE**. At the signing of this Contract:

Seller's Initials Buyer's Initials

a. The Listing Agent, __________________________, represents Seller Buyer both Buyer and Seller as a Limited Agent; or
b. The Selling Agent, __________________________, represents Seller Buyer both Buyer and Seller as a Limited Agent; or
c. The Listing Broker, __________________________, represents Seller Buyer both Buyer and Seller as a Limited Agent; or
d. The Selling Broker, __________________________, represents Seller Buyer both Buyer and Seller as a Limited Agent.

6. **TITLE INSURANCE**. At Settlement, Seller agrees to pay for a standard-coverage owner=s policy of title insurance insuring Buyer in the amount of the Purchase Price.

7. **SELLER DISCLOSURES**. No later than the Seller Disclosure Deadline referenced in Section 24(b), Seller shall provide to Buyer the following documents which are collectively referred to as the "Seller Disclosures":
a. a Seller property condition disclosure for the Property, signed and dated by Seller;
b. a commitment for the policy of title insurance;
c. a copy of any leases affecting the Property not expiring prior to Closing;
d. written notice of any claims and/or conditions known to Seller relating to environmental problems and building or zoning code violations; and
e. Other (specify)

8. **BUYER'S RIGHT TO CANCEL BASED ON EVALUATIONS AND INSPECTIONS**. Buyer's obligation to purchase under this Contract (check applicable boxes):

IS **IS NOT** conditioned upon Buyer's approval of the content of all the Seller Disclosures referenced in Section 7;

IS **IS NOT** conditioned upon Buyer's approval of a physical condition inspection of the Property;

IS **IS NOT** conditioned upon Buyer's approval of the following tests and evaluations of the Property (specify):

If any of the above items are checked in the affirmative, then Sections 8.1, 8.2, 8.3, and 8.4 apply; otherwise, they do not apply. The items checked in the affirmative above are collectively referred to as the "Evaluations & Inspections." Unless otherwise provided in this Contract, the Evaluations & Inspections shall be paid for by Buyer and shall be conducted by individuals or entities of Buyer's choice. Seller agrees to cooperate with the Evaluations and Inspections and with the walk-through Inspection under Section 11.

8.1 **Evaluations & Inspections Deadline**. No later than the Evaluations & Inspections Deadline referenced in Section 24(c) Buyer shall: (a) complete all Evaluations & Inspections; and (b) determine if the Evaluations & Inspections are acceptable to Buyer.

8.2 **Right to Cancel or Object**. If Buyer determines that the Evaluations and Inspections are unacceptable, Buyer may no later than the Evaluations & Inspection Deadline, either:

a. cancel this Contract by providing written notice to Seller, whereupon the Earnest Money Deposit shall be released to Buyer; or
b. provide Seller with written notice of objections.

8.3 **Failure to Respond**. If by the expiration of the Evaluations & Inspections Deadline, Buyer does not:
a. cancel this Contract as provide in Section 8.2; or
b. deliver a written objection to Seller regarding the Evaluations & Inspections, the Evaluations & Inspections shall be deemed approved by Buyer.

8.4 **Response by Seller**. If Buyer provides written objections to Seller, Buyer and Seller shall have seven (7) calendar days after Seller's receipt of Buyer's objections (the "Response Period") in which to agree in writing upon the manner of resolving Buyer's objections. Seller may, but shall not be required to, resolve Buyer's objections. If Buyer and Seller have not agreed in writing upon the manner of resolving Buyer's objections, Buyer may cancel this Contract by providing written notice to Seller no later than three (3) calendar days after expiration of the Response Period, whereupon the Earnest Money Deposit shall be released to Buyer, if this Contract is not canceled by Buyer under this Section 8.4. Buyer's objections shall be deemed waived by Buyer. This waiver shall not affect those items warranted in Section 10.

9. **ADDITIONAL TERMS**. There **ARE** **ARE NOT** addenda to this Contract containing additional terms. If there are, the terms of the following addenda are incorporated into this Contract by this reference:

Addendum No. _______
Survey Addendum
Seller Financing Addendum
FHA/VA Loan Addendum
Assumption Addendum
Lead-Based Paint Addendum (in some transactions this addendum is required by law) Other (specify):

10. **SELLER WARRANTIES & REPRESENTATIONS**.

10.1 **Condition of Title**. Seller represents that Seller has fee title to the Property and will convey good and marketable title to Buyer as Closing by general warranty deed, unless the sale is being made pursuant to a real estate contract which provides for title to pass at a later date. In that case, title will be conveyed in accordance with the provisions of that contract. Buyer agrees, however, to accept title to the Property subject to the following matters of record: easements, deed restrictions, CC&R's, meaning covenants, conditions and restrictions, and rights-of-way; and subject to the contents of the Commitment for Title Insurance as agreed to by Buyer under Section 8. Buyer also agrees to take the Property subject to existing leases affecting the Property and not expiring prior to Closing. Buyer agrees to be responsible for taxes, assessments, homeowners association dues, utilities, and other services provided to the Property after Closing. Except for any loan(s) specifically assumed by Buyer under Section 2.1(c), Seller will cause to be paid off by closing all mortgages, trust deeds, judgments, mechanic's liens, tax liens and warrants. Seller will cause to be paid current by Closing all assessments and homeowners association dues.

10.2 Condition of Property. Seller warrants that the Property will be in the following condition **ON THE DATE SELLER DELIVERS PHYSICAL POSSESSION TO BUYER**:

a. the Property shall be broom-clean and free of debris and personal belongings. Any
Seller or tenant moving-related damage to the Property shall be repaired at Seller's expense;

b. the heating, cooling, electrical, plumbing and sprinkler systems and fixtures, and the
appliances and fireplaces will be in working order and fit for their intended purposes;

c. the roof and foundation shall be free of leaks known to Seller;

d. any private well or septic tank serving the Property shall have applicable permits, and
shall be in working order and fit for its intended purpose; and

e. the Property and improvements, including the landscaping, will be in the same general condition as they were on the date of Acceptance.

11. WALK-THROUGH INSPECTION. Before Settlement, Buyer may, upon reasonable notice and at a reasonable time, conduct a "walk-through" inspection of the Property to determine only that the Property is "as represented," meaning that the terms referenced in Sections 1.1, 8.4 and 10.2 ("the items") are respectively present, repaired/changed as agreed, and in the warranted condition. If the items are not as represented, Seller will, prior to Settlement, replace, correct or repair the items or, with the consent of Buyer (and Lender if applicable), escrow an amount at Settlement to provide for the same. The failure to conduct a walk-through inspection, or to claim that an item is not as represented, shall not constitute a waiver by Buyer of the right to receive, on the date of possession, the items as represented.

12. CHANGES DURING TRANSACTION. Seller agrees that from the date of Acceptance until the date of Closing, none of the following shall occur without the prior written consent of Buyer:

(a) no changes in an existing lease shall be made;

(b) no new leases shall be entered into;

(c) no substantial alterations or improvements to the Property shall be made or undertaken; and

(d) no further financial encumbrances to the Property shall be made.

13. AUTHORITY OF SIGNERS. If Buyer or Seller is a corporation, partnership, trust, estate, limited liability company, or other entity, the person executing this Contract on its behalf warrants his or her authority to do so and to bind Buyer and Seller.

14. COMPLETE CONTRACT. This Contract together with its addenda, any attached exhibits, and Seller Disclosures, constitutes the entire Contract between the parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings or contracts between the parties.

15. DISPUTE RESOLUTION. The parties agree that any dispute, arising prior to or after Closing, related to this Contract shall may, upon mutual agreement of the parties, first be submitted to mediation. If the parties agree to mediation, the dispute shall be submitted to mediation through a mediation provider mutually agreed upon by the parties. Each party agrees to bear its own costs of mediation. If mediation fails, the other procedures and remedies available under this Contract shall apply. Nothing in this

Section 15 shall prohibit any party from seeking emergency equitable relief pending mediation.

16. **DEFAULT**. If Buyer defaults, Seller may elect either to retain the Ernest Money Deposit as liquidated damages, or to return it and sue Buyer to specifically enforce this Contract or pursue other remedies available at law. If Seller defaults, in addition to return of the Ernest Money Deposit, Buyer may elect either to accept from Seller a sum equal to the Ernest Money Deposit as liquidated damages, or may sue Seller to specifically enforce this Contract or pursue other remedies available at law. If Buyer elects to accept liquidated damages, Seller agrees to pay the liquidated damages to Buyer upon demand. It is agreed that denial of a Loan Application made by the Buyer is not a default and is governed by Section 2.3(b).

17. **ATTORNEY FEES AND COSTS**. In the vent of litigation or binding arbitration to enforce this Contract, the prevailing party shall be entitled to costs and reasonable attorney fees. However, attorney fees shall not be rewarded for participation in mediation under Section 15.

18. **NOTICES**. Except as provided in Section 23, all notices required under this Contract must be:

a. in writing;

b. signed by the party giving notice; and

c. received by the other party or the other party's agent no later than the applicable date referenced in this Contract.

19. **ABROGATION**. Except of the provisions of Sections 10.1, 10.2, 15 and 17 and express warranties made in this Contract, the provisions of this Contract shall not apply after Closing.

20. **RISK OF LOSS**. All risk of loss to the Property, including physical damage or destruction to the Property or its improvements due to any cause except ordinary wear and tear and loss caused by a taking in eminent domain, shall be borne by Seller until the transaction is closed.

21. **TIME IS OF THE ESSENCE**. Time is of the essence regarding the dates set forth in this Contract. Extensions must be agreed to in writing by all parties. Unless otherwise explicitly stated in this Contract:

a. performance under each Section of this Contract which references a date shall absolutely re required by 5:00 P.M. Mountain Time on the stated date; and

b. the term "days" shall mean calendar days and shall be counted beginning on the day following the event which triggers the timing requirement, i.e., Acceptance, receipt of the Seller Disclosures, etc. Performance dates and times reference herein shall not be binding upon title companies, lenders, appraisers and others not parties to this Contract, except as so otherwise agreed to in writing by such non-party.

22. **FAX TRANSMISSION AND COUNTERPARTS**. Facsimile (fax) transmission of a signed copy of this Contract, any addenda and counteroffers, and the retransmission of any signed fax shall be the same as delivery of an original. This contract and any addenda and counteroffers may be executed in counterparts.

23. **ACCEPTANCE**. "Acceptance" occurs when Seller or Buyer, responding to an offer or counteroffer of the other:

a. signs the offer or counteroffer where noted to indicated acceptance; and

b. communicates to the other party or to the other party's agent that the offer or counteroffer has been signed as required.

24. **CONTRACT DEADLINES**. Buyer and Seller agree that the following deadlines shall apply to this Contract:

a. Application Deadline ____________________ (Date)

b. Seller Disclosure Deadline ____________________ (Date)

c. Evaluations & Inspections Deadline ____________________ (Date)

d. Settlement Deadline ____________________ (Date)

25. **OFFER AND TIME FOR ACCEPTANCE**. Buyer offers to purchase the Property on the above terms and conditions. If Seller does not accept this offer by: __________ A.M. P.M. Mountain Time on ________________________ (Date) this offer shall lapse, and the Brokerage shall return the Ernest Money Deposit to Buyer.

BUYER'S SIGNATURE ____________________________ Date _____________ Time______

____

(Buyers Names) - Please Print (Notice Address) (Phone)

THE LATER OF THE ABOVE OFFER DATES SHALL BE REFERRED TO AS THE "OFFER REFERENCE DATE."

ACCEPTANCE / COUNTEROFFER / REJECTION

CHECK ONE:

ACCEPTANCE OF OFFER TO PURCHASE: Seller Accepts the foregoing offer on terms and conditions specified above.

COUNTEROFFER: Seller presents for Buyer's Acceptance the terms of Buyer's offer subject to the exceptions or modifications as specified in the attached **Addendum No.___**.

SELLER'S SIGNATURE _________________________ Date _____________ Time ________

____

(Sellers' Names) - Please Print (Notice Address) (Phone)

REJECTION: Seller Rejects the foregoing offer.

SELLER'S SIGNATURE ________________________ Date ____________ Time ________

____

(Sellers' Names) - Please Print (Notice Address)
(Phone)

* * * * * * * * * * * * *

Document Receipt

State law requires Broker to furnish Buyer and Seller copies of this Contract bearing all signatures. (***Fill in applicable section below.***)

A. **I acknowledge receipt** of a final copy of the foregoing Contract bearing all signatures:

BUYER'S SIGNATURE _________________________ Date _____________ Time ________

SELLER'S SIGNATURE ________________________ Date ____________ Time ________

B. **I personally** caused a final copy of the foregoing Contract bearing all signatures to be faxed mailed hand-delivered on ____________________ (Date), postage prepaid, to the Seller Buyer.

Sent/Delivered by (specify)

____

Exhibit 4
Conditional Use Permit Approval

On April 25, 2007, the Park City Planning Commission approved a Conditional Use Permit for a one and two story retail and public/quasi public use building adjacent to the new China Bridge parking structure. The Conditional Use Permit application is a request for a liquor store, a radio station and offices, and 950 square footage of retail and general commercial use based upon the following Findings of Fact, Conclusions of Law and Conditions of Approval.

<u>Findings of Fact</u>

1. During the spring 2003 City Budget review, City Council initiated a Downtown Task Force to review capital project needs in the downtown area.
2. These Downtown Task Force findings and recommendations were approved by the City Council during the November 20, 2003 City Council Meeting.
3. During the spring 2004 City Budget Review, funding was allocated for three major downtown capital improvements: a town plaza; an expansion of the China Bridge parking structure; and a seismic upgrade/remodel of the Marsac City Hall building.
4. The proposed shell space building was originally contemplated to be part of the new China Bridge parking structure construction. Design and processing of the shell space was postponed due to uncertainty regarding the use of the structure.
5. The proposed building is located on a portion of the 3.6 acre city-owned Parking Structure Subdivision approved by City Council on March 24, 2005. The applicant (the City) funded the additional 298 parking spaces, over what existed prior to construction of the new China Bridge parking structure. The parking garage was constructed as phase one of the downtown action plan and the proposed building is located on the same lot as the existing parking structure. The Shell space is a part of the Council approved Down Town Action Plan, which also approved the parking spaces in the parking garage. Council approved construction and funding of the Parking Structure.
6. The property is located within the Public Use Transitional (PUT) District.
7. The subject property is located directly north of new China Bridge parking structure on Swede Alley. This area currently functions as surface parking. This area was contemplated to be a retail space with approval of the Parking Structure CUP.
8. The proposed 4,535 square foot building has a footprint of approximately 2,800 sf. The Conditional Use permit requests 2,535 sf of retail uses and 2,000 sf of public/quasi public uses.
9. The maximum height of the building is 26’4”. The building consists of one and two story elements and is well articulated, meeting the LMC requirements for façade shifts and variation. The structure meets the height requirements of the PUT District.
10. The proposed structure meets all setback requirements of the PUT District. (Zero feet are required).
11. The building is proposed to be located adjacent to the north wall of the new China Bridge parking structure. A portion of the retail space has been identified for a Utah State Liquor Store. The public/quasi public space has been identified as a radio station/office space. A specific use for the remaining 950 sf of general service commercial and retail space has not been determined.
12. Commercial retail and service uses, liquor stores, and public and quasi-public uses require a Conditional Use Permit in the PUT District.
13. The proposed structure has access to all necessary utilities.
14. The historic pedestrian connection from Marsac Avenue to Swede Alley will not be impacted by the building. Completion of the pedestrian staircase along the northern wall of the new parking structure is proposed as part of this CUP. A sidewalk will be

constructed as part of this project on the west side of Swede Alley between 4th and 5th Streets.

15. The structure will be required to provide a fire suppression system to meet requirements of the International Building code.
16. The proposed uses require 14 spaces and the project will displace approximately 3 existing surface spaces. Parking for these uses was anticipated, during review of the Parking Structure CUP and Subdivision plat, to occur within the Parking Structure which shares the lot. Parking for the proposed use, is provided in the China Bridge Parking structure, located on the same lot as the proposed building.
17. There are parking overlaps due to 1) the location of the proposed uses in the downtown core business district, 2) convenient pedestrian connections exist between the businesses and between parking and businesses, 3) the existing free Main Street Trolley system which reduces the need to re-park, and 4) the hours of operation and different peak hours between the proposed uses and Main Street businesses.
18. The proposed building has both one and two story elements, is well articulated, reduces the visual impacts of the north wall of the parking structure, and provides architectural compatibility with surrounding structures in terms of physical design, mass, scale and style, and architectural detailing. The proposed building has elements of design that reflect both the larger parking garage structures to the south, the detailing of the transit center to the north, and the detailing of historic and contemporary retail spaces fronting (and backing) onto Swede Alley. The lower facades are proposed to be a board formed concrete, a style utilized with the new China Bridge Parking structure. A fiber cement siding material is proposed for the upper elevations (material samples and colors will be provided at the meeting for Commission review). Timber fascia, posts with a galvanized column base, and canopy elements are proposed. Galvanized staircases are consistent with the existing parking structure.
19. The roof over the one story element is proposed to be a pavers system to be used as a public plaza. The roof over the two story element is proposed to be a landscaped roof.
20. No minimum open space is required in the PUT District.
21. The general architectural intent is consistent with the Park City Architectural Design Guidelines.
22. The location of the proposed development is within the City's Soils District. Detailed geotechnical testing has revealed that several spots on the site have elevated levels of certain materials. Under the City's existing agreement with the EPA and Utah DEQ, a voluntary clean up program via an approved Soils Management Plan has been instituted. The Plan includes a section on excavated soils management as well as a storm water control component, and shall be submitted as approved with the project's construction mitigation plan.

Conclusions of Law

1. The CUP, as conditioned, is consistent with the Park City Downtown Action Plan and the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass, and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of approval

1. All standard conditions of approval apply to this CUP.

2. All exterior lighting, including building, plaza, and landscape lighting, shall comply with all applicable Land Management Code requirements.
3. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
4. Final site plan and architectural elevations consistent with the LMC and the plans, elevations, cross sections, and details reviewed and approved by the Planning Commission at the April 25, 2007 meeting, shall be reviewed and approved by the City, as a condition precedent to issuance of a footing and foundation permit. The Planning Staff shall review all revisions. If such revisions are of a substantial nature, the plans will be presented to the Planning Commission for review.
5. The City Engineer shall review and approve all associated utility, public improvements, grading and drainage plans for compliance with the LMC and City standards as a condition precedent to issuance of full building permit. The final utility plans shall be consistent with preliminary utility plans on file with the City and shall be approved by the City Engineer and Park City Building Official and Fire Marshall. Any substantive changes to the existing plan will remand the project back to the Planning Commission for review.
6. Mechanical vents shall be shown on the building plans and shall be painted, hidden with architectural features, located and/or landscaped to mitigate negative impacts on the architectural intent of the buildings and such that noise, vibration, odors, steam, and impacts on the neighboring properties are minimized to the greatest degree possible, as indicated on the plans submitted with the CUP.
7. A final sign plan and individual sign permits are required prior to installing any signs on the site. Temporary construction signs will be allowed as part of the Construction Mitigation Plan.
8. A Construction Mitigation Plan is required as a condition precedent to issuance of any building permit. The plan shall be in substantial conformance with the plans reviewed by the Planning Commission on April 25, 2007.
9. The Soils Management Plan established for the new China Bridge structure will apply to this site.
10. If the radio station needs to relocate their satellite dish it shall be located to the east of the Marsac Building, on the hillside below the police parking spaces closest to the Marsac Building. If it is relocated, the dish shall be adequately screened prior to issuance of a final certificate of occupancy.
11. Timing and location of delivery of goods and services shall be coordinated to occur during off-peak traffic times, or otherwise coordinated with the City to prevent conflicts with pedestrian and vehicular traffic, such as during special events.
12. Additional parking or fees in lieu may be required, if the anticipated uses change to a more intensive use requiring a higher parking demand.

City Council
Staff Report

Subject: Review and Approval of Meeting Minutes
Author: Janet Scott, City Recorder
Department: City Manager
Date: November 1, 2007
Type of Item: Administrative

I inadvertently omitted minutes from packets the past couple of meetings. As a result, three sets of minutes are scheduled for review and approval on the agenda this week; I regret any inconvenience this oversight may cause.

Excerpts from the September 20, 2007 minutes regarding 255 Ridge were included as an exhibit in a previous packet, so those may seem familiar to members.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 20, 2007

Present: **Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Patrick Putt, Planning Director; Ken Fisher, Recreation Manager; Matt Twombly, Project Manager

Dave Nicholas, IBI Group

Absent: **Council member Marianne Cone**

1. Council questions/comments. Candace Erickson updated members on projects and events conducted by the Friends of the Farm. Joe Kernan spoke about CTAC exploring new measures and benchmarks in formulating goals. Roger Harlan reported on School Board business and the Leadership Program selection process and Jim Hier commented on the use the optical scan ballots and the canvass for the Primary Election. Mayor Williams reported on the Coalition of Governments meeting during the week and asked if Council is comfortable with sharing the solid waste study with the Mayors of Summit County, acknowledging that it is being funded by Summit County and PCMC. Jim Hier stated that he has no objection with sharing the information but felt the coalition should respond in writing. The City Manager interjected that a joint meeting with the County, SBWRD and the City on the solid waste study is contemplated in late October. Candace Erickson emphasized that she is amenable to distributing the report to the group, but not if the review causes delays. The project should remain on track. Roger Harlan and Joe Kernan agreed.

Patrick Putt invited members to attend the Historic District charette on Monday scheduled at 5 p.m. to 6:30 p.m. which will be presented as an interactive exercise with the public. The Mayor spoke about meeting with contractors concerned with the challenges of installing solar applications in Old Town.

2. Old Town Neighborhood Park – 130 Grant Avenue. Ken Fisher referred to his staff report and explained the development of a master plan for neighborhood parks and the passive design contemplated for this parcel. He introduced Dave Nicholas, IBI Group, who facilitated the master plan and developed the park at the Racquet Club as well as the new park and in Prospector and redevelopment of the Prospector Park. The master plan was presented to the public in May and at all four neighborhood barbecues where feed back was very positive.

Consultant Dave Nicholas referred to the guiding principles formulated for neighborhood parks and the emphasis of enhancing the natural assets of this parcel. He discussed a circulation plan from Swede Alley and the suggestion of adding a bench on Hillside

Avenue to view the park from above. Jim Hier felt that the $450,000 estimate seems high, especially since there are no buildings. Mr. Fisher explained that there are a number of unknowns and more cost information will be available when the construction document is complete. A construction contract is not scheduled tonight. For the benefit of Roger Harlan, Mr. Twombly explained the status of moving and refurbishing the historic Tallon House and removing a dilapidated shed in the area, as part of the Wisknewski property project. Candace Erickson explained that as the Council liaison to RAB, she has had opportunities to become more familiar with the details of the design and Mr. Nicholas described the plan through illustration of a rendering. Mayor Williams encouraged using drought tolerant plantings and Patrick Putt ensured him that staff will work with the consultant on sustainabilitly features.

3. Review of regular meeting. Council members had no questions or comments on agenda items.

4. Public input – public safety. Brad Burrill, Oakley resident, relayed that he prefers to comment now rather than waiting for the regular meeting. He briefly commented on his concern of the operation of illegal power stations and their impacts on public safety. He submitted written comments to the City Recorder for the record.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 20, 2007

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, September 20, 2007. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Marianne Cone was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ray Milliner, Planner; Brooks Robinson, Planner; and Kent Cashel, Assistant Public Works Director.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed his company's recycling contract with Royal Street and Talisker Corp.

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

1. Walkability challenge - Puggy Holmgren, resident, stated that she filled up her gas tank in December 2006 and refilled it for the first time this week. She encouraged Council members to support walkability projects so that people use less gas.

2. Microwave towers – Mayor Williams referred to input rendered by Mr. Burrill during work session.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 30, 2007

Jim Hier, "I move we approve the work session notes and minutes of the meeting of August 30th". Joe Kernan seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

V CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

Roger Harlan, "I move to approve Consent Agenda Items 1, 2 and 3". Candace Erickson seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

1. Appointment of Puggy Holmgren and Jeanne Davison to the Public Art Advisory Board for two-year terms expiring July 2009 – Staff recommends approval.

2. Resolution approving the Utah 9-11 Grant Special Billing Agreement between Park City Municipal Corporation and the State of Utah's Department of Public Safety, 9-1-1 Committee and authorizing acceptance of grant funds – See staff report.

3. Authorization to the Mayor to execute a Vacation of Easement for Deer Valley Resort, in a form approved by the City Attorney – See staff report.

VI OLD BUSINESS *(items previously discussed and continued for consideration)*

1. Consideration of an Ordinance approving a Condominium Conversion for Pod B1 in Empire Pass, Nakoma Condominiums – Planner Brooks Robinson explained that this is the second stage of the project containing 18 condominium units. He made a change to the wording of Conditional of Approval No. 4, ensuring that unit equivalents are consistent with the Flagstaff Development Agreement. City Attorney Mark Harrington explained that Planning Commissioner Jack Thomas disclosed an interest in the project and excused himself from deliberating and voting. Jim Hier asked about the status of the production of affordable housing and Mr. Robinson explained that staff has been talking to Talisker about its outstanding obligations. If the housing is not provided as specified, certificates of occupancy for buildings coming on line will not be issued. The Mayor opened the public hearing, and with no comments from the audience closed the hearing. Joe Kernan, "I move we approve the condominium conversion for Pod B1 in Empire Pass, Nakoma Condominiums". Roger Harlan seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

2. Consideration of an Ordinance approving the 8200 Royal Street East record of survey amendment – Planner Ray Milliner explained that the City Council reviewed this item and expressed a number of concerns dealing with awareness of the accessory building planned on the property and remanded it to the Planning Commission for consideration. On August 22, the Commission forwarded a positive recommendation to Council as conditioned by the ordinance.

Brent Glissmeyer, representing Stag Lodge, explained that they met with the neighbors and an agreement is in place memorializing the terms of the project. The structure was moved and landscaping enhanced. He felt that the concessions made on Stag Lodge's behalf were significant but he was pleased to arrive at mutually agreeable terms and move ahead. Candace Erickson thanked Mr. Glissmeyer and felt they went well beyond what was expected and she thanked Mr. Milliner on his well written staff report. The Mayor agreed and opened the public hearing. There was no public input.

Jim Hier, "<u>I move we adopt the amended record of survey map for the Stag Lodge common area and approve it based on the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance</u>". Candace Erickson seconded. <u>Motion carried</u>.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

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

1. <u>Consideration of the Short Range Transit Development Plan Draft</u> – Kent Cashel explained that in June 2006, the City Council authorized a study with LSC Consultants who conducted the previous two short range transit plans. He thanked Council members Roger Harlan and Jim Hier for participating in the process. The draft is a seven year management, operations, and capital plan for transit development. Considerations include management, recruitment, retention of staff, and expansion of transit services, equipment and facilities. The financial model evaluates revenue sources to offset the expense of implementing plan elements and adoption of a transit development plan is a requirement of the Federal Transit Administration in qualifying for funding. Projects in 2008 include a new recruitment and retention team position to secure staffing needed for seasonal service. The free bus system will be better marketed and Mr. Cashel explained the new routing for Pinebrook and the bus plan for The Canyons. In 2009, a Kamas commuter service will be implemented in the morning and evening; there will be a nominal charge because of the distance. A fixed route service to Quinns will be established and advanced passenger technology implemented for the purpose of tracking vehicles in real time. The construction of the maintenance facility is also planned in 2009 as well as improving bus stop, bicycle and pedestrian connections and marketing enhancements.

Mr. Cashel continued to explain that in 2010, the Montage Hotel shuttle will begin. In 2011, the Snyderville shuttle route and other express services will be interconnected and signalization equipment along SR224 for buses will be installed. For the remaining years until 2014, dispatchers will be hired, and potentially the second phase of the maintenance center will occur. In 2014 the County is planning significant improvements at The Canyons and a dial-a-ride will be implemented in Jeremy Ranch. Kent Cashel discussed fairly sharing costs will the County where an agreement has been reached to proportionally share in costs. The private transportation sector in town is strong and remains a good link to Salt Lake City. He recommended holding a public hearing tonight and taking public input which can be considered before adopting a plan by resolution on October 4. Mayor Williams asked if there are plans to modify SR248 with to accommodate high occupancy vehicle lanes especially in consideration of promoting shuttles and Mr. Cashel believed UDOT would be amenable to discuss modifying the landscaped median to create more space. He felt the next step would be to collect more data. Dana Williams felt it important to talk with Wasatch County about commuter programs and suggested that a statement about working with Wasatch County be included in the plan. Mr. Cashel pointed out that the commuter service last year to Heber will probably continue this year. The distances from Kamas and Heber City are about the same, but Kamas may be a little easier to implement because transit can be easily centralized and it is located in Summit County. Although Heber is larger than Kamas, Park City draws as many employees from Kamas. Mr. Hier emphasized the importance that Wasatch County recognize the need for efficiently moving employees and to participate in those costs. It is appropriate to begin a service in Kamas. Joe Kernan referred to the proposed $3 commuter fare and Kent Cashel explained that the fee is typically set at 20% of operating costs. In some instances, employers cover subscriber costs which provides another revenue stream.

The Mayor opened the public hearing and with no comments from the audience, requested a motion to continue the hearing to October 4, 2007. Roger Harlan, "<u>I so move</u>". Candace Erickson seconded. <u>Motion carried</u>.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

2. <u>Consideration of the recommendation to deny a plat amendment for 255 Ridge Avenue, King Ridge Estates</u> – Brooks Robinson explained that the project comes to the Council with a negative recommendation from the Planning Commission. A complete application was received by the City in October 2006. Geotechnical reports, utility plans, etc. were subsequently requested by staff. The proposal is to combine a number of Old Town lots into three lots of record; lots are proposed at 5,902, 5,898 and 7,208 square feet with a dedicated portion of the road to the City containing 2,100 square feet. Ridge Road was not built in its platted right-of-way and crosses a number of parcels, including 255 Ridge. The Planning Commission reviewed the application on February 14, March 14, April 25, July 11 and July 25, 2007 and conducted a field trip on February 28 with the interested public. He explained that at the April meeting, the Commission requested more information regarding access as it was proposed to use the platted but unbuilt Ridge Avenue right-of-way for a private driveway which required a conditional use permit review. Mr. Robinson stated that the staff recommended approval of the plat

amendment, acknowledging the necessity of a steep slope CUP review and the Historic Preservation Board review. The Commission found that access provided by the driveway was not compatible with the Historic District residential neighborhood and the retaining wall on the ridge required for the driveway was unlike anything in the Historic District, except for the retaining wall for the Marsac Building which is a larger scale. He clarified that the building site is not visible from any vantage points enumerated in the Land Management Code. He spoke about adjacent developments with house size limitations which were not negotiated as part of this project.

Sean Marquardt, representing King Ridge Estates, through illustration of a PowerPoint presentation, pointed out that in a 1920s photograph, there were multiple homes along Ridge Avenue. He spoke about the ownership of the property and there is no history of anyone applying to the City for development of the parcels. The intention of the plat amendment is to redevelop 13 platted lots and dedicating 2,110 square feet to the City where Ridge Avenue crosses an unplatted section. He stated that the lots and homes will be similar in size to surrounding neighbors and will contribute to the historic core. The proposed footprints are 2,117, 2,118 and 2,404 square feet while footprints approved in the area range from 1,950 to 3,400 square feet. The two–tiered retaining wall is proposed at 11 feet at the tallest point and he displayed examples of retaining walls in the City which are much more intrusive. He described the varying widths of Ridge Road and the likely flow of traffic and added that the placement of the lots and access has been approved by the City Engineer as compliant with the LMC.

Mr. Marquardt displayed a schematic of the utility plan and pointed out a 30 foot easement which will act as a buffer for the Daly neighborhood. IGES Engineering prepared geotechnical analyses reviewed by the City Engineer and Chief Building Official. The April 25 staff report acknowledges that there are no unsuitable land conditions or potential adverse impacts to the City, to the general welfare of future lot owners in the subdivision and/or to the community at large. The traffic study was completed in December 2006 which concluded that three primary residences would generate 30 trips per day with the majority of traffic flowing to King Road; by comparison Hillside Avenue accommodates 230 trips per day. Mr. Marquardt stated that he measured the width of asphalt (not including curbs) of many Old Town streets. Prospect Avenue is 10 feet, Hillside Avenue is 14’6” wide, Daly Avenue is about 22 feet, Ridge by Daly is 12 feet and widens to 16 feet, Sampson Avenue is 13 feet, Norfolk Avenue 13 feet, and King Road is 25 feet. The site is not visible from any vantage points identified in the LMC.

He displayed examples of other projects where the maximum above-ground square footage has been noted on the plat. He displayed a picture of the construction at 85 King Road where the retaining wall is quite large. He spoke about a project on Ontario Court containing 6,671 square feet with a footprint of 2,140 square feet and a lot size of 7,431 square feet and 503 Woodside Avenue containing two buildings and a pool house with an average footprint of 3,470 square, the square footage per home is 8,000 square feet. The retaining wall is a three tiered system and the tallest wall is 12’6” at the back of the property. There was discussion about this example being a part of the Treasure

Hill MPD. Mr. Marquardt detailed the proposed retaining wall system for 255 Ridge Avenue, including vegetation and locating it four feet within the property line and displayed other examples of retaining walls on Sampson, Woodside, and Marsac. He encouraged Council to favorably consider approving the plat amendment as the proposed density and use are consistent with the General Plan as illustrated by the plat amendment examples presented. The City Engineer has approved the utility and the project conforms with the LMC and exploring solutions to steep slope issues will occur through the conditional use permit process. Mr. Marquardt respectfully requested that the City Council amend the findings of fact and conclusions of law to allow the project to proceed. The Mayor opened the public hearing.

Ralph Larson, King Ridge Resources LLC, felt that any problem can be solved on the property and pointed out that they have worked closely with staff and members of the neighborhood. The project meets all code requirements and they have addressed neighborhood concerns. They would like to move forward.

Duane Snyder, applicant, agreed with Mr. Larson’s comments regarding compliance and willingness to meeting with the neighbors. It is their desire to build a quality product.

Doug Matsumori, attorney for the applicants, explained that his involvement has been relatively short. However, he pointed out that the record clearly shows that from the beginning, the project was being consistently recommended by staff for approval. The project is compliant but at the July 25 Planning Commission meeting, there was considerable discussion on unarticulated standards, and direction to staff to formulate conclusions for denial. It was very confusing. He is concerned about the resulting findings which don’t necessarily apply to the City’s standards to amend a plat. Finally, any outstanding issues can be adequately addressed through the CUP and building permit processes. He hoped that this will be taken into account by Council, as this is a project that he feels should be approved.

Gus Sherry, Canyon Engineering, stated that his firm has worked closely with the applicants from the beginning of the project. The project improves the area for access and fire protection and pointed out that Park City has a long history of using retaining walls. To say that they are not compatible is outrageous in his opinion. He described the proposed state-of-the-art driveway coming off the hairpin turn on Ridge Avenue, which is wider than the street. The slope is less steep than other streets in the area and the driveway will provide turn-around opportunities. He explained that as a part of the extension of the water main, a fire hydrant will be added at the intersection which will substantially improve fire protection for the hillside. Mr. Sherry discussed meetings with Eric DeHaan and Ron Ivie on numerous occasions where they received buy-in on both the access and fire protection and he is proud to be a part of this project. Mr. Sherry emphasized that the retaining wall debate is blown out of proportion because on average, the two walls are four feet tall.

Rick Brat, 470 Woodside Avenue, explained that originally he was skeptical of the project but as he became more familiar with the project, is now in favor of the application. The Mayor asked if he has a connection with the project itself. Mr. Brat stated that he sold the project to the current owners.

Mike Kraus, 502 Woodside Avenue, relayed that the project has been under review for quite some time and the neighborhood has been involved. He felt this group has addressed concerns outside of the parameters of a plat amendment. These issues really should be addressed through the appropriate processes; this is a simple plat amendment. The applicants are down-zoning 12 lots to 3 lots and the lot configurations and footprints are typical in the zone. The utility plan will be an improvement for everyone in the area and on-going concerns should be addressed in the right forum. The Mayor asked if he has any connection with the project. Mr. Kraus stated that he does not. He was part-owner in the property in the past but has no financial connection now.

Brent Bodden, property owner, noted that staff has been extremely helpful. The applicants have met with the neighbors and he described the buffer proposed for the benefit of Daly residents. He recommended that the findings be revised and that Council approve the plat amendment since they have complied with all requirements.

With no further comments, the Mayor closed the public hearing.

Joe Kernan asked if density is consistent with other projects in the area, and Brooks Robinson felt it is within the range of other properties in the HRL zone. Mr. Kernan suggested that perhaps it would be better to have a number of small homes instead of medium sized residences. Candace Erickson referred to comments in the Planning Commission minutes from resident Steve Deckert and asked for his input.

Mr. Deckert relayed that the applicants have made good concessions with regard to the design of the three lots but he still is concerned about the total lack of understanding about the neighborhood. There is another application for three more homes next to this project and the other side of the street is yet to be developed. Maybe two homes is the better number for a variety of reasons. The hillside is very steep and fragile and he still has concerns about the north residence and the driveway. There really isn't enough detail at this point and he hoped that a height exception will not be requested during the steep slope CUP review. Steve Deckert believes the subdivision ordinance gives the Planning Commission the right to exercise more discretion during the process, but once the lots are approved there are tools to expand the project. The Mayor re-closed the public hearing.

Ralph Larson emphasized that this is a plat amendment and the City can still address Mr. Deckert's concerns and reiterated the improvement in fire suppression, erosion control, and adding value to the area. They need to move forward.

Gus Sherry, engineer, discussed the level of study conducted on the project and the applicants will not be requesting a height exception. Sean Marquardt added that the homes can't be design without the approval of the platted lots, but they will be compatible with the area.

Roger Harlan felt that not all issues can be resolved, especially in consideration of the challenging nature of the steep site. He felt that it will be incompatible because the structures are new construction and was not pleased with the letter from the applicants' legal counsel Included in the meeting packet. He asked the applicants to reduce the project to two homes. Jim Hier stated that the conclusions is that the project is incompatible with the neighborhood and he has not heard anything compelling that cause him to disbelieve the findings and conclusions outlined in the staff report. His position is to support the denial as recommended by the Planning Commission and the staff report. City Attorney Mark Harrington clarified that staff initially rendered a positive recommendation and he advised to only refer to the Planning Commission. Jim Hier clarified his reference to be to the staff report prepared for the Council meeting on September 20, 2007 which includes the findings and conclusions. Mr. Harrington also advised that the legal letter in the meeting packet is not really a consideration of the City Council and felt they were entitled to submit this correspondence in consideration of the process. He warned members that statements about new construction being incompatible are inadequate *and won't carry the day*. He acknowledged that the Planning Commission's findings could be refined with more detail, and noted that he is hearing contradictory comments from members. The City Attorney urged members to move forward with more clarity in formulating findings. Joe Kernan expressed that it would be helpful with Findings Nos. 6, 7 and 8 if there reference to criteria why these footprints are not of the right character and scale. Mark Harrington stated that it is incumbent upon the Council to formulate that type of finding and he explained the necessity to present facts supporting a conclusion. Similarly with regard to compatibility, Mr. Kernan is correct. If the members support sustaining the Planning Commission's recommendation, he strong suggested that members gain a better understanding because there is room for debate. Many slides were examples from other areas and zones, and Mr. Harrington encouraged Council to consider elements of the evidence presented, like the retaining walls, because some information was not presented to the Planning Commission. There was discussion that the Planning Commission may have not seen the photographs, but had much of the technical information. Steve Marquardt explained that the examples presented tonight were created to argue the negative findings and Mr. Hier suggested remanding this to the Planning Commission. The City Attorney advised against the action unless there is a finding of error. Remanding it for further review on more information is not advisable in consideration of the amount of time already expended on this review. Dana Williams asked why the plat amendment is not consistent with the Land Management Code or applicable state laws. Brooks Robinson pointed out that Finding of Fact No. 21 references an inconsistency with LMC §15-7.3-3(A). The Mayor felt that Conclusion Nos. 3 and 4 and incongruous: "*(3) Neither the public nor any person will be materially injured by the proposed plat amendment and (4) Approval of the plat amendment adversely affects the health, safety and welfare of the citizens of Park City*". Mark

Harrington explained that material injury is typically a direct adverse impact in terms of an existing right to an adjacent property owner or the public's interest. The Commission added a finding which reads *may* impact loss of light and snow shedding but they didn't amend this conclusion and he advised that members not sustain a decision on a *may* statement.

Mayor Williams explained past approvals and disappointing results and is concerned about losing the character of Old Town, acknowledging that it is not a debatable point. Although the size of the houses are unknown, he felt the project is incongruous with the surrounding area. Mr. Harrington urged members to tie a "*because"* statement to findings based on evidence and/or criteria. The Planning Commission focused on the challenges of an unusually difficult site and incompatible house size was based on impacts on the houses below. He referred to Mr. Kernan's line of thought to augment the findings with specific numbers. Candace Erickson agreed but pointed out that she doesn't have that information at the top of her head. It is information she would have to get from another source and would have t continue this matter.

Mark Harrington urged members to direct staff to examine specific information presented tonight. Dana Williams expressed that establishing grade can be problematic and Mr. Harrington explained that another alterative is somewhere in between staff's recommendation and going with a split recommendation including specific parameters limiting the review of the steep slope. Design parameters, building envelopes, setbacks, etc. could also be examined and memorialize those for the steep slope review. Again those should be based on reasonable evidence in the record. Jim Hier believed that the Planning Commission had a number of valid concerns but is somewhat uncomfortable with the lack of specificity of the findings. He suggested that the matter be continued with direction to condition the approval in such a manner, similar to the original application, but with more specifics as to what those conditions look like based on the concerns of the Planning Commission. He suggested using comparables from Daly, Kind and Ridge. Brooks Robinson explained that 255 Ridge is located in the HRL and the purpose of this zone is supportive or reducing house size and/or footprint and compatibility with the neighborhood. Jim Hier and Candace Erickson felt this would be very helpful. Mark Harrington understood that this will be continued to the next meeting on October 4, 2007 with direction to staff to re-draft the findings as outlined on Pages 32 and 33 consistent with Council direction this evening to augment those findings with some additional findings to further address compatibility based on Mr. Robinson's additional information and the applicant's presentation with regard to house sizes in the area as delineated by Council member Hier. Jim Hier, "I move to continue this item for two weeks and follow the directive as enumerated by the City Attorney". Mark Harrington emphasized that the findings will constitute an approval. Jim Hier amended his motion to include the approval statement. Joe Kernan seconded. Roger Harlan again expressed his desire to have reduce the number of lots to two. Jim Hier stated that number of lots is not part of the motion. Dana Williams believed there is relevant information in the staff report that can be applied and his concern is size and the shift in character in the Historic District. He asked that the motion be amended to include the February 14 staff report and not just the findings and conclusions but the whole report. Jim Hier felt it would be appropriate to reference the staff report as one of the findings, but many of those items are considered during the steep slope CUP as opposed to a plat application. Joe Kernan seconded the amendment to the motion. Motion carried. There was discussion about scheduling a site visit.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Marianne Cone was absent. Staff present were Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Kent Cashel, Assistant Public Works Director; Phyllis Robinson, Public Affairs Manager; Kim Leier, Human Resources Manager; and Mark Harrington, City Attorney. Candace Erickson, "I move to close the meeting to discuss property". Jim Hier seconded. Motion carried. The meeting opened at approximately 5 p.m. Jim Hier, "I move to open the meeting". Joe Kernan seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

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

Prepared by Janet M. Scott

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 4, 2007

Present: **Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; and Jim Hier**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Patrick Putt, Planning Director; Alison Butz, Environmental Project Manager; Jerry Gibbs, Public Works Director; Kevin Callahan, Summit County Public Works Director; Ken Fisher, Recreation Manager; Eric DeHaan, City Engineer; and Brooks Robinson, Planner

Absent: **Council members Marianne Cone and Joe Kernan**

1. Council questions/comments. Jim Hier described the potential use of optical fire alarms discussed at a state building code meeting, and he reviewed a variety of issues on the agenda at the HMBA meeting. He reported that the Chamber/Bureau will be relocating to space at the Main Street Mall as a result of the Museum expansion. The Summit County Planning Commission continued the Richardson's Flats parking lot application and he encouraged Council members to visit the 200 Ridge Avenue site, pointing out its proximity to 255 Ridge. Candace Erickson stated that she attended the Envision Utah retreat where the success and demand of its planning toolbox across the country was debated. It was decided to support an expansion and to hire staff to accommodate the growing program. She commented on the interactive format of the design charette on Old Town hosted by the City on September 24 which was very well attended. Patrick Putt reported that another session will be held on Monday. Candace Erickson thanked Phyllis Robison and Patrick Putt for their valuable participation in a public forum on diversity, *Who Gets to Live Here?* She reported on Friends of the Farm and RAB business. Mayor Williams stated that species carrying the West Nile Virus were discovered in Eastern Summit County and the Middle School wetlands.

2. Scope of services – solid waste study. Alison Butz explained that the CH2M Hill contract is for the production of an integrated solid waste management master plan. The City has agreed to cover 40% of the cost of the study; Summit County 40% and SBWRD at 20%. The draft before Council incorporates the City's earlier comments. After all parties agree on the draft, Summit County will be directed to move forward with the scope of work and a chartering workshop will be held. She acknowledged discussions about review of the document by other interested groups. Jerry Gibbs explained formulating rates for recycling based on carbon footprint information, methodology, and return on recyclable types. As a board member of Recycle Utah, Candace Erickson explained the difficulty of recycling glass because of high hauling costs. In response to a question from Roger Harlan, Ms. Butz relayed that she felt the City had equal input into the scope of work and the City requested additional items, which were relayed to the consultant. Jerry Gibbs agreed that the scope of work reflects a joint effort but implementation is *where the rubber meets the road*. It was pointed out that Summit County will be spending an additional $30,000 to study the landfill.

The Mayor acknowledged the interest of the Coalition of Governments to review the study. He suggested that the draft be released to the mayors and that they be encouraged to attend the October 17 Summit County Commission meeting to render input, if desired. Candace Erickson suggested the possibility that communities may want to increase the scope of work but may not be willing to pay for the work. Jim Hier suggested that it may be more appropriate and productive for the mayors to review the resulting master plan rather than the scope of services contract. Mayor Williams stated that the purpose of COG was to focus on regional transportation, but they felt it worthwhile to also examine solid waste as a group. The Mayor felt it important to share scope of work details because of the potential of looking at other technologies. Kevin Callahan explained that it is the County's intention to look at a range of technologies. He pointed out the fluctuation in waste generation because of our resort nature; the selection of a technology is evaluated on waste stream which will be considered by the consultant. Mr. Callahan referred to a state tax incentive program available for businesses using recyclable materials. The Mayor and members felt comfortable moving forward with the study.

3. Review of regular meeting.

Racquet Club conceptual design contract. Ken Fisher explained staff recommendation to award a contract to VCBO for conceptual designs for the remodel of the Racquet Club and to conduct a feasibility study looking at the operational and financial impacts of potential improvements. In April 2007, an operational needs assessment was conducted and the survey included a wide range of issues. He explained that the Racquet Club was identified as the number one improvement project and respondents preferred that it remain at its current location. The feasibility study will evaluate mechanical components from which will be the basis for conceptual designs. Mayor Williams pointed out his support of the inclusion of LEED, Energy Star standards, and the potential for solar use. There was discussion about including an educational element on the energy efficient applications in the remodeled building.

Woodside/Norfolk Reconstruction Project. Eric DeHaan explained that this is the next OTIS project on line, budgeted at $2.7 million including this design contract. He explained the selection process and representation on the selection committee. Alliance Engineering is recommended because of its expertise and SBWRD is currently negotiating with Alliance on its design contract. The construction contract will be structured so that the City will be reimbursed by SBWRD for sewer costs. Questar Gas will also have an opportunity to upgrade its lines with this project. Mr. DeHaan expressed that he is hopeful to bid the project in early 2008 so that the City can take advantage of lower construction costs; completion is anticipated in November 2008. This project will also include three small walkability projects; constructing the link by Squatters, sidewalk on Lucky John Drive to the schools, and the sidewalk on Park Avenue at the entrance to City Park. Candace Erickson brought up the significant cost of installing conduit and the City Engineer explained added challenges of coordinating the conduit bank. Discussion ensued about the potential cost savings of hundreds of thousands of dollars by eliminating the installation, but members agreed that it should be consistently included for street reconstructions.

Comstock Lodge plat amendment. For the benefit of Jim Hier, Brooks Robinson explained the creation of the unit equivalent for this project through a shift in density from the parking lot and the first phase of the project. Staff feels confident that the calculation of unit equivalents is accurate and meets the intent of the master plan.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 4, 2007

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 4, 2007. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, and Joe Kernan. Marianne Cone and Joe Kernan were absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; Sharon Atkinson, Planner; Katie Cattan, Planner, Max Paap, Special Events Manager; Eric DeHaan, City Engineer; and Lloyd Evans, Chief of Police

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF SEPTEMBER 13, 2007

Jim Hier pointed out a minor typographical error. Roger Harlan, "I move approval of the work session notes and the minutes of the meeting of September 13 and 20, 2007 (as corrected)". Jim Hier seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

V OLD BUSINESS *(items previously discussed and continued for consideration)*

1. Consideration of an Ordinance approving a plat amendment for 255 Ridge Avenue, King Ridge Estates, Park City, Utah – The Mayor requested a motion to continue this item to October 11, 2007. Jim Hier, "I move we continue the public hearing on the King Ridge Estates application to October 11". Roger Harlan seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye

Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

2. Consideration of a Resolution adopting a Short Range Transit Development Plan – Kent Cashel explained that this is a seven-year plan which guides the development of transit and the City Council reviewed the draft at its September 20, 2007 meeting. Comments from that session have been integrated into the final report; he urged reopening the public hearing and to consider adoption. The Mayor opened the public hearing and with no input, closed the hearing. Roger Harlan, "I move we approve the Resolution adopting a Short Range Transit Development Plan". Jim Hier seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

VI NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of approval of a professional services contract in the amount of $48,000 with VCBO Architecture, in a form approved by the City Attorney, to study a Racquet Club remodel – See staff report and work session comments. The Mayor invited public input; there was none. Candace Erickson, "I move we authorize the City Manager to enter into a professional services contract with VCBO Architecture in a form approved by the City Attorney's Office, for the services of studying a potential Racquet Club remodel in the amount of $48,000". Jim Hier seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

2. Consideration of approval of a Service Provider Agreement, in a form approved by the City Attorney, with Alliance Engineering for engineering services for the 2008 reconstruction of Woodside and Norfolk Avenues in the amount of $384,285 – See staff report and work session discussion. Eric DeHaan explained that this project is slated for construction in 2008 as part of the OTIS schedule. The Mayor invited public input; there was none. Roger Harlan, "I move approval of a service provider agreement, in a form approved by the City Attorney with Alliance Engineering for services for the 2008 reconstruction of Woodside and Norfolk Avenues in the amount of $384,285". Candace Erickson seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

3. Consideration of an Ordinance approving the Comstock Lodge Condominiums Amended Record of Survey, creating one additional unit at 2650 Deer Valley Drive East, Park City, Utah – See staff report and work session comments. Planner Sharon Atkinson explained that this is a request from the home owners association to allow one additional unit to be built at 998 square feet, representing .5 unit equivalents in the existing common storage area. There was no public input before the Planning Commission and a positive recommendation was forwarded. The Mayor opened the public hearing and with no comments from the audience, closed the hearing. Jim Hier, "I move we approve the amendment to the Record of Survey for the Comstock Lodge Condominiums based on the findings of fact, conclusions of law, and conditions of approval as found in the Ordinance". Roger Harlan seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

4. Consideration of an Ordinance approving the Agio 260 Main Street Condominium Plat, located at 260 Main Street, Park City, Utah – See staff report. Planner Katie Cattan explained that approving the plat will allow construction of a building for commercial uses on the Main Street level with residential on the two upper stories. The Planning Commission forwards an unanimous positive recommendation and there was no public input at that meeting. The Mayor opened the public hearing and with no input rendered, closed the public hearing. For the benefit of Roger Harlan, Ms. Cattan explained that the owners submitted an application for a subsequent timeshare conversion which will be scheduled before the Planning Commission. Jim Hier, "I move we approve the Agio 260 Condominium Plat based on the findings of fact, conclusions of law, and conditions of approval as found in the draft Ordinance. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

5. Consideration of an Ordinance approving the Lowell Subdivision, located at 944 Lowell Avenue, Park City, Utah – See staff report. Katie Cattan explained that the application contemplates combining Lots 23 and 24 of Block 29 of the Snyders Addition. The Planning Commission forwarded a positive recommendation; there was no public

input. The Mayor opened the public hearing; there were no comments. Candace Erickson, "I move approval of the plat amendment for 944 Lowell Avenue based on the findings of fact, conclusions of law and conditions of approval outlined in the Ordinance. Jim Hier seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

6. Consideration of an Ordinance approving the 953 Empire Avenue Plat Amendment combining portions of Lots 14 and 15 of Block 29 of Snyder's Addition to the Park City Survey, Park City, Utah – See staff report. Planner Katie Cattan explained that the Planning Commission forwards a positive recommendation; there was no public input. The Mayor opened the public hearing and with no comments from the audience, closed the hearing. Roger Harlan, "I move approval of the 953 Empire Avenue plat amendment combining portions of Lots 24 and 15 of Block 29 of Snyder's Addition". Candace Erickson seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

7. Consideration of an Ordinance approving the Record of Survey Map of Lakeside at Deer Valley Condominiums Record of Survey amendment; Units E and F, Building 10, located at 1617 and 1621 Lakeside Circle, Park City, Utah – See staff report. Planner Katie Cattan explained that the application is intended to combine two condominium units. There was no public input at the Planning Commission meeting where an unanimous positive recommendation was rendered. Discussion ensued regarding the process for voting by the home owners association. The Mayor invited public input and with no comments from the public, closed the public hearing. Jim Hier, "I move we approve the Lakeside at Deer Valley Condominiums Record of Survey amendment for Units E ad F, Building 10, according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached Ordinance". Roger Harlan seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

8. Consideration of an Ordinance approving the Daly Lady plat amendment, located at 314 Daly Avenue, Park City, Utah – See staff report. Planner Ray Milliner explained that the application is a two lot subdivision which will accommodate the renovation of an historic single family home and create one developable lot; approval is recommended. The Mayor opened the public hearing. Brooks Robinson, resident, complimented the applicant on an interesting subdivision title. With no further comments, the public hearing was closed. Candace Erickson, "I move that we approve the plat amendment for the Daly Lady Subdivision, based on the findings of fact, conclusions of law, and conditions of approval found in the Ordinance". Jim Hier seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

9. Consideration of an Ordinance approving the first amendment to the 2165 and 2167 Monarch Condominiums Record of Survey Plat located at 2165 Monarch Drive, Park City, Utah – See staff report. Planner Ray Milliner noted that there was no public input offered before the Planning Commission. Roger Harlan, "I move approval of the plat amendment for 2165 and 2167 Monarch Condominiums Record of Survey Plat". Jim Hier seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

10. Consideration of an Ordinance approving amendments to Park City Municipal Code, Title 7, Animal control, for consistency with Summit county Animal Control Ordinance 113-1 – See staff report. Chief Lloyd Evans explained that adoption will make the City's Municipal Code current and consistent with the County's ordinance. Council was introduced to the ordinance on September 13, 2007. The Mayor opened the public hearing and with no input rendered, the hearing was closed. Jim Hier, "I move we approve the Ordinance amending the Park City Municipal Code, Title 7, Animal; Control". Candace Erickson seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

11. Consideration of a Memorandum of Understanding with Summit County for animal control services in Park City, Utah – See staff report. Chief Lloyd Evans clarified

that the MOU specifies animal control services to be provided by Summit County in Park City, which was also reviewed by the Council on September 13, 2007. The Mayor opened the public hearing and with no comments from the public closed the hearing. Candace Erickson, "I move that we approve the Memorandum of Understanding with Summit County for animal control service within Park City". Jim Hier seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, and Jim Hier. Marianne Cone and Joe Kernan were absent and excused. Staff present was Tom Bakaly, City Manager; Alison Butz, Environmental Project Manager; Tom Daley, Deputy City Attorney; Jon Weidenhamer, Project Manager; and Mark Harrington, City Attorney. Jim Hier, "I move to close the meeting to discuss property". Candace Erickson seconded. Motion carried. The meeting opened at approximately 3:30 p.m. Jim Hier, "I move to open the meeting". Roger Harlan seconded. Motion carried.

Marianne Cone	Absent
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent

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

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 11, 2007

Present: **Mayor Dana Williams; Council members Marianne Cone, Candace Erickson; Roger Harlan; and Jim Hier, and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ken Fisher, Recreation Manager; and Eric DeHaan City Engineer

Recreation Advisory Board Members: John Halsey, Jen Franklin, Carol Potter, and Liza Simpson

Laynee Jones, H W Lochner; and Maria Vyas, Fehr and Peers

1. Council questions/comments. Marianne Cone commented on her trip to Turkey and noted her surprise of the widespread use of solar panels throughout neighborhoods there. Roger Harlan reported that Executive Director Scott Loomis was hospitalized for emergency heart surgery. He commented on the large number of kids participating in skating activities at the Fall Festival at the rink last weekend and thanked Stacey Noonan and the recreation staff for hosting the event. He commented on the Historic District design charette held last Monday, and Patrick Putt added that the Historic Preservation Board will meet on Monday to hold a session on the findings from the surveys taken at the two earlier meetings. Joe Kernan commented on his trip to Chicago and the remarkable number of people he met there that own property in Park City. Candace Erickson complimented staff on getting information to her and to the public in a timely manner. Mayor Williams reported that he participated in a panel in Salt Lake on greening cities and stated that the Governor's Blue Ribbon Panel on Climate Change Report is available through the City's Sustainability Office. The study will be formally presented to the Governor on November 9. He is hopeful that it will be introduced to all cities state-wide and felt it worth mentioning that there was no minority report produced despite diverse interests of the committee. The Mayor encouraged the public to attend the professional hockey game at the Ice Arena tomorrow night and commented that he addressed the state-wide mosquito association who met in Park City during the week.

Mayor Williams referred to malicious comments made about Rory Murphy applying for Planning Commission. He is embarrassed and saddened by these personal attacks and the political cartoon featured in the *Park Record* was *over the top*.

2. RAB Visioning. Ken Fisher introduced members in attendance and referred to his staff report. He reported that the Old Town Park's RFP will be published by the first of the year so that the project is completed by the spring. It is currently budgeted at $400,000 in the neighborhood park fund. Members commented on the high estimate and Mr. Fisher explained that this is a very conservative number. Another project is installing lights at the basketball court at City Park, which is currently being engineered;

it is estimated at $50,000 and would be funded through the City Park Fund. He explained that the dirt bike jump park received conditional use approval through May 2008, which extended a prior permit. The Planning Commission was concerned about its temporary nature and staff is proposing that it become a permanent facility at that location. The dirt park could be expanded and restrooms added; it is an ideal location with access to the bike path. The McLeod Creek Home Owners Association is supportive of the dirt bike park with expanded neighborhood park uses. In response to a question from Marianne Cone, Mr. Fisher felt it has good use. Liza Simpson explained that kids don't typically hang out there like users of the skate park, but it is very popular. There was discussion about the $300,000 estimate and possible neighborhood amenities. Carol Potter stated that the International Mountain Biking Association is coming to Park City in June for a conference and it is likely that they will gift a legacy to the community.

Mayor Williams stated that he believes it is the intention of the Council to develop parks in the area on both City parcels adjacent to the fire station. Candace Erickson pointed out the ease in removing the dirt park if it doesn't meet the highest and best use in the future. Joe Kernan supported the project. The Mayor recalled that Council agreed that Parcel 2 should also be a park but Marianne Cone believed discussions focused more on keeping options open. The City Manager interjected that up until now, options have been open, but committing to this project would narrow other potential uses. When the City-owned property inventory list was created several years ago, he specifically remembers not classifying it as a park site because at time, locations for affordable housing were limited. Now that other affordable housing sites have been identified, Mr. Bakaly feels it appropriate to move forward with this project. All members agreed.

Mr. Fisher suggested formed a friends group for the dog park facility at the Recreation Complex where the group could raise funds for its operation. The City could provide infrastructure like fencing, irrigation, etc., however, patrons of the park, not staff, will be responsible for removing dog waste. The project is budgeted at $30,000 to $50,000. Matt Twombly explained the road alignment project and the timing of installing the fence which will be coordinated with IHC.

Mr. Fisher described the requests for shade at the skate park which was a feature of the original design, but rejected by the neighborhood. It is also intended to create shade over the playground equipment and patio area at City Park, the Racquet Club Park, and the Recreation Complex. These will not be permanent shade structures and removed in the winter. Mayor Williams asked if it is possible to outfit the skate park so it could be used in the winter and Ken Fisher described the design of outdoor rinks roofs and canvass sides which can be rolled up to keep the snow off the surface. The Mayor acknowledged that this should not be a high priority but something to think about it. Joe Kernan expressed that he has received requests for year-round use and is also interested in exploring this idea. Candace Erickson feared that this improvement would lead to annoying lights and late hours. The Mayor spoke about the success of covering skate parks and keeping kids off the streets and in a facility. Ken Fisher stated that he will research this and continued to describe miscellaneous projects including enhancements to the Boo Radley Forest and the north end of City Park. The Board is suggesting that the sledding hill at the Park City Library and Education Center campus be improved, and a berm and benches added. The Mayor asked that bike racks become a higher priority. Carol Potter stated that there is a donor committed to contributing $7,000 so there may be some opportunities to proceed with installing bike racks. The Mayor hoped this could be accomplished by next summer and there was consensus among Council members. Mr. Fisher discussed continued beautification efforts at Poison Creek and Ms. Cone reported that fish sculptures will be created as a part of the Public Art Program and placed by the stream corridor next spring.

Ken Fisher explained a cooperative effort among local non-profits and a group named, Agencies Coming Together (ACT). Historically, recreation programs and activities have been offered at a facility and ACT helps communities run programs off-site where the kids are. Candace Erickson spoke about the success of the traveling Art Kids program. She emphasized that if Council directs the Board to proceed with the Old Town Park, dirt bike park and the dog park, there are no more funds available. Jim Hier suggested that additional projects could be considered through the capital improvement process and adjustments could be made next year, recognizing that some costs are operational. Tom Bakaly explained that Items 1 through 5 in the staff report are budgeted but there aren't funds for miscellaneous items. There may be some funding for the outreach initiative and the Mayor again felt the bike racks could easily be accomplished sooner. He invited ideas to improve the north end of City Park and Liza Simpson pointed out that initial discussions contemplated reworking Sullivan Road which became a complicated and expensive element. Tom Bakaly interjected that the direction at the time was to address the recreation building and other improvements first, which are being completed. It may be time to look at some of the larger projects for next year. Roger Harlan believes the successes of many recreation projects are due to the outreach programs and inviting neighborhood input.

3. Update on the Bonanza Drive Corridor Plan. On another subject, Eric DeHaan reported that demolition permits have been obtained for the Cattle Company. He briefly discussed the need to study Bonanza Drive and pointed out that in 2009, the water system will need to be upgraded to serve Empire Pass. This will involve upsizing the Boothill transmission line and running it to Woodside and to Empire Pass. He added that the City obtained a $1 million grant for walkability components.

Laynee Jones, H W Lochner, reviewed the scope of the project including a 20 year corridor plan for pedestrian and traffic improvements and they are gathering input from stakeholders. The feasibility of a tunnel crossing at the Rail Trail is being evaluated and there will be recommendations on maintaining traffic flow during the water line construction. This project is funded at $1.8 million and potential funding from the general obligation bond. She noted that Lochner created a website dedicated to the project, comment booths were set up at White Pine Touring and Einstein Bagels, local businesses were personally contacted, and about 50 comment forms have been received. An open house is scheduled on November 12 at Miners Hospital and a stakeholder committee has been established, representing local businesses, the bicycling community, Sundance, and City staff. The corridor plan will be based on public involvement and engineering evaluations. She stated that Lochner will build on the walkability study and Interplan's report on Bonanza Drive produced last year. There are three findings from the walkability study relevant to Bonanza Drive including the unsafe crossing at the Rail Trail, the lack of bike lanes, and lack of access to the Rail Trail from the Ironhorse Condominiums. The Interplan study concluded that adding capacity is not going to reduce travel time. Additionally, it is contemplated that the intersection of Bonanza and Kearns will fail by 2016 and by 2011 the intersection will not be functioning well. The report revealed that the school bus stop creates long cues in both directions. Ms. Jones stated that the number one issue identified by the public is lack of bike lanes, followed by speeding vehicles, pedestrian safety, and difficulty in turning left onto Bonanza from any side street. Alternatives may include adding bike lanes, if standards can be met, additional pedestrian crossings, combining driveways, restricting left-hand turns, etc.

Maria Vyas explained that Fehr & Peers' focus was collecting information on bicycle and pedestrian activities. Counts were conducted on Tuesday, August 28 from 2 p.m. to 8 p.m. and Saturday, September 8 from 9 a.m. to noon at six locations on Bonanza, Kearns, Prospector, Munchkin, upper Iron Horse and Deer Valley Drive. Not only are cars and pedestrians counted, but also jaywalkers to determine crossing patterns and the highest numbers were collected at the crosswalk. They are gathering information about specific characteristics of Bonanza Drive like the widths of lanes, shoulders, and sidewalks, traffic volumes, speeds, and drainage grates and/or other obstructions. Ms. Vyas noted that they examined accident information over the past five years to look specifically at bicycle and pedestrian incidents where there seems to be a general theme of motorists not seeing cyclists. Ms. Jones interjected that trucks represent about 25% of the volume of traffic. She added that at the open house a range of alternatives will be presented and evaluated by the public and there is another stakeholders meeting the next week. The corridor plan will be completed in December. In response to a question from Joe Kernan about round-abouts, Laynee Jones stated that there was only one comment rendered on rotaries, that it was incompatible with the area. Mr. Kernan recalled that the NOMA business group expressed an interest in installing a round-about. Ms. Jones explained that the Interplan study suggested that the most feasible location would be at Kearns because there should be an equal volume of turning movements from all directions and this will be explored as an alternative.

4. Review of regular meeting. There were no comments or questions.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 11, 2007

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 11, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Project Manager; Brooks Robinson, Planner; Max Paap, Special Events Manager; and Eric Nesset, Transit Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

<u>Park Silly Sunday Market</u> – Kimberly Kuehn thanked Council for its support throughout the season and she specifically acknowledged the assistance of Max Paap and other staff members who were critical in making their event successful.

<u>Wildlife Protection Society</u> - Judy Perry, Sharon Lilly and Jackie Fair, Wildlife Protection Society, reported to the Council that 180 miles throughout our trail system have been marked and two electronic signs will be installed to alert people of migration season on Park City's entry corridors. UDOT is installing warning signs at Parleys Summit and on US40 and the state will earmark funding for wildlife warning signs in next year's budget. Marianne Cone thanked the group for moving so quickly on this issue.

IV NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. <u>Consideration of approval of a Sublease and Restated 99 Year Lease of Lot 1, Museum Subdivision, 514 – 528 Main Street, Park City, Utah to the Park City Historical Society</u> – See staff report. Jon Weidenhamer explained that Items 1, 2 and 3 represent the final three actions to allow the Historical Society to expand their operations onto City property. The sublease was discussed on August 30, and has been modified to reflect Council's comments. Jim Hier, "<u>I move we approve the sublease and restated 99 year lease of Lot 1 as outlined in the staff report</u>". Marianne Cone seconded. <u>Motion unanimously carried</u>.

2. <u>Consideration of approval of a Memorandum of Understanding with the Park City Historical Society for the finance and construction of $3.6 million of Private Activity Bonds, the use of Swede Alley parking, and construction terms</u> – See staff report. Jon Weidenhamer explained that approval of the MOU ratifies the financing piece previously

authorized by the Municipal Building Authority. Subsequent contracts will be reviewed by the Legal Department to address public art, artifacts, green building, and construction parking. He suggested a modification to language Subsection H, "*The City has approved up to ten parking spaces on the west side of Swede Alley immediately adjacent to the Museum expansion area for construction, storage and mitigation. The Park City Council shall review and approve any request to use additional City land for this purpose. Additional requests shall be received in writing and contain at a minimum a description of the amount and duration, as well as the overall needs from a construction schedule and impact standpoint. PCMC agrees not to charge a fee for additional land, if agreed for use.* Richard Pick, Historical Society Board Chairman, stated that this language is agreeable to the Historical Society. Jim Hier explained that the new language will maintain public parking spaces while providing additional space on an as-needed basis. Jim Hier, "<u>I move that we approve the Memorandum of Understanding with the Historical Society for the finance and construction of the $3.6 million private activity bonds with the construction terms as amended</u>". Roger Harlan seconded. <u>Motion unanimously carried</u>.

3. <u>Consideration of approval of a Restated 10 Year Lease with the Park City Historical Society for Room 220 at the Park City Library and Education Center, 1255 Park Avenue, Park City, Utah</u> – Jon Weidenhamer explained that this lease provides storage for the Museum through 2013. Marianne Cone, "<u>I move that we approve a restated ten year lease with the Park City Historical Society for Room 220 at the Park City Library and Education Center</u>". Jim Hier seconded. <u>Motion unanimously carried</u>.

4. <u>Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation plat amendment located at 200 Ridge Avenue, Park City, Utah</u> – Brooks Robinson explained that this application was continued at the Planning Commission meeting and he requested that it be continued to November 15, 2007. The Mayor opened the public hearing; there was no public input. He requested a motion to continue. Marianne Cone, "<u>I so move</u>". Roger Harlan seconded. <u>Motion unanimously carried</u>.

5. <u>Consideration of a Master Festival License for The Main Street Music Crawl to be held October 20, 2007 in Miner's Park including amplified music from 9:30-9:45 pm - Mountain Town Stages</u> – See staff report. The Mayor remarked that the license is only for 15 minutes and it was explained that the duration is correct and part of a ten year anniversary celebration for Orion's Music. The Mayor opened the public hearing and with no comments from the audience, closed the hearing. Roger Harlan, "<u>I move approval of a master festival license for The Main Street Music Crawl to be held October 20, 2007 at Miner's Park</u>". Marianne Cone seconded. <u>Motion unanimously carried</u>

6. <u>Consideration of Resolution establishing a Walking and Biking Advisory Liaison Committee in Park City, Utah</u> – Jon Weidenhamer explained the recommendation to approve based on Council direction. If the bond passes, staff will return in November to appoint members and to formulate a work plan. In response to a question from Joe Kernan about the ex officio Council position, Mr. Weidenhamer explained that this is a

non-voting and a liaison member because in most instances, Council will vote on issues. The non-voting status is consistent with other boards.

Mr. Kernan expressed concerns about language in the draft specifying that recommendations only be based on elements identified in the Landmark Study which, in his opinion, considerably limits the ability of the committee to review other options. The study contains valuable information, but he suggested that members also be able to review alternatives outside of the document; there may be other solutions. Candace Erickson acknowledged Mr. Kernan's point, but felt that the voters are relying on information contained in the walkability study, but recognized that alternatives are likely to arise. She recommended that other alternatives could be reviewed by the committee with the understanding that they will be funded from the capital improvements budget rather than from bond proceeds. Joe Kernan felt that the committee could distinguish between types of projects and associated funding. For the benefit of Marianne Cone, Jon Weidenhamer relayed that the Bonanza Drive study would be applied as well. Mark Harrington advised modifying Paragraph B by stating *these issues shall be the primary basis of project alternatives considered by the committee. . . .additional recommendations may be forwarded*. Members agreed not to include language about identifying funding sources. Jim Hier felt that the highest priority of the committee is to explore projects in the study which was a substantial investment. Joe Kernan agreed and felt the language is broad enough to accomplish everyone's intent. Mayor Williams invited public input.

Carol Potter, Mountain Trails Foundation and Recreation Advisory Board, thanked Council for establishing the committee and pointed out that having an oversight group may help promote the bond. Marianne Cone, "<u>I move that we adopt the Resolution to establish a Walking and Biking Advisory Liaison Committee contingent on passage of the walkability bond on the November 6 ballot, with the change to Paragraph B with additional language from our City Attorney</u>". Roger Harlan seconded. <u>Motion unanimously carried</u>.

7. <u>Consideration of an Ordinance approving the amended subdivision for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and training facility, 900 Round Valley Drive, Park City, Utah</u> – See staff report. Planner Brooks Robinson explained that the annexation agreement provided that the applicants return with an amended subdivision creating nine lots of record within the 157 acres. The Planning Commission forwarded a positive recommendation on September 26, 2007. There is a punch list of items that need to be completed before IHC can pull permits, but Mr. Robinson recommended approval based on the Ordinance. The Mayor opened the public hearing and with no input, closed the hearing. Candace Erickson, "<u>I move we approve an Ordinance approving the amended subdivision for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and training facility, 900 Round Valley Drive, Park City, Utah</u>". Marianne Cone seconded. <u>Motion unanimously carried</u>.

8. Consideration of an Ordinance approving an amendment to the subdivision plat for the Park City Recreation Complex, 600 Gillmor Way, to realign the entrance off SR248, Park City, Utah – See staff report. Brooks Robinson referred to an exhibit in the meeting packet illustrating the realignment into the entrance into the Recreation Complex, NAC, and the medical campus. The Planning Commission forwarded a positive recommendation to the Council as outlined in the Ordinance. The Mayor opened the public hearing and with no comments from the audience, closed the public hearing. Roger Harlan, "I move approval of an Ordinance approving an amendment to the subdivision plat for the Park City Recreation Complex, 600 Gillmor Way, to realign the entrance off SR248, Park City, Utah". Jim Hier seconded. Motion unanimously carried.

9. Consideration of Ordinance amending Title 4 of the Municipal Code of Park City, Utah regulating liquor licensed establishments – Jonathan Weidenhamer explained that in May, the Council amended the Municipal Code to require that memberships be available to the general public to all liquor licensed establishments for under $50 in the downtown core. The vertical zoning process last summer prompted requests to consider this amendment for consistency with the vertical zoning boundaries. The Mayor opened the public hearing.

Mike Sweeney, HMBA, relayed that the Board supports the amendment and thanked Council for its continued efforts and interest in Main Street.

With no further comments, the public hearing was closed. Joe Kernan, "I move we amend the Ordinance within Title 4 of the Municipal Code relating liquor licensed established as outlined in the staff report". Roger Harlan seconded. Motion unanimously carried

10. Consideration of approval of a contract with Gillig, in a form approved by the City Attorney, for the purchase of four 35-foot low floor buses in the amount of $1,267,480; $1,013,948 (80%) to be reimbursed by the FTA, and $253,532 (20%) matched by Park City Municipal Corporation – In response to a question from the Mayor, Eric Nesset explained that the use of bio-fuel has not adversely affected warranties or claims and explained the bus replacement plan. There is a three year option period in the contract, eliminating the need for an RFP process; most of the fleet was replaced by the previous contract which expired last September. Roger Harlan expressed his confidence in the Gillig product. Eric Nesset added that the City also received a bid from Elderado, but Gillig offered the best price and features. Roger Harlan, "I move approval of a contract with Gillig in a form approved by the City Attorney for the purchase of four 35-foot low floor buses in the amount of $1,267,480". Joe Kernan seconded. Motion unanimously carried.

11. Resolution acknowledging Eric Nesset's retirement from Park City Municipal Corporation and recognizing his many contributions in providing quality transit and fleet services to the Greater Park City Community – The Mayor read the resolution into the record and presented it to Eric Nesset. Jim Hier, "I move we adopt the Resolution

honoring Eric Nesset and his years of service". Marianne Cone seconded. Motion unanimously carried.

V OLD BUSINESS *(items previously discussed and continued for consideration)*

Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation plat amendment located at 255 Ridge Avenue, Park City, Utah (King Ridge Estates) – See staff report. Planner Brooks Robinson explained that on September 20, 2007, the City Council continued this item with direction to staff to return with revised findings of approval. He pointed out minor changes to the conditions of approval. Properties in the HRL zoning district and on Daly Avenue within the 300 foot noticing radius were analyzed by staff and the applicant and it was found that HRL lot sizes are generally 42% larger and the minimum lot size is twice the size as HR-1 properties. The HRL tends to produce a 25% larger footprint, but the size of the footprint is not increasing at the same proportion to the size of the parcel through lot combinations. Mr. Robinson admitted that some of this is attributable to steep sites. Based on those results and considering neighborhood compatibility, the proposed lot sizes are consistent with the area; the unexposed area is not included in the floor area calculation. The floor area is defined at 3,030 square feet on each lot and the required grade change is incorporated in the conditions. This would have the effect of decreasing the height of the retaining walls to three feet mitigating impacts to adjacent properties. He stated that the final condition relates to adding a note on the plat identifying future house placement and Mr. Robinson displayed other renderings of the proposed project and associated issues which were discussed by members, including the two unbuilt residences of the Anchor Subdivision. The 200 Ridge Avenue application was brought up. In response to a question from the Mayor, Brooks Robinson detailed the routing and installation of utilities; the sewer line already exists.

Sean Marquardt, consultant, stated that the applicants have offered to install conduit at their expense for under-grounding utilities at some point in the future, if needed. The Mayor opened the public hearing.

Carlene Riley, 84 Daly, stated her opposition to the project because the drainage from the project will be located within a foot from her house. The soils are unstable and she requested assurances that any damage to her property will be covered. With no further input, the public hearing was closed.

Jim Hier disclosed a conversation with Evan Russack, Planning Commissioner, where the driveway issue was discussed. Brooks Robinson noted that the CUP for the driveway and the platted unbuilt street has been continued by the Planning Commission which is the basis for one of the conditions. Sean Marquardt, applicant, discussed the six foot easement between Ms. Riley's home and explained that they are working on a safe solution.

Marianne Cone stated that she can't think of another place in town where an extension of the road with retaining walls has been allowed and she questioned if this plan is compatible with the Historic District. Mr. Robinson explained that at the previous meeting, other examples were cited but not in the same zone, but explained that the Marsac parking lot shares similarities. Ms. Cone expressed concerns about setting precedent and the Mayor pointed out the substantial amount of fill dumped on the site, making it difficult to determine the grade.

Wesley Cider, applicant, stated that dirt has been dumped there over the past two weeks and there is about six to seven feet of fill there now. Ms. Cone felt that the extension of the road is artificial, which is not typical in Old Town. Mr. Marquardt pointed out that individual driveways on Sampson Avenue had to be retained on platted Utah Avenue (aka Sampson) in order to access the building pad. There have been discussions about vacating Ridge which would create private access, but he admitted that previous vacations of Ridge Avenue have created problems in the area with regard to placement of utilities because of the loss of the 35 foot easement. Mr. Cider felt it was unfortunate that the Planning Commission did not conduct a field trip because it is difficult to envision the project from the knoll, but the engineering is very feasible, which is supported by the City Engineer. There were concerns expressed by Roger Harlan and the Mayor about the length of the driveway for the first house. Brooks Robinson explained that this is somewhat driven by the dedication to the City and setbacks, and Mr. Marquardt clarified that from a design standpoint, the alignment of the three homes should be staggered. Widening Ridge Avenue can only occur if portions of the street are rededicated to the City and it may not be desirable for compatibility reasons in any event. In response to a question from Jim Hier, Brooks Robinson explained that the LMC provides for a variance process for grades above 10%.

Council member Hier agreed with Ms. Cone's concerns about setting precedent with approving a street ending in a bulkhead. He requested more research on this as it applies to compatibility. Mr. Robinson pointed out that a private driveway with a retaining wall located within the platted right-of-way exists on upper Norfolk Avenue. Mr. Hier requested that a condition of approval requiring a plat note restricting height to 18 feet above grade be added, if the project is approved. Candace Erickson agreed with Mr. Hier's suggestion because of the potential of future ownership and Mr. Robinson felt this is appropriate. For the benefit of Roger Harlan, there was again discussion about the location of the house on Lot 1 affected by the dedication to the City, meeting the required setbacks set forth in the LMC, and considering the topography for placement of the houses. Candace Erickson pointed out the logic in locating the homes on the flattest part of the parcel so the hillside is not excavated. Mr. Marquardt stated that the footprints are located in the area of the historic footings.

Marianne Cone again requested that staff and the applicant explore similar examples in town because of another pending application. Sean Marquardt emphasized the significant amount of research and expense already expended at the City's request. Brooks Robinson identified Marsac parking lot and transit center as other examples of the use of retaining walls in Old Town; the general public will not be traveling on Ridge

Avenue access only the occupants of the three homes. Mark Harrington believed Ms. Cone is asking the planning staff to provide other examples, but he cautioned the members of the difficulty in finding a situation with the same physical build-out of vacated rights-of-ways adjacent to existing platted lots. In other words, there may not be another circumstance with these same elements. It may be unique and is distinguishable between 200 Ridge Avenue because use of frontage right-of-way is not requested for the driveways, but rather the application is locating a private drives behind and parallel to public right-of-way. Ms. Cone clarified that her concern relates to the proposal on Rossi Hill to extend McHenry Avenue for the Echo Spur Project. Brooks Robinson explained that the application requests a vacation of McHenry and the City has not heard back from the applicant since the joint meeting. Jim Hier asked if there is or isn't a precedent; it would be helpful to review other examples. Mr. Marquardt stated that they have already analyzed 62 plats and Mark Harrington explained that Council is directing staff not the applicants to perform the work. Mr. Hier clarified that he is asking for a visual analysis.

Joe Kernan pointed out that the retaining walls have been designed to engineering standards and the density has been reduced to three homes as opposed to five or six which reduces traffic and creates more space between parcels. The 2,000 square foot home size and 6,000 to 7,000 square foot lots size are consistent with the zone and seem to be compatible. He felt that the applicants have submitted a reasonable application which complies with Code and he is comfortable moving forward. The Mayor asked if that is a motion; Joe Kernan, "I move we approve it". Motion died for lack of second. Jim Hier suggested that this be continued to obtain more information. Discussion ensued about the conversation between Jim Hier and Commissioner Evan Russack about revised driveway plans. Mr. Hier reiterated elements he would like to see by way of example and Mr. Marquardt noted that whether or not there is a precedent for bulkheads, the street terminates as it exists. He pointed out two historic retaining walls in the area and the retaining walls proposed for this project will not be visible. Eric DeHaan stated that upper Norfolk Avenue ends in a retaining wall at its northeast corner and there are examples of roads with retaining walls. Jim Hier felt the issue is ensuring compatibility with historic residential development.

Planner Brooks Robinson expressed that platted rights-of-way dead-end where the Town Run abuts the Sweeney property and there are driveways throughout Old Town with retaining walls adjacent to other structures. Jim Hier explained that for purposes of the analysis, this is a driveway not a street. Through illustration of a rendering, Mr. Marquardt displayed driveways supported by retaining walls on Sampson Avenue.

Blake Bauman, Ray, Quinney & Nebeker, stated that he is attending the meeting for Doug Matsumori in his absence. He quoted an excerpt from an October 4, 2007 letter sent to Mark Harrington from Mr. Matsumori, *when there are not clearly articulated standards, it is unfair and unlawful to attempt to achieve the goal of historic character preservation by referencing that goal and consideration of the current application. We are not trying to circumvent or subvert reasonable regulatory efforts with respect to the development.* Mr. Bauman believes his client has been fully cooperative which has been demonstrated by addressing all concerns raised. Another new issue could be raised in two weeks. Joe Kernan, "I move we approve this project". Roger Harlan seconded. Motion failed.

Marianne Cone	Nay
Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Nay
Joe Kernan	Aye

Jim Hier, "I move we continue this to our meeting of October 25 with direction to staff to document examples of driveways that are similar in character to the proposed driveway and that we modify the conditions of approval to include a height limitation at garage entry level of 18 feet". Joe Kernan seconded. Motion carried unanimously;

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Kathy Lundborg, Water Manager; Gary Hill, Budget Manager; Alison Butz, Environmental Project Manager; and Jon Weidenhamer, Project Manager. Roger Harlan, "I move to close the meeting to discuss personnel and property". Marianne Cone seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Roger Harlan, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

City Council
Staff Report

Subject: **Consideration of a Resolution Aligning the Public Art Advisory Board Terms with Other Citizen Boards**
Author: **Sharon Bauman and Gary Hill**
Date: **November 1, 2007**
Type of Item: **Legislative**

Summary Recommendations:
Consider approval of a resolution that will amend the Public Art Policy to align terms with other Citizen Boards.

Topic/Description:
Public Art Advisory Board

Background:
City Council established the Public Art Advisory Board on December 11, 2003 and seven members were appointed to serve one two-year term every five years. The Board prepared the Public Art Policy outlining the purpose and intent of the policy. As part of that, they specified that Board members shall serve for no more than one two-year term every five years.

In 2003, Council directed a Staff Committee to identify ways to create greater efficiency and uniformity among its Citizens Boards, one of which to allow service on Boards and Commissions for two consecutive terms. Terms for Planning Commission, Board of Adjustment, Historic District Commission and Recreation Advisory Board were addressed at that time.

Analysis:
Staff has undergone two major recruitments for Board membership and has received limited interest from residents of Park City. In addition, Board members have expressed a desire to serve for more than two years. In order to provide consistency with other Citizen Boards and help ensure that all board positions are filled, the Art Board has recommended that the Art Policy be amended to allow Art Board members to serve two consecutive two-year terms (if selected by City Council).

In addition to the recommended changes to board terms, the resolution will also align staff involvement with recent organizational changes.

Department Review:
The Resolution has been reviewed by the Executive Department.

Alternatives:

A. **Approve the Request:**

Staff recommends that Council approve a resolution amending the Public Art Policy to align terms with other Citizen Boards.

B. Deny the Request:
Council may deny the request and direct the Public Art Advisory Board to continue with the current terms of one two-year term every five years.

C. Continue the Item:
Council may continue the item for further discussion.

Recommendation:
Consider approval of a resolution that will amend the Public Art Policy to align terms with other Citizen Boards.

Resolution No. 07-___

RESOLUTION AMENDING THE PUBLIC ART POLICY TO ALIGN TERMS WITH OTHER CITIZEN BOARDS

WHEREAS, Art is an integral part of the Park City community and support of public art is an established goal of the City Council; and the City Council established the Public Art Advisory Board on December 11, 2003, and,

WHEREAS, seven Public Art Advisory Board members were appointed by the City Council to serve no more than one term every five years, and

WHEREAS, in 2003 Council directed a Staff Committee to identify ways to create greater efficiency and uniformity among its Citizen Boards, one of which was to allow service for two consecutive terms; and

WHEREAS, the Public Art Advisory Board members have stated an express desire to serve additional terms,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council that the Public Arts Advisory Board Public Art Policy be amended to allow members to serve two consecutive two-year terms, consistent with other Citizen Boards serving the City.

SECTION 1. POLICY ADOPTED. The attached Arts Policy is hereby amended and adopted on November 1, 2008.

SECTION 2. EFFECTIVE DATE. This Resolution becomes effective upon adoption.

PASSED AND ADOPTED THIS 1ST day of November, 2008.

PARK CITY MUNICIPAL CORPORATION

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Mayor Dana Williams

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark D. Harrington, City Attorney

Public Art Policy

PURPOSE OF THE POLICY

The purpose of this policy is to establish a process for the selection, purchase, commission, placement, and maintenance of works of art via the expenditure of the monies generated through the Public Art fund established in the Park City Municipal budget for FY 2003-04 and FY 2004-05 and subsequent funding mechanisms.

INTENT OF THE POLICY

It is the stated intent of the Public Art Policy to direct the inclusion of public art in order to expand Park City citizens' experience with works of art and enable them to better understand their communities and their individual lives. By encouraging artists capable of creating works of art in public places, the Public Art Policy shall strive to stimulate the vitality and economy of the City and enhance Park City's standing as a leading cultural destination. Thus, it is the goal of the Public Art Policy to expend the funds on and facilitate works of art and art projects of redeeming quality, which advance public understanding of visual art and enhance the aesthetic quality of daily life and provide a sense of place.

GENERAL TERMS

"Public Art" means any visual work of art displayed for two weeks or more in an open city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.

"Work of art" includes, but is not limited to the **art forms** of; sculpture, monument, mural, fresco, relief, fountain, banner, benches, architectural furniture, and performance art facilities. Works of art include, but is not limited to the **art mediums** of weaving, carving, painting, assemblage, collage, welding, casting, and sculpting.

ADMINISTRATION OF THE PUBLIC ART ADVISORY BOARD AND POLICY

The Public Art Advisory Board and Public Art Policy will be administered by the Park City Summit County Arts Council. The administration of the Public Art Board and Public Art Policy shall be a separate and additional cost to the $200,000 Public Art Fund. City Council has approved an additional $6,750 for the annual administration of the Public Art Advisory Board to be distributed to the Arts Council in monthly installments of $562.50. This would be in addition to their current special service contract with the city. It is understood that with the funds the City provides for specific projects, the administrator of the funds will work to leverage funds for additional projects and works of art.

COMPOSITION AND FUNCTION OF THE PUBLIC ART ADVISORY BOARD

The Public Art Advisory Board shall have seven (7) members appointed by the City Council. Composition of the Board will include representation from the professional art community and the general public, and should consist of visual artists, performing or film artists, a design professional, an art educator, art professional, producer, designer, gallery director, or curator, and representatives from the Park City community and business community who are interested in serving on the Public Art Advisory Board. Board members shall live in Park City proper.~~ Board members shall serve for no more than one two-year term every five years. ~~**Board members shall be appointed to serve two-year terms and may serve no more than two consecutive terms**. ~~The Special Events and Facilities Manager~~ **City Staff** ~~or her~~ ~~designee~~ shall serve ex-officio without vote. It is also encouraged that students from the community be included on the panel to serve ex-officio without vote. Staggered terms shall be assigned by the City Council in the selection process. This board shall be reviewed as part of the annual budget process.

The primary functions/responsibilities of the Public Art Advisory Board are:

1. Review a cultural assessment of the Park City cultural community.
2. Create a strategic public art plan that would include public art policy refinements and recommendations of expenditures of the Public Art Fund. Ensure that public art is safe, accessible, durable, and compatible with community standards.

2a. Upon completion of the strategic public art plan and review of the cultural assessment, the Public Arts Advisory Board shall meet with City Council in a work session to obtain approval.

3. Establish guidelines for implementation of the Public Art Policy, including methods of selecting artists and commissioning works of art. Process must be consistent with City purchasing procedures.

4. Process public art proposals submitted to Park City Municipal and make recommendations regarding appropriations for works of art and art projects to the City Manager.
5. Review, on an annual basis, the artwork projects of the Public Art Policy as a reflection of the program's intent, and recommend appropriate maintenance requirements.
6. Make recommendations for future funding of the Public Art Fund.
7. Make recommendations for the establishment of a contribution percentage for art based on construction cost of public and private development.
8. Make annual updates to the City Council on the progress of the Public Art Policy.

After the Public Art Advisory Board makes recommendations to City Council, the Council shall have final approval.

APPROPRIATION AND ALLOCATION OF FUNDS

The Public Art Advisory Board shall develop recommendations to the City Council regarding the specific allocation of the $200,000 public art fund established in July 2003. The following are several options to be considered. Consistent with these policies, art will not be approved without review by City staff and the approval of City Council.

1. **"Art on the Corner" Concept:** Art on the Corner is a unique outdoor sculpture project designed to recognize the arts, develop community pride and draw people to the Main Street. This exhibit would be free to the public and can include many sculptures in a variety of media and styles. A small portion of the $200,000 could be allocated as seed money for this type of program after which the program would become self-sustaining.

2. **Public Art at Existing Public Buildings:** City buildings may be selected for site-specific Public Art. Possible Locations are Marsac Building, Carl Winters Library and Education Center, Miners Hospital Plaza, McPolin Farm. At the Transit Center, seven of the nine muses currently exist. The infrastructure for two additional muses is in place. The Board should consider commissioning the final two muses.

3. **Art in Parks and Trails:** Art parks and art along our city trail system would enhance the value of both. Specifically along the Poison Creek Trail system that would encourage pedestrian activity from City Park to Main Street. This program could include, but not be limited to sculpture, sound gardens, Murals painted inside the 4 remaining bare tunnels, performance kiosks, etc.

4. **Specific Proposals by Artists or Purchase of Existing Art:** The Public Art Advisory Board will consider specific proposals from artists, as well as the purchase of existing work. The commission will determine policy and criteria for the selection process.

5. **Maintain and/or complete existing Public Art Property:** The existing six Public Art pieces/sites owned by Park City Municipal Corporation are in a variety of disrepair and completion. The Public Art Advisory Board should consider value and original contracts to consider investing additional funds in this inventory. This might include completion of the Transit Center art and Poison Creek tunnel murals projects, cleaning of the Bronze Miner, and plaster/paint repair of the Swede Alley Mural.

City Council
Staff Report

Subject: **Historical Society Museum Expansion – Bond Public Hearing**
Author: **Gary Hill**
Department: **Budget, Debt, and Grants**
Date: **November 1, 2007**
Type of Item: **Legislative – Public Hearing**

Summary Recommendations

Hold a Public hearing to receive comment with regard to the proposed issuance of Lease Revenue Bonds, Series 2007 (Park City Historical Society) of the Municipal Building Authority of Park City, Utah, in the principal amount of not to exceed $3,600,000.

Background

On October 11, 2007 City Council adopted a resolution outlining the parameters for a $3.6 Million Municipal Building Authority Lease Revenue Bond to be used to finance the expansion and improvement of the museum operated by the Park City Historical Society.

Analysis

As the bonds will be used to support a 501(c)3 operation (a private activity bond) and are intended to be tax exempt, the "Tax Equity and Fiscal Responsibility Act (TEFRA)" requires that the City hold a public hearing 14 days prior to approving the issuance of any bonds. No action is required at this public hearing.

The Final Bond Resolution which will authorize the issuance of bonds is scheduled for action on November 15th.

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Department Review:

Budget, Debt, and Grants and City Manager

Alternatives:

A. Consider the request Favorably:

Council should hold a public hearing to receive comment on the proposed MBA Lease Revenue Bonds.

Recommendation: Hold a Public hearing to receive comment with regard to the proposed issuance of Lease Revenue Bonds, Series 2007 (Park City Historical Society) of the Municipal Building Authority of Park City, Utah, in the principal amount of not to exceed $3,600,000.