PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 29, 2009

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 29, 2009.

Closed Session
2:00 p.m. Property and litigation

Field Trip
3:00 p.m. The Montage field trip

Work Session
4:30 p.m. Council questions/comments
4:40 p.m. No-idling policy pg 4
- Public input

5:10 p.m. RAB Visioning pg 18
5:50 p.m. Break

Regular Meeting
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 8, 2009 pg 30

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

1. Consideration of an Ordinance amending the Land Management Code for Master Plan Developments in the HR-2 Zone
   (a) Public hearing
   (b) **Motion to continue to December 3, 2009**

3. Consideration of an Ordinance approving the Glory Hole Subdivision, located at 518 Deer Valley Drive, Park City, Utah
   (a) Public hearing
   (b) **Motion to continue to December 3, 2009**

4. Consideration of an Ordinance approving the 1440 Empire plat amendment, located at 1440 Empire Avenue, Park City, Utah pg 39
   (a) Public hearing
   (b) Action

5. Consideration of an Ordinance approving the Eagle Point Subdivision Phase 3 Lots 47 and 48 Amended Plat, located 7 Eagle Landing Ct., Park City, Utah pg 56

(a) Public hearing
(b) Action

6. Consideration of an Ordinance approving the 146 Daly Avenue Plat Amendment, located at 146 Daly Avenue, Park City, Utah pg. 65
(a) Public hearing
(b) Action

7. Consideration of a Service Provider/Professional Services Agreement with Ward Engineering Group for engineering services related to the 2010 reconstruction of Sandridge Drive in the amount of $84,075 pg. 74

8. Consideration of the 2010 Sundance Supplemental Agreement pg. 92
(a) Public hearing
(b) Action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of 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: 10/26/09
See: www.parkcity.org

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

November 2009

3 *General Election*
5 Marsac Building open house 4 p.m. – 7 p.m. (light agenda)
Hot air balloon discussion – (30 min)
Certificate of appreciation of Jack Thomas
Resolution Re-dedication of Marsac Building
MFL – Round Valley dry-land race – November 7, 2009
Ordinance approving an amendment to Title 4 – penalties and proration
Ordinance approving amendments to the Land Management Code of Park City, Utah to address revisions to Sections 15-2.1-5, 15-2.2-5, and 15-2.3-5 clarifying attic space and Section 15-15, Definitions
Authorize City Manager to execute lease with Wintzer-Wolfe for 1255 Ironhorse Drive
12 *General election canvass*
VCBO presentation on the Racquet Club (30 min - work)
Comstock sidewalk (work)
Quarterly goal update (work)
Ordinance – 515 Main Street – Talisker
Ordinance – 1150 Deer Valley Drive, Snow Country
Ordinance – 1110 Empire Avenue
North Silver Lake appeal continued hearing/action
19 Visioning debrief - work
Park Silly Market economic analysis findings (work)
26 **No meeting - Thanksgiving**

December 2009

3 Lower Park Avenue RDA (work)
Senior housing (work)
Extraordinary funding requests review - work
Ordinance – LMC amendment for MPD in HR-2
Ordinance approving the Glory Hole Subdivision, located at 518 Deer Valley Drive, Park City, Utah – FA
10 Insurance Placement for 2010
17 Agency minutes
24 **No meeting – Christmas Eve**

January 2010

7 Swearing-in ceremony
14
21
28

Pending Items:

Performance measures (work)
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues

City Council Staff Report

Subject: Anti-Idling Policy
Author: Tyler Poulson, Diane Foster, and Rick Ryan
Department: Sustainability and Public Safety
Date: October 29, 2009
Type of Item: Informational

Summary Recommendations:
Staff recommends that City Council review this report and consider the implications of an anti-idling resolution and provide direction on the alternatives discussed in this Staff Report. Staff recommends that Council provide direction regarding adoption of a resolution.

Topic/Description:
Based on direction from City Council in the August 20th Work Session, staff has been researching anti-idling resolutions and ordinances in other communities and assessing the impact these would have on our community and the resource requirements this would entail (see Exhibit E). Additionally, the Park City Chapter of Utah Moms for Clean Air has approached certain City Council members and the Mayor with the request for an anti-idling resolution for the City.

Background:
Vehicle idling has numerous negative consequences including impacts on the environment, public health, and the inefficient use of fuel. Emissions during idling contribute to the formation of ozone and particulate matter that are major sources of pollution in Utah. Idle Free Utah (http://www.idlefree.utah.gov) states that health issues, ranging from asthma and bronchitis to cancer, have been found linked to vehicle emissions. Additionally, there is a direct financial benefit from fuel costs savings for individuals and organizations who limit their vehicle idling time. Many studies indicate a financial "break-even point" of 10-30 seconds idling time for balancing the minimal wear-and-tear on engines versus fuel saved from shutting off the vehicle.

Park City currently has an anti-idling ordinance which prohibits the idling of delivery vehicles on Main Street and Swede Alley (see Exhibit A). The City also has an internal policy which prohibits the idling of City fleet vehicles, with some exceptions for Public Safety vehicles (see Exhibit B). State of Utah law prohibits the idling of an unattended vehicle (see Exhibit C).

Also – in January, during the bi-annual Environmental Strategic Plan update, Council considered a proposal for comprehensive air quality monitoring. While Council was concerned with keeping an eye on our air quality, Council thought the cost of the program was too great, given our economic situation. Staff was directed to not implement the program at this time, but expressed a willingness to relook at the issue when the economy turned around.

As such, staff did not add "Pursue a Comprehensive Air Quality Monitoring Program" to the Environmental Strategic Plan.

Analysis:
A large number of states, counties, and cities in the U.S. currently have some form of anti-idling policy and many others are in the process of considering action on anti-idling. The existing policies range from informal support and resolutions to enforceable ordinances. As Table 1 illustrates, there is a great deal of variability in the details and scope of ordinances which have been adopted:

Table 1. Examples of Anti-Idling Ordinances

City, County, or State	Idling Time Limit	Fine Amount	Vehicles Covered
State of Connecticut[1]	3 Minutes	$100 - $500	All Vehicles
State of Massachusetts[2]	5 Minutes	$100 - $25,000	All Vehicles
Ketchum, ID[3]	3 Minutes	$100 - $300	All Vehicles
Aspen, CO[4]	5 Minutes	$50 - $1,000	All Vehicles
Minneapolis, MN[5]	3 Minutes	$200	All Vehicles
Burlington, VT[6]	3 Minutes (*recently updated from 5 min*)	$10	All Vehicles
State of Delaware[7]	3 Minutes	$50 - $1,500	Vehicles > 8,500 lbs
State of Illinois[8]	10 Minutes	$50 - $150	Diesel Vehicles > 8,000 lbs
Atlanta, GA[9]	15 Minutes	$500	Trucks & Buses
Maricopa County, AZ[10]	5 Minutes	$100 - $300	Diesel Vehicles > 14,000 lbs

1 http://www.ct.gov/DEP/cwp/view.asp?a=2684&q=322086
2 http://www.ci.somerville.ma.us/CoS_Content/documents/Anti-Idling%20Law%20With%20Penalties.pdf
3 http://www.mtexpress.com/index2.php?ID=2005128170
4 http://old.aspenpitkin.com/apps/news/news_item_detail.cfm?NewsItemID=1028
5 http://www.ci.minneapolis.mn.us/airquality/AntiIdling_home.asp
6 http://energy.enfield.nh.us/index.php?option=com_content&view=article&id=62&Itemid=64
7 http://www.awm.delaware.gov/Info/Pages/TruckAntiIdling.aspx
8 http://www.illinoisgreenfleets.org/idling/hb-4782-fact-sheet.pdf
9 http://www.epa.gov/smartway/documents/420b06004.pdf
10 http://www.maricopa.gov/aq/divisions/planning_analysis/rules/docs/P21-0206.pdf

Exceptions
Exceptions are frequently included in anti-idling ordinances to allow vehicle idling under certain circumstances. Common exceptions include allowing idling during weather extremes (e.g. below 32 F or above 90 F), for vehicle maintenance/repair, and for situations where personal health and/or safety is dependent on idling. Additionally, some communities allow a one-year adjustment and education period before issuing citations for their newly passed ordinance and only issue warnings to tourists and visitors who are first-time offenders. If, in the future, Council was to consider an anti-idling ordinance, much consideration should be given to enforcement as it relates to our tourist population and associated transportation, such as tour buses.

Enforcement

A commonly mentioned challenge, and resource requirement, for communities with an anti-idling ordinance is enforcement of this law. For the majority of communities with which staff spoke, anti-idling is a very low priority for enforcement (with some communities admitting that they don't deploy any resources for enforcement) – and some communities relying on enforcement from non-police staff, such as Parking Enforcement or periodic deployment of Health Department staff. Many communities have provided hotlines for residents to report anti-idling (a Notice of Violation is then mailed).

Part of the resource requirement for enforcement depends on the idling time limit set in the ordinance; some communities have adopted limits as low as three minutes to cut down on this inefficiency (so enforcement officials don't have to wait 5 minutes to write a citation). Furthermore, communities with anti-idling ordinances contacted by staff commented that enforcement needs are, to a great extent, up to city government and how aggressively they want to pursue compliance with the ordinance. To date, there have been a small number of citations handed out in the communities contacted.

Enforcement Challenges

While Park City's Public Safety department is conceptually supportive of anti-idling regulation, there is concern about the resource requirements needed to enforce an anti-idling ordinance. Based on Public Safety's prior experience with items such as neighborhood speeding, there would be an associated increase in complaints and administrative work as residents reported violations of this type of ordinance. Public Safety felt that there is potential for a systematic approach to addressing and enforcing excessive idling which could reduce some of these resource needs and inefficiencies; however, given Council's current priorities for Public Safety Officers, enforcement would likely be better handled outside of the Public Safety Team.

For example, involving Parking Services in enforcement could increase the monitoring of idling zones and relieve the Police Department of the sole responsibility of enforcement. Additionally, an automated reporting hotline, similar to the current "Tip-A-Cop" hotline, could allow reporting of violations and enable the tracking and mailing of a Notice of Violation. A common practice in communities with existing anti-idling ordinances is to encourage enforcement officials to be sensitive to certain situations and use discretion when issuing a citation (e.g., don't ticket an elderly individual with asthma who is trying to maintain a certain temperature in their vehicle).

Even with best efforts to minimize enforcement resources needed for an anti-idling ordinance, some level of resource requirement should be expected. These enforcement requirements and the determining of enforcement personnel could be tailored to the current and future priorities of the City and its availability of resources.

Department Review:

The Sustainability, Public Safety, and Legal departments have reviewed this Staff Report and their commentary has been included.

Alternatives for City Council to consider:

A. Pursue an Anti-Idling Resolution for Park City (Recommended)
Council could review the resolution drafted by Utah Moms for Clean Air (see Exhibit D) and provide staff with direction on possible modifications, as needed, to create a formal resolution for the City. Council may be interested in staff making modifications to section 1 of the resolution that currently reads somewhat like an ordinance.

B. Pursue an Anti-idling Ordinance for Park City
Sustainability and Public Safety will return to Council with 1-2 draft ordinances for consideration. City Council would need to provide preliminary direction on whether the ordinance should cover all vehicles within City limits or just certain types of vehicles (e.g. trucks, buses, and other heavy vehicles) and some direction on what exceptions should be included in the ordinance language.

C. Maintain Status Quo Approach to Anti-Idling
Park City Municipal staff will continue to provide support to Utah Moms for Clean Air (attend meetings, etc.) and other community groups who promote awareness of the benefits of anti-idling. This support will include encouragement of a grass-roots push for broader education and support of an idle-free community in addition to providing related information on the Park City Green website.

Staff recommends pursuing option A and creating an anti-idling resolution at this point. A resolution will bring broader attention to the issues associated with unnecessary vehicle idling and be a formal expansion on the existing vehicle idling laws and policies in Park City. While likely not effective as an ordinance in curtailing idling issues, a resolution would a more gradual approach with the potential for creating greater public support of formal disincentives (e.g., citations) to idling. Staff also recommends follow-up on any progress of the resolution, and potential for other alternatives, at a future City Council meeting.

Significant Impacts:
If a resolution is adopted, staff time will be required to review and modify the resolution presented by Utah Moms for Clean Air. The commitment to a resolution could include signage and ongoing staff time, depending on how the resolution is drafted and what the City commits to.

If an ordinance is adopted, staff time will be required to draft, implement, and enforce this new law. Drafting the ordinance is anticipated to be relatively straightforward; however, implementation may require resources such as signage, training, and participation from local non-profits and community groups who support anti-idling. Enforcing an ordinance would require resources from varying departments – and, depending on the type of enforcement desired by Council, staff time could be significant. If Council wanted strict enforcement by Public Safety, staff could return to Council at a later date to discuss resource implications.

Consequences of not taking the recommended action:
Park City Municipal will continue on the status quo path with existing ordinances and internal rules. Park City will also retain limited formal support of community-wide action on excessive vehicle idling. The environmental quality and health issues associated with vehicle idling will continue at, or near, their current impact.

Note that seven counties, either full or partial, in Utah were recently named on the EPA's Nonattainment List for particulate pollution. No portion of Summit County was cited on EPA's list, but prohibiting excessive vehicle idling is one step that local government can take to proactively address potential infringements before issues arise.

Recommendation:
Staff recommends that City Council review this report and consider the implications of an anti-idling resolution and provide direction on the alternatives discussed in this Staff Report. Staff recommends that Council provide direction regarding adoption of a resolution.

Exhibits (Included):
Exhibit A – Ordinance Prohibiting the Excessive Idling of Delivery Vehicles on Main Street and Swede Alley

Exhibit B - Park City Municipal Corporation Fuel Conservation and Anti-Idle Policy

Exhibit C – Utah State Law Prohibiting the Idling of an Unattended Vehicle

Exhibit D – Draft of Potential Anti-Idling Resolution for Park City, Prepared by Utah Moms for Clean Air

Exhibit E - Minutes of August 20, 2009 City Council Work Session

Exhibit A – Ordinance Prohibiting the Excessive Idling of Delivery Vehicles on Main Street and Swede Alley

Deliveries in the Main Street Core: Park City Municipal Code; Title 9 Parking Code; Chapter 8 Deliveries and Short-term Use (9-8-3)

9- 8- 3. DELIVERY VEHICLES IN THE MAIN STREET CORE.
All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions:

(A) Delivery vehicles shall utilize the west side of Main Street during the hours from 7:00 a.m. to 12:00 noon, after which time no delivery vehicle shall be parked on Main Street. Delivery vehicles may utilize any parking space on the west side of Swede Alley from 7:00 a.m. to 4:00 p.m.
(B) Delivery vehicles may double park on the west side of Main Street from the hours of 7:00 a.m. to 12:00 noon, provided that: the double parked vehicle is in the course of an expeditious delivery, there is no other curb parking available, the double parked vehicle does not inhibit traffic flow or block a legally parked car from leaving the curb.
(C) Delivery vehicles shall utilize the loading zones on the west side of Swede Alley for deliveries to Main Street after the hour of 12:00 noon.
(D) No delivery vehicle shall park on the east side of Swede Alley.
(E) No delivery vehicle shall be parked in such a manner to impede the flow of traffic.
(F) No delivery vehicle shall be parked with its engine left idling.
(G) No delivery vehicle shall park on Park Avenue, between Heber Avenue and King Avenue, to make deliveries to a business with a Main Street address.
(Amended by Ord. No. 00-52)

Violations: Park City Municipal Code; Title 9 Parking Code; Chapter 2 Standard Parking Regulations (9-5-10)

9- 5-10. VIOLATIONS.
Parking any vehicle in a manner that is in conflict with the provisions of this Title is unlawful, and shall be punishable as an infraction as provided in the Park City Parking Code. In addition to enforcement by ticket, illegally parked vehicles are subject to towing.

Exhibit B - Park City Municipal Corporation Fuel Conservation and Anti-Idle Policy, July 2006

Park City Municipal Corporation
Fuel Conservation & Anti-Idle Policy

Purpose:

With the increasing energy prices we must find ways to reduce our fuel consumption. One way to reduce fuel consumption is to limit vehicle and equipment idling. Excessive idling not only consumes excess fuel but can actually harm engines and decreases oil life. Our goal is to protect and preserve the natural environment and improve air quality in Park City by conserving energy and to reduce expenditures for fuel.

Policy:

It is the policy of Park City to continually improve the efficient use of vehicle fuels in an effort to reduce operating costs and emissions. City vehicles will not be permitted to idle unnecessarily or when the operator is out of the vehicle. When not in traffic lanes, idling is prohibited (except under the limited conditions listed below):

1) When the ambient temperature is below 32 degrees F, vehicles and equipment will not be idled more than 3-5 minutes. This applies to start and warm up, waiting on jobsites and at material suppliers and end of day cool down.
2) For the health and safety of operators, there will be occurrences when vehicles may be left running. Examples include idling during traffic control operations when overhead lights are in operation for safety, additional idling at first startup to build safe operating air pressure and protection from the elements or for the use of the vehicle safety features (including the use of air conditioning in street sweepers to keep dust out of the cab).

Exceptions

Due to the emergency nature of some City operations, the following exceptions will apply to this policy:

- Emergency response, detective vehicles or police administrative vehicles while engaged in emergency operations or investigative operations that necessitate the use of equipment powered by the vehicle's electrical systems.
- Vehicles whose batteries may be discharged because of onboard electrical equipment (i.e. emergency lights, radar, computers, etc.)

Vehicle Usage

Department Managers will be responsible for monitoring driving habits to reduce fuel consumption, increase fuel efficiency, and save money. Examples of areas of concern:

- ✓ Avoid high speeds.
- ✓ Don't rev the engine.
- ✓ Drive smoothly by accelerating slowly, avoiding "jackrabbit" starts and stops.
- ✓ Keep tires properly inflated.
- ✓ Consolidate trips.
- ✓ Park City encourages carpooling, riding mass transit, walking, or biking to your destination.

Non-Compliance

There will be a thirty-day educational period (defined as thirty days from the City Manager's signature) about this new policy. Employees will be subject thereafter to progressive discipline if they do not comply with this policy.

____________________________ ________________________
Tom Bakaly, City Manager Date

Exhibit C – Utah State Law Prohibiting the Idling of an Unattended Vehicle

Utah Code; Title 41; Motor Vehicles

41-6a-1403. Motor vehicle left unattended -- Requirements.

(1) A person operating or in charge of a motor vehicle may not permit the vehicle to stand unattended without
- (a) stopping the engine;
- (b) locking the ignition and removing the key;
- (c) placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle has a manual shift; or
- (d) effectively setting the brakes thereon.

(2) A person shall turn the front wheels to the curb or side of the highway when standing a vehicle on any perceptible grade.

Renumbered and Amended by Chapter 2, 2005 General Session

http://le.utah.gov/~code/TITLE41/htm/41_06a140300.htm

Exhibit D - Draft of Potential Anti-Idling Resolution for Park City Prepared by Utah Moms for Clean Air

Resolution No. __-09

RESOLUTION ADOPTING A MOTORIZED VEHICLE NO IDLING POLICY FOR PARK CITY, UTAH AND DECLARING PARK CITY, UTAH TO BE AN IDLE FREE CITY

WHEREAS, emissions from idling contribute significantly to air pollution, climate change and increased rates of cancer, heart and lung diseases, which adversely affect the health, natural environment and economic well being of residents, guests and visitors of Park City; and

WHEREAS, petroleum-based fuels are nonrenewable and should be used wisely and not wasted; and

WHEREAS, idling a vehicle for longer than ten seconds consumes more fuel than restarting that vehicle, resulting in excessive emissions and wasted fuel; and

WHEREAS, Park City Municipal Code, 9-8-3, already provides that no delivery vehicle parked on Main Street or Swede Alley shall be parked with its engine left idling; and

WHEREAS, the Park City Municipal Corporation presently has a Fuel Conservation and Anti-Idling Policy in place, encouraging efficient use of City vehicles to reduce operating costs and emissions; and

WHEREAS, reducing needless vehicle idling is in keeping with Park City's promotion as an eco-tourism destination and its affiliation with ICLEI (Local Governments for Sustainability); and

WHEREAS, the City Council desires to ensure that idling does not occur in idle frequent locations such as school grounds, parking lots/garages, drive-through windows, ski resort premises, business centers; and

WHEREAS, the Park City Chapter of Utah Mom's for Clean Air will, on its own and in partnership with Park City Municipal and other like-minded organizations, continue to educate residents, visitors, and guests of the dangers to the environment and health of citizens caused by unnecessary idling of motor vehicles; and

WHEREAS, the City Council desires to take a proactive position on air pollution to protect the livability and viability of Park City, its residents, visitors and guests; and

WHEREAS, it is in the public interest that Park City residents, guests and visitors reduce vehicle emissions to protect the health, economics and natural environment of Park City and surrounding area;

NOW, THEREFORE BE IT RESOLVED, by the City Council of Park City, Utah that:

1. NO IDLE POLICY. No person, resident, guest, visitor, or town employee, operating a gasoline or diesel powered motor vehicle, in any part of town, shall leave that vehicle idling for more than 10 seconds if they plan to remain at that location for more than 30 seconds, except as follows:

A. The vehicle is forced to remain motionless on a public road because of traffic conditions over which the operator has no control.

B. The vehicle is an emergency vehicle used in an emergency situation.

C. Vehicle idling is necessary for auxiliary power for law enforcement equipment, refrigeration units, loading/unloading lifts, well drilling or farming.

D. Vehicle idling is necessary for repair of the vehicle.

E. The health or safety of a driver or passenger requires the vehicle to idle.

This Resolution is a non-binding guideline and is not enforceable by coercion or fine.

2. DECLARATION. The City Council hereby proclaims Park City to be an **Idle Free City**.

3. NO IDLING/IDLE FREE CITY SIGNS. Park City Municipal will partner with the Park City Chapter of Utah Moms for Clean Air and other like-minded organizations to install "No Idling" signs and signs designating Park City as an "Idle Free City" in Park City at appropriate places, when signage is available.

4. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council.

PASSED AND ADOPTED this __ day of _______, 2009.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

Exhibit E - August 20, 2009 City Council Work Session

4. Environmental strategic plan update. Environmental Sustainability Manager Diane Foster introduced Lori Hansen from Rocky Mountain Power. Ms. Hansen thanked Park City Municipal for implementing energy efficiency measures in several of facilities: Racquet Club, Quinn's Arena; Pubic Works; Transit Center; China Bridge Parking; Spiro Water Treatment Plan; Recreation Center; and the Recycling Center. Annual kilowatt hour savings from these projects totaled 636,785. The total cost of these projects was approximately $300,000, and the incentive paid by Rocky Mountain Power to Park City Municipal was $51,619. She presented a "big check" to Council.

Diane introduced Tyler Paulson, Sustainability Project Coordinator, and Jeffrey Schoenbacher, Environmental Coordinator.

Ms. Foster relayed a tale the Foster family, one year from today. This local family attended a series of environmental events in Park City in 2009 and as a result, became interested in reducing their carbon footprint, as well as saving water. Educational events during "green month" taught them how to install solar panels, and they were able to learn how much electricity was already being generated by the ice arena solar panels through the educational signage that had been installed at the entryway. They became involved in the community engagement program and participated in a team who advertised and promoted federal programs and stimulus grants. The family was able to realize savings from their energy savings which allowed them to support local businesses who had also participated in energy efficiency upgrades. She emphasized this was a possible vision of the future depending on some of the decisions to be made by Council.

Ms. Foster reviewed highlights from the past six months. The Johnson Controls project is almost complete, and solar panels at the ice arena are on-line. Educational signage is being installed in various locations to educate the public about energy efficiency of the lighting and water savings that were gained in City-owned buildings. Park City was the first community in Utah to complete a community carbon footprint analysis. Another highlight is the completion of an open space purchase with Summit County that includes approximately 350 acres of land below the Olympic Park and 350 acres adjacent to City holdings in Round Valley.

Jeffrey Schoenbacher, Environmental Coordinator, presented an overview of regulatory environmental accomplishments for the past few years. Under the PCMC Soil Ordinance, residential and commercial properties have been capped and 90% of the original ordinance area has been remediated. The Environmental Management System, which facilitated delisting of Prospector from the CERCLIS data base, has been recognized by USEPA and used as a model in Libby, Montana. The city-wide Geographic Information System used to manage Park City's environmental impacts has been recognized by USEPA and UDEQ. In addition, the Utah Environmental Data View WebGIS acts as an information repository for all environmental due diligence questions, has also been recognized by the Environmental Systems Research Institute, Engineering GIS Summit, and ArcNews Magazine. Contamination has been removed from the Judge Tunnel Drinking Water Source Protection Zone and a mine waste repository within Richardson Flat has been established. The Topsoil Assistance Program provided $30,670 to assist citizens with the importation of clean top soil. The Alice Lode Brownfield site has been completely remediated and No Further Action Certificates have been issued for Alice Lode and the Transit Center.

Mr. Schoenbacher discussed the Conservation Reserve Program, which has not only designated over 23 acres of permanent riparian buffer along McLeod Creek stream corridor; it is also directly related to successes in improving water quality within the watershed. Finally, the Prospector Drain zinc biocell project is decreasing the heavy metal loads to Silver Creek by 25%.

Diane Foster asked whether Council wanted staff to pursue reallocation of the remaining Rocky Mountain Power wind grant (approximately $40,000) to a municipal solar project. The City used a portion of the wind grant funds to install an anemometer on IHC property for testing purposes. As the hospital neared completion, it was necessary to install an FAA light on the tower, at a cost of $2,500. Given testing results, and with only two months remaining in the test period, Staff did not feel the expense was justified. The average wind speed was six to eight miles per hour and an average of ten to twelve miles per hour was needed to justify a residential scale anemometer. Of the total $100,000 grant, approximately $60,000 of the RMP grant had been used to install solar panels at the Ice Arena, along with an educational display.

While the Staff Report outlined three options for Council's consideration, Staff recommended Option A, request reallocation of the grant balance to fund a photovoltaic system at the new Creekside Park. This would cover the cost of lighting, heating, hot water generation and educational signage. She referenced several grant requests the City had submitted to Rocky Mountain Power and felt withdrawing the application for solar panels at Creekside could increase the likelihood of others being granted.

Council members and Staff briefly discussed alternate locations for anemometer placement. Ms. Foster concurred the next step would be finding a site that was appropriately placed and noted the State may offer energy efficiency and conservation block grants this fall. Mayor Williams relayed information relating to Governor Herbert's desire to fund pilot programs throughout the state.

Liza Simpson referred to "high cost actions" for solar panel placement at remote water pumping sites and clarified that was why Staff had recommended the Creekside location. Ms. Foster noted it was a very visible spot and had a higher likelihood of receiving approval from Rocky Mountain Power's grant board.

Manager Tom Bakaly sought clarification of Council's direction. Staff's recommended Option A (to seek reallocation of RMP grant funds). Should Council also want to pursue Option C (additional wind resource testing on municipal property), Staff would need to return with a resource discussion about how to accomplish that. Following a brief discussion, Council directed Staff to pursue reallocation of grant funds to purchase solar panels for the Creekside Park restroom, and to keep an eye open for opportunities for wind testing.

Ms. Foster asked whether Council wanted the City to play a leadership role in community engagement to reduce energy and water use in Park City. The report offered several options for community engagement and Staff's recommendation was for PCMC staff, with the support of experienced partners and local environmental non-profits, to plan and execute a comprehensive community engagement process (Option C). Staff encouraged using the Brendle Group, who had partnered with the City to complete the community carbon inventory. The leadership group would initiate a six month process, involving the community, with the goal of creating a community-run process, supported by government and non-profits.

Jim Hier noted much of the community's energy consumption was water based. He supported water conservation and reduction in usage and felt improvements in technology, i.e., water metering and monitoring, provided the biggest bang for the buck, for the City as well as the community. Ms. Erickson concurred, and believed that partnering with several organizations would create a great forum, through which the City's focus could be water. Joe Kernan favored anything that provided an adequate benefit and was cost effective for the community as a whole. Ms. Simpson supported using the Brendle Group and creating a community-driven organization. Manager Bakaly clarified that all Council Members supported Option C, with a focus on water.

Roger Harlan stated he had become a convert to the value of carefully educating people and noted he had observed a growing number of people bringing cloth bags to the Liquor Store. It appears that little by little a growing number of people are thinking about conservation and the environment. Because Park City was a recreation-focused community, he questioned the suggestion to remove roof racks as method to reduce fuel consumption and asked whether it created a significant savings. Ms. Foster stated removal of roof racks created a 2% savings in gas mileage efficiency, and the intent was to remove them in the summer.

Tyler Poulson, Environmental Sustainability Coordinator, directed Council's attention to Municipal Carbon Footprint Reduction Goals. Council reviewed the Municipal Carbon Reduction Action Plan in July and directed Staff to return with a formal recommendation of a carbon reduction goal for municipal emissions. Staff compared Greenhouse Gas Emission Reduction Goals for Park City to those set by local and national organizations. Staff recommended that Council discuss the municipal carbon reduction targets and adopt the "Low Hanging Fruit" municipal reduction, which represents a 6.4% reduction from Business as Usual (BAU) in 2012.

Ms. Foster explained the goals took into consideration some of the Johnson Controls programs. She noted some areas would decrease, but others would increase due to increased service levels projected over the next few years.

Mr. Hier asked whether the potential reductions and estimated costs and savings outlined in Table 2 were hard savings that would be reflected in operating budgets. Mr. Poulson explained the savings were a combination of energy, vehicle fuel, water savings, etc., and Staff sees the "low hanging fruit goal" as achievable by pursuing the no- and low-cost actions. Ms. Foster explained Staff did not recommend the medium cost goals because those funds were not presently budgeted. Staff clarified that implementation costs were fixed, upfront costs, with the savings accrued in subsequent years.

Mr. Hier requested additional documentation regarding the figures presented in Table 2 and Staff agreed to return to Council with that information. Ms. Simpson requested cost estimates for Goal B, 12% by 2012 and mid-range action items. Ms. Foster asked if Council was requesting a delay for further clarification of numbers. Council members indicated they were considering a combination of 12% by 2012 Goal and Medium Cost Implementation Actions.

Manager Bakaly noted this was a direction shift from Council's previous discussion to pursue low hanging fruit. Staff felt there were significant savings from pursuing the low hanging fruit now and considering more aggressive actions later. If Council's direction was to pursue medium cost actions, Staff should present additional information on the numbers so Council can understand the savings. Mr. Bakaly noted that would require prioritization for funding as well as Staff resources.

Council members confirmed they would like the regulatory environmental goals to be more closely aligned with the environmental sustainability goals. Manager Bakaly added the efforts were much more integrated than in the past.

Mayor Williams commented that, although Council did not to fund a comprehensive air quality monitoring program at this time, it may be appropriate to gather information from other communities regarding anti-idling ordinances. Ms. Foster noted the City already had an ordinance prohibiting idling in the Main Street Corridor Delivery Zone. Roger Harlan mentioned that UPS was a corporation that understood the value of it, and their vehicles were turned off at every delivery stop. Ms. Erickson noted that enforcement of ordinances was another issue.

Ms. Foster recapped Council's direction for Staff to seek reallocation of the Rocky Mountain Power grant funds to Creekside; move forward with the community engagement project; return at a later time to discuss municipal reduction goals; to begin aligning environmental regulatory and environmental sustainability goals; and to add air quality and anti-idling to their goals, and to return for future discussions with Council to discuss the municipal reduction goal and enforcement issues.

Manager Bakaly requested clarification that Council was requesting a resource discussion and an evaluation of what it would take to implement anti-idling ordinances. Council members requested that Staff return with a discussion about resources that would be required to research and gather information that would allow Council to make a decision in the future.

City Council Staff Report

Subject: RAB Visioning
Author: Ken Fisher, Recreation Manager
Department: Recreation & Library
Date: October 29, 2009
Type of Item: Informational

Summary Recommendations: Provide direction to the Recreation Advisory Board (RAB) and staff with regards to the recommended work plan and the continuation of a parks, community outreach, Racquet Club and programming subcommittees.

Topic/Description: Provide direction to staff and the Recreation Advisory Board on recreational items for the next year.

Background:
As outlined in the Recreation Advisory Boards Policy & Procedure (attachment 2) the Board shall meet annually with the City Council to receive updated city goals and direction from City Council. The RAB met with City Council in October 2008 for this purpose and at that time the following committees were formed; Parks, Racquet Club, Community Outreach and Programming. The work plan for last year is attached as "attachment 1" and many of the items outlined in that work plan are complete or in progress. These items are updated through the quarterly updates on Council goals.

Analysis:
The RAB and staff are looking for Council feedback and direction on the following subcommittee (Parks, Racquet Club and Community Outreach) work plans:

Parks Subcommittee: The primary focus of this subcommittee has been to work on the development of new parks and recommendations on improvements to existing park facilities. The following funds are available for park improvements.

Table 1 – City Park Funds (CIP #cp0005)

Revenue Source	2009	2010	2011
Lower Park RDA – Property Tax Increment	$21,185		
Total	**$21,185**		

Table 2 – Neighborhood Parks (CIP #cp0100)

Revenue Source	2009	2010	2011
Open Space Impact Fees	$53,328		
Transfer from Debt Service	$768,228		

Total	$821,556		

Table 3 – Allocated Funds for Park Projects

Project Name	Status	Funds Needed
Creekside Park	Under Construction	$779,776
Park Shade	Permitting	$6,850
Total Funds Committed		**$786,626**

Table 4 – Current Funds Available for Future Projects

CIP Fund	Uncommitted Funds
City Park	$21,185
Neighborhood Parks	$34,930
Total Funds Available	**$56,115**

Currently all park impact fees that are collected are allocated to the Park City Sports Complex. There is a balance of $2,235,715 in this fund.

RAB and staff recommend the following priority work plan for neighborhood parks and City Park:

Skatepark: Last year Council directed RAB to work with those interested in covering the skatepark and to determine the cost of creating a facility for year round skating.

The user group came to a RAB meeting and had quite a lengthy discussion about options. From the meeting the user group was asked to come back with ideas and examples of other skateparks that are covered for year round use.

Staff worked with a sales rep for park pavilions to determine the cost and feasibility of covering the skatepark. Given the span needed and the snow load requirements the only way to cover the park is with a custom structure. If a pavilion type structure were to be used the span is so great that there would need to be columns installed to support the roof.

We did receive a rough estimate from Fabric Architecture that gave an estimate of $60 a square foot installed. The upper skatepark is 28,200 SF and it would cost $1.7 million installed, the lower park is 13,818 SF and would cost $830,000 installed.

RAB recommends that the skatepark should not be covered for reasons outside of the cost. Any structure that was to cover the park would need to be in place year round. This would greatly diminish the current views from the park as well as from Deer Valley Drive. A structure would also have many impacts operationally that could change the current use. Currently the park is free and unsupervised. If a structure is put over the facility the park would need to be supervised and potentially a fee charged for its use.

The current skating season averages from 7 to 8 months with some years being 9 months in length. The park was not closed until the middle of December last year and it was open by the middle of March.

A few skaters interested in covering the skatepark returned to RAB in early October to get an update on covering the park. RAB gave them the information above & they understood that covering the park was not going to be realistic.

The idea of lighting the park was brought to Council last year during RAB visioning and at that time Council was not interested in pursuing this option. If the park were to be lit it would extend the skating season significantly because once November hits it is dark by 5 p.m. and there is little time for the park to be used once school is let out for the day. Lights would allow the park to be used into the evening.

When the park was originally built the Planning Commission restricted the use of the facility to daylight hours through the approval of the CUP. The Land Management Code would allow lights but the CUP would need to be amended. The lighting needed for a skatepark is much less intense than the lighting for playing surfaces. Street light type lighting is sufficient for a skatepark. The lights would be under the same restrictions as the playing field and basketball/volleyball court lights currently in use at City Park.

If Council is still interested in looking at expanded options for skateboarding Council could reconsider the option of installing lights at the park. If Council is interested in creating a location for year round skateboarding RAB and staff recommend looking at a facility other than the current skatepark.

City Park: Last year Council was supportive of hiring a landscape architect to create a Master Plan for the north & south end of City Park. RAB and staff have not moved forward with this but are still interested in doing so. RAB and staff recommend hiring a landscape architect to begin the process of getting a master plan in place for these areas. A key component of the Master Plan will be getting citizen input as the plan is developed. Sullivan Road through the north end of the park is scheduled to be rebuilt in FY 2012. It will be important to coordinate the reconstruction of the road with any park improvements. Estimated Cost for conceptual master plan services is $15,000.

Dog Park: The City made additional improvements this summer pouring concrete around the entrance and placing crusher fines inside the park to limit the mud and dust. The cost to complete this work was estimated at $50,000. The actual cost was approximately $27,000.

The Dog Park User Group is using the funds raised to purchase and install shade at the park. Staff is helping to facilitate this as the funds will be donated to the City and then used for the shade.

Once the shade is installed RAB and staff recommend that no additional City funds are spent on the facility until the user group raises additional funds.

Dogs: The issue of dogs being off leash on trails, city parks and around town has been an ongoing issue that ebbs and flows over the course of the year. Currently the only place that dogs are legally allowed to be off leash is on their property or the dog park.

A trend in some communities is to create Off Leash Areas (OLA's) which takes the idea of the dog park and expands it to other areas in the community. These areas are generally unfenced and are regulated by signage that restricts off leash use to certain days or hours.

Is Council interested in RAB looking at the issue of dogs being off leash and potentially proposing the creation of OLA's? In particular the Library Field has become a defacto OLA with many residents bringing their dog there to play and socialize with other dogs. The socialization goes beyond the dogs as there is a social aspect for the owners of the pet with other pet owners.

The other area RAB could look at is recommending a policy for trails and off leash areas such as Round Valley. Currently Round Valley is used by many as an off leash area although some users continue to leash their dogs. Staff has been working with the Wildlife Protection Society (WPS) and there are concerns with encounters between people and dogs off leash with both predatory wildlife (coyotes, mountain lion) and larger non-predatory (moose, elk, deer) in Round Valley. Staff is working with the WPS to provide signage and instruction at trail-heads to help avoid problematic encounters. Designating Round Valley as leash free will only raises the likelihood of having problematic encounters.

Creating OLA's will likely be a difficult issue that will likely cause community wide debate. When the idea of RAB taking on this issue was brought up the board was not overly enthused with the prospect of taking this on.

Racquet Club Subcommittee: At last year's RAB Visioning Council was supportive of looking at a name change to the Racquet Club. RAB and staff recommend changing the facility name to the **Park City Recreation Center**. The timing of rolling out the new name will be phased as the facility renovation begins.

If Council is supportive of the new name then staff will begin to roll out the name slowly on such items as staff clothing, program flyers, website and rate cards. The real push with the new name will be when the facility reopens and the "Racquet Club" name is not on the building.

This subcommittee will continue to play a vital role as the remodel takes plans are finalized. The subcommittee has served as an important link between the community and staff and would like to continue to do so. The subcommittee has been involved in all meetings with VCBO Architecture and staff as plans for the remodel are developed. RAB will play a key role as the plans are shown at public meetings and the overall master plan is developed for the facility.

Community Outreach Subcommittee: For the past three years RAB and staff have been working to increase participation and awareness of recreation programs that the City offers. There has been great success compared to where we were but there is still much that needs to be done. This past summer we gave scholarships to children that participated in swim lessons, skateboard clinics, tennis camp, summer day camp and soccer camp.

Staff continues to work with “ACT” (Agencies Coming Together) which has been working together to develop a cohesive plan for engaging the underserved population. The biggest ongoing programming is the onsite programming that is done at the various apartment complexes.

This is a program where a different agency is assigned to organize activities on site at Aspen Villas, Parkside, Ironhorse, Holiday Village and other identified locations from 3:30 to 5 p.m. once a week. This program has been very successful and is helping to build a relationship with the Latino population.

This past year summer the Tennis Department applied for a United States Tennis Association (USTA Grant) that would fund a tennis pro to teach lessons with Holy Cross Ministries. Unfortunately we were not selected to receive funding. Despite not receiving funding we will still teach the lessons but on a scaled back basis as to what the grant would have enabled us to teach.

The greatest challenge is getting participation in organized sports. This is due to the need for the children to be transported to playing fields all over the area. If a parent is unable to transport their child then they must rely on others to do so. The parent must also have a high comfort level in order to send their child off with someone else.

RAB and staff would like to continue to engage the underserved population and work to get even greater participation in programs.

Department Review: Budget, Legal, Sustainability, Recreation & Library, and City Manager

Alternatives:

A. Approve the Request:
Provide direction to RAB and staff with regards to the recommended work plan and formation of a parks, dogs, community outreach, and Racquet Club subcommittees.

B. Deny the Request:
Council may direct RAB and staff in a different direction than the one outlined in this report.

C. Continue the Item:
Council may continue the item to a future date

D. Do Nothing:
This will result in a lack of clarity and direction to staff & RAB.

Significant Impacts:
By giving direction to the RAB future recreational amenities and programs will continue to be developed that will meet the community’s needs.

Consequences of not taking the recommended action:
No action is required only direction to the RAB and staff with regard to the items outlined in the proposed work plan.

Recommendation:
Provide direction to RAB and staff with regards to the recommended work plan and formation of a parks, community outreach, and Racquet Club subcommittees.

Attachment 1: October 30, 2008 Staff Report

City Council Staff Report

Subject: RAB Visioning
Author: Ken Fisher, Recreation Manager
Department: Recreation & Library
Date: October 30, 2008
Type of Item: Informational

Summary Recommendations: Provide direction to the Recreation Advisory Board (RAB) and staff with regards to the recommended work plan and the continuation of a parks, community outreach, Racquet Club and programming subcommittees.

Topic/Description: Provide direction to staff and the Recreation Advisory Board on recreational items for the next year.

Background:
As outlined in the Recreation Advisory Boards Policy & Procedure (attachment 2) the Board shall meet annually with the City Council to receive updated city goals and direction from City Council. The RAB met with City Council in October 2007 for this purpose and at that time the following committees were formed; Parks, Racquet Club, Community Outreach and Programming. The work plan for last year is attached as "attachment 1" and many of the items outlined in that work plan are complete or in progress. These items are updated through the quarterly updates on Council goals.

Analysis:
The RAB and staff are looking for Council feedback and direction on the following subcommittee (Parks, Racquet Club Community Outreach) work plans:

Parks Subcommittee: The primary focus of this subcommittee has been to work on the development of new parks and recommendations on improvements to existing park facilities. The following funds are available for park improvements.

Table 1 – City Park Funds (CIP #cp0005)

Revenue Source	2008	2009	2010	2011

Lower Park RDA – Property Tax Increment	$25,972			
Total	**$25,972**			

Table 2 – Neighborhood Parks (CIP #cp0100)

Revenue Source	2008	2009	2010	2011
Transfer from General Fund	$250,248			
Transfer from Debt Service	$689,336			
Total	**$939,584**			

Table 3 – Allocated Funds for Park Projects

Project Name	Status	Funds Needed
Old Town Park	Under Construction	$135,000
Creekside Park	In Design Development	$760,805 (Estimate)
Total Funds Committed		**$895,805**

Table 4 – Current Funds Available for Future Projects

CIP Fund	Uncommitted Funds
City Park	$25,972
Neighborhood Parks	$43,779
Total Funds Available	**$69,751**

Currently all park impact fees that are collected are allocated to the Park City Sports Complex.

The City received $4,112 for the Old Town Park and $27,706 for the Dog Park from the Recreation, Arts and Parks (RAP) Tax this year. These funds have already been received and spent on the appropriate projects.

RAB and staff recommend the following priority work plan for neighborhood parks and City Park:

1. **City Park:** The north and south ends of City Park are still unfinished and do not have a current Master Plan for future improvements. RAB and staff recommend hiring a landscape architect to begin the process of getting a master plan in place for these areas. A key component of the Master Plan will be getting citizen input as the plan is developed. Sullivan Road through the north end of the park is scheduled to be rebuilt in FY 2012. It will be important to coordinate the reconstruction of the road with any park improvements. Estimated Cost for conceptual master plan services is $15,000.

Skate Park

There has been discussion in the community about options to increase the use of the skatepark not only beyond daylight hours but also the length of the season that it can be used. The idea of placing a dome over the facility has been brought up but this would be extremely difficult and costly. There is an electronic petition being circulated on the internet that has a goal of 1,000 signatures for support of such a structure.

An option that may work would be to place a pavilion structure over a section of the park that would have sides that could be raised up & down depending on the weather. This could be done over the street course section on the north end of the facility. This is commonly used over ice rinks in certain parts of the country. In order to place any structure above the Skate Park, the Conditional Use Permit (CUP) would have to be amended.

The idea of lighting the park has also been brought up. When the park was originally built the Planning Commission restricted the use of the facility to daylight hours through the approval of the CUP. The Land Management Code would allow it but the CUP would need to be amended. The lighting needed for a skatepark is much less intense than the lighting for playing surfaces. Street light type lighting is sufficient for a skatepark. The lights would be under the same restrictions as the playing field and basketball/volleyball court lights currently in use at City Park.

RAB and staff recommend that Council gives direction to explore expanded use at the skatepark and the hiring of a landscape architect to develop a conceptual master plan for the north and south ends of City Park.

2. **Dog Park:** The new dog park at the Park City Sports Complex opened to the public in September. The facility was built with City funds that were made available through a RAP Tax Grant and the Neighborhood Park CIP Fund. The total amount spent to date on the facility is approximately $35,000. Staff estimated that the facility would cost between $30,000 and $50,000 at last year's RAB visioning.

   The park was developed with the understanding that the City would pay for the fence, needed infrastructure and signage for the park. The dog park user group was to be responsible for any additional improvements that may be desired.

   Located within the boundaries of the park is a storm water retention basin that is for the water runoff from the fields and paved surfaces. There is a desire from the user group for this retention basin to be mitigated by installing a catch basin and piping the storm water out of the facility. There is a concern that the retention basin will be seen as an undesirable feature because user's dogs will become muddy. It is estimated that this will cost $5,000 to mitigate the retention basin. Staff and RAB recommend that the City pay for this to be done bringing the total funds spent to approximately $40,000.

   To date the City has met its original obligation related to the development of the dog park while the user group has raised limited funds for the facility. The user group is aware of their obligation and anticipates a stronger fundraising effort now that the facility is open. The group has a desire to see a section of the park become landscaped with grass, trees and irrigation along with shade and benches.

Until the user group raises funds for improvements, staff and the RAB recommend that the City does not allocate further funding beyond the $5,000 to mitigate the retention basin at this time.

3. **Park Shade:** Last year shade in the various parks was an item that RAB and staff have received public input on and was park of last year's visioning with Council. Staff worked with "Wicked Shade" to get designs and prices for shade pavilions that are similar to the shade at the skatepark. The cost to install shade at Prospector Park and the Racquet Club was $51,598. Staff is now looking at other options to provide shade as the bids made the project prohibitively expensive. ***RAB & staff would like to continue to work on this project.***

Racquet Club Subcommittee: This subcommittee will continue to play a vital role as the plans for the remodeled facility are developed. The subcommittee has served as an important link between the community and staff and would like to continue to do so. The subcommittee has been involved in all meetings with VCBO Architecture and staff as plans for the remodel are developed. RAB will play a key role as the plans are shown at public meetings and the overall master plan is developed for the facility.

There is an interest in changing the current name of the Racquet Club to a name that has more of a community feel and reflects the wide range of amenities offered at the facility. The current name lends people to think that the facility is privately owned and that you have to be a member to use it***. If Council would like to explore naming options for a remodeled facility now is the time to begin discussing potential name changes. Any potential name changes would go through the Racquet Club Subcommittee before going to Council for approval.***

Community Outreach Subcommittee: For the past two years RAB and staff have been working to increase participation and awareness of recreation programs that the City offers. There has been great success compared to where we were but there is still much that needs to be done. This past summer we gave scholarships to children that participated in swim lessons, skateboard clinics, tennis camp, summer day camp and soccer camp.

Staff has taken a leadership role in "ACT" (Agencies Coming Together) which has been working together to develop a cohesive plan for engaging the underserved population. This past year the group was award a $15,000 grant from the United Way to help fund the "Apartment Kids" programs. Holy Cross Ministries is administering the grant for ACT. This is a program where a different agency is assigned to organize activities on site at Aspen Villas, Parkside, Ironhorse, Holiday Village and other identified locations from 3:30 to 5 p.m. once a week. This program has been very successful and is helping to build a relationship with the Latino population.

The greatest challenge is getting participation in organized sports. This is due to the need for the children to be transported to playing fields all over the area. If a parent is unable to transport their child then they must rely on others to do so. The parent must also have a high comfort level in order to send their child off with someone else.

RAB and staff would like to continue to engage the underserved population and work to get even greater participation in programs.

Department Review: Budget & Grants, Legal, Sustainability, Recreation & Library, and City Manager

Alternatives:

E. **Approve the Request:**
Provide direction to RAB and staff with regards to the recommended work plan and formation of a parks, community outreach, and Racquet Club subcommittees.

F. **Deny the Request:**
Council may direct RAB and staff in a different direction than the one outlined in this report.

G. **Continue the Item:**
Council may continue the item to a future date

H. **Do Nothing:**
This will result in a lack of clarity and direction to staff & RAB.

Significant Impacts:
By giving direction to the RAB future recreational amenities and programs will continue to be developed that will meet the community's needs.

Consequences of not taking the recommended action:
No action is required only direction to the RAB and staff with regard to the items outlined in the proposed work plan.

Recommendation:
Provide direction to RAB and staff with regards to the recommended work plan and formation of a parks, community outreach, and Racquet Club subcommittees

Attachment 2

RECREATION ADVISORY BOARD
Policies and Procedures

1 The RECREATION ADVISORY BOARD (BOARD) is created by Municipal Code of Park City ("Code") Section 2-4-17, attached as Exhibit A and incorporated herein. Nothing in these policies shall overrule any requirement in Section 2-4-17, as amended

2 The Board will advise City Council and staff on parks and recreation policy as requested by the City Council and consistent with the Code. The City Council will refer particular matters to the Board for discussion, public input and recommendations. The Mayor or Council liaison member will communicate the Council's referral of a matter to the Board.

3. The Board shall meet annually with the City Council as part of the Council's visioning workshop, or as otherwise directed by the Council, to receive updated city goals and direction from the City Council.

4. The Chair of the Board shall communicate regularly with the City Council Board liaison member regarding priorities of the Board as they relate to City Council goals. The City Council liaison member will typically report Board progress on matters to the City Council at least once a month. The Board will provide a quarterly progress report to the City Council during work session of a regular meeting.

5. The role of the City Council liaison will be to:

   Attend regularly scheduled meetings.
   Communicate back to the Board recreation issues brought to Councils attention, or acted on by City Council.
   Notify Council of recreation issues brought to the Board by citizens.
   Align Board priorities with Council goals.
   Be a non-voting member of the Board.

6. The Board may request background information from the recreation staff, but such requests shall typically occur at meetings and information shall be requested by the Board as a whole, and all members of the Board shall receive a copy of the information. Board members will use reasonable efforts to communicate independent research material and ex parte information received from the public to the other Board members.

7. Closed meetings may only be held for purposes authorized by U.C.A. 54-4-5, as amended. A quorum for the transaction of business shall be a simple majority of the Board members. Minutes shall be kept at all meetings.

8. Special Task Forces for the study of particular issues may be created by the Mayor and Council. Task Forces may include members of the Board. They will typically serve for 6 months, or until they have completed the work for which they were appointed. Each Task Force shall meet goals and objectives as outlined by the Mayor and Council. The Task Force will elect a Chair to communicate with the Mayor and City Council. City Manager will approve any staff involvement in these Task Forces.

9. Special committees may be appointed by the Chair, with the advice and consent of the Mayor and City Council. These committees will deal with operational and capital project issues. City Manager will approve any staff involvement in these committees.

10. Special "Friends" groups may be formed by Staff, with the advice and consent of the Mayor, City Council, and City Manager. These groups may include members

of the Board. Staff will communicate directly with Council any Council issues brought to the group. These groups will deal with user specific programming, operational, and capital issues.

11. At its first meeting, and annually thereafter, the Board shall elect a Chair, Vice-Chair and any additional officers as necessary. The Chair shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Vice-Chair or a Board member designated by the Chair shall preside when the Chair is absent. The agenda for meetings shall be prepared and noticed by the Recreation Manager and the Chair.

12. The Board shall also act as a sounding board for new recreation policies and programs. The Board will hear initial proposals by the public for new programs and ideas, unless otherwise decided by the City Council. Prior to initiating staff time or resources on a new program or policy, the Board shall inform the City Council of the matter and request direction on how to proceed and the timing priority of the new matter.

13. The Board may provide annual policy recommendations in conjunction with the City's review of the General Plan with regard to use of City facilities and property for recreation purposes, and recommendations on recreation policies generally.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UT
OCTOBER 8, 2009

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Rhoda Stauffer, Housing Specialist; Matt Cassel, City Engineer; Jon Weidenhamer, Economic Development Manager; Hugh Daniels, Emergency Operations Manager; Wade Carpenter, Chief of Police; and Kent Cashel, Transportation Manager

Katie Mallaly, Summit County Health Department; Tom Pettigrew, Park City Mountain Resort, Mike Todd, Bonanza Drive resident; and Mark Fisher, Prospector land owner

Absent: **Council member Joe Kernan**

1. Council questions/comments. Roger Harlan reported on the Library Board meeting. Jim Hier attended a special events committee meeting where PCMR reported that summer operations were similar to the previous year while the UOP indicated a 25% decrease. The Park City ice arena had a good summer while Deer Valley realized a significant drop in attendance at concerts, especially the Jazz Festival. Liza Simpson relayed that she was in Amsterdam last week and indicated that she will share her pictures from Amsterdam's new library with staff and also smaller sized fire trucks designed for narrower roads often found in historic districts. Candace Erickson reported that the Recreation Advisory Board is touring facilities and planning to return to Council with its vision. She suggested exploring a long term plan for trails and encouraging direct communication between organizations so that issues can be approached consistently. The groups have committed to meeting quarterly.

Mayor Williams announced that the results from Visioning will be released at a meeting next Tuesday and will be used as the basis for the re-write of the General Plan. Jim Hier asked that the debriefing be scheduled on an upcoming work session. The Mayor thanked staff for the on-going work on Comstock. He stated that a delegation from China will be visiting City Hall on Monday and spoke about the potential of increased tourism from China.

Jim Hier asked about the status of the Farm paving project and Jon Weidenhamer discussed the design review conducted by staff. The outcome was a decision to use an asphalt material which was strongly preferred by the planning staff. He understood that an acrylic material can be applied on top of the asphalt and can be colored and matched to the existing road. Tom Bakaly interjected that this is a regulatory determination by the Planning Department with findings and the plan is to proceed unless a majority of members desire to appeal this determination to the Historic

Preservation Board. Candace Erickson felt that Friends of the Farm will be thrilled with this approach. Members agreed with the determination regarding the change from concrete to asphalt.

1. H1N1 update. Hugh Daniels, Emergency Operations Manager, stated that he is in constant contact with the Health Department, the lead agency. Today, the Health Department gave the City information to share with the public and the City formulated its own sick and flu policy for staff. The two-day doctor's note is waived so local clinics aren't further burdened with requests. He indicated that there is a City plan in progress to address absences without significantly decreasing service delivery. Hand sanitizers will be adequately stocked in all City buildings.

Katie Mullaly, Health Department, advised that the H1N1 has not mutated and remains fairly light in its symptoms and hospitalizations include mainly pregnant women and people with underlying health conditions. Most pandemics arrive, fade throughout the summer and come back in a stronger form which has not happened in this case. She relayed that the Department has heard of clusters of Summit County students and others who have reported being sick but these cases are considered unconfirmed because they were not hospitalized. The first round of the flu mist vaccines have been delivered and the state received about 24,000 doses. Park City received 200 and 60 vaccines were left over yesterday; she reported on other communities. Another shipment is anticipated next week and vaccines are free. The Health Department is setting up a hotline number in English and Spanish and has been working closely with 211, which is the state's hotline system. She relayed that they have also been working with the hospital, the schools and the Chamber to disburse information to the public.

Candace Erickson asked if the City will require some employees to be vaccinated. Hugh Daniels explained vaccinations for all employees are optional. Ms. Erickson explained her concern that bus drivers come in contact with a lot of people and Ms. Mullaly indicated that the private sector can enforce this type of regulation. She emphasized that the only vaccination the Health Department has available is for healthy individuals and not for pregnant women or people with underlying health conditions but the vaccine should be available to the general public by Christmas. There was discussion about an individual becoming immune if previously infected and determining if someone had H1N1 after the illness occurred.

3. Eligibility criteria for Snow Creek Cottages. Rhoda Stauffer invited discussion and input on eligibility criteria for the sale of the Snow Creek Cottages. Resolution No. 20-07 establishes eligibility guidelines and staff is recommending that some items be added to the guidelines. She referred to Item 3, entitled tenure in her staff report and recommended that priority be given to people who have lived and worked in the community for five years or more. Qualified persons would be given extra chances to win in the lottery. Mayor Williams suggested that seniors receive extra consideration and Ms. Stauffer believed seniors are also a possibility. She explained that Council already directed that two units be designated for the City and two units for disabled persons or for seniors. Members agreed with the five year criteria. Ms. Stauffer continued that first time homebuyers is listed as another category but staff is recommending that it be broadened to households that currently own property. This would provide an opportunity for persons who own in another jurisdiction, primarily because they can't afford to own in Park City, to sell their current home and be able to move here where they work. Ms. Stauffer recommended that seven of the units be set aside for first time home buyers and six be held for persons who currently own homes elsewhere. Mayor Williams pointed out that this conflicts with the concept of living and working here for five years.

Candace Erickson expressed that six units for outside buyers seems too high of a number to her. Liza Simpson agreed that the City should be careful and perhaps conduct some means testing to avoid people profiting from sales and taking advantage of the affordability of the Snow Creek Cottages. Rhoda Stauffer explained that the City is somewhat protected because the property is deed-restricted which is probably not attractive to that type of buyer. Ms. Erickson disagreed because banking profits can cover lower mortgage payments and she felt buyers should not be able to own other property. Ms. Stauffer stated that potential buyers can not own other property, acknowledging that it was not in her staff report. Tom Bakaly pointed out that the same goal can be accomplished by limiting sales to first time buyers.

Jim Hier posed that if there are few first time buyers and unsold units, the City could consider the next level of qualified buyers. Candace Erickson pointed out that some affordable housing owners may own a condo but now have a family and want to move into a larger home. She added that she is inclined to open it up first to people who have been renting and finally have an opportunity to buy. Jim Hier stressed the high number of affordable housing units currently on the market; there needs to be a time frame to allow the market to recover. He feels that requiring first time buyers and not having the property absorbed in the market will be a mistake and some time frame should be set to enact other criteria. He does not want to see them empty but Ms. Erickson didn't feel that will happen. Ms. Stauffer explained that she was the builders' rep selling the Silver Star units and because of the first time buyer regulation, teachers in our District commuting from Salt Lake and Health Department employees commuting from Midway were turned down. Liza Simpson stated that she does not have a problem with reserving some units for people who already own property as long as they don't take advantage of the City's program.

Ms. Stauffer believed some concerns could be addressed in the application process by requiring an asset report. The Mayor asked members if they are comfortable with the allocation of seven and six and Ms. Simpson favored nine and four. Roger Harlan felt that the program can be effectively managed to avoid abuses and Ms. Simpson believed the asset test will be an important element. Ms. Erickson discussed the original intent of the project of providing single family residences to families and would be offended if all 13 units went to people without children. Ms. Stauffer acknowledged that she can not guarantee that won't happen. In response to a question from Jim Hier, Rhoda Stauffer advised that owners can not rent the units but may rent a bedroom. Mark Harrington advised that sub-rentals can probably be prohibited.

Jim Hier recommended that bedroom rentals be explored and there be further clarification of *net assets*. Ms. Stauffer added that asset tests are common in subsidized housing. Jim Hier reiterated that he would like a time frame set on the most restrictive criterion so that units are occupied. The Mayor noted that many applicants may not qualify as first time buyers but may meet other important criteria. If target sales are not met, he suggested relaxing the standards. Jim Hier posed a minimum of six months, although a year may be appropriate. Ms. Erickson spoke about the time lag with people listing and selling their properties in hopes of purchasing a Snow Creek unit. Rhoda Stauffer confirmed that income targeting is supported by members. Council agreed to designate eight first time buyer units and open the remaining five to applicants complying with other criteria but to add some flexibility to ensure that units are occupied by qualified persons. The Mayor pointed out that an outstanding issue is renting bedrooms and Ms. Stauffer assured members that she will look into the rental issue.

With regard to the City units, Tom Bakaly pointed out that it is likely that many employees won't meet the income requirement but there might be different goals associated with these units. If the goal is to attract recruits to hire and live in Park City, like the Police Chief, the income range would not comport and most police officers would not qualify either. Liza Simpson indicated that she would like to know how many City employees would qualify and how many wouldn't before income criteria are changed. Jim Hier relayed that the income standard can be monitored and adjusted to the market. Roger Harlan agreed.

Rhoda Stauffer stated that 35 people participated in the home buyer training, of which 25% were City employees and all but two or three would qualify under these income restrictions. Candace Erickson stated that she is never in favor of adjusting the rules for City employees; however she feels it imperative that key personnel live within the City limits. Jim Hier suggested that the City purchase a unit for these situations. Mark Harrington cautioned members on adjusting *on the fly*, which may create further expectation problems. If the policy goal is to ensure that fire fighters and police officers are overwhelmingly eligible, then make the criteria fit, not the other way around, and it is okay to establish a different policy for the City's units. The policy should be addressed first and then the criteria set to match it. Tom Bakaly suggested returning to work session with more information.

Ms. Simpson asked about other eligibility requirements for the other deed-restricted projects in the area and Ms. Stauffer explained that the approximate 500 rental properties have much lower income restrictions and the for-sale units are usually targeted to the 150% of Park City workforce wage. The Empire Pass employee units do not have an income restriction, but simply requirements about where the person works and the affordability of the rent. Silver Meadows is not income restricted either.

4. Bonanza Drive truck traffic restrictions. Matt Cassel reported that Bonanza Drive opens tomorrow; Phase 1 is complete. The truck restriction signs were installed on September 17. The impact measure is a reduction of daily truck traffic on Bonanza Drive and the intersection level of service within the Bonanza corridor will not be affected. However, the Park Avenue/Deer Valley Drive intersection could be degraded with an increase in vehicle wait time or travel time and vehicle miles. The restriction would reduce impacts to two pedestrian crossings in the Bonanza area but compromise five other crossings adding more trucks on Park Avenue.

Mayor Williams acknowledged that there seem to be more negatives associated with this proposal and asked about safety. Mr. Cassel explained that staff did not have accident rates to evaluate safety. He continued that the recommendation today is to remove the signs until the proposal can be studied further. The Mayor indicated that he is comfortable with this direction and pointed out that UDOT provided $1 million toward the Bonanza Drive construction project. Roger Harlan discussed the five other crossings that may be affected and for this reason, favored keeping trucks on Bonanza Drive. Mr. Hier disagreed with the evaluation of the Monitor/Bonanza crossing and the Yarrow crossing. Mr. Cassel admitted that the intersections have been identified but need more study. Jim Hier discussed concerns expressed about the traffic during ski season and suggested that the signs remain in place until Thanksgiving and in the meantime, conduct the study. The truck restrictions should be in place in the morning and/or just enforce it traveling south on Bonanza Drive on an interim basis. With this approach, the afternoon resort traffic is not affected.

Candace Erickson stated that she witnessed a noticeable difference at the corner of Park Avenue and Deer Valley Drive during the closure of Bonanza during Phase 1. She felt an officer is needed there on a regular basis because crossing the road is very dangerous for pedestrians. Restricting truck traffic on Bonanza could create issues in other areas. Liza Simpson discussed Mr. Hier's suggestion of leaving the signs up until ski season to evaluate impacts. If an officer is needed at the Park Avenue/Deer Valley Drive intersection, it should be staffed. Roger Harlan expressed that he is willing to compromise but diverting truck traffic to Park Avenue in the winter, in his opinion, is a mistake.

Chief Wade Carpenter explained that the only code available for enforcing the truck axle restriction is failure to obey a regulatory sign which is a Class B misdemeanor. This means that most of the drivers in violation have CDLs and receiving a moving violation could affect their livelihood. In order to cite trucks in the area, the police have to follow them all the way through the Bonanza corridor to make sure no deliveries or stops are made, then travel through the school zone at the busiest time of the day, and then head toward the ice rink area so a stop can be safely made and traffic isn't affected. Mr. Hier envisioned that the regulatory signs would be enforced periodically as opposed to constant monitoring. The Mayor invited public input.

Tom Pettigrew, Park City Mountain Resort, urged members to refer to the letters from PCMR and Deer Valley Resort about concerns. He encouraged a full evaluation of the impacts rather than experimenting with traffic flows. He agreed with Ms. Erickson's comments about the *balloon effect* of diverting traffic. PCMR believes concerns about traffic flow within town and pedestrian safety should be considered. PCMR, Deer Valley Resort, UHP, UDOT, Park City Police Department and the City Engineer engaged in a proactive effort last winter to formulate a plan for peak load-out times and were able to improve the traffic flow in some ways. Bonanza Drive dramatically influences other areas and he asked that before there are any continued traffic restrictions whether temporary or permanent in nature, that it would make the most logical sense to conduct a quantitative study, evaluate it, and provide the affected parties time to react if there are going to be changes rather than reacting to experimental changes.

Mark Fisher, Bonanza Drive property owner, believes that allowing trucks on Bonanza Drive is appropriate. He spoke with several of his tenants who love the fact that the trucks are gone but on balance, it is probably not fair to Park Avenue. He offered to allow the extension of Munchkin Road through the middle of The Yard over to Homestake if needed during next year's construction. The Mayor thanked Mr. Fisher for his input.

Mike Todd, property owner, felt that prohibiting trucks is a good decision. There are approximately 250 residences adjacent to Bonanza Drive which translates to about 500 people. The majority of trucks use Bonanza which does not seem fair. Residents have to put up with the *problem* every single day; the Mayor asked for clarification of *problem*. He indicated that the problem is constant truck traffic and if truck traffic is going to be allowed, at least study it. Truck traffic should be mixed up throughout town.

The Mayor thanked the public for input and explained that the purpose for designing and building Bonanza Drive was to remove traffic from Park Avenue. Mr. Hier indicated that a comprehensive traffic study would be helpful for the entire town, and specifically in reviewing the lower Park Avenue RDA, and hoped that it could be completed by April. Matt Cassel discussed the transportation study and including pedestrian and bicycle traffic. Liza Simpson emphasized that the information on the two corridors should be available for members to review before next summer. The contract will return to Council for approval. Kent Cashel added that it is important for staff to examine the findings comprehensively and would prefer to return with a suggested time line. Roger Harlan predicted serious traffic flow problems in the winter if truck traffic is diverted to Park Avenue. Tom Bakaly stated that if the signs remain, the restrictions will be enforced. Candace Erickson felt that enforcing this for 30 days and then pulling the signs is not prudent. Liza Simpson believed the Police Department can handle the enforcement. A majority of members agreed to keep the signs up until November 15.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 8, 2009

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 8, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Liza Simpson. Joe Kernan was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Diane Foster, Sustainability Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

Homestake Condominiums - Mary Cook, Homestake Condominiums, relayed that she wanted to approach Council when things were going well as opposed to just complaining. She spoke about the overall good condition of the Homestake properties, specifically BKM's improvements to its units.

IV RESIGNATIONS AND APPOINTMENTS

Acceptance of Jack Thomas' resignation and appointment of Richard Luskin to fill his unexpired term on the Planning Commission to July 2012 – Jim Hier, "I move we accept Jack Thomas' resignation and appoint Richard Luskin to the Planning Commission to fill his unexpired term to July 2012 with a term beginning November 1". Liza Simpson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

V OLD BUSINESS *(Continued items)*

Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR248 and US40 interchange in the Quinn's Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and approving a Water Agreement, and amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT) – The Mayor opened the public hearing. With no comments from the audience, he requested a motion to continue to a date uncertain. Roger Harlan, "I so move". Jim Hier seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

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

Consideration of approval of a Right of First Refusal Agreement between the Osguthorpe Family and Park City Municipal Corporation, and a Fixed-Rate Promissory Note in the amount of $750,000 secured by a Deed of Trust, each in form approved by the City Attorney, regarding Parcel SS-98, which is comprised of approx. 121 acres in Summit County, Utah – Diane Foster explained that this a right of first refusal where the City would make a down payment of $750,000 and the interest rate would be 4% compounded annually. The term of the deal is for ten years and during that period, if the Osguthorpe Family wants to either sell or develop the 120 acre parcel, the City would be first offered to buy the development rights or to purchase the property. If Council desires to entertain the offer, both parties would get an appraisal with the highest level of certification. She explained that if the price differential between the two appraisals was 15% or less, the City would pay the lower price for the development rights or for the full parcel. If the certified appraisal differs by more than 15%, then the City would have an opportunity to pay the higher price less 7.5%. At any point, the City can decide not to purchase and the Osguthorpes could then move on. The family has the ability to repay the $750,000 plus any compounded interest at 4% annually early, however, the deal will remain in effect for the entire ten year period. There is no pre-payment penalty.

Jim Hier, "I move approval of a right of first refusal agreement between the Osguthorpe Family and Park City Municipal Corporation and a fixed rate promissory note in the amount of $750,000 secured by a Deed of Trust each in a form approved by the City Attorney, regarding Parcel SS-98, which is comprised of approximately 121 acres in Summit County, Utah". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII 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, Jim Hier, and Liza Simpson. Joe Kernan was excused. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Jim Hier, "I move to close the meeting to discuss property and litigation". Roger Harlan seconded. Motion carried. The meeting opened at approximately 4:20 p.m. Jim Hier, "I move to open the meeting". Liza Simpson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	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

Janet M. Scott, City Recorder

City Council
Staff Report

Subject: 1440 Empire Avenue Replat
Author: Kayla Sintz, AIA
Date: October 29, 2009
Type of Item: Administrative – Plat Amendment

Summary Recommendation

Staff recommends the City Council hold a public hearing for the 1440 Empire Avenue Replat plat amendment and consider approving the subdivision plat based on findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Owner:	John Paul DeJoria / Valley of Love, L.C.
Applicant/Architect	Craig Elliott, AIA
Location:	1440 Empire Avenue
Zoning:	Recreation Commercial (RC)
Adjacent Land Uses:	Residential (multi-family and single family)
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

This item was originally on the September 9, 2009, Planning Commission Regular Agenda. On that day the applicant requested the item be continued in order to modify their application and include a third parcel.

On September 17, 2009, the City received a complete, amended application for a plat amendment at 1440 Empire Avenue. The subject property is located in the Recreation Commercial (RC) zoning district. The proposed plat combines three existing metes and bounds parcels into Lot A of the 1440 Empire Avenue Replat. The proposed lot will be 12,882.62 square feet.

The applicant wishes to combine the parcels into one lot of record to facilitate future construction. A Conditional Use Permit review for a Multi-Unit Dwelling application has also been received. A building permit cannot be issued for construction across a lot line or on a metes and bounds parcel.

This item was heard by the Planning Commission on October 14, 2009 with staff additions of Conditions of Approval #3 and #4 as identified by the City Engineer.

Analysis
Staff finds good cause for this plat amendment as it cleans up the property lines, provides access to an interior parcel, and allows for future planned development. The three parcels to be combined (totaling 12,882.62 s.f.) consist more or less of one very large interior parcel of 8,985 s.f. (identified as Parcel 1) and two oddly shaped much smaller parcels of 2,221 s.f. (Parcel 2) and 1,676 s.f. s.f. (Parcel 3). Parcel 1 would yield a substantial building within its own right. Without the plat amendment the applicant would not have access to the large parcel as it would be land-locked from Empire Avenue without the additions of Parcels 2 and 3.

Other development lot sizes in the area range from the large development condo parcels of approximately 10,150, 32,000, 36,000, 42,000 and 78,000, square feet to the smaller single family parcels of approximately 1,742, 3,047, 3,920, 5,600 and 9,500 square feet. The Park City Mountain Resort parking lots are also subject to future development.

	Permitted
Height	35 feet (+5 feet for roof pitch 4:12 or greater)
Front setback	20 feet minimum
Rear setback	10 feet minimum
Side setback	10 feet minimum

Process
Approval or denial of the ordinance by City Council may be appealed to District Court within 30 days as provided by state code.

Department Review
This project has gone through an interdepartmental review. All issues identified during the meeting have been addressed by the applicant.

Notice
The property was posted and noticed, being mailed to property owners within 300 feet. Legal notice was also listed in the Park Record.

Public Input
A prior application was noticed and on Regular Agenda for the September 9, 2009 meeting for a different parcel configuration. At that time Staff received several phone calls from adjacent property owners who had not received the courtesy mailing but had seen the sign noticed on site. This occurred before the third parcel was included as part of this application. The property was re-noticed and posted. Adjacent owner concerns are regarding the proposed use in the Conditional Use Permit, specifically regarding mass and scale and impact on surrounding single family homes. There wasn't any additional public input at the Planning Commission meeting of October 14, 2009 in regards to the Plat application, however, staff has received additional input since the meeting regarding the impacts of the lot combination relating to increased building size

the combined parcels allows. Public input letter is attached.

Alternatives

- The City Council may approve the 1440 Empire Avenue Replat plat amendment as conditioned or amended; or
- The City council may deny the 1440 Empire Avenue Replat plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 1440 Empire Avenue Replat plat amendment.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The parcel lines would remain where they currently stand and construction could not take place on this site.

Recommendation

Staff recommends the City Council hold a public hearing for the 1440 Empire Avenue Replat plat amendment and consider approving the attached ordinance according to the findings of fact, conclusions of law and conditions of approval.

Exhibits

Exhibit A – Ordinance with Proposed Plat
Exhibit B – Survey of existing conditions
Exhibit C - Aerial Photograph & Land Use Map
Exhibit D – Public Input Letter dated October 26, 2009

Exhibit A
Draft Ordinance No. 09-

AN ORDINANCE APPROVING THE 1440 EMPIRE AVENUE PLAT AMENDMENT LOCATED AT 1440 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 1440 Empire Avenue have petitioned the City Council for approval of the 1440 Empire Avenue Replat plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 14, 2009, to receive input on the 1440 Empire Avenue Replat plat amendment;

WHEREAS, the Planning Commission, on October 14, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council, on October 29, 2009, held a public hearing to receive input on the 1440 Empire Avenue Replat plat amendment;

WHEREAS, it is in the best interest of Park City, Utah to approve the 1440 Empire Avenue Replat plat amendment.

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

SECTION 1. APPROVAL. The 1440 Empire Avenue Replat plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 1440 Empire Avenue in the Recreation Commercial (RC) zoning district.
2. The subject property encompasses parcels 1, 2 and 3 into Lot A 1440 Empire Avenue Replat
3. The proposed amended plat would result in one lot of record of 12,882.62 square feet.
4. The proposed plat dedicates a snow storage easement on the west side of the lot, identifies a public utility easement also on the west side, and identifies an existing 3' snow shed easement to the south.

5. The proposed plat amendment will not create substandard lots on the neighboring lots.
6. The applicant is proposing the combination of the parcels in order to facilitate a Conditional Use Permit for a Multi-Unit Dwelling.
7. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
8. The proposed lot size is compatible with adjacent and street development.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer shall review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A 10 foot snow storage easement shall be dedicated to the City along the frontage of the lot.
4. Modified 13-D sprinklers shall be used in all new construction.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this __day of__, 2009.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, MAYOR

ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

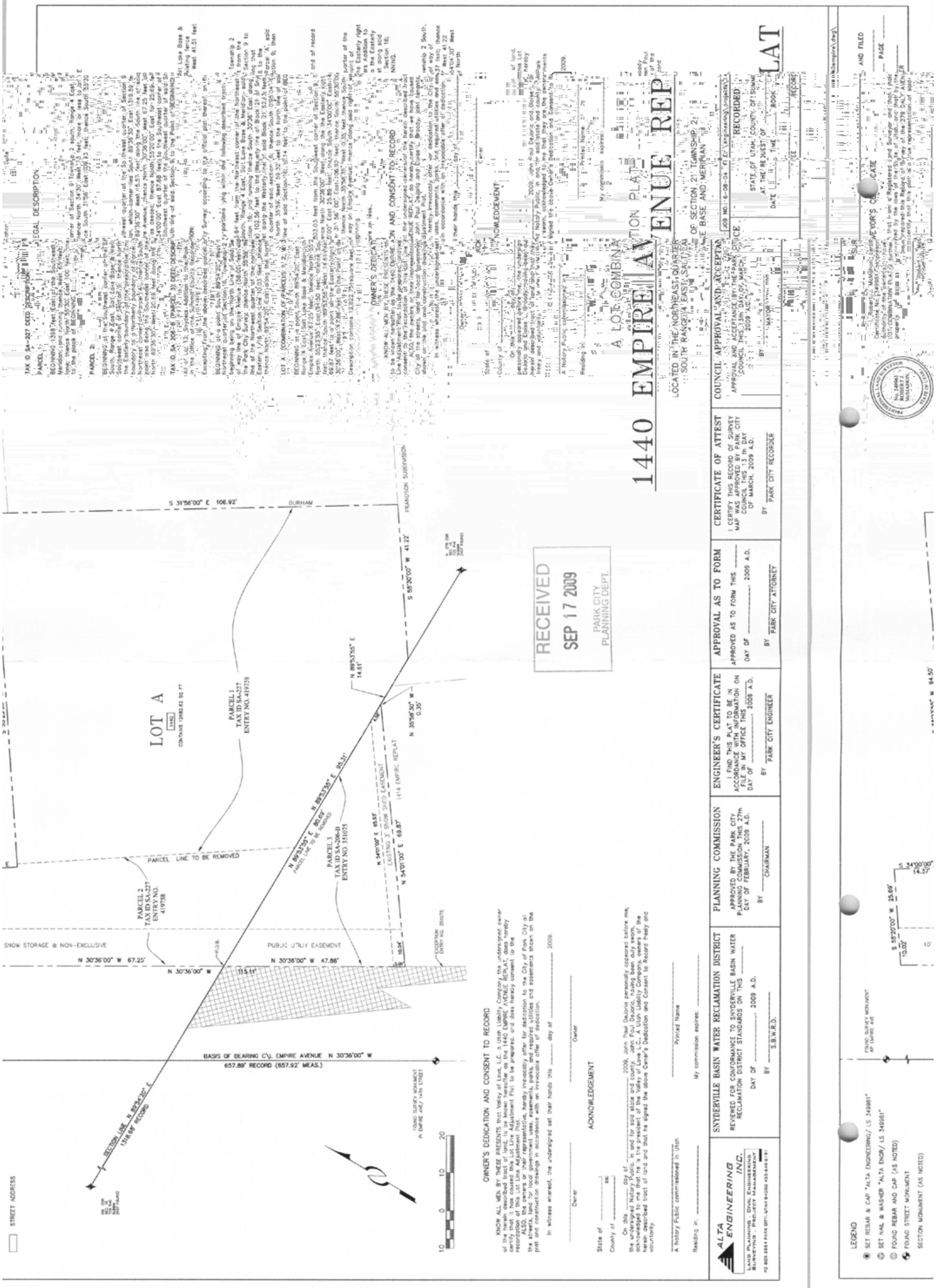
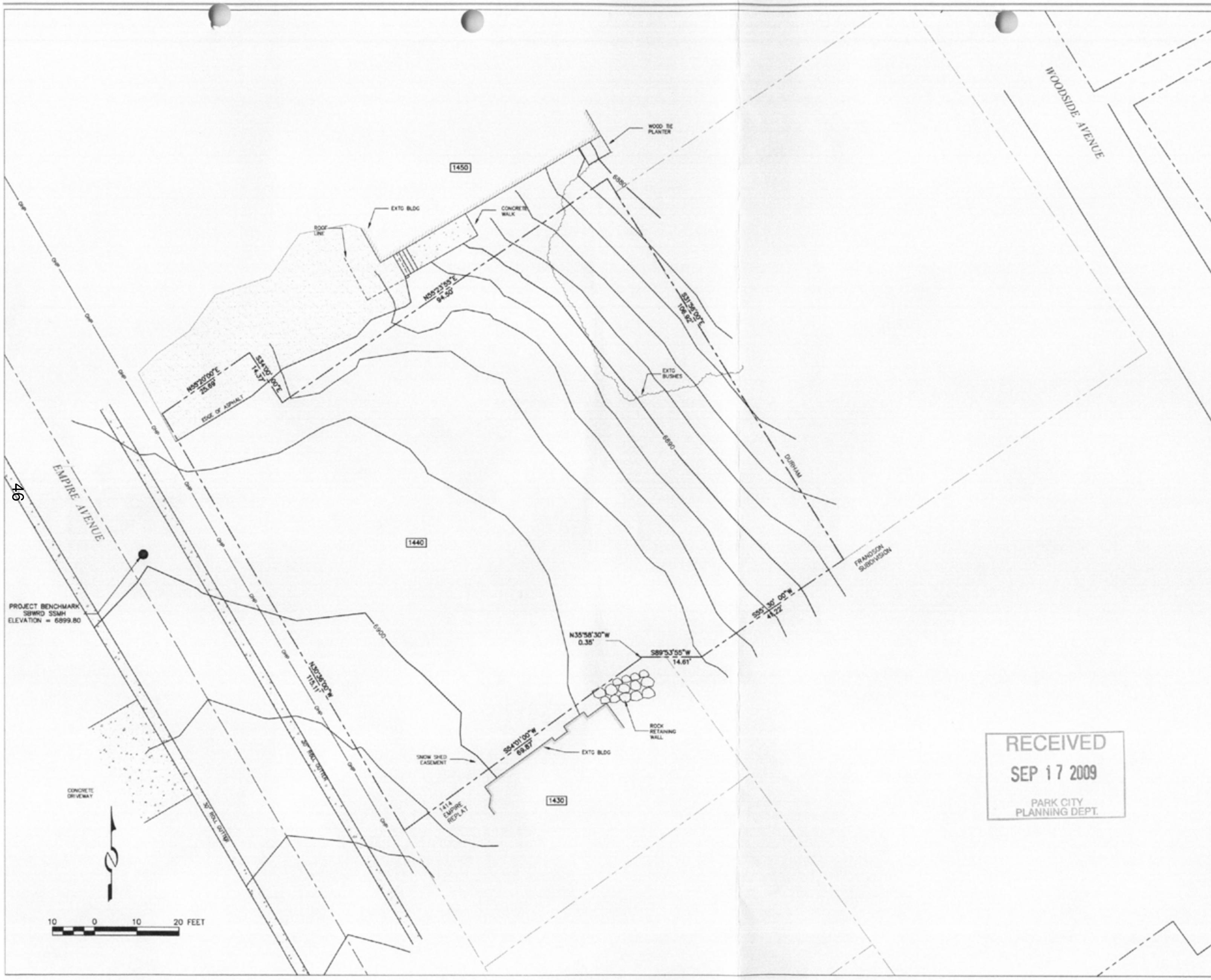

1440 EMPIRE AVENUE REPLAT
A LOT COMBINATION PLAT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21 TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
LOT A
1440
CONTAINS 12882.82 SQ FT
PARCEL 1
TAX ID SA-227
ENTRY NO. 419758
PARCEL 2
TAX ID SA-227
ENTRY NO. 419758
PARCEL 3
TAX ID SA-206-B
ENTRY NO. 351075
PARCEL LINE TO BE REMOVED
SNOW STORAGE & NON-EXCLUSIVE
PUBLIC UTILITY EASEMENT
EXISTING 3' SNOW SHED EASEMENT
1414 EMPIRE REPLAT
FRANDSON SUBDIVISION
DURHAM
EXCEPTION ENTRY NO. 351075
SECTION LINE N 89°54'20" E 1318.68' RECORD
BASIS OF BEARING C\L EMPIRE AVENUE N 30°36'00" W 657.89' RECORD (657.92' MEAS.)
FOUND SURVEY MONUMENT PI EMPIRE AVE/ 14th STREET
S 31°56'00" E 106.92'
S 55°30'00" W 41.22'
N 89°53'55" E 14.61'
N 35°58'30" W 0.35'
N 89°53'55" E 95.31'
N 89°53'55" E 80.69'
N 54°01'00" E 65.53'
N 54°01'00" E 69.87'
N 30°36'00" W 67.25'
N 30°36'00" W 47.86'
N 30°36'00" W
115.11'
10.04'
P.O.B.
STREET ADDRESS
OWNER'S DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENTS that Valley of Love, L.C. a Utah Liability Company the undersigned owner of the herein described tract of land, to be known hereafter as the 1440 EMPIRE AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recordation of this Lot Line Adjustment Plat.
ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.
In witness whereof, the undersigned set their hands this ______ day of ______________ 2009.
Owner
Owner
ACKNOWLEDGEMENT
State of
County of
On this ______ day of ______________ 2009, John Paul DeJoria personally appeared before me, the undersigned Notary Public, in and for said state and county. John Paul DeJoria, having been duly sworn, acknowledged to me that he is the president of the Valley of Love L.C., A Utah Liability Company, owners of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.
A Notary Public commissioned in Utah
Printed Name
Residing in:
My commission expires:
RECEIVED
SEP 17 2009
PARK CITY PLANNING DEPT.
ALTA ENGINEERING INC.
LAND PLANNING . CIVIL ENGINEERING SURVEYING . PROJECT MANAGEMENT
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF __________, 2009 A.D.
BY S.B.W.R.D.
PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 27th DAY OF FEBRUARY, 2009 A.D.
BY CHAIRMAN
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF __________ 2009 A.D.
BY PARK CITY ENGINEER
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ______ DAY OF __________, 2009 A.D.
BY PARK CITY ATTORNEY
CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 13 th DAY OF MARCH, 2009 A.D.
BY PARK CITY RECORDER
COUNCIL APPROVAL AND ACCEPTANCE
MAYOR
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT
LEGAL DESCRIPTION
LEGEND
SET REBAR & CAP "ALTA ENGINEERING/ LS 349961"
SET NAIL & WASHER "ALTA ENGR/ LS 349961"
FOUND REBAR AND CAP (AS NOTED)
FOUND STREET MONUMENT
SECTION MONUMENT (AS NOTED)

Exhibit B



RECEIVED
SEP 17 2009
PARK CITY PLANNING DEPT.

SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, do hereby certify that I am a registered land surveyor and that I hold certification No. 349961-2201 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made of the lands shown and described hereon. I further certify that this survey is a correct representation of the lands shown at the time the field work was completed.

PROFESSIONAL LAND SURVEYOR No. 349961 ROBERT J. McMAHON STATE OF UTAH

1440 STREET ADDRESS

NARRATIVE:

The purpose of this survey is to show the existing conditions of the subject property for a plat amendment.

The Basis of Bearing of this survey, the Amended Park City Monument Control Map by Bush & Gudgell, Inc. recorded as Entry No. 199887 in the Office of the Recorder, Summit County, Utah.

Project Benchmark: SBWRD SSMH located adjacent to the subject property as shown. Elevation = 6899.80'

Property Corners were not set

Date of survey: August 9, 2008

The architect/ owner is responsible for verifying building setbacks, zoning requirements, and building heights.

The owner of the property should be aware of any items that may appear in a title insurance report. The surveyor has found no obvious evidence of easements, encroachments, or encumbrances on the property surveyed except as shown hereon.

EXISTING CONDITIONS & TOPOGRAPHIC SURVEY 1440 EMPIRE AVENUE

FOR: MARK FISHER JOB NO.: 06-08-06

ALTA ENGINEERING INC.
CIVIL ENGINEERING LAND PLANNING SURVEYING PROJECT MANAGEMENT
P.O. BOX 2664 PARK CITY UT 435-649-9191

Exhibit C

1440 EMPIRE VICINITY LAND USE
LEGEND
H Historic
Single family homes
Multi-family homes
Future Development
ROS
HRM
ROS
RC
Silver King
Silver King
Empire
15th
Park
15th
Woodside
Park
Empire
Shadow Ridge
Lowell
Lowell
Empire
14th
Woodside
Park
Sullivan
Sullivan
Sullivan
Park
Empire

Exhibit C

1440 Empire Avenue
Aerial Vicinity Map
Silver King
Empire
Woodside
Park
Sullivan
14th
Shadow Ridge
Lowell
0
100
200
400
Feet
PARK CITY

October 26, 2009

Park City Council
P.O. Box 1480
Park City, UT 84060

Kayla Sintz
Planner Architect
Park City Municipal Corporation
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060-1480

Via email: kayla.sintz@parkcity.org And
Facsimile: 435-615-4906

Re: 1440 Empire Avenue Proposed Plat Amendment

Dear Council Members and Ms. Sintz:

Please submit this letter to the City Council to express our opposition to the proposed Plat Amendment. The Amendment seeks to re-plat property to allow an applicant to achieve a development density in an already congested area far beyond that which would be allowed in the zone without the lot consolidation, is being proposed without the findings made necessary by Title 15, Chapter 7 of the Land Management Code (the "LMC") and is inconsistent with the General Plan. The proposed consolidation, as acknowledged by the Applicant, is the first step to a proposed use with a density that will have a significant adverse impact and burden on the area and those who reside in the area and is being accomplished without the appropriate notice or the opportunity for a meaningful discussion. In short, those greatly affected simply have not been mailed notices despite a policy and a mandate that notice "shall" be mailed to them. Furthermore, because no analysis has been performed to determine the base line development that could be had on these 3 parcels as they currently sit, the findings required by the LMC regarding additional traffic and pedestrian impacts and safety, which are prerequisites to an approved Lot Line adjustment, cannot be analyzed or made.

There are several reasons for our current objections. They are as follows:

1. Lack of notice and meaningful public input:

   According to the Planning Commission Staff report "The property was posted and noticed, being mailed to property owners within 300 feet." This is not the case. Rick Margolis, at 1422 Empire, just two houses away, was never notified. It is also our understanding that none of the 55 owners of condominiums in Shadow Ridge were noticed of the hearing, with only one notice going to the president of the Homeowners Association at a post office box. The General Manager was unaware of the hearing. None of those homeowners were present at the hearing. We have no idea how many others were not notified. According to the Park City General Plan, Goal 8 states that "Park City should take full advantage of the diverse and intelligent input of an active constituency, and continue to seek input on decision of Park City's future." This goal was clearly not met here.

The Planning Staff Report, upon which Planning Commissioners heavily rely, was prepared without the benefit of planning staff being afforded the diverse public opinion that Goal 8 of the General Plan was seeking to provide. The Planning Staff report was completely prepared only receiving input from the developer. For this reason alone, this Council should remand this item back to the Planning Commission to allow the community the full and adequate input it deserves.

Also, the manner in which this particular action was heard at the Planning Commission level is troubling. Although the agenda had as separate items the application for the development permits and the application for the re-platting of the property, the only three members of the public who were actually able to attend the hearing reasonably concluded that the two items were joined and when a continuance was mandated on the conditional use permit portion, the three parties left the Planning Commission hearing room assuming that the re-platting portion was also continued. To our surprise, we found out after leaving the hearing, that the re-platting ordinance was raised and adopted without any discussion, either amongst the Planning Commissioners or any public. The Land Management Code ("LMC") requires that no building permit be issued or approved without a Plat Amendment (§ 15-1-11(C)). The fact that this plat was not discussed before the conditional use application hearing supported the belief that the matters were necessarily heard and continued together. It couldn't be otherwise.

Why was it reasonable for the public members who were present at the hearing to conclude that the matters were joined? The reason is simple. The public hearing and discussion was regarding a conditional development permit for a 24-bedroom multi-unit housing project which could not be developed on the 3 lots as they currently exist. Such development could only be proposed and developed once the re-platting occurred and the 3 lots in question were joined into one parcel. How is it possible that a hearing can be had on a development which requires re-platting when the re-platting motion wouldn't be heard until the discussions of the development permit were concluded? It clearly could not (or at least should not) which is why the members of the public who showed up at the hearing reasonably concluded that everything, both applications, must have been heard and continued together. We respectfully request that, for this reason, this matter be referred back to the Planning Commission Staff and the Planning Commissioners so that they can independently hear and address the concerns we have regarding re-platting which we will also be presenting to you at this hearing.

2. <u>The proposed consolidation of the three parcels goes against several provisions of the Park City General Plan and is not authorized under Chapter 7 of the Land Management Code</u>.

It is important to note that the purpose of lot line adjustments pursuant to Title 15, Chapter 7 of the Land Management Code, is NOT to create additional building opportunity but, rather, "as subject to the control of Park City <u>pursuant to the official General Plan of Park City</u> for the orderly, planned, efficient and economical

Development of Park City." LMC Section 15-7-3(A) [emphasis added]. The only purpose this particular developer is seeking the 3 lot consolidation for is to increase density and increase its development rights by consolidating parcels through the Lot line adjustment ordinance. Section 15-7-5(B) specifically provides that "these regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, *whichever provisions are more restrictive or impose higher standards shall control*." [emphasis added]. Therefore, pursuant to the specific provisions of the Lot line adjustment ordinance applicable to Park City, the combination of these three lots should not "abrogate" or "annul" the building restrictions and density requirements that would otherwise be applicable to these three individual parcels but for the consolidation. In other words, increased density and increased development square footage (which is intended to occur on this property as admitted by the Applicant) is NOT "more restrictive" than the codes currently applicable to this land allow and, as such, is an impermissible result according to the LMC. For this reason alone, the requested Lot line adjustment should be denied.

Consistent with the intent of Section 15-7-5(B) as stated above, Section 15-7-2 of the LMC provides guidance as to when Lot line adjustments should be allowed or denied and specifically references the requirement that Lot line adjustments not create any undue congestion of population and requires the avoidance of congestion. Section 15-7-2(C) states that one of the purposes is to "prevent overcrowding of the land and undue congestion of population." Section 15-7-2(G) provides that another purpose is to "provide the most beneficial relationship between the Uses of Land and Buildings and the circulation of traffic, throughout the municipality, having particular regard to the avoidance of congestion of Streets and highways, and the pedestrian traffic movements appropriate to the various Uses of land and buildings . . . ." Section 15-7-2(B) states that growth should be "in accordance with the General Plan." And the General Plan states under Goal 1 that "new development, both commercial and residential, should be modest in scale . . . ." [emphasis added]. As will be explained below, nothing has been done to date with respect to this application that creates even the possibility that any of these findings can be made or supported.

The three parcels that are to be joined consist of two parcels that front on Empire Avenue and a much larger parcel in the rear that does not. The parcels fronting Empire Avenue are 2,221 sq. ft and 1,676 sq. ft. for a total land area of 3,897 sq. ft. The property in the rear consists of 8,985 sq. ft. According to the LMC, and the staff report, a "building permit cannot be issued for construction across a lot line . . . ." (*See* pg. 1, Oct. 14, 2009 Planning Commission Staff Report). As such, because of the configuration and sizes of the three lots, the development area on the lots as they currently exist would be a much smaller development than could be built if the three lots were combined. Therefore, to combine the three lots to provide for greater construction density would specifically violate the provisions of the LMC and the General Plan cited above. The consolidation of these three lots would violate Section 15-7-2(C) by creating additional congestion of population. It violates Section 15-7-2 (G) by increasing congestion on streets and highways and pedestrian traffic. It violates General Plan Goal 1 by maximizing total development on this land as opposed to providing a development which is "modest in scale".

No analysis has been prepared by the Planning Commission Staff, nor heard by the Planning Commissioners, that analyzed the total development that could take place on these three parcels without the proposed consolidation. On the other hand, the only analysis that was done was to determine the maximum potential residential housing that could be developed on this property which would be allowed by Code after consolidation of the lots was completed, without regard to the General Plan requirement that new development be "modest in scale" and without regard to impacts on both pedestrian and vehicular traffic and safety. Additionally, without such alternative analysis, the findings required in LMC Code § 15-7-2(G), that lot consolidations should "provide the most beneficial relationship between uses of land and building and the circulation of traffic . . . [with] particular regard to the avoidance of congestion in the streets . . . and pedestrian traffic", could not be made. In other words, the LMC specifically requires that for lot consolidation to occur through the lot line adjustment ordinance, analysis must be performed to ensure that the type of development which would be allowed on the newly consolidated parcel would not create any additional negative impacts to both vehicular and pedestrian traffic than would otherwise occur without the lot consolidation. Once again, no analysis of the allowable existing development was prepared to be compared with the proposed re-platted 36-48 bed resident multi-unit housing development (which, by the way, only provides 12 parking spaces and makes no provision for delivery trucks, service vehicles or visitors). How can anyone make the required determinations as to additional impacts without having a base line allowable square footage and density to compare to? As such, the Conclusion of Law found in the proposed ordinance for this plat amendment is incorrect. Conclusion of Law 4 of the ordinance states that "approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, ***safety***, and welfare of the citizens of Park City." [*emphasis added*]. Please note that Conclusion of Law 4 is only 1 of many conclusions that must be reached pursuant to LMC Section 15-7-2 of which no discussion or conclusions were made (see above).

In this regard, it is interesting to note that although congestion and traffic are a primary consideration for determining appropriate development anywhere in Park City as is stated in both the LMC and the General Plan, and recognizing that this project will in fact increase congestion, no traffic study has been ordered. To quote the General Plan: "Increased traffic due to construction, special events, and the growing permanent population is one of the most frequently mentioned impacts on our quality of life. Along with the inconvenience comes a parking shortage, pedestrian/vehicular conflicts, and concerns for degrading the community's air quality. Before the problems become even more severe, transportation and parking issues must be addressed." Given the foregoing, it is inappropriate for the Planning Commission and the City Council to allow the consolidation of these three lots, thereby significantly increasing the density of the development allowed on this land, without in any regard performing any analysis whatsoever on the traffic impacts and alternative development which could be had but for this proposed consolidation.

As referenced above, one of the purposes of the Lot line adjustment ordinance and, therefore, one of the required findings, is to insure that "the future growth and development of Park City is in accordance with the General Plan" LMC Section 15-7-2(A). Chapter III of the General Plan, entitled "Community Character Element" states as its "Issue Statement" that the "Park City small-town, historic, mountain resort atmosphere attracts tourists and new residents from all over the world. In numerous meetings and surveys, residents proclaimed community character is fundamentally important. But the scale of new development, changing commute patterns, economic factors, and other factors, threaten the community's character."

The property in question is zoned RC. The developer is proposing to place a high density multi-unit housing project on its combined parcel. A multi-unit use is a Conditional Use under the RC zone, it is not one of the five Allowed uses (*See* LMC § 15-2.16-2). The LMC requires that in determining what sort of use, or Conditional Use, should be allowed in any portion of the RC zone, one should look to the General Plan for guidance. LMC Section 15-7-2(A). Under the section of the General Plan entitled "Park City Neighborhoods", it states that "although the primary emphasis of this Land Use Element has been on areas outside the current city limits, there are neighborhoods within Park City that should be evaluated. Modification should be made to current zoning so that remaining developments will be more consistent with community desires and expectations [note here that the General Plan is more concerned with community desires and expectations than current uses in the neighborhood] . . . the following specific objective and recommendations apply to several neighborhoods in Park City."

The particular area in which the 3 lots under consideration in the instant application is located is referred to in the General Plan as "Resort Base". The General Plan states as follows: "The area at the base of the Park City Mountain Resort is currently zoned Recreation Commercial. While the development associated with the ski area itself is (and will be) very dense, <u>the RC area to the east has served as a transition zone to lower densities.</u> [emphasis added]. The entire area is currently zoned Recreation Commercial. To better address future development in the area, the following objectives are recommended:

- Examine and make modifications to the Recreation Commercial zone <u>*to ensure that new structures to the east of Empire Avenue provide skier bed base, while allowing for a transition of scale to Park Avenue*</u>. [emphasis added]. Eliminate the option for commercial uses and emphasize that commercial uses occur at the ski resort base only.
- Specify density requirements for the RC zone that more closely match or can actually be built on the parcels.

- Refine design guidelines for the area to provide the necessary transition between the historic area and the resort area".

The 3 lots being considered in this application are all, as referenced above, "east of Empire Avenue" and therefore, according to the General Plan, should "provide skier bed base" not multi-unit housing of any kind for non-skiers. These statements, as noted above, deal with community desires and expectations and they are the decisions and recommendations of those putting together the General Plan, not of us. To punctuate the point and to clearly establish that "skier bed base" absolutely does not include multi-unit residential and that the areas east of Empire Avenue are to be maintained for low density residential purposes, one need only look at the Park City Land Use Plan Map contained in the General Plan. <u>The Land Use Plan Map specifically maps these 3 lots in light yellow, which is designated "low density residential"</u>. When taken together, the narrative that property east of Empire Avenue should provide a "skier bed base while allowing for a transition of scale to Park Avenue" and the low density residential mapping, makes clear the General Plan's intention for this area. Also, consistent with this General Plan policy for property east of Empire Avenue, the General Plan for the "Lower Park Avenue" district also mandates that "the area along Park Avenue in the vicinity of the Park City Mountain Resort" "maintain the tourist residential bed base."

From all of the foregoing it is clear that the proposed area east of Empire Avenue down to and including Park Avenue is intended to be, in accordance with the Park City General Plan, skier bed based and tourist residential bed based low density residential NOT multi-unit housing. The proposed consolidation of this property in order to provide multi-unit housing opportunities is, therefore, absolutely inconsistent with the Maps of the General Plan and the General Plan itself, the expectations and desires of the community and, by extension, not permitted under the LMC.

It should be noted that the "Low Density Residential" designation of the this area pursuant to the Land Use Plan map contained in the General Plan was not made a part of the Staff Report that went to the Planning Commissioners and was not discussed or considered at the Planning Commission Hearing. Because of this Low Density Residential designation in the General Plan and the fact that this element was not considered by Staff or the Planning Commission, the finding required pursuant to LMC Section 15-7-2 that, with respect to lot line adjustments, the development of Park City be "in accordance with the General Plan" cannot be made. As such, Conclusion of Law 2 in the Ordinance that "the plat amendment is consistent with the Park City Land Management Code and applicable state law regarding subdivisions" is not accurate.

One last point on this issue. An argument has been made that the promotion of affordable housing units in Park City is another goal in the General Plan that is inconsistent with the provisions and goals cited above. This too is untrue. While it is true that affordable housing is a goal set forth in the General Plan, the General Plan contemplates that this goal be satisfied in other areas of Park City, NOT on land along and east of Empire Avenue (see above). For instance, one of the objectives in the "Lower

Park Avenue" district (to be contrasted with the objectives for the Resort Base district) is to "[e]ncourage permanent residences *and affordable housing*." [emphasis added]. General Plan, Page 55. Of interest, however, is that even in this Lower Park Avenue district where the development of affordable housing units is encouraged, there is a specific exclusion from this general goal in order to "maintain the tourist residential bed base along Park Avenue in the vicinity of the Park City Mountain Resort." There is no question that the goal of affordable housing for Park City was specifically intended NOT to be satisfied in the area that is the subject of the instant application and, quite to the contrary, such use is specifically prohibited by the low density residential classification of all areas in the Resort Base area east of Empire Avenue.

In conclusion, we are hopeful that the City Council will conclude that the lack of community involvement for faulty notices to the community has contributed to an incomplete record through which the planning staff, the Planning Commission and even this Council could not possibly reach the Findings of Fact and Conclusions of Law required by the Park City Land Management Code in order to allow the consolidation of these three parcels of land pursuant to the LMC's Lot line adjustment ordinance and consistent with the General Plan. The LMC and the General Plan simply do not authorize the lot line adjustments being proposed in this matter based on the current record and would not ever allow such for the developer's intended purpose. We respectfully request that this Council either remand this case back to Planning Commission for further analysis and findings or simply reject it outright.

Respectfully submitted:

Rick Margolis

AND

David R. Olsen
Rosemary Olsen
Adjacent Property Owners

City Council Staff Report

Subject: Eagle Pointe Subdivision Phase III Lots 47 & 48 Amended Plat
Author: Jacquelyn Mauer
Date: October 29, 2009
Type of Item: Administrative – Plat Amendment

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat and considers approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant:	James C. Goss and Jerilyn Goss, property owners of 7 Eagle Landing Ct.
Location:	7 Eagle Landing Court and 3257 Mountain Top Lane
Zoning:	Residential Development (RD) in a Master Planned Development (MPD) within the Sensitive Lands Overlay (SLO)
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

On September 3, 2009 the City received a completed application for the Eagle Point Subdivision Phase III Lots 47 and 48 Amended Plat. The property is located at 7 Eagle Landing Court (lot 48) and 3257 Mountain Top Lane (lot 47) in the Residential Development (RD) zoning district within a Master Planned Development (MPD) in the Sensitive Lands Overlay. The proposed plat adjusts the lot line between lots 47 and 48, Eagle Pointe Subdivision, Phase III. A portion of existing lot 47 will be conveyed to be included within lot 48.

Lot 47 is currently vacant. Lot 48 is improved with landscaping and a single family dwelling built in 2001. A portion of landscaping of lot 48 encroaches into lot 47. The landscaping encroachment is located on the area of lot 47 that is proposed to be conveyed to lot 48. Therefore, the encroachment would no longer exist with this proposal. The original intent of this process was so a portion of a driveway may be legally constructed upon the land to be included to lot 48.

The original Eagle Pointe Subdivision, Phase III was presented to City Council and approved by City Council on September 2, 1999.

The Planning Commission reviewed the plat amendment application on October 14, 2009. The Planning Commission forwarded a unanimous positive recommendation to City Council. No public spoke in regards to the project.

Analysis

Staff finds good cause for this plat amendment of one lot line adjustment allowing a portion of existing lot 47 be conveyed to lot 48. The proposed lot sizes are consistent with the pattern of development in the neighborhood.

According to the Eagle Pointe Subdivision Phase III plat, maximum house square footage is dependent upon the lot size. The portion of lot 47 to be conveyed to lot 48 is 3,630 square feet. Lot 47 exists at 28,650 square feet (0.66 acres). Lot 48 is currently 26,601 square feet (0.61 acres). Upon approval of this plat amendment, lot 47 will measure 25,020 acres (0.57 acres) and lot 48 will measure 30,232 square feet (0.69 acres). The plat states the maximum house square footage allowed for lots of 1/2 acre to one acre is limited to 6,000 square feet. The new sizes of each property do not take either property out of its current maximum house square footage category.

Specific building pads were established for each lot at time of the original Eagle Pointe Subdivision Phase III. On the proposed plat amendment, the original building pads remain. Therefore, the south side setback of lot 47 will be decreased while the north side setback of lot 48 will be increased. The distance between the two building pads remains unaltered. All setbacks continue to comply with setback requirements of the RD zone.

AREA DATA	ORIG. AC.	NEW AC.	ORIG. SQ. FT.	NEW SQ. FT.
LOT 47	0.66 AC	0.57 AC	28,650 SQ. FT.	25,020 SQ. FT.
LOT 48	0.61 AC	0.69 AC.	26,601 SQ. FT.	30,232 SQ. FT.

Landscaping

As shown on the Existing Conditions survey, existing landscaping of Lot 48 encroaches on Lot 47. The proposed lot line position eliminates the encroachment.

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Proper approval and permits must be obtained through Park City Building Department prior to heated driveway addition. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review
This project has gone through an interdepartmental review. No further issues were brought up that have not been properly addressed.

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

Public Input
No public input has been received by the time of this report.

Alternatives
- The City Council may approve the Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat as conditioned or amended; or
- The City Council may deny the City Council for Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat.

Significant Impacts
There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation
The property line would remain as is. Existing landscaping encroachments would need to be removed. The driveway would not be able to be expanded.

Recommendation
Staff recommends the City Council hold a public hearing for the Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits
Exhibit A – Ordinance with Proposed Plat
Exhibit B – Existing Conditions Survey

I:\Cdd\Jacquey\Projects\Plat Amendments\7 Eagle Landing.doc

Ordinance No. 09-

AN ORDINANCE APPROVING THE EAGLE POINT SUBDIVISION PHASE III LOTS 47 AND 48 AMENDED PLAT LOCATED AT 7 EAGLE LANDING COURT, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 7 Eagle Landing Court have petitioned the City Council for approval of the Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on , 2009, to receive input on the Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat plat amendment;

WHEREAS, the Planning Commission, on October 14, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Eagle Pointe Subdivision Phase III Lots 47 and 48 Amended Plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 7 Eagle Landing Court and 2357 Mountain Top Lane.
2. The zoning is Residential Development (RD) in a Master Planned Development (MPD) with the Sensitive Lands Overlay (SLO).
3. The proposed property area to be conveyed from lot 47 to lot 48 is 3,630 square feet (0.083 acres) in size.
4. Required setbacks of the RD zone are met with this plat amendment.
5. Buildings pads remain as originally approved.
6. Landscaping encroachments currently exist.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Eagle Pointe Subdivision Master Planned Development shall continue to apply.
4. All landscaping encroachments will cease to exist.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 29th day of October, 2009.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, MAYOR

ATTEST:

____

Jan Scott, City Recorder

APPROVED AS TO FORM:

____

Mark Harrington, City Attorney

Attachment 1 – Record of Survey plat

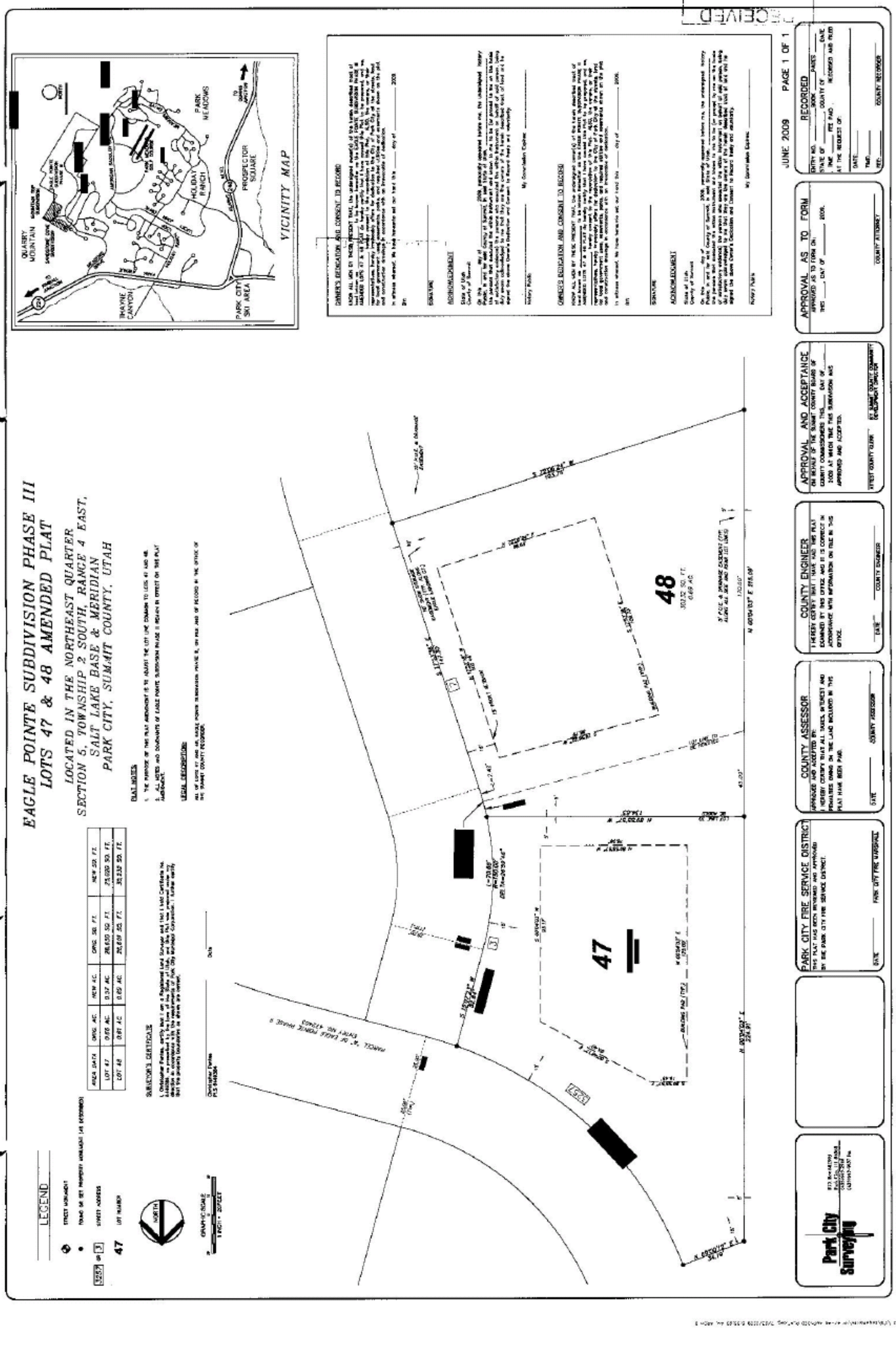
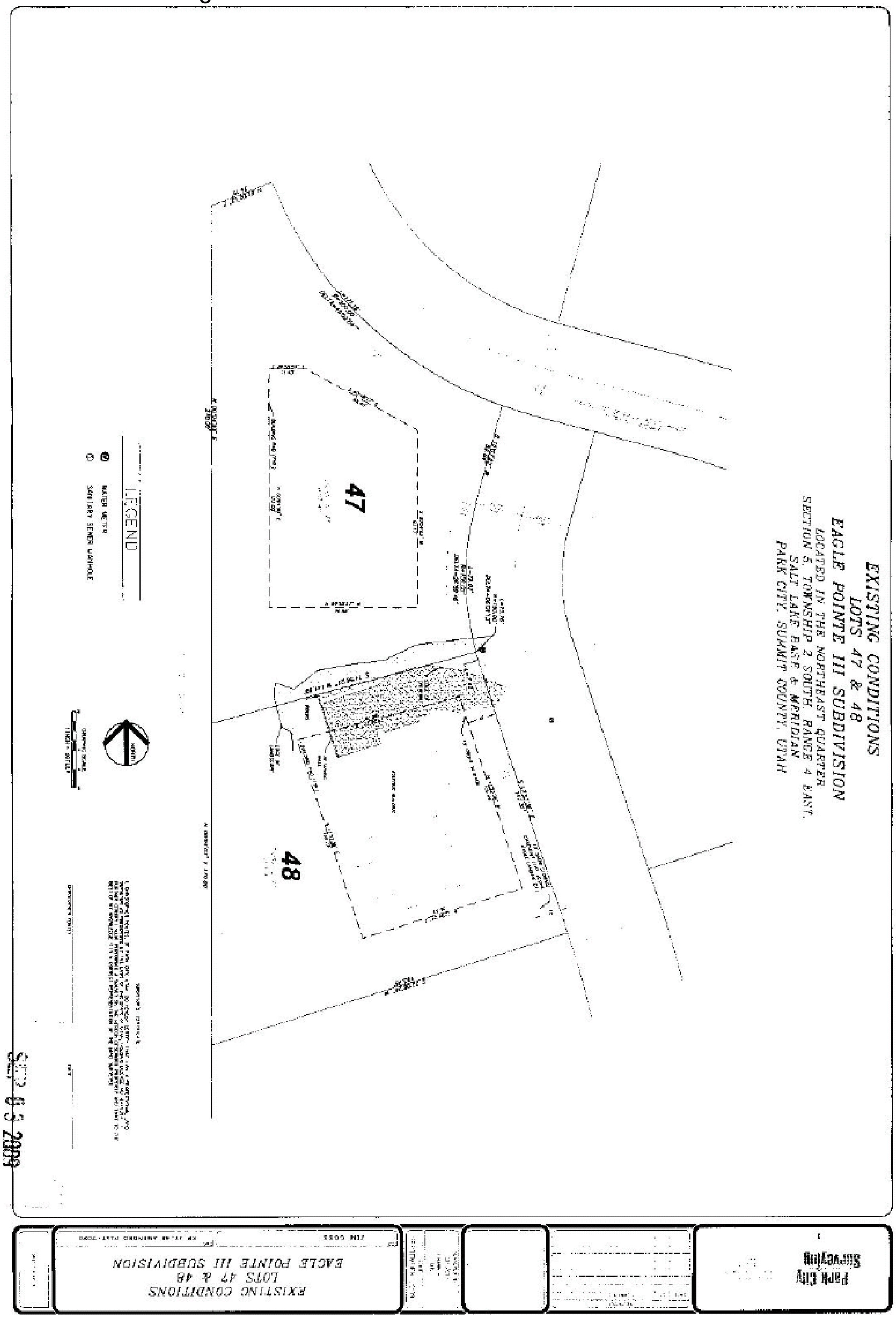
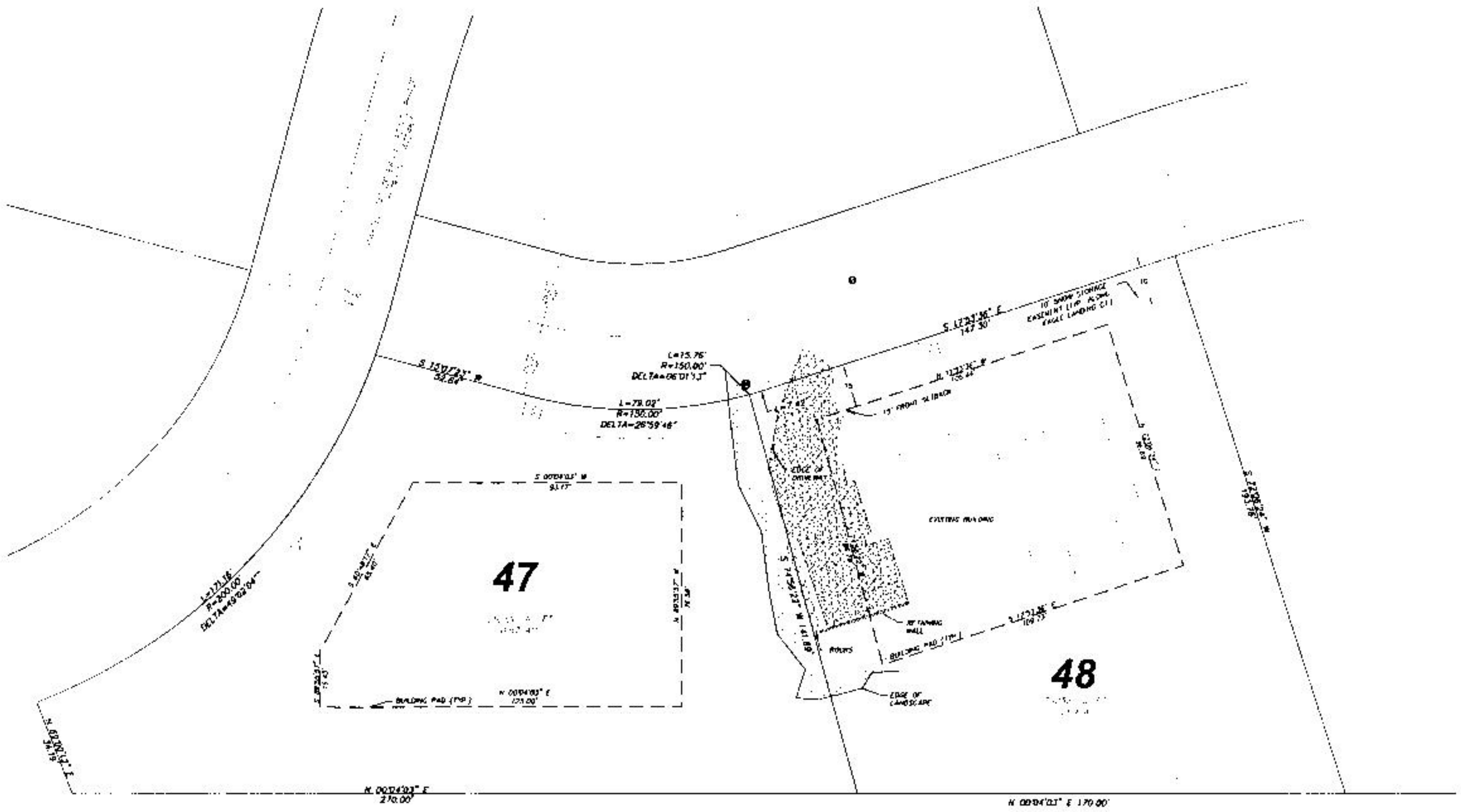


Exhibit B: Existing Conditions



EXISTING CONDITIONS
LOTS 47 & 48
EAGLE POINTE III SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER
SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



LEGEND

- Ⓦ WATER METER
- Ⓢ SANITARY SEWER MANHOLE

GRAPHIC SCALE
1 INCH = 20 FEET

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER PONTES, OF PARK CITY, UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. [illegible]. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

CHRISTOPHER PONTES   DATE

SEP 03 2009

Park City Surveying

EXISTING CONDITIONS
LOTS 47 & 48
EAGLE POINTE III SUBDIVISION

JIM COSS

EP 47-48 AMENDED PLAT-TOPO

EAGLE POINTE SUBDIVISION PHASE III
LOTS 47 & 48 AMENDED PLAT

LOCATED IN THE NORTHEAST QUARTER
SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LEGEND

- STREET MONUMENT
- FOUND OR SET PROPERTY MONUMENT (AS DESCRIBED)
- 3257 OR 3 — STREET ADDRESS
- 47 — LOT NUMBER

NORTH

GRAPHIC SCALE
1 INCH = 20 FEET

AREA DATA	ORIG. AC.	NEW AC.	ORIG. SQ. FT.	NEW SQ. FT.
LOT 47	0.66 AC.	0.57 AC.	28,650 SQ. FT.	25,020 SQ. FT.
LOT 48	0.61 AC.	0.69 AC.	26,601 SQ. FT.	30,232 SQ. FT.

SURVEYOR'S CERTIFICATE

I, Christopher Pentes, certify that I am a Registered Land Surveyor and that I hold Certificate No. 6449384, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

Christopher Pentes
PLS 6449384

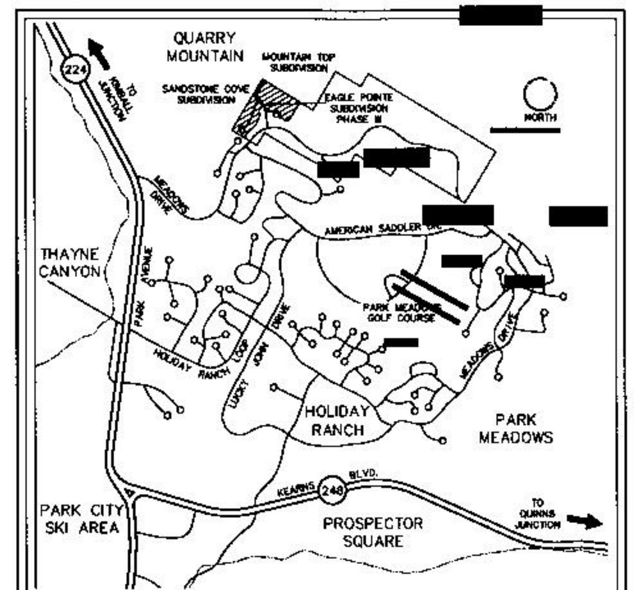
Date

PLAT NOTES:

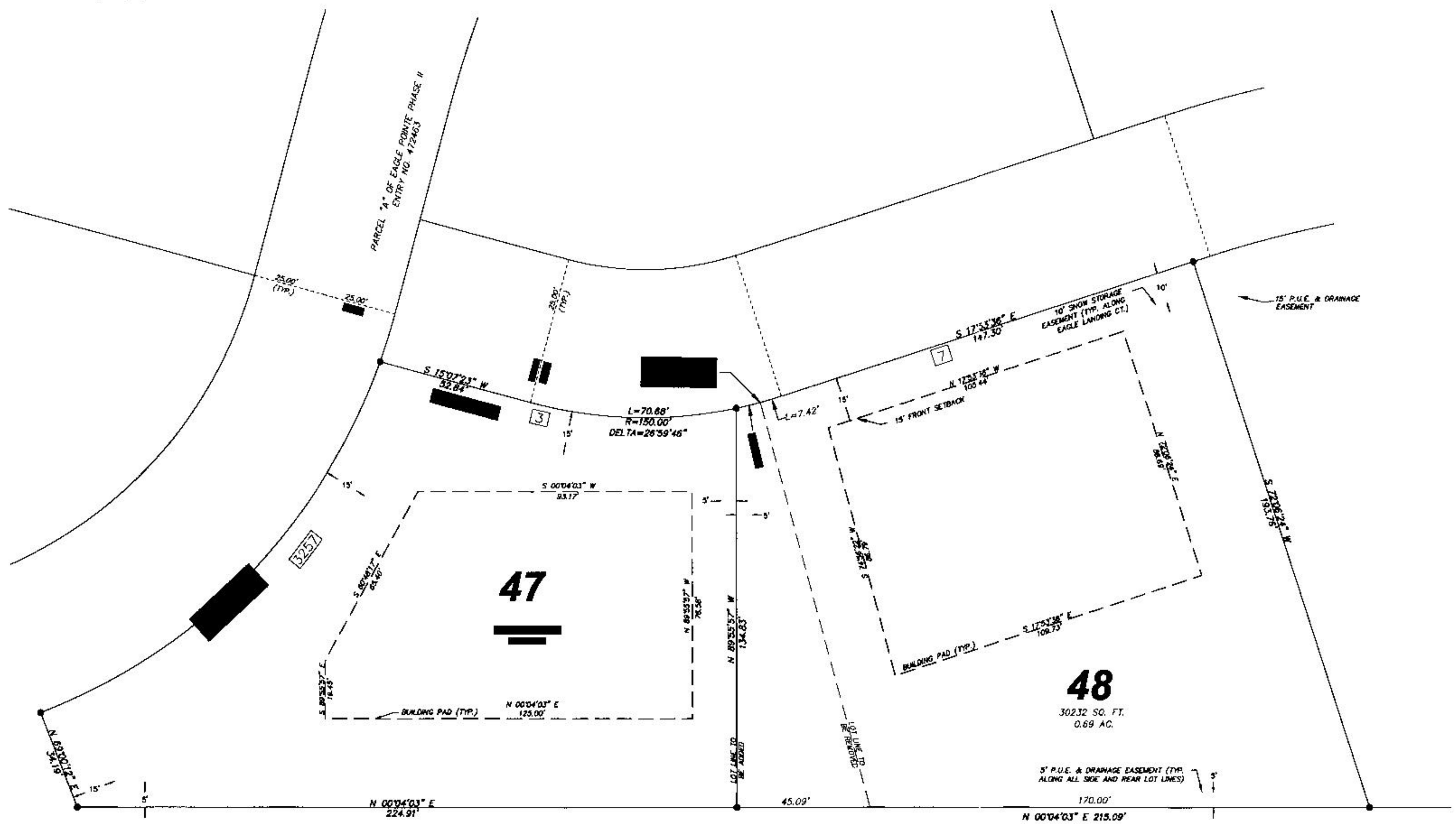
1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO ADJUST THE LOT LINE COMMON TO LOTS 47 AND 48.
2. ALL NOTES AND COVENANTS OF EAGLE POINTE SUBDIVISION PHASE III REMAIN IN EFFECT ON THIS PLAT AMENDMENT.

LEGAL DESCRIPTION:

ALL OF LOTS 47 AND 48, EAGLE POINTE SUBDIVISION PHASE III, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.



VICINITY MAP



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land known as ____________, to be known hereafter as the EAGLE POINTE SUBDIVISION PHASE III AMENDED LOTS 47 & 48 PLAT do hereby certify that I have caused this Plat to be prepared, and we, ____________, hereby consent to the recordation of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this ______ day of ____________, 2009.

BY:

SIGNATURE

ACKNOWLEDGMENT

State of Utah
County of Summit

On this ______ day of ____________, 2009, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, ____________ the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public

My Commission Expires: ____________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT, the undersigned owner(s) of the herein described tract of land known as ____________, to be known hereafter as the EAGLE POINTE SUBDIVISION PHASE III AMENDED LOTS 47 & 48 PLAT do hereby certify that I have caused this Plat to be prepared, and we, ____________, hereby consent to the recordation of this Plat. ALSO, the owners, or their representatives, hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable of dedication.

In witness whereof, We have hereunto set our hand this ______ day of ____________, 2009.

BY:

SIGNATURE

ACKNOWLEDGMENT

State of Utah
County of Summit

On this ______ day of ____________, 2009, personally appeared before me, the undersigned Notary Public, in and for said County of Summit, in said State of Utah, ____________ the persons that executed the within instrument and known to me to be (or proved to me on the basis of satisfactory evidence) the persons who executed the within instrument on behalf of said person, being duly sworn acknowledged to me that they are the owners of the herein described tract of land and he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public

My Commission Expires: ____________

JUNE 2009

PAGE 1 OF 1

Park City Surveying
P.O. Box 682993
Park City, UT 84068
(435)649-2918
(435)649-4637 Fax

PARK CITY FIRE SERVICE DISTRICT
THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE PARK CITY FIRE SERVICE DISTRICT.
DATE ____ PARK CITY FIRE MARSHALL

COUNTY ASSESSOR
APPROVED AND ACCEPTED BY:
I HEREBY CERTIFY THAT ALL TAXES, INTEREST AND PENALTIES OWING ON THE LAND INCLUDED IN THIS PLAT HAVE BEEN PAID.
DATE ____ COUNTY ASSESSOR

COUNTY ENGINEER
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.
DATE ____ COUNTY ENGINEER

APPROVAL AND ACCEPTANCE
ON BEHALF OF THE SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS THIS ____ DAY OF ____ 2009 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
ATTEST COUNTY CLERK ____ BY SUMMIT COUNTY COMMUNITY DEVELOPMENT DIRECTOR

APPROVAL AS TO FORM
APPROVED AS TO FORM ON:
THIS ____ DAY OF ________, 2009.
COUNTY ATTORNEY

RECORDED
ENTRY NO. ________ BOOK ____ PAGES ____
STATE OF ________ , COUNTY OF ________ , DATE ____
, TIME ____ FEE PAID , RECORDED AND FILED AT THE REQUEST OF:
DATE: ____
TIME: ____
FEE: ____ COUNTY RECORDER

City Council
Staff Report

Subject: **146 Daly Avenue**
Author: **Kayla Sintz, AIA**
Date: **October 29, 2009**
Type of Item: **Administrative – Plat Amendment**

PARK CITY 1884
PLANNING DEPARTMENT

Summary Recommendation

Staff recommends the City Council hold a public hearing for the 146 Daly Avenue plat amendment and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Owner:	Henry Walker
Owner's Representative:	Steven A. Swanson (Architect)
Location:	146 Daly Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Background

The subject property is located in the HR-1 zoning district and contains a non-historic duplex. The house sits across a number of lot lines. A Historic District Design Review was previously completed by the Applicant for exterior work. The Chief Building Official allowed an at-risk permit for landscape and exterior building repairs (no footprint increase) to be executed upon submittal for a Plat Amendment Application to the Planning Department. The City received a completed plat amendment application on April 30, 2009.

The subject property is located in the Historic Residential (HR-1) zoning district. The proposed plat combines Lot 22 and portions of Lots 21 & 23 in Block 74, Millsite Reservation as well as ½ of vacated Anchor Avenue of the Park City Survey into one lot of record. The proposed lot will be 4,606 square feet. The existing contemporary duplex structure on the property is not historic. A recorded Boundary Agreement & Encroachment Easement exists with the property to the north, 142 Daly Avenue. The City Engineer will also require a 10 foot snow storage easement across the front of the property along Daly Avenue.

This item was heard by the Planning Commission on October 14, 2009 without any modifications.

Analysis
The existing structure encompasses all of Lot 22 and small portions of Lot 21 and Lot 23. This plat amendment does not create sub-standard lots with adjacent properties. A summarization of proposed lot and adjacent lots are as follows:

	Lot Width (25 ft minimum)	**Lot Area** (1,875 s.f. minimum for single family, 3,750 for duplex)
146 Daly Avenue (Proposed Plat)	50.2 feet	4,606 square feet proposed
142 Daly Avenue (adjacent north)	63.8 feet approx.	4,791.6 square feet existing
156 Daly Avenue (adjacent south)	40 feet approx.	3,482.4 square feet existing

	Permitted	**Existing**
Front setback (based on lot depth of 91.87')	12' minimum (25' total front/rear)	12' (no change)
Rear setback	12' minimum (25' total front/rear)	13' (no change)
Side setbacks (based on lot width of 50.2 feet)	5' minimum, 14' total	6' on north, 3' to 6' (varies) on south (existing non-conforming)
Footprint	1,777 square feet maximum	1584 square feet existing

Staff finds good cause for this plat amendment as it cleans up the property lines.

Process
Approval or denial of the ordinance by City Council may be appealed to District Court within 30 days as provided by state code.

Department Review
This project has gone through an interdepartmental review. All issues identified during the meeting have been addressed by the applicant.

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

Public Input
Staff received one phone call from an adjacent property owner asking for clarification on the plat amendment process.

Alternatives

- The City Council may approve the 146 Daly Avenue plat amendment as conditioned or amended; or
- The City Council may deny the 146 Daly Avenue plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 146 Daly Avenue plat amendment.

Significant Impacts
There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation
The lot lines would remain where they currently stand and the at-risk exterior permit work taking place at 146 Daly Avenue would have to be removed.

Recommendation
Staff recommends the City Council hold a public hearing for the 146 Daly Avenue plat amendment and consider approving the attached ordinance based on the findings of fact, conclusions of law and conditions of approval.

Exhibits
Exhibit A – Ordinance with Proposed Plat
Exhibit B – Survey of existing conditions
Exhibit C – Aerial Photograph

Exhibit A
Draft Ordinance No. 09-

AN ORDINANCE APPROVING THE 146 DALY AVENUE PLAT AMENDMENT LOCATED AT 146 DALY AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property located at 146 Daly Avenue have petitioned the City Council for approval of the 146 Daly Avenue plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 14, 2009, to receive input on the 146 Daly Avenue plat amendment;

WHEREAS, the Planning Commission, on October 14, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council, on October 29, 2009, held a public hearing to receive input on the 146 Daly Avenue plat amendment;

WHEREAS, it is in the best interest of Park City, Utah to approve the 146 Daly Avenue plat amendment.

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

SECTION 1. APPROVAL. The 146 Daly Avenue plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 146 Daly Avenue in the Historic Residential (HR-1) zoning district.
2. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.
3. There is an existing non-historic structure on the property.
4. The subject property encompasses Lot 22 and portions of Lot 21 and 23, Block 74 Millsite Reservation and ½ of vacated Anchor Avenue of the Park City Survey.
5. A recorded Boundary Agreement & Encroachment Easement exists with the owner of Lot 21, 142 Daly Avenue.
6. The proposed amended plat would result in one lot of record of 4,606 square feet.

7. The maximum footprint for a lot of this size is 1,777 square feet. The existing non-conforming footprint is 1,584 square feet.
8. The proposed plat amendment will not create substandard lots on the neighboring lots.
9. The applicant is proposing the combination of the lots to clean up property lines discovered to be at issue during Historic District Design Review and Building permit review.
10. A Historic District Design Review was approved by staff as part of landscaping upgrades and exterior building repairs for this property.

<u>Conclusions of Law:</u>
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>
1. The City Attorney and City Engineer must review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant must record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval for the plat will be void.
3. A 10 foot wide snow storage easement shall be dedicated to the City along Daly Avenue.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this __day of__, 2009.

PARK CITY MUNICIPAL CORPORATION

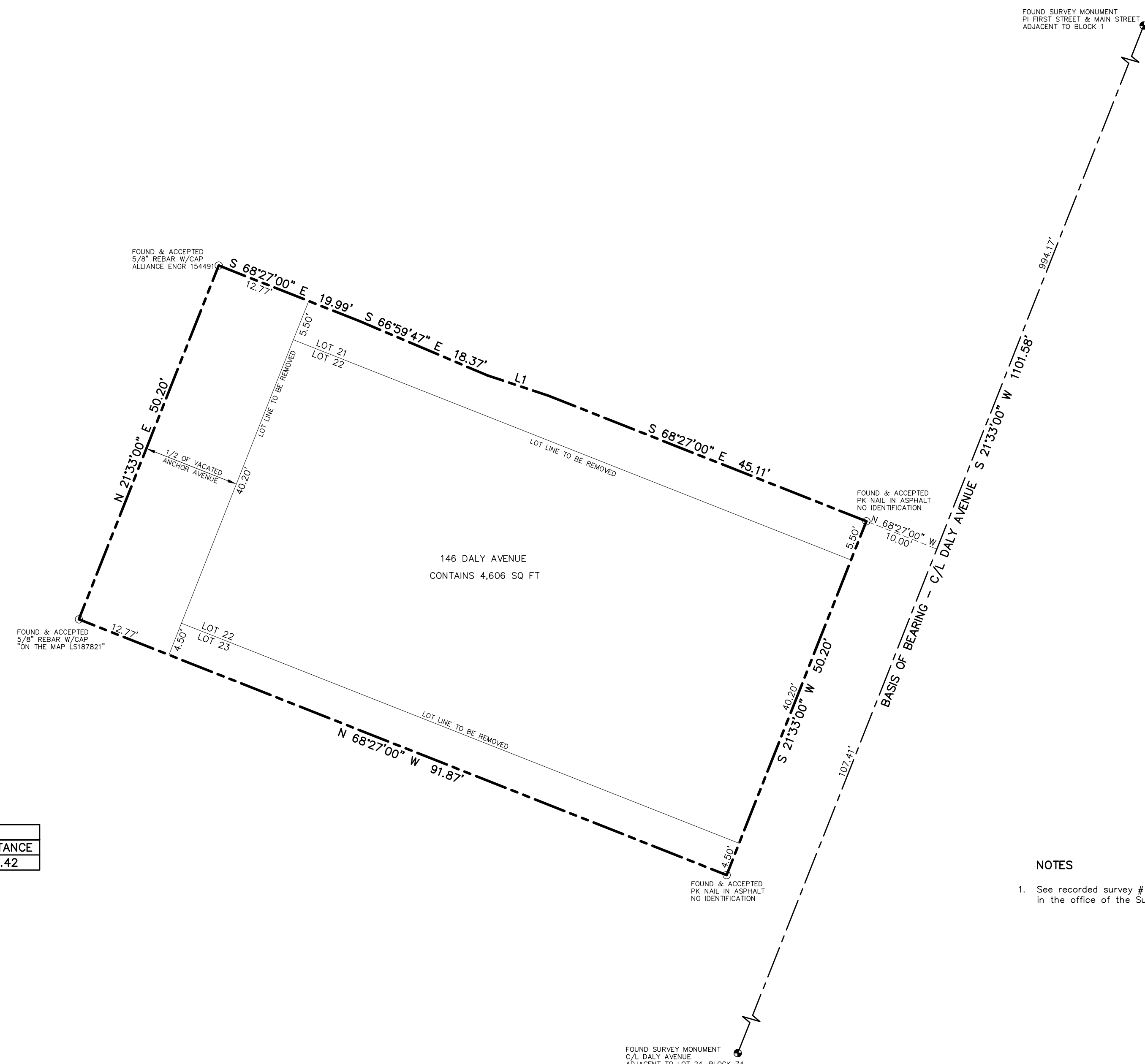
____
Dana Williams, MAYOR

ATTEST:

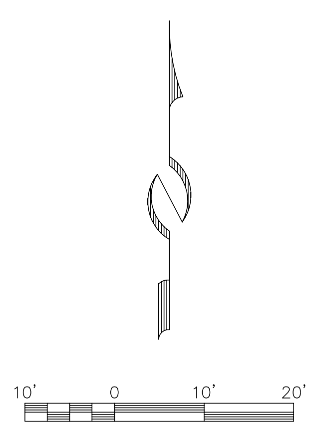
____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 71°37'19" E	8.42



NOTES

1. See recorded survey # S-6728, recorded December 28, 2007 in the office of the Summit County Recorder.

A COMBINATION OF LOT 22 AND PORTIONS OF LOTS 21 & 23
IN BLOCK 74, MILLSITE RESERVATION, PARK CITY

146 DALY AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 146 DALY AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat.

____________________ John Demkowicz ________ Date

DEED DESCRIPTION

PARCEL 1

The South 5 1/2 feet of Lot 21, all of Lot 22, and the North 4 1/2 feet of Lot 23, Block 74, Millsite Reservation to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; together with the easterly 1/2 of vacated Anchor Avenue adjoining said property.

Excepting therefrom any portions lying within the following:

Beginning at a point South 21°33' West 43.00 feet from the northwest corner of Lot 21, Block 74, Subdivision No. 1, Millsite Reservation to Park City Survey; and running thence South 68°27' East 43.01 feet; thence North 71°37'19" West 17.46 feet; thence North 66°59'47" West 38.00 feet; thence South 68°27' East 12.50 feet to the point of beginning.

PARCEL 2

Beginning at a point which is South 12°33' West 41.00 feet from the northeast corner of Lot 21, Block 74, Park City Survey; and running thence South 21°33' West 2.50 feet; thence North 68°56'55" West 53.52 feet; thence South 71°37'19" East 53.60 feet to the point of beginning.

SURVEY DESCRIPTION

Beginning at a point that is North 21°33'00" East 5.50 feet from the northeast corner of Lot 22, Block 74, Subdivision No. 1 of Millsite Reservation, Park City, Utah, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being on the easterly line of Block 74; and running thence along the easterly line of Block 74 South 21°33'00" West 50.20 feet; thence North 68°27'00" West 91.87 feet; thence North 21°33'00" East 50.20 feet to the westerly end of a Boundary Agreement and Encroachment Easement, recorded November 3, 1994, as Entry No. 418453 in Book 848 at Page 156, in the office of the Summit County Recorder; thence along said Boundary Agreement & Encroachment Easement the following four (4) courses: 1) South 68°27'00" East 19.99 feet; thence 2) South 66°59'47" East 18.37 feet; thence 3) South 71°37'19" East 8.42 feet; thence 4) South 68°27'00" East 45.11 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 146 DALY AVENUE SUBDIVISION, does hereby certify that he has caused this Subdivision Plat to be prepared, and does hereby consent to the recordation of this Subdivision Plat.

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

In witness whereof, the undersigned set his hand this _____ day of _______________, 2009.

146 DALY AVE, LLC

By: ______________________
Henry Walker, Manager

ACKNOWLEDGMENT

State of __________:
ss:
County of __________:

On this _____ day of ____________________, 2009, personally appeared before me, the undersigned Notary Public, in and for said state and county. Henry Walker, who after being duly sworn, acknowledged to me that he is the manager of 146 DALY AVE, LLC and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

____
A Notary Public commissioned in Utah

____
Printed Name

Residing in: _______________

My commission expires: ___________________

SHEET 1 OF 1

4/30/09 JOB NO.: 7-4-09 FILE: X:\ParkCitySurvey\dwg\srv\plat\plat2009\070409.dwg

(435) 649-9467 Alliance Engineering Inc. CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF __________, 2009 A.D. BY ______________ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2009 A.D. BY ______________ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2009 A.D. BY ______________ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF __________, 2009 A.D. BY ______________ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2009 A.D. BY ______________ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2009 A.D. BY ______________ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF __________________ DATE _______ TIME _____ BOOK _____ PAGE _____ __________ FEE ______________ RECORDER

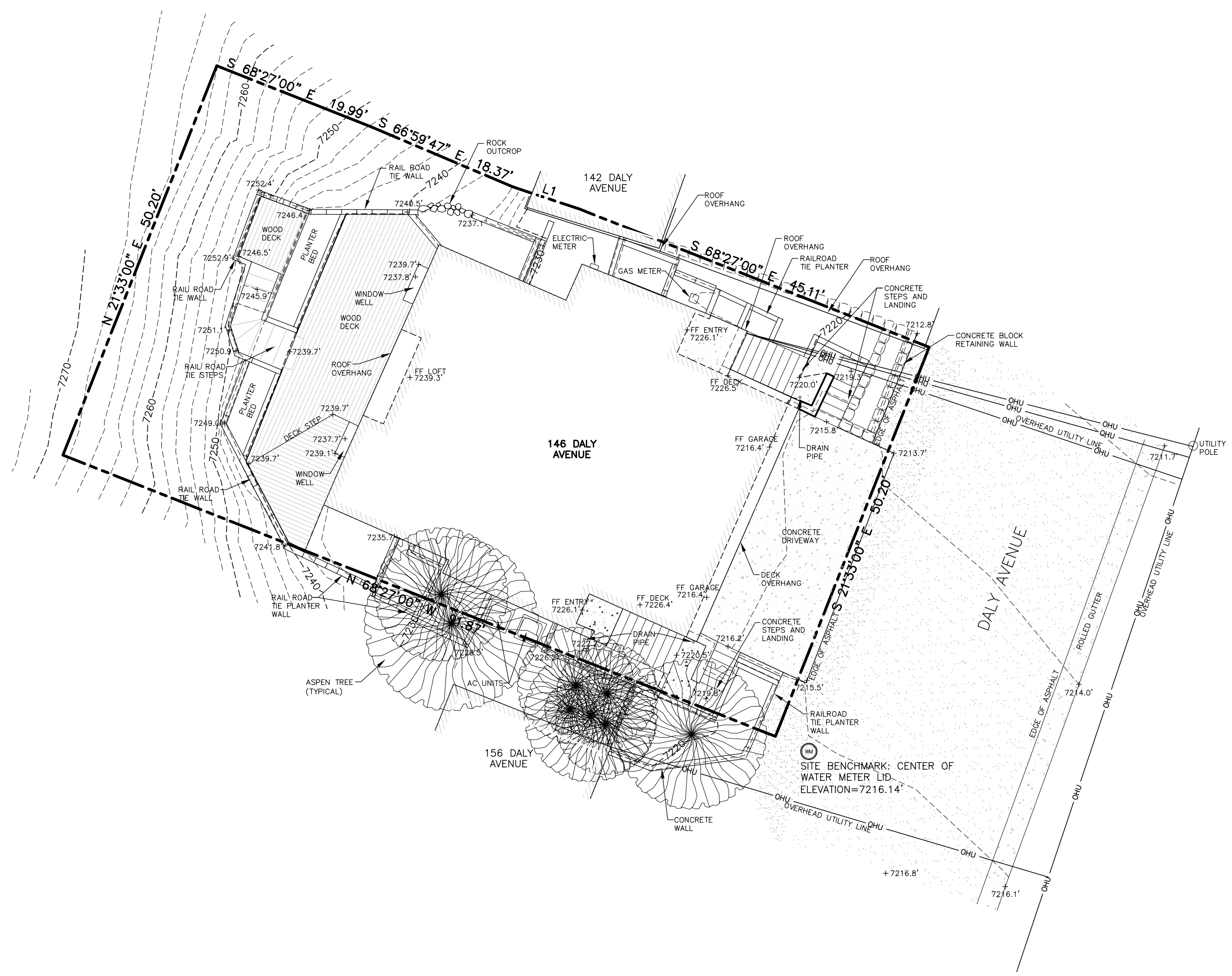
SURVEYOR'S CERTIFICATE

REGISTERED LAND SURVEYOR
No.4938739
MARTIN A. MORRISON
State of Utah

I, Martin Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Water Meter Lid
   Elevation= 7216.14'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on October 9, 2007.



LINE TABLE		
LINE	LENGTH	BEARING
L1	8.42	S 71°37'19" E

10' 0 10' 20'

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MARSHALL KING
MARTY MORRISON
BRYAN SCHAFROTH

DATE: 11/29/07

TOPOGRAPHIC SURVEY
146 DALY AVENUE

FOR: Henry Walker
JOB NO.: 9-6-07
FILE: X:\ParkCitySurvey\dwg\srv\topo2007\090607.dwg

SHEET 1 OF 1

Exhibit C


146 Daly Avenue
Aerial Vicinity Map
Ridge
Vacated Anchor Avenue
Daly
N
PARK CITY
1884
0
50
100
200
Feet

City Council
Staff Report

Subject:	**Professional Services Contract for Sandridge Drive Reconstruction**
Author:	**Matthew Cassel, P.E., City Engineer**
Department:	**Engineering**
Date:	**October 29, 2009**
Type of Item:	**Administrative**

Summary Recommendations:
The Council should authorize the City Manager to sign the attached Service Provider/Professional Services Agreement with Ward Engineering Group for engineering services related to the 2010 reconstruction of Sandridge Drive in the amount of $84,075.00.

Topic/Description:
The City Council adopted the Old Town Improvement Study (OTIS) in 2002. This was actually the second study, as the City has been steadily improving infrastructure in Old Town since an earlier study in 1992 made similar recommendations. Street projects which have been accomplished since 1992 include most of Swede Alley, Empire Avenue, King Road, Ontario Avenue, Marsac Avenue, Woodside Avenue south of 12th Street, Upper Park Avenue, Prospect Street, Upper Norfolk and lower Woodside/Norfolk. In the FY2010, budget the City Council included funds for this latest OTIS project, namely the road and utility improvement of Sandridge Drive. This contract with Ward Engineering Group will provide for the necessary design work on this narrow Old Town street. Ward Engineering Group will also advertise the project for bid and manage the construction contract. Bidding will occur in the late winter in an effort to obtain reasonable construction prices.

The Council has approved funding for this project as follows:
Capital Project cp0155 contains $758,523 for the project while water funds will be used for the waterline replacement portion of the project.

Background:
OTIS identified numerous City utility deficiencies and substandard roads in Old Town. Sandridge Drive is part of the Phase II(a) group of projects and is scheduled to be designed and constructed in FY2010. Proposed improvements include road removal and replacement, upgrade of existing water main, installation of hydrants, installation of new water services and/or meters as required, evaluation for the potential of curb and gutter along this road section, landscaping and coordination with dry utility companies for upgrade or replacement of their facilities. Sewer improvements/relocation were performed a couple of years ago. Traffic signs and regulatory signage will also be installed.

To keep residents along Sandridge Drive informed and provide them with a venue to voice their issues and concerns, three public involvement meetings are scheduled to be held during the course of the project. The first public meeting will be held during the preliminary design phase of the project and will capture their initial concerns that we will need to address. The second public meeting will be held as the design nears completion and will be used to show the residents the nearly complete design and again provide for their input. The third public meeting will be held just before construction starts which will let the residents know construction will be starting and give them a chance to meet the contractor.

The critical elements of this project include the extremely narrow roadway, lack of established right-of-way and the close proximity of numerous historic homes and structures along the roadway. The request for qualifications from consultants required them to submit a work plan that shows how they will address these critical issues.
.

Analysis:
A review committee consisting of Jerry Gibbs (Public Works), Pace Erickson (Public Works), Roger Evans (Building), Tom Eddington (Planning) and Matt Cassel (Engineering) evaluated eight submitted SOQ/Proposals from engineering firms as listed below:

FIRM
Accurate Engineering
Alliance Engineering
Bingham Engineering
Jack Johnson
Jackson Engineering
McNeil Group
Nolte
Ward Engineering

In addition to price (which by City policy does not need to be the determining factor), the review committee evaluated each firm according to a list of criteria including experience on similar projects, strength of individual firm members, familiarity with PCMC & SBWRD specifications and procedures, project management skills, communication skills, and technical skills. Ward Engineering Group was the top ranking firm and determined to be the best choice for providing professional design services to the City on this project. The final scope of services and fee were negotiated with Ward Engineering Group.

Department Review:
This report has been reviewed by Building, Water Department, Public Works, City Manager, and Legal. All issues have been resolved.

Alternatives:

A. Approve the Request:
This is the staff's recommendation.

B. Deny the Request:
This would make it difficult to complete the design in time for the 2010 construction season.

C. Continue the Item:
If the Council needs more information the item can be continued.

D. Do Nothing:
This option would make it difficult to complete the design in a timely manner.

Significant Impacts:
The engineering design will have no significant impacts, whereas the actual construction of Sandridge Drive will heavily impact the adjacent residents. The funds for both the engineering contract and the 2010 construction have already been appropriated, and there are no budget impacts which the Council hasn't already considered in the FY2010 budget.

Consequences of not taking the recommended action:
Sandridge Drive is a local street where the pavement width is extremely narrow and can only safely handle one-way traffic. Not taking the recommended action will not allow staff to design and constructed the upgrades for this road section of Old Town.

Recommendation:
The Council should authorize the City Manager to sign the attached Service Provider/Professional Services Agreement with Ward Engineering Group for engineering services related to the 2010 reconstruction of Sandridge Drive in the amount of $84,075.00.

Exhibit A – Proposed Contract

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of _____________, 2009, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and WARD ENGINEERING GROUP, a Utah corporation ("Service Provider").

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "Addendum A" and incorporated herein (the "Project"). The total fee for the Project shall not exceed **$84,075.00** Dollars.

2. TERM.

The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate on December 31, 2010 or earlier, unless extended by mutual written agreement of the Parties.

3. COMPENSATION AND METHOD OF PAYMENT.

A. Payments for services provided hereunder shall be made monthly following the performance of such services.

B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.

C. For all "extra" work the City requires, the City shall pay the Service Provider for work performed under this Agreement according to the schedule attached hereto as "Addendum B," or if none is attached, as subsequently agreed to by both parties in writing.

D. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for sixty (60) days or more.

E. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.

4. REPORTS AND INSPECTIONS.

A. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.

B. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider's activities, which relate directly or indirectly, to this Agreement.

5. <u>INDEPENDENT CONTRACTOR RELATIONSHIP</u>.

A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. <u>SERVICE PROVIDER EMPLOYEE/AGENTS</u>.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. <u>HOLD HARMLESS INDEMNIFICATION</u>.

A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the

City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. INSURANCE.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing:

A. General Liability insurance written on an occurrence basis with limits no less than two million dollars ($2,000,000) combined single limit per occurrence and four million dollars ($4,000,000) aggregate for personal injury, bodily injury and property damage.

The Service Provider shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63-30d-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

B. Automobile Liability insurance with limits no less than two million dollars ($2,000,000) combined single limit per accident for bodily injury and property damage.

C. Professional Liability (Errors and Omissions) insurance written on claims made basis with limits no less than one million dollars ($1,000,000) combined single limit per occurrence.

D. Workers Compensation insurance limits written as follows:
Bodily Injury by Accident $500,000 each accident;
Bodily Injury by Disease $500,000 each employee, $500,000 policy limit

E. The City shall be named as an additional insured on the insurance policies, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive thirty (30) days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.

F. The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

9. TREATMENT OF ASSETS.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. COMPLIANCE WITH LAWS.

A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services. Unless otherwise exempt, the Service Provider is required to have a valid Park City Business License.

B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

C. If this Agreement is entered into for the physical performance of services within Utah the Service Provider shall register and participate in E-Verify, or equivalent program. The Service Provider agrees to verify employment eligibility through E-Verify, or equivalent program, for each new employee that is employed within Utah, unless exempted by Utah Code Ann. § 63G-11-103.

11. <u>NONDISCRIMINATION</u>.

A. The City is an equal opportunity employer.

B. In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

C. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. ASSIGNMENTS/SUBCONTRACTING.

A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.

B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.

C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

D. Each subcontractor that physically performs services within Utah shall submit an affidavit to the Service Provider stating that the subcontractor has used E-Verify, or equivalent system, to verify the employment status of each new employee, unless exempted by Utah Code Ann. 63G-11-103

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. MAINTENANCE AND INSPECTION OF RECORDS.

A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. <u>POLITICAL ACTIVITY PROHIBITED</u>.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. <u>PROHIBITED INTEREST</u>.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. <u>MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS</u>.

A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.

B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an “extra” pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.

C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

18. <u>TERMINATION</u>.

A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.

B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

19. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

21. JURISDICTION AND VENUE.

A. This Agreement has been and shall be construed as having been made and delivered within the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. SEVERABILITY.

A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

____
Thomas B. Bakaly, City Manager

Attest:

____
City Recorder's Office

Approved as to form:

____
City Attorney's Office

SERVICE PROVIDER
Address:
Address:
Address:

Tax ID#: ________________________

____
Signature

____
Printed name

____
Title

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of _________________, 2009, personally appeared before me ______________________________, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he/she is the __________________________ (*title or office*) of _____________________ Corporation by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged that he/she signed it voluntarily for its stated purpose as ________________________ *(title)* for ________________________________, a ________ corporation.

____
Notary Public

ADDENDUM "A"
SCOPE OF SERVICES

Task 1 – Preliminary Design

- Obtain existing base mapping and property ownership information. NOTE: Topographic survey is currently being performed and will be provided. Consultant will be required to coordinate with surveyor for monument and control locations and accuracy of the survey,
- **Order blue stakes markings for the City's surveying consultant.**
- **Receive survey data in text format. Build an AutoCAD format base map for design.**
- **Include up to one eight-hour day of additional field survey to supplement the City provided survey.**
- Determine existing conditions and site constraints which may affect the project, including historic preservation and soil ordinance requirements,
- Coordinate with utility companies for their existing and future facilities,
- Determine alternatives with estimate of construction costs and land acquisition needs,
- Determine impacts to traffic and neighboring property access and potential mitigation measures,
- Prepare a final conceptual design with an estimate of costs and land acquisition needs,
- Arrange and conduct a preliminary design public meeting,
- Attend meetings with PCMC staff, **including a kick-off meeting and up to two additional staff meetings**.

Task 2 – Design

- Provide geotechnical and subsurface utility investigations,
- Incorporate resolved preliminary design comments into final design,
- Prepare final construction drawings, specifications and periodic updated estimate of construction costs,
- Prepare bidding and contract documents, **and arrange and manage their electronic distribution to bidders, plan rooms, review agencies, etc.**
- Attend **two** meetings with PCMC staff,
- Arrange and conduct a final design public meeting.
- **Advertise the project two consecutive Sundays in the Salt Lake**

Tribune, and two days in the Park Record.

Task 3 – Bidding Support (Bidding will occur in March of 2010)

- Provide electronic copies of contract documents for bidding (bid packages will be distributed to contractors on CDs or **via a common ftp site**)
- Advertise the bid,
- Arrange and conduct the pre-bid meeting,
- Issue Addendums as required,
- Attend and conduct the bid opening,
- Evaluate submitted bids and make a recommendation,
- Prepare contracts for construction.

Task 4 – Construction Support

- Arrange and conduct a pre-construction conference,
- Arrange and conduct a public meeting with residents and business owners with contractor in attendance,
- Provide construction administration including review of submittals, review of RFIs, verify monthly pay requests, hold and conduct weekly construction meetings, review, evaluate, negotiate and prepare change orders,
- Provide **part time, daily** construction observation **for up to two months of construction**,
- Provide a monthly construction report to PCMC including daily field reports, testing results, changes, progress, photos, etc,
- Provide closeout of project including substantial completion and final walk-through, generation of a punch-list and verification of completion, recommendation for final payment to contractor and compilation and submittal of final paperwork.

Task 5 – Post Construction

- Provide record survey of constructed facilities along with contractor drawings for the preparation of record drawings. Record drawings will be submitted in hard copy form (mylar) and electronically.

ADDENDUM "B"
PAYMENT SCHEDULE

Hourly Costs

Task	Description	Position	Hours	Rate	Total Cost	Task Subtotal
1	Preliminary Design / Design Study	Surveyor PLS	8	$100	$800	
		*Survey Crew	8	$140	$1,120	
		Drafter	48	$65	$3,120	
		Design Engineer	80	$90	$7,200	
		Project Engineer	16	$100	$1,600	
		Project Manager	14	$120	$1,680	
		Principal	1	$145	$145	
		QA/QC	10	$120	$1,200	
		Structural Engineer	8	$105	$800	
		Water Line Prelimianry Design (Bowen Collins)			$3,935	
		Geotechnical / Pavement Design (Earthtec)			$2,825	$24,425
2	Design	Drafter	80	$65	$5,200	
		Design Engineer	80	$90	$7,200	
		Project Engineer	20	$100	$2,000	
		Project Manager	19	$120	$2,280	
		Principal	1	$145	$145	
		QA/QC	10	$120	$1,200	
		Water Line Final Design (Bowen Collins)			$3,795	$21,820
3	Bidding Support	Project Engineer	10	$100	$1,000	
		Project Manager	25	$120	$3,000	
		Const. Manager	0	$120	$0	
		Principal	0	$145	$0	
		QA/QC	1	$120	$120	
		Water Line (Bowen Collins)			$1,265	$5,385
4	*Construction Support	Site Inspector	120	$90	$10,800	
		Project Eng	0	$100	$0	
		Project Manager	0	$120	$0	
		Const. Manager	64	$120	$7,680	
		Principal	0	$145	$0	
		Water Line Oversight (Bowen Collins)			$6,030	$24,510
5	Post Construction	Drafter	32	$65	$2,080	
		Design Engineer	0	$90	$0	
		Project Engineer	0	$100	$0	
		Project Manager	6	$120	$720	
		Principal	0	$145	$0	
		QA/QC	2	$120	$240	$3,040
Total			663		$79,180	$79,180

*Supplemental survey only.
**Construction support based on 2 months of construction or 60 colander days with daily oversight.

Direct Expenses

Item	Description	Quantity	Rate		Total
1	Mileage	2,560	$.58/mile		$2,320.00
2	Project Advertisement	1	600		$600.00
3	Direct Expeses for Bowen Collins				$1,975.00

Total Project Cost **$84,075.00**

City Council Staff Report

Subject:	**Sundance Film Festival**
	MOU and 2010 Supplemental Plans
Author:	**Max J. Paap**
Department	**Sustainability**
Date:	**October 29, 2009**
Type of Item:	**Administrative- Master Festival License**

Summary Recommendations:

Review the 2010 Supplemental Plans to the Master Festival License and City Services Agreement, conduct a public hearing, and approve the Plan, as conditioned, for the 2010 Sundance Film Festival with the Sundance Institute as attached in a form approved by the City Attorney. Council should specifically consider approval of a partial street closure of Heber Avenue between Park Avenue and Main Street from January 19, 2010 to February 1, 2010.

Description:

Topic:

Review the Supplemental Plans for 2010 Sundance Film Festival.

Background:

In October of 2005 Park City Municipal Corporation and the Sundance Institute entered into along term agreement for eleven (11) years, 2007 through 2018 with an option to renew for an additional ten (10) years. The Sundance Institute has agreed to tri-annually review the dates of the festival to reduce possible conflicts for sections of the business community where they can, while maintaining the success of the festival.

> Section 1.2 of the Agreement refers to annual review of the Supplemental Plans, which details the implementation and operational plans with respect to those functions of the Use Areas that may change with each annual Festival. The Supplemental Plans and any annual modifications are a material part of the Agreement. Generally, Supplemental Plans for future Festivals will follow Supplemental Plans for the previous Festival unless changes that are mutually acceptable to the Parties will promote the efficient and successful operation of the Festival. Failure of the Parties to agree on changes to current Supplemental Plans will result in use of the immediately prior year's Supplemental Plans.

Analysis:

In 2008 Council asked that plans be rolled out earlier for the 2009 Festival. In keeping with that request staff from Council, this report is coming to you on October 29, 2009 for the 2010 Festival. This Supplemental Plan review is also occurring earlier than usual.

The Supplemental Plan for the 2010 Sundance Film Festival outlines the following modifications:

- Updated Main Street and Park Avenue Parking , Traffic mitigation and Circulation Plan
- Closure and programming of the street space adjacent to the Kimball Arts Center on the north travel lane of Heber Avenue.
- Request by HMBA to provide analysis for use and pay structure for China Bridge parking structure
- Relocation of Music Café to 751 Main Street
- Official Sundance Sponsors use of The Yard on Kearns Boulevard
- Use of the PCMC Recreation Building & Miners Hospital in City Park
- Prior approval of the 2010 Supplemental Plan for the Racquet Club Venue

<u>Main Street & Park Ave – Parking, Circulation, and Traffic Management Plan (Drop and Load Zones & Employee and Construction Permits)</u>
Drop and Load zones will be created along both sides of Main Street between 9th Street and the Swede Alley intersection to the south of the Brew Pub Parking Lot. This plan will begin on Tuesday, January 19, 2010, two days before the festival actually begins to help facilitate an easier and more efficient move-in on Main Street. PCMC Staff will monitor traffic flows and parking inventories and has the ability to return the east side of Main Street to the Pay and Display Program during the second week of the Festival as traffic impacts wane. These zones would again be manned from 12:00 pm until 8:00 pm on a daily basis. See Exhibit A. These zones provide for deliveries and other service activity and keep traffic flowing freely. After 8:00 pm they would function as taxi drop and loads zones, which again improve traffic flow.

<u>Closure and programming of the north travel lane of Heber Avenue to create space for Sponsor activities and temporary structures.</u>
Heber Avenue (north travel lane) will become a venue for Official Sundance Sponsor venues this year, and closed to parking and vehicular traffic. The purpose is to provide a central gathering Festival location for festival-goers and the local community. No Official Sundance credentials will be required for entrance. Sundance would be responsible for all programming and activities within this area, and would use the area beginning January 21st through January 31st. This is an effort by the Sundance Institute to keep relationships with integral sponsors, while still making efforts to sustain the vibrancy in the Old Town core, which is an integral goal of both PCMC and HMBA for the festival. This proposal results from the success of staff efforts and a commitment from Sundance towards increasing long term partnerships on Main Street. The temporary structures proposed for this use area would be mostly public in nature, and be programmed during mostly daytime hours. The connectivity to the Sundance House (Kimball Arts Center) and this Heber Avenue venue are an important step to create a central location for public gathering spaces to support the Main Street core. (See Exhibit B) This venue would create a one-way travel lane ‘busses only’ along Heber Avenue westbound from Swede Alley to Park Avenue. Transit, Building, Streets, Police, Parks, and

Sustainability have reviewed the plan and are confident that it can work with a comprehensive operational plan. The plan has been presented to HMBA at the September Board of Directors meeting and was positively received. Staff will continue to work with Sundance to complete a more detailed operational plan as Sundance continues to work with sponsors on final details. This plan replaces the tent that operated on Main Street between Heber Avenue and 9th Street and served as The Music Café. The Music Café will be located at 751 Main Street which is operated year round as the Stanfield Fine Art Gallery. This area brings the opportunity to have a free and welcome atmosphere that will not feel so exclusive or ‘closed’.

<u>China Bridge Employee Permits and the analysis of sliding pay structure throughout the Festival</u>
Staff recommends opening the entire roof of China Bridge to current employee (CB) permit holders in addition to the north Marsac lot due to the completion of the Marsac remodel project at no additional cost. This will accommodate CB permit holders with an increase in inventory of 40 spaces over previous years and will allow Staff to easily monitor permit demand and overflow. In order to offset revenue loss from this change and for drop/load changes on Main Street, Staff recommends keeping the premium permit price for a guaranteed parking place at $350 and keep the daily price at $20 throughout the entire festival as well. This again supports the efforts of previous years to act as a Traffic Mitigation tool and account for staffing costs to implement this very successful and proven program.

<u>Officially sanctioned activity programming at The Yard- Kearns Boulevard</u>
In years past, The Yard has operated as a venue that housed activities that were not officially recognized by the Sundance Institute as sponsors. However, this year the programming and activities are official Sundance sponsor activities. The entirety of the interior and exterior of this space will be sanctioned by Sundance, but operated and programmed by Relevent Productions and BNC. Sundance will continue to operate the inventory of parking adjacent to the facility as a ‘Park and Ride’ that is an essential function to the success of the screenings at Temple Har Shalom. As being part of the Supplemental Plan for the 2010 festival; Sundance may reserve the right to submit a sign plan that would include portions of their environmental graphic package that will be approved as part of the entire sign plan that is approved on an annual basis. Conditions of approval for all activities will be consistent with the previous activities that have been approved at The Yard for not only the Sundance period activities; but other events that have been approved at that location throughout the year. Staff is confident that by working with the owner and agent for the property on a more consistent basis throughout the year for events other than just Sundance; conditions of approval and operational concerns that may affect the adjacent neighborhood can be adequately mitigated. As in past years, the final operations plan will ensure a plan that will address impacts to the neighborhood and affected businesses, as well as any transit concerns.

Use of City Facilities at Miner's Hospital and Recreation Building (City Park)
In years before the Marsac Remodel, Sundance has used the Miner's Hospital in some capacity as an official venue for the Festival. Since PCMC is now back in the Marsac Building, the space is now available to Sundance to use for the 2010 Festival. They have provided a written request to use that space for the 2010 Festival. As part of the long term MFL and City Services Agreement; PCMC has again accounted for that portion of time to allow that facility available to Sundance. Uses would seem to be for low impact media and press activities that would not negatively impact any use by the tenants that are being transitioned into that facility; Mountain Trails and Park City Arts Council. This coexistence has been proven to be a non-issue in Festivals previous to the Marsac Remodel. Sundance has also expressed a need for storage pre-festival. Since the Recreation Building is now vacant due to The Boys and Girls Club not relocating back to the Park City area; a surplus of space is now available. Recreation has no programming slated for that facility until after the 2010 Festival.

Racquet Club Venue/Use Area Operation
The Supplemental Plan for the 2009 festival was recapped on March 5, 2009 with very few negative comments due to the change in starting the final screening time at to 8:00 pm which is consistent with the 2009 festival See attached minutes (Exhibit C). For 2010 Sundance has submitted a proposed operations schedule that is similar to the 2009 operations plan. See (Exhibit D). Staff again feels that by sticking to the 8:00 pm starting time that there is a greater likelihood of the venue completely empty of patrons and the parking lot clear by 10:30pm. Staff will also require that Sundance continue operating the Customer Service Line for 2010 just as in the 2009 Festival.

Department Review:
The Transit, Parking, Streets, Sustainability, Police, Building, and Legal Departments have reviewed this plan. Their comments were included when developing the overall plan.

Significant Impacts:
Significant impacts of the Supplemental Plans would include additional operating costs to the Drop and Load zones, and the Heber Avenue partial closure which can be offset by the China Bridge paid/permit traffic mitigation program.

Consequences of not taking recommended action:
Supplemental Plans for the 2010 Sundance Film Festival would not be allowed to be implemented and would result in use of the immediately prior year's Supplemental Plans.

Alternatives:
Approve the Request:

Approve the Supplemental Plans to the Master Festival License and City Service Agreement with the Sundance Institute. **This is Staff's recommendation.**

Deny the Request:

Deny the Supplemental Plans to the Master Festival License and City Service Agreement, thereby not allowing any changes to the 2010 festival, with the exception of the modifications at the Racquet Club, approved in April.

Modify the Request:

Modify the parameters of the Supplemental Plans to the Master Festival License and City Service Agreement with the Sundance Institute.

Continue the Item:

The City Council may continue the hearing for more information and discussion.

Recommendations:

Review the 2010 Supplemental Plans to the Master Festival License and City Services Agreement, conduct a public hearing, and approve the Plan, as conditioned, for the 2010 Sundance Film Festival with the Sundance Institute as attached in a form approved by the City Attorney. Council should specifically consider approval of a partial street closure of Heber Avenue from January 19, 2010 to February 1, 2010.

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Exhibits

Exhibit A Traffic and Circulation Plan
Exhibit B Heber Avenue partial closure Exhibit
Exhibit C CC Minutes- March 5, 2009
Exhibit D 2010 Racquet Club Operations
Exhibit E Use areas

EXHIBIT A

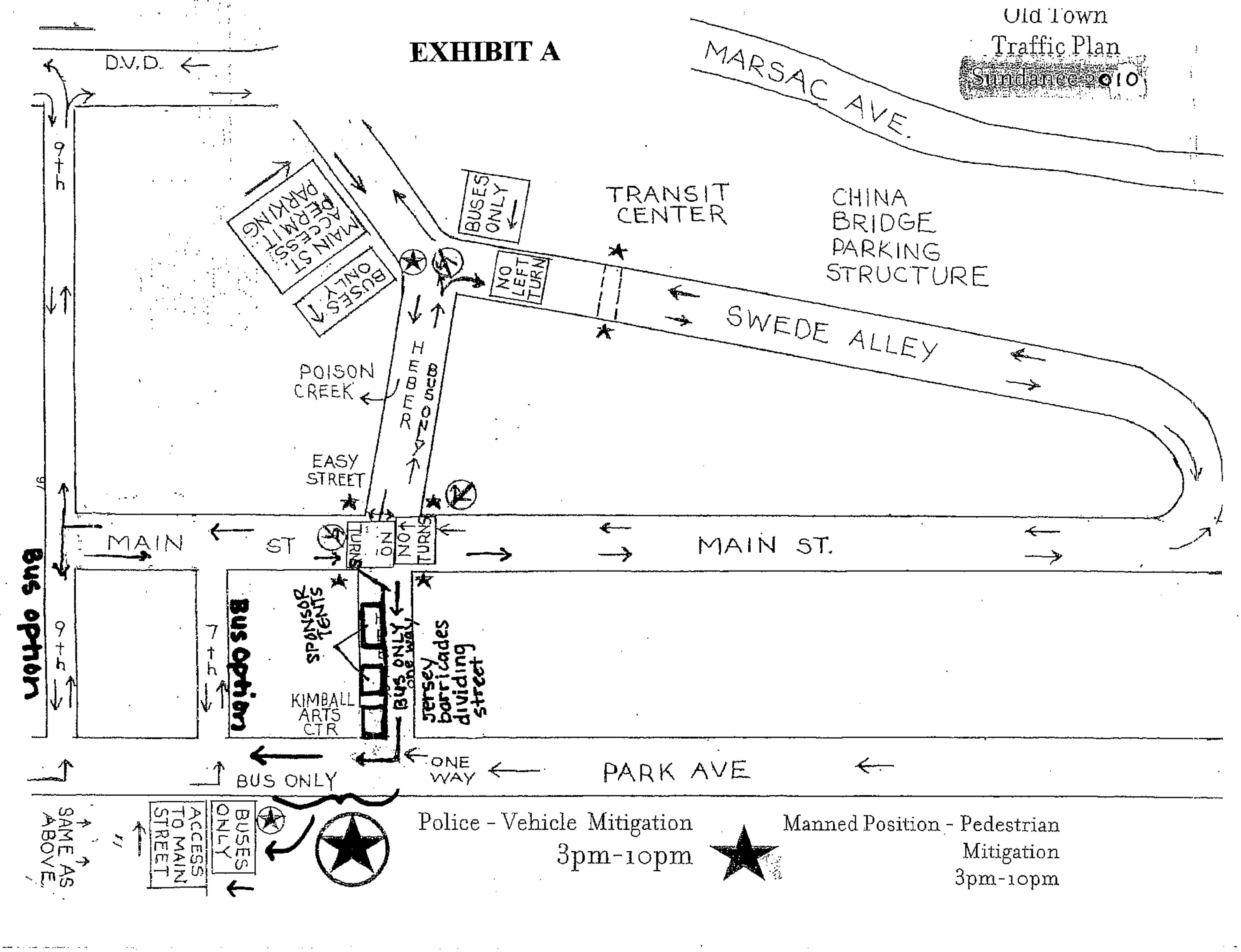
Old Town
Traffic Plan
Sundance 2010
MARSAC AVE.
D.V.D.
TRANSIT CENTER
CHINA BRIDGE PARKING STRUCTURE
SWEDE ALLEY
BUSES ONLY
NO LEFT TURN
MAIN ST. ACCESS PERMIT PARKING
BUSES ONLY
POISON CREEK
HEBER
BUS ONLY
EASY STREET
NO TURNS
NO TURNS
MAIN ST
MAIN ST.
9th
7th
SPONSOR TENTS
KIMBALL ARTS CTR
BUS ONLY one way
Jersey barricades dividing street
Bus Option
Bus Option
ONE WAY
PARK AVE
BUS ONLY
BUSES ONLY
ACCESS TO MAIN STREET
SAME AS ABOVE
Police - Vehicle Mitigation
3pm-10pm
Manned Position - Pedestrian Mitigation
3pm-10pm

EXHIBIT B

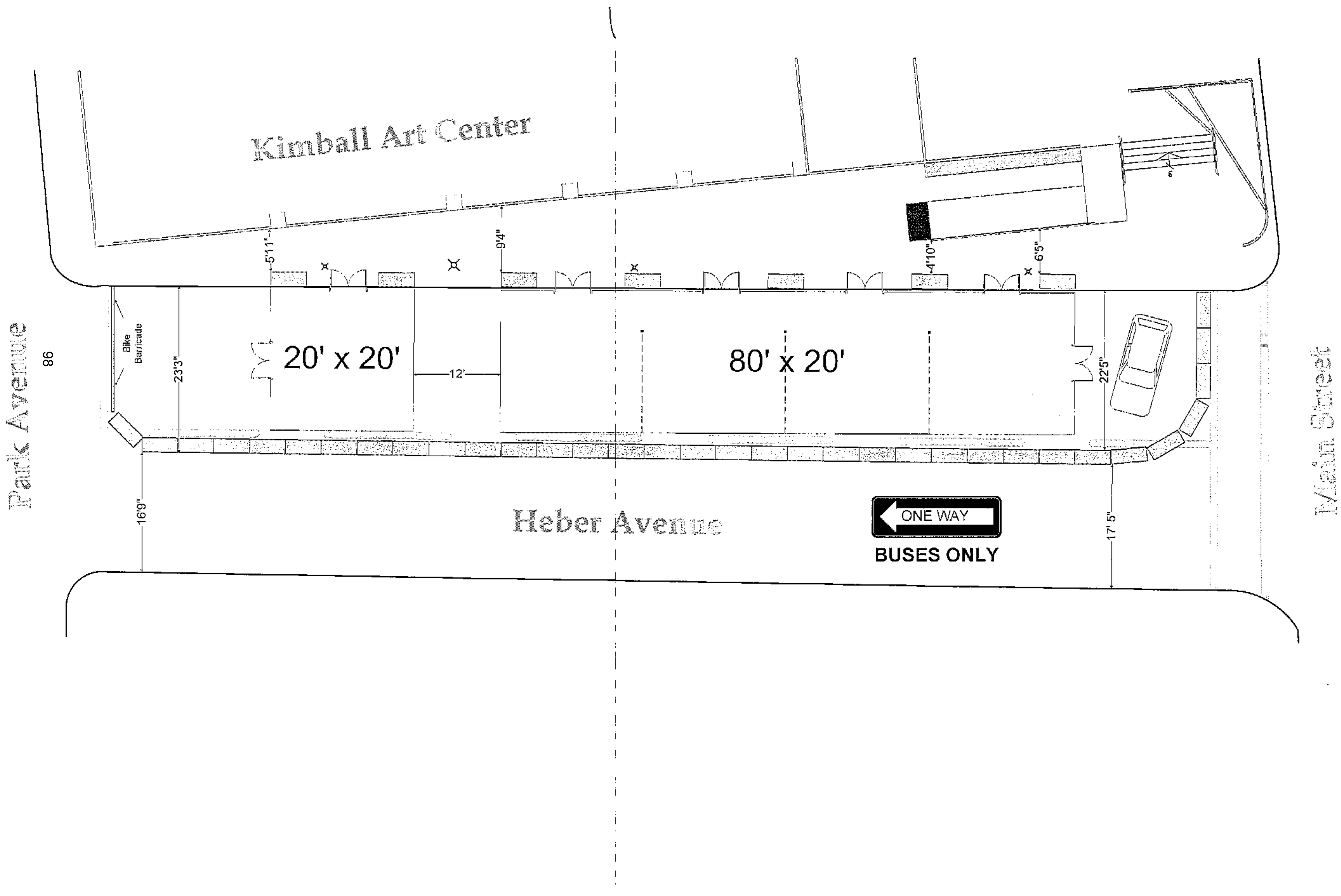
Kimball Art Center
Park Avenue
Main Street
Heber Avenue
20' x 20'
80' x 20'
12'
5'11"
9'4"
4'10"
6'5"
23'3"
22'5"
16'9"
17' 5"
Bike Barricade
ONE WAY
BUSES ONLY

EXHIBIT C

influx of day visitors that impact the city; however, it was important not to undermine original intent of resort cities sales tax which was formed to help mitigate impacts of overnight visitors.

4. **Sister Library site visit.** Library Manager Linda Tillson reported that it was a fantastic opportunity to visit the Bimal library in operation and to see how much Park City's help has done for them. She thanked Jim Powell for starting this relationship and for his continued support and funding. Ms. Tillson narrated her slide show which illustrated the beauty of Nepal. She described visits to the temples, schools and libraries.

5. **2009 Sundance Film Festival debrief.** Special Events Coordinator Max Paap was joined by Sarah Pearce and Brooks Addicott from Sundance Institute. Mr. Paap requested that Council review the wrap-up report which includes the performance of the 2009 Supplemental Plan approved in late 2008, and re-affirm the continued cooperative effort between Sundance Institute and Park City Municipal Corporation. Staff will return in the fall to present plans for the 2010 Sundance Film Festival.

Sarah Pearce thanked the Mayor and Council, as well as Staff, for their continued support. Sundance was very pleased with the Festival and although they have not received results of the third party survey, their post festival surveys show attendance was up in 2009, second only to 2007. They saw a 20% increase in ticket availability for locals over the previous year. The number one reason given for not attending was travel and lodging costs; number two was ticket availability. She stressed the importance of finding a balance between what they are giving to locals and what they are providing to out-of-state visitors. She noted that ticket sales cover about one-half of festival expenses, but they felt it was important to offer tickets to community organizations and to students. This year's programs benefitted over 4,000 students at 43 schools. They also held two economic development events intended to capitalize on international business leaders who are in town for the festival and encourage doing business in Utah.

Brooks Addicott noted press coverage was very positive and generated in excess of 7,000 articles from 90 counties. She noted the publicity value was essentially $8 million if one were to purchase that coverage.

Max Paap addressed modifications contained in the Supplemental Plan for the 2009 festival: updated Main Street and Park Avenue parking, traffic mitigation and circulation; closure and programming of Town Lift and Main Street between 7th and 9th Streets; film screenings at Temple Har Shalom and supporting shuttle stop; and the Racquet Club Venue/Use Area Operation. Both Sundance and the City held internal de-briefs to discuss the festival and then met jointly to review issues pertaining to the supplemental plan. He addressed the Main Street parking and circulation plan which created more drop and load zones. They found it was successful not only for dropping commercial goods, but for shuttles. As festival activity slowed they were able to return the pay and display parking on the east side of Main.

Liza Simpson received complaints from businesses about the timing of the closure and hoped they could delay closures until closer to the start of the festival. Sarah Pearce noted they discussed doing more of a roll-out leading up to and at the end of the festival so that sections were closed at different times. Max explained they were initially concerned about placing the tent on Lower Main; however, they can be more proactive in the future after observing how it worked at 7th Street. Also, only about half as many businesses changed out for the 2009 Festival in comparison to previous years.

Ms. Pearce added that festival attendees reported feeling safer on Main because they could move freely and had visual access to the street. Concentrating the activity on Lower Main provided better exposure for sponsors and they observed less ambush marketing this year. She noted in the future they would want a different tent style that achieved more of their goals with regard to presentation quality, as well as having more time to improve the outside look and feel.

Mr. Paap reported that screenings at Temple Har Shalom, with parking at The Yard, provided an excellent venue for the festival and the transit component worked very well.

Regarding the Racquet Club Venue/Use Area Operation, Max explained that the Supplemental Plan required an 8:00 p.m. start time for the last screening and required Sundance to set up a customer service feedback line. They encountered a few issues, but those were addressed in a timely manner. A feedback line report prepared by Sundance was included in the Staff Report.

Ms. Pearce reported they received complaints about traffic impacts to the neighborhood from parking and staging. Because there was not as much time in between screenings, they found that taxis were waiting for people leaving the previous screening. They noticed that some residents were inviting friends and family to park in their driveways and in front of their houses. They spoke with the Homeowners Association president and discussed ways to identify invited guests, and to keep others out. Mr. Paap emphasized the difficulty of keeping festival parking out of residential areas.

Sarah Pearce believed higher lodging prices and five-night minimums during Sundance continued to discourage people from attending Sundance. Those who book in the summer are locked into the higher prices, even though some prices dropped toward the end of the festival. They hope to work with the lodging association to encourage more people to come to Sundance.

Roger Harlan asked whether offering double features at the Racquet Club would mitigate the length of time the venue was being used. Ms. Pearce explained that during the first half of the festival people were coming to do business and were buying individual tickets for specific screenings so people would still be coming and going.

Ms. Pearce felt traffic on Bonanza continued to be an issue, especially the first four days of the festival, which warranted increased mitigation. Sundance is also concerned about future losses of venues due to construction, namely the upcoming Main Street Mall and Racquet Club renovation projects. Overall, they had a very successful festival and she thanked Council again for their partnership.

Candace Erickson commented on the high number of taxis in town during the event and encouraged an emphasis on public transit.

Ms. Erickson referred to the e-mail Council members had received from residents of the Racquet Club. Sarah Pearce asked if they could share that with Sundance. The Racquet Club residents reported being unable to find a published "hot line"; they called the customer service line and the person they spoke with did not request their names or any information regarding their complaint. Ms. Erickson noted she had reviewed the feedback from the Sundance customer service line and believed it should have been called a "complaint line". Calling it a customer service line implied it was a number to call for tickets.

Mayor Williams commented that after the first week-end not many people were parking in China Bridge and asked if it were possible to lower prices to encourage more usage. Parking Manager Brian Andersen explained that raising and lowering rates during the festival presented challenges for the operator. He agreed there are times when there is excess space in the parking garage.

Jeff Lonn, Racquet Club Condos resident, thanked Council and Sundance for changing the last screening time to 8:00 p.m. It helped, but still did not get people out of the venue before 10:30 or 11:30 p.m. As neighbors, they endure 18 days of noise, from 7:00 a.m. to 10:00 p.m., from festival loading and teardown, constant busses, taxis, and honking horns. They asked Council and Sundance to develop a plan that cleared the parking lot by 10:00 p.m., which complies with the City's noise ordinance.

Mr. Lonn commented on the feedback line report which indicated that Sundance did not receive many complaint calls and they were all from one Racquet Club neighbor. He was not surprised because no one else knew it was a complaint line. They did not receive satisfactory responses to their complaints when they did place calls. He reminded Council they had presented petitions signed by 40 residents asking that Sundance be out of the venue by 10:00 p.m.

EXHIBIT D

2010 Sundance Film Festival
Racquet Club Operations Proposed Schedu

Friday, January 15, 2010	7am - 8pm Access to Basketball Court and East Parking Lot	Load-in. Trucks, tent set-up, all trucks out of parking lot by 8pm. Equipment may remain in parking lot but must be completely turned off by 8pm. Work inside building may occur until 10pm. Late workers to park in front of building.
Saturday, January 16, 2010	7am - 8pm Access to Basketball Court and East Parking Lot	Load-in. Trucks, tent set-up, all trucks out of parking lot by 8pm. Equipment may remain in parking lot but must be completely turned off by 8pm. Work inside building may occur until 10pm. Late workers to park in front of building.
Sunday, January 17, 2010	7am - 8pm Access to Basketball Court and East Parking Lot	Load-in. Trucks, tent set-up, all trucks out of parking lot by 8pm. Equipment may remain in parking lot but must be completely turned off by 8pm. Work inside building may occur until 10pm. Late workers to park in front of building.
Monday, January 18, 2010	7am - 8pm Access to Basketball Court and East Parking Lot	Load-in. Trucks, tent set-up, all trucks out of parking lot by 8pm. Equipment may remain in parking lot but must be completely turned off by 8pm. Work inside building may occur until 10pm. Late workers to park in front of building.
Tuesday, January 19, 2010	7am - 8pm Access to Basketball Court and East Parking Lot	Load-in. Trucks, tent set-up, all trucks out of parking lot by 8pm. Equipment may remain in parking lot but must be completely turned off by 8pm. Work inside building may occur until 10pm. Late workers to park in front of building.
Wednesday, January 20, 2010	7am - 8pm Access to Basketball Court and East Parking Lot	Load-in. Trucks, tent set-up, all trucks out of parking lot by 8pm. Equipment may remain in parking lot but must be

		completely turned off by 8pm. Work inside building may occur until 10pm. Late workers to park in front of building.
Thursday, January 21, 2010	7am - 8pm Access to Basketball Court and East Parking Lot	Load-in. Trucks, tent set-up, all trucks out of parking lot by 8pm. Equipment may remain in parking lot but must be completely turned off by 8pm. Work inside building may occur until 10pm. Late workers to park in front of building.
Friday, January 22, 2010	7am - 10:30pm Screenings Begin	Screenings begin. Best efforts to ensure ALL activity is out of building and parking lot by 10:30pm
Saturday, January 23, 2010	7am - 10:30pm Screenings	Screenings. Best efforts to ensure ALL activity is out of building and parking lot by 10:30pm
Sunday, January 24, 2010	7am - 10:30pm Screenings	Screenings. Best efforts to ensure ALL activity is out of building and parking lot by 10:30pm
Monday, January 25, 2010	7am - 10:30pm Screenings	Screenings. Best efforts to ensure ALL activity is out of building and parking lot by 10:30pm
Tuesday, January 26, 2010	7am - 10:30pm Screenings	Screenings. Best efforts to ensure ALL activity is out of building and parking lot by 10:30pm
Wednesday, January 27, 2010	7am - 10:30pm Screenings	Screenings. Best efforts to ensure ALL activity is out of building and parking lot by 10:30pm
Thursday, January 28, 2010	7am - 10:30pm Screenings 7pm Access to Tennis Courts	Screenings and Awards set - up. Best efforts to ensure ALL activity is out of parking lot by 10:30pm. Any set up will be contained in building after 10 pm and will make best efforts to move vehicles to front of building.
Friday, January 29, 2010	7am - 10:30pm Screenings	Screenings and Awards set-up. Best efforts to ensure ALL activity is out of parking lot by

	Access to Tennis Courts	10:30pm. Any set up will be contained in building after 10 pm and will make best efforts to move vehicles to front of building.
Saturday, January 30, 2010	7am - 1:00am Screenings Award Ceremony & Party 4pm Access to entire Parking Lot	Screenings and Awards Ceremony and Party. All activity out of building and parking lot by 1:00am.
Sunday, January, 31, 2010	7am - 8pm Tear down and complete move out from Tennis Courts.	Tear down of Tennis and basketball courts. All trucks and activity out of parking lot by 8pm.
Monday, February 1, 2010	7am - 8pm	Continued tear down of basketball court. All trucks and activity out of parking lot by 8pm.
Tuesday, February 2, 2010	7am - 12noon 12noon - 8pm	Final tear down and clean up of basketball court. Clean up time for parking lot only.

Amendment to EXHIBIT "E" of
MASTER FESTIVAL LICENSE AND CITY SERVICES AGREEMENT

USE AREAS AND SERVICES

Use Area/Service	Address	Use Period	Intended Use	Type of Use	Basic City Services	Access Control	Traffic Control
Santy Auditorium of Park City Public Library and Education Center, all associated furnishings, fixtures, and equipment; north lawn area and Reading Garden.	1255 Park Avenue	1/14,2010 – 2/2, 2010	Screening venue; Hospitality; Wait list Line; Box Office, kiosk, tent	Parking – Nonexclusive (except 5 reserved, 7 permits and 2 for coffee cart); All others – Exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area. In addition, Park City shall clear snow, ice and debris from the field for placement of Sundance's Tent facilities.	Sundance and Park City	Sundance and Park City
Racquet Club Gymnasium, Indoor tennis courts, storage room and adjacent hallways, all associated furnishings, fixtures and equipment; and 35 parking spaces in the adjacent parking lot (for staff use only)	1200 Little Kate Road	1/15,2010 – 2/2, 2010	Awards Ceremony and Screenings	Parking – Nonexclusive; All Other - Exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Sundance	Sundance and Park City
Main Street- Between 7th and 9th St.	Main Street	1/19,2010 – 2/1, 2010	Festival tent operations and sponsor activities	Nonexclusive; All Other - Exclusive	Park City shall place barricades and enforce the operations plan	Sundance	Sundance and Park City
~~Transit Center -~~	~~558 Swede Alley~~	~~1/15, 2009 – 1/25/2009~~	~~transportation coordination; and waiting area~~	~~Exclusive~~	~~Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area~~	~~Sundance and Park City~~	~~Park City~~
Main Street - East side	Main	1/19,	Crowd	Pedestrian	Park City shall place	None	None

venues (Plan B, Egyptian Theater, Elks Building, Riverhorse) and Entire West side including venues (Main Street Mall and War Memorial Building)	Street	2010 – 2/1/2010	control in front of large venues and enhanced pedestrian areas.		the barricades, provide snow removal and place "no parking" and "drop zone" signs		
First Priority City Trails and Walking Paths	Various	1/21, 2010- 1/31,2010	Walking route to/from venues and other areas of town	Pedestrian	Park City shall place the barricades, provide snow removal	None	None
Miner's Hospital	1354 Park Ave.	1/18, 2010 – 2/1, 2010	Media and Press	Exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Sundance	None
Rec Center	1400 Sullivan Rd.	11/1, 2009 – 2/1, 2010	Storage	Exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Sundance	None
Library & Ed Center- Rooms- 201, 202, 205, 207	1255 Park Ave	1/18, 2010 – 2/4, 2010	Screening Support, Green Room	Exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Sundance	None
Additional Dumpster Service: Santy/Raquet Club, Lower Main, Awards Roll-Off	1200 Little Kate & 1255 Park & various Main St	1/21, 2010 - 1/30, 2010	Waste	Nonexclusive	Park City shall provide pick up service	Park City	Park City

China Bridge parking		1/21, 2010 – 1/30, 2010	Parking	Nonexclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Park City	Park City
RCPM – Cleaning Santy/Raquet	1200 Little Kate & 1255 Park Ave.	1/22, 2010 – 1/31, 2010	Awards Ceremony and Screenings	Nonexclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Sundance and Park City	None
PCPM – Cleaning Main Street	Main Street	1/21,2010 – 2/1, 2010	Look and Feel of festival	Non exclusive	Park City shall provide Cleaning, Waste Removal and snow and ice removal inside and outside the use area	Park City	Park City
Traffic Control	Main Street	1/21, 2010 – 1/30, 2010	Pedestrian Control points	Nonexclusive	Park City shall provide all signage and staffing	Park City	Park City
Power Upgrade – Lower Main	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Street Banner Installation	Main Street	1/18, 2010 – 2/1, 2010	Look and Feel of festival	Exclusive	Park City shall install and take-down	Park City	None