PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 23, 2003

Present: **Mayor Dana Williams; Council members Peg Bodell, Kay Calvert Candace Erickson, Jim Hier, and Fred Jones**

Tom Bakaly, City Manager; Michelle Barrus, Special Events and Facilities Coordinator; Alison Butz, Special Events and Facilities Manager; Mark Harrington, City Attorney; Gary Hill, Analyst

Brian Hess, Arts Council Executive Director; Dave Staley, Chairman of Recreation Advisory Board (RAB); Craig Elliott, architect and Rodman Jordan, agents for Centura Development

1. **Council questions and comments.** Candace Erickson reported that the Library Board selected an architect for the expansion project. Council decided to interview two RAB candidates during its work session on November 20. Peg Bodell relayed that a citizen suggested creating logos for individual advisory boards and asked people to think about this. Mayor Williams thanked Congressman Bishop for holding a public meeting last night and added that Senator Hatch's Office congratulated the City this morning on Park City inclusion on CNN's top ten resorts.

2. **Arts CIP policy.** Michelle Barrus explained that the draft policy identifies the $200,000 the Council appropriated for public art and she invited comments and/or questions on her staff report. Ms. Calvert pointed out that the City is already collecting impact fees on developments, and asked if the 1% for public art would be an additional exaction. Ms. Barrus believed that would be a Council decision and staff could look to other towns that have successfully raised funding. Peg Bodell stated that Santa Fe, Tempe, Seattle and Portland have all been successful, but the formulas range and it would take some research to find a fit for Park City. There was discussion about potential City capital projects, which could lend themselves to public art. Tom Bakaly explained that the policy contemplates an appointment of a panel to review art in public places and increase the public service contract with the Arts Council as the administrator. Public art could include art on the corner, public art in existing public buildings, art at parks and trails, and other various proposals. The policy also contemplates that the Art Council would make recommendations on the scope of the projects for each of the areas. Additional direction is requested on whether there should be a 1% development fee; funding for City projects, and/or creating a funding stream in the future for public art.

Candace Erickson asked if the art is permanent and Ms. Barrus felt it would be permanent except in the instance of art on the corner. which features revolving exhibits. Ms. Erickson relayed that performing art isn't included, as well as other expressions. Ms. Bodell pointed out that performing art is included and the policy could be expanded by the panel who could also formulate a long term plan. Ms. Erickson asked the cost to administer a program. Executive Director Brian Hess stated that his intent is to contract administration.

In response to a question from Fred Jones, Tom Bakaly explained that this program, included in the CIP Fund, is allocated $100,000 per year to be used for permanent structures and/or art, not funding performances. Mr. Jones continued that he is comfortable with the draft policy and the program administrated by the Arts Council. He urged that the initial expenditure be focused in one area, i.e., Main Street, and that the bulk of the funds be spent so there is a statement about public art. Peg Bodell agreed and felt that it is appropriate to give this board direction like any other advisory board, to leverage and manage these funds. Jim Hier supported the concept and in response to a question from Mr. Hier, Brian Hess explained that up to this point, the Art Council's involvement has been to formulate a policy on public art as opposed to administering this fund. The policy could be completed by March 31. He discussed the successful but very different public art programs in Grand Junction and Steamboat with regard to the placement of pieces. Mr. Hier encouraged exploring a recurring source of funding for operations, as well as capital. He supports a 1% program for City projects, but not requiring it for private development; there could be a voluntary option. Kay Calvert felt it would be appropriate for the Arts Council to research this, and Mr. Hess explained in detail Grand Junction's model.

The City Manager understood that Council supports the policy, as written, with the addition of finding a statement location for the first project. The panel should make a recommendation on this as well as research the 1% development fee. The Arts Council's special service contract will be amended to include $10,000 for the administration of the program. There was discussion about the increase in the special service contract being outside the normal budget cycle. Mark Christensen explained various options, including amending the budget mid-year, or using funds from the Venture Fund. A budget option could then be added for FY 04-05.

3. **Youth service contract recommendations.** Gary Hill explained that when the service contract policy was amended, a new category for youth programming was established and staff requested bids. There were several bids that didn't qualify for various reasons and Council recommended that the money remain in place and youth contracts be revisited by the Recreation Advisory Board. The Youth Issues Committee of RAB found that it is likely that one organization cannot meet City-wide needs. It recommends an amendment to the policy specifying that contract awards must provide a City-wide service to the community or enhance an existing youth service even if it requires several contracts. The committee recommends that a task force be appointed by Council to review applications and the City Council liaison to RAB serve as a non-voting member. Mr. Hill continued that it is suggested to reopen the RFP process to for youth contracts now and have them in place by the first of December. The last

recommendation is that the City Council sub-committee appoint the task force. Candace Erickson discussed specifying criteria of selecting programs that are not currently offered to avoid duplication. Peg Bodell stated that she doesn't see a need for the task force since the criteria is well defined. Ms. Erickson explained that one reason for the task force is because Park City Recreation may be an applicant, and having four or five members is necessary to thoroughly research proposals. There was discussion on the appropriateness of the Leisure Services Department applying for funds. Jim Hier stated that he can not support the City competing for these funds. Ms. Erickson explained that in the past, Leisure Services operated as an enterprise fund, and in order to create a new program, a new funding source had to be identified. Chairman Dave Staley explained that youth programs can involve much more than recreation and may be inappropriate to fall under RAB's scope. He added that Leisure Services may be a good candidate to run pilot programs for a year and if successful, then budget the program, for example. Mr. Hier emphasized that he would rather have a line item in the budget established for trial programs than to have it be part of a special service contract. He views the task force as another Youth Advisory Committee. Kay Calvert agreed with Jim Hier that it is inappropriate for the City to apply. Gary Hill explained that the task force would be recommending two year contracts and would convene every three years for several weeks. Fred Jones stated that he is supportive of the recommendations but agreed that the City should not be an applicant.

Mr. Hill recapped that the Council is supportive of a task force, consisting of eight members, including the City Council liaison to RAB. Mr. Hier suggested that membership be limited to no more than seven, and could be less. Peg Bodell recommended that instead of specifying the City Council liaison, to replace it with the City Council subcommittee, as both members need to hear the presentation. The City Manager felt it prudent to add language that the City is ineligible to apply for funding and Council agreed. There was discussion about the timing of appointing the task force and advertising RFPs. For the benefit of Dave Staley, it was clarified that this task has been completed. There was discussion about the intent of funding in assisting new programs, which is a change from the seed money concept in the past. It was clarified that current criteria does not exempt new programs.

4. **Business Commons project**. Tom Bakaly explained that the City Council conducted a site visit to the location of the project, 1790 Bonanza Drive at 2 p.m. today. It has been the policy of the City Council to only provide access to the development, and the request tonight is to expand uses on our property. Another question is interest and scope in the City sharing in the cost of proposed improvements. It was emphasized that the curb cut, considered last February, is not part of this proposal. Rather, consideration deals with the bridge, parking adjacent to the private project, and an outdoor dining patio on the City's property acquired with the open space bond proceeds.

Architect Craig Elliott stated that in addition, Centura is seeking approval on the pathway access from the Rail Trail to the site and landscaping issues on property owned by the City. The bridge helps provide a visual focus to the trail head and there is an opportunity to create a good pedestrian connection now impeded by the stream and grade change. Through illustration of a rendering, Mr. Elliott pointed out the retail and restaurant uses in the building. The restaurant parking requirement is 10 spaces per 1,000 square feet, including the kitchen and there are few Park City restaurants that meet these guidelines. He discussed creating an underground parking garage under Rail Trail property to satisfy parking demands and the outdoor dining proposal. This project presents an opportunity to improve City-owned property and Centura is seeking to work through the process.

In response to a question from Fred Jones, Mr. Elliott discussed the wait service. There was discussion about the 16 foot minimum required for a one way driveway in the MPD. Rodman Jordan added that it is their intent to build a portion of the bridge immediately from the Business Commons to the Rail Trail, which prompted comments on parking needs. Mr. Jordan stated that the restaurant would not be part of this phase. Jim Hier stated that the Rail Trail parcel was purchased with open space money with a promise to forever protect and preserve and there would be no commercial development. The bridge from the Rail Trail to the building is a commercial use, in his view. The pathway to the bridge was discussed and Craig Elliott explained that it was removed from the application before the Planning Commission and he intends to detail connections. Mr. Hier stated that this concept provides access to the restaurant, not just the restrooms and a structure on open space property continues to be a concern of his. Having exclusive use of the property is also a concern and dining should be open and inviting to the public who may not be patrons of the restaurant. He recalled as a Planning Commissioner requesting that the entire Centura parcel be master planned rather than piece-mealed. Access to parking to a business on the City-owned property is also a problem, which is inconsistent with bond language. It is also a matter of principle and setting a precedence should be avoided. With that being said, Mr. Hier added that he likes the project, and some improvements can be shared, but use of City property is not something he supports.

Fred Jones stated that he agrees with most of Mr. Hier's comments, but is unclear about the purpose of the bridge. He has a problem with awarding an exclusive use and can't justify this request. In hindsight, it may have been better to have acquired the land without bond proceeds so that the property could be sold to Centura, but unfortunately the City doesn't have that flexibility today. The expanded deck area must be for general use, not exclusive to the restaurant. Rodman Jordan stated that their main interest is creating a beautiful visual corridor, which is sorely needed in this area. He felt there is an opportunity for success in working with staff on exclusive issues. The bridge is a connection for better circulation and also an aesthetic architectural feature, which is a public benefit. The additional parking is not a requirement for their density, but as a practical matter, why not install 20 spaces for Rail Trail use.

Mayor Dana Williams disclosed that he is offended by this application as Council already said no a few months ago to use of City property at this location. The parking and bridge is mainly for the benefit of Centura's businesses and the deck should be limited to ten feet out. There has to be a stand on every piece of open space owned by the City because it is under siege and this is not a trade-off, it's a loss. Kay Calvert stated that she is strongly in favor of the bridge and some sort of public dining. There was discussion about parking and Rodman Jordan presented the importance of economic development and their intention of providing amenities for recreational users. The neighborhood has to change in character to be interesting and the goal is beautification. Jim Hier stated that the City purchased the Rail Trail parcel from Union Pacific so no one would develop it or interfere with access to the trail, and the bridge is a development and a connection to the building. If it were an actual trail link with a bridge, it may qualify and he felt the current 11 parking spaces are adequate. Candace Erickson felt the deck is an exclusive commercial use of public land and felt all four sides of the building should be improved. The bridge seems too massive as currently designed, but it could be an amenity. She didn't feel Centura should be solely required to landscape the City's property and supports a partnership; she didn't advocate more parking. Fred Jones also stated that he can not support the parking on the east side. He is open to the discussions on the deck, but not exclusive use, and is unclear about the function of the bridge, especially as a stand-alone feature for the Rail Trail. Craig Elliott commented that at least this discussion has prompted a discussion on enhancing the Rail Trail trail head and redeveloping the area. Peg Bodell emphasized that to her, it is not a trail head, but happens to be a location where one trail ends and another begins. Locations for trail heads are based on criteria so they are workable and useable. If it doesn't quality as a trail had, many of these requests become moot. Ms. Bodell stated that she supports is the one-way driveway for circulation and the ten foot deck could work. She felt the City needs to provide enhancements on our property, not Centura. Ms. Erickson wished the bond language was not so restrictive and urged that COSAC consider this for future purchases. Jim Hier expressed that he doesn't consider this parcel a trailhead and clarified that COSAC makes recommendations to Council who makes the final decision.

Mayor Williams concluded that Council is unanimous in opposing the parking on the east side; three members support considering a reconfiguration of the bridge and the restaurant while two are against. The City Manager understood a consensus being looking at a scaled-down design of the bridge, no on private/exclusive dining, and no additional parking. There was discussion about the attraction of outdoor dining. Jim Hier continued that this is a lesson in proceeding with placing conservation easements on the remainder of the open space acquisitions. There was discussion about installing picnic tables in a grassy area, beyond the deck, for patrons of the restaurant and the general public. Tom Bakaly noted that staff will proceed to negotiate with Centura on partnering with landscaping. Fred Jones added that he hoped the landscaping design will denote the entrance to the Rail Trail. Jim Hier felt the City should maintain its own property. Reg Pedell suggested that a ramp would be sufficient and a bridge is unnecessary.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 23, 2003

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 23, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer; Kent Cashel, Transportation Director; Colin Hilton, Economic Development Director; and Jerry Gibbs, Public Works Director.

II PUBLIC INPUT - (any matter of City business not scheduled on the agenda)

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

Olympic legacy statements – Harvey LaPointe, resident, stated that he strongly believes that Park City needs more tangible Olympic reminders, especially in the Main Street area. Placing the tower at the Olympic Welcome Plaza was a step in the right direction. From a scenic point of view, the old Chamber kiosk area is excellent. In fact, Myles Rademan stated on KPCW, he hoped it would become a "premiere photo opportunity". Why shouldn't it be at this location? It is .07 of a mile from the barn and about .01 of a mile from the Farm property; a multi-million dollar investment with no parking. The proposed site recommended by the highway enhancement committee on SR224 has no parking or places to pull over. Almost everyone who goes there will drive. We already

have a city welcome sign and Olympic Plaza. There is parking at the Olympic Welcome

Plaza and space for an Olympic legacy; use of the plaza could be greatly improved. It

1. Moab challenge – Mayor Williams explained the challenge from Moab in exceeding Park City's voter turn-out percentage for the November election.

2. Certificate of appreciation to Chuck Hollinshead – The Mayor presented a certificate to Chuck Hollinshead, chairman of CARG, who is leaving Park City. Mr. Hollinshead thanked Council and noted that everything he has done in the community has been working with different teams. He commended the "City Team", including elected and appointed officials, and employees who work so hard together.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 9, 2003 AND SPECIAL MEETING MINUTES OF OCTOBER 13, 2003

Candace Erickson, Peg Bodell, and Kay Calvert disclosed that they will be abstaining from the minutes of the meeting of October 13, because they were not in attendance. Peg Bodell, "I move approval of the minutes of the meetings of October 9 and October 13, 2003". Jim Hier seconded. Motion carried.

	October 9	**October 13**
Dana Williams		Aye
Peg Bodell	Aye	Abstention
Kay Calvert	Aye	Abstention
Candace Erickson	Aye	Abstention
Jim HIer	Aye	Aye
Fred Jones	Aye	Aye

V PUBLIC HEARINGS

Transit development plan for Park City and Summit County, Utah – Kent Cashel explained that staff presented a draft short range transit development plan at Council's work session on September 25. On October 14 and 15, public meetings were held both in Park City and the Snyderville Basin to solicit public input. Comments from elected officials and the public are reflected in the document. Peg Bodell commended the inclusion of public art in the plan. With no further comments from the Council, the Mayor opened the public hearing.

Ed Brophy, resident, felt it important to include the County in transportation and commented on encouraging Basin residents to support funding of the transit system, which is addressed below.

With no further comments, the public hearing was closed.

VI NEW BUSINESS

1. Resolution of support for the establishment of a transit district and support of the implementation of a ¼ cent sales tax to fund transit system service expansion for the Snyderville Basin – Jim Hler, "I move approval of the resolution". Fred Jones seconded. Motion unanimously carried.

2. Authorization to proceed with a Land, Water, and Conservation grant application in the amount of $500,000 - Colin Hilton explained that staff identified a state process to assist with the funding of the proposed outdoor recreation complex. The application requires formal authorization from Council to move ahead. Peg Bodell, "I move authorization (to proceed)". Kay Calvert seconded. Motion unanimously carried.

3. Aspen Well project engineering contract – Jerry Gibbs stated that staff is recommending entering into an agreement with Lang Exploratory Drilling in an amount of $524,050 for a 24 hour drilling schedule for the Aspen Well. This will be located north of the kiosk on SR224 and west of the trail. The first phase includes drilling an exploratory well and conducting a pump test on the Park Meadows Well, which will determine if there is interference with this well and the new well. If there is interference, the new project will cease and a treatment alternative for the Park Meadows Well will be studied. In response to questions from Peg Bodell, Mr. Gibbs reported that the site is outside the wetlands and the noise mitigation plan involves installing a 360 degree sound curtain on the drilling rig. He emphasized that staff is recommending 24 hours a day drilling. Staff is recommending a seven week process, which is considerably less expensive than a 12 hour day. Aspen Springs residents will be noticed because there will still be some noise emanation. Mr. Gibbs requested approval of the contract amount and permission to work 24 hour days. Fred Jones, "I authorize staff to enter into an agreement with Lang Exploratory Drilling in the amount of $524,050". Candace Erickson seconded. Motion unanimously carried.

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney; and Myles Rademan, Public Affairs Director. Fred Jones, "I move to close the meeting to discuss property". Peg Bodell seconded. Motion carried unanimously. The meeting opened at approximately 3:45 p.m.

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

Author:	**Michelle Barrus**
Subject:	**ART IN PUBLIC PLACES**
Date:	**October 23, 2003**
Type of Item:	**Work Session/Direction Requested**

PARK CITY
1884

Special Events and Facilities

Summary Recommendations:
Review the attached Art in Public Places policy, provide comments and direction and determine if Council would like to adopt this policy at a future meeting.

Description:

A. Topic:
Art in Public Places Policy

B. Background:
City Council approved $200,000 in funds for public art projects in June of 2003. It was requested of staff to return with a policy that would help determine how the $200,000 for public art would be spent. After working closely with the Park City Summit County Arts Council, the attached policy was formulated for City Council review.

C. Analysis:
In this policy, the Arts Council has identified some basic ideas of how to spend the money for public art including a possible Art on the Corner Program and art at City buildings, public trails and City parks. The basis for the policy is to adopt these programs, identify an Art in Public Places Panel to determine the projects, identify that the Arts Council will administer the policy at an additional cost the City above and beyond the $200,000 and the Art Council public service contract, put out a call to artists, and install and maintain the works of art selected.

The policy also touches on other possible public art programs that the City has yet to embrace. These include an additional1% for art as a private development incentive for public art. These are both discussed in more detail in the policy report attached.

Another issue for Council to consider is the adoption of a City Policy to include an element of art in CIP projects or continue an annual allocation of City funds to the Public Art Fund.

D. Department Review:
This policy has been reviewed by the City Manager, the Special Events and Facilities Department and the Legal Department.

Alternatives:

A. Approve the Request:
Council may choose to approve the policy and direct staff to begin working to establish these processes.

B. Deny the Request:
Council may choose to deny the approval of the policy and instruct staff to revise it.

C. Continue the Item:
Council may choose to continue the item to obtain more information, or

D. Do Nothing:
Council may choose to do nothing.

Significant Impacts:
Adopting this policy would be the first step in a plan to permanently ensure art in public places in Park City.

Consequences of not taking the recommended action:
It would further postpone the implementation of an Arts in Public Places Program and the use of designated funds.

Recommendation:
Staff recommends that City Council approve or approve with conditions the policy recommended and allow staff to go forward with the implementation of an Arts in Public Places Policy for the spending of the $200,000 of public art funds.

Exhibits:
A- Art in Public Places Policy and attachments

Draft 10/23/03
Public Art Policy Guidelines

ART BACKGROUND

Art has been an integral part of the Park City community for many years and has been promoted and permitted through many different processes. The Park City Summit County Arts Council has been helpful in promoting art in Park City and has been in place for almost 20 years. It is the goal of the current City Council to make sure a cohesive plan for public art is for the future to enhance the quality of life in Park City.

1 DOWNTOWN PLAN: In 2000 the city received funds from the Federal Transit Administration (FTA) to build a new transit center. Park of this grant process was to include a public art component. A committee was formed and a call to artists was put of for three separate public art locations around the transit center. This process was very successful in providing opportunities for art in public places and the grant from the FTA funded the $100,000 art component. The process used for the Transit Center has become a model for future pieces of public art.

#2 ART IN PUBLIC PLACES FACILITATION: Public Art is part of Park City's flare and the City has taken a more active role over the last 5 years to facilitate and encourage art in public places. In 1998, the Bronze Miner in Miners Park was made possible by the efforts of a citizen group. This committee solicited funds from residents and businesses with permission from the city to place it on public property and the City assumed the installation and upkeep costs of the statue.

#3 LAND MANAGEMENT CODE: In December of 2002 the first makings of a public art policy were presented and discussed by City Council. In May of 2003 the planning department solidified the City's commitment to art by clarifying and codifying a section of the LMC to specifically address the placement of art on public property. Code section LMC 15-4-15 (attached as Exhibit A) addresses requirements for light, safety, and appropriate outdoor materials as well as an application process for anyone who desires to put art on public property.

#4 ART VENDING ON A SPECIFIED SITE: Another step in making Park City a more art friendly town was to create an ordinance that allows artists to sell their art on city property with a permit. The legal department created an ordinance based on the Salt Lake City model to regulate vending by artists on public property (draft attached as Exhibit B). This policy is yet to be formally adopted by City Council, but is scheduled for adoption on October 30, 2003. It will provide an application process through the finance department for the display, performance, and sale of art at a specified public location. There are restrictions to length of display and locations where art may be displayed. This program is expected to be in place by Spring of 2004.

#5 OLYMPIC LEGACY PROJECTS: The Olympic Legacy Entryway Enhancement Project was also recently supported by the City Council in 2003. Proposals are currently being requested from artists, design professionals, and/or teams to create a site-specific entryway enhancement on highway 224 commemorating Park City's participation as an Olympic Venue City in 2002, and its rich sporting heritage and future. Budget allocated for this project is $100,000 and the design can incorporate sculpture, landscaping, hardscaping, lighting, and other interpretive elements.

#6 PUBLIC ART FUND: Finally, the City Council set aside an additional $200,000 in appropriated Capital Improvement Program (CIP) funds for the FY 2003-2004 and FY 2004-2005 to be spent to acquire public art, also known as the Public Art Fund. The following Policy is to address the plan to spend the $200,000 for public art.

PURPOSE OF A POLICY

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

INTENT OF THE POLICY

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

GENERAL TERMS

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

"Work of art" includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, performance art, carving and stained glass.

APPROPRIATION AND ALLOCATION OF FUNDS

Relating to the specific allocation of the $200,000 fund established in July 2003, the following options, are recommended:

- **"Art on the Corner" Concept:** In September 2003, approximately 60 community leaders and members of the Leadership Park City class traveled to Grand Junction and Steamboat, Colorado on the annual Park City Municipal Summer Tour. While in Grand Junction, the entire group experienced the tremendous impact that Public Art has on their community, and on us as visitors to the city. The accessibility of Grand Junction's public art was listed as #1 most impressive feature by the group in the report prepared for and presented to Park City Municipal Corporation (Please see copy of report attached).

  Art on the Corner is a unique yearlong outdoor sculpture exhibit that is displayed in the Downtown Shopping Park of Grand Junction, Colorado. This exhibit is free to the public and includes over 100 sculptures in a variety of media and styles. Over half of the pieces are part of a permanent collection and the others are on loan from the artists for one year. This project was designed to recognize the arts, develop community pride and draw people to the Downtown Shopping Park. Each year a call for entries is sent throughout Colorado and the western United States. The exhibit is open to professional and amateur artists of all backgrounds. Each artist may enter up to two works. Judging is based on the originality of the piece, its durability and suitability for outdoors and safety for the public. (Please see attached "Art On The Corner" brochures).

  A small potion of the $200,000 could be allocated as seed money for this type of program after which the program would become self-sustaining.

- **Public Art at Existing Public Buildings:** City buildings may be selected for site-specific Public Art. Possible Locations are Marsac Building, Carl Winters Library and Education Center, Miners Hospital Plaza, McPolin Farm. A call for artists and request for proposals would be issued for each location selected.

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

- **Specific Proposals by Artists or Purchase of Existing Art:** An artist or group of artists may propose a project to the Art in Public Places Panel. If such a proposal meets the intent of the Public Art Policy, a call to artist and RFP will be generated to insure the finest quality of work. The Art in Public Places Panel may consider the purchase of an existing work of art. In this case, no more than 10 percent of the cost of the work may go toward a dealer or agent.

ADMINISTRATION OF THE PUBLIC ARTS PANEL AND PROCESS

The $200,000 Public Art Fund that has been approved shall be used for the acquisition of public art as identified on the previous page of this policy under "Appropriation and allocation of Funds." The administration of art shall be a separate and additional cost to the $200,000 Public Art Fund. City staff recommends that City Council approve an additional $10,000 for the administration of the Public Art Fund and Arts in Public Places Panel. The administration of this fund will be contracted out to the Park City Summit County Arts Council. This would be in addition to their current service contract with the city (see attached Exhibit C). It is understood that with the funds the City provides for specific projects, the administrator of the funds will work to leverage funds for additional projects and works of art.

COMPOSITION AND FUNCTION OF THE ART IN PUBLIC PLACES PANEL

The Art in Public Places Panel shall have seven (7) members appointed by the City Council. At a minimum the Panel's membership should include visual art professionals, representatives from the environmental design fields (architecture, landscape architecture, urban planning/design). Selection of the panelists should reflect the ethnic, artistic, economic, and demographic diversity of the community. All panelists shall possess knowledge of contemporary visual art. Panelists shall serve for no more than one two-year term every five years. The Special Events and Facilities Manager or her designee should serve ex-officio without vote. The Panel shall elect its own Chairman and establish by-laws. Staggered terms shall be provided for by the drawing of lots such that three members of the first panel shall agree to serve for only one year.

The primary functions/responsibilities of the Art in Public Places Panel are to:

- Assist in the implementation of guidelines including methods of selecting artists and commissioning works of art.
- Provide review responsibilities for the provisions of the Art in Public Places Policy Guidelines;
- Make recommendations regarding appropriations for works of art and art projects, through the Arts Council, the City Council or City Manager;
- Review, on an annual basis, the artwork projects of the Public Art Policy as a reflection of the program's intent.
- Make a recommendation to the Council on the amount of money spent for each project or work of art.

After the Art in Public Places Panel makes recommendations to City Council, the Council shall have final decision.

OTHER ALTERNATIVES FOR DEVELOPING ART IN PARK CITY

Allocation of More City Funds for Public Art- With the adoption of the budget, the City Council could choose to annually designate specific amounts from the budget for the Public Art Fund. $100,000 is budget each year for FY 2003-04 and FY 2004-05. Council could continue that practice each year into the future.

Development incentives- Another type of program that Park City could look at for a development incentive for developers to contribute 1% cost of project to a public art component or like we have for the in lieu of parking contribution, they could contribute the same amount of money to the City public art fund.

Including an Art Element - Council could also choose to adopt a policy that would require CIP projects to have an inclusion of art elements. Art can be anything from an architectural element to an actual piece of visual art included in a project.

Exhibit A

Ordinance No. 03-13

AN ORDINANCE AMENDING CHAPTER 15-4-15 OF THE LAND MANAGEMENT CODE

WHEREAS, a Land Management Code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to develop standards so that there is consistent criteria for review of applications for public display of works of art on public property and the community has clear notice of the Land Management Code standards; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to encourage and accommodate the placement and enjoyment of public works of art, to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations;

WHEREAS, the Council has identified public displays of art as an important economic element in Park City;

WHEREAS, it is in the best interest of the City to maintain Park City as a world class resort, and;

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

SECTION 1. AMENDMENT TO CHAPTER 15-4-15 OF THE PARK CITY LAND MANAGEMENT CODE The recitals above are hereby incorporated herein as findings of fact. Chapter 15-4-15 of the Land Management Code of Park City is hereby amended to read as follows:

~~**15-4 -15. OUTDOOR DISPLAY OF WORKS OF ART.**~~

~~The intent of this section is to allow the display of art for the benefit of the public. Approved locations for such displays shall include, but not be limited to, public and private plazas, pocket parks, public Property and Buildings, and other locations where such art can be viewed by the public. Outdoor display of works of art is an Administrative Conditional Use permit subject to the criteria of this Section and the Conditional Use permit criteria of LMC Chapter 15-1-10 (E). Approved outdoor displays of works of art may be exempt from Municipal Code Section 12-9-1(r) provided such displays meet the following criteria:~~

~~(A) The location and work of art must be reviewed by the Community Development Department and any special review committee as may be appointed by the City Council. If the art display is located in the Historic District, it must also be reviewed by the Historic District Commission.~~

~~(B) The display must be of a permanent nature and able to withstand the elements if located outside.~~

~~(C) The City accepts no liability in case of damage or theft.~~

~~(D) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.~~

~~(E) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.~~

~~(F) A Building Permit may be required in situations requiring installation of a base and/or electrical connections.~~

~~(G) In the case of the denial of a request for a display of a work of art, the Applicant may appeal to the City Council.~~

~~(H) All works of art shall meet the Setbacks and height limitations of the zone.~~

~~(I) Any illumination of the work of art shall be reviewed and approved by the Community Development Department prior to installation of such lighting. All lighting shall conform to the lighting regulations in LMC Chapter 15-5.~~

15-4-15 OUTDOOR DISPLAY OF WORKS OF ART ON PUBLIC/CITY-OWNED PROPERTY

(A) POLICY AND PURPOSE. It is the intent of Park City to encourage and accommodate the placement and enjoyment of outdoor public works of art. Therefore, certain Public/City-Owned properties are available for the display of art that promotes the visual interest, and economic vitality of Park City's Historic, a resort-based community; promotes aesthetic enhancement through artistic expression; and contributes to the festive nature of Park City's world class resort atmosphere. Accordingly, the City has adopted the following criteria:

(B) **REVIEW CRITERIA**. The Outdoor Display of Works of Art on City-Owned Property shall be reviewed by the Planning, Engineering, and Building Divisions for compliance to the following criteria.

(1) The display must comply with the height and setback requirements of the zoning district where it is located.

(2) Displays in excess of six (6) months must be designed and created with materials that will withstand the weather conditions and the elements.

(3) The display must comply with all applicable building codes.

(4) In cases where the City is not the owner of record of the work of art displayed, the City accepts no liability in cases of damage or theft of the art.

(5) No sale price may appear on the work of art, however the name of the artist, the name of a gallery sponsoring the art, the name of the art work, and/or a brief narrative specific to the work of art, not exceeding one (1) square foot, may be attached to the work or its support base.

(6) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public rights-of-way, including sidewalks, or pedestrian and vehicular areas; nor shall the display restrict vision at intersections.

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5(I) Lighting.

(C) **CITY COUNCIL REVIEW.** Upon compliance with all criteria set forth in this section, the City Council shall review and take Final Action on all requests for the Outdoor Display of Works of Art on City-Owned Property. The City Council may seek a recommendation on requests for the Outdoor Display of Works of Art on City Owned Property from the Planning Commission, Arts-related advisory boards, or a specific task force that may be appointed by the City Council prior to taking Final Action. The City and the applicant shall execute all necessary agreements prior to installing any approved public art on City-owned/public property.

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

PASSED AND ADOPTED this 1st day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

J:\ADMIN\Ordinances\03\03-13

Exhibit B

DRAFT

Ordinance No. 03-__

AN ORDNANCE ADDING TITLE 4, CHAPTER 3A, SECTION 7 TO THE MUNICIPAL CODE, REGULATING VENDING BY ARTISTS ON PUBLIC PROPERTY, AND ADDING "ACOUSTIC AND UNAMPLIFIED" TO TITLE 4, CHAPTER 3, SECTION 7 OF THE MUNICIPAL CODE, CONCERNING STREET MUSICIANS.

WHEREAS, Park City desires to allow artists who wish to display and sell their artwork on City-owned property the opportunity to do so; and

WHEREAS, in allowing artists to display and sell their artwork on City-owned property, Park City wishes to protect its and its citizens' legitimate and important governmental interests, such as, preventing visual blight, addressing aesthetic concerns, allowing reasonable access and sight easements to businesses and residences, allowing for the free flow of traffic, both pedestrian and vehicular, preventing and limiting the exposure of Park City's citizens to unwanted, unwelcome, and unsolicited messages, without an avenue of escape; and

WHEREAS, Park City acknowledges that these strong compelling governmental interests compete with public and private interests of artists and others in freedom of expression and private commercial interests of artists; and

WHEREAS, Park City wishes to balance these competing interest in a manner consistent with the constitutional protections of the United States and Utah Constitutions; and

WHEREAS, Park City desires, in reasonable time, place, and manner regulations codified herein, to balance those interests, and thereby protect the health, safety, and welfare of the citizens and guests of Park City, preserve the quality of life, preserve the property values and character of the neighborhoods surrounding City-owned property, as well as provide artists with the opportunity to exercise their constitutional rights; and

WHEREAS, Park City further desires to makes it laws clear and concise, and therefore wishes to add "acoustic and unamplified" before "musical instruments" in Section 4-3-7 of the Park City Municipal Code to clarify what type of music a street musician may perform when granted a street musician license; and

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

<u>SECTION 1. FINDINGS</u>: The Council finds that:

1. Under Park City's Licensing laws, a new provision should be added to address the process for getting a license to display and/or sell artwork on Available City Property;

2. The new section is appropriately added as Title 4, Chapter 3A, Section 7 as "Art Display on Public Property";

3. The new Title 4, Chapter 3A, Section shall provide the process by which an Artist may apply for and obtain a license to display his or her Artwork, as defined therein, on Available City Property, as defined therein;

4. In Title 4, Chapter 3, Section 7 "Street Musicians," the words "acoustic and unamplified" shall be inserted before "musical instruments" to clarify for the public and for street musician applicants that only acoustic and unamplified music is covered under a street musician license.

SECTION 2. AMENDMENTS TO TITLE 4 OF THE MUNICIPAL CODE. Title 4 is hereby amended by adding Chapter 3A, Section 7 "Art Display on Public Property," and by adding "acoustic and unamplified" before "musical instruments" in Chapter 3, Section 7, "Street Musicians"; as follows:

4-3-7. Street Musicians. Persons playing acoustic and nonamplified musical instruments, performing pantomime, magic, dancing, or any other visual or audible performances with the intent or expectation to receive valuable consideration therefore shall be licensed by the City as street musicians before any such performance. The Finance Department may issue such a license upon payment of the license fee set forth in the Fee Resolution and no license shall be granted for more than ten (10) days at a time.

4-3A-7. Art Display on Public Property

It is the purpose and object of this Chapter that the City establishes reasonable and uniform regulations governing the licensing and manner of operations of Artists using Available City Property in Park City. This Chapter shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of Artists within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from any potential adverse secondary effects, while providing to those who desire to perform, whether gratuitously or for compensation, or to those who desire to display or sell their works of art the opportunity to do so. This Chapter also aims to prevent and control the adverse effects of Artists who display their artistry in public places, including without limitation, creating visual blight and aesthetic concerns; blocking reasonable access and sight easements to businesses; preventing the free flow of vehicular and pedestrian traffic; and forcing citizens to be exposed to unwanted and unwelcome messages, with no avenue of escape. These strong compelling governmental interests compete with public and private interests in freedom of expression and the private commercial interests of artists and the interests of the public. Therefore, the City desires, in reasonable time, place, and manner regulations codified in this Chapter, to balance those interests, and thereby protect the health, safety, and welfare of the citizens and guests of Park City, preserve the quality of life, and preserve the property values and character of the surrounding neighborhoods.

(A) **Definitions**. For the purpose of this Chapter, the following words shall have the following meanings:

(1) "Art" means original works of art produced by the licensee. It shall not include (1) any artwork produced by any person other than the artist displaying the artwork; (2) any artwork purchased or taken on consignment and held for resale, or (3) any clothing, other than jewelry and other accessories or hand painted or tie-dyed garments, which if containing mass-produced or commercially manufactured parts, such mass-produced or commercially manufactured parts have been assembled by the artist and are not the predominant element of an item sold.
(2) "Artist" means a visual artist who displays his or her own art.
(3) "Available City Property" means City Park and the pocket park commonly known as "Coalition Park" which is situated on Park Avenue and 9th Avenue, Park City, Utah, owned and operated by the City.
(4) "Display" means display for sale (including taking future orders) or with the intent or expectation to receive valuable consideration.

(B) **Display on Sidewalks Prohibited.**
No Artist may Display his or her Art on public streets, sidewalks, or public property other than specifically designated Available City Property as set forth in this Chapter. It is unlawful to display art on publicly owned sidewalks. Furthermore, it is unlawful to display, without a license, art in park strip areas, pocket parks, and City-operated parks.

(C) **Terms and Conditions.**
(1) License Required.
Any person or groups of person intending or expecting to receive valuable consideration for the Display of Art shall be licensed by the City as a Street Artist before such Display. No license shall be issued prior to payment of the license fee set forth below and no license shall be granted for more than ten (10) consecutive days at a time, __ times per year.

(2) Application for License.
An application for a license to use Available City Property for the Display of Art shall be filed with the Finance Department upon a form provided by the Finance Department, which shall include the following information:

(a) The name, address, telephone number, date of birth, and social security number of the applicant;
(b) The names, address, and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's Art;
(c) A description of the type of Art to be displayed for sale, including an explanation of the dimensions and layout of the Display, and a diagram, drawing, detailed description, or other representation of the proposed Display; and
(d) The length of time desired for the Art Display.

(3) Application Fee.
A license application shall be accompanied by a fee in the amount of Five Dollars ($5.00) per day requested to be licensed to partially defray the City's cost of reviewing the application.

(4) Issuance of License. The Finance Department shall issue a license upon receipt of a completed application and receipt of the application fee, providing all criteria as set forth in this Chapter are met. The Finance Department shall obtain written clearance for such issuance with and provide a copy of each such issued license to the City's Planning and Zoning Administrator, or his designee. Use of space by a licensee within Available City Property shall be subject to the designation of the City's Planning and Zoning Administrator in accordance with the standards set forth in Section 4-3a-7(H).

Upon receipt of an application, all departments required to review the application shall determine within seven (7) days whether or not the application is incomplete in items needed for processing or if the location applied for is not available. Incomplete applications shall immediately be returned to the applicant with a specification of the items which are incomplete or advising that the location applied for is not available. The time for processing applications specified in this section shall begin to run from the receipt of a complete application, as amended by the applicant. Not more than twenty-eight (28) days after receipt of a fully completed application, the Finance Department shall either issue or deny the license, and shall notify, in writing, the applicant of such issuance or denial. In the case of denial, the Finance Department shall notify the applicant of the reason for such denial. If within that time period, the Finance Department fails to notify the applicant of the denial of the permit, the permit shall be deemed to have been issued.

(5) License Denial/Revocation. In addition to the reasons set forth in Section 4-2-9 of the Park City Municipal Code, any license issued pursuant to subsection (4) of this section prior to completion of the review by the City may be revoked by the Finance Department.

(6) Appeals of License Denial. A license denial by the Finance Department may be appealed with ten (10) days to the City Manager or the City Manager's designee by written notice of appeal. The notice shall be filed within ten (10) days of receipt of written notice of denial or revocation of the license with the City Recorder. The City Manager or his designee may consider the appeal based upon the written submissions. However, for good cause shown, the City Manager or his designee may also hear oral evidence and argument.

(D) **Renewal Application.**

For any subsequent year after an Artist license has been issued, the licensee shall, if the licensee desires to renew the license, submit to the Finance Department a certificate, on a form to be provided by the City, which shall include any changes in the information provided to the City in the license application, or shall state, if true, that there are no changes to the information previously provided.

(E) **Renewal Fee.**

The licensee shall provide to the Finance Department, at the time of the renewal filing, a fee in the amount of ten dollars ($10.00) to partially defray the City's cost of reviewing the renewal and the information contained therein.

(F) **Hold Harmless**. Anyone using Available City Property for Art Display shall indemnify, defend, and hold the City and its officers and employees harmless for any loss or damage, including attorney's fees, arising out of the use of such property. This obligation shall not extend to any claims for loss, damages, or injury sustained by any person or persons, to damage to property, or to expenses, including reasonable attorney's fees, incurred thereby, resulting from actions or omissions not within the artist's reasonable control or to the acts or omissions to act by the City, its officers and employees, or other third persons.

(G) **Number and Spacing of Artists Per Available City Property.**

The maximum number of artists that may display or perform at the same time on any Available City Property is ___________.

(H) **Location Restrictions**.

The Planning and Zoning Administrator, in designating areas within Available City Property, shall take into consideration the interests (1) of providing artists reasonable opportunities for self-expression, (2) of providing reasonable opportunities for the public to experience the artists' work, (3) of the public to peaceably enjoy the City's parks, and (4) of adequately maintaining park vegetation and properties. No Artist may Display within Available City Property except within areas designated by the Planning and Zoning Administrator.

(1) Special Events. No Artist shall Display within one hundred feet (100') of the boundary of a location in a Special Event License issued by the City under Title 4, Chapter 8 of the Park City Municipal Code. However, during Special Event or Master Festivals, Artists may Display at a location included in a Special Event or Master Festival License if the Special Event or Master Festival Licensee grants written permission. Furthermore, the City expressly reserves the right to relocate Artists to other Available City Property during the period of a Special Event or Master Festival.

(2) Exception. The restrictions of this subsection notwithstanding, nothing herein shall prohibit the City from authorizing persons to Display Art, conduct entertainment, or vending operations on public property, or other such areas as the City may deem appropriate during Special Events. Special Events vendors shall not be governed by this section, but shall be governed by Title 4, Chapter 8 of the Park City Municipal Code.

(I) Space Restrictions. No Artist may Display Artwork directly on the surface of any sidewalk or ground, or on a blanket or board placed immediately on the sidewalk or ground or on top of a trash receptacle. No Artist's display may exceed five feet in height from the ground level or six feet in length. The display may not be less than twenty-four inches above the ground if the display surface is parallel to the ground, and may not be less than twelve inches above the ground if the display surface is vertical or slanted. Where a rack or other display structure is placed on top of or above a table or other base, the size of the base shall not be less than the size of the display structure placed thereon. Nothing placed on the base shall exceed the size limitations contained in this section. No artist displaying artwork or handcrafted items shall use any area other than the area immediately beneath the surface of the display area for the storage of items for display. Artists may have a container for tips. All Artwork, stands, and other equipment and structure shall be removed from Available City Property between the hours of 10:00 p.m. and 8:00 a.m.

(J) **Rights Granted**. The approval of any location for use of Display by Artists shall not be construed as granting the user any property right or interest to or in any property owned by the City. The rights granted by this Chapter are subject to the provisions of this chapter and other applicable law. Artists displaying their art shall be present at all times when on display. No agent, employee, or other representative shall sell any artwork of an Artist.

(K) **Violaton/Removal**. If at any time the City determined that an Artist's use of Available City Property or the Display placed thereon is not in compliance with the requirements of this Chapter or other applicable law, a civil notice of such violation shall be issued to the artist by an authorized City official. If, after receipt of such citation, an Artist fails or refused to remove any such display in violation, the City may, after consultation with the City Attorney or his/her designee, impound such display. Although prior notice of such impoundment shall not be required, the City shall take reasonable efforts to promptly notify the Artist following impoundment. The owner of any impounded display shall be responsible for the expense of removal and storage of such display. If the owner fails to reclaim the impounded display and pay the expenses of removal and storage within thirty (30) days after notice of impoundment, the display may be deemed unclaimed property and may be disposed of pursuant to law.

(L) **Emergency Removal**. In the event that a City official or the City police or Fire department determines that an Artist's use of Available City Property or the Display placed thereon constitutes an immediate physical threat to public life, safety, or health, the display or performance may be removed from the City immediately, without any prior notice or hearing. This provision shall not be enforced in any way related to the content or expression of the material displayed by the Artist.

(1) Notice and Hearing. In the event of such emergency removal, the City shall immediately contact the Artist or his/her representative if the Artist has filed with the City's Finance Department the name, address, and telephone number of the Artist's representative whom the City may notify or contact at any time regarding the Artist's Display. The City shall inform the Artist or his/her representative of the removal and the reason(s) therefore. If requested by the Artist or his/her representative, the City shall hold an expedited hearing before the City Manager or his/her designee to determine whether the removed Display constituted an immediate threat to the public's life, safety, or health. In the event that the City Manager or his/her designee determines that the display did not constitute such an immediate threat, the City shall forthwith, at its own expense, replace the display at its location.

(2) Appeal. The Artist or his/her representative may appeal any decision or order to the Mayor or the Mayor's designee. Any appeal shall be filed in writing within ten (10) days of the decision with the City Recorder and shall specify the basis for appeal. The Mayor or the Mayor's designee may consider the appeal based on written submissions; however, for good cause shown, the Mayor or the Mayor's designee may also hear oral evidence and argument.

(M) **Penalties**. Any violation of this Chapter shall constitute a civil violation and may subject the licensee to revocation, suspension, or non-renewal of a license granted hereunder by the City. Three or more violations within a one-year period shall constitute a Class "B" misdemeanor.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ___th day of ________, 2003.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Dana Williams

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

Exhibit C

SPECIAL SERVICE CONTRACT
BETWEEN PARK CITY SUMMIT COUNTY ARTS COUNCIL AND PARK CITY MUNICIPAL CORPORATION
FY 2003-2004 and FY 2004-2005

THIS AGREEMENT is made and entered into this 1st day of July, 2003, by and between the **PARK CITY SUMMIT COUNTY ARTS COUNCIL** (hereinafter "Arts Council") and **PARK CITY MUNICIPAL CORPORATION** (hereinafter "City").

WITNESSETH:

WHEREAS, as part of the budget process, the City Council appropriates funds to contract with organizations offering services consistent with the needs and goals of the City; and

WHEREAS, organizations must meet certain criteria in order to be eligible for a special service contract – accountability and sustainability of organization, program need and specific City benefit, fiscal stability and other financial support, and fair market value of the service; and

WHEREAS, service providers are eligible to apply for a special service contract every biannual budget process and the City will award special service contracts through a competitive bid process administered by the Service Contract Subcommittee and City staff; and

WHEREAS, acknowledging that Section 10-7-85 of the Utah Code Annotated authorizes the City to provide for and appropriate funds for the support of the arts for the purpose of enriching the lives of its residents and after public hearing, the City Council authorizes the provision of City services/facilities herein to a non-profit entity, regardless of the consideration Park City receives in return; and

WHEREAS, pursuant to Sections 10-8-2 and 10-2-84 of the Utah Code Annotated, the City Council hereby finds that the provision of City funds herein is consistent with the Park City General Plan, and provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City; and

WHEREAS, notwithstanding the recitals above, the City desires to provide grant funds to various charitable organizations in exchange for services provided to the community equal in current fair market value to the City's contribution; and

WHEREAS, the Service Contract Subcommittee evaluated and approved the special service grant request by the Park City Summit County Arts Council, for programming and outreach support.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the sufficiency of which is hereby acknowledged, that parties agree as follows:

ARTICLE I
TERM AND ALLOCATION

$51,566. RM

Arts Council shall have a special service contract with a term of two years. Half of the total contract amount of ~~$29,783~~ will be available each year. 80% of each annual appropriation will be available at the beginning of the fiscal year, with the remaining 20% to be distributed upon demonstration through quantifiable and qualified measures that the program has provided public services meeting its goals and mutually agreed upon Performance Measures as delineated in Attachment A.

ARTICLE II
SERVICES TO THE COMMUNITY

In exchange for the City's contribution, Arts Council agrees to provide:

- cultural tourism plan;
- Art in Public Places plan;
- Art history and education; and
- Community outreach.

A copy of the Arts Council Special Service Contract Application, attached hereto and incorporated herein by reference as Attachment B, provides detailed information concerning the above services.

Both parties agree that the above services provided to the community represent a good faith exchange of current fair market value for the City's contribution.

ARTICLE III
HOLD HARMLESS/NO AGENCY

Arts Council agrees to defend, indemnify, and hold harmless City, its officers, agents, and employees from and against all losses and expenses, including costs and attorney's fees, resulting from any injury, including death, to any person or damages to property of others arising out of the acts or omissions of Arts Council in the performance of work under this agreement. Arts Council is an independent entity and nothing herein shall be construed to create any agency, nor employee relationship with the City.

ARTICLE IV
DISSOLUTION

On dissolution of the organization or project, any remaining funds attributable to the City shall revert to the City.

ARTICLE V
RECORD KEEPING/AUDIT

Arts Council agrees to keep accurate books and records of expenditures related to its operation. The City or its independent auditor reserves the right to conduct its own audit of books and records at reasonable times and places during ordinary business hours. If the grant money has not been used as agreed herein, the City shall be entitled to a full or partial refund of the grant.

ARTICLE VI
AMENDMENT

This Agreement may be amended with the approval of the City Council and Arts Council. This Agreement may not be amended, except by an instrument in writing signed on behalf of each of the parties hereto.

ARTICLE VII
EFFECTIVE DATE

The effective date of this Agreement is the date first written above.

PARK CITY MUNICIPAL CORPORATION

____

Thomas B. Bakaly, City Manager

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Timothy C. Twardowski, Assistant City Attorney

PARK CITY SUMMIT COUNTY
ARTS COUNCIL

____
Brian Hess, Executive Director

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 17th day of October , 2003, before me, the undersigned notary, personally appeared Brian Hess, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that she signed it voluntarily for its stated purpose as Executive Director for Park City Summit County Arts Council.

____
Notary Public

Attachment A - Performance Measures

As a part of monitoring performance of the Special Service Contract, the following Performance Measures will be required of the Park City/Summit County Arts Council:

1. Provide a line-item accounting of how City-appropriated money has been used.

2. Provide a report on the progress of the Cultural Tourism Plan and Art in Public Places program as well as the Art Council's success with art history and education and community outreach. Provide numerical data where applicable.

This information will need to be provided for City Council during the first quarter of each calendar year and again prior to the end of each fiscal year (June 30) in order to receive future allocations.

City Council
Staff Report

Author: Gary Hill
Subject: Youth Service Contracts
Date: October 23, 2003
Type of Item: Legislative

PARK CITY
1884

Budget, Debt, & Grants

Summary Recommendations:
Amend the Public Service Contract Policy; authorize staff to request proposals for Youth Programming service contracts; and authorize the Service Contract Subcommittee to select a task force to review Youth Programming applications.

Description:

A. Topic:
Youth Programming Special Service Contracts

B. Background:
In spring of 2003 City Council amended the City's Public Service Contract Policy. The amendments included the creation of several new categories for service contracts and integrated the arts and youth grants into the same process. Grant requests for youth programs were previously considered by the Youth Advisory Committee (YAC) of the Parks, Recreation, and Beautification Board and then recommended to Council for its approval. The new policy streamlined the process and directed interested youth organizations to apply for public service funds at the same time as all other service contract applicants.

On April 7, 2003, staff received proposals from interested organizations to provide services in each of the service contract categories. Upon review, however, the Service Contract Subcommittee determined that none of the proposals submitted for Youth Programming were responsive. The most significant problem was that none of the proposals benefited Park City youth as a whole. Council decided to maintain the funding of $36,318/year for Youth contracts and return to discuss the Youth policy and possible uses for Youth funds after adoption of the budget.

In August, Council directed staff to work with the newly-formed Recreation Advisory Board (RAB) and return with a recommendation on how Youth Programming funds might be best used to meet the needs of the Park City community.

C. Analysis:
On September 23rd staff met with the RAB Youth Issues Committee and a Council member to discuss possible changes to the Youth Programming Policy. The group discussed a variety of options for how Youth funds could be used, but ultimately determined that the Special Service Contract process currently in place was still the best solution. The group felt that although no single youth organization in the City

might be responsive to the City's Public Service Policy, a combination of organizations could. If no one applicant could provide a citywide benefit, the Youth Programming funds could be divided among several applicants as long as the combination provided a citywide benefit for youth. The committee felt that the best way to communicate this focus for both policy makers and prospective applicants was to amend the Public Service Contract Policy by adding a paragraph specific to youth requests. Attachment A outlines the language recommended by the committee.

Task Force and RFP - The committee also recommended that a Council-appointed task force should review and recommend youth contract proposals to City Council. The recommended composition would include:

- A PTO representative from each of the three Park City schools;
- Two youth representatives;
- Two at-large representatives; and
- A City Council member as a non-voting liaison.

The Policy currently allows Council to "appoint a citizen's task force to assist in the competitive selection process," so no amendment to the Policy is necessary.

In future years the task force would be convened at the same time all other special service contract applications are processed. For this year, the committee recommends that Council authorize staff to request bids for youth programming contracts in the next few weeks. The task force would review applications and recommend a contract or contracts to be entered into for the next year and a half. This would put youth contracts back on schedule with all other special service contracts. The current budget anticipates $36,318 for Youth contracts this year (with an additional $36,318 for next year in the FY 2005 plan). It is the hope of the committee that Youth Service Contracts can be in place by the end of December.

D. Department Review:
Budget, Debt, & Grants; Recreation; Legal; Executive

Alternatives:

A. Approve the Request:
Council should amend the Public Service Contract policy as discussed and authorize staff to request applications for Youth Special Service Contracts. Council should additionally direct the Subcontract Subcommittee to select a Youth Contracts task force to review and recommend applications.

B. Deny the Request:
Council could deny the request and direct staff to wait until next spring to review the public service contract policy as a part of the budget process.

C. Continue the Item:
Council could continue the item and direct staff to provide further information at a latter date.

D. Do Nothing:
Doing nothing would be the same result as denying the request.

Significant Impacts:
$36,318 is currently budgeted for Youth contracts this year, with an equal amount scheduled for FY 2005.

Consequences of not taking the recommended action:
The Public Service Contract policy requires that "unspent fund balances at the end of a year…not be carried forward to future years." Any contract for youth services entered into after this fiscal year would only be for half the total amount available for two years. By requesting applications for Youth contracts now, the City can best use available funds to enhance youth programs in the City.

Recommendation:
Amend the Public Service Contract Policy to make specific requirements for Youth Programming contracts and direct staff to request applications for Youth Service Contracts. Council should additionally direct the Service Contract Subcommittee to select a citizen's task force to review the applications and to make recommendations to Council.

Attachments: Extract from Public Service Contract Policy including proposed amendment.

service contract. The disbursement of all appropriations will be contingent upon council approval. Special service providers will be required to submit current budgets and evidence of contract compliance (as determined by the contract) by March 31st of the first contract year.

The City reserves the right to appoint a citizen's task force to assist in the competitive selection process. The task force will be selected on an ad hoc basis by the Service Contract Subcommittee.

All special service contract proposals must be consistent with the criteria listed in this policy, in particular criterion 1-4.

> **Youth Contracts:** In addition to the above listed criteria, proposals for Youth Programming must meet the following requirements: 1) Provide a service to or enhancement of youth programs in the Park City community; and 2) Constitute a benefit to Park City area youth, community interests, and needs. Youth Programming funds must be used to benefit Park City area youth Citywide; this may be accomplished through one service contract or by dividing the funds between several contracts.

Deadlines: Beginning Fiscal Year 2004, all proposals for Special Service Contracts must be received no later than March 31st. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements.

Emergency requests received after this deadline must meet all of the following criteria to be considered before the next fiscal year:

(1) The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under one of the existing Special Service Contract categories;

(2) The applicant must show that the requested funds represent an unexpected fiscal need that could not have been anticipated before the deadline; and

(3) The applicant must demonstrate that other possible funding sources have been exhausted.

2) Rent Contribution: A portion of the Special Service Contract funds will be used as a rent contribution for organizations occupying City-owned property and providing services consistent with criterion 1-4 pursuant to the needs and goals of the City. To the extent possible, individual rent contributions will be delineated in the budget. Rent contributions will usually be memorialized by a lease agreement with a term of five years or less, unless otherwise approved by City Council.

The City is required to make rent contributions to the Park City Building Authority for buildings that it occupies. Qualified Organizations may enter into a lease with the City to occupy City space at a reduced rental rate pursuant to criterion 1-4. The difference

City Council
Staff Report

Staff:	Tom Bakaly, City Manager
Subject:	Centura Rail Trail Development
Date:	October 23, 2003
Type of Item:	City Property – Request for use by adjacent property owner

PARK CITY
1884

Executive Department

Summary Recommendation:
Consider the applicant's request to use portions of the City's Rail Trail property for certain elements of the proposed Rail Central development; grant limited approval subject to the conditions recommended by staff.

A. Topic:

Applicant:	Centura Canyons, LLC - Rodman Jordan
Location:	1790 Bonanza Drive - Lot A
Zoning:	GC - General Commercial
Adjacent Land uses:	Commercial/Rail Trail, City Property
Date of Application:	May 2, 2003

B. Background:
The City purchased an approximately 1000' portion of the rail trail property on March 6, 2000 using proceeds from the open space bond approved by Park City voters in 1998. On August 19, 2002 the applicant, Rodman Jordan, representing Centura Canyons LLC, petitioned the City Council requesting use of a portion of the City's rail trail property for certain development elements arising from redevelopment of the Business Commons. The requested improvements included the following: curb cut and driveway off Bonanza Drive south of the Business Commons, parking directly adjacent to the proposed redevelopment, parking lot for the rail trail, east of the redevelopment, private outdoor dining that included decks within the City's property, and a "bridge feature" connecting the western building onto the rail trail and continuing across the rail trail to the south. The Council considered the applicant's request, and directed staff to inform the applicant in writing (Exhibit C) that he could only use the City's property for vehicle circulation between the two buildings that allowed for better site circulation and allowed direct access to the 11- space trail head parking lot, east of the development. The applicant was to construct the improvements in exchange for using the City's property for access only.

The applicant submitted a Master Planned Development amendment on May 2, 2003 requesting an amendment to the Business Commons to allow remodeling of both buildings and a request to allow a restaurant use at the site. The scope of work that was reviewed by the Planning Commission at their July 9, 2003 meeting was to make a determination that the proposed remodel to the existing Business Commons buildings, and a request to allow a restaurant would be consistent with the Land Management Code, General Commercial Zone and architectural guidelines requirements. The applicant requested as part of the MPD amendment to provide a through access between the buildings to the south side of the property and to include 11 parking spaces for trail use that the applicant and Council agreed upon be considered. At the initial Planning Commission meeting, the Commission reviewed the following:

- Constructing a driveway between the renovated buildings to allow for circulation behind building 2 and access a parking lot to accommodate 11 parking spaces for the Rail Trail. This parking lot is not to be used to satisfy the applicant's parking requirement. The access leads to the 11 trail head parking spaces and will provide the applicant with better circulation for the overall development.

- Construct a clock tower on building 1.

- Demolish a portion of building 1 and 2 creating vehicular circulation for Lot A and provide access to trail head parking lot. The applicant was allowed to go forward with this request for partial building demolition at each end of the building, where the proposed driveway location would be. The parking lot for the trail is not approved pending the Commission review and approval of this proposal.

- Exterior improvements such as paint, roof replacement, window replacement, elevator and accessibility compliance. The applicant was allowed to go forward with this request since the scope of work did not increase density or intensity.

- Interior renovations that includes reconfiguration of leasable space for each building. The applicant was allowed to go forward with this request since the scope of work did not increase density or intensity.

The MPD amendment for 1790 Bonanza Drive has been reviewed by the Planning Commission, but no action has been taken as of this date. Much of the applicant's construction has been allowed to move forward with the exception of a restaurant use, 11-space trail head parking lot, and the use of the driveway (City property) behind the Business Commons

Topics For Discussion
The applicant is requesting that the City Council again review his development proposal in terms of the use of the City's property at the rail trail. Staff recommends that that Council re-affirm its original response stating its commitment to forever preserve the rail trail parcel as open space and recreational land, and that the applicant can use a small portion of the property for circulation along a driveway that will lead to an 11-space parking lot reserved for rail trail users. Staff is recommending that, due to impacts to the rail trail property caused by the applicant's development, such as, excavation, paving, and internal circulation traffic, the applicant should also provide the City with the following amenities in addition to the rail trail parking lot:

- Landscape and irrigate areas around lot and driveway, and remove existing pavement and revegetate.

- The applicant would not be allowed off-site soil exportation.

- The applicant would need to coordinate with City's Trail improvement project.

- Maximum driveway width behind the Business Commons buildings shall not exceed 16' width with prohibition of parking along driveway.

- The applicant would be required to provide a trail connection for the rail trail parking lot to the Rail Trail.

- Encroachment/ easement agreement memorializing deal points.

Staff further recommends that the City and the applicant execute an easement agreement describing the rights and obligations agreed upon by the parties for recording. Staff seeks Council input on the agreement elements.

Summary Of Issues

1. Whether and to what extent will the Council, as property owner, allow the applicant to use the rail trail parcel for: curb cut and driveway off Bonanza Drive south of the Business Commons, parking directly adjacent to the proposed redevelopment, parking lot for the rail trail, east of the redevelopment, private outdoor dining that included decks within the City's property, and a "bridge feature" connecting the western building onto the rail trail and continuing across the rail trail to the south and;
2. If the applicant is allowed to use the rail trail parcel to improve site circulation for his project, does Council agree with Staff's recommendation concerning the amenities/mitigation the applicant must provide to City in return; and
3. Does the Council direct staff to execute an easement agreement consistent with Council's decision regarding number 1 and 2 above?

C. Exhibits

A. Existing Conditions
B. Site Plan
C. May 20, 2003 Site Plan for MPD
D. July 9, 2003 Planning Commission Minutes

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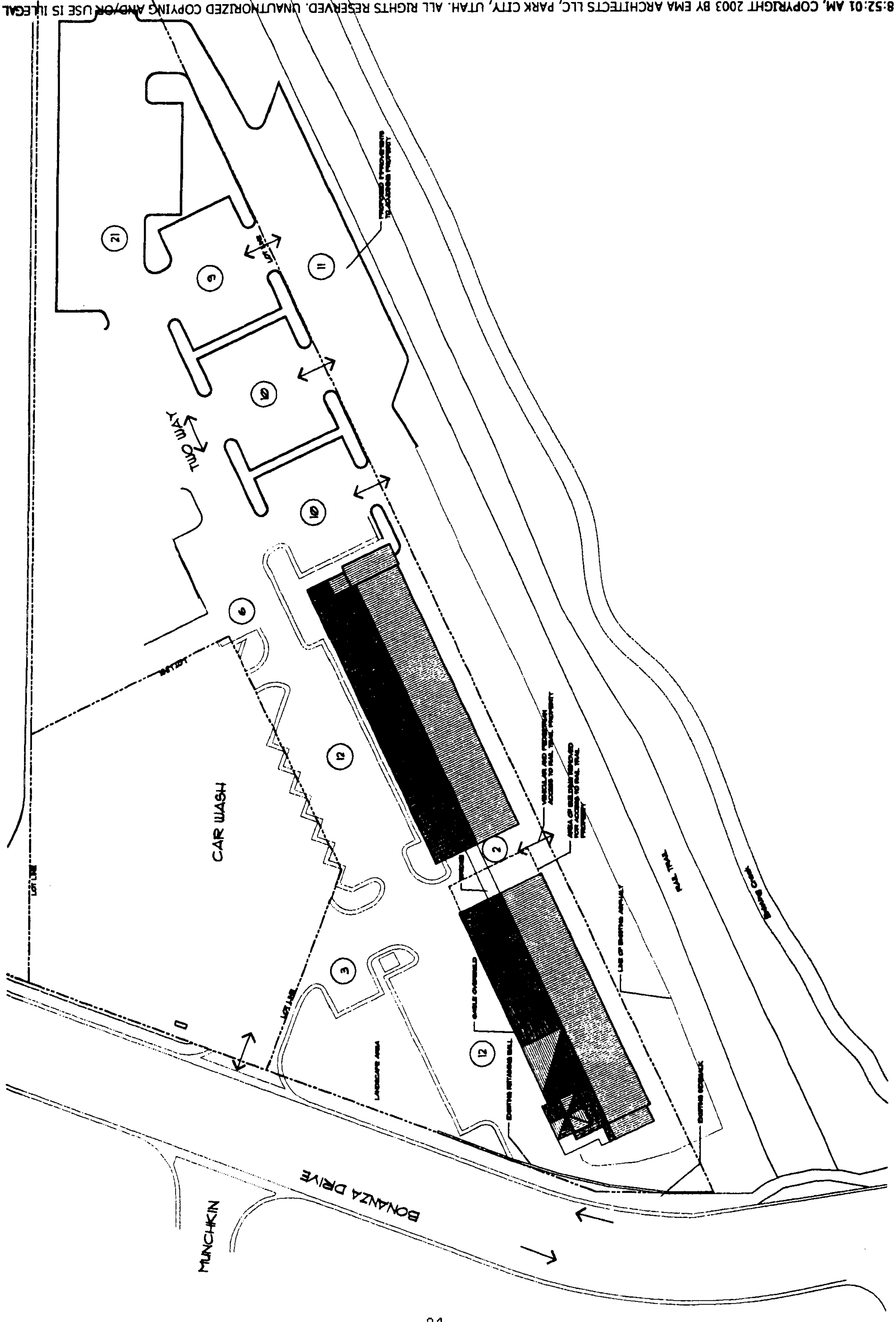
PARK CITY
PLANNING DEPT.

A. Existing Conditions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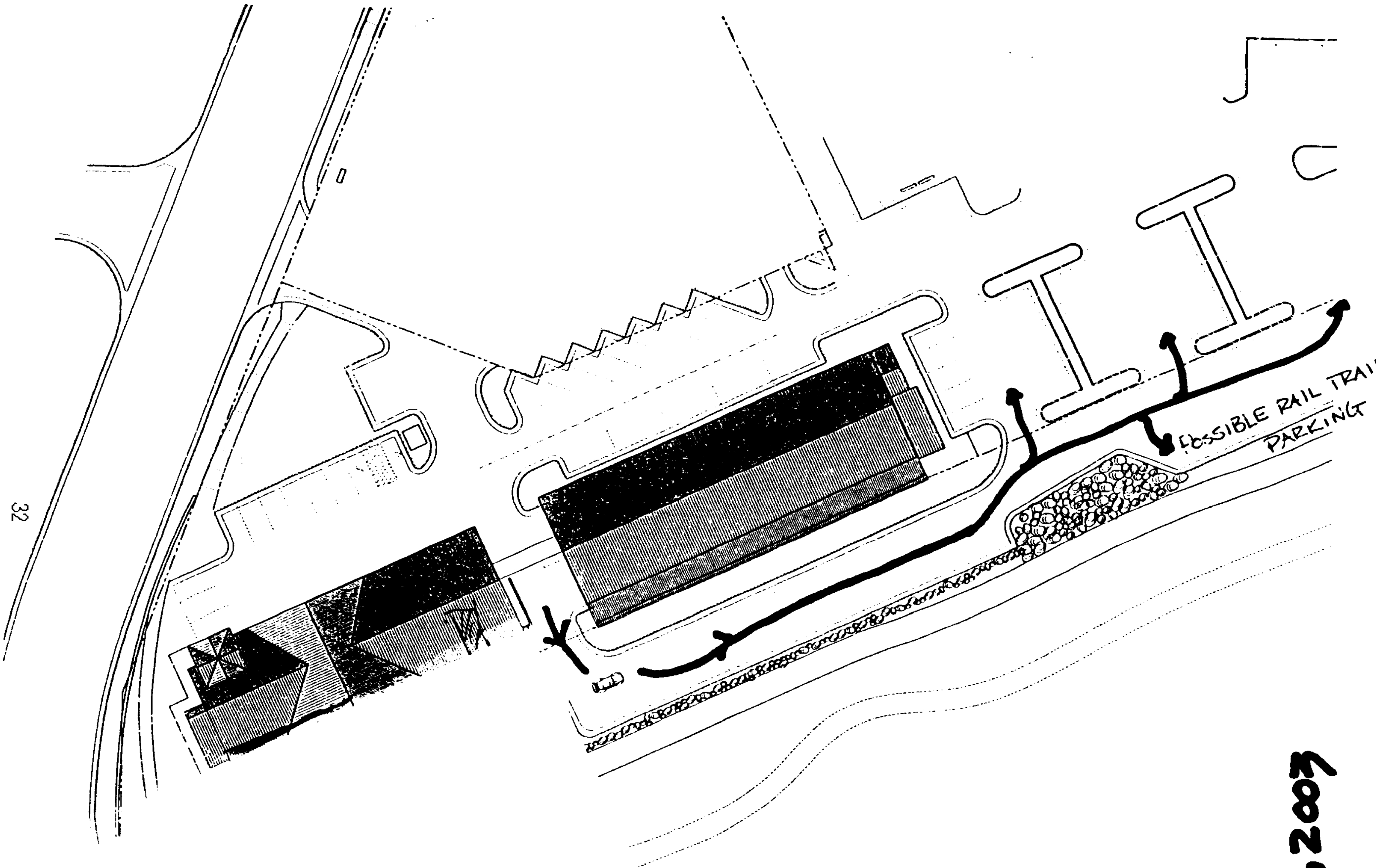

C. May 20, 2003 Site Plan for MPD

8. City Council approval of the ROW vacation request described above is a condition precedent to approval of this plat amendment application as proposed.
9. Payment of the compensation value, to be determined by the City Council, of the vacated parcel of Ridge Avenue shall be made to the City by the applicant prior to recordation of the amended plat. The City shall retain a non-exclusive public utility easement over the entirety of the vacated parcel.
10. Construction staging for Lot 3 shall not occur on the private driveway easement for Lots 1 and 2.
11. A construction mitigation plan submitted to and approved by the Planning, Building, and Engineering Departments is a condition precedent to any construction activity on Lot 3.
12. All previous notes and restrictions will continue to apply and shall be placed on the Anchor Development Third Amended plat prior to recordation.

1790 Bonanza Drive, Rail Central - Master Planned Development Amendment

Administrator Putt reported that a public hearing will be held this evening on the master planned development application submitted by Centura Development. Rodman Jordan is the architect, and Craig Elliot is on the design team. The purpose of this meeting is to introduce the project to the Planning Commission, take public input, and hear Planning Commission input on specific issues. In July 2002, the Planning Commission approved an MPD in conjunction with the subdivision for the overall property. A condition of that approval required that all proposed construction and development on Lot A be reviewed under an MPD. Lot A is primarily developed with the existing Business Common buildings, and Mr. Jordan would like to remodel and renovate those buildings. In addition to architectural and cosmetic upgrades to the building, the applicant proposes to modify them to provide a through access between the buildings to the rail trail side of the property and provide future rail trail parking of approximately 11 spaces. The City Council has agreed to sign the letter of sufficient interest on this application based on a series of understandings outlined in the staff report. Also included in the staff report is a site plan showing the circulation between the buildings. Staff is satisfied with the character and nature of the changes.

Administrator Putt stated that the main issue for discussion is the nature of the uses in the building and how they would impact parking. The proposed building is a commercial retail building. He clarified that it is Centura's intent to move forward with an MPD that includes a restaurant use on the lower level of one of the buildings. The Code requires 84 spaces for the proposed project, and the applicant has submitted documents indicating that 85 spaces will be provided, with an additional 11 spaces for trail head parking. Administrator Putt noted that the Code requires restaurant uses to provide 10 spaces per 1,000 square feet, including the kitchen area. Mr. Jordan has taken the position that the project is proposed as a shopping center, and shopping centers often include restaurants. The Staff has consistently taken the position that, if a restaurant is incorporated within a shopping center, that portion of the building is calculated at 10 spaces per 1,000 square feet. Administrator Putt requested discussion and feedback from the Planning Commission on this issue. He noted that a memo was sent to the Commissioners on July 3 clarifying that the City Council's agreement to sign the Sufficient Interest for this application was based on the fact that the parking for the uses on the property would be accommodated per the parking plan. As this review moves forward, the Planning Commission will need to verify that the correct amount of parking is provided per the Land Management Code.

Chair Volkman asked why the staff report refers to 84 parking spaces and then mentions a requirement for 101 spaces. Administrator Putt explained that, at the time of the MPD and subdivision for the adjacent parcel, a joint use was being considered, and Building 3 included a parking reduction for the SRO. Craig Elliott remarked that for Building 3, last year the employee housing was 100% occupied during the season and averaged one car for every three rooms rented. Therefore, the half reduction considered last year was accurate for this first year of analysis. He identified on the site plan the improvements made to the buildings and explained how the volume of the existing buildings was reduced. He commented on the bridge connection and how ADA access and future development on the rail trail would be improved. Through this process they hoped to create a better building, eliminate an eyesore, and develop a positive image along the rail trail. He noted that they do not currently propose improving the rail trail side of the building but will clean it up and paint it to make it compatible with the rest of the structure.

Rodman Jordan stated that Centura would like to provide access for the public through their property to the rail trail. He explained changes that were made in response to concerns about site circulation.

Commissioner Larson felt that the 11 trail head spaces looked more like overflow parking for the commercial use. Mr. Rodman disagreed, commenting that the project needs to comply with the requirement to be self sufficient. The 11 spaces should be considered public parking for the City, not parking connected with the project.

Commissioner Erickson disclosed that he was contacted by Charlie Wintzer to discuss the parking situation on the rail trail. He also disclosed that he had a discussion Mr. Jordan regarding the area in the vicinity of the Deer Valley Lodging building and the properties across the street.

Chair Volkman opened the public hearing.

Commissioner Erickson passed on the comments from Mr. and Mrs. Wintzer who were concerned about giving City property to this project for additional parking. They are interested in seeing the project succeed but were concerned about the parking calculation.

Chair Volkman closed the public hearing.

Commissioner Larson expressed concern about the restaurant. While he understood the desire to use multi-tenant and retail as the basis for the parking calculation, the Land Management Code identifies the restaurant and bar standard as separate uses that would trigger their own parking requirement. He believed food courts are secondary to the retail use and are used to provide food for people while shopping. A restaurant or bar is a tenant destination commercial use and should supply its own parking. Chair Volkman agreed and read language from the Land Management Code pertaining to the parking requirement for a restaurant or bar.

Mr. Jordan stated that there are several formulas for uses in the building. The existing uses require 3.5 spaces per l,000 square feet, and the applicant is trying to achieve the most acceptable standard that provides for tenants to come and go. Uses change, and parking calculations for a future use may not be applicable for the current use. The applicant wanted to come up with a use that would still fit the calculations when leases change, and they determined that a shopping center use would accomplish that goal. They did not have a particular restaurant in mind, but the intent was to revitalize the industrial district to bring people into the area.

Commissioner Larson felt that a restaurant doing a lunch business would conflict with the retail uses, and the site would be completely over parked. If a restaurant is allowed, it should not conflict with the daily commercial use. Chair Volkman felt that common sense should indicate that a restaurant going into that facility would want to do a lunch business. Commissioner Larson felt they could blend a deli or café into the 3.5 spaces per l,000 square feet, but not a restaurant or bar.

After further discussion, Commissioner Erickson provided examples of other mixed-use shopping centers in town. He believed the Einstein's Mall had more parking than necessary, but he was unsure if it was because the parking was in the wrong place or if some of the tenant space was vacant. The Dan's Mall has significantly more parking than necessary, and parking at the Albertson's Mall is marginally adequate. Commissioner Erickson felt those examples could be used to determine whether restaurants can fit within mixed-use parking and to calculate the appropriate amount of parking. He believed that, without an anchor food tenant, the shopping mall would fail, and enough parking should be provided to support the restaurant.

The Commissioners recalled how parking was calculated for the other shopping malls. Administrator Putt suggested considering how parking was calculated for the East/West Building, because it was approved as an office retail building, and the deli came in afterward. He requested direction from the Planning Commission as to the nature and location of uses as a basis for the applicant to conduct their study and calculation.

Commissioner Erickson stated that he liked the direction the project is moving and felt the applicant should be able to move forward within the bounds set forth by the City Council. He wanted to do whatever they could to accommodate destination food.

Chair Volkman agreed that the project was a huge improvement, and he wanted to see it happen, but it would not make sense if they cannot get people in to use the facility.

Administrator Putt asked if the Planning Commission would consider looking at a parking reduction based on the Parking and Master Plan section of the CUP uses based on the fact that the uses would overlap the commercial spaces and serve those residing in the area. Commissioner Erickson stated that he was willing to look in that direction. However, in terms of studying the other malls, he would like to know the current tenant mix and what the required parking was for that tenant mix. He hoped to be able to find a perfect ratio between too much and too little parking.

Administrator Putt recommended that the Planning Commission continue this item to the first meeting in August to allow the applicant sufficient time to conduct the parking study.

MOTION: Commissioner Erickson moved to CONTINUE this item to August 13. Commissioner Larson seconded the motion.

VOTE: The motion passed unanimously.

201/203 Heber Avenue, the Bransford at Union Square - Rezone and Conditional Use Permit

Due to a potential business conflict, Commissioner Erickson recused himself from discussing and voting on this item.

Administrator Putt noted that the Planning Commission discussed this item during work session this evening and the applicant is prepared to make a formal presentation to the public before the public hearing. The Staff and applicant would like the Planning Commission to provide input and direction. The applicant is Fandango Resorts, and the location of the proposed project is 201 Heber Avenue. Administrator Putt reviewed the application for a zone change that is tied to a CUP in a subdivision. The applicant is requesting that the zone be changed from HRC to HCB to construct a 36-unit multi-unit dwelling, with lockouts to be operated as a hotel and residential units sold as fractional units.

Bill Schiff, representing the applicant, clarified that there are two lots on this property, not one. When the property was first purchased, it was a back lot and a series of residential standard Old Town lots with the Utah Coal and Lumber building running over the property line. Mr. Schiff noted that they have been working with the Staff since August of last year and have always had the same scheme in mind, which is to take the model originally planned for another developer and put in a five-star condominium/hotel project.

City Council
Staff Report

PARK CITY 1884

Public Works

Author: Kent Cashel, Asst. PW Director
Subject: FINAL DRAFT OF SHORT RANGE TRANSIT DEVELOPMENT PLAN
Date: October 23RD, 2003
Type of Item: Legislative

Summary Recommendations:
On October 23rd, the Mayor and City Council should review and comment on the attached memo Changes to *Summit County / Park City Short Range Transit Plan* Draft Report
On October 30th the Council should adopt a resolution adopting the SRTDP.

A. Background:
On October 9th, 2003 the Mayor and City Council reviewed, commented on and authorized Staff to present the Park City\Summit County Short Range Transit Development Plan to the Public in a meeting held on October 14th, 2003.

The public input meeting was well attended with more than 25 people representing a wide range of Park City and Snyderville Basin residents. Representatives from numerous neighborhoods, Park City and Deer Valley Resorts, the Park City Chamber, Park City School District, The National Ability Center, Mountainlands Housing Trust and the Citizens Alliance for Responsible Transportation (CART) provided comment after listening to a presentation of the draft SRTDP. A Summary of the comments provided at the public input meeting is contained in the attached memo.

B. Analysis:
Staff has addressed the comments provided by the Mayor, City Council and at the October 23rd public input meeting. These items are contained in the attached memo Changes to *Summit County / Park City Short Range Transit Plan* Draft Report. This memo summarizes recommended changes for inclusion in the Final SRTDP.

C. Department Review:
The City Managers Office, The Office of Capital Management and Budget and Public Works Departments have reviewed this report

Alternatives:
A. Approve the Request:
On October 23rd, the Mayor and City Council should review and comment on the attached memo Changes to *Summit County / Park City Short Range Transit Plan* Draft Report

On October 30th the Council should adopt a resolution adopting the SRTDP. This is Staff's recommendation.

B. Deny the Request:
The Mayor and City Council could choose to not adopt a resolution adopting the SRTDP on October 30th, 2003. This alternative would leave Staff without a plan to guide development of transit over the next seven years and would jeopardize efforts to obtain Federal funding. This is not Staff's recommendation.

C. Continue the Item:
The Mayor and City Council could choose to continue the item. Continuation of this item may negatively impact voter acceptance of transit initiatives on the November 4th ballot.

D. Do Nothing:
The Mayor and City Council could choose to do nothing. This alternative would have the same impact as Alternative B.

Recommendation:
On October 23rd, the Mayor and City Council should review and comment on the attached memo Changes to *Summit County / Park City Short Range Transit Plan* Draft Report. On October 30th the Council should adopt a resolution adopting the SRTDP.

Attached:

a. October 9th Staff Report
b. Summary of Public Comment Memo (October 13th Meeting)
c. Memo re: changes to Draft Short Range Transit Development Plan.

City Council
Staff Report

PARK CITY
1884

Public Works Deoartment

Author:	**Kent Cashel, Asst. Public Works Dir.**
Subject:	**DRAFT SHORT RANGE TRANSIT DEVELOPMENT PLAN**
Date:	**September, 25th, 2003**
Type of Item:	**Informational**

Summary Recommendations:
Review and comment on Draft Short Term Transit Development Plan (SRTDP) and schedule for adoption. Authorize Staff to present Chapter 11 of the SRTDP for public comment at a meeting scheduled for October 14, 2003.

A. Background:
In June of this year Council authorized staff to contract with LSC Transportation Consultants, Inc. (LSC) to begin preparing a joint Short Term Transit Development Plan (SRTDP) with Summit County. This study, required by the Federal Transit Administration, will provide a financially constrained service, capital, institutional and management plan that will guide transit development for Park City\Summit County Transit over the next 7 years.

A steering committee that included Park City Councilman Jim Hier, Summit County Commissioner Bob Richer, Park City Asst. Public Works Director, Summit County Public Works Administrator and other Park City Transit Staff was formed in early July of this year.

The steering committee has worked with LSC over the past ten weeks to research and develop the attached draft Chapter SRTDP. Chapter eleven (attached) contains the details of all recommended service, capital and management elements of the SRTDP. Chapters 1-10 of the SRTDP (not attached) contain several hundred pages of data and analysis that are summarized in Chapter 11. Staff can provide a copy of these chapters upon request.

Staff requests that the Mayor and City Council review and comment on the draft SRTDP and authorize Staff to present the draft plan to the public for comment at a public forum scheduled for October 14th, 2003. Staff will provide the Mayor and City Council at least two more opportunities to review and comment on the SRTDP prior to final adoption.

B. Analysis:
Development of the SRTDP followed the sequential steps (tasks) outlined in the table below:

Task	Description
1. Prepare introduction and setting for services.	Kickoff meeting with steering committee, determine data availability and sources, review existing goals and objectives for transit.
2. Prepare description of existing services.	Catalog and document the supply side of public\private transit service within the Park City\Snyderville area.
3. Prepare analysis of transit demand.	Provide a basis for assessing how current service is meeting demand. This process will provide the basis for developing service enhancement determinations.
4. Analyze existing system performance.	To determine how effectively and efficiently current services are provided.
5. Technical Memorandum #1.	Findings of above tasks documented by consultant and reviewed and commented on by steering committee.
6. Develop goals and objectives.	Provide an organizational framework for future improvements to management and operations of transit services.
7. Develop alternatives.	Develop a wide range of service, capital and management alternatives to address issues identified in Technical Memorandum 1.
8. Review organizational structure.	Analyze the strength and weaknesses of current taxing authorities. Conduct a review of current inter-local agreement to determine if improvements in this agreement are required.
9. Prepare 7-Year source and uses statement.	Identify all operating costs and revenue sources to provide the basis for financial feasibility analysis of any recommended management, capital and service

Task	Description
	alternatives.
10. Feasibility analysis and recommendations.	Provide a comprehensive evaluation of the feasibility of each alternative identified in Task 7 in order to develop a set of recommended actions for the planning period.
11. Technical Memorandum # 2.	Findings of above tasks documented by consultant and reviewed and commented on by steering committee.
12. Prepare draft short range transit development plan.	Recommended management, service and capital alternatives documented in draft plan (Chapter 11).

Staff, unless directed otherwise, plans to follow the schedule for adoption found below (Summit County plans to follow a similar schedule). It is important to note that this schedule is tentative and may change if additional time is required as both the County and City move through this process.

Short Range Transit Development Plan Final Review Schedule

September 25	Present draft plan (Chapter 11) to City Council for review and comment.
October 14	Public meeting to present draft SRTDP to the public and take comment.
October 23rd	Present final draft to City Council for review and comment.
October 30th	Present final SRTDP to City Council for adoption.

C. Department Review:
This report has been reviewed by the City Manager, the Office of Capital Management and Budget and Public Works.

Alternatives:

A. **Review and comment on the SRTDP's recommended management, service and capital alternatives :** Council could authorize staff to present the draft SRTDP to the public for comment at a meeting to be held on or about October 14. Council will have at least two more opportunities to provide input on the recommendations prior to approval. This is Staff's recommendation.

B. Direct Staff to modify the SRTDP: Council could direct Staff to modify the SRTDP prior to presenting the draft SRTDP to the public for comment.

C. Continue the Item: Council could defer review and comment of SRTDP to a later date. Staff does not recommend this alternative.

D. Do Nothing:
Council could do nothing on this item. Staff does not recommend this alternative.

Significant Impacts:
Unless directed otherwise Staff intends to follow the schedule for adoption of The SRTDP outlined in this report.

Recommendation:
Review and comment on the Draft Short Term Transit Development Plan (SRTDP) and schedule for adoption. Authorize Staff to present Chapter 11 of the SRTDP for public comment at a meeting scheduled for October 14, 2003.

MEMO

Park City Transit

1053 Iron Horse Drive
P.O. Box 1470
Park City, UT 84060
Tel 435.615.5356
Fax 435.615.4904

To: **Memo To Short Range Transit Plan File**
From: **Kent Cashel**
Subject: **Summary of Public Comment Memo (October 13th Meeting)**
Date: **October 14, 2003**

The following summary was compiled to capture comments made by individuals attending a public meeting following a detailed presentation of the Draft Short Range Transit Development Plan. This meeting was held on Tuesday October 14th at 7:00 PM in the Marsac Building Council Chambers. This summary was assembled from Staff notes and does not contain any direct quotes. **Staff responses to public comments\questions are in bold.**

1. What is the projected population increase in the Snyderville Basin and what areas are expected to grow the most? **Most of the growth is expected to be in the Kimball Junction\Silver Summit and Pinebrook areas. I don't know the exact growth numbers but we can get you that information.**
2. When the plan is presented to Park City Council what decisions are they asked to make since most of the changes are in the County. **City Council must approve significant capital replacement and enhancement costs. The decision to adopt the plan means Council is making a commitment to continued cooperation on a coordinated regional transit system and a commitment to increase Park City Transit service levels sufficient to at least maintain current service quality.**
3. (Bill Malone) There are peaks and valleys in rider-ship caused by fluctuations in the number of visitors in town. Occasionally we hear that buses are heavily loaded and not user friendly. What do you do to adjust the number of buses for these changes demand? **We use tripper buses to augment regular service when these buses can't handle the loads, but admittedly, because you can't always predict exactly when and where the peaks will occur (large groups, weather events, etc) heavy loading will periodically occur. This is usually for short periods of time. We can handle special events so well because it is easier to anticipate the number of people and timing. Good**

communication with the Chamber and lodging properties is key to our ability to anticipate and reduce the number of times overloading of buses occurs.

4. (Michelle) Agreed with Bill Malone that periodic heavy loading of buses is uncomfortable and dangerous. Are you going to provide ADA service on the County routes? **ADA service would be provided within ¾ miles of county routes as required by regulations. He then gave a brief description of eligibility requirements.**
5. (Meeche White) Does Park City Transit intend to provide ADA service in unincorporated areas (Quinns Jct.) or outside of the ¾ miles ADA service area? **At the present time only areas required by regulation, outside of the Park City limits will receive ADA service. However, if fixed route service were ever extended, the ADA service area would also be extended. There is also the precedent of extending ADA service to all areas within the city limits to avoid pockets within the city that may fall outside of the ¾ mile calculation. If Quinns Jct. was annexed this may be a consideration.**
6. (Monty Coates) Do we use the projected lodging data from the Chamber to adjust service levels? **Yes, It helps us project demand. The more information transit has the better it can adjust, add trippers etc.**
7. (Unidentified resident) What will the hours of service be for the County routes? It would help if people living at Canyon Creek, for example, and worked at the restaurants/bars on Main St. had bus service until 2 AM. **The plan calls for the hours to be the same as now. (Explained summer and winter service hours) Our experience is that very few workers utilized the late night winter service we have now, so running county service so late would probably not be the best use of available funds.**
8. (Michelle, Park City Resident) The City\County should run buses later to keep those that have been drinking off the road. The more convenient you can make transit the more people will use it. **We will explore a "guaranteed ride home" program.**
9. (Beverly Gray, CART) Spoke in support of the expanded service. People should vote for the transit sales tax, only $40/household. Cooperation between City/County is great to see. Great to see such a comprehensive, thoughtful plan. **Thanks for your support. Your group is doing a great job.**
10. (Kim Mayhew, Deer Valley) The plan to expand service to the county is a great start. Hope to see more expansion of service area and hours in the future. Cooperative effort is great to see. **Thanks for your support.**
11. (Jim Heir, City Council member) Every one in the Snyderville Basin will benefit, even if not on a bus route because it will reduce traffic, congestion. Many of the benefits are indirect bit should not be discounted.
12. People in Park City will pay the increase in transit tax also, when they shop at Wall Mart or the Factory Stores. **That's correct.**
13. (Jeremy Ranch resident) Is it possible that the bus can go under I-80, to Jeremy Ranch? **The biggest problem is that there isn't a good place to turn around.** What about turning at the school? **That may be feasible but having a bus go**

onto school property with all the kids, may be dangerous. What about going on the north side of I-80? **We've looked at that as an option but there are disadvantages with one-way routes resulting in long rides for the majority of projected riders that live near Powderwood. We will continue to explore a turnaround site in Jeremy Ranch.**

14. Have we looked at Park-and Ride lots? **Yes, there are big lots near the retail areas that may be used by some commuters. This park and ride concept is probably more useful for special events. Once people get in their cars to go to work the tendency is not to park and ride a bus for part of a trip unless they know parking will be very difficult/costly. The City and The County continue to explore Park and Ride lots and the Plan anticipates the development of a small lot at the Kimball Junction Transit Center.**
15. (Park City School District Transit Director) Students will be big beneficiaries of the City\County transit expansion. They ride the bus a lot until they can drive. **In Park City we see lots of students ride to and from school and teachers regularly use the bus system for field trips (on the regular routes).**
16. (Beverly Gray) Kids ride the bus. Some will ride their bikes to the bus stop. Bike racks would help. Future developments should be persuaded to contribute as part of the approval process.
17. (Elk Meadows resident) Many families have only one car. Bus service will be a real benefit to residents of my neighborhood.
18. (Mountainland's Housing Trust Director) Bus service will open up a lot of the affordable housing to seasonal employees without cars and others who work in Park City.

TRANSPORTATION PLANNING
& TRAFFIC ENGINEERING CONSULTANTS

Post Office Box 5875
2690 Lake Forest Road
Tahoe City, California 96145
(530) 583-4053 FAX: (530) 583-5966

MEMORANDUM

DATE: October 17, 2003

TO: Kent Cashel, Assistant Public Works Director

FROM: Geoff Straw, LSC Transportation Consultants, Inc.

RE: Changes to *Summit County / Park City Short Range Transit Plan* Draft Report

Per our recent discussions, LSC has listed those revisions we have made to the September 2, 2003 *Summit County / Park City Short Range Transit Plan* Draft Report as part of the development of the Final Report (a work in progress). These revisions were made as a result of comments received from Park City and Summit County staff and elected officials, as well as input received from the public. Please do not hesitate to call me at the number above if you or others have any questions or comments regarding this memo. Thank you.

Revisions to Draft Report

Chapter 11, Page 3 / Figure 30 – the graphic has been revised to indicate that service could be extended to the lower Jeremy Ranch area if a suitable bus turnaround can be identified/constructed. See revised Figure 30 attached to this memorandum. Extension of service to this area will be a high priority of Summit County staff. The graphic has also been revised to include a text box indicating that, if additional funding can be secured, potential future Neighborhood Service could be implemented in Kimball Area neighborhoods with relatively high transit demand (Jeremy Park, Summit Park, Big Spruce).

- Chapter 11, Page 5 / Figure 31 – this graphic has been revised to include language regarding potential future Neighborhood Service in areas with relatively high transit demand (Silver Creek area, Summit County Justice Center, etc.) if additional funding can be secured. See revised Figure 31 attached to this memorandum.

- Chapter 11, Page 7 / Last paragraph – the discussion regarding the "Revision to the Kimball Junction Route" has been modified to indicate that we will be able to serve the Silver Springs area by modifying the Kimball Junction route as follows:

- Revised terminal service at the Factory Stores. The bus would no longer operate throughout the entire Factory Stores parking lot; it would terminate near the Mikasa Store in the northwest portion of the development.

- The Kimball Junction service to The Canyons development will no longer serve *both* the Sundial and Grand Summit bus stops – it is recommended that Kimball Junction service be revised to provide service *only* to the Sundial bus stop when the Silver Springs revision is implemented. This reflects a higher level of service than originally recommended, which only would have provided service to the Cabriolet in the winter months.

- Kimball Junction service would be provided year-round to the Park City Mountain Resort. The original recommendation would have provided service to this area during the non-winter months only.

It should be noted that the estimated ridership for this Service Plan element has been factored up from 1,780 (the original estimate) to 2,470 one-way passenger-trips, since The Canyons will now be served year-round. The ridership impacts have been updated in the text and tables.

- Chapter 11, Page 11 / Increase Park City Service Level to Maintain Existing Quality – this project has been moved up to begin in Fiscal Year 2004-05 (instead of Fiscal Year 2005-06). The cost and ridership impacts have been updated in the text and tables.

- Chapter 11, Page 15 / Facility Improvements – language has been added to highlight the potential for incorporating art into capital projects in the region. In particular, the opportunity exists for local officials to work with the local artists community for on-going passenger shelter projects, signage improvements, the bus parking garage expansion and the Kimball transit center.

- Chapter 11, Page 12 / Other Potential Future Service Plan Elements – a "Guaranteed Ride Home" alternative was evaluated. This potential future Service Plan element would utilize the services of local taxicab services to provide late night service beyond the existing Park City Transit span of service.

- Chapter 11, Page 12 / Other Potential Future Service Plan Elements – a discussion regarding potential future neighborhood service in the Quinn's Junction area was evaluated. Specifically, the National Ability Center and potential increased residential development may dictate the need for transit services in the area, particularly if the area is annexed into Park City. In short, staff will continue to monitor development in the area and will be willing to negotiate with the National Ability Center to provide transit services.

- Chapter 11, Page 24 / Marketing Elements – language has been added to highlight the importance of working cooperatively with area stakeholders to market and improve transit services. Stakeholders include Chamber of Commerce, Main Street Association, the various ski resorts in the region and others.

- Chapter 11, Page 34 / Financial Plan – due to the recent realization that Kimball Area sales tax funds (if ratified by voters on November 6, 2003) will not begin flowing until April 2004, the Consultant Team has developed a number of scenarios for either delaying the implementation of transit services in the Kimball Area or "borrowing" from Summit County fund reserves to implement transit services in either May 2004 or July 2004. Pertinent cost and ridership impact spreadsheets have been forwarded to local officials for review/direction.

City Council Staff Report

PARK CITY 1884

Public Works

Author: Kent Cashel, Asst. PW Director
Subject: RESOLUTION OF SUPPORT FOR SUMMIT COUNTY TRANSIT DISTRICT
Date: October 23rd, 2003
Type of Item: Legislative

Summary Recommendations:
On October 23rd the Mayor and City Council should hold a public hearing and adopt the attached *Resolution of Support For A Summit County Transit District and 1/4% of 1 cent Transit Sales Tax To Fund Improvements And Expansion In Public Transit Services.*

Description:

A. Background:

Summit County has begun the process to place two initiatives on the November 2003 ballot. The first of these initiatives will provide for the creation of the Snyderville Basin Public Transit District. The second initiative will provide for the assessment of a ¼ cent Transit Sales Tax on applicable retail sales made within the transit district boundaries. The estimated impact of the transit sales tax on an average Snyderville Basin household is $40 annualy

The two intitiatives (if approved by the voters) will lay the groundwork for the expansion of public transit services within the Snyderville Basin. Summit County and Park City have completed their joint Draft Short Range Transit Development Plan (SRTDP) that will direct the development of regional transit over the next seven years. The draft SRTDP that was presented to the mayor and Council on September 25th assumes voter approval of both transit initiatives.

The Citizen Alliance for Responsible Transportation (CART) has formed to build support for the transit initiatives and expanded public transit in the Snyderville Basin. CART membership represents various commercial and public interests. The citizens group is independent of, and receives no funding from, Summit County.

On October 9th CART appeared at the City Council's work session to request that the Mayor and City Council review and comment on the attached resolution of support. CART will return October 23rd to ask the Mayor and City Council to adopt the resolution of support.

B. Analysis:

The Mayor and City Council have identified an effective transportation system as one of its high priority goals. The Summit County ballot initiatives are a critical step towards the development of a robust regional transit system and the achievement of "an effective transportation system". Adopting a resolution of support for Summit County's transit initiatives will strengthen CART's message to transit district voters.

C. Department Review:
This report has been reviewed by the City Manager, the City Attorney's office and Public Works.

Alternatives:

A. Approve the Request:
On October 23rd the Mayor and City Council should hold a public hearing and adopt the attached *Resolution of Support For A Summit County Transit District and 1/4% of 1 cent Transit Sales Tax To Fund Improvements And Expansion In Public Transit Services.* This is Staff's recommendation.

B. Deny the Request:
Council could choose to not adopt the resolution of support. This alternative would send a message to voters that Park City is not supportive of the transit initiatives. This apparent lack of support could negatively affect voter response to the initiatives. Staff does not recommend this alternative.

C. Continue the Item:
Council could choose to continue the item. Continuing the item would have the same effect as Alternative B as adoption would occur after the election.

D. Do Nothing:
Council could choose to do nothing. Continuing the item would have the same effect as Alternative B.

Recommendation:
On October 23rd the Mayor and City Council should hold a public hearing and adopt the attached *Resolution of Support For A Summit County Transit District and 1/4% of 1 cent Transit Sales Tax To Fund Improvements And Expansion In Public Transit Services.*

RESOLUTION OF SUPPORT FOR A SUMMIT COUNTY TRANSIT DISTRICT AND 1/4 OF 1% SALES TAX TO FUND IMPROVEMENTS AND EXPANSION IN PUBLIC TRANSIT SERVICES

WHEREAS, it is in the public interest to improve transportation services in the Snyderville Basin of Summit County and to strive to reduce the use of the private automobile and maximize the use of alternative transportation modes in the region; and

WHEREAS, public transportation improvements over time will benefit all area residents including students and seniors through convenient and accessible transport between neighborhoods, commercial areas, community facilities and institutions; and

WHEREAS, expansion of transportation services will help provide an adequate supply of workers for area employers and will also broaden the affordable housing stock for employees of the greater Park City area; and

WHEREAS, other recognizable community benefits of public transit include reduced traffic congestion and parking demand, promotion of tourism and improving visitor experience, and mitigation of impacts to air quality and other natural resources; and

WHEREAS, Park City has an established public transit system, and there are opportunities for intergovernmental cooperation for efficient transit system expansion beyond the Park City service area boundary into the unincorporated area of the Snyderville Basin under the jurisdiction of a newly created transit district, if authorized by voters in the Basin; and

WHEREAS, in order to fund reliable and convenient public transit in the Snyderville Basin, a mechanism needs to be created; and

WHEREAS, the Utah State Legislature enabled UCA 17A-2-13 and 59-12-501 to allow for creation of a local transit district and for voter approval of a sales tax to fund public transit improvements; and

WHEREAS, the desire of local officials and the general public to improve unmet public transit needs of the Snyderville Basin have been well documented by needs assessments and professional transit studies; and

WHEREAS, resources from existing sales tax and other forms of taxation are presently allocated to other programs and not available to fund the local public transit needs of residents of the unincorporated area; and

WHEREAS, the Summit County Board of County Commissioners has placed two questions on the November 4, 2003 Special Election ballot which ask:

Shall the Summit County Board of Commissioners create a Snyderville Basin Public Transit District?

Shall the Snyderville Basin Public Transit District impose a sales and use tax of .25% within the District's boundaries, the proceeds for which shall be utilized for the operations and improvements to public residential and commercial transit services within the District, to include funding for the Kimball Area Transportation Special Service District?

and;

WHEREAS, the Summit County Board of County Commissioners has committed to allocate the transit sale tax funds exclusively to public transit within the Snyderville Basin;

NOW, THEREFORE BE IT RESOLVED, that

Park City, Utah pledges its support toward the creation of a County Transit District and the institution of a 1/4of 1% sale tax within the boundaries of the District and urge citizens of the Snyderville Basin to vote in support of this initiative during the Special Election on November 4, 2003 for the good of the citizens of Summit County.

City Council
Staff Report

Author: **Colin Hilton**
Subject: **MUNICIPAL RECREATION COMPLEX - GRANT APPLICATION**
Date: **10-23-03**
Type of Item: **Legislative**

PARK CITY 1884

Economic Development & Capital Projects

Summary Recommendations: Approve the application process item of a Land, Water, and Conservation (LWC) Grant scheduled under New Business in the regularly scheduled public meeting.

Description:

A. **Topic:** Request to the State of Utah Division of Parks and Recreation – Land and Water Conservation Fund Matching Grant (LWC) in the amount of $500,000 towards the costs associated with an outdoor Municipal Recreation Complex.

B. **Background & Analysis:** Park City Municipal Corporation is in the early stages of planning an outdoor recreation complex. Preliminary and conceptual cost estimates put the new complex in the $4.5-6.5 million dollar baseline budget cost range. City Staff has identified the State of Utah's LWC grant program as a possible source of funds to assist the City in raising the necessary capital. Design and construction approvals would be required from Summit County.

   The Application includes preliminary cost estimates and draft concept ideas for the project. Once the Municipal Recreation Complex Task Force and envisioned design process produces additional details, those will be submitted in a follow-up correspondence with Council.

   As reported in the October 9, 2003 Manager's Report and consistent with Council's direction to proceed in forming a task force in a August 14, 2003 City Council meeting, initial meetings of a task force are envisioned to start in November. Please note that membership in the task force will be modified to include a second RAB member per the recommendations of the Mayor and Council Liaison(s).

   Staff is requesting authorization to proceed with a Land and Water Conservation Fund Matching Grant application in the amount of $500,000. The requested funds will be used for the City's efforts to design and construct an outdoor recreation complex at the "Gilmore property" near the National Abilities Center. Authorization to proceed with the Grant application includes formal action on behalf of the City stating that:

   - The application is being submitted formally by the Governing Authority.
   - The City has the resources to finance its share of the project (50/50).
   - The City will bear the costs of Operating and Maintaining the project once completed.

In order to complete the formal application process City Council action is required. Approval of the item will allow Staff to complete the application process with the Utah Division of Parks and Recreation.

C. **Department Review:** This staff report has been reviewed the Budget & Grants Dept and the City Manager's office.

Recommendation: Approve the application process item on the "New Business"agenda in the regularly scheduled public meeting.

City Council Staff Report

Author: Jerry Gibbs, Kathy Gammell
Subject: Aspen Exploratory and Production Wells
Date: October 23, 2003
Type of Item: Contract Authorization

PARK CITY 1884

PUBLIC WORKS

Summary Recommendations:

Authorize staff to enter into an agreement with Lang Exploratory Drilling for drilling the Aspen exploratory and production wells in an amount not-to-exceed $524,050 for a 24-hour drilling schedule.

Description:

A. Topic:

Drilling a new well to replace the Park Meadows Well source.

B. Background:

The Park Meadows Well has not been available for culinary use for more than a year causing a reduction in total production capacity for the City of approximately 15%. MWH identified and evaluated several options for either recapturing the use of the Park Meadows Well water or finding an acceptable substitute. Staff reported and discussed these options in the Manager's Report, "Park Meadows Well Recommendations," dated September 11, 2003, which is attached for further review if desired. Although staff initially favored surface water treatment options for the existing Park Meadows Well, discussions with engineers and geologists have provided options for drilling a new well that provide significant reduction in risk of surface water influence. The advantage of pursuing a new well instead of treatment is lower up-front capital and operational costs associated with other options.

Staff is pursuing project activities as if all sequential requirements of the project will be satisfied. This approach provides the best chance for meeting an on-line goal of June 2004. One of the needs that became apparent after developing a schedule to evaluate all the steps required between now and June 2004 is the need to move directly into drilling of the production well if the exploratory well meets predetermined criteria for success. To meet the on-line target date, staff is requesting funding for both wells at the same time with the understanding that Council will be updated and consulted when an evaluation of exploratory well results has been completed and a recommendation as to whether to move forward or not has been made.

Public Works staff have conferred with other Park City staff to resolve key questions regarding the proposed location and the following was determined:

- The proposed well site is not on Park City open-space property and thus, is not affected by conservation easements.
- The distance of the proposed site from the East Canyon Creek meets environmental requirements.
- The preliminary suggestion to combine trail-side restrooms with the well house will significantly delay the Aspen project. Staff from Public Works, Planning, Economic Development and Capital Projects, and Special Events were in agreement not to take this approach.

Staff solicited Statements of Qualification (SOQs) for pre-qualification of drilling contractors and all sub-contractors in September 2003. Ads were placed in the Park Record and the Salt Lake City newspapers. Four drilling contractors submitted SOQ's and each were thoroughly evaluated by Kleinfelder Engineering for pre-qualification. Kleinfelder recommended pre-qualifying all four respondents, which include Lang Exploratory Drilling of Salt Lake City, Layne-Western of Salt Lake City, Beylik Drilling of La Habra, CA, and Zim Industries of Phoenix, AZ. Staff supports Kleinfelder assessment.

C. Analysis:

Separation of bid costs were required for the exploratory well and the production well with the understanding that Park City may elect not to proceed with the production well portion of the project. Respondents were instructed that the exploratory well and the production well would be awarded to the same contractor. For each of the wells, bidders submitted costs and schedule impact for both a 12 hour schedule and 24 hour schedule. Both cost and schedule are factors in the selection criteria. Bids were received and opened at the Public Works Building at 10:00 a.m. on Friday, October 17, 2003. Results are as follows:

Bidder	Exploratory Well		Production Well		TOTAL	
	12 Hour Work Schedule	24 Hour Work Schedule	12 Hour Work Schedule	24 Hour Work Schedule	12 Hour Work Schedule	24 Hour Work Schedule
Lang Exploratory Drilling	$85,700	$74,400	$570,000	$449,626	$656,329	$524,026
Layne-Western	$52,418	$58,986	$896,575	$642,764	$948,993	701,750
Beylik Drilling	$119,000	$119,000	$829,100	$777,000	$948,100	$896,000
Zim Industries	$142,255	$136,755	$594,005	$577,405	$736,260	$714,160
Engineering Estimate	$55,250	$55,250	$513,540	$513,540	$568,790	$568,790

Lang Exploratory Drilling was low bidder at $524,026 for both wells on a 24 hour schedule and was found to be responsive to bid requirements. Staff and Kleinfelder Engineering performed a subsequent thorough evaluation of Lang's bid and have found it to be responsive to the requirements in the bidding documents with no significant errors.

Staff recommends a 24-hour schedule for the following reasons:

- preclude potential well bore collapse as a result of intermittent stoppage,

- savings of $120,000 for the 24-hour work schedule over the 12-hour work schedule,
- completion of both wells in 7 weeks for 24-hour work schedule as opposed to 15 weeks for the 12-hour work schedule.

Lang has included a 360 degree sound curtain in the 24-hour work schedule.

D. Department Review:

This report has been reviewed by Public Works, Planning, Economic Development and Capital Projects, Special Events, Building, and City Manager.

Alternatives:

A. Authorize staff to enter into an agreement with Lang Exploratory Drilling for drilling the Aspen exploratory and production wells in an amount not-to-exceed $524,050 for a 24-hour drilling schedule. **This is staff's recommended alternative.**

B. Authorize staff to enter into an agreement with Lang Exploratory Drilling for drilling the Aspen exploratory and production wells in an amount not-to-exceed $656,330 for a 12-hour drilling schedule. **This is not staff's recommended alternative.**

C. Authorize staff to enter into an agreement for the exploratory well independent of the production well and return to Council for approval of the production well drilling at a later date. **This is not staff's recommendation.**

D. Direct staff to abandon the Aspen Well project and proceed with treatment alternatives for the existing Park Meadows Well. **This is not staff's recommendation at this time.**

E. Delay a decision until a later date. **This is not staff's recommendation.**

F. Do nothing. **This is not staff's recommendation.**

Significant Impacts:

A. Alternative A provides the best chance to recapture the Park Meadows well source in the shortest amount of time with the lowest combined capital and operating costs.

B. Alternative B increases the risk of bore collapse, increases costs by $120,000, and delays the engineers projected schedule by 5 weeks.

C. Alternative B may delay being on-line with the Aspen Well by up to 6 weeks but otherwise will provide the same results as Alternative A.

D. Alternative C is a good alternative that may be actively pursued in the near future if the exploratory well is unsuccessful. Treatment may take up to 18 months to be in place with all State approvals.

E. Alternative D will delay recapture of the Park Meadows water source.

F. Alternative E will exclude 15% of Park City's production capability unless/until other water sources are identified and incorporated into Park City's water system.

Consequences of not taking the recommended action:

The capacity lost from the Park Meadows Well will not be recaptured in time for the 2004 irrigation season.

Recommendation:

Authorize staff to enter into an agreement with Lang Exploratory Drilling for drilling the Aspen exploratory and production wells in an amount not-to-exceed $524,050 for a 24-hour drilling schedule.

Manager's Report

PARK CITY 1884

To:	Tom Bakaly
Author:	Jerry Gibbs, Kathy Gammell
Subject:	Park Meadows Well Recommendations For Source Replacement
Date:	September 11, 2003
Type of Item:	Informational

PUBLIC WORKS

BACKGROUND

In June 2002 Park City drilled a replacement Park Meadows well as a result of rapidly declining flow rates and reduced draw down levels at startup of the old Park Meadows Well. Montgomery Watson Harza (MWH) performed a thorough evaluation of the Park Meadows Well and subsequently recommended the Park Meadows Well be re-drilled because of findings that the poor performance was caused by several factors: extended pumping of the well during the past years of drought; collapse of the lower portion of the well; and growth of non-toxic iron bacteria along the well bore which inhibits flow from the aquifer into the well. Staff agreed with MWH's assessment and recommendations.

The well was re-drilled in June 2002. After developing the well and subsequent quality testing, the State Division of Drinking Water (DDW) approved operation of the well in Park City's culinary water system. The replacement well was put back on line on July 10, 2002. Staff continued to monitor raw water from the well and from chlorinated water in areas of the distribution system that are serviced by the well. Approximately 5 weeks after the well was put back into the system, sample testing began to reveal changes in raw water quality. (There were no quality concerns found in the distribution system since the raw water from Park Meadows Well is chlorinated prior to entering the system.) Several steps were taken to correct these changes including flushing and super-chlorination of the well walls. These actions were immediately effective but the effectiveness was not sustainable. On August 30, 2002 staff made the decision to err on the side of caution and shut the well out of the culinary system until causes of the quality changes could be identified and addressed.

Staff consulted with MWH regarding the sampling and corrective actions that had been taken and asked for a plan for making a final determination. MWH and staff subsequently met with the State DDW regarding test results and regarding MWH's plan of action to remedy the changes in raw water quality. DDW supported MWH's plan. Test results finally revealed that the new replacement well was under the direct influence of surface water. It is believed that during drilling a fracture may have been hit that, over the weeks following start-up, eventually provided a path from the surface into the well.

ANALYSIS

The Park Meadows Well has not been available for culinary use for more than a year causing a decline in total production capacity of approximately 15%. MWH has identified and evaluated several options for either recapturing the use of the Park Meadows Well water or finding an acceptable substitute. The table below includes several options for recovering this lost capacity.

Alternative	Capital Cost	12 mo Operation Operational Cost ($/year)	Water Efficiency (100% is best)	Process Reliability (High is best)	System Reliability (High is best)	Complexity (Lower is better)	Maintenance (Low is best)	Time to Complete (months)	Pilot Effort (Low is best)	Schedule (Low is best)
Tracer Study	$25,000	N/A	N/A	Very Low	Very Low	N/A	N/A	3-12	N/A	N/A
Drill New Well	$550,000 to 680,000	N/A	100%	Low	High	Low	Low	8	N/A	Mod
Bag Filters	$890,000	$162,000	100%	Mod	High	Low	Mod	6	Low	Mod
Cartridge Filters	$530,000	$70,000	100%	Mod	High	Low	Mod	6	Low	Mod
Disposable Membrane Filter	$840,000	$120,000	100%	High	High	Low	Mod	6	Low	Mod
Full-Treatment Membrane Filter	$3,470,000	$69,000	95%	High	Mod	High	High	8	Low	High

Although staff initially favored surface water treatment options, discussions with engineers and geologists have provided options for drilling a new well that provide significant reduction of surface water influence risks.

<u>Staff proposes the following:</u>

- Staff will proceed with prequalification of drilling companies for drilling an exploratory well under the direction of Kleinfelder Engineering.

- The estimated cost for the exploratory well is $50,000. When a driller has been identified and costs are firmer, staff will seek contract authorization from Council to proceed with the exploratory well.

- Locate the exploratory well at a site near the old kiosk parking area on the west side of highway 224 as shown on the attached aerial photograph. This is a geologically preferred site because the location is:

  ✓ close to the anticline where there is greater chance of high capacity water flow,
  ✓ under an impervious rock layer (ankareh) of at least 100 feet which overlies the water-bearing upper Thaynes formation,
  ✓ away from potential stream influences,
  ✓ located entirely in city property, which allows room for control of the source protection zone as required by the State.

  Staff will verify the following:

  ✓ presence and depth of the ankareh protective layer,
  ✓ depth of the upper Thaynes formation to better estimate total costs of a permanent well,
  ✓ presence or elimination of communication with Dority Springs (The test well will be pumped for an extended time in order to monitor its effect on the existing Park Meadows replacement well.),
  ✓ water flow capacity at the site.

- Staff recommends that any proposed conservation easements on the proposed property allow for the well, and will coordinate with Alison Butz.

- If the exploratory well provides confidence through the verifications outlined above, staff will proceed with selection of engineering firms for oversite of the drilling operation and design of a well house, and return to Council for funding approval of a permanent well. This effort is estimated at $680,000.