



**PARK CITY COUNCIL MEETING  
SUMMIT COUNTY, UTAH  
August 25, 2016**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 25, 2016.

**CLOSED SESSION**

3:00 p.m. To Discuss Property, Personnel and Litigation

**PARK CITY REDEVELOPMENT AGENCY**

**A. WORK MEETING**

4:15 p.m. – Discuss Lower Park Avenue Affordable Housing Including Concept Development for Woodside Park, the Former Fire Station Parcel, Located at 1353 Park Avenue **PAGE 3**

**B. ADJOURNMENT**

**CITY COUNCIL WORK MEETING**

5:15 p.m. Council Questions and Comments

5:30 p.m. – Affordable Housing Update **PAGE 18**

**REGULAR MEETING**

6:00 p.m.

**I. ROLL CALL**

**II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

**Staff Communications Reports:**

- Variable Message Signs **PAGE 28**

**III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)**

**IV. CONSIDERATION OF MINUTES**

1. Consideration to Approve the City Council Meeting Minutes from July 14, 2016, and August 4, 2016 **PAGE 30**

## V. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Construction Agreement, in a Form Approved by the City Attorney, with Daley Excavators L.L.C. for the Amber Road Water Improvements Project for an Amount Not to Exceed \$78,000 **PAGE 51**

## VI. NEW BUSINESS

1. Consideration to Approve Resolution 20-2016, a Resolution Amending the Budget Policies and Objectives Chapter 5 Part II; and Repealing Resolution 02-98 in its Entirety **PAGE 57**

(A) Public Hearing (B) Action

2. Consideration to Approve an Interlocal Agreement for Additional Transit Funding Provided by the Additional Mass Transit Tax Between Summit County and Park City, Utah **PAGE 71**

(A) Public Hearing (B) Action

3. Consideration to Continue a Plat Amendment at 220 King Road, Second Amended Lot 2, Phase 1, Treasure Hill Subdivision Pursuant to Findings of Fact and Conclusions of Law, in a Form Approved by the City Attorney **PAGE 85**

(A) Public Hearing (B) Continue to a Date Uncertain

4. Consideration to Continue a Public Hearing on Land Management Code Amendments to Chapter 1-Procedures, Chapter 2-Common Wall Development Process, Chapter 5-Landscape and Lighting Requirements, Chapter 6-Require Inventory and Report on Mine Sites for MPD Applications, Chapter 7-Effect of Vacation, Alteration, or Amendment of Plats; Procedures, Requirements and Review of Plat Amendments, Chapter 7.1-Modifications to Public Improvements Required for a Subdivision, Chapter 11-Historic Preservation Criteria for Designating Sites and Chapter 15-Definitions of the Park City Municipal Code **PAGE 86**

(A) Public Hearing (B) Continue to September 15, 2016

## VII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4:00 p.m. to 9:00 p.m.

Posted: See: [www.parkcity.org](http://www.parkcity.org)



**DATE: August 25, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

On June 30, 2016 the City Council awarded a contract to Elliott Work Group for planning and design for housing and other civic uses on City owned property in the Lower Park Avenue Redevelopment Authority (RDA). The scope included:

1. Delivering housing on the fire station parcel as the most important priority;
2. Creating a master plan and subsequent RFP to secure a team to develop housing on the remaining land from Woodside to Empire;
3. Conducting a feasibility exercise on the program and location for senior needs;
4. Examining proximate, existing city facilities for highest and best use.

Elliott Work Group worked with staff to develop multiple concepts for the fire station parcel. We have refined three concepts to the point that we seek direction to further develop a preferred option. Our efforts have considered various tradeoffs and inputs, balancing: underlying zoning (height, setbacks, density, etc.); density; streetscape and neighborhood compatibility; access and driveway locations; affordability and other financial implications; walkability and neighborhood connectivity; as well as good design and ability to fit into a broader neighborhood master plan, concurrently being created by Elliott Work Group.

Staff seeks Council's preliminary direction on a preferred affordable housing concept at 1353 Park Avenue (former fire station); and to present that and two other concepts at a public meeting on September 20, 2016. Lastly, Staff seeks Council's support to begin contract negotiations with Elliott Work Group to move into the next stages of design with the goal of beginning construction on the fire station parcel in spring 2017.

We anticipate considerable community engagement in the near future on other portions of the project, particularly with the seniors, recreation and other community users.

**Respectfully:**

Jonathan Weidenhamer, Economic Development Manager

## RDA Staff Report



**Subject:** Lower Park Avenue Affordable Housing:  
Options for Woodside Park - the Former Fire Station Parcel at  
1353 Park Avenue

**Authors:** Jonathan Weidenhamer  
Anne Laurent  
Rhoda Stauffer  
Nate Rockwood  
Alfred Knotts

**Department:** Sustainability, Community Development, Budget

**Date:** August 25, 2016

**Type of Item:** Administrative

### Summary Recommendation

Provide preliminary direction on a preferred concept for affordable housing on the former fire station parcel, to present and receive input at an open house scheduled at the Library Community Room on September 20 from 4:00 – 6:00 pm. Further, staff recommends Council provide direction for staff to proceed into the next phase of design with Elliott Work Group, with the goal of beginning construction in spring 2017.

Staff recommends Council hold this portion of their Work Session at the back of City Council Chambers so that they can interact better with the design team.

### Executive Summary

On June 30, 2016 the City Council awarded a contract to Elliott Work Group for planning and design for housing and other civic uses on City owned property in the Lower Park Avenue Redevelopment Authority (RDA). The scope included:

1. Delivering housing on the fire station parcel as the most important priority;
2. Creating a master plan and subsequent RFP to secure a team to develop housing on the remaining land from Woodside to Empire;
3. Conducting a feasibility exercise on the program and location for senior needs;  
and
4. Examining proximate, existing city facilities for highest and best use.

Elliott Work Group worked with staff to develop multiple concepts for the fire station parcel. We have refined three concepts to the point that we seek direction to further develop a preferred option. Our efforts have considered various tradeoffs and inputs, balancing: underlying zoning (height, setbacks, density, etc.); density; streetscape and neighborhood compatibility; access and driveway locations; affordability and other financial implications; walkability and neighborhood connectivity; as well as good design and ability to fit into a broader neighborhood master plan, concurrently being created by Elliott Work Group.

Staff seeks Council's preliminary direction on a preferred affordable housing concept at 1353 Park Avenue (former fire station); and seek public input on preferred alternative on the fire station lot during the public open house to be held on September 20<sup>th</sup> and incorporate comments into the final design as feasible. Lastly, staff seeks Council's support to move into the next stages of design with Elliott Work Group with the goal of beginning construction on the fire station parcel in spring 2017.

We anticipate considerable community engagement in the near future on other portions of the project, particularly with the seniors, recreation and other community users.

### Acronyms

AMI	Area Median Income
HDDR	Historic District Design Review
HRM	Historic Residential - Medium Density Zone
PCMC	Park City Municipal Corporation
RFP	Request for Proposals
RDA	Lower Park Avenue Redevelopment Authority
SEC	U.S. Securities and Exchange Commission

### The Opportunity

The City has secured approximately 2.2 acres of contiguous property between Park and Woodside Avenues in the 1300 block. City Council has identified approximately \$40 million to pursue their critical goal of creating affordable housing. This project represents the first of two phases of affordable housing, namely the former fire station parcel.

### Background

- On November 19, 2015 the City Council reviewed the findings from the interviews and outreach, workshops and design studio conducted over the previous nine months for the city-owned properties in the RDA. Council directed staff to proceed with a Request for Proposals (RFP) to move the process from Community Engagement and Concept Design and into issuing an RFP for refinement of the community center and housing programming and ultimately construction.
- Council provided input on scope of the RFP on January 28, 2016. At that time Council prioritized delivery of housing on the fire station parcel and agreed isolating the fire station parcel was a strategy to deliver housing quickly:
  - January 28, 2016 Meeting (p.33) ([meeting packet](#))
  - January 28, 2016 Minutes/audio(p.5) ([minutes](#))( [audio](#))
- City Council agreed to a purchase agreement of 1364 Woodside on May 5, 2016.
- On June 30, 2016 the City Council reiterated their priority of creating housing options on the fire station parcel as the top priority and agreed that including 1364 Woodside Avenue in the broader master planning was appropriate, while staff should release a separate RFP for design services on 1364 Woodside.
- On August 4, 2016 City Council established a goal of delivering 800 affordable units over the next 10 years.

## Alternatives for City Council to Consider

### 1) Option 1 – 9 Units: 5 single family and 2 duplex units



**Woodside Park**  
Park City, Utah

**Option One**

ELLIOTT  
WORKGROUP  
8-19-16

#### Pros

1. Land development entitlement processing is more straightforward. The project consists of Single-Family and Duplex uses which are Allowed Uses in the HRM zone. Requires a Subdivision Plat and HDDR review for each individual lot.
2. Will likely take less time for land entitlement process.
3. Provides initial phase of “east-west” connection from Park Avenue to Woodside as envisioned in existing planning documents.
4. Easy access to transit as well as bicycle and pedestrian facilities to reduce vehicle trips.

#### Cons

1. Driveways back onto Park Avenue with only slight offset across from entry to City Park, which could cause turning movement conflicts and prove to be difficult and confusing for drivers.
2. Requires multiple driveways along Woodside, which reduces the aesthetic quality and does not embrace the street.
3. Lowest density option having the fewest number of units and the largest unit size, including construction of garage space which is more costly than surface parking.
4. Highest subsidy option - low recovery of construction cost

2) **Option 2 – 12 Units: 4 single family; 4 townhomes; 4 accessory apartments**



**Woodside Park**  
Park City, Utah

**Option Two**



Pros

1. Consolidated parking eliminates garages fronting streetscape providing for a less auto-centric design and improves street presence on Woodside.
2. Townhouse is a less expensive construction type and has improved energy performance due to reduction in exterior surfaces.
3. Provides initial phase of “east-west” connection from Park Avenue to Woodside as envisioned in existing planning documents.
4. Easy access to transit as well as bicycle and pedestrian facilities to reduce vehicle trips.
5. Provides a variety of housing types.
6. Includes accessory apartments within the townhomes, providing a rental product.
7. Total construction area is reduced also reducing the construction costs.
8. Smaller townhouse units provide a product difficult to find in Park City.
9. Produces more affordable housing units than Option 1.

Cons

1. Driveways back onto Park Avenue with only slight offset across from Entry to City Park, which could cause turning movement conflicts and prove to be difficult and confusing for drivers
2. Parking is not inside the unit for the townhouses requiring tenants to walk to units from consolidated parking lot.
3. Land development entitlement regulation processing is the most complex. Project consists of Single-Family uses which are Allowed Uses and a Multi-Family Unit component which is a Conditional Use in the HRM zone. A

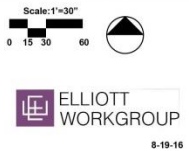
- Subdivision Plat and an HDDR review for each individual lot will be required, plus a Conditional Use Permit for the Multi-Family Unit and Parking Lot.
4. Less community open space than Concept 3.

**C. Recommended Option: Option 3 – 12 Units: 4 Single family; 4 townhomes, 4 accessory apartments.**



**Woodside Park**  
Park City, Utah

**Option Three**



Pros

1. No driveways access via Park Avenue.
2. Creates an interior common courtyard which will promote community and provide open space.
3. Consolidated parking eliminates garages fronting streetscape providing for a less auto-centric design and improves street presence on Woodside.
4. Provides initial phase of “east-west” connection from Park Avenue to Woodside as envisioned in existing planning documents.
5. Easy access to transit as well as bicycle and pedestrian facilities to reduce vehicle trips.
6. Townhouse is a less expensive construction type and has improved energy performance due to reduction in exterior surfaces.
7. Provides a variety of housing types.
8. Includes accessory apartments providing a rental product.
9. Total construction area is reduced also reducing the construction costs.
10. Smaller townhouse units provide a product difficult to find in Park City.
11. Produces more affordable housing units than Option 1.



### Cons

1. Longer walking distance between the units and consolidated parking lot.
2. Land development entitlement regulation processing is the most complex. Project consists of Single-Family uses which are Allowed Uses and a Multi-Family Unit component which is a Conditional Use in the HRM zone. A Subdivision Plat and an HDDR review for each individual lot will be required, plus a Conditional Use Permit for the Multi-Family Unit and Parking Lot.
3. Land development entitlement may be more efficiently processed as an MPD, which allows for an approved parking management plan to reduce parking requirements.

### **Analysis**

The analysis is broken down into sections:

#### General Plan

Goal seven of the General Plan states “Create a diversity of primary housing opportunities to address the changing needs of residents” and goal eight states: “increase affordable housing opportunities and associated services for the workforce of Park City.” All efforts and issues identified here are to increase the number of units affordable to members of Park City’s workforce. General Plan objectives relevant to this project include:

- 7A - Increase diversity of housing stock to fill void within housing inventory.
- 7E - Create housing opportunities for the cities aging population.
- 8A - Provide increased housing opportunities that are affordable to a wide range of income levels.
- 8C - Increase housing ownership opportunities for workforce within primary residential neighborhoods.

#### Planning

Each of the proposed concepts has been preliminarily vetted for compliance with the historic district guidelines and the land management code. However, a full review will not take place until the submission of a complete application. All final approvals are subject to applicable regulatory approvals through the standard application process.

#### Housing Affordability

A thorough analysis of need is being conducted by James Wood - Ivory-Boyer Senior Fellow at the University of Utah Kem C. Gardner Policy Institute – which will be available in draft form by September 2016. In the meantime, staff is using data from Utah Department of Workforce Services to establish some estimates. Please note, the following analysis will be adjusted with findings when James Wood delivers the Market Needs Assessment.

Based on the profile of Summit County workers, in order to provide more affordable homes for the workforce within city limits, homes will need to be affordable in the following income categories:

1. **Very Low Income Rental units** for households earning \$26,400 and below annually, (monthly rents of \$515 to \$864 depending on household size). The best-case scenario for these units will be to partner with a private developer such as Mountainlands Community Housing Trust and utilize Federal Low Income Housing Tax Credits.
2. **Low Income Units** which are a mixture of rental and ownership units for households earning \$26,400 to \$53,136 annually (rents/mortgage payments of \$858 to \$1,328 monthly and sale prices of \$110,000 to \$203,000 depending on household size). Opportunities like Woodside Park and 1450-1460 Park Avenue (infill projects) are best suited for this category.
3. **Moderate Income Units** for rental or ownership for households earning \$53,136 to \$88,850 annually, (monthly rent/mortgage payments of \$1,033 to \$2,851 and sale prices of \$210,000 to \$447,000 depending on household size).

The number of units needed in the first two categories will likely be the highest (see Exhibit A attached). However, the highest subsidies will be needed in those categories as well, therefore, staff recommends serving a mixture of incomes in order to serve as much of the “greatest need” categories while maintaining sufficient return on sales to leverage funding into future units and to accomplish the revolving funding concept needed to reach the \$40 million amount currently budgeted in the 5-year capital plan.

#### Housing Mix

A variety of housing types are needed to meet the diverse needs of Park City’s workforce. Staff proposes balancing the need for density to meet the number of units needed (800 new affordable units over 10 years) with the mix of types that will meet the market for a mixture of households. Overall the types of units needed are:

- Detached two and three bedroom houses for young families (87 units being built at Park City Heights, 1450-1460 Park Avenue and also being proposed at Woodside Park);
- Two and three bedroom townhomes for couples and young families (proposed at Woodside Park – Concept 3);
- Studio, one, two & three bedroom condos for singles, couples, families and retirees (future projects);
- Studio, one, two & three bedroom apartments for rent to singles, couples and retirees (studios being proposed at Woodside Park – Concept 3).

Accessory apartments will be owned and rented by the income qualified person(s) who purchases the entire unit. The rental rates, targeted at 30-60% of AMI, will be deed restricted in addition to the entire unit and will require annual reporting and auditing by the City. Further consideration of who can occupy the accessory apartment rentals, such as a parent or other extended family members, will require additional research and conversations with City Council before finalized, and ultimately drafted into the deed restriction language. Fair housing laws will govern the extent of the limitations.

### Financial - Overview of 'The \$40 Million'

As part of the Council adopted 5-year capital improvement plan, the City has allocated \$40 million towards achieving its affordable housing goals. This \$40 million is a funding mixture it to be achieved by leveraging future 15-year property tax increment in the LPA RDA, leveraging sales tax revenue from the Additional Resort Communities Sales Tax and sales of asset generated by the sales of affordable housing projects.

To be properly understood, the \$40 million must be viewed both by the funding sources and by expenditure types harmoniously from project to project, over the 15-year life of the RDA. The three funding sources for the projects are as follows:

RDA Tax Increment Financing (Sales Rev. or TIF bonds)	\$18.5 million
RDA Sales of Asset (from affordable housing projects)	\$16.5 million
<u>ARST Sales Revenue Bonds</u>	<u>\$5 million</u>
Total	\$40 million

Each funding source has limitations based on state code and government accounting standards. Both RDA sources must conform to the uses of an RDA. Both debt sources must conform to the rules associated with tax-exempt bonds.

The two primary expenditures for the affordable housing projects are land acquisitions and construction costs. These have been estimated in the budget as follows:

Land Acquisition	\$10,250,000
Construction Costs	\$29,750,000

It should be noted that the City anticipates using land currently owned by the City for much of its affordable housing needs. Land such as 1450/1460 Park Ave. and the Fire Station are not counted in the \$40 million. However, these land values should be counted when evaluating the City's total subsidy of the project.

RDA funds can be used for expenditures directly related to affordable housing construction and land acquisitions inside and outside the RDA. However, RDA funds cannot be used for any portion of mixed use development or land acquisitions outside the RDA which are not directly related to affordable housing. ARST Sales Revenue Bonds may be used for City projects which meet a public purpose as defined by the Utah Bonding Act and the SEC.

Currently only a portion of the potential affordable housing projects are developed to a point to which they can be evaluated in the context of the \$40 million budget. An understanding the funding sources and expenditure types will aid City Council in evaluating current and future proposals. Because of the high cost of land and construction in Park City and the comparatively low sales ranges established in the Housing Affordability and Housing Mix sections above, the total subsidy required for affordable housing units in the City will be significant.

The \$40 million, as budgeted, anticipates zero return on land acquisitions and an 80 percent recovery on construction costs in order to reach the sales of asset revenue needed to reach \$40 million in expendable revenue. In other words, spending more than \$10.25 million for land will reduce the \$40 million and subsidizing construction for more than 20% will reduce the \$40 million. The reverse is also true, in which case additional funding may be dedicated to affordable housing or other allowable projects within the RDA.

Financial Subsidy Analysis

Based on the information discussed above regarding housing affordability, housing mix and financing sources and expenditures, staff has prepared the following tables detailing the three concepts proposed for the Woodside Park Project.

The first three tables, details each concept based on potential unit type, recommended Area Median Income (AMI) mix, estimated unit sales, and total unit count:

Concept 1					
Description	Unit Type	Number of Units	Square Feet Per Unit	AMI Level	Sale of Housing Units
Single Family 1 (1333 Park)	2 Bedroom	1	1,127	60%	\$ 198,779
Single Family 2 (Historic Reconst.)	1 Bedroom	1	869	60%	\$ 173,835
Single Family 3 (Park Ave.)	3 Bedroom	1	1,652	60%	\$ 223,677
Single Family 4	4 Bedroom	1	1,800	100%	\$ 437,023
Single Family 5	4 Bedroom	1	1,800	80%	\$ 405,892
1 Bedroom Apartment*	1 Bedroom	1	551	60%	
Duplex 1	3 Bedroom	2	1,802	60%	\$ 223,677
Duplex 2 (1364 Woodside Ave)	3 Bedroom	2	1,800	80%	\$ 295,917
<b>TOTAL</b>		<b>10</b>	<b>15,003</b>		<b>\$ 2,478,394</b>

\*Rental Unit

Concept 2					
Description	Unit Type	Number of Units	Square Feet Per Unit	AMI Level	Sale of Housing Units
Single Family 1 (1333 Park)	2 Bedroom	1	1,127	60%	\$ 198,779
Single Family 2 (Historic Reconst.)	1 Bedroom	1	869	60%	\$ 173,835
Single Family 3 (Park Ave.)	3 Bedroom	1	1,652	60%	\$ 223,677
Single Family 4	4 Bedroom	1	1,800	100%	\$ 404,306
Townhouse Unit	3 Bedroom	4	1,290	80%	\$ 380,589
Studio Accessory Apt*	Studio	4	300		
<b>TOTAL</b>		<b>12</b>	<b>11,808</b>		<b>\$ 2,522,954</b>

\*Rental Unit

Concept 3 (Recommended)						
Description	Unit Type	Number of Units	Square Feet Per Unit	AMI Level	Sale of Housing Units	
Single Family 1 (1333 Park)	2 Bedroom	1	1,127	60%	\$	198,779
Single Family 2 (Historic Reconst.)	1 Bedroom	1	596	60%	\$	173,835
Single Family 3 (Park Ave.)	3 Bedroom	1	1,406	60%	\$	223,677
Single Family 4	4 Bedroom	1	1,800	100%	\$	404,306
Townhouse Unit	3 Bedroom	4	1,290	80%	\$	380,589
Studio Accessory Apt*	Studio	4	300			
<b>TOTAL</b>		<b>12</b>	<b>11,289</b>		<b>\$</b>	<b>2,522,954</b>

\*Rental Unit

The following table details a summary of each concept compared by affordable sales prices, total subsidy with land and without, unit count and recovery percent of construction costs:

Summary of Concept for Affordable Housing									
Concept	Number of Units	Square Feet	Cost for Units - Land & Construction	Cost for Units - Construction Only	Subsidy for Land (Market)	Sale of Affordable Housing Units	Total Subsidy - Land & Construction	Subsidy - Construction Only	Recovery of Construction Costs
Concept 1	10	15,003	\$ 9,824,207	\$ 4,159,600	\$ 5,664,607	\$ 2,478,394	\$ 7,345,813	\$ 1,681,206	60%
Concept 2	12	11,808	\$ 8,845,067	\$ 3,180,459	\$ 5,664,608	\$ 2,522,954	\$ 6,322,113	\$ 657,505	79%
Concept 3	12	11,289	\$ 8,786,129	\$ 3,121,522	\$ 5,664,607	\$ 2,522,954	\$ 6,263,175	\$ 598,568	81%

For comparison purposes, land is valued at current estimated market rate. Construction cost estimates based on preliminary concepts.

From a financial analysis perspective, concepts 2 and 3 are more likely to meet the affordable housing and RDA financial modeling expectations for return on construction value and would keep the City on track to realize the \$40 million in affordable housing funding while also maximizing the unit count and providing some rentable units.

### Public Engagement

With regard to future concepts for the Lower Park Avenue RDA area, significant public engagement has already taken place, beginning as early as March of 2015. Staff and Elliott Work Group used this past engagement, along with the City's housing studies, to develop the aforementioned concepts. Accordingly, staff is planning limited, additional public engagement specifically for the housing to be placed on the fire station property, with the exception of creating a shared parking location on Woodside Avenue.

Because of this and Council's desire to fast track projects into the housing pipeline so that we can meet the 800 units by 2026 goal, staff believes that Council can and should provide direction to staff at the August 25<sup>th</sup> Council Meeting as to the preferred housing configuration for the fire station property.

The public comments gathered during periodic meetings and outreach along with the ideas generated were presented regularly to Council throughout the most recent public engagement process which began in March 2015. The options outlined above for the Fire Station lot are consistent with the direction provided by council at the meeting held on January 28, 2016 with the exception of the parking lot identified in options 2 and 3. However, as outlined in the pros and cons and working in coordination with the Traffic and Transportation Department, these options do support the priorities of a less auto-centric design in this area of the city.

The plan for upcoming public outreach in the near future and notifications for the open house is outlined in Exhibit B. A public open house has been scheduled for September 20<sup>th</sup> at the Park City Library from 5 – 7 pm. Multiple departments will present plans and gather comments for improvements in the Redevelopment Area including:

- Fire station housing – Council’s preferred option
- Area transportation and programs
- Recreation master plan
- Options for Senior Center location

We anticipate additional detailed engagement with the seniors, teens, and additional recreation / community users beginning immediately and continuing throughout the pre-development stage of the senior center relocation and possible community uses.

### **Department Review**

Legal, Community Development, Economic Development, Housing, Budget, Community Affairs and City Manager.

### **Funding Source**

RDA Tax Increment Finance Bonds

### **Attachments**

- A Affordable Housing Issue Statement
- B Engagement Overview

## A Affordable Housing Issue Statement

The Utah Department of Workforce Services reports that wages in Summit County align with Area Median Income (AMI) (\$88,560) as follows:

- 36% of employees earn 30% and below of AMI (\$26,500)
- 46% of employees earn between 30% and 60% of AMI (\$53,136)
- 9% of employees earn between 60% and 80% of AMI (\$70,848)
- 2% of employees earn between 80% and 100% of AMI (\$88,560)
- 9% of employees earn over 100% of AMI.

While these estimates provide a broad-brush understanding of the area, the detailed analysis being conducted by James Wood of the University of Utah will provide a deeper analysis for Park City within this County profile. We will be able to refine our goals based on the Wood report, estimated to be completed in September.

American Community Survey issues reports on projected community income levels and their most recent analysis from 2014 for Park City reveals the following concentrations of household income as they align with AMI:

- 18% of households have incomes at or below 30% of AMI (\$26,500)
- 17% of households have incomes between 30% and 60% of AMI (\$53,136)
- 10% of households have incomes between 60% and 80% of AMI (\$70,848)
- 8% of households have incomes between 80% and 100% of AMI (\$88,560)
- 47% of households have incomes above 100% of AMI (88,560).

If we are to ensure that more of Park City's workforce can live within City Limits, we will have to provide units affordable to the wages being earned from jobs in Park City. While the refined analysis of Park City jobs is still to be completed, an initial estimate of what is needed can be based on the Summit County wages listed above.

- 36% of the units affordable to households earning up to \$26,500 (rental units);
- 46% of the units affordable to households earning between \$26,500 and \$53,136 (mixture of rental and ownership units).
- 9% of the units affordable to households earning between \$53,136 and \$70,848 (mixture of rental and ownership units).
- 2% of the units affordable to households earning between 70,848 and \$88,560 (ownership units).
- 9% of units affordable to households earning higher incomes than \$88,560.

**Need:** The 2012 Housing Assessment and Plan ([linked here](#)) evaluated the housing needs from a number of points of view. Total need ranged from 200 to 395 units (rental or ownership units were not specified). In addition, the Market Assessment completed for the plan (completed by the University Of Utah School Of Business) identified the need for 120 rental units (specifically for lower income households in line with the jobs providing wages in the 30% of AMI and below. These numbers will be updated by the end of September.

Based on the goal established by City Council at their August 4, 2016 Work Session on Housing, 800 units in the next 10 years could be built as follows:

- 284 rental units for households earning \$26,400 and below;

- 364 units (rental and ownership) for households earning between \$26,400 & \$53,136;
- 68 units for sale to households earning between \$53,136 & \$70,848;
- 14 units for sale to households earning between \$70,848 & \$88,560; and
- 68 attainable for sale units to households earning more than \$88,560.

A variety of housing type is needed to meet this diverse group of households:

- Detached two and three bedroom houses for young families;
- Two and three bedroom townhomes for couples and young families;
- Studio, one, two & three bedroom condos for singles, couples. Families and retirees;
- Studio, one, two & three bedroom apartments for rent to singles, couples and retirees.

**In Development:**

- *Park City Heights (79)*: single family homes to households earning \$83,979 to \$114,030.
- *Potential city projects and including Lower Park Avenue (90 – 258)*: a combination of detached houses, townhomes and condo buildings for both rent and ownership.
- *Through Regulatory means (253+/-)*: Primarily rental units.



## B Engagement Overview

Date	Method	Target	Responsible	Notes
August	Discussion Series - School Teens?	Schools	Rec / Kim / EWG / Others	As available and in coordination with Rec
August	Discussion Series - Senior Needs	Seniors	Kim Clark / Jonathan / EWG	Presentation / Discussion
August 19th	Develop Park City Web Page	All	Kim / Elizabeth	
By August 26th or earlier	Upload Website from Consultant - Park City Website will be the address advertised but EWG will update externally.	All	EWG	
September 1st	Email Blast for a reminder of the council meeting and the presentation will include options	Past Participants, committees, others	Linda / Kim Elizabeth	
August 25th	Council Session	Council	Jonathan / Anne / EWG	Review concepts, layout public outreach plan
August 26th	Website/FB	Community & Media	Elizabeth / EWG	
August 27th	City Newsletter	Community	Linda / Elizabeth / Kim	Develop newsletter introducing award of contract and advertise public meeting
Week of August 29th	Periodic Email Blasts to advertise community meeting	Past Participants, committees, others	Elizabeth	Notify of information posted to website
September 1st	PSA about workshop on KPCW	Community	Kim	
September 1st	Distribute/Post Fliers/Posters	Starbucks / City Buildings / TBD	Linda / Elizabeth / Kim / EWG	Provide copies to Council to distribute at upcoming meetings.
September 7th	Historic Preservation Board Update	HPB	Hannah	Review concepts, layout public outreach plan and notify of Open House
September 9th	Twitter/ social media / E-Notify	Community & Media	Elizabeth / Kim / EWG	
September 10th ?????	Park Record Ad Discussion Series ¼ page; color (run 2-3 ads)	Community	Linda / Kim	Should there be 3 ads in the paper? Maybe this could be an article instead?
September 13th	Periodic Email Blasts to advertise community meeting	Past Participants, committees, others	Elizabeth	May not be necessary??
September 13th	KPCW	Community	Council / Diane / Jonathan / Anne	Regular Radio time with Diane and Staff
September 7th	Planning Commission Update	Planning Commission	Hannah	Review concepts, layout public outreach plan and notify of Open House
September 14th	Park Record Ad Discussion Series ¼ page; color (run 2-3 ads)	Community	Linda / Kim	
September 15th	Twitter/ social media / E-Notify	Community & Media	Elizabeth	Reminder with a teaser of information
September 16th	KPCW	Community	Council / Diane / Jonathan / Anne	During Council Update
September 17th	Park Record Ad Discussion Series ¼ page; color (run 2-3 ads)	Community	Linda / Kim	
September 19th	Periodic Email Blasts to advertise community meeting	Past Participants, committees, others	Elizabeth	
September 19th	Twitter/ social media / E-Notify	Community & Media	Elizabeth	Tomorrow Reminder
September 20th	Community Workshop - Firestation plans and area concepts	Community	ALL HANDS ON DECK	Transportation and Recreation will be at this meeting. Alfred will bring information on Ride On and 224 and Ken has high level concepts of the rec center that will tie to the high level options for the senior center.
within days after the open house	Thank you email with summary to participants	Email list and community attendees	Elizabeth	
October	Update to council	Email list and community attendees	Jonathan / Anne / EWG	Provide updates to project and actions moving forward (design)
Feb / March	Community Workshop - Update on Firestation Parcel and area concepts	Community	ALL HANDS ON DECK	Involve additional projects in the area - Transportation, Recreation, Others



**DATE: August 25, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

This report summarizes the progress toward meeting housing goals established at the February 2015 Council Retreat. Work is summarized in four areas: Regulatory Tools, City Sponsored Development, Land Acquisition and Disposition, and the Neighborhood Preservation Pilot Program. Progress includes:

- A second Study Session was conducted with a joint meeting of City Council and the Planning Commission on June 30 and was followed by a City Council Work Session on August 4 providing direction for amending the Housing Resolution to incorporate many of the recommendations made by both the Blue Ribbon Housing Commission and Economic & Planning Systems (EPS) the consultant working with staff.
- At the August 4 Work Session, Council also committed to a BHAG of completing 800 additional affordable housing units over the next 10 years, by 2026.
- The 1450-1460 Park Avenue design team received an approval from the Planning Commission for the parking CUP application on July 13. Construction Bid plans and a set of plans for permit review by the Building Department will be submitted on August 17. A "Request For Qualifications" (RFQ) was issued to evaluate interest on the part of construction firms in bidding on the project. Five firms submitted qualifications and are all qualified to bid on the project. Bids are due on Monday, September 22 at 4pm. Construction is scheduled to begin in late September of 2016 and conclude in June of 2017.
- Estimated costs have risen for 1450-1460 Park Avenue and currently stand at \$443 per SF including land and \$355 per SF without land requiring a subsidy of \$182 per SF including land or \$94 per SF without land.

**Respectfully:**

Rhoda Stauffer, Housing Specialist



# City Council Staff Report

**Subject:** Affordable Housing Update  
**Author:** Rhoda Stauffer  
**Department:** Community Development  
**Date:** August 25, 2016  
**Type of Item:** Informational

## Summary Recommendation

Staff is providing an update on progress toward affordable housing goals and strategies, one of City Council’s critical priorities: Affordable, Attainable and Middle Income Housing. No Council action is requested.

## Executive Summary

This report summarizes the progress toward meeting housing goals established at the February 2015 Council Retreat. Work is summarized in four areas: Regulatory Tools, City Sponsored Development, Land Acquisition and Disposition, and the Neighborhood Preservation Pilot Program. Progress includes:

- A second Study Session was conducted with a joint meeting of City Council and the Planning Commission on June 30 and was followed by a City Council Work Session on August 4 providing direction for amending the Housing Resolution to incorporate many of the recommendations made by both the Blue Ribbon Housing Commission and Economic & Planning Systems (EPS) the consultant working with staff.
- At the August 4 Work Session, Council also committed to a goal of completing 800 additional affordable housing units over the next 10 years, by 2026.
- The 1450-1460 Park Avenue design team received an approval from the Planning Commission for the parking CUP application on July 13. Construction Bid plans and a set of plans for permit review by the Building Department will be submitted on August 17. A “Request For Qualifications” (RFQ) was issued to evaluate interest on the part of construction firms in bidding on the project. Five firms submitted qualifications and are all qualified to bid on the project. Bids are due on Monday, September 22 at 4pm. Construction is scheduled to begin in late September of 2016 and conclude in June of 2017.
- Estimated costs have risen for 1450-1460 Park Avenue and currently stand at \$443 per SF including land and \$355 per SF without land requiring a subsidy of \$182 per SF including land or \$94 per SF without land.

## Acronyms

CUP Conditional Use Permit  
 EPS Economic & Planning Systems, Inc.  
 RDA Redevelopment Agency  
 RFQ Request for Qualifications  
 SF Square Feet

## The Problem

As an international resort community with world class recreational, hotel and leisure service amenities, Park City's job market is dominated by the hospitality and leisure sector. More than 40 percent of all jobs within the city limits are in this sector. In 2014, the average annual income earned in all employment sectors was \$44,052. Wages earned in the leisure and hospitality sector averaged \$27,456 – 38 percent below all jobs.

According to the Park City Board of Realtors, the average of median closed sales for single family homes in 2016 since January in Park City is \$1,703,071. For Midway and Heber City, the average of median sales for the same time period is \$494,989 and \$342,736 respectively. For homes in Park City to be affordable to the majority of those employed within City limits, prices would need to range between \$200,000 and \$500,000 (this range covers both affordable and attainable). Today, approximately 80% of Park City's workforce lives outside the city limits. High home prices in Park City not only result in the need to import a high percentage of our community's workforce, it causes problems that range from increased traffic to the risk that Park City could lose vibrancy because of lack of full time residents.

## Background

- In December 2014 City Council identified Affordable, Attainable and Middle Income Housing as a critical priority.
- On February 5, 2015 the City's Community Affairs Manager, and its Housing Specialist, presented a report on the current state of housing in Park City, 2014 accomplishments, a one-year action plan and five year targets.
- On March 5, 2015 Council provided direction to proceed with city-sponsored housing development at 1450/60 Park Avenue.
- On April 23, 2015 staff refined the housing action plan to reflect actions taken through that date, and actions planned through June 30, 2019 in each of the program areas: Housing Regulatory & Compliance, Housing Development, Land Acquisition and Disposition and Neighborhood Preservation. All areas were on schedule with the timeline proposed during the Council Retreat, staff and Council also discussed income targeting for city-sponsored projects. Staff presented a summary of existing housing affordability levels and anticipated housing targets for proposed projects.
- On June 4, 2015 staff had an extended study session with City Council to provide a housing update and specifically to ask City Council for approval to (1) establish a Blue Ribbon Commission on Housing as we work through Housing Resolution changes, (2) consider housing feasibility on all city-owned parking lots, and (3) conduct a feasibility analysis to rehabilitate the historic home owned by the city located at 664 Woodside Avenue.

- Since the Summer of 2015, staff is working with architects on design of a small in-fill neighborhood at the city-owned site at 1450 & 1460 Park Avenue. Construction is scheduled to begin in the Fall of 2016.
- From October of 2015 through April of 2016, with Council direction staff established and worked with the Blue Ribbon Housing Commission as well as EPS (regulatory consultants) to look at ways for the City to improve policy and regulatory tools for increased affordable housing development. Most of the recommendations have been approved or are under further review for budget and legal consideration.
- Two joint study sessions were held with City Council and Planning Commission on June 30 and July 28 which led to a Council Work Session on August 4 where Council approved amendments to the Housing Resolution regarding: A change in calculation method for the in-lieu fee; an update to employee generation calculations for commercial space; and a change income targeting to include a range of incomes. Staff requested to return with a financial analysis of cost to the city before approving an increase in fee waivers for affordable housing projects.

### **Housing Agenda Updates**

More specific updates for the past 60 days are listed per each of the four categories below:

#### **Regulatory Tools**

- The Blue Ribbon Housing Commission and work with Economic & Planning Systems, Inc. (EPS) based in Denver, Colorado was completed in March with a joint session of the City Council and Planning Commission. A follow-up session was also held on June 30 at which the group discussed potential amendments to the Housing Resolution as well as establishing a housing goal, or, using a term coined by Jim Collins, a BHAG: Big Hairy Audacious Goal.
- On August 4, Council approved Housing Resolution amendments as follows:
  - Modification of in-lieu fee calculation to incorporate real construction costs into the formula.
  - Update commercial employee generation numbers to reflect the survey conducted of local businesses by EPS.
  - Amendment to the income limits and targets for deed restricted units to reflect a range of options as follows:
    - Rental units to households earning 30 to 100 percent of Summit County AMI (\$26,500 to \$53,130; rents of \$834 to \$2,214); and

- For Sale units to households earning 60 to 100 percent of Summit County AMI (\$53,130 to \$88,560; mortgage payments of \$1,107 to \$2,214; sale prices of \$202,084 to \$353,956).
  - Staff will return with an in-depth analysis of legal and financial implications of increasing the amount of fees that can be waived for development of affordable housing units. .
- Staff is assisting two more deed restricted property owners to complete the sale of their Silver Star units to qualified buyers. This brings the total re-sales at Silver Star to four in the past three months.
- A contract was signed with Jim Wood, Ivory-Boyer Senior Fellow, Kem C. Gardner Policy Institute, University of Utah, to complete an updated affordable housing market assessment. It is due to be published in September 2016.
- Staff submitted a bi-annual report to the State regarding progress in meeting the affordable housing needs of moderate-income households in Park City.

## City Sponsored Development

### **1450/60 Park Avenue Status**

At the March 5, 2015 City Council meeting, Council directed staff to move forward with a city-sponsored, single-family affordable housing project at this site. The property is zoned Historic Residential Medium density. There are two lots of .21 acres each. In October, Council directed staff to select a design that would allow for two one-bedroom, single family homes in the two historic properties, five two-bedroom homes and one three-bedroom home on the property. Council also directed staff to move parking to the perimeter of the property – primarily on Sullivan Avenue.

- Staff continues to conduct weekly meetings with Caddis of Boulder, Colorado – the architectural firm approved by City Council on June 25, 2015. HPB has approved the Historic Preservation Plan and the HDDR has approved specific designs and plans for the rehabilitation of the historic houses and the move forward on the property.
- A parking CUP was required in order to place parking on Sullivan Avenue. It was reviewed by Planning Commission at their July 13 meeting and approved by a “three to two” vote. There have been a number of delays in order to fit all the parking required on Park Avenue and Sullivan Street in such a way as to comply with planning and engineering requirements – balancing historic district issues with that of new construction. The resulting site plan that will be submitted with an application for condominium plat is included as Exhibit A. This parking

arrangement will require one tandem arrangement on Sullivan as well as a parking easement granted from the 1460 lot to the 1450 lot.

- Early construction estimates are indicating that costs are higher than initially anticipated. The construction bids we will receive on September 22 will finalize costs however estimates received from the architect's estimator in July are indicating that the costs per SF stand at \$443 including land and \$355 per SF without land requiring a subsidy of \$182 per SF including land or \$94 per SF without land. Based on this, the total project costs will be \$3,023,520 (\$3,773,520 with land) and the revenue will be \$2,225,580 if selling to persons at 60% of AML.
- Construction is scheduled to begin in late September of 2016 and conclude in June of 2017.

### **Lower Park Avenue Status**

On June 30, 2016 the City Council awarded a contract to Elliott Work Group for planning and design for housing and other civic uses on City owned property in the Lower Park Avenue Redevelopment Authority (RDA). The scope included:

1. Delivering housing on the fire station parcel as the most important priority;
2. Creating a master plan and subsequent RFP to secure a team to develop housing on the remaining land from Woodside to Empire;
3. Conducting a feasibility exercise on the program and location for senior needs;
4. Examining proximate, existing city facilities for highest and best use.

Economic Development, Housing, Planning and Community Development staff are part of the design team working with Elliott Workgroup and have been meeting weekly to refine initial design options for the Fire House Station. Three concepts have been refined to the point that a Study Session will be held and direction is being sought at the August 25 City Council meeting to further develop a preferred option. The efforts have considered various tradeoffs and inputs, balancing: underlying zoning (height, setbacks, density, etc.); density; streetscape and neighborhood compatibility; access and driveway locations; affordability and other financial implications; walkability and neighborhood connectivity; as well as good design and ability to fit into a broader neighborhood master plan, concurrently being created by Elliott Work Group.

A separate report with three design concepts has been submitted to Council for the August 25 meeting, which is the same meeting where this report will be presented.

## **Land Acquisition and/or Disposition**

Staff continues feasibility analysis on possible land acquisitions to provide new affordable housing options. As options become more clearly viable, they will be

presented to Council in Closed Session for consideration. While under Utah law property acquisitions may be discussed in Closed Session to allow for the negotiation of best possible terms, final acquisition of any property must be approved by the City Council in an open and public meeting.

## Neighborhood Preservation Pilot Program

Staff is conducting weekly review of MLS listings and analyzing the feasibility for purchase of existing properties. Analysis includes the cost of HOAs and Condo Association fees and how they can impact affordability. We will be bringing the results of this analysis to City Council in the next 30 – 60 days.

### How this work furthers the goals of the General Plan

Goal seven of the General Plan states “Create a diversity of primary housing opportunities to address the changing needs of residents” and goal eight states: “increase affordable housing opportunities and associated services for the workforce of Park City.” All efforts and issues identified here are to increase the number of units affordable to members of Park City’s workforce. General Plan objectives that are addressed by this work include:

- 7A - Increase diversity of housing stock to fill void within housing inventory.
- 7E - Create housing opportunities for the city’s aging population.
- 8A - Provide increased housing opportunities that are affordable to a wide range of income levels.
- 8C - Increase housing ownership opportunities for workforce within primary residential neighborhoods.

### Department Review

The following Departments have reviewed this Staff Report: Community Development, Sustainability, Budget, City Attorney and Executive.

### Funding Source

Funding has been reserved for these programs. A combination of Resort Sales Tax and RDA funding – both Capital budgets.

### Attachment

- Exhibit A – 1450-1460 Site Plan
- Exhibit B – Housing Agenda Chart



NOTE: REFERENCE EXISTING SITE PLAN FOR EXISTING PLANTING AND VEGETATION. DUE TO EXTENSIVE SITE REHABILITATION, GROUND COVER AND TREES WILL BE REMOVED AND REPLACED PENDING APPROVAL THROUGH THE BUILDING PERMITTING PROCESS.

NOTE: ALL UTILITY SERVICES FOR THE HISTORIC BUILDINGS ARE TO BE ABANDONED AND CAPPED AND OLD METERS REMOVED. GENERAL CONTRACTOR TO COORDINATE LOCATION OF ALL NEW METERS AND ACCESSORY EQUIPMENT WITH THE RESPECTIVE UTILITY COMPANIES. GENERAL CONTRACTOR IS RESPONSIBLE FOR MEETING ALL UTILITY COMPANY STANDARDS AND SPECIFICATIONS FOR THE DELIVERY OF THEIR PARTICULAR UTILITY SERVICES. ALL UTILITIES SHALL BE NEW SERVICE FOR ALL UNITS, INCLUDING BUT NOT LIMITED TO: SEWER, WATER, GAS, ELECTRIC, CABLE/PHONE. REFER CIVIL PLANS FOR MORE DETAILS.

NOTE: GENERAL CONTRACTOR WILL PREPARE SITE BY REMOVING TREES PER DIRECTION FROM PARK CITY, ARBORIST REPORT PENDING. SITE SHALL BE GRUBBED AND CLEARED TO MAKE READY FOR ROUGH GRADING AND MOVING OF THE HISTORICAL STRUCTURES FOR REHABILITATION WORK. REFER PROJECT MANUAL FOR GEOTECHNICAL REPORT FOR SOILS FOUND ON SITE AND FINDINGS OF SOILS LEAD CONTAMINATION. THE GENERAL CONTRACTOR WILL TAKE ALL ACTIONS NECESSARY TO SAFELY HANDLE, ENCAPSULATE AND DISPOSE, AS NEEDED, CONTAMINATED SOILS IN ACCORD WITH THE LAWS AND REQUIREMENTS OF THE REGULATORY AGENCIES HAVING JURISDICTION OVER SITE CONTAMINATION AT THIS LOCALITY.

NOTE: FOR EROSION AND SEDIMENTATION CONTROLS DURING CONSTRUCTION REFER TO CIVIL DRAWINGS

### DEVELOPMENT DATA

(2 UNITS) 1 BEDROOM, HISTORIC RENOVATION  
 (5 UNITS) 2 BEDROOM, SINGLE FAMILY  
 (1 UNIT) 3 BEDROOM, SINGLE FAMILY  
 (11) PARKING SPACES

FLOOR AREA (HISTORIC RENOVATION)	1,545 GSF
FLOOR AREA (NEW CONSTRUCTION)	6,900 GSF
TOTAL FLOOR AREA	8,445 GSF

### UNIT DATA

HISTORIC UNIT A (1460 PARK AVE)	1 BR / 710 GSF
HISTORIC UNIT B (1450 PARK AVE)	1 BR / 835 GSF
UNIT C - SINGLE FAMILY 2 STORY (TYPE 1)	2 BR / 1,120 GSF
UNIT D - SINGLE FAMILY 2 STORY (TYPE 2)	2 BR / 1,120 GSF
UNIT E - SINGLE FAMILY 2 STORY (TYPE 3)	2 BR / 1,120 GSF
UNIT F - SINGLE FAMILY 2 STORY (TYPE 4)	3 BR / 1,300 GSF
UNIT G - SINGLE FAMILY 2 STORY (TYPE 1)	2 BR / 1,120 GSF
UNIT H - SINGLE FAMILY 2 STORY (TYPE 2)	2 BR / 1,120 GSF

### SITE DATA

LOT AREA	18,295 SF	100%
BUILDING COVERAGE (HISTORIC RENOVATION)	1,720 SF	9%
BUILDING COVERAGE (NEW CONSTRUCTION)	4,293 SF	23%
PARKING AREA	2,390 SF	13%
DRIVE LANE (ON LOT)	585 SF	3%
DRIVE LANE (OFF LOT)	856 SF	-
DRIVE LANE TOTAL	1,441 SF	-
WALKWAYS	1,200 SF	7%
LANDSCAPED AREA	8,107 SF	45%
PARKING AREA TOTAL LOT COVERAGE	10,188 SF	55%
SNOW STORAGE REQUIRED	755 SF	(15% OF HARD SURFACE)
SNOW STORAGE PROVIDED	866 SF	



Caddis Architecture, Inc.  
 1510 Zama Ave. #1103  
 Salt Lake City, UT 84119  
 www.caddispc.com

## PARK AVE. AFFORDABLE HOUSING

14501 Park Ave.  
 Park City, UT 84060

Stamp

Stamp

This document contains proprietary information belonging to Caddis, or its affiliated companies and shall be used only for the purpose for which it was supplied with the prior written consent of Caddis.

Full Size: 0' 1" 2"  
 Date: 08/17/2016

Project: PROJECT # 1521

Archive:

Plot Date: 8/10/2016 7:48:41 PM

ISSUANCES:

No.	Date	Description

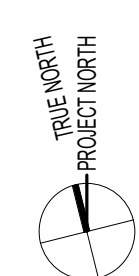
## PERMIT SET

## ARCHITECTURAL SITE PLAN

A-001



1 ARCHITECTURAL SITE PLAN  
 1/8" = 1'-0"



# Moving Forward: The Housing Agenda

Housing Areas of Focus	<div style="background-color: #f0e68c; padding: 5px; text-align: center;"><b>Regulatory Tools</b></div> <ul style="list-style-type: none"> <li>✚ Housing Nexus Review</li> <li>✚ Code Barrier(s) Analysis</li> <li>✚ Housing Resolution Update</li> <li>✚ Inclusionary Housing Plans</li> <li>✚ Compliance</li> </ul>	<div style="background-color: #4f81bd; padding: 5px; text-align: center;"><b>City Sponsored Development</b></div> <ul style="list-style-type: none"> <li>✚ 1450/1460 Park Avenue</li> <li>✚ City-owned land in Lower Park Avenue</li> <li>✚ New city projects</li> </ul>	<div style="background-color: #c0504d; padding: 5px; text-align: center;"><b>Land Acquisition &amp; Disposition</b></div> <ul style="list-style-type: none"> <li>✚ Parcel Identification</li> <li>✚ Feasibility Studies</li> <li>✚ Policy Development</li> </ul>	<div style="background-color: #4f81bd; padding: 5px; text-align: center;"><b>Neighborhood Preservation Pilot</b></div> <ul style="list-style-type: none"> <li>✚ Neighborhood Preservation Pilot Program</li> </ul>
<b>Actions Taken</b>	<ul style="list-style-type: none"> <li>✓ Deed restrictions for Park City Heights Recorded</li> <li>✓ Request for Proposals(RFP) for Housing Nexus Review and Housing Barrier Analysis issued</li> <li>✓ Award of contract for Housing Nexus Review and Barrier Analysis to EPS</li> <li>✓ IHC Housing Plan approved by Housing Authority</li> <li>✓ Housing Resolution updated to permit banking of affordable units.</li> <li>✓ Work with EPS substantially complete</li> <li>✓ Blue Ribbon Housing Commission appointed, participated in educational presentations and finalized their approval of EPS's work as well as their own separate report.</li> <li>✓ Central Park Condominium affordable housing mitigation plan approved.</li> </ul>	<p><b><u>1450/60 Park Avenue</u></b></p> <ul style="list-style-type: none"> <li>✓ Massing studies complete</li> <li>✓ Design Team under contract</li> <li>✓ Capital budget reserved</li> <li>✓ Architecture and engineering in full swing</li> <li>✓ Environmental conditions analysis completed</li> <li>✓ Site options presented and choice made by City Council.</li> </ul> <p><b><u>Lower Park Avenue</u></b></p> <ul style="list-style-type: none"> <li>✓ Completed Stakeholder interviews and 10 community engagement group exercises</li> <li>✓ Capital budget reserved</li> <li>✓ Design Studio completed and outcomes presented</li> <li>✓ Follow-up direction both with City Council and engaging the community completed</li> <li>✓ RFP for design services issued</li> </ul> <p><b><u>New City Projects</u></b></p> <ul style="list-style-type: none"> <li>✓ Housing feasibility analysis for Brew Pub lot completed</li> <li>✓ Feasibility studies for city-owned parking lots underway</li> <li>✓ 664 Woodside feasibility analysis completed</li> </ul>	<ul style="list-style-type: none"> <li>✓ Potential for affordable housing incorporated into City Property Master Plan.</li> <li>✓ Capital budget reserved</li> <li>✓ Sommer property purchased</li> <li>✓ A number of additional opportunities analyzed</li> </ul>	

<p><b>FY2016:</b> <b>January 1 – June 30, 2016</b></p>	<ul style="list-style-type: none"> <li>✓ Annual compliance review of deed restricted units completed</li> <li>✓ Vail Housing Plan under active review</li> <li>✓ Blue Ribbon Commission completed their work and presented a final report to both Planning Commission and City Council</li> <li>✓ EPS completing final report for April 28 joint meeting of City Council and Planning Commission.</li> <li>✓ Second joint-meeting completed on June 30.</li> </ul>	<p><b><u>1450/60 Park Avenue</u></b></p> <ul style="list-style-type: none"> <li>✓ Historic Preservation Plan submitted to HPB on February 3. It was continued to March 2 and approved.</li> <li>✓ CUP application approved</li> <li>✓ Hazard remediation completed</li> </ul> <p><b><u>Lower Park Avenue</u></b></p> <ul style="list-style-type: none"> <li>✓ RFP issued for design services of a number of city-owned properties</li> <li>✓ Awarded contract to Elliott Workgroup</li> </ul> <p><b><u>New City Projects</u></b></p> <ul style="list-style-type: none"> <li>✓ Staff analyzing a number of opportunities to buy and/or produce additional units</li> <li>✓ 664 Woodside property sold</li> </ul>	<ul style="list-style-type: none"> <li>✓ Matrix designed by staff to evaluate the cost/benefit of future purchase and/or joint venture opportunities.</li> <li>✓ 1365 Woodside purchased</li> <li>✓ BoPa property under negotiation for a Feb 2017 close.</li> <li>✓ Continued negotiations with four private parties</li> </ul>	
<p><b>FY 2017:</b> <b>July 1, 2016 – June 30, 2017</b></p>	<ul style="list-style-type: none"> <li>✓ Council approved Housing Resolution revisions.</li> <li>✓ Annual compliance review of deed restricted units moved to Spring/Summer annually</li> <li>✓ Park City Heights sales continue</li> </ul>	<p><b><u>1450/60 Park Avenue</u></b></p> <ul style="list-style-type: none"> <li>✓ RFQ completed resulting in a pool of qualified bidders for the construction documents</li> <li>✓ Construction to begin by Fall</li> <li>✓ Sales in Early 2017</li> </ul> <p><b><u>Lower Park Avenue</u></b></p> <ul style="list-style-type: none"> <li>✓ Concepts produced for housing at the Fire Station and will be presented at August 25 Council meeting.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Feasibility analysis and/or implementation as potential sites are identified</li> <li>✓ Negotiation continues for partnership with private developers</li> </ul>	<ul style="list-style-type: none"> <li>✓ Program being rolled out on a case by case basis.</li> <li>✓ Reviewing MLS listings on a weekly basis for viability and feasibility.</li> </ul>
<p><b>FY 2018:</b> <b>July 1, 2017 – June 30, 2018</b></p>	<ul style="list-style-type: none"> <li>✓ Annual compliance review of deed restricted units</li> <li>✓ Housing Resolution Review</li> <li>✓ Park City Heights sales continue</li> </ul>	<p><b><u>Lower Park Avenue</u></b></p> <ul style="list-style-type: none"> <li>✓ Development continues</li> </ul> <p><b><u>New City Projects</u></b></p> <ul style="list-style-type: none"> <li>✓ Future milestones to be developed</li> </ul>	<ul style="list-style-type: none"> <li>✓ Feasibility analysis and/or implementation as potential sites are identified</li> </ul>	



**DATE: August 25, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Transportation Planning staff has been working with the Utah Department of Transportation (UDOT) for the past several years to identify locations for permanent Variable Message Signs (VMS) within the UDOT right of way. The City currently owns two portable trailer VMS and rents several others for special events. The City has expressed a desire to have permanent signs in several locations that we typically use for events or informational purposes. UDOT has also expressed a desire to provide traffic information for drivers. UDOT will be installing four permanent signs within the next two months.

**Respectfully:**

Brooks Robinson, Senior Transportation Planner



## City Council Staff Communications Report

**Subject:** Permanent Variable Message Signs  
**Author:** Alfred Knotts, Transportation Planning Manager  
Brooks Robinson, Senior Transportation Planner  
**Department:** Transportation Planning  
**Date:** August 25, 2016  
**Type of Item:** Informational

Transportation Planning staff has been working with the Utah Department of Transportation (UDOT) for the past several years to identify locations for permanent Variable Message Signs (VMS) within the UDOT right of way. The City currently owns two portable trailer VMS and rents several others for special events. The City has expressed a desire to have permanent signs in several locations that we typically use for events or informational purposes. UDOT has also expressed a desire to provide traffic information for drivers. UDOT will be installing four permanent signs within the next two months.

Under a Cooperative Agreement with UDOT, the City purchased four VMS signs. A UDOT contractor will be installing the 6-foot wide by 4-foot 1-inch high signs at the following locations:

- Westbound on SR 248 between the North 40 entrance and PCSD district offices
- Eastbound on SR 248 near the LDS Seminary across from the High School
- Southbound on SR 224 near Hotel Park City
- Northbound on SR 224 (Deer Valley Dr) prior to Bonanza Drive

The existing orange trailer signs are approximately 11-feet 6 inches by 6-feet 2 inches and are installed approximately 7 feet from the ground to the bottom of the board. The permanent signs are smaller, installed at 5 feet above grade and will have wood and metal strap decorative treatment similar to the City's blue wayfinding signs. In addition, two cameras that will be part of the CommuterLink system will be installed at the intersection of Bonanza Dr and Deer Valley Dr as well as the Bonanza Dr and Kearns Blvd intersection.

UDOT has fiber optic cable installed that links all the traffic lights in the Snyderville Basin, including Park City. The VMS and cameras will tie into the fiber optic system and into the Traffic Operations Center in Salt Lake City. The Agreement with UDOT also includes a fiber optic cable tie-in to the Police Department at Snow Creek Dr. The City will then be able to connect into the system directly.

Several City departments, including Transportation Planning, Emergency Services, Police, Special Events, Public Utilities, and Informational Services have been involved in this project. Messaging on the VMS is controlled by UDOT with a phone call or email by the City to change to pre-determined messages. With the permanent signs, the City's portable VMS can be better utilized at other locations without the need to rent other signs.



**DATE: August 25, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Attached for your approval, please find the minutes for July 14, 2016 and August 4, 2016. Thank you for your consideration.

**Respectfully:**

Michelle Kellogg, City Recorder



**PARK CITY COUNCIL MEETING SUMMARY - DRAFT**  
**445 MARSAC AVENUE**  
**PARK CITY, SUMMIT COUNTY, UTAH 84060**

**July 14, 2016**

The Council of Park City, Summit County, Utah, met in open meeting on July 14, 2016, at 11:45 a.m. in the City Council Chambers.

Council Member Beerman moved to close the meeting to discuss property, personnel, and litigation at 11:49 a.m. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

**CLOSED SESSION**

Council Member Matsumoto moved to adjourn from Closed Meeting. Council Member Beerman seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

**WORK SESSION**

**Council Questions and Comments:**

Hugh Daniels, Emergency Manager, presented Heinrich Deters, Sustainability, with a plaque commemorating his mention in Salt Lake Magazine as a Park City hometown hero.

Council Member Matsumoto attended the Special Events committee meeting this week, reported they are happy with the steps staff has made to minimize the impacts of big events on the community. Attended Rec Board where the master plan was discussed. Stated there are a lot of dead trees up Empire Pass and wonders if someone should look into this situation. Diane Foster, City Manager, stated they have looked into this in the past. Bruce Erickson, Planning Department Manager, reported the trees have been affected by changes in the water table, disease and dust. He said inside the ski boundaries there are requirements for trees and they're working on a wildfire interface and said he and Deters will look into it tomorrow.

Council Member Henney presented to the Lodging Association regarding the trademark situation and made it clear there had been a shift in Council's position in response to Vail's recent actions. Attended the Leadership alumni picnic Monday. Participated in the lieutenant governor's visit out in Kamas. Attended the Chamber lunch where Greg Schirf, founder of Wasatch Brewery, was awarded the Myles Rademan Spirit of Hospitality Award. He concluded by reading a list of "best ever" awards.

Council Member Gerber attended the Chamber lunch and the event with Lieutenant Governor Cox. Also attended the Leadership alumni picnic, mine tour, rally and parade, where she got married. She thanked all who helped make the Fourth of July event so amazing. Attended the Peace House board meeting and reported they have a few fundraising events coming up. Attended last night's Planning Commission meeting where the Treasure Hill application and density issues were discussed.

Council Member Beerman said this Fourth of July celebration was the best ever; gave a shout out to Council Member Gerber and city staff for doing such a great job. He stated Representative Chaffetz hosted a press conference, joined by Representatives Stewart and Love, where they announced they will deliver a bill to Washington for the Central Wasatch National Conservation and Recreation Area, which will deliver added protection to the Wasatch Range. This is something Mountain Accord has worked on for three years and he's shocked we've gotten this far. He reported he also attended the event with Lieutenant Governor Cox and invited him to spend a day in Park City later this summer. Attended a UAMPS meeting, which is a company that works with municipalities delivering alternative energy. Attended Salt Lake's announcement where they announced a new energy goal. Was impressed by yesterday's rally. Kudos to the Planning Commission, who is doing a fantastic job, and to Council Member Gerber for staying till the end of the meeting.

Mayor Thomas thanked Council Member Gerber for allowing him to marry her. Attended the acknowledgement of former police officer Rodney Schreurs, who was killed by a drunk driver in 1984. Stated he would like to see a plaque honoring Schreurs hung somewhere in City Hall. Attended the Historic Society meeting. Attended the Public Arts and Advisory Board meeting where they will be welcoming four new members this week. Attended the Fire Board meeting. Attended the Chamber lunch where Chief Carpenter and Sheriff Martinez were acknowledged for their service. Thanked the community for a well-attended rally yesterday. Lastly, he thanked Vail for meeting with him.

**Review Draft Ordinance Amending Title 11, Chapter 13- Impact Fees of the Municipal Code of Park City, Utah:**

Michelle Downard, Deputy Building Official, reported on changes to the impact fees of the Municipal Code. She reported the changes will make it easier for applicants to calculate their own impact fees. Downard stated the fees and revenue will stay the same, only the layout will be changed to be more orderly. The one exception is the outdoor dining deck commercial impact fees for water. Dining decks are currently charged for water; however, they are looking to eliminate those fees from the table.

Council Member Beerman asked if outdoor water impact fee formulas are based on the size of an applicant's yard, to which Downard stated yes. Beerman also asked if applicants currently have to appeal for fee mitigation if they choose to xeriscape their lots in the beginning. Downard said the outdoor water impact fee is based on the amount of disturbed area and that applicants can come back after landscaping for a 50% refund. Beerman said he would like this refund process be easier, or repealed, in order to incentivize more people to xeriscape up front.



Erickson stated because of the inspection time and amount of temporary, up-front irrigation to get drought-tolerant plants off the ground, they prefer to stick with the refund system until they sort out all the xeriscaping definitions. Anne Laurent, Community Development Director, stated the rebate system is a good system since people don't always follow through on what they say they'll plant, but reiterated they do tell people about the rebate up front and encourage it.

**REGULAR MEETING**

**I. ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Jack Thomas	Mayor	Present
Andy Beerman	Council Member	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Cindy Matsumoto	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Tom Daley	Deputy City Attorney	Present
Matt Dias	Assistant City Manager	Present
Karen Anderson	Deputy City Recorder	Present

**II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

**Staff Communications Reports:**

- **Ice Arena Scheduled Closure Report**
- **Park City Main Street Plaza Design Update**
- **Quarterly Budget Report – Fourth Quarter 2016**
- **Neighborhood Traffic Management Program Update**

Foster spoke in regards to the trademark issue with Vail, disclosing that her husband, Hutch Foster, has been employed by Park City Mountain Resort, and thus Vail, for 16 years as a ski patrol director. Foster stated that while Hutch is quite removed from CEO Bill Rock and that the city attorney has determined she does not have a conflict of interest in dealing with Vail, she will refrain nonetheless from attending meetings on this topic in order to avoid any conflict of interest.

Mayor Thomas thanked the community for engaging peacefully in the public process yesterday by voicing their concern and demonstrating their commitment to the Vail trademark issue. He said their voices were heard and expressed that he and City Council share the community's frustration and anxiety. He assured everyone we are indeed holding firm to our position. Reported the US Patent and Trademark Office approved the City's 60-day extension to refute Vail's position. He reminded the community that a survey link is available on the City homepage for citizens to

contribute their comments.

Regarding the neighborhood traffic update on Lowell Avenue residential parking, Council Member Henney asked for clarity on where we're at on this. Matt Cassel, City Engineer, reported they will be adding signage and explained the difficulty with this area involving zones between residential and transitional areas. Henney asked if Cassel needed help from land management code to address parking congestion. Cassel discussed several ways they're trying to work with the resort and residents to find solutions to this issue.

**III. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)**

Mayor Thomas opened the meeting for those wishing to comment on items not being addressed on the agenda. No comments were heard. Mayor Thomas closed the public input portion of the meeting.

**IV. CONSIDERATION OF MINUTES**

**Consideration to Approve City Council Meeting Minutes from June 23, 2016:**

Council Member Worel moved to approve the City Council Meeting minutes from June 23, 2016. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**V. CONSENT AGENDA**

**1. Consideration to Approve Resolution No. 16-2016, a Resolution Proclaiming July 15, 2016, as Sister Cities International Day:**

Council Member Beerman moved to approve Resolution No. 16-2016, a Resolution Proclaiming July 15, 2016, as Sister Cities International Day. Council member Worel seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**VI. NEW BUSINESS**

**1. Consideration to Approve the Level Three Special Event Permit for the Tour of Utah, as Conditioned, on the Following Dates: Saturday and Sunday, August 6-7, 2016**

Jenny Diersen, Special Events, along with Bob Kollar of the Park City Chamber, and Todd Hageman, Tour of Utah director, reported on changes to this year's Tour event. Diersen stated they have permitted this event for the past six years, which is a Saturday and Sunday event. As a Level Three festival event, Diersen said they anticipate around 15,000 spectators. She went on to discuss the roads and areas that will be closed and/or affected by the Tour as well as where general parking locations will be. She

stated costs have increased due to this year's changes: total costs for the event would be about \$103,000 and they are asking for a city services cost increase of \$4,800.

Council Member Worel asked about the economic impact to the city. Kollar states they don't have specific data on that but they will be doing surveys this year and hope to have feedback. Council Member Henney asked about funding for public safety issues. Diersen stated they don't have any extra security concerns and reiterated they have enough funds to provide sufficient security.

Mayor Thomas opened the public hearing. No comments were heard. Mayor Thomas closed the public hearing.

Council Member Henney moved to approve the Level Three Special Event Permit for the Tour of Utah, as conditioned, on the following dates: Saturday and Sunday, August 6-7, 2016. Council Member Beerman seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

**2. Consideration to Approve Ordinance 2016-32, an Ordinance Approving the Lilac Hill Subdivision Located at 632 Deer Valley Loop, Park City, Utah, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:**

Anya Grahn, Planning, reported this property is the burned out house on Rossi Hill drive and has had a varied and long history. The previous owners spent 30 years trying to gain ownership of this land from the BLM. The sale was finalized to the current owner in February. Grahn stated the land could accommodate up to 10 dwelling units; however, she stated there has not been an application yet received for a future subdivision or plan. Grahn stated Staff is concerned about development here as they don't want to lose the historic character of this hillside; therefore, they suggested a condition of approval be added to require new development comply with historic site design guidelines. As the lot currently exists, one lot with just the historic house, it must comply with historic guidelines. However, any future subdivision would not have to comply with historic guidelines as they are not historic sites. The Planning Commission felt that was a bit pre-emptive so they chose to add the condition of approval echoing the purpose statement of the district, which Grahn read to Council.

The applicant, Justin Keys, thanked Grahn for her work on this and stated this is a simple first step in order to have this parcel recognized as a subdivision, but in this case it's just having the parcel recognized as a single lot since no action can be taken until that happens.

Council Member Beerman asked for more background information on these lots and asked if these were plotted lots. Grahn reported that these houses were built on old mining claims, owned by individuals, but the land was owned by the BLM and they

determined the lot lines. Beerman also asked how we determine what is allowed on these lots, such as density. Grahn said lot size determines density and what is required by the RM zone. She said the maximum units that could be built would be two four-plex units and one duplex.

Council Member Matsumoto asked for clarification on what Grahn's guideline proposal would entail. Grahn said it would require any new development to comply with the historic guidelines and character of that area, since currently any new development would not have to comply with those guidelines. Matsumoto asked about the size of additions that would be allowed. Grahn stated there is no footprint allowance in this zone, so additions could be as big as wanted as long as they meet the setback requirements. Matsumoto said she desires to have a stronger condition of approval for the size of additions.

Council member Worel asked if more teeth could be put in to the purpose statements. Grahn stated they could come up with an amendment if Council felt it was necessary. Council Member Henney asked about legal authority and entitlements for these lots. Tom Daley, Deputy City Attorney, explained the claim to federal land is not relevant here since the former owners had full title to the property. Henney stated they received letters from citizens regarding this parcel and he will reply to all the letters in the next few days.

Mayor Thomas opened the public hearing.

Diane Bernhardt, Coalition Court resident speaking on behalf of several HOAs in the area, stated her group is advocating for historic preservation and protection of this land. Stated since the RM zoning does not enforce preservation of open space, they must take precautions to ensure safeguards are in place to protect the historic nature. Bernhardt went on to explain their desires for the future use of this parcel.

Bob Gurss, Rossi Hill resident, stated many neighbors are interested in future development of this land and wish to buy it or have the city possibly buy it.

Matthew Sheer stated he feels Planning Commission has tried to kick this topic down the road and hopes Council will set a precedent to protect this land. He urged Council to look carefully at protecting it.

Christina Schiebler said she stands in agreement with her neighbors on this issue.

Mayor Thomas closed the public hearing.

Council member Matsumoto stated she doesn't want to make this a lot because then developers can subdivide it and increase the density and do other unfavorable things. She asked for further clarification on what can and can't be done with the existing structure on this lot. Grahn reminded Matsumoto that Council is able to add any conditions of approval they feel are necessary.

Council member Beerman asked the residents present if they have thought about working with the current owner to buy down the density on these lots and work with the BLM to create their own plan preservation. Several residents stated they have had conversations with the owner, with several staff members, and have attended COSAC meetings. They said they know there are resources available to preserve this land and that they are figuring out what those are.

Council member Henney asked what the most extreme thing Council is legally allowed to do to influence this property. Daley reminded Council about the condition of approval that staff has already recommended and to look in to how many of Council's concerns will be addressed by the approval. Diane Foster, City Manager, reminded Council they can ask for a continuance in order to give Staff time to come back with more information. Bruce Erickson asked Council to allow staff the chance to add precision to the language of the proposed condition of approval.

Council member Matsumoto moved to continue Ordinance 2016-32, an Ordinance approving the Lilac Hill Subdivision located at 632 Deer Valley Loop, Park City, Utah, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council member Worel seconded the motion.

**RESULT: CONTINUED TO A DATE UNCERTAIN**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto, and Worel

**3. Consideration to Approve Ordinance No. 2016-33, an Ordinance Approving the Sterlingwood Condominiums Second Amended Plat – Amending Unit 16, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney**

Erickson, sitting in for Makenna Hawley, asked for permission to amend the plat to allow for an enclosure of an unused stairway.

Council Member Henney moved to approve Ordinance No. 2016-33, an Ordinance approving the Sterlingwood Condominiums Second Amended Plat – amending Unit 16, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Worel seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**VII. ADJOURNMENT**

With no further business, the meeting was adjourned.

Karen Anderson, Deputy City Recorder



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**PARK CITY COUNCIL MEETING MINUTES - DRAFT**  
**445 MARSAC AVENUE**  
**PARK CITY, SUMMIT COUNTY, UTAH 84060**

**August 4, 2016**

The Council of Park City, Summit County, Utah, met in open meeting on August 4, 2016, at 12:00 p.m. in the City Council Chambers.

Council Member Beerman moved to close the meeting to discuss property and personnel at 12:00 p.m. Council Member Henney seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

**CLOSED SESSION**

Council Member Beerman moved to adjourn from Closed Meeting. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

**WORK SESSION**

**Council Questions and Comments:**

Council Member Henney stated he would recuse himself from Item One on the regular agenda because of his personal relationship with a Summit Community Power Works employee and from Item Three because of a financial relationship he had with the Christian Center. He indicated that he attended the Joint City Council and County Council meeting where a lot of ground was covered and a position of clear support for the County tax initiative was reached. He attended a light bulb switch out for two facilities, noting that 1,000 bulbs in Park City and 300 in Kamas were replaced with LED bulbs. Council Member Henney thanked all who were part of that event, and asserted that walking into some of those apartments was a good experience, noting there was a definite need for a demographic in our community. He attended the Joint Transportation Advisory Board (JTAB) and indicated they received a grant to help cover the purchase of six electric buses. He attended the Western Summit County Water Regionalization meeting, where an alternate proposal for a reservoir was discussed. He also went to Phyllis Robinson's farewell party.

Council Member Worel stated she attended the Summit County Board of Health meeting, where they discussed stepping up efforts on recycling, including the need to increase recycling education for Park City visitors. She also attended the JTAB meeting

1 and was excited that five out of the 12 new buses were here and would be on the  
2 streets by October.

3  
4 Council Member Matsumoto thanked the transportation staff of the City and County for  
5 working so well together to reach common goals. She attended the Historic  
6 Preservation Board meeting, where she went on a site visit for a designation of  
7 significance. They were also in the process of making guideline changes.

8  
9 Council Member Gerber attended the Best of Park City Event and noted that the City  
10 bus drivers and police officers were recognized. She attended a burgermeister lunch,  
11 the Joint City Council meeting and the Planning Commission meeting. There was a  
12 discussion on increasing density and she asked that the Council talk about this subject  
13 at some point. She also indicated she helped replace light bulbs with the Summit  
14 Community Power Works (SCPW) and Mountainlands and enjoyed meeting the  
15 residents.

16  
17 Council Member Beerman stated he met with the Central Wasatch Commission and  
18 they were making progress on the legislation. He also noted that an interlocal  
19 agreement was being worked on. He went to Washington, DC, for an EPA meeting with  
20 the Local Government Advisory Council, and indicated that group was optimistic with  
21 regard to the Clean Air Act, which was waiting to be heard by the Supreme Court. He  
22 also helped with installing LED light bulbs in housing projects. Council Member  
23 Beerman commented that last week the Mayor swore in new police officers and the next  
24 day Officer Comer helped him with an incident at the hotel. He also indicated that next  
25 week a group from China would be in town to learn about the Salt Lake Olympics as  
26 they plan for their Olympics. He also attended the Citizens Open Space Advisory  
27 Committee (COSAC) meeting and the hope was to put a preservation easement on the  
28 library field.

29  
30 Mayor Thomas stated he would recuse himself from Item Four on the regular agenda  
31 because he owns a trailer that remains on his property and from Item Six because he  
32 worked on the North Silver Lake development. He attended the Fire Board meeting, and  
33 indicated the Fire Chief decided to stay on. The fire policies were also being rewritten to  
34 coincide with the policies in Summit County. He indicated that Phyllis Robinson's  
35 farewell party was amazing.

36  
37 **National Register of Historic Places Designation of Park City Library:**  
38 The Council members went to the Library for the unveiling of a plaque which dedicated  
39 the building as an official place on the National Register of Historic Places. After some  
40 comments by Mayor Thomas, Adriane Juarez, Library Department Manager, and some  
41 library board members, the Council returned to the Council Chambers to continue the  
42 work meeting.

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1 **Water Conservation Update:**

2 Jason Christensen and Brenda Wilde, Water Department, Troy Daley, Streets Manager,  
3 and Clint Daley, Parks and Golf Manager, presented this item. Christensen reviewed  
4 the programs put in place to help reduce water consumption. One tool was a program,  
5 Water Smart, where users could track where and when they use the most water. Two  
6 years into this program, he felt it had been very successful.

7  
8 Wilde explained the Rain Harvest Program, in which the Water Department sold rain  
9 barrels that residents could use to capture rain water for yard use. Christensen also  
10 discussed the additional conservation tiers of water rates which had been recently  
11 added. He highlighted that the tiers promoted less usage in order for residents to  
12 maintain a smaller water bill.

13  
14 Clint Daley explained that the golf course hired a consultant to evaluate the water  
15 usage. Several programs were suggested, including more efficient sprinkler heads and  
16 soil moisture sensors. Another long-term goal was to upgrade the pump to reduce  
17 energy costs.

18  
19 Troy Daley, Parks and Cemetery, reported his department was also changing sprinkler  
20 heads and had other projects in the works. A park inventory assessment was performed  
21 and a Smart Controller was upgraded.

22  
23 Council Member Beerman asked how many people had signed onto the Water Smart  
24 program. Christensen stated that 40% of the population had signed up. Christensen  
25 stated his department was heartened by the positive response to these programs, and  
26 noted that the conservation efforts by the community would continue in years to come  
27 as people adjusted to the consequences of the additional tiers for water rates.

28  
29 **Discuss New Housing Goals and Proposed Amendments to Housing Resolution**  
30 **13-15:**

31 Rhoda Stauffer and Anne Laurent, Community Development, presented this item. They  
32 stated that the EPS study identified that 80 units of affordable housing would need to be  
33 constructed each year for the next ten years in order to meet the affordable housing  
34 goal of having 20% affordable housing. Stauffer clarified that the affordable housing  
35 units would include both rentals and home ownership units.

36  
37 Stauffer proposed amendments to the affordable housing resolution to modify the in-lieu  
38 fee calculation, revise income targets, update employee generation table numbers, and  
39 waive building and impact fees for affordable housing development outside of the  
40 obligated affordable housing by private development. Laurent praised the Blue Ribbon  
41 Housing Commission for the tremendous amount of work they had done, and she  
42 hoped to move forward with their recommendations.

43



1 Council Member Gerber stated this was very important. She thought the City should aim  
2 for 800 affordable units in the City and hoped the 20% should be the minimum goal of  
3 the City. Laurent stated the 20% was a target but not a goal and was comfortable  
4 increasing that number.

5  
6 Council Member Beerman stated he would like to see 800 affordable units in 10 years  
7 and 220 affordable units by 2020. Council Members Matsumoto and Henney supported  
8 this proposal as well. Council Member Henney asked if existing free market units could  
9 be converted to affordable housing by helping residents with down payments or  
10 financing in exchange for a deed restriction. Stauffer stated she was in the process of  
11 looking at financing options, but noted the HOA fees were very high in the private  
12 market. Laurent stated she was going to talk with financial institutions about this topic.

13  
14 Council Member Worel indicated she was excited to set a goal of 800 units in 10 years,  
15 and requested to look at the analysis for the financial models. The Council members  
16 were comfortable supporting the proposed amendments to the affordable housing  
17 resolution. Council Member Gerber recommended that the affordable housing units be  
18 available to those earning 30%-100% Area Median Income (AMI).

19  
20 Council Member Beerman asked if the Council favored waiving affordable housing fees  
21 and basing the specifics on the future analysis or were they more comfortable waiting  
22 for the analysis to be completed before weighing in on the concept. The Council  
23 members favored waiving the fees.

24  
25 In another matter, Foster recognized Phyllis Robinson, Community Outreach Manager,  
26 who was leaving the City. Mayor Thomas thanked her for her work and announced her  
27 next endeavor which was a becoming a professional chocolatier.

28  
29 **Discuss Proposed Open Space Bond Resolution:**

30 Tom Daley, Deputy City Attorney, explained that if the Council approved the Open  
31 Space Bond Resolution at next week's meeting, the bond would go on the election  
32 ballot for voter approval. He showed a map of the area which outlined the property in  
33 question, Bonanza Flats, and stated this property had been owned by Park City Mines  
34 for many years. It was recently foreclosed on and was now owned by Wells Fargo Bank,  
35 but they created an LLC, Redus, that held the title. Daley indicated that an entity named  
36 Discovery Land was in negotiations to buy the property. He felt a \$25 million Open  
37 Space Bond would be a favorable offer for this land. The obligation of the bond would  
38 be for 10 years.

39  
40 Daley explained what the cost would be for businesses and residents if the bond was  
41 passed. He stated the City could not make an offer on the property without having the  
42 bond approved to back up the offer. He also clarified his staff report with regard to the  
43 note that he originally wrote the property could be preserved without acquiring it, but

1 now after some study he felt the City would have to acquire the land in order to  
2 designate it as open space.

3  
4 Council Member Henney asked if there were any entitlements. Daley verified that there  
5 were not, but indicated that since the property was located in Wasatch County, it must  
6 comply with the requirements of that county.

7  
8 Mayor Thomas opened the meeting for public input.

9  
10 Dana Williams, former Park City Mayor, submitted a map for the public record and  
11 stated the green area represented conservation easements. He stated he supported  
12 this endeavor 100% and that it would complete the buffer around the City.

13  
14 Mayor Thomas closed the public input portion of the meeting.

15  
16 Council Member Henney stated he was familiar with Discovery Land because they  
17 owned property in the Bahamas, which was an extremely exclusive resort. Council  
18 Member Matsumoto stated she was in favor of putting this forward for the voters. She  
19 felt there was an opportunity to purchase this property and hoped the community saw  
20 the need of acquiring this open space. Council Member Beerman stated the Citizens  
21 Open Space Advisory Committee (COSAC) met to discuss this acquisition and they  
22 were very supportive. Council Member Worel thought this was an exciting opportunity  
23 the City had to position itself to acquire the property. Mayor Thomas stated the property  
24 was extraordinary and he fully supported this initiative.

25  
26 **Rossi Hill Parking Analysis Discussion:**

27 Matt Cassel, City Engineer, presented this item. He explained the process his  
28 department had gone through with this problem and stated this process was at the  
29 appeal stage but the residents wanted to discuss this at the Council level before  
30 appealing. The alternatives were to: 1. Increase enforcement but leave the road as is. 2.  
31 Narrow the road from Echo Spur and Ontario Avenue and eliminate parking, 3. Widen  
32 Rossi Hill to better accommodate on-street parking during the reconstruction of Rossi  
33 Hill Drive. 4. Construct small, off-street parking near the corner of Rossi Hill Drive and  
34 Ontario Avenue or farther south of the intersection. He recommended Option Three.

35  
36 Council Member Worel asked if parking on Rossi Hill was from residents or visitors.  
37 Cassel stated with the surrounding construction, he was not able to get an accurate feel  
38 for the true parking needs.

39  
40 Council Member Beerman asked if there were a few parking areas where two or three  
41 parking spaces could be constructed. Cassel stated there were no opportunities to  
42 create additional parking. Council Member Beerman asked if there was sufficient  
43 parking for when Echo Spur was built out. Cassel indicated he didn't think parking would  
44 be a problem.

1 Mayor Thomas opened the meeting for public input.

2  
3 Ernie Campo, President of Silver Point HOA, stated he sent out some emails to  
4 describe the process he has gone through. He complimented staff for the  
5 professionalism and hard work they had given on this issue. The position of the 11  
6 Silver Point homeowners and some homeowners from Echo Spur, was that they viewed  
7 the intersection to be the biggest problem. The fire hydrant at the top of the street had  
8 cars parked next to it. He favored widening the road to 26 feet in order that it align with  
9 the width of the road further down the street. The majority of parked cars were  
10 construction workers, and license plates were from all over the U.S. He stated there  
11 were several lots at the top of Ontario, where people could park. He felt solutions should  
12 first be found on Ontario before looking at Rossi Hill.

13  
14 Liza Simpson referred to the packet and asked if a future work session would discuss  
15 this topic. It was indicated that after the decision of the City Engineer, an appeal could  
16 still be made and would be discussed in another work session. Simpson also asked how  
17 long residents would have to gather the needed 25% of signatures showing residents'  
18 support. Cassel stated there was no time limit for getting the signatures. Simpson stated  
19 that as a former Council Member, she remembered redoing two streets. She indicated  
20 not everyone would be satisfied, and hoped the Council would consider this request.

21  
22 Mayor Thomas closed the public input portion of the meeting.

23  
24 Council Member Beerman asked Cassel if parking would be allowed year round if the  
25 road was widened to 27 feet. Cassel stated year round parking would be allowed if the  
26 road was that wide, whereas now parking was only allowed seven months of the year.  
27 Campo stated he favored seasonal parking. Simpson stated this issue began when the  
28 residents were concerned with winter parking, which was resolved. Now the concern  
29 was with the intersection.

30  
31 Council Member Matsumoto asked why construction mitigation plans had not been  
32 required since construction parking was the biggest problem, and suggested making it a  
33 requirement to shuttle in construction workers. Council Member Beerman suggested a  
34 modification to Option Three, which was to widen the street to 26 feet but keep the  
35 seasonal parking in place.

36  
37 Council Member Worel liked Council Member Beerman's proposal and Council Member  
38 Matsumoto's proposal of shuttling in workers. Council Member Henney liked the  
39 seasonal parking restrictions. He hoped to keep the road to the minimum size that was  
40 required for parking but no more. Council Member Gerber agreed.

41  
42 Foster confirmed that if other neighbors didn't like this proposal, they could still appeal.  
43 It was agreed the road would be 26 feet with one way parking.

1 **REGULAR MEETING**

2 **I. ROLL CALL**

I.	Attendee Name	Title	Status
	Jack Thomas	Mayor	Present
	Andy Beerman	Council Member	Present
	Becca Gerber	Council Member	Present
	Tim Henney	Council Member	Present
	Cindy Matsumoto	Council Member	Present
	Nann Worel	Council Member	Present
	Diane Foster	City Manager	Present
	Mark Harrington	City Attorney	Present
	Matt Dias	Assistant City Manager	Present
	Michelle Kellogg	City Recorder	Present

3  
 4 **II. APPOINTMENTS AND RESIGNATIONS**

5  
 6 **Public Art Advisory Board Appointments-Beth Armstrong, Alex Butwinski, Jenny**  
 7 **Dorsey and Jocelyn Scudder:**

8 Mayor Thomas announced the appointments of the Public Art Advisory Board. Jenny  
 9 Diersen, Special Events, stated these appointments would be for a three year term.

10  
 11 Council Member Worel moved to approve the Public Art Advisory Board Appointments-  
 12 Beth Armstrong, Alex Butwinski, Jenny Dorsey and Jocelyn Scudder for a three year  
 13 term according to the bylaws. Council Member Gerber seconded the motion.

14 **RESULT: APPROVED**  
 15 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

16  
 17 **III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

18 **IV. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON**  
 19 **THE AGENDA)**

20 Mayor Thomas opened the meeting for those wishing to comment on items not being  
 21 addressed on the agenda. No comments were heard. Mayor Thomas closed the public  
 22 input portion of the meeting.

23  
 24 **V. CONSIDERATION OF MINUTES**

25  
 26 **Consideration of a Request to Approve the City Council Meeting Minutes from**  
 27 **July 21, 2016:**

28 Council Member Beerman asked that the minutes be corrected on Page 69 of the  
 29 packet to correct the name of Rob Davies.

1 Council Member Beerman moved to approve the City Council Meeting minutes from  
2 July 21, 2016. Council Member Gerber seconded the motion.

3 **RESULT: APPROVED**  
4 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

5  
6 **VI. OLD BUSINESS**

7  
8 **1. Request to Authorize the City Manager to Enter into a Two-Year Service**  
9 **Provider Agreement with Morrison & Morrison, LC, for Public Defender Services**  
10 **in the Amount of \$125.00 Per Hour, in a Form Approved by the City Attorney:**

11 Matt Dias indicated there was a question last week about other language services being  
12 a requirement for the Public Defender. In making inquiries, he had not heard any  
13 complaints, and he verified that many languages were used by this firm to serve the  
14 public.

15  
16 Council Member Worel moved to authorize the City Manager to enter into a two-year  
17 Service Provider Agreement with Morrison & Morrison, LC, for Public Defender Services  
18 in the amount of \$125.00 per hour, in a form approved by the City Attorney. Council  
19 Member Matsumoto seconded the motion.

20 **RESULT: APPROVED**  
21 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

22  
23 **VII. NEW BUSINESS**

24  
25 **1. Request to Execute a Contract with the Park City Foundation with the Intent**  
26 **of Providing \$45,000 to Summit Community Power Works (SCPW) to Pursue the**  
27 **Georgetown University Energy Prize Which Will Support City Council's Ongoing**  
28 **Efforts to Becoming a Net-Zero Community:**

29 Council Member Henney recused himself because of his personal relationship with a  
30 Summit Community Power Works employee. Jonathan Weidenhamer, Economic  
31 Development Manager, and Mary Christa Smith with SCPW presented this item.  
32 Weidenhamer stated this contract was in response to a Council request to help with the  
33 Net Zero energy goals. Smith expressed her thanks to Weidenhamer for his work on  
34 this item. Council Member Gerber referred to the LED lightbulb change out project this  
35 weekend for the lower income projects and praised SCPW for its work towards  
36 achieving this goal.

37  
38 Council Member Beerman moved to approve a contract with the Park City Foundation  
39 with the intent of providing \$45,000 to Summit Community Power Works to pursue the  
40 Georgetown University Energy Prize which will support City Council's ongoing efforts to

1 becoming a net-zero community in a form approved by the City Attorney. Council  
2 Member Gerber seconded the motion.

3 **RESULT: APPROVED**  
4 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

5  
6 **2. Consideration to Approve Resolution 17-2016, a Resolution Amending the**  
7 **Public Art Advisory Board (PAAB) and Public Art Policies:**

8 Jenny Diersen, Special Events, reviewed the amended policies proposed by the PAAB,  
9 including changes in administrative roles, changing board terms from two years to three  
10 years, the focus of the board related to the forms of art selected, the maintenance of  
11 public art from graffiti or natural causes, etc. Diersen noted that the library recently  
12 updated their art policy and requested assistance with regard to art in the exhibit areas  
13 of the library. One PAAB board member would be assigned to work on the Library  
14 Exhibition Committee to help in that regard. Council Member Worel stated this was a  
15 labor of love and thanked the board for their work.

16  
17 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas  
18 closed the public hearing portion of the meeting.

19  
20 Council Member Henney asked what role the Arts Council would give up, if any, with  
21 this new policy and what the Arts Council would do differently. Diersen stated the Arts  
22 Council and PAAB both requested the change of roles so that the Arts Council could  
23 focus on the Arts and Culture Initiative, including finding the ties that will strengthen the  
24 city, county and community.

25  
26 Council Member Henney moved to approve Resolution 17-2016, a Resolution  
27 amending the Public Art Advisory Board and Public Art Policies. Council Member Worel  
28 seconded the motion.

29 **RESULT: APPROVED**  
30 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

31  
32 **3. Request to Consider a Fee Waiver in the Amount of \$63,851.64 for the**  
33 **Christian Center of Park City:**

34 Council Member Henney recused himself because of a financial relationship he had  
35 with the Christian Center. Michelle Downard, Deputy Building Official, presented this  
36 item. She noted any requests for fee waivers over \$5,000 needed to go before the  
37 Council. She stated this project may be permitted in phases rather than all at once,  
38 therefore, the fees could change slightly. Foster stated staff believed this was a  
39 fabulous organization, and noted the recommendation from staff to waive \$10,000 did

1 not reflect the City’s opinion of the organization. She stated this was the second in a  
2 long line of waiver requests and the fees were used to cover staff services.

3  
4 Tom Wells, speaking on behalf of the Christian Center, requested the full fee waiver. He  
5 stated the Christian Center was a big part of the community and the completion of this  
6 project would be a great benefit to the community. Rob Harter reviewed the mission of  
7 this organization, which was to serve those who were at the point of need. He stated  
8 that the \$64,000 fee waiver that was requested could be used to serve 1,700 people.  
9 Wells also stated with construction costs increasing, he was concerned about a budget  
10 increase for this project. He stated this fee could pay for solar panels, pay for better  
11 accessibility, and/or buy appliances for two kitchens.

12  
13 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas  
14 closed the public hearing portion of the meeting.

15  
16 Council Member Worel indicated she supported the Christian Center and stated this  
17 organization supported the Council’s goals and priorities. She supported 100% of the  
18 fee reduction request. Council Member Matsumoto felt the Christian Center was a great  
19 member of the community and supported citizens that needed the most help. She  
20 supported giving 100% of the fee waiver as well. She was sensitive of fact that other  
21 projects would be requesting waivers as well and felt the Council should have a work  
22 meeting to discuss how revenue would be met if not through impact fees. Council  
23 Member Gerber stated the Christian Center helped the community and thanked them  
24 for all they do. She favored waiving the entire fee as well.

25  
26 Council Member Beerman agreed with the other Council members with regard to the  
27 great impact the Christian Center had on the community. He was concerned about  
28 addressing the fee waiver requests in general. He favored approving a \$10,000 waiver  
29 tonight and then meeting in work meeting to determine what items in the budget would  
30 be cut if further waivers were approved. Mayor Thomas agreed with Council Member  
31 Worel. He supported the full waiver but agreed the Council should discuss future  
32 waivers and revenue streams.

33  
34 Council Member Worel moved to approve a fee waiver in the amount of \$63,851.64 for  
35 the Christian Center of Park City. Council Member Gerber seconded the motion.

36 **RESULT: APPROVED**

37 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

38  
39 **4. Consideration to Approve Ordinance 2016-40, an Ordinance Staying**  
40 **Enforcement of Certain Violations of Land Management Code Title 15 Chapter 3**  
41 **Section 4 Subsection a (3), Parking Restrictions in a Form Approved by the City**  
42 **Attorney:**

1 Mayor Thomas recused himself because he owned a trailer that remains on his  
2 property. Council Member Beerman acted as the Mayor Pro Tem. Michelle Downard,  
3 Deputy Building Official, Anne Laurent, Community Development Manager, and Bruce  
4 Erickson, Planning Director, presented this item. Downard stated staff was drafting a  
5 code change with regard to RVs being parked on the owners' property, and this stay on  
6 enforcement, which Council requested at the last meeting, would be in effect until the  
7 new code was approved.

8  
9 Mayor Pro Tem Beerman opened the public hearing.

10  
11 Marianne Cone stated she had a small RV in her driveway. She talked to several  
12 neighbors about this law, and indicated a few neighbors felt RVs were unsightly and  
13 were opposed to RVs on properties. She thanked the Council for giving this extension to  
14 RV owners.

15  
16 Mayor Pro Tem Beerman closed the public hearing portion of the meeting.

17  
18 Council Member Gerber moved to approve Ordinance 2016-40, an ordinance Staying  
19 Enforcement of Certain Violations of Land Management Code Title 15 Chapter 3  
20 Section 4 Subsection a (3), Parking Restrictions, in a form approved by the City  
21 Attorney. Council Member Matsumoto seconded the motion.

22 **RESULT: APPROVED**

23 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

24  
25 **5. Consideration to Approve Ordinance 2016-38, an Ordinance Amending Title**  
26 **11 Chapter 13- Impact Fees, of the Municipal Code of Park City, Utah:**

27 Michelle Downard, Bruce Erickson, and Anne Laurent presented this item. Downard  
28 reviewed that the impact fee amendments were discussed at the July 14 work meeting.  
29 She indicated these fees were simplified so the public could figure out the amounts  
30 without help. A new exception for outdoor dining would also be included in the  
31 amendments, as well as a fee for appeals, which would be refunded in a percentage to  
32 be determined upon the outcome of the hearing. Downard noted Xeriscaping would also  
33 be addressed.

34  
35 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas  
36 closed the public hearing portion of the meeting.

37  
38 Council Member Matsumoto moved to approve Ordinance 2016-38, an ordinance  
39 amending Title 11 Chapter 13- Impact Fees, of the Municipal Code of Park City, Utah.  
40 Council Member Worel seconded the motion.



1 **RESULT: APPROVED**

2 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

3  
4 **6. Consideration of Ordinance No. 2016-39, an Ordinance Approving the North**  
5 **Silver Lake Amended and Restated Condominium Plat 1<sup>st</sup> Amendment to Units**  
6 **6A, 6B, 10, 11, and 13 Pursuant to Findings of Fact, Conclusions of Law, and**  
7 **Conditions of Approval in a Form Approved by the City Attorney:**

8 Mayor Thomas recused himself because he worked on the North Silver Lake  
9 development. Council Member Beerman acted as the Mayor Pro Tem. Francisco  
10 Astorga and Louis Rodriguez, Planning Department, presented this item. Rodriguez  
11 noted that the staff report mistakenly recommended denial, but in fact staff  
12 recommended approval of this plat.

13  
14 Mayor Pro Tem Beerman opened the public hearing. No comments were given. Mayor  
15 Pro Tem Beerman closed the public hearing portion of the meeting.

16  
17 Council Member Henney moved to approve Ordinance No. 2016-39, an ordinance  
18 approving the North Silver Lake Amended and Restated Condominium Plat 1<sup>st</sup>  
19 Amendment to Units 6A, 6B, 10, 11, and 13, pursuant to findings of fact, conclusions of  
20 law, and conditions of approval in a form approved by the City Attorney. Council  
21 Member Worel seconded the motion.

22 **RESULT: APPROVED**

23 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

24  
25 **7. Consideration to Continue Ordinance 2016-41, an Ordinance Approving the**  
26 **Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2, Pursuant**  
27 **to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form**  
28 **Approved by the City Attorney:**

29 **Erickson presented this item:**

30 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas  
31 closed the public hearing portion of the meeting.

32  
33 Council Member Matsumoto moved to continue Ordinance 2016-41, an ordinance  
34 approving the Thaynes Canyon Subdivision No. 6, First Amended – Amending Lot 2,  
35 until the August 25<sup>th</sup> City Council meeting. Council Member Henney seconded the  
36 motion.

37 **RESULT: CONTINUED**

**Next: 8/25/2016 6:00 PM**

38 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

1 **VIII. ADJOURNMENT**

2

3 With no further business, the meeting was adjourned.

4

5

6

7

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Michelle Kellogg, City Recorder



**DATE: August 25, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

The Amber Road Water Improvements Project will address reoccurring water quality challenges in the Pinnacle subdivision. Amber Road residents in the Pinnacle subdivision have repeatedly reported sulfur (rotten egg) smelling odors in their water, which is common in locations with dead end water mains like Amber Road. Upon investigation staff determined the need to improve water quality by removing the dead end main condition and by connecting these developments to a larger pressure zone. Staff has developed a plan to “loop” the water lines eliminating dead end lines in the area.

**Respectfully:**

Griffin Lloyd,



## City Council Staff Report

**Subject:** Amber Road Water Improvements Project,  
Construction Agreement  
Daley Excavators L.L.C.

**Author:** Griffin Lloyd, Public Utilities Project Manager and  
Michelle De Haan, Water Quality and Treatment Manager

**Department:** Public Utilities

**Date:** August 25, 2106

**Type of Item:** Administrative

### Summary Recommendation

Staff recommends Council to authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Daley Excavators L.L.C. for the Amber Road Water Improvements Project for an amount not to exceed \$78,000.

### Executive Summary

The Amber Road Water Improvements Project will address reoccurring water quality challenges in the Pinnacle subdivision. Amber Road residents in the Pinnacle subdivision have repeatedly reported sulfur (rotten egg) smelling odors in their water, which is common in locations with dead end water mains like Amber Road. Upon investigation staff determined the need to improve water quality by removing the dead end main condition and by connecting these developments to a larger pressure zone. Staff has developed a plan to “loop” the water lines eliminating dead end lines in the area.

### Acronyms

The following acronyms and abbreviations have been used in this report:

City	Park City Municipal Corporation
L.L.C.	Limited Liability Corporation

### The Problem

Pinnacle subdivision residents, living next to a dead end main on Amber Road, have repeatedly reported a rotten egg odor from their water. Measures have been taken to clean the dead end line by routinely flushing an adjacent hydrant and using a more aggressive technique, foam swabbing. There have been short term benefits, but odor returns within weeks or months. A permanent solution is required to improve water quality.

### Background

- The Pinnacle and Daystar subdivisions were developed during two different time periods. The design of the subdivisions’ water lines consisted of two pressure

zones that dead end at the subdivision phase line in Amber Road. Water quality often degrades in dead end lines due to loss of chlorine residual and a drop in normal dissolved oxygen levels.

- Over the past year staff has taken multiple measures to address water quality odor complaints in the Pinnacle subdivision portion of Amber Road.
- Staff attempted to mitigate complaints and resolve the problem by conducting water line flushing at a hydrant adjacent to the dead end line. This practice was neither sustainable nor effective as a long term solution.
- As a more aggressive technique staff foam swabbed the dead end water line in the Pinnacle subdivision last fall. Swabbing is an advanced pipe cleaning technique that the Water Department demonstrated to be extremely effective at other locations in comparison with flushing and ice pigging as part of a Water Research Foundation project. Initially results of swabbing were successful on Amber Road, but residents reported return of the odor within a few months. Staff thereafter reinstated flushing upon receipt of odor complaints.
- A permanent solution is required to improve the water quality on Amber Road. Looping dead end lines has become an industry standard of practice to address water quality issues and improve fire protection. Staff has determined the need to improve water quality by removing the dead end main condition and by looping or connecting these developments into a larger pressure zone on Deer Valley Drive South.

### **Alternatives for City Council to Consider**

**Recommended Alternative:** Implement the Amber Road Water Improvements Project to “loop” the water lines into a larger pressure zone, eliminating dead end lines in the area.

#### Pros

Looping dead end lines and connecting them to a larger pressure zone will allow for improved water quality with increased chlorine residuals and better dissolved oxygen conditions, reducing potential for rotten egg odors near dead ends.

This project supports Council’s Goal and Desired Outcome of providing safe, reliable and high quality drinking water. It also supports Council’s Water Conservation Top Priority through eliminating continual flushing upon water quality complaints.

This alternative will improve water quality in the Pinnacle subdivision where there have been reoccurring water quality complaints in a dead water main area. Upon project completion residents near the dead end lines will receive the same quality of water as the surrounding neighborhood.

Cons

There is a capital cost impact.

This alternative does not negatively impact Council's Priorities or Desired Outcomes.

If this water quality project is not implemented, residents will likely continue to be unsatisfied with the quality of water in the dead end water line area and complain to staff. Staff would need to continue to flush the lines on a regular basis, resulting in water loss, and loss of staff time for other projects.

*Staff has exhausted all other potential alternatives.*

**Analysis**

The request for bid proposals for the Amber Road Improvements Project was advertised in the Park Record on 8/3, 8/6, & 8/10, 2016, online at utahlegals.com, and on the Park City Website beginning July 29, 2016. Seven proposals were received and opened on August 11, 2016. The following summarizes the pricing evaluation of the bid proposals.

<b>Bidder</b>	<b>Total</b>
<b>Engineer's Estimate</b>	<b>\$85,275.00</b>
Daley Excavators	\$78,000.00
Beck Construction	\$81,525.00
SCI, Inc.	\$99,875.00
Counterpoint Construction	\$119,150.00
Geneva Rock	\$121,462.00
VanCon, Inc.	\$129,975.00
England Construction	\$206,950.00

Daley Excavators L.L.C. is the lowest responsive bidder. Bid documents have been reviewed by staff and no issues were discovered. Local Bidder Preference was not considered during the determination of lowest responsive bidder because of the amount of the bid prices. Daley Excavators L.L.C., maintains an office in Summit County; however, they were the lowest proposer even without being given local preference. Because the winning bid was significantly lower than other received bids, staff met with the contractor and believes that the project can be completed for the proposed price.

Griffin Lloyd, Public Utilities Project Manager, will be coordinating the work, and will be working under the guidance of the Public Utilities Engineering Manager.

**Department Review**

This report has been reviewed by representatives of Public Utilities, City Attorney's Office, City Engineer's, and the City Manager's Office. Comments have been integrated into this report.

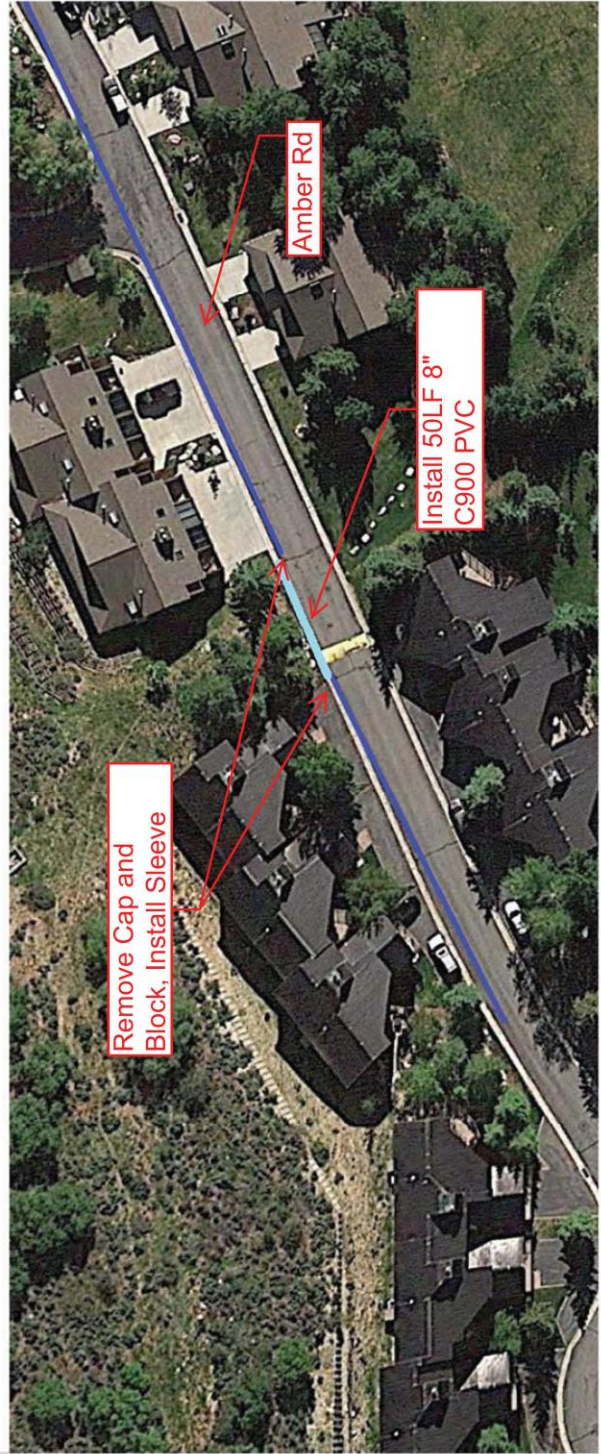
**Funding Source**

The funding for this project will be funded from water service fees and is included in the approved 5-year Water CIP.

**Attachments**

A. Project Overview

Attachement A







**DATE: August 25, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

City Council should consider adopting a resolution to amend the Contracting and Purchasing Policy located in the Budget Document Vol. I, Policies & Objectives Ch. 5, pt. II, which was adopted as part of the Budget process on June 16, 2016, to include a section detailing the City Managers settlement authority. This amendment replaces Resolution NO. 02-98 and consolidates the Settlement Authority into the Contracting and Purchasing Policy and increases the City Manager's settlement authority from \$20,000 to \$50,000 on all claims other than crop loss claims.

A resolution establishing the City Manager's Settlement Authority was last adopted in February 1998. The resolution set the amounts not to exceed \$25,000 on crop loss claims and \$20,000 on all other claims. The City Attorney's Office recommends increasing City Manager's settlement authority from \$20,000 to \$50,000 on all claims other than crop loss claims. This will expedite the claims process for smaller claims that will not need approval by City Council. The City Attorney's Office also recommends including the settlement authority language in the Contracting and Purchasing Policy, which is a public document, reviewed and adopted by City Council annually. The attached resolution amends the Contracting and Purchasing Policy to include the settlement authority language and increases the amount on all claims other than crop loss to \$50,000.

**Respectfully:**

Nate Rockwood, Capital Budget, Debt & Grants Manager



## City Council Staff Report

**Subject:** Contracting and Purchasing Policy Amendment  
**Author:** Nate Rockwood  
**Department:** Budget, Debt & Grants Department  
**Date:** August 25, 2016  
**Type of Item:** Legislative

### Summary Recommendation

City Council should consider adopting a resolution to amend the Contracting and Purchasing Policy located in the Budget Document Vol. I, Policies & Objectives Ch. 5, pt. II, which was adopted as part of the Budget process on June 16, 2016, to include a section detailing the City Managers settlement authority. This amendment replaces Resolution No. 02-98 and consolidates the Settlement Authority into the Contracting and Purchasing Policy and increases the City Manager's settlement authority from \$20,000 to \$50,000 on all claims other than crop loss claims.

### Executive Summary

A resolution establishing the City Manager's Settlement Authority was last adopted in February 1998. The resolution set the amounts not to exceed \$25,000 on crop loss claims and \$20,000 on all other claims. The City Attorney's Office recommends increasing City Manager's settlement authority from \$20,000 to \$50,000 on all claims other than crop loss claims. This will expedite the claims process for smaller claims that will not need approval by City Council. The City Attorney's Office also recommends including the settlement authority language in the Contracting and Purchasing Policy, which is a public document, reviewed and adopted by City Council annually. The attached resolution amends the Contracting and Purchasing Policy to include the settlement authority language and increases the amount on all claims other than crop loss to \$50,000.

### The Opportunity

The City Council can set the recommended limit for the City Manager's Settlement Authority and can consolidate the policy with the Contracting and Purchasing Policy in a single public document that is reviewed by City Council annually.

### Background

A resolution establishing the City Manager's Settlement Authority was last adopted in February 1998. The resolution set the amounts not to exceed \$25,000 on crop loss claims and \$20,000 on all other claims. The City Council reviews and adopts the Contracting and Purchasing Policy as part of the annual budget process.

### Alternatives for City Council to Consider

1. **Recommended Alternative:** Consider adopting a resolution to amend the Contracting and Purchasing Policy to include the City Manager's settlement authority

and increases the maximum settlement authority from \$20,000 to \$50,000 on all claims other than crop loss claims.

#### Pros

- a. This would provide the City Attorney's Office greater flexibility in settlement amount before bringing the item to City Council.
- b. The settlement authority language would be consolidated with the Contracting and Purchasing Policy in a single public document.
- c. The maximum settlement amounts will be review and adopted by City Council annually as part of the budget hearings.

#### Cons

- a. There are no significant down sides to consolidating the settlement authority with the Contracting and Purchasing Policy.
2. **Null Alternative:** This would preserve the *status quo*.
3. **Other Alternatives:** Council could consider adopting a resolution for the City Manager's settlement authority in a maximum settlement amount different from the amount recommended by staff.

### **Analysis**

The City Attorney's Office recommends increasing City Manager's settlement authority from \$20,000 to \$50,000 on all claims other than crop loss claims. This will expedite the claims process for smaller claims that will not need approval by City Council. The City Attorney's Office also recommends including the settlement authority language in the Contracting and Purchasing Policy, which is a public document, reviewed and adopted by City Council annually. The attached resolution amends the Contracting and Purchasing Policy to include the settlement authority language and increases the amount on all claims other than crop loss to \$50,000. The City Manager's settlement authority language has been added as Budget Document Vol. I, Policies & Objectives Ch. 5, pt. II, sec. G.

### **Funding Source**

No funding is required for this policy adjustment

### **Attachments**

Attachment A: Resolution Amending the Contracting and Purchasing Policy

Attachment B: Contracting and Purchasing Policy (amended to include section G)



**Resolution No. 20-2016**

**RESOLUTION AMENDING THE BUDGET POLICIES AND OBJECTIVES CHAPTER 5 PART II; AND REPEALING RESOLUTION 02-98 IN ITS ENTIRETY**

WHEREAS it is necessary to amend the Policies & Objectives Ch. 5, Pt. II to include language authorizing the City Manager's Settlement Authority;

WHEREAS, from time to time claims are made against the City based on contract, tort, or other state and federal laws;

WHEREAS, it is in the best interest of the City to efficiently investigate, evaluate, negotiate, and process such claims;

WHEREAS, it is not efficient or prudent to involve the Council in every decision to settle small, routine, claims made against the City;

WHEREAS, to effect the efficient evaluation negotiation, and processing of such claims, is in the best interest of the City to authorize the City Manager to process and settle certain claims as he/she deems prudent;

WHEREAS, a public hearing was held on August 25, 2016, to receive public comments on changes to the Budget Policies & Objectives Ch. 5 Pt. II;

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

**SECTION 1. THE BUDGET POLICIES & OBJECTIVES Ch. 5 PART II.** Adopt the Budget Policies & Objectives Ch. 5, Part II to include language authorizing the City Manager's Settlement Authority.

**SECTION 2. SETTLEMENT AUTHORITY.** The City Manager is hereby authorized to settle crop loss claims made against the City in an amount not to exceed \$25,000, and all other claims in an amount not to exceed \$50,000.

**SECTION 3. EFFECTIVE DATE.** This resolution shall take effect immediately.

**SECTION 4. REPEAL OF RESOLUTION 02-98.**

PASSED AND ADOPTED this 25<sup>th</sup> day of August, 2016.

PARK CITY MUNICIPAL CORPORATION

---

Mayor Jack Thomas

Attest:

---

Michelle Kellogg, City Recorder

Approve as to form:

---

Mark D. Harrington, City Attorney

## PART II - CONTRACTING AND PURCHASING POLICY

### A. Purpose

These rules are intended to provide a systematic and uniform method of purchasing goods and services for the City. The purpose of these rules is to ensure that purchases made and services contracted are in the best interest of the public and acquired in a cost-effective manner.

**Authority of Manager:** The City Manager or designate shall be responsible for the following:

1. Ensure all purchases for services comply with these rules;
2. Review and approve all purchases of the City;
3. Establish and amend procedures for the efficient and economical management of the contracting and purchasing functions authorized by these rules. Such procedures shall be in writing and on file in the office of the manager as a public record;
4. Maintain accurate and sufficient records concerning all City purchases and contracts for services;
5. Maintain a list of contractors for public improvements and personal services who have made themselves known to the City and are interested in soliciting City business;
6. Make recommendations to the City Council concerning amendments to these rules.

### B. Definitions

**Building Improvement:** The construction or repair of a public building or structure (Utah Code 11-39-101).

**City:** Park City Municipal Corporation and all other reporting entities controlled by or dependent upon the City's governing body, the City Council.

**Contract:** An agreement for the continuous delivery of goods and/or services over a period of time greater than 15 days.

**CPI:** The Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.

**Local Business:** a business having:

- a. A commercial office, store, distribution center or other place of business located within the boundaries of Summit County, with an intent to remain on a permanent basis;
- b. A current County or City business license; and
- c. At least one employee physically present at the local business outlet.

**Local Bidder:** A Local Business submitting a bid on a Park City Public Works Project or Building Improvement

**Manager:** City Manager or designee.

**Public Works Project:** The construction of a park, recreational facility, pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or flood control (Utah Code 11-39-101). “Public Works Project” does not include the replacement or repair of existing infrastructure on private property (Utah Code 11-39-101), or emergency work, minor alteration, ordinary repair, or maintenance necessary to preserve a public improvement (such as lowering or repairing water mains; making connections with water mains; grading, repairing, or maintaining streets, sidewalks, bridges, culverts or conduits).

**Purchase:** The acquisition of goods (supplies, equipment, etc.) in a single transaction such that payment is made prior to receiving or upon receipt of the goods.

### **C. General Policy**

1. All City purchases for goods and services and contracts for goods and services shall be subject to these rules.
2. No contract or purchase shall be so arranged, fragmented, or divided with the purpose or intent to circumvent these rules. All thresholds specified in this policy are to be applied to the total cost of a contract over the entire term of the contract, as opposed to annualized amounts.
3. City departments shall not engage in any manner of barter or trade when procuring goods and services from entities both public and private.
4. No purchase shall be contracted for, or made, unless sufficient funds have been budgeted in the year in which funds have been appropriated.
5. Subject to federal, state, and local procurement laws when applicable, reasonable attempts should be made to support Park City businesses by purchasing goods and services through local vendors and service providers.
6. All reasonable attempts shall be made to publicize anticipated purchases or contracts in excess of \$15,000 to known vendors, contractors, and suppliers.
7. All reasonable attempts shall be made to obtain at least three written quotations on all purchases of capital assets and services in excess of \$15,000.
8. When it is advantageous to the City, annual contracts for services and supplies regularly purchased should be initiated.
9. All purchases and contracts must be approved by the manager or their designee unless otherwise specified in these rules.
10. All contracts for services shall be approved as to form by the city attorney.
11. The following items require City Council approval unless otherwise exempted in these following rules:
  - a. All contracts (as defined) with cumulative total over \$25,000
  - b. All contracts and purchases awarded through the formal bidding process.
  - c. Any item over \$15,000 that is not anticipated in the current budget.

- d. Accumulated "Change Orders" which would overall increase a previously council approved contract by:
      - i. the lesser of 20% or \$25,000 for contracts of \$250,000 or less
      - ii. more than 10% for contracts over \$250,000.
      - iii. any change order that causes the contract to exceed the above amounts, must go to council for approval.
- 12. Acquisition of the following Items must be awarded through the formal bidding process:
  - a. All contracts for building improvements over the amount specified by state code, specifically:
    - i. for the year 2003, \$40,000
    - ii. for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.
  - b. All contracts for public works projects over the amount specified by state code, specifically:
    - i. for the year 2003, \$125,000 (\$176,559 for FY15)
    - ii. for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.
  - c. Contracts for grading, clearing, demolition or construction in excess of \$2,500 undertaken by the Community Redevelopment Agency.
- 13. The following items require a cost benefit analysis where there is a quantifiable return on investment as defined by the Budget, Debt, and Grants Department before approved:
  - a. All contracts, projects and purchases over \$25,000
  - b. All contracts and purchases awarded through the formal bidding process.
  - c. Any item over \$15,000 that is not anticipated in the current budget process.
- 14. City Employees or anyone acting on behalf of the City may not receive or accept any gift or loan if the gift or loan could influence a reasonable person in the discharge of the person's official duties including but not limited to the granting of City contracts. This prohibition does not apply to any occasional non-pecuniary (non-cash equivalent) gifts with a value less than \$50. Employees must abide by PCMC 3-1-4.
- 15. All RFPs must be advertised on the Park City website.

**D. Exceptions**

Certain contracts for goods and services shall be exempt from bidding provisions. The manager shall determine whether or not a particular contract or purchase is exempt as set forth herein.



1. Emergency contracts which require prompt execution of the contract because of an imminent threat to the safety or welfare of the public, of public property, or of private property; circumstances which place the City or its officers and agents in a position of serious legal liability; or circumstances which are likely to cause the City to suffer financial harm or loss, the gravity of which clearly outweighs the benefits of competitive bidding in the usual manner. The City Council shall be notified of any emergency contract which would have normally required their approval as soon as reasonably possible. Consult the Emergency Manager regarding purchases for disaster events.
2. Projects that are acquired, expanded, or improved under the "Municipal Building Authority Act" are not subject to competitive bidding requirements.
3. Purchases made from grant funds must comply with all provisions of the grant.
4. Purchases from companies approved to participate in Utah State Division of Purchasing and General Services agreements and contracts are not subject to competitive bidding requirements.
5. Purchases made via public auction.
6. Purchases from local government purchasing pools in which the City is a participant as approved by a resolution of the City Council.

#### **E. General Rules**

1. **Purchases of Materials, Supplies and Services** are those items regularly purchased and consumed by the City. These items include, but are not limited to, office supplies, janitorial supplies, and maintenance contracts for repairs to equipment, asphalt, printing services, postage, fertilizers, pipes, fittings, and uniforms. These items are normally budgeted within the operating budgets. Purchases of this type do not require "formal" competitive quotations or bids. However, for purchases in excess of \$15,000 all reasonable attempts shall be made to obtain at least three written quotations and to notify via the City website any local businesses that, in the normal course of business, provide the materials, supplies or services required by the City. A written record of the source and the amount of the quotations must be kept.
2. **Purchases of Capital Assets** are "equipment type" items which would be included in a fixed asset accounting system having a material life of three years or more and costing in excess of \$5,000. These items are normally budgeted within the normal operating budgets. Purchases of this type do not require "formal" bids. All reasonable attempts shall be made to obtain at least three written quotations on all purchases of this type in excess of \$15,000. A written record of the source and the amount of the quotations must be kept. A reasonable attempt will be made to notify via the City website any local businesses that, in the normal course of business, sells the equipment required by the City.
3. **Contracts for Professional Services** are usually contracts for services performed by an independent contractor, in a professional capacity, who produces a service predominately of an intangible nature. These include, but are not limited to, the services of an attorney, physician, engineer, accountant, architectural

consultant, dentist, artist, appraiser or photographer. Professional service contracts are exempt from competitive bidding. All reasonable attempts shall be made to obtain at least three written quotations on all contracts exceeding \$15,000 and to notify via the City website any local businesses that, in the normal course of business, provide the service required by the City. A written record of the source and the amount of the quotations must be kept.

The selection of professional service contracts in an amount exceeding \$25,000 shall be based on a formal documented evaluation process such as Request for Proposals (RFP), Statement of Qualifications (SOQ), Qualification Based Selection (QBS), etc. The evaluation process should include an objective assessment, preferably by multiple reviewers, of the services needed, the abilities of the contractors, the uniqueness of the service, the cost of the service, and the general performance of the contractor. Special consideration may also be given to local businesses during the evaluation in instances where knowledge of local issues, geography, statutes, etc., may enhance the quality of service rendered. The lowest quote need not necessarily be the successful contractor. Usually, emphasis will be placed on quality, with cost being the deciding factor when everything else is equal. The manager shall determine which contracts are professional service contracts. Major professional service contracts (\$25,000 and over) must be approved by the City Council.

4. **Contracts for Public Improvements** are usually those contracts for the construction or major repair of roads, highways, parks, water lines and systems (i.e., Public Works Projects); and buildings and building additions (i.e. Building Improvements). Where a question arises as to whether or not a contract is for public improvement, the manager shall make the determination.

**Minor public improvements (less than the amount specified by state code):** The department shall make a reasonable attempt to obtain at least three written competitive quotations for contracts in excess of \$15,000. A written record of the source and the amount of the quotations must be kept. Procurement for all minor public improvements in excess \$25,000 shall be based on a formal documented evaluation process. The evaluation process should include, at minimum, an objective assessment of the services needed, the abilities of the contractors to perform the service and the cost of the service. A reasonable attempt will be made to notify via the City website any local businesses that, in the normal course of business, provide the public improvements required by the City. The manager may require formal bidding if it is deemed to be in the best interest of the City. Local bidder preference applies.

**Major public improvements (greater than or equal to the amount specified by state code):** Unless otherwise exempted, all contracts of this type require competitive bidding. Local bidder preference does not apply.

5. **Contracts for Professional Services, where the Service Provider is responsible for Building Improvements/Public Works Project (Construction Manager / General Contractor “CMGC” Method)** are

contracts where the City contracts with a "Construction Manager/General Contractor" which is a contractor who enters into a contract for the management of a construction project when that contract allows the contractor to subcontract for additional labor and materials that were not included in the contractor's cost proposal submitted at the time of the procurement of the Construction Manager/General Contractor's services. It excludes a contractor whose only subcontract work not included in the contractor's cost proposal submitted as part of the procurement of construction is to meet subcontracted portions of change orders approved within the scope of the project. The CMGC contract is exempt from competitive bidding. The selection of CMGC contracts shall be based on a documented evaluation process such as a Request for Proposals (RFP), Statement of Qualifications (SOQ), Qualification Based Selection (QBS), etc. The evaluation process should include an objective assessment, preferably by multiple reviewers, of the services needed, the abilities of the contractors, the uniqueness of the service, the cost of the service, and the general performance of the contractor. Special consideration may also be given to local businesses during the evaluation in instances where knowledge of local issues, geography, statutes, etc., may enhance the quality of service rendered. The lowest quote need not necessarily be the successful contractor. Usually, emphasis will be placed on quality, with cost being the deciding factor when everything else is equal. The manager shall determine which contracts are CMGC contracts. Major CMGC contracts (over \$25,000) must be approved by the City Council. The selected CMGC will then implement all bid packages and subcontractors under a competitive bid requirement as required herein. The Project Manager will attend the award of all subcontracts which meet the threshold requirements of General Policy 12 (a) or (b) above.

6. **Ongoing Service Contracts are contracts that renew annually for services such as: cleaning services, alarm systems, and elevator maintenance etc.** Ongoing service contract renewals will not last more than a five-year span. Following the conclusion of a five-year term, contracts exceeding a total of \$25,000 will again undergo the process described in the section: E. General Rules, Subsection: 3. Contracts for Professional Services.

#### **F. Formal or Competitive Bidding Provisions**

1. **Bid Specifications:** Specifications for public contracts shall not expressly or implicitly require any product by any brand name or make, nor the product of any particular manufacturer or seller, unless the product is exempt by these regulations or the City Council.
2. **Advertising Requirements:** An advertisement for bids is to be published at least twice in a newspaper of general circulation, printed and published in the city and in as many additional issues and publications as the manager may determine, at least five days prior to the opening of bids. The advertisement shall also be posted on the Park City website and the Utah public legal notice website established by the combined efforts of Utah's newspapers. Advertising for bids relating to Class B and C road improvement projects shall be published in a

newspaper of general circulation in the county at least once a week for three consecutive weeks as well as be posted on the Park City website and the Utah public legal notice website established by the combined efforts of Utah's newspapers.

All advertisements for bids shall state the following:

- a. The date and time after which bids will not be accepted;
  - b. The date that pre-qualification applications must be filed, and the class or classes of work for which bidders must be pre-qualified if pre-qualification is a requirement;
  - c. The character of the work to be done or the materials or things to be purchased;
  - d. The office where the specifications for the work, material or things may be seen;
  - e. The name and title of the person designated for receipt of bids;
  - f. The type and amount of bid security if required;
  - g. The date, time, and place that the bids will be publicly opened.
- 3. Requirements for Bids:** All bids made to the city shall comply with the following requirements:
- a. In writing or electronically sealed;
  - b. Filed with the manager;
  - c. Opened publicly by the manager at the time designated in the advertisement and filed for public inspection;
  - d. Have the appropriate bid security attached, if required.
- 4. Award of Contract:** After bids are opened, and a determination made that a contract be awarded, the award shall be made to the lowest responsible bidder. "Lowest responsible bidder" shall mean the lowest bidder who has substantially complied with all prescribed requirements and who has not been disqualified as set forth herein. The successful bidder shall promptly execute a formal contract and, if required, deliver a bond, cashier's check, or certified check to the manager in a sum equal to the contract price, together with proof of appropriate insurance. Upon execution of the contract, bond, and insurance, the bid security shall be returned. Failure to execute the contract, bond, or insurance shall result in forfeit of the bid security.
- a. **Local Bidder Preference:** If the bid of a nonlocal bidder is lowest and there was a local bidder who also submitted a bid which was within five percent (5%) of the low bid, then the contract shall be awarded to the local bidder if the bidder agrees in writing within forty-eight (48) hours after being notified of the low bid, that the bidder will meet the bid price while the bidder meets all the prescribed requirements set forth in the bid documents. If there are more than two local bidders who are within 5% then the contract shall be awarded to the local bidder which had the lowest original bid according to the procedure above.
- 5. Rejection of Bids:** The manager or the City Council may reject any bid not in compliance with all prescribed requirements and reject all bids if it is determined to be in the best interest of the City.

6. **Disqualification of Bidders:** The manager, upon investigation, may disqualify a bidder if he or she does not comply with any of the following:
  - a. The bidder does not have sufficient financial ability to perform the contract;
  - b. The bidder does not have equipment available to perform the contract;
  - c. The bidder does not have key personnel available, of sufficient experience, to perform the contract;
  - d. The person has repeatedly breached contractual obligations with public and private agencies;
  - e. The bidder fails to comply with the requests of an investigation by the manager.
7. **Pre-qualification of Bidders:** The City may require pre-qualification of bidders. Upon establishment of the applicant's qualifications, the manager shall issue a qualification statement. The statement shall inform the applicant of the project for which the qualification is valid, as well as any other conditions that may be imposed on the qualification. It shall advise the applicant to notify the manager promptly if there has been any substantial change of conditions or circumstances which would make any statement contained in the pre-qualification application no longer applicable or untrue. If the manager does not qualify an applicant, written notice to the applicant is required, stating the reasons the pre-qualification was denied, and informing the applicant of his right to appeal the decision within five business days after receipt of the notice. Appeals shall be made to the City Council. The manager may, upon discovering that a pre-qualified person is no longer qualified, revoke pre-qualification by sending notification to the person. The notice shall state the reason for revocation and inform the person that revocation will be effective immediately.
8. **Appeals Procedure:** Any supplier, vendor, or contractor who determines that a decision has been made adversely to him, by the City, in violation of these regulations, may appeal that decision to the City Council. The complainant contractor shall promptly file a written appeal letter with the manager, within five working days from the time the alleged incident occurred. The letter of appeal shall state all relevant facts of the matter and the remedy sought. Upon receipt of the notice of appeal, the manager shall forward the appeal notice, his investigation of the matter, and any other relevant information to the City Council. The City Council shall conduct a hearing on the matter and provide the complainant an opportunity to be heard. A written decision shall be sent to the complainant.

## **G. Settlement Authority**

From time to time claims are made against the City based on contract, tort, or other state and federal laws. It is in the best interest of the City to efficiently investigate, evaluate, negotiate, and process such claims. It is not efficient or prudent to involve the Council in every decision to settle small, routine, claims made against the City.

Therefore, to effect the efficient evaluation, negotiation, and processing of such claims, it is in the best interest of the City to authorize the City Manager to process and settle

certain claims as he/she deems prudent. The City Manager is authorized to settle crop loss claims made against the City in an amount not to exceed \$25,000, and all other claims in an amount not to exceed \$50,000.



**DATE: August 25, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

In accordance with the recently adopted [Resolution No. 18-2016, a resolution supporting Summit County and Park City transportation Initiatives](#), staff recommends Council consider and adopt an Interlocal agreement with Summit County to govern funding provided by the County's potential imposition of the Additional Mass Transit Tax. Should Summit County's ballot initiative authorize the tax, the Agreement provides for:

1. Support for Summit County's levying of the Additional Mass Transit Tax;
2. Authorization for the Joint Transportation Advisory Board (JTAB) as the responsible party for allocation of the Additional Mass Transit Tax revenues;
  - a. JTAB has agreed upon a list of projects to be funded should the ballot initiative prevail;
  - b. Summit County and Park City agree to fund these projects into the future unless the County decides to eliminate or otherwise change a County service funded by this tax or the City decides to eliminate or otherwise change a City service funded by this tax.;
  - c. In the future, JTAB will determine which projects to fund with any remaining funds that are not already allocated;
3. When and if disagreements occur regarding unallocated revenues, utilize a mutually agreeable third party to help mediate and provide recommendations (consultant and or technical experts, another transit organization, etc.); and
4. When and if impasse occurs: if the parties are truly at an impasse and cannot agree how to spend unallocated revenue, distribute, proportionally, to PCMC and the rest of the County, whatever prorated portion of revenue is in dispute from where it was generated.

**Respectfully:**

Matt Dias, Asst City Manager



## City Council Staff Report

**Subject: Interlocal Agreement for Additional Transit Funding Provided by the Additional Mass Transit Tax between Summit County and Park City, Utah**

**Author: Matt Dias**

**Department: Executive**

**Date: August 25, 2016**

**Type of Item: Interlocal Agreement**

### Summary Recommendation

Adopt the Interlocal Agreement between Summit County and Park City, Utah, that will govern funding provided by the County's potential imposition of the Additional Mass Transit Tax (UCA §59-12-2214).

### Executive Summary

In accordance with [Resolution No. 18-2016, a resolution supporting Summit County and Park City transportation initiatives](#), staff recommends Council consider and adopt the Interlocal agreement with Summit County to govern funding provided by the County's potential imposition of the Additional Mass Transit Tax. Should Summit County's ballot initiative authorize the tax, the Agreement provides for:

1. Support for Summit County's levying of the Additional Mass Transit Tax;
2. Authorization for the Joint Transportation Advisory Board (JTAB) as the responsible party for allocation of the Additional Mass Transit Tax revenues;
  - a. JTAB has agreed upon a list of projects to be funded should the ballot initiative prevail;
  - b. Summit County and Park City agree to fund these projects into the future unless the County decides to eliminate or otherwise change a County service funded by this tax or the City decides to eliminate or otherwise change a City service funded by this tax.;
  - c. In the future, JTAB will determine which projects to fund with any remaining funds that are not already allocated;
3. When and if disagreements occur regarding unallocated revenues, utilize a mutually agreeable third party to help mediate and provide recommendations (consultant and or technical experts, another transit organization, etc.); and
4. When and if impasse occurs: if the parties are truly at an impasse and cannot agree how to spend unallocated revenue, distribute, proportionally, to PCMC and the rest of the County, whatever prorated portion of revenue is in dispute from where it was generated.

### The Problem

Greater Park City's strong economy and desirable location have led to strong growth in both jobs and visitors and development. Because we lack relative available and affordable housing stock to meet many of the various needs of our workforce, more and



more people are commuting to and from Park City and Summit County from points outside of Park City and Summit County. In addition, the number of visitors to the greater Park City area increases each year as a result of a successful resort economy, integrated tourism and marketing programs, and additional residential and commercial development. The resulting increases in peak season and special event related traffic and congestion, particularly along our key corridors, is something that Park City and Summit County elected officials have committed to jointly addressing via cooperative transit planning in associated infrastructure projects.

In order to move the needle in terms of improving our existing transit and transportation systems and move away from the single occupancy vehicle, more resources are needed to implement many of the recommendations included in our transportation planning studies and joint Park City/Summit County task forces. Net new revenues will bring improvements – new and improved transit facilities, roadway improvements to facilitate transit-only and/or carpool express lanes, resources for complementary and alternative modes of transportation, smart and transit integrated parking, etc. – faster than otherwise would be available using existing revenues and or relying on other State and Federal entities.

However, unlike other sales taxes, the Additional Mass Transit Tax is a potential revenue source that Park City has the authority to levy on its own, without the assistance of Summit County. Thus, by supporting the Agreement, Park City abandons its future rights to levy this tax and its associated revenues (approx. \$2.1M today).

As a result, elected officials and staff from both jurisdictions have produced the Agreement in order to stipulate how future Additional Mass Transit Tax revenues will be allocated in the future.

### **Alternatives for City Council to Consider**

- 1. Recommended Alternative:** Adopt the Interlocal Agreement between Summit County and Park City, Utah, that will govern funding provided by the County's potential imposition of the Additional Mass Transit Tax (UCA §59-12-2214).

#### Pros

- a. The Agreement supports joint initiatives to allow the City and County to improve existing levels of transit, and in more places, across the City and County, with the intent to reduce the number of cars on the road, help maintain air quality, lower our carbon footprint, and maintain our small-town feel without simply widening roads to support additional capacity.
- b. The Agreement will help City Council with its Critical Priorities by decreasing traffic congestion and increasing sustainable practices. In addition, the majority of the taxes will be paid for by visitors, ensuring Council's priority of affordability is not seriously compromised.

#### Cons

- a. Some initiatives would likely happen with or without the Agreement and associated new revenues; however, that would likely be much further into the

- future. New revenue sources will accelerate transit and transportation improvements that would otherwise wait for several years, if not decades, without adequate and/or new funding.
- b. A percentage of Summit County residents and businesses may disapprove of the increased sales tax and/or Park City relinquishing a future right to generate approximately \$2.1M a year moving forward.

#### Consequences of Selecting This Alternative

Park City and the County can begin transportation projects that will decrease traffic congestion and lower our carbon footprint that would otherwise take years, if not decades, to implement otherwise.

In addition, Park City relinquishes its own ability to implement the Additional Mass Transit Tax and the associated \$2.1M a year going forward.

- 2. Decline Interlocal Agreement:** In essence, supporting the County Option for Transportation Sales Tax, but decline to support Summit Co. putting the Additional Mass Transit Sales Tax on the ballot.

#### Pros

- a. There's an outside chance that without Park City's support the Additional Mass Transit Tax would not prevail. If so, this could preserve Park City's right to levy the tax in the future.

#### Cons

- a. Many months of cooperative planning has taken place with our partner, Summit County. This would disrupt that process, as well as much good will created by the two different jurisdictions working together over many months.
- b. There is no guarantee that Park City would prevail in a dispute about priority position to levy the Additional Mass Transit Tax.

- 3. Null Alternative:** No Agreement between Park City and Summit County.

#### Pros

- a. If Park City declined to support the County putting the Additional Mass Transit Tax on the ballot and decided to do so itself, Park City could preserve a future right to levy the tax.

#### Cons

- a. Summit County likely moves forward without us, as well as without any agreement regarding allocation of future revenues.
- b. Many months of cooperative planning has taken place with our partner, Summit County. This would disrupt that process, as well as much good will created by the two different jurisdictions working together and throughout the community.

#### **How does the Interlocal Agreement further the goals of the General Plan?**

Goal three of the General Plan states "Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character." The

additional revenues created by the Additional Mass Transit Tax and supported by the construct of the Interlocal Agreement are critical to the achievement of this goal on an expedited schedule and timeframe and, more specifically, the achievement of the following two Objectives under goal three:

- 3B Prioritize efficient public transportation over widening of roads to maintain the SmallTown experience of narrow roads, modest traffic, and Complete Streets.
- 3C Public transportation routes should be designed to increase efficiency of passenger trips and capture increased ridership of visitors and locals.

### **Department Review**

Executive Department, Transportation Planning, Transit, Budget, and Legal

### **Funding Source**

No funding necessary. However, Park City will likely relinquish the City from any future ability to levy an Additional Mass Transit Tax.

### Attachments

A – Joint Agreement

B – List of Priority Projects

**JOINT INTERLOCAL AGREEMENT FOR ADDITIONAL TRANSIT FUNDING  
PROVIDED BY THE ADDITIONAL MASS TRANSIT TAX  
[A.K.A. COUNTY, CITY, OR TOWN OPTION SALES AND USE TAX]  
BETWEEN PARK CITY MUNICIPAL CORPORATION AND SUMMIT COUNTY**

THIS AGREEMENT, is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, (the “Effective Date”) by and between **PARK CITY MUNICIPAL CORPORATION**, a municipal corporation of the State of Utah, whose address is 445 Marsac Avenue, P. O. Box 1480, Park City, Utah (“Park City”) and **SUMMIT COUNTY**, a political subdivision of the State of Utah, whose address is 60 N. Main Street, P.O. Box 128, Coalville, Utah 84017, (“Summit County”). Each is individually referred to as a “Party” and collectively as the “Parties.”

**RECITALS**

**WHEREAS**, in 1994 the Parties established an historical precedent for mutual cooperation pursuant to that certain Resolution 17-94, which adopted an Interlocal Agreement between the Parties concerning land use wherein Summit County provided official notice to Park City and an opportunity to comment with respect to developments occurring within the Park City Annexation Policy Declaration Area; and,

**WHEREAS**, the Parties continued this historical precedent by entering into that certain Memorandum of Understanding Regarding the Permitting of Olympic Events at the Park City Mountain Resort, dated July 12, 2001, wherein Summit County authorized Park City to regulate the Park City Mountain Resort (“PCMR”) Olympic Venue on areas located within the unincorporated county; and,

**WHEREAS**, this historical precedent is further demonstrated in that certain Transportation Agreement between the Parties, dated April 4, 2002, wherein a framework for the provision of public transportation services throughout the Snyderville Basin and Park City was set forth and funded by special assessments and tax revenues; and,

**WHEREAS**, the Parties have continued to collaborate on transportation and transit issues through participation in the Joint Transit Advisory Board (“JTAB”), consistent with the Park City and Summit County Interlocal Agreement dated February 1, 2006, and amended December 15, 2009 and the joint Entry Corridor Transit-Transportation Letter of Intent dated January 25, 2006; and,

**WHEREAS**, the Parties agreed that a regional, collaborative approach and partnership is essential to proactively address our transportation issues that have resulted from economic and population growth; and,

**WHEREAS**, local and regional economic and population growth are projected to increase thereby resulting in continued growth in traffic volumes on our local and state transportation network, absent additional investment in our transit system; and,

**WHEREAS**, the Parties agree that increasing volumes of traffic and congestion, particularly during peak periods and due to single occupancy vehicle trips within the Snyderville Basin and Park City, and longer and more frequent commutes on our constrained roadways, constitute: (1) a substantial degradation to the exceptional quality of life for City and County residents; (2) a degradation to the overall visitor experience by those whose visitation supports and sustains our local economy; and (3) adverse impact to our air quality and our community's carbon footprint; and,

**WHEREAS**, the Parties have jointly developed a list of prioritized transit projects to be implemented within Summit County (the "Prioritized Transportation Projects List") that are consistent with adopted planning documents to help address and expedite implementation of existing and future traffic congestion mitigation measures by way of improving and expanding the existing mass transit system. The Prioritized Transportation Projects List is attached hereto as Exhibit A; and,

**WHEREAS**, Park City and Summit County are committed to funding the Prioritized Transportation Projects List through various existing and future sources of funds, including, but not limited to, sales taxes imposed in accordance with UCA Title 59, Chapter 12, Part 22; and,

**WHEREAS**, Park City, through its Resolution No. 18-2016, agreed to support Summit County's ballot initiative to levy the Additional Mass Transit Tax (defined below) as opposed to seeking voter approval for Park City's own optional sales and use tax to fund a system for public transit, (UCA §59-12-2214), provided the funds from the Summit County tax are allocated under a mutually agreeable process for transit projects, programs, and services that directly and/or indirectly benefit Park City residents, visitors, and businesses; and,

**WHEREAS**, to that end, it is the intention of Summit County to propose one or more sales and use taxes to be included as ballot propositions at the November 8, 2016 General Election, including, among others, the Additional Mass Transit Sales Tax, which can also be levied by Park City, but not by both entities at the same time, or in the future; and,

**WHEREAS**, it is the intention of the Parties that, should the voters of Summit County approve the County imposed Additional Mass Transit Sales Tax, it will be used on a first priority basis to improve our existing system of public transit by implementing the Prioritized Transportation Projects List, and other projects or service enhancements as mutually agreed upon during an annual JTAB meeting;

**NOW THEREFORE, BE IT RESOLVED**, that Summit County and Park City enter into this Agreement under the provisions of the *Utah Interlocal Cooperation Act*, §11-13-101, et. seq. of the Utah Code to foster the legitimate interests of Summit County and Park City actively

working together regarding taxation, regional transportation planning, traffic mitigation, and transit operations. The Parties recognize that traffic and congestion problems within Summit County transcend political jurisdictional boundaries and intergovernmental coordination is essential for protecting lives, property and environment, and for facilitating the efficient use of available assets, both public and private. The Parties therefore agree as follows:

1. **PURPOSE.** Recognizing both the significant impacts, importance and mutual benefits of working cooperatively to effectively mitigate the existing and future traffic and congestion problems in Summit County, the Parties are entering into this Agreement in order to mitigate for and reduce such problems. This Agreement does not authorize the creation of a regional transit authority.

2. **AUTHORIZED OFFICIAL.** For Summit County, the Authorized Official shall be the County Manager or his/her designee. For Park City, the Authorized Official shall be the City Manager or his/her designee.

3. **PROGRAM DESCRIPTION AND PRIORITY PROCESS.**

A. Summit County shall place on the November 2016 General Election Ballot the following sales tax ballot proposition: County option sales and use tax to fund a system for public transit pursuant to UCA §59-12-2214 (referred to in this Agreement and by the Utah State Tax Commission as the “Additional Mass Transit Tax”).

B. The Parties have jointly developed the Prioritized Transportation Projects List. The Parties shall collaborate with each other to make all reasonable efforts to implement all projects and services on the Prioritized Transportation Projects List using funding, if approved by voters, from the Additional Mass Transit Sales Tax. The Parties recognize that the Additional Mass Transit Sales Tax has specific statutory purposes and limitations. As such, the implementation of the Prioritized Transportation Projects List shall conform to these statutory purposes and limitations. The proceeds from the Additional Mass Transit Sales Tax shall be prioritized towards funding the Prioritized Transportation Projects List, in order to support and fund a system of public transit services and improvements in the most efficient and effective manner, using methods consistent with best practices and industry standards in public transit.

C. Following the completion of the Prioritized Transportation Projects List, Park City and Summit County will continue to jointly develop an annual prioritized list of transit projects or services consistent with adopted plans and allocate revenues collected through the Additional Mass Transit Sales Tax to jointly fund public transit projects and services, as agreed upon annually by JTAB. That list will be agreed upon no later than one hundred eighty (180) days after the start of each calendar year.

On an annualized basis, in the event that JTAB does not agree on the use of unallocated revenues generated by the Additional Mass Transit Tax, JTAB shall:

i. Utilize a mutually agreeable third party (such as industry consultants and/or technical experts, another transit organization, etc.) to help mediate the disagreement and/or provide a technical, peer review of any/all pertinent information and provide a recommendation to JTAB; and

ii. If, one hundred eighty (180) days after the start of the calendar year, JTAB remains at an impasse regarding unallocated revenues from the Additional Mass Transit Sales Tax, Summit County shall distribute to Park City its proportional share of the Additional Mass Transit Sales Tax collected within Park City's municipal boundaries, with the remainder of the unallocated revenues going to Summit County. This section 3(C)(ii) shall survive termination of or withdrawal from this Agreement, until such time as a new agreement (if any) is reached or the tax is no longer collected.

D. Park City agrees to forego the imposition of the Additional Mass Transit Sales Tax under the same taxing authority, UCA §59-12-2214 and its associated revenues, so long as Summit County imposes the Additional Mass Transit Sales Tax in accordance with this Agreement;

E. Unless otherwise agreed by both parties, JTAB will continue to have equal representation from Park City and Summit County.

4. **HOLD HARMLESS AND INDEMNITY**. Each Party agrees to indemnify, defend, and hold harmless each other Party from and against any claims, lawsuits, liability, damages, loss, costs or expense, including attorney's fees incurred as a result of bodily injury, death, personal injury or damage to property caused by or arising out of the intentional, wrongful, or negligent acts or omissions of the responsible Party. Notwithstanding the foregoing sentence, no Party waives any defenses or immunity available under the Utah Governmental Immunity Act (Chapter 63G-7, Utah Code Annotated), nor does any Party waive any limits of liability currently provided by the Act.

5. **NO WAIVER OF GOVERNMENTAL IMMUNITY: INSURANCE**. Nothing herein shall be deemed a waiver by any Party of any immunity provided by law to such Party or an extension of any limits of liability applicable to such Party nor shall this Agreement be construed as an agreement to indemnify, hold harmless, or in any way to assume liability for personal injury, death or property damage caused by the negligence of the other Party. Each Party agrees to make provision for insurance coverage, through independent contact or self-insurance, to meet such liability as may be imposed upon it through statutory waiver of immunity or as otherwise provided by law.

6. **WITHDRAWAL**. Any Party to this Agreement may withdraw from this Agreement by providing written notice of its intent to withdraw to the applicable Authorized Official.

A. In the event that Park City initiates withdrawal, the withdrawal shall take effect on the following December 31<sup>st</sup> after the Authorized Official receives notice.

B. In the event that Summit County initiates withdrawal, the withdrawal shall take effect on the following June 30<sup>th</sup> after the Authorized Official receives notice.

C. Upon the effective date of the withdrawal, each Party shall thereafter receive its proportional share of the Additional Mass Transit Sales Tax collected within its jurisdictional boundaries.

7. **TERM.** The term of this Agreement shall commence on the Effective Date and shall have an initial term of fifty (50) years, which shall automatically renew for successive fifty (50) year terms unless or until a Party withdraws or the Agreement is terminated as provided herein.

8. **NONDISCRIMINATION.** The Parties will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, gender identification, sexual orientation, age or the presence of any sensory, mental or physical handicap.

9. **NO SEPARATE ENTITY.** This Agreement does not create a separate legal or administrative entity and no third party rights are created by the enactment of this Agreement. As allowed in §11-13-201 of the Utah Code, both Parties are cooperating jointly together to exercise their individual powers and privileges.

10. **NO THIRD PARTY BENEFICIARIES.** There are no intended third party beneficiaries to this Agreement. It is expressly understood that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the Parties, and nothing contained in this Agreement shall give or allow any claim or right of action by any third person under this Agreement. It is the express intention of the Parties that any person, other than the Party who receives benefits under this Agreement, shall be deemed an incidental beneficiary only.

11. **RESERVATION OF LEGISLATIVE AND EXECUTIVE POWERS.** The Parties recognize and agree that this Agreement does not obligate either Party to limit their legislative or executive powers with respect to any of the subject matter of this Agreement including, without limitation, land use decisions, taxation, open space, transportation, traffic mitigation, transit, and economic development

12. **INTERLOCAL COOPERATION ACT REQUIREMENTS.**

In satisfaction of the requirements of the *Utah Interlocal Cooperation Act*, the Parties agree as follows:

A. This Agreement shall be conditioned upon the approval and execution of this



Agreement by the Parties pursuant to and in accordance with the provisions of the *Utah Interlocal Cooperation Act*, as set forth in UCA Title 11, Chapter 13, including the adoption of resolutions of approval, but only if such resolutions of the legislative bodies of the Parties are required by the *Utah Interlocal Cooperation Act*.

B. In accordance with the provisions of UCA §11-13-202.5(3), this Agreement shall be submitted to the attorney authorized to represent each Party for review as to proper form and compliance with applicable law before this Agreement may take effect.

C. A duly executed copy of this Agreement shall be filed with the keeper of records of each Party, pursuant to §11-13-209 of the *Utah Interlocal Cooperation Act*.

D. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement unless this Agreement has been amended to authorize such acquisition. To the extent that a Party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

13. **ENTIRE AGREEMENT; AMENDMENTS.**

This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by any Party or agents of any Party that are not contained in this Agreement shall be binding or valid.

A. Alterations, extensions, supplements or modifications to the terms of this Agreement shall be agreed to in writing by the Parties, incorporated as amendments to this Agreement, and made a part hereof. To the extent of any conflict between the provisions of this Agreement and the provisions of any later agreements, the later agreements shall be controlling.

B. The Prioritized Transportation Projects List may be amended from time to time by a majority vote of JTAB.

14. **SEVERABILITY.**

If any provision of this Agreement is construed or held by a court of competent jurisdiction to be invalid, the remaining provisions of this Agreement shall remain in full force and effect.

15. **AUTHORIZATION.**

The individuals executing this Agreement on behalf of the Parties confirm that they are duly authorized representatives of the Parties and are lawfully enabled to execute this Agreement on behalf of the Parties.

[SIGNATURE PAGE TO FOLLOW]

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

**PARK CITY MUNICIPAL CORPORATION**

\_\_\_\_\_  
Jack Thomas, Mayor

Attest:

\_\_\_\_\_  
City Recorder

Approved as to Form:

\_\_\_\_\_  
Mark D. Harrington, City Attorney

**SUMMIT COUNTY**

\_\_\_\_\_  
Roger Armstrong  
County Council Chair

Attest:

\_\_\_\_\_  
Kent Jones  
County Clerk

Approved as to Form:

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy

## EXHIBIT A

### ADDITIONAL MASS TRANSIT SALES TAX PROJECT LIST 2017 to 2022

Project Description	Estimated Project Cost
<b>Increased Bus Frequency/Service</b>	
SR-224 Express (to Jeremy 2018)	\$ 2,010,000
SLC/PC/SC Connect	\$ -
Park City (Internal)	\$ 760,000
Kimball Junction Circulator	\$ 600,000
Kamas to PC	\$ 280,000
SR-248 Express	\$ 450,000
Neighborhood Transit Connections	\$ -
<b>TOTAL ESTIMATED PROJECT COST</b>	<b>\$ 4,100,000</b>
**Project costs shown are estimates only. Actual budgeting and programming of projects by JTAB will determine actual amounts.	



**DATE: August 25, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Staff recommends the City Council hold a public hearing for the 220 King Road, Second Amended Lot 2, Phase 1, Treasure Hill Subdivision located at 220 King Road and continue the item to a date uncertain as requested by the applicant.

The requested Plat Amendment application is to create two (2) lots of record from one (1) platted lot. The existing, current, lot is identified as Lot 2 of the Treasure Hill Subdivision Phase 1 (First Amended Record of Survey Map) recorded in August 1997. The Park City Planning Commission forwarded a negative recommendation.

**Respectfully:**

Francisco Astorga, Senior Planner



**DATE: August 25, 2016**

**TO HONORABLE MAYOR AND COUNCIL**

Planning Staff is reviewing the Land Management Code (LMC). This review includes various administrative and substantive items to align the LMC with the adopted General Plan, to address issues and inconsistencies that have come up over the past year, and to align the LMC with changes made to the State Code. The following amendments were noticed for public hearing and possible action for August 25, 2016:

Chapter 1- regarding procedures, appeals, noticing, standards of review for Conditional Use Permits, and other requirements;

Chapter 2- common wall development process (in HR-1, HR-2, and CT Districts), clarification of building height requirements (horizontal stepping and overall height) for Historic Structures and Sites;

Chapter 5- landscape and lighting requirements;

Chapter 6- require inventory and report on mine sites for MPD applications;

Chapter 7- effect of vacation, alteration, or amendment of plats; procedures, requirements and review of plat amendments;

Chapter 7.1 modifications to public improvements required for a subdivision;

Chapter 11- historic preservation Criteria for designating sites; and

Chapter 15- definitions (Billboard, Historic Structures Report, Qualified Historic Preservation Professional, and other related definitions).

On June 22nd and August 10th the Planning Commission reviewed these amendments, conducted public hearings, and forwarded a positive recommendation to City Council. Staff requests a continuation to September 15, 2016 to allow sufficient time to legally notice all of the forwarded amendments for public hearing and to address Planning Commission comments.

**Respectfully:**

Kirsten Whetstone, Senior Planner