

TENTATIVE MASTER AGENDA

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

SEPTEMBER 26, 2002

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, September 26, 2002.

Closed Session

2:45 p.m. Property and personnel

Work Session

3:45 p.m. Council questions/comments

4:15 p.m. [Ice facility update](#)

4:45 p.m. [RAP Tax application update](#)

5:00 p.m. Review of meeting

[Pechnick remodel](#)

[HMBA - business improvement district](#)

[Sunnyside Subdivision zoning](#)

Other meeting questions/comments

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV CONSENT AGENDA PUBLIC HEARINGS

1. [Master Festival License for America's Opening to be held November 21 - 24, 2002 at the Park City](#)
2. [Ordinance approving 201 Heber Avenue Subdivision to combine a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 of the Park City Survey into one lot of record located at 201 Heber Avenue, Park City, Utah](#)

V CONSENT AGENDA

1. [Master Festival License for America's Opening to be held November 21 - 24, 2002 at the Park City](#)
2. [Ordinance approving 201 Heber Avenue Subdivision to combine a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 of the Park City Survey into one lot of record located at 201 Heber Avenue, Park City, Utah](#)
3. [Resolution adopting a substance abuse policy for transit safety-sensitive employees of Park City, Utah](#)
4. Authorization to proceed with a professional services contract to assist the Mayor and City Council in recruiting a city manager

VI PUBLIC HEARING

[Ordinance approving a rezone of the Sunnyside Subdivision from Residential Development to Single Family, excluding Lots 1, 2, and 4, and amending the official Park City Zoning Map](#)

VIII NEW BUSINESS

1. [Award of construction contract to Jeff Riehl Construction in the amount of \\$139,000 for the Pechnick House remodel](#)
2. [Resolution of intent to form a business improvement district in the Old Town core](#)
3. [Ordinance approving a rezone of the Sunnyside Subdivision from Residential Development to Single Family, excluding Lots 1, 2, and 4, and amending the official Park City Zoning Map](#)

IX ADJOURNMENT

Note: This future meeting schedule is TENTATIVE and subject to change.

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

October 2002

- 3 Weber Basin contract - work - JG
Petition to form a special business district - HMBA - TB
1641 Lakeside record of survey plat amendment - RM
3 Sandstone Cove plat amendment - BR
Leisure Services fee resolution - MC
2197 Little Bessie plat amendment - JW
Award of construction contract for Racquet Club pool
Annual review and revision to Sign Code - RM
- 10 *Reception for Toby* - 5 p.m. - 7:30 p.m.
- 17 Nightly rental general discussion - PJP
Weber Basin contract - work/action - JG
April Mountain condo plat - KW
345 Deer Valley Drive plat amendment - KL
Telecommunications ordinance - RM
- 24 No meeting
Tom and Jan gone
School District breakfast - 8 a.m.
- 31 Main Street area trash update
Business license special improvement district - HMBA

November 2002

- 7
- 13 *St Henry's Day*
- 14 Canvass of special bond election
OTIS final report - CH
- 21 Chamber/Bureau quarterly update

28 *Thanksgiving Day*

26

Nightly rentals

Fee resolution review - June 2003

DATE: September 26, 2002
DEPARTMENT: Executive
AUTHOR: Tom Bakaly, Assistant City Manager
Colin Hilton, Project Manager
TITLE: Regional Ice Facility
TYPE OF ITEM: Informational Update

SUMMARY RECOMMENDATIONS: This report is for informational purposes. Staff would like City Council input regarding the recent adjustments in reducing the initial scope of the ice facility and moving ahead with a phased-in construction plan.

DESCRIPTION:

A. **Topic:** Regional Ice Facility

B. **Background:** In August of 2001, Park City and the Snyderville Basin Special Recreation District (SBSRD) adopted a four (4) year Memorandum of Understanding (MOU) on cooperative youth sports programming and facility operations and maintenance. Section 8 of the MOU states that the City and the SBSRD acknowledge that combined planning efforts for large capital improvement projects may better serve long term constituent needs. Both the City and the Basin have identified the construction of an ice facility as a priority.

The City and SBSRD both passed bonds in November of 2001. Prior to the bonds passing, the City and SBSRD informed the public that it was their intent to jointly develop a "large regional ice facility that would serve both communities." The City's voter information packet went on to state, "It is likely that if resources are combined, the facility will have a year-around indoor rink and a seasonal outdoor rink." In addition, in September of 2001, the City Council passed a resolution that stated, "The City will make all best efforts to create a multi-jurisdictional task force and work with the Snyderville Basin Recreation District to develop an

ice facility in the greater Park City area.” Since the passage of the \$4 million City bond, the City has been working with the SBSRD to jointly develop an ice facility.

It is important to note that prior to 2001, The SBSRD had originally intended to develop their own outdoor rink at Trailside Park. At the urging of the City and the Summit County Commission, the SBSRD decided to not pursue an outdoor rink at Trailside Park and agreed to work cooperatively with the City to jointly develop a large indoor facility along the SR 224 corridor. The SBSRD has since built a roller hockey rink at Trailside. Because of their commitment to the City and the County, the SBSRD did not construct the roller hockey rink in such a way that it could be converted into a refrigerated outdoor rink.

On January 17, 2002, the City and SBSRD approved a letter of intent for the joint development of an indoor ice facility and the possible phased construction of an adjoining outdoor ice rink. On June 6, 2002, the City Council and the Snyderville Basin Special Recreation District extended the letter of intent (attached) until December 31, 2002 so that an inter-local agreement governing the management, construction and operation of the ice facility could be adopted. The letter of intent narrowed the focus of the project to just an indoor ice facility. The new letter of intent also identified the SR 224 corridor as the possible location for the ice rink.

The current site within the Canyons lower lot is still under negotiation by the County. Projections are that at some point between now and December, the property in question will be worked out. Based on that projection, a conceptual site plan has been laid out and is attached to this report.

C. Analysis:

In light of a possible \$6.5 million dollar price tag for a year round indoor facility, the Regional Ice Committee (RIC) recently debated the merits of looking at a phased-in construction plan. With an eventual desire to create a year round indoor facility, the collective group agreed that

starting off with an “ice pavilion” concept - (a covered outdoor rink with essential indoor support facilities) - with plans of over time of adding additional amenities (more locker rooms, more permanent seats, enclosed walls, etc) would be the best approach under the current circumstances.

A RIC meeting on September 17th was held to determine a proposed “base level” of needed space components. The RIC Committee proposes the following minimum space program with noted long term desired components:

- Olympic sized ice sheet (100’ x 200’) Proper slab construction to be done to allow for refrigeration and protection from permafrost.
- Pavilion roof
 - insulated roof to allow for future building enclosure
 - enclosed interim building areas to be positioned with the intent to shelter rink from prevailing winds.
- Enclosed building components to house items set forth below.
 - Seating
 - Permanent - 200-300 concrete tiered seats built in phase 1
 - Temporary - space provided for 300-400 (suggestion made on using existing Park City temporary bleachers on wheels for events requiring it)
 - Summer options - space for up to 1500 seats on slab for events.
 - Locker rooms. Reduced scope to target (4) locker rooms to be built in phase 1 to allow for team change overs. Two full locker rooms and two as just changing rooms. Consideration can be given to eliminating showers in the first phase of the construction. Building shell to include room for a possible future “family”/ referee locker room.
 - Restrooms. Size for 600. Temp units brought in for events greater than that.
 - Concession area for skate rental to be included in phase 1.

- Food concession / Pro Shop – could be combined into a space to be provided in future phases. Vending machines as an interim solution.
- Mechanical room, Zamboni storage, and general storage (400 sq') required in phase 1.
- Meeting / party room(s). 2-3 rooms built in phase 1. Would serve as a “cost recovery” component.
- Offices. 2 built on the front end - 2 later.
- Entry area / ticket sale location built in phase 1

Phased-In Components

- (1) additional locker room
- Improvements to Phase 1 locker rooms - addition of showers, actual lockers for 3rd and 4th rooms, other amenities not included in phase 1
- A food concession / pro shop built out
- Improvements to the meeting / party rooms - sinks / partitions, etc
- Additional storage space
- Permanent side walls
- HVAC for Indoor design

Recommended Add -On's

- Service kitchen space, for events.

The existing Letter of Intent was used as a base of discussion.

Important Impacts to Note:

The effects of going to this approach points out that the intended primary use of this facility could only be accomplished for six months out of the year (Late Nov.-Early April). For the summer period, the nature of the activities would be tailored to a non-ice variety. The upside of this is that the utility costs would drop significantly.

Consideration needs to be made to the initial intent of this facility. Surveys and voting patterns indicate that there was support for a year-round indoor rink. If the long term goal of still achieving a year-round ice facility is understood, then the phased-in approach would still meet the publically discussed criteria. However, the public will need to be aware of the time schedule needed to achieve this. Also, the final cost of the phased-in indoor facility will likely be greater than the cost associated with building an indoor facility in one step.

Operational Considerations

The Envisioned Winter Operational program would be:

Ice Rink operation - late November to early April

Programs to include learn to skate, open recreational skate, hockey, figure skating, and others set forth in Feasibility Study on Ice that are suited to an outdoor rink.

Operations spring, summer, fall

- Roller hockey/roller blading
- Special events
 - Farmers Market
 - Art shows
 - Specialty Trade shows
 - Concerts, story telling, theatre
 - Sports exhibitions
 - Films
 - (etc.)

Next Steps:

1. Complete the Interlocal Agreement (ILA) (City / District)
2. Confirm Site/County Commitment for facility (County)

3. Review Special Improvement District status for the development of the road to the selected site (County)
4. Hire an architect (City / District or new “Authority”)

The current letter of intent expires at the end of December. It is Staff’s desire to see a completed ILA or updated letter of intent by that time.

D. Department Review:

The current strategy is recommended by the Regional Ice Committee (RIC) and has been reviewed by the City Manager’s office and Leisure Services Dpt.

ALTERNATIVES:

- A. Continue planning as outlined above.
- B. Provide a directional change in how the City would like to see the planning for the ice facility taken.

SIGNIFICANT IMPACTS:

The recent reduction in the scope of the facility takes the projected budget impacts for the first phase down from \$6.5 million to roughly \$4 million. It also builds in future budget requests for phased-in enhancements to the facility. This is currently being put into a RAP tax application (upwards to \$1 million).

RECOMMENDATION:

Provide input on the current direction being taken by the RIC. It is viewed that the current steps being taken are appropriate given the financial and feasibility considerations.

attachment: Conceptual Site Plan

DATE: September 26, 2002
DEPARTMENT: Executive and Leisure Services
AUTHOR: Tom Bakaly and Kathy Kelly
TITLE: Recreation Arts and Parks (RAP) Tax Applications
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION: Council input is sought on RAP tax applications.

DESCRIPTION:

A. Topic: The deadline for submitting RAP tax applications is October 1, 2002.

B. Background:

On September 18, 2002 Staff presented a summary of possible RAP tax applications to the Parks, Recreation & Beautification Board (PRBB). While the projects contained on the summary list were consistent with prior PRBB planning efforts, the PRBB did not have a lot of time to thoroughly review the projects. On September 18, 2002 Staff presented the same summary list of projects to City Council. City Council suggested some changes and asked Staff to return on September 26, 2002 with a revised list of possible projects (attached).

Over the next 10 years, the County's RAP tax will produce approximately \$3.5 million for recreation and \$4 million for arts and culture funding. Applications for the first round of funding are due October 1, 2002. It is likely, at least for the recreation component, that these applications will be the basis of RAP tax decisions for years to come.

C. Analysis:

The RAP Tax Committee is taking a Master Plan approach and is asking that entities identify their long term recreation needs and arts plans. On the recreation side, many of these long term projects have been jointly identified by Park City and the Snyderville Basin Recreation District in a recently completed study entitled, "Feasibility of a range of Options for Recreation Services for Park City and Snyderville Basin Recreation District. This study, completed by Wickstrom Economics recommends that the City work jointly with the Basin Recreation District to build major facilities such as ice, a field house, pools and field facilities. Copies of the Wickstrom recreation study and the 2000 Recreation Master Plan completed by the Parks, Recreation & Beautification Board are available for review in the Executive Offices of the Marsac building.

Attached to this report is an updated summary of RAP tax applications that the City is working on. Based upon Council input, the number of projects has been consolidated and the priority has been revised. The Ice Facility project has been moved up as a priority. Please see the staff report updating Council on the Ice Facility that is included in the packet as a separate discussion item on September 26th. The amount of the ice facility and trails requests increased due to City Council and PRBB input.

As the recreation funds will be distributed based upon population served, Park City will be eligible

for roughly \$900,000 over a ten year period for Park City residents only. Since the attached list of RAP tax applications serve more permanent Summit County residents than just Park City, the City's request amount exceeds \$900,000 by quite a bit.

Art funding, based on population, would bring about \$1 million to Park City and \$2 million for the Basin. The majority of the arts funding will most likely flow through non-profit organizations.

City Council also requested that Staff work with the Snyderville Basin Special Recreation District (SBSRD), School District and Mountain Trails to partner on projects. After conferring with those entities, it is recommended by Staff that the entities write a letter of support for each other's projects.

For example, the SBSRD is only applying for the field house. Park City will send a letter of support for that project and the SBSRD will submit a letter of support for the City's ice facility, trails, and fields applications. This strategy is consistent with the Memorandum of Understanding between the City and the SBSRD and the recently completed Wickstrom recreation facilities report.

D. Department Review: This staff report has been reviewed by the City Manager's Office, the Chair of the Parks, Recreation & Beautification Board, the Leisure Services Department and the Office of Capital Management and Budget. The Chair of the PRBB basically concurred with the direction Staff is taking. The Chair did question the merits of applying for Golf funding as Golf is an enterprise fund. The Chair also emphasized that we should be focusing on existing facilities with an emphasis on the Round Valley area. Staff is meeting with representatives of the PRBB on Tuesday to review the attached list of projects in detail.

Since some of the City's applications are in Summit County as opposed to Park City, staff contacted Michael Barille, Acting Community Development Director for Summit County. Mr. Barille stated that as long as the applications clearly stated that the proposed projects would be subject to joint Quinn's Junction planning efforts and Summit County approval, he had no issues with the requests.

Alternatives: Council can support the proposed projects or request alternative projects. City Council may wish to have Council member Erickson (PRBB Liaison) review the applications before they are submitted.

Significant Impacts: The deadline for this year's applications is October 1, 2002. At the September 19th meeting, members of City Council suggested that perhaps the City should ask for a time extension. Staff does not recommend asking for an extension unless Council has serious concerns about the projects that cannot be resolved.

Consequences of not taking the Recommended Action: September 26, 2002 is the last City Council meeting before the RAP tax application deadline. By September 26, 2002, Staff will have mostly completed the applications and will be waiting for final Council input before submitting the applications.

Recommendation: Council input is sought on RAP tax applications.

Attachments: Summary of RAP Tax Projects

DATE: September 26, 2002
DEPARTMENT: Facilities and Special Events
AUTHOR: Alison Butz
TITLE: Chevy Truck America's Opening
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, and consider approving the license for Chevy Truck America's Opening, as conditioned, on November 21 through November 24, 2002, at Park City Mountain Resort.

A. TOPIC

Review of the Master Festival License Application, submitted by Park City Mountain Resort for the Chevy Truck America's Opening on November 21 through November 24, 2002, at Park City Mountain Resort.

B. BACKGROUND

The Master Festival License application submitted by Park City Mountain Resort requests approval for the Chevy Truck America's Opening to be held at Park City Mountain Resort. This will be the 16th year of the competition in Park City and the events proposed for the event are similar to those in years past.

Competition will begin on November 21st with the Ladies Giant Slalom from 10:00am until 2:30pm. The Men's Giant Slalom will be held on Friday, November 22nd from 10:00am until 2:30pm, with the Street Dance concluding the days activities from 5:45pm until 8:00pm. Saturday and Sunday will be the Slalom races from 10:00am until 2:30pm each day. There will be an additional hospitality event where the public is invited to meet ski team athletes at the Legacy Lodge which is open to the public on Saturday night at 6:30pm.

As part of this application, Park City Mountain Resort has requested the Council review their request for a partial fee waiver. The Municipal Code allows the Council to waive all or a portion of fees based upon certain criteria.

C. ANALYSIS

The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions or deny the applications. The Chevy Truck is being reviewed as a new application since the Master Festival exceeded a period of (1) year before requesting a renewal. America's Opening was not held in 2001 due to preparations for the 2002 Winter Olympics.

Event Schedule

The event layout is as proposed is the same as in years past. On Friday November 23rd, Main Street, between 7th and 9th Street, will be closed at 8:00am to facilitate the stage construction and will remain closed until 11:00pm.

Thursday, November 21	Ladies Giant Slalom – Eagle Race Arena/CB's 10:00 am 1 st Run 1:00 pm 2 nd Run
Friday, November 22	Men's Giant Slalom – Eagle Race Arena/CB's 10:00 am 1 st Run 1:00 pm 2 nd Run 5:45 – 7:45 pm Street Dance 6:30 pm Draw Party 7:45 pm Fireworks
Saturday, November 23	Ladies Slalom – Eagle Race Arena/Picabos 10:00 am 1 st Run 1:00 pm 2 nd Run 6:30 pm Men's Slalom Draw Party – PCMR Plaza
Sunday, November 24	Men's Slalom – Eagle Race Arena/Picabos 10:00 am 1 st Run 1:00 pm 2 nd Run

Parking and Transportation

At this time Park City Mountain Resort is not scheduled to open until November 22nd. Anticipating smaller crowds on both Thursday and Friday, coupled with the decreased demand for parking at the resort, the event parking will be accommodated on site. Transportation for the street dance will be provided through the City's regular public transit route from Park City Mountain Resort to the Transit Center. Lot 5 and 6 at Deer Valley will also be utilized for the Street Dance and can be accommodated through the current public transit route through the Lower Deer Valley area. For both Saturday's and Sunday's events the attendees will be directed to park at the High School lot and will take the public transit service into the resort. The City's Transportation Department will monitor the impact to that route and increase service in that area if needed.

Security

A crowd size between 1,500 - 5,000 people are expected to attend the races with another 5,000 - 7,000 expected to attend the Street Dance. With the expected crowd size the applicant has contracted Contemporary Security to provide crowd control for the events. The security company will meet with the park City Police Department prior to the event. With the presence of additional security, the Police Department anticipates on having 2 officers at each race event and a total of 12 officers at the Street Dance.

Temporary Structures

The event will require tent permits, trailer permits, camera stand permits and bleacher permits. The resort will be using the City's bleachers which can accommodate attendees. All information regarding temporary structures will be submitted to the Building Department for permitting.

Fee Waiver Request

Section 4-8-9 of the Municipal Code provides applicants for Master Festival and Special Event Licenses with criteria to request a waiver for all or a portion of associated fees. The Section further states that fee waiver requests for all new applications be reviewed and approved or denied by the

City Council. Eligibility for a full or partial fee waiver shall be determined pursuant to the following criteria, none of which shall be individually controlling. Park City Mountain Resort has requested a partial waiver of fees associated with the event. Please see text in italics for the applicant's response to the criteria.

5. For-profit or non-profit status of the Applicant;
Park City Mountain Resort is a for-profit corporation who is hosting the America's Cup for the 16th year. This event is an international competition sanctioned by the FIS and are the only World Cup Slalom and Giant Slalom competitions in Park City this winter season. The U.S. Ski & Snowboard Association is a non-profit organization which is the national governing body recognized by the U.S. Olympic committee to develop and prepare U.S. Ski and Snowboard Team athletes for national and international competition, including the Olympic games.
6. Whether the event will charge admission fees;
General Admission fees are set at \$5.00, additional tickets are available at \$25.00 - \$45.00 for Luch at the Races.
7. Whether the event is youth-oriented;
Yes the event provides youth an opportunity to see the World Cup athletes.
8. The duration of the event;
The three competitions along with the hospitality event will run on November 21st through November 24th. All races should last no longer than two (2) hours, while the street dance and the hospitality event at the Legacy Lodge, on the evening of November 23rd shall last two (3) hours.
9. Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;
The event will be advertised in Park City and also in the Slat Lake City area. All events will begin or conclude around lunch or dinner, giving the spectators an opportunity to enjoy lunch or dinner in Park City. Additionally, the event will provide Park City with three (3) hours of National Television coverage and a European Feed which will help continue to promote Park City as a World Class Resort.
10. The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
The event will require City Police and Transit service, as well as building permits and assistance from the Streets and Parks Departments. The event is expecting a between 1,500 - 5,000 attendees at each event. NBC will carry one hour of America's Opening, along with three hours broadcast on ESPN.
11. The season of occurrence; and
Early winter, opening celebration of the ski season, which is one week prior to Thanksgiving.
12. Demonstration of hardship by the Applicant.
The event is a partnership between Park City Mountain Resort and the US Ski and Snowboard Association. Sponsorships are limited, and the event is not profitable to either organization. However, the event is a Park City signature event and one which the community embraces as its own.

Included within the recommendation of approval of the event, Staff has added a finding regarding the approval of a partial fee waiver per the request.

ALTERNATIVES

- A. Approve the Fee Waiver and Master Festival License, as conditioned by staff, allowing the America's Opening events on November 21 through November 24, 2002, at Park City Mountain Resort.
- B. Modify the parameters of the event and approve the Master Festival License and Fee Waiver, allowing the America's Opening events on November 21 through November 24, 2002, at Park City Mountain Resort.
- C. Deny the Master Festival License, thereby preventing the America's Opening events on November 21 through November 24, 2002, at Park City Mountain Resort.
- D. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends approval of the Master Festival License and Fee Waiver for the America's Opening events on November 21 through November 24, 2002, at Park City Mountain Resort, based on the following:

Findings of Fact:

- 1. The America's Opening events will be held at Park City Mountain Resort on November 21 through November 24, 2002. The events include ski races, street dance, fireworks and a hospitality event. Additional parking lots will be located at the High School on the weekend competition days and at Park City Mountain Resort and Deer Valley for all parking associated with the Street Dance.
- 2. By providing alternative parking lots on high attendance days the impacts from the event should be limited. At the Park City Mountain Resort, Lowell Avenue will be signed one-way with traffic traveling south. This will alleviate congestion from cars and the City's buses in the area. The closure of Lower Main Street for the Street Dance will be kept to one day and monitoring of those areas closed will occur. The conduct of the America's Opening events will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
- 3. The applicant is working with a private security company to provide security for the venue as well as for the Street Dance. The security team will meet with the Park City Police Department to review procedures. The presence of the private security will reduce the number of Police Officers needed to monitor the event. The America's Opening events will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
- 4. The traffic surrounding the resort area will be monitored and Lowell avenue will be one-way going south between Silver King and Shadow Ridge Drive. Additional parking lots will be used to reduce the number of on street parking surrounding the venue. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.

5. No other Master Festival Licenses has been approved for this timeframe. Therefore America's Opening will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
6. The organizer is providing sanitation, security, and adequate insurance for the event.
7. With the security provisions proposed the America's Opening events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant does not demonstrate an inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses.
10. The applicant shows significant reasons, such as the nature of the races as an event which promotes Park City as a Winter destination as well as maintains Park City's status as a World Class Resort, for a partial waiver of all City Services fees.
11. America's Opening is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintain its status as a Wold Class Resort which hosts such events as this.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by November 1, 2002.
2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

Exhibits

Exhibit A - Fee Estimate



Special Events Department
P.O. Box 1480
Park City, UT 84060
(435)615-5151

FEE WAIVER REQUEST

ACCOUNT CODE	SERVICE DESCRIPTION	REQUESTED AMOUNT TO BE WAIVED	ESTIMATED FEES
	Special Events Office		
	Application Fee	\$50.00	\$50.00
	Building Department		
	Inspection Fee @ \$15.00/hr		\$120.00
	Tent Permit Fees		
	Tents >200 square feet @ .20/square foot		
	(2) 60' x 120'	\$2,880.00	\$2,880.00
	(2) 30' x 60'	\$720.00	\$720.00
	(1) 40' x 40'	\$320.00	\$320.00
	Tents <200 square feet @ \$15.00/item (13 items)	\$195.00	\$195.00
	Trailers @ .20/square foot		
	(1) 75' x 25'	\$375.00	\$375.00
	(1) 70' x 15'	\$210.00	\$210.00
	(1) 12' x 48'	\$115.20	\$115.20
	(2) 30' x 15'	\$90.00	\$90.00
	(1) 16' x 20'	\$64.00	\$64.00
	Fireworks Permit @ \$30.00/ea. (1 permit)	\$30.00	\$30.00
	Generators @ \$15.00/ea. (2 items)	\$30.00	\$30.00
	Other temporary structures @ \$15.00/ea.		
	(1) 32' x 16' stage	\$15.00	\$15.00
	(5) scaffolding structures	\$75.00	\$75.00
	(4) bleachers	\$60.00	\$60.00
	Streets Department		
	Barricade Rental @ .38/barricade/day (375)		\$712.00

	Drop/pick-up Fee		\$150.00
	Electronic Signs @ \$120/sign/day	\$720.00	\$720.00
	Street Sweeper @ 1137.25/hr	\$137.25	\$137.25
	Special Use of Parking		
	Lower Main Street Parking @ \$12/space/day (25 spaces, 1 day)	\$300.00	\$300.00
	Police Department		
	Base Officer time @ \$25/hr (12 officers/4 hours) Street Dance		\$1,200.00
	Base Officer time @ \$25/hr (2 officers/6.5hours/4days) Race		\$1,300.00
	Transit Department		
	Bus Service @ \$48/hr, Additional Capacity on existing route		
	Friday, 4 buses from 6pm - 10pm (16 hours)		\$768.00
	Saturday, 2 buses from 9am - 4pm (14 hours)		\$672.00
	Sunday, 2 buses from 9am - 4pm (14 hours)		\$672.00
	Parks Department		
	Additional Garbage Cans, placement and pick-up @ \$15.00/hr	\$45.00	\$45.00
	Bleachers @ \$50.00/set/day (4 sets)	\$800.00	\$800.00
	Banner Installation and Take-Down	\$180.00	\$180.00
TOTAL		\$7,411.45	\$13,005.45
Amount Requested to be Waived			\$7,411.45
Total Fees			\$5,594.00

DATE: September 26, 2002
DEPARTMENT: Planning Department
AUTHOR: Derek Satchell
TITLE: 201 Heber Avenue - Subdivision
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff requests that the City Council conduct a public hearing, consider public input, and approve the proposed subdivision to combine a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 of the Park City Survey, into one lot of record, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval herein.

A. PROJECT STATISTICS

Applicant: Philo Smith/Fandango Resorts
Location: 201 Heber Avenue
Proposal: Subdivision
Zoning: Historic Recreation Commercial (HRC)
Adjacent Land Uses: Historic and Contemporary Residential Buildings
Date of Application: August 26, 2002

B. BACKGROUND

The applicant is proposing to subdivide an existing large tract of land consisting of several platted lots and one (1) metes and bounds parcel located along Heber Avenue, into two separate lots of record. The existing large metes and bounds parcel located immediately to the north of the platted lots, would remain as a separate yet contiguous holding of the applicant created by the combination of the existing platted lots via this subdivision. The purpose of the subdivision is to accommodate the minor expansion and proposed use of the existing historic commercial building located at 201 Heber Avenue restaurant. The review and approval of a Historic District Design Review (HDDR) Application and a Conditional Use Permit (CUP) for Outdoor Dining application were approved administratively on September 19, 2002.

The Subdivision application was reviewed by the Planning Commission and forwarded with a positive recommendation to City Council on September 11, 2002.

C. ANALYSIS

The applicant is proposing to subdivide an existing large parcel by combining a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 of the Park City Survey, into one lot of record. The metes and bounds parcel located immediately to the north of the aforementioned lots would remain as a separate yet contiguous holding of the applicant. Each of the existing platted lots are approximately 25'x75' in overall dimension. There is also an existing flume easement traversing lots 8 and 9.

The applicant intends to subdivide the property in order to accommodate the immediate expansion and rehabilitation of the existing historic building located at 201 Heber Avenue (which is situated on the existing platted lots). The remaining metes and bounds parcel is burdened by existing encroachments and a structurally compromised lumber shed of possible historical significance. Because of this, the applicant does not wish to combine the entire existing property into one (1) lot at this time since the review process required to mitigate these existing circumstances would prohibit the opening of the restaurant by this fall. Hence, the applicant requested a waiver from the Planning Commission to include all contiguous holdings (i.e. the large metes and bounds remnant parcel to the north of the subject lot to be created), as part of this subdivision application, as stipulated under Section 15-7.1-5(B)(2) of the LMC. The applicant does agree, however, to pursue the necessary processes as part of the second phase of his proposed development of the property once the restaurant is operational. The details of the second phase of development for this property have yet to be finalized at this time. The Planning Commission recommended to City Council to grant the waiver (see findings).

The existing vacant historic building is a single-story, false-front structure that was previously used as a commercial recreational business, containing approximately 4,940 square feet.

Historically, the subject building functioned as a restaurant, as well as offices for a lumber yard. The total square footage of the existing building is approximately 4,012 square feet. The proposed Maximum Building Footprint (MBF) for the building after the expansion will be approximately 4,940 square feet, and height of the reconstructed building is 27'.

Because the existing structure is located within the Heber Avenue Sub-Zone, the floor area ratio limitation of the HRC district does not apply. Additionally, the historic structure, including the proposed addition, which will not create a lockout unit or an accessory apartment, is exempt from the off-street parking requirements. The existing, historic building is non-complying and therefore exempt from building setbacks, height, and driveway location standards. However, the addition must comply with setback, driveway, height, and other LMC requirements. The rehabilitated building will incorporate all salvageable architectural material of the original structure, including but not limited to the entire front facades fronting Main Street and Heber Avenue. The surrounding area consists of both contemporary and historic buildings.

	Proposed
Current Use	Restaurant, general/Bar
Lot Size	approximately 31,363 square feet
Setbacks	
• Front yard (Easy Street)	10' setback min. (20' setback exist.)
• Front yard (Heber Avenue)	10' setback min. (9' setback exist.)
• Rear yard	10' setback min.

(side opp. Driveway off Heber Ave.)	(35' setback exist.)
• Side yard (adj. to Poison Creek Merc. Bldg.)	5' setback min. (60' setback exist.)
Height	27'
Parking	Exempt (per Section 15-2.5-6 of the LMC) until new construction occurs
Design	HDDR and CUP/Outdoor Dining Permit applications shall be required.

The City will require a five (5') foot utility and snow storage easement measured north from the existing Heber Avenue gutter. The proposed subdivision complies with the HRC District regulations. This proposal does not increase the density on the lot. The proposed lot is consistent with other lot sizes in the immediate area.

The Subdivision application is being processed through the Planning Commission and City Council procedure due to the fact that State Law prohibits use of the administrative approval when the action results in the combination of more than one platted lot.

D.NOTICE

Property owners within 300 feet of the project were notified on August 28, 2002. The property was properly posted and legally noticed. During the Planning Commission public hearing, an adjoining commercial property owner, Jana Potter, stated her concern about the existing parking situation in that area of Old Town. Although she said she was in support of

the proposed project overall, Ms. Potter believed that a restaurant in that location would create impacts and asked if the application would have requirements to control the hours of operation and other impacts. She urged the Planning Commission to address the parking problem because it is a serious issue. The Planning Commission agreed with Ms. Potter and modified the Finding of Fact #17 and Condition of Approval #11 to address her concerns. On September 20, 2002, another neighboring property owner, Simone McQuinnes, telephoned Staff to ascertain if a courtesy mailing was sent to her regarding the subdivision application.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Engineer and City Attorney's Office will review the plat prior to recordation. The request was discussed at a Staff Review Meeting on September 3, 2002, where representatives from local utility companies and City Staff were in attendance and found it to be in conformance with all requisite City development codes of which we are currently aware. The City Engineer shall review and approve the slope and drainage issues related to the existing and active flume easement traversing Lots 8 & 9. Additionally, the City Engineer shall review and approve any impacts upon existing underground utilities located in the northwest corner of Lot 14, as well as the proposed improved driveway having access off the Heber Avenue right-of-way.

ALTERNATIVES:

- A. Waive the applicant's requirement to include all contiguous holdings as part of this subdivision application (as stipulated under Section 15-7.1-5(B)(2) of the LMC), and approve the proposed subdivision to combine a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 of the Park City Survey, into one lot of record, as conditioned to accommodate the existing historic commercial building and its proposed addition.
- B. Deny the waiver request and require the applicant to include all contiguous holdings as part of this subdivision application, and continue this item to the next available meeting date once the proposed subdivision has been modified to reflect this direction.

- C. Deny the subdivision and retain the original Record of Survey which would prohibit the applicant from making the proposed improvements to the existing historic structure.
- D. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The subdivision will result in one (1) lot which will meet the lot requirement for the HRC District. The subdivision will not increase the density of the lot.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the subdivision is not approved as proposed, the necessary structural repairs and expansion to the existing historic building can not be executed.

F. RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing, and forward a positive recommendation to the City Council to approve the 201 Heber Avenue Subdivision to combine a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 of the Park City Survey, into a single lot, as conditioned.

Findings of Fact:

- 8. The findings discussed in the analysis section of this report are incorporated herein.
- 9. The property is located in the Historic Recreational Commercial (HRC), Heber Avenue Sub-zone.
- 10. An existing flume easement traverses Lots 8 & 9.
- 11. The existing building is a non-complying historic structure.
- 12. The maximum height of the dwelling is 27' at the highest ridge line above existing grade.
- 13. The proposed Maximum Building Footprint (MBF) is 4,940 square feet, and complies with the LMC required MBF for a lot in the HRC zone.
- 14. The existing metes and bounds portion of the original parcel is burdened by existing encroachments and a structurally compromised lumber shed of possible historical significance.
- 15. The applicant does not wish to combine the entire existing property (which would include the metes and bounds parcel) into one (1) lot at this time since the review process required to mitigate the aforementioned conditions and circumstances would prohibit the opening of the restaurant by this fall.
- 16. The applicant is requesting that the Planning Commission waive the requirement to include all contiguous holdings as part of this subdivision application.
- 17. Section 15-7.1-5(B)(2) of the LMC states that the Planning Department and Planning Commission may waive the applicant's requirement to include all contiguous holdings as part of

this subdivision application. The Planning Commission granted the waiver on September 11, 2002.

18. The project is exempt from the LMC parking requirements of the HRC zone because it is located within the Heber Avenue Sub-zone, and because the existing structure is historic.
19. An existing drainage impairment exists at this location.
20. Utility access and snow storage is an important issue in this part of Old Town.
21. The current proposal does not reduce the current total parking on the site or on the spaces on Heber Avenue.
22. The review and approval of a Historic District Design Review (HDDR) Application and a Conditional Use Permit (CUP) for Outdoor Dining application were approved administratively on September 19, 2002.
23. The Subdivision application was reviewed by the Planning Commission and forwarded with a positive recommendation to City Council on September 11, 2002.
24. Additionally, the historic structure, including the proposed addition, which will not create a lockout unit or an accessory apartment, is exempt from the off-street parking requirements. The existing, historic building is non-complying and therefore exempt from building setbacks, height, and driveway location standards. However, the addition must comply with setback, driveway, height, and other LMC requirements.

Conclusions of Law:

1. There is good cause for the subdivision.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:

3. City Attorney and City Engineer review and approval of the subdivision for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
4. No remnant lot created is separately developable.
5. No building permits shall be issued for this project unless and until the Historic District Design Review, CUP/Outdoor Dining Permit, and Subdivision applications have been reviewed and approved for the project.
6. No building permit shall be issued for this project until the Subdivision has been duly recorded with the Summit County Recorder's Office.
7. A note shall be added to the plat that no further subdivision of the property will be permitted unless a separate Subdivision and MPD for the proposed uses are reviewed and approved by the Planning Commission.
8. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed improvements to the proposed driveway fronting Heber Avenue right-of-way.
9. A note shall be added to the plat dedicating to the City a five (5') foot utility and snow storage easement measured north from the existing Heber Avenue gutter.
10. Any significant modification to the proposed design under the HDDR or CUP/Outdoor Dining application will be subject to re-review and possible re-subdivision of the property to accommodate the proposed changes.

11. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).
12. This approval shall expire one year from the date of City Council approval, unless this Subdivision is recorded prior to that date.
13. In consideration for the Planning Commission waiving Section 15-7.1-5(B)2, no further development shall be allowed on any remainder parcel until additional plans are submitted and approved.

Exhibits

Exhibit A - Vicinity Map

Exhibit B - Existing Survey Map

Exhibit C - Existing Plat

Exhibit D - Proposed Plat

Exhibit E - Proposed Site Plan (showing proposed Outdoor Dining Areas)

Exhibit F - Photographs of Existing Conditions

AN ORDINANCE APPROVING 201 HEBER AVENUE SUBDIVISION TO COMBINE A PORTION OF LOT 8, ALL OF LOTS 9 THROUGH 13, AND A PORTION OF LOT 14 OF BLOCK 50 OF THE PARK CITY SURVEY, INTO ONE (1) LOT OF RECORD LOCATED AT 201 HEBER AVENUE, PARK CITY, UTAH

WHEREAS, the owner of a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 of the Park City Survey, has petitioned the City Council for approval of a revision to the final plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 11, 2002, to receive input on the proposed subdivision;

WHEREAS, the Planning Commission, on September 11, 2002, forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 26, 2002, the City Council held a public hearing to receive input on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey and plat amendment.

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

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

14. The findings discussed in the analysis section of this report are incorporated herein.
15. The property is located in the Historic Recreational Commercial (HRC), Heber Avenue Sub-zone.
16. An existing flume easement traverses Lots 8 & 9.
17. The existing building is a non-complying historic structure.
18. The maximum height of the dwelling is 27' at the highest ridge line above existing grade.
19. The proposed Maximum Building Footprint (MBF) is 4,940 square feet, and complies with the LMC required MBF for a lot in the HRC zone.
20. The existing metes and bounds portion of the original parcel is burdened by existing encroachments and a structurally compromised lumber shed of possible historical significance.
21. The applicant does not wish to combine the entire existing property (which would include the metes and bounds parcel) into one (1) lot at this time since the review process required to mitigate the aforementioned conditions and circumstances would prohibit the opening of the restaurant by this fall.
22. The applicant is requesting that the Planning Commission waive the requirement to include all contiguous holdings as part of this subdivision application.

23. Section 15-7.1-5(B)(2) of the LMC states that the Planning Department and Planning Commission may waive the applicant's requirement to include all contiguous holdings as part of this subdivision application. The Planning Commission granted the waiver on September 11, 2002.
24. The project is exempt from the LMC parking requirements of the HRC zone because it is located within the Heber Avenue Sub-zone, and because the existing structure is historic.
25. An existing drainage impairment exists at this location.
26. Utility access and snow storage is an important issue in this part of Old Town.
27. The current proposal does not reduce the current total parking on the site or on the spaces on Heber Avenue.
28. The review and approval of a Historic District Design Review (HDDR) Application and a Conditional Use Permit (CUP) for Outdoor Dining application were approved administratively on September 19, 2002.
29. The Subdivision application was reviewed by the Planning Commission and forwarded with a positive recommendation to City Council on September 11, 2002.
30. Additionally, the historic structure, including the proposed addition, which will not create a lockout unit or an accessory apartment, is exempt from the off-street parking requirements. The existing, historic building is non-complying and therefore exempt from building setbacks, height, and driveway location standards. However, the addition must comply with setback, driveway, height, and other LMC requirements.

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

SECTION 3. SUBDIVISION APPROVAL. The subdivision to combine a portion of Lot 8, all of Lots 9 through 13, and a portion of Lot 14 of Block 50 of the Park City Survey, known as the 201 Heber Avenue Subdivision, is approved as shown on Exhibit B, with the following conditions:

31. City Attorney and City Engineer review and approval of the subdivision for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
32. No remnant lot created is separately developable.
33. No building permits shall be issued for this project unless and until the Historic District Design Review, CUP/Outdoor Dining Permit, and Subdivision applications have been reviewed and approved for the project.
34. No building permit shall be issued for this project until the Subdivision has been duly recorded with the Summit County Recorder's Office.
35. A note shall be added to the plat that no further subdivision of the property will be permitted unless a separate Subdivision and MPD for the proposed uses are reviewed and approved by the Planning Commission.
36. The City Engineer shall review and approve the slope, configuration and drainage pattern of the proposed improvements to the proposed driveway fronting Heber Avenue right-of-way.

37. A note shall be added to the plat dedicating to the City a five (5') foot utility and snow storage easement measured north from the existing Heber Avenue gutter.
38. Any significant modification to the proposed design under the HDDR or CUP/Outdoor Dining application will be subject to re-review and possible re-subdivision of the property to accommodate the proposed changes.
39. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).
40. This approval shall expire one year from the date of City Council approval, unless this Subdivision is recorded prior to that date.
41. In consideration for the Planning Commission waiving Section 15-7.1-5(B)2, no further development shall be allowed on any remainder parcel until additional plans are submitted and approved.

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

DATE: September 26, 2002
DEPARTMENT: Transportation
AUTHOR: Kent Cashel, Acting Asst. Public Works Director
TITLE: Amended Substance Abuse Policy for Transit Safety- Sensitive Employees
TYPE OF ITEM: Resolution-Consent Agenda

SUMMARY RECOMMENDATION:

The amendments contained in this report and the attached Substance Abuse Policy are minor in nature and do not materially change program requirements or costs. City Council should adopt the attached resolution and the amended Substance Abuse Policy required by the United States Department of Transportation (USDOT) and the Federal Transit Administration (FTA).

DESCRIPTION

1. Background

Since 1995 Park City Transit has received millions of dollars in Federal Transit Administration grants for capital and operating expenses. These grant funds are critical to the ongoing operation of the City's transit system. FTA grants require the City to comply with numerous program requirements, one of those requirements is a Substance Abuse Program & Policy (Governed by 49 CFR Part 40, 49 CFR653 & 654). The City's current Substance Abuse Policy for transit safety-sensitive employees (e.g., drivers, mechanics, supervisors and dispatchers) was adopted by City Council on January 7, 1999.

The USDOT has amended the regulations that govern this policy. Park City's Substance Abuse Policy for transit safety-sensitive employees must now be amended to reflect the minor changes made to the regulations. This report and the attached policy contains the required amendments.

2. Analysis

The USDOT has amended or repealed several of the regulations that previously governed FTA Drug and Alcohol programs. The amendment of 49 CFR Part 40, the repeal of 49CFR Part 653 & 654 and the creation of 49 CFR Part 655 require that the City amend its Substance Abuse Policy to reference the new regulations and to reflect minor changes in the program. The changes slightly increase the administrative effort required but will not increase program costs.

Staff has amended the City's current Substance Abuse Policy using example policies contained in the "FTA Best Practices Manual: FTA Drug and Alcohol Testing Program, March 2002". Staff also used information from the FTA publication "Drug & Alcohol Regulation Updates" as well as the "FTA Office of Safety and Security Audit Checklist" to determine required amendments.

The table below is a complete list of each and every policy amendment and provides a simplified method for reviewing each of the changes. A complete copy of the amended policy is also attached if more detail is required. Additions to the original policy are highlighted in grey, deletions are struck-out.

Page	Policy Section	Purpose of Amendment	Amendment
1	Preamble	Regulatory reference update	Edits to the following sentence: All provisions set forth in standard text are consistent with requirements specifically set forth in 49 CFR Part 653 & 654 <u>655</u>
1	2.0	Regulatory reference update	Edits to the following sentence: The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 653 and Part 654 <u>655</u>, as amended
1	2.0	Clarification for employees with questions.	Addition of the following sentence: <u>Employees who have questions about this policy should contact the Drug and Alcohol Program Manager (DAPM) identified in Section 21 of this policy</u>
4	5.3	Spelling correction	No safety-sensitive employee shall use alcohol within four hours or <u>of</u>
4	6.1	Clarification of employee actions that constitute a “refusal” to submit to testing	Addition to the following sentence: <u>Refusal to comply with drug and alcohol testing requirements can include an inability to provide sufficient urine specimen or breath samples without a valid medical explanation, the lab’s inability to test a sample due to tampering or adulteration, verbal declaration of refusal, obstructive behavior, failure to cooperate with any part of the testing process, failure to remain at collection site until the testing process is complete, failure to undergo a medical evaluation as required by an MRO or DER, failure to take a second test or permit monitoring or direct observation when requested by the collector or DAPM,</u>
7	12.0	Regulatory reference update	Edits to the following sentence: An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part 654 <u>655</u> for.....

Page	Policy Section	Purpose of Amendment	Amendment
7	12.0	Clarification for employees regarding where to obtain a copy of governing regulations.	Addition of the following sentence: <u>Employees may also request a copy of 49CFR Part 40 and 49 CFR Part 655 from the City's Drug and Alcohol Program Manager (DAPM).</u>
8	13.1	Required clarification	Addition of the following sentence: <u>Any pre-employment drug test that results in a "Cancel" does not satisfy the requirement for a negative drug test result detailed in this part.</u>
12	14.2	Required clarification of employee rights.	Addition of the following sentence: <u>In all cases the employee must be advised of the reasons for requiring an observed collection.</u>
12	14.2	Change in requirements regarding "observed" collections.	Edits to the following sentence: In the following circumstances (previous collection events) the employer may <u>must</u> authorize an <u>immediate</u> observed collection:
12	14.2	Change in requirements regarding "observed" collections.	Edits to the following sentence: The most recent urine specimen provided by the employee (on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2 g/l to be invalid and the MRO.....
13	14.2	Change in requirements regarding "observed" collections.	Addition of the following sentence: <u>4) The MRO reports to the DAPM that the original positive adulterated or substituted result had to be cancelled because the test of the split specimen could not be confirmed.</u>
13	14.2	Change in requirements regarding "observed" collections.	The following edit and addition: The direct observation must be by a collector <u>an observer</u> of the same gender as the employee being tested. <u>The observer can be a different person than the collector and need not be a qualified collector.</u>
13	15.1	Spelling correction	The following edit: The employee will be instructed to blow forcefully into the mouthpiece for at least <u>least</u> six seconds

Page	Policy Section	Purpose of Amendment	Amendment
16	16.2	Spelling correction	The following edit: the laboratory and neither the MOR <u>MRO</u> nor the employer
18	19.1	Change in record keeping requirements	Negative <u>and cancelled</u> drug test results and alcohol test results less than 0.02
18	19.1	Change in record keeping requirements	Addition of the following sentence: <u>Information obtained from previous employers under 49 CFR 40.25 concerning drug and alcohol test results of employees. - 3 years</u>
18	19.1	Clarification of record keeping requirements	Addition of language to the following sentence: Verified positive drug tests, refusals , referrals <u>(including substituted or adulterated test results)</u> ,.....
23	Receipt of Policy from	Spelling correction	The following spelling correction:understanding, representation, or statement made by my department hear <u>head</u> or supervisor.....

3. Department Review

This report, resolution and amended substance abuse policy have been reviewed by the City Attorney's Office, Office of Capital Management & Budget, Human Resources and the City Managers Office.

ALTERNATIVES

A. Approve The Recommendation: Council could adopt the attached resolution and attached Substance Abuse Policy. This is Staff's recommendation.

B. Deny The Recommendation: Council could deny Staff's recommendation. This action would leave the City out of compliance with current FTA regulations and in breach of all active FTA contracts.

C. Alter the Policy Terms: Council could direct staff to alter the terms of the amended policy. It is important to note the majority of language in the attached policy is required by the FTA and should be considered non-negotiable. If Council should decide to alter any terms of the amended policy Staff recommends adoption of the policy with direction to Staff to research the feasibility of requested alterations. Staff would then return to Council at a future date with requested policy changes, (providing these changes are found to be acceptable to the FTA). This approach would allow the City to immediately comply with current FTA regulations and avoid breach of all active FTA funding contracts.

C. Defer the Item to a Later Date: Council could defer this item to a later date. This action would leave the City out of compliance with current FTA regulations and in breach of all active FTA funding contracts.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

The City's current policy is not compliant with new FTA regulations. Failure to comply with these regulations will jeopardize the City's eligibility for FTA grants and put the City in breach of all active FTA funding contracts.

RECOMMENDATION

The amendments contained in the attached Substance Abuse Policy are minor in nature and do not materially change program requirements or costs. City Council should adopt the attached resolution and the amended Substance Abuse Policy required by the United States Department of Transportation (USDOT) and the Federal Transit Administration (FTA).

A RESOLUTION ADOPTING A SUBSTANCE ABUSE TESTING POLICY FOR TRANSIT SAFETY- SENSITIVE EMPLOYEES OF PARK CITY.

WHEREAS, the City has applied for federal assistance for buses and transportation related projects; and

WHEREAS, in order to continue to qualify for federal and state transportation grant assistance, the City Council must adopt the Public Works Departments Substance Abuse Policy;

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

SECTION 1. SUBSTANCE ABUSE POLICY ADOPTED. The Substance Abuse Testing Policy, attached hereto as Attachment A, is hereby adopted. Any conflicting policy or regulation is hereby repealed.

SECTION 2. EFFECTIVE DATE This resolution shall become effective upon adoption and shall remain in effect until amended or repealed by resolution.

PASSED, ADOPTED, AND APPROVED the 26th day of September, 2002.
SUBSTANCE ABUSE POLICY

EXHIBIT A - SUBSTANCE ABUSE POLICY

All provisions set forth in standard text are consistent with requirements specifically set forth in 49 CFR Part ~~653 & 654~~ 655 or Part 40, as amended. All provisions set forth in italics are consistent with requirements specifically set forth in the Drug-Free Workplace Act (49 CFR Part 29). All provisions set forth in bold text are consistent with requirements of the Park City Transportation Department.

4. POLICY

Park City Municipal Corporation is dedicated to providing safe, dependable and economical transportation services to our transit system passengers. Park City's employees are our most valuable resource and it is our goal to provide a safe, satisfying working environment, which promotes personal opportunities for growth. In meeting this goal it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

Park City's Substance Abuse Policy was originally approved and adopted by the Park City Council on January 7, 1999, and became effective on that same date. A copy of the signed adoption by the City Council is attached to this policy. Anytime this policy is amended in the

future, the policy will contain the date, proof of adoption of the amended policy by the City Council and the date the amended policy became effective.

2.0 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and the use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 653 and Part 654 655, as amended, which mandate urine drug testing and breath alcohol testing for safety-sensitive positions and which prohibit performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, which sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988" which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

Employees who have questions about this policy should contact the Drug and Alcohol Program Manager (DAPM) identified in Section 21 of this policy

3.0 APPLICABILITY

This policy applies to all transit system employees, paid part-time employees, contract employees and contractors when performing any transit-related safety-sensitive duties **or when they are on transit property. This applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contract employees are governed by this policy while on transit premises and will not be permitted to conduct transit business if found to be in violation of this policy.**

A safety-sensitive function is any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), dispatch and maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, and any other employee or volunteer who perform duties requiring a CDL. Supervisors performing any of the above described functions are considered to be safety-sensitive employees. Participation in Park City's Substance Abuse Program as stated in this policy is a condition of employment.

All positions of Park City were reviewed for safety-sensitive duties to determine the safety-sensitive positions. Additionally, any new positions created in the future will be reviewed for safety-sensitive duties. The following positions were determined to be safety-sensitive:

Full-Time Driver

Mechanic

Part-Time Driver
Contracted Driver
Dispatcher

Security Guard
Administrator

4.0 PROHIBITED CONDUCT

“Prohibited substances” addressed by this policy include the following:

4.1 Illegally Used Controlled Substances or Drugs

Any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal uses include use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

4.2 Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates the mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice must be sought by the employee, as appropriate, before performing work-related duties.

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. It must include the patient’s name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.

4.3 Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance, which causes alcohol to be present in the body while performing transit business, is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

5.0 PROHIBITED CONDUCT

5.1 Manufacture, Trafficking, Possession, and Use

Transit System employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on transit authority premises, in

transit vehicles, on transit authority business, or while in uniform. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

5.2 Intoxication/Under the Influence

Any safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees who fail to pass a drug or an alcohol test shall be removed from duty immediately, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) **and subject to disciplinary action, up to and including termination.** A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

5.3 Alcohol Use

No safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol **while on duty**, in uniform, while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function. No safety-sensitive employee shall use alcohol within four hours ~~or~~ of reporting for duty, or during the hours that they are on call. **Violation of these provisions is prohibited and punishable by disciplinary action up to and including termination.**

6.0 COMPLIANCE WITH TESTING REQUIREMENTS

All safety-sensitive employees will be subject to urine drug testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty immediately, informed of educational and rehabilitation programs available, and referred to a SAP. Any safety-sensitive employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo another collection, however, this time it can be observed.

6.1 Refusal to Test

Refusal to comply with drug and alcohol testing requirements can include an inability to provide sufficient urine specimen or breath samples without a valid medical explanation, the lab's inability to test a sample due to tampering or adulteration, verbal declaration of refusal, obstructive behavior, failure to cooperate with any part of the testing process, failure to remain at collection site until the testing process is complete, failure to undergo a medical evaluation as required by an MRO or DER, failure to take a second test or permit monitoring or direct observation when requested by the

| collector or DAPM, refusal to sign the drug testing custody and control form or Step #2 on the alcohol testing form, leaving the scene of an accident without a valid reason before drug and alcohol testing have been completed, or physical absence. Physical absence includes not reporting at all for testing when directed by the employer or reporting for testing more than a half an hour late for a scheduled appointment. Refusal to test is considered a positive test and will result in immediate removal from duty and referral to a SAP.

7.0 TREATMENT REQUIREMENTS

All employees are encouraged to made use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with Park City's requirements for treatment, aftercare, or return-to-duty shall be subject to disciplinary action, up to and including

termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider.

Eligible employees will be allowed to take accumulated sick leave and/or vacation leave to participate in the prescribed rehabilitation program.

8.0 NOTIFICATION OF CRIMINAL DRUG CONVICTION

*All employees are required to notify the transit system of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. **Failure to comply with this provision shall result in disciplinary action, up to and including termination.***

9.0 PROPER APPLICATION OF THE POLICY

Park City is dedicated to ensuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including dismissal.

10.0 TRAINING FOR SAFETY-SENSITIVE EMPLOYEES & SUPERVISORS

All safety-sensitive employees shall receive a minimum of 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment and indicators of prohibited drug use. Additionally, this policy contains information on the effects or alcohol misuse on an individual's health, work, and personal life.

Supervisors responsible for making the decision to test for reasonable suspicion must receive a minimum of 60 minutes of training on drug and 60 minutes of training on alcohol information regarding the physical, behavioral, speech, and performance indicators of probably drug and alcohol use.

11.0 EFFECTS OF ALCOHOL MISUSE

Alcohol misuse can have serious consequences on a person. It can affect a person's health, lifestyle and employment. Misuse of alcohol not only puts a person's employment and health at risk, but also puts his/her co-workers at risk. It may also jeopardize a person's relationship with his/her family and friends. A worker becomes less productive at work and more likely to injure himself/herself or others in an accident. Studies show an employee is likely to be absent from work ten times as often as the non-abusing employee. Excessive absences can drastically affect an employee's paycheck and, in turn, his/her family's economic well being. Family distress combined with substance misuse frequently leads to emotional outbursts and overreaction to unimportant matters.

Alcohol is considered a substance of abuse when it is consumed in quantity producing physical or mood altering effects. Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors. Low self-control often leads to the aggressive behavior associated with some people who drink. Alcohol dulls sensation and impairs vision, memory, coordination and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart and cause permanent brain damage. Alcohol is a central nervous system depressant that can cause unconsciousness, coma, respiratory failure and death. On the average, heavy drinkers shorten their life span by about ten years.

The effects of alcohol vary and are dependent on many factors. The first and most obvious factor is the amount of alcohol consumed. A 12 ounce can of beer, a 5-ounce glass of wine, and a 1 ½ ounce of hard liquor all contain the same amount of alcohol.

Each 1 ½ ounce of alcohol takes the average body about one hour to process and eliminate. Other factors include a person's body weight, stomach content, age, altitude, gender, and whether the person is rested or tired, sick or healthy. All of these factors determine the rate of the metabolism in the body and thus the impairment of the individual. Coffee, cold showers, and exercise do not quicken sobriety.

FOLLOWING ARE SIGNS AND SYMPTOMS OF ALCOHOL USE:

Slurred Speech	Nausea	Memory Loss
Aggressiveness	Hostility	Unsteadiness
Blurred or Distorted Vision	Drowsiness	Incoherence
Impaired Judgment	Short Attention Span	Tunnel Vision
Inability to Divide Attention	Slowed Reaction	Time Blackouts
Distorted Sense of Time	Dehydration	Aching Muscles
and Distance/Unclear Thinking	Headaches	

12.0 TESTING PROCEDURES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant and as required by Federal regulations. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability, using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted according to the procedures put forth in 49 CFR Part 40, as amended, including the use of a split specimen collection method. The employee shall be provided with written instructions prior to specimen collection for drug testing.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen, called an immunoassay test, will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/ Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended.

In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, Park City reserves the right to request a separate sample and to test for additional drugs under Park City's own authority using standard laboratory testing protocols.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath testing device (EBT) operated by a trained breath alcohol technician (BAT) who is "trained to proficiency" in the operation of the EBT being used. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A safety-sensitive employee who has confirmed alcohol concentration of 0.02 or greater, but less than 0.04 will immediately be removed from his/her duties for a minimum of 8 hours or until a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in 49 CFR Part ~~654~~ 655 for safety-sensitive employees. Alcohol testing will only be done just prior to, during, or just after a safety-sensitive employee's shift.

Any safety-sensitive employee that has a confirmed positive drug or alcohol test will be immediately removed from their duties, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for an evaluation and assessment. A positive drug and/or alcohol test will result in disciplinary action, up to and including termination.

Detailed information on the drug testing process and the alcohol testing process are presented later in this policy. Employees may also request a copy of 49CFR Part 40 and 49 CFR Part 655 from the City's Drug and Alcohol Program Manager (DAPM).

13.0 TYPES OF DRUG & ALCOHOL TESTING EVENTS

13.1 Pre-Employment Drug Testing

All safety-sensitive position applicants shall undergo urine drug testing immediately following the offer of employment into a safety-sensitive position or before transferring into a safety-sensitive position. Receipt by Park City of a negative drug test result is required prior to employment, transfer to a safety-sensitive position, or for any safety-sensitive employee who has not conducted safety-sensitive duties for 90 or more consecutive days and has not been in the City's random test pool during that time period.

Any pre-employment drug test that results in a "Cancel" does not satisfy the requirement for a negative drug test result detailed in this part.

If otherwise qualified, an individual with permanent or long term disabilities that directly render him unable to provide an adequate urine specimen will be able to perform safety-sensitive duties despite his inability to provide urine during a pre-employment test. The MRO will determine long term inability to provide urine by medical examination and consultation with the employee's physician.

13.2 Reasonable Suspicion Testing

All safety-sensitive employees may be subject to fitness for duty evaluation and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral must be made by a supervisor, trained in the signs and symptoms of drug and alcohol use, who has personally observed and documented objective facts and circumstances which are consistent with the short-term effects of substance abuse. The criteria for a reasonable suspicion test must be based on contemporaneous, articulable, observations concerning the appearance, behavior, speech or body odor of the safety-sensitive employee. A supervisor making the decision to reasonable suspicion test may not act as the STT or BAT for that test.

Once the decision to reasonable suspicion test is made, the employee will be removed from safety-sensitive duties until the test results are received. The employee will be escorted to the collection site by the supervisor or another transit employee.

13.3 Post Accident Testing

Post accident testing of safety-sensitive employees involved in an accident with Park City's vehicle (regardless of whether or not the vehicle is in revenue service) is mandatory for accidents where there is loss of life and for nonfatal accidents if, 1) an individual involved in the accident immediately receives medical treatment away from the scene of the accident, or 2) one or more vehicles involved in the accident incurs disabling damage (damage which precludes the departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repair) requiring transportation from the scene by tow truck or other vehicle.

Where there is loss of human life, each surviving safety-sensitive employee on duty in the mass transit vehicle at the time of the accident must be tested. Safety-sensitive employees not on the vehicle (e.g., maintenance personnel), whose performance could have contributed to the accident (as determined by park City using the best information available at the time of the accident) must be

tested. Safety-sensitive employees on duty in the mass transit vehicle at the time of a nonfatal accident (fitting the criteria above) must be tested unless their behavior can be completely discounted as a contributing factor in the accident. Other safety-sensitive employees whose performance could have contributed to the accident, as determined by Park City using the best information available at the time of the accident shall also be tested after a non-fatal accident.

Following an accident, safety-sensitive employees will be tested as soon as possible, but not to exceed 32 hours for drug testing. If alcohol testing is not done within 2 hours of the accident, the reason for not testing should be documented and attempts to alcohol test must continue for up to 8 hours after the accident. If alcohol testing is not done within 8 hours or drug testing is not done within 32 hours following the accident, the reasons for not testing must also be documented. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following an accident or until they undergo a post-accident alcohol test.

The requirements to test for drugs and alcohol following an accident should in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the safety-sensitive employee must remain readily available, which means Park City knows the location of the safety-sensitive employee. Any safety-sensitive employee who leaves the scene of the accident, without a justifiable explanation, prior to submission to drug and alcohol testing will be considered to have refused the test **and shall face disciplinary action up to and including termination.**

13.4 Random Testing

All safety-sensitive employees shall be subject to random, unannounced testing. The current percentage of employees the Federal Transit Authority (FTA) and the Federal Highway Administration (FHWA) require to be randomly tested for drugs is 50% of the total number of covered employees annually. These percentages are subject to change based on industry-wide test results. This policy will change in accordance with any changes made by the FTA or FHWA. The percentage of the number of employees the FTA currently requires to be randomly tested for alcohol is 10% of the number of all covered employees annually. The percentage of the number of employees the FHWA currently requires to be randomly tested for alcohol is 10% of the number of all covered employees annually. The selection of safety-sensitive employees for random drug and alcohol testing shall be made using a scientifically valid method such as a random number table or a computer-based random number generator that ensures each safety-sensitive employee that they will have an equal chance of being selected each time selections are made. Random tests will be unannounced and spread throughout all days and all hours of all shifts Park City is in operation during the year. Employees are to proceed to the testing site immediately upon notification of a random test.

13.5 Return To Duty Testing

Before any safety-sensitive employee is allowed to return to duty and perform safety-sensitive duties following a verified positive drug or alcohol test, they must be evaluated by a SAP, complete

any recommended treatment and pass a return to duty test. Return to duty testing is done at the recommendation of the SAP and may be for drugs and/or alcohol.

13.6 Follow-up Testing

Once a safety-sensitive employee is allowed to return to duty, they shall be subjected to unannounced random follow-up testing for at least 12 months, but not more than 60 months with a minimum of 6 tests being done during the first 12 months. The SAP will determine the frequency and duration of the follow-up testing. Follow-up testing is separate from and in addition to the regular random testing program. Employees subject to follow-up testing must also remain in the standard random pool and must be tested whenever their name comes up for random testing, even if this means being tested twice in the same day, week, or month.

13.7 Employee Requested Testing

Any safety-sensitive employee who questions the results of a required drug test may request that an additional test be conducted. This test must be conducted at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. **The employee pays all costs for such testing unless the result of the split sample test invalidates the result of the original test.** The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for split sample testing must be made to the Medical Review Officer (MRO) within 72 hours of notice of the original sample verified test result. The MRO must direct the laboratory in writing to send the split sample with appropriate copies of the chain of custody form and a copy of the MRO's request for testing to another DHHS certified laboratory. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

14.0 DRUG TESTING PROCEDURES

14.1 Urine Specimen Collection

Urine collection for drug testing shall be done at a location that provides:

1. a privacy enclosure for urination
2. a toilet receptacle large enough to contain a complete void
3. a source for washing hands
4. a suitable surface for writing

The collection site personnel shall be trained in the proper procedures for preparing the collection site, collecting the urine specimen, sealing and preparing the specimen for shipment and completing the custody and control form as required in 49 CFR Part 40.

A DOT drug testing custody and control form will be used for the collection.

The collection room shall be inspected by the collector before and after each specimen collection for removal of any unauthorized persons and materials that could be used to adulterate the specimen. The collection site will be secure to prevent unauthorized access during the collection process.

The collector will verify the employee's identify by photo identification or by a Park City representative. The collection will not proceed if identify is not verified. The collection site will notify the employer if the employee fails to report or arrives more than thirty minutes late for the appointment.

The collector will unwrap the collection cup or specimen bottle in front of the employee and direct him/her to the privacy enclosure. The collector remains outside the enclosure. The employee is instructed to provide at least 45 ml (about 2 ounces) of urine.

If the employee is unable to provide at least 45 ml or urine he/she will be given up to 40 ounces of fluids and remain at the collection site for up to 3 hours in an attempt to provide the specimen. If the required amount is provided, the original sample is discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen is discarded, testing discontinued and the employer notified. The MRO shall refer the employee for a medical evaluation to determine whether the employee's inability to provide a specimen is genuine or constitutes a refusal to submit to a drug test.

Within four (4) minutes of receiving the specimen from the employee, the collector will record the temperature of the specimen on the custody and control form. The temperature must be between 90.0 and 100.0 F. Any specimen temperature out of that range requires that a body temperature be obtained from the donor. The body temperature must be within 1.8 F of the specimen to confirm that the sample has not been adulterated. The collector shall also visually examine the specimen for any unusual color or sediment, and note the results on the custody and control form.

If the employee refuses to cooperate with the collection process, the collector notifies the employer immediately and documents the non-cooperation on the custody and control form.

If a collection container is used, the collection site person, in the presence of the donor, pours the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to be used as the primary specimen. At least 15 ml shall be poured into the other bottle, to be used as the split specimen. If a specimen bottle is used as a collection container, the collector shall pour off 30 ml of urine from the specimen bottle into a second specimen bottle, to be used as the primary bottle, and retain the remainder (at least 15 ml) in the collection bottle to be used as the split specimen.

Both bottles must be sealed and labeled in the presence of the donor. The labels must be printed with the same specimen identification number as the custody and control form. The donor initials the seals on the bottles verifying the specimen is his/hers.

After the custody and control form is completed, the collector and the donor must sign the appropriate certification statements on the form regarding authenticity of the specimen and noted on the chain of custody portions of the urine custody and control form. Every effort should be made to minimize the number of persons handling the specimen.

Both the primary specimen and the split specimen shall be sealed in a single shipping container, together with the appropriate pages of the custody and control form. The tape seal on the container shall bear the initials of the collector and the date of the closure for shipment. The specimen must be stored in a secured location until transport to the laboratory.

14.2 Observed Collections

Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided. In all cases the employee must be advised of the reasons for requiring an observed collection.

In the following circumstances the collector must observe the second collection immediately after the first collection:

- 1) The employee has presented a urine sample that falls outside the normal temperature range (90.0 to 100.0 F) and the employee declines to provide a measurement of oral body temperature or oral body temperatures varies by more than 1.8 F from the temperature of the specimen.
- 2) The collector observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.)

In the following circumstances (previous collection events) the employer ~~may~~ must authorize an immediate observed collection:

- 3) The most recent urine specimen provided by the employee (on a previous occasion) was determined by the laboratory ~~to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2 g/l~~ to be invalid and the MRO reports to the DAPM that there was not an adequate medical explanation for the result.
- 4) The MRO reports to the DAPM that the original positive adulterated or substituted result had to be cancelled because the test of the split specimen could not be confirmed.

5) The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA regulations as a return to duty or follow-up test.

A supervisor of the collector or a designated employer representative shall review and concur in advance with any decision by the collector to obtain a specimen under direct observation. The direct observation must be by ~~a collector~~ an observer of the same gender as the employee being tested. The observer can be a different person than the collector and need not be a qualified collector.

15.0 ALCOHOL TESTING PROCEDURES

Alcohol testing shall be done at a location that provides:

5. Privacy to the individual being tested
6. Security with no unauthorized access at any time to the EBT
7. BAT conducting only one test at a time who must not leave the testing site while the preparations for testing or the test itself are in progress.

Upon arrival at the testing site, the employee must provide positive identification in the form of a photo identification or identification by a company representative.

The BAT will explain the testing procedures to the employee.

The BAT and the employee will complete, date and sign Step #1 and Step #2 of the alcohol testing form indicating the employee is present and providing a breath specimen. Refusal by the employee to sign Step #2 of the alcohol testing form will be noted by the BAT in the remarks section and is considered a refusal to test.

15.1 Screening Test

The employee is informed that testing will begin with a screening test. The BAT will open an individually sealed, disposable mouthpiece in view of the employee and attach it to the EBT.

The employee will be instructed to blow forcefully into the mouthpiece for at ~~least~~ least six seconds or until an adequate amount of breath has been obtained. The BAT will show the employee the result displayed on the EBT or the printed result.

If the result of the screening test is an alcohol concentration of less than 0.02, no further testing is required. The BAT and the employee will finish filling out the alcohol testing form. The employee may return to their safety-sensitive position. The test will be reported to the employer as a negative.

Note: Alcohol screens may be performed by certified Screening Test Technicians (STT) using alternative alcohol screening devices approved by the Department of Transportation.

The alternative methods may test either breath or saliva. If the screening tests results are 0.02 or greater, a confirmation test by a BAT, using an evidential breath testing device, must be performed.

15.2 Confirmation Test

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test must be performed.

The confirmation test must be conducted at least 15 minutes, but not more than 30 minutes, after the completion of the initial test. This delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading.

The BAT will inform the employee of the need to conduct a confirmation test. The employee will be instructed not to eat, drink, or put any object or substance in his/her mouth. The BAT will also instruct the employee not to belch to the extent possible while awaiting the confirmation test. The BAT will inform the employee that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instructions.

Before the confirmation test is administered, the BAT shall conduct an airblank on the EBT. If the reading is greater than 0.00, the BAT shall conduct one more airblank. If the second airblank reading is greater than 0.00, the BAT shall not use the EBT to conduct the test.

The confirmation test is conducted using the same procedures as the screening test. A new mouthpiece will be used.

If the initial and confirmatory test results are not identical, the confirmation test result is deemed to be the final result.

If the result displayed on the EBT is not the same as that on the printed form, the test will be canceled, and the EBT removed from service.

The BAT will sign and date the form. The employee will sign and date the certification statement, which includes a notice that the employee cannot perform safety-sensitive duties or operate a motor vehicle if the results are 0.02 or greater. Refusal by the employee to sign the certification statement is not considered a “refusal to test,” but it will be noted in the remarks section by the BAT.

The BAT will attach the alcohol test result printout directly onto the alcohol collection form with tamper-proof tape (unless the EBT prints the results directly on the form).

15.3 Reporting

The BAT will transmit all results to the employer's designated representative in a confidential manner. In the event an individual must be removed from safety-sensitive duties, the BAT will notify the employer's representative immediately.

16.0 MEDICAL REVIEW OFFICER

The laboratory results must be reviewed by a qualified MRO. The purpose of this review is to verify and validate test results. The laboratory shall report all results to the MRO in a confidential manner.

A qualified MRO is a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

16.1 Negative Test Results

The MRO shall conduct an administrative review of the control and custody form on all negative test results. The result may then be reported to the employer.

16.2 Positive Test Results

It is the responsibility of the MRO to review and interpret an individual's confirmed positive test. Those responsibilities include:

- a) Reviewing the individual's medical history, including any medical records and biomedical information provided.
- b) Affording the individual an opportunity to discuss the test result.
- c) Deciding whether there is a legitimate medical explanation for the result, including legally prescribed medication.
- d) If appropriate, request the laboratory to analyze the original specimen again to verify the accuracy of the test result reported.
- e) Notify each employee who has a verified positive test that they have 72 hours in which to request a test of the split specimen. If the employee requests an analysis of the split sample within 72 hours of having been informed of their verified positive test, the MRO shall direct, in writing, the laboratory to ship the split specimen to another DHHS certified laboratory for analysis. Reporting of a verified positive result is not delayed pending the split specimen analysis.
- f) If the employee does not request testing of the split sample within 72 hours of being notified of a positive test result and can provide documentation (such as serious illness,

injury, hospitalization, etc.) Which prevented the employee from making the request within the 72 hour time limit and the MRO concludes it is a legitimate reason, the MRO shall direct the analysis of the split sample performed.

g) If the analysis of the split sample fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable or inadequate for testing, or if the split is adulterated and the primary sample is not, the MRO shall cancel the test and report the cancellation and the reasons for it to the DOT, the employer, and the employee.

h) If the MRO is unable to reach the individual directly, after making all reasonable efforts, the MRO shall contact the designated employer representative who shall direct the individual to contact the MRO as soon as possible. If 5 days have passed from the time the employer directs the individual to contact the MRO and they have not done so, the MRO shall report the test result to the employer as positive from the laboratory and neither the ~~MOR~~ MRO nor the employer have been able to contact the individual, the MRO shall report the test results to the employer as negative.

i) If the individual can provide the MRO with a documented reason (such as illness, injury, hospitalization) for not contacting the MRO within a reasonable time, MRO may reopen the interview process.

j) It is the responsibility of the MRO to protect the employee's privacy and the confidentiality of the testing program. It is also the responsibility of the MRO to maintain records on all negative test results for a minimum of one (1) year and all positive test results for a minimum of five (5) years unless there is pending litigation in which case the files must be retained.

17.0 SUBSTANCE ABUSE PROFESSIONAL (SAP)

Any individual who has a verified positive drug or alcohol test shall be removed from safety-sensitive duties immediately, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission.

The responsibilities of the SAP include:

1) Evaluating whether a safety-sensitive employee who has refused to submit to a drug or alcohol test or who has verified positive drug or alcohol test result is in need of assistance in resolving the problems associated with prohibited drug and alcohol use.

- 2) Evaluating whether a safety-sensitive employee who has a verified positive drug or alcohol test result has complied with the SAP's recommendations.
- 3) Determine when return-to-duty testing is appropriate and whether it should be for drugs and/or alcohol.
- 4) Recommend the number of months the returning safety-sensitive employee will be subject to follow-up testing (after the minimum six tests during the first 12 months) and whether it will be for drugs and/or school.

The SAP who determines that a covered employee requires assistance in resolving problems with substance abuse may not refer the employee to the SAP's private practice from which the SAP receives remuneration or to a person or organization in which the SAP has a financial interest.

18.0 ANNUAL REVIEW PROCEDURES

To ensure quality service at collection sites, Park City's Program Manager will meet with the City's Third Party Administrator, at a minimum annually, to review the following:

- a) **Collection Procedures;**
- b) **Collection Staff Training; and**
- c) **Collection Recordkeeping.**

If during the course of these reviews deficiencies are identified, the Program Manager and Third Party Administrator will develop a remedial action plan to correct the deficiencies. The Program Manager will be responsible for monitoring the Third Party Administrator's progress and completion of the remedial action plan.

19.0 RECORD KEEPING AND CONFIDENTIALITY

19.1 Employer

The employer must maintain records on program administration and test results of individuals for whom they have testing responsibility. Following is the required time line for retaining records and documentation on program administration:

- | | | | |
|--|---|---|--------|
| | Negative <u>and cancelled</u> drug test results and alcohol test results less than 0.02 | - | 1 year |
| | Documentation on employee training and collection site personnel training | - | 2years |

<u>Information obtained from previous employers under 49CFR40.25 concerning drug and alcohol test results of employees.</u>	-	<u>3 years</u>
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Verified positive drug tests, refusals , referrals (<u>including substituted or adulterated test results</u>) , Alcohol test results greater than 0.02 or greater, EBT calibration documentation and MIS Reports	-	5 years
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Drug testing records must be kept in a secure location with controlled access. Drug and alcohol test results may be released only under the following circumstances:

a) Employer shall release information or copies of records regarding an employee's test results to a third party only as directed by specific, written instruction of the employee.

b) Employer may disclose information related to a test result to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee tested.

Upon written request, employer must promptly provide any employee with any records relating to his/her test.

Employer must release information to the National Transportation Safety Board (NTSB) about any post-accident test performed for an accident under NTSB investigation.

Employer shall make available copies of all results of employer testing programs, and any other records pertaining to testing programs when requested by DOT or any DOT agency with regulatory authority over the employer or any of its employees, or to a State oversight agency authorized to oversee rail fixed guide-way systems.

The FTA requires that transit agencies file annual report summarizing test results.

19.2 Laboratory

The laboratory shall maintain all test results in a confidential manner and provide secure storage for specimens. The testing laboratory may only release test results to a designated example, teleprinters, facsimile, or computer) in a manner designated to ensure confidentiality. Results may not be provided by telephone. Following is the required time line for retaining records and specimen storage.

Unless otherwise instructed by the employer in writing, all records pertaining to urine specimens shall be retained by the testing laboratory for two years.

The testing laboratory shall retain and place in properly secured long-term frozen storage all specimens confirmed positive in their original labeled specimen bottles for one year. Within this year the employer may request the laboratory to retain the specimen for an additional period of time. The laboratory shall also be required to maintain any specimen know to be under legal challenge for an indefinite period

The laboratory must also provide the employer with periodic summary reports.

19.3 Medical Review Officer

It is the responsibility of the Medical Review Officer (MRO) to protect the employee's privacy and the confidentiality of the testing program. All results will be reported to the employer's designated representative in a secure, confidential manner. The MRO shall not disclose to any third party medical information provided by the individual to the MRO as a part of the testing verification process except in the following situations:

An applicable DOT regulation permits or requires such disclosure.

In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable DOT agency rule.

In the MRO's reasonable medical judgment, in a situation in which there is not a DOT agency rule establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his or her safety-sensitive function could pose a significant safety risk.

The following is a time line required of the MRO for retaining drug test result records:

Drug test results reported to the employer as negative -	1 year
Drug test results reported to the employer as positive -	5 years

20.0 RE-ENTRY CONTRACT

Employees who re-enter the workforce must agree to a re-entry contract. The contract may include (but is not limited to):

- a) A release to work statement prepared by the Substance Abuse Professional.**
- b) A negative test for drugs and/or alcohol.**
- c) An arrangement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.**
- d) A statement of expected work-related behaviors.**
- e) An agreement to follow specified after-care requirements with the understanding that violation of the re-entry contract is grounds for discharge.**

21.0 SYSTEM CONTACTS

Program Manager (DAPM):

Name:	Kent Cashel
Title:	Transportation Director
Address:	P O Box 1480
	Park City UT 84060

Telephone: (435) 615-5360

Medical Review Officer (MRO):

Name: Paul D. Teynor, MD, MPH

Address: Intermountain MRO Services, Inc.
P O Box 9223
Salt Lake City UT 84109

Telephone: (801) 486-5400

Substance Abuse Professional (SAP):

Name: Tammie L. Bendixen Dusoe

Address: 8300 S 700 E Ste B
Sandy UT 84070

Telephone: (801) 572-7872

Third Party Administrator:

DFW/IDT

352 S Denver Street Ste 202
Salt Lake City UT 84111

Contact: Dr. Paul Teynor, Bob Mucci

Phone: (801) 328-4027

DHHS Certified Laboratory:

Northwest Toxicology, Inc.

1141 E 3900 S
Salt Lake City UT 84124
(801) 293-2300

DATE: September 26, 2002
DEPARTMENT: Planning
AUTHOR: Jonathan Weidenhamer
TITLE: Sunnyside Subdivision zone change from Residential Development (RD) to Single Family (SF)
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION: Staff recommends the City Council hold a public hearing and consider public input on the proposed rezoning application. Staff has prepared a draft ordinance to approve the rezone application as modified by the Planning Commission's recommendation.

H. Topic

Applicants	10 individual lot owners -see Exhibit B
Location	Sunnyside Subdivision
Zoning	Residential Development (RD)
Adjacent Land Uses	April Mountain MPD, Pinnacle Condos (RD - MPD), Sunnyside -UP (E), Platted, Park City Survey (RM), ROS
Reason for Review	Zone changes require Planning Commission review and City Council approval.

I. Background

Ten individual home owners from the Sunnyside Subdivision have applied for a zone change for their subdivision from Residential Development (RD) to Single Family (SF). Initially, the zone change request to SF was to eliminate nightly rentals and subsequent use of certain residences for corporate retreats and as a day-spa. Nightly rentals are an allowed use in the RD District, but prohibited in the SF. The Sunnyside homeowners assert that nightly rentals affect the neighborhood in a negative fashion due to the impacts of the temporary uses in terms of parking, traffic, and noise among others. These impacts are heightened during major events like Sundance. Through written and public testimony, the applicants have indicated the major focus of their application is to promote a more traditional single family neighborhood, one more in keeping with the purpose statements found in the Park City's Land Management Code (Exhibits F&G).

The Sunnyside Subdivision was approved in 1979. The subdivision was approved in the RD District and exists as an 18 lot subdivision. Under State statute there is no minimum requirement for number or percentage of owners of a subdivision to apply for a zone change. There is no official Homeowners Association for the subdivision.

Owners of 10 of the 18 lots in the subdivision have submitted fees for an application to rezone(55%) and are considered the Applicants (Exhibit B). Staff has also received written support from one other owner in the subdivision (Exhibit C). The application to rezone therefore has majority support (11/18 lots or 61%) from the neighborhood. Staff has received input (Exhibit D) from six Sunnyside property owners opposed to the rezone (6/18 lots or 33%). Staff has not received input from one property owners (6%). Find Exhibit E for a subdivision map indicating for and against.

Creation of the SF Zone

In 1986, the SF Zone was created to reflect and delineate more traditional and permanent family neighborhoods in Park City. The driving purpose behind the creation of the SF Zone was to resolve long-standing difficulties regulating and processing nightly rental applications. At the time, nightly rentals were conditional uses in most zones. With the creation of the new SF zone, which prohibited nightly rentals, nightly rentals became an allowed use in most zones.

At the time of creation of the SF District, similar issues and controversies were raised about rezoning as are brought forward today. To help mitigate for some of these concerns, the Single Family - Nightly Rental District (SF-N) was created, which also prohibited mixed uses, clustered development, etc., but allowed nightly rentals. Although at the time of adoption of the new zoning districts, no subdivisions were rezoned SF-N, a stipulation allowed for 51% ownership of any subdivision zoned SF in favor of nightly rentals, could petition to amend their zoning to SF-N. Subsequently, Prospector Village was the only subdivision to establish SF-N as their underlying zoning.

J. Analysis

The Sunnyside Subdivision is surrounded by many different zoning districts (Exhibit A) none of which are zoned SF. To the west is Sunnyside-Up Condominiums, which is a six unit multi-family Estate (E) Zoned project. Immediately to the north is a parcel of Recreation Open Space (ROS) and the April Mountain MPD (31 SF/ 39 attached and detached condominiums) which is zoned RD. To the east is a sliver of ROS, followed by the Pinnacle Condominiums, which is an 86 unit multi-family project zoned RD-MPD. To the south, and surrounding the Sunnyside lots along Deer Valley Drive, exists a portion of originally platted Park City Survey, which is zoned Residential Medium-Density (RM). Condominiums are prevalent here. The underlying zoning in each of these areas allow nightly rentals, however, April Mountain has restricted nightly rentals with a plat note.

Although the purpose statements for the RD and SF zones are significantly different, the primary differences between the two zoning districts are the prohibition of nightly rentals, clustered development, and mixed uses in the SF Zone. The LMC prohibits commercial uses in each zone. The applicants prefer to have a neighborhood consistent with the LMC zone purpose statements of the SF District in terms of character, permanency, and overall feel. The following are the purpose statements listed for the applicable zoning districts:

The purpose of the Single Family District is to:

- maintain existing predominately Single Family detached residential neighborhoods,
- allow for Single Family Development Compatible with existing Developments,
- maintain the character of mountain resort neighborhoods with Compatible residential design; and
- require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

The purpose of the Residential Development District is to:

- allow a variety of residential uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,

- encourage the clustering of residential units to preserve natural Open Space, minimize site disturbance and impacts of Development, and minimize the cost of municipal services,
- allow commercial and recreational activities that are in harmony with residential neighborhoods,
- minimize impacts of the automobile on architectural design,
- promote pedestrian connections within Developments and between adjacent Areas; and
- provide opportunities for variation in architectural design and housing types.

Demographic Review Sunnyside Subdivision:

Lots	18
Lots Built	14
Unimproved Lots	4
Primary Homes*	10
Non-primary*	4
Bus. Lisc. for nightly rental [@]	1

Property owners for rezone	11 (61%)
Property owners against rezone	6 (33%)
Unknown	1 (6%)

*Source: HdL Companies - (tax consultant for PCMC - property tax records)

[@]Source: PCMC Finance Dept (642 Sunnyside Dr.)

General Plan Review:

The *Land Use Element* of the General Plan regarding neighborhoods declares, "Modification should be made to current zoning so that remaining development will be more consistent with community desires and expectations." With specific regard to Deer Valley as a neighborhood, the General Plan recognizes that, "As this area develops, it has become apparent that the zone's permitted density is resulting in more density and larger scale than the neighborhood is comfortable with. Increased traffic will also become an issue in this area." Although these statements specifically speak to future development rather than existing development, they do identify the need to recognize evolving neighborhoods.

The *Growth Management Element* of the General Plan offers LMC Adjustment Policies to reduce growth incentives and minimize the impacts of growth offers the policy that, "The zoning and subdivision regulations should be evaluated and amended to more closely reflect community expectations that the impacts and intensity of growth and development in Park City will be reduced."

The *Economic Element* of the General Plan identifies a goal of “providing a quality living experience for residents while remaining competitive in the changing recreation market.” In order for Park City to continue to collect its resort City sales tax, its transient room capacity must be greater than or equal to 66% of the permanent census population. Whereas one or two individual subdivisions removing nightly rentals would not significantly impact this percentage, if rezones to SF became a trend, it could have considerable, adverse impacts.

The City’s Office of Capitol Management and Budget (OCMB) conducted a limited study on taxes generated from homes conducting nightly rentals that have similar demographics to this subdivision. They concluded that each home supplies between \$6,000 - \$10,000 per year in city and county sales tax. The OCMB has also solicited average gross income estimates from three local property management companies. The estimates found city and county taxes to be between \$2,000 and \$4,000. Different types of analysis were used to generate the two different estimates and account for the varied results. The OCMB estimate is based on actual tax numbers, while the smaller number is a standard industry projection. OCMB finds merit in both numbers and considers them both valid.

Planning Commission Review:

The Planning Commission held public hearings on July 11, July 31, and September 11, 2002. Input to support the application has focused mainly on a home in the subdivision approved for nightly rentals that was being used in a “quasi-commercial manner,” and the resulting impacts on the neighborhood in terms of parking, noise, traffic, and garbage. Proponents for the application also touched on their desire to be more a permanent neighborhood, and their desire as mostly full time residents to shape the future of their own neighborhood.

Eric Oldham, owner of a property with a nightly rental business license spoke and offered to work with the neighborhood to mitigate their concerns, and recognized his right to continue nightly rentals as a Non-Conforming Use if the subdivision were to be rezone. Trent Timmons, who recently purchased lot 20, indicated he had purchased the lot with the intention of

developing a five bedroom property specifically for nightly rentals. An agent of Resort Property Management Inc. speaking on Trent Timmons's behalf submitted annual revenue projections of nightly rentals for this type of house (exhibit F). Staff has also received written opposition from a number of other people (Exhibit D).

At the July 11, 2002 meeting direction was given by the Commission that staff should prepare findings supporting a positive recommendation to the City Council to approve the application based on the Land Use and Growth Management Elements of the General Plan, specifically, that zoning should be evaluated and amended to reflect community expectations. At the July 31, 2002 meeting, staff was directed to analyze the SF zone purpose statements to determine what characteristics and resources of Sunnyside are protected by the SF zone, that are not by the RD.

At the September 11, 2002 meeting, the Planning Commission recommended modifying the application to rezone the Sunnyside Subdivision to exclude lots 1, 2, and 4. These lots were excluded because they are directly adjacent to Deer Valley Drive and will continue to be directly impacted by the existing, allowed nightly rentals in the area, while being prevented from enjoying the option of the benefits. With this recommendation, three of the Sunnyside lot owners who have submitted written opposition to the application will not be rezoned against their wishes. The lot owners remaining as part of the application as modified would have a strong majority (12 lots out of 16 or 75%). This recommendation was forwarded with a tie vote broken by the Chair of the Commission, and is accompanied by findings and conclusions adopted by the Commission (Exhibit J).

D Significant Impacts

1. A rezone to SF would prevent new nightly rental licenses from being issued in this subdivision. This would eliminate the possible additional sales tax revenues (as nightly rentals) from any homes in the subdivision not presently licensed as nightly rentals (between \$2,000 - \$10,000 per home).
2. Whereas one or two individual subdivisions removing nightly rentals would not significantly impact the percentage of tourism based housing stock, if rezones to SF became a trend, it could have considerable, adverse impacts on the City's Resort Economy.
3. The impacts from adjacent nightly rental properties allowed outside Sunnyside will continue to affect residents in this subdivision without allowing them the option of enjoying the benefits.

4. A rezone to SF would alter the status of valid, existing nightly rentals in the subdivision to lawful non-conforming uses per LMC Chapter 9.
5. Denying the rezone would allow nightly rentals to continue as an allowed use as well as potentially allow more homes in the subdivision to be used for nightly rentals.

5. Alternatives

1. Approve the application as modified by the Planning Commission based on the findings of fact and conclusions of law (this is Staff's recommendation);
2. Deny the application based on amended findings;
3. Approve the application as originally submitted (all lots in the Sunnyside Subdivision);
4. Modify the application in a manner different from alternatives A and C and approve; or
5. Continue the public hearing until a general plan update is completed or until potential nightly rental amendments to the LMC and Municipal Code are implemented.

F. Department Review

The request has been discussed at a Staff Review Meeting on June 25, 2002, where representatives from local utility companies and City Staff were in attendance.

G. Recommendation

Staff recommends the City Council hold a public hearing and consider public input on the proposed rezoning application. Staff has prepared a draft ordinance to rezone pursuant to the Planning Commission's recommendation. Should the Council elect to pursue alternatives B - E, it should direct staff accordingly.

H. Exhibits

Exhibit A - Location Map/Existing Zoning Map

Exhibit B - List of Applicants

Exhibit C - Written support from lot 19

Exhibit D - Written opposition to the application (6)

Exhibit E - Subdivision map indicating lot owners for/ against application

Exhibit F - Written summary from the applicant (July 22, 2002)

Exhibit G - Written update from the applicant (August 20, 2002)

Exhibit H - Planning Commission minutes from September 11, 2002

Exhibit I - Ordinance

Exhibit J - Planning Commission Findings of Fact and Conclusions of Law - Sept. 11, 2002

AN ORDINANCE APPROVING A REZONE OF THE SUNNYSIDE SUBDIVISION FROM RESIDENTIAL DEVELOPMENT TO SINGLE FAMILY, EXCLUDING LOTS ONE, TWO, AND FOUR, AND AMENDING THE OFFICIAL PARK CITY ZONING MAP.

WHEREAS, on July 11, July 31, and September 11, 2002, the Planning Commission held public hearings to receive public input on the proposed rezone; and

WHEREAS, the Planning Commission forwarded to City Council a positive recommendation to rezone the Sunnyside Subdivision, but excluding lots one, two, and four; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on September 26, 2002; and

WHEREAS, 10 individual lot owners in the Sunnyside Subdivision have petitioned the City Council to rezone their Subdivision from Residential Development to Single Family; and

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

WHEREAS, the existing conditions in the Sunnyside Subdivision, excluding lots one, two, and four, are consistent with the Single Family District purpose statements; and

WHEREAS, the change from Residential Development to Single Family Zoning, excluding lots one, two, and four is consistent with the Park City General Plan; and

WHEREAS, it is in the best interest of Park City Utah to rezone the Sunnyside Subdivision, excluding lots one, two, and four from Residential Development to Single Family

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

SECTION 1. REZONE OF THE SUNNYSIDE SUBDIVISION FROM RESIDENTIAL DEVELOPMENT TO SINGLE FAMILY, EXCLUDING LOTS ONE, TWO, AND FOUR. The property known as Sunnyside Subdivision, currently zoned Residential Development should be and is hereby rezoned to the Single Family District, with the exception of lots one, two, and four, which will remain Residential Development. The property subject to this zone change is

described in Exhibit E, attached. The official zoning map is hereby amended to reflect this zone change.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for this rezone, the rezone is consistent with the Park City Land Management Code, and General Plan, neither the public nor any person will be materially injured by the rezone, and approval of the rezone does not adversely affect the health, safety, and welfare of the citizens of Park City.

SECTION 3. APPROVAL. The proposed rezone, as described above, are hereby approved.

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

DATE: 9/26/02
DEPARTMENT: OCMB
AUTHOR: Matt Twombly
TITLE: Pechnik House Remodel
TYPE OF ITEM: Award of Construction Contract

SUMMARY RECOMMENDATION:

Staff requests authorization to proceed with the renovation of the Pechnik House at 154 Marsac Avenue. Staff recommends that Council award the construction contract to Jeff Riehl Construction Inc., in the amount of One Hundred Thirty-nine-Thousand One dollars and seven cents (\$139,001.07).

DESCRIPTION

A. Topic Award of the construction contract and proceed with the remodel project of the Pechnik House to be used for employee affordable housing.

B. Background

The house and property owned by the Pechniks were purchased by the City in September of 1999. The purchase of the property was through the use of Affordable Housing Capital Improvement funds. At the time of the purchase the Council determined that the house should be renovated and leased to City employees for affordable housing.

Upon close inspection to the condition of the house, the Building Department determined that many items did not meet Building Codes. The most notable features in need of repair were the foundation, the roof, electrical and plumbing. The City contracted with the Firm of Jarrett Engineering to address the foundation and roof structural needs, and the architectural, miscellaneous building and mechanical needs were addressed by Building Department Staff. The project entails lifting the structure, removal of existing foundation, construction of new

footings and foundation, new structural lumber to support the roof, new roof, new electrical service and interior wiring, new plumbing, new mechanical equipment, and new sanitary sewer.

The Snyderville Basin Special Water Reclamation District does not have any information on the condition of the sewer lateral from the house to the sewer main on the opposite side of Marsac Avenue. There was a dye test performed which evidenced that the lateral does tie into the main, but the video of the lateral could not be performed because the pipe was crushed approximately five feet from the house. The contract anticipates replacing a portion of the sewer lateral into Ontario Avenue. The contract does not incorporate the replacement of the sewer lateral in SR-224, because the condition is not yet known.

C. Analysis Affordable Housing is a high priority in Council Goals for the community. Presently the City has seven affordable housing units with six in Silver Meadows and one at 1465 Park Avenue. There are currently four City employees on the waiting list for affordable housing. The units in Silver Meadows are currently managed by Evergreene Property Management and the unit on Park Avenue is managed by a resident of the 8plex building. The unit would not be ready for occupancy until the Spring, therefore staff will not be recommending a rental amount or manager for the property at this time.

The plans and specifications do not include interior remodeling. The interior of the house would remain essentially the same, with paneling in the kitchen, bathroom and living room and plaster in the bedrooms. Staff recommends that any interior remodeling needs be addressed after the major construction work has been completed. It is likely that some interior work will be recommended to be done prior to occupancy, such as the replacement of carpeting, painting, window shades, etc. The purpose of this contract is to make the property "habitable."

The request for bids was legally noticed in the Park Record on September 7, and 11, 2002; and in the Salt Lake Tribune on September 9, and 10, 2002. There was only one bid out of four plan holders for the project and the bid was opened and read aloud on September 18, 2002. The low and only bidder was Jeff Riehl Construction Inc., for \$139,001.07. Staff

estimated the project at \$147,000. Jeff Riehl Construction Inc., has not been involved in any other City projects but is a well known and respected contractor in Park City. A few projects he has completed around Park City are: The Town Lift Bridge, and the historic home renovation/remodel at 283 Park Avenue and 949 Park Avenue.

The work will proceed approximately ten days after the award, upon the execution of the construction agreement drafted by the City Attorney's office and receipt of bonds and certificates of insurance. The project documents stipulate that the initial sewer lateral work and road cut be completed by October 15, 2002; the replacement of the house on the new foundation by December 1, 2002; and the completion of the remainder of the project by April 1, 2003.

4) D. Department Review Office of Capital Management and Budget, City Manager's Office.

ALTERNATIVES

A. **Approve the Request** Award the construction contract to Jeff Riehl Construction Inc., in the amount of One Hundred Thirty-nine-Thousand One dollars and seven cents (\$139,001.07).

B. **Modify the Request.** Council could wait until the Old Town Improvement study is complete before making a decision. If Council deems that the bid is too high, or wish not to undertake the project, staff could rebid the project in the Spring or hold off on the project altogether. Redesign is not an option to reduce costs, where the project has been designed for minimum reconstruction to meet current code. The project could be expanded, although providing for additional living space would trigger a Plat Amendment, Historic District Commission review, and further design, engineering and planning costs.

C. **Deny the Request.** The Pechnik House would remain in its present condition rendering it uninhabitable.

D. Continue the Item. Continuance would result in having to rebid the project with different completion dates for the project. Due to winter construction constraints it would be unlikely to start the project until Spring.

SIGNIFICANT IMPACTS There is approximately a total of \$405,000 in the Affordable Housing Capital Improvement Account. Just over half of these funds are in the Redevelopment Agency Capital Improvement Account, more specifically the Lower Park Avenue RDA. The City has two redevelopment project areas: Main Street and Lower Park Avenue. The only time RDA funds can be used outside of the district is for affordable housing. Therefore, the Lower Park Avenue Affordable Housing RDA funds could not be used for capital improvement projects in the Main Street area except for affordable housing. Limited Main Street RDA funds have been budgeted for Main Street area capital improvements (OTIS) instead of affordable housing capital improvements.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION The Pechnik House will remain in its current uninhabitable condition.

RECOMMENDATION Staff recommends that the City Council award the construction contract to Jeff Riehl Construction Inc., in the amount of One Hundred Thirty-nine-Thousand One dollars and seven cents (\$139,001.07) and proceed with the Pechnik House Remodel Project.

DATE: 06/30/16

DEPARTMENT: OCMB

AUTHOR: Mark Christensen

TITLE: Petition to create an Old Town Business Improvement District

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Businesses have petitioned the City to create the Old Town Business Improvement District under the Utah Parking and Business Improvement District Act, Utah Code Ann. §§ 17A-3-401 to – 414, 1953, as amended. Council should adopt the attached resolution of intent. (Attachment A)

DESCRIPTION:

A. **Topic:** Adopt a resolution of intent that begins the process of creating a Business Improvement District (BID) in the Old Town Area. This action will provide a self-funding mechanism for business improvement in the Old Town business core.

B. **Background:** Since 1998, staff has worked with the Historic Main Street Business Alliance (HMBA) exploring options to establish a self-funding mechanism for the economic promotion of the Old Town Business core.

In spring 2002, the HMBA began a campaign to gather support from business owners for a tax to promote Old Town. The tax would be based on the business license fee methodology. Unlike a property tax assessment, a tax on business owners and not the property owners was a favorable option for the Old Town businesses.

The HMBA has gathered support from Main Street businesses for two separate issues. The first issue was whether businesses would support an “enhancement assessment” or tax to fund business improvements in Old Town. (Attachment B) The HMBA has compiled a list of Main

Street businesses that support the proposed tax increase. A summary of the HMBA information is provided in Table 1.

After the HMBA began collecting signatures, it was determined that the only way to collect this fee is through the powers authorized in a BID. A BID can be created by resolution after the statutorily required public hearing process.

The HMBA has gathered a second petition (Attachment C) requesting Council to adopt a resolution of intent creating the BID. The request to form the BID has already received the support of approximately 17 percent of the businesses included in the proposed district. The district will assess a tax that mirrors the fee established in the business license fee resolution, but is capped at \$1,000 per business per year.

A BID public hearing process is commenced in one of two ways. First, the municipality can instigate the creation of the district by passing a resolution of intent of its own accord. The second method for creating a BID is for the business owners to appeal directly to the City Council. A petition containing the signatures of 10 percent or more of the business owners in the proposed district can be presented to the governing authority requiring the adoption of a resolution of intent to establish a BID and commencing the public hearing process. The HMBA agreed that if a resolution of intent were to be a viable option for the Old Town Area, the businesses in the BID area should petition the City Council. Through this action it would be clear that the Old Town Businesses were requesting an additional tax to fund further economic promotion and business improvements. The HMBA petition by State Code, requires Council to adopt a resolution of intent commencing the public hearing process for the creation of a BID.

The following time line establishes the steps to creating the Old Town Business Improvement District.

K. September 20, 2002 the Park City Council receives petition for resolution of intent.

L. September 26, 2002 the Park City Council will adopt the attached Resolution of Intent.

M. As soon as possible after the resolution of intent is adopted the City Recorder should publicly notice the intent of the City to form the Old Town Business Improvement District pursuant to Utah Code Ann. §§ 17A-3-406 to – 407, as amended.

N. On October 31, 2002, Council should hold a public hearing and give full consideration to all protests against the establishment of the district, which may have been filed, or shall be heard from all persons wishing to address the issue. The hearing may be continued from time to time.

O. After the public hearing is complete the City Council shall adopt a resolution either establishing or abandoning the district. A resolution establishing the district may contain changes from the initial resolution or notice of intention the Council deems appropriate including reducing the size of the boundaries. If the boundaries are to be increased a new notification and public hearing process must be held.

There shall be a 15-day period from the conclusion of the hearing, where if over 50 percent of the businesses in the district file written protests against the establishment of the district, the Council shall abandon the proposed establishment of the district.

C. Analysis: On September 20, 2002, a petition was submitted to City Council, signed by more than 10 percent of the business in the proposed district, to adopt a resolution of intent to create the Old Town Business Improvement District. (Attachment C)

The HMBA has also compiled a petition containing roughly 50 percent of the business owners signature supporting an “enhancement assessment” based on the business license methodology in an amount not to exceed \$1,000 per business per year for business improvements. In the past, the City has been hesitant to pursue this funding option for Main Street businesses because business owners were perceived to be divided. The HMBA has demonstrated that a majority of the business in the proposed district will support the tax associated with the creation of this district.

At this time a majority of the businesses in this area favor the imposition of an additional tax to fund business improvements and economic development in the Old Town Area. This tax option is only available through the creation of a BID.

The BID would be an agency of the City and would require the creation of a new fund for revenues and expenses. This fund would be under the control of Council and all expenditures and revenues would need to be accounted for based on the City’s existing budget policies and the new requirements of GASB 34.

If the BID is ultimately established, the HMBA has expressed a desire that the Council enter into a contract with a representative organization of the Old Town Area to carry out the economic development and business improvement activities as opposed to funding a new City position. The representative organization would enter into a contract with the City for the provision of services, consistent with the purpose of the BID, and would be subject to annual budget and performance review and appropriations.

The City will incur costs associated with the administration of the BID. Initial and ongoing costs of creating the BID include creating a billing feature in the finance system, audit fees, and staff time establishing the BID, annually billing the district etc... The HMBA would like the City to not charge the BID fund the costs associated with the administration of BID. This is a policy decision that Council should consider as it will have an ongoing operating impact on the City similar to the benefit given to special service contracts.

The proposed creation of the Old Town BID has many potential impacts. Any potential penalties associated with not paying this tax will need to be established. Preliminarily, the existing business license code could be modified to include language that suspends or prohibits the issuance or renewal of business licenses for business that are delinquent with the BID tax. Staff will present language that incorporates this change unless otherwise directed on the 26th. On October 31st staff will present several options that outline the enforcement, collection, and administration of the proposed district.

The boundary of the proposed “Old Town Business Improvement District” is defined as all businesses located on the following streets:

Main Street

Heber Avenue

The South Side of 9th Street between Deer Valley Drive and Main Street

Park Avenue between 9th Street and Heber Avenue

Swede Alley

7th Street between Main Street and Park Avenue

6th Street between Main Street and Park Avenue

5th Street between Swede Alley and Park Avenue

4th Street between Swede Alley and Park Avenue

The West Side of Marsac Avenue from the north side of Hillside Avenue to the intersection of Marsac and Deer Valley Drive.

The West Side of Deer Valley Drive from Marsac to the South Side of 9th Street.

The North Side of Hillside Avenue between Marsac Avenue and Main Street.

Council can direct staff to address specific issues prior to the October 31st public hearing deadline. Specific issues Council would like to address prior to that date should be outlined on September 26th or in subsequent Council meetings.

D. Department Review: OCMB, Legal, Finance, City Manager

RECOMMENDATION: Council should adopt the attached Resolution of Intent and authorize Staff to commence the public notice/hearing process necessary to establish this district. This is mandated by state code since the petition proposing establishment of the BID has been submitted and approved by more the 10 percent of the business owners located within the proposed BID. This is Staff's recommendation.

SIGNIFICANT IMPACTS: Adopting a Resolution of Intent starts the process to create a Business Improvement District. On October 31st, Council will have the opportunity to formally establish or abandon the proposed district. Adopting the resolution of intent begins the public notification and public input process.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Failure to adopt the resolution of intent at this time places the City out of compliance with state law and leaves the City open to potential legal action.

Attachments:

- A. Resolution of Intent to Create the Old Town Business Improvement District
- B. HMBA List of Main Street Businesses Supporting a New Tax for Economic Development in the Old Town Area
- C. Main Street Petition for the Old Town BID

A RESOLUTION DECLARING THE INTENTION OF THE PARK CITY COUNCIL OF PARK CITY, TO CREATE THE PARK CITY OLD TOWN BUSINESS IMPROVEMENT DISTRICT TO PROMOTE BUSINESS ACTIVITY AND ECONOMIC DEVELOPMENT IN THE OLD TOWN AREA, BY ASSESSING BUSINESSES WITHIN THE DISTRICT A TAX BASED ON BUSINESS SIZE AND USE AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST THE DISTRICT AND ITS TAX, AND RELATED MATTERS.

WHEREAS, the Utah Parking and Business Improvement District Act, Utah Code Ann. §§ 17A-3-401 to – 414, 1953, as amended allows counties and municipalities to establish Parking and Business Improvement Districts;

WHEREAS, 17A-3- 404 (2) provides that a county or a municipality which has established a parking and business improvement district may levy a tax on businesses within said district which is in addition to all other taxes levied upon businesses, and shall not be limited by levy limitations imposed upon counties or municipalities by law;

WHEREAS, 17A-3- 405 (2) provides that “It shall be the duty of the governing authority of a county or municipality to adopt such a resolution, upon presentation to the governing authority of a petition proposing the establishment of a parking and business improvement district and setting forth the boundaries of the proposed district, if the petition is approved by 10% or more of the business owners located in the proposed district.”

WHEREAS, the City Council has been petitioned by 10 percent or more of the business owners in the proposed District to establish the Park City Old Town Business Improvement District (the District);

WHEREAS, the petition to form the District requests a tax based on the square footage and business activity that is capped at an amount of \$1,000 per year to be levied on all businesses within the District; for funding business improvements and economic promotion activities in the District;

WHEREAS, the City Council hereby declares that the public health, convenience, and necessity requires the establishment of the District.

NOW THEREFORE, be it resolved by the City Council of Park City as follows:

It is the intent of the City Council of Park City to establish a business improvement district, to be known as the “Old Town Business Improvement District,” which boundaries are specifically described in Section 6 hereafter, pursuant to the Utah Parking and Business Improvement Act. The recitals above are hereby incorporated as findings.

The City will levy a tax on all businesses within the District, which tax shall be based on the business’ square footage and business activity in an amount not to exceed \$1,000 per calendar year. Failure to pay this tax will result in the revocation of the business license until this tax is

paid in full. Full payment of this tax shall be a condition precedent to issuance of any renewal licenses.

The City Recorder is hereby directed to give notice of intention to establish the District pursuant to Utah Code Ann. §§ 17A-3-406-407.

Protests against the establishment of the district, its tax, and related matters can be submitted in writing to the City Recorder at any point prior to the public hearing. At the place and on the date and time specified for the hearing in the notice of intention, the governing authority of the county or municipality shall give full consideration to all protests which may have been filed and shall hear and consider all interested persons desiring to be heard.

If persons constituting and consisting of over 50% of the business owners of the territory proposed to be included within the district file written protests within 15 days after the conclusion of the hearing against the establishment of the district, the governing authority shall abandon the proposed establishment of the district.

The boundary of the proposed Old Town Business Improvement District is defined as all businesses located on the following streets:

Main Street

Heber Avenue

The South Side of 9th Street between Deer Valley Drive and Main Street

Park Avenue between 9th Street and Heber Avenue

Swede Alley

7th Street between Main Street and Park Avenue

6th Street between Main Street and Park Avenue

5th Street between Swede Alley and Park Avenue

4th Street between Swede Alley and Park Avenue

The West Side of Marsac Avenue from the north side of Hillside Avenue to the intersection of Marsac and Deer Valley Drive.

The West Side of Deer Valley Drive from Marsac to the South Side of 9th Street.

The North Side of Hillside Avenue between Marsac Avenue and Main Street.

This Resolution shall become effective upon adoption. Dated this 26th day of September, 2002.