PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 23, 2010

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 23, 2010.

Work Session

3:15 p.m.	Council questions/comments	
3:30 p.m.	Library Annual Report and Facility Needs Committee Report	P. 3 - 19
4:00 p.m.	Planning Commission interviews	
5:45 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV SPECIAL MEETING NOTES OF JOINT MEETING WITH THE HISTORIC PRESERVATION BOARD ON JUNE 15, 2010 P. 20 - 23

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

1. Consideration of a construction contract with Alpine Trails, Inc. in the amount of $42,800, in a form approved by the City Attorney P. 24 - 26

2. Consideration of a Master Festival License for the Viper Owners Invitational “11” to be held on Main Street on October 1 – 2, 2010 P. 27 - 35
   (a) Public hearing
   (b) Action

3. Consideration of direction to staff to return on September 30, 2010 with of a modification of the contract with Summit Land Conservancy to provide a Letter of Credit to the Summit Land Conservancy in an amount of $40,000, in a form approved by the City Attorney P. 36 - 47

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

Closed Session – Personnel, property and litigation

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

Posted: 09/20/10
See www.parkcity.org

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

September 2010

30 Transportation Study update – MC
In-Active Permit System – RE
Change order Cody Ekker Construction Sandridge Ave Reconstruction Project
BOA interviews (work – 45 min)

October 2010

7 **No meeting**
Liza gone
14 BFO check-in and Pay Plan philosophy (work – 1 hr) – BH
Park City Municipal Corporation Desk Culture Tool – LG
City Council interact protocol update
Service level performance measures
21 Quarterly Goals Update 3rd Quarter
PSSM wrap-up – work - TY
Resolution – Pancreatic Cancer Awareness Month
28 **No meeting**

November 2010

4
11
18 **Liza gone**
25 Thanksgiving

December 2010

2
9 2011 Insurance Placement - CL
16
23 **Christmas Holiday**
30

Pending Items:

Lower Park Avenue RDA Plan
Review of two year special event policy
Open space maintenance
U S Postal Service gang boxes in Old Town - MC
Wild land interface issues

City Council
Staff Report

Subject:	**Library Annual Report & Facility Needs Committee Report**
Department:	**Recreation Library**
Author:	**Linda Tillson, Library Director**
Date:	**September 23, 2010**
Type of Item:	**Informational**

Summary Recommendations:
Council should review the Annual Report and service level performance data and provide direction on the concept plan for the library expansion and time line.

Description/Topic:
Library Annual Report and Facility Needs Committee Report

Background:

Annual Report
The Library's Annual Report with program highlights, statistics, and a resort town comparison table is attached in the appendix as Attachment A.

Facility Needs Study & Community Survey
In 2004 the library completed an expansion which added 3300 square feet to the facility. Based upon collection and service growth this addition was projected to meet the community's needs for 7 to 9 years. With this projection in mind, in 2008, staff and members of the library board convened a committee to study facility needs. As a starting point, the committee recommended a statistically valid survey as a means to better understand the community's library needs and priorities. The survey was completed in May of 2008 and it helped the committee to understand that a majority of respondents (a) found the library location convenient, (b) used the library primarily for checking out a book (82%), and (c) felt that the top five most important services for the library to provide were:

1. books for adults
2. books for children
3. books for teens
4. audio books
5. courteous staff

The survey asked participants to list the most important services a new or expanded facility could provide. The survey respondents listed among the top five services (a) leisure/recreational reading, (b) research materials, (c) interlibrary loan service, (d) quiet places to work and study, and (e) children's programs.

After examining the survey results the Facility Needs Committee directed staff to compile additional statistical information including; community & visitor usage, collection growth projections, service trends, and other information relevant to assessing library use. Data gathered is including in the appendix as Attachment B.

Analysis:

Facility Needs
Staff utilized the Anders Dahlgren's *Public Library Space Needs: A Planning Outline 2009* for assessing space needs along with knowledge of the Park City Library's building, collection measurement statistics, and usage trends to formulate a growth plan.

Attachment B addresses collection growth projections as well as other identified service space needs. The concept drawing, Attachment C, demonstrates a potential model for expanding the library into the rest of the second floor. Based upon the committee's analysis it is estimated that expanding into additional second floor space would meet the library's space needs for approximately ten more years.

An expanded facility will allow the library to maintain the quality of the current collection while continuing to add new materials. Without additional space the library will be required to discard materials which still have value and are still in demand in order to make space for new items.

As depicted in the concept drawing other benefits of an expanded library include; a more convenient location for the library's public meeting room, additional reader seating space with natural light and view to the east, a classroom for computer classes, an expanded recycling area, a larger space for the Friends of the Library book sorting and much needed storage space for library equipment and supplies including emergency supplies.

Relation to Community Visioning
Park City's recent community visioning program identified a sense of community, natural setting, small town, and historic character as core elements of the community. These elements contribute to Park City's vibrant arts & culture, exceptional resident benefits and world class skiing and recreation destination status. The library is one of the exceptional resident benefits enjoyed by the Park City community. It also serves visitors and contributes to the vibrant arts & culture of Park City by providing educational, artistic, and cultural materials and programs. It is a gathering place for the community located in a historic building. A project which ensures that the quality of the collection is maintained and enhances the current amenities offered by the library is an action item worth consideration as a part of Council Goals and visioning for 2011.

Tenants of Library & Education Center
Contracts for all tenants currently leasing space in the Library and Education Center are set to expire in June 2012. Existing tenants are located on the third floor with the exception of the Park City Cooperative Preschool which is located on the second floor. The expansion project being proposed would mean that rental space would no longer

be available on the second floor. There are other City properties which potentially could be utilized by tenants such as the Recreation Building and Miner's Hospital.

Sundance Film Festival Use of Library & Education Center
The Sundance Film Festival currently uses space on the second floor of the Library and Education Center during the festival. The library could block out dates for Sundance to use the library's Roger Harlan Meeting Room and they could possibly use more space in the Miner's Hospital or add an additional tent to meet space needs currently fulfilled by the second floor classrooms.

Tentative Schedule
In order to keep pace with current growth needs for the library, the tentative schedule for this project is as follows:

February 2011 Budget Option for Architecture and Engineering submitted
February 2012 Construction Budget Option submitted
Summer 2012 Construction RFP & Bidding followed by Construction

Department Review: This report has been reviewed and or received input from the Legal, Sustainability, Recreation Library Departments & the City Manager.

Recommendation: Council should review the Annual Report and service level performance data and provide direction on the concept plan for the library expansion and time line.

FY 2010 Annual Report

A Few Quick Statistics FY 2010

- Collection of 67,626 items- books, audio & video tapes, CD's, e-books, magazines, etc.
- Open to the public 3,240 hours (64 per week, M-Th 10-9, Fri-Sat 10-6, Sun 1-5)
- Door count 128,650
- Checkouts 85,655
- Public computer logins 35,207
- Children's programs 305
- Volunteer service hours 1,952

The Library Park City

2010 News & Highlights

The library began publishing a quarterly newsletter which provides information on library events, services and new materials for checkout. The majority of copies were distributed electronically with some paper ones available at the Circulation Desk.

Three additional study and meeting rooms for the public were created by relocating staff from the library mezzanine to former University of Utah office space on the first floor.

Library staff completed an inventory of library materials. This was a very time intensive endeavor that will help to ensure that records in the on-line catalog match the physical collection.

The Park City Library Board held a joint meeting with the Summit County Library Board which eventually resulted in a letter of intent to move forward with further study of reciprocal borrowing followed by the creation of a staff and consultant recommendation for implementation.

The Park City Fire Department was the special guest for this year's National Library Week Community Celebration. They brought along fire engines and equipment which were a big hit with the kids in attendance.

Park City Library Staff partnered with representatives from Summit County Library and Dolly's Bookstore to select a title and host book discussions for the One Book program. The book selected was *Mister Pip,* a coming of age story narrated by thirteen year old Matilda who lives on a war ravaged island where an eccentric man reopens the school and acts as the schoolteacher using Charles Dicken's *Great Expectations* as the core of his instruction.

The Park City Library's mission is to provide:

- Customer service that exceeds expectations
- Information that educates, inspires, and entertains in a variety of formats
- A welcoming environment for lifelong learning that links Park City to the world

Library Meeting Room Named Roger Harlan Meeting Room

The Library Board voted unanimously to name Room 109 the Roger Harlan Meeting Room in honor of Roger's years of dedication and service to the library. He served on the board several times and was an avid reader and frequent library user.   The *Park Record* donated this photo of Roger to be framed and placed in the room along with a plaque from the Friends of the Library which reads "Roger Harlan, Friend of the Library Forever."

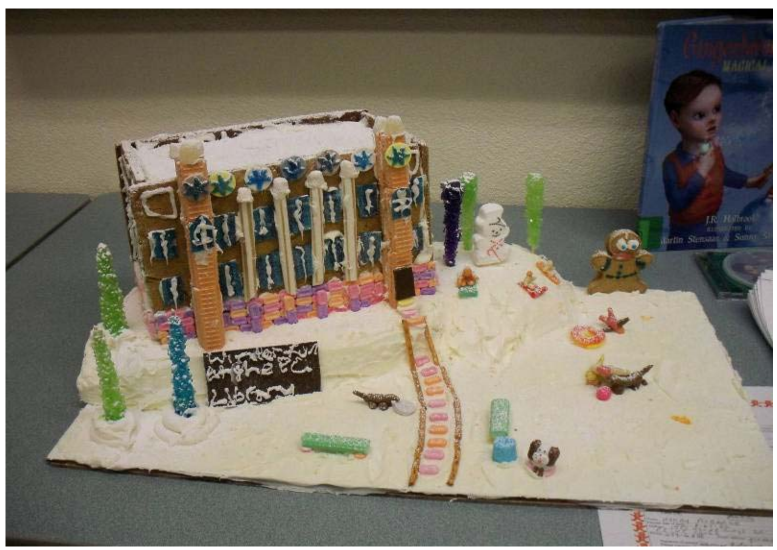
Special Programs for Kids and Teens:

Mad Science
A special program called *Mad Science* was held in June. There were 90 attendees including the Park City Day Camp. The program was about the science of water and ended with a bang, literally, when all participants moved outside to the grass for the mentos in coke big explosion.

The Origami Lady
Ginger Brakke, the Origami Lady, came to the Santy Auditorium on Wednesday, August 5th. Kids attending the program made origami frogs and pelicans.

Peter Rabbit Tea
In March kids and parents attended the annual Peter Rabbit Tea event. Youth Services Librarian, Heather Reynolds, read the Tale of Peter Rabbit and all participated in Peter Rabbit Bingo and a bunny craft.

Gingerbread Jimmi House Contest
The inaugural Gingerbread Jimmi House contest was held in November. There were 5 participants in the 5-8 year-old category and 6 participants in the 9-11 year-old category. The author of Gingerbread Jimmi, J.R. Holbrook, provided prizes from community businesses and conducted the program which included a book reading and song. Judges included Mayor, Dana Williams, Police Chief, Wade Carpenter, and J.L. Holbrook. Winners took their houses to PCTV for the morning show on December 22nd.



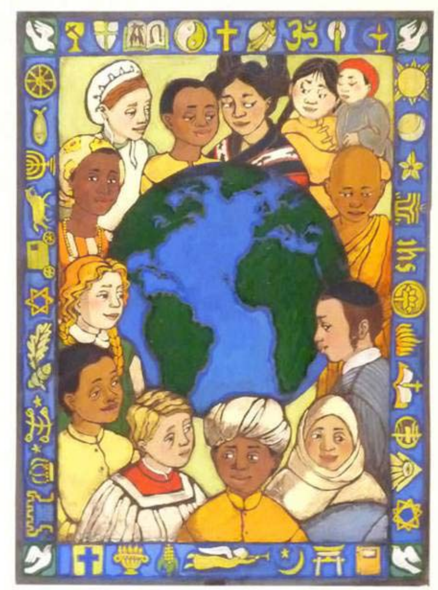
Summer Reading Program
A record total of 149 kids signed up for the "Make a Splash @ Your Library" summer reading program. Reading was tracked in time increments on individual reading logs and kids received divers to color and place on the pool in recognition of the reading they completed.

Teen Advisory Group
Youth Services Librarian, Heather Reynolds, formed a new Teen Advisory Group (TAG). They met in February to discuss possible movie nights and more. She also collaborated with the PC Museum to contact the Teen Foundation started by Karen Marriott to do some activities together. A teen computer was placed in the Teen Section.

Special Programs & Resources for Adults
Anne Hillerman, daughter of Tony Hillerman, and photographer Don Strel presented a free author discussion and slideshow in the Santy Auditorium on February 24th, at 7 p.m. Anne did a wonderful job of narrating the slideshow, which had terrific photos and discussed a number of themes and topics related to her father's books.

Adult Services Librarian, Jasmina Jusic, selected and ordered a starter MP3 CD collection, which was funded by Friends of the Library. This is a new format which is less expensive than traditional books on CD and allows entire books to fit on one or two CDs. Titles became available for check-out in October.

Local Author & Library Board Member, Bobbie Pyron, provided an author program and book release celebration where she spoke about her newly published young adult novel, *The Ring*.



Jasmina Jusic reinstituted adult computer classes offering four different classes throughout the year; *Basic Computer Skills*, *Basic Word Processing*, *Basic Internet* and *Basic Email*. Though attendance was not high, the classes received rave reviews and provided attendees with new skills that will help them to function more proficiently in an increasingly electronic age.

Educational & Artistic Exhibits
The library hosted an earthquake exhibit from the University of Utah in the month of July and *Religions of the World*, a Utah Humanities Council traveling exhibit, ran from January 19-February 16.

The 2009 All State High School Art Show exhibit was on display from March 9th-April 5th. The art in the display was selected from a statewide competition sponsored by the Springville Museum of Art. The pieces selected illustrated the exceptional talent, diversity, originality, and creativity of Utah's young visual artists. The exhibition was also a tribute to the art teachers in Utah's high schools who inspire, direct and refine the work of these artists.

Library Staff Accomplishments

Library staff prepared an entry for the Frommer's Guidebooks Contest which entailed creating a number of travel displays placed throughout the library and a game for library patrons. Out of a field of approximately 45 entries Park City won second runner up and a prize of the library's choice of fifty free Frommer's travel books.

Jasmina Jusic was selected to participate in the 2010 American Library Association Emerging Leaders Program. She was chosen from a nationwide group of applicants. She participated in training sessions at ALA's Midwinter meeting and worked with a group on a six month problem-solving project followed by a presentation at the ALA Annual Conference.

Linda Tillson was elected to the post of president-elect for the Utah Library Association in May 2010. She will begin serving as president in May of 2011. ULA will celebrate its 100 year anniversary in the spring of 2012 so it will be an exciting year with a special annual conference.

Friends of the Library

Utilizing funds raised from book sales and their luncheon the Friends of the Library made it possible for the Park City Library to better serve residents and visitors by providing additional funds for; childrens books, DVD's, bestsellers, audio books, furniture, equipment, and supplies for library programs and services.

Books for Kids
Youth non fiction books
Speak Spanish with Diego & Dora Kits
Children's DVDs
Tumblebooks for kids Internet site
Little Pim English

Books, DVD's and CD's for Adults
Starter MP3 CD Collection
Documentary DVDs
Comprehensive update for Health & Medical Section
Encyclopedia Britannica 2010
Rapid Reader Bestseller Collection

Furniture, Equipment and Supplies
DVD/VHS player for children's area
Acrylic shelves for slat wall displays
Shelf labels for non fiction and Spanish
Study room furniture
Flat panel TV cart
Chairs for storytime room
Flash drives for library computer users to purchase
Cake and supplies for children's Peter Rabbit Tea Program

Comparison of Key Statistics

Fiscal Year	2003	2004	2005	2006	2007	2008	2009	2010
Check out of Library Materials	74,208	68,887	77,798	75,491	79,814	80,970	83,545	85,655
% change from previous year		-7.17%	12.94%	-2.97%	5.73%	1.45%	3.18%	2.53%
Computer workstation sessions	43,374	43,759	54,543	51,038	47,504	40,370	39,832	35,207
% change from previous year		0.89%	24.64%	-6.43%	-6.92%	-15.02%	-1.33%	-11.61%
Library Visits	113,329	97,252	119,401	115,225	123,947	131,817	142,100	128,650
% change from previous year		-14.19%	22.77%	-3.50%	7.57%	6.35%	7.80%	-9.47%
Library Materials Collection	49,145	51,334	52,899	56,032	60,402	60,716	64,474	67,626
% change from previous year		4.45%	3.05%	5.92%	7.80%	0.52%	6.19%	4.89%

Library Budget *	2009 Budget	2010 Budget	2011 Budget
Personnel	634,419	662,422	689,853
Materials, Supplies & Services	158,729	177,777	162,765
Capital Outlay	15,972	4,972	4,972

*Does not include grants or Friends of the Library funds.

PUBLIC LIBRARY PEER GROUP COMPARISONS
FY 2009

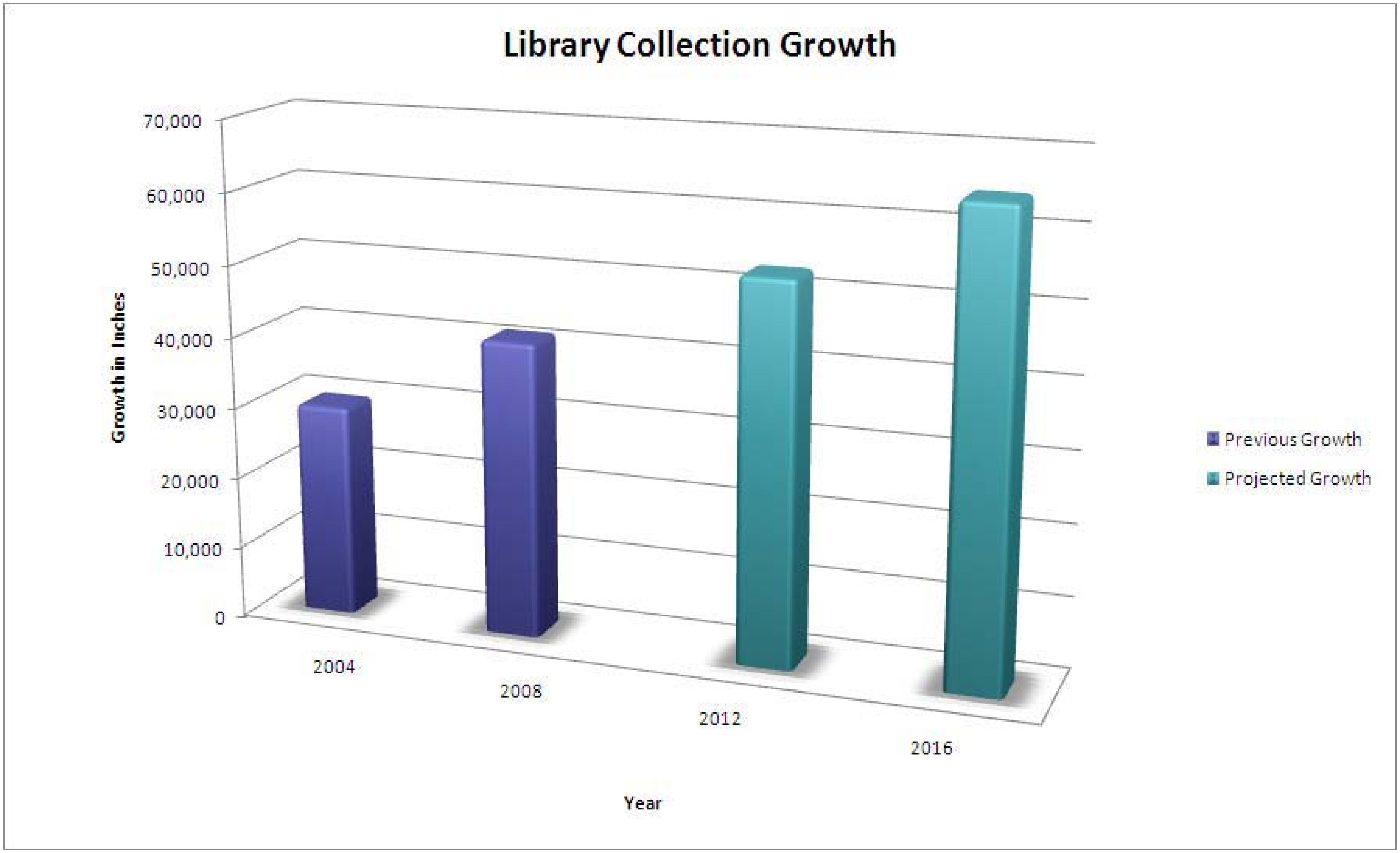
Library	Population of Legal Service Area	Total Expenditures	Total Operating Expenditures per Capita	Total Paid Staff	Collection Expenditures	Total Coll. Exp per Capita	Annual Visits	Visits per Capita
Aspen	11,460	$2,859,564	$249.53	21.5	$232,884	$20.32	295,383	25.78
Park City	7,980	$727,678	$91.19	11.23	$84,738	$10.62	142,100	17.81
Steamboat	16,570	$1,727,548	$104.26	22	$319,225	$19.27	394,092	23.78
Telluride	6,017	$2,086,506	$346.77	31	$237,710	$39.51	248,094	41.23
Vail	4,960	$852,184	$171.81	9.3	$139,369	$28.10	146,099	29.46
Average	9,397	$1,650,696	$192.71	19.01	$202,785	$23.56	245,154	27.61

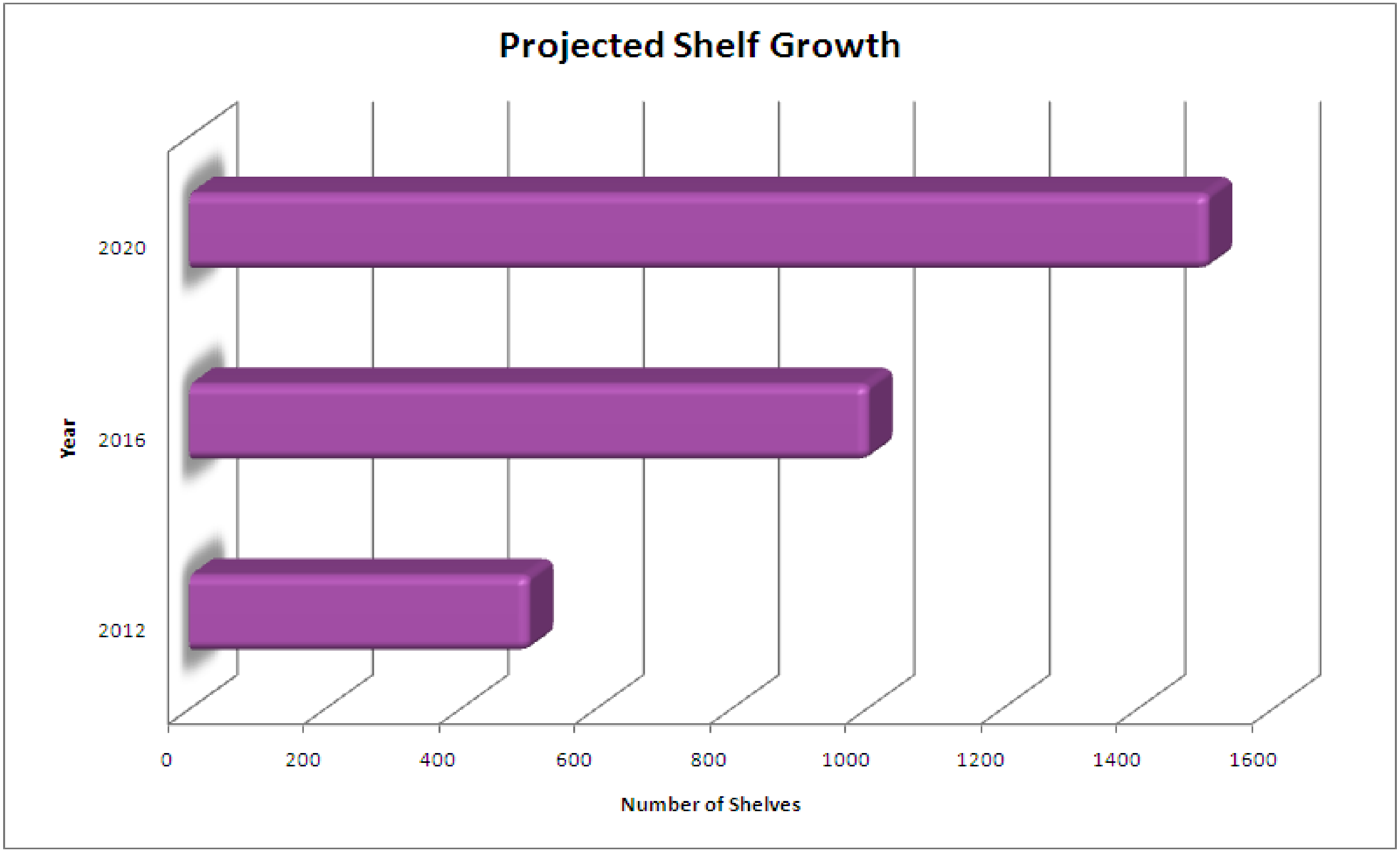
PUBLIC LIBRARY PEER GROUP COMPARISONS
FY 2009

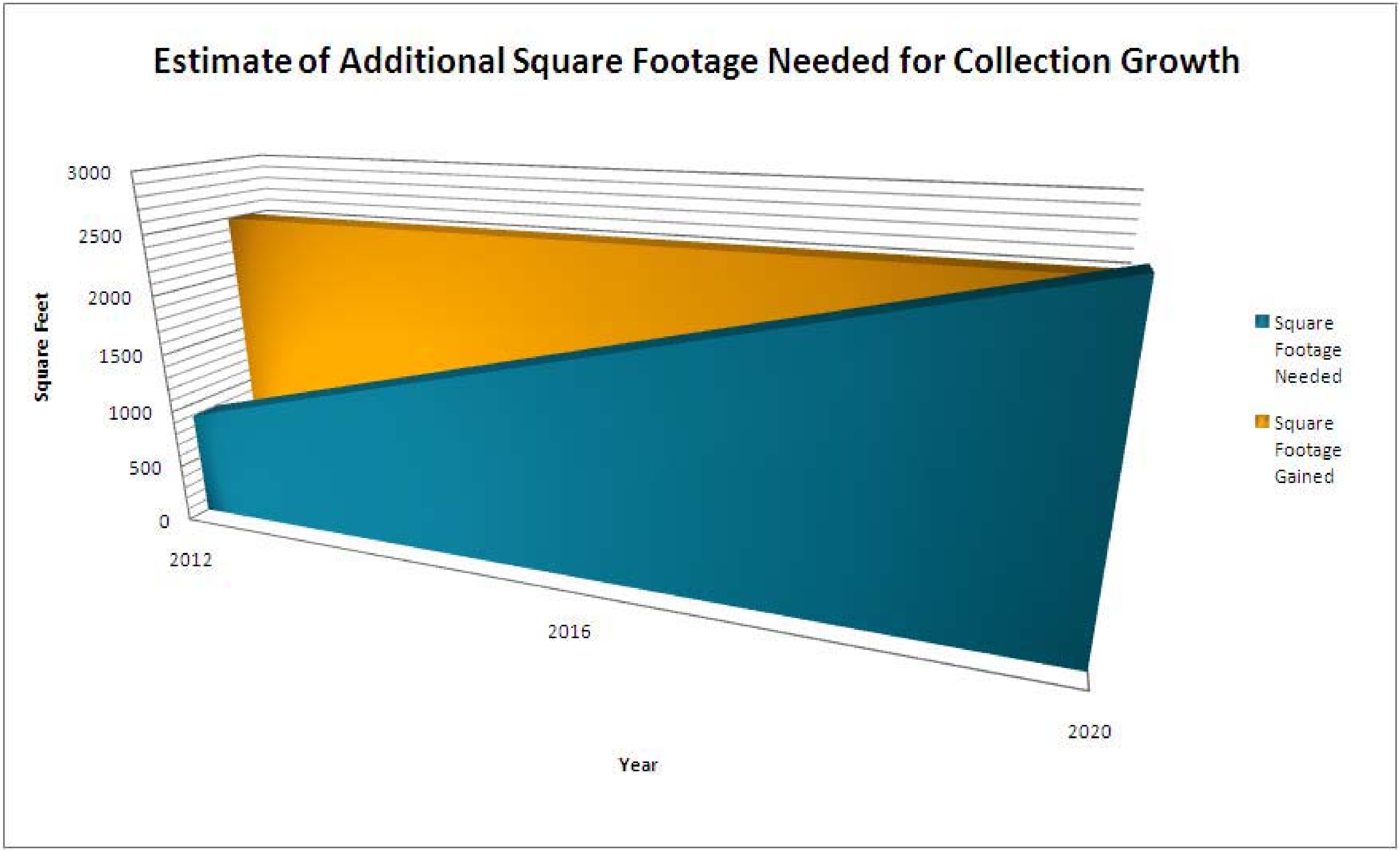
	Total Circulation	Total Circulation per Capita	Total Public Access Computers	Attendance at Childrens Programs	Volumes	Volumes per capita	Total # of Library Holdings	Total # of Holdings per Capita
Aspen	191,117	16.68	21	5,639	111,673	9.74	165,632	14.45
Park City	83,545	10.47	18	5,517	50,706	6.35	64,474	8.08
Steamboat	290,914	17.56	33	13,268	71,973	4.34	90,347	5.45
Telluride	260,815	43.35	40	10,819	52,017	8.65	78,865	13.11
Vail	89,116	17.97	19	7,834	37,782	7.62	61,391	12.38
Average	183,101	21.20	26	8,615	64,830	7.34	92,142	10.69

*stats from Colorado State Library and Utah State Library

Aspen - Pitkin County Library
Park City - Park City Library
Steamboat - East Routt Library District (Bud Werner Memorial Library)
Telluride - San Miguel Public Library District #1 (Wilkinson Library)
Vail - Vail Public Library


Library Collection Growth
Growth in Inches
70,000
60,000
50,000
40,000
30,000
20,000
10,000
0
2004
2008
2012
2016
Year
Previous Growth
Projected Growth


Projected Shelf Growth
Year
2020
2016
2012
0
200
400
600
800
1000
1200
1400
1600
Number of Shelves


Estimate of Additional Square Footage Needed for Collection Growth
Square Feet
3000
2500
2000
1500
1000
500
0
2012
2016
2020
Year
Square Footage Needed
Square Footage Gained

Library Use Measures	FY 2004	FY 2008	% change	Yearly Ave	Projected % 2009-2012	Projected 2012 Figure
Door Count	97,252	131,817	35.54%	7.11%	28.43%	169,297
Program Attendance	4,575	7,291	59.37%	11.87%	47.49%	10,754
Internet Use (not incluing wifi)	43,759	43,180	-1.32%	-0.26%	-1.06%	42,723
Circulation (checkouts)	68,873	78,687	14.25%	2.85%	11.40%	87,657

Facility Need Issues to Address

Collection Growth-At the current rate of growth it is estimated that the contemplated expansion into additional 2nd floor space would be adequate to house the library's growing collection for approximately ten more years. According to the library's recent community survey hard copy books continue to be the highest demand item for library users.

Reader Seating Space-According to the *Planning Guide for Public Library Space Needs* the Park City Library should have 112 seats. Currently the library has 95. In order to meet future needs an additional seating/reading area is proposed near the east facing windows on the second floor. Quiet places to read and study rated high in the community survey under services that an expanded library could provide.

Storage Space-Library currently lacks adequate storage space for items shelving, display racks, and other large items.

Friends of the Library/Recycle Area-Present space does not adequately meet the needs for both of these functions.

Collection size (inches)	2004	2008	growth(inches)	Growth in shelves (04-08)
Four year growth (physical measure)	29,888	41,416	11,528	501

Collection Size (volumes)	2009	2012 projection	Projected 2008-2012 Figure(shelves)
Number of items in collection	64,000	70,000	501

Library Expansion FAQ's

Q. Does it make sense to expand the library when books are going digital?

A. Digital books have received a great deal of media attention following Oprah Winfrey's endorsement of Amazon's Kindle in 2008. The Amazon Kindle 2 and the Kindle DX were released with great fanfare along with Barnes & Noble's Nook and several Sony e-readers. Despite all of this media excitement a 2010 survey of consumers showed that only 9% of the U.S. adult population had purchased an e-book in 2009. In other words 91% of U.S. adults did not buy an e-book. It appears that digital books are going to be more of an evolution than a revolution and in the meantime the Park City Library's community survey has made it clear that hard copy books in the library continue to be the top priority and check-outs of materials have continued to rise.

Q. Does spending tax dollars on a library offer any return on investment?

A. Yes, a new nonfiction book at retail price is roughly $30. At a used book store, you might get six or so books for $30. At a garage sale or flea market you might even get 30 books for $30. At the Park City Library the community and visitors have free access to a collection of more than 60,000 items (retail value of approximately $1.8 million), access to full text on-line magazines and other research databases, a local history collection, computers with high-speed internet access, staff to help find and evaluate information, cultural programs, instructional classes, test proctoring, storytimes that teach emergent literacy skills to children, quiet places to read and study, and community and family spaces. The library offers a great return on investment for Park City's workforce, visitors, students, businesses, and residents.

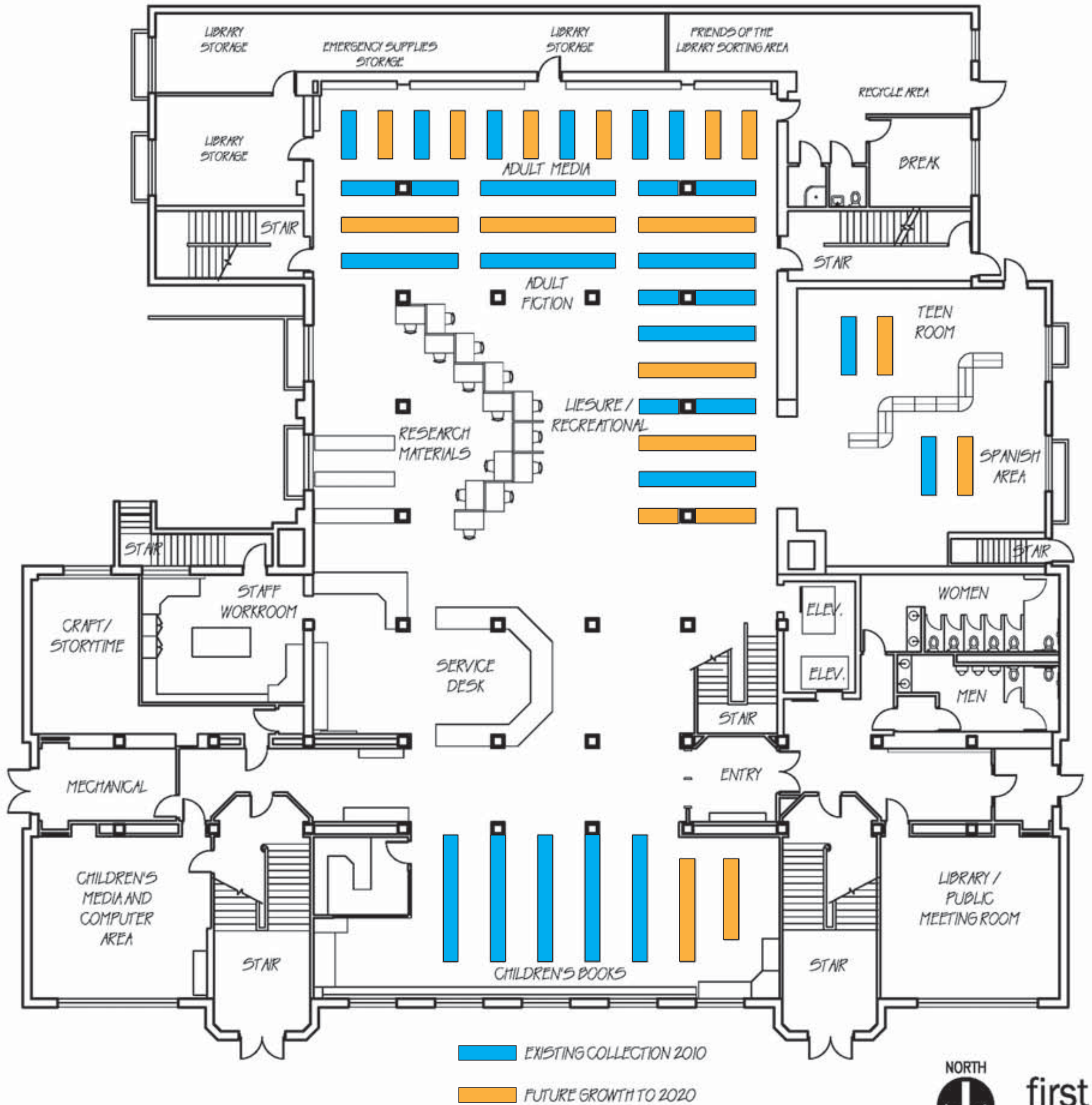
Q. Can't the library just add more shelving to the existing space or discard some of the older materials?

The library is very limited in how much shelving may be added to the existing space while meeting ADA standards. The library regularly discards outdated and infrequently used materials but maintains a net growth to the collection. While it is possible to discard a greater number of items this would negatively impact the quality and variety of the existing collection.

Q. Besides more room for books what else would a library expansion provide?

In addition to preserving the current breadth and depth of the collection available for the community, the library expansion under consideration would provide a media room for children, a new reading and study space with natural light facing east on the 2^{nd} floor, a more conveniently located public meeting room, additional space for the Friends of the Library Sorting Area & the Recycle Area, as well as much needed storage space for library and emergency supplies.

Attachment C: Page 1



first floor plan A4

Scale: 1/16" = 1'-0"

blalock and PARTNERS
architectural design studio
250 E 100 S
Salt Lake City, UT 84111
801.532.4940

stamp

contractor

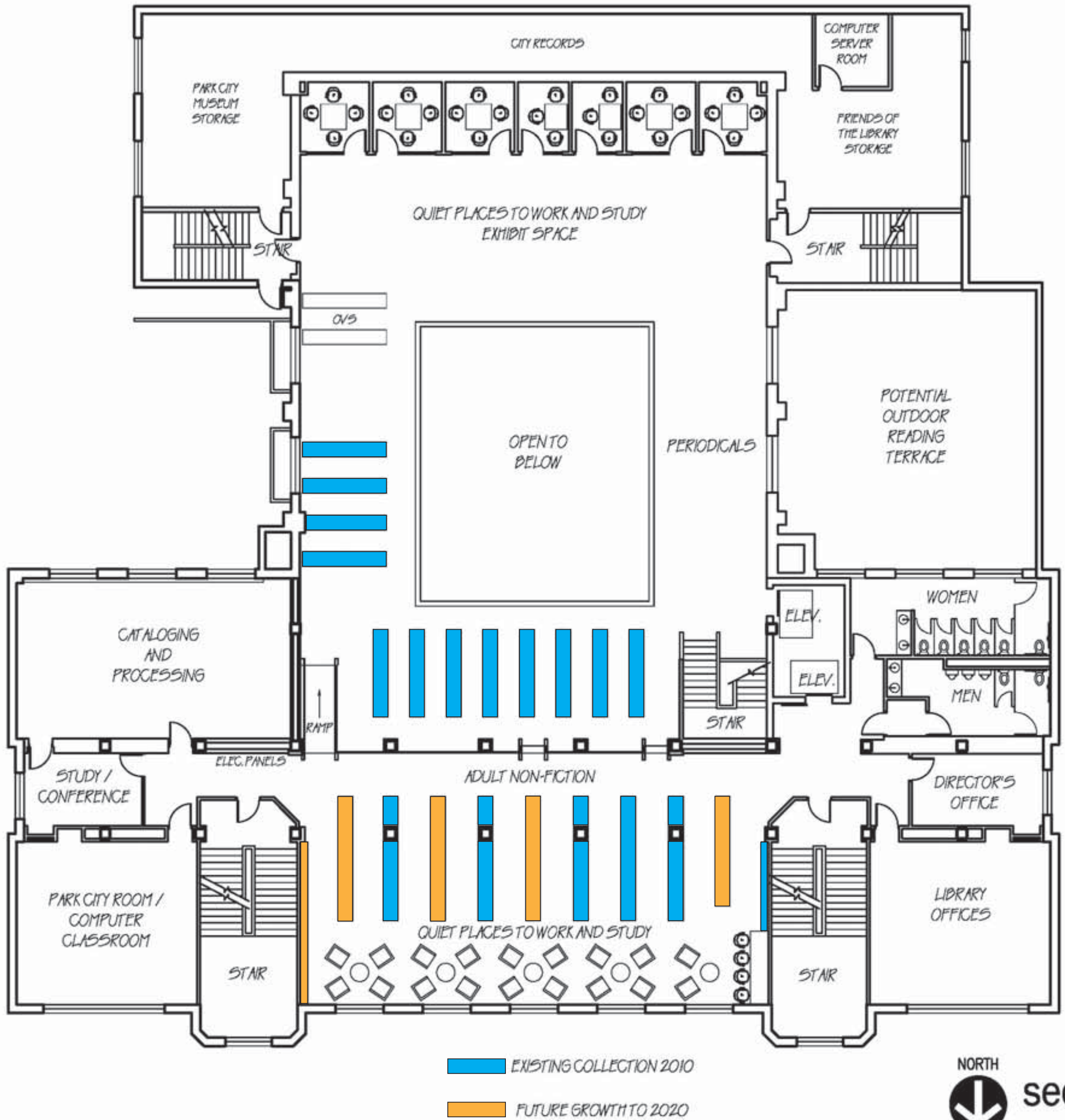
revisions

date:
issuance:
project no.:

project

Park City Library
Proposed Expansion
Park City, UT

first floor plan
AE101



second floor plan A4

Scale: 1/16" = 1'-0"

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project

Park City Library
Proposed Expansion
Park City, UT

second floor plan
AE102

PARK CITY COUNCIL AND
HISTORIC PRESERVATION BOARD
SPECIAL WORK SESSION
SUMMIT COUNTY, UTAH
JUNE 15, 2010

Present: **Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson**

Historic Preservation Board Chairman Roger Durst and HPB Members Adam Opalek, David White, Sara Werbelow, and Ken Martz

Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Thomas Eddington, Planning Manager; Kayla Sintz, Planner; and Mark Harrington, City Attorney

Ruth Meisma and Doug Stephens, Preservation Enthusiasts

Historic Preservation Board Member Roger Durst relayed that he is an architect in town and has spent a great deal of time on historic preservation not only here but in California and Salt Lake City. He currently serves on the Board of the Utah Heritage Foundation. He referred to his tenure on the HPB and working on the Design Guidelines which improved the design review process, and the visioning session and workshop which were productive. As Chair, he took a look at the revised Land Management Code and identified those purposes that had been assigned to the HPB along with some of the additional duties. Mr. Durst felt that the HPB is being emasculated and doesn't have tools at its disposal in order to affect any kind of input with regard to design quality. He stated that one of his initial concerns was that the Design Guidelines in his judgment were prescriptive. In the matter of design there needs to be a subjective overview and it is not available. The HPB should have a role in the design review process and he disclosed discussing this with Polly McLean who has made it clear to him that this is an appeals group. However, he believes that unless there is an appeal from a decision made by the design review team, the Board does not have an opportunity to speak on it. If it is appealed to them, then they are called upon to simply make a judgment as to whether or not the decision made by the design review team was a good one. Mr. Durst felt that staff and contractors are looking to enforce those prescriptive regulations. It is important that the HPB have design review authority. He discussed discretionary and administrative design roles and he maintained that we are here to create history. Things like compatibility can not be defined in a formula and dedicated people of good taste are needed; the passion is here and we need to address it. He described the *delight* factor associated with preservation.

Mr. Durst stated that this is his opinion and not the Board's and the Mayor invited input from other members. Ken Martz stated that he agrees with some of comments and referred to serving on the original Historic District Commission. With regard to role, he began to change his mind in terms of oversight because of the design review committee which he viewed as a compromise. Mr. Martz felt this is an adequate process with the new Guidelines but more time needs to be provided to assess how they are working. The HPB may need a *voice but not an authority* on the design review team. He is generally satisfied with the status quo but felt that the Board should be more involved.

Sara Werbelow agreed with Mr. Martz's comments and liked the *voice* reference. She is familiar with Mr. Durst's concept and agrees that there is a missing component or compliance as far as the Design Guidelines are concerned. She is not an architect and is uncertain if she has the skills for those types of decisions. A voice is missing and there may be a way to have the HPB become more involved in the design review process. She felt members would like to have a more proactive role in understanding what is going on with the RDA funds and grants. She spoke about establishing a partnership with the Historical Society and formulating an awards program. Adam Opalek believed that grants should be provided for maintenance not just restoration. The Mayor spoke about creating incentives for to encourage historic structures to come into compliance.

David White stated that his opinion is more in line with Ken and Sara, even though he considers himself passionate about preservation and he is an architect. An important consideration is that we haven't seen how the Design Guidelines and design review task force will work together since many applications still qualify under the old Guidelines. He would like to see how the design review team works. Mr. White commented on serving on the HDC who at the time reviewed every Historic District application. This resulted in a hopeless log jam and he felt the Board needed to back off. The process needs to remain in place to evaluate it and the Planning Department has agreed to provide regular updates of applications which will go a long way to involve members.

Cindy Matsumoto thanked the HPB for producing the new Guidelines which is a great step forward in preserving what is left. She understood that the HDC could be contentious but felt that the City *threw out the baby with the bathwater*. What has happened to the Historic District in the last ten years is criminal but she is willing to be open and wait to see how the new Design Guidelines work. She hopes they will work but will support returning to the contention if it saves more buildings. Discussion ensued on providing a list of applications and the ability for members to review building plans. Kayla Sintz indicated that no building permit has been issued for anything approved under the new Guidelines. David White felt that perhaps members need to be more proactive in looking at new projects and plans. Polly McLean added that the plans are public and comments and concerns should be passed on to the Planning Department.

Mayor Williams relayed a story about a meeting with long time residents and the HDC years ago, which was regrettable. These types of subjective situations prompted the Landmark Study and the new Guidelines and these are incredible tools. He spoke about striking a balance while acknowledging the importance of the Board. Liza Simpson recalls the discussion about the role of the membership during the rewrite of the Guidelines. She felt it important that a knowledgeable body be the first level of an appeal and is pleased that the HPB retained its appeal authority. She is intrigued with forging some sort of third way forward which adds a layer of confidence to the homeowner. Preservation knowledge should be spread throughout the Planning Department so there are more people with answers.

Candace Erickson relayed that she likes the design review concept because the *more eyes, the better*. Discussion ensued on peer review, professional criticism and conflicts. Roger Durst believed people should not be shy about expressing an aesthetic judgment and not doing so is cultural paranoia. Mediocre architecture throughout town is most detrimental. The Mayor asked how to include a subjective review in a defined process. Mr. Durst felt it needs to be tried and he explained that cultural unity can be achieved by making subjective decisions by people with good taste. Candace Erickson stated that the word *taste* scares her because everyone has different tastes. It is a lawsuit waiting to happen. Although she likes the concept, it doesn't matter what people like but what is allowed by law.

Cindy Matsumoto asked the trend in the roles of historic preservation boards in other communities. Thomas Eddington responded that staff researched this and there is a trend of bringing on staff for design review. His three working experiences were staff-based and he felt the City is on the right track. With the new Guidelines, the Planning staff has gone through a variety of training and he felt positive results will be realized. The review team process was described. Mr. Eddington added that if a HPB member was appointed to the Design Review Team, he would have to recuse himself from hearing an appeal. Ms. Simpson felt that this idea still has merit. A rotating member was suggested. She stated that her preference would be to first assign the non-architect members but if a project is built years later, tracking the member who reviewed the project may be a problem. Polly McLean noted that there may be a situation where two or more members have to recuse themselves because of the rotation schedule and the life of a project. The Mayor invited public input.

Ruth Meisma felt that subjectivity or taste is important on some level but it has to be narrow. Even with the new Guidelines, she didn't feel the City will be able to save character which is subjective. Every historic home needs to be documented so that character is not lost. The HPB is not engaged at all and should know about all projects in the District and there should be a contact list for any interested persons. Documentation controls subjectivity because there is an historic reference. There was discussion about built projects not meeting intended expectations. At this point, Candace Erickson left the meeting.

Discussion ensued on results not comporting with plan approvals. Thomas Eddington explained that conditions must be met before a certificate of occupancy is issued. Mayor Williams acknowledged consensus that a HPB member be appointed to serve on the design review task force. Liza Simpson stated that she would like Ms. McLean to return with some ideas on how this can be structured in a way that wouldn't affect the appeals process. The membership could be increased if needed. She described the Historic District Inventory as being cursory and would like to explore a partnership with the HPB and the Historical Society to create detailed preservation references for properties, perhaps using trained volunteers. Doug Stephens explained that restorations in Park City are a little bit different because from 1890 through 1940 there were significant alterations to buildings and it's sometimes difficult to find the appropriate style for a project. Alex Butwinski believed that preservation of character is more important than specificity.

Mayor Williams recommended that the HPB contribute to the General Plan. He liked the Board's idea of an award program. Thomas Eddington updated the group on Dina Blaes' projects and discussion ensued on project compliance. Liza Simpson suggested that the HPB appoint a liaison to the Planning Commission who only attends meetings if there is associated business. Ken Martz expressed that the Board needs more information on a consistent basis.

Dana Williams spoke about the evolution of the Historic District grant program and increased property values, and hoped that funding is awarded appropriately to recipients. Cindy Matsumoto urged focusing on preserving historic buildings, rather than the owner, because it's impossible to know everyone's circumstance. Ms. Simpson agreed that it is about the building and feels that grants create incentives for preservation. The five year deed restriction on grants was discussed. Sara Werbelow envisioned the award program dovetailing well with the grants program. Ms. Matsumoto discussed the Historical Society's award program and relayed that this year it was difficult to find a worthy project. Ken Martz discussed the grant program 20 years ago when a grant award was meaningful because property values had not climbed yet. He felt perhaps grants could be more discretionary for projects like roofs.

Mayor Williams summarized that there is consensus for a HPB member to serve on the design review team and to strengthen a working relationship with the Historical Society. Roger Durst felt that moving ahead with the awards program is important as well as alternatives for funding. Mr. Williams added that the *delight factor* of preservation should somehow be addressed in the General Plan. Ms. Matsumoto pointed out that the annual Home Tour histories, created by the Historical Society on properties over the years, are a great public resource providing an additional tool for historic references.

Prepared by Janet M. Scott, City Recorder

City Council Staff Report

Author: Heinrich Deters
Subject: Armstrong Trail
Award of Construction Contract
Date: September 23, 2010
Type of Item: Administrative - Award of Contract

Sustainability

Summary Recommendation –
Staff requests authorization to proceed with the Armstrong Trail project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Alpine Trails, Inc. in the amount of forty two thousand eight hundred dollars. **($42,800)**

Topic: Armstrong Trail Project Construction contract.

Background:
In September 2009, Park City Municipal Corporation purchased the Armstrong Parcel with Open Space Bond funds. Per Bond language, public access is a mandatory component of the purchase.

Analysis:
The Project was advertised on August 25th and 28th, 2010 in the Park Record. Additionally, the Request for bids was posted on the Park City Municipal and the Professional Trail Builders Association websites.

On September 14th, a public bid opening was held at the Marsac building 3rd floor. The bids are as follows:

Bidder	**Bid Amount**
Alpine Trails Inc.	**$42,800**
D.A. Carlson	$49,608
Geary Construction	$63,720

The lowest 'responsible' bidder was Alpine Trails Inc. at $42,800. The original project estimate was $51,600.

Construction is scheduled to begin by September 27th, 2010 after the agreement is executed and all bonds and insurance requirements are submitted to the City. The substantial completion date for the project is July 1, 2011.

Department Review: This report has been reviewed by representatives of Sustainability, Legal and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. **Approve the request, and authorize the City Manager to award the contract as attached: (Staff recommendation)**
B. Modify the request: Council could choose to modify the project and re-bid, which would likely delay the schedule of the project.
C. Deny the request: Council could choose to not continue with the project at this time.
D. Continue the Item: Council may feel there is not enough information to make a decision, which will delay the project and the proposed schedule.
E. Do Nothing: Same effect as continuance.

Significant Impacts:
Funding for the trail will come from the Open Space Maintenance (Armstrong Parcel) and Trails Master Plan (Outside of Armstrong Parcel) budgets.

Additionally, In the Spring of 2010, Park City Municipal Corporation and Snyderville Basin Special Recreation District jointly submitted a grant to the Summit County Restaurant Grant Committee, for the 'Armstrong-Pinecone Trail'. (Exhibit A). The two parties received $54,000 for the overall trail connection. The allocation of these funds, between the two applicants, is based on the trail's linear foot percentage in their jurisdiction, after construction, of the two projects.

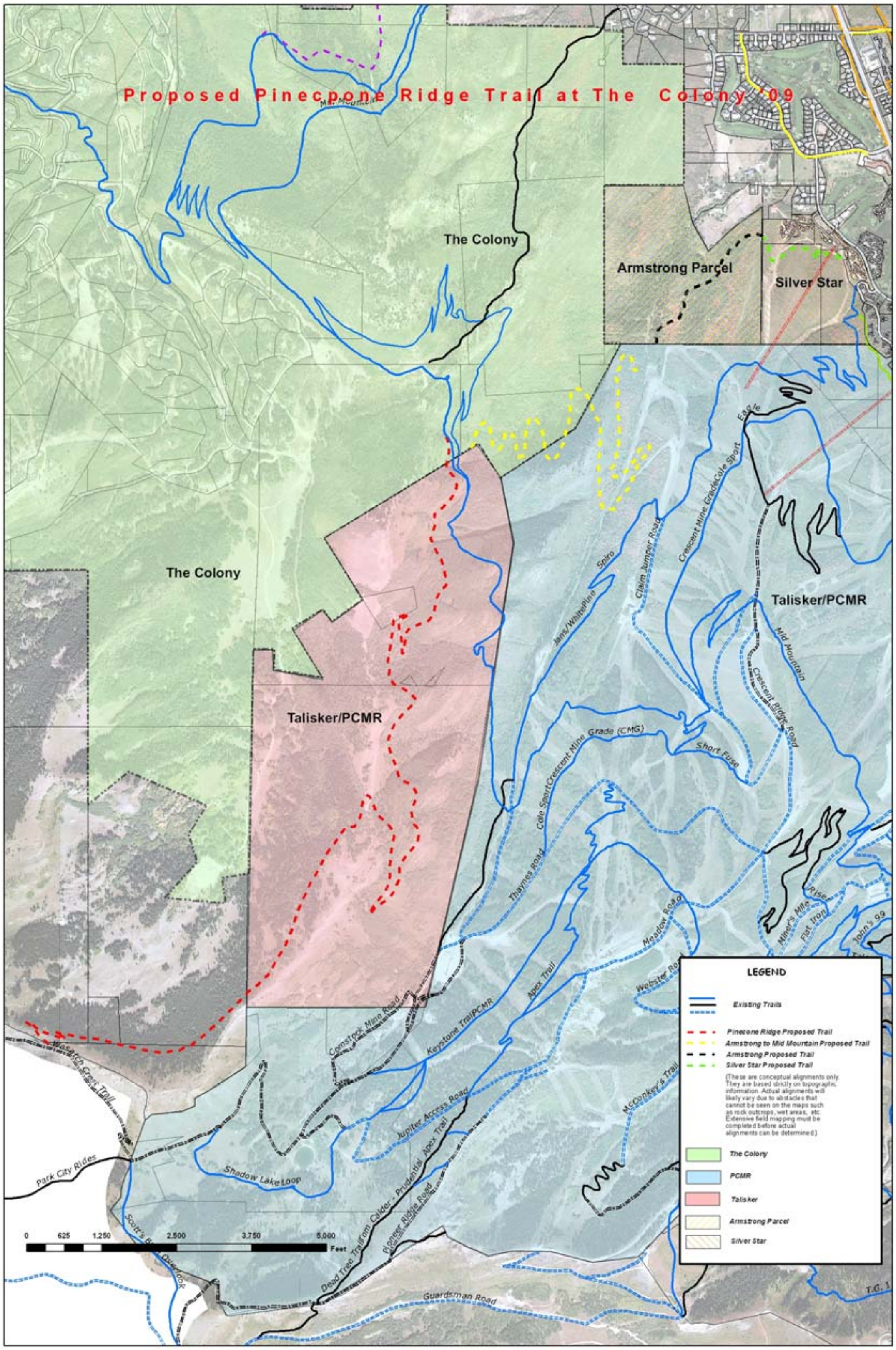
Finally, adjacent private property owners, Silver Star and Park City Mountain Resort, have committed to establishing connections to the Armstrong Trail.

Permission for constructing the trail has been granted by all landowners within the project scope. Final easements will be implemented at the end of construction.

Utah Open Lands, who hold the conservation easement on the Armstrong Parcel, has been notified of the trail construction.

Staff Recommendations: Staff requests authorization to proceed with the Armstrong Trail project and authorize the City Manager to enter into a construction contract in a form approved by the City Attorney's Office with Alpine Trails, Inc. in the amount of forty two thousand eight hundred dollars. **($42,800)**

Exhibit A


Proposed Pinecpone Ridge Trail at The Colony '09
The Colony
Armstrong Parcel
Silver Star
The Colony
Talisker/PCMR
Talisker/PCMR
LEGEND
Existing Trails
Pinecone Ridge Proposed Trail
Armstrong to Mid Mountain Proposed Trail
Armstrong Proposed Trail
Silver Star Proposed Trail
(These are conceptual alignments only. They are based strictly on topographic information. Actual alignments will likely vary due to abstacles that cannot be seen on the maps such as rock outcrops, wet areas, etc. Extensive field mapping must be completed before actual alignments can be determined.)
The Colony
PCMR
Talisker
Armstrong Parcel
Silver Star
0 625 1,250 2,500 3,750 5,000 Feet
Eagle
Crescent Mine Grade
Cole Sport
Claim Jumper Road
Spiro
Jans/WhitePine
Mid Mountain
Crescent Ridge Road
Short Fuse
Crescent Mine Grade (CMG)
Cole Sport
Thaynes Road
Miner's Mile
Flat Iron
Rise
John's 99
Meadow Road
Webster Road
Apex Trail
Keystone Trail/PCMR
Comstock Mine Road
Jupiter Access Road
McConkey's Trail
Shadow Lake Loop
Park City Rides
Wasatch Crest Trail
Scott's Bypass
Overlook
Dead Tree Trail
Pioneer Ridge Road
Guardsman Road
T.G. 1

City Council
Staff Report

Subject:	**Viper Owners Invitational 11**
Author:	**Max J. Paap**
Department:	**Sustainability**
Date:	**September 23, 2010**
Type of Item:	**Administrative – Master Festival License**

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the License for the Viper Owners Invitational 11, as conditioned, on October 1 & 2, 2010 on Historic Main Street.

Description:

Topic:
Viper Club of America, Viper Owners Invitational 11

Background:
The event organizers would like to stage a car show featuring 125-150 Dodge Viper automobiles displayed on Main Street on October 1 & 2, 2010. The two day event in Park City is the middle two days of a four day event hosted by the Grand America Hotel in Salt Lake City. This event was founded in 1995 and is held only once every two years, it has been held in such destinations as Las Vegas, Orlando, Indianapolis, and Dallas. There is a great interest in this years' show due to the fact that the last Viper rolled off the production line on July 1, 2010. National Geographic is filming a story on the Viper legacy and is expecting to be shooting footage at the Park City events. The applicant, as well as Global Events Partners a destination management company, has been working with Special Events staff to go over any logistical challenges.

The Viper Club of America submitted their initial application in July of 2010; Park City Municipal Code (4-8-4) requires 90 day review for consideration of a Master Festival License and 60 day review for consideration of a Special Event License. The Viper Club of America Works has not met that criterion. Staff recommends that Council consider approval based on showing good cause to promote City Council's Goal #4 to continue to promote Park City as a multi-seasonal World Class Resort. The event also occurs in what typically has been a slow out of town visitation period.

The event organizer and HPCA have been working together to implement participants into the HPCA Gift Card program so they will have the ability to shop and dine during their stay in Park City. The HPCA Events Committee has reviewed the partial street closure and had no dissenting comments.

Analysis:
This application is being reviewed as a Master Festival License due to the request for amplified music, attraction of large crowds, partial street closures and use of City property.

The following areas were scrutinized by the Events Team when considering the recommendation to approve the event:

<u>Vehicle display operations</u>
PCMC has been working with the event organizers on an operational plan to maintain circulation and parking on the north portions of Main Street between 5th Street and Heber Avenue throughout the period of vehicle display. Keeping Pay and Display parking and traffic flowing on that portion of the street proved to be successful during the Ford Mustang show in mid-August. Staff has determined that the space noted will accommodate roughly 150 -175 vehicles, which the organizers anticipate for each day. It will be billed as a first come, first serve with a 150 vehicle limit. Once the limit of parking inventory is reached within the venue all other vehicles will be directed to find parking within other inventories near the venue.

Operation times will be executed as follows:

- PCMC Events staff will sign Main Street venue space at 6:00 am stating "No Street Parking 10 am - 2:00 pm"
- Street sweeping will begin at 10:00 am to identify cars within the venue.
- First vehicles to arrive at 10:30 am and stage in Swede Alley.
- Filling of the venue from south to north until 11:30 am; once in the venue there will be no vehicular traffic allowed in or out until 1:30 pm.
- Street is scheduled to reopen by 2:00 pm.
- Those participants wishing to stay in Park City after the event will be asked to park in approved spaces in order for Main Street to open up for normal traffic flow as soon as possible.

<u>Miner's Park activities</u>
Amplified music is scheduled to be played in Miner's Park during the 11:30 am to 1:30 pm time period. The organizers are aware of the monitoring regulations consistent with #2 in the Conditions of Approval below. Operational plans to move the performers in and out of the venue have been discussed and will be facilitated off of 4th Street.

<u>Parking and circulation</u>

Parking for participants and spectators will be accommodated in the existing public and private lots surrounding the venue. The organizers have indicated that as many as three motor coaches will transport participants to the event each day. These coaches will be directed to Swede Alley for drop off and will then exit the venue area to find alternate parking. The coaches will return to Swede Alley for pick-up after the event.

<u>Marketing plan</u>
The applicants have marketed the event through the Viper Club of America, Mopar, and Dodge websites on a national level. National Geographic will be filming a story on the Viper legacy for national distribution. The Speed Channel and Versus will also be filming segments on site in Park City at the event. With the help of Global Events Partners the organizer has indicated that they will be running ads with local newspaper and radio outlets.

Department Review:
Sustainability, Streets, Police, and Legal departments have reviewed the Viper Owners Invitational 11 application and their comments have been incorporated into this report.

Alternatives:
Approve the Request:
Approve the Master Festival License allowing Viper Owners Invitational 11 as described. This is staff's recommendation
Deny the Request:
Deny the Master Festival License, preventing the addition of Viper Owners Invitational 11 to Park City's schedule of events.
Modify the Request:
Modify the Master Festival License, City Council may wish to direct staff to modify the parameters of the approval.
Continue the Item:
The City Council may continue the discussion in order to receive additional information.

Significant Impacts:
Park City has held similar events to the Viper Owners Invitational 11. The organizers have been active in logistical planning with Events staff to minimize negative impacts to traffic circulation and parking and keep these issues to a manageable level. The activities will be contained to the described venues and will conclude by 2:00 pm on each day.

Consequences of not taking the recommended action:
Viper Owners Invitational 11 would not take place.

<u>RECOMMENDATION</u>:

Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the Viper Owners Invitational 11 on October 1 &2, 2010 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Viper Owners Invitational 11 will be held Friday, October 1 & Saturday, October 2, 2010. The event hours will be 11:30 am to 1:30 pm and will occur on Main Street between the Brew Pub and 5th Street. With amplified music on the Miner's Park stage.
2. Parking for the anticipated crowd of 1000 people will be accommodated in the China Bridge Parking Garage, Main Street, and Swede Alley surface lots. The conduct of the Viper Owners Invitational 11 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 event is oriented towards visitors, families and youth. The events associated with the Viper Owners Invitational 11 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 event will be held on Main Street and Miner's Park. 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. The Viper Club of America submitted their initial application in July of 2010; Park City Municipal Code (4-8-4) requires 90 day review for consideration of a Master Festival License. The Viper Club of America has not met that criterion. City staff finds that there is good cause to review the application short of the 90 day deadline due to the promotion of City Council's Goal #4 to continue to promote Park City as a multi-seasonal World Class Resort community.
6. There are no other Master Festival and Special Event Licenses that have been granted for October 1 & 2, 2010. The Viper Owners Invitational 11 will not substantially interfere with the logistics and venue for any event for which a license has already been granted and with the provision of City services in support of other such events or governmental functions.
7. The size of the crowd and nature of the event 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 demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

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. The applicant, at its' cost, shall incorporate such measures as directed by 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.
2. The applicant will work with City Staff to monitor the stage so as to minimize sound impacts to the neighborhood and adjacent business district; and the applicant shall monitor the following:
   (A) The program manager, or his/her designee, shall provide on-site management for each event.
   (B) A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.
   (C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
   (D) All events shall be open to the public and free of charge.
3. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
4. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by September 29, 2010.

Attachments

Exhibit A- Application Part I

PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION – PART I

PARK CITY 1884

Special Events
435.615.5150
specialevents@parkcity.org

PART I of the Special Event and Master Festival License (MFL) must be completed and **submitted electronically** to the Special Events Department no less than **90 days prior to a MFL** or no less than **60 days prior to a Special Event**.
The application will be reviewed by the Special Events Department. ***Granting of the permit is not guaranteed.***

APPLICANTION FEES – DUE AT TIME APPLICANT SUBMITS PART I

All new applications require a $100 application processing fee.
All applications for returning events require a $50 application processing fee.
The Application Fee is NON-REFUNDABLE.

ADDITIONAL FEES

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant. Applicant will receive a final invoice approximately two weeks after the event concludes.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME	Chris Marshall - Viper Club of America	
STREET ADDRESS	26970 Haggerty Road	
CITY, STATE, ZIP CODE	Farmington Hills, MI 48331	
DAY PHONE	913-406-9919 (cell)	
FAX PHONE	913-851-4416	
E-MAIL ADDRESS	info@voi11.com	
SPONSORING ORGANIZATION	Viper Club of America	
Contact Person "ON SITE" Day of Event	Name: Rob Walsh	Cell Number: 435.659.8173

EVENT INFORMATION

Type of Event (Check all that apply):

Master Festival Criteria: A PUBLIC EVENT (If one box is checked, the event is automatically a MFL)	☑ Attraction of crowds over 500	☑ Street Closure	☑ Use of City park, building or property	☐ Use of off-site parking facility	☑ Use of amplified music
Special Event Criteria: PRIVATE OR PUBLIC EVENT	☑ Causes significant public impacts via disturbance, crowd, traffic/parking	☐ Disruption of the normal routine of the community or affected neighborhood	☐ Necessitates temporary business or liquor licensing	☐ Events signs, visible from public property	☐ Temporary structures

☐ Run/Walk	☑ Parade	☐ Trail Event
☐ Road Bike Event	☐ Park Festival	☑ OTHER (please specify): Car show/parade downtown
☐ Street Fair	☐ Concert	

EVENT TITLE:	Viper Owner Invitational	
FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS?)	Since 1995 in major tourist destinations such as Las Vegas, Orlando, Indianapolis, Monterey, Dallas, Nashville, St. Louis, etc.	
EVENT DATE (S)	October 1st & 2nd, 2010	
EVENT HOURS	START: 11:00 AM	END: 1:00 PM
SET-UP	DATE: 10/1 & 10/2 (both days)	TIME: 10:00 AM
BREAK DOWN	DATE: 10/1 & 10/2 (both days)	TIME: 1:30 PM

ATTENDANCE	PARTICIPANTS: 500 per day	SPECTATORS: 500 per day	TOTAL: +/- 1000 per day
LOCATION			

OVERALL EVENT DESCRIPTION (Briefly explain event and activities):
Partnering with Dodge/Chrysler/Fiat, this international event brings together some of the most
influential consumers in the world: Business owners, celebrities, sports stars, and generally well-off
people with large disposable incomes – all of which own Dodge Vipers. We will have owners come
from all over the world to join fellow owners and spend money (lots) with area businesses.

MARKETING YOUR EVENT (Your Marketing Plan is criteria for approval of your event)		
Contact the Park City Chamber/Bureau to help market y our event	435.649.6100	www.parkcityinfo.com

PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT:

We have advertised this event on our website (www.voi11.com) for several months, initially planning just a "drive through" Park City. We have since decided to make it one of our key focal points and encourage our attendees to get to know the area and spend more time there – both during and after the event. We are doing print ads, have featured it on national radio shows (Road & Track Radio), direct mail (several mailings), email blasts, and even two FedEx/Passport 18-wheelers driving coast-to-coast for 90 days with our graphics completely covering the trailers.

Most importantly, we have since decided to provide each and every attendee with a $20 prepaid debit card (Visa/Mastercard/American Express) to use with local Park City merchants for lunch, etc. And consider that "seed money": Our owners spend hundreds of thousands (if not millions) during these events on merchandise, entertainment, memorabilia, etc.

We are planning to have the Park City mayor speak to the group and play music with his band as well. NOTE: Each day will feature 500 totally different owners – we have +/-1000 attending and they are split into two groups with one going to Park City on Friday and a totally different group on Saturday – they switch to Miller Motorsports Park.

RULES AND REGULATIONS

• A non-refundable application fee is required at the time the application is submitted to Park City Municipal Corporation. For new events the application fee is $100, for returning events the application fee is $50.00.
• Part I of the application must be submitted a minimum of 90 days prior to a Master Festival License (MFL) and 60 days prior to a Special Event. Part II of the application for both a MFL and a Special Event must be submitted 45 days prior to the requested event date.
• A site plan of your event is required with your application identifying street closures, signs, supply trucks, barricades, tents, activity location, portable toilets, bleachers, other temporary structures, water stations, headquarters, solid waste containers, entrance/exits, walkways and any other details that would assist the Special Event Staff with understanding the setup of your event.
• For runs, walks and parades a site plan outlining your route must be submitted along with your Special Event Permit application. If your event will generate additional traffic, or interrupt existing traffic on any city street, a traffic control plan outlining necessary street closures is required before a Special Event Permit will be issued.
• Permit Applications may require review by the City Council for approval or denial. Need for review is based on size, location, scope and impact of event.
• An applicant must schedule a meeting with Special Event Staff 30 working days prior to event.
• A certificate of insurance must be filed with Special Event Services ten (10) working days before the event in the amount of $2,000,000. The City of Park City requires all certificates of insurance to be submitted on a standard ACORD form, or on the insurance company's letterhead. Park City Municipal Corporation must be listed as additionally insured. If you do not have insurance, the City of Park City is able to provide you insurance, at a cost, through the TULIP Program. Please visit our website at;
www.parkcity.org/Special Events & Facilities/applications/index.html.
• All debris and trash must be removed from an event site immediately after the event. Failure to do so may require

more City Services. All expenses will be the responsibility of the event applicant. It is highly recommended that the applicant provide recyclable receptacles at the event. Please contact a local recycle company (information provided in Application Part II). Thank you.

• Depending on the duration of your event and the availability of public restrooms, you may need to rent portable chemical toilets to accommodate participants. Park City Municipal Corporation City Code requires one (1) chemical toilet for every 65 people. The figure is based upon the maximum number at your event during peak time. The total number of toilets will be determined on a case-by-case basis.

• You must receive approval for your event before you promote market or advertise your event. Conditional approval will be made after the event organizer submits the application and it is initially screened. Acceptance of your Special Event Application by the City is not a guarantee of the date, location or an automatic approval of your event.

• Only readily removable barricades may be used for street closures and a 20-ft lane of clearance is required for emergency vehicle access at all times. You may be required to provide advisory signs if your event impacts a major use roadway. Advisory signs are intended to provide advanced notice to the regular users of a roadway of the scheduled closure.

• In some cases, the hiring of officers from the Park City Police Department, a professional security company, or a combination of both may be required in order to obtain a Special Event Permit. The Park City Police Department determines the need, number, and type of security personnel based on expected attendance, location of the event, the presence of alcohol, history of the event, nature of the event, street closures, and the amount of advertising used for an event.

• The Fire Department must review and approve the following: your plans for first aid and/or emergency medical services; your route for emergency vehicle access;

• The Building Department must review parade floats; use of an open flame; use of fireworks or pyrotechnics; handling of vehicle fuel; cooking facilities; the location of power sources; the availability and location of on-site fire suppression equipment; the occupancy and spacing of tables or enclosures; and the use of tents, canopies or any fabric shelters. The Building Department will require an inspection before and/or during the event.

• All temporary structures, i.e. tents, stages, platforms, etc. must be engineered and stamped by a State of Utah Licensed Engineer.

• The applicant(s) shall assume and reimburse the City for any and all costs and expenses determined by City to be unusual or extraordinary, and related to the event for which the permit is sought, including but not limited to:

A. The cost of providing, erecting, and moving barricades and/or signs;

B. The cost of providing and moving garbage or waste receptacles;

C. The cost of city personnel who are required by the city to work overtime hours

• The City may require, as a condition to issuance of a permit, that a sum be deposited with the city to meet such costs. The required deposit shall not exceed one thousand dollars ($1,000.00).

AGREEMENT AND SIGNATURE

I the undersigned representative have read the rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein is complete and accurate.

Name (printed)	**Chris Marshall**
Signature ***(if electronic signature is available)*****:**	**Date: 7/28/10**

REMITTAL INFORMATION

Park City Municipal Corporation (PCMC) **ATTN: Special Events** **PO Box 1480** **Park City, Utah 84060** **435.615.5150**	***If you would like to pay by credit card or make your payment in person please contact Tommy Youngblood at 435.615.5187.***

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City Council
Staff Report

Subject:	**Letter of Credit for Summit Land Conservancy**
Author:	**Diane Foster, Tom Bakaly**
Department:	**Sustainability**
Date:	**September 23, 2010**
Type of Item:	**Administrative**

Summary Recommendations:
Staff recommends Council review the staff report and provide the City Manager with direction regarding the future modification of the contract with Summit Land Conservancy to provide a Letter of Credit to the Summit Land Conservancy in an amount of $40,000 for direct litigation and attorney fees concerning easements held for the City.

Topic/Description:
Summit Land Conservancy is requesting a Letter of Credit to be used in the case where Park City Municipal's conservation easements require legal defense.

Background:
The Summit Land Conservancy is seeking accreditation through the Land Trust Alliance. One of the requirements of accreditation is for a land conservancy to have, in cash reserves, $3,000 per easement for legal defense. For easements other than government-sourced easements, the Summit Land Conservancy normally requests and receives $5,000 per easement from landowners for legal defense. The Conservancy currently holds three easements that are not associated with City or County government. All of those landowners have made contributions to the legal defense fund and the legal fund balance is at $31,500.

The Conservancy did not anticipate this cost and did not include it in response to prior Request for Proposals from the City to hold the easements or the contract for the monitoring.

Summit Land Conservancy originally requested a cash contribution of $5,000 per easement for 10.5 of the Park City Municipal easements (the .5 is the easement for the Quarry Mountain parcel co-owned by the City and County). They are not requesting legal funds for the easements that they co-held with the City, such as the four easements that are a result of the Flagstaff Development Agreement and the Osguthorpe easement. They are now requesting a Letter of Credit in the same amount, but would appreciate even a Letter of Credit for $3,000 per easement. Staff is recommending a Letter of Credit in the amount of $40,000, or $3,810 per easement due to the fact that the City is already providing $48,000 per year to the Summit Land Conservancy for easement monitoring.

Analysis:

Accreditation

The driving force behind this request for a Letter of Credit is the accreditation process Summit Land Conservancy has undertaken with the Land Trust Alliance(LTA). While the LTA requires $3,000 in cash reserves for legal defense, the Executive Director of the Summit Lands Conservancy believes that a Letter of Credit may meet the LTA's requirement. She is requesting the Letter of Credit in the amount of $5,000 per easement because she believes that the LTA would be more likely to accept a Letter of Credit as meeting the legal defense requirement if the Letter is in an amount greater than the minimum required $3,000 per easement.

According to the Land Trust Alliance, the benefits of accreditation are:

> Independent accreditation provides the assurance of quality and permanence of land conservation the public is looking for and publicly recognizes a land trust's ability to protect important natural places and working lands forever. Preparing for accreditation and the application process also affords land trusts the opportunity to review and implement policies that will help streamline their operations and lead to more effective land conservation.

Letter of Credit

The idea of a Letter of Credit originated from Deer Valley's President. Deer Valley has stated it intends to provide a Letter to Credit to Summit Land Conservancy. If Park City Municipal issued a line of credit in the amount of $40,000, it would work is as follows:

- The Letter of Credit would be issued to Summit Land Conservancy;
- The Letter of Credit would result in a legal requirement for the City to budget funds in the amount of the letter of credit just as if we sent the Conservancy cash, so yes, funds would be encumbered and an accounting liability created. The letter of credit would need to be renewed annually at a cost of 1% of the amount of the credit. The letter of credit would only be drawn upon if there was a legal challenge;
- The letter of credit provided by the City would *only* be drawn upon in response to a legal challenge on a City-owned property. The letter of credit could not be accessed to defend easements from other property owners. The City would include, with the Letter of Credit, an agreement with Summit Land Conservancy that specifies the situations under which the Letter of Credit could be drawn upon;
- If Park City Municipal decided, in the future, to not renew the letter of credit, the $40,000 funds guaranteed by the letter of credit would go to Summit Land Conservancy. This would be a one-time payout of $40,000 (the letter of credit would not increase over time nor would it accrue interest).
- Summit Land Conservancy will factor in legal defense funds in future new easements and contracts for monitoring

Necessity of Legal Defense Funds

The City Manager, City Attorney and staff met with Summit Land Conservancy on two occasions to discuss the request. During those meetings, the City's position was that an after the fact grant of public funds to support essentially enforcement/litigation against the City could not be supported unless the Council agreed to amend the existing monitoring agreement to relate the additional costs to the public services provided. Simply, had the Council known of the additional costs at the time it decided to grant the redundant easements and subsequent monitoring agreement (the properties are already restricted by both bond requirements and deed restrictions with the original seller), would they have agreed to the arrangement? However, the City Attorney also questioned whether the legal defense fund is really necessary because the City would likely participate in any legal defense required on any third party infraction, and the easements already provide for the recovery of legal fees in the event of a successful enforcement action against the City or any third party. Tying up funds that would otherwise go towards open space seemed questionable if the driving force is third party accreditation aimed more at preventing IRS fraud and national standards that really aren't drafted to address a situation where the easement holder wasn't part of the original acquisition of the property. The City Attorney does not question the wisdom of the non-profit having their own defense fund, he just thinks the disproportionate reliance upon public funding is both bad policy and pragmatically likely to increase opportunity for formal conflict.

Summit Land Conservancy responded that their primary mission is for the public trust to protect the lands from future changes in political positions/policies which could threaten the open space and that there could be a situation in the future where the easement would require legal protection from a Park City Municipal action or where the City decides not to enforce or disagrees is a violation. Without the ability to initiate and fund litigation at the outset, they would be unable to exercise their enforcement rights effectively.

Staff is split on whether or not they would recommend that Council provide a Letter of Credit. The City Attorney does not recommend that Council provide legal defense funds in any form. The request is formally a change order request to existing agreements for an unanticipated overhead expense (increasing contract cost by over 33%) by the contractor. The existing conservation easements provide for the recovery of legal costs and attorney fees in the event of an enforcement action and the City Attorney offered to explore interest in the legal community about a retainer/contingency fee arrangement to cover potential defense. However, if Council wants to go in the direction of providing legal defense funds to Summit Land Conservancy, the City Attorney would then recommend: 1) the letter of credit over cash; 2) eligible costs are clearly defined by agreement and limited to actual litigation, not administrative preparation like staff just went thru with IMA/Canyons; and 3) the payout option is removed.

The Finance department does not recommend issuing a Letter of Credit.

Sustainability staff is supportive of the concept. However, Sustainability staff would prefer a modification to the contract that would allow for a nominal annual contribution to the legal defense fund that would eventually result in a $52,500 cash reserve, however, this option does would not meet the Land Trust Alliance's immediate accreditation requirement.

The funds for the Letter of Credit would need to be appropriated from the Open Space Maintenance Funds (account number CP0092-31466) regardless of whether or not the Letter of Credit is exercised. The current fund balance in this account is $515,000.

Department Review:
This report has been reviewed by the City Attorney's and City Manager's departments. Input on the specific requirements of a Letter of Credit was provided by the Finance Department.

Alternatives:

A. Approve:
The City Manager would provide notification to the Summit land Conservancy that a Letter of Credit to the Summit Land Conservancy in an amount of $40,000 was forthcoming and staff would return on September 30th with an amendment to their contract.

B. Deny:
The City Manager would not provide a Letter of Credit to the Summit Land Conservancy.

C. Modify:
Council could recommend the City Manager provide a Letter of Credit to the Summit Land Conservancy in an amount different than $40,000. If Council wanted to provide a Letter of Credit for $3,000 per easement, the total would be $31,500. If Council wanted to provide a Letter of Credit at $5,000 per easement, the amount would be $52,500.

D. Continue the Item:
Council could recommend further discussion of this item at a later date.

E. Do Nothing:
Doing nothing would have the same effect as denying the request.

Significant Impacts:
Summit Land Conservancy currently has a Special Service Contract with the City that provides approximately $48,000 per year for easement monitoring. That contract will expire June 30, 2012. Amending the contract outside of the normal budget cycle does not comply with the Council-directed process for budgeting.

Recommendation:
Staff recommends Council review the staff report and provide the City Manager with direction regarding the future modification of the contract with Summit Land Conservancy to provide a Letter of Credit to the Summit Land Conservancy in an

amount of $40,000 for direct litigation and attorney fees concerning easements held for the City.

Attachments:
Exhibit A: Letter from Summit Land Conservancy, September 20, 2010
Exhibit B: Park City Municipal & Summit Land Conservancy MOU, May 26, 2010
Exhibit C: Letter from City Attorney to Summit Land Conservancy, December 23, 2009

September 20, 2010

Mayor Dana Williams and Members of the Park City Council
PO Box 1480
Park City, UT 84060

Dear Mayor Williams and Members of the Park City Council:

For many years Park City has pursued a concentrated campaign to preserve local open space. Since conservation easements are widely recognized as the best tool for protecting the citizen's investment in these open lands, Park City Municipal has granted conservation easements to the Summit Land Conservancy on 11 different properties, including the Clissold/Quarry Mountain parcel, which the City co-owns with Summit County.

The Summit Land Conservancy, with funding from the City, monitors these easements constantly to insure that the conservation values (recreation, wildlife habitat, open vistas) remain intact. This funding has comes through a contract and covers the expenses the Conservancy incurs on behalf of the city-owned properties.

In January 2010 the Summit Land Conservancy applied for accreditation with the Land Trust Alliance. The Conservancy's board of trustees chose to purse this rigorous and expensive process because they believed that the Conservancy would be strengthened both internally and in community perception. The board felt that these strengths, and the enhanced status of being one of the few accredited land trusts in the nation, would greatly improve the Conservancy's ability to protect its current easements and to raise money for new conservation such as the Osguthorpe farm in Round Valley.

Now in the final stage of its accreditation application, the Conservancy has found that due to a very recent change in the regulations, the Land Trust Accreditation Commission has a firm requirement that a land trust must hold a minimum of $3,000 per conservation easement in a legal defense fund in order to achieve accreditation. This legal defense fund requirement is separate from and in addition to the land trust's Stewardship Endowment.

- The Land Trust Alliance's recommendation is based on a wide experience of the challenges faced by easement holders, including easements on property owned by local governments.

- A number of other land trusts hold easements on municipal properties. Their experience is that municipal landowners require legal defense funding because:

- The natural turn-over in elected officials can lead to problems as new officials do not always understand the purposes and restrictions of the easements.
- Future officials might pursue ideas that the current taxpayers, who have paid for the easement properties, would not endorse.

- The Summit Land Conservancy is legally obligated to defend any challenge to its easements.

- In Utah and across the nation, we have seen municipalities seek to overturn conservation easements in order to promote other agendas.

- In Utah we have seen the State government work with private interests to negate or inhibit local government control.

The Summit Land Conservancy finds itself in a difficult position as a result of the change in accreditation requirements. We have been working with all of our landowners on both stewardship and legal defense funding. Private landowners, such as farmers and developers have provided donations to these endowments. From these sources, we have raised a legal defense fund of $34,667 as of mid-September. Despite these efforts, it now appears that the Conservancy's application for accreditation will not be accepted unless we find a funding mechanism for the city-owned easements that currently have no legal defense funding.

The Conservancy has approached others in our efforts to build the legal defense fund. In our discussions with Deer Valley Resort, Bob Wheaton proposed that we accept an irrevocable letter of credit to be used for litigation defense in lieu of a cash contribution. We believe that this is a workable alternative to a cash contribution.

The irrevocable letter of credit would automatically renew annually and may be drawn upon only to cover litigation involving the City's properties, and then only under the following conditions:

1. Notice of breach or default of conservation easement has been given to the landowner;
2. The default or breach remains uncured after thirty days;
3. No good faith effort has been made to commence the cure of the breach or default; and
4. Funds drawn will be used exclusively to engage legal counsel to enforce the terms of the conservation easement.

Deer Valley has committed to establishing a $10,000 letter of credit to cover the two easements on Deer Valley's property for our legal defense fund. The Conservancy believes that if the City were to establish as similar letter of credit we will be able to achieve accreditation.

In order to comply with the Land Trust Alliance's standards the funds available for legal defense need to be adequate. In light of the number of easements and acres protected by those easements, our analysis indicates that $5,000 per easement (a total of $52,500) would satisfy the Land Trust Alliance's requirements.

Oh behalf of the Summit Land Conservancy's Board of Trustees, I thank you for your time and your consideration. Again, we are honored to partner with the City to permanently protect the open spaces that contribute to the health of our economy, our community, and our collective spirits.

Yours truly,

CAFox

Cheryl Fox
Executive Director

Memorandum of Understanding

Parties:
Park City Municipal Corporation (the " City"), a Utah Municipal Corporation.

Summit Land Conservancy, (the "Conservancy"), a Utah Not For Profit Corporation.

Recitals:

The Conservancy and the City are co-holders of 5 Conservation Easements (the "Conservation Easements"), all as set forth on Exhibit A attached hereto and made a part hereof.

Under the terms of a Service Contract dated as of July, 2009 between the City and the Conservancy, the Conservancy is responsible for monitoring the properties under Conservation Easements and preparing reports thereon; all as more fully set forth in the Service Contract.

The City maintains a fully staffed Legal Department (the "Legal Department"), that has actively participated in the negotiation and drafting of the Conservation Easements.

The Conservancy and the City desire by this Memorandum of Understanding to memorialize in writing the understanding between them relative to any claims, real or pretended, asserted or threatened to be asserted, which may in any manner affect the Conservation Easements.

Now, therefore, the City and the Conservancy confirm their understandings as follows.

1. The Conservancy shall notify the Legal Department within a reasonable period of time of any breach or third party claim that in any manner affects any one or more of the Conservation Easements.
2. The Legal Department shall review the matter and following the review shall meet with the Conservancy and make recommendations as to the handling and disposition of any such breach or claim.
3. Assuming the Conservancy and the Legal Department concur in the action to be taken in response to any such breach or claim, the Legal Department shall act on behalf of both the City and the Conservancy as co-holders of the subject Conservation Easement.
4. In the event the City and the Conservancy are unable to agree on the action to be taken, either party may separately pursue such breach or claim, solely in its name and at its sole cost or expense.

5. The costs and expenses of any action or proceeding brought jointly on behalf of the City and the Conservancy as co-holders of a Conservation Easement shall be borne by the City.
6. In the event that either the City or the Conservancy, acting separately, elects to pursue an action or proceeding, that party shall be solely responsible for all costs and expenses including attorneys fees, court costs, amounts paid in settlement and for any damages assessed.
7. The understandings set forth herein shall not be amended or modified in any material manner except in a writing signed by both the City and the Conservancy.

The parties hereto have executed this Memorandum this day of May 2010 effective however as to each of the Conservation Easements as of the date of execution of that Easement.

Park City Municipal Corporation

By________________________

CITY ATTORNEY 5/26/10

Summit Land Conservancy

By________________________

Exhibit A

Conservation Easements Co-Held by Park City Municipal and Summit Land Conservancy as of May 2010.

Name	Location	Landowner
Ski Lease	Empire	Deer Valley Resort
Lady Morgan	Empire	Deer Valley Resort
Warren Claims	Iron Mountain	United Park City Mines/Talisker
Prospect Ridge	Empire/Daly	United Park City Mines/Talisker
Osguthorpe 120	Round Valley	Osguthorpe Trust

Legal Department

Greg Peters
Director of Conservation
Summit Land Conservancy
P.O. Box 1775
Park City, Utah 84060

December 23, 2009

Dear Greg,

This letter is a follow-up to our meeting on December 11, 2009, at which we discussed why the Park City and Summit Land Conservancy ("SLC") conservation easements (on parcels primarily purchased with Open Space bond funds) are different than your traditional landowner easements in terms of compliance with best practices as such relate to endowments and defense funds. The following factors were discussed:

1. Every parcel purchased by the City with bond funds must be used in compliance with the terms of issuance of the bonds restricting such use in perpetuity to open space;
2. The properties are deed restricted to open space when deeded to the City with a reversionary interest for the benefit of the prior owner if the terms are violated (the City never had development rights on the property);
3. The properties are typically zoned open space ("ROS"), if they are within the city limits;
4. Some of the other easements, where the City and SLC are co-grantees, would be enforced jointly with the resources of the City Attorney's Office available; and
5. As an exempt political subdivision of the state, the City seeks no federal tax benefits or credits.

As such, the utility of the SLC conservation easements is primarily as a redundant measure to insure public confidence and a monitoring service to prevent third party violations due to the vast acreage and lack of centralized city oversight.

Please contact me at 435-615-5029 with any questions or concerns.

Regards,

Mark D. Harrington
City Attorney

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