

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 14, 2003**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 14, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney;

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

1. Mountainlands/Fannie Mae reception - Ginger Tolman, Mountainlands Community Housing Trust, personally invited the Council and public to attend an award ceremony on Monday at 9:30 a.m. where Mountainlands will be presented a check. Last May, the Fannie Mae Foundation presented the Maxwell Award of Excellence for the Holiday Village Apartment Complex. She acknowledged the critical assistance from the City on refurbishing the complex.

2. Local television channel - Eric Hutchins, producer of the Park City Information Channel, explained his efforts to launch another channel in Park City with a focus on tourist and local information. He stated that he is filing a petition with the FCC because he believes Comcast has violated his rights to lease a local channel and speculated that Comcast is seeking more income from local advertising. The law provides for 15% of the channel capacity for local ownership and origination; currently there is one channel, and eight should be available. Mr. Hutchins enlisted support from the Council and community. In response to a question from Peg Bodell about possible recourse with the City, Mark Harrington responded no, although the City has an assigned franchise agreement with Comcast. Ms. Bodell expressed her concern about the length of time Park City Television has been using our government Channel 17 as she thought this was a temporary situation. Mr. Hutchins believed Park City Television has run into the same problems. In order to lease a local channel, the whole Salt Lake region must be purchased at an exorbitant rate and he disagrees with Comcast's argument that it is not technically possible to limit it to the Park City area. This is happening nation-wide. Mr. Hutchins emphasized the importance of coexisting with Channel 8, and encouraged Council to pass a resolution of support. Ms. Bodell reiterated her concerns about losing our government access channel and felt the City could write a letter of support for Mr. Hutchins. He showed portions of a marketing video for his Park City information channel and added that he will work with the Assistant City Attorney on a letter of support. Mr. Hier expressed his confusion on the City's involvement. Peg Bodell indicated that the City should reinforce that Channel 17 is our government channel and this may send a message to Comcast that more local channels need to be available. Mr. Hutchins suggested explaining the need for local access to the

airwaves. Candace Erickson believed that before a letter of support is signed, that the Council needs to review it. The Mayor agreed to meet with Mr. Hutchins before anything comes back to Council.

3. Interlocal agreements - Bruce Margolias referred to the recent shooting which occurred in Wasatch County. Because Summit County was closer to the location of the incident, it was contacted by way of 911 and police and emergency personnel responded. These incidences may increase in the future and this may be a good time for the City to engage in Interlocal agreement negotiations with Wasatch County for provision of emergency services so that costs are allocated appropriately.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF JULY 31, 2003

Kay Calvert, "I move to approve the Minutes of July 31". Peg Bodell seconded. Motion unanimously carried.

V PUBLIC HEARINGS

1. Master Festival License for a barbecue at Rotary Park on September 12, 2003 - United Way at Work in Summit County - Michelle Barrus explained that approval of the MFL is recommended because of the use of a microphone, not amplified music, from 3 p.m. to 5 p.m. Attendance is expected between 50 to 75 persons. Hearing no questions or comments from the Council or the public, the public hearing was closed.

2. Master Festival License for Miners Day Celebration on September 1, 2003 - Park City Rotary Club and Park City Municipal Corporation - Ms. Barrus explained that this MFL is before Council because there are changes including extended hours from 4 p.m. to 5 p.m. and the addition of skate park activities taking place from noon to 5 p.m. Hearing no questions or comments from the Council or the public, the public hearing was closed.

VI CONSENT AGENDA

Fred Jones, "I move to continue Item 3 to August 21". Jim Hier seconded. Motion carried unanimously. Peg Bodell, "I move approval of Items 1 and 2". Fred Jones seconded. Motion unanimously carried.

1. Master Festival License for BBQ at Rotary Park on September 12, 2003 - United Way at Work in Summit County - See staff report, work session notes, and public hearing.

2. Master Festival License for Miners Day Celebration on September 1, 2003 - Park City Rotary Club and Park City Municipal Corporation - Hearing no questions or comments from the Council or the public, the public hearing was closed.

3. Resolution adopting a revised personnel policies and procedures manual, dated August 14, 2003 for Park City Municipal Corporation - Continued to the meeting of August 21, 2003.

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Peg Bodell, "I move to close the meeting to discuss property and personnel". Fred Jones seconded. Motion carried unanimously.

The meeting opened at approximately 5 p.m.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott




Janet M. Scott, City Recorder

DATE: August 14, 2003
DEPARTMENT: Special Events and Facilities
AUTHOR: Michelle Barrus
TITLE: United Way at Work in Summit County
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 United Way at Work in Summit County, as conditioned, on Friday, September 12, 2003

A. TOPIC

Review of the Master Festival License Application, submitted by The United Way, for United Way at Work in Summit County, as conditioned, on Friday, September 12, 2003 from 3:00 pm until 5:00 pm.

B. BACKGROUND

The United Way wishes to have a BBQ in Rotary Park . This will take place in Rotary Park on Friday, September 12, 2003 from 3:00 pm until 5:00 pm. The event will include live music, BBQ food, and an amplified spoken program.

As part of this application, the United Way has requested the Council review their request for a full fee waiver of the \$100 MFL application fee. 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 United Way at Work in Summit County is being reviewed as a Master Festival due to the use of amplified music adjacent to a residential neighborhood.

The organizers are expecting a crowd of 50 to attend this event. Due to the size of the anticipated crowd and the duration of the event, carpooling and public transportation has been encouraged due to the small amount of designated parking for Rotary park.

The event will not require building permits. Additional police and transportation services will also not be requested nor necessary for this event.

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. The United Way has requested a full waiver of all fees associated with the United Way at Work in Summit County. Please see text in italics for the United Way's response to the criteria.

- A. For-profit or non-profit status of the Applicant;
The United Way is a non-profit organization
- B. Whether the event will charge admission fees;
There is no general admission fee.
- C. Whether the event is youth-oriented;
There will be music for all ages
- D. The duration of the event;
The event will be held on Friday, September 12, 2003, from 3:00pm until 5:00pm at Rotary Park.
- E. Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;
The City will not be likely to receive positive tax benefits from this event.
- F. The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
The United Way at Work in Summit County will require minimal City services.
- G. The season of occurrence; and
The event will take place during the late Summer season.
- H. Demonstration of hardship by the Applicant.
The applicant is a non-profit organization who is trying to raise money and awareness of their volunteer foundation in the Park City Summit County Area.

Due to the Applicant's response to the fee waiver criteria, staff recommends a fee waiver.

ALTERNATIVES

- A. Approve the Master Festival License, as conditioned by staff, allowing the United Way at Work in Summit County on September 12, 2003.
- B. Modify the parameters of the event, or approve the fee waiver and approve the Master Festival License, allowing the United Way at Work in Summit County on September 12, 2003.
- C. Deny the Master Festival License, thereby preventing the United Way at Work in Summit County on September 12, 2003.
- D. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the United Way at Work in Summit County on September 12, 2003 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. United Way at work in Summit County will be held in Rotary Park on Friday, September 12, 2003. The event will include live music, BBQ food, and an amplified spoken program. The event will run from 3:00pm and will conclude at 5:00pm.
2. Parking for the anticipated crowd size throughout the duration of the event can be accommodated in the immediate parking around Rotary Park. The anticipated attendance is approximately 50 people. The conduct of United Way at Work in Summit County 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 families. The events associated with United Way at work in Summit County 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 entirely in Rotary Park which ensure that 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 License has been approved for September 12, 2003. United Way at work in Summit County 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 adequate insurance for the event.
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 shall comply with all Summit County Health Department requirements for sanitation and food vendors.
2. All music and activities shall be end by 5:00 pm.
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.

ATTACHMENT A- Approval Letter

Attachment A

MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License: ☐ Special Event ☒ Master Festival
Event Name: United Way at Work in Summit County
Event Date(s): September 12, 2003
Event Location: Rotary Park
Licensee: United Way
Contact Person: Sara Nelson
Approved By: ☐ Special Events Manager ☒ City Council of Park City
Approval Date: August 14, 2003

The City Council has approved the Master Festival License for United Way at Work in Summit County to be held on September 12, 2003. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. United Way at work in Summit County will be held in Rotary Park on Friday, September 12, 2003. The event will include live music, BBQ food, and an amplified spoken program. The event will run from 3:00pm and will conclude at 5:00pm.
2. Parking for the anticipated crowd size throughout the duration of the event can be accommodated in the immediate parking around Rotary Park. The anticipated attendance is approximately 50 people. The conduct of United Way at Work in Summit County 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 families. The events associated with United Way at work in Summit County 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 entirely in Rotary Park which ensure that 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 License has been approved for September 12, 2003. United Way at work in Summit County 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 adequate insurance for the event.
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 shall comply with all Summit County Health Department requirements for sanitation and food vendors.
2. All music and activities shall be end by 5:00 pm.
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.

PASSED AND APPROVED this 22th day of May, 2003.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

DATE: August 14, 2003
DEPARTMENT: Facilities and Special Events
AUTHOR: Michelle Barrus
TITLE: Miners' Day Celebrations
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 the Miners' Day Celebrations on September 1, 2003.

A. TOPIC

Review of the Master Festival License Application, submitted by Park City Rotary Club, along with Park City Municipal Corporation for the Miners' Day Celebrations on September 1, 2003.

B. BACKGROUND

A Master Festival License application was submitted by the Rotary Club of Park City for the Miners' Day Celebrations for September 1, 2003. The application proposed no new changes to the parade, however it did include changes to the activities in City Park and a request to extend the MFL by one hour, making the ending time 5:00 pm. The Recreation Department Staff has contacted the Rotary Club and received permission to include a skateboard competition entitled RAS 2003 "Best of the West" to occur in City Park in conjunction with the activities planned by the Rotary Club.

City Park activities include food and beer concessions, kids games, music, mucking and drilling competition, and a skateboard competition. The Rotary Club and Recreation Department have been in contact to ensure the events scheduled for the skate park will not interfere with the events historically run on Miners' Day by the Rotary Club.

SCHEDULE

7:00 am	Breakfast, served by Saint Mary's Catholic Church in City Park
11:00 am	Running of the Balls - Main Street
11:15 am	Parade, starting at the top of Main Street
12-5 pm	Children's Games, Music
1-2:30 pm	Mucking and Drilling Competition
12-5 pm	Skateboard Competitions

C. ANALYSIS

The changes to the Miners' Day Celebrations from previous years is the addition of the activities associated with RAS 2003 "Best of the West" and an extended end time to 5:00 pm. This event would include about 60-80 competitors and Winners advance to the Best of the West Championships in Klamath Falls, Oregon. The Recreation Department has requested amplification of pre-recorded music from within the Skate

Park. The City and Rotary Club will work to direct the speakers away from the scheduled performances in the bandshell, as well as moderate sound impacts to the neighbors to the south of the park. Tents, will be placed in the parking spaces to the north of the park. Parking and access through City Park will be restricted to pass holders only and the use of parking spaces for tents and trailers and trucks will be used for the food and beer concessions. Staff has requested the use of the Mawhinney parking lot to compensate for the loss of spaces. Traffic to the parade will be diverted to Park City Mountain Resort by the use of electronic signs to help reduce the traffic entering Old Town to park for the parade. The Planning Department reviewed this event and found it to comply with the conditions of approval for the Skateboard Park.

D. Department Review

Special Events and Facilities, Recreation Department, Planning Department, and Legal Department.

ALTERNATIVES

- A. Approve the Master Festival License, as conditioned by staff, allowing the Miners' Day Celebrations to include the RAS 2003 "Best of the West" skateboard competition and extending the end time to 5:00 pm on September 1, 2003.
- B. Modify the parameters of the event and approve the Master Festival License, allowing the Miners' Day Celebrations to include the RAS 2003 "Best of the West" skateboard competition on September 1, 2003.
- C. Deny the Master Festival License, thereby preventing the RAS 2003 "Best of the West" skateboard competition on September 1, 2003, in City Park.
- D. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends approval of the Master Festival License to allow Miners' Day Celebrations to include RAS 2003 "Best of the West" skateboard competition on September 1, 2003, based on the following:

Findings of Fact:

- 1. The Miners' Day Celebrations will be held in City Park and include a parade that begins at 11:15am which travels down Main Street to Park venue via 9th Avenue. Activities in City Park include food and beer concessions, kids games, music, mucking and drilling competition, and the RAS 2003 "Best of the West" skateboard competition.
- 2. A parade is scheduled for 11:15am on September 1, 2003, to run down Main Street to Park Avenue via 9th and will end at Deer Valley Drive. The closure of Swede Alley, Main Street and Park Avenue will be restricted to the hours between 9:00am through 12:00pm. Traffic will be diverted to alternate streets. Public Transportation has been notified and other street traffic will be diverted by the use of signs, volunteers or Police. The conduct of the Miners' Day Celebrations will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area.

3. The Rotary Club will be providing volunteers to run man and run the event. Police and other public employees will be used but not to an extent where there will be a 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 crowd associated with Miners' Day locates in the morning around the parade route and then is solely contained within City Park for the remainder of the afternoon. Access to City Park will be restricted to the public without the proper access pass. 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 concerns.
5. No other Master Festival or Special Event Licenses have been issued for September 1, 2003. The Miners' Day Celebrations 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, and adequate insurance for the event.
7. Due to the nature of the Miners' Day celebrations, such as children's games and a parade, 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 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.

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 amplification within the Skate Park shall occur only between 11:00am and 5:00pm. All music shall be directed to the south of the park and sound levels shall be monitored to reduce the impact to adjacent residences.
2. City Park shall be barricaded to ensure the minimum number of cars and traffic in the area. Clearance requirements for emergency vehicles will be met.
3. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting.
4. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
5. 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.

6. 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.

ATTACHMENT A - Approval Letter

Attachment A

MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License: ☐ Special Event ☒ Master Festival
Event Name: Miner's Day
Event Date(s): September 1, 2003
Event Location: Main Street Parade and City Park
Licensee: Park City Rotary Club
Contact Person: David Johnson and Jim Lea
Approved By: ☐ Special Events Manager ☒ City Council of Park City
Approval Date: August 14, 2003

The City Council has approved the Master Festival License for Miner's Day to be held on September 1, 2003. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Miners' Day Celebrations will be held in City Park and include a parade that begins at 11:15am which travels down Main Street to Park venue via 9th Avenue. Activities in City Park include food and beer concessions, kids games, music, mucking and drilling competition, and the RAS 2003 "Best of the West" skateboard competition.
2. A parade is scheduled for 11:15am on September 1, 2003, to run down Main Street to Park Avenue via 9th and will end at Deer Valley Drive. The closure of Swede Alley, Main Street and Park Avenue will be restricted to the hours between 9:00am through 12:00pm. Traffic will be diverted to alternate streets. Public Transportation has been notified and other street traffic will be diverted by the use of signs, volunteers or Police. The conduct of the Miners' Day Celebrations will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area.
3. The Rotary Club will be providing volunteers to run man and run the event. Police and other public employees will be used but not to an extent where there will be a 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 crowd associated with Miners' Day locates in the morning around the parade route and then is solely contained within City Park for the remainder of the afternoon. Access to City Park will be restricted to the public without the proper access pass. 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 concerns.

5. No other Master Festival or Special Event Licenses have been issued for September 1, 2003. The Miners' Day Celebrations 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, and adequate insurance for the event.
7. Due to the nature of the Miners' Day celebrations, such as children's games and a parade, 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 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.

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 amplification within the Skate Park shall occur only between 11:00am and 5:00pm. All music shall be directed to the south of the park and sound levels shall be monitored to reduce the impact to adjacent residences.
2. City Park shall be barricaded to ensure the minimum number of cars and traffic in the area. Clearance requirements for emergency vehicles will be met.
3. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting.
4. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
5. 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.
6. 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.

PASSED AND APPROVED this 14th day of August, 2003.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

DATE: August 14, 2003
DEPARTMENT: Human Resources
AUTHOR: Kim Leier, Human Resources Manager
TITLE: Policies and Procedures Manual Revisions
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Adopt a resolution revising the Policies and Procedures Manual. (Attached under separate cover).

DESCRIPTION:

A. Topic: Recommendations for revisions to the Policies and Procedures Manual.

B. Background:

The recommendations for revision to the employee Policies and Procedure manual are the culmination of more than six months of input from the employee Policies and Procedures Task Force, City Manager, Legal Department, management and supervisory staff, and Human Resources.

C. Analysis:

In April of this year a policies and procedures task force was formed to address recommendations for revision to the policies and procedures manual. . The task force was made up of employees from all departments and levels of the organization. The task force members were Anita Sheldon, Pace Erickson Eric Dehaan, Denise Payne, Mark Christensen, with staff support from Human Resources, management and the Legal Department. The task force's goal was to represent their fellow employees and to address changes needed in the current policies and procedures manual.

The manual was last updated in 1999 and since that time a number of federal, state, and medical privacy regulations and industry standards as they relate to employee issues and benefits have changed. Consistent with the City's commitment to responsibility and accountability for all employees, it is imperative that employee policies and procedures be clear and consistent.

The employee Policies and Procedures Task Force discussed a number of employee issues. The most significant included:

- Sick leave policies
- Overtime calculations
- Educational assistance,
- Vacation policies and pay out policies
- Medical maternity and paternity policies
- Bereavement leave
- Short and long term disability benefits.

The Legal Department and Human Resources also reviewed and addressed the update

or inclusion of language in a number of areas:

- The Family Medical Leave Act (FMLA)
- Health Insurance Portability and Accountability Act (HIPAA)
- At will employment
- Fitness for Duty
- Use of City vehicles
- Doctor's certifications for second opinions
- Progressive discipline procedures

All recommendations for changes were then reviewed by the City Manager and the management team. Several joint meetings of the employee task force, City Manager, Legal Department, management team and Human Resources were held resulting in the recommendations before Council at this time.

While there are other changes recommended as shown in the "redlined" policy and procedures manual, the aforementioned are the most significant. The majority of the recommendations being made are addressing changes in federal and state requirements and industry standards and norms as they relate to employee policy and benefits.

Staff requests direction to resolve conflicting provisions in the manual. More specifically, the manual currently includes a provision identifying the City Council authorized to adopt and amend the manual, while another authorizes the City Manager to amend the manual. Staff recommends that the authority to amend the manual rest with either the Council or Manager, but not both and seeks direction accordingly.

D. Department Review:

Policies & Procedures Task Force, Legal Department, Human Resources, Management Team, City Manager.

The more closely Park City mirrors industry standards in policy and compliance the more effectively we can monitor performance measures in employee programs.

The recommendations for revisions update language addressing the Family Medical Leave Act, at-will employment, Medical Maternity, Paternity, the Health Insurance Portability and Accountability Act (HIPAA) Sexual Harassment, Fitness for Duty, Use of City Vehicles and Workers Compensation and Health Care Benefit Eligibility will allow us more closely track and comply with the Family Medical Leave Act and other federal and state regulations. It brings us closer to industry standards which will assist us in tracking performance measures as they relate to compliance in employee programs.

ALTERNATIVES:

A. Approve the Request:

The recommendations and revisions to the policies and procedures manual will go into effect immediately upon Council approval for all full time employees. Employees will be issued a copy of the new manual and will be required to sign that they have received a

copy of the updated manual and that they are required to review and understand the policies within.

B. Deny the Request:

The recommendations and revisions will not go into effect and may result in noncompliance with a number of federal and/or state regulations and diminish the City's ability to provide direction and/or enforce employee policies and procedures.

C. Continue the Item:

Review of the Policies and Procedures Manual will continue. The task force can address any concerns the council may have. This may result in temporary or continued noncompliance with federal and/or state regulations.

D. Do Nothing:

The recommendation and revisions will not go into effect which may result in noncompliance with federal and/or state regulations and diminish the City's ability to provide direction and/or enforce employee policies and procedures.

SIGNIFICANT IMPACTS:

Recommendations bring the manual into compliance with federal and state regulations such as the Family Medical Leave Act (FMLA) and Health Insurance Portability and Accountability Act (HIPAA).

Utah continues to be an at-will employment state and Park City has always been consistent with the state and an at-will employer. Changes at the state level since 1999 requires the proposed at-will language in order to remain consistent with the State of Utah.

Changes in the employee evaluation process to include June & December reviews for regular status employees is recommended. This will replace the current evaluation process which stipulates reviews are due on the employee's anniversary date. This is meant to streamline the evaluation process and address perceived pay inequities because of different employee evaluation dates.

Medical Maternity and Paternity Leave have been specifically addressed to comply with the Family Medical Leave Act regulations and to mirror other "family friendly" organizations.

Sick leave will no longer be covered at 100% until long term disability commences. Employees will be insured under a short term disability plan until they qualify for long term disability. The changes will allow the City to comply with the current Family Medical Leave Act guidelines, and attempt to reduce sick leave costs. The quarterly sick leave bonus eligible to non-exempt employees is being raised to reward those employees who do not use sick leave.

Currently any terminating employee is paid 100% of their entire vacation bank balance. This has become increasingly more cost prohibitive as employee tenure increases. The new policy would cap the amount of vacation hours an employee is eligible to be paid upon termination.

What types of hours qualify for overtime has also been addressed. It is recommended that vacation hours no longer qualify towards overtime.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Possible noncompliance with numerous federal and state regulations. Diminished capacity to provide direction and enforce employee policies and procedures.

RECOMMENDATION:

Adopt resolution approving recommendations and revisions to the Policies and Procedures Manual of Park City Municipal Corporation.

**A RESOLUTION ADOPTING A REVISED PERSONNEL POLICIES
AND PROCEDURES MANUAL, DATED AUGUST 14, 2003 FOR
PARK CITY MUNICIPAL CORPORATION**

WHEREAS, personnel policies and procedures may be adopted and amended at the discretion of the City Council and are subject and subordinate to applicable federal and state laws, rules, and regulations, and local ordinances; and

WHEREAS, the City Manager, Legal Department, Human Resources Department, management team and the Policies and Procedures Task Force have reviewed the proposed amendments of the Revised Personnel Policies and Procedures and recommends adoption by the City Council; and

WHEREAS, the City Council deems it in the best interest of the employees of Park City Municipal Corporation to formally adopt them;

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

SECTION 1. ADOPTION. The Revised Personnel Policies and Procedures, dated August 14, 2003 attached hereto, are hereby adopted, replacing all others previously adopted.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council.

See document enclosed under separate cover.