



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 19, 2001**

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, July 19, 2001.

AGENDA

Work Session

- 4:30 p.m. Council questions/comments
- 5:00 p.m. Legislative update
- 5:10 p.m. Recreation capital projects and survey
- 5:20 p.m. Review of regular meeting:
 - Olympic use of City properties - Salomon
 - Beer and MFL code amendments
 - Water telemetry
- Other meeting questions/comments

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 21, 2001

V RESIGNATIONS AND APPOINTMENTS

Two appointments to Library Board for terms expiring July 2004

VI CONSENT AGENDA PUBLIC HEARING

1. Master Festival License for Novell Utah Showdown to be held at the Park Meadows Country Club to be held August 13 - 19, 2001

2. Master Festival License for the X-Adventure Race on August 19, 2001 - Salomon
3. Ordinance amending Title 4, Chapters 4, 5 and 6 of the Municipal Code of Park City regulating beer and liquor licensing; clarifying the standards and procedures for license approvals and amending terminology for consistency with State Code
4. Ordinance amending Title 4, Chapter 1 and 8 of the Municipal Code of Park City regulating special events and master festivals, clarifying the definitions and the standards and procedures for license approvals and revocation
5. Ordinance vacating a portion of Woodside Avenue, Park City, Utah to accommodate the Town Run and 7th Street construction

VII CONSENT AGENDA

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3. Ordinance amending Title 4, Chapters 4, 5 and 6 of the Municipal Code of Park City regulating beer and liquor licensing; clarifying the standards and procedures for license approvals and amending terminology for consistency with State Code
4. Ordinance amending Title 4, Chapter 1 and 8 of the Municipal Code of Park City regulating special events and master festivals, clarifying the definitions and the standards and procedures for license approvals and revocation
5. Ordinance vacating a portion of Woodside Avenue, Park City, Utah to accommodate the Town Run and 7th Street construction

VIII NEW BUSINESS

1. Professional services agreement in the amount of \$148,000 with Remote Control Systems for water telemetry services in a form approved by the City Attorney
2. Lease approval for Olympic use of Miners Hospital Community Center, the Gazebo, and portions of City Park to Salomon, North America
3. Lease of Main Street Kiosk, 514 Main Street, Park City, Utah:
 - (a) Appeal of selection committee recommendation to lease 514 Main Street to ABC Reservations - Westgate Resorts
 - (b) Lease of 514 Main Street in a form approved by the City Attorney

X ADJOURNMENT

**PARK CITY COUNCIL MEETINGS
SUMMIT COUNTY, UTAH
JULY 26, AND AUGUST 2, 2001**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah **will not** hold its regularly scheduled meetings on Thursday, July 26, 2001, and August 2, 2001.

Posted: 07/16/01
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 19, 2001**

Present: Mayor Brad Olch; Council members Peg Bodell; Roger Harlan; Fred Jones; and Jeff Mann

Toby Ross, City Manager; Frank Bell, Olympic Planning Director; Alison Butz, Special Events Manager; Tom Bakaly, Assistant City Manager; Frank Bell, Olympic Planning Director; Alison Butz, Special Events Manager; Mark Harrington, City Attorney; Tim Twardowski, Assistant City Attorney; and Kathy Gammell, Water Manager

Dave Spatafore, Insight Research; and Nick Sargent, Salomon/Addidas

Absent: Council member Candace Erickson

1. Council questions/comments. At the request of Fred Jones for an update on the temporary parking lot in lower Deer Valley for the Winter Games, the City Manager explained that the Olympic Planning Director sent a letter to SLOC today relaying that as currently planned, the proposal is unacceptable. There was discussion about reusing the grind material from the lots for other projects like pedestrian areas. Mr. Bell added that the application was submitted prematurely. The Mayor relayed the National Ability Center's interest in the City's involvement in the Journey of Fire paralympic event. NAC will take the lead on making Park City the hub for the paralympic family for lodging and entertainment. Council supported the City's involvement. Roger Harlan reported that Susan Swartz, upper Deer Valley resident, contacted him about the amount of litter on the Mine Road and Royal Street. There was discussion about organizing a coalition for a clean-up project and Ms. Bodell suggested a Fall county-wide clean-up. Mr. Harlan discussed the status of a memorandum of understanding between the Snyderville Basin Special Recreation District and the City which focuses on youth programming with some flexibility in moving into adult activities. Council's participation in KPCW's annual fund-raiser was also discussed. Jeff Mann commented on the success of the Solaramaganza event and Alison Butz noted that the Living Planet reached its publicity goals and the turn-out was very good for a first year event. Ms. Butz responded to a question from Peg Bodell about determining how much of the street to close. Ms. Bodell felt that the event may have done just as well or better if it were located completely on the Summit Watch plaza rather than closing a portion of Main Street. Ms. Butz stated that she will discuss this proposal with the applicant as it will also save them some production costs. Merchants in the area seemed to have benefitted from the event. Mr. Mann commented on the great attendance at the Concert in the Park series.

2. Legislative update. Tom Bakaly reported that there was a public hearing held last week on state redistricting. With the growth experienced in Summit County, it is necessary to balance the number of voters in districts; the City is not taking a formal position. Bisected parcels and/or subdivisions in two counties is another issue as it affects voting and tax rates. Very few cities will be impacted by legislation on this matter, except for Park City and Draper and staff will keep Council informed on these issues.

3. Recreation capital projects and survey. Mr. Bakaly explained that during budget discussions, there was interest expressed by Council of extending the existing Racquet Club bond, which will be maturing in a year, for and additional fifteen years at the current tax rate. This would not increase property taxes and could raise as much \$2 million and there seems to be support to conduct a voter survey to determine tolerance for such a bond. Insight Research has been hired to craft a survey, which could be completed by late August. Dave Spatafore, Insight Research, stated that he has done a number of similar projects for communities throughout the state to assist in determining the feasibility and scope of bond elections. He expects to be in the field about four days to interview 400 Park City residents and the Council will have an opportunity to review and edit the draft survey. Roger Harlan asked the parameters for the amount of the bond and a list of projects. Mr. Spatafore urged the Council to contact staff and him with questions and suggestions as it is important that all pertinent questions are asked at the time of the field work and limits for the bond amount and a list of potential projects can be tested. Mr. Harlan asked the merit in selling the bond issue to the public because of low interest rates. Mr. Spatafore explained that interviewers can talk about the average impact on a home, based on what those costs are expected to be, but marketing the bond because of low interest rates could be something proponents of the bond may want to communicate. Peg Bodell suggested that questions also be tied to tourism, both cultural and recreational. The Chamber/Bureau and other organizations may also want to have some input. Mr. Spatafore explained that he will try to meet all of the City's needs and is willing to work with everyone. Ms. Bodell added that she would like to know if people want neighborhood parks and amenities rather than the large capital projects.

4. Review of regular meeting:

Olympic use of City properties - Salomon. Frank Bell explained that once SLOC decided not to build a sponsor hospitality village in City Park, the property was marketed again to generate revenue to offset Olympic expenses. As a result, an arrangement with Salomon/Addidas was negotiated for use of the Miners Hospital, the bandstand and circle drive, and the grassy area between the buildings for corporate hospitality, marketing, and public activities. There is a strong public component and Salomon will be providing a big screen television in the area. Nick Sargent, representing Salomon, explained that the Miners Hospital will accommodate a public consumer venue, media, VIPs, and athletes. The interior will be used for private functions and meetings and the exterior component is geared more toward the consumer, including giving away products and holding social gatherings for the public. Ms. Bodell asked if the 11 p.m. could be moved back to

9 p.m. or 10 p.m. since it is in a residential area. Mr. Sargent explained that they are flexible on this issue. The building will be open to the public from 9 a.m. to 5 p.m. or 6 p.m. on a non-event day while on an event day, it may be open until 9 p.m. Ms. Bodell pointed out that there is a \$50,000 deposit for landscaping but only \$10,000 for the building and asked that these numbers be examined to determine if they are appropriate.

Beer and MFL code amendments. Assistant City Attorney Tim Twardowski explained that this project began as an update to the City code for consistency with state code requirements. Another part of the update involves outlining actual departmental practices in the licensing/application process. Substantive changes are few and include a provision which restrict hours of liquor sales at restaurants and private clubs. There is a prohibition of liquor sales on municipal, special district, and school election days until the polls close. Currently, there is a prohibition on general election days (state-wide elections) which is mandated by state codes. It was decided to add this provision to make all elections consistent to eliminate confusion about liquor sales on election days.

He continued that special beer licenses are now described in two categories. A small scale special event license is limited to 72 consecutive hours four times a year. Licenses for longer durations are described as a large temporary special event beer licenses which are issued in conjunction with a master festival license, and must be of a continuous duration of at least four days but not more than 30 days. Ms. Bodell expressed a concern about organizations limited to two temporary liquor licenses a year, and Mr. Twardowski explained that liquor is mandated by state code while the City controls licensing beer. Fred Jones questioned limiting large scale beer licenses to one a year and small scale at four events and Mr. Twardowski explained that staff felt comfortable with one a year because of its 30 day duration, and there is an opportunity to have four small scale licenses during the same calendar year. Ms. Bodell added that like her concern about the master festival license amendments, she is also somewhat nervous about limitations on organizations and wants to make sure that they are accommodated. Alison Butz emphasized that master festival events are not limited in number but there is provision for conflicting events scheduled on the same date. Roger Harlan expressed his reservation about limiting the number of events when it may be difficult to foresee all of the potential applications in an Olympic year. Ms. Butz explained the draw on City services when two large events are schedule on the same date and Mr. Twardowski again explained the one large scale and four smaller event concept proposed in the ordinance for beer licenses and again pointed out that liquor is regulated by the state code. Currently, there is no provision in the City code for large scale events, providing for a 30 day duration and this amendment is an expansion of what is now in the code. Mr. Jones again explained that he doesn't understand why an applicant could not have an additional event, if criteria is met. Mr. Twardowski understands that no one has requested a fifth event and the Police Department favored limiting large scale events to one per year. Mr. Jones asked if all temporary beer licenses in the Main Street area will fall under the Olympic MFL during the Games. Mr. Twardowski understood that the Olympics will be treated as one MFL

and there can be multiple beer gardens under the agreement which would not be prohibited under these provisions.

Frank Bell explained that beer licenses have to be *applicant-specific* and there is a distinction between a MFL and a beer license. He added that anyone serving beer in a beer garden format, not in an enclosed building or within the context of an existing beer license, must apply for a temporary beer license. This mechanism provides the Police Chief control over how many beer licenses should be issued and defines the serving premises. Ms. Bodell felt that the ordinance should not limit the number if the Police Chief has this discretion and Mr. Bell pointed out that the new language provides for 30 days for long term events. If there is an unlimited number of events allowed, it doesn't look like a temporary license any longer, and Mr. Bell suggested that there be a number attached to the temporary beer license. Ms. Bodell again argued that the ordinance could read that approval is granted at the discretion of the Police Chief, and Mark Harrington stated that the City has an option to specify or not specify the number of days. This is an effort to be more consistent with the state code which outlines these distinctions, and Council may enlarge the scope of duration. Fred Jones suggested a *catch-all* phrase that any deviation to the number allowed is subject to approval by the Council. The City Attorney stated that he concurs with the Olympic Planning Director that there should be a cut-off point so that the process is not arbitrary. Mr. Bell explained that in all of his years as Police Chief, that he does not recall an applicant concerned about the four event restriction. Mr. Jones referred to the Mountain Town Stages application for a beer license where the Council did not favor the site. The Mayor suggested that the number remain as four as an applicant always has an opportunity to approach Council if there is a conflict. The City Attorney suggested additional language, "*...unless otherwise approved by the City Council*".

Water telemetry. Kathy Gammell, Water Manager, explained that the contract before Council is with Remote Control Systems to complete the conversion of the telemetry system from telephone to radio-based communication. Telemetry is the key to the City's ability to manage the complexity of the water distribution system. It allows the City to monitor components of the system remotely and to make adjustments without interrupting service. She commented on the history of the system and emphasized that it is no longer possible to obtain replacement parts for the current system. A high demand on phones is a high probability during the Olympics. The City currently pays \$18,200 to lease phone lines per year and it is felt that the savings for the radio-based system will pay for itself in eight years. In 1999, the City began working with Remote Control Systems on converting to a radio-based system and Ms. Gammell explained in detail the merits of the new technology, including efficiency and ease of training. Remote Control Systems has proved to be reliable and can make software changes without coming to Park City. The \$148,000 cost of the contract includes a repeater for the telemetry system and the project is included in the current capital improvements budget. There was discussion about losing power and phone service and not knowing how much the City's sources have dropped. It is estimated that this project will be completed by mid-October, if approved. Ms. Bodell asked if the conversion could take place next year, and Ms. Gammell pointed out the risk in not being able to replace some of the parts for the

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modules and potential black-outs during the Olympics. Mr. Mann stated that the black-outs are not an issue for him, but rather the system was purchased in 1976 and is obsolete; it is time to upgrade the system.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 19, 2001**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, July 19, 2001. Members in attendance were Brad Olch, Peg Bodell, Roger Harlan, Fred Jones, and Jeff Mann. Council member Candace Erickson was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; Alison Butz, Special Events Manager; Tim Twardowski, Assistant City Attorney; Eric DeHaan, City Engineer; and Meg Ryan, Special Events Coordinator.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Peg Bodell thanked the parks staff for efforts on the senior citizen center garden. There was discussion on the Sandridge Avenue and skate park landscaping.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 21, 2001

Hearing no omissions or corrections, the Mayor requested a motion to approve. Fred Jones, "I so move". Jeff Mann seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Two appointments to Library Board for terms expiring July 2004 - Fred Jones, "I move to appoint Terri Orr and reappoint Lani Furr to the Library Board for three year terms". Roger Harlan seconded. Ms. Bodell publicly thanked Ms. Orr for applying to serve. Motion carried unanimously.

VI CONSENT AGENDA PUBLIC HEARING

1. Master Festival License for Novell Utah Showdown to be held at the Park Meadows Country Club to be held August 13 - 19, 2001 - Special Events Manager Alison Butz explained the modification to the MFL this year. There are special events at the County Club through the month

of August, and there is request is for amplified music within the tent on August 1 and August 4. Staff feels there is sufficient buffering for noise and recommends taking public input on this issue. She had a conversation from Francis Gay, Park Meadows resident, who relayed that last year, the materials for the sky boxes were delivered the beginning of August and sat on the street for ten days. She also had concerns about compressors. In response to a question from Roger Harlan, Brian Nagle of Park Meadows, explained the separate member events planned in the beginning of August and rationale for use of the tents.

Bill Gay, resident of Four Lakes Village, expressed great pride in the quality of the Novell Tournament but pointed out that last year it took a full month to install and dismantle the luxury suites. He suggested that the impact on the neighborhood could be lessened and Ms. Butz stated that she will consider his comments and talk to the organizers.

With no further comments or questions from the Council or the audience, the public hearing was closed.

2. Master Festival License for the X-Adventure Race on August 19, 2001 - Salomon - Alison Butz explained the details of the race which concludes in City Park. The applicant is requesting amplified music, sponsor booths and a possible in-line demonstration at the skate park. The condition of approval concluding the event at 6 p.m. is requested to be changed to 8 p.m. Fred Jones believed the demonstration should not last more than an hour in consideration of the popularity of the skate park. Ms. Butz assured Councilman Harlan that this event should not create negative impacts because of the tandem scheduling with the Novell tournament. Mr. Harlan requested that Ms. Butz discuss the golf event with the applicant. With no further comments, the public hearing was closed.

3. Ordinance amending Title 4, Chapters 4, 5 and 6 of the Municipal Code of Park City regulating beer and liquor licensing; clarifying the standards and procedures for license approvals and amending terminology for consistency with State Code - Tim Twardowski referred to the work session discussion and the staff report. With regard to the small scale temporary beer license language limiting them to four per year, there is an additional clause *unless otherwise approved by the City Council*, allowing entities more than four temporary beer licenses, if deemed appropriate. He continued that the City Manager also raised concerns about adding prohibitions on the sale of liquor in restaurants and private clubs for municipal, special and school elections, as it has the potential of being very confusing to tourists. Mr. Twardowski explained that currently liquor prohibition only applies to state-wide elections and local jurisdictions have the option of extending this provision to municipal and special elections. The recommendation now is to not include those additional prohibitions.

Michael Kaplan, owner of Mother Urban's and City Council candidate, urged Council to adopt regulations to make provisions clearer. A calendar of prohibited dates for restaurant and

club owners would be helpful. Mr. Twardowski explained that one of the main goals in amending the liquor licensing provisions was to make them more consistent with the state code and the City's code is consistent with the DABC and no more restrictive.

With no further comments or questions, the public hearing was closed.

4. Ordinance amending Title 4, Chapter 1 and 8 of the Municipal Code of Park City regulating special events and master festivals, clarifying the definitions and the standards and procedures for license approvals and revocation - Alison Butz, Special Events Manager, explained that staff has been revising this section of the code over the past couple of years which accommodates an administrative process for applications. There are two categories for licenses which are special events and master festivals based on size, scale and impacts. Special events may just result in traffic impacts, use of City personnel, and temporary liquor licenses versus a master festival which may additionally involve street closures, shuttle parking, transportation services, use of City properties, and amplified music. It is proposed that larger scale events continue to be reviewed by Council for approval and that small scale events be administrative approved by staff which would be subject to staff review process, with findings and conditions. Another change deals with submitting applications. Small events must submit applications 60 days prior to the date and master festival events 90 days in advance to provide enough time for departmental and Council review. Scheduling events on the same day and criteria for fee waivers are also addressed in the proposed ordinance. Fred Jones suggested the wording *associated fees* rather than *licensing fees* in the ordinance.

Ms. Bodell asked how the conflicting event section will affect spin-off festivals during the Sundance Film Festival. The City Attorney explained that the smaller participating film series people were provided copies of the draft last fall and some of their changes have been incorporated. They do not operate under a master festival license but a convention sales license, and an amendment to this licensing provision is also contemplated. Ms. Bodell pointed out that amplified music is addressed with regard to nuisances, but not lighting, other noises, or odor. The City Attorney suggested general language regarding other negative impacts. Ms. Bodell felt that there may be a problem from hearing from citizens about reoccurring master festival events that are not required to hold public hearings. Jeff Mann pointed out that the City Council has a public input session every week to accommodate citizens. The City Attorney added that permits can be withheld the next year for non-compliance and the City Manager explained that the Special Manager position is charged to monitor events. Ms. Bodell asked if affected organizations have been contacted, like the Arts Council. Ms. Butz noted that the Arts Council has not been sent the latest draft but she has contacted PCMR, KAC, Novell, Deer Valley, and the Legal Department has forwarded it on to a couple of event holders associated with the Film Festival. The Mayor invited comments or questions.

Bruce Larrabee, President of Summit County Arts Council, explained that many the members produce special events, and it is unclear how this ordinance affects them. The Arts Council was not notified that the code is proposed to be amended like the Summit Institute, Eccles Center, etc. He urged the Council to notify art organizations before the ordinance is approved to assess whether they will be positively or negatively impacted.

The Mayor asked how many times this issue has been discussed and/or noticed. Mark Harrington explained that this has been before the Council as a work session discussion and public hearing last fall and this is the second consideration. Nothing in the ordinance will adversely impact current festivals, except simplify renewals, with the exception of the \$50 renewal fee. He added that there is no legal obligation to contact all prior special event applicants, and staff did not feel it necessary to notify people because the changes are not substantive. The intent of the amendments is to bring the process in line with the procedure now practiced and to streamline the process for smaller events, so that they don't necessitate a full City Council process. It was hoped to adopt this legislation before Olympic special event applications are considered, and Mr. Harrington suggested that staff meet with the art groups and then come back to Council if there are changes to the ordinance. There was discussion about the 90 day application requirement for large events and Ms. Butz emphasized the importance of allowing enough time for departmental review. Roger Harlan expressed concern that the City may lose a good event. Mark Harrington added that there could be language added that if there is good cause, to allow consideration of an application not meeting the time requirement; there was not a clear majority from Council.

Relevant to Mr. Larrabee's comments, Council member Jones expressed that the amendments, in his opinion expedite the process, and he feels comfortable to proceed but encouraged staff to meet with the arts group. There was discussion about this being continued to August 9 and it was decided that in consideration of pending Olympic master festival applications and upcoming small special events, to take action this evening. With no further comments or questions, the Mayor closed the public hearing.

5. Ordinance vacating a portion of Woodside Avenue, Park City, Utah to accommodate the Town Run and 7th Street construction - Eric DeHaan explained that the City has been petitioned to vacate 4/100ths of an acre parcel within the Woodside right-of-way to accommodate the town run. In 1996, the City approved the master plan and the Planning Commission approved the CUP earlier this year, which was well attended with supporters. The associated easement is limited to terms and conditions that exist in an agreement with respect to the use of the ski run and the City has retained the full utility easement through the parcel. Fred Jones asked if there is a reversion clause. Mr. DeHaan explained that 7th Street will act as a permanent detour and the City will not have the right to locate Woodside Avenue there again. Mr. Harrington added that because of the financial complexities of this project, reversion language makes lenders very nervous. He stated that he feels comfortable with the agreement as any change in the plan needs to be approved by the City. This could require a subsequent deed dedication, for instance. There was discussion about water and

sewer repairs being made under the run as well as snow removal. With no further comments or questions, the public hearing was closed.

VII CONSENT AGENDA

The Mayor requested a motion to approve the Consent Agenda, as amended. Peg Bodell, "I so move". Roger Harlan seconded. Motion carried unanimously.

1. Master Festival License for Novell Utah Showdown to be held at the Park Meadows Country Club to be held August 13 - 19, 2001 - See staff report and public hearing.

2. Master Festival License for the X-Adventure Race on August 19, 2001 - Salomon - See staff report and work session notes.

3. Ordinance amending Title 4, Chapters 4, 5 and 6 of the Municipal Code of Park City regulating beer and liquor licensing; clarifying the standards and procedures for license approvals and amending terminology for consistency with State Code - See staff report, work session notes, and public hearing.

4. Ordinance amending Title 4, Chapter 1 and 8 of the Municipal Code of Park City regulating special events and master festivals, clarifying the definitions and the standards and procedures for license approvals and revocation - See staff report and public hearing.

5. Ordinance vacating a portion of Woodside Avenue, Park City, Utah to accommodate the Town Run and 7th Street construction - See staff report and public hearing.

VIII NEW BUSINESS

1. Professional services agreement in the amount of \$148,000 with Remote Control Systems for water telemetry services in a form approved by the City Attorney - See staff report and work session notes; the Mayor requested a motion to approve. Roger Harlan, "I so move". Jeff Mann seconded. Motion unanimously carried.

2. Lease approval for Olympic use of Miners Hospital Community Center, the Gazebo, and portions of City Park to Salomon, North America - See staff report and work session notes. Peg Bodell again brought up inconsistencies with the deposits defined for the building and the landscaping. The City Manager assured Council that staff will review the bond amounts and discuss them with the applicant. Ms. Bodell stated that she feels comfortable with this approach and the Mayor requested a motion to approve. Fred Jones, "I so move". Jeff Mann seconded. Motion carried unanimously.

3. Lease of Main Street Kiosk, 514 Main Street, Park City, Utah:

(a) Appeal of selection committee recommendation to lease 514 Main Street to ABC Reservations - Westgate Resorts - and

(b) Lease of 514 Main Street in a form approved by the City Attorney -

Mark Harrington explained that Council has not heard an appeal on a procurement in recent history. This is a real estate lease transaction and not governed technically by the procurement regulations in the budget policy, but these are used as a guide. The Council has heard a number of appeals on other matters, which typically are not heard de novo, but focus on the process followed by the board or staff. The Council can grant the appeal and direct staff to award the lease to Westgate under the terms outlined in the Council packet. It can deny the appeal and award the lease as recommended, or can reject all proposals and direct staff to again advertise and solicit proposals. Meg Ryan referred to information in the meeting packet including the process for the RFP and the review of the selection committee which used five criteria to determine rankings, resulting in 40.66 for ABC Reservations and 34.33 for Westgate.

Mark Waltrop, Westgate Resorts, introduced David Segal, CEO and President of the Board and other members of the organization. Westgate is the largest timeshare company in the world with over 6,000 employees and operate out of Orlando. He pointed out the financial benefits Westgate brings to a community, including local restaurants and retail stores where products are used as a part of the timeshare marketing programs. With regard to charitable work, Westgate contributes to large non-profits like the United Way and Special Olympics and this year the Westgate Foundation was formed to give directly to the community. Mr. Segal won the American Resorts Developers Association award for community service. This is important because Westgate becomes involved for very specific reasons, including being the employer of choice. Westgate has the ability to create marketing opportunities for Park City and have committed to buying 25,000 lift tickets this year. There are over 100 guest service locations all over the world where Park City is marketed. He explained their *I Vmagazines* and Park City's own publication will be introduced shortly. There is information for visitors and no charge for the magazine. There are discount cards for products sold in Park City and no charge to the merchants. Westgate is also a merchant in town and operates an art gallery.

Mr. Waltrop then addressed the scoring criteria. (1) *Potential of the proposed use to broadly promote local tourism, community activities and/or commerce on Main Street.* He believes that Westgate's reputation and the quality of its products developed can not be trumped, especially in consideration of their level of exposure. (2) *Willingness to incorporate assistance with the City's paid parking program.* In this instance both scored the same, but Westgate has offered to purchase \$10,000 in parking tokens up-front as a demonstration of their desire to promote this program. This alone, should have given Westgate a higher score. (3) *Willingness to staff the kiosk during regular*

business hours year-round. Westgate was provided a one point advantage, the current lease provides 9 a.m. to 5 p.m., Monday through Friday and Westgate has offered 9 a.m. to 10 p.m. 365 days a year. A year ago when this lease was discussed, the Main Street Business Alliance complained about the lack of staffing. On his way to the meeting at 4:15 p.m., Mr. Waltrop stated that there was no one there. ABC, who is recommended by staff, has not kept the kiosk staffed. Westgate has over 250 employees in the community and has the ability to keep it staffed with extended hours. He conducted an informal survey of businesses adjacent to the location and a comment was made that the current lease holder has the best ability to provide service to the merchant. Not one merchant knew what ABC does and one reason cited was because it is never open. Mr. Waltrop questioned whether the existing facility is operating in the best interest of the City. (4) *Potential for public versus private service.* They were dramatically outscored on this point, which he didn't understand, as Westgate is in the guest service business and are a first class professional operation. (5) *Proposed rental rate.* Westgate's rent offer was 227% higher than the competitor and yet their allocated points don't seem to correlate with those figures. He explained that they felt compelled to travel from Florida to Park City to urge Council to determine that Westgate is the logical entity to be assigned to the lease.

Michael Kaplan, business owner on Main Street and candidate, explained that he is a marketing professor and has studied Westgate personally. Westgate has the highest integrity and is very professional. On the other side, Westgate's operation can be too aggressive and if the City proceeds with Westgate, there should be marketing rules for soliciting outside the kiosk space.

Donna Van Buren, owner of ABC Reservations, agreed that a year ago there was a staffing problem which she has corrected. She has not heard of complaints since that time and feels she has fulfilled the provisions of the lease. If there is a special event on Main Street, ABC provides a location for information for all of Main Street. She was aware of the survey because she was contacted by businesses who expressed concern. ABC has always been interested in expanding hours of operation if that would indeed further mutual goals, the commerce on Main Street, and promote tourism. Ms. Van Buren stated that she actually worked with Westgate two years ago at the kiosk for a few days and found that the real estate marketing was too strong. There were complaints about this from some Main Street businesses. She added that if Westgate had an approach that would promote tourism, complement ABC's business, and support all of the goals outlined, she is willing to listen. The Main Street Business Alliance is not in favor of more real estate offices on the street. Ms. Van Buren stated that ABC has been there since 1985 and would like to continue its operation in the kiosk.

Mr. Waltrop noted that contrary to Ms. Van Buren's comments, Westgate has only been in Park City for one year not two. Westgate attempted to negotiate with ABC but never operated out of the kiosk which doesn't support allegations about being too aggressive. It is their intent to operate within the building.

With no further comments from the parties or the Council, the Mayor requested a motion. Peg Bodell, "Based on the evidence that we have heard, I move to deny the appeal on fair and sound judgement from the committee. I move to approve the lease of 514 Main Street, in a form approved by the City Attorney". Jeff Mann seconded. Motion carried unanimously. The Mayor thanked the representatives from Westgate for their efforts in attending the meeting and pointed out that the decision was not based on the intentions of Westgate, but was based on the process, which was determined by Council not to be flawed.

X ADJOURNMENT

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

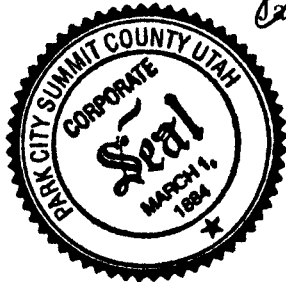
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The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott



Janet M. Scott, City Recorder





DATE: July 19, 2001
DEPARTMENT: Office of Capital Management & Budget and Leisure Services
AUTHOR: Tom Bakaly and Bob Johnston
TITLE: Recreation Capital Projects and Bond Issue Update
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATIONS: This item is for informational purposes only. Council may want to provide initial input to Staff and the City's voter survey firm (Insight Research) about the voter survey that will help gauge voter support for a bond election.

DESCRIPTION:

A. Topic: Recreation Capital Projects and Bonds

B. Background:

In 1999, the City undertook a major prioritization of the Capital Improvement Program (CIP). As part of the Program and Resource Analysis efforts, the CIP was reprioritized by Council in May and June of 2001. A major determinant for whether projects received a high ranking was if they were funded and could be completed prior to the Olympics. Several large CIP projects are currently unfunded. Those projects include; City Park phase 2 improvements; Old Town Parking Structure and recreation facility improvements. As part of the budget process, Council directed staff to include \$2 million in FY 2003 (next year - unfunded) in the CIP for recreation facilities (Racquet Club and ice). This amount can be modified if necessary.

The Parks, Recreation and Beautification Board (PRBB) has also recently performed extensive capital facility planning as is reflected in the Recreation Master Plan. The Master Plan was the result of a constituent survey to Park City residents. Improvements to existing facilities (Racquet Club and City Park) are a priority of that plan. Assessing the need and location for an ice facility are also a priority of that plan.

As part of the budget process on May 17, 2001 Staff presented several recreation project funding options to Council consistent with what was recommended by the recently completed Wickstrom Recreation Fund Analysis. Council then asked the Parks, Recreation and Beautification Board to discuss this issue and attempt to identify Racquet Club improvement projects that may be included in a single debt bond issuance.

On June 20, 2001 Staff presented the Parks Recreation and Beautification Board with a description of roughly \$2 million in Racquet Club improvements, \$2 - \$5 million in Ice Rink improvements and roughly \$3 million in City Park improvements. Staff also discussed the prospect of asking the voters if they would support a bond issue and tax increase to finance and pay for all or part of the the proposed \$7 - \$10 million in improvements. The current outstanding Racquet Club bonds are due to mature soon, and the voters could chose to finance \$2 million of new improvements without increasing their existing tax rate. For each additional \$2 million generated for new projects, there would be an additional impact of only \$7 of assessed value per \$100,000 for the primary resident property taxpayer. On June 20th, Staff posed 6 questions to the PRBB. The direction from the PRBB for each questions is listed in bold below.

- 1) Does the PRBB wish to explore the possibility of recommending to Council that they place a recreation bond on the November, 2001 election ballot? **Yes**
- 2) Is the PRBB comfortable with the attached schedule (Attachment A)? **Yes**
- 3) Does the PRBB wish to appoint & authorize a subcommittee to work with Staff to further explore and research capital projects as contemplated in the schedule and report back to the PRBB on July 18, 2001 (Next Meeting). **Rather than appoint a formal subcommittee, the PRBB asked that the whole board be kept informed and that Staff coordinate issues through the PRBB Chair.**
- 4) Is the PRBB comfortable with authorizing staff and the facility subcommittee to hire a facility designer to assist with cost estimates in an amount not to exceed \$20,000? **Yes**
- 5) Is the PRBB comfortable with staff exploring projects other than the Racquet Club for a possible bond issue in November? **The PRBB was primarily interested in exploring improvements to the Racquet Club. While not precluding exploring ice rink and City Park improvements, their focus was definitely on the Racquet Club.**
- 6) Does the PRBB want to authorize staff to interview voter survey firms with the goal of recommending to Council on July 12, 2001 that a survey firm be hired to evaluate voter support for possible recreation projects. **Yes - The PRBB was very interested in hiring a voter survey firm to test voter tolerance for (in order of priority): The Racquet Club; The Ice Rink and: City Park. The PRBB was also interested in assessing voter preference for specific Racquet Club improvements.**

Staff met with the Council on June 21, 2001 and relayed the recommendations from the PRBB. While City Council understood the nexus between the maturing Racquet Club bond and current recreation facility needs, some City Council members were also interested in receiving information about voter tolerance for other unfunded capital projects such as a parking structure.

C. Analysis: The purpose of the July 19th meeting will be to update the City Council on where we stand with: 1) Facility planning and cost estimates; 2) Voter Survey and; 3) The project schedule. A similar update will be given to the PRBB on July 18, 2001.

Facility Planning and Cost Estimates: Staff has selected a firm to assist with actual cost estimates for improvements to the Racquet Club. The name of the firm is Valentiner and Crane, and they have been very involved in estimating costs of projects for Zoo, Arts and Parks projects in Salt Lake City. Staff has commissioned rather involved studies regarding ice rinks and City Park improvements. Staff is reasonably comfortable with the cost estimates provided in those studies. If the joint City/Snyderville Basin Special Recreation District ice rink site location and conceptual planning study is funded by restaurant tax, this will further assist with cost estimates.

Voter Survey: Staff has selected the firm of Insight Research to assist with the voter survey. Insight Research has extensive experience with voter surveys and the Park City area in particular. Insight Research also understands the intricacies involved with the SBSRD simultaneously issuing bonds and possibly overlapping with the ice rink issue. It is possible that Insight Research might separately be the voter survey firm for the SBSRD. This would be advantageous, especially in understanding regional support for ice an rink. Insight Research is recommending 25-30 questions. While we are just starting work on the survey, it is like that the broad categories listed below will be addressed. Any input from the city Council would be beneficial.

Recreation Issues

- Overall voter support for recreation projects
- Voter support for Racquet Club improvements
- Voter support for specific Racquet Club improvements
- Voter support for an ice rink
- Voter support for scale of ice rink
- Voter support for location of ice rink (distance from Park City)
- Voter support for City Park improvements

General Issues:

- 1) Voter support for parking structure in Old Town
- 2) Voter satisfaction with City government and assessment of post Olympic issues

Schedule: Staff has updated the schedule and it is attached. Insight Research feels that the survey should be done in late August when school is back in session. That would still give Council time to put the issue on the ballot if so desired. Staff has also attached a flow chart and schedule of all recreations issues, studies, and agreements that are currently underway.

D. Department Review: This report has been reviewed by the Leisure Services Department, OCMB and the City Manager's Office.

ALTERNATIVES:

This report is for informational and policy direction purposes.

SIGNIFICANT IMPACTS: The cost of the survey is \$6,000. While Council action is not required to proceed, Staff wanted to give Council this update before actively beginning work on the survey. Staff has the management resources available to pursue this project.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: This report is for informational purposes.

RECOMMENDATION:

This item is for informational purposes only. Council may want to provide input to Staff and Insight Research regarding the voter survey that will help gauge voter support for a bond election.

Attachments:

- A) Recreation Facility and Bond Schedule
- B) Overall Recreation Issue Flow Chart and Schedule

Attachment A
Possible Recreation Bond Schedule

ACTION PRE NOVEMBER 6 ELECTION	DATE
CIP Study and Feasibility	6/1-7/30
Contract with Survey Provider	7/12
Create and Test Survey	7/15-8/18
Informational Update to PRBB and Council	7/18 & 7/19
PRBB Update	8/15
City Council Update & Final Approval of Survey	8/23
Survey Conducted	8/27- 8/31
PRBB Update and Possible Action	9/19
Resolution for November approved by City Council	9/27 or 10/4
Publish Notice of Bond Election (for three consecutive weeks and then a fourth time immediately prior to election.)	10/15,10/22,10/29 and 11/5
City to mail notice or voter information pamphlet to every household containing a registered voter who is eligible to vote on the bond.	10/15
Test the counting equipment (if automated voting equipment is used)	11/1
Election	11/6
Public Meeting held for City Council to canvass Ballots (within 10 days - 40 days after canvass of returns, period for challenging election ends). Adopt a bond Resolution and Publish one time Notice of Intent to Issue Bonds. (30 days after Noticed is published the period to challenge resolution and issuance of bonds ends).	By 11/16 Canvass 40 and 30 days later for challenge of vote and resolution.

Exhibit B

Operating Issues

MOU Discussions completed
Short Term Relationships
CITY AND SBSRD

Long Term Study of Western Summit
County Rec needs (Wikstrom)
CITY AND SBSRD

Long Term Relationship Action Plan
CITY AND SBSRD

Capital/Debt Issues

Ice Rink location and feasibility study
CITY AND SBSRD
Restaurant Tax?

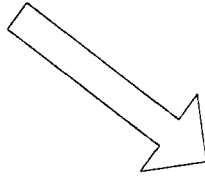
City Facility Design Study Complete
(Racquet Club)
CITY

City Bond Issue (2001)
CITY

July	August	September	October	November
	X			
	X		X	
			X	
		X		
		Survey		X

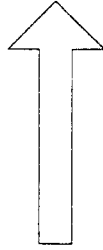
Long Term
Relationship Action
Plan
October 2001

Wikstrom study of
Western Summit County
Recreation needs
August 2001

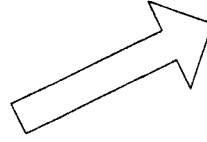


MOU
August 2001

Voter Survey
September 2001



Ice Rink location and
feasibility study
October 2001
(If Funded)



City and Basin Bond
Issues November
2001



COUNCIL AGENDA REPORT

DATE: May 31, 2001
DEPARTMENT: Library
AUTHOR: Kathy Kelly, Interim Library Director
TITLE: Library Board
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Appointment of Library Board member.

DESCRIPTION:

A. Topic: Library Board Vacancies

B. Background:

The Park City Library Board is a seven member board governed by Utah State Library codes. As of July 2001, two of the seven member terms expired. We accepted Frank Normille's resignation as he had served the maximum number of terms allowed. Lani Furr is eligible for re-appointment and has requested such. The Board member vacancy was posted in the Park Record during May, 2001. One (1) application was received, from Teri Orr. A sub-committee of Library Board members reviewed the application and interviewed the candidate. This subcommittee forwarded a recommendation to the Board. The Board met on June 11, 2001 and discussed the recommendation.

The recommendation was as follows:

<u>Name</u>	<u>Term</u>	<u>Appointment</u>
Teri Orr	3 year	July 2004

The Board also supports the re-appointment of Lani Furr for a three year term.

C. Analysis: na

D. Department Review: Staff agrees with the recommendations from the Board.

ALTERNATIVES: Repeat the recruitment and selection process.

SIGNIFICANT IMPACTS: na

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The Library Board would exist as a five member board.

RECOMMENDATION:

The Park City Library Board and Leisure Services staff request the appointment of Terri Orr and the re-appointment of Lani Furr..

CITY COUNCIL REPORT

DATE: June 19, 2001
DEPARTMENT: Facilities and Special Events
AUTHOR: Alison Butz
TITLE: Novell Utah Showdown
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing and consider approving the master festival license for the Novell Utah Showdown.

A. TOPIC

Review of the Master Festival License Application for the Novell Utah Showdown scheduled for August 13 - 19, 2001, along with all associated activities running from August 1 - 21, 2001.

B. BACKGROUND

The Novell Utah Showdown has modified their application this year to include the placement of a 66' x 100' tent to the rear of the club house. The tent would be in place by July 28th and would be used starting on August 1st for a Welcome Party and on August 4th for an awards party. Both events have proposed amplification within the tent. The tent will be used during the remainder of the festival for breakfast and lunch. The tent has been a part of the tournament in previous years, but Staff has brought this before City Council this year due to proposed entertainment within the venue.

The Park City Municipal Code prohibits the outdoor amplification of music. The Municipal Code does allow the amplification of music when it is associated with license for an event.

B. Analysis

Jane Wandmacher, Utah Showdown representative, has informed Staff that the tent will be used throughout the day. The tent's placement is directly to the east of the clubhouse in the side parking lot. The tent is approximately 6600 square feet and will be constructed by July 28th. The tent is provided by Diamond rentals and is enclosed on all four sides. The enclosed interior of the tent will help prevent the spill of the amplified music to adjacent neighbors. The Park Meadows Clubhouse is adjacent to the Park Meadows and Gleneagle Subdivisions, residential neighborhoods. Staff has conditioned the festival to limit the hours of amplified music within the tent between 7pm and 10pm

The remainder of the festival shall run similar to years past. Traffic circulation and street closures within Park Meadows will operate the same. Sunny Slopes Drive will be closed from August 6th through 21st and the six check points within Park Meadows will be operational from August 14th through the 19th. To alleviate traffic in the area the festival the applicant has worked with the Canyons to use their property for general spectator parking. Volunteers, VIP Corporate and Pro-Am parking will be at the school lots and only professionals, corporate sponsors along with caddies, media and members will be able to at the Country club and in the Cove. Media will be present in the area and CNBC will be covering the event for broadcast. Camera crews and associated equipment will be seen in the area from the 13th through the 19th.

Department Review

The City Special Events Department, Legal Department, Police Department, Transit Department, Parks Department, Building Department and Planning Departments have reviewed of this application. All concerns have been addressed within the Analysis section and within the Conditions of Approval.

ALTERNATIVES

- A. Approve the Master Festival License, as conditioned by staff, allowing the modification to the Novell Utah Showdown allowing amplified music within the tent on August 1 and August 4, 2001.
- B. Deny the modification to the Master Festival License, thereby preventing the amplification of music within the tent at the Novell Utah Showdown.
- C. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends approval of the modification Master Festival License to allow for the amplification of music within the tent on August 1st and 4th, during the Novell Utah Showdown and associated activities which run from August 1 - 21, 2001, based on the following:

Findings of Fact

- 1. All street closures and checkpoints will mitigate the impacts of the event to the surrounding neighborhoods. The applicant has also proposed a parking and shuttle system which will further decrease the impacts of the visitors to the event. The conduct of the event will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
- 2. The conduct of the event 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. The placement of the barricades along Park Avenue, near the entrances of City Park, as conditioned, will prevent the need to ticket unlawful parking.
- 3. 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. The applicant has received permission from the Park City School District and the Canyons Resort for use of their property as a park-and-ride lot. Information regarding the park-and-ride lot will be included within Public Service Announcements as well as any press releases.

4. The event 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.
5. The event does not create the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
6. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of the Park City Municipal Code and has never failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
7. The hours of amplified music have been restricted in order to mitigate the impacts to any neighbors of the Park Meadows Country Club.
8. The facts discussed in the Analysis section are incorporated herein.

Conclusions of Law:

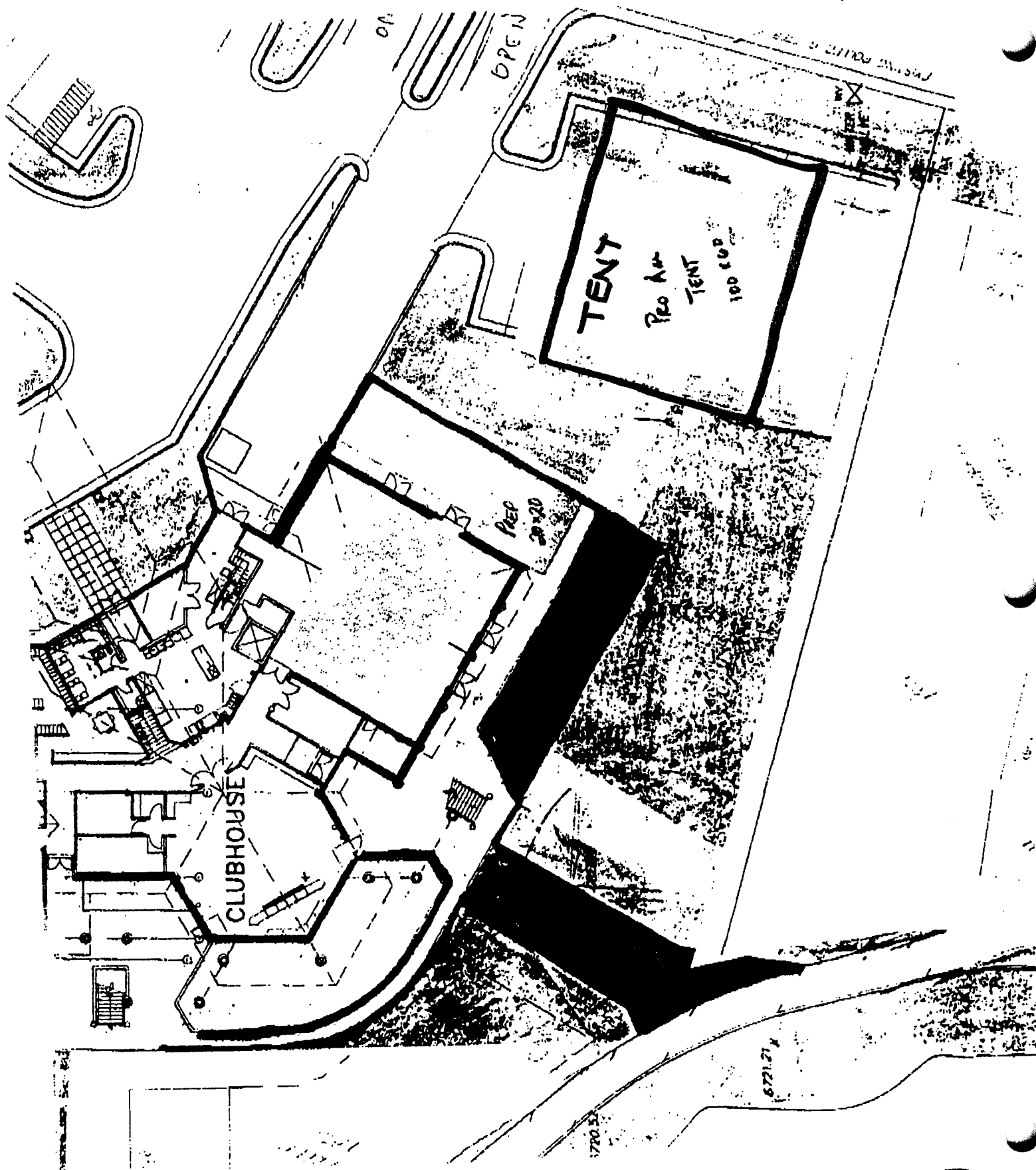
1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The hours and dates of amplified music within the tent are limited to between 4pm and 10pm on August 1, 2001 and August 4, 2001.
2. The applicant shall notify the surrounding Homeowners Association of their events within the tent and provide the association with a contact number for them to reach festival organizers in case of any issues.
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 by Applicant.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured.

EXHIBITS:

Exhibit A - Site Plan



CITY COUNCIL REPORT

DATE: July 19, 2001
DEPARTMENT: Facilities and Special Events
AUTHOR: Alison Butz/Megan Ryan
TITLE: Salomon X Adventure World Tour
TYPE OF ITEM: Administrative - Master Festival License Application

SUMMARY RECOMMENDATIONS: Conduct a public hearing and approve the Master Festival License application as conditioned for the Salomon X Adventure World Tour on August 19, 2001.

A. TOPIC

Review of the Master Festival License Application, submitted by Mountain Quest Adventures for Salomon X Adventure race on Sunday August 19, 2001 from noon to 6 pm.

B. BACKGROUND

Mountain Quest Adventures is responsible for coordinating the American leg of the Salomon X Adventure 2001 race. The race is also held in Sweden, Spain, France, Japan and Germany. The for profit event is a two day adventure race, biking, swimming, climbing, etc..)that involves 50 teams of four participants. The race will start in Salt Lake City on Saturday and end in Park City on Sunday. The proposed event would utilize the pavilions and bandstand at the South end of City Park. The finish is controlled by the organizers and are staged over a five hour period, approximately noon to 5pm.

C. ANALYSIS

The organizers are proposing to have music, food and a Kids Adventure camp set up in the park to greet finishers as they arrive during this time period. Admission is free. Two to five hundred people are expected over the course of the day. A climbing wall, tethered hot air balloon and other similar attractions are planned. Prerecorded music will be broadcast from the bandstand. The race will enter Park City from the Rail Trail and will require participants to make one street crossing on Bonanza Drive. Organizers will man the crossing with volunteers and will require that participants stop at the crosswalk. No other street crossings in City limits are requested. A helicopter is proposed to film and follow the individual teams. No landings are proposed in the City limits. Organizers and participants will be accommodated at Shadow Ridge during the event. The organizers are presently researching

the possibility of a beer tent for the event. Approval on the location and boundaries of such a tent would require approval by the Chief of Police. Staff believes that beer sales can be appropriately fit into the event as long as the area is contained. Final approval is subject to the Chief of Police and direction from the Council. City Park will remain open to general circulation with the exception of the traffic circle around Miners Hospital which will be limited to emergency vehicles only. The application would like to use part of the skateboard park for a inline skating demonstration for one to two hours during their event. The staff is currently finalizing details with the Leisure Services Department but would like Council's input on the proposed use.

ALTERNATIVES

- A. Conduct a public hearing and grant a Master Festival License for the event as conditioned.
- B. Conduct a public hearing and deny the Master Festival License with specific findings.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival for Salomon X Adventure Race on August 19, 2001 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The conduct of the event will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
2. The conduct of the event 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.
3. 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.
4. The event 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. The only other event scheduled for this weekend is the Mountain Town Stages regularly scheduled series.
5. The event does not create the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
6. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of the Park City Municipal Code and has never failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
7. The facts discussed in the Analysis section are incorporated herein.

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 event shall conclude at 6 pm on August 19, 2001.
2. The use of the Mawhinney parking lot may be used for parking for event organizers and

- volunteers from 11 am to 7 pm on the day of the event.
3. The applicant is responsible for all costs borne by the Park City Police Department for costs related to general enforcement at the event. The Park City Police shall determine the number of officers required at a pre-meeting to occur by August 10, 2001.
 4. Building permits and inspections are required for tents.
 5. A permit for use of City Park is required.
 6. Music is permitted on the City Park bandshell stage from noon to 5 pm.
 7. The location, permits and insurance for the portable climbing wall, tethered balloon and any other attractions will need to be reviewed and approved by staff prior to any use.
 8. The applicant shall comply with all Summit County Health Department requirements for the food vendors.
 9. A special event licence is required for the service of beer. Final approval on location, hours of operation and scope of venue is subject to a decision by the Chief of Police.
 10. The municipal skateboard park, subject to final plan approval by the Leisure Services Department, and with requisite insurance, is allowed to be used for one to two hours for demonstration events that are free and open to the community and general public.
 11. 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.
 12. Use of Helicopters must comply with FAA regulations and any landings within City limits are prohibited.
 12. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

Exhibits

Exhibit A - Master Festival Application

Exhibit B - Site Plan

PARK CITY

1884

DATE: July 19, 2001
DEPARTMENT: Legal
AUTHOR: Tim Twardowski
TITLE: Revisions to Title 4, Chapters 4, 5, and 6 of the Municipal Code
(Beer and Liquor Licensing)
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Adopt the attached Ordinance which updates the Beer and Liquor Licensing Code, clarifying the standards and procedures for license approvals and amending terminology for consistency with state code.

DESCRIPTION:

A. Topic:

Beer and Liquor Licensing, Title 4, Chapters 4, 5, and 6 of the Municipal Code of Park City.

B. Background:

The City last performed a comprehensive review and update of its beer and liquor licensing code on August 23, 1990. Since that time, the state legislature has periodically updated state code provisions governing alcoholic beverages. One goal of the proposed update to Park City's beer and liquor licensing chapters is to ensure consistency with state code provisions currently in effect. While these changes are formal rather than substantive in nature, Staff believes consistency in language with state code helps to eliminate possible confusion when Staff and applicants are working concurrently with each code.

The second goal of this ordinance update is to amend the code to reflect current practices in reviewing beer and liquor license applications. Toward this end, staff members from Legal, Police, Finance, OCM&B and other City departments met in order to measure the current code against actual procedures being followed. Only minor inconsistencies were discovered and each is addressed in the proposed draft. Staff review also produced a number of suggestions aimed at making the licensing process as efficient as possible. These changes are discussed in the analysis section below.

C. Analysis:

The attached proposed Ordinance supercedes and replaces Park City Municipal Code Title 4, Chapters 4, 5, and 6 entirely. Primary areas of change include the following:

1. Updates for consistency with state code:

- a. State code is properly titled the Alcoholic Beverage Control Act;
- b. Provisions governing hours of operation for restaurant liquor licensees and private clubs have been added to reflect state code restrictions; and
- c. Minors are prohibited from working on the premises or otherwise being on the premises of an On-Premise Retail Tavern.

2. Procedural/substantive changes:

- a. Section 4-4-5 has been updated to clarify the role of the Chief of Police in reviewing, investigating, and making recommendations on beer and liquor license applications;
- b. Section 4-4-10 has been amended to reflect proper parties signing license certificates;
- c. Operational hours for liquor sales at restaurants and private clubs have been modified to add prohibitions "on the day of any municipal, special district, or school election, but only within the boundaries of the municipality, special district, or school district until after the polls are closed." With the support of the Chief of Police, this clause has been added for consistency with general elections, when such prohibition is mandated by state code; and
- d. Special event temporary beer license have been divided into two categories: (1) Large-scale special event temporary beer licenses are aimed at accommodating events having a continuous duration of four days or greater, such as the Olympics and Sundance. Large-scale special event temporary beer licenses may be issued only in conjunction with a duly licensed Master Festival, and are limited in duration to match the term of the Master Festival license (not to exceed thirty days). No person, individual, or association shall be licensed for more than one large-scale special event temporary beer licenses in any one calendar year; and (2) small-scale special event temporary beer licenses, which authorize the storage, sale, service and consumption of beer for a period not to exceed 72 consecutive hours in conjunction with a Master Festival, Special Event, or other convention, civic or community event. No person, individual or association shall be licensed for more than four small-scale special event temporary beer licenses in any one calendar year.

D. Department Review:

The Ordinance was reviewed by the Legal, Police, Finance, OCM&B, and Administrative Departments.

ALTERNATIVES:

A. Approve the Ordinance: Adopt the attached Ordinance which updates the Beer and Liquor Licensing Code, clarifying the standards and procedures for license approvals and

amending terminology for consistency with state code. This is the recommended action.

B. Reject the Ordinance: Title 4, Chapters 4, 5, and 6 of the Municipal Code of Park City would remain in effect in their current form.

C. Continue the Item: Direct staff as to what additional information the Council needs to approve the ordinance.

D. Direct staff to make specific changes and approve the Ordinance. Modify the Ordinance as necessary and approve it.

SIGNIFICANT IMPACTS:

The changes produce a beer and liquor licensing code that is more consistent in language with state code provisions and mirrors substantive state code requirements. The changes also reflect current beer and liquor licensing practices. Finally, the changes create a new category of temporary beer license aimed at accommodating Master Festivals of greater duration, such as Sundance and the Olympics.

Exhibits:

A: Proposed ordinance amending Municipal Code Title 4, Chapters 4, 5, and 6 (Beer and Liquor Licensing).

ORDINANCE 01-___

AN ORDINANCE AMENDING TITLE 4, CHAPTERS 4, 5, AND 6 OF THE MUNICIPAL CODE OF PARK CITY REGULATING BEER AND LIQUOR LICENSING; CLARIFYING THE STANDARDS AND PROCEDURES FOR LICENSE APPROVALS AND AMENDING TERMINOLOGY FOR CONSISTENCY WITH STATE CODE

WHEREAS, the City last performed a comprehensive review and update of its beer and liquor licensing code on August 23, 1990 (Ordinance 90-23); and

WHEREAS, the state legislature has periodically updated state code provisions governing alcoholic beverages since 1990; and

WHEREAS, the City Council desires to update the City's beer and liquor licensing provisions to ensure consistency with the Alcoholic Beverage Control Act in both form and substance; and

WHEREAS, the City Council desires to amend the City's beer and liquor licensing provisions in order to reflect the current practice for reviewing such applications; and

WHEREAS, the City Council deems it to be in the best interest of the holders of beer and liquor licenses and the citizens of Park City to repeal our former ordinance and to enact new provisions to regulate and license liquor and beer sales and consumption within Park City;

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

SECTION I. AMENDMENT. Pursuant to the findings above, which are hereby incorporated herein, Title 4, Chapters 4, 5 and 6 of the Municipal Code of Park City are hereby amended to read as follows:

CHAPTER 4 - BEER AND LIQUOR LICENSING

4-4-1. POLICY.

It is the policy of Park City Municipal Corporation to permit the operation of establishments serving beer and liquor in a manner consistent with the provisions of the ~~Alcohol~~ Alcoholic Beverage Control Act and related provisions of State Law. It is also the policy of Park City Municipal Corporation to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving beer and liquor on the owners and managers of those establishments.

4-4-2. LICENSE APPLICATION.

Applications for new beer or liquor licenses shall be made in writing to the City Council or its

designee upon a form furnished by the Finance Manager ~~Director~~ to be filed with the Finance Manager ~~Director~~. Each application shall state the name, address (street address and mailing address, if different ~~post office box number, if applicable~~), age and citizenship of the applicant; the ~~location~~ street address of the business; whether ~~he~~ the applicant has complied with requirements specified in the Alcoholic Beverage Control Act ~~Utah Liquor Control act~~; whether the applicant meets the licensee qualifications set out in Section 4-4-3 below; the location of any other beer or liquor licenses held by the applicant; the name and Utah address for the business' agent for service of process; and any other reasonably pertinent information required by the ~~Director~~ Finance Manager or City Council. If the applicant is a partnership, association or corporation, the same information shall be included for each partner, officer, or director thereof. The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

4- 4- 3. LICENSEE QUALIFICATIONS.

No beer or liquor license shall be granted to any retailer, partnership, corporation, or association if any partner, director, or officer does not meet the qualifications for a license as set forth in (A) through (D) below:

(A) The licensee shall be over the age of twenty-one (21) years;

(B) No beer or liquor license shall be granted to anyone who has been convicted of or plead guilty to a felony within two (2) years of the date of application, or of misdemeanors involving alcohol or controlled substances during a period of one (1) year prior to the application;

(C) No beer or liquor license shall be granted to any person who has been convicted of any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or who has plead guilty to or forfeited his bail on a charge of having violated any such law or ordinance within the preceding three (3) years of the date of application; or

(D) Any person whose beer or liquor license was revoked pursuant to this Title is ineligible to reapply for a beer or liquor license until the expiration of three (3) years from the date such license is revoked.

~~(E) — No license shall be granted to any partnership, corporation, or association if any partner, director, or officer does not meet the qualifications for a license as set forth in (A) through (D), inclusive above.~~

4- 4- 4. APPLICATION FEE.

Each beer and liquor license application shall be accompanied by the regulatory license fee required by § 4-5-2 or ~~§ 4-4-10~~ § 4-6-6. If the license is denied, 50% of the license fee will be retained to pay the costs of processing the application.

4- 4- 5. REFERRAL OF LICENSE APPLICATION TO CHIEF OF POLICE.

All applications filed in accordance with ~~the provisions of~~ this Chapter shall be referred to the Chief of Police for inspection and report. The Chief of Police shall, within ten days after receiving such application, ~~make report~~ conduct an investigation of any criminal violations or charges against the applicant, or partners, officers, or director if the application is not an individual; the nature and kind of business to be conducted at such place by the applicant; the nature and kind of entertainment, if any, at such place; and the proximity of such premises to any school or church. The Chief of Police shall, upon completion of such investigation, submit his/her ~~also add to such report~~ his recommendation as to whether the license ~~or not the application~~ should be granted. In making his/her recommendation, the Chief of Police may refer to the character of other licensed premises owned in full or in part by the applicant. If recommending denial of a beer or liquor license application, the Chief of Police shall submit a detailed report of his/her investigation, record the recommendation on the application, and sign the application. If recommending approval of a beer or liquor license application, the Chief of Police shall record such recommendation on the application, sign the application, and may, at his/her sole discretion, submit a detailed report of the investigation.

4- 4- 6. REFERRAL OF APPLICATION TO BUILDING DEPARTMENT AND PLANNING DEPARTMENT.

The ~~Chief of Police may~~ Finance Manager shall refer the application to the Building and Planning Departments for review by the Building Official to ensure compliance with the applicable building codes, determination of the maximum number of occupants the premises may safely accommodate at one time given the location and number of emergency exits, and compliance with the Park City Land Management Code ~~and (Title 13 of this Code).~~

4- 4- 7. REFERRAL OF LICENSE APPLICATION TO HEALTH DEPARTMENT.

~~All~~ The Building Department may refer any application filed in accordance with this Chapter ~~may be referred~~ to the County Health Department which may inspect all premises to be licensed to assure ~~sanitary~~ compliance with ~~the~~ all laws and regulations of the State of Utah and the ordinances, rules, and regulations of Park City in governing the sanitary preparation, storage, distribution, or sale of beer and food ~~fulfills all such sanitary requirements.~~

4- 4- 8. PERIODIC INSPECTION OF PREMISES BY CHIEF OF POLICE.

The Chief of Police or his/her designee shall be permitted to have access to all premises licensed or applying for license under this Chapter, and ~~shall~~ may make periodic inspections of said premises and may report his/her findings to the City Council.

4- 4- 9. GROUNDS FOR LICENSE DENIAL.

The City Council or its designee may deny a beer or liquor license if:

- (A) The license application does not contain all of the information required by Section 4-4-2;

- (B) The application fee is not paid;
- (C) The premises to be licensed do not comply with the applicable zoning regulations and building codes in force at the time of application;
- (D) The applicant does not meet the licensee qualifications set out in Section 4-4-3;
- (E) The applicant intentionally misrepresented or concealed information required by Section 4-4-2 in an application for the license;
- (F) The proposed premises do not meet all applicable health and building codes, and the applicant does not provide reasonable assurances that the premises will be brought into compliance upon approval of the license;
- (G) The applicant holds other licenses under this Title, which are not in good standing, or on which licensed premises the provisions of this Code and state laws are frequently violated; or
- (H) Applicant does not hold a current Park City business license.

4- 4-10. ISSUANCE OF LICENSE CERTIFICATE.

All beer and liquor license certificates shall be signed by the City Manager and Finance Manager ~~Mayor~~, attested by the City Recorder under the seal of the City, and contain the following information:

- (A) The street address of the licensed premises and mailing address if different;
- (B) A detailed description of the portion of the building designated as the licensed premises;
- (C) The maximum occupancy of the licensed premises;
- (D) The beer or liquor license classification;
- (E) The name of the person to whom such certificate has been issued and the name of a local contact person;
- (F) The name of the business;
- (G) The term of the license, including ~~with~~ commencement and expiration dates; and
- (H) That the license is subject to revocation by the City for violation of this Title or the ~~Alcohol~~ Alcoholic Beverage Control Act.

4- 4-11. CITY LICENSE PERIOD.

The license certificate shall be valid through December 31 of the year of issuance, unless revoked or suspended under this Title or unless the licensee's required State license is suspended, revoked or denied.

4- 4-12. CITY RENEWAL PROCEDURE.

On or before December 1 of each year, the City shall send via first class mail, notice to each beer, restaurant liquor or private club liquor licensee within the City that the regulatory license fee required by Section 4-5-2 or 4-6-6 ~~§ 4-4-2~~ is due by December 31st. Upon receipt of the regulatory license fee and finding that renewal is proper pursuant to the criteria set forth herein at Subsections (A) through (E), the City Council or its designee shall issue a license certificate valid through December 31st of the next licensing year.

Upon notification by the Police Department, the licensee must close the licensed premises on the expiration date of the license and keep the premises closed for the consumption or storage of beer or liquor until the date his renewal license is issued by the City Council or its designee ~~or pending a hearing before the City Council~~. In the absence of such notice, pending action on license renewals, the license is deemed extended provided a renewal application was filed on or before December 31 of the year in which the prior license was issued. ~~The Director and Chief of Police~~ Finance Manager shall prepare a list or lists of all licenses to be renewed, and the City Council or its designee may approve all renewals on that list or lists.

Licenses shall be renewed unless the Council or its designee shall find that:

- (A) The licensee has attempted to transfer or assign the license to others in violation of this Title;
- (B) The licensee no longer holds the qualifications required of licensee under the provisions of Section 4-4-3 of this Title;
- (C) The premises have been remodeled or changed in a manner that eliminates required exits, creates closed booths or stalls; ~~or~~
- (D) The licensee or his employees or agents have been convicted of or plead guilty to more than five (5) violations of this Title or state liquor control statutes relative to the conduct of the licensed premises in a single calendar year preceding the renewal, not including violation by patrons; or -
- (E) Licensee does not hold a current valid Park City business license or has not been exempted therefrom under Chapter 2 of this Title.

In the event the Council or its designee finds any of the foregoing conditions (Aa) through (Ee) to exist with respect to a license renewal application, the Council or its designee may waive the

violations and grant a renewal license, grant a probationary renewal for a fixed period of time less than one year, or deny the application for renewal. When deemed appropriate, the Council may hold hearings on specific license renewal applications prior to granting the renewal license.

4- 4-13. LICENSES NON-TRANSFERABLE.

No license issued under this Chapter is transferable from the original licensee to any other person, partnership, corporation or other entity. Each year, as a part of the renewal process, the licensee shall indicate the board of directors, or all partners, and if there are any changes from the previous year, the license shall be reviewed as a new application to the extent of the changes in ownership. ~~full to separate legal entity or individual is deemed a surrender of the license, and shall have no effect.~~

4- 4-14. TRAINING REQUIREMENTS FOR THE EMPLOYEES OF BEER AND LIQUOR LICENSE PREMISES.

No person shall be granted a new beer or liquor license pursuant to this Title, unless that person shall show by certificate(s) granted by the Utah Department of Alcoholic Beverage Control or by adequate proof of the existence of such certificate(s), that each employee of the business engaging in the serving, selling or furnishing of such alcohol on the premises has completed the Alcohol Training and Education Seminar, as required in U.C.A. § 62A-8-403103.5.

Every new employee of a licensee who is required to complete this seminar shall complete the seminar within six months of commencing employment. Violation of this Section ~~section~~ will result in revocation of the license granted unless the licensee provides to the Finance Manager proof of compliance ~~with this Chapter is completed~~ within two months of the time that licensee is first notified that such violation occurred.

4- 4-15. EMERGENCY SUSPENSIONS BY POLICE.

Licenses issued under this Chapter may be suspended by the Chief of Police or his/her designee without prior hearing ~~when conditions existing at the licensed premises are such that~~ provided that there is if probable cause to believe that violations of this Chapter or state law are occurring, and the conditions are such that the public health and safety are endangered. ~~, provided that the~~ Such temporary suspension shall occur only if the management or the licensee fails to remedy the situation within fifteen (15) minutes of notification by the Chief of Police or his/her designee that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the immediate danger to public health and safety. No emergency suspension by the Chief of Police or his/her designee shall extend beyond the ordinary close of business on the day on which the suspension was given.

4- 4-16. OFFENSES OF LICENSEE.

It shall be unlawful for the holder of any license issued under this Chapter or any employee or agent of the holder to cause or permit to be caused on his or her premise any of the following

acts:

(A) **SALE DURING REVOCATIONS.** To sell any beer or liquor during any period of a license revocation or suspension.

(B) **FAILURE TO DISPLAY LICENSE.** To fail to have the license issued under this Chapter on display in the licensed premises.

(C) **EXCESS HOURS OF OPERATION.** Beer may not be sold or offered for sale by any On-premise Beer retailer after 1:00 a.m. and before 10:00 a.m. Liquor may not be sold or offered for sale at a duly licensed restaurant during the following days or hours: (1) on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed; (2) on the day of any municipal, special district, or school election, but only within the boundaries of the municipality, special district, or school district until after the polls are closed; and (3) on any other day after 12 midnight and before 12 noon. ~~Liquor may not be sold or offered for sale at a restaurant during the following days or hours: state or national election days until after the polls are closed, Saturday, Sunday and any state or federal legal holiday after 12:00 midnight and before 12:00 noon on any other day after 12:00 midnight and before 1:00 p.m.~~ Liquor may not be sold or offered for sale at a private club during the following days or hours: (1) on the day of any regular general election, regular primary election, or statewide special election until after the polls are closed; (2) on the day of any municipal, special district, or school election, but only within the boundaries of the municipality, special district, or school district until after the polls are closed; (3) on Sunday and any state or federal legal holiday after 12 midnight and before 12 noon; and (4) all other days after 1:00 AM and before 10:00 AM. Holders of Off-Premise beer licenses may sell beer for consumption off the premises at any time of day.

(D) **MINORS ON THE PREMISES.** To permit a minor to be in or enter into a licensed premises which holds the an On-Premise tavern beer license.

There shall be no restriction on the admission of minors being in or remaining in any of the following licensed premises:

- (1) Off-Premise Beer License
- (2) On-Premise Beer License (except taverns)
- (3) Restaurant Liquor Licenses
- (4) Temporary Licenses of these classifications

It shall not be a violation of this Chapter for minors to be in premises licensed as private clubs, provided, however, that minors must be accompanied by a parent or guardian, and shall be only within an area of the licensed premises designated as food service area. It shall be unlawful for the holder of any private club license to permit minors to be within the licensed premises when not accompanied by a parent or guardian, or to permit minors to remain in or about the liquor service portion of the premises. Licensees may prohibit minors from entering the premises at all at their discretion by posting a sign at the entrance that states that minors are not permitted

inside.

Except as otherwise provided herein, it shall not be a violation of this Chapter to permit minors to work in any licensed premises, regardless of license classification, provided that minors shall not work in any capacity that involves handling, selling, or serving alcoholic beverages. It shall be unlawful to permit minor employees to sell, serve, or handle alcoholic beverages. Minors may not work on or otherwise be on the premises of an On-Premise Retail Tavern.

(E) **SALE OR SERVICE TO MINORS.** To furnish or sell, directly or indirectly, through its agents or employees, an alcoholic beverage to persons under the age of twenty-one years, or to permit patrons within the licensed premises to provide alcoholic beverages to persons under the age of twenty-one years on the licensed premises.

(F) **NUISANCE.** To keep or permit a nuisance on the premises as defined by Section 4-1-1 of this Title.

(G) **UNTAXED LIQUOR.** To possess or sell on the licensed premises any liquor which does not bear proper stamps and labels indicating it was purchased from a Utah State Liquor Store or a package agency of that store, except as provided by state law.

(H) **ADULTERATED ALCOHOLIC BEVERAGES.** To possess or sell on the licensed premises any adulterated, impure, diluted, or misbranded liquor.

(I) **FAILURE TO CONTROL NOISE.** To permit or provide either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

(J) **OUTDOOR SPEAKERS.** To permit or cause to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining.

(K) **EXCESS HOURS OUTSIDE.** To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10 p.m.

(L) **GAMBLING.** To permit, cause, participate, or allow any gambling or gaming, as defined by the laws of the state of Utah within any licensed premises.

(M) **CONTROLLED SUBSTANCES.** To permit or tolerate, or participate in the use, sale, or possession of any unlawful controlled substance within the licensed premises.

(N) **OVERLOADING.** To permit or tolerate the licensed premises to be occupied by more person than the assigned occupancy load for the building assigned by the Building Official under the Uniform Building Code.

(O) **LICENSE VIOLATION.** To permit the consumption of alcohol on any premises licensed with an Off-Premise beer license, or to open any container for consumption on the premises by the holder of any Off-Premise beer license or his agents or employees; or to permit, cause, or tolerate on the licensed premises the sale, use, consumption, or possession of alcoholic beverages in a manner that is in violation of the limits imposed by the license granted.

(P) **SERVICE OF INTOXICATED PERSONS.** To sell or serve alcoholic beverages to a person who is obviously intoxicated, or to permit an obviously intoxicated person to remain in or about the premises.

(Q) **OPERATING WITHOUT REQUIRED STATE LICENSES.** To continue to sell, serve or store alcoholic beverages on a licensed premise after the state license required under the Alcoholic Beverage Control Act U.C.A. § 34A-1-101, et seq., has been denied, suspended or revoked.

4-4-17. OFFENSES BY PATRONS.

It shall be unlawful for any person within a licensed premise under this Chapter, whether as a guest, patron, invitee, supplier, or in any other capacity other than as an employee of the license holder or as the licensee to commit or perform any of the following within the licensed premises:

(A) To enter or remain in any licensed premises holding an On-Premise Tavern License while under the age of twenty-one years.

(B) To enter or remain in any premises licensed as a Private Club ~~private club~~ while under the age of twenty-one years, except when accompanied by a parent or guardian or as a non-alcoholic handling employee of the licensee.

(C) To be in or around the portion of any licensed premise holding a Private Club ~~private club~~ license which is designated or functioning as a liquor selling portion of the premises, rather than the area primarily designed and intended for the sale of food when under the age of twenty-one years.

(D) To furnish directly or indirectly alcoholic beverages to any persons under the age of twenty-one years, or to possess or consume alcoholic beverages while under the age of twenty-one years.

(E) To enter or remain about a licensed Private Club ~~private club~~ without being a member of that club, a guest member of that club, or an invitee of a member of that licensed club.

(F) To enter ~~to~~ or remain in any licensed premises after being ordered to leave the premises

by the licensee or the agent or employees of the licensee.

(G) To enter or remain in any licensed premises while intoxicated.

4- 4-18. CITATIONS/VIOLATIONS.

The commission of any act or offense listed in Section 4-4-16 or 4-4-17-~~§ 4-4-15 or 4-4-16~~ above shall be a Class "B" misdemeanor, except violations of Section 4-4-16(E) and (Q) ~~Section 4-4-15(c) and (q)~~ shall be Class A misdemeanors. Both the license holder or his employee or agent, and the patron of the licensed premises may be charged from the same incident, as the offenses of the licensee and the offenses of the patron are separate offenses. The licensee shall be civilly responsible for all violations permitted or caused by the agent or employee of the licensee and the criminal acts of the employees or agents committed on the premises in the course of employment shall be deemed the acts of the licensee for purposes of revocation, suspension, or non-renewal by the City.

4- 4-19. WHOLESALER AND RETAILER NOT TO HAVE COMMON INTERESTS.

It shall be unlawful for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it shall be unlawful for any dealer or brewer to advance funds, money or pay for any license of a retailer or to be financially interested either directly or indirectly in the conduct, operation, or ownership of any premises with a beer license, "private club" liquor license or "seasonal" license for any of these license classes.

4- 4-20. BUILDING REQUIREMENTS.

It shall be unlawful for any person who obtains a liquor or beer license after the adoption of this Chapter to own, operate or manage any premises licensed for the retail sale or consumption of beer or liquor without complying with the following lighting and view requirements:

(A) During business hours, adequate lighting shall be maintained in all areas of the licensed premises to allow safe movement within the licensed premises, visibility for business activity, and visibility of all areas of the licensed premises from a point within the licensed premises at or near the main public entrance.

(B) A clear, unobstructed view of all areas of the licensed premises shall be available at all times from a point within the licensed premises at or near the main entrance.

Persons who have obtained beer or liquor licenses from the City before adoption of this Chapter and who annually renew their licenses with the City shall not be required to comply with the requirements of this section.

4- 4-21. CLOSED STALLS AND BOOTHS PROHIBITED.

It shall be unlawful for any closed booths or stalls to exist on premises licensed for the retail sale or consumption of beer or liquor. This provision shall not prevent the use and operation of private dining or conference rooms as a part of the licensed premises.

4- 4-22. OCCUPANCY LOAD.

On any premises licensed after the date of this Chapter, the Building Official shall determine the maximum safe occupancy load of the building, as provided in the Uniform Building Code, and it shall be unlawful and a Class "B" misdemeanor for any licensee with an assigned occupancy load to permit more than that number of persons to be within the licensed premises. Once an occupancy limit is assigned, the limit shall be posted with the license in a prominent place within the licensed premises. This provision shall not apply to premises licensed as Off-Premise beer licenses.

4- 4-23. APPLICABILITY.

The provisions of this Chapter shall apply to all licensed premises and all licensees who are issued either a new license or a renewal of an existing license after the date of this Chapter. Amendments to this Chapter may be made from time to time, and all licenses or renewals issued hereunder are subject to amendments as they become effective, except that amendments which address structural requirements of any licensed premises existing at the time of the amendment shall not apply to existing structures until such time as the license is transferred, forfeited, or allowed to expire. As existing structures are sold, remodeled, or relicensed (but not on renewal of existing licenses), however, full compliance will be required prior to the issuance of a new license, new class of license, or license to a new licensee at that location.

CHAPTER 5 - BEER LICENSES DESCRIBED.

4- 5- 1. BEER LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of the sale of beer at retail or wholesale within the City without first procuring a beer license as required by this Chapter. In addition to the City license, a State beer license shall be required for all sales of beer for on-premise consumption or for purchase or sale of beer in a container exceeding two liters. A separate license shall be required for each place of retail sale, for each separate premise, except that separate licenses are not required for each retail beer dispensing outlet located in the same building or on the same resort premise owned or operated by the same applicant. No beer license may be transferred, assigned or subleased in any manner. Licenses are invalidated by transfer or attempted transfer. All licensees shall comply with the provisions of the ~~Alcohol~~ Alcoholic Beverage Control Act, and this Title.

4- 5- 2. REGULATORY BEER LICENSE FEE.

The regulatory liquor license fee shall be set by resolution for all beer licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council or its designee for Special Event Temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

4- 5- 3. RETAIL BEER LICENSE CATEGORIES.

Retail beer licenses issued under the provisions of this Chapter shall be classified and carry the privileges and responsibilities hereinafter set forth in this Chapter:

(A) **OFF-PREMISE BEER LICENSE**. An off-premise retail license shall entitle the licensee to sell bottled or canned beer on the licensed premises in accordance with the ~~Alcohol~~ Alcoholic Beverage Control Act and the ordinances of Park City.

- (1) Beer may not be sold, provided, or possessed for off-premise consumption in containers larger than 2 liters.
- (2) A minor may not sell beer for off-premises consumption except under the supervision of a person 21 years of age or older who is on the premises.
- (3) If malt beverages or malt liquor is sold, the licensee shall display a sign at the location on the premises where malt liquor or malt beverages is sold stating "Malt beverages and malt liquors are alcoholic beverages". A violation of this subsection is an infraction.
- (4) No consumption of beer or alcoholic beverage shall be permitted on the premises

of an off-premise licensee.

(B) **ON-PREMISE RETAIL BEER LICENSE.** As of January 1, 1991, any establishment desiring to sell beer at retail for on-premise consumption shall first obtain a Park City on-premise retail beer license and a State on-premise retail beer license as required under U.C.A. §32A-10-201. An on-premise retail beer license shall entitle the licensee to sell beer at retail in bottles, cans or at draft for consumption on the premises.

All State-issued on-premise beer retail licenses expire on the ~~1st~~ last day of February of each year. Accordingly applicants must submit a renewal application to the State Department of Alcoholic Beverage Control no later than January 31st of each year. City beer licenses shall expire on December 31st of each year and the licensee must submit a renewal application to the City prior to ~~January~~ December 15th. All licensees must notify the City immediately if the State license is denied or revoked for any reason. On-premise licensees must provide the City with proof of State licensure by March 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder.

On-premise beer retail license holders may sell beer in open containers, in any size not exceeding two liters, and on draft. Liquor may not be stored or sold on the premises of any on-premise retail beer licensee. Beer sold in sealed containers smaller than two liters by the On-premise Licensee may be removed from the premises.

There are two types of licenses to be issued under this Section:

(1) **ON-PREMISE RETAIL TAVERN LICENSE.** An on-premise retail tavern license shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. An on-premise retail tavern license shall entitle the licensee to sell bottled, canned, or draft beer for consumption on the licensed premises. No person under the age of twenty-one year shall be employed or otherwise be on the premises licensed as an on-premise retail tavern ~~sell or serve beer~~ under this license.

(2) **ON-PREMISE RETAIL BEER LICENSE - ALL OTHERS.** An On-Premise Retail Beer License - Restaurant shall entitle the licensee to sell beer at retail in bottles, cans or draft for consumption on the premises in conjunction with restaurant food service. No person under the age of twenty-one years shall serve or sell beer under this license.

(C) **SPECIAL EVENT TEMPORARY BEER LICENSES.** A special event temporary beer license shall carry the privileges of either an on-premise or off-premise license. No person under the age of 21 shall sell or serve beer under this license. Persons holding a special event temporary beer license issued by Park City are not required to have a State on-premise beer license.

(1) **SMALL-SCALE SPECIAL EVENT TEMPORARY BEER LICENSE.** A small-scale special event temporary beer license shall authorize the storage, sale, service

and consumption of beer for a period not to exceed 72 consecutive hours in conjunction with a Master Festival, Special Event, or other convention, civic or community event. No person, individual or association shall be licensed for more than four (4) small-scale special event temporary beer licenses in any one calendar year.

(2) **LARGE-SCALE SPECIAL EVENT TEMPORARY BEER LICENSE.** A large-scale special event temporary beer license shall authorize the storage, sale, service and consumption of beer for a period not to exceed thirty (30) consecutive days. Large-scale special event temporary beer licenses shall be issued only in conjunction with a duly licensed Master Festival having a continuous duration of four (4) days or greater, and shall be limited in duration to match the term of the Master Festival license. No person, individual, or association shall be licensed for more than one (1) large-scale special event temporary beer licenses in any one calendar year.

(D) **PRIVATE CLUB BEER LICENSE.** A private club beer license shall carry the privileges of a tavern beer license provided that the sale of beer shall be to club members, guest members and their visitors only and each license shall be issued to bona fide clubs which are organized, incorporated, bonded, regulated, and operated in compliance with the provisions of the Utah Nonprofit Corporation and Cooperative Association Act, the Alcoholic Beverage Control Act, and the Utah Alcoholic Beverage Control Commission Rules and Regulations. ~~Utah Non-profit Corporation and Cooperation Act in U.C.A. §32A-5-101, as amended, the Utah Liquor Control Act, and the Liquor Control Commission Rules and Regulations.~~

CHAPTER 6 - LIQUOR LICENSE DESCRIBED

4- 6- 1. LIQUOR LICENSE REQUIRED.

No person shall operate a place of business which allows customers, members, guests, visitors, or other persons to possess, consume, or store liquor on the premises of the place of business without a liquor license issued by the City. A separate license shall be required for each place of business. No liquor license may be transferred, assigned, or subleased in any manner. All licensees shall comply with the provisions of the ~~Alcohol~~ Alcoholic Beverage Control Act, Utah ~~Liquor Control~~ Alcoholic Beverage Control Commission Rules and Regulations, and this Chapter.

~~4- 6- 2. SET-UP LIQUOR LICENSE.~~

~~A "set-up" liquor license shall entitle the licensee to provide set-ups to patrons who supply their own liquor for the consumption of liquor on the premises in accordance with the Utah Liquor Control Act and Utah Liquor Alcoholic Beverage Control Act, and the Utah Alcoholic Beverage Control Commission Rules and Regulations and the ordinances of Park City. A "set-up" liquor license does not permit the operation of a State liquor store or the storage of liquor on the licensed premises. No person under the age of twenty-one years shall serve or sell liquor. All set-up liquor licenses shall expire on December 31, 1990, and no set-up license shall issue after that date.~~

4- 6-2 3. RESTAURANT LIQUOR LICENSE.

A restaurant liquor license shall only be issued to persons licensed by the ~~State Liquor~~ Utah Alcoholic Beverage Control Commission under U.C.A. §32A-4-101 to 107, as amended., ~~et seq.~~ A "restaurant" liquor license shall entitle the licensee to provide liquor to patrons for consumption on the premise. Only bona fide restaurants shall be entitled to a restaurant liquor license. Patrons must intend to order food which is prepared, sold, and served on the premises, in accordance with the Alcoholic Beverage Control Act and Utah Alcoholic Beverage Control ~~Liquor~~ Commission Rules and Regulations and the ordinances of Park City. Liquor is to be provided only in conjunction with a meal, and it shall be unlawful to serve or sell liquor except with a meal. No person under the age of twenty-one years shall serve or sell liquor under this license. All liquor must be purchased in the restaurant from a server designated and trained by the licensee. Any alcoholic beverages under this license must be consumed at the patron or guest's table. A restaurant liquor license shall not entitle the storage of liquor on the licensed premises, except as designated on the application.

~~Beginning July 1, 1991,~~ a A restaurant liquor license holder may not sell or provide any primary liquor except in one ounce quantities dispensed through a calibrated metered dispensing system approved by the Commission.

All holders of restaurant liquor licenses shall maintain records which shall disclose the gross sales of liquor and the gross sales of food served and any other items sold for consumption on or

off the premises. Such sales shall be shown separately. Each licensee shall retain all invoices, vouchers, sales slips, receipts, and other records of beer and other commodity purchases from all suppliers. Such records shall be available for inspection and audit by the Director or his or her designee at any time following the close of the semi-annual period and for one year thereafter, or as required by State regulations. Failure to properly maintain such records for such inspection and audit shall be cause for revocation of the restaurant liquor license.

Each restaurant liquor licensee shall maintain at least seventy percent (70%) of its total restaurant business from the sale of food, which does not include mix for alcoholic beverages or service charges. If any audit or inspection discloses that the sales of food on the licensed premises are below seventy percent (70%) (~~seventy percent~~) of the gross dollar volume of business for any semi-annual period, the restaurant liquor license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council or its designee that in the future, the sales of food on the licensed premises will not fall below seventy percent (70%) of the gross dollar volume of business.

~~All licensees holding a restaurant liquor license as of the date of this Ordinance may continue to operate under said license unless revoked or suspended under one of the provisions herein until December 31, 1990.~~ All Park City issued restaurant liquor licenses shall expire on December 31st of each year thereafter. All State-issued restaurant liquor licenses expire on October 31 of each year. All licensees must notify the City immediately if the State liquor license is denied, suspended or revoked for any reason. Restaurant liquor license applicants must provide the City with proof of State licensure by December 1 of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

4- 6-3 4. PRIVATE CLUB LIQUOR LICENSE.

A private club liquor license shall entitle the licensee to serve, sell, and store liquor, pursuant to Utah Alcoholic Beverage Control Liquor Commission Rules and Regulations, and to ordinances of Park City. No person under the age of twenty-one (21) years shall serve or sell liquor under this license. All sales under a private club liquor license shall be to bona fide members of the licensed club, guest members or their visitors accompanied by members or guest members, and not to the general public. ~~All licensees holding a private club liquor license as of the date of this Chapter may continue to operate under said license unless revoked or suspended under one of the provisions herein until December 31, 1990.~~ All Park City Private Club private club liquor licenses shall expire December 31st of each year thereafter. All state-issued restaurant State-issued private club liquor licenses expire on June 30 of each year. All licensees must notify the City immediately if the State-issued private club liquor license is denied, suspended or revoked for any reason. ~~Private Club License~~ Private club liquor license applicants must provide the City with proof of the State licensure by July 1st of each year or be subject to cancellation, revocation or termination of the City's license issued hereunder. All renewal applications must attach a copy of a valid State license.

4- 6- 45. SEASONAL LIQUOR LICENSE.

A seasonal liquor license shall carry the privileges of a restaurant liquor license for a period of less than one year to be determined by the City Council or its designee. No person under the age of twenty-one years shall sell or serve liquor under this license.

4- 6- 56. SINGLE SPECIAL EVENT LIQUOR LICENSE

A ~~single~~ special event liquor license shall authorize, for a period not to exceed 72 consecutive hours, the storage, sale, service and consumption of liquor at an event sponsored by a bona fide association, corporation, church or political organization or a recognized lodge, chapter or other local unit that is conducting a convention, civic or community enterprise. The City may not issue more than two ~~single-event~~ special event liquor licenses ~~permits~~ in any one calendar year to the same association, church, or political organization, chapter, lodge or unit thereof.

4- 6-6 7. REGULATORY LIQUOR LICENSE FEE.

The regulatory liquor license fee shall be set by resolution for all liquor licenses. The regulatory license fees shall be used by the City to defray, in part, the costs of alcohol related enforcement and responding to alcohol related offenses within Park City. This fee may be waived by the City Council or its designee for temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations. This fee may be waived by the City Council or its designee for Special Event Temporary licenses issued to persons participating in community sponsored events, or in events sponsored by or for the benefit of non-profit, civic, religious, or charitable organizations.

SECTION II. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 19th day of July, 2001.

Park City Municipal Corporation

Bradley A. Olch, Mayor

Attestation by:

Janet M. Scott, City Recorder

PARK CITY

1884

DATE: July 19, 2001
DEPARTMENT: Legal/Special Events
AUTHOR: Tim Twardowski, Alison Butz
TITLE: Revisions to Title 4, Chapters 1 and 8 of the Municipal Code
(Master Festival Licensing)
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff requests the City Council conduct a public hearing and approve the ordinance amending Title 4, Chapters 1 and 8 of the Park City Municipal Code, regulating Master Festival and Special Event licensing within Park City.

A. TOPIC

Revision to Title 4, Chapters 1 and 8 of the Park City Municipal Code (Master Festival and Special Event licensing).

B. BACKGROUND

Over the past two years the Legal Department has been working with the Special Events Department to update Title 4, Chapters 1 and 8 of the Municipal Code, regulating Master Festival Licenses. In recent months this effort has increased for two reasons. First, due to the approach of the Olympics. Staff wanted to ensure that the regulations covered all issues associated with the Olympics and any licenses granted in relation thereto. Secondly, Staff desires a two-tiered approach in order to better facilitate the increased number of new events arising in recent years.

Changes in the draft ordinance begin with a division into two categories of events: Master Festivals and Special Events. In sum, Master Festivals are defined as large scale events having a greater impact upon the general public and greater demand for City services. Examples of Master Festivals would include Arts Festival, Sundance, and the Deer Valley Concert series. Special events, on the other hand, are defined to include events of a smaller scale having lesser impacts on the general public and City personnel. An example of a Special Event would include the Westbound Festival, which is located solely at PCMR and generates only minimal impacts to the City.

While applications for new Master Festivals remain subject to City Council review, the draft regulations would allow for administrative review of Special Event applications, as well as renewal applications for previously-approved Master Festivals where the application and event are materially unchanged. All applications must satisfy standards of approval whether review is performed by City Council or the Special Events Manager.

Staff has also modified the criteria for fee waivers, focusing the waiver criteria more on positive benefits of the event to the City and residents.

B. Analysis

The Special Events Department Staff proposes to amend Title 4, Chapters 1 and 8 to allow for two processes for events within the City: City Council review for large-scale events, and an administrative review process for smaller-scale events. The two processes are generally tailored to address fundamental differences between Master Festivals and Special Events.

Special Events (Administrative Review)

A Special Event is defined in the draft regulations as "Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates public impacts through any of the following: (a) the use of City personnel; (b) impacts via disturbance to adjacent residents; (c) traffic/parking; (d) disruption of the normal routine of the community or affected neighborhood; or (e) necessitates special event temporary beer or liquor licensing in conjunction with the public impacts." This type of event would be reviewed by all applicable City Departments and could be approved by the Special Events Manager. The administrative approval process would assist Staff by decreasing the amount of work associated with City Council review, thus allowing staff efforts to focus more on organization of the larger, more intense events. Staff requests this administrative approval for events such as Westbound Festival which is solely located at Park City Mountain Resort and would not add great impacts to the City. If a Special Event were altered in a manner that generates greater impacts to the City, it would be considered a Master Festival and would follow the procedures outlined for that type of event.

Master Festivals

Master Festivals are events with greater impacts to City Staff and residents. A Master Festival would include any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through the attraction of large crowds, necessity for street closures, use of public property, use of City transportation services, use of off-site parking facility, or use of amplified music in or adjacent to a residential neighborhood. The applications which fall under the Master Festival description would be reviewed and approved by the City Council. Sundance, Novell Utah Showdown, NORBA, Arts Festival, and America's Cup would all be considered Master Festival events. All new Master Festival applications will require City Council review at a public hearing under the proposed ordinance. Applications to renew previously approved Master Festivals may be reviewed administratively, provided that material elements of the application and festival are unchanged. Material changes in the application would thus trigger City Council review.

Application Submittal

The current code contains no language requiring a minimum review period. The lack of a submittal date often has resulted in difficulty scheduling events before City Council and left insufficient time for Staff to address event-related concerns prior to start of the event. The draft contains language for a minimum length of review for both types of applications. Staff suggests a minimum ninety (90) day review period for Master Festival Licenses, while Special Events applications would be due no

less than sixty (60) days prior to the start of the event.

Conflicting Events

The draft regulations propose a general policy that no more than one Master Festival or Special Event shall be approved for the same date(s). It is not unusual, however, to have a new application request the same day as an existing festival. The proposed policy addresses this issue by allowing concurrent events only where a finding is made that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. Criteria for this determination are set forth at Section 4-8-6. In instances where more than one application is submitted for the same dates, and the Special Events Manager determines that the events cannot occur concurrently, Section 4-8-6 prioritizes the applications, giving highest priority to historic usage events.

Fee Waiver

Finally, staff proposes a new policy concerning fee waivers. Prior language primarily based the waivers on the charge of admission, non-profit status, and corporate sponsorship. Staff has expanded the criteria for fee waivers and added emphasis whether the City is likely to benefit financially or otherwise from the event. Criteria include the following: (1) for-profit or non-profit status of the Applicant; (2) whether the event will charge admission fees; (3) whether the event is youth-oriented; (4) the duration of the event; (5) whether and to what extent the City is likely to receive positive tax benefits by virtue of the event; (6) whether City costs are likely to be recovered by other revenue opportunities arising from the event; and (7) the season of occurrence. The proposed fee waiver provision permits full or partial waivers of all applicable fees, including application fees, inspection fees, etc.

Staff has found that, in some instances, fees charged by the City for operation of an event present a financial obstacle and may discourage existing and new events from operating within Park City. Staff also finds that the community benefits (including youth involvement, tax benefits, and revenue opportunities) generated by many such events often outweigh any loss in funds resulting from the fee waiver.

ALTERNATIVES

- A. Approve the ordinance as written or with changes, amending Municipal Code Title 4, Chapters 1 and 8 regulating Master Festivals and Special Events.
- B. Deny the proposed amendments to Municipal Code Title 4, Chapters 1 and 8; thereby leaving the current code in force and effect.
- C. The City Council may continue the item for more information and discussion and direct staff as to desired changes.

RECOMMENDATION:

Staff requests Council conduct a public hearing and approve the attached Ordinance amending Title 4, Chapters 1 and 8 of the Municipal Code regulating Master Festivals and Special Events.

E. Exhibits

Exhibit A -Proposed Master Festival and Special Event Ordinance

ORDINANCE 01-__

AN ORDINANCE AMENDING TITLE 4, CHAPTERS 1 AND 8 OF THE MUNICIPAL CODE OF PARK CITY REGULATING SPECIAL EVENTS AND MASTER FESTIVALS; CLARIFYING DEFINITIONS AND THE STANDARDS AND PROCEDURES FOR LICENSE APPROVALS AND REVOCATION

WHEREAS, Section 10-8-84, Utah Code Annotated ("U.C.A.") allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by U.C.A. Title 10, Chapter 8 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, Utah Code Annotated ("UCA") Sections 10-8-69, -73 and -76 give the City the power to regulate and prohibit public demonstrations, processions and other street or otherwise public performances which may interfere with public order; and

WHEREAS, licensing is a legitimate and reasonable means of time, place, and manner regulation to ensure that sponsors and organizers of Special Events and Master Festivals comply with reasonable regulations; and

WHEREAS, the City Council desires to protect the rights of citizens to engage in activities protected by the free speech and expression provisions of the Constitutions of Utah and the United States subject to lawful time, place, and manner regulations necessary to protect the public health, safety, and welfare; and

WHEREAS, the City Council desires to establish a process for permitting individuals and groups to use City streets, properties, facilities, or services for Special Events and Master Festivals while maximizing the safety of participants and minimizing the inconvenience to the general public and disruption of public services; and

WHEREAS, the City Council desires to provide for cost recovery of City services required for Special Events and Master Festivals when such recovery will not unreasonably or unlawfully burden constitutionally protected activities; and

WHEREAS, the time, place and manner restrictions of this ordinance are required to protect important governmental interests and are reasonably related to achieve the protection of those interests with the minimum interference necessary to rights protected by state and federal constitutional provisions,

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

SECTION I. AMENDMENT. Pursuant to the findings above, which are hereby incorporated herein, Title 4, Chapter 1 of the Municipal Code of Park City is hereby amended to

read as follows:

4-1-1.13 **CORPORATE SPONSOR.** ~~within the meaning of Chapter 8 - Master Festival Licenses shall be~~ Any business enterprise or combination of business enterprises which provide funding for any special event in the amount of 50% or more of the funds necessary to promote the event or account for 50% or more of the event's operating expenditure budget.

4-1-1.19 **FIREWORKS PERMIT.** ~~Normally applied for and paid for through~~ A permit issued by the City Fire Marshal for aerial or concession fireworks, pursuant to the Uniform Fire Code. ~~When fireworks are used in conjunction with a licensed event, the Master Festival License negates the need of a separate Fireworks Permit.~~

4-1-1.36 **PUBLIC MASTER FESTIVAL.** Any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through any of the following: (a) the attraction of large crowds, (b) necessity for street closures on Main Street or any arterial street necessary for the safe and efficient flow of traffic in Park City, (c) ~~or use of other~~ public property, (d) use of City transportation services, (e) use of off-site parking facility, or (f) use of amplified music in or adjacent to a residential neighborhood. ~~requires the use of public employees or equipment, (c) or necessitates temporary business or liquor licensing in conjunction with the public impacts.~~

4-1-1.45 **SPECIAL EVENT.** Any event, public or private, with either public or private venues, requiring City licensing beyond the scope of normal business and/or liquor regulations, as defined by this Code; or creates significant public impacts through any of the following: (a) the use of ~~public property or employees~~, City personnel; (b) ~~or could reasonably be interpreted to cause significant public impacts via disturbance to adjacent residents;~~ (c) ~~crowd~~, traffic/parking; (d) ~~or~~ disruption of the normal routine of the community or affected neighborhood; or (e) necessitates special event temporary beer or liquor licensing in conjunction with the public impacts. Neighborhood block parties or other events requiring street closure of any residential street that is not necessary for the safe and efficient flow of traffic in Park City for a duration of less than one day shall be considered a Special Event.

4-1-1.46 **SPECIAL EVENTS MANAGER COORDINATOR.** ~~The Chief of Police of Park City Municipal Corporation.~~ The Special Events Manger or his/her designee within the Department of Special Events and Facilities.

4-1-1.47 **STREET CLOSURE.** The deliberate blockage of any public street or City owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction Street Closure ~~in excess of four (4) hours shall require a Master Festival or Special Event License.~~ requires a Master Festival License. ~~Any non-construction related Street Closure, regardless of duration, of Main Street or any arterial street necessary for the safe and efficient flow of traffic in the City, shall require a Master Festival License.~~

4-1-1.48 **SPONSOR.** A person, group, or business which has contracted to provide financial or logistical support to any Special Event or ~~f~~Public Master Festival. Such agreement may provide

for advertising rights, product promotion, logo promotion, exclusivity of rights, products, or logos.

4-1-1.52 **VENUE.** The location or locations upon which a Special Event or Public Master Festival is held, as well as the ingress and egress route when included in the festival license.

SECTION II. AMENDMENT. Title 4, Chapter 8 of the Municipal Code of Park City is hereby amended to read as follows:

CHAPTER 8 - MASTER FESTIVAL LICENSE

4-8-1. DEFINITIONS.

For the purpose of this Chapter the following terms shall have the meanings herein prescribed.

(A) **APPLICANT.** The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conduct of the event lies. The ~~applicant~~ Applicant signs the festival license application and all other documents relevant to the event. The ~~applicant~~ Applicant must be a natural person or persons, and not a corporation, corporate sponsor, or business, or any other entity which is not a natural person (see Sponsor).

~~(B) **BUSINESS LICENSE.** As defined in Chapter 2 of this Title. A Business license may be temporarily replaced or altered for the purpose of a special event or public festival within the specific guidelines of the festival license.~~

~~(BE) **CONCESSION.** A privilege to sell food, beverages, souvenirs, or copyrighted or logoed event memorabilia at a licensed event. Concessions are provided for within this Chapter in lieu of City business license regulations.~~

~~(CD) **FEES.** Charges assessed by Park City for licensing, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees, or public equipment assessed to an event or festival and established within the festival licensing process.~~

(DE) **LICENSEE.** The Applicant, as defined above, becomes the "licensee" when the Master Festival License or Special Event License is signed by the Special Events Manager, upon meeting all the criteria in this Chapter ~~Coordinator or receives formal City Council approval.~~ As the license holder, the Licensee becomes the sole proprietor of the event and inherits the responsibilities connected with all licenses, fee assessments, copyrights, and insurance liabilities connected with the licensed event.

~~(F) **PUBLIC HOLIDAY.** Any state or national holiday or any locally declared day of celebration during which a Public Festival may be held. Such days are, but may not be limited to: 4th of July, Miners Day, and that portion of America's Opening (Friday after Thanksgiving)~~

~~which is held on public property. Public Festivals on Public Holidays promoted by the Park City Municipal Corporation (City) and/or the Park City Chamber/Bureau and held on public property do not require festival licensing. Fees will be absorbed by the City as established by the Special Events Coordinator in an amount less than five hundred dollars (\$500). Event expenditures for public holidays in excess of five hundred dollars (\$500) require City Council approval.~~

4-8-2. UNLAWFUL TO OPERATE WITHOUT A LICENSE.

~~Unless exempted by state or federal law, it shall be~~ It is unlawful for any Person ~~person, group, or business,~~ to conduct a Special Event or Public Master Festival with or without charge for admission, on public or private property, without first applying for and being granted a Master Festival License or Special Event License for the specific event and its Venue(s). All licenses issued pursuant to this Title are non-transferrable and expire at the completion of the given event or upon revocation, whichever is earlier.

4-8-3. RENEWAL OF LICENSES.

Licensees under the provisions of this Chapter who successfully operate a Master Festival or Special Event ~~an event~~ under the provisions of this Chapter and who wish to have the event on an annual or periodic basis, must renew each Master Festival or Special Event License as provided in Section 4-8-4 herein ~~as if it were a new event~~. Events which occur in series, such as concerts; falling under the criteria established in this Chapter, must have a Master Festival or Special Event License for which specifically authorizes each concert in the series, even if the same performer is performing on separate occasions.

4-8-4. MASTER FESTIVAL LICENSE APPLICATION AND REVIEW PROCEDURE.

~~Applications for Master Festival Licenses shall be made in writing to the Special Events Coordinator (Chief of Police). Application materials are available at City Hall and the Chamber/Bureau offices, and must be completed and submitted to the Special Events Coordinator not less than forty-five (45) days prior to the scheduled opening of the event.~~

(A) APPLICATION SUBMITTAL. Applications for Special Events and Master Festivals shall be made in writing to the Special Events Manager. Application materials are available at City Special Events Department and the Chamber Bureau offices, and must be completed and submitted to the Special Event Manager not less than ninety (90) days prior to the scheduled opening of any Master Festival, and not less than sixty (60) days prior to the scheduled opening of any Special Event.

(B) CITY COUNCIL REVIEW. The City Council of Park City shall review and either approve, approve with conditions, or deny the following applications: (1) applications for new Master Festivals; (2) applications for Master Festival License renewals where material elements of the event have substantially changed from the previous application; and (3) appeals of administrative decisions made pursuant to Subsection C herein. As used herein, a "new Master Festival" shall mean any Master Festival being proposed for the first time, or a prior Master Festival which was

not renewed for a period exceeding one year. The City Council shall review applications for compliance with the standards for license approval described at Section 4-8-5 herein as follows:

(1) Staff Review and Recommendation. Upon receipt of a complete Master Festival License application and accompanying fee, City Staff shall review the application for compliance with Section 4-8-5 herein. Staff shall subsequently return a copy of the application to the Applicant with comments and a recommendation (ie., approve as is, approve with changes and/or conditions, or cause for denial). Incomplete applications will be returned to the Applicant and noted accordingly. Following review of the Master Festival License application and notice to the Applicant, the Special Events Manager shall schedule the application for a public hearing before the City Council.

(2) City Council Hearing. Master Festival applications requiring City Council review and appeals of administrative Master Festival or Special Event decisions shall be heard at a duly noticed public hearing of the City Council. The City Council shall review the application for compliance the standards set forth at Section 4-8-5 herein, and shall record its decision with written findings of fact, conclusions of law, and conditions of approval (if applicable). Written notice of the City Council's decision shall be delivered to the Applicant within ten (10) days of the date of decision.

(C) ADMINISTRATIVE REVIEW. The Special Events Manager shall review and shall have the authority to administratively approve, approve with conditions, or deny the following applications: (1) Special Event applications; and (2) applications for Master Festival License renewals where material elements of the event have not substantially changed from the previous application. Upon receipt of a complete Master Festival License application and accompanying fee, the Special Events Manager shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval (if applicable) and deliver written notice of such decision to the Applicant. Any Applicant whose application has been administratively denied may appeal the decision to the City Council by filing a written request to the Special Events Manager within ten (10) days of the date of decision. The City Council shall hear the matter de novo and with public hearing.

Upon receipt of a complete Master Festival License application and accompanying fee, the Special Events Manager shall review the application for compliance with Section 4-8-5 herein. Following review of the application, the Special Events Manager shall record his/her decision with written findings of fact, conclusions of law, and conditions of approval (if applicable) and deliver written notice of such decision to the Applicant.

~~Applications for Master Festival Licenses shall be made in writing to the Special Events Coordinator (Chief of Police). Application materials are available at City Hall and the Chamber/Bureau offices, and must be completed and submitted to the Special Events Coordinator not less than forty-five (45) days prior to the scheduled opening of the event. Application materials will be reviewed by the City staff and returned to the applicant with comments and a recommendation (i.e., approval as is, approval with changes, cause for denial)~~

~~within ten (10) working days from date of submission. Incomplete applications will be returned to the applicant and noted accordingly. Upon receipt of favorable recommendation and the signature of the Special Events Coordinator, the application shall be noticed before the Park City Council for public hearing, consent agenda, or renewal, whichever may apply, by the Special Events Coordinator upon properly public notice at the next available City Council meeting. Upon City Council approval of the application, the application will automatically evolve into a Master Festival License for the given event.~~

4-8-5. STANDARDS FOR LICENSE APPROVAL.

Applications for Master Festivals and Special Events shall be reviewed for compliance with the standards provided herein. The Special Events Manager or City Council may prohibit or restrict any Special Event or Master Festival whenever any of the conditions enumerated in this Section is found likely to occur, unless the event is modified to eliminate said condition.

(A) The conduct of the event will substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.

(B) The conduct of the event will 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.

(C) The concentration of persons, vehicles, or animals will 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.

(D) The event will 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.

(E) Where applicable, the Applicant fails to provide the following: (1) the services of a sufficient number of traffic controllers, signs or other City required barriers or traffic devices; (2) monitors for crowd control or safety; (3) safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety; (4) adequate off-site parking, shuttle service, or both where necessary to minimize substantial adverse impacts on general parking and traffic circulation in the vicinity of the event; (5) required insurance, cash deposit, or other security; or (6) any other services or facilities necessary to ensure compliance with City noise, sign, or other applicable ordinance(s).

(F) The event created the imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.

(G) The Applicant demonstrates an inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in

accordance with the law or the terms of a license, or both.

(H) The Applicant has not obtained the approval of any other public agencies, including the Park City Fire District, within whose jurisdiction the event or a portion thereof will occur.

4-8-6. CONFLICTING LICENSE APPLICATIONS.

No more than one Master Festival or Special Event shall be approved for the same date(s) unless the Special Events Manager or City Council finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the Special Events Manager or City Council will apply the following criteria: (1) geographic separation of the events; (2) proposed time and duration of the events; (3) anticipated attendance volumes; (4) necessity for public personnel, equipment, and/or transportation services at the events; and (5) anticipated traffic and parking impacts.

When more than one Special Event or Master Festival Application is received for the same date(s), the Special Events Manager finds that (1) the events will adversely impact one another; or (2) concurrent scheduling of the events will adversely impact the public health, safety, and welfare, the Special Events Manager shall resolve the conflict as provided herein. The Special Events Manager shall first attempt to reach an agreement among the conflicting Applicants to modify the applications in order to resolve the conflicts and accommodate the public interest. If no voluntary agreement is reached, then the Special Events Manager shall resolve the issue based on the following order or priorities:

(A) Historic usage Special Events or Master Festivals where the same Applicant has been granted a license under this Chapter for use of a particular City forum at a particular date, time, and place for more than three (3) consecutive years;

(B) Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if (1) the application is timely filed and processed by the City, and (2) said governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutional rights of conflicting Applicants;

(C) If neither subsection (A) nor (B) is applicable, or if (A) and (B) do not resolve the conflict, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.

4-8-75. LICENSES ENCOMPASSED BY NECESSARY FOR A SPECIAL EVENT LICENSE AND MASTER FESTIVAL LICENSE.

The ~~Master Festival License~~ Applicant/ Licensee shall ~~include~~ provide to the Special Events Manager proof of a ~~temporary business license~~; valid special event temporary liquor or beer license, fireworks license, and building permit as applicable, as well as a receipt acknowledging that all application fees have been paid. ~~and banner permit either individually or in~~

~~combination. This Section does not eliminate necessary state permits, licenses, or tax accountability, nor does this Section supersede any state permit, license, or tax regulation. A profit-making business or corporation promoting a Special Event which falls under the provisions of this Chapter must also have a fully paid Park City Municipal Corporation business license, as outlined in Chapter 2 prior to making application for a Master Festival License.~~
Occupancy The Licensee must obtain all permits for any temporary structure establishment constructed under the provisions of a Master Festival License and must pass all inspections as a condition precedent to a valid Special Event License. Temporary concessions on public or private property may be approved in conjunction with a Master Festival or Special Event in the sole discretion of the City. Such concessions must be directly related to the event and meet a demonstrated need of participants. Unless otherwise approved by City Council, all concessions require a regular business license. ~~will be provided to the Licensee upon compliance of all Code enforcement provisions and upon inspection by the Park City Building Department.~~

4-8-86. FEES TO BE ASSESSED.

(A) APPLICATION FEE. First-time Master Festival applications shall be assessed a fee of one hundred dollars (\$100). Special Event and renewal Master Festival applications shall be assessed a fee of fifty dollars (\$50). All applications fees are due and payable upon submission of a completed application. Applications shall be considered incomplete unless and until the application fee is paid in full. ~~Upon application, the Special Events Coordinator will, upon review of necessary services, property, and/or equipment as requested by applicant or deemed necessary by Special Events Coordinator;~~

(B) CITY SERVICE FEES. Upon receipt of a completed Master Festival or Special Event application, the Special Events Manager will provide the applicant with an estimate of fees based on estimated costs for city services arising from the event, including but not limited to the use of city personnel and/or equipment, city transportation services, inspections, and user fees. ~~City department user fees, salaries, equipment rental charges, and inspection charges to be assessed against the event for city services.~~ A final assessment of City costs will occur upon completion of the Special Event. All city service fees will be adjudged to reflect actual cost. Unless waived pursuant to Section 4-8-9, all city service fees must be paid in full within thirty (30) days of the final assessment of City costs for the Master Festival or Special Event.

(C) FINANCIAL SECURITY. The Special Events Manager is authorized to require an Applicant to post a cash deposit or other security accepted by the Legal Department for all estimated contingent costs prior to the issuance of a Master Festival License, as a guarantee against fees, damages, clean up, or loss of public property.

~~4-8-7. PAYMENT OF FEES, POSTING OF BONDS.~~

~~Unless waived pursuant to this Chapter, all fees due the Park City Municipal Corporation as a result of a special event or public festival, must be paid within thirty (30) days from the final day of the event. This Section further empowers the Special Events Coordinator to require an applicant to post a bond in an amount not to exceed one thousand dollars (\$1,000) prior to the~~

~~issuance of a Master Festival License, as a guarantee against fees, damages, clean up, or loss of public property. Bonds may be waived by the Special Events Coordinator upon demonstration by the applicant that adequate steps are provided for protection of public property, payment of fees, and Venue clean up.~~

4-8-98. FEE WAIVERS.

The City Council or City Manager may waive all or a portion of any Master Festival or Special Event licensing fees upon a finding of eligibility pursuant to the criteria provided herein. All fee waiver requests shall be submitted to the Special Events Manager no later than the first day of the proposed event. Fee waiver requests shall be reviewed and approved/denied by the City Council for all new Master Festival applications. Fee waiver requests for all Master Festival renewal applications and Special Events shall be reviewed and approved/denied by the City Manager. Fee waiver determinations made by the City Manager may be appealed to the City Council. Eligibility for a full or partial fee waiver shall be determined by the City Council or City Manager pursuant to the following criteria, none of which shall be individually controlling: (1) for-profit or non-profit status of the Applicant; (2) whether the event will charge admission fees; (3) whether the event is youth-oriented; (4) the duration of the event; (5) whether and to what extent the City is likely to receive positive tax benefits by virtue of the event; (6) the degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event; (7) the season of occurrence; and (8) demonstration of hardship by the Applicant. Fee waiver requests must be filed annually, unless otherwise approved in a City services agreement by the City Council. Approval of a fee waiver for any application shall not create a precedent for future requests. ~~It is recognized that some events, particularly new events, may not have sufficient resources to pay City assessments and in fact, the event could not occur or would be significantly harmed if assessments were levied. For-profit events or events which are charitable or not-for-profit with budgets in excess of fifty thousand dollars (\$50,000) will not be considered for fee waivers. The Special Events Coordinator shall make a recommendation in conjunction with the application approval process for a fee waiver based on one or more of the following criteria.~~

~~(A) Events without Corporate Sponsorship and which do not charge admission, will receive a 100% fee waiver, upon request, during the first year of operation.~~

~~(B) Events without Corporate Sponsorship and which do not charge admission will receive, upon request, a fifty percent (50%) fee waiver during the second year of operation. No additional waivers will be given beyond the second year of operation.~~

~~(C) Events having Corporate Sponsorship, which charge admission, or have some other source of funding, will upon request, receive a fifty percent (50%) fee waiver during the first year of operation or upon the first event, whichever is less. No additional waivers will be given.~~

~~(D) Charitable events having no Corporate Sponsorship and which charge two dollars (\$2) or less admission, upon request for waiver and presentation of documents noting tax free status and intended donor, will have all fees waived until such time as the status of the event changes.~~

~~(E) — Charitable events having Corporate Sponsorship, which charge admission, or sell tickets or any combination thereof, may receive a full, partial, or no fee waiver based upon request and presentation of a full event budget to the Special Event Coordinator who in turn will evaluate the event and the budget for applicability to this Section. Event budgets in excess of fifty thousand dollars (\$50,000) in gross revenue, including donations, or fifty thousand dollars (\$50,000) in gross expenditures will not be considered.~~

4-8-109. INSURANCE REQUIREMENTS.

~~Every event licensed under the provisions of this Chapter Applicants shall provide upon application for a Master Festival License license proof of liability insurance in the amount of one two million dollars (\$2,000,000 1,000,000) or more as may be required by the Special Events Manager Coordinator of the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured. Private events held on private property falling under the requirements of this Chapter 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.~~

4-8-10. PUBLIC HEARING PROCESS.

~~All new Master Festival Licenses shall have a public hearing, properly noticed, as a matter of City Council business to be held not less than ten (10) calendar days from the proposed start date of the event. The public hearing shall be the method by which members of the public, and particularly those persons affected by the event, can provide input or register protest. Each Master Festival License public hearing shall only be held after the application process is completed and the application is signed by the Special Events Coordinator, and all appropriate recommendations as to fee waivers and approvals for the event have been noted. Renewal licenses and Public Holiday festival licenses, as promoted by the City and/or Chamber/Bureau, as defined above do not require public hearing, unless the event has so changed during the renewal period as to cause significantly different public impacts than originally intended, or, in the case of Public Holiday festivals, the public impacts are so great as to cause mass inconvenience. and the likelihood of protest outweighs the elimination of the festival licensing process.~~

4-8-1113. RUNS, WALKS, FILM-MAKING, AND PROMOTIONS.

~~Runs, walks, film-making, parades, public demonstrations, and promotions shall be considered Special Events are not governed by the provisions of this Chapter unless such run, walk, film, or a promotion creates event does not create substantial public impact or requires substantial City service. Any run, walk, film, or promotion undertaken by any for-profit business or corporation, must first be licensed as a business under Chapter 2 Business Licenses. For-profit corporations falling under the provisions of this Chapter or who are specifically in film-making or promotions on public or private property must, as a provision of their license, provide proof of insurance, shooting schedule or schedule of events, produce written permission of property owners, and provide access to any set or site for purposes of Code enforcement.~~

4-8-12. CRIMINAL PENALTY.

Any person who willfully violates any provision of this Chapter shall be guilty of a Class B misdemeanor. Persons conducting Special Events or Public Master Festivals without having first obtained a Master Festival License are subject to arrest and the event is subject to closure.

4-8-13. REVOCATION FOR CAUSE; NOTICE TO CURE.

A. Notice to Cure. If the Special Events Manager or any sworn law enforcement officer determines that the conditions of any license issued pursuant to this Chapter have been or are being violated, then notice shall be given to the Licensee, sponsor, or designated organizer's representative of the Special Event or Master Festival to cure the violation.

B. Failure to Cure. It is unlawful for the Licensee, sponsor, or on-site organizer's representative of an authorized Special Event or Master Festival to fail to take reasonable steps to promptly cure any notice of violation of this Chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the Licensee, sponsor, or on-site organizer's representative to cure their violation of this Chapter.

C. Clear and Present Danger. If a sworn law enforcement officer determines, after consultation with the Chief of Police or the Chief of Police's designee, that any failure to cure a violation of this Chapter creates a clear and present danger of immediate significant harm to life, public safety, or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the Special Event or Master Festival, the Licensee, sponsor, or on-site organizer's representative of the Special Event or Master Festival shall be promptly notified that the license is revoked and that the Special Event or Master Festival must immediately cease and desist.

D. Violation of Cease and Desist Order. If a license is revoked as specified in subsection C above, then it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities.

SECTION III. EFFECTIVE DATE. This ordinance shall become effective upon publication. The fee waiver provisions of Section 4-8-9 shall retroactively apply to any applications filed on or after May 1, 2001.

PASSED AND ADOPTED this 19th day of July, 2001.

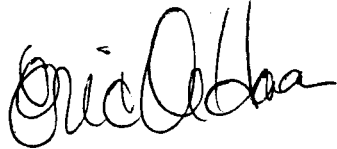
Park City Municipal Corporation

Bradley A. Olch, Mayor



CITY COUNCIL REPORT

DATE: July 19, 2001
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, P.E., City Engineer
TITLE: Vacation of a portion of Woodside Avenue at the Town Run
TYPE OF ITEM: Administrative



SUMMARY RECOMMENDATIONS: Approve the ordinance vacating a portion of Woodside Avenue at the Town Run.

DESCRIPTION:

A. Topic: Park City has been petitioned by Park City Mountain Resort (PCMR) to vacate a portion of Woodside Avenue to accommodate the Town Ski Run, now under construction near 8th Street. The ski run will connect to the bridge over Park Avenue, allowing boarders and skiers to glide or pole almost to the Main Street sidewalk. A copy of PCMR's letter is attached.

B. Background: The Town Run and its related ski lift and ski bridge have been the subject of many Planning Commission meetings over the last fifteen years. A Master Planned Development approval was granted by the Planning Commission on February 28, 1996. That decision was appealed to the City Council by two different parties. The City Council approved the project on appeal on November 7, 1996. The Planning Commission approved the Conditional Use Permit on April 11, 2001, for the current bridge and ski run concept. The City Staff approved encroachment permits and a right-of-way and easement agreement in May and June. Construction plans for the Seventh Street relocation were approved by the Public Works Director and the City Engineer in May. Construction work is ongoing at this time.

C. Analysis: Approval of the vacation of Woodside will allow the project to proceed to completion in time for the 2001-2002 ski season. Because of the large investment in retaining walls, grading, snowmaking, ski lift tower relocation, and a cobble-lined seasonal stream channel amenity, a revokable encroachment agreement for the ski run was not acceptable to the Resort, so PCMR petitioned for vacation of Woodside Avenue.

D. Department Review: The plans have been reviewed by Public Works and Community Development. The vacation has been reviewed by the Snyderville Basin Sewer Improvement District. The related agreements and ordinance vacating a portion of Woodside have been reviewed by the Executive Department and the Legal Department. The bridge and ski run have

been approved by the Planning Commission and the Town Lift Design Review Task Force. No outstanding concerns remain.

ALTERNATIVES:

A. Approve the Ordinance.

B. Continue the Ordinance if more information is desired.

C. Deny the Ordinance This action would bring construction to a halt, leaving a very irregular Town Run in place for our Olympic ski season.

SIGNIFICANT IMPACTS: The City faces no financial impact from the vacation of Woodside. We will be maintaining Seventh Street in lieu of the portion of vacated Woodside, so our maintenance costs will be virtually the same regardless of which alternative the Council selects. The City faces no capital costs on this particular project.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Delays would occur on a project which is physically at the center of Park City's Olympic celebration.

RECOMMENDATION: The Council should approve the ordinance vacating a portion of Woodside Avenue at the Town Ski Run.



June 18, 2001

Eric DeHaan
City Engineer
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

Re: Vacated Woodside Ave.

Dear Eric,

Please accept this letter as part of the Woodside Vacation application being submitted to the Planning Department as a supplemental requirement for the building permit for the Town Bridge.

The development of the town bridge/ski run will require filling in of Woodside Ave. to create a continuous ski run from mountain to town plaza. Therefore, it is necessary that Woodside Ave. be closed at that juncture to thru traffic, and necessary to request from the city vacation of Woodside Ave.

The Town Bridge, which will span Park Avenue and close Woodside Ave offers great benefits to Main Street. It will extend skiing to Main Street and create a summertime park. The ski run will become an important open space area creating a skier/pedestrian link between the Historic District and the Park City Mountain Resort.

If there is additional information required please call, 647-5406.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jody Morrison".

Jody Morrison
Planning and Development
Park City Mountain Resort



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

VACATED WOODSIDE AVE.

LEGAL DESCRIPTION

Beginning at a point on the West line Lot 2 Block 1, Snyder's Addition to Park City, said point being North $28^{\circ}46'30''$ West 403.13 feet and South $61^{\circ}13'30''$ West 153.39 feet from a Park City Monument located at the intersection of Park Avenue and Heber Avenue; thence along the West line of said Lot 2 Block 1, South $31^{\circ}44'30''$ East 36.40 feet to a point on a non-tangent curve to the left having a radius of 67.50 feet of which the radius bears South $35^{\circ}55'29''$ East; thence along the arc of said curve 57.31 feet through a central angle $48^{\circ}38'54''$ to a point on the East line of Block 12, Snyder's Addition to Park City; thence along the East line of said Block 12, North $31^{\circ}44'30''$ West 48.03 feet to a point on a non-tangent curve to the right having a radius of 103.83 feet of which the radius bears South $62^{\circ}56'29''$ East; thence along the arc of said curve 51.61 feet through a central angle $28^{\circ}28'54''$ to the point of beginning.

The basis of bearing for this description is the monument located at the intersection of Park Avenue and 9th Street and the monument located at the intersection of Park Avenue and 11th Street, South $35^{\circ}55'30''$ East. 860.00 feet.

Description contains 0.04 acres, more or less.

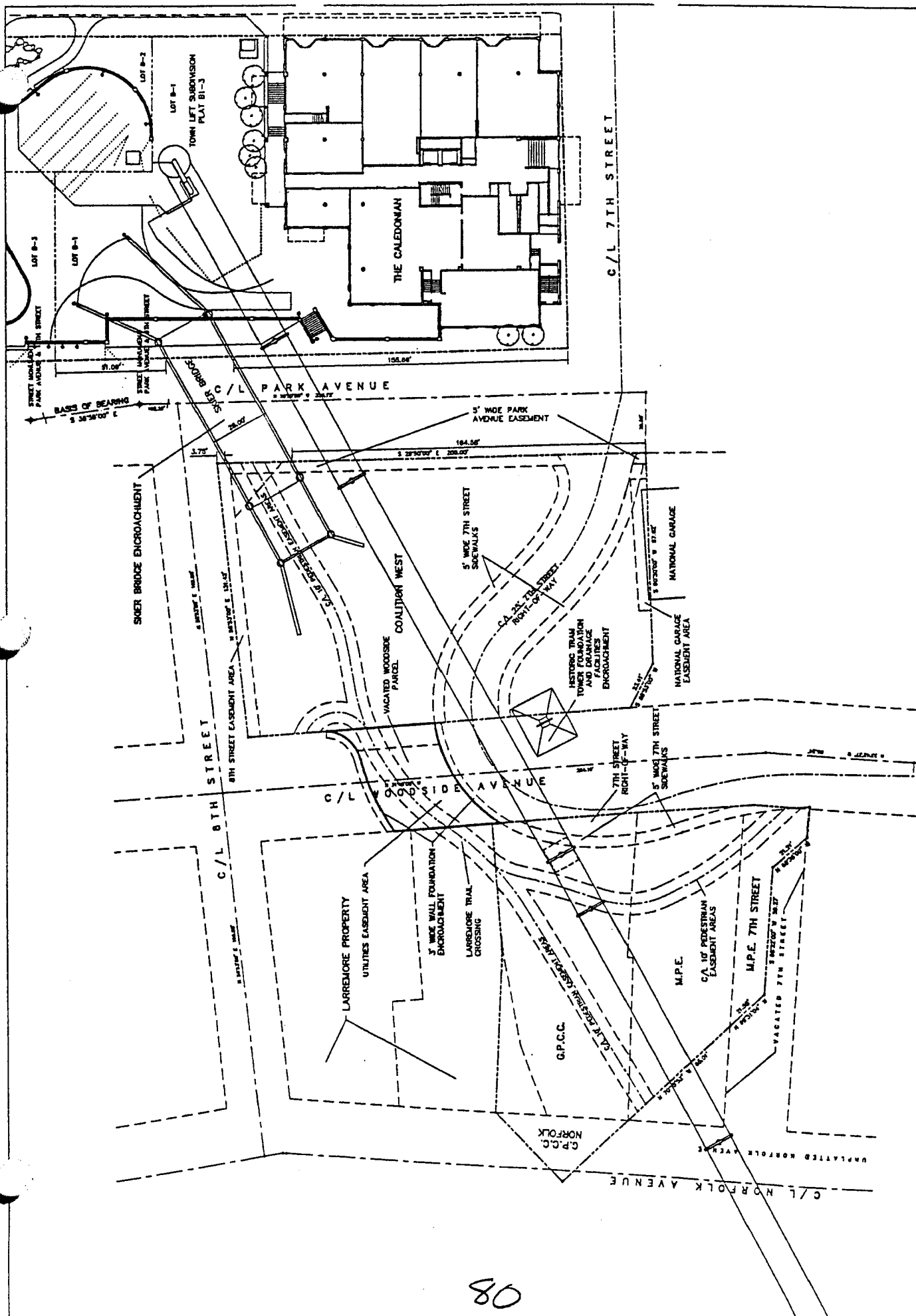
79

EXHIBIT 'C'

EASEMENTS, VACATED WOODSIDE PARCEL, AND ENCROACHMENTS



0 30 60 FEET



When recorded return to:
PCMC
Attn: City Recorder
PO Box 1480
Park City UT 84060

ORDINANCE NO. 01-_____

**AN ORDINANCE VACATING A PORTION OF
WOODSIDE AVENUE AT THE TOWN RUN SOUTH OF EIGHTH STREET**

WHEREAS, the owners of the Park City Mountain Resort desire to construct a ski run across Woodside Avenue; and

WHEREAS, Park City's Planning Commission approved a Conditional Use Permit for the Town Run and the related bridge across Park Avenue and the closure of Woodside Avenue; and

WHEREAS, representatives of Park City have executed building permits and agreements furthering the objective of extending the Town ski run to Main Street; and

WHEREAS, winter and summer recreation are important to the economy and well-being of Park City; and

WHEREAS, it is in the best interest of Park City to facilitate the completion of the Town Run by closing and vacating a portion of Woodside Avenue; and

WHEREAS, Greater Park City Company has provided valuable consideration in the form of utility improvements, road replacement dedication and construction at 7th Street, engineering documents, financial guarantees and easements.

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

SECTION 1. **VACATION.** The City Council hereby determines that there is good cause for the vacation and the vacation will not be detrimental to the public interest. The portion of Woodside Avenue described in Exhibit A, attached hereto and hereby made a part hereof, is hereby declared vacated, reserving to Park City a non-exclusive public access and utility easement across the entirety of the vacated portion of Woodside Avenue.

SECTION 2. **ACCESS/EASEMENTS.** Park City shall have access to the vacated portion of Woodside in a manner that has been agreed upon between Park City and Greater Park City Company as reflected in that Easement Agreement dated _____ and recorded at _____.

SECTION 3. **TITLE.** Upon recordation of this Ordinance the property described in Exhibit A shall be vested in fee in the name of Greater Park City Company or its successors

3. Ordinance amending Title 4, Chapters 4, 5 and 6 of the Municipal Code of Park City regulating beer and liquor licensing; clarifying the standards and procedures for license approvals and amending terminology for consistency with State Code
4. Ordinance amending Title 4, Chapter 1 and 8 of the Municipal Code of Park City regulating special events and master festivals, clarifying the definitions and the standards and procedures for license approvals and revocation
5. Ordinance vacating a portion of Woodside Avenue, Park City, Utah to accommodate the Town Run and 7th Street construction

VII CONSENT AGENDA

1. Master Festival License for Novell Utah Showdown to be held at the Park Meadows Country Club to be held August 13 - 19, 2001
2. Master Festival License for the X-Adventure Race on August 19, 2001 - Salomon
3. Ordinance amending Title 4, Chapters 4, 5 and 6 of the Municipal Code of Park City regulating beer and liquor licensing; clarifying the standards and procedures for license approvals and amending terminology for consistency with State Code
4. Ordinance amending Title 4, Chapter 1 and 8 of the Municipal Code of Park City regulating special events and master festivals, clarifying the definitions and the standards and procedures for license approvals and revocation
5. Ordinance vacating a portion of Woodside Avenue, Park City, Utah to accommodate the Town Run and 7th Street construction

VIII PUBLIC HEARING

Appeal of selection committee recommendation to lease the Main Street Kiosk, 514 Main Street, to ABC Reservations - Westgate

IX NEW BUSINESS

1. Lease of Main Street Kiosk, 514 Main Street, Park City, Utah
2. Professional services agreement in the amount of \$148,000 with Remote Control Systems for water telemetry services in a form approved by the City Attorney
3. Lease of Miners Hospital to Salomon/Addidas for the 2002 Winter Games

X ADJOURNMENT

and assigns. Greater Park City Company shall reflect the vacation in a replat of the area subject to the approval of Park City.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 19th OF JULY, 2001.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

ATTEST:

Janet M. Scott, City Recorder

Approved as to Form:

Mark D. Harrington, City Attorney



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

EXHIBIT A

VACATED WOODSIDE AVE.

LEGAL DESCRIPTION

Beginning at a point on the West line Lot 2 Block 1, Snyder's Addition to Park City, said point being North $28^{\circ}46'30''$ West 403.13 feet and South $61^{\circ}13'30''$ West 153.39 feet from a Park City Monument located at the intersection of Park Avenue and Heber Avenue; thence along the West line of said Lot 2 Block 1, South $31^{\circ}44'30''$ East 36.40 feet to a point on a non-tangent curve to the left having a radius of 67.50 feet of which the radius bears South $35^{\circ}55'29''$ East; thence along the arc of said curve 57.31 feet through a central angle $48^{\circ}38'54''$ to a point on the East line of Block 12, Snyder's Addition to Park City; thence along the East line of said Block 12, North $31^{\circ}44'30''$ West 48.03 feet to a point on a non-tangent curve to the right having a radius of 103.83 feet of which the radius bears South $62^{\circ}56'29''$ East; thence along the arc of said curve 51.61 feet through a central angle $28^{\circ}28'54''$ to the point of beginning.

The basis of bearing for this description is the monument located at the intersection of Park Avenue and 9th Street and the monument located at the intersection of Park Avenue and 11th Street, South $35^{\circ}55'30''$ East. 860.00 feet.

Description contains 0.04 acres, more or less.



84



DATE: July 16, 2001
DEPARTMENT: Public Works
AUTHOR: Kathy Gammell
TITLE: Water System Telemetry Conversion
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Authorize staff to enter into a professional services agreement in a form approved by the City Attorney in the amount of \$148,000 with Remote Control Systems to complete the conversion of Park City's water system's telemetry.

DESCRIPTION:

A. Topic. Complete the conversion of the Park City's water system telemetry from telephone-based to radio based telemetry at 25 remaining reservoirs, pump stations, and wells.

B. Background. The complexity of Park City's water distribution system is unique considering the number of sources, reservoirs, valves, linear feet of pipe, elevations and pressure zones through which water travels to provide service to Park City residents. The system must be continually monitored and adjusted in order to assure that all sites (pump stations, wells, reservoirs) are working in harmony. The Water Department manages this complexity with the help of telemetry to remotely monitor and control these sites. This provides highest quality of service for Park City residents with lowest costs.

The initial telephone line based telemetry system, installed in 1976 by Remote Control Systems, has proven valuable. However, the technology is old and Park City's complex distribution system has outgrown the technology. Additionally, there are inherent problems:

- The telephone line based telemetry is antiquated. Replacement modules are no longer available, and existing modules cannot be repaired. The only replacement modules available to the Water Department are those that have been removed from sites that have been converted to radio telemetry.
- Lost signal is experienced sometimes for hours due to power outages or lost telephone service.

- The DOS based software is cumbersome and requires more training and time to interpret data. It does not provide capability for generating reports directly from stored data.
- There are costs associated with leasing telephone lines.

Radio based technology will eliminate problems encountered with telephone based communication. In 1999 Remote Control Systems initiated conversion of the water system telemetry to the new radio based communication. The initial phase included a base computer station located at the Spiro Water Treatment Plant to which data from radio telemetry sites is transmitted, and four (4) radio telemetry upgraded sites. In 2000 Remote Control Systems upgraded six (6) additional sites with radio telemetry. These sites included new sites added to the system (pressure relief valves) and conversion of other existing sites. No work has been performed since April 2000.

The current telemetry includes 10 radio telemetry sites (Fairway Hills pump station, Fairway Hill tank, Solamere pump station, Solamere tank, Empire outlet flow, Empire tank, Masonic tank, Park Meadows/Divide wells, Lowell Avenue PRV, Park Avenue PRV), and twenty-five (25) telephone line telemetry sites.

Advantages provided by radio telemetry:

- Radio based, battery-backup powered to eliminate blackouts due to power outages and disruption of telephone service.
- Allows operators to assess and react more quickly to alarms (ability to instantly see the operation of the system with graphic images that simulate pumps in on or off position, valves in open or closed position, and reservoir and well levels).
- Software flexibility for improving telemetry capability as needs arise.
- Allows operators to access historical data and create reports using data from any single site at any time.
- Capability to control sites via cell phone in the future if we choose to add this technology.

Remote Control Systems has installed all of our existing telemetry and can seamlessly complete this project at competitive pricing. Staff believes that Remote Control Systems is uniquely qualified to complete the work. If approved as recommended by staff, the project will begin as quickly as possible to ensure completion prior to snow accumulation that will make access to some sites impassable.

C. Analysis. Elimination of the recurring telephone line leasing costs of \$18,200 per year alone will allow the new system to pay for itself in about 8 years, and increase quality and efficiency of operation. Remote Control Systems has been working with Park City's telemetry system since the initial installation of the telephone based system in 1976, and also in to the initial phases of the radio telemetry conversion. Remote Control Systems is very familiar with the history of the distribution system's telemetry. Their extensive knowledge of our system and all its sites will

allow a more efficient, quicker conversion to the new system.

The telemetry conversion is funded in the 2001-02 budget under line item 51-45048.

D. Department Review. This report has been reviewed by Public Works, Legal, City Manager and Technical Services.

ALTERNATIVES:

A. Authorize staff to enter into a professional services agreement in a form approved by the City Attorney with Remote Control Systems to complete the conversion of the existing telephone based telemetry to radio based conversion in the amount of \$148,000. This is the staff recommended alternative.

B. Solicit proposals from other suppliers of radio telemetry equipment

C. Delay further action until after the Olympics

D. Delay further action indefinitely.

SIGNIFICANT IMPACTS:

Assessment of alternatives:

- A. Remote Control Systems has the technical capability and direct experience in telemetry design and installation for water distribution systems. Based on their history with Park City's water system, they will be able to seamlessly address and anticipate the needs of Park City's water distribution system. They are located in Salt Lake City, which is invaluable when urgent resolution to telemetry problems arise. Response time to resolve urgent telemetry problems is a matter of hours, and at no travel cost to the City. This approach to customer service provides confidence that problems will be resolved quickly and cost effectively.
- B. Bidding may require starting from scratch (different vendors have different systems) with software, hardware, and vendor familiarity with Park City's system. The project will not be completed before the Olympics.
- C. There is potential for telephone service interruption during the Olympics due to increased telephone service demand. This would leave our water system vulnerable to telemetry blackouts.
- D. The Water Department's telemetry system will slowly become non-functional as modules fail because replacement modules for the existing telephone based system are no longer available.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Alternatives B, C, and D would delay conversion and put our monitoring capability at risk because of the unavailability of replacement modules for remaining telephone based sites.

Alternatives B and C would add the additional risk of telemetry blackouts during the Olympics.

RECOMMENDATION:

Authorize staff to enter into a professional services agreement in a form approved by the City Attorney in the amount of \$148,000 to Remote Control Systems to complete the conversion of Park City's water system telemetry from telephone based communication to radio based communication.



DATE: July 13, 2001
DEPARTMENT: Olympics Services
AUTHOR: Frank Bell
TITLE: Lease Approval for Olympic Use of Miners Hospital Community Center, the Gazebo, and portions of City Park to Salomon, North America.
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Approve a lease of Miners Hospital Community Center, the Gazebo (Bandstand), and adjacent portions of City Park and the circular drive to Salomon, North America during the 2002 Winter Olympics.

DESCRIPTION

A. Topic:

Lease agreement between Salomon, North America and the City for Olympic uses of the Miners Hospital Community Center, the Gazebo and adjacent areas of City Park including the circle drive beginning on January 28, 2002 and ending of March 3, 2002.

B. Background:

In February, 2001, SLOC advised the City that they would not be contracting for use of the Miners building and the north end of City Park for a proposed Sponsor Village as originally intended. Since then, staff has worked to lease the building to raise revenue to help offset municipal Olympic expenses.

Staff has been working with Salomon, NA for some time in consideration of their participation in the 2002 Olympics. The space would be used by the Salomon company to host athletes, clients, media, invited guests, and the public for a period of about 35 days. The site that best meets their needs is the Miners Hospital Community Center, the exterior plaza, the south portion of the circle drive, the Gazebo, and the park lands in between. Also included is the parking at the south side of the north lot in the circle drive.

The agreed upon price is \$225,000 for the period January 28, 2002 to March 3, 2002 (similar time frames as our other Olympic leases), payable in two installments, the first \$100,000 due upon execution of the agreement, and the second (\$125,000) prior to occupancy on or before January 28, 2002. There is also a \$10,000 damage deposit due prior to occupancy, and a \$50,000

Landscaping Guarantee to restore any damaged lawn or landscaped area.

C. Analysis:

This lease is quite similar to others, both approved and contemplated, for use of public property during the Games. This agreement with Salomon contemplates a much more public and interactive use of the property than the uses proposed by SLOC. The "Miners" space will be used as a base for Salomon hospitality and merchandising displays for private functions and a limited number of public guests. The south portion of the circle drive will accommodate a tent approx. 60 ft x 30 ft. for scheduled public events and activities, the area will also be used to park an "18 wheeler" containing a large screen TV for general public enjoyment in the park, and a full service kitchen to support Salomon's hospitality functions. The use for the Gazebo has not yet been solidified, but the plan is to enclose it in plexiglass and use it as a ski maintenance demonstration area. These uses should mesh nicely with other public uses expected in the south end of City Park.

As with the SLOC lease, use of Miners will displace the Parks Department administrative offices and Sean Flood. The events office (Alison Butz) will remain in Miners and staff will be asked to act as site managers for this and other City Park projects. Other community uses will also be pre-empted, but that was also true with the SLOC lease.

Adidas, parent company of Solomon, is an OPUS sponsor of the Olympic Summer Games. There is no ski equipment sponsor of the Olympic Winter Games. Nick Sargent of Salomon, NA will be present during the Council meeting of July 19th.

D. Department Review:

The Olympic Services Department, City Manager, and Legal Department reviewed this report. The Parks Department is aware of the new tenant.

ALTERNATIVES

- A. Approve the Lease:** The Council may approve the lease as written.
- B. Not Approve the Lease:** The Council may decide against the lease.
- C. Modify the Terms and Conditions:** The Council could decide to re-negotiate terms and conditions as necessary.
- D. Do Nothing:** The applicant requests an answer as soon as possible.

SIGNIFICANT IMPACTS:

The agreed upon price of \$225,000 in conjunction with other leases expected in City Park should keep the City on pace to fully replace the revenue SLOC would have paid for the Sponsor Village

and help us meet or exceed the target for lease revenue in the Olympic Budget. Staff believes the negative impacts to be relatively insignificant. We have long anticipated that the Miners property would serve some Olympic purpose. This agreement with Salomon seems to be a good way to generate revenue for the City without adversely affecting public services and local programs.

Salomon brings things to the park that help create energy and Olympic activities. While not an actual sponsor of the Games, ski equipment companies play a large role in winter sports and resort marketing. The big screen is the fourth screen on which the public will be able to view the Games. The other three are on Main Street, and staff believes that the presence of Salomon in the park helps link Main Street to the park. Council will soon see other agreements for activities in City Park.

Staff and Salomon recognize that great care will need to be taken to insure the neighborhood is not adversely affected. All outdoor activities will cease by 11:00PM, if not before. Salomon has assured us that they will strive to create positive relationships with residents in the immediate vicinity, and residents will be able to enjoy Olympic activities in their own neighborhood.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Salomon will not lease the space in question.

RECOMMENDATION:

Staff recommends that the Council authorize a lease of Miners Hospital Community Center, the Gazebo (Bandstand), and adjacent portions of City Park and the circular drive to Salomon, North America during the 2002 Winter Olympics in a form approved by the City Attorney.



DATE: July 12, 2001
DEPARTMENT: OCMB- Special Events and Facilities
AUTHOR: Tom Bakaly/Megan Ryan
TITLE: 514 Main Street Kiosk
TYPE OF ITEM: Administrative - Lease Authorization

SUMMARY RECOMMENDATIONS:

Staff requests that City Council:

1. Review the selection committee lease recommendation for 514 Main Street;
 2. Conduct a hearing on appeal of decision by one respondent;
 3. Deny the appeal; and
 4. Grant a new lease in a form approved by the City Attorney's Office for the Main Street Kiosk with ABC Reservations Central, Donna Van Buren, Owner, for a term of three years, with an exclusion for Olympic rentals.
-

A. Background:

Donna Van Buren representing ABC Reservations Central has leased the 514 Main Street Kiosk for the last 9 years. With the latest lease and option to renew to expire (August 1, 2001), staff published a Request for Proposals to consider bids by prospective tenants of the Main Street Kiosk (RFP attached). The Main Street Kiosk, located at 514 Main Street, is currently used as a ticketing, reservation and information referral center, occupied by ABC Reservations Central. Owner Donna Van Buren is currently paying \$220 per month. The 133 sq.ft. space is considered surplus municipal space. The space will likely be rented during the Olympics and the draft lease reflects this temporary use.

B. Analysis:

Staff received only two proposals for the Kiosk at 514 Main Street. The proposals are available for review if desired. Westgate Resorts represents Real Estate opportunities at the Canyons and proposes to operate a concierge service. ABC Reservations provides ticketing, reservations and local event information to the community. ABC has also asked for the opportunity to utilize a portion of the space for concession items such as drinks, and small food items. The RFP was posted three times in the Park Record, e-mailed to the Chamber of Commerce membership, and distributed to a list of interested parties and the Main Street Business Association.

Review of Proposals

A staff committee (Megan Ryan, Tom Bakaly and Kent Cashel) reviewed the proposals and ranked the proposals based on the five equally weighted criteria in the RFP, in accordance with City policies and State regulations.

1. The potential of the proposed use to broadly promote local tourism, community activities and/or enhance commerce on Main Street.
2. Willingness to incorporate assistance with the City's paid parking program.
3. Willingness to staff the kiosk during regular business hours year-round.
4. The potential for public vs. private benefit, i.e., service vs. strictly retail.
5. The proposed rental price.

Summary of Staff's average rankings for each Criteria (range 1-10 with 10 being highest)

Criteria	ABC	Westgate
1	9	5
2	8.33	8.33
3	7.33	8.33
4	8.67	3.67
5	7.33	9
TOTAL	40.66	34.33

The two proposals speak to different business activities. Both are tourism based, reservation and ticketing businesses promoting local activities but the Westgate proposal also represents specific real estate interests outside the City. Both proposals generally met the criteria listed in the RFP. Westgate proposed a higher rent than ABC (\$500 vs. \$220) but the selection committee felt that due to the fact that ABC may generate some sales tax and that they are providing a stronger community benefit that the difference in rent was acceptable. The space is very small and the City has had a difficult time finding internal uses for the Kiosk. The proposed rental rates reflect the size and utility of the Kiosk, as well as consideration of the City's benefit from the parking information and the staffing that each business would provide.

A discernible difference between the two proposals exists where ABC Reservations Central has promoted a strong nonprofit support arrangement with "at-cost" or "below-cost" services provided for arts and cultural promotions, as well as a current arrangement with the Historic Main Street Business Alliance to promote commerce on Main Street. ABC has offered to match other rent offers as long as it does not jeopardize reduced cost of service for nonprofit organizations. The selection committee agreed that ABC's proposal was significantly stronger in meeting criteria #1, The potential of the proposed use to broadly promote local tourism, community activities and/or enhance commerce on Main Street." A ranking based on the review criteria of the two proposals occurred, and the staff recommendations unanimously supported the award of the lease to ABC Reservations.

Appeal

Westgate Resorts has decided to appeal the decision by staff. The appeal process is outlined in the City's Policies and Objectives section of the Budget which states:

Appeals Procedure:

Any supplier, vendor or contractor who determines that a decision has been made adversely to him, by the City, in violation of these regulations (Bidding Provisions), may

appeal to the City Council.

The complainant contractor shall promptly file a written appeal letter, with the Manager, within five working days from the time the alleged incident occurred. The letter of appeal shall state all relevant facts of the matter and remedy sought.

Upon receipt of the notice of appeal, the Manager shall forward, to the City Council, the appeal notice, his investigation of the matter and any other relevant information.

The City Council shall conduct a hearing on the matter and provide the complainant an opportunity to be heard. A written decision shall be sent to the complainant.

Westgate's appeal letter is attached to this report. Based on the analysis above, the Staff recommends that the Council hold a hearing on the appeal, deny the appeal and approve a three year lease with ABC Reservations.

C. Department Review:

Capital Management and Budget, Parking Services, Legal, Olympic Services.

ALTERNATIVES:

A. Approve the Request:

Deny the appeal by Westgate and authorize the Mayor to execute a lease with ABC Reservations Central for three years, with an exclusion for the Olympics, for the Main Street Kiosk at an annual rate of \$2,640.00, with a 10% increase each year.

B. Modify the Request:

Uphold the appeal by Westgate and authorize the Mayor to execute a lease with Westgate for three years, with an exclusion, for the Main Street Kiosk at an annual rate of \$6,000. Exercising the option to renew would be contingent upon the lessee providing the service to the City as outlined in the proposal. Note: Both businesses met the RFP criteria and are otherwise equally suited to lease the Kiosk.

C. Deny the Request:

In the RFP, the City reserved the right to reject all proposals. Council could reject the proposals and send the RFP out for proposals again with revised review criteria. The Council could also allow the space to be vacant or use it for city business.

D. Continue the Item:

Council members could continue the item if they wish to review the proposal packages themselves or consider alternative uses for the Kiosk. ABC's lease expires on August 1, 2001 and the Council does not meet again until August 9, 2001. Continuation of the item would require either a month-to month extension of the ABC's lease or allowing the lease to expire.

SIGNIFICANT IMPACTS:

Leasing the Kiosk based on the RFP criteria represents an opportunity to generate some revenue for surplus space. Additionally, the lease is based on the requirement to distribute and display information pertinent to the City's Paid Parking Program. Parking tokens may be sold from the Kiosk and a ticket deposit area may be provided.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The Council will need to provide staff with direction if the recommended action is not taken.

RECOMMENDATION:

Staff recommends that the Main Street Kiosk be leased to ABC Reservations Central at an annual rate of \$2,640. Staff bases the recommendation on ABC Reservations' perceived public service vs. strictly real estate arrangements. Staff is aware that ABC Reservations has arranged to work with various Nonprofits and Main Street organizations to promote local activities at a reduced rate.

Exhibits

- A. RFP for 514 Main St.
- B. Westgate Appeal
- C. Support letters for ABC Reservations

EXHIBIT A



Park City Municipal Corporation
Request for Proposals -514 Main Street Kiosk

Park City Municipal Corporation is seeking a tenant to lease the Main Street Kiosk, located at 514 Main Street, Park City, Utah. The kiosk is approximately 133 square feet and was most recently leased by ABC Reservations as a ticketing, reservation, and information referral center at a rate of \$220 per month.

Terms:

Park City Municipal Corporation is offering a three-year lease, with the option of a one-year renewal, for this surplus municipal space, unless the City requires the use of the kiosk at the end of the original lease period. The terms of prior lease included the following terms in conjunction with the City's paid parking program:

- A. Tenant will coordinate the sale of Park City Paid Parking tokens with the City's Transit Department. The manner and method used to acquire an inventory of tokens, sell and account for the sale of tokens, is to be mutually agreed by Landlord and Tenant. Appropriate security measures and cash handling procedures are the responsibility of the Tenant. Landlord acknowledges that the manner and method to coordinate the sale of parking tokens by Tenant should be reviewed at regular intervals so as to refine procedure and mitigate impacts that might be unnecessarily burdensome to Tenant.
- B. Tenant will distribute Park City Transit and Park City Paid Parking information.
- C. Tenant will provide an area to deposit parking tickets.
- D. Tenant will display a sign approved by the City indicating that parking information is available within the kiosk.

The City is interested in maintaining this service and welcomes responses that incorporate these components into the bid. The City anticipates approving a lease for occupancy by August 15, 2001. The lease will exclude use for a three-month period from December 15, 2001 to March 15, 2002 for use by Olympic visitors.

Proposals:

Proposals should include:

- 1. Name, address and telephone number of your organization's contact person
- 2. Three business references
- 3. Description of the proposed use of the kiosk
- 4. Proposed rental rate (differential rates that reflect the three month exclusion in year one will be accepted)

5. Proposed incorporation of assistance with City=s paid parking program

Review Procedure:

Selection will be made by the City Council in July following a recommendation from a City staff selection committee, according to the following criteria:

1. The potential of the proposed use to broadly promote local tourism, community activities and/or enhance commerce on Main Street.
2. Willingness to incorporate assistance with the City=s paid parking program.
3. Willingness to staff the kiosk during regular business hours year-round.
4. The potential for public vs. private benefit, i.e., service vs. strictly retail.
5. The proposed rental price.

The City reserves the right to reject all proposals.

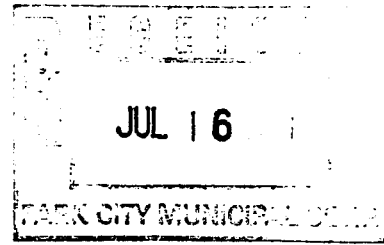
All interested firms and individuals should submit proposals (three page maximum + business references) by 5:00 p.m., June 29, 2001, to:

Megan Ryan, Special Events and Facilities
P.O. Box 1480, 1354 Park Avenue, Miners Hospital
Park City, UT, 84060.

For additional information call Megan at (435) 615-5155.



EXHIBIT B



July 16, 2001

City Council
Office of City Manager
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060-1480

Dear City Council:

Thank you for your time and consideration of our appeal for the 514 Main Street kiosk. Westgate Resorts feels it has not taken the proper measures to inform you of its size, experience, and our abilities. We would like to take this opportunity to provide you with information that you may find helpful in your decision process and show you why Westgate Resorts is the best candidate for this endeavor.

Over the past two decades, Westgate Resorts has become and continues to be the largest privately owned Timeshare Company in the world. Along with Park City, Utah, Westgate Resorts also owns five resorts in Orlando, Florida, along with one each in Miami Beach, Florida; Daytona Beach, Florida; Gatlingburg, Tennessee; and Las Vegas, Nevada. Westgate Resorts employees over 6,000 people in the hospitality industry. We have over 180,000 vacation owners. We have the largest hospitality guest services in the world that has made us experts in the tourism and travel industry.

Through our local marketing efforts, Westgate Resorts currently staffs and maintains over 100 tourist information centers. These tourist information centers provide local tourist with everything they need to know about the tourist destination they have chosen and to make their vacation more enjoyable. Our tourist information centers operate from 7:00 a.m. to 11:00 p.m. daily, 7 days per week, 365 days a year. In fact, our 300 plus guest service agents go through an extensive two week training process to ensure we are providing the best possible service. To increase efficiency and services of all our guest service locations, Westgate Resorts has purchased a state-of-the-art point of sales system. This system will allow the guest to purchase tickets from Walt Disney World Resort to white water rafting. Since the addition of the POS, Westgate Resorts has been the number one ticket seller in the world with over \$20 million annual dollars in sales.

Our plan for the Main Street kiosk is to promote local tourism, community activities, enhance Main Street and provide tokens for the parking program. In general, we want to make this location a must stop for all Park City visitors. Westgate Resorts will operate the tourist information center without prejudice, by selling tickets to all area ski resorts, restaurants, golf, snow mobiling, white water rafting, and any other area attraction or venue that asks to participate. To further enhance the guest service relationship, Westgate Resorts would like to renovate this location to make it more interactive for the guests. We could make it more interactive by making the front window area into a counter space with a window welcoming the guest walking by. All renovations will be at Westgate Resort's expense with the City's approval.

Westgate Resorts also has several other marketing programs we feel would be beneficial to the City. We would like to provide a discount card to be given out at the Main Street kiosk promoting



July 16, 2001

all area venues. Each venue would need to provide the discount they would like to offer. Not only can we market the area venues through the discount card, but also through all the other marketing pieces we produce for our Park City project. These pieces include such items as, 15,000 vacation packages a year, numerous direct mail pieces, brochures, and local magazine ads that Westgate Resorts purchases to promote Park City.

Our long-term marketing plans are to include a local magazine for the Utah area. Currently, we have two magazines, *I Love Orlando* and *I Love The Smokies*, with a distribution of 1.5 million per year. These magazines have allowed us to inform the tourist on the history of the area, upcoming events, attraction information, ski and golf information, and much more. We feel this is another marketing tool that will significantly enhance the traffic flow to the kiosk.

Westgate Resorts greatly appreciates your time and reconsideration to receive the lease agreement. We look forward to meeting to further discuss your needs for the Main Street kiosk.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby Horowitz", written over a large, stylized circular flourish.

Bobby Horowitz
Director of Marketing

cc: David A. Siegel, Pres. & CEO

Timothy Gissy, V.P. of Marketing



Prudential

Utah Real Estate

EXHIBIT C

Jonny Totten
CRS
Associate Broker

Prudential Utah Real Estate
2200 Park Avenue, Building B, Park City, UT 84060
Bus 435 647-8094 Mobile 435 640-6001
Toll Free 800 490-0771 Fax 435 649-5696
jtotten@pureutah.com www.deervalleyrealestate.net

June 28, 2001

Ms. Meg Ryan
Planning Department
Park City Municipal Corporation

Dear Meg:

It is my pleasure to write this letter on behalf of Donna VanBuren and ABC Reservations. As an active realtor in Park City, I continually get requests from visiting guests, prospective buyers, and then those of whom ultimately purchase a property regarding activities and cultural events offered in our community. They are anxious to join in the fun and to know what's going on. I have often had occasion to direct them specifically to ABC Reservations as a central booking entity.

In my professional, and personal, opinion, ABC provides a much needed service even to locals for "one stop shopping" for themselves and their guests as well.

As a matter of fact, I have recently assisted two meeting planners from probably the top 50 of the Fortune 500 corporations to ABC for advice in structuring activities for their groups during the Olympics.

ABC is professional, knowledgeable and does a great job. I hope to continue to refer to them because my people nearly always call to say thank you. I look forward to referring to ABC in the future.

Best regards,

Jonny Totten, CRS
Associate Broker

From: "Joanna Charnes" <joanna@parkcityarts.com>
To: <ryan@parkcity2002.com>
Date: Thursday, June 28, 2001 10:34:08 AM
Subject: ABC Reservations

PARK CITY ARTS COUNCIL
PO #4455

PARK CITY UTAH 84060

www.parkcityarts.com

435 647 9747

June 25, 2001

Meg Ryan

Park City Municipal Corporation

Special Events

PO #1480

Park City UT 84060

Dear Mr. Ryan:

I am writing to you on behalf of ABC Reservations Center. Their business owner, Ms. Donna Van Buren, has been an active board member of the

Park City Summit County Arts Council for five years.

Ms. Van Buren is also a board member of the Mary G. Steiner historic Egyptian Theatre. She is a sincere advocate of cultural activities in and around Main Street.

ABC Reservations Center has always been a hub for the Arts Council.

Ms. Van Buren encourages the Arts Council to bring cultural activity

information to distribute at ABC Reservations Center. In fact, the Arts Council had considered ABC Reservations as a locale for office space

and ticket distribution center.

When the Park City Film Series first began, ABC Reservations was a location in which to purchase tickets.

We value ABC Reservations Center, its location, and its ability to work with the cultural arts community to distribute information on events and cultural opportunities.

I hope ABC Reservation Center stays on Main Street. It is a positive contribution to our community.

Sincerely,

Joanna Charnes

Executive Director

CC: <dvanburen@rmci.net>

