



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 1, 1999**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, July 1, 1999.

AGENDA

Work Session - City Council Chambers - Lower Level

4:00 p.m.	Council questions and comments
4:15 p.m.	Olympic budget venue cities presentation
5:00 p.m.	Review of regular meeting
	Property purchase
	Skateboard park
	Other meeting questions/comments

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JUNE 3, 1999

V CONSENT AGENDA

1. Resolution adopting an Olympic Financial Plan for the 2002 Winter Games for Park City Municipal Corporation
2. Authorization to staff to proceed with a contract with Holden Bosworth Company for legislative consulting services
3. Authorization to staff to order skateboard park equipment for a temporary skateboard park

4. Resolution authorizing the Mayor of Park City to sign a Resolution adopting a Substance Abuse Policy

VI RESIGNATIONS AND APPOINTMENTS

Appointment of two Library Board members for terms expiring July 2002

VII NEW BUSINESS

Acquisition of Pechnik Property located at 154 Marsac Avenue in the amount of \$205,000

VIII ADJOURNMENT

PARK CITY COUNCIL MEETING SUMMIT COUNTY, UTAH JULY 8, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah **will not** hold its regularly scheduled meeting on Thursday, July 8, 1999.

Posted: 06/21/99
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 1, 1999**

Present: Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan; Shauna Kerr; Chuck Klingenstein; and Paul Sincock

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Tom Daley, Assistant City Attorney; Linda Cook, Project Manager; Frank Bell, Olympic Planning Director; Myles Rademan, Public Affairs Director; Tom Bakaly, Director of Capital Projects and Budget; and Pat Putt, Planning and Zoning Administrator

1. **Council questions and comments.** Chuck Klingenstein discussed the roundabouts and paid parking he encountered on his trip to Europe. There was discussion regarding the additional signage for Main Street because of the closure of Heber Avenue for a pedestrian park. Roger Harlan reported on a Parks and Recreation Board meeting where there was a presentation from experts on ice sheets. He complimented the City on its beautification efforts and referred to an article in *USA Today* on trails.

Tom Daley reported that on the negotiations with Summit Water and Summit County. He clarified that Summit County is looking at the new well as the primary source of culinary water, then the interconnect pipeline, and then Summit Water. However, there is an obstacle is the State Engineer's policy as Summit Water has no Silver Creek water rights.

Linda Cook, Project Manager, explained that the Fire District used the Park Avenue buildings for a dog drill last week and there will be more intensive training next week.

2. **Olympic budget venue cities presentation.** Frank Bell suggested that this is the year to approach the legislature for strategies to relieve some of the burdens from local governments. He explained that the following slide show is the last "dress rehearsal" before it is presented to legislative subcommittees, and welcomed suggestions. Myles Rademan explained that this was created on behalf of the venue communities, and this "hybrid" version contains more information on Park City's than will be shown to the legislators. Representative David Ure will view the presentation next week.

Myles Rademan emphasized the promise to the public that local costs would be covered and there would be no tax subsidies or public debt. There will be an effort to demonstrate that everyone benefits from the Games including America, Utah, and Salt Lake. Park City's budget is probably one of the most sophisticated budgets among the venue cities. Although numbers are somewhat preliminary, the conclusion is solid that there are insufficient revenues being allocated through taxes to cover the real cost of hosting the Games. The legislature may counter that the venue

cities asked for the Olympics, but we're all in this together, and some people will be gaining a windfall.

Mr. Rademan pointed out the difficulties in standardizing information and accounting procedures among counties and cities. There will have to be considerably more work done with the venue cities. There are uncertainties about the kinds of services required in the community and who will pay for those. The Olympic budget is operationally based and is not based on capital facilities; most of the work of the City is "outside the fence". He continued that the City has committed to maximizing the use of personnel and other assets, maintain central and existing services and extraordinary costs will be minimized as much as possible. The City will provide local public services at a comparable level that it would to other large winter events. There is a modest contingency for unusual costs, but if there is a disaster or inclement weather, other agencies will be called upon. Mr. Rademan pointed out there are legacy benefits for the state and the community, including enhanced communications, team-building and training, roads and transit. The City does not advocate revenue sharing between local governments to make up lost revenue.

The Public Affairs Director emphasized that the projected tax revenues go to the state, cities, counties, school district, special service districts, and others. Of the gross tax revenues collected, 62% is allocated to the state; local outside of the Olympic entities 22%; venue counties 11%; and venue cities 5%. He displayed another slide, without the state's portion, indicating that venue cities would receive 12%; venue counties and all other local governments and special districts 61%. With regard to local revenues, 27% is allocated to school districts, 13% to special districts, 27% venue counties, 18% cities, 12% venue cities, and 3% all other counties. Mr. Rademan reiterated that Park City would receive 5% of gross related revenues and 12.4% of the local share of Olympic related revenues. Broken down by venue city, Park City receives less than 1% or \$700,000 in estimated tax revenues, and Summit County will only receive 1.3%.

Myles Rademan pointed out that it is somewhat easy to estimate expenses; the revenue projections are much more difficult. There is concern about the property tax revenue which accounts for 43% of all Olympic related local government revenue and 24% from sales tax. Six of the ten sales taxes are restricted to specific funds and are encumbered by law. He emphasized that there is a dramatic mismatch between the financial impacts and the revenue projections for venue cities, and while there might be sufficient Olympic tax revenue generated state-wide to cover costs, it is not being allocated to impacted entities. Park City has been diligent in quantifying our needs in discussions with the state. There was discussion about the other venue cities estimating their costs. Mr. Rademan added that the state should recognize that the total Olympic impacts are not restricted to "inside the fence" activities, and these costs are difficult to negotiate. There are three levels of service, ranging from required to enhanced activities which are broken down in the City's budget. He described Salt Lake City's Olympic budget at \$22.5 million and its \$13.5 million gap. Park City's Olympic budget is \$11.5 million; with over \$4 million funded with identified resources, leaving a \$6.5 million revenue gap. He discussed the \$6.5 million and using every source of income,

still renders a shortfall of about \$1 million. If revenues are not provided to a certain level, priorities will have to be cut back. New potential revenue sources included to balance our budget include SLOC's payment for services, federal contributions to the operating budget, rental of community facilities, stadium ticket surcharge, mass gathering fee, local marketing revenues, and donations. There are potential reallocated state revenue sources, including the state paying the incremental public safety costs, a portion of the sales tax on Olympic tickets and merchandise, a portion of the \$57 million sales tax, and a portion of the \$10 million surplus on the 1/32 one cent tax. Currently, the sales tax is distributed on the point of sale not the point of use which should be discussed with the legislature. Increased liquor sales were pointed out.

Myles Rademan emphasized that one quarter of the costs among all of the venue communities are related to public safety. The state will have a \$31 million windfall even after expenses, including public safety costs. Additionally, there is about \$124 million in Olympic sales of tickets; \$19 million in merchandise for a total of \$143 million. The state's sales tax portion is about \$7.7 million. He repeated that equity needs to be achieved by balancing the revenues and impacts by defraying incremental costs in communities. The state established the Public Safety Command and precluded local jurisdictions from using other entities. It is Park City's opinion that funding public safety is a state and federal concern and that the state should establish an impact fund for venue communities. It would be a substantial relief if the state was responsible for public safety. Mr. Rademan indicated that the focus on Park City will be minimized when this is presented to the legislature.

Frank Bell explained that this will be shown on July 14 at the Sports Authority, in September for the legislative visit and a few oversight committees. Working with other venue communities in an effort toward consistent operational budgeting was discussed. Roger Harlan pointed out some grammatical corrections; Chuck Klingenstein suggested color copied hand-outs for the committees as there is a lot of information in the presentation. There was discussion of some graphics that Ms. Kerr felt were misleading. She also felt there should be more information on other counties and cities for the legislators. Mr. Rademan indicated that staff is making an effort but there are some concerns about outside data. Paul Sincock agreed that it is weighted too heavily on Park City numbers and the presentation should be more general. Frank Bell clarified that the housing at University of Utah and Wasatch State Park are state venues and not part of Salt Lake's budget. Paul Sincock suggested condensing the number of words on the slides, when possible, or cut down on the number of slides and provide more back-up information.

Myles Rademan indicated that venues need to have assurances on the revenues now so that they can plan for the Games. Mr. Sincock supported the special fund concept for venue cities and shortfalls that SLOC may incur. The Mayor pointed out that the intent of the presentation is educational rather than solving the many inequities. The City Manager explained that there is consensus that it doesn't make sense to have individual rebates to venue cities and it is recommended

to create an impact fund. The state's budget contains a \$23 million contingency, not including the \$31 million.

2. Review of regular meeting:

Skateboard park. Tom Bakaly explained that staff is requesting authorization to purchase the equipment for a temporary skateboard park, which could be operational by mid-August. The idea was presented to the Planning Commission last night and members appeared to be receptive. The public hearing on the CUP is scheduled on July 14 and if there is no approval, then the equipment would remain in storage until there is an approval. The equipment can be reused in a permanent facility. Patt Putt added that the Planning Commission was generally supportive but any final decision for a permanent solution would first have to be the result of a public hearing process. Shauna Kerr stated that she disliked approving a purchase prior to an approval process, and even though the skateboard park needs to happen, the City Council should play by the same rules as applicants. She is reluctant to spend taxpayers dollars before there is an official decision, and doesn't want to put any pressure on the Planning Commission. Hugh Daniels agreed and added that he doesn't want to have the equipment stored and pointed out that school starts August 23. Chuck Klingenstein felt that the Council is playing by the same rules as the City issues foundation permits prior to approvals. The Parks and Recreation Board has been struggling with this for a long time, and it can be used through the fall. Tom Bakaly clarified that approval from the Planning Commission probably wouldn't occur until July 28. Paul Sincock understood there would have to be surfacing on a temporary site which could be \$20,000 to \$30,000 on top of the equipment, and he doesn't want this to be the permanent site. Roger Harlan felt that the only group that would change a decision would be adjacent neighbors, and he is willing to gamble that the public hearing will not be adversarial. In response to a question from Paul Sincock, Tom Bakaly explained that once the equipment is ordered, it is irreversible.

Dana Williams described his discussions with a designer in Los Angeles and acknowledged that the order could not be canceled. He agreed that the resurfacing cost is high for a temporary site and understood Council's concerns. Tom Bakaly explained that with the demolition of the buildings, there will be damage that will need to be repaired and \$30,000 is a conservative estimate. Paul Sincock reiterated that as a percentage of the cost of the facility, resurfacing is high but is willing to support the purchase if that number can be reduced and the equipment can be reused. The Mayor suggested pulling this item off of the Consent Agenda and voting on it individually.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 1, 1999**

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 1, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Staff present were Toby Ross, City Manager; Lloyd Evans, Chief of Police; and Rick Lewis, Community Development Director.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter not scheduled on the agenda.

Amplified music - Park Avenue - Ron Whaley, resident, understood that the City is entertaining more music in the lower Main Street plaza area and feels the noise is already intrusive. He discussed disruptive commercial activities, music at all hours of the night, and his experiences calling the police. Melanie Rief, discussed an incident of loud music at Dynamite Dom's. She understands that there are mixed uses in the neighborhood but asked for Council's consideration of the residents who would like to enjoy their property. There was discussion about the canyon-effect with noise in Old Town and Ms. Rief reiterated that the music is intruding into their homes and interrupting their activities. It is unreasonably loud, and the ordinance is probably written clearly enough for reasonable interpretation. A reasonable level would be fine. Paul Sincock asked if programming the plaza during the daytime is going to be a problem. Mr. Whaley expressed that it was a problem last year as the music was not contained and discussed mechanical noise emitted in the area. The Mayor requested that the Building Department staff talk with businesses on Park Avenue about being considerate of residents in the area.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Shauna Kerr reported that she will be attending a Critical Lands Subcommittee meeting tomorrow which is working on criteria by which cities and counties can apply for funds to save critical lands. She identified a portion of the Rail-Trail and invited other suggestions. Chuck Klingenstein thanked everyone involved with the Flagstaff annexation and acknowledged the staff team-work approach on the budget.

Chief Lloyd Evans explained a new pilot City Host Program initiated by the Police Department, the Parks Department and the Outreach Program to mitigate concerns expressed in City Park. There will be identified volunteers in the park who can communicate with dispatch. They will

be greeting, meeting, providing information, and monitoring the park itself. This will be done on a peak-demand basis. He read the mission statement, "Through the use of volunteers and City staff, a community partnership will be created to establish a visible and helpful presence in City Park to assist our citizens and guests by providing information and direction concerning park policy, park use, and park rules and by notifying the appropriate resource in resolving problems and concerns". Chief Evans noted that some of the volunteers are bilingual and there will be additional signs with phone numbers and child-friendly zones in the park. Communication tools were discussed.

Rick Lewis reminded the Council that the closing of Heber Avenue will occur on July 6th and the street will be street-cleaned and painted by artists. Planters will be installed as soon as possible and on Saturday, July 10th, a grand opening will occur. Mr. Lewis discussed the signage plan.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JUNE 3, 1999

Hearing no omissions or corrections, the Mayor requested a motion to approve. Paul Sincock, "I so move". Shauna Kerr seconded. Motion unanimously carried.

V CONSENT AGENDA

The Mayor requested a motion to remove Item 3 and place it under New Business. Chuck Klingenstein, "I so move". Shauna Kerr seconded. Motion carried unanimously. The Mayor requested a motion to approve the balance of the Consent Agenda. Shauna Kerr, "I so move". Paul Sincock seconded. Motion unanimously carried.

1. Resolution adopting an Olympic Financial Plan for the 2002 Winter Games for Park City Municipal Corporation - See staff report.

2. Authorization to staff to proceed with a contract with Holden Bosworth Company for legislative consulting services - See staff report.

3. Authorization to staff to order skateboard park equipment for a temporary skateboard park - See staff report and work session discussion.

4. Resolution authorizing the Mayor of Park City to sign a Resolution adopting a Substance Abuse Policy - See staff report.

VI RESIGNATIONS AND APPOINTMENTS

Appointment of two Library Board members for terms expiring July 2002 - Roger Harlan, "I move the reappointment of Carolyn Meyer and Barbara Fontaine". Chuck Klingenstein seconded. Motion carried unanimously.

VII NEW BUSINESS

1. Acquisition of Pechnik Property located at 154 Marsac Avenue in the amount of \$205,000 - The Mayor requested a motion to approve the purchase; see staff report. Shauna Kerr, "I so move". Roger Harlan seconded. Motion unanimously carried.

2. Authorization to staff to order skateboard park equipment for a temporary skateboard park - The Mayor referred to the discussion in work session and asked for a motion to approve. Roger Harlan, "I so move". Chuck Klingenstein seconded. Paul Sincock asked Mr. Harlan if he would consider reducing the amount from not to exceed \$80,000 to \$70,000 for the site work portion of the project total. Roger Harlan indicated that he would. Hugh Daniels stated that he will not support the motion. He is in favor of a skateboard park for the kids, but is unwilling to spend the money before the process occurs. Shauna Kerr added that she shares this concern and felt that the City Council should treat itself as other applicants are treated. There may be neighbors that have concerns about this project and she would like to see the proposal go through the process and the Planning Commission to not be influenced by Council's expenditure of the funds. Chuck Klingenstein believes that similar procedures have been afforded the private sector and felt that if the CUP is not granted, the equipment will be stored. He stated that this will go through the process and will support the Planning Commission's decision. Ms. Kerr continued that she is concerned that equipment designed for the temporary site may not be the right fit for the permanent site. Roger Harlan explained that there is a stock product available and any apparatus purchased would be useable at the permanent facility. Chuck Klingenstein felt that there will always be comments from neighbors, and discussed the opposition of the Park City Mountain Resort facility last year, but it was found that the noise was not intrusive. The Mayor agreed with Mr. Klingenstein that perhaps a foundation permit was granted before final approvals (see work session notes), but emphasized that the Council, to his knowledge, has never circumvented a CUP process. Paul Sincock understood that the City is authorizing the expenditure of money that will be used for the skateboard park, and is willing to store it until next year if a CUP is not approved this year. Motion carried.

Hugh Daniels	Nay
Roger Harlan	Aye
Shauna Kerr	Nay
Chuck Klingenstein	Aye
Paul Sincock	Aye

VIII ADJOURNMENT

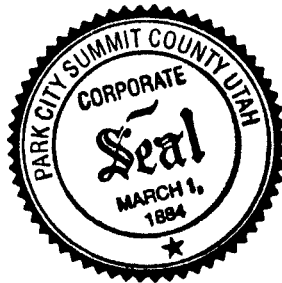
With no further business, the regular meeting of the City Council was adjourned.

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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





Resolution No. __-99

**A RESOLUTION ADOPTING AN OLYMPIC FINANCIAL PLAN FOR FY 2000-2002
FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES.**

WHEREAS, Utah State law requires that city budgets be adopted by resolution and Park City adopted an adjusted budget for FY 1998-1999 and a budget for FY 1999-00 by Resolution 15-99; and

WHEREAS, Park City developed an Olympic Master Plan to identify City goals, strategies and guiding principles to prepare to host the 2002 Winter Olympic Games as a venue city; and

WHEREAS, Park City wishes to augment its legally binding, bi-annual budgets, and the Olympic Master Plan, with a Financial Plan for the 2002 Winter Olympic Games; and

WHEREAS, the Financial Plan is not a mandatory budget, but intended to reasonably forecast the City's expenditures and revenues to enable City leaders, employees and citizens to plan to host the Games in a fiscally responsible manner and commensurate with a first class, resort community; and

WHEREAS, the Financial Plan contains policies delineating procedures for the review and amendment of the Financial Plan; and

WHEREAS, the Financial Plan was deliberated by the City Council at regularly scheduled public meetings on June 16, 1999 and June 24, 1999; and

WHEREAS, the Financial Plan was prepared with the assistance of all City departments, an Olympic Budget Staff Committee, models provided by the State of Utah Governor's Office of Planning and Budget, Salt Lake City Municipal Corporation, and other venue communities;

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

SECTION 1. FINANCIAL PLAN FOR FY 2000-2002 ADOPTED. The Financial Plan as presented on June 16, 1999 is hereby adopted as the Olympic Financial Plan for FY 2000-2002 for Park City Municipal Corporation and its related agencies.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect July 1, 1999.

PASSED AND ADOPTED this 1st day of July, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

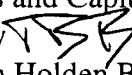
Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, Deputy City Attorney



DATE: July 1, 1999
DEPARTMENT: Olympics & Special Events and Capital Management & Budget
AUTHOR: Frank Bell and Tom Bakaly 
TITLE: Consulting Agreement with Holden Bosworth Company
TYPE OF ITEM: Administrative - Consulting Services Agreement

SUMMARY RECOMMENDATIONS: The City Council should:

- 1) Authorize the City Manager to pay the Holden Bosworth Company a not-to-exceed amount of \$28,263.01 for FY 1998-99.
 - 2) Authorize the City Manager to enter into a service provider contract in a form approved by the City Attorney's Office with the Holden Bosworth Company for a not-to-exceed amount of \$47,000 (\$42,000 retainer and \$5,000 for expenses) for FY 1999-00.
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DESCRIPTION:

A. Topic: Consulting services relating to federal funding requests.

B. Background: The Transportation Equity Act for the 21st Century (TEA-21) was passed by Congress in the summer of 1998. This is the omnibus funding bill for highways and transit systems for the next six years. In addition to a number of area road projects, and funding for our bus system and transit projects, the Bill contains a 640 million dollar discretionary funding authorization for Olympic related transportation projects.

Given the complexities of the federal funding processes, the necessity for federal funding in support of successful regional and Olympic transportation systems, the urgency of some local projects with respect to the Olympic time frames, and the frequent necessity to communicate our transportation interests (as opposed to those of UDOT, UTA, or WFRC) with members of Congress and the federal administration, it became apparent to staff and the City Council that our interests in Washington needed hands on management.

In September 1998, the City entered into a consulting relationship with Scott Bosworth (Holden, Bosworth Company of Boston, Massachusetts) to represent the City's interest in securing federal funding for our transportation projects. Since then, Mr. Bosworth's role has expanded to include representation of the City's interests in securing federal funding for Olympic related projects, and recently he has been researching the potential of federal assistance for water projects.

C. Analysis: Mr. Bosworth was recommended through Hope Bleecker from Park City Transit. The subsequent relationship has been quite positive and seemingly successful, though we are not yet able to measure the relationship in terms of how much federal money we have received. Most projects are still wrapped up in the federal funding processes for FY 2000 and 2001. Mr. Bosworth has been to Park City twice, has become familiar with local transportation, Olympic, and some limited water issues. Staff has also met with him in Washington where he made introductions with the House Appropriations Committee and several administrative offices.

One of our problems is a lack of understanding in Washington that Park City is not represented by the Utah Transit Authority (UTA), Highway Department (UDOT) or Wasatch Front Regional Council (WFRC), all of whom have strong voices in Washington and agendas that often conflict or compete with Park City's interests.

Because of the month to month nature of the original agreement (Mr. Bosworth is contractually bound by a purchase order contract), the relatively low cost for services provided, and Mr. Bosworth's specific experience in the government and transportation sectors, these services were not solicited through a formal RFP process. Staff has made inquiries concerning the cost and performance of other consultants and selected Mr. Bosworth. Mr. Bosworth's unique relationships with House of Representatives Transportation Subcommittee members has proven to be a valuable asset for the City. Mr. Bosworth presently works closely with the Capital Management and Budget Office, Public Works and Transportation, and the Olympic Services Office.

We are now at a critical time with the federal appropriations process. Federal transit funding (in which are our bus and transit center requests, and Olympic related pedestrian enhancements) has moved through the House and is soon to be considered by the Senate. Funding for Olympic projects is also critical as construction timelines become shorter. Political uncertainties remain in the federal funding processes, and it is believed that Mr. Bosworth, in concert with other Washington consultants representing venue communities, UDOT, and UTA, can help Park City, other local government entities, and the state achieve their transportation, transit, and Olympic goals.

In return for his consulting and representation services, the City pays Mr. Bosworth \$2,500 per month plus direct expenses. To date the City has paid \$22,417.31 for Mr. Bosworth and incurred another \$5,845.70 in costs, thus exceeding the \$20,000 limit on spending without council approval. Therefore, staff is approaching the Council for expenditure authorization of \$28,263.01 for FY 1998-99. In anticipation of retaining Mr. Bosworth's services for another year (FY 1999-00), staff is requesting total authorization in the amount of \$47,000 for FY 1999-00. The monthly rate for FY 1999-00 is \$3,5000. The monthly increase from last year in the amount of \$1,000 is for services relating to water funding. Staff is requesting \$5,000 for expenses. Staff intends to seek funding from the County for water related services.

D. Department Review: This staff report has been reviewed by the City Manager's Office, Capital Management and Budget Office, and the Legal Department.

ALTERNATIVES: The City is relatively new to the federal funding arena. However, our recent experience demonstrates that there are avenues within Congress and the administration to achieve federal funding for local projects. We can continue to explore these options through Mr. Bosworth (or someone else) at relatively little cost for what could be substantial gain upon the appropriation of funds. However, dealing with the federal government is complex, and we have no guarantees of success. Some strings may be attached to federal money which could generate increased staff time and governmental oversight. It is the opinion of staff that political processes such as this are often best left to those with relevant experience and political connections.

A. Approve the Request: The approval is to continue with an agreement for consulting services with Mr. Bosworth for the upcoming fiscal year in an amount not to exceed \$3,500 per month plus \$5,000 in expenses.

B. Deny the Request: Council could elect to deny the request relating to FY 1999-00. We have a current payable invoice which, upon payment, would terminate the relationship.

C. Continue the Item: We are not under any contractual or statutory deadlines and the matter could be considered later. However, the \$20,000 ceiling has been reached and no further expenditures other than those currently due will be paid without authorization from Council.

D. Use Someone Else: If Council is not satisfied with Mr. Bosworth's services, has someone else in mind, or would like to solicit additional services through the RFP process, those too are options. However, changing representatives at this stage could create a costly learning curve. By comparison with other agencies having similar consultants (some agencies spend more than \$100,000 per year for similar services), Mr. Bosworth's fees are quite reasonable.

E. Do Nothing: This option would essentially end the City's relationship with Mr. Bosworth since our current funding mechanisms are exhausted.

SIGNIFICANT IMPACTS: The cost of continuing Mr. Bosworth's services through the next fiscal year will be about \$47,000 depending on expenses. Sufficient funds are budgeted in the Transit Center CIP project, the Transportation Fund and the Water Fund for this project. At stake in Congress is currently about 8 million in federal funding for Park City specific transit and pedestrian projects, about \$130 million for regional highway projects, and about 340 million in Olympic transportation funding for such things as the satellite parking lots, buses and bus maintenance facilities, transportation staging facilities, and operations. Additionally, are exploratory efforts for federal support of the Smith-Morehouse Pipeline and other water related projects. Summit County has informally offered to assist in funding Mr. Bosworth's activities relating to the pipeline. Staff intends to pursue that funding source.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: There are probably few direct consequences as we may or may not receive federal funding with or without the help of Mr. Bosworth or any other consultant. To date, Mr. Bosworth has been influential in insuring that Park City's interests are specifically represented and that we are not overshadowed by larger agencies such as UTA and UDOT. We believe that full funding measures are in place to

support the downtown transit center, and while Olympic funding is still in question, representatives of the venue communities are working in concert with SLOC and UDOT to insure transportation funding critical to the Olympics is passed by Congress.

RECOMMENDATION: Authorize the City Manager to pay the Holden Bosworth Company a not to exceed amount of \$28,263.01 for FY 1998-99 and enter into a service provider contract with the Holden Bosworth Company for a not-to-exceed amount of \$47,000 for FY 1999-00.



CITY COUNCIL AGENDA REPORT

DATE: July 1, 1999
DEPARTMENT: Leisure Services
AUTHOR: Bob Johnston
TITLE: Temporary Skateboard Park
TYPE OF ITEM: Action

Summary Recommendation: Staff would like City Council approval to proceed with the temporary skateboard park facility located on the Hale/Snug property and to authorize CIP expenditures not to exceed \$80,000. If the CUP is not approved by the Planning Commission on July 14, 1999, the equipment will remain in storage until the CUP is approved.

DESCRIPTION:

A. Background: The community has expressed interest in the development of a skateboard park for a number of years now and it has been a high priority of the Parks Recreation and Beautification Board (PRBB). The updated City Park Master Plan, supported by Council, identifies a location and concept for such a facility. In recent months the PRBB has decided to investigate the possibility of developing an ice skating facility in conjunction with skateboarding. Unfortunately this process has slowed down the eventual development of a skateboard park. The PRBB is now interested in the feasibility of a temporary skate board park that could be used by the kids until a more permanent facility can be constructed and has requested staff to explore the feasibility of this project.

B. Analysis: Staff has considered a number of possible locations for a temporary facility. The parking lot at the Racquet Club, Treasure Mountain Middle School, and locations in the south end of City Park have all been rejected due to a variety of different challenges associated with each site. The proposed location is on City property (Hale/Snug site) and is expected to be surplus to the City's needs at least in the short term. Please see the attached map.

The current strategy is to utilize an existing asphalt slab approximately 55' by 105' for the temporary park. The possibility exists to expand the location if needed. The equipment would be ordered from an out of state manufacturer and would require four to six weeks for delivery. The proposed equipment would be used at the temporary location but would be re-installed at the new permanent location at a later date. Cost for the proposed equipment is projected between \$35,000 and \$50,000. Cost for the proposed temporary site improvements is \$20,000 - \$30,000.

Operationally, the park will not be staffed specifically, but will be open and available to users on a drop in basis, much like other areas of City Park. There will be no fee for its use. The skate park will be designed to attract beginning to moderate skill levels. Our goal is to have the park open by mid August. Maintenance and oversight costs are estimated to be between \$2,000 and \$4,000 annually. This cost will be assumed within the current Parks budget.

With respect to process; this does require a CUP from the Planning Commission. We are scheduled before them on June 30, and again for action July 14. Staff will discuss the June 30th introductory meeting with the Planning Commission at its presentation on July 1, 1999. A public neighborhood meeting has been scheduled for July 7, 6:00-7:00 p.m. at Miners Hospital Community Center.

Primary funding for the project will come from the CIP budget, however, \$7,000 does currently exist for this project in the youth grant money and the possibility for additional funding could be made available using the same program. Private donations may also be available to help offset costs. Staff is not recommending the use of Park City Mountain Resort equipment as it does not meet our needs.

C. Department Review: This project has been reviewed by the Leisure Services Staff , the Office of Capital Management and Budget, the Planning Department and the Legal Department.

ALTERNATIVES:

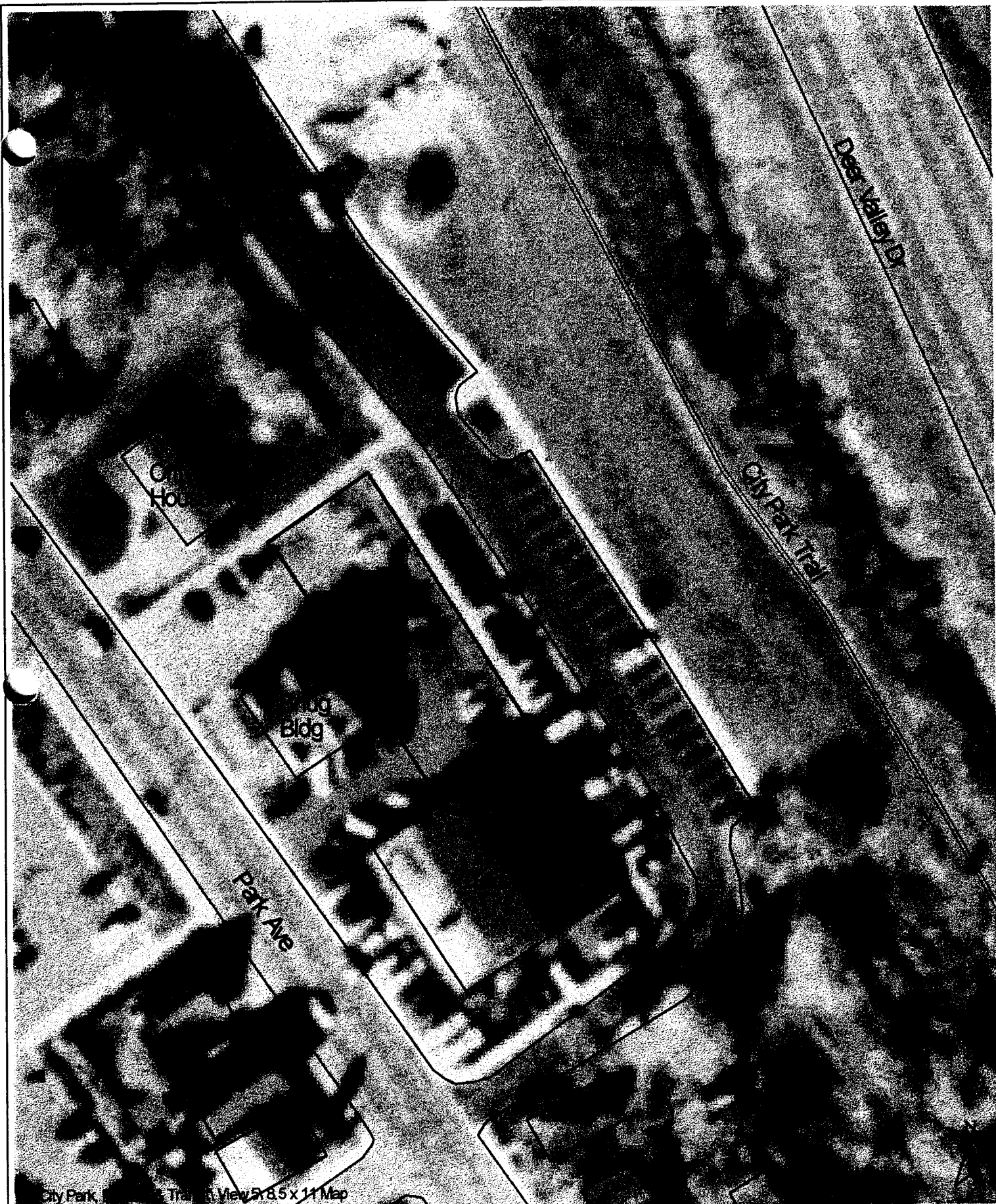
1. **Approve Request** - Project will move forward and facility will open in mid August.
2. **Deny Request** - No temporary facility.
3. **Continue Action pending CUP approval** - Facility will not be open until September.
4. **Continue Action** - Develop a new strategy that would attempt to achieve the same objective, but without working within such a compressed time frame. This alternative would likely result in a Summer of 2000 opening.

CONSEQUENCES OF NOT TAKING ACTION:

The community would remain without a skateboard facility for this Summer.

RECOMMENDATION:

Approve expenditures for a temporary skateboard park, not to exceed \$80,000 and pending Planning Commission CUP approval on July 14, 1999. This would entail ordering the equipment on July 2, 1999. Once the equipment is ordered, it will most likely not be possible to return it. Thus, if the equipment is ordered and the CUP is not approved, the equipment will be held in storage until the CUP is approved or the Summer of 2000.



City Park, Deer Valley Dr, City Park Trail, View 5r85x11 Map

South City Park

June 1999





DATE: July 1, 1999
DEPARTMENT: Legal
AUTHOR: Thomas A. Daley, Asst. City Attorney
TITLE: Substance Abuse Policy
TYPE OF ITEM:

SUMMARY RECOMMENDATIONS: Adopt a resolution amending Park City's Substance Abuse Policy.

DESCRIPTION:

A. Topic: Substance Abuse Policy.

B. Background:

Park City is required to comply with various federal regulations governing drug and alcohol testing of specific employees. On January 7, 1999, the City Council adopted a policy that was recommended by the Utah Department of Transportation (UDOT). UDOT has a statutory obligation to enforce the federal drug and alcohol testing regulations. The timing of Park City's application for federal funds made it necessary for the City Council to adopt a policy immediately. However, after careful review, staff has discovered that the policy provided by UDOT does not comply with all of the requirements of the federal regulations.

The attached policy brings Park City into full compliance. Future amendments to the policy reflecting changes in federal regulations may periodically come before the City Council.

C. Analysis:

Park City recently applied for §5311 funding for its transportation system. Recipients of such funds are required to comply with various federal laws and regulations, including those governing drug and alcohol testing. The attached policy accurately reflects the regulations requiring Park City to test "safety-sensitive employees" for drugs and alcohol. Additionally, Park City must train certain supervisors to order reasonable suspicion and post-accident drug and alcohol tests. Park City is also ultimately responsible for satisfying the reporting requirements contained in the regulations.

Park City drafted the attached policy after careful review of the federal regulations and their updates. A consultant whose expertise is specifically in the federal drug and alcohol testing regulations visited Park City in January, 1999, and conducted a day of training for relevant personnel. ABI, Inc., Park City's Third Party Administrator which actually performs the drug and alcohol tests, will also be providing required training to Park City's supervisors.

D. Department Review: This policy has been drafted by the Legal Department and reviewed by the Transportation Department.

ALTERNATIVES:

A. Adopt a resolution adopting the attached policy: Staff recommends this alternative.

B. Adopt the policy with modifications: The portions of the attached policy which were drafted consistent with state law and federal regulations (ie the language which appears in regular text and italics) cannot be changed without violating those laws and regulations. There is some latitude to change the requirements of the Park City Transportation Department. Those requirements appear in the policy in bold text.

C. Do not adopt the policy: Not recommended. The policy currently in place leaves Park City at risk of being out of compliance with federal regulations, which, in turn, could imperil Park City's receipt of federal funds.

D. Continue the Item: Not recommended. Council could, however, continue this item to the very near future.

E. Do Nothing: This would have the same effect as not approving the agreement.

SIGNIFICANT IMPACTS: Park City is relying on federal funds for approved projects. The attached policy is required of Park City to receive those funds.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Park City would be out of compliance with state law and federal regulations.

RECOMMENDATION: Adopt the attached Substance Abuse Policy.



Resolution No.

**A RESOLUTION AUTHORIZING THE MAYOR OF PARK CITY TO SIGN A
RESOLUTION ADOPTING A SUBSTANCE ABUSE POLICY**

WHEREAS, Park City is determined to provide a safe work environment for its employees; and

WHEREAS, Park City is determined to provide safe and efficient services to Park City residents and visitors; and

WHEREAS, it is in the best interest of Park City Municipal Corporation to maintain a Substance Abuse Policy covering employees in safety-sensitive positions.

NOW THEREFORE, City Council of Park City resolves as follows:

SECTION 1. AUTHORIZATION. The Council hereby authorizes the Mayor of Park City to sign a resolution adopting a Substance Abuse Policy, which policy specifically supersedes the policy adopted by the City Council on January 7, 1999.

SECTION 2. EFFECTIVE DATE. This resolution shall take effect upon signing by the Mayor.

DATED this first day of July, 1999

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Thomas A. Daley, Assistant City Attorney

SUBSTANCE ABUSE POLICY

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

1.0 POLICY

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

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

2.0 PURPOSE

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

safety-sensitive employees and others when so noted.

3.0 APPLICABILITY

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

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

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

Full-time Driver	Mechanic
Part-time Driver	Security Guard
Contracted Driver	Administrator
Dispatcher	

4.0 PROHIBITED CONDUCT

"Prohibited substances" addressed by this policy include the following:

4.1 Illegally Used Controlled Substances or Drugs

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

4.2 Legal Drugs

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

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

4.3 Alcohol

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

5.0 PROHIBITED CONDUCT

5.1 Manufacture, Trafficking, Possession, and Use

Transit System employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on transit authority premises, in transit vehicles, on transit authority business, or while in uniform. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

5.2 Intoxication/Under the Influence

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

5.3 Alcohol Use

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

6.0 COMPLIANCE WITH TESTING REQUIREMENTS

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

6.1 Refusal to Test

Refusal to comply with drug and alcohol testing requirements can include an inability to provide sufficient urine specimen or breath samples without a valid medical explanation, the lab's inability to test a sample due to tampering or adulteration, verbal declaration of refusal, obstructive behavior, refusal to sign the drug testing custody and control form or Step #2 on the alcohol testing form, leaving the scene of an accident, without a valid reason, before drug and alcohol testing have been completed, or physical absence. Physical absence includes not reporting at all for testing when directed by the employer or reporting for testing more than a half an hour late for a scheduled appointment. Refusal to test is considered a positive test and will result in immediate removal from duty and referral to a SAP.

7.0 TREATMENT REQUIREMENTS

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with Park City's requirements for treatment, aftercare, or return-to-duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider.

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

8.0 NOTIFICATION OF CRIMINAL DRUG CONVICTION

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

9.0 PROPER APPLICATION OF THE POLICY

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

10.0 TRAINING FOR SAFETY-SENSITIVE EMPLOYEES & SUPERVISORS

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

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

11.0 EFFECTS OF ALCOHOL MISUSE

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

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

The effects of alcohol vary and are dependent on many factors. The first and most obvious factor is the amount of alcohol consumed. A 12 ounce can of beer, a 5-ounce glass of wine and a 1½ ounce of hard liquor all contain the same amount of alcohol.

Each 1½ ounce of alcohol takes the average body about one hour to process and eliminate. Other factors include a person's body weight, stomach content, age, altitude, gender, and whether the person is rested or tired, sick or healthy. All of these factors determine the rate of the metabolism in the body and thus the impairment of the individual. Coffee, cold showers, and exercise do not quicken sobriety.

FOLLOWING ARE SIGNS AND SYMPTOMS OF ALCOHOL USE:

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

12.0 TESTING PROCEDURES

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

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen, called an immunoassay test, will be conducted on

each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended.

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

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

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

Detailed information on the drug testing process and the alcohol testing process are presented later in this policy.

13.0 TYPES OF DRUG & ALCOHOL TESTING EVENTS

13.1 Pre-Employment Drug Testing

All safety-sensitive position applicants shall undergo urine drug testing immediately following the offer of employment into a safety-sensitive position or before transferring into a safety-sensitive position. Receipt by Park City of a negative drug test result is required prior to employment or transfer to a safety-sensitive position.

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

employee's physician.

13.2 Reasonable Suspicion Testing

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

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

13.3 Post Accident Testing

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

When there is loss of human life, each surviving safety-sensitive employee on duty in the mass transit vehicle at the time of the accident must be tested. Safety-sensitive employees not on the vehicle (e.g., maintenance personnel), whose performance could have contributed to the accident (as determined by Park City using the best information available at the time of the accident) must be tested. Safety-sensitive employees on duty in the mass transit vehicle at the time of a nonfatal accident (fitting the criteria above) must be tested unless their behavior can be completely discounted as a contributing factor in the accident. Other safety-sensitive employees whose performance could have contributed to the accident, as determined by Park City using the best information available at the time of the accident shall also be tested after a non-fatal accident.

Following an accident, safety-sensitive employees will be tested as soon as possible, but not to exceed 32 hours for drug testing. If alcohol testing is not done within 2 hours of the accident, the reason for not testing should be documented and attempts to alcohol test must continue for up to 8 hours after the accident. If alcohol testing is not done within 8 hours or drug

testing is not done within 32 hours following the accident, the reasons for not testing must also be documented. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight hours following an accident or until they undergo a post-accident alcohol test.

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

13.4 Random Testing

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

13.5 Return To Duty Testing

Before any safety-sensitive employee is allowed to return to duty and perform safety-sensitive duties following a verified positive drug or alcohol test they must be evaluated by a SAP, complete any recommended treatment and pass a return to duty test. Return to duty testing is done at the recommendation of the SAP and may be for drugs and/or alcohol.

13.6 Follow-up Testing

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

13.7 Employee Requested Testing

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

14.0 DRUG TESTING PROCEDURES

14.1 Urine Specimen Collection

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

- a) a privacy enclosure for urination
- b) a toilet receptacle large enough to contain a complete void
- c) a source for washing hands
- d) a suitable surface for writing

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

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

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

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

The employee will be requested to check belongings (purses & briefcases) and remove any bulky outerwear (sweaters, jackets, vests, etc.) The employee may retain his/her wallet. The employee will be directed to wash his/her hands.

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

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

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

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

If a collection container is used, the collection site person, in the presence of the donor, pours the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to

be used as the primary specimen. At least 15 ml shall be poured into the other bottle, to be used as the split specimen. If a specimen bottle is used as a collection container, the collector shall pour off 30 ml of urine from the specimen bottle into a second specimen bottle, to be used as the primary bottle), and retain the reminder (at least 15 ml) in the collection bottle to be used as the split specimen.

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

After the custody and control form is completed, the collector and the donor must sign the appropriate certification statements on the form regarding authenticity of the specimen and information provided and the integrity of the collection process. Each transfer of custody must be noted on the chain of custody portion of the urine custody and control form. Every effort should be made to minimize the number of persons handling the specimen.

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

14.2 Observed Collections

Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided.

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

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

In the following circumstances (previous collection events) the employer may authorize an observed collection.

3) The most recent urine specimen provided by the employee (on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2 g/l.

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

A supervisor of the collector or a designated employer representative shall review and concur in advance with any decision by the collector to obtain a specimen under direct observation. The direct observation must be by a collector of the same gender as the employee being tested.

15.0 ALCOHOL TESTING PROCEDURES

Alcohol testing shall be done at a location that provides:

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

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

The BAT will explain the testing procedures to the employee.

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

15.1 Screening Test

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

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

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

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

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

15.2 Confirmation Test

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

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

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

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

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

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

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

The BAT will sign and date the form. The employee will sign and date the certification statement, which includes a notice that the employee cannot perform safety-sensitive

duties or operate a motor vehicle if the results are 0.02 or greater. Refusal by the employee to sign the certification statement is not considered a "refusal to test," but it will be noted in the remarks section by the BAT.

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

15.3 Reporting

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

16.0 MEDICAL REVIEW OFFICER

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

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

16.1 Negative Test Results

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

16.2 Positive Test Results

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

- 1) Reviewing the individual's medical history, including any medical records and biomedical information provided.
- 2) Affording the individual an opportunity to discuss the test result.
- 3) Deciding whether there is a legitimate medical explanation for the result, including legally prescribed medication.

- 4) If appropriate, request the laboratory to analyze the original specimen again to verify the accuracy of the test result reported.
- 5) Notify each employee who has a verified positive test that they have 72 hours in which to request a test of the split specimen. If the employee requests an analysis of the split sample within 72 hours of having been informed of their verified positive test, the MRO shall direct, in writing, the laboratory to ship the split specimen to another DHHS certified laboratory for analysis. Reporting of a verified positive result is not delayed pending the split specimen analysis.
- 6) If the employee does not request testing of the split sample within 72 hours of being notified of a positive test result and can provide documentation (such as serious illness, injury, hospitalization, etc.) which prevented the employee from making the request within the 72 hour time limit and the MRO concludes it is a legitimate reason, the MRO shall direct the analysis of the split sample performed.
- 7) If the analysis of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable or inadequate for testing, or if the split is adulterated and the primary sample is not, the MRO shall cancel the test and report the cancellation and the reasons for it to the DOT, the employer, and the employee.
- 8) If the MRO is unable to reach the individual directly, after making all reasonable efforts, the MRO shall contact the designated employer representative who shall direct the individual to contact the MRO as soon as possible. If 5 days have passed from the time the employer directs the individual to contact the MRO and they have not done so, the MRO shall report the test result to the employer as positive. If 14 days have passed from the time the MRO received the confirmed positive from the laboratory and neither the MRO nor the employer have been able to contact the individual, the MRO shall report the test result to the employer as positive.
- 9) If the individual can provide the MRO with a documented reason (such as illness, injury, hospitalization) for not contacting the MRO within a reasonable time, the MRO may reopen the interview process.
- 10) It is the responsibility of the MRO to protect the employee's privacy and the confidentiality of the testing program. It is also the responsibility of the MRO to maintain records on all negative test results for a minimum of one (1) year and all positive test results for a minimum of five (5) years unless there is pending litigation in which case the files must be retained.

17.0 SUBSTANCE ABUSE PROFESSIONAL (SAP)

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

The responsibilities of the SAP include:

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

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

18.0 RECORD KEEPING AND CONFIDENTIALITY

18.1 Employer

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

retaining records and documentation on program administration:

Negative drug test results and alcohol test results less than 0.02 –	1 year
Documentation on employee training and collection site personnel training –	2 years
Verified positive drug tests, refusals, referrals, Alcohol test results greater than 0.02 or greater, EBT calibration documentation and MIS Reports –	5 years

Drug testing records must be kept in a secure location with controlled access. Drug and alcohol test results may be released only under the following circumstances:

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

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

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

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

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

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

18.2 Laboratory

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

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

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

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

18.3 Medical Review Officer

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

An applicable DOT regulation permits or requires such disclosure.

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

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

Following is the time line required of the MRO for retaining drug test result records:

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

19.0 RE-ENTRY CONTRACT

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

- a) **A release to work statement prepared by the Substance Abuse Professional.**
- b) **A negative test for drugs and/or alcohol.**

- c) **An arrangement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.**
- d) **A statement of expected work-related behaviors.**
- e) **An agreement to follow specified after-care requirements with the understanding that violation of the re-entry contract is grounds for discharge.**

20.0 SYSTEM CONTACTS

PROGRAM MANAGER:

Name: Hope Bleecker
Title: Transportation Director
Address: P.O. Box 1480
Park City, Utah 84060
Telephone: (435) 615-5360

MEDICAL REVIEW OFFICER (MRO):

Name: Paul D. Teynor, MD, MPH
Address: Intermountain MRO Services, Inc.
P.O. Box 9223
Salt Lake City, Utah 84109
Telephone: (801) 486-5400

SUBSTANCE ABUSE PROFESSIONAL (SAP):

Name: Tammie L. Bendixen Dusoe
Address: 1416 E. Eastpoint Drive
Sandy, Utah 84092
Telephone: (801) 572-7872

THIRD-PARTY ADMINISTRATOR:

Name: ABI Consulting, Inc.
Address: 151 East 5600 South
Suite 300
Murray, Utah 84107
Telephone: (801) 293-TEST(8378)

DHHS CERTIFIED LABORATORY:

Name: Associated Regional and University Pathologists, Inc.
Address: 500 Chipeta Way
Salt Lake City, Utah 84108
Telephone: (801) 583-2787
(800) 242-2787

The toll-free number for
Substance abuse
Assistance is:

1-800-662-HELP

SUBSTANCE ABUSE POLICY
EMPLOYEE ACKNOWLEDGMENT

Return this completed form to your immediate supervisor

Print Employee Name: _____

I certify I have received a copy of the Substance Abuse Policy .

I understand receipt of this Policy constitutes legal notification of the contents, and it is my responsibility to become familiar with, and adhere to the policy.

I understand the information contained in this Policy is subject to change at any time, should circumstances warrant, and it is my responsibility to keep informed of these changes.

I understand no verbal or written agreement, understanding, representation, or statement made by my department head or supervisor can amend the policy, nor bind the City to any course of action. Only the City Council or City Manger may amend this policy.

I understand that violation of this Policy may be grounds for immediate termination of my employment.

I understand that my employment with Park City is conditioned on my agreement to sign this acknowledgment form, and that my refusal to do so will result in my immediate termination.

Employee Signature: _____

Date Signed: _____

PARK CITY

1884

CITY COUNCIL STAFF REPORT

DATE: 6/25/99
DEPARTMENT: Capital Management & Budget and Community Development
AUTHOR: Tom Bakaly and Megan B. Ryan *TB MBR*
TITLE: 154 Marsac Avenue
TYPE OF ITEM: Property Acquisition

SUMMARY RECOMMENDATIONS: Authorize the acquisition of the property at 154 Marsac Avenue for \$205,000 to be financed over 15 years.

DESCRIPTION

A. Project Statistics

Owners: RDA; Leonard Pechnik represented by Ron Whaley
Location: 154 Marsac Avenue
Zoning: HRI
Adjacent Land Uses: Marsac Ave., Ontario Ave., Vacant Hillside

B. Background

The Pechnik family acquired the one story two bedroom, one bath home in 1942. The home was probably constructed in the early 1930's. The house is partially located on property owned by the Park City Redevelopment Agency (herein referred to as Parcel A). The remainder of the house sits in platted Marsac Avenue. Parcel A was quit claimed to the Redevelopment Agency by United Park City Mines Co. ("Mine Co.") in 1984. The Pechniks also own the adjacent parcel, B, and portions of lots above the residence known as Parcel C. Parcel A is approximately 2,781 square feet. Parcel B is approximately 2,737 and C is 2,185 square feet. The total area is 10,848 square feet.

The Pechniks also own four lots to the south east of the Marsac home. The four lots were included in the Sandridge Heights subdivision application for a few years ago, but are not part of this property transaction.

The property title was clouded by a number of encumbrances. Recently the family cleared the title of other encumbrances and has now offered to sell Parcels A, B and C to the City in order to clear up the remaining issues with encroachment on the right-of-way and RDA. After discussions between the Pechniks, their agent, and the City, the Pechniks are firm in their asking price of \$205,000 but are willing to finance all but \$42,000 of the purchase.

The residence at 154 Marsac is moderately good condition. After a site inspection by the Park City Building Department, repairs were estimated at approximately \$7,000. The sewer line was broken, the water line and water heater were inadequate and both would need to be replaced. With some minor bathroom upgrades the interior of the house would be in good condition. Historic District Grant money may be available for the needed repairs.

The location close to City Hall, the size of the parcel and the historic home make this property attractive to the City.

C. Analysis

An estimated breakdown of the financed purchase of the house is as follows:

Purchase Price	\$ 205,000
Down Payment	\$ 42,000
Financed Portion	\$163,000
Period	15 Years
Rate	6.5 %
Monthly Payment	\$1,420

The Capital Improvement Plan (CIP) includes money that could be used to purchase the property outright or finance the purchase (Affordable Housing). A limited amount of unrestricted affordable housing funds are available for the outright purchase. Financing the project would minimize the immediate impact of the purchase.

If the City acquires the house, options for the property include re-sale, lease to City employees for affordable housing, use for emergency service workers who live outside City limits, and lease or sale to Mountainlands or Habitat for Humanity. Although it has not been discussed in detail, the City may be able to reduce some costs associated with the Pechnik property through this type of arrangement. Such an option could be explored after the property has been acquired.

D. Department Review

Representative from Community Development, the City Attorney's Office, Administrative Services, Office of Capital Improvements, and City Managers Office have been involved at various stages of this acquisition.

ALTERNATIVES

- A. Purchase the Pechnik property
- B. Decline to Purchase the Pechnik property. If the City does not purchase the property, the Pechniks would like the City to pursue other means of clearing the title.
- C. Continue for further input and discussion.

SIGNIFICANT IMPACTS:

The Capital Improvement Plan (CIP) includes money that could be used for this project (Affordable Housing). The recommended approach would require \$42,000 for the down payment and about \$17,000 per year for the next 15 years. A portion of the financing cost could be offset by rent. Use of these affordable housing funds may preclude other affordable housing purchases and programs in the future unless additional resources are identified or other CIP projects are reduced.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The Pechniks will put the property on the market. If the City takes no action the Pechnik family will not have clear title to their home limiting their ability to sell the property. The Pechniks probably will seek to quiet title on the property.

RECOMMENDATION:

Authorize staff to prepare and the Mayor to execute the documents required to acquire and finance this property.

EXHIBITS:

Exhibit A - Location Map
Exhibit B - Plat Map
Exhibit C- Parcel Map

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154 Marsac Ave.

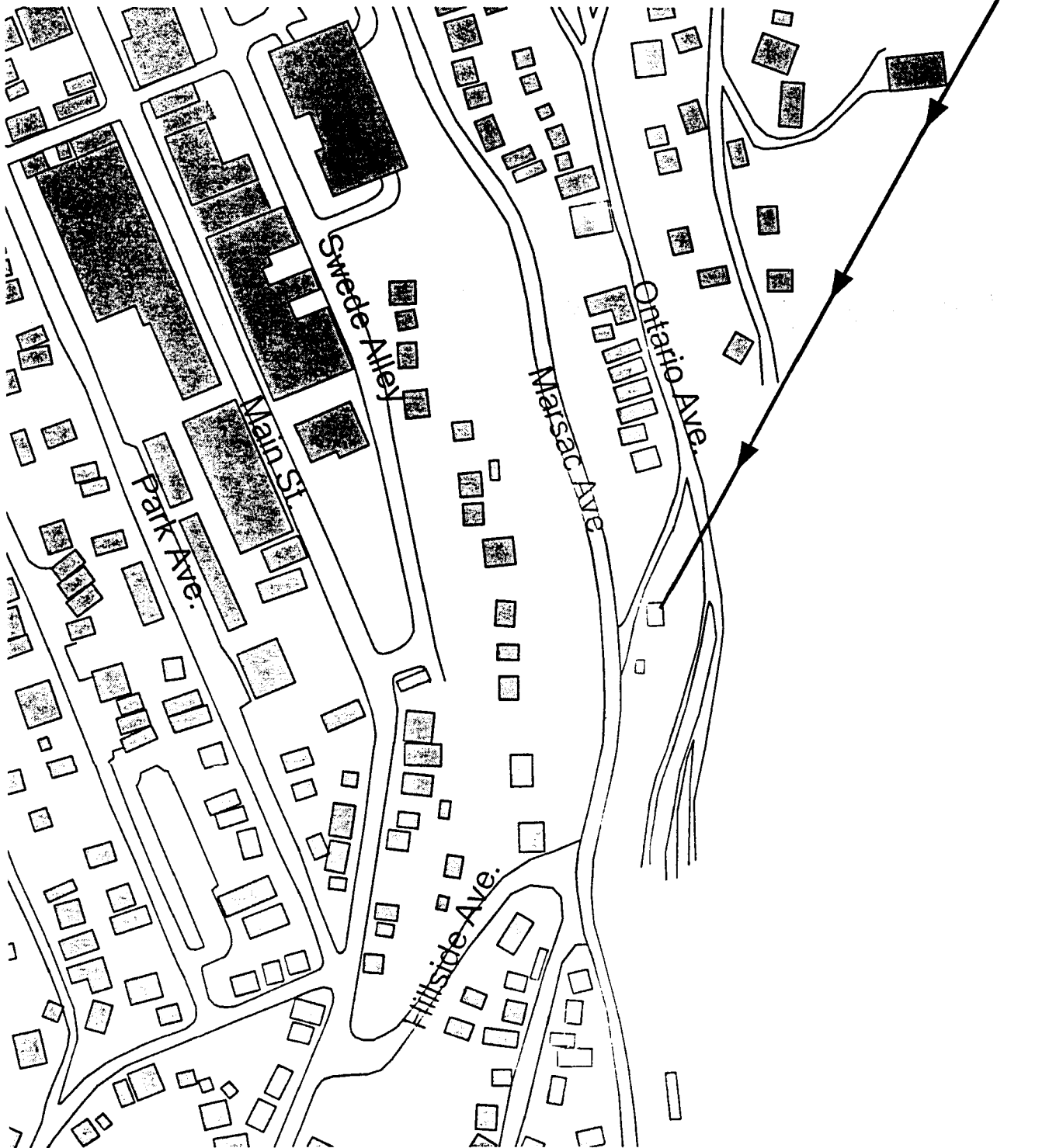


Exhibit A Vicinity Map

