



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
June 26, 2014**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 26, 2014.

Closed Session

1:15pm Property, Personnel and Litigation

Study Session

2:00pm Public Art Advisory Board

PG 3

2:55pm Break

3:00pm **Recreation Advisory Board Interviews**

PG 6

Work Session

4:45pm Council Questions and Comments and Manager's Report

PG 7

5:00pm Special Events Discussion

PG 14

5:30pm Policy and Procedure Manual Discussion

PG 20

5:50pm Break

Regular Meeting

6:00 pm

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV. CONSIDERATION OF MINUTES FROM JUNE 5 AND JUNE 12, 2014 CITY COUNCIL MEETING

PG 94

V. NEW BUSINESS

1. Consideration of a an Ordinance Revising Title 2 of the Municipal Code of Park City and Adopting the 2014 Personnel Policies and Procedures Manual PG 20
 - (a) Public Hearing
 - (b) Action
2. Consideration of an Ordinance Prohibiting Open Fires and Regulating the Use of Fireworks within Park City during the 2014 Fire Season and Adopting the Summit

County Process For Recovery of Costs for Responding to Emergencies Caused by an Aggravated Fire Emergency. PG 107

3. Consideration of the 820 Park Avenue Rio Grande Condominium Plat pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney. PG 114
 - (a) Public Hearing
 - (b) Action
4. Consideration of an Ordinance Approving The Parkite Residential Condominiums Record Of Survey Plat, Located At 333 Main Street, Park City, Utah pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney. PG 138
 - (a) Public Hearing
 - (b) Action
5. Consideration of an Ordinance approving the Parkite Commercial Condominiums record of survey plat, located at 333 Main Street, Park City, Utah pursuant to the findings of fact, conclusions of law and conditions of approval stated in an attached ordinance in a form approved by the City Attorney.
 - (a) Public Hearing
 - (b) **Motion to Continue to a July 31, 2014**
6. Consideration of the Land Management Code Amendments pertaining to Public Improvement Warranty Guarantees section 15-1-13 & 15-11-19; Planning Commission Rules of Order section 15-12-10; Clarify by codifying the existing prohibition of nightly rentals within April Mountain and Mellow Mountain Estates Subdivisions section 15-2.13-2. PG 184
 - (a) Public Hearing
 - (b) Action
7. Consideration of the Land Management Code Amendments pertaining to Animal services in GC and LI zoning districts sections 15-2.18-2, 15-2.19-2, 15-15-1.
 - (a) Public Hearing
 - (b) **Motion to Continue to July 17, 2014**
8. Consideration of a Escrow and Purchase Agreements with Military Installation Development Authority for Red Maple Parcel (located North of SR248 and East of PC Hill) in a form approved by the City Attorney PG 213
 - (a) Public Hearing
 - (b) Action

VI. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted: 06/24/2014 See: www.parkcity.org
Amended 06/24/2014

CITY COUNCIL STAFF REPORT



To: City Council
Author: Sharon Bauman
Department: Executive
Subject: Public Art Advisory Board Joint Meeting with City Council
Date: June 26, 2014
Type of Item: Joint Meeting

The Public Art Advisory Board members appreciate this opportunity to share in a joint meeting with the Mayor and City Council.

The Public Art Advisory Board and Public Art Policy were established by Resolution 36-03 in December 2003. The Board has seven members who are appointed by the Mayor and Council and chosen from the citizens of Park City at large. They serve without compensation and are appointed for two year terms. Terms are staggered and members serve no more than two successive full terms.

Current Board Members

- Bryan Markkanen, Chair, was appointed July 2012. His term expires July 2014. *"I believe the built environment deeply affects people and their surroundings. Trained as an architect, buildings seem an obvious mood enhancer (or detractor), but a well-crafted piece of art can have as much or more influence on the landscape. As a member of the art board, I hope to use what I've learned through my work in conjunction with other critical minds, to help create better places around our city."*

- Bob Kollar, Vice Chair, was appointed June 2010. He was reappointed in July 2012. Bob's term expires July 2014. He has served two terms. *Bob has lived in communities with unique approaches to public art (Laguna Beach, Santa Monica, Washington, D.C. and New York City).*

- Judy Horwitz was appointed July 2012. Her term expires July 2014. *Judy and her husband Don bought their PC home in 1987 as part time residents (primarily in the ski season). They moved here full time in 2011 for the "good life". Before that Judy had lived her whole life in a small suburb of Chicago, population 10,000, where she had been heavily involved in a variety of activities both in her small community and the wider Chicago area. Never having moved, they decided that the best way to become part of Park City was to join everything in sight and quickly; Judy has participated in as many activities as she could. She is very proud to be serving on PAAB, to have been part of the PC Leadership Class XIX, to have chaired Har Shalom's 2013 Mitzvah Day (in which 150 members paired with 14 non-for-profits in and around PC) Judy advocated for the street light at the corner of Marsac and Guardsman Connection.*

- Linda McCausland was appointed to fill an unexpired term in 2011. She was appointed June 2011 and reappointed July 2013. Her term expires July 2015. *Linda has been a painter in several media since 1986. She has lived in many cities and has seen how different communities support the arts.*

- Greta Church served two terms from 2008 through 2012. Greta was reappointed in 2013. Her term expires 2015. *Greta is an active participant in educating the public in the arts. She is a docent at the University of Utah Museum of Fine Art. Greta is a master gardener and landscape designer.*

- Holly Erickson was appointed in July 2012. Her term expires July 2014. *Holly Erickson is a ten year Park City resident and Deer Valley ski instructor. She has an MS in Organizational Leadership and BA in English Literature and a double minor in Political Science and Biology. Holly is an active participant on the Park City Triathlon Club and Park City Leadership Class XX.*

- Victoria Anderson was appointed in July 2012. Her term expires 2014. *Victoria Anderson is a 28 yr. resident of Park City and is retired from her 40+ years career in healthcare management, sales, and marketing. Her art interest comes from growing up in an art oriented family. Victoria and her husband own two restaurants in Park City.*

The primary functions/responsibilities of the Public Art Advisory Board are:

1. Review a cultural assessment of the Park City cultural community.
2. Create a strategic public art plan that would include public art policy refinements and recommendations of expenditures of the Public Art Fund. Ensure that public art is safe, accessible, durable, and compatible with community standards.
- 2a. Upon completion of the strategic public art plan and review of the cultural assessment, the Public Arts Advisory Board shall meet with City Council in a work session to obtain approval.
3. Establish guidelines for implementation of the Public Art Policy, including methods of selecting artists and commissioning works of art. Process must be consistent with City purchasing procedures.
4. Process public art proposals submitted to Park City Municipal and make recommendations regarding appropriations for works of art and art projects to the City Manager.
5. Review, on an annual basis, the artwork projects of the Public Art Policy as a reflection of the program's intent, and recommend appropriate maintenance requirements.
6. Make recommendations for future funding of the Public Art Fund.
7. Make recommendations for the establishment of a contribution percentage for art based on construction cost of public and private development.
8. Make annual updates to the City Council on the progress of the Public Art Policy.

The Public Art Advisory Board presented an update to City Council in October, 2013 which included discussions about the Strategic Plan update and a Communications Plan.

Current and Future Projects

- Quinn's Junction Public Art Project. The Board is currently reviewing submittals for a new public art project at Quinn's Junction near the Dog Park.
- Art Pianos For All. The Board approved an additional grant of \$4,000.
- Main Street / Swede Alley Projects. The Board is excited to develop public art projects during the Main Street Enhancement Projects. They have identified a location in the bear bench pass-through and will be considering additional opportunities as the projects continue.
- Library Expansion. This project offers an opportunity for both interior and exterior public art.
- Poison Creek Trail. This project may create areas that are appropriate for new public art.
- China Bridge Parking Garage. The Board has been talking about adding murals on different levels of the interior of China Bridge Parking garage.

Possible Topics for Discussion

- Lighting. Is Council interested in lighting public art projects?
- Continued funding.
- Partnerships. Does Council have suggestions on partnerships with local non-profits or for profit organizations?
- Missed opportunities. Are there any specific locations Council would like to see public art?
- Bus stop art. Does Council have an interest in reviving this program?
- Existing plazas. Would Council be interested in "dressing up" the small plaza on China Bridge stairs from Swede Alley to Marsac parking lot?

Recreation Advisory Board - Interview Schedule

June 26, 2014

3:00 – 3:15 PM Review of Questions

3:15 – 3:30 PM Becca Gerber

3:30 – 3:45 PM Michael Barille

3:45 – 4:00 PM Cynthia Sandoval

4:00 – 4:15 PM Chris Roon (Phone Interview)

4:15 – 4:30 PM Eric Hoffman

Spencer Lace

(July 2016)

Meisha Lawson

(July 2016)

Kathy Kahn

(July 2015)

Kraig Moyes

(July 2014)

Michael A. Barille

(July 2014)

Raymond Townsend

(July 2014)

Alisha Niswander

(July 2015)

There are currently four (4) Recreation Advisory seats available for appointment expiring July 2014. Kraig Moyes has termed out, and Spencer Lace has relocated out of city limits and will not be completing his term through 2016. Both Michael Barille and Ray Townsend are eligible to reapply.

Notification of openings were posted onsite at the Park City Athletic & Recreation Center and on the recreation web page and the City webpage, applications were due June 20th. The Recreation Department Staff received a total of six (6) applications for the four Recreation Advisory Board openings. All of the applicants meet the residency requirements set forth in the Ordinance No. 03-06. Jeff Fink was unable to make the interview date, and withdrew his application.



To: Honorable Mayor/Members of City Council

From: City Manager's Office

MANAGER'S REPORT – June 26, 2014

CONSTRUCTION UPDATE: Submitted by Craig Sanchez

Main Street Streetscape

June 23rd – July 2nd

- Complete storm drain, curb, pavers east side Southwest Indian Traders to Park City Clothing Co.
- Begin work on the northeast corner of Main and 7th
- Complete punch list on Terigo Plaza

July 7th – 26th

- Begin and complete storm drain, curb, pavers east side Quiksilver to Yuki Yama
- Complete work on northeast corner Main and 7th
- Begin and Complete southeast corner of Main and 7th
- Finish intersection Main and 7th
- Final designs to Council for Bear Bench pass through and City Hall Plaza on July 17th

Special Considerations:

- Off of Main Street for 4th of July weekend
- For the duration of the summer we will work on smaller (storm drain to storm drain) sections

Milestones:

- Sidewalks complete on west side 5th St. to Heber Ave
- Sidewalks complete on east side 4th St. to Marmot
- New driveway open by June 21st on 5th St. between Main and Heber
- Construction map button now on main Park City webpage
- Attended HPCA annual meeting

For further information please contact Craig Sanchez csanchez@parkcity.org 435-615-5206

Water Projects

Wyatt Earp Way Improvements

As of this week, all work is complete on this project. Crews will remain in the area in coming weeks to complete some minor remaining activities.

Work on this project included:

- Replacing valves in the new water line
- Restoring landscaping
- Replace asphalt that did not meet specifications last season
- Installation of a concrete island at Wyatt Earp and Kearns as a safety feature for trail users
- New concrete crosswalks at the rail trail and at the trail on Kearns

Judge Pipeline Project

Lowell Ave

- A small section of Lowell Ave. (between Silver King and Shadow Ridge) will be closed late this week and early next to facilitate pipeline installation. Vehicles can access Lowell Ave. and PCMR using Silver King, Shadow Ridge or Manor Way and local traffic is being allowed through.
- Work is underway in front of the resort. Crews will continue trenching along the alignment in front of the resort and installing pipe. Vehicle and pedestrian access will be maintained throughout this work using temporary crossings. Locations of these access points are being determined through continued coordination with PCMR staff.
- Final paving in front of PCMR is scheduled to be complete prior to the July 4th weekend. Upper Lowell Avenue will likely be paved just after the holiday weekend.

King Road

- Work has begun on excavation of a bore pit just below the gate on King Rd. in preparation for beginning work to directional bore across the ski run to Lowell Ave.

King Road-Woodside Tank

- Early activities will occur near the tank, residents near King Rd. will begin to experience higher truck traffic and construction activity in the easement near their homes.

Golf Course

- Work on the golf course is scheduled to start in early July. The project is working directly with the golf course to coordinate activities and outreach to golfers and area residents.

For further information please contact Siobhan Locke pipeline@parkcity.org 435-565-0109

Library Project

- Oakland Construction set up their trailer and construction fencing the week of May 26th
- The selective interior demolition began the week of June 2nd
- Within 2 weeks the exterior demolition of portions of the 1992 addition and excavation for the new addition will begin
- The demolition will continue through the end of the month and into July
- The footings and foundations for the new addition will likely start in July

For further information contact Matt Twombly mtwombly@parkcity.org 435-615-5177

Poison Creek Pathway

The Poison Creek Project is currently on schedule.

June 16th – 20th

- The pathway has been milled and all of the rock walls and irrigation is being completed this week.

June 23rd – 26th

- Resurfacing of the pathway is scheduled for Monday and Tuesday of next week.
- Striping and other minor construction items will be addressed as well.

June 27th

- Pathway is scheduled to be reopened to the public on Friday June 27th, with minor construction activities sequestered to adjacent pockets along the corridor.

For further information contact Heinrich Deters hdeters@parkcity.org 435-615-5205

Deer Valley Drive Phase 2 – Beautification Project

Park City has allocated funds for additional improvements of Deer Valley Drive or the Deer Valley Drive Phase 2 Project. The area included within the Deer Valley Drive Phase 2 project includes the Deer Valley Drive corridor from the existing round-about east to the Snow Park Lodge, including the Deer Valley Drive loop.

The following improvements will be included in the Deer Valley Drive Phase 2 Project.

- Additional pedestrian lighting
- Consistent sidewalks throughout the corridor
- Additional Crosswalks
- Bus stop amenities where feasible
- Cleaning of the creek and re-vegetation near the Sunnyside Drive intersection
- Landscaping improvements along the corridor
- Entry feature on the southeast corner near the intersection of Deer Valley Dr. and Deer Valley Dr. North
- Bridge façade restoration and code update
- Fiber optic conduit from Sunnyside Drive to Snow Park Lodge
- Addition of bus pullouts at Greyhawk and Foxglove condominiums

Milestones:

- Advertise Project for Construction – June 2014
- Bid Opening – June 24, 2014

- ***Project Open House (DVD Phase 2 and Royal Street Retaining Wall)***
July 15th 5:00 – 6:30 at the
Deer Valley Plaza
1375 Deer Valley Drive, Park City, Utah
- Begin Construction – mid - July 2014

For further information please contact Kim Clark Kim@v-i-a-consulting.com or 801-860-7354

Royal Street Retaining Wall Project

The Royal Street retaining walls project will include replacement of an existing gabion basket retaining wall, design and replacement of an existing wood retaining wall and improvements to a small drainage area from Royal Street from Deer Valley Drive up to Golden Eagle Drive. Construction is scheduled for July – September 2014. Motorists should expect flagging operations during daytime hours with two lanes open on the evenings and weekends.

Milestones:

- Project Approved – June 2014
- ***Project Open House (DVD Phase 2 and Royal Street Retaining Wall)***
July 15th 5:00 – 6:30 at the
Deer Valley Plaza
1375 Deer Valley Drive, Park City, Utah
- Begin Construction – mid - July 2014

For further information please contact Kim Clark Kim@v-i-a-consulting.com or 801-860-7354

Street Overlay Project

- June 23rd – July 22nd American Saddler
- June 26th – July 19th Thaynes Canyon and Three Kings Drive
- June 27th – July 25th Short Line – Park Ave (5th to Heber) – Deer Valley Loop
- June 30th – July 28th Royal Street
- July 3rd – July 31st Paddington – Annie Oakley
- Exact locations are now on our construction map

For further information please contact Troy Dayley troy@parkcity.org 435-615-5637

Private Construction Projects

692 and 632 Main (Silver Queen)

- 632 has removed the scaffold and walkway on Main Street
- Parapet has been completed
- Work continues on the inside of the building
- Sidewalk work at 692 completed and fence moved back by July 2nd.

562 Main

- Moved fence back for better pedestrian access

333 Main

- Excavation on Park Ave to begin end of June
- Poured upper slab for Penthouse, will begin roofing end of June.

820 Park Ave

- Minimal work at this time

Parking

- This program has been in place for a few weeks. Currently averaging 11 riders per day. We believe this will pick up as other Main Street projects ramp back up. We are investigating cancelling Sunday due to lack of riders.

For further information please contact Craig Sanchez csanchez@parkcity.org 435-615-5206

2014 CTAA National Bus ROADEO

10th Place Winner

John Sampson

Park City Bus Driver

PARK CITY

1884



Safety First!

Body on Chassis Division

10th Place Winner

Stephanie Stienmiller

Park City Bus Driver

PARK CITY

1884



Passenger Van Division

Our Park City representatives competed, June 7th & 8th, 2014 in St. Paul Minnesota. In order to compete at the national level, John and Stephanie won regionals and moved on to compete in the state roadeo held by URSTA in Provo, Utah last year. By winning 1st place in their categories, they earned a trip to compete at nationals. Travel expenses for Hotel and flights were funded by URSTA (Utah Urban Rural Specialized Transportation Association).

John and Stephanie did an excellent job representing Park City, URSTA and the State of Utah. This was a fun opportunity for them to experience a transit event at the national level. By participating in the CTAA (Community Transportation Association of America) National Roadeo, they sharpened their skills, networked with other agencies and experienced a fun teambuilding event, with Merrilee Hewitt, the Transit Supervisor cheering them on.

The event is comprised of a written exam, safety inspection, wheelchair securements, (as shown in the pictures above) along with a cone course driving skills test.

Our Transit Team is proud of John and Stephanie's performance and we look forward to next year's competition! 😊



To: Honorable Mayor/Members of City Council

From: City Manager's Office

MANAGER'S REPORT – June 26, 2014

**Planning Commission iPads-
Submitted by Thomas Eddington and Scott Robertson**

The Planning Commission has requested to use iPads for their bi-weekly meetings. As recently as last year, there was not a strong desire to switch over from printed packets to the iPad for meetings; however since January, three (3) of the Commissioners have been using their personal iPads/tablets. They have noted the benefits of being able to zoom in on plats and images and have had no challenges reading the large packets on their devices. Recently, the Planning Department polled the Commissioners to see who would consider using an iPad if provided by PCMC. All of the members were interested in this option and preferred to use one supplied by the City especially in light of the fact that information could be subject to GRAMA requests.

In FY 2013, the Planning Department spent \$5597.82 for the printing of Planning Commission packets. This does not include the time/cost of delivering these packets. Planning does understand that there will still be some maps/plans, etc. that will need to be printed for specific meetings and will budget accordingly.

The Planning Department requests Council's consideration to provide a stipend to each Planning Commissioner (and one iPad for the Department [Makena] so that we can always check to confirm that everything is readable on the iPad after uploading the packet) for an iPad, a protective cover, and insurance.

City Council Staff Report

Subject: Special Event Update
Author: Tommy Youngblood
Department: Sustainability
Date: June 26, 2014
Type of Item: Informational



Sustainability

Summary Recommendations:

This Staff Report is an informational update to Council on special events in Park City

Background:

Council requested that staff give periodic updates involving the state of the Special Event activity in Park City. This report focuses on the following:

1. State of Events in Park City
2. Overall Event Activity
3. 2013 – 2014 Winter Event Season
4. 2014 Summer /Fall preview
 - a. 4th of July preview
 - b. Triple Crown
 - c. Art Festival
 - d. Tour of Utah
 - e. North Face Endurance Challenge

Analysis:

State of Events in Park City

Although the number of events has increased slightly, Park City continues to see an increase in participation, spectators and attendees for those currently approved. Staff finds that our internal departmental planning coordination continues to improve along with our management of the organizer's requirements. Staff also finds that the consistent need is for better event parking and transportation logistical planning and cooperation. Staff continues to work with all partners to lessen these negative impacts.

Overall Event Activity

2013 was Park City's largest event season ever with an estimated 450,000 – 500,000 in participants, spectators and attendees.

The Special Events Department continues to refine its processes including information sharing; pre-application meetings; inter-departmental, outside governmental and agency cooperation.

Year	Number of Events	Number of event days
2010	72	226
2011	78	237
2012	80	255
2013	81	256
# of Event Spectators, Participants & Attendees in 2013		450,000 - 500,000

	Winter (Nov-April)	Summer (May-Oct)
Per Person Daily Expenditure Excluding Airfare:	\$ 378 (2013)	\$ 295 (2010)
Total Visitor Nights	1,665,093 (2013)	1,399,345 (2013)

Local Tax Revenues From Traveler Spending (2011 in Millions)	\$31.0
Transit Room Tax (2012 in Millions)	\$ 5.7
Restaurant Tax (2012 in Millions)	\$2.0

With this steady increase in activity the Special Event Department in collaboration with the other internal and external organizations are focusing on the following two areas in migrating negative impacts of events;

1. Parking and Transportation Coordination; and
2. Event Debriefs and Municipal Cost Analysis.

Parking and Transportation Coordination

As our events grow the deficit in the number of event parking spaces has become blatantly obvious. Our larger events such as Arts Festival, Savor the Summit, 4th of July, etc. remove over 300 parking spaces from the public parking inventory. These organizers must involve the cooperation of private property owners such as the resorts and the school district, in conjunction with PC Transit, to have a successful event.

The goal is to continue to develop parking and transportation plans for special events and activities with the majority of the attendance directed to the Main Street/ Old Town area that does the following:

- Minimizes the negative traffic and noise impacts to the Old Town Residential area
- Maximizes use of Public Parking Spaces
- Maximizes cooperation of PCMR, the PC School District, Deer Valley Ski resort as well as other partners to increase the event parking inventory

- Maximize the use of our existing transit system in conjunction with off-site parking to reduce vehicle traffic in the old town area during high traffic congestion.
- Provide seamless and convenient access to Main Street and any approved event
- Provide cost recovery to Parking Management and other related departments
- Provide a proper planning mechanism for Emergency Management, Park City Police and Fire District in case of emergencies.

There are several city committees working on overall transportation and parking planning. Currently the Parking Enforcement Department is in the process of an expansion of the residential permit parking program on Park Ave from 9th street to 15th street. This action is being taken to help ease the Silly Market visitor parking in the Park Ave. residential area. Once this program has been completed and evaluated it may be useful for other event times such as during the Sundance Film Festival.

Event Debriefs and Municipal Cost Analysis

Post event evaluations are valuable in improving all aspects of event operations. Staff continues to work with the organizers and our operational departments to receive a complete debrief.

The organizer gives feedback on how they felt Staff worked with them through the entire process, facility preparedness, and economic impact to organizer, among other items.

The internal Staff reports to Special Events are on specific costs for the event to their department as well as how the organizer took care of our facilities and any suggestions to make the event better.

A database program has been designed internally to help facilitate and simplify this reporting.

2013- 2014 Winter Season

Even though we had a marginal snow year for Park City the three major winter events Sundance, and both World Cup events at Park City Mountain Resort and Deer Valley saw record numbers. The addition of another FIS race in March increased our normal winter event count.

Summer and Fall 2014 Preview

The Special Event Department is gearing up for another record setting year. Our coordination and event planning with the other operational departments has increased in anticipation of the increased attendance and logistical challenges.

Staff has focused on three long time events and one new application to give Council a feel for the planning and items Staff is working toward.

1. 4th of July

In May 2013 the Special Events Department reported to Council on that upcoming 4th celebration and some operation changes that would be implemented to increase general safety at the event. Those two major changes were to increase parade volunteers to focus on crowd control and parade pacing as well as additional operational planning, integration improved management in City Park.

The attendance this event ranks it in the top two of our events with the most day visitors.

YEAR	4 th of JULY ATTENDANCE PROJECTIONS
2013 (On Thursday)	18,000 -20,000 (ACTUAL)
2014 (On Friday)	20,000 – 25,000
2015 (On Saturday)	22,000 – 26,000
2016 (On Monday)	20,000 – 25,000

Cost for this year's event is similar to previous years

4th of July Costs	Total known to: Ambassador's	Total known to: PC Rugby		Cost to PCMC	Cost to Chamber
Application Fee	\$ 80	\$ 80			
Liquor License	\$ 100	\$ 100			
Insurance	\$ 2,903	Unknown			
Trash /Recycling / Misc.	\$ 667	\$ 667		\$ 1,460	
Portia-Potties, Additional Bathroom Cleanings	\$ 883	\$ 883		\$ 2,855	
Street Banners				\$ 542	
Building Dept.				\$ 1,164	
Police				\$ 34,237	
Fireworks & fencing @PCMR				\$ 6,300	\$ 10,000
Security, Crowd Control, etc.	\$ 3500			\$ 1,125	
Totals	\$7,233	\$ 1,730		\$ 47,683	\$ 10,000

The plans implemented were successful and Staff has refined those successes to this year's event operations.

Staff and the organizers have made the following additions to the plan.

1. Continuing limit of floats to 70 entrants and the hiring of parade pacers and crowd control personnel

- a. Enforcing that floats participants must supply the required amount of volunteers for entry. If not supplied the entrant will be allowed to participate for this year, but will not be allowed in 2015.
- 2. The addition of kids games post parade from noon – 1:30pm
 - a. Rugby is doing learn to rugby
 - b. Ambassadors are doing a 3-legged and wheel barrow races

Staff continues to take a larger role in planning and production of this event due to continuing increase in size.

2. Triple Crown - July 14 -26

- a. 120 - 140 Teams total for 2 weeks
 - i. Week One – 14U Girls Fast pitch Softball
 - ii. Week Two – 10's & 12's Baseball
- b. Use of all city and school district fields
- c. Both welcome parades will take place on lower main
- d. Participant attendance approx. 6000 plus family members
- e. Economic impact estimated at \$ 3.5 million dollars

3. Park City Arts Festival – August 1,2,3

- a. Increasing planning for parking and traffic management by working with parking partners to ease congestion
- b. Difficulty of finding adequate parking for all activities surrounding the festival and the other attractions that have grown with it. Art Festival cannot happen without shared parking use of multiple private partners. Other activities are DV concerts, Extreme Soccer, Park City Recreation Volleyball Tournament.
- c. Review and adjustment of security, Police patrols and traffic control points to right size staffing.
- d. Cost analysis of event to compare with current contract
- e. Participant attendance approx. 58,000 plus for 3 days
- f. Economic impact estimated at \$ 11.9 million dollars

4. Tour of Utah – August 10

- a. This is the third year for the Main Street activation
- b. TOU is growing in notoriety and the caliber of world class racers it attracts
- c. No Park Silly Sunday Market participation for 2014; upper Main to 4th street may remain open to traffic
- d. City expenditure for TOU for 2014 will be \$61,000
- e. Participant attendance approx. 5000.
- f. Economic impact is currently being calculated by the Park City Chamber

5. North Face Endurance Challenge – Utah – October 4 , 5

- a. This application is currently in process and will be brought to Council.

- b. Takes advantage of shoulder season for events activity
- c. Would be the Park City's largest trail run approval, with over 2,000 participants
- d. The application contains trails controlled by multiple property owner; public and private
- e. The application requests use of trails that are travel restricted and needs to take into account public use
- f. Economic impact is to be determined

Funding Source:

General Fund, Special Events

Department Review:

Economic Development, City Manager, Legal and Special Events departments have reviewed this report.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Varied and extensive event offerings + Accessibility during peak seasonal times		+ Residents live and work locally + Shared use of Main Street by locals and visitors	- Fiscally and legally sound - Well-maintained assets and infrastructure - Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Positive 	Positive 
Comments:				

Recommendation:

This Staff Report is an informational update to Council on the Special Events in Park City.



City Council Staff Report

Subject: Policies and Procedures Manual updates 2014
Author: Brooke Moss & Cherie Ashe
Department: Human Resources
Date: June 26th, 2014
Type of Item: Legislative

Summary Recommendations:

Adopt an Ordinance (attached) revising the Personnel Policies and Procedures Manual dated July 1, 2014 for Park City Municipal Corporation.

Topic/Description:

Recommendations for revisions to the Personnel Policies and Procedures Manual.

Background:

In accordance with Section 2-6-1 of the Municipal Code of Park City, each year the City Council adopts revisions to the Personnel Policies and Procedures Manual ("Manual") by resolution. Policy requires the Manual be updated once every calendar year through this revision process and approved by City Council. The Manual was last updated on July 1st of 2013. Due to changes in the state code, staff recommends that the Council adopt the Manual by Ordinance.

Analysis:

Amendment to Title 2

The proposed Ordinance amends Title 2 Chapter 6 to require the Manual to be adopted by ordinance.

Changes to the Personnel Policies and Procedures Manual

The recommendation for revisions to the employee Personnel Policies and Procedure Manual results from changes in federal regulations, updates to pay practices, and changes in technology, input provided by the City Manager, Legal Department, Management Team, Policies and Procedures Committee, Human Resources and City Council. The Policies and Procedures Committee consisted of employees from each team throughout the organization.¹

The following are the amendments and changes to the 2013 Employee Policies & Procedures Manual proposed to the 2014 Manual:

Section 1.1 Interpretation

Paragraph deleted – duplicate info.

¹ Committee members do not represent other employees and are not elected. The Committee does not negotiate or bargain wages, hours, benefits or reward systems. The Committee is bilateral in nature and contains at least one manager representative.

Section 1.5 Department Rules

Clarification that department policy manuals (separate from this manual) must be resubmitted for review in April of each year, instead of an undetermined time period once a year.

Section 4.11 Absences & Tardiness

Change on a Dr.'s note needed for 3 or more consecutive missed shifts due to illness/injury. No longer for a situation involving more than 2 consecutive days. Change made throughout the manual.

Section 4.12 Salary Increase and Performance Evaluations

5% maximum no longer in place for salary increases over a 12 month period. Pay increase decisions to be at the discretion of the City Manager. **Please see the bottom of this summary for more information on this item.**

Section 4.13 Bonuses

Gifts and gift cards purchased with City funds and given to employees are considered bonuses, and must be categorized and approved per the established bonus policy.

Section 4.18 Parental Leave

80 hours rather than 40 hours of paternity leave.

Section 5.5 Use of City Vehicles

Added "the City may reserve the right to conduct a driver's license background check for any driver of a City-owned vehicle."

Section 5.6 Cellular Phones & Mobile Devices

Under the Fair Labor Standards Act (FLSA) non-exempt employees must have any time worked be compensated. Time worked while not on duty (off the clock) must be pre-approved by the employee's supervisor and reported to payroll on the employee's time card. This includes use of City-owned wireless devices and smart phones.

Section 5.11 Use of Drugs & Alcohol

e. 2. Post-Accident Testing is required for damages equal to or in excess of \$1,500. (Increased from \$200)

Section 5.14 Disciplinary Procedures

Added language "The procedures set out below are as complete as the City can reasonably make them. However, they are not necessarily all inclusive. The City may vary from the rules/procedures listed if, in its opinion, the circumstances require."

Section 5.17 Gratuities

All employees who accept any type of gratuity including anything with monetary value must report it as income commensurate with IRS tip reporting guidelines.

Section 5.20 Smoking

Deleted 'The City does not discriminate against individuals on the basis of their personal legal use of tobacco while off duty.....' sentence due to changes in Voluntary Life insurance rates now divided amongst tobacco users and non-tobacco users. While the acceptance of a third party provider bid which distinguishes between reasonable health qualifications is not "discrimination," the edit removes the possibility an employee could argue the section currently prohibits such a rate distinction.

Section 6.3 Employee Transfer and Discharge Appeal Rights and Procedure

Hearing Officer instead of Hearing Board- codifies previously approved mid-year amendment.

Except as otherwise provided in Utah Code Ann. Section 10-3-1105(2) as amended, any employee, who is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, shall have the right to appeal the discharge, suspension without pay, or involuntary transfer to an Employee Transfer and Discharge Hearing Officer as set forth in Utah Code Ann. Sections 10-3-1105 and 10-3-1106 as amended.

Pursuant to Utah Code Annotated Section 10-3-1105(2), the Employee Transfer and Discharge appeal rights do not apply to a host of appointed, temporary and primarily manager positions. The Manual amendments clarify which positions are equivalent positions for the exclusion and expressly lists them.:

Section 7.2 Emergency Work Requirements

Number for the emergency hotline was added

Additional information for change to 5% max increase information:

The philosophy behind this change was to prevent increases which were unnecessary or disproportionate to those of employees found at other organizations within our community. This philosophy makes sense and will be maintained. While this policy does prevent increases to pay over 5%, it also creates problems within our pay plan and employee groups. The difference in pay from the top of one grade of the pay plan to another varies, but averages 11.35%. There is a difficulty in implementing the 5% maximum pay level increase within a 12 month period for a few reasons.

- The largest effect is when the pay plan changes for positions with multiple incumbents (which will happen July 1 of this year). For example, when a new senior police officer is hired, they are typically hired at the new hire maximum of \$23.49. The pay grade of this position changes on July 1 from a non-exempt grade 10 to a non-exempt grade 11. So, an officer hired even a month later could be hired at the new hire maximum of \$26.76. It would take the first employee hired two additional years to reach \$25.89, which is still below the starting pay of the second employee, who has also been receiving raises. This problem begins to compound over years and multiple hires, and can be very discouraging. While some exceptions were made to alleviate this situation, it is by no means avoidable and continues to get worse city wide.
- Another effect is that “when” an employee is hired can create a situation that is not consistently applied to other hires. This is because merit increases to pay happen only when employees are released from probation, and then once a year during performance reviews which are effective January 1. An employee hired on August 1st of 2013 would be eligible for a release from probation February 1, 2013. If given an adjustment to pay at that time, the employee would then not be eligible for another increase to pay until January 1 of 2015, because the following review period in 2014 would fall within a 12 month period of the probationary release merit increase. Another employee hired July 1 would only have to wait one year instead of two, which is discouraging for staff and inequitable. It also does not follow our pay for performance philosophy. There are obviously several approaches to mediate this situation, but many are hard to

administrate, such completing reviews on anniversary dates which means some managers would have to track review dates for 2-30 staff members throughout the year, and do reviews all year round.

Positions in the pay plan typically change grades every 4-8 years, so while once grade change can range between 9-15%, it is also rare to see that change. Also, it is not the intention of this policy change to allow the entire salary adjustment at one time, only to allow additional flexibility.

Department Review:

Legal and the City Manager reviewed this report. The Management Team reviewed all recommended edits, with an opportunity for feedback following the Policies and Procedures Committee recommendations.

Alternatives:

A. Approve:

The recommendations and revisions to the Policies and Procedures Manual will go into effect July 1st upon Council approval for all employees (unless otherwise specified in the manual). Employees will be issued a copy of the new manual in either hard copy or e-format. They will be required to sign that they have received a copy or understand how to open the e-copy format of the updated manual and that they are accountable for reviewing and understanding the policies within it.

B. Deny:

The recommendations and revisions for the Personnel, Policies, and Procedures Manual will not go into effect and may result in noncompliance with federal and/or state regulations, which will diminish the City's ability to provide direction and/or enforce employee policies and procedures

C. Modify:

Council could give staff direction to modify Policies and Procedures.

D. Continue the Item:

This has the same effect as Alternative B.

E. Do Nothing:

This also has the same effect as Alternative B.

Significant Impacts:

If Policies and Procedures are not adopted, the recommendations and revisions will not go into effect and may result in noncompliance with federal and/or state regulations, which will diminish the City's ability to provide direction and/or enforce employee policies and procedures.

Consequences of not taking the recommended action: The 2013 Manual would remain in effect.

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

Recommendation:

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

Attachments:

A –Personnel Policies and Procedures Manual

B – Ordinance Revising Title 2 of the Municipal Code of Park City and Adopting the 2014 Personnel Policies and Procedures Manual

Park City Municipal Corporation

Employee Policies & Procedures

*Effective July 1, 2014 **DRAFT***



PCMC Human Resources Department
445 Marsac Avenue
Park City, UT 84060

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July 1, 2013**

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Park City Municipal Corporation **Policies and Procedures Do Not Constitute a Contract**

The information contained in this policies and procedures manual was prepared as a guide to provide employees a better understanding of the responsibilities and obligations of employment with Park City Municipal ("City"). The policies and procedures stated in this manual and in other personnel statements or materials issued by the City are not intended to create either express or implied contract rights respecting the procedures, terms, conditions, or duration of employment nor any other obligation or liability on the part of the City. The City hereby reserves the right and authorizes the City Manager to unilaterally alter, amend or revoke any policy, practice or procedure without notice at any time and for any reason. The City's affirmative prohibition of certain discriminatory or other conduct does not create any contract, duty, obligation or liability on the part of the City.

Section One (1) GENERAL PROVISIONS

This manual is published to provide guidelines to the Policies and Procedures of Park City Municipal Corporation ("City"). These policies shall be adopted and amended at the discretion of the City Council with recommendations from the City Manager and shall be subject and subordinate to applicable federal and state laws, rules, and regulations, and local ordinances. The City Manager may at any time, without notice, temporarily suspend or amend any policy herein by filing a written order with the Human Resources Manager. Such temporary policies shall be effective no longer than six months without the approval of City Council.

1.1 Interpretation

The City Manager shall exclusively hold the final authority, subject to appeal, to interpret these policies, rules and procedures adopted hereunder. Such authority shall include the application of these policies, rules and procedures to specific employees, positions, and circumstances.

It is the responsibility of any all city employees to be familiar with the policies and procedures of the City.

All Managersement should be familiar with the policies and procedures set forth in this manual so that they are able to address any questions and offer clear, accurate interpretations to any employee asking questions or desiring information on City policy or procedure.

~~In the event that a supervisor/manager is unable to answer an employee's question, it is his/her responsibility to use this manual to obtain the needed information. If further interpretation is needed, the employee should contact the Human Resources Manager. Under no circumstances should a supervisor/manager answer any employee's questions when he/she is not sure of the accuracy of the answer or interpretation of the policy.~~

Exceptions to any policy in this manual must have the approval of the City Manager.

1.2 Applicability

Except as specifically provided otherwise in this manual, these policies shall apply to all: full-time regular, part-time, seasonal, student intern, special employment agreements, and volunteers. The exceptions are those positions which by ordinance report directly to the City Council. These policies shall not apply to persons or firms rendering services to the City as "independent contractors." Employees under special employment agreements are covered under the policies and procedures contained in this manual except where superseded by terms of their contracts.

1.3 Violations

Violation of any personnel policy, rule, or procedure adopted hereunder shall be grounds for disciplinary action up to and including termination.

1.4 Maintenance

This manual shall be maintained and updated by the Human Resources Manager as directed by the City Manager. The Legal Department and a City Manager appointed Policies and Procedures (P&P) Task Force shall review this manual annually. The official copy of the Personnel Policies and Procedures shall be kept in the Human Resources department and is available on the employee portal ep.parkcity.org. Supervisors/managers having any questions on whether or not a policy is current should check with

Human Resources for clarification. Employees who have suggested changes to this manual are encouraged to provide that information in writing to Human Resources and/or their manager for review.

1.5 Departmental Rules

Individual departments within the City may establish policies and rules that are more restrictive than those set forth in this manual. These department rules may not be less restrictive than the rules set forth herein.

All department managers must provide Human Resources a copy of their department rules annually or at any time changes are made. An official copy of all department rules should be kept in Human Resources. All department rules must remain in compliance with applicable local ordinances, state and federal laws, rules and regulations.

City Departments may establish policies that are applicable to only a specific group (Front Desk in Recreation, Ice Rink Supervisors, etc.). Department Policies must be submitted first to the Human Resources Department and be approved before they are made effective. Department Policies must be resubmitted both annually during the month of April and any time changes are made for pre-approval. Job specific training manuals must always be approved by the HR Manager prior to initiating within the department.

1.6 Notice of Federal Employment Laws

Title VII of the Civil Rights Act of 1964, as amended, prohibits employment discrimination based on race, color, religion, sex and/or national origin and protects qualified applicants and employees in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

The Americans with Disabilities Act of 1990 (ADA), as amended, including the Americans with Disabilities Act Amendments of 2008 (ADAA), prohibits discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship on the employer. The law covers applicants and employees of local governments including Park City Municipal Corporation.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, protects employee privacy as it relates to treatment of pre-existing conditions, certificates of credible coverage, special enrollment right, availability of coverage, non-discrimination and protected health information.

The Age Discrimination in Employment Act of 1967 (ADEA), as amended, protects applicants and employees ages 40 years and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

Title II of the Genetic Information Nondiscrimination Act of 2008 protects employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. It prohibits employers from acquiring genetic information from applicants, employees or their family members.

The Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives federal financial assistance. Discrimination is prohibited in all aspects of employment against disabled persons who, with reasonable accommodation, can perform the essential functions of a job.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all these federal laws.

The Consolidated Omnibus Reconciliation Act of 1986 (COBRA) allows certain terminated employees, their spouses, and dependent children to continue medical and dental coverage under the group plan at their own costs for a period not to exceed 18 months, in most cases, and up to 29 to 36 months in some cases. For more information go to the U.S Department of Labor website at www.dol.gov.

The Family and Medical Leave Act of 1993 (FMLA) grants eligible employees the statutory right to take unpaid leave under specified circumstances. There are two separate types of leave along with applicable requirements. FMLA applies to all City employees who have met certain conditions. For more information go to the U.S Department of Labor website at www.dol.gov and the Park City Municipal Benefits Manual.

If you believe that you have been discriminated against under any of the above laws, please contact the Human Resources Department, the Legal Department or the City Manager.

Section Two (2) EMPLOYMENT

2.1 Equal Employment Opportunity

Park City Municipal Corporation ("City") is dedicated to equal employment and advancement opportunities. It is the City's policy to provide equal employment opportunities to all individuals based on job-related qualifications and ability to perform a job, without regard to age, sex, race, color, religion, creed, national origin, sexual orientation, disability, pregnancy, childbirth, pregnancy-related condition or marital status, and to maintain an environment free from intimidation and harassment based upon these grounds.

2.2 Appointments

Employees' jobs are governed by the Fair Labor Standards Act (FLSA) and are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay. Exempt employees are not entitled to overtime pay.

The State of Utah is an "at will" employment state. Accordingly, all appointments not subject to U.C.A. Section 10-3-1105(1), as amended, are "at will" employment, and may be terminated at the convenience of the City Manager at any time with or without cause. All vacancies shall be filled by full-time regular appointment, part-time appointment, seasonal appointment, acting appointment, promotion, transfer, demotion, or special employment agreement. All full-time regular appointments must fill an approved budgeted position. Full-time regular appointments and special employment agreements shall be recommended by the Department Manager and submitted to the Human Resources Department for review. Following review, the Human Resources Department will submit the recommendations to the City Manager for final review and approval. All part-time and seasonal appointments shall be submitted by the Department Manager to Human Resources for review and approval. Supervisors and department managers are accountable for insuring that part-time, seasonal employees and student interns do not exceed the allowable and approved amount of hours in regards to their particular designation and those governed by the Fair Labor Standards Act (FLSA).

a. Probationary Appointment

This appointment represents the first six months of a non-Public Safety full-time regular job appointment whether resulting from an initial hire, a promotion, a demotion or a transfer. A probationary appointment for all full-time regular Public Safety (sworn and non-sworn personnel) represents the first twelve months of a full-time regular job appointment whether resulting from an initial hire, a promotion, a demotion or a transfer. Any employee serving a probationary period resulting from a new hire or change from part-time or seasonal status to full-time regular status shall not be moved from probationary status to full-time regular status until a full written evaluation has been performed and the Department Manager recommends the employee be released from probation. Recommendations should be forwarded to Human Resources for review and submitted to the City Manager for final approval.

A manager may recommend an employee be changed from probationary status to regular status in less than six months for non-Public Safety employees and in less than twelve months in the case of Public Safety employees for exemplary performance. The Department Manager must forward written justification along with the Personnel Action Form (PAF) to the Human Resources Department for review and submission to the City Manager for final approval. Only under specially approved circumstances will an employee be allowed to serve a probationary period of less than three months. The probationary period may be extended beyond the initial six or twelve

month period for up to six additional months if the employee's performance has been marginal or if there are any other performance, attitude, ethics and/or code of conduct issues which warrant extending the probationary period. A written performance evaluation must accompany any probationary period extension and an additional written evaluation will be required at the end of the extended period. A manager may award a pay increase as part of the evaluation based on performance, but probationary employees are not eligible for a lump merit increase for the time they are on probation.

Extensions require the approval of the City Manager. Probationary periods and restrictions for a promotion or transfer may be modified and/or waived with approval by the City Manager. During the probationary period, any probationary employee may be terminated by the City Manager at any time with or without cause and without progressive discipline.

All newly hired full-time probationary or promotional probation status employees are to be paid at no more than the new hire pay maximum determined as 65% of the pay grade range unless an exception is authorized by the City Manager. The City Manager may grant exceptions and allow appointments above the new hire maximum for such factors as a high level of experience and training or because the demands of the employment market affecting the position being recruited require a higher than new hire maximum pay rate.

b. Full-Time Regular Appointment

A full-time regular non-exempt employee is expected to work a 40 hour work week. Full-time regular exempt employees are expected to work whatever hours are necessary to accomplish the job duties and standards of their exempt position without the availability of overtime or administrative leave. All full-time regular employees must work no less than an average of 32 hours per week during the course of any month to qualify for full-time regular status and therefore remain eligible for the City's core benefits. (See the Employee Benefits Manual, the employee portal (ep.parkcity.org) or contact Human Resources for benefit details).

A full-time regular status appointment indicates that an employee has successfully completed his/her probationary period and will fill a budgeted position pursuant to U.C.A. Section 10-3-1105, as amended.

c. Promotional Probation Appointment

An employee who receives a promotion will normally serve a probationary period of the same duration as if the promotion were a full-time regular appointment. See guidelines for Probationary Appointments in Section 2.2.a. Probationary Appointment. The City Manager may approve a probationary period that is shorter in length than that of a full-time regular probationary appointment. Employees on Promotional Probation may use vacation time.

d. Acting Appointment

The City Manager may fill any vacancy with an acting appointee who may serve until another employee assumes the position's duties. An acting appointee who serves for more than 30 consecutive days shall receive compensation at no less than the minimum of the salary range for that position during the acting appointment.

e. Part-Time Appointment

A part-time appointment indicates an employee who may work between one and 1500 hours per year (28.8 hours per week average) over a 12-month period. Part-time appointments may be for a

defined period of time or specific to project work, but may also be for an indefinite period of time. Part-time employees with multiple appointments in the City may not work more than 1500 hours total per 12-month period for all positions held. Employees and managers are expected to monitor time worked to maintain totals below allowable averages.

Part-time employees are hired as "Variable Hour Employees" as defined by IRS Notice 2012-58: An employee is a variable hour employee if, based on the facts and circumstances at the date the employee begins providing services to the employer (the start date), it cannot be determined that the employee is reasonably expected to work on average at least 30 hours per week over a 12 month period.

Under limited circumstances, should part-time employee hour averages rise to 30 hours per week over the City's Standard Measurement Period or an employee's Initial Measurement Period, they may become eligible for medical benefits if they meet one of the following criteria:

- (i) From June 1 through May 31 (the City's Standard "Measurement Period") if an employee worked an average of at least 30 hours a week for the City during entire 12 month period. Medical Insurance eligibility would extend for a 12 month period and become effective July 1. **OR**
- (ii) During the 12 month period beginning on the first of the month following an employee's hire date (the employee's new hire "Initial Measurement Period") if an employee worked an average of at least 30 hours a week for the City. Medical Insurance eligibility would extend for a 12 month period and become effective the first of the month following eligibility.

Part-time positions are not eligible for core benefits other than those required by law such as Social Security, workers' compensation insurance, unemployment insurance, and Medicare. Part-time employees who gain eligibility to Medical Insurance are not eligible for other core benefits. Part-time employees may be eligible for certain fringe benefits (See the Employee Benefits Manual, the employee portal (ep.parkcity.org) or contact Human Resources for details).

f. Seasonal Appointment

A seasonal appointment is an appointment to a position which is open during a specific season defined at the time of hire such as parks maintenance crews, golf employees, seasonal recreation program staff members, snow removal crews, etc. Seasonal positions involve labor performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or period of the year and which, from its nature, may not be continuous or carried on throughout the year (29 CFR 500.20(s)(1)). Seasonal employees may work full-time or part-time hours.

Seasonal employees are hired as "Variable Hour Employees" as defined by IRS Notice 2012-58: An employee is a variable hour employee if, based on the facts and circumstances at the date the employee begins providing services to the employer (the start date), it cannot be determined that the employee is reasonably expected to work on average at least 30 hours per week over a 12 month period.

Under limited circumstances (such as appointment to two separate seasonal positions during the winter then summer season), should seasonal employee hour averages rise to 30 hours per week over the City's Standard Measurement Period or an employee's Initial Measurement Period, they may become eligible for medical benefits if they meet one of the following criteria:

- (i) From June 1 through May 31 (the City's Standard "Measurement Period") if an employee worked an average of at least 30 hours a week for the City during

- entire 12 month period. Medical Insurance eligibility would extend for a 12 month period and become effective July 1. **OR**
- (ii) During the 12 month period beginning on the first of the month following an employee's hire date (the employee's new hire "Initial Measurement Period") if an employee worked an average of at least 30 hours a week for the City. Medical Insurance eligibility would extend for a 12 month period and become effective the first of the month following eligibility.

Seasonal positions are not eligible for core benefits other than those required by law such as Social Security, Workers' Compensation Insurance, Unemployment Insurance and Medicare. Seasonal employees who gain eligibility to Medical Insurance are not eligible for other core benefits. Seasonal employees may be eligible for certain fringe benefits (See the Employee Benefits Manual, the employee portal (ep.parkcity.org) or contact Human Resources for details).

g. Special Employment Agreement

Special employment agreements are used for those employees who are appointed by the City Manager upon terms set forth in a written employment agreement signed by the employee, approved as to form by the Legal Department and signed by the City Manager. Employees under special employment agreements are (1) employed to carry out special projects with a specific end date and/or (2) the scope and nature of the work requires expertise not otherwise available.

h. Volunteers

Departments utilizing the services of volunteers should refer to the Park City Municipal Corporation Administrative Policy on Volunteers and contact Human Resources prior to the recruitment of any volunteers. For volunteers **underless than** 18 years of age, see Section 2.8 Child Labor Underage Workers.

i. Community Service

Department utilizing the services of community service workers should refer to the Park City Municipal Corporation Administrative Policy on Volunteers and contact Human Resources prior to use of community service workers.

j. Student Intern

A student intern appointment indicates an employee who may work between one and 40 hours per week for the temporary period they are actively enrolled and attending an accredited College and/or University and may not work more than 1500 hours total per 12-month period. Student interns are positions which are not eligible for core benefits other than those required by law such as Social Security, Workers' Compensation Insurance, Unemployment Insurance, and Medicare. Student interns may be eligible for certain fringe benefits (See the Employee Benefits Manual, the employee portal (ep.parkcity.org) or contact Human Resources for details).

2.3 Rehire Policy

The City will consider all qualified applicants for employment with Park City Municipal Corporation. If an employee leaves the City and reapplies at a later date, the City will consider the employee's qualifications for the job and his/her prior work performance record with Park City Municipal Corporation.

It is the policy of the City not to rehire those employees who have been terminated for cause. Also, those who quit without giving the appropriate amount of written notice as specified may not be eligible for rehire.

A request for review may be made to the Human Resources Manager by any supervisor or manager interested in a former employee who has been terminated for cause or who gave insufficient notice upon resignation. Exceptions to this policy may be made by the City Manager.

The written request must show supportable evidence of the following:

1. Why the rehire would be in the best interest of Park City Municipal Corporation;
2. Conditions surrounding the original separation;
3. Why no one else suitable for the position can be transferred or recruited and what assets/qualifications the applicant possesses that outweigh those of other qualified applicants.

Inactive employees who re-apply for other positions available city-wide will have their prior work performance and attendance records reviewed before re-hire in accordance with hiring qualifications.

2.4 "Fitness for Duty" Medical Examinations

The City may require that any applicant complete a "fitness for duty" medical examination or functional analysis testing to determine whether or not an applicant can perform essential job functions with or without reasonable accommodation. Medical examinations are conducted at the conclusion of the hiring process and after the conditional job offer, but prior to the actual start date. Certain positions may also require a medical examination as part of state or federal regulations. City-requested medical examinations will be conducted at the City's expense.

The City may require any employee to complete a "fitness for duty" examination, employer EAP referral, or functional analysis testing if it believes an employee may not be physically or emotionally able to perform essential job functions or if necessary to determine whether an employee performing a physically demanding job continues to be fit for duty. The City may also require a "fitness for duty" examination after an employee returns from any extended leave including but not limited to short-term disability, long-term disability and return to work from personal or professional trauma, limited or light duty. City required examinations will be conducted by a provider of the City's choice or approval and at the City's expense.

2.5 Pre-Employment Drug Testing

The City has a responsibility to employees to make a reasonable effort to provide a safe work place and a responsibility to the public to make a reasonable effort to promote public safety. Therefore, applicants for certain positions may be required to submit and pass a drug screening test as a condition of employment (See 5.11 Use of Drugs and Alcohol).

2.6 Federally Required Drug Testing

The City is required to test certain employees for drugs pursuant to federal regulations. Such testing will take precedence over related provisions in this manual.

2.7 Hiring Relatives

Any qualified applicant who applies for a position with Park City Municipal Corporation will be considered for employment. The City reserves the right not to hire an applicant who is or may become related to a current employee. The City also reserves the right not to promote or transfer an employee who is or may become related to a current employee.

No member of an employee's immediate family shall be under the direct or indirect supervision of a said employee unless a specific exception has been granted by the City Manager prior to appointment and/or hire. Such requests for exceptions to the City Manager are generally disfavored. The immediate family shall include mother, father, brothers, sisters, aunts, uncles, grandparents, stepparents, children, wife, husband, mother-in-law, father-in-law, sisters-in-law, brothers-in-law, son-in-law, daughter-in-law, stepchildren, grandchildren, and domestic partners.

2.8 Child Labor Underage Workers

The Fair Labor Standards Act (FLSA), as amended, permits the employment of under- age workers with restrictions. Under-age workers are defined to be any persons between the ages of 14-17. The City does not permit the employment of workers **underless than** 14 years of age.

14-15 year-old restrictions:

- Work must take place during non-school hours;
- No more than 3 hours of work is permitted on a school day;
- No more than 18 hours of work is permitted in a school week;
- No more than 8 hours of work is permitted on a non-school day;
- No more than 40 hours on a non-school week;
- Work must take place between the hours of 7 a.m. and 7 p.m. (except from June 1 through Labor Day, when possible evening hours are extended to 9 p.m.);
- No hazardous work is permitted including transportation, public utilities, or operating power-driven machinery;
- Prohibited from driving in connection with their employment

16-17 year-old restrictions:

- No hazardous work is permitted including transportation, public utilities, or operating power-driven machinery;
- Prohibited from driving in connection with their employment

Minors, under the age of 18, are entitled to a meal period of at least 30 minutes not later than five hours from the beginning of their shift. A rest break is required for minors of at least 10 minutes for every three hour period or part thereof that is worked.

The City also requires a signed note from the parents or legal guardian of any individual **underless than** 16 years of age acknowledging and approving work duties to be submitted with any new hire paperwork.

Section Three (3)
CHANGE IN EMPLOYMENT STATUS

3.1 Transfer

A transfer is the appointment of an employee to a new position. Employees who are transferred are subject to a probationary period. See Section 2.2 a. Probationary Appointment for details.

When a job vacancy is announced, any City employee may apply to transfer to the position. All qualified applicants will be considered although no City employee is ensured of selection. If the employee successfully applies for transfer during his/her original probationary period, the employee shall undergo a new and separate probationary period in the position to which he/she is transferred. Any proposed changes in pay must be effective the first day of a City established pay period.

The City reserves the right to transfer its employees, either permanently or temporarily, from one job to another or one department to another, according to need. If employees refuse to be transferred and/or the City determines in its sole discretion that there is not work for them in their current positions they may be subject to a reduction in force.

Certain transfers are subject to appeal as described in Section 6.3 ETDABH Appeal Rights and Procedures in this manual. |

3.2 Promotions

Promotion is the appointment of an employee to a position in a higher classification and/or salary range.

Insofar as it is consistent with the best interest of the City, promotional opportunities within the City's service shall be encouraged. However, vacancies may be advertised outside the City and promotional examinations or tests may be required.

When an employee is promoted to a higher position classification, the employee shall be eligible for an increase in pay within the pay range of the higher position classification. The exact percentage of the increase shall be recommended by the Department Manager, reviewed by the Human Resources Manager and submitted to the City Manager for final approval. The employee's new pay rate should be within the range for the pay grade assigned to that position and generally no more than the new hire maximum. Employees who are promoted to a new position are subject to a probationary period. See Section 2.2 a. Probationary Appointment for details.

In the case of part-time or seasonal employees, personnel action forms should be forwarded to the Human Resources Manager as the City Manager's designee for review and approval. The employee's new pay rate must be within the range of the pay grade assigned to that position.

3.3 ~~Transfer~~Transfers for Disciplinary Reasons (Demotion) |

Employees transferred for disciplinary reasons to a position in a lower salary/grade range will be paid at the lower rate when they begin the new job unless otherwise approved by the City Manager. A transfer for disciplinary reasons (demotion) shall be recommended by the Department Manager, reviewed by the Human Resources Manager and submitted to the City Manager for final approval.

A change in job title that does not affect the pay and classification of the employee shall not be considered a demotion. Certain demotions are subject to appeal as described in Section 6.3 ETDABH Appeal Rights and Procedures of this manual. |

When an employee is placed into a lower grade resulting from inability to perform assigned work, the employee's pay will be adjusted to a rate no greater than the working level of the lower grade.

3.4 Department Reorganization

When an existing position is vacated or proposed for elimination from an existing department or when requirements, duties and job descriptions of a department have dramatically changed, a reorganization or department restructure may be proposed to the City Manager for consideration. The department must mitigate all potential impacts to internal and external customers caused by the reorganization or department restructure.

In cases where it is determined the reorganization or department restructure will eliminate or significantly change job descriptions, the Pay Plan Technical Committee will review the new job descriptions, conduct a market analysis using the latest available payroll benchmarks. If an appropriate benchmark is not available, the Technical Committee shall forward the reorganization information on those positions that do not have benchmarks available to the acting Pay Plan Committee for internal equity review. A final recommendation shall then be forwarded to the City Manager as to where the recommended job descriptions should be placed in the pay plan. See Administrative policy (Salary Adjustments Outside of Adopted Pay Plan). Reorganization or department restructure could result in an employee change in employment status (see Section 3 Change in Employment Status).

The department requesting the reorganization or department restructure must submit a proposal to the City Manager that includes a demonstrated need for the reorganization or department restructure, new organizational chart, potential costs or savings and changes in job descriptions for review.

The City Manager may review and approve, deny, or revise the request. The City Manager may initiate department reorganization or restructure at any time deemed necessary.

Requests for the elimination of an entire department or combination of two or more departments must be submitted to the City Manager and Legal department to determine whether the Municipal Code requires additional Council approval.

3.5 Resignation & Discharge

To resign in good standing, exempt and non-exempt employees must give the City Manager two calendar weeks' prior notice with the exception of and Management Team who must give the City Manager four calendar weeks prior notice. The department manager or supervisor shall submit the resignation to the Human Resources Manager. The Human Resources Manager will forward the resignation to the City Manager. Employees may not use vacation hours in lieu of straight time hours during their final two or four week notice period.

Failure to comply with this rule shall be entered into the personnel file of the employee and may be cause for denial of future employment with the City as well as any vacation or other benefits balance payouts (See Section 4.23 Vacation Pay).

The City Manager may discharge any employee of Park City Municipal Corporation at any time subject to U.C.A. Section 10-3-1105(1), as amended, and to appeal described in Section Six (6). See Section 2.2 Appointments. A discharge may be cause for denial of future employment with the City, as well as ineligibility of vacation balances (See section 4.23 Vacation Pay).

3.6 Reduction In Force

The City Manager may discharge any employee at any time in accordance with implementation of a Reduction In Force strategy as part of a reorganization or as provided in the City Budget Recession/Revenue Shortfall Plan, after consultation with the Legal Department.

3.7 Final Paycheck

All City property must be returned to the department manager or supervisor prior to release of the final paycheck. If an employee is involuntarily terminated, wages will be paid within one business day of termination. Final wages for employees who voluntarily resign will be paid on the next scheduled pay date.

3.8 Separation Agreement

If in the sole discretion of the City Manager a separation agreement is warranted which may or may not include compensation or other consideration, it will be negotiated on a case-by-case basis. Such an agreement with compensation in excess of six months' salary requires the approval of the City Council. Any educational assistance, bonuses, or other benefits received by the employee within the last 12 months prior to separation will be taken into consideration.

Section Four (4) Employee Pay and Work Practices

4.1 Classification & Pay: Plan and Administration

The employee pay and position classification plan contains a list of grades and positions supported by written job descriptions detailing duties and responsibilities of each position and the qualifications necessary for appointment to a position. The classification system is not static and is not intended to fix positions permanently into grades. Instead, the system is periodically reviewed in order to adapt to changing conditions.

Park City Municipal Corporation operates within the guidelines of an established Pay Plan. The pay plan attempts to insure the uniform and equitable application of pay with due regard to the duties, responsibilities, most current available market data and requisite qualifications of each position classification. The City believes rewarding performance and not longevity is an equitable way of compensating employees for their contributions to the organization. All pay plan recommendations and individual employee salary increases or lump merit eligibility are subject to budget constraints and/or revenue availability and may be altered or rescinded by the City Manager at any time. See the Classification Plan Manual for details.

4.2 Employee Pay

City policy and practice comply with all laws, both State and Federal. In the event of an inadvertent or improper pay deduction, affected employees are requested to bring the situation to the attention of the Human Resources Department immediately. The City will review the situation thoroughly and make any corrections to an employee's pay deemed necessary. Questions or concerns about the City's policy should also be directed to the Human Resources Department.

Overpayment of wages or benefits will be deducted from upcoming employee's pay checks. Depending on the size of the overpayment of wages or benefits, a re-payment schedule and timeline may be approved by the Finance Director.

4.3 Work Week & Pay Periods

Park City Municipal Corporation operates its payroll system on a biweekly time period. The biweekly pay period is defined as the two-week period commencing at 12:01 a.m. Sunday and running to 12:00 midnight Saturday of the following week, running concurrently with the two-week period used to compute payroll. The standard work week for all non-public safety personnel at Park City Municipal Corporation begins on Sunday and ends Saturday of the same week. The standard work week for all public safety personnel is defined by the biweekly pay period of 80 hours. Time must be approved by Noon on the Monday following the end of the pay period. The normal work week for full-time regular employees is 40 hours per week, with the exception of public safety personnel which is the biweekly pay period of 80 hours.

Employees are paid every other Friday for the proceeding pay period. Employees not participating in a direct deposit program may pick up their paychecks beginning at Noon in a location designated by department managers on the respective payday. Checks remaining in Finance after 3:00 p.m. on any payday will be mailed to the address on file.

4.4 Break Time and Lunch Period

Policies covering break time and lunch periods vary by department. Employees should contact their Department Manager or the Human Resources Department. For lunch and break period requirements for employees ~~less than~~under 18 years of age, see Section 2.8 Child Labor Underage Worker.

For break time requirements for nursing mothers, see Section 4.18.a. Medical Maternity Leave.

4.5 Time Keeping

Any non-exempt employee who works during a biweekly pay period is required to check in to work by an approved time-keeping method. This may include check in via a physical time clock, remote or computer check in. Employees are accountable for using the time keeping method approved by their supervisor, team or department. Employees are not permitted to save up hours worked and report them on a payroll other than the one coinciding with actual days worked. Employees who submit their time later than Noon on Monday following the end of the pay period may not be paid until the following pay period. Violation of time keeping policies or falsification of time reported may result in disciplinary action up to and including termination.

Time must be verified by the employee and approved by a supervisor and/or team member before forwarding to payroll for processing. Employees are compensated in quarter hour increments only. An employee may clock in or out at any time, other than their initial start time, and punches will be rounded to the nearest quarter hour. Employees with schedules established in the timekeeping system may punch in up to 15 minutes (referred to as a "grace period") prior to their scheduled starting time, but will not be compensated until their shift begins as scheduled. Employees with no schedules established may punch in up to 7 minutes prior to their scheduled starting time, but will not be compensated until their shift begins as scheduled. Employees punching in later than their approved start time and/or taking longer or shorter than their approved lunch period may be subject to disciplinary action up to and including termination. Employees are expected to be "clocked in" and ready to work, at their work place by the time their shift starts.

Non-exempt employees are required to clock in or out using their department's approved time keeping method at the beginning and end of each shift and during unpaid meal breaks. Employees who fail to appropriately check in or out of work must have the hours for that day verified according to their supervisor's or department's policy and have appropriate corrections made in the timekeeping system by an immediate supervisor.

Exempt employees who use any time other than Straight Time hours must indicate such use to payroll during the pay period in which the hours were used. This includes but is not limited to Sick Leave, Sick Leave FMLA, Sick Leave Family, Sick Leave Family FMLA, Vacation, Lump Merit Leave, Floating Holiday, Funeral Leave, Jury Duty Leave, Maternity Leave, Paternity Leave, and approved Administrative Leave. Actual hours of straight or "worked" time may vary from numbers pre-programmed in timekeeping software. Pre-programmed totals are for accounting purposes only, and must be updated to include time other than Straight Time. Exempt employees must approve all-time records before their submittal to payroll.

Falsification of time clock entries no matter what method used, or allowing any employee to punch in or out for another employee is prohibited and can result in immediate and severe disciplinary action, up to and including termination. Should any discrepancy occur in a time clock entry, employees should contact their supervisor immediately. Any team member or supervisor who signs another employee's timesheet is accountable for the verification and accuracy of the time declared.

Paid or unpaid administrative leave for all employees, exempt and non-exempt, must be pre-approved by the City Manager.

Qualified Sick Leave, Maternity Leave, Paternity Leave, Sick Leave Family and Workers' Compensation Leave may also be considered Family Medical Leave and deducted from the 12 weeks of FMLA available to all qualified employees, exempt & non-exempt, each pay period. See Section 4.19 Family Medical Leave.

4.6 Overtime

For non-exempt and non- public safety employees, overtime is time in excess of a 40-hour work week. For non-exempt public safety employees, overtime is defined as those hours worked in excess of 80 hours during the biweekly pay period.

Hours actually worked (Straight Time) and actual on-call hours worked (On Call Pay) will be used for the purpose of calculating overtime. All other leave hours including Sick Leave, Sick Leave FMLA, Sick Leave Family, Sick Leave Family FMLA, Holiday Pay, Vacation, Floating Holiday, Funeral Leave, Jury Duty Leave, and Release Time are not used for calculating overtime hours. Administrative Leave is never used in the calculation of overtime.

An employee must obtain his/her supervisor's approval for overtime hours prior to working overtime hours. Each department has general rules relating to overtime. Employees should consult their supervisor or department manager for clarification on department specific practices. All hourly employees without overtime approval from their supervisor are required to conclude their day's work at the established quitting time.

Any non-exempt employee must obtain his/her supervisor's approval to conduct City-business while off-duty. This includes but is not limited to answering or sending phone calls and emails for City-business while off-the-clock.

4.7 Garnishments & Wage Attachments

Occasionally the City will be served with a Garnishment Writ of Execution or wage attachments against an employee's wages. The City is required by law to comply with properly served garnishments.

Garnishments create additional workload for City staff and therefore employees are urged to arrange promptly for the discharging of any amount of judgment against them. If the garnishment cannot be paid outright, it is suggested that an agreement to make periodic payments be arranged until the judgment is discharged. Alternatively, the employee should make arrangements for a loan to pay off the judgment.

4.8 Payroll Deductions

The law requires that certain deductions be withheld from an employee's paycheck. These include Social Security (FICA), Medicare, workers' compensation, federal and state taxes. These deductions are based on a schedule provided by the government and bear a direct relationship to the exemptions the employee claims and the employee's earnings. Additional deductions will be withheld according to the contributory benefits elected by employees, such as insurance premiums, retirement, employee purchase plans, etc. Employee payroll check stubs detail all deductions.

4.9 Flex Schedules

Employees are required to work either an eight or ten-hour day that includes "core hours" defined by the department. Any department interested in allowing a modified flex schedule must have approval from the City Manager. Flex time schedules allow regular full-time exempt and non-exempt employees, with the approval of their supervisor and within certain limits, to set their starting and ending times for the workday.

Managers must submit a flex plan and schedules including but not limited to recommendations, costs, benefits, and customer service impacts to the City Manager before scheduling begins. Offices and/or departments may not close between normal business hours due to flex schedules nor can customer service be diminished. Managers must submit flex schedules to HR annually in April of each year, as well as any time they are recommending changes to previously approved flex schedules.

The Human Resources Manager will compile and maintain a list of which departments and divisions are implementing or utilizing a flex schedule and present it to the City Manager annually. Flex schedules must comply with the Fair Labor Standards Act (FLSA) and the City's policy on overtime and work week designation as defined in Section 4.6 Overtime. Flex schedules may be modified or rescinded at any time by the department manager or City Manager.

4.10 Telecommuting

The City confirms its commitment to assisting employees in developing a work-life balance by supporting the use of telecommuting, when it is reasonable and practical to do so and when operational needs will not be adversely affected. It can also reduce absenteeism in certain situations and improve productivity. Telecommuting allows an employee to work from home all, or part of, their regular workweek. Telecommuting is not intended to permit employees to have time to work at other jobs or run their own businesses. It is not an entitlement or a City wide benefit, and can be altered or terminated at any time with or without notice, pursuant to City needs.

Please refer to the Administrative Policies found on the Employee Portal (ep.parkcity.org) or contact the Human Resources Department for information and direction on Telecommuting.

4.11 Absences & Tardiness

Employees are expected to report to work on time. Tardiness is expensive, disrupts workflow, compromises customer service and will not be tolerated. Unauthorized or excessive absences or tardiness may result in disciplinary action up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Unsatisfactory attendance may also have an adverse effect on any promotional opportunities.

If an employee is going to be late or absent for any reason, he/she shall contact his/her supervisor or their designee at least one hour prior to their regular starting time. It is the employee's responsibility to ensure that proper notification is given. Leaving voice mail messages is not considered proper notice unless authorized by department supervisor; asking another employee, friend or relative to give this notification is acceptable only under emergency circumstances.

Employees who know they will be absent on **three or more than two** consecutive work days are required to notify their supervisor in advance of their absence. Employees who are absent on consecutive work days as a result of day-to-day illnesses are required to notify their supervisor each day. Employees who take sick leave **for on more than two three or more consecutive daysshifts** are required to provide their supervisor or department manager with a doctor's note from a certified medical provider upon return to duty verifying their ability to return to work full duty. Supervisors should forward all doctors notes to Human Resources. Absences occurring around regularly scheduled days off are considered consecutive. For example, Thursday, Friday, Monday absences are considered three consecutive work days for those working a typical work week.

Employees who exhibit a pattern of absences (three or more occurrences of two consecutive work day absences or more than 40 hours) in any three-month period may be required to furnish a doctor's note

from a certified medical provider verifying each occurrence of illness until the employee's pattern of absences ceases.

Patterns of absences include but are not limited to Monday and Friday absences, absences prior to scheduled time off, holidays or sick leave taken on more than two consecutive scheduled work days in any month. This applies to both non-exempt and exempt employees.

Employees who are absent from work for three consecutive days without giving proper notice, communication or verification to a supervisor or manager will be considered to have voluntarily terminated his/her employment with the City. At that time, the termination will be formally noted in the employee's personnel file and the employee will be advised of the action by certified mail to the employee's last known address.

4.12 Salary Increase and Performance Evaluations

As part of the City budget process, the City Council will decide on the amount of funds appropriate for employee pay. Any recommended changes in pay levels must be effective the first day of an approved City pay period.

a. Position Reclassification Due to Pay Plan Review or Market Salary Adjustment

Council may approve an adjustment to pay plan grade levels. An employee whose current classification is moved to a higher pay grade will move into the new grade at their current wage or the minimum wage of the grade, whichever is greater.

b. Merit Increase to Employee Pay

All employees meeting expectations with no performance issues raised in the most recent evaluation will be eligible for an increase up to 5% up to working level. Employees who receive a performance review rating of "consistently demonstrating excellence" for two consecutive performance evaluations may be eligible for an increase up to 5% up to the top of their current grade. Merit increases in pay must be effective concurrent with the annual performance review process effective January 1 of each year. Employees may receive no more than 5% total merit increase within a 12 month period.

If an employee's salary is above the Working Level or Top of Range rate for his/her position classification because the position was redlined due to employee transfer, etc. regardless of the reason, any increase will be calculated and treated as though the employee was at the working level salary or Top of Range, whichever is applicable.

Factors that will not affect eligibility for a merit pay increase are a department transfer within the same pay class or range or leave-without-pay for 30 or fewer calendar days.

c. Performance Reviews

Managers should assist in an employee's development to full potential, help overcome performance deficiencies, and develop an employee's understanding of performance requirements.

Realistic rating of each employee's performance should be conducted, and result in appropriate recognition of differences in individual performance. Eligibility for salary increases within a specific job is based upon how well an employee performs during any given review period. It is

therefore essential that performance be formally reviewed and proper documentation is submitted to the Human Resources Department.

All written employee performance reviews, including self-evaluations and any actions resulting from the review shall become a part of the employee's permanent personnel file. Employees shall not be eligible for pay raises unless a written evaluation of the employee's performance is included with the pay raise request.

A performance review does not precipitate a salary adjustment. The program should not be construed as authorizing annual increases for employees. Annual performance reviews should be done whether or not the employee is being recommended for salary increase and/or lump merit. (See the Performance Reviews Manual for review process requirements and details).

Full-Time Regular Employee Reviews

Full-time regular employees will receive a performance evaluation for the review period of November 1 to October 31. Performance evaluation pay and bonuses are effective January 1 of the year preceding the evaluation. Full-Time regular employees may be eligible for a lump merit of up to 7% annually subject to performance which exceeds expectations, budget constraints and revenue availability. The amount of the performance lump merit will not result in a permanent increase to salary for that position. The City will, however, make retirement contributions on performance lump merits (lump sum) consistent with contributions on base pay.

Each employee who meets the standard identified in the job description of his/her position in their performance review will be eligible to receive a percentage of salary increase **up to 5% until** such time they reach working level. In addition, an employee exceeding his/her performance goals may receive a lump merit up to the annual percentage while an employee who has been performing at or below competency levels may receive no lump merit. Employees who consistently demonstrate excellence in job duties and standards **and exceed expectations in all other areas of their performance evaluations for two consecutive years may be eligible for pay increases beyond working level to the grade maximum, up to 5% per twelve month period.**

Proposed pay raises and lump merits shall be recommended by the Department Manager and approved by the City Manager or, in the case of part-time employees, the Human Resources Manager as the City Manager's designee.

No time spent on leave-without-pay will count toward lump merit eligibility. If the employee is on leave-without-pay status for over 30 days, no time spent in leave-without-pay over 30 calendar days will count toward merit increase eligibility. The new effective service date will be extended on a day-to-day basis with time taken for leave-without-pay calculated. Time considered as leave without pay includes Short-Term Disability (STD), unpaid Worker's Compensation Leave (WC), Long-Term Disability (LTD), Family Medical Leave (FMLA), Unpaid Leave and mandatory unpaid leave due to disciplinary actions.

For information on Part Time, Student Intern & Seasonal Employee Reviews, see section 4.13 Bonuses.

d. Pay Upon Promotion

When a full-time regular status employee is promoted to a higher position classification, the employee shall be eligible for an increase in pay within the pay range of the higher position classification. The percentage of the increase shall be recommended by the Department Manager and submitted to the Human Resources Manager for review. Following review, the Human

Resources Manager shall submit the recommendation to the City Manager for final approval. Only on special approval by the City Manager will an employee be allowed to immediately move to the working level of the pay range in which they are being promoted.

In the case of part-time or seasonal employees, personnel action forms should be forwarded to the Human Resources Manager as the City Manager's designee for review and approval. The employee's new pay rate must be within the range of the pay grade assigned to that position.

4.13 Bonuses

a. Purpose

The bonus program is designed to provide recognition for a specific incident that goes above and beyond an employee's normal job duties, as well as recognition for safety, accident record, and/or other on-the-job accomplishments and contributions. Gifts and gift cards purchased with City funds and given to employees are considered bonuses, and must be categorized and approved per the processes below.

b. Bonus Categories

1. Instant Bonus

Any employee may nominate another employee for an instant bonus to a maximum of \$100.00 with the Human Resources Manager's and the nominee's Manager's approval. Instant bonuses may be grossed up in the payroll system if the request for gross up is reflected on the Personnel Action Form (PAF)

2. Cost Savings Bonus - Outside Normal Job Duties or Description

Any employee may receive up to 10% of cost savings not to exceed \$3,000.00 that would be realized in the first year following the implementation of an employee's cost savings idea. Any cost savings bonus requires prior written approval of the City Manager. Nominations must be in writing and forwarded to the Human Resources Department. The cost savings idea must be outside of an employee's normal job duties or job description. Cost savings bonuses may not be grossed up in the payroll system.

3. Merit Bonus

A merit bonus of up to \$400.00 may be recommended for a full-time regular exempt or non-exempt employee by his/her supervisor at any time throughout the year. Merit bonuses should be reserved for the most productive and estimable performances. They should be based upon the employee's contribution to a department or City essential project, completion of a specific project milestone, exceptional meritorious performance, and/or acknowledgement of efforts during particularly challenging work. Any meritorious bonus over \$100.00 must be approved by the City Manager. Projects or events that become ongoing will not be given a merit bonus beyond the year of implementation. Merit bonuses may be grossed up in the payroll system only with City Manager approval.

4. Part-Time and/or Seasonal Employee End-of-Season Bonus

A part-time and/or seasonal employee who is not eligible for performance or pro shop bonus programs may receive a bonus based on approved end-of-season time and shift requirements, safety, accident record, and/or other on-the-job accomplishments, contributions and specific department criteria. Each department with retention/end-of-season bonus programs must have the criteria by which the bonus is calculated approved by the City Manager and on file in Human Resources before any bonus is approved. All end-of-season bonuses over \$100.00 must be approved by the City Manager. End-of-season bonuses are funded by individual departments and should be budgeted accordingly. These bonuses may not be grossed up in the payroll system.

5. Part-time Employee Performance Bonus

Human Resources provides funding for part-time employee performance bonuses. A department manager who has staff that may be eligible for this bonus program must provide a list of positions and employees who may be eligible, and an estimate of the maximum amount of bonus for the employee in that position based on 4% of the annual hours worked at the employee's current rate of pay.

Each department requesting part-time employee performance bonuses must have the criteria by which the bonus is calculated and the employees eligible approved by the City Manager and on file in Human Resources. All part-time non-benefitted employee performance bonuses over \$100.00 must be approved by the City Manager. These bonuses may not be grossed up in the payroll system.

6. Part-time and/or Seasonal Employee Pro Shop Bonus

Any employee who may be eligible to receive a bonus based on sales or pro shop revenue calculations and is not eligible for any other end-of-season or performance bonus programs may receive a bonus based on sales or pro shop revenue generation. Pro Shop Bonuses are only offered to those part-time and/or seasonal employees that actually work in pro shops of certain City departments such as the Racquet Club and the Golf Course. All Pro Shop Bonuses over \$100.00 must be approved by the City Manager. These bonuses may not be grossed up in the payroll system.

7. Perfect Attendance Bonus

To reward full-time regular, non-exempt employees who have been released from probation and who do not use Sick Leave, Sick Leave FMLA, Sick Leave Family, Sick Leave Family FMLA, disability or Workers' Compensation hours, the following incentive will be provided: For each quarter (Jan-Mar, Apr-Jun, Jul-Sep, Oct-Dec) of perfect attendance, full-time regular employees will receive a \$100 bonus. If the employee has perfect attendance for the entire calendar year, he/she will receive an additional \$200 at the end of the corresponding year. The bonuses will be paid within 30 days after the end of the quarter. Perfect attendance bonuses do not apply to employees on short- or long-term disability, or employees off work due to a Workers' Compensation related injury. Perfect Attendance Bonuses may be suspended at any time for any reason by the City Manager. Exempt employees are not eligible for this incentive.

c. Documentation and Procedure

Any department requesting performance, pro shop, or end-of-season bonuses for part-time employees must have the criteria by which the bonus is calculated, the employees' eligibility approved by the City Manager and on file in Human Resources.

A written memorandum articulating the specific reasons and/or employee eligibility must be submitted to Human Resources and approved by the City Manager prior to bonus recommendations. This documentation must be completed for each employee evaluated, and accompany a Personnel Action Form (PAF) with the appropriate approvals to the Human Resources Department for processing.

Part-time and/or seasonal employees are eligible for only one bonus. They are eligible for either a performance bonus, an end-of-season bonus, or a pro shop bonus. Full-time regular or employees under Special employment agreements are not eligible for end-of-season or pro shop bonuses.

4.14 Release Time

As part of the City's wellness program and with prior supervisory approval, eligible employees may be granted 30-60 minute periods, up to a maximum of 90 total minutes per week, to participate in an approved physical activity. Release time may only be granted during an employee's regularly scheduled work hours, at the beginning or end of their work shift or in conjunction with their lunch hour (provided the lunch break is not taken at the end or beginning of the shift). Release time is considered "non-productive" time, and is not included in overtime calculations. Release Time must be pre-approved by supervisors at any time depending on department needs. This time will be recorded as Release Time on timesheets.

4.15 On-Call Pay

On-call employees shall receive \$15.00 per day and a two hour minimum pay per call out. Except for emergencies when phone conversations are necessary, travel time to and from work is considered non-productive time and therefore is not paid. On-call employees may be provided with a City vehicle which shall be used only by the employee for on-call emergencies.

On-call employees shall strictly adhere to all City policies and procedures and in particular Section 5.11 Use of Drugs and Alcohol of this manual. On-call employees shall not drive City vehicles or perform on-call emergency services while under the influence of drugs (legal or illegal) or alcohol.

This on-call policy does not apply to Police Officers or exempt employees.

4.16 Sick Leave & Sick Leave FMLA

Sick leave is leave with pay granted to a full-time regular employee who is suffering from an illness or a disability which prevents him/her from performing his/her usual duties and responsibilities. If an employee is sick, he/she will be paid at his/her regular pay rate for work hours missed due to the illness up to 120 hours per illness or occurrence.

When an employee is absent due to illness, doctor's appointment, or dental appointment, the time will be recorded as Sick Leave on time sheets. Employees taking **three or more than two** consecutive work days as leave will be required to provide documentation of illness or medical necessity from a physician upon return to work to their supervisor, team or the Human Resources department. Supervisors or teams receiving sick leave notes from employees should forward them to the Human Resources department immediately. It is the responsibility of the supervisor or team to monitor the amount of sick time being used and deal with abusers through the formal disciplinary procedures as provided in Section 5.14

Disciplinary Procedures. Employees with consistent patterns of sick leave, whether on paid or unpaid leave status, may be subject to disciplinary action up to and including termination. Consistent patterns of illness may include Monday and Friday absences, or consistent sick leave taken in any month or over a period of several months. This applies to both non-exempt and exempt status employees.

All non-emergency, medically necessary surgeries or procedures requiring leave beyond 21 consecutive days must be approved in advance. The request must be accompanied by a physician's note which must specify medical necessity, prognosis, probable return to work date and fitness for duty status. At the end of 21 consecutive days due to the employee's illness, employees will be placed on Short-Term Disability status and may opt to supplement his/her pay with a vacation payout. See section 4.23 Vacation Pay. No more than a maximum of 120 hours of Sick Leave may be used either consecutively or non-consecutively by an employee for the same occurrence of illness or medical condition.

Employees returning to work with work restrictions must adhere to Sections 4.20 Return to Work from Medical Leave & 4.21 Light Duty policies. Employees may not substitute Vacation hours to supplement or to receive perfect attendance bonuses, or for any other reason.

Sick Leave used by employees considered to have a serious medical condition will also be counted toward the 12 weeks of eligibility for Family Medical Leave and time will be recorded as Sick Leave FMLA on time sheets. See section 4.19 Family Medical Leave. Sick leave and perfect attendance bonuses are part of the City's core benefits package.

4.17 Sick Leave Family & Sick Leave Family FMLA

Sick Leave Family is paid leave granted to eligible employees due to an illness in his/her immediate family which requires the presence of the employee as primary care giver. For the purpose of this policy, immediate family is defined as dependents, children, spouse, parents, domestic partner and legal guardian. Employees taking ~~three or more~~ **three or more** consecutive days for qualified family illness will be required to provide documentation of illness or medical necessity from a physician upon return to work.

Employees are allowed a maximum of 120 Sick Leave Family hours per 12-month period. The 12-month period of leave is considered as a rolling 12-month period, which is measured backward from the date the leave is used.

After 120 hours of Sick Leave Family due to the same occurrence of illness or medical condition of a member of the employee's immediate family, where an employee is designated by a medical provider or physician as the primary care giver, an employee may be allowed additional unpaid leave as designated and regulated by the Family Medical Leave Act (FMLA). An employee may supplement unpaid time with a vacation payout. See sections 4.23 Vacation Pay and 4.19 Family Medical Leave.

Employees returning to work after caring for an immediate family member for more than 2 consecutive scheduled work days must adhere to Sections 4.20 Return to Work from Medical Leave. Employees may not substitute Vacation hours to supplement or to receive perfect attendance bonuses, or for any other reason.

Sick Leave Family used by employees whose immediate family member is considered to have a serious medical condition will also be counted toward the 12 weeks of eligibility for Family Medical Leave and time will be recorded as Sick Leave Family FMLA on time sheets. See section 4.19 Family Medical Leave. Sick leave and perfect attendance bonuses are part of the City's core benefits package.

4.18 Parental Leave

a. ~~Medical~~ Maternity Leave

A total paid leave of 240 ~~Medical~~ Maternity hours will be granted to female, full-time regular employees for pre-partum and post-partum care and/or recovery. This includes pre-birth doctor's visits and sick leave due to maternity care. Once medical maternity leave hours are exhausted, additional unpaid hours may be granted under the Family Medical Leave Act and an employee may supplement unpaid time with a vacation payout. See Section 4.22 Vacation Pay. Paid ~~Medical~~ Maternity hours will be counted towards the 12 weeks of leave allowed by the Family Medical Leave Act. See Section 4.18 Family Medical Leave. Once maternity leave hours are exhausted, maternity care is not eligible for sick leave coverage. Only full-time regular employees are eligible for ~~Medical~~ Maternity Leave. ~~Medical~~ Maternity Leave is part of the City's core benefits package. In the case of adoption Maternity Leave may be granted based on the City's discretion. Upon return to work, nursing mothers are eligible to reasonable unpaid breaks during work time to express milk for their infants for one year after the child is born. A location other than a bathroom will be provided which is shielded from view and free from intrusion from co-workers and the public.

b. Paternal Leave to Provide Care/Assistance to Mother and/or Child

Paternal Leave up to 480 0-hours with pay will be granted to a father or domestic partner to provide care and assistance for the birth or adoption of a child and/or his/her mother. Once paternal leave hours are exhausted, additional unpaid hours may be granted under the Family Medical Leave Act (FMLA). Paid Paternity Leave hours will be counted towards the 12 weeks of leave allowed by the Family Medical Leave Act. See Section 4.19 Family Medical Leave. Once paternal leave hours are exhausted, Paternal Leave is not considered Family Illness unless specifically designated as such by a physician. Only full-time regular employees are eligible for Paternal Leave. Paternal Leave is part of the City's core benefits package.

c. Coordination with Family Medical Leave Policy

~~Medical~~ Maternity and Paternity Leave is counted toward the 12 weeks of eligibility for Family Medical Leave. See Section 4.19 Family Medical Leave.

4.19 Family Medical Leave

The Family and Medical Leave Act of 1993 (FMLA) grants eligible employees the statutory right to take unpaid leave under specified circumstances. This policy applies to all City employees who have met all of the following conditions:

- worked for the City a minimum of 1,250 hours in the 1 year period immediately preceding the request for leave.
- worked for the City for a total of 12 months. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more will not be counted unless the break was occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation.
- be an active employee.

There are two separate types of leave along with applicable requirements:

Medical and/or Qualifying Exigency Leave: eligible employees are entitled to take up to 12 weeks (480 hours) of leave during a 12-month period for any of the following:

- the birth and care of a newborn child of the employee,
- placement with the employee of a son or daughter for adoption or foster care,

- to care for a spouse, child, dependent, domestic partner and/or parent with a serious health condition,
- a serious health condition that makes the employee unable to perform his/her job functions
- if the employee's spouse, child or parent who is a member of the National Guard or Reserves (or a retired member of the regular Armed Forces) and who is either on active or inactive duty and has been notified of an impending federal call or order to active duty in support of a contingency operation. Contingency operations may include, but are not limited to, a call to war or national emergency declared by the President of the United States or Congress.

To be eligible for medical and/or qualifying exigency leave the employee must submit the applicable paperwork that can be obtained either online at the Department of Labor Website or employee portal, or in the Human Resources office (WH-380 for medical leave and WH-384 for qualifying exigency leave). The leave taken under this policy may not exceed 12 weeks (480 hours) in any 12-month period.

Military Caregiver Leave: eligible employees may be entitled to take up to 26 weeks (1040 hours) of leave for the care of a spouse, child, parent or next of kin who is a "covered military service member" undergoing medical treatment, therapy or recuperation, who must have an outpatient status or be listed on the temporary disability retired list (TDRL) for a serious injury or illness. The serious injury or illness must have occurred in the line of duty while on active duty in the Armed Forces, and the injury must have rendered him or her "medically unfit to perform the duties of the member's office, grade, rank or rating." The leave taken under this policy may not exceed 26 weeks (1040 hours) of leave in any 12-month period. To be eligible for military caregiver leave the employee must submit the applicable paperwork that can be obtained either online or in the Human Resources office (WH-385).

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care.
- Continuing treatment by a health care provider, which includes:
 - o A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - Treatment two or more times by or under the supervision of a health care provider (the first visit must be within 7 days and both within 30 days of the first day of incapacity) or
 - One treatment by a health care provider (an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (i.e. prescription medication, physical therapy, etc.).
 - o Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence
 - o Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence.
 - o A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment.
 - o Any absence to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Part-time and/or seasonal employees who do not work full time schedules will be eligible for a pro-rated amount of leave hours based on the total number of hours worked during the qualifying period of 1 year previous to a request for FMLA leave.

The 12-month period of leave is considered as a rolling 12-month period, which is measured backward from the current date. When used for a serious medical condition, sick leave, family sick leave, and worker's compensation leave, taken by an employee who is designated as qualifying for family leave may be counted toward the 12 weeks of leave. Maternity leave, paternity leave, short-term disability and long-term disability will be counted towards the 12 weeks of leave.

The definitions and rules set forth in the Family and Medical Leave Act of 1993 and the Department of Labor Rules and Regulations are used to determine if an employee qualifies for leave under this policy. Employees who request leave for their own serious health condition or for the serious health condition of a family member are required to provide the City with a complete U.S. Department of Labor Form WH-380 Certification of Health Care Provider. This form can be found in the HR section of the Employee Portal under *Employee Leave* and also in the Human Resources Department.

When leave is expected to last more than five days, the employee must request the leave, in writing, to his/her supervisor, who shall forward the request to the Human Resources Manager at least 30 days prior to commencement of the leave, or as soon as practical when employee is made aware of the need for leave if less than 30 days.

Oral notice of emergency leave must be followed by a written request and applicable forms as soon as possible.

If the City has reason to doubt the validity of a medical certification it may require an employee to obtain a second opinion at the City's expense. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the Act, including maintenance of group health insurance benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under Park City's established leave policies. The City is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the City. If the opinions of the employee's and the City's designated health care providers differ, the employer may require the employee to obtain certification from a third health care provider, again at the City's expense. This third opinion shall be final and binding. The City will provide employees with a copy of the second and third medical opinions, where applicable, upon request.

Prior to returning to work, the City may require that an employee on leave for his or her own serious health condition submit a medical certification that the employee is able to return to work. See sections 4.20 Return to Work from Medical Leave and 4.21 Light Duty. The City may require a fitness for duty examination, functional analysis, and drug or alcohol testing if it has reasonable cause to believe that an employee may not be physically or emotionally able to perform essential job functions or if necessary to determine whether an employee performing a physically demanding job continues to be fit for duty. During periods of leave taken pursuant to this policy, the City continues to pay the employer's portions of the employee's health insurance premium. The employee is responsible for paying his or her portion of the monthly health insurance premium. The employee's failure to pay the employee portion of any health insurance premium may result in the loss of health insurance benefits.

Married employees who both work for the City are restricted to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the birth and care of child, or for the adoption of a child or placement of a child with the employee for foster care. This restriction does not apply to other types of leave the employees may qualify for under this policy.

Eligible employees who take leave under this policy are entitled to be restored to the same position they held when the leave began, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. The City reserves the right to designate certain employees as key employees, pursuant to the Family and Medical Leave Act of 1993 (FMLA). Under certain circumstances, key employees may not be entitled to return to work following leave.

The City's Maternity Leave, Paternity Leave, short-term disability and long-term disability hours run concurrently with FMLA hours. Other leave, such as accrued paid leave or unpaid leave granted by the City Manager may, upon approval, be taken by an employee to extend the overall leave duration. However, the protections and benefits provided by FMLA do not apply to leave which exceeds the eligible FMLA leave period per 12-month or 26-month maximum.

An employee may, if eligible, request a vacation payout during any and all portions of unpaid or partially paid FMLA leave, up to 100% of regular salary. Any partially paid portion (including worker's compensation, short and long term disability payments) shall be considered a portion of regular salary when determining payout eligibility. Employees are eligible for payouts only up to their current vacation balance. All vacation payouts will be subtracted from the current balance upon payment.

The application of this policy and any inconsistencies, conflicts, or issues that arise are governed by the provision of the Family and Medical Leave Act of 1993 (FMLA) and applicable federal regulations that interpret the Act.

4.20 Return to Work from Medical Leave

When an employee returns from any form of approved medical leave including workers' compensation leave, disability leave, sick leave, etc. with work restrictions ordered by a certified doctor or medical provider, the employee must report with that information to their immediate supervisor and/or the HR department before reporting to duty. The City will then determine whether that employee may return to his/her regular duties, whether modifications will be made, or if there is no modified work available. See Section 4.21 Light Duty.

Employees absent for **three or more than two consecutive work days or regularly scheduled shifts** will be required to provide documentation of illness or medical necessity from a physician upon return to work to their supervisor, team or the Human Resources department for any of the following types of leave: sick leave, sick leave FMLA, family sick leave, family sick leave FMLA, worker's compensation leave, short-term disability and long-term disability. **For an employee regularly scheduled to work Monday-Friday, the weekend is not excluded from consecutive absences. For example, a doctor's note is required for absences Friday, Monday Tuesday or Thursday, Friday, Monday.**

4.21 Light Duty

Light Duty / Return to Work policies are highly effective in containing and reducing employer's costs of Workers' Compensation as well as disability related leaves. Enabling the earliest possible return of injured/sick workers to perform productive work within their physical capabilities may also promote quicker employee rehabilitation by keeping the employee active and part of the work environment. It ultimately facilitates the employee's return to his/her regular position once released from light duty.

Light Duty is prescribed by a physician due to an employee's work related injury, personal injury or short or long term disability. It temporarily restricts an employee's physical abilities. These restrictions may present obstacles on the employee's ability to perform tasks required by their normal position. Light duty enables supervisors to modify the employee's position to accommodate his/her restrictions or allow other positions or tasks within the City to be temporarily filled by the employee. Light duty may also be referred to as modified duty, limited duty, alternate duty, restricted duty or transitional duty.

This policy applies to all City employees including full-time regular, part-time non-benefitted, seasonal and special employment agreements, from all City departments.

Light duty assignments are developed at the City's discretion based on the physical capability, skills of the worker, City needs and the availability of light duty assignments. The City will determine appropriate work hours, shifts, duration and locations of all work assignments. The City also reserves the right to determine availability, appropriateness and continuation or cancellation of all light duty assignments at any time for any reason.

Preferably, light duty assignments will be a modification of the employee's current position. If this is not possible, an assignment within the same department or any other department or location within the City will be considered. Telecommuting may also be considered in certain cases. The assignment may require the employee to work a different schedule and/or hours per week than he/she normally does. The employee will continue to be compensated at the salary that he/she normally receives for hours worked. If the employee holds more than one position and light duty is not due to a work related injury, the employee may receive the salary equivalent to the lowest salary held.

The employee's salary will be charged to his/her normal department even if temporarily assigned to another department.

Light duty assignments may be approved for eligible employees for up to 90 consecutive days. The employee will not be displaced from that assignment during the 90-day period by another employee who subsequently requires light duty. The light duty assignments may change or be terminated within the 90 day period depending on City needs at any time for any reason.

The City may allow the employee to extend their light duty beyond the 90 day period. However, the City reserves the right to terminate the assignment at any time for any reason. Upon a physician's note stating the employee's ability to return to full duty without restrictions, the light duty assignment is immediately terminated and the employee will be reinstated into his/her normal position.

This policy does not limit the rights of employees covered by the Americans with Disabilities Act (ADA) to seek reasonable accommodations as provided under that law as amended. It also does not limit an employee's rights and protections under the Family Medical Leave Act (FMLA).

An employee returning from any form of approved leave including workers' compensation, short or long term disability, or sick leave with work restrictions ordered by a physician must submit that information to their supervisor before reporting to duty. The City will then determine whether that employee may return to his/her duties or whether modifications will be made.

The employee assigned to light duty must not exceed the duties of the position or go beyond the doctor's restrictions. The employee will submit all appropriate medical notes to his normal supervisor and also his temporary supervisor if assigned to a different department. If any medical restrictions change, the employee must notify his/her supervisor(s) immediately and provide a copy of the new medical release.

Supervisors will monitor work performance to ensure the employee does not exceed the requirements set by the attending physician. They will forward all documentation to the Human Resources Department.

Upon receipt of a physician's note indicating an employee return to work with light duty restrictions:

- The supervisor will evaluate the possibility of modifying the employee's current position to accommodate the physical restrictions.

- If the supervisor is unable to accommodate the restrictions, he/she will inform the Department Manager who will evaluate other assignments within the department for temporary placement.
- If the department is unable to provide the employee with light duty, HR will try to find proper placement elsewhere in the City and will inform the supervisor of the assignment.
- HR will complete the "Light Duty Assignment Record" form and ensure the light duty assignment is in compliance with the employee's restrictions. HR will ensure that the employee and the supervisors are aware of their responsibilities and will track the duration of the assignment.
- The employee must submit all physician follow-up notes to his normal supervisor and if assigned to a different department, will also give a copy of this note to his assigned supervisor.
- Upon receipt of a return to full duty note from the physician, the employee will be promptly returned to his/her normal position.

4.22 Holiday Pay & Premium Pay

The City provides 12 paid holidays each year for full-time regular employees (11 City-observed holidays and a floating holiday eligible employees may use at their own discretion).

For each of the City-observed holidays listed below all full-time regular employees are eligible to receive eight hours of holiday pay. Only those employees who permanently work shifts of four 10-hour days will be eligible to receive 10 hours of holiday pay.

New Year's Day	January 1
Martin Luther King Day	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Pioneer Day	July 24
Labor Day	1 st Monday in September
Thanksgiving	4 th Thursday after the 1 st Monday in November
Day after Thanksgiving	4 th Friday after the 1 st Monday in November
Christmas Eve or Day after Christmas	December 24 or 26
Christmas	December 25

If the holiday falls on a Saturday, the City will recognize the day before (Friday) as the holiday. If the holiday falls on a Sunday, the City will recognize the day after (Monday) as the holiday. Only the City Manager may change the holiday schedule. Holiday pay is paid and City offices are closed on City Manager approved, City-recognized holidays only.

All City employees are eligible for Premium Pay on holiday days worked. Premium pay is equivalent to one half an employee's regular pay and is paid in addition to straight time. Premium pay is paid on the actual dates of Federal holidays listed above only, regardless of the City recognized holiday (which changes to fall only on week days as described above).

Most eligible employees will have the day off and receive 8 hours of holiday pay. Holiday pay hours are not considered productive time and therefore are not 4 etc., who are required to work on holidays. Employees who are required to work on a holiday will receive premium pay according to the following policy:

1. If a full-time regular employee is paid for either the working day before or after a holiday, he/she will be paid for the holiday except when the first day of employment is the day after a holiday.

2. Part-time and/or seasonal employees are not eligible for Holiday pay.
3. Full-time regular non-exempt employees who are required to work on a City- recognized holiday will receive premium pay at the rate of time and one half for all hours worked on that day in addition to their eight hours of holiday pay.
4. Part-time and/or seasonal employees who are required to work on a City recognized holiday will receive premium pay at the rate of time and a half their regular hourly pay for all hours worked on that day. For example, an employee making \$10.00/hr will be paid at \$15.00/hr when working during a City-observed Holiday. Special Events Police officers who work voluntarily, and are not required to work holidays, are exempted from premium pay and will receive a rate equal to their hourly wage only.
5. Full-time regular employees who work regularly scheduled shifts of 10 hours or greater are eligible for 10 hours of holiday pay. Those employees working less than a regularly scheduled 10 hour shift will be paid for 8 hours of holiday pay.
6. Exempt full-time regular employees who are required to work on a City-recognized holiday may, at the City Manager's or department manager's discretion, be given but are not entitled to administrative leave at another time for working the recognized holiday. Holiday and Premium Pay are only paid on those holidays recognized by the City and approved by the City Manager.

In addition to the above list of City-observed holidays, full-time regular employees are granted an 8 hour "Floating Holiday" which can be taken at their discretion with the supervisor's approval. New employees must be released from probation and have 6 months left in the calendar year to be eligible for the floating holiday. The floating holiday is granted on the first of the year to eligible employees and must be taken in the calendar year it is given or it is lost. It cannot be carried forward. Paid Holidays are part of the City's core benefits package.

4.23 Vacation Pay

Only full-time regular employees are granted vacation pay.

Employees are encouraged to take their vacation in blocks of time whenever possible. Because individual circumstances vary, the amount of vacation time an employee may use will be left to the discretion of the Department Manager. Vacation leave must be pre-approved by the employee's Department Manager.

The vacation allowance for eligible employees for each vacation year is based on length of service according to the following schedule:

Completed Years of Service	Vacation Accrual
Less than 5 years	8 hours per month
5 years but less than 10 years	10 hours per month
10 years but less than 15 years	12 hours per month
15 + years	16 hours per month

Vacation benefits apply to full-time regular employees. Vacation leave is used by the hour. If an employee who is on a 10-hour day schedule takes a day of vacation, he/she will be charged 10 hours of vacation time.

Employees are allowed to accrue a bank of vacation time before they are subject to a “use or lose” situation. This bank will allow eligible employees to take a vacation longer than the number of vacation days they accrue in one year. The size of vacation bank is determined by the length of service of each employee according to the following schedule:

Less than 5 years	--- 192 hours
5 years but less than 10 years	--- 240 hours
10+ years	--- 288 hours

Once an employee reaches his/her accrued vacation limit, he/she will then be in a “use or lose” situation. For example, an employee with less than five years is not allowed to carry forward more than 192 hours from one calendar year to the next.

Any employee with a vacation bank balance larger than their years of service allows will lose all excess vacation hours at the end of each calendar year.

Department Managers and/or supervisors who feel an employee's effectiveness and/or productivity would be enhanced and improved can, at their discretion, require an employee to take vacation time.

Employees are required to request vacation leave in advance from their immediate supervisor. Vacation leave must be pre-approved. For vacation leave of one week or longer, employees should plan on providing one month advance notice for each week of vacation. For example, an employee requesting a two week vacation should make every attempt to provide two months of advance notice.

Employees may not use vacation hours in lieu of disability and/or sick leave benefits under qualifying medical leave approved by the HR department but may supplement income with a vacation payout up to 100% of total salary while on unpaid family leave, Short or Long Term Disability and Worker's Compensation leave.

Upon successful completion of probation, an employee will receive eight hours of credit for each month of probation time. Should an employee be terminated prior to successful completion of the probationary period, he/she is not entitled to receive vacation pay.

Probationary employees are not normally permitted to use vacation leave. Vacation leave due to extenuating circumstances, such as during a probationary period for transfer or promotion, may be approved by the Department Manager. Vacation is part of the City core benefits package.

Upon resignation, only those employees who give proper notice and resign voluntarily will be paid for their unused vacation leave bank up to the employee's allowed carry forward balance unless otherwise stated on the separation agreement. See Section 3.5 Resignations & Discharges.

Active employees may request vacation payouts of any unused vacation balance for unpaid Worker's Compensation Leave, Short- and Long-Term Disability and unpaid family medical leave (FMLA). All vacation payouts are not subject to retirement benefits.

4.24 Other Paid/Unpaid Leave

- a. Personal Leave: Written requests for personal leaves of absence will be received and reviewed by the City Manager. The employee's length of service, past performance record

and reason for the requested absence will be taken into account, as well as the disruption the employee's absence will cause in his/her department. A personal leave must be approved by the City Manager. Personal leaves of absence are without pay and benefits unless specifically pre-approved by the City Manager.

- b. Military Leave: The City will adhere to any federal requirements governing military service, military personnel and/or military families. Should the employee be inducted or ordered to active duty in the armed forces of the United States, the employee will retain seniority and, upon return to work, the City will try to reinstate him/her in a job comparable in pay and classification to that held during the prior employment. **Application Declaration** for re-employment must be made within the time specified by law. Military leave is also granted to those employees with Reserve or National Guard obligations with partial pay, limited to 10 working days per year.
- c. Jury Duty: Employees who are required to serve as a juror or witness will be granted Jury Duty leave. Full-time regular employees who receive payment for appearing in court, either as a jury member or a subpoenaed witness, should endorse these payments to the City who will in turn pay the employee the full amount of his/her paycheck. An employee serving as a juror witness will be expected to work as much of his/her regularly scheduled shift as his/her jury duty schedule permits, to the extent that combined time on court duty and work does not exceed the number of scheduled work hours for that day.
- d. Bereavement Leave: Bereavement Leave will be granted for a maximum of five days or up to 40 hours with pay in the event of the death in an employee's immediate family. In the event of non-immediate family, a maximum of one day with pay may be granted at the discretion of the Department Manager. Immediate family is defined as spouse, parent, daughter, son, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, step parents, step children, domestic partner, and a person who is legally acting in one of the above capacities.
- e. Administrative Leave: Exempt employees shall work the hours and time required to perform the duties of their positions and shall be entitled to neither compensatory time nor overtime pay. However, in recognition for extra-ordinary hours worked, the City Manager may, in his or her sole discretion, approve paid Administrative Leave for exempt employees. Administrative Leave must be approved in advance and be reflected on the employee's time sheet anytime it is used. Any employee may be placed on paid or unpaid administrative leave as authorized by the City Manager.

4.25 Employee Benefits

The Human Resources Manager shall prepare a benefits plan with cost projections for review by the City Manager. The City Manager shall then determine the final benefits plan to be submitted to the City Council for their adoption during the budget process.

See the Employee Benefits Manual, the employee portal (ep.parkcity.org) or contact the Human Resources Manager for details on all City benefits.

Section Five (5) CITY RULES

5.1 Applicant & Personnel Files

An applicant's social security number, date of birth, or driver license number may not be obtained before a job offer is made unless required by law or before the time when initiating a credit, driving or criminal background check. Access to applicant information is limited to purposes of hiring, employment, or as required by law. Applicant information will not be retained longer than 2 years from the date received, unless the applicant is hired. Applications will be safely secured until destroyed. An applicant may, upon request, review this policy before being required to provide information as part of the initial selection process.

Individual employee files are considered confidential data unless otherwise classified public in accordance with state law and the City Retention Policy. Access to them is limited for official City business purposes and their confidential nature is safeguarded. An employee may review his/her personnel file. The only other people allowed to see the employee's records, unless otherwise ordered by a court of law with legal jurisdiction, are his/her supervisor and/or Department Manager, the City's financial auditors, employees of the Human Resources Department, the City Attorney, and the City Manager. A supervisor from a different City department considering an employee for a new position must have the employee's permission to review that employee's personnel file. If the employee's personnel record needs to be used as evidence in a grievance hearing, the personnel record may become part of the grievance proceeding.

No documents or information contained in an employee's personnel file shall be released to anyone other than the employee or the personnel identified above unless requested by the employee or approved by the City Attorney. Employees may authorize Human Resources to provide specific information to authorized loan, mortgage or financial institutions with signed approval.

Current, accurate records concerning each employee are essential. The Human Resources Department must be notified within 30 days if a change in any of the following occurs:

- | | |
|---|-----------------------------|
| 1. Name | 6. Number of Dependents |
| 2. Physical Address | 7. Beneficiary Designations |
| 3. Mailing Address | 8. Emergency Notification |
| 4. Telephone Number (home, cell and City-issued phone numbers). | |
| 5. Marital Status | |

Upon separation from the City, it is the employee's responsibility to provide the City with information regarding a change of address to ensure timely delivery of the employee's tax record and any other materials the City may need to forward to the former employee.

5.2 Privacy of Personnel File and Other Employee Information

The Human Resources Department will regard employee information as confidential and will respect the need for protecting each employee's privacy by established guidelines for the proper receipt, possession, use, retention, and transmittal of personal information used by the City to make appropriate judgments regarding prospective employees, current employees, and retirees. To this end, the City will collect and retain only such personal information pertinent to conduct City business and to administer personnel programs. Upon request, employees will be permitted to access their personal records. Employee files are archived or destroyed in accordance with the City's approved retention policy and State law.

5.3 Personal Property

The City assumes no responsibility for personal property which is lost, stolen, damaged, tampered with or destroyed at work. Personal property should be secured when left unattended and are brought on City property at the employee's own risk. Hand tools and toolboxes required by mechanics in Fleet Services will be insured by the City, but it is Fleet Services' responsibility to appropriately secure all personal and City property or equipment when left unattended.

5.4 Safety

The health and safety of employees and others on City property are of the utmost concern. It is the policy of Park City Municipal Corporation to maintain the highest possible level of safety in all activities and operations. Our goal is to comply with all health and safety laws by encouraging all employees to make every reasonable effort to keep public and work areas free of hazardous conditions.

It is the responsibility of each employee to work safely and do all that is possible to prevent accidents or injuries. Every worker is expected to report unsafe conditions, think before acting, and consciously take care to avoid unnecessary risk.

If an employee is injured in connection with employment, regardless of the severity of the injury, the employee must immediately notify his/her supervisor, seek necessary medical attention and complete a workers' compensation questionnaire. The questionnaire can be found in the Human Resources section of the employee portal (ep.parkcity.org) under "Workers Comp" or with department supervisors. The questionnaire must be forwarded to the Human Resources Manager for completion and submission of the first report of injury form. It is the supervisor's responsibility to notify Human Resources of the injury.

5.5 Use of City Vehicles

City-owned vehicles are to be used for official business purposes only, and shall carry no passengers in them other than in connection with official City business. An employee authorized to drive a City vehicle must have a current Utah driver's license. **The City may reserve the right to conduct a driver's license background check for any driver of any vehicle used for city business (i.e. private, city owned, leased).** **or in the case of heavy equipment operators and bus drivers, a driver must possess a** valid Utah Commercial Driver's License (CDL). Bus drivers will also be required to have air brake and passenger endorsements in addition to the CDL. The City reserves the right to require additional endorsements to the CDL as the position may require. Employees operating City vehicles are encouraged to participate in driving courses that may be offered by the Risk Manager and shall obey Utah state law and City ordinances at all times, including the use of seat belts.

Employees who operate City vehicles are required to notify their supervisors within one day if they receive a conviction for driving under the influence of alcohol or drugs or if they have had their driver's license suspended or revoked for whatever reason. A license suspension or revocation may cause disciplinary action up to and including termination if such revocation interferes with the ability of an employee to perform their job functions as required.

City employees may use City vehicles for transportation needs when available and appropriate while performing City business. If a City car is not available, or if circumstances are such that it is not practical to use a City vehicle, the Department Manager may approve the use of a personal vehicle thereby authorizing reimbursement to the individual for such use. A personal vehicle used by an employee for City business and eligible for mileage reimbursement must be properly licensed, registered and insured. Reimbursement shall be at the current IRS mileage reimbursement rate. Individuals who are called in to work during off hours may be reimbursed for miles driven to and from work in their personal vehicle.

Employees who are issued City vehicles will be subject to the appropriate IRS regulations governing the use of issued vehicles. The Finance department will assess the appropriate IRS charges in regards to the use of the vehicle.

For more information on city vehicles and personal vehicles used for work purposes, see Administrative Policy Vehicle Use, Maintenance and Repair policy. Smoking is prohibited in all City vehicles.

5.6 Cellular Phones & Mobile Devices

City issued mobile devices, including cellular phones, smartphones, laptops, tablets, thumb drives and other handheld electronic equipment are considered to be “computers” and are subject to all computer and Internet use policies. Devices are to be used primarily for City business.

Personal use of City-owned devices will require the employee to reimburse the City for cost beyond City/department allowances for service/phone/data/txt plans.

For non-exempt employees ~~it is prohibited to use~~ using of City-owned wireless devices and smart phones for city business while not working (off the clock) ~~is prohibited. This~~ Such use- is considered compensable time. ~~This time~~ and must be pre-approved by the employee's supervisor and reported to payroll on the employee's time card. Any phone calls or emails made to the employee or by the employee for City business ~~should~~ must be pre-approved by the employee's supervisor commensurate with Over Time policy Section 4.6 or otherwise approved in accordance with other computation of time rules/flexible schedules in Section 4.

Apps: Personal applications (apps) can be downloaded so long as they are paid for by the employee and comply with all City Policies. Apps cannot interfere or conflict with business use of the device or increase costs to the City. Employees assume all responsibility for any personal data and financial risk for the purchase of apps and/or accessories. The IT department will not support or guarantee any personal aspects of the device and will not be held liable for data loss or hardware/software incompatibilities.

IM: Instant messaging (IM) linked to or part of a City public safety software system, such as the Computer Aided Dispatch (CAD) system, shall be kept for a period of 6 months and not deleted by users. Other instant messaging should be considered similar to a phone conversation with the realization that the storage of the messaging may be limited by outside parties. Messages shall be kept for a minimum of 24 hours. Users may delete IM conversations older than 24 hours from mobile or computer devices when administrated need (if any) ends.

MMS, SMS, TXT: Multimedia Messaging Service (MMS), Simple Messaging Service (SMS), Text Messaging (TXT) and chat are discouraged for use in conducting substantive business. Text and related messages should be short and considered similar to a phone conversation with the realization that the storage of the messaging may be limited by outside parties. Messages shall be kept for a minimum of 24 hours. Users may delete text and related conversations older than 24 hours from mobile or computer devices when administrated need (if any) ends. Users are encouraged to start new text or related messages rather than add messaging to the back end of a long string of messages in one text conversation.

Personal Devices: The use of any personal devices (e.g. “Android, iPhone, iPad, audio recordings, memory devices, etc.) to conduct City business (or ancillary to assigned job duties) to collect or create data including documents, messages, video, photographs or audio recordings becomes the property of the City and cannot be copied, distributed, posted or printed beyond the official work need. Such data is subject to Social Media Policy, eDiscovery, and GRAMA requirements. Employees wanting to synchronize mobile devices with City messaging services must agree to and submit the “Personal Device

Access Agreement" form located on the employee portal under City Policies to their department for approval.

PIN: Policies enforced on mobile devices will require the use of a security pin. If multiple failed login attempts are made, (as determined by the software) data on the device will be erased.

USE: When using City or personal devices for work purposes, employees are expected to obey all applicable laws, exercise reasonable care, and follow all applicable department, operating and safety guidelines. Employees should not use mobile phone devices for work or personal purposes while operating any motor vehicle.

- Employees should turn off their cell phone and any other equipment before driving and/or allow voicemail to handle calls.
- If an employee needs to place or receive a call, they should wait until they can legally stop at a safe location and place the vehicle in 'park' before using the phone.
- Using messaging services such as text and email while operating a motor vehicle is strictly prohibited.

EXCEPTIONS:

1. Public Safety/Law Enforcement or emergency service personnel acting in the course and scope of employment;
2. Communications during a medical emergency or when providing roadside or medical assistance;
3. 911 or other communications to report a safety hazard, an emergency or other public safety communication such as reporting criminal activity or assistance relating to criminal activity with reasonable care taken to perform the call which may include pulling over to the side of the road provided a safe and legal location is timely available;
4. Use of Transit and Snow Removal Driver two-way radios during shifts;
5. Use of GPS navigation services is allowed but must provide audio directions and be programmed and adjusted while the vehicle is safely parked;
6. Public Works on-call employee receipt of emergency/essential calls, with reasonable care taken to perform or take the call which may include pulling over to the side of the road provided a safe and legal location is available.

All staff authorized to drive a City vehicle or a personal vehicle on City business must complete an Inattentive Driving Training session. Employees shall refrain from doing any activity that would contribute to careless driving. Careless driving activity examples include any activity unrelated to operation of the vehicle such as eating, grooming, or searching for an item in the vehicle.

Any employee who is found guilty of careless driving while on City time and/or while driving a city vehicle: 1) will receive a safety violation that will be reflected in the employee's next performance evaluation and personnel file; 2) any city issued device may be removed from his/her possession; and 3) there may be revocation of his/her City business driving privilege. Utah law defines careless driving as committing a moving violation (other than speeding) while distracted by use of a handheld cell phone or other activities not related to driving. Repeated violations may result in the revocation of use of such equipment and/or City driving privileges, and progressive discipline up to and including termination.

Any employee who is observed/found using such equipment or doing any other inattentive driving activity while operating a motor vehicle during City business may receive a safety violation. Safety violations will be reflected in the employee's next performance evaluation and personnel file. Repeated violations may result in the revocation of use of such equipment and/or City driving privileges and progressive discipline up to and including termination.

Employees who violate this policy risk having cellular or mobile device privileges revoked.

Lost or stolen devices must be reported immediately to the IT department for security and service changes. The cost of damaged or lost equipment due to employee negligence may be charged to the employee.

5.7 Personal Conduct & Hygiene

Employees are expected at all times to conduct themselves in a positive, courteous and appropriate manner in order to promote and reflect the best interests of the City. While on the job or representing their department or the City, all employees are expected to maintain an appearance that promotes a clean, positive and professional image. Employees are expected to dress in attire or uniform that is appropriate or required for the workplace and his/her work assignment. Employees are expected to maintain a high standard of cleanliness and personal hygiene.

5.8 Rules of Conduct

Disclaimer: The policies and procedures stated in this manual and in other personnel statements or materials issued by the City are not intended to create either expressed or implied contract rights respecting the procedures, terms, conditions, or duration of employment nor other obligation or liability on the part of the City. The State of Utah is an "at will" employment state. Accordingly, employment with the City is on an at-will basis, meaning that it may be terminated by the employee or City Manager at any time, for any reason or for no reason, without notice, and without procedures or formality.

The City believes that certain rules and regulations regarding employee conduct and behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the City, and/or is offensive to customers, the public, or coworkers will not be tolerated and may result in immediate dismissal. Inappropriate actions include but are not limited to:

- Refusal to support department and/or City goals and programs.
- Sleeping on the job.
- Neglect of duty.
- Disrespectful behavior and/or poor attitude.
- Failure or willful refusal to perform work as directed and/or insubordination.
- Lack of cooperation with or impeding a department, City or Police investigation.
- Negligence in observing or reporting fire prevention issues (including smoking in designated areas only), safety regulations or any condition that may cause harm to employees or the general public.
- Improper notification of sick leave to Manager; not providing notice of known upcoming sick leave of **three or more than two** days or not providing doctor's note after **three or more than two** days of consecutive days of day-to-day sick leave (see Section 4.16 Sick Leave); habitual tardiness or absenteeism.
- Unwillingness or inability to work in harmony with others. Behavior which shows clear lack of courtesy, and/or creates irritation or friction with others.

- Soliciting or distributing non-related City products and/or programs via e-mail and/or in person.
- Deliberate omission, alteration or falsification of information on employment applications, time records, medical reports, expense records, absentee reports, work related injury reports, unemployment reports, or other City records.
- Reporting to work under the influence of alcohol, illegal drugs, or narcotics; using, selling, or dispensing illegal drugs or narcotics on City premises; reporting to work under the influence of over-the-counter (OTC) drugs that may adversely affect performance or safety of the employee or others.
- Failure to reasonably comply with City policies governing City communications systems.
- Breach of confidentiality.
- Lack of proper hygiene, clothing inappropriate for the workplace. Failure to maintain uniforms to department standards.
- Engaging in or threatening acts of workplace violence, including but not limited to:
 1. Possessing firearms or other weapons on City property with the exception of Peace Officers and Law Enforcement Officials as defined by Utah Code Section 76-10-523 and as authorized by Utah Code Section 53-5-704.
 2. Fighting or assaulting a co-worker, guest, visitor, or customer
 3. Threatening or intimidating a co-worker, guest, visitor or customer
- Engaging in any form of harassment.
- Stealing, destroying, defacing, or misusing City property or another employee's, customer's, or guest's property.
- Misusing City communications systems including electronic mail, computers, Internet access, and telephones.
- Refusing to follow instructions concerning a job-related matter or insubordination.
- Failing to wear assigned safety equipment or failing to abide by safety rules or policies.
- Smoking where prohibited by Section 5.20, local and/or Utah State law.
- Using profanity or abusive language or actions.
- Gambling on City property.

The examples of inappropriate behavior described above are not intended to be an all-inclusive list. At management's discretion, any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may subject an employee to disciplinary action up to and including termination. Any questions in connection with this policy should be directed to your supervisor or to Human Resources.

Employees are expected at all times to conduct themselves in a positive and appropriate manner in order to promote and reflect the best interests of the City. Appropriate employee conduct includes:

- Treating customers, visitors, the public and co-workers in a courteous and respectful manner.
- Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City's best interests or core values.
- Reporting to management any suspicious, unethical or illegal conduct by co-workers, customers, suppliers or vendors.
- Reporting to management any threatening or potentially violent behavior by coworkers, customers or suppliers.
- Cooperating with a department, City or Police investigation.
- Complying with all City safety and security regulations.
- Wearing clothing appropriate for the work being performed.
- Performing assigned tasks efficiently and according to established quality standards.
- Reporting to work punctually and as scheduled.
- Giving proper advance notice when unable to work or report on time according to Section 4.10 Absences and Tardiness or specific department policies.
- Smoking only at times and in places not prohibited by Section 5.20, and local or Utah State law.

5.9 Harassment

The City is committed to the belief that all employees have the right to work in an environment that is free from discrimination and harassment. The City strictly prohibits harassment of or by its employees, vendors, customers or others who enter our workplace in any form. All employees at any level of employment with the City must avoid offensive or inappropriate harassing behavior, and the City holds employees responsible for ensuring that the workplace is free from any type of harassment. Employees should at all times treat other employees with respect, dignity, and in a manner so as not to offend the sensibility of their co-workers. The City is committed to the vigorous enforcement of its harassment policy at all levels of employment and in all City workplaces.

The City bases its harassment policy on Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Title I and Title V of the Americans with Disabilities Act of 1990, Sections 501 and 505 of the Rehabilitation Act of 1973 and the Civil Rights Act of 1991. It also bases its policy on the Equal Employment Opportunity Commission's (EEOC) definition of sexual harassment, which is: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly a term or condition of an individual's employment; (2) submission to or rejection of such by an individual is used as the basis for employment or decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Specifically, the City prohibits conduct that may include but is not limited to the following:

- a. Degrading words to describe an individual; threats; offensive comments; derogatory remarks; innuendos or taunts; off-color language or jokes; and sexually suggestive objects, books, magazines, photographs, cartoons, or pictures.
- b. Display, storage and/or transmitting of offensive, pornographic, racist or offensive language, signs, or images from any personal cell phone, PDA, computer or radio while on duty.
- c. Any verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- d. Sexual harassment, including sexual harassment of men by women, and same sex sexual harassment.
- e. Engaging in indecent exposure.
- f. Unwelcome sexual advances.
- g. Requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment relationship.
- h. Other verbal or physical conduct of a sexual nature made to an employee that may threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of the sexual advances will in any way influence any personal decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.
- i. Other harassing conduct committed in the workplace by supervisors or non-supervisory personnel, whether physical or verbal.

Any type of harassing conduct may result in disciplinary action up to and including termination. Any supervisor or manager who has knowledge of such behavior yet takes no action to end it is also subject to disciplinary action. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises, or whether the incidents occur during business hours.

Employees who have complaints of harassment by anyone in the workplace including supervisors, co-workers or visitors, are urged to report such conduct to their supervisors or Department Managers, who will report the incident to the Human Resources Manager so that the City may investigate and resolve the problem. If the complaint involves an employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his/her immediate supervisor, the employee may go directly to any Department Manager, any management team member or directly to the Human Resources Manager, City Attorney, or City Manager.

The City endeavors to investigate all complaints as expeditiously and professionally as possible. Where investigation confirms allegations of harassment, the City shall take appropriate corrective action.

If after careful investigation the City is unable to confirm an allegation of harassment, the City may transfer an employee to a new location where the employee will not have any contact with the alleged harasser.

To the extent possible by regulation or law, employees will be apprised of the investigation process and the conclusion of the investigation.

The City makes every attempt to keep confidential the information provided to it in the complaint and investigation process to the fullest extent permitted by the circumstances. Retaliation against employees for reporting harassment or for assisting the City in its investigation of a complaint is against the law and is not permitted. Retaliation may include, but is not limited to, such acts as refusing to recommend the employee for a benefit for which he/she qualifies, spreading rumors about the employee, encouraging hostility from co-workers, and escalating the harassment.

If after investigating any complaint of harassment the City learns that an employee provided false information regarding the complaint, the City may take disciplinary action against the employee.

5.10 Retribution and/or Retaliation

Supervisors, managers and/or employees are not permitted to engage in any form of:

a. Retaliation: the taking of any unfavorable job or employment action against an employee who in good faith reports suspected instances of inappropriate business conduct, activity, safety and/or policies and procedures violation.

b. Retribution: the dispensing of any punishment (formal or informal) against an employee who in good faith reports suspected instances of inappropriate business conduct, activity, safety and/or policies and procedures violation.

Any supervisor, manager, or employee who engages in retribution or retaliation against a reporting employee is subject to disciplinary action up to and including termination.

Any supervisor, manager or employee who purposely reports false information of retribution or retaliation in an attempt to settle personal grievances is subject to disciplinary action up to and including termination.

5.11 Use of Drugs and Alcohol

a. Objectives

Park City Municipal Corporation is concerned about employee health and safety. The City recognizes that illegal drug use and the abuse of alcohol can destroy health and adversely affect personal life and work performance. Employees who abuse drugs or alcohol are a source of danger to themselves and to their co-workers. The employee likely will incur medical costs much higher than those of other employees, which may increase health insurance premiums. In addition, the quality and efficiency of performance will suffer, and absenteeism and tardiness likely will increase. All of these symptoms of alcohol and drug abuse will damage the City's productivity and competitiveness in the marketplace.

To protect the safety of all employees and the general public and to prevent decreased productivity and work quality, the City may require employees to submit to testing for illegal drugs or alcohol under the following circumstances:

1. Investigation of possible individual employee impairment;
2. Investigation of accidents in the work place or incidents of work place theft;
3. Maintenance of safety for employees or the general public; or
4. Maintenance of productivity, quality of products or services, or security of property or information.

b. Definitions

The following definitions apply:

1. Alcohol - ethyl alcohol or ethanol.
2. Illegal Drugs - any substance recognized as a drug in the United States Pharmacopoeia, the National Formulary, the Homeopathic Pharmacopoeia, or other drug compendia, or supplement to any of those compendia or substances declared illegal under applicable state statutes (such as "spice," "bath salts," and similar natural or synthetic drugs). The term Illegal Drugs does not include a drug taken in accordance with a valid prescription if taken as prescribed or other use authorized by law.
3. Positive Test Results - the results of a test for Alcohol or drugs that shows the presence of detectable levels of Alcohol (detectable defined as blood alcohol level of .04 or above) or Illegal Drugs in your system (including without limitation blood and urine.)
4. Under the influence - (a) to be unable to perform work in a safe or productive manner, OR (b) to have impaired judgment, OR (c) to be a potential threat to personal safety or welfare or that of other employees or the general public, OR (d) to be impaired in physical or mental functioning in any respect resulting from the use of Alcohol or Illegal Drugs, OR (e) to receive a Positive Test Result indicating the presence of detectable levels of Alcohol or Illegal Drugs in your system.
5. Park City Municipal Corporation Premises - (a) all property, offices, facilities, manufacturing plants, land, buildings, structures, and installations used by the City in the course and scope of his/her employment; (b) automobiles, trucks, and all other vehicles and equipment, whether owned or leased by Park City Municipal Corporation or used by an employee in the course and scope of his/her employment; (c) any parking lot or any automobile parked on any parking lot used by employees of Park City Municipal Corporation to park their personal vehicles during work hours, (d) automobiles owned or leased by employees while those automobiles are being used on the City's business. The term Park City Municipal Corporation Premises also includes all customer properties, areas under Park City Municipal Corporation's control, and any other work locations or mode of transportation to and from those locations during working time and while in the course and scope of employment with Park City Municipal Corporation or while conducting City business.

c. Policy Application

This policy applies to all City employees, volunteers and employment applicants.

Park City Municipal Corporation will discipline any employee, up to and including immediate discharge, or refuse to hire any job applicant who violates this policy.

d. General Rules

1. Employees may NOT be under the influence of Alcohol while performing job responsibilities, operating an automobile, truck or other vehicle or equipment leased or owned by the City, operating a personal vehicle while on business for the City. Exceptions may be allowed for City functions (See 5.11 Alcohol and Drug Use I. Alcohol Consumption at City Functions).
2. Employees may NOT use or be under the influence of Illegal Drugs, regardless of whether the Illegal Drug use has any adverse impact on job performance.
3. Employees may NOT unlawfully use, manufacture, distribute, possess, purchase, or sell Illegal Drugs or Alcohol at any time. If convicted of a crime (under state or federal law) as the result of unlawful use, manufacture, distribution, possession, purchase, sale of Illegal Drugs or

Alcohol, or DUI employees must report the conviction to the Human Resources Manager or the City Manager within 5 working days of conviction.

4. Employees may NOT tamper with the testing procedure in any manner that is designed to or that reasonably could interfere with the accuracy of the testing procedure [e.g., using an adulterant (either by ingesting a substance into the body or adding a substance to the testing sample in an attempt to interfere with or negate the test results), attempting to hydrate the body prior to testing or substituting urine or any other substance for the testing sample].

The Park City Municipal Corporation will discipline employees who violate any of the General Rules discussed above up to and including termination.

e. Drug and Alcohol Testing

Park City Municipal Corporation, in its sole discretion, may require employees to submit to a test for the presence of Illegal Drugs (including legal drugs not taken in accordance with a lawful prescription) and/or Alcohol under the following circumstances:

1. Pre-Employment Testing: As mentioned in Section 2.5, the City has a responsibility to employees to make a reasonable effort to provide a safe work place and a responsibility to the public to make a reasonable effort to promote public safety. Therefore, applicants may be required to submit and pass a drug screening test as a condition of employment. Positive test results will make candidates ineligible for hire for a minimum of one year.
2. Post-Accident Testing: Employees will be required to sign the appropriate consent and release form(s) and allow Park City Municipal Corporation to test them for Illegal Drugs and/or Alcohol if employees are involved in: (a) any on-the-job accident or other incident where the City reasonably believes Illegal Drug and/or Alcohol use may have been involved; (b) any on-the-job personal injury accident that results in the need for medical treatment by a clinic or hospital; or (c) any on-the-job accident which results in damages to property estimated equal to or in excess of to exceed \$1,200\$500 commensurate with Utah Code Ann. § 41-6a-4014 as amended of the Utah Code. Park City Municipal Corporation will require post-accident testing for Alcohol only if it reasonably believes that the use of Alcohol may have caused or contributed to the accident.
3. For-Cause Testing: If a City supervisor reasonably believes an employee is using and/or under the influence of Illegal Drugs and/or Alcohol on Park City Municipal Corporation Premises, the employee will be required to sign the appropriate consent and release form(s) and allow the City to test for Illegal Drugs and/or Alcohol. Indications of individual, job-related impairment that constitute grounds for requesting a drug or Alcohol test include, but are not limited to, the manifestation of physical or physiological signs, symptoms, or reactions commonly caused by the consumption or ingestion of Alcohol or drugs (i.e., the odor of Alcohol, slurred or thickened speech, apparent loss of coordination or unsteady gait, or uncharacteristic emotional behavior), failure to meet performance standards, and attendance and tardiness problems. Any City supervisor or employee who observes possible Illegal Drug or Alcohol use must immediately inform the Human Resources Manager or the City Manager.

The City will count the time needed for testing as hours worked for compensation and benefits. Park City Municipal Corporation will keep written records of testing for Illegal Drugs and Alcohol. The City will treat all information, interviews, reports, statements, memoranda, or test results as confidential communications and will keep the information in a file separate from your personnel file. In accordance with state law, Park City Municipal Corporation will not provide information regarding testing results to any third party except as specifically allowed by law.

Employees will be discharged if he/she refuses to sign a requested release form(s) or to submit to testing for Illegal Drugs and/or Alcohol or if he/she tampers with the testing procedure in any manner that is designed to or that could nullify or interfere with the accuracy of the testing procedure. The City will discipline employees who receive a Positive Test Result for the presence of Illegal Drugs or Alcohol up to and including termination.

f. Testing Procedure

Employees will be transported to a testing facility and accompanied within a close proximity during testing by a Supervisor or designee. A licensed physician, testing clinic, or laboratory established by the City that meets applicable standards will collect the testing sample. Samples will be collected with reasonable regard for privacy unless the licensed physician, testing clinic, or laboratory reasonably believes that employees have altered or made substitutions to the testing sample.

A federally or state-certified laboratory or other appropriate laboratory facility will conduct the testing. Any Positive Test Result will be identified or confirmed by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable analytical method, as determined by the testing laboratory. In the event the laboratory uses a testing sample other than a urine sample, it will use testing procedures (including appropriate confirmation testing) that meet applicable standards.

If the employee tampers with the testing procedure in any manner that is designed to or that reasonably could interfere with the accuracy of the testing procedure [e.g., using an adulterant (either by ingesting a substance into their body or adding a substance to their testing sample in an attempt to interfere with or negate the test results), attempting to hydrate the body prior to testing, or substituting urine or any other substance for the testing sample], the City will terminate their employment.

The laboratory will use testing procedures for the presence of Alcohol that meet applicable standards.

Park City Municipal Corporation will use a medical review officer (MRO) to interpret any first or second-test confirmed positive result. An MRO is a licensed health care provider who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a positive test result as it relates to your medical history and any other biomedical information. The MRO will discuss the Positive Test Result with the employee, including obtaining information that may explain the Positive Test Result (e.g., drug taken in accordance with a lawful prescription, circumstances that may explain a false positive, etc.). If, after evaluating the information received from the employee, the MRO determines that the employee's Positive Test Result was the result of use of Illegal Drugs or Alcohol (including without limitation the taking of a drug not in accordance with a lawful prescription or over-the-counter instructions), the MRO will inform the Human Resources Manager or designee.

At the discretion of the City and employee, employees receiving a positive test result may be directed to the City's Employee Assistance Program (EAP). Employees will be subject to any treatment plan developed by the EAP and the City. The cost of the treatment will be the responsibility of the employee unless designated otherwise by the City Manager. However, the City maintains the right to terminate an employee at its discretion at any stage of the treatment process. Treatment will not be in lieu of discipline up to and including termination.

Employees will not be notified of negative test results unless he/she requests the test result from the City in writing within a reasonable time following the test.

The City will pay all costs of testing for Illegal Drugs and Alcohol required by the City, including the cost of transportation if the testing is conducted at a place other than the work site.

g. Appeal Procedure

If an employee receives a Positive Test Result, he/she may, at his/her option, contact the testing laboratory and request a new test of the same sample *at his/her own expense*. Any request for a re-test must occur within three business days of the date he/she is notified of a Positive Test Result (please contact Human Resources to obtain contact information for the testing laboratory). It also is the employee's responsibility to notify the City after he/she has requested a re-test of the original sample. The City has no responsibility to ensure that the re-test occurs. The results of any re-test must be forwarded by the testing laboratory directly to the City. If employees do not receive a Positive Test Result on the new test, the City may request that he/she sign the appropriate consent and release form(s) and be tested a final time. The final test may be of the same or of a new sample, at the City's sole discretion. If employees refuse to sign the appropriate consent and release form(s) for the final test, he/she will be discharged. If employees receive a Positive Test Result on the final test, the City may discipline up to and including termination.

h. Consent and Release Form(s)

At the time an employee is required to undergo testing for Illegal Drugs and/or Alcohol, he/she will be required to sign consent and release form(s) in a form(s) approved by the City at the testing facilities identified by the City. An employee will be discharged if he/she refuses to sign the consent and release form(s).

i. Use of Prescription Drugs or Over-the-Counter Medications

This policy does not prohibit the normal use of prescription drugs as ordered by a licensed health care provider or of over-the-counter medications. However, while employees are on Park City Municipal Corporation Premises, the City prohibits the use of any prescription medication that is not prescribed for the employee or that is not taken in accordance with the prescription instructions. In addition, the City prohibits the abuse of over-the-counter medications on City Premises.

The following general statements will apply:

1. If the employee has been informed or has reason to believe that his/her use of any prescription drug or over-the-counter medication may interfere with his/her ability to perform the essential functions of his/her job, the City encourages the employee to speak to his/her supervisor or the Human Resources Manager. The City will take steps as required by law to reasonably accommodate employees and to prevent a significant risk of substantial harm to the health and safety of employees and co-workers. Nothing set forth in this paragraph shall impose any contractual or other obligation on the part of Park City Municipal Corporation except as required by the Americans with Disabilities Act or any state or local statute or regulation prohibiting discrimination on the basis of disability or handicap.
2. While on Park City Municipal Corporation Premises, employees must NOT consume prescription drugs more often than instructed on the prescription label.
3. While on Park City Municipal Corporation/Customer Premises, employees must NOT allow a co-worker or other person to take the prescription medications of others.
4. While on Park City Municipal Corporation Premises, employees must keep all prescription and over-the-counter medication in its original container. All prescription medication must be in the name of the employee and have the doctor's name and prescription number on the label.

Employees may use over-the-counter medications or prescription medication provided that it will not adversely affect work performance. However, Park City Municipal Corporation at all times reserves the right to have a licensed health care provider determine if use of a prescription or over-the-counter drug or medication may adversely affect job performance or increase the risk of injury to employees or co-workers. In that event, the Park City Municipal Corporation may limit or suspend work activities until employees are no longer using the over-the-counter medication or prescription drug, in accordance with applicable federal and state law.

j. Americans with Disabilities Act

Alcoholism is considered a disability under the Americans with Disabilities Act. If an employee believes he/she may suffer from Alcohol abuse associated with alcoholism, the City strongly encourages him/her to contact the Human Resources Manager or the City Manager. In accordance with the Americans with Disabilities Act, Park City Municipal Corporation will make reasonable accommodations if the employee suffers from alcoholism, including encouraging employees to participate in rehabilitation programs.

If an employee suffers from alcoholism, he/she will be held to the same job performance standards and behavior as other employees. The City will not tolerate tardiness, absenteeism, accidents, or other unsatisfactory job performance caused or created by alcoholism. The City will discipline an employee if alcoholism adversely affects job performance or conduct so that the employee may no longer be considered a qualified individual with a disability.

k. Rehabilitation

Park City Municipal Corporation does not have an Alcohol or drug rehabilitation program. However, if an employee believes he/she may have a substance abuse problem and would like assistance, please contact the Human Resources Manager. The City will not discipline an employee solely for seeking assistance or for admitting the use of Illegal Drugs or Alcohol. Employees disclosing the use of Illegal Drugs or the use of Alcohol at work, who have not received a request for testing from the City, will be referred to the City's EAP. The City will treat the request confidentially. Employees may receive financial assistance for rehabilitation programs through the City's group medical benefit plan, subject to the terms, conditions, and limitations set forth therein. The City may allow an employee a leave of absence to obtain treatment.

If an employee seeks assistance for an Illegal Drug or Alcohol abuse problem only after being notified that he/she will be tested, he/she will be required to complete the testing and may be disciplined for violation of this Policy.

Nothing in this Section prevents Park City Municipal Corporation from disciplining an employee for any violation of this policy. Nothing in this policy modifies an employee's status as an at-will employee.

l. Alcohol Consumption at City Functions

Possession, consumption or use of alcoholic beverages at City functions may occur only with prior approval from the City Manager and Manager of the department organizing the event. After granting approval, the manager of the organizing department has ultimate responsibility for ensuring that employees adhere to the guidelines presented below. All employees are responsible for adherence to City policy and event consumption limitations. Failure to do so may result in disciplinary action up to and including termination.

City functions to which this policy applies may include, but are not limited to: receptions, meetings, recruitment socials, retirement and anniversary parties, end of season celebrations, City events and parties and service award recognition events.

Employees are subject to City policy on alcohol consumption unless an exception has been made by the City Manager if one of the following criteria is met:

- Alcohol consumed was purchased using City funds.
- Employees attending an event are operating in an official capacity as a required job function.

City functions involving the consumption of alcohol must adhere to the following:

1. Employees who choose to drink alcoholic beverages at City functions are expected to behave in accordance with usual business standards and all City policies.
2. The department manager of the department organizing a function where alcohol is served is responsible for ensuring adherence to these guidelines.
3. Alcoholic beverages are not served in offices or work areas.
4. Alcoholic beverages are served, rather than simply made available, to those who wish to partake. Self-serving of alcoholic beverages at City functions is strictly prohibited.
5. Any off-site functions are held in appropriately licensed facilities, with drinks served by professional bartenders.
6. Food must be available.
7. Alcoholic beverages will be served for a restricted period of time; generally no more than two hours. Possible exception: If the function is planned for a long period of time, e.g., a full or half day, alcohol may be served for a longer period with prior City Manager approval. However, alcohol service must cease no less than one hour prior to the end of the function.
8. Alcohol is not to be served to minors or anyone who appears to be impaired.
9. Safe passage home must be pre-arranged by an employee who plans to consume alcoholic beverages at City functions.

Employees are expected to use good judgment and discretion in regards to the use of alcohol.

5.12 Workplace Violence

Park City Municipal Corporation provides a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy. The following guidelines have been adopted to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises. This policy applies to all full-time regular, special employment appointments, part-time and seasonal employees.

All employees (including managers, supervisors, part-time, seasonal, student interns and special employment agreement) and volunteers should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Park City Municipal Corporation without proper authorization. Possessing firearms or other weapons on City property with the exception of Peace Officers and Law Enforcement Officials as defined by Utah Code Section 76-10-523 and as authorized by Utah Code Section 53-5-704 is prohibited.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the employee's immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening.

Park City Municipal Corporation will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, Park City Municipal Corporation may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Any type of workplace violence committed by or against employees will not be tolerated. The following list of behaviors, while not all inclusive, provides examples of conduct that is prohibited:

- Causing physical injury to another person
- Making threatening remarks
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
- Intentionally damaging employer property or property of another employee
- Possessing firearms or other weapons on City property or while on City business with the exception of Peace Officers and Law Enforcement Officials as defined by Utah Code Section 76-10-523 and as authorized by Utah Code Section 53-5-704
- Committing acts motivated by, or related to, sexual harassment or domestic violence

Any potentially dangerous situations must be reported immediately to a supervisor, manager or the Human Resource Department. Employees are expected to exercise good judgment in recognizing dangerous situations. Such behavior includes:

- Discussing weapons or bringing them to the workplace
- Displaying overt signs of extreme stress, resentment, hostility, or anger
- Making threatening remarks
- Sudden or significant deterioration of performance
- Displaying irrational or inappropriate behavior

Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. Park City Municipal Corporation is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

At any time if employees or the general public are threatened or may be in danger, please contact the Park City Police Department or dial 911 immediately.

5.13 Outside Employment

Outside employment includes self-employment and is defined as the performance of work other than City work for self or others for compensation. Full-time regular employees must provide a request for permission to accept outside employment to their Manager and the Human Resources Department, which will then forward the information to the City Manager. Outside employment must be approved by the City Manager. Outside employment permission forms are available in Human Resources or on the employee portal (ep.parkcity.org). Failure to provide notification of outside employment may result in disciplinary action up to and including termination. The request should include any pertinent information about the outside employer, the nature of the employment, and the hours of employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. Permission shall not be given if it is determined that such outside employment is likely to physically or mentally hamper the employee in his/her ability to do the job required of him/her by the City, or if it is likely to reflect discredit on the City's service or the employee, or if it is in conflict with one's position as a City employee. Any changes to position or employer must be re-approved.

Approval of outside employment is valid until the February following its approval. In February of each year all full-time regular employees must complete a new Outside Employment form and have his or her Manager, the Human Resources Department and the City Manager re-approve the outside employment position.

5.14 Disciplinary Procedures

Disclaimer: The policies and procedures stated in this manual and in other personnel statements or materials issued by the City are not intended to create either express or implied contracts respecting the procedures, terms, conditions, or duration of employment, or other obligation or liability on the part of the City. Unless otherwise provided by State law, employment with the City is at-will and shall remain as such notwithstanding the procedures below, meaning that it may be terminated by the employer or City Manager at any time, for any reason or for no reason, without notice, and without procedure or formality.

It is the City's policy that all employees are expected to comply with City standards of behavior and performance, and that any noncompliance with these standards must be corrected.

Under normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and/or inappropriate behaviors and an opportunity to improve or correct deficiencies or behaviors. The procedures set out below are as complete as the City can reasonably make them. However, they are not necessarily all inclusive. The City may vary from the rules/procedures listed if, in its opinion, the circumstances require. As such, the City retains -It does, however, retain the right to administer discipline in any manner approved by the City Manager. This policy does not modify the status of employees who are employee's at-will -or in any way restrict the City's right to bypass the disciplinary procedures suggested. Supervisors must have manager approval before issuing any reprimands. Managers must meet with the Human Resources Manager or his/her designee prior to issuing any reprimand.

The normal application of progressive discipline:

1. Verbal Reprimand: If an employee is not meeting City standards of behavior or performance, the employee's supervisor should take the following action:

- a. Supervisor shall discuss the matter with the employee.
 - b. Inform the employee of the nature of the problem and the action necessary to correct it. Explain what constitutes proper conduct, standards of behavior or performance.
 - c. The supervisor should prepare a written record documenting the meeting has taken place.
 - d. Verbal reprimands should be submitted to the Human Resources Department. They are not filed in employees' files.
2. Written Reprimand: If there is a second occurrence or intentional or repeated related or unrelated offenses:
 - a. Employee receives written notice of discipline or reprimand following intentional or repeated or unrelated offenses. A copy of the written notice is placed in the employee's personnel file.
 - b. The supervisor may suspend the employee with or without pay as approved by the City Manager.
 - c. Written reprimands should be submitted to the Human Resources Department. They are filed in employees' files.
3. 2nd Written Reprimand: If there are additional occurrences, the supervisor should take the following action depending on the severity of the conduct or offenses:
 - a. Employee receives final written notice of discipline or reprimand following serious misconduct or further repeated related or unrelated offenses.
 - b. The supervisor may suspend the employee with or without pay as approved by the City Manager.
 - c. Written reprimands should be submitted to the Human Resources Department. They are filed in employees' files.
4. Termination: Employee is recommended for termination as the result of a serious offense or the final step in the progressive discipline process. Discharged employees may have rights of appeal as set forth in Section 6 Procedures for Employee Complaints, Discharge and Transfer Appeals of this Manual.

Employees, although they may not necessarily agree with the disciplinary action, must sign the form or memorandum signifying that they are aware that disciplinary action has been taken against them. If an employee refuses to acknowledge the disciplinary action with his/her signature, the supervisor shall have another supervisor witness the refusal and both supervisors will sign indicating the employee's refusal.

A Supervisor may recommend removing a written record from the employee's file after a specified time of meeting certain performance conditions outlined in the written notice or a subsequent performance review, with the approval of Human Resources and the City Manager. The specified time shall at a minimum include one (1) year. A written notice may be removed after that specified time based upon satisfactory performance as it relates to outlined conditions, no additional performance issues, and with the approval of the supervisor, Human Resources and the City Manager. The removal of written records is generally disfavored and may be approved or denied in the sole discretion of the City Manager. Removal requests will typically only be considered for relatively minor matters where the City Manager finds no further personnel need for the record and the employee's employment history would be unnecessarily tarnished by its continued inclusion in the file. Denials of such requests are not considered adverse job actions and may not be appealed.

5.15 Strikes and Work Stoppages

Every City employee, by accepting or retaining a position with the City, agrees that he/she will not engage in, threaten to engage in, encourage, or plan any strike or job action, whether it be in the nature of an immediate walk out or resignation after notice or job slow down. Any violation of this section shall be grounds for removal from the City employment and grounds for refusal of reinstatement or employment within the City.

5.16 Solicitations

Solicitations by employees or unauthorized vendors on City premises are prohibited. The prohibition applies both to employees on working time and to ~~outsiders~~ non employees.

5.17 Gratuities

All employees who accept any type of gratuity (anything of monetary value) must report it on their timecard as wages as commensurate with the IRS tips reporting guidelines referenced in to Publication 531, Reporting Tip Income. ~~No e~~ Employees shall not directly or indirectly solicit any gift or receive any gift whether in form of money, services, loan, travel, entertainment, hospitality, promise, or any other form except as specifically provided herein. Employees may be permitted to accept food and items of nominal value as defined by Section 3-1-4(C) of the Ethics Code, Title 3 of the Municipal Code. Any employee who is uncertain whether an offered gratuity may be accepted may request a ruling from the City Attorney as to the propriety of the offered gift.

Official Master Festival and Special Event sponsorship materials, tickets and event invitations that the City receives in its corporate capacity which may be distributed to officials and/or employees by the City Manager in his/her sole discretion shall not be considered a gift or gratuity for purposes of this section.

5.18 Information Technology (IT)

a. City Business Use

In general, IT systems and services are provided for City business, this includes but is not limited to computer equipment, phones, printers, photocopiers, FAX devices, email services, software, Internet access, wireless services (Wi-Fi, 3G/4G) and data storage. City systems are not to be used in a way that may be disruptive, offensive to others, in conflict with city business operations, or harmful to morale.

Users should have no expectation of privacy when using City equipment, data or networks. All electronic files and messages, sent and received using City systems or City provided Internet access, including web-based messaging systems, are subject to viewing, inspection, release, and archiving by authorized personnel at all times to the extent that such rights are not superseded by applicable laws. The City will comply with reasonable and compulsory requests from law enforcement and regulatory agencies for electronic records.

Users are responsible for the security of the equipment and data. It is paramount that users protect City and personal data. Do not store, copy, share or transmit any confidential data including but not limited to passwords, social security numbers, bank routing information, and credit card numbers outside of appropriate City Systems.

All City records must be maintained pursuant to City retention policies. It is prohibited to destroy, delete, erase or conceal City files or otherwise making such files or data unavailable or inaccessible in any manner inconsistent with such policies.

b. Internet Use

This policy governs all uses of Park City's network and Internet/intranet access at all offices, hotels, airports, employees' homes, and any other location when such access is for work purposes or on City equipment.

The Park City network and Internet access are intended primarily for business use only. Employees may access the Internet for personal use only during nonworking hours, and strictly in compliance with the terms of this policy.

All information created, transmitted, acquired, downloaded, or uploaded via the organization's network and Internet or intranet is the property of Park City Municipal Corporation. Employees should have no expectation of privacy regarding this information. The organization reserves the right to access, read, review, monitor and copy all messages, content and files on its computer system or network enabled device at any time and without notice. When deemed necessary, the organization may disclose text or images to law enforcement agencies or other third parties without the employee's consent.

Employees are reminded that information obtained from the Internet is not always reliable and should be verified for accuracy before it is used.

PROHIBITED ACTIVITIES

Employees are prohibited from using Park City's network or Internet access for the following activities, unless as part of an active internal or Police investigation:

1. Downloading and/or installing software without the prior written approval from the IT Director.
2. Disseminating or printing copyrighted materials, including articles and software, in violation of copyright laws including the use of peer-to-peer file sharing and/or storage of such materials on any city owned equipment.
3. Sending, receiving, printing, or otherwise disseminating Park City Corporation's proprietary data, or other confidential information in violation of organizational policy or written agreements.
4. Operating a business, election campaign activity, usurping business opportunities, soliciting money for personal gain, or searching for jobs outside Park City Municipal Corporation.
5. Making offensive or harassing statements and/or disparaging others based on race, color, religion, national origin, veteran status, ancestry, disability, age, sex or sexual orientation.
6. Viewing, downloading, uploading, sending, or soliciting obscene or pornographic sites, messages or images or otherwise viewing, downloading, uploading, sending or displaying sites or messages which violate the City's harassment policies.
7. Visiting sites featuring pornography, terrorism, espionage, theft, or illegal drugs.
8. Gambling or engaging in any other criminal activity in violation of local, state or federal law.
9. Engaging in unethical activities or content.
10. Participating in activities, viewing, or writing content that could damage Park City Municipal Corporation's professional reputation.

COMPLIANCE AND VIOLATIONS

1. Managers are responsible for ensuring employee compliance with this policy.
2. Employees who learn of policy violations should notify the HR or IT manager(s).
3. Employees who violate this policy or use Park City's network, Internet, or intranet access for improper purposes will be subject to discipline, up to and including termination.

Appropriate or approved classified ads on the employee portal are not considered prohibited activities.

c. Email Specification Standardization

Professional e-mail transmission is important to maintaining the positive image of the City, its business and its government and therefore must adhere to the following guidelines: E-mail background must be white. All signature elements including logo, font and color must be found on the city's style reference website: <http://style.parkcity.org>

The City's policy on access to and disclosure of electronic mail messages sent or received by Park City Municipal Corporation employees who use the electronic mail system may be changed at any time.

All electronic communication, phone, e-mail, text, smartphone, PDA, etc. are solely owned City property. Notwithstanding the assigning of individual passwords, the City reserves the right to access and disclose all messages sent over its electronic mail system and server domain or any communication system at any time for any business purpose including but not limited to ensuring employee performance and protecting confidential information.

Employees should not attempt to gain access to another employee's e-mail account or e-mail messages without the latter's express permission. However, City management reserves the right to enter an employee's e-mail files whenever there is a legitimate business need to do so. However, nothing herein shall affect the classification of e-mail pursuant to the Utah Government Records and Retention Act, or other state and federal standards.

E-mail transmissions are not actually deleted when a City employee deletes them from his/her computer. Deleted e-mail remains in memory storage and can be accessed by outside parties in the event of a lawsuit or other investigation. Because e-mail transmissions are discoverable documentary evidence, employees may be asked to explain e-mail transmissions before a judge in a court of law in the event that the City is involved in a lawsuit.

Transmission between any Park City employee and the Park City Legal Department which contains substantive legal material should be labeled "protected attorney-client communication," but absences of such label shall not preclude the City from classifying such communication as "protected" after the fact.

d. Support

Technical support, record requests and GIS services are provided during regular business hours (8 am – 5 pm Monday-Friday). After-hours emergency support should only be utilized when critical services are unavailable or no other alternative exists. Unscheduled walk-in support is discouraged.

1. Web: <http://5123.parkcity.org> – Internal network only
2. Email: 5123@parkcity.org
3. Phone: 435-615-5123 (EMERGENCY SUPPORT ONLY)

e. Geographic Information Systems (GIS)

GIS data cannot be distributed or resold without permission. All data that is distributed requires a signed agreement. Contact IT support for more information. All GIS data must be saved in "GISDATA" or "CITYWIDE" network share.

Use of plotter may result in material costs to you or your department. Please make arrangements well in advance of your deadline.

f. Training

IT/GIS training are offered throughout the year and upon request but do not include specialized trainings for individual industry or job functions. Training can be requested through support or through the employee portal (ep.parkcity.org).

g. Equipment & Software Requests

Contact IT for all technology requests including software, hardware, printers, copiers, GPS and accessories.

h. Social Media & Other Websites

No City department, official, or employee may create a social media site or an identity/entity/presence on a website (such as Twitter, Facebook, YouTube, internet blogs or chat rooms and other websites) regarding City affairs or content without the express approval of the City Manager. Authorized sites shall have a designated purpose and staff member assigned to maintain and moderate content.

Generally, City sites shall not allow public citizen comment, except as approved by the City Manager for designated and published public purposes. All sites shall contain a link with the following prohibitions on content:

1. No comments unrelated to purpose;
2. No content that promotes discrimination or harassment;
3. No posts that constitute or encourage illegal activity;
4. No solicitations of commerce [except for authorized public bidding site(s)];
5. No sexually related content or links to sexually related content;
6. No profane language;
7. No content that violates a legal ownership interest of another party;
8. No information that compromises safety or security of any information or person;
9. No comments regarding political campaigns or ballot measures [state law prohibits use of City resources for such];

Employees posting on City sites or third party sites, if the posting occurred in the scope of employment or concerns City business or information, shall adhere to the following rules:

- Social networking and video site users are required to write/post content under their own names. Pseudonyms and anonymous postings are prohibited, when using City equipment or City-hosted social networking or video sites.
- Unless approved by the City, employees are prohibited from mentioning the City or identifying themselves as employees of the City via text, photos, art, City logos, City uniforms, City letterhead, City products, City trademarks, or any other image, copy, or content, when using a personal social networking and video site.

- Employees must incorporate the following legal disclaimer into their personal social networking pages and public video site posts when making statements regarding matters of public concern that may in any way impact or be related to City business: “The opinions expressed on this social networking profile (video site) are my own personal opinions. They do not reflect the opinions of my employer.”
- Employees are prohibited from attacking, defaming, harassing, discriminating against, menacing, threatening, or otherwise exhibiting inappropriate or offensive behavior, attitudes, opinions, or commentary toward or about coworkers, supervisors, executives, customers, vendors, shareholders, the media, or other third parties, when using a personal social networking site or public video site.
- Employees are prohibited from disclosing confidential, protected, proprietary, or private information about the City or obtained in the scope of employment.
- Employees are prohibited from disclosing information in regards to the City, its products, services, financials, plans, employees, customers, partners, suppliers, or other third parties, when using a personal social networking site or public video site.
- Employees are prohibited from using a City-provided or personal cell phone or smartphone camera or video recorder to take, transmit, download, or upload to social networking or video sites any photos or videos of coworkers, executives, customers, suppliers, and any other third party without first securing the written permission of the subject if applicable and their Department Manager, and/or an authorized member of management.
- Employees are prohibited from using a City-provided or personal cell phone or Smartphone camera or video recorder to take, transmit, download, or upload any business- or City- related photos or videos to City computers, personal computers and social networking or video sites without first securing written permission from their Department Manager as well as an authorized member of City management if applicable. Banned photos and videos include, but are not limited to, the following:
 - o (1) “funny,” embarrassing, or unprofessional images of City employees, executives, customers, suppliers or other third parties;
 - o (2) City buildings (internal and external), offices, facilities, operations, services, confidential data, and internal documents;
 - o (3) City uniforms, logos, signage, trademarks, business cards, letterhead, literature, or any other printed or electronic content that can be used to identify the City or past and current employees.
- Employees are prohibited from disclosing financial information about the City without permission.
- Employees must adhere to the City's written Personnel Policies and Procedures Handbook when using a personal social networking site or public video site. Prohibited content includes, but is not limited to, obscene, profane, adult-oriented, pornographic, harassing, discriminatory, menacing, threatening, and otherwise offensive text, art, photos, videos, graphics, cartoons, or other images and content.
- Employees may not post content or conduct activities that violates applicable local, state, or federal laws or regulations when using a personal social networking site or public video site, or a City-hosted social networking or video site.

Violation of City's Social Media Site policy (or any other City policy) will result in disciplinary action, up to and including termination.

5.19 Code of Ethics

Park City employees are subject to the Code of Ethics, Title 3 of the Municipal Code and the Municipal Officers and Employees Ethics Act, Section 10-3-1301 *et seq.*, Utah Code Annotated 1953, as amended, which establishes standards of conduct for employees to disclose actual or potential conflicts of interest between public and personal duties. Employees are responsible for complying with the disclosure requirements for personal interest and restrictions governing the acceptance of gifts.

5.20 Smoking

All government buildings are designated as “smoke free” under Utah Code Annotated Section 26-38-3. The City recognizes that smoking in the workplace can adversely affect employees. Accordingly, smoking is restricted inside all City facilities. Smoking outside must conform to the rules set forth in the Utah Clean Air Act. Smoking is prohibited during the operation of City equipment or while driving City vehicles. ~~The City does not discriminate against individuals on the basis of their uses of legal products such as tobacco, if the use occurs during non working hours and off of City premises.~~ Failure to comply with this policy may result in disciplinary procedure up to and including termination.

5.21 Consumer Reports

The City maintains the right to request consumer reports as a condition of hire, promotion or transfer when necessary, under the Fair Credit Reporting Act (Title VI of the Consumer Credit Protection Act). Consumer reports may consist of financial credit checks, criminal background checks, etc.

The City may at its discretion not extend an offer of employment, promotion or transfer to a candidate where debt history or standing may indicate financial irresponsibility for a position which requires financial honesty and aptitude.

The National Child Protection Act of 1993 (NCPA), as amended by the Volunteers for Children Act (VCA), authorizes a state and national criminal background check to determine the fitness of an employee or volunteer with unsupervised access to children, the elderly, or individuals with disabilities. Applicants for specified full-time, part-time, seasonal, and volunteer positions in which there may be unsupervised access or exposure to children, the elderly, or individuals with disabilities, will be required to apply for a criminal history background check as a condition of employment or volunteer purposes prior to final determination of appointment. The City reserves the right to deny employment or acceptance of a volunteer position to any person convicted of, or is under pending indictment for, a crime that bears upon his/her fitness to be employed or serve as a volunteer for a position of trust over children, vulnerable adults or persons with disabilities.

Candidates for employment who are required to submit to consumer reports such as background and/or credit checks must provide written authorization to do so, and may expect the following:

- Be notified before a report is obtained.
- Be informed of the name and address of the reporting agency.
- Should information obtained on a consumer report which prohibits a candidate from obtaining a position with the City, they will be informed with a notice which will include the name, address and phone number of the consumer reporting agency, a statement that the agency supplying the report did not make the decision to take adverse action and a notice of the individual's right to dispute the accuracy or completeness of any information furnished, and their right to an additional free report from the agency upon request within 60 days.

Information obtained from consumer reports will be available only to those staff members who have a legitimate need. Any employee who disseminates or uses information obtained from the consumer report

for purposes other than that specified above will be subject to disciplinary action up to and including termination, and may also be subject to civil liability.

The City also maintains the right to perform consumer reports as part of an investigation of wrongdoing and/or policy violation of any current employee if applicable and as part of an ongoing investigation.

5.22 Youth Protection

The City has no tolerance for mistreatment of children or diminished capacity adults within the programs it administers. Staff or volunteers suspected of abuse will be removed from involvement with youth programs pending investigation. A finding of cause to believe that abuse occurred by an investigating agency shall be sufficient cause for disciplinary action up to, and including termination from employment or termination from volunteer service.

Every allegation of wrongdoing involving children shall be reported immediately to the Park City Police Department. City staff shall not take it upon themselves to investigate allegations of abuse by parents, guardians, City staff or volunteers, or any other person. City staff shall cooperate fully as necessary with investigations conducted by appropriate state agencies.

Isolated one-on-one contact between a staff member or volunteer and a child is discouraged, and should be avoided when possible or not prohibited by business need.

Section Six (6)
PROCEDURES FOR EMPLOYEE COMPLAINTS,
DISCHARGE AND TRANSFER APPEALS

6.1 Complaint Procedure

Employees who have an issue or concern about their employment that does not involve a transfer or discharge shall have the opportunity to discuss the issue with management. The first step is a discussion of the issue or concern with the employee's immediate supervisor. If a satisfactory resolution is not reached, the employee shall have the right to pursue the issue through the organization's chain of command. If the employee does pursue the issue, it shall be his/her responsibility to inform the manager at each level of the intent to pursue resolution to the next level. The final step of this process shall be a discussion with the City Manager whose determinations shall be final.

6.2 Discharge and Pre-Termination Hearing

Only the City Manager or his/her designee may discharge an employee. Prior to being discharged, an employee shall have the right to know the reason for his/her discharge and have the opportunity to discuss the discharge with his/her Department Manager and/or the City Manager if he/she wishes to do so.

6.3 Employee Transfer and Discharge Appeal Rights and Procedure

- Except as otherwise provided in Utah Code Ann. Section 10-3-1105(2) as amended, Subsection (b) herein, any employee, who is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, shall have the right to appeal the discharge, suspension without pay, or involuntary transfer to an Employee Transfer and Discharge Hearing Officer as set forth in Utah Code Ann. Sections 10-3-1105 and 10-3-1106 as amended.

- Pursuant to Utah Code Annotated Section 10-3-1105(2), as amended, the Employee Transfer and Discharge appeal rights provided herein do not apply to the following positions:

- City Treasurer (Finance Manager)
- Chief of Police
- Administrative Secretary
- Police Captains
- Ice Rink General Manager
- Golf Manager
- Recreation Manager
- Budget Operations Manager
- Capital Budget, Debt & Grants Manager
- Chief Building Official
- Deputy Chief Building Official
- Library Director
- Planning Director
- Current Planning Manager
- Economic Development Manager
- Public & Community Affairs Manager
- Public Works Operations Manager

- Information Technical & Customer Services Director
 - Human Resources Manager
 - Water Manager
 - Water Engineer and/or any superintendents
 - Water Quality Manager
 - Transit and Transportation Manager
 - Chief of Police
 - City Attorney
 - Deputy City Attorney
 - City Manager
 - Assistant City Manager
 - Regional Community Development Director
 - City Recorder
 - Senior City Recorder
 - City Engineer }
 - Any other position specified in Utah Code Annotated Section 10-3-1105(2), as amended, including but not limited to a probationary employee of the municipality; 4a part-time or contract employee of the municipality; a seasonal employee of the municipality; and a student intern of the municipality.
- Pursuant to Utah Code Annotated Section 10-3-1105(2), the Employee Transfer and Discharge appeal rights provided herein do not apply to: (1) an officer appointed by the Mayor or City Council, which includes the City Manager, the City Attorney, the City Recorder, and the City Treasurer; (2) the Chief of Police; 3) a probationary employee of the municipality; 4) a part-time or contract employee of the municipality; 5) a seasonal employee of the municipality; and 6) a student intern of the municipality. Nothing in Utah Code Ann. Sections 10-3-1105 or 10-3-1106 as amended may be construed to limit a municipality's ability to define cause for an employee termination or reduction in force.
 - An employee to which Employee Transfer and Discharge appeal rights apply may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of department.
 - Appeals to the Employee Transfer and Discharge Hearing Officer shall be taken by filing written notice of the appeal (Appendix A) with the City Recorder within ten calendar days of the discharge, suspension without pay, or involuntary transfer.
 - Upon the filing of the appeal, the City Recorder shall forthwith refer a copy of the same to the Hearing Officer. Upon receipt of the referral from the City Recorder, the Hearing Officer shall forthwith commence his/her investigation, take and receive evidence and fully hear and determine the matter which relates to the cause for the discharge or transfer.
 - The Hearing Officer shall have the power to subpoena witnesses and compel the production of evidence. The scope of the inquiry of the Hearing Officer shall be limited to determine if the City has proven the facts supporting the allegations made against the employee by substantial evidence and that the disciplinary sanction is proportionate to the alleged misconduct and consistent with discipline imposed against other similarly situated employees with appeal rights. Discovery shall be limited to that information which was actually considered in making the decision which is being appealed. The Hearing Officer is not required to follow the Utah Rules of Civil Procedure or the Utah Rules of Evidence.

- The Employee shall be entitled to appear in person and to be represented by counsel (at the expense of the employee), to have a public hearing, to confront the witness whose testimony is to be considered, and to examine the evidence to be considered by the Hearing Officer.

- The decision of the Hearing Officer shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held. The City Recorder shall certify the decision to the employee affected, and also to the head of the department from whose order the appeal was taken.

- In the event that the Hearing Officer does not uphold the discharge, or transfer, the Hearing Officer shall provide that the employee shall receive the employee's salary for the period of time which the employee is discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or any deficiency in salary for the period during which the employee was transferred to a position of less remuneration. The employee shall be paid his salary commencing with the next working day following the certification by the City Recorder of the Hearing Officer's decision, provided that the employee, or officer, concerned reports for his assigned duties during that next working day.

- A final action or order of the Hearing Officer may be reviewed by the Court of Appeals by filing with that court a petition for review within 30 days after the issuance of the final action or order of the Hearing Officer. In the event the Hearing Officer upholds the discharge or transfer, the officer or employee may have thirty days thereafter to file a petition for review with the Court of Appeals. In the event the Hearing Officer does not uphold the discharge or transfer, the case shall be closed and no further proceedings shall be had.

- The decision of the Hearing Officer shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held. The Hearing Officer may, in his/her decision, provide that an employee shall receive his salary for the period of time during which he is discharged, or any deficiency in salary for the period he was transferred to a position of less remuneration but not to exceed a 15 day period.

- In the event that the Hearing Officer does not uphold the discharge, or transfer, the City Recorder shall certify the decision to the employee affected, and also to the head of the department from whose order the appeal was taken. The employee shall be paid his salary, commencing with the next working day following the certification by the City Recorder of the Hearing Officer's decision, provided that the employee, or officer, concerned reports for his assigned duties during that next working day.

6.4 Exit Interview

All Full-Time Regular employees will be given an exit interview questionnaire. The purpose of this questionnaire is to gather information on improvement of the City. All terminating full-time regular employees are encouraged to meet with the Human Resources Manager for an exit interview. The purpose of this interview is to gather information to assist management in identifying areas that are satisfactory and those that need improvement. Exit interview information is not confidential and may be disclosed to the employee's manager, the Human Resources Manager and/or the City Manager.

6.5 American with Disabilities Act Complaints

The Human Resources Manager is the City's Americans with Disabilities Act (ADA) Coordinator. The ADA Coordinator coordinates the ADA compliance effort and processes complaints in the compliance

with the ADA grievance procedure to ensure that qualified disabled individuals are not excluded from or denied the benefit of City programs. The procedure for handling potential ADA grievances is as follows:

- a. Complainants file verbal or written complaints with the Human Resources Manager.
- b. Complaints must include the complainant's name and address and should briefly describe the alleged ADA violation.
- c. Complainants must file their complaint within 10 days of becoming aware of the alleged ADA violation.
- d. The ADA Coordinator conducts a thorough investigation of the complaint and affords all interested persons and their representatives the opportunity to submit oral or documentary evidence relevant to the complaint.
- e. The ADA Coordinator issues a written determination as to the validity and resolution of the complaint and forwards a copy to the complainant no later than 30 days after the complaint is filed.
- f. If the complainant is dissatisfied with the resolution of the complaint, the complainant may request reconsideration. Complainants may file requests for reconsideration with the City Manager or the City Manager's designee within 10 days of issuance of the written documentation.
- g. The rights of complainants to prompt and equitable resolution of complaints filed hereunder are not impaired by the complainant's pursuit of other remedies, such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- h. The ADA Coordinator maintains City files and records relating to the filing and processing of ADA complaints.

Section Seven (7) EMERGENCY MANAGEMENT

7.1 Employee Identification Cards

Provide a means of quickly identifying PCMC employees and the capacity in which they serve the City. This identification will be used for security purposes in the event of a citywide emergency or disaster situation. The identification system may also be used as a means of identification for daily operations, building and/or restricted area access.

All PCMC employees are required to have a PCMC ID card while on duty and visibly displayed by the employee on a lanyard or clip.

Additional information on Employee Identification Card requirements can be found on the Emergency Management Procedure Manual found on the Employee Portal or in the Human Resources Department.

7.2 Emergency Work Requirements

Obligation to Work: In the event of a city emergency, employees (including contract, part-time and seasonal employees) will be required to report to work as soon as possible unless they are medically unable to do so. **Employees must call the Emergency Hotline at 1-888-894-7275 to update their status.**

Failure to contact PCMC as outlined in Section 4.11 of this manual may result in termination.

Additional information on Emergency Work Requirements can be found in the Emergency Management Procedure Manual found on the Employee Portal or in the Human Resources Department.

7.3 NIMS (National Incident Management System) Training

Mandatory NIMS training requirements, as outlined in either job descriptions, the Comprehensive Emergency Management Plan (CEMP) and/or by departments, must be completed within six (6) months from an employee's date of hire.

Additional information on NIMS Training requirements can be found in the Emergency Management Procedure Manual found on the Employee Portal or in the Human Resources Department.

7.4 Other Emergency Management Policies

The PCMC Administrative Policy & Procedure (AP&P) Manual has a number of additional policies that are Emergency Management related.

Additional information on other Emergency Management Policies can be found in the Emergency Management Procedure Manual found on the Employee Portal or in the Human Resources Department.



Ordinance No.

**AN ORDINANCE AMENDING TITLE 2 CHAPTER 6 SECTION 1 OF THE
MUNICIPAL CODE OF PARK CITY AND ADOPTING THE REVISED PERSONNEL
POLICIES AND PROCEDURES MANUAL, DATED JULY 1, 2014 FOR
PARK CITY MUNICIPAL CORPORATION**

Preamble

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

WHEREAS, the purpose of the manual is to provide for guidance regarding the fair and consistent administration of city personnel, but neither any contract nor implied contract rights are created hereby; and

WHEREAS, the City Manager, City Attorney, Human Resources Department, management team and the Policies and Procedures Committee has reviewed the proposed amendments of the Revised Personnel Policies and Procedures and recommends adoption by the City Council; and

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

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

SECTION 1. AMENDMENT. TITLE 2 CHAPTER 6 SECTION 1 OF THE MUNICIPAL CODE OF PARK CITY is hereby amended as follows:

2- 6- 1. POLICIES AND PROCEDURES.

The City Council may establish compensation schedules, employee benefits, rules, disciplinary policies and all other employee policies and procedures by Ordinance as it deems appropriate.

SECTION 2. ADOPTION; REPEALER. The Personnel Policies and Procedures Manual, dated July 1, 2014 attached hereto as Exhibit A, is hereby adopted, and

the 2013 version is hereby repealed including any temporary amendments thereto adopted by the City Manager.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect on July 1, 2014.

PASSED AND ADOPTED THIS ____ DAY OF JUNE, 2014.

PARK CITY MUNICIPAL CORPORATION

Liza Simpson, Mayor Pro Tem

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney



PARK CITY COUNCIL MEETING MINUTES- DRAFT
SUMMIT COUNTY, UTAH,
June 5, 2014

Work Session

Council Questions and Comments and Manager's Report

Council member Beerman went to visit a business incubator space that is sponsored by the Park City Angels. Attended an event for the Luge team, the Park City Institute and attended the Lou Hudson Memorial.

Council member Matsumoto reminded Council of the Historical Home Tour on June 14th. They are inviting former teachers to the Marsac building for an informal reception.

Council member Simpson attended the Fire Board and they had there Open Meetings act where she learned that there is a new condition to close meetings for Trade Secrets. Reminded Council about BBQ and Bluegrass event at McPolin Farm.

Council member Henney attended Recreation Advisory Board meeting.

Council member Peek attended a Park City Sailing function and said that they are developing relationships with the NAC working with Wounded Warriors and the Park City Sailing club teaching the students and Soldier's to sail.

Mayor Thomas attended the Park City Institute and is excited to see how that unfolds. Attended the Lou Hudson memorial stating it was a great tribute. Stated he will be out of town from June 14th to the 28th and Council member Simpson will be Mayor Pro Tem during that time.

Rebecca Gillis, Finance Department, informed Council that the Marsac Building has moved away from paper cups to save money and the environment. She feels it gives continuity to the City and would like to implement citywide. Council was very supportive.

Brooke Hontz, Daley Ave, asked if they could recall the item that they remanded back to the Planning Commission on May 29th. She stated that the law requires for the plans to remain the same to be remanded and this case the application was changed. Spoke to the process of the application stating that it was denied in September 2012 and then just sat stating that there is a process to keep the application alive. Stated that there could be legal ramifications and should be predictability in the City, not allowing for those grey areas. Hontz stated she spoke to the Planner and the information did not make it into the packet however; there is a window of opportunity for the Council to rectify this.

Tom Daley, Deputy City Attorney stated that the legal department will review the legal questions brought forth tonight and will see if there needs to be any changes.

Budget: City Fee Resolution, Council Compensation, Outstanding Budget Issues, Comprehensive Emergency Management Plan

Jed Briggs, Budget Operations Manager; Nate Rockwood, Capital Budget, Debt and Grants Manager and Korey Kersavage, Budget Department; continued the discussion on the budget from the previous meetings regarding the questions Council had regarding questions they had about the City Fees. Kersavage stated that they spoke to the questions from last meeting discussing the court usage and fees related to Tennis, also spoke to the rate differences to bump up capacity. Spoke about the Cemetery fees and Council discussed raising the rates to 100% cost recovery. The majority agreed to raise the fee to \$600 for 100% cost recovery.

Briggs spoke to the Council compensation portion of the agenda. Council member Henney stated he expressed concern on giving Council a raise before seeing how the employees were treated and after discussions with Brooke Moss he is now comfortable. Beerman stated that he previously was reluctant and is now in favor as well. He is also excited to see how the other components will be implemented as to campaign financials, term limits, etc.

Rockwood spoke to the Historic Preservation grant funding. Stated that the grant monies have always been housed in the Capital Improvement funds to be able to carry the funds over. Staff is recommending that they come back to Council during a work session to develop a policy regarding Historic Grants. Council member Matsumoto stated she looks forward to having that discussion, however; she feels that with Historic Preservation being one of the goals of the Council that the funding source needs to be larger. Staff feels that in lieu of a policy the grants would need to come before Council to award larger sums. Council member Peek stated that he felt the policy needed to be discussed sooner than later. Council member Simpson stated that she also feels this is a good idea and feels that there should be a cap where it does not have to come to Council as well as looking at a means grant. Council member Beerman stated he is supportive of all the comments the Council have made and stated that the City owned properties are great examples of historic preservation. Discussions ensued about the policy direction as well as if the applications would come before Council for final approval. Council agreed.

Kersavage spoke to the outstanding budget items for 2014 to include: Electricity and Natural Gas utilities at McPolin Farm, Ice programs and Tennis instructors both offsetting with additional revenue. Spoke to the changes for 2015 to include a new pay grade to the Police Chief's position as well as inter-fund transfers for Water, Golf and Transits.

Council member Beerman thanked staff for all the hard work and also thanked them for the table in the packet regarding contract employees that he has been requesting for years.

Hugh Daniels, Emergency Manager, spoke to the Comprehensive Emergency Management Plan stating that it is a document that needs to be adopted yearly in order to stay current with NIMS requirements and remain able to request funding.

Briggs outlined the calendar of the upcoming budget items.

I. ROLL CALL- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 5, 2014. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff member present were Diane Foster, City Manager; Tom Daley, Deputy City Attorney; Matt Dias, Assistant City Manager; Jed Briggs, Budget Operations Manager; Nate Rockwood, Capital Budget, Debt and Grant Manager; Hugh Daniels, Emergency Manager; Kirsten Whetstone, Planner; Marci Heil, City Recorder

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures from Council or Staff.

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

There were no public comments made.

IV. CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

1. Consideration to authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Webster Construction LLC for Rossi Hill Drive Water Line Replacement in an amount of \$144,099.00.
2. Consideration for City Council adoption of Water Standard Plan revisions, dated May 2014, to the Park City Municipal Corporation Design Standards, Construction Specifications, and Standard Drawings
3. Consideration to authorize staff to enter a contract with Southwest Lift & Equipment Incorporated for the installation of a new replacement heavy duty vehicle hoist manufactured by Steril-Koni for the fleet shop in an amount not to exceed \$145,719.

Council member Simpson moved to approve the consent agenda.

Council member Beerman seconded

Approved unanimously

V. CONSIDERATION OF MINUTES FROM APRIL 17, 2014 CITY COUNCIL MEETING

Council member Matsumoto moved to approve the minutes from April 17, 2014

Council member Beerman seconded

Approved unanimously

VI. PUBLIC HEARING

Public Hearing regarding the Resolution authorizing the issuance and sale of up to \$6,000,000 of Water Revenue Bonds of the City and providing for related matters.

Rockwood stated staff is currently looking at an amount of \$4,100,000 with a rate around 3.1%.

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the public hearing.

VII. NEW BUSINESS

1. Consideration of a Resolution adopting the City Fee Schedule and replacing Resolution No. 04-14 in its entirety.

Jed Briggs, Budget Operations Manager, stated that as Council discussed the Cemetery fee will be increased to \$600. Council member Simpson reiterated that the change in that fee is go to 100% cost recovery as discussed in the work session.

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the public hearing.

Council member Beerman moved to approve of a Resolution adopting the City Fee Schedule and replacing Resolution No. 04-14 in its entirety
Council member Peek seconded
Approved unanimously

2. Consideration of a Resolution establishing compensation for the Mayor and City Council for fiscal year 2014-2015 in Park City, Utah

Mayor Thomas opened the public hearing.

Mary Wright stated that she felt that the public input timeframe has been limited in regards to the Council compensation. She also feels that a full-time mayor and strong manager form of government will create conflict. She would like also to see a new job description for the Mayor and inquired when the other recommendations from the Blue Ribbon commission will be addressed.

Mayor Thomas closed the public hearing.

Council member Simpson stated that they took the Blue Ribbon Commission's comments to heart and this Council will be looking at the campaign financials and term limits. Stated that one of the ways the Blue Ribbon measured compensation was with the requirement of living in town and the high cost of living.

Council member Henney followed up by stating that the reason they are discussing the compensation piece separate is that it is a package deal with the budget discussions.

Council member Matsumoto stated that during the work session the Council discussed brining the other recommendations back to work session in July.

Council member Simpson moved to approve a Resolution establishing compensation for the Mayor and City Council for fiscal year 2014-2015 in Park City, Utah

**Council member Henney seconded
Approved unanimously**

3. Consideration of a Resolution adopting the Comprehensive Emergency Management Plan

Hugh Daniels, Emergency Manager, stated this document is adopted yearly to meet the NIMS requirements. Council member Simpson inquired about the Council secession plan in the CEMP. Daniels stated that under the City code if something happened to the Mayor it would move down the line to Mayor Pro Tem, Alternate Mayor Pro Tem and then by seniority.

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the public hearing.

**Council member Beerman moved to approve the Resolution adopting the
Comprehensive Emergency Management Plan
Council member Peek seconded
Approved unanimously**

4. Consideration of an Ordinance adopting the Revised Budget for Fiscal Year 2013-2014 and the Proposed Budget for Fiscal Year 2014-2015 for Park City Municipal Corporation and its related agencies

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the public hearing.

**Council member Simpson moved to continue to June 12, 2014
Council member Matsumoto seconded
Approved unanimously**

5. Consideration of Ordinance Approving Dority Springs Subdivision Plat Amendment located at 1851 Little Kate Road, Park City, UT pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney.

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the public hearing.

**Council member Peek moved to continue to July 10, 2014
Council member Simpson seconded
Approved unanimously**

6. Consideration of an Ordinance Approving Broph's Place Condominiums Record of Survey located at 500 Deer Valley Drive, Park City, UT pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney.

Planner Whetstone stated this is a record of survey plat to create to condo units in an existing duplex structure.

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the public hearing.

Council member Simpson moved to approve of an Ordinance Approving Broph's Place Condominiums Record of Survey located at 500 Deer Valley Drive, Park City, UT pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney.

**Council member Beerman seconded
Approved unanimously**

7. Consideration of an Ordinance approving 919 Woodside Avenue Subdivision Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney.

Planner Whetstone stated the request is to combine a lot and a half. There was a historic home on site that was since taken down in which the property owners have a guarantee to rebuild a structure.

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the public hearing

Council member Peek moved to approve an Ordinance approving 919 Woodside Avenue Subdivision Plat Amendment pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney

**Council member Simpson seconded
Approved unanimously**

8. Consideration of an Ordinance approving 1897 Prospector Avenue Re-Subdivision of Lots 25A, 25B and parking lots for Prospector Square pursuant to the findings of fact, conclusions of law and conditions of approval stated in the attached ordinance in a form approved by the City Attorney.

Planner Whetstone stated that the Gigaplat replat is intended to reconfigure two lots into parking and move parking into the current lot area therefore adding an increase to parking. This has been addressed by the Prospector HOA and met the State Engineers requirements regarding the stream and flood plain requirements. Planning Commission forwarded a positive recommendation. Staff feels that it is a good cause allowing for solar use, and preserves the character of Prospector Square neighborhood.

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the public hearing

Council member Simpson moved to approve an Ordinance approving 1897 Prospector Avenue Re-Subdivision of Lots 25A, 25B and parking lots for Prospector Square pursuant to the findings of fact, conclusions of law and

conditions of approval stated in the attached ordinance in a form approved by the
City Attorney
Council member Matsumoto seconded
Approved unanimously

VIII. ADJOURNMENT

Council member Beerman moved to adjourn the meeting.
Council member Henney seconded
Approved unanimously

MEMORANDUM OF CLOSED SESSION

The City Council met in a closed session at approximately 2:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Tom Daley, Deputy City Attorney; Polly Samuels McLean, Assistant City Attorney; Heinrich Deters, Trails and Open Space; Jonathan Weidenhamer, Economic Development Manager; Jason Glidden, Economic Development Project Manager; Rhoda Stauffer, Sustainability; Phyllis Robinson, Sustainability; Ken Fisher, Recreation Manager. **Council member Simpson moved to close the meeting to discuss Property, Litigation, and Personnel. Council member Beerman seconded. Motion carried.**

Council member Simpson moved to open the closed session. Council member Peek seconded. Motion carried.

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 Marci S. Heil, City Recorder.


Marci S. Heil, City Recorder





PARK CITY COUNCIL MEETING MINUTES-DRAFT
SUMMIT COUNTY, UTAH,
June 12, 2014

Study Session

Bonanza Park Public Infrastructure Funding

Thomas Eddington, Planning Director, discussed the infrastructure in Bonanza and how that relates to other Neighborhoods in Park City. Council member Simpson stated that there was a different approach in Bonanza than in the other neighborhoods. Discussed OTIS (Old Town Improvement Study) and the improvements made to Main Street, Woodside/Norfolk and Empire Avenue. Discussed the concept plan for Bonanza Park speaking of the walkability and smaller street cross-sections. Eddington stated that based on a study conducted in 2012 and current internal assessment with the Public Works and Engineering staff, the Infrastructure would cost between 8.5-12 million dollars. Eddington stated that this does not count the cost of acquiring any land, it would require a cooperation with the landowners and the City. Mayor Thomas pointed out that to make this a successful district we need roads create place for the commercial residents. Council member Matsumoto stated that she can see that there needs to be better connected in that neighborhood but she is not sure if the City should pay for all of the streets, is there a way to choose which roads would mold the development the best. Council member Beerman stated that he feels that an RDA is formed to stimulate growth but how does a phased plan stimulate that growth. Eddington stated that he feels if the City starts the infrastructure a spark the growth will occur. Council member Peek spoke about the "gets" as a developer related to right of ways. Council member Simpson stated that the purpose of the staff report is the ultimate policy question of if the Council is comfortable committing to funding the streets and utilities. She stated she is comfortable funding the streets in order to get the street placement where they want them. Mayor Thomas stated that he is not against the project but is not ready to completely commit without further study and without a Council walk-about. Council member Beerman stated that he is supportive of walking the neighborhood and feels that the higher level question is if the Council/City wants to put money into the development. Eddington discussed the future infrastructure needs in a public parking garage, transportation hub and park/gathering space. Council member Peek stated that he is all for getting on the ground and looking at the area and feels that we are getting close. Council member Beerman stated that he is in favor of the overall vision not just roads. Council members Henney and Matsumoto both agreed. Council member Simpson stated that she agrees with Council member Beerman and feels that at some point you have to pay for things yourselves. Thinks the walking tour would be great. She also inquired about the 1.3 million dollars regarding the Rocky Mountain Power substation. Eddington stated that it will require a fencing structure of some sort. Council member Peek feels that this is trying to spark success not mitigate success. Mayor Thomas inquired about the soil problems in the area. Council member Simpson spoke to that exact point stating it may need more financial love. Economic Development Manager Jonathan Weidenhamer stated that putting 10-12 million dollars over the next 40 years into a neighborhood is a different animal than spending 10-12 million on a parking structure. Council agreed to keep moving forward.

Wildfire Awareness Discussion

Hugh Daniels, Emergency Manager, introduced the key players at the table regarding the wildfire awareness. Bryce Boyer, Summit County Fire Warden/DFFSL informed the Council

that the wildfire forecaster has stated that it is a “normal” fire year keeping in mind that last year was a “normal” year as well with the Rockport fire. Stated that the internal reports are placing the Wasatch as a “High” fire danger and Uintah is at a “Low” fire danger with Park City sitting in the middle. Council member Henney inquired about the pine beetle damage. Casey Volwaller, PCFD Fire Prevention Specialist spoke to Henney’s question stating that the Ski resorts clear those trees that have died and have been working closely with the Fire District regarding fire mitigation. Henney inquired about the defensible space around the entire City. Casey stated that the County hired a seasonal intern to evaluate the homes in the high fire areas and what they found were that half the properties were mitigated pretty well and felt that the key was partnering with the HOA’s to defend their homes and safety. Council member Matsumoto inquired about the mitigation at Round Valley, Bryce stated that it is the best way to teach by example. Council member Simpson stated that it would also be a great outreach program. Phyllis Robinson explained the outreach campaign; Summit County PIO Tracy LaClair also discussed the catchy phrases they have been throwing around stating they are getting away from the overused phrases along with the cute/fun slogans. They do not want fire to be fun or cute. Bryce spoke to a book produced by Utah State with planning guidelines. Reiterated the importance of working with HOA’s. Daniels spoke to the evacuation routes and preparedness regarding reverse 911. Council member Simpson inquired if there was a plan in place for property management agencies. Daniels stated there is a business plan in place and they are working on putting signage up around the resorts. Daniels spoke about a grant for fire mitigation at Round Valley. Stated it is a three party grant with the City, County and Fire District. Heinrich Deters, Trails and Open Space Manager, spoke to the benefits associated with the mitigation at Round Valley. Deters spoke to an experience that he had where a resident called the City out on their fire mitigation. Council member Matsumoto stated that she is concerned with the residents that will be very upset with the widening of the trail in Round Valley. Council member Beerman inquired how the City would deal with the pipelines that run through the City. Daniels stated that it is not a high burning fuel and they fuel companies provide training every year and have designed the space with a large buffer. Bryce discussed the proposed changes that will be going to the Legislative session to help with the funding sources for fire mitigation such as fire breaks, education, urban interface code, etc. Discussed the lessons learned from the Rockport Fire to include looking at mandatory defensible space. The largest piece is that it remains cooperative with work and funding. Daniels spoke to the Urban Wildland interface code stating that the City is working to adopt a modified code in the coming months. Spoke to the Economic impact and the media component. Daniels reminded Council that luck is not a good method of mitigation. Spoke to the Fireworks ban ordinance that will be before Council in two weeks.

Work Session

Council Questions and Comments and Manager’s Report

Council member Henney attended his first mosquito abatement meeting stating that they are doing everything they can to combat the mosquito problem.

Council member Peek enjoyed seeing the fencing go up around the Library, is excited to see the project move along.

Council member Beerman took a Mountain Accord trip up Little Cottonwood Canyon and went in the tunnel to view the water system at Snow Basin. Attended a Summit Land Conservancy Board meeting.

Council member Matsumoto attended the Peace House meeting stating they are moving along with their goals of finding transitional housing.

Council member Simpson attended a Fire board meeting and the Public Art Advisory board meeting where they discussed the Quinn's Junction art as well as Main Street art. Attended the Mountain Lands meeting where she learned about the self-help program in the Kamas/Francis/Oakley area where people are required to help build their houses for sweat equity, she stated that they are currently underway with 8 houses and will have another 13 started in July and 20 in September. Thanked staff who attended Matt Rifkin's' memorial service.

Mayor Thomas attended an Art Kids association meeting which was near and dear to his heart. Feels that art and creativity are fundamental in childhood development.

Manager's Report

Council member Beerman inquired if the light was on the stairway. Blake Fannesbeck, Public Works Operations Manager, stated that it is not along the stairway. Council member Henney thanked Fannesbeck for the great staff report, and then inquired about why there are so many overhead lights in Old Town. He feels that the stairway lights are sufficient along with the ambient light from the residents. Council member Simpson stated that she is a little hesitant to move forward based on one complaint whereas they took an in-depth look in 2012. Council member Beerman stated that he had a cobra light outside his bedroom window for 15 years and was very happy when it failed and was not replaced. Council member Peek stated that he felt that it would be appropriate for an NTMP meeting to get a consensus of the neighborhood. Council member Henney stated that he lived in Old Town for 4 years and did not like the lights. He is in favor of exploring the options if it is a quick process. Foster stated that Fannesbeck is guiding the resident to the NTMP process and will be bringing back a Manager's report to see if the issue needs to be looked into further.

Budget Discussions- Finalize Outstanding Budget Issues

Jed Briggs Budget Operations Manager and Nate Rockwood, Capital Budget, Debt and Grants Manager, spoke to the current budget changes as well as the future year items. Went change by change down the list to include, transit, legal housing, leadership, and police. Spoke to the Fiscal Year 14-15 changes to include planning, building as well as the water capital. Per Council direction staff included the Solar at the MARC project. Spoke to the inter-fund transfers for the Water, Golf, Insurance funds. Rockwood spoke to the Lower Park RDA operating as a capital fund stating that there will be a new fund created as a special RDA fund to give the City flexibility. Discussed the projected budgets for fiscal year 15. Council member Beerman inquired about the vehicle that the building department is purchasing regarding a policy to purchase fuel efficient/hybrid/CNG vehicle. Rockwood stated that the fleet committee has looked into purchasing a hybrid vehicle. Council member Simpson requested clarity regarding the Council stipend for the iPad's that was referred to in the packet. Foster stated that was just an informational piece and was not part of the budget discussions. Rockwood stated that there is one house keeping issue of changing the General Fund balance from 18% to 25%.

Regular Meeting

6:00 pm

I. ROLL CALL-Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 12, 2014. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff member present were Diane Foster, City Manager; Tom

Daley, Deputy City Attorney; Jed Briggs, Budget Operations Manager; Nate Rockwood, Capital Budget, Debt and Grant Manager; Hugh Daniels, Emergency Manager; Denise Carey, Recreation; Adriane Juarez, Library Director; Marci Heil, City Recorder

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures from Council or Staff.

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

There were no public comments.

IV. CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)*

1. Consideration of a Construction Contract in the Amount of \$ 861,303.00 with Lyndon Jones Construction, Inc. for the Royal Street Retaining Wall Project

**Council member Beerman moved to approve the consent agenda
Council member Peek Seconded
Approved Unanimously**

V. CONSIDERATION OF MINUTES FROM MAY 29, 2014 CITY COUNCIL MEETING

Council member Peek requested a correction on page 76 to change the word “show” to “snow” shedding.

**Council member Peek moved to approve the minutes from
May 29, 2014 as amended
Council member Beerman seconded
Approved unanimously**

VI. CONSIDERATION OF APPOINTMENTS TO THE LIBRARY BOARD

Consideration of the following appointments to the Park City Library Board: John Fry, Margie Schloesser and Chris Cherniak for a three-year term, Abby McNulty for a two-year term and the reappointment of Suzette Robarge for a one-year term all beginning July 2014.

**Council member Simpson moved to approve the following appointments to the Library board: John Fry, Margie Schloesser and Chris Cherniak for a three-year term, Abby McNulty for a two-year term and the reappointment of Suzette Robarge for a one-year term all beginning July 2014
Council member Matsumoto seconded
Approved unanimously**

VII. NEW BUSINESS

1. Consideration of a Road Respect Resolution

Heinrich Deters, Trails and Open Space, introduced Nathan Lee, UDOT Region II Director and Evelyn Tuddenham, Bicycle Pedestrian Coordinator for UDOT spoke to the importance of having respect toward the biking community. Spoke about the event and ride on June 19th at the Police Department at 8:00 am. There will be 15 communities involved in Road Respect. Lee stated that he had the great pleasure of riding through the area and stated that there is great opportunity for learning. Simpson stated that she is very happy to see the ride going through Coalville. Deters stated that the event will travel through Wasatch County and will end with a forum with the County Council meeting. There are a lot of efforts helping to reach across the groups. Henney thanked UDOT and the State for participating. Stated he has observed the change over the years to respect bicycles. Lee thanked the Park City Staff for being such great partners.

Council member Simpson moved to approve a Road Respect Resolution
Council member Matsumoto seconded
Approved unanimously

2. Consideration of a Resolution Celebrating the 50th Anniversary of the Park City Golf Course

Denise Carey, Park City Golf Course spoke about the great activities planned for the 50th Anniversary celebration to be held on June 20, 2014.

Council member Simpson moved to approved a Resolution Celebrating the 50th Anniversary of the Park City Golf Course
Council member Beerman seconded
Approved unanimously

3. Consideration of an Ordinance adopting the Revised Budget for Fiscal Year 2013-2014 and the Proposed Budget for Fiscal Year 2014-2015 for Park City Municipal Corporation and its related agencies

Mayor Thomas opened the public hearing. There were no comments. Mayor Thomas closed the hearing.

Council member Simpson moved to adopt an Ordinance adopting the Revised Budget for Fiscal Year 2013-2014 and the Proposed Budget for Fiscal Year 2014-2015 for Park City Municipal Corporation and its related agencies
Council member Peek seconded
Approved Unanimously

4. Professional Services Agreement for Transit Expansion Study to Western Summit County and Wasatch County.

Council member Simpson clarified that this was not the committee that Council member Henney will be a liaison to.

Council member Beerman moved to approve the Professional Services Agreement for Transit Expansion Study to Western Summit County and Wasatch County
Council member Matsumoto seconded
Approved unanimously

VIII. ADJOURNMENT

**Council member Simpson moved to adjourn into the Redevelopment meeting.
Council member Matsumoto seconded
Approved unanimously**

MEMORANDUM OF CLOSED SESSION

The City Council met in a closed session at approximately 2:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Liza Simpson, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Tom Daley, Deputy City Attorney; Polly Samuels McLean, Assistant City Attorney; Ann Ober, Community Relations; Phyllis Robinson, Sustainability. **Council member Peek moved to close the meeting to discuss Property, Litigation, and Personnel. Council member Beerman seconded. Motion carried.**

Council member Simpson moved to open the closed session. Council member Matsumoto seconded. Motion carried.

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 Marci S. Heil, City Recorder.



Marci S. Heil, City Recorder





City Council Staff Report

Subject: Emergency Fire Restrictions
Authors: Chad Root, Chief Building Official/Fire Code Official
Wade Carpenter, Fire Marshal/Chief of Police
Hugh Daniels, CEM, Emergency Manager
Department: Public Safety
Date: June 26, 2014
Type of Item: Legislative

Summary Recommendation: Hold a public hearing and adopt the proposed Ordinance Prohibiting Open Fires and Regulating the Use of Fireworks within Park City during the 2014 Fire Season and Adopting the Summit County Process For Recovery of Costs for Responding to Emergencies Caused by an Aggravated Fire Emergency.

Topic: Open Fires and Regulation of the Use of Fireworks Ordinance

Background:

The use of consumer fireworks has been an ongoing problem over the years and has caused fires in Park City. In Utah, the greatest fire risks generally start in southern Utah and move north. Most fires are started by either lightning, fireworks or discharge of weapons. In the Park City area, intensifying drought; higher than normal predicted temperatures in July and August (as predicted by the National Interagency Fire Center); extremely low moisture in both live and dead fuels and fire season timing leads all current forecasts to an increasing fire risk. Despite a National Interagency Fire Center forecast of a “normal” fire season for Utah, a normal season in Utah is over 400 fires in the state and 60 in Summit County. The Rockport Fire of 2013 and the Fox Bay Fire of 2012 both occurred during a “normal” fire season. Park City Fire Code Official and the Park City Fire Service District recommend the Council adopt legislation aimed at protecting Park City from the potential hazard of wildfires ignited by the use of fireworks and open ignition sources.

Analysis:

The National Interagency Fire Center (NIFC) Predictive Services Unit reports significant fire potential throughout the western states for June, July, August and September. While Utah currently is listed as “normal”, most of our neighbor states have high to extreme wildfire potential.

Due to the high fire risk to Park City, threat to public safety and risk of property loss, we, in consultation with the Park City Fire Service District, are of the opinion that Park City should adopt an ordinance banning fireworks and open ignition sources from June 26 through October 31, 2014.

Fireworks could be used during professional displays with fire protection, such as the 4th of July celebration. Final decisions on public displays cannot be made until the day of the event, though every opportunity will be made to hold these displays if potential dangers can be mitigated and the weather cooperates.

The last time a similar bans were adopted were for the 2007, 2012 and 2013 fire seasons. Those years had similar low humidity, drought, windy, dry and hot weather conditions which led to an increase in wildfires throughout the state including Summit County.

During the 2013 Utah Legislative session amendments were made to Utah Code Section 53-7-225 which prohibits municipalities from banning a person from discharging fireworks except for negligent discharge or as provided under Subsection 15A-5-202.5(1)(c). Subsection 15A-5-202.5(1)(c) gives Council the authority, if the Fire Code Official determines that hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials, to prohibit only the ignition or use of the ignition source in mountainous, brush-covered, or forest-covered areas or the wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose.

What this means is that Council has the ability to ban fireworks in certain areas or within the entire Wildland Urban Interface. The Utah Division of Forestry, Fire and State Lands has designated all of Park City and all of Summit County as Wildland Urban Interface (WUI). Research has shown that embers from a wildfire can travel as far as a mile and in some conditions much further, therefore potentially endangering all of Park City.

Chad Root, Park City's Fire Code Official has determined that hazardous environmental conditions including but not limited to; intensifying drought; low snow pack with an early melt; higher than normal predicted temperatures in July, August and September; extremely low moisture in both live and dead fuels and fire season timing necessitate controlled use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials.

Consistent with Council direction in 2012, staff has coordinated with the Park City Fire Service District and Summit County in order to create a uniform fireworks regulatory scheme. Park City Fire Service District and Summit County are in the process of reviewing a similar Ordinance for the unincorporated areas in the Park City Fire Service District Boundaries with the support of the State Forester.

Cost Recovery - As it is the position of the City and the Utah League of Cities and Towns that counties are responsible for the costs of wildland fires, the City wishes to extend the County's cost recovery authority to within the City limits. Therefore, the City should adopt Summit County Code 5-4-10 within the City limits.

Department Review:

Building Department, Police, Fire Marshal, Emergency Management, City Attorney and City Manager.

Alternatives:**A. Approve the Request:**

Adopt the Ordinance Prohibiting Open Fires and Regulating the Use of Fireworks within Park City for the 2014 Fire Season and Adopting the Summit County Process For Recovery of Costs for Responding to Emergencies Caused by an Aggravated Fire Emergency. **This is the recommended option.**

B. Deny the Request:

Council could choose to deny the request. Arguably, residents may still be subject to restrictions as adopted by the Park City Fire Service District and Summit County.

C. Continue the Item:

Council could choose to continue the item and direct the staff to return with more information. Continuing the item may miss the window to regulate open fires and fireworks during the 4th of July celebration.

D. Do Nothing:

This would be the same as denying the request.

Significant Impacts/Consequences of not taking the recommended action:

Not adopting the ordinance would leave the City in a vulnerable position because of the high threat of fires resulting from the use of fireworks and open fires.

Recommendation:

Council should adopt the Ordinance Prohibiting Open Fires and Regulating the Use of Fireworks within Park City for the 2014 fire season

Attachment:

An Ordinance Prohibiting Open Fires and the Use of Fireworks within Park City During the 2014 Fire Season and Adopting the Summit County Process For Recovery of Costs for Responding to Emergencies Caused by an Aggravated Fire Emergency.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessibility during peak seasonal times + Multi-seasonal destination for recreational opportunities	+ Abundant preserved and publicly-accessible open space + Managed natural resources balancing ecosystem needs		+ Well-maintained assets and infrastructure + Engaged and informed citizenry
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Very Positive 	Neutral 	Positive 
Comments: The economic impact of a major wildfire in the greater Park City area could be significant				

Summary Recommendation: Hold a public hearing and adopt the proposed Ordinance Prohibiting Open Fires and Regulating the Use of Fireworks within Park City during the 2014 Fire Season and Adopting the Summit County Process For Recovery of Costs for Responding to Emergencies Caused by an Aggravated Fire Emergency.

Ordinance No. 14-__

**AN ORDINANCE PROHIBITING OPEN FIRES AND THE USE OF FIREWORKS WITHIN
PARK CITY DURING THE 2014 FIRE SEASON AND ADOPTING THE SUMMIT COUNTY
PROCESS FOR RECOVERY OF COSTS FOR RESPONDING TO EMERGENCIES CAUSED
BY AN AGGRAVATED FIRE EMERGENCY**

WHEREAS, the City Council of Park City Municipal Corporation, Utah, (herein "City"), in conjunction with the Park City Fire Code Official and the Park City Fire Service District, has a desire to reduce the threat of wild fires within the City limits; and

WHEREAS, based on the forecasted drought, the fire risk for the year 2014 is expected to be high from June 26th through October 31, 2014; and

WHEREAS, weather and natural resource conditions have combined with continuing drought to produce a very high level of light fuels (grasses and other light vegetation) in the Park City area; and

WHEREAS, the National Interagency Fire Center (NIFC) Predictive Unit is forecasting above normal potential for significant fire activity in the western states; and

WHEREAS, Park City and Summit County have the greatest amount of wildland urban interface in the state of Utah; and

WHEREAS, the City and the Park City Fire Service District desire to reduce the risk of wildfires which may cause extensive damage within the City; and

WHEREAS, the use of explosive and other fireworks within the City substantially increase the risk of fires and under current conditions is a direct threat to the community at large; and

WHEREAS, the State of Utah has created the Utah Fireworks Act as found in U.C.A. Section 53-7-225 et seq. which allows discharge of Class C common state approved explosives from July 1st thru July 7th and July 21st thru July 27th; and

WHEREAS, pursuant to the authority of the Fire Code Official and U.C.A. Sections 10-8-56 and 84, it is the intent of the City Council to adopt a valid, time, place and manner regulations on the use of fireworks that do not conflict with U.C.A. Sections 53-7-220 through 53-7-225; and

WHEREAS, this ordinance based on specific and hazardous environmental factors identified by the Park City Fire Code Official and Park City Fire Marshal as being ripe for wildfire and is effective for only one "fire season" and is not a general or permanent regulation in conflict with U.C.A. Sections 53-7-220 through 53-7-225; and

WHEREAS, The Utah Division of Forestry, Fire and State Lands in consultation with local Fire Officials has designated all of Park City to be a Wildland Urban Interface area.

WHEREAS, pursuant to U.C.A. Section 53-7-225, the City Council has the authority to prohibit the ignition or use of any ignition source within the Wildland Urban Interface which includes all lands within the Park City limits.

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

SECTION 1. FIRE SEASON. The City hereby finds and determines that the fire season for the year 2014 shall be from June 26, 2014 through October 31, 2014.

SECTION 2. LOCATION WITHIN PARK CITY. All the lands within the city limits of Park City are designated by the Utah Division of Forestry, Fire and State Lands as Wild Land Urban Interface and are included in this ordinance

SECTION 3. FIREWORKS. The use of any and all class "C" fireworks shall be prohibited within Park City during the entirety of the 2014 high risk fire season. Class "C" fireworks as defined by UTAH CODE ANN. ("U.C.A.") § 53-7-202(4)-(6) include:

- a) a firecracker, cannon cracker, salute, cherry bomb, or other similar explosive;
- b) a bottle rocket, skyrocket or any device other than a model rocket that uses combustible or explosive material;
- c) a roman candle or other device that discharges balls of fire;
- d) a tube or cone aerial firework that propels comets, shells, salutes, flash shells, or similar devices; and
- e) a chaser, whistler, or similar device.

Such prohibition shall not apply to displays expressly permitted by a special event license with a state licensed operator pursuant to U.C.A. § 53-7-223.

SECTION 4. OPEN FIRES. All open fires are prohibited during the 2014 high risk fire season. "Open fire" does not include use of LPG gas/natural gas and charcoal briquettes in approved fire pits.

SECTION 5. VIOLATIONS. Violations of this Ordinance shall be deemed a Class B misdemeanor and shall be punishable by a fine not to exceed \$1,000 for persons or \$5,000 for corporations, and/or imprisonment for a term not to exceed six (6) months.

SECTION 6. AGGRAVATED FIRE EMERGENCY. The City Council hereby adopts and extends the Summit County Code 5-4-10 to within the City limits. Additionally, an Aggravated Fire Emergency shall include a fire caused or contributed to by the failure to comply with state law, this Ordinance or an order from any City agency, department or official, or from the Park City Fire Service District.

SECTION 7. EFFECTIVE DATE; SEVERENCE CLAUSE. Due to immediate fire danger and the City Council's finding of necessity due to the immediate preservation of the peace, health and safety of the City, this Ordinance shall become effective immediately upon its approval and passage. If any provision of this ordinance or the application of any

provision of this ordinance is found invalid the remainder of this ordinance shall be given effect without the invalid provision or application.

Dated this 26th day of June, 2014.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

City Council Staff Report



PLANNING DEPARTMENT

Application #: PL-14-02309
Subject: 820 Park Avenue Condominiums –
Record of Survey Plat
Author: Anya Grahn, Historic Preservation Planner
Date: June 26, 2014
Type of Item: Administrative – Condominium Record of Survey plat

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 820 Park Avenue Condominiums Record of Survey Plat, located at the same address, and consider approving the proposed plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: 820 Park Avenue, LLC, represented by Rory Murphy
Location: 820 Park Avenue
Zoning: Historic Recreation Commercial (HRC) District
Adjacent Land Uses: Residential condominiums, single-family residential, vacation rentals, commercial and retail
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

The applicant is requesting a condominium record of survey plat for the purpose of creating ten (10) residential condominium units and four (4) commercial condominium units at 820 Park Avenue. The condominium plat is necessary to sell these individual units.

Purpose

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retain and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources,

maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

820 Park Avenue, LLC submitted a Historic District Design Review (HDDR) application for the renovation of the significant Rio Grande railroad shed as well as a new multi-use building containing ten (10) condominium units and four (4) commercial condominium units. As part of this application, the applicant requested to move the historic structure to the southeast corner of Park Avenue and 9th Street; however, the Planning Director and Chief Building Official determined that unique conditions did not exist that warranted the relocation of the structure on October 9, 2013. This determination was overturned by the Historic Preservation Board (HPB) on November 13, 2013.

The HDDR application which included a design with the shed moved was deemed complete on October 17, 2013. The HDDR was approved by staff on April 14, 2014. The Planning Director has also granted a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty-percent (50%) above zone height, or to forty-eight feet (48'). This architectural feature does not include habitable space.

The Planning Commission also reviewed the applicant's request for a Conditional Use Permit (CUP) on January 8, 2014 with final approval granted on February 12, 2014. The CUP approval included the following uses:

- Multi-Unit Dwellings (a building containing four (4) or more dwelling units);
- Commercial Retail and Service, Minor;
- Café or Deli
- Outdoor dining;
- Office (intensive);
- Parking Area or Structure with five (5) or more spaces

The ground level storefront spaces and historic Rio Grande Building will contain 3,637 square feet of commercial retail and service, minor; café or deli; or office (intensive) use. Office (Intensive) is a conditional use in the HRC district. This use is prohibited in storefronts adjacent to the Park Avenue Right-of-Way, but excludes those HRC zoned areas north of 8th Street. The 820 Park Avenue site is located just south and adjacent to 9th Street, and this site is exempt from the vertical zoning provision in the code. The developer has not yet leased these spaces and has not yet determined the final mix of these uses. A condition of approval was added to the CUP to ensure that all future commercial retail uses of this development must meet the Parking Requirements for Specific Land Use Categories, as outlined by LMC 15-3-6. The development includes ten (10) residential condominium units, as well as four (4) commercial condominium units.

The parcel at 820 Park Avenue is a metes and bounds parcel. The applicant purchased approximately 229 square feet at the north end of the property from the City in May 2014. The applicant also intends to purchase approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 in order to connect the new development at 820 Park Avenue to the Town Lift development directly to the south at 838 Park Avenue. The Planning Commission unanimously (6-0) forwarded a positive recommendation to City Council on April 26, 2014, for the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Avenue Subdivision plat amendment, located at the same address. City Council reviewed and approved this plat amendment on May 15, 2014. It is currently under review for redlines.

The applicant submitted a condominium record of survey plat application on April 10, 2014. The application was deemed complete on April 22, 2014. The Planning Commission reviewed the application and forwarded a positive recommendation to City Council on May 28, 2014 in a unanimous vote of 4-0.

Analysis

On April 10, 2014, the City received an application for a condominium plat to create ten (10) residential and four (4) commercial condominium units as well as common space within the proposed Rio Grande development in conformance with the approved Historic District Design Review (HDDR).

The applicant is proposing to rehabilitate the site into a mixed-use development containing a multi-unit dwelling building containing ten (10) residential condominium units; 4,541 square feet of commercial retail and service, minor; cafe or deli; outdoor dining; office, intensive; and a twenty-four (24) space underground parking structure. One (1) level of underground parking is proposed, accessible from 9th Street. Above this, the historic Rio Grande building will be relocated to the corner of 9th Street and Park Avenue and restored to its Historic appearance c.1940 when two-thirds (2/3) of the freight shed was demolished. The proposed development meets the requirements of the HRC zoning district as specified in the chart below:

	HRC Zone Designation	Conditions, prior to relocation of historic structure	Proposed Conditions (including new development)
<i>Lot Size</i>	Not specified	Parcels will be combined under 820 Park Ave LLC ownership: 12,660.06 SF	Parcels will be combined under 820 Park Ave LLC ownership: 12,660.06 SF
<i>Setbacks</i>			
Front (West)	10 ft.	25 feet	10 ft.
Rear (East)	10 ft.	37 ft.	10 ft.
Side (North)	5 ft.	37 ft.	5 ft.
Side (South)	5 ft.	31 ft.	0 ft. (A side yard between connected structures is not required where the

			structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.)
<i>Height above existing grade</i>	32 ft.	26 ft.	26.5 ft. (new rear addition)
<i>Floor Area Ratio (includes residential and non-residential uses)</i>	4.0	.05	2.37

Exterior plaza space will be constructed between the historic building and new development to isolate the historic structure on the east elevation. The L-shaped new construction will wrap the historic building on the north, east, and south sides of the property. There will be one (1) level of underground parking containing twenty-four (24) spaces.

The first level will include 694 square feet of commercial space in the existing historic Rio Grande building as well as approximately 2,943 square feet of Commercial Retail and Service, Minor; Café or deli; Outdoor Dining; and/or Office (Intensive), and two (2) ground level condominium units containing 938 square feet (Unit 105) and 1,532 square feet (Unit 106). Four (4) condominium units ranging from 1,078 square feet to 1,987 square feet will be built on the second (2nd) level; the second level of the Rio Grande building also contains 604 square feet that may be utilized by its ground floor commercial tenant. The third (3rd) level will contain four (4) condominium units ranging from 1,705 square feet to 1,993 square feet. One (1) condo (10-B) will be located at the Loft/Roof Deck Level. Because the applicant is still determining the uses in the storefront space, the CUP application included a condition of approval requiring any significant modifications of the use of this building to be re-reviewed by the Planning Commission for approval. The following is proposed:

Level	Square feet (+/-)
Parking Level	
Parking Garage	10,669 SF
Mechanical Room	161 SF
Storage Areas	795 SF
Ground Level	
Unit C-101	694 SF
Unit C-102	602 SF
Unit C-103	1,279 SF
Unit C-104	1,062 SF

Unit C-105	938 SF
Unit 106	1,532 SF
Storage Areas	1,038 SF
Interior Circulation	2,930
Second Level	
Unit C-101	604 SF
Unit 201	1,078 SF
Unit 202	1,705 SF
Unit 203	1,987 SF
Unit 204	1,776 SF
Storage Areas	183 SF
Interior Circulation	716 SF
Third Level	
Unit 301	1,078 SF
Unit 302	1,705 SF
Unit 303	1,993 SF
Unit 304	1,583 SF
Storage	221 SF
Interior Circulation	940 SF
Fourth Level	
Unit 304	1,010 SF
Mechanical	101 SF
Circulation	1,392 SF
Storage (Ski Lockers)	285 SF

***C denotes a commercial unit*

Common areas include the exterior plaza space, parking ramp and parking garage, elevation and stairs, and mechanical areas. Limited common areas include the spaces directly in front of each storefront, the rear yard to the east, patio areas and rooftop deck, storage areas, and the interior staircase on the southeast corner of the building.

The applicant intends to construct one (1) level of underground parking containing twenty-five (25) spaces. The applicant will provide fifteen (15) residential parking spaces; ten (10) spaces will be reserved, one for each unit, and five (5) will be used for guest parking. The additional ten (10) spaces will be utilized for the commercial uses. A Condition of Approval to the CUP application stated that any uses of the retail or commercial space must meet the parking requirement set by Land Management Code (LMC) 15-3-6 Parking Ratio Requirements for Specific Land Use Categories.

Per LMC 15-2.5-3 (G)(1), the Floor Area Ratio (FAR) for non-residential structures built after October 1, 1985, and located east of Park Avenue is 1.0. The FAR, Gross Commercial, is defined as the Area of a Building including all enclosed Areas excluding parking areas. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area. The following floor areas are proposed:

	Commercial Gross Floor Area Square Footage
Lower Parking Area	0 SF
Upper Parking Area	0 SF
Ground Level Area (Commercial Retail, including historic Rio Grande)	3,753 SF
2 nd Level	788 SF
3 rd Level	0 SF
Loft/Roof Deck Area	0 SF
Total Square Footage	4,541SF

The total lot area is approximately 14,375 square feet. The Floor Area Ratio for commercial use is .31 and is less than the allowable FAR of 1.0.

Staff finds that the condominium plat, as conditioned, will not cause undo harm to adjacent property owners because it meets the requirements of the Land Management Code (LMC), is consistent with the approved HDDR, and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits. The plat also memorializes required access, parking, and utility easements and is consistent with the recorded one lot subdivision plat that removed the underlying property lines.

Overall, staff finds that the condo plat is in keeping with the previous HDDR, CUP, and plat amendment approvals.

Good Cause

Staff finds good cause for the Condominium Record of Survey as the form of ownership is not detrimental to the overall character of the neighborhood. Moving forward with the condominium plat amendment will allow the applicant to sell the ten (10) residential condominium and four (4) commercial condominium units.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. There were no issues brought up at the time of initial review that have not been addressed with conditions of approval.

Notice

On May 13, 2014, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record two weeks prior to the meeting.

Public Input

No public input was received at the time of writing this report. The Planning Commission received public input during the May 28th meeting in regards to the construction schedule (see Exhibit D minutes). Public input may be taken at the Council meetings.

Alternatives

- The City Council may approve the 820 Park Avenue Condominiums Record of Survey Plat as conditioned or amended; or
- The City Council may deny the 820 Park Avenue Condominiums Record of Survey Plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 820 Park Avenue Condominiums Record of Survey Plat; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the applicant would not be able to convert the ten (10) residential and four (4) commercial units to condos, nor sell these units to individual owners.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 820 Park Avenue Condominiums Record of Survey Plat and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Ordinance and Proposed Condominium Record of Survey

Exhibit B – Survey

Exhibit C – Aerial and site photographs

Exhibit D – Planning Commission Minutes, May 28, 2014

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

AN ORDINANCE APPROVING THE 820 PARK AVENUE CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 820 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 820 Park Avenue have petitioned the City Council for approval of the 820 Park Avenue Condominiums Record of Survey Plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on May 28, 2014 to receive input on the 820 Park Avenue Condominium Record of Survey Plat;

WHEREAS, the Planning Commission, on May 28, 2014, forwarded a recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on June 26, 2013; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 820 Park Avenue Condominiums Record of Survey Plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended & 820 Park Ave Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 820 Park Avenue within the Historic Recreation Commercial (HRC) District.
2. City Council approved the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended and 820 Park Avenue Subdivision plat amendment on May 15, 2014. This plat amendment combined approximately 229 square feet of the City-owned property which was sold to the applicant on the north edge of the lot, the metes and bounds parcel at 820 Park Avenue, and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.

3. The sale of the 229 square feet of the City-owned property at the southeast corner of 9th Street and Park Avenue to 820 Park Avenue LLC was ratified by City Council on May 15, 2014.
4. The applicant is currently negotiating the sale of the 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.
5. The Planning Director and Chief Building Official determined unique conditions did not exist to warrant the relocation of the historic Rio Grande building to the southeast corner of 9th Street and Park Avenue on October 9, 2013. This determination was overturned by the Historic Preservation Board during the appeal hearing on November 13, 2013.
6. The Planning Director granted the applicant a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty percent (50%) above the zone height, or forty-eight feet (48'). This determination was made on April 14, 2014.
7. The Historic District Design Review (HDDR) was approved by staff on April 14, 2014.
8. The Planning Commission reviewed and approved the applicant's request for a Conditional Use Permit (CUP) on February 12, 2014. The CUP included the following uses: multi-unit dwelling; commercial retail and service, minor; café and deli; outdoor dining; office (intensive); and a parking area or structure with five (5) or more spaces.
9. The applicant intends to redevelop the site into a mixed-use development containing ten (10) residential and four (4) commercial condominium units. It will also include 4,241 square feet of commercial retail and service, minor; café or deli; outdoor dining; office, intensive; and a 24-space underground parking structure accessible from 9th Street.
10. The first level of the development will contain 3,637 square feet of commercial space: Unit C-101 containing 694 square feet; Unit C-102, 602 square feet; Unit C-103, 1,279 square feet; and C-104, 1,062 square feet.
11. The ground level will also have two (2) residential condominium units: Unit 105 containing 938 square feet, and Unit 106, 1,532 square feet.
12. The second level will contain 604 square feet of commercial space on the second story of the historic Rio Grande building as well as four (4) residential condominium units: Unit 201 containing 1,078 square feet; Unit 202, 1,705 square feet; Unit 203, 1,987 square feet; and Unit 204, 1,776 square feet.
13. The third level will contain four (4) residential condominium units: Unit 301 containing 1,078 square feet; Unit 302, 1,705 square feet; Unit 303, 1,993 square feet; and Unit 304, 1,583 square feet.
14. Unit 304 has two (2) stories and 1,010 square feet of its second floor will be located on the fourth floor.
15. Common areas include the exterior plaza space, parking ramp and garage, elevator and stairs, and mechanical areas. The parking level will contain 10,830 square feet of common area; the ground level, 3,512 square feet of indoor and exterior space; the second level, 953 square feet; the third level, 716 square feet; and the fourth level, 615 square feet.

16. Limited common areas include the spaces directly in front of each storefront, the rear yard to the east, patio areas and the rooftop deck, storage areas, and the interior staircase on the southeast corner of the building. The parking level will contain 795 square feet of limited common area; the ground level, 2,461 square feet; the second level, 358 square feet; the third level, 626 square feet; and the fourth level, 3,228 square feet.
17. One (1) level of underground parking will be constructed, accessible from 9th Street. It will include twenty-four (24) parking spaces. Ten (10) spaces will be reserved for resident parking and five (5) additional spaces for residents' guest parking. The remaining nine (9) spaces will be utilized by the commercial spaces on the ground level.
18. Per Land Management Code 15-2.5-3(G)(1), the floor area ratio (FAR) for non-residential structures built after October 1, 1985, and located east of Park Avenue is 1.0. The proposed FAR of this development is .33, which is less than the allowed maximum FAR of 1.0.
19. The proposed condominium record of survey memorializes each portion of the development as separate units.
20. The proposed development will meet the required front and rear yard setbacks of ten feet (10').
21. The proposed development will meet the required five foot (5') side yard setback along the north property line.
22. The development will have a zero foot (0') side yard setback along the south property line; this is permitted by LMC 15-2.5-3(E) where the structure are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.
23. The applicant submitted a Condominium Record of Survey plat application on April 10, 2014; the application was deemed complete on April 22, 2014.
24. The property was posted and notice was mailed to affected property owners within 300 feet (') of the property on May 13, 2014.
25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The condominium record of survey is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed condominium record of survey.
3. Approval of the condominium record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All original Conditions of Approval for the 820 Park Avenue Subdivision shall apply and shall be noted on the plat.
4. The applicant shall record the 820 Park Avenue Subdivision with the Summit County Recorder's Office prior to recordation of the 820 Park Avenue Condominiums Record of Survey Plat.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ____ day of June, 2014.

PARK CITY MUNICIPAL CORPORATION

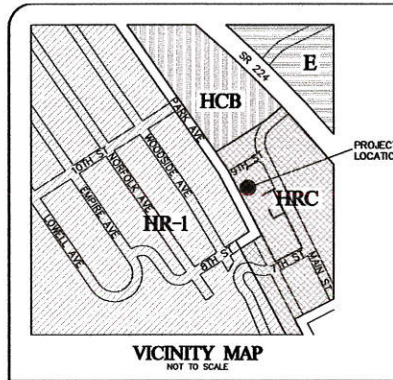
Jack Thomas, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

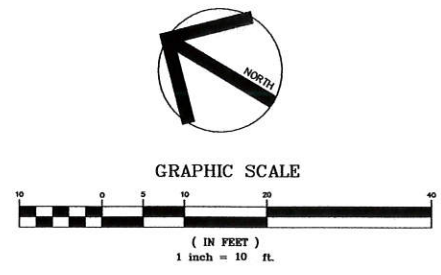
Mark Harrington, City Attorney



OVERALL AREAS		
UNIT NUMBER	UNIT	LIMITED COMMON
UNIT C-101	1,298 SF	297 SF
UNIT C-102	602 SF	248 SF
UNIT C-103	1,279 SF	396 SF
UNIT C-104	1,532 SF	475 SF
UNIT 105	939 SF	572 SF
UNIT 106	1,532 SF	808 SF
UNIT 201	1,078 SF	420 SF
UNIT 202	1,705 SF	392 SF
UNIT 203	1,987 SF	422 SF
UNIT 204	1,776 SF	375 SF
UNIT 301	1,078 SF	553 SF
UNIT 302	1,705 SF	579 SF
UNIT 303	1,993 SF	625 SF
UNIT 304	2,593 SF	557 SF
TOTAL	20,626 SF	7,468 SF

COMMON AREA	
BUILDING-PARKING LEVEL	10,830 SF
BUILDING-GROUND LEVEL	2,930 SF
BUILDING-SECOND LEVEL	953 SF
BUILDING-THIRD LEVEL	716 SF
BUILDING-FOURTH LEVEL	615 SF
SITE	582 SF
TOTAL COMMON AREA	16,626 SF

HATCHING LEGEND	
	PRIVATE AREA
	LIMITED COMMON AREA
	COMMON AREA
	ACCESS EASEMENT
	CONSTRUCTION EASEMENT
	ROOF MODIFICATION EASEMENT
	US WEST EASEMENT



CONDOMINIUM PLAT

820 PARK AVENUE CONDOMINIUMS

- A 14 UNIT MIXED USE CONDOMINIUM PROJECT -

A PARCEL OF LAND LOCATED IN SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

LEGAL DESCRIPTION
ALL OF LOT 1, TOWN LIFT SUBDIVISION, PLAT B1-3, LOT B-3 FIRST AMENDED AND 820 PARK AVE SUBDIVISION, AS RECORDED IN THE SUMMIT COUNTY RECORDER'S OFFICE.
CONTAINS: 0.2906 ACRES, OR 12,660.06 SF

NARRATIVE
1. BASIS OF BEARING: SOUTH 00°16'20" WEST BETWEEN THE NORTHWEST CORNER AND THE WEST QUARTER CORNER OF SECTION 9, T. 2 S., R. 4 E., S.L.B. & M.
2. SEE SHEETS 2-5 FOR DETAILED INDIVIDUAL SPACE USAGE OF EACH UNIT.
3. THIS CONDOMINIUM PLAT RELATES TO REAL PROPERTY WHICH IS SUBJECT TO THAT CERTAIN DECLARATION OF CONDOMINIUM FOR 820 PARK AVENUE CONDOMINIUMS, RECORDED SIMULTANEOUSLY HERewith (ENTRY NO. 2014), AND SUBSEQUENT AMENDMENTS THERETO ("CONDOMINIUM DECLARATION"). THE CONDOMINIUM DECLARATION SETS FORTH THE EASEMENTS, RESTRICTIONS AND GENERAL PLAN OF IMPROVEMENT FOR THE PROJECT AS DESCRIBED IN THIS CONDOMINIUM PLAT. UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, ALL CAPITALIZED TERMS AS USED ON THIS CONDOMINIUM PLAT SHALL HAVE THE MEANINGS SET FORTH IN THE CONDOMINIUM DECLARATION.
4. ALL BEARINGS AND DISTANCES SHOWN ARE THE EQUIVALENT OF RECORD UNLESS NOTED.
5. THE UNITS OF THIS CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WASTEWATER LINE. THE "820 PARK AVENUE CONDOMINIUMS" HOMEOWNER'S ASSOCIATION SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF ALL COMMON PRIVATE LATERAL WASTEWATER LINES.
6. AN EASEMENT AGREEMENT EXISTS BETWEEN 820 PARK AVENUE, LLC (OWNERS OF LOT 1) AND BROTHERS III, LLC (OWNERS OF TOWN LIFT SUBDIVISION, PLAT B1-3, LOT B-3 FIRST AMENDED). THIS EASEMENT AGREEMENT INCLUDES, AMONG OTHER THINGS, A CONSTRUCTION AND COMMON WALL EASEMENT, A ROOF MODIFICATION EASEMENT, AND AN ACCESS EASEMENT, ALL OF WHICH ARE SHOWN HEREON. DETAILS OF THIS EASEMENT AGREEMENT CAN BE FOUND IN THE SUMMIT COUNTY RECORDER'S OFFICE.

OWNERS DEDICATION AND CONSENT TO RECORD
KNOW ALL MEN BY THESE PRESENT THAT 820 PARK AVENUE, LLC, THE OWNER OF THE HEREON DESCRIBED TRACT OF LAND, DO BE HEREAFTER KNOWN AS "820 PARK AVENUE CONDOMINIUMS", CONSENT TO THE RECORDATION OF THIS CONDOMINIUM PLAT, SUBDIVIDING THE LAND INTO PRIVATE AREAS, COMMON AREAS AND FACILITIES, LIMITED COMMON AREAS AND EASEMENTS.
IN WITNESS WHEREOF, OWNER HAS SIGNED THIS _____ DAY OF _____, 2014.

820 PARK AVENUE, LLC, BY: RORY MURPHY, IT'S MANAGER

ACKNOWLEDGMENT
STATE OF UTAH)
COUNTY OF SUMMIT) ss.
ON THIS _____ DAY OF _____, 2014, PERSONALLY APPEARED BEFORE ME, RORY MURPHY, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORN/AFIRMED, DID SAY THAT HE/SHE IS THE MANAGER OF 820 PARK AVENUE, LLC AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS BYLAWS, OR (RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID RORY MURPHY ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, _____ STATE

SIGNING IN A REPRESENTATIVE CAPACITY: AN AUTHORIZED OFFICER, AGENT, PARTNER, TRUSTEE, MEMBER OR OTHER REPRESENTATIVE MAY SIGN ON BEHALF OF THEIR REPRESENTATIVE BUSINESS, BE IT A CORPORATION, PARTNERSHIP, TRUST, LIMITED LIABILITY COMPANY OR OTHER ENTITY PROVIDING THEY HAVE BEEN GIVEN AUTHORITY TO SIGN IN THEIR REPRESENTATIVE CAPACITY.

THE NOTARY MUST REQUIRE THE SIGNER TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE AND ADMINISTER AN OATH OR AFFIRMATION.

SURVEYORS CERTIFICATE
I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.
I FURTHER CERTIFY THAT THIS CONDOMINIUM PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW AND AS SPECIFIED IN SECTION 57-8-13 OF CHAPTER 8, CONDOMINIUM OWNERSHIP ACT, UTAH CODE TITLE 57, REAL ESTATE.



GREGORY R. WOLBACH _____ DATE: _____

SHEET INDEX	
SHEET 1	CONDOMINIUM PLAT
SHEET 2	FLOOR PLANS - PARKING & GROUND LEVELS (UNITS C-101 - C-104, 105, 106)
SHEET 3	FLOOR PLANS - SECOND & THIRD LEVELS (UNITS 201-204, 301-304)
SHEET 4	FLOOR PLANS - FOURTH LEVEL (UNIT 304)
SHEET 5	BUILDING SECTIONS

SHEET 1 OF 5
PLOTTED APRIL 10, 2014
DRAWING: 820PARK-HS0000
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Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1670 Bonanza Drive • Suite 104
P.O. Box 2861 • Park City • Utah • 84060
Phone: 435.648.4667 • Fax: 435.648.9219
E-mail: office@evergreen-eng.com

CITY ENGINEER
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____ A.D. 2014.
CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ A.D. 2014.
BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

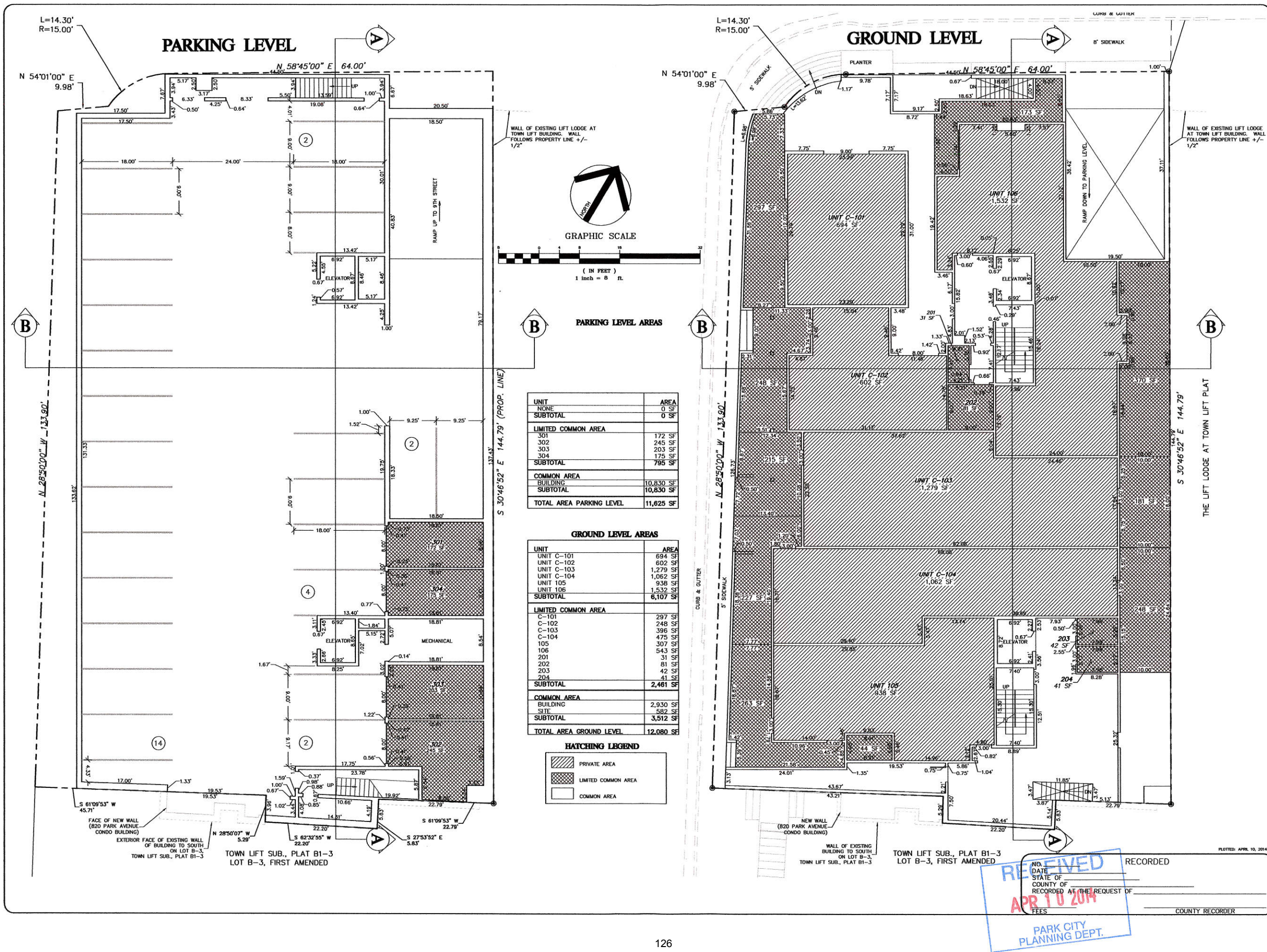
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D. 2013.
CHAIRMAN _____

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS _____ DAY OF _____ A.D. 2014.
CITY ATTORNEY _____

COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2013.
MAYOR _____

CERTIFICATE OF ATTEST
I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2014.
CITY RECORDER _____

RECORDED
NO. _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF:
APR 10 2014
PARK CITY PLANNING DEPT.
COUNTY RECORDER _____



Evergreen Engineering, Inc.
 Civil Engineering • Land Surveying • Land Planning
 1100 West 10th Street, Suite 100 • Anchorage, Alaska 99501
 P.O. Box 2881 • Park City, Utah • 84060
 Phone: (435) 649-4687 • Fax: (435) 649-9219
 E-mail: office@evergreen-eng.com

REVISIONS	
DATE	COMMENTS

DESIGNED BY: W.O.W. attler

DRAWN BY: ADM

CHECKED BY: ADM

820 PARK AVENUE CONDOMINIUMS

PARKING LEVEL AND GROUND LEVEL

FIG: 820PARK-PP

FOR: 820 PARK AVENUE, LLC

DATE: 03/10/14

SHEET 2 OF 5

DATE	BY	COMMENTS

DESIGNED BY: W.O.W. ateller
DRAWN BY: ADM
CHECKED BY: ADM

**820 PARK AVENUE CONDOMINIUMS
SECOND AND THIRD LEVELS**

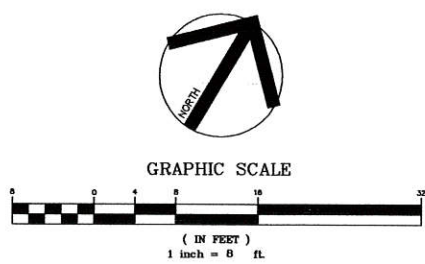
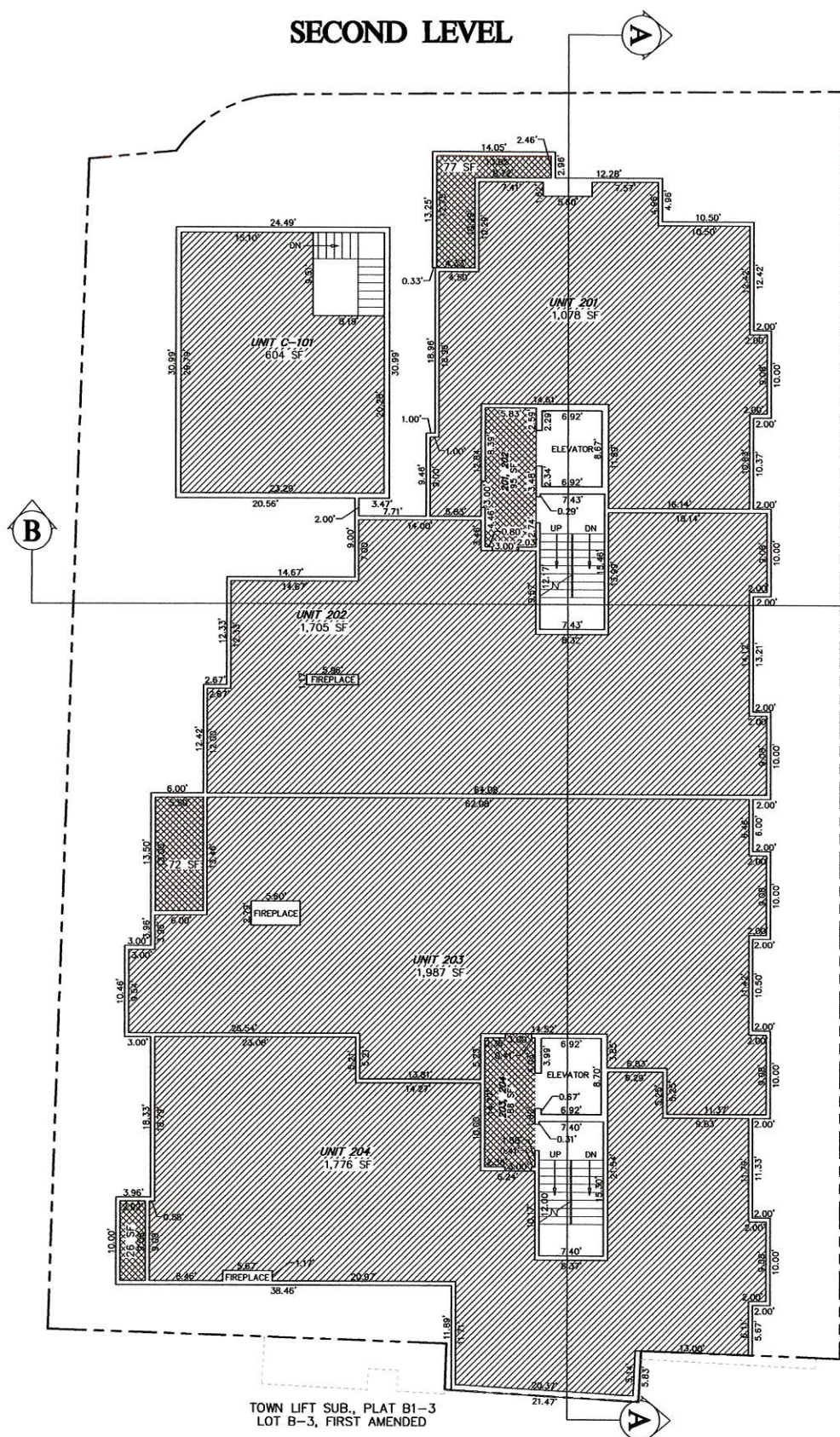
NO. _____
 DATE _____
 STATE OF _____
 COUNTY OF _____
 RECORDED AT THE REQUEST OF _____

FOR: 820 PARK AVENUE, LLC

NO. 1305
 DATE: APRIL 10, 2014
 COUNTY RECORDER

SHEET 3 OF 5

SECOND LEVEL

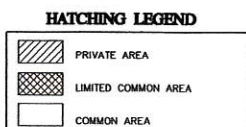


SECOND LEVEL AREAS

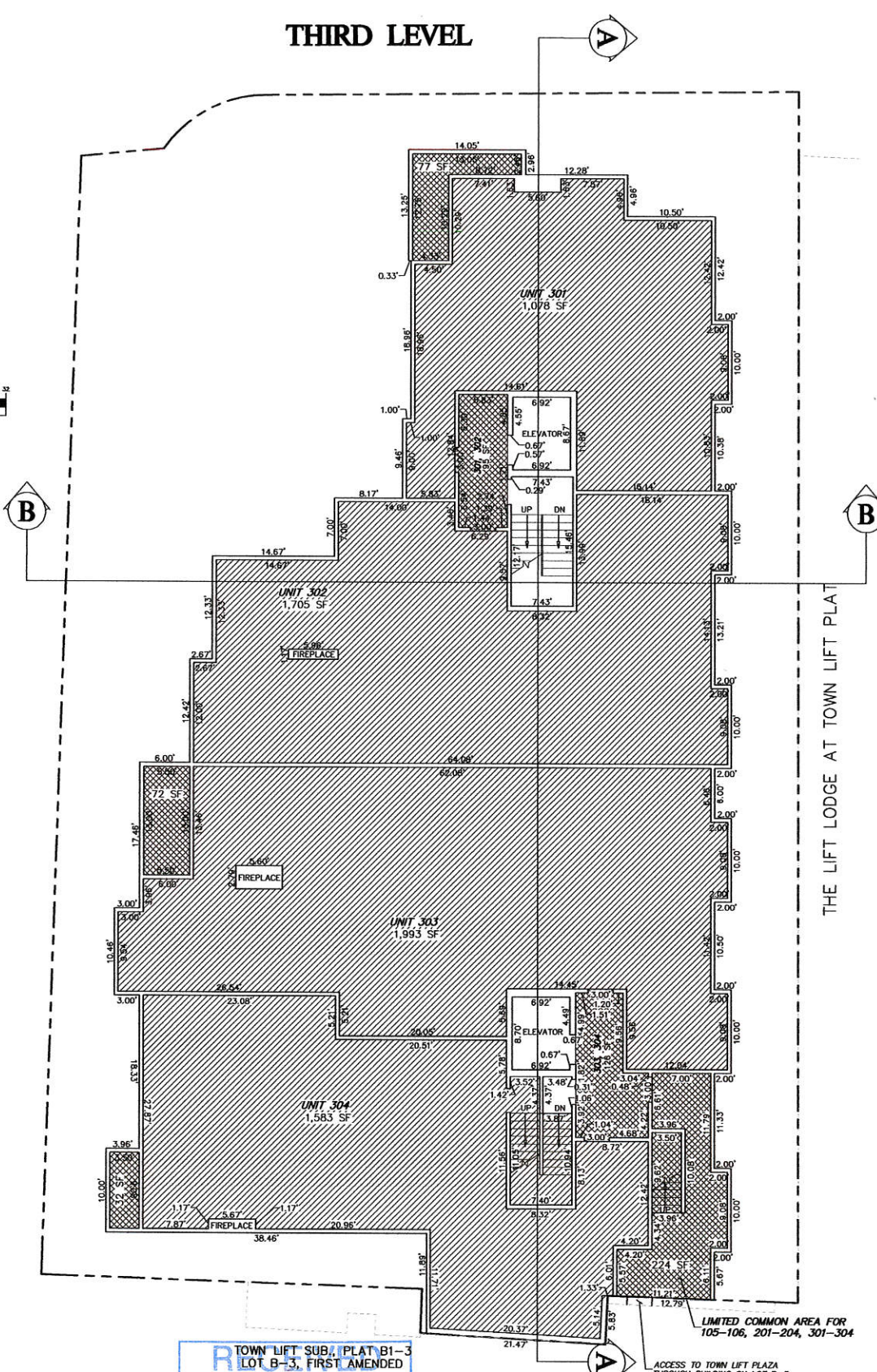
UNIT	AREA
UNIT C-101	604 SF
UNIT 201	1,078 SF
UNIT 202	1,705 SF
UNIT 203	1,987 SF
UNIT 204	1,776 SF
SUBTOTAL	7,150 SF
LIMITED COMMON AREA	
C-101	0 SF
201	125 SF
202	47 SF
203	116 SF
204	70 SF
SUBTOTAL	358 SF
COMMON AREA	953 SF
TOTAL AREA SECOND LEVEL	8,461 SF

THIRD LEVEL AREAS

UNIT	AREA
UNIT 301	1,078 SF
UNIT 302	1,705 SF
UNIT 303	1,993 SF
UNIT 304	1,583 SF
SUBTOTAL	6,359 SF
LIMITED COMMON AREA	
105	22 SF
106	22 SF
201	22 SF
202	22 SF
203	22 SF
204	22 SF
301	148 SF
302	70 SF
303	86 SF
304	86 SF
SUBTOTAL	626 SF
COMMON AREA	716 SF
TOTAL AREA THIRD LEVEL	7,701 SF



THIRD LEVEL



TOWN LIFT SUB., PLAT B1-3
LOT B-3, FIRST AMENDED

APR 10 2014

PARK CITY
PLANNING DEPT.

NO. _____
 DATE _____
 STATE OF _____
 COUNTY OF _____
 RECORDED AT THE REQUEST OF _____

FEES _____
 COUNTY RECORDER



FOURTH LEVEL AREAS	
UNIT	AREA
UNIT 304	1,010 SF
SUBTOTAL	1,010 SF
LIMITED COMMON AREA (SEE BREAKDOWN BELOW)	
105 (SHARED PORTION)	265 SF
106 (SHARED PORTION)	265 SF
201 (SHARED PORTION)	264 SF
202 (SHARED PORTION)	264 SF
203 (SHARED PORTION)	264 SF
204 (SHARED PORTION)	264 SF
301 (SHARED PORTION)	264 SF
302 (SHARED PORTION)	264 SF
303 (SHARED PORTION)	264 SF
304 (SHARED PORTION + DECK)	586 SF
SUBTOTAL	3,228 SF
COMMON AREA	615 SF
TOTAL AREA FOURTH LEVEL	4,853 SF

BREAKDOWN OF SHARED LIMITED COMMON	
SKI LOCKERS (105-106, 201-204, 301-304)	285 SF
ROOF DECK (105-106, 201-204, 301-304)	1,409 SF
STORAGE (105-106, 201-204, 301-304)	70 SF
CORRIDOR (105-106, 201-204, 301-304)	878 SF
TOTAL LIMITED COMMON SHARED BETWEEN 105-106, 201-204, 301-304	2,642 SF

RECEIVED
APR 10 2014
PARK CITY
PLANNING DEPT

NO. _____ RECORDED
DATE _____
STATE OF _____
COUNTY OF _____
RECORDED AT THE REQUEST OF _____
FEES _____ COUNTY RECORDER

820 PARK AVENUE CONDOMINIUMS
FOURTH LEVEL

DESIGNED BY:
W.O.W. atelier

DRAWN BY:
ADM

CHECKED BY:
ADM

FOR: 820 PARK AVENUE, LLC

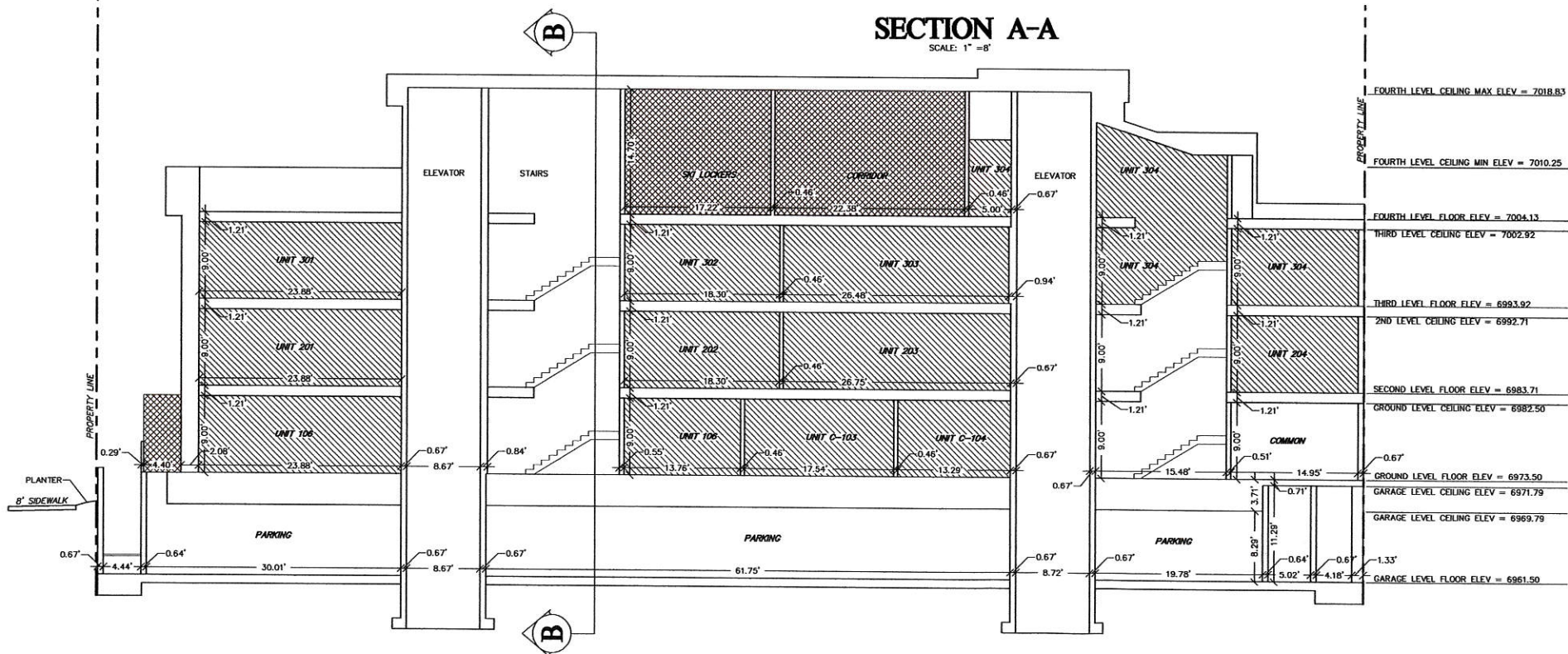
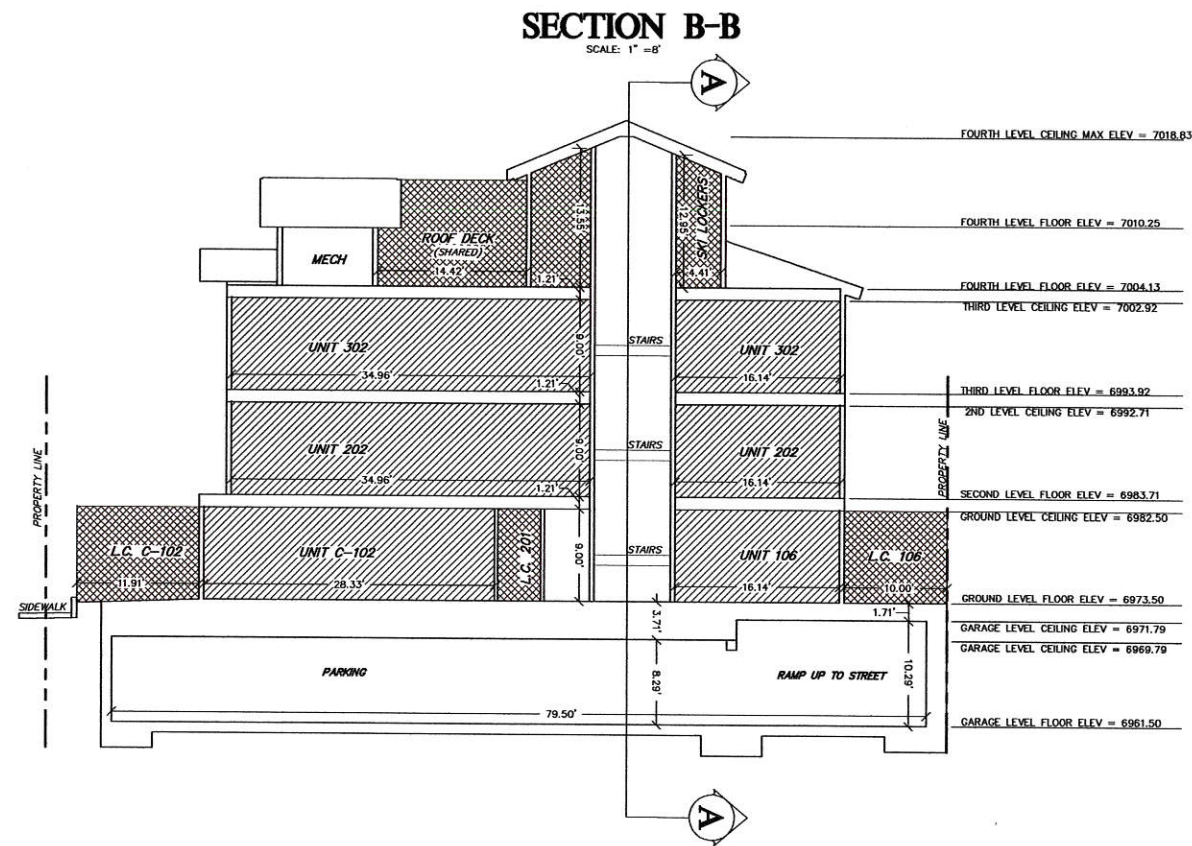
DATE: 08/10/2014

NO. 1305

Evergreen
Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
P.O. Box 2881 • Park City, Utah • 84080
Phone: (435) 649-4887 • Fax: (435) 649-9219
E-mail: office@evergreen-eng.com

REVISIONS	DATE	BY	COMMENTS



RECEIVED
APR 10 2014
 PARK CITY
 PLANNING DEPT.

NO. _____
 DATE _____
 STATE OF _____
 COUNTY OF _____
 RECORDED AT THE REQUEST OF _____
 FEES _____ COUNTY RECORDER

Evergreen Engineering, Inc.
 Civil Engineering • Land Surveying • Land Planning
 1970 Bonanza Drive • Suite 104 • Park City, UT 84090
 Phone: (435) 649-4487 • Fax: (435) 649-9219
 E-mail: office@evergreen-eng.com

DATE	BY	REVISIONS	COMMENTS

DESIGNED BY:
 W.O.W. atelier
 DRAWN BY:
 ADM
 CHECKED BY:
 ADM

820 PARK AVENUE CONDOMINIUMS
BUILDING SECTIONS

FOR 820 PARK AVENUE, LLC
 PREPARED BY: SPARK-PP
 JOB NO. 1305

SHEET 5 OF 5



Civil Engineering • Land Surveying • Land Planning
1670 Bonanza Drive • Suite 104
P.O. Box 2861 • Park City, Utah • 84060
Phone: (435) 649-4667 • Fax: (435) 649-9219

[illegible]

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SURVEYED BY:
GRW/ADM
DRAWN BY:
ADM
CHECKED BY:
ADM

TOPOGRAPHIC SURVEY - 820 PARK AVE.

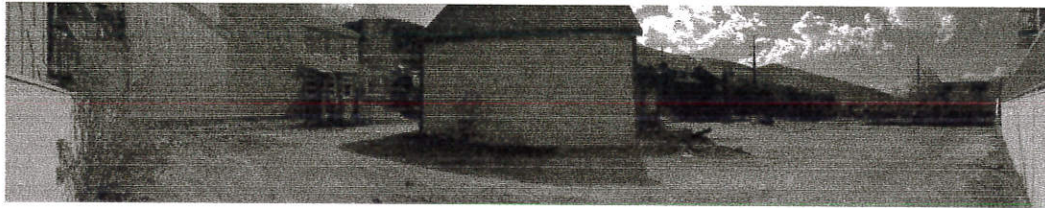
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DWG: 92004 RV VLT000-D

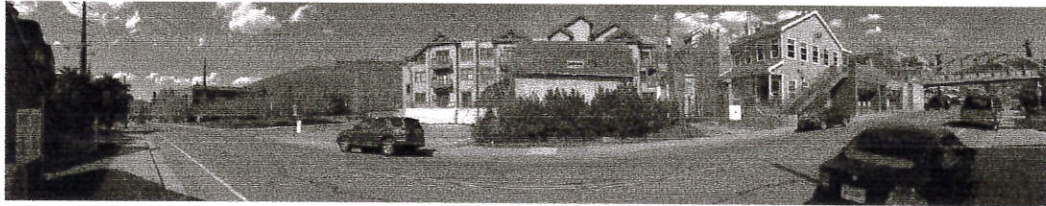
FOR: **WOW ATEL LTD**

the concepts, ideas, drawings and specifications herein are an original unpublished work and the property of WOW Atelier, LLC and shall not be used in any other work, do not scale drawings, all conditions shall be verified on site, discrepancies shall be brought to the attention of the architect before proceeding.
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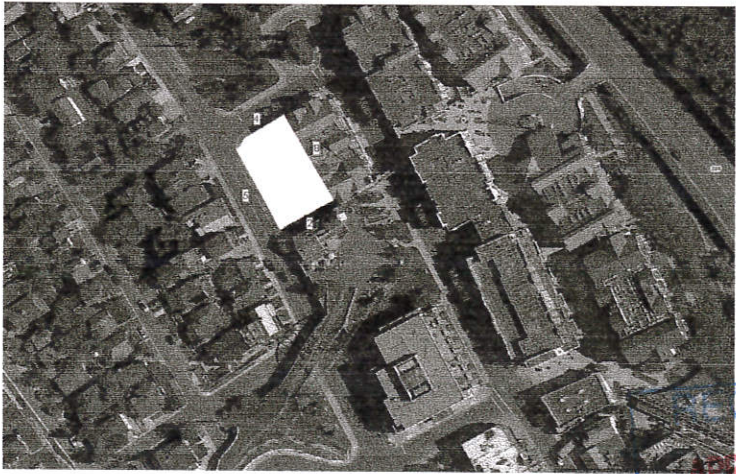
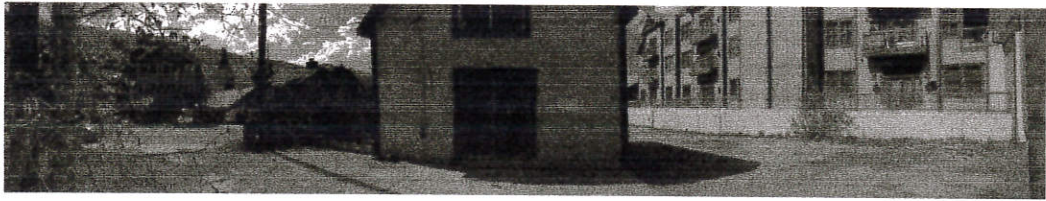
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SITE AERIAL IMAGE - PANORAMA KEY

RECEIVED
APR 10 2014
PARK CITY
PLANNING DEPT.

PANORAMAS

HDDR-01

CIVIL: EVERGREEN ENGINEERING
STRUCTURAL: JARRATT ENGINEERING
MECHANICAL: P/E INC.
ELECTRICAL: SNA CONSULTING ENGINEERS
LANDSCAPE: LANDSCAPE SOLUTIONS
INTERIOR: WOW ATELIER w/ ALDER & TWIG

820 PARK AVENUE
MIXED USE DEVELOPMENT
820 PARK AVENUE
PARK CITY, UTAH 84060

PROJECT #:
2013-03
ISSUE DATE:
02-24-2014
ISSUE
RECORD OF PLAT
REVISIONS

WOW
PRELIMINARY
NOT FOR
PERMIT OR
CONSTRUCTION

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EXHIBIT D-

Planning Commission Meeting
May 28, 2014
Page 2

CONTINUATIONS(S) – Public hearing and continue to date specified.

1. 1201 Norfolk, Nirvana at Old Town Subdivision – Plat Amendment
(Application PL-14-02298)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 1201 Norfolk Avenue, Nirvana at Old Town Subdivision plat amendment to June 25, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION

1. Round Valley Annexation and Zoning Map Amendment
(Application PL-13-01857)

The Planning Commission held a site visit prior to the Regular Meeting.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing for the Round Valley Annexation and Zoning Map Amendment to June 25, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 1851 Little Kate Road Dority Springs Subdivision– Plat Amendment
(Application PL-12-01733)

The Planning Commission held a site visit prior to the Regular Meeting.

Planner Astorga explained that at the last meeting the Planning Commission continued this item to June 11, 2104. Therefore, a motion to Continue was not required this evening.

REGULAR AGENDA – Discussion, public hearing, action.

1. 820 Park Avenue – Rio Grande – Condominium Plat
(Application PL-14-02309)

Planner Anya Grahn reported that the applicant applied for a plat several weeks ago. The plat was approved by the City Council and it was now in the process of redlines. On February 12, 2014 the Planning Commission approved a conditional use permit, which is reflected in the Staff report, as well as the proposal regarding the condominiumization. The applicant was proposing to construct ten residential condominiums and four commercial units. The exhibits in the Staff report displayed the locations, size, etc.

The applicant, Rory Murphy was available to answer questions.

Chair Worel opened the public hearing.

Jeff Devore, a resident at Park Station across the street from the project. Mr. Devore asked about the timeline for this project.

Mr. Murphy replied that the timeline was approximately 14-15 months. He noted that there is approximately 6 feet of contaminated soil that needs to be removed and trucked to Tooele, and that process has already begun.

Mr. Devore asked if there was some type of dust mitigation involved in the process.

Mr. Murphy replied that it was being watered down. He offered to give Mr. Devore his cell phone number so he could contact him with any issues related to the project.

Mr. Devore asked about work hours. Mr. Murphy stated that the hours of construction are defined by the City. It is 7:00 a.m.-9:00 p.m. on weekdays and 9:00 a.m.-7:00 p.m. on weekends. He did not anticipate overtime, so construction in general should not occur on the weekends. In addition, there would be no construction during the Art Fest, Sundance, Christmas and other major events.

Mr. Devore clarified that he lives across the street and his main concern was dust. The pool at Park Station would be opening soon and all 80 units were reserved. Mr. Murphy encouraged Mr. Devore to contact him personally with any issues.

Hope Melville was pleased with the pedestrian walkway and the fencing around the project. She was very impressed with what they had done. She thanked Mr. Murphy for a wonderful example and she hoped to see more of it in the future.

Chair Worel closed the public hearing.

Commissioner Joyce referred to the table on page 52. He assumed the reference to the upper and lower parking areas was language from when two parking levels were proposed. Planner Grahn agreed and changed it to Parking Area.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for 820 Park Avenue Condominium Record of Survey Plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 820 Park Avenue

1. The property is located at 820 Park Avenue within the Historic Recreation Commercial (HRC) District.
2. City Council approved the Town Lift Subdivision, Plat B1-3, Lot B-3, First Amended and 820 Park Avenue Subdivision plat amendment on May 15, 2014. This plat amendment combined approximately 229 square feet of the City-owned property which was sold to the applicant on the north edge of the lot, the metes and bounds parcel at 820 Park Avenue, and approximately 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.
3. The sale of the 229 square feet of the City-owned property at the southeast corner of 9th Street and Park Avenue to 820 Park Avenue LLC was ratified by City Council on May 15, 2014.
4. The applicant is currently negotiating the sale of the 123 square feet of Lot B-3 of the Town Lift Subdivision to the south.
5. The Planning Director and Chief Building Official determined unique conditions did not exist to warrant the relocation of the historic Rio Grande building to the southeast corner of 9th Street and Park Avenue on October 9, 2013. This determination was overturned by the Historic Preservation Board during the appeal hearing on November 13, 2013.
6. The Planning Director granted the applicant a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty percent (50%) above the zone height, or forty-eight feet (48'). This determination was made on April 14, 2014.

7. The Historic District Design Review (HDDR) was approved by staff on April 14, 2014.

8. The Planning Commission reviewed and approved the applicant's request for a Conditional Use Permit (CUP) on February 12, 2014. The CUP included the following uses: multi-unit dwelling; commercial retail and service, minor; café and deli; outdoor dining; office (intensive); and a parking area or structure with five (5) or more spaces.

9. The applicant intends to redevelop the site into a mixed-use development containing ten (10) residential and four (4) commercial condominium units. It will also include 4,241 square feet of commercial retail and service, minor; café or deli; outdoor dining; office, intensive; and a 24-space underground parking structure accessible from 9th Street.

10. The first level of the development will contain 3,637 square feet of commercial space: Unit C-101 containing 694 square feet; Unit C-102, 602 square feet; Unit C-103, 1,279 square feet; and C-104, 1,062 square feet.

11. The ground level will also have two (2) residential condominium units: Unit 105 containing 938 square feet, and Unit 106, 1,532 square feet.

12. The second level will contain 604 square feet of commercial space on the second story of the historic Rio Grande building as well as four (4) residential condominium units: Unit 201 containing 1,078 square feet; Unit 202, 1,705 square feet; Unit 203, 1,987 square feet; and Unit 204, 1,776 square feet.

13. The third level will contain four (4) residential condominium units: Unit 301 containing 1,078 square feet; Unit 302, 1,705 square feet; Unit 303, 1,993 square feet; and Unit 304, 1,583 square feet.

14. Unit 304 has two (2) stories and 1,010 square feet of its second floor will be located on the fourth floor.

15. Common areas include the exterior plaza space, parking ramp and garage, elevator and stairs, and mechanical areas. The parking level will contain 10,830 square feet of common area; the ground level, 3,512 square feet of indoor and exterior space; the second level, 953 square feet; the third level, 716 square feet; and the fourth level, 615 square feet.

16. Limited common areas include the spaces directly in front of each storefront, the

rear yard to the east, patio areas and the rooftop deck, storage areas, and the interior staircase on the southeast corner of the building. The parking level will contain 795 square feet of limited common area; the ground level, 2,461 square feet; the second level, 358 square feet; the third level, 626 square feet; and the fourth level, 3,228 square feet.

17. One (1) level of underground parking will be constructed, accessible from 9th Street. It will include twenty-four (24) parking spaces. Ten (10) spaces will be reserved for resident parking and five (5) additional spaces for residents' guest parking. The remaining nine (9) spaces will be utilized by the commercial spaces on the ground level.

18. Per Land Management Code 15-2.5-3(G)(1), the floor area ratio (FAR) for non-residential structures built after October 1, 1985, and located east of Park Avenue is 1.0. The proposed FAR of this development is .33, which is less than the allowed maximum FAR of 1.0.

19. The proposed condominium record of survey memorializes each portion of the development as separate units.

20. The proposed development will meet the required front and rear yard setbacks of ten feet (10').

21. The proposed development will meet the required five foot (5') side yard setback along the north property line.

22. The development will have a zero foot (0') side yard setback along the south property line; this is permitted by LMC 15-2.5-3(E) where the structure are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

23. The applicant submitted a Condominium Record of Survey plat application on April 10, 2014; the application was deemed complete on April 22, 2014.

24. The property was posted and notice was mailed to affected property owners within 300 feet (') of the property on May 13, 2014.

25. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 820 Park Avenue

1. The condominium record of survey is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed condominium record of survey.
3. Approval of the condominium record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 820 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All original Conditions of Approval for the 820 Park Avenue Subdivision shall apply, and shall be noted on the plat.
4. Rio Grande LLC shall have purchased approximately 123 square feet of Lot B-3 of the Town Lift Subdivision, Plat B1-3 prior to recording the record of survey plat with Summit County.

2. **1255 Park Avenue – Carl Winters School – Ratification of MPD Development Agreement** (Application PL-13-020855)

Planner Grahn reported that this item was the Development Agreement for the Library renovation and addition. The Planning Commission reviewed and approved the Master Planned Development (MPD) amendment on December 11, 2013. The applicant has six months from the time of the approval to come back and ask the Planning Commission to finalize the Findings and Conditions of the MPD through this Development Agreement.

Planner Grahn thought the Development Agreement was straightforward. She noted that Exhibit D was missing from the packet; however, the Staff had received a letter from the

City Council Staff Report



Subject: The Parkite Residential Condominiums
Author: Kirsten A Whetstone, MS, AICP
Date: June 26, 2014
Type of Item: Administrative – Condominium Plat
Project Number: PL-14-02301

Summary Recommendations

Staff recommends that the City Council hold a public hearing for the Parkite Residential Condominiums record of survey plat for fifteen residential condominium units located at 333 Main Street (aka the Main Street Mall) and consider approving the plat based on the findings of fact, conclusions of law, and conditions of approval as found in the attached Ordinance.

Topic

Applicant: AG-WIP 333 Main Street Owner, LLC
Location: 333 Main Street (aka Main Street Mall)
Zoning: Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)
Adjacent Land Uses: Main Street retail, offices and residential; Park Avenue residential
Reason for Review: Condominium plats require Planning Commission review and recommendation to City Council with final action by the City Council.

Proposal

The applicant requests a condominium record of survey plat for the purpose of platting fifteen residential condominium units on the upper floors of the old Main Street Mall building (Exhibit A). The condominium plat also includes residential common area and fifteen residential parking spaces on the lowest level. The plat is consistent with the approved Historic Design Review. Commercial condominium spaces within the building are also being platted with the concurrently submitted Parkite Commercial Condominiums record of survey plat application. The Commercial Condominium plat is still being reviewed by the Planning Commission.

Background

The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 of the Amended Park City Survey. The property was combined into one lot of record on March 26, 2009. An extension was granted on March 8, 2010. The 333 Main Street Subdivision plat was recorded at Summit County on April 12, 2011 (Exhibit B). The building has a single entity as owner and is currently being remodeled with an active building permit.

Constructed across the zone boundary between the Historic Commercial Business (HCB) on the Main Street side and Historic Residential Two (HR2) on the Park Avenue side, the building contained allowed uses, such as retail, restaurants, offices, within the HCB zone and legal non-conforming uses, such as office and retail within the HR2 zone portion. Residential uses currently under construction within the HCB zone are allowed uses. Residential uses currently under construction within the HR2 zone are permitted per the Board of Adjustment approval on June 18, 2013, of an application for a change of non-conforming use. The BOA approved the change of use for the area of the building within the HR2 zone (Park Avenue side) from legal non-conforming retail/office uses to multi-unit residential (Exhibit D).

Included with the 2011 one lot subdivision plat amendment were five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street. These easements and all conditions of the one lot plat amendment continue to apply to this condominium record of survey plat and will be noted on the plat prior to recordation.

On February 27, 2009, a Historic District Design Review was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites (Exhibit C) and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

On August 11, 2011, the City Council approved an application for a condominium plat to create 2 (two) condominium units (Unit A and Unit B) and convertible space within the existing space of the Main Street Mall building in conformance with the approved Historic District Design Review. The plat provided two separate ownership units that would allow the proposed Main Street Mall renovation and financing to occur in separate phases. A one year extension of the approval was approved by Council on September 20, 2012. The plat was not recorded by August 11, 2013 and it expired.

On April 1, 2014, an application was submitted for a condominium record of survey plat for fifteen residential units consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approved change of non-conforming use application. The application was deemed complete on April 25, 2014.

On June 11, 2014, the Planning Commission conducted a public hearing on this item and voted unanimously to forward a positive recommendation to City Council. No public input was received at the Planning Commission meeting (Exhibit E). The Planning Commission discussed whether the existing access easements in the north tunnel were sufficient to provide vehicular access to from the proposed parking area on the lowest level to Swede Alley for the residential units. The Commission added a condition of approval stating that easements related to access through the north tunnel shall be

modified and finalized consistent with their discussion and sheet #9 of the plat shall reflect the revised easements and noted that these easements shall be recorded at Summit County prior to recordation of the plat. Recording information shall be noted on the plat. The easements shall be sufficient in width and configuration to allow vehicular access from the north tunnel to Swede Alley to be approved by the City Engineer.

Analysis

	CODE REQUIREMENT	EXISTING
FRONT SETBACKS	0' in HCB and 10' in HR-2	Varies, 4' to 23' in HCB <u>Complies</u> and 15' in HR-2- <u>Complies.</u>
SIDE SETBACKS	0' in HCB and depends on Lot width in HR-2 (100' width requires 10' minimum and 30' total side setbacks)	0' in HCB- <u>Complies</u> 0'- 3' in HR-2- <u>Existing Non-complying.</u>
REAR SETBACKS	0' in HCB and 10' in HR-2 for single family	There is no rear property line because the center property line was removed with the plat amendment and the lot has frontage on Park Ave and Main Street (2 front setbacks no rear setbacks).
HEIGHT	30' at property line on Main following a 45 degree angle to a maximum height of 45' in HCB. 27' in HR2	Constructed in compliance with the maximum height requirements and allowed volumetric in HCB and HR2 zones. <u>Complies.</u>
MINIMUM LOT SIZE	1,250 sf in HCB 1,875 sf in HR-2 for SF and 3,750 sf for duplex	33,709 sf* - <u>Complies.</u>
MINIMUM LOT WIDTH	25'	224.73'* - <u>Complies.</u>
FLOOR AREA RATIO	4.0 (134,856 sf) based on the total lot area of 33,714 sf. 4.0 (67,420 sf) within the HCB only based on 16,855 lot area within HCB only. No FAR requirements in the HR2 zone.	91,449 sf (final gross floor area, including penthouse addition), including 32,610 sf of residential units and residential common area. HCB gross floor area is 48,755 sf. Average unit size is 2,174 sf. <u>Complies.</u>
PARKING	26.5 spaces required for the 15 residential units. Special Improvement District assessed and fully paid for 1.5 FAR (retail/commercial uses on main and lower floors).	56 spaces per 1986 Parking Agreement (paid in-lieu) plus Special Improvement District for 1.5 FAR, plus 15 on-site, and 10 private spaces off of Swede Alley. <u>Complies</u>

*Actual surveyed square footage and lot width, based on the actual survey and monumentation.

This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the initial building construction). The property was also assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for the lower floors).

In addition to parking required for the existing building, the property is encumbered with a lease agreement to provide a garage for the property at 364 Park Avenue. This lease agreement is identified on the subdivision plat because of the 99-year duration (approximately 50 years remaining). This parking is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The lease agreement addresses relocation of this garage in the event of construction/remodel of the building. This garage is identified on the condominium plat as well, as Unit 1G (559 sf), a privately owned parking garage "unit".

Fifteen residential units are platted with this record of survey. Units range in size from 1,334 sf to 3,586 sf for the two level penthouse unit. Average unit size is 2,174 sf. Residential units are located on the first floor (one unit), second floor (five units), third floor (7 units), and fourth floor (one unit). The condominium plat is required in order for the units to be sold individually.

The main entrance for the residential units, with a lobby and entry area, is located off of Main Street in the location of the current north entrance. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above. All of the storefront units comply with the vertical zoning ordinance.

Access is also contemplated via the existing north tunnel to a proposed parking garage with fifteen parking spaces. The parking garage is located in the lowest level. The City has utilities in the tunnel and recommends that the access and maintenance agreements be revised to address the tunnel access and that the agreement be recorded prior to or concurrent with the plat.

Staff finds that the condominium plat, as conditioned, will not cause undo harm to adjacent property owners because the proposed plat meets the requirements of the Land Management Code (excepting the existing non-complying side setback in the HR2 zone), is consistent with the approved HDDR, and active construction has been reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits. The plat also memorializes required access, parking, and utility easements and is consistent with the recorded one lot subdivision plat that removed the underlying property lines.

Good Cause

Staff finds good cause for this condominium plat as it plats residential condominium units consistent with the HDDR and the non-conforming use change applications and allows for individual ownership of the residential units. The condominium plat is

consistent with the State condominium act, complies with the Land Management Code and is consistent with the approved Historic District Design Review that provided for improved architectural design, building energy efficiency, and a positive visual and vital impact on Main Street.

Department Review

This project has gone through an interdepartmental review on April 22, 2014, and issues raised have been addressed with conditions of approval or revisions to the submitted plat.

Notice

On May 28, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on May 28, 2014.

Public Input

Staff has not received any public input at the time of this report. The Planning Commission conducted a public hearing on June 11th and no public input was received.

Future Process

Approval of this condominium plat application by the City Council constitutes Final Action that may be appealed following procedures found in LMC 15-1-18.

Alternatives

- The City Council may approve the condominium plat as conditioned or amended, or
- The City Council may deny the condominium plat and direct staff to make Findings for this decision, or
- The City Council may continue discussion on the plat and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.

Significant Impacts

There are no negative fiscal or significant environmental impacts to the city from this record of survey plat application.

Consequences of not taking the Suggested Recommendation

The entire building would continue to be owned by one entity and the residential units could not be sold separately.

Recommendation

Staff recommends that the City Council hold a public hearing for the Parkite Residential Condominiums record of survey plat for fifteen residential condominium units located at 333 Main Street (aka the Main Street Mall) and consider approving the plat based on the findings of fact, conclusions of law, and conditions of approval as found in the attached Ordinance.

Exhibits

Exhibit A- Proposed condominium plat

Exhibit B- Recorded 333 Main Street one lot plat amendment

Exhibit C- Approved Historic Design Review plans

Exhibit D- Board of Adjustment approval action letter
Exhibit E- Planning Commission meeting minutes of June 11, 2014

Ordinance No. 14-

**AN ORDINANCE APPROVING THE PARKITE RESIDENTIAL CONDOMINIUMS
RECORD OF SURVEY PLAT, LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, owners of the property known as 333 Main Street (aka the Main Street Mall), Lot A of the 333 Main Street plat amendment, have petitioned the City Council for approval of a condominium plat for fifteen residential condominium units, associated residential common area, and associated parking spaces (Exhibit A).

WHEREAS, the property was properly noticed and posted on May 28, 2014 according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on May 28, 2014; and

WHEREAS, the Planning Commission held a public hearing on June 11, 2014, to receive input on the condominium plat; and

WHEREAS, the Planning Commission, on June 11, 2014, forwarded a recommendation to the City Council; and,

WHEREAS, on June 26, 2014, the City Council held a public hearing on the Parkite Residential Condominiums; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Parkite Residential Condominiums record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment that combined lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.

4. On April 1, 2014 an application for a condominium record of survey plat was submitted to the City to plat fifteen residential units (total of 32,610 sf), residential common area, and fifteen parking spaces on the lowest level of the old Main Street Mall building. Access to the parking is contemplated through the north tunnel.
5. Fifteen residential units are platted with this record of survey. Units range in size from 1,334 sf to 3,586 sf for the two level penthouse unit. Average unit size is 2,174 sf. Residential units are located on the first floor (one unit), second floor (five units), third floor (7 units), and fourth floor (one unit). The condominium plat is required in order for the units to be sold individually. Common area for a lobby, recreation uses, and outdoor patios and decks is also being platted with this record of survey.
6. The building currently has a single entity as owner and is currently being remodeled with an active building permit.
7. Residential uses currently under construction within the HCB zone are allowed uses. Residential uses currently under construction within the HR2 zone are permitted per the Board of Adjustment approval on June 18, 2013, of an application for a change of non-conforming use. The BOA approved the change of use for the area of the building within the HR2 zone (Park Avenue side) from legal non-conforming retail/office uses to multi-unit residential.
8. Commercial condominium spaces within the building are also being platted with the concurrently submitted Parkite Commercial Condominiums record of survey plat application.
9. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building has existing non-complying side yard setbacks within the HR2 zone.
10. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are currently renovating and improving the building with an active building permit. The building is currently owned by one entity.
11. On February 27, 2009, a Historic District Design Review was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites (Exhibit C) and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.
12. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on this record of survey plat.

13. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat. These easements are also included on the proposed condominium plat.
14. On June 27, 2011, the City received a complete application for a condominium plat to create 2 two non-residential condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. The two unit plat was approved by Council however it was not recorded and it expired.
15. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for the lower floors). The residential units have a 26.5 space parking requirement that is met by the 56 spaces (in-lieu payment), 15 on-site, and 10 private spaces off of Swede Alley.
16. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront properties comply with the vertical zoning ordinance.
17. Access is also contemplated via the existing north tunnel to a proposed parking garage with fifteen parking spaces. The parking garage is located in the lowest level and is designated as common area for the residential uses. The City has utilities in the tunnel and the City Engineer recommends that the existing encroachment agreement between the City and Property Owner regarding the tunnels be revised to address the tunnel access, utilities, maintenance, etc. and that the agreement be recorded prior to or concurrent with the plat.
18. Existing easements that provide access through the north tunnel shall be recorded to accommodate vehicular access per requirements of the City Engineer. Existing easements do not accommodate vehicular access from Swede Alley to the north tunnel.
19. Applicant provided Planning Commission with a sketch of the proposed access easements which will be reflected in a revised sheet #9 of the plat. The revised sheet #9 is included in Exhibit A.

Conclusions of Law:

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land

Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.

2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All conditions of approval of the June 18, 2013 Board of Adjustment approval of an application for a change of non-conforming use for the HR2 portion of the property shall continue to apply.
5. All new construction at this property shall comply with all applicable building codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, restaurant grease traps, etc. within the building shall be addressed with tenant improvement building permits for those spaces.
6. Prior to or concurrent with recordation of the plat, the existing Encroachment Agreement between the City and Property Owner, regarding the tunnels, shall be revised, executed, and recorded.
7. Easements related to access through the north tunnel shall be modified and finalized consistent with the Planning Commission discussion and sheet #9 of the plat shall reflect the revised easements. These easements shall be recorded at Summit County prior to recordation of the plat. Recording information shall be noted on the plat. The easements shall be sufficient in width and configuration to allow vehicular access from the north tunnel to Swede Alley to be approved by the City Engineer.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ___ day of ___, 2014.

PARK CITY MUNICIPAL CORPORATION

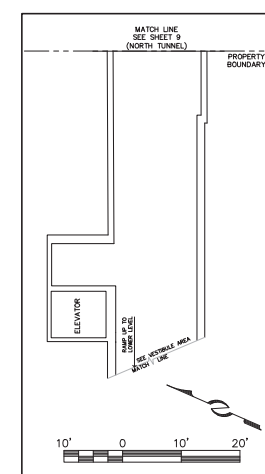
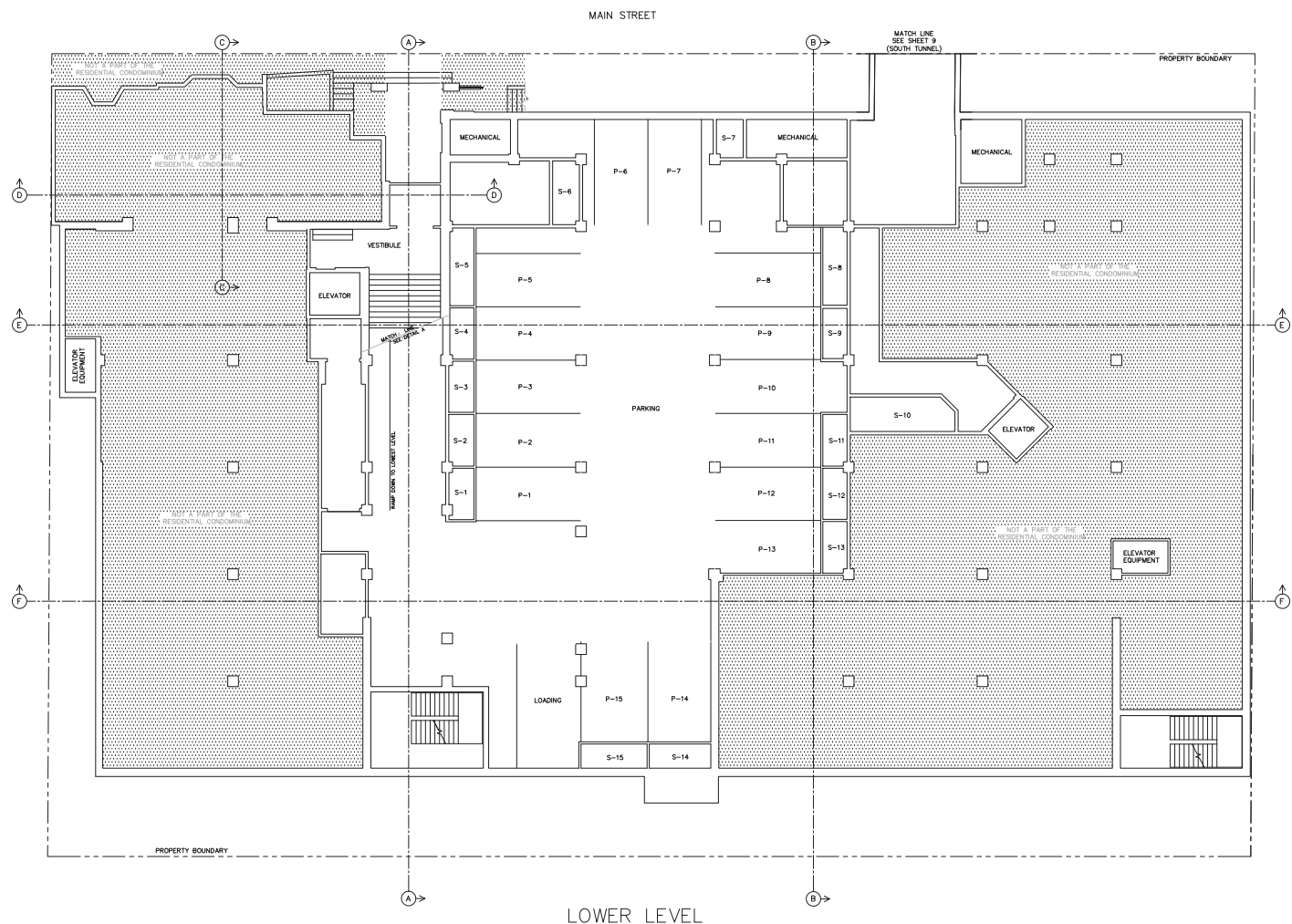
Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



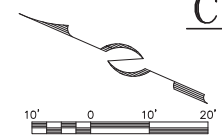
LOWEST LEVEL
DETAIL A

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	LIMITED COMMON OWNERSHIP
	NOT A PART OF RESIDENTIAL CONDOMINIUM

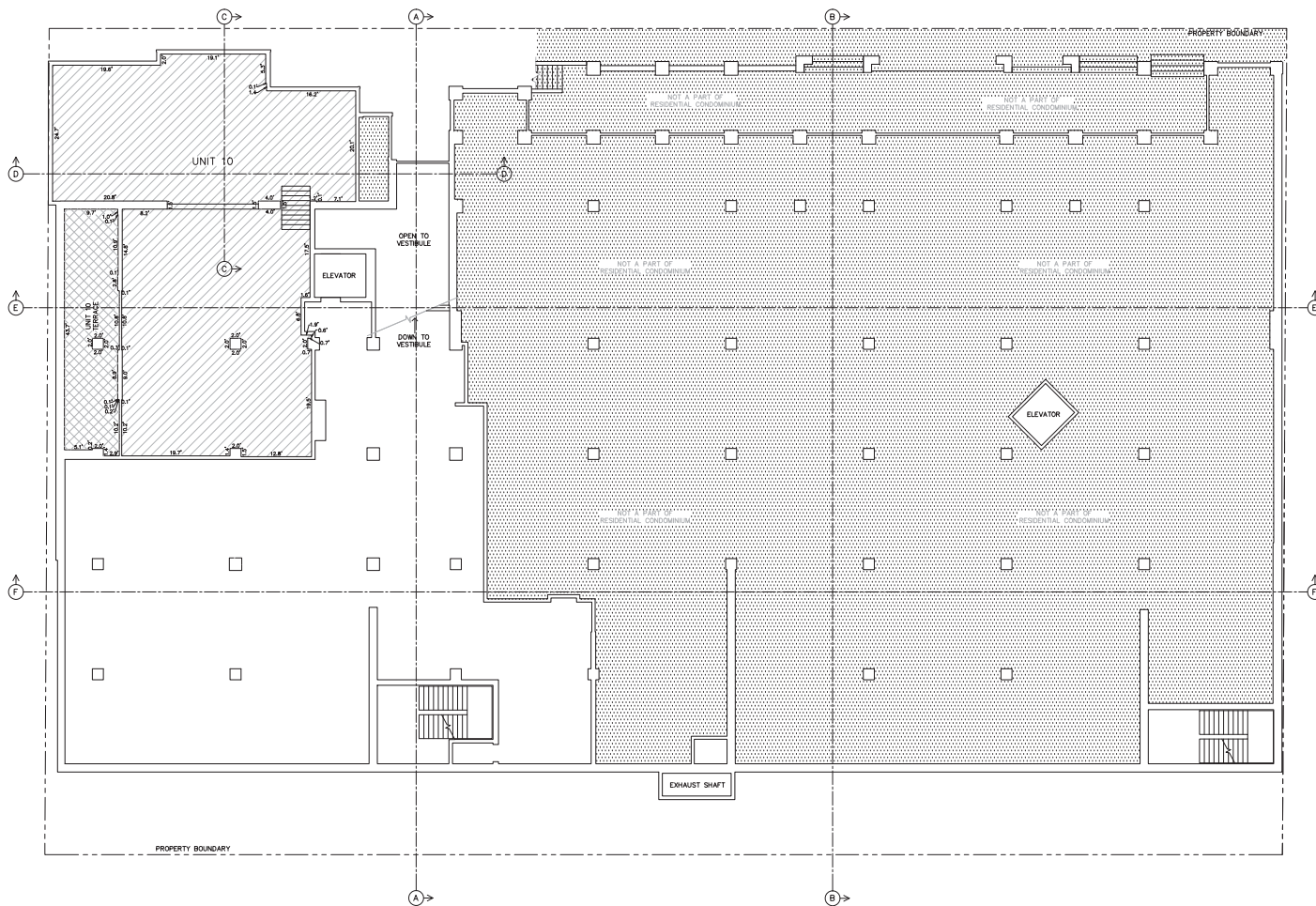
THE PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 2 OF 9

Alliance
Engineering & Surveying
(435) 649-9487
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street, P.O. Box 2064 Park City, Utah 84302-2064



JOB NO.: 8-3-13	FILE: X:\ParkCitySurvey\dwg\ar\plat2013\080313.dwg
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ENTRY NO. _____	FEE _____ RECORDER _____

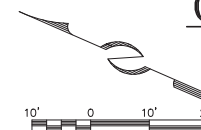


LEVEL 1

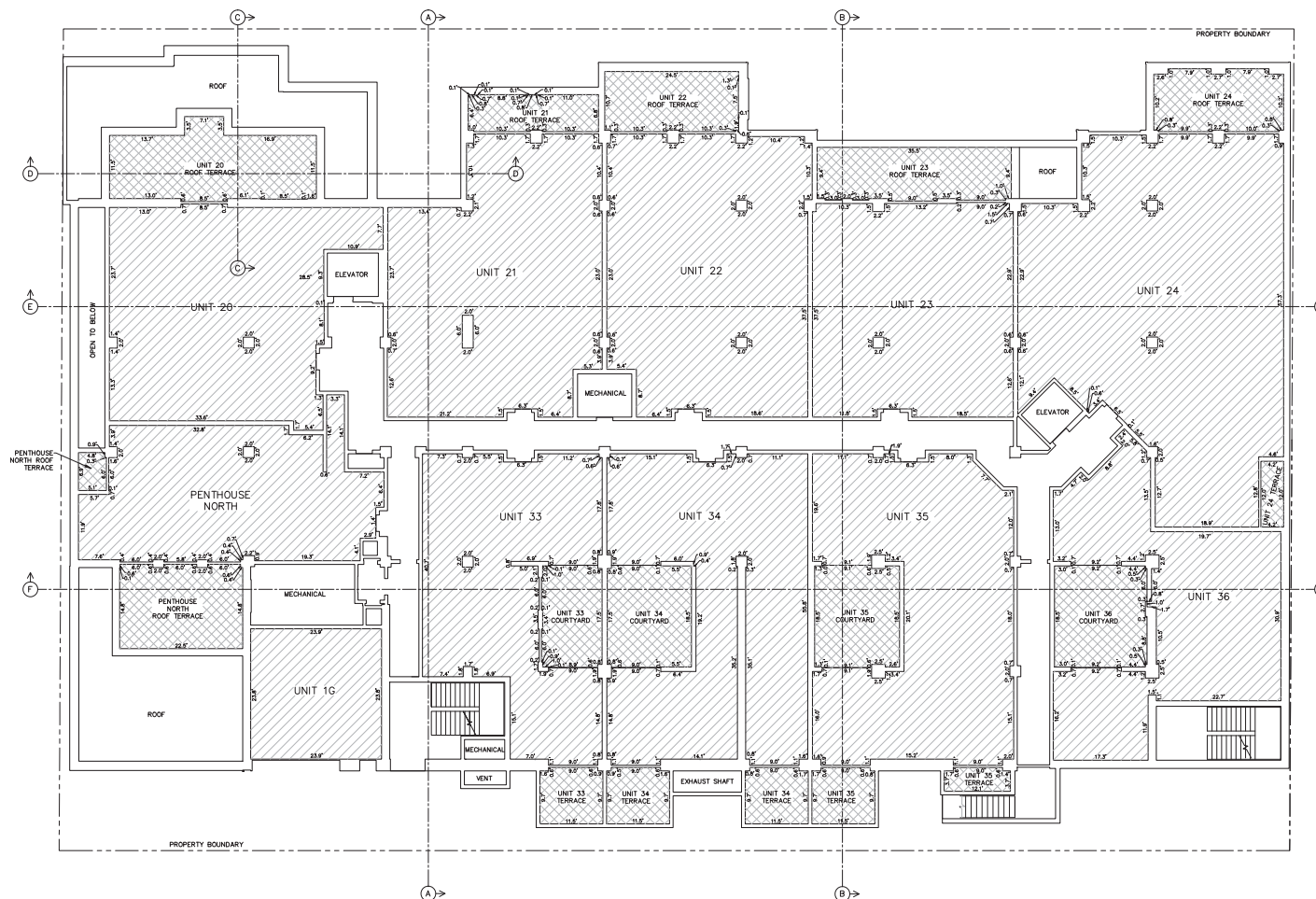
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	NOT A PART OF RESIDENTIAL CONDOMINIUM

PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 3 OF 9



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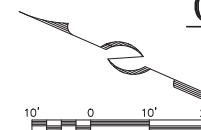


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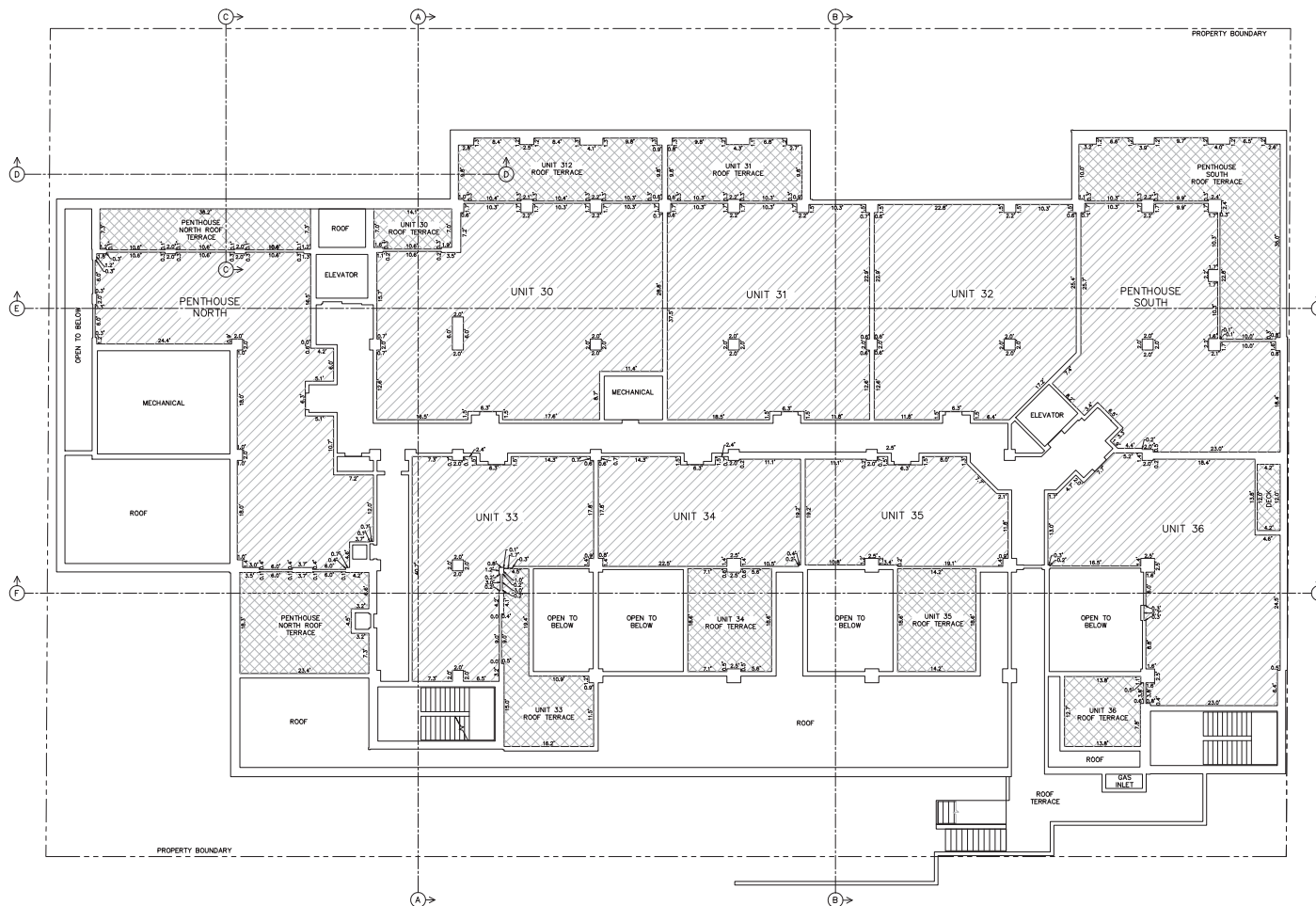
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PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 4 OF 9



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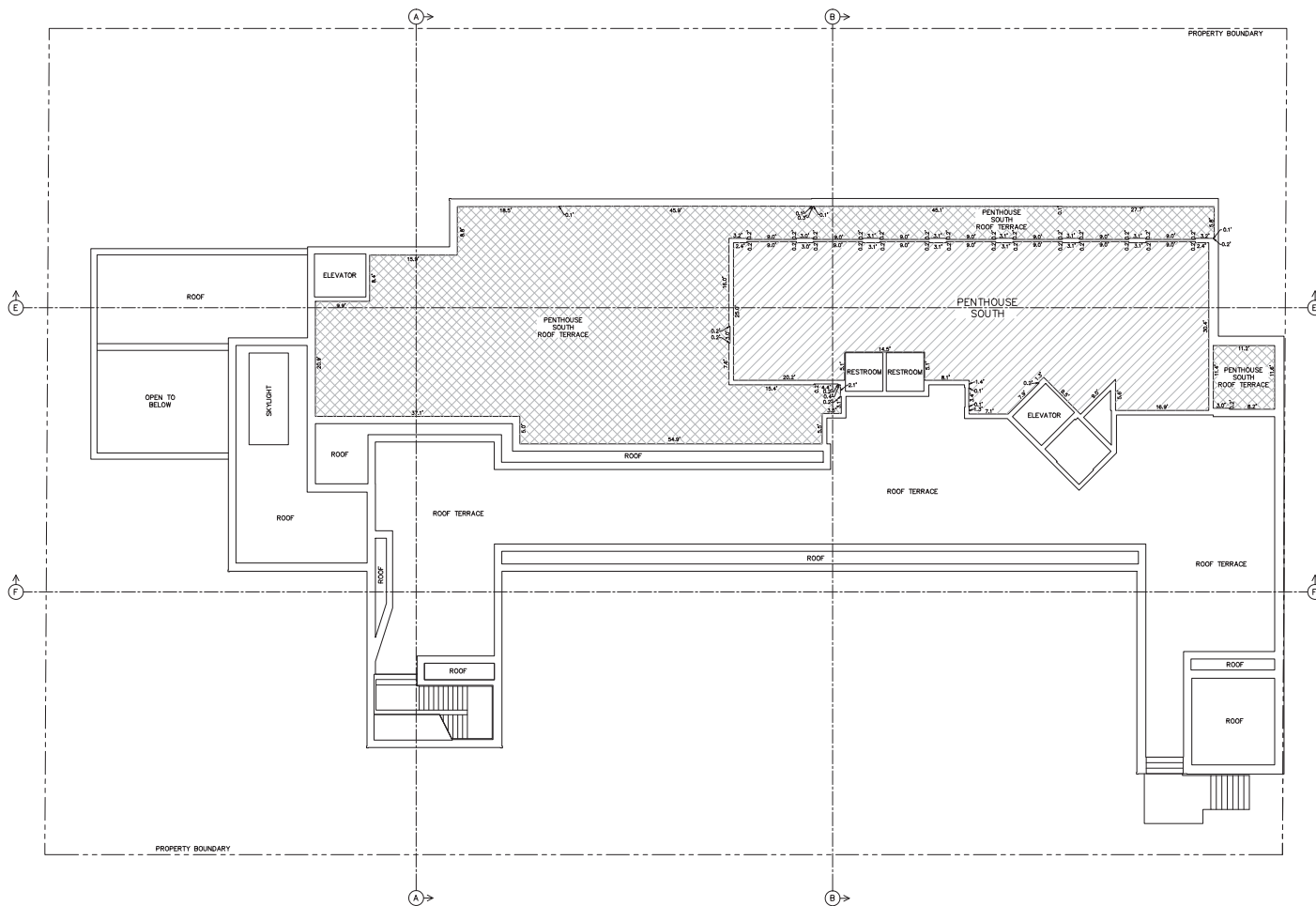


LEVEL 3

PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 5 OF 9

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AT THE REQUEST OF _____			
DATE _____		TIME _____	
ENTRY NO. _____	FEE _____	RECORDER _____	



LEVEL 4

UNIT AREA TABLE

UNIT	PRIVATE OWNERSHIP AREA
UNIT 10	2,872 SQ FT
UNIT 20	1,817 SQ FT
UNIT 21	1,751 SQ FT
UNIT 22	1,823 SQ FT
UNIT 23	1,412 SQ FT
UNIT 24	2,706 SQ FT
UNIT 30	1,761 SQ FT
UNIT 31	1,411 SQ FT
UNIT 32	1,334 SQ FT
UNIT 33	2,318 SQ FT
UNIT 34	2,391 SQ FT
UNIT 35	2,362 SQ FT
UNIT 36	2,648 SQ FT
PENTHOUSE NORTH	2,618 SQ FT
PENTHOUSE SOUTH	3,586 SQ FT
UNIT 1G	569 SQ FT

OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP

PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 6 OF 9

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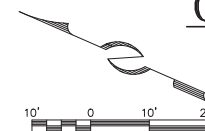
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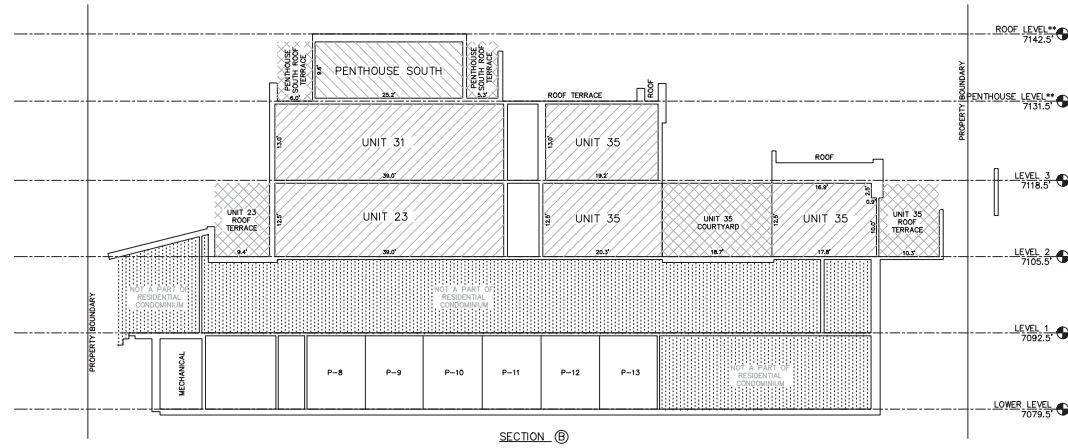
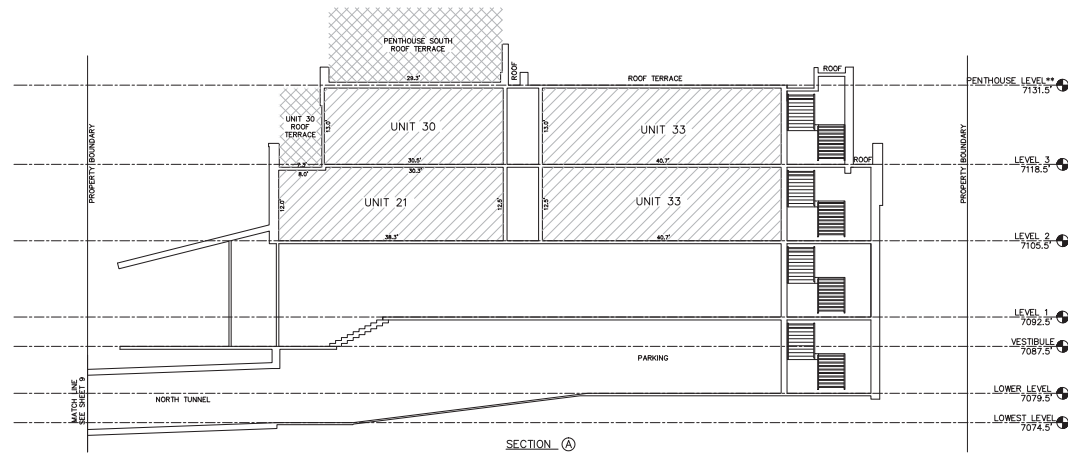
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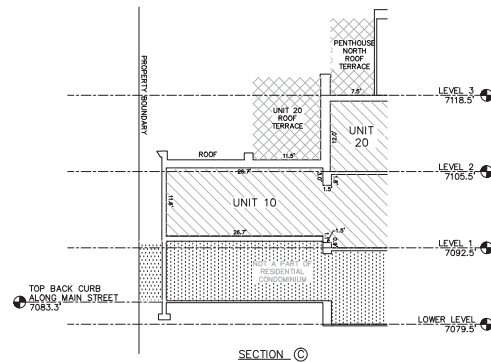


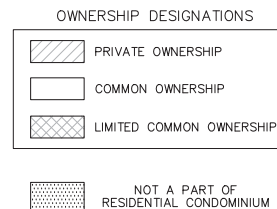
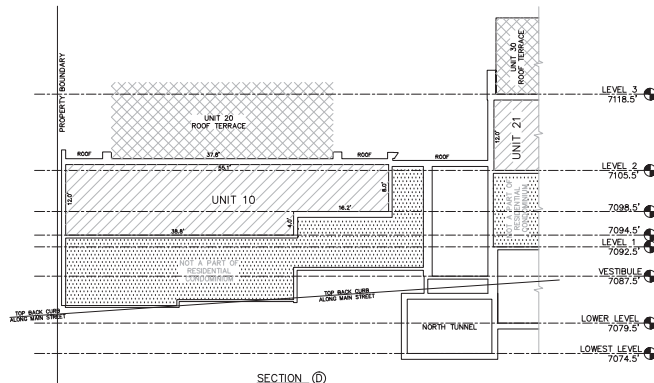
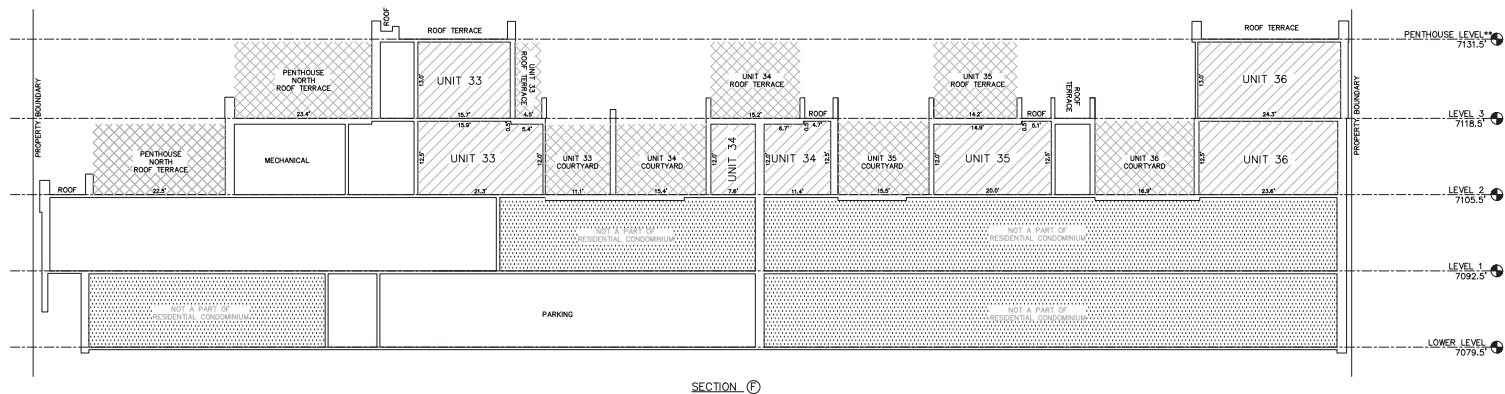
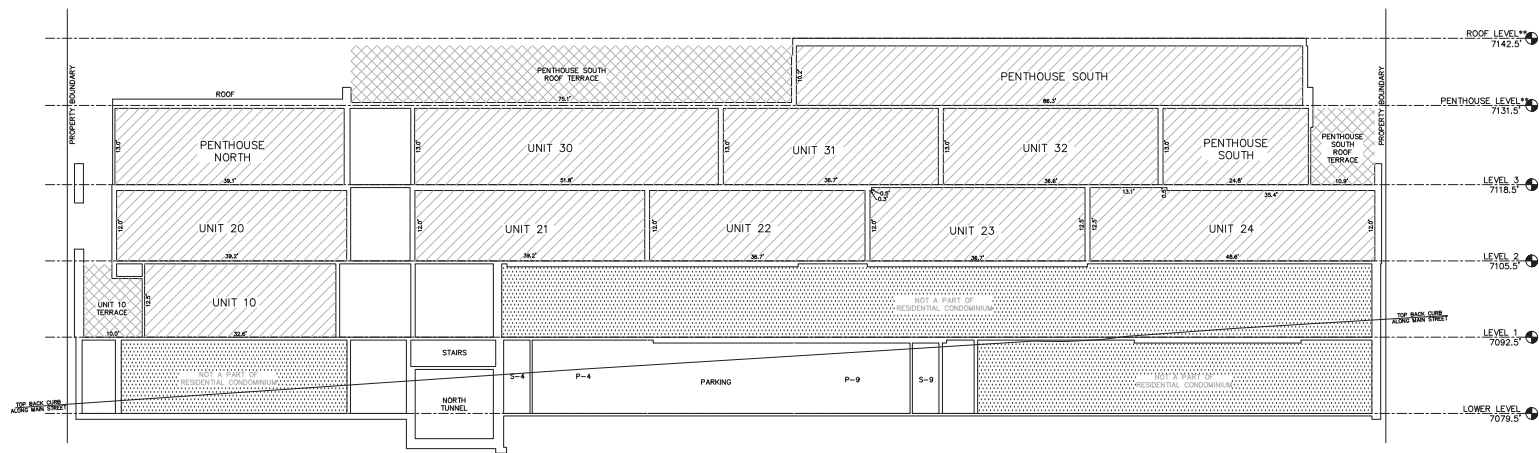
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	LIMITED COMMON OWNERSHIP
	NOT A PART OF RESIDENTIAL CONDOMINIUM



PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 7 OF 9





PARKITE RESIDENTIAL CONDOMINIUMS

SHEET 8 OF 9

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4/26/14

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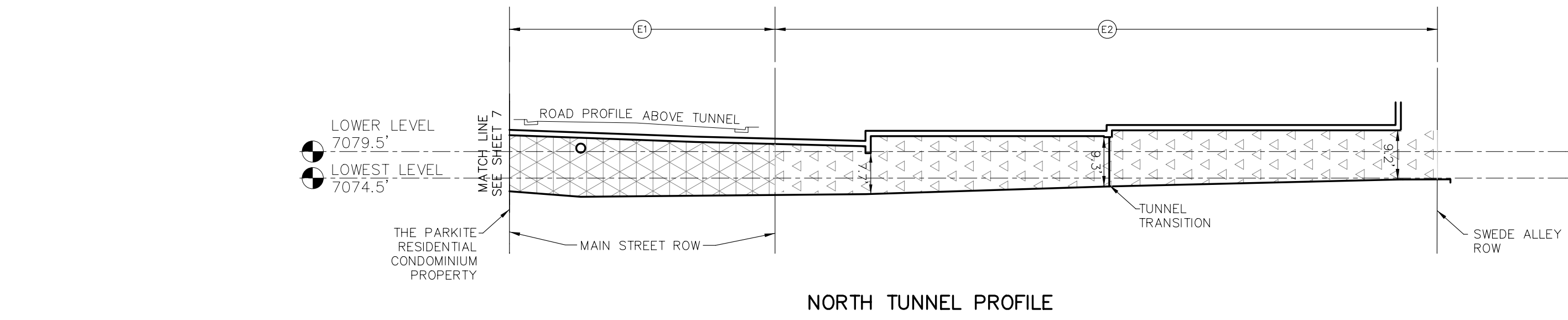
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AT THE REQUEST OF _____

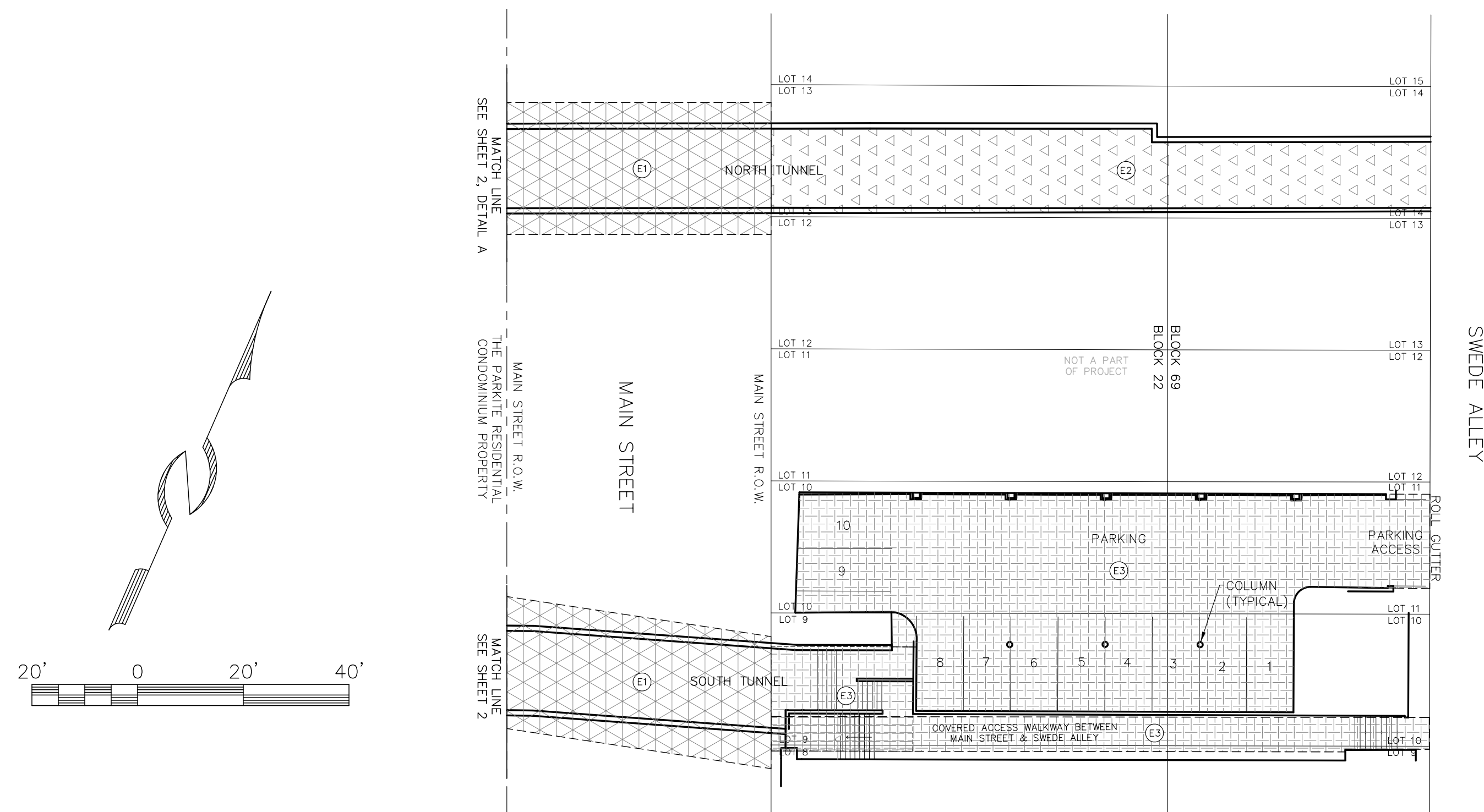
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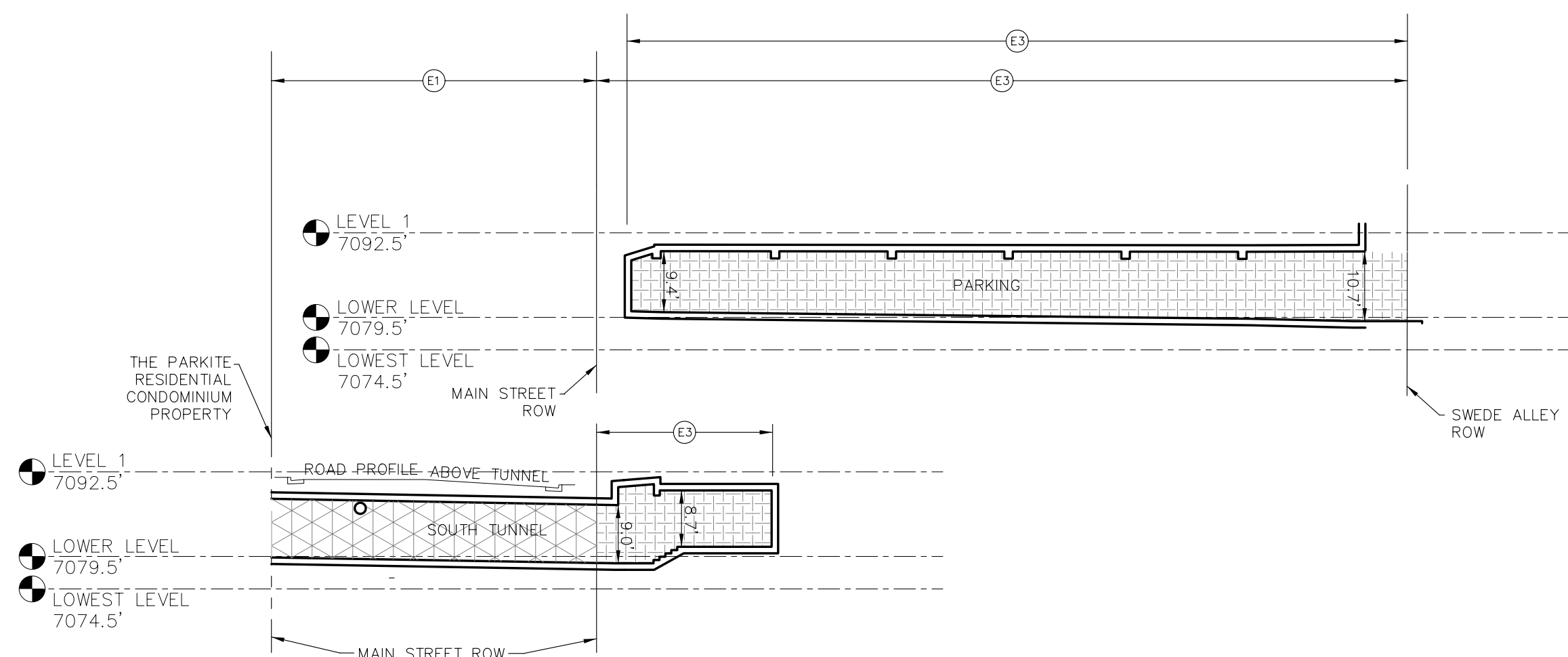
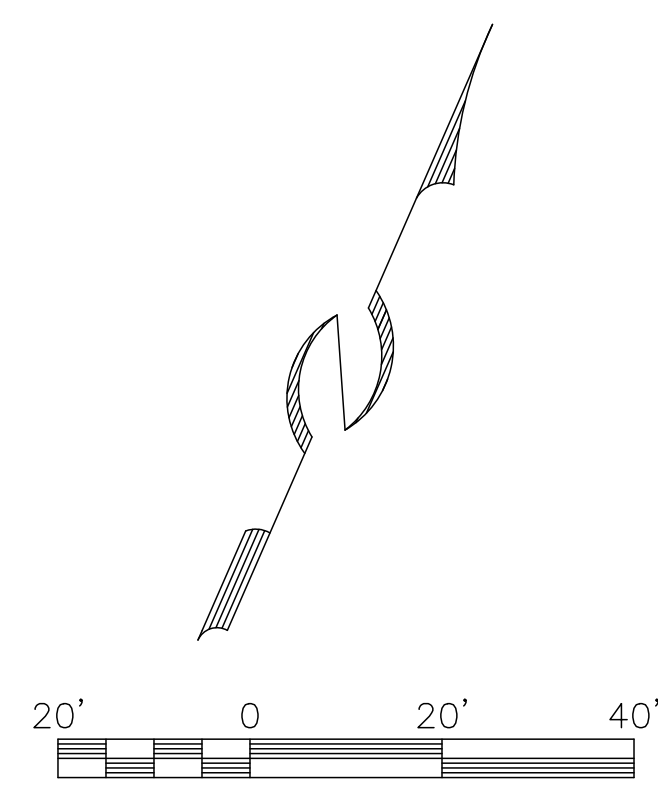




NORTH TUNNEL PROFILE



- LEGEND
- (E1) TUNNEL EASEMENT
PARK CITY MUNICIPAL CORPORATION
SILVER HILL OF PARK CITY
RECORDED: JULY 9, 1984
ENTRY NO.: 222085
BOOK 306, PAGE 589
 - (E2) PROPOSED EASEMENT
GRANTOR:
GRANTEE:
RECORDED:
ENTRY NO.:
BOOK: , PAGE
 - (E3) EASEMENT AGREEMENT
ALPINE VENTURES ASSOCIATES II, L.L.C.
PARK CITY MAIN STREET MALL, L.C.
RECORDED: JUNE 22, 1999
ENTRY NO.: 542235
BOOK 1268, PAGE 173



SOUTH TUNNEL PROFILE

NOTES

1. Common Areas as shown on this page consist of easement interests only, as more fully described in the referenced easement documents.

OFFSITE EASEMENTS APPURTENANT TO
**THE PARKITE
RESIDENTIAL
CONDOMINIUMS**

SHEET 9 OF 9

(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

JOB NO.: 8-3-13	FILE: X:\ParkCitySurvey\dwg\sr\plat2013\080313.dwg
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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED	
AT THE REQUEST OF _____	
DATE _____ TIME _____	
ENTRY NO.	FEE
RECORDER	



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Parcel Combination plat of the 333 MAIN STREET PLAT AMENDMENT, and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information shown hereon is correct.

John Demkowicz
John Demkowicz

3-22-2011
Date

PROPERTY DESCRIPTION

PARCEL 1
ALL OF LOTS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25 and 26, BLOCK 11, OF THE AMENDED PLAT OF THE PARK CITY SURVEY, according to the official plat thereof of record in the office of the Summit County Recorder.

EASEMENT DESCRIPTIONS

- ① Together with easement, non-exclusive easements for the construction of tunnels under Main Street for the sole purpose of providing gas service and freight access, as created by that certain Easement Agreement recorded July 9, 1984 as Entry No. 22255 in book 306 Page 589 of the official records in the office of the Summit County Recorder, said easements being more particularly described as follows:
EASEMENT FOR NORTH PEDESTRIAN TUNNEL, SILEX MILL MAIN STREET MARKET PLACE
Located in the Southeast quarter of Section 16, Township 2 South Range 4 East, Salt Lake Base and Meridian.
BEGINNING at a point which is North 23°38'00" West 146.03 feet from the Southeast corner of Lot 7, Block 11, Park City Survey Amended, and running thence North 23°38'00" West 25.00 feet along the Western right-of-way of Main Street; thence North 66°22'00" East 50.00 feet to a point on the Eastern right-of-way of Main Street and running Southerly along said right-of-way South 23°38'00" East 25.00 feet; thence South 66°22'00" West 50.00 feet to the true point of BEGINNING.
- EASEMENT FOR SOUTH PEDESTRIAN TUNNEL, SILEX MILL MAIN STREET MARKET PLACE
Located in the Southeast quarter of Section 16, Township 2 South Range 4 East, Salt Lake Base and Meridian.
BEGINNING at a point which is North 23°38'00" West 52.50 feet from the Southeast corner of Lot 7, Block 11, Park City Survey Amended, and running thence North 23°38'00" West 25.00 feet along the Western right-of-way of Main Street; thence North 75°00'00" East 50.57 feet to a point on the Eastern right-of-way of Main Street; and thence along said right-of-way South 23°38'00" East 25.00 feet; thence South 75°00'00" West 50.57 feet to the true point of BEGINNING.
- ② Together with a non-exclusive easement for parking of automobiles and for pedestrian and vehicular ingress and egress, as created by that certain Easement Agreement, recorded January 26, 1994 as Entry No. 366881 in Book 783 at page 242 of the official records in the office of the Summit County Recorder.
- ③ Together with a non-exclusive easement for pedestrian ingress and egress across the Stairway Property, as created by that certain Easement and Maintenance Agreement, recorded January 26, 1994 as Entry No. 366882 in Book 783 at page 250 of the official records, said easement being more particularly described as follows:
BEGINNING at a point along the East line of Main Street North 23°38'00" West 1.35 feet from the Southeast corner of Lot 10, Block 22, Park City Survey, and running thence North 66°28'04" East 25.40 feet along the Northern edge of existing concrete stairs; thence South 23°34'40" East 23.99 feet; thence South 66°49'06" West 25.78 feet along the Southern edge of a concrete wall; thence North 23°38'00" West 23.61 feet along the East line of Main Street to the point of BEGINNING.
- ④ Together with a non-exclusive easement to use portions of the North Tunnel, the entrance/exit of the North Tunnel, and ingress and egress, as created by that certain Easement Agreement, recorded January 26, 1994 as Entry No. 366883 in Book 783 at page 260 of the official records in the office of the Summit County Recorder.
- ⑤ Together with a non-exclusive underground easement for storm sewer purposes, and together with limited ingress and egress easement, as created by that certain Easement Agreement, recorded January 26, 1994 as Entry No. 366884 in Book 783 at page 283 of the official records in the office of the Summit County Recorder, said easements being more particularly described as follows:
STORM SEWER EASEMENT:
A 6.0 foot wide storm sewer easement being 3.0 feet each side of the existing storm drain line whose centerline is described as follows:
BEGINNING at a point South 23°38'00" East 8.90 feet from the Northeast corner of Lot 14, Block 69, Millie Reservation; and running thence South 60°06'28" West 48.83 feet; thence South 66°15'37" West 13.44 feet and terminating.
- ⑥ NORTH TUNNEL INGRESS AND EGRESS EASEMENT:
BEGINNING at the Northeast corner of Lot 14, Block 69, Millie Reservation; and running thence along the East line of Lot 14, South 23°31'00" East 10.00 feet; thence South 66°28'04" West 30.00 feet; thence South 44°37'46" West 34.22 feet; thence North 23°38'00" West 22.28 feet; thence North 23°34'37" West 0.44 feet; thence along the North line of Lot 13, Block 22, Park City Survey North 66°34'45" East 11.95 feet; thence along the North line of Lot 14, Block 69, Millie Reservation North 66°28'04" East 48.85 feet to the point of BEGINNING.
- ⑦ Subject to an egress easement:
Beginning at the Northwest corner of Lot 18, Block 11, Park City Survey, and running thence along the Northernly line of Lot 18 North 66°40'00" East 14.00 feet; thence South 23°38'00" East 3.00 feet; thence South 66°40'00" West 14.00 feet; thence along the Westernly line of Lot 18 North 23°38'00" West 3.00 feet to the point of BEGINNING.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City 333 Main Development, LLC, the owner of the herein described tract of land, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this 22 day of March, 2011.

Park City 333 Main Development, LLC, a Delaware limited liability company
By: Main Mall Development, LLC, a Delaware limited liability company, its Manager
By: DORM Park City, LLC, a Utah limited liability company, its Manager
By: *Stanley R. Castleton*
Stanley R. Castleton, Manager

LEGEND

333 Street address on Main Street

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 22 day of March, 2011, by Stanley R. Castleton, the Manager of DORM Park City, LLC, a Utah limited liability company, which is the Manager of Main Mall Development, LLC, a Delaware limited liability company, which is the Manager of Park City 333 Main Development, LLC, a Delaware limited liability company.

John Demkowicz
A Notary Public Commissioned in Utah

Sydney Farley
Printed Name

Residing in: Salt Lake City

My commission expires April 5, 2012



A PARCEL COMBINATION PLAT A COMBINATION OF LOTS 7-15 & 18-26 IN BLOCK 11, PARK CITY SURVEY 333 MAIN STREET PLAT AMENDMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

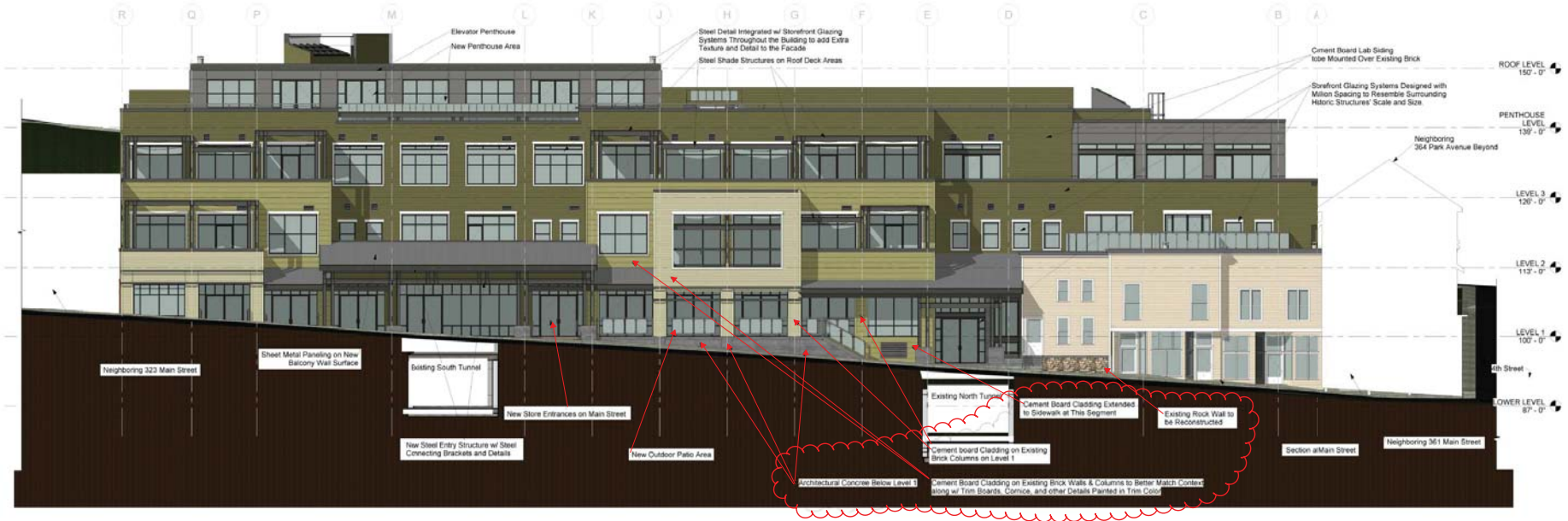
SHEET 1 OF 1

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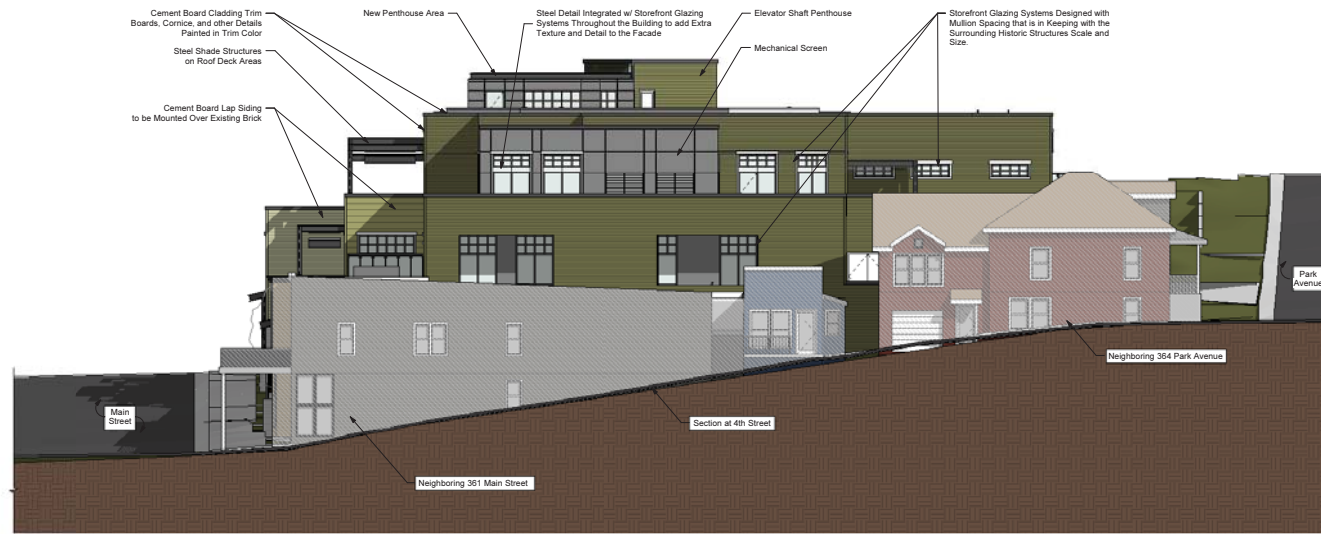
(435) 649-8467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 333 Main Street P.O. Box 2884 Park City Utah 84060-2884	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>23</u> DAY OF <u>March</u> , 2011 A.D. BY <i>B.S.W.R.D.</i>	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 25TH DAY OF FEBRUARY, 2009 A.D. BY <i>Chairman</i> CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>23</u> DAY OF <u>March</u> , 2011 A.D. BY <i>Engineer</i> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>21</u> DAY OF <u>March</u> , 2011 A.D. BY <i>Attorney</i> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 26TH DAY OF MARCH, 2009 A.D. BY <i>Recorder</i> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 26TH DAY OF MARCH, 2009 A.D. BY <i>Mayor</i> MAYOR	APPROVED AND ACCEPTANCE # 920678 RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>HIGH COUNTRY TITLE</u> DATE <u>4/12/11</u> TIME <u>2:14 PM</u> BOOK <u>---</u> PAGE <u>---</u> \$31.00 FEE <i>C. Williams</i> RECORDER
---	---	---	---	---	--	---	---

EXHIBIT C

Historic District Design Review
March 18, 2013 - Revised May 27, 2014



1 EAST ELEVATION - color



2 NORTH ELEVATION - color



elliott
workgroup
architecture

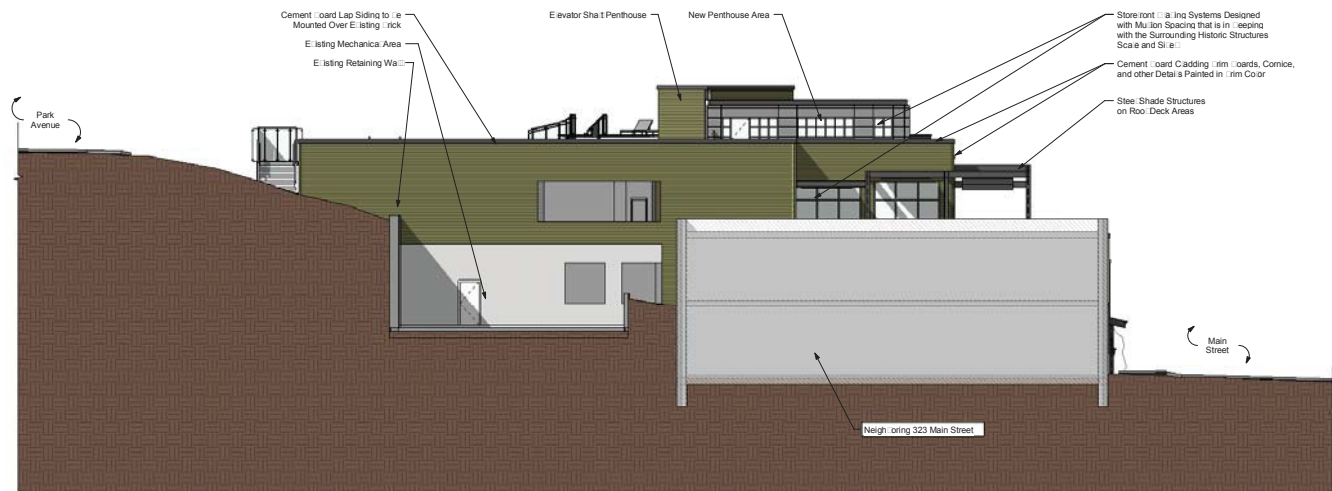
364 Main Street PO Box 3419 Park City, Utah 84060
435.544.0002 801.415.1033 www.elliottworkgroup.com

Watt Investment Partners
333 Main
Adaptive Re-use
333 Main Street
Park City, Utah 84060

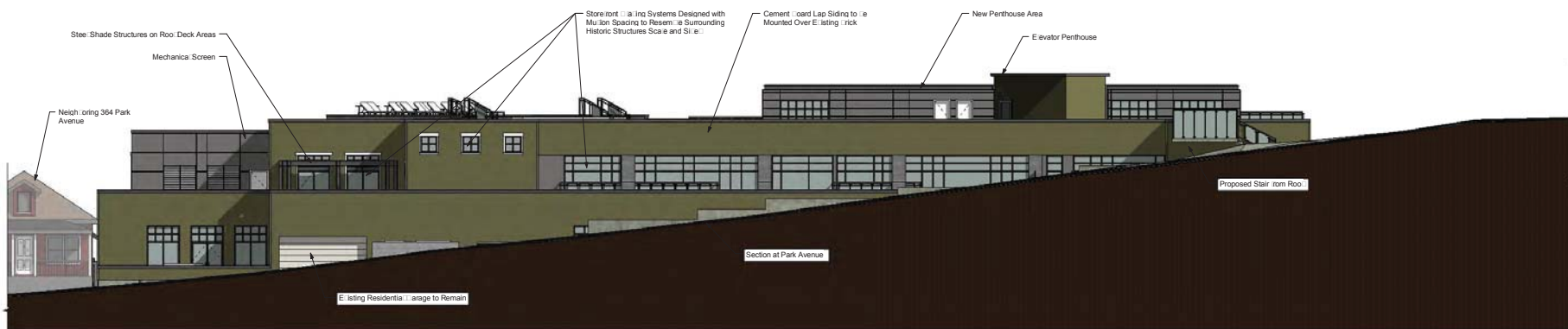
ELEVATIONS - COLOR

H-221

COPYRIGHT ELLIOTT WORKGROUP ARCHITECTURE, LLC, 2013



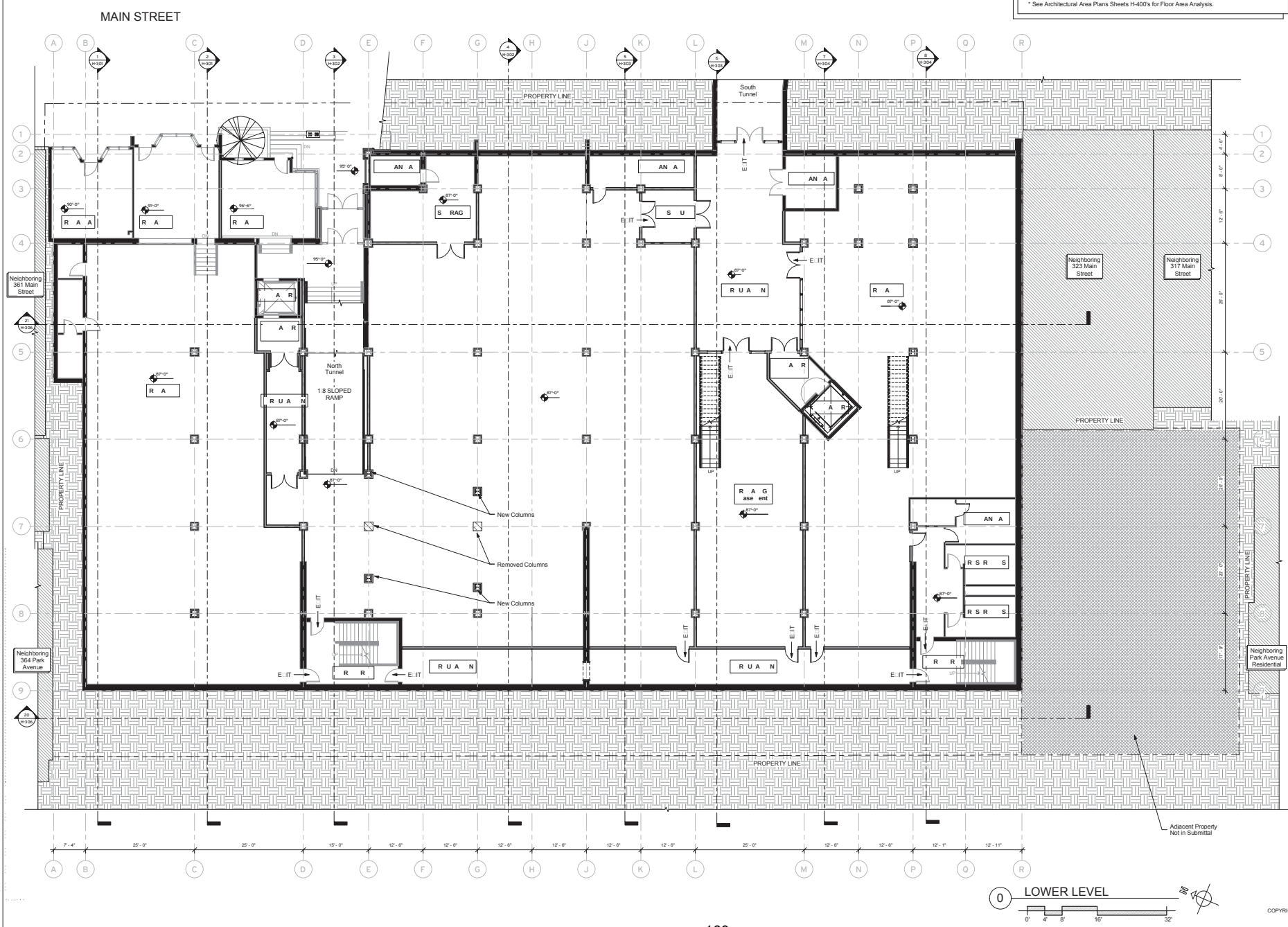
3 SOUTH ELEVATION - color



4 WEST ELEVATION - color

USGS Reference
 USGS Elevation +7092 = Architectural Elevation 100'-0"

Notes:
 * See Roof Plan Sheet H-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
 * See Roof Plan Sheet H-105 for Reference to Building Section Locations.
 * See Architectural Building Sections Sheets H-300's for Reference to Allowable Zone Height for HCB and HR-2A Zones.
 * See Architectural Area Plans Sheets H-400's for Floor Area Analysis.



Historic District Design Review
 March 18, 2013

**elliott
workgroup
architecture**
 344 Main Street - P.O. Box 2419 - Park City, Utah 84060
 435.643.0002 - 801.455.0009 - www.elliottworkgroup.com

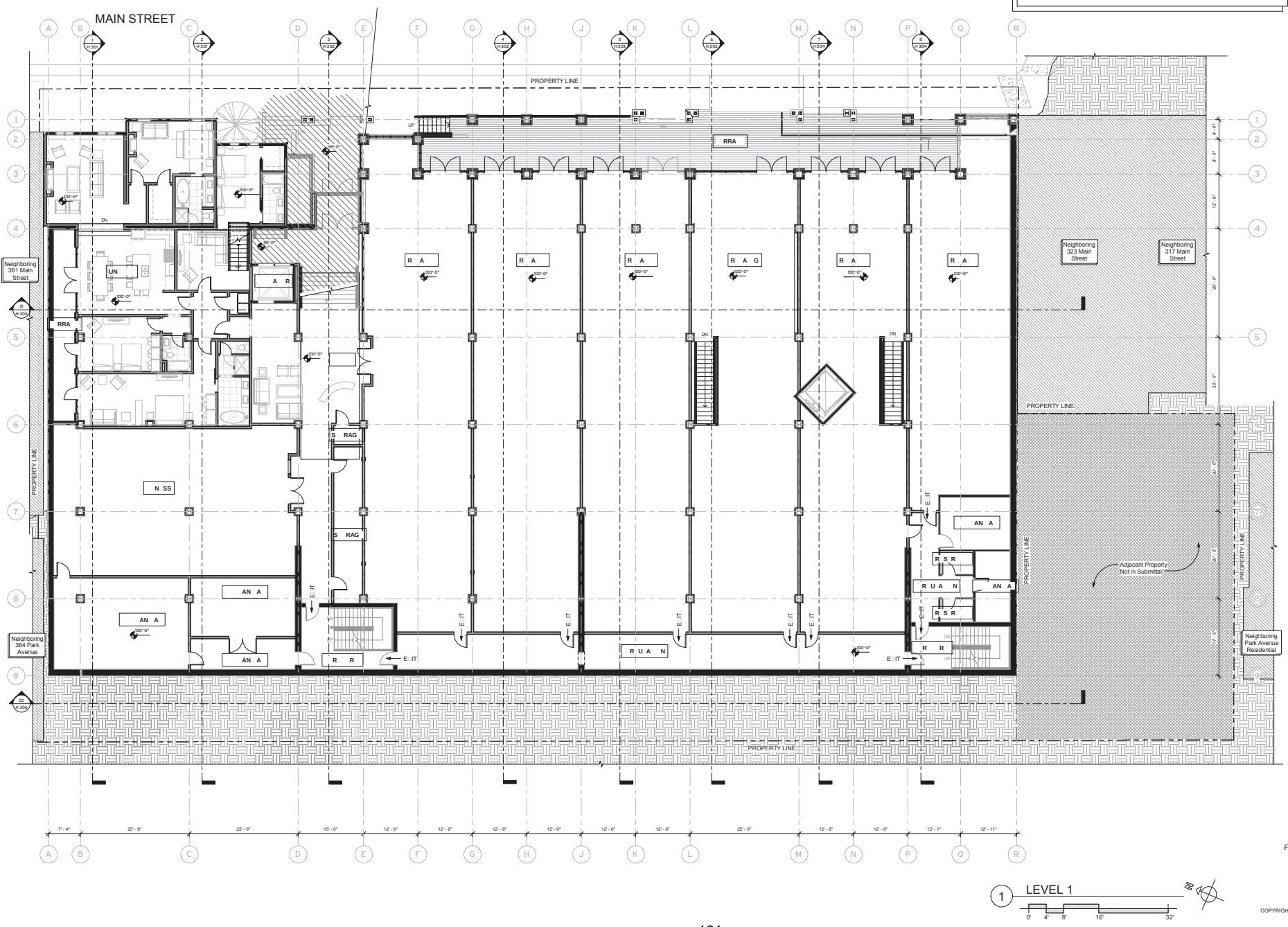
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LOWER LEVEL - FLOOR PLAN

H-100

USGS Reference
 USGS Elevation +7092 = Architectural Elevation 100'-0"

Notes
 * See Roof Plan Sheet H-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
 * See Roof Plan Sheet H-105 for Reference to Building Section Locations.
 * See Architectural Building Sections Sheets H-300's for Reference to Allowable Zone Height for HCB and HFA-2A Zones.
 * See Architectural Area Plans Sheets H-400's for Floor Area Analysis.



Historic District Design Review
 March 18, 2013

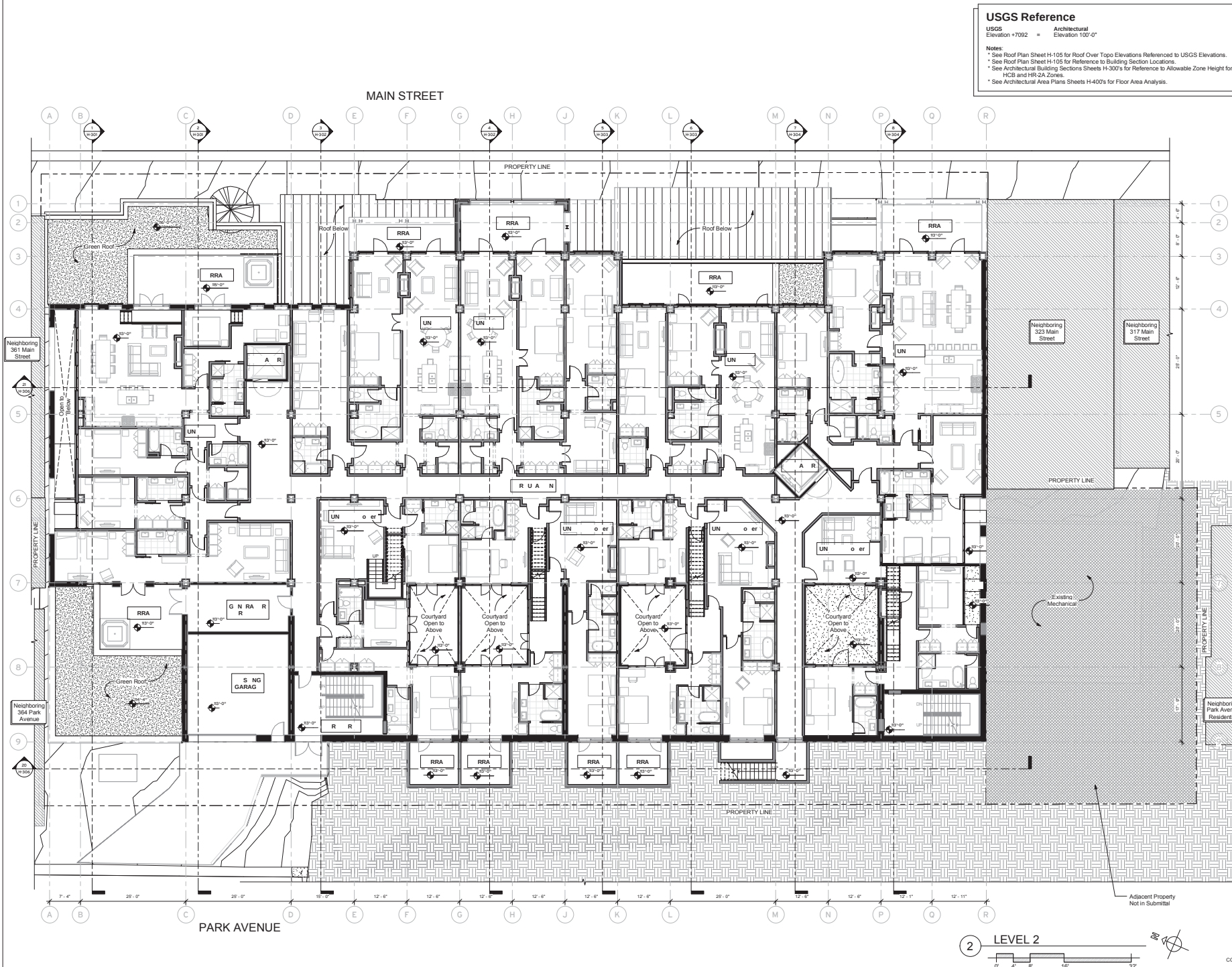
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FIRST LEVEL - FLOOR PLAN

H-101



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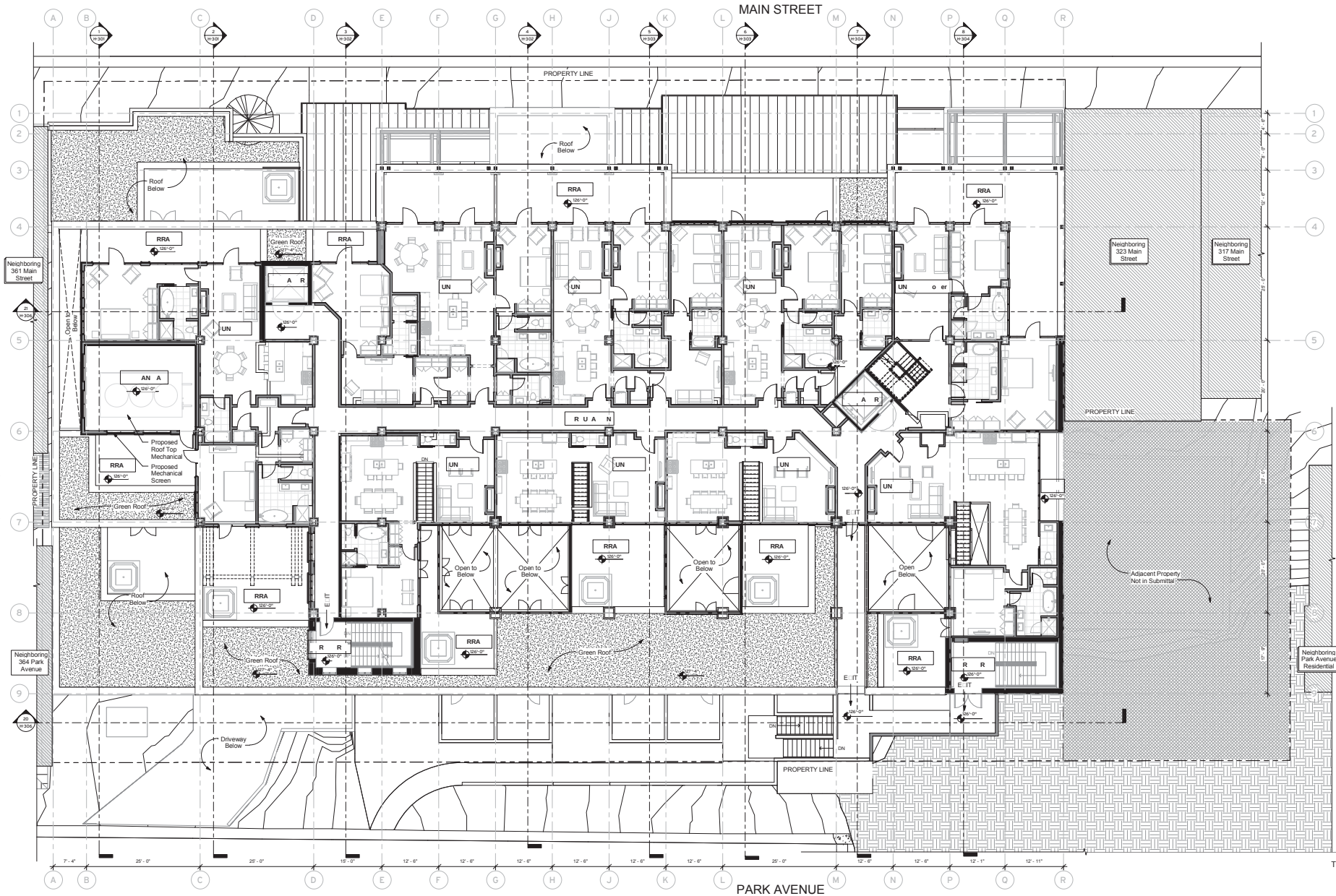
SECOND LEVEL - FLOOR PLAN

USGS Reference

USGS
Elevation +7092 = Architectural
Elevation 100'-0"

Notes:

- * See Roof Plan Sheet H-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
- * See Roof Plan Sheet H-105 for Reference to Building Section Locations.
- * See Architectural Building Sections Sheets H-300's for Reference to Allowable Zone Height for HCB and HR-2A Zones.
- * See Architectural Area Plans Sheets H-400's for Floor Area Analysis.



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THIRD LEVEL - FLOOR PLAN

H-103

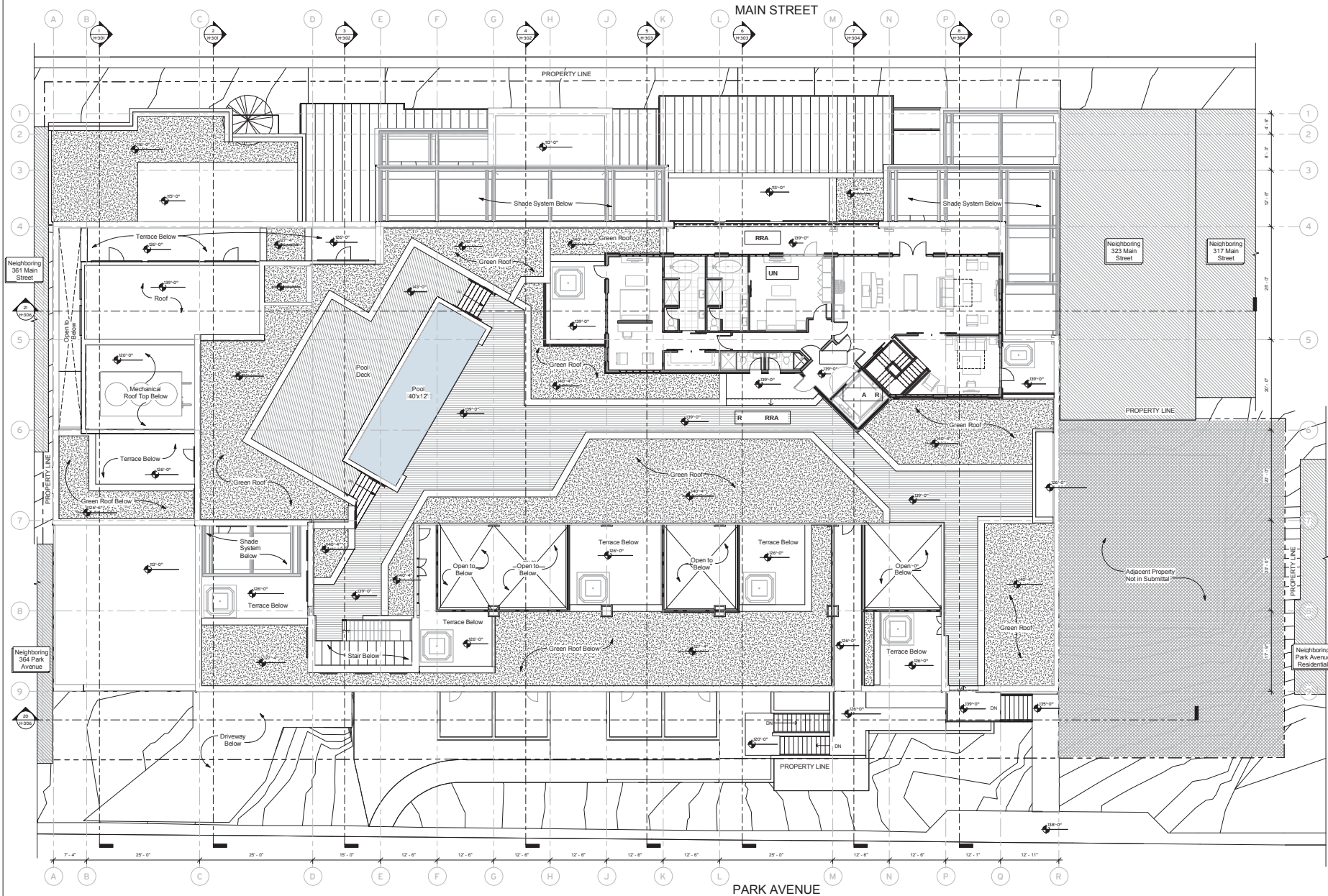
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USGS Reference

USGS
Elevation +7092 = Architectural
Elevation 100'-0"

Notes:

- * See Roof Plan Sheet H-105 for Roof Over Topo Elevations Referenced to USGS Elevations.
- * See Roof Plan Sheet H-105 for Reference to Building Section Locations.
- * See Architectural Building Sections Sheets H-300's for Reference to Allowable Zone Height for HCB and HR-2A Zones.
- * See Architectural Area Plans Sheets H-400's for Floor Area Analysis.



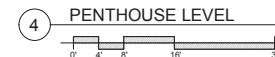
Historic District Design Review
March 18, 2013

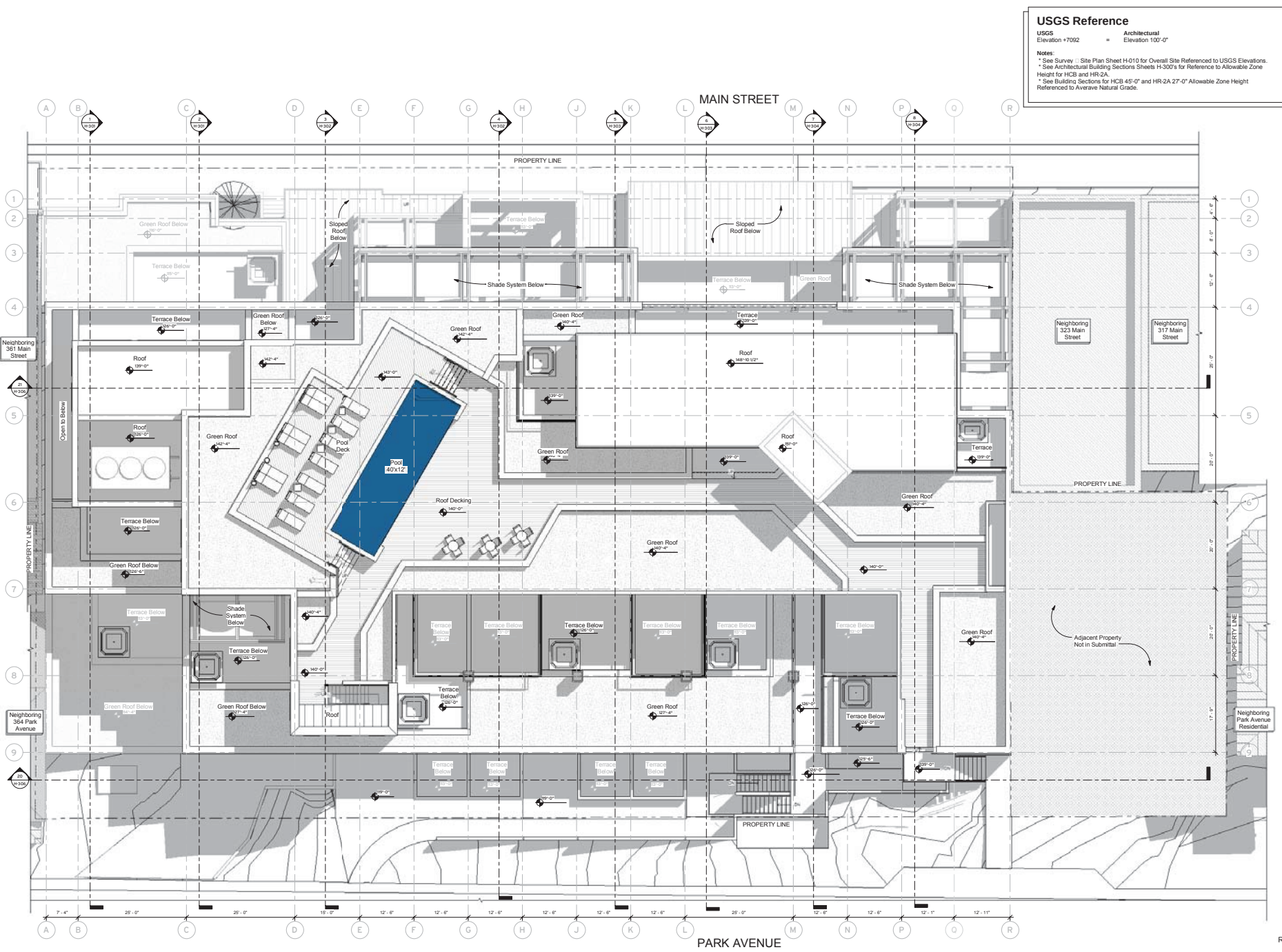
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PENTHOUSE LEVEL - FLOOR PLAN

H-104





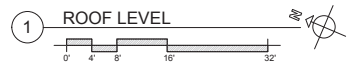
USGS Reference
 USGS Elevation +7092 * Architectural Elevation 100'-0"

Notes:
 * See Survey - Site Plan Sheet H-010 for Overall Site Referenced to USGS Elevations.
 * See Architectural Building Sections Sheets H-300's for Reference to Allowable Zone Height for HCB and HR-2A.
 * See Building Sections for HCB 45'-0" and HR-2A 27'-0" Allowable Zone Height Referenced to Average Natural Grade.

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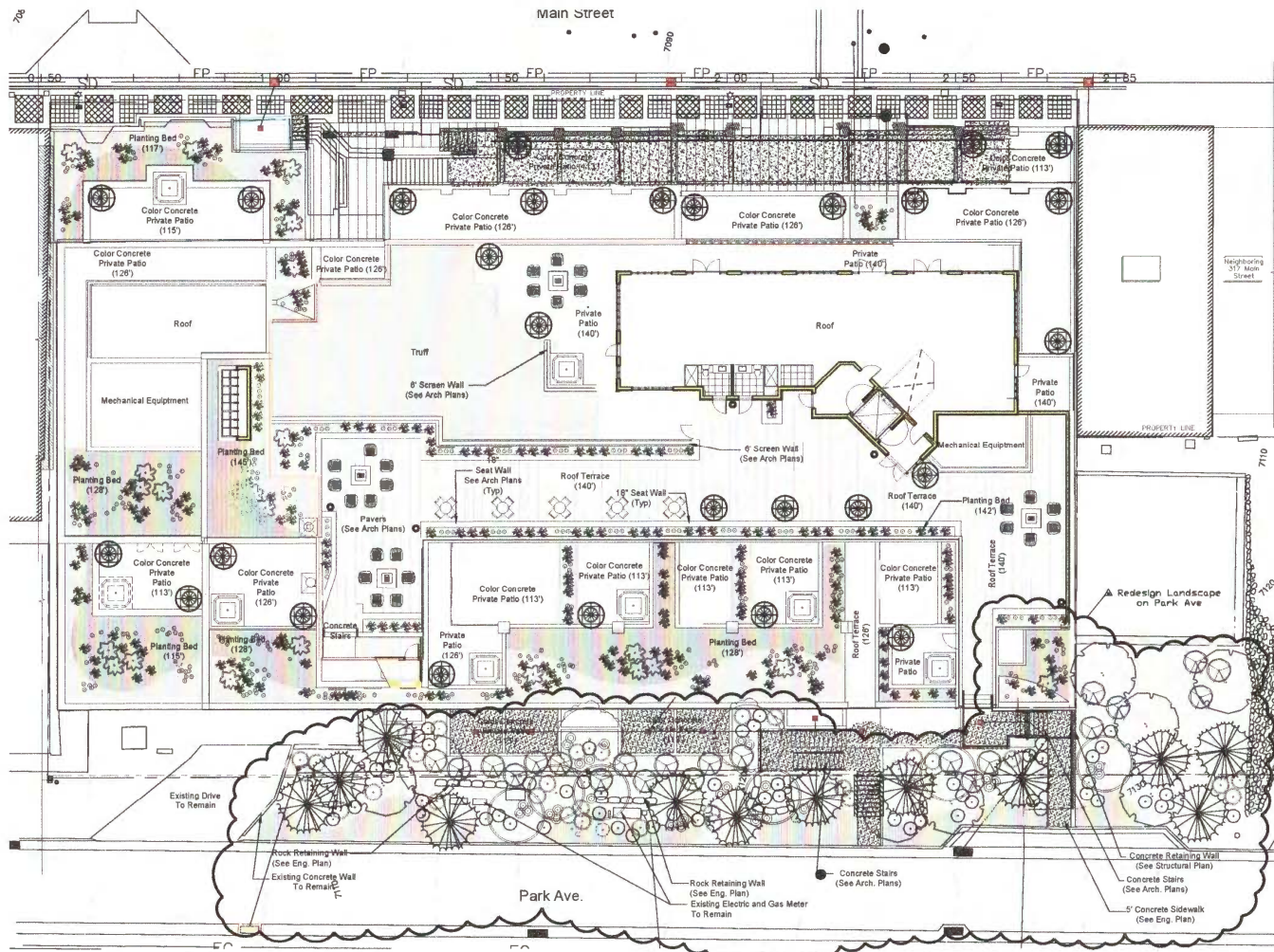
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ROOF LEVEL - FLOOR PLAN

H-105

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PLANTING LIST

SYMBOL	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE
(16)	2	Acer glaberrimum	Bigtooth Maple	2" CAL.
	4	Acer glaberrimum 'Flame'	Flame Maple	2" CAL.
	27	Mulberry 'Flame'	Flame Mulberry	#10 CAL.
	8	Populus tremuloides	Quaking Aspen	2" CAL.
	12	Abies balsamea	Sub-alpine Fir	8'-10' height

Adjusted Plant Count

(16)	22	Cornus sericea 'Rutabaga'	Dwarf Red Osier Dogwood
	56	Ribes alpinum 'Green mound'	Alpine Currant
	32	Symphoricarpos albus	Snowberry
	19	Sedum spectabile	Russian Sage
	37	Psychotria myrsinites	Mourning Glory

Adjusted Plant Count

PERENNIALS

(243)	Ornamental Grass	Ornamental Grass
(377)	Festuca glauca 'Elijah Blue'	Blue Fescue Grass

Adjusted Plant Count

(420)	Shrub up the north-south	Alpine Aster
		Chrysanthemum superbum 'Alabaster'
		Coreopsis lanceolata
		Phlox subulata 'Emerald Blue'
		Echinacea purpurea
		Hemerocallis sp.
		Achillea 'Moonshine'
		Panicleum stricatum
		Asplenium adnigrum

GREEN ROOF PLANT LIST (4200)

aster dumosus	Silphium
coltsfoot	Monarda
Thymus	Creeping Thyme
Oryzopsis	Reedgrass
Scirpus	Reedgrass
sedum album	Red Carpet Creeping Sedum
sedum album	Red Carpet Creeping Sedum
Turkish verbena	Creeping Verbena
Panicleum stricatum	Creeping Verbena

Note: The Landscape Architect will work with the contractor for the design of the green roof.

BARK MULCH

Note: All planting beds shall be covered with 3 inches of cedar bark mulch.

LIGHTWEIGHT PLANTING MEDIA

Note: All plaza planting bed will have 6" of lightweight planting media per spec.

GRAPHIC LEGEND

(27) Model House (See Arch. Plan)	(4) Use Receptacle (See Arch. Plan)
(3) Bench (See Arch. Plan)	

LANDSCAPE PLAN

LANDSCAPE PLAN

No.	Date	Revision	Description
1	5/15/2013	1	ISSUED FOR PERMIT
2	5/15/2013	2	ISSUED FOR PERMIT
3	5/15/2013	3	ISSUED FOR PERMIT

CONSULTANTS

SFO DESIGN GROUP
SFO DESIGN GROUP
243 E. MILLERS MILE ROAD
HEBER, UTAH 84032
435.659.8514

elliott workgroup
architecture
PO Box 3410 Park City, Utah 84060
435.659.8514 435.659.8514 www.elliottworkgroup.com

PARK CITY PLANNING DEPT
APPROVED

KAW G.3.14
SIGNATURE
DATE JUN 10 2014

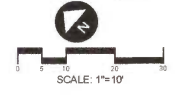
DATE	Aug 23, 2013
ISSUE	Permit Submittal / Bid Set
PROJECT	2012 38
DESIGNED BY	SFO
CHECKED BY	SFO
REVIEWED BY	SFO

Permit Submittal / Bid Set

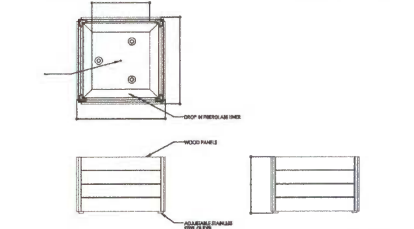
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LANDSCAPE PLAN

LA-100

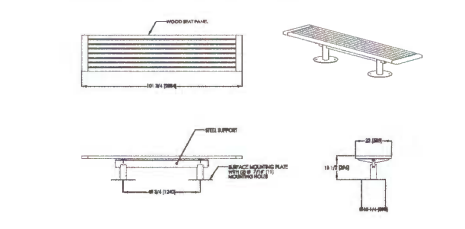
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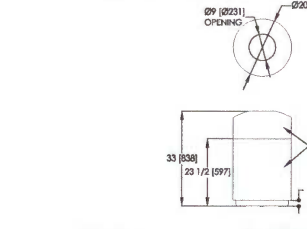
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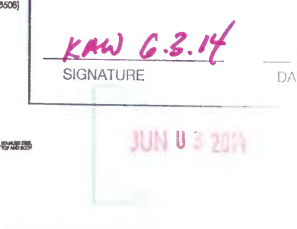
Product Drawing



Product Drawing



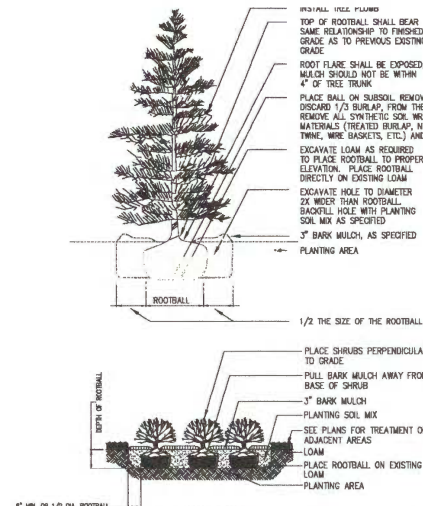
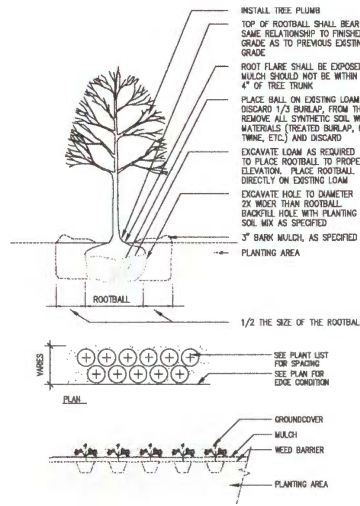
Product Drawing



Product Drawing



1. THE CONTRACTOR SHALL LOCATE AND VERIFY THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING WORK.
2. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON ALL DRAWINGS.
3. ALL PLANT MATERIALS SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE CURRENT AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN OR EQUIVALENT.
4. NO PLANT SHALL BE PUT INTO THE GROUND BEFORE ROUGH GRADING HAS BEEN COMPLETED AND APPROVED BY THE LANDSCAPE ARCHITECT OR EQUAL.
5. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANTS' ORIGINAL GRADE, BE FROM THE CONTAINER, B&B, OR IF TRANSPLANTED.
6. ALL PLANTS SHALL BE BALLED AND WRAPPED OR CONTAINER GROWN. NO CONTAINER GROWN STOCK WILL BE ACCEPTED IF IT IS ROOT BOUND. ALL ROOT WRAPPING MATERIAL MADE OF SYNTHETIC OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING.
7. WITH CONTAINER GROWN STOCK, THE CONTAINER SHALL BE REMOVED AND THE CONTAINER BALL SHALL BE CUT THROUGH THE SURFACE IN TWO VERTICAL LOCATIONS.
8. THE DAY PRIOR TO PLANTING, THE LOCATION OF ALL TREES AND SHRUBS SHALL BE STAKED FOR APPROVAL BY THE LANDSCAPE ARCHITECT OR EQUAL.
9. AT PLANTING TIME, ALL PLANTS SHALL BE THINNED BY REMOVING A BALANCED ONE-THIRD OF THE VEGETATIVE MATERIAL. DO NOT CUT LEADERS.
10. ALL PLANTS SHALL BE SPRAYED WITH AN ANTI-DESICCANT WITHIN 24 HOURS AFTER PLANTING. ALL PLANTS SHALL BE SPRAYED WITH AN ANTI-DESICCANT AT THE BEGINNING OF THEIR FIRST WINTER.
11. ALL PLANTS SHALL BE WATERED THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING. ALL PLANTS SHALL THEN BE WATERED AS NEEDED AND SUGGESTED BY LOCAL CONDITIONS DURING THE FIRST GROWING SEASON.
12. AREAS TO BE SEEDBED SHALL BE RAKED OF STONES AND DEBRIS. DEBRIS AND STONES OVER 1" IN DIAMETER SHALL BE REMOVED FROM THE SITE.
13. MAINTENANCE SHALL BEGIN AFTER EACH PLANT HAS BEEN INSTALLED AND SHALL CONTINUE UNTIL FINAL ACCEPTANCE BY THE LANDSCAPE ARCHITECT OR OWNER REPRESENTATIVE. MAINTENANCE INCLUDES WATERING, PRUNING, WEEDING, MULCHING, REPLACEMENT OF BICK OR DEAD PLANT MATERIAL, AND ANY OTHER CARE NECESSARY FOR THE PROPER GROWTH OF THE PLANT MATERIAL.
14. THE CONTRACTOR SHALL REVIEW ARCHITECTURAL/ENGINEERING PLANS TO BECOME FAMILIAR WITH GRADING AND SURFACE UTILITIES.
15. THE CONTRACTOR SHALL INSURE THAT HIS WORK DOES NOT INTERRUPT ESTABLISHED OR PROJECTED DRAINAGE PATTERNS.
16. THE CONTRACTOR SHALL COORDINATE WITH LIGHTING AND IRRIGATION CONTRACTORS REGARDING TIMING OF INSTALLATION OF PLANT MATERIAL.
17. EVERY POSSIBLE SAFEGUARD SHALL BE TAKEN TO PROTECT BUILDING SURFACES, EQUIPMENT AND FURNISHINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSON OR PROPERTY WHICH MAY OCCUR AS A RESULT OF NEGLIGENCE ON THE PART OF THE CONTRACTOR IN THE EXECUTION OF THE WORK.
18. ALL PROPOSED PLANT MATERIALS SHALL BE INSTALLED EITHER ENTIRELY IN OR ENTIRELY OUT OF PLANTING BEDS. PLANTING BED LINES ARE NOT TO BE OBSTRUCTED.
19. THE CONTRACTOR SHALL BE WHOLLY RESPONSIBLE FOR STABILITY AND PLUMB CONDITIONS OF ALL TREES AND SHRUBS, AND SHALL BE LEGALLY LIABLE FOR ANY DAMAGE CAUSED BY INSTABILITY OF ANY PLANT MATERIAL. STAKING OF TREES OR SHRUBS, IF DESIRED OR REQUESTED BY THE LANDSCAPE ARCHITECT, SHALL BE DONE UTILIZING A METHOD AGREED UPON BY THE LANDSCAPE ARCHITECT, AS INDICATED ON THE DOCUMENTS.
20. UPON COMPLETION OF ALL LANDSCAPING, AN INSPECTION FOR ACCEPTANCE OF THE WORK SHALL BE HELD. THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR OWNER FOR SCHEDULING THE INSPECTION AT LEAST SEVEN (7) DAYS PRIOR TO THE ANTICIPATED INSPECTION DATE.
21. ALL TREES, SHRUBS, AND PERENNIALS SHALL BE GUARANTEED FOR 12 MONTHS FROM THE DATE OF ACCEPTANCE. REPLACEMENT PLANTS USED SHALL BE GUARANTEED FOR AN ADDITIONAL 90 DAYS.
22. IN THE EVENT OF VARIATION BETWEEN QUANTITIES SHOWN ON THE PLANT SCHEDULE AND THE PLANS, THE PLANT SHALL CONTROL. IMPROPER PLANT COUNT MADE BY THE CONTRACTOR SHALL BE NO CAUSE FOR ADDITIONAL COST TO THE OWNER. SOO QUANTITY TAVS-OPS ARE THE RESPONSIBILITY OF THE CONTRACTOR. ALL DISCREPANCIES SHALL BE REPORTED TO THE LANDSCAPE ARCHITECT FOR CLARIFICATION PRIOR TO BIDDING.
23. ALL LAWN AREAS TO BE SEEDBED BY HYDROSEEDER USING A MULCH CONTAINING TACKIFIER.
24. PERENNIALS TO BE PLANTED @ 15"-18" O.C. IN CLUSTERS OF 3-10 PER SPECIES AS SPECIFIED ON PLAN. LANDSCAPE ARCHITECT SHALL VERIFY SITE PLACEMENT OF PLANTS BEFORE PLANTING BEGINS.
25. CONTRACTOR TO VERIFY QUANTITIES.
26. ALL PERENNIAL BEDS TO BE MULCHED WITH A MINIMUM OF 3" PINE BARK.
27. LANDSCAPE AREA WILL BE COVERED 100% BY EITHER DRIP OR SPRAY IRRIGATIONS. AN IRRIGATION PLAN WILL BE INCLUDED AS A DESIGN-BUILD CONTRACT AND WILL BE SUBMITTED AND APPROVED BY COUNTY PRIOR TO IRRIGATION AND PLANT MATERIAL INSTALLATION.
28. ALL MAINTAINED LANDSCAPE AREAS WILL BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM. AREAS DESIGNATED AS NON-IRRIGATED SHALL HAVE TEMPORARY SPRINKLERS INSTALLED UNTIL NATIVE GRASSES ARE ESTABLISHED.



Planters and Benches

Planting Details NTS

UTELITE E-SOIL® 60 / 40 LIGHTWEIGHT PLANTING MEDIA

PART 1: GENERAL

- 60 / 40 LIGHTWEIGHT PLANTING MEDIA

- A. UteLite 'Finex' Expanded Shale 60%
- B. Approved Organic Matter 40%

Lightweight Planting Media Properties:

- pH Range 7 - 9
- Bulk Density (ex. ft.) 40 - 50 lbs
- Saturated Bulk Density (ex. ft.) 65 - 78 lbs
- Water Retention: 20 - 45%
- Salinity EC: less than 10 dS/M
- CEC: 36 meq/100g

PART 2: PRODUCTS

- A. UteLite 'Finex' Expanded Shale

Acceptable Expanded Shale Manufacturer and Supplier:
UteLite Corporation, Scott Jensen, 801-243-9348
PO Box 387, Coalville, UT 84017

- B. *Approved Organic Matter

pH	6 - 8
Soluble Salts	< 5
Sodium Adsorption Ratio	< 10
Carbon / Nitrogen Ratio	< 20:1
Moisture %	25 - 35
Coarse Material 98% Passing 3/8"	

*Note: Organic Materials must have favorable characteristics and properties. Low-quality organic materials can have a detrimental effect on the overall success of the planting media.

PART 3: BLENDING PROCEDURE

1. Mechanically mix 3 parts of the UteLite 'Finex' Expanded Shale to 2 parts of the Approved Organic Matter until a uniform distribution of the components is achieved.
2. When stockpiling the finished mix, cover the pile with a plastic tarp to prevent drying out or soil separation from rain.

Plaza Lightweight Planting Medis Spec.

Bioturf Spec.

BIOTURF®

BioTurf with Bolero - The Intermountain West's only Tall Fescue sod specifically designed for the Intermountain West.

1 or 2 on commercial and residential lawns.

BioTurf was developed by Bioturf scientists in conjunction with the National Turf Evaluation Program's scientific studies specifically evaluated for cold season turf grasses in the Intermountain West. BioTurf sod was developed specifically for cold season turf grasses in the Intermountain West. BioTurf sod was developed specifically for cold season turf grasses in the Intermountain West. BioTurf sod was developed specifically for cold season turf grasses in the Intermountain West.

Performance

- Provides dark green color from early spring through late fall
- Deep root system
- Excellent adaptability in a variety of soils
- Resistant to weeds, insects, and disease problems
- Fast turf recovery time
- Excellent drought recovery
- Superior wear tolerance
- Natural dark green color
- No dye or chemical treatments

Options

- Available in 2' x 3' long rolls with 1/2" of soil
- Weighs approximately 15 lbs. Ideal for normal situations
- 1/2" Roll and 1/2" x 3' long rolls with 1/2" of soil
- Weighs approximately 180 lbs. Ideal for large areas
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Notes

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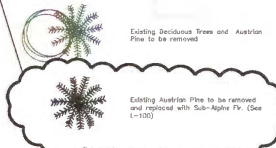
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Level 3
Landscape Demo Plan
Scale: 1" = 10'

Park Ave.

Landscape Demo Plan
to identify what
trees will stay and
what trees will be
removed.

Legend:



JUN 03 2014

PARK CITY PLANNING DEPT.
APPROVED
KAW C.3.14
SIGNATURE DATE

No.	Date	Revision Schedule
1	5/15/2013	1. Addition
2	5/15/2013	2. Revision
3	5/15/2014	3. Revision

CONSULTANTS



S&B DESIGN GROUP
SFO DESIGN GROUP
243 E. MILLERS MILE ROAD
HEBER, UTAH 84032
435.659.6514

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workgroup**
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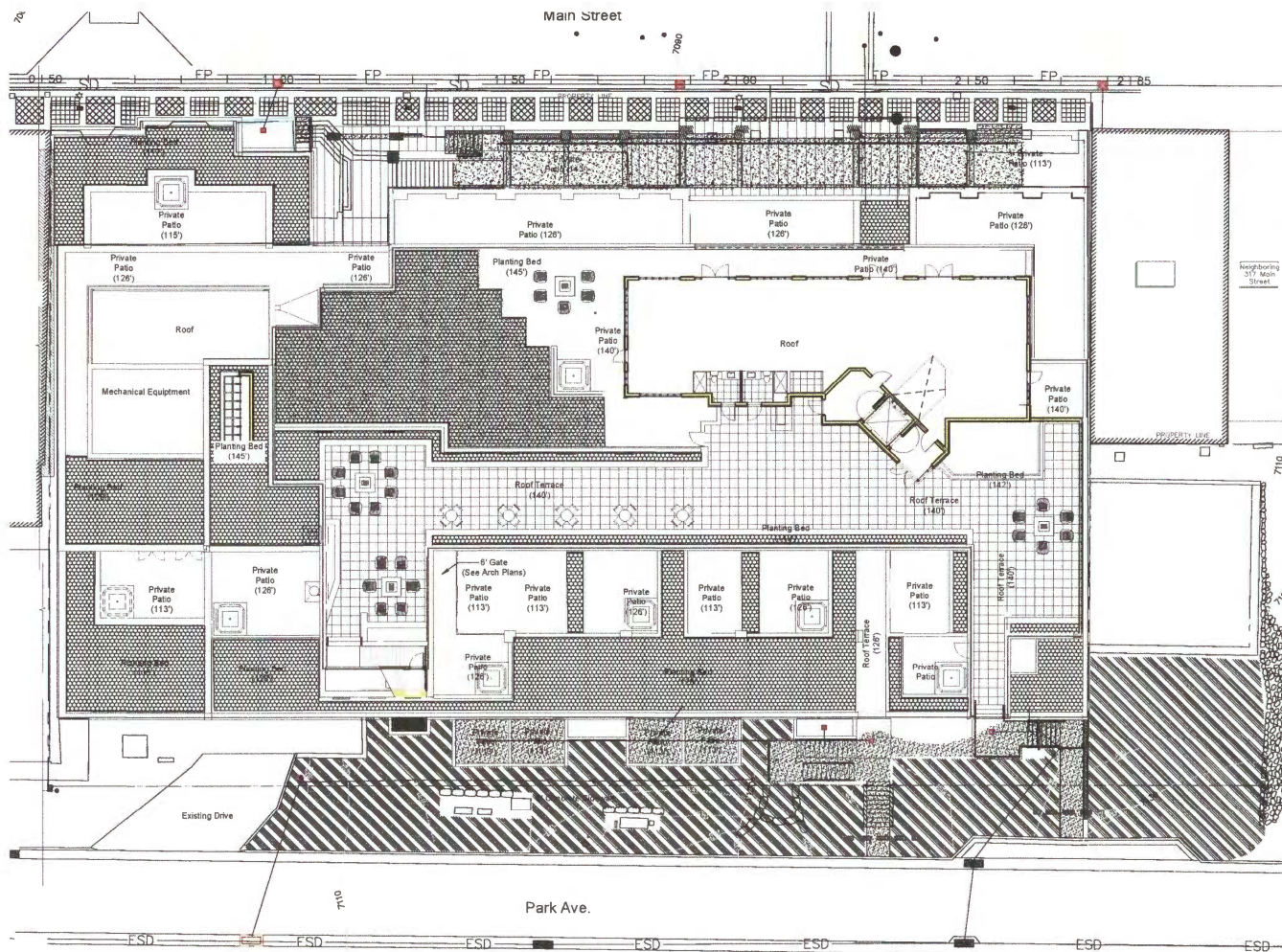
243 Main Street PO Box 9010 Park City, Utah 84099
435.659.6514 801.435.1339 www.elliottworkgroup.com

DATE	Aug. 29, 2013
PERMIT	Permit Submittal / Bid Set
PROJECT	2012 36
DESIGNED BY	SFO
DRAWN BY	SFO
REVIEWED BY	SFO

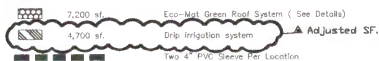
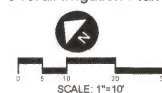
Permit Submittal / Bid Set

333 Main
Adaptive Re-Use
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Park City, Utah 84060
LANDSCAPE DETAILS

LA-101

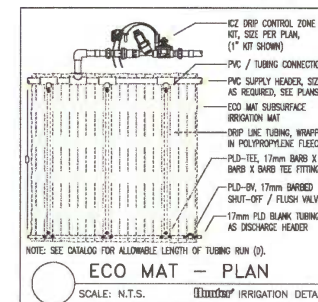


Overall Irrigation Plan

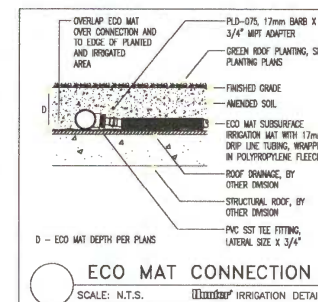
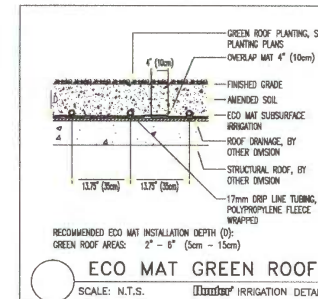


NOTE:

- 1) Shop drawings shall be provided by contractor and reviewed by Landscape Architect or equal, and approved before starting installation of the systems. Contractor shall tie into existing irrigation system and add zones as needed.
- 2) There will be provided both power and water to each Green Roof.
- 3) The Green Roof plantings will be temporary irrigated until plant material is established.



PVC SUPPLY HEADER AND POLY DISCHARGE HEADER.



Rev	Date	Revision Schedule	Description
1	5/15/2013	1	ADD
2	10/25/2013	1	ADD
3	12/10/2013	1	ADD
4	12/10/2013	1	ADD
5	5/15/2014	1	ADD

CONSULTANTS

S&B
S&B DESIGN GROUP
810 OSTERGAARD
243 S. MILLERS MILE ROAD
HEBER, UTAH 84032
435.659.6514

elliott workgroup
architecture
344 Main Street PO Box 5419 Park City, Utah 84060
435.648.4482 801.435.1253 www.elliottworkgroup.com

DATE: Aug 23, 2013
ISSUE: Permit Submittal / Bid Set
PROJECT: 2012 36
DESIGNED BY: SFO
DRAWN BY: SFO
REVIEWED BY: SFO

Permit Submittal / Bid Set

333 Main
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IRRIGATION PLAN

LA-200

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DATE

JUN 03 2014
JUN 10 2014



June 21, 2013

AG-WIP 333 Main Street Owner, LLC
 2716 Ocean Park Boulevard, Suite 2025
 Santa Monica, California 90405

Craig Elliott
 Elliott Workgroup Architecture, LLC
 PO Box 3419
 Park City, UT 84060

NOTICE OF BOARD OF ADJUSTMENT ACTION

Project Description: Change of non-conforming use

Project Numbers: PL-13-01870

Project Address: 333 Main Street

Date of Final Action: June 18, 2013

Action Taken

The Board of Adjustment reviewed the application requesting a change of a non-conforming use at 333 Main Street from commercial/retail to multi-dwelling units in the HR2 zone, conducted a public hearing, and approved the request in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact:

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lots 7-15, 18-26, 27 and 28, Block 11, of the Amended Park City Survey. There is an existing four story commercial building and two significant historic structures on the property.
2. The property is located in the HCB and HR2 zoning districts.
3. The existing commercial building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines. The significant historic structures were constructed in the early 1900s. The Main Street Mall was constructed as an interior commercial mall building with office uses on the third floor. The building was constructed prior to the creation of the HR2 zone.
4. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building and attached historic structures.

5. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County.
6. On April 12, 2011, the 333 Main Street Subdivision plat was recorded at Summit County.
7. On March 19, 2013, the Planning Department received an application for a change of non-conforming use from commercial retail and office uses to multi-dwelling residential uses within the existing buildings located at 333 Main Street, including the historic structures located at 347 and 355 Main Street. All of the buildings are located on one lot, namely Lot One of the 333 Main Street Subdivision.
8. The application was deemed complete on April 11, 2013 and noticed on April 24th for a Board of Adjustment hearing on May 7th. Due to internal staff questions regarding a parking agreement between a previous owner of the Mall (Silver Mill) and the City, staff requested the item be continued by the Board of Adjustment to a date uncertain to allow time to resolve these issues. The property was posted, letters were mailed to property owners within 300 feet, and notice was published in the Park Record for the June 18th BOA hearing.
9. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited emergency only access to Park Avenue. The building has existing non-complying side yard setbacks within the HR2 zone and otherwise complies with the LMC site and lot requirements.
10. The property currently consists of 89,462 sf (gross floor area) used for retail, commercial, restaurant, office, and storage uses.
11. The building currently functions poorly, according to the applicant, as an internal commercial mall and the owners desire to redesign the commercial spaces on the Main Street floor levels so that each retail space fronts directly onto Main Street.
12. The project includes conversion of approximately 30,000 sf of commercial area on levels 2 and 3 into multi-dwelling residential condominium units. A 3,559 sf penthouse unit, within the HCB zone, is proposed to be constructed on Levels 3 and 4 within the allowable building height envelope, with 2,216 sf of this penthouse unit consisting of new construction on the 4th level. The project includes a total of 15 residential condominium units ranging in size from 1,346 sf to 3,559 sf with an average floor area per unit of approximately 2,185 sf. The application is a request to convert approximately 12,000 sf of non-conforming commercial use to approximately 10,832 sf of non-conforming multi-unit dwelling use (plus circulation area) within the HR2 zoned portion of the property.
13. The existing north entry will remain as an entrance and circulation area for both the residential and commercial uses. The proposal complies with the vertical zoning ordinance for Main Street.
14. Four residential units (and a portion of two that straddle the zone line) are proposed within the HR2 zoned portion of the building. The remaining units are allowed uses within the HCB zone.
15. No additional residential or commercial access is proposed to Park Avenue with the non-conforming use application or the revised HDDR application.
16. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. Adding a residential component to create a mixed use

development in this area is consistent with the City's General Plan and vision for the historic district.

17. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owner proposes to renovate, update, and improve the building in terms of function, form, and architectural design.
18. On May 2, 2011, a Historic District Design Review application was approved for modifications to the exterior in compliance with the 2009 Design Guidelines for Historic Districts and Sites.
19. On August 11, 2011, the City Council approved a Condominium Plat for 333 Main Street to create 2 (two) condominium units (Unit A and Unit B) and convertible space. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phases.
20. On August 7, 2012, the applicant requested an extension of one additional year to record the approved condominium plat due to change in ownership as well as to address this change in the proposed concept. The condominium plat has not been recorded and an extension to September 27, 2013, was granted by the City Council on September 27, 2012.
21. If the residential units are constructed as proposed then a revised condominium plat will need to be submitted and reviewed by the Planning Commission with final action by the City Council prior to issuance of certificates of occupancy for the residential units.
22. The property is encumbered by a recorded lease agreement for parking. The lease agreement is identified on the plat because of the 99 year duration of the lease. The lease provides parking within a two car garage for 364 Park Avenue with access off of Park Avenue.
23. According to the Planning Department records and map of the Downtown Parking Special Improvement District (SID) the Main Street Mall developers were fully paid into the Downtown Parking Special Improvement District for the 1.5 FAR parking exemption prior to 1984.
24. The property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for the third floor of the Main Street Mall within the China Bridge parking structure. The agreement states that the final total cost for the spaces will be prorated against the total number of spaces in the structure and that the Main Street Mall actual parking obligation will be adjusted to equal 56 times the actual pro rata cost plus \$400.00 for each space.
25. The Parking Agreement further documents that the developers provided \$340,000 towards the China Bridge Parking Structure, for 34 spaces at an initial estimated cost of \$10,000 per space. The requirement for parking "on the upper floors" (i.e. not including the 1.5 FAR exemptions) was 56 spaces and the developer recorded a restrictive covenant to secure the remaining 22 spaces. This covenant applies to the parking at 340 and 364 Main Street with access to the parking from Swede Alley.
26. In a letter dated January 3, 1990, the City Engineer, Eric DeHaan, responded to an inquiry regarding the purchase price required to release the 340 and 364 Main Street properties from the restrictive covenant. The letter states that the cost per space is \$5,671.00. Adding the required additional \$400.00 per space the release cost for the restrictive covenant would be \$6,071.00. Dividing the \$340,000 by the

- cost per space of \$6071.00 yields 56 spaces that the Main Street Mall paid into to meet the third floor parking obligation within the China Bridge Parking Structure.
27. The proposed non-conforming use change application does not change the recorded parking agreements. The proposed change of use requires 26.5 parking spaces for the upper floors which is less than the 56 parking spaces provided by the Master Parking Agreement.
 28. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat. No changes to these easements are required or proposed with this application.
 29. No changes to the existing parking are proposed with this condominium plat and all parking agreements and easements continue to apply unless and until they are amended by both parties.
 30. A Parking Management Plan would identify issues and propose mitigation measures and strategies to resolve issues that may arise due to the 24 hour parking for residential units within the China Bridge. Residential parking passes can currently be issued for residential units on Main Street and overnight parking is permitted within the parking structure; however there are no reserved spaces.
 31. All reasonable measures have been undertaken with the revised HDDR application to alleviate or reduce the incompatibility or adverse effects of the non-conforming multi-dwelling residential uses upon abutting Properties and in the neighborhood, by enhancing the landscaping along Park Avenue, adding windows and providing patios and roof top gardens for the residential units on the Park Avenue elevation.
 32. All changes, additions, or expansions comply with all current laws except as to Use.
 33. The proposed change in use is consistent with the purposes of LMC Chapter 9 - Non-conforming Uses and Non-complying Structures in that the proposed change in use reduces the degree of non-conformity and improves the physical appearance of the Structure and site through landscaping, building design, and improved function of the use in relation to other uses.
 34. The new use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need for additional outside storage; and
 35. The new use does not increase the parking requirement and the adjoining properties and the neighborhood will not be adversely impacted by the increased parking demand.
 36. The Main Street store fronts will continue to be used for retail/commercial uses. The existing north entry/circulation area will remain as an entrance accessing both retail and residential uses.
 37. The property is located within the Park City Soils Ordinance.

Conclusions of Law:

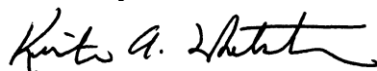
1. The application is consistent with the Park City Land Management Code and applicable State law regarding change of non-conforming uses.
2. Neither the public nor any person will be materially injured by the proposed non-conforming use change application.
3. Approval of the non-conforming use change application, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. All conditions of approval of the 333 Main Street Subdivision plat and the 333 Main Street condominium plat, once recorded, shall apply to this application.
2. All new construction at this property shall comply with all applicable building codes and any current non-compliance issues for tenant spaces and residential units, such as ADA access and bathrooms, restaurant grease traps, etc. within the building shall be addressed at the time of building permit review.
3. There shall be no parking on Park Avenue associated with either the commercial uses or the residential units.
4. There shall be no services provided to the Main Street Mall building from Park Avenue, including such services as trash pick-up, delivery services, or similar services for any commercial uses.
5. Removal of any trees within the Main Street or Park Avenue ROW requires approval by the City Engineer, a grubbing permit from the Building Department, and a landscape mitigation plan approved by the Planning Department that identifies the size and type of all trees to be removed and size and type of replacement trees. A certified arborist shall provide a report on the health of any trees to be removed.
6. Removal of any trees from the subject Property requires approval by the Planning Director and a grubbing permit from the Building Department. The final landscape plan, to be submitted with the grubbing permit, shall identify the size and type of all trees to be removed and the size and type of all replacement trees and vegetation.
7. A soils removal plan that complies with requirements of the Park City Soils Ordinance shall be submitted with the building permit application for any proposed exportation of soil from the site.
8. All business licenses and solid waste removal services fees shall be current for each business prior to issuance of any building permits for the project.
9. A Parking Management Plan shall be submitted with the building permit application for review and approval by the City prior to issuance of any building permits for the residential units. The Plan shall address the parking management and strategy for residential parking in the China Bridge Parking Structure during the peak visitor seasons and special events on Main Street, such as the Sundance Film Festival.
10. All standard conditions of approval shall apply.
11. Staff shall review the proposal for compliance with the Affordable Housing Resolution 25-12.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5066 or email me at kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner

File

14. Construction waste should be diverted from the landfill and recycled when possible.
15. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.
16. As stipulated by Ordinance 07-51, any relocation of the existing utility pole and guy wires located on this property will not be the responsibility of Park City.
17. Also stipulated by Ordinance 07-51, the city acknowledges that there is an existing private water channel along the frontages of Lots 5 and 6 of the Daly West Subdivision. The channel begins with a diversion from Silver Creek on the property owned by United Park City Mines Company and continues through Lots 1 through 6. The City has no obligation to operate, maintain, or repair the existing private channel.

2. 333 Main Street – The Parkite Condominiums Record of Survey Plat for Residential Units (Application PL-14-02301)

Planner Whetstone reviewed the application for a condominium record of survey plat to memorialize 15 residential condominium units for the Main Street Mall that are under construction. In response to a question as to whether the residential units could stand alone without the commercial plat, Planner Whetstone believed it could stand alone. It would be similar to the Montage, which has an area of condominiums and another area that is owned by whoever owns the building. By creating 15 condominium units, they are able to sell the units individually.

The Staff recommended that the Planning Commission conduct a public hearing for the Parkite residential condominiums record of survey plat for 15 residential condominiums located at 333 Main Street, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance.

Commissioner Stuard referred to page 99 of the Staff report regarding the north tunnel access. He noted that the second diagram was a planned view of the tunnel coming from Swede Alley on the right over to the building on the left. He indicated a choke point a third of the way from the right. It showed a 45 degree angled wall and it gets

fairly tight at that point. He had asked the developer's representative how that would be resolved to allow access to the parking garage. The Tom Bennett, the applicant's representative, explained that a portion of the existing 45 degree angled wall, and as it continues to a 90 degree wall, would be configured. The developer had re-acquired rights to an easement that was once given to the adjacent property and he had the right to reconstruct that area.

Mr. Bennett stated that the drawing showed the current configuration of the easements through that property. Three or four different easements go through the property and the applicant has negotiated an agreement with the owner of the property that will terminate the old easements and replace it with a new reconfigured easement that would go straight through that area instead of taking the jog. Mr. Bennett noted that the agreement was negotiated but it has not yet been signed. It has been in existence in principle for several months and the attorneys have agreed to all the terms.

Planner Whetstone noted that a condition of approval #6 was written to say that prior to recordation of the plat, the existing encroachment agreement would be finalized. Mr. Bennett thought the condition should say "easements" instead of encroachment agreement. Planner Whetstone clarified that the encroachment agreement language came from the City Engineer and it relates to the maintenance of the tunnel and City utilities. However, she believed that Condition #6 addressed the encroachment agreement between the City and the property owner regarding the tunnels and access issues to City utilities.

Commissioner Stuard wanted to make sure that when the units were completed and occupied, that the occupants could access the parking. He asked if they had all the proper assurances in the conditions to ensure that happens.

Mr. Bennett explained that the plat currently shows the current recorded easements, because that is the requirement. Prior to recording the plat, the easement amendment agreement would have to be in place. The plat would be modified before it is recorded to show the location of the new easement and to remove the three easements that are being terminated. He understood that was purpose of Condition #6.

Planner Whetstone clarified that Condition #6 addressed the encroachment agreement between the City and the property owner. It did not pertain to the easement. She understood that the tunnels were not part of the plat, or if they were part of the plat, it was common area. Mr. Bennett replied that the tunnels were part of the plat and it is common area. He explained that the walls would be moved, so the common area would go straight out to Swede Alley rather than taking a jog. Chair Pro-Tem Gross understood that the existing spaces next to the stairwell would be eliminated to enable

people to drive straight out onto Swede Alley. Mr. Bennett replied that this was correct. He pointed out that it would involve some compensation to the property owner because they would be losing retail space. Planner Whetstone understood that it was shown as an easement, but it was not condominiumized as part of this plat. Mr. Bennett explained that the easement rights were part of the common areas for the residential units.

Assistant City Attorney McLean suggested adding a condition of approval to reflect what was just discussed. She asked if a drawing was submitted showing the anticipated easement, because the drawing provided to the Planning Commission did not show it. The Commissioners needed to see the drawing so they could add a condition of approval indicating that an approval would be conditioned on the easement agreement.

Mr. Bennett asked if the condition of approval could reflect that the easement be modified in a way that is acceptable to the City Engineer to allow for through traffic to the tunnel. That would avoid having to come back to the Planning Commission to decide whether the easement is adequate.

Mr. Bennett noted that a drawing was already prepared showing the plat with the proposed easement; however, he did not have it available this evening. Planner Whetstone stated that the drawing could be provided to the City Council before they make the final decision; or if the Planning Commission preferred, they could continue this item and ask to see the drawing at another meeting. Director Eddington remarked that the drawing would show the future situation. Mr. Bennett clarified that before the plat is recorded, the current drawing would be changed to show the corrected easement. Assistant City Attorney McLean reiterated that the Planning Commission should have the opportunity to review that drawing before making their decision.

Commissioner Phillips stated that he did not need to see the actual drawing as long as he understood what was being changed, and if they could draft a condition of approval describing what would occur.

Chair Pro-Tem Gross did not think the lower level on the back looked very accessible for cars. He wanted to know how that would work.

Steve Mermer, one of the project architects with Elliott Work Group, noted that this was a private parking garage. It is a one-way drive lane through the north tunnel and they were not trying to accommodate two-way traffic at all times. The tunnel will exit straight out to Swede Alley. The back portion would come in at the Main Street level, and because of how Main Street slopes, it drops a story into the basement. He indicated the ramp coming up from the tunnel below into the parking garage level, which is the

basement of 333 Main. At that point the columns in the building were staggered to accommodate a 30' driving turning radius to pivot from the ramp to the parking area. Once in the parking area, there is enough width to accommodate two-way traffic and double-loaded parking on both sides. Chair Pro-Tem Gross asked if the south tunnel becomes a pedestrian tunnel. He was told that this was correct.

Assistant City Attorney asked Mr. Bennett to address the interplay between the two condos. Mr. Bennett stated that the developer could have done this as one condo. However, part of the reason for separating it was to provide distance between the commercial owners and the residential owners. The idea was to create two separate Owners Associations, as well as a Master Owner's Association, with representatives from each of the two Associations to resolve issues related to the building as a whole. Mr. Bennett noted that the residential condominiums were structured so it could stand on its own. The land and the structure of the building itself is all common area to the residential condominiums. The Commercial condominiums are literally just the air space that is left over in between the residential condominiums. The Residential Condominium Declaration grants to the commercial owners certain easements over the common areas in the residential project, primarily for emergency access.

Mr. Bennett stated that there is every intention to condominiumize the commercial space, but if for some reason that did not happen, it could still stand on its own as simply non-condominiumized space within this building.

Commissioner Joyce was not opposed to approving the plat this evening as long as they could satisfactorily address the easements in a condition of approval. Planner Whetstone thought it was important for the developer to have the easements worked out before the City Council takes action. Chair Pro-Tem Gross concurred. Mr. Bennett did not think that would be a problem. He was comfortable adding a condition stating that the easement has to be amended prior to the time it goes to the City Council.

Chair Pro-Tem Gross opened the public hearing.

There were no comments.

Chair Pro-Tem Gross closed the public hearing.

Commissioner Joyce noted that the roof terraces and other elements were listed as limited common ownership. He would assume that the patio off of a private unit would be the owner's, but that was not the case. Mr. Bennett stated that the cross-hatched area shown as limited common ownership was limited common area appurtenant to the penthouse unit. It is a gigantic deck for the penthouse. The rest of

the roof was designated as common area that is available for the use of all the residential owners. Commissioner Joyce stated that on the previous page all the terraces on individual units were marked as limited common. He questioned why that was common use versus being part of the individual condominium. Mr. Bennett replied that the Utah Condominium Act requires that all balconies be designated as limited common area. He explained that it is common area but it is reserved for the exclusive use of the unit to which it is appurtenant. No one other than the owner of the unit attached to the balcony can use it, but it is considered common area so the HOA can maintain it and can impose rules.

Commissioner Stuard understood from the developer that the cross-hatched area on the roof terrace was intended to be an 1800 square foot live grass lawn for the owner of the south penthouse. The other areas would have fire pits and other amenities for the general use of all the owners.

Planner Whetstone asked if the easements, once they are amended and shown correctly on sheet 9, could be recorded with this plat or whether they needed to be recorded separately and noted on the plat. Assistant City Attorney McLean replied that it could be done either way. Mr. Bennett stated their plan was to record the easement first.

The Planning Commission took a short break to allow Planner Whetstone and Mr. Bennett time to draft appropriate findings of fact and conditions of approval to reflect the discussion this evening.

The meeting was resumed.

Planner Whetstone read the added Findings of Fact.

Finding 18 – The existing easements that provide access through the north tunnel shall be amended to accommodate vehicular access as per the requirements of the City Engineer. Existing easements do not accommodate vehicular access from Swede Alley to the north tunnel.

Finding 19 - The applicant has provided the Planning Commission with a sketch of the proposed access easement, which shall be reflected in the revised sheet #9 of the plat.

Condition 7 - Easements related to access through the north tunnel shall be modified and finalized consistent with the Planning Commission discussion and sheet #9 of the plat shall be revised to reflect the revised easements. These easements shall be

recorded at Summit County prior to recordation of the plat. Recording information shall be noted on the plat. The easements shall be sufficient in width and configuration to allow vehicular access from the north tunnel to Swede Alley to be approved by the City Engineer.

Commissioner Stuard asked about the cross-hatched area on the sketch. Mr. Bennett stated that it would be built out space. It would not be part of the vehicular access. The owner of the building is retaining the use of that space. Commissioner Stuard suggested adding a note for clarification.

Chair Pro-Tem Gross asked about access to the small storage area. Mr. Mermer replied that it could be accessed from the breezeway or from the Swede Alley side.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Parkite Residential Condominium Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 333 Main Street

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment that combined lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. On April 1, 2014 an application for a condominium record of survey plat was submitted to the City to plat fifteen residential units (total of 32,610 sf), residential common area, and fifteen parking spaces on the lowest level of the old Main Street Mall

building. Access to the parking is contemplated through the north tunnel.

5. Fifteen residential units are platted with this record of survey. Units range in size from 1,334 sf to 3,586 sf for the two level penthouse unit. Average unit size is 2,174 sf. Residential units are located on the first floor (one unit), second floor (five units), third floor (7 units), and fourth floor (one unit). The condominium plat is required in order for the units to be sold individually. Common area for a lobby, recreation uses, and outdoor patios and decks is also being platted with this record of survey.

6. The building currently has a single entity as owner and is currently being remodeled with an active building permit.

7. Residential uses currently under construction within the HCB zone are allowed uses. Residential uses currently under construction within the HR2 zone are permitted per the Board of Adjustment approval on June 18, 2013, of an application for a change of non-conforming use. The BOA approved the change of use for the area of the building within the HR2 zone (Park Avenue side) from legal non-conforming retail/office uses to multi-unit residential.

8. Commercial condominium spaces within the building are also being platted with the concurrently submitted Parkite Commercial Condominiums record of survey plat application.

9. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building has existing non-complying side yard setbacks within the HR2 zone.

10. Main Street is important to the economic wellbeing of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are currently renovating and improving the building with an active building permit. The building is currently owned by one entity.

11. On February 27, 2009, a Historic District Design Review was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites (Exhibit C) and to reflect the proposed residential uses

where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

12. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on this record of survey plat.

13. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat. These easements are also included on the proposed condominium plat.

14. On June 27, 2011, the City received a complete application for a condominium plat to create 2 two non-residential condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. The two unit plat was approved by Council however it was not recorded and it expired.

15. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for the lower floors). The residential units have a 26.5 space parking requirement that is met by the 56 spaces (in-lieu payment), 15 on-site, and 10 private spaces off of Swede Alley.

16. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront properties comply with the vertical zoning ordinance.

17. Access is also contemplated via the existing north tunnel to a proposed parking garage with fifteen parking spaces. The parking garage is located in the lowest level and is designated as common area for the residential uses. The City has utilities in the tunnel and the City Engineer recommends that the existing encroachment agreement between the City and Property Owner regarding the tunnels be revised to address the tunnel access, utilities, maintenance, etc. and that the agreement be recorded prior to

or concurrent with the plat.

18. The existing easements that provide access through the north tunnel shall be amended to accommodate vehicular access as per requirements of the City Engineer. Existing easements do not accommodate vehicular access from Swede Alley to the north tunnel. Applicant has provided Planning Commission with a sketch of the proposed access easements which will be reflected in a revised sheet #9 of the plat.

Conclusions of Law 333 Main Street

1. There is good cause for this condominium plat.
2. The condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed condominium plat.
4. Approval of the condominium plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 333 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All conditions of approval of the June 18, 2013 Board of Adjustment approval of an application for a change of non-conforming use for the HR2 portion of the property shall continue to apply.
5. All new construction at this property shall comply with all applicable building codes

and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, restaurant grease traps, etc. within the building shall be addressed with tenant improvement building permits for those spaces.

6. Prior to or concurrent with recordation of the plat, the existing Encroachment Agreement between the City and Property Owner, regarding the tunnels, shall be revised, executed, and recorded.

7. Easements related to access through the north tunnel shall be modified and finalized consistent with the Planning Commission discussion and sheet #9 of the plat shall be revised to reflect the revised easements. These easements shall be recorded at Summit County prior to recordation of the plat. Recording information shall be noted on the plat. The easements shall be sufficient in width and configuration to allow vehicular access from the north tunnel to Swede Alley to be approved by the City Engineer.

The Park City Planning Commission meeting adjourned at 7:25 p.m.

Approved by Planning Commission: _____

City Council Staff Report



Application No: PI-14-02348
Subject: LMC Amendments
Author: Kirsten Whetstone, MS, AICP
Date: June 26, 2014
Type of Item: Legislative – LMC Amendments and Planning Commission Rules of Order and Procedure

Summary Recommendation

Staff recommends the City Council review the proposed amendments to the Land Management Code (LMC) regarding 1) warranty guarantees (Chapter One), 2) Planning Commission rules of order and procedure (Chapter Twelve), and 3) Nightly rental Uses prohibited in April Mountain and Mellow Mountain Estates Subdivisions (Chapter 2.13- Residential Development (RD) Zone) as described in this report and as presented in Exhibit A. Staff recommends the Council conduct a public hearing, consider public input, and consider adopting the Ordinance as presented in Exhibit A.

Description

Project Name: LMC Amendments
Applicant: Planning Department
Approximate Location: City-wide
Proposal: Amendments to the Land Management Code require Planning Commission review and recommendation with final action by the City Council.

Background

The Utah State Legislature amended the State Code regarding warranty guarantees and Planning Commission rules of order during the 2013 legislative session. In order to align Park City's development code (Land Management Code- LMC) to be consistent with the State law, staff recommends amendments to Chapters One and Twelve. To provide consistency between adopted Ordinances and subdivision plats restricting Nightly Rentals in April Mountain and Mellow Mountain Estates Subdivisions, staff recommends these LMC amendments to Chapter Two.

On May 28, 2014, the Planning Commission conducted a public hearing on these LMC amendments. No public input was provided and the Commission voted unanimously to forward a positive recommendation to City Council (Exhibit B- Minutes). The Planning Commission also reviewed proposed amendments to the list of allowed and conditional uses in the General Commercial (GC) and Light Industrial (LI) zoning districts regarding Animal/Pet Services, such as Animal/Pet grooming, daycare, boarding and kennels. The Commission requested additional information and voted to continue this item to June 25, 2014.

General Plan

The proposed LMC amendments have been reviewed for consistency with the newly adopted Park City General Plan. The General Plan does not specifically address these issues; however the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values. The General Plan indicates that the LMC shall be updated as necessary to be consistent with State law and goals of the community.

Analysis

Planning Staff recommends the following LMC amendments to address issues that have come up regarding alignment of the LMC with amendments to the State Code and codifying existing Nightly Rental prohibitions within April Mountain and Mellow Mountain Estates Subdivisions in the RD zone.

Warranty Guarantees (Chapter One)

Staff recommends the following LMC amendment language to Chapter 15-1-13 (see Exhibit A- Attachment 1):

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY ...

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than ~~twenty-five~~ten percent (~~25~~10%) of the lesser of the engineer's original estimated cost of completion or the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

Utah Code Ann. 10-9a-604.5 was amended in 2013 and states that "[a]t any time up to the land use authority's acceptance of a landscaping or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the developer to: a) execute an improvement warranty for the improvement warranty period; and b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the municipality, in the amount of up to 10% of the lesser of the: i) engineer's original estimated cost of completion; or ii) applicant's reasonable proven

cost of completion.” Therefore, the changes recommended above will comport with the State code amendments.

Nightly Rental in RD zone (Chapter 2.13)

At the time of approval and recordation of the April Mountain and Mellow Mountain Estates Subdivisions, Nightly Rental uses were prohibited from these subdivisions. There are notes on the plats stating that Nightly Rental is prohibited within these subdivisions. Nightly Rentals are an allowed use in the Residential Development (RD) zoning district where these subdivisions are located. To reduce confusion Staff recommends that a footnote be added to the “Nightly Rental” listing under Allowed Uses to codify the prohibition of Nightly Rentals within these two subdivisions. This is an administrative amendment (see Exhibit A- Attachment 2).

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) ALLOWED USES.

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting⁴
- (9) Child Care, Family⁴

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses [and Nightly Rentals are not permitted in the April Mountain and Mellow Mountain Estates Subdivisions.](#)

Planning Commission Rules of Order and Procedure (Chapter 12)

The Utah Code Section 10-9a-301 requires that the Planning Commission define the rules of order and procedure for public meetings. The Planning Commission adopted the attached Resolution (Exhibit C) that identifies and clarifies the Park City Planning

Commission Rules of Order and Procedures. The Commission also forwarded a positive recommendation to include additional language in the LMC stating that the Planning Commission shall either adopt its own rules of order or shall use the rules of order adopted by the City Council. The Commission shall also comply with all required procedures contained in Utah Code Title 52, Chapter 4, Open and Public Meetings Act. The proposed Resolution does not conflict with Title 52 requirements.

Staff recommends the LMC be amended to add the following language to Chapter 12 regarding these Rules of Order and Procedures as outlined in the Resolution (see Exhibit A- Attachment 5):

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

15-12-10.5 RULES OF PROCEDURE

The Rules of Order and Procedure for use by the Planning Commission in all public meetings shall be the Rules of Order and Procedure adopted by City Council unless the Planning Commission adopts its own Rules.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces on May 14, 2014 and published in the Park Record on May 10, 2014, as required by the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. On May 28, 2014, the Planning Commission conducted a public hearing on these amendments. No public input was provided.

Alternatives

- The City Council may approve these LMC Amendments as presented, or as amended by the Council at the meeting; or
- The City Council may deny the LMC Amendments; or
- The City Council may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order for Council to take final action on these LMC Amendments.

Significant Impacts

The proposed LMC amendments regarding warranty guarantees and Planning Commission rules of order are required to align the Park City Land Management Code with the State Code. The LMC amendments related to Nightly Rentals in the April Mountain and Mellow Mountain subdivisions provide consistency between the recorded plats and Ordinances that approved these subdivisions and the City's Development Code. There are no significant financial or environmental impacts on the City as a result of these amendments.

Summary Recommendation

Staff recommends that the City Council review proposed amendments to the Land Management Code (LMC) regarding 1) warranty guarantees (Chapter One), 2) Planning Commission rules of order and procedure (Chapter Twelve), and 3) Nightly rental Uses prohibited in April Mountain and Mellow Mountain Estates Subdivisions (Chapter 2.13- Residential Development (RD) Zone) as described in this report and presented in Exhibit A. Staff recommends the City Council conduct a public hearing, consider public input, and consider adopting the Ordinance as presented in Exhibit A.

Exhibits

Exhibit A- Proposed Ordinance and attachments

Exhibit B- May 28, 2014 Planning Commission meeting minutes

Exhibit C- Resolution adopted by the Planning Commission on May 28, 2014

Exhibit A – Proposed Ordinance

Ordinance 14-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1- GENERAL PROVISIONS AND PROCEDURES; CHAPTER 2. 13 (RESIDENTIAL DEVELOPMENT (RD) ZONE); AND CHAPTER 12- PLANNING COMMISSION.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, and to address specific LMC issues raised by Staff, Planning Commission, and City Council, to address applicable changes to the State Code, and to align the Code with the Council's goals; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on May 28, 2014, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 26, 2014; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code, the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, promote economic development, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter One (Section 15-1-13). The recitals above are incorporated herein as findings of fact. Section 15-1-13 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (Section 15- 2.13-2). Amending the Residential Development (RD) zoning district regarding Nightly Rental prohibition in April Mountain and Mellow Mountain Estates Subdivisions. The recitals above are incorporated herein as findings of fact. Section 15-2.13-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 2).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Twelve (Section 15-12-10.5). Amending the Planning Commission Chapter regarding rules of order and procedure. The recitals above are incorporated herein as findings of fact. Chapter 12 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 3).

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

PASSED AND ADOPTED this ____ day of _____, 2014

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures **15-1-14**

1-13(D), and shall be in one or more of the following forms:

(1) An irrevocable letter of credit issued by a bank authorized to do Business in the State of Utah or an out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or

(2) A deposit of cash with a third party Escrow, or

(3) A deposit of cash with the City, or

(4) Some combination of the above as approved by the City or an approved equal.

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than ~~twenty-five~~ ten percent (~~25~~10%) of the lesser of the engineer's original estimated cost of completion or the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a

demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request modifications to plans covering Site or Public Improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer a Guarantee for the performance of the Site or Public Improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other Guarantee held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site or Public Improvements, additional Guarantee must be provided by the Developer to cover the increased costs.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.13 - RD District

15-2.13-1



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.13 - RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.13-1. PURPOSE.

The purpose of the Residential Development RD District is to:

- (A) allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- (B) encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- (C) allow commercial and recreational activities that are in harmony with residential neighborhoods,
- (D) minimize impacts of the automobile on architectural design,
- (E) promote pedestrian connections within Developments and between adjacent Areas; and
- (F) provide opportunities for variation in architectural design and housing types.

15-2.13-2. USES.

Uses in the RD District are limited to the following:

(A) ALLOWED USES.

- (1) Single-Family Dwelling
- (2) Duplex Dwelling
- (3) Secondary Living Quarters
- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental³
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting⁴
- (9) Child Care, Family⁴

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain and Mellow Mountain Estates Subdivisions.

⁴See LMC Chapter 15-4-9 for Child Care Regulations

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 12 - PLANNING COMMISSION

Chapter adopted by Ordinance No. 01-17

**15-12-1. PLANNING
COMMISSION CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

(Amended by Ord. No. 06-35)

**15-12-2. TERMS AND
ELIGIBILITY OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Wednesday in July. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being

appointed. Members are deemed to have resigned when they move their residences outside the City limits.

(Amended by Ord. No. 08-07)

**15-12-3. GROUNDS FOR
REMOVAL.**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

**15-12-4. COMMUNITY
REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

15-12-5. AUTHORITY.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title

10, Utah Code Annotated, 1953, as amended, and such other powers as are conferred on it by the City Council.

15-12-6. CHAIR.

The Planning Commission shall on or after the second Wednesday in July each year, after appointment of new members, elect one of its members to serve as Chair for a term of one (1) year. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. The Chair may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

(Amended by Ord. No. 09-10)

15-12-7. STAFF.

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

(Amended by Ord. No. 06-35)

15-12-8. ALLOWANCE.

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

15-12-9. PURPOSE.

The Planning Commission shall act as a non-political, long range planning body for

the City. Review of specific projects shall be limited to those matters specifically requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

15-12-10.5 RULES OF ORDER

The Rules of Order and Procedure for use by the Planning Commission in all public meetings shall be the Rules of Order and Procedure adopted by City Council unless the Planning Commission adopts its own Rules.

15-12-11. MINUTES.

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- (D) The names of all citizens who appeared and the substance in brief of their testimony; and
- (E) Any other information that any member requests be entered in the minutes. The minutes are public record and shall be available within a reasonable time after the meeting.

15-12-12. DECISIONS.

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

15-12-13. QUORUM REQUIREMENT.

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chair for computation purposes.

(Amended by Ord. No. 09-10)

15-12-14. VOTING.

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chair shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chair Pro Tem shall, at all times, be entitled to cast his or her vote as a member of the Commission, including those occasions on which he or she is acting as Chair Pro Tem. All votes shall be a simple majority.

(Amended by Ord. No. 09-10)

15-12-15. REVIEW BY PLANNING COMMISSION.

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

- (1) City General Plan and General Plan amendments review and recommendation to City Council;
- (2) Annexation and zoning review with recommendation to City Council;
- (3) Land Management Code and re-zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;

Economic Development Manager stating that there were no mining hazards on the Library site.

Commissioner Strachan remarked that a letter from the Economic Development Director was typically not good enough evidence. It was not critical for this project because they know that there are no mine hazards, but for future projects he recommended better documentation regarding mining hazards.

Assistant City Attorney McLean explained that once the Development Agreement is ratified it goes directly to the Mayor for his signature; not to the full City Council.

MOTION: Commissioner Joyce moved to RATIFY the MPD Agreement for 1255 Park Avenue, Library and Education Center, as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendments (Application PL-14-02348)

Planner Whetstone reviewed the four proposed amendments to the LMC.

1. Public Improvement Warranty Guarantees (LMC Section 15-1-13).

The proposed amendment would amend Chapter 1, Section 13 – Completion of Site Work Improvements; specifically the Improvement Warranty Guarantees and the amount of money that the City can retain. Planner Whetstone noted that the State changed the law and this amendment would update the Code to be consistent with State Law. The current language allows the City to retain 25% of the actual cost for a period of one year following final inspection. Per State law, the amendment would reduce the amount to 10%. Planner Whetstone remarked that the City Engineer has said that the City could request 100%, retain 10% and return 90%. Another option was the language shown in red on page 21 of the Staff report, "...or the lesser of the engineer's original estimated cost of completion or the actual construction." That language was taken directly from the State Code.

The Staff recommended that the Planning Commission discuss the amendment, conduct a public hearing and forward a recommendation to the City Council for final action.

Commissioner Stuard asked if the 10% limit was a Statutory Limit.

Assistant City Attorney McLean explained that the State Code changed from 25% to 10%, but it was only for the Warranty amount. As currently written, the LMC does not comply with the State Code. If the LMC is not amended, the City would have to follow the State Code. Not amending the language for compliance with State Code creates the possibility for errors because of the discrepancy. Ms. McLean stated that the City always tries to update the existing LMC to comply with the State Code.

Commissioner Strachan asked about the current warranty. Assistant City Attorney McLean stated that it was more for larger subdivisions. For example, the movie studio has to do the infrastructure per City specifications, and they have to warranty the infrastructure for a one or two year period after completion to make sure there are no cracks in the road, etc.

Commissioner Stuard thought that reducing the amount from 25% to 10% puts a burden on the City Engineer to make sure that public improvements were completed to the correct specifications before accepting and starting the warranty period. Ms. McLean stated that there was a process for how that is done. She would convey his concern to the City Engineer; however, the City is tied to the State Code. Commissioner Stuard cited several examples where the infrastructure has failed or created other issues. It is a major issue that could be expensive to remedy.

Commissioner Strachan remarked that Park City Heights and the movie studio were the two largest developments. He asked if they were subject to the 10% or the 25% warranty retention. Assistant City Attorney McLean replied that they were subject to 10% because of when the permit was issued. The building permit is the trigger. She explained that the movie studio has a guarantee of 125% for several items, but once the work is completed and the City accepts the improvements, the guarantee drops down to 10%. At that point all the funds will be released except for 10%.

Commissioner Strachan concurred with Commissioner Stuard. With large projects like Park City Heights and the movie studio, it would be a major task for the City Engineer to check all the infrastructure to make sure it meets the specs. Assistant City Attorney McLean clarified that the City does not wait until the end to inspect it. The City has put out an RFP for inspectors for Park City Heights to examine and inspect the infrastructure as it progresses.

Planner Whetstone understood that once the infrastructure has been completed, the City Engineer takes a report to the City Council for approval and acceptance. After that, the City holds the warranty for a year.

Chair Worel wanted to know who bears the cost of paying the inspectors hired by the City for a specific project. Ms. McLean replied that it is paid by the developer as part of the inspection fees.

Commissioner Stuard asked if the language in red, "...or the lesser of..." was also mandated by the State. Planner Whetstone answered yes.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

2. Clarify by codifying the existing prohibition of nightly rentals within April Mountain and Mellow Mountain Estates Subdivisions (Sections 15-2, 13-5.

Planner Whetstone reported that this was an administrative issue. The proposed amendment would amend Chapter 2.13, which is the RD zone. She noted that when the April Mountain and Mellow Mountain Estates subdivisions were approved; both subdivisions were approved with a condition, which is on the plat, that no nightly rentals are allowed. Planner Whetstone explained that when someone asks about nightly rentals, the Planner may not be aware of the prohibition in those two subdivisions and tells them that nightly rentals are allowed in the RD zone.

Planner Whetstone clarified that this amendment would put a footnote on nightly rentals in the Code to say that nightly rentals are not permitted in April Mountain or Mellow Mountain Estates subdivisions.

Commissioner Joyce disclosed that he lives in April Mountain. He asked if April Mountain and Mellow Mountain were the only two subdivisions in the RD zone that have this limitation. Planner Whetstone answered yes. Commissioner Joyce recalled a significant amount of discussion as part of the General Plan update, that the City does not enforce Homeowner Association limitations. Where this is platted and if it becomes part of the LMC, he asked if the City would get involved if someone did nightly rentals in one of those subdivisions. Director Eddington replied that it would be an issue for the City Code Enforcement.

Planner Whetstone pointed out that it would help the Planning Department Staff be more aware because it would be on the plat and in the LMC. Without the footnote, a planner may be given an address and just assume nightly rentals are allowed because the address is in the RD zone. Planner Whetstone remarked that because the condition is on the plat, it is

already a City Code Enforcement issue and that would not change. The footnote would simply add clarification.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

3. Animal Services in GC and LI zoning districts (LMC Sections 15-2, 18-2, 15-2, 19.2 and 15-15-1)

Planner Whetstone noted that the proposed amendment addresses animal services such as grooming, boarding, and doggy daycare. The Staff has been asked questions about these uses and where they are allowed to occur. Kennels were defined in the definitions; however, the Staff had not yet identified an area or zones where kennels would be an allowed or conditional use.

Planner Whetstone stated that the Municipal Code has a definition for kennels, which is defined as over four dogs. She explained that for any of the animal services she had mentioned, if they have over four dogs it is considered a kennel.

Planner Whetstone noted that the LMC does not address animal services specifically. There is an animal grooming service in the GC zone, but it was approved as minor retail, similar to a hair cutting business. She reported that when someone had asked about having a doggy daycare in the GC or LI zone the Staff decided to craft definitions for the Code. Planner Whetstone clarified that veterinarians are now an allowed use in the GC zone under the definition of office and clinic medical in the definition section. Veterinarians are a conditional use in the LI zone.

Planner Whetstone remarked that the Code does not identify locations for boarding, daycare, or grooming as a conditional use. She referred to page 103 and noted that those uses were added to the list of uses in the GC zone and in the LI zones.

Planner Whetstone read the proposed definitions for boarding, daycare and grooming from page 95 of the Staff report. She also read the definition for kennels. Planner Whetstone recalled that the Staff had discussed kennels as conditional uses in the GC and LI zones but had decided not to include. However, it was still listed in the Staff report and she asked the Planning Commission for their thoughts on kennels.

Commissioner Joyce did not understand the restriction of no more than four animals at one time. Using Petco as an example, they constantly have dogs and cats in and out of their grooming center all day. He asked if the restriction was four at a time or four in one day. Planner Whetstone replied that it is four at a time. Director Eddington pointed out that the definition did not specify number of animals for the grooming use. It only applied to daytime and overnight boarding.

Commissioner Stuard stated that in the definitions for boarding and doggy daycare, he questioned the meaning of “takes in”. He understood that they were talking about actual dogs on the premises and he thought it meant more than “takes in”. Director Eddington suggested replacing “takes in” with “houses”. Planner Whetstone raised the issue of whether the limit would include the owner’s personal dog in the total number. Commissioner Stuard assumed it would be the number of dogs they were providing occupancy for or services to at any point in time, or in the case of boarding, overnight.

Planner Whetstone stated that boarding has never been an issue, but the Staff has been approached regarding daytime care and grooming.

Commissioner Joyce felt they were opening a can of worms and they were not even close to the right definition. He noted that everything was generalized to animals. He referred to the debate in Summit County about allowing horses and now bringing in dogs. Commissioner Joyce asked if they would allow somebody to have an animal kennel for cows or horses. He was concerned about leaving it open to any type of animal, and whether animal kennel would include chickens and roosters. Commissioner Joyce noted that all the examples refer to dog boarding, but the language does not limit it to dogs or cats. He thought the definition was too broad.

Commissioner Joyce questioned why they would want to allow a kennel in Park City. Planner Whetstone clarified that no one has inquired about kennels. Commissioner Joyce pointed out that kennels went from being a non-allowed use to an allowed use. Planner Whetstone reiterated that the Staff had discussed removing kennels from the language as an allowed use. She pointed out that kennels were listed as a conditional use in the GC and LI zones, and she recommended removing the reference to kennels for both of those zones.

Commissioner Stuard suggested that the Staff and the Planning Commission needed more time to work on this item. Planner Whetstone remarked that animal grooming and doggy daycare were the pressing issues. She suggested that they strike animal kenneling, and not assign a number to grooming. She noted that people have small pets other than cats or dogs that should be considered in this section. The LMC has a separate section for

raising and grazing horses. Commissioner Phillips suggested using the wording “house pets.”

Commissioner Strachan thought the Staff should research how other jurisdictions have addressed this issue and which animals were included or excluded. Planner Whetstone stated that she had reviewed five codes and they all used the word “animals.” Commissioner Strachan thought the definition of veterinarian as “One trained and authorized....” should be changed to read, “One trained and licensed by the State of Utah to treat animals medically.” Chair Worel concurred.

Chair Worel opened the public hearing.

Bob Saylor stated that he and his wife may have been the one who raised the question about animal daycare because they had applied for a business license. He and his wife were interested in having a doggy daycare facility in the City limits. Their market would be local pet owners and visitors. There is more pet friendly lodging and it gives a choice to the lodging operators for their clients to have a place to house their pets when they are skiing or enjoying other activities. Mr. Saylor noted that the suggested definition for animal services day care says fewer than four animals. From his perspective as a business person, to have commercial space but be limited to less than four animals is an impossible business model. However, the definition for animal services for kennels was broader and states four or more. Mr. Saylor asked if a doggy daycare was ever allowed, if it would be limited to three or less animals. He reiterated that the limit would make it impossible to have that type of business in Park City. He commented on a business near the Jeremy Ranch exit in a small retail center. Among those is a business called Dog in House and they take in between 60-75 dogs per day. It is a combination of 3,000 square feet of enclosed space and a couple thousand square feet of open space behind the building where the dogs can migrate in and out at will supervised by Staff. Mr. Saylor commented on the difference between fewer than four and 60-75 in terms of a successful business model. He thought there needed to be more clarification.

Mr. Saylor understood from the comments this evening and from the redlines that animal services/kenneling actually means all of the above.

Chair Worel thanked Mr. Saylor for his comments and noted that the Commissioners were also uncomfortable with the wording. They looked forward to having the Staff come back with other examples and recommendations. Mr. Saylor stated that he has only been in Park City a short time and he was not familiar with the process. Chair Worel explained that it would go back to Staff for more research and work and the item would be scheduled on another agenda and publicly noticed. Commissioner Strachan informed Mr. Saylor that he

was free to communicate his concerns to the Staff. Commissioner Stuard thought the Staff could benefit from Mr. Saylor's knowledge regarding the type of business.

Commissioner Stuard believed they should consider the possibility of a square footage ratio, requirements for sound attenuation for adjacent tenants, and other elements. Mr. Saylor stated that those were all important elements for this type of business. Others included health and safety, waste elimination, and odor. He believed there was enough history to address those issues.

Planner Whetstone noted that all those elements would be addressed by the Planning Commission at the time of the conditional use permit. There is certification that will state the specific requirements. When someone applies for a conditional use permit for a kennel, the requirements would be reviewed by the Planning Commission. Planner Whetstone noted that in the Staff discussions regarding kennels, the question was raised as to whether some of the uses could be allowed uses in the GC zone if it was three or fewer animals. Outdoor uses should be reviewed as a CUP per the 15 criteria established in the Code.

Commissioner Joyce appreciated Mr. Saylor's business interest. However, Park City is a more compact business area with historic districts and residential areas. He was surprised when he read the Staff report to find that kennels were being considered in Park City. He wanted to know what was pushing the use and whether they even wanted kennels as a conditional use. Commissioner Joyce understood that you needed more than three animals to have a successful business. The question was whether they would prefer that Mr. Saylor take his business to Summit County or whether they wanted it in the City. Commissioner Joyce was unsure how they had even reached the point of having this discussion. It was not mentioned as part of the General Plan. If they polled the people of Park City he believed the answer would be overwhelmingly No.

Planner Whetstone noted that the definition of a kennel is four or more animals. Commissioner Joyce commented on the number of issues the County has faced regarding kennels; particularly noise, odor and waste management.

PJ Saylor stated that she and her husband would not be asking for a business license if the polling had not already been done. The answer was a resounding Yes, people do want it here. Ms. Saylor commented on the number of doggy daycare facilities in Salt Lake. She stated that they could move their business to the County where the use has already been approved, but that would take away from the City the people who drop-off their dog for daycare while they go out to dinner, or ski, or participate in other activities. If Park City does not have a doggy daycare, people will go to Salt Lake or Midway where doggy daycare is available.

Commissioner Joyce noted that everyone in Park City has a dog and there is a demand for dog parks. The problem is that no one wants one near their house. If the polling shows an interest for doggy daycare, the question is where do these uses go, what neighbor lives next to it, and do those people want it.

Ms. Saylor assumed the Planning Commission would invite the public to comment to help find the answers. She commented on the amount of research available about decibel levels of a dog barking being equal to children on a playground. She noted that the EPA makes recommendations regarding animal waste. The EPA has done a lot of studies to address the issues. Ms. Saylor stated that she and her husband intend to focus their business on the vacationers. It is a changing environment and Park City is behind most other cities. Ms. Saylor noted that they had done a lot of research and talked to a lot of people. She gets calls every day from people expressing a need for doggy daycare. She noted that the Dog In House maxes out every day. It is a service to the citizens and the citizens of Park City are very interested.

Commissioner Stuard remarked that three of the four proposed amendments were administrative and minor. However, the one regarding animal services is in a completely different category and it deserved its own separate discussion. Chair Worel agreed.

Ms. Saylor explained the difference between doggy daycare and kenneling. She offered to provide the Commissioners with information from her research before the next meeting.

Sue Wong stated that she and her husband live in Virginia and they are thinking about moving to Park City. Besides the beautiful mountain, she is amazed that Park City is dog-friendly. However, one inside the city limits there is nowhere to put your dog if you want to go out to a restaurant. Ms. Wong noted that dogs are social animals who want to play. That is the major difference between kenneling and doggy daycare. When dogs are put in kennels they are left there until their owners pick them up. In doggy daycare the dogs socialize and play until their owners pick them up. To a lot of people their pets are their children. Ms. Wong stated that currently there are more dogs in this Country than there are children. She knows Mr. and Mrs. Saylor well enough to know that wherever they choose to put a doggy daycare, it would not interrupt any surrounding business. She truly believed they would be cognizant of their surroundings and respectful of the neighbors. Ms. Wong encouraged the Planning Commission to give them a chance.

Chair Worel closed the public hearing.

4. Planning Commission Rules of Order (LMC Section 15-12-10)

Planner Whetstone noted that the State enabling legislation requires a municipality to have a Planning Commission; as well as items within the Code to address the rules and procedures of the Planning Commission. She noted that the required language is currently included in Chapter 12 of the LMC - Planning Commission. State law requires either the Planning Commission or the City Council to adopt Rules of Order and Procedure for the Planning Commission to follow.

Planner Whetstone noted that Exhibit B on page 112 of the Staff report was a Resolution Adopting Planning Commission Rules of Order and Procedure. Attached to the Resolution were the actual Rules of Order. The document was prepared by the Legal Department for Planning Commission consideration and adoption.

Planner Whetstone noted that the actual language proposed in Section 15-12-10 was identified in red on page 107 of the Staff report. The Planning Commission would forward their recommendation on that language. The Resolution itself would be adopted by the Planning Commission.

Commissioner Joyce noted that the redlined language on page 107 states that the Rules of Order and Procedure for use by the Planning Commission in all public meetings shall be the Rules of Order and Procedure adopted by City Council unless the Planning Commission adopts its own rules. He asked why the Planning Commission would care about adopting its own rules.

Assistant City Attorney McLean replied that during a previous training in work session she had distributed the rules of procedure associated with the City Council. The feedback from the Planning Commission was that the rules did not apply to them. One example is that it says Mayor rather than Chair. In response to that feedback, the Legal Department used the same template and updated the Rules and Procedures to be more specific to the Planning Commission. Ms. McLean remarked that the State Code requires the Planning Commission to have rules and procedures and that there be an adopted ordinance for the rules and procedures. She explained that adopting the rules and procedures by resolution as opposed to having it in the Code provides more flexibility because it eliminates the need for an LMC amendment to make any changes.

Commissioner Joyce wanted to know why the redline language on page 107 was included as an amendment to the LMC, since the Planning Commission would adopt its own Rules and Procedures, if the City Council Resolution did not fit with the Planning Commission. Assistant City Attorney replied that the City Council will always have a Resolution. She expected that the Planning Commission would always have its own Resolution, but including the language ensures that one is always in existence.

Chair Worel understood that if the Planning Commission adopted the Resolution this evening, it would remain in effect until a new one was adopted. Ms. McLean replied that this was correct. The red line language is needed because State Law requires an ordinance that addresses the Rules and Procedures.

Assistant City Attorney McLean noted that Attachment 5 was missing the Section number for the redlined language. It should be its own Section 15-12-10.5.

Commissioner Stuard asked if adopting the Rules of Order and Procedure would have any practical effect on how the Planning Commission currently conducts their meetings. Assistant City Attorney McLean replied that the Resolution would only memorialize their current practice for conducting meetings.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Amendments to the LMC for Section 15-1-13 as contained in Attachment 1 of the Draft Ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for Amendments to the LMC, Section 15-2.13-2, regarding nightly rentals in April Mountain and Mellow Mountain Estates Subdivisions. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the amendments to Section 15-2.18.2, regarding animal service uses in the General Commercial Zone to the June 25, 2014 Work Session. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to CONTINUE the Land Management Code amendments to Section 15-2.19-2, regarding animal service uses in the Light Industrial Zone to the June 25, 2014 Work Session. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the amendments to the Land Management Code, Section 15-12-10.5 regarding the Rules of Order and Procedure, as amended by renumbering the Section to 10.5. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to ADOPT the Resolution regarding the Planning Commission Rules of Order and Procedure attached as Exhibit B to the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Park City Planning Commission meeting adjourned at 7:10 p.m.

Approved by Planning Commission: _____



Resolution No. _____

**RESOLUTION ADOPTING PLANNING COMMISSION RULES OF ORDER
AND PROCEDURE, PARK CITY, UTAH**

WHEREAS, Utah Code § 10-9a-301 requires the Planning Commission to define the rules of order and procedure for public meetings; and

WHEREAS, the Park City Planning Commission is mandated by law to hold scheduled meetings; and

WHEREAS, said meetings are to be open to the public unless lawfully closed; and

WHEREAS, it is the Commission's intent to provide an appropriate balance between the Commission's obligation to conduct City business in an efficient and professional manner, and to allow public input at meetings;

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

SECTION 1. APPROVAL. Pursuant to Utah Code § 10-9a-301, the Planning Commission adopts the Planning Commission Rules of Order and Procedure to govern the meetings of the Planning Commission as attached as Exhibit A. The Commission shall comply with all required procedures contained in Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this _____ day of _____, 2014.

PARK CITY PLANNING COMMISSION

Nann Worel, Chair

PARK CITY PLANNING COMMISSION RULES OF ORDER AND PROCEDURE

Pursuant to Utah Code §10-9a-301 the Planning Commission adopts the following rules of order and procedure to govern the meetings of the Planning Commission.

RULE NO. 1. UTAH AND MUNICIPAL CODE REQUIREMENTS

The Planning Commission must comply with all required procedures contained in “Planning Commission,” as contained in Title 15, Chapter 12 of the Municipal Code of Park City and the Utah Code, including the following sections, as amended:

Utah Code Sections 10-9a-301, 10-9a-302, and 10-9a-404.

The Municipal Code and Utah Code are available for public view at www.parkcity.org and <http://le.utah.gov/UtahCode/chapter.jsp?code=10>. In the event of a conflict, the Utah Code shall control.

RULE NO. 2. AGENDA

The agenda for the meeting will be the guide to the meeting. While matters not on the agenda may at times come up for discussion, no final action can be taken on any matter not on the agenda.

RULE NO. 3. PARLIAMENTARY ORDER AND PROCEDURE

Matters considered in a Planning Commission meeting are shown on an agenda, published in advance. Meeting agendas may be reviewed on the City’s website, <http://www.parkcity.org>, and the Utah Public Notice website, <http://www.utah.gov/pmn/index.html>. Agenda items ordinarily are considered in the order listed, but may be considered in a different order. Planning Commission meetings are chaired by the elected chairperson. In conducting its business, the Planning Commission follows a simplified Roberts Rules of Order. Members may speak after being recognized by the Chair and may make motions that propose Commission action. For example, a Member may move to review or recommend an amendment of the City General Plan or Subdivision approval, consider a substitute motion, close a public hearing, ask for more information, continue discussion to a later time, or adjourn a meeting. A motion may be discussed and voted upon only if it is seconded by another Member. The Chair may or may not, at his or her discretion, allow members of the public or staff to participate in the

discussion. When the Chair has confirmed there is no further discussion, the Chair can call for the vote on the matter. Unless otherwise specified by applicable law or ordinance, a motion passes if a majority of the Members present vote in favor.

RULE NO. 4. ETHICAL REQUIREMENTS

Planning Commission members must comply with the Municipal Officer's and Employees' Ethics Act (Utah Code § 10-3-1301 to 10-3-1312) and Title 3 of the Park City Municipal Code. These laws establish ethical standards of conduct for City officers, employees, and volunteers. They are available for public view at http://le.utah.gov/code/TITLE10/htm/10_030100.htm.

RULE NO. 5 RULES OF DECORUM

- (1) Public comments should be directed to the agenda item under consideration. The Chair will rule on the germaneness of the citizen comments.
- (2) All remarks must be addressed to the Commission as a whole and not to any single member, unless in response to a question from a member.
- (3) In order to afford all persons an opportunity to speak regarding an agenda item, the Chair may impose a reasonable limit upon comments made by members of the public, and/or may limit the number of times a member of the public may speak regarding an agenda item.
- (4) Persons addressing the Commission must not make personal, impertinent, unduly repetitive, slanderous or profane remarks to the Commission, any member of the Commission, staff or general public; nor utter loud, threatening, personal or abusive language; nor engage in any other disorderly conduct that disrupts, disturbs or otherwise impedes the orderly conduct of any Commission meeting.
- (5) Persons addressing the Commission shall not interrupt the Chair or Commission Members while they are asking questions or otherwise addressing the speaker.
- (6) Members of the public shall be courteous to their fellow citizens and the proceedings while the Commission is in session by avoiding conversations within the Commission Chambers and the entrance hallway to the Chambers.
- (7) No person in the audience at a Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts,

- which disturb, disrupt or otherwise impeded the orderly conduct of any Commission meeting.
- (8) Signs, placards, banners, or similar items will not be permitted at any time in the Commission Chambers. Exhibits, displays, and visual aids used in connection with presentations for matters on the agenda are permitted.
 - (9) Unless addressing the Commission or entering or leaving the Commission Chamber, all persons in the audience should remain sitting in the seats provided, or when necessary, standing in the rear in a manner which does not block exits.
 - (10) A time may be established for public comments for citizens to address the Commission on any item which is not on the agenda for that meeting. A time limit may be imposed and citizens are subject to the same rules of conduct as described above. If a prepared statement is available, a copy should be given to the City recorder.
 - (11) Generally, members of the Commissions will not comment upon the comments made by a member of the public. If they are administrative issues, the Commission will typically refer them to the Planning Director for a response.
 - (12) At the discretion of the Chair, or upon a majority vote of the Commission, the Chair may order removed from the Chamber any person who fails to observe these rules of decorum, including committing any of the acts defined herein as disruptive conduct in respect to a regular, adjourned regular or special meeting of the Planning Commission.
 - (13) Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Commission and any other unlawful interference with the due and orderly course of that meeting, is grounds for removal.
 - (14) Any person removed at the direction of the Chair will be excluded from further attendance at the meeting from which he or she has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Commission, and such exclusion shall be executed by any peace officer and/or police upon being so directed by the Chair.
 - (15) Any person removed on the basis of disruptive conduct described above may not be allowed to address the Commission for up to a maximum of ten (10) meeting days of the Commission during which the Commission has convened in regular session. The period of prohibition from addressing the Commission will be determined by the Chair, and the Commission upon a vote, based on the number and severity of prior incidents of disruptive conduct.

- (16) If a speaker is removed from the meeting for disorderly conduct, the Commission may elect to postpone voting on the issue being discussed at the time of removal in order to avoid the appearance of retaliatory action.

City Council Staff Report



Subject: MIDA Escrow and Purchase Agreements for Red Maple Parcel
Author: Mark Harrington
Department: City Attorney
Date: June 26th, 2014
Type of Item: Property Acquisition - Administrative

Summary Recommendations:

Authorize the City Manager to execute an Escrow Agreement and Purchase Agreement with the Military Installation Development Authority in forms approved by the City Attorney.

Topic/Description:

Open Space acquisition- Red Maple

Background:

Since 1997, the City has been in discussions with representatives from Hill Air Force Base, the Department of Defense and more recently the Military Installation Development Authority (MIDA) regarding the location of a military recreation facility in the Park City area. MIDA is an independent Utah entity created by the state to facilitate development of military land within the state of Utah, defined as project areas. Utah Code §63H-1-201. Early discussions revolved around BLM/Department of Interior (DOI) parcels in Deer Valley then under lease to the City, known as Gambel Oak which the City recently acquired as open space. Numerous other alternatives were explored until MIDA got involved in 2010 with amendments to the state code to expand their jurisdiction, expressly to position MIDA to broker a solution. After lengthy negotiations with the City and Summit County, MIDA determined that a location in Wasatch County on the back side of Deer Valley/Deer Crest was the best alternative.

In 2002, Congress passed legislation (Section 2862 of the Department of Defense Authorization Act) transferring the Red Maple parcel located on the north side of SR 248 from the DOI to the Air Force with the stipulation that the Red Maple parcel could be used in an exchange of other property to be used for the project. Therefore, the City must wait for the first transfer with an anticipated property owner in Wasatch County. The City has long dedicated \$2 million (the proceeds from its profit from the sale of a hotel property on Main Street that the City had at one time offered as a potential solution, and then sold after it was clear the military wasn't interested in the property) to acquire Red Maple as open space.

Analysis:

The Agreements memorialize the understanding between the parties so that upon the transfer of the Red Maple parcel to either MIDA or eventual developer, the sale of Red Maple to the City automatically transpires and the City's payment of \$2 million dollars is released.

The City will receive interest from the holding account in the meantime.

MIDA's Board gave their Director authority to enter into the Agreements at their last meeting on June 10th, but requested some flexibility in the final form to accommodate possible changes in their anticipated transactions with the Air Force and potential developer/land owners in their project area. Under the current scenario, MIDA would hold the escrow and MIDA would deposit the Purchase Money into a segregated interest-bearing account in the Utah Public Treasurers' Investment Fund.

The Agreements allow MIDA and the Air Force to move forward with their third party transactions in a manner where they can confirm the immediate availability of the City's \$2 million payment.

Department Review:

Legal and the City Manager reviewed this report.

Alternatives:**A. Approve:**

Authorize the City Manager to execute an Escrow Agreement and Purchase Agreement in forms approved by the City Attorney.

B. Deny:

The City would wait until the Red Maple parcel is transferred to a third party before proposing transactional agreements.

C. Modify:

Council could give staff direction to modify the Agreements.

D. Continue the Item:

This has the same effect as Alternative B.

E. Do Nothing:

This also has the same effect as Alternative B.

Significant Impacts:

The City will deposit the \$2 million purchase price in escrow pending the transfer of Red Maple, thereby reducing any uncertainty or change in future circumstances that could jeopardize the open space protection of the parcel.

Consequences of not taking the recommended action:

Questions will remain about the final status of the property and the City's ability to acquire the parcel as open space.

Recommendation:

Authorize the City Manager to execute an Escrow Agreement and Purchase Agreement in forms approved by the City Attorney.

Attachments:

A –Escrow Agreement

B – Purchase Agreement

ESCROW AGREEMENT

This Escrow Agreement (this “**Agreement**”) is executed this ____ day of _____, 2014, by and among _____, LLC, a Utah limited liability company, or assigns (“**Seller**”), PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation (“**Buyer**”), and _____ (“**Escrow Agent**”).

RECITALS

A. Seller and Buyer are parties to that certain Purchase and Sale Agreement dated _____, 2014 (the “**Purchase Agreement**”) whereby Seller agreed to sell, and Buyer agreed to purchase for \$2,000,000.00 (“**Purchase Price**”) approximately 26.6 acres of real property in Summit County, Utah commonly known as the Red Maple Property (“**Red Maple Property**”). A copy of the Purchase Agreement is attached hereto as Exhibit A.

B. As provided in the Purchase Agreement, Buyer is obligated to deposit an amount equal to the Purchase Price (the “**Purchase Money**”) in escrow with Escrow Agent, and Seller is to deliver certain documents into escrow with Escrow Agent.

C. The parties wish to acknowledge and irrevocably instruct Escrow Agent as to when and to whom the Purchase Money is to be disbursed, and the closing documents received by Escrow Agent are to be recorded and otherwise distributed.

D. Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Purchase Agreement.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Irrevocable Instructions. This Agreement constitutes the irrevocable instructions of the parties to the Escrow Agent. In the event of any conflict between this Agreement and any other oral or written instruction by any party received by the Escrow Agent, this Agreement shall control. This Agreement may be amended or revoked only by written instrument executed by both the Buyer and the Seller.

2. Purchase Money. The Escrow Agent shall deposit the Purchase Money into a segregated interest-bearing account in a federally insured bank or other institution approved by law for the deposit of municipal funds, and acceptable to Buyer and Seller. The closing (the “**Closing**”) of the purchase and sale of the Red Maple Property shall occur on the date selected by Seller within ten (10) business days after Seller receives title to the Red Maple Property and provides written notice to Buyer and Escrow Agent of the same. Provided that Seller has delivered to Escrow Agent the Closing Documents (defined below), Escrow Agent shall promptly (i) release the Purchase Money to Seller on the date of the Closing (“**Closing Date**”), with the accrued interest on the Purchase Money delivered to Buyer or credited to Buyer’s closing costs, and (ii) record the Special Warranty Deed to the Red Maple Property with the Summit County Recorder on the Closing Date. If the Closing has not occurred on or before the Outside Closing Date through no fault of Buyer, then the Purchase Money (and accrued interest) shall be released to Buyer and any Closing Documents in the possession of Escrow Agent shall be returned to Seller. In the event that Buyer defaults in the performance of its obligations under the Purchase Agreement, including without limitation, if Buyer seeks to block the Closing or disbursement of the Purchase Money or the Closing Documents when Seller is not in default under the Purchase Agreement, then Escrow Agent shall release the Purchase Money to Seller upon written notice from Seller, attesting to Buyer’s default.

For purposes of this Agreement, “**Closing Documents**” shall mean: (i) a Special Warranty Deed in the form attached hereto as Exhibit B; (ii) a Certification of Nonforeign Status in the form attached hereto as Exhibit C; and (iii) all additional documents and instruments which the Seller or the Escrow Agent reasonably determine to be necessary to the consummation of this transaction

3. Prorations. It is not anticipated that there will be any property taxes or assessments relating to the Red Maple Property. However, in the event there are property taxes or assessments relating to the Red Maple Property, such amounts shall be prorated between Seller and Buyer as of midnight of the Closing Date, based upon the best available estimates of the amount of taxes and assessments that will be due and payable on the Red Maple Property. All other rents, revenues and expenses of the Red Maple Property, if any, shall also be prorated as of midnight of the Closing Date.

4. Closing Costs. All escrow, recording and closing fees charged by the Escrow Agent shall be divided equally between, and paid by, Buyer and Seller. In the event that Buyer elects to obtain a title insurance policy for the Red Maple Property, Buyer shall pay the cost of such policy. Buyer and Seller shall each pay for the cost of their own counsel and other advisors in connection with this transaction.

5. Escrow Agreement Fees and Expenses. Buyer and Seller shall each pay fifty percent (50%) of the reasonable costs and expenses incurred by Escrow Agent pertaining to this Agreement and any other customary charges of Escrow Agent for performing its duties hereunder.

6. Notices. All notices given hereunder or in connection herewith shall be given in the manner and to the addresses of the parties as set forth in the Purchase Agreement.

7. Termination of Agreement. This Agreement shall terminate upon full disbursement of the Purchase Money as provided for herein or upon the expiration of the Outside Closing Date.

8. Acknowledgements by Escrow Agent. By its execution hereof, Escrow Agent hereby acknowledges receipt of the Purchase Money and hereby agrees to hold and disburse the same, together with all Closing Documents delivered to Escrow Agent in the future, pursuant to and in strict compliance with the terms of this Agreement. In the event of any conflicting demands made upon Escrow Agent concerning this Agreement or the Purchase Money, Escrow Agent shall, at its election, have the right to hold any money and any documents deposited pursuant to this Agreement until it receives mutual instructions by the parties hereto or until a final determination is entered by a court of competent jurisdiction. In the alternative, Escrow Agent may, at its discretion, at any time, commence a civil action to interplead any conflicting demands in a court of competent jurisdiction. Upon Escrow Agent depositing with the court all documents and funds (after deducting therefrom its charge and its expenses and attorneys’ fees incurred in connection with any such court action concerning this Agreement), Escrow Agent shall be relieved of all further liability and responsibility hereunder.

9. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Utah.

10. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.

11. No Third Party Rights. This Agreement is made solely for the benefit of Buyer and Seller and their respective successors and assigns.

12. Attorneys’ Fees and Costs. In the event of any action at law or in equity between any of the parties to enforce any of the provisions and/or rights under this Agreement or on account of a breach of any term or provision hereof, the unsuccessful party to such litigation agrees to pay to the prevailing party all costs and expenses, including reasonable attorneys’ fees, incurred therein by such prevailing party, including any such costs and expenses incurred in any appeal, and if such prevailing party shall recover

judgment in any action or proceeding, such costs, expenses and fees shall be included in and as a part of such judgment. As used herein, the term “prevailing party” shall be the party to such litigation which receives, whether by settlement or judgment, substantially the relief prayed for in such litigation. This provision shall survive any termination of this Agreement.

13. Severability. If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction, or rendered by the adoption of a statute invalid, void or unenforceable, the remainder of the terms, covenants, conditions or provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

14. No Agency or Partnership. Nothing contained herein shall constitute either party as being the agent or legal representative of the other for any purpose whatsoever, nor shall this Agreement be deemed to create any form of business organization between the parties hereto, nor is any party granted the right or authority to assume or create any obligation or responsibility on behalf of any other party, nor shall any party be in any way liable for any debt of any other party.

15. Integration; Amendment. This Agreement embodies the entire agreement between the parties in connection with this transaction and any and all prior communications, agreements, representations or inducements are merged herein. This Agreement may not be modified except by a written agreement signed by all of the parties. In the event of a question regarding interpretation of the terms of this Agreement, the parties shall interpret this Agreement in a manner that is most consistent with the terms and provisions of the Purchase Agreement.

16. Effect of Waiver. No written waiver by any party at any time of any breach of any provision of this Agreement shall be considered a waiver of a breach of any other provision herein or consent to any subsequent breach of the same or any other provision. If any action by any party shall require the consent or approval of such action by the other party, such consent or approval shall not be deemed a consent to or approval of such action on any subsequent occasion or a consent to or approval of any other action on the same or any subsequent occasion.

17. Time of Essence. Time is of the essence in the performance of the parties’ duties and obligations under this Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

SELLER:

By: _____

Name: _____

Its: _____

STATE OF UTAH)

:

COUNTY OF SUMMIT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, the _____ of _____, _____ company.

Notary Public

My Commission Expires:

Residing at: _____

BUYER:

PARK CITY MUNICIPAL CORPORATION,
a Utah municipal corporation

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Its: _____

[S E A L]

ESCROW AGENT

By: _____

Name: _____

Title: _____

EXHIBIT A
Purchase Agreement

EXHIBIT B

Special Warranty Deed

EXHIBIT C

**TRANSFEROR'S CERTIFICATION
OF
NONFOREIGN STATUS**

Section 1445 of the Internal Revenue Code of 1986, as amended (the "Code"), provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. For U.S. tax purposes (including Section 1445 of the Code), the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform Park City Municipal Corporation, a Utah municipal corporation (the "Transferee") that withholding of tax is not required upon the disposition of a U.S. real property interest by _____ ("Transferor"), the undersigned hereby certifies the following on behalf of Transferor:

1. Transferor is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Code and Income Tax Regulations);

2. Transferor is not a disregarded entity as defined in § 1.1445-2(b)(2)(iii) of the Income Tax Regulations;

3. Transferor's U.S. employer identification number is _____; and

4. Transferor's office address is:

_____.

The Transferor understands that this certification may be disclosed to the Internal Revenue Service by Transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete, and I further declare that I have authority to sign this document on behalf of the Transferor.

By: _____

Name: _____

Its: _____

Date: _____

PURCHASE AND SALE AGREEMENT

(Red Maple Property)

THIS PURCHASE AND SALE AGREEMENT (this “**Agreement**”) is made and entered into as of the ____ day of _____ (“**Effective Date**”), by and between _____, a _____ and its assigns (“**Seller**”), and PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation (“**Buyer**”). Buyer and Seller shall sometimes be referred to herein as the “**Parties**” or, individually, as a “**Party**”.

RECITALS

A. The Seller is currently the owner of certain real property consisting of approximately 26.6 acres located in Summit County, Utah, commonly referred to as “Red Maple” and more particularly described on the attached Exhibit A (the “**Red Maple Property**”).

B. Buyer desires to purchase the Red Maple Property from Seller in order to preserve it as open space, subject to, and in accordance with, the terms and conditions of this Agreement.

C. Buyer and the Military Installation Development Authority (“**MIDA**”) entered into an escrow agreement, wherein the Purchase Price (defined below) was deposited with MIDA (“**Escrow Agreement**”). The Escrow Agreement requires MIDA to deposit the Purchase Price with the Title Company (defined below) three (3) days after MIDA is notified that this Agreement has been executed.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants set forth below in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller and Buyer agree as follows:

ARTICLE I

AGREEMENT OF PURCHASE AND SALE

Upon the terms and conditions stated below, and in consideration of the mutual covenants set forth below, the receipt and sufficiency of which are hereby acknowledged, Seller hereby agrees to sell and convey the Red Maple Property to Buyer and Buyer hereby agrees to purchase the Red Maple Property from Seller and to pay the Purchase Price (defined below) to Seller in accordance with the terms and provisions of this Agreement.

ARTICLE II

PURCHASE PRICE

2.1 Purchase Price. The purchase price for the Red Maple Property shall be Two Million Dollars (\$2,000,000) (“**Purchase Price**”).

2.2 Purchase Money. Within three (3) business days of MIDA’s receipt of written notification that this Agreement has been executed, together with a copy of the executed Agreement, MIDA shall deposit an amount equal to the entire Purchase Price (“**Purchase Money**”) with Coalition Title Agency, Inc., (“**Title Company**”), to be held in an interest-bearing escrow account, and applied or disbursed pursuant to the terms of the escrow instructions that will be provided to the Title Company by the Parties. The Parties acknowledge that the Purchase Money is not an earnest money deposit but rather a payment into escrow of the entire Purchase Price and is only refundable if this Agreement is terminated pursuant to Sections 4.1 or 5.1.2 below. Unless Buyer is in default hereunder, all interest on the Purchase Money shall accrue for the benefit of Buyer. Notwithstanding the payment of

the Purchase Money into escrow by MIDA, Seller shall not be deemed to have received the Purchase Money until the conditions of this Agreement have been satisfied and the Purchase Money has been released from escrow to Seller.

ARTICLE III

CONDITIONS PRECEDENT

3.1 Conveyance; Open Space Restriction. At Closing, Seller shall convey the Red Maple Property to Buyer. Notwithstanding the foregoing, Buyer acknowledges and agrees that the Red Maple Property may, at Seller's option, be conveyed to Seller subject to development restrictions or a conservation easement that preserves the Red Maple Property as open space. Alternatively, at Buyer's option, Buyer may encumber the Red Maple Property, at Closing, with a conservation easement that prohibits commercial or residential development of the Red Maple Property, and requires that such property will be perpetually maintained as open space.

ARTICLE IV

CLOSING

4.1 Date and Place of Closing. "Closing" shall mean the delivery and recordation (if required) of all documents necessary to convey the Red Maple Property from Seller to Buyer, as well as the payment and disbursement of the Purchase Price and all other sums to be paid by Buyer and Seller hereunder. The Closing shall occur on _____ or such later date as mutually agreed to by the Parties ("**Closing Date**"). The Closing hereunder shall take place in the offices of the Title Company, or such other location as Buyer and Seller shall agree.

4.2 Items to be delivered at the Closing.

4.2.1 Seller. On or before the Closing Date, Seller shall deliver to the Title Company each of the following items, together with instructions to deliver the same to Buyer at the Closing:

(a) Special Warranty Deed to the Red Maple Property, the form of which is attached hereto as Exhibit B, duly executed and acknowledged by Seller, conveying marketable fee simple title to Buyer;

(b) A certification of nonforeign status pursuant to Section 1445 of the Internal Revenue Code, the form of which is attached hereto as Exhibit C, duly executed by Seller; and

(c) All additional documents and instruments which the Buyer or the Title Company reasonably determine to be necessary to the consummation of this transaction.

4.2.2 Buyer. On or before the Closing Date, Buyer shall deliver to the Title Company each of the following items:

(a) Buyer's share of closing costs and prorations, as provided below, less all costs, expenses, and prorations to be paid by Seller; and

(b) All additional documents and instruments which the Seller or the Title Company reasonably determine to be necessary to the consummation of this transaction.

4.3 Closing Prorations. It is not anticipated that there will be any ad valorem and similar taxes and assessments relating to the Red Maple Property. However, in the event there are ad valorem and similar taxes and assessments (including rollback taxes) relating to the Red Maple Property, such amounts shall be prorated between Seller and Buyer as of midnight of the Closing Date, based upon the best available estimates of the amount of taxes and assessments that will be due and payable on the Red Maple Property. All other rents, revenues and expenses of

the Red Maple Property shall also be prorated as of midnight of the Closing Date. The provisions of this Section shall survive the Closing.

4.4 Closing Costs. All escrow, recording and closing fees charged by the Title Company shall be divided equally between, and paid by, Buyer and Seller. Buyer shall pay the premium for any title insurance policy that Buyer elects to obtain for the Red Maple Parcel. Buyer and Seller shall each pay for the cost of their own counsel and other advisors in connection with this transaction.

ARTICLE V

DEFAULTS AND REMEDIES

5.1 Seller's Defaults; Buyer's Remedies.

5.1.1 Seller's Defaults. Seller shall be deemed to be in default hereunder if Seller fails to meet, comply with, or perform any covenant, agreement, or obligation on its part required within the time limits and in the manner required in this Agreement.

5.1.2 Buyer's Remedies. In the event Seller shall be deemed to be in default hereunder Buyer may, at Buyer's sole option, exercise any one or more of the following exclusive remedies:

(a) Terminate this Agreement by written notice to Seller, in which event the Purchase Money (including all accrued interest) shall be returned to Buyer, and (except as otherwise provided herein) the Parties shall be released of all duties, obligations, or liabilities to each other hereunder; or

(b) If, and only if, Seller has received title to the Red Maple Property, Buyer shall have the right to specific performance of this Agreement and the Escrow Agreement.

5.2 Buyer Defaults; Seller's Remedies

5.2.1 Buyer's Default. Buyer shall be deemed to be in default hereunder if Buyer fails to meet, comply with, or perform any covenant, agreement, or obligation on its part required within the time limits and in the manner required in this Agreement.

5.2.2 Seller's Remedies. In the event Buyer shall be deemed to be in default hereunder Seller may, at Seller's sole option, exercise any one or more of the following exclusive remedies:

(a) Terminate this Agreement by written notice to Buyer, in which event the Purchase Money (including all accrued interest) shall be released to Seller, and (except as otherwise provided herein) the Parties shall be released of all duties, obligations, or liabilities to each other hereunder; or

(b) Obtain specific performance of this Agreement.

ARTICLE VI

AS-IS

BUYER ACKNOWLEDGES AND AGREES THAT IT HAS MADE ITS INDEPENDENT INVESTIGATION AND EXAMINATION OF THE RED MAPLE PROPERTY AND CONDITIONS ASSOCIATED THEREWITH IN ORDER TO BECOME FAMILIAR WITH THE CONDITION THEREOF. IT IS UNDERSTOOD AND AGREED THAT SELLER IS NOT MAKING AND HAS NOT AT ANY TIME MADE ANY WARRANTIES OR REPRESENTATIONS OF ANY KIND OR CHARACTER, EXPRESSED OR IMPLIED, WITH RESPECT TO THE RED MAPLE PROPERTY, INCLUDING, BUT NOT LIMITED TO, ANY

WARRANTIES OR REPRESENTATIONS AS TO HABITABILITY, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, INCOME DERIVED FROM THE RED MAPLE PROPERTY, PHYSICAL CONDITION, GOVERNMENTAL APPROVALS, THE COMPLIANCE OF THE RED MAPLE PROPERTY WITH GOVERNMENTAL LAWS, SOIL CONDITIONS, LATENT OR PATENT PHYSICAL OR ENVIRONMENTAL CONDITIONS, THE SUFFICIENCY OF ANY DRAINAGE, WHETHER THE PREMISES IS LOCATED WHOLLY OR PARTIALLY IN ANY FLOOD PLAIN OR FLOOD HAZARD BOUNDARY OR SIMILAR AREA, THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND STORAGE TANKS, ANY OTHER MATTER AFFECTING THE STABILITY OR INTEGRITY OF THE LAND OR THE IMPROVEMENTS, THE AVAILABILITY OF PUBLIC UTILITIES AND SERVICES FOR THE PREMISES, THE FITNESS OR SUITABILITY OF THE RED MAPLE PROPERTY FOR ANY INTENDED USE, THE POTENTIAL FOR FURTHER DEVELOPMENT OF THE RED MAPLE PROPERTY, OR THE EXISTENCE OF VESTED LAND USE, ZONING OR BUILDING ENTITLEMENTS AFFECTING THE PREMISES, OR ANY OTHER MATTER OR THING WHATSOEVER REGARDING THE RED MAPLE PROPERTY.

BUYER EXPRESSLY ACKNOWLEDGES AND AGREES THAT, UPON CLOSING, SELLER SHALL SELL AND CONVEY TO BUYER AND BUYER SHALL ACCEPT THE RED MAPLE PROPERTY "AS IS, WHERE IS, WITH ALL FAULTS." BUYER HAS NOT RELIED AND WILL NOT RELY ON, AND SELLER IS NOT LIABLE FOR OR BOUND BY, ANY EXPRESSED OR IMPLIED WARRANTIES, GUARANTIES OR REPRESENTATIONS PERTAINING TO THE RED MAPLE PROPERTY MADE OR FURNISHED BY SELLER, OR ANY EMPLOYEE OR AGENT OF SELLER, THE MANAGER OF THE RED MAPLE PROPERTY, OR ANY REAL ESTATE BROKER OR AGENT REPRESENTING OR PURPORTING TO REPRESENT SELLER, TO WHOMEVER MADE OR GIVEN, DIRECTLY OR INDIRECTLY, ORALLY OR IN WRITING. BUYER REPRESENTS AND COVENANTS TO SELLER THAT BUYER HAS CONDUCTED, OR WILL CONDUCT PRIOR TO CLOSING, SUCH INVESTIGATIONS OF THE RED MAPLE PROPERTY, INCLUDING BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AS BUYER DEEMS NECESSARY OR DESIRABLE TO SATISFY ITSELF AS TO THE CONDITION OF THE RED MAPLE PROPERTY AND THE EXISTENCE OR NONEXISTENCE OR CURATIVE ACTION TO BE TAKEN WITH RESPECT TO ANY HAZARDOUS OR TOXIC SUBSTANCES ON OR ABOUT OR DISCHARGED FROM THE PREMISES, AND WILL RELY SOLELY UPON THE SAME AND NOT UPON ANY INFORMATION PROVIDED BY OR ON BEHALF OF SELLER OR ITS AGENTS OR EMPLOYEES WITH RESPECT THERETO.

ARTICLE VII

BROKERAGE COMMISSION

Seller represents and warrants to Buyer, and Buyer represents and warrants to Seller, that no broker or finder has been engaged by them in connection with any of the transactions contemplated by this Agreement. Buyer and Seller shall indemnify, save harmless and defend the other from any liability, cost or expense arising out of or connected with any claim for any commission or compensation made by any person or entity claiming to have been retained or contacted by them in connection with this transaction. This Article VII shall survive the Closing or earlier termination of this Agreement.

ARTICLE VIII

MISCELLANEOUS

8.1 References. All references to "Article", "articles", "section", or "Sections" contained herein are, unless specifically indicated otherwise, references to Articles and Sections of this Agreement.

8.2 Exhibits. All references to "Exhibits" contained herein are references to exhibits attached hereto, all of which are made a part hereof for all purposes.

8.3 Captions. The captions, headings, and arrangements used in this Agreement are for convenience only and do not in any way affect, limit, amplify, or modify the terms and provisions hereof.

8.4 Number and Gender of Words. Whenever herein the singular number is used, the same shall include the plural where appropriate, and words of any gender shall include each other gender where appropriate.

8.5 Attorneys' Fees. If any action is brought or counsel otherwise employed to enforce this Agreement or any provision thereof, to collect damages for an alleged breach thereof, or for a declaratory judgment thereunder, the prevailing Party in such action or the Party forced to take action that does not involve litigation shall be entitled to an allowance for reasonable attorneys' fees in addition to costs of suit.

8.6 Notices. Any and all notices and demands shall be in writing and shall be validly given or made only if transmitted by nationally recognized overnight courier, or deposited in the United States mail, certified or registered, postage prepaid, return receipt requested, and addressed as follows:

If to Seller: _____

With a copy to: _____

If to Buyer: Park City Municipal Corporation
445 Marsac Ave
PO Box 1480
Park City, Utah 84060
Attn: City Attorney

If to Title Company: Coalition Title Agency, Inc.
2200 Park Avenue Suite C-100
Park City UT 84060
Attn: Craig Rodman

Any notice delivered personally or by courier shall be deemed to have been given when delivered. Any notice sent by mail shall be presumed to have been received three (3) business days after deposit in the United States mail, with postage prepaid and properly addressed. Any Party may change its address by giving notice to the other Party of its new address in the manner provided above.

8.7 Governing Law. The laws of the State of Utah shall govern the validity, construction, enforcement, and interpretation of this Agreement, unless otherwise specified herein.

8.8 Entirety and Amendments. This Agreement embodies the entire agreement between the Parties and supersedes any prior agreements and understandings, if any, relating to the Red Maple Property, and may be amended or supplemented only by an instrument in writing executed by both Seller and Buyer.

8.9 Invalid Provisions. If any provision in this Agreement is held to be illegal, invalid, or unenforceable under this Agreement, then such provision shall be construed and enforced as if it had never comprised a part of this Agreement and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Agreement.

8.10 Multiple Counterparts. This Agreement may be executed in a number of identical counterparts. If so executed, each of such counterparts is to be deemed an original for all purposes, and all such counterparts shall, collectively, constitute one agreement, but in making proof of this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

8.11 Parties Bound. This Agreement shall be binding upon and inure to the benefit of Seller and Buyer, and their respective heirs, successors and assigns. Seller may assign this Agreement to any affiliate or entity

organized by Seller to hold title to the Red Maple Property. Buyer may not assign this Agreement without the prior written consent of Seller, which may be withheld for any reason at Seller's sole discretion, and any purported assignment without the consent of Seller shall be null and void.

8.12 Further Acts. In addition to the acts and deeds recited herein and contemplated to be performed, executed, and delivered by Seller and Buyer, Seller and Buyer agree to perform, execute, and deliver or cause to be performed, executed, and delivered at the Closing or after the Closing any and all such further acts, deeds, and assurances as may be necessary to consummate the transactions contemplated hereby.

8.13 Time. Time is of the essence of each and every term, condition, obligation and provision hereof.

8.14 Dates and Computation of Time. In computing any period of time pursuant to this Agreement, the day of the act or event from which the designated period of time begins to run will not be included. The last day of the period so computed will be included. If any dates hereunder fall on a Saturday, Sunday or legal holiday, such date shall be the next following business day.

8.15 Non-Waiver. The failure to enforce or the delay in enforcement of any provision of this Agreement by a Party hereto or the failure of a Party to exercise any right hereunder shall in no way be construed to be a waiver of such provision or right (or of any other provision or right hereof whether of a similar or dissimilar nature) unless such Party expressly waives such provision or right in writing.

8.16 No Joint Venture. This Agreement is not intended to create, and shall not be deemed to create, any partnership, joint venture or other similar business arrangement between Seller and Buyer, other than as Seller and Buyer.

8.17 Construction. This Agreement shall not be construed more strictly against one Party than against the other, merely by virtue of the fact that it may have been prepared primarily by counsel for one of the Parties, it being recognized that both Buyer and Seller have contributed substantially and materially to the preparation of this Agreement.

[Signatures on Following Page]

IN WITNESS WHEREOF, this Agreement is executed as of the date first above written.

SELLER:

a _____

By: _____
Name: _____
Its: _____

BUYER:

Park City Municipal Corporation,
a Utah municipal corporation

By: _____
Name: _____
Its: _____

ATTEST:

By: _____
Name: _____
Its: _____

Approved as to form:

City Attorney

[S E A L]

EXHIBIT A

Legal Description of the Red Maple Property

Special Warranty Deed

EXHIBIT C

FIRPTA

**TRANSFEROR'S CERTIFICATION
OF
NONFOREIGN STATUS**

Section 1445 of the Internal Revenue Code of 1986, as amended (the "Code"), provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. For U.S. tax purposes (including Section 1445 of the Code), the owner of a disregarded entity (which has legal title to a U.S. real property interest under local law) will be the transferor of the property and not the disregarded entity. To inform Park City Municipal Corporation, a Utah municipal corporation (the "Transferee") that withholding of tax is not required upon the disposition of a U.S. real property interest by _____ ("Transferor"), the undersigned hereby certifies the following on behalf of Transferor:

1. Transferor is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Code and Income Tax Regulations);

2. Transferor is not a disregarded entity as defined in § 1.1445-2(b)(2)(iii) of the Income Tax Regulations;

3. Transferor's U.S. employer identification number is _____; and

4. Transferor's office address is: _____.

The Transferor understands that this certification may be disclosed to the Internal Revenue Service by Transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct and complete, and I further declare that I have authority to sign this document on behalf of the Transferor.

_____ u

By: _____

Name: _____

Its: _____

Date: _____



RED MAPLE PARCEL

0 140 234 280 420 560 700 Feet

1 in = 333 ft

