PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 21, 2007

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 approximate times as described below on Thursday, June 21, 2007.

Closed Session – City Council Chambers
3:30 p.m. Property and litigation

Work Session – City Council Chambers
4:10 p.m. Council questions/comments
4:20 p.m. Budget review:
Outstanding issues
Adoption of budget
5:20 p.m. Comstock Area traffic calming:
- Staff presentation
- Public input

5:50 p.m. Break

Regular Meeting – City Council Chambers
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 7, 2007

V CONSENT AGENDA PUBLIC HEARINGS ***(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)***

1. Consideration of an Ordinance approving a plat amendment at 964 Empire Avenue, Park City, Utah **(motion to continue to July 12, 2007)**

2. Consideration of an Ordinance approving a plat amendment at 8200 Royal Street, Park City, Utah **(motion to continue to July 12, 2007)**

3. Consideration of an Ordinance approving a Record of Survey for 401 Silver King Drive #76, Park City, Utah **(motion to continue to July 12, 2007)**

4. Consideration of a Master Festival License for White Pine Touring demo days to be held on Saturday, June 23, 2007, including amplified music from 6 p.m. to 8 p.m.

5. Consideration of an Amendment to Section 4-4-16(k) of the Municipal Code for the purpose of extending the permitted use of a balcony, deck patio, or garden associated with a licensed premise from 10 p.m. to midnight

VI 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 under "Additional Discussion – Agenda Items")*

1. Master Festival License for White Pine Touring demo days to be held on Saturday, June 23, 2007, including amplified music from 6 p.m. to 8 p.m.

2. Amendment to Section 4-4-16(k) of the Municipal Code for the purpose of extending the permitted use of a balcony, deck patio, or garden associated with a licensed premise from 10 p.m. to midnight

VII RESIGNATIONS AND APPOINTMENTS

Reappointment of Marlene Ligare and Kate Reichartinger and appointment of Nan Worel to the Library Board for terms expiring July 1, 2010

VIII NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of authorization to City Manager to execute a contract, in a form approved by the City Attorney, to Booster Juice for concession services provided at the Ice Arena and Sports Complex

2. Consideration of Resolution approving a final revised budget for fiscal year 2007 and a final budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax at a no tax increase rate.
(a) Public hearing
(b) Action

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

X 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.

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
JUNE 21, 2007

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF JANUARY 11, 2007

IV CONSENT AGENDA

Resolution adopting the Fiscal Year 2007 Revised Budget and the Fiscal Year 2008 Budget for the Park City Redevelopment Agency

V ADJOURNMENT

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JUNE 21, 2007

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF JANUARY 11, 2007

IV CONSENT AGENDA

Resolution adopting the Park City Municipal Building Authority revised Budget for Fiscal Year 2007 and the Budget for Fiscal Year 2008

V ADJOURNMENT

Posted: 06/18/07
See: www.parkcity.org

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

June 2007

28 Closed session
Election update – CL
Conduit financing USSA - BH
Dog Park at Quinn's Recreation Complex Recommendation – work - MT
Housing Authority – St. Regis affordable housing plan – work – 30 min
Resolution – affordable housing fees – work/action (30 min)
Norwest contract - JG
Resolution – Environmental Action Plan – work/action AB
Lease with Mountain Trails Foundation for space within Miners Hospital – AB
Lease with Arts Council for space within Miners Hospital – AB
Authorize the City Manager to enter into a purchase agreement in a form approved by the City Attorney's Office with Yeadon Fabric Domes, Inc. in the amount of $189,950.00 to purchase a new tennis bubble for the Racquet Club - KF

July 2007 – *Candidate filing window July 2 - 16*

5 **No meeting**
12 Ordinance - 964 Empire Avenue – Plat Amendment KC
Ordinance - 8200 Royal Street – Plat Amendment RM
Ordinance - 401 Silver King Drive #76 – Record of Survey RM
Ordinance - LMC Amendments for Accessory Apartments SMA
Ordinance - 1460 Eagle Way – Plat Amendment RM
Ordinance approving a plat amendment to remove a plat note from the Parcel 2-Amended Walter Daniels Subdivision Plat, located at 615 and 621 Woodside Avenue, Park City, Utah
Contract for cleaning services - ML
Resolution Relay for Life MFL
Relay for Life resolution – Susan Morrell – 645-6592
19 **Jim gone**
Closed session
Trails Master Plan – MT – (work/action)
26 **No meeting**
Jim gone

August 2007

2
9 Comprehensive Emergency Management Plan - GH
16
23 **No meeting**
Candy gone
30 Closed session

September 2007

6
11 Primary election
13
20
27 Closed session

Pending Items:
Vertical zoning – work – JW
MOU between Park City and Summit County for Animal Control Services
Emergency preparedness – work
Solid waste strategic plan
Market analysis – Phases 1 and 2
Naming rights contract
General Plan - Park/Bonanza

Tentative "no meeting" dates:
October 18
November
December 27

City Council Staff Report

PARK CITY 1884

Author: Brian Andersen
Subject: COMSTOCK DRIVE TRAFFIC AND WALKABILITY
Date: June 21, 2007
Type of Item: Discussion/Direction

PUBLIC WORKS

Summary Recommendations:
This report is a status update regarding traffic calming on Comstock Drive. Staff plans to coordinate interrelated traffic calming and walkability efforts by conducting a neighborhood meeting in early July 2007 to respond to the submitted petition and complete Phase I of the Traffic Calming Policy. Staff will work with neighborhood representatives and return to Council by the end of July 2007 with an update and plan of action.

Topic:
Comstock Drive Pedestrian/Bike Safety, Traffic and Walkability

Background:
Traffic Calming Petition
In 2001 UDOT reconstructed SR248 and installed “No Left Turn” signs at Wyatt Earp and Buffalo Bill. In spring of 2005, the signs were removed after consideration by the Traffic Calming Committee (TCC) due to inadequate enforcement resources and the volume of traffic on Comstock. In the early summer of 2005, residents of Prospector Park indicated there was an increase in traffic once the signs were removed.

In February 2006 the TCC received two petitions from Prospector residents regarding pedestrian safety of students, speed and traffic volumes on Comstock Drive. The first petition was received on January 6, 2006 from Ms. Jen McCarthy requesting towing of vehicles along Comstock parked within the bike lane. The petition also requested the installation of a sidewalk to allow safe passage of children going to school. Ms. McCarthy indicated to Staff later that year she was moving out of town. A second petition was received from Mr. Kyle Jessen on February 22, 2006 with the following requests:

- Install “Children at Play” signs
- Install “Residential Neighborhood” signs at each end of Comstock
- Install “No Through Commercial Traffic” signs
- Install four way stops at each intersection
- Install speed bumps

The TCC conducted a survey of area residents to better understand the issues and define the neighborhood, as well as determine if there was any consensus from the neighborhood on their requests. The results indicated additional concerns outside those originally raised in the petitions.

After collecting additional data and performing traffic counts (Attachment A), the TCC found that many of the requests were counter to good traffic engineering standards and would not effectively reduce speeds on this collector street. In addition, the TCC determined that some of the issues (the request for a sidewalk among them) would be better suited as a part of the Walkability Study.

Although other steps of the Traffic Calming process (Attachment B) were followed, including collection of data, the TCC deviated from the established procedures for traffic calming in the Prospector Park area. Specifically, Staff did not hold a Phase I meeting with the Comstock petitioners, and as a result, Staff's preliminary findings have not been communicated to the neighborhood. Staff plans to recommence the traffic calming process with the neighborhood as soon as possible to find a solution. This is discussed in more detail in the "Analysis" Section below.

(Note - In addition to concerns about Comstock Drive, City Council has also heard individual concerns from Prospector Park residents since early 2005 about several issues, primarily traffic volumes on Sidewinder Drive. Council heard public comment from several residents from Prospector Park on November 16, 2006. As a result, "No Left Turn" signs were reinstalled in February 2007.)

Walkability

The recently completed Walkability Study identified a number of projects in the Prospector area including a new sidewalk on the east side of Comstock Drive.
The recommendation also called to eliminate on-street parking one side of street. The projected cost estimate is $185,000. The cost estimate however, includes grading behind the existing gutter, which will eliminate some existing landscaping, and the necessary finish grading, re-vegetation (grass seed), and connections back to existing driveways where necessary. This recommendation did not include re-working the road crown, relocating the gutter, or narrowing the roadway.

Should direction be given to consider re-crowning the road, relocating the gutter, and narrowing the road, the project cost estimate, based on the $350 per linear foot used on the Little Kate project, is approximately $540,000. Relocating the gutter would also involve UDOT near Kearns and would require driveway and drainage improvements.

There are options which would allow for continued parking on both sides of the street, but if the road is narrowed (to accommodate the sidewalk), the bike lanes that currently exist would likely need to be removed.

Pending the outcome of meetings with the Prospector neighbors, Staff recommends increasing the Walkability Contingency budget to allow construction of the $540,000 option should the City and Neighborhood find this is the best solution.

Analysis:

Unless otherwise directed, Staff plans to reengage the Prospector Neighborhood to understand how their needs correspond with some of the previously identified issues and needs on Comstock Drive. These include:

- Traffic management in the SR248 corridor

- Safe routes to school
- Walkability recommendations for pedestrians/bicyclists
- Traffic calming possibilities for Comstock Drive
- Comstock Drive's function as a main collector street for Park/Bonanza district
- Residential parking along Comstock Drive
- Proximity of Comstock Drive to PCSD campus

Several of these items are culminating simultaneously and are interrelated. Staff will immediately initiate a coordinated effort to conduct a neighborhood meeting to obtain necessary additional information/priorities, communicate Staff findings (data), and develop solutions. The issues are interwoven and sensitive and a joint outreach is recommended due to the variety of interests.

There are several issues which Staff needs to further explore with the neighborhood:

- Snow removal for planned sidewalk and responsibilities
- Location, costs, and issues associated with sidewalk placement
- Traffic calming devices, data, and impacts
- Parking

Staff will also communicate recent Staff efforts on Comstock Drive which include:

- Adding speed limit signs
- Making speed limit signs more visible
- Placement of speed trailers
- Increased speed enforcement.

Traffic on Comstock

Staff realizes the vibrant nature of the Park/Bonanza district and the challenges surrounding traffic in this area. Additional efforts to discuss solutions with this important business community will be needed to understand impacts of traffic decisions on Comstock.

Commercial Traffic Issue - Removing or limiting the passage of commercial vehicles on Comstock is certainly a possibility, but requires careful analysis. Some of the considerations specific to Comstock would include:

- The types and sizes of vehicles that would be prohibited as well as how to enforce the restriction. This would likely need to be done by gross vehicle weight (GVW), and could require amendments to existing ordinances and policies.
- The impacts of additional vehicles on other arterials to the area. There are limited routes to Prospector Square, and vehicles prohibited from using Comstock would be required to turn at Bonanza or Sidewinder, impacting both of those routes.
- The environmental impact of vehicles taking a (potentially) longer path to the Prospector Square area.

If Council is interested, Staff would return with a broader discussion on the removal of commercial traffic on Comstock in conjunction with recommendations for other improvements.

Policy Changes and Longer-Term Solutions

Prior to the 2007 budget meetings, the TCC met to define a strategic and implementation plan for the next two years – realizing that the interrelated nature of traffic calming continues to be more heightened and complex. The attached Plan (Exhibit B) acknowledged there are gaps in the existing Policy, and considers revisions and updates to address among others, timeliness, consistency, and effectiveness.

The Implementation Plan, in summary, identifies 3 action steps for the next 2 years:

1. Support increase in short-term solutions. (These are reactionary and will not contribute to long-terms solution of issues).
    a. Increase enforcement
    b. Driver feedback trailers – July 2007 – June 2008 (Funding exists in TC budget)

2. Revise & streamline existing Traffic Calming policy
    a. Update committee goals & objectives with “guiding principles” from above
    b. Rename the Traffic Calming Committee to the Traffic Management Committee
    c. Adopt approved Committee Administrative Guidelines (adopted 10/06) as part of policy (MUTCD standards, etc.).
    d. Revise committee policy where decisions are not timely
    e. Revise committee policy to prevent decisions that react outside of policy protocol
    f. Formalize roles and responsibilities

3. Support increase in long-term solutions (Proactive)
    a. Traffic Engineer –
        i. If council want to continue pursuing current level of response to community traffic issues, enforcement is not a long-term solution
        ii. Would Traffic Management Committee and planning be one of their primary responsibilities?
        iii. Would this position be educational only? Or would additional professional resources make sometimes unpopular technical decisions easier to provide political support
        iv. To provide additional level of service, this role should be funded in December 2007

Summary

The Traffic Calming Committee did deviate from established procedures and apologizes. Committee staff recommends a comprehensive neighborhood meeting incorporating the Phase I meeting to discuss traffic calming issues in the context of the additional issues. TCC also plans to evaluate the traffic calming neighborhood process to improve performance.

In the effort to address concerns raised concerning speeding, Staff has recently made speed limit signs more visible, has placed speed enforcement trailers, and has increased speed enforcement in the neighborhood.

Department Review:
This document was reviewed by the Traffic Calming Committee, Walkability Team, Public Works, Engineering, Police, and Legal.

Alternatives:

A. Unless otherwise directed, Staff will conduct a neighborhood meeting with area residents near Comstock Drive to discuss issues surrounding traffic and walkability for Comstock Drive. This will complete Phase I of the Traffic Calming Policy.
Staff also recommends increasing the Walkability Contingency budget of $355,000 to allow for construction of the $540,000 sidewalk improvement to Comstock in the event this meets the needs of the neighborhood and the City. **This is Staff's recommendation**.

B. Council could direct Staff to implement specific measures. Staff does not recommend this alternative without first obtaining feedback from the entire neighborhood as the opinions are diverse and the components interrelated.

C. Council could direct Staff to look at the various components individually and return to report on each item.

D. Council could choose to direct Staff to pursue other alternatives with regard to Comstock Drive.

E. Council could choose to continue the item.

Significant Impacts:
The sidewalk included in the Walkability Study, funded in the FY2008 budget will cost $185,000. It will be built adjacent to the east gutter. Landscaping will be impacted, but can be done in a way that parking will not be removed. Should direction be given to re-crown and narrow the road the project cost estimate is approximately $540,000. Changes to the established walkability recommendations would result in a budget increase of $355,000 to the Walkability Contingency project.

Consequences of not taking the recommend actions:
Not coordinating efforts and gaining feedback from the neighborhood would result in poor neighborhood awareness of the issues. Delays could occur in the walkability plan projects.

Recommendation:
Staff will to meet with residents in the area of Comstock Drive to discuss issues, ideas, and links surrounding traffic and walkability for Comstock Drive. Staff is planning to

meet with residents in early July 2007 and return to Council by the end of July 2007. This would help coordinate efforts between these interwoven items.

Exhibits
A – Traffic Counts on Comstock Drive
B – Traffic Calming Policy
C – TCC Strategic Plan & Implementation Plan 2007-2008

Exhibit A – Comstock Drive Traffic Data

Comstock Southbound

AADT count:	841
85^{th} percentile speed:	34.78 MPH
Percentage of vehicles over 28 feet in length*:	2%

Comstock Northbound

AADT count:	1,018
85^{th} percentile speed:	34.02 MPH
Percentage of vehicles over 28 feet in length*:	6%

* ”Commercial vehicles” (buses and passenger vehicles with trailers would be captured in this category).

Exhibit B – Traffic Calming Policy & Administrative Policies

Adopted June 2002
Traffic Calming Policy

Over recent years, there has been a growing *concern* in Park City to manage automobile use and reduce the impact on noise, safety, and overall liveability. The Neighborhood Traffic Management Program (NTMP) provides residents an opportunity to evaluate the requirements, benefits, and tradeoffs of using various traffic calming measures and techniques within their own neighborhood. The program outlines the many ways residents, businesses and the City can work together to help keep neighborhood streets safe.

Goals:

Improve the quality of life in neighborhoods
- **Improve conditions for pedestrians**
- **Create safe and attractive streets**
- **Reduce accidents**
- **Reduce the impact of motorized vehicles within a neighborhood**
- **Balance the transportation needs of the various land uses in and around a neighborhood**

Objectives

- **Encourage citizen involvement in neighborhood traffic management activities**
- **Slow the speeds of motor vehicles**
- **Improve the real and perceived safety for non motorized users of the street**
- **Incorporate the preference and requirements of the people using the area**
- **Promote pedestrian, cycle, and transit use**
- **Prioritize traffic management requests**

Policies

1. Reasonable automobile access should be maintained. NTMP projects should encourage and enhance the appropriate behavior of drivers, pedestrian, cyclists, transit, and other users of the public right-of-way without unduly restricting appropriate access to neighborhood destinations.

2. Reasonable emergency vehicle access must be preserved.

3. The City shall employ the appropriate use of traffic management measures and speed enforcement to achieve the NTMP's objectives. Traffic management devices (speed humps, medians, curb extensions, and others) shall be planned and designed in keeping with sound engineering and planning practices. The Community Development and/or Public Works departments shall direct the installation of traffic control devices (signs,

signals, and markings) as needed to accomplish the project, in compliance with the municipal code and pertinent state and federal regulations.

4. To implement the NTMP, certain procedures shall be followed by the City in processing traffic management requests according to applicable codes and related policies within the limits of available resources. At a minimum, the procedures shall provide for:

- a simple process to propose projects;
- a system for staff to evaluate proposals;
- citizen participation in plan development and evaluation;
- communication of any test results and specific findings to area residents and affected neighborhood organizations; strong neighborhood support before installation of permanent traffic management devices; and
- Using passive traffic controls as first effort to solve most neighborhood speed problems

Eligibility

All city streets are eligible to participate in the NTMP. Any traffic management techniques desired to be used on Utah Department of Transportation (UDOT) owned streets must be approved by UDOT.

Funding Alternatives

1. 100% Neighborhood Funding
2. Capital Improvement Program
3. Neighborhood Matching Grants
4. City Traffic Calming Funds

Procedures

<u>Phase I</u>

Phase I consists of implementing passive traffic controls.

1. Initiation
   Neighborhood complaint must include petition signed by at least 5 residents or businesses in the area to initiate Phase I of traffic calming process.

2. Phase I First Meeting
   Neighborhood meeting is held to determine goals of traffic calming, initiate community education, initiate staff investigation of non-intrusive traffic calming measures, discuss options, estimate of cost, timing, and process.

3. Phase I Implementation
   a. Staff reviews signing, striping, general traffic control. Minimum actions include *Residential Area* signs, speed limit signs, review of striping, review of stop sign placement, review of turn restrictions, and review of appropriate traffic control devices.

b. Community watch program initiated. This program includes neighbors calling police to request increased speed limit enforcement, neighbors disseminating flyers printed by the City reminding the community to slow down, community watch for commercial or construction vehicles, etc.
c. Targeted police enforcement will begin to include real time speed control.

4. Phase I Evaluation
   Evaluation of Phase I actions will occur over a 3 to 9 month period. Evaluation will include visual observations by residents and staff.

5. Phase I Neighborhood Evaluation Meeting
   Phase I evaluation meeting will be held to discuss results of Phase I.

<u>Phase II</u>

1. Phase II Initiation-Twenty -five percent (25%) of the residents within the proposed neighborhood area can request the initiation of Phase II.

2. Define Neighborhood Boundary- A neighborhood will include all residents or businesses with direct access on streets to be evaluated by Phase II implementation. Residents or businesses with indirect access on streets affected by Phase II implementation will be included in neighborhood boundary only at the discretion of staff.

3. Phase II Data Collection and Ranking- Staff performs data collection to evaluate and rank neighborhood problems and the ability to solve problems. Data collection will include the following and will result in a quantitative ranking.

Criteria	**Points**	**Basis Point Assignment**
speed data (48 hour),	30	Extent by which the 85th percentile traffic speed exceeds the posted speed limit (2 points per 1 mph)
volume data (48 hour),	25	Average daily traffic volumes (1 point per 100 vehicles, minimum of 500 vpd)
accident data (12 month)	20	Accidents caused by speeding (8 points per accident)
proximity to schools	5	Points assigned if within 300 feet of a public or private school
pedestrian crossing, bicycle routes, & proximity of pedestrian generators	5	Points assigned based on retail, commercial, and other pedestrian generators.
driveway spacing	5	If more than three driveways exist in any 100 foot section, no points will be provided.

No sidewalks	10	Total points assigned if there is no continuous sidewalk on either side of the road.
Funding Availability	50	50 points assigned if the project is in the CIP or 100% funding by the neighborhood. Partial funding of 50% or more by the neighborhood 25 points, partial funding of 10 to 50% by the neighborhood 10 points.
Years on the list	25	5 points for each year
Total Points Possible	**175**	maximum points available

1. Phase II implementation Recommendation- Staff proposes Phase II traffic calming implementation actions and defines a project budget.

2. Phase II Consensus Meeting- A neighborhood meeting is held to present Phase II implementation proposal including project budget, possible time frame, discuss temporary installation, etc. The estimated time frame is one to three years depending on funding availability.

3. Phase II Petition- Residents and businesses in neighborhood boundary are mailed/or hand delivered a petition by the City identifying Phase II actions, cost, and explanation of implications of vote. Petition provides ability to vote yes, no, or not return petition. Unreturned petitions count as no votes. Resident support for traffic calming is defined as 67 percent positive response. No more than four weeks is allowed for the return of a petition.

4. Phase II Implementation- Permanent installation will be implemented after the approval of funding by the City Council. Implemented actions will be continually monitored based on visual observation and accident data.

5. Post Project Evaluation- City staff will review impacts on traffic to determine if goals were met. Neighborhoods will have an opportunity to review data and provide comment.

6. Removal (if required)- Staff will authorize removal of improvements upon receiving a petition showing 75% support of the neighborhood. Removal costs in all or part may be assessed to the defined neighborhood boundaries.

Traffic Management Devices (Definitions)

Passive Controls - **consist of traffic control mechanisms that are not self regulating. To be effective it is necessary for drivers to abide by traffic control devices.**

Stop signs - Used to assign right-of-ways at intersections and where irremovable visibility restrictions exist. One problem often reported is speeding so residents ask for a stop sign. Stop signs may often seem like a good solution to neighborhood speeding, but traffic studies and experience show that using stop signs to control speeding doesn't necessarily work. When stop signs are installed to slow down speeders, drivers may actually increase their speed between signs to compensate for the time they lost by stopping. Some drivers tend to accelerate rapidly after a stop, possibly creating an even more dangerous situation. In fact, most drivers reach their top speed within 100 feet of a stop sign.

So why not have a stop sign at every intersection? Too many stop signs could cause motorists to ignore the right-of-way rule or some drivers may simply choose to ignore the stop sign. More stop signs in a neighborhood can result in higher levels of pollution and more noise. In addition, providing stop signs at all intersections would be very expensive.

Stop signs should be installed at intersections where drivers cannot safely apply the right-of-way rule, resulting in an increase in accidents, where irremovable visibility restrictions exist, and/or where traffic volumes are high enough to formally establish vehicle right-of-way. Not used to divert traffic or reduce speeding.

Speed limit signs (sometimes installed as traffic calming mechanism). - Numerous speed limit signs reinforce the posted speed.

Turn prohibition signs - used to prevent traffic from entering a street, thereby reducing traffic volumes.

Positive Physical Controls

Medians Islands - used to constrict travel lane width and provide an area for additional landscaping and signage.

Bulb-Outs (Chokers/Curb Extensions) - physical constrictions constructed adjacent to the curb at both intersections and mid-block locations making pedestrian crossings easier and space for additional landscaping and signage.

Speed Humps - are vertical changes in the pavement surface that force traffic to slow down in order to comfortably negotiate that portion of the street.

Chicanes - are a set of two or three landscaped curb undulations that extend out into the street. Chicanes narrow the street encouraging drivers to drive more slowly.

Traffic Circles and Roundabouts - circular islands located in the middle of street intersections that force traffic to deflect to the right, around a traffic island, in order to perform any movement through the intersection tending to slowing the traffic speeds.

Rumble Strips - changes in the elevation of the pavement surface and/or changes in pavement texturing which are much less pronounced than speed humps.

Diverters - physical obstructions in intersections which force motorists to turn from the traveled way onto an adjacent intersecting street thereby reducing volume.

Driver Perception/Psychology

Landscaping - the most effective way to change the perception of a given street environment.

Crosswalks - can be used to alter the perception of a street corridor and at the same time enhance the pedestrian environment.

Flashing Warning Beacons - can be used to alter driver psychology.

Real-time Speed Display - used to inform drivers of actual speed they are traveling.

Increased Enforcement - additional enforcement of regulations either by law enforcement personnel or citizen volunteer groups.

Pavement Markings - used to guide motorists, delineate on-street parking areas or create the impression of a narrowed roadway, all in an effort to slow traffic speeds.

TRAFFIC CALMING ADMINISTRATIVE POLICY UPDATE
Adopted December 2006

INTRODUCTION

Standard:
Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or bikeway by Park City Municipal Corporation..

The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). The policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices shall be as described in 23 CFR 655, Subpart F.

Park City Traffic Calming Committee (TCC) will follow the current edition of the MUTCD except where engineering studies and/or traffic programs in other cities may be substituted to justify a change in warrants and application.

Speed Limits

Speed limits are based on travel time and safety. In residential areas, travel efficiency is given a lower priority. Speed limits set arbitrarily low are ignored by neighbors, compliance is poor and the Police do not have the resources to strictly enforce. **Residential streets in Park City will generally be posted at 25 mph.** The posted speed limit shall be within 8 miles per hour (MPH) of the 85^{th} percentile speeds. Traffic engineering studies are required to justify a higher or lower speed limit. Passive measures such as adding guide lines (edge striping) and narrowing driving lanes to ten (10) feet may be used to lower traveling speeds. Neighborhoods may request physical changes to the roadway to reduce speeds. Physical changes shall follow the Traffic Calming Policy adopted by the City Council July 15, 2002.

Driver Feedback Signs (DFS) are electronic signs that provide the driver his/her current speed and the posted speed limit. DFS should only be used on major through streets in residential areas where the 85^{th} percentile speeds are in excess of the posted speed limit by 10 or more mph. DFS may be installed in other areas if special circumstances exist and a traffic engineering study supports the installation.

Guide Lines

Guide lines are edge marking added to a roadway on both sides of a roadway to give the visual appearance of a narrower driving area. Studies have shown a reduction of 1 to 2 mph can be anticipated.

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Children at Play

The TCC frequently receives requests for “Slow-Children at Play” signs. Federal Standards discourage the use of “Children at Play” signs. There is a wide spread false belief that traffic signs provide added protection. Studies have shown there is no long term reduction in speed. The TCC does not support the installation of “Children at Play” signs but do recommend if residents are concerned, they should purchase a “Children at Play” sandwich board or sign for display in their yard.

Crosswalks

Pedestrian and motorists have the same legal rights at unmarked crosswalks at intersections as they do at a location with crosswalk markings. Crosswalks work best where pedestrian volumes are relatively high and the potential for conflict with vehicles is also high. Unwarranted or random crosswalks that are seldom used by pedestrians may breed disrespect for the devices and make the ones that are truly necessary even less effective. The TCC has adopted a different warrant developed by Fehr and Peers for Park City than recommended in the MUTCD for crosswalk in residential areas. The warrant matrix is below in attachment 1..

Residential Multi-way Stops

A stop sign is an effective traffic control device when used at the proper place under appropriate conditions. A stop sign is used at an intersection to assist drivers and pedestrians in determining who has the right-of-way. Multi-way stop signs are used at intersections when traffic volumes on all approaches are approximately equal and at intersections where “warrants” justify. These "warrants" have been established by the U.S. Department of Transportation based on the expertise and experience of transportation engineers nationwide. These warrants are published as part of the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration.

Per the MUTCD, Multi-way stops are not to be used for speed control or to arbitrarily interrupt traffic. When multi-way stop signs are installed at locations where they are not warranted, stop compliance is poor and there is an increase in vehicle operating costs, pollution, and noise. Well-developed, nationally accepted guidelines outlined in the MUTCD consider the amount of traffic at an intersection, the length of time traffic must wait to enter an intersection, and the safety of an intersection (number of stop sign preventable accidents).

Almost none of our local streets would be able to meet the warrants (500 vph, 5 accidents per year & more than 40 mph speed limit) at this time. The TCC is looking at a modified warrant system used successfully in other cities. Our traffic calming consultant has reviewed and indicated it was doable with some minor changes. (Attachment 2)

Attachment 2

PARK CITY
RESIDENTIAL ALL-WAY STOP WARRANT WORKSHEET

This Residential All-Way Stop Warrant Worksheet is applicable only to the intersection of residential streets with speed limit of not greater than 30 miles per hour. This procedure is not to be applied to the intersection of a residential street with a collector or arterial street as identified in the City's Master Plan.

DATE: ___________________________

INTERSECTION OF: ____

AND ____

EXISTING TRAFFIC CONTROL: ____

1. CLASSIFICATION OF STREETS

Both intersection streets are classified and function as residential streets, and the posted speed limit of each is 30 mph or lower.

STOP—This procedure is only applicable to residential streets. Commercial and streets with mixed uses must meet warrants established for all-way stop control in the Manual on Uniform Traffic Control Devices.

2. SPEED OF TRAFFIC

Highest average speed of all approaches (average of 85th percentile speed and upper limit of 10 mph pace). See accompanying worksheet. Check only one selection.

0 points for 15.0 to 27.5 mph ______
25 points for 27.6 to 32.5 mph ______
60 points for 32.6 to 37.5 mph ______
120 points for 37.6 to 50.0+ mph ______

Highest average speed ____ mph = ______ points

Subtotal Item 2. ______

3. SCHOOL PEDESTRIANS

Go to (b) in this section if the intersection is currently protected by an adult crossing guard.

a) Estimated number of children within the area not bussed using shortest walk to school route (based on school demographics).

Elementary and middle school children (1 point each) ____ x 1 ____

b) Proximity of intersection to school. This may be either one or the other but not both.

Intersection is primary crossing at an elementary or middle school, 200 points ________

Intersection is adjacent to an elementary or middle school, 100 points ________

Subtotal Item 3. ________

4. ACCIDENT EXPERIENCE

(Intersection Accidents Only)

Right angle collisions within past 12 months—
Correctable by All-Way Stop Signs, 75 points each _____ X 75 = _________
Collisions other than right angle in past 12 months—
20 points each _____ X 20 = _________

Subtotal Item 4. _________

5. CRITICAL APPROACH SPEED

Lowest critical approach speed of all approaches. Check and enter points below.

Critical approach speed <20 mph - ____ mph 20 points ____
Critical approach speed <10 mph - ____ mph 50 points ____
Critical approach speed < 5 mph - ____ mph 75 points ____

Subtotal Item 5. _______

6. UNEXPECTED HAZARDS

Curve or hill within 300 feet which obscures view of intersection 50 points __________
Not noted above—25 points __________

Subtotal Item 6. __________

7. NEARBY PUBLIC FACILITIES

25 points for each public facility, other than schools, such as a church, park, swim club, library or shopping center within 300 feet of intersection.

Enter number of applicable facilities here __________

Subtotal Item 7. __________

8. INTERSECTION CONDITIONS

(Edge to Edge of Pavement)

Width of any approach <22 feet –25 points __________
On-street parking within 50 feet of any approach—10 points __________

Subtotal Item 8. __________

9. TRAFFIC VOLUMES

Total approach volume—average hour of eight hours counted, on average weekday—1 point per vehicle ________
Minor leg volume ________
Minor leg adjustment, average of all hours counted.
Check one.

Greater than 160, subtract 0 ________
120 to 159, subtract 50 ________
100 to 119, subtract 100 ________
75 to 99, subtract 120 ________
74 to 40, subtract 150 ________

Subtract minor leg adjustment from total approach volume ________

Subtotal Item 9. ________

10. ADJACENT TRAFFIC CONTROL

Any adjacent intersection is controlled by all-way stop or traffic signal.

Enter intersection name(s) if applicable ______________________________

Subtract 100 points ________

Any adjacent intersection stops or yields on subject streets.

Enter intersection name(s) if applicable ______________________________

Subtract 50 points ________

Subtotal Item 10. ________

Classification of Streets	Item 1	No Total
Speed of Traffic	Item 2	
School Pedestrians	Item 3	
Accident Experience	Item 4	
Critical Approach Speed	Item 5	
Unexpected Hazards	Item 6	
Nearby Public Facilities	Item 7	
Intersection Conditions	Item 8	

Traffic Volumes	Item 9	_________
Adjacent Traffic Control	Item 10	_________
	Total of all items	_________

If point total of all items is greater than or equal to 400, the intersection qualifies for installation of all-way stop control.

Exhibit C – 2007 Consideration of Policy Update & Budget Requests

To: Budget Department
From: Traffic Calming Committee
Re: TCC Strategic Plan & Implementation Plan 2007-2008
Date: March 15, 2007

Introduction

The Traffic Calming Committee was formed as a more efficient process to review traffic related requests. Prior to forming the Committee, requests were being received by Police, Public Works and Engineering. With the other responsibilities and priorities each participating Committee member has, the Process is not always as timely or as efficient as expected by a given neighborhood, sometimes resulting in their patience wearing thin. Because no one department was taking full responsibility, some citizens had the perception that staff was non-responsive and went to Council to air their concerns.

Traffic calming issues can consume an enormous amount of time if a neighborhood is persistent – especially considering concerns often involve other issues not directly related to calming traffic, but rather managing traffic. Citizens have an expectation their issues will be resolved quickly. Staff must collect data, apply City policy to the review, develop alternatives, develop an implementation strategy and in some cases communicate that specific requests do not meet established criteria and that action is not warranted. Often times, the more engagement, the higher the expectation that a solution, acceptable to the neighborhood, will be reached.

The Traffic Calming Committee can continue to provide the existing level of service with existing staff resources and budget. Should Council wish to prioritize Traffic Calming any further, or pursue proactive or long-term solutions, Staff recommends providing additional staff and resources. The committee needs clear direction from City Council as to how high of a priority they wish to place on Traffic management and associated issues.

Guiding Principles

1. Maintain the flow of vehicular traffic on Park City streets without compromising livability and other modes of travel (e.g. bicycles, pedestrians, transit)
2. Follow nationally recognized engineering standards set forth in the current edition of the Manual of Uniform Traffic Control Devices (MUTCD), except where engineering studies and/or traffic programs in other cities may be substituted to justify a change in warrants and application and where substitution would not raise the City's legal exposure.
3. Provide education to public and elected officials included in the attached Traffic Calming Policy
4. Respond to request within existing staff resources
5. Use actions appropriate to the problem, given limited funding, resources and high demand
6. Be fiscally responsible

7. Learn from successful and unsuccessful efforts

8. Traffic calming issues have expanded to include traffic management issues. It should be reversed. The Major heading is Traffic Management with sub-headings of: Traffic Calming; Neighborhood RELS Process, and Traffic and parking and sign improvements.

Implementation Plan

4. Support increase in short-term solutions (These are reactionary and will not contribute to long-terms solution of issues)
   a. Increase Enforcement
      i. 2 traffic police over 2 year budget cycle (July 2007 – June 2009). This shows up in Police budget requests
   b. Driver feedback trailers – July 2007 – June 2008 (Funding exists in TC budget)
5. Revise & update existing TC Policy
   a. Update Committee Goals & objectives with “guiding principles” from above
   b. Rename the Traffic Calming Committee to the Traffic Management Committee
   c. Adopt approved Committee Administrative Guidelines, adopted 10/06) as part of Policy (MUTCD standards, etc.). These are attached.
   d. Revise Committee policy where decisions are not timely
   e. Revise Committee Policy to prevent decisions that react outside of Policy protocol
   f. Formalize roles and responsibilities
6. Support increase in long-term solutions (Proactive)
   a. Traffic Engineer –
      i. If council want to continue pursuing current level of response to community traffic issues, enforcement is not a long-term solution
      ii. Would Traffic Management Committee and planning be one of their primary responsibilities?
      iii. Would this position be educational only? Or would additional professional resources make sometimes unpopular technical decisions easier to provide political support to?
      iv. To provide additional level of service, this role should be funded in December 2007

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 7, 2007

Present: **Alternate Mayor Pro Tem Roger Harlan; Council members, Marianne Cone; Candace Erickson; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Project Manager; Kent Cashel, Deputy Public Works Director; and Gary Hill, Budget Manager

Absent: **Mayor Dana Williams and Council member Marianne Cone**

1. Council questions/comments. Candace Erickson encouraged the public to attend a native plant sale this Saturday at Recycle Utah where there will be an educational component on identifying noxious weeds. A compost class is also planned this summer. She congratulated the staff of the Eccles Center on its 10^{th} anniversary which has been a tremendous gift to the community. She commented on the value of attending an HPB meeting to learn more about the business considered by this board, and reported on the forecast of the upcoming legislative session. Debating the city manager form of government by ordinance issue will return again this year. Jim Hier spoke about attending meetings on short term transportation planning with the County, a special events with the Chamber, an HMBA annual meeting, and a Park City Heights Task Force.

Joe Kernan relayed that he received a request from Michael LeClerc about installing bike racks inside the China Bridge Parking Structure. Jon Weidenhamer responded that he also spoke with Mr. LeClerc about this and felt that the potential of bike racks occupying parking spaces would not be likely. The idea of exterior bike racks around the structure is appropriate and there is some landscaping funding available to accomplish this. There was discussion about some available area in the garage not large enough to accommodate a motor vehicle but perhaps adequate for a bike rack and associated risks of parking bikes in a parking garage. Mr. Weidenhamer stated that he will audit buildings to make sure they are equipped with racks. Mr. Kernan discussed the difficulty in riding a bike on a sidewalk with driveway cuts, like Little Kate. He felt that a five foot wide asphalted pathway there would be more effective in attracting kids to use it rather than riding in the road.

Roger Harlan commented on his spectacular play at the employee golf tournament; he also attended the Park City Heights Task Force meeting. Candace Erickson thanked state, county and local police for their assistance in the Share the Road Bike Race.

2. Entry Corridors Strategic Plan Annual Report. Kent Cashel stated that the City Council adopted the Entry Corridors Transportation Management Strategic Plan, which outlines 12 strategies for addressing traffic and congestion on SR224, SR248 and Bonanza Drive. He commented on each policy statement.

1. Pursue formal agreements to cooperate with regional entities on transportation issues. Mr. Cashel stated that the City signed a letter of intent with Summit County and the Park City School District. Although letters of intent are not legally binding, they have been effective in cooperatively reaching goals. Staff is working with Wasatch County with the same approach as the SR248 corridor and Heber area grows.

2. Develop and implement an ongoing traffic monitoring program. He noted that the City acquired equipment for counting traffic and now has access to a wealth of count information at UDOT. Building baseline data will help staff better understand conditions, occupants in vehicles, etc. to develop benchmarks so there are targets and ways to monitor progress. He pointed out the difficulty in measuring success when traffic is growing and was unable to find models to accomplish this.

3. Utilize travel demand management (TDM) strategies to mitigate peak hour travel volumes. Mr. Cashel emphasized that this is a key policy statement for Park City. It includes components like flex schedules, car pooling, ride-sharing, alternative modes, etc. as mitigation tools to apply at peak hours. Park City has a stronger relationship with UTA Rideshare which is funded through CMAC, a federal funding source for these types of projects. The CMAC provides on-line educational tools to communities and businesses on ride-share programs, van pool leasing programs, designing flex schedules, obtaining tax advantages for companies promoting commuting, etc. Mr. Cashel noted that Park City shares this information with the Chamber, resorts, and business community. Alternative transportation options should be promoted in the schools with the goal of getting parents off of SR248.

4. Expand public transit where appropriate. He emphasized that public transit can not expand without planning for a transit maintenance facility and expanding commuter options. This will be discussed further next week.

5. Facilitate development and promotion of park and ride, van pool, ride-share and alternative mode programs. The park and ride on SR248 is contemplated as a way to mitigate peak flows. The project is moving forward and is being reviewed by the County. He asked for Council support in working with the business community to ensure the facility is successful. Jim Hier strongly felt that the plan to construct 350 spaces in the first phase is inadequate. The funding has been defined and more parking is a known need. As a matter of scale of economics, it may be better to build it all now; staff will return to Council with a phasing discussion.

6. Facilitate improved special event traffic planning, coordination and communication. Mr. Cashel spoke about the cooperative efforts with both Summit and Wasatch Counties and UDOT. UDOT now tracks traffic for Park City during special events and he feels that this relationship has greatly improved programs to improve traffic flow to and from events.

7. Work with local business community to facilitate the development and implementation of a regional transportation management association (TMA). Kent Cashel explained that TMAs are typical in California and are a way to share resources to meet mandated traffic reduction measures. Our consortium may not actually be a formal TMA but would work with the business community on a regular basis.

8. Facilitate regional efforts to secure federal and state financial assistance to fund necessary transit and road projects. Mr. Cashel pointed out Park City's strength in this area were $10 million in federal funding has been acquired for road and transit improvements this year. Staff will continue to aggressively pursue grants.

9. Develop processes and procedures to ensure the traffic impacts of all development and annexation proposals are carefully analyzed and understood. Staff is looking at the LMC for opportunities for additional planning and implementation tools.

10. Develop processes and procedures to ensure all MPD and annexation proposals are required to include a traffic impact analysis and a traffic mitigation plan sufficient to evidence that the development's or annexation's traffic impacts will not reduce levels of service on the City's road network. There was discussion on sharing information with the planners and understanding the entire network.

11. Utilize financial instruments (e.g., bonding) when appropriate to balance expenditures with revenue resources and cash flow timing. Kent Cashel explained the principle of using good financial management strategies on capital projects.

12. Develop and implement an ongoing multi-media communication plan to inform and educate the public on regional transportation issues, transportation management efforts and the role each individual plays in an effective transportation management program. Mr. Cashel spoke about the *15 minute solution program* on KPCW, updating listeners on traffic conditions.

Kent Cashel stated that he feels the City has formed key partnerships that will provide the foundation for good working relationships to be successful. The traffic command program is in place and the acquisition of the park and ride property is a major accomplishment and demonstrates good long-term planning. Special event traffic management has significantly improved as well as securing financial assistance. The sustainability team Is contributing toward comprehensive planning and the methods of getting information to the public have been improved. He believes the City has made a lot of progress and invited questions.

Joe Kernan supported the initiatives and as importantly effectively measuring them. He asked if we could forecast what to expect and Kent Cashel answered that staff is assembling this data. Mr. Kernan felt that maps would be helpful to illustrate plans or proposals considered by the Council for the benefit of the public and Mr. Cashel stated that it is staff's intent to produce graphics. Jim Hier thanked Mr. Cashel and others for producing an outstanding report; it's a good source to track accomplishments. Candace Erickson and Roger Harlan agreed.

3. Budget review and action items. Gary Hill explained the balance of the items on the budget calendar to be considered this month. He stated that the City imposes impact fees for water, parks and open space; pubic safety; and streets which are reviewed every year to check the accuracy of projections based on the demand of new development. Last year, impact fee analyses were conducted but water is the only category recommended to be modified.

Kent Cashel explained that for two consecutive years, the City raised culinary water rates which helped fund water treatment and environmental projects which have been resolved. The five-year financial model provides for a 4% increase annually and the City experienced a 20% increase in revenues last year with the increase in water user fees. He felt that 4% this year is adequate to maintain that level and is consistent with the CPI. He suggested that the model be measured again next year to ensure that 4% is adequate so that future increases are manageable.

Gary Hill explained the proposed water impact fee increase relating primarily to importation projects. The Capital Improvements Plan has changed significantly since 2003 and a 70% increase in water impact fees is recommended. Kent Cashel acknowledged the large increase and stated that the method of calculating impact fees is regulated by state code. Cities must forecast growth and needed water at build-out in a 25 year time horizon. Components include capital items like source, distribution, and treatment (not operations) which are compared against development projects. Costs are then distributed across the growth component to arrive at a schedule.

Park City's philosophy is that new growth covers its cost for services placed on the system or its fair share. The analysis of the model reveals an increase of 68% is needed, increasing impact fees from $13,720 to $23,049. Admittedly, this is a big increase but not unusual because the cost of water has increased and the cost of importation to service growth is significant. He detailed the importation project from Rockport which will be cost-shared with Mountain Regional. The City will pay Mountain Regional annually for pumping water over the mountain and will build eleven miles of pipeline into town which represents millions of dollars. Swapping culinary and untreated water for distribution was discussed. With distribution costs, the project could total $40 million. He stated that staff met with the Park City Home Builders Association to inform them of the increase and members seemed to accept the plan. Mr. Hill stated that the ordinance and capital facilities plan will appear on the agenda next week for adoption.

Joe Kernan asked how these fees compare to Summit County. Kent Cashel responded that he doesn't have that information but it may not be applicable to Park City in any event. He believes the County has an importation plan. Jim Hier expressed that the house isn't as impacting as the landscaping around it; fees will only climb to the $23,000 level when there is significant landscaping. Mr. Cashel noted that 70% of peak demand is irrigation. Ms. Erickson believed that the County fees adopted a couple of years ago were higher than the City's and there was discussion about looking at base costs every year because water issues are so volatile. Mr. Cashel advised that it is typical to look at impact fees every five years; the last time the City revised fees was four years ago.

Gary Hill explained that last year, the business license fee was increased with regard to transit. The Council approved a phased-in approach with a 5% increase last year, 10% this year and another 10% next year. Recreation fees have been updated to remove outdated language and skating fees reflect a $.25 increase for the public session. Mr. Hill explained that there is provision in the fee resolution for additional or after-hours building inspections. The parking section clarifies ADA parking violations and consistent with Council direction in November 2006, adds parking passes, priced at $100 per year. As discussed earlier, water fees are recommended to be increased.

Gary Hill described the compensation ordinance scheduled on the regular agenda. The salaries for the Mayor and City Council are proposed to remain at the same level. The tentative budget is scheduled for action, and if approved, begins a ten day period for public review before the final budget can be considered for approval. There was discussion about the composition of the group compared for salary purposes and analyzing the pay plan in two years without including Park City as a variable. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 7, 2007

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 7, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Project Manager; and Gary Hill, Budget Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that he owns a business which may be subject to the fee resolution, scheduled for action tonight. Candace Erickson regrettably reported that long-term member Rich Miller is resigning from the Recreation Advisory Board. She thanked him for his time and energy.

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

1. <u>National Ability Center funding denial</u> – Meechie White, Executive Director, explained that NAC applied for funding to support its sled hockey program at the ice arena. NAC served about 2,200 from Park City and 1,800 were kids. Some of the groups served include Chrysalis, Basin Recreation, UOP, Park City Learning Centers, and five elementary schools. The NAC also sponsors the Jump-in Program at the High School. NAC provides a day camp, sled hockey and swim programs through the Recreation Department for people with disabilities. She emphasized that NAC is paying full price for ice rental and expended about $10,000 last year. Ms. White acknowledged that her grant application may have been somewhat confusing and urged Council to consider that NAC is providing services to the public that the Recreation Department can't, at a reduced price to participants. Candace Erickson explained the committee's policy on the number of Park City residents served. Ms. White explained that the City does not have the resources to accommodate disabled persons and the NAC is not receiving funding for this essential community service. Jim Hier expressed his interest in receiving further clarification on this application; other modifications have been made to two other requests. He suggested providing an ADA rate for the rental of ice, to accomplish the same result as awarding funding and Ms. White felt this would make the most sense. Gary Hill stated that he will work with the NAC on a solution and bring back a recommendation on June 21. Candace Erickson felt it important to involve the Snyderville Basin Recreation District in the reduced rates discussion. Mr. Hill expressed that a rate approach isn't tied to the budget, and more time can be devoted this.

2. Kudos for Gary Hill - Mike Sweeney, HMBA, thanked Mr. Hill for his expertise in explaining the sales tax increase proposals to both the HMBA and the Chamber/Bureau.

3. Comstock traffic calming – Kyle Jessen, Comstock resident, explained that many people in the neighborhood weren't aware of the walkability study's recommendation. He referred to a survey distributed to the neighborhood last year. He complained about not hearing back from the City in May 2002, February 2006, or December 2006 when the group approached Council about the volume and speed of traffic on Comstock. The proposed sidewalk and change in parking will not help the situation and the no left-hand turns into the neighborhood increased the problems on Comstock. He suggested installing children at play and no-through commercial traffic signs. There needs to be three-way stop signs at every intersection and perhaps speed bumps. The speed limit could be reduced from 25 mph to 15 mph and enforced. These are inexpensive solutions and the neighborhood feels the City is not listening to them. Mr. Jessen spoke about addressing walkability and traffic calming recommendations together. His suggestions probably only total $1,500, as compared to the $185,000 budgeted for the sidewalk project. He stated that the neighborhood is prepared to publicly fight the City Council in the event of inaction by increasing public awareness of its lack of concern for safety through newspaper articles, radio, television, and if necessary, the courts.

Ms. Erickson felt that the sidewalk would be safer for children, which seemed to be supported by parents in the area. Kyle Jessen insisted that his measures should be tried first before installing a sidewalk. He reiterated that the problem is speed and volume of traffic and a sidewalk is unnecessary. Parking is needed on Comstock for residents.

Jon Weidenhamer acknowledged that walkability recommendations are not related to traffic calming per se. The children at play and stop signs were not recommended by the traffic calming group. Kyle Jessen again complained about the City not getting back to them.

Mark Olsen, Comstock resident, relayed problems throughout the years and suggested that the street be manned with a police officer during peak times. Kyle Jessen again complained about the City not responding to the neighborhood.

Will Dunbar, Comstock resident, believes that the simple solution is slowing traffic. If that doesn't work, then try the $185,000 project.

Beau Johnson, Comstock resident, pointed out the need for parking because Prospector has so many rental properties. The sidewalk may help walking traffic but taking away parking is a problem for many residents. Mark Olsen added that there are 32 homes on Comstock and eliminating one side of the street for parking, leaves only 14 parking spaces for all residences.

Tom Bakaly clarified that there is a policy for traffic calming and neighborhood enhancement requests. The City received two requests from Prospector and in February 2006 conducted a survey and received mixed responses. He suggested that this topic return to Council so he can research the facts and report back to the City Council. One of the recommendations of the traffic calming committee is to integrate recommendations into the walkability study. Jim Hier relayed that all of the walkability elements have traffic impacts and agreed that Comstock is a busy street packed with kids. Eliminating commercial traffic and installing children at play signs could be easily accomplished. He emphasized that he responds poorly to threats and will try to overlook Mr. Jessen's comments in this regard. Mr. Jessen stated that they feel they have no other recourse because of the lack of feedback from the City. Candace Erickson noted that all members have published phone numbers and respond to the public. She added that there were several walkability meetings which were well-attended by Prospector residents and in her mind this segment of the community was represented. Mr. Jessen stated that he wasn't aware of the meetings. Joe Kernan asked for a technical response to Mr. Jessen's requests for signs, and to see if it is possible to allow parking on both sides with a sidewalk. He suggested that the walkability committee consist of residents rather than staff. Tom Bakaly again stated that he will return to Council with more information on June 21.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 24, 2007

With Candace Erickson and Roger Harlan abstaining from voting because they were not in attendance at the May 24 meeting, there was no quorum to take formal action and the minutes were continued to June 7, 2007.

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

1. <u>Revised budget for fiscal year 2007 and the budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies</u> – Mr. Harlan opened the public hearing and with comments, closed the hearing. Candace Erickson spoke about adequately planning for cost increases in materials for our pavement management plan. Gary Hill explained there was an increase last year, but no same level adjustment was needed this year. She stated that she would rather spend more money on a different type of paving material than continue to use slurry seal.

The Alternative Mayor Pro Tem requested a motion to approve the Resolution adopting a tentative revised budget for FY 2007 and tentative budget for FY 2008 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate at a no tax increase rate**.** Jim Hier, "<u>I so move</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

2. <u>Resolution amending Section 1, construction and development related fees; Section 2, Water Fees; Section 7, parking violations, towing and impound fees; Section 8, recreation services and facility rental fees, and Section 9, ice arena fee schedule; and</u>

replacing and repealing Resolution No. 26-06 in its entirety – Mr. Harlan opened the public hearing.

Mike Sweeney asked for more time to consider modifying fees particularly water impact fees. The City Attorney clarified that although impact fees were discussed in work session, the ordinance will not be considered for action until next week.

With no further input, the public hearing was closed. Jim Hier, "I move we approve the Fee Resolution amending Sections 1, 2, 7, 8 and 9". Joe Kernan seconded. Motion unanimously approved.

3. Ordinance establishing compensation for the Mayor, City Council and Statutory Officers for Fiscal Year 2007-2008, Park City, Utah – Roger Harlan pointed out that there is no increase proposed for the Mayor and Council and opened the public hearing. With no input from the audience, the public hearing was closed. Joe Kernan, "I move we establish compensation for the Mayor, City Council and Statutory Officers for Fiscal Year 2007-2008". Candace Erickson seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

Joe Kernan stated that he is interested in Ms. Erickson's comments relating to not using slurry seal and would like to see costs to use other applications.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
JANUARY 11, 2007

I ROLL CALL

Chairman Dana Williams called the regular meeting of the City Council to order at approximately 7:15 p.m. at the Marsac Municipal Building on Thursday, January 11, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney.

II PUBLIC INPUT

None.

III MINUTES OF MEETING OF JUNE 15, 2006

The Chairman requested a motion to approve. Roger Harlan, "I so move". Marianne Cone seconded. Motion unanimously carried.

IV CONSENT AGENDA

Resolution establishing a regular meeting date, time, and location for 2007 meetings and appointing officers of the Board of Directors of the Park City Redevelopment Agency – The Chairman requested a motion to approve. Jim Hier, "I so move". Marianne Cone seconded. Motion unanimously carried.

V ADJOURNMENT

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

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

Prepared by Janet M. Scott, Secretary

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JANUARY 11, 2007

I ROLL CALL

Chairman Dana Williams called the regular meeting of the City Council to order at approximately 7:30 p.m. at the Marsac Municipal Building on Thursday, January 11, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney.

II PUBLIC INPUT

None.

III MINUTES OF MEETING OF JUNE 15, 2006

The Chairman requested a motion to approve. Candace Erickson, "I so move". Roger Harlan seconded. Motion unanimously carried.

V CONSENT AGENDA

Resolution establishing a regular meeting date, time, and location for 2007 meetings and appointing officers of the Board of Directors of the Park City Municipal Building Authority - The Chairman requested a motion to approve. Candace Rickson, "I so move". Marianne Cone seconded. Motion unanimously carried.

V ADJOURNMENT

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

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

Prepared by Janet M. Scott, Secretary

City Council
Staff Report

Special Events and
Facilities Department

Author:	**Max J. Paap**
Subject:	**White Pine Touring Demo Day**
Date:	**June 21, 2007**
Type of Item:	**Administrative – Master Festival License**

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for the White Pine Touring Demo Day, as conditioned, on Saturday, June 23, 2007 to be held at the parking lot of the Rail Central Building.

Description:

Topic:
Review the Master Festival License Application, submitted by Jans Mountain Outfitters and White Pine Touring, for the White Pine Touring Demo Day on June 23, 2007.

Background:
Jans Mountain Outfitters and White Pine Touring submitted an application requesting a Master Festival License to hold an event to allow the local community to demo bikes from major bike vendors, provide the opportunity to climb a rock wall and enjoy guided hikes. A BBQ and amplified band will close out the day. The event organizers have requested to hold their event on Saturday, June 23, 2007. The event would begin at 9:00 am at the parking lot of the Rail Central Building and will conclude by 7:00 pm. This application is being reviewed as a Master Festival License due to the request for amplified music.

Analysis:
The White Pine Touring Demo Day is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort destination by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

<u>Outdoor Activities</u>
Outdoor activities will include demo bike rides, rock climbing wall, guided hikes, a BBQ, and amplified music. The parking lots behind the White Pine building will be

closed to vehicles and the parking for users of the Rail Trail will be maintained for that use.

Parking

Parking for this event will be accommodated in the Park City Plaza lot. The applicant shall sign both the east and west side of that lot entrance to guide the participants to that area.

Department Review:

All applicable departments have reviewed the White Pine Touring Demo Day and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing the White Pine Touring Demo Day as described. This is staff's recommendation

Deny the Request:

Deny the Master Festival License, preventing the addition of the White Pine Touring Demo Day to Park City's schedule of events.

Continue the Item:

The City Council may continue the discussion in order to receive additional information

Significant Impacts:

Park City has held many similar events to the White Pine Touring Demo Day . The activities will be contained within described venues and will conclude by 7:00pm.

Consequences of not taking the recommended action:

The White Pine Touring Demo Day would not take place.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the White Pine Touring Demo Day on Sturday, June 23, 2007 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The White Pine Touring Demo Day will be held Saturday, June 23, 2007. The event will last from 9:00 am to 7:00 pm and will occur at described locations.
2. Parking for the anticipated crowd of 200 people will be accommodated with the existing parking in the Park City Plaza parking lot. The conduct of the White Pine Touring Demo Day will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

3. The event is oriented towards families and youth.
   The events associated with the White Pine Touring Demo Day will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held at the Rail Central Building parking lot. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. Two other Master Festival and Special Event Licenses have been issued for June 23, 2006. The E-100 will take place at the NAC and Round Valley Trail. The Wasatch Back Relay will end on lower Main Street between Heber and 9th Street. The White Pine Touring Demo Day will not substantially interfere with the logistics and venue for the E-100 or the Wasatch Back Relay for which licenses have already been granted and with the provision of City services in support of other such events or governmental functions based on the following:

   a) The E-100 will be at the NAC and Round Valley. The Wasatch Back Relay will be on lower Main Street. The White Pine Touring Demo Day will be at the Rail Central Building parking lot.
   b) The E-100 will run from 7: 00am to 7:00 pm. The Wasatch Back Relay runs from 8:00 am-7:00 pm. The White Pine Touring Demo Day runs from 9:00 am-7:00 pm.
   c) Attendance projections are as follows: E-100 - 200; Wasatch Back Relay - 2000. White Pine Touring Demo Dayl- 200.
   d) All events have their own venues and all people and all activities associated with each event will be contained to their own area. All public personnel, equipment, and /or transportation services at the event have been coordinated with adequate time to insure there is no negative impact to those services in town; and
   e) Attendee parking for the E-100 will be accommodated at the NAC and Park City Sports Complex. Wasatch Back Relay will be accommodated within the China Bridge parking structure, on-street parking, or private parking lots. White Pine Touring Demo Day parking will be accommodated in the Park City Plaza Parking Lot.

6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this

Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant, at its cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. All plans for tents, stages and other temporary structures have been submitted to the Building Department for review and permitting by June15, 2007.

Attachments

Exhibit A- Applicant’s Summary of Activities

Exhibit A-

PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION-PART i
A completed electronic copy submitted to the Special Events Department is requ

Special Events and Facilities Department
435.615.5150
specialevents@parkcity.org

APPLICATION FORM
Part I of the application form (pages 1 and 2) must be completed and submitted to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. Parts I and II of the application must be sent electronically to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

EVENT NAME: White Pine Touring-
Demo Day

EVENT DATE(S): 06/23/07

EVENT TIME(S): 9:00 am- 7:00 pm

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
In the parking lot of the Rail Center Building

ANTICIPATED ATTENDANCE: 200

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
We are going to offer free Demo bike retnals, our dike vendors plan to show up with their Demos. We hope to have a rock climbing wall. One or two restaurants from the NOMA district will serve food. We hope to have 2 bands play. One from 5 pm-6 pm, the other from 6pm-7pm. We would like Mt. Trail Foundation, and Young Riders to set up tents, and get their information in peoples hands.

APPLICANT: *(name of organization)*Jans Mountain Outfitters-White Pine Touring

CONTACTS

Event Manager: Scott House or Desiree Lindemann
Mailing Address: POB 280 Park City UT 84060
Phone: 435 649 8710 Fax:435 649 8718
Cell Phone:
E-Mail: dlindemann@whitepinetouring.com

Assistant Event Manager:
Mailing Address: same
Phone: same Fax:same
Cell Phone:
E-Mail: shouse@whitepinetouring.com

TYPE OF EVENT: *to be confirmed by the Special Events Department*

☐ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*
A public event which any one of the following:
- ☐attraction of large crowds, (Over 500)
- ☐street closure,
- ☐use of City park, building or property,
- ☐use of off-site parking facility,
- ☐use of amplified music.

☒ **Special Event;**
A private or public event, which creates significant public impacts through:
- ☐causes significant public impacts via disturbance, crowd, traffic/parking,
- ☒disruption of the normal routine of the community or affected neighborhood,
- ☐necessitates temporary business or liquor licensing
- ☐event signs, visible from public property
- ☒temporary structures

CITY SERVICES

- request for street closure(s)? ☐yes ☐no
  if yes, then list street(s) and closure time and date:
- request for closure of or access to any public parking spaces? ☒yes ☐no
  if yes, then list lot and closure times and dates: the lots associated with the Rail Center Building. We do not wih to close the lots for the apartments in this area
  if yes, complete and attach *Request for Special Use of Public Parking* form.
- request for use of any City owned bleachers? ☐yes ☒no

SALES AND FOOD VENDING

- will there be beer, wine and/or liquor sales during the event? ☐yes ☒no
  if yes, have you filed a *Beer and Liquor License Application* with Park City Finance Department? ☐yes ☐no
  if yes, have you filed a Single Event or Temporary Beer Permit application w/ UDABC? ☐yes ☒no

APPLICATION FEES

All new applications require a $100 processing fee, all applications for returning events require a $50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:

Park City Municipal Corporation
Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

INSURANCE
Park City Municipal requires proof of liability insurance in the amount of two million dollars ($2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.

City Council Staff Report

Author: Jonathan Weidenhamer
Subject: Noise Regulations
Date: June 21, 2007
Type of Item: Legislative

Summary Recommendation:
Hold a public hearing and approve the attached ordinance to permanently amend Section 4-4-16(K) of the Municipal Code to allow Liquor Licensed establishments to allow limited use of their decks and patios until 12:00 am.

Background
In July 2006, the HMBA asked the City to consider amending existing regulations on noise in order to promote economic vitality on Main Street. In August 2006, the City Council and Planning Commission held a series of public hearings contemplating a number of options to amend the City's noise regulations (meeting minutes attached as exhibits). During the public hearings specific comments were heard on the proposed changes to 4-4-14(K); as well as other comments addressing much broader implications of the overall noise regulations in old town. In general, comments were split evenly between residents that opposed changes and business owners/operators that supported changes.

On August 24, 2006, Council Consider amended Section 4-4-16(K) of the Park City Code to allow limited use of outdoor decks and patios until midnight (as long as no food or drink was allowed outside) on a trial basis. This amendment included a sunset ordinance that expired on February 24, 2007. Per Council direction on May 3, 2007, staff has returned with consideration of a permanent extension of the expired ordinance.

Analysis
At this time staff is unaware of any complaints or adverse impacts arising from the trial basis. Staff is currently pulling any available complaint data from Police records and will provide a verbal update at the meeting. Although some preliminary thought was given by decision makers last fall to distinguishing restaurant uses from bar uses, no additional comprehensive study or joint resident/business meetings have taken place to further that dialogue. The HMBA has continued to seek additional changes, namely:

1. Extending the currently considered ordinance provisions to 1:00 am.

2. Expand the expired ordinance to allow food and alcohol to be sold, consumed or carried out to these outdoor areas.

3. Differentiate impacts from Restaurant licensees and Private Club licensees - Consider amending other Municipal and Land Management Code limitations on Outdoor Dining to allow it to occur after 10:00 pm.

Because the original amendment to 4-4-16(K) was not approved until late summer last year, staff finds it appropriate to allow the amended ordinance to be tested for an entire summer season prior to contemplating additional changes. City Council would retain the ability to, at a later date, direct staff to take a comprehensive look at or further amend this or other ordinances related to noise and outdoor uses. Should Council direct staff to conduct a closer look at these regulations immediately, direction should be given as to what portion of current work program should be reprioritized.

Department Review: The City Manager's Office, Planning, Sustainability, and Legal Departments have reviewed this report.

Recommendation:
Hold a public hearing and consider approving the attached ordinance to amend Section 4-4-16(K) of the Municipal Code to allow Liquor Licensed establishments to permanently allow limited use of their decks and patios after 10:00 pm.

Exhibits
Draft Ordinance
Exhibit A – August 17, 2006 Council minutes
Exhibit B – August 24, 2006 Council minutes
Exhibit C – August 23, 2006 Planning Commission minutes

Ordinance No. 07-

AN ORDINANCE AMENDING SECTION 4-4-16(K) OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO ALLOW LIQUOR LICENSED ESTABLISHMENTS TO ALLOW LIMITED USE OF THEIR DECKS AND PATIOS AFTER 10:00 PM.

WHEREAS, the Land Management Code places limitations on outdoor activity, noise after 10:00 p.m., and outdoor dining uses; and other decks and patios associated with liquor licensed establishments; and

WHEREAS, the City Council finds that it is in the public interest to regulate the use of decks and patios of liquor licensed establishments, in certain commercial districts that are adjacent to residential neighborhoods in order to reduce noise impacts; and

WHEREAS, a public hearing was duly held before the City Council on June 21, 2007; and

WHEREAS, public notice and opportunity to comment were provided, pursuant to the Municipal Code; and

WHEREAS, the City Council finds and determines that, allowing limited uses of outdoor decks and patios associated with liquor licensed establishments can enhance the pedestrian appeal and vitality of certain commercial areas, while limiting potential noise related impacts; and

WHEREAS, a temporary ordinance allowed an identical provision from August 24, 2006 to February 24, 2007 and the City Council finds no adverse impacts resulted; and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:

SECTION I. FINDINGS. The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Chapter 4, Section 4-4-16(K) of the Municipal Code is amended to read as follows:

4- 4-16. OFFENSES OF LICENSEE.
It shall be unlawful for the holder of any license issued under this Chapter or any employee or agent of the holder to cause or permit to be caused on his or her premise any of the following acts:

(K) **<u>EXCESS HOURS OUTSIDE</u>**. To sell or service alcoholic beverages or to permit patrons to remain on any outdoor balcony, deck, patio, or garden associated with the licensed premises after the hour of 10:00 PM except licensed premises may permit patrons to ingress and egress through a closed door to such an area until 12 a.m. provided that food and alcohol are neither sold nor allowed to be consumed or carried out to the area.

<u>SECTION III. EFFECTIVE DATE</u>. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 21th day of June, 2007

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, City Attorney

Exhibit A - Minutes
Park City Council Regular Meeting
August 17, 2006

Public hearing on the consideration to amend Section 4-4-16(k) of the Municipal Code to allow Liquor Licensed establishments to use their decks and patios until 1:00 a.m. – This discussion occurred after the Rail-Central Encroachment Permit item, but appears here for ease of reference.

Jonathan Weidenhamer explained that this appears on the agenda in response to a request from the Main Street merchants which triggered a broader review of the City's noise regulations, which will also be reviewed by the Planning Commission next week. He discussed noticing the neighborhoods and businesses. The HMBA requests consideration of the manner in which the City measures and defines an acceptable level rather than an excessive level. He pointed out the four options outlined in the staff report, including (1) allowing patrons on decks and patios until 1 a.m. provided that food and alcohol are not served or consumed; (2) allowing outdoor dining outside after 10 p.m. but not for bar operations; (3) allowing Options 1 or 2 with a sunset provision; and (4) do nothing. Staff is recommending Option 1. The Mayor opened the public hearing.

Barbara Kuhr, Park Avenue resident, spoke about the neighborhood's relationship with the City under the home owners group, UPAPA. She thanked the Council for the opportunity to speak and felt that there is a solution for Main Street and the surrounding neighborhoods so that everyone is successful. Adjacent neighbors already deal with bar noise emanating from Main Street until 1 a.m. and this is why the ordinance was changed in the 1980s. Please do not change the ordinance, enforce it.

Bill Dark, Park Avenue resident, questioned the decibel level of laughter or conversation. What does it take to wake someone up? Currently, residents can expect nine hours of quiet time from 10 p.m. to 7 a.m. If the ordinance is changed to 1 a.m., it diminishes sleep by three hours. Residents are willing to put up with the noise until 10 p.m., but not 1 a.m.

Gordon Strachan, attorney on Main Street and Old Town resident, recalled deliberations on the current ordinance and urged Council to not amend it.

Connor Watts, Sidecar owner, urged Council to establish an acceptable level of noise. Business owners have no control over patrons when they are on the street. He felt there is can be an acceptable level after 10 p.m. and supports Option 1. Limiting use of his deck drives people out of his establishment. When the no smoking laws become effective, more people will be out on the street where there is no ability to control noise.

Kevin Blake, restaurant owner and representative of the Restaurant Association, explained that he has a second floor business. The Association believes the ordinance needs to be amended and there is a compromise position. Use of decks is vital to the success of restaurants because of expanded seating but he is sympathetic to the neighborhood. The Mayor asked that the Association to provide input on Option 2.

Bruce Sanchez, Rossi Hill resident, spoke about transient noise emanating from open doors of bars and restaurants and the loud clatter from dumpster activity. He felt there is no way to control noise with a decibel method. He felt 1 p.m. is unreasonable.

Andy Sepy, 421 Park Avenue, explained that his house is directly behind Harry O's and strongly discouraged amending the ordinance and he is also concerned about the proliferation of deck use.

Alan Schueler, Prospect Avenue resident, expressed he couldn't imagine Old Town being noisier than it already is and asked that an acceptable noise level be defined.

Tim Lee, Rossi Hill resident, emphasized that the noise from Main Street is already too loud and expanding the ordinance would be terrible. Swede Alley acts like an amphitheater and he spoke about quality of life issues on Ontario. He felt that there were good reasons for enacting this noise ordinance years ago, which works. Don't change the ordinance.

Ramona Meyer, Park Avenue, addressed compounded noise from a number of establishments heard at her location. The amendment will affects residents who would like to enjoy their evenings.

Todd Ford, Park Avenue resident, echoed his support of downtown businesses but felt that 1 a.m. seems excessive. He believed that distinguishing between bars and restaurants makes some sense. Enforcement of decibel levels seems awkward and should be reconsidered.

Ron Whaley, 819 Park Avenue, stated that his opposition to the current ordinance which is evident with his lawsuit against the City regarding noise. Tonight's discussion is quite predictable because some time ago, the City decided to more than double the allowable decibel reading. The City Council must reign in the human cry for more allowances to the business community.

Mike Wong, business owner, stated that he was born and raised here and returned to Park City after school to operate a business. The outdoors is a critical component for visitors and it is a shame not to allow use of decks. This is a democracy and there are patrons who want to go outside after 10 p.m. but are forced on the street. He supports an amendment to the noise ordinance.

Jack Meyer, Park Avenue, agreed with prior comments made by residents, and explained his situation living behind 412 Bistro. The level of noise significantly escalates with opened doors and he also commented on Main Street noise after 10 p.m. which is often very loud and unpredictable.

Lynn Suksborf, Director of Egyptian Theater, explained that the box office promotes Main Street restaurants and about 31% of their patrons indicated that they want to do something on Main Street after a performance. Most people prefer having dinner and drinks after the show. About 47% travel from Salt Lake and expect to spend an evening in Park City. Mr. Suksborf mentioned that the theater is sold out for the next four nights; this represents 266 seats a night. Attendees at later performances aren't able to be served by local restaurants. He felt there can be a compromise reached to accommodate guests of the City.

Lisa Kristopherson, martini bar owner, felt that bars are already "*boxed in*" and hates to see another distinction made in regulating them.

Jesse Shetler, owner of Butchers and No Name Saloon, stated that when the no smoking laws become effective, there will be more noise on the street. He is in favor of amending the ordinance but isn't sure if 1 a.m. is the right time. He acknowledged the noise impacts to adjoining neighborhoods and supported Option 2.

Russ Wong, resident and Main Street Mall owner, felt that noise is a separate issue. The matter at hand is extending the hours of use of a balcony after 10 p.m. He felt it is reasonable to extend hours and asked if residences would be in violation of holding an outdoor party after 10 p.m.

Mike Sweeney, Main Street property owner, explained that he conducted a decibel study which he will present to the Planning Commission next week. He stated that Park City is a resort community and 77% of tax revenues are provided by businesses. He shared his decibel findings for daytime uses including motorcycles, MFL music, and the trolley, etc. which ranged from 99 db to 110 db. The level for people talking is less than 80 db, music from open doors from 50 feet at less than 65 db, talking on neighborhood and commercial decks less than 75 db, and barking dogs about 90 db. He emphasized that outdoor dining is important to the community and attract people who actually spend money on Main Street, unlike bars. There was less noise downtown during the Arts Festival because there were no cars on Main Street. Mr. Sweeney stated that he conducted the analyses on July 2, 2005 until 2 a.m. and on August 4, 5, 11, and 17, 2006.

Candace Erickson understood that restaurants don't serve past 10 p.m. Mr. Blake of the Restaurant Association responded that 99% of the restaurants remain open to at least 10 p.m. but not in the shoulder seasons. Marianne Cone felt it reasonable to provide residents with a respite from noise, especially in consideration of the daytime impacts of construction noise. Jim Hier believed that allowing people on decks to smoke may be something to consider and agreed with Mike Sweeney that Park City is a resort town. However, we are also a community, not just a resort, and must take into consideration the interests of residents as well as businesses. It's important to balance interests which may be different than other competing winter resorts like Aspen or Vail. Mr. Hier expressed that it behooves us to ponder this to arrive at a compromise for all interested persons. Roger Harlan felt it would be difficult to monitor patrons taking drinks and/or food outside without opposition. Joe Kernan expressed the importance of accommodating visitors. The Mayor stated that this is going to be a tough decision and emphasized that the Council has the responsibility to hear controversial requests; public input is very important to the City Council. Marianne Cone, "I move that we continue this to our meeting on August 24, 2006". Jim Hier seconded. Motion unanimously carried.

There was discussion about the amendments pertaining to the LMC that the Planning Commission is currently examining. A distinction between establishments associated with Option 2 can be made in the LMC which regulates restaurants and bars, not the Municipal Code. He pointed out that if the Municipal Code is not amended, there would be no reason to address it at the Planning Commission level. Marianne Cone stated that she is not in favor of changing the ordinance. There was a suggestion about assigning a six-month sunset clause, and Roger Harlan pointed out that in six months, it will be winter and not an issue. Joe Kernan supported the Council making a decision on Option 1. The Mayor preferred that Council be presented with some options next week. There was again discussion about separate Municipal Code and LMC amendments and Tom Bakaly explained that the Municipal Code relates to Option 1 but consideration of additional options need to be reviewed by the Planning Commission first. Roger Harlan felt that approving an amendment next week would provide at least a two to three week trial period to assess potential impacts of extending hours on outdoor decks. It was decided to deliberate on Option 1 next week.

Amendment to Section 4-4-16(k) of the Municipal Code for the purpose of extending the permitted use of a balcony, deck patio, or garden associated with a licensed premise from 10 p.m. to midnight – Patrick Putt explained that the Municipal Code regulates licensed premises and limits the use of outdoor areas and decks after 10 p.m. In the 1980s, establishments were expanding use of those spaces, which resulted in noise complaints and conflicts with residential neighborhoods and as a result, the Municipal Code was amended with the 10 p.m. cut-off time, which seemed to be the most effective way to mitigate potential conflicts. Mr. Putt stated that the HMBA continually explores ways to bring more vitality on the street, and have petitioned Council to consider an amendment to the Code extending use of outdoor spaces beyond 10 p.m. He pointed out that there is language in the Land Management Code regulating licensed premises from a land use perspective. In response to the request from the HMBA, the Council decided to look at 4-4-16(k) and hold public hearings on the matter.

Mr. Putt noted that the Planning Commission was charged to concurrently review the LMC sections addressing outdoor uses and public hearings are also being conducted. About 17 to18 people provided comments at the Commission meeting held last night and opinions were split. It was pointed out that noise on Main Street is more noticeable at night, in the absence of the variety of daytime ambient noises. He spoke about an email from Barbara Kuhr, Park Avenue resident, who expressed concerns about loosening regulations, but an interest in working with the HMBA on options. The Planning Commission was supportive of the neighborhood and business community collaboratively working together to address solutions.

The Planning Director pointed out that the staff recommendation is to amend the Municipal Code to allow limited use of outdoor decks and patios to 12 a.m., with the original proposal being 1 a.m. There is a three month sunset provision with an automatic renewal for another three months, unless there is a request to revisit the issue. Mr. Putt stated that the Planning Commission expressed concerns about the challenges of enforcement and felt the amendment to the Municipal Code is a good interim test. The Commission recommended that staff begin a broader in-depth examination of the noise and use issues in Old Town. Staff's recommendation is approval of the Ordinance, as described as Option 1 in the staff report.

Mark Harrington pointed out typographical errors in the draft. Roger Harlan asked if there is a method of measuring the effectiveness of the amendment and Pat Putt noted that the Planning Commission felt that the regulation should be easy to understand and to enforce. Members also believed that a distinction can be made between restaurants and bars. Candace Erickson stated that constant noise is probably easier to sleep through than intermittent disturbances. For instance, opening a door will result in a burst of noise and she asked residents to comment on this. Marianne Cone commented on the reluctance of residents to call police when there is a noise problem.

Mayor Williams thanked the audience for its participation and civility. He emphasized that when a petition from the public is made to the City Council, members feel obligated to respond. The Mayor opened the continued public hearing.

Ken Davis, HMBA, stated that the prior public hearing was an *eye-opener* for him, particularly hearing the variety of noise issues relayed by residents. The board met earlier this week and members felt that there may be methods that could be explored to improve the quality of life for the adjoining neighborhood. It's a challenge balancing the interests of businesses and residents. He asked for a short test period of the ordinance to determine its effects.

Mike Wong, member of HMBA and co-owner of Sidecar, thanked Council for considering an amendment to extend hours. He acknowledged Council members' concerns about opening and closing doors at late night hours. The Mayor clarified that the statement was initiated from members of the public not the City Council. He stated that he is willing to install a revolving door in his establishment to take care of that potential problem. It's a travesty not to allow people outside on balconies and this is not an effort to amend the noise ordinance. Owners have no control of patrons once they are on the street. He is in favor of extending outdoor uses until 1 a.m. consistent with closing time.

Carter Watts, co-owner of Sidecar, felt that complaints from residents relate more to noises which are not necessarily coming from decks, but from motorcycles and dumping bottles into dumpsters, for instance. He described a test he conducted at his restaurant and believes that management can control noise levels on decks.

Jessica, musician at Sidecar, stated that performing in a building with the doors closed is hot and uncomfortable. As a resident on Hillside, she relayed that she doesn't hear bar noise, but often motorcycles.

Jean Carlin, manager of the Washington Inn and resident on Park Avenue, relayed that none of her guests have complained to her about not being able to use outdoor decks and patios. She is appreciative that there is an ordinance in place to keep the Old Town area quiet but doesn't view this as an issue for bars owners or residents because of the limited opportunities of using outside decks due to weather. Residents, however, hear everything at 1:30 a.m. when people are walking back to their places. It will be beneficial for residents and members of the HMBA to collaborate.

Ken Martz, Park Avenue resident, stated that his initial reaction was not to change the ordinance but is now more open to options. He suggested conducting a trial period for a couple of weeks and perhaps next summer and if there is too much noise, to provide recourse for residents.

Jeff Ward, General Manager of 350 Main and The Spur, stated his support of the HMBA letter requesting an extension in hours and facilitating a dialog with City staff. He felt there was an interest expressed to explore an amendment at last night's public hearing before the Planning Commission. Establishments are not asking to open windows and/or doors, and he spoke about the no smoking legislation which will become effective in 2009. He asked that the Council consider use of decks until 1 a.m. consistent with closing, as opposed to 12 a.m. and was a little confused about the timing in seating people for dinner.

Floyd English, Park Avenue resident, felt that the current ordinance encourages a good balance.

Brian Vanhecky, Empire Avenue resident, stated that there is a significant problem with noise as it relates to Old Town, which has nothing to do with outdoor cafes or people sitting outside. He felt that over the last couple of years, decisions have been skewed toward businesses and development, resulting in oversized homes on small lots. He personally enjoys restaurants and bars where he can sit outside and sees no reason to prohibit that after 10 p.m.

Mike Sweeney, board member of HMBA and Chamber/Bureau, stated that the Chamber is supportive of the efforts of the HMBA which was represented last night at the Planning Commission. There was also an opportunity to learn about more issues in the neighborhood. He felt that restaurants should stop seating guests outside at 10 p.m. The HMBA chose the 1 a.m. hour consistent with liquor laws and putting people on the streets at midnight may not provide the right information to analyze. He spoke about the HMBA meeting with neighbors after a test is performed to address any negative impacts.

Eileen Dunn, Park City Restaurant Association, stated that the Association fully supports extending the time for use of outside decks. It’s an added benefit to guests and will bring additional revenue to the City. She encouraged the Council to maintain the fun feeling in Park City and to provide an opportunity for patrons to enjoy beautiful evenings on Main Street. Restaurant owners don’t want loud rowdy people on their decks either, in consideration of other patrons in their establishments.

Paula DeFoe, Park Avenue resident, asked why the ordinance is being considered to be amended. There is a lot of noise during the day and residents don’t know what to expect with extended hours. It is an unknown. A voice or the clatter from a coffee cup on Main Street can be heard on Park Avenue.

Carol Fontana, Old Town resident, expressed her concern about rushing this matter. It seems really fast to consider an ordinance that affects residents’ quality of life. Clienteles vary on the street. The proponents of the ordinance will make them more money and businesses have a much stronger interest. She stated that she wants her nine hours of rest. By allowing establishments an additional hour, means later ambient noise like fans, vehicles, and dumping. Ms Fontana believed that people get louder as they drink whether or not they have a drink in hand late on an outside deck. Comments have been made about the negative impacts of people going on to the street, but at least the noise is captured there, unlike Swede Alley. She is tired of sacrificing for the benefit of the Main Street business owners and checked on-line with regulations in other resort communities. Aspen’s outdoor time limit is 9 p.m. to 7 a.m. and Breckenridge is

10 p.m. to 7 a.m. and neither allows construction on Sundays. In response to a question from Ms. Fontana, Mayor Williams responded that with regard to the sunset provision, Council members will decide whether or not the trial is a success or a failure. She read an excerpt from a publication citing noise as environmental pollution and emphasizing that the control of noise is important to the health and welfare of the public.

Kyra, Old Town resident, stated that she likes being able to sit on decks and patios at restaurants. She urged Council to consider 1 a.m. when the bars close and pointed out that people on the street would be much noisier than on a deck.

Chris Wickland, Main Street resident, stated that he has lived in Old Town for 23 years. In response to a question from Mr. Wickland, Mr. Harrington advised that the decibel level is fixed and time limits apply to regulating activities of licensed premises. The proposed amendment would allow people to go out on decks two hours later than currently for purposes of anything but consuming food and alcohol. Mr. Wickland believed that this would benefit very few establishments on Main Street. The City is moving very quickly on this and he questioned the sunset provision. The next few months will not be telling and the matter should be tabled until next summer when a valid test can be conducted. Another option is extending the sunset provision for one year and having the ability to rescind it at any time.

Kent Mars, Old Town resident, believed that residents can not use their decks after 10 p.m. but businesses are allowed to operate outside until 1 p.m. There is a difference between constant and intermittent noise. He spoke about his nightly rentals in Old Town where people more interested in skiing than partying. He asked who will be affected by loosening the ordinance. He felt that business will increase with no smoking bans in establishments which was demonstrated in California.

Jesse Shetler, owner of Butchers and No Name Saloon, indicated that Butcher's has a deck, which he would like to use past 8:30 p.m. He is in support of the HMBA's proposal to amend this while at the same time meet with residents to arrive at some solutions to identified issues. He doesn't feel that a smoking ban will increase his business. Park City is a tourist town and increase in revenue is not his main objective.

Liza Simpson, 510 Main Street, pointed out that amplified music is a nuisance, not people sitting out on a deck. She spoke about major construction projects in the area, over the past eight years, including the transit center, parking garage and in-fill development. Old Town residents have been subjected to non-stop noise. She doesn't object to the HMBA's request, but felt there is no benefit in amending the ordinance now. A test would be more beneficial in June and in the meantime, the businesses and residents can meet to identify potential problems before the ordinance is modified.

Ron DeFoe, 213 Park Avenue, felt that with adoption of this ordinance that there will be a proliferation of new decks on Main Street and compounded noise with extended hours. He urged Council members to listen to and not penalize residents because of economics. It's unlikely that tourism will increase with this modification.

Reed Carlin, 569 Park Avenue, believed that most residents are worried about loosening the ordinance and then being taken advantage of by economics. He emphasized that he wants Main Street businesses to succeed but there needs to be a balance with the needs of the neighborhood so there are people living in Old Town. The summertime may be a better time to hold a trial rather than the fall.

In response to a comment in the audience, the City Attorney emphasized that this ordinance does not impact outdoor dining whatsoever, which is regulated by the LMC. It applies to licensed establishments that have deck areas and the effective date would be its publication date. There are trigger dates where Council will decide to renew it on November 24 and/or February 24. Restaurants must comply with the 10 p.m. cut-off time for decks by planning for preparation and serving time. With no further comments, Mayor Williams closed the public hearing.

Marianne Cone expressed that a positive result of this discussion is the effort of residents and businesses working together on noise. Her main focus is keeping full-time residents in Old Town which is uncommon in many other resort communities. She is not in favor of change unless the bars consider non-amplified music as a compromise. The downtown canyon is geographically sensitive and there are reasons why the current ordinance was put in place. She doesn't feel the next three months is a good duration to test outside uses.

Candace Erickson believed there are only about four bars with decks that would be affected and possibly more establishments if the LMC is amended addressing restaurants. She acknowledged that she has changed her mind throughout the discussions and agreed that the testing should occur in the summer with standards so there are parameters that can be effectively measured. Ms. Erickson pointed out that Ms. Fontana is allowed to sit on her deck as late as she wants as long as there isn't a level of amplified music that would annoy her neighbors. By postponing action until spring will provide some time for business owners and residents to meet and will result in a better trial period.

Roger Harlan pointed out the on-going effort of the Council to make Main Street viable and the proposed amendment is very narrow in scope. He preferred holding a trial in the fall, discussed the amphitheater effect of noise in a canyon, and urged affected parties to meet. It is uncertain how effective management will be monitoring patrons on the decks, but he is willing to give it a try to evaluate the modification.

Joe Kernan expressed his appreciation of the high level of public participation throughout the process which has made people more aware of each other's issues. He felt the suggestion of looking into regulations of other resort communities is a good one and is in favor of the business community testing the extension.

Dana Williams relayed that Main Street has always been noisy. With regard to the amendment, he estimated that only about three businesses would be affected and in general, bars have done a good job of policing their establishments. He emphasized that this will not change the noise ordinance which is subject to its own decibel regulations. Given the limited extension in time, he is comfortable with trying it now. In response to a question from the audience, the Mayor described the designated three month reviews.

Roger Harlan, "I move that we approve an Ordinance amending Section 4-4-16(k) of Park City's Municipal Code to allow liquor licensed establishments to allow limited use of their decks and patios after 10 p.m. and to midnight". Joe Kernan seconded. Motion carried.

Marianne Cone	Nay
Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye

Exhibit C
PLANNING COMMISSION MEETING MINUTES
AUGUST 23, 2006

Planning Director Patrick Putt reported that a public hearing will be held this evening and no action is being requested. The Staff and Planning Commission is looking for community input from the public and the stakeholders who would be affected by the issue surrounding noise in the Old Town area.

Director Putt remarked that in the late 1980's and early 1990's, the use of outdoor decks became more prevalent as development along the Main Street area began to infill and the uses and success of the Main Street business area began to flourish. During that time, the City experienced a growing conflict between the residents and the businesses related to outdoor activities associated with the Main Street area and the impacts that were felt by the neighboring residential areas throughout the canyon area. In order to address the noise issue, the City made conscious decisions and changed both the Municipal Code and the Land Management Code. Regulations were put in place to limit outdoor music and other outdoor activities to 10:00 p.m. When the 10:00 whistle blew, activities were moved indoors. Since then, additional zoning and Land Management Code changes have gone into affect to address the idea of commercial activity along Main Street and its impacts on the adjacent residential neighbors.

Director Putt explained that the current noise regulations consist of the following principles: 1) a prohibition of outdoor noise after 10:00 p.m.; 2) the measure of that noise is “plainly audible beyond the property boundary or at 50 feet from the source”; 3) it prohibits live or recorded music without closing all exterior doors or windows; 4) it prohibits outdoor speakers except with an outdoor dining conditional use permit with a provision that stops all outdoor noise after 10:00 p.m.; 5) a limit to selling or serving alcoholic beverages or food outdoors; 6) it prohibits patrons to remain on outdoor decks after 10:00 p.m. Director Putt stated that over the past few years, the Historic Main Street Business Alliance has been working to increase economic activity and business on Main Street and he believes that everyone can agree that the HMBA has been very successful.

Director Putt noted that the HMBA has approached the City with a request to consider making specific amendments to the regulations on noise for the Main Street area. In general, the HMBA is suggesting that they redefine the way that noise is measured from “acceptable levels” of noise versus the term of “excessive levels”. The requested modification would change the existing regulations and allow outdoor activity on decks to continue beyond 10:00, provided that specific “acceptable levels” of noise could be monitored and enforced. Director Putt pointed out that the proposed modifications to the existing regulations would involve a comprehensive look at several areas of the Land Management Code.

Director Putt stated that currently the City Council is contemplating proposed revisions to the Municipal Code, Section 4-4-16(k), which is the section that prohibits outdoor use after 10:00 p.m. for liquor licensed establishments. The City Council held a public hearing on August 3rd to take input on this matter. At that time the City Council requested that the Staff provide additional opportunity for the public to comment on the subject of outdoor noise. Director Putt clarified that the City Council is not specifically asking the Planning Commission for a recommendation on the Municipal Code changes. The City Council wants to know if the Planning Commission is open to exploring the concept of changing the LMC amendments as it relates to outdoor activities beyond 10:00 p.m. and the associated uses. The Staff is seeking direction from the Planning Commission this evening following the public hearing.

Director Putt remarked that the Planning, Building, Legal, and Police Departments are aware of the potential negative impacts associated with this proposed change. In addition, the current regulations are easy to enforce. Director Putt believes there is a strong community interest for looking at ways to reasonably accommodate uses that would be consistent with the economic objective of helping the Main Street area continue to be successful.

Director Putt noted that the Staff report outlines four questions for discussion by the Planning Commission. The first question is whether the City should consider amendments to its existing noise ordinance. If yes, the Staff suggests allowing time to review and provide detailed analysis and prepare recommendations. Secondly, should the City consider differentiating impacts from restaurants and private clubs. Third, should the City consider further defining “acceptable level” of noise. Finally, should a different level exist in predominantly commercial districts.

Director Putt commented on the number of people who attended the City Council public hearing and noted that the input was split for and against. He reported on an email he received today from Barbara Kerr, a resident on Park Avenue, who expressed concerns about relaxing the current noise regulations on Main Street because of the impacts on adjacent residential streets. She and her husband are interested in working together in a collaborative fashion to come up with acceptable alternatives or solutions with the HMBA. Director Putt reported on input he received from Gordon Strahan who is not in favor of changing the existing regulations. Mr. Strong believes that 10:00 p.m. is an appropriate time to move activities indoors and that a lot of time and effort and public debate went into formulating those regulations. Director Putt read into the record an email from Katie LePay expressing her opposition to extending outdoor balcony/patio/smoking/dining/drinking/and music activities after 10:00 p.m. Ms. LePay stated that in the early 1980's the City encouraged housing on Main Street above stores and restaurants and there are 29 condos at the Galleria, many units at the TMI, Town Lift Lodge, Caledonia, and numerous other residential units occupied year-round on Main Street. She further commented on the many hotel rooms on Main Street and how it is nearly impossible to sleep before 10:00 p.m. with the current noise and traffic. Ms. LePay realizes that there are drawbacks to living in town but she preferred that the City not encourage additional late night outdoor noise. She commented on excessive street noise after closing at a popular Main Street restaurant and noted that neither the business owner nor a City authority enforced the noise ordinance. Ms. LePay requested that the Planning Commission not allow noise and smoking on Main Street to go any later than it does.

Commissioner Russack asked if these changes would be specific to Old Town or whether they would apply to other commercial districts beyond Old Town. Director Putt replied that they could possibly extend to other commercial districts. He requested that the Planning Commission consider these changes in the context of a community wide issue and not just to Main Street or the immediate residential areas.

Chair O'Hara opened the public hearing.

Karri Hays-Walzer, a resident at 145 Park Avenue, stated that she moved to Park City in 1970 from a suburban neighborhood. After the first night in her house, she knew she was no longer in the suburbs because she could hear her neighbors and everything going on in town because the sound reverberates off the canyon wall. She loves living in the City and understands that noise comes with the desire to live there. She had just returned from Italy where the noise is much worse than in Old Town and people do not even start to eat or drink until 10:00 p.m. Ms. Hays-Walzer was perturbed with the direction this is taking because she believes the existing restrictions are too tight. She thinks it is a good idea to relook at the regulations. She thinks it is rude to kick someone out of their seat in a restaurant and force them to move inside. She noted that the Sundance Film Festival is not held at Silver Springs for a reason. Park City is the epicenter and Main Street is the center of it all. Ms. Hays-Walzer stated that if the City intends to crack down on restaurant and bar noise, then they should also crack down on late night parties in private homes and construction noise. These noises are much more annoying that the noises that come from businesses on Main Street. These are city noises and if it disturbs your sleep you can use earplugs. Park City is a special and unique place in Utah and they need to stay that way. If they keep tightening up the rules, they will lose the business that people on Main Street depend on. They need to support the excitement and livelihood that lives on Main Street.

Ken Davis, president of the HMBA, was happy to hear the comments made by Ms. Walzer. He entered a letter into the record and paraphrased its general remarks. Mr. Davis had attended the City Council meeting last Thursday and listened to many of the remarks from people on the other side of the argument. What struck him was the fact that a lot of the objection directed at the merchants was anecdotal evidence and something that only happened one time. Much of the complaints related to noise at closing time when everyone filters out to the street, bottles are being thrown into dumpsters, and other such noises. In listening to these comments, it occurred to him that with the new smoking ban more people will be out on the streets smoking cigarettes, which will create a bigger problem for the City itself. Rather than throw these people in the street, Mr. Davis suggested that a better option would be to contain them on decks and leave it up to the proprietor to control the noise. Mr. Davis stated that the Egyptian Theater made the point that during the summer, many people wait until after a show to have dinner rather than dining before. The current law practically results in not seating anyone outside after 8:30 p.m. and the shows let out well after that time. Mr. Davis stated that the HMBA is proposing to work with the residents to form a committee and address the issues. He believes that many of the concerns can be addressed and many of the noise issues have nothing to do with the ordinance. Mr.

Davis encouraged the Planning Commission to support the Staff recommendation and try out these changes for a few months.

David Chaplin, a resident at 86 Prospect Avenue, stated that he lives a quarter mile from Main Street and he can hear music and conversation. The music can be heard as far away as the bottom half of Main Street. He also hears outdoor revelers but he is unsure if they are on a deck because he is too far away to see, but not too far to hear. Mr. Chaplin stated that 10:00 p.m., when the noise ends, until 7:00 a.m., when the construction noise begins, is the only nine hours they have for some semblance of quiet. He noted that the magic of 10:00 p.m. is the whistle and everyone knows what that means. Mr. Chaplin asked the Planning Commission for nine hours of peace and the same expectation of peace that exists now.

Bruce Crane, a resident at 412 Marsac Avenue, stated that he received an invitation from the City Staff encouraging his participation, however he was unsure what the Staff expected of him. His wife had expressed her opinion in an email that was attached to the Staff report. Mr. Crane called attention to the general noise environment and asked that this environment be the perspective in which they deal with the noise issue. He agreed with Ms. Hays-Walzer that the private individual and the construction noise creates the problem. He noted that 10:00 p.m. to 1:00 a.m. may be the quietest time of day. The neighbors have lived through years of construction and at times the decibel levels have exceeded 55 decibels before 7:00 a.m. and after 10:00 p.m. Mr. Crane agreed that a big problem is the private noise which begins around 1:30 a.m. He shared the frustration of people who have tried to enforce that aspect in the neighborhood. Mr. Crane felt it was important to remember that when they look at the prospect of increasing commercial noise, it is in an environment that is already noisy.

Kevin Blake, a Main Street business owner, stated that he has been a Park City resident since 1989. Mr. Blake stated that his outdoor deck is critical to the existence of his restaurant in the summer time. He is a second story entity in the Main Street mall and because of sign and lighting codes, his visibility is very low. His deck seats approximately 35 people and without it his visibility is compromised. Mr. Blake remarked that Park City residents are his customers and it is a two-way street. The business owners want Main Street to be a vibrant, socially active, incredible Old Town dining experience, and still respect the residents ability to enjoy their homes and to sleep at night. Mr. Blake agreed with the idea of experimenting with the proposed changes and allow outdoor dining until 1:00 a.m. It is a good place to start, particularly with the new smoking rules and the issues it will create. He felt it was better to keep people contained on decks. Mr. Blake believes there can be a happy medium and that the issues can be resolved. In his opinion, a 10:00 p.m. “clear the decks” approach is not the way to go.

Casey Musker, manager of the Spur Bar and Grill, favored changing the ordinance for outside dining. Mr. Musker stated that business owners on historic Main Street sympathize with their neighbors when it comes to loud noises late at night. He could understand the annoyance of unwelcome noise and until the City Council meeting last week, he never realized it was an issue for the neighbors. He has never received a call or a visit from any of the neighbors concerning noise levels, and hearing their comments changed the way he looks at it now. Mr. Musker felt it was important for the businesses and residents to work together and to take their time so the regulations can work for everyone. The worst thing they can do as a community is to make a hasty decision without considering all the aspects and how it affects everyone. He wants to be considered a responsible business in the community and work towards a solution that makes sense. From what was said at the City Council meeting, he felt it was easy to understand that the majority of complaints from the neighborhood derive from all kinds of sources, and not just outdoor dining. Businesses can change their day to day practices to help with unnecessary noises. Making these changes can give the businesses and the community a better measure of what impacts outdoor dining past 10:00 p.m. and what those impacts really are. Mr. Musker supports the HMBA proposal to initiate a work group to discuss these issues and he would like to see the outdoor dining hours changed to 1:00 a.m. In the meantime, business owners need to be aware of other noises from their establishment that may be confused with deck noise. Mr. Musker clarified that they are not asking Old Town residents to deal with the noise, but rather to work with the businesses to make good decisions for their town. People eating, drinking, and smoking on decks are not the problem. He encouraged everyone to do their best to eliminate the real noise problems and to look at them separately before taking away the rights of people to enjoy the outdoor dining experience in Park City.

Bill Malone, representing the Park City Chamber Bureau, stated that yesterday the Chamber Bureau voted to endorse the idea pursued by the HMBA and the Park City Restaurant Association to extend outdoor dining hours beyond the current 10:00 p.m. curfew. In this highly competitive resort environment, they are finding that the national and international customers they attract expect outdoor seating in a mountain environment. Patterns exist where people are dining later and for longer periods of time. Mr. Malone stated that this phenomenon is happening in many resorts they directly compete against. The Chamber and many businesses in the community have spent a lot of dollars to try to overcome the stigma they have and to paint a picture of a fun and vibrant night life, as well as great restaurants in the community. By extending the outdoor dining opportunities, guests could be seated outside for dinner past 8:30 p.m. and still have time to leisurely enjoy their meal.

Jeff Ward, general manager of 350 Main and the Spur, stated that he also serves on the Board of the Chamber Bureau, the HMBA, and the Restaurant Association. Mr. Ward agrees with the HMBA proposal and he believes it is possible to extend the outdoor dining hours and the use of decks without significantly impacting the noise environment in Old Town. Mr. Ward believes there are opportunities to find a workable solution that allows the business owners to be more vibrant and successful during the summer without impacting the residents. He referred to the second paragraph of the analysis section in the Staff report and the verbiage about establishing a set level of noise as determined by a sound level meter. He noted that they currently have the 65 db requirement and one intent of the HMBA proposal is to make the noise level itself more definable rather than the "source of the noise". Mr. Ward was unsure about the industry standard of a high definition urban design, but in his opinion, if they can integrate the neighborhood and the business community, that is a high degree of urban design they should strive for.

Mike Sweeney, a member of the HMBA and the Chamber Bureau, stated that he owns property on lower Main Street. He and his family have worked very hard to build and develop skiing into Old Town and to create an atmosphere of a fun environment in Park City. As a business person, he believes it is important for the Planning Commission to understand that the businesses need every edge possible to compete with the national and international market. People come to Park City on vacation and they come to have a good time, not to go to bed at 10:00 at night. Mr. Sweeney stated that he personally does meter readings in Park City to make sure they take care of the residents and not just the commercial aspect. He agreed that there is a “funnel effect” that disperses the noise and they need to learn to live with it because they cannot change topography. Mr. Sweeney asked the Planning Commission for the opportunity to work with the residents in an effort to make the Code work for everybody.

Michael Wong, representing the Side Car, stated that he is also an HMBA Board member. Mr. Wong shared the sentiments of those in favor of the HMBA proposal. He thinks it is a travesty to require people to move their dinner inside at 10:00 at night instead of sitting outside and enjoying the fresh air. It is embarrassing to tell people from other countries and other states that they must move inside. Mr. Wong believed that the City should give people the freedom to make their own choice as to whether they can act responsibly outside and enjoy the community. He urged the Planning Commission to give this matter serious consideration.

Nicole Norton stated that she has lived on Ontario Avenue and now lives on Upper Park Avenue. She is not bothered by the noise and noted that people roam the streets all night anyway, walking around and talking to their friends. Ms. Norton did not think businesses should be penalized for something that is already occurring in Old Town. She is awakened more by her neighbors when they come home late at night and by people who filter in to the side streets to party late into the evening. She preferred that people migrate to the commercial area of town to socialize rather than next to her home.

Jesse Shetler, owner of Butcher’s Chop House and the No Name Saloon, supported the HMBA and their quest to bring later evening dining and drinking to outdoor patios. He does not have a deck at the No Name Saloon and he expects to lose business to other establishments that do have decks. However, he believes it is essential to the community and the direction of Park City as a tourist town to allow late night activity on decks. Mr. Shetler stated that in 2009, smoking will be prohibited in all private clubs and if he had a deck, it would be smarter to keep smoking guests on the deck rather than going in and out the front door and on to the street.

Marion Lintner, a resident on Park Avenue, stated that she supports the Main Street businesses and agrees that it is unreasonable to expect diners to evacuate the decks right at 10:00 p.m. However, to say that hours do not make a difference is unrealistic. She enjoys the sound of kids playing in a pool in the middle of the day but she does not like her neighbors having a hot tub party in the middle of the night. She agreed with those who say it is not just the noise from Main Street businesses and that other noises should be looked at. Ms. Lintner remarked that everyone is talking about indoor versus outdoor. This has been an unusually warm summer and she cannot remember that many summer nights when people want to be outside dining on a patio. Typically it is too cold. Ms. Lintner felt that restaurants should be allowed to seat people until a reasonable hour, but to allow speakers and live bands outside affects the guests who come to Park City to experience a serene environment rather than live action. She did not have answers for the problems but she was uncomfortable with the idea of throwing it wide open by saying that noise after 10:00 p.m. is not a problem.

Carol Fontana noted that she had submitted a letter last week. She is not wildly in favor of the proposed changes, however she was willing to trade an extra hour of outdoor dining for enforcement of the no idle rule for delivery trucks. Ms. Fontana addressed the competition issue and noted that she found the sound ordinance for Aspen, Colorado online. Their “quiet time” is 9:00 p.m. to 7:00 a.m. Construction hours are 7:00 a.m. to 7:00 p.m. and nothing occurs on Sunday. If Park City intends to use other resorts as an example, she believes Aspen is a good example to follow.

Ken Marks, a property owner on Prospect Avenue and a part-time resident of Park City, wanted to know if extending the hours for downtown businesses would also extend the residential noise regulations.

Chair O’Hara did not believe the proposal is structured to include any residential component.

Mr. Marks felt that an extension to 1:00 a.m. is out of the question but extending to 11:00 p.m. would be OK.

Ron Duffaut, a resident at 213 Park Avenue, stated that he did not come to Park City to wear ear plugs to sleep. He remarked that a great restaurant is great from the time it opens to the time it closes and it does not stop being a great restaurant at 10:00 p.m. when they can no longer eat on the deck. People have parties on their deck and changing the ordinance would be the same as telling people they can have parties outside any night at any time, even if it is right behind someone’s house. Mr. Duffaut agreed that they need to consider the businesses but they also need to consider the residents because they are the ones who live here. Chair O’Hara closed the public hearing.

Chair O’Hara remarked on the comments regarding the new smoking law and wondered if smokers will be required to remain a certain distance from the building. The current ordinance requires a certain distance from the doorway and if that regulation follows the new law, that would preclude smoking on decks.

Commissioner Thomas remarked that one side of the equation is to enhance the marketability of Park City with regards to being a resort community. The other side of the equation is to support the Historic District as a mixed community. He believes there needs to be harmony and they cannot lean one way or the other. The solution needs to work for both the residents and the businesses. Commissioner Thomas suggested the possibility of relaxing the dining provision on outdoor decks during the summer and monitoring the noise level for a defined trial period. He suggested that the outdoor dining hours be extended to 11:00 p.m. with the understanding that the extension can be revoked if it does not work.

Commissioner Russack felt this was a delicate situation and everyone agrees that there needs to be balance between the business owners and the residents. He encouraged some form of group dialogue to look at the issues on both sides and to find a resolution that accommodates both groups. Commissioner Russack felt it was worthwhile to research other resort communities to see what they have done. He was not comfortable with immediately testing something without taking the time to research it and to really understand what is at stake.

Commissioner Sletten agreed with Commissioner Thomas. He felt that trying to compare Park City to other communities is difficult because Park City is unique and different from Aspen based on how Main Street relates to the Historic District. Commissioner Sletten stated that in his opinion, the number one goal is to make sure they nurture, encourage, and grow those businesses on Main Street. He favored a short term test. Based on the comments this evening, the business owners are willing to work with the residents and he encouraged the two groups to get together to try to resolve their differences. Commissioner Sletten stated that in the end, he will support the business community on Main Street because without their success the rest of Park City will cease to exist.

Commissioner Pettit stated that she has lived on Park Avenue behind the No Name Saloon and the Club and has a good sense of what it means to live close to Main Street. She supports maintaining the vibrancy of Main Street and believes it is important and critical to Park City's identity. Commissioner Pettit felt it was important to understand the objectives before moving forward with any changes to the ordinance and she believes that a test case is the best place to start. In addition, it would be helpful if the Planning Commission had a better understanding of the number of outdoor dining areas, where they are positioned on Main Street, and the number of people each business can occupy. Commissioner Pettit was concerned about testing during the end of the Summer season and into Fall because that would not provide a real indication of the impacts at the height of the summer. She encouraged the business owners and the residents to work together on this issue. She also felt it was important to address the comments expressed this evening regarding other noise sources that create problems for the residents. Commissioner Pettit suggested that the sources be pinpointed, so as part of the compromise, the business owners can control and handle those noise sources in a way that is acceptable to the residents.

Commissioner Wintzer agreed that there are trade offs if the other noises can be minimized, and that people sitting on the decks are not the real problem. He favored finding a way to improve Park City's image. He also thinks it is vain to assume their competition is doing something a certain way by reading the ordinance, when, in fact, the competition may not be doing that at all. Commissioner Wintzer agreed that they should research other communities, however they still need to find out what Park City wants to be and make themselves unique. Commissioner Wintzer felt the issue goes back to enforcement by the restaurant owners and cited a personal experience where he witnessed the blatant abuse of outdoor music.

Chair O'Hara was willing to look at re-opening the ordinance. He found public input this evening to be confusing because the noise from people eating and drinking on a deck after 10:00 p.m. is different from music on a deck after 10:00 p.m. He was not opposed to people enjoying dessert or a drink after 10:00 p.m. without than having to move inside. Chair O'Hara assumed that a test period would come under a Temporary Zoning Ordinance (TZO), which would allow a time extension for 30 days.

Chair O'Hara asked for discussion on the question of whether the City should consider differentiating impacts from restaurants and private clubs.

Commissioner Thomas felt there was a difference in the noise generated from a private club versus a restaurant. Commissioner Russack felt that the answer goes back to having a better understanding of the situation in terms of economics, the neighbors, and the business owners. He agreed that there is a difference but needed more information to understand the difference.

Chair O'Hara commented on the question of further defining an "acceptable level" of noise. In his opinion, something that must be measured requires enforcement, which is very difficult. The 10:00 p.m. whistle is clear and simple and does not require a decibel measurement. He stated that because noise flows strangely in the canyon it would be difficult to put details in the ordinance. Chair O'Hara preferred to keep the ordinance as simple as possible. Commissioner Thomas concurred. Commissioner Russack stated that the ordinance must be kept simple in order to work.

Commissioner Sletten remarked that he came into the meeting this evening with the idea of keeping the time at 10:00 p.m., however, after hearing the comments from business owners regarding their needs, he is willing to consider a change. Commissioner Sletten agreed that the regulations must be precise and easy to define.

Commissioner Thomas pointed out that if they intend to do a test case, it would be necessary to have the ability to measure decibels.

Chair O'Hara believed the last question regarding whether or not a different noise level should exist in predominantly commercial districts had been answered and that the Planning Commission does not think the noise ordinance should be increased anywhere besides the commercial districts, and primarily for restaurants.

Director Putt announced that there would be an additional public hearing at the City Council meeting tomorrow evening. At that time, there will be a discussion on a pending change to the municipal code that would allow for outdoor activity to take place on decks and private space after 10:00 p.m. The current draft proposal would be to extend that time to 12:00 midnight and does not include dining or drinking. It only allows people to be on the deck and to move to and from the building. Director Putt noted that the ordinance is scheduled for possible action, however it does not mean that action will take place.

City Council
Staff Report

RECREATION LIBRARY

Author:	**Linda Tillson**
Subject:	**LIBRARY DIRECTOR**
Date:	**June 21, 2007**
Type of Item:	**Library Board Appointments**

Summary Recommendations:
Appoint Nan Worel to serve a three year term on the Library Board. Reappoint Kate Reichartinger and Marlene Ligare to each serve a second three year term.

Description:
Topic:
Library Board vacancies

Background:
Utah Code requires municipal library board appointments to be made effective July 1 each year. Currently, the Park City Library Board has three vacancies. Two are due to board members finishing terms. The third is due to a board member resigning.

In accordance with City policy, ads for the Library Board vacancies ran in the Park Record and were aired on KPCW. Applications for Board positions were available at the Library and at the Mayor's office. A total of three applications were received.

Analysis:
The Library Board has interviewed the candidates and is recommending the addition of one new member and the reappointment of two current members. See attached letter from Library Board Chair. This brings the total of voting board members to eight. According to Utah State Code, the Board must have five members and may have as many as nine. Existing members may serve up to two consecutive terms.

Name	Term	Expiration	Term
Marlene Ligare	3 years	July 1st, 2010	2nd
Kate Reichartinger	3 years	July 1st, 2010	2nd
Nan Worel	3 years	July 1st, 2010	1st

Department Review:
Library Board and Recreation Library Team

Alternatives:

A. Approve the Request:
Make the appointments to ensure a fully staffed and legally constituted Library Board. Three applications are attached for your consideration.

B. Deny the Request:
Make alternative appointments or reopen the recruitment process.

C. Continue the Item:
Utah Code requires municipal library board appointments to be made effective by July 1 each year.

D. Do Nothing:
Not an option. Code requirements stipulate timely appointments.

Significant Impacts:

Consequences of not taking the recommended action:
Could miss Utah Code deadline of July 1 for having library board members in place.

Recommendation:
Appoint Nan Worel to serve a three year term on the Library Board. Reappoint Kate Reichartinger and Marlene Ligare to each serve a second three year term.

The Library Park City

May 26, 2007

Honorable Mayor and City Council,

The Park City Library Board currently has three openings, all of which are for three year terms. After conducting interviews we propose the addition of one new member and the reappointment of two current members. The proposed individual board members are:

- **Nann Worel** (new member): Nann Worel is new to Park City but very experienced in community service, leadership, fundraising and public relations. She has served on numerous boards over the last 15 years and has received the "Liberty Bell Award" for community leadership and service in Mobile AL. She has also participated in the opening of a new branch of the Mobile Public Library. Prior to making Park City her home, Nan has been a part time resident of Park City for 5 years and is familiar with both the library staff and the scope of services they offer. Nan will bring a fresh perspective to the board and is committed to becoming an enthusiastic and active member of her new community. Her fundraising experience will also add a new dimension to the board.
- **Kathryn Reichartinger** (reappointment): Kate has been an active and informed board member. Her past experience as a library staff member has been invaluable. Kate is also a mother of two and routinely utilizes the infants and toddlers programs. Kate brings a young perspective to the board and is concerned with the diminishing use of public libraries with the increasing use of the internet. With that, she is supportive of a campaign to broaden the view of the library in the eyes of the younger users and to work more actively with our schools to encourage use of the public library.
- **Marlene Ligare** (reappointment): Marlene is a 35 year resident of Park City and was the first president of Friends of the Library. She is interested in ensuring that there is sufficient funding to cover increased needs as Park City grows and as County Residents begin to use the City Library. Marlene also likes to promote to the community all the new technologies and services the library provides for them. She perceives the mission of the library board to "Provide a wonderful library for our community".

We appreciate you consideration of these applicants to the library board. The three candidates together bring experience, enthusiasm, knowledge, and new ideas. Please feel free to contact either my or Linda Tillson if you have any further questions.

Laurie Smith
Park City Library Board
435-608-1068
Lauriesmith55@comcast.net

City Council Staff Report

Author: **Stacey Noonan, Ice Rink Manager**
Subject: Food and Beverage Concession at Park City Ice Arena and Sports Complex
Date: June 21, 2007
Type of Item: Administrative

Summary Recommendation:
Authorize the City Manager to execute the lease agreement with Marilyn Darby of D'Juice LLC DBA Booster Juice for the food and beverage concession at Park City Ice Arena and Sports Complex, in a form approved by the City Attorney.

Topic:
Food and beverage lease agreement at the Park City Ice Arena and Sports Complex.

Background

General concessions as well as catered food at recreational and educational functions will enhance customer service and will serve as a component in the effort to bring the Ice Arena to a lower subsidy. The initial concessionaire did not perform or take an interest in growing the business so in mutual agreement, the Fat Kid Pizza contract ended and staff instituted a second RFP to find a new concessionaire.

Analysis

A Request for Proposal (RFP) was advertised for a concessionaire to manage the food and beverage sales at the Park City Ice Arena and Sports Complex. This RFP was published in the Park Record for two weeks. The applicants were to address rent, logistics for product storage and delivery, menu, and pricing. One proposal was received.

Marilyn Darby is the owner of two Booster Juice franchises, one in Jeremy Ranch with a second store just opening in Park City. She provided smoothies at the Family Fall Festival last October and people were impressed with her product. Marilyn is community oriented, would like to get her product better recognized in Park City and has proposed a contract that would split (50/50) all net profits at the Sports Complex with the City. Beginning September 1, 2007 Booster Juice will pay a minimum of $500 per month in rent or 50% of net profit – which ever is greater. The contract is written for a three year term with an "out" clause after four months with a 60 day notice. This will carry the operation through the holidays at a minimum.

There are over 140 Booster Juice locations across North America and Marilyn, through D'Juice LLC, is the regional developer in Utah, Montana, and Eastern Idaho. She has been in business for 4 ½ years and currently has a business license with both Summit

County and Park City. D'Juice is in the process of developing more stores with substantial financial backing and sees serving this complex as a way to be involved in the community and promote her product.

Staff is currently reviewing the possibility of adding a future addendum to this contract for "employee sharing". The purpose of this addendum would be to allow us to have employees at the ice arena front desk serve food during our slower daytime hours so that we can keep the cost of doing business down while providing constant service to our patrons. The reduced staffing overhead could provide a larger monthly profit.

Because of Marilyn's D'Juice LLC, she can apply for a beer/liquor license outside of the Booster Juice name. She is interested in catering parties and events as well. For-profit event organizers would be required to approach Booster Juice to cater their functions, but if either party declines, the event organizer may provide their own caterer. Booster Juice would be under no obligation to give up the kitchen area, but the event organizer would be allowed to use the multi-purpose room on the second story of the arena (which serves the bleacher area) and the concessions building between Fields C and D if so desired.

Booster Juice will provide a healthy menu and supplement the availability of vending machines with candy, snacks and soda to meet the needs of a variety of people. Booster Juice offers a variety of healthy, light, snack type food such as smoothies, sandwiches, wraps, quesadillas, hot cocoa, coffee and more. Booster Juice products are of whole food content for high performance and nutrition. We believe this raises the facility up a notch towards a "world class facility" as all other rinks mainly serve junk food.

The concession area houses some basic kitchen equipment originally purchased by the City to get the concession area open. Marilyn is willing to invest what is necessary to purchase equipment to operate the food service area as well as paint and provide floor covering to make it a snappy, colorful Booster Juice franchise outlet.

Department Review:

The Acting City Manager, the Legal Department, the Sustainability / Special Events department and the Recreation/Library Management Team have reviewed this report.

Alternatives:

A. Approve the Request:
This would allow the concessionaire to get the concession area open by late July – early August 2007.

B. Deny the Request:
This would require staff to post a new RFP and delay the opening of the concession area.

C. Continue the Item:
Council could continue the item and direct staff to provide further information at a future date.

Recommendation:

- Approve lease agreement, as approved by Legal, with Marilyn Darby, owner of D'Juice, LLC for the food and beverage concession at Park City Ice Arena and Sports Complex.

CONCESSION AGREEMENT
PARK CITY ICE ARENA & SPORTS COMPLEX

This Agreement is made and entered into as of this ___ day of _______, 2007, by and between **PARK CITY MUNICIPAL CORPORATION** (hereinafter "City") and D'Juice LLC, a Utah Limited Liability Corporation ("Concessionaire").

WITNESSETH:

WHEREAS, the City owns an area known as Park City Ice Arena and Sports Complex [hereinafter "Sports Complex"] which is open and available to the residents and visitors of Park City for recreation; and,

WHEREAS, the City desires to have available at the Sports Complex food and beverage refreshment available to the users of the Sports Complex; and,

WHEREAS, Concessionaire desires to sell food and beverage refreshment at the Sports Complex; and,

WHEREAS, Concessionaire agrees to conduct said food and beverage refreshment business in a professional manner pursuant to the terms and conditions herein set forth,

NOW, THEREFORE, in consideration of the covenants and agreements of the respective parties herein contained, the parties hereto do hereby agree as follows:

1. **Description of Concession**. During the term of the agreement, the Concessionaire will be granted the right, at the Sports Complex, to operate a food and beverage concession business, serving food and beverages to patrons of said Sports Complex. All event organizers who choose to have food and beverage at the Sports Complex will have to work with the Concessionaire with the exception of events sponsored by a non-profit corporation with a 501(c)(3) status or birthday parties. If Concessionaire declines the opportunity to provide food for the event or if the event organizer chooses not to use Concessionaire for any reason, any properly permitted food source may be used to provide food and beverage for an event. The City will have the right to provide food in vending machines in the arena and at the fields concession area and has sole source of revenues produced from vending. The scope of service shall be as specified in the proposal attached hereto as Exhibit A unless otherwise specified herein.

2. **Term**. The term of this Agreement shall be from June 22, 2007 to June 22, 2010.

3. **Rent – General Concessions**. Concessionaire agrees to pay the City as rent for the use of the premises one half (50%) of the monthly net profits as defined in Exhibit B. Beginning September 1, 2007 the concessionaire agrees to pay the City the greater of one half (50%) of the monthly net profits or five hundred dollars ($500) during the months the Rink is in operation. Rent for the previous month is due on the fifteenth day of each month during the term. The rent shall be paid to the Park City Ice Arena and Sports Complex, P.O. Box 1480, Park City, UT 84060. Any payment not made within fifteen (15) days of due date shall automatically bear interest at the rate of eighteen (18) percent per annum from the date payment became due. Daily closings because of weather will not reduce this monthly rent.

4. **Rent – Group Parties & Events With On-site Catering**. Concessionaire has the option to cater Sport Complex events and parties subject to the conditions stated in paragraph 1 above. The Sports Complex will charge and keep a facility fee for all events to cover costs for, but not limited to additional staffing, cleaning and other maintenance overhead required for hosting an event or party. Concessionaire shall supply detailed financial information in the monthly profit and loss statement (exhibit B) for all catered events and parties. Concessionaire agrees to include all profit from parties and other events, as part of the monthly profit; any on-site catering will be included as 50% of monthly net profit sales.

5. **Use of Concession Areas.** There is one kitchen and two point of sale areas within the Sports Complex. The Concessionaire has the right to allow or not allow an outside vendor to use the kitchen area to prepare and service food. The Concessionaire does not have control over the other two point of sale areas: the multi-purpose room on the second story of the arena and the outhouse concession area between fields C and D.

6. **Accounting**. Concessionaire shall provide City with an accurate accounting of Concessionaire's operation no later than July 15, 2007 and thereafter on a monthly basis due the fifteenth day of each month to include the following information:

(A) The actual number and dates of events and parties catered by Concessionaire.

(B) A profit or loss statement.

7. **Authorized Use**. Concessionaire may sell beer, provided that Concessionaire secures proper licenses and complies with all federal, state and municipal laws and ordinances. Sales or service of beer or any other alcoholic beverage is governed by Paragraph 18 below.

8. **Payment of Taxes and Other Assessments**. Concessionaire shall pay all taxes and other assessments for its business during the term of this concession agreement. Concessionaire shall pay all sales or other taxes assessed on the operation of the concession business.

9. **Insurance and Indemnity**. The Concessionaire shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Concessionaire's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Concessionaire; and provided further, that nothing herein shall require the Concessionaire to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Concessionaire expressly agrees that the indemnification provided herein constitutes the Concessionaire's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Concessionaire claims or recovers compensation from the City for a loss or injury that Concessionaire would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

Concessionaire agrees to maintain a comprehensive general liability insurance policy naming the City as an additional insured satisfactory to the City, protecting both the Concessionaire and the City against public liability, products liability and property damage. Concessionaire is required prior to the execution of this agreement, to furnish to the City a certificate of insurance certifying coverage in the following minimum amounts:

A. Public Liability

Each person - $2,000,000

Each occurrence - $3,000,000

This shall include but not be limited to products liability.

B. Property damage

Each Occurrence - $250,000

Said Certificate of Insurance shall name the City as an additional insured and shall provide that the City shall receive 30 days written notice of cancellation.

Concessionaire shall also carry and provide proof to the City of payment of Workman's Compensation premiums for all employees.

10. **City Liable Only for Negligence and Intentional Acts**. Except where caused by City's negligence or intentional act, City shall not be liable for any failure of water supply, natural gas supply, or electrical supply; or for any injury or damage to persons or property caused by gasoline, oil, steam, gas or electricity; or hurricane, tornado, flood, wind or similar storms or disturbances; or water, rain or snow which may leak or flow from the street, sewer, gas mains, or any subsurface area or from any part of the building or buildings or for an interference with light.

11. **Nondiscrimination**. Concessionaire agrees not to discriminate against anyone on the basis of race, color, national origin, age, sex or handicap in its hiring practices, services or operation of its business hereunder.

12. **Waiver of Covenants**. It is agreed that the waiver of any of the covenants of this concession agreement by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenant or any provisions herein contained.

13. **Dates and Hours of Operation**. The Concessionaire will have the concession open for business to the public during the dates the Sports Complex is open to the public. The exact dates and hours the concession will be open by the Concessionaire will be determined jointly by the Sports Complex General Manager and the Concessionaire during the Sports Complex's operation.

14. **Type of Operation**. Concessionaire agrees to maintain and operate the concession in a first-class manner and will keep the premises in a safe, clean, orderly and inviting condition at all times. The concession is to be operated as a convenience to the Sports Complex patrons, therefore all food, drinks, beverages, confections and other items sold or kept for sale under the concession will be of high quality. All food and merchandise kept for sale will be subject to inspection by the City. The service will be prompt, sanitary, courteous and efficient.

15. **Concessionaire's Employees**. During hours of operation, the Concessionaire will agree to retain an active, qualified, competent and experienced employee at the concession to supervise the concession operations. The Concessionaire agrees to be an Equal Opportunity Employer and will hire qualified employees without regard to religion, creed, color, sex, age, national origin or handicap status. The employee must be authorized to represent and act in behalf of the Concessionaire.

The Concessionaire's employees will be clean, courteous, efficient, and neat in appearance. The Concessionaire will not continue to employ any person or person, in or about the premises who shall use improper language or act in a loud, boisterous or otherwise improper manner.

16. **Laws, Ordinances, Etc**. The Concessionaire will obey all the laws, ordinances, regulations, and rules of the federal, state, county and municipal governments which may be applicable to its operations. The Concessionaire will further agree to follow recommendations of the County Board of Health.

17. **Garbage Disposal**. The Concessionaire will provide and use suitable covered receptacles for all garbage, trash, and other refuse on or in connection with the concession. Piling of boxes, cartons, barrels, or other similar items in an unsightly or unsafe manner, on or about the Sports Complex or surrounding premises, will not be permitted and must be removed daily to designated dumpster.

18. **Political Activity Prohibited.** None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

19. **Improvements.** Concessionaire is responsible for the costs for any initial improvements to the facility space including but not limited to equipment, paint, signage or special flooring.

20. **Termination.** Either party may terminate this Agreement with 60 day written notice to the other for any reason. However, notice may not be given before four months from the execution of this Agreement.

21. **Quality, Price and Product Control**. The Concessionaire will serve and dispense high quality foods and products.

22. **Alcoholic Beverages**. Concessionaire may sell beer or wine which has an alcohol content of 3.2% or less. Liquor can be sold during catered events and parties. Additionally, Concessionaire must comply with all federal, state and municipal laws and ordinances relating to alcoholic beverages, beer or liquor. Prior to any beer, wine or liquor sales, Concessionaire must obtain the appropriate Park City license(s) and provide proof of the required Dramshop coverage. All alcohol consumed at the Sports Complex will be sold by the Concessionaire. During skating events, those purchasing alcoholic beverages will be given a wrist band that the City will use to prohibit them from skating.

23. **Party at Fault**. In the event either party shall enforce the terms of this concession by suit or otherwise, the party found to be at fault by a court of competent jurisdiction shall pay the costs and expenses of the prevailing party, including reasonable attorney's fees.

24. **Failure to Perform Covenant**. Any failure on the part of either party to this concession to perform any obligation hereunder and any delay in doing an act required hereby shall be excused if such failure or delay is caused by any strike, lockout, governmental restriction or act of God, or any similar cause beyond the control of the parties so failing to perform.

25. **No Assignment Without Prior Consent**. The covenants and agreements contained within this license shall apply to the benefit of and be binding upon the parties hereto and shall not be assigned without the prior written consent of the City and the Concessionaire, which consent shall not be unreasonably withheld.

26. **Time**. Time is of the essence of this concession and every term, covenant, and condition herein contained.

27. **Paragraph Headings**. The paragraph headings as to the contents of particular paragraphs herein are inset only for convenience and are in no way to be construed as part of such paragraphs or as a limitation in the scope of the particular paragraph to which they refer.

28. **Notices**. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing by United States mail, postage prepaid and registered and addressed to the below-listed address of the party or to such other address as the parties may from time to time designate in writing.

Park City Municipal Corp.	D'Juice LLC
City Attorney	8178 Gorgoza Pines Rd Ste 1
P O Box 1480	Park City, UT 84098
Park City UT 84060	

29**.** **Independent Contractor Relationship**.

A. The parties intend that an independent Concessionaire/City relationship will be created by this Agreement. No agent, employee, or representative of the Concessionaire shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Concessionaire are not entitled to any of the benefits the City provides for its employees. The Concessionaire will be solely and entirely responsible for its acts and for the acts of its agents, employees, or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated the Concessionaire is an independent contractor with the authority to control and direct the performance of the details of the Concession, however, the service and products contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory fulfillment thereof.

30 **Prohibited Interest**. No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

31. **Severability**.

A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States or any state thereof to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

32. **Entire Agreement**. This Agreement constitutes the entire and only agreement between the parties with respect to this concession (other than licenses or permits) and it cannot be altered except by written instrument, signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above-written.

EXHIBIT A
SCOPE OF SERVICES

1. Description of Food and Beverage service:

   a. The Concessionaire shall perform the food and beverage concession for Park City Ice Arena and Sports Complex (herein after “Sports Complex”). The Concessionaire shall provide food and beverage to the Sports Complex patrons, on Sports Complex property. Alcohol beverages for sale may include beer and wine having an alcoholic content of 3.2% or less, along with liquor at catered events and parties only. Non-alcoholic beverages may include soda, sports drinks, smoothies, coffee, hot chocolate and tea. Food items may include soups, chili, salads, hotdogs, hot and cold sandwiches, and snack items Foods with greater nutritional value are preferred.

   b. Concessionaire warrants that all equipment used during its performance of this agreement is reliable and serviced to avoid major breakdowns. If the Concessionaire chooses to use the existing equipment in the concession area, he/she will be responsible to keep said equipment in good working order. A list of equipment owned by the City and owned by the concessionaire will be determined and placed as an addendum to this contract before the Concessionaire opens for business.

   c. The Concessionaire shall be in close communication with Sports Complex general manager to ensure quality service. Concessionaire shall be in close communication with Sports Complex general manager in regards to seasonal hours of operation.

   d. The Concessionaire can use suppliers picked at their discretion. Prices can be set by Concessionaire.

Exhibit B

Booster Juice Profit & Loss Statement

Franchisee: D'Juice LLC
Store Location: Park City Ice Arena & Sports Complex
Month: ____________

Revenues			
	Item Sales		
Discounts	Employee Drink	-	
	1/2 Price	-	
	Freq. Card	-	
	Free Smoothie Card	-	
	Stamp Card	-	
	Promo Bill	-	
	10%	-	
	25%	-	
	15%	-	
	Coupon Total	-	
	Net Sales	=	0.00
Cost of Sales			
	Food Beg. Inventory		
	Food purchased	+	
	Food End Inventory	-	
	Food COS	=	0.00
General Expenses			
	Bank charges	-	
	Cash short/over	-	
	Cleaning supplies	-	
	Insurance	-	
	Licenses and permits	-	
	Local Marketing	-	
	Office supplies	-	
	Paper supplies	-	
	Misc/Other supplies	-	
	Professional fees	-	
	Repairs and Maintenance	-	
	Smallwares	-	
	Uniform	-	
	Total General Expenses	=	0.00
Wages and Benefits			

Wages	-	
Wages %		
Wages store manager	-	
Store manager %		
Benefits	-	
Benefits %		
WCB	-	
Vacation Pay	-	
Vacation Pay %		
Total Labor	-	0.00
Labor %		
Wages payroll expense	-	
Total Wages and benefits	=	0.00
Total hours		
PPMH		
Average Wage		
Net Profit before other expense	=	$0.00
Other income and expenses		
Royalty	-	
Net Cash Profit		
50% to PCMC		

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City Council Staff Report

Budget, Debt, and Grants

Author: Gary Hill; Bret Howser; Seth Atkinson
Subject: FY 2007 Revised Budget, FY 2008 Budget, FY 2009 Plan
Date: June 21, 2007
Type of Item: Discussion/Legislative

Description:

A. Topic:
Final adoption of the FY 2007 Revised Budget & FY 2008 Budget

B. Background:
On May 3rd staff delivered the City Manager's Recommended Budget (Tentative Budget) to City Council and discussed proposed changes to the City's Pay Plan. On May 17th Council and Staff discussed Special Service Contracts, Departmental Budget Requests, and sales tax. On May 24th Staff and City Council discussed the city's Capital Improvement Program (CIP) budget. On May 31st Staff and City Council discussed Walkability Projects, Water Impact Fees and Capital Facilities Plan, Council Compensation, Special Service Contracts, and other outstanding budget issues. The June 7th discussion included amendments to the Fee Resolution, the Council Compensation ordinance, and adoption of the Tentative Budget by resolution. On June 14, Council adopted the Resort and Transit Sales Tax Amendments and Water Impact Fees. A final public hearing is currently scheduled for June 21st. By statute, the final budget must be adopted by June 22.

C. Analysis:
The budget is scheduled for final adoption on June 21, 2007. Topics for discussion and/or action on the 21st will include the following:

(1) Adoption of the Final Budget
(2) Review of changes to Tentative Budget

<u>Final Adoption of the Budget</u>
Attached to this staff report is a resolution adopting a Revised Budget for FY 2007 and a Budget for FY 2008 for Park City Municipal Corporation. The budget resolutions for the Municipal Building Authority (MBA) and Redevelopment Agency (RDA) are also included. Council should hold a public hearing for each entity and adopt their respective budgets on June 21st.

<u>Review of changes to Tentative Budget</u>
The following details changes made to the Tentative Budget since the Council meeting of June 14:

<u>Ice Facility Budget</u> – With the first full year of operation coming to a close, staff revisited the ice facility operations budget taking into consideration a full year's data and experience. The Budget Department and the Ice Operations Department worked together to craft an operating budget that would better enable the ice facility to operate at maximum efficiency and generate the most revenues. While staff's recommendation would increase the

expenditure budget for the ice facility by $78,000, it is expected that the revenues generated by this investment would decrease the overall subsidy from the General Fund, as seen in the table below

	06 Actuals	07 Budget	07 Estimated*	08 Estimated	09 Estimated
Expenditures	$321,326	$567,586	$635,586	$685,330	$689,428
Revenue	$292,298	$299,500	$389,000	$495,578	$545,135
Subsidy	($29,028)	($268,086)	($246,586)	($189,752)	($144,293)

Staff does not anticipate that the revenue levels seen in the above table can be achieved without proper staffing. This being the case, the Ice Department has put together a staffing plan that would provide the necessary hours of Part-time Non-benefited workers to work as cashiers, skateguards, instructors, and skate sharpeners. The total changes to personnel would have a budget impact of $54,390.

Also, utility costs for the ice arena have come in much higher than originally anticipated. Staff recommends a same level of service budget increase of $29,000 to cover those utilities. In addition, with expanded league play at the facility an increase of $8600 is needed to cover sports officials costs. However, these increases to the materials, supplies, and services budget are partially offset by the removal of $14,000 from the concessions budget, as the function has been outsourced. The total budget impact of these recommendations to materials, supplies and services would be $23,600.

This budget proposal also anticipates that the facility would not operate an additional month in FY 2009 as originally put forth. By so doing, staff projects that the target subsidy level of $150,000 as laid out in the ice strategic plan could be achieved by FY 2009. This will be revisited during the FY 2009 budget process and the feasibility of operating an extra month should be reevaluated.

Final General Fund Transfer – At the end of each fiscal year staff calculates the end-of-year interfund transfer from the General Fund to the CIP Fund. According to State Code, the General Fund ending balance cannot exceed 18% of the following year's budgeted revenues. This necessitates a transfer at the end of the fiscal year of any General Fund surplus in excess of 18% to the CIP Fund to be dedicated to capital projects.

This year, staff has calculated the final General Fund transfer to the CIP Fund at $5.5 million. This number is down from FY 2006 by nearly $1 million. Of the $5.5 million, $3.9 million has already been appropriated to various capital projects, as recommended by the CIP Prioritization Committee and discussed with Council in previous work sessions.

Staff recommends that a portion of these funds (approximately $355,000) be budgeted in the Walkability Contingency program consistent with Staff's recommendation on Comstock Drive (also to be discussed with City Council on June 21st).

As for the remainder, Council has adopted a surplus policy directing staff to dedicate any surplus above and beyond previous estimates to complete or expedite the funding of existing projects in the 5-Year CIP. For FY 2007, this amount totals $1.6 million. In accordance with the surplus policy, staff recommends that Council dedicate the remainder of the surplus toward the next Old Town Improvement Study (OTIS) projects phase: namely Woodside Ave and Lower Norfolk. These projects are scheduled to begin in FY 2008, and would otherwise require a bond issuance to provide financing. Using $1.25 million surplus would allow the City to avoid unnecessary debt and interest payments on these projects.

National Ability Center (NAC) & Sled Hockey - On June 7th the City Council heard input from Meeche White from the National Ability Center requesting that the City consider helping to fund the NAC's Sled Hockey Program. The program was requested as a Special Service Contract (SSC), but the SSC Committee did not forward a recommendation to fund the program. Ms. White was particularly concerned about the Learn to Play Sled Hockey program (which is organized and coached by the NAC) and mentioned that other City Recreation programs provide "learn-to" programs.

City Council asked Meeche to provide additional information about the number of Park City residents that participate in the Sled Hockey programs and directed staff to look for possible program help outside of the Service Contract process.

According to the Special Service Contract, approx. 1,643 ice hockey experiences were given for individuals with disabilities (an experience could be the same individual using the facility multiple times). Of this number, approximately 530 were enjoyed by Park City residents. In terms of individuals, 6 Park City residents participated in the Learn to Play program, while 16 participated in the team competition program.

Staff recommends funding $5,000 in the Ice Facility budget that could be used to as a "scholarship fund" to pay for sled hockey ice time. This is consistent with other Recreation Programs the City conducts and would provide nearly all of the funding necessary for the Learn to Play ice time.

This recommendation has been discussed with Meeche White who was supportive and expressed appreciation for the City's help.

Bond Election

On June 14th City Council directed staff to provide information on a prospective General Obligation (G.O.) Bond Election for possible Walkability, street, and/or other citywide improvements for this November. State law requires the City to adopt a resolution 75 days prior to the November 6th election date. Timing for a bond election would be as follows (Statutory dates are in **bold**):

- July 12th – Possible projects and project costs are determined.
- July 15th – Survey conducted to determine voter interest (if desired).
- **August 16th** – Council adopts Election Resolution notifying Lt. Governor and County of final ballot language.
- **October 10th** – First of four consecutive publications of Notice of Bond Election published in *The Park Record*.
- October 15th – Voter information pamphlet mailed to voters.
- **November 6th** – Bond Election.

A bond election in November would require an aggressive effort on the part of the City. According to information received from the City's financial advisor on bonds, identification of projects and costs typically happens in early June, thus putting the City about one month behind schedule for a typical bond issuance. Several issues would need to be discussed and resolved in the next 15 to 30 days in order to have an Election Resolution prepared for adoption on August 17th.

- Which projects would be funded with a bond? Possibilities could include some or all of the following:
  - Little Kate reconstruction
  - Underpass on SR 248
  - All other walkability projects

    - Other recreation needs:
        - Recreational trails
        - Racquet Club remodel/renovation
    - OTIS projects
    - Other?
- What are the likely costs for the desired improvements/projects?
- What would an appropriate bond amount be?
- Should a survey be conducted to gather information about the proposed election?

As identified above, there are many projects which have been identified for potential funding through a G.O. bond. In addition to the Walkability Study and the Old Town Improvement Study (OTIS), the City recently completed a Recreation Needs survey that identified a likely need to renovate or remodel the City's Racquet Club facility. All of the City's bonding needs should be taken into account as it is usually uncommon for voters to approve multiple G.O. bonds in the space of a few years. If Council provides direction on June 21st to pursue a bond election for November, staff will return with a discussion on possible improvements and costs in the next few weeks.

Finally, staff would like Council direction on whether or not a survey should be conducted in July to determine information about the bond election including the likelihood of voter approval. This is a common practice prior for bond elections, and could help determine the size, nature, and timing of the G.O. bonds. Staff has contacted 2 survey firms who have indicated that a survey would take 3-4 weeks to develop and administer and cost between $7,000 and $10,000.

Bond Election in November	
Pros	Cons
* Election held in November would minimize delays in project implementation.	* Condensed time period to determine potential projects and costs.
* A November election would build on the momentum of the recently-completed Walkability Study.	* Short period of time available to educate voters.
* A bond election would allow residents to "vote" for enhanced projects.	* Follows a $20 million GO bond election for open space held last November.

D. Department Review:
Budget, City Manager

Recommendation: Provide direction about the remaining budget issues and adopt the Final Budget.

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide policy direction on budget issues. Any unresolved issues should be discussed on June 21st so that the Final Budget can be adopted before the deadline set by State statute (June 22).

Attachments
A – Resolution Adopting a Final Budget for Park City Municipal Corporation
B – Resolution Adopting a Budget for the Park City RDA
C – Resolution Adopting a Budget for the Park City MBA

Resolution No.

A RESOLUTION ADOPTING A REVISED BUDGET FOR FY 2006-07 AND A BUDGET FOR 2007-08 FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES.

WHEREAS, the Utah State law requires that city budgets be adopted by resolution or ordinance: and;

WHEREAS, a public hearing was held on May 3, May 17, May 24, May 31, June 7, June 14, and June 21, 2007 at the City Council's regularly scheduled meetings, complying with State law;

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

SECTION 1. REVISED BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended Budget presented on May 3, 2007 and with changes as summarized in the Attachments to this ordinance is hereby adopted as the Revised 2006-07 Operating Budget for Park City Municipal Corporation and its related agencies.

SECTION 2. BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 3, 2007 and with changes as summarized in the Attachments to this ordinance is hereby adopted as the budget for FY 2007-08 for Park City Municipal Corporation and its related agencies.

SECTION 3. CERTIFIED PROPERTY TAX RATE. The City's Budget, Debt and Grants Manager is authorized to compute and file the City's Certified Property Tax rate for FY 2007-08 at a "no tax increase rate". This ordinance hereby adopts the Certified Property Tax rate for FY 2007-08. The Budget, Debt, and Grants Manager is also authorized to compute the City's Certified Property Tax rate for the issuance of General Obligation Bonds as approved by voters in November of 2001 and 2002.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect June 21, 2007 for the FY 2006-07 revised budget and July 1, 2007 for the FY 2007-08 budget.

PASSED AND ADOPTED this 21st day of June, 2007.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

Resources & Requirements - All Funds Combined										
Description	2004 Actual	2005 Actual	2006 Actual	2007 Adjusted	2008 Budget	Change - 2007 to 2008		2009 Plan	Change - 2008 to 2009	
						Increase (reduction)	%		Increase (reduction)	%
RESOURCES										
Sales Tax	8,779,183	10,502,699	11,401,348	11,464,000	11,475,000	11,000	0%	12,065,000	590,000	5%
Planning Building & Engineering Fees	2,685,082	4,722,862	4,980,807	7,393,500	5,588,000	(1,805,500)	-24%	5,362,000	(226,000)	-4%
Charges for Services	3,980,151	4,807,943	6,538,642	6,961,250	7,211,000	249,750	4%	7,511,000	300,000	4%
Intergovernmental Revenue	1,222,720	2,995,291	962,305	3,364,644	7,454,546	4,089,902	122%	1,694,000	(5,760,546)	-340%
Franchise Tax	1,854,982	2,309,090	2,715,184	2,365,000	2,587,000	222,000	9%	2,730,000	143,000	5%
Property Taxes	11,274,335	12,608,114	12,694,990	12,498,909	13,014,909	516,000	4%	13,748,909	734,000	5%
General Government	0	0	161,313	385,100	400,900	15,800	4%	417,400	16,500	4%
Other Revenues	5,785,065	10,273,181	10,754,433	13,211,649	6,396,826	(6,814,823)	-52%	5,676,826	(720,000)	-13%
Total	**$35,581,518**	**$48,219,181**	**$50,209,022**	**$57,644,052**	**$54,128,181**	**($3,515,871)**	**-6%**	**$49,205,135**	**($4,923,046)**	**-10%**
REQUIREMENTS (by function)										
Executive	5,434,040	5,572,095	6,497,830	7,624,593	8,077,508	452,915	6%	8,179,619	102,112	1%
Police	2,861,274	3,072,079	3,264,505	3,439,899	3,520,705	80,806	2%	3,607,795	87,090	2%
Public Works	8,786,707	9,824,515	10,712,650	12,234,389	12,628,412	394,023	3%	12,879,088	250,676	2%
Library & Recreation	2,662,163	2,562,288	2,807,995	2,763,662	2,910,653	146,991	5%	2,941,728	31,075	1%
Non-Departmental	1,534,621	1,620,744	1,748,612	2,295,007	2,315,007	20,000	1%	2,315,007	0	0%
Special Service Contracts	347,555	327,519	331,556	400,000	428,973	28,973	7%	428,973	0	0%
Contingency	22,515	0	0	200,000	825,000	625,000	313%	955,000	130,000	14%
Capital Outlay	217,739	222,696	297,094	708,831	736,660	27,829	4%	665,992	(70,668)	-11%
Total	**21,866,615**	**23,201,936**	**25,660,241**	**29,666,381**	**31,442,918**	**1,776,537**	**6%**	**31,973,202**	**530,284**	**2%**
REQUIREMENTS (by type)										
Personnel	13,885,310	14,553,051	15,924,342	17,311,827	18,359,029	1,047,202	6%	18,669,797	310,768	2%
Materials, Supplies & Services	7,741,051	8,426,189	9,438,806	11,445,723	11,522,229	76,506	1%	11,682,413	160,184	1%
Contingency	22,515	0	0	200,000	825,000	625,000	313%	955,000	130,000	14%
Capital Outlay	217,739	222,696	297,094	708,831	736,660	27,829	4%	665,992	(70,668)	-11%
Total	**21,866,615**	**23,201,936**	**25,660,241**	**29,666,381**	**31,442,918**	**1,776,537**	**6%**	**31,973,202**	**530,284**	**2%**
EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS	$13,714,903	$25,017,245	$24,548,781	$27,977,671	$22,685,263	(5,292,408)	-19%	$17,231,933	(5,453,330)	-32%
OTHER FINANCING SOURCES (uses)										
Bond Proceeds	5,024,109	29,173,976	0	0	6,902,927	6,902,927		0	(6,902,927)	
Debt Service	(6,613,750)	(13,943,132)	(5,966,048)	(6,371,536)	(6,594,956)	(223,420)	4%	(6,395,885)	199,071	-3%
Interfund Transfers In	14,054,357	29,203,184	29,115,806	13,837,974	9,167,562	(4,670,412)	-34%	8,950,348	(217,214)	-2%
Interfund Transfers Out	(14,054,357)	(29,203,184)	(29,115,806)	(13,837,974)	(9,167,562)	4,670,412	-34%	(8,950,348)	217,214	-2%
Capital Improvement Projects	(12,013,162)	(15,736,790)	(20,198,817)	(75,386,710)	(24,745,989)	50,640,721	-67%	(8,874,473)	15,871,516	-179%
Total	**(13,602,803)**	**(505,946)**	**(26,164,865)**	**(81,758,246)**	**(24,438,018)**	**57,320,228**	**-70%**	**(15,270,358)**	**9,167,660**	**-60%**
EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS AND OTHER SOURCES (uses)	$112,100	$24,511,298	($1,616,084)	($53,780,575)	($1,752,755)	52,027,820	-97%	$1,961,575	3,714,330	189%
Beginning Balance	52,323,633	54,810,573	79,661,361	80,018,337	26,237,762	(53,780,575)	-67%	24,485,008	(1,752,754)	-7%
Ending Balance	52,435,708	79,321,857	78,045,276	26,237,762	24,485,008	(1,752,754)	-7%	26,446,583	1,961,575	7%

Resources & Requirements - All Funds Combined

Description	Budget (FY 2007)				Budget (FY 2008)				Budget (FY 2009)			
	Original	Adjusted	Change from Original		Original	Adjusted	Change from Original		Original	Adjusted	Change from Original	
			Total	%			Total	%			Total	%
RESOURCES												
Sales Tax	10,255,000	11,464,000	1,209,000	12%	10,255,000	11,475,000	1,220,000	12%	10,255,000	12,065,000	1,810,000	18%
Planning Building & Engineering Fees	3,473,256	7,393,500	3,920,244	113%	3,473,256	5,588,000	2,114,744	61%	3,473,256	5,362,000	1,888,744	54%
Charges for Services	6,706,050	6,961,250	255,200	4%	6,706,050	7,211,000	504,950	8%	6,706,050	7,511,000	804,950	12%
Intergovernmental Revenue	3,296,229	3,364,644	68,415	2%	3,296,229	7,454,546	4,158,317	126%	3,296,229	1,694,000	(1,602,229)	-49%
Franchise Tax	2,230,000	2,365,000	135,000	6%	2,230,000	2,587,000	357,000	16%	2,230,000	2,730,000	500,000	22%
Property Taxes	12,576,909	12,498,909	(78,000)	-1%	12,576,909	13,014,909	438,000	3%	12,576,909	13,748,909	1,172,000	9%
General Government	349,500	385,100	35,600	10%	349,500	400,900	51,400	15%	349,500	417,400	67,900	19%
Bond Proceeds	2,867,000	0	(2,867,000)	-100%	2,867,000	6,902,927	4,035,927	141%	2,867,000	0	(2,867,000)	-100%
Other Revenues	5,891,676	13,211,649	7,319,973	124%	5,891,676	6,396,826	505,150	9%	5,891,676	5,676,826	(214,850)	-4%
Sub-Total	**$47,645,620**	**$57,644,052**	**$9,998,432**	**21%**	**$47,645,620**	**$61,031,108**	**$13,385,488**	**28%**	**$47,645,620**	**$49,205,135**	**$1,559,515**	**3%**
Interfund Transfers In	9,440,285	13,837,974	4,397,689	47%	9,440,285	9,167,562	(272,723)	-3%	9,440,285	8,950,348	(489,937)	-5%
Beginning Balance	24,800,489	80,018,337	55,217,848	223%	24,800,489	26,237,762	1,437,273	6%	24,800,489	24,485,008	(315,481)	-1%
Total	**81,886,394**	**151,500,363**	**69,613,969**	**85%**	**81,886,394**	**96,436,432**	**14,550,038**	**18%**	**81,886,394**	**82,640,491**	**754,097**	**1%**
REQUIREMENTS (by function)												
Executive	7,390,087	7,624,593	234,506	3%	7,390,087	8,077,508	687,421	9%	7,390,087	8,179,619	789,532	11%
Police	3,164,203	3,439,899	275,696	9%	3,164,203	3,520,705	356,502	11%	3,164,203	3,607,795	443,592	14%
Public Works	11,857,744	12,234,389	376,645	3%	11,857,744	12,628,412	770,668	6%	11,857,744	12,879,088	1,021,344	9%
Library & Recreation	2,747,882	2,763,662	15,780	1%	2,747,882	2,910,653	162,771	6%	2,747,882	2,941,728	193,846	7%
Non-Departmental	2,095,007	2,295,007	200,000	10%	2,095,007	2,315,007	220,000	11%	2,095,007	2,315,007	220,000	11%
Special Service Contracts	400,000	400,000	0	0%	400,000	428,973	28,973	7%	400,000	428,973	28,973	7%
Contingency	575,000	200,000	(375,000)	-65%	575,000	825,000	250,000	43%	575,000	955,000	380,000	66%
Capital Outlay	723,022	708,831	(14,191)	-2%	723,022	736,660	13,638	2%	723,022	665,992	(57,030)	-8%
Sub-Total	**$28,952,945**	**$29,666,381**	**$713,436**	**2%**	**$28,952,945**	**$31,442,918**	**$2,489,973**	**9%**	**$28,952,945**	**$31,973,202**	**$3,020,257**	**10%**
Debt Service	6,216,651	6,371,536	154,885	2%	6,216,651	6,594,956	378,305	6%	6,216,651	6,395,885	179,234	3%
Capital Improvement Projects	12,527,734	75,386,710	62,858,976	502%	12,527,734	24,745,989	12,218,255	98%	12,527,734	8,874,473	(3,653,261)	-29%
Interfund Transfers Out	9,440,285	13,837,974	4,397,689	47%	9,440,285	9,167,562	(272,723)	-3%	9,440,285	8,950,348	(489,937)	-5%
Ending Balance	24,748,776	26,237,762	1,488,986	6%	24,748,776	24,485,008	(263,768)	-1%	24,748,776	26,446,583	1,697,807	7%
Total	**81,886,391**	**151,500,363**	**69,613,972**	**85%**	**81,886,391**	**96,436,433**	**14,550,042**	**18%**	**81,886,391**	**82,640,491**	**754,100**	**1%**
REQUIREMENTS (by type)												
Personnel	16,751,659	17,311,827	560,168	3%	16,751,659	18,359,029	1,607,370	10%	16,751,659	18,669,797	1,918,138	11%
Materials, Supplies & Services	10,903,264	11,445,723	542,459	5%	10,903,264	11,522,229	618,965	6%	10,903,264	11,682,413	779,149	7%
Contingency	575,000	200,000	(375,000)	-65%	575,000	825,000	250,000	43%	575,000	955,000	380,000	66%
Capital Outlay	723,022	708,831	(14,191)	-2%	723,022	736,660	13,638	2%	723,022	665,992	(57,030)	-8%
Sub-Total	**$28,952,945**	**$29,666,381**	**$713,436**	**2%**	**$28,952,945**	**$31,442,918**	**$2,489,973**	**9%**	**$28,952,945**	**$31,973,202**	**$3,020,257**	**10%**
Debt Service	6,216,651	6,371,536	154,885	2%	6,216,651	6,594,956	378,305	6%	6,216,651	6,395,885	179,234	3%
Capital Improvement Projects	12,527,734	75,386,710	62,858,976	502%	12,527,734	24,745,989	12,218,255	98%	12,527,734	8,874,473	(3,653,261)	-29%
Interfund Transfers Out	9,440,285	13,837,974	4,397,689	47%	9,440,285	9,167,562	(272,723)	-3%	9,440,285	8,950,348	(489,937)	-5%
Ending Balance	24,748,776	26,237,762	1,488,986	6%	24,748,776	24,485,008	(263,768)	-1%	24,748,776	26,446,583	1,697,807	7%
Total	**81,886,391**	**151,500,363**	**69,613,972**	**85%**	**81,886,391**	**96,436,433**	**14,550,042**	**18%**	**81,886,391**	**82,640,491**	**754,100**	**1%**

Expenditure Summary by Fund and Unit

Ependitures	2004	2005	2006	2007 Budget		2008		2009	
		(actual)		(original)	(adj)	(budget & % of Total)		(budget & % of Total)	
Park City Municipal Corporation									
011 General Fund	21,918,772	26,003,585	27,246,344	21,628,305	27,155,539	26,184,762	27%	28,625,601	35%
012 Quinns Recreation Complex	0	0	292,298	279,986	378,248	64,323	0%	(353,520)	0%
021 Police Special Revenue Fund	15,372	16,522	18,272	0	19,272	0	0%	0	0%
031 Capital Improvement Fund	32,565,188	44,203,171	63,126,061	15,161,517	58,601,242	15,840,442	16%	10,006,924	12%
038 Equipment Replacement Fund	2,768,481	3,194,701	3,304,087	847,331	3,533,979	908,320	1%	908,320	1%
051 Water Fund	7,020,981	9,630,670	9,121,371	6,931,417	14,670,849	13,127,777	14%	9,825,598	12%
055 Golf Fund	1,371,675	1,313,432	1,497,323	1,397,810	1,728,314	1,289,293	1%	1,275,190	2%
057 Transportation & Parking Fund	9,715,276	13,354,462	12,518,485	12,361,094	16,401,746	15,056,183	16%	9,810,209	12%
062 Fleet Services Fund	1,295,112	1,523,390	1,874,537	1,831,157	2,032,862	1,979,770	2%	2,079,238	3%
064 Self Insurance Fund	3,437,701	3,598,352	3,678,970	3,525,898	3,731,296	3,378,224	4%	3,225,152	4%
070 Debt Service Fund	0	22,169,151	18,623,532	3,744,131	4,286,921	3,679,765	4%	3,556,297	4%
071 Sales Tax Rev Bonds Debt Svc Fund	7,340,094	11,204,532	2,915,010	2,655,638	2,882,137	2,721,922	3%	2,738,831	3%
Park City Municipal Corporation Total	$87,448,652	$136,211,968	$144,216,291	$70,364,284	$135,422,405	$84,230,782	87%	$71,697,840	87%
Park City Redevelopment Agency									
033 Redevelopment Agency Lower Park Ave	5,889,726	6,408,644	7,103,302	5,120,756	7,526,888	4,737,877	5%	5,546,877	7%
034 Redevelopment Agency Main St	2,518,253	2,561,905	2,681,990	2,586,885	4,583,767	3,620,610	4%	1,545,610	2%
072 RDA Main Street Debt Service	1,474,834	1,264,903	1,011,653	104,152	112,581	0	0%	0	0%
076 RDA Lower Park Ave Debt Service	2,084,367	2,364,721	2,440,324	2,326,836	2,404,579	2,405,579	2%	2,408,579	3%
Park City Redevelopment Agency Total	$11,967,180	$12,600,173	$13,237,269	$10,138,629	$14,627,815	$10,764,066	11%	$9,501,066	11%
Municipal Building Authority									
035 Municipal Building Authority Fund	1,737,505	1,937,337	1,386,910	1,329,933	1,386,423	1,385,903	1%	1,385,903	2%
073 MBA Debt Service Fund	5,500,280	10,595,838	81,999	0	0	0	0%	0	0%
Municipal Building Authority Total	$7,237,785	$12,533,175	$1,468,909	$1,329,933	$1,386,423	$1,385,903	1%	$1,385,903	2%
Park City Housing Authority									
036 Park City Housing Authority	60,329	61,583	63,720	53,545	63,720	55,682	0%	55,682	0%
Park City Housing Authority Total	$60,329	$61,583	$63,720	$53,545	$63,720	$55,682	0%	$55,682	0%
GRAND TOTAL	**$106,713,945**	**$161,406,899**	**$158,986,188**	**$81,886,391**	**$151,500,363**	**$96,436,433**	**100%**	**$82,640,491**	**100%**
Interfund Transfer	14,054,357	29,203,184	29,115,806	9,440,285	13,837,974	9,167,562	10%	8,950,348	11%
Ending Balance	52,435,708	79,321,857	78,045,276	24,748,776	26,237,762	24,485,008	25%	26,446,583	32%
GRAND TOTAL	**$40,223,880**	**$52,881,858**	**$51,825,106**	**$47,697,330**	**$111,424,627**	**$62,783,863**	**65%**	**$47,243,560**	**57%**

Expenditure Summary by Fund and Major Object (FY 2007)

Description	Operating Budget		Capital	Debt Service	Contingency	Sub-Total	Interfund Transfer	Ending Balance	Total
	Personnel	Mat, Suppls, Services							
Park City Municipal Corporation									
011 General Fund	11,965,820	5,104,289	417,231	0	200,000	17,687,340	6,984,881	2,483,318	27,155,539
012 Quinns Recreation Complex	391,450	365,375	33,000	0	0	789,825	0	(411,577)	378,248
021 Police Special Revenue Fund	0	0	19,272	0	0	19,272	0	0	19,272
031 Capital Improvement Fund	0	0	51,253,061	0	0	51,253,061	631,607	6,716,574	58,601,242
038 Equipment Replacement Fund	0	0	3,325,659	0	0	3,325,659	0	208,320	3,533,979
051 Water Fund	979,877	1,676,857	8,984,732	963,000	0	12,604,466	1,233,074	833,309	14,670,849
055 Golf Fund	557,300	401,077	581,582	7,885	0	1,547,844	138,185	42,285	1,728,314
057 Transportation & Parking Fund	2,837,385	600,638	6,690,278	0	0	10,128,301	2,482,108	3,791,337	16,401,746
062 Fleet Services Fund	579,995	1,313,097	5,000	0	0	1,898,092	0	134,770	2,032,862
064 Self Insurance Fund	0	874,390	0	0	0	874,390	0	2,856,906	3,731,296
070 Debt Service Fund	0	0	0	2,612,651	0	2,612,651	492,414	1,181,856	4,286,921
071 Sales Tax Rev Bonds Debt Svc Fund	0	0	0	2,189,000	0	2,189,000	183,124	510,013	2,882,137
Park City Municipal Corporation Total	$17,311,827	$10,335,723	$71,309,815	$5,772,536	$200,000	$104,929,901	$12,145,393	$18,347,111	$135,422,405
Park City Redevelopment Agency									
033 Redevelopment Agency Lower Park Ave	0	695,000	3,847,011	0	0	4,542,011	630,000	2,354,877	7,526,888
034 Redevelopment Agency Main St	0	415,000	898,157	0	0	1,313,157	950,000	2,320,610	4,583,767
072 RDA Main Street Debt Service	0	0	0	0	0	0	112,581	0	112,581
076 RDA Lower Park Ave Debt Service	0	0	0	599,000	0	599,000	0	1,805,579	2,404,579
Park City Redevelopment Agency Total	$0	$1,110,000	$4,745,168	$599,000	$0	$6,454,168	$1,692,581	$6,481,066	$14,627,815
Municipal Building Authority									
035 Municipal Building Authority Fund	0	0	32,520	0	0	32,520	0	1,353,903	1,386,423
073 MBA Debt Service Fund	0	0	0	0	0	0	0	0	0
Municipal Building Authority Total	$0	$0	$32,520	$0	$0	$32,520	$0	$1,353,903	$1,386,423
Park City Housing Authority									
036 Park City Housing Authority	0	0	8,038	0	0	8,038	0	55,682	63,720
Park City Housing Authority Total	$0	$0	$8,038	$0	$0	$8,038	$0	$55,682	$63,720
GRAND TOTAL	**$17,311,827**	**$11,445,723**	**$76,095,541**	**$6,371,536**	**$200,000**	**$111,424,627**	**$13,837,974**	**$26,237,762**	**$151,500,363**

Expenditure Summary by Fund and Major Object (FY 2008)

Description	Operating Budget		Capital	Debt Service	Contingency	Sub-Total	Interfund Transfer	Ending Balance	Total
	Personnel	Mat, Suppls, Services							
Park City Municipal Corporation									
011 General Fund	12,726,485	5,446,739	477,587	0	825,000	19,475,811	3,102,794	3,606,157	26,184,762
012 Quinns Recreation Complex	465,268	421,475	23,500	0	0	910,243	0	(845,920)	64,323
021 Police Special Revenue Fund	0	0	0	0	0	0	0	0	0
031 Capital Improvement Fund	0	0	8,982,861	0	0	8,982,861	634,366	6,223,215	15,840,442
038 Equipment Replacement Fund	0	0	700,000	0	0	700,000	0	208,320	908,320
051 Water Fund	1,030,796	1,698,771	6,922,702	1,152,750	0	10,805,019	1,231,160	1,091,598	13,127,777
055 Golf Fund	561,058	401,077	129,248	31,543	0	1,122,926	138,185	28,182	1,289,293
057 Transportation & Parking Fund	2,982,986	551,680	5,899,751	0	0	9,434,417	2,481,057	3,140,709	15,056,183
062 Fleet Services Fund	592,435	1,218,097	5,000	0	0	1,815,532	0	164,238	1,979,770
064 Self Insurance Fund	0	674,390	0	0	0	674,390	0	2,703,834	3,378,224
070 Debt Service Fund	0	0	0	2,618,663	0	2,618,663	0	1,061,102	3,679,765
071 Sales Tax Rev Bonds Debt Svc Fund	0	0	0	2,195,000	0	2,195,000	0	526,922	2,721,922
Park City Municipal Corporation Total	$18,359,029	$10,412,229	$23,140,649	$5,997,956	$825,000	$58,734,863	$7,587,562	$17,908,357	$84,230,782
Park City Redevelopment Agency									
033 Redevelopment Agency Lower Park Ave	0	695,000	300,000	0	0	995,000	630,000	3,112,877	4,737,877
034 Redevelopment Agency Main St	0	415,000	2,010,000	0	0	2,425,000	950,000	245,610	3,620,610
072 RDA Main Street Debt Service	0	0	0	0	0	0	0	0	0
076 RDA Lower Park Ave Debt Service	0	0	0	597,000	0	597,000	0	1,808,579	2,405,579
Park City Redevelopment Agency Total	$0	$1,110,000	$2,310,000	$597,000	$0	$4,017,000	$1,580,000	$5,167,066	$10,764,066
Municipal Building Authority									
035 Municipal Building Authority Fund	0	0	32,000	0	0	32,000	0	1,353,903	1,385,903
073 MBA Debt Service Fund	0	0	0	0	0	0	0	0	0
Municipal Building Authority Total	$0	$0	$32,000	$0	$0	$32,000	$0	$1,353,903	$1,385,903
Park City Housing Authority									
036 Park City Housing Authority	0	0	0	0	0	0	0	55,682	55,682
Park City Housing Authority Total	$0	$0	$0	$0	$0	$0	$0	$55,682	$55,682
GRAND TOTAL	**$18,359,029**	**$11,522,229**	**$25,482,649**	**$6,594,956**	**$825,000**	**$62,783,863**	**$9,167,562**	**$24,485,008**	**$96,436,433**

Expenditure Summary by Fund and Major Object (FY 2009)									
Description	Operating Budget		Capital	Debt Service	Contingency	Sub-Total	Interfund Transfer	Ending Balance	Total
	Personnel	Mat, Suppls, Services							
Park City Municipal Corporation									
011 General Fund	12,949,577	5,493,920	410,162	0	955,000	19,808,659	2,886,469	5,930,473	28,625,601
012 Quinns Recreation Complex	473,949	421,475	21,000	0	0	916,424	0	(1,269,944)	(353,520)
021 Police Special Revenue Fund	0	0	0	0	0	0	0	0	0
031 Capital Improvement Fund	0	0	3,311,165	0	0	3,311,165	634,366	6,061,393	10,006,924
038 Equipment Replacement Fund	0	0	700,000	0	0	700,000	0	208,320	908,320
051 Water Fund	1,047,414	1,811,771	4,191,514	1,127,255	0	8,177,954	1,230,586	417,057	9,825,598
055 Golf Fund	565,327	401,077	128,505	31,542	0	1,126,451	138,185	10,554	1,275,190
057 Transportation & Parking Fund	3,031,387	551,683	573,119	0	0	4,156,189	2,480,742	3,173,278	9,810,209
062 Fleet Services Fund	602,142	1,218,097	5,000	0	0	1,825,239	0	253,999	2,079,238
064 Self Insurance Fund	0	674,390	0	0	0	674,390	0	2,550,762	3,225,152
070 Debt Service Fund	0	0	0	2,444,088	0	2,444,088	0	1,112,209	3,556,297
071 Sales Tax Rev Bonds Debt Svc Fund	0	0	0	2,193,000	0	2,193,000	0	545,831	2,738,831
Park City Municipal Corporation Total	$18,669,797	$10,572,413	$9,340,465	$5,795,885	$955,000	$45,333,560	$7,370,348	$18,993,932	$71,697,840
Park City Redevelopment Agency									
033 Redevelopment Agency Lower Park Ave	0	695,000	200,000	0	0	895,000	630,000	4,021,877	5,546,877
034 Redevelopment Agency Main St	0	415,000	0	0	0	415,000	950,000	180,610	1,545,610
072 RDA Main Street Debt Service	0	0	0	0	0	0	0	0	0
076 RDA Lower Park Ave Debt Service	0	0	0	600,000	0	600,000	0	1,808,579	2,408,579
Park City Redevelopment Agency Total	$0	$1,110,000	$200,000	$600,000	$0	$1,910,000	$1,580,000	$6,011,066	$9,501,066
Municipal Building Authority									
035 Municipal Building Authority Fund	0	0	0	0	0	0	0	1,385,903	1,385,903
073 MBA Debt Service Fund	0	0	0	0	0	0	0	0	0
Municipal Building Authority Total	$0	$0	$0	$0	$0	$0	$0	$1,385,903	$1,385,903
Park City Housing Authority									
036 Park City Housing Authority	0	0	0	0	0	0	0	55,682	55,682
Park City Housing Authority Total	$0	$0	$0	$0	$0	$0	$0	$55,682	$55,682
GRAND TOTAL	**$18,669,797**	**$11,682,413**	**$9,540,465**	**$6,395,885**	**$955,000**	**$47,243,560**	**$8,950,348**	**$26,446,583**	**$82,640,491**

All Funds Combined									
Revenue	2004	2005	2006	2007		2008		2009	
		(actual)		(original)	(adj)	(budget & % of Total)		(budget & % of Total)	
RESOURCES									
Property Taxes	11,274,335	12,608,114	12,694,990	12,576,909	12,498,909	13,014,909	14%	13,748,909	17%
Sales Tax	8,779,183	10,502,699	11,401,348	10,255,000	11,464,000	11,475,000	12%	12,065,000	15%
Franchise Tax	1,854,982	2,309,090	2,715,184	2,230,000	2,365,000	2,587,000	3%	2,730,000	3%
Licenses	684,000	783,429	828,193	765,500	983,500	1,013,000	1%	1,049,000	1%
Planning Building & Engineering Fees	2,685,082	4,722,862	4,980,807	3,473,256	7,393,500	5,588,000	6%	5,362,000	7%
Other Fees	1,058	19,216	0	0	0	0	0%	0	0%
Intergovernmental Revenue	1,222,720	2,995,291	962,305	3,296,229	3,364,644	7,454,546	8%	1,694,000	2%
Charges for Services	3,980,151	4,807,943	6,538,642	6,706,050	6,961,250	7,211,000	8%	7,511,000	9%
Recreation	2,226,043	2,172,128	2,411,737	2,219,950	2,153,100	2,361,600	2%	2,389,600	3%
Other Service Revenue	76,503	102,708	100,661	50,000	75,000	84,000	0%	85,000	0%
Fines & Forfeitures	570,476	767,959	656,295	752,500	803,500	808,500	1%	808,500	1%
Misc. Revenue	1,754,068	2,907,257	5,232,798	2,031,726	7,328,339	2,059,726	2%	1,274,726	2%
Interfund Transfers In	14,054,357	29,203,184	29,115,806	9,440,285	13,837,974	9,167,562	10%	8,950,348	11%
Special Revenue & Resources	472,917	3,520,486	1,524,749	72,000	1,868,210	70,000	0%	70,000	0%
Bond Proceeds	5,024,109	29,173,976	0	2,867,000	0	6,902,927	7%	0	0%
Beginning Balance	52,323,633	54,810,573	79,661,361	24,800,489	80,018,337	26,237,762	27%	24,485,008	30%
Total	**106,983,617**	**161,406,913**	**158,824,876**	**81,536,894**	**151,115,263**	**96,035,532**	**100%**	**82,223,091**	**100%**

Change in Fund Balance

Fund	2004 Actual	2005 Actual	2006 Actual	2007 Adjusted	Change - 2006 to 2007 Increase (reduction)	Change - 2006 to 2007 %	2008 Budget	Change - 2007 to 2008 Increase (reduction)	Change - 2007 to 2008 %	2009 Plan	Change - 2008 to 2009 Increase (reduction)	Change - 2008 to 2009 %
Park City Municipal Corporation												
011 General Fund	2,987,734	3,210,448	3,194,845	2,483,318	(711,527)	-22%	3,606,157	1,122,839	45%	5,930,473	2,324,316	64%
012 Quinns Recreation Complex	0	0	(81,852)	(411,577)	(329,725)	403%	(845,920)	(434,343)	106%	(1,269,944)	(424,024)	50%
021 Police Special Revenue Fund	15,172	16,522	17,972	0	(17,972)	-100%	0	0	0%	0	0	0%
031 Capital Improvement Fund	24,621,925	36,547,934	45,447,764	6,716,574	(38,731,190)	-85%	6,223,215	(493,359)	-7%	6,061,393	(161,822)	-3%
038 Equipment Replacement Fund	2,478,637	2,543,098	2,833,979	208,320	(2,625,659)	-93%	208,320	0	0%	208,320	0	0%
051 Water Fund	384,223	1,051,459	3,230,788	833,309	(2,397,479)	-74%	1,091,598	258,289	31%	417,057	(674,541)	-62%
055 Golf Fund	114,062	168,883	342,016	42,285	(299,731)	-88%	28,182	(14,103)	-33%	10,554	(17,628)	-63%
057 Transportation & Parking Fund	5,821,918	6,400,299	7,748,809	3,791,337	(3,957,472)	-51%	3,140,709	(650,628)	-17%	3,173,278	32,569	1%
062 Fleet Services Fund	169,393	181,076	137,862	134,770	(3,092)	-2%	164,238	29,468	22%	253,999	89,761	55%
064 Self Insurance Fund	3,077,033	3,157,652	3,209,978	2,856,906	(353,072)	-11%	2,703,834	(153,072)	-5%	2,550,762	(153,072)	-6%
070 Debt Service Fund	0	16,073,591	1,788,510	1,181,856	(606,654)	-34%	1,061,102	(120,754)	-10%	1,112,209	51,107	5%
071 Sales Tax Rev Bonds Debt Svc Fund	216,736	490,878	475,228	510,013	34,785	7%	526,922	16,909	3%	545,831	18,909	4%
Park City Municipal Corporation Total	$39,886,833	$69,841,840	$68,345,899	$18,347,111	($49,998,788)	-73%	$17,908,357	($438,754)	-2%	$18,993,932	$1,085,575	6%
Park City Redevelopment Agency												
033 Redevelopment Agency Lower Park Ave	4,109,339	4,661,541	5,202,888	2,354,877	(2,848,011)	-55%	3,112,877	758,000	32%	4,021,877	909,000	29%
034 Redevelopment Agency Main St	1,221,552	1,321,092	1,161,186	2,320,610	1,159,424	100%	245,610	(2,075,000)	-89%	180,610	(65,000)	-26%
072 RDA Main Street Debt Service	573,996	360,936	112,581	0	(112,581)	-100%	0	0		0	0	0%
076 RDA Lower Park Ave Debt Service	1,445,914	1,727,836	1,804,579	1,805,579	1,000	0%	1,808,579	3,000	0%	1,808,579	0	0%
Park City Redevelopment Agency Total	$7,350,801	$8,071,405	$8,281,234	$6,481,066	($1,800,168)	-22%	$5,167,066	#########	-20%	$6,011,066	$844,000	16%
Municipal Building Authority												
035 Municipal Building Authority Fund	1,539,660	1,298,940	1,354,423	1,353,903	(520)	0%	1,353,903	0	0%	1,385,903	32,000	2%
073 MBA Debt Service Fund	3,598,085	48,089	0	0	0	0%	0	0	0%	0	0	0%
Municipal Building Authority Total	$5,137,745	$1,347,029	$1,354,423	$1,353,903	($520)	0%	$1,353,903	$0	0%	$1,385,903	$32,000	2%
Park City Housing Authority												
036 Park City Housing Authority	60,329	61,583	63,720	55,682	(8,038)	-13%	55,682	0	0%	55,682	0	0%
Park City Housing Authority Total	$60,329	$61,583	$63,720	$55,682	($8,038)	-13%	$55,682	$0	0%	$55,682	$0	0%

Notes:

- The General Fund currently shows a large increase in fund balance between FY 2006 and FY 2007. This is temporary and will be reduced once the end-of-year transfer from the General Fund to the CIP Fund can be accurately projected. Large increases in the General Fund balance are shown in FY 2008 and 2009 as well. The City funds much of its capital needs with excess operating funds. It is expected that the excess operating funds seen in '08 and '09 will be used to fund future capital. Also, some of these funds will go towards funding ongoing needs that will undoubtedly arise between now and the time the final FY 2009 budget is adopted.
- Capital projects funds (Funds 31, 33, 34, 35, 36, 38) tend to show large decreases in fund balance between the prior year actual and current year adjusted budget. This is explained by the fact that much of fund balance in these funds is reserved for capital expenses which were budgeted in previous years. Unexpended capital budgets are rolled forward year after year as part of the adjusted budget. So funding for capital projects shows up in fund balance *actual* figures, but disappears in the current year adjusted budget because there is an offsetting budgeted "carried-forward" expense. This same phenomenon generally explains large decreases in fund balances for proprietary funds (such as Fund 51, 55, and 57)

Resolution No.______________

A RESOLUTION ADOPTING THE FISCAL YEAR 2007 REVISED BUDGET AND THE FISCAL YEAR 2008 BUDGET FOR PARK CITY REDEVELOPMENT AGENCY

WHEREAS, Utah State law requires that city budgets be adopted by resolution; and

WHEREAS, a public hearing was held on May 3, May 17, May 24, May 31, June 7, June14, and June 21, 2007 at the City Council's regularly scheduled meetings, complying with State law;

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

SECTION 1. BUDGET ADOPTED. The following revised budget is hereby adopted as the Fiscal Year 2007 Redevelopment Agency Revised Budget for Park City, Utah.

	Main Street	Park Avenue
Main Street Debt Service	$0	
Main Street CIP	$4,583,767	
Lower Park Ave Debt Service		$599,000
Lower Park Avenue CIP		$7,526,888
Subtotal	$4,583,767	$8,125,888
LESS:		
Interfund Transactions	$(0)	$(600,000)
Special Revenues	$(2,122,581)	
Change in Fund Balance		$1,000
Beginning balance	$(1,161,186)	$(5,202,888)
	$(3,283,767)	$(5,802,888)
NET RDA TAX INCREMENT	$1,300,000	$2,324,000

SECTION 2. BUDGET ADOPTED. The following budget is hereby adopted as the Fiscal Year 2008 Redevelopment Agency Budget for Park City, Utah.

	Main Street	Park Avenue
Main Street Debt Service	$0	
Main Street CIP	$1,610,610	
Lower Park Ave Debt Service		$597,000
Lower Park Avenue CIP		$4,737,877
Subtotal	$1,610,610	$5,334,877
LESS:		
Interfund Transactions	$(0)	$(600,000)
Special Revenues		
Change in Fund Balance		$3,000
Beginning balance	$(310,610)	$(2,354,877)
	$(310,610)	$(2,951,877)
NET RDA TAX INCREMENT	$1,300,000	$2,383,000

SECTION 3. EFFECTIVE DATE. The Resolution for the revised budget shall take effect on June 21, 2007 and the Resolution for the budget shall take effect on July 1, 2007.

PASSED AND ADOPTED the 21st day of June, 2007.

PARK CITY REDEVELOPMENT AGENCY

Chairman Dana Williams

Attest:

Janet M. Scott, Deputy Secretary

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY
1884

Resolution No.______________

RESOLUTION ADOPTING THE PARK CITY MUNICIPAL BUILDING AUTHORITY REVISED BUDGET FOR FISCAL YEAR 2007 AND THE BUDGET FOR FISCAL YEAR 2008

WHEREAS, Utah State law requires that city budgets be adopted by resolution; and

WHEREAS, a public hearing was held on May 3, May 17, May 24, May 31, June 7, June14, and June 21, 2007 at the City Council's regularly scheduled meetings, complying with State law;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Building Authority of Park City, Utah that:

SECTION 1. BUDGET ADOPTED. The following revised budget is hereby adopted as the Fiscal Year 2007 Municipal Building Authority Revised Budget for Park City, Utah:

Debt Service Fund	$0
Capital Improvement Program	$1,386,423
Subtotal	$1,386,423
Less Ending Balance	(1,353,903)
TOTAL	$32,520

SECTION 2. BUDGET ADOPTED. The following budget is hereby adopted as the Fiscal Year 2008 Municipal Building Authority Budget for Park City, Utah:

Debt Service Fund	$0
Capital Improvement Program	$1,385,903
Subtotal	$1,385,903
Less Ending Balance	(1,353,903)
TOTAL	$32,000

SECTION 3. EFFECTIVE DATE. The Resolution for the revised budget shall take effect on June 21, 2007, the Resolution for the budget shall take effect on July 1, 2007.

PASSED AND ADOPTED this 21^{st} day of June, 2007.

PARK CITY MUNICIPAL BUILDING AUTHORITY

Chairman Dana Williams

Attest:

Janet M. Scott, Deputy Secretary

Approved as to form:

Mark D. Harrington, City Attorney