PARK CITY REDEVELOPMENT AGENCY MEETING,
MUNICIPAL BUILDING AUTHORITY MEETING AND
CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 18, 2009

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah and its related agencies will hold their regularly scheduled meetings at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 18, 2009.

Park City Council Closed Session

3:30 p.m.	Property and Litigation	

Park City Council Work Session

4:00 p.m.	Council questions/comments	
4:10 p.m.	WALC traffic calming projects	P. 9 - 50
4:50 p.m.	Economic development grants	P. 62 - 83
	Outstanding issues and presentation of final budget	P. 51 - 61
	Special service contract emergency requests	
5:50 p.m.	Break	

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
JUNE 18, 2008
6:00 p.m.

I ROLL CALL

II PUBLIC INPUT *(Any matter of RDA business not scheduled on agenda)*

III MINUTES OF MEETING OF FEBRUARY 12, 2009 P. 84

IV NEW BUSINESS

Consideration of a Resolution adopting the Fiscal Year 2009 Revised Budget and the Fiscal Year 2010 Budget for the Park City Redevelopment Agency P. 57 - 58

(a) Public hearing
(b) Action

V ADJOURNMENT

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JUNE 18, 2009

I ROLL CALL

II PUBLIC INPUT *(Any matter of MBA business not scheduled on agenda)*

III MINUTES OF MEETING OF JANUARY 8, 2009 P. 85

IV NEW BUSINESS

Consideration of a Resolution adopting the Park City Municipal Building Authority Revised Budget for Fiscal Year 2009 and the Budget for Fiscal Year 2010

(a) Public hearing P. 59

(b) Action

V ADJOURNMENT

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 18, 2009

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Resolution designating Sunshine as a Permitted Use in Park City, Utah
P. 83

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 4, 2009
P. 86 - 96

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of appointments to the Art Advisory Board: for terms expiring July 2011

2. Consideration of appointments to the Library Board for a term expiring July 2012 and for a term expiring July 2011

3. Consideration of an Ordinance approving the hotel and residences at Empire Canyon Resort Record of Survey Plat, located at 9100 Marsac Avenue, Park City, Utah
(a) Public hearing P. 97 - 108
(b) Action (plat under separate cover)

4. Consideration of an Ordinance amending Title 4, Business Licensing, Municipal Code of Park City, Utah P. 60 - 61
(a) Public hearing
(b) Action

5. Resolution adopting a final revised budget for fiscal year 2009 and the budget for fiscal year 2010 for Park City Municipal Corporation and its related agencies
(a) Public hearing P. 56 - 57
(b) Action

6. Consideration of an application for a street vendor franchise to sell ice cream by Sergio Ice Cream P. 109 - 114

7. Consideration of appeals of the April 22, 2009 Planning Commission approval of a Conditional Use Permit amendment application submitted by Deer Crest Janna LLC for the St Regis Resort at Deer Crest - Appellants are Jeri Rice and the Powder Run at Deer Valley Owner Association P. 115 - 123

(a) Presentation from staff
(b) Presentation from appellant
(c) Presentation from applicant
(d) Discussion and possible decision

VII 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.

Posted: 06/15/09
See: www.parkcity.org

PARK CITY COUNCIL MEETING **TENTATIVE (subject to change)**
SUMMIT COUNTY, UTAH
JUNE 25, 2009

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 25, 2009.

Work Session

2:00 p.m. Council questions/comments

2:15 p.m. LMC amendments and Historic District Design Guidelines
- (a) Presentation and discussion
- (b) Public input

3:15 p.m. Bonanza Drive Reconstruction Project
- (c) Presentation and discussion
- (d) Public input

Planning Commission Interviews

4:00 p.m.

Regular Meeting

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 11, 2009

V NEW BUSINESS

1. Consideration of an Ordinance - 575 Park Ave – Plat [PL-09-00684] KS/JM
(a) Public hearing
(b) Action

2. Consideration of the final water bond resolution
(a) Public hearing
(b) Action

3. Consideration of a Resolution adopting the revised Personnel and Policies Manual for Park City Municipal Corporation

4. Consideration of award of contract for conservation easement monitoring

5. Consideration of a construction easement agreement for The Montage, Empire Canyon

6. Consideration of an amendment to Stantec contract, in the amount of $___, in a form approved by the City Attorney

7. Consideration of a professional services agreement with Bowen Collins & Associates, in the amount of $___, in a form approved by the City Attorney

8. Consideration of a professional services agreement with Alliance Engineering, in the amount of $___, in a form approved by the City Attorney

9. Consideration of a professional services agreement with Stanley Consultants in the amount of $___, in a form approved by the City Attorney

10. Consideration of a construction contract with ____ for the Hillside Avenue Reconstruction Project, in the amount of $___, in a form approved by the City Attorney

11. Consideration of an economic development grant agreement, in a form approved by the City Attorney, with High West Distillery in the amount of $___

(a) Public hearing
(b) Action

12. Consideration of an economic development grant agreement, in a form approved by the City Attorney, with Park City Performances in the amount of $___

(a) Public hearing
(b) Action

13. Consideration of a Resolution adopting an inter-local agreement with the Snyderville Basin Special Recreation District - ice arena

VII OLD BUSINESS

Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR248 and US40 interchange in the Quinn's Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and approving a Water Agreement, and amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT)

(a) Public hearing
(b) Possible action

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX 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.

Posted: 06/22/09
See: www.parkcity.org

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

June 2009
19-23 Tom gone
25 See agenda

July 2009
2 **No meeting**
3 4th of July holiday – City offices closed Friday
9 Quarterly goal update
Municipal carbon reduction action plan and 2008 footprint – work
Community visioning report findings – work (2 hours)
Waiver of building-related fees in the amount of $___ for the Fairway Hills Pump Station
Consideration of waiver of building-related fees in the amount of $___ for the Snow Creek Cottages Housing Project, located at 2060 Park Avenue, Park City, Utah
Ordinance amending LMC – Historic District– public hearing/possible action
Resolution adopting Historic District Design Guidelines for Park City, Utah– public hearing/possible action
16 **Roger gone**
7620 Royal Street E, Royal Plaza – Amd to ROS [PL-09-00659] KW
20 Joint meeting with Summit County Council – Richens Building 9 – 11 a.m.
23 **No meeting**
24 Pioneer Day – City offices closed Friday
30

August 2009
6
13
20
27
Move back to Marsac

September 2009
3
10 **No meeting – City Tour**
17
24

Pending Items:
Business license policy – late summer
Performance measures - August
For hire vehicles licensing
Ordinance amending Municipal Code Titles 1 and 2
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues

City Council
Staff Report

Author: Heinrich Deters
Subject: WALC Traffic Calming Projects
Date: June 18, 2009
Type of Item: Informational

Recommendation:
Direct staff to proceed with the recommended traffic calming measures provided in the staff report and outlined in the Fehr and Peers Traffic Calming Report.

Background
In November of 2007, the citizens of Park City passed the $15M 'Walkability Bond'. Through efforts of City staff and a public advisory board (WALC), a list of projects was approved and funded by the City Council. The goal of these projects is to improve the walkability and bikeability level of service and safety in Park City. As a part of the approved Walkability projects, a series of general traffic calming recommendations were made.

Seven specific traffic calming project locations were identified within the Prospector and Park Meadows neighborhoods. Included in the recommendations was direction to hire a professional traffic engineer to make final project recommendations. The project numbers and locations, as identified in the WALC recommendations list are identified below:

1. Prospector Traffic Calming Measures
    - (A) Project # 15 Comstock Dr.
    - (B) Project #15 Comstock Sidewalk
    - (C) Project # 16 Prospector Neighborhood (Wyatt Earp and Sidewinder Drives)
2. Park Meadows Traffic Calming Measures
    - (A) Project # 34 Lucky John Dr.
    - (B) Project # 35 American Saddler Dr.
    - (C) Project # 36 Meadows Dr.
    - (D) Project # 12 Monitor Dr.

In February of 2009, the City entered into a contract with Fehr & Peers Transportation Consultants to perform a study of existing conditions and provide professional recommendations on traffic calming measures at the identified locations. Fehr and Peers has presented a final report of their findings as well as traffic calming recommendations. (Exhibit A)

On April 21st a public Open House was held to present traffic data collected, in addition to provide a forum for public input on possible traffic calming measures. Approximately fifty people attended the meeting. On May 13th, Fehr and Peers presented their findings to the City's Neighborhood Traffic Calming Committee. The Committee reviewed the information and provided input from a maintenance, emergency services, engineering and transit standpoint. Much of the input received is explained further in the significant impacts section of the report.

Analysis

Traffic data was collected at the various project locations and is available on page 3 of the Final Report. This data was used to help identify specific issues and the subsequent measures appropriate for rectifying those issues. Designated pedestrian areas are defined by pedestrian generators such as parks, schools, commercial districts and recreational facilities. The chart below prioritizes the projects based on the data collected.

DATA SUMMARY

The streets identified in Figure 1 represent two neighborhoods of Park City: Park Meadows, and Prospector/Comstock. The Park Meadows neighborhood is characterized by larger lots, deeper building setbacks, and longer blocks. Prospector/Comstock has smaller lots, typically shorter blocks, and higher proximity to pedestrian activity generators. Table 1 summarizes speed and volume data for the sites studied in this report.

SUMMARY OF TRAFFIC DATA AND INVESTMENT PRIORITIES

Site	Speed Limit	Average Daily Traffic	85^{th} Percentile Speed	Pedestrian & Bicycle Activity	Designated Pedestrian Area	Priority
Wyatt Earp Way	25 mph	800	31 mph	MODERATE	NO	MODERATE
Sidewinder Drive (Wyatt Earp Way to Comstock Dr)	25 mph	800	31 mph	MODERATE	NO	MODERATE
Sidewinder Drive (Comstock Dr to Gold Dust)	25 mph	3,100	31 mph	HIGH	NO	HIGH
Comstock Drive	25 mph	1,900	35 mph	HIGH	YES	HIGH
Monitor Drive	25 mph	2,500	34 mph	MODERATE	YES	MODERATE
Lucky John	25 mph	1,400	36 mph	LOW	NO	MODERATE
American Saddler	25 mph	460	31 mph	LOW	NO	LOW
American Saddler (near sharp turn)	25 mph	540	21 mph	LOW	NO	LOW
Meadows Drive	25 mph	2,000	33 mph	LOW	YES	LOW

Source: Fehr & Peers, 2009

Traffic Calming Tool Box
A description of possible Traffic Calming measures are described on (pages 5-10) of the Fehr & Peers Final Report. These pages describe the measures, provide advantages and disadvantages for each measure as well as cost estimates for implementation.

Roadway width
The City is just starting to reexamine roadway classifications within the Streets Master Plan. These classifications provide specifications for roadway widths and uses within the City's ROWs. Furthermore, per the City Engineers direction, and as a collaboration of emergency services and the transit departments, minimum roadway widths will be established for each classification of roadway to establish edge striping standards.

Comstock Sidewalk Project
On May 22nd, 2008, while reviewing the WALC recommendations list, Council directed Staff to defer the initial $540,000 sidewalk project on the east side of Comstock Drive and consider an incremental approach. The project as originally planned included a 5' sidewalk on the east side of the street. This measure will require the recrowning of the roadway and replacement of the storm drains. In the interim, Council directed Staff to remove parking on the east side of the street and provide a 5' at grade pedestrian facility (edge stripe) adjacent to the bike lane. Furthermore, Staff was directed to review the project for a year and return to Council with an assessment of the projects success:

PROS:

- Since removing parking on the east side of Comstock, Staff is unaware of any complaints or negative feedback.
- A specific corridor for pedestrians has been established.
- The project was inexpensive and has minimal maintenance requirements.

CONS:

- The WALC Committee's recommendation of a sidewalk on the east side of Comstock Dr., has not been implemented. The street represents a vital link in the overall pedestrian and biking connectivity in town. Several WALC projects, including a $3M underpass at the Comstock and SR-248 intersection represent the Committee's desire to provide connectivity to neighborhoods and school zones through an enhanced level of service.

Recommended Measures
Recommended measures, traffic conditions, and cost estimates for each project location are described in greater detail within the Final Report. Page numbers are provided for easy reference. Staff is recommending proceeding with the measures as described in this report.

Comstock Drive (Pages 11-13)

1. **Sidewalk on east side of the street**
2. **Center islands near Little Bessie and Ina**
3. **Raised crosswalks at Little Bessie and Ina with crossing flags.** *The following proposed crosswalks do not meet PCMC NTMP Policy, due to their proximity to one another; however, the NTMP has approved the crosswalks because they are on:*
   a. *a major thoroughfare*
   b. *A major biking/student/pedestrian corridor.*
4. **Shared-use (Sharrow) to accommodate bicycles in travel lanes**

COMSTOCK DRIVE
COST ESTIMATE

Item	Quantity	Unit Cost	Unit	Cost
5' Sidewalk[1]	1	-	Lump	$540,000
Center Median	2	$12,000	Each	$24,000
Sharrow Markings	10	$100	Each	$1,000
Raised Crosswalk	2	$6,000	Each	$12,000
Mid-block Crosswalk Sign	4	$450	Each	$1,800
Total				**$578,800**

[1] Cost estimate provided by WALC includes reconstruction of Comstock Drive and concrete sidewalk on east side.

Source: Fehr & Peers, April 2009.

Simulation of textured pathways and center islands on Comstock Drive

Wyatt Earp Way (Pages 13-15)

1. **Striping to delineate 5' pedestrian pathways on each side of the street**
2. **One speed feed back sign, for the southbound travel lane**
3. **Center island near the Kearns Blvd. intersection to slow traffic entering the neighborhood and provide a refuge for pedestrians**
4. **Colored concrete crosswalk at Kearns path and Wyatt Earp intersection**
5. **Curb extension at northwest corner of Sidewinder intersection to encourage drivers to stop (bulb out)**
6. **Painted crosswalks at the Sidewinder intersection**

WYATT EARP WAY COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
Center, Edgeline, and Bike lane Striping[1]	1,550	$0.56	Ft	$868
Speed Feedback Sign	1	$4,970	Each	$4,970
Center Median	1	$12,000	Each	$12,000
Textured Concrete Crosswalks	500	$12.00	Sq. Ft.	$6,000
Bulbout	1	$7,500	Each	$7,500
Painted Crosswalk	271	$4	Ft	$1,086
Total:				**$32,424**


Simulation of center island on Wyatt Earp Way

Sidewinder Drive (Pages 16-19)

1. **Center islands near Gold Dust Lane serving as a neighborhood entry feature and a pedestrian refuge**
2. **Colored Concrete crosswalks at Gold Dust intersection with bulb-outs**
3. **Colored Concrete crosswalk at Comstock Dr.**
4. **Edge line striping to narrow travel lanes**

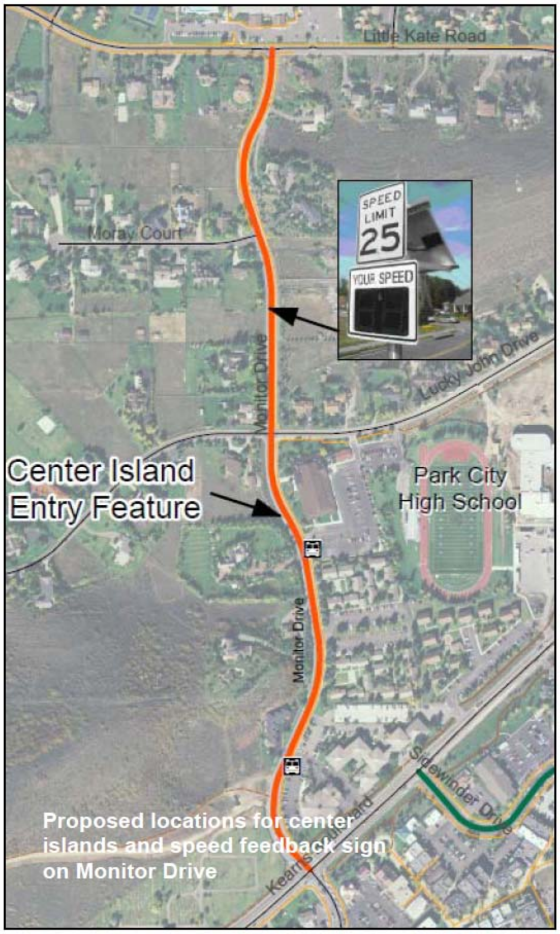
SIDEWINDER DRIVE (WEST OF COMSTOCK DR) COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
Center and Edgeline Striping[1]	2,400	$0.56	Ft	$1,344
Center Median	2	$12,000	Each	$24,000
Textured Concrete Crosswalks	1,350	$12	Sq. Ft.	$16,200
Bulbout	2	$7,500	Each	$15,000
Mid-block Crosswalk Sign	2	$450	Each	$900
Total				**$57,444**

[1]Between Comstock Drive and Gold Rush Drive

Source: Fehr & Peers, April 2009.

Monitor Drive (Pages 20-21)

1. **Center island at Lucky John intersection to serve as an entry feature for the neighborhood.**
2. **Edge line striping from Lucky John Dr. to Little Kate Dr.**
3. **A speed feedback sign for northbound traffic.**



MONITOR DRIVE COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
Edgeline Striping[1]	2,750	$0.56	Ft	$1,540
Speed Feedback Sign	1	$4,970	Each	$4,970
Center Median	1	$12,000	Each	$12,000
Total				**$18,510**

[1]Existing centerline striping

Source: Fehr & Peers, April 2009.

<u>Lucky John Drive-between Little Kate and American Saddler</u> (Pages 22-23)

It is worth noting that this section of Lucky John had the highest 85th percentile speeds of any street within the project scope.

1. **Edge line Striping.**
2. **Two speed feedback signs, one for each direction of travel.** *The proposed DFS are not consistent with NTMP Policy, because they are not on a neighborhood entry corridor, but, the NTMP has approved of them due to high speeds and the fact that the street is on a major transit route.*

LUCKY JOHN DRIVE COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
Edgeline Striping[1]	6,360	$0.56	Ft	$3,562
Speed Feedback Sign	2	$4,970	Each	$9,940
Total				**$13,502**

[1]Existing centerline striping
Source: Fehr & Peers, April 2009.

<u>American Saddler</u> (Pages 24-25)
Based on data collected, no measures are being recommended for American Saddler Dr. Staff will continue to monitor the area.

<u>Meadows Drive- between American Saddler and SR-224</u> (Page 26)
The implementation of edge line striping and a speed feedback sign ($5000) on Meadows Dr., as well as, the placement of a traffic signal at Meadows and SR-224 in 2008 has successfully calmed traffic on the street. No further measures are being recommended for this section of Meadows. Dr.

Alternatives:

A. **Approve the request, and direct staff to proceed with the traffic calming measures identified in the report.**
B. Modify the request: Council could choose to modify the recommended traffic calming measures presented in the report.
C. Deny the request: Council could choose to not continue with the project at this time.
D. Continue the Item: Council may feel there is not enough information to make a decision, and have staff return with more information.
E. Do Nothing: Same effect as continuance.

Significant Impacts

Several factors should be considered when establishing traffic calming measures.

- ***Effectiveness of Traffic Calming measures***
  Because Traffic Calming measures, their effectiveness and significant impacts, specific to Park City's climate and conditions, is not fully understood, staff believes that taking an incremental approach, from least to most impactful,-while collecting the appropriate data after installed, will provide a quantifiable understanding of the effectiveness of each measure. The effectiveness will be coordinated with the NTMP, and results can be updated to Council in future quarterly goal updates.

- ***Maintenance***
  Below is an approximate annual estimate for O&M for each specific measure.

Edge line striping	Paint is .14 per foot for a 4" line + 5% annual
Crosswalks (Colored concrete)	$600 for sealant and sign replacement
Center Islands	$360-$800
Driver Feedback signs	$800.00 for solar.
Signs (entering neighborhood. Please slow. Speed Limit 25mph)	$5.00 per sign for maintenance
Speed Lumps/Raised crosswalks	$300.00

<u>Maintenance costs for each project recommendation</u>

Comstock	Sidewalk $4,356 (staff recommends winter plowing) Center island x 2= $720-$1,600 Raised Crosswalk x 2= $600 DFS: $800 Bulb-out: $360-$800 (same as islands) **Total: $6836-$8156**
Wyatt Earp	Paint: 1550 x .14= $227.85 Center Island $360-$800 Bulb-out $360-$800 (same as islands) Colored Concrete Crosswalk- $600 **Total: $1547.85-$2427.85**

Sidewinder	Paint: 2400 x .14= $352.80 Center Island x 2= $720-$1,600 Bulb-outs x 2= $720-$1,600 (same as islands) Colored Concrete Crosswalk x (3)-$1,800 **Total: $3592.80-$5352.80**
Monitor	Paint: 2750 x .14= $404.25 DFS: $800 Center Island: $360-$800 **Total: $1564.26-$2004.25**
Lucky John	Paint: 6,360 x.14= $934.92 DFS x 2= $1,600 **Total $2534.92**
American Saddler	**$0**
Meadows	**$0**

Total annual O&M for the recommended projects: $16,075.83-$20,475.82

- ***Emergency Services and vertical traffic calming measures***
  Emergency Services have concerns with vertical traffic calming measures, similar to the recommended use of raised crosswalks on Comstock Drive. The Fire Department has issued concerns over response time and how the vertical measures may dislodge hoses off the fire engine.

- ***Cost impacts and budget***
  Total capital cost for all measures recommended is **$700,680.** ($540,000 allocated for Comstock sidewalk). There is a total of approximately $1,621,000 budgeted for traffic calming improvements out of the $15 million in WALC bond funds.

Staff will return to Council for the design contract of the Comstock sidewalk and for the award of any construction contract of the recommended traffic calming projects in excess of $20,000. It is anticipated that the traffic calming measures would not be constructed until 2010.

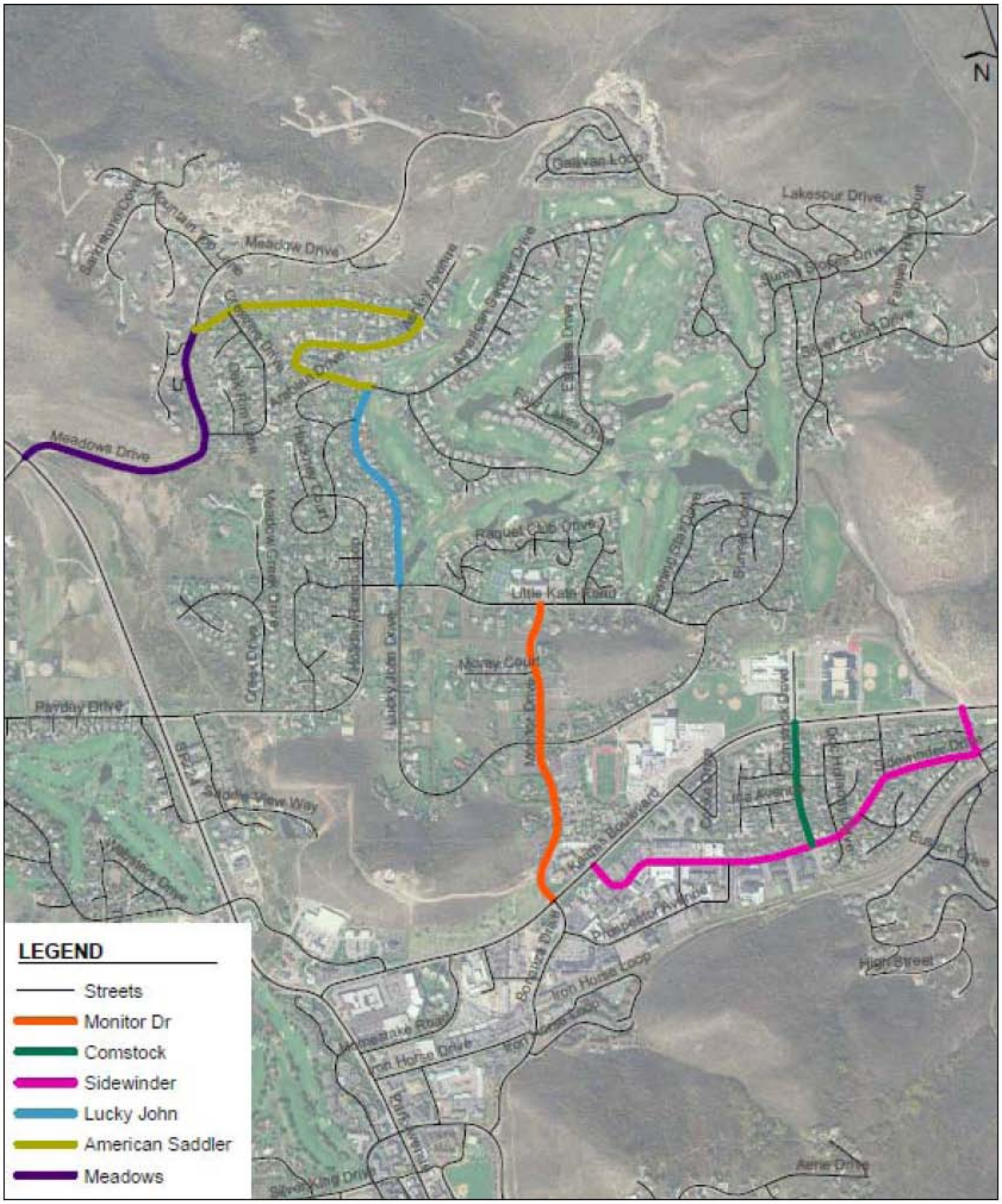
Departmental Review
This report has been reviewed by the Sustainability Team, Public Works Departments (streets, parks, and transit), City Engineer, Police, Budget Department and City Manager.

Staff Recommendations:
Direct staff to proceed with the recommended traffic calming measures provided in the staff report and outlined in the Fehr and Peers Traffic Calming Report.

Attachments:
Exhibit A Fehr & Peers Traffic Calming Report
Exhibit B Map of project locations

<u>Exhibit A</u> Fehr & Peers Traffic Calming Report

Exhibit B: Project Locations



Final Report

Park City Traffic Calming

Submitted by:

Fehr & Peers
2180 South 1300 East, Suite 220
Salt Lake City, UT 84106
(801) 463-7600

June 2009

FEHR & PEERS
TRANSPORTATION CONSULTANTS

TABLE OF CONTENTS

LIST OF TABLES

1. INTRODUCTION

Fehr & Peers was retained to develop traffic calming recommendations for specific roadway corridors in Park City. These corridors were identified by the Walkability Study completed for Park City in 2007, which identified general traffic calming and walkability recommendations for various Park City neighborhoods. Since then, the City has been working to refine these recommendations and develop projects to implement. This study is a collaborative effort to develop consensus among the community and City staff regarding appropriate traffic calming and walkability improvements in the study corridors (Figure 1). This document summarizes key elements and conclusions from that effort, and is intended to provide guidance regarding the type of projects, the relative priority, and planning level cost estimates.

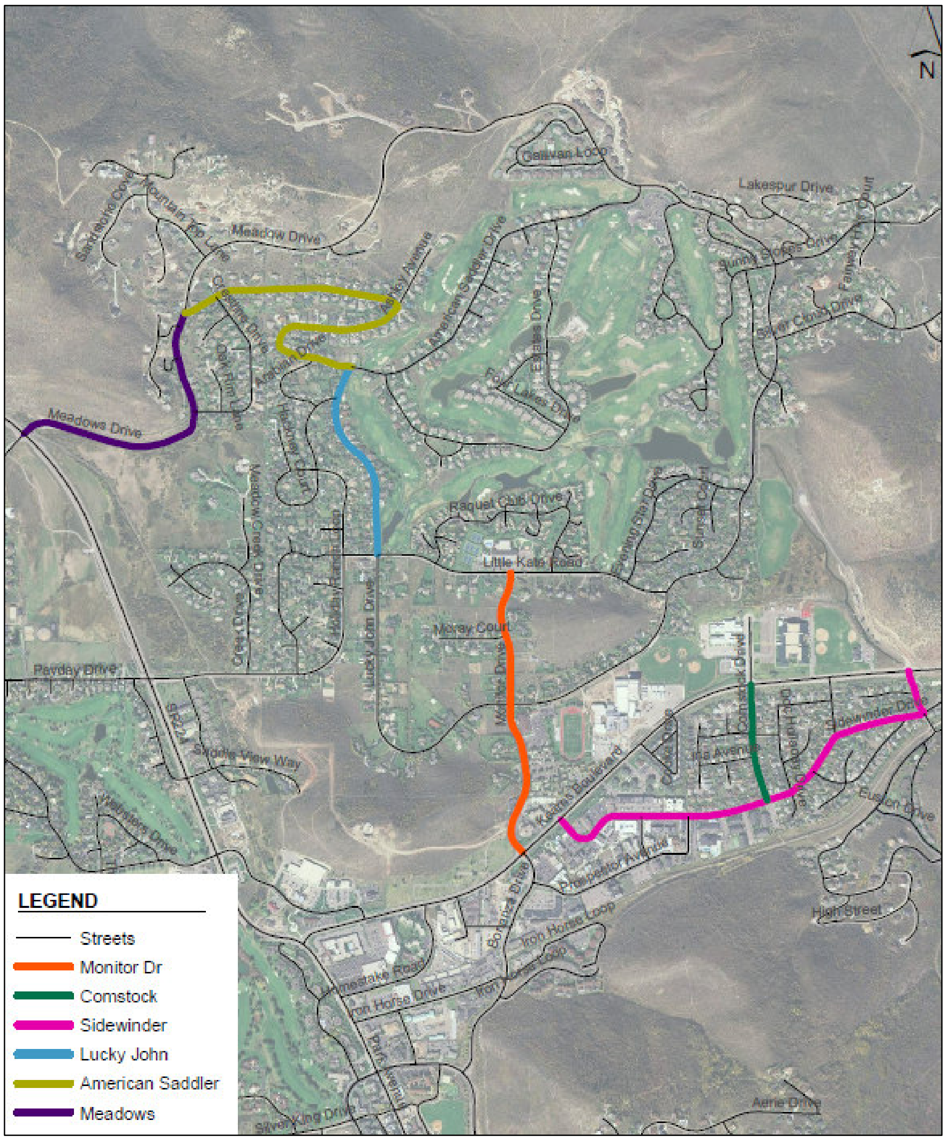


Figure 1: Study Corridors

DATA SUMMARY

The streets identified in Figure 1 represent two neighborhoods of Park City: Park Meadows, and Prospector/Comstock. The Park Meadows neighborhood is characterized by larger lots, deeper building setbacks, and longer blocks. Prospector/Comstock has smaller lots, typically shorter blocks, and higher proximity to pedestrian activity generators. Table 1 summarizes speed and volume data for the sites studied in this report.

SUMMARY OF TRAFFIC DATA AND INVESTMENT PRIORITIES						
Site	**Speed Limit**	**Average Daily Traffic**	**85th Percentile Speed**	**Pedestrian & Bicycle Activity**	**Designated Pedestrian Area**	**Priority**
Wyatt Earp Way	25 mph	800	31 mph	MODERATE	NO	MODERATE
Sidewinder Drive (Wyatt Earp Way to Comstock Dr)	25 mph	800	31 mph	MODERATE	NO	MODERATE
Sidewinder Drive (Comstock Dr to Gold Dust)	25 mph	3,100	31 mph	HIGH	NO	HIGH
Comstock Drive	25 mph	1,900	35 mph	HIGH	YES	HIGH
Monitor Drive	25 mph	2,500	34 mph	MODERATE	YES	MODERATE
Lucky John	25 mph	1,400	36 mph	LOW	NO	MODERATE
American Saddler	25 mph	460	31 mph	LOW	NO	LOW
American Saddler (near sharp turn)	25 mph	540	21 mph	LOW	NO	LOW
Meadows Drive	25 mph	2,000	33 mph	LOW	YES	LOW
Source: Fehr & Peers, 2009						

Table 1: Data Summary

Table 1 also identifies data for each site as relevant to this report, as described below:

- Speed limit: the posted speed for each street studied
- Average daily traffic: the amount of traffic measured on each street over a 24-hour period, including both directions of travel
- 85th percentile speed: 85% of vehicles in the traffic stream travel at or below this speed. The 85th percentile speed should be within 10 mph of the posted speed limit, as currently defined by the Park City Neighborhood Traffic Management Program
- Pedestrian and bicycle activity: the potential for bicyclists and pedestrians on each street based on proximity to generators such as schools, parks, trails, and community centers
- Designated pedestrian area: whether a pedestrian pathway or sidewalk exists on each street studied
- Priority: a ranking for each street studies, based on the above criteria

The ranking process and criteria used reflect the evaluation criteria defined in the Park City Neighborhood Traffic Management Program. The priority rankings can be used to guide investment decisions.

COMMUNITY INPUT

As stated previously, traffic calming discussions for these sites originated in the Walkability Study, which included extensive public involvement. The community was engaged in the current phase of study as well, including a stakeholder and WALC committee field tour on March 21st, 2009; an open house held at the Park City Library on April 22nd, 2009; and a City Council update presented on June 18th, 2009.

In general, the community supported measures such as sidewalks and pathways, landscaped medians, bulbouts, and speed feedback signs. Support was mixed for vertical speed control measures such as speed lumps, speed humps, or raised crosswalks. Several members of the community requested stop signs at various locations throughout the study corridors. However, technical analysis of these intersections suggests that stop signs are not warranted, and Park City's traffic calming policy discourages use of unwarranted stop signs as a traffic calming strategy. Therefore, stop signs are not among the measures recommended in this report.

2. TRAFFIC CALMING TOOLBOX

This chapter describes the “toolbox” of devices that are included in the recommended improvements and are available when developing neighborhood traffic management plans. The toolbox contains multiple devices that address neighborhood traffic-related concerns such as speeding vehicles, high traffic volumes, cut-through traffic, or safety concerns. The devices vary in their ability to treat various traffic-related concerns. An important aspect of traffic calming is selecting the most appropriate devices given the type of specific traffic-related concern and street being treated. Traffic-related concerns and the recommended traffic calming treatments are further discussed in the following chapter. Stops signs, traffic signals, and one-way street conversions are not included in the toolbox as those are traditionally not considered traffic calming devices. However, these treatments could be included if warranted by a separate engineering study.

Park City has specific climate and topography characteristics that may limit the appropriateness of some traffic calming techniques. For instance, some stakeholders expressed concern at the ability of snow removal equipment to maneuver around vertical control measures such as speed lumps or raised crosswalks. The plows also can be harsh on pavement treatments such as stamped or painted asphalt. Studded tires also contribute to accelerated wear-and-tear on decorative surfaces. In addition, many Park City neighborhoods lack sidewalks – and sometimes, residents feel strongly that sidewalks are not appropriate. The improvements recommended in Chapter 3 of this report take these issues into account.

EDGELINE STRIPING

Edgelines are used to visually narrow the travel lanes for vehicles, thereby inducing drivers to lower their speeds. Edgelines have the added benefit of clearly delineating the roadway shoulder, which can provide a more comfortable space for pedestrians. Though past evidence on speed reductions due to edgeline striping has been inconclusive, striping in conjunction with other measures is likely to contribute to the overall traffic calming effect.

Advantages

- Inexpensive
- Can be used to create bicycle lanes or delineate on-street parking

Disadvantages

- Has not been shown to significantly reduce travel speeds
- Requires regular maintenance

Approximate Cost: $0.56 per linear foot

Harsh winter conditions prevalent in Park City deteriorate pavement striping quickly. Therefore, annual maintenance costs should be considered prior to any application of pavement striping. For pavement striping to retain visibility, restriping will likely need to occur twice per year.

SPEED FEEDBACK SIGN

A speed feedback sign is a permanent device that measures each approaching vehicle's speed and displays it next to the legal speed limit in clear view of the driver. The display usually flashes when speeds exceed the posted limit. Park City has experienced success using speed feedback signs at other locations and residents generally have a positive impression of their effectiveness.

Approximate Cost: $4,500 – $5,500 per location

Advantages

- Real-time speed feedback
- Permanent installation

Disadvantages

- May require power source
- Only effective for one direction of travel
- Long-term effectiveness uncertain
- Subject to vandalism

CENTER ISLAND NARROWING

Center island narrowings are raised islands located along the centerline of a street that narrow the travel lanes at that location. Placed at the entrance to a neighborhood, and often combined with textured pavement or landscaping, they are called "gateways." Fitted with a gap to allow pedestrians to walk through at a cross-walk, they are often called "pedestrian refuges." They can also be landscaped to increase visual aesthetics.

Advantages

- Can increase pedestrian safety
- Aesthetic upgrades can have positive aesthetic value
- Reduces traffic volumes if alternative routes are available

Disadvantages

- Effect on vehicle speeds is limited by the absence of any vertical or horizontal deflection
- Potential loss of on-street parking

FITTED WITH PEDESTRIAN REFUGE

In certain situations center islands have been observed to reduce traffic volumes by influencing drivers to shift to alternate routes. The corresponding increase in traffic on alternate routes can potentially create new problems, especially if they occur on neighborhood streets.

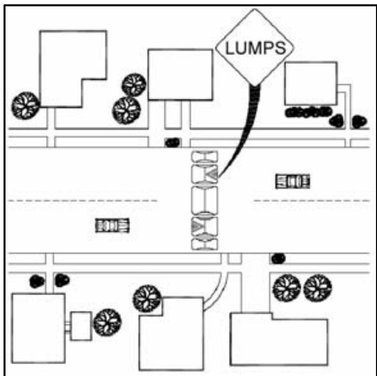
The magnitude of speed reduction is dependent on the spacing of center island narrowings between points that require drivers to slow. On average, center island narrowings achieve a seven percent reduction in speeds.

Approximate Cost: $8,000 - $15,000 per location

Measured Effectiveness		
Speed Reduction	**Reduction in 85th Percentile Speeds between Slow Points**	**-7%**
Volume Reduction	**Reduction in Vehicles per Day**	**-10%**
Safety Reduction	**Reduction in Average Annual Number of Collisions**	**I/D**

Note: I/D = Insufficient data to predict reduction effect.
Source: ***Traffic Calming: State of the Practice***, 1999.

SPEED LUMPS



Speed lumps are rounded raised areas placed across the road with two wheel cut-outs designed to allow large vehicles, such as emergency vehicles and buses, to pass with minimal slowing. The design limits passenger cars and mid-size SUVs from fully passing through the cut-outs and requires travel over the lump. They are slightly less than four inches high, typically parabolic in shape, and have a design speed of 15 to 20 mph. They are usually constructed with a taper on each side to allow unimpeded drainage between the lump and curb. When placed on a street with rolled curbs or no curbs, bollards are placed at the ends of the speed lump to discourage vehicles from veering outside of the travel lane to avoid the device.

Approximate Cost: $3,000 – $5,000 per location (similar to a standard speed hump)

Measured Effectiveness		
Speed Reduction	**Reduction in 85th Percentile Speeds between Slow Points**	**-25%**
Volume Reduction	**Reduction in Vehicles per Day**	**-0%**
Safety Reduction	**Reduction in Average Annual Number of Collisions**	**I/D**

Note: I/D = Insufficient data to predict reduction effect.
Source: ***New Traffic Calming Device of Choice***, ITE Journal 2009.

Advantages

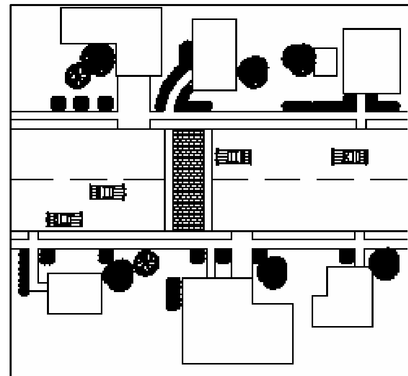
- Effective in reducing speeds
- Maintains rapid emergency response times
- Relatively easy for bicyclists to cross

Disadvantages

- Problematic for snow removal
- Aesthetics
- Signs may be unwelcome by adjacent residents
- Increased noise for nearby residents

RAISED CROSSWALK

Raised crosswalks are speed tables striped with crosswalk markings and signage to channelize pedestrian crossings, providing pedestrians with a level street crossing. Also, by raising the level of the crossing, pedestrians are more visible to approaching motorists.



The magnitude of speed reduction is dependent on the spacing of raised crosswalks between points that require drivers to slow. On average, raised crosswalks achieve an 18 percent reduction in speeds.

Approximate Cost: $4,000 – $8,000

Measured Effectiveness		
Speed Impacts	**Reduction in 85th Percentile Speeds between Slow Points**	**-18%**
Volume Impacts	**Reduction in Vehicles per Day**	**-12%**
Safety Impacts	**Reduction in Average Annual Number of Collisions**	**-45%**
Source: ***Traffic Calming: State of the Practice***, 1999.		

UPGRADED AESTHETICS

STANDARD TREATMENT

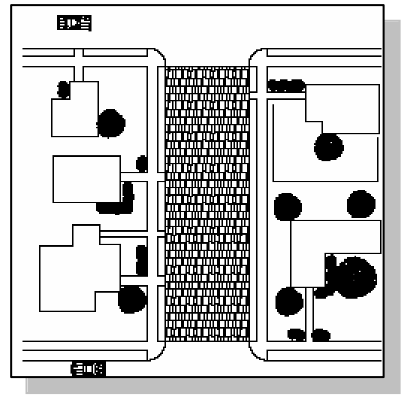
Advantages

- Improve safety for both vehicles and pedestrians
- Aesthetic upgrades can have positive aesthetic value
- Effective in reducing speeds, though not to the extent of speed humps

Disadvantages

- Textured materials, if used, can be expensive
- Impact to drainage needs to be considered
- Textured pavement can increase noise to adjacent residents
- Signs may be unwelcome by adjacent residents

TEXTURED PAVEMENT



Textured pavement includes the use of concrete or stamped asphalt to create an uneven surface for vehicles to traverse. Textured pavement may have limited effectiveness as a standalone device and should be used to supplement other devices such as raised crosswalks or center median islands. Little data has been collected to predict the reduction in speed, traffic volumes, or collisions, and use of this device may not result in significant decreases.

Park City has had limited success using stamped asphalt for crosswalk applications. Harsh winter conditions, road salt, snow tires, and snow removal methods deteriorate the colored surface treatment quickly. Therefore, any in-street application of texture pavement in Park City should be constructed with concrete to ensure durability.

Approximate Cost: $12 per square foot*
*cost does not include cost of removal of old pavement, traffic control, or mobilization

TEXTURED AND COLORED CONCRETE WITH CENTER ISLAND

STAMPED ASPHALT

Advantages

- Can reduce vehicle speeds
- Aesthetic upgrades can have positive value
- Placed at an intersection, it can slow two streets at once

Disadvantages

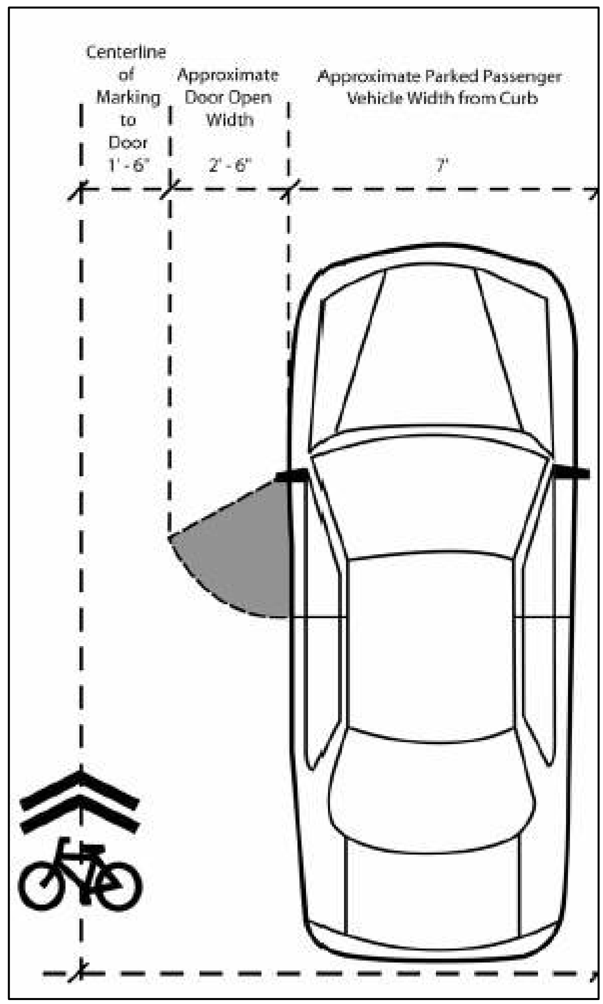
- Expensive, varying by materials used
- Can be uncomfortable for bicyclists or handicapped
- Textured pavement can increase noise to adjacent properties

SHARED LANE MARKING (SHARROW)

Shared lane markings, or "sharrows", are pavement markings used in travel lanes shared by vehicles and bicyclists. Sharrows guide bicyclists to position themselves laterally within lanes that are too narrow for a vehicle and bicyclist to travel side-by-side. When on-street parallel parking is present, sharrows help bicyclists to position far enough away from parked vehicles to avoid the door zone. Additionally, sharrows alert road users to the presence of bicyclists, encourage safe passing, and reduce wrong-way bicycling.

Currently sharrows are considered an experimental device, since they are not included in the current version of the Manual of Uniform Traffic Control Devices (MUTCD). However, after successful applications in Colorado, California, and Washington, sharrows will be included in the 2009 MUTCD Update.

Approximate Cost: $100 each



3. ALTERNATIVES AND RECOMMENDATIONS

Each of the sites studied are discussed in this section, following this structure:

- Issues: traffic calming and walkability issues reported by the public and the WALC committee
- Observations: measurements, data, and notes collected by the project team for each site
- Alternatives: varying options (sometimes cumulative) which were considered for each site
- Recommendations: the recommended alternative for each site, based on technical analysis and public input, including conceptual cost estimates

COMSTOCK DRIVE

Comstock Drive provides access into the Prospector/Comstock neighborhood and adjacent commercial districts. Nearby pedestrian and bicycle generators include several schools (Park City High School, Treasure Mountain Middle School, and McPolin Elementary), trail access (Rail Trail and Kearns Boulevard Trail), and bus route (winter only). In 2008 Park City modified the roadway striping to provide bike lanes and a designated pedestrian walkway, and also restricted on-street parking on the east side of the street. Speed feedback signs are located between Little Bessie Street. and Ina Street.

Issues

Comstock Drive is an important pedestrian link between pedestrian generators and residential areas. The roadway will be connected with a tunnel under Kearns Boulevard (project currently in the design stage) and a proposed sidewalk on Sidewinder Drive. Residents perceive that high traffic volumes and travel speeds compromise the safety and comfort of pedestrians and cyclists. Since Comstock Drive is a direct route to the school facilities north of Kearns Boulevard, there are high levels of school-aged pedestrians. The road is also frequently used to bypass traffic congestion on Kearns Boulevard (SR-224). The WALC committee recommendations included:

- Narrow the roadway
- Remove on-street parking on east side of street
- Add sidewalk on east side of street
- Add bulbouts at intersections with Little Bessie Street and Ina Street, with complementary crosswalks
- General traffic calming stop signs at intersections with Ina Street and Little Bessie Street

The project team evaluated these elements and developed ranges of alternatives incorporated these elements.

Observations

Table 2 illustrates quantitative traffic information for Comstock Drive. Traffic volumes suggest that Comstock functions more as a collector street than as a residential street. Vehicle speeds are also high enough to warrant traffic calming measures. However, it should be noted that this speed data was observed prior to the installation of the speed feedback signs which have likely reduced average speeds.

COMSTOCK DRIVE TRAFFIC CONDITIONS[1,2]	
Pedestrians	99
Cyclists	54
Average Daily Traffic	1,900
Posted Speed Limit	25 mph
Average Speed	29 mph
85th Percentile Speed	35 mph

[1] Pedestrian and bike data collected May 2007 from 2:30 to 7:00 PM

[2]Vehicle data collected November 2007

Source: Park City Municipal Corporation, summarized by Fehr & Peers, April 2009.

Table 2: Comstock Drive Traffic Conditions

Alternatives

Fehr & Peers developed a range of alternatives for Comstock Drive, including many of the items identified by the WALC committee. The alternatives are cumulative and represent a lower-cost option (Alternative 1) to a higher-cost option (Alternative 3).

- Alternative 1: Painted pathway on east side of street, high visibility crosswalks at Sidewinder to connect to proposed sidewalk
- Alternative 2: Alternative 1 improvements plus textured pavement pathway on east side of street, textured crosswalks and center islands near Little Bessie Avenue and Ina Street, and textured crosswalk at Sidewinder
- Alternative 3: Alternative 2 improvements plus sidewalk on east side of street, raised crosswalks


Simulation of textured pathways and center islands on Comstock Drive

Recommendations

Based on technical analysis and feedback from the community and Park City staff, Fehr & Peers recommends Alternative 3. The recommended improvements will include:

- Sidewalk on east side of street
- Center medians near Little Bessie and Ina Street to slow vehicles entering neighborhood and provide a refuge for pedestrians
- Raised crosswalks at Little Bessie and Ina Street

- Shared-lane marking (“sharrow”) to accommodate bicycles in the travel lanes

Conceptual cost estimates for the proposed improvements on Comstock Drive are shown in the following table. Construction of a sidewalk necessitates several major changes to Comstock Drive including a storm water collection system and road resurfacing; the traffic calming and walkability improvements constitute fifteen to twenty percent of the overall cost. Comstock Drive will require resurfacing eventually regardless of sidewalk improvements; sidewalk construction could be done concurrently and utilize multiple funding sources.

Park City is planning to construct a pedestrian tunnel under Kearns Boulevard and a sidewalk on Sidewinder Drive; Comstock Drive is an important connection in this pathway system. Though high in cost, a premium path way through this corridor will better accommodate over one hundred pedestrians that currently walk this route on a daily basis.

COMSTOCK DRIVE COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
5’ Sidewalk[1]	1	-	Lump	$540,000
Center Median	2	$12,000	Each	$24,000
Sharrow Markings	10	$100	Each	$1,000
Raised Crosswalk	2	$6,000	Each	$12,000
Mid-block Crosswalk Sign	4	$450	Each	$1,800
Total				**$578,800**

[1] Cost estimate provided by WALC includes reconstruction of Comstock Drive and concrete sidewalk on east side.

Source: Fehr & Peers, April 2009.

Table 3: Comstock Drive Conceptual Cost Estimate

WYATT EARP WAY

Wyatt Earp Way is a residential street providing access into the Prospector/Comstock neighborhood with a direct connection to Kearns Boulevard. The pavement width is 40 to 42 feet, bordered by rolled gutters, and there is no vehicle lane striping. There are posted turn restrictions on Kearns Boulevard during the morning commute period to discourage cut through traffic on Wyatt Earp Way and Sidewinder Drive. The intersection of Kearns Boulevard and Wyatt Earp Way is located near several pedestrian generators, including Prospector Park and two trail crossings.


Looking north on Wyatt Earp Way

Issues

Residents have expressed concern about the speed of vehicles as they enter the neighborhood from Kearns Boulevard. The expansive roadway has few features to encourage slower speeds and help drivers recognize that they have entered a residential area. The all-way stop at the Sidewinder Drive intersection presents crossing challenges to pedestrians because drivers either ignore stop requirements or are unable to see the stop sign due to obscuring vegetation. The WALC committee developed the following recommendations to improve walkability:

- Geometry modifications to Wyatt Earp Way/Kearns Boulevard,
- Taper and square intersection of Wyatt Earp Way/Sidewinder Drive
- Install crosswalk at Sidewinder and Wyatt Earp Way

These items were incorporated into the alternatives considered for Wyatt Earp Way.

Observations

Table 4 illustrates quantitative traffic information for Sidewinder Drive. Observed traffic volumes are in a reasonable range for a residential street. Travel speeds are not high enough to warrant substantial investment in traffic calming measures by most standards. However, the residents are clearly concerned that drivers are not making the mental transition from driving on an arterial (Kearns Boulevard) to this residential street.

WYATT EARP WAY TRAFFIC CONDITIONS	
Average Daily Traffic	800
Posted Speed Limit	25 mph
Average Speed	24 mph
85^{th} Percentile Speed	31 mph

Data collected June 2006

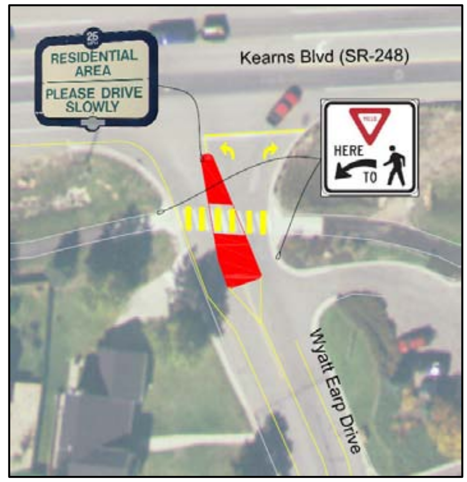
Source: Park City Municipal Corporation, summarized by Fehr & Peers, April 2009.

Table 4: Wyatt Earp Traffic Conditions

Alternatives

Fehr & Peers developed several alternatives for the Wyatt Earp Way corridor to address residents' concerns. The alternatives are generally cumulative, as follows:

- Alternative 1: "Residential Area" signage, edgeline striping, speed feedback signs.
- Alternative 2: Alternative 1 improvements plus entry feature that accommodates trail crossing, crosswalk improvements and bulbouts at Sidewinder Way.
- Alternative 3: Alternative 2 improvements plus textured pathways and bikeway on shoulder.



Recommendations

Based on technical analysis and feedback from the community and Park City staff, Fehr & Peers recommends Alternative 2. The improvements should include:

- Striping to delineate reduced travel lanes and 5-foot pathways
- One speed feedback sign for the southbound direction of travel, placed to optimize visibility
- Center island near Kearns Boulevard to slow vehicles entering neighborhood and provide a refuge for pedestrians crossing on the trail
- Curb extension on the northwest corner of the intersection with Sidewinder Drive to encourage better stop compliance
- High-visibility crosswalks at the Sidewinder Drive/Wyatt Earp Way intersection

Simulation of center island on Wyatt Earp Way

Conceptual cost estimates for the proposed improvements on Wyatt Earp Way are shown in the following table. Conceptual cost estimates do not account for items such as grading or drainage improvements, or "soft" costs such as engineering or survey.

WYATT EARP WAY COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
Center, Edgeline, and Bike lane Striping[1]	1,550	$0.56	Ft	$868
Speed Feedback Sign	1	$4,970	Each	$4,970
Center Median	1	$12,000	Each	$12,000
Textured Concrete Crosswalks	500	$12.00	Sq. Ft.	$6,000
Bulbout	1	$7,500	Each	$7,500
Painted Crosswalk	271	$4	Ft	$1,086
Total				**$32,424**
Source: Fehr & Peers, April 2009.				

Table 5: Wyatt Earp Way Conceptual Cost Estimate

SIDEWINDER DRIVE

Sidewinder Drive provides access to the Prospector/Comstock residential neighborhood and adjacent commercial districts. Between Comstock Drive and Gold Dust Drive, Sidewinder Drive functions as a collector street with a 40-foot pavement width, rolled gutters, and on-street parking. East of Comstock Drive, Sidewinder Drive functions as a residential street with a 24-foot pavement width, rolled gutters, and on-street parking. Neither road segment has pavement markings to delineate crosswalks or vehicle travel lanes. Both routes are served by Park City Transit and experience pedestrian and bicycle activity.

Issues

Intersection of Sidewinder Dr and Gold Dust

The segment of Sidewinder Drive between Comstock Drive and Gold Dust Drive is a transition area between commercial and residential land uses. Drivers use this route in conjunction with Comstock Drive to bypass traffic congestion on Kearns Boulevard. The expansive pavement width and lack of lane delineation may encourage high vehicle travel speeds, creating an uncomfortable experience for pedestrians and cyclists using the roadway shoulder. On the segment of Sidewinder Drive east of Comstock Drive, residents expressed interest in improving pedestrian facilities and reducing the volume of cut-through traffic. The WALC committee's recommendations for this area included:

- Build sidewalk on south side of street between Comstock and Gold Dust
- Add an all-way stop at Gold Dust/Sidewinder
- Stripe shoulders and narrow travel lanes on Sidewinder Drive from Wyatt Earp to Comstock

Park City is already planning to construct sidewalk on the south side of the street, so that recommendation is not repeated in this report. As part of this phase of study, the project team evaluated the feasibility of the all-way stop at Gold Dust/Sidewinder, and determined that a stop sign would be unwarranted at this time. The alternatives developed for Sidewinder Drive include a variety of striping and narrowing options, in accordance with the WALC recommendations.

Observations

Table 5 illustrates quantitative traffic information for Sidewinder Drive. Traffic volumes are significantly higher on the western portion of Sidewinder, suggesting that this route provides an important mobility link for the area between Comstock Drive and Bonanza Drive. Travel speeds are not high enough to warrant substantial investment in traffic calming measures by most standards.

SIDEWINDER DRIVE WEST OF COMSTOCK TRAFFIC CONDITIONS	
Average Daily Traffic	3,100
Posted Speed Limit	25 mph
Average Speed	25 mph
85^{th} Percentile Speed	31 mph
Data collected March 2009 Source: Park City Municipal Corporation, summarized by Fehr & Peers, April 2009.	
SIDEWINDER DRIVE EAST OF COMSTOCK TRAFFIC CONDITIONS	
Average Daily Traffic	800
Posted Speed Limit	25 mph
Average Speed	25 mph
85^{th} Percentile Speed	31 mph
Data collected July 2008 Source: Park City Municipal Corporation, summarized by Fehr & Peers, April 2009.	

Table 5: Sidewinder Drive Traffic Conditions

Alternatives

Fehr & Peers developed multiple alternatives for both segments of the Sidewinder Drive corridor. The alternatives are cumulative, representing a range of options from low-cost to higher-cost. As mentioned above, the following alternatives assume construction of a sidewalk on the south side of Sidewinder between Comstock and Gold Dust.

<u>Sidewinder Drive between Comstock Drive and Gold Dust Drive</u>

- Alternative 1: Stripe vehicle travel lanes, bike lanes, and crosswalk improvements at Gold Dust Drive and Comstock Drive
- Alternative 2: Alternative 1 improvements plus center island near Gold Dust Drive, textured crosswalk treatment with bulbouts
- Alternative 3: Alternative 2 improvements plus raised crosswalks at Gold Dust Drive
- Alternative 4: Alternative 3 improvements plus speed lumps

<u>Sidewinder Drive east of Comstock Drive</u>

- Alternative 1: “Residential Area” signage, speed feedback signs, continued monitoring
- Alternative 2: Alternative 1 improvements plus speed lumps

Recommendations

Based on technical analysis and feedback from the community and Park City staff, Fehr & Peers recommends the following improvements.

Sidewinder Drive between Comstock Drive and Gold Dust Drive: Alternative 2 is the recommended option. Improvements should include:

- Center islands near Gold Dust Drive, serving as a neighborhood entry feature and pedestrian refuge
- Textured pavement crosswalks at Gold Dust Drive with bulbouts
- Improved crosswalks at Sidewinder Drive/Comstock Drive
- Travel lane striping: 12-foot lanes with edge striping

Sidewinder Drive west of Comstock: Alternative 1 is the recommended option. Improvements should include:

- One speed feedback sign for each direction of travel, placed to optimize visibility from an approach of at least 500 feet

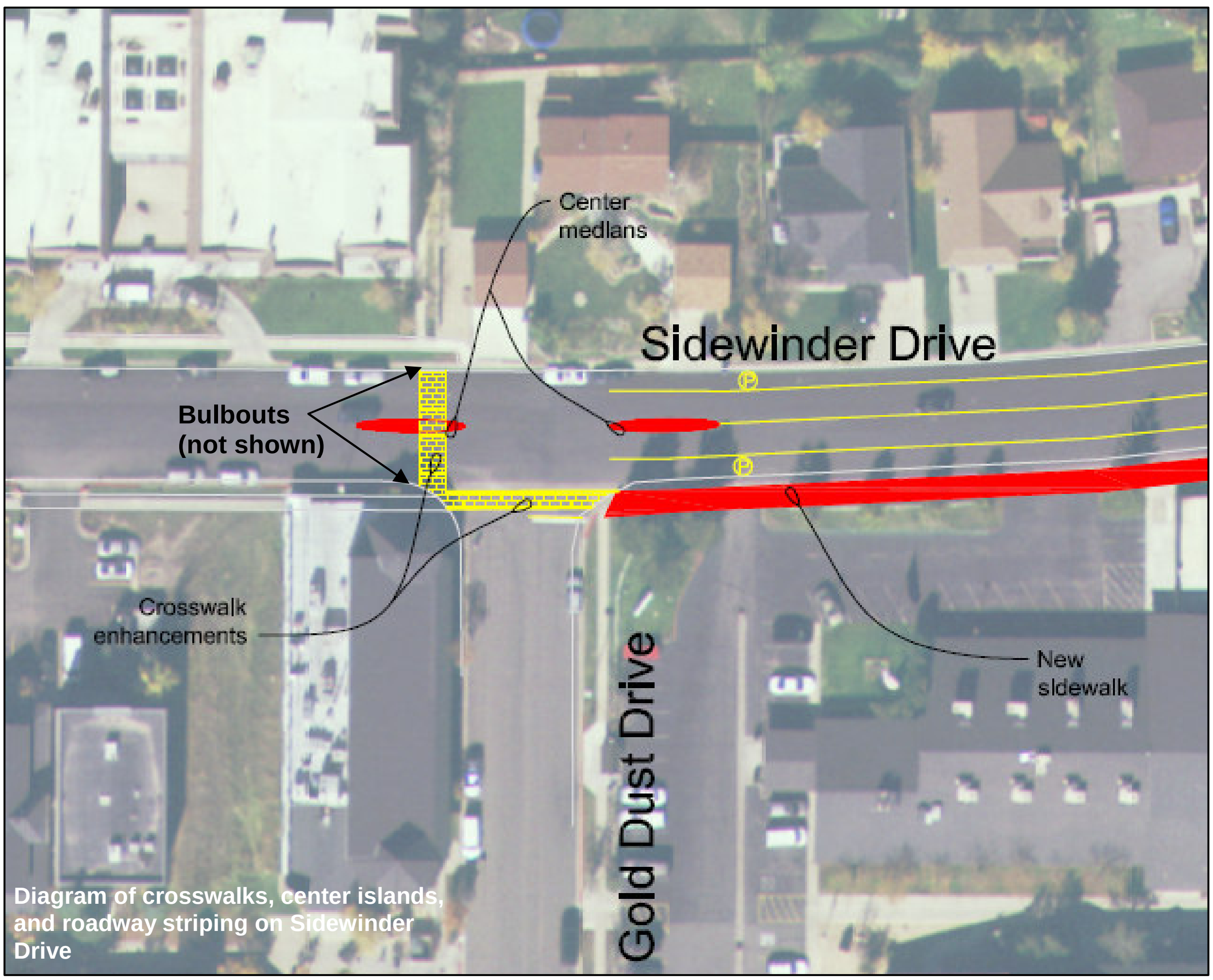


Diagram of crosswalks, center islands, and roadway striping on Sidewinder Drive

Conceptual cost estimates for the proposed improvements on Sidewinder Drive are shown in the following table. Conceptual cost estimates do not account for items such as grading or drainage improvements, or "soft" costs such as engineering or survey.

SIDEWINDER DRIVE (WEST OF COMSTOCK DR) COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
Center and Edgeline Striping[1]	2,400	$0.56	Ft	$1,344
Center Median	2	$12,000	Each	$24,000
Textured Concrete Crosswalks	1,350	$12	Sq. Ft.	$16,200
Bulbout	2	$7,500	Each	$15,000
Mid-block Crosswalk Sign	2	$450	Each	$900
Total				**$57,444**

[1]Between Comstock Drive and Gold Dust Drive
Source: Fehr & Peers, April 2009.

Table 6: Sidewinder Drive, West of Comstock, Conceptual Cost Estimate

SIDEWINDER DRIVE (EAST OF COMSTOCK DR) COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
Edgeline Striping[1]	3,800	$0.56	Ft	$2,128
Speed Feedback Sign	2	$4,970	Each	$9,940
Total				**$12,068**

[1]Centerline striping not necessary
Source: Fehr & Peers, April 2009.

Table 7: Sidewinder Drive, East of Comstock, Conceptual Cost Estimate

MONITOR DRIVE

Monitor Drive is a primary entry route into the Park Meadows neighborhood. The pavement width is approximately 32 feet and bordered by rolled gutters. The segment between Kearns Boulevard and Lucky John Drive features 11-foot vehicle travel lanes, 3 to 5-foot wide shoulders, and 6 to 8-foot sidewalk on the south side of the street. On-street parking is prohibited and Park City transit has two flag stops in the northbound direction. Between Lucky John Drive and Little Kate Drive, Monitor Drive travel lanes are delineated by a center stripe without edgelines. There is a continuous sidewalk on the south side of the street and a sidewalk on the north side between Moray Court and Little Kate Drive.

Issues

Residents have expressed concern regarding the high volume of vehicles and travel speeds on Monitor Drive. While not a primary walking route, the close proximity to schools generates pedestrian activity that is potentially exposed to relatively high traffic speeds. The general goal stated by residents is to improve walkability and the feeling of comfort for pedestrians by reducing vehicle speeds. To address this issue, the WALC committee recommended installing a stop sign at Moray Court.

Observations

Table 8 illustrates quantitative traffic information for Monitor Drive. With 2,500 daily vehicles using this segment, it is evident that Monitor Drive is a primary access route for adjacent residential areas of Park Meadows. However, traffic volumes from Moray Court did not warrant a stop sign for Monitor Drive, and Park City's traffic calming policies discourage use of stop signs as a traffic calming device. The 85th percentile speed was observed to be 34 mph, which warrants traffic calming measures by most standards.

MONITOR DRIVE TRAFFIC CONDITIONS	
Average Daily Traffic	2,500
Posted Speed Limit	25 mph
Average Speed	29 mph
85th Percentile Speed	34 mph
Data collected March 2009 Source: Park City Municipal Corporation, summarized by Fehr & Peers, April 2009.	

Table 8: Monitor Drive Traffic Conditions

Alternatives

Fehr & Peers developed the following alternatives appropriate for the Monitor Drive corridor:

- Alternative 1: Edgeline striping, speed feedback sign for northbound direction, continued monitoring.
- Alternative 2: Alternative 2 improvements plus speed lumps (north of Lucky John Drive), and/or center island entry feature (south of Lucky John Drive).

Recommendations

Based on technical analysis and feedback from the community and Park City staff, the recommended alternative is as follows:

<u>Monitor Drive between Kearns Boulevard and Lucky John Drive:</u>

- Center island to serve as entry feature into neighborhood area

<u>Monitor Drive between Lucky John Drive and Little Kate Drive:</u>

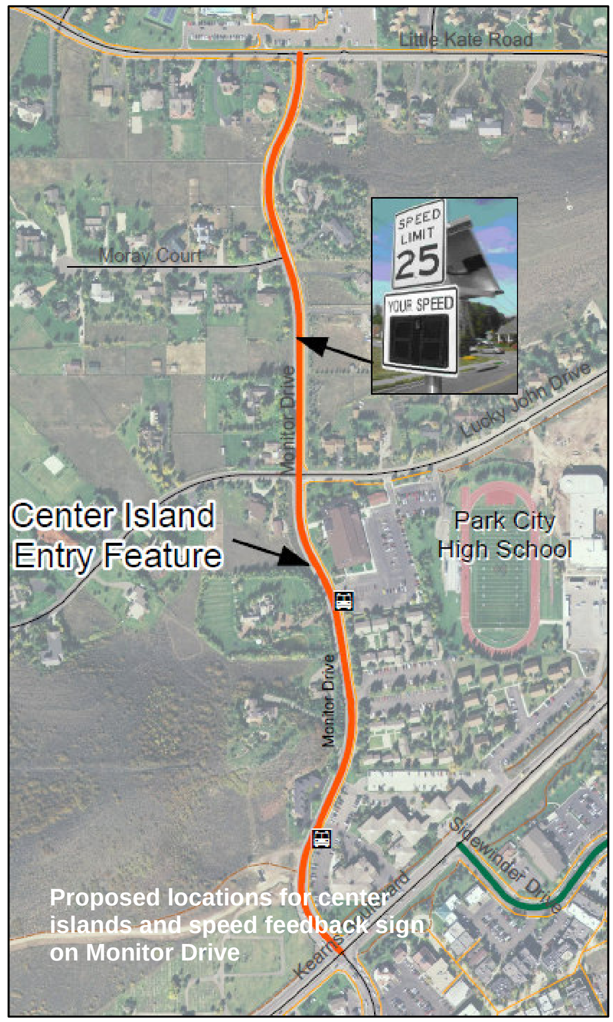
- Striping to designate reduced-width travel lanes
- One speed feedback sign for the northbound direction

Conceptual cost estimates for the proposed improvements on Monitor Drive are shown in the following table:

MONITOR DRIVE COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
Edgeline Striping[1]	2,750	$0.56	Ft	$1,540
Speed Feedback Sign	1	$4,970	Each	$4,970
Center Median	1	$12,000	Each	$12,000
Total				**$18,510**

[1]Existing centerline striping
Source: Fehr & Peers, April 2009.

Table 9: Monitor Drive Conceptual Cost Estimate



LUCKY JOHN DRIVE

Lucky John Drive is a residential street in Park Meadows neighborhood. Between Little Kate Drive and American Saddler Drive the pavement width is generally 32 feet, bordered by rolled gutters, and features skip-stripe center line pavement markings. On-street parking is allowed. Lucky John Drive is stop controlled at the intersection with Little Kate Drive and Arabian Drive.

Issues

Residents indicate that speeding vehicular traffic is the primary concern on Lucky John Drive. Because there are no sidewalks and vehicles are commonly parked on the road shoulder, pedestrians are forced closer to moving traffic – an uncomfortable experience if cars are traveling fast. Sight distance is limited on sections of Lucky John Drive due to horizontal shifts, compounded by the presence of on-street parking. Students use this route to walk to/from the nearby school.

The general goal stated by residents is to improve walkability and the feeling of comfort for pedestrians by reducing vehicle speeds. To this end, the WALC committee recommended a 20-mph speed limit, speed feedback signs, and speed dips.

Observations

The following table illustrates quantitative traffic information for Lucky John Drive. With 1,400 daily vehicles using this segment, it is evident that Lucky John Drive is a primary access route for adjacent residential areas of Park Meadows. The 85th percentile speed was observed to be 36 mph, which warrants traffic calming measures by most standards. Park City's policy is to keep posted speeds within 10 mph of the 85th percentile speed. While it is easy to understand residents' concerns and their desire to reduce the speed limit to 20 mph, this is unlikely to address the speeding problem given the current design of the road. Speed dips were not among the alternatives evaluated in this study, but other vertical control measures were considered in this location, as described in the following section.

LUCKY JOHN DRIVE TRAFFIC CONDITIONS	
Average Daily Traffic	1,400
Posted Speed Limit	25 mph
Average Speed	30 mph
85^{th} Percentile Speed	36 mph

Data collected March 2009

Source: Park City Municipal Corporation, summarized by Fehr & Peers, April 2009.

Table 10: Lucky John Drive Traffic Conditions

Alternatives

Fehr & Peers developed the following alternatives for Lucky John Drive:

- Alternative 1: Edgeline striping, speed feedback signs, continued monitoring

- Alternative 2: Alternative 1 improvements plus speed lumps

Recommendations

Based on technical analysis and feedback from the community and Park City staff, Fehr & Peers recommends Alternative 1. The improvements should include:

- Striping to designate reduced-width travel lanes and six-foot shoulders
- One speed feedback sign for each direction of travel, placed to optimize visibility from an approach of at least 500 feet

Conceptual cost estimates for the proposed improvements on Lucky John Drive are shown in the following table.

LUCKY JOHN DRIVE COST ESTIMATE				
Item	**Quantity**	**Unit Cost**	**Unit**	**Cost**
Edgeline Striping[1]	6,360	$0.56	Ft	$3,562
Speed Feedback Sign	2	$4,970	Each	$9,940
Total				**$13,502**
[1]Existing centerline striping				
Source: Fehr & Peers, April 2009.				

Table 11: Lucky John Drive Conceptual Cost Estimate

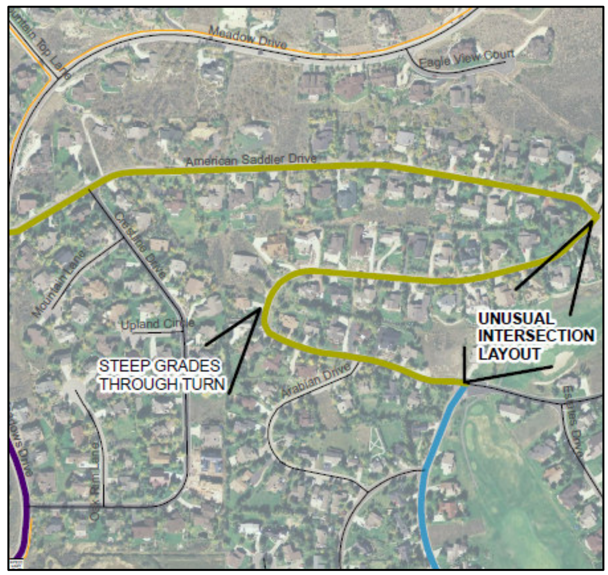
It is worth noting that Lucky John Drive had the highest 85th percentile speed of any street addressed in this study. Park City should continue monitoring Lucky John Drive after placement of the speed feedback signs, and determine whether the problem has been remedied. If the speed feedback signs (which have proven successful elsewhere in Park City) do not sufficiently reduce the 85th percentile speeds, Park City may wish to consider speed lumps in this location.

AMERICAN SADDLER DRIVE

American Saddler Drive is a residential street in Park Meadows. The pavement width is generally 32 feet between Monitor Drive and Lucky John Drive, which is bordered by rolled gutters and has no pavement markings. On-street parking is allowed. American Saddler Drive is stop controlled at the intersections with Lucky John Drive and Monitor Drive. The intersection with Ashley Court is currently undergoing engineering design to create an all-way stop and was therefore excluded from consideration.

Issues

American Saddler Drive has three linear segments that gradually descend from Meadows Drive to Lucky John Drive, linked by a hairpin turn between Ashley Court and Luck John Drive. Residents reported concerns with speeding vehicles on the linear segments, and noted that the vertical and horizontal shifts limit sight distance and pedestrian visibility. A lack of sidewalks and on-street parking force pedestrians close to moving traffic – an uncomfortable experience if cars are traveling at high speeds. Residents suggested that the hairpin turn is problematic due to the steep grade and sharp horizontal curvature. Drivers frequently enter the turn too fast; consequently drivers report experiencing "close-calls" and slide offs during the winter. The general goal stated by residents is to improve walkability and the feeling of comfort for pedestrians by reducing vehicle speeds. To this end, the WALC committee developed the following recommendations:



- A 20 mph speed limit
- Speed feedback signs
- Speed dips

Observations

The following tables illustrate quantitative traffic information for American Saddler Drive. With 460 to 540 daily vehicles using this segment, American Saddler Drive functions as a typical residential street. The 85th percentile speed was observed to be 31 mph on a linear section and 21 mph on the downhill side of the hairpin curve; average speeds are at or below the posted speed limit. This data suggests that most traffic on American Saddler Drive is operating at relatively reasonable speeds, but some sections would benefit from traffic calming.

AMERICAN SADDLER DRIVE BETWEEN MEADOWS DRIVE AND ASHLEY COURT TRAFFIC CONDITIONS	
Average Daily Traffic	460
Posted Speed Limit	25 mph
Average Speed	25 mph
85th Percentile Speed	31 mph
AMERICAN SADDLER DRIVE NEAR HAIRPIN TURN **TRAFFIC CONDITIONS**	
Average Daily Traffic	540
Posted Speed Limit	25 mph
Average Speed	18 mph
85th Percentile Speed	21 mph
Data collected March 2009 Source: Park City Municipal Corporation, summarized by Fehr & Peers, April 2009.	

Table 12: American Saddler Drive Traffic Conditions

Recommendations

Based on qualitative observation and quantitative data, conditions on American Saddler do not warrant physical traffic calming devices.

Traffic data collected at the hairpin turn does not suggest excessive speeding, and there are no accidents on record for the past two years. Based on observations from neighborhood residents, drivers occasionally lose control when road conditions are slick. This situation is indicative of the steep grade, sharp horizontal curve, and snowy climate – conditions that are not typically addressed with traffic calming measures. Further, the physical layout of this curve and snow removal issues severely restrict the applicability of traffic calming devices in general.

Fehr & Peers recommends Park City continue to monitor traffic patterns through this area. If the City observes increases in traffic speeds or incidents related to speeding, speed lumps should be considered near the approach and departure of the hairpin turn and at 400 to 600-foot intervals on the linear sections. Park City may also wish to consider other engineering measures to improve safety of this roadway section such as guard rails, high friction pavement, de-icing, and wintertime parking restrictions.

MEADOWS DRIVE

Meadows Drive is a primary entry route into the Park Meadows neighborhood. Between State Route 224 and American Saddler Drive, Meadows Drive is composed of two distinct sections: an eastern segment and a western segment. The eastern segment is flat, straight, and has no driveways or residences along its length. Pavement markings delineate 11-foot travel lanes, 4.5-foot shoulders, and a 6-foot sidewalk on the south side of the street. The posted speed limit is 25 mph and Park City installed a speed feedback sign for the eastbound direction in 2008. The western segment turns north-south and climbs a steep hill for 1,400 feet. Through this section there are frequent driveways and side streets.

Issues

Originally the WALC committee suggested a need to reduce vehicle travel speeds along Meadows Drive. Since the initial recommendation, vehicle travel lane widths were reduced and a speed feedback sign was installed. Traffic data collected before and after the installation suggests the sign was effective in reducing vehicle speeds. At the time of this study, Meadows Drive is not a priority concern for residents.

Observations

Traffic data suggests that vehicle speeds are not exceptionally high, given the character of the roadway. Traffic volumes are relatively high, reflecting the fact that Meadows Drive is a primary access to the Park Meadows neighborhood.

MEADOWS DRIVETRAFFIC CONDITIONS	
Average Daily Traffic	2,000
Posted Speed Limit	25 mph
Average Speed	26 mph
85th Percentile Speed	33 mph
Data collected March 2009 Source: Park City Municipal Corporation, summarized by Fehr & Peers, April 2009.	

Table 13: Meadows Drive Traffic Conditions

Recommendations

Fehr & Peers recommends PCMC continue to monitor traffic patterns on Meadows Drive, but no improvements are recommended at this time for the following reasons:

- WALC committee representatives are satisfied with results of the speed feedback sign installed in 2008
- The western segment of Monitor Drive is not residential
- The presence of a sidewalk minimizes pedestrian exposure to traffic
- Planned bike lanes on Monitor Drive will effectively reduce lane widths and, in conjunction with cyclist activity, may further inhibit excessive vehicle speeds

4. CONCLUSIONS

The recommendations in this report reflect technical analysis, community feedback, and input from City staff. The priority rankings shown in Table 1 can be used to guide project phasing and financing decisions.

Because Park City has limited experience with some of the elements recommended in this report, such as raised crosswalks and center islands, the design, construction, durability, and effectiveness will be somewhat experimental. As such, it is recommended that Park City staff document details of construction and observations of effectiveness for local conditions to better understand future applications in other locations. For instance, Park City may consider constructing center islands in only one high priority corridor to monitor effectiveness of the design before implementing similar treatments elsewhere. Park City may also consider staggering project timelines to coincide with related projects.

City Council Staff Report

Subject: City Manager Recommended Budget
Author: Bret Howser; Jed Briggs
Department: Budget, Debt, & Grants
Date: June 18, 2009
Type of Item: Legislative/Discussion

Summary Recommendations:
Hold a public hearing on the Adoption of the Final Budget. Adopt the FY 2009 Adjusted Budget and the FY 2010 Budget by resolution.

Topic/Description:
FY 2009 Adjusted Budget and FY 2010 Budget and FY 2011 Plan

Background:
The City's budget process began in January with the Council Visioning Session. At that time, the Budget Department presented updated revenue projections which portrayed a budget shortfall of $3.2 million in FY 2009 and another $1 million in FY 2010. Staff also presented a shortfall reduction matrix which outlined a strategy for addressing the shortfall through operating budget reductions, capital reprioritization, and revenue enhancement. Council affirmed a "Minor" shortfall level according to the City's revenue shortfall policy. Staff committed to developing 5% and 10% operating budget reduction plans in addition to conducting a full re-prioritization of the CIP. Staff also received additional direction from Council at Visioning Session concerning other topics, requests, and discussions to include in the upcoming budget.

Department heads then compiled operating budget reduction plans to present to the City Manager during February and March. These operating reduction plans as well as any budget increase requests were considered during a series of meetings between functional teams and the City Manager. Portions of the 5% reduction plans, and in some cases portions of 10% reduction plans, as well as some budget increase options were then approved, denied, or modified with the intent of realizing an overall operating budget with little to no increase from 2009 original budget levels.

All existing capital projects as well as new capital request were evaluated by the CIP Committee during March for full re-prioritization. The CIP Committee worked with the direction to cover half of the projected shortfalls with a reduction of the General Fund transfer to capital. The Committee forwarded their recommendation to the City Manager in late March. The City Manager made final decisions on operating and capital recommendations in April.

On May 4, staff delivered the City Manager's Recommended Budget (Tentative or Proposed Budget) to City Council. On May 7 the Tentative Budget, Budget Overview, Recession update of FIAR, and CIP budgets were presented to Council. Council gave direction to further talk about the Racquet Club on June 4 and to have the Recreation Advisory Board review the Dog Park project. On May 21, staff presented Council with the operating budget and discussed budget options and reductions on a team by team basis. Council directed staff to coordinate with Summit County to ensure that there would in fact be a 50% County cost share on the library reciprocal borrowing program. Council directed that funding for this project should be contingent on receiving the cost share from the County. On May 28 staff presented to Council the Special Service Contract recommendation, Water Fund issues, Fee Changes, Pay Plan and Benefit changes. Staff was directed to come back with further information regarding business license fees as well as reaction from the lodging community. On June 4, Council discussed changes in the budget policies and procedures as well as the proposed Main Street Lighting project and the Racquet Club Project. Council adopted the tentative budget, the fee resolution, the Comprehensive Emergency Management Plan, and directed staff to proceed with the design of the Racquet Club project as a single phase with the intent to bond for a portion of the project, and revisit funding alternatives in light of new economic information next spring. Council also directed staff to fund a $5,000 technical study on the HMBA Lighting Project request. On June 11, Council approved new business license fees, which includes a 40% cost recovery. Council also directed staff to keep the Park and Ride open with minimal services (i.e., security, trash, snow removal, lighting, etc.). Council further directed staff to keep reciprocal borrowing (Library) in the budget with the intent of looking at again in the fiscal year.

A public hearing is currently scheduled for June 18. Discussion/action is slated for this date as follows, barring changes as needed:

June 18 – Presentation & Adoption of Final Budget

Analysis:

Special Service Contract – Emergency Requests

On May 28, staff presented to Council the recommendation from the Special Service Contract (SCC) Committee regarding which organizations would receive funding (and for what amount). As noted, during this Council meeting the total amount that would be awarded for FY 2010 was lower than the budgeted amount (there's about an $18,000 difference). The Budget Document's 'Policies & Objectives' allows for 'emergency requests' after the March 31 application deadline:

> **Deadlines:** Beginning Fiscal Year 2004, all proposals for Special Service Contracts must be received no later than March 31. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements.
>
> Emergency requests received after this deadline must meet all of the following criteria to be considered before the next fiscal year:
>
> **1.** The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under one of the existing Special Service Contract categories;

2. The applicant must show that the requested funds represent an unexpected fiscal need that could not have been anticipated before the deadline; and

3. The applicant must demonstrate that other possible funding sources have been exhausted.

Currently, the process for receiving and processing ‘emergency requests’ isn’t defined in a detailed manner. For example, there isn’t a clear timetable as to when ‘emergency requests’ should be considered after the Special Service Contract Committee’s recommendation and Council’s direction. Also, the policy doesn’t indicate whether ‘emergency requests’ should be considered with all other applicants or be considered independently. It may be assumed that the original policy was written without taking into account a major economic shortfall that would affect all SCC applicants.

Thus, staff recommends changing this policy to include a timetable as well as more defined process for considering ‘emergency requests.’

> **Deadlines:** All proposals for Special Service Contracts must be received no later than March 31. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements. If there is budgeted surplus, emergency requests will be considered every six months during the two-year life of the contract. All special service contract recipients will be notified of the surplus, and can therefore compete for the remaining funds. Emergency requests may be accepted at any time during the life of the contract, but all requests received will only be considered for funding at the end of every six months, unless otherwise directed by Council.
>
> Emergency requests received after this deadline must meet all of the following criteria to be considered ~~before the next fiscal year~~:

At this time, there is currently one formal emergency request for more funding from Arts-Kids. This non-profit is requesting $20,000 more for FY 2010 in addition to the $10,000 already recommended in the tentative budget that was adopted June 11. Since the time of Arts-Kids’ application, individual and corporate donations have fallen off significantly, leaving a projected revenue decline of 39% over last fiscal year. However, it must be noted that several other SCC recipients have inquired about additional funding. Furthermore, it might be assumed that during this down economy many SCC recipients have seen similar losses in funding.

Therefore, it is staff’s recommendation to (1) adopt the new emergency request policy considering emergency requests at six month intervals in order to give proper notification to all special service contract recipients, thereby giving all of them a chance to apply for additional funding. Other options that Council may want to consider are (2) funding Arts-Kids’ $20,000 increase with FY 2010 SCC budget surplus; (3) funding a partial amount (i.e., $10,000) of Arts-Kids’ request with FY 2010 surplus; (4) funding a discretionary amount of Arts-Kids’ request with FY 2009 SSC budget surplus; or (5) not adopt the new policy and review emergency requests on a case-by-case basis.

(See Attachment E – Arts-Kids' Emergency Request)

Final Adoption of the Budget

Attached to this staff report is a resolution adopting a Revised Budget for FY 2009 and a Budget for FY 2010 for Park City Municipal Corporation. The budget resolutions for the Municipal Building Authority (MBA) and the Redevelopment Agency (RDA) as well as the Business License Fee Ordinance relating to changes for the administration fee are also included. State Statute requires that annual budgets be adopted by June 22. Council should hold a public hearing for each entity and adopt their respective budgets on June 18.

Additional Changes to the Budget

1) The Police Department budget was decreased about $2,165 in FY 2009 due to decreased estimates of drawdowns against the State E911 Grant.
2) $10,000 was added to the Historic District Guidelines CIP for consultant fees to complete the appendices for the Historic District Design Guidelines. This work includes site analysis for the two houses that the City recently acquired on Park Avenue. This analysis includes a site survey, building inventory, preservation plan, proposed site plan, and architectural elevations.
3) $14,950 was added to the 2009 Adjusted Budget to reflect funds received from the Chamber of Commerce, Summit County, and others for the 125th Anniversary Celebration.
4) $1,087 which was previously liquidated from the Ice Facility Capital Project (cp0060) was replaced to cover previous capital expenses related to the facility.
5) $12,000 was added to the Golf Fund CIP to account for Restaurant Tax Grant funding for stone benches.
6) $50,000 was added to the Tunnel Improvements CIP to cover a budget shortage on the project. The funds will come from Water Fund balance.
7) The increase to the Business Improvement District contract expense budget was changed from $14,703 to $17,589, consistent with HMBA's request and Council's direction on 5-21-09.
8) $46,000 was added to the Public Works' budget to cover the expenses of a limited opening of the Park & Ride. The option providing for transit service to the Park & Ride was removed.
9) $140,958 was added to the Neighborhood Parks CIP—consistent with previous years. This money was taken from interest earned on the remaining 2004 GO bond proceeds (Fund 71).
10) Interfund transfers were adjusted to reflect the latest projections for the Fleet Fund and Debt Service Funds. Also, a final General Fund transfer for capital will be calculated and presented to Council on June 18. This will be set sufficient to fund identified projects with any excess being used to reduce sales tax bonding needs, according to policy. The transfer will also be sufficient to keep fund balance below the 18% threshold required by statute.
11) Revenues were adjusted to be consistent with the latest estimates. There were no significant changes to revenue budgets at the fund level.

Department Review:
Budget, Debt, & Grants, Human Resources, Legal, and the City Manager reviewed this report.

Alternatives:

A. Approve:

1. Staff recommends that Council hold a public hearing regarding the final budget, adopt the FY 2009 Revised Budget and FY 2010 Budget by resolution; and
2. Adopt an ordinance amending the City's Business License Administration Fees.

B. Deny:

State statute requires at least one public hearing before the adoption of a final budget on or before June 22. If Council decides to forgo a public adoption of the budget at this time, the City would be in violation of State statute.

C. Modify:

Council may choose to changes be made to the final budget and adopt the budget resolutions with changes as noted.

D. Continue the Item:

This has the same effect as Alternative B.

E. Do Nothing:

This also has the same effect as Alternative B.

Significant Impacts:
This would satisfy the requirements of state statute to adopt a final budget on or before June 22.

Consequences of not taking the recommended action:
If Council decides to forgo a public adoption of the budget at this time, the City would be in violation of State statute. Council could choose to continue discussion on the Personnel Policies & Procedures. Council should also approve changes to the Budget Policies as outlines in the staff report.

Recommendation:
Hold a public hearing on the Adoption of the Final Budget. Adopt the FY 2009 Adjusted Budget and the FY 2010 Budget by resolution. Council should adopt the Business License Fee Ordinance relating to the Administration Fee.

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
D – Business License Fee Ordinance
E – Arts-Kids Emergency Request

Attachment A

Resolution No.

A RESOLUTION ADOPTING A REVISED BUDGET FOR FY 2008-09 AND A BUDGET FOR 2008-09 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 7, May 21, May 28, June 4, June 11, and June 18, 2009 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 7, 2009 and with changes as summarized in the Attachments to this ordinance is hereby adopted as the Revised 2008-09 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 7, 2009 and with changes as summarized in the Attachments to this ordinance is hereby adopted as the budget for FY 2009-10 for Park City Municipal Corporation and its related agencies.

SECTION 3. CERTIFIED PROPERTY TAX RATE. The City's Budget Officer is authorized to compute and file the City's Certified Property Tax rate for FY 2009-10 at a "no tax increase rate". This ordinance hereby adopts the Certified Property Tax rate for FY 2009-10. The Budget Officer 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, 2002, 2006, and 2007.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect June 18, 2009 for the FY 2008-09 revised budget and July 1, 2009 for the FY 2009-10 budget.

PASSED AND ADOPTED this 18th day of June, 2009.

Attachment B

Resolution No.

A RESOLUTION ADOPTING THE FISCAL YEAR 2009 REVISED BUDGET AND THE FISCAL YEAR 2010 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 7, May 21, May 28, June 4, June 11, and June 18, 2009 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 2009 Redevelopment Agency Revised Budget for Park City, Utah.

	Main Street	Park Avenue
Main Street Debt Service	$0	
Main Street CIP	$3,117,413	
Lower Park Ave Debt Service		$600,000
Lower Park Avenue CIP		$9,856,549
Subtotal	$3,117,413	$10,456,549
LESS:		
Interfund Transactions	$(0)	$(1,694,765)
Special Revenues	$(522,075)	$(143,777)
Beginning balance	$(1,295,338)	$(5,854,007)
	$(1,817,413)	$(7,692,549)
NET RDA TAX INCREMENT	$1,300,000	$2,764,000

SECTION 2. BUDGET ADOPTED. The following budget is hereby adopted as the Fiscal Year 2010 Redevelopment Agency Budget for Park City, Utah.

	Main Street	Park Avenue
Main Street Debt Service	$0	
Main Street CIP	$1,826,394	
Lower Park Ave Debt Service		$601,000
Lower Park Avenue CIP		$8,868,866
Subtotal	$1,826,394	$9,469,866

Attachment B

LESS:		
Interfund Transactions	$(0)	$(600,000)
Misc Revenue		$(3,000,000)
Change in Fund Balance		$(1,000)
Beginning balance	$(526,394)	$(3,036,866)
	$(526,394)	$(6,636,866)
NET RDA TAX INCREMENT	$1,300,000	$2,832,000

SECTION 3. EFFECTIVE DATE. The Resolution for the revised budget shall take effect on June 18, 2009 and the Resolution for the budget shall take effect on July 1, 2009.

PASSED AND ADOPTED the 18th day of June, 2009.

Attachment C

Resolution No.

RESOLUTION ADOPTING THE PARK CITY MUNICIPAL BUILDING AUTHORITY REVISED BUDGET FOR FISCAL YEAR 2009 AND THE BUDGET FOR FISCAL YEAR 2010

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

WHEREAS, a public hearing was held on May 7, May 21, May 28, June 4, June 11, and June 18, 2009 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 2009 Municipal Building Authority Revised Budget for Park City, Utah:

Debt Service Fund	$0
Capital Improvement Program	$4,322,358
Subtotal	$4,322,358
Less Ending Balance	(561,679)
TOTAL	$3,760,679

SECTION 2. BUDGET ADOPTED. The following budget is hereby adopted as the Fiscal Year 2010 Municipal Building Authority Budget for Park City, Utah:

Debt Service Fund	$0
Capital Improvement Program	$1,528,679
Subtotal	$1,528,679
Less Ending Balance	(560,179)
TOTAL	$968,500

SECTION 3. EFFECTIVE DATE. The Resolution for the revised budget shall take effect on June 18, 2009, the Resolution for the budget shall take effect on July 1, 2009.

PASSED AND ADOPTED this 18th day of June, 2009.

Attachment D

Ordinance No.

AN ORDNANCE AMENDING TITLE 4 CHAPTER 2 OF THE MUNICIPAL CODE, REGULATING LICENSING OF BUSINESSES

WHEREAS, Park City has an interest in promoting public health, safety, and welfare, and

WHEREAS, the City Council wishes to protect the right of businesses to operate in Park City and held a public hearing on this Ordinance on June 18, 2009, and

WHEREAS, proper inspection and licensing of businesses promotes the public health, safety, and welfare as well as better business practices, and

WHEREAS, City Council has determined that amending the Municipal Code is necessary to ensure proper inspection and licensing, and

WHEREAS, Utah Code Annotated ("U.C.A.") Section 10-1-203 gives the City power to collect a license fee on businesses within the city limits and may regulate the businesses by ordinance, and

WHEREAS, a separate license must be obtained for each branch establishment or separate location in which business is engaged in within the City.

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

SECTION 1. FINDINGS: The Council finds that:

I. It is in the best interest of the health, safety, and welfare of the citizens of Park City to regulate the licensing of businesses operating within the City.

SECTION 2. AMENDMENT TO TITLE 4 OF THE MUNICIPAL CODE. Title 4, Chapter 2 is hereby amended as follows:

4- 2-17. REGULATORY AND SERVICE ENHANCEMENT FEES IMPOSED.

There is hereby imposed and levied an annual business license fee on the types of businesses and in the amounts described below in the Business License Fee Schedule:

Attachment D

~~PARK CITY BUSINESS LICENSE FEE SCHEDULE~~								
	~~Transit Service Enhancement Fee~~		~~Festival Facilitation Service Enhancement Fee~~		~~Enhanced Enforcement Fee~~		~~Administrative Fee~~	
	~~Rate~~	~~Unit of Measure~~	~~Rate~~	~~Unit of Measure~~	~~Rate~~	~~Unit of Measure~~	~~Rate~~	~~Unit of Measure~~
~~Ski Resort~~	~~$0.263~~	~~Skier Day~~	~~$0.013~~	~~Skier Day~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Lodging~~	~~$19.250~~	~~Per Bedroom~~	~~$9.488~~	~~Per Bedroom~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Restaurant~~	~~$0.231~~	~~Per Sq. Ft.~~	~~$0.103~~	~~Per Sq. Ft.~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Outdoor Dining~~	~~$0.063~~	~~Per Sq. Ft.~~	~~$0.029~~	~~Per Sq. Ft.~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Retail~~	~~$0.231~~	~~Per Sq. Ft.~~	~~$0.103~~	~~Per Sq. Ft.~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Large Retail (> 12,000 sq. ft.)~~	~~$0.161~~	~~Per Sq. Ft.~~	~~$0.072~~	~~Per Sq. Ft.~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Office, Service, Other~~	~~$0.206~~	~~Per Sq. Ft.~~	~~$0.013~~	~~Per Sq. Ft.~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Warehouse~~	~~$0.059~~	~~Per Sq. Ft.~~	~~$0.002~~	~~Per Sq. Ft.~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Resort and Amusement~~	~~$1.035~~	~~Per User~~	~~$0.048~~	~~Per User~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~For-Hire Vehicles~~	~~$37.500~~	~~Per Vehicle~~	~~$1.751~~	~~Per Vehicle~~	~~$45.58~~	~~Per Vehicle~~	~~$71.83~~	~~License~~
~~Other Commercial Vehicles and Trailers~~	~~$7.500~~	~~Per Vehicle~~	~~$0.292~~	~~Per Vehicle~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Employee Based~~	~~$3.750~~	~~Per Employee~~	~~$0.146~~	~~Per Employee~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Commercial Vending, Game and Laundry Machines~~	~~$18.750~~	~~Per Machine~~	~~$0.730~~	~~Per Machine~~	~~-~~	~~-~~	~~$46.00~~	~~License~~
~~Escort Services~~	~~$3.750~~	~~Per Employee~~	~~$0.150~~	~~Per Employee~~	~~$46.19~~	~~Per Employee~~	~~$46.00~~	~~License~~

PARK CITY BUSINESS LICENSE FEE SCHEDULE									
	Enhancement Fee		Service Enhancement Fee		Fee		Administrative Fee		
	Rate	Unit of Measure	Rate	Unit of Measure	Rate	Unit of Measure	Rate Renewals	Rate New/ Inspections	Unit of Measure
Ski Resort	$0.263	Skier Day	$0.013	Skier Day	-	-	$22.00	$95.00	License
Lodging	$19.250	Per Bedroom	$9.488	Per Bedroom	-	-	$17.00	$87.00	License
Restaurant	$0.231	Per Sq. Ft.	$0.103	Per Sq. Ft.	-	-	$22.00	$95.00	License
Outdoor Dining	$0.063	Per Sq. Ft.	$0.029	Per Sq. Ft.	-	-	$22.00	$95.00	License
Retail	$0.231	Per Sq. Ft.	$0.103	Per Sq. Ft.	-	-	$22.00	$95.00	License
Large Retail (> 12,000 sq. ft.)	$0.161	Per Sq. Ft.	$0.072	Per Sq. Ft.	-	-	$22.00	$95.00	License
Office, Service, Other	$0.206	Per Sq. Ft.	$0.013	Per Sq. Ft.	-	-	$22.00	$95.00	License
Warehouse	$0.059	Per Sq. Ft.	$0.002	Per Sq. Ft.	-	-	$22.00	$95.00	License
Resort and Amusement	$1.035	Per User	$0.048	Per User	-	-	$22.00	$95.00	License
For-Hire Vehicles	$37.500	Per Vehicle	$1.751	Per Vehicle	$45.58	Per Vehicle	$71.83	$71.83	License
Other Commercial Vehicles and Trailers	$7.500	Per Vehicle	$0.292	Per Vehicle	-	-	$22.00	$95.00	License
Employee Based	$3.750	Per Employee	$0.146	Per Employee	-	-	$22.00	$95.00	License
Commercial Vending, Game and Laundry Machines	$18.750	Per Machine	$0.730	Per Machine	-	-	$22.00	$95.00	License
Escort Services	$3.750	Per Employee	$0.150	Per Employee	$46.19	Per Employee	$22.00	$95.00	License

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 18th day of June, 2009.

City Council
Staff Report

Author: Marin Decker, City Manager Intern
Subject: Economic Development Grants
- **High West Distillery**
- **The Not-Quite-Genius Supply Store**

Date: June 9, 2009
Type of Item: Award of Economic Development Grants

Summary Recommendation – There is a split recommendation from staff. The Economic Development Program Committee (consisting of Executive, Sustainability, and Budget Staff and Council liaisons Jim Hier and Liza Simpson) recommends:

- Approval of an Economic Development Grant in the amount of $11,000 to High West Distillery for distilling equipment relocation
- Consideration of an additional $9,000 award to the Distillery for historical storytelling and cultural tourism attraction, if additional information requested warrants
- No award of grant funds to The Not-Quite-Genius Supply Store

The City manger recommends that rather than deny Economic Development grant funds for the Not-Quite-Genius Supply Store the City Council consider whether they would like additional information prior to not awarding grant. The City Manager does not recommend awarding an additional $9,000 to the Whiskey Distillery.

Topic: Consideration of Award of Economic Development Grants

Background

The Economic Development Grant Policy (adopted June 2006) established criteria for the award of $20,000 annually to "attract and promote new organizations that will fulfill key priority goals of the City's current Economic Development Plan." Funding is available for relocation and new business start-up costs only. Unspent yearly fund balances are not carried forward to future years. (Copy of the full policy in Attachment A.)

Organizations must meet the following criteria in order to be eligible for a grant:

<u>Criteria #1</u> – The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.

<u>Criteria #2</u> **–** The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.

<u>Criteria #3</u> – The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development

Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.

<u>Criteria #4</u> – The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.

<u>Criteria #5</u> – Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.

<u>Criteria #6</u> – Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

The City's Economic Development Program Committee reviews all applications and submits a recommendation to City Council members, who have final authority in judging whether an applicant meets these criteria. The City may reject any and all proposals, and waive any technical deficiency at its sole discretion.

Application Summaries

See Attachments for full applications.

<u>High West Distillery – 706 Park Avenue</u>

Located in the renovated National Garage, the Distillery will sell bottled spirits, branded merchandise, food and beverages. Their application states they will, "provide a unique cultural, entertaining, and educational offering for visitors." The Distillery estimates it will generate $12,000 in Park City tax revenues in its first year of operation, and $35,000 or more in the first two years combined (sales of bottled spirits, branded merchandise, prepared foods and beverages).

The Distillery requested grant funding for two specific areas:

1) The relocation of distilling equipment from Salt Lake City to Park City - $11,000 requested.
2) The creation of storytelling materials documenting the history of the National Garage, the renovation process, and the relationship of the current property to Park City's history of distilling - $20,000 requested.

<u>The Not-So-Genius Supply Store – 436 Main Street</u>

The Performing Arts Foundation seeks $15,000 in Grant monies to fund The Not-So-Genius Supply store, a start-up retail store and tutoring center – the retail portion funds the non-profit tutoring center. It is part of 826 National, a nonprofit tutoring, writing, and publishing organization with locations in seven cities across the country (a pirate supply store in San Francisco, a superhero supply in New York, a space travel supply in Seattle, etc. For more information, see http://www.826national.org.)

The retail portion will sell eclectic accessories and gifts developed by local artists and designers wherever possible. The Store will cater to middle- and upper-class customers looking for a non-traditional gift and souvenir store. The Store will be a total of 2200 sq. feet: the supply store occupies 700 sq. feet, with the remaining 1500 sq. feet for the tutoring center and small office space.

The retail offerings are being developed by designers and artists. Examples offered: brain food, artist-designed pocket protectors, Popsicle stick kits to build models of the Town Bridge or Eiffel Tower, and t-shirts reading “Patent Pending.”
The store will also eventually sell books and other written material produced by students in the tutoring/literacy center.

Start-up expenses are anticipated to be $93,754, excluding salaries. The Store anticipates $40,000 of that cost to be contributed in-kind. Other funding will come from a combination of public and private underwriting and Park City Arts Foundation ticket sale income. Salaries for one year are anticipated to be approximately $120,500.

Analysis

High West Distillery

Committee members agreed that the Distillery met the criteria. and that the Distillery will be a draw for visitors, and will bring revenue into the City. Members also expressed that the Distillery will help combat perception that alcohol is not available in Park City/Utah, which could aid in bringing more visitors to the area, and public relations and marketing in general.

The committee recommended awarding the $11,000 requested by the Distillery for the relocation of distilling equipment. Committee members further considered award of an additional $9,000 for historical storytelling, but wanted the Distillery to present more information to the entire Council prior to award of additional funds - i.e. what form the storytelling would take, what information would be included.

The Not-So-Genius Supply Store

The committee members agreed that the store is an innovative concept, but did not think it fit the majority of the ED grant criteria:

1) Lacks a sound business plan – funding is largely dependent on private contribution
2) Unique and innovative, but a questionable ability to generate overnight visitors
3) New to Park City – committed to doing business in the City for three years or more (meets).

4) Produces items or services that enhance the health, prosperity, moral well-being, peace, comfort, convenience, etc. of the City inhabitants (meets).
5) Fails to demonstrate an ability to achieve direct taxable benefits to the City greater than twice the City's contribution
6) Has: a) a fairly clear description of how public funds will be used, but lacks: b) other funding sources, and c) a sound financial plan

The committee determined that this project does not meet the necessary criteria to receive an Economic Development Grant. Committee members asked if the Store had applied for a Special Service Contract, and were informed that the Park City Performing Arts Foundation had requested $10,000 under Youth Organizations, and was awarded $5,000 (for 2 years).

The City Manager would like the Council to consider whether they would like to request a more detailed business plan and other information from the store in order to make a final grant award determination.

<u>Economic Development Grant Policy/Criteria</u>
The grant policy and criteria were developed in 2006. It may be time for Council to consider revisiting the policy for the next fiscal year to ensure it continues to reflect City and Council priorities.

Department Review: These applications were reviewed by the Economic Development Program Committee, which consists of representatives of the Economic Development, Budget, Legal, and Planning Departments and City Manager's Office, as well as Council Liaisons Hier and Simpson.

Alternatives:
A. Approve an ED Grant of $11,000 to High West Distillery. No ED funds for the Not-So-Genius Supply Store. Reserve the $9,000 remaining.
B. Approve an ED Grant of $20,000 total to High West Distillery: $11,000 for equipment relocation, $9,000 for historical storytelling/cultural tourism. No ED funds for the Not-So-Genius Supply Store.
C. Approve an ED Grant of $11,000 to High West Distillery, and $9,000 to the Not-So-Genius Supply Store.
D. Deny both grant applications and reserve the $20,000 budgeted; and/or award other amount(s)
E. Choose option A, B, or D, and revisit special service contract funding regarding The Not-So-Genius Supply Store.
F. Request additional information

Staff Recommendations: There is a split recommendation from staff. The Economic Development Program Committee recommends:
- Approval of an Economic Development Grant in the amount of $11,000 to High West Distillery for distilling equipment relocation

- Consideration of an additional $9,000 award to the Distillery for historical storytelling and cultural tourism attraction, if additional information requested warrants
- No award of grant funds to The Not-Quite-Genius Supply Store

The City manger recommends that rather than deny Economic Development grant funds for the Not-Quite-Genius Supply Store the City Council consider whether they would like additional information prior to not awarding grant. The City Manager does not recommend awarding an additional $9,000 to the Whiskey Distillery.

Attachments:
Attachment A – Economic Development Grant Policy
Attachment B – High West Distillery Grant Application
Attachment C – The Not-Quite-Genius Supply Store Grant Application

Economic Development Grants Policy **(adopted June 15, 2006)**

Annually, the City will allocate $20,000 to be used towards attracting and promoting new organizations that will fulfill key priority goals of the City's current Economic Development Plan. Funding will be available for relocation and new business start-up costs only.

ED Grant Distribution Criteria: Organizations must meet the following criteria in order to be eligible for an ED Grant:

> **Criteria #1 –** The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.
>
> **Criteria #2 –** The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.
>
> **Criteria #3 –** The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.
>
> **Criteria #4 –** The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.
>
> **Criteria #5 –** Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.
>
> **Criteria #6 –** Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

The City's Economic Development Program Committee will review all applications and submit a recommendation to City Council, who will have final authority in judging whether an applicant meets these criteria.

Economic Development Grant Fund Appropriations: The City currently allocates economic development funds through the operating budget of the Economic Development & Capital Projects department. Of these funds, no more than $20,000 per annum will be available for ED Grants.

Unspent fund balances at the end of a year will not be carried forward to future years.

ED Grant Categories: ED Grants will be placed in two potential categories:

(1) Business Relocation Assistance – This category of grants will be available for assisting an organization with relocation and new office set-up costs. Expenses that could be covered through an ED Grant include moving costs, leased space costs, and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

(2) New Business Start-up Assistance - This category of grants will be available for assisting a new organization or business with new office set-up costs. Expenses that could be covered through an ED Grant include leased office space costs and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

Application Process: Application forms may be downloaded from the City's www.parkcity.org website or available for pick-up within the Economic Development Office of City Hall. Funds are available throughout the City's fiscal year on a budget available basis.

Award Process: The disbursement of the ED Grants shall be administered pursuant to applications and criteria established by the Economic Development Department, and awarded by the City Council consistent with this policy and upon the determination that the appropriation is necessary and appropriate to accomplish the economic goals of the City.

ED Grants funds will be appropriated through processes separate from the biennial Special Service Contract and ongoing Rent Contribution and Historic Preservation process.

The Economic Development Program Committee will review all applications and forward a recommendation to City Council for authorization. All potential awards of grants will be publicly noticed 14 days ahead of a City Council action.

Nothing in this policy shall create a binding contract or obligation of the City. Individual ED Grant Contracts may vary from contract to contract at the discretion of the City Council. Any award of a contract is valid only for the term specified therein and shall not constitute a promise of future award. The City reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Economic Development Program Committee, and any advisory board, Task Force or special committee with the power to make recommendations regarding ED Contracts are ineligible to apply for such Contracts. City Departments are also ineligible to apply for ED Contracts. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended

PARK CITY
1884

Economic Development Grant Application Form

Park City Municipal Corporation

Please provide five (5) copies of this application and requested attachments and send to the attention of The Economic Development Program Committee, Economic Development Office, Park City Municipal Corporation, PO Box 1480, Park City Utah 84060.

Criteria for awarding Economic Development Grants are identified in the City's Budget Policy. Please read this policy prior to submitting an application to ensure compliance.

(1) Organization Contact Information

Name High West Distillery, LLC

Address 703 Park Ave
Park City, UT 84060

Phone 801 972 2566 Fax 801 972 2590

E-mail david@highwestdistillery.com

(2) Indicate the type of Economic Development Grant category that is applicable for this proposal:

✓ **Business Relocation Assistance**
✓ **New Business Start-up Assistance**

(3) Grant Request Amount: $ $20,000 –

(4) In addition to the above requested information, please provide the following:

A. A description of how your organization meets the ED Grant Criteria #1-#6 outlined in the City's Budget policy.
B. Summarize the economic and community benefits of having this organization in Park City.
C. Provide specific detail on how the requested funds would be used.
D. Detail any milestones or measures of success you would work with the City reporting on.

Signed: ____________ **Date:** 2/19/09

HIGH WEST DISTILLERY
703 Park Avenue
Park City, Utah 84060

A. Desc. of how High West Distillery meets Economic Development Grant Criteria

Criteria	How High West meets the criteria
#1 – The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.	• High West Distillery has a solid business plan that has justified securing an SBA backed loan of $5 million. • See analysis below: "How High West Distillery strongly supports prioritized Goals of the current City Economic Development Plan."
#2 – The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.	• High West Distillery will provide a unique cultural, entertaining, and educational offering for visitors. High West Distillery is already an award winning microdistillery having launched an innovative new whiskey. • As no other ski resort town in the U.S. has a distillery, High West is a significant point of differentiation for Park City. • High West predicts a population of visitors who will select Park City as a destination over other ski areas just because of this unique attraction.
#3 – The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.	• A distillery is a unique and beneficial addition to Park City. • See #1 for how High West supports the City's Economic Development Plan. • High West Distillery is earnestly involved with Park City for the long term as evidenced by the level of our capital investment and commitment to using Park City as a cornerstone of our brand image. We have whiskey aging today that will not be sold until 2014.
#4 – The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort or convenience of the inhabitants of the City.	• High West's products are distinctive, handcrafted super premium distilled spirits that fit the image and purchase patterns of Park City's clientele and its tourism economy. • Our vision is that our products will remind tourists of their wonderful visit to Park City. Moreover, we predict our products will increase a visitor's bond with Park City as a place they'd like to return in the same way

	that Single Malts do for Scotland, wine does for Napa, rum does for the Caribbean Islands, and tequila does for Mexico. We call this the "Corona Effect".
#5 – Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.	• High West expects to attract significant retail sales in its facility by the sale of bottled spirits and branded merchandise, as well as food and beverages. • High West estimates it will contribute up to least $35,000 in tax revenues to Park City over our first two years in operation from sales of our bottled spirits, branded merchandise, and prepared foods and beverages.
#6 – Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.	1. See Section C (How funds will be used). Funds will be accounted for with a full reconciliation of expenses supported by receipts. 2. High West has secured debt to finance the historic building renovation and private equity to invest in and build a consumer brand. 3. High West successfully secured its debt and equity financing through a comprehensive and rigorous application process that thoroughly vetted High West's plans.

B. Summarize the economic and community benefits of having this organization in Park City.

1. High West will increase the local sales tax base
    a. High West spent $20,000 lobbying the UDABC to allow the sale of distilled spirits at the manufacturer's location. This means sales of spirits at our Park City facility that will directly increase Park City tax revenues.
    b. High West will have several consumer offerings at its Park City facility: bottled spirits, branded merchandise, and prepared food and beverage.
    c. Our contribution to the tax base is estimated at $12,000 for the first year of business in Park City.
2. High West will add economic diversity to Park City's tax base with a business in an entirely different market segment than any in Park City.
3. High West will help change tourist perception that "you can't get a drink in Utah."
    a. Research by the Park City Chamber suggests that negative perception of Utah's liquor laws is a downward pressure on visitation.
    b. Our distillery can serve as a symbol to help change perception of Utah's restrictive drinking laws.
    c. High West is even more credible as a symbol as our products are already internationally recognized with best in class awards and recognition:

i. In March 2008, High West won a prestigious "Double Gold" at the San Francisco International Spirits Competition for its Rendezvous Rye.
ii. In August 2008, Rendezvous Rye was rated a "95" by John Hansell, the editor of the only U.S. magazine dedicated to whiskey appreciation. Synonymous to wine, this is a very significant rating.
iii. In November 2008, High West's Rendezvous Rye won "Top 10 Whiskey of 2008" award from Malt Advocate Magazine. The other 9 whiskies were from all over the world and started at $200 a bottle and went up to $6000 a bottle (compared to $40 for a bottle of Rendezvous!)

C. Provide specific detail on how the requested funds would be used.

High West plans to use the Economic Development Grant in two areas impacted by High West's decision to honor the request of Park City Municipal and significantly delay construction to redesign the building to meet Secretary of the Interior Standards and keep the building on the National Historic Register. As a result, we are $500,000 over budget and had to reduce spend in many areas. Two areas that the grant will be used in are:

1. Cover an unplanned moving cost
   a. We will be relocating $200,000 of distilling equipment from our location in Salt Lake City to its permanent home in Park City. This was an unplanned cost due to the delay in construction. Otherwise we would have just shipped our still directly to Park City and avoided two moves. This includes our 250 gallon copper pot still and four 250-gallon stainless tanks.
2. Tell the story of the National Garage's historic renovation
   a. We have carefully documented the renovation of the National Garage with pictures and filming. We'd like to include this story as part of our free daily tours of the distilling operation. It would be great to cover the history of this historic landmark, how we renovated the building to conform to our distilling process, and how this goes back to Park City's history of distilling.
   b. This will be an added attraction for visitors and help build an affinity for High West and Park City. We believe this will positively improve our tours and increase sales in the High West General Store. These sales will directly add to Park City's tax base.

Item	Notes	Budget
Moving costs	Relocate distilling equipment now located in High West's Salt Lake City facility.	$11,000
The National Garage renovation story	Engage a creative company to show the renovation process and history of the facility	$20,000
Total	2009 Expenses	$31,000

D. Detail any milestones or measures of success you would work with the City report on.

Milestones	Description
Aug '09	• Receive C of O from Park City • High West can now apply to TTB (formerly ATF) for distilling permit
Sep '09	• Event to celebrate relocation of still • Grand Opening, facility open to public • Begin collection of sales tax directed to Summit County and Park City
Nov '09	• Renovation story complete • Facility approved by TTB and UDABC to allow distilling • Tours begin
Dec '09	• Submit direct sales report to city showing sales tax collected in Summit County

How High West Distillery strongly supports prioritized Goals of the current City Economic Development Plan

Stated Goals (FY2006-FY2007)	High West Distillery "Fit"
Facilitate the establishment of more "attractions/areas of interest" for both visitors and residents	• A distillery is a unique cultural tourism attraction that is a good fit with Park City's history and heritage. • The planned educational tour will reveal an "untold" piece of Park City's social history, according to city historian Hal Compton and Park Record archives: - There is a significant history of distilling liquor in Park City - Prohibition era Park Records mention almost weekly stories on illegal distilling and bootlegging - Every creek in the mountains had an operating still. - Each immigrant group had its own distiller that made their preferred spirit: the Irish had whiskey, the Greeks had ouzo, etc. - Utah was the critical state serving to repeal Prohibition. - The Utah territory was one of the first in the West to have significant amounts of whiskey when the fur traders held their annual rendezvous here in the late 1820's. - The Mormon pioneers even had distilleries and Mark Twain wrote about the renowned "Valley Tan" whiskey that the Mormons sold to the pioneers heading west to California. • Distilleries in other parts of the U.S. and the world are experiencing a significant increase in tourism; High West predicts it will benefit from this trend. These distilleries have reported the following annual tourism figures:

	- Jack Daniels Distillery: 250,000 - Jim Beam: 70,000 - Maker's Mark: 50,000 - Woodford Reserve: 50,000
Protect, preserve, and promote the historic Main Street downtown area as the heart of the region	• A distillery will add to Main Street's vitality as a strong tourist draw and can help to pull traffic to Lower Main. • High West's historic renovation is consistent with Park City's historic preservation goals; we hope our facility will become a showcase Park City property and icon.
Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities	• A distillery will differentiate Park City from its competitor resorts. To date, there are no other distilleries or plans for a distillery in any ski resort town. • A distillery can help to target more Wasatch front visitors who may have gone to Alta or Brighton. • High West's goal is to develop a national consumer brand that will indirectly promote Park City.
Proactively target business sectors that fill voids left by departing companies or for smart redevelopment reasons	• Again, a distillery is a unique business that can help diversify Park City's commercial mix.
Improve upon an already busy winter tourism season…	• Demographically, the vast majority of skiers drink distilled spirits and increasingly they are discovering whiskey. • As such, a distillery could influence choice of vacation spots and in Utah it could serve as a symbol to combat the perception that its hard to get an alcoholic drink here.
Lengthen the tourism season to 8 busy months a year	• A distillery is a multi-season operation (unlike wineries where much of the activity happens at "harvest") • An interesting FYI, Jack Daniel distillery gets 250,000 tourists/year, and it's in a dry county in the middle of nowhere.
Further diversify the summer tourism initiatives with aggressive efforts to promote a broadened and more active summer season	• A distillery enhances Park City's tourism/resort based economy with an interesting, unusual, historically relevant, multi-season, and participatory educational attraction. • High West will be of interest to golfers who visit in the summer as well as corporate groups who hold off-sites in resort towns.

Mr.Tom Bakaly
City Manager
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

02/01/09

Dear Mr. ~~Bakaly~~, Tom

Thank you for the opportunity to request support through Park City Municipal Corporation. Park City Performing Arts Foundation has offered diverse world class performance to a diverse audience for over 10 years. From Marc Cohn to the Tibetan Monks,Lily Cai Dancers to Momix, Gaelic Storm to Perla Batalla, Boz Scaggs, Etta James, Gipsy Kings, Dwight Yoakam, Three Dog Night and the list goes on. Along with performance schedules that entertain and inspire, we conduct student and community outreach at a level that surpasses most arts in education programs and an after school technical program for at risk youth

We are at an exciting crossroad of expansion.. Our programming has evolved to include a humanities based project currently titled "The Big Idea" and a natural extension of our Student Outreach program; "826 Park City". We feel 826 Park City offers something to our town that would encourage economic development as well as filling a need in our community. And it does so in a hip and savvy way.

Support from PCMC would be tremendous to our organization at this time. We are requesting assistance in start up costs specifically for the 826 Park City project in the amount of $15,000. Enclosed is a narrative explaining the project and our program budget. The support of PCMC would give us the public vote of confidence which is a much needed edge in the world of arts funding. It enables us to better cultivate community and private support as well as enhance our mission of presenting the diversity of the arts, in a variety of ways, to our population.

Please let us know what further questions we can respond to, or other information you may need.

Warmly,

Teri Orr

Teri Orr

Executive Director

Park City Performing Arts Foundation

435-655-8252

torr@ecclescenter.org

Preliminary Business Plan
826 Park City-The Not-Quite-Genius Supply Store

Submitted by Park City Performing Arts Foundation

Summary:

The **826 Park City Project** is a start-up retail store and tutoring center- and a very uncommon business model. In the simplest terms; the retail portion of the project will fund the non-profit tutoring center. The retail; **The Not-Quite-Genius Supply Store,** will offer eclectic accessories and gifts created for the budding genius (and/or visitor looking for gifts found only Park City). Some examples are; artist-designed pocket protectors, Popsicle stick kits to build models of The Town Bridge or The Eiffel Tower-depending upon the genius level of the builder, eye glass repair kits- (duct tape, scotch tape, & small safety pins), brain food, T-shirts reading "Patent Pending" (a term which will also brand the items.) A non retail idea is **The Expression Booth**- a YouTube posting station where students and customers can post their "genius idea".

The "supplies" for **The Not-Quite-Genius Supply Store** are being developed by a team of prominent designers and artists. The retail will employ elements of an art installation but far different than a gallery. Books, periodicals, comic books and short story collections from the literacy center, ***created by the students*** will eventually be available for sale.

Visitors and residents will find this project appealing from the unique retail perspective, as well as from an altruistic perspective. ***Proceeds from the retail store will fund the tutoring element.*** Summit County non-profits and service organizations will provide the volunteer base for the tutoring center.

The Not-Quite-Genius Supply Store will be located on Historic Main Street catering to middle- and upper-class consumers looking beyond traditional souvenir stores and more for expressions of individual personality. It is a non-negotiable priority that the items we offer are not only clever- but of high quality and smart design, and where possible, produced locally.

In addition to offering unique products of quality and value; unparalleled customer service will complete the equation. PCPAF prides itself on creating experiences for our audiences that are never average, and always memorable. Our currency is the experience. We see our role in running a retail store as creating a performance experience.

In terms of further "developing and marketing the uniqueness of Park City" we can look at **826 Valencia-Pirate Supply Store** in San Francisco. The store is a hub of activity in a questionable district, with at least 50% of the retail purchasers being from out of town. **The Pirate Supply Store** successfully markets unique retail in a city where funky stores are as common as Dungeness crab specials. We will use this as our model and anticipate the same results. **The Pirate Supply Store** generated $75,000 in sales its second year, and currently generates over $200,000 in sales.

Eventually products as well as project information will be available online. The web will be an extension of the store and tutoring concept, profiling both products and the tutoring process.

The location will also host events; **book signings** and **readings**, **filmmaker workshops**, **writing workshops, guest speakers** and **fundraisers.**

We intend to generate a fair return to finance continued growth and expansion of the tutoring element and to expand community involvement.

Company Summary and Relevant Experience:
PCPAF has been in business for 15 years with a solid track record of expansion and growth. We have maintained our financial sustainability even during these trying times. PCPAF has presented over 300 shows in every conceivable genre. We have entertained over 360,000 audience members- with only a handful of complaints. We have presented Student and Community Outreach programs, both in-class and on location, for over 100,000 students.

Teri Orr, our Executive Director, launched and developed a high-end retail children's clothing store; "**Ruffles and Ruffnecks**" in Lake Tahoe in 70's (when few of us thought of swaddling our children in Givenchy). She owned and managed the store for seven years. It continues as a successful business model in Tahoe City.

The Not Quite Genius Supply Store is an extension of our experience in presenting performing art; we are selling thoughtful (and often useful) comedy. The tutoring and literacy component is a logical extension of our student outreach.

Store Location
We have 2200 sq feet of street level space at 436 Main Street. "**The Not-Quite-Genius Supply Store**" will be a Swede Alley store front, with access from Main Street and Swede Alley.
The Supply Store will be approximately 700 sq feet, with the remaining 1500 being the "826 Park City" tutoring center and small office space.
The location is fully ADA compliant; it is across the street from China Bridge Parking, and a short walk from the Transit Center, with sidewalk access from the PCSD bus stop on Swede Alley.

Store Operation
The Store will be open from 10am to 6pm six days a week with additional hours depending upon events and holidays.
The store and tutoring center will be staffed by two full-time employees, and two part time employees, with volunteers providing the tutoring needs. For our part-time employees we will be seeking college age students who are studying theatre arts, realizing that our customer service requires a performance element.
The full-time staff will have experience and/or knowledge in student outreach and education, as well as marketing, retail sales and management.
The full-time employees will be salaried with benefits. Wage will be dependent upon experience.

Store Policies
The Not-Quite-Genius Supply Store will accept all major credit cards, and honor the Main Street Merchants Card. Merchandise returns will be granted a full refund or store credit. (We look to the models of **Neiman Marcus** and **Nordstrom** providing superior customer service- with simple and generous Return Policies.)

Store and Tutoring Center ownership
Park City Performing Arts Foundation will be responsible for all operations, fiscal and administrative for **"826 Park City"** and **"The Not Quite Genius Supply Store"**

Anticipated Traffic
700 adult volunteers will be assisting in the center over the course of a year, and an average 3300 students will be utilizing the center.
These averages are based on the seven other **826** chapters operating in roughly the same amount of square footage, with similar school district populations. These numbers reflect **only** tutoring, and ***not special events or workshops.***
As we progress, we will host "field trips" where school classes ***come to the Main Street location*** to participate in writing and publishing workshops.
As we know, students attract parents. Parents want to support students' endeavors; be it a Holiday play, volleyball game, or in this case, improving their literacy skills, publishing books and honing their own particular genius.
Volunteers will likely have discretionary time and often discretionary income.
Bringing this number of patrons to Main Street as a component of the tutoring element provides a built in sales-base for the Store, as well as great word-of-mouth and peer-marketing assets. It will have a strong impact on surrounding businesses.

Space considerations
As a non-profit, we will use our relationships to acquire much of what we need via contributions or sponsorship underwriting. Rental of the space at 436 Main Street has been donated, along with utilities.

Start-up Financial Summary

Start-up expenses ***excluding*** salaries are detailed in the following tables and total $93,754. Of that number we anticipate approximately $40,000 to be in-kind contributions.

Start-up funding will be a combination public and private underwriting and income generated through ticket sales from the Park City Performing Arts Foundation. To date we have secured a $5,000 grant from a private family foundation, and $10,000 from The Park City Foundation. Other applications are in various stages of progress.

Those with an asterisk are expected to be donated as in-kind contributions.

Salaries for one year will are anticipated to be approximately $120,500

Capital Equipment Listing for The Not Quite Genius Supply Store

Some assets will be shared by tutoring center.

Description of Asset	Quantity	Cost
Phone system, 4-line	1	$500
All-In-One Printer-Fax-Scanner-Copier	1	*$500
Laptop Computer Apple Brand and applications	1	*$2,500
Point-of-Sale Systems;Touchscreen, Thermal Receipt Printer, Cash Drawer, Credit Card Reader, Hand Scanner, Customer Display, Keyboard, Mouse	1	$3,395
Digital Camera & associated items	1	$700
Retail Management Software, POS & Inventory Management	1	*$3,560
Credit Card Software, PC Charge Pro	1	$249
Production of Genius Store Inventory and Installation (Design and Development services are being donated)		$50,000
Total for The Not So Genius Store		**$61,884**

Capital Equipment Listing for Tutoring Center

Description of Asset	Quantity	Cost
10 tables- (each to seat 10 comfortable)	10@1500	*$15,000
Chairs	100@45	*$4,500
4 sofas, or 2 sofas 2 armchairs	4 total	*$5,000
Large Whiteboard	1	$50
Book Cases	4@$250	*$1,000
Books	Donation	Donation
Writing Supplies	Assorted	$500
Laptop Computers, Hard drive, Apple Brand and applications	2@2500	$5000
2 desks	1@350	*$700
Small refrigerator, microwave for after school donated snacks.	2@$60	*$120
Total for Tutoring Center * We will be approaching Non-profits and service organizations to secure by donation many of these items.	-	**$31,870**

Make-up of Retail

The specifics of our retail are still being formed as the designers work on the production details and concepts;
Here are a few-

T-Shirts; Specialty t-shirts designed specifically for **The Not So Genius Supply Store** theme such as "Patent Pending" or a silk screen of retro style eyeglasses with safety pin repair.
Books & other publications by students after the first year
How-to Kits
Repair Kits
Brain Food
Expression Booth-a YouTube posting station where students and adults share their genius ideas\

Most items will have a price point well under $200- the majority being between $5 and $50

Three Year Projections

Year One
Start-up Genius Supply Store late summer of 09
After school tutoring September of 09
Monthly readings by student authors
Monthly workshops for adults and students
Two celebrity events/fundraiser
Begin publishing component
Approximately $50,000 wholesale products, sold at $100,000 taxable sales
Ability to streamline development of more product as demand increases

Year Two:
Continue store w. evolving product and increased student publications for sale
Increase workshops to 2 xs monthly
Increase readings to 2 xs monthly
Create on-line presence for sales and information
Broaden student publishing
Begin on-site field trips (school classes who visit tutoring center to participate in writing workshops)
ELL summer camps held at tutoring center
Anticipated increase in sales; 5%

Year Three:
Continue sustained course of growth and evolving product
Increase staff by 2 persons
Increase celebrity events/fundraisers to 6 annually
Increase workshops to weekly
Expand Field Trips
Ell Summer camps at the tutoring center
Anticipated increase in sales from year two; 3%

A comprehensive marketing plan will be implemented and defined at a cost of no more than 25% of the total project budget. We will use much of the marketing we already have in place; playbills, PSA's, radio, social networking cites and print media.
We are members of the Main Street Business Alliance, and will also use resources made available through this membership.
Our relationship with school district officials and the teachers will help us identify the students for the tutoring center.

Resolution No.

RESOLUTION DESIGNATING SUNSHINE AS A PERMIITED USE IN PARK CITY, UTAH

WHEREAS, summertime in Park City has always been considered by locals as *our best kept secret*; and

WHEREAS, our town has been besieged with cloudy skies and non-stop rain day after day for weeks, making our ducks at the golf course very happy, but our residents confused and concerned; and

WHEREAS, the City Council's commitment to preserving Park City's historic character has been dramatically extended to maintaining our historic weather patterns in the absence of any legal precedence, without public input, and surprisingly in an election year; and

WHEREAS, on average there is an 80% chance of Sunshine on a June day and 1.8 inches of rain for the total month in Utah stirring Councilmember Candace Erickson's passion for better numbers and fairness. Accordingly, a pagan Norwegian sun ritual, judiciously practiced during her younger days in Sun Valley, will be lead by Ms. Erickson if low pressure patterns continue toward emergency levels; and

WHEREAS, these stupid proclamations have worked in the past;

NOW, THEREFORE, BE IT RESOLVED that in consideration that a Conditional Use Permit for Sunshine has never been denied in Park City's recent history, the Mayor and City Council find it appropriate to hereby designate Sunshine as a Permitted Use in Park City, Utah and encourage it to make an appearance because it really should.

PASSED AND ADOPTED this 18th day of June, 2009.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
FEBRUARY 12, 2009

I ROLL CALL

Mayor Dana Williams called the regular meeting of the Redevelopment Agency to order at approximately 8 p.m. at the Library and Education Center on Thursday, February 12, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, Executive Director; Mark Harrington, City Attorney; and Phyllis Robinson, Public Affairs Manager.

II PUBLIC INPUT *(Any matter of RDA business not scheduled on agenda)*

None.

III MINUTES OF MEETING OF JANUARY 8, 2009

Roger Harlan, "I move approval of the minutes of the meeting of January 8, 2009". Joe Kernan seconded. Motion unanimously carried.

IV NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

Authorization to enter into a real estate purchase agreement, in a form approved by the City Attorney, for the acquisition of real property located at 1450-1460 Park Avenue in an amount not to exceed $750,000 – Roger Harlan inquired about the need for soil remediation work and Phyllis Robinson stated that the issue was reviewed by the City's Environmental Specialist, Jeff Schoenbacher. The soils district ends in the middle of Park Avenue and this property is not included. Adjacent properties which were tested were acceptable and Mr. Schoenbacher felt confident that the property does not require soil remediation. The Chairman opened the public hearing; there were no comments from the audience. Joe Kernan, "I move we approve the real estate purchase". Liza Simpson seconded. Motion unanimously carried.

V ADJOURNMENT

With no further business, the regular meeting of the Redevelopment Agency 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

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Janet M. Scott, Secretary

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JANUARY 8, 2009

I ROLL CALL

Chairman Dana Williams called the regular meeting of the Municipal Building Authority to order at approximately 7:10 p.m. at the Library and Education Center on Thursday, January 8, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, Executive Director; and Mark Harrington, City Attorney.

II PUBLIC INPUT

None.

III MINUTES OF MEETING OF JUNE 19, 2008

Joe Kernan, "I move approval of the Minutes of June 19, 2008". Jim Hier seconded. Motion unanimously carried.

IV CONSENT AGENDA

Resolution establishing a regular meeting date, time, and location for 2009 meetings and appointing officers of the Board of Directors of the Park City Municipal Building Authority – Joe Kernan, "I move approval of the Consent Agenda". Jim Hier seconded. Motion unanimously carried.

V ADJOURNMENT

With no further business, the regular meeting of the Municipal Building Authority 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

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Janet M. Scott, Secretary

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 4, 2009

Present: **Mayor Dana Williams; Council members Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Nate Rockwood, Budget Analyst; Jed Briggs, Budget Analyst; Bret Howser, Budget Manager; Pace Erickson, Operations Manager; Hugh Daniels, Emergency Operations Manager; Jon Weidenhamer, Economic Development Manager; and Ron Ivie, Chief Building Official

Sandy Geldorf and Jeff Ward, HMBA; John Halsey, RAB member

1. Council questions/comments. Roger Harlan reported on meetings attended during the week and requested that a proclamation be adopted in memory of Paul Sincock who served as a Council member from 1996 to 2000. Members agreed. Joe Kernan commended Kathy Hunter's performance as the Director of the Arts Council. Candace Erickson reported on the RAB meeting and requested more enforcement of unleashed dogs at the Library and Education Center campus. She specifically commented on the proposed labyrinth project where the applicants have chosen the fountain area in front of Miners Hospital as their preferred location. Discussion ensued on the scope of RAB's review and whether the location is under its purview. Tom Bakaly felt that the decision is really up to Council but will follow-up. Ms. Erickson commented on Vail's unique marketing approach in hosting conventions and groups which has been very successful.

Liza Simpson reported that the Historic Preservation Board has reviewed and forwarded the Historic District Guidelines. There was discussion about realigning the driveway from Bonanza to the Park City Family Clinic and scheduling this modification on an upcoming work session. Mayor Williams relayed that he received a complaint about the condition of guardrails on Royal Street and Pace Erickson reported on the status of repairing and replacing sections of the guardrail. The Mayor encouraged the public to attend the 125 B-Day Bash on Main Street on June 13 and commented on activities planned for Air Force Week.

In response to a request for direction from Linda Tillson on Library Board interviews, the Council supported appointing the candidates recommended by the Board.

<u>Budget review</u>:

<u>Fee resolution</u> - Bret Howser pointed out that the fee resolution appears on the agenda for adoption this evening and discussions on the business license fee is a separate ordinance which will return to Council. There were no questions or comments.

Budget policies - Amendments to existing budget policies are recommended and new policies are introduced this year, as outlined in the staff report. He pointed out that Park City's revenue shortfall policy received acclaim by GFOA and the bond rating agencies. It is recommended that the word *reserves* be changed to *revenue projections* in the policy and some other measures added. Joe Kernan expressed support of the wording change which makes the program more accountable and Jim Hier suggested a reference to the separate reserve policy because one purpose of maintaining a reserve is to cover revenue shortfalls. Mr. Howser stated that he will add this and bring it back next week for Council's consideration. Candace Erickson strongly felt that at the minor stage, the City should not be considering reducing levels of service to constituents as implied in the policy. Tom Bakaly pointed out that the City is at the minor level and cuts in services are things like not providing towels at the Racquet Club. Bret Howser indicated that he can strengthen the language to clarity that the City is not decreasing levels of service in this stage.

He explained that the grant policy is new and codifies a practice in place. It identifies the application process and the roles of departments in monitoring grants, including the Budget Department. The special service policy was amended to add an explanation of what happens when the full 1% of the budget is not used. The remaining money will be held in reserve for an emergency situation for an award at a future time at the discretion of Council, if needed. It was clarified that the 1% is funded from the operating budget, including debt service and excluding capital. A slight adjustment was made to the purchasing policy and he discussed a new policy on budget monitoring. Mr. Howser agreed to add a year-to-date column to the monthly report, as suggested by Jim Hier.

Hugh Daniels advised that updates to the Comprehensive Emergency Management Plan are made in tandem with the review of the budget; an annual adoption of the plan is required to apply for federal funding and reimbursements. He indicated that 33 minor amendments were made to the Comprehensive Emergency Management Plan. Networking with outside agencies during the H1N1 alert was discussed.

HMBA – Main Street lighting plan - Mr. Howser explained that the HMBA submitted a request for an elevated level of service with a lighting plan for Main Street which was reviewed by the RELS and CIP Committees. Jon Weidenhamer relayed that Council's prior direction to the HMBA was to measure financial support from its membership for the project which was informally done twice, once by a show of hands at a meeting and another by way of an internet survey were 30 businesses responded. The business improvement district is proposed to be the mechanism to fund the project. Mr. Weidenhamer tied this funding approach as constituting the City's ownership of the project to a certain degree, although businesses are paying for it. The RELS Committee recommended that the Council consider allocating $5,000 to $15,000 to partner with the HMBA. He suggested that the money be used to conduct a feasibility study on the lighting project to provide an idea of true costs and another study on the overall goals and needs of Main Street and the role of the City. The HMBA has been pushing to get the lighting installed this year but is now comfortable with holding off until next year. Mr. Weidenhamer understood that the buildings will be lit from Thanksgiving to just after Christmas and for special events.

Jim Hier felt it wise to determine total costs and consider the value of a seasonal display compared to the amount of the assessment. He emphasized that the funding mechanism that Boise had available for its downtown does not apply here. He supported a study with a cap on the amount. Liza Simpson understood that the first study is technical in nature and the second deals with a long-range capital plan for Main Street. It was clarified that the sound/speaker program is now longer under consideration. Candace Erickson stated that she needs to hear from the Planning and Building Departments and understood that lights should not be attached to historic buildings. Jon Weidenhamer explained that in terms of the lighting ordinance, buildings can be outlined with white lights during the holiday period running from November 30 to April 1. He referred to recommendations in the Downtown Action Plan, involving the HMBA membership to prioritize projects, and Ms. Simpson questioned if that exercise should be a study at a cost of up to $10,000. Jim Hier believed that the market analysis study should be completed first before embarking on capital projects and expressed that he could only support the technical study. Liza Simpson felt it important to hear from code enforcement because there is a problem with enforcing the current lighting code. Sandy Geldorf explained that the lighting for the street would be on an automatic timer. Ms. Simpson agreed that the technical study would be worthwhile. Joe Kernan expressed confusion on how the long range capital plan will facilitate the lighting plan. Jeff Ward believed that the HMBA needs help in bringing members together and formulating a visioning plan. Jim Hier pointed out that a consultant may not be very effective in any event because of the lack of involvement in the process over the years and bringing a consultant up to speed would be staff intensive.

Roger Harlan asked for assurance from the HMBA on the level of buy-in from the businesses. Mr. Kernan pointed out the talent on Main Street and the possibility of finding a local facilitator. Jon Weidenhamer explained that the HMBA did not propose this, and it has been his recommendation. Mr. Hier noted that if the study is less than $10,000, it does not have to be approved by the Council. He asked if the purpose of the long-range study is to facilitate a workshop or to pull together existing data; it is unclear what is expected of Council. Tom Bakaly understood the long-range plan would provide context for the lighting project and would determine if it is the best use of the money when something else may benefit the street to a larger degree. Staff's recommendation is to have the HMBA develop a long-range plan, not staff, in addition to getting the technical details of the lighting plan. He discouraged the City facilitating a workshop.

Candace Erickson pointed out the precedence the request is setting as there are other commercial districts in town. She relayed that the HMBA was asked to select a project. Mr. Ward felt that was accomplished but they need to work with the City. Ms. Geldorf explained that the lighting plan addresses drop in holiday sales and emulates a program she handled in another city with the same geographic footprint. The Mayor feared that people would drive here to look at the lights and leave and not necessarily shop or dine and secondly, he feared the *Disney* look. People visit Main Street for what it already is and the Hyatt Palmer Study should be fully reviewed before beginning the process over again. He is comfortable with Alternatives 1 and 2 of the five presented. Ms. Simpson encouraged staff to share the studies with the HMBA who should provide feedback on the data. The Mayor suggested that the review occur first before the technical study is considered. There is a lot of helpful information already compiled.

Ms. Geldorf acknowledged that the lighting plan may be a risk, but in Michigan the program created a lot of traffic and represented a significant increase in sales. With regard to the surveys, she relayed that about 70 businesses responded and 82% were in favor, however, contacting owners of buildings is something that has not been addressed. The Mayor pointed out that there are 250 businesses on Main Street.

Mr. Hier suggested obtaining a technical study and to proceed from there. Tom Bakaly summarized that the City will pay for the technical lighting study and the HMBA will be provided the Downtown Action Plan, the Hyatt Palmer Study and/or other studies to review and formulate a long term plan and return to Council with priorities.

Racquet Club remodel – Bret Howser explained that Council discussed the Racquet Club on May 7 where staff recommended that the project not be phased because of cost efficiencies, economies of scale, and favorable construction market conditions. The City would have to bond for a portion of the cost to accomplish this but he believes the savings will outweigh the interest costs associated with bonding for the remainder of the project. Staff believes the product will be higher quality as a single phase because the design potential can be maximized. This argument relies heavily on the assumption that both phases would be accomplished with the understanding that the same level of service for recreation will be maintained in the existing building location and the useful life of the building has ended.

Jim Hier understood that the project has $7.2 million in cash and asked if a list exists on other capital projects with cash assigned to them. Mr. Howser explained that many projects have partial cash funding. Mr. Hier pointed out that the whole remodel could be funded with cash by adjusting other capital projects. He felt that the $10 million should be funded with bonds rather than only the $3.3 million and that the total cost should be more of a focus. Mr. Howser clarified that Council's previous direction was to allocate existing cash to the first phase of improvements. Tom Bakaly referred members to the capital financing and debt management policy in the budget which contains guidelines for making these types of decisions. He felt staff is proposing a balanced approach to the project which is cash previously appropriated to the project and financing the difference. Additionally, no one knows the range of bids the City will obtain. He explained that Council is asked to approve the tentative budget, move forward with the design and build this facility at a time when construction prices may be very favorable. Mr. Hier argued that the sales tax revenue bond market has changed and favorable construction prices would also apply to street projects. He suggested that the project be designed to the $7.2 million amount or postpone it for two years so cash can be spent on things that need to get done. Streets are a need and he admitted that the Racquet Club will be a need when it no longer is maintainable.

Bret Howser noted that staff does not believe there is a trade-off between the Racquet Club and OTIS. They are not mutually exclusive and both can be accomplished. The City has the financial ability to bond for or allocate cash to OTIS or the Racquet Club taking advantage of the favorable bonding and construction markets. The projects will cost less if done sooner rather than later. Both projects are identified in the budget and in future years, the City will be able to afford the debt service on both OTIS and a portion of the Racquet Club while still having some projected surplus. Tom Bakaly expressed that allocating cash to high priorities is a policy decision which can be more clearly defined but emphasized that the tentative budget must be adopted tonight. Candace Erickson suggested that the building be designed and bid so that costs are identified and if economic conditions are not right, the project can be postponed. Liza Simpson agreed. John Halsay, RAB member, believed that the capital markets would be very responsive to buying Park City's debt and added that no corporation would build a new facility with cash only.

Joe Kernan encouraged members to decide if they want a $7 million or a $10 million facility, admitting he has changed his position on this project a number of times. Ken Fisher explained that a needs assessment was conducted in April 2007 where the Racquet Club was identified by the public as the most used recreational amenity and citizens rated it as the number one needed improvement in terms of recreation. He continued that this is not a high end health club and there is no restaurant, massage, towels, water cups, etc. Staff has been working hard to reach out to the under-served segment of our community which has been successful and he spoke about changing the name of the facility to better reflect a community recreation center.

Ron Ivie stated that the existing Racquet Club portion of the building has reached its life and phasing would be challenging. Tearing down part of the building is disruptive and at the same time trying to operate is extremely difficult. It would be impossible to maintain any efficiency of operation and the property would be under construction for a very long period of time. Phasing doesn't make sense to him and if this is considered a *needs* priority, as Jim Hier described, he suggested proceeding. Mr. Ivie discussed inherent problems in the building and he again strongly encouraged not to phase improvements because it simply does not work from a physical or economic standpoint. Economies are lost by not doing it all at once and disruption of service will be longer. The bidding climate could not be better and he felt it wise to obtain bids because now, the construction cost is a guess.

Pace Erickson stated that the Racquet Club is the single most expensive municipal building to maintain. The building is piece-mealed and there is a mix of equipment and parts which all need to be stocked and stored. The roof has to be shoveled in the winter costing $10,000 to $20,000 a year. He agreed with Mr. Ivie that the City will have a better facility and one that is easier to maintain if it is built all at one time, whether the Council waits or builds it now. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 4, 2009

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, June 4, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Jon Weidenhamer, Economic Development Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

<u>City expenditures</u> - Tom Hurd, Thaynes Canyon resident, felt that the entire thrust with City expenditures is misdirected. Infrastructure is being neglected and lower Park Avenue is a disgrace. The water system needs to be upgraded. The City should be spending money on public safety, infrastructure and administration and funds should not be going any well else in these tough times.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 21, 2009

Roger Harlan disclosed that he will be abstaining as he was not in attendance and Liza Simpson made a correction. Jim Hier, "<u>I move we approve the minutes and works session notes (as corrected) of May 21, 2009</u>". Liza Simpson seconded. <u>Motion carried</u>.

Candace Erickson	Aye
Roger Harlan	Abstention
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Aye

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

1. <u>Consideration of a Resolution confirming the sale and authorizing the issuance of up to $15,000,000 General Obligation Bonds, Series 2009 of the City; and providing for related matters</u> – Bret Howser explained that a public hearing was held and a parameters resolution adopted regarding this general bond issuance for $13.5 million for the purchase of open space, refunding Series 2009 bonds and funding the first

phase of walkability projects. Dave Miner, financial advisor, explained that eight bids were received for the competitive sale and the lowest interest rate bid was a 3.319% from Zions Bank and the high bid was a 3.71%. He pointed out that there were over 30 deals priced today through the competitive market and only two received more bids than Park City so there was a good level of favorable attention. These are excellent rates and locked for 15 years and about $126,000 over a six year period will be saved with the refunding component. The bonds will close a week from Tuesday. The Mayor invited public input; there was none. Jim Hier, "I move we approve the final bond resolution related to the Series 2009 GO Bond issuance". Roger Harlan seconded. Motion unanimously carried,

2. Consideration of a Resolution adopting a tentative revised budget for fiscal year 2009 and the budget for fiscal year 2010 for Park City Municipal Corporation and its related agencies - The Mayor referred to the discussion about the Racquet Club during work session and opened the public hearing on the budget.

Paula Hurd, Thaynes Canyon resident, stated that the City owning and operating a health club is in direct competition with the private businesses which have to pay taxes. She understood that City employees and Planning Commission members receive a membership to the Racquet Club and suggested that employees and officials receive the cash it takes to purchase a membership anywhere they would like to do so. That would save us all a lot of money. She suggested selling the Racquet Club to an honorable business person at a decent price so it can be a private operation and the City would not have to keep funding operations.

Steve Swanson, Lucky John Drive resident, pointed out the nationwide trend in privatization of public facilities and space. There is nothing wrong with private enterprise, but public recreation serves a variety of people, some of which are not able to afford a private facility which is profit motivated. The project relates to recreation which is at the core of Park City's values and he reminded Council of the good decision not to sell the Marsac Building to private interests, because it will remain a community benefit for all. Many ski team athletes trained at the Racquet Club and at the same time, the facility serves our children and families. He understood that on average during the summer, 1,000 patrons walk through the doors and he encouraged Council not to divert from what has been set in place. Recreation studies show that it is the number one facility used by the public but understood that certain citizens may not view it as a direct benefit to them. Mr. Swanson pointed out that different populations are served at the Racquet Club because it is affordable. The current facility is falling apart and is an embarrassment and should not remain as it is.

Tom Hurd understood that Phase 1 is $6.3 million and Phase 2 is $4.7 million for a total of $11 million and at 3.5% per annum equals $385,000 that the taxpayer is being deprived of. The annual operating losses of the Racquet Club total about $500,000 for a total of $885,000 per year and at a population of 8,066 equals $110 per capita in Park City. The $11 million based on the same figure comes to a one-time expense of $1,364 per citizen. He stated that this is really a bad way to spend the public's money when the infrastructure is in such a sorry state. The Mayor invited Mr. Hurd to meet with him because his numbers are inaccurate.

Charlie Johnson, frequent Racquet Club user, didn't feel privatization is a feasible option. Regardless of the numbers, recreation is important to provide to all segments of the community and is not designed to make money. He also believed that competition is a good thing.

Jennifer Franklin, RAB member, thanked the Council for its commitment to recreation services and pointed out that public recreation provides a service that the private sector will not or can not provide.

John Halsay, RAB member, referred to the comment that the Racquet Club loses $500,000 a year but noted that some of that amount represents functions like the scholarship program or running all sport leagues. Kids are not turned away if they don't have the money and if all economic levels are not supported, Park City would be missing out.

Stanton Jones, Park Meadows resident and owner of Silver Mountain Sports Clubs, stated that he feels the needs assessment was biased with leading questions to meet the agenda of RAB. He is surprised that staff says we should spend $10.5 now to save money. Government is the only entity that can spend and save at the same time. The name of the facility should be changed; it is not a club and should not try to be a club. The City should not be in the club business and should be in the recreation center business. It seems ridiculous and unfair that the local tax-exempt government competes with private taxpaying businesses located within the City limits putting them out of business. Healthy competition can not occur with a tax-exempt entity competing with a tax paying entity. Mr. Jones stated that his business employs over 80 people and is the last private industry club in town. No bank would give the Racquet Club $10 million during these hard economic times, so why should our local government do so. He asked if there aren't other urgent needs. The Racquet Club still operates at a huge deficit without the burden of capital expenditures carrying costs. He stated that he supports tennis, basketball courts, parks, trails, open space and recreation programs. The City should focus on these activities and not those provided by private clubs. He asked how the City can work with private businesses and not against them.

Mayor Williams referred to Mr. Jones' editorial in the *Park Record* which he felt was completely irresponsible. The idea that the project is being *back-doored* is absolutely inaccurate; this is the fourth public meeting on the project. He doesn't know of any city recreation department that makes a profit and pointed out other false statements. The $500,000 loss includes the cemetery, the Quinns Junction Sports Complex and library. The Mayor noted that our facility is open to everyone and agreed that the name should be changed so it doesn't sound exclusive. If the fitness and weight equipment is the issue, he suggested working together on this issue. Mayor Williams stated that Mr. Jones' editorial was over the top in terms of trying to scare people. Stanton Jones felt his comments were taken out of context and clarified that he is not in favor of expanding weights, cardio and group exercises that directly compete with him. He reiterated his concerns with competing with tax-exempt organizations and hoped he and the City can work together.

Kathy Kahn, RAB member and resident of Thaynes Canyon, stated that she has been a member of the Silver Mountain Sports Club since the year it was built in 1979 and is also a member of the Racquet Club. She doesn't view the two operations in competition. The proposed cardio center will only give people on machines more personal space and does not increase competition. Each entity provides a niche in the market and the expansion is not an attempt to compete with Silver Mountain Sports Club.

Tom Bakaly explained that the budget must be adopted by June 21 and state law requires the adoption of a tentative budget providing a ten day review period to the public before final adoption on June 18.

Joe Kernan expressed his appreciation of public input and the importance that both the Silver Mountain Sports Club and Racquet Club survive. He suggested setting a policy associated with competition to ensure everyone's success. Candace Erickson stated that she has been in favor of the remodel since her first term in office. As an employee there in 1978, she pointed out that the tennis courts were a mess then together with many mechanical problems. Having the weight room and cardio machines together will create a needed flow and the Racquet Club building needs to be replaced now. Liza Simpson agreed that the project is overdue and encouraged changing the name. The City has been prudent with the taxpayers' money and it is wise to move forward with design and engineering with the intent to build next spring. At that time, it could be revisited. She expressed that the healthier community we have the better off we are. Roger Harlan stated that the City has the responsibility and the right to provide levels of recreation for its broad constituency. He admitted that the City may be able to do a better job in working with the private sector but the building needs to be addressed and it is not the intent of the project to compete with services provided by private clubs.

Joe Kernan added that spending $10.5 million to replace the building appears to be necessary to accomplish what the public expects. He stated that the public is not suggesting cheaper options and he is prepared to support the project because it is consistent with what the community wants.

Jim Hier, "I move that we adopt the tentative budget (along with the fee resolution and the CEMP resolution) with the following direction that with regard to the Racquet Club, we approve the design and bid authorization and delay authorization of construction pending a review of the economic conditions at the time we're ready to do that compared to the forecasted economic conditions that we have in the existing budget". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of a Resolution amending Section 2, Water; Section 5, Miscellaneous Law Enforcement; Section 6, GRAMMA; Section 8, Recreation, and

Section 9, Ice Arena of the City's fee schedule; and replacing and repealing Resolution No. 16-08 in its entirety – The Mayor opened the public hearing; there were no comments from the audience and the hearing was closed. Candace Erickson, "I move we approve a Resolution amending Section 2, Water; Section 5, Miscellaneous Law Enforcement; Section 6, GRAMMA; Section 8, Recreation, and Section 9, Ice Arena of the City's fee schedule; and replacing and repealing Resolution No. 16-08 in its entirety". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of a Resolution adopting a Comprehensive Emergency Management Plan for Park City, Utah and replacing and repealing Resolution No. 15-08 in its entirety - The Mayor opened the public hearing; there were no comments from the audience and the hearing was closed. Liza Simpson, "I move we approve the Resolution adopting a Comprehensive Emergency Management Plan for Park City, Utah and replacing and repealing Resolution No. 15-08 in its entirety". Jim Hier seconded. Motion unanimously carried,

5. Consideration of a Third Addendum to the Park City Municipal Corporation and Park City Community Wireless Sublease Agreement, in a form approved by the City Attorney – Jon Weidenhamer explained that the term is proposed to be revised from June 30 to September 30, 2009. Jim Hier, "I move we approve the third addendum to the KPCW lease extending the date to September 30, 2009 and continue the monthly carrying costs of $1,237 which will modify with the purchase price". Roger Harlan seconded. Motion unanimously carried.

VI OLD BUSINESS

Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR248 and US40 interchange in the Quinn's Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and approving a Water Agreement, and amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT) – The Mayor opened the public hearing and there were no comments. Roger Harlan, "I move that we move this consideration of an Ordinance for annexation to June 11, 2009". Jim Hier seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

Jim Hier discussed meeting with the budget staff to create a schedule that lists all of the capital improvement projects identified by fund source, cash, or bonding which could be helpful for future budget reviews. Tom Bakaly suggested that both Council liaisons participate.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Kathy Lundborg, Water Manager; Tom Daley, Deputy City Attorney; Ron Ivie, Chief Building Official; Diane Foster; Environmental Manager; and Mark Harrington, City Attorney. Roger Harlan, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 3 p.m. Jim Hier, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council
Staff Report

Subject:	**The Hotel and Residences at Empire Canyon Resort Record of Survey aka The Montage**
Author:	**Brooks T. Robinson**
Date:	**June 18, 2009**
Type of Item:	**Administrative – Condominium Record of Survey**

PARK CITY 1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council open a public hearing and discuss the request for approval of the Hotel and Residences at Empire Canyon Resort record of survey plat and consider approval based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	DV Luxury Resort, LLC Talisker Empire Pass Hotel, LLC
Location:	9100 Marsac Avenue, adjacent to the Deer Valley Empire Day Lodge. Lot C of the Parcel B-2 Empire Village Subdivision.
Zoning:	Residential Development as part of the Empire Pass Master Planned Development (RD-MPD)
Adjacent Land Uses:	Ski terrain of Deer Valley Resort
Reason for Review:	Condominium Record of Survey plats require Planning Commission review and recommendation to City Council

Background
On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.

The Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space. On February 1, 2007, the City Council approved amendments to the DA allowing additional density and three additional acres to be utilized in the B-2 area. In exchange, United Park City Mines Company petition the City for annexation of the Park City Mountain Resort ski lease area (removing all residential development potential) and agreed to construct a Park and Ride facility at Richardson Flats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which any MPD and preliminary/final plat will be reviewed.

On March 29, 2007, the City Council approved the Parcel B-2 Empire Village Subdivision final plat. The plat includes the former Parcel A of the Empire Village Subdivision (the location of the Empire Day Lodge) and created two additional lots for the Jordanelle Special Services District (JSSD) ownership of the Daly West Head Frame (Lot B) and Lot C, the location of the proposed Montage Resort and Spa. A future subdivision will encompass the proposed condominiums to the east of the Empire Day Lodge. Concurrent with the subdivision application was the Master Planned Development (MPD) for B-2 and the Conditional Use Permit for phase one of the MPD, which is the Montage hotel. The Planning Commission approved both the MPD and the CUP on March 14, 2007. An excavation permit was issued on June 6, 2007, and a building permit for construction of the hotel was issued on March 12, 2008.

On March 3, 2009, the City received a completed application for the Hotel and Residences at Empire Canyon Resort record of survey plat. Talisker Empire Pass Hotel, LLC is the fee simple owner of the land and DV Luxury Resort, LLC has a 999-year leasehold interest.

The proposed condominium record of survey contains 174 hotel rooms and 84 condominiums utilizing 182 Unit Equivalents. In addition, the record of survey memorializes 59,765 square feet of commercial space and approximately 15,000 square feet of meeting rooms and support space to the meeting rooms. No support commercial is proposed other than room service, which does not utilize additional space. Ten Affordable Housing Units are provided in the building. The ten Affordable Housing Units totaling 6,235 square feet (7.8 Affordable Unit Equivalents) are provided within the hotel. The units are platted as private space and are proposed to be owned by the Montage. In addition, five ADA units are provided, three owned by the hotel and two within the for sale units. All five are platted are Private and counts towards the unit counts and UEs.

The Planning Commission discussed the application at a public hearing on June 10, 2009. The Commission forwarded a positive recommendation and as part of their recommendation asked the City Council to further explore the Transfer Fund mechanism and possible alternatives relating to the hotel and commercial component of the project.

Analysis
The zoning for the subdivision is Residential Development. The MPD is subject to the following criteria:

	Permitted through MPD/CUP	**Proposed**
Height	A height exception to 114 feet above a benchmarked grade (USGS 8346') was requested and granted in the Master Plan. (i.e. height may go to USGS 8460)	Maximum height is at USGS 8458, under the USGS 8460 height maximum.
Front setback	20', 25' to front facing garage	No setback reductions. Approximately 280 feet from all buildings to front property line
Rear setback	15' from Lot boundary	87' from Lot boundary
Side setbacks	12' from Lot boundary	13' from Lot boundary at closest point to south.
Unit Equivalents	183.6 UEs	182 UEs
Hotel Rooms	192 rooms	174 rooms
Condominium units	94 units	84 units
Commercial space	63,000 square feet	59,765 square feet
Meeting Rooms and Support (5% of Gross Floor Area (GFA))	Gross Floor Area, excluding the garage, is approximately 780,173 square feet. 5% is 39,000 square feet.	Approximately 15,000 square feet.
Support Commercial (5% of GFA)	39,000 square feet	None proposed (room service only)
Parking	530 spaces with 192 spaces in tandem (valet parking)	526 total with 184 in tandem

For those elements that were approved by the MPD and are not currently within the project (total rooms, units, commercial space and Unit Equivalents), the applicant retains the vested rights and these may be added in the future following the appropriate review and approval processes.

The 84 Condominium units range in size from 1,221 square feet to 6,858 square feet. The condominiums are located on levels four through nine with the exception of three units on level three and three ADA units on levels two and three. The 174 hotel rooms and the ten Affordable Housing Units (level B1 and platted as private space) are located on the floors below level four.

Transfer Fund
Section 3.2 of the Amended and Restated Development Agreement for Flagstaff Mountain requires payment into an Open Space/Transit Management Fund on “each transfer of land...a 1%... fee on the gross sales price of all real property within the project.” The leasehold from Talisker Empire Pass Hotel, LLC (fee simple owner of the land) to DV Luxury Resort, LLC is for 999 years. Staff finds the 999 year lease is structured to capitalize initial development and/or secure financing for the hotel portion and condominium units which the Development Agreement exempts from the transfer fund. The DV Luxury trust deed ($234,000,000) recorded with Summit County is a construction financing trust deed with the bank (not a mortgage purchase price deed) and does not represent a purchase price or value of lease payments.

Talisker will be signing the initial condo unit deeds (DV Luxury signing purchase agreements) as Grantors and getting payment with each condo unit sale. DV Luxury agrees each unit sale is subject to the transfer fund and to memorialize such as a finding of fact in the condo plat approval. Accordingly, the 1% will be collected with the sale of each condominium unit.

The Planning Commission recommended that the Council further explore the mechanism of the Transfer Fund as it relates to the 999 year lease and the hotel and commercial components of the project. Commissioner Pettit requested that staff review the economic impact analysis prepared for the Montage. Staff has reviewed the January 26, 2006, report (attached) from Wikstrom Economic & Planning Consultants, Inc. that was prepared during the Montage/PCMR annexation discussion. The report only addressed estimated appreciation and turnover of residential units and the anticipated revenue generated for the Transfer Fund and not the underlying land, hotel or commercial ownership/lease.

Environmental Management
The hotel and property on which the hotel is located are within the Upper Silver Creek watershed and within the Empire Canyon CERCLIS boundary and is regulated under a USEPA post-site management plan.

As stated in the Mine Soils Hazard Mitigation Plan, Talisker is responsible for the management of the environmental engineering controls and emergency response issues that may require the generation of mine tailings (i.e. utility work etc.) at the Montage Resort. As a result, a Post Closure Site Control Plan specific to the Montage Resort will be required as an addendum to the Mine Soils Hazard Mitigation Plan that identifies contingencies for the management and disposal of generated soils. DV Luxury Resort LLC must co-sign the Post Closure Plan.

The run-off from the project flows into downstream detention ponds that mitigate run-off from the hotel but are not located on the hotel property. The City is not responsible for maintenance or management fo the detention ponds. Furthermore, PCMC recognizes that Empire Canyon is a CERCLA Site (UT0002005981) regulated under an

Administrative Order on Consent (Dated May 14, 2002, USEPA Docket Number CERCLA -08-2002-05) and as stated in the October 10, 2006, Action Memo:

- A Post-Removal Site Control Plan, as required in the Administrative Order on Consent, will set forth long-term management plans and responsibilities for Empire Canyon once the removal action is complete.

As a result, the long-term maintenance and UPDES permitting of these detention units shall be identified within the Empire Canyon Post-Removal Site Control Plan and associated properties retaining deed restrictions, identifying the plan as the working institutional control. Lastly, this plan shall be placed as an addendum to the Mine Soils Hazard Mitigation Plan along with the recorded deed restriction. This is a condition of approval.

Finally, the Chief Building Official, acting as the Fire Marshall, suggests a plat note that requires maintenance of the approved fire plan.

Staff finds good cause for this amended record of survey as this condominium is consistent with the development pattern envisioned in the MPD and the 14 Technical Reports, with the conditions of approval as found in the ordinance.

Department Review
This project has gone through an interdepartmental review on March 24, 2009. All issues are resolved with the plat or by conditions of approval.

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input
Staff has not received any public input at the time of this report. No public comment was received at the Planning Commission public hearing.

Future Process
The approval of this condominium record of survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Alternatives
- The City Council may approve the Hotel and Residences at Empire Canyon Resort record of survey plat as conditioned or amended, or
- The City Council may deny the Hotel and Residences at Empire Canyon Resort record of survey plat and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the Hotel and Residences at Empire Canyon Resort record of survey plat and provide Staff and the Applicant with

specific direction regarding additional information necessary to find compliance with the criteria listed in this report.

- The Planning Commission recommended that the City Council further discuss whether the long term lease of the non-condominium hotel portion of the project (174 hotel rooms, 59,765 square feet of commercial, 15,000 square feet of meeting space, and back of house areas) is still a "transfer".

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The units could not be separately sold.

Recommendation

Staff recommends the City Council open a public hearing and discuss the request for approval of the Hotel and Residences at Empire Canyon Resort record of survey plat and consider approval based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Ordinance (plat under separate cover)
Exhibit B – Commercial areas

Ordinance No. 09-

AN ORDINANCE APPROVING THE HOTEL AND RESIDENCES AT EMPIRE CANYON RESORT RECORD OF SURVEY PLAT LOCATED AT 9100 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Hotel and Residences at Empire Canyon Resort record of survey plat, Lot C of the Parcel B-2 Empire Village Subdivision, have petitioned the City Council for approval of the Hotel and Residences at Empire Canyon Resort record of survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 10, 2009, to receive input on the Hotel and Residences at Empire Canyon Resort record of survey plat;

WHEREAS, the Planning Commission, on June 10, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 18, 2009, the City Council held a public hearing on the Hotel and Residences at Empire Canyon Resort record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Hotel and Residences at Empire Canyon Resort Record of Survey.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Hotel and Residences at Empire Canyon Resort record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 9100 Marsac Avenue, Lot C of the Parcel B-2 Empire Village Subdivision
2. The Hotel and Residences at Empire Canyon Resort record of survey plat is located in the Residential Development zoning district as part of the Flagstaff Mountain Master Planned Development (RD-MPD).
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development

Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, including the 192-room Montage Hotel.
5. The Planning Commission approved the B-2 Master Planned Development on March 14, 2007. The Montage is Phase I, while a second, residential, project will be Phase II.
6. The City Council approved the Parcel B-2 Empire Village Subdivision on March 29, 2007.
7. The proposed Hotel and Residences at Empire Canyon Resort record of survey plat is for a 174 room hotel with an additional 84 condominiums utilizing a total of **182 Unit Equivalents**. In addition, there is 59,765 square feet of Commercial Space **(59.8 Commercial UEs)** and approximately 15,000 square feet of meeting/conference space and lounge areas (up to 39,000 square feet or 5% of building allowed). Total square footage, excluding the garage, is approximately 780,173 square feet. For those elements that were approved by the MPD and are not currently within the project (total rooms, units, commercial space and Unit Equivalents), the applicant retains the vested rights and these may be added in the future following the appropriate review and approval processes.
8. The proposed record of survey is consistent with the approved Master Planned Development and Conditional Use Permit for Pod B-2.
9. Talisker will be signing the initial condo unit deeds (DV Luxury signing purchase agreements) as Grantors and getting payment with each condo unit sale. DV Luxury agrees each unit sale is subject to the transfer fund.
10. Ten Employee Housing Units (EHUs) totaling 6,235 square feet **(7.8 AUEs)** are provided within the hotel. The EHU units are platted as private space and are proposed to be owned by the Montage, although this is not a requirement.
11. Five ADA units are provided, three owned by the hotel and two within the for sale units. All five are platted are Private and counts towards the unit counts and UEs.
12. Parking is provided at less than 75% of the Code requirement consistent with the Development Agreement.

<u>Conclusions of Law:</u>

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats and with the approved Master Planned Development and Conditional Use Permit for the Montage Resort and Spa at Pod B-2.
3. Neither the public nor any person will be materially injured by the proposed record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form and

content of the record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Montage Resort Master Planned Development and the Parcel B-2 Empire Village Subdivision plat shall continue to apply.
4. Applicant DV Luxury Resort, LLC shall comply with the terms of the EPA Agreement, the provisions of the Construction Work Plan for Montage Hotel, Empire Canyon, and EPA's requirements for post-construction site maintenance. DVLR shall record with the Summit County Recorder's Office a notice of the EPA Agreement, in a form consistent with Paragraph 37 of the EPA Agreement and approved by the EPA, which notice shall identify the EPA Agreement and EPA-approved requirements for post-construction site maintenance as the working institutional controls. The EPA-approved Post-Closure Site Control Plan will be placed as an addendum to the Mine Soils Hazard Mitigation Plan. DVLR will also provide environmental disclosure to the buyers of residential units at the property.
5. The City is not responsible for maintenance or management of downstream detention ponds.
6. A plat note shall be added requiring the maintenance of the approved fire protection plan.

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

PASSED AND ADOPTED this 18th day of June, 2009.

Exhibits

Exhibit A – Record of Survey plat

January 26, 2006

Ms. Mandy Scully
Talisker Corporation
PO Box 4349
Park City, UT 84060

Dear Ms. Scully:

Wikstrom Economic & Planning Consultants, Inc., ("Wikstrom") a Salt Lake City based economic analysis firm, was retained by Talisker Corporation to project the amount of transfer assessment revenue that would be received by Park City as a result of the Empire Pass development. We are pleased to present the following report.

As part of the Development Agreement between Park City and Talisker Corporation, a 0.5 percent transfer assessment will be applied to any real estate transfer made on properties in the Empire Pass Development to fund Park City open space and transit management initiatives. As of year-end 2005, the real estate transfer assessment revenue generated by the Empire Pass project was approximately one million dollars.

Wikstrom created a ten year model to analyze the total amount of revenue which could be generated for Park City under two different development scenarios. The baseline development scenario relates to the currently allowable density per the Development Agreement for Flagstaff Mountain (Empire Pass). The alternative development scenario includes the proposed Montage Resort and Spa as described in Talisker's application to Park City for amendment to the Development Agreement.

To derive an accurate picture of the residential market in Deer Valley, research was conducted to determine the turnover rate of residential properties in Deer Valley and the historical appreciation rate for residential units in the area. Using this information the amount of real estate transfer assessment revenue Park City could reasonably expect to receive from the Empire Pass project was calculated.

Historical residential property value appreciation was established by using Multiple Listing Service data to determine the change in price per square foot over a ten year period. The analysis was restricted to sales in Deer Valley and Park City. Data indicates single family residences are appreciating at an average annual rate of six percent, while condominiums are appreciating at an average annual rate of five percent.

Over the past ten years Deer Valley residences have experienced an eight percent turnover rate. This number is based on historical records from the Summit County

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Phone 801.521.7724 ·Fax 801.521.7725
www.wepc.biz

Recorder's Office for 1,215 residential units located in Deer Valley. The analysis tracked any warranty deed action filed with the county recorder dating back to March 20, 1992. These actions were only incorporated into the analysis after the property had been initially purchased by an end buyer.

As shown in the tables below, the revenue expected to be generated through the transfer assessment over the ten year period of 2006 through 2015 will be approximately $16.9 million for the baseline scenario and $17.6 million for the alternative scenario. These amounts include the approximately $1.0 million generated by Empire Pass and collected by Park City through the end of 2005.

Table 1. Baseline Scenario Transfer Assessment Revenue Projection

	All of Empire Pass (Pods A, B1, B2, and D) Single Family	Multi-Family	Total Revenue by Year
To date (2005)	na	na	$ 1,000,000
2006	$ 146,280	$ 996,303	$ 1,142,583
2007	$ 168,540	$ 1,126,160	$ 1,294,700
2008	$ 35,730	$ 1,266,511	$ 1,302,242
2009	$ 106,048	$ 1,418,083	$ 1,524,131
2010	$ 148,543	$ 1,581,645	$ 1,730,188
2011	$ 195,756	$ 1,758,018	$ 1,953,774
2012	$ 207,501	$ 1,948,074	$ 2,155,575
2013	$ 219,951	$ 2,120,237	$ 2,340,188
2014	$ 233,148	$ 962,444	$ 1,195,592
2015	$ 247,137	$ 1,010,566	$ 1,257,703
10 Year Total	$ 1,708,634	$ 14,188,041	$ 16,896,675

Table 2. Alternative Scenario Transfer Assessment Revenue Projection

	Empire Pass Pods A, B1, and D		Pod B2		Total Revenue
	Single Family	Multi-Family	Phase 1	Phase 2	by Year
To date (2005)	na	na	na	na	$ 1,000,000
2006	$ 146,280	$ 996,303	-	-	$ 1,142,583
2007	$ 168,540	$ 1,126,160	-	-	$ 1,294,700
2008	$ 35,730	$ 1,266,511	-	-	$ 1,302,242
2009	$ 106,048	$ 1,110,559	$ 349,458	-	$ 1,566,066
2010	$ 148,543	$ 910,014	$ 763,216	-	$ 1,821,774
2011	$ 195,756	$ 1,013,300	$ 846,270	-	$ 2,055,326
2012	$ 207,501	$ 1,172,312	$ 160,409	$ 721,139	$ 2,261,361
2013	$ 219,951	$ 1,301,136	$ 168,430	$ 799,303	$ 2,488,820
2014	$ 233,148	$ 841,925	$ 176,851	$ 125,658	$ 1,377,582
2015	$ 247,137	$ 745,923	$ 185,694	$ 131,940	$ 1,310,695
10 Year Total	$ 1,708,634	$ 10,484,144	$ 2,650,330	$ 1,778,040	$ 17,621,148

The alternative scenario delivers a 10-year aggregate real estate transfer assessment that is approximately $724,473 greater than the baseline scenario. The incremental revenue is derived from the planned resort program as well as real estate pricing premiums anticipated to be realized at Pod B2 due to the services and amenities associated with the Montage Resort and Spa.

We believe the forecast of transfer assessment revenue in the alternative case is conservative as any real estate pricing premiums for remaining development and re-sale activity in Pods A/B1 likely to be realized due to the development of a luxury resort property nearby have not been shown. Traditionally, the proximity of such a resort property tends to increase real estate property values due to the "halo effect" created by the resort hotel.

We hope this report meet your needs. Please call us if we can be of further assistance.

Sincerely,

Wikstrom Economic & Planning Consultants, Inc.

Geoff Butler
Associate

Karen Wikstrom
Principal

City Council Staff Report

Subject: Award of Ice Cream Vending Franchise Agreement
Author: Polly Samuels McLean, Assistant City Attorney
Jason Christensen, Law Clerk
Department: Legal Department
Date: June 18, 2009
Type of Item: Administrative

Summary Recommendations:
Award a franchise agreement ("Attachment A"), in a form approved by the City Attorney, to Sergio Ice Cream L.L.C. to allow ice cream vending within the public right-of-way for a one year term with automatic renewal for four successive one year terms unless either party provides the other written notice of its intent not to renew.

Topic/Description:
This is an application for a second business to sell ice cream in the Park City right of way pursuant to Street Vendors (a.k.a. Ice Cream Truck): Title 4, Chapter 3, Section 8 of the Municipal Code.

Background:
In 1997, the City Council amended Title 4, Chapter 3, Section 8 of the Municipal Code to allow limited use of the City's rights-of-way for street vending by ice cream trucks through award of a franchise agreement. Currently, Park City has one existing ice cream franchise agreement with Dad's Ice Cream. Sergio Ice Cream, a new applicant, has also requested a franchise agreement.

In its application, Sergio Ice Cream has given the following information:

Type of food: "Blue Bunny Brand Ice cream pops, icicles, ice cream sandwiches (all ice cream type stuff). During the months of March thru November between 1pm till 8pm. I intent to sell in residential and business areas, will be selling out of a van and a truck."

Information to support application: "Everyone loves to have ice cream specially during the hot summer months. Since we live in a place that is a desert ambiance ice cream seems to be the peoples' favorite thing to have. Of course abiding with the laws of the City my intent is to serve the people."

How long operating: "I have been operating this kind of business for 1 year."

They also submitted photographs of their van which shows that it complies with all of the requirements.

Analysis:

PCMC § 4-3-8(5) allows the City, in its sole discretion, to award a franchise based upon public necessity, demand of service, pedestrian and vehicular traffic compatibility, competition, and public safety.

Public Necessity / Demand of Service

Park City is currently served by one franchisee, Dad's Ice Cream. In previous years Dad's Ice Cream has operated two trucks in the Park City area. The hours of operation have varied, but typically the trucks leave the Salt Lake Valley in the morning and arrive in Park City around 10 am. The trucks usually leave by 12 noon and travel to other cities in Summit and Wasatch Counties to serve ice cream there. The timing of their sales in the past is not in compliance with their franchise agreement which requires sales to occur only between noon and dusk. Code Enforcement has sent them a warning reminding them of this timing requirement and their need to comply.

Dad's Ice Cream's Franchise agreement with the City will expire on April 30, 2010. At that time Dad's will have to appear before Council to renew their Franchise Agreement or cease vending.

The current applicant, Sergio Ice Cream, has indicated his desire to offer ice cream for sale from March through November in the afternoon. This is consistent with the Franchise agreement which restricts operation to between 12 noon and dusk. The Franchise agreement and PCMC § 4-3-8(3) also restricts the areas where the truck is authorized to vend to primarily residential areas (detailed in agreement).

Pedestrian and Vehicular Traffic Compatibility / Public Safety

In order to evaluate the traffic and public safety impacts of an additional ice cream vendor the complaints received by Park City concerning ice cream vending are reviewed below.

The Park City Police Department has on record four complaints involving ice cream vending since 2007. Two of those complaints were noise complaints. The first noise complaint was resolved by the police asking the truck to turn off its music. The police responded to a second noise complaint but the truck moved prior to their arrival.

The Police have also received one complaint documenting a pedestrian safety concern. A citizen called to request that the Police Department warn an Ice Cream Truck driver not to wait for children behind the McPolin Elementary School. The citizen felt that doing so resulting in children running into the street without checking to make sure the street is safe.

The final police complaint involves the police responding to individuals selling food out of a truck. The individuals did not have a vendor's license or franchise and were warned to stop. This complaint occurred on May 16, 2007. It appears that this complaint was directed at Sergio Ice Cream as the license plate number matches the number of one of their trucks.

Business licensing also received one noise complaint. The complaint did not result in a citation being issued.

Proposed Franchise Agreement

The main points of the proposed franchise agreement with Sergio Ice Cream are as follows:

1. TERM/REVOCATION

The initial term of the franchise agreement is for one year, with automatic renewal for four successive one year terms unless either party provides the other written notice of its intent not to renew on or before March 1st of any term. The City retains the right to revoke the franchise if the grantee either violates the term of the agreement or if the City finds the franchise incompatible with traffic or neighborhoods. The Grantee will have one opportunity for a hearing prior to termination, but waives any subsequent rights and the City may make the decision in its sole discretion.

2. FEE

The proposed fee is $100, which is equivalent to the business license fee charged to the existing franchisee.

3. SERVICE AREA

The service area is defined by the Code and is limited to the single family (SF) zones the RD-MPD Zones within Park Meadows, all Historic Residential Zones (HR-1, HR-2, HRC, HRM), and Sullivan Lane. If the Council decides at some time to amend the Code to expand the area, the Agreement would include the new area.

4. STANDARDS

The agreement sets forth criteria for service in Section 3. These include a mirror on the front of the vehicle, no sales within the driving lanes, use of a swing arm, no towing, inspection by the Health Department, and maximum music levels consistent with the noise code. The hours of operation shall be from 12 noon until dusk. The Agreement also prohibits sales in speed zones over 25 mph, school zones, at or within 30 feet of an intersection and to patrons of either golf course in town.

The applicant has reviewed the Agreement and has not raised any issues. He has provided the City with copies of his Insurance Policy, Criminal History, Business Licenses with other entities, and approval from the Summit County Health Department to sell pre-packaged items.

Code Enforcement will do an annual review of the vendor to ensure compliance. Business Licensing will ensure background checks are done on all drivers to ensure that no drivers are registered sex offenders nor have been convicted of any felony.

The proposed franchise agreement has the same terms as the City's franchise agreement with Dad's Ice Cream except that this agreement prohibits the ice cream vendors from selling at the same location at the same time.

Council has the discretion to add or remove terms from this agreement. Council may chose to grant an additional ice cream franchise or deny this request based on the factors listed above (public necessity, demand of service, pedestrian and vehicular traffic compatibility, competition, and public safety). Staff recommends that Council award a franchise to Sergio Ice Cream L.L.C.

Department Review:
This report has been reviewed by the City Engineer, Police, Business Licensing and Code Enforcement.

Alternatives:

A. Approve the Request:
Award a franchise agreement ("Attachment A"), in a form approved by the City Attorney, to Sergio Ice Cream L.L.C. to allow ice cream vending within the public right-of-way for an initial one year term with automatic renewal for four successive one year terms unless either party provides the other written notice of its intent not to renew on or before March 1st of any term. This is the recommended action.

B. Deny the Request:
This would prevent a second ice cream vendor from vending from the public right of way in Park City.

C. Continue the Item:
If the Council would like more information on this matter, it may postpone action on the agreement and request additional information.

D. Do Nothing:
This would prevent Sergio Ice Cream L.L.C from vending from the public right of way in Park City.

Significant Impacts:
None

Consequences of not taking the recommended action:
Sergio Ice Cream L.L.C. will not be allowed to vend ice cream from a public right of way within Park City.

Recommendation:
Award a franchise agreement ("Attachment A"), in a form approved by the City Attorney, to Sergio Ice Cream L.L.C. to allow ice cream vending within the public right-of-way for a one year term with automatic renewal for four successive one year terms unless either party provides the other written notice of its intent not to renew.

Park City Vending Zones - DRAFT

0 900 1,800 3,600 Feet

N

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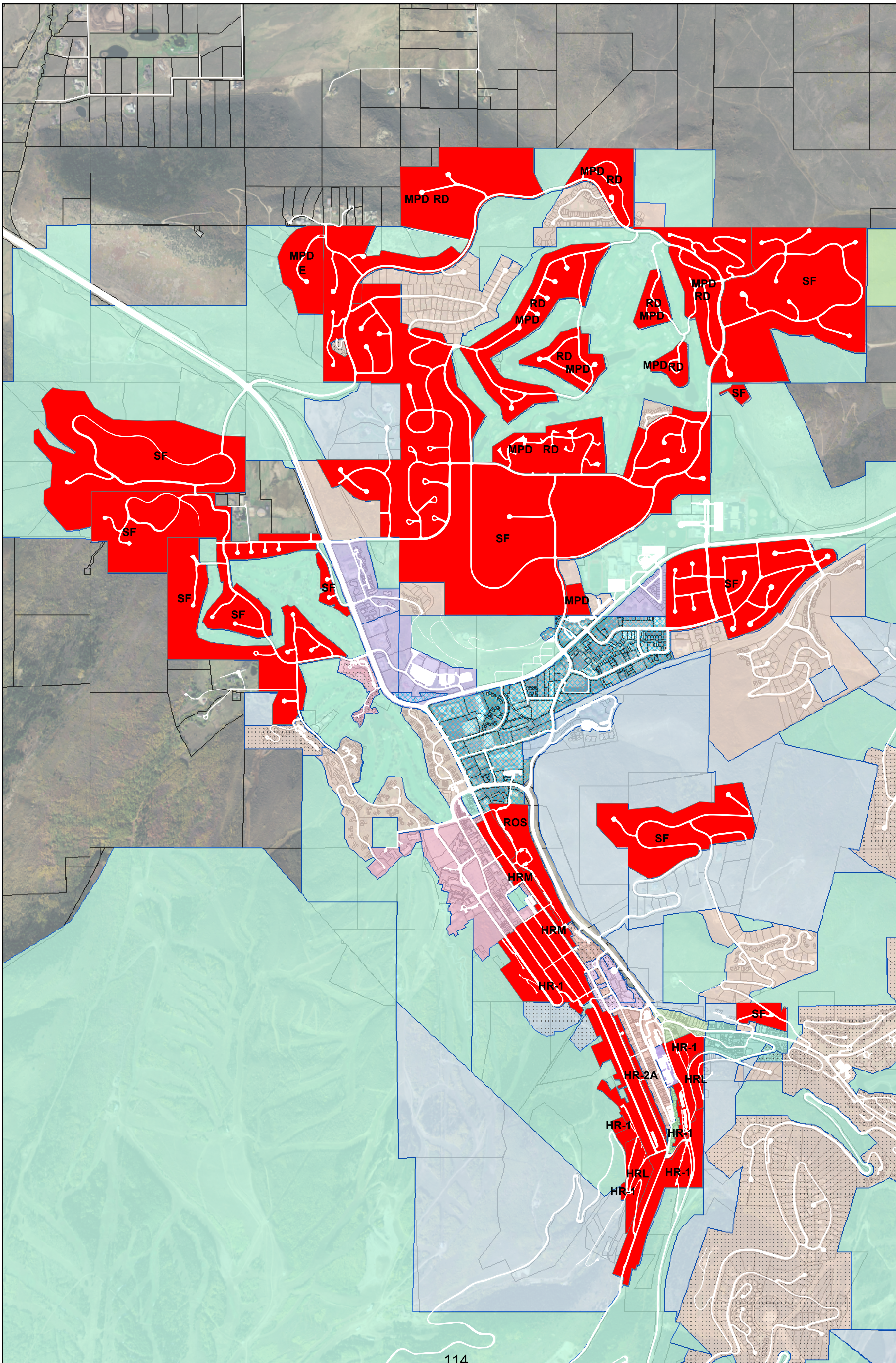

City Council
Staff Report

Subject:	**Appeal of Planning Commission approval of an amendment to the Deer Crest Hotel Conditional Use Permit**
Author:	**Kirsten A. Whetstone, AICP**
Date:	**June 18, 2009**
Type of Item:	**Quasi- Judicial**

PARK CITY 1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council open a quasi-judicial hearing for consideration of two appeals of the Planning Commission decision on an amendment to the Deer Crest Hotel Conditional Use Permit. Staff further recommends the Council consider input and uphold the Planning Commission decision and enter findings of fact, conclusions of law, and order on this appeal as stated in this report.

Topic

Applicant:	Deer Crest Janna, LLC
Location:	2300 Deer Valley Drive East
Zoning:	Residential Development (RD)
Reason for Review:	The City Council has appeal authority on Conditional Use Permits

Background
The property located at 2300 Deer Valley Drive, known as the Snow Park and Roosevelt Gap parcels of the Deer Crest Development, is subject to the 1995 Deer Crest Settlement Agreement. In 1999, Park City annexed the Roosevelt Gap property as part of the Deer Crest Annexation. On April 15, 2004, a plat amendment combined these parcels into one lot of record.

On February 28, 2001, a Conditional Use Permit for a hotel development was approved for this property (known as the Rosewood CUP) (see Exhibit E). On July 25, 2001, the Rosewood CUP was amended by the Planning Commission to reduce the footprint, increase the height, and reconfigure the buildings at Roosevelt Gap.

On March 24, 2004, further amendments to the CUP were approved to reconfigure the location of the Snow Park and Roosevelt Gap buildings, locate the upper funicular terminal to be attached to the Roosevelt Gap building, reduce the overall building mass, decrease the parking at Roosevelt Gap from the 155 approved with the CUP (105 overnight plus 50 day-use spaces) to 146 (maximum of 105 for overnight parking with 41 for day-use) with 98 spaces at Snow Park, and modify the proposed residential ownership program to allow interval/club ownership in the RC zoned portions.

On May 11, 2005, the Planning Commission approved further amendments to the CUP to relocate the Snow Park condominium buildings lower on the slope, revise the access drive at Snow Park, further revise the funicular approach, and allow phasing of the Roosevelt Gap low rise portion of building. The May 11, 2005 approval, which was the controlling document prior to the April 22, 2009, approval, is documented in the final action letter (see Exhibit F).

Building permits were issued for the hotel and it has been under construction since September of 2005 with an anticipated opening date of October/November of 2009.

On October 15, 2008, the applicant submitted a completed application to amend the Deer Crest Hotel Conditional Use permit (CUP) to 1) modify condition of approval #3 to allow surface parking instead of a parking structure on an interim basis and 2) modify phasing plan for Snow Park condominium construction as follows:

> 3. No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking ~~structure~~ lot at the North Snow Park site is complete and approved for occupancy.

The surface lot provides 61 spaces and the parking structure would provide 49 spaces. The Planning Commission conducted public hearings and discussed the amendments at the March 11th and April 8th meetings (see Exhibit F). At the April 8th meeting the Planning Commission continued the item to await outcome of a CUP requested for a parking lot at Jordanelle Village (Wasatch County) for hotel employees. Wasatch County Planning Commission approved the CUP. The Wasatch County Board of Adjustment upheld that approval on June 4.

On April 22, 2009, the Planning Commission conducted a public hearing and approved the requested CUP amendments (Exhibits A, B, and F). The amendments were approved with conditions to mitigate impacts, such as final landscaping, lighting, finished treatment of the soil nail wall, oil and water separator, and snow storage. The Commission also approved a condition to address a timeframe for completion of the parking structure at Snow Park. The Appellants provided input at public hearings and have standing to appeal.

Appeal A (Exhibit C) is from Jeri Rice; a homeowner within the Deer Crest Estates Subdivision and Appeal B (Exhibit D) is from the Powder Run at Deer Valley Owner Association, a condominium project located adjacent to the subject CUP. Both appellants are represented by attorney, Eric P. Lee.

Standard of Review
Land Management Code 15-1-18 (G) states:

BURDEN OF PROOF AND STANDARD OF REVIEW. The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land Use authority erred. . . .(T)he appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance

Substance of Appeals

Appeal A - from Jeri Rice, a Deer Crest Estates subdivision owner.
Issues raised by Appeal A include the following (see Exhibit C for full text of appeal). Staff's responses to the issues raised in the appeal follow in italics.

1. The Planning Commission erred in concluding the project is consistent with the settlement agreement.

> *Consistency with the Settlement Agreement was reviewed at length at the original The Deer Crest Hotel Conditional Use Permit (CUP) when it was originally approved on February 28, 2001. Each subsequent amendment (July 2001, March 2004, May 2005, and most recently on April 22, 2009) was also found to be consistent.*
>
> *The CUP amendment approved by the Planning Commission on April 22, 2009 consists of a specific amendment to one word of condition #3 regarding the physical parking at Snow Park, whether in a structure, or on a surface lot as an interim solution until the final design for the future condominium buildings/units at Snow Park is decided (see Exhibits A and B).*
>
> *The Settlement Agreement does not address whether parking at Snow Park is within a structure or in a surface lot and therefore, the specific CUP amendment regarding parking should not alter the previous findings that the Deer Crest Hotel CUP is consistent with the Settlement Agreement.*
>
> *Amendments approved by the Planning Commission do not remove the conditions of approval that require a study of traffic and parking one year after issuance of certificates of occupancy.*

2. The Planning Commission erred in finding that the project is in compliance with the CUP criteria.

> *The Planning Commission reviewed the proposed CUP amendment against CUP review criteria in Section 15-1-10 of the Land Management Code. Staff reports (Exhibits A and B) included a detailed analysis of the project that was used to make a determination as to whether impacts had been mitigated. The Commission reviewed the proposal, discussed and found that the CUP amendment changing the structured parking lot with a surface lot complies with the15 criteria (see Exhibits A and B). Conditions of approval were included in the approval to address mitigation of visual and environmental impacts regarding lighting, landscaping, treatment of the shoring wall, oil and water separation for water quality, and snow storage.*

3. The Planning Commission did not consider all detrimental traffic impacts.

The Planning Commission did consider traffic impacts (criteria #3 in the Staff Report) and found that the CUP amendment had no additional anticipated impacts on traffic. In approving the CUP amendment the Planning Commission reiterated the conditions of the February 28, 2001 approval (Exhibit F- Condition #14) regarding traffic, specifically regarding the required one year review of the parking and traffic situation, after certificates of occupancy have been issued, to evaluate actual traffic and parking impacts of the project.

4. The Planning Commission approved a parking lot different from the lot described in the application.

The Planning Commission did not approve a parking lot that was different from the lot described in the application. The Commission approved the physical layout, landscaping, lighting, access, wall design, and other physical parameters as identified in the application, staff report, and Exhibits presented at the April 22, 2009, meeting. The Planning Commission did discuss and revised a condition of approval (see Exhibit A- condition #14) which deals with the length of time the surface lot can exist. The condition requires the applicant to either 1) submit building plans within 5 years for construction of the parking structure or 2) apply for an amendment to the CUP to either extend the time frame or request the parking lot as a permanent parking solution.

5. Deer Crest Homeowner's never got constitutionally required notice of the CUP proceedings.

The property was posted and notice of the public hearing for the CUP amendment was mailed to property owners within 300' according to notice requirements in Section 15-1-12 of the Land Management Code. Deer Crest Homeowner's Association was noticed and forwarded notice to the homeowner's copying Planning Department. Legal notice was published in the Park Record and notices were posted in three public locations in Park City. Additionally, Jeri Rice and David Luber met with Planning Staff in late January 2009 to review the application and status of hotel construction. Mr. Lee, representing Ms. Rice, provided public input on March 11th and April 22nd. Ms. Rice provided public input at April 8th hearing.

Appeal B- from Powder Run at Deer Valley Owner Association.

Issues raised by Appeal B include the following (see Exhibit D for full text of appeal). Staff's responses to the issues raised in the appeal letter follow in italics.

1. Access to the project site is unresolved since the public dedication of the access road was not effective.

Approval of the amended CUP changing the structured parking to a surface lot does not change access to the site.

Access to the Snow Park parking lot and the future parking structure/surface lot is as it was previously approved via an access easement from Deer Valley Drive to the property. In 2001 the City accepted the easement as a public road dedication as reflected in Ordinance No. 01-22 recorded on July 5, 2001.

The access issue was resolved prior to the May 11, 2005, CUP amendment approval that included a finding #14 as follows:

> *14. The Snow Park site does not have frontage on a public street. Access to Deer Valley Drive East for the Snow Park site development exists over an easement from the Powder Run Condominiums, granted to the City. The access drive is shared with the Black Diamond Lodge condominiums. Any change to the location of the approved access will require additional easements. It will be the responsibility of the Deer Crest Hotel owners to acquire such easements prior to approval of any building permits. A private driveway, known as Deer Crest Estates Drive, traverses and accesses the Roosevelt Gap development parcel.*

The subject CUP amendment did not propose a change to the location of the approved access and continues to utilize the shared driveway with Black Diamond Lodge.

2. The Association has not agreed that Deer Crest Janna (DCJ) can use its property as part of the landscaped entry to the project.

The subject CUP amendment did not change the location of approved landscaping on the access easement.

In the Declaration of Protective Covenants, Deer Valley Resort Co reserved the right to approve all improvements, including landscaping on the entire property (including the parcels north and south of the easement). When the City accepted the easement as a public road, the ordinance specified that all maintenance, repairs, and snow removal will be the responsibility of Black Diamond Lodge and Deer Crest. Deer Crest Janna has agreed to consult with Powder Run on the landscaping of the easement area.

3. The Planning Commission approved a parking lot different from the lot described in the application.

The Planning Commission did not approve a parking lot that was different from the lot described in the application. The Commission approved the physical layout, landscaping, lighting, access, wall design, and other physical parameters as identified in the application, staff report, and Exhibits presented at the April 22, *2009, meeting. The Planning Commission did discuss and revised a condition of approval (see Exhibit A- condition #14) which deals with the length of time the surface lot can exist. The condition requires the applicant to either 1) submit building plans within 5 years for construction of the parking structure or 2) apply for an amendment to the CUP to either extend the time frame or request the parking lot as a permanent parking solution.*

4. Powder Run Homeowners never got constitutionally required notice of the CUP proceedings.

The property was posted and notice of the public hearing for the CUP amendment was mailed to property owners within 300' according to notice requirements in Section 15-1-12 of the Land Management Code. Legal notice was published in the Park Record and notices were posted in three public locations in Park City. Additionally, Jim Bauer, president of the Powder Run HOA met with Planning Staff on March 19th to review the application. Mr. Bauer provided public input at the April 8th hearing and provided an e-mail to the Commission on April 22nd.

Notice of appeal

Notice of this appeal hearing was duly posted and letters were sent to property owners as required by the Land Management Code. Notice of the appeal hearing was published in the Park Record at least 7 days prior to the appeal date. The appellant was contacted by the City on May 19, 2009 regarding the scheduled appeal date of June 18, 2009.

Process

Final City Council action may be appealed to a court of competent jurisdiction as described in LMC Section 15-1-18 (M).

Alternatives

- The City Council may deny the appeals and uphold the Planning Commission decision in whole or in part; or
- The City Council may grant the appeals and overturn the Planning Commission decision in whole or in part; or
- The City Council may remand the matter back to the Planning Commission with specific direction to evaluate additional information; or
- The City Council may continue the item, requesting additional information for review.

Recommendation

Staff recommends the City Council open a quasi-judicial hearing for consideration of two appeals of the Planning Commission decision on an amendment to the Deer Crest Hotel Conditional Use Permit. Staff further recommends the Council consider input and uphold the Planning Commission decision and enter the following findings of fact, conclusions of law, and order on this appeal.

Appeal A

Findings of Fact:

1. The subject property is located at 2300 Deer Valley Drive.
2. On February 28, 2001, the Planning Commission approved the Deer Crest Hotel Conditional Use Permit (formally known as the Rosewood CUP). The CUP was subsequently amended on July 25, 2001; March 24, 2004; and May 11, 2005.
3. On December 2002 a grading and soil nail wall permit was issued for Roosevelt Gap. This work was completed in the fall of 2003. On September 22, 2005, building permits were issued for grading and shoring/retaining wall construction at Snow Park. Footings and foundation permits were issued on June 7, 2006. The shell permit was issued on January 26, 2007 and the full building permit was issued for construction of the hotel in October of 2007. The hotel has been under construction for approximately 6 ½ years.
4. On October 15, 2008, the applicants submitted a request to amend and clarify conditions of the May 11, 2005, CUP approval regarding structured parking at Snow Park (Exhibit A) related to timing of issuance of certificates of occupancy and phasing of construction at Snow Park. The applicants specifically requested an amendment to condition of approval #3 to allow issuance of certificates of occupancy for the Roosevelt Gap units based on completion of a surface parking lot at Snow Park, rather than completion of the parking structure. The applicant proposed the following amendments to Condition #3 of the May 11, 2005 amended CUP:

   > 3. No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking ~~structure~~ lot at the North Snow Park site is complete and approved for occupancy.

5. On April 22, 2009, the Planning Commission conducted a public hearing and approved the specific amendment as described in Finding #4 for the Deer Crest Hotel CUP.
6. On April 30, 2009, two appeals, one by Jeri Rice, homeowner in Deer Crest Estates Subdivision, and a second by Powder Run at Deer Valley Owner Association were received by the Park City Recorder. Both appellants are represented by attorney, Eric P. Lee, who submitted the appeals.
7. Pursuant to Land Management Code (LMC) Section 15-1-18, Appeals and Reconsideration Process- final actions by the Planning Commission on CUPs may be appealed to the City Council. Appeals must be made within ten calendar days of the Final Action (LMC 15-1-18(E)). Both appeals were filed within the ten day required time limit.
8. Staff duly and properly noticed this appeal hearing by placing a legal advertisement in the Park Record, posting required notice, and sending written notice as a courtesy to adjacent and affected property owners.
9. The italicized staff responses above to the Substance of Appeals are hereby incorporated as findings as fact.

Conclusions of Law

1. The Planning Commission was correct in approving an application to amend the Deer Crest Hotel CUP.

Order

1. The appeal from Jeri Rice, filed with the Park City Recorder on April 30, 2009, is denied.

Appeal B

Findings of Fact:

1. The subject property is located at 2300 Deer Valley Drive.
2. On February 28, 2001, the Planning Commission approved the Deer Crest Hotel Conditional Use Permit (formally known as the Rosewood CUP). The CUP was subsequently amended on July 25, 2001; March 24, 2004; and May 11, 2005.
3. On September 22, 2005, building permits were issued for grading and shoring/retaining wall construction. Footings and foundation permits were issued on June 7, 2006. The shell permit was issued on January 26, 2007 and the full building permit was issued for construction of the hotel. The hotel has been under construction for approximately 4 years.
4. On October 15, 2008, the applicants submitted a request to amend and clarify conditions of the May 11, 2005, CUP approval regarding structured parking at Snow Park (Exhibit A) related to timing of issuance of certificates of occupancy and phasing of construction at Snow Park. The applicants specifically requested an amendment to condition of approval #3 to allow issuance of certificates of occupancy for the Roosevelt Gap units based on completion of a surface parking lot at Snow Park, rather than completion of the parking structure. The applicant proposed the following amendments to Condition #3 of the May 11, 2005 amended CUP:

   > 3. No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking ~~structure~~ lot at the North Snow Park site is complete and approved for occupancy.

5. On April 22, 2009, the Planning Commission conducted a public hearing and approved the specific amendment as described in Finding #4 for the Deer Crest Hotel CUP.
6. On April 30, 2009, two appeals, one by Jeri Rice, homeowner in Deer Crest Estates Subdivision, and a second by Powder Run at Deer Valley Owner Association were received by the Park City Recorder. Both appellants are represented by attorney, Eric P. Lee, who submitted the appeals.
7. Pursuant to Land Management Code (LMC) Section 15-1-18, Appeals and Reconsideration Process- final actions by the Planning Commission on CUPs may be appealed to the City Council. Appeals must be made within ten calendar days of the Final Action (LMC 15-1-18(E)). Both appeals were filed within the ten day required time limit.
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9. The italicized staff responses above to the Substance of Appeals are hereby incorporated as findings as fact.

Conclusions of Law

1. The Planning Commission was correct in approving an application to amend the Deer Crest Hotel CUP.

Order

1. The appeal from Powder Run at Deer Valley owner's association, filed with the Park City Recorder on April 30, 2009, is denied.

Exhibits under separate cover

Exhibit A- April 8 and 22, 2009, Planning Commission staff report and minutes
Exhibit B- March 11, 2009, Planning Commission staff report
Exhibit C- Appeal from Jeri Rice
Exhibit D- Appeal from Powder Run
Exhibit E- Final Action letter for February 28, 2001 approval
Exhibit F- Exhibits to April 22, 2009 Staff Report, including May 11, 2005 Final Action letter
Exhibit G- Brief of Deer Crest Janna, LLC