**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**JUNE 17, 2010**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 17, 2010.

**Closed Session**
3:00p.m. Property and litigation

**Work Session**
4:15 p.m. Council questions/comments
4:30 p.m. Bonanza Drive reconstruction project – planters and turning lanes P. 6 - 15
5:00 p.m. Planning Commission joint work session – General Plan P. 16 - 22
5:50 p.m. Break

**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 3, 2010**
P. 23 - 28

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

1. Consideration of a Resolution naming the Park City Skate Park the Roger Harlan Memorial Skate Park – "*The Rog*" and encouraging citizens to attend the *"Ride The Rog"* Dedication on June 26, 2010 P. 31 - 32

2. Consideration of a Resolution adopting the revised Personnel Policies and Procedures Manual, effective July 1, 2010, for Park City Municipal Corporation P. 33

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

1. Consideration of a Master Festival License application, for the Brenda Smith Tree of Life Celebration to be held on June 20, 2010 at South City Park and the Sound Garden
   (a) Public hearing P. 34 - 40
   (b) Action

2. Consideration of a Master Festival License application for the Ralph Eridia Memorial Celebration to be held on June 27, 2010 at City Park and Jack Sutton Field P. 41 - 47

(a) Public hearing
(b) Action

3. Consideration of a Master Festival License for the Firecracker Baseball Tournament to be held July 1-2-3 P. 48 - 52
(a) Public hearing
(b) Action

4. Consideration of a Resolution adopting a final revised budget for fiscal year 2010 and the budget for fiscal year 2011 for Park City Municipal Corporation and its related agencies
(a) Public hearing P. 53 - 65
(b) Action

5. Consideration of a construction agreement with Cody Ekker Construction Company for the construction of the Sandridge Avenue Reconstruction Project in an amount not to exceed $235,957 and in a form approved by the City Attorney P. 69 - 91

**VII ADDITIONAL DISCUSSION – AGENDA ITEMS**

**VIII ADJOURNMENT**

**PARK CITY REDEVELOPMENT AGENCY**
**SUMMIT COUNTY, UTAH**
**JUNE 17, 2010**

**I ROLL CALL**

**II PUBLIC INPUT**

**III MINUTES OF MEETING OF APRIL 15, 2010** P. 29

**IV NEW BUSINESS**

Consideration of a Resolution adopting the Fiscal Year 2010 Revised Budget and the Fiscal Year 2011 Budget for the Park City Redevelopment Agency P. 66 - 67

(a) Public hearing
(b) Action

**V ADJOURNMENT**

**PARK CITY MUNICIPAL BUILDING AUTHORITY**
**SUMMIT COUNTY, UTAH**
**JUNE 17, 2010**

**I ROLL CALL**

**II PUBLIC INPUT**

**III MINUTES OF MEETING OF JANUARY 7, 2010** P. 30

**IV NEW BUSINESS**

Consideration of a Resolution adopting the Fiscal Year 2010 Revised Budget and the Fiscal Year 2011 Budget for the Park City Municipal Building Authority P. 68

(a) Public hearing
(b) Action

**V ADJOURNMENT**

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Wireless internet service available in Marsac Building on Wednesdays and Thursdays – 4 p.m. to 9 p.m.

Posted: 06/14/10
See www.parkcity.org

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

**June 2010**

**15 Joint meeting with HPB – 5 p.m.**

24 Ribbon-cutting – Snow Creek Cottages
PAAP interviews (75 min)
Appointments to library board
KAC MFL
Back-Alley Bash MFL
Acceptance of improvements to 528 Main Street – Historical Society
Holiday Ranch Loop construction contract – work/action
North Silver Lake appeals

**July 2010**

1 PC-SLC Transit Service (work – 45 min)

8 **No meeting**

15 RAB interviews
Environmental update and prioritization (1 hr)
Norfolk Ave Reconstruction (work - 45 min)
Tour of Utah MFL
321 McHenry Avenue plat amendment – KC
SA53 and 53B plat amendment – KC
6808 Silver Lake Drive plat amendment - KW

22 **Dana gone**
**No meeting**

29 Quarterly goals

**Pending Items:**
Review of two year special event policy
Open space maintenance
U S Postal Service gang boxes in Old Town - MC
Wild land interface issues

# City Council
# Staff Report

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|---|---|
| **Subject:** | **Bonanza Drive Planters and Colored Concrete Turning Lanes Discussion** |
| **Author:** | **Matthew Cassel, P.E., City Engineer** |
| **Department:** | **Engineering** |
| **Date:** | **June 17, 2010** |
| **Type of Item:** | **Informational and Direction** |

**Summary Recommendations:**
City Council should direct staff to return in 2011 or 2012 with a contract to add the center planter boxes and colored concrete turning lanes within the Bonanza Drive corridor from Kearns Boulevard to Deer Valley Drive

**Topic/Description:**
As part of the Bonanza Drive Reconstruction Project, it is necessary to get easements from adjacent private property owners. The easements are required for the pedestrian tunnel, the ramps to the tunnel, and the relocation of the Poison Creek culvert which extends beyond the existing Bonanza Drive Right-of-Way. As part of the easement negotiations, these owners have recently proposed certain improvements, one of which includes the installation of two (2) to three (3) planter islands located within the turning lanes of Bonanza Drive. They have also proposed the installation of colored concrete turning lanes along the Bonanza Drive corridor (as shown on the attached concept drawing) as well as branding signs for the District. Though the planters and colored concrete turning lanes would not restrict turning movements, they are similar in nature to medians, and staff believes City Council should re-visit their previous direction before staff goes further in exploring this concept.

**Background:**
In August 2007 H. W. Lochner was hired by Park City to develop a corridor and pedestrianization plan for Bonanza Drive. The purpose of the plan was to outline and prioritize short-term and long-term improvements for roadway, bicycle, and pedestrian facilities along Bonanza Drive. The plan aimed to improve traffic flow, improve intersection operations throughout the corridor and provide bicycle/pedestrian access and safety. The plan provided short-term recommended improvements (2009 – 2016) and long-term recommended improvements (2016 – 2030). The current project addresses the short-term recommendations which include adding sidewalks, bike lanes, a pedestrian tunnel, road resurfacing, and utility upgrades. The short term project was divided into two phases with phase 1 construction being completed last summer.

During the March 26, 2009 City Council work session, discussion occurred concerning the need for medians and the timing for the installation of sections of the medians (during Bonanza Drive construction or at a later date). City Council requested further information from staff concerning the medians.

During the May 21, 2009 City Council work session, City Council elected to remove from the design the medians located from Prospector Avenue to Iron Horse Drive because of their impacts to turning movements into the adjacent shops.

During the July 9, 2009 City Council regular meeting discussion and approval of the Bonanza Drive Phase 1 Construction Agreement with Granite Construction, City Council elected to remove the medians located from Iron Horse Drive south to Deer Valley Drive. The only median currently in the project is from Kearns Boulevard to just north of Prospector Avenue (in front of the Maverik Gas Station).

The original intent of the medians along the Bonanza Drive corridor was as follows:

- Raised medians could provide several safety benefits including physically separate opposing directions of travel and control left turns and other movements across the median translating into fewer conflicts, greater safety and more uniform arterial speeds.
- Raised medians could reduce delays and improve traffic operations.
- Raised medians could improve the walkability of the corridor by providing a refuge for pedestrians crossing the street and calming traffic,
- A fine balance needed to be found between the business needs, road uses and increased safety for pedestrians and bicyclists. The intent of the medians was to help with this balance by controlling the location of the left turns into the multitude of drives and side roads while providing more efficient use of the remaining available left turn locations.

**Analysis:**
The proposed planters will be made with the same material as the retaining walls used for the ramped entrances to the tunnel (vertical steel piles with horizontal wood timbers). One or two of the planters would be located just south of Upper Iron Horse Drive – these planters are located in a section of the road that was completed last year. The other planter, as proposed, will be located in the middle of Bonanza Drive where the Rail Trail intersects Bonanza Drive. The final height, width and length of these planters are still to be determined. The planters would be at a height that minimizes the impact of salt used on the roads. Water would need to be provided to the planters so the trees and other landscaping can thrive. Electricity may also be provided; for possible lighting or other improvements in the future.

To give a different texture to Bonanza Drive, colored concrete is being proposed by the easement grantors for the turning lanes. The colored concrete surface is level with the adjacent asphalt driving lanes so it is drivable. The location of the colored concrete is as shown on the attached drawings. These colored concrete strips would not cross an intersection or a drive.

The planters would be strategically located so they do not block any drives with one exception. Drivers exiting from the Right At Home parking lot will not be able to turn left onto Bonanza Drive and a sign would be installed at their drive to indicate such. All other turning movements would remain available along the Bonanza Drive Corridor. The colored concrete turning lanes would not restrict turning movements because they are designed to be driven on.

The Planning and Engineering Departments have coordinated efforts toward the negotiations with the property owners and believe that the proposed design is not only beneficial to the local Bonanza Park property owners, but also to those who use Bonanza Drive as a throughway.

**Project Progress/Timing**

Bids were opened for the Bonanza Drive Reconstruction Project on June 3. This phase 2 of construction will begin in early July. This is a federally funded project and has limitations on change orders to the project. Changes based on unknown conditions are tolerated but changes based on changes to the design are generally not allowed. UDOT is very strict with changes to the contract especially since federal funds are involved so the opportunity to make these changes during phase 2 of the Bonanza Drive Reconstruction Project will be very limited. Additionally, because a portion of the colored concrete sections are located within the UDOT Right-of-Way, they would need to provide permission for the construction. Because of the limited time allowed by UDOT in the intersection of Bonanza Drive and Kearns Boulevard for the Phase 2 of Bonanza Drive Reconstruction, these colored concrete sections would be nearly impossible to design, permit, and install during this construction season.

Staff proposes that if City Council authorizes the use of colored concrete turn lanes and planters, these elements would be installed at a later date after the construction of Phase 2 for Bonanza Drive Reconstruction is complete. That date can be determined in the easement agreements with the private property owners.

**Easements**

Easement negotiations have been on and off for the last 16 months with the Wintzers and Mark Fischer. The elements of the easements agreements are as follows:

The inclusion of the planters and the colored concrete turning lanes as part of the easement discussion has just recently been added to the discussion by the easement grantors. Planning and Engineering do recommend the planters and the colored concrete turning lanes because they see them as a mutually beneficial project enhancement, but still need to have other City staff members evaluate the concept so the full range of impacts are understand. Before that process is further continued, City Council needs to let staff know if they support this concept.

**Department Review:**
This report has been reviewed by City Manager, Planning, Sustainability and Legal. All comments have been integrated into this report.

**Significant Impacts**
Without signed easements the project cannot move forward.

**Recommendation:**
City Council should direct staff to return in 2011 or 2012 with a contract to add the center planter boxes and colored concrete turning lanes within the Bonanza Drive corridor from Kearns Boulevard to Deer Valley Drive

Exhibit A – Bonanza Drive Enhancement Drawing
May 21, 2009 City Council Meeting Minutes
July 9, 2009 City Council Meeting Minutes


BONANZA DRIVE
ENHANCEMENT AREAS
JUNE 2, 2010
SCALE: 1" = 30'
LandSOLUTIONS
BONANZA DRIVE
UPPER IRON HORSE
MUNCHKIN ROAD
RAIL TRAIL
TRAIL
TURN LANE
STAMPED CONCRETE

and snow removal. Liza Simpson emphasized that she does not want the level of service for special events and snow removal diminish. Chief Carpenter stated that there will be more in-house training and additional savings from the elimination of the reserve coordinator position.

Tom Bakaly suggested moving the pay plan and benefits discussion to next week. Bret Howser emphasized that budget decreases should not affect levels of service to the community. There was discussion about budget information being available on-line. He explained the request from the HMBA to increase the business improvement district fees to raise $17,000. The fee per license is proposed to be increased by $87. This item is separate from the lighting project and is intended for marketing and administration. Jim Hier suggested that payments to the HMBA be made monthly beginning in July and Mr. Howser suggested returning with options in a revised contract with the HMBA. Sandy Geldorf assured Council that members are aware that the increase may be higher than the $56 originally discussed.

**3. Bonanza Drive reconstruction project.** Matt Cassel reported that the design is 85% complete and at this time, staff is seeking direction from Council on the location of the pedestrian tunnel across Bonanza Drive and the installation of medians along the corridor. The staff report provides four options, including the tunnel located at Iron Horse and Bonanza Drive, which is the option staff has been moving forward with. The second is eliminating the tunnel and installing a traffic signal at Iron Horse and Bonanza. The third is a long-term option locating a bridge across Bonanza at the intersection of the Rail Trail and Bonanza Drive and Option 4 is locating a tunnel across Bonanza at the intersection of the Rail Trail and Bonanza Drive. He explained that Option 1 will work with Options 2, 3 and 4 and Option 3 and 4 will not work together.

Heinrich Deters explained that Council allocated $1.9 million to walkability projects relating to the 2007 Landmark Study recommendations. However, the walkable community was not satisfied with the allocation and requested a $15 million bond to be put to the voters which passed. In consideration of safety, efficiency and connectivity, the main issue identified in the WALC study was connecting Poison Creek to the Rail Trail. The current location and design for the tunnel accomplishes this and the walkable community does not support Option 2. With regard to Option 4, Mr. Deters feels several connections in the area and moving utilities now for a future link will be supported. The Mayor stated that he favors the original plan which was rated as the top project by WALC and the design is almost complete. He stated that he is reluctant to base decisions on the possible redevelopment of NOMA and feels the plan should be followed.

Liza Simpson commented that she attended the Planning Commission meeting where members discussed the variety of groups the intersection serves and the importance of at grade crossings as well as the tunnel. The design needs to have at grade stair access into the tunnel and be acceptable to property owners Mary and Charlie Wintzer. A future tunnel at the Rail Trail should not be precluded and the utilities should be buried accordingly now. Ms. Simpson stated that the City should move forward with the tunnel at Iron Horse.

Joe Kernan felt the staff is going the right direction because the tunnel has numerous benefits. He believed the other options need further study and more information is needed but he encouraged planning for possibilities. Candace Erickson stated that she supports the tunnel and expressed that a signal will back traffic on Bonanza which conflicts with the goal to accommodate traffic flow achieved with the tunnel. She relayed that she had a conversation with Mary Wintzer who has plans for her land. Jim Hier believed that the tunnel needs to be convenient to encourage use and deter people from crossing at grade on Iron Horse. He does not support conducting a study on designing an at-grade crossing.

Matt Cassel expressed that the use of medians will help to achieve some of the goals in the General Plan. They are intended to control left-turn movements, and not necessarily help with the traffic flow through Bonanza, but to help with the traffic within the area. The General Plan refers to elimination of curb cuts and the medians achieve this without compromising accesses to businesses. He recommended supporting the median plan which is open for discussion. The Mayor invited public input.

Carol Potter, Mountain Trails Foundation, expressed her support of Option 1, the installation of a tunnel at Bonanza and Iron Horse.

Craig Elliott, agent for Mark Fisher, pointed out that each tunnel has a different use and the Iron Horse location is a connector that ties into Main Street. It doesn’t really service the NOMA area and there are probably other options available. He recommended asking the design team to create an alternate that could be bid and the City may be able to get more for its money today.

Mark Spencer, Spencer Smoke and Grill, asked about closures of Bonanza with the construction of the tunnel and medians, and the marketing plan. Matt Cassel explained that construction of the water line on Bonanza from upper Iron Horse to Deer Valley Drive is planned in July. After Labor Day, SR248 will be extended. The median in front of Park City Plaza is open so vehicles can make left turns. Marketing or public relations will be achieved in-house to help promote the business area, but the program is not intended as advertising for businesses themselves, and there is no dollar amount identified at this point. He detailed planned left-turn movements traveling north and south on Bonanza Drive. Jim Hier understood that Iron Horse to Deer Valley Drive will be disturbed this summer and there will be no impact from SR248 to Iron Horse. Matt Cassel indicated there will be water line construction, but through traffic. Jim Hier continued to explain that impacts to the Park City Plaza will occur next summer. Construction of the tunnel may require a closure for a month and will be scheduled in the shoulder season.

With no further comments from the audience, the Mayor asked for Council direction. Liza Simpson stated that she feels strongly that it would make more sense to do all of the road improvements, i.e., wider sidewalks, tunnel, etc. and determine how that portion functions and if needed, install the medians after a couple of years. It will not change the cost of the project by much and she feels the medians are problematic. Matt Cassel explained that removing the medians would save about $180,000 to $200,000 from the project cost. Consultant Brad Lucas interjected that there would be incremental costs if installed later and the road would have to be torn up twice. Matt Cassel emphasized current conflicts with bikes, pedestrians and vehicles and the goal of adding a non-vehicular traffic to the corridor. Mr. Lucas pointed out that it would be difficult to achieve efficiencies at the Prospector intersection without a raised median there. Candace Erickson expressed concerns about restricting no left-turn movements to west side businesses on Bonanza. Joe Kernan favored installing the medians now and if they do not work, to remove them. Liza Simpson clarified that the medians at Prospector and Iron Horse are okay but agreed with Ms. Erickson.

Pete Gillwald, west side of Bonanza Drive business owner, noted that not being able to turn left is going to be problematic for the Clinic as well. He suggested that the median begin at Kearns Blvd. and go to Prospector.

Matt Cassel explained that changing the original recommendation for the Park City Plaza was a difficult one because of the precedent of opening it up for everyone. However, the revised plan really conflicts with the goal of reducing left-turn conflicts by limiting them at key points. Joe Kernan felt that if left turns are allowed at the Park City Plaza, they should be allowed on the other side of the street. Jim Hier emphasized that the Park City Plaza has many more businesses.

Pete Gillwald stated that the Clinic generates a lot of traffic and discussion ensued about needing to take circuitous routes to reach destinations on the west side of Bonanza Drive.

Jim Hier commented that he supports not installing a median at the end of Park City Plaza up to Iron Horse. Candace Erickson suggested using the median space for the proposed median for a left-turn lane. Mayor Williams understood consensus from members for providing left-turn access to west side businesses including the Clinic, No Place Like Home and the car wash. Members confirmed their interest in lowering utilities in this phase. Liza Simpson clarified her position with installing medians and the island at Prospector and by upper Iron Horse and removing the middle two. Matt Cassel understood direction to be installing a tunnel at Iron Horse and Bonanza, laying utilities at the Rail-Trail, and eliminating medians from Iron Horse to Park City Plaza's south driveway.

Prepared by Janet M. Scott, City Recorder

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| Liza Simpson | Aye |

1. Consideration of waiver of building-related fees in the amount of $3,735 for the Fairway Hills Pump Station – See staff report.

2. Consideration of waiver of building-related fees in the amount of $61,369 for the Snow Creek Cottages Housing Project, located at 2060 Park Avenue, Park City, Utah – See staff report.

3. Consideration of a contract with Alliance Engineering in the amount of $39,115 for construction, engineering, management and inspection for the Fairway Hills finished waterline, in a form approved by the City Attorney – See staff report.

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

1. Consideration of an Ordinance establishing compensation for the Mayor, City Council and Statutory Officers for Fiscal Year 2009-2010, Park City, Utah – Jed Briggs explained that state law mandates that compensation for the Mayor, Council members and other statutory officers be set by ordinance and the adopted budget includes a 2% increase across the board for all pay grades. The Mayor opened the public hearing; there was no input and the hearing was closed. The City Manager explained that the amount reflected in the ordinance is 4% above actual compensation because members declined to take the 2% last year. Members were not comfortable accepting the full 4% and agreed to a 2% increase. Liza Simpson, "I move we approve the Ordinance (as modified) establishing compensation for the Mayor, City Council and statutory officers for Fiscal Year 2009-2010". Joe Kernan seconded. Motion carried.

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| Candace Erickson | Aye |
| Roger Harlan | Aye |
| Jim Hier | Absent |
| Joe Kernan | Aye |
| Liza Simpson | Aye |

2. Consideration of a construction agreement with Granite Construction in the amount of $1,276,572 for the construction of the Bonanza Drive Reconstruction Phase 1, in a form approved by the City Attorney – Todd Touchard described the location of the transmission line. He stated that bids were favorable and Granite was the low responsive bidder. Thomas Eddington referred to mixed positions on installing medians on Bonanza Drive and relayed that planning staff is recommending not installing them until a thorough analysis can be conducted for the area. Matt Cassel pointed out that the only medians remaining are located from Deer Valley Drive to upper Iron Horse and from Kearns Boulevard to Prospector Avenue. There are no restricted left turns from Deer Valley Drive to upper Iron Horse. Mr. Cassel explained that it is not a big deal pulling out the medians but the lanes may have to be realigned.

Ms. Erickson asked if planning has a problem with the medians from Deer Valley Drive to Iron Horse and Mr. Eddington explained that the planning staff is trying to look at this comprehensively and spoke about traffic modeling and scenarios where medians would hinder a future plan. Also, redevelopment plans for the NOMA District are uncertain at this time. Compromising the road by making adjustments or adding improvements in another phase was discussed.

Matt Cassel recommended installing the two remaining medians in the plan. Candace Erickson and Roger Harlan favored keeping the medians in place while Liza Simpson and Joe Kernan supported removing all of the medians. The City Manager explained that the contract will be modified appropriately. Liza Simpson, "I move we authorize the City Manager to execute a construction agreement for the reconstruction of Bonanza Drive, sans the medians, Phase 1 with Granite Construction in a form approved by the City Attorney in an amount not to exceed $1,275,572". Joe Kernan seconded. Motion carried.

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| Candace Erickson | Nay |
| Roger Harlan | Nay |
| Jim Hier | Absent |
| Joe Kernan | Aye |
| Liza Simpson | Aye |
| Dana Williams | Aye |

3. Consideration of an Ordinance amending Title 2, Administration, and Title 11, Building and Building Regulations, of the Municipal Code of Park City, Utah – Mark Harrington pointed out conflicting language regarding fee waivers and is recommending that the City Manager be authorized to waive fees up to $5,000. Amendments to Title 11 reflect 2008 amendments to state code and increased the Mayor's ability to vote in two instances, including on matter's affecting the Mayor's authority and employment of the City Manager. The remainder of the changes are more technical and a clarification was made regarding new positions being reviewed by Council as previously requested. The Mayor opened the public hearing; there was no input from the audience and the hearing was closed.

Roger Harlan, "I move approval of an Ordinance amending Title 2, Administration and Title 11, Building and Building Regulations of the Park City Municipal Code". Joe Kernan seconded. Motion carried.

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| Candace Erickson | Aye |
| Roger Harlan | Aye |
| Jim Hier | Absent |
| Joe Kernan | Aye |
| Liza Simpson | Aye |

# City Council Staff Report

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| **Subject:** | **Long Range Planning & General Plan Update** |
| **Author:** | **Thomas Eddington & Francisco Astorga** |
| **Date:** | **June 17, 2010** |
| **Type of Item:** | **Joint Meeting with Planning Commission – Informational** |

PARK CITY 1884 PLANNING DEPARTMENT

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**"If anything is certain, it is that change is certain. The world we are planning for today will not exist in this form tomorrow."**

\- **Philip Crosby**

**Summary Recommendations**

Staff recommends the Planning Commission and City Council hold a joint work-session concerning the Bonanza Park district (formerly NOMA) and provide input to the Planning Department relative to the long range planning of the area. The Planning Commission discussed the proposed ideas at their General Plan meeting in March 2010. The intent of the work-session is to update the City Council and ensure that there is general consensus for the Bonanza Park district.

**Description**

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| Location: | Park Avenue to Bonanza Drive; Kearns Boulevard to Deer Valley Drive |
| Zoning: | General Commercial (GC) and Light Industrial (LI), with Frontage Protection Zone (FPZ) Overlay |
| Adjacent Land Uses: | Commercial, retail, office, residential, utility, event space, storage, and industrial |
| Reason for Discussion: | The Planning Commission has the primary responsibility to update the City General Plan. The Commission considers long-range zoning and land use objectives. |

**Background**

The Bonanza Park district is the oldest commercial district outside of the City's historic Main Street area. As a planning area, the boundaries are Bonanza Drive to the East, Park Avenue to the west, Kearns Boulevard to the north, and Deer Valley Drive to the south (Exhibit A). According to the Park Bonanza Planning District supplement to the existing General Plan, the area includes those properties along both sides (including the east side, e.g. Park Plaza, etc.) of Bonanza Drive from Iron Horse Drive to Kearns Boulevard.

The area is currently a broad mix of land uses ranging from resort commissary and parking, to shops and restaurants, banking, public works buildings and a special events venue. Other uses include a storage area, small art and consignment shops, banks and real estate offices. The only movie theater in the City is within the area as well as one of the two main grocery stores.

The area is currently zoned General Commercial (GC) and Light Industrial (LI). The area includes housing along Kearns Boulevard and within the Rail Central project.

**Analysis**

Because the Bonanza Park district includes such a broad array of uses and provides services to the community at large, the district is an important part of the commercial life of Park City. The district is under pressure from competing commercial projects outside of the City, specifically Kimball Junction/Red Stone where movie theaters and restaurants in a themed mall atmosphere have developed near the junction of the interstate and the state highways that form the entry corridor to Park City.

Local restaurants and shopping continues to be an active part of the district, despite commercial competition from the junction areas. The cost of rental space in the area is less than the Main Street area, and parking is generally available.

The district is central to the daily flow of traffic to the resort areas and to the Main Street area. Four (4) of the City's eight (8) stop lights are located at the district's boundaries. Many intersections and driveways affect the flow of traffic in the district and impact the traffic to/from the resort areas and Main Street.

Several of the buildings and developments have undergone redevelopment in the past decade, including the Rail Central Project, the theater complex, and the Centura Emporium project. These projects represent significant efforts by the private sector to provide community level services in this area.

Despite this investment, the district continues to be underutilized and is being considered for redevelopment opportunities (it is worth noting that the southern half of the district, south of Iron Horse Drive, is currently located in the Lower Park Avenue Redevelopment Area). The area is currently car-focused with many large parking lots interspersed throughout, making pedestrian movement difficult.

**Long Range Planning Concepts Applicable to Bonanza Park**

The following concepts are being considered for the Bonanza Park district. These planning concepts have been successfully utilized in other jurisdictions and represent best practices in planning:

3% Strategy

In 2009 Envision Utah, a nonprofit regional partnership, prepared the 3% Strategy. According to Envision Utah "*The 3% Strategy approach responds to market trends and creates significant regional benefits, while leaving existing residential neighborhoods largely unchanged*."

The approach focuses on accommodating 33% of future development on 3% of the available land (Exhibit B). While Park City, and more specifically the Bonanza Park district, may not be facing the same challenges that the Wasatch Front might be facing there are several components within the prepared strategy that can be utilized in the master planning and re-development of the Bonanza Park area.

The five (5) principles for achieving the 3% Strategy are the following:

1. **Focus growth in economic centers and along major transportation corridors.** Centers feature housing and jobs within close proximity, resulting in shorter trips and greatly improving transportation performance. Rail and bus rapid transit systems provide the backbone for mobility among the centers. Streetcars, shuttles and bus corridors provide excellent internal transportation options, reducing dependence on cars.

2. **Create significant areas of mixed-use development throughout the region.** Mixed-use development with well-designed retail shops, worksites and housing nearby puts people closer to their frequent destinations, reducing travel time and cost.

3. **Target growth around transit stations.** Fostering employment near major road corridors and transit stations requires a constructive partnership between local governments and transportation agencies. The result is more effective use of our infrastructure and appealing new commuting options for the workforce.

4. **Encourage infill and redevelopment to revitalize declining neighborhoods.** Old industrial sites and transportation corridors, in particular, can be transformed into new neighborhoods with a range of housing options. Redeveloping non-residential areas brings new life to a community without affecting existing neighborhoods.

5. **Preserve rural, recreational and environmentally sensitive areas.** More compact economic centers will absorb much of the coming growth, taking pressure off critical undeveloped land such as farms, hillsides, riparian areas and winter range for wildlife. We can preserve opportunities for experiencing nature in our communities.

**Discussion:** At their March 2010 meeting, the Planning Commission concurred with Staff's recommendation to move forward with the development of the principles outlined within the 3% Strategy relative to the long range planning for the Bonanza Park district. They recognized that the need to provide a master plan for this district is essential if the City is to realize improved design and economic development opportunities. Does the City Council wish to provide any additional input or discuss these items with the Planning Commission/Department?

<u>Form-Based Code Overview (Morris, 2009)</u>
Form-based codes (FBCs) are a regulatory approach that communities use to control the form, size, and sitting of proposed buildings. Form-based codes emphasize the appearance and quality of the built environment. They support smart growth principles such as mixed use, compact development, increased density, and distinctive community character. They codify development patterns typical of neighborhoods built before World War II.

FBCs differ greatly from conventional zoning codes. Whereas conventional zoning codes are primarily concerned with land use and density, FBCs are primarily concerned with the <u>form</u> of the built environment. In practice, land use may be regulated in an FBC but as a secondary consideration to form. FBCs allow communities to focus on what they want from the built environment because they are *prescriptive* (they state the desired physical environment) rather than *proscriptive* (stating what is prohibited).

The standards included in an FBC typically establish these parameters:
- Building height (minimum and maximum).
- Building orientation (placement of structure in relation to fronting streets and adjacent building lots).
- Permissible uses (stated in general terms).

Optional parameters that maybe set by an FBC include:

- Landscape standards for the type, quantity, and placement of trees, shrubs, and groundcover.
- Architectural standard that dictate specific architectural specific architectural styles, buildings materials, exterior colors, and construction techniques.

**Discussion:** At their March 2010 meeting, the Planning Commission concurred with Staff's recommendation to move forward with additional analysis of form-based codes relative to the long range planning of the Bonanza Park district.  Does the City Council wish to provide any additional input or discuss these items with the Planning Commission/Department?

<u>Bonanza Park Master Planning – Guiding Concepts</u>

- Circulation in the Bonanza Park area should include primary mobility to pedestrians and cyclists with clear connectivity to our existing trail system.

- The City should develop an urban linear road alignment system that would support a grid network which would include narrow streets, natural traffic calming strategies, and smaller blocks, etc.

- The City should mandate the parking for each structure to be hidden from the front or the sides and at the same time changing the required number of parking spaces from a minimum to a maximum.

- Increased density and zero lot line setbacks should be considered in the building layout.

**Discussion:** At their March 2010 meeting, the Planning Commission concurred with Staff's recommendation to move forward with master planning for the Bonanza Park district  Does the City Council wish to provide any additional input or discuss these items with the Planning Commission/Department?

**<u>Recommendation</u>**

Staff recommends the City Council and Planning Commission hold a joint work-session concerning the Bonanza Park Area and provide input to the Planning Department relating to the long range planning of the area.

**<u>Exhibits</u>**

Exhibit A – Bonanza Park Aerial Map
Exhibit B – Envision Utah's 3% Strategy

**<u>References</u>**

Morris, M.  (2009).   Smart *Codes: Model Land-Development Regulations*.  Chicago, Illinois: American Planning Association

# Redevelopment Area

# The 3%

## Targeted Land-Use Changes

If we allow one-third of our future homes, jobs and stores to go on three percent of our region's developable land, linked by a world-class transportation system, we will...

# Strategy

## Big Quality-of-Life Benefits

- Improve air quality,
- Save billions of dollars,
- Reduce traffic congestion,
- Preserve our key open spaces,
- Use less water,
- Create vibrant communities and gathering places, and
- Respond to market demand for more choices for living, working, commuting, shopping and playing.



Envision Utah is a nonprofit partnership that engages people to create and sustain communities that are beautiful, prosperous, healthy, and neighborly, for current and future residents.

Envision Utah provides tools and training to help communities meet their strategic goals, evaluate and capitalize on growth opportunities, and minimize the negative impacts of our fast-growing population.

Envision Utah How we grow matters.
254 South 600 East, Suite 201
Salt Lake City, UT 84102
Phone: (801) 303-1450
E-Mail: info@envisionutah.org

## Challenge & Opportunity

Utah is among the fastest growing states in the nation due to our family-friendly environment and high quality of life. Growth brings both benefits and challenges:

- Two-thirds of the buildings that will exist in 2040 have not yet been built.
- Total investment in new development will approach $700 billion.
- More than 900,000 growth-related residential units will be constructed by 2040. About 180,000 existing housing units will be replaced, rebuilt or renovated.
- Nearly 1.9 billion square feet of new and rebuilt space will be needed to accommodate the projected 2.9 million jobs we'll have by 2040.If we continue current patterns of development, municipalities will soon find that growth-related expenses exceed expected revenues.
- The Wasatch Front has limited land available for development, and building roads to serve widely dispersed populations will become increasingly impractical.

Source: Arthur C. Nelson, Presidential Professor & Director of Metropolitan Research, University of Utah (2009)

All this development gives us the opportunity to create thriving urban environments and friendly neighborhoods. That's where Envision Utah's 3% Strategy comes in – strategically accommodating 33% of our future development on 3% of our land near key transit stops and road corridors. This approach responds to market trends and creates significant regional benefits, while leaving existing residential neighborhoods largely unchanged.

# 3% Strategy

## Accommodate 33% of Future Development on 3% of the Available Land

## The Benefits

To meet consumer demand, half of all new housing between now and 2040 should be in mixed-use, transit-accessible locations (Source: Nelson). If we create such walkable town centers and villages, we'll reap regional benefits:

- Neighborhoods that reflect consumer preferences, supporting property values and municipal revenues.
- 10% less driving, resulting in cleaner air, less traffic congestion, and $6.4 to $8.8 billion in savings.
- Lower per capita water use.
- More active neighborhoods, supporting improved public health.
- More choices for how we live, work and travel.

## A Practical Market Solution

The 3% Strategy encourages targeted investment to create exceptional places and maximize efficiency while keeping the cost of living in check.

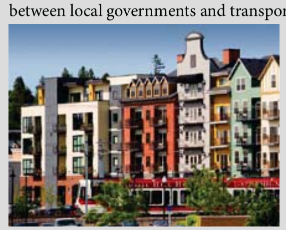
Market analyses suggest that one-third of Utahns will want to live in walkable neighborhoods, close to school, church, the grocery store and other services [Source: Robert Charles Lesser Company, Wasatch Front Development Trends (Nov. 2007); Nelson (2009)). Declining household size, increasing housing and energy costs, and a growing desire to trade commute time for family, service, work and recreation time will drive this demand for walkable living. Currently, the supply of these neighborhoods lags demand, increasing their cost and reducing choice. The 3% Strategy responds to this consumer demand, while preserving traditional single-family neighborhoods for the majority who prefer suburban living.

## 5 Principles for Achieving the 3% Strategy

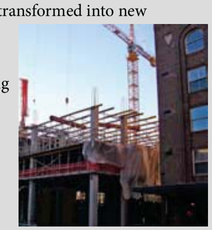
**1. Focus growth in economic centers and along major transportation corridors.** Centers feature housing and jobs within close proximity, resulting in shorter trips and greatly improving transportation performance. Rail and bus rapid transit systems provide the backbone for mobility among the centers. Streetcars, shuttles and bus corridors provide excellent internal transportation options, reducing dependence on cars.

**2. Create significant areas of mixed-use development throughout the region.** Mixed-use development with well-designed retail shops, worksites and housing nearby puts people closer to their frequent destinations, reducing travel time and cost.

**3. Target growth around transit stations.** Fostering employment near major road corridors and transit stations requires a constructive partnership between local governments and transportation agencies. The result is more effective use of our infrastructure and appealing new commuting options for the workforce.



**4. Encourage infill and redevelopment to revitalize declining neighborhoods.** Old industrial sites and transportation corridors, in particular, can be transformed into new neighborhoods with a range of housing options. Redeveloping non-residential areas brings new life to a community without affecting existing neighborhoods.



**5. Preserve rural, recreational and environmentally sensitive areas.** More compact economic centers will absorb much of the coming growth, taking pressure off critical undeveloped land such as farms, hillsides, riparian areas and winter range for wildlife. We can preserve opportunities for experiencing nature in our communities.

Source: Wasatch Choices 2040 Growth Principles, adopted by elected officials comprising the Wasatch Front Regional Council

**PARK CITY COUNCIL WORK SESSION NOTES**
**SUMMIT COUNTY, UTAH**
**JUNE 3, 2010**

**Present:** **Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson**

**Tom Bakaly, City Manager, Mark Harrington, City Attorney; Jed Briggs, Budget Analyst; Nate Rockwood, Budget Analyst; Bret Howser, Budget Manager; and Hugh Daniels, Emergency Operations Manager**

**1. Council questions/comments.** Candace Erickson discussed the service award dinner held on Tuesday and her appreciation of long-term employees. Liza Simpson reported on Lodging Association business. Cindy Matsumoto commented on the Board of Education's indicators forum and the Historical Society's interior design award for the museum.

**2. Budget review.** Nate Rockwood highlighted amendments to the fee resolution and Joe Kernan asked the percent increase for all fees. Mr. Rockwood stated that there is not an across-the-board increase, although water fees increase by planned increments. Jed Briggs indicated that planning and building fees are increasing about 10% to 12%; they have not been updated for about 10 years. Mr. Kernan felt the increase may not be enough and Mr. Briggs explained that planning fees are phased and planned to increase the next three years and building permits are based on construction valuations which have an inflationary component. He referred to the fee study conducted which contains percentage information. Alex Butwinski asked if an analysis was done on what the market could bear and Mr. Briggs explained that comparables of other cities and towns and the International Code Council were taken into consideration. He felt that Park City is unique in many ways like the value of construction and the application of Historic District Guidelines and in almost all cases, the City is not recovering 100% but usually between 30% to 50%.

Candace Erickson discussed collecting significant building and planning fees for a project like the Montage upfront, but staff costs can continue for years. Mark Harrington relayed that there is consensus in the building community that the City's fees are reasonable and this should be considered. Mr. Butwinski suggested tracking staff and service costs for projects and Jed Briggs explained visiting the Montage with building inspectors to gain a better understanding of the extent of services. It is staff's recommendation to look at building fees again next year in the context of costs and revenues and to incrementally increase planning fees for the next three years to get closer to 50% recovery. Ms. Simpson suggested a philosophical discussion on cost recovery in the upcoming year.

Nate Rockwood indicated that not many changes were made to the budget policies. The asset management plan has been clarified and the recession revenue shortfall plan better defines the levels. Joe Kernan asked if a study has been performed on the effectiveness of the recession plan and Bret Howser stated that the policy has been practiced for the last two years and the City has been able to cover shortfalls based on its methodology. It's a quick reference to follow steps to cover the shortfall but it has to be carefully implemented in the context of the budget.

Hugh Daniels explained that the Comprehensive Emergency Management Plan must be adopted annually in order to meet FEMA and NIMS requirements. A couple dozen changes, outlined in the staff report, were made over the year which will be ratified with the adoption of the resolution. There's a significant amount of data backing up the basic plan. He discussed on-going state and federal updates to the rules and training.

Rather than raising the Mayor's and Council's compensation, Liza Simpson suggested that those funds be allocated to the Council budget to cover travel expenses. Tom Bakaly explained that the adjustment will be reflected in the final budget, as the tentative budget is scheduled for adoption tonight. Bret Howser confirmed that $22,000 will be moved to the meetings, conference and travel budget line item.

Mr. Howser explained that staff looked for $2.3 million in cuts from the CIP to fund the shortfall of the Recreation Center acknowledging that the green elements were removed. The recommendation is to remove $750,000 from the CIP balance, $350,000 from remaining Marsac seismic renovation funds, $500,000 from asset management, $50,000 from Quinns public improvements, $116,000 from the Racquet Club equipment replacement fund, and the remaining money from the OTIS Phase 2A line. He stated that this would leave enough cash in OTIS Phase 2A to complete the Sandridge Project. Staff recommends leaving the remaining money in the energy efficiency and the information systems projects. Discussion ensued about the recreation equipment replacement fund and a strategy to meet needs in the new facility. Ms. Simpson recalled that her notes did not include taking the entire energy efficiencies study money. Alex Butwinski suggested that any reserves beyond 18% be allocated to the asset management fund. Mr. Howser spoke about assigning excess sales tax revenues directly into the CIP Fund.

In response to a comment from Mr. Butwinski about the arrangement for funding for the expanded snow removal service at Quinns, Mr. Howser explained that shared funding from the School District and Snyderville Basin Special Recreation District is required in order for the City to proceed with its capital purchase for the project. Mr. Butwinski suggested looking at raising tennis court fees at the remodeled facility and the City Manager felt this could be reviewed next year.

Tom Bakaly explained that the tentative budget contains the pay plan. There was discussion last week about creating circuit breakers to control how quickly an employee can move to the top of the range or working level. He explained that the personnel policies and procedures manual will be considered next week which will address this and a policy discussion on the pay plan will be held later. Liza Simpson felt that capping a move at 7% rather than 10% per six months is a good idea and is in favor of moving ahead with the pay plan. It is important that when mechanisms like the pay plan are put in place that they are revisited regularly. Mr. Butwinski suggested a 5% cap which would result in taking 18 months to reach working level which seems more appropriate. Candace Erickson expressed concern that 5% is not enough in consideration that some positions may be 15% behind the market and she hoped to reach a balance. Ms. Matsumoto pointed out the potential of receiving more than 5% by moving to a higher grade and then moving within the grade, and has not found any city on the internet who is giving raises to its employees. She supports a cap of 5% a year, not six months, and is not supportive of funding the whole pay plan. In response to a question from Cindy Matsumoto, Tom Bakaly confirmed that he and the City Attorney are deferring their salary increases this year. The only statutory officers recommended to receive raises are the Treasurer and Engineer. Liza Simpson added that the pay plan was implemented last in July 2007 which may have resulted in a number of positions being under market. She supports moving ahead with the pay plan and is more inclined to reduce and monitor the cap at 7%.

Joe Kernan stated that he feels comfortable with 5%. He expressed an interest to change the City Manager's Recommended Budget by moving the increase in personnel funds to specific CIP funds and in the short term, fund bonuses through departments. He agreed with Cindy Matsumoto about citizen input and practices of other cities. Although the pay plan has been reduced from $1 million to about $840,000 it is still a big deal because it is gone forever. It might be helpful to wait before committing to the amount and conducting a comprehensive discussion on the pay plan in the meantime. Service levels should be discussed in the context of the pay plan. Rather than hiring more FTEs, Mr. Kernan suggested considering rewarding employees taking on more responsibilities with salary increases and bonuses. Studying whether bonuses and/or raises are valid motivators is another topic of interest, and specifically turnover of positions; there is a lot of work to do.

The Mayor stated that he still buys into the performance for pay philosophy and Candace Erickson felt it is time to look at the pay plan again but overall, she feels the approach has worked well. She spoke about the years Summit County attracted City employees with higher pay. Liza Simpson pointed out that less turnover relates to reduced costs in training and liability. Alex Butwinski acknowledged a consensus on a cap of 5% per six months and Joe Kernan expressed that he would feel more comfortable controlling costs until the Council goes through this exercise. Candace Erickson did not support moving personnel funds to the CIP because of the complexity of moving them back to the General Fund. Tom Bakaly discussed budgeting for the pay plan this year and putting in place a circuit breaker to monitor the amount and timing of salary adjustments. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**JUNE 3, 2010**

## I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 3, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kent Cashel, Transportation Manager; Bret Howser, Budget Manager; and Hugh Daniels, Emergency Operations Manager.

## II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

## IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 20, 2010

Candace Erickson, "I move we approve the work session notes and minutes of the meeting of May 20, 2010". Joe Kernan seconded. Motion unanimously carried.

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

1. Consideration of authorization for accumulated change orders in an amount not to exceed $35,563 to the contract with Simplex Grinnell for the installation of security cameras and emergency phones at the Richardson Flat Park and Ride – Kent Cashel referred to his staff report and explained the many benefits of a wireless system at this location with no utilities. He clarified that the authorization is an amount not to exceed $35,563, but no other additional cash is needed since the City's contribution to the federal grant is land value which can be adjusted. The Mayor still expressed security concerns because the location is so isolated and Mr. Cashel discussed The Montage hiring a security guard for its use of the lot. This is a potential option that may be considered in the future. The Mayor invited public input; there was none. Alex Butwinski, "I move that Council authorize accumulated change orders in an amount not to exceed $35,563 to the contract with Simplex Grinnell for the installation of security cameras and emergency phones at the Richardson Flat Park and Ride". Liza Simpson seconded. Motion unanimously carried.

2, Consideration of a Resolution adopting a Comprehensive Emergency Management Plan for Park City, Utah and replacing and repealing Resolution No. 14-09 in its entirety – Hugh Daniels explained that adoption of an annual resolution is a requirement of FEMA and NIMS which was discussed during work session. The Mayor invited public input; there was none. Liza Simpson, "I move we approve the Resolution adopting a Comprehensive Emergency Management Plan for Park City, Utah and replacing and repealing Resolution No. 14-09 in its entirety". Alex Butwinski seconded. Motion unanimously carried.

3. Consideration of a Resolution Amending Section 1, Planning Fees; Section 2, Water Fees; Section 7, Parking, Meter Rates, Violations, Towing and Impound Fees; Section 8, Recreation Services and Facility Rental Fees of the Park City Fee Resolution and replacing and repealing Resolution 05-10 in its entirety – See staff report and work session discussion. The Mayor requested public input; there were no comments from the audience. Alex Butwinski, "I move approval of a Resolution Amending Section 1, Planning Fees; Section 2, Water Fees; Section 7, Parking, Meter Rates, Violations, Towing and Impound Fees; Section 8, Recreation Services and Facility Rental Fees of the Park City Fee Resolution and replacing and repealing Resolution 05-10 in its entirety". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of an Ordinance establishing compensation for the Mayor, City Council and Statutory Officers for Fiscal Year 2010-2011, Park City, Utah – Tom Bakaly pointed out that this Ordinance addresses compensation for the Mayor, City Council, City Manager, City Attorney, City Engineer, City Treasurer and City Recorder, all statutory officers of the City. Increases for the Engineer and Treasurer are reflected in the draft Ordinance. The Mayor requested a motion to move this item after Item 5 on the agenda. Candace Erickson, "I so move". Alex Butwinski seconded. Motion unanimously carried.

The Mayor referred to the motion below for the adoption of the tentative budget, so increases for the Treasurer and Engineer, outlined in the Ordinance, are compliant with direction given by members regarding the 5% circuit breaker per six month period. The City Recorder's salary is not changing. Minor corrections were discussed including the fee charged for officiating a wedding. The Mayor opened the public hearing; there were no comments and it was closed. Joe Kernan, "I move we pass the Ordinance establishing compensation for the Mayor, City Council and Statutory Officers for Fiscal Year 2010-2011, as amended". Liza Simpson seconded. Motion carried unanimously. Liza Simpson thanked Mr. Kernan for his contributions to the budget review.

5. Consideration of a Resolution adopting a tentative revised budget for fiscal year 2010 and the budget for fiscal year 2011 for Park City Municipal Corporation and its related agencies - This item was discussed prior to action on Item 4. The Mayor opened the public hearing. There were no comments from the audience and the public hearing was closed.

Joe Kernan suggested that bonuses be funded out of departments because of the timing of the economy and what other cities are doing. This is more than just $840,000 in personnel because it is a commitment to an on-going expense. These funds should be set aside until important discussions on personnel and levels of service are conducted. The amount of $840,000 could represent a bond payment or hiring up to nine employees with benefits and supplies. Joe Kernan, "I move that we take the $840,000 increase out of the personnel budget and set it aside in the CIP budgets". Alex Butwinski seconded. (Motion later withdrawn).

Candace Erickson understood that the motion would mean that no employee will receive an increase, even in the case of a reorganization. There is no flexibility with moving the funds to capital and nothing is budgeted in the General Fund to add employees. Joe Kernan spoke about funding part of the pay plan which Cindy Matsumoto questioned. He stated that he will amend his motion to move funding somewhere else if it can be accessed easier. Ms. Erickson pointed out that managers do not have the funds in their individual budgets to give bonuses because departmental cuts have already been made. Liza Simpson envisioned conducting a detailed discussion on the pay plan in the upcoming months and understood that Mr. Kernan would like to freeze bonuses and raises until that discussion occurs.

Tom Bakaly agreed that moving the funds to the General Fund or a contingency would be better than the CIP and explained the reasons for creating a bonus pool. Candace Erickson discussed employees who have taken on more responsibility and deserve an increase in pay and Joe Kernan suggested setting aside funds that the City Manager can disperse at his discretion. Liza Simpson strongly felt that this conversation deserves more time in the upcoming months and not funding the pay plan now is inefficient. She believed that creating a bonus pool is more appropriate because it is a transparent approach. Bret Howser described applying the vacancy factor to the budget. Cindy Matsumoto favored placing a cap on increases. Recruitments and pay for new employees were discussed.

Mayor Williams publicly acknowledged Joe Kernan's hard work during the budget process, however he felt the motion is too sweeping and can't support it. Mr. Kernan withdrew his motion and Alex Butwinski withdrew his second. Joe Kernan, "Instead of the sweeping $840,000, I move to leave $100,000 in there for the City Manager to make whatever pay range increases are needed for those people who are actually changing their levels of responsibility". Motion died for lack of second. Alex Butwinski also thanked Mr. Kernan for his efforts on the budget. Mayor Williams confirmed consensus on a 5% cap on bonuses and raises per six months. Alex Butwinski, "<u>I move that we implement the pay plan as presented with a 5% six month circuit breaker to achieve the grade level</u>". Liza Simpson seconded with an amendment that the raise in compensation for the City Council be moved to operating rather than personnel; Alex Butwinski accepted the amendment. <u>Motion carried</u>.

| | |
|---|---|
| Alex Butwinski | Aye |
| Candace Erickson | Aye |
| Joe Kernan | Nay |
| Cindy Matsumoto | Aye |
| Liza Simpson | Aye |

**VI ADDITIONAL DISCUSSION – AGENDA ITEMS**

**VII 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 3:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Alex Butwinski, "<u>I move to close the meeting to discuss property and litigation</u>". Liza Simpson seconded. <u>Motion carried unanimously</u>. The meeting opened at approximately 4:30 p.m. Joe Kernan, "<u>I move to open the meeting</u>". Candy Erickson seconded. <u>Motion unanimously carried</u>.

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, City Recorder

**PARK CITY REDEVELOPMENT AGENCY**
**SUMMIT COUNTY, UTAH**
**APRIL 15, 2010**

## I ROLL CALL

Chairman Dana Williams called the regular meeting of the Redevelopment Agency to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 15, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney;

## II PUBLIC INPUT

None.

## III MINUTES OF MEETING OF JANUARY 7, 2010

Joe Kernan, "I move we accept the Minutes of January 7, 2010". Liza Simpson seconded. Motion unanimously carried.

## IV NEW BUSINESS

Consideration to proceed with real estate purchase contracts for the sale of the Snow Creek Cottages, 2061 Snow Creek Drive, Park City, Utah, in a form approved by the City Attorney – The Chairman opened the public hearing and with no comments from the audience, closed the hearing. Liza Simpson, "I move we proceed with real estate purchase contracts for the sale of the Snow Creek Cottage, 2061 Snow Creek Drive, in a form approved by the City Attorney". Alex Butwinski 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, Secretary

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Janet M. Scott, Secretary

**PARK CITY MUNICIPAL BUILDING AUTHORITY**
**SUMMIT COUNTY, UTAH**
**JANUARY 7, 2010**

## I ROLL CALL

Chairman Dana Williams called the regular meeting of the MBA to order at approximately 6:45 p.m. at the Marsac Municipal Building on Thursday, January 7, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, 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 18, 2009

Members Alex Butwinski and Cindy Matsumoto abstained as they were not seated on the Board at that time. Liza Simpson, "<u>I move approval of the minutes of June 18, 2009</u>". Joe Kernan seconded. <u>Motion carried</u>.

| | |
|---|---|
| Alex Butwinski | Abstention |
| Candace Erickson | Aye |
| Joe Kernan | Aye |
| Cindy Matsumoto | Abstention |
| Liza Simpson | Aye |

## IV CONSENT AGENDA

<u>Consideration of a Resolution establishing a regular meeting date, time, and location for 2010 meetings and appointing officers of the Board of Directors of the Park City Municipal Building Authority</u> – Candace Erickson, "<u>I move approval of the Resolution</u>". Cindy Matsumoto seconded. <u>Motion unanimously carried</u>.

## V ADJOURNMENT

With no further business, the regular meeting of the MBA 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

# City Council Staff Report

**Subject:** **Resolution Naming the Skate Park**
**The Roger Harlan Memorial Skate Park – "*The Rog*"**
**Author:** **Janet M. Scott**
**Department:** **City Manager**
**Date:** **June 17, 2010**
**Type of Item:** **Legislative**

**Summary Recommendations:**
Approve a Resolution naming the Park City Skate Park the Roger Harlan Memorial Skate Park – "*The Rog"* and encouraging citizens to attend the *"Ride The Rog"* Dedication on June 26, 2010

**Topic/Description:**
The Mayor has discussed his interest in naming the Park City Skate Park in memory of Roger Harlan for some time and staff has prepared a resolution for consideration by Council.

The Dedication is scheduled on **Saturday, June 26 at 2:30 p.m.**, two days before Roger's $75^{th}$ birthday. This date seems ideal since the first Skate Series competition of the year will be held from 10 a.m. to 3 p.m. so patrons of the Park will be there. Also, the Employee Picnic will be held that day at City Park from 3 p.m. to 6 p.m. and it is felt that many employees will be willing to arrive early to attend the celebration and we'll make sure to get the word out. Marilyn will not be at Thursday's meeting. The Mayor will be presenting the Resolution to her at the Dedication on the $26^{th}$.

**RESOLUTION NAMING THE PARK CITY SKATE PARK**
**THE ROGER HARLAN MEMORIAL SKATE PARK – *"THE ROG"***
**AND ENCOURAGING CITIZENS TO ATTEND THE**
***"RIDE THE ROG"* DEDICATION ON JUNE 26, 2010**

WHEREAS, Roger E. Harlan was born on June 28, 1935 in Los Angeles, California and unexpectedly passed away in Salt Lake City, Utah on January 5, 2010, leaving everyone he touched deeply saddened. But those fortunate enough to have had the opportunity to know him, often feel his presence through his lasting legacies throughout town which will be enjoyed by many for generations to come; and

WHEREAS, Rog received his Masters Degree from Fuller Theological Seminary and in the late 1950's, joined Young Life, a non-profit Christian non-denominational ministry focusing on youth. Roger was not your typical ordained minister. His mischievousness, love of life and practical jokes, and most of all, ability to laugh at himself were all attributes that made him genuine, well loved, and an effective mentor; and

WHEREAS, while working in Dallas, Texas he met Marilyn Wyatt, also with Young Life. They were married on May 6, 1961. Roger's career with Young Life would eventually take the Harlan Family from Philadelphia to Toronto, Orange County, and Pittsburg before settling in Park City in 1987; and

WHEREAS, Rog's first contact with the '*City*' came in the mid-1980s when he visited the Library, then located in the Miners Hospital Community Center and in his own words, *"It was an amazing day. I walked around all three floors looking at the quality restoration that had been performed, and said "What kind of city would put this much effort into a public library?"* That was it. Roger was hooked on Park City and its culture; and

WHEREAS, after moving here the Harlans immediately began giving back to the community. Roger brought Young Life to Utah and Marilyn was one of the founders of Friends of the Animals. Both non-profit organizations have been incredibly successful, significantly benefitting both our young and four-legged citizens; and

WHEREAS, in August 1992, Rog applied for and was selected to fill an unexpired term on City Council and at this point in time, *Roger the Statesman* was realized. His amicable style easily won him two elections and brought a great dynamic to the councils he served with over a total of ten years. During his four year sabbatical before returning to Council in 2006, he thoroughly enjoyed employment as a City bus driver, gaining a whole new perspective on his town; and

WHEREAS, commensurate with his life interests, he served as City liaison to the Library Board, Board of Education, Public Art Advisory Board, and Mountainlands Community Housing Trust. Roger also held positions on the Salt Lake Theological Seminary, Mountain Life Church and was the founding director of SportsLife, another non-profit Christian youth organization; and

WHEREAS, The Skate Park's grand opening occurred on July 4, 2001 and the expansion completed in 2006 and it is not surprising that recreation endeavors, including the Library, Ice Arena and Skate Park were among Roger's favorite projects, because of his commitment to education and sports and their direct association with and positive influence on the future of our children;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby deem it appropriate to name the Park City Skate Park,

***The Roger Harlan Memorial Skate Park – "The Rog"***

And encourage the community to attend the *Ride the Rog Dedication*, celebrating his love of life on Saturday, June 26, 2010.

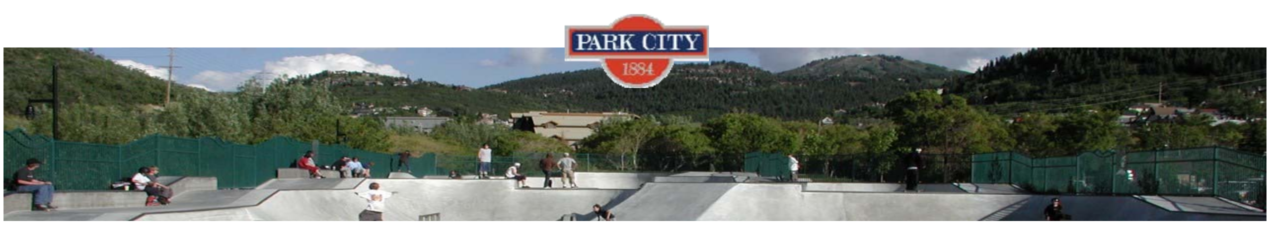
PASSED AND ADOPTED this 17th day of June, 2010.

PARK CITY MUNICIPAL CORPORATION

Attest:

Mayor Dana Williams

Janet M. Scott, City Recorder



**Resolution No.**

**A RESOLUTION ADOPTING THE REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL, EFFECTIVE JULY 1, 2010, FOR PARK CITY MUNICIPAL CORPORATION**

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

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

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

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

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

**SECTION 1. ADOPTION .** The Personnel Policies and Procedures Manual, dated July 1, 2010 attached hereto, is hereby adopted and the 2009 version is hereby repealed including any temporary amendments thereto adopted by the City Manager

**SECTION 2. EFFECTIVE DATE.** This Resolution shall take effect on July 1, 2010.

PASSED AND ADOPTED this 17th day of June, 2010.

**The staff report and Manual were distributed last week. Contact Jan Scott 435-615-5007 to request a copy.**

## City Council
## Staff Report

**Subject:** **Brenda Smith Tree of Life Celebration**
**Author:** **Max J. Paap**
**Department:** **Sustainability**
**Date:** **June 17, 2010**
**Type of Item:** **Administrative – Master Festival License**

**Summary Recommendations:**
Review the Master Festival License application, conduct a public hearing, and approve the license for the Brenda Smith Tree of Life Celebration, as conditioned, on June 20, 2010 to be held at South City Park and the Sound garden.

**Description:**

**Topic:**
Brenda Smith Tree of Life Celebration

**Background:**
Mary Beth Mazzone, on behalf of the friends and family of long time 'local' Brenda Smith, submitted an application to dedicate a tree in her memory and to have a gathering of loved ones in South City Park. This one day event would program the same space utilized by the Children's Fair, 4th of July, and Miner's Day that take place in South City Park on an annual basis. The organizer expects attendance to be around 200 at any given time. The space would be programmed from 10:00 am to 8:00 pm on Sunday, June 20, 2010. The organizer has met with Special Events staff to go over any logistical challenges or other issues.

**Analysis:**
This application is being reviewed as a Master Festival License due to the request for amplified music, attraction of large crowds, and use of City property.

The following areas were scrutinized by the Events Team when considering the recommendation to approve the event.

<u>City Park Activities</u>
The event organizers have requested to hold their event in South City Park on Sunday, June 20. They would begin to take over South City Park at 9:00 am to facilitate the build out the green space between the BBQ area and the music pavilion. They plan to begin the day with a short prayer and a few words in memory of the deceased at the Soundgargen. After which time they will proceed to the south park and prepare a BBQ and have scheduled some minor announcements and live amplified music will be played in the pavilion. Music will be oriented towards Deer

Valley Drive to minimize sound impacts to the neighborhood. The event is scheduled to be finished no later than 8:00 pm.

Parking

Parking for the anticipated crowd of 200 can be accommodated with the public parking in City Park, the Mahwhinney lot and street parking along Park Avenue. The applicant currently has a parking request for use of the Silver King lot at PCMR; which would also be available as a satellite parking option.

Use of Park

As part of the event overhaul we have been analyzing the number of events versus use/availability of public facilities. No conclusions have been drawn yet, but the chart below is a current estimate use of City Park. This is based on Summer being May through September. Special events were defined as larger public events and Recreation programmed events were defined as smaller, private events such as family reunions.

| # of available days | Available to Public | Special events | Recreation programmed |
|---|---|---|---|
| 150 days | 106 days | 10 days | 34 days |
| | | | |

**Department Review:**

All applicable departments have reviewed the application for the Brenda Smith Tree of Life Celebration and their comments have been incorporated into the report.

**Alternatives:**

**Approve the Request:**

Approve the Master Festival License allowing the Brenda Smith Tree of Life Celebration as described. This is staff's recommendation.

**Deny the Request:**

Deny the Master Festival License, preventing the addition of the Brenda Smith Tree of Life Celebration to Park City's schedule of events.

**Continue the Item:**

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

**Significant Impacts:**

Park City has held many similar events to the Brenda Smith Tree of Life Celebration. Impacts that could be caused by parking inventories are of some concern. By actively addressing those Public Safety impacts should be kept to a manageable level.

**Consequences of not taking the recommended action:**

The Brenda Smith Tree of Life Celebration would not take place on public property.

**RECOMMENDATION:**
Staff recommends the City Council conduct a public hearing and approve a Master Festival for the Brenda Smith Tree of Life Celebration June 20, 2010 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Brenda Smith Tree of Life Celebration will be held on Sunday, June 20, 2010. The event will last from10:00 am to 8:00 pm and will occur at South City Park.
2. Parking for the anticipated crowd of 200 people can be accommodated within the existing public parking lots in and around the venues. The organizers have contacted PCMR for additional parking. The conduct of the Brenda Smith Tree of Life Celebration will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The events associated with the Brenda Smith Tree of Life Celebration will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held at South City Park. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. There is one other Master Festival or Special Event license that has been granted for June 20, 2010. The table below will show in column (A) – Geographic separation of the events; column (B) – Proposed time and duration of the events; and column (C) – Anticipated attendance; therefore appropriate findings can be made that both events can occur at the same time.

| 2010 DATE | EVENT | A – Geographic Separation | B - Proposed Time & Duration | C – Anticipated Attendance |
|---|---|---|---|---|
| **Jun 20** | **Brenda Smith Memorial** | **City Park** | **10AM-8PM** | **200** |
| Jun 20 | Park Silly Sunday Market | Main Street | 10AM-5PM | 5000 |
| | | | | |

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

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

Conclusions of Law:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. All amplified music/sound may begin at 10:00 am and at least cease by 8:00 pm on Sunday, June 20, 2010 in South City Park.
4. The applicant will work with City Staff to orient the music/demonstration stage so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
(A) The program manager, or his/her designee, shall provide on-site management for the event.
5. (B) A sound technician shall provide on-site monitoring for the event with music, amplified or otherwise, and any amplified event.
(C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
6. All plans for tents, fireworks, stages, signs and other temporary structures shall be submitted to the Building Department for review and permitting by June 11, 2010.

**Attachments**

Exhibit A- Applicant’s Summary of Activities

# PARK CITY MUNICIPAL CORPORATION
# SPECIAL EVENT AND MASTER FESTIVAL LICENSE
# EVENT APPLICATION - PART I

PARK CITY

Special Events
435.615.5150
specialevents@parkcity.org

PART I of the Special Event and Master Festival License (MFL) must be completed and submitted electronically to the Special Events Department no less than 90 days prior to a MFL or no less than 60 days prior to a Special Event.
The application will be reviewed by the Special Events Department. *Granting of the permit is not guaranteed.*

## APPLICANTION FEES - DUE AT TIME APPLICANT SUBMITS PART I

All new applications require a $100 application processing fee.
All applications for returning events require a $50 application processing fee.
The Application Fee is NON-REFUNDABLE.

## ADDITIONAL FEES

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant. Applicant will receive a final invoice approximately two weeks after the event concludes.

## APPLICANT AND SPONSORING ORGANIZATION INFORMATION

| | | |
|---|---|---|
| NAME | MaryBeth Mazzone | |
| STREET ADDRESS | 205 Woodside Ave, PO Box 424 | |
| CITY, STATE, ZIP CODE | Park City, UT 84060 | |
| DAY PHONE | 435.640.8256 | |
| FAX PHONE | 435.649.8061 | |
| E-MAIL ADDRESS | producermb@mac.com | |
| SPONSORING ORGANIZATION | | |
| Contact Person "ON SITE" Day of Event | Name:MaryBeth Mazzone | Cell Number: 435.640.8256 |

## EVENT INFORMATION

Type of Event (Check all that apply):

| | | | | | |
|---|---|---|---|---|---|
| Master Festival Criteria: A PUBLIC EVENT (If one box is checked, the event is automatically a MFL) | ☐ Attraction of crowds over 500 | ☐ Street Closure | ✓Use of City park, building or property | ☐ Use of off-site parking facility | ✓ Use of amplified music |
| Special Event Criteria: PRIVATE OR PUBLIC EVENT | ☐ Causes significant public impacts via disturbance, crowd, traffic/parking | ☐ Disruption of the normal routine of the community or affected neighborhood | ☐ Necessitates temporary business or liquor licensing | ☐ Events signs, visible from public property | ☐ Temporary structures |

| | | |
|---|---|---|
| ☐ Run/Walk | ☐ Parade | ☐ Trail Event |
| ☐ Road Bike Event | ☐ Park Festival | ☐ OTHER (please specify): |
| ☐ Street Fair | ☐ Concert | |

| | | |
|---|---|---|
| EVENT TITLE: | Brenda Smith Tree of Life Celebration | |
| FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS?) | First time | |
| EVENT DATE (S) | June 20, 2010 | |
| EVENT HOURS | START: 10am | END: 8pm |
| SET-UP | DATE: 6/20/10 | TIME: 9am |
| BREAK DOWN | DATE: 6/20/10 | TIME: 8pm |

| ATTENDANCE | PARTICIPANTS: 20 | SPECTATORS: 200 | TOTAL: 220 |
|---|---|---|---|
| LOCATION | | | |

| OVERALL EVENT DESCRIPTION (Briefly explain event and activities): |
|---|
| The city is planting a memorial tree by the sound garden. We intend to have a prayer and a few words at the tree, then proceed to city park to have music and bbq. |
| |
| |
| |

| MARKETING YOUR EVENT (Your Marketing Plan is criteria for approval of your event) | | |
|---|---|---|
| Contact the Park City Chamber/Bureau to help market y our event | 435.649.6100 | www.parkcityinfo.com |
| PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT:<br><br>KPCW, email, Park Record. | | |

**RULES AND REGULATIONS**

- A non-refundable application fee is required at the time the application is submitted to Park City Municipal Corporation. For new events the application fee is $100, for returning events the application fee is $50.00.
- Part I of the application must be submitted a minimum of 90 days prior to a Master Festival License (MFL) and 60 days prior to a Special Event. Part II of the application for both a MFL and a Special Event must be submitted 45 days prior to the requested event date.
- A site plan of your event is required with your application identifying street closures, signs, supply trucks, barricades, tents, activity location, portable toilets, bleachers, other temporary structures, water stations, headquarters, solid waste containers, entrance/exits, walkways and any other details that would assist the Special Event Staff with understanding the setup of your event.
- For runs, walks and parades a site plan outlining your route must be submitted along with your Special Event Permit application. If your event will generate additional traffic, or interrupt existing traffic on any city street, a traffic control plan outlining necessary street closures is required before a Special Event Permit will be issued.
- Permit Applications may require review by the City Council for approval or denial. Need for review is based on size, location, scope and impact of event.
- An applicant must schedule a meeting with Special Event Staff 30 working days prior to event.
- A certificate of insurance must be filed with Special Event Services ten (10) working days before the event in the amount of $2,000,000. The City of Park City requires all certificates of insurance to be submitted on a standard ACORD form, or on the insurance company's letterhead. Park City Municipal Corporation must be listed as additionally insured. If you do not have insurance, the City of Park City is able to provide you insurance, at a cost, through the TULIP Program. Please visit our website at; www.parkcity.org/Special Events & Facilities/applications/index.html.
- All debris and trash must be removed from an event site immediately after the event. Failure to do so may require more City Services. All expenses will be the responsibility of the event applicant. It is highly recommended that the applicant provide recyclable receptacles at the event. Please contact a local recycle company (information provided in Application Part II). Thank you.
- Depending on the duration of your event and the availability of public restrooms, you may need to rent portable chemical toilets to accommodate participants. Park City Municipal Corporation City Code requires one (1) chemical toilet for every 65 people. The figure is based upon the maximum number at your event during peak time. The total number of toilets will be determined on a case-by-case basis.

| |
|---|
| • You must receive approval for your event before you promote market or advertise your event. Conditional approval will be made after the event organizer submits the application and it is initially screened. Acceptance of your Special Event Application by the City is not a guarantee of the date, location or an automatic approval of your event.<br>• Only readily removable barricades may be used for street closures and a 20-ft lane of clearance is required for emergency vehicle access at all times. You may be required to provide advisory signs if your event impacts a major use roadway. Advisory signs are intended to provide advanced notice to the regular users of a roadway of the scheduled closure.<br>• In some cases, the hiring of officers from the Park City Police Department, a professional security company, or a combination of both may be required in order to obtain a Special Event Permit. The Park City Police Department determines the need, number, and type of security personnel based on expected attendance, location of the event, the presence of alcohol, history of the event, nature of the event, street closures, and the amount of advertising used for an event.<br>• The Fire Department must review and approve the following: your plans for first aid and/or emergency medical services; your route for emergency vehicle access;<br>• The Building Department must review parade floats; use of an open flame; use of fireworks or pyrotechnics; handling of vehicle fuel; cooking facilities; the location of power sources; the availability and location of on-site fire suppression equipment; the occupancy and spacing of tables or enclosures; and the use of tents, canopies or any fabric shelters. The Building Department will require an inspection before and/or during the event.<br>• All temporary structures, i.e. tents, stages, platforms, etc. must be engineered and stamped by a State of Utah Licensed Engineer.<br>• The applicant(s) shall assume and reimburse the City for any and all costs and expenses determined by City to be unusual or extraordinary, and related to the event for which the permit is sought, including but not limited to:<br>A. The cost of providing, erecting, and moving barricades and/or signs;<br>B. The cost of providing and moving garbage or waste receptacles;<br>C. The cost of city personnel who are required by the city to work overtime hours<br>• The City may require, as a condition to issuance of a permit, that a sum be deposited with the city to meet such costs. The required deposit shall not exceed one thousand dollars ($1,000.00). |

| **AGREEMENT AND SIGNATURE** | |
|---|---|
| I the undersigned representative have read the rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein is complete and accurate. | |
| Name (printed) | MaryBeth Mazzone |
| Signature *(if electronic signature is available)*: | Date: April 20, 2010 |

| **REMITTAL INFORMATION** | |
|---|---|
| Park City Municipal Corporation (PCMC)<br>ATTN: Special Events<br>PO Box 1480<br>Park City, Utah 84060<br>435.615.5150 | *If you would like to pay by credit card or make your payment in person please contact Tommy Youngblood at 435.615.5187.* |

| **OFFICE USE ONLY** | |
|---|---|
| PERMIT APPLICATION #: | ASSIGNED TO: |
| NOTES: | |
| | |
| | |

# City Council Staff Report

**Subject:** Ralph Eridia Memorial Celebration
**Author:** Max J. Paap
**Department:** Sustainability
**Date:** June 17, 2010
**Type of Item:** Administrative – Master Festival License

**Summary Recommendations:**
Review the Master Festival License application, conduct a public hearing, and approve the license for the Ralph Eridia Memorial Celebration, as conditioned, on June 27, 2010 to be held at South City Park and Jack Sutton Field.

**Description:**

**Topic:**
Ralph Eridia Memorial Celebration

**Background:**
Ray Santa Maria, on behalf of the friends and family of long time local Ralph 'Raul' Eridia, submitted an application to hold a celebration of life and softball game in his memory. This one day event would program the same space utilized by the Children's Fair, 4th of July, and Miner's Day that take place in South City Park on an annual basis. The organizer expects attendance to be around 200 – 300 at any given time. The space would be programmed from 1:00 pm to 7:00 pm on Sunday, June 27, 2010. The organizer has met with Special Events staff to go over any logistical challenges or other issues.

**Analysis:**
This application is being reviewed as a Master Festival License due to the request for amplified music, attraction of large crowds, and use of City property.

The following areas were scrutinized by the Events Team when considering the recommendation to approve the event.

<u>City Park Activities</u>
The event organizers have requested to hold their event in South City Park on Sunday, June 27. They would begin to take over South City Park at 12:00 pm to facilitate the build out the green space between the BBQ area and the music pavilion. They plan to begin the day with a short prayer and a few words in memory of the deceased at the music pavilion. After which time they will proceed to Jack Sutton Field for a pick-up softball game. A BBQ will follow and the organizers have scheduled minor announcements and live amplified music will be played in the pavilion after the game. Music will be oriented towards Deer Valley Drive to

minimize sound impacts to the neighborhood. The event is scheduled to be finished no later than 7:00 pm.

Parking

Parking for the anticipated crowd of 200 - 300 can be accommodated with the public parking in City Park, the Mahwhinney lot and street parking along Park Avenue. The applicant currently has a parking request for use of the Silver King lot at PCMR; which would also be available as a satellite parking option with Park City Transit.

Use of Park

As part of the event overhaul we have been analyzing the number of events versus use/availability of public facilities. No conclusions have been drawn yet, but the chart below is a current estimate use of City Park. This is based on Summer being May through September. Special events were defined as larger public events and Recreation programmed events were defined as smaller, private events such as family reunions.

| # of available days | Available to Public | Special events | Recreation programmed |
|---|---|---|---|
| 150 days | 106 days | 10 days | 34 days |
| | | | |

**Department Review:**

All applicable departments have reviewed the application for the Ralph Eridia Memorial Celebration and their comments have been incorporated into the report.

**Alternatives:**

**Approve the Request:**

Approve the Master Festival License allowing the Ralph Eridia Memorial Celebration as described. This is staff's recommendation.

**Deny the Request:**

Deny the Master Festival License, preventing the addition of the Ralph Eridia Memorial Celebration to Park City's schedule of events.

**Continue the Item:**

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

**Significant Impacts:**

Park City has held many similar events to the Ralph Eridia Memorial Celebration. Impacts that could be caused by parking inventories are of some concern. By actively addressing those Public Safety impacts should be kept to a manageable level.

**Consequences of not taking the recommended action:**

The Ralph Eridia Memorial Celebration would not take place on public property.

**RECOMMENDATION:**
Staff recommends the City Council conduct a public hearing and approve a Master Festival for the Ralph Eridia Memorial Celebration on June 27, 2010 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Ralph Eridia Memorial Celebration will be held on Sunday, June 27, 2010. The event will last from1:00 pm to 7:00 pm and will occur at South City Park and Jack Sutton Field.
2. Parking for the anticipated crowd of 200 - 300 people can be accommodated within the existing public parking lots in and around the venues. The organizers have contacted PCMR for additional parking. The conduct of the Ralph Eridia Memorial Celebration will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The events associated with the Ralph Eridia Memorial Celebration will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held at South City Park and Jack Sutton Field. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. There is one other Master Festival or Special Event license that has been granted for June 27, 2010. The table below will show in column (A) – Geographic separation of the events; column (B) – Proposed time and duration of the events; and column (C) – Anticipated attendance; therefore appropriate findings can be made that both events can occur at the same time.

| 2010 DATE | EVENT | A – Geographic Separation | B - Proposed Time & Duration | C – Anticipated Attendance |
|---|---|---|---|---|
| **Jun 27** | **Ralph Eridia Memorial** | **City Park** | **1PM-7PM** | **200 - 300** |
| Jun 27 | Park Silly Sunday Market | Main Street | 10AM-5PM | 5000 |
| | | | | |

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

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

Conclusions of Law:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. All amplified music/sound may begin at 1:00 pm and at least cease by 7:00 pm on Sunday, June 27, 2010 in South City Park.
4. The applicant will work with City Staff to orient the music/demonstration stage so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
   (A) The program manager, or his/her designee, shall provide on-site management for the event.
   (B) A sound technician shall provide on-site monitoring for the event with music, amplified or otherwise, and any amplified event.
   (C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
5. All plans for tents, fireworks, stages, signs and other temporary structures shall be submitted to the Building Department for review and permitting by June 18, 2010.

**Attachments**

Exhibit A- Applicant’s Summary of Activities

# PARK CITY MUNICIPAL CORPORATION
# SPECIAL EVENT AND MASTER FESTIVAL LICENSE
# EVENT APPLICATION - PART I

PARK CITY

Special Events
435.615.5150
specialevents@parkcity.org

PART I of the Special Event and Master Festival License (MFL) must be completed and submitted electronically to the Special Events Department no less than 90 days prior to a MFL or no less than 60 days prior to a Special Event.
The application will be reviewed by the Special Events Department. *Granting of the permit is not guaranteed.*

**APPLICANTION FEES – DUE AT TIME APPLICANT SUBMITS PART I**

All new applications require a $100 application processing fee.
All applications for returning events require a $50 application processing fee.
The Application Fee is NON-REFUNDABLE.

**ADDITIONAL FEES**

Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant. Applicant will receive a final invoice approximately two weeks after the event concludes.

| APPLICANT AND SPONSORING ORGANIZATION INFORMATION | | |
|---|---|---|
| NAME | Ray Santa Maria | |
| STREET ADDRESS | PO BOX 683321 | |
| CITY, STATE, ZIP CODE | PARK CITY UT. 84068 | |
| DAY PHONE | 435 731-0104 | |
| FAX PHONE | | |
| E-MAIL ADDRESS | rsantamaria@comcast.net | |
| SPONSORING ORGANIZATION | n/a | |
| Contact Person "ON SITE" Day of Event | Name: Ray Santa Maria | Cell Number: 435 731-0104 |

| EVENT INFORMATION | | | | | |
|---|---|---|---|---|---|
| Type of Event (Check all that apply): | | | | | |
| Master Festival Criteria: A PUBLIC EVENT (If one box is checked, the event is automatically a MFL) | ☐ Attraction of crowds over 500 | ☐ Street Closure | ☒ Use of City park, building or property | ☐ Use of off-site parking facility | ☒ Use of amplified music |
| Special Event Criteria: PRIVATE OR PUBLIC EVENT | ☐ Causes significant public impacts via disturbance, crowd, traffic/parking | ☐ Disruption of the normal routine of the community or affected neighborhood | ☐ Necessitates temporary business or liquor licensing | ☐ Events signs, visible from public property | ☐ Temporary structures |

| | | |
|---|---|---|
| ☐ Run/Walk | ☐ Parade | ☐ Trail Event |
| ☐ Road Bike Event | ☐ Park Festival | ☒ OTHER (please specify): |
| ☐ Street Fair | ☐ Concert | Party |
| EVENT TITLE: | | |
| FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS?) | | |
| EVENT DATE (S) | June 27 | |
| EVENT HOURS | START: 100 | END: 7:00 |
| SET-UP | DATE: 12:00 | TIME: ~~12:00~~ |
| BREAK DOWN | DATE: June 27 | TIME: 7:30 |

| ATTENDANCE | PARTICIPANTS: | SPECTATORS: | TOTAL: |
|---|---|---|---|
| LOCATION | Park City Park & Baseball field | | |

| **OVERALL EVENT DESCRIPTION** (Briefly explain event and activities): |
|---|
| Celebration of Ralph Eredia long time |
| park city local |
| |
| |

| **MARKETING YOUR EVENT** (Your Marketing Plan is criteria for approval of your event) | | |
|---|---|---|
| Contact the Park City Chamber/Bureau to help market y our event | 435.649.6100 | www.parkcityinfo.com |
| PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT: none | | |

## RULES AND REGULATIONS

• A non-refundable application fee is required at the time the application is submitted to Park City Municipal Corporation. For new events the application fee is $100, for returning events the application fee is $50.00.

• Part I of the application must be submitted a minimum of 90 days prior to a Master Festival License (MFL) and 60 days prior to a Special Event. Part II of the application for both a MFL and a Special Event must be submitted 45 days prior to the requested event date.

• A site plan of your event is required with your application identifying street closures, signs, supply trucks, barricades, tents, activity location, portable toilets, bleachers, other temporary structures, water stations, headquarters, solid waste containers, entrance/exits, walkways and any other details that would assist the Special Event Staff with understanding the setup of your event.

• For runs, walks and parades a site plan outlining your route must be submitted along with your Special Event Permit application. If your event will generate additional traffic, or interrupt existing traffic on any city street, a traffic control plan outlining necessary street closures is required before a Special Event Permit will be issued.

• Permit Applications may require review by the City Council for approval or denial. Need for review is based on size, location, scope and impact of event.

• An applicant must schedule a meeting with Special Event Staff 30 working days prior to event.

• A certificate of insurance must be filed with Special Event Services ten (10) working days before the event in the amount of $2,000,000. The City of Park City requires all certificates of insurance to be submitted on a standard ACORD form, or on the insurance company's letterhead. Park City Municipal Corporation must be listed as additionally insured. If you do not have insurance, the City of Park City is able to provide you insurance, at a cost, through the TULIP Program. Please visit our website at; www.parkcity.org/Special Events & Facilities/applications/index.html.

• All debris and trash must be removed from an event site immediately after the event. Failure to do so may require more City Services. All expenses will be the responsibility of the event applicant. It is highly recommended that the applicant provide recyclable receptacles at the event. Please contact a local recycle company (information provided in Application Part II). Thank you.

• Depending on the duration of your event and the availability of public restrooms, you may need to rent portable chemical toilets to accommodate participants. Park City Municipal Corporation City Code requires one (1) chemical toilet for every 65 people. The figure is based upon the maximum number at your event during peak time. The total number of toilets will be determined on a case-by-case basis.

• You must receive approval for your event before you promote market or advertise your event. Conditional approval will be made after the event organizer submits the application and it is initially screened. Acceptance of your Special Event Application by the City is not a guarantee of the date, location or an automatic approval of your event.

- Only readily removable barricades may be used for street closures and a 20-ft lane of clearance is required for emergency vehicle access at all times. You may be required to provide advisory signs if your event impacts a major use roadway. Advisory signs are intended to provide advanced notice to the regular users of a roadway of the scheduled closure.
- In some cases, the hiring of officers from the Park City Police Department, a professional security company, or a combination of both may be required in order to obtain a Special Event Permit. The Park City Police Department determines the need, number, and type of security personnel based on expected attendance, location of the event, the presence of alcohol, history of the event, nature of the event, street closures, and the amount of advertising used for an event.
- The Fire Department must review and approve the following: your plans for first aid and/or emergency medical services; your route for emergency vehicle access;
- The Building Department must review parade floats; use of an open flame; use of fireworks or pyrotechnics; handling of vehicle fuel; cooking facilities; the location of power sources; the availability and location of on-site fire suppression equipment; the occupancy and spacing of tables or enclosures; and the use of tents, canopies or any fabric shelters. The Building Department will require an inspection before and/or during the event.
- All temporary structures, i.e. tents, stages, platforms, etc. must be engineered and stamped by a State of Utah Licensed Engineer.
- The applicant(s) shall assume and reimburse the City for any and all costs and expenses determined by City to be unusual or extraordinary, and related to the event for which the permit is sought, including but not limited to:

A. The cost of providing, erecting, and moving barricades and/or signs;
B. The cost of providing and moving garbage or waste receptacles;
C. The cost of city personnel who are required by the city to work overtime hours

- The City may require, as a condition to issuance of a permit, that a sum be deposited with the city to meet such costs. The required deposit shall not exceed one thousand dollars ($1,000.00).

**AGREEMENT AND SIGNATURE**

I the undersigned representative have read the rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein is complete and accurate.

| | | | |
|---|---|---|---|
| Name (printed) | Ray Santa Maria | | |
| Signature *(if electronic signature is available)*: | Ray Santa M | Date: | 5/25/10 |

**REMITTAL INFORMATION**

| | |
|---|---|
| Park City Municipal Corporation (PCMC)<br>ATTN: Special Events<br>PO Box 1480<br>Park City, Utah 84060<br>435.615.5150 | *If you would like to pay by credit card or make your payment in person please contact Tommy Youngblood at 435.615.5187.* |

**OFFICE USE ONLY**

| | |
|---|---|
| PERMIT APPLICATION #: | ASSIGNED TO: |
| NOTES: | |
| | |
| | |

# City Council
# Staff Report

**Subject:** Firecracker Baseball Tournament
**Author:** Tommy Youngblood
**Department:** Sustainability
**Date:** June 17, 2010
**Type of Item:** Application - Master Festival License

**Summary Recommendations:**
Review the Master Festival License application, conduct a public hearing, and approve the license for the Firecracker Baseball Tournament, as conditioned, on Thursday, Friday, Saturday July 1, 2, & 3, 2010 to be held at the Quinn's Sport Complex, Treasure Mountain Middle School an Park City High Schools Fields.

**Description Topic:**
Firecracker Baseball Tournament

**Background:**
The Rocky Mountain Baseball submitted an application requesting a Master Festival License to hold their Firecracker Baseball Tournament. Although based in the Heber Valley, within the last few years the tournament has grown to encompass baseball fields in Holladay, Taylorsville, Cottonwood Heights, West & South Jordan in the Salt lake Valley as well as Coalville, Kamas, Oakley, Heber and Park City on the Wasatch Back .

The Firecracker Tournament is 1 of 15 tournaments that Rocky Mountain School of Baseball hosts every year. The tournament is 3 days long and is in its 10th year. The tournament has grown significantly every year for the last six years. In 2009 the tournament included 182 teams (their third largest tournament of 2009) from all along the Wasatch Front, Northern Utah, Southern Utah, Las Vegas, Idaho Falls, Boise, and Colorado, as well as other surrounding areas. Approximately 5600 participants and family will be attending the games in Park City over the three day period.

**Analysis:**
Rocky Mountain School of Baseball's Firecracker Baseball Tournament have requested to hold their event on Thursday, Friday, Saturday July 1, 2, & 3, 2010 to be held at the Quinn's Sport Complex, Treasure Mountain Middle School and Park City High Schools Fields.

Through a series of meetings the organizer has demonstrated and good knowledge of working with this type of event. The Park City Police Department has been notified and will be involved in the public safety coordination should Council approve the event. Parking for the staff and participants will be in the lots adjacent to the fields. There will be no other event parking impacts.

There are 5 (five) other Master Festival or Special Event licenses that have been granted on the date/s requested. Per Section 4-8-6 of the Municipal Code there are no adverse impacts resulting from these other events and therefore no Conflicting in approving this event. This is detailed in the Finding section.

**Park City Council Review:**
This application is being reviewed as a Master Festival License, for its use of city facilities and the number of attendees.

**Department Review:**
All applicable Park City Municipal departments and the appropriate external agencies have reviewed the application for the Rocky Mountain School of Baseball's Firecracker Baseball Tournament and their comments have been incorporated into the report.

**Alternatives:**

**Approve the Request:**
Approve the Master Festival License allowing the Rocky Mountain School of Baseball's Firecracker Baseball Tournament

**Deny the Request:**
Deny the Master Festival License, preventing the addition of the Rocky Mountain School of Baseball's Firecracker Baseball Tournament of Park City's schedule of events.

**Continue the Item:**
The City Council may continue the discussion in order to receive additional information.

**Significant Impacts:**
The event, as described, should incur no significant Impacts. Park City has held similar events to the Rocky Mountain School of Baseball's Firecracker Baseball Tournament.

**Consequences of not taking the recommended action:**
Rocky Mountain School of Baseball's Firecracker Baseball Tournament would not take place, as described, within Park City Limits

**RECOMMENDATION:**
Staff recommends the City Council conduct a public hearing and approve, a Master Festival License for the Rocky Mountain School of Baseball's Firecracker Baseball Tournament on, Thursday, Friday, Saturday July 1, 2, & 3, 2010 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. Rocky Mountain School of Baseball's Firecracker Baseball Tournament will be held on Thursday, Friday, and Saturday July 1, 2, & 3, 2010 to be held at the

Quinn's Sport Complex, Treasure Mountain Middle School and Park City High Schools Fields. . The event will last from 9:00am – 9:00pm each day of the event.

2. Parking for the staff and participants will be in the lots adjacent to the fields. There will be no other event parking impacts
3. Conducting the Rocky Mountain School of Baseball's Firecracker Baseball Tournament will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue other than noted.
4. The events associated with Rocky Mountain School of Baseball's Firecracker Baseball Tournament will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
5. The event will be held at the Quinn's Sport Complex, Treasure Mountain Middle School and Park City High Schools Fields.
   The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
6. There are 5 (five) other Master Festival or Special Event licenses that have been granted on the date/s requested:

| 2010 DATE | EVENT | A – Geographic Separation | B - Proposed Time & Duration | C – Anticipated Attendance |
|---|---|---|---|---|
| *July 1,2,3* | *Firecracker Baseball Tournament* | *Quinn's Sport Complex, Treasure Mountain Middle School and Park City High Schools Fields* | *9:00am – 9:00pm* | *5600* |
| July 1 | Sundance Outdoor Film | South End City Park | 6:00pm – 12:00am | 250 |
| July 2 | Back Alley Bash | Town Lift Plaza | 5:00PM – 11:00PM | 540 |
| July 3 | Deer Valley Music Festival | Deer Valley Ski Resort | 7:30pm – 9:30 pm | 2000-5000 |
| July 3 | Park Silly Sunday Market | Lower Main Street | 10:00am – 5:00pm | 5000 |
| July 3 | Community Yard Sale | The Yard | 8:00am – 1:00pm | 100 |

Per Section 4-8-6 of the Municipal Code there are no adverse impacts resulting from these other events and therefore no Conflicting in approving this event.

7. The size and timing of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

<u>Conclusions of Law</u>:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. The applicant shall inform their participants and take measures to prevent participant parking at the USSA Building at Quinn's Junction
3. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
4. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by June 25, 2010.
5. The applicant is responsible for an Event Management Plan in a form approved by the Park City Municipal Event Manager and Chief of Police or their designee
6. All Summit County permit approvals shall be secured by June 25, 2010 and submitted to Park City Municipal in writing for review.

**Attachments**

Exhibit A- Applicant's Application Part 1

## Exhibit A

**PARK CITY MUNICIPAL CORPORATION**
**SPECIAL EVENT AND MASTER FESTIVAL LICENSE**
**EVENT APPLICATION – PART I**

PARK CITY 1884

Special Events
435.615.5150
specialevents@parkcity.org

PART I of the Special Event and Master Festival License (MFL) must be completed and submitted electronically to the Special Events Department no less than 90 days prior to a MFL or no less than 60 days prior to a Special Event. The application will be reviewed by the Special Events Department. *Granting of the permit is not guaranteed.*

**APPLICANTION FEES – DUE AT TIME APPLICANT SUBMITS PART I**
All new applications require a $100 application processing fee.
All applications for returning events require a $50 application processing fee.
The Application Fee is NON-REFUNDABLE.

**ADDITIONAL FEES**
Additional fees for other services, including Health Department, Fire Department, and City Services will be estimated and provided to the applicant. Applicant will receive a final invoice approximately two weeks after the event concludes.

| APPLICANT AND SPONSORING ORGANIZATION INFORMATION | | |
|---|---|---|
| NAME | RHETT UDY | |
| STREET ADDRESS | 560 W. 600 N. | |
| CITY, STATE, ZIP CODE | LOGAN, UT 84321 | |
| DAY PHONE | (435) 764-1527 | |
| FAX PHONE | (435) 787-1722 | |
| E-MAIL ADDRESS | rhettudy@rmsb.com | |
| SPONSORING ORGANIZATION | Rocky Mtn. Baseball | |
| Contact Person "ON SITE" Day of Event | Name: RHETT UDY | Cell Number: (435) 764-1527 |

**EVENT INFORMATION**
Type of Event (Check all that apply):

| | | | | | |
|---|---|---|---|---|---|
| **Master Festival Criteria:** A PUBLIC EVENT (If one box is checked, the event is automatically a MFL.) | ☒ Attraction of crowds over 500 | ☐ Street Closure | ☒ Use of City park, building or property | ☐ Use of off-site parking facility | ☐ Use of amplified music |
| **Special Event Criteria:** PRIVATE OR PUBLIC EVENT | ☐ Causes significant public impacts via disturbance, crowd, traffic/parking | ☐ Disruption of the normal routine of the community or affected neighborhood | ☐ Necessitates temporary business or liquor licensing | ☐ Events signs, visible from public property | ☐ Temporary structures |

| | | |
|---|---|---|
| ☐ Run/Walk | ☐ Parade | ☐ Trail Event |
| ☐ Road Bike Event | ☐ Park Festival | ☒ OTHER (please specify): Baseball Tournament |
| ☐ Street Fair | ☐ Concert | |
| EVENT TITLE: | FIRECRACKER TOURNAMENT | |
| FIRST TIME OR ANNUAL EVENT | ANNUAL EVENT | |

| | | | |
|---|---|---|---|
| (IF ANNUAL, HOW MANY YEARS?) | 10 | | |
| EVENT DATE (S) | JULY 1, 2, 3 | | |
| EVENT HOURS | START: 9 a.m. | END: 9 p.m. | |
| SET-UP | DATE: JULY 1 | TIME: 8 a.m. | |
| BREAK DOWN | DATE: JULY 3 | TIME: 4 p.m. | |
| ATTENDANCE | PARTICIPANTS: 1,400 | SPECTATORS: 4,200 | TOTAL: 5,600 |
| LOCATION | PCHS, TVIS, PCSC | | |

**OVERALL EVENT DESCRIPTION** (Briefly explain event and activities):
Baseball tournament for youth ages 8 to 18.

**MARKETING YOUR EVENT** (Your Marketing Plan is criteria for approval of your event)

| | | |
|---|---|---|
| Contact the Park City Chamber/Bureau to help market y our event | 435.649.6100 | www.parkcityinfo.com |

PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT:
We market our event through our website @ www.rmsb.com

# City Council
# Staff Report

**Subject:** City Manager Recommended Budget
**Author:** Bret Howser
**Department:** Budget, Debt, & Grants
**Date:** June 17, 2010
**Type of Item:** Legislative

**Summary Recommendations:**
Hold a public hearing on the Adoption of the Final Budget. Adopt the FY 2010 Adjusted Budget and the FY 2011 Budget by resolution.

**Topic/Description:**
FY 2010 Adjusted Budget and FY 2011 Budget

**Background:**
The City's budget process began in January with the annual Council Visioning Session. At that time, the Budget Department presented updated revenue projections which portrayed a budget shortfall of $1.8 million in FY 2010. Staff proposed 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 also presented an update of the long-range financial projections, the Financial Impact Assessment Report (FIAR), and the service level assessment, or SLAC. The Budget Department noted during visioning the long-term issues associated with property tax laws and the lack of an inflationary component built into the certified property tax rate. Council was told in January that it was unlikely that Park City could continue to provide existing service levels in the long run without considering property tax increases. Staff received additional direction from Council at Visioning Session concerning other topics, requests, and discussions to include in the upcoming budget.

Department managers then compiled operating budget reduction plans to present to the City Manager during February and March. These operating reduction plans, which identified up to 5% operating reductions, 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 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 2010 original budget levels.

New capital project requests were evaluated by the CIP Committee during March and prioritized following the same criteria used during the full CIP re-prioritization done last year. The CIP Committee worked with the direction to cover $650,000 of the projected shortfall in FY 2010 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 $3^{rd}$, staff delivered the City Manager's Recommended Budget (Tentative or Proposed Budget) to City Council. On May 6 the Tentative Budget, Budget Overview & Timeline, Update of Financial Impact Report (FIAR), Revenue Mix Analysis & 15-Year Revenue Action Plan, New Expenditure Funding Strategy, and Property Tax Increase were presented to Council. Public hearings were held on May $6^{th}$, May $20^{th}$, and May $27^{th}$. Additional public hearings are currently scheduled for June $3^{rd}$, and $17^{th}$. Council work session on June $10^{th}$ may be used for further budget discussion if the time is needed.

On May $20^{th}$ staff presented the operating budget expenditures to Council by department. Included in these presentations were the recommended cuts and their impacts. Staff then explained the recommended Pay Plan, Lump Merit Pool, and Benefits (Retirement & Health Insurance) budget. Council asked for more clarification on the Pay Plan process. Staff then presented the CIP budget, which was discussed again on May $27^{th}$. Included in the CIP budget presentation was the Racquet Club Remodel update. Staff was directed by Council for the May $27^{th}$ meeting to provide more detail with regard to varying options concerning the scope of the project as well as funding, which may include the reprioritization of other CIP projects.

On May $27^{th}$ staff presented information on Fee Changes – Building, Planning & Engineering Fees, Water Fees, Parking Fees, Golf Fees, Fleet Right-Sizing Study, CIP Budgets – CIP Alternative Matrix, Racquet Club Remodel, Expanding Field Service at Quinns; Pay Plan Review; Budget Balancing Options; and Process Engineering Program. Council directed staff to remove the proposed property tax increase, reduce the lump merit pool, remove Council compensation, and remove the debt service for the racquet club remodel. Council directed staff to move forward with the racquet club remodel using existing cash as the funding source with no bonding options. Council directed staff to keep the Pay Plan in the budget as originally recommended. A majority of Council did not provide policy direction to amend the City's previous goal of paying towards the top of the range. Staff will continue to clarify with Council "how" the Pay Plan is implemented by staff, and beginning in August, 2010, begin a process for reviewing overall budget prioritization processes.

On June 3, Council approved changes to the budget policies and procedures, adopted the fee resolution with changes as discussed on May 27, and adopted the tentative budget. Council also directed staff to include the pay plan changes in the final budget, with the caveat that an administrative policy be implemented to limit merit wage increases to 5% each review period. This change was added to the Personnel Policies & Procedures Manual, which was presented to Council for ratification on June 10.

Discussion/action is slated for these dates as follows, barring changes as needed:

June 17 – Presentation & Adoption of Final Budget, Public Hearing

**Analysis:**

Final Adoption of the Budget

Attached to this staff report is a resolution adopting a Revised Budget for FY 2010 and a Budget for FY 2011 for Park City Municipal Corporation. The budget resolutions for the Municipal Building Authority (MBA) and the Redevelopment Agency (RDA) 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 17.

Additional Changes to the Budget

Several technical changes were made to debt service funds, special revenue funds, internal service funds, non-operating portions of other funds. These included interfund transfer adjustments, adjustments to reflect previously issued debt requirements, changes to bring the budget in line with audit and GASB requirements, capital carryforward adjustments, grant fund budget adjustments, etc. These are not substantial changes from a policy perspective. Staff will entertain questions on technical adjustments during the budget hearing rather than attempt an exhaustive list of changes in this report.

Staff also adjusted revenue budgets, particularly in the current year adjusted budget, to reflect the latest data. Property tax and sales tax estimates for the FY 2010 are improved from the tentative budget, while franchise tax estimates are about the same and building, planning, & engineering fee's have worsened. Overall, the latest estimates show that the City's projected shortfall has improved, with the City finishing the year in the "Alert" level as opposed to the "Minor" level. It is also expected that the mid-year cuts implemented in response to the shortfall may yield as much as $1M in operating savings. These savings should more than cover the revenue shortfall, prompting the Budget Department to recommend that the $350,000 of Transit Fund resort tax revenue which we previously planned to receive into the General Fund to help cover the shortfall be received instead into the Transit Fund as in a typical year. If revenues and operating expenses don't end up as expected, this strategy could still be revised. Staff recommends this occur instead of funds going into the Asset Management account because funds were intended to be transferred from the Transit Fund on a one-time basis, and any excess funds should return to that enterprise fund first. Council may choose to reduce the amount of resort sales tax going to Transit on an ongoing basis when the overall budget prioritization review process begins in a few months. As of July 1, 2010 the balance in the Asset Management fund will be nearly $1 M. Staff believes, based on projected needs identified in the 2007 Building Condition Assessment, that existing funds will be sufficient for FY 2011.

The following list details the changes made between the tentative budget and the final budget. In large part, these changes were made due to Council direction.

1) Cuts were made to the Marsac Seismic Renovation ($350,000), Quinn's Public Improvements ($48,735), Asset Management ($500,000), Racquet Club

Equipment Replacement ($116,089), and OTIS Phase II(a) ($535,176) projects in order to provide $2.3M of cash funding for the Racquet Club Renovation and avoid bonding for the project. $750,000 was taken from Fund 31 balance, as well.

2) $8,000 was added to the capital fund for snow removal at Quinn's Rec Complex. $12,000 was also added to the operating budget ongoing, to be accessed contingent upon the advent of a revenue source, such as donations. These funds would enable staff to clear the Sportexe field for soccer activities in the winter.
3) Increases to Council, Mayor, City Manager, and City Attorney pay were removed entirely. The amount which would have been for Council and Mayor compensation (roughly $22,000) was put instead into the Council travel budget.
4) The pool for lump merit increases for City staff was reduced from $500,000 to $330,000 to reflect Council's direction to change employee bonus eligibility from 6% to 4% annually.
5) The budget option for special events contract funds was reduced by $40,000, as discussed during departmental budget discussions.
6) The Ice Facility Building II part-time position was reduced from .75 to .25 FTE's, as discussed during departmental presentations.
7) Emergency Management budget was increased $45,000 (essentially moving the budget from the CIP Fund to the General Fund), as discussed in the departmental presentations.

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

**Alternatives:**

**A. Approve:**
Staff recommends that Council hold a public hearing regarding the final budget, adopt the FY 2010 Revised Budget and FY 2011 Budget by resolution

**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 direct that 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.

**Recommendation:**
Hold a public hearing on the Adoption of the Final Budget. Adopt the FY 2010 Adjusted Budget and the FY 2011 Budget by resolution.

**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

**Attachment A**

**Resolution No.**

**A RESOLUTION ADOPTING A REVISED BUDGET FOR FY 2010 AND A BUDGET FOR FY 2011 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 6, May 20, May 27, June 3, and June 17, 2010 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 6, 2010 and with changes as summarized in the Attachments to this ordinance is hereby adopted as the Revised FY 2010 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 6, 2010 and with changes as summarized in the Attachments to this ordinance is hereby adopted as the budget for FY 2011 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 2011 at a "no tax increase rate". This ordinance hereby adopts the Certified Property Tax rate for FY 2011. 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 17, 2010 for the FY 2010 revised budget and July 1, 2010 for the FY 2011 budget.

PASSED AND ADOPTED this 17$^{th}$ day of June, 2010.

## Resources & Requirements - All Funds Combined

| Description | 2007 Actual | 2008 Actual | 2009 Actual | 2010 Original Budget | 2010 Adj Budget | 2011 Plan | 2011 Budget | Change - 2010 to 2011 Increase (reduction) | Change - 2010 to 2011 % |
|---|---|---|---|---|---|---|---|---|---|
| **RESOURCES** | | | | | | | | | |
| Sales Tax | 12,977,127 | 12,755,443 | 11,027,464 | 11,071,000 | 11,064,000 | 13,774,000 | 11,048,209 | (15,791) | 0% |
| Planning Building & Engineering Fees | 6,090,176 | 5,828,014 | 5,044,383 | 3,246,000 | 1,149,000 | 4,523,000 | 2,209,500 | 1,060,500 | 92% |
| Charges for Services | 7,201,295 | 7,463,662 | 9,129,312 | 9,030,000 | 9,986,680 | 9,702,000 | 10,601,000 | 614,320 | 6% |
| Intergovernmental Revenue | 3,926,496 | 1,450,079 | 3,058,819 | 14,598,957 | 13,525,239 | 7,448,837 | 7,812,837 | (5,712,402) | -42% |
| Franchise Tax | 2,529,915 | 2,748,571 | 2,720,272 | 2,964,000 | 2,789,000 | 3,117,000 | 3,051,000 | 262,000 | 9% |
| Property Taxes | 12,744,480 | 13,974,590 | 13,213,009 | 16,029,000 | 15,905,000 | 16,559,000 | 16,745,315 | 840,315 | 5% |
| General Government | 407,766 | 403,641 | 457,117 | 427,200 | 501,000 | 444,200 | 566,600 | 65,600 | 13% |
| Other Revenues | 16,117,625 | 16,333,881 | 10,850,622 | 10,885,857 | 16,172,914 | 7,602,857 | 6,928,113 | (9,244,801) | -57% |
| **Total** | **$61,994,881** | **$60,957,881** | **$55,500,997** | **$68,252,014** | **$71,092,833** | **$63,170,894** | **$58,962,574** | **($12,130,259)** | **-17%** |
| **REQUIREMENTS (by function)** | | | | | | | | | |
| Executive | 7,236,353 | 8,373,458 | 8,380,023 | 9,159,486 | 8,742,404 | 9,386,380 | 8,984,225 | 241,821 | 3% |
| Police | 3,377,943 | 3,648,493 | 3,726,449 | 4,069,974 | 3,866,597 | 4,164,903 | 4,293,389 | 426,792 | 11% |
| Public Works | 11,940,897 | 14,331,870 | 13,477,003 | 14,976,935 | 14,644,512 | 15,771,053 | 15,548,579 | 904,067 | 6% |
| Library & Recreation | 2,815,519 | 3,011,937 | 3,030,262 | 3,462,610 | 3,188,445 | 3,510,506 | 3,354,072 | 165,627 | 5% |
| Non-Departmental | 2,112,448 | 2,253,926 | 2,631,084 | 1,320,961 | 2,740,471 | 1,285,382 | 2,115,327 | (625,144) | -23% |
| Special Service Contracts | 318,847 | 362,101 | 360,896 | 433,973 | 433,973 | 433,973 | 408,973 | (25,000) | -6% |
| Contingency | 0 | 0 | 0 | 315,000 | 315,000 | 315,000 | 315,000 | 0 | 0% |
| Capital Outlay | 267,579 | 493,666 | 327,443 | 641,772 | 723,970 | 499,172 | 463,822 | (260,148) | -36% |
| **Total** | **28,069,586** | **32,475,453** | **31,933,160** | **34,380,711** | **34,655,371** | **35,366,369** | **35,483,387** | **828,016** | **2%** |
| **REQUIREMENTS (by type)** | | | | | | | | | |
| Personnel | 17,443,771 | 19,540,194 | 20,553,234 | 21,149,427 | 21,255,216 | 22,060,765 | 22,090,130 | 834,914 | 4% |
| Materials, Supplies & Services | 10,358,236 | 12,441,592 | 11,052,483 | 12,274,512 | 12,361,185 | 12,491,431 | 12,614,435 | 253,250 | 2% |
| Contingency | 0 | 0 | 0 | 315,000 | 315,000 | 315,000 | 315,000 | 0 | 0% |
| Capital Outlay | 267,579 | 493,666 | 327,443 | 641,772 | 723,970 | 499,172 | 463,822 | (260,148) | -36% |
| **Total** | **28,069,586** | **32,475,453** | **31,933,160** | **34,380,711** | **34,655,371** | **35,366,369** | **35,483,387** | **828,016** | **2%** |
| **EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS** | $33,925,295 | $28,482,429 | $23,567,837 | $33,871,303 | $36,437,462 | $27,804,525 | $23,479,187 | (12,958,275) | -36% |
| **OTHER FINANCING SOURCES (uses)** | | | | | | | | | |
| Bond Proceeds | 0 | 779,793 | 24,477,505 | 23,986,427 | 24,073,682 | 19,378,875 | 0 | (24,073,682) | -100% |
| Debt Service | (6,310,364) | (6,583,721) | (9,834,751) | (8,670,056) | (12,244,083) | (8,789,691) | (10,989,473) | 1,254,610 | -10% |
| Interfund Transfers In | 13,837,974 | 15,628,653 | 32,800,255 | 9,305,477 | 14,840,021 | 8,106,455 | 7,118,246 | (7,721,775) | -52% |
| Interfund Transfers Out | (13,837,974) | (15,628,653) | (32,800,255) | (9,305,477) | (14,840,024) | (8,106,455) | (7,118,246) | 7,721,778 | -52% |
| Capital Improvement Projects | (19,603,022) | (15,994,618) | (41,241,569) | (48,021,678) | (137,079,221) | (36,133,908) | (11,539,881) | 125,539,340 | -92% |
| **Total** | **(25,913,386)** | **(21,798,545)** | **(26,598,814)** | **(32,705,307)** | **(125,249,625)** | **(25,544,724)** | **(22,529,354)** | **102,720,271** | **-82%** |
| **EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS AND OTHER SOURCES (uses)** | $8,011,909 | $6,683,884 | ($3,030,978) | $1,165,996 | ($88,812,163) | $2,259,801 | $949,833 | 89,761,996 | -101% |
| Beginning Balance | 80,018,337 | 89,775,525 | 97,369,362 | 34,230,593 | 111,667,935 | 35,396,588 | 22,855,772 | (88,812,163) | -80% |
| Ending Balance | 88,030,246 | 96,459,405 | 94,338,414 | 35,396,588 | 22,855,772 | 37,656,387 | 23,805,604 | 949,832 | 4% |

## Resources & Requirements - All Funds Combined

| Description | Budget (FY 2010) | | | | Budget (FY 2011) | | | |
|---|---|---|---|---|---|---|---|---|
| | Original | Adjusted | Change from Original | | Original | Adjusted | Change from Original | |
| | | | Total | % | | | Total | % |
| **RESOURCES** | | | | | | | | |
| Sales Tax | 11,071,000 | 11,064,000 | (7,000) | 0% | 13,774,000 | 11,048,209 | (2,725,791) | -20% |
| Planning Building & Engineering Fees | 3,246,000 | 1,149,000 | (2,097,000) | -65% | 4,523,000 | 2,209,500 | (2,313,500) | -51% |
| Charges for Services | 9,030,000 | 9,986,680 | 956,680 | 11% | 9,702,000 | 10,601,000 | 899,000 | 9% |
| Intergovernmental Revenue | 14,598,957 | 13,525,239 | (1,073,718) | -7% | 7,448,837 | 7,812,837 | 364,000 | 5% |
| Franchise Tax | 2,964,000 | 2,789,000 | (175,000) | -6% | 3,117,000 | 3,051,000 | (66,000) | -2% |
| Property Taxes | 16,029,000 | 15,905,000 | (124,000) | -1% | 16,559,000 | 16,745,315 | 186,315 | 1% |
| General Government | 427,200 | 501,000 | 73,800 | 17% | 444,200 | 566,600 | 122,400 | 28% |
| Bond Proceeds | 23,986,427 | 24,073,682 | 87,255 | 0% | 19,378,875 | 0 | (19,378,875) | -100% |
| Other Revenues | 10,885,857 | 16,172,914 | 5,287,057 | 49% | 7,602,857 | 6,928,113 | (674,744) | -9% |
| **Sub-Total** | **$92,238,441** | **$95,166,515** | **$2,928,074** | **3%** | **$82,549,769** | **$58,962,574** | **($23,587,195)** | **-29%** |
| Interfund Transfers In | 9,305,477 | 14,840,021 | 5,534,544 | 59% | 8,106,455 | 7,118,246 | (988,209) | -12% |
| Beginning Balance | 34,230,593 | 111,667,935 | 77,437,342 | 226% | 35,396,588 | 22,855,772 | (12,540,816) | -35% |
| **Total** | **135,774,511** | **221,674,471** | **85,899,960** | **63%** | **126,052,812** | **88,936,592** | **(37,116,220)** | **-29%** |
| **REQUIREMENTS (by function)** | | | | | | | | |
| Executive | 9,159,486 | 8,742,404 | (417,082) | -5% | 9,386,380 | 8,984,225 | (402,155) | -4% |
| Police | 4,069,974 | 3,866,597 | (203,377) | -5% | 4,164,903 | 4,293,389 | 128,486 | 3% |
| Public Works | 14,976,935 | 14,644,512 | (332,423) | -2% | 15,771,053 | 15,548,579 | (222,474) | -1% |
| Library & Recreation | 3,462,610 | 3,188,445 | (274,165) | -8% | 3,510,506 | 3,354,072 | (156,434) | -4% |
| Non-Departmental | 1,320,961 | 2,740,471 | 1,419,510 | 107% | 1,285,382 | 2,115,327 | 829,945 | 65% |
| Special Service Contracts | 433,973 | 433,973 | 0 | 0% | 433,973 | 408,973 | (25,000) | -6% |
| Contingency | 315,000 | 315,000 | 0 | 0% | 315,000 | 315,000 | 0 | 0% |
| Capital Outlay | 641,772 | 723,970 | 82,198 | 13% | 499,172 | 463,822 | (35,350) | -7% |
| **Sub-Total** | **$34,380,711** | **$34,655,371** | **$274,660** | **1%** | **$35,366,369** | **$35,483,387** | **$117,018** | **0%** |
| Debt Service | 8,670,056 | 12,244,083 | 3,574,027 | 41% | 8,789,691 | 10,989,473 | 2,199,782 | 25% |
| Capital Improvement Projects | 48,021,678 | 137,079,221 | 89,057,543 | 185% | 36,133,908 | 11,539,881 | (24,594,027) | -68% |
| Interfund Transfers Out | 9,305,477 | 14,840,024 | 5,534,547 | 59% | 8,106,455 | 7,118,246 | (988,209) | -12% |
| Ending Balance | 35,396,588 | 22,855,772 | (12,540,816) | -35% | 37,656,387 | 23,805,604 | (13,850,783) | -37% |
| **Total** | **135,774,510** | **221,674,471** | **85,899,961** | **63%** | **126,052,810** | **88,936,591** | **(37,116,219)** | **-29%** |
| **REQUIREMENTS (by type)** | | | | | | | | |
| Personnel | 21,149,427 | 21,255,216 | 105,789 | 1% | 22,060,765 | 22,090,130 | 29,365 | 0% |
| Materials, Supplies & Services | 12,274,512 | 12,361,185 | 86,673 | 1% | 12,491,431 | 12,614,435 | 123,004 | 1% |
| Contingency | 315,000 | 315,000 | 0 | 0% | 315,000 | 315,000 | 0 | 0% |
| Capital Outlay | 641,772 | 723,970 | 82,198 | 13% | 499,172 | 463,822 | (35,350) | -7% |
| **Sub-Total** | **$34,380,711** | **$34,655,371** | **$274,660** | **1%** | **$35,366,369** | **$35,483,387** | **$117,018** | **0%** |
| Debt Service | 8,670,056 | 12,244,083 | 3,574,027 | 41% | 8,789,691 | 10,989,473 | 2,199,782 | 25% |
| Capital Improvement Projects | 48,021,678 | 137,079,221 | 89,057,543 | 185% | 36,133,908 | 11,539,881 | (24,594,027) | -68% |
| Interfund Transfers Out | 9,305,477 | 14,840,024 | 5,534,547 | 59% | 8,106,455 | 7,118,246 | (988,209) | -12% |
| Ending Balance | 35,396,588 | 22,855,772 | (12,540,816) | -35% | 37,656,387 | 23,805,604 | (13,850,783) | -37% |
| **Total** | **135,774,510** | **221,674,471** | **85,899,961** | **63%** | **126,052,810** | **88,936,591** | **(37,116,219)** | **-29%** |

## Expenditure Summary by Fund and Unit

| Expenditures | 2007 | 2008 | 2009 | 2010 Budget | | 2011 | | |
|---|---|---|---|---|---|---|---|---|
| | | (actual) | | (original) | (adj) | (plan) | (budget) | % of Total |
| **Park City Municipal Corporation** | | | | | | | | |
| 011 General Fund | 28,726,444 | 32,264,937 | 28,242,933 | 28,473,512 | 28,383,319 | 31,773,283 | 27,841,697 | 31% |
| 012 Quinns Recreation Complex | 325,914 | 7,727 | (509,509) | (1,101,117) | (937,959) | (1,670,680) | (1,264,322) | -1% |
| 021 Police Special Revenue Fund | 19,972 | 21,122 | 22,722 | 0 | 23,522 | 0 | 0 | 0% |
| 022 Criminal Forfeiture Restricted Account | 17,220 | 17,220 | 10,791 | (0) | 9,455 | (0) | (0) | 0% |
| 031 Capital Improvement Fund | 60,595,296 | 61,514,186 | 78,907,419 | 20,279,873 | 61,829,914 | 34,267,443 | 5,676,445 | 6% |
| 038 Equipment Replacement Fund | 3,558,279 | 3,528,896 | 2,497,816 | 729,057 | 1,509,380 | 779,057 | 859,801 | 1% |
| 051 Water Fund | 14,904,687 | 20,122,090 | 23,341,099 | 36,892,183 | 57,813,350 | 19,252,700 | 15,190,631 | 17% |
| 055 Golf Fund | 1,749,008 | 1,618,675 | 1,753,465 | 1,530,980 | 1,765,577 | 1,448,632 | 1,454,750 | 2% |
| 057 Transportation & Parking Fund | 17,827,462 | 17,879,179 | 20,296,388 | 21,904,479 | 31,767,161 | 15,038,911 | 14,105,886 | 16% |
| 062 Fleet Services Fund | 2,035,581 | 2,557,652 | 2,131,322 | 2,479,436 | 2,150,163 | 2,500,927 | 2,412,268 | 3% |
| 064 Self Insurance Fund | 3,731,296 | 3,412,431 | 3,086,499 | 2,376,298 | 2,520,753 | 1,972,288 | 2,023,833 | 2% |
| 070 Debt Service Fund | 4,698,294 | 4,345,405 | 4,352,316 | 3,793,773 | 3,923,953 | 3,843,712 | 3,777,806 | 4% |
| 071 Sales Tax Rev Bonds Debt Svc Fund | 2,881,539 | 2,866,924 | 26,680,966 | 4,661,681 | 12,920,996 | 4,753,681 | 5,042,010 | 6% |
| Park City Municipal Corporation Total | $141,070,992 | $150,156,445 | $190,814,227 | $122,020,155 | $203,679,583 | $113,959,954 | $77,120,804 | 87% |
| **Park City Redevelopment Agency** | | | | | | | | |
| 033 Redevelopment Agency Lower Park Av | 7,997,865 | 7,559,167 | 9,874,209 | 8,868,866 | 11,065,466 | 7,279,866 | 6,916,016 | 8% |
| 034 Redevelopment Agency Main St | 2,651,344 | 4,071,289 | 2,645,503 | 1,826,394 | 3,122,849 | 1,761,394 | 2,422,522 | 3% |
| 072 RDA Main Street Debt Service | 112,581 | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| 076 RDA Lower Park Ave Debt Service | 2,505,968 | 2,555,174 | 2,568,492 | 1,468,461 | 1,477,945 | 1,467,461 | 1,476,945 | 2% |
| Park City Redevelopment Agency Total | $13,267,758 | $14,185,630 | $15,088,205 | $12,163,722 | $15,666,260 | $10,508,722 | $10,815,483 | 12% |
| **Municipal Building Authority** | | | | | | | | |
| 035 Municipal Building Authority Fund | 1,445,543 | 2,729,782 | 4,174,252 | 1,528,679 | 2,257,163 | 1,522,179 | 1,000,304 | 1% |
| 073 MBA Debt Service Fund | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0% |
| Municipal Building Authority Total | $1,445,543 | $2,729,782 | $4,174,252 | $1,528,679 | $2,257,163 | $1,522,179 | $1,000,304 | 1% |
| **Park City Housing Authority** | | | | | | | | |
| 036 Park City Housing Authority | 66,900 | 69,993 | 71,465 | 61,955 | 71,465 | 61,955 | 0 | 0% |
| Park City Housing Authority Total | $66,900 | $69,993 | $71,465 | $61,955 | $71,465 | $61,955 | $0 | 0% |
| **GRAND TOTAL** | **$155,851,192** | **$167,141,849** | **$210,148,148** | **$135,774,510** | **$221,674,471** | **$126,052,810** | **$88,936,591** | **100%** |
| Interfund Transfer | 13,837,974 | 15,628,653 | 32,800,255 | 9,305,477 | 14,840,024 | 8,106,455 | 7,118,246 | 8% |
| Ending Balance | 88,030,246 | 96,459,405 | 94,338,414 | 35,396,588 | 22,855,772 | 37,656,387 | 23,805,604 | 27% |
| **GRAND TOTAL** | **$53,982,972** | **$55,053,791** | **$83,009,480** | **$91,072,445** | **$183,978,675** | **$80,289,968** | **$58,012,741** | **65%** |

## Expenditure Summary by Fund and Major Object (FY 2010)

| Description | Operating Budget | | Capital | Debt Service | Contingency | Sub-Total | Interfund Transfer | Ending Balance | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Personnel | Mat, Suppls, Services | | | | | | | |
| **Park City Municipal Corporation** | | | | | | | | | |
| 011 General Fund | 13,999,077 | 5,732,378 | 347,663 | 0 | 315,000 | 20,394,118 | 3,208,218 | 4,780,983 | 28,383,319 |
| 012 Quinns Recreation Complex | 567,868 | 322,095 | 10,000 | 0 | 0 | 899,963 | 0 | (1,837,922) | (937,959) |
| 021 Police Special Revenue Fund | 0 | 0 | 23,522 | 0 | 0 | 23,522 | 0 | 0 | 23,522 |
| 022 Criminal Forfeiture Restricted Account | 0 | 0 | 9,455 | 0 | 0 | 9,455 | 0 | (0) | 9,455 |
| 031 Capital Improvement Fund | 0 | 0 | 59,100,812 | 0 | 0 | 59,100,812 | 134,366 | 2,594,736 | 61,829,914 |
| 038 Equipment Replacement Fund | 0 | 0 | 1,449,579 | 0 | 0 | 1,449,579 | 0 | 59,801 | 1,509,380 |
| 051 Water Fund | 1,400,996 | 1,762,252 | 47,604,518 | 2,017,813 | 0 | 52,785,579 | 1,192,163 | 3,835,608 | 57,813,350 |
| 055 Golf Fund | 680,954 | 446,160 | 341,485 | 31,543 | 0 | 1,500,142 | 130,685 | 134,750 | 1,765,577 |
| 057 Transportation & Parking Fund | 3,983,134 | 706,730 | 22,297,246 | 0 | 0 | 26,987,110 | 2,056,502 | 2,723,549 | 31,767,161 |
| 062 Fleet Services Fund | 585,249 | 1,399,045 | 1,000 | 0 | 0 | 1,985,294 | 0 | 164,869 | 2,150,163 |
| 064 Self Insurance Fund | 37,938 | 767,300 | 0 | 0 | 0 | 805,238 | 0 | 1,715,515 | 2,520,753 |
| 070 Debt Service Fund | 0 | 0 | 0 | 1,975,587 | 0 | 1,975,587 | 165,962 | 1,782,404 | 3,923,953 |
| 071 Sales Tax Rev Bonds Debt Svc Fund | 0 | 0 | 0 | 6,228,640 | 0 | 6,228,640 | 6,300,663 | 391,693 | 12,920,996 |
| Park City Municipal Corporation Total | $21,255,216 | $11,135,960 | $131,185,280 | $10,253,583 | $315,000 | $174,145,039 | $13,188,559 | $16,345,985 | $203,679,583 |
| **Park City Redevelopment Agency** | | | | | | | | | |
| 033 Redevelopment Agency Lower Park Ave | 0 | 810,225 | 5,645,225 | 0 | 0 | 6,455,450 | 630,000 | 3,980,016 | 11,065,466 |
| 034 Redevelopment Agency Main St | 0 | 415,000 | 635,327 | 0 | 0 | 1,050,327 | 950,000 | 1,122,522 | 3,122,849 |
| 072 RDA Main Street Debt Service | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 076 RDA Lower Park Ave Debt Service | 0 | 0 | 0 | 601,000 | 0 | 601,000 | 0 | 876,945 | 1,477,945 |
| Park City Redevelopment Agency Total | $0 | $1,225,225 | $6,280,552 | $601,000 | $0 | $8,106,777 | $1,580,000 | $5,979,483 | $15,666,260 |
| **Municipal Building Authority** | | | | | | | | | |
| 035 Municipal Building Authority Fund | 0 | 0 | 337,359 | 1,389,500 | 0 | 1,726,859 | 0 | 530,304 | 2,257,163 |
| 073 MBA Debt Service Fund | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Municipal Building Authority Total | $0 | $0 | $337,359 | $1,389,500 | $0 | $1,726,859 | $0 | $530,304 | $2,257,163 |
| **Park City Housing Authority** | | | | | | | | | |
| 036 Park City Housing Authority | 0 | 0 | 0 | 0 | 0 | 0 | 71,465 | 0 | 71,465 |
| Park City Housing Authority Total | $0 | $0 | $0 | $0 | $0 | $0 | $71,465 | $0 | $71,465 |
| **GRAND TOTAL** | **$21,255,216** | **$12,361,185** | **$137,803,191** | **$12,244,083** | **$315,000** | **$183,978,675** | **$14,840,024** | **$22,855,772** | **$221,674,471** |

## Expenditure Summary by Fund and Major Object (FY 2011)

| Description | Operating Budget | | Capital | Debt Service | Contingency | Sub-Total | Interfund Transfer | Ending Balance | Total |
|---|---|---|---|---|---|---|---|---|---|
| | Personnel | Mat, Suppls, Services | | | | | | | |
| **Park City Municipal Corporation** | | | | | | | | | |
| 011 General Fund | 14,271,387 | 5,564,772 | 246,492 | 10,000 | 315,000 | 20,407,650 | 1,830,047 | 5,603,999 | 27,841,697 |
| 012 Quinns Recreation Complex | 632,333 | 339,545 | 10,000 | 0 | 0 | 981,878 | 0 | (2,246,200) | (1,264,322) |
| 021 Police Special Revenue Fund | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 022 Criminal Forfeiture Restricted Account | 0 | 0 | 0 | 0 | 0 | 0 | 0 | (0) | (0) |
| 031 Capital Improvement Fund | 0 | 0 | 2,746,444 | 0 | 0 | 2,746,444 | 134,366 | 2,795,635 | 5,676,445 |
| 038 Equipment Replacement Fund | 0 | 0 | 800,000 | 0 | 0 | 800,000 | 0 | 59,801 | 859,801 |
| 051 Water Fund | 1,438,379 | 1,970,637 | 5,399,698 | 3,217,523 | 0 | 12,026,237 | 1,191,052 | 1,973,341 | 15,190,631 |
| 055 Golf Fund | 678,389 | 442,360 | 131,005 | 31,543 | 0 | 1,283,297 | 130,685 | 40,767 | 1,454,750 |
| 057 Transportation & Parking Fund | 4,427,419 | 681,886 | 2,665,064 | 0 | 0 | 7,774,369 | 2,252,096 | 4,079,422 | 14,105,886 |
| 062 Fleet Services Fund | 604,260 | 1,637,935 | 5,000 | 0 | 0 | 2,247,195 | 0 | 165,074 | 2,412,268 |
| 064 Self Insurance Fund | 37,963 | 767,300 | 0 | 0 | 0 | 805,263 | 0 | 1,218,570 | 2,023,833 |
| 070 Debt Service Fund | 0 | 0 | 0 | 1,943,013 | 0 | 1,943,013 | 0 | 1,834,793 | 3,777,806 |
| 071 Sales Tax Rev Bonds Debt Svc Fund | 0 | 0 | 0 | 4,713,894 | 0 | 4,713,894 | 0 | 328,116 | 5,042,010 |
| Park City Municipal Corporation Total | $22,090,130 | $11,404,435 | $12,003,703 | $9,915,973 | $315,000 | $55,729,241 | $5,538,246 | $15,853,317 | $77,120,804 |
| **Park City Redevelopment Agency** | | | | | | | | | |
| 033 Redevelopment Agency Lower Park Ave | 0 | 805,000 | 0 | 0 | 0 | 805,000 | 630,000 | 5,481,016 | 6,916,016 |
| 034 Redevelopment Agency Main St | 0 | 405,000 | 0 | 0 | 0 | 405,000 | 950,000 | 1,067,522 | 2,422,522 |
| 072 RDA Main Street Debt Service | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 076 RDA Lower Park Ave Debt Service | 0 | 0 | 0 | 602,000 | 0 | 602,000 | 0 | 874,945 | 1,476,945 |
| Park City Redevelopment Agency Total | $0 | $1,210,000 | $0 | $602,000 | $0 | $1,812,000 | $1,580,000 | $7,423,483 | $10,815,483 |
| **Municipal Building Authority** | | | | | | | | | |
| 035 Municipal Building Authority Fund | 0 | 0 | 0 | 471,500 | 0 | 471,500 | 0 | 528,804 | 1,000,304 |
| 073 MBA Debt Service Fund | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Municipal Building Authority Total | $0 | $0 | $0 | $471,500 | $0 | $471,500 | $0 | $528,804 | $1,000,304 |
| **Park City Housing Authority** | | | | | | | | | |
| 036 Park City Housing Authority | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Park City Housing Authority Total | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| **GRAND TOTAL** | **$22,090,130** | **$12,614,435** | **$12,003,703** | **$10,989,473** | **$315,000** | **$58,012,741** | **$7,118,246** | **$23,805,604** | **$88,936,591** |

## All Funds Combined

| Revenue | 2007 | 2008 | 2009 | 2010 | | 2011 | | |
|---|---|---|---|---|---|---|---|---|
| | (actual) | | | (original) | (adj) | (plan) | (budget) | % ot Total |
| **RESOURCES** | | | | | | | | |
| Property Taxes | 12,744,480 | 13,974,590 | 13,213,009 | 16,029,000 | 15,905,000 | 16,559,000 | 16,745,315 | 19% |
| Sales Tax | 12,977,127 | 12,755,443 | 11,027,464 | 11,071,000 | 11,064,000 | 13,774,000 | 11,048,209 | 13% |
| Franchise Tax | 2,529,915 | 2,748,571 | 2,720,272 | 2,964,000 | 2,789,000 | 3,117,000 | 3,051,000 | 3% |
| Licenses | 1,013,310 | 1,095,247 | 1,172,040 | 1,268,000 | 1,378,000 | 1,319,000 | 1,423,000 | 2% |
| Planning Building & Engineering Fees | 6,090,176 | 5,828,014 | 5,044,383 | 3,246,000 | 1,149,000 | 4,523,000 | 2,209,500 | 3% |
| Other Fees | 30,932 | 22,556 | 13,799 | 0 | 44,000 | 0 | 16,000 | 0% |
| Intergovernmental Revenue | 3,926,496 | 1,450,079 | 3,058,819 | 14,598,957 | 13,525,239 | 7,448,837 | 7,812,837 | 9% |
| Charges for Services | 7,201,295 | 7,463,662 | 9,129,312 | 9,030,000 | 9,986,680 | 9,702,000 | 10,601,000 | 12% |
| Recreation | 2,475,541 | 2,489,483 | 2,588,792 | 2,622,788 | 2,424,250 | 2,689,788 | 2,429,270 | 3% |
| Other Service Revenue | 75,304 | 92,500 | 101,177 | 102,000 | 102,000 | 105,000 | 108,000 | 0% |
| Fines & Forfeitures | 750,817 | 720,031 | 527,991 | 715,500 | 702,500 | 716,500 | 655,500 | 1% |
| Misc. Revenue | 9,887,563 | 8,091,717 | 3,223,604 | 5,195,569 | 7,332,053 | 1,795,569 | 1,791,343 | 2% |
| Interfund Transfers In | 13,837,974 | 15,628,653 | 32,800,255 | 9,305,477 | 14,840,021 | 8,106,455 | 7,118,246 | 8% |
| Special Revenue & Resources | 1,884,158 | 3,822,346 | 3,223,219 | 982,000 | 4,190,111 | 977,000 | 505,000 | 1% |
| Bond Proceeds | 0 | 779,793 | 24,477,505 | 23,986,427 | 24,073,682 | 19,378,875 | 0 | 0% |
| Beginning Balance | 80,018,337 | 89,775,525 | 97,369,362 | 34,230,593 | 111,667,935 | 35,396,588 | 22,855,772 | 26% |
| **Total** | **155,443,426** | **166,738,212** | **209,691,002** | **135,347,311** | **221,173,471** | **125,608,612** | **88,369,992** | **100%** |

## Change in Fund Balance

| Fund | 2007 Actual | 2008 Actual | 2009 Actual | 2010 Adjusted | Change - 2009 to 2010 Increase (reduction) | Change - 2009 to 2010 % | 2011 Budget | Change - 2010 to 2011 Increase (reduction) | Change - 2010 to 2011 % |
|---|---|---|---|---|---|---|---|---|---|
| **Park City Municipal Corporation** | | | | | | | | | |
| 011 General Fund | 5,062,512 | 4,642,588 | 5,165,031 | 4,780,983 | (384,048) | -7% | 5,603,999 | 823,016 | 17% |
| 012 Quinns Recreation Complex | (486,287) | (967,091) | (1,445,959) | (1,837,922) | (391,963) | 27% | (2,246,200) | (408,278) | 22% |
| 021 Police Special Revenue Fund | 19,772 | 21,122 | 22,522 | 0 | (22,522) | -100% | 0 | 0 | |
| 022 Criminal Forfeiture Restricted Account | 17,220 | 10,696 | 9,455 | (0) | (9,455) | -100% | (0) | 0 | |
| 031 Capital Improvement Fund | 48,655,592 | 51,554,158 | 51,656,557 | 2,594,736 | (49,061,821) | -95% | 2,795,635 | 200,899 | 8% |
| 038 Equipment Replacement Fund | 2,821,921 | 1,781,301 | 895,151 | 59,801 | (835,350) | -93% | 59,801 | 0 | 0% |
| 051 Water Fund | 7,065,103 | 12,204,897 | 13,010,035 | 3,835,608 | (9,174,427) | -71% | 1,973,341 | (1,862,267) | -49% |
| 055 Golf Fund | 201,071 | 422,118 | 489,077 | 134,750 | (354,327) | -72% | 40,767 | (93,983) | -70% |
| 057 Transportation & Parking Fund | 9,964,940 | 11,668,449 | 11,902,704 | 2,723,549 | (9,179,155) | -77% | 4,079,422 | 1,355,873 | 50% |
| 062 Fleet Services Fund | 201,188 | 199,690 | 171,968 | 164,869 | (7,099) | -4% | 165,074 | 205 | 0% |
| 064 Self Insurance Fund | 3,104,115 | 2,778,181 | 2,212,435 | 1,715,515 | (496,920) | -22% | 1,218,570 | (496,945) | -29% |
| 070 Debt Service Fund | 1,609,730 | 1,743,242 | 1,924,529 | 1,782,404 | (142,125) | -7% | 1,834,793 | 52,389 | 3% |
| 071 Sales Tax Rev Bonds Debt Svc Fund | 527,975 | 691,114 | 686,335 | 391,693 | (294,642) | -43% | 328,116 | (63,577) | -16% |
| Park City Municipal Corporation Total | $78,764,852 | $86,750,465 | $86,699,839 | $16,345,985 | ($70,353,854) | -81% | $15,853,317 | ($492,668) | -1% |
| **Park City Redevelopment Agency** | | | | | | | | | |
| 033 Redevelopment Agency Lower Park Ave | 4,626,990 | 5,854,007 | 5,283,466 | 3,980,016 | (1,303,450) | -25% | 5,481,016 | 1,501,000 | 38% |
| 034 Redevelopment Agency Main St | 1,245,516 | 1,295,338 | 844,425 | 1,122,522 | 278,097 | 33% | 1,067,522 | (55,000) | -5% |
| 072 RDA Main Street Debt Service | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | |
| 076 RDA Lower Park Ave Debt Service | 1,912,445 | 1,963,226 | 877,945 | 876,945 | (1,000) | 0% | 874,945 | (2,000) | 0% |
| Park City Redevelopment Agency Total | $7,784,952 | $9,112,572 | $7,005,836 | $5,979,483 | ($1,026,353) | -11% | $7,423,483 | $1,444,000 | 21% |
| **Municipal Building Authority** | | | | | | | | | |
| 035 Municipal Building Authority Fund | 1,413,543 | 526,376 | 561,274 | 530,304 | (30,970) | -6% | 528,804 | (1,500) | 0% |
| 073 MBA Debt Service Fund | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | |
| Municipal Building Authority Total | $1,413,543 | $526,376 | $561,274 | $530,304 | ($30,970) | -6% | $528,804 | ($1,500) | 0% |
| **Park City Housing Authority** | | | | | | | | | |
| 036 Park City Housing Authority | 66,900 | 69,993 | 71,465 | 0 | (71,465) | -100% | 0 | 0 | 0% |
| Park City Housing Authority Total | $66,900 | $69,993 | $71,465 | $0 | ($71,465) | -102% | $0 | $0 | 0% |

**Notes and Explanations of Change in Fund Balance:**

- Fund Balance refers to the amount of revenues on hand in a given year that are not used for expenditures in that year. It is closely related to the concept of a balanced budget, where beginning fund balance (the amount of revenues on hand at the beginning of a year) and the revenues received that year are equal to the the expenditures for that year and the ending fund balance (or the amount of revenues remaining on hand at the end of the year). Fund balance is comprised of elements of reserves, funds dedicated to capital projects, and other earmarked funds. For budget purposes, fund balance is calculated on a cash basis and is not to be confused with the net assets or fund balance numbers presented in the Comprehensive Annual Financial Report.
- Figures shown are the ending balance (or balance as of June 30) for each fiscal year. The beginning balance for any given year is the ending balance from the previous year.
- Capital projects funds (Funds 31, 33, 34, 35, 36, 38) tend to show large decreases in fund balance between the prior year actual and current year adjusted budget. This is explained by the fact that much of fund balance in these funds is reserved for capital expenses which were budgeted in previous years. Unexpended capital budgets are rolled forward each year as part of the adjusted budget. So funding for capital projects shows up in fund balance *actual* figures, but disappears in the current year adjusted budget because there is an offsetting budgeted "carryforward" expense. This same phenomenon generally explains large decreases in fund balances for proprietary funds (such as Fund 51, 55, and 57).
- The Water Fund shows a large decrease in fund balance in FY 2011. This is due to anticipated capital infrastructure improvements which will be funded with accumulated impact fees, resulting in a sharp decrease in fund balance.
- The Fleet Fund is an internal service fund which is intended to run a zero or near-zero balance. As such, any change in fund balance will appear drastic when viewed as a percent change, but the changes are simply the product of the nature of the fund.

**Attachment B**

**Resolution No.**

**A RESOLUTION ADOPTING THE FISCAL YEAR 2010 REVISED BUDGET AND THE FISCAL YEAR 2011 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 6, May 20, May 27, June 3, and June 17, 2010 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 2010 Redevelopment Agency Revised Budget for Park City, Utah.

| | Main Street | Park Avenue |
|---|---|---|
| Main Street Debt Service | $0 | |
| Main Street CIP | $3,122,849 | |
| Lower Park Ave Debt Service | | $600,000 |
| Lower Park Avenue CIP | | $11,065,466 |
| Subtotal | $3,122,849 | $11,665,466 |
| | | |
| LESS: | | |
| Interfund Transactions | $(0) | $(600,000) |
| Special Revenues | $(978,424) | $(3,042,000) |
| Beginning balance | $(844,425) | $(5,283,466) |
| | $(1,822,849) | $(8,925,466) |
| | | |
| NET RDA TAX INCREMENT | $1,300,000 | $2,740,000 |

**SECTION 2. BUDGET ADOPTED**. The following budget is hereby adopted as the Fiscal Year 2011 Redevelopment Agency Budget for Park City, Utah.

| | Main Street | Park Avenue |
|---|---|---|
| Main Street Debt Service | $0 | |
| Main Street CIP | $2,422,522 | |
| Lower Park Ave Debt Service | | $600,000 |

| | | |
|---|---|---|
| Lower Park Avenue CIP | | $6,916,016 |
| Subtotal | $2,422,522 | $7,516,016 |
| | | |
| LESS: | | |
| Interfund Transactions | $(0) | $(600,000) |
| Misc Revenue | | $(0) |
| Beginning balance | $(1,122,522) | $(3,980,016) |
| | $(1,122,522) | $(4,580,016) |
| | | |
| NET RDA TAX INCREMENT | $1,300,000 | $2,936,000 |

**SECTION 3. EFFECTIVE DATE**. The Resolution for the revised budget shall take effect on June 17, 2010 and the Resolution for the budget shall take effect on July 1, 2010.

PASSED AND ADOPTED the 17th day of June, 2010.

**Attachment C**

**Resolution No.**

**RESOLUTION ADOPTING THE PARK CITY MUNICIPAL BUILDING AUTHORITY REVISED BUDGET FOR FISCAL YEAR 2010 AND THE BUDGET FOR FISCAL YEAR 2011**

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

WHEREAS, a public hearing was held on May 6, May 20, May 27, June 3, and June 17, 2010 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 2010 Municipal Building Authority Revised Budget for Park City, Utah:

| | |
|---|---|
| Debt Service Fund | $0 |
| Capital Improvement Program | $2,257,163 |
| Subtotal | $2,257,163 |
| Less Ending Balance | (530,304) |
| TOTAL | $1,726,859 |

**SECTION 2. BUDGET ADOPTED**. The following budget is hereby adopted as the Fiscal Year 2011 Municipal Building Authority Budget for Park City, Utah:

| | |
|---|---|
| Debt Service Fund | $0 |
| Capital Improvement Program | $1,000,304 |
| Subtotal | $1,000,304 |
| Less Ending Balance | (528,804) |
| TOTAL | $471,500 |

**SECTION 3. EFFECTIVE DATE**. The Resolution for the revised budget shall take effect on June 17, 2010, the Resolution for the budget shall take effect on July 1, 2010.

PASSED AND ADOPTED this 17th day of June, 2010.

# City Council Staff Report

**Subject:** Sandridge Avenue Reconstruction Project Construction Agreement
**Author:** Matthew D. Cassel, P.E., City Engineer
**Date:** June 17, 2010
**Type of Item:** Administrative

**Summary Recommendations:**

The City Council should consider authorizing the City Manager to execute a construction agreement for the reconstruction of Sandridge Avenue with Cody Ekker Construction Company in a form approved by the City Attorney and in an amount not to exceed $235,957.

**Topic/Description:**

The City Council adopted the Old Town Improvement Study (OTIS) in 2002. This was actually the second study, as the City has been steadily improving infrastructure in Old Town since an earlier study in 1992 made similar recommendations. Street projects which have been accomplished since 1992 include most of Swede Alley, King Road, Ontario Avenue, Marsac Avenue, Woodside Avenue south of 12th Street, Upper Park Avenue, Prospect Street, Upper Norfolk and lower Woodside/Norfolk. In the FY2010, budget the City Council included funds for this latest OTIS project, namely the road and utility improvement of Sandridge Drive. This contract with Cody Ekker Construction will provide for the necessary construction work on this narrow Old Town street.

The Council has approved funding for this project as follows:
Capital Project cp0155 contains $758,523 for the project

**Background:**

On October 29, 2009, City Council approved a design and project management contract with Ward Engineering to prepare construction documents for the reconstruction of Sandridge Avenue. Over the winter Ward Engineering and staff members have been meeting with residents, affected utility companies, and the Snyderville Basin Water Reclamation District (SBWRD). Ward Engineering completed a design for Sandridge Avenue, which incorporates the needs of our water department and Questar Gas for the replacement of their utilities.

Sandridge Drive is part of the Phase II(a) group of OTIS projects and was scheduled to be designed and constructed in FY2009 but was switched with Hillside Avenue. Improvements include road removal and replacement, upgrade of existing water main, installation of hydrants, installation of new water services and/or meters, installation of a new gas line and landscaping the northwest corner of Hillside Avenue and Marsac Avenue.

To keep residents along Sandridge Drive informed and provide them with a venue to voice their issues and concerns, three public involvement meetings were scheduled to be held during the course of the project. The first public meeting was held on January 20, 2010 during the preliminary design phase of the project. Only one resident showed up for the meeting so we called every resident on the affected area of the street to discuss the project with them and to understand their concern and issues. Instead of holding a second meeting as the design neared completion, we again contacted every home owner to discuss the plans. The third and final public meeting will be held just before construction starts on or about the fifth week of June which will let the residents know construction will be starting and give them a chance to meet the contractor. Staff is confident that the design matches the wishes of this small neighborhood.

**Analysis:**
Ward Engineering and staff advertised to obtain competitive bids for the reconstruction of Sandridge Avenue. The project was advertised in the Park Record and the Salt Lake Tribune. Bids were received on June 3, 2010 and four bids were received. Engineer's construction estimate for the project was $307,630.

| **COMPANY** | **BID AMOUNT** |
|---|---|
| **Cody Ekker Construction** | **$235,957.00** |
| **Stevens Construction** | **$236,963.00** |
| **SCI, Inc.** | **$329,500.00** |
| **Granite Construction** | **$387,356.00** |

All bids submitted were reviewed and compliant with the terms of the Contract Documents.

**Department Review:**
This report has been reviewed by Budget, Public Works, Legal, and the City Manager's office. All issues have been resolved.

**Alternatives:**

**A. Approve the Request:**
This is the staff's recommendation.

**B. Deny the Request:**
This could make it impossible to complete the reconstruction in the 2010 construction season.

**C. Continue the Item:**
If the Council needs more information the item can be continued, but this would probably impact the contractor's ability to complete the reconstruction this season.

**D. Do Nothing:**
This option would make it impossible to complete the construction in a timely manner.

**Significant Impacts:**

The construction of Sandridge Avenue will impact the adjacent residents. Coordination before and during construction with the adjacent residents will not eliminate the impacts but should greatly help the situation. The funds for the 2010 construction have already been appropriated, as mentioned above, so there are no budget impacts which the Council hasn't already considered in the FY2010 budget.

**Consequences of not taking the recommended action:**
By not taking the recommended action, Sandridge Avenue would not be completed this year. Its affect will be felt only by the nine home owners along Sandridge Avenue.

**Recommendation:**
The City Council should consider authorizing the City Manager to execute a construction agreement for the reconstruction of Sandridge Avenue with Cody Ekker Construction Company in a form approved by the City Attorney and in an amount not to exceed $235,957.

Exhibit – Bid Abstract
Construction Contract

# SANDRIDGE AVENUE RECONSTRUCTION PROJECT - BID ABSTRACT

| | | ENGINEER'S ESTIMATE | | | | CODY EKKER CONSTRUCTION | | | | GRANITE CONSTRUCTION | | | | SCI | | | | STEVENS CONSTRUCTION | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | BID SCHEDULE A: GENERAL IMPROVEMENTS | | | | | | | | | | | | | | | | | | | | |
| Item No. | Description | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price |
| 1 | Temporary Controls | LUMP | 1 | $10,000.00 | $10,000.00 | LUMP | 1 | $2,500.00 | $2,500.00 | LUMP | 1 | $3,200.00 | $3,200.00 | LUMP | 1 | $2,800.00 | $2,800.00 | LUMP | 1 | $27,226.00 | $27,226.00 |
| 2 | Quality Control | LUMP | 1 | $4,000.00 | $4,000.00 | LUMP | 1 | $2,500.00 | $2,500.00 | LUMP | 1 | $4,950.00 | $4,950.00 | LUMP | 1 | $6,360.00 | $6,360.00 | LUMP | 1 | $3,000.00 | $3,000.00 |
| 3 | Mobilization | LUMP | 1 | $20,000.00 | $20,000.00 | LUMP | 1 | $30,000.00 | $30,000.00 | LUMP | 1 | $31,865.00 | $31,865.00 | LUMP | 1 | $15,800.00 | $15,800.00 | LUMP | 1 | $8,000.00 | $8,000.00 |
| 4 | Public Information Services | LUMP | 1 | $1,500.00 | $1,500.00 | LUMP | 1 | $1,500.00 | $1,500.00 | LUMP | 1 | $1.00 | $1.00 | LUMP | 1 | $1,000.00 | $1,000.00 | LUMP | 1 | $1,750.00 | $1,750.00 |
| 5 | Construction Survey | LUMP | 1 | $4,000.00 | $4,000.00 | LUMP | 1 | $2,000.00 | $2,000.00 | LUMP | 1 | $5,100.00 | $5,100.00 | LUMP | 1 | $7,400.00 | $7,400.00 | LUMP | 1 | $2,650.00 | $2,650.00 |
| 6 | Storm Water Pollution Prevention Plan | LUMP | 1 | $3,500.00 | $3,500.00 | LUMP | 1 | $1,500.00 | $1,500.00 | LUMP | 1 | $4,000.00 | $4,000.00 | LUMP | 1 | $2,000.00 | $2,000.00 | LUMP | 1 | $1,200.00 | $1,200.00 |
| 7 | Clear and Grub | LUMP | 1 | $1,000.00 | $1,000.00 | LUMP | 1 | $1,500.00 | $1,500.00 | LUMP | 1 | $4,900.00 | $4,900.00 | LUMP | 1 | $1,800.00 | $1,800.00 | LUMP | 1 | $5,000.00 | $5,000.00 |
| 8 | Remove and Replace Existing Roadbase | CU YD | 173 | $47.00 | $8,131.00 | CU YD | 173 | $21.00 | $3,633.00 | CU YD | 173 | $51.00 | $8,823.00 | CU YD | 173 | $21.00 | $3,633.00 | CU YD | 173 | $21.08 | $3,647.00 |
| 9 | Remove and Dispose of Existing Roadbase | CU YD | 20 | $27.00 | $540.00 | CU YD | 20 | $7.00 | $140.00 | CU YD | 20 | $60.00 | $1,200.00 | CU YD | 20 | $50.00 | $1,000.00 | CU YD | 20 | $15.00 | $300.00 |
| 10 | Over Excavation and Place | CU YD | 321 | $40.00 | $12,840.00 | CU YD | 321 | $10.00 | $3,210.00 | CU YD | 321 | $36.00 | $11,556.00 | CU YD | 321 | $22.00 | $7,062.00 | CU YD | 321 | $15.00 | $4,815.00 |
| 11 | Over Excavation and Dispose | CU YD | 99 | $25.00 | $2,475.00 | CU YD | 99 | $7.00 | $693.00 | CU YD | 99 | $60.00 | $5,940.00 | CU YD | 99 | $50.00 | $4,950.00 | CU YD | 99 | $15.00 | $1,485.00 |
| 12 | 6" Untreated Aggregate Base Course, 1" Max | CU YD | 150 | $55.00 | $8,250.00 | CU YD | 150 | $55.00 | $8,250.00 | CU YD | 150 | $90.00 | $13,500.00 | CU YD | 150 | $54.00 | $8,100.00 | CU YD | 150 | $30.00 | $4,500.00 |
| 13 | 3" Plant-Mix Bituminous Pavement, AC-10, 3/4" Max | SQ YD | 890 | $19.00 | $16,910.00 | SQ YD | 890 | $14.25 | $12,682.50 | SQ YD | 890 | $20.50 | $18,245.00 | SQ YD | 890 | $17.00 | $15,130.00 | SQ YD | 890 | $15.93 | $14,177.70 |
| 14 | 1" Plant-Mix Bituminous Seal Coat, AC-10 *(Addendum 2)* | SQ YD | 945 | $11.50 | $10,867.50 | SQ YD | 945 | $7.50 | $7,087.50 | SQ YD | 945 | $11.50 | $10,867.50 | SQ YD | 945 | $9.00 | $8,505.00 | SQ YD | 945 | $19.30 | $18,238.50 |
| 15 | Remove and Dispose of Existing Asphalt Concrete Pavement | SQ YD | 760 | $9.50 | $7,220.00 | SQ YD | 760 | $4.50 | $3,420.00 | SQ YD | 760 | $5.50 | $4,180.00 | SQ YD | 760 | $17.00 | $12,920.00 | SQ YD | 760 | $11.13 | $8,458.80 |
| 16 | Gas Lateral Trench - Contingency Item | EACH | 4 | $350.00 | $1,400.00 | EACH | 4 | $250.00 | $1,000.00 | EACH | 4 | $1,000.00 | $4,000.00 | EACH | 4 | $100.00 | $400.00 | EACH | 4 | $250.00 | $1,000.00 |
| 17 | Adjust Existing Water Valve to Grade | EACH | 2 | $350.00 | $700.00 | EACH | 2 | $200.00 | $400.00 | EACH | 2 | $750.00 | $1,500.00 | EACH | 2 | $400.00 | $800.00 | EACH | 2 | $200.00 | $400.00 |
| 18 | Sawcutting | LN FT | 180 | $2.50 | $450.00 | LN FT | 180 | $3.00 | $540.00 | LN FT | 180 | $2.00 | $360.00 | LN FT | 180 | $3.00 | $540.00 | LN FT | 180 | $1.11 | $199.80 |
| 19 | Relocate and Replace Sprinkler Heads From STA 13+78.50 6.0' RT to STA 14+85.27 6.0' RT | LUMP | 1 | $550.00 | $550.00 | LUMP | 1 | $3,575.00 | $3,575.00 | LUMP | 1 | $1,700.00 | $1,700.00 | LUMP | 1 | $2,100.00 | $2,100.00 | LUMP | 1 | $2,500.00 | $2,500.00 |
| 20 | Relocate and Replace Sprinkler Lines From STA 13+78.50 6.0' RT to STA 14+85.27 6.0' RT | LUMP | 1 | $550.00 | $550.00 | LUMP | 1 | $3,575.00 | $3,575.00 | LUMP | 1 | $2,000.00 | $2,000.00 | LUMP | 1 | $2,100.00 | $2,100.00 | LUMP | 1 | $2,500.00 | $2,500.00 |
| 21 | Gravel Surface Restoration Area - Contingency Item | SQ YD | 160 | $4.75 | $760.00 | SQ YD | 160 | $4.50 | $720.00 | SQ YD | 160 | $7.50 | $1,200.00 | SQ YD | 160 | $10.00 | $1,600.00 | SQ YD | 160 | $5.00 | $800.00 |
| | **BID SCHEDULE A (general requirements) TOTAL =** | | | | **$115,643.50** | | | | **$90,426.00** | | | | **$139,087.50** | | | | **$106,000.00** | | | | **$111,847.80** |

**BID SCHEDULE B: CULINARY WATER IMPROVEMENTS**

| | | ENGINEER'S ESTIMATE | | | | CODY EKKER CONSTRUCTION | | | | GRANITE CONSTRUCTION | | | | SCI | | | | STEVENS CONSTRUCTION | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Item No. | Description | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price |
| 1 | Remove and Dispose of Existing 6" Waterline STA 11+03 to STA 13+12 (Waterline Control) | LN FT | 210 | $13.00 | $2,730.00 | LN FT | 210 | $9.00 | $1,890.00 | LN FT | 210 | $5.75 | $1,207.50 | LN FT | 210 | $4.40 | $924.00 | LN FT | 210 | $10.00 | $2,100.00 |
| 2 | Temporary Above-Ground Bypass Water Service to Existing Connections | LN FT | 420 | $30.00 | $12,600.00 | LN FT | 420 | $28.00 | $11,760.00 | LN FT | 420 | $60.00 | $25,200.00 | LN FT | 420 | $52.00 | $21,840.00 | LN FT | 420 | $15.23 | $6,396.60 |
| 3 | Install Waterline - 8" CL350 RJ Ductile Iron Pipe | LN FT | 105 | $75.00 | $7,875.00 | LN FT | 105 | $46.00 | $4,830.00 | LN FT | 105 | $110.00 | $11,550.00 | LN FT | 105 | $95.00 | $9,975.00 | LN FT | 105 | $21.00 | $2,205.00 |
| 4 | Install Waterline - 8" CL350 RJ Ductile Iron Pipe in Shared Trench with Gas Line | LN FT | 344 | $90.00 | $30,960.00 | LN FT | 344 | $47.00 | $16,168.00 | LN FT | 344 | $120.00 | $41,280.00 | LN FT | 344 | $109.00 | $37,496.00 | LN FT | 344 | $21.00 | $7,224.00 |
| 5 | Connect to Existing 10" Ductile Iron Waterline Including Fittings and Valve, Station 10+00 | LUMP | 1 | $5,000.00 | $5,000.00 | LUMP | 1 | $2,500.00 | $2,500.00 | LUMP | 1 | $6,350.00 | $6,350.00 | LUMP | 1 | $5,550.00 | $5,550.00 | LUMP | 1 | $1,200.00 | $1,200.00 |
| 6 | Remove and Replace Existing Fire Hydrant Including Ductile Iron Pipe, Fittings, and Valve, Station 14+19 | EACH | 1 | $7,000.00 | $7,000.00 | EACH | 1 | $3,450.00 | $3,450.00 | EACH | 1 | $6,000.00 | $6,000.00 | EACH | 1 | $5,225.00 | $5,225.00 | EACH | 1 | $5,000.00 | $5,000.00 |
| 7 | Remove Existing Valve, Cap and Block Existing 8-inch Flange Branch on Tee. (South End of Sandridge Avenue) *(Addendum 2)* | LUMP | 1 | $1,000.00 | $1,000.00 | LUMP | 1 | $500.00 | $500.00 | LUMP | 1 | $2,100.00 | $2,100.00 | LUMP | 1 | $1,850.00 | $1,850.00 | LUMP | 1 | $3,000.00 | $3,000.00 |
| 8 | Replace Existing Water Service Connection and Meter Box with 1-1/2" Service Connection, 1-1/2" Meter Vault, 3/4" Meter Setter and Meter, Reconnect to House, Complete. (House Numbers 152, 156, 164) | EACH | 3 | $5,500.00 | $16,500.00 | EACH | 3 | $1,900.00 | $5,700.00 | EACH | 3 | $6,500.00 | $19,500.00 | EACH | 3 | $5,725.00 | $17,175.00 | EACH | 3 | $2,000.00 | $6,000.00 |
| 9 | Replace Existing Water Service Connection and Meter Box with 1-1/2" Service Connection, 1-1/2" Meter Vault, 1-1/2" Meter Setter and Meter, Approximately 75 LF Service Lateral, Install Second Corp Stop on House Lateral and Mark to Surface, Complete. (House Number 130) | EACH | 1 | $8,000.00 | $8,000.00 | EACH | 1 | $3,000.00 | $3,000.00 | EACH | 1 | $11,500.00 | $11,500.00 | EACH | 1 | $9,750.00 | $9,750.00 | EACH | 1 | $2,000.00 | $2,000.00 |
| 10 | Replace Existing Water Service Connections and Meter Boxes for 224 and 228 with a Duel 3/4" Meter Vault, Complete | EACH | 1 | $7,000.00 | $7,000.00 | EACH | 1 | $2,250.00 | $2,250.00 | EACH | 1 | $8,900.00 | $8,900.00 | EACH | 1 | $7,750.00 | $7,750.00 | EACH | 1 | $2,500.00 | $2,500.00 |
| 11 | Replace Existing Water Service Connections and Meter Boxes for 218 and 222 with a Duel 3/4" Meter Vault, Complete | EACH | 1 | $7,000.00 | $7,000.00 | EACH | 1 | $2,250.00 | $2,250.00 | EACH | 1 | $13,000.00 | $13,000.00 | EACH | 1 | $11,350.00 | $11,350.00 | EACH | 1 | $2,500.00 | $2,500.00 |
| 12 | Replace Existing Irrigation Service Connection and Meter Box with 1-1/2" Service Connection, 1-1/2" Meter Vault, 1-1/2" Meter Setter and Meter, Reconnect to Irrigation Line, Complete | EACH | 1 | $6,000.00 | $6,000.00 | EACH | 1 | $3,250.00 | $3,250.00 | EACH | 1 | $6,350.00 | $6,350.00 | EACH | 1 | $5,550.00 | $5,550.00 | EACH | 1 | $3,000.00 | $3,000.00 |
| | **BID SCHEDULE B (waterline) TOTAL =** | | | | **$111,665.00** | | | | **$57,548.00** | | | | **$152,937.50** | | | | **$134,435.00** | | | | **$43,125.60** |

**BID SCHEDULE C: LANDSCAPE IMPROVEMENTS**

| | | ENGINEER'S ESTIMATE | | | | CODY EKKER CONSTRUCTION | | | | GRANITE CONSTRUCTION | | | | SCI | | | | STEVENS CONSTRUCTION | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Item No. | Description | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price |
| 1 | Remove, Stockpile, and Reuse 13 Existing Boulders in Planting Area, along Marsac Ave. | LUMP | 1 | $675.00 | $675.00 | LUMP | 1 | $1,495.00 | $1,495.00 | LUMP | 1 | $300.00 | $300.00 | LUMP | 1 | $1,500.00 | $1,500.00 | LUMP | 1 | $2,500.00 | $2,500.00 |
| 2 | Clear and Grub | LUMP | 1 | $2,500.00 | $2,500.00 | LUMP | 1 | $3,213.00 | $3,213.00 | LUMP | 1 | $3,500.00 | $3,500.00 | LUMP | 1 | $5,000.00 | $5,000.00 | LUMP | 1 | $2,000.00 | $2,000.00 |
| 3 | Remove and Properly Discard Existing Metal Edging | LN FT | 500 | $0.20 | $100.00 | LN FT | 500 | $1.00 | $500.00 | LN FT | 500 | $1.00 | $500.00 | LN FT | 500 | $1.00 | $500.00 | LN FT | 500 | $12.00 | $6,000.00 |
| 4 | Repair and Extend Existing Roadway Boulder Wall | LUMP | 1 | $1,000.00 | $1,000.00 | LUMP | 1 | $1,000.00 | $1,000.00 | LUMP | 1 | $600.00 | $600.00 | LUMP | 1 | $2,000.00 | $2,000.00 | LUMP | 1 | $6,500.00 | $6,500.00 |
| 5 | Install New Boulder Wall (3' max height, 76' long) | EACH | 1 | $2,500.00 | $2,500.00 | EACH | 1 | $4,560.00 | $4,560.00 | EACH | 1 | $4,800.00 | $4,800.00 | EACH | 1 | $6,773.00 | $6,773.00 | EACH | 1 | $4,260.00 | $4,260.00 |
| 6 | Install 3" - 6" in Diameter River Rock Cobble, 6" Deep | SQ YD | 531 | $10.00 | $5,310.00 | SQ YD | 531 | $9.00 | $4,779.00 | SQ YD | 531 | $16.50 | $8,761.50 | SQ YD | 531 | $15.00 | $7,965.00 | SQ YD | 531 | $12.33 | $6,547.23 |
| 7 | Install Landscape Weed Barrier Fabric | SQ YD | 535 | $2.65 | $1,417.75 | SQ YD | 535 | $2.25 | $1,203.75 | SQ YD | 535 | $2.00 | $1,070.00 | SQ YD | 535 | $2.00 | $1,070.00 | SQ YD | 535 | $6.09 | $3,258.15 |
| 8 | Tan Sandstone Boulders | TON | 58 | $100.00 | $5,800.00 | TON | 58 | $140.00 | $8,120.00 | TON | 58 | $115.00 | $6,670.00 | TON | 58 | $100.00 | $5,800.00 | TON | 58 | $71.12 | $4,124.96 |
| 9 | Mounding - Landscape Berm Fine Grading | LUMP | 1 | $1,000.00 | $1,000.00 | LUMP | 1 | $4,500.00 | $4,500.00 | LUMP | 1 | $4,400.00 | $4,400.00 | LUMP | 1 | $6,000.00 | $6,000.00 | LUMP | 1 | $2,000.00 | $2,000.00 |
| 10 | Topsoil Import (12" thick) | CU YD | 537 | $45.00 | $24,165.00 | CU YD | 537 | $35.00 | $18,795.00 | CU YD | 537 | $46.00 | $24,702.00 | CU YD | 537 | $30.00 | $16,110.00 | CU YD | 537 | $11.84 | $6,358.08 |
| 11 | Bulk Nutrient Mulch | CU YD | 75 | $90.00 | $6,750.00 | CU YD | 75 | $45.00 | $3,375.00 | CU YD | 75 | $75.00 | $5,625.00 | CU YD | 75 | $65.00 | $4,875.00 | CU YD | 75 | $16.66 | $1,249.50 |
| 12 | Soil Preparation | LUMP | 1 | $775.00 | $775.00 | LUMP | 1 | $3,700.00 | $3,700.00 | LUMP | 1 | $2,000.00 | $2,000.00 | LUMP | 1 | $2,000.00 | $2,000.00 | LUMP | 1 | $2,000.00 | $2,000.00 |
| 13 | Park City Non-Irrigated Grass w/Wild Flowers Seed Mix (seed @ 35 lbs/ac) | SQ FT | 9310 | $0.15 | $1,396.50 | SQ FT | 9310 | $0.20 | $1,862.00 | SQ FT | 9310 | $0.25 | $2,327.50 | SQ FT | 9310 | $0.20 | $1,862.00 | SQ FT | 9310 | $0.59 | $5,492.90 |
| 14 | 6" Common Fill (Borrow-Import per Landscape Sections) | CU YD | 95 | $31.00 | $2,945.00 | CU YD | 95 | $28.00 | $2,660.00 | CU YD | 95 | $46.00 | $4,370.00 | CU YD | 95 | $40.00 | $3,800.00 | CU YD | 95 | $9.47 | $899.65 |
| 15 | Western Birch, 1 1/2" Caliper | EACH | 7 | $275.00 | $1,925.00 | EACH | 7 | $225.00 | $1,575.00 | EACH | 7 | $250.00 | $1,750.00 | EACH | 7 | $220.00 | $1,540.00 | EACH | 7 | $428.57 | $2,999.99 |
| 16 | Quaking Aspen, 1 1/2" Caliper | EACH | 13 | $275.00 | $3,575.00 | EACH | 13 | $200.00 | $2,600.00 | EACH | 13 | $230.00 | $2,990.00 | EACH | 13 | $200.00 | $2,600.00 | EACH | 13 | $346.15 | $4,499.95 |
| 17 | Tannenbaum Pine, 6' - 7' | EACH | 9 | $410.00 | $3,690.00 | EACH | 9 | $375.00 | $3,375.00 | EACH | 9 | $520.00 | $4,680.00 | EACH | 9 | $450.00 | $4,050.00 | EACH | 9 | $666.66 | $5,999.94 |
| 18 | Flame Maple | EACH | 10 | $275.00 | $2,750.00 | EACH | 10 | $175.00 | $1,750.00 | EACH | 10 | $310.00 | $3,100.00 | EACH | 10 | $265.00 | $2,650.00 | EACH | 10 | $200.00 | $2,000.00 |
| 19 | Western Wild Rose | EACH | 71 | $35.00 | $2,485.00 | EACH | 71 | $30.00 | $2,130.00 | EACH | 71 | $40.50 | $2,875.50 | EACH | 71 | $35.00 | $2,485.00 | EACH | 71 | $42.25 | $2,999.75 |
| 20 | Adagio Maiden Grass, 5 Gallon | EACH | 79 | $35.00 | $2,765.00 | EACH | 79 | $30.00 | $2,370.00 | EACH | 79 | $40.50 | $3,199.50 | EACH | 79 | $35.00 | $2,765.00 | EACH | 79 | $6.32 | $499.28 |
| 21 | Golden Currant, 5 Gallon | EACH | 32 | $35.00 | $1,120.00 | EACH | 32 | $30.00 | $960.00 | EACH | 32 | $40.50 | $1,296.00 | EACH | 32 | $35.00 | $1,120.00 | EACH | 32 | $25.00 | $800.00 |
| 22 | Concrete Pad (4' x 4' x 6" thick) - w/6" Untreated Base Course Underneath | SQ FT | 16 | $15.75 | $252.00 | SQ FT | 16 | $10.00 | $160.00 | SQ FT | 16 | $29.00 | $464.00 | SQ FT | 16 | $12.50 | $200.00 | SQ FT | 16 | $156.25 | $2,500.00 |
| | BID SCHEDULE C (landscape) TOTAL = | | | | $74,896.25 | | | | $74,682.75 | | | | $89,981.00 | | | | $82,665.00 | | | | $75,489.38 |

**BID SCHEDULE D: IRRIGATION IMPROVEMENTS**

| | | ENGINEER'S ESTIMATE | | | | CODY EKKER CONSTRUCTION | | | | GRANITE CONSTRUCTION | | | | SCI | | | | STEVENS CONSTRUCTION | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Item No. | Description | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price | Unit | Estimate Quantity | Bid Unit Price | Bid Price |
| 1 | Remove and Dispose of Existing Irrigation in Parkstrip | LUMP | 1 | $775.00 | $775.00 | LUMP | 1 | $1,500.00 | $1,500.00 | LUMP | 1 | $600.00 | $600.00 | LUMP | 1 | $800.00 | $800.00 | LUMP | 1 | $3,000.00 | $3,000.00 |
| 2 | Ensure Proper Operation of Existing Control Box | EACH | 1 | $500.00 | $500.00 | EACH | 1 | $2,800.00 | $2,800.00 | EACH | 1 | $350.00 | $350.00 | EACH | 1 | $500.00 | $500.00 | EACH | 1 | $1,500.00 | $1,500.00 |
| 3 | Irrigation System | LUMP | 1 | $4,150.00 | $4,150.00 | LUMP | 1 | $9,000.00 | $9,000.00 | LUMP | 1 | $4,400.00 | $4,400.00 | LUMP | 1 | $5,100.00 | $5,100.00 | LUMP | 1 | $2,000.00 | $2,000.00 |
| | **BID SCHEDULE D (irrigation) TOTAL =** | | | | **$5,425.00** | | | | **$13,300.00** | | | | **$5,350.00** | | | | **$6,400.00** | | | | **$6,500.00** |
| | **GRAND TOTAL OF ALL BID SCHEDULES =** | | | | **$307,629.75** | | | | **$235,956.75** | | | | **$387,356.00** | | | | **$329,500.00** | | | | **$236,962.78** |

**EDEN CONTRACT NO. ____________**

## CONSTRUCTION AGREEMENT

THIS AGREEMENT is made and entered into as of this 20 day of May, 2010, by and between PARK CITY MUNICIPAL CORPORATION, P O Box 1480, Park City UT 84060, a municipal corporation of the state of Utah (hereinafter "City"), and Cody Ekker Construction Company which is a (*check one*) _ corporation ___ partnership X sole proprietorship ___ limited liability company (hereinafter "Contractor").

**PURPOSE**: For the project known as the SR-248 and Comstock Pedestrian Tunnel (hereinafter "Project"), which consists of:

Reconstruction of Sandridge Avenue including the replacement of gas line, water line, road surface and landscaping.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

**SECTION 1. SCOPE OF WORK**. Contractor shall furnish all labor, materials and equipment to complete the Project, consisting of the work described in the Information for Bidders as the Basic Bid, and the following additive alternates: n/a ______________, as specifically set out in the contract specifications, which is made a part hereof by reference, herein called the "Project."

The Project will be bound by the specifications referenced herein, according to the Advertisement for Bid, the Information for Bidders, the General Project Requirements and Specifications provided by City, the Bid of the Contractor, Bid Bond, Drawings, Notice of Award and Notice to Proceed, collectively referred to as the Contract Documents, all of which are incorporated herein by reference and on file in the Engineering Department. To the extent that this Agreement conflicts in any way with a proposed form agreement which may have been submitted as part of the bid specifications, this Agreement shall control.

If any of the work performed by Contractor in any phase of the Project does not meet City standards as outlined in the bid documents and specifications, then Contractor shall immediately repair or correct the work at no additional cost to City.

**A. SUBCONTRACTORS**. No part of this contract shall be subcontracted by the Contractor without prior written approval by City through the Project Manager/Engineer. The Contractor shall be fully responsible to the City for the acts and omissions of its Subcontractors and of persons either directly or indirectly employed by them, as it is for the acts and omissions of persons directly employed by it.

If written approval is granted to subcontract a part of this contract the Contractor shall require each subcontractor that physically performs services within Utah to submit an affidavit to the Contractor stating that the subcontractor has used E-Verify, or equivalent program, to verify the employment status of each new employee.

The Contractor shall, within ten (10) days of submittal of request for final payment, include an affidavit showing satisfactory evidence that all claims of subcontractors, laborers and material men who supplied services or materials to the Project have been fully paid, discharged, or waived. The Contractor shall submit lien waivers for each pay release.

If the City reasonably believes that Contractor has failed to pay Subcontractors, material men, or laborers for work on the Project within a reasonable time of when payment is due, then City may, after having notified the Contractor, either pay unpaid bills or withhold from the release of Contractor's payment bond for this Project, a sum of money deemed reasonably sufficient to pay any and all such lawful claims until satisfactory evidence is furnished that all liabilities have been fully discharged and a ten percent (10%) fee for administering such claims.

**B. STANDARDS OF WORKMANSHIP**. Contractor shall demonstrate workmanship equal to or better than current industry standards for this Project. Where Park City specifications exist (for example, asphalt, concrete, irrigation, sprinkling system and landscaping), they shall provide the benchmark for determination of acceptability.

**C. INSPECTION AND TESTING**. All materials and equipment used in the construction shall be subject to inspection by the Project Manager/Engineer. If laws, ordinances, rules or regulations of any public authority having jurisdiction require any work to specifically be inspected, tested or approved by someone other than Project Manager/Engineer, the Contractor shall give the Project Manager/Engineer timely notice of readiness. Inspections, tests or approvals by the City or appropriate authorities will not relieve the Contractor from obligations to perform the work in accordance with the requirements of the Contract Documents and/or provisions. The Project Manager/Engineer and other designated persons will at all times have access to the work. All work shall ultimately be inspected for final acceptance by the Project Manager/Engineer within a reasonable time upon receipt of notice from the Contractor that work is complete and ready for final inspection.

During construction, the work will be inspected and observed by the Project Manager/Engineer or his designated representative. All work that is deficient or does not meet specifications shall be removed and replaced with proper material at Contractor's expense.

**D.** **WARRANTY**. Contractor warrants that all materials and supplies used in the construction of the Project shall be new, except as otherwise agreed to in writing by the City's Representative. All materials, equipment, parts and labor and any necessary corrections to the Project shall be guaranteed for a period of at least one (1) year following the date of substantial completion of the Project under the terms of the performance bond or as provided in the project specifications and construction documents, whichever is longer.

**SECTION 2. PERFORMANCE AND PAYMENT BONDS**. Contractor shall furnish to the City payment and performance bonds satisfactory to the City guaranteeing Contractor's payment and performance, in the amount, for each separately, of one hundred percent (100%) of the Contract Amount.

**SECTION 3. INSURANCE**. Unless otherwise specified in the bid documents, the Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees, or subcontractors.

The Contractor shall provide Park City Municipal Corporation a Certificate of Insurance evidencing:

**A.** Commercial General Liability insurance written on an occurrence basis with limits no less than two million dollars ($2,000,000) combined single limit per occurrence and four million dollars ($4,000,000) aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations; broad form property damage; explosion, collapse and underground (XCU) if specifically requested; and employer's practices.

The Contractor shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63-30d-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

**B.** Automobile Liability insurance with limits no less than two million dollars ($2,000,000) combined single limit per accident for bodily injury and property damage.

**C.** Workers Compensation insurance limits written as follows:
Bodily Injury by Accident $500,000 each accident;
Bodily Injury by Disease $500,000 each employee, $500,000 policy limit

Park City Municipal Corporation shall be named as an additional insured on the insurance policies and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The City reserves the right to request certified copies of any required policies. The Certificate of Insurance shall contain a provision that states that the City shall be given thirty (30) days written notice of cancellation.

The Contractor's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

**SECTION 4. CONTRACT AMOUNT, ACCEPTANCE OF WHOLE, ADDITIONS.** City shall pay Contractor the total sum of **Two Hundred and Thirty Five Thousand Nine Hundred and Fifty Seven Dollars ($235,957)** ("Contract Amount") for all work and materials expended to complete this Project, which shall include the cost of all bonds, insurance, and all charges, fees, permits (including water and sewer fees, unless waived), expenses or assessments of whatever kind or character that are or may be necessary to complete this Project, including any additive alternates listed within the Scope of Work described in Section 1.

**SECTION 5. PERMITS AND FEES**. As set out in Section 4 above, the Contract Amount includes the price of all normally applicable fees and permits. The City may, at its discretion, arrange for the waiver of certain fees, permits and expenses.

**SECTION 6. TERMS OF PAYMENT**. The City shall pay for services provided hereunder according to and in an amount not to exceed that detailed in the attached payment schedule (Attachment A) and only upon Contractor's request on forms approved by and submitted to the Project Manager. The City shall make payment within thirty (30) days thereafter. Requests for a more rapid payment may be considered if a discount is offered for early payment. At no time shall the aggregate amount of money paid to the Contractor in proportion to the Contract Amount be greater than the proportion of the work performed at that point to the total Project work. No payment shall be made for any service rendered by the Contractor except for services set forth and identified in this Agreement. The City reserves the right to withhold payment in whole or part from the Contractor for non-compliance with the provisions of the Contract Documents.

**A. RETAINAGE**. The City may, in its sole discretion; (1) retain five percent (5%) of the value of all work done and materials or equipment supplied as part security for the fulfillment of the Agreement by the Contractor; or (2) retain the final payment of up to five percent (5%) of the total project amount. As work nears completion and solely at the City's discretion, the City may reduce the retainage to an amount more in line with the work remaining. The City reserves the right to retain all amounts previously withheld or due, including any liquidated damages, until all services specified herein are complete. Any money withheld pursuant to this section shall be placed in an interest bearing account and the interest shall also be payable to the Contractor upon final payment.

Before final payment is made, the Contractor must submit evidence satisfactory to the City that all payrolls, material bills, subcontracts and all outstanding indebtedness in connection with the Project have been paid for.

The City may withhold a reasonable amount of the payment bond sufficient to cover any outstanding indebtedness or monies owed or claimed by any person who supplied work or materials to the Project plus ten percent (10%) of such indebtedness as the City's cost of administering such claims until Contractor supplies a release satisfactory to the City, signed by all persons who have supplied labor or materials to the Project or, at the City's option if no claim is made, until 105 days after the date on which any person performed the last of the labor or supplied the last of the material for the Project and upon written request from the Contractor.

The Contractor shall supply to the Project Manager/Engineer within a reasonable time after his request a signed statement verifying all the suppliers, subcontractors and other persons who have supplied labor or materials to the Project.

**B. FINAL PAYMENT**. Acceptance by the Contractor of the final payment from the City shall release the City of all claims, demands and liability of the Contractor, its officers, agents, employees and subcontractors, whether communicated or not by the Contractor, except with respect to those matters referred to in writing delivered to the Contractor and approved in a signed writing by the Project Manager.

**SECTION 7. COMPLETION TIME**. The work on this Project shall commence within ten days of receipt of the Notice to Proceed and shall be completed by Ocotber 30, 2010. Work stoppage due to inclement weather conditions and other factors must be approved in writing by the Project Manager. Inclement weather shall not otherwise constitute cause for delay. Unless otherwise agreed by the City by Change Order, no damages shall become due to Contractor for City caused delay. A Change Order for delay will generally be accepted for delay so excessive and unreasonable that it is beyond the scope of the Contract or delay attributed to direct, active or willful interference by the City. The Change Order must be based upon actual damages sustained by the Contractor which are directly attributed to the delay.

In the event that Contractor fails to complete all of the work required herein within the time limit set out above, then for each partial or complete day during which the work remains uncompleted thereafter, the Contractor agrees to pay the City **One Hundred Dollars ($100.00)**, (NOTE: liquidated damages clause must be agreed to by Contractor, if no mutual agreement, then no liquidated damages) which the parties believe, due to the difficulty of actually assessing the damages the City will suffer in the event of such a delay, is a fair estimate of the loss the City will suffer. The parties agree that the daily liquidated damages provided for herein is reasonable and fair, and is not a penalty. TIME IS OF THE ESSENCE IN THIS AGREEMENT.

**SECTION 8. ADDITIONAL WORK/CHANGE ORDERS**. The City may enlarge or reduce the work to be performed by Contractor hereunder by written notification to Contractor, including changes to the plans and specifications. The City shall pay Contractor for any additional work so requested, and shall reduce the payment to the Contractor for any reduction in labor, materials, overhead and profit margin resulting from the reduction in the work. Except as the City shall so notify the Contractor in writing, it is understood and agreed by the parties hereto that no money will be paid to the Contractor for any new or additional labor or materials furnished unless a written modification is agreed to in a document signed by both parties.

The value of any work covered by a change order or of any claim for increase or decrease in the contract price shall be determined by one or more of the following methods in order of precedence listed below:

**A.** An agreed lump sum; or in the event the parties cannot agree; then

**B.** The unit rate for the work bid by the Contractor, if applicable, or in the event there was no such rate bid; then

**C.** The actual cost for: (1) labor; (2) materials; (3) supplies; (4) equipment; (5) direct overhead (not to exceed 5% of the sum total of items 1-4, unless approved by the City); and (6) other services necessary and approved by the City to complete the work. In the event of a net increase in the Contract Amount for a change order as a whole, the City shall allow a payment to the Contractor of an additional ten percent (10%) of the actual cost of the work, not including direct overhead or bond costs, to cover the cost of general overhead and profit. The Contractor may also charge the City for actual cost of the net increase in bond costs as a result of the overall change to the Contract Amount. The City specifically reserves the right to request documentation, including but not limited to payroll stubs, bond bills, and invoices, to validate the Contractor's calculations.

**SECTION 9. DISPUTES**. Except as otherwise provided in this Agreement, any disputes concerning a question of fact arising under this Agreement which is not disposed of by Agreement shall be decided by the City. The decision of the City shall be final and conclusive unless, within thirty (30) days from the date of receipt of such decision, the Contractor shall mail or otherwise furnish the City a written signed appeal addressed to the Project Manager/Engineer. In connection with any appeal proceeding under this clause, the Contractor will be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor will proceed diligently with the performance of the contract and in accordance with the City's decision. The decision of the City shall be final and conclusive, but shall not be arbitrary or unreasonable. Although this Contract has been drafted by the City, the Contractor expressly agrees that any ambiguity herein shall be resolved in favor of the City.

**SECTION 10. DEFAULT, REMEDY AND TERMINATION**. The City may terminate this agreement upon the occurrence of one or more of the following events:

**A.** If Contractor or any Subcontractor should substantially violate any of the provisions of this contract;

**B.** If Contractor substantially fails to perform any part of this Agreement;

**C.** If Contractor repeatedly fails or becomes unable to perform the services under this Agreement as required herein, or substantially fails to provide services under this Agreement for a period of seventy-two (72) hours;

**D.** If Contractor (1) shall become insolvent in a bankruptcy sense; (2) shall be generally not paying its debts as they become due, or within a reasonable time thereafter; (3) shall suffer, voluntarily or involuntarily, the entry of an order by any court or governmental authority authorizing the appointment of or appointing of a custodian (as that term is defined in 11 U.S.C. '101[10]), receiver, trustee, or other officer with similar powers with respect to it or any portion of its property which remains un-dismissed for a period of ninety (90) days; (4) shall suffer, voluntarily or involuntarily, with or without judicial or governmental authorization, any such custodian, receiver, trustee, or other officer with similar powers to take possession of any part of its property which third party remains in possession for an excess of ninety (90) days; (5) shall suffer, voluntarily or involuntarily, the filing of a petition respecting an assignment for the benefit of creditors which is not dismissed for a period of ninety (90) days; (6) shall be dissolved; (7) shall become the subject of any proceeding, suit, or action at law or in equity under or relating to any bankruptcy, reorganization or arrangement of debt, insolvency, readjustment of debt, receivership, liquidation, or dissolution law or statute or amendments thereto to be commenced by or against it or against any of its property which remains un-dismissed for a period of ninety (90) days; (8) shall voluntarily suspend substantially all of its business operations; (9) shall be merged with, acquired by, or otherwise absorbed by any individual, corporation, or other business entity or organization of any kind except for any individual corporation or other business entity or organization which is controlled by, controlling, or under common control with the Contractor; or (10) shall take action for the purpose of any of the foregoing,

After serving ten (10) days written notice on the Contractor and its surety of its intention to terminate the services of Contractor, and if within ten (10) days after serving such notice, the violation is not corrected to City's reasonable satisfaction, the City then may take over the work and prosecute it to completion by contract or by any other method it may deem advisable at the expense of the Contractor. The Contractor and the bonding company shall be liable to the City for any reasonable cost occasioned by the City in excess of the amount agreed for the service herein.

The Contractor shall be entitled to a hearing before a City hearing officer upon the issue of termination if it submits a written request therefore within seven (7) days of the service of the notice of the City's intent to terminate. The Contractor shall be entitled to be heard at such hearing on the issue of termination. The Contractor shall not bring an action against the City, its officers, agents or employees arising out of or relating to the termination of this Agreement before the decision is issued by the City's hearing officer(s).

Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver of any provision of this Agreement shall not be construed to be modification of the terms of this Agreement, unless stated to be such in writing, signed by the City's authorized representative.

The Contractor shall continue the performance of this agreement to the extent not terminated under the provisions of this section.

The rights and remedies of the City provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this agreement.

**SECTION 11. HOLD HARMLESS INDEMNIFICATION**. The Contractor clearly and unequivocally agrees to indemnify and to hold the City and its agents, employees, and officers, harmless from and shall process and to defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Contractor's performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Contractor or others; and provided further, that nothing herein shall require the Contractor to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Contractor expressly agrees that the indemnification provided herein constitutes the contractor's waiver of immunity under Utah Code Section 34A-2-105 for the purposes of this Agreement. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

**SECTION 12. CONTROLLING LAW**. These general conditions shall be construed in accordance with and enforced under the laws of the State of Utah. Any action of law, suit in equity, or judicial proceeding for the enforcement of the Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

**SECTION 13. ASSIGNMENT**. The Contractor shall not assign nor transfer any interest in this agreement without the prior written consent of the City, provided however, that claims for compensation due or to become due the Contractor from the City under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment shall be promptly furnished to City.

**SECTION 14. SAFETY AND TRAFFIC CONTROL**. Contractor shall take all reasonable precautions to protect the safety of pedestrians, school children, motorists, and others who may use or come near to the Project site, including but not limited to compliance with the Manual of Uniform Traffic Control Devices.

**SECTION 15. SAFETY AND PROTECTION OF THE WORK**. Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the project work. Contractor shall provide reasonable protection to prevent damage, injury or loss to employees on the Project work and all other persons who may be affected thereby, materials and equipment, whether on or off the site, and other property at the work site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction. In addition, the Contractor shall give all notices and comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the safety of persons or property or their protection from damage, injury or loss.

The Contractor shall erect and maintain, as required by the existing conditions and progress of the work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, setting safety regulations, and notifying owners and user of adjacent utilities.

The Contractor shall promptly remedy all damage or loss to any property referred to in this Section caused in whole or in party by the Contractor, any subcontractor, sub-subcontractor or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable and for which the Contractor is responsible, except for acts or omissions by the City or anyone directly or indirectly employed by it, or by anyone for whose acts it may be liable, and not attributable to the fault or negligence of the Contractor. Contractor shall remove from the site all cuttings, debris, equipment and unused material.

**SECTION 16. UNENFORCEABLE CONTRACT, WAIVERS**. In the event that any provision of this contract shall be ruled invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same provision by the other party.

**SECTION 17. ENTIRE AGREEMENT**. This contract represents the entire integrated agreement between City and Contractor and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written modification signed by both parties.

**SECTION 18. COMMENCEMENT OF WORK**. Contractor will commence work as required by the specifications within ten calendar days after receiving the NOTICE TO PROCEED.

**SECTION 19. UTILITIES**. The right is reserved to the owners of public utilities and franchises to enter upon the street or work site for the purpose of making repairs or changes of their property that may become necessary by the work. The City shall also have the privilege of entering upon the street or work site for the purpose of repairing culverts, storm drains, water system repairs or adjustments and any and all other necessary City work.

The Contractor takes the whole risk, responsibility and expense with respect to the location of utilities, and in working with utility owners about locating, moving, repairing, and modifying utilities. All utility locations shown on the plans and specifications are approximate and are marked on the plans, if at all, only for convenience. The City makes no representation about the location of any such utilities, and Contractor is encouraged to contact utility companies and owners about the location of all utilities that may be impacted by or impact the Project work.

**SECTION 20. HOURS AND DAYS OF WORK.** All work performed by the Contractor, its subcontractors, material men, agents and employees shall be performed during work hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday unless otherwise specified in a

Conditional Use Permit or Construction Mitigation Plan. In individual Construction Mitigation Plans, the Building Official may further reduce the hours or days of work for Special Events or as other circumstances may reasonably warrant. When work is prohibited, no exterior construction, excavation or delivery of supplies and concrete are allowed. Interior work, however, may be allowed Monday through Sunday, with no limitation on hours for the following types of construction:

**A.** Interior work on individual single-family home construction or addition projects not involving materials or supply deliveries

**B.** Construction of decks, patios, landscape walls less than 4 feet in height, and fences on individual single-family lots

**C.** Non-mechanized exterior painting on individual single-family residences

**D.** Non-mechanized landscaping on individual single-family residences

**E.** Survey work not involving grading or use of power equipment to cut vegetation.

**Extended Hours Special Permit**. The Building Official may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation or modify or waive the hours of work on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants. In such cases, the Building Official shall issue a Special Permit identifying the extended hours. Contractor shall display the special permit on site.

**Special Event Regulations**. The Building Official and/or Police Chief may, at their discretion, restrict construction activity, including governmental or special improvement agencies, in order to assure the public safety during special events within the City. Special events shall include, but not be limited to the Art Festival, Film Festival, ski events, and holiday events.

**SECTION 21. CONSTRUCTION MANAGEMENT PLANS**. Contractor shall submit a Construction Mitigation Plan to be approved by the Community Development Department, for all building permits. The Community Development Department may waive this requirement for minor remodels, additions and interior construction where the impact on adjacent property is minimal. This plan shall be written and shall address, to the satisfaction of the Community Development Department.

**A.** **Hours and Days of Operation**. The Construction Mitigation Plan shall specify the daily construction start and finish times. Construction activity occurring outside of the times specified in Section 11-14-6 of the Park City Municipal Code may only be allowed by Special Permit issued by the Building Official or the City Engineer.

**B.** **Parking**. The Construction Mitigation Plan shall include a parking plan. Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along streets and sidewalks. Construction parking in paid or permit only parking areas require the Public Works Department review and approve a parking plan. The plan shall also include anticipated temporary parking, e.g. delivery vehicles, large equipment parking.

**C.** **Deliveries**. The Construction Mitigation Plan shall identify proposed delivery locations and routes. Deliveries of construction materials and supplies including concrete may be regulated as to time and routing if such deliveries will cause unreasonable noise, parking, or access issues. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on or near the site may be required. In the case of multiple construction sites in close proximity, a common materials storage and staging site may be required.

**D.** **Construction Phasing**. Due to the narrow streets, small lot configuration, topography, traffic circulation, weather, construction parking and material staging problems, projects in the Historic District and other areas of the City may be required to be phased if more than one project is under construction in close enough proximity to create public safety or nuisance problems. In cases where phasing is deemed necessary by the Community Development Department, the first project to receive a building permit shall have priority, however, the Building Official shall have the authority to phase projects as necessary to assure efficient, timely and safe construction.

**E.** **Trash Management and Recycling**. Construction sites shall provide adequate storage and a program for trash removal.

**F.** **Control of Dust and Mud on Streets**. A program for the control of dust or other airborne debris shall be required. Provision must be made to eliminate the tracking of mud on streets and a program shall be required to remove any such mud daily.

**G.** **Noise**. Construction activity shall not exceed the noise standards as specified in Section 6-3-9 of the Park City Municipal Code.

**H.** **Grading and Excavation**. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of excavated material shall be noted.

**I.** **Construction Sign Requirements**. A sign, indicating the name of the party responsible for the Project shall be posted in a location where such sign is readable from the street or driveway to the construction site. The sign shall not exceed 12 square feet in size, six feet in height and shall not exceed a letter type of 4". Information on the sign shall include, at a minimum:

1. Name, address and phone number of contractor;
2. Name, address, and phone number of person responsible for the project; and
3. Phone number of party to call in case of emergency.

No additional fee is required for this sign.

**SECTION 22. TOILET FACILITIES AND CONTAINERIZED TRASH SERVICE REQUIRED.**

**A.** The Contractor shall obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction related refuse created or accumulated on the site. All such construction refuse shall be maintained in a closed container at all times, until transferred to the landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists on adjoining streets and thereby create traffic hazards. Contractor shall not permit accumulated debris, litter, or trash on the construction site to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or on transit to the landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

**B.** The Project site shall have permanent toilets, or an approved temporary toilet facility positioned in a location approved by the Building Department, at the rate of one toilet per fifteen on-site employees (1-15 employees = one toilet, 16-30 employees= two toilets and so on).

**SECTION 23. OBEY LAWS.**

**A.** The Contractor shall obey all laws, ordinances and regulations of the United States, the State of Utah, and Park City in performing this Agreement.

**B.** The Contractor shall register and participate in E-Verify, or equivalent program. The Contractor agrees to verify employment eligibility through E-Verify, or equivalent program, for each new employee that is employed within Utah.

**SECTION 24. NONDISCRIMINATION**.

**A.** The City is an equal opportunity employer.

**B.** In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Contractor shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Contractor shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

**C.** The Contractor will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

**D.** If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Contractor shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

**SECTION 25. THIRD PARTY RIGHTS**. Nothing herein is intended to confer rights of any kind in any third party. No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

**SECTION 26. PROJECT MANAGER/ENGINEER**. The Project Manager/Engineer for this Project is Rob Sunderlage of Horrocks Engineers, or such other person designated by the City Engineer or Public Works Director to the Contractor orally or in writing.

**SECTION 27. PARTIES' REPRESENTATIVES**. For purposes of notice required or desired by the parties, or communication involving the services under this Agreement, such notice or communication shall be deemed to have been given when personally delivered or mailed, or sent by facsimile transmission certified mail, postage pre-paid, to the parties at the following addresses:

Contractor: Bowen Construction, or such other person designated in writing by the Contractor's chief administrative officer, at the Contractor's address set out first above;

Park City: Project Manager/Engineer, at the address set out first above for the City, or when given to such other person as either of the above representatives shall designate in writing. The designation of any address may be changed by notice given in the same manner as provided in this paragraph.

**SECTION 28. SEVERABILITY**. Should any part of this Agreement for any reason be declared invalid, such decision shall not affect the validity of any remaining provisions, which remaining provisions shall remain in force and effect as if this Agreement had been executed with the invalid portion thereof eliminated, and it is hereby declared the intention of the parties that they would have executed the remaining portion of this Agreement without including any such part, parts, or portions which may, for any reason, be hereafter declared invalid. If any provision of this Agreement is held invalid or unenforceable with respect to particular circumstances, such provision shall nevertheless remain in full force and effect in all other circumstances.

**IN WITNESS WHEREOF**, the parties have entered into this agreement on the day and year set out at the top of this Agreement.

**PARK CITY MUNICIPAL CORPORATION**

___________________________________
Thomas B. Bakaly, City Manager

ATTEST:

______________________________
City Recorder's Office

APPROVED AS TO FORM:

______________________________
City Attorney's Office

**Cody Ekker Construction Company**
**412 E 3200 N**
**Lehi, UT**

______________________________
John Bowen, Secretary/Treasurer

______________________________
Utah Contract License No.
22-230181-550

**Corporate Acknowledgment**

STATE OF UTAH )
) ss.
COUNTY OF SUMMIT )

On this ____ day of _________________, 2010, personally appeared before me John Bowen, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he/she is the Secretary Treasurer of Bowen Construction by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said Corporation executed the same.

__________________________________
Notary Public