PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 8, 2006

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 8, 2006.

Executive Session – City Council Chambers
3:00 p.m. Motion to close for property and personnel

Work Session – City Council Chambers
4:00 p.m. Council questions/comments
4:10 p.m. Street lighting
4:40 p.m. Budget overview:
- Budget and personnel policies and procedures
- Business licensing fee

5:40 p.m. Regular meeting questions/comments
- COG Resolution

5:50 p.m. Break

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

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 25, 2006

V CONSENT AGENDA PUBLIC HEARINGS

1. Continuation of hearing on an Ordinance approving the Hugh Replat which will combine Lot 7 and the northerly half of Lot 6, Block 30 of Snyder's addition to the Park City Survey into one lot of record

2. Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments for the following Chapters: Chapter 9- Non-Conforming Uses and Non-Conforming Structures, Chapter 10- Board of Adjustment, Chapter 11- Historic Preservation Board, Chapter 12- Planning Commission, and Chapter 14- Planning and Zoning Administration.

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3. Resolution adopting revised personnel policies and procedures manual, dated July 1, 2006

4. Resolution authorizing the Mayor to execute a Memorandum of Agreement establishing a Summit county Council of Governments

VII OLD BUSINESS

Ordinance amending Title 4, Chapter 2 of the Municipal Code regulating licensing of businesses

- Continuation of public hearing
- Action

VIII PUBLIC HEARING

Resolution adopting a final budget for Fiscal Year 2006 (adjusted) and Fiscal Year 2007 for Park City Municipal Corporation and its related agencies

IX ADJOURNMENT

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

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

Posted: 06/05/06
See: parkcity.org

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

June 2006

8 **Jim gone**

15 **Jan gone**
Budget work session, public hearing and final adoption
MFL - Tour of Utah MFL – Saturday August 12 - 9 a.m. to 10 a.m.
Ordinance approving the Roth Family subdivision combining Lot 34 and Lot 35 of the Aerie Subdivision, Phase 1, located at 1560 – 1566 Aerie Drive, Park City Utah (continued hearing)
Ordinance – Amendment to Municipal Code – Administrative Code Enforcement
Property exchange agreement with the Park City Fire Service District: Purchase of 1333 and 1353 Park Avenue in the amount of $1.5 million from the Park City Fire Service District and Donation of a municipally-owned parcel located at 2360 Holiday Ranch Loop to the Park City Fire Service District **(motion to continue)**

22 **No meeting**

29 Board interviews (RAB, PC, HPB, Art) - work
Award of construction contract for police facility
Ordinance - IHC/USSA/Burbidge Annexation and Annexation Agreement
Ordinance – LMC - Adoption of the CT Zone
Ordinance – amendment Official Zoning Map
Resolution – FTA authorization

July 2006

6 Board interviews (RAB, PC, HPB, Art, Library Board) - work

13 Business licenses – special events - work

20

27 **No meeting**

August 2006

3

10

17

24 **No meeting**

31

One year review of Ordinance No. 05-49, outdoor display of merchandise – August 2006

One year review of land use associated with purchase of Aerie Drive/Deer Valley Drive property – August 2006

September 2006

7 **No meeting – city tour**

14

21

28

October 2006
5
12
19
26

November 2006
2
9
16
23
30

Pending Items:
Snow removal service levels
Mosquito Abatement District update - John Yassi, District Director
Eagle Pointe V annexation public hearing/action - Brooks
Amendment to LMC creating Community Transition Zone and amending Chapter 6 Master Planned Developments creating unit equivalent multiplier for (I) occupancy buildings
KPCW lease
General Plan update
Regional bus service SLC
Conveyance of easement from Iron Mountain & Associates
Briefing on parking regulations and event parking permits for Sundance – Fall 2006

DATE:	June 8, 2006
DEPARTMENT:	Public Works
AUTHOR:	Pace Erickson, Operations Manager
TITLE:	Park City Street/Pedestrian Lighting Discussion
TYPE OF ITEM:	Informational

SUMMARY RECOMMENDATIONS: Discuss City's street lighting program and process to handle enhanced lighting requests. No action is requested.

Topic: Park City Street Lighting Discussion

Background:

Goal:

Park City owns and maintains 515 street and pedestrian lights city wide and leases from UP&L 141 street lights. The Public Service Commission establishes the rate schedule for each street light based on luminars. A luminar is a measurement of light output based on the type and wattage of the fixture and the energy used. The goal of Park City's street lighting program is to provide sufficient levels of lighting at intersections and end of cul-du-sacs to reduce accidents, enhance security and prevent crime. It is important to point out that lighting should be classified in two separate categories; street lighting and pedestrian lighting. And while street lighting also illuminates some sidewalks and trails street lighting has been designed for vehicular traffic and light levels along adjoining walks may not always address the needs of pedestrians.

Some trails and specific sidewalks are insufficiently illuminated by street lighting and therefore lighting has been installed to heighten safety along some of the City's more heavily traveled trails. These paths and sidewalks are usually part of a connection to major destination areas of Park City (e.g. City Park, Main Street, Park Avenue).

Infrastructure:

A large portion of the City's lighting infrastructure is 15 to 25 years old. Most segments of the City's lighting has been installed using direct burial wiring. This approach is less expensive to install and makes locating and repairing breaks or faults easier. However, This approach exposes wiring to accelerated deterioration. Years of corrosion have decreased the effectiveness of some wiring to the point much of it now requires replacement. This can be done systematically over time but will require additional funding to accomplish

Inspections:

Public Works conducts periodic light inspections to locate lights which are malfunctioning and schedule those for repair. Attached is a copy of the latest street lighting inspection report.

Park City aims to have 96% of street lighting operational. In many cases the malfunctions are due to Utah Power & Light main power feed or water intrusion into conduit during winter months. During winter months malfunctions are extremely difficult to resolve because wiring is buried under several feet of snow in inaccessible areas or is frozen in buried conduit and unrepairable until spring thaw.

Analysis:

Night Sky:

It seems intuitive that public street lighting goals can be achieved by installing brighter or additional lights. However, harmful or negative effects of lighting such as glare and reduced visibility of the night sky are often overlooked. Lighting technology has improved tremendously in recent years. There are now many more lighting options (e.g., fixtures, poles and materials) available to reduce the harmful effects of lighting. Park City's night sky ordinance is attached.

For the most part Park City's inventory of lighting consists of "shoe box" light fixtures which direct the light downward rather than upward. Some experimental lighting using prismatic lighting fixtures have proven successful in areas of Park Meadows, City Park Main Spine trail and City owned parking lots and the Old Town Transit Center. These fixtures use prisms to deflect the light downward while allowing a greater light coverage for the same amount of power.

Private Streets:

Only publicly owned streets are eligible for street lighting funded by the City. Lighting on private streets, alleys and driveways are not eligible for public funding; however, they may be illuminated by abutting property owners at their expense.

City Council received a citizen request to enhance lighting in and around the Iron Horse Drive-Bonanza Drive intersection. Iron Horse Loop Road is a privately owned street which does not qualify to be lighted under the City's street lighting program.

Budget:

The Street Lighting Maintenance Program annual budget is found below

Street Sign maint & replace	$ 45,000
Wiring & Fixture Replacement	$ 40,000
Electricity	$ 60,000

These figures cover operating and maintenance expenditures only and are not adequate to finance an enhanced lighting program. This is approximately $220.00 per light in the inventory including those leased through UP&L.

Bonanza Drive Lighting:

Staff has inspected the area along Bonanza Drive from HWY 248 to Iron Horse Drive and believes lighting could be improved.

Staff's estimate to install an additional light at the intersection of Bonanza Drive and Munchkin Road would cost in the range of $15,000 and $20,000. This cost is abnormally high because power is not readily available in that location. Staff estimates the cost to install 14 pedestrian lights along Bonanza Drive which are similar to those adjacent to the City Park trail to be between $100,000 and $120,000.

Bonanza Drive is slated for reconstruction in FY 2008. Staff believes any lighting deficiencies should be addressed as part of the reconstruction project due to the fact that this approach will be more cost effective and it is likely lighting improvements would be damaged or disturbed during construction.

Staff intends to install one light on the east side of Bonanza Drive at the entry to the rail trail. Installation costs will be minimal and will be handled within existing budget as the conduit and pedestal already exists in that location. Staff estimates it would be about $2,500 to install.

Prioritizing lighting improvements:

Staff recommends the City include lighting inventory and improvement prioritization as part of the walkable community study Council is considering as part of the FY 2007 budget. This assessment would identify and prioritize pedestrian lighting enhancements for consideration and funding during next years budget process. This approach would likely result in the most effective use of capital funds rather than reacting to lighting requests as they occur.

RECOMMENDATION:

Discuss City's street lighting program and process to handle enhanced lighting requests. Staff believes the policy regarding street lights is adequate. However, pedestrian lighting is a subject which needs additional study. Staff recommends a strategic plan be developed regarding pedestrian lighting as part of the walkable communities study.

STREET LIGHT INSPECTION
5/30/06

EMPIRE AVE. FROM D.V. DR. TO SILVER KING DR. REPLACE WIRING.

WEBSTER CT. LANDSCAPER TO TRENCH THIS WEEK OR NEXT.

EAGLE LANDING CT. Replaced line last week. UP&L will energize..

PROSPECTOR SQ. BUS. DIST. WILL EVALUATE TROUBLE AREAS AND REPLACE WIRING WITH HELP OF CONTRACTOR.

KEARNS IN FRONT OF MT. VINEYARD CHURCH SUGGEST ELIMINATING POLE,. OR WE CAN REPLACE, IT REQUIRES POURING NEW BASE. AREA IS WELL LIT WITHOUT IT.

BONANZA CROSSWALK LIGHTS. REPAIR AND PROTECT WIRING FROM FUTURE WATER PROBLEMS.

UP&L worked on our lights last Friday from list below.1. Wyatt Earp light on. 2.Uintah Ct. we need to repair or replace line I will work on this today and tomorrow. 3.Arabian we need to repair line. 4.Rising Star light on.

LIGHTS CURRENTLY REFERD TO UP&L:

WYATT EARP WAY & BUTCH CASSIDY CT.	ENERGIZE
UNITAH CT.	LOCATE FAULT
3021 ARABIAN DR.	LOCATE FAULT
RISING STAR LANE & OAKWOOD DR.	LOCATE FAULT
TELEMARK DR. & SOLAMERE DR.	LOCATE FAULT

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.
(I) LIGHTING.

(1) PURPOSE. The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use. The number of fixtures shall be limited to provide for safe entry and egress and for sign or Business identification.

Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.

With the exception of Americans with Disabilities Act lighting requirements, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES), are observed by this Code.

(2) CONFORMANCE WITH APPLICABLE CODES. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the Building Code, the Electrical Code, and the Sign Code under the appropriate permit and inspection. When discrepancies in these Codes exist, the most restrictive shall apply.

(3) APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION. The provisions of this Code are not intended to prevent the Use of any design, material or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approv any such proposed alternate providing he/she finds that:

(a) The alternative provides approximate equivalence to the applicable specific requirement of this Code;

(b) The alternative is otherwise satisfactory and complies with the intent of this Code; or

(c) The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

(4) SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE.

(a) The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for permit, evidence that the proposed lighting fixtures and Light Source will comply with this Code. The submission shall contain the following:

(i) Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;

(ii) Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings, including section where required;

(iii) Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may also be required to determine the adequacy of lighting over the entire Site.

Additional information may be required elsewhere in the laws of this jurisdiction upon Application for the required permit.

(b) Lamp or Fixture Substitution. On commercial Structures if any outdoor light fixture or the type of Light Source therein is proposed to be changed after the permit has been issued, a change request must be submitted to the Community Development Department for approval. Adequate information to assure compliance withithis Code must be provided and the request must be received prior to substitution.

(5) SHIELDING. All non-exempt outdoor lighting fixtures shall have shielding as required by Table 1 of this Chapter below.

(a) Historic District Shielding and Fixture Exemption. Fixtures in the HR-1, HR-2, HCB and HRC Zoning Districts that replicate a Historic fixture shall be permitted to be installed without partial shields withthe approval of the Community Development Director. All fixtures shall be filtered and refractors that direct the light downward shall be installed if the bulb is exposed. Historic fixtures that are fifty (50) years or older and contribute to the architectural and cultural character of the Historic District are exempt from these requirements. Architectural features on Historic Structures may be illuminated with fully shielded fixtures.

(6) WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS. Wattage, fixture and Light Source requirments as outlined in Table 1 below apply to all zones throughout the City:

Table 1

High Pressure Sodium - Required Standard: Partially Shielded, 50 Watt Maximum per Fixture. This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

Low Pressure Sodium - Required Standard: Partially Shielded, 55 Watt Maximum per Fixture.

Metal Halide - Required Standard: Fully Shielded, 1000 Watt Maximum per Fixture. Metal Halide sources shall be permitted only for recreational sport field or ski area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.

Low Voltage/Halogen - Required Standard: Partially Shielded, 50 Watt Maximum per Fixture. Low voltate/halogen sources are permitted in landscaping lighting only.

Compact Fluorescent - Required Standard: Partially Shielded, 75 Watt maximum per Fixture.

Other Sources: As approved by the Community Development Director

(7) GAS STATION CANOPIES. Gas station canopies may not exceed an average horizontal illuminance level of eight (8) Foot Candles across the Site and the maximum point levels should not exceed fifteen (15) Foot Candles within the Area directly underneath the canopy.

(8) AREA LIGHTING - BUILDING CANOPY AND SOFFIT, WALL MOUNTED. Area, stand alone or wall mounted fixtures shall not be mounted above eighteen feet (18') as measured from the top of the fixture to the adjacent Grade or horizontal plane being lit by the fixture. The horizontal illuminance level along the sidewalk or Building Facade shall not exceed one (1) Horizontal Foot Candle with a uniformity ratio of 4:1.

(9) CONSTRUCTION SITES. All commercial construction Sites shall submit a lighting plan as part of the Construction Mitigation Plan for the project prior to Building Permit issuance. Criteria for review shall include duration, number, location, height, Light Source, and hours of operation.

(10) LANDSCAPE LIGHTING. The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to Buildings.

(a) Pathway Lighting. Two types of lights can be selected: Three foot (3') bollards with louvers and ten foot (10') pole mounted, down driected Luminaries. Bollard lights shall be low voltage. The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be illuminated for safety. The maximum Foot Candle permitted on the ground is one (1) Horizontal Foot Candle or less.

(b) Highlighting, Backlighting. Only low voltage systems are permitted. Lights must be partially shielded and light must not be directly off the Property. A maximum Foot Candle permitted at ten feet (10') is 0.6 Horizontal Foot Candles from the Light Source. Up-lighting is prohibited.

(c) Moonlighting. Low voltage systems may be placed in trees or on Buildings to give the effect of moonlight. Lights must be down-directed and partially shielded. A maximum

Foot Candle permitted at ten feet (10') is 0.25 Horizontal Foot Candle from the Light Source. Up-lighting is prohibited.

(11) RECREATIONAL LIGHTING. Because of their unique requirements for nighttime visibility and their limited hours of operation, baseball diamonds, playing fields, tennis courts and ski area suns may Use the Light Source permitted under Table 1 above with the following conditions and exceptions:

(a) The height of outdoor recreational posts shall not exceed seventy feet (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary with a uniformity ratio of 4:1. Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use process outlined in the LMC.

(b) All fixtures used for event lighting shall be fully shielded as defined in Section (4) herein, or be designed or provided with sharp, cutoff capability, so as to minimize up-light, spill light and glare.

(c) Recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In no case shall recreational lighting occur after 11:00 p.m.

(12) RESIDENTIAL LIGHTING.

(a) All exterior lights on porches, garage doors or entryways shall be shielded to prevent glare onto adjacent Property or public right of ways and light trespass in to the night sky. Lights shall be directed at walkways or entries and shall not be directed into the night sky.

(b) High-pressure sodium fixtures are the recommended Light Source. Compact fluorescent are also permitted.

(c) Bare bulb light fixtures such as flood or spotlights are not permitted.

(d) Lighting exterior Building features for architectural interest is prohibited.

(e) Security lighting shall be fully shielded and shall be set on a timer or motion detector. Infrared sensor spotlights are the recommended light type for security.

(f) Private sport court facilities shall Use fully shielded fixtures and shall not Use the lights past 11 p.m.

(13) SEASONAL DISPLAY OF LIGHTS. Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E. HRL, SF, RM, R-1, RDM and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the 31st of March. Displays should be turned off at

midnight. Any color of lights may be used, however, the lights shall not be used to create advertising messages or signs, e.g. spelling out the name of a Business is prohibited.

(14) OUTDOOR DISPLAY LOTS. Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided al lthe following conditions are met:

(a) All fixtures shall be Fully Shielded as defined in LMC Chapter 15-15.

(b) The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.

(c) Display lighting shall be turned off within thirty (30) minutes of closing the Business. Any lighting used after 11 p.m. shall be used as security lighting. Security lighting shall be required to be motion sensitive, not permanently illuminated. Infrared sensor security lights are the only type of security light permitted.

(15) PROHIBITIONS. The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.

(16) OTHER EXEMPTIONS.

(a) Nonconformance. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this chapter are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

(b) Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

(17) TEMPORARY EXEMPTION.

(a) Requests. Any Person may submit a written request to the Community Development Director for a temporary exemption. A temporary exemption request shall contain the following information:

(i) Specific exemption or exemption request;

(ii) Type and Use of outdoor light fixtures involved;

(iii) Duration of time for requested exemption;

(iv) Total wattage;

(v) Proposed location on Site;

(vi) Description of event or reason for need of exemption; and

(vii) Other data as deemed necessary to adequately review and made a determination on the request.

(b) Approval; Duration. The Community Development Department shall have ten (10) Business days from the date of a complete submission of the temporary request to act, in writing, on the request. The Community Development Department shall approve the request if it finds that the exemption is necessary for the public safety, security or other public necessity and the exemptoin does not materially subvert the purpose of this Chapter.

If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Community Development Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the intent of this Chapter is present. Each such renewed exemption shall be valid for not more than thirty (30) days.

(c) Denial/Appeal. If the request for a temporary exemption is denied, the Person making the request, in writing, may appeal the decision to the Planning Commission within ten (10) days of the denial as provided for in LMC Chapter 15-1.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 25, 2006

Present: **Mayor Dana Williams; Council members, Marianne Cone; Candace Erickson; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager Mark Harrington, City Attorney; Kent Cashel, Assistant Public Works Director; Matt Twombly, Project Manager; Gary Hill, Budget Manager; Colin Hilton, Economic Development Director; and Jerry Gibbs, Public Works Director

Absent: **Council member Roger Harlan**

1. Council questions/comments. Jim Hier discussed the proposed increase for business licenses and concerns raised by the HMBA and Chamber. There is a feeling that because the County has experienced significant increases in sales tax revenues that RAP tax revenues could cover costs. Marianne Cone reported on alternate transportation events and Library business. The Utah Arts Council was in town soliciting input on projects for Park City. Joe Kernan commented on the number of people participating in the bike to work day which is great for the community's image. Candace Erickson thanked everyone for their cards and calls over the past week and specifically Jay Hamburger for his article in the *Park Record*. She reported a 40% increase in the hazmat collection last weekend by Recycle Utah and the next event is scheduled on October 7 to be held again at The Canyons. Mayor Williams referred to an article on Park City's ice rink in a trade magazine. Jim Hier relayed a request for designating motorcycle parking spaces on Main Street. Kent Cashel responded that the parking manager has identified spaces and is moving forward with a plan. Mayor Williams suggested promoting an alternative transportation day once a month. Matt Twombly added that the Alternative Transportation Committee is already working on this but the City's support would be appreciated.

2. Budget overview:

Business license fees. Gary Hill explained the two components of the business license fee including the administrative charge, which is a fixed rate for all business, and a service enhanced portion. The administrative fee is $46 for most business with the exception of taxis which is higher because of enforcement. The enhanced portion of the fee is used to support the City's free transit system, and is based on a square footage calculation, skier days, or per vehicle or employee depending on the type of business. He explained that last fall, staff began to examine the costs of facilitating special events which total about 50 a year. The study was prompted by the City's efforts to secure a long time agreement with the Sundance Institute. A special events facilitation fee is proposed as a part of the enhanced portion of the business license fee and the amount is calculated on a sliding scale based upon the degree a business benefits from events. He referred to his staff report summary outlining recommended changes to the fee by business type. He clarified that the taxi, bus, limousine category is $75.58, the portion supporting transit is $30, and the unit increase is $1.75 per vehicle. Liquor and solicitors licenses are not subject to the proposal and will remain the same. There is a significant difference for warehouse or office uses versus resorts, lodging, restaurants, and retail. Restaurant/retail is a 56% increase or $.10 per square foot for 1,000 square feet. It is estimated that the City will raise $160,000 and the majority of the revenue will be used to support the Sundance Film Festival per the agreement. Sundance became ineligible for the Salt Lake County RAP Tax, totaling approximately $500,000, because of its headquarters' move to Park City. As a result, the City and Chamber's commitment increased from a $50,000 contribution to $160,000 a year, the business fee allocation is now $110,000, and Summit County grants about $120,000 in restaurant tax and RAP Tax a year. Mr. Hill explained that the agreement stipulates that if Sundance is able to secure additional funding that contributions would be decreased proportionally on a one-to-one basis. A corresponding reduction in business license fees, for instance, would occur the following year as well as a reduction in the City's and Chamber's budgets.

Mr. Hill emphasized that additional licensing revenue is intended to support year-round festivals. Currently applicants request fee waivers, usually in-kind services, and it is proposed that these fees cover some fixed costs eliminating the need for a fee waiver process. Joe Kernan stated that he has heard concerns from retail businesses. Mr. Hill indicated that retail is charged the same as restaurants and emphasized that the event fee supports year-round festivals not just Sundance, which benefits different businesses depending on the nature of the special event. It was reiterated that some costs for events would be covered with this fee, but there will no longer be an ability to ask for other fees to be waived. Larger festivals would experience a slight increase in costs, smaller ones a decrease, and all costs would be tracked.

Mr. Hill continued that reviewing the special events fee prompted looking at the general enhanced service fee used to support the transit system. The purpose of the bus system is to enhance our resort marketability. This fee has not changed since 1997 and staff looked at the incremental change in costs. In 1997, about 26% of the operating costs of the transit system were paid for through business license fees, exclusive of regional transit subsidies. In 2005, the level of support dropped to about 19.8% which is forecasted to decrease to around 18% in 2006 while there has been about a 34% increase in total rider-ship. However, there hasn't been a corresponding increase in sales tax revenue which is a concern many business owners expressed. While operational expenditures have increased 85% since 1997, business license revenue has only increased 36% because of no change in fees. The transit fund sales revenue is comprised of both the transit tax and a quarter of the resort communities sales tax which has only increased 55% during the same time frame. For this reason, staff is recommending a 25% increase across-the-board for all business types which will provide a stable source of revenue for the transit system. He recommended considering a mechanism identifying what portion of transit expenditures the business community should cover, which is recommended at 23% to 25%. The taxi, bus, limousine increase is $7.50 per vehicle as opposed to $18.90 per vehicle.

The Budget Manager relayed that the combination of the two increased percentages result in an increase of 31% for resorts, 87% for lodging, and 81% for restaurant/retail (equating to about $.15 per square foot). An escort service administrative fee is proposed because of the amount of administrative work associated with processing these licenses which is now recommended at $46 per business and $52.16 per employee. There was discussion about the current 18 escort services licensed with the City which must be located in offices. Mark Harrington advised that there will be additional modifications made to the Code relating to requirements for escort services.

Regional collaboration and economic development. Colin Hilton discussed this concept which was introduced at Council's annual work shop and staff has developed a tool in attracting businesses which support our economic development goals. USA Rugby is a good example but there was no process in place to award an economic development grant and as a result, staff formulated criteria which are included in the meeting packet. In response to a comment made by Joe Kernan, Mr. Hilton explained that the strategy is not to attract businesses with large numbers of employees, but rather businesses that compliment our resort economy. There is existing funding within the operating budget that could be used as the funding source and no new money is contemplated to be needed. Applicants must achieve all six criteria and an economic development program committee will review applications and make a recommendation to the City Council. Grants are anticipated not to exceed $20,000 and it is contemplated that the City will assist in start-up and location costs. In response to a question from Marianne Cone, Mr. Hilton indicted that the City would expect a three-year commitment from the business and if that is not met, the money would be returned. Mayor Williams felt that it may be appropriate to consider assisting businesses which cater to residents, but meets other criteria, and Jim Hier felt that a nexus can be made for almost any business to resort economy and suggested that criteria also address overnight visitors. He particularly favors the resort component and asked about the economic development plan. Mr. Hilton explained that the application form, budget policy, and economic development plan are available on-line or at City Hall. Candace Erickson agreed with the overnight visitor component but sees no reason to assist a for-profit business who should have a sound business plan. Colin Hilton advised that there are also public service contracts which accommodate community-oriented services and programs. This proposal is designed to achieve doubling the amount of return in direct taxable benefits to the City. It was emphasized that this funding would not apply to one-time events and staff will be returning to City Council next week with an application from the Center for Applied Media.

In response to a comment made by Candace Erickson about the increases in franchise tax revenue, Mr. Hill indicated that this trend will level out. Mr. Hier suggested that more information be provided on the monthly monitor report to explain fluctuations and Gary Hill stated he will follow-up. Tom Bakaly explained that the economic development grant program policy will become effective with the adoption of the budget.

3. Review of regular meeting:

Solid waste resolution. Jerry Gibbs distributed a revised version of the resolution, affecting Goal 2, specifically addressing equity for residential customer classes. The document provides general information on the City's position on solid waste to be shared with Summit County and Jim Hier suggested providing more specific information for the benefit of the County Commission when reviewing its solid waste contract and budget. Mr. Gibbs indicated that more information could be provided at that point in time, but it was felt that having a strategic plan in place is a better approach. Jim Hier emphasized the importance of relaying equity issues before the contract is negotiated. Jerry Gibbs assured him that the City will have opportunities to participate in the public process in 2007 when the review of the solid waste contract is scheduled. Composting programs were discussed.

Boothill construction management contract. Mr. Gibbs discussed the process for soliciting responses for services and staff found that Harris &Associates was about 20% to 30% less than Montgomery Watson and is recommended for the award of the contract. Construction is slated in spring of 2007. Marianne Cone pointed out the number of horse properties in the area that may be affected by noise, and asked that they be notified.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 25, 2006

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, May 25, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Roger Harlan was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney;

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

With regard to the solid waste resolution scheduled for action tonight, Joe Kernan stated that he is the owner of a recycling business.

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

None.

IV CONSENT AGENDA PUBLIC HEARINGS

Ordinance approving a Record of Survey Plat for the Jupiter Inn Condominiums, located at 2260 Park Avenue, Park City, Utah – Patrick Putt explained that this project was formerly the Brookfield Inn. He explained the history of the project which included a hotel and office use. The proposal is now for a 23 room condominium project and approval will enable the sale of individual units. There was some public input at the Planning Commission level on access which has since been resolved. The Mayor opened the public hearing and hearing no comments, closed the hearing.

V CONSENT AGENDA

Ms. Erickson asked about remediation of road damage caused by franchise holders and whether franchise fees are used to repair street cuts. She specifically referred to the situation on Monitor Drive. Eric DeHaan agreed that this is an on-going issue. Much of the trench work is substandard and often the street is the only option to install infrastructure. The agreement specifies compliance with street standards but enforcement is somewhat problematic. The franchise agreement also serves as a guarantee. Mark Harrington interjected that there is pending federal legislation which may substantially curtail our authority to enter into these types of franchise agreements. The telecommunications industry is receiving a lot of attention.

Jim Hier, "I move we approve Consent Agenda Items 1 through 3". Marianne Cone seconded. Motion carried.

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

1. Ordinance approving a Record of Survey Plat for the Jupiter Inn Condominiums, located at 2260 Park Avenue, Park City, Utah – See staff report and public hearing.

2. Authorization to the Mayor to execute a Right-of-Way and Easement Grant, in a form approved by the City Attorney, with Questar Gas – See staff report.

3. Authorization to the Mayor to execute a Telecommunications Franchise Agreement with All West/Utah, Inc., in a form approved by the City Attorney – See staff report.

VI OLD BUSINESS

Resolution adopting goals and strategies for solid waste for Park City, Utah – See staff report and work session notes. Marianne Cone, "I move that we adopt the resolution outlining our goals and strategies for solid waster for Park City". Joe Kernan seconded. Motion carried.

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

VII NEW BUSINESS

Authorization to the City Manager to execute an Agreement, in a form approved by the City Attorney, with Harris & Associates, for Construction Management Services for the construction of the Boothill 2 MG Tank and Pump Station in an amount not to exceed $118,000 – See staff report. Candace Erickson, I move to authorize the City Manager to execute an Agreement, in a form approved by the City Attorney, with Harris & Associates, for Construction Management Services for the construction of the Boothill 2 MG Tank and Pump Station in an amount not to exceed $118,000". Jim Hier seconded. Motion carried.

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

VIII PUBLIC HEARING

<u>Tentative budget for fiscal year 2006-2007 for Park City Municipal Corporation and its related agencies</u> – The Mayor opened the public hearing.

1. <u>Proposal to increase business license fees</u>:

Ken Davis, owner of Java Cow and President of HMBA, relayed that he has not received a response from staff on previous public input on parking issues. He was contacted *in the middle of the season* about the prospect of increasing business license fees and was assured that he would hear back from staff but that did not happen. About two weeks ago, the membership heard that this was proceeding. He felt that restaurants and retail should not be *lumped together*. It is not fair because retail does not do nearly the amount of business as restaurants during Sundance.

He read from a prepared statement indicating the business community's support of locking in the Sundance Film Festival for future years, but felt that some decisions were made in haste in order to accommodate the agreement, specifically increasing business license fees. Mr. Davis compared this approach to Jesse James' famous quote, "*that's where the money is*" (whereby the City has concluded that businesses have excess funds for its needs). This can not be further from reality. Main Street is important to the City as a tourist destination and he referred to a desire shared by the City to discourage real estate offices and chain stores/restaurants on the street. The City has discussed ways to preserve Main Street but ultimately, nothing has been done. Mr. Davis urged Council not to make a wrong decision which would hurt businesses. Despite everyone's observations, the overall sales collections for the Main Street area have been rising approximately 3% to 4% annually over the past five years and with a 2% inflation factor, results in 1% to 2% in real growth. The total sales on the street have not changed in five years and sales increases and declines probably net to zero while operating costs have escalated. Mr. Davis noted that things have changed dramatically over the past year with Summit County's reassessment of real estate on Main Street; the valuation doubled as did tax bills which are passed on to business operators. The business license increase is intended to raise an additional $110,000 to cover one-third of the $330,000 shortfall associated with Salt Lake County's decision to not grant RAP funding because of Sundance's relocation to Park City. Additionally, business owners are being asked to cover $58,000 for fee waivers for special events and another 25% to support the bus system. Mr. Davis emphasized that requests for money are being made to the wrong people and are unfair, especially in consideration that County businesses benefit from the Park City name and our special events. There seems to be ample County funds to cover these costs. The transient room tax was designed to provide marketing resources for the Chamber. Since it is a County-wide tax it may be the most appropriate source to cover the Sundance shortfalls. The Chamber contributes $50,000 annually to Sundance and has agreed to provide an additional $110,000. He suggested that they cover the remaining $250,000 as well so that the event is secured and identified the Redstone Theater as being a Sundance venue. Revenues to the Chamber will probably exceed $4 million this year. Another option is use of the restaurant tax and $85,000 is granted annually to Sundance. Restaurant tax funds will total more than $1 million this year. Mr. Davis stated that the money is there; just get it from the right sources.

Bill Malone, Executive Director of the Chamber/Bureau, explained that the Chamber is increasing its budget from $50,000 to $160,000 toward sponsorship of the Sundance Film Festival. In discussions on this topic, the Park City Restaurant and Lodging Associations agreed that the best mechanism was an adjustment to business license fees. He acknowledged that some businesses benefit more than others and he felt that the City has worked hard to fairly allocate costs. In addition to the $160,000, the Chamber is also contributing another $450,000 toward special events and transient room dollars are being used to foster events. Mr. Malone emphasized the variety of events hosted in the community. The Chamber supports the business license increase relating to events, but the Board is reserving judgment on the 25% across-the-board for transit, acknowledging that increases will have to occur at some point. The percentage for increases in fees should reflect the percentage of increases for transit operations and Mr. Malone thanked staff for providing the Chamber board members with helpful information for their deliberations.

Mike Sweeney, business owner, asked what percentage each group is assuming as a burden as opposed to the percentage of increase. He relayed that Gary Hill has been very helpful to the HMBA by providing information. There was discussion about the definition of a “solicitor”.

Sara Henry, Art of Wine owner, relayed that she is not located on Main Street and doesn’t cater to tourists but rather residents. The Sundance Film Festival hurts her business. *It is the ultimate slap in the face* to not only be subjected to the negative effects of the Festival but now to asked to subsidize Sundance. She urged Council to think about businesses outside the Main Street area and discussed the struggles of small businesses. She is a member of the NOMA Board, but not speaking on their behalf, and asked that consideration be given to all businesses in Park City proper.

Hans Fuegi, Grubsteak Restaurant, stated that he represented other restaurants in discussions associated with the business license increase to support the future of the Sundance Film Festival. However, the other 25% across-the-board increase seems a bit harsh. Operations increased for all businesses not just transit. He urged Council to look at businesses as its customers.

2. Traffic light request – Aspen Sprilngs/SR224 - Brent Ferron, Aspen Springs resident, asked Council to consider funding a traffic light at the intersection of Aspen Springs Drive and Meadows Drive on SR224. He also encouraged consideration of a lane for parking for the cross-country tail users.

The City Manager noted that staff will return to Council with draft business license fee ordinances with public hearings. Jim Hier expressed that he was offended by Ken Davis’ comment that the City has done nothing for Main Street and Mr. Davis clarified that he meant with regard to the business mix on the street. He pointed out that the Redstone Cinemas are not a venue for Sundance and suggested exploring a policy for establishing and/or phasing-in the across-the-board 25% increase for transit. Overall, he didn't feel the increase is onerous to most license holders. He asked that the cost and revenue data be shared with the Chamber. Candace Erickson questioned whether 25% is the right percentage and if it should be phased. Costs have nearly doubled, rider-ship is only up 34%, and the growth of business licenses may not be adequate to maintain support of the transit system. She felt these points need to be discussed by Council. Marianne Cone referred to Ms. Henry's comments and agreed that the assessment may seem unequal as far as Sundance is concerned and relayed that she experienced the same drop in business when she operated a gallery at the TMI. Gary Hill emphasized that the fee is not just for Sundance but supports all year-round festivals. There was discussion about the action on the proposal which is scheduled next week. Jim Hier requested an analysis delineating between retail and restaurant businesses with regard to the festival fee. The Mayor pointed out that certain festivals benefit specific types of businesses and felt it appropriate to consider phasing in the 25% increase. Mr. Hier stated that in the initial years, transit revenues exceeded expenditures but five to ten years out, the City experienced significant negatives and as a result, committed to planning and budgeting for future operating costs. Park City's free bus system is an important asset in a resort community and another source of funding could be raising sales tax. He emphasized that the operating costs will continue to rise and pointed out that the Council has to balance requests for City services.

Mr. Hill understood that staff will bring back scenarios for phasing. For future consideration, not this budget cycle, staff will look at separating restaurants and retail and developing some sort of a metric defining what the business contribution should be and if that should be capped at a certain amount. Joe Kernan stated that he is comfortable with the philosophy of the festival fee. He felt it appropriate to explore equity issues and establishing a policy for businesses to pay for long-term transit needs. With no further comments, the Mayor closed the public hearing.

IX 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 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Roger Harlan was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Polly Samuels McLean, Assistant City Attorney. Marianne Cone, "I move to close the meeting to discuss property and litigation". Candace Erickson seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye

Roger Harlan	Absent
Jim Hier	Aye
Joe Kernan	Aye

The meeting opened at approximately 4:30 p.m. with the convening of work session. 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

City Council Staff Report

PLANNING DEPARTMENT

Author: Jonathan Weidenhamer
Subject: McHugh Replat – 841 Empire Avenue
Date: June 8, 2006
Applicant: Jonathan DeGray for Kaitlin McHugh
Zone: Historic Residential – (HR-1)

RECOMMENDATION: Staff recommends that the City Council review the proposed Plat Amendment, conduct a public hearing, and consider approving the application.

BACKGROUND

The Planning Commission reviewed this item at the May 24, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

The applicant submitted the application on July 19, 2005. The application was determined to be complete on July 26, 2005. The applicant proposes to remove one lot line in order to combine lot 7 and the northerly half of lot 6, Block 30 of the Park City Survey into one lot of approximately 2,812.5 square feet (Exhibit A). The property has an existing historic home which exists along the lot line between lots 7 and 6. A portion of the house encroaches approximately 4.5' into the 9th Street right of way to the north. The existing house also has stairs and retaining walls encroaching into the Empire Avenue right-of-way approximately 4-5'. The garage also encroaches into 9th Street (approximately 5') and the Empire Avenue right-of-way to the east (approximately 7'). The 9th Street right-of-way is not built as a city street. The Yellow Slicker Condominiums have an encroachment agreement with the City that allows a private driveway in this location. The driveway is 11' north of the northerly lot line of lot 7. The house does not encroach into this driveway.

ANALYSIS

The property is zoned HR-1, Historic Residential. The proposed plat creates a lot of approximately 2,812.5 square feet. The current home has a footprint of approximately 1048 s.f. The maximum footprint allowed for a 2,812.5 square foot lot is 1,201. At this time the applicant has submitted plans to renovate the existing home. This proposal includes removal of the garage, relocation of the historic home, and new addition - all of which will be built to meet current HR-1 setbacks and remove existing encroachments. Staff finds good cause to support this proposal in that it: eliminates a lot line which a building straddles; allows the existing historic home to comply with setbacks on a newly created lot, and allows the applicant to restore an existing historic home. Prior to plat recordation, the house must be moved to its proposed, code-compliant location. This will be a condition of approval.

NOTICE

Notice of this hearing was sent to property owners within 300'. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW
The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meetings on August 23, 2005, December 13, 2005, and April 25, 2006 where representatives from local utilities and City Staff were in attendance. The applicant's initial proposals did not include relocating of the existing encroachments into Empire Avenue and 9th Street rights-of-way. The above analysis references the most recent submittal, as discussed during the April 25, 2006 meeting.

SIGNIFICANT IMPACTS
Failure to approve the plat will result in the non-complying structures to remain within the platted Empire Avenue right-of-way, at least temporarily.

RECOMMENDATION
Staff recommends that the City Council review the proposed Plat Amendment, conduct a public hearing, and consider approving the application according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

EXHIBITS
Ordinance
Exhibit A –Subdivision Plat & Existing Conditions detail
Exhibit B – Letter of opposition from Delmar Taylor (835 Empire Ave.)

ORDINANCE APPROVING THE MCHUGH REPLAT WHICH WILL COMBINE LOT 7 AND THE NORTHERLY HALF OF LOT 6, BLOCK 30 OF SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD

WHEREAS, the owners of Lot 7 and the northerly half of lot 6, Block 30 of the Snyder's Addition to the Park City Survey, known as 841 Empire Avenue, have petitioned the City Council for approval of a plat amendment; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a recommendation to the City Council; and

WHEREAS, on June 8, 2006 the City Council held a public hearing to receive public input on the proposed plat amendment and voted to approve the application; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line and create one legal lot of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1).
2. The applicant proposes to combine lot 7 and the northerly half of lot 6, Block 30 of the Park City Survey into one lot of approximately 2,812.5 square feet.
3. The property has an existing historic home which exists along the lot line between lots 7 and 6. A portion of the house encroaches approximately 4.5' into the 9th Street right of way to the north. The existing house also has stairs and retaining walls encroaching four to five feet into the Empire Avenue right-of-way. The garage also encroaches into 9th Street (approximately 5') and the Empire Avenue right-of-way to the east (approximately 7').
4. The 9th Street right-of-way is not built as a city street. The Yellow Slicker Condominiums have an encroachment agreement with the City that allows a private driveway in this location. The driveway is 11' north of the northerly lot line of lot 7. The house does not encroach into this driveway.
5. The proposed plat creates a lot of approximately 2,812.5 square feet. The current home has a footprint of approximately 1048 s.f. The maximum footprint allowed for a 2,812.5 square foot lot is 1,201.
6. The applicant has submitted plans to renovate the existing home. This proposal includes removal of the garage, relocation of the historic home, and new addition - all of which will be built to meet current HR-1 setbacks and remove existing encroachments.
7. The request was discussed at a Staff Review Meetings on August 23, 2005,

December 13, 2005, and April 25, 2006 where representatives from local utilities and City Staff were in attendance. The applicant's initial proposals did not include relocating of the existing encroachments into Empire Avenue and 9th Street rights-of-way. This proposal references the most recent submittal, as discussed during the April 25, 2006 meeting.

8. The Planning Commission reviewed this item at the May 24, 2006 meeting. A Public hearing was held.
9. The City Council reviewed this item at the June 8, 2006 meeting. A public hearing was held. The City Council voted to approve the plat amendment.
10. The increased building footprint created by this amendment is consistent is consistent with the build out on the street and in the HR-1 District.
11. Staff finds good cause to support this proposal in that it: eliminates a lot line which a building straddles; allows the existing historic home to comply with setbacks on a newly created lot, and allows the applicant to restore an existing historic home.
12. The applicant submitted the application on July 19, 2005. The application was determined to be complete on July 26, 2005.
13. The Planning Commission reviewed this item at the May 24, 2006 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

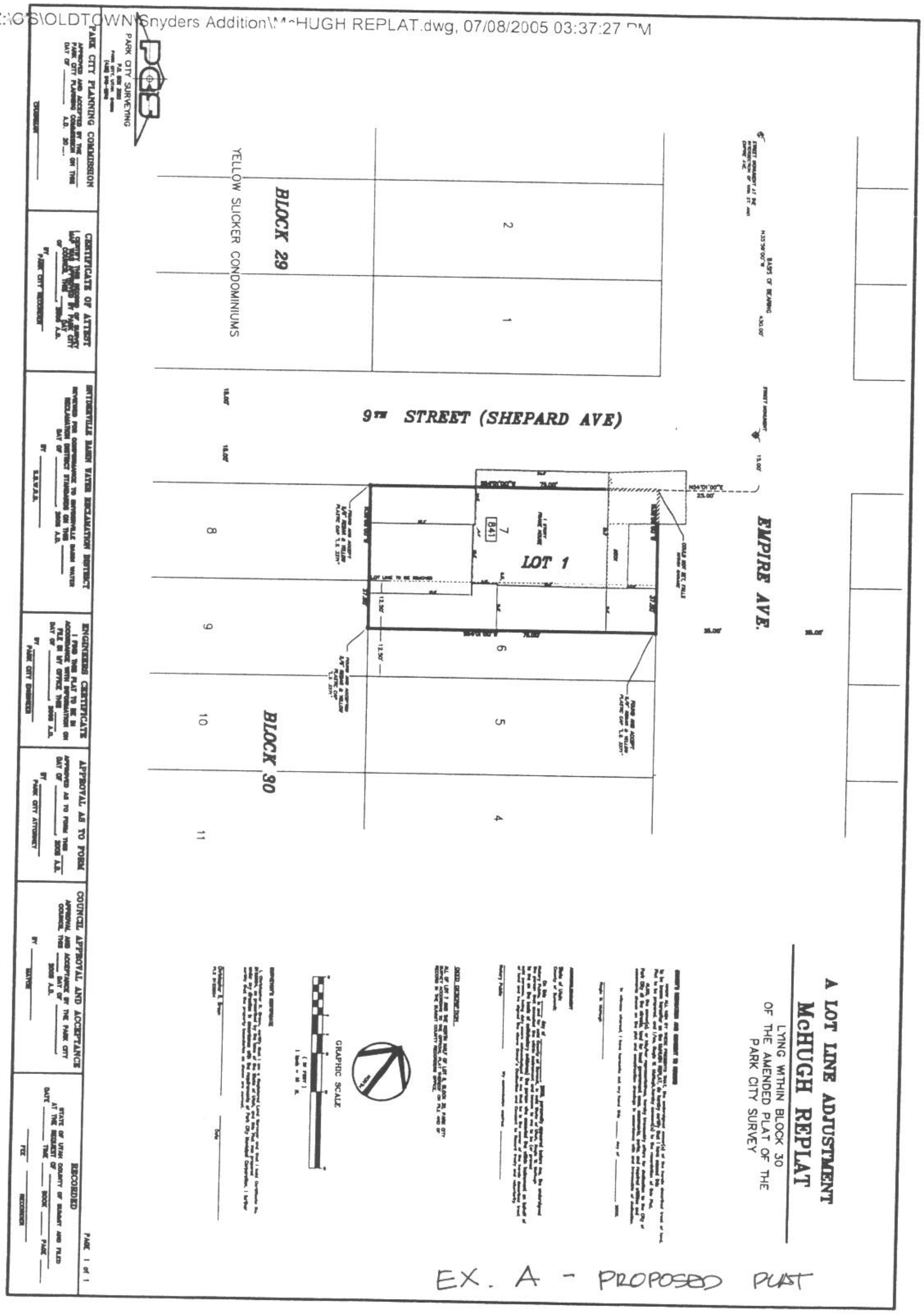
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

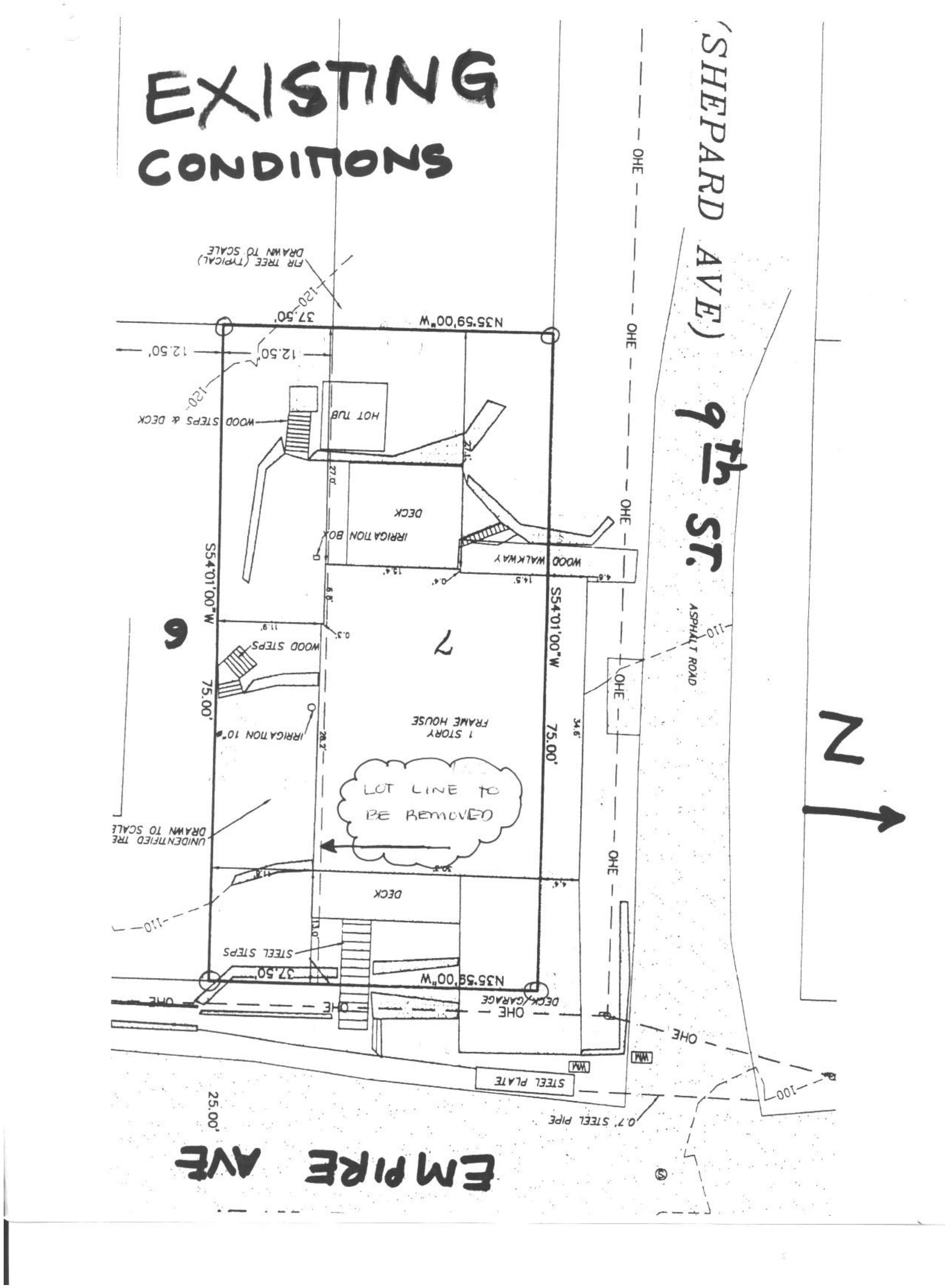
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

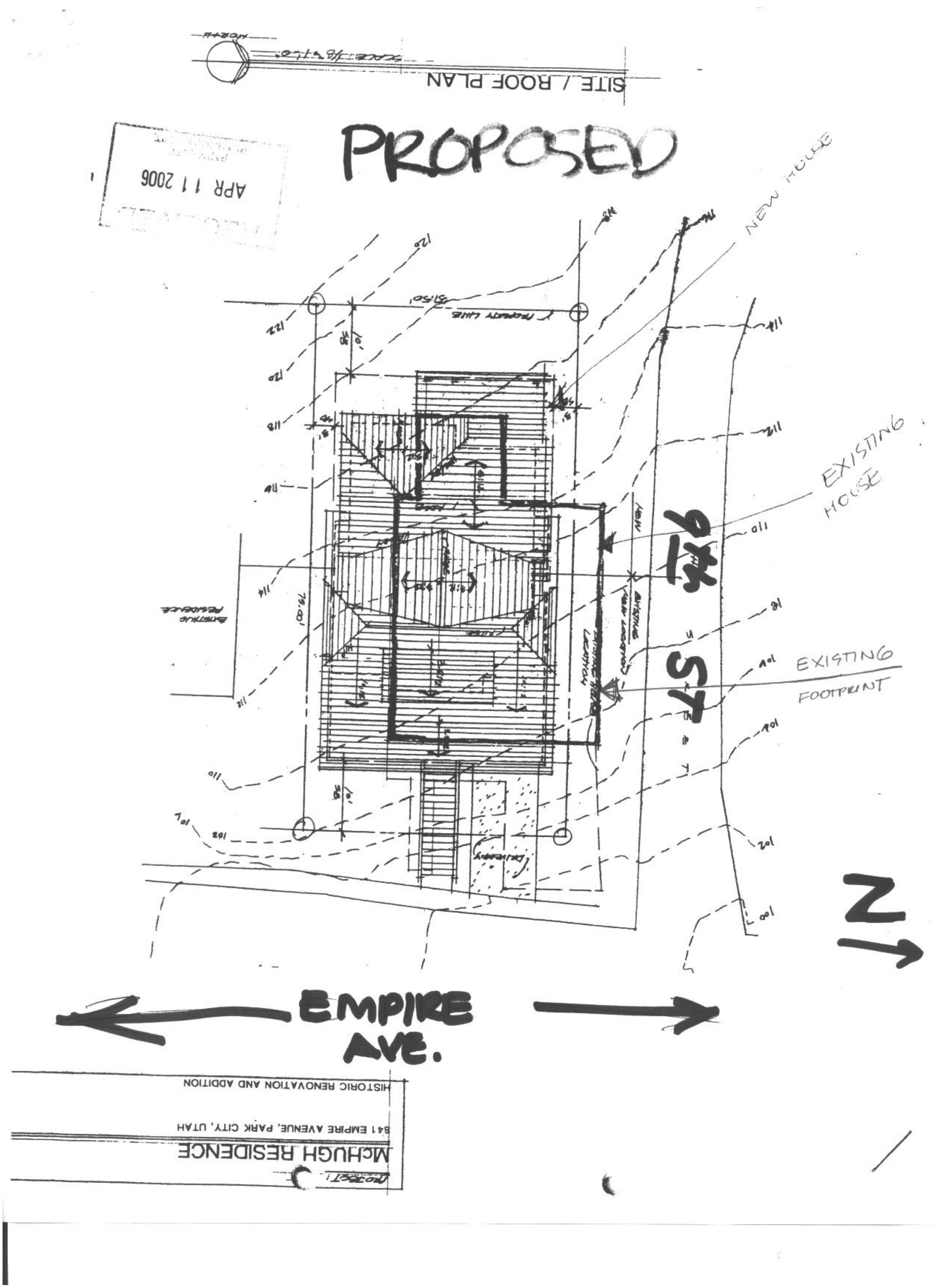
1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. Prior to plat recordation, the house must be moved to its proposed, code-compliant location.
4. A note shall be added to the plat stating that no remnant lot is separately developable.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 8th Day of June, 2006.


Z:\C'S\OLDTOWN\Snyders Addition\McHUGH REPLAT.dwg, 07/08/2005 03:37:27 PM
PARK CITY SURVEYING
PARK CITY PLANNING COMMISSION
CERTIFICATE OF ATTEST
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
ENGINEERS CERTIFICATE
APPROVAL AS TO FORM
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED
BLOCK 29
YELLOW SLICKER CONDOMINIUMS
9TH STREET (SHEPARD AVE)
EMPIRE AVE.
LOT 1
BLOCK 30
A LOT LINE ADJUSTMENT
McHUGH REPLAT
LYING WITHIN BLOCK 30
OF THE AMENDED PLAT OF THE
PARK CITY SURVEY
GRAPHIC SCALE
EX. A - PROPOSED PLAT


EXISTING CONDITIONS
(SHEPARD AVE)
9th ST.
ASPHALT ROAD
N
FIR TREE (TYPICAL) DRAWN TO SCALE
N35°59'00"W
37.50'
12.50'
HOT TUB
WOOD STEPS & DECK
DECK
IRRIGATION BOX
WOOD WALKWAY
S54°01'00"W
75.00'
6
7
WOOD STEPS
1 STORY FRAME HOUSE
IRRIGATION 10"
LOT LINE TO BE REMOVED
UNIDENTIFIED TREE DRAWN TO SCALE
STEEL STEPS
DECK/GARAGE
OHE
STEEL PLATE
0.7' STEEL PIPE
25.00'
EMPIRE AVE


SITE / ROOF PLAN
APR 11 2006
PROPOSED
NEW HOUSE
EXISTING HOUSE
EXISTING FOOTPRINT
N
EMPIRE AVE.
HISTORIC RENOVATION AND ADDITION
841 EMPIRE AVENUE, PARK CITY, UTAH
MCHUGH RESIDENCE

1161 Sierra Vista Dr.
La Habra, Ca. 90631
May 24, 2006

Mr. Jonathan Weidenhamer, City Planner
Park City Municipal Corporation
445 Marsac Avenue   P. O. Box 1480
Park City, Ut. 84060-1480

Ref: Project Location   841 Empire Avenue

Dear Mr. Weildenhamer:

Thank you for your information and explanation of changes proposed for the house located at 841 Empire Ave.

My understanding is that approval of the project to combine the north 1/2 of lot 6 and all of lot 7 block 30 of Snyder's Addition to the Park City Survey and intended remodeling of the existing historical home at this address will result in two major changes to the property.

1. The house will be enlarged by an addition to the rear of the existing house.
2. The house will be relocated, moved, several feet towards the house at 835 Empire thereby reducing the open space now existing between the two houses.

Please consider and inform the Planning Commission and the City Council of my, and my family's reaction to the changes that will occur on approval of the project.

First off, we have no objection to the remodeling of the home provided it is not relocated, moved, closer to our adjacent house at 835 Empire Ave.

Second, we cannot tell you how strongly we oppose any relocation of the house that will reduce the open space currently existing between our house at 835 Empire Ave and the house to be remodeled at 841 Empire Ave.

We have owned the property at 835 Empire Ave since 1971. It was a total mess and practically abandoned when we bought it. My family and I made major improvements and have happily maintained it over the years.

The house next door, 841 Empire Ave. was in it's present location when we bought ours, and there has never been a problem in residing or maintaining the two properties in their adjacent locations in more than 35 years. Both of the properties have been in their present locations for many, many years, our house for more than 100 years and the adjacent one for more than 50 years that I know of. There has never been a problem with the location of the house in relation to the set back requirement and we do not believe there exists any specific needs that necessitate relocation of the house to increase the set back after so many years. The driveway on the side of the house has proven adequate over the years and even if the set back requirement is not met, we feel an exception that has been accepted for so long should be continued rather than disrupt the relationship between our two houses.

I and my entire family of 4 children, their 4 spouses and 15 grandkids all have and do enjoy the use of our Park City house and they all join me and my wife Beth, in requesting that no action by taken by the City Council that will require or permit relocation of the adjacent house that will reduce the open space between our two houses. The extremely long time the house has existed in relation to the city set back code would seem to be adequate justification for continuing the present exemption.

As I hope I have made clear, we have no objection to remodeling, adding on, or enlarging the house at 841 Empire Ave. We do very much oppose reducing the open space between the houses. Thank you very much.

Sincerely yours,
Delmar C Taylor
Delmar C. Taylor   and Family

City Council
Staff Report

Planning Department

Author:	**Kirsten Whetstone**
Subject:	**Land Management Code Amendments**
Date:	**June 8, 2006**
Type of Item:	**LMC Amendments**

Summary Recommendations

Discuss proposed revisions to the Land Management Code, conduct a public hearing, and approve amendments to Chapters 9, 10, 11, 12, and 14 according to the findings of fact, conclusions of law, and conditions of approval outlined in the Ordinance.

Topic

Applicant: Planning Department

sal: Revisions to the Land Management Code- Chapters 9, 10, 11, 12, and 14.

Reason for Review: Land Management Code amendments require Planning Commission review and City Council approval.

Background

The Planning Department is preparing amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year. Re-organization of the Community Development Department required language in the Land Management Code to be revised to reflect the new organization. Additional revisions are proposed to address specific LMC issues and substantive revisions that have been identified since the 2000 LMC updates. Legal staff has recommended additional amendments to comport with the revisions to the Utah Code in 2005. Staff is currently redlining the entire LMC to resolve this situation.

Included in this packet are Chapter Nine- Non-Conforming Uses and Non-Conforming Structures, Chapter Ten- Board of Adjustment, Chapter Eleven- Historic Preservation, Chapter Twelve-Planning Commission, and Chapter Fourteen- Zoning Administration and Enforcement. The remaining Chapters (2, 5, and 15) will be redlined and submitted for review next month.

On April 26, 2006, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council on the LMC Amendments as outlined in the attached ordinance.

Analysis

Revisions due to CDD reorganization

Reorganization of the City Departments and the elimination of a Community Development Director (CDD) necessitates revisions to the Land Management Code to replace references to the Community Development Director or CDD and replace them with either the Planning Department; Planning Director; Planning, Engineering and

Building Departments; City Engineer; and/or Chief Building Official. In general, when a decision is strictly a planning matter, “Planning Director” will replace he “CDD Director”. When the decision requires a coordinated effort of Building, Planning, and Engineering then “CDD” will be replaced with “Planning, Building and Engineering Departments”.

Revisions due to creation of an Historic Preservation Board
Revisions are also made to replace the terms “Historic District Commission” or “HDC” with either, “Historic Preservation Board”, “HPB”, “Planning Director”, “Planning Department”, etc. based on the language approved by the 2003 amendments to Chapter 11- Historic Preservation.

Revisions due to adoption of the International Building Code in place of the UBC
Revisions have also been made to replace the language referring to the Uniform Building Code (UBC) with the International Building Code (IBC).

Summary of additional technical and substantive amendments and revisions made to comport with the revised State Code
In addition to amendments described above, the following LMC amendments are reflected in the redlined Chapters attached as Exhibits A- E:

Chapter Nine: **Per revisions to Utah State Code:** Revised language regarding abandonment of Non-conforming Uses associated with demolition, deterioration, or destruction by fire or natural calamity. Voluntary damage or destruction of buildings or structures containing a Non-conforming Use render Use to be considered abandoned. Use may not continue if Structure is allowed to deteriorate and if not repaired within 6 months after written notice by the City that the Structure is not habitable. Allows Non-conforming Structures to be rebuilt and Uses to be resumed if involuntarily destroyed in whole or part by fire or natural calamity to original condition, without increasing the degree of non-conformity. These are changes related to the revised state Code. (Exhibit A)

Chapter Ten: No specific changes other than CDD re-organization related. (Exhibit B)

Chapter Eleven: No specific changes other than CDD re-organization related. (Exhibit C)

Chapter Twelve: **Per revisions to Utah State Code:** Allows for Mayor and Council to appoint alternative members to the Planning Commission. (Exhibit D)

Chapter Fourteen: No specific changes other than CDD re-organization related. (Exhibit E)

Department Review
These amendments have been reviewed by the Planning, Engineering, and Building Departments, as well as by the Legal Department. A final draft of these amendments is available at the Planning Department for review.

Alternatives

- Conduct a public hearing and approve the Land Management Code amendments for Chapters 9, 10, 11, 12, and 14 as presented, and according to the findings of fact and conclusions of law as stated in the Ordinance.
- Conduct a public hearing and direct staff to incorporate additional edits and delay approval to a date certain.
- Continue this item to a date uncertain.

Recommendation

Staff recommends the City Council conduct a public hearing, discuss the proposed amendments, and approve Land Management Code amendments to Chapters 9, 10, 11, 12, and 14 as presented.

Exhibits

Exhibit A- Chapter Nine
Exhibit B- Chapter Ten
Exhibit C- Chapter Eleven
Exhibit D- Chapter Twelve
Exhibit E- Chapter Fourteen
Exhibit F- minutes of the April 26, 2006, Planning Commission meeting

AN ORDINANCE APPROVING AMENDMENTS TO THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, TO REFLECT RE-ORGANIZATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT, TO COMPORT WITH REVISIONS TO THE UTAH CODE, AND TO ADDRESS SUBSTANTIVE AMENDMENTS, FOR THE FOLLOWING CHAPTERS: CHAPTER 9- NON-CONFORMING USES AND NON-CONFORMING STRUCTURES, CHAPTER 10- BOARD OF ADJUSTMENT, CHAPTER 11- HISTORIC PRESERVATION BOARD, CHAPTER 12- PLANNING COMMISSION, AND CHAPTER 14- PLANNING AND ZONING ADMINISTRATION

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City is in the process of preparing amendments to the entire Land Management Code to address reorganization of the Community Development Department and to ensure that the Park City Land Management Code comports with revisions to the Utah Code in 2005;

WHEREAS, approval of these amendments to the Land Management Code serve to implement amendments to the City's General Plan and to address substantive amendments to the Land Management Code related to abandonment of Non-conforming Uses associated with demolition, deterioration, or destruction by fire or natural calamity. Voluntary damage or destruction of buildings or structures containing a Non-conforming Use render Use to be considered abandoned. Use may not continue if Structure is allowed to deteriorate and if not repaired within 6 months after written notice by the City that the Structure is not habitable. Allows Non-conforming Structures to be rebuilt and Uses to be resumed if involuntarily destroyed in whole or part by fire or natural calamity to original condition, without increasing the degree of non-conformity, and allow for the Mayor and Council to appoint alternative members to the Planning Commission.

WHEREAS, the Planning Commission duly noticed and conducted public hearing at its regularly scheduled meeting on April 26, 2006 and forwarded to City Council a positive recommendation on Chapters 9, 10, 11, 12, and 14;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on June 8, 2006; and

WHEREAS there is good cause and it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO CHAPTER 9 OF THE LAND MANAGEMENT CODE. Chapter 9 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 9 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 10 OF THE LAND MANAGEMENT CODE. Chapter 10 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 10 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 11 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 4. AMENDMENTS TO CHAPTER 12 OF THE LAND MANAGEMENT CODE. Chapter 12 is hereby amended as attached hereto as Exhibit D. Any conflicts or cross references from other provisions in the LMC to Chapter 12 shall be resolved by the Planning Director.

SECTION 5. AMENDMENTS TO CHAPTER 14 OF THE LAND MANAGEMENT CODE. Chapter 14 is hereby amended as attached hereto as Exhibit E. Any conflicts or cross references from other provisions in the LMC to Chapter 7 shall be resolved by the Planning Director.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

Attachments can be obtained at the City Recorder's Office during regular business hours (435-649-5007).

City Council
Staff Report

Author: Kent Cashel, Deputy PW Director

Subject: Memorandum of Agreement Establishing a Summit County Council of Governments

Public Works

Date: June 8, 2006
Type of Item: Resolution

Summary Recommendations:

Council should:

1. adopt the resolution authorizing the Mayor to execute the interlocal agreement.
2. request that the Mayor work with the COG to have the project prioritization process defined in the COG's bylaws.
3. provide direction in support of Summit County's imposition of the $10 corridor preservation fee.

Background:

During the 2005 general legislative session the Utah legislature passed SB- 8 "Local Corridor Preservation Funding". The legislation (codified at UCA 41-1a-1222, and UCA 72-2-117) created the Local Transportation Corridor Preservation Fund, established a local option corridor preservation fee, and set forth an approval process for corridor preservation projects for county and municipal governments. This legislation took effect on January 1st, 2006.

The legislation allows a county legislative body to impose a $10 local option transportation corridor preservation fee (local option fee) on motor vehicle registrations and renewals within the county.

The local option fee is collected by the Utah State Tax Commission (DMV) and then is deposited into the Local Transportation Corridor Preservation Fund that is administered by the Utah Department of Transportation (UDOT). These funds may then be accessed by the county or municipalities (subject to several conditions) within the county to fund corridor preservation projects.

Corridor preservation projects are a critical element of long range transportation planning as they allow a government body to protect critical project right of way and control highway access well in advance of highway construction or expansion. Given escalating property values, this pre-purchase of property and right of way generally yields significant cost savings and protects the right of way from development.

These corridor preservation funds (subject to several restrictions) can be used for right of way acquisition, transportation planning, maintenance costs for preservation property and to pay interest and debts incurred in approved corridor preservation property acquisition. More detailed information regarding the Local Option Corridor Preservation Fee may be found in the attached staff report dated March 23rd, 2006.

On March 23rd, 2006 Staff requested and Council authorized the Mayor to execute a letter supporting Summit County's intent to impose the $10 Local Corridor Preservation Fee. Council directed that this support include a request that as Summit County develops an interlocal agreement that establishes the required Council of Governments (COG) that serious consideration would be given to including a process that would link the expenditure of corridor preservation funds to the geographic region where those funds were generated (letter attached).

In late March of 2006 Summit County adopted an ordinance imposing the $10 corridor preservation fee.

In April, 2006 Summit County Commissioners and the mayors from each municipality began meeting to discuss items. Those items are:

- the formation of the COG and the interlocal agreement that will legally establish and govern the actions of this advisory body.
- Imposition of the $10 local option corridor preservation fee.

On May 17th the County Commissioner's and mayors reviewed and commented on a draft interlocal agreement presented by the Summit County Deputy Attorney. Staff also reviewed this document and suggested several amendments which have been included in the final document.

On May 31st, 2006. Mayor Dana Williams, following a final review of the agreement with the other mayors, committed to present the agreement and a resolution authorizing execution of this agreement to the Park City Council for its consideration prior to the interlocal group's next meeting scheduled for June14th, 2006.

Staff has conducted a thorough review of the interlocal agreement. Staff's analysis, identification of issues for Council consideration and recommendation follow.

Summary of Agreement Analysis:
A summary of Staff's analysis of the agreement is contained below. A copy of the complete interlocal agreement is attached for those desiring more detail.

<u>Duration & Termination of COG (sections 1& 9)</u>

The agreement establishes that the Council of Governments will exist in perpetuity (in 50 year intervals) unless terminated by a tree fourths (3/4) vote of all Council members. A ¾ vote under current membership would require a minimum of seven votes.

Members of COG (section 2 A)

The agreement establishes initial membership of the COG to include thirteen members made up of nine (9) voting members and four (4) non-voting members.

Nine (9) Voting Members

Summit County Board of Commissioners (3)
Mayor of Park City (1)
Mayor of Francis Town (1)
Mayor of Kamas City (1)
Mayor of Oakley City (1)
Mayor of Coalville City (1)
Mayor of Henefer Town (1)

Four (4) Ex-officio (non voting members)

President North Summit School District (1)
President South Summit School District (1)
President Park City School District (1)
Executive Director Park City Chamber of Commerce (1)

Voting (Section 2 B)

The agreement provides for one vote per voting member with voting decided by majority (requiring a 50% quorum or 5 members present at time of vote).

Officers (Section 2 C)

The agreement establishes Officers of the Council (Chairman, Vice Chairman and Secretary Treasurer). Officers are elected by Council for one year term

Rules of Procedure (Section 2 D)

This section references an attachment that establishes procedures for the conduct of meetings. Its content is typical and Staff noted no areas of particular concern.

Purpose of COG (Section 3)

This section establishes two the purpose of the COG as a forum to discuss and to make recommendations on any area in which there is a "joint interest". Areas specifically called out as areas of "joint interest" are :

- municipal government
- master planning

- o transportation
- o economic development
- o open space planning
- o public safety
- o water resource planning
- o air pollution control
- o government operation

<u>Powers (Section 4)</u>
This section establishes the powers COG possesses as:

- o Serve as an advisory body to elected bodies of member elected bodies
- o Provide project endorsements to the Utah Department of Transportation

<u>Support Staff (Section 5)</u>
The agreement establishes that administrative and technical services for COG will be provided by the executive staff of the Summit County Commission. The agreement also establishes a "Director" of the COG to be filled by Summit County's Executive Assistant.

The agreement establishes the Director's responsibilities as follows:
- coordinate and provide administrative support to the COG
- coordinate staff and consultant services required by the COG
- Preparation of annual work program and budget

<u>Meetings (Section 6)</u>
Agreement establishes regular quarterly meetings with provision for call of special meetings.

<u>Finance (Section 7)</u>
Agreement establishes dues at $1 per member per year.

<u>Committee's (section 8)</u>
The agreement allows the COG to establish committee's as it deems necessary to carry out its purpose.

Issues for Council Consideration:
After reviewing the attached interlocal agreement Staff has identified three key issues Council should consider prior to adopting the resolution: Those issues are as follows:

1. COG Scope

Section 3, “Purposes” in the interlocal agreement contains language that empowers the COG to discuss, plan and act in concert to make recommendations on any item of “joint interest’ to COG member elected bodies.

This scope goes beyond the role required by the local corridor preservation fee legislation and that role which was discussed with City Council on March 23rd when considering whether or not to support imposition of the corridor preservation fee.

However, Staff believes there is a benefit in establishing this advisory body that will provide a forum where the county and all municipalities in Summit County can discuss and articulate recommendations on items of joint interest. A similar forum exists in the form of the Intergagency Task Force, but it has broader representation of other taxing entities including Wasatch County, the School District and special service districts.

2. Project Prioritization

The agreement does not establish a process for prioritization of projects to be financed with corridor preservation funds as Park City requested in its letter of support to the County (letter attached).

Consistent with Council direction provided in March 2006, Mayor Dana Williams expressed to the COG the City’s desire to define, in the inter-local agreement, a project prioritization process that would link the expenditure of corridor preservation funds to projects in the geographical region where those funds were collected. Several members of the COG were uncomfortable with pre-defining any process or decision criteria in the interlocal agreement preferring rather to define this process later in the COG bylaws.

When weighing the importance, or necessity, of having a pre-defined project ranking process in the interlocal agreement Council should consider the following:

Voting Power

Park City will have a 1 in 9 vote on project decisions. This vote is equal to all other members with no link to the amount of funding collected within jurisdictional boundaries. This voting structure requires that Council take a “leap of faith” and trust that the COG will act responsibly in its governance of corridor preservation funds.

Legislated Project Ranking Criteria

Legislation governing local corridor preservation fees requires that at a minimum the COG use following set of criteria to rank and recommend projects for funding:

1. Projects in areas with rapidly expanding population.
2. Willingness of local governments to complete studies and impact statements that meet UDOT standards.

3. Projects in areas that provide for provide for corridor preservation through the planning and zoning process.
4. The availability of other public and private matching funds for the project.
5. The cost effectiveness of the corridor preservation project.
6. The long and short term maintenance costs for property acquired.
7. Whether the transportation corridor is included as part of the county and municipal master plan; or the statewide long range plan.

Staff believes the mandated criteria establishes a good set of measures, and process, for determining and prioritizing the most viable and necessary projects in the region. These critirea will require an entity to conduct a fair amount of due diligence and study to demonstrate the vailidity, value and viability of its project. These criteria should eliminate from consideration many projects that could be deemed non-essential or frivolous.

Finally, staff believes in the early years of fee collection the above criteria, if adhered to by the COG, will place a higher priority on projects in western Summit County. This pattern fits western Summit County's need and opportunity for corridor preservation which is immediate and will diminish as time passes and the availability of affordable right of way also diminishes. Conversely, as time passes the need for corridor preservation, and the awareness of that need will spread eastward and the number of projects in eastern Summit County requiring corridor preservation funds is likely to increase.

<u>Regional Transportation Perspective</u>
As population in Summit County grows the County along with its city's and townships will become more and more interdependent. The number of employees of Park City businesses living and commuting from outlying communities will steadily grow. Residents of outlying communities will drive in ever increasing numbers to western Summit County to shop, receive medical care and enjoy the areas recreational amenities. Conversely Park City residents will travel in ever increasing numbers eastward to enjoy recreational opportunities in the Uinta Mountains. This interdependent travel will require the support of an enhanced regional transportation network. Much of the funding for such infrastructure will provided by state and federal sources but local governmental bodies will need to step up to the plate as well. Formation of the Summit County COG and the ceding of control of corridor preservation funds to that body in good faith is likely to be the first of many such cooperative "leaps of faith" that will be required of the Council in the years to come.

After reviewing the interlocal agreement and the legislation governing the local option corridor preservation fee Staff recommends Council adopt the resolution authorizing the Mayor to execute an interlocal agreement establishing a Council of Governments. Staff also requests that Council provide direction in support of imposition of the $10 corridor preservation fee.

Department Review:
This Staff report has been reviewed by the City Manager's office, the City Attorney's Office , the Budget office and Public Works. Comments from these offices have been incorporated into this report.

Alternatives:

A. Approve the Request:

Council should:

1. adopt the resolution authorizing the Mayor to execute the interlocal agreement.
2. request that the Mayor work with the COG to have the project prioritization process defined in the COG's bylaws.
3. provide direction in support of Summit County's imposition of the $10 corridor preservation fee. This is Staff's recommendation.

B. Amend The Request:

Council could amend the interlocal agreement as it deems appropriate and adopt the resolution authorizing the Mayor to execute that amended interlocal agreement. This alternative would create severe complications for Summit County as they seek to develop a COG and determine a fee amount and whether or not to impose the fee by the June 30th, 2006 deadline.

C. Deny the Request:

Council could determine to not adopt the resolution thereby not authorizing the Mayor to execute an interlocal agreement to establish a Council of Governments. This alternative would have the same impact as Alternative B.

D. Continue the Item:

Council could continue the item. This alternative would have the same impact as Alternative B & C.

E. Do Nothing:

Council could do nothing. This would have the same impact as Alternative B, C &D.

Significant Impacts:
Summit County has adopted an ordinance imposing the $10 fee beginning on July 1st, 2006. Commissioner's have indicated that they will rescind the fee if, even after execution of the interlocal agreement establishing the COG, all COG members cannot agree on the amount and imposition of the corridor preservation fee. It is important to note there is nothing legally binding the Commission to this informal commitment to rescind.

Recommendation:

Council should:

1. adopt the resolution authorizing the Mayor to execute the interlocal agreement.

2. request that the Mayor work with the COG to have the project prioritization process defined in the COG's bylaws.
3. provide direction in support of Summit County's imposition of the $10 corridor preservation fee.

Attached:
1 - Resolution
2 - Park City Letter of Support
3 - Summit County Council of Governments Agreement Memorandum
4 - Corridor Preservation Fee Staff Report (dated March 20th, 2006)
5 - SB0008 …Local Corridor Preservation Fee Legislation

Resolution No. 2006 -____

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT RELATING TO THE ESTABLISHMENT OF AN INTERLOCAL ENTITY KNOWN AS THE SUMMIT COUNTY COUNCIL OF GOVERNMENTS

WHEREAS, pursuant to the Utah Interlocal Cooperation Act, Utah Code Annotated, Section 11-13-1, et seq., 1953 as amended, any two or more public agencies, as defined therein, may enter into an agreement with one another to create an interlocal entity; and

WHEREAS, Park City Municipal Corporation, Summit County, Utah (The CITY), has determined that it is in the public interest and welfare of the residents of The City to enter into an agreement with various political subdivisions within Summit County to create an interlocal entity known as the Summit County Council of Governments ("COG"); and

WHEREAS, an Interlocal Cooperation Agreement has been prepared for approval and execution by and between Summit County and various municipalities within Summit County to create an interlocal entity,

NOW, THEREFORE, be it resolved by the Park City, Summit County, Utah, that the Agreement attached hereto, entitled Summit County Council of Governments, Memorandum Agreement, is hereby accepted and approved by The City,

NOW, THEREFORE, be it further resolved by the CITY as follows:

1. That the Interlocal Agreement accepted and approved herein shall be effective upon its approval by a majority of the parties to said Interlocal Agreement.

2. That the CITY declares that it is its intent to create an interlocal entity hereunder.

APPROVED AND ADOPTED this   day of ___________, 2006.

By: ____
Mayor Dana Williams

ATTEST:
____
Clerk/Recorder

By: ____________________

City Council Staff Report

Author:	**Kent Cashel, Deputy PW Director** **Gary Hill, Budget and Grants Mgr.**
Subject:	**CORRIDOR PRESERVATION FUND MOTOR VEHICLE REGISTRATION FEE.**
Date:	**March 23rd, 2006**
Type of Item:	**Discussion**

Public Works

Summary Recommendations: Council should provide a letter of support for Summit County to impose the local option corridor preservation fee. (draft attached).

Background:
The Utah legislature passed SB- 8 "Local Corridor Preservation Funding" during the 2005 general session. The legislation (codified at UCA 41-1a-1222, and UCA 72-2-117) created the Local Transportation Corridor Preservation Fund, established a local option corridor preservation fee and set forth an approval process for corridor preservation projects for county and municipal governments. This legislation took effect on January 1st, 2006.

The legislation allows a county legislative body to impose a $10 local option transportation corridor preservation fee (local option fee) on motor vehicle registrations and renewals within the county.

The local option fee is collected by the Utah State Tax Commission (DMV) and then is deposited into the Local Transportation Corridor Preservation Fund that is administered by the Utah Department of Transportation (UDOT). These funds may then be accessed by the county or municipalities (subject to several conditions) within the county to fund corridor preservation projects.

Corridor preservation projects are a critical element of long range transportation planning as they allow a government body to protect critical project right of way and control highway access well in advance of highway construction or expansion. Given escalating property values this pre-purchase of property and right of way generally yields significant cost savings and protects the right of way from development.

These corridor preservation funds (subject to several restrictions) can be used for right of way acquisition, transportation planning, maintenance costs for preservation property and to pay interest and debts incurred in approved corridor preservation property acquisition.

Summit County has identified several corridor preservation projects as part of its Snyderville Basin Transit\Transportation Master Plan. The County has indicated an interest in adopting an ordinance imposing the local option fee.

Summit County is empowered by UCA 72-2-117 to impose the local option fee without the support or blessing of municipalities within its borders. However, Summit County has requested Council review the provisions of the Local Option Corridor Preservation Fee and then provide the County with a formal statement of the City's position regarding the imposition of the fee. To simplify this task for Council, Staff completed an analysis of the legislation, provided a summary of key considerations in the analysis section below and drafted a possible letter of support. The full text of SB -08, UCA 41-1a-1222 and UCA 41-1a-122 may be found at the end of this document.

Analysis:

City and regional need for corridor preservation
Two out of nine elements of the City Council's Strategic Plan provide guidance for the consideration of Summit County's request for the City's support for the imposition of a corridor preservation fee. Those two elements are:

- Effective Transportation and Parking System
- Regional Collaboration and Partnerships

Discussions with Summit County and Park City engineering staff have indicated a need for corridor preservation projects (in particular along SR-224 and SR-248). This local option corridor preservation fee would provide some of the funding these projects will require.

Park City currently has no formal corridor preservation plan or prioritized list of corridor preservation projects. Significant transportation study and planning work will need to be completed prior to seeking financing from this program. Providing the County imposes the local option fee the City would be eligible to apply for planning funds to complete these studies. Staff is reasonably confident that corridor planning along SR-224 or SR248 would meet project criteria set forth in the legislation.

Summit County has completed its Snyderville Basin Transit\Transportation Master Plan. This plan includes a prioritized list of corridor preservation projects in and around SR-224. The County could seek funding for these projects as soon as other program provisions are met.

Revenue forecast for Summit County
Staff estimates (using DMV registration data) that imposition of the local option fee would generate approximately $325,000 – $350,000 per year. This stable and

predictable revenue stream generated from vehicle registration fees is ideal for servicing bonded debt. Forecasted revenues are adequate to service a 20 year $4,500,000 bond issuance. Bonding would provide financing for larger projects. It is reasonable to assume that annual revenues will increase as the number of registered vehicles in Summit County increases with population growth.

Estimated financial impact to Park City residents

Staff, due to time constraints, was unable to obtain data regarding the actual number of current vehicle registrations within Park City limits. However, using Park City secondary household counts and estimated vehicles per household data Staff produced a reasonably accurate revenue estimate. This estimation indicates that 40-45% of Summit County registered vehicles list a Park City address as their home domicile. Applying these percentages to total estimated annual revenues of $350,000 indicates that $140,000 to $160,000 of annual local option fees will be paid by Park City households.

Timing Considerations

To collect the local option license fee beginning on July 1st 2006, Summit County must enact an ordinance imposing the fee on or before April 1st, 2006. If this April 1st deadline passes the County cannot begin collecting the fee until July 1st 2007.

If Summit County should not enact the local option fee ordinance on or before April 1st, 2006 the County will forego an annual collection of approx. $325,000 to $350,000. Staff has recently been made aware of an additional funding opportunity that may be forgone by failing to meet this years April 1st deadline.

A one time appropriation of $10,000,000 was made to the fund during the 2006 legislative session. This appropriation is to provide matching funds to selected corridor preservation projects. These matching funds could leverage the annual revenue collection well above $350,000. It is important to note that there is no guarantee that Summit County projects would be selected for matching funds.

Staff was advised by UDOT that these matching funds will likely be made available on a first come first served basis. There is more than one large corridor preservation project along the Wasatch Front (e.g., Mountainview Corridor) that will likely pursue and consume these matching.

Once Summit County enacts a local option fee ordinance several organizational and process tasks must be completed before being eligible to draw funds from the Corridor Preservation Fund, these task are detailed in the section below.

Formation of Council of Governments

After enacting an ordinance to impose the local option fee the County must facilitate the formation of a Council of Governments. This decision making body will be made up of three Summit County Commissioners and the Mayor from each municipality within the county. This decision making body will be empowered to provide a review of all potential County corridor preservation projects , with prioritizing those projects and with issuing a formal endorsement of those projects to receive funding. The Council of Governments' project endorsement is submitted to UDOT and will serve as an application for fund dispersal.

This nine member Council of governments would be made up of the following representatives:

Summit County Board of Commissioners
Mayor of Park City
Mayor of Coalville City
Mayor of Henefer City
Mayor of Oakley City
Mayor of Kamas City
Mayor of the Town of Francis

Council of Government Process & Procedures

The legislation mandates that the Council of Governments shall be created and governed by an interlocal agreement negotiated and executed by all parties. This interlocal agreement must set forth a process by which an official endorsement is made by the Council of Governments. The only guidance provided by the legislation is a list of general factors that must be considered as projects are selected and prioritized for endorsement by the Council of governments.

1- Projects in areas with rapidly expanding population
2- Willingness of local governments to complete studies and statements that meet UDOT standards.
3- The preservation of corridors by the use of local planning and zoning processes.
4- The availability of other public and private matching funds for a project
5- Cost effectiveness of the project.
6 -Long and short term maintenance costs for property acquired.
7- Whether the transportation corridor is included as part of the County and\or Municipal Master Plan.

Beyond these broad considerations the process by which the Council of Governments selects and prioritizes projects for endorsement is left to the discretion of the local governments to define in the interlocal agreement. If Summit County chooses to adopt a local option fee ordinance on or before April 1st 2006 the interlocal agreement will be negotiated and executed after that date. This discretion and timing creates a high level of uncertainty regarding what type of process will ultimately govern the distribution of corridor preservation funds.

Additional Procedural Tasks

Prior to applying for corridor preservation funds the County and Municipality must have the following policies or ordinances in effect:

1- A corridor property acquisition policy or ordinance that meets the federal requirements for the acquisition of real property.

2- An access management policy or ordinance that meets the provisions of the legislation.

Staff has not fully researched what effort will be required to develop these policies. However, UDOT is mandated by the legislation to provide model policies for local government's use and Staff does not believe this task to be effort or time intensive.

Conclusions:

- In January 2006 Summit County and Park City executed the Entry Corridor Transit-Transportation Letter of Intent. This LOI states that the parties intend to work cooperatively in their efforts to secure funding for required transportation projects.

-The proposed Entry Corridors Transit\Transportation Strategic Plan (scheduled for Council adoption on March 30th , Council reviewed the draft plan at its Feb 2nd, 2006 meeting) includes two strategies that relate to transportation regional cooperation. Those strategies are: 1. Pursue formal agreements to cooperate with regional entities on transportation issues. 2. Facilitate regional efforts to secure Federal and State financial assistance to fund necessary transit and road projects.

- Both Park City and Summit County have identified the need for corridor preservation projects and jointly funded the development of the Snyderville Basin Transit\Transportation Master Plan (the majority of funding provided by the County).

- Summit County has indicated their desire to adopt the local option fee ordinance at its March 29th Commission meeting.

- Summit County has legislative authority to adopt a local option fee ordinance prior to negotiation and execution of an interlocal agreement that will establish and govern the decision making process of the Council of Governments.

-The local option fee would provide a significant and ongoing funding source for regional corridor preservation projects.

- Park City has a substantial amount of study and planning work to complete before its preservation projects would meet program requirements for funding. Park City could apply for planning funds under this program providing certain requirements are met.

- Park City is likely to directly benefit from County corridor preservation projects along SR-224 corridor and have jointly planned some of these projects.

- To impose the local option fee on July 1st 2006 the County must adopt an ordinance on or before April 1st. Failure to meet this deadline will result in the loss of one year's collections and the potential to secure one time matching funds.

- If Council should choose to support the County adopting the local option fee ordinance on or before April 1st, 2006 the City must accept a high degree of uncertainty regarding details of the required interlocal agreement and the process that the Council of Governments will use to guide allocation of funds.

- Council could issue a letter of support to the County with caveats that clearly communicate the City's concerns regarding the process that the Council of Governments will utilize to determine the distribution of funds (see possible letter at end of this report).

Alternatives:

1. Provide Summit County With A Letter of Support:
This alternative provides a formal statement of City support for Summit County to adopt an ordinance imposing the $10 local option fee on or before April 1st, 2006.

2. Provide Summit County With A Letter of Support with caveats:
This alternative provides a formal statement of City support for Summit County. The City could clarify its statement of support requesting that the County make a good faith effort to craft an interlocal agreement with the Council of Government cities that assigns each City's number of votes on the Council based on the amount of fees generated in that City or by population. This is Staff's recommendation and a possible draft letter is attached.

Continue the Item:
Given the April 1st, 2006 deadline for adopting a local option fee ordinance this alternative would signal, intended or not, that the City does not support imposition of the local option fee this year. City Council does have a meeting scheduled on March 30th, 2006.

Do Nothing:
This alternative would have the same effect as continuing the item.

Significant Impacts:
A high degree of uncertainty exists regarding how funding will be distributed by the Council of Governments if the County imposes the local option fee on or before April 1st, 2006 and prior to negotiation and execution of an interlocal agreement. However, given the fact that the City and County have cooperated very well on

transportation planning, consistent with Council goals, Staff is confident the County will be receptive to City needs.

Conversely, if Council should offer conditional support that requested moving forward with negotiation and adoption of an interlocal agreement in advance of the County adopting the local option fee ordinance significant funding for corridor preservation projects will be forgone.

Summit County has indicated a desire to adopt the local option fee ordinance at its March 28th, commission meeting.

Recommendation:
Council should provide a letter of support for Summit County to impose the local option corridor preservation fee (draft attached).

-------Draft---

Summit County Commissioners
P .O. Box
Coalville, Utah

March 23rd, 2006

Dear Commissioners:

I am writing on behalf of Park City Municipal Corporation to formally express the City's support for Summit County to impose a $10 local option transportation corridor preservation fee authorized by UCA 41-1a-1222. This support is offered in good faith to Summit County given the level of uncertainty that surrounds the yet to be defined process that the Council of Governments will use to determine which projects will be funded from the Corridor Preservation Fund.

Park City respectfully requests that the County work diligently to ensure the interlocal agreement (required by UCA 72-2-117.5) assigns the number or weighting of each member's vote on the Council of Governments based upon the proportion of either funding generated or population within the member's City or unincorporated boundaries. This weighting of votes will ensure that each motorist that pays the corridor preservation fee will be equitably represented on the Council.

Park City is honored to work cooperatively with all of Summit County's governmental entities to plan, to finance, and to build a transportation and transit system that meets the needs of today and that of the future.

Sincerely:

Mayor Dana Williams

SUMMIT COUNTY COUNCIL OF GOVERNMENTS

MEMORANDUM AGREEMENT

IT IS HEREBY AGREED by and between the signatories listed below, who are the members of the Summit County Council of Governments, that the provisions hereinafter set forth, which are necessary to comply with statutory provisions governing such councils; namely, Utah Code Annotated, 1953, Title 11, Chapter 13, as amended, shall govern said Council of Governments.

1. DURATION. The initial term of the Summit County Council of Governments shall be for a fifty (50) year term, which term shall renew for successive fifty (50) year terms in perpetuity unless terminated as provided hereinafter.

2. A. MEMBERS. The Summit County Council of Governments shall be composed of the following officials: the three members of the Board of Commissioners of Summit County; the mayors of the following cities: Park City, Francis Town, Kamas City, Oakley City, Coalville City, and Henefer Town; and the duly elected head of any other municipality which shall come into existence hereafter within the boundaries of Summit County. The Presidents of the North Summit, South Summit, and Park City School Districts, and the Executive Director of the Park City Chamber of Commerce shall serve as ex-officio, non-voting members of the COG. The duly appointed representatives of the above may appear in their behalf at the meetings of the Council, and represent the member agency when authorized so to do by the governing body of the said member agency. Each member agency

may also designate an alternate member to attend when the duly appointed representative is unable to attend.

B. VOTING. Each member of the Council, as above constituted, shall have one vote in transacting the business of the Council, and the business of the Council shall be conducted by majority vote. No fewer than fifty percent (50%) of the above-designated voting members shall constitute a quorum to transact the business of the Council, and it shall take a majority vote of those present and voting to transact any business for and in behalf of the Council.

C. OFFICERS. The officers of the Council shall be chairman, a vice-chairman, and secretary/treasurer selected from the members of the Council. Elections shall take place in December of the preceding year, at which time a vice-chairman and a secretary/treasurer shall be elected. On January 1st of each year, the vice-chairman from the preceding year shall become the chairman, and the vice-chairman and secretary/treasurer elected in December shall assume office.

D. RULES OF PROCEDURE. The Council shall conduct business pursuant to rules of procedure to be adopted by the officers of the Council with the approval of the Council meeting in duly authorized sessions.

3. PURPOSES. The purposes of the Council shall be to provide an association of the above referred to governmental entities to counsel together, plan comprehensively and act in concert in discussing and making recommendations regarding municipal government, master planning, transportation, economic development, open-space planning, public

safety, water resource planning, air pollution control, government operation and such other problems and areas in which there is a joint interest.

4. POWERS. This Council shall have the following powers:

   A. Presentation of advisory recommendations to Council member elected bodies; and,

   B. Provide endorsements pursuant to UCA 72-2-117.5 regarding the Local Option Corridor Preservation ("LOPC") Fund to the Utah Department of Transportation.

5. STAFF. The executive staff of the Summit County Board of Commissioners shall perform the necessary administrative and technical services for the Council with the Executive Assistant to the Board of Commissioners serving as "Director" of the Council. The responsibilities of the Council Director shall include:

   A. General administrative support capability to provide for the handling of correspondence, recording of Council minutes and business matters, etc., of the Council.

   B. Coordinating staff and consultant services and making recommendations to handle the Council of Government's workload and policies dealing with area-wide master plan, open space, economic development, air pollution and other such problems and areas in which there is a joint interest.

   C. Preparing and administering an annual work program and budget.

   D. In addition to the above-designated duties, the Council Director shall perform all other duties delegated to her or him by the Council.

6. MEETINGS. The Council shall meet at least quarterly, or upon call of its Chairman, or by petition of 20% of the membership of the Council.

7. FINANCING. The activities and functions of the Council shall be financed by the assessment of dues on an annual basis from the governmental entities which make up the Council, which dues shall in no event exceed the sum of $1 per member per year.

8. COMMITTEES. The Council may, from time to time, as it deems necessary and desirable, organize committees to undertake specific duties and functions. The Council shall approve a specific purpose, duties and bylaws for each committee established. The bylaws shall, among other things, set forth the membership and method of appointing members to committees. The Council shall also establish the method for appointing the Chair and Vice-Chair to the committees. The Council reserves the right to dissolve any committee at any regular meeting by a majority vote of the entire Council.

9. TERMINATION. The Council can only be dissolved and this Agreement terminated by the three-fourths (3/4) vote of all participating and duly authorized members at a meeting specifically held on the subject of said termination which meeting shall be held only pursuant to written notice to all members ten days prior to the said meeting with the subject of the said meeting to be included in the same notice. Upon the termination of the agreement and dissolution of the Council, any and all property held at that time in the name of the Council shall be liquidated and disposed of by the officers of the Council, and the proceeds therefrom returned to the participating members of the Council in the pro-rata share of the total which the assessed valuation of real property of each government unit bears to the assessed value of the property in Summit County.

10. AMENDMENT. This Agreement may be amended by a duly executed written agreement approved by Resolution of all member agencies pursuant to UCA Title 11, Chapter 13.

IN WITNESS WHEREOF, this Agreement has been executed by duly authorized agents of the undersigned governmental entities pursuant to Resolutions adopted by each entity authorizing such execution, as of this ____ day of ____________, 2006.

BOARD OF SUMMIT COUNTY COMMISSIONERS

____
Chairman

ATTEST:

____
County Clerk

PARK CITY MUNICIPAL CORPORATION

____
Mayor

ATTEST:

____
Recorder

FRANCIS TOWN

____
Mayor

ATTEST:

____
Recorder

KAMAS CITY

____
Mayor

ATTEST:

____
Recorder

OAKLEY CITY

____
Mayor

ATTEST:

____
Recorder

COALVILLE CITY

____
Mayor

ATTEST:

____
Recorder

HENEFER TOWN

____
Mayor

ATTEST:

____
Recorder

EXHIBIT A

RULES OF PROCEDURE
for the
SUMMIT COUNTY COUNCIL OF GOVERNMENTS

The following rules are intended to govern the conduct of public meetings of the Summit County Council of Governments, in accordance with Paragraph 2d of the Memorandum Agreement of the Summit County Council of Governments. Items and issues not addressed by these rules of procedure shall be determined by the Council Chair, using Robert's Rules of Order as a guide.

A. ORDER OF BUSINESS

1. REGULAR AND SPECIAL MEETINGS. Regular meetings of the Summit County Council of Governments shall be held quarterly. Special meetings may be held at other times at the call of the Chair, as warranted, or by petition of 20% of the membership of the Council. All regular and special meetings shall be noticed as required by the Utah Open and Public Meetings Act.

2. QUORUM. A quorum of the Summit County Council of Governments shall consist of five (5) members. A quorum must be present before any business may be conducted.

3. MEETING AGENDA. The Council Director, at the direction of and after consultation with the Council Chair, shall prepare a written agenda for each meeting of the Council. The agenda shall be mailed to the Council members by Friday of the week prior to the Council meeting.

4. SUBMISSION OF AGENDA ITEMS. Items for consideration on the Council agenda should be submitted to the Summit County Board of Commissioner's Executive Offices in Coalville, Utah by at least one week prior to the scheduled meeting.

5. SPECIAL ORDERS OF BUSINESS. The Council may at any time, on a motion supported by the majority of the Council members present, proceed out of order to any item of business, may return to an item already passed, or may consider an item not on the regular agenda.

B. MOTIONS

1. MAKING MOTIONS. Any Council member, including the Chair, may make a motion. Motions should include a statement of findings supporting the motion.

2. SECONDING MOTIONS. A second by a Council member other than the maker of the motion is necessary before the motion may be discussed or a vote taken.

3. CHANGING A MOTION. The maker of a motion may change the motion at any time before a vote is taken. A second to the changed motion is necessary before the changed motion may be further discussed or voted upon.

4. WITHDRAWING A MOTION. The maker of a motion may withdraw the motion if no member of the Council objects to its withdrawal. If an objection is made to the withdrawal of the motion, the Chair shall call for a vote of the Council regarding the withdrawal of the motion.

5. SUBSTITUTE MOTIONS. All amendments or substitute motions shall be offered as amendments to the main motion first made. The procedure for amendments shall be the same as for any motion. Action is to be taken on the amendment first before any action is taken on the first motion.

6. NON-DEBATABLE MOTIONS. A motion to adjourn, to take a recess, to table an item, or to retrieve an item from the table, shall be voted upon without debate.

C. RECONSIDERATION

1. WHO MAY MOVE TO RECONSIDER. Any motion made in the course of a Council meeting may be reconsidered during the meeting in which the motion was made. Only a member of the Council who voted with the majority on the motion in question may make a motion for reconsideration of the motion.

2. VOTE REQUIRED FOR RECONSIDERATION. When a motion to reconsider has been properly made, a majority of the members of the Council present must vote in favor of reconsideration in order for the item to be reconsidered.

D. DEBATE

1. INTERRUPTIONS AND QUESTIONS. No member of the Council shall interrupt or question another member without obtaining the member's consent, and to obtain such consent shall first address the Chair.

E. VOTING

1. VOTING PROCESS. A quorum of Council members must vote on a motion. Council members must be physically present in order to vote. All members present must vote unless the member declares an abstention due to possible conflict of interest. All votes are to be cast verbally. A roll call may be requested by any member of the Council. Motions must receive a majority of the votes cast.

2. ANNOUNCEMENT OF DECISION. Voting or changing a vote after the decision is announced by the Chair will not be allowed.

3. TIE VOTES. Tie votes on motions shall result in the failure of the motion.

F. SUSPENSION OF THE RULES

1. TWO-THIRDS VOTE REQUIRED. No suspension or alteration of the standing rules of the Council may be effected except upon a two-thirds vote of all members of the Council.

2. AMENDMENT OF BYLAWS. These bylaws and rules may be amended at any meeting of the Council held not less than 14 days after written notice of the proposal to amend the rules is presented to the Council. A majority of all of the members of the council is required to amend these bylaws and rules.

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S.B. 8 Enrolled

LOCAL CORRIDOR PRESERVATION FUNDING

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sheldon L. Killpack

House Sponsor: Rebecca D. Lockhart

LONG TITLE
General Description:
This bill modifies the Transportation Code and Motor Vehicles Code by creating the Local Transportation Corridor Preservation Fund and establishing a revenue source and an approval process for preservation projects for certain county and municipal governments.
Highlighted Provisions:
This bill:
. allows a county legislative body to impose up to a $10 local option transportation corridor preservation fee on motor vehicle registrations and renewals of registration;
. requires that revenues from the fee be:
. deposited in the Local Transportation Corridor Preservation Fund; and
. allocated for each county based on the total revenue received from the fee;
. defines council of governments and metropolitan planning organizations;
. allows fund monies to be used by counties that are not within a metropolitan planning organization for countywide transportation planning with certain limitations;
. provides that monies from the fee are a grant to each county provided that the state is not charged for any asset purchased with the monies;
. provides that unless otherwise provided by written agreement, the highway authority that holds the deed to the property is responsible for maintenance of the property and that transfer of ownership of property acquired shall be done with a recorded deed and a written agreement;

. provides that fund monies may be used to pay maintenance costs of properties acquired limited to a total of 5% of the purchase price of the property;

. requires the department to develop and implement a program to educate highway authorities on the objectives, application process, use, and responsibilities of the fund monies;

. requires the department to develop a model transportation corridor property acquisition policy or ordinance that meets federal requirements;

. requires the department to authorize the expenditure of fund monies after determining that the expenditure is being made in accordance with certain provisions from applications by a highway authority and endorsed by the council of governments;

. allows a council of governments to establish prioritization and application procedures for use of the monies allocated to each county;

. requires all fund monies to be prioritized by each highway authority and council of governments based on certain provisions;

. prohibits a highway authority from applying for fund monies unless the highway authority has:

. a transportation corridor property acquisition policy or ordinance in effect that meets federal requirements unless the highway authority has a written agreement with the department for acquisition of property; and

. an access management policy or ordinance in effect that meets certain requirements; and

. makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on January 1, 2006.

Utah Code Sections Affected:

AMENDS:

72-2-117, as last amended by Chapter 60, Laws of Utah 2001

ENACTS:

41-1a-1222, Utah Code Annotated 1953

72-2-117.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-1a-1222** is enacted to read:

41-1a-1222. **Local option transportation corridor preservation fee -- Exemptions -- Deposit -- County ordinance -- Notice.**

(1) (a) (i) A county legislative body may impose a local option transportation corridor preservation fee of up to $10 on each motor vehicle registration within the county.

(ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.

(b) If imposed under Subsection (1)(a), at the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local option transportation corridor preservation fee established by the county legislative body.

(c) A motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419 (3) is also exempt from the local option transportation corridor preservation fee required by this section.

(d) A commercial motor vehicle with an apportioned registration under Section 41-1a-301 is exempt from the local option transportation corridor preservation fee required by this section.

(2) The revenue generated under this section shall be:

(a) deposited in the Local Transportation Corridor Preservation Fund created in Section 72-2-117.5 ;

(b) credited to the county from which it is generated; and

(c) used and distributed in accordance with Section 72-2-117.5 .

(3) To impose or change the amount of a fee under this section, the county legislative body shall pass an ordinance:

(a) approving the fee;

(b) setting the amount of the fee; and

(c) providing an effective date for the fee as provided in Subsection (4).

(4) (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment, change, or repeal shall take effect on July 1 if the commission receives notice meeting the requirements of Subsection (4)(b) from the county prior to April 1.

(b) The notice described in Subsection (4)(a) shall:

(i) state that the county will enact, change, or repeal a fee under this part;

(ii) include a copy of the ordinance imposing the fee; and

(iii) if the county enacts or changes the fee under this section, state the amount of the fee.

Section 2. Section **72-2-117** is amended to read:

72-2-117. Transportation Corridor Preservation Revolving Loan Fund -- Distribution -- Repayment -- Rulemaking.

(1) There is created the Transportation Corridor Preservation Revolving Loan Fund within the Transportation Fund.

(2) The fund shall be funded from the following sources:

(a) motor vehicle rental tax imposed under Section 59-12-1201 ;

(b) appropriations made to the fund by the Legislature;

(c) contributions from other public and private sources for deposit into the fund;

(d) interest earnings on cash balances;

(e) all monies collected for repayments and interest on fund monies;

(f) all monies collected from rents and sales of real property acquired with fund monies; and

(g) proceeds from *general obligation bonds,* revenue bonds, or other obligations [~~issued in accordance with Title 63, Chapter 9a, State Building Ownership, and~~] *as authorized by Title 63B, Bonds.*

(3) All monies appropriated to the Transportation Corridor Preservation Revolving Loan Fund are nonlapsing.

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(4) (a) The commission shall authorize the expenditure of fund monies to allow the department to acquire real property or any interests in real property for state, county, and municipal transportation corridors subject to:

(i) monies available in the fund;

(ii) rules made under Subsection (7); and
(iii) Subsection (9).
(b) Fund monies may be used to pay interest on debts incurred in accordance with this section.
(5) Administrative costs of the Transportation Corridor Preservation Revolving Loan Fund shall be paid from the fund.
(6) The department:
(a) may apply to the commission under this section for monies from the Transportation Corridor Preservation Revolving Loan Fund for a specified transportation corridor project, including for county and municipal projects; and
(b) shall repay the fund monies authorized for the project to the fund as required under Subsection (7).
(7) The commission shall:
(a) administer the Transportation Corridor Preservation Revolving Loan Fund to<u>:</u>
<u>*(i)*</u> preserve transportation corridors[~~,~~]<u>;</u>
<u>*(ii)*</u> promote long-term statewide transportation planning[~~,~~]<u>;</u>
<u>*(iii)*</u> save on acquisition costs[~~,~~]<u>;</u> and
<u>*(iv)*</u> promote the best interests of the state in a manner which minimizes impact on prime agricultural land;
(b) prioritize fund monies based on considerations, including:
(i) areas with rapidly expanding population;
(ii) the willingness of local governments to complete studies and impact statements that meet department standards;
(iii) the preservation of corridors by the use of local planning and zoning processes;

(iv) the availability of other public and private matching funds for a project; and
(v) the cost-effectiveness of the preservation projects; [~~and~~]
<u>*(c) designate high priority corridor preservation projects in cooperation with a metropolitan planning organization;*</u>
<u>*(d) administer the program for the purposes provided in this section;*</u>
<u>*(e) prioritize fund monies in accordance with this section; and*</u>
[~~(c)~~] <u>*(f)*</u> make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, establishing:
(i) the procedures for the awarding of fund monies;
(ii) the procedures for the department to apply for transportation corridor preservation monies for projects; and
(iii) repayment conditions of the monies to the fund from the specified project funds.
(8) (a) The proceeds from [~~the revenue~~] <u>*any*</u> bonds or other obligations [~~issued on~~] <u>*secured by*</u> revenues of the Transportation Corridor Preservation Revolving Loan Fund shall be used for:
(i) the acquisition of real property in hardship cases; and
(ii) any of the purposes authorized for funds in the Transportation Corridor Preservation Revolving Loan Fund under this section.
(b) The commission shall pledge the necessary part of the revenues of the Transportation Corridor Preservation Revolving Loan Fund to the payment of principal of and interest on the [~~revenue~~] bonds or other obligations.
(9) (a) The department may not apply for monies under this section [~~for a~~] <u>*unless the*</u>

highway authority [~~that does not have~~] *has* an access management policy or ordinance in effect
that meets the requirements under Subsection (9)(b).
(b) The access management policy or ordinance shall:
(i) be for the purpose of balancing the need for reasonable access to land uses with the need to preserve the smooth flow of traffic on the highway system in terms of safety, capacity,
and speed; and

(ii) include provisions:
(A) limiting the number of conflict points at driveway locations;
(B) separating conflict areas;
(C) reducing the interference of through traffic;
(D) spacing at-grade signalized intersections; and
(E) providing for adequate on-site circulation and storage.
(c) The department shall develop a model access management policy or ordinance that meets the requirements of this Subsection (9) for the benefit of a county or municipality under
this section.
(10) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules establishing a corridor preservation advisory council.
(b) The corridor preservation advisory council shall:
(i) assist with and help coordinate the corridor preservation efforts of the department and local governments;
(ii) provide recommendations and priorities concerning corridor preservation and the use of fund monies to the department and to the commission; and
(iii) include members designated by each metropolitan planning organization in the state to represent local governments that are involved with corridor preservation through official maps
and planning.
Section 3. Section **72-2-117.5** is enacted to read:
72-2-117.5. **Local Transportation Corridor Preservation Fund -- Distribution -- Rulemaking.**
(1) As used in this section:
(a) "council of governments" means a decision-making body in each county composed of the county governing body and the mayors of each municipality in the county; and
(b) "metropolitan planning organization" has the same meaning as defined in Section 72-1-208.5 .
(2) There is created the Local Transportation Corridor Preservation Fund within the

Transportation Fund.
(3) The fund shall be funded from the following sources:
(a) a local option transportation corridor preservation fee imposed under Section 41-1a-1222 ;
(b) appropriations made to the fund by the Legislature;
(c) contributions from other public and private sources for deposit into the fund;
(d) interest earnings on cash balances;

(e) all monies collected from rents and sales of real property acquired with fund monies; and

(f) proceeds from general obligation bonds, revenue bonds, or other obligations issued as authorized by Title 63B, Bonds.

(4) (a) All monies appropriated to the Local Transportation Corridor Preservation Fund are nonlapsing.

(b) The Tax Commission shall provide the department with sufficient data for the department to allocate the revenues provided under Subsection (3)(a) to each county imposing a local option transportation corridor preservation fee under Section 41-1a-1222 .

(c) The monies allocated under Subsection (4)(b):

(i) shall be used for the purposes provided in this section for each county; and

(ii) are allocated to each county as provided in this section:

(A) with the condition that the state will not be charged for any asset purchased with the monies allocated under Subsection (4)(b); and

(B) are considered a local matching contribution for the purposes described under Section 72-2-123 if used on a state highway.

(d) Administrative costs of the department to implement this section shall be paid from the fund.

(5) (a) The department shall authorize the expenditure of fund monies to allow a highway authority to acquire real property or any interests in real property for state, county, and municipal transportation corridors subject to:

(i) monies available in the fund to each county under Subsection (4)(b); and

(ii) the provisions of this section.

(b) Fund monies may be used to pay interest on debts incurred in accordance with this section.

(c) (i) (A) Fund monies may be used to pay maintenance costs of properties acquired under this section but limited to a total of 5% of the purchase price of the property.

(B) Any additional maintenance cost shall be paid from funds other than under this section.

(C) Revenue generated by any property acquired under this section is excluded from the limitations under this Subsection (5)(c)(i).

(ii) Fund monies may be used to pay direct costs of acquisition of properties acquired under this section.

(d) Fund monies allocated under Subsection (4)(b) may be used by a county highway authority for countywide transportation planning if:

(i) the county is not included in a metropolitan planning organization;

(ii) the transportation planning is part of the county's continuing, cooperative, and comprehensive process for transportation planning, corridor preservation, right-of-way acquisition, and project programming;

(iii) no more than four years allocation every 20 years to each county is used for transportation planning under this Subsection (5)(d); and

(iv) the county otherwise qualifies to use the fund monies as provided under this section.

(e) (i) Fund monies allocated under Subsection (4)(b) may be used by a county highway authority for transportation corridor planning that is part of the corridor elements of an ongoing work program of transportation projects.

(ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the direction of:

(A) the metropolitan planning organization if the county is within the boundaries of a metropolitan planning organization; or

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(B) the department if the county is not within the boundaries of a metropolitan planning organization.

(6) (a) (i) The Local Transportation Corridor Preservation Fund shall be used to preserve transportation corridors, promote long-term statewide transportation planning, save on acquisition costs, and promote the best interests of the state in a manner which minimizes impact on prime agricultural land.

(ii) The Local Transportation Corridor Preservation Fund may not be used for a transportation corridor that is primarily a recreational trail as defined under Section 63-11a-101.

(b) (i) The department shall develop and implement a program to educate highway authorities on the objectives, application process, use, and responsibilities of the Local Transportation Corridor Preservation Fund as provided under this section to promote the most efficient and effective use of fund monies including priority use on designated high priority corridor preservation projects.

(ii) The department shall develop a model transportation corridor property acquisition policy or ordinance that meets federal requirements for the benefit of a highway authority to acquire real property or any interests in real property under this section.

(c) The department shall authorize the expenditure of fund monies after determining that the expenditure is being made in accordance with this section from applications that are:

(i) made by a highway authority; and

(ii) endorsed by the council of governments.

(7) (a) (i) A council of governments may establish a council of governments endorsement process which includes prioritization and application procedures for use of the monies allocated to each county under this section.

(ii) The endorsement process under Subsection (7)(a)(i) may include review or endorsement of the preservation project by the:

(A) metropolitan planning organization if the county is within the boundaries of a metropolitan planning organization; or

(B) the department if the county is not within the boundaries of a metropolitan planning organization.

(b) All fund monies shall be prioritized by each highway authority and council of governments based on considerations, including:

(i) areas with rapidly expanding population;

(ii) the willingness of local governments to complete studies and impact statements that meet department standards;

(iii) the preservation of corridors by the use of local planning and zoning processes;

(iv) the availability of other public and private matching funds for a project;

(v) the cost-effectiveness of the preservation projects;

(vi) long and short-term maintenance costs for property acquired; and

(viii) whether the transportation corridor is included as part of:

(A) the county and municipal master plan; and

(B) (I) the statewide long range plan; or

(II) the regional transportation plan of the area metropolitan planning organization if one exists for the area.

(8) (a) Unless otherwise provided by written agreement with another highway authority, the highway authority that holds the deed to the property is responsible for maintenance of the property.

(b) The transfer of ownership for property acquired under this section from one highway authority to another shall include a recorded deed for the property and a written agreement between the highway authorities.

(9) (a) The proceeds from any bonds or other obligations secured by revenues of the Local Transportation Corridor Preservation Fund shall be used for the purposes authorized for funds under this section.

(b) The highway authority shall pledge the necessary part of the revenues of the Local Transportation Corridor Preservation Fund to the payment of principal and interest on the bonds or other obligations.

(10) (a) A highway authority may not apply for monies under this section unless the

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highway authority has:

(i) a transportation corridor property acquisition policy or ordinance in effect that meets federal requirements for the acquisition of real property or any interests in real property under this section; and

(ii) an access management policy or ordinance in effect that meets the requirements under Subsection 72-2-117 (9).

(b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a written agreement with the department for the acquisition of real property or any interests in real property under this section.

Section 4. **Effective date.**

This bill takes effect on January 1, 2006.

[Bill Documents][Bills Directory]

PARK CITY

1884

Office of The Mayor
Dana Williams

March 23, 2006

Summit County Commissioners
P .O. Box 128
Coalville, Utah 84017

Dear Commissioners:

I am writing on behalf of Park City Municipal Corporation to formally express the City's support for Summit County to impose a $10 local option transportation corridor preservation fee authorized by UCA 41-1a-1222. This support is offered in good faith to Summit County given the level of uncertainty that surrounds the yet to be defined process that the Council of Governments will use to determine which projects will be funded from the Corridor Preservation Fund.

Park City respectfully requests that as Summit County works with member municipalities to draft the interlocal agreement (required by UCA 72-2-117.5) that these discussions include serious consideration of a process that will link the expenditure of corridor preservation funds proportionately, or in some other equitable manner, to the geographic region where those preservation funds have been collected.

Park City is honored to work cooperatively with all of Summit County's governmental entities to plan, to finance, and to build a transportation system that meets the needs of today and that of the future.

Sincerely:

Dana Williams

Mayor Dana Williams

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480
Phone (435) 615-5010 • FAX (435) 615-4901 • e-mail: dana@parkcity2002.com

City Council
Staff Report

PARK CITY 1884

Human Resources & Budget Departments

Author:	**Kim Leier, Gary Hill**
Subject:	**Budget Review and Policy Changes Manual**
Date:	**June 8, 2006**
Type of Item:	**Administrative, Legislative**

Summary Recommendations:
Adopt a resolution (attached) revising the Personnel Policies and Procedures Manual dated July 1, 2006 for Park City Municipal Corporation. A summary of FY 2006 Revised Budget and FY 2007 Budget policy changes are also listed for review to be approved with the final budget.

Description:
Topic:
FY 2006 Revised Budget and FY 2007 Budget

Background:
On May 4th, staff delivered the City Manager's Recommended Budget (Tentative Budget) to City Council and discussed proposed changes to the City's operating budget.

May 18th – City Council considered the Capital Improvement Budget (CIP).

May 25th – Regional Collaboration & Economic Development and Business License Fees.

June 1st – City Service Fees, Business License Fees (continued), and adoption of the Tentative Budget.

Public hearings are currently scheduled for June 8th, and 15th. Discussion/action is slated for these dates as follows, barring changes as needed.

June 8th – Budget and Personnel Policies and Procedures and Business License Fees

June 15th – Final Adoption of Budget

Analysis:
On June 8th, staff will focus on the following topics for discussion:

1. Business License Fee Ordinance (additional information provided based on Council direction given May 25 and June 1)

2. Personnel Policies and Procedures
3. Budget Policies review

Business License Fees
On May 25th, staff presented recommendations on increased enhanced benefit business license fees for festival facilitation and transit, and increased enforcement fees for escort services. The proposed ordinance amendments for transit and festival facilitation are summarized in Figure 1 below:

Proposed Total Business License Fee Increase
Fee Calculation

Business Category	Unit of Assessment	Current Fee	Festival % Increase	Transit % Increase	Total Increase % Increase	Total Increase Unit Increase	Total New Proposed Fee	
Resort	(per skier day)	N/A	6%	25%	31%	N/A	N/A	(per skier day)
Lodging	(per bedroom)	$15.40	62%	25%	87%	$13.34	$28.74	(per bedroom)
Restaurant/Retail	(per sq. ft.)	$0.19	56%	25%	81%	$0.15	$0.33	(per sq. ft.)
Office	(per sq. ft.)	$0.17	5%	25%	30%	$0.05	$0.21	(per sq. ft.)
Warehouse	(per sq. ft.)	$0.05	5%	25%	30%	$0.01	$0.06	(per sq. ft.)
Taxi/Bus/Limousine*	(per vehicle)	$30.00	6%	25%	31%	$9.25	$84.83	(per vehicle)**
Outdoor Dining	(per sq. ft.)	$0.05	56%	25%	81%	$0.04	$0.09	(per sq. ft.)
Large Retail (>12,000 sq. ft.)	(per sq. ft.)	$0.13	56%	25%	81%	$0.10	$0.23	(per sq. ft.)
Amusement	(per user)	$0.83	6%	25%	31%	$0.26	$1.08	(per user)
Other Commercial Vehicles	(per vehicle)	$6.00	5%	25%	30%	$1.79	$7.79	(per vehicle)
Employee Based	(per employee)	$3.00	5%	25%	30%	$0.90	$3.90	(per employee)
Vending/Game /Laundry	(per machine)	$15.00	5%	25%	30%	$4.48	$19.48	(per machine)

* Only $30.00 of the $75.58 per vehicle fee is used to support transit; the remiander is for enhanced enforcement
** Includes enhanced enforcement fee

Figure 1 – Proposed Total Business License Fee Increase (by business category)

In addition to the changes listed in Figure 1, escort services (which fall under the "Employee Based" category of fees) would be charged an additional $46.19 per employee to fund enhanced enforcement. This enhanced enforcement would consist of a photo ID card for each individual, background check, verification of a physical address for the business, and annual meetings with the businesses to ensure understanding of and compliance with the City's ordinances.

Transit Fee - During the meeting on the 25th, Council directed staff to return with scenarios for phasing in the recommended 25% increase for transit. These were discussed with City Council on June 1st. Figure 2 illustrates four possible scenarios.

Transit Business License Increase Scenarios

Percent Increase to Transit Enhancement Fee

Scenario	2007	2008	2009
1	25%	-	-
2	12.5%	12.5%	-
3	10%	10%	5%
4	5%	10%	10%

Business License Revenue Collections to the City

Scenario	2007	2008	2009	Nominal Value	NPV*	Revenue Difference from Recommendation
1	$153,750	$153,750	$153,750	$461,250	$443,945	$0
2	$87,500	$175,000	$175,000	$437,500	$417,803	$26,142
3	$70,000	$140,000	$175,000	$385,000	$366,633	$77,312
4	$35,000	$105,000	$175,000	$315,000	$297,963	$145,982

Business License Increased Payment (Average† Business)

Scenario	2007	2008	2009	Nominal Value	NPV*	3-yr. Savings
1	$55	$55	$55	$165	$159	$0
2	$28	$55	$55	$138	$132	$28
3	$22	$44	$55	$121	$116	$44
4	$11	$33	$55	$99	$94	$65

* Net Present Value: Uses Implicit Price Deflator for State and Local Purchases to deflate future values and give a more accurate assessment of purchasing power

† Average Business: is calculated by multiplying the unit of measure for each business type by the proposed increase for transit ($.05 per sq ft for retail, $.75 per employee for employee-based, etc) The totals for each business type are summed, and then divided by the total number of businesses. Actual business license fee increases should be expected to vary widely based on business size and type. Ski resorts were excluded from this calculation.

Figure 2 – Transit Service Fee Phase-in Scenarios

The first table in Figure 2 shows the years in which certain portions of the 25% increase for transit would go into effect. The second table demonstrates how scenarios 2-4 would impact the transit fund over 3 years when compared to scenario 1. The third table shows the average citywide savings per business (over 3 years) if scenario 2-4 is selected. It should be noted that Figure 1 only calculates the average business impact related to the proposed transit increase.

On June 1st, City Council asked staff to provide additional information on two specific issues prior to adopting a fee change: (1) Amusement Business Category, and (2) Business License revenues by business type.

Amusement Category Explanation – The business license fee for a business operating in the Amusement category is calculated based on "Hourly User Capacity". This is defined in Park City's Municipal Code 4-1-1.21 as "the maximum number of persons that can be safely and reasonably accommodated per hour"

The license fee would therefore be calculated by multiplying the rate (current rate = $0.828) by the number of hourly users. If, for example, an amusement-type business was patronized by 30 customers/hour, the enhanced business license fee would equal (30 x $0.828) = $24.84 per year.

With the proposed changes, the rate would increase to $1.083 per user. The same business would therefore have a yearly enhanced business license of (30 x $1.083) = $31.14.

Business License Revenues by Business Type – On June 1st City Council asked staff to show what percent of the total business license revenue is attributable to each business type. Figure 3 breaks down what percent of the total each business type is currently as well as how the proposed increases will affect the distribution.

Percent Share of Business License Fee Revenue by License Category
Fee Calculation

Business Category	Unit of Assessment	Current Business License		Transit	Festival	Proposed Total (CY 2007)
		Fee Rate	Share of Revenue	% Share of Increase	% Share of Increase	% Share after increase
Resort	(per skier day)	N/A	**34.0%**	38.2%	7.4%	**30.4%**
Lodging	(per bedroom)	$15.40	**16.3%**	17.3%	38.1%	**20.0%**
Restaurant/Retail	(per sq. ft.)	$0.19	**20.8%**	20.3%	43.0%	**24.3%**
Office	(per sq. ft.)	$0.17	**16.0%**	13.4%	2.5%	**13.4%**
Warehouse	(per sq. ft.)	$0.05	**0.3%**	0.3%	0.0%	**0.2%**
Taxi/Bus/Limousine	(per vehicle)	$75.58	**5.7%**	5.8%	0.9%	**5.0%**
Outdoor Dining	(per sq. ft.)	$0.05	**0.4%**	0.3%	0.6%	**0.4%**
Large Retail (>12,000 sq. ft.)	(per sq. ft.)	$0.13	**3.1%**	3.4%	7.1%	**3.8%**
Amusement	(per user)	$0.83	**0.2%**	0.1%	0.0%	**0.1%**
Other Commercial Vehicles	(per vehicle)	$6.00	**2.5%**	0.5%	0.1%	**1.8%**
Employee Based	(per employee)	$3.00	**0.3%**	0.0%	0.0%	**0.2%**
Vending/Game /Laundry	(per machine)	$15.00	**0.3%**	0.3%	0.1%	**0.3%**
Solicitor	(per solicitor)	$10.00	**0.1%**	0.0%	0.2%	**0.1%**

Figure 3 – Share of Business License Revenue by Business Type

Currently, the City's two ski resorts make up 34% of the total revenue collected. Restaurants and Retail establishments represent 21% of the total, while Lodging makes up about 16%. If the proposed increases are enacted, the share attributable to Lodging (20%) and Restaurant/Retail (24%) will go up, while the Resort share will decrease slightly (30%).

Summary - On June 8th City Council will consider an ordinance to increase the business license fee for Festival Facilitation, Transit, and Escort Services. The draft resolution attached to this staff report does not include a phase in scenario for Transit. Staff would like Council direction on which scenario listed in Figure 2 (above) should be implemented. An ordinance will then be prepared for the regular meeting.

Personnel Polices and Procedures Manual

The recommendation for revisions to the employee Policies and Procedure manual is the culmination of input from the employee Policies and Procedures Task Force, City Manager, Legal Department, management, and Human Resources. Policy requires that the manual be updated once every calendar year through this revision process and approved by City Council. The manual was last updated July, 2005. .

Recommendations for changes include:

Benefits have been designated as "core" or "fringe" throughout the document.
In all instances the term "department head" has been changed to department manager.

Sentence or policy clarification or change in sentence structure that did not change policy has not been noted.

Classification changes to reflect new employee designations of Full-time regular, part-time non-benefited and seasonal have been made throughout the manual. Each individual section where employee classification changes have been made include:

1.2 Applicability
2.2 Appointments
- a. Probationary appointment
- b. Full time regular appointment
- c. Promotionary appointment
- e. Part time non-benefited appointment
- f. Seasonal appointment
- g. Special employment agreement

6.7 Salary Increase and Performance Bonus

a. General

6.8 Merit Eligibility
6.10 Pay Upon Promotion
6.16 Holiday Pay and Premium Pay
6.17 Bonuses

b. Bonus Categories

c. Documentation & Procedure

7.2 Types of Reviews

b. Semi-annual performance reviews

9.4 Exit Interview
10.18 Jury Duty
10.25 Part time non-benefited and seasonal employee recreational opportunities
10.26 Summary of benefits eligibility
10.28 Summary of benefits

Other recommendations for changes include:

3.6 Final Paycheck
4.6 Absences & Tardiness
5.4 Position Description
6.4 Pay Plan Philosophy and Strategy

a. Philosophy - Defines exemplary performance and exceeds expectations in review process.

b. Strategy – Defines exemplary performance and exceeds expectations in review process. All working level adjustments and bonuses are limited by budget considerations.

6.7. Salary Increase and Performance Bonus

a. General – Increases performance bonus eligibility for non-exempt employees from 4% to 6%. Designation change to reflect new part-time non-benefited and seasonal employee classification.

6.17 Bonuses

c. Documentation and Procedure – Clarifies part time non-benefited and/or seasonal employees are eligible for only one bonus program: performance bonus, end of season bonus, or pro-shop bonus. Also clarifies that full time regular employees and those under special employment agreements are not eligible for pro-shop bonuses.

7.2 Types of Reviews

a. Probationary performance review – Defines exceeds expectations in review process.

c. Fitness for duty reviews

7.3 Process

b. Personal and/or Team/Peer Evaluation – Part of permanent personnel record.

8.1 Personnel file
8.5 Use of City vehicles
8.6 Use of City cellular phones

8.8 Rules of Conduct
8.10 Use of Drugs and alcohol
8.11 Workplace violence – New policy.
10.3 Workers compensation
10.4 Return to work - New policy.
10.6 Health and dental insurance
    c. Change in family status – life event defined
10.13 Sick leave
10.29 Educational Assistance

A copy of the Personnel P&P Manual (with proposed changes) is included with the Council Packet, and all major changes will be discussed with City Council on June 8th. The recommendations and revisions to the Policies and Procedures Manual will go into effect immediately upon Council approval for all employees (unless otherwise specified in the manual). Employees will be issued a copy of the new manual and will be required to sign that they have received a copy of the updated manual and that they are required to review and understand policies within.

Budget Policies
The Budget Policies are outlined for discussion and, pending any changes, will be adopted as part of the final budget.

Surplus Policy - On May 18th City Council discussed a proposed amendment to the City's one-time revenue policy. The proposed amended policy will direct how this surplus as well as any revenue above the anticipated surplus is to be allocated. It is the recommendation of staff that these one-time revenue surpluses should be used to fund current projects involving the maintenance of existing infrastructure or any previously identified needs.

No Bartering Policy - This policy clarifies that trading or bartering when procuring goods and services is prohibited. Due to auditing requirements it has been determined that there is no net benefit to trading or bartering.

Technical Corrections - In conjunction with the personnel changes outlined in the operating portion of the budget, language referring to the various personnel types was changed to Full-Time Regular, Part-Time Non-Benefited, and Seasonal.

Economic Development Grant and Policy - As discussed with City Council on May 25th, the Budget Policies will also be amended to include the new Economic Development Grant Policy.

Budget policy changes will go into effect when the budget is adopted on June 15th.

Department Review:

This report was reviewed by the Budget Department, City Manager, and Human Resources. Sections of this staff report (and attachments) were also reviewed by Management Team, Legal Department and Policies and Procedures Task Force.

Alternatives:
Approve the Request: City Council should do the following:

Adopt an ordinance amending the City's Business License Fees for transit, festival facilitation, and escort services; and

Adopt a resolution revising the Personnel Policies and Procedures Manual dated July 1, 2006 for Park City Municipal Corporation.

Deny the Request:
The recommendations and revisions will not go into effect and may result in noncompliance with a number of federal and/or state regulations and diminish the City's ability to provide direction and/or enforce employee policies and procedures. Not adopting the business license ordinance would have budgetary impacts that would need to be addressed before final adoption of the budget on the 15th.

Continue the Item:
If Council would like additional information, both items could be continued until June 15th.

Do Nothing:
This would be the same as denying the request.

Recommendation:
Staff recommends that Council adopt the Business License Fee Ordinance relating to changes for Transit, Festival Facilitation, and Escort Services. Council should also adopt a resolution approving recommendations and revisions to the Personnel Policies and Procedures Manual of Park City Municipal Corporation, and provide additional direction (if any) on Budget Policies prior to adoption with the Budget on June 15th. Any unresolved issues should be discussed on June 8th so that the final budget can be prepared for adoption on June 15th.Adopt

Attachments:
A-Resolution Adopting Polices and Procedures (Personnel Policies and Procedures Manual under separate cover)
B-Budget Policies (excerpts)
C-Business License Fee Ordinance

Resolution No.

A RESOLUTION ADOPTING REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL, DATED JULY 1, 2006 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, the City Manager, Legal Department, Human Resources Department, management team and the Policies and Procedures Task Force 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 Revised Personnel Policies and Procedures, dated July 1, 2006 attached hereto, are hereby adopted, to replace all others previously adopted and become effective immediately.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect on July 1, 2006.

PASSED AND ADOPTED this 8th day of June, 2006.

Manual distributed under separate cover. To obtain a copy, contact the City Recorder's Office during regular business hours (435-615-5007).

ATTACHMENT B

RESERVES

General Fund: Section 10-6-116 of the Utah Code limits the accumulated balance or reserves that may be retained in the General Fund. The use of the balance is restricted as well. The balance retained cannot exceed 18% of total, estimated, fund revenues and may be used for the following purposes only: 1) to provide working capital to finance expenditures from the beginning of the budget year until other revenue sources are collected; 2) to provide resources to meet emergency expenditures in the event of fire, flood, earthquake, etc.; and 3) to cover a pending year-end excess of expenditures over revenues from unavoidable shortfalls in revenues. For budget purposes, any balance that is greater than 5% of the total revenues of the General Fund may be used. The General Fund balance reserve is a very important factor in the City's ability to respond to emergencies and unavoidable revenue shortfalls. Alternative uses of the excess fund balance must be carefully weighed.

The City Council may appropriate fund balance as needed to balance the budget for the current fiscal year in compliance with State Law. Second, provision will be made to transfer any remaining General Fund balance to the City's CIP Fund. ~~to be designated for projects included in the City's five year CIP plan.~~ These one-time revenues are designated to be used for one-time capital project needs in the City's Five Year CIP plan. Any amount above an anticipated surplus will be dedicated to completing current projects, ensuring the maintenance of existing infrastructure, or securing funding for previously-identified needs. The revenues should not be used for new capital projects or programming needs.

CONTRACTING AND PURCHASING POLICY

General Policy:

1. All City purchases for goods and services and contracts for goods and services shall be subject to these rules.
2. No contract or purchase shall be so arranged, fragmented, or divided with the purpose or intent to circumvent these rules.
3. City departments shall not engage in any manner of barter or trade when procuring goods and services from entities both public and private.

~~3~~4. No purchase shall be contracted for, or made, unless sufficient funds have been budgeted in the year in which funds have been appropriated.

~~4~~5. Subject to federal, state, and local procurement laws when applicable, reasonable attempts should be made to support Park City businesses by purchasing goods and services through local vendors and service providers.

~~5~~6. All reasonable attempts shall be made to publicize anticipated purchases or contracts in excess of $10,000 to known vendors, contractors, and suppliers.

~~6~~7. All reasonable attempts shall be made to obtain at least three written quotations on all purchases of capital assets and services in excess of $10,000.

~~7~~8. When it is advantageous to the City, annual contracts for services and supplies regularly purchased should be initiated.

~~8~~9. All purchases and contracts must be approved by the manager or their designee unless otherwise specified in these rules.

~~9~~10. All contracts for services shall be approved as to form by the city attorney.

~~10~~11. The following items require City Council approval unless otherwise exempted in these following rules:

   a. All contracts (as defined) over $20,000
   b. All contracts and purchases awarded through the formal bidding process.
   c. Any item over $10,000 that is not anticipated in the current budget.
   d. Accumulated "Change Orders" which would overall increase a previously approved contract by
      1) the lesser of 20% or $20,000 for contracts of $200,000 or less;
      2) more than 10% for contracts over $200,000.

~~11~~12. Acquisition of the following Items must be awarded through the formal bidding process:

   a. All contracts for building improvements over the amount specified by state code, specifically:
      i – for the year 2003, $40,000;
      ii – for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.
   b. All contracts for public works projects over the amount specified by state code, specifically:
      i – for the year 2003, $125,000;
      ii – for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.
   c. Contracts for grading, clearing, demolition or construction in excess of $2,500 undertaken by the Community Redevelopment Agency.

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

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

WHEREAS, Park City wishes to protect the right of businesses to operate in Park City, and

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

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

WHEREAS, Utah Code Annotated ("U.C.A.") Section 10-1-203 gives the City power to collect a license fee on businesses for which the municipality provides an enhanced level of municipal service, and

WHEREAS, Transit and Festival Facilitation are considered enhanced levels of municipal services.

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

SECTION 1. FINDINGS: The Council finds that:

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

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

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

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

~~**PARK CITY BUSINESS LICENSE FEE SCHEDULE**~~				
	~~**Service Enhancement Fee**~~		~~**Administrative Fee**~~	
	~~**Rate**~~	~~**Unit of Measure**~~	~~**Rate**~~	~~**Unit of Measure**~~
~~**Ski Resort**~~	~~**$0.210**~~	~~**Skier Day**~~	~~**$46.00**~~	~~**License**~~
~~**Lodging**~~	~~**$15.40**~~	~~**Per Bedroom**~~	~~**$46.00**~~	~~**License**~~
~~**Restaurant/Retail**~~				

~~Restaurant~~	~~$0.185~~	~~Per Sq. Ft.~~	~~$46.00~~	~~License~~
~~Outdoor Dining~~	~~$0.052~~	~~Per Sq. Ft.~~	~~$46.00~~	~~License~~
~~Retail~~	~~$0.185~~	~~Per Sq. Ft.~~	~~$46.00~~	~~License~~
~~Large Retail (> 12,000 sq. ft.)~~	~~$0.129~~	~~Per Sq. Ft.~~	~~$46.00~~	~~License~~
~~Office/Other~~				
~~Office, Service, Other~~	~~$0.165~~	~~Per Sq. Ft.~~	~~$46.00~~	~~License~~
~~Warehouse~~	~~$0.047~~	~~Per Sq. Ft.~~	~~$46.00~~	~~License~~
~~Resort and Amusement~~	~~$0.828~~	~~Per User~~	~~$46.00~~	~~License~~
~~Miscellaneous~~				
~~For-Hire Vehicles~~	~~$75.58~~	~~Per Vehicle~~	~~$71.83~~	~~License~~
~~Other Commercial Vehicles and Trailers~~	~~$6.00~~	~~Per Vehicle~~	~~$46.00~~	~~License~~
~~Employee Based~~	~~$3.00~~	~~Per Employee~~	~~$46.00~~	~~License~~
~~Commercial Vending, Game and Laundry Machines~~	~~$15.00~~	~~Per Machine~~	~~$46.00~~	~~License~~

PARK CITY BUSINESS LICENSE FEE SCHEDULE

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

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

PASSED AND ADOPTED this 8th day of June, 2006.