PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 1, 2006

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

Tom Bakaly, City Manager Mark Harrington, City Attorney; Colin Hilton, Economic Development Director; Brooke Moss, Human Resources Analyst; Alison Butz, Project Manager; Denise Carey, Analyst; Gary Hill, Grants and Budget Manager; and Kent Cashel, Assistant Public Works Director;

Jim Banister and David Spann, Center for Applied Media

Absent: **Councilmember Jim Hier**

1. **Council questions/comments.** Roger Harlan reported on his trip to China where he taught conversational English. Candace Erickson discussed the scholarship awards presentation at the high school this morning where 110 awards were given; she thanked everyone for their generosity. She also attended a Historical Society meeting; the historic home tour is scheduled on June 17. She added that during Memorial Weekend, over 300 people visited the Museum. Joe Kernan spoke about a fund-raiser hosted by the National Ability Center which will be held this weekend. Marianne Cone congratulated staff for successfully upgrading the City's bond rating and commented on the Memorial Day commemoration at the cemetery. Mayor Williams thanked District Commander Al Stark who is retiring after ten years of service in organizing this event. During the week, he met with representatives from Relay for Life, Swaner Nature Conservancy, and several second graders who visited City Hall. The Mayor discussed the City's participation in the Wasatch Environmental Forum and the Summit County Council of Governments. Brooke Moss asked if there were questions on the Defense Department's Employer Support of the National Guard and Reserve Volunteers Program outlined in the manager's report; there were none.

2. **Economic Development Grant – Center for Applied Media presentation (CAM).** Colin Hilton introduced Jim Banister and David Span from CAM, the first candidate for an economic development grant. Staff has been meeting with this group for about eight months and during the regular meeting, approval of the grant is recommended by staff. The Economic Development Grant Committee has reviewed the technical criteria of the application and he felt that CAM is an excellent fit for Park City. Jim Banister presented a slide show on the variety of applications for digital media. He discussed the absence of a center for applied media anywhere and their proposal to locate a world-wide center in Park City. Although there is a lot of activity in Los Angeles, San Francisco and Seattle there is no centralized business and/or educational network. He envisioned that great ideas will be developed, commercialized, venture capital-connected, and then sold to the world market. Mr. Banister discussed

the benefits that Park City has to offer including its convenient proximity to an international airport. Goals include hosting a global summit, three to five executive seminars on developing applied media for business purposes, and professional development lectures. CAM will also be available to hire for projects. Mr. Banister discussed a $500,000 grant which was approved by the State and later rescinded six weeks later which was understandably disappointing. He explained that the next best alternative is the creation of work for hire services to fund operations and CAM will move forward to recruit additional staff, mentors and students.

David Span discussed integrating game and educational technologies to better engage students to learn. Colin Hilton interjected that this initiative is not intended to encourage people to move here, but rather attend sessions. Ms. Erickson asked if CAM is concerned with being eclipsed with new technology and David Span discussed the focus of enrolling new talent. Colin Hilton referred to the application and associated criteria and invited questions. In response to a question from Roger Harlan regarding CAM's non-profit status, Mr. Banister explained that the non-profit side relates to the educational component, professional networking, and incubation of ideas and once a project is commercialized it falls outside the not-for-profit organization. Mr. Harlan commented that holding three executive conferences a year doesn't seem significant and Mr. Banister pointed out the amount of work involved with organizing a global summit and the potential for programs to grow in the future. David Span spoke about the focus of attracting a high level of expertise at the summit.

Mr. Harlan suggested that CAM report back three times a year with a verbal or written update. Mr. Hilton added that a condition of the grant is holding at least two free community forums. Marianne Cone stated that this is a perfect fit for Park City. Colin Hilton continued that CAM will provide a revised income statement, requested by Council member Hier as a condition of his approval, prior to receiving any funding.

3. McPolin Farm strategic plan. Alison Butz pointed out that the McPolin Farm is considered a community amenity under Council goals. The strategic plan draft was distributed to the Friends of the Farm and those comments are included in her report. Projects defined as high priorities are projects that should occur within the next 18 months, including general maintenance and preservation of the historic nature of the Farm. Repair schedules should be formulated and maintenance costs budgeted for future years. Another high priority is improving access to the property, including paving of the driveway. Once the driveway is paved, ADA access from the tunnel can be accommodated. Another high priority project is paving a connection from the upper trail down to the shed.

Mayor Williams expressed concerns about the significant costs associated with providing ADA access to the Farm from parking across the street as opposed to creating an ADA compliant area at the Farm. Ms. Butz explained that this proposal is for year-round ADA access. Marianne Cone felt that one of the problems at the barn is that the gravel is so coarse it's dangerous, and suggested installing a finer packed material; she was not in favor of paving the driveway. Candace Erickson believed that as a City, we need to be ADA compliant. Denise Carey pointed out that the driveway needs to be cleared for emergency access. Roger Harlan asked if providing a *drop-off zone* at the Farm area is sufficient and Ms. Butz relayed that it is required to provide accessibility from the ADA parking space to the facility. Additionally, the gate is locked, but more analysis can be performed on the ADA access issues. Dana Williams reiterated that there seems to be an exorbitant amount of costs associated with the proposal which doesn't seem very practical. In response to a question from Marianne Cone, Ms. Butz responded that the Friends of the Farm are supportive of paving the driveway with color aggregate.

Tom Bakaly pointed out that improving general access to the Farm is an issue that has been debated for many years versus keeping it in its current state. Joe Kernan expressed that this seems like a lot of money to accommodate 12 events a year. Ms. Butz interjected that the strategic plan is not suggesting restoring the barn. Joe Kernan also supported using some sort of packed material for the driveway which will be an improvement over the gravel. Tom Bakaly relayed that he is not sure what that material would cost and there may be a trade-off between access and aesthetics, however, staff can return with options.

Mayor Williams understood that the City is approaching costs totaling $300,000 relating to paving and ADA access and asked if there were any other suggestions. Ms. Butz explained that this has been discussed by a variety of committees and staff was relying on existing direction. Denise Carey clarified that she is concerned about snow removal and is not necessarily recommending that the driveway be paved. She continued that driving into the barn area is very dangerous because of the gravel surface and the need for grading.

The City Manager pointed out that this is one of the few unpaved trails in the City and a couple of weeks ago, there were a number of residents at the meeting requesting safer connections. He suggested that this project dovetail into the walk-able communities master plan review since it deals with ADA, emergency, and maintenance access. The Mayor pointed out that there are asphalt trails throughout the Farm property now and there may be more appropriate surface materials. Other considerations are growing maintenance responsibilities and interference with natural drainage areas. Marianne Cone didn't believe that pavement is the answer. There was clarification that the cost breakdown is only an estimate. Joe Kernan expressed that his priority is paving and not the trail connection but is unsure what material to use. Mayor Williams urged the use of environmentally sensitive methods to remove noxious weeds. There was discussion about keeping the poll barn across the street in its present condition. Dana Williams strongly recommended that the City not consider reintroducing animals or planting alfalfa on the property which was listed as an option. He suggested that Council members meet with the Friends of the Farm placing and Ms. Butz emphasized that staff developed, not Friends, the strategic plan draft. Mayor Williams again expressed that he doesn't believe residents want the City to get into the farming business, but rather to preserve the view of the Farm. Candace Erickson recalled that the reason for removing the cows related to stream quality issues. There was discussion about removal of debris on the property. Ms. Cone thanked Ms. Butz for her detailed report. Roger Harlan suggested that placing old farm implements on the property has both aesthetic and educational value. Ms. Cone agreed and felt that putting farming equipment by the poll farm would also tie the properties together.

Ms. Butz clarified that Friends do not use all 12 events per year, more typically five events, and one idea is to encourage other community groups to use the property, if sponsored by the City. This could be a revenue source for the Friends of the Farm who would make a recommendation to the City Council for final approval. Ms. Erickson discussed a quilting group who is interested in using the Farm. She suggested developing sound criteria and is opposed to allowing an exclusive event like a wedding. There was discussion about proceeding with some high priority improvements and returning with paving options. Roger Harlan added that if some moderate priority projects can move ahead in tandem with the others, he encouraged moving on them.

4. Budget overview. Gary Hill explained that a revised fee resolution is recommended for adoption tonight, which is amended to comprehensively address all parking fees in one section. There is a 4% increase to water fees associated with a plan to cover inflation and capital improvements in the Water Fund. Staff will determine if the 4% increase is necessary next year. Joe Kernan asked if acreage-based calculations can be made with the City's new financial software. Mr. Hill felt that a serious look at that is probably two years out, but Kent Cashel felt that the financial impacts to converting to an acreage-based billing could be provided in early 2007.

Gary Hill explained that currently, the City has a fee schedule for services provided for special events, however, over half of the events or around 25, receive a waiver for a portion or all of the fees. The proposed implementation of the festival facilitation fee will fund the costs for these services and the waiver of fees will be eliminated altogether. Another benefit is providing continuity and consistency for events and applicants. In response to a question from Joe Kernan, Mr. Hill explained why smaller events will pay less and larger events more. Candace Erickson spoke about the Council granting fee waiver requests as seed money for the first year, and now, the business owners are being asked to carry the burden. If for-profit organizations are capable of producing an event, why shouldn't they pay fees? She expressed that she has a problem with this proposal.

Mr. Hill spoke about the funding of the special events position developed last year with the Chamber. In his mind, he sees this position benefiting businesses through the coordination and facilitation of events. Ms. Erickson clarified that she supports the event facilitator position but fees should be paid if an applicant is capable of paying fees. Mr. Hill discussed that there are contracts for some special events and flexibility for longer term events. Mr. Kernan stated that he still does not understand and Gary Hill explained that events that received fee waivers will experience an increase since there are some fees that all organizers will have to pay. Roger Harlan asked if these required fees will jeopardize some events and Mr. Hill believes it won't. Additionally, all 25 events receiving waivers were contacted and the City received no comments. The Mayor added that applicants also request in-kind services beyond fee waivers and Gary Hill felt this would be addressed in a contract. Mark Harrington stated that in addition to a contract, the municipality must have an expressed policy on waivers. Tom Bakaly advised that if Council wants to maintain the ability to waive fees, the ordinance should not be adopted. Marianne Cone interjected that fee waivers are often incentives. Mr. Bakaly explained a number of options. Ms. Erickson found it ironic that costly police services are waived while the minimal application fee is not and disagrees with the proposed revenue source. Mark Harrington believes that whole business community benefits not just the MFL holder and the two ordinances scheduled for adoption are mutually exclusive. He explained that fees will be imposed more fairly with this proposal and by still providing fee waivers is a policy change. Marianne Cone restated that fee waivers are incentives for organizers to perform. Roger Harlan suggested that staff return with a hypothetical event and options. Tom Bakaly explained that the costs for services for events, like police and barricades, would be funded with the enhanced business license fee. A waiver for the application fee or the rental charge for City Park would not be covered, for example. This proposal standardizes the allocation of costs and every application is treated the same. Tom Bakaly suggested scheduling a fee waiver discussion in an upcoming work session.

With regard to the 25% across-the-board increase in business license fees for transit, Gary Hill referred to his staff report outlining three scenarios to phase it in. A 5% increase this year, 10% next year, and 10% the following year, results in about $145,000. The average corresponding savings for a business over the years is $65. Staff is prepared to draft an ordinance specific to an option tonight, if there is direction from Council to do so, but members favored considering public input first.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 1, 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, June 1, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, and Joe Kernan. Jim Hier was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ben Davis, Planning Intern; Dave Maloney, Planner; Patrick Putt, Planning Director; Jonathan Weidenhamer, Planner; Brooks Robinson, Planner; Max Paap, Special Events Coordinator; Tate Shaw, Recreation Coordinator; and Gary Hill, Grants and Budget Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that he has a recycling contract with 412 Bistro, one of the principals of the Center for Applied Media, and his business will be affected by business licensing fees.

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

Rail-Trail status - Carol Potter reported that the Secretary of the Interior designated the Historic Union Pacific Railroad Trail as a National Recreation Trail.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 18, 2006

Joe Kernan, "I move we approve the work session notes and minutes of the meeting of May 18". Marianne Cone seconded. Roger Harlan and Candace Erickson abstained because they were not in attendance. Motion carried.

Marianne Cone	Aye
Candace Erickson	Abstention
Roger Harlan	Abstention
Jim Hier	Absent
Joe Kernan	Aye
Mayor Dana Williams	Aye

V CONSENT AGENDA PUBLIC HEARINGS

1. 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 **(motion to continue to June 8, 2006)** – The Mayor requested a motion; Roger Harlan, "I so move". Candace Erickson seconded. Motion carried.

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

2. 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 – The Mayor requested a motion to continue to June 15, 2006. Marianne Cone, "I so move". Roger Harlan seconded. Motion carried.

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

3. Ordinance approving the Lot 11 of the Iron Canyon Subdivision Plat Amendment, located at 2425 Iron Canyon Drive, Park City, Utah – Planning Intern Ben Davis explained that the applicant is not in attendance but if there are issues, he asks that the ordinance be continued. The Mayor opened the public hearing and hearing no comments, closed the hearing.

4. Ordinance approving the Bush Replat combining Lots 8 and 9 Block 55, of the Park City Survey, located at 148 Main Street, Park City, Utah – Planner David Maloney explained that the owner purchased the property from the City and the purpose of the plat amendment is to create a lot to move the existing historic house and staff recommends approval. The Mayor opened the public hearing. With no comments, the public hearing was closed. In response to a question from Candace Erickson, Brooks Robinson explained that elements from the historic house will be incorporated because the building is so unstable that it can't be moved. With no public input, the Mayor closed the public hearing.

5. Ordinance approving the 402 Marsac Avenue Replat combining Lots 1 and 2 Block 55, of the Park City Survey, Park City, Utah – David Maloney explained that the plat amendment is needed to renovate an existing building and accommodate an addition. In response to a question from Marianne Cone, it was explained that the house will move a couple of feet and the addition is located at the rear. The Mayor opened the public hearing and with no input, closed the hearing.

6. Ordinance approving the Second Amended Record of Survey Condominium Plat for the Snow Flower Condominiums, 401 Silver King Drive, Unit 72, Park City, Utah –

Ben Davis noted that this reflects a 60 square foot increase in square footage deriving from a locked-out area in the unit. The Planning Commission and staff recommend approval. Inconsistencies on the original plat were discussed. With no comments from the audience, the Mayor closed the public hearing.

7. Master Festival License for the William Corliss Memorial Ride to be held Monday, June 5, 2006 at 6 p.m. – Max Paap clarified the route and pointed out that portions of SR224 and SR248 will be used and Park City Police will escort riders. The ride is intended to increase awareness of the Share the Road Program. The organizer stated that up to 500 riders could show up and Roger Harlan relayed his safety concerns. Carol Potter emphasized that this is not a race but a ride and everyone will be aware of road laws. Mark Harrington suggested that the City sweep the streets before a race, and Mr. Paap indicated that there is already a request but there could be better coordination with other jurisdictions. The Mayor opened the public hearing and with no comments, closed it.

8. Master Festival License for the Park City Community Fair, to be held at City Park on Saturday, June 10, 2006 from 10 a.m. – 1 p.m. – Max Paap explained that the applicant is the City and over the past four years the event has been held at the Racquet Club and it is felt that City Park will provide more exposure and space. It's free to the public and family-oriented. Tate Shaw reported that there were about 70 attendees last year and staff feels that the park will attract more people. There will be vendors and information on programs available. The Mayor invited public input and hearing no comments, closed the public hearing.

9. Economic development grant in the amount of $18,000 for the Center for Applied Media, a Utah non-profit corporation to be located in Park City, Utah – Planner Jonathan Weidenhamer referred to the work session discussion and presentation. A business plan will be provided to the City before any funds are disbursed, and updates will be provided to the Council three times a year. The Mayor opened the public hearing. With no input from the audience, the public hearing was closed.

VI CONSENT AGENDA

Mayor Williams requested a motion to approve Consent Agenda Items 1 through 9, exclusive of No. 2. Roger Harlan, "I move approval of Consent Agenda Items 1, and 3 through 9, excluding Item 2". Marianne Cone seconded. Motion carried.

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

Joe Kernan Aye

1. Sidewalk dining lease for the 412 Bistro, located at 412 Man Street, Park City, Utah – See staff report.

2. 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 – This item was continued to June 15, 2006.

3. Ordinance approving the Lot 11 of the Iron Canyon Subdivision Plat Amendment, located at 2425 Iron Canyon Drive, Park City, Utah – See staff report and public hearing.

4. Ordinance approving the Bush Replat combining Lots 8 and 9 Block 55, of the Park City Survey, located at 148 Main Street, Park City, Utah– See staff report and public hearing.

5. Ordinance approving the 402 Marsac Avenue Replat combining Lots 1 and 2 Block 55, of the Park City Survey, Park City, Utah – See staff report and public hearing.

6. Ordinance approving the Second Amended Record of Survey Condominium Plat for the Snow Flower Condominiums, 401 Silver King Drive, Unit 72, Park City, Utah – See staff report and public hearing.

7. Master Festival License for the William Corliss Memorial Ride to be held Monday, June 5, 2006 at 6 p.m. – See staff report and public hearing.

8. Master Festival License for the Park City Community Fair, to be held at city Park on Saturday, June 10, 2006 from 10 a.m. – 1 p.m. – See staff report and public hearing.

9. Economic development grant in the amount of $18,000 for the Center for Applied Media, a Utah non-profit corporation to be located in Park City, Utah – See staff report, work session notes, and public hearing.

VII PUBLIC HEARINGS

1. Resolution adopting a tentative revised budget for FY 2006 and tentative budget for FY 2007 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate at a no tax increase rate – The Mayor opened the public hearing. Gary Hill explained that once the City receives data from the County, he will set the no tax increase rate.

Marla Torgerson, Aspen Springs HOA, relayed safety concerns at the intersection of SR224, Meadows Drive, and Aspen Springs Drive and requested funding for a traffic light. Mayor Williams acknowledged public input rendered last week on this issue. Gary Hill explained that this project was reviewed by the City's CIP Committee who committed the City's share of funding to the traffic light in 2008. The signal is not yet warranted by UDOT and the money will roll into the next year's CIP Budget until the warrant is issued. Candace Erickson was not in favor of adding another traffic light because it encourages speeding, and prefers a round-about to slow down motorists, if there is enough area. Eric DeHaan added that UDOT has not decided how this intersection should be approached and a round-about would take some study. The Committee recognizes concerns of residents and a warrant is probably imminent. He emphasized that SR224 is a state road and Park Meadows and Aspen Springs residents have another option for access to SR224. Mayor Williams encouraged both home owner associations to arrange a meeting with Glen Brown of UDOT. Tom Bakaly clarified that the City hired a consultant to study the intersection who determined that a light was warranted and this data was sent to UDOT. He was mistaken when he indicated that UDOT had already warranted a light when meeting with the Aspen Springs HOA last month. The City's plan is to have UDOT take the lead, and the City Engineer advised that a traffic signal typically costs around $400,000. He added that the state feels that Meadows Drive needs some vertical alignment and would expect the City to reconstruct Meadows Drive on both sides of SR224. He referred to Candace Erickson's comments and agreed that there is considerable concern about the continued suburbanization of the City, and if installed, this will be the 17th light between I-80 and Deer Valley. Gary Hill clarified that 2008 funds will be available July 1, 2007. Ms. Torgerson also addressed speeding issues. Ms. Erickson observed that the State Highway Patrol has been patrolling SR224 this past week and the Park City Police Department also has authority to ticket. Because this is the entrance to town, Marianne Cone voiced her preference for a round-about rather than a light which Marla Torgerson also liked. She also spoke about congestion from cross-country skiing parking on Aspen Springs Drive. Roger Harlan emphasized that if safety is the main concern, residents of Aspen Springs can use Payday Drive as an alternative. Joe Kernan suggested that in the short term, immediate concerns can be addressed with a signal and the round-about could be considered in the future.

With no further comments, the Mayor closed the public hearing.

2. Resolution amending Section 2, Water Fees and Section 7, Parking Violations, Towing and Impound Fees of the Resolution No. 11-05, setting forth fees, and repealing Resolution No. 11-05 in its entirety – Gary Hill stated that this Resolution codifies existing fees for parking into one section and continues the revenue plan for the Water

Fund. This is the third year of implementation; there was a 20% increase last year, and a 4% increase proposed this year. The Mayor opened the public hearing.

Mike Sweeney, business owner, asked if there is justification for the 4% increase. Gary Hill replied that the numbers are supported by a lengthy study performed by a water consultant with input from CTAC. Joe Kernan added that the Water Fund is self-contained and the fee increase is appropriate. With no further input, the Mayor closed the public hearing.

3. <u>Ordinance amending Title 4, Chapter 2 of the Municipal Code regulating licensing of businesses</u> – The Budget Manager explained that there is a festival facilitation piece and the transit portion. Phasing options are outlined in the meeting packet, if Council prefers alternatives to imposing the total 25% increase. The Mayor opened the public hearing.

Mike Sweeney, business owner, referred to comments made by Ken Davis last week on behalf of the HMBA. In reference to a question regarding inflation, Mr. Hill believed his staff used the CPI which has been historically 4%. Mr. Sweeney asked that the increases be phased-in over three years. Gary Hill pointed out an error in the staff report; the rate for restaurant and retail should be the same at .231 per square foot. Mr. Sweeney referred to an earlier request for information on each business type and corresponding data on the level of benefit from free transportation. He specifically asked about the rate for ski resorts in the summer, which is currently set by skier days. Tom Bakaly explained that the calculation used to be based on uphill capacity and then moved to a skier day formula which doesn't take into account summer use. He felt that the resort would argue that the yearly fee is substantial enough to cover year-round activities and Mr. Sweeney agreed.

He referred to the *resort and amusement* calculation set at $1 as he is considering operating the Mine Tour, which would be costly at $1 per patron. Also, if school children are admitted free of charge, he asked if the fee would be imposed. Mr. Hill advised that he is not sure this type of business would fall under this category and is happy to work with Mr. Sweeney on his questions. There was discussion about the $1 fee collected on lift tickets which are much more expensive than admission to the Mine Tour. Joe Kernan felt it would be helpful to look at percentages by business type. Mr. Hill explained that it is staff's intention to arrive at a metric providing data on what percent the transit system is supported by businesses type. The other component is breaking out the differences between restaurants and retail; any changes to one category affect all others.

Karen McComb, Manager, stated that Bahnhoff Sport is dependent on snow not Sundance. Restaurants are benefiting from the Film Festival not retail. Ms. Erickson noted that Park City hosts a variety of special events not just the Sundance Film Festival. Ms. McComb added that they were also hurt with property taxes doubling.

Monty Coates, Main Street business owner, felt that the business licensing strategy is complicated and not easy to explain. It would be beneficial to get information out to the business community. He didn't think people mind paying more if they feel the increase is justified. Gary Hill indicated that he provided information to the Chamber which may not have been shared yet with the membership and he offered to meet with individuals to answer questions. There was discussion about updating any information the Chamber has received and getting it to the business community.

The Mayor closed the public hearing.

4. <u>Ordinance amending Title 4, Chapter 8, Sections 8 and 9 of the Municipal Code of Park City regulating special events and master festivals; eliminating the fee waiver process</u> – Gary Hill invited direction. Marianne Cone commented that some festivals have been receiving waivers since they began and this may be a good way start anew. She felt that providing a method for *incentives* is a better approach than waivers. Tom Bakaly stated that there are service contracts with some organizations and the Chamber provides incentives, or grants, for events. Mayor Williams suggested continuing this Ordinance so that Council can review more data to make a better decision and Roger Harlan agreed. Marianne Cone asked for information from the Chamber regarding its financial support of special events. Joe Kernan asked about timing with regard to adoption of the budget. Mr. Hill advised that the decision regarding waiving fees will not affect the budget and staff can delay that portion of the discussion until after the budget is adopted. The Mayor opened the public hearing.

Mike Sweeney supported Ms. Erickson's comments about the inappropriateness of businesses covering special events costs.

With no further comments, the public hearing was closed. There was discussion about continuing the business license ordinance for one week.

VII NEW BUSINESS

1. <u>Resolution adopting a tentative revised budget for FY 2006 and tentative budget for FY 2007 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate at a no tax increase rate</u> - and

2. <u>Resolution amending Section 2, Water Fees and Section 7, Parking Violations, Towing and Impound Fees of the Resolution No. 11-05, setting forth fees, and repealing</u>

Resolution No. 11-05 in its entirety - Joe Kernan, "I move that we adopt the tentative revised budget for FY 2006 and a tentative budget for FY 2007 at a no tax increase, and Item 2, the Resolution amendment water fees, parking violations, towing and impound fees of Resolution No. 11-05, setting forth fees and repealing Resolution No. 11-05 in its entirety". Candace Erickson seconded. Roger Harlan asked members if they would be willing to consider no parking fee specifically for motorcycles and Ms. Erickson advised that there will be information in next week's manager's report on this topic. Motion carried.

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

3. Ordinance amending Title 4, Chapter 2 of the Municipal Code regulating licensing of businesses – and

4. Ordinance amending Title 4, Chapter 8, Sections 8 and 9 of the Municipal Code of Park City regulating special events and master festivals; eliminating the fee waiver process - Roger Harlan, "I move that we move the Ordinance to June 8, 2006 and Item 4 to a date uncertain". Joe Kernan seconded. Tom Bakaly understood that Council is seeking clarification on the resort/amusement fee question and the Mayor relayed that Jim Hier favored a phasing plan rather than implementing the full 25% increase at one time. Gary Hill pointed out that he will provide a breakdown of the percentage of the total for types of businesses.

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, Roger Harlan, and Joe Kernan. Jim Hier was absent and excused. Staff present was Tom Bakaly, City Manager; Myles Radernan, Public Affairs Director; and Mark Harrington, City Attorney. Candy Erickson, "I move to close the meeting to discuss property, personnel, and litigation". Roger Harlan seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye

Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye

The meeting opened at approximately 4 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

Janet M. Scott, City Recorder

City Council Staff Report

Author: Alison Butz
Subject: McPolin Farm Strategic Plan
Date: June 1, 2006
Type of Item: Administrative

PARK CITY 1884

Summary Recommendations:
Review the proposed Strategic Plan for the McPolin Farm and provide staff with comments and direction.

Description:
Topic:
Review the proposed McPolin Farm Strategic Plan.

Background:
Since the purchase of the McPolin Farm in 1990 from Dr. D.A. Osguthorpe, Park City has made an effort to protect and enhance the entry corridor and preserve open space. Many planning sessions from various City boards and committees have worked to provide a community vision for the property.

1991	Site visit and Public Meeting to gather citizen input and begin the planning process for the property.
1992	Landmark Symposiums conducted –no specific recommendations developed, consensus was to proceed cautiously with an environmentally sensitive plan for passive recreation use and open space preservation
1994-1995	Entry Corridor Master Plan – Parks, Recreation, Beautification Board
1997 Fall	Staff and PRBB submit 2 year capital improvement plan to City Council
2001	CUP for limited uses at the Farm, City sponsored events only
2003	CUP modified for limited uses at the Farm, City sponsored events y
2004	Farm placed on the National Historic Register
2006	CUP extended for limited uses at the Farm, City sponsored events Council authorizes staff to draft a Conservation Easement for the meadow surrounding the farm buildings

The purpose of defining a strategic plan for the Farm was to reaffirm or change Council's past view of the nature of the farm and its use. The strategic plan was listed under the City Council's Goal #4: World Class, Multi-Seasonal/Resort Community listed a need for a Strategic Plan for the McPolin Farm as part of the Community Amenities and Events: Evaluation, Future Direction Action Plan. Staff from the Building Department, Special Events and Facilities Department, and Planning Department began meeting and outlining the plan in 2005. The Friends of the Farm received a rough draft of the plan at their April 2006 meeting and provided comment.

Analysis:
A majority of the capital improvements to the farm property have taken place on the shed, farmhouse and accessory structures. The strategic plan built upon the existing improvements and prioritized the needed improvements and estimated costs. The prioritization of the items came from an internal group of City Staff which included the Capital Projects Department and Building Department. The Friends of the Farm reviewed the listed projects and provided comment that was included within the overall plan.

<u>Access to and on the property</u>
Improvements that increased the accessibility to the property were listed high, along with the items that increase the safety to those who visit the farm. Paving the existing driveway was listed as one of the most important projects. Once the driveway is paved, adding ada access from the tunnel to the main shed along with the paved connection of the upper trail to shed can begin. The paving of the driveway is estimated to cost between $150,000 - $208,000. With Council authorization, Staff will begin engineering of the driveway in 2006 with estimated construction during 2007. A budget adjustment in FY2008 may be needed to complete paving the driveway.

<u>General Maintenance and Historic Nature of the Property</u>
Due to its placement on the National Historic Register and its prominent place in the minds of the community, all improvements that were listed as aiding in the preservation of the structure were listed as high. Many of the items such as painting and chimney repair will be reoccurring items. Both the Facilities Department and Building Maintenance Department are working to outline those reoccurring items and add them to a schedule and budget to ensure they are monitored in future years.

<u>Renovation of the Barn</u>
The City had previously hired architects to evaluate the barn and its potential for reuse. The architects estimate the renovation of the barn to cost over $1.5 million dollars. It is difficult to justify the renovation of the barn for community use based on pure economic conditions. The strategic plan simply recommends maintaining the barn and replace the roof, repair the siding and other weatherproofing.

<u>Repair/Stabilization to Pole Shed</u>
The purchase in 1990 of the farm included the hillside and pole shed on the east side of S.R. 224. The pole shed while not a historic structure, speaks to the farm in agriculture of Park City. At this time there is no immediate need for stabilization of the structure. Staff recommends keeping the structure in its current rustic state.

<u>Property Use</u>
The City Council has stated their desire for passive community use of the property for those specifically visiting the farm and for those walking or biking on the trails surrounding the property. Passive uses that do not interrupt community use have been

listed at a higher priority. Those items include: Interpretive Display in Barn; Walking tours of the property and Educational Seminar on the Farm.

The Friends of the Farm advocate the development of a process to allow other community groups to apply for use of the Farm for new community events. These selected events would fall under the existing Conditional Use Permit which allows a total of 12 events per year. A suggested process is to set a date for the submittal of applications which would be reviewed by a selected committee that includes members of the Friends of the Farm and City staff. The committee would make a recommendation to the City Council to consider "sponsoring" the events so that they may take place at the farm. Criteria such as open to the public, preserving the historic nature and parking could be used to select events. The additional events would provide a rental income for the property which in turn could be used to assist in funding the capital improvements needed.

Significant Impacts:
Over the next two years the high priority capital improvements to the property will be complete. A budget adjustment in FY2008 may be needed to complete paving the driveway. The overall passive use of the property would not change, however the Friends of the Farm would begin a process to use the total amount of days as permitted by the Conditional Use Permit.

Department Review:
All applicable departments have reviewed the proposed McPolin Farm Strategic Plan and their comments have been incorporated within the report.

Recommendation:
Review the proposed Strategic Plan for the McPolin Farm and provide staff with comments and direction.

Attachments:
Exhibit A – McPolin Farm Strategic Plan

MCPOLIN FARM
STRATEGIC PLAN

MCPOLIN FARM STRATEGIC PLAN
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PROPERTY BACKGROUND
Park City, in an effort to protect and enhance the entry corridor and preserve open space, purchased several parcels of land from Dr. D.A. Osguthorpe in October 1990. This purchase included the meadow and barn, and the sage hillside on the east side of S.R. 224.

The original 160-acre farm was homesteaded in 1886 by the Harrison McLane family and acquired by Isabelle and Dan McPolin around 1900. In 1908 the McPolins erected the barn of recycled timber salvaged from an old tailings mill. The barn was built by fitting timbers together without the use of nails. The barn is 7,468 square feet including the loft, and the milking parlor, added in the 1950's, is 1,500 square feet.

The McPolin house is a somewhat smaller replica of the original structure, which was moved to this location in two pieces in the early 1920's, the farm house is 400 square feet. Prior to its relocation it served as a mine office. The reconstructed house is similar in outward appearance to the original Pyramid Cottage type house, which reflects early 20th century Park City architecture. The reconstructed equipment shed houses restrooms and meeting space.

Patrick and Grace McPolin inherited the farm in 1923 and operated it as a dairy farm until they sold it to D. A. Osguthorpe, a Salt Lake veterinarian, in 1948. He increased the herd to 100 and built the milking parlor. The old house burned shortly after Osguthorpe purchased the farm. A concrete block house was built across the highway where members of the family lived until Park City purchased the farm in 1990.

In May 1991, the City hosted a site visit and Public Meeting to gather citizen input and begin the planning process for the property. The discussion focused primarily on the meadow and the barn. For instance, the Chamber and Visitors Bureau expressed an interest in using a portion of the barn for their offices and as a visitor center. In order to test the feasibility of renovating the barn and bringing it up to building code standards for human occupation, the City in conjunction with the Chamber and Visitors Bureau commissioned a study on the technical feasibility of a variety of renovation options, including: 1) minimal improvements to retain the barn s a 'cultural icon', but without human occupation; and, 2) improving the structure for the Chamber and Visitors Bureau or similar uses with additional high occupancy uses on the 2nd floor.

Even before the architectural renovation and structural study was completed it became obvious that certain clean up, security and structural work would have to be undertaken to safeguard the barn. The City commissioned a detailed survey of the property and further instructed Public Works Department to install security lighting, clean out the barn and install cables in an attempt to bring the barn back into structural alignment. The work performed by the City was necessary regardless of any final determination made on the barn's eventual use short of demolition, which was not a popular alternative.

Upon purchasing the Osguthorpe property the City received several requests to use the barn and meadow for a variety of commercial and recreational uses. The most feasible request at that time was to extend White Pine Touring's cross country ski lease to include the meadow in addition to the golf course.

Timeline since City Ownership

October 1990	Property acquired
1992	Landmark Symposiums conducted –no specific recommendations developed, consensus was to proceed cautiously with an environmentally sensitive plan for passive recreation use and open space preservation
1994-1995	Entry Corridor Master Plan – Parks, Recreation, Beautification Board
1997 Fall	Staff and PRBB submit 2 year capital improvement plan to City Council Secure the barn – install fire prevention system & alarm Remove hazards and dangerous conditions that exist in area Improve access Restore original landscaping and make modest improvements
1998 Summer	Work completed on fire suppression system
1998 October	Contract signed w/Gardner & Boswell for Shed & Farmhouse
2000	Work completed on Shed and Farmhouse
2001	CUP for limited uses at the Farm, City sponsored events only
2003	CUP modified for limited uses at the Farm, City sponsored events y
2004	Farm placed on the National Historic Register
2006	CUP extended for limited uses at the Farm, City sponsored events

Structural/Occupancy and Capital Improvement Projects to Date

The barn has a crawl space, first floor and second floor. The first floor is divided into three bays which run the entire length of the building in a north/south direction. Each bay is supported entirely by two lines of beams and the foundation supporting them has been proven inadequate to carry the loads placed on the building and a fair amount of settling has occurred. The City has installed an internal tension cable system in an attempt to bring the building back into alignment. The upper level of the barn is a large undivided space that was used for storing hay.

The City hired renovation architects to evaluate the barn and its potential for reuse. Their report stated that "As with many of the buildings that the City has undertaken the Osguthorpe Barn is to some extent a labor of love". It will be hard to justify renovating the barn for intensive community use based on economic considerations alone. While it is feasible to maintain the structure as a cultural icon by repairing the siding, replacing the roof, and performing other weatherproofing functions for approximately $150,000 - $200,000, it will require upwards of $1.5 million to renovate the barn for community use.

A majority of the Capital Improvements to the property have taken place on the shed, farmhouse and accessory structures. The Friends of the Farm have applied for Restaurant Tax Grants to assist in the rehabilitation of the outbuildings. The plan includes the stabilization of the bunkhouse, tool shed, and tack shed/stable.

In 2004, the Planning Commission approved the construction of a Trailhead parking lot on the east side of S.R. 224. The parking lot was completed in 2005 and includes 25 parking spaces.

Current Uses
The farm is located in the Recreation Open Space (ROS) District. A Conditional Use Permit application was submitted in 1999 requesting specific uses that would fall under "public recreation facilities" as defined in the Land Management Code. The timing of the application coincided with the completion of the reconstruction to the shed and residence building.

In September 1999 the Planning Commission and Parks, Recreation and Beautification Board conducted a site visit to the farm property to provide input and direction on an Administrative Policy for use of the property. The uses were broken into two categories: 1) Passive Use; and 2) Active Use. Passive Use would include among other things, walking, jogging, biking trails and cross country skiing. Active Use would include public assembly of 50 – 100 people so as not to interfere with the open space character of the farm.

In 2001, the Planning Commission approved a conditional Use Permit for eight (8) City Council sponsored one-day special events per year. No single event shall exceed a 100 person maximum per year. As a result of that approval the following events occurred:

<u>2001 Events</u>
June 15 2001 -- Open House at Farm
September 2001 – Friends of Farm Board formed

<u>2002 Events</u>
June 22 – Paint the Barn Day – Local Artists attended and painted the barn
July 21 – International Music Festival Concert
August – Mary Beth Maziarz Concert
October – Scarecrow Festival

In 2003, the original Conditional Use Permit required an additional review before the Planning Commission. At that time Staff requested that the Commission review modifications that included an increase of events and an increase to 150 people at the farm for events. On June 5th the Planning Commission approved the Conditional Use Permit with the requested modifications. Since that decision the following events have take place:

<u>2003 Events</u>	
June 7	Sheep shearing demonstration
July 20	Motherlode Canyon Band Concert
August	Rich Wyman Concert
	Annual meeting for FOF & Walking Tour and lunch with Hal Compton
September 6	Round Valley Riders Concert
October 4	Scarecrow Festival
February 04	Snowshoe/cross country evening event
<u>2004 Events</u>	
May 22	FOF Annual Meeting
July 10	Historical Celebration – Day Event
July 10	Hoe Down and Pig Roast
October 2	Scarecrow Festival
<u>2005 Events</u>	
February 26	Snowshoe/cross country evening event
May 6	Children's Educational Seminar
May 14	FOF Annual Meeting
July 16	Hoe Down and Pig Roast
September 10	Scarecrow Festival

Friends of the Farm
The Friends of the Farm is a volunteer group formed to foster community use of the Farm. They offer occasional small community events for Park City families under the Conditional Use Permit for the property. The admission collected from the events is used to fund improvements prioritized by the Friends of the Farm. The Friends of the Farm have received Restaurant Tax Grants to rehabilitate the outbuildings on the property. The end use for the structures includes furnishings from the 1900's. This plan boosts the City's efforts in promoting Cultural Tourism.

Capital Improvements
Outlined in Table 1 is a prioritized list of Capital Improvements for the Farm property. The prioritization of the items came from an internal group of City Staff which included the Capital Projects Department and Building Department. Improvements that increased the accessibility to the property were listed as high, along with items that would increase the safety to those who visited the property. The timeline is separated by months. High priority is listed to items which need completion within 18 months. The remaining items are given a priority from 36 months to 60 months.

<u>Historic Nature of the Property</u>
Due to its placement on the National Historic Register and its prominent place in the minds of the community, all improvements that were listed as aiding in the preservation

of the structure were listed as high. Many of the items such as painting and chimney repair will be reoccurring items. Both the Facilities Department and Building Maintenance Department are working to outline those reoccurring items and add them to a schedule and budget to ensure they are monitored in future years.

Cultural Tourism

Council has placed a priority on supporting Cultural Tourism through their Economic Development Plan. Capital Improvements that increase access to the property and around the buildings were listed high. Council has stated a desire for passive community use of the property for those specifically visiting the farm and for those walking or biking on the trails surrounding the property.

Surrounding Property

In 2006, the Council will place a conservation easement on the property surrounding the farm to guarantee its existence "as-is" for future generations. All improvements to or within the conservation easement area requires review by the Summit Land Conservancy. Three items were listed on the Capital Improvement list that would improve the status of the property; Noxious Weed Control on Fields, Grading and seeding to extend x-country ski season and reseeding of the alfalfa field.

Costs

The current capital improvement budget for the McPolin Farm contains approximately $221,000. As prioritized and estimated, the cost to complete the high priority items range from $264,000 to $322,200. At this time, no additional money is allocated into the Capital Improvement fund for the barn.

Property Uses

Since 2003, the Conditional Use Permit for the farm allows the City to host 12 community events with a maximum number of 150 people at each event. City staff receives weekly calls from the community requesting use of the property for weddings, reunions and other private functions. The Conditional Use Permit does not permit such activity.

The City Council states their desire for passive community use of the property for those specifically visiting the farm and for those walking or biking on the trails surrounding the property. While the attached chart outlining potential uses suggests an option to try a select number of private events, the internal group of City Staff evaluating the uses has listed this as a low priority due to the comments received from City Council. Instead, passive uses that do not interrupt community use have been listed at a higher priority. Those items include: Interpretive Display in Barn; Walking tours of the property and Educational Seminar on the Farm.

The Friends of the Farm advocate the development of a process to allow other community groups to apply for use of the Farm for new community events. These selected events would fall under the existing Conditional Use Permit which allows a total of 12 events per year. A suggested process is to set a date for the submittal of applications which would be reviewed by a selected committee that includes members of the Friends of the Farm and City staff. The committee would make a recommendation to the City Council to consider "sponsoring" the events so that they may take place at the farm. Criteria such as open to the public, preserving the historic nature and parking could be used to select events. The additional events would provide a rental income for the property which in turn could be used to assist in funding the capital improvements needed.

Summary

Since acquiring the McPolin farm and associated property in 1990, the City has invested in capital improvements to make the property accessible for passive use by the community. For the past five years, small community events produced by the Friends of the Farm have increased the community's awareness of the property. The placement of the property on the National Historic Register has rejuvenated the City's commitment to the property. Needed capital improvements that would sustain the historic nature of the structures have been outlined. Staff recommendation to continue the passive use of the property, and look into potential use of all 12 events days permitted within the Conditional Use Permit that will further nurture the citizen's pride for this landmark.

Capital Improvements

			Issues		
Use/Task	**Description of Recommendation**	**Estimated Cost Range**	**Pro**	**Con**	**Priority**
Painting of Farmhouse	Building, windows and railings	$15,000	Maintenance Requirement		H
Remove metal ties on foundation of shed	Ties were left after construction and never removed	$500	Public Safety Requirement		H
Install rear porch light on Farmhouse	Wiring is complete, purchase and installation of fixtures	$1,500	Maintenance Requirement and Security		H
Chimney repair and flashing on Farmhouse	Both flashing and brick repair needed. This is a maintenance item every 3 - 4 years	$5,000	Maintenance and Preservation of the Structure		H
Fencing repair along trail from Aspen Springs to Farm		$1,000	Maintenance Requirement; safety		H
Replace eave boards on sheds		$5,000	Historic Preservation; Maintenance Requirement		H
Noxious Weed Control on Fields	Environmental Stewardship	$4,200	Watershed and environmental quality	City/County agreement	H
Paving Driveway	Pave existing driveway with exposed aggregate colored concrete material	$150,000 - $208,000	Dust Control, less ongoing maintenance of driveway, increase safety from paved trail, can use colored concrete, use of farm house	Maintenance Responsibility, loss of rural appearance, Does not include ADA accessibility. Very expensive to repair utilities and reconstruct	H
ADA Access from Tunnel to Main Shed; assume driveway paving	Grade and pave the access road from tunnel to driveway to main shed; use of colored concrete	$70,000	ADA accessibility, potential increased use, less vehicle traffic in farm complex, house can be used, transit stops now in ada compliance	Maintenance Responsibility. Does not include southbound bus stop	H
Paved Connection from Upper trail to shed	Grade and pave an access trail from upper trail to shed/drive	$12,000	Enhance trail connections, complete paved farm loop per trails master plan; paved access would increase tunnel use	Maintenance Responsibility. Does not connect unless the driveway is paved	H
Remove paint on sandstone foundation on Barn	Paint degrades sandstone over the years. Removal will extend life.	$500	Necessary for preservation of the foundation		M

H = <18 months
M = 18 - 36 months
L = 36 - 60 months

Capital Improvements

			Issues		
Use/Task	**Description of Recommendation**	**Estimated Cost Range**	**Pro**	**Con**	**Priority**
Redwood connection between farmhouse and concrete pad		$5,000	Prevents decay and rot		M
Alfalfa Field - Reseed	Quality Agriculture/wetland grasses	$1,300	Watershed and environmental quality	Funding, ongoing maintenance	M
Repair Irrigation Ditch and		$2,000	Improves visual quality		M
Install chicken wire on the barn to stop the swallows from building their nests over the patio		$2,000	barn but it will also save us from the need to was off the patio so much before each event.		M
Grading and seeding to extend x-country ski season		$5,000	Allows higher use	visual impacts duing summer	M
Pole Shed	No improvements to existing structure, keep in rustic state. If farm can produce excess revenue, use to stabilize structure	$0	Speaks to farming and agriculture of Park City, not a historic structure (no preservation required), no immediate need for stabilization		L
Remove and replace wire fence along stream	Wire fence was installed by the Division of Wildlife to protect the stream bank erosion when the land was grazed	$30,000	Visual improvement	If land is grazed, a fence or barrier must be installed to protect the stream	L
Restore Barn		$5,000,000	More use of the facility; increase in revenue	Capital improvement costs needed to restore barn; no use determined	L

H = <18 months
M = 18 - 36 months
L = 36 - 60 months

Potential Uses

		Issues		
Use/Task	**Description of Recommendation**	**Pro**	**Con**	**Priority**
Interpretive Display in Barn	Remove storage and replace doors so public can see within barn	Public can see inside the barn, there have been many requests for this over the years/	finding storage for what is in there.	H
Walking tours of the property	Walking tours provided by Staff, Friends of the Farm or	Cultural Tourism	Staff	H
Educational Seminar on the Farm	6 week seminar sponsored by the Historical Society	Cultural Tourism		H
Reintroduce animals at the farm	purchase animals and/or lease land	Original Use; noxious weed control	Care and money required for caring for animals	M
On-site staff at Farm to assist in supervision of the farm with increased uses	Place an office at complex for City staff	Secuity; may increase use at the farm for rentals; increase in revenue	Changes in CUP necessary	M
Races	Staging area for Snowshoe, running, cycling races	increased revenues; more people become familiar with farm	Not prepared for high use; not graded; tents in the area must be	L
Caretaker for property	Living Use	Staff on Site	There are no living accommodations on site	L
Private Functions - Weddings and Reunions	Allow a private event each month from April 15 - October 15 (lottery) to increase revenue from the farm to cover maintenance. Review use in one-year. No temporary structures during event and events must comply with use restrictions	Increase revenue for Farm capital projects	Restricts public use of the farm complex, modification to existing CUP, inconsistent with passive open space	Not Recommended

H = <18 months
M = 18 - 36 months
L = 36 - 60 months

City Council

PLANNING DEPARTMENT

Author: David Maloney
Address: 1560 / 1566 Aerie Circle
Subject: Roth Family Subdivision
Date: April 26, 2006
Type of Item: Plat Amendment

SUMMARY RECOMMENDATION: Staff recommends the City Council review the proposed Plat Amendment, hold a public hearing on the proposed plat amendment and approve 'The Roth Family Subdivision' according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the attached draft ordinance.

DESCRIPTION
Applicant: Richard W. Roth
Location: 1560 / 1566 Aerie Circle
Zoning: Single Family (SF)
Adjacent Land Uses: Residential

BACKGROUND
The applicant applied for a Plat Amendment on February 17, 2006 to combine Lot 34 and Lot 35 of the Aerie Subdivision. The application was deemed complete on February 28, 2006. The application was heard at the March 7, 2006 Staff Review meeting.

On April 26, 2006, the Planning Commission forwarded a recommendation to City Council to approve 'The Roth Family Subdivision'.

ANALYSIS
The City received an application for a Plat Amendment is to combine Lot 34 and Lot 35 of Phase 1 of the Aerie Subdivision. There is an existing house on Lot 35 with a footprint of approximately two thousand three hundred and forty six (2,346) square feet, while Lot 34 is vacant. Currently there is no maximum house size for this lot. Phase 1 of the Aerie subdivision is within the Single Family (SF) zoning district.

The existing Lot 34 has a total area of fourteen thousand, five hundred and eighty nine (14,589) square feet and Lot 35 has an area of fifteen thousand, four hundred and thirty seven (15,437) square feet. The proposed lot combination would result in a lot of approximately thirty thousand and twenty seven (30,027) square feet.

The setbacks in the SF zone are twenty (20) feet in the front (25 feet for front facing garages), fifteen (15) feet in the rear and twelve (12) feet on the sides. The setbacks for the existing house are twenty eight (28) feet at the front, twenty (20) feet on the west side, and fifty six (56) feet at the rear. The existing side yard on the east is approximately fifteen (15) feet to the property line (between Lot 34 and Lot 35). This lot combination would result in an east side of about one hundred and eighty five (185) feet.

Within the SF zone, maximum house size and setbacks for combined lots are addressed in the Land Management Code (Chapter 15-2.11-6). There are no platted maximum house sizes in the Aerie subdivision. The maximum house size to be noted on the plat is six thousand (6,000) square feet above grade living space of which six hundred (600) square feet of garage space is exempt. The maximum house size for this lot was agreed upon by the applicant and the Aerie Subdivision Homeowner's Association. The intent of this maximum house size is to ensure that future site development will result in a house that is compatible with the Aerie Subdivision and the surrounding houses in particular.

Setbacks will be platted on this combined lot and shall be one hundred and fifty percent (150%) of the existing setback requirements, as per LMC 15-2.11-6B). The platted setbacks for the proposed lot are applicable for site development that occurs after the time of plat recordation, so long as the structure is considered to be a component of the principle building. These setbacks will also apply if the existing house is demolished and a new house is built. Current setbacks requirements within the SF zone are twenty (20) feet in the front (25 feet for front facing garages), fifteen (15) feet in the rear and twelve (12) feet on the sides. Setbacks for accessory buildings will be based on the existing Park City Municipal Code. The front yard setback for the proposed lot is to be thirty (30) feet for the main structure, and thirty seven point five (37.5) feet for a new front facing garage. The side yard setbacks is to be eighteen (18) feet, and the rear yard setback shall be twenty two point five (22.5) feet. All setback exceptions listed within LMC Chapter 15-2.11 (Single Family zoning district) shall continue to apply.

NOTICE
Notice of this hearing was sent to property owners within 300 feet on April 12, 2006. No comments have been received to date regarding this proposed plat amendment.

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 plat amendment request was discussed at a Staff Review meeting on March 7th, 2006, where representatives from local utilities and City Staff were in attendance.

ALTERNATIVES
- The City Council may approve the proposed plat amendment entitled 'The Roth Family Subdivision' with the conditions listed below; or

- The City Council may disapprove the proposed plat amendment entitled 'The Roth Family Subdivision' and direct Staff to prepare Findings for such a recommendation; or
- The City Council may continue the discussion on the 'The Roth Family Subdivision'.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION
If the recommended action is not taken, the applicant will not be permitted to combine Lot 34 and Lot 35 of the Aerie Subdivision, Phase 1.

SIGNIFICANT IMPACTS
There are no significant fiscal or environmental impacts associated with this plat amendment.

RECOMMENDATION
Staff recommends City Council hold a public hearing and approve the proposed plat amendment and according to the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance.

Ordinance No. 06-

AN ORDINANCE APPROVING THE 'ROTH FAMILY SUBDIVISION' COMBINING LOT 34 AND LOT 35 OF THE AERIE SUBDIVISION, PHASE 1, PARK CITY, UTAH

WHEREAS, the owner of the property known as 1560 and 1566 Aerie Circle, has petitioned the City Council for approval of a Subdivision; and

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

WHEREAS, on April 26, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 1, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to establish 1 lot of record; and

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

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 addressed as 1560 and 1566 Aerie Circle.
2. The subject lots are Lot 34 and Lot 35 of the Aerie Subdivision, Phase 1.
3. There is an existing house on Lot 35 with a footprint of approximately two thousand three hundred and forty six (2,346) square feet.
4. The plat amendment adjustment will result in the combination of Lot 34 and Lot 35 of the Aerie Subdivision, Phase 1.
5. The plat amendment will not leave any parcel of land remnant.
6. The Roth Family Subdivision will contain an area of thirty thousand twenty six point seven (30,026.7) square feet.
7. The lot will be accessed from Aerie Circle.
8. The existing house sits twenty eight (28) feet from the front property line, twenty (20) feet to the west property line, and fifty six (56) feet to the rear property line.
9. The existing side yard on the east is approximately fifteen (15) feet to the property line (between Lot 34 and Lot 35).
10. This lot combination would result in an east side yard of about one hundred and eighty five (185) feet.
11. Front yard setback requirements of thirty (30) feet for the main building and thirty

seven point five (37.5) feet for front facing garages, will apply for all future site development.

12. Side yard setbacks will be eighteen (18) feet.
13. Rear yard setbacks will be twenty two point five (22.5) feet.

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. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. 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 of the final form and content of the plat for compliance with the Land Management Code, Conditions of Approval and state law regarding subdivisions is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. 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.
4. A note will be added to the plat restricting above grade house size to six thousand (6,000) square feet. A garage of six hundred (600) square feet is exempt from the maximum house size limitation.

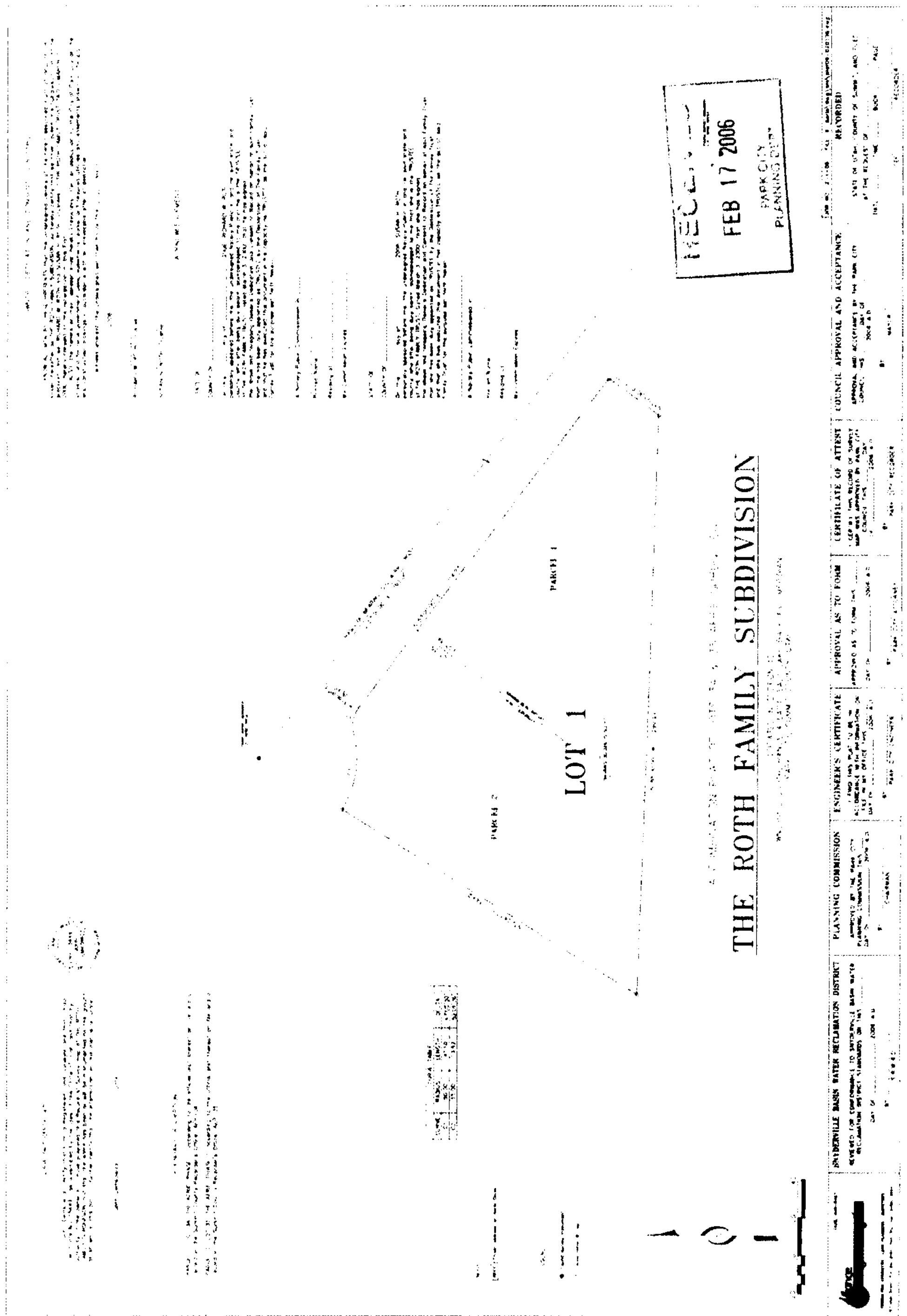
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this first day of June, 2006.

EXHIBITS
Exhibit A – Existing Conditions
Exhibit B – Proposed Plat

Exhibit A: Survey of Existing Conditions (to come)

Exhibit B: Proposed Plat



City Council Staff Report

Author: Ben Davis
Subject: Lot 11, Iron Canyon Subdivision
Date: June 14, 2006
Type of Item: Plat Amendment

PARK CITY 1884

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends that the City Council conduct a public hearing and approve the plat amendment according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

DESCRIPTION

Project Name:	Lot 11, Iron Canyon Subdivision plat amendment
Representative:	Michael Corcoran
Owner of Property:	Michael Corcoran
Location:	2425 Iron Canyon Drive
Zone:	Residential Development (RD)

BACKGROUND

On April 12, 2006 the applicant submitted a complete application for a plat amendment to adjust the platted building pad of Lot 11 of the Iron Canyon Subdivision. The existing home on the lot was not built within the original building pad, and the applicant seeks to adjust the building pad to meet the existing location of the home and to allow for a small addition. The existing pad and proposed pad are similar in size. On May 24, 2006 the Planning Commission forwarded a positive recommendation to the City Council for the plat amendment.

ANALYSIS

The property is located in the RD zone. The setbacks within the RD zone are 20' front, 15' rear, and 12' side. The height limit is 33' above existing grade. The proposed building pad meets setback requirements.

The proposed plat amendment will change the existing rectangular building pad to an irregular shaped pad that encompasses the existing home that was built outside of the existing pad and allow for a small addition onto the home. The existing pad is 4000 square feet; the proposed new pad is 3983 square feet.

To bring the existing home into compliance and allow for an addition onto the home, the applicant is requesting that the Commission approved the proposed amendment to the building pad.

Staff finds that there is good cause for the proposed plat amendment as it will bring the existing home into compliance and does not increase the size of the building pad. Staff further finds that no member of the public will be materially harmed by the project as any future development on the property will be within the parameters of the existing Land Management Code, and International Building Code.

NOTICE
Notice of this hearing was sent to property owners within 300' on May 10, 2006. Staff has received no comments from the public at the time of this writing. Several neighbors spoke up about the proposed plat amendment at the May 24th meeting. After discussing the plat amendment with the applicant after the meeting they were content with what was proposed.

ALTERNATIVES

1. The City Council may approve the Plat Amendment as conditioned or amended, or
2. The City Council may deny of the Plat Amendment and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the Plat Amendment.

SIGNIFICANT IMPACTS
If this Plat Amendment is not approved, the building will not be compliant with the plat and the owner cannot build the addition.

DEPARTMENT REVIEW
The Planning, Engineering and Building Departments have 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.

RECOMMENDATION
Staff recommends that the City Council conduct a public hearing and approve the plat amendment according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance outlined below:

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment
Exhibit C – Survey of Property

Ordinance No. 06-

AN ORDINANCE APPROVING THE LOT 11 OF THE IRON CANYON SUBDIVISION PLAT AMENDMENT, LOCATED AT 2425 IRON CANYON DRIVE, PARK CITY, UTAH

WHEREAS, the owner of the property known as 2425 Iron Canyon Drive, has 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, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed Plat Amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 14, 2006 the City Council held a public hearing on the proposed Plat Amendment; and

WHEREAS, the proposed Plat Amendment allows the property owner to relocate and adjust the lot building pad; 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 Residential Development (RD) zone.
2. The RD zone is a residential zone characterized by a mix of contemporary residences.
3. The lot is located within the Iron Canyon Subdivision.
4. There is a platted building pad on the lot.
5. The existing home was built outside of the platted building pad.
6. The applicant seeks to make an addition onto the home.
7. The amendment will adjust the platted building pad of the residence.
8. The proposed building pad does not exceed the size of the original building pad.
9. The proposed building pad complies with the setback requirements.

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.

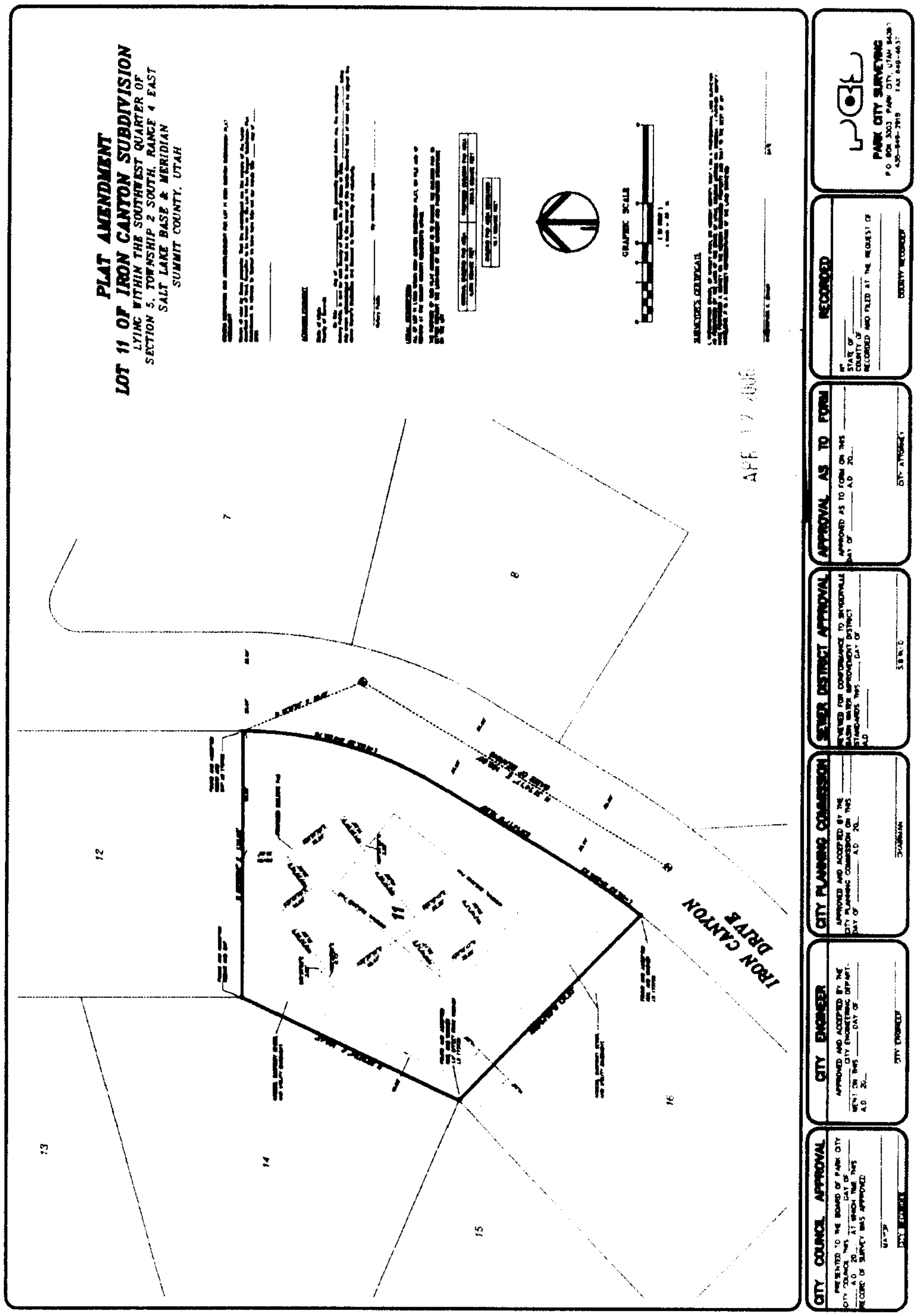
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

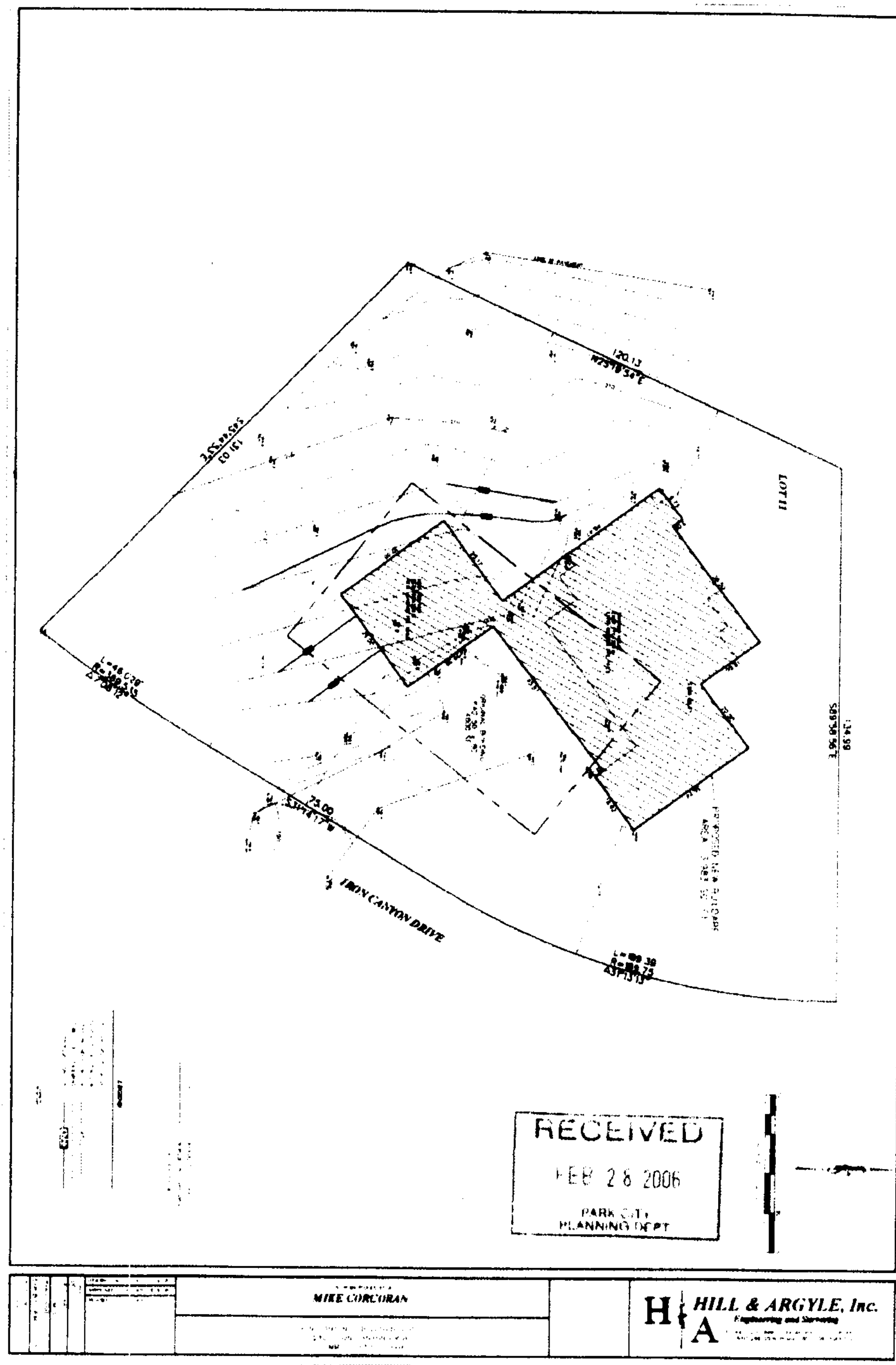
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of 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. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. 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.

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

PASSED AND ADOPTED this 1st day of June, 2006.


PLAT AMENDMENT
LOT 11 OF IRON CANYON SUBDIVISION
LYING WITHIN THE SOUTHWEST QUARTER OF
SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH
IRON CANYON DRIVE
GRAPHIC SCALE
CITY COUNCIL APPROVAL
CITY ENGINEER
CITY PLANNING COMMISSION
SEWER DISTRICT APPROVAL
APPROVAL AS TO FORM
RECORDED
PARK CITY SURVEYING


LOT 11
IRON CANYON DRIVE
RECEIVED
FEB 28 2006
PARK CITY
PLANNING DEPT
MIKE CORCORAN
HILL & ARGYLE, Inc.

City Council Staff Report

Author: Ray Milliner
Subject: BUSH REPLAT
Date: June 1, 2006
Type of Item: Plat Amendment

PARK CITY 1884

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends that the City Council conduct a public hearing and approve this application according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

DESCRIPTION

Project Name:	The Bush Replat
Applicant:	Christopher Bush
Address	148 Main Street
Zone:	Historic Residential (HR-2)

BACKGROUND

Park City Redevelopment Agency is the owner of the Lots 8 and 9 of Block 20 of the Park City Survey (148 Main Street). The applicant, who submitted a complete application on April 19, 2006, is under contract to purchase the property, and desires to build a single family home on the lot upon approval and recordation of this plat amendment.

Central to the agreement between the applicant and the Park City Redevelopment Agency is a condition that he salvages an existing historic home, located directly behind the property, and incorporates the materials into the design of a future home. The home is currently abandoned and in severe disrepair (the roof has caved in) see Exhibit C. No application for compliance with the Historic District Design Guidelines has been submitted at the time of this report.

ANALYSIS

The purpose of the application is to combine the properties into one lot of record. There is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed development. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

This plat amendment will create one lot of trapezoidal lot 50 feet wide, averaging 53 feet deep (2,663 square feet). The house will be required to have 5' side yard setbacks, 10' front and rear setbacks and a maximum footprint of 1,156. The maximum height allowed on the lot will be 27 feet above existing grade.

The property is located in the HR-2 zone; therefore, the applicant must meet the criteria for the construction of a single-family home in the Historic District Design Guidelines and Land Management Code Chapter 15-2.1 prior to the issue of a building permit.

The applicant has agreed to incorporate the historic building located behind the property into the design of any home proposed on the lot. Because the home is in a severe state of disrepair, it is unclear how much, if any, of the home will be salvaged. Staff will require that the applicant submit a historic preservation plan documenting the current state of the building, and documenting his plans to preserve and incorporate the historic materials in the design of the home proposed on the lot prior to the issue of a building permit.

NOTICE
Notice of this hearing was sent to property owners within 300' on May 10, 2006. No comments have been received by staff at the date of this writing.

ALTERNATIVES

1. The City Council may approve the plat amendment at 148 Main Street as conditioned or amended, or
2. The City Council may deny the plat amendment at 148 Main Street and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the plat amendment at 148 Main Street.

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

CONSEQUENCES OF NOT TAKING ACTION
The property will remain as platted and the proposed home cannot be built.

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 Meeting on March 21, 2006, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION
Staff recommends that the City Council conduct a public hearing and approve the proposed plat amendment according to the findings of fact, conclusions of law and conditions of approval in the attached ordinance.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment

Ordinance No. 06-

AN ORDINANCE APPROVING THE BUSH REPLAT COMBINING LOTS 8 AND 9 BLOCK 55, OF THE PARK CITY SURVEY, LOCATED AT 148 MAIN STREET, PARK CITY, UTAH

WHEREAS, the owner of the property known as 148 Main Street, has 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, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 1, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed plat amendment allows the property owner to combine two lots into one lot of record; and

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

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-2) zone.
2. The HR-2 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine two lots into one lot of record.
4. There is an existing historic single family home behind the property.
5. This historic home will be moved onto the lot and incorporated into the development of the lot.
6. Access to the property is from Main Street.
7. The proposed lot measures 50' x 53' (average depth).
8. The proposed lot is 2,663 square feet in size.
9. The minimum lot size for a single family home in the HR-2 zone is 1,875 square feet.
10. The maximum building footprint for the proposed lot is 1,156.
11. The maximum height limit in the HR-2 zone is 27 feet above existing grade.
12. Setbacks for the house are 5' on the sides, and 10' in the front and rear.

13. Minimal construction staging area is available along Main Street.
14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

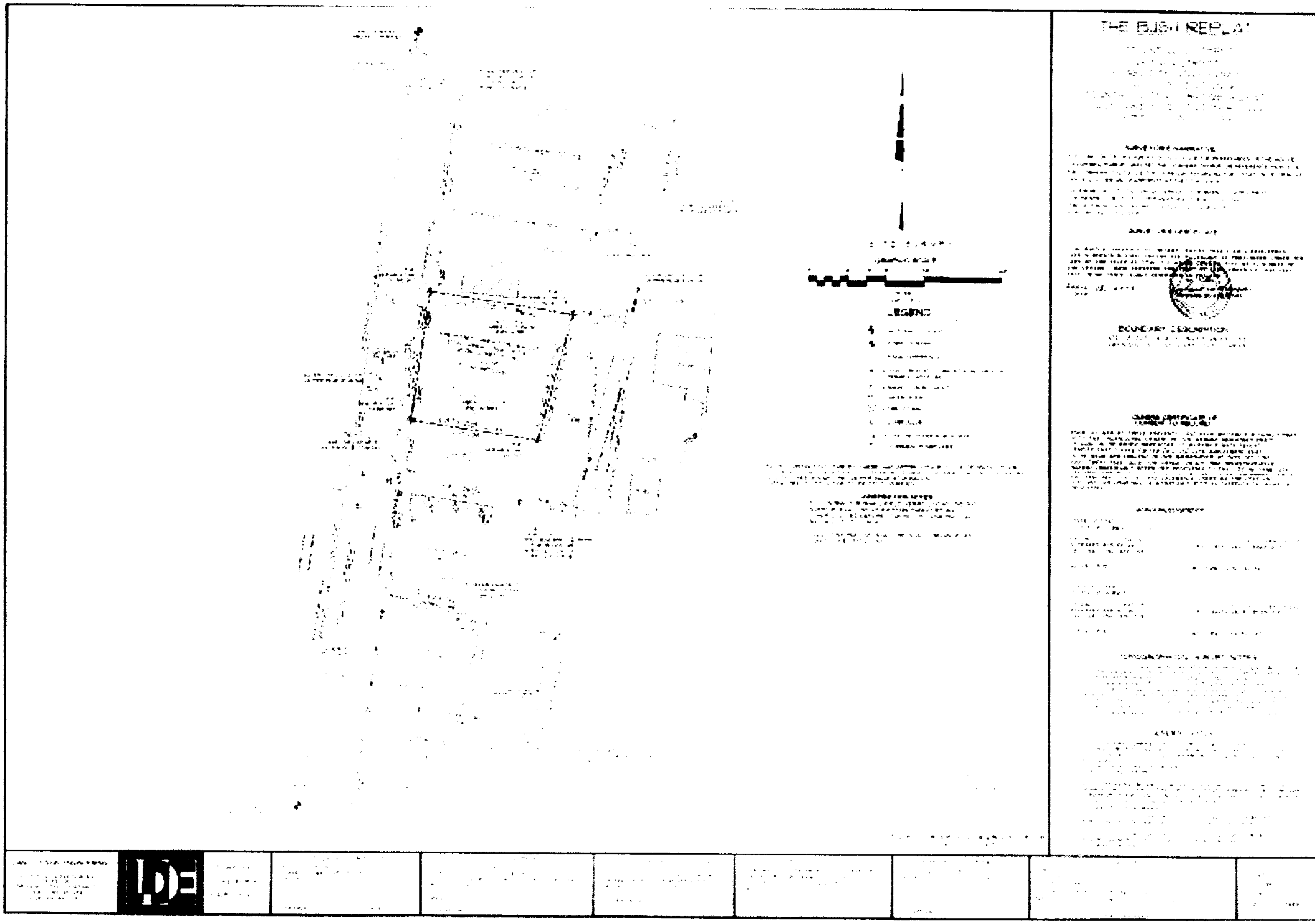
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with 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 of 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. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. 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.
4. A ten-foot-wide public snow storage easement shall be dedicated along the Main Street frontage of the lot.

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

PASSED AND ADOPTED this 1st day of June, 2006.


THE BUSH REPLAT
LEGEND
BOUNDARY DESCRIPTION

City Council Staff Report

PARK CITY 1884

PLANNING DEPARTMENT

Author: Ray Milliner
Subject: 402 MARSAC AVENUE
Date: June 1, 2006
Type of Item: Plat Amendment

RECOMMENDATION: Staff recommends that the City Council conduct a public hearing and approve the proposed plat amendment according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

DESCRIPTION

Project Name: 402 Marsac Replat
Applicant: Lynn and Jodi Fey
Zone: Historic Residential (HR-1)

BACKGROUND

The applicant is the owner of Lots 1 and 2 of Block 55, of the Park City survey. On April 13, 2006, the City received a completed application to combine these properties into one lot of record. The proposed lot would be approximately 3,750 square feet in size. There is an existing historic single family home on the property. The applicant intends to build an addition to the historic home.

ANALYSIS

The purpose of the application is to combine the property into one lot of record. There is good cause for the application as the lot combination will bring the lot into compliance with state law by removing all interior lot lines and enabling the proposed addition to the home. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

The property is located in the HR-1 zone. Therefore, the applicant must meet the criteria for the construction of a single-family home in the Historic District Design Guidelines and Land Management Code Chapter 15-2.2 prior to the issue of a building permit.

This plat amendment will create one lot of 50' x 75' (3,750 square feet) in dimension. The lot will be required to have 5' side yard setbacks, 10' front and rear setbacks and a maximum footprint of 1,519. The maximum height allowed for the lot will be 27 feet above existing grade.

NOTICE

Notice of this hearing was sent to property owners within 300' on May 10, 2006. No comments have been received by staff at the date of this writing.

ALTERNATIVES

4. The City Council may approve the plat amendment at 402 Marsac Avenue as conditioned or amended, or
5. The City Council may deny the plat amendment at 402 Marsac Avenue and direct staff to make Findings for this decision, or
6. The City Council may continue the discussion on the plat amendment at 402 Marsac Avenue.

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

CONSEQUENCES OF NOT TAKING ACTION
A well used trail traverses the easterly portion of the site. This trail acts as the only access to the nearby house at 413 Ontario. The applicant has agreed to create a five-foot-wide access easement on the new lot to accommodate the trail.

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 Meeting on April 18, 2006, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION
Staff recommends that the City Council conduct a public hearing and approve the proposed plat amendment according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Proposed Plat Amendment

Ordinance No. 06-

AN ORDINANCE APPROVING THE 402 MARSAC AVENUE REPLAT COMBINING LOTS 1 AND 2 BLOCK 55, OF THE PARK CITY SURVEY, PARK CITY, UTAH

WHEREAS, the owner of the property known as 402 Marsac Avenue, has 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, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 1, 2006 the City Council held a public hearing on the proposed plat amendment and voted to approve the application; and

WHEREAS, the proposed plat amendment allows the property owner to combine two lots into one lot of record; and

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

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) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine two lots into one lot of record.
4. There is an existing historic single family home on the property.
5. Access to the property is from Marsac Avenue.
6. The proposed lot measures 50' x 75'.
7. The proposed lot is 3,750 square feet in size.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. The maximum building footprint for the proposed lot is 1,519 square feet.
10. The maximum height limit in the HR-1 zone is 27 feet above existing grade.
11. Setbacks for the lot are 5' on the sides, and 10' in the front and rear.
12. Minimal construction staging area is available along Marsac Avenue.
13. Historic access to the house at 413 Ontario crosses the easterly five feet of the site.

14. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

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

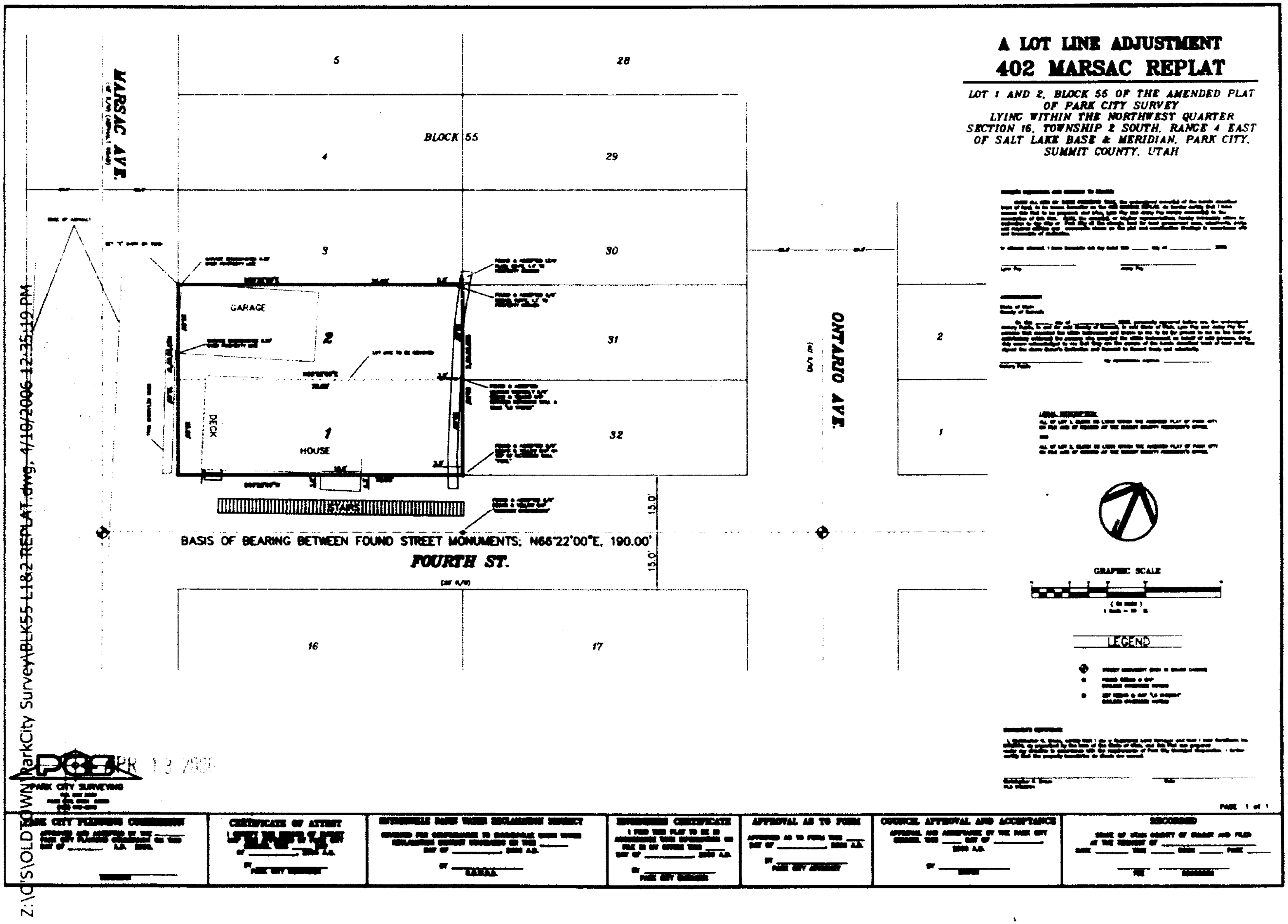
1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with 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 of 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. Prior to the receipt of a building permit for construction on this lot, the applicant shall submit an application for Historic Design Review for review and approval by the Planning Department for compliance with applicable Historic District Design Guidelines.
3. 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.
4. A five-foot-wide public snow storage easement shall be dedicated along the Marsac Avenue frontage of the lot.
5. A five-foot-wide access easement shall be dedicated at the eastern most edge of the property.

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

PASSED AND ADOPTED this 1st day of June, 2006.


A LOT LINE ADJUSTMENT
402 MARSAC REPLAT
LOT 1 AND 2, BLOCK 56 OF THE AMENDED PLAT OF PARK CITY SURVEY
LYING WITHIN THE NORTHWEST QUARTER SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST OF SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
MARSAC AVE.
ONTARIO AVE.
FOURTH ST.
BLOCK 55
GARAGE
HOUSE
DECK
STAIRS
BASIS OF BEARING BETWEEN FOUND STREET MONUMENTS; N66°22'00"E, 190.00'
15.0'
15.0'
GRAPHIC SCALE
LEGEND
PARK CITY SURVEYING
PAGE 1 of 1
PARK CITY PLANNING COMMISSION
CERTIFICATE OF ATTEST
APPROVAL AS TO FORM
COUNCIL APPROVAL AND ACCEPTANCE
RECORDED
Z:\O\S\OLDTOWN\ParkCity Survey\BLK55 L1&2 REPLAT.dwg, 4/10/2006 12:35:19 PM

City Council
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

DATE: May 25, 2004
AUTHOR: Ben Davis
TITLE: Second Amended Record of Survey, Snow Flower Condominiums

SUMMARY RECOMMENDATION: Staff recommends the City Council approve the Plat Amendment for the 2nd amended Snowflower Record of Survey according to the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Topic

Applicant:	Marci Vandersluis
Project Address:	401 Silver King Dr. Snow Flower Condominiums #72
Zoning:	Recreation Commercial (RC)
Adjacent Land Uses:	Residential, Three Kings Condominiums, Glenwood Cemetery, Open Space ski runs
Reason for Review:	Amendments to Records of Survey require Planning Commission review and City Council approval.

Background

On March 22, 2006, the Planning Department received a completed application to amend the Record of Survey for Unit 72 of the Snowflower Condominiums. The Snowflower Condominiums is an 82-unit project. The record of survey (ROS) for Unit #72 does not accurately reflect the existing building configuration. A loft area exists that is not shown on the plat. At this time the owner proposes to amend the condominium ROS to accurately reflect the existing configuration of the unit.

The applicant has received written permission from the Owners Association to pursue this application. The proposed amendment has gone before a written vote of the rest of the owners, and has received consent from 82%, exceeding the 2/3 majority required under state law.

In May, 2004 an identical application was applied for and granted for unit 80. During the application process for unit 80, staff encouraged the Snow Flower Owners Association to conduct a review of the entire condominiums to clear up any other discrepancies. It was determined that the same situation exists at Unit 72 as existed at Unit 80.

On May 24, 2006 the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council to approve this plat amendment.

Analysis

The amended ROS will acknowledge that unit 72 is approximately 60 square feet larger than the existing plat indicates. There is no record as to how this discrepancy occurred. The original plat was filed in 1978. The area being considered is a loft, and can be used to increase the size of the existing bedroom area. The new overall size of the unit will be 655 square feet, and would increase the parking requirement by 0.5 parking spaces. Based on the existing Snow Flower Condominium Record of Survey, 168 parking spaces are available. The Land Management Code Section 15-3-6 requires 148 spaces, which indicates a surplus of 20 spaces. The realized increase in the parking requirement resulting from this application will not go beyond available spaces. It is also likely that if all the smaller, similarly sized units need an additional ½ of a parking space, that the Association can provide them by utilizing the existing parking surplus. The project was base on units and the number of units does not change. It is in the best interest of Park City, Utah to approve the amended record of survey to accurately reflect the existing condition of the unit, which does not create any non-conformance with the Land Management Code.

Department Review

This project has gone through an interdepartmental review. At such time as a final record of survey plat is required, the City Engineer and City Attorney will review the plat as to form and compliance with State law and the Land Management Code prior to recordation.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also placed in the Park Record. No public input has been received by the time of this report.

ALTERNATIVES

A. The City Council may approve the Plat Amendment for the Second Amended Snowflower Condominium with the conditions stated, or modify the conditions, or

B. The City Council may deny the Plat Amendment for the Second Amended Snowflower Condominium and direct staff to create findings for this action, or

C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS

There are no significant fiscal or environmental impacts from this amended Record of Survey.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION

Failure to amend the Record of Survey will prohibit the unit owner having a record of survey that accurately reflects the unit's configuration.

RECOMMENDATION

Staff recommends the City Council approve the Plat Amendment for the 2nd amended Snowflower Record of Survey according to the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

EXHIBITS

Exhibit A - Location Map
Exhibit B - Amended Record of Survey
Exhibit C - Ordinance

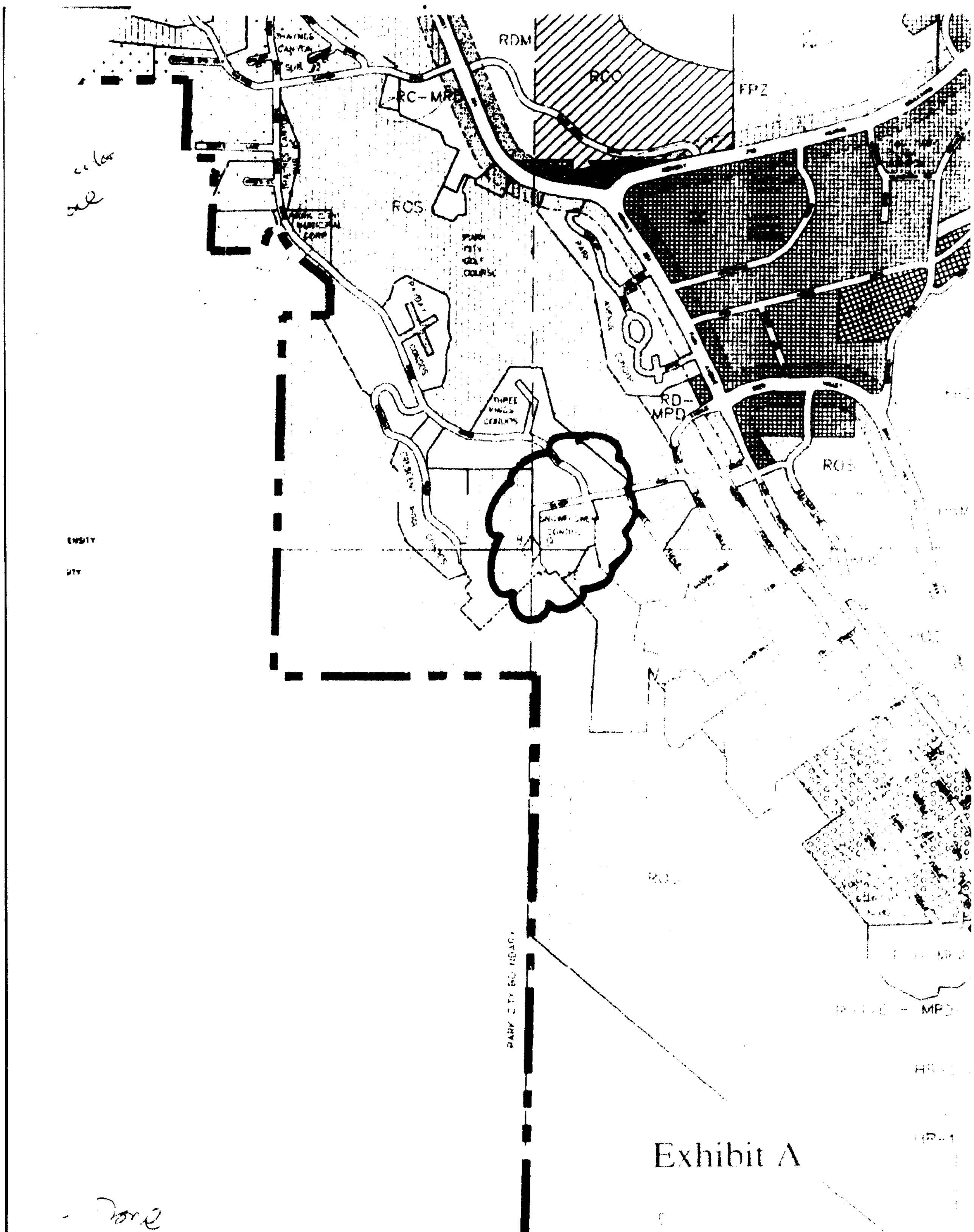
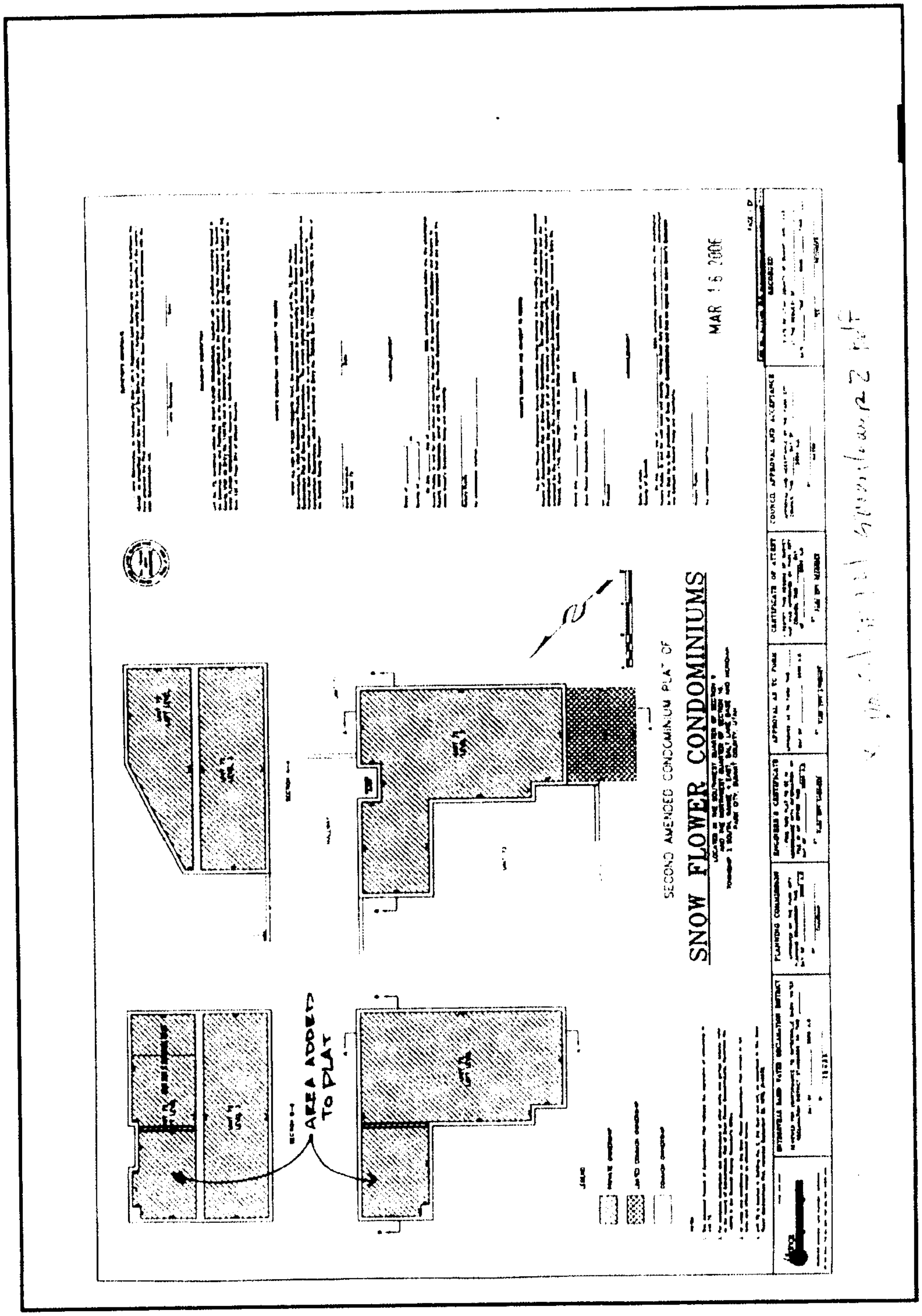

RDM
RCO
FPZ
RC-MPD
ROS
RD-MPD
ROS
PARK CITY GOLF COURSE
THREE KINGS CONDOS
PARK CITY BD ROAD

Exhibit A


AREA ADDED TO PLAT
SECOND AMENDED CONDOMINIUM PLAT OF
SNOW FLOWER CONDOMINIUMS
MAR 16 2006

Ordinance No. 06-

AN ORDINANCE APPROVING THE SECOND AMENDED RECORD OF SURVEY CONDOMINIUM PLAT OF SNOW FLOWER CONDOMINIUMS

WHEREAS, the owner of the property known as 401 Silver King Drive – Unit 72 Snow Flower Condominiums, has petitioned the City Council for an amended record of survey; and

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

WHEREAS, on May 24, 2006 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed record of survey amendment will acknowledge an interior loft area; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended record of survey to accurately reflect the existing condition of the unit.

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 Planning Commission reviewed this application at their May 24, 2006 meeting. A public hearing was held, and the Commission voted to forward to the Council a positive recommendation to approve the application.
2. The condominium project known as Snow Flower is located at 401 Silver King Drive. The property is zoned Recreation Commercial.
3. Snow Flower Condominiums is an 82-unit project.
4. The record of survey (ROS) for Unit #72 does not accurately reflect the existing building configuration. A loft area exists that is not shown on the plat.
5. The applicant has received written permission from the Owners Association to pursue this application.
6. The amendment has gone before a written vote of the rest of the owners.
7. The consent of 66.66% or more of the Unit Owners is required under the Association's CC &Rs and this has been obtained.
8. If the record of survey is amended as requested, it will not affect on the amount of open space in the Snow Flower project.
9. The amended ROS will acknowledge that unit 72 is approximately 60 square feet larger than the existing plat indicates. This area is located in the loft area, with in the existing walls of the existing unit.

10. The new overall size of the unit will be 655 square feet, and increases the parking requirement by 0.5. There is no increase in the number of units.
11. Snow Flower has 168 total spaces available, and is required to provide only 148. A surplus of 20 parking spaces exists.
12. The increase in the parking requirement resulting from this application will not exceed the existing surplus.
13. An inspection has been conducted by Park City to verify the unit is compliant with the International Building Code and the Park City Land Management Code.

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

1. There is good cause for this Amended Record of Survey.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the Amended Record of Survey is consistent with the Park City General Plan.
5. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

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

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, the Council approval for the plat amendment will be void.

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

PASSED AND ADOPTED this 1st day of June, 2006.

PARK CITY
1884

Special Events and Facilities Department

City Council Staff Report

Author: Max J. Paap
Subject: William Corliss Memorial Ride
Date: June 1, 2006
Type of Item: Administrative – Master Festival License

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the license for the William Corliss Memorial Ride, as conditioned, on June 5, 2006 to be held on SR 224 and SR 248.

Description:

Topic:

Review the Master Festival License Application, submitted by Cole Sport, for the William Corliss Memorial Ride on June 5, 2006.

Background:

Cole Sport submitted an application requesting a Master Festival License for the William Corliss Memorial Ride scheduled to take place in Park City and Summit County on June 5, 2006. This memorial ride is in honor of Bill Corliss, a Park City local who was tragically killed on SR-68 on April 3, 2006 while riding his bike with friends. The event is in its first year and plans to increase awareness of the Share the Road program that promotes education and is leading the charge for safe cycling. The organizers plan to make this event an annual ride. The event also has the backing of Leadership Park City's class project of a Walkable/Bikeable Community.

The route involves state roads, county roads, city streets and municipalities with whom the organizers are working closely with. We have had meetings with representatives of Utah Highway Patrol, Park City Police, Summit County Sheriff's Department and UDOT to ensure the rider's safety along the proposed route. Through the logistic planning the organizers have not looked at street closures during the ride, but rather the temporary holding of traffic at key intersections.

The William Corliss Memorial Ride is consistent with the City Council's Goal #2 which is to preserve Park City's character and Council's Goal #4 to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which supports the arts and events.

Analysis:

The event organizers have requested to hold their event on Monday, June 5, 2006. The event participants would begin to gather at the First Time Lot at Park City Mountain Resort at 5:00pm. This event is being reviewed as a Master Festival License due to the use of city streets as part of the ride.

William Corliss Memorial Ride

The event would begin at approximately 6:15 pm as the riders depart from the First Time parking lot at Park City Mountain Resort. The route would take the participants out of the First Time Lot via Empire Avenue and onto northbound SR-224. The route continues on SR-224 to Old Ranch Road where the riders will head east. The riders will exit Old Ranch Road onto Trailside Drive and onto Silver Summit Parkway to cross over US-40. Once over US-40 they will turn onto the North Pace Frontage Road near Home Depot. They will ride this frontage road until they reach SR-248 at which time they turn west and head back into Park City. They will ride SR-248 (Kearns Blvd.) up to the SR-224 (Park Ave.) intersection and head back to Park City Mountain Resort via Empire Avenue. The race organizers anticipate all riders to be finished by 8:00 pm.

The organizer has requested use of electronic signs to alert motorists of the event in progress and has agreed to work with Summit County to sign routes that go through the county. Organizers will brief the riders of the law enforcement presence and protocol for "rules of the road" for the ride. The organizers are working with all applicable organizations to obtain all required permits.

Parking

Parking for the anticipated crowd can be accommodated in the Park City Mountain Resort First Time Lot. The applicant has contacted and received permission from the owner to use the First Time Lot.

Department Review:

All applicable departments have reviewed the William Corliss Memorial Ride and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing the William Corliss Memorial Ride to occur as described.

Deny the Request:

Deny the Master Festival License, preventing the addition of the William Corliss Memorial Ride to Park City's schedule of events.

Continue the Item:

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

Significant Impacts:

Park City has held a similar event to the William Corliss Memorial Ride. The activities will be contained along the specified route venue and will conclude by 8:00 pm.

Consequences of not taking the recommended action:
The William Corliss Memorial Ride would not take place in Park City.

Recommendation:
Staff recommends the City Council conduct a public hearing, and approve a Master Festival License for the William Corliss Memorial Ride on June 5, 2006 based of the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:
1. The William Corliss Memorial Ride will be held in Park City on June 5, 2006. The riders will leave Park City Mountain Resort at 6:15 pm and all riders should be in by 8:00 pm.
2. Parking for the anticipated crowd of 500 can be accommodated in the Park City Mountain Resort First Time Lot. No shuttle transportation is needed for attendees of this race. The conduct of the William Corliss Memorial Ride will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The William Corliss Memorial Ride is oriented towards families, as well as avid bicyclists. The events associated with this event will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. No streets will be closed to traffic during the event. The motorists will be intermittently held for no more than 10 minutes. The event will not interfere with police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival or Special Event licenses have been granted for June 5, 2006.
6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns.. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

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

Conditions of Approval

1. The applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. All effected neighborhoods shall be notified at least 48 hours prior to the stage coming through Park City.
4. Signs shall be placed along the race routes no later than two days prior to the event notifying vehicles of expected delays.

Attachments

Exhibit A- Applicant's Summary of Activities

Exhibit A

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

PARK CITY 1884

Special Events and Facilities Department
435.615.5150
specialevents@parkcity.org

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

EVENT NAME: William Corliss Memorial Ride

EVENT DATE(S): 06/05/06

EVENT TIME(S): 5 p.m. - 8 p.m.

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
Starting and ending at Cole Sport, 1615 Park Ave.. Route possibly TBD but probably 224 to Old Ranch rd. to Home Depot frontage rd. to 248 to Cole Sport.

ANTICIPATED ATTENDANCE: 500-1,000

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
Gather, speak on Bill's behalf and on bicycle safety, bike ride on the above route, re-unite at Cole Sport where donations can be made to his advocacy fund.

APPLICANT: *(name of organization)* Scott Dudevoir/Cole Sport

CONTACTS

Event Manager: Scott Dudevoir
Mailing Address: 354 E. 200 N. heber, UT 84032
Phone: Fax:
Cell Phone: 435-640-8735
E-Mail: sdude@xmission.com

Assistant Event Manager: Carol Potter

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

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*

A public event which any one of the following:

☒attraction of large crowds, (Over 500)
☐street closure,
☐use of City park, building or property,
☒use of off-site parking facility,
☐use of amplified music.

☐ **Special Event;**

A private or public event, which creates significant public impacts through:

☐causes significant public impacts via disturbance, crowd, traffic/parking,
☐disruption of the normal routine of the community or affected neighborhood,
☐necessitates temporary business or liquor licensing
☐event signs, visible from public property
☐temporary structures

CITY SERVICES

- request for street closure(s)? ☒yes ☐no
  if yes, then list street(s) and closure time and date: maybe not closures but absolutely vehicle support and police escort.
- request for closure of or access to any public parking spaces? ☒yes ☐no
  if yes, then list lot and closure times and dates: Hopefully, PCMR parking lot for event times. I will talk with PCMR before filling out the requested form.
  if yes, complete and attach *Request for Special Use of Public Parking* form.
- request for use of any City owned bleachers? ☐yes ☒no

SALES AND FOOD VENDING

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

APPLICATION FEES

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

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

INSURANCE

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

City Council
Staff Report

Author: Max J. Paap
Subject: Park City Community Fair
Date: June 1, 2006
Type of Item: Administrative – Master Festival License

PARK CITY 1884

Special Events and
Facilities Department

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the license, as conditioned for the Park City Community Fair to be held on June 10, 2006 on the north end of City Park.

Description:

Topic:

Review the Master Festival License Application, submitted by the Park City Recreation Department, for the Park City Community Fair at City Park on June 10, 2006.

Background:

The Park City Recreation Department submitted an application requesting a Master Festival License to hold an informational gathering previously held at the Racquet Club at City Park. The event would run from 10:00am-1:00pm on June, 10, 2006. The event is one to provide information to the community regarding upcoming summer activities. Local organizations will be given an opportunity to provide valuable information concerning health and fitness. The event is free to the public and is geared towards the entire family.

The Park City Community Fair is consistent with the City Council's Goal #2 which is to preserve Park City's character and Council's Goal #4 to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which supports the arts and events.

Analysis:

The event organizers have requested to hold their event on June 10, 2006. The event would begin at 10:00am and conclude by 1:00pm.
This application is being reviewed as a Master Festival License due to its location on City property.

City Park Activities

Informational booths will be set up by local organizations that provide summer activities geared towards health and fitness. Fairgoers will have an opportunity to gain information and sign up for these programs. The activities in City Park will begin at 10:00am and will conclude by 1:00pm. No other activities are planned for City Park on June 10, 2006.

Parking

Parking for the anticipated crowd size can be accommodated within City Park and on Park Avenue.

Department Review:

All applicable departments have reviewed the Park City Community Fair and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing the Park City Community Fair to occur as described.

Deny the Request:

Deny the Master Festival License, preventing the addition of the Park City Community Fair to Park City's schedule of events.

Continue the Item:

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

Significant Impacts:

City Park has held many similar events to the Park City Community Fair. The activities will be contained within the venue and will conclude by 1:00pm.

Consequences of not taking the recommended action:

The Park City Community Fair would not take place.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the Park City Community Fair on June 10, 2006 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Park City Community Fair will be held Saturday, June 10, 2006. The event will last from 10:00am to 1:00pm and will occur in City Park.
2. Parking for the anticipated crowd of 200 people can be accommodated with the existing parking in and around City Park. The conduct of the Park City Community Fair will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The event is oriented towards families and youth. The events associated with the Park City Community Fair will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

4. The event will be held in City Park. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival and Special Event License has been issued for June 10, 2006.
6. The organizer will provide adequate insurance for the event.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

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

Attachments

Exhibit A – Applicant's Summary of Activities

Exhibit A

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

PARK CITY 1884
Special Events and Facilities Department
435.615.5150
specialevents@parkcity.org

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

EVENT NAME: Park City Community Fair

EVENT DATE(S): June 10th, 2006

EVENT TIME(S): 10:00am-1:00pm

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
Grass Field of City Park on the north end of the facility.

ANTICIPATED ATTENDANCE: Less than 300

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
This event has been happening in the gym at the Park City Racquet Club for the last three year as a in-house health fair. Looking to increase attendance and public information, this event is designed to have local recreation vendors provide information to the community regarding upcoming summer activities. These vendors will be able to pass on valuable information concerning health and fitness, bike and running events, trail information, child camps and summer events, all from vendors such as the Mountain Trails, Park City Marathon, Endurance 100, Deer Valley, Park City Mountain Resort, Olympic Park, Park City Recreation and others. This event is free to the public and will be for the whole family.

APPLICANT: *(name of organization)* Park City Recreation

CONTACTS
Event Manager: Tate Shaw

Mailing Address: P.O. Box 1480 Park City, UT 84060
Phone: 435-615-5418 Fax:435-615-4908
Cell Phone: 435-714-2372
E-Mail: tshaw@parkcity.org

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

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*

A public event which any one of the following:

☐ attraction of large crowds, (Over 500).
☐ street closure,
☒ use of City park, building or property,
☐ use of off-site parking facility,
☐ use of amplified music.

☐ **Special Event;**

A private or public event, which creates significant public impacts through:

☐ causes significant public impacts via disturbance, crowd, traffic/parking,
☐ disruption of the normal routine of the community or affected neighborhood,
☐ necessitates temporary business or liquor licensing
☐ event signs, visible from public property
☐ temporary structures

CITY SERVICES

- request for street closure(s)? ☐ yes ☒ no
  if yes, then list street(s) and closure time and date:
- request for closure of or access to any public parking spaces? ☐ yes ☒ no
  if yes, then list lot and closure times and dates:
  if yes, complete and attach *Request for Special Use of Public Parking* form.
- request for use of any City owned bleachers? ☐ yes ☒ no

SALES AND FOOD VENDING

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

APPLICATION FEES

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

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

INSURANCE

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

City Council Staff Report

Author: Colin Hilton
Subject: Center for Applied Media
Date: June 1, 2006
Type of Item: Informational Update & Award of Economic Development Grant

PARK CITY 1884

Economic Development & Capital Projects

Summary Recommendation - Staff recommends approval of an Economic Development Grant in the amount of $18,000 to the Center for Applied Media, a Utah based non-profit organization that will be located within Park City, Utah.

Description:
Topic: Informational Update & Award of Economic Development Grant

Background:

Two priority goals for Economic Development recently reviewed and approved through the City's 2006 Visioning Session include:

- *Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities.*
- *Proactively target business sectors that will fill voids left by departing companies or for smart redevelopment reasons.*

On May 25, 2006, City Council reviewed and approved a budget policy and application process for City administered Economic Development Grants.

City Staff has been working with a non-profit organization representing a concept to create a "Center for Applied Media." The Center for Applied Media, or "CAM", has requested start-up assistance funds through an economic development grant request (application attached).

CAM supplied a full business plan that is available for review at the Economic Development office. The following is a supplied executive summary:

Mission: *The Center for Applied Media (CAM) is a charitable and educational nonprofit—*

- *Connecting and providing center of gravity for the international Digital Media sector,*

- *Educating executives, college students, and others in the usage of modern digital media, and the commercial potential for it,*
- *Incubating, accelerating and generally supporting commercial digital media ideas prior to, and with intent towards commercialization, and*
- *Creating Park City, Utah as a world-class hub for Digital Media education and enterprise development.*

The combination of this international educational center and complimentary "accelerator" will help develop and establish Park City's future in the world's Digital Media marketplace.

Deliverables: *In the next year, CAM will deliver the following:*
- *a virtual learning space called Webheads, a compilation of multimedia lectures by digital media mavens, offered to individuals, universities and professional associations via the internet;*
- *a Global summit on Digital Media to connect companies in North America and around the world;*
- *a series of physical and online courses that can be used by any college and university as a Certificate or as stand alone classes;*
- *at least three digital media pilot projects within our SEED program;*
- *a professional network of Digital Media companies and service providers to help develop synergistic business relationships, recruit and retain talent and market Park City's executive resort amenities to the world.*

Keys to success:
- *Funding with enough "runway" to become self-sufficient.*
- *Establishing access, dialogue and participation of leaders in Digital Media*
- *Economic relationships (linking companies together in North America and around the world).*
- *Codification of the incubation/acceleration process to increase probabilities for success.*

Financials:
In order to meet these targets, we have brought together an exceptional executive team, invested thousands of dollars of our own cash and thousands of hours of sweat equity; and have potential funders and other sponsors interested in matching CAM's initial work-for-hire contracts. Our objective is to be financially self-sustaining by the end of year one and to that end, we believe our "lean" budget of $550,000 is sufficient to accomplish the deliverables above and put our team to work full time developing all of our other business development opportunities.

Minimum 1st year Income Target: $1 million
Optimum 1st year Income Target: $1.5 million

Current Work-for-Hire Contracts:

- *VOIP project $150,000*

High-Probability Work-for-Hire Contracts:
(Projects on which CAM was solicited to provide services, but are not yet in contract form)

- *Evernote Corporation $250,000*
- *Atari, Inc. $1,000,000*

Planned Income-bearing Development (estimated)

- *Two other outstanding proposals $500,000*
- *Webheads Program Income: $150,000*
- *Executive Seminars and College Courses: $150,000*
- *Other Foundations and Grants: $150,000*
- *Consulting: $225,000*

We expect to be financially self-sustaining within Year 1.

Analysis:

City Staff has introduced and assisted CAM in getting the attention of the Economic Development Corporation of Utah (EDCU) and the Governor's Office of Economic Development (GOED). Those efforts have led State officials to label this initiative and "Center" as one of their highlighted Economic Development Cluster Initiatives.

State and local City Staff predict positive economic impacts, some of which include:

- Numerous Conferences and Forums that will foster worldwide media attention to the State & Park City.
- Additional overnight visitor numbers – conference attendees, business executives, and digital media leaders
- Enhance to graduate education curriculum options & contacts to the State's Universities
- Foster new company ventures

Staff's perspective is that the "Center":

- Would be a natural extension of what we do with Sundance – creating publicity and media exposure beyond the City's current core recreation attractions.
- Add training and conference programs to existing facilities – utilize existing bed base for events and training sessions in all months of the year.
- Create several local jobs with high wages

Staff sees great value in securing CAM within the City limits through the use of an economic development grant. Consistent with the intent of the economic development grant budget policy, an award of an ED grant would assist CAM in getting set-up and based here in Park City for a minimum of three years.

Within the past two months, CAM – through prompting from State officials - requested funding from the State's Industrial Assistance Fund, which subsequently awarded a considerable amount of funding for several CAM projects. However, the State Economic Development office and GOED Board recently had to rescind its award given a finding that a non-profit start-up organization did not meet their policy requirements. The State's Industrial Assistance Funds were deemed not available for start-up non-profit organizations. CAM remains determined to execute its core mission and have modified their business plan to reflect more reliance on contract funding. The loss of the State funding has required CAM to reduce their initial first year targets, however does not impede their momentum to start their efforts.

The Economic Development Program Committee (made up City Manager Tom Bakaly, Budget Manager Gary Hill, Public Works Director Jerry Gibbs, Public Affairs Director Myles Rademan, Planning Director Patrick Putt, Senior Planner Jonathan Weidenhamer, Economic Development & Capital Projects Director Colin Hilton, and Council Liaison Jim Hier/Marianne Cone) have reviewed CAM's application. The Committee has determined that CAM's application meets the first 5 application criteria. At the time the Committee met, CAM was revising their financial statements and goals of their business plan to reflect the loss of State funds. Given the timing of this week's Council meeting, the Committee will be reconvening on Wednesday May 31st to review the updated statements in order to give a determination on the 6th and last application criteria.

The ED Program Committee sees a benefit in having the CAM representatives present their plans during work session on June 1st. Given the recent request of additional information to clarify answers to the application's 6th criteria requirement, the Committee will report to Council at the work session on the answers received from CAM and a recommendation on awarding the grant. City Council will have final judgment on whether the applicant has met the required criteria.

Staff would execute a formal ED grant contract, in a form approved by the City attorney, should Council authorize the award of grant.

Department Review: This report was reviewed by representatives of the Economic Development & Capital projects department, the Economic Development Program Committee, Budget Department, Legal Department and City Manager's Office.

Alternatives:

Approve the ED Grant as described: (Staff recommendation)

A. Continue the Item to another date:
B. Deny the Request:
C. Do Nothing:

Staff Recommendations: Staff recommends approval of an Economic Development Grant in the amount of $18,000 to the Center for Applied Media, a Utah based non-profit organization that will be located within Park City, Utah.

Attachments:
Attachment A – ED Grant Application

To: Colin Hilton
Economic Development Director
Park City Municipal Corporation
From: David Spann
Managing Director, Secretary and Registered Agent
Center for Applied Media
Park City, Utah 84098

Date: May 30, 2006

Re: Update to CAM's Economic Development Proposal

As you know, the Governor's Office of Economic Development rescinded its previous $550,000 grant approval without comment. Apparently, the GOED Board and staff determined that after months of supporting our mission, they ultimately could not and would not make an award to a nonprofit organization.

Thankfully, the Center for Applied Media (CAM) staff have, over the past few months been developing our "next best alternatives", which has produced two significant work-for-hire contracts and the possibility for several other significant funding sources. Specifically, CAM has landed a contract to develop a Voice-Over-Internet-Protocol project for $250,000 and another project called Evernote for $300,000 and are in the process of developing contracts with Atari and two, yet to be announced contracts worth over $1.5 million.

The income from these contracts will allow the CAM staff to develop all of its objectives, including executive seminars and a global summit for digital applied media (previously known as the Governor's Summit). As you will note, the attached business plan has been revised to depict these differences. Likewise, the attached pro-forma and the application for Park City are virtually the same except the two work-for-hire contracts valued at a combined $550,000 replace the GOED grant.

As you might imagine, these turn of events lead the CAM staff to change our focus from building a statewide professional association to building an international network of experts and companies in applied digital media. Our focus on Park City as our headquarters and location for our events, however, has not changed.

I hope this letter, and the revised PC economic development application, business plan and pro-forma are sufficient for yours and the Council's needs. If not, please let me know and we will do whatever it takes to be your first economic development success.

Sincerely,

David Spann
Managing Director
Center for Applied Media

Economic Development Grant Application Form

Park City Municipal Corporation

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

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

(1) Organization Contact Information

Name	Center for Applied Media
Address	7457 Buckboard Drive, Park City, UT 84098 (temporary)
Phone	801-633-0962 (temporary) Fax 435-615-6906
E-mail	dspann@catapulsion.net

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

___ **Business Relocation Assistance**
__x_ **New Business Start-up Assistance**

(3) Grant Request Amount: $ 18,000

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

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

(See CAM's responses on pages 2 – 5 of this application; below.)

Signed: David M. Spann
Registered Agent and Secretary
Center for Applied Media

Date: May 12, 2006

A. A description of how your organization meets the ED Grant Criteria #1-#6 outlined in the City's Budget policy.

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

PC Economic Goal: Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities.

The Center for Applied Media staff chose to locate its office in Park City because it is the premier executive location in the state, it is within 45 minutes of the SL International Airport, and it provides quality lodging, food and entertainment for the worldwide visitors we plan on bringing here.

CAM will host an annual Worldwide Summit on Applied Digital Media in Park City because of the city's executive-friendly environment. This Summit/Conference will bring executives from around the world (specifically from the digital coasts, Great Britain, China and India) to discuss the business potential in Applied Media and to enjoy Park City's top rated hotels, restaurants and mountain environment.

PC Economic Goal: Proactively target business sectors that will fill voids left by departing companies or for smart redevelopment reasons.

The digital media sector has in the past been overshadowed by digital film and traditional advertising and communication channels like TV and Radio. The future, however, is in delivering content through web, wireless and game technology, which is exactly what CAM will be developing. CAM will also be providing high school students and other youth an opportunity to be a part of our youth boards and develop their own high-tech creative ideas.

Specifically, the Center for Applied Media's (CAM) has three basic missions:

1) Executive Development and Continuing education in digitally applied media
2) Incubating new digitally applied media businesses, and
3) Creating a professional network of applied media companies, executives and students of all ages.

The results of CAM being located in Park City include:

- worldwide visibility of Park City as a Center for Applied Media
- job creation for students, companies and executives interested in applied media
- an annual global summit bringing together the world's top companies and thought leaders in digital media
- utilizing Park City's skiing and leisure allure to bring executives to CAM for training, mentoring and business development
- an ecologically friendly business development environment due to CAM's high tech focus

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

As noted in the business plan above, CAM intends on hosting several conferences, training programs and inviting executives from around the world to visit Park City. Specifically, we plan on utilizing the City's resort offerings to host the following:

- Annual global summit to bring applied media thought leaders and companies from both coasts and around the world (we already have interest from companies in China, India and Great Britain); we intend this event will have the same, if not larger impact on the Applied Media worldwide economic sector as Sundance plays in independent film.

- Three to five executive seminars on developing Applied Media for business purposes; which has already attracted the attention of large Advertising Agencies like Omnicom, UCLA extension, and Utah's Governor's Office of Economic Development

- Professional development presentations by people like Alex Seropian (co-producer of Halo), Kevin Foxe (executive producer of the Blair Witch Project), Dave Rolston (CEO of Forterra – leading producer of serious games for the military). These presentations will be linked with a full weekend of other activities designed specifically for executive offsite sessions.

<u>Criteria #3</u> – The organization must be new to the Park City area and commit to doing business in City limits no less than three years. Funding cannot be used for 1-time events.

The Center for Applied Media and its affiliated Association for Applied Media organized in March, 2006, as a nonprofit.

CAM and the Association are committed to doing business within the City limits for no less than three years. This is an ongoing business and most certainly is not designed as a 1-time event.

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

CAM will produce at least two no-charge events for local community members to talk with experts in the digital media industry. These events will be focused on helping local entrepreneurs and students take advantage of the web, wireless and game technologies being developed by local companies and within CAM's own business incubator.

All of the operations within CAM will be environmentally friendly because of its high tech approach. Local jobs will be created through our business incubator and youth advisory boards and Park City will reap the benefit of being a worldwide nexus for applied digital media.

Criteria #5 – Can show an ability to achieve positive economic impacts for the City greater than twice the City's contribution within 3 years from award of grant.

There are at least three ways that CAM will produce positive economic impacts for the City: increased tax revenues, business development opportunities, and world-wide recognition.

The first positive economic impact is due to increased tax revenues. Over the next three years we anticipate attracting at least 500 executives and their families each year (through our 2 day Global Summit, our business incubator and mentorship programs, and our executive retreats and seminars). If each executive brought only one person, stayed only two nights and spent an average $300/day/ the gross taxable revenues would equal $30,000/year.

In addition, CAM should annually spin out approximately 4 to 5 new incorporated businesses (or more) with estimated gross receipts of $500,000+ each.

And finally, the recognition that goes along with being considered a world-class location for Applied Digital Media is "priceless".

Criteria #6 – Fiscal Stability and Other Financial Support: The organization must have the following:

(1) A clear description of how public funds will be used and accounted for;
The money granted through this application will be used solely for the purposes of securing space for CAM's administrative offices and fixtures/furnishings and equipment related to setting up the office space within the City limits.

We will provide Park City a copy of any lease or other rental agreement and copies of payment documents used to cover appropriate expenses within 30 days of making such a payment. Since this is a nonprofit organization created under the 501(c) portion of the IRS code, all of our financial information is open for public scrutiny and may be obtained simply by requesting it.

(2) Other funding sources that can be used to leverage resources;
CAM's staff has put together a significant portfolio of "work-for-hire" projects being developed for future commercialization. These include a VOIP project worth $300k, an Atari project worth $1million, a project named Evernote worth $250k, and two other proposals worth approximately $250k each. The net revenue from these projects will provide initial resources for the staff to develop the organization's other programmatic objectives.

As noted in that plan, each of the staff members will be taking 25 – 50% pay cuts until sufficient funds are raised and/or generated .

Once the staff are in place full-time, several grants and requests for sponsorship will be submitted immediately to fund special programs like the Global Summit, student scholarships, the development of the professional association. The revenue from these grants, sponsorships and development projects are designed to cover the other half of our operating costs this year, and should cover the entire future financial obligations of CAM. In otherwords, CAM will not be coming back to Park City Municipal Corporation requesting additional economic development funds.

(3) A sound financial plan that demonstrates managerial and fiscal competence; As mentioned in item (2) above, CAM's operational and financial plan are included in the attached business plan.

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

- being able to claim Park City as "the Center for Applied Media" in Utah, North America, and certainly one of the important places for Applied Media in the world.
- jobs and businesses spun out of CAM will all be high paying and environmentally friendly.
- additional executive-level visitors will come to Park City, spend their money and potentially even move their companies to be in a place friendly to their industry, close to so many amenities and within an easy flight of the west coast.
- the Global Summit will continue to grow in reputation as the place for executives to gather and define the applied media future.
- CAM's youth boards will attract the best and brightest students from around the world, and like the Olympic Park will be the testing grounds for future business leaders in Applied Media.

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

The money granted through this application will be used solely for the purposes of securing space for CAM's administrative offices and fixtures/furnishings and equipment related to setting up the office space within the City limits.

We will provide Park City a copy of any lease or other rental agreement and copies of payment documents used to cover appropriate expenses within 30 days of making such a payment. Since this is a nonprofit organization created under the 501(c) portion of the IRS code, all of our financial information is open for public scrutiny and may be obtained simply by requesting it.

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

CAM will keep Park City's Economic Development Director apprised of all major initiatives, but the main ones (see business plan for more details) we know will be happening in the next 12 months include:

- a virtual learning space called Webheads, a compilation of multimedia lectures by digital media mavens, offered to individuals, universities and professional associations via the internet;
- a Global Summit on Digital Media to connect companies within Utah to those around the world;
- a series of physical and online courses that can be used by any of the Utah colleges and universities as a Certificate or as stand alone classes;
- at least three digital media pilot projects within our SEED program;

- a professional association for Utah's Digital Media companies and service providers to help develop synergistic business relationships, recruit and retain talent and market Utah's capabilities to the world.

City Council
Staff Report

PARK CITY 1881

PLANNING DEPARTMENT

Author: Jonathan Weidenhamer
Subject: Sidewalk Dining - Leases
Date: June 1, 2006
Type of Item: Administrative

Summary Recommendations:
Consider approving a lease for Bistro 412, located at 412 Main Street, to conduct sidewalk dining on City property.

Background:
Section 15-2.6-12 of the Land Management Code allows Outdoor Dining on "leased public property" as an Administrative Conditional Use Permit. On May 24, 2004, the City Council provided direction that they would like to continue sidewalk dining, but preferred to continue to sign only annual leases. The leases under consideration are consistent with the direction provided by City Council on May 24, 2004. Further extension of the sidewalk dining season, from April 22 – October 30, has also been requested.

The City did not receive any complaints regarding the sidewalk dining program conducted in 2004. On April 21, 2005 the City Council supported continuation of the Sidewalk Dining program.

Analysis:
Any seasonal lease the City enters would: regulate the time and duration of the use, provide for consistency in look and materials, ensure the aesthetic value of the Historic District by preventing visual clutter, prevent conflicts with Special Events/MFL's, mitigate for conflicting uses in the public right-of-way, ensure for cleanly sidewalks, and provide an ongoing monitoring mechanism and revocation provision for failure to comply with regulation.

Staff has prepared a draft lease template that would be executed with each individual applicant prior to approving any Outdoor Dining on City Sidewalks (Exhibit A). At this time staff has made a preliminary determination that the following applications meet the standards for outdoor dining provided at LMC Section 15-2.6-12 as well as the proposed operational restrictions (Exhibit C):

412 Main Street has an approved Administrative Conditional Use Permit for Outdoor Dining on City Sidewalks (conditioned upon a current, approved lease). Administrative Conditional Use Permits do not have expiration dates, and run with the land, or until City Council provides direction to not allow use of City-side walks for outdoor dining. The site plans for each of these are attached as Exhibit B.

Alternatives:

A) Approve the leases for sidewalk dining for each of the applicants as presented; or

B) Deny the leases as proposed; or

C) Modify the lease language or operational restrictions and then provide direction to approve the lease(s) as amended; or

D) Continue the hearing for more information or discussion.

Recommendation:
Staff recommends Alternative A.

Exhibits
Exhibit A – Proposed Lease
Exhibit B – Site Plans
Exhibit C – Operational Restrictions

Exhibit A

MAIN STREET SIDEWALK
OUTDOOR DINING LEASE
Bistro 412 – 412 Main Street

This LEASE AGREEMENT is made and executed this 1st day of June, 2006, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and the Bistro 412, a Utah LLC, located at 412 Main Street, Park City, Utah ("Tenant").

The Parties agree as follows:

PROPERTY. The property affected by this lease is generally described as the sidewalk area directly fronting Tenant's restaurant located at 412 Main Street, and more specifically described via site plan at Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as the "Premises").

2. RENT. Tenant shall be solely responsible for payment of any and all costs associated with Tenant's performance under this lease, including but not limited to City additional business licensing fees, insurance, sales taxes and other expenses.

3. TERM. The term of this Agreement shall commence on June 2, 2006 and shall terminate on October 30, 2006, unless terminated earlier as provided herein.

4. USE OF PREMISES. Tenant may use the Premises only for the provision of outdoor dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. Additional operational restrictions are attached hereto at Exhibit C, if applicable. Park City makes no representations regarding the premises and tenant accepts the premises "as is".

5. IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement.

6. SIGNS. No signs shall be permitted on the Premises except as specifically approved pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.

7. INSURANCE. Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least One Million Dollars ($1,000,000) per person and One Million Dollars ($1,000,000.00) per incident or occurrence. Park City shall be named as an additional insured by endorsement on each policy. Tenant's insurance is to be primary to Park City's and Park City's insurance shall be non-contributory. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Park City on or before the lease commencement date, and maintained continuously during the term of the lease. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant

will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.

8. HOLD HARMLESS. Tenant covenants and agrees to defend, indemnify, hold Park City harmless from all claims, loss damage, injury or liability (hereafter "Liability") resulting from Tenant' use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any Liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act.

9. ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.

10. PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this contract at the highest professional standards, and to the satisfaction of Park City.

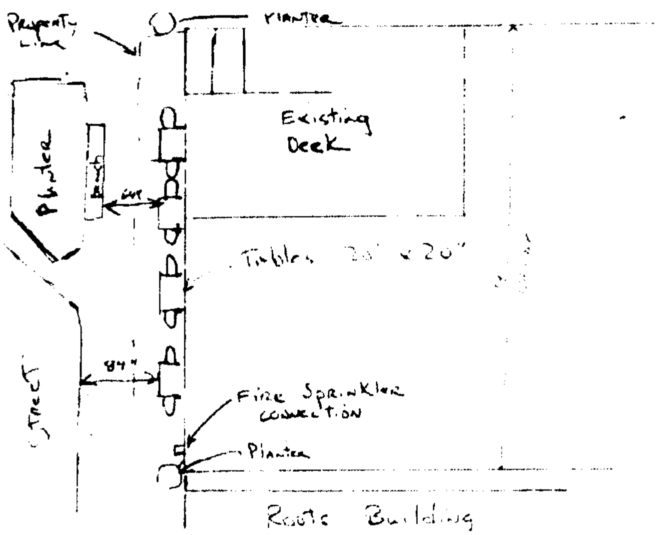
11. APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.

12. FORCE MAJEURE. Any delay or failure of either Party to perform its obligations under this Agreement shall be excused to the extent that it is caused by an event or occurrence beyond its reasonable control, including act of nature, terrorism or war.

13. ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Exihibit B



412 Main St
412 Bistro
(4 tables)

Exhibit C

SIDEWALK DINING
OPERATIONAL RESTRICTIONS

The following operational restrictions shall apply to all leases for outdoor dining on Main Street sidewalks:

1. Site Plan - This plan shall be to scale and indicate: the proprietors' building as it relates to the exact locations of chairs, tables, stanchions, umbrellas, heaters, curb (width of sidewalk), and any other existing public improvements (light fixtures, fire department connections, parking meters, utility covers, etc.).
2. Details/ Spec Sheets – Shall be submitted for each piece of equipment proposed with this application. This will include all tables, chairs, umbrellas, heaters, lighting sources, and crowd barricades, etc.
3. Parameters of Permit - Sidewalk Dining is allowed from May 1until October 30, from 8:00 am until 10:00 pm.
4. Violations - Ongoing Monitoring will be provided to ensure compliance with lease parameters. A revocation provision will be included for lessee's failure to comply.

Design Standards

1. SIZE. Sidewalk dining area shall be limited to the linear frontage a building has on Main Street.
2. ADVERTISING. Additional signing or advertising is prohibited beyond what is allowed by the Sign Code. Umbrellas, table tents, or any other equipment must be free of branding or other promotion.
3. FURNITURE. All tables and chairs shall be metal and be either black or gray, and have a powder coated finish.
4. STANCHIONS. Any necessary crowd control barricades must be equivalent to the Crowd Controller TensaBarrier & Tape - Model 890 Standard, or T-Max, which has been approved by the Preservation Planner and chosen for its minimal visual intrusion, durability, and functionality. TensaBarrier poles shall be black and powder coated, and the tape shall be black also.
5. UMBRELLAS. Umbrellas are prohibited from having any advertising or signing and shall be in solid, primary colors. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas must meet international building code and standards and shall not create any public hazard.
6. HEATERS. Any proposed heaters shall be reviewed at the time of initial application. In most cases, additional heating elements may require additional building permits.
7. LIGHTING. No additional electric lighting is permitted, including exterior building lighting.
8. LANDSCAPING/ ATMOSPHERE. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter.

9. ADDITIONAL EQUIPMENT. To prevent unnecessary visual clutter, additional equipment beyond those outlined in this section is prohibited. This includes server or bus-stations, garbage receptacles, podiums, pedestals, etc.
10. LICENSING. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances.
11. HEALTH & SAFETY. The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.
12. MUSIC. The use of outdoor speakers and music is prohibited unless expressly allowed by Park City Municipal Corporation Special Events Director.
13. SPECIAL EVENTS. Operation of Sidewalk Dining during Special Events and Master Festival Licenses is prohibited when the boundary of that Special Event includes Main Street unless expressly allowed by Park City Special Events Director.
14. MAINTENANCE. The dining area shall be cleanly and maintained in a neat and orderly fashion.
15. STORAGE. All equipment and other associated materials must be removed from the sidewalk and stored on private property overnight and during prohibited times.

City Council Staff Report

PARK CITY 1881

Budget, Debt, & Grants

Author: Gary Hill, Bret Howser
Budget Department

Subject: FY 2006 Revised Budget, FY 2007 Budget

Date: June 1, 2006

Type of Item: Discussion/Legislative

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.

Public hearings are currently scheduled for June 1st, 8th, and 15th. Discussion/action is slated for these dates as follows, barring changes as needed.

June 1st – City Service Fees, Adoption of the Tentative Budget

June 8th – Budget and Personnel Policies and Procedures and Outstanding Issues

June 15th – Final Adoption of Budget

Analysis:

On June 1st, staff will focus on the CIP the following topics for discussion:

1. City Service Fees (changes to the Fee Resolution and Special Events Fee Waiver Process)
2. Business License Fee Ordinance (changes proposed according to Council direction given May 25)
3. Adoption of the Tentative Budget

City Service Fees

As part of the Budget Process, City staff has reviewed the City's Fee Resolution and proposes the following adjustments.

Parking Fees:

Changes to the parking section are limited to updates to information regarding all current approved practices as adopted by Council over the eight years of the program. These include inclusion of 1) meter rates and payment tools, 2) special event fine provisions, and 3) fees for special use of public parking during events and construction. All three items have been part of the parking program for several years. There are no changes to the rates themselves. The goal is to include as much information for fines and fees in the fee resolution for questions from the general public and other peer organizations (from the latter staff receives many inquiries). See attachment A for excerpts highlighting changes to the Fee Resolution regarding parking.

Water Fees:
Last year City Council approved a Water Fund Financial Plan that anticipated a 20% increase for water rates and a series of smaller (4%) increases thereafter. It was anticipated that after last year's 20% increase in rates for all base, consumption, and meter set charges there would be a return to smaller, more stable rate increases. The recommended increase in rates for FY 2007 falls into this category. The revenues generated by this increase in water rates is required to continue funding of mandated water quality projects that will benefit all water users equally. Staff will conduct a comprehensive water rate review prior to next year's budget process.

Special Events Fee Waiver Process:
Park City provides services related to facilitate 48 special events per year. 25 of the events receive the services either free or at a reduced cost through the fee waiver policy. The City has explored and discussed as part of the FY2007 Budget Process a revised Business License Festival Facilitation Fee to offset a portion of event expenditures and the costs of enhanced municipal services. The following specific municipal services would be paid for through this fee: Main Street Cleaning; Electronic Sign Rental; Traffic Control Signs; Police Officer Time directing traffic; and Bus Service.

There is support within the business community for increasing fees, particularly from those industries that receive the greatest benefit; Lodging, Restaurant, and Transportation Services. However, all businesses benefit from Park City's many festivals that occur on a year-round basis at some level.

During FY2006, twenty-five (25) events received fee waivers through the process outlined within Section 4-8-9 of the Municipal Code. With the enactment of the Festival Facilitation Fee, the majority of these fees would new be paid for, eliminating the ability (or need) to waive them. With the elimination of Section 8-8-9 some costs previously waived would now be paid and additional fee waivers would not be available. One event, the Mustang Round-up will see a decrease in their bill of $240. Thirteen (13) events will see an increase of $50 in their bill from the City and eleven (11) events will see an increase between $89.50 - $650.

With the elimination of the fee waiver and the enactment of the Festival Facilitation Fee, all significant costs for special events will be recovered. Events would now only pay for the application fee, facility rentals, field rentals, use of paid parking spaces and bleachers.

The Special Events Department contacted the twenty-five (25) event organizers in February and provided them with an analysis of the impacts of the new Festival Facilitation Fee on their previous invoice for their last event. At that time there were no significant comments received from the organizations. Staff also notified the twenty-five (25) events of this discussion scheduled before the City Council.

Business License Fee Ordinance
On May 25th, staff presented several recommended changes to the City's business license fee structure. Pursuant to Council direction provided at that time, staff proposes the following changes to the Business License Fee Ordinance.

The ordinance provides a new festival facilitation enhanced service fee, as well as an adjustment to the existing transit enhanced service fee, which is dedicated to help fund the City's fare-free transit system. The recommended increases are outlined in Figure 1.

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)

During the regular meeting on May 25th, Council asked staff to bring back a few scenarios for phasing the recommended 25% increase for transit. Figure 2 below is an outline of four distinct scenarios for phasing.

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 excludes ski resorts

Figure 2 – Transit Service Enhancement Fee Phase-In Scenarios

The table shows the years in which certain portions of the 25% increase would go into effect, as well as the 3 year impact on the transit fund. Note that spreading the increase over 3 years rather than instituting the full increase up front could result in an opportunity cost to the transit fund of as much as $145,000, while saving the average business owner a total of $65 over the same span of time.

Over the course of the next year staff will reevaluate whether the restaurant and retail business designations in the business license system can and aught to be considered differently. If the fee for restaurants is decreased, it would result in a corresponding increase for all other business categories. Staff will also begin to consider, per Council direction, what portion of transit operations should be supported by the business license. Findings on these issues will presented to City Council prior to budget consideration next year.

In addition to changes for festivals and transit, the business license ordinance includes a new escort service administrative fee. The increase amounts to $49.16 per employee for escort services, and will provide for enhanced enforcement of business licenses for escort services as discussed on May 25th.

Adoption of the Tentative Budget

The City must adopt a Tentative Budget at the first meeting in June. Attached to this staff report is a resolution adopting a Tentative Revised Budget for FY 2006 and a Tentative Budget for FY 2007 for Park City and its related agencies. The resolution also gives the Budget, Debt, & Grants Manager the ability to set the property tax rate at a "no tax increase rate" and file it with the County.

City Council is not scheduled to adopt the final budget until June 15th. If City Council recommends any additional changes, there will be time on June 8th to address them prior to final adoption.

A. Department Review:

The Budget, Debt, & Grants, Special Events & Facilities, and City Manager departments reviewed this report. Other departments have considered other relevant portions.

Alternatives:

A. City Council should do the following:

1. **Adopt the Fee Resolution amending the parking and water rate sections;**
2. **Adopt an ordinance amending the Special Event Fee Waiver;**
3. **Adopt an ordinance amending the City's Business License Fees for transit, festival facilitation, and escort services; and**
4. **Adopt the Tentative Budget for FY 2006 (amended) and FY 2007 by resolution.**

B. Continue the Item: Time will be available on June 8th to address any outstanding issues. Council could choose to give additional direction at that time.

C. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be available for public inspection for a period no less than 10 days between the adoption of the tentative budget and the adoption of the final budget. A public hearing on the tentatively adopted budget must also be held during that time. The final budget (with no tax increase) must, by statute, be adopted on or before June 22. Therefore, the tentative budget must be adopted before June 12 to be in compliance with the Utah Municipal Code.

RECOMMENDATION: Staff recommends that Council adopt the tentative budget on June 1, along with the Fee Resolution, Special Events Fee Waiver Amendment Ordinance, and the Business License Fee Ordinance. Any unresolved issues should be discussed on June 8th so that the final budget can be prepared for adoption on June 15th.

Attachments:
A – Fee Resolution with Excerpts of Fee Changes
B – Ordinance Amending the Special Events Fee Waiver
C – Business License Fee Ordinance
D – Resolution Adopting the Tentative Budget

Attachment A

RESOLUTION NO.

A RESOLUTION AMENDING SECTION 2 WATER FEES AND SECTION 7 PARKING VIOLATIONS, TOWING AND IMPOUND FEES AND REPEALING RESOLUTION 11-05 IN ITS ENTIRETY.

WHEREAS it is necessary to update the fee resolution to reflect the changing costs of performing services; and

WHEREAS, a public hearing was held on June 1, 2006, to receive public comments on the user fee increases,

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

SECTION 1. FEE SCHEDULE AMENDMENTS. The Park City Fee Schedule is hereby re-adopted with changes as outlined in Exhibit A, and Resolution 11-05 hereby repealed in its entirety.

SECTION 2. EFFECTIVE DATE. This resolution shall take effect upon adoption.

PASSED AND ADOPTED this 1st day of June, 2006.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approve as to form:

____
Mark D. Harrington, City Attorney

(Excerpts from Exhibit A of the Fee Resolution)

SECTION 7. PARKING <u>METER RATES</u>, VIOLATIONS, TOWING AND IMPOUND FEES

7.1 Fines for meter ~~and time limit~~ violations are as follows:

First violation per registered owner(s):
$3 from the date of violation until five (5) days following the violation, escalating to:

$20 after 5 days;
$40 after 14 days;
$60 after 30 days;
$80 after 60 days

Second thru Fifth (2nd - 5th) violation per registered owner(s):
$20 from the date of violation until fourteen (14) days following the violation, escalating to:

$40 after 14 days;
$60 after 30 days;
$80 after 60 days

More than five (>5) violations per registered owner(s):
$40 from the date of violation until fourteen (14) days following the violation, escalating to:

$60 after 14 days
$80 after 30 days
$100 after 60 days

7.2 Fines for mobility disabled space violations are as follows:

$150 from the date of violation until fourteen (14) days following the violation, escalating to:

$170 after 14 days;
$190 after 30 days;
$210 after 60 days

7.3 <u>When enacted by the City Manager under Section 7.6,</u> fines for special event parking ~~permit~~ violations are as follows:

<u>Egregious violation (obstructing traffic on Main Street or along bus routes):</u>
$150 from the date of violation until fourteen (14) days following the violation, escalating to:

$170 after 14 days;
$190 after 30 days;
$210 after 60 days

<u>Fines for all other special event parking violations:</u>

$75 from the date of the violation until fourteen (14) days following the violation, escalating to:

$95 after 14 days;
$115 after 30 days;
$135 after 60 days

7.4 Fines for all other parking violations are as follows:

$30 from the date of violation until fourteen (14) days following the violation, escalating to:

$50 after 14 days;
$70 after 30 days;
$90 after 60 days

More than five (>5) violations per registered owner(s):
$50 from the date of violation until fourteen (14) days following the violation, escalating to:

$70 after 14 days;
$90 after 30 days;
$110 after 60 days.

7.5 Parking Permits.
A parking permit is available to Main Street employees for ~~the first through the third level of the~~ China Bridge Parking Structure and the Gateway Garage. Cost is ~~will be~~ $75 annually, $50 if purchased after April 1st of each calendar year. A replacement permit can be purchased for $50 subject to approval by the Parking Manager.

Daily parking permits are available for tourist guests of Main Street lodgings and other uses approved by the Parking Manager which allows parking in China Bridge Parking Structure and Gateway Garage beyond posted garage time limits. Cost is $9 per day.

7.6 Special Event Parking. The City Manager may implement Special Event Parking Permit Fees, Special Event Meter Rates, ~~a Special Event Parking Permit~~ AND; Special Event Parking Fines for events held under a Master Festival License. The fee for these Special Event Parking Permits and Special Event Meter Rates will not exceed $50 per day.

7.7 Fees. An administrative fee of $20 will be charged per vehicle for towing. In addition to the administrative fee there is a fee, negotiated with private providers, for a basic tow, or state impound, or accident tow and which may vary annually. These towing charges are outlined in the Park City Police Department Towing Rate Scale. Vehicles stored in the City lot will be charged $3 per day. Vehicles stored in private lots are subject to market pricing, negotiated with the Park City Police Department, and outlined in the Park City Police Department Towing Rate Schedule.

7.8 Immobilization Fee $35

7.9 **Fees for Special Use of Public Parking** are as follows:

Main Street, Heber Avenue, Park Avenue (Heber to 9th St): Daily rate of $12 per space
Swede Alley: Daily rate of $12 per space
Sandridge, South City Park, Residential Permit Zones: Monthly rate of $20 per space
Pay station removal for construction: $1,000
Application Fee: $20

Applications are reviewed by appropriate divisions, such as Parking Services, Transportation, Police, Building Departments, and Special Events.

7.10 **Meter rates** are as follows:
For Main Street and the Brew Pub lot: $1 per hour up to a three hour limit

Minimum purchases at meters are: a) 15-minutes with coin and; b) 30-minutes with QuickCards (parking debit card) and tokens ($0.50 each in parking value). No less than one hour can be purchased with a credit card. (For event rates see Section 7.6)

7.12 **In-car meter devices:** $50 each

In-car meter and QuickCard parking time is available to residents at a 20% discount.

7.11 **Tokens** are available for sale as follows:

Up to 50 tokens: $0.50 each
50-299 tokens: $0.40 each (20% discount)
300 or more tokens: $0.35 each (35% discount)

Large purchases subject to Parking Manager approval and are limited to Main Street business license holders.

(Excerpts from the Fee Resolution – Cont.)

SECTION 2. WATER FEES

2.1 Water Impact Fees. Water Impact Fees are located in the Park City Municipal Code, Title 11, Section 13.

2.2 Monthly Water Metered Services Fee Schedule:

2.2.1 Base Rates (For all water billed on or after July 1st, 2005).

Individually Metered Residential (single-family, condo, townhouse)

Meter size	Monthly Base/ Demand Charge	Meter Price
5/8 x 3/4"	$~~15.55~~ 16.17	$~~306.00~~ 318.00
1"	$~~21.00~~ 21.84	$~~378.00~~ 393.00
1-1/2"	$~~24.89~~ 25.89	$~~606.00~~ 630.00

Other than Individually metered Residential (Multi-Family, Commercial, Irrigation)

Meter Size	Monthly Base/ Demand Charge	Meter Price
3/4"	$ ~~20.22~~ 21.03	$ ~~306.00~~ 318.00
1"	$ ~~34.21~~ 35.58	$ ~~378.00~~ 393.00
1 2"	$ ~~73.09~~ 76.01	$ ~~606.00~~ 630.00
2"	$ ~~152.40~~ 158.50	$ ~~786.00~~ 817.00
3"	$ ~~396.58~~ 412.44	$~~1,122.00~~ 1,167.00
4"	$ ~~720.06~~ 748.86	$~~1,854.00~~ 1,928.00
6"	$ ~~1357.69~~ 1411.99	$~~3,768.00~~ 3,919.00
8"	$ ~~2337.47~~ 2430.96	$~~5,736.00~~ 5,965.00

Construction Meter $~~90.20~~ 94.00
Indigent Rate* $ 2.00
*Indigent Rate includes 10,000 gallons. Water consumption greater than 10,000 gallons is charged per the normal block structure presented in paragraph 2.4.3.

2.2.2 Water Consumption Rates All water delivered through each meter between October 1 and May 31 of each year shall be charged at the rate of $~~2.72~~ 2.83 per thousand gallons.

2.2.3 Water Conservation Rates (For all water billed on or after July 1st, 2005).

All water delivered through each meter serving single family residential, multi-family residential, commercial and landscape irrigation customers per month between June 1 and September 30 of each year shall be billed at the following rates:

Type	**Block 1 $~~1.94~~ 2.02 per 1,000 gals**	**Block 2 $~~3.11~~ 3.23 per 1,000 gals**	**Block 3 $~~5.05~~ 5.25 per 1,000 gals**	**Block 4 $~~7.78~~ 8.09 per 1,000 gals**
Single Family	0-5,000	5,001 - 30,000	30,001 - 80,000	Over 80,000
Multi-Family				
3/4"	0-10,000	10,001-36,000	36,001-80,000	Over 80,000
1"	0-17,000	17,001-57,000	57,001-120,000	Over 120,000
1.5"	0-30,000	30,001-100,000	100,001-200,000	Over 200,000
2"	0-48,000	48,001-160,000	160,001-320,000	Over 320,000
3"	0-96,000	96,001-320,000	320,001-640,000	Over 640,000
4"	0-150,000	150,001-500,000	500,001-1,000,000	Over 1,000,000
6"	0-180,000	180,001-600,000	600,001-1,200,000	Over 1,200,000
Irrigation				
3/4"		0-56,000	Over 56,000	
1"		0-90,000	Over 90,000	
1.5"		0-185,000	Over 185,000	

2"		0-300,000	Over 300,000	
3"		0-600,000	Over 600,000	
4"		0-935,000	Over 935,000	
6"		0-1,865,000	Over 1,865,000	
Commercial Year round		**$~~2.72~~ 2.83 per 1,000 gals**	**$~~4.21~~ 4.38 per 1,000 gals**	
3/4"		0-150,000	Over 150,000	
1"		0-300,000	Over 300,000	
1.5"		0-500,000	Over 500,000	
2"		0-750,000	Over 750,000	
3"		0-1,200,000	Over 1,200,000	
4"		0-1,700,000	Over 1,700,000	
6"		0-1,700,000	Over 1,700,000	
All users except construction between November & May	$~~2.72~~ 2.83 per thousand gals			
Construction Water	$~~90.20~~ 93.81 Monthly Base Chg.	$~~3.58~~ 3.72 per thousand gals.		

2.3 Water Violation Penalties

$ 50.00	first violation
100.00	second violation
200.00	third violation
400.00	fourth violation
500.00	for the fifth violation and for each subsequent violation within that calendar year.

2.4 Water Service Reinstatement Fee

$100 fee for meter shut off because of non-payment of account.

2.5 Water Meter Testing Fee $50 per test

2.6 Water Labor Rate $50 per Hour

2.7 Water Parts & Supplies Rate Cost + 15% stocking fee

Attachment B

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTIONS 8 and 9 OF THE MUNICIPAL CODE OF PARK CITY REGULATING SPECIAL EVENTS AND MASTER FESTIVALS; ELIMINATING THE FEE WAIVER PROCESS

WHEREAS, Section 10-8-84, Utah Code Annotated ("U.C.A.") allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by U.C.A. Title 10, Chapter 8 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, Utah Code Annotated ("UCA") Sections 10-8-69, -73 and -76 give the City the power to regulate and prohibit public demonstrations, processions and other street or otherwise public performances which may interfere with public order; and

WHEREAS, licensing is a legitimate and reasonable means of time, place, and manner regulation to ensure that sponsors and organizers of Special Events and Master Festivals comply with reasonable regulations; and

WHEREAS, the City Council desires to provide for cost recovery of City services required for Special Events and Master Festivals when such recovery will not unreasonably or unlawfully burden constitutionally protected activities.

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

SECTION I. AMENDMENT. Pursuant to the findings above, which are hereby incorporated herein, Title 4, Chapter 8 of the Municipal Code of Park City is hereby amended to read as follows and the subsequent section shall be re-numbered accordingly:

4-8-8. FEES TO BE ASSESSED.

(B) CITY SERVICE FEES. Upon receipt of a completed Master Festival or Special Event application, the Special Events Manager will provide the applicant with an estimate of fees based on estimated costs for city services arising from the event, including but not limited to the use of city personnel and/or equipment, city transportation services, inspections, and user fees. A final assessment of City costs will occur upon completion of the Special Event. All city service fees will be adjudged to reflect actual cost. ~~Unless waived pursuant to Section 4-8-9, a~~All city service fees must be paid in full within thirty (30) days of the final assessment of City costs for the Master Festival or Special Event.

~~4-8-9. FEE WAIVERS.~~

~~The City Council or City Manager may waive all or a portion of any Master Festival or Special Event licensing and associated fees upon a finding of eligibility pursuant to the criteria provided herein. All fee waiver requests shall be submitted to the Special Events Manager no later than the first day of the proposed event. Fee waiver requests shall be reviewed and approved/denied by the City Council for all new Master Festival applications. Fee waiver requests for all Master Festival renewal applications and Special Events shall be reviewed and approved/denied by the City Manager. Fee waiver determinations made by the City Manager may be appealed to the City Council. Eligibility for a full or partial fee waiver shall be~~

~~determined by the City Council or City Manager pursuant to the following criteria, none of which shall be individually controlling: (1) for-profit or non-profit status of the Applicant; (2) whether the event will charge admission fees; (3) whether the event is youth-oriented; (4) the duration of the event; (5) whether and to what extent the City is likely to receive positive tax benefits by virtue of the event; (6) the degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event; (7) the season of occurrence; and (8) demonstration of hardship by the Applicant. Fee waiver requests must be filed annually, unless otherwise approved in a City services agreement by the City Council. Approval of a fee waiver for any application shall not create a precedent for future requests.~~

Attachment C

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

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

WHEREAS, 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, and

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	$0.238	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 1st day of June, 2006.

Attachment D

A RESOLUTION ADOPTING A TENTATIVE REVISED BUDGET FOR FISCAL YEAR 2006 AND A TENTATIVE BUDGET FOR FISCAL YEAR 2007 FOR PARK CITY MUNICIPAL CORPORATION AND ITS RELATED AGENCIES AND AUTHORIZING THE COMPUTATION OF THE PROPERTY TAX RATE AT A NO TAX INCREASE RATE

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

WHEREAS, a public hearing was held on May 4, May 18, May 25, and June 2, 2006, and two more are scheduled for June 8, and June 15 2006 at the City Council's regularly scheduled meetings, complying with State law;

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

SECTION 1. TENTATIVE REVISED BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 4, 2006 and with changes as summarized in the Attachments to this resolution is hereby adopted as the tentative revised Fiscal Year 2006 budget for Park City Municipal Corporation and its related agencies.

SECTION 2. TENTATIVE BUDGET ADOPTED. The budget as outlined in the City Manager's Recommended budget presented on May 4, 2006 and with changes as summarized in the Attachments to this resolution is hereby adopted as the tentative budget for Fiscal Year 2007 for Park City Municipal Corporation and its related agencies.

SECTION 3. CERTIFIED PROPERTY TAX RATE. The City's Budget, Debt & Grants Manager is authorized, after the County has provided the Certified Property Tax data, to compute the City's Certified Property Tax Rate for 2006 at a "No Tax Increase Rate" and file said rate with the County.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect June 1, 2006 for the Fiscal Year 2006 revised budget, and July 1, 2006 for the Fiscal Year 2007 budget.

PASSED AND ADOPTED this 1st day of June, 2006