**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**MAY 15, 2008**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, May 15, 2008.

**Closed Session**
2:00 p.m. Security and property

**Work Session**
3:30 p.m. Council questions/comments
3:40 p.m. Iron Canyon Court parking plan P. 5 - 9
4:00 p.m. Budget review: P. 57 - 78

- Operating Expenditures
- Departmental Requests
- Capital Improvement Projects (CIP)

5:50 p.m. Break

**Regular Meeting**
6:00 p.m.

**I ROLL CALL**

**II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

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

**IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF APRIL 24, 2008**
P. 10 - 24

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

1. Consideration of approving a lease agreement with Michael Collins of Coach Collins LLC for the food and beverage concession at the Park City Racquet Club, in a form approved by the City Attorney P. 25 - 36

2. Consideration of approving a Resolution setting forth a strategic plan for field use at the Quinns Junction Sports Complex P. 37 - 43

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

1. Consideration of an Ordinance approving a plat amendment for 154 McHenry Avenue, Park City, Utah
(a) Public hearing
(b) Motion to continue to June 26, 2008

2. Consideration of an Ordinance approving the 313 Daly Avenue Subdivision Plat, an amendment to Parcels 1 and 2, located at 313 Daly Avenue, Park City, Utah
(a) Public hearing P. 44 - 56
(b) Action

3. Consideration of a Resolution adopting a tentative revised budget for fiscal year 2007 and the budget for fiscal year 2008 for Park City Municipal Corporation and its related agencies P. 57 - 78
(a) Public hearing
(b) Continuation of public hearing to May 22, 2008

4. Consideration of a Master Festival License for the HMBA Sunday sidewalk sales, amplified music and use of City property to be held June 15 – September 28 each Sunday from 10 a.m. to 6 p.m. except August 3 for the Park City Arts Festival
(a) Public hearing P. 79 - 90
(b) Action

**VI ADDITIONAL DISCUSSION – AGENDA ITEMS**

**VII ADJOURNMENT**

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

**PARK MEADOWS NEIGHBORHOOD MEETING**
**SUMMIT COUNTY, UTAH**
**MAY 14, 2007**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah may attend a meeting to discuss WALC recommendations at 1781 Little Kate Road at 6 p.m. on Wednesday, May 14, 2008. No formal action will be taken.

Posted: 05/12/08
See www.parkcity.org

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

**May 2008**

15 **Dana gone**

22 Budget (3 hours)
Ratification of a Use Agreement with Real Salt Lake for field use at the Quinns Junction Sports Complex, in a form approved by the City Attorney
PC Heights Annexation – old business

29 **Liza and Tom gone**
Planning Commission stipend
Review of SR-248 corridor study – 30 min
MFL – Savor the Summit (aka Taste of Park City) June 20 and 21, 2008 – Main Street closure and use of City Park
MFL – Wasatch Back Relay – June 21, 2008 – Quinns Junction
Award of Pavement Management contracts
Award of contract Jacobsen GMP Marsac seismic upgrade

**June 2008**

5 Quarterly goal update
Tentative budget adoption

12 **No meeting**

19 Year in review – Park City Ice Arena – work
Park City Salt Lake City bus service (30 min) – KC
Final budget adoption
MFL – Triple Crown fast pitch softball opening ceremonies street closure and parade – July 7, 14, and 21, 2008
Ordinance – 430 Main Street plat amendment – KW

26 Ordinance approving the Knoll Estates (aka Deer Valley Club Estates) Lots 17 and 18 Amended Subdivision Plat, located at 7888 Aster Lane, Park City, Utah

**July 2008**

3

10 Joint work session with Planning Commission on Historic District Guidelines

17

24 **No meeting – Pioneer Day**

31

**Pending Items:**

Update on "The Yard" operation on Kearns Blvd – 2008 Film Festival
Amendment to the Water Agreement between the City and Talisker Corp.
Affordable housing resolution
Update on water supply and demand
Consideration of an amendment to the Burbs LLC Annexation Agreement/Affordable Housing
Resolution - Trails Master Plan
Carrying capacity/market analysis survey
Wild land interface issues

# City Council Staff Report

**Author:** Matt Twombly, Project Manager
**Subject:** Iron Canyon Court – Parking
**Date:** May 15, 2008
**Type of Item:** Administrative

PARK CITY 1884

**Sustainability**

**Summary Recommendation:**
Staff recommends City Council discuss the parking regulations at Iron Canyon Court and direct staff on the desired posting of dates that No Parking shall be in effect. Staff recommends that a consistent sign (either no parking or parallel parking) be in effect year round.

**Description:**

**A. Topic:** Iron Canyon Court – No Parking Regulations

**B. Background:**

In 2000 and 2001 residents of Iron Canyon Court had complaints regarding the parking and trail access on Iron Canyon Court. Staff posted no parking signs on the street heading up the street on the right. This allowed at least a lane of travel in all seasons. After additional complaints by the residents in 2002, the Mayor, staff and the residents met to try and resolve the trail access and parking issues.

Based on the meeting, staff proceeded with a plan to allow 4 cars to park perpendicular (**9- 2- 7. PARALLEL PARKING**. *Except where otherwise designated, it shall be unlawful to park any vehicle in a manner other than parallel with the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow, with the right hand/passenger side wheels not more than eighteen inches (18") from the curb, shoulder, or snow bank, whichever is nearer to the traffic lane.*), to the shoulder at the end of the circle, in front of the undeveloped lot, on a first come first serve basis. The other areas were signed as no parking and striped for added effect. The right side headed out of the street was signed OK to park up to the corner, and Iron Canyon Drive is not signed and there have not been complaints for parking on Iron Canyon Drive. See attached map – Exhibit A.

This solution was in effect until 2004 where modifications were made as the Taylor residence was built and slight changes were made due to the driveway access to the street. In 2006 – 2007 the residents requested further changes to the no parking regulations where snow removal became an issue. Staff installed "No Parking November 1 – April 30" signs in place of the 4 parking spaces. In the summer of 2007 the residents requested that no parking be instituted year round due to fire hazard and fire access. The Fire Marshall, City staff, and Park City Fire District personnel demonstrated the ability of a fire truck to turn around in the circle while cars were parked in the designated trail parking spaces. The District personnel also discussed wild fire issues with the residents.

**Analysis:**

It appears that in light of the recent neighborhood request to have no parking in the circle year round, staff and District personnel were unable to convince the residents that the fire access and snow plow operations can be mitigated within the current parking plan. On April 24, 2008 during Questions and Comments, staff was supportive of the residents request to make the parking restrictions consistent on a year round basis. The Chief of Police weighed in that he believes parking should be allowed on all streets. In the background, the parallel parking regulations are included and should be considered if parking is allowed. This would reduce the amount of parking available to maybe 2 parking spaces parallel to the shoulder at the end of the circle in front of the undeveloped lot. The parallel parking will allow for better snow removal and emergency access compared to the perpendicular parking.

The recommended options are:

1. No parking in the circle year round. There will be initial enforcement impacts. Two new signs will need to be made.

2. Parallel parking allowed year round. There will be initial enforcement impacts. New signs will need to be made to make it clear that only parallel parking is allowed.

Staff has also had complaints about parking at the Round Valley Way cul-de-sac. This has become very popular with residents to access the cross country ski trail groomed by Mountain Trails. There is a trail-head parking lot, but in the winter snow removal for the lot is difficult and access becomes an issue. Staff is looking to make improvements to this parking lot to provide better access and help alleviate on street parking.

**Department Review:** This report was reviewed by City Manager, Legal, Sustainability, Police and Public Works. Staff has made Mountain Trails and local bike shops aware of the possible parking change.

**Alternatives:**

A. **Approve the Request:** Staff recommends that a consistent sign (either no parking or parallel parking) be in effect year round.

B. **Deny the Request:** Council could direct staff to leave the current plan in place, with no parking from November 1 – April 30.

C. **Continue the Item:** City Council could continue the item if more information is necessary to make a decision.

D. **Do Nothing:** This will have the same impact as continuing the request.

**Significant Impacts / Consequences of not taking the recommended action:**
If Council decides to follow staff's recommendation of either option then new signs would need to be installed at a cost of about $300. If no changes are made then signs would need to be switched each Spring and Fall at a cost of about $50 each season for labor. There is a learning curve with each scenario although consistent signage year round is a one time issue, rather than every year. There will also be impacts in additional Police enforcement in both scenarios, although consistency would hopefully decrease the amount of enforcement over time.

**Recommendation:**
Staff recommends City Council discuss the parking regulations at Iron Canyon Court and direct staff on the desired posting of dates that No Parking shall be in effect. Staff recommends that a consistent sign (either no parking or parallel parking) be in effect year round.

**Attachments:**
Attachment

A. Map
B. Letter from Iron Canyon Court residents




PARK CITY 1884

# Iron Canyon Ct.

0 10 20 30 40 50 Feet

-

Iron Canyon Court Cul de Sac Home Owners

REGISTERED MAIL

18 April 2008

RECEIVED APR 21 2008 Park City Municipal Corp.

The Honorable Dana Williams
Mayor
Park City, Utah
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

**Re: Parking – Iron Canyon Court**

Dear Mayor Williams,

Current parking regulations at the cul de sac on Iron Canyon Court allow for four cars to be parked, "vertically" at the west end of the cul de sac from 01 May to 01 November.

In view of growing fire danger and increased residential traffic, we recommend that the current winter no parking regulations at the Iron Canyon Court cul de sac be extended to year round "no parking."

No other interested parties would be inconvenienced by this change and the cul de sac will remain free for critical emergency vehicle access.

Thank you for your attention to this matter.

Very Truly Yours,

David and Kate Wiener
10 Iron Canyon Court
Park City, UT 84060
435 647 9444
David@dwventures.com

James and Janis Nania
P.O Box 680790
13 Iron Canyon Court
Park City, UT 84068
435 647 0830
(sig. attchd)

Steve and Margaret Taylor
P.O. Box 680756
6 Iron Canyon Court
Park City, UT 84068
435 640 6310
Staylor326@aol.com

Rick and Katherine Campbell
P.O. Box 680055
2 Iron Canyon Court
Park City, UT 84068
435 655 2866
rickc@xmission.com

Cc: Matt Twombly
Lt. Phil Kirk
Tom Backley

**PARK CITY COUNCIL WORK SESSION NOTES**
**SUMMIT COUNTY, UTAH**
**APRIL 24, 2008**

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

**Tom Bakaly, City Manager; Mark Harrington, City Attorney; Scott Robertson, IT Manager; Lori Collett, Finance Manager; Teresa Connell, IT Technician; and Phyllis Robinson, Affordable Housing Manager**

**1. Council questions/comments.** Roger Harlan reported on the WALC meeting and HPB meeting. He complimented the skills and involvement of historic preservation consultant Dina Blaise. Candace Erickson relayed information on upcoming Recycle Utah programs and reported on its fund-raiser at Squatters. Funds will be used to purchase a foam condenser. The Good Wood Project will be renamed The Re-Store Project to better reflect its purpose. Liza Simpson agreed with Mr. Harlan's comments about Ms. Blaise and thanked the Streets Department for repairing the loose cobbles on Main Street. She attended the SBWRD meeting and reported on awards received by the District.

Joe Kernan emphasized that this week is the 38th anniversary of Earth Day. He noted that we face a huge challenge to reduce our carbon footprint because of our culture. The City has initiatives to reduce energy use and its carbon footprint, however, conservation can only go so far when we continue to grow and increase the number of our facilities. He commented on the challenge of trying to reduce car trips with our current transportation system and changing our habits by making sacrifices. Over time, the energy per person could be reduced and he distributed ideas on tracking levels. Measures for municipal facilities could include energy use per employee by building; energy use per capita for all facilities; and percent of capacity. With regard to transportation and housing, measures may identify transit trips over total trips, average commuter distance, and percent of capacity. Water could be addressed by measuring residential, commercial, and government water use per acre.

Jim Hier reported on the Chamber's budget and he pointed out that the lion's share of funding comes from transient room tax and the remaining from member fees and other miscellaneous sources. The Chamber is recruiting candidates to fill nine board members seats. Green waste and hazardous waste was the focus of discussion at the inter-agency meeting. He reported that the HMBA is working on branding/marketing and a proposal to hold sidewalk sales during the Park Silly Sunday Market days. The Planning Commission reviewed the Yarrow's renovation project last night. They requested to meet socially with the City Council and Mr. Hier felt this is appropriate and should be scheduled every six months. Commission members requested participation in the Planning Director selection process which he felt is appropriate.

Mayor Williams pointed out the request from Iron Canyon Court residents to prohibit street parking year-round. Tom Bakaly advised that staff has looked at this and feels that consistency is good and supports the request. It was clarified that motorists can still park on Iron Canyon Drive, but not on the cul-de-sac. The City Manager stated that this will be scheduled on an upcoming work session agenda.

Mayor Williams stated that he is receiving calls from residents about ensuring security of our water tanks and spoke about his presentation to the Utah State Board of Realtors today. He asked Kent Cashel to set up a meeting with Jardine Oil to see if higher rated bio-fuels could for used for the City fleet. He sadly relayed his sympathy to the family of resident Matt Knute who was killed in a traffic accident while serving on a mission in Brazil.

**2. Eden update.** Scott Robertson emphasized the thousand of hours devoted to the conversion to Eden which replaced a very outdated system. This has been a big jump technologically and culturally because of the large learning curve for some employee. Additional work is created with implementing the new requirement of opening and closing *work orders* associated with tasks but the return is high because of the level of useful data collected. The system provides online opportunities for the public to pay water bills and to request services. The Human Resources module can be accessed by employees to view their W-2 forms, pay stubs, etc. Liza Simpson acknowledged that the conversion may have been more difficult for some departments than others and pointed out the increase in overhead costs in all departments. Mr. Robertson explained that the previous system was not *ticket-based* and data could not be collected. Implementing Eden requires the purchase of more computers and additional staff time inputting data. Jim Hier stated that the City has expended about 85% of the original budget for Eden and asked the overall percentage of implementation. Scott Robertson responded that the City is nearly 100% deployed. In response to a question from Jim Hier, Lori Collett explained the time keeping element and the variety of options available for non-exempt employees. There was discussion of the GAB system which tracks time spent on work orders and project accounting.

Through a PowerPoint presentation, he displayed the City's website to explain citizen services and requests screens available to users and explained how work orders are processed. In response to a question from Jim Hier, Teresa Connell explained the interface with accounts payable and inventory modules. Mr. Hier expressed his frustration in justifying the high cost of acquiring Eden and the resulting increased overhead costs. Measuring productivity should be the focus and CTAC may be helpful in formulating a performance standard. Scott Robertson expressed that Eden is in its early stages but Mr. Hier insisted that there should be some demonstrated tangible benefit. Joe Kernan believed the system will be very beneficial in the long term.

Prepared by Janet M. Scott

**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**APRIL 24, 2008**

## 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, April 24, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Clint Dayley, Parks and Golf Course Superintendent; Phyllis Robinson, Public Affairs Manager; Jennifer Byrd, Special Events Coordinator; Tate Shaw, Recreation Coordinator; Brooks Robinson, Planner; and Kirsten Whetstone, Planner.

## II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council disclosure. Joe Kernan disclosed that SBSRD and Talisker are among his recycling customers.

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

Prospector Square affordable housing - Michael Suda, real estate agent and private property owner, addressed Council's decision to allow Talisker to purchase existing units in Building 1 of the Prospector Square Lodge and Conference Center to credit its affordable housing obligation. He owns units in Building 1, consisting of about 40 units. He understood that Talisker has made a commitment to acquire 22 or 23 units and relayed his understanding of the amendment of the Development Agreement regarding the number of off-site and on-site units allowed He is concerned about splitting the use of the building and understood that the City has the first right of refusal if Talisker sells the units because they are building other employee housing. The price restriction of $85,000 is hurting all of the other property owners who have invested significantly there. Talisker has purchased the cheapest properties available and he asked Council to consider the impacts on the remaining property owners who will be competing to rent their properties with rent restricted properties priced at $400 a month. He rents his units in excess of $1,000 which have been completely refurbished. Property owners in the same building could be hurt in the long term and he asked that Talisker be allowed to purchase more units in Building 1 at fair market value and recommended buying the whole building. Mr. Suda urged members to amend the agreement.

Jim Hier explained that affordable housing is deed restricted and appreciations are capped for 40 years so he doesn't believe this competes with market units. The distribution of affordable housing at Beer Hollow was discussed because Mr. Suda believed that town houses are a better configuration than condominiums for this type of housing. Mr. Hier emphasized that one of Council's goals is to mix affordable housing which is contrary to this request and could be addressed in a work session. He explained that purchasing off site units is allowed under the original Flagstaff Development Agreement. Joe Kernan pointed out that the qualifying income levels are pretty high at $50,000. Mayor Williams asked that Mr. Suda *bullet-point* his concerns and sent them to him in writing. Liza Simpson stated that tenants must meet certain criteria to qualify and the units will not be sold at a restricted sales price. Mr. Suda spoke about the potential stigma being known as an affordable housing property which hurts the current owners. He stated that his property is currently listed at $129,000 and he has invested $40,000 in improvements.

Tom Bakaly asked Council members if they want to reopen the Agreement. He advised that it will require staff time to the extent that other affordable housing projects will have to be reprioritized. It would be helpful to have a letter from the owners to clearly identify issues for staff to research; he is unsure if Talisker is open to the idea which is key. Jim Hier believed that the request is whether or not to consider allowing the purchase of additional existing units to credit Talisker's affordable housing requirement. It doesn't require a modification to the Agreement but consensus from Council. It would be up to Talisker and the owners if they want to proceed. This is a policy decision which can be discussed in a work session. Mr. Bakaly reiterated that this review may impact the timing of other affordable housing projects. Roger Harlan asked Mr. Suda to provide a thorough analysis, specifically understanding his $40,000 improvement to a studio apartment. Michael Suda clarified it was spent on multiple units and Roger Harlan felt this information would be helpful to members in making a decision. In response to a question from Joe Kernan, Mr. Suda stated that Talisker bought the lower priced units. Joe Kernan felt that a letter of interest to purchase the units should be available before scheduling this issue for a work session. The condition of different properties was discussed at length.

The City Manager pointed out that the decision to allow the purchase of the original 18 units was split among Council members and not simple matter, and Mr. Hier insisted that no staff report is required. Mayor Williams felt the discussion should focus on whether mixed affordable housing units affects the values of other properties. He asked that Mr. Suda put his thoughts in writing. Mr. Bakaly confirmed that after the letter is received a decision on whether to schedule a work session on the topic will be made.

Debbie Grandimeyer, Building 1 owner, stated that she was not against Talisker's acquisition of the units because she felt it may be an improvement. Some units are improved while others in are in very poor condition. She has called the police because of suspicious activities on the premises and overcrowding is common. Building 1 is not allowed to rent nightly because of these problems. She is confused with the terms employee housing and affordable housing and Mr. Kernan reiterated that qualifying income is pretty high. She brought up the possibility that it might have been intentional to bring the values down to buy the units. Mayor Williams insisted that problems associated with the property occurred many years before Talisker considered the acquisitions.

Phyllis Robinson advised that the maximum income for a one person household is $32,000 annually and $35,000 for two.

John Sands, agent for the Prospector Square HOA and General Manager of the management company operating the rental program and conference center, explained Building 1 has 33 units and Deer Valley owns Building 2. There are 150 nightly rentals units property-wide including improved units in Building 1. He detailed the transformation of the property and upgrades; sales are good. A $20 to $30 million upgrade is planned for the exterior and he explained significant growth figures over its recent history. He fears values will drop with the perception of employee housing and is opposed to splitting uses in a building. There are no problems with the Deer Valley building. Offering lower sales and rental prices are competitive. This could happen in other Prospector buildings and this sets a precedent. The Mayor countered that The Canyons set the precedent 15 years ago when they purchased Prospector units at a good price for employee housing.

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

1. Consideration of approving a Master Festival License for the Friday Skate Series with amplified music to be held on May16 and May 30, 2008 from 5 p.m. to 7:30 p.m. – Park City Recreation Department – Jennifer Byrd explained the elements of the application submitted by the Recreation Department. Amplified music and announcers will be part of the event which triggers a master festival license. The Mayor opened the public hearing.

Sandra Hall, Park Avenue resident, commented on the nuisance created by the amplification at last year's event. She suggested that the speakers be oriented to the east to mitigate the level of amplified noise in the neighborhood.

Puggy Holmgren, Park Avenue resident, stated that she wasn't home last year during the event but a neighbor called her because her cat was *freaking out* because of the noise emanating from the skate park. She supports the skate park and its patrons but felt the amplified music is too much.

With no further comments, the Mayor closed the public hearing. Discussion ensued on eliminating amplification but Tate Shaw explained that it would dramatically change the nature of the event and he felt it a necessary component. Positioning the speakers appropriately and lowering the decibel level from 90 decibels to 85 decibels were added as conditions of approval by Council members. Jim Hier, "I move approval of a master festival license for the Friday Skate Series as conditioned". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of approving an Amendment to the 2008 Sundance Film Festival Supplemental Plan regarding use and operations at the Racquet Club venue in 2009 – Max Paap asked that Council amend the 2009 Sundance Film Festival Supplemental

Plan conditions of approval for the Racquet Club use and operation making it consistent with the Master Festival License and City Services Agreement with the Sundance Institute. On February 28, 2008 staff was directed to address the screening times at the Racquet Club to better ensure vacating the venue nearer to the 10 p.m. hour. Council members also affirmed that they would be in favor to allow Sundance to hold the closing awards party on the final Saturday of the 2009 Festival at the Racquet Club. Since that meeting staff and Sundance have explored changes to the screening times at the venue as well as other operational facets of the Festival in preparation of approval of the entire 2009 Supplemental Plan. Sundance considered an 8 p.m. start-time for the last screening and has agreed to the change in scheduling. The 8 p.m. time will make it unlikely that unloading will occur after 10 p.m. and Sundance will maintain the parking operations and closing party consistent with the 2008 plan. Knowing that there will be on-going discussions for the 2009 Festival, final approval is contemplated in November. The screening times will not be revisited in November. Mr. Paap pointed out the distribution of an email from John Halsey, Little Kate Road, who testified on this matter previously. The Mayor opened the public hearing.

Michelle Diederich, 179 Racquet Club Drive, thanked members for taking the time to listen to them and considering the petition addressing the 10 p.m. load-out she presented at the last meeting. The scheduling change doesn't offer Sundance incentives to clear the parking lot or ensure that they schedule shorter movies. Sundance still has free reign because there is no deadline. Sundance has not been considerate of the neighborhood and one night's activities went beyond midnight. The Festival is for nine days and the amendment isn't enough. There has to be a deadline for things to change.

With no further input, the public hearing was closed. Candace Erickson agreed with Ms. Diederich about setting a load-out time and supported 10 p.m. Roger Harlan felt the amendment is a step in the right direction and felt Sundance should be given credit for trying to improve the operations for the neighborhood as it is in its best interest to do so. Jim Hier felt 11 p.m. is a reasonable drop-dead get-out time with a target of 10:30 p.m. and Joe Kernan felt it worthwhile to assign an employee to monitor the times. Liza Simpson felt comfortable with holding Sundance accountable to the 10:30 p.m. time which seems reasonable. She stated that she would like a condition added that Sundance provide a complaint line for residents for the upcoming Festival. Joe Kernan made a motion that everyone must be cleared out of the building and parking lot by 10:30 p.m.; that there be no significant noise after 10:30 p.m.; and that the City provide a staff person on site to monitor activity and noise. This motion was seconded but did not pass. Liza Simpson suggested using noise ordinance criteria. Roger Harlan stated that he can not support assigning a City staff person to the venue every night but supports the intent of the motion.

Tom Bakaly encouraged Council to be as specific as possible. Liza Simpson moved to approve an amendment to the 2009 Supplemental Plan for the Racquet Club operation accepting the proposed changes in screening times and requiring that Sundance abide by the noise ordinance beginning at 10:30 p.m. This motion was later withdrawn. Mark

Harrington pointed out that there could be individuals or vehicles creating noise that are not associated with the Festival. The noise ordinance is very difficult to enforce on a third party complaint basis. Disturbances are often a loud radio in a passing car or people yelling, not conduct that can be controlled by the City or Sundance and unloading the venue sooner is more achievable than enforcing the noise ordinance. Joe Kernan reiterated that having someone on site to monitor would be helpful. Mark Harrington explained that basing the condition on the noise ordinance may prompt unrealistic expectations because when the police arrive, the disturbance may be gone making it very difficult to cite these noise events. The Mayor pointed out that members asked Sundance to change the time and they did and he added that he is not willing to commit staff to the operation. Jim Hier, "I move we incorporate the amendment to the Supplemental Plan for the 2009 Festival consistent with the MFL and City Services Agreement with the Sundance Institute as drafted in the staff report with the addition that there will be a functioning complaint line. Joe Kernan seconded. Motion carried.

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

3. Consideration of approving a Resolution adopting an Letter of Intent between Park City Municipal Corporation, Snyderville Basin Recreation District, Summit County and United Park City Mines Company to implement a Green Waste Recycling Program – Clint Dayley explained that the program will allow the City to recycle 100% of its green waste from its properties and Talisker will accept it at no cost. The waste will be used to improve the soils at Richardson's Flats, which is a very important element of the effort. He explained that this is a pilot program between the agencies and commercial contractors and does not affect residential collection at this point. Members felt it prudent to adopt the terms of the resolution and letter agreement with regard to the facility's operation. David Smith, Talisker, stated that people are already dumping without permission at Richardsons and it will have to be manned. There was no public comment. Roger Harlan, "I move approval of a Resolution of a Letter of Intent between Park City Municipal Corporation, Snyderville Basin Recreation District, Summit County and United Park City Mines Company to implement a Green Waste Recycling Program". Candace Erickson seconded. Motion unanimously carried.

4. Consideration of approving the Christopher Homes at Empire Pass Condominiums, Second Amended Record of Survey Plat located on Lot 1 of the Silver Strike Trail, Subdivision, Park City, Utah – Brooks Robinson stated that the plat creates condominium ownership and the Planning Commission recommends approval based on the Ordinance. Candace Erickson pointed out a discrepancy in the staff report and the Ordinance and Brooks Robinson noted that the staff report is in error but the Ordinance is correct. The Mayor opened the public hearing and no comments were rendered. Jim Hier, "I move we approve the Second Amended Record of Survey Plat for the Christopher Homes Project based on the findings of fact, conclusions of law and

conditions of approval as found in the draft Ordinance". Liza Simpson seconded. Motion unanimously carried.

5. Consideration of approving the Paintbrush Homes Phase 3 Record of Survey Plat located on Lot 7 of the Village at Empire Pass Phase 1 Subdivision, Park City, Utah – Planner Brooks Robinson explained tracking unit equivalents in Empire Pass; the Planning Commission forwards a positive recommendation on this record of survey plat. In response to a question from the Mayor, Mr. Robinson explained that height is based on existing grade prior to construction and the project meets the 33 foot limit. The Mayor opened the public hearing; there was no public input. Jim Hier, "I move approval of the Survey Plat for the Paintbrush Homes based on the findings of fact, conclusions of law and conditions of approval in the staff report". Roger Harlan seconded. Motion unanimously carried.

6. Consideration of approving an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR 248 and US40 Interchange in the Quinns Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and amending the Official Zoning Map of Park City to zone the property in the Community Transition Zoning District (CT) – Kirsten Whetstone explained that this meeting is an introduction to the PC Heights annexation proposal to review the findings from the task force and the Planning Commission noting that the minutes from the last Commission meeting have not been finalized. It is recommended to continue the hearing to May 22 after tonight's deliberations when analyses will be presented on key issues like affordable housing, density, etc. The plan proposes 157 market rate units and 64 affordable units, representing credits toward PC Heights, IHC, and Talisker affordable housing obligations. Eighty two deed restricted affordable housing units were part of the initial submittal. Talisker's land is included in the annexation area. The Planning Commission forwards a positive recommendation and at the last meeting recommended that 30 of the additional Talisker units be removed and that Council consider additional reductions in density to comply with the Land Management Code and General Plan. Through illustration of a map, she described the annexation area, affected parcels and the development area.

Ms. Whetstone reviewed the creation and membership of the task force formed in 2006 for the purpose of providing early input to the Planning Commission and the applicant on key components. On July 10, 2007, the task force provided findings on the annexation petition. Planning principles and the Community Transition Zone for this area were developed and accepted by Summit County and Park City for the general area. She addressed transferring other affordable housing to this site, including IHC's obligation of 44.78 AUEs which is configured as 28 deed restricted homes. It was felt by the task force that the transfer of units would contribute in creating a community. The Talisker-Empire Pass affordable housing component provides 52 deed restricted affordable housing units and it offered 30 more units. Total residential units included in the annexation total 303, of which 239 are units that count toward density on the 239 acres at a density of one unit per acre. This is consistent with the CT Zone with an approved MPD satisfying a variety of criteria.

Planner Whetstone stated that required open space is 70% and the project proposes 73.9%. She referred to a number of studies performed on the project which are included in a binder distributed to Council members earlier by the applicant. She noted that the Planning Commission recommends that the proposed density be reduced by the 30 Talisker units and that the Council consider further reductions in density and some of these determinations can be made at the MPD review. She noted for the record that an email was received from resident Tom Hurd who is concerned about the transfer of affordable housing units to this site and traffic created on SR248.

Spencer White, consultant for applicant Boyer-Plumb, discussed two prior agreements running with the land including the July 2, 1992 agreement between the Gillmors and Park City and the June 24, 1999 Empire Pass Development Agreement. The pre-annexation and settlement agreement with the Gillmors included 35.5 acre feet of water deeded to the City in exchange for a pre-annexation and settlement agreement that if and when the property was presented that the City would favorably review the application at low to moderate density. The LMC in force at the time defined low density as one unit on three acres and moderate as 5:1. In response to a question from the Mayor, Mark Harrington stated that the agreement speaks for itself, and he believes the language means favorably reviewing the annexation petition and additional language relating to the Comprehensive Plan. The Mayor insisted that the agreement doesn't bind future councils and the City Attorney agreed.

Mr. White stated that the Empire Pass Development Agreement addressed water rights and affordable housing and identified Quinns as a receiving zone as one of the sites for residential affordable hosing. The overall annexation project is 286.64 acres of which 239 acres are owned by Boyer-Plumb and Talisker and associated with the MPD. He displayed an aerial photo of the project and adjacent properties. The five acre site of the IHC affordable housing was pointed out. He commented that the City Council formed a task force to study the project in May 2006 including Talisker in the process. The original application requested 352 residential units and 200,000 square feet of commercial. The task force reduced the density to 352 residential units between both PC Heights and Talisker and the commercial was dropped. The City Council extended the term of the task force and on July 10, 2007 the task force rendered its findings. Two Council members and two Planning Commission members participated on the task force. The recommendation supports 275 units with 28 IHC units, for a total of 303 units. At the last Planning Commission meeting, the 30 Talisker units were removed for a total of 245 residential units. CT was defined as the appropriate zoning and the traffic analysis sets forth mitigation, the fiscal impact analysis concludes that the annexation will result in a positive financial impact on the City and the proposed affordable housing requirements are consistent with the City's housing resolution. The annexation and MPD design evolved through the task force process and the conceptual site plan demonstrates that land use and density can be designed on the property in a manner consistent with the intent of the LMC and General Plan.

Spencer White stated that the project meets the 14 conditions formulated for an annexation approval and the CT Zone provides requirements to obtain increased density. The base density is 1:20 acres and there is an ability to increase density to 1:1 by providing 70% open space on site; the project provides 73%. The second requirement is compliance with a no-build setback in the frontage protection zone which is roughly 200 feet along the SR248 corridor. Development is not proposed on the land within the entry corridor and the setback is about 1,200 feet from SR248. There will be garages for parking. The applicant will provide two locations for bus shelters and public transportation will be promoted with the park and ride lot. The enhanced public dedication involves improvements to the trails along the dump road and existing Rail-Trail. The sensitive lands overlay standards have been applied and there will be no development within the flood plain, wetlands, stream corridor, or on slopes of 25% or greater. The applicant has clearly indicated ridge lines and provided a 100 foot buffer from them. In order to obtain higher density, the applicant has committed to 5% more affordable housing which is provided for in the plans.

He continued to explain that the task force and Planning Commission both addressed MPD issues including traffic, fiscal impacts, geotechnical, utilities, open space, affordable housing, visual impact, and trails. SR248 and the Old Dump Road intersection will qualify for a systems warrant provided that this intersection is identified for signal controlled access by UDOT which will improve flow. Mr. White reiterated the applicant's intention to encourage use of public transportation and the park and ride lot. The School District will also provide bus service to students. The net fiscal impact to the City does not include the 500 market rate units in Empire Pass, but the affordable units are considered. Spencer White spoke about the landslide that occurred in the area but soils east of the fault are stable as described in the geotechnical analysis. Open space consists of 73% which is roughly 182 acres and a 24 acre parcel along SR248 which will be deeded to the City. All of the hillsides and ridge lines are protected and open space is contiguous and meaningful; the development is clustered in pods as much as possible. All utilities are located in close proximity to the project and a water tank will be constructed to serve the project; improvements to the Solamere pump station are not required if the new tank is built. The existing sewer system is sufficient to serve the project and is easily accessible. Power is available on the site and gas and phone would be brought to the site. The affordable housing with mass transit is a huge benefit and preserves the character of the community. The CT Zone allows for a 5% bonus density which has been added to the plan. He again addressed trail connections.

Mr. White stated that the LMC identifies a vantage point a quarter mile west of US40 on SR248 at the Sports Complex and the applicant was asked to provide four visual analyses which he described with maps. The applicant believes the unified project submittal satisfies the conditions and requirements of the pre-annexation agreement, the 1999 Development Agreement, the affordable housing technical report, the CT Zoning recommendations, the LMC annexation policy, and the General Plan, specifically the US40-SR248 plan.

Jim Hier stated that he has been involved with the project since its inception and served on the task force; he felt it helpful to share his understanding of the history of the project. In November 2004, the City received the IHC/Burbidge annexation petition and in January 2005, the PC Heights annexation was submitted and later accepted by the Council. The latter application contemplated 256 acres not 286 and 200 acres for development not 239 and the 24 acre parcel had 200,000 square feet of commercial proposed. The 174 acre parcel proposed 352 residential units. In June 2005, the CT Zone was developed after both projects applied and in January 2006, the PC Heights proposal was amended to eliminate the commercial square footage, and the residential 131 market units plus the associated affordable housing were dropped. The CT Zone was formally adopted in 2006 and in May 2006, the task force was implemented. In June 2006, the IHC/Burbidge was approved and in July, the application for PC Heights was amended to include the 40 acres UPCM parcel and at that time, the applicant was asked to incorporate the affordable housing component for the associated Talisker units and the IHC units for an additional 28 units. He continued to explain that after they were asked to incorporate this, then the PC Heights development application was amended again to 158 units as well as its additional associated affordable housing units. In July 2007, after many meetings, the findings and recommendations from the task force were forwarded to the Planning Commission and City Council. He emphasized that the task force determined that the 303 units fit the general parameters of the CT Zone. The purpose statement of the CT Zone specifically as it relates to density, encourages low density and the current set of development codes, except for the CT and the Estate, which do not allow for any type of neighborhood development whatsoever. The Estate Zone is 1:3 acres; SF and RD is 3:1 and 5:1 with an MPD; RDM at 5:1 and eight units with a MPD, and higher density is allowed in the RM, RC and Historic District Zones. The CT Zone starts at 1:20 and reaching 1:1 requires meeting a list of standards to get to this ratio, and for residential units, the maximum was limited to 1:1 specifically taking into consideration the potential of a residential development not growing at 3:1 as the commercial developments are able to do. The Estate is less than 1:1 and would preclude any clustered development; the CT at 1:1 is the lowest density within the City for a neighborhood. The uses allowed in the CT Zone are conditional and the only allowed use is conservation. Conditional uses include single family, duplex, and multi-unit dwellings and there is no preference of use over others, as long as the project complies with the general purpose statement of the CT Zone. He encouraged understanding the density. There is a 200 acre PC Heights parcel and a 40 acre UPCM parcel that the City asked to be combined into one development. The PC Heights portion currently consists of 157 market units and associated 23.5 AUE which would be configured in 20 units. Taken by itself, this represents a density of .785 units per acre and with the affordable component is .89 units per acre. Adding the IHC requirements of 28 units, a density of 205 units is achieved on the 200 acre parcel and achieves just over one unit per acre. The Talisker parcel is proposing 94.75 AUEs configured in 68 units on its own parcel reflecting 1.7:1 which is significantly above the 1.1 units per are. If the 28 AUEs and 16 units associated with The Montage linked directly to this parcel are eliminated, it is still 1.3 units per acre. He stated that he wanted to explain this so members can better understand how the density was brought to the overall project. He felt that Council should consider returning to the 131 unit level for PC Heights, similar to the January 2006 request. Rationale could be developed to support the number and Council should also consider incorporating some commercial on the site. With regard to the Talisker affordable housing, he felt Council should take a look at the maximum of the allowed density to be reduced by any units that would be approved within the City limits starting with the six Prospector Square AUEs. As they are approved, they would be subtracted from the total allowed units within that project. Council member Hier also believed that with regard to the site plan and configuration, the Council needs to discuss the desirability of mixing the affordable housing, which may be townhomes or condominiums with the market product. He envisioned this as a recreational resort development as opposed to a residential subdivision and wanted to mention his comments now before the public hearing was opened to put the developer on notice.

David Smith, counsel for Talisker, explained that when UPCM was asked to join with Boyer-Plumb they were asked to render a unified submittal master plan in a cohesive and sensible way. The Development Agreement targeted Quinns Junction as the site for off-site affordable and units associated with The Montage. There was debate at the task force level whether to keep these two components separated or whether to integrate them which was pursued. The affordable housing technical report describes Quinns Junction as having the unique and only possibility for a smartly planned mixed product development and the possibility of attainable housing which would be deed-restricted. Talisker offered to take the 30 attainable housing out of the mix during the Planning Commission review, but wanted to reserve the right to discuss this again. This piece is at the City's discretion. Mr. Smith emphasized that a site of this nature is an opportunity that is not likely to come along again. If the City is interested, Talisker is willing to go back to the model to find a way to build those units to meet the affordable housing need. The initial density calculation included all 82 affordable units but then 30 units were dropped. He feels strongly that they shouldn't have been included in the total to begin with because they're part of the requirement laid out in the Development Agreement.

The Mayor opened the public hearing.

Michael O'Hara, retired Planning Commission Chair, strongly encouraged Council to consider the importance of the decision and to study the matter. The staff report in front of members is like the one that appeared before the Commission. It is not an unbiased analysis; it is an advocacy report. He stated that Council member Hier actively politicked Planning Commission members regarding this application and he encouraged members to read the CT Zone provisions, the General Plan and the Quinns Junction Planning Agreement themselves. The CT Zone was his idea and specific to IHC's use. The stated use includes public, quasi-public and institutional uses in conjunction with community open space, recreation, sports, etc. The residential component supports the stated uses, but this is not a residential zone. Approving sprawl along US40 is a valid decision, but he doesn't agree with it. He encouraged making a decision in the daylight and if 300 units or more are desired there, craft findings for a residential zone. Further, rewrite the General Plan and advise Summit County that the City no longer wants to comport with the planning principles for Quinns Junction. Get public input; this is important.

John Benson, resident, supports a commercial mix with the residential which may help with traffic issues.

Debby Griffiths-Hanley, attorney for The Oaks HOA and Solamere HOA, relayed that members were concerned about an access to their subdivisions which has been debunked. The second issue deals with designing the two lots adjacent to Deer Valley in a manner with the same qualities that will be in harmony with their community which is addressed. The HOAs request that language be incorporated into the agreement and strictly enforced at the MPD phase, specifically Page 118 of the packet and Paragraph 6 entitled, roads and road design. There are other issues of concern including the water tank proposed to be constructed directly near The Oaks. Members are concerned about the look and its access. It is hoped that this will be addressed at the next Council meeting before the MPD stage. The members believe that the density proposed is contrary to the rural component of the General Plan as well as the low to medium density requirements of the CT Zone. The 33 foot building height could have an adverse affect the view corridor. Traffic is also an issue.

Marianne Cone, former Council member, stated that she attended all of the task force meetings as a Council liaison. She expressed that many officials have worked hard to make the entry as uncluttered as possible. The fields, rink, IHC, and USSA fit the criteria. However with this development, it is possible to have 1,000 people living in a very isolated portion of town and there is no way to connect it to town given the topography and open space. She envisions a simple town center to create a sense of community. The only place to get a meal in the neighborhood is the gas station at Silver Summit forcing people to drive to Park City. She felt there is an opportunity to create a green community and suggested exploring common heat systems, solar, etc. The City is concerned about sustainability and this is an opportunity that should not be missed. Candace Erickson pointed out the section in the applicant's meeting material regarding building green and Mr. White expressed that green building is included which will be further considered during the MPD stage. Kirsten Whetstone interjected that staff is also encouraging this element.

With no further comments from the audience the Mayor asked for comments from Council members. Roger Harlan addressed the challenge in obtaining water and he encouraged a conservative landscaping plan. He pointed out the problems currently experienced with traffic and congestion on SR248 and felt this project will contribute to the traffic issues despite the transportation plan. There was discussion about the timing of the addition of the two lots. If the project is done right, the affordable housing component will be an important achievement. Candace Erickson acknowledged the merger of the two properties but questioned placing 68 units on 40 acres without the 30 units. In response to a question from Ms. Erickson, Phyllis Robinson explained that attainable units are different than affordable units. Attainable units are a hybrid between market and affordable housing and will be deed-restricted and counted in the base density. Ms. Erickson expressed support of the concept of a mix of housing products and asked if they could be counted under affordable housing. Ms. Robinson explained that under the housing resolution, these units do not qualify. Ms. Erickson stated that she is thrilled with the housing proposed for different types of ownership but feels that the project is too dense. This development has the potential of creating 600 additional cars and she is considering applying other zoning to better address the density. Ms. Erickson disagreed with Mr. O'Hara's comments about the purpose of the CT Zoning and feels it works for housing, although it is not her first choice. Liza Simpson stated that she is also grappling with the density but is excited about mixed affordable housing. She is very concerned about the traffic and the number of households. She pointed out that the green building component is important to her and was surprised it was not identified by Mr. White as qualifying criteria for the 5% increased density bonus. Joe Kernan stated that he supports annexation in the CT Zone and general planning compatibility. His goal is a quality project understanding that there is a lot of work ahead. Commercial square footage should be again considered. The affordable housing is a great benefit and he supports it not to be counted in the base density and likes a mixed affordable housing product. Dana Williams stated that he disagrees with Mr. O'Hara interpretation of the CT Zone because the first sentence includes MPD language which relates to residential development. He is also concerned about the density, specifically the request for a bonus because of the open space. He agreed that this is an opportunity to create a spectacular green project and the industry shows that green properties are more marketable. With regard to Mr. O'Hara's comments about sprawl, the Mayor stated that Park City was not designed as a walkable community in its early years and Park Meadows was considered sprawl. There is a lot that can be accomplished. Mr. Hier stated that he served with Michael O'Hara for many years and respects him but disagrees with his opinion. There is room in the world for disagreement. He expressed his appreciation of the contributions made by Mr. O'Hara on the Commission during his 12 year tenure. With regard to Mr. Harlan's comments, he clarified that the Commission recommended that the number of market units be reduced. In consideration of the potential number of car trips, Mayor Williams suggested that considering some commercial may be a good idea but not at the level of thousands of square feet.

Kirsten Whetstone clarified that the Planning Commission's motion was to forward a positive recommendation based on the findings (outlined in the staff report) with the removal of 30 Talisker twin homes and it charged the City Council to determine the final density for the market rate units as applicable and defined by the LMC and General Plan. Jim Hier, "<u>I move to continue the public hearing to May 22</u>". Roger Harlan seconded. <u>Motion unanimously carried</u>.

## V ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

## VI ADJOURNMENT

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

**MEMORANDUM OF CLOSED SESSION**

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Kathy Lundborg, Water Manager; Jerry Gibbs, Public Works Director; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Roger Harlan, "I move to close the meeting to discuss property". Candy Erickson seconded. Motion carried unanimously. The meeting opened at approximately 5 p.m. Jim Hier, "I move to open the meeting". Candy Erickson seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

**City Council**
**Staff Report**

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| **Author:** | **Ken Fisher, Recreation Services Manager** |
| **Subject:** | **Food and Beverage Concession at Park City Racquet Club** |
| **Date:** | **May 15, 2008** |
| **Type of Item:** | **Administrative** |

**Summary Recommendation:**
Authorize the City Manager to execute the lease agreement (Attachment 1) with Michael Collins of Coach Collins LLC for the food and beverage concession at Park City Racquet Club, in a form approved by the City Attorney.

**Topic:**
Food and beverage lease agreement at the Park City Racquet Club.

**Background**
The Racquet Club has been without food service since January 2008 when the restaurant space on the second floor of the facility became vacant. In April 2008 a Request for Proposal (RFP) was advertised for a concessionaire to operate the restaurant at the Park City Racquet Club. The RFP was published in the Park Record for two consecutive weeks in March 2008.

**Analysis**
The applicants were to address rent, their food & beverage experience, description of proposed menu & pricing, a statement of how they see the relationship between the restaurant and Racquet Club being mutually beneficial to both and two references. Two proposals for the restaurant space were submitted. Both applicants were interviewed by a selection committee made up of staff from the Sustainability, Ice & Recreation Departments. The selection committee recommended the selection of Michael Collins based on the overall strength of the proposal and the proposed rent.

The highlights of the lease are the following:

- The term of this Agreement will be from May 15, 2008 to June 15, 2009 with it being continued on a month to month basis if the Racquet Club remodel is delayed. If a restaurant is part of the remodel of the Racquet Club, Collin's would have the right of first refusal to negotiate a new lease at that time.
- The rent will be $2,000 per month
- Concessionaire pays for all applicable utilities and repairs.
- The City will participate in 50% of the cost of painting the restaurant and remodeling the existing bathrooms to a maximum of $3,000.

The current restaurant space does not meet ADA requirements but the City does not need to meet these requirements unless the space is remodeled.

Sundance has expressed an interest in potential use of the space during the festival. Any use would need to be negotiated with the Concessionaire and would be subject to approval by the City.

**Department Review:**
This report has been reviewed and or input given by the City Manager, Sustainability, Legal and Recreation and Library Department.

**Alternatives:**

A. **Approve the Request:**
This would allow the concessionaire to get the restaurant open by June 2008.

B. **Deny the Request:** This would result in the restaurant space remaining vacant throughout the summer.

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

D. **Do Nothing:** This would result in a lack of clarity and confusion on how to proceed with the restaurant space.

**Significant Impacts:** By approving the lease with Michael Collins, Coach Collins LLC the Racquet Club will be better able to serve the needs of patrons and the community by providing food service at a convenient neighborhood location.

**Consequences of not taking the recommended action:** By not approving this lease the Racquet Club will not have any food service for the foreseeable future.

**Recommendation:** Authorize the City Manager to execute the lease agreement (Attachment 1) with Michael Collins of Coach Collins LLC for the food and beverage concession at Park City Racquet Club, in a form approved by the City Attorney.

**Attachment 1**

**RESTAURANT CONCESSION AGREEMENT**
**PARK CITY RACQUET CLUB**

This Agreement is made and entered into as of this ___ day of _______, 2008, by and between **PARK CITY MUNICIPAL CORPORATION** (hereinafter "City") and Coach Collins, a Utah Limited Liability Corporation ("Concessionaire").

WITNESSETH:

WHEREAS, the City owns a building known as Park City Racquet Club located at 1200 Little Kate Rd, Park City, UT 84060, [hereinafter "Racquet Club"] which is open and available to the residents and visitors of Park City for recreation; and,

WHEREAS, the City desires to have available at the Racquet Club food and beverage refreshment available to the users of the Racquet Club and members of the community; and,

WHEREAS, Concessionaire desires to sell food and beverage refreshment at the Racquet Club; and,

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

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

1. **Description of Concession**. During the term of the agreement, the Concessionaire will be granted the right, at the Racquet Club, in the location described below, to operate a food and beverage concession business, serving food and beverages to patrons of said Racquet Club and members of the community. The City will have the right to provide food and beverage in vending machines in the Racquet Club and has sole source of revenues produced from vending.

2. **Property.** The property hereby leased is the second floor restaurant space, the office adjacent to the entry way to the restaurant and second floor decks located at the Racquet Club, 1200 Little Kate Rd, Park City, Utah (the "Premises") The Premises, decks and restrooms contains 2,900 square feet of

restaurant space. The Premises also include the office adjacent to the entry way to the restaurant.

3. **Term**. The term of this Agreement shall be from May 15, 2008 to June 15, 2009.

a) It is anticipated that the Racquet Club will begin a renovation project Spring 2009 that will result in the closure of the restaurant. If the project does not begin as anticipated the term of the lease may be extended on a month to month basis by mutual agreement between the City and Concessionaire.

b) If a restaurant or food concession is part of the renovation of the Racquet Club the Concessionaire will have right of first refusal to lease the space at a rate negotiated at that time. There is no guarantee that food service will be part of the renovation plans. If the Concessionaire does not meet all the requirements of this agreement the City may refuse the Concessionaire the right of first refusal.

4. **Rent –** The rent will be $2,000 per month payable on the first of each month to the City's Finance Department located at 1255 Iron Horse Drive, Park City, Utah, 84060.

(a) Late Fee. The City will charge Concessionaire a late fee of $25 for every five days rent is late.

(b) Security Deposit. Before occupying the leased premises the Concessionaire must make an initial rent payment of $2,000, a $1,000 damage deposit and a rent deposit of $2,000 . The initial rent payment will be for the period from May 15, 2008 through June 30, 2008. This is to cover a two week set up as the Concessionaire anticipates opening in the beginning of June. Concessionaire will leave Premises in same or better condition than the "as-is" condition. Damage deposit may be used for any damages or rent payments due. The rent deposit will be used if rent is more than 30 days late. If rent is more than 30 days late, Concessionaire will be in default of this agreement & will vacate Premises within 10 days.

(c) Rent Commencement Date. This agreement shall commence on May 15, 2008, and the term of the Agreement shall begin on that date.

5. **Authorized Use**. Concessionaire may sell beer and wine, provided that Concessionaire secures proper licenses and complies with all federal, state and municipal laws and ordinances. Sales or service of beer or any other alcoholic beverage is governed by Paragraph 26 below.

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

7. **Utility Services.** Concessionaire shall be responsible to pay for all utilities including, but not limited to, natural gas, electricity, telephone, cable, sewer and water for the leased premise. Concessionaire will establish an account with each utility in Concessionaire's own name.

8. **Use of Premises/Catering.** The premises shall be used only for the purpose of a restaurant, food services and catering business. The City shall provide free advertising to Concessionaire in the Racquet Club lobby, in a manner approved by the Recreation Manager. The City and Concessionaire may also participate in other joint marketing efforts with the prior agreement of each. Concessionaire and any sub-concessionaire are responsible for obtaining all necessary licenses for their operation, including a Park City Business License. Any private use that would close Concession to the public requires prior approval by the Recreation Manager.

9. **Care and Repair of Premises by Concessionaire.** Concessionaire has inspected the Premises and accepts it "as is" and as acceptable for the purpose of this Agreement. The Concessionaire will not permit the use of the Premise in violation of any state law or county or municipal ordinance or regulation applicable thereto. Concessionaire, with the consent of the City but at the Concessionaires own cost and expense and in good workman like manner, make such alterations or improvements to the Premises, excluding Common Areas, as Concessionaire may require for the conduct of its business without, however, materially altering the basic character of this structure or improvements or weakening the structure

of the Premises. Any permanent alterations or improvements to the Premises shall become the property of the City upon expiration or termination of this lease.

(a) Concessionaire shall have sole responsibility for maintaining and repairing all restaurant and kitchen equipment and facilities, including all stoves, freezers, ovens and refrigerators. All restaurant equipment that the City owns maybe used by the Concessionaire on a "as is" basis and the City makes no claim of its condition or life span. Grease traps must be cleaned by Concessionaire on a regular basis.

10. **Maintenance.** The City shall be responsible for all structural maintenance of the Premises, including the roof, foundation, structural members, and exterior wall surfaces. Concessionaire shall be responsible for all interior maintenance, including mechanical and electrical fixtures, lighting fixtures, janitorial service resulting from the Concessionaires use, and glass maintenance (both cleaning and replacement in the event of damage) which is within the Premises or solely serves the Premise. The City shall be responsible for mechanical systems which serve portions of the building other than, or in addition to the Concessionaire's space as reasonably necessary to maintain the structure and to service common utility facilities.

11. **Access to other space**. Concessionaire shall not interfere with the access to other spaces within the building or obstruct the entrances to those spaces in any way. The City shall have access through Concessionaire's space as reasonably necessary to maintain the structure and to service common utility facilities. The City shall have the right to inspect the leased space at anytime, with or without notice.

12. **Signs.** Concessionaire shall be entitled to install a sign at their own cost at a location approved by the Recreation Manager. This location is currently on the front of the building. Concessionaire may also have a sign in the front lobby of the Racquet Club. The signs shall conform to Park City Sign Ordinance on the date it is installed.

13. **Insurance and Indemnity**. The Concessionaire shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature,

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

The Concessionaire shall provide a Certificate of Insurance evidencing:

A. General Liability insurance written on an occurrence basis with limits no less than two million dollars ($2,000,000) combined single limit per occurrence and four million dollars ($4,000,000) aggregate for personal injury, bodily injury and property damage.

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

B. Workers Compensation insurance limits written as follows:

Bodily Injury by Accident $500,000 each accident;
Bodily Injury by Disease $500,000 each employee, $500,000 policy limit

C. The City shall be named as an additional insured on the insurance policies, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive thirty (30) days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.

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

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

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

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

17. **Dates and Hours of Operation**. The Concessionaire will have the concession open for business to the public during the days the Racquet Club is open to the public and during the Sundance Film Festival, unless a sublease or private function

is approved by the City as provided herein and as restricted by the Sundance Master Festival Agreement. The exact hours and days the concession will be open by the Concessionaire will be determined jointly by the Recreation Manager and the Concessionaire.

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

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

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

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

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

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

23. **Improvements.** The City will pay for 50% in the repainting of the restaurant and improvements to the restrooms not to exceed $3,000 payable directly to the contractor.

Concessionaire is responsible for the costs for any additional improvements to the facility space including but not limited to equipment, paint, signage or special flooring other than outlined above.

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

25. **Alcoholic Beverages**. Concessionaire may sell beer or wine. Additionally, Concessionaire must comply with all federal, state and municipal laws and ordinances relating to alcoholic beverages, beer or liquor. Prior to any beer, wine or liquor sales, Concessionaire must obtain the appropriate Park City license(s) and provide proof of the required Dramshop coverage. All alcohol consumed at the Racquet Club will be sold by the Concessionaire.

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

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

28. **No Assignment or Sublet**. The covenants and agreements contained within this license shall apply to the benefit of and be binding upon the parties hereto and shall not be assigned.

29. **Sublease.** Concessionaire may not sublease Premises without prior written consent of the City.

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

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

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

Park City Municipal Corp.
City Attorney
P O Box 1480
Park City UT 84060

33. **Independent Contractor Relationship**.

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

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

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

35. **<u>Severability</u>**.

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

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

36. **<u>Entire Agreement</u>**. This Agreement constitutes the entire and only agreement between the parties with respect to this concession and it cannot be altered except by written instrument, signed by both parties.

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

City Council
Staff Report

**Author:** Jason Glidden, Marketing and Events Coordinator
**Subject:** Recreation: Sports Complex Field Use Strategic Plan
**Date:** 5/6/08
**Type of Item:** Administrative

**Summary Recommendations:**
Review the Park City Sport Complex field use strategic plan. Approve staff's policy recommendation for direction of future usage.

**Topic:**
Park City Sport Complex (Complex) Field Strategic Plan

**Background:**
Before the Complex opened, staff developed basic guidelines for usage. These guidelines have been used during initial programming and to develop and finalize the Joint Use Agreements between the Schools and the Basin Recreation District. After two years of programming at the Complex, staff continues to work towards a balance of use between local play and recreational special events that have an economic impact on Park City.

Managing the Complex is a multi-departmental effort. Cooperative programming has worked well to date. Staff from the Recreation Department program local activity, staff from the Complex program special events while staff from the Public Works Department maintains the grounds. This defines the sense of teamwork that makes Park City one of the best run destination resorts in the US.

**Analysis:**
Staff has developed revised guidelines to ensure that the overall goals of the city are met including cultivating Park City into a world-class multi-season destination resort community with a focus on high altitude training. Staff's focus has been on finding a balance between local play, special events, and high altitude training. Besides local sport play, the multi-use fields Complex has drawn interest from a variety of club and college teams as well as non and for-profit groups wanting to host events here. Use of the complex as an economic development tool is an important element of the City's Economic Development Plan. The majority of use at this time is from locals that participate in recreational programs run by both the City's recreation team, and Basin Recreation.

Staff has seen an increase in demand for the facility to host special events and team high altitude training sessions. Events are scheduled to support programs with minor impact to existing program schedules, and to help subsidize local play. Past and currently scheduled events include Ski Town Shoot Out Lacrosse Tournament, Triple Crown Fast Pitch Softball, Wasatch Back Relay, Fall Family Fest, Relay for Life, National Rugby Tournament and Real Salt Lake practice and reserve games. To date we have turned down two requests that did not meet the requirements for the deed restrictions, a car show and a home and garden show.

With more requests to utilize the Sports Complex, it is time to revisit our original guidelines. After two years of initial programming, staff has more knowledge and is ready to commit to a better “process” that will rate and compare local play to economic development needs. Item1D in the Strategic plan states that staff will “Develop and utilize a rating system that focuses on program seniority, economic impact (number of people, length of stay, tax generation, etc.) staff time, operations, maintenance, equipment requirements, volunteer commitment, short and long term effects, joint use agreements, deed restrictions and local vs. visitor use.” The plan also refers to staff “balancing revenue producing special events with subsidized local programs” in section 2A.

Staff has not defined what percentage of use belongs with local play and what portion should have an economic development flavor. Staff has outlined a process to review requests by committee made up of employees from the Sports Complex, Recreation, Public Works, Economic Development and Special Events departments. This gives affected departments an opportunity to weigh in and work as a team to determine what is best in the long run, which fits nicely into the Master Festival Licensing process. Staff proposes to make the Complex requests flow through the MFL process first, and then move to this smaller committee for a decision. We have the opportunity to pick and choose what events we want to bring to Park City while protecting the important need of providing activities that support the social and recreational needs of the people who live here.

Staff has developed these Guiding Principals for Park City Sports Complex Field Usage:

1) Encourage inter-departmental communication

    a) Operate under guidelines set forth by Joint Use Agreement.
    b) Require all events to go through a review process.
    c) Develop & Utilize event rating system.

2) Develop Program Schedule

    a) Balance subsidized local play with revenue generating events.
    b) Work with Park’s staff on maintenance, over usage, and associated costs.
    c) Utilize fields as an economic development tool to reach city goals outlined in the Economic Development Plan.
    d) Develop more daytime programs and events.
    e) Utilize weekdays for local play and weekends for events.
    f) Set special events schedule in winter and schedule local play around events.

3) Develop Fiscally Sound Event/Program Operations

a) Host recreational/educational events that utilize both Ice Arena and Sports Complex.
b) Promote usage by locals and visitors in conjunction with overall marketing plan.
c) Develop optimal site plan for events with consideration on parking, concessions, and general needs of program.
d) Work with local recreation stakeholders and the Park City Chamber to bring recreational/educational events to the Sports Complex.
e) Cultivate customer relationships and community partnerships.
f) Facilitate or direct users towards grants to promote positive economic impact.

**Department Review:**
Rec/Library Team, Sustainability, Budget, City Manager and Legal

**Alternatives:**

**A: Approve the Request:**
Review the Park City Sport Complex field use strategic plan. Approve staff's policy recommendation for direction of future usage.

**B: Continue the Item:**
If Council requires more information to provide policy direction, Council could direct staff to return later in June with additional information.

**C: Do Nothing:**
If nothing is done regarding this policy, staff will not have direction to move forward operationally or the definition of what the facility is to move forward on programming and booking special events.

**Significant Impacts:**
Adoption of a strategic plan will give staff direction operationally and will allow staff to move forward with programming and booking special events.

**Consequences of not taking the recommended action:**
With no action, staff will not have direction to move forward with programming the facility and booking special events.

**Recommendation:**
Review the Park City Sport Complex field use strategic plan. Approve staff's policy recommendation for direction of future usage.
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I:\Strategic Planning\Staff Report 5 6 08 – fields strategic plan (6)

**Attachment**: Park City Sports Complex – Fields – Mission and Strategic Plan

**Resolution No.**

**RESOLUTION ADOPTING A STRATEGIC PLAN FOR FIELD USE AT ATHE QUINNS JUNCTION SPORTS COMPLEX**

WHEREAS, the City Council is committed to protecting the health and welfare of its citizens and continues to explore opportunities to improve the quality of life for the community through new programs, projects and/or facilities; and

WHEREAS, on August 26, 2004, the City Council approved a resolution adopting an inter-local agreement with the SBSRD, designating PCMC as the governing entity fiscally responsible for operations of the ice arena and fields; and

WHEREAS, the City Council recognizes that a strategic plan is an essential tool in the efficient operation of public facilities and deems it in the best interest of its citizens to formally adopt a strategic plan to communicate the mission and long-term operational strategies of the fields at the Sports Complex;

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

**SECTION 1. STRATEGIC PLAN ADOPTED.** The Park City Municipal Corporation Strategic Plan for Fields Use at the Sports Complex is hereby adopted as outlined in Exhibit A.

**SECTION 2. EFFECTIVE DATE**. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 15th day of May, 2008.

PARK CITY MUNICIPAL CORPORATION

_________________________________
Mayor Dana Williams

Attest:

___________________________
Janet M. Scott, City Recorder

Approved as to form:

___________________________
Mark D. Harrington, City Attorney

**EXHIBIT A**
**Park City Sports Complex**
**Fields Mission and Strategic Plan**
**May 2008**

**Mission:** Effectively utilize resources to provide an enjoyable recreational experience that exceeds the expectations of our visitors and users.

| **Goal** | **Strategy** |
|---|---|
| 1 – Encourage inter-departmental communication to prioritize usage that abides by the Joint Use Agreement and land use deed restrictions. Operate under the guidelines of the current City, School, and Basin inter-local field usage agreement while staying within the current Gillmor deed restrictions. Involve affected departments in the decision making process. | 1A –Require all non local play submittals on Special Event/MFL Part 1 forms (revised application- include Quinn's category section).<br><br>1B – Initial requests will be received by the Special Events department and then reviewed by the Rec/Library and sustainability management teams. If determined viable, legal will be contacted for approval.<br><br>1C – If approved by legal department, the request moves to committee for priority rating. Committee consists of staff from Sports Complex, Recreation, Public Works, Economic Development and Special Events.<br><br>1D –Develop and utilize rating system that focuses on program seniority, economic impact (number of people, length of stay, tax generation, etc.) staff time, operations, maintenance, equipment requirements, volunteer commitment, short and long term effects, joint use agreements, deed restrictions and local vs. visitor use. |
| 2 – Develop Program Schedule. Balance local play with outside events. | 2A – Work with the local recreation stakeholders, the Park City Chamber, the Economic Development and Special Events Departments to attract recreational/educational events to the Sports Complex fields balancing revenue producing special events with subsidized local programs.<br><br>2B – Get input form the parks staff in reference to maintenance issues, possible over usage and associated costs.<br><br>2C – Utilize the fields at the Sports Complex as an economic development tool, consistent with Park City's goal to operate as a world-class multi-season destination resort community and the Economic Development Strategic Plan. |

| | |
|---|---|
| | 2D –Look to develop more daytime programs and events – when fields see less usage.<br><br>2E –Utilize weekday evenings for local play and weekends for events.<br><br>2F –Set event schedule in late winter; work local play around events when feasible. |
| 3 –<u>Develop Fiscally Sound Event/Program Operations</u>. Provide a functional and efficient field operation. | 3A – Take advantage of the Ice Arenas proximity to the Field Complex to host recreational/educational events and activities that utilize both facilities.<br><br>3B –Promote facility usage by locals and visitors in conjunction with an overall marketing plan.<br><br>3C –Determine optimal site plan for events with consideration on parking, concessions and general needs of program.<br><br>3D – Cultivate customer relationships and community partnerships to increase customer retention and expand our customer base.<br><br>3E – Facilitate or direct users toward grants for events that provide positive economic impact. |

**GUIDING PRINCIPALS FOR QUINN'S SPORTS COMPLEX FIELD USE 3/07**

1. Stay within the current Gillmor Deed Restrictions for Usage.

2. Outline and use an inter-departmental process for field scheduling.

3. Operate under the City, School, and Basin inter-local agreement and policies.

4. Generate tourism dollars when possible while balancing local play with outside events.

5. Provide services while being fiscally responsible. Stay on target with annual budget.

6. Provide a functional and efficient operation through organization, communication and staff training, utilizing existing staff when possible.

7. Coordinate complex usage with neighboring amenities keeping parking in mind.

8. Work with Special Event Staff at the Chamber to develop the facility as an important economic development tool for PCMC.

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# City Council
# Staff Report

PLANNING DEPARTMENT

**Subject:** **313 Daly Avenue Subdivision Plat**
**Author:** **Francisco Astorga**
**Date:** **May 15, 2008**
**Type of Item:** **Administrative – Plat Amendment**

## Summary Recommendations

Staff recommends the City Council review the application, hold a public hearing and consider approving the 313 Daly Avenue Subdivision Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance (Exhibit A).

## Topic

| | |
|---|---|
| Applicant: | Russ & Kate Henry |
| Location: | 313 Daly Avenue |
| Zoning: | HR-1 |
| Adjacent Land Uses: | Residential |
| Reason for Review: | Plat amendments require Planning Commission review and City Council action |

## Background

On February 4th, 2007 the City received a completed application for the 313 Daly Avenue Subdivision Plat. The property is located at 313 Daly Avenue in the Historic Residential (HR-1) zoning district of Park City. The proposed plat amendment combines two metes and bounds parcels (parcel 1 and parcel 2) in Block 74 of the Park City Survey into two (2) platted lots (Lot A and Lot B). The proposal is to combine the two parcels and create two new lots of record. The two parcels are located in a tandem configuration off Daly Avenue. There is an existing historic single family home on the front parcel. There are no existing structures on the rear parcel. Parcel 1 is approximately .20 acres and parcel 2 is approximately .19 acres.

The plat amendment will create two legal lots of record in a North/South configuration. The applicant has also submitted a Historic District Design Review application with the Planning Department for an addition to the existing Historic home. Included in the HDDR application is a preservation plan with details of moving the Historic home permanently onto Lot A of the 313 Daly Avenue Subdivision Plat. The addition as well as the Historic house will meet all current Land Management Code requirements. The Historic house currently sits on the proposed lot line. As currently configured parcel 2 may not be developed because there is no access to the parcel from a public right-of-way. It would also require a steep slope Conditional Use Permit due to existing topography of the lot.

This application was reviewed at the March 26, 2008 Planning Commission Meeting. During this meeting a motion was passed to continue this item to the April 23, 2008 Planning Commission meeting to allow Staff to come back to the Planning Commission with additional information on upper Daly Avenue. The requested information included a survey of Daly Avenue in terms of lot size, maximum footprint allowed, and square footage of each house.

**Analysis**

The proposed plat amendment would create two lots of record within the HR-1 zoning district. Staff has reviewed the proposed plat amendment and found compliance with the following LMC requirements for lot size:

| | LMC Requirement | Proposed |
|---|---|---|
| Lot A Area<br>Lot B Area | 1,875 square feet minimum<br>1,875 square feet minimum | 8,241.1 square feet<br>8,636.6 square feet |
| Lot A Width<br>Lot B Width | 25 feet minimum<br>25 feet minimum | 49.95 feet<br>49.82 feet |

Staff finds good cause for this plat amendment as it will create two legal lots of record. The proposed plat amendment would allow the owner to build an addition onto the home in the future. All future construction must comply with the LMC requirements for the HR-1 zone. The property is currently within the Flood Zone X. Under the current LMC the following site requirements would be allowed on the proposed new lots:

| | Permitted |
|---|---|
| Height | 27' maximum from existing grade |
| Front Setback | 15' minimum |
| Rear Setback | 15' minimum |
| Side Setback | 5' minimum |
| Footprint<br>Lot 1<br>Lot 2 | <br>2,593.2 square feet maximum<br>2,657.9 square feet maximum |
| Parking | None required for Historic House |

**Discussion**

There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by the proposed two lots. The building footprint is calculated by the building footprint formula within the Land Management Code. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint, house size area, or developable area within the plat to mitigate the possible impacts of the neighborhood. On a previous proposal in the neighboring Historic Residential-Low Density district, a study was prepared showing lot size, maximum footprint allowed, and square footage of each house. This survey showed that the floor area was approximately 141% of the maximum allowed footprint.

In response to the Planning Commission request on March 26th for further analysis, Staff prepared a survey of all properties on Daly Avenue. This survey has been attached to this staff report as Exhibit C. The survey shows the requested information according to Summit County public records accessed online through their EagleWeb Property search database. The study shows that the average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and that the average square footage is 50% of the average lot size. In consideration of Upper Daly Avenue alone the average square footage is approximately 91% of the average maximum footprint allowed and the average square footage is 30% of the average lot size. Based on this analysis and previous Planning Commission recommendations to limit house size to be compatible with the surrounding neighborhood, the Planning Commission recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to 115% of the average maximum footprint allowed. This limitation was based on the entire street analysis and on the upper Daly Avenue analysis, see table below.

| | Max. Footprint Allowed | Gross Floor Area restriction per Daly Ave. ratio (137%) | Gross Floor Area restriction per upper Daly Ave. ratio (91%) | Gross Floor Area restriction recommended by Planning Commission (115%) |
|---|---|---|---|---|
| Lot 1 | 2,593.2 square feet | 3,553 square feet | 2,360 square feet | 2,982 square feet |
| Lot 2 | 2,657.9 square feet | 3,641 square feet | 2,419 square feet | 3,056 square feet |

Development on the steep slope portion of the lots would require a Steep Slope Conditional Use Permit. A CUP is required for any structure in excess of 1,000 sq. ft. if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception.

Duplexes in the HR-1 zone require a minimum lot size and approval by the Planning Commission of a Conditional Use Permit. The required minimum lot size for a duplex is 3,750 square feet. Duplex could potentially be built on these lots with a Conditional Use Permit.

During the April 23, 2008 Planning Commission meeting the application was reviewed with the requested additional study. The study was utilized to analyze the lot sizes, maximum footprint allowed, and square footage of each home along

Daly Avenue. The Planning Commission passed a motion to forward a positive recommendation to the City Council with an additional condition of approval to be added. The condition was a note to be added to the proposed plat indicating that the building footprint be restricted to areas of 30% slopes or less and that the gross floor area be calculated at 115% of the Daly Avenue Study average ratio. This means that Lot 1 will be restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 will be restricted to a maximum gross floor area 3,056 sq. ft. (condition of approval no. 5 in draft ordinance).

**Department Review**

On February 26th, 2008 this project was discussed at an interdepartmental review meeting. Two issues regarding the existing Historic home were identified and resolved through placing conditions of approval on the plat application; A preservation plan for the historic home must be approved prior to plat recordation, and also, the existing historic home must be moved onto one of the proposed lots prior to plat recordation.

**Notice**

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

**Public Input**

No public input has been received at the time of drafting this report.

**Alternatives**

- The City Council may approve the 313 Daly Avenue plat amendment as conditioned or amended; or
- The City Council may deny the 313 Daly Avenue plat amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 313 Daly Avenue plat amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

**Significant Impacts**

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

**Consequences of not taking the Suggested Recommendation**

The parcel configuration would remain as two metes and bounds parcels at 313 Daly Avenue. As currently configured parcel 2 may not be developed because there is no access to the parcel from a public right-of-way.

**Recommendation**

Staffs recommends the City Council hold a public hearing and consider approving the 313 Daly Avenue plat based on the findings of fact, conclusions of law and conditions of approval as found in the following draft ordinance.

**Exhibits**
Exhibit A – Draft Ordinance
Exhibit B – Historic Building Inventory Sheet
Exhibit C – Daly Avenue Study

Exhibit A: Draft Ordinance

**Ordinance No. 08-**

**AN ORDINANCE APPROVING THE 313 DALY AVENUE SUBDIVISION PLAT, AN AMENDMENT TO PARCELS 1 AND 2 LOCATED AT 313 DALY AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 313 Daly Avenue have petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 26, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on April 23, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 17, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 313 Daly Avenue Subdivision Plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 313 Daly Avenue Subdivision Plat, as shown in the attachment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 313 Daly Avenue.
2. The zoning is Historic Residential (HR-1).
3. The current configuration at 313 Daly Avenue is two tandem metes and bounds parcels of land (Parcel 1 and Parcel 2).
4. The proposed lot amendment combines the two existing metes and bounds parcels and creates two lots of record.

5. The Land Management Code requires a minimum lot width in the HR-1 District of 25'. The lot widths of the 313 Daly Avenue Subdivision Plat are 49.95 feet for lot A and 49.82 feet for lot B.
6. The Land Management Code requires a minimum lot area in the HR-1 District of 1,875 square feet. The lot areas of the 313 Daly Avenue Subdivision Plat are 8636.6 square feet for lot A and 8241.1 square feet for lot B.
7. The proposed maximum gross floor area calculations are compatible with the Daly Avenue Study.
8. The average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue is approximately 91% of the average maximum footprint allowed.
9. Parcel 1 located in the front with access to Daly Avenue is flat and parcel 2 located in the back without any access to Daly Avenue and has steep slopes.
10. An existing historic home is located on the front parcel (parcel 1) of land.
11. The proposed lots create a snow storage easement 10 feet wide along the front property lines off Daly Avenue
12. A remnant parcel of land will not be created by this plat amendment.
13. Access to the lots is from Daly Avenue.
14. All findings within the Analysis section are incorporated within.
15. Access to parcel 2 is not currently available and is therefore unbuildable.

<u>Conclusions of Law:</u>

1. There is good cause for this Plat Amendment because it will create two lots of record from two metes and bounds parcels of land.
2. The Plat Amendment is consistent with the Park City Land Management Code complying with the minimum requirements for lot width and area.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment 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 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 for the plat will be void. The applicant may apply for an extension to this time limit if needed.
3. The Planning Department must approve a Preservation Plan for the movement of the existing Historic home prior to plat recordation.
4. The existing Historic home must be moved onto one of the proposed lots prior to plat recordation.
5. The plat must include a note indicating that the building footprint is restricted to

the portion of the lot that is less than 30% slopes and the gross floor area is calculated at 115% of the Daly Avenue Study average ratio, Lot 1 is restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 is restricted to a maximum gross floor area of 3,056 sq. ft.

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

PASSED AND ADOPTED this 15th day of May, 2008.

PARK CITY MUNICIPAL CORPORATION

________________________________
Dana Williams, MAYOR

ATTEST:

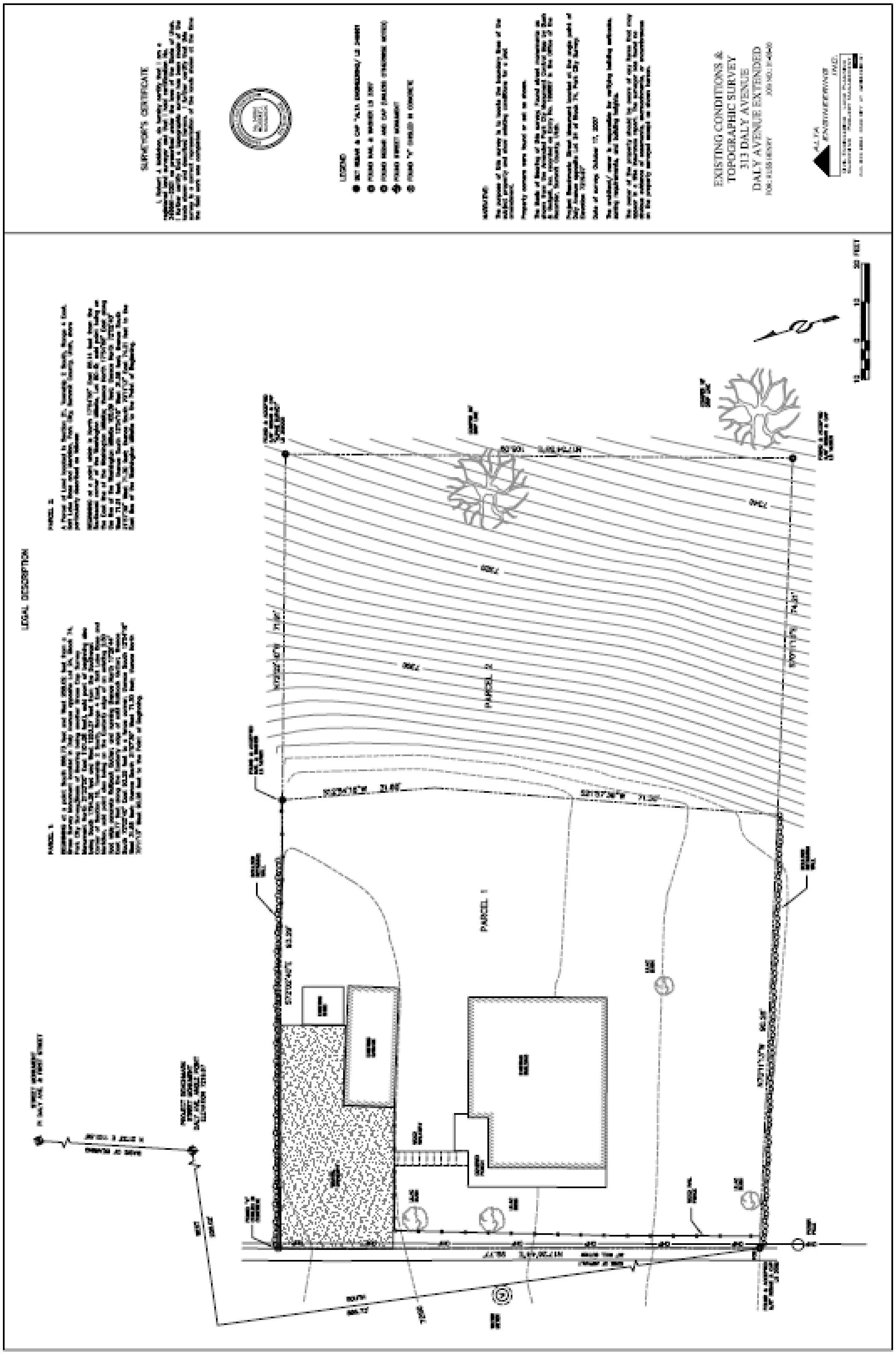
________________________________
Jan Scott, City Recorder

APPROVED AS TO FORM:

________________________________
Mark Harrington, City Attorney

Attachment 1 – Existing Conditions & Topographic Survey
Attachment 2 - Proposed Plat Amendment

Attachment 1 – Existing Conditions & Topographic Survey



Attachment 2 - Proposed Plat Amendment

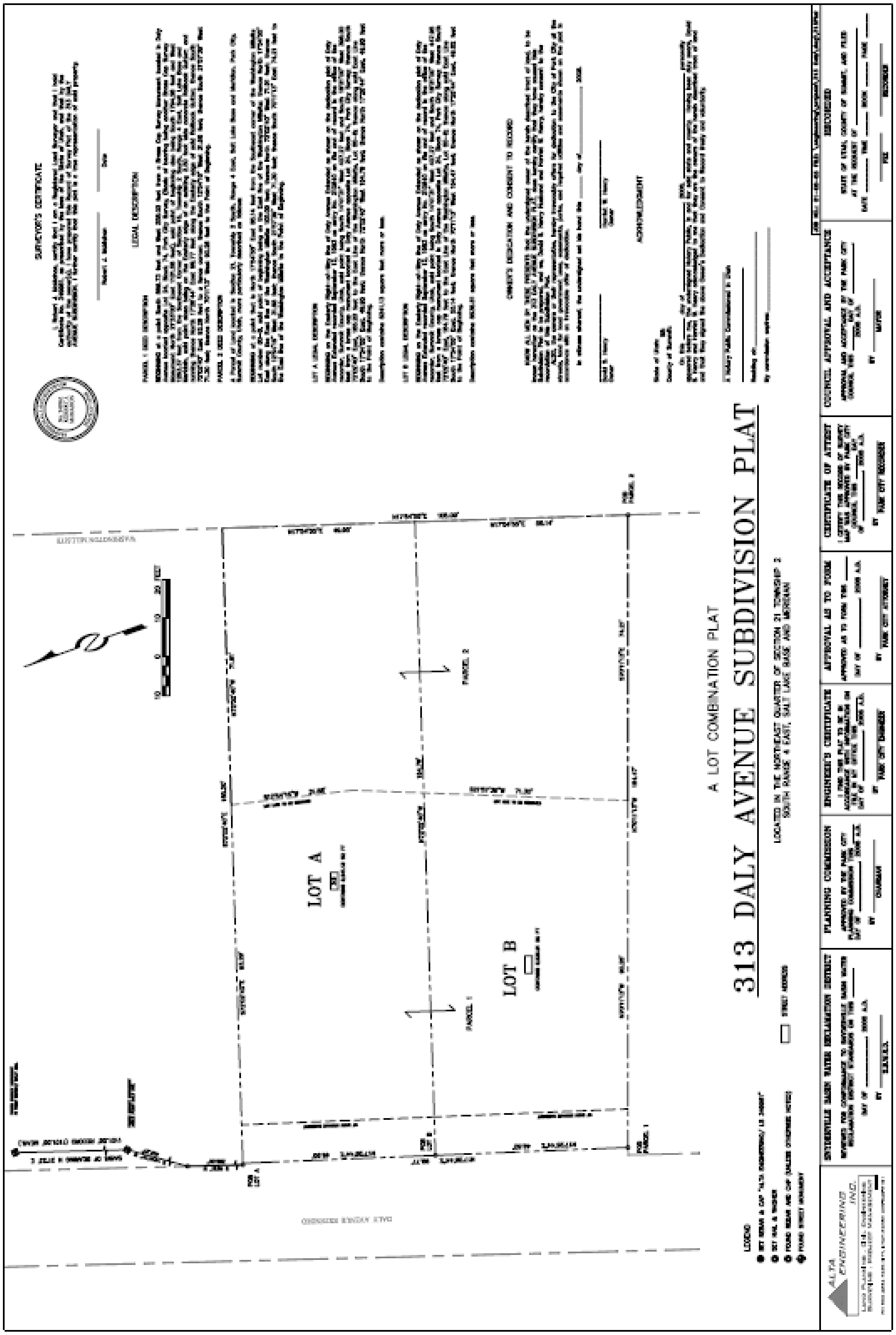


Exhibit B – Historic Building Inventory Sheet



**ADDRESS: 309 Daly Avenue**
PARCEL #: PC-636

15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE
…It is hereby declared that all Buildings, Structures and Sites within Park City which substantially comply with the standards of review found in Section 15-11-[12](A), are determined to be Significant for the purposes of this Chapter.

(A) STANDARDS OF REVIEW. In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:

| Criteria | Evaluation |
|---|---|
| (1) The Building, Structure or Site is associated with events or lives of Persons Significant to our past; and/or | **Yes, mining industry era.** |
| (2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or | **Yes, the structure embodies the distinctive characteristics: 1 ½ -story, frame, modified hall-parlor (now a side passage), drop siding, full-width porch, porch elements.** |
| (3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or | **Yes, the historical and architectural value of the structure contributes to the significance of the property and area.** |
| (4) The Building, Structure, or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is exceptional importance to the community; and/or | **Yes, c. 1905** |
| (5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or | **Yes, the historic and architectural features are comparable to those on other significant sites in the surrounding area.** |
| (6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site. | **Typical mining era home in scale and massing.** |

In addition to on-site visual analysis, the following were consulted in determining substantial compliance with the standards of review found in Title 15, Chapter 11, Section 12 Determination of Historical Significance.

| | |
|---|---|
| **Tax Photo** | Planning Office, in binder and @ SHPO |
| **1982 Survey Evaluation** | Qualified Contributory. No mention of accessory structures. Smaller one appears to have been moved from another location. |
| **Permit Files** | |
| **SHPO**[1] | Utah Historic Sites Database Record #57534. Listed at "313 Daly Avenue". No individual property file. |
| **Tax Assessor** | |
| **PCHS&M**[2] | |
| **Other** | Virtually unchanged from date of the tax photo. Seems a hall-parlor may have been modified to a side passage and a rear addition made a simple side-gable form into a saltbox form. Unclear if changes were very early or originally built this way. |

[1] State Historic Preservation Office
[2] Park City Historical Society and Museum

Prepared by Dina Williams-Blaes

# Exhibit C - Daly Avenue Study

Lower Daly Avenue

| House No. | Lot Size (Acres) | Lot Size (Sq Ft) | Max Footprint Allowed | Living Area | Basement Area | Attached/Built-in Garage Area | Totals (Sq Ft) | Year Built | Subdivision (if applicable) |
|---|---|---|---|---|---|---|---|---|---|
| 10 | 0.10 | 4356 | 1,705 | 2218 | 597 | 406 | 3,221 | 1901 | First Amended 10 Daly Avenue Sub (2004) |
| 17-19 | 0.12 | 5,150 | 1,928 | 4,130 | | | 4,130 | 2002 | #17 & #19 Daly Avenue Condo (2002) |
| 24 | 0.07 | 3,021 | 1,275 | 1,022 | | | 1,022 | 1901 | |
| 25 | 0.07 | 3,200 | 1,337 | 2,110 | 824 | 461 | 3,395 | 1995 | |
| 32 | 0.09 | 3,770 | 1,525 | 4,358 | | | 4,358 | 1982 | Empire Canyon Condominiums (1981) |
| 37 | 0.10 | 4,300 | 1,689 | 2,907 | | 369 | 3,276 | 1994 | |
| 40 | 0.13 | 5,609 | 2,046 | 4,365 | | | 4,365 | 1982 | Empire Canyon Condominiums (1981) |
| 45 | 0.08 | 3,485 | 1,433 | | | | | | |
| 48 | 0.09 | 4,051 | 1,613 | 4,365 | | | 4,365 | 1982 | Empire Canyon Condominiums (1981) |
| 51 | 0.11 | 4,792 | 1,830 | 2,195 | | 456 | 2,651 | 1993 | |
| 55 | 0.06 | 2,500 | 1,086 | | | | | | |
| 56 | 0.08 | 3,336 | 1,383 | 4,468 | | | 4,468 | 1982 | Empire Canyon Condominiums (1981) |
| 57 | 0.06 | 2,614 | 1,128 | 2,111 | 310 | 290 | 2,711 | 2005 | Daly No. 8 Sub (2003) |
| 59 | 0.07 | 3,049 | 1,284 | 2,159 | 1,023 | 286 | 3,468 | 2005 | Daly No. 8 Sub (2003) |
| 61 | 0.11 | 4,792 | 1,830 | 861 | | | 861 | 1900 | |
| 62 | 0.06 | 2,614 | 1,128 | 1,339 | 406 | | 1,745 | 1997 | 62 Daly Avenue Replat (1996) |
| 64 | 0.06 | 2,614 | 1,128 | 1,339 | 406 | | 1,745 | 1997 | 62 Daly Avenue Replat (1996) |
| 68 | 0.05 | 2,178 | 964 | 1,521 | | | 1,521 | 1983 | |
| 71 | 0.09 | 3,920 | 1,573 | 816 | | | 816 | 1900 | |
| 80 | 0.13 | 5,663 | 2,060 | | | | | | |
| 81 | 0.22 | 9,583 | 2,796 | | | | | | |
| 96 | 0.19 | 8,451 | 2,628 | 8,036 | | | 8,036 | 1984 | Daly Doubles Condo (1984) (10' side yard, 13' rear yard) |
| 97 | 0.19 | 8,276 | 2,599 | 1,214 | | | 1,214 | 1900 | Landmark Replat Sub (1997) |
| 100 | 0.07 | 3,049 | 1,284 | | | | | 1979 | |
| 102 | 0.10 | 4,356 | 1,705 | 2,652 | 1,111 | | 3,763 | 1979 | |
| 103-105 | 0.10 | 4,500 | 1,747 | 3,027 | | | 3,027 | 1983 | Daly Avenue Twin Home Condo (1983) |
| 109 | 0.05 | 2,178 | 964 | | | | | | |
| 110 | 0.08 | 3,485 | 1,433 | 2,101 | 567 | 420 | 3,088 | 1996 | Fisher Sub (1992) |
| 111 | 0.06 | 2,614 | 1,128 | 1,818 | | 336 | 2,154 | 1993 | Four Aces Sub (1992) |
| 115 | 0.06 | 2,614 | 1,128 | 1,890 | | 400 | 2,290 | 1993 | Four Aces Sub (1992) |
| 118 | 0.09 | 3,920 | 1,573 | 707 | | | 707 | 1895 | Fisher Sub (1992) |
| 121 | 0.06 | 2,614 | 1,128 | 1,874 | | 400 | 2,274 | 1993 | Four Aces Sub (1992) |
| 124 | 0.05 | 2,178 | 964 | | | | | | Fisher Sub (1992) |
| 125 | 0.06 | 2,614 | 1,128 | 1,874 | | 400 | 2,274 | 1993 | Four Aces Sub (1992) |
| 130 | 0.09 | 3,920 | 1,573 | 1,926 | 465 | 399 | 2,790 | 1997 | |
| 131 | 0.08 | 3,485 | 1,433 | 746 | | | 746 | 1900 | |
| 135 | 0.07 | 3,049 | 1,284 | 1,702 | | | 1,702 | 1976 | |
| 136 | 0.08 | 3,485 | 1,433 | 1,734 | 156 | 409 | 2,299 | 1997 | |
| 139 | 0.09 | 3,820 | 1,541 | 4,130 | | | 4,130 | 1988 | Canyon Road Condo (1988) |
| 141 | 0.11 | 4,780 | 1,827 | 3,821 | | | 3,821 | 1988 | 141 Daly Condo (1988) |
| 142 | 0.11 | 4,792 | 1,830 | 1,626 | | 486 | 2,112 | 1904 | |
| 145 | 0.09 | 3,920 | 1,573 | 2,388 | | | 2,388 | 1927 | |
| 146 | 0.10 | 4,356 | 1,705 | 2,146 | | 713 | 2,859 | 1983 | |
| 156 | 0.08 | 3,485 | 1,433 | 1,204 | | 416 | 1,620 | 1976 | |
| 157 | 0.06 | 2,614 | 1,128 | 1,882 | | 252 | 2,134 | 1997 | |

| | House No. | Lot Size (Acres) | Lot Size (Sq Ft) | Max Footprint Allowed | Living Area | Basement Area | Attached/Built-in Garage Area | Totals (Sq Ft) | Year Built | Subdivision (if applicable) |
|---|---|---|---|---|---|---|---|---|---|---|
| Lower Daly Avenue | 161 | 0.09 | 3,920 | 1,573 | 1,287 | | | 1,287 | 1900 | |
| | 162 | 0.11 | 4,792 | 1,830 | 794 | | | 794 | 1900 | |
| | 166 | 0.10 | 4,356 | 1,705 | 1,112 | | | 1,112 | 1928 | |
| | 167 | 0.19 | 8,276 | 2,599 | 3,826 | 1,749 | | 5,575 | 1927 | |
| | 172 | 0.06 | 2,614 | 1,128 | 542 | | | 542 | 1900 | |
| | 173 | 0.12 | 5,227 | 1,948 | 1,217 | | | 1,217 | 1916 | |
| | 180 | 0.12 | 5,227 | 1,948 | 739 | | | 739 | 1925 | |
| | 187 | 0.08 | 3,417 | 1,410 | 2,522 | | | 2,522 | 2001 | 187 Daly Avenue Sub (2000) |
| | 191 | 0.09 | 3,712 | 1,507 | 2,611 | | 338 | 2,949 | 2007 | 187 Daly Avenue Sub (2000) |
| | 199 | 0.13 | 5,663 | 2,060 | 1,521 | | | 1,521 | 1899 | 199 Daly Avenue Sub (2003) |
| | 200 | 0.10 | 4,356 | 1,705 | 1,895 | 210 | 483 | 2,588 | 1996 | |
| | 203 | 0.13 | 5,663 | 2,060 | 1,092 | | | 1,092 | 1966 | |
| | 207-209 | 0.10 | 4,356 | 1,705 | 2,315 | | | 2,315 | 1993 | |
| | 210-212 | 0.17 | 7,225 | 2,407 | 3,256 | | | 3,256 | 1996 | 210 Daly Condo (1996) |
| | 214 | 0.06 | 2,614 | 1,128 | 1,750 | 598 | | 2,348 | 1996 | |
| | 220-222 | 0.14 | 6,203 | 2,189 | 3,082 | | | 3,082 | 1997 | Potter's Corner Condo (1997) |
| | 234 | 0.18 | 7,841 | 2,523 | 2,030 | 430 | 473 | 2,933 | 2006 | |
| Upper Daly Avenue | 239 | 0.14 | 6,098 | 2,164 | 890 | | | 890 | 1901 | |
| | 240 | 0.20 | 8,684 | 2,665 | 1,800 | | | 1,800 | 1995 | Washington Mill Sub (1994) |
| | 243 | 0.06 | 2,614 | 1,128 | 609 | 759 | | 1,368 | 1900 | |
| | 249 | 0.07 | 3,049 | 1,284 | 1,808 | | 273 | 2,081 | 1996 | |
| | 250 | 0.10 | 4,236 | 1,669 | 1,922 | | | 1,922 | 1995 | Washington Mill Sub (1994) |
| | 255 | 0.11 | 4,792 | 1,830 | 1,334 | | | 1,334 | 1901 | 255 Daly Avenue Sub (1995) |
| | 257 | 0.11 | 4,792 | 1,830 | | | | | | |
| | 260 | 0.21 | 9,191 | 2,742 | 1,800 | | | 1,800 | 1995 | Washington Mill Sub (1994) |
| | 269 | 0.17 | 7,405 | 2,442 | 805 | | | 805 | 1901 | |
| | 270 | 0.13 | 5,567 | 2,036 | 1,800 | | | 1,800 | 1995 | Washington Mill Sub (1994) |
| | 279 | 0.08 | 3,485 | 1,433 | 842 | | | 842 | 1906 | |
| | 280 | 0.24 | 10,522 | 2,913 | | | | | | Washington Mill Sub (1994) |
| | 291 | 0.15 | 6,534 | 2,263 | 2,307 | | 234 | 2,541 | 2006 | 291 Daly Sub (2005) |
| | 295 | 0.09 | 4,137 | 1,639 | | | | | | 291 Daly Sub (2005) |
| | 297 | 0.19 | 8,158 | 2,579 | | | | | | 291 Daly Sub (2005) |
| | 309 | 0.39 | 16,988 | 3,270 | 958 | | | 958 | 1901 | |
| | 314 | 0.25 | 10,890 | 2,953 | 884 | | | 884 | 1901 | |
| | 325 | 0.17 | 7,405 | 2,442 | 2,792 | 1,838 | 378 | 5,008 | 2004 | 325 Daly Sub (2003) |
| | 330 | 0.09 | 3,920 | 1,573 | | | | | | The Canyon Sub (1997) |
| | 336 | 0.08 | 3,485 | 1,433 | | | | | | The Canyon Sub (1997) |
| | 337 | 0.09 | 3,920 | 1,573 | | | | | | Daly West Sub lots 5 & 6 Lot Line Adj. (2007) |
| | 345 | 0.09 | 3,920 | 1,573 | 2,289 | | 418 | 2,707 | 1996 | |
| | 353 | 0.09 | 3,920 | 1,573 | 2,362 | | 400 | 2,762 | 1998 | |
| | 369 | 0.09 | 3,920 | 1,573 | | | | | | |
| **Averages** | **Lower Daly** | **0.10** | **4,236** | **1,618** | **2,225** | **632** | **410** | **2,535** | | |
| | **Upper Daly** | **0.14** | **6,151** | **2,024** | **1,575** | **1,299** | **341** | **1,844** | | |
| | **Overall** | **0.11** | **4,770** | **1,732** | **2,079** | **716** | **396** | **2,379** | | |

| | Lower Daly | Upper Daly | Overall |
|---|---|---|---|
| **Sq. Ft. (total) to Lot Size Ratio:** | **0.60** | **0.30** | **0.50** |
| **Sq. Ft. (total) to Max. Footprint Allowed Ratio:** | **1.57** | **0.91** | **1.37** |

Source: Summit County, Public Records, EagleWeb (Property), Downloaded by Francisco Astorga, Park City Planning Dept. April 2008

# City Council
# Staff Report

| | |
|---|---|
| **Author:** | **Bret Howser, Jed Briggs** |
| **Subject:** | **OPERATING BUDGET AND CIP** |
| **Date:** | **May 15, 2008** |
| **Type of Item:** | **Discussion/Legislative** |

PARK CITY
1884

Budget, Debt, & Grants

**Topic:**
Operating Budget and Capital Improvement Projects

**Background:**
On April 28, staff delivered the City Manager's Recommended Budget (Tentative Budget) to City Council. At the first Budget hearing on May 1, staff presented the Tentative Budget to City Council and introduced some of the issues from the budget: budget overview (revenues and expenses), capital project update, Financial Impact Assessment Report (FIAR) update, and the Ten-year Financial Impact Forecast. Additional public hearings are currently scheduled for May 15, 22, 29, June 5, 12, and 19. Discussion/action is slated for these dates as follows—barring changes as needed:

May 15 – Operating Expenditures, Departmental Budget Request Presentations, and Introduction to Capital Improvement Projects (CIP)

May 22 – Ongoing CIP Update (OTIS, Marsac Seismic Upgrade), New Project Requests (Park-and-Ride, Racquet Club), and Walkability Projects

May 29 – Capital Improvement Projects (continued), Long-Term Unfunded Capital Needs, and Water Fund (Operating Budget, Capital Improvement Plan, Fee Changes)

June 5 – Personnel Policies and Procedures (P&P), City Fee Resolution, Comprehensive Emergency Management Plan, Budget Policies, and Outstanding Issues

June 12 – Outstanding Budget Issues (if necessary)

June 19 – Final Adoption of Budget

**Analysis:**
On May 15 the Budget, Debt, and Grants Dept. will introduce the Operating Budget to Council, followed by each team presenting significant options from their departments. The second section of this staff report will deal with capital improvement requests.

## Operating Expenditures (Departmental Budget Requests)

**Total Operating Budget Options by Fund**
**(Change from FY2008 Adopted Budget)**

| | FY 2008 Adjusted Budget | FY 2009 Budget |
|---|---|---|
| **Fund 11 General Fund** | $311,519 | $173,070 |
| **Fund 12 Quinn's Recreation Complex** | $25,000 | $88,805 |
| **Fund 51 Water Fund** | $304,166 | $163,791 |
| **Fund 55 Golf Fund** | $12,550 | $34,393 |
| **Fund 57 Transportation Fund** | $0 | $614,059 |
| **Fund 62 Fleet Fund** | $0 | -$25,722 |
| **Fund 64 Self Insurance Fund** | $250,000 | $32,131 |
| **Total** | **$903,235** | **$1,080,527** |

Each year, departments submit prioritized budget requests consistent with Council direction and City priorities. These are all considered by the City Manager and are ultimately submitted as a part of the tentative budget. A complete list of these options that were requested by departments and those recommended by the City Manager (organized alphabetically by team) are included on page 135 of the Executive Summary of the Budget. In total, $1,631,192 in options were requested by departments and of that amount $1,080,527 was recommended by the City Manager for FY 2009. Also, Attachment B shows budget options that were not approved for new funding, but will be financed through current CIP.

Teams will present their recommended options to City Council on May 15. The following is a summary of each team's options:

**Human Resources, Budget, Finance, & I.T.**
Human Resources - This team has requested a $10,000 adjustment due to an increase in the number of employees attending the City's family summer event and the annual service awards dinner, which has affected overall costs.

Budget – The City Manager recommends a slight change to the Budget, Debt, and Grants Department. A Budget Analyst IV (N10) position as well as a part-time Budget Accountant will be replaced with a Budget Officer (E06) position. This is due to expanding job duties of the Budget, Debt, and Grants Manager position, which has transitioned into dealing with more citywide responsibilities and is now more indirectly involved with the budget process. This is a zero-sum budget option, meaning there is no request for additional funds.

Finance – Originally, this team requested additional funds ($25,000) for a front desk clerk in the Finance Dept. and is included in the City Manager's recommended budget. However, it has been decided to retract this option, which will be demonstrated in the final budget.

**City Council, City Manager, & Legal**
City Manager - The City Manager is incorporating $50,000 of contract services to fund an Emergency Program Manager (EPM). Additional supplies and materials will be taken out of the City Manager Department Budget. The EPM is responsible for all areas of

emergency preparedness for the City (a core public safety function) and responds to all large or complicated emergencies serving as a resource, facilitator, and after-action officer.

Further, the EPM maintains the Comprehensive Emergency Management Plan (CEMP) along with its appendices and annexes; maintains the City's state and federal National Incident Management System (NIMS) compliance; maintains the Emergency Operations Center (EOC) and serves as the EOC manager; provides training for employees and departments in preparedness and emergency operations; establishes individual City building preparedness; identifies and analyzes risks and/or hazards to the community and how the City departments respond; is the liaison to county and state emergency officials and participates in community training.

Federal NIMS compliance is required for a number of state and federal grants. It is expected that all state and federal grants will require NIMS compliance in the near future. The EPM serves as the chair for the Emergency Management Group (EMG) and the Building Security Committee.

Also, the City Manager has recommended moving the Senior City Recorder from the Legal Dept to the City Manager Dept. in order to consolidate city recording duties under one department. This option is zero-sum and will be split between the City Manager Dept. and the Self Insurance Fund.

Legal - The recommended budget includes a request ($64,000) for a full-time regular Legal Analyst III (N09) in the Legal Department. This is to replace the Senior City Recorder position, which has been moved to Executive. Also, the City Manager has recommended a reclassification of the Attorney IV to an Attorney V (Grade E07 to Grade E08). This is in accordance with the Professional Development Policy and would constitute a $10,000 adjustment. Finally, the City Manager recommends an attorney reclass (Attorney V) from a Grade E08 to E09. This equates to a $9,000 adjustment.

**Building, Planning, & Engineering**

Planning - The only option recommended by the City Manager for this team is the reintegration of the Planning Director (E09) back into the Planning Dept. from Sustainability. This option includes all materials and supplies associated with that position and is zero-sum.

*(See Attachment B for more options approved with CIP funds.)*

**Public Safety**

Police - The City Manager recommends a one-time increase of $75,000 for an employment contract position that would help with the Police Dept. transition, grant writing, and final emergency management planning and training.

Communications - Also, the Communications Dept. has requested $15,000 increase for materials and supplies. This is mainly for the much needed software maintenance costs for Spillman Police Records Management Software.

**Library, Recreation, Golf, & Ice**

City Recreation – This department requested a new Recreation Worker IV, which is a 0.5 FTE and grade T04. This extended service gives the department an extra week to supply programming (summer day camp, swim lessons, skateboard clinics, etc.) to the community due to a change in the school calendar.

Tennis - The department is asking for an increase in contract tennis pro services, which would equate to $31,000 (0.5 FTE Tennis Pro [T12]), and includes estimated revenues to offset costs. The recreation department completed a community needs assessment this past spring which identified a high unmet need for tennis lessons and clinics. Currently, it is very difficult to schedule a lesson with a pro or to add additional programming because the current staff is teaching at capacity. In order to attempt to meet this need, the Tennis Dept. must teach more lessons and clinics.

Golf Dept – The Golf Dept. has requested to fund $10,000 of the $20,000 that was reallocated to Maintenance personnel. This budget request has a revenue offset of $14,000.

Ice Facility – This department is requesting a cross training program to develop administrative skills needed for an Ice Operation/Fields Supervisor position (N10)—an increase of $13,500.

The department is also requesting an extension and upgrade for the Marketing & Events Coordinator position under contract services. This position is critical to soliciting and overseeing events, marketing ice and fields, and selling advertising. This position has a responsibility to integrate cross marketing efforts within the Rec/Library Team as well as work with the Sustainability Team to realize and promote the use of the sports complex as an economic development tool. This request comes in at around $44,500.

Also, this department needs a new natural gas line ($35,000). A regulator was improperly sized initially on the propane tank. When the tank was adjusted the bills almost doubled. Increased fuel costs and more usage also play a part in this increase (averaging $10,000 per month vs. $5,800 per month last season). These costs should decrease substantially when a natural gas line is installed.

Finally, this department wants to move away from contracted cleaning services and add a Building IV (N07) position for the Ice Arena that would allow for better supervision. The position would act as a backup supervisor who would also drive the resurfacer and sharpen skates. This option is essentially zero-sum.

*(See Attachment B for more options approved with CIP funds.)*

**Sustainability**

Sustainability – This department is requesting consultant/contract services for Community Outreach/Visioning, consistent with Council direction at Visioning Session. Funds are needed to implement this process since the FTE associated with the Planning Director will be removed from the Sustainability (Visioning) budget. The project is significant, requiring specific expertise and community involvement. The adjustment equates to about $75,000 in contract services.

Council directed staff to include the Trails Master Plan identified level of service and recommendations for backcountry trails for FY 2009 budget. In the Tentative Budget for Sustainability a Trails Coordinator position and Trails Master Plan Services budget options were identified but not approved for FY 2009. Similar options will be recommended for the FY 2010 budget so that the position may go through the pay plan process and the maintenance costs will be further refined based on the WALC projects approved in the FY 2009 budget. There is more information attached as Attachment A.

*(See Attachment B for more options approved with CIP funds.)*

**Public Works**
<u>Golf Maintenance</u> – The City Manager recommends a one-time $20,000 option for an on-call vehicle. Currently staff is logging miles in personal vehicles for reimbursement.

<u>Transportation</u> – The City Manager is recommending $141,000 for expanded county transit—including a year-round Canyons shuttle—which will be offset by county payment. This option includes three new Bus Driver III positions (N06).

The City Manager is also recommending $168,000 for Park-and-Ride transit services to Richardson Flat. This option includes three new Bus Driver II positions—two at grade N06 and one at T06. Along with this option, the City Manager recommends $99,000 for maintenance at Richardson Flat: staffing (part-time Transit Streets III [T06] and Streets III [N06]), equipment, materials, and supplies (i.e., snow removal, sweeping, striping, lighting, etc.).

Finally, the City Manager is recommending a Transportation Division Reorganization. This option will provide for support to consolidate/coordinate walkability, traffic management, and entry corridor management under one organizational division. The consolidation as well as an increase in personnel budget—which includes a new Transportation Project Manager (E06)—equates to a $89,000 adjustment. This option would also move the Deputy Public Works Director (currently budgeted between the General Fund, Water Fund, Fleet Fund, and Transit Fund) all into the Transit Fund. This organizational change would result in the Deputy Public Works Director focusing more attention on transit and transportation issues.

There is an additional option for $25,000 of contract services split between the Public Works Administration and Water Operations. This adjustment will aid in the Transportation Division Reorganization.

<u>Water Operations</u> – This department is going through a reorganization, which includes the addition of two new positions and one reclassification due to the increased responsibility of work that this department will undertake as well as an enhanced level of service. Originally, these positions were put into the budget as a Water Project Manager (E06), a Water Analyst IV (N10), and the Water Operations Manager going from a grade E08 to E09. However, staff has further refined the market position benchmark for two of

these positions due to enhanced responsibilities in the Water Dept. and has changed their grades to the following: Water Project Manager (E07) and Water Operations Manager (E10). The City Manager originally recommended a total option of $163,000 to cover these resource needs, however, that will need to be increased to $180,000 adjustment for the grade changes.

In addition, there is a Water Worker III (N08) position moving to a Water Worker IV (N09) in accordance with a professional development plan.

Also, for the FY 2008 Adjusted Budget, the City Manager recommends $100,000 for outside legal services. This is a one-time expense.

Finally, the City Manager recommends $16,000 to backfill personnel to provide water system security.

Street Maintenance – Due to the unusually high amount of snow fall this past winter the City Manager has requested a one-time $400,000 option to pay for increased snow removal service for FY 2008.

Fields – It is also recommended that the Fields Dept. will receive an increase in funding for materials, supplies, and services due to an agreement between the City and Real Salt Lake, which would allow the soccer team to practice at the Quinn’s Fields and Ice Complex.

*(See Attachment B for more options approved with CIP funds.)*

**Non-Departmental**

There is a one-time increase of $250,000 in expenditure appropriations in the Self-Insurance Fund in the FY 2008 Adjusted Budget to cover increased risk management claims and legal fees. This is to be paid for from fund balance (Self-Insurance Fund).

Also, Council created a Main Street Business Improvement District (BID) by ordinance in which fees are collected from businesses for the purpose of business promotion. These fees are to be used to contract out for business promotion services. This option ($40,000) sets aside the BID funds for this purpose.

**Capital Budget Discussion:**

This being the second year of the budget biennium, the CIP Prioritization Committee met to consider and prioritize only the new CIP requests. A full reprioritization is slated for next year’s budget cycle. This year, project managers submitted requests which were scored and ranked by the Committee according the criteria outlined in Attachment C. In line with Council direction from Visioning Session, staff added a new criterion to the prioritization process which considers the Cost/Benefit Analysis for new requests.

After prioritizing new requests, projects are filtered into one of six alternatives. These CIP Alternatives are listed and described in the exhibit below.

| Characteristics of Alternate Capital Programs | | | | | | |
|---|---|---|---|---|---|---|
| | **Alt. #1** | **Alt #2** | **Alt #3** | **Alt #4** | **Alt #5** | **Alt #6** |
| **Characteristics** | **Status Quo** | **Enhanced** | **Expanded** | **Accelerated** | **Aggressive** | **Maximum** |
| **Number of Projects** | fewest | low | moderate | significant | higher | highest |
| **Total Spending** | little increase | some increase | moderate increase | major increase | major increase | highest increase |
| **Funding & Financing** | use of existing funds only | existing + conservative new streams | existing + noted new streams of ? | existing + noted new streams - including SID | existing + noted new streams - including SID | use of tax increases |
| **Management Strategy** | existing staff + some contract / consultant help | existing staff + some contract / consultant help | moderate use of new staff/ contract help or consultants | moderate use of new staff/ contract help or consultants | significant use of new staff, contract or consultant help | significant use of new staff, contract or consultant help |
| **Community Impact** | low | moderate | high | very high | very high | highest |

In recent years, the CIP Committee has recommended funding through Alternative #4 (Accelerated). This year the Committee received an unusually high dollar volume of requests. After scoring the projects and reviewing the estimated funds available (as projected in the FIAR analysis), the Committee recommended for funding all projects through Alternative #3 and some projects in Alternative #4. The Committee saw a needed for a slight contraction from the accelerated approach in favor of fiscal prudence. However, after this recommendation was forwarded to the City Manager, some new information and estimates emerged for key projects. Ultimately, the City Manager's Recommended Budget requests funds for all new projects through Alternative #4 with the exception of the proposed Town Plaza and the Emergency Recovery Fund.

Attachment D gives a financial summary of the nearly 200 projects included in the 5-Year CIP. This particular report splits up the projects by Alternative. Again, the City Manager is recommending all projects through Alternative #4 be funded with two exceptions. The status of the Town Plaza is in flux at the moment and is not currently funded in the CIP pending Council's decision whether or not to move forward. The CIP Committee did recommend the Plaza ahead of the Racquet Club. The requested Emergency Recovery Fund was also not recommended for funding as the City already has an 18 percent reserve in the General Fund which could be used for such emergencies.

With the abundance of projects included in the CIP, time does not permit an in-depth discussion on the particulars of each project. The Project Summary report on page 161 of Volume II of your budget document provides a brief description and financial status report on each project. Council is encouraged to ask questions on projects of interest to them during the CIP presentations. Staff has highlighted a number of significant projects which will get special attention during the budget discussions today and on the 22nd and the 29th of May, according to the schedule below:

**May 15** –

- Shell Space
- Richardson Flat Park & Ride
- OTIS Street Reconstruction Projects

**May 22** –

- Energy Efficiency Remodel

- Marsac Seismic Upgrade
- Walkability Projects

**May 29** –
- Walkability Projects (cont., if necessary)
- Water Infrastructure Projects
- Racquet Club Renovation

**Shell Space**
The City began construction on the Shell Space last summer at the end of May. Total estimated cost for the project is budgeted at $1.87 million (partly funded by a $1.1 million sale of the Watts property). Once the Shell Space is completed later this month, it will be condominiumized with the top floor being sold to KPCW and the bottom floor being rented to the Department of Alcoholic Beverage Control to become a state liquor store.

**Richardson Flat Park & Ride**
The Park & Ride Project will provide 750 parking spaces outside the City (Richardson Flat) to be utilized for employee, construction mitigation, and special events parking. The lot will be served by transit service. Funding in this CIP will be utilized to complete the access road (Wasatch County line) to the P&R entrance, provide for security enhancements (video surveillance and emergency call phones), landscaping, pedestrian-bike access, signage, and other enhancements not being provided by the developer.

Park City's portion of the construction amounts to $1.5 million and will be paid for with federal grants.

**OTIS Projects**
The City has completed 3 of 21 street reconstruction projects outlined in the 2002 Old Town Improvement Study. The final projects of Phase I of OTIS (Lower Norfolk and Woodside – North of 13th) are budgeted in FY 2009 at a total cost of $4 million. Phase II (a) of OTIS is also scheduled in the 5-Year CIP to begin in FY 2009 at a cost of $4.5 million. That phase includes reconstruction of Sandridge in FY 2009, Hillside in FY 2010, and Empire and Upper Lowell in FY 2011.

The study identified sales tax revenue bonds as the recommended funding source for the projects. It is currently anticipated that the City will need to bond for approximately $24.75 million in five different phases over the next 14 years to fund the remaining projects ($7.5 million in FY 2009). Annual debt service will likely range from $700,000 to $2.2 million, depending upon the year. With General Fund surplus as the anticipated revenue source for debt service payments, it will be very important to monitor other competing needs. The proposed CIP outlines the OTIS Phases as a first step in this process. In the event that General Fund surplus exceeds expectations for a given year, staff advises that those funds be used to fund OTIS projects on an up-front cash basis rather than using debt financing. This has multiple benefits: (1) a previously identified need designated by the CIP Prioritization Committee as a primary concern (i.e., the OTIS Projects) would be funded sooner, (2) the funding would be guaranteed as the cash would be on-hand, and (3) the money saved by not having to pay interest on debt service could be used to fund other needs.

Council expressed concern on May 1st that projected costs for future phases of OTIS are underestimated. Staff is committed to reviewing future OTIS projects this summer to update cost estimates, realign scheduling of the projects, and make updated recommendations. This update will be considered along with the reprioritization of the 5 Year CIP during next year's budget process.

**Trails Master Plan CIP**
The Trails Master Plan (TMP) CIP is used to provide a comprehensive system of hiking, equestrian, cross-country skiing and mountain bike trails in Park City. The TMP provides for the construction of new trails (paved, soft surface, and backcountry), sidewalks, signs, maps, and other pedestrian and bicycle improvements. The TMP is also used to coordinate the development of new trails between private development and the public trail system. Staff has leveraged the funding in the TMP for grants for trails, where over the past ten years approximately 65 percent of all trails have been funded through grants. The projects currently contemplated in the TMP are Quinn's Loop Trails (Federal Grant), Round Valley Way Trail-head, Cove Trail-head, trail signs, maps, trail reconstruction and erosion control, as well as bike racks.

**Department Review:**
This report has been reviewed by the Budget, Debt, and Grants and City Manager departments. Each department team has reviewed their own operating expenditures section.

**Alternatives:**

A. **Hold a Public Hearing on the FY 2008 Adjusted Budget and FY 2009 Budget requests and provide direction about budget issues.**

B. **Continue the Item:** Time will be available in future budget meetings 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 balanced. Staff recommends that Council provide policy direction on budget issues. Any unresolved issues should be discussed by June 12 so that the Final Budget can be prepared for adoption on June 19.

**Recommendation:**
The City Council should follow the budget presentation schedule described above and provide direction concerning budget policies and issues if needed.

**Attachments:**
Attachment A
Trails Master Plan Update 2008
Recreational (Back-country) Trails

Attachment B
Budget Options that will be funded through CIP

Attachment C
CIP Prioritization System

Attachment D
CIP Alternative Martrix

Attachment A.
Trails Master Plan Update 2008
Recreational (Back-country) Trails

**Background:**

- The adopted 2003 Trails Master Plan (TMP) identified recommended service level funding (not adjusted for inflation) for back-country trails and trail-heads (see exhibit A at the end of this report).
- The network of back-country trails as identified in the Trails Master Plan are varied from old mining, utility, rail, and access roads and clearings; user developed trails on public and private property; machine and hand cut trails on City open space or within dedicated easements on private property, contracted by the City and funded through grants or the TMP CIP account; or developer constructed trails within dedicated easements platted through the planning/development process; and volunteer coordinated and constructed trail projects on public and private property.
- The network is mostly on private property where most trails do not have dedicated public easements, however all trails are assumed to be "open to the public".
- The TMP identified a total of 92 miles of trails within the City limits and 21 miles of trails in Round Valley. Since that time the City has expanded it's boundary through annexation and has increased the amount of City owned land through open space acquisition outside the annexed property. There is currently approximately 180 miles of trails within the City limits and 40 miles of trails in the Round Valley area.
- Where most of the trails in the City are at the ski resorts, or are outside the City limits or on previously un-owned property, the TMP identified funding for only 35 miles of trails in 2003.
- Although adopted in 2003 the TMP recommended service level funding for trails were not budgeted in the City's General Fund as an operating cost. The City through partnerships with Mountain Trails Foundation, the Snyderville Basin Recreation District (Basin), Resorts and developers, as well as organized (National Trails Day) and impromptu user efforts have managed to provide a basic level of service to maintain the trails in the City at very little cost.
    - The Adopt a Trail program through Mountain Trails has been a key component in the maintenance of certain trails in the Basin and City, such as the Round Valley Trails, Lost Prospector Trail, and Spiro. This program has only gone through 2 seasons, where sign installation was performed the first year and some trail tread maintenance and tree trimming performed last season.
    - Deer Valley and Deer Crest performs maintenance on trails included within their lift served area. Park City Mountain Resort has had an agreement with the Basin for the use and maintenance of trails within their lease area, such as the Mid Mountain Trail. Their lease area owned by Talisker has been recently annexed into the City. Empire Canyon trails on property owned by Talisker are generally maintained by Mountain Trails or users.

**Analysis:**

- City Council reviewed the issue of back-country trails during their Visioning on January 3rd and 4th. Council directed staff to present the TMP level of service funding to Council through the mid Budget review process. Council also directed staff to outline the level of service currently provided by the City in comparison to the Basin and make recommendations.
- The current level of service for back-country trails consists of :
    - ♦ Supporting the "Adopt a Trail" program by Mountain Trails. This funds signs and tree trimming for a handful of trails.
    - ♦ Financial contribution to the Mountain Trails Map.
    - ♦ Coordination/funding shirts on National Trails Day volunteer work.
    - ♦ Occasional contracting with Mountain Trails for tree clearing or tread work.
- Staff has determined the current level of funding for the current level of service for trails to be $5,000 per year for approximately 100 miles of trails including funding for the Mountain Trails Map. The 2003 TMP identified funding for 35 miles of trails at $5,200. At current cost, funding for 100 miles of trails at the TMP identified level of service would be approximately $18,000 at a 25-30% increase in cost. The TMP also identified trail markers and signs for 35 miles of trails at $100. The current cost for 100 miles of trails at the TMP identified level would be approximately $2,500. The total TMP identified level of service operating costs for trails would be $20,500. The TMP does not reflect staffing costs. These would be and additional $50,000 to $60,000 per year for backcountry trails.

From the 2003 Trails Master Plan Appendix C Maintenance Costs (costs determined in 2002 and not adjusted for inflation) attached as Exhibit A:

- As noted in the Council Vision packet back-country trails take approximately 30% of the Parks Planner/Project Manager's position resources at the current level of service.
- The TMP identified a level of service for trail-head parking; (5 trail-heads) 30 spaces including 10 paved, at a cost of $2000. This does not include the cost of plowing snow, but includes some asphalt maintenance, trash removal, and kiosk/sign maintenance. The TMP identified a build out of 8 trail-heads with 44 spaces and 30 paved. Currently there are 30 paved spaces at the Farm and the Olympic Legacy Sculpture trail-head and these lots are plowed in the winter. The current cost for the maintenance of the existing trail-heads is approximately $10,000-$12,000. There are 3 other unpaved trail-heads, with a fourth anticipated in the near future. One of these 3 trail-heads is plowed on a much lower priority and is included in the cost above. There are other road-sides and cul-de-sacs which act as trail-heads which require significant staff resources (police, streets, parking, fire and executive with cost between $1,500-$5,000) to mitigate their impacts to the neighborhood. The trail-head maintenance is currently performed by Public Works out of their operations budget.
- The City currently plows the trail-head at the Farm and the Olympic Legacy Sculpture. The City currently spends about $7,000 on trail-head maintenance mostly due to snow plowing. Lately, there have been additional requests to the

City for paving, installation of signs and maps, perform snow plowing and additional or enhanced levels of maintenance at the unpaved trail-heads.
- The Basin trails system is mainly newly constructed trails and not nearly as eclectic as the City's trail system and hard to compare. The majority of their budget for trails is for personnel.
- The City has agreements with Mountain Trails and the Basin to perform grooming for cross-country skiing on City trails.

**Significant Impacts:**
- Through grants and previously identified goals of Council and staff, the City has constructed and is in the process of completing additional trails within the City and Round Valley area on City owned property.
- There has been approximately 3000 acres of land annexed into the City since the TMP was adopted in 2003. There is the potential to annex approximately 2500 additional acres in the near future including Round Valley.
- There have been requests by residents and users to provide additional trail-heads and enhanced maintenance of trail-head facilities including snow removal. There have also been requests for enhanced maintenance on the back-country trails, especially for the installation of signs and markers.
- The implementation of the Walkability Bond and other Council prioritized projects (Neighborhood Parks, Historic Shed, Dog Park, Rec. Building Remodel, Quinn's…) have had a significant impact on staff resources and the ability to provide a basic level of service for back-country trails.

**Recommendations:**
- Staff recommends Council review the impacts due to planned projects, annexation, requested construction and requested increases in maintenance.
- Staff recommends that Council review the current, the TMP identified costs, future or ongoing costs for new trails and trails on newly annexed property, and the possible increased levels of service for back-country trails.
- Staff recommends using additional staff resources and operations budget should Council direct staff to provide a basic or enhanced level of service. It would be assumed that any increased level of service will require a budget for operations and maintenance including contract services (ie. Mountain Trails and other non-profit and for profit companies and contractors) and the addition of staff resources or a staff position in the City. Staff plans on providing the recommended level of service outlined in Exhibit B, including the use of an intern/contract employee through the Trails Master Plan CIP account until the 2010 Budget. The WALC projects are anticipated to have significant implications on staff resources, where staff recommends staffing a Trails Coordinator position and Trails Master Plan maintenance budget in the Sustainability Department operating budget, after the position goes through the pay plan and budget for 2010.

EXHIBIT A

**Back-Country/Single-track**
**Approximately 35 miles/92** (Mostly @ Resorts) **Total Annual Cost: $5,200.00**

| *LONG TERM COSTS* | *Total Cost Per Mile Per Year: $ 148.58* | |
|---|---|---|
| Tree trimming | $200/year/35 | $ 5.72 |
| Re-grading | $5,000/year/65 | $ 142.86 |

**Trail-head Parking Areas**
**Approximately 5: 30 spaces (10 paved) (Build-out 8: 44 spaces (30 paved))**
**Total Annual Current Cost: $ 2,068.00**

| *YEARLY/ONGOING COSTS* | *Total Cost Per Year*: $ 1,600.00 | |
|---|---|---|
| Snow Removal | | $ Not presently |
| Trash | Check and empty every day 1.00 each | $ 1,600.00 |

| *LONG TERM COSTS* | *Total Cost Per Space Per Year (paved):* $ 35.00 | |
|---|---|---|
| Striping | Every 3 years: 450/10 | $ 15.00 |
| Asphalt Slurry Seal | Every 3 years: 450/10 | $ 15.00 |
| Asphalt Overlay (1") | Every 15 years: 750/10 | $ 5.00 |

| *LONG TERM COSTS* | *Total Cost Per Year:* $ 118.00 | |
|---|---|---|
| Kiosks | Re-stain every 3 years:$33 5%/year: $75 | $ 108.00 |
| *Maps | | $ 10.00 |

**Signs and Markers**
**Total Annual Cost: $ 872.00**

| *YEARLY/ONGOING COSTS* | | |
|---|---|---|
| *Carsonite markers (with decals) | (Replace 5%) 5@$40 | $ 200.00 |

| *LONG TERM COSTS* | | |
|---|---|---|
| *Wood markers (with placards) | Replace every 15 years | $ 502.00 |
| *Wood/metal post signs | (Replace 5%) 2@$85 | $ 170.00 |

* From Trails CIP Budget

EXHIBIT B
Trails Master Plan Level of Service
Operations and Maintenance including Staff Resources

| | 2003 TMP ID LOS | PCMC current LOS | 2008 cost to provide 2003 TMP LOS. **Staff recommendation** | Basin Rec |
|---|---|---|---|---|
| Miles | 35 | 100 | 100 | 100 |
| annual cost | $55,300* | $30,000* | $80,000* | $180,000** |
| cost/mile | $1,580 | $300 | $800 | $1,800 |

*Staff resources are estimated in order to compare with the Basin LOS which includes staff resources.
** Summit Cty '07 total trail budget is approx. $450k. They have approximately 100 miles of backcountry trails with 40% of total O&M. 40% of $450k = $180,000.

The current LOS is at about 20% of the 2003 TMP identified LOS. The staff recommendation for expenditure is roughly half of the estimated LOS performed by the Basin and roughly half of the LOS as identified by the 2003 TMP adjusted for inflation and increase in mileage of trails.

## Budget Options that will be funded through CIP

**Attachment B**

| | Option | Option Description | Department | 2008 Request | 2009 Request |
|---|---|---|---|---|---|
| **Engineering/Building/Planning** | BVEH | Purchase 2 vehciles | Building Dept | $ 50,000 | $ - |
| **Public Safety** | POL2 | Citation Module | Police | $ - | $ 24,720 |
| | POL3 | Equipment Maintenance | Police | $ - | $ 7,840 |
| | POL5 | Laser Printers for Police Bldg | Police | $ - | $ 1,800 |
| | POL4 | Alarm Tracking and Billing | Police | $ - | $ 15,600 |
| **Public Works** | BMVE | Maintenance Vehicle | Bldg Maint Adm | $ - | $ 12,500 |
| | SMSB | Skid Steer Snow Blower | Street Maintenance | $ - | $ 15,000 |
| **Recreation/Library/Golf/Ice Facility** | QCMP | Compressor Maintenance | Ice Facility | $ 5,000 | $ 5,000 |
| **Sustainability** | TRCO | Trails Coordinator | Sustainability - Implementation | $ - | $ 56,588 |
| | TMPL | Trails Master Plan Services | Sustainability - Implementation | $ - | $ 20,000 |
| | CSVC | Carrying Capacity Study | Sustainability - Implementation | $ - | $ 16,000 |

# CIP Prioritization System:
## Attachment C

Each criteria category will get a rating on a 1-5 scale with "5" being the most supportive/effective/true project rating.

| Criteria | Weight* |
|---|---|
| 1. **Objectives** – Meets the vision of a current City Council Goal/Listed Priority | 1.50 |
| 5 points – Project has a positive and swift impact on a top priority City Goal | |
| 4 points – Project positively impacts a top priority City Goal | |
| 3 points – Project positively impacts a high priority or "other" priority City Goal | |
| 2 points – Project has a partial impact on a City Goal | |
| 1 point – Project has no impact on a listed City Goal | |
| 2. **Funding** – Source Availability & Competition for Funds | 1.25 |
| 5 points – Earmarked funds exist specifically for the project (such as a grant) | |
| 4 points – Earmarked funds exist, but could be spent on another project (such as impact fees) | |
| 3 points – Project draws on flexible revenues which are specific to the Fund (such as water service fees) | |
| 2 points – Project draws on non-earmarked funds for which it has a particularly reasonable claim | |
| 1 point – Funds are not identified or funds are subject to much competition (such as General Fund surplus) | |
| 3. **Necessity** – Project is a "need to have" verses a "nice to have" | 1.00 |
| 5 points – "Need to Have"; Absolutely required to provide a core City service | |
| 4 points – n/a | |
| 3 points – Project has a positive impact towards a City service or interest with some limited frills | |
| 2 points – n/a | |
| 1 point – "Nice to Have"; Not required to keep the City running, but has some enhancement value | |
| 4. **Time line** – Project targeted within the next 5 years? | 0.75 |
| 5 points – Projected targeted within 1 year | |
| 4 points – Projected targeted within 2 years | |
| 3 points – Projected targeted within 3 years | |
| 2 points – Projected targeted within 4 years | |
| 1 point – Projected targeted 5 years out or further | |
| 5. **Investment** – Project has a positive history of prior investment suggesting additional support | 1.00 |
| a. Rating 5 – Prior funds were expended with the intent for future funding | |
| b. Rating 4 – n/a | |
| c. Rating 3 – Project has some aspects that have a history of City support | |
| d. Rating 2 – n/a | |
| e. Rating 1 – Project has no prior history or interest shown | |
| 6. **Cost/Benefit Analysis** – Revenues (or savings) compared to costs (operating and capital) | 1.00 |
| a. Rating 5 – Cost/benefit analysis exists and shows a net profit | |
| b. Rating 4 – Cost/benefit is at or close to break-even | |
| c. Rating 3 – Cost/benefit shows a moderate net loss | |
| d. Rating 2 – Cost/benefit shows a net loss which is substantial but not prohibitive | |
| e. Rating 1 – Cost/benefit shows a net loss which large enough to be prohibitive | |

* Proposed weights; subject to change

# CIP Alternative Matrix

| CIP# | Project Name | Unfunded Amnt | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|---|---|---|---|---|---|---|---|
| Alternative 1 | | | | | | | |
| CP0001 | Planning/Capital Analysis | | $7,456 | $7,456 | $7,456 | $7,456 | $7,456 |
| CP0002 | Information System Enhancement/Upgrades | | $0 | $0 | $0 | $0 | $0 |
| CP0003 | Old Town Stairs | | $0 | $0 | $0 | $0 | $0 |
| CP0005 | City Park Improvements | | $0 | $0 | $0 | $0 | $0 |
| CP0006 | Pavement Management Impl. | | $400,000 | $400,000 | $400,000 | $100,000 | $100,000 |
| CP0007 | Tunnel Improvements | | $470,000 | $0 | $200,000 | $300,000 | $220,000 |
| CP0009 | Transit Coaches Replacement & Renewal | | $1,243,594 | $107,594 | $1,455,594 | $127,594 | $0 |
| CP0010 | Water Department service equipment | | $75,000 | $0 | $75,000 | $75,000 | $75,000 |
| CP0011 | Bike Path Sealing | | $0 | $0 | $0 | $0 | $0 |
| CP0013 | Affordable Housing Program | | $1,327,929 | $200,000 | $200,000 | $0 | $0 |
| CP0014 | McPolin Farm | | $0 | $50,000 | $0 | $0 | $0 |
| CP0017 | ADA Implementation | | $10,000 | $10,000 | $10,000 | $10,000 | $10,000 |
| CP0019 | Library Development and Donations | | $0 | $0 | $0 | $0 | $0 |
| CP0020 | City-Wide Signs Phase I | | $0 | $0 | $0 | $0 | $0 |
| CP0021 | Geographic Information Systems | | $0 | $0 | $0 | $0 | $0 |
| CP0026 | Motor Change-out and Rebuild Program | | $25,000 | $25,000 | $25,000 | $25,000 | $25,000 |
| CP0027 | Water Recording Devices | | $0 | $0 | $5,000 | $0 | $0 |
| CP0028 | 5 Year CIP Funding | | ($470,164) | $0 | $0 | $0 | $0 |
| CP0029 | Equipment Replacement - Film Equipment | | $0 | $0 | $0 | $0 | $0 |
| CP0033 | Golf Pro Shop Acqusition | | $0 | $0 | $0 | $0 | $0 |
| CP0036 | Traffic Calming | | $0 | $25,000 | $25,000 | $25,000 | $25,000 |
| CP0038 | Open Space Bond Acquisitions | | $0 | $0 | $0 | $0 | $0 |
| CP0039 | Library Software | | $0 | $0 | $0 | $0 | $0 |
| CP0040 | Water Department Deficiency Correction Projects | | $273,680 | $500,000 | $327,982 | $344,381 | $250,000 |
| CP0042 | Gilmore Open Space Note | | $100,000 | $100,000 | $100,000 | $100,000 | $100,000 |
| CP0045 | Building Replacement and Enhancement | | $0 | $0 | $0 | $0 | $0 |
| CP0046 | Golf Course Improvements | | $32,000 | $32,000 | $32,000 | $32,000 | $32,000 |
| CP0053 | Sidewalk Improvements | | $0 | $0 | $0 | $0 | $0 |
| CP0060 | Ice Facility | | $0 | $0 | $0 | $0 | $0 |
| CP0061 | Economic Development | | $0 | $0 | $0 | $0 | $0 |
| CP0068 | Spiro Treatment Plant | | ($954) | $0 | $0 | $0 | $0 |
| CP0069 | Judge Water Treatment Plant. | | $1,024,938 | $1,973,200 | $0 | $0 | $0 |
| CP0070 | Meter Radio Read | | $133,680 | $497,690 | $0 | $0 | $0 |
| CP0071 | JSSD Water Assessment | | $715,954 | $744,592 | $774,375 | $805,350 | $837,564 |
| CP0074 | Equipment Replacement - Rolling Stock | | $550,000 | $550,000 | $550,000 | $550,000 | $550,000 |
| CP0075 | Equipment Replacement - Computer | | $150,000 | $150,000 | $150,000 | $200,000 | $200,000 |
| CP0076 | Boothill Tank. | | ($19,127) | $0 | $0 | $0 | $0 |
| CP0077 | Boothill Pumpstation | | ($4,297) | $0 | $0 | $0 | $0 |
| CP0078 | Park Meadows Well Water Treatment Project | | $0 | $0 | $0 | $0 | $0 |
| CP0081 | OTIS Water Pipeline Replacement Projects | $2,000,000 | $150,000 | $0 | $150,000 | $150,000 | $0 |
| CP0090 | Friends of the Farm | | $4,063 | $0 | $0 | $0 | $0 |
| CP0091 | Golf Maintenance Equipment Replacement | | $98,000 | $98,000 | $98,000 | $98,000 | $98,000 |

# CIP Alternative Matrix

| CIP# | Project Name | Unfunded Amnt | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|---|---|---|---|---|---|---|---|
| CP0096 | E-Government Software | | ($40,000) | $0 | $0 | $0 | $0 |
| CP0100 | Neighborhood Parks | | $0 | $0 | $0 | $0 | $0 |
| CP0108 | Flagstaff Transit Transfer Fee | | $405,606 | $0 | $0 | $0 | $0 |
| CP0130 | Snow Creek Parcel Purchase | | $0 | $0 | $0 | $0 | $0 |
| CP0131 | Conservation Reserve Program | | $0 | $0 | $0 | $0 | $0 |
| CP0132 | Museum Expansion | | $0 | $0 | $0 | $0 | $0 |
| CP0134 | Impact Fees | | $0 | $0 | $0 | $0 | $0 |
| CP0136 | County Vehicle Replacment Fund | | $0 | $0 | $0 | $0 | $0 |
| CP0137 | Transit Expansion | | $562,432 | $300,000 | $0 | $300,000 | $0 |
| CP0146 | Asset Management/Replacement Program | | $582,709 | $582,709 | $582,709 | $582,709 | $582,709 |
| CP0150 | Ice Facility Capital Replacement | | $45,500 | $37,500 | $43,000 | $45,500 | $37,500 |
| CP0152 | Parking Meter Replacement | | $306,000 | $20,000 | $0 | $0 | $0 |
| CP0153 | Quinn's Public Improvements | | $70,000 | $0 | $0 | $0 | $0 |
| CP0154 | Sales Tax Bond Contingency | | $0 | $0 | $0 | $0 | $0 |
| CP0159 | Building Dept. Training Grant | | $0 | $0 | $0 | $0 | $0 |
| CP0160 | Ice Facility Capital Improvements | $150,000 | $0 | $35,000 | $0 | $0 | $0 |
| CP0168 | Bus Barn Sewer Connection | | $25,000 | $0 | $0 | $0 | $0 |
| CP0169 | Bus Stop Lights | | $7,200 | $7,200 | $0 | $0 | $0 |
| CP0170 | Bus Wash Rehab | | $15,000 | $0 | $0 | $0 | $0 |
| CP0171 | Upgrade OH Door Rollers | | $9,000 | $0 | $0 | $0 | $0 |
| CP0173 | Detention Basin Feasibility Study | | $0 | $0 | $0 | $0 | $0 |
| CP0176 | Deer Valley Drive Reconstruction | $924,730 | $0 | $0 | $0 | $1,075,270 | $0 |
| CP0177 | China Bridge Improvements & Equipment | | $0 | $0 | $0 | $0 | $0 |
| CP0178 | Rockport Water, Pipeline, and Storage | | $688,868 | $688,868 | $688,868 | $688,868 | $688,868 |
| CP0179 | Park City Water Infrastructure Project - Phase 1 | | $0 | $4,000,000 | $11,100,000 | $0 | $0 |
| CP0180 | Corrosion Study of Water System | | $0 | $0 | $50,000 | $0 | $0 |
| CP0181 | Spiro Building Maintenance | | $52,052 | $0 | $0 | $0 | $0 |
| CP0182 | Park Meadows Golf Course Water Rights | | $0 | $0 | $0 | $0 | $0 |
| CP0183 | CCJJ In-Car Video Cameras | | $0 | $0 | $0 | $0 | $0 |
| CP0184 | Judge/Talisker/NPDES | | $0 | $0 | $0 | $0 | $0 |
| CP0185 | Wind Power Grant | | $0 | $0 | $0 | $0 | $0 |
| CP0187 | Historic District Guidelines | | $0 | $0 | $0 | $0 | $0 |
| CP0189 | Purchase of Fire Station | | $0 | $0 | $0 | $0 | $0 |
| CP0190 | Walkability Implementation | | ($1,506,542) | $0 | $0 | $0 | $0 |
| CP0191 | Walkability Maintenance | | $40,000 | $40,000 | $40,000 | $40,000 | $40,000 |
| CP0192 | Walkability Contingency | | $0 | $0 | $0 | $0 | $0 |
| CP0203 | China Bridge Event Parking | | $166,483 | $0 | $0 | $0 | $0 |
| **Alternative 1 Total** | | | **$7,726,060** | **$11,181,809** | **$17,089,984** | **$5,682,128** | **$3,879,097** |
| Alternative 2 | | | | | | | |
| CP0004 | Hillside Avenue Design & Widening | | $0 | $0 | $0 | $1,000,000 | $0 |
| CP0008 | Historical Incentive Grants | | $25,000 | $0 | $0 | $0 | $0 |
| CP0015 | Main Street Parking | | $0 | $0 | $0 | $0 | $0 |
| CP0025 | Bus Shelters | | $120,000 | $0 | $0 | $0 | $0 |

# CIP Alternative Matrix

| CIP# | Project Name | Unfunded Amnt | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|---|---|---|---|---|---|---|---|
| CP0030 | Public Safety Complex | | $98,072 | $0 | $0 | $0 | $0 |
| CP0041 | Trails Master Plan Implementation | | $0 | $0 | $0 | $0 | $0 |
| CP0047 | Downtown Enhancements/Design | | $0 | $0 | $0 | $0 | $0 |
| CP0059 | Cemetery Capital Replacement | | $20,000 | $0 | $0 | $0 | $0 |
| CP0063 | Historic Structure Abatement Fund | | $75,000 | $0 | $0 | $0 | $0 |
| CP0066 | Homeland Security Improvements | | ($10,379) | $0 | $0 | $0 | $0 |
| CP0067 | Recreation Complex | | $0 | $0 | $0 | $0 | $0 |
| CP0086 | Prospect Avenue | | $69,184 | $0 | $0 | $0 | $0 |
| CP0092 | Open Space Improvements | | $505,606 | $0 | $0 | $0 | $0 |
| CP0095 | Tennis Bubble Replacement | | $60,000 | $0 | $0 | $0 | $0 |
| CP0097 | Bonanza Drive Reconstruction | | $300,000 | $1,536,000 | $0 | $0 | $0 |
| CP0101 | BioCell Remediation | | $445,000 | $0 | $0 | $0 | $0 |
| CP0102 | Top Soil Assistance Program | | $0 | $0 | $0 | $0 | $0 |
| CP0105 | Mountain Regional Water Connection | | $0 | $0 | $0 | $0 | $400,000 |
| CP0123 | Replace Police Dispatch System | | $0 | $0 | $0 | $0 | $0 |
| CP0125 | Quinn's Rec - Maintenance Equipment | | $0 | $0 | $0 | $0 | $0 |
| CP0127 | Mobile Data System | | $0 | $0 | $0 | $0 | $0 |
| CP0133 | Public Works Equipment | | $0 | $0 | $0 | $0 | $0 |
| CP0138 | Deer Valley Fire Flow Tie-In | | $0 | $0 | $0 | $0 | $0 |
| CP0139 | Solamere Pump Station Upgrade | | $0 | $0 | $0 | $0 | $0 |
| CP0140 | Water System Emergency Power Master Planning | | $50,000 | $0 | $0 | $0 | $0 |
| CP0143 | Intersection Realignment Monitor Dr & Racquet Club Entrar | | $0 | $0 | $0 | $0 | $0 |
| CP0148 | Walkable Community/Safe Pedestrian Study | | $0 | $0 | $0 | $0 | $0 |
| CP0149 | Update Recreation Needs & Facility Assessment | | $0 | $0 | $0 | $0 | $0 |
| CP0155 | OTIS Phase II(a) | | $0 | $4,036,704 | $0 | $0 | $0 |
| CP0156 | OTIS Phase II(b) | | $0 | $0 | $0 | $6,678,875 | $0 |
| CP0157 | OTIS Phase III(a) | $3,742,485 | $0 | $0 | $0 | $0 | $0 |
| CP0158 | OTIS Phase III(b) | $4,570,204 | $0 | $0 | $0 | $0 | $0 |
| CP0161 | Golf Car Loan & Purchase | | $0 | $0 | $0 | $0 | $0 |
| **Alternative 2 Total** | | | **$1,757,483** | **$5,572,704** | **$0** | **$7,678,875** | **$400,000** |
| | | | | | | | |
| Alternative 3 | | | | | | | |
| CP0022 | Sandridge Parking Lot | | $0 | $0 | $0 | $0 | $0 |
| CP0035 | Bonanza Crosswalk | | $0 | $0 | $0 | $0 | $0 |
| CP0037 | Office Space | | $0 | $0 | $0 | $0 | $0 |
| CP0054 | Upper Park Avenue | | ($985) | $0 | $0 | $0 | $0 |
| CP0058 | Olympic Preparation/Legacies | | $0 | $0 | $0 | $0 | $0 |
| CP0064 | Library Expansion | | $0 | $0 | $0 | $0 | $0 |
| CP0073 | Marsac Seismic Renovation | | $2,700,000 | $0 | $0 | $0 | $0 |
| CP0083 | Lower Norfolk & Woodside (North of 13th) | | $960,553 | $2,929,955 | $0 | $0 | $0 |
| CP0085 | Town Plaza | $5,100,000 | $890,000 | $0 | $0 | $0 | $0 |
| CP0089 | Public Art | | $0 | $0 | $0 | $0 | $0 |
| CP0113 | 3 Kings Dr Storm Drain | | ($3,385) | $0 | $0 | $0 | $0 |
| CP0114 | Storm Drain & Flood Control Devices | | $0 | $0 | $0 | $0 | $0 |

# CIP Alternative Matrix

| CIP# | Project Name | Unfunded Amnt | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|---|---|---|---|---|---|---|---|
| CP0115 | Public Works Complex Improvements | | $25,000 | $0 | $0 | $0 | $0 |
| CP0141 | Boothill Transmission Line | | $0 | $1,650,000 | $0 | $0 | $0 |
| CP0142 | Racquet Club Program Equipment Replacement | | $50,000 | $50,000 | $50,000 | $50,000 | $50,000 |
| CP0167 | Skate Park Repairs | | $0 | $0 | $0 | $0 | $0 |
| CP0174 | Deer Valley Dr. Roundabout | | $31,537 | $0 | $0 | $0 | $0 |
| CP0186 | Energy Efficiency Study on City Facilities | | $700,000 | $700,000 | $0 | $0 | $0 |
| CP0188 | Landfill Operations Master Plan and Hazmat Container | | $0 | $0 | $0 | $0 | $0 |
| CP0201 | Shell Space | | $1,120,000 | $0 | $0 | $0 | $0 |
| CP0206 | Golf Course Improvement | | $34,000 | $0 | $0 | $0 | $0 |
| CP0211 | Back-up Ice resurfacer | | $0 | $0 | $0 | $0 | $0 |
| CP0213 | Tennis Court Repair and Rebuilding | | $0 | $0 | $0 | $0 | $0 |
| CP0215 | Current Ice Rink from Propane to Natural Gas | | $0 | $0 | $0 | $0 | $0 |
| CP0216 | Park & Ride (Access Road & Amenities) | | $1,500,000 | $0 | $0 | $0 | $0 |
| CP0217 | Emergency Management Program Startup | | $304,000 | $0 | $0 | $0 | $0 |
| **Alternative 3 Total** | | | **$8,310,720** | **$5,329,955** | **$50,000** | **$50,000** | **$50,000** |
| | | | | | | | |
| Alternative 4 | | | | | | | |
| CP0043 | Public Works Storage Parcel | $2,000,000 | $50,000 | $50,000 | $50,000 | $0 | $0 |
| CP0051 | Bus Maintenance & Operations Facility | $2,500,000 | $2,700,000 | $0 | $0 | $0 | $0 |
| CP0072 | Relocated Utilities - Park Avenue. | $4,894,000 | $0 | $0 | $0 | $0 | $0 |
| CP0084 | Woodside - North of 13th | | ($960,553) | $0 | $0 | $0 | $0 |
| CP0099 | Imperial Hotel Maintenance | | $0 | $0 | $0 | $0 | $0 |
| CP0107 | Retaining Wall at 41 Sampson Ave | $0 | $0 | $0 | $0 | $0 | $0 |
| CP0109 | Deer Valley Drive Neighborhood | $213,443 | $0 | $0 | $0 | $0 | $0 |
| CP0111 | Prospector Ave Storm Drain | | $0 | $0 | $0 | $0 | $0 |
| CP0112 | Meadows Drive Traffic Signal | | $47,000 | $0 | $0 | $0 | $0 |
| CP0118 | Transit GIS/AVL system | | $753,200 | $0 | $0 | $0 | $0 |
| CP0119 | Ice Rink - Cash Flow/Fundraising CIP | | $0 | $0 | $0 | $0 | $0 |
| CP0122 | Police Wireless Network | | $0 | $0 | $0 | $0 | $0 |
| CP0124 | Kearns Boulevard Improvements | $8,650,000 | ($14,519) | $0 | $0 | $0 | $0 |
| CP0128 | Quinn's Ice/Fields Phase II | | $0 | $0 | $0 | $0 | $0 |
| CP0145 | Cross Country Snowmobile & Roller | | $0 | $0 | $0 | $0 | $0 |
| CP0162 | Shop Computers | | $0 | $0 | $0 | $0 | $0 |
| CP0163 | Quinn's Fields Phase III | | $850,000 | $500,000 | $400,000 | $300,000 | $0 |
| CP0164 | Park City Website Remodel | | $0 | $0 | $0 | $0 | $0 |
| CP0165 | Time and Attendance Software | | $40,000 | $0 | $0 | $0 | $0 |
| CP0172 | Public Works Site Cleanup | | $0 | $0 | $0 | $0 | $0 |
| CP0195 | Ice Expansion Fund | $7,000,000 | $12,500 | $12,500 | $12,500 | $12,500 | $12,500 |
| CP0204 | Recycling Bin in City Facilities | | $0 | $0 | $0 | $0 | $0 |
| CP0205 | GIS Development | | $0 | $0 | $85,000 | $25,000 | $0 |
| CP0207 | LED Holiday Lighting | | $0 | $0 | $0 | $0 | $0 |
| CP0208 | Snow Plow Blade Replacement | | $0 | $0 | $0 | $0 | $0 |
| CP0209 | Snow Blade Implements | | $0 | $0 | $0 | $0 | $0 |
| CP0210 | Salt Cover | | $0 | $0 | $0 | $0 | $0 |

# CIP Alternative Matrix

| CIP# | Project Name | Unfunded Amnt | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |
|---|---|---|---|---|---|---|---|
| CP0212 | Park City Ice Arena Screens and Display Cases | | $12,500 | $12,500 | $0 | $0 | $0 |
| CP0214 | Racquet Club Renovation | | $3,000,000 | $3,300,000 | $1,700,000 | $0 | $0 |
| CP0218 | Emergency Management Program Replacement | | $2,000 | $4,000 | $8,000 | $8,000 | $8,000 |
| CP0219 | Emergency Management Recovery Fund | $200,000 | $0 | $0 | $0 | $0 | $0 |
| CP0220 | 800 Mhz Radios | | $0 | $0 | $0 | $0 | $0 |
| CP0222 | Snow Removal Equipment | | $0 | $0 | $0 | $0 | $0 |
| CP0223 | Barn Restoration | | $0 | $0 | $0 | $0 | $0 |
| **Alternative 4 Total** | | | **$6,492,128** | **$3,879,000** | **$2,255,500** | **$345,500** | **$20,500** |
| Alternative 5 | | | | | | | |
| CP0087 | Woodside 8th-12th - Utility Relocation | $568,000 | $0 | $0 | $0 | $0 | $0 |
| CP0103 | Quinn's Junction Infrastucture Improvements | $250,000 | $0 | $0 | $0 | $0 | $0 |
| CP0106 | Public Works Storage Bldg | $500,000 | $0 | $0 | $0 | $0 | $0 |
| CP0110 | Prospector Neighborhood/business enhance service request | $30,000 | $0 | $0 | $0 | $0 | $0 |
| CP0126 | Fiber extention to Quinn's Junction | $200,000 | $0 | $0 | $0 | $0 | $0 |
| CP0151 | China Bridge Control Equipment | $145,000 | $0 | $0 | $0 | $0 | $0 |
| CP0166 | WI-FI Wireless Infrastructure | $250,000 | $0 | $0 | $0 | $0 | $0 |
| CP0175 | School Bypass Road | $4,100,000 | $0 | $0 | $0 | $0 | $0 |
| CP0193 | Round Valley Reservoir | $12,000,000 | $0 | $0 | $0 | $0 | $0 |
| CP0194 | Rockport Water Treatment Plant | $6,200,000 | $0 | $0 | $0 | $0 | $0 |
| CP0198 | Loans for Water Capital Improvements | | $0 | $0 | $0 | $0 | $0 |
| CP0199 | Sustainability/Environmental Initiatives | $1,000,000 | $0 | $0 | $0 | $0 | $0 |
| CP0221 | Indoor Pool | | $1,000,000 | $1,000,000 | $0 | $0 | $0 |
| **Alternative 5 Total** | | | **$1,000,000** | **$1,000,000** | **$0** | **$0** | **$0** |
| Alternative 6 | | | | | | | |
| CP0147 | Little Kate Recrown/Improvements | | $0 | $0 | $0 | $0 | $0 |
| CP0196 | Downtown Projects - Phase III | $500,000 | $0 | $0 | $0 | $0 | $0 |
| CP0197 | Prospector Improvements | $2,000,000 | $0 | $0 | $0 | $0 | $0 |
| CP0200 | Comstock Reconstruction | | $0 | $0 | $0 | $0 | $0 |
| **Alternative 6 Total** | | | **$0** | **$0** | **$0** | **$0** | **$0** |
| | **Grand Total** | **$69,687,862** | **$25,286,391** | **$26,963,468** | **$19,395,484** | **$13,756,503** | **$4,349,597** |

# City Council Staff Report

**Subject:** Right on Main Summer Sundays MFL
**Author:** Max J. Paap
**Department:** Sustainability
**Date:** May 15, 2008
**Type of Item:** Informational – Work Session Review

**Summary Recommendations:**
Provide Staff with direction on the HMBA's Right on Main Summer Sundays Master Festival License (MFL) application including: (1) Whether there is good cause to reduce the 90 day submittal requirement; (2) If there is a conflict with an existing approved MFL; and (3) how to address the request for sidewalk sales.

**Background:**
The applicant is requesting a multi-day marketing/sale event to optimize the promotion of Main Street Old Town and the existing Park Silly Sunday Market (PSSM) Master Festival License. This application includes operating on Sundays from June 15 through September 28, 2008 with the exception of Sunday, August 3rd for the Park City Arts Festival. After the inaugural season of the PSSM, HMBA represented that some portions of the south end of Main Street were impacted negatively due to lack of foot traffic that was drawn to the core of the market located on lower Main Street.

On March 27, 2008 Council approved the third amendment to the PSSM Master Festival License which included an expanded operative plan geared at spreading visitors to the entirety of Main Street. During the Park Silly Sunday Market approval, Council was supportive of exploring the possibility of sidewalk sales and other ideas to draw Silly Market visitors to Upper Main Street. This application has been coordinated with the PSSM and is represented as a supplemental effort to the benefit of the entire downtown core.

On April 9, 2008 the HMBA submitted the Right on Main Master Festival License application to hold events in conjunction with the dates of the Park Silly Sunday Market, but would differ from the PSSM (which shuts down at 4:00 pm) in that they would run from 10:00 am to 6:00 pm in an attempt to promote longer stays by visitors through the dinner hour. The applicant continues to work with staff to refine their requests to minimize impacts. At this time they seek approval to:

- Allow merchant sidewalk sales for the duration of the PSSM
- Allow small pockets of entertainment, music, and other minor programming in pocket parks along the street

**Analysis:**
<u>Findings to waive 90 day submittal requirements</u>
Section 4-8-4 (Exhibit A) of the Code, requires MFL applications to be completed and submitted to the Special Event Department not less than ninety (90) days prior to the scheduled opening of any Master Festival. HMBA submitted their application on April 9, 2008, thus the 90 day requirement for an MFL isn't met until July 9, 2008. The Special

Events Department or City Council, may, upon a showing of good cause, reduce this requirement per Section 4-8-4(A) of the Code. City Council has previously denied waiving the 90 day requirement (Octoberfest 2007). **Staff seeks direction on this topic.**

<u>Potential conflict with existing PSSM MFL The Code requires a finding of no conflict with the existing PSSM MFL. The PSSM has submitted a letter (Exhibit 1)clarifying their position, which identifies: 1) that they are in fact working with the HMBA to joint plan the efforts as well as possible sharing of marketing opportunities; and 2) there are potential concerns with some of the specific programming and details of the application as submitted.</u>

The Right on Main Summer Sundays application is regulated by Section 4-8-6 (Exhibit B) of Municipal Code as an MFL, which states that no more than one MFL or Special Event can be approved for the same date unless the Special Events Manager or City Council finds the event will not adversely impact one another or that concurrent scheduling of the event will not adversely impact public health, safety, and welfare. **Staff seeks discussion on this topic and the criteria below.**

(A) No more than one (1) Master Festival or Special Event shall be approved for the same date(s) unless the Special Events Manager or City Council finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the Special Events Manager or City Council will apply the following criteria:

(1) Geographic separation of the events;

(2) Proposed time and duration of the events;

(3) Anticipated attendance volumes;

(4) Necessity for public personnel, equipment, and/or transportation services at the events; and

(5) Anticipated traffic and parking impacts.

(B) When more than one Special Event or Master Festival application is received for the same date(s), the Special Events Manager finds that the events will adversely impact one another, or concurrent scheduling of the events will adversely impact the public health, safety, and welfare, the Special Events Manager shall resolve the conflict as provided herein. The Special Events Manager shall first attempt to reach an agreement among the conflicting Applicants to modify the applications in order to resolve the conflicts and accommodate the public interest. If no voluntary agreement is reached, then the Special Events Manager shall resolve the issue based on the following order or priorities:

(1) Historic usage Special Events or Master Festivals where the same Applicant has been granted a license under this Chapter for use of a particular City forum at a particular date, time, and place for more than three (3) consecutive years;

(2) Events planned, organized, or presented by state, federal, or City governmental entities

or their agents shall have priority over conflicting applications if:

(a) the application is timely filed and processed by the City, and

(b) said governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutoinal rights of conflicting applicants.

(3) If neither subsection (1) nor (2) is applicable, of if (1) or (2) do not resolve the conflict, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.

<u>Current vehicles available to allow for Sale/Display of merchandise outside of an enclosed building</u>

Current Park City Municipal code allows for 2 mechanisms to do this.

(A) The Finance Department may grant a license for regularly licensed businesses or merchant's association, excluding restaurants and food and beverage services, to hold outdoor sales five times a year for a duration of no longer than five days for each outdoor sale either within the business' own property or on public sidewalks or streets adjoining the business. (See Exhibit C- 4-3-10. Outdoor Sales)

(B) As an Administrative Conditional Use for Outdoor Display through the Planning Department. This display would not be precluded by approval of a separate MFL, sidewalk sale, or seasonal plant sale. (See Exhibit D- 15-2.6-12. Goods and Uses to be Within Enclosed Building).

Council has established a threshold for activity/ business outside of enclosed buildings through their policies stated above. Staff is not supportive of use of the MFL process to allow exceptions to existing policy, and recommends that HMBA members pursue either or both of the two mechanisms. Alternatively, should Council wish to consider additional mechanisms or allowances for sidewalk sales, they should give direction for staff to return at the next available meeting to revise the existing regulations. **Staff seeks discussion on this topic.**

Staff has identified examples such as: Staff would recommend considering an amendment to the Munic. Code 4-3-10 reducing the number of total days of each sale to three (instead of 5) and provide for the additional Sundays to keep the number of days roughly the same. Another example of this may include allowing sidewalk sales Citywide on Sundays for certain hours in addition to the five days already allowed.

**Department Review:**

Legal, Sustainability, and the City Manager have reviewed this report.

**Issues for Discussion:**

- Does Council agree there is good cause to reduce the 90 day submittal requirements?
- Does Council feel there are conflicts that may affect the coexistence of these two MFL'S?

- Does Council want to direct staff to proceed with changes to the Municipal Code to allow for a change to outdoor sales regulations?

**Recommendation:**
Provide Staff with direction on the Right on Main Summer Sundays Master Festival License (MFL) application. Staff does not recommend use of the MFL process to conduct 15 weeks of sidewalk sales. If Council is supportive; should the HMBA/Council wish to pursue more than the 5 sidewalk sales currently allowed by code, staff would recommend we can come back after the first 3-4 weeks with an evaluation of success and impacts. At that time Council could direct staff to amend existing regulations.

**Exhibits**
1 – PSSM Letter
A – Municipal Code 4-8-4
B– Municipal Code 4-8-6
C– Municipal Code 4-3-10
D- Municipal Code 15-2.6-12

**EXHIBIT A-**

## 4- 8- 4. MASTER FESTIVAL LICENSE APPLICATION PROCEDURE.

(A) **APPLICATION SUBMITTAL**. Applicatoins for Special Events and Master Festivals shall be made in writing to the Special Events Manager. Application materials are available at City Special Events Department and the Chamber Bureau offices, and must be completed and submitted to the Special Event Manager not less than ninety (90) days prior to the scheduled opening of any Master Festival, and not less than sixty (60) days prior to the scheduled opening of any Special Event, unless otherwise approved by the City Council, or by the Special Events Manager for Special Events, upon a showing of good cause.

**EXHIBIT B-**

## 4- 8- 6. CONFLICTING LICENSE APPLICATIONS.

(A) No more than one (1) Master Festival or Special Event shall be approved for the same date(s) unless the Special Events Manager or City Council finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare. In making this determination, the Special Events Manager or City Council will apply the following criteria:

(1) Geographic separation of the events;

(2) Proposed time and duration of the events;

(3) Anticipated attendance volumes;

(4) Necessity for public personnel, equipment, and/or transportation services at the events; and

(5) Anticipated traffic and parking impacts.

(B) When more than one Special Event or Master Festival application is received for the same date(s), the Special Events Manager finds that the events will adversely impact one another, or concurrent scheduling of the events will adversely impact the public health, safety, and welfare, the Special Events Manager shall resolve the conflict as provided herein. The Special Events Manager shall first attempt to reach an agreement among the conflicting Applicants to modify the applications in order to resolve the conflicts and accommodate the public interest. If no voluntary agreement is reached, then the Special Events Manager shall resolve the issue based on the following order or priorities:

(1) Historic usage Special Events or Master Festivals where the same Applicant has been

granted a license under this Chapter for use of a particular City forum at a particular date, time, and place for more than three (3) consecutive years;

(2) Events planned, organized, or presented by state, federal, or City governmental entities or their agents shall have priority over conflicting applications if:

(a) the application is timely filed and processed by the City, and

(b) said governmental application is made in good faith and not with the effect or purpose of improperly chilling constitutoinal rights of conflicting applicants.

(3) If neither subsection (1) nor (2) is applicable, of if (1) or (2) do not resolve the conflict, then the first-in-time application shall be given priority. The conflicting Applicant shall be advised of other open dates on the City's events calendar.

*(Amended by Ord. No. 01-31)*

**EXHIBIT C-**

**4- 3-10. OUTDOOR SALES**.

The Finance Department may grant a license to regularly licensed Park City businesses, excluding restaurants and food and beverages services, to hold outdoor sales five (5) times a year for a duration of no longer than five (5) days for each outdoor sale, either within the business' own property or on public sidewalks or streets adjoining the business on the following terms:

(A) **LICENSE FEE**. The license fee for an outdoor sale license shall be as set forth in the Fee Resolution in addition to regularly issued business license for that business. No outdoor sale license shall be issued if the regular business license is not currently paid in full.

(B) **PROMOTION BY MERCHANT'S ASSOCIATION**. An association representing tenants in a shopping center or other merchant's association representing the businesses in a specific area may apply for an outdoor sale license for the members of that association by providing a list of the merchants participating, and paying a fee which shall be in lieu of and not in addition to the fee assessed against individual businesses.

(C) **SEASONAL PLANTS**. The Finance Department may issue licenses of longer duration to permit the outdoor sale, on a temporary basis, of Christmas trees, landscaping materials, or plants that are of a type and nature that reasonably require the sale to be conducted out of doors. The license fee for this kind of outdoor sale shall be as set forth in the Fee Resolution and no license shall have a duration of more than eight (8) weeks. These licenses may be issued to any person or business. Sales shall be confined to commercial zones and to property under the possession and control of the applicant.

**4- 3-11. LICENSE TO BE DISPLAYED**.

All licenses issued under this Title all be displayed by the licensee in a prominent place at the licensee's place of business. Solicitors shall carry the license on their person in a visible position.

**4- 3-12. MULTIPLE LICENSING**.

Any one person may be issued any of the licenses described and created in this Title and may simultaneously hold more than one (1) license, and/or a regular Park City business license. The granting of multiple licenses shall not grant privileges not specifically granted by the licenses issued, nor shall the issuance of multiple licenses extend the time limitations imposed on any of these special licenses that are of a temporary nature. Suspension or revocation of one of the multiple licenses shall not act as a suspension of any other license then in effect, unless the grounds for the suspension of one are also the grounds for suspension of other licenses held by the licensee.

**4- 3-13. GROUNDS FOR DENIAL OF LICENSE**.

Licenses under this Chapter shall be denied if the applicant fails to meet the standards set within the license classification or for giving false or misleading information in any application category included in the application. Licenses may also be denied on the grounds that the general health, welfare, and public safety of the community makes the issuance of such a license inappropriate. Licenses which conflict in location with other applications or issued licenses may be denied. Applicants whose licenses have been denied have the right to a hearing before the City Council on the reasons for denial.

**4- 3-14. USE OF PUBLIC PROPERTY**.

With the exception of those licenses listed above which specifically grant the right to make use of the streets or sidewalks, all commercial activity shall be confined to private property and to fully enclosed buildings on that property except as provided by this Title. The City Council may, however, grant specific temporary licenses to applicants to sell food, beer, or merchandise in city parks or at other locations on public property. In granting these temporary licenses, preferences shall be given to non-profit organizations and civic groups before profit-making businesses are licensed to conduct a temporary business within the parks or on other city property. Such licenses shall be issued only after receiving the approval of the appropriate City department and execution of a concession contract with the City.

**4- 3-15. CERTAIN ACTS PROHIBITED**.

It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people to that person or that licensee's place of business by calling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. It shall be unlawful to pass handbills, flyers, or other advertising material by handing such material to passersby, or placing them on porches or vehicles, or attaching them to light or sign posts, or poles.

**4- 3-16. EXEMPTIONS**.

The licensing provisions of this Chapter shall not apply to the following kinds of activities that would otherwise fall within the purview of this Chapter:

(A) **POLITICAL ACTIONS**. No license shall be required to solicit signatures on petitions of a political nature or to canvass or solicit funds on behalf of candidates for office or ballot issues. Campaign literature may be delivered to homes, subject to the delivery conditions set forth in subsection (F) below.

(B) **RELIGIOUS ACTIONS**. No license shall be required of persons exercising their right to express their religious views, provided however, that no person shall use this exemption to sell merchandise. Delivery of any publication or material shall be subject to the delivery conditions set forth in s ubsection (F) below.

(C) **CIVIC GROUPS**. No licensing shall be required of local civic organizations, such as Boy Scouts, Girl Scouts, historic preservation groups, schools, museums, not-for-profit organizations, or other charities. Delivery of any publication or material shall be subject to the delivery conditions set forth in subsection (F) below.

(D) **WHOLESALE SOLICITATION**. Persons who are soliciting business on a wholesale basis only who are exempt under the provision of U.C.A. § 10-8-80 or any successor provision. For purposes of this Chapter, the solicitation of orders to place advertising in periodicals or for later broadcasts shall be deemed wholesale solicitation, and exempt from licensing.

(E) **SOLICITED DELIVERIES**. No license shall be required of any person making a "solicited delivery."

(F) **UNSOLICITED DELIVERIES**. No license shall be required of any person making an "unsolicited delivery." However, any person making an unsolicited delivery of any kind shall not cause unsolicited material to be stacked, piled or accumulated on any driveway, porch, automobile, building, yard, doorway, stairwell, or doorknob, without the prior express consent of the occupant of the premises. It shall be unlawful for any person to deliver any unsolicited material to a residence where that person's previously delivered material remains uncollected. Additionally, any person making such an unsolicited delivery to a residence, who finds prior uncollected material there, shall properly dispose of that person's uncollected material.

(G) **STATE LICENSEES**. Solicitors who hold valid state issued licenses to act as real estate brokers or salesmen, stock brokers, or insurance agents or salesmen need not obtain a separate solicitors license from the City, but shall conduct their solicitation activities in accordance with the provisions of this Code.

(H) **DELIVERY PROHIBITION**. It shall be unlawful for any person to deliver any unsolicited material to any person, residence or premises where the occupant thereof has requested that such delivery cease or where such occupant has posted his/her desire not to receive such unsolicited material.

**4- 3-17. RELATION TO BUSINESS LICENSE CHAPTER**.

This Chapter is intended to supplement Chapter 2 of this Title to provide for greater flexibility in the manner of doing business. In the event that a conflict exists between the provision of this Chapter and that, so that it is unclear which category of license is required, the Director or his or her designee shall determine the proper class of license or licenses to be issued, subject to review by the City Manager and appeal to the Council.

**EXHIBIT D-**

**15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING**.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED**. Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS**. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING**. Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Municipal Code Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS**. Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Municipal Code Title 6.

(h) Compliance with the City Sign Code, Municipal Bode Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES**. Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles or motorized scooters provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC**. Outdoor events and music require an Administrative Use permit. The Use must also comply with LMC Chapter 15-1-10, Conditional Use Review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Municipal Code Title 6.

(c) Impacts on adjacent residential Uses.

(d) Proposed plans for music, lighting, structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE**. Display of outdoor merchandise is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity of Facade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulatoin, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devises other than decorative balloons smaller than eighteen inches (18") in diameter are permited. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informatoinal plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

*(Chapter amended by Ord. Nos. 05-49; 06-69)*

To PCMC ,

As requested by the City, I am writing to address any concerns Park Silly Sunday Market may have re: the granting of a MFL to the HMBA for the duration of the Park Silly Season. We want to assure all parties the intention of the Park Silly Staff is to continue to work with the City and the HMBA on ideas to benefit all of Main Street on Sundays. Our desire is to draw people- locally, nationally and internationally to celebrate together on our historic Main Street.

My concern in granting the proposed MFL to the HMBA is:

1. The confusion created to grant committees on two separate applications for funding for the same grant for an event that takes place in the same location at the same time. On 5/8/08 I went before the RAP Tax committee and there was much confusion. Even after explaining how the funds would be distributed, I am not sure it was fully understood.
2. If the HMBA secures sponsorship with the MFL it directly affects the security of the PSSM title sponsorship.
3. The request for the HMBA MFL hours to extend until 6 pm. The HMBA resisted the extension of hours for Park Silly Market and this request shows favor for the upper part of the street, creating a further attitude of division between upper and lower.

This being our second year of operation we are in dire need of funding to secure the longevity of the Park Silly event. Our sponsorships this year have already taken a hit with the economy in the state it is in, in addition to the backlash of the negative media from the merchant response. Please understand our need to protect the generous sponsors we have and our concern about a decrease in grant funding due to confusion leading committees to split the amount requested amongst the two parties.

Once the Park Silly Market is in sound financial condition to extend our programming, we are open to the possibilities of growing the festival on more of the street. It is beyond our means at present.

We feel confident in the solutions to draw more foot traffic up the street as presented to the Council by PSSM and the HMBA for the 2008 season.

We hope to continue to work with the HMBA, Chamber, and the city on our efforts to help Main Street as a whole.

Sincerely,

Kimberly Kuehn
Executive Director
Park Silly Sunday Market