

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 6, 2010**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, May 6, 2010.

Work Session

1:15 p.m.	Council questions/comments	
1:30 p.m.	Parking enforcement update	P. 21 - 52
2:15 p.m.	Presentation of tentative budget	P. 101 - 119
	• Budget overview and timeline • New expenditure funding strategy • Update of Financial Impact Report • Revenue/expenditure summary • Economic outlook – revenue mix – property tax	
3:45 p.m.	Board of Adjustment interviews	See separate packet
5:45 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 THE MEETING OF APRIL 15, 2010
P. 5 - 20

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

1. Consideration of a Letter of Intent with the Park City School District for the SR248 Tunnel
P. 53 - 62

2. Consideration of a professional services agreement in an amount not to exceed \$51,505 with Brown & Caldwell for the purpose of preparing an application for a Utah Pollution Discharge Elimination System Permit
P. 63 - 68

3. Consideration of a Resolution declaring May 15, 2010 as Arbor Day in Park City, Utah
P. 69

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

1. Consideration of a Master Festival License for the Park City Mini-Trail Series to be held in Round Valley on June 26, July 10 and August 14, 2010 – Run Events P. 70 - 75
 - (a) Public hearing
 - (b) Action
2. Consideration of a Master Festival License for Running with Ed to be held on May 22, 2010 – Park City Education Foundation P. 76 - 86
 - (a) Public hearing
 - (b) Action
3. Consideration of an Ordinance approving a one year extension of the approval of a plat amendment for the Main Street Mall, located at 333 Main Street, combining Lots 7-15 and 18-26, Block 11, Amended Park City Survey, Park City, Utah P. 87 - 100
 - (a) Public hearing
 - (b) Action
4. Consideration of a Resolution adopting a tentative revised budget for fiscal year 2010 and the budget for fiscal year 2011 for Park City Municipal Corporation and its related agencies P. 101 - 119
 - (a) Public hearing
 - (b) Motion to continue to May 20, 2010
5. Consideration of a Memorandum of Understanding with the Military Installation Development Authority and Summit County P. 120 - 139
 - (a) Public input
 - (b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

Immediately following the adjournment of the City Council meeting

Closed Session - Property and litigation

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

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

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

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 13, 2010**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, May 13, 2010.

Posted: 05/03/10

See www.parkcity.org

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

May 2010

- 13 **Dana gone - 5/7 – 5/20**
 No meeting
- 20 Budget – work
 Tour of Utah (15 min)
 Environmental update and prioritization (1 hr)
 PC Heights – work
 Public hearing on tentative budget
 Acceptance and award of Pavement Management Bids
- 27 Budget – work
 Public Art Program - work
 Norfolk Ave Reconstruction (work - 45 min)
 Public hearing on tentative budget
 Public hearing – PC Heights

June 2010

- 3 Budget – work
 Review of two year special event policy – work
 Quinns WTP construction contract
 Public hearing and adoption of tentative budget
 Public hearing and adoption council compensation
 Adoption – Fee resolution
 Adoption CEMP resolution
- 10 Budget – work
 PC-SLC Transit Service (work - 1 hour)
 Public hearing on final budget
- 17 Budget – work
 Public hearing on final budget
 Adoption of final budget for all agencies
- 24

July 2010

- 1
- 8 **No meeting**
- 15
- 22
- 29

Pending Items:

Outdoor dining on Main Street – encroachment permits
MFL and special event Code amendments
Open space maintenance
U S Postal Service gang boxes in Old Town - MC
Special event prioritization – work
Performance measures (work)
Wild land interface issues

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 15, 2010**

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Economic Development Manager; Thomas Eddington, Planning Manager; Ken Fisher, Recreation Manager; and Diane Foster, Sustainability Manager

1. Council questions/comments. Cindy Matsumoto reported on the Library Board meeting and encouraged the public to apply to serve on the Library Board as there are upcoming vacancies. She reported on attendance projections for the new charter school discussed at the School Board meeting and the Peace House's fund-raising efforts. Candace Erickson explained that four candidates have been selected in the recruitment of a new Health Department Director. She commented on the ULCT conference in St. George where there was an opportunity to meet with both Senator Bennett and Congressman Bishop who were speakers at the event. There was an interesting session on the proliferation of social networking and the potential impacts of blogging. She felt that the City will need to get a handle on networking tools like Facebook and Twitter which are being used by many towns. Liza Simpson reported on a productive meeting with the HMBA. Alex Butwinski agreed and commented on his trip to Santa Fe which reminded him of how well Park City *does resort*. Joe Kernan discussed attending an informative meeting with the Police Department on its annual report. The Mayor commented on a renewable energy conference at Utah State in Logan where Senator Hatch was the keynote speaker. Salt Lake City received a good response for its bid to host the Republican Convention in August 2012. He spoke about sending a *care package* filled with Park City goodies to former Governor Jon Huntsman who is serving as ambassador to China. He thanked Tyler Poulson for his work on the City's application for the Mayor's Innovative Project Award and commented on the luncheon he attended at Utah Valley College. A thank-you dinner was held for the Armstrong Family this week.

2. Quarterly goal update. Tom Bakaly highlighted proposed formatting changes including providing more information on the status of items in certain instances. He acknowledged that there is some confusion on *pending* and *in-progress* items, noting that *pending* typically means that the City is waiting for some direction outside the City. Scheduling a meeting before July with the Historic Preservation Board was raised by the Mayor who suggested that the joint session be separate from a Board or Council meeting. Ms. Simpson expressed concerns with the timing of a preservation plan for 1450-1460 Park Avenue because of the potential of demolition by neglect. For the benefit of Liza Simpson, Ken Fisher described working with Summit County on amending its animal control ordinance to recognize off-leash areas like dog parks.

3. Carrying capacity – market analysis survey. Jon Weidenhamer emphasized that this concept is not new and explained that the analyses measure impacts changing the experience with regard to infrastructure and amenities. He felt this information will be useful in developing a plan for the Lower Park Avenue RDA and understood the goal to be maximizing and diversifying the tourism economy while mitigating impacts. The scope is limited to the two redevelopment areas, including Main Street and LPARDA, which includes half of the Bonanza Park District and the three signalized intersections. The HMBA has been concerned about regional commercial competition and the City has been considering conducting a market analysis for Main Street for some time. He pointed out that the staff report contains details on both the carrying capacity and market analysis studies. The plan would be to complete the studies by the end of the fiscal year with budgeted funds.

Mr. Weidenhamer explained that the study for carrying capacity will consider existing amenities and services to meet peak visitor demands, limiting factors in capturing additional market share, the net impact of any strategies to limit or slow growth, and the specific environmental impact of any RDA project. In response to a question from Cindy Matsumoto on the recommendations of the market study, Mr. Weidenhamer explained that it will reveal the effectiveness of our existing commercial retail mix and provide suggestions for the optimal mix which will be helpful for Main Street and the PCMC resort.

The Mayor felt other commercial areas should be included like Snow Creek and Prospector, recognizing that they are not destinations for tourist shopping. Liza Simpson agreed and expressed that the City should be as holistic as possible and asked why the studies are limited to the two RDAs. Jon Weidenhamer explained that one reason is the availability of RDA funding. The Mayor suggested waiting until the studies can be comprehensively performed and asked what the City wants to gain from the studies.

Candace Erickson believed that it is a new business owner's obligation to be familiar with the local market and to identify a need. She asked the purpose of the City conducting the studies and wondered like the Mayor, what the City is trying to accomplish. She referred to initial discussions on carrying capacity relating to defining the number of people who can be in town at one time before our roads, water, or other infrastructure fails. Afternoon grid-lock was specifically addressed which affects residents. Ms. Simpson stated that she shares the same concerns but for the tourists as well and monitoring the experience is important. She suggested partnering with the Chamber especially if the studies are conducted City-wide.

Diane Foster pointed out that the City would be obtaining information on economic, community and environmental failure points. While the resorts are looking at individual carrying capacity, this information is unique to the community. Ms. Erickson reiterated that the City should have partners on the project. She pointed out the level of residential in the proposed study area and feared that the consultant may recommend changing the zoning to more commercial uses. Setting parameters for the consultant in

advance may be wise. Alex Butwinski asked how the base data will be compiled, for instance, sales tax information may be available but the consultant may not know how to import it in the analysis. From an economic development standpoint, this information might be helpful to the Economic Development Manager to know what is lacking and it is helpful for everyone to target failing indicators.

The Mayor asked for feedback from Council on limiting the studies to our two RDAs. He stated that he supports this project being done at some point but it is not his top priority, especially if there are funding issues and he prefers to wait to perform a City-wide study. Mr. Butwinski agreed that it may not be a good idea to rush into the studies except to determine the scope of the study and to explore partnerships with the resorts. He believed the Council should be looking at performing the studies collectively. In response to a question from Candace Erickson, Mr. Weidenhamer indicated that he doesn't know what the increase in cost will be for City-wide analyses.

Tom Bakaly referred to a sales tax analysis done years ago which was sectioned in districts. The project could be bid to include all or individual districts. The City wants some of the data, which would be better to have sooner than later and the district approach may be more appealing to potential partners. He urged Council to keep the project moving. The Mayor asked the benefits of gaining information by district. Mr. Bakaly again mentioned attracting partners in different districts. The sales tax study was broken down by upper Deer Valley, lower Deer Valley, Snow Creek, Prospector, Lower Park Avenue, and Park City Mountain Resort. This approach provides information about a district and how it compares with the rest of the City. He again suggested bidding the City as a whole and by districts as well as setting parameters for the consultant.

The Mayor believed information on supply and demand in the real estate market and over-building a type of stock would be helpful and Ms. Erickson pointed out that all complete applications have to be reviewed in any event. Ms. Simpson added that the applicant could be advised that it may not be a good idea based on the data. The Mayor felt the studies will reveal a lot of useful information that can be shared with the community. Joe Kernan supported studies that are useful to the Council and other boards and commissions in decision-making. This could include decisions on improvements to public roads, amenities, transportation, etc. Funding a study to provide information to others is generous but he felt a study geared toward City decisions is more appropriate. Mr. Bakaly expressed that the market study could be broader or City-wide; carrying capacity relates to behavior.

Liza Simpson agreed with Ms. Erickson's comments about setting parameters and felt that it is partially addressed in the draft bid. She suggested adding language about existing residential and/or historic residential. Jon Weidenhamer pointed out that planning staff will be meeting with the consultant on a regular basis. Cindy Matsumoto expressed concerns that the plan does not include Holiday Village, NOMA or Snow Creek which are commercial areas used by many locals. Mr. Weidenhamer explained that the RDA includes the three main signalized intersections which addresses

infrastructure concerns and seemed like a balance. Candace Erickson felt that if Main Street and PCMR are studied, Prospector is a logical addition. Identifying Vail as a comparable town was discussed and Jon Weidenhamer described its successful unique marketing strategies.

Cindy Matsumoto stated that she likes the idea of pursuing a market study and trying to bring diverse businesses into town. Liza Simpson suggested looking at three years' data rather than the past two for better economic samplings. The Mayor pointed out that Park City has always experienced a large turn-over of new businesses regardless of good or bad years. The three critical elements are carrying capacity, marketing and vision.

Mr. Weidenhamer discussed the benefit of surveying the Main Street market relating to the redevelopment of the Main Street Mall. He felt Main Street is a destination area and doesn't really compete with Redstone. The Mayor disagreed and felt County residents are going to Redstone rather than Main Street and there is an economic impact. He suggested that the RDA areas be addressed first and that staff meet with the Chamber and the resorts. Ms. Erickson discussed marketing Main Street as a destination for locals to shop and some retailers have figured out how to make that work. Main Street is not just a destination for visitors and discussion ensued on making that a goal. Ms. Simpson agreed that Main Street is not strictly a tourist destination for a shopping and/or dining experience.

Jon Weidenhamer understood that Council would like the geographical areas bid separately and together and to integrate visioning so quality of life is not lost. Discussion ensued on the significant amount of information the City has already accumulated through studies that should be made available to the consultant to save time and money. Candace Erickson indicated that she is not very interested in the carbon footprint element and Liza Simpson felt that removing it will save dollars. Tom Bakaly felt confident about the ability to adjust the contract accordingly.

4. Review of regular meeting – nondiscrimination ordinances. There was no discussion on these items.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 15, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 15, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Kirsten Whetstone, Planner; and Thomas Eddington, Planning Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

III WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 1, 2010

Joe Kernan, "I move we approve the April 1st notes and minutes". Candace Erickson seconded. Motion unanimously carried.

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

None.

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 approval of Richardson Flat Park and Ride Lease, in a form approved by the City Attorney - and

2. Consideration of the transfer of property known as Snow Creek Cottages, located at 2061 Snow Creek Drive, Park City, Utah from Park City Municipal Corporation to the Redevelopment Agency of Park City, Utah - and

3. Resolution proclaiming the month of April as Fair Housing Month in Park City, Utah - Joe Kernan, "I move we approve Consent Agenda Items 1, 2 and 3". Liza Simpson seconded. Motion unanimously carried.

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

1. Consideration of an Ordinance relating to unlawful discrimination in employment practices based on sexual orientation and gender identity and creating Chapter 16 within Title 4 of the Municipal Code of Park City, Utah – Michael Kovacs explained that Items 1 and 2 mirror Salt Lake City’s ordinances, reflecting a lot of research and compliance with federal guidelines. The City received mixed input from the business community but an endorsement from the Chamber. The Mayor opened the public hearing.

Bill Malone, Chamber Executive Director, stated that the Board unanimously supports Council’s adoption on both nondiscrimination ordinances. He requested that if the ordinances are amended, that the Chamber be provided adequate time for review and input.

Melissa Davidson, resident, stated that she supports the ordinances and felt that Park City should set an example for the rest of the state.

With no further input, the public hearing was closed. Liza Simpson, “I move we approve an Ordinance relating to unlawful discrimination in employment practices based on sexual orientation and gender identity and creating Chapter 16 within Title 4 of the Municipal Code of Park City, Utah”. Candace Erickson seconded. Motion unanimously carried.

2. Consideration of an Ordinance relating to unlawful discrimination in housing practices based on sexual orientation and gender identity and creating Chapter 17 within Title 4 of the Municipal Code of Park City, Utah – Michael Kovacs relayed that the housing ordinance is somewhat more complicated because it also addresses financing, lending practices, etc. but mainly deals with fair housing. The Mayor opened the public hearing.

Brandi Bulken, Equality Utah, thanked Council for considering both ordinances which is a statement to the rest of the state that you appreciate all residents and believe in fairness.

With no further comments, the public hearing was closed. Alex Butwinski, “I move we approve an Ordinance relating to unlawful discrimination in housing practices based on sexual orientation and gender identity and creating Chapter 17 within Title 4 of the Municipal Code of Park City, Utah”. Joe Kernan seconded. Motion unanimously carried.

The Mayor added that he personally feels the ordinances do not go far enough and was frustrated with being forced to comply with federal guidelines; he specifically mentioned the provision for a special class. However, he felt that if the City adopted stronger ordinances, there would be repercussions at the state level. He hoped that there will be federal amendments in the near future and assured Mr. Malone that the Chamber will be kept well informed on these matters.

VII OLD BUSINESS (*Continued items*)

1. Consideration of an Ordinance amending the Land Management Code of Park City, Utah, revising Section 15-1-18(C) regarding the option of appointing a hearing officer to hear certain appeals of Planning Commission decisions – Mark Harrington noted that although several issues were raised last week during the hearing, staff is not recommending any additional changes. Primary issues include forming a panel rather than designating one individual which was discussed by the Planning Commission. The cost of a panel will be more and proceedings may be lengthier but hearing officers are cognizant of keeping to the scope of review. With regard to opening up appeals to public input, the current Code has not been changed to require public hearings and he encouraged the provision to be consistent throughout the Land Management Code. As a matter of practice, Council consistently provides an opportunity for public input for appeals. With regard to accountability, staff believes Council is more accountable and responsible with the ability of pursuing solutions in an enabled negotiable role and staff recommends proceeding with the ordinance as proposed. Mr. Harrington explained that if this is approved, an action will follow next week to appoint a hearing officer if and when an appeal is filed sometime in the future. Once the Council engages in an owner role in negotiations, it can't go back to the prior process. In terms of the call-up authority and other pragmatic issues, staff is committed to improving long-term appeal processes, but many issues raised by the public currently exist regardless of the hearing officer process. In response to a question from Liza Simpson regarding requiring public hearings, Mark Harrington recommended that exact verbiage be crafted tonight if there is consensus which would affect three sections. The Mayor reopened the public hearing.

Mary Cook, Homestake resident, acknowledged that she has not been following this closely but warned Council of what happened in New London, Connecticut over a redevelopment project. In 1998, the City Council abdicated its authority and responsibility to an independent decision-maker, and the matter has been litigated for ten years. People were paid but lost their homes and no development has occurred to date.

Mark Harrington explained that the case doesn't directly apply to the hearing officer matter, but it is something to be aware of in terms of limitations of governmental redevelopment authority relating to private property rights. He noted that the New London case was a condemnation issue and the state's legislation protects citizens in Utah from this happening.

Mary Cook continued to state that it is (hearing appeals) the Council's job; it is your community and your job to find resolutions that work for the entire community. Treasure Hill is less of an issue for her because it doesn't displace any present home owners, but the next one probably will and that is one you need to worry about.

John Stafsholt, 633 Woodside Avenue, referred to his written input submitted this week and his public comments last week. His main objections are limiting call-up authority

and inserting unelected hearing officers to replace the Council's voices. He acknowledged strong positive and negative positions for the hearing officer. Public input should be guaranteed. The hearing officer option should only be used in extreme cases and if it is used for Treasure Hill, it should be understood that it is an extreme and unique case. After Treasure Hill, it may never be needed again. He indicated that a hearing officer would be valuable and appropriate for appeals of City projects and in the rare case where due process or conflicts of interest exist. These should be minimal or non-existent and the hearing officer should be used as a last resort. The big danger of appointing a single hearing officer is corruption. Utah Code provides for a multi-person board which is important for impartiality. Mr. Stafsholt urged changing the proposal from one hearing officer to a three person board of appeals. He didn't think a panel would cost that much more especially if a single hearing officer brings in staff. He doesn't necessarily believe that a narrow scope is a good thing and a panel might provide a more complete review. He discussed competency and corruption.

Brian Van Hecke, THINC, felt the implications of this amendment is significant and will have a dramatic effect on the future of our town. He asked members how confident they feel this will work because the proposed development would destroy Old Town living as we know it today. He pointed out that the citizens may not agree with the decision of the hearing officer.

Mayor Williams relayed his support of Council's ability to talk with the Sweeneys on Treasure which he can't do now because of process. If the process is not changed, he envisioned that the project would be denied and a judge would make the final decision. He stated that something will probably be built on Treasure Hill because the owners have property rights. Both Council and the hearing officer must make decisions based on the Land Management Code regardless of personal feelings or whether the City gets sued. He stated that he is nervous about this too but it allows the ability to work toward alternatives for the project.

Alex Butwinski explained that there is no way to predict how this will go, but it is better to try to negotiate than to just acquiesce. Liza Simpson again discussed the responsibility of elected and appointed officials to base decisions on the Code.

Brian Van Hecke believed that many decisions that significantly affect Park City are subjective and authority shouldn't be given to one person. He alleged that Planning Commissioner Mick Savage's brother is a listing agent for one of the homes on the Hill and asked if there is a conflict of interest. Make sure that the vetting process is thorough and he encouraged taking public input whenever possible even for negotiations.

Candace Erickson reiterated that Council can require public input. Mark Harrington discussed a number of ways the public could be involved. Any change to the CUP would have to be approved by the Planning Commission where a public hearing must be held. All avenues have mandatory components and a myriad of opportunities depending on staff initiatives and Council can provide direction that the expectation is

high that we would look toward every opportunity to ensure on-going public participation. The Mayor interjected that any alternative either has to go back through Planning Commission or some other public process. Mr. Van Hecke reiterated his comments.

Lisa Wilson, resident, expressed that a hearing officer may be a good solution for Treasure but asked about the future. She felt this concept is counter to everything that she teaches her children about civics and understood this all came about because someone accused the Mayor of being biased. She felt being biased is good. A quasi-judicial role as opposed to a judicial role allows members some latitude to have bias. She explored descriptions for appeal authorities for other cities and none addressed bias. Everyone has some kind of bias. She asked if Council will review and approve Treasure and the Mayor responded that it has already been approved in 1985. Mark Harrington clarified that there likely will be processes for plat amendments which are reviewed by both the Planning Commission and City Council.

Ms. Wilson questioned whether the Council will still be accountable as elected officials. The quasi-judicial role is important and she would appreciate it if the Council didn't quit. The Mayor responded that he takes offense to the comment because this approach is not quitting and he pointed out that Ms. Wilson certainly has the right to elect others. There may likely be other applications for a hearing officer for City-owned projects. The idea that members are abdicating their responsibilities is wrong; the idea is to discuss things with the applicant that can't be addressed because of the parameters of process. If the project continues under the current process, the decision will ultimately be made by a judge. Part of the essence of a small town is the ability to talk to each other. The City Attorney stated that a judge would not agree with her position on bias and felt that this is a more accountable approach for elected officials.

Lisa Wilson asked if it is possible for the Mayor to negotiate and allow the rest of the Council to hear appeals. Mark Harrington explained that the problem is that no one Council member or the Mayor or the staff can obligate or negotiate with tools that their council hasn't authorized. The Council fulfills both executive and judicial responsibilities but can only perform one role at a time. When members are hearing an appeal, they are deliberating collectively in a judicial capacity. The hearing authority alternative removes them from that role and substitutes someone else so that Council members or liaisons can fully enable themselves in the legislative capacity to proceed with negotiations. Ms. Wilson asked if one member could voluntarily recuse himself from hearing an appeal to negotiate and Mr. Harrington advised that the member would have no authority without direction of the rest of the Council and that is the problem. Ms. Wilson felt the Council should be focusing on the toolbox rather than this and Mr. Harrington explained that normally the Council does, but this is an extremely unique situation. This is the exception rather than the rule and hopefully this process will be used rarely and only by virtue of the trigger points identified, i.e., due process or City project; he encouraged the Council to interpret those instances very narrowly. This is not meant to be a wholesale change and staff is committed to refine the ordinance in the future, if necessary. Ms. Wilson continued to express confusion about why the

ordinance is necessary but felt there should be a panel instead of just one person and hearing officers should be from this town. She urged considering the ordinance as a test and to not use it often.

Craig Elliott, resident, disclosed that he is performing architectural work for the Sweeneys and the City. He stated that he agrees with Mr. Stafsholt's thoughtful comments and spoke about his experience with City projects, specifically Snow Creek Cottages which was appealed. He felt that the Council has always taken its quasi-judicial responsibilities seriously but supports this ordinance. There is nothing worse than reactive government and this approach allows the opportunity to be proactive which he feels the citizens want.

Barbara Gural, 267 Ranch Iron Road, believed that putting all of the Council's power in one person will change the whole complexion of Park City. She suggested holding a referendum on the project. Mark Harrington explained that referendums are limited to legislative matters.

In response to comments from Mary Cook, Mark Harrington emphasized that the processes remain the same except for specific appeals when a hearing officer can be used. Ms. Cook argued that this is a very different process which should be monitored in the long run and warned not to change the entire process for one project. Candace Erickson clarified that the ordinance does not change the process, but gives the Council the option to use it in unusual circumstances. Ms. Cook alleged that the only time it will be used is when an uncomfortable decision has to be made by Council. The Mayor stated that this has nothing to do with discomfort. For the benefit of Ms. Cook, the Mayor and Ms. Erickson reiterated the reasoning for the ordinance and Mark Harrington discussed the status of the Treasure project, and again detailed the reasoning for the ordinance and the role of the hearing officer.

Kirsten Whetsone interjected that the hearing officer is intended for appeals only, not other reviews. The project itself is still in the Planning Commission process and all processes are the same for the Planning Commission. If the event the Planning Commission's approval is appealed, it would go to the hearing authority. Mark Harrington added that the New London case was totally different. Ms. Cook continued to argue her points and the Mayor reiterated the reasons relating to negotiation ability.

Jim Hier, resident, disagreed with the ability to negotiate argument. The City has the ability to negotiate right now and the ability to be sued and the ability to be sued while negotiating. He stated that Council negotiated on PC Heights and the only time the Council doesn't have the ability to negotiate is when an appeal has been filed which is the crux of the issue. The City tried to negotiate over the last three or four years, but the Sweeneys were not amenable. There wouldn't be so much concern over this matter if the Sweeney's legal counsel had not written the letter to the Mayor suggesting he recuse himself. He didn't believe that the statement *we can't negotiate* is true. We can negotiate. He felt that a hearing officer eliminates the strongest lever Council has which is the final vote on the project. Council will end up in a defensive mode should the

hearing officer come up with an opinion not favored by Council. Mr. Hier stated that this is a lousy idea and he would want to vote on the project if he was a Council member because of knowledge base.

Mark Harrington explained that the assertion that a regulatory final approval could ever be a lever in negotiation is the exact reason why Council needs to do this. Applicants are entitled to development approval if they meet the Code. With regard to PC Heights, Council was acting in a legislative capacity and annexations provide more flexibility than other processes. He acknowledged that Mr. Hier is somewhat correct that members always having some measure of negotiation on development proposals, but there are more opportunities for risk. Mr. Harrington emphasized that solutions for Treasure will be unique and not similar to other negotiations in the past.

Jim Hier argued that mitigation, which is a requirement of a CUP, is not detailed in the LMC and results in a subjective analysis conducted by the Planning Commission on applications. Mark Harrington disagreed. Lisa Wilson expressed her confusion because Jim Hier has been on Council for so long.

Mike Allred, resident, asked if Dana could recuse himself and be appointed to negotiate in certain situations. Mark Harrington replied no. Mr. Allred stated that the fear is an outsider shaping our community as opposed to elected officials. He discussed the benefits of negotiation and if the hearing officer approach can accommodate that, he can support the amendment, but it makes him nervous to give an outside party that much authority.

Kevin King, resident, felt that the Treasure Project is part of the pattern of growth in Park City and our outlook should change, acknowledging that no one likes it. We are reacting and trying to rewrite the law around one project. He did not feel it appropriate that the City partner with The Boyer Company and approve our own projects which present a huge conflict of interest. Government's role has become grey and the public's, developer's and government's roles should be clarified. Everyone has rights but there should not be a hearing authority or creating law around something which makes members uncomfortable. The only thing the government should be looking at is the Code which is health, safety and welfare. He stated that members will never make everyone happy. Treasure has been on the books for a long time and is part of the PCMR Master Plan. The City needs to bring the bed base downtown. Construction will increase traffic but once Treasure is built, it will be like any other project. The Mayor asked that Mr. King remain on topic. Mr. King stated that he is concerned about abuse to the developer. If Council is considering appointing someone local, he is interested in serving on a panel and hoped that matters can be reviewed objectively. He encouraged not spending taxpayers' dollars on a more confusing and conflicting process. Keep the current process in place.

Richard Sheinberg, Woodside Avenue resident, believed it is likely that this will be adopted. He pointed out that almost every appellate board has more than one decider and since a hearing authority will not be used often, suggested that a panel be

appointed rather than a single hearing office. Often people reach different conclusions when analyzing the facts to the standards. His first preference is for the Council to hear appeals but he urged consideration of a panel if a hearing authority is pursued.

With no further comments from the audience, the Mayor closed the public hearing. Joe Kernan emphasized that the Council's role is very limited when hearing appeals. Additionally, the elements of an appeal on Treasure could be extremely complex and legal expertise is valuable. However, he didn't perceive the Council abdicating its power to the hearing officer because the hearing authority's charge is to apply the Code as it relates to elements of an appeal. Mr. Kernan felt that the legislative role and the ability to negotiate is a better solution to the community where Council members have more of an impact on the future.

Alex Butwinski didn't feel there is anything to negotiate at this point and no one knows what will be approved by the Planning Commission. This is the same process and the hearing officer has to abide by the same standards as Council in his decision-making. There may be some different interpretations but that same possibility exists if Council members hear the appeal. He's heard from the public that the Council was elected to make decisions and this is what they are doing right now. This is a really difficult decision and many citizens have talked to him about it. Giving up his vote on an appeal is a way to gain negotiation abilities and far outweighs the status quo in his mind.

Liza Simpson felt that if having a hearing officer or panel produces the best outcome, she must support it. This is the first time members have realized the possibility of being proactive, rather than reactive, and to lead rather than respond. She acknowledged that the approach makes many people uncomfortable, as it does Council, but felt strongly that the City has to move forward with this to move ahead. She agreed with Dana Williams about the expectation that a negotiation will result in nothing being built is unrealistic. By adopting the amendment, the Council is doing exactly what they have been called upon to do and shaping the community by making this decision. Ms. Simpson stated that she is open to considering a panel but not because of the threat of corruption.

Candace Erickson stated that the hearing officer is an opportunity for the City's progress. She referred to the awkwardness of being the developer and the appeal board on the Snow Creek Cottages project and there are other possibilities in the future. However, she has a lot of faith in the competence of the Planning Commission.

Cindy Matsumoto understood that the Council needs to make a decision now, before a Planning Commission decision. She has no problem with a panel as opposed to a single hearing officer and it is not a given that a hearing officer will be needed if an appeal is not filed. The Council wants an outcome that the citizens and developer can agree upon without a hearing office. She trusts the Planning Commission and pointed out that using a hearing officer would be rare.

Liza Simpson agreed with Ms. Erickson's comments on the Snow Creek Cottages appeal. Alex Butwinski believed it important that the hearing officer be directed to take public input. All members agreed and Mark Harrington indicated that this requirement can be easily inserted. Cindy Matsumoto felt that the public will feel better about a panel and Liza Simpson interjected that cost should not be a major consideration. Mark Harrington advised that the authority must be decided and identified in the ordinance; there is no right or wrong way in appointing a panel as opposed to a single hearing officer. He detailed suggested language in three sections. Joe Kernan agreed that cost should not be an overriding concern with regard to the panel option as long as the decision is solid. He hoped the search would be manageable to find people who can work well together. Discussion ensued on the ability of the City or a citizen with standing taking the appeal decision to court. All members supported the three member appeal panel option.

Joe Kernan, "I move we approve the Ordinance amending the Land Management Code regarding appointing an appeal authority as a panel with the modifications Mark (Harrington) described along with the modifications related to requiring public input described earlier". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of an Ordinance amending the Land Management Code of Park City, Utah revising Sections 15-2.3, 15-6, regarding development regulations for Master Planned Developments in the HR-2 District and clarification of support commercial and meeting space within Master Planned Developments – Ms. Whetstone explained that Council first held a public hearing on this on April 1, 2010 and continued it to provide additional time for review. A neighborhood meeting was held on the amendment to the HR-2 District and the Planning Commission held three to four public hearings and made several revisions based on public input. There are several vacant lots on the east side of upper Park Avenue. The west side is residential and the east side is used primarily for support of adjacent Main Street businesses. Ms. Whetstone explained that better designs may result if there is an opportunity to apply a master planned development process. A MPD can also be used to mitigate impacts but requirements need to be tailored to this specific area, but it is hoped that exceptional designs will result consistent with the HR-1. Incentives include providing an opportunity for an increased commercial space across the zone line into the HR-2 as long as it is below the grade of Park Avenue in the basement of a residential structure. The types of structures allowed in the HR-2 are single family or duplex. She noted that this concept was discussed before and pointed out the flexibility a MPD review offers.

In response to a question from Candace Erickson, Ms. Whetstone confirmed that if the Main Street Mall wants to build residential, it would have to be houses on the Park Avenue side. She emphasized that goals include encouraging historic scale, eliminating vacant lots, decreasing visual impacts of garages, and decreasing in back of house space. Preserving historic structures and designing compatible contemporary structures are also elements of the amendment. Some commercial or retail is allowed in the basement provided it ties into a Main Street parcel but density can not be transferred to the HR-2. Candace Erickson referred to the solutions created for the No

Name Saloon so it complied with the Building Code and asked about other Main Street businesses; Tom Eddington understood that everyone is compliant.

Kirsten Whetstone pointed out that the other topic is support commercial space for hotels or condominiums reviewed as part of a MPD. The intent is that the additional 5% support commercial space be based on the residential units, which are based on gross floor ratio and that language was removed. Support commercial and meeting space does not utilize unit equivalents for residential or commercial but is based on the floor area of the approved residential unit equivalents and not gross floor area. Discussion ensued on the distinction between support commercial space and meeting space, and analyzing the 5% support commercial allowance.

Ms. Whetstone pointed out a few minor wording changes and the definitions for compatible and neighborhood compatibility. Joe Kernan spoke about the difficulties in interpreting compatibility and Mr. Eddington explained that it is not just looking at the house next door, but looking at surrounding homes. Ms. Whetstone agreed that there is no formula and Mr. Kernan emphasized that it's difficult to get two reasonable people to arrive at the same conclusion with regard to compatible mass, size and height while architectural elements may not be as challenging. Mr. Eddington felt that both are equally difficult and explained that whenever the Planning Commission reviews compatibility it asks for a streetscape which details the scale and rhythm of an area. Setbacks determine much of the volume. Ms. Whetstone discussed adding green building references which are not reflected in the draft. The Mayor opened the public hearing.

Craig Elliott, architect, felt that a lot of work has gone into this proposal and he attended Planning Commission hearings. He encouraged allowing a residence club in the HR-2 as a conditional use. He described the residence club as a limited time share which really reflects ownership not use and nightly rentals are already an allowed use in the area. It is not a timeshare and offers another alternative for ownership encouraging repeat use by the same people.

Mike Sweeney, business owner and developer, believed that neighborhood should be defined because it is more than the streetscape or the adjacent houses. There are many different neighborhoods in Park City, i.e., Old Town, Aerie, Deer Valley, etc., and the geographical boundary can be defined but neighborhood should be described. Mayor Williams pointed out that one definition would not fit all. Mr. Sweeney explained that the Code should be easy to understand because it is important for the City to remain competitive in attracting economic development. Mr. Sweeney indicated that he will draft a definition and the boundaries for Park City neighborhoods.

Ms. Whetstone added that this information ties into the research associated with the General Plan. Ms. Erickson believed that streetscapes are useful in making decisions about compatibility and there was discussion on the differences in neighborhoods even when they are geographically close to each other.

Mary Cook, Homestake HOA, spoke about the popularity of second floor properties at Homestake Condos because of the mountain views.

With no further input from the audience, the public hearing was closed. Possible residential development of the Main Street Mall Park Avenue property through a MPD process was discussed. Residential and commercial condominiums were described. Liza Simpson asked why the Planning Commission removed residence clubs. Mr. Eddington believed that members felt the area would be more residential without the residence club option, but nightly rentals are a permitted use in the zone, and residence club is an ownership type, not a use. The Mayor understood both sides.

Ms. Erickson did not support allowing residence club in the area because the concept may diminish the opportunity for full-time resident living. Joe Kernan stated that he supports fractional ownership from a tourism and economical standpoint. Liza Simpson stated she is more inclined to trust the Planning Commission's decision. Mr. Kernan commented on property owners enjoying the many benefits of living close to Main Street but not tolerating its impacts. He felt that additional parking should not be required as a part of outdoor dining which should be promoted but felt that granting a height exception will negatively affect neighboring properties. Ms. Whetstone explained that the provision he is referring to is general MPD language for height and does not apply to the HR-2 Zone where a height exception is not permitted.

Liza Simpson, "I move we adopt the amendment to the Land Management Code regarding Sections 15-2.3 and 15-6 (including the corrections handed out by staff". Alex Butwinski seconded. Motion unanimously carried. It was explained that staff is analyzing the 5% percentage and the Ordinance will remain at 5% until a change is warranted and recommended.

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Steve Brown, Contractor; Tom Daley, Deputy City Attorney; Michael Kovacs, Assistant City Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Cindy Matsumoto, "I move to open the meeting". Candace 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, City Recorder

City Council Staff Report



DATE: May 6, 2010
DEPARTMENT: Public Works
AUTHOR: Kent Cashel, Transit-Transportation Manager
Brian Andersen, Parking\Fleet Admin Team Leader
TITLE: Main Street and Residential Permit Enforcement Programs
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATION:

Council should confirm its enforcement priority for the Main Street and residential permit programs and affirm Staff's recommended enforcement program for the City's Main Street and Residential parking programs.

A. Background

Parking Services has been tasked with operating the City's Main Street and residential parking programs since 1998. This report will provide Council with a parking program update for both the Main Street and residential parking enforcement programs.

Main Street Parking Program

The Main Street Parking program is comprised of several elements designed to meet the diverse parking needs of customers, businesses, employees, and residents that are employed, live or visit the district. Those elements are:

- Paid Parking (Main Street and Brew Pub Lot)
- 15, 30, 60 and 120 minute time limited spaces
- 4 hour time limit zones
- 24 hour time limit zones
- Employee permits (allow employees to exceed 4 hour limits)

A map detailing the locations of these different elements is attached to the back of this report.

Residential Parking Program

The City's residential parking program covers all residential streets south of 12th Street and west of Park Avenue (including 12th Street and Park Avenue). Residents in the downtown core (Main Street and Park Avenue between Hillside and 9th avenue) are also included in the program. These areas are detailed on Permit Parking Zone map attached to the back of this report.

In April of this year, Staff met with Alison Butz, executive director of the Historic Main Street Business Alliance (HMBA) to discuss HMBA's concerns regarding the current Main Street parking program. At this meeting, Ms. Butz articulated the following informal HMBA parking requests:

- A 30 minute grace period following expiration of a paid parking receipt.
- Lenient (or more sensitive) enforcement of parking regulations during and following periods when snowfall covers signs, pavement or curb markings.
- Changes to the parking violation fee structure.

- A three year limit on citation records used in the calculation of the 6th or subsequent ticket.
- Reduce the levels of enforcement in all parking zones in the district.

Staff will seek to address HMBA's request(s) as part of this overall update.

This report will not present:

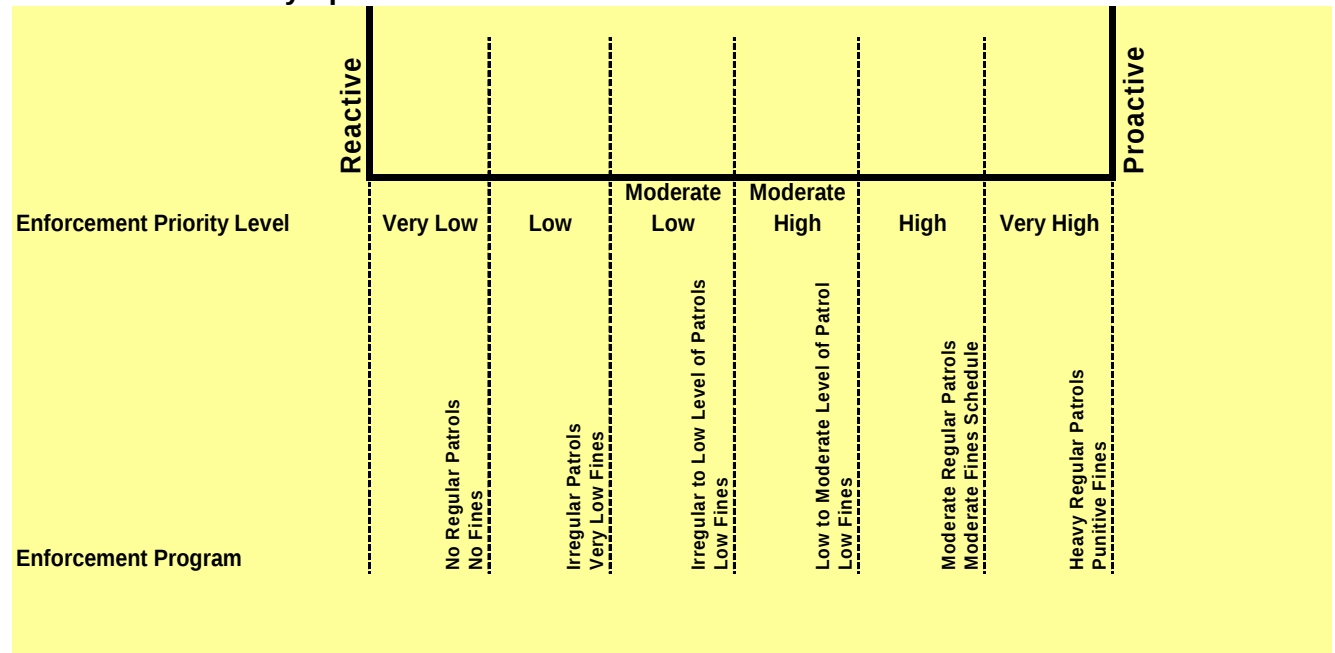
1. Staff's recommended financial plan for the programming of increased parking revenues related to the Council approved Main Street rate increase from \$1 to \$1.50 per hour. Staff plans to return to Council with a recommended financial plan as part of this year's departmental budget review (this departmental review is currently scheduled for May 20th).
2. A discussion of temporary parking programs during large-scale events. Staff thinks it is more appropriate to address these items individually as part of the individual event review(s).

B. Analysis

Council's Enforcement Priority

Staff bases its parking enforcement plans and activities on the priority that council places on enforcement. It is helpful to think of this prioritization as a point on an enforcement spectrum ranging from low priority (reactive or light enforcement) to high (pro-active or strict enforcement). The graphic below depicts the enforcement spectrum and the program characteristics associated with that priority.

Enforcement Priority Spectrum



Parking Enforcement Program

The City currently contracts with an outside firm (AMPCO) to provide enforcement services. AMPCO employees are housed and operate out of an office space in the Ironhorse Public Works building. The AMPCO supervisor interacts on a daily basis (including attending regular staff meetings) with Parking Services management and staff. This arrangement has been cost effective for the City while still facilitating a high level of customer service and effective enforcement.

The objective of the parking enforcement program is to ensure a reasonable level of compliance with the City's parking regulations while maintaining a customer friendly environment. This objective is pursued utilizing the following two strategies

- Education regarding regulations
- Motivate desired parking behavior

Education

The program's education strategy is currently executed using the following tools.

- Signage and markings: Staff seeks to ensure signage and pavement markings clearly communicate parking regulations and restrictions.
- Published regulation maps and descriptions (including City's web page)
- Parking Ambassador program: Enforcement personnel are tasked with providing parking information, directions, other assistance in addition to their enforcement role.

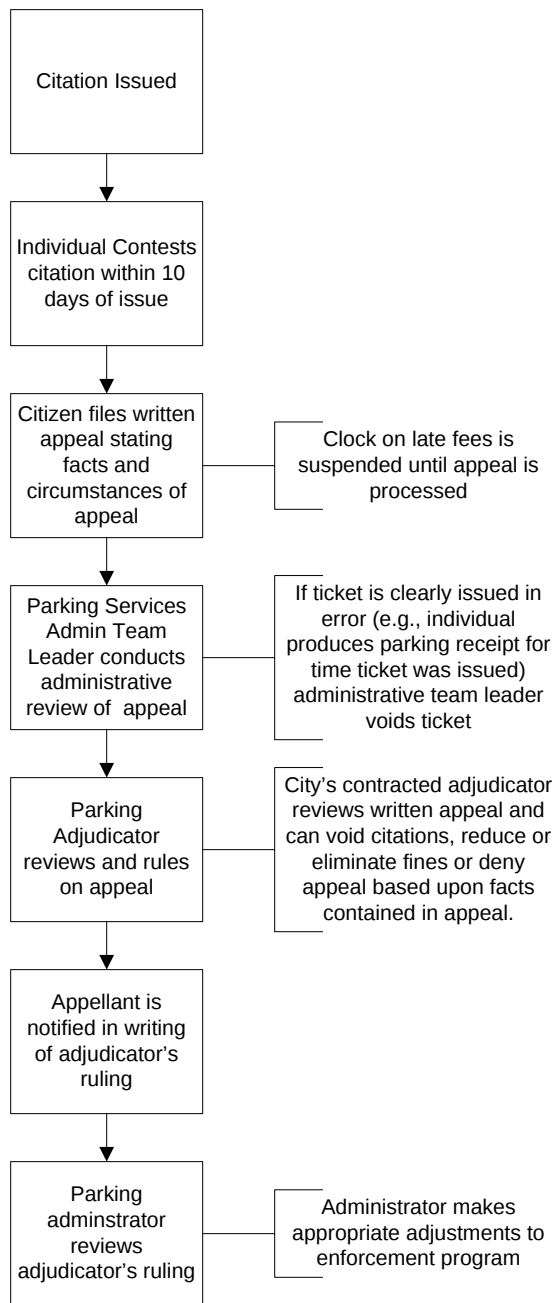
Motivate desired parking behavior

The parking program's strategy of motivating desired parking behavior is currently executed using the following tools:

- Warnings and Citations.
- Graduated Fine Schedule: Citation fee increases with 6th or subsequent citation.
- Immobilization (The Boot): Individuals with 5 or more unpaid tickets or \$300 or more in unpaid fines are subject to vehicle immobilization.

Citation Appeals Process

The City employs a two level citation appeals process whereby those receiving a citation can contest that citation. The flow chart below outlines the two step citation review and appeals process:



This two step process helps ensure that citations that are issued in error or without a sound regulatory basis are voided or fines adjusted and that the enforcement program makes appropriate adjustments in signage or enforcement approach.

Enforcement Staffing Levels and Patrols

Parking regulations in the Main Street and Residential program are enforced by AMPCO from 8:00 am until 10:00 pm 365 days a year. Enforcement outside these hours is provided by the City's Police Department.

The number of AMPCO enforcement personnel and the number of enforcement personnel hours has remained constant since 2000. In addition to enforcement, officers carry out daily signage and meter equipment maintenance tasks (including weekly meter collections) Current staffing levels are sufficient to provide the following levels of enforcement:

Area	Patrols per Day	Patrol Hours	Notes
Main Street & Brew Pub Lot (Paid Parking)	5-7	11am – 8pm	
Post Office Short term Spaces	10-14	11am –10pm	Time limits require minimum of two patrols to determine time in space
Galleria Lot (1 hour limit)	10 -14	11am – 8pm	Time limits require minimum of two patrols to determine time in space
China Bridge Garage (4 hour limits all floors except roof level)	5 - 7	8am -8pm	Time limits require minimum of two patrols to determine time in space
Gateway Garage (1 and 4 hour limits)	5 - 7	8am-8pm	Time limits require minimum of two patrols to determine time in space
Swede Alley, Historic Wall and Flag Pole Lots (4 hour limits)	5 - 7	8am -8pm	Time limits require minimum of two patrols to determine time in space
Heber Avenue	5 - 7	8am -8pm	Time limits require minimum of two patrols to determine time in space
Sandridge Lots (24 Hour limit)	1	8am -8pm	
Park Avenue (north of Heber) (2 hour limit)	5 - 7	8am– 8pm	Time limits require minimum of two patrols to determine time in space
Park Avenue Residential (south of Heber)	3	8am-8pm	
Other Residential Permit Streets	1 - 3	8am-8pm	More than 1 patrol per day on streets impacted by PCMR overflow

Fine Schedule

Council annually reviews and adopts the parking fine schedule during the City's annual budget process as a component of the City's fee resolution). The City's current fine schedule (in effect since June 2006) is contained in the table below:

First Five (5) Parking Tickets

Violation	Meter/Time limit	Other Parking Violations (e.g. residential permit or safety related violations)	Special Event/ADA Space violation
Initial Fine	\$20	\$30	\$150
After 14 days	\$40	\$50	\$170
After 30 days	\$60	\$70	\$190
After 60 days	\$80	\$90	\$210

Sixth or Subsequent Parking Tickets

Violation	Meter/Time limit	Other Parking Violations (e.g. residential permit or safety related violations)	Special Event/ADA Space violation
Initial Fine	\$40	\$50	\$150
After 14 days	\$60	\$70	\$170
After 30 days	\$80	\$90	\$190
After 60 days	\$100	\$110	\$210

Main Street Enforcement

Grace Period – Main Street and Brew Pub Lot

Staff does not currently employ a fixed grace period as HMBA has requested (e.g., 30 minutes) however officers are instructed to not ticket violations for vehicles whose paid receipt has just expired (within approximately 15 minutes). Staff's enforcement approach here is that the motorist has paid, only recently has their time expired and if the motorist is abusing the system it is likely they will be there on the next patrol sweep. The grace period provides those that have paid for parking on Main Street some consideration if they should underestimate the time they plan to spend on the street. It is also important to note that the probability that an officer will arrive at a particular car at or very near the time that car's paid time expires is very low. This low probability also provides, but does not guarantee, some additional flexibility. This grace period has currently not been extended to those that have not paid for parking or to time limit violations.

The HMBA has requested that this grace period be extended to 30 minutes. Staff thinks the current approach to applying a grace period is sufficiently generous and appropriate and does not recommend extending this to the formalized 30 minutes requested. However, if Council should direct Staff to implement the requested HMBA change this could be implemented without significant financial or labor impact.

First Paid Parking Violation - \$3.00 Fee

Shortly after the inception of paid parking the City implemented a \$3.00 reduced fine for a motorist's first paid parking violation. This reduced fine was a recognition that pay and display may not be intuitive to first time visitors to the street who then unwittingly failed to pay for their parking and received a ticket. \$3.00 represents the cost of an average stay if parking had been paid for, and staff used the opportunity to provide the individual with information of how to use the meters and other parking options. Staff thinks this program has been successful and well received.

The HMBA has requested that this fee for the first ticket be reduced to \$0. Staff estimates that the financial impact of this change would be \$25,000 annually in foregone \$3 ticket revenue and late fees. The \$0 reduced ticket could be accompanied with a marketing piece that says something like "This one is on us" and includes instructions on how to use the paid parking system and contact info if individuals should have more questions.

This approach should help turn a negative experience into more of a positive educational opportunity. Staff supports and recommends the \$0 first time paid parking violation. Staff does

not recommend extending the \$0 to time limited spaces or other safety related parking violations.

Reduced fine for 2nd ticket

The HMBA has requested that Council consider reducing the fee for an individual's 2nd ticket to \$5. Staff estimates the financial impact of this reduction to be approximately \$40,000 annually in foregone ticket revenues. Staff thinks that the elimination of any fee for the first ticket (coupled with an education piece) is adequate accommodation for those that may not understand the system. Staff does not support or recommends a \$5 2nd ticket fee. However, if Council should choose to implement a reduced fee this can be accomplished without requiring significant Staff time.

Limitations on years tracked for 6th or subsequent ticket

The fine tables contained above show a \$20 increase in fines for an individual's 6th or subsequent citation. Currently there is no limit on the years of in an individual's ticket history used in this calculation.

The HMBA has formally requested that the City limit the number of years included in this calculation to three (3). Staff supports this request and recommends that if an individual has no unpaid fines in their record that only three prior calendar years are used in this 6th ticket calculation.

Enforcement on Snow Days

Current enforcement policy directs enforcement officers to use common sense and a lenient approach to parking violations that occur on snowy days upon evidence that reasonable notice of restrictions may have been obstructed. This is based on the fact that regulation signs and pavement\curb markings can be obscured beneath snow. Officers are directed to consider that fact when making a determination on whether a violation should be cited. If a citation is issued on a day when snow may have obscured regulation signage\markings the City's adjudication officer would consider this fact when processing a ticket appeal.

The HMBA has informally requested that Staff ensure this policy is being adhered to by officers in the field. Staff thinks this request is more than reasonable and commits to taking steps to further that ensure officers are not only aware of the policy but are adhering to it. Additionally, Staff will ensure the City's adjudication officer is aware of days when measurable snow has fallen that may have obscured signage or markings.

Parking Ambassador Program

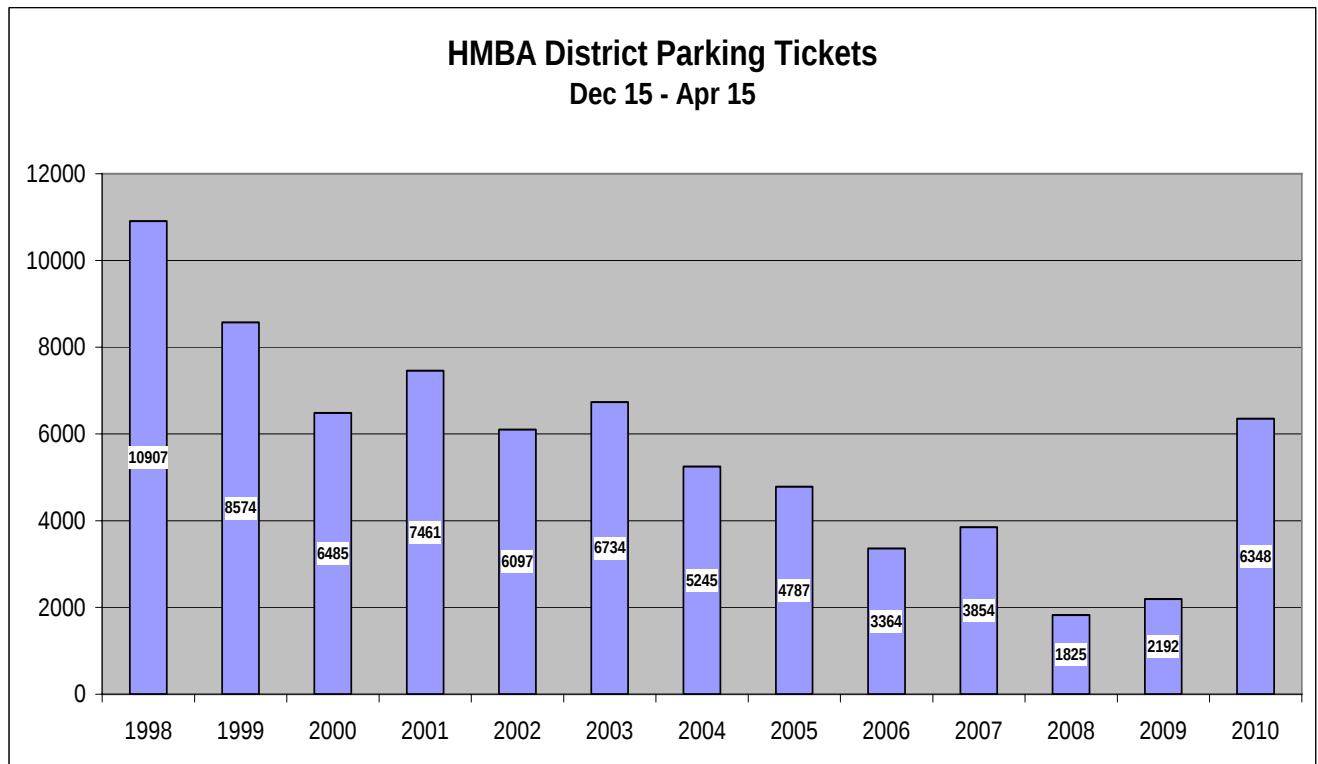
Parking enforcement personnel are directed to provide customer service while performing enforcement activities in the field. This customer service can come in the form of providing information to visitors on the parking system, local attractions, directions, assistance with car problems and etc.

Staff thinks that this program has room for improvement and plans to implement the following enhancements this year:

- o Improved staff training on local attractions and directions.
- o Improved uniforms and grooming standards.
- o Improved customer service standards and policies.
- o Enhanced monitoring of staff performance in the field.
- o Enhanced feedback to staff on customer service performance.

Main Street Program Ticket History

The graph below graphically displays the number of Main Street program citations issued for the time period of Dec 15th – March 15th for each year since inception of the program. This time period provides a good representation of enforcement activity during the busiest period of the year. Please note that December from the previous year is included in each year's total.



At least two trends in the data are evident and worth exploring a bit further, those trends are:

- After the program had been implemented and stabilized (2000-2004) citation activity remained relatively stable between 5000 to 7000 citations for the period.
- In the years 2005-2009 citation activity declined significantly particularly in 2008 and 2009.

It is helpful to have some background on the steep decline in activity that occurred between 2005-2009. In 2005 AMPCO's parking supervisor resigned and was replaced with an enforcement officer with several years of experience in enforcement work in Park City. In 2008 Staff became acutely aware of the steep decline in enforcement activity as concerns regarding the lack of enforcement were heard from Main Street merchants, residential homeowners, Council members, and the City Manager.

Staff took steps to more clearly understand what was causing the steep decline and took immediate action to performance issues including the replacement of the existing parking supervisor.

In late 2009 , based upon the number of enforcement concerns raised in previous months, Staff sought to return enforcement activity levels to those employed in the years 2000-2004. The return to this level of activity, as the graph indicates has resulted in a comparable amount of citations (within the 5000-7000 range for the period measured).

Staff has heard some concerns that current enforcement levels are too aggressive, and the HMBA has also informally communicated this sentiment to Staff (and may provide Council with more feedback at the May 6th work session). Staff is sensitive to these concerns but is also aware that significant reductions in enforcement activity have not been well received in the past either.

If we look at a few basic statistics regarding the number of tickets issued in 2010 (Dec 15 – April 15).

Total citations issued:	6348
Citations per day:	52
Citations per officer hour	1.5

Staff does not think the above numbers are indicative of an overly aggressive enforcement program and does not recommend significant reductions in enforcement activity.

Parking Services does not employ any ticket quotas, ticket incentives or measure employee performance based upon the number of tickets issued. Officers are not being directed to hunt, trap or aggressively write tickets. The number of citations Parking Services issues is a function of the following variables:

1. The amount of time spent patrolling
2. How efficiently that time is employed
3. The degree to which existing regulations are enforced
4. The level of compliance with existing regulations

Only variables 1 and 2 are both under the City's control and make sense to reduce (i.e., reducing efficiency is not in the City's interest). While it is not Staff's recommendation, if Council determines that a lower priority should be placed on enforcement and desire a reduction in tickets, Staff recommends a reduction in enforcement time as the City's best option .

This reduction in enforcement time could accomplished through reprogramming of officer time to complete signage and other equipment maintenance projects, customer service or a direct reduction in hours (perhaps on holidays or other slow times). It is important to understand and accept that a reduction in enforcement will likely yield a corresponding reduction in compliance.

Staff has designed the Main Street enforcement program based upon the Council enforcement priority depicted in the graphic below. Staff believes this priority of enforcement and associated program is necessary and appropriate to motivate business owners and employees to use parking other than Main Street so that this parking is available for customers.

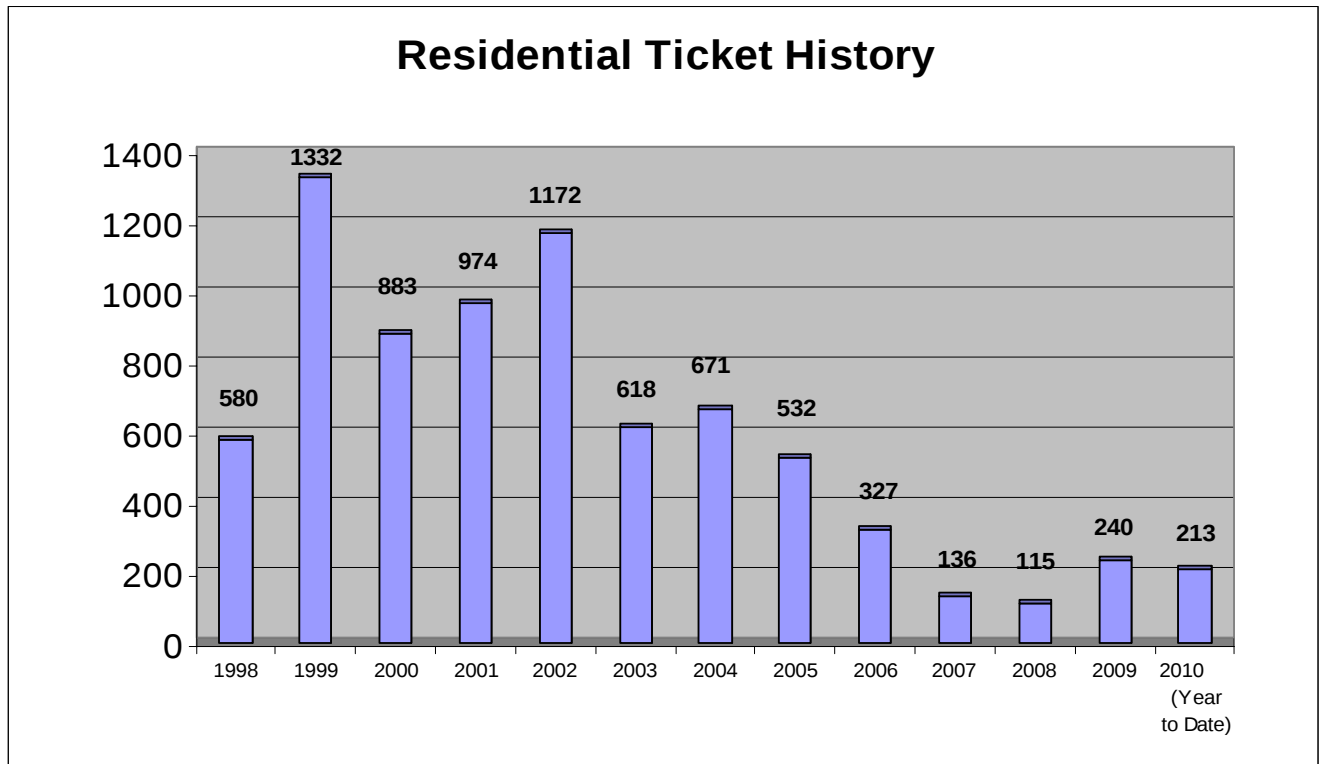
	Reactive					Proactive
Enforcement Priority Level	Very Low	Low	Moderate Low	Moderate High	High	Very High
Enforcement Program	No Regular Patrols No Fines	Irregular Patrols Very Low Fines	Irregular to Low Level of Patrols Low Fines	Low Level of Patrol Fines	Moderate Regular Patrols Moderate Fines Schedule	Heavy Regular Patrols Punitive Fines

Residential Permit Zone Enforcement

Since 2004, enforcement in the City's residential permit zones (with the exception of Upper Park Avenue) was primarily on a complaint basis only. No regular and ongoing patrols (with the exception of Upper Park Avenue) were programmed. The number of residential requests to provide enforcement in residential permit areas began to steadily increase in 2008-09. In response to those complaints, Staff in 2010 returned to a program of regular programmed patrols for all residential areas.

This program currently provides for a daily patrol of each street included in the residential permit program. Upper Park Avenue and streets in direct proximity to Park City Mountain Resort are patrolled 3 times each day due to the parking impacts created by overflow from Main Street and PCMR.

The chart below graphically displays residential ticket history. The pattern in this chart mirrors what was evident in the Main Street chart. While 2010 displays year to date if we forecast a full year based upon current ticket levels ($213 \times 3 = 639$) the number falls within the 2000 to 2004 range of 618-1172 annual tickets. Staff recommends that this level of enforcement is maintained to ensure a reasonable level of compliance is achieved within the parking challenged historic districts.



Rossi Hill

Some Council members indicated at Council Visioning in January that the Rossi Hill area should be considered for inclusion in the city's residential permit program. Staff monitored parking activity in the area and noticed some parking congestion primarily focused along the north side of Rossi Hill at its intersection with Ontario Ave. Staff is guessing the group of cars parked there must be coming from residences along Ontario that do not have access to parking (street parking is almost non-existent).

Staff has not received a petition from the neighborhood and is not clear of Council's objective for wanting to include this area in the residential permit program. Staff thinks the best method for addressing any parking problems in this neighborhood would be for the neighborhood to file a petition with the Neighborhood Transportation Management Program (copy of program attached to this report). The NTMP process has been successful in assisting neighborhoods in defining the problems they want solved and then developing solutions acceptable to the neighborhood. Staff recommends the NTMP approach and stands ready to assist the neighborhood in that process.

Staff has designed the residential permit enforcement program based upon the Council enforcement priority depicted in the graphic below. Staff believes this priority of enforcement is appropriate given that neighborhoods have proven them selves able to self manage (for the most part) neighborhood parking.

	Reactive						Proactive
Enforcement Priority Level	Very Low	Low	Moderate Low	Moderate High	High	Very High	
Enforcement Program	No Regular Patrols No Fines	Irregular Patrols Very Low Fines	Irregular to Low Level of Patrols Low Fines	Low to Moderate Level of Patrol Low Fines	Moderate Regular Patrols Moderate Fines Schedule	Heavy Regular Patrols Punitive Fines	

License Plate Recognition System

A license plat recognition system is a vehicle mounted computer system that optically scans a vehicles license plate and then is capable of locating and displaying that vehicles electronic database record.

This tool enables an officer to quickly and efficiently monitor time limits, determine if a vehicle is permitted for the area and complete other similar enforcement tasks.

This tool also uses Global Positioning System, en electronic clock and a camera that stores the time, location and photo of any parking violation which help ensure a independent detailed record of any enforcement action is available to support the appellant and adjudicator in any appeals process. This type of objective data will enable the City's parking adjudicator to quickly and accurately understand the facts and circumstances surrounding a citation.

The tool includes a reporting function that will provide management with detailed reports that will improve monitoring of enforcement activities and ensure that these activities are focused on problem areas and that officers are adhering to adopted enforcement plans, policies and procedures.

Funding for the procurement of this enforcement tool was included in the City's 2010 budget and Staff is nearing completion of the procurement process. The HMBA has communicated concerns that this tool does not promote a customer friendly atmosphere and is inconsistent with the City's environmental objectives.

While this tool is primarily intended to reduce the time required to provide enforcement in the more widely dispersed residential permit areas, Staff may eventually find a use for the tool in some Main Street areas.

This tool will:

- improve the accuracy of enforcement efforts
- improve efficiency of enforcement operations
- improve managements ability to monitor enforcement activities
- improved information available to support the appeals process
- reduce personnel costs

Staff will need to return to Council for authority to execute a Professional Services Contract prior to acquiring this tool. In the meantime, Staff will seek to better understand and address HMBA's concerns regarding the use of this tool.

Summary

Staff continues to work to mitigate concerns raised regarding Main Street parking enforcement efforts. Staff recommends the following program elements to address these concerns:

- Continue 15 minute paid parking grace period
- \$0 first paid parking violation – other fines remain unchanged
- Limit years used in 6th ticket calculation to three previous calendar years.
- Policy of “common sense” enforcement leniency on snowy days

Staff recommends continuing regularly scheduled enforcement of all residential areas as previously detailed in this report.

ALTERNATIVES

A. Approve The Recommendation.

Council should confirm its enforcement priority for the Main Street and residential permit programs and affirm Staff's recommended enforcement program for the City's Main Street and residential parking programs.

B. Establish New Enforcement Priorities

Council could establish new enforcement priorities to guide the enforcement programs for the City's Main Street and Residential parking. Should Council establish new priorities Staff would redesign enforcement elements to reflect those new priorities.

C. Defer the item to a later date.

Council could defer the item to a later date. Staff would continue with current enforcement programs.

D. Do Nothing. .

Council could do nothing Staff would continue with current enforcement programs.

SIGNIFICANT IMPACTS

Staff is sensitive to the need to find the appropriate balance of enforcement and compliance while still maintaining a customer friendly atmosphere. Staff thinks significantly reducing or hampering enforcement will result in a corresponding increase in non-compliance.

RECOMMENDATION

Council should confirm its enforcement priority for the Main Street and residential permit programs and affirm Staff's recommended enforcement program for the City's Main Street and Residential parking programs.



April 28, 2010

Kent Cashel
Max Paap
Brian Anderson
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

RE: Parking Management

Dear Kent, Max and Brian:

The Historic Main Street Business Alliance (HMBA) has established a Parking Management Committee to review and propose recommendations to the HMBA Board. The Parking Management Committee recently reviewed items relating to parking management during the Sundance Film Festival as well as items regarding general parking enforcement within the District. The Board reviewed the Parking Management Committee's recommendations and approved the requests as outlined.

Sundance - Removal of Parking on the East Side of the Street

The Parking Management Committee (PMC) discussed the public safety issues raised by Officer Rick Ryan and understood his position that the parking on the east side of Main Street must be removed throughout the duration of the event. Comments from the Board meeting indicated that the second half of Sundance is no busier than a typical winter weekend traffic. Taking that into consideration, the HMBA requests the parking on the east side of Main Street be restored on Tuesday during Sundance.

They request public safety personnel be stationed close to the street, whether in China Bridge or elsewhere in smaller vehicles, similar to Arts Fest, to ensure their ability to maneuver through the traffic when needed to address any safety issues.

Sundance - China Bridge reduction in Parking Fees

The HMBA requests the rate decrease on Tuesday during Sundance to \$10. This would coincide with drop in attendance as well as the opening of parking on the east side of Main Street.

Parking Management

The PMC reviewed the initial reasons paid parking began on Main Street which was to pay for the enforcement of the parking duration and to detract from the use of the street parking for employees/business owners. The HMBA continues to believe paid parking should detract employees/business owners from parking on Main Street but still allow visitors to shop, dine and enjoy Main Street at their leisure. Rapid turnover of parking spaces is not a goal of the HMBA.

The HMBA requests the parking enforcement officers represent a friendly resort town image and allow a 30 minute grace period once a parking validation expires. Furthermore, the HMBA requests the City restructure the ticketing rates to the following:

First ticket = Free

Second = \$5.00

Third = \$20.00

After three years, if all outstanding tickets have been paid, the record associated with the license plate is wiped-cleaned.

With regards to the new technology the City would like to purchase to scan license plates as the parking enforcement officer drives the District, the HMBA does not feel the purchase is in the best interest of the District. The impersonal nature of the device, versus having "ambassadors" walk the street, is not user friendly and prevents any positive interaction between the parking enforcement officers, Main Street merchants and those parking on Main Street. The technology, as proposed, would require a vehicle to continuously drive the streets which contradicts the City's vision to be a sustainable community where they continue to encourage others to walk, bike and use mass transit.

The PMC will continue to meet in the future and will address additional issues and will provide the Board with recommendations. I request the City continue to bring parking items to the committee for review prior to any significant changes.

It is my understanding that some of these topics will be discussed by the City Council during their May 6th Work Session. We request this letter be attached as part of the staff report. Please feel free to contact me with any questions or to further discuss.

Best regards,

A handwritten signature in blue ink, appearing to read "Alison Butz", with a stylized flourish at the end.

Alison Butz
Executive Director

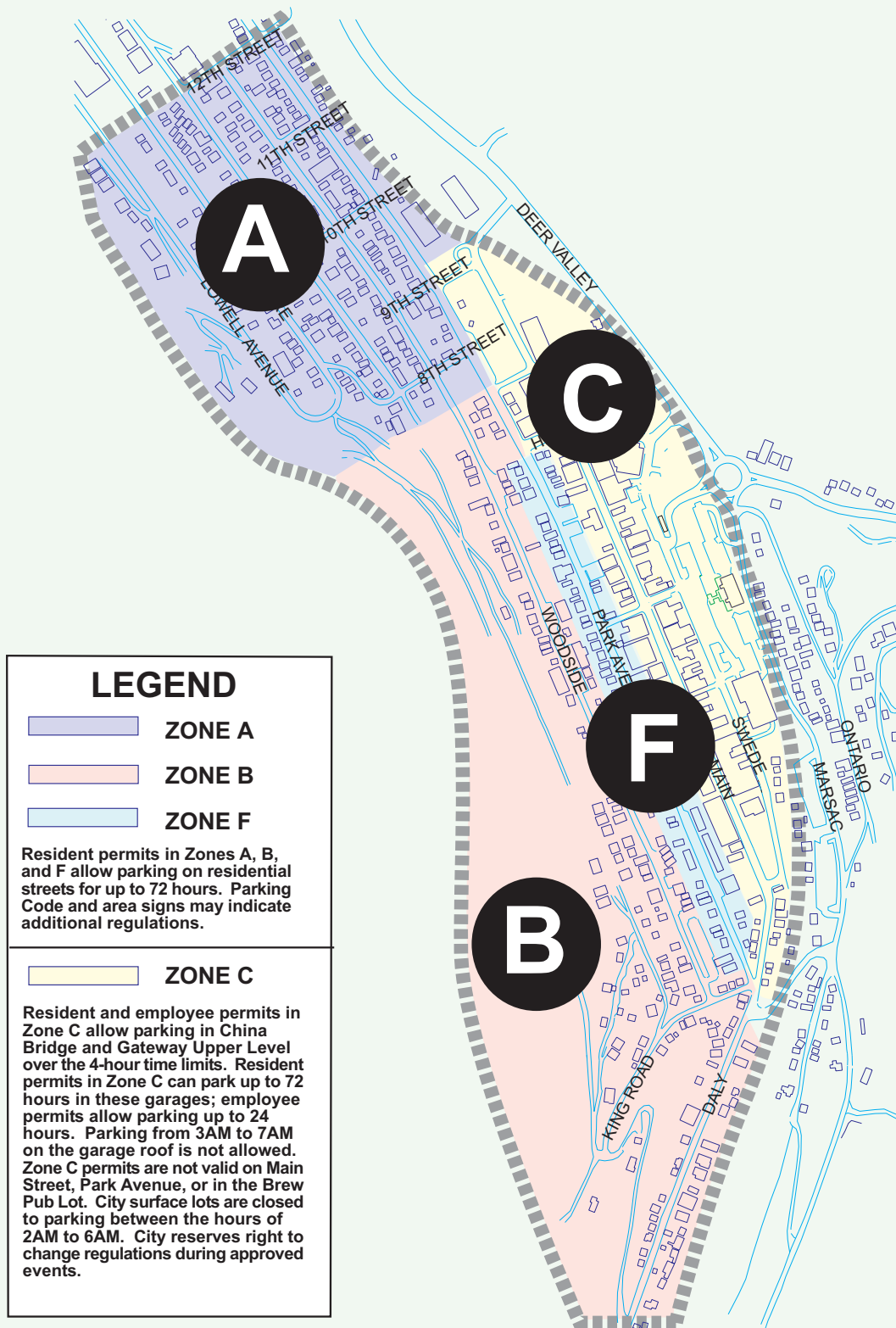
PARKING AREA MAP - PART 1

Main Street Pay and Timed Zones



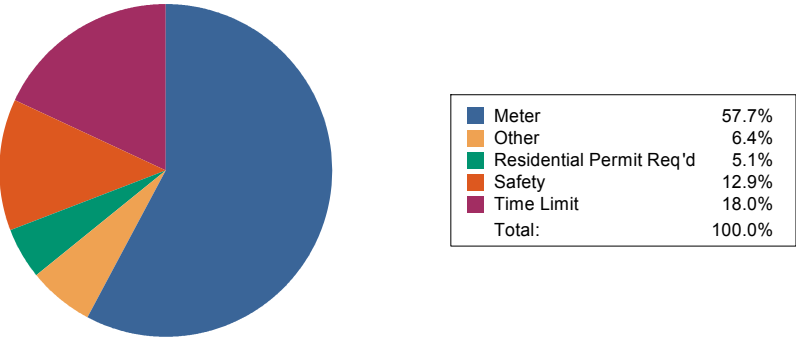
PARKING AREA MAP - PART 2

Permit Parking Zones



	Location	Type of Parking	15-Minute Limit	30-Minute Limit	1-Hour Limit	2-Hour Limit	3-Hour Limit	4-Hour Limit	24-Hour Limit	ADA Only	Police Dept.	Total
Zone 1	Main Street											
	West Side	P		8			74					82
	East Side	P	5				98					103
	Brew Pub Lot	90"					53					53
Zone 2	Park Ave. Below Heber	P	1			45						46
	Swede Alley											
	Above 5 th Street	90"		2						1		3
	Below 5 th Street	90"						26		1		27
	Historic Wall Lot							24				24
	Flag Pole Lot								55	2		57
	Galleria Lot				8					1		9
	Post Office (5 th Street)	45"		7						1		8
	Heber Avenue On-Street	P		2		15						17
	Gateway Upper Level	90"			4			31		2		37
	Old China Bridge Garage											
	1 st Level	90"						89				89
	2 nd Level	90"						84		2		86
	3 rd Level	90"						89		2		91
	4 th Level	90"							77			77
	New China Bridge Garage											
	NG Level							71		2		73
	1 st Level	90"						65		2		67
	2 nd Level	90"						63		2		65
	3 rd Level	90"						36		0		36
	4 th Level	90"						65		2		67
Zone 3	Sandridge Upper								45	1		46
	Sandridge Lower								55			55
	North Marsac								58		3	61
	South Marsac			12		14				1	2	29
	Marsac Avenue On-Street	90"					8					8
	Total		6	31	12	74	233	643	290	22	5	1316

Ticket Type Breakdown



	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Meter	4,874	9,779	10,118	11,987	10,147	6,999	5,638	6,775	5,511	4,611	2,604	5,463	3,504	87,970
Other	691	638	886	595	1,132	532	346	388	1,409	996	722	765	628	9,728
Residential Permit Req'd	580	1,332	883	974	1,172	618	671	532	327	136	115	240	213	7,793
Safety	1,892	1,003	1,902	1,356	1,083	1,456	1,834	2,105	1,795	1,546	1,523	1,183	952	19,630
Time Limit	2,006	1,907	2,111	2,101	2,332	2,607	2,480	2,663	1,602	1,489	1,908	2,884	1,311	27,401
Total	10,043	14,659	15,900	16,997	15,862	12,211	10,966	12,459	10,634	8,776	6,867	10,428	6,484	152,234

4/30/2010

Exhibit A

NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM

There is a growing concern in Park City to manage automobile use and reduce the impact of noise, safety, and improve livability/walkability. The Neighborhood Traffic Management Program (NTMP) provides residents an opportunity to jointly work with City professionals to evaluate the requirements, benefits, costs, and tradeoffs of using various traffic calming measures and techniques within their own neighborhood. The program outlines the many ways residents, businesses and the City can work together to help keep neighborhood streets safe.

Goals

- Improve the quality of life in neighborhoods
- Improve conditions for pedestrians
- Create safe and attractive streets
- Reduce accidents
- Reduce the impact of motorized vehicles within a neighborhood
- Balance the transportation needs of the various land uses in and around a neighborhood

Objectives

- Promote safe and pleasant conditions for residents, motorists, bicyclists, and pedestrians on residential streets.
- Improve neighborhood livability and quality of life by mitigating the impact of vehicular traffic on residential neighborhoods.
- Promote, encourage and support the use of multi-modal transportation alternatives.
- Encourage resident participation in all phases of Neighborhood Traffic Management Program activities.
- Provide for the safe and efficient movement of people and goods while preserving, enhancing, or reclaiming the neighborhood's livability and to guide the use of the Park City street system to control air pollution, traffic, and livability problems.
- Educate property owners as to ways they can help to ease traffic problems.
- Enlist the Police Department to focus on areas where there is a community concern for speeding.
- Establish guidelines and a framework for consistent decision making by utilizing the most current edition of the MUTCD Manual, traffic engineering and safety studies, experiences of other communities, community guidelines and input from local professionals..

Policies

- A combination of education, enforcement, and engineering methods should be employed. Neighborhood Traffic Management devices should be planned and designed in keeping with sound engineering and planning practices. Park City shall direct the installation of traffic control devices (signs, signals, and pavement markings) as needed to accomplish the project, in compliance with the project objectives, municipal code and pertinent state and federal regulations.
- Emergency vehicle response time should be accommodated in keeping with the response standards:
 - If current emergency vehicle response time is greater than the standard, Neighborhood Traffic Management efforts shall not further degrade the existing response time;
 - If the current response time is less than the standard, then Neighborhood Traffic Management shall not cause the response time to exceed the standard.
- Transit service access, safety, and scheduling should not be adversely impacted.
- Reasonable automobile access should be maintained. Pedestrian, bicycle, and transit access should be encouraged and enhanced wherever possible.
- In general, arterial street traffic will not be directed over neighborhood streets.
- Parking removal should be considered on a project-by-project basis. Parking needs of residents should be balanced with the equally important functions of traffic, emergency vehicle access, transit, bicycle, and pedestrian movement.
- The Neighborhood Traffic Management projects should not cause an increase of more than 50 vehicles per day (vpd) off the Project Street through the use of traffic diversion devices. If it is anticipated more than 50 vpd will be added to an inter-neighborhood street, the impacted neighborhood will be invited to participate in the neighborhood discussion prior to implementing any recommended action..
- To implement the Neighborhood Traffic Management Program, certain procedures should be followed in processing Neighborhood Traffic Management requests in accordance with applicable codes and related policies and within the limits of available resources. At a minimum, the procedures shall provide for submittal of project proposals; project evaluation (including risk management analysis) and selection; resident participation; communication of any test results and specific findings to project area residents and affected organizations before installation of permanent Neighborhood Traffic Management devices; and appropriate City Council approval.

To implement the NTMP, certain procedures shall be followed by the City in processing traffic management requests according to applicable codes and related policies within the limits of available resources. At a minimum, the procedures shall provide for:

- a simple process to propose projects;
- a system for staff to evaluate proposals;
- neighborhood representation and participation in plan, development and evaluation;
- communication of any test results and specific findings to area residents and affected neighborhood organizations; strong neighborhood support and acceptance by adjacent impacted neighborhood/commercial areas before installation of permanent traffic management devices; and
- Using passive traffic controls as first effort to solve most neighborhood speed problems.

Eligibility

All individuals, neighborhood, and business districts on city streets are eligible to participate in the NTMP. Any traffic management techniques desired to be used on Utah Department of Transportation (UDOT) owned streets must also be approved by UDOT.

Funding Alternatives (not in priority order)

1. 100% Private Funding
2. Approved as a part of the City's Capital Improvement Program
3. Combination of 1 and 2
4. Special Improvement District
5. City Traffic Calming Funds

Procedures

Phase 1

Phase 1 consists of the TMC or a representative on the TMC receiving an inquiry or complaint relating to traffic, parking, signage, sidewalks, pedestrian, bicycles, lighting or other issues concerning activity within the city's street rights of way or UDOT rights of way within the city limit.

1. The item may be handled directly by the TMC representative or discussed at the monthly meeting of the TMC. Issues will be discussed with respect current codes, resources, timing, and possible outcomes and if the request should move to a Phase 2. The TMC representative will contact the appropriate individual with the results of the TMC meeting. If further action is required, the TMC representative will be accountable for ensuring the next steps are outlined to the individual(s) such as Phase One providing some immediate relief and problem assessment by assigning traffic officers to conduct enforcement, including speed control, along with deploying the TMC's traffic trailers to help reduce the traffic issue.
2. **Evaluation**
Evaluation of Phase 1 actions should not exceed three (3) months.

Phase 2

Phase 2 consists of implementing passive traffic controls.

1. Initiation/Eligibility
Neighborhood complaint must include petition signed by at least 5 residents or businesses in the area to initiate Phase 2 of traffic calming process.
2. Review of petition by Traffic Management Committee to determine if the issue(s) can be resolved through existing ordinances or programs and/or if more information needs to be collected. If agreement can be reached with the petitioners on a solution, a neighborhood meeting is not required.
3. Phase 2 First Meeting
Neighborhood meeting is hosted by Park City to gain an understanding of issues and determine goals of traffic calming petition, initiate community education, initiate staff investigation of non-intrusive traffic calming measures, discuss options, estimate of cost, timing, and process. A neighborhood shall appoint a representative(s) as a point of contact and liaison to the Traffic Management Committee.
4. Phase 2 Implementation
 - a. Staff considers non-intrusive traffic calming techniques such as signing, striping, and general traffic control. Minimum actions may include *Residential Area* signs, speed limit signs, review of striping, review of turn restrictions, review of appropriate traffic control devices, consideration of temporary speed trailers, as well as increased Police enforcement.
 - b. Community watch program may be initiated. This program includes neighbors calling police to request increased speed limit enforcement, neighborhoods checking out the radar speed gun from Police to monitor speeds and record licenses, neighbors disseminating flyers printed by the City reminding the community to slow down, community watch for commercial or construction vehicles, etc.
 - c. Targeted police enforcement will begin to include speed control.
 - d. Vehicle speeds and counts. Results posted on the City's web-site (www.parkcity.org).
 - e. All discussion of data and solutions will take place at the Traffic Management Meeting held on the 2nd Wednesday of each month. The neighborhood representative(s) will be invited to attend and participate in the discussion of data and possible solutions and course of action.
5. Phase 2 Evaluation
Evaluation of Phase 2 actions will occur over a 3 to 9 month period. Evaluation will include visual observations by residents and staff and some quantitative data may be collected on the effectiveness of non-intrusive measures implemented.
6. Phase 2 Neighborhood Evaluation Meeting
Phase 2 evaluation meeting will be held with the neighborhood liaison and interested

neighbors to discuss results of Phase 2.

7. **Manager's Report to City Council**
Phase 2 actions and recommendations from evaluation meeting presented including differing opinions. A council may request a future work session to discuss actions and next steps.
8. **Appeal Process-** A citizen(s) within the effected neighborhood may appeal a staff recommendation within 30 days of the council's review of the Manager's Report. The council may request a future work session to make a determination and take action.

Phase 3

1. **Phase 3 Initiation-**Twenty -five percent (25%) of the residents within the proposed neighborhood area may request in writing a request to initiate the Phase 3.
2. **Define Neighborhood Boundary-** At a minimum; a neighborhood will include all residents or businesses with direct access on streets to be evaluated by Phase 3 implementation. Residents or businesses with indirect access on streets affected by Phase 3 implementation may be included in neighborhood boundary only at the discretion of staff.
3. **Phase 3 Data Collection and Ranking-** Staff perform data collection to evaluate and rank neighborhood problems and the ability to solve problems. Data collection will include the following and will result in a quantitative ranking.

Criteria	Points	Basis Point Assignment
speed data (48 hour),	30	Extent by which the 85 th percentile traffic speed exceeds the posted speed limit (2 points per 1 mph)
volume data (48 hour),	25	Average daily traffic volumes (1 point per 100 vehicles, minimum of 500 vpd)
accident data (12 month)	24	Accidents caused by speeding (8 points per accident)
proximity to schools	5	Points assigned if within 300 feet of a public or private school
pedestrian crossing, bicycle routes, & proximity of pedestrian generators	5	Points assigned based on retail, commercial, and other pedestrian generators.
driveway spacing	5	If more than three driveways exist in any 100 foot section, no points will be provided.

No sidewalks	10	Total points assigned if there is no continuous sidewalk on either side of the road.
Funding Availability	50	50 points assigned if the project is in the CIP or 100% funding by the neighborhood. Partial funding of 50% or more by the neighborhood 25 points, partial funding of 10 to 50% by the neighborhood 10 points.
Years on the list	25	5 points for each year
Total Points Possible	179	maximum points available

4. Phase 3 implementation Recommendation- Staff proposes Phase 3 traffic calming implementation actions and defines a project budget.
5. Phase 3 Consensus Meeting- A neighborhood meeting is held to present Phase 3 implementation proposal including project budget, possible time frame, discuss temporary installation, etc. The estimated time frame is one to three years depending on funding availability.
6. Phase 3 Petition- Residents and businesses in neighborhood boundary are mailed/or hand delivered a petition by the City identifying Phase 3 actions, cost, and explanation of implications of vote. Petition provides ability to vote yes, no, or not return petition. Unreturned petitions count as no votes. Resident support for traffic calming is defined as 67 percent positive response. No more than four weeks is allowed for the return of a petition.
7. Phase 3 Implementation- Permanent installation will be implemented after the approval of funding by the City Council. Implemented actions will be continually monitored based on visual observation and accident data.
8. Post Project Evaluation- City staff will review impacts on traffic to determine if goals were met. Neighborhoods will have an opportunity to review data and provide comment.
9. Removal (if required) - Staff will authorize removal of improvements upon receiving a petition showing 75% support of the neighborhood. Removal costs in all or part may be assessed to the defined neighborhood boundaries.

DEFINITIONS

Introduction

Standard:

Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or bikeway by Park City Municipal Corporation..

The Manual on Uniform Traffic Control Devices (MUTCD) is incorporated by reference in 23 Code of Federal Regulations (CFR), Part 655, Subpart F and shall be recognized as the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). The policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices shall be as described in 23 CFR 655, Subpart F.

Park City Traffic Management Committee (TMC) will follow the current edition of the MUTCD except where engineering studies and/or traffic programs in other cities may be substituted to justify a change in warrants and application.

Speed Limits

Residential streets in Park City will generally be posted at 25 mph. The posted speed limit shall be within ten (10) miles per hour (MPH) of the 85th percentile speeds. Traffic engineering studies are required to justify a higher or lower speed limit.

*TMC Comment- The Park City Council may determine the **reasonable and safe speed limit** for city streets. The Utah State Code requires several procedural steps prior to setting a speed limit such as a traffic engineering and safety study consistent with the requirements and recommendations in the most current version of the “Manual on Uniform Traffic Control Devices”.*

Speed limits are based on travel time and safety and generally set within five (5) mph of the 85th percentile. The TMC has adopted as a guideline to use ten (10) mph. In residential areas, travel efficiency is given a lower priority. Speed limits set arbitrarily low are ignored by neighbors, compliance is poor and the Police do not have the resources to strictly enforce. Passive measures such as adding guide lines (edge striping) and narrowing driving lanes to ten (10) feet may be used to lower traveling speeds. Neighborhoods may request physical changes to the roadway to reduce the 85th percentile speeds to within the ten (10) mph of the posted speed limit after completing Phase 2 of the Neighborhood Traffic Management Program and initiate a Phase3 process.

Driver Feedback Signs (DFS)-

Driver Feedback Signs (DFS) are electronic signs that provide the driver his/her current speed and the posted speed limit. If corrective measures are unable to bring the 85th percentile speed within 10 mph of the posted speed limit, a DFS may be used. A DFS may be installed in other areas if special circumstances exist and a traffic engineering study supports the installation.

Guide Lines

Guide lines are edge marking added to a roadway on both sides of a roadway to give the visual appearance of a narrower driving area. The minimum lane width will be ten (10) feet.

TMC Comment- *Studies have shown a reduction of 1 to 2 mph can be anticipated.*

Slow-Children at Play

A non conforming sign identifying where children are playing.

TMC Comment- *The TMC frequently receives requests for “Slow-Children at Play” signs. Federal Standards discourage the use of “Children at Play” signs. There is a wide spread false belief that traffic signs provide added protection. Studies have shown there is no long term reduction in speed. The TMC does not support the installation of “Children at Play” signs but do recommend if residents are concerned, they should purchase a “Children at Play” sandwich board or sign for display in their yard.*

Crosswalk

A part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline or any portion of a roadway at an intersection or elsewhere distinctly indicated as a pedestrian crossing by lines on the surface, which may be supplemented by contrasting pavement texture, style, or color.

TMC Comment- *Pedestrian and motorists have the same legal rights at unmarked crosswalks at intersections as they do at a location with crosswalk markings. Crosswalks work best where pedestrian volumes are relatively high and the potential for conflict with vehicles is also high. Unwarranted or random crosswalks that are seldom used by pedestrians may breed disrespect for the devices and make the ones that are truly necessary even less effective. The TMC has adopted a less restrictive warrant developed by Fehr and Peers for Park City than recommended in the MUTCD for crosswalk in residential areas. The warrant matrix is below in Attachment 2.*

Stop signs - A stop sign is an effective traffic control device when used at the proper place under appropriate conditions. A stop sign is used at an intersection to assist drivers and pedestrians in determining who has the right-of-way and where irremovable visibility restrictions exist.

TMC Comment- *One problem often reported is speeding so residents ask for a stop sign. Stop signs may often seem like a good solution to neighborhood speeding, but traffic studies and experience show that using stop signs to control speeding doesn’t necessarily work. When stop signs are installed to slow down speeders, drivers may actually increase their speed between signs to compensate for the time they lost by stopping. Some drivers tend to accelerate rapidly after a stop, possibly creating an even more dangerous situation. In fact, most drivers reach their top speed within 100 feet of a stop sign.*

So why not have a stop sign at every intersection? Too many stop signs could cause motorists to ignore the right-of-way rule or some drivers may simply choose to ignore the stop sign. More stop signs in a neighborhood can result in higher levels of pollution, more noise and maintenance cost

Stop signs should be installed at intersections where drivers cannot safely apply the right-of-way rule, resulting in an increase in accidents, where irremovable visibility restrictions exist, and/or where traffic volumes are high enough to formally establish vehicle right-of-way and should not

be used to divert traffic or reduce speeding.

Residential Multi-Way Stop Signs

Multi-way stop signs should be used at intersections considering the amount of traffic, the length of time traffic must wait to enter an intersection, and the safety of an intersection (number of stop sign preventable accidents).

TMC Comment- The TMC has adopted guidelines to review requests for multi-way stop signs. These "guideline criteria" have been established by the U.S. Department of Transportation based on the expertise and experience of transportation engineers nationwide. Attachment 1.

Examples of Positive Physical Controls

Narrowing the Street- may require the loss of parking on one or both sides and/or reduced driving lanes. Pedestrian enhancements could be installed or expanded.

Medians Islands - used to constrict travel lane width and provide an area for additional landscaping and signage.

Bulb-Outs (Chokers/Curb Extensions) - physical constrictions constructed adjacent to the curb at both intersections and mid-block locations making pedestrian crossings easier and space for additional landscaping and signage.

Speed Humps - are vertical changes in the pavement surface that force traffic to slow down in order to comfortably negotiate that portion of the street.

Chicanes - are a set of two or three landscaped curb undulations that extend out into the street. Chicanes narrow the street encouraging drivers to drive more slowly.

Traffic Circles and Roundabouts - circular islands located in the middle of street intersections that force traffic to deflect to the right, around a traffic island, in order to perform any movement through the intersection tending to slow the traffic speeds. Traffic circles and roundabouts are not generally pedestrian friendly.

Rumble Strips - changes in the elevation of the pavement surface and/or changes in pavement texturing which are much less pronounced than speed humps.

Diverters - physical obstructions in intersections which force motorists to turn from the traveled way onto an adjacent intersecting street thereby reducing volume.

Attachment 1 PARK CITY RESIDENTIAL MULTI-WAY STOP SIGN GUIDELINES WARRANT WORKSHEET

This Residential Multi-Way Stop Warrant Worksheet is applicable only to the intersection of residential streets with speed limit of not greater than 30 miles per hour. This procedure is not to be applied to the intersection of a residential street with a collector or arterial street.

DATE: _____

INTERSECTION OF: _____

AND _____

EXISTING TRAFFIC CONTROL: _____

1. CLASSIFICATION OF STREETS

Both intersection streets are classified and function as residential streets, and the posted speed limit of each is 30 mph or lower.

STOP—this procedure is only applicable to residential streets. Commercial and streets with mixed uses must meet warrants established for all-way stop control in the Manual on Uniform Traffic Control Devices.

2. SPEED OF TRAFFIC

Highest average speed of all approaches (average of 85th percentile speed and upper limit of 10 mph pace). See accompanying worksheet. Check only one selection.

0 points for 15.0 to 27.5 mph	_____
25 points for 27.6 to 32.5 mph	_____
60 points for 32.6 to 37.5 mph	_____
120 points for 37.6 to 50.0+ mph	_____

Highest average speed _____ mph = _____ points

Subtotal Item 2. _____

3. SCHOOL PEDESTRIANS

Go to (b) in this section if the intersection is currently protected by an adult crossing guard.

- a) Estimated number of children within the area not bussed using shortest walk to school route (based on school demographics).

Elementary and middle school children (1 point each) _____ x 1 _____

b) Proximity of intersection to school. This may be either one or the other but not both.

Intersection is primary crossing at an elementary or middle school, 200 points _____

Intersection is adjacent to an elementary or middle school, 100 points _____

Subtotal Item 3. _____

4. ACCIDENT EXPERIENCE (Intersection Accidents Only)

Right angle collisions within past 12 months—

Correctable by All-Way Stop Signs, 75 points each _____ X 75 = _____

Collisions other than right angle in past 12 months—

20 points each _____ X 20 = _____

Subtotal Item 4. _____

5. CRITICAL APPROACH SPEED

Lowest critical approach speed of all approaches. Check and enter points below.

Critical approach speed <20 mph - _____ mph 20 points _____

Critical approach speed <10 mph - _____ mph 50 points _____

Critical approach speed < 5 mph - _____ mph 75 points _____

Subtotal Item 5. _____

6. UNEXPECTED HAZARDS

Curve or hill within 300 feet which obscures view of intersection _____
50 points _____

Not noted above—25 points _____

Subtotal Item 6. _____

7. NEARBY PUBLIC FACILITIES

25 points for each public facility, other than schools, such as a church, park, swim club, library or shopping center within 300 feet of intersection.

Enter number of applicable facilities here _____

Subtotal Item 7. _____

8. INTERSECTION CONDITIONS (Edge to Edge of Pavement)

Width of any approach <22 feet –25 points _____

On-street parking within 50 feet of any approach—10 points _____

Subtotal Item 8. _____

9. TRAFFIC VOLUMES

Total approach volume—average hour of eight hours counted, on average weekday—1 point per vehicle _____

Minor leg volume _____

Minor leg adjustment, average of all hours counted.

Check one.

Greater than 160, subtract 0 _____

120 to 159, subtract 50 _____

100 to 119, subtract 100 _____

75 to 99, subtract 120 _____

74 to 40, subtract 150 _____

Subtract minor leg adjustment from total approach volume _____

Subtotal Item 9. _____

10. ADJACENT TRAFFIC CONTROL

Any adjacent intersection is controlled by all-way stop or traffic signal.

Enter intersection name(s) if applicable _____

Subtract 100 points _____

Any adjacent intersection stops or yields on subject streets.

Enter intersection name(s) if applicable _____

Subtract 50 points _____

Subtotal Item 10. _____

Classification of Streets	Item 1	<u>No Total</u>
Speed of Traffic	Item 2	_____
School Pedestrians	Item 3	_____
Accident Experience	Item 4	_____
Critical Approach Speed	Item 5	_____
Unexpected Hazards	Item 6	_____
Nearby Public Facilities	Item 7	_____
Intersection Conditions	Item 8	_____
Traffic Volumes	Item 9	_____
Adjacent Traffic Control	Item 10	_____

Total of all items _____

If point total of all items is greater than or equal to 400, the intersection qualifies for installation of all-way stop control

City Council Staff Report



Subject: Park City Municipal Corporation
and Park City School District 'Letter of Intent'
for the SR-248 Comstock Drive Underpass
Author: Heinrich Deters
Date: May 6, 2010

Type of Item: Administrative

Recommendation:

Approve a 'Letter of Intent' between Park City Municipal Corporation and the Park City School District for the SR-248 & Comstock Drive underpass project.

Background:

As part of the WALC recommendations list approved by Council in May of 2008, a pedestrian and bicycle underpass at Comstock Drive and SR-248 was identified to be constructed in 2010. This project, funded by the voter approved \$15M walkability bond, connects the Prospector neighborhood to McPolin Elementary and Treasure Mountain Middle School, as well as provides a vital link to the overall 'spine system' of Park City's walkable community.

Analysis:

The construction of the underpass requires an agreement between two of the major stakeholders involved in the project; Park City Municipal Corporation and the Park City School District.

The 'Letter of Intent' (Exhibit A) formulates the agreement made by both parties and their obligations as it relates to the following:

- Storm water, Access and Maintenance Easements
- Temporary Construction Easements
- Sewer easements
- Lighting
- Security Cameras
- Snow Removal
- Landscape Maintenance
- A collaboration to Improve Pedestrian Circulation Within the School Zone
- Public Art
- Construction Timeline and Access to the School during Construction

Staff has met on several occasions with members of the School Board, as well as, district staff to create this document.

During the April 27th regularly scheduled School Board meeting, the board unanimously approved the 'Letter of Intent' between Park City Municipal Corporation and the Park City School District for the Comstock Underpass.

Significant Impacts:

Without a mutual agreement as it pertains to easements, the implementation of the project would be in jeopardy.

Alternatives:

- A. Approve the request, and formalize the agreement. This is staff's recommendation.**
- B. Modify the request: Council could choose to modify the agreement.**
- C. Deny the request: Council could choose to not approve the document.**
- D. Continue the Item: Council may feel there is not enough information to make a decision, and have staff return with more information.**
- E. Do Nothing: Same effect as continuance.**

Departmental Review

The Letter of Intent has been reviewed by the Sustainability Team, Public Works Departments, City Engineer, and Legal Department. The report has been reviewed by the Legal Department and City Manager.

Staff Recommendations:

Approve a Letter of Intent between Park City Municipal Corporation and the Park City School District for the SR-248 and Comstock Drive underpass.

Attachments:

Exhibit A –'Letter of Intent' between Park City Municipal Corporation and Park City School District.

Exhibit A

Park City School District and Park City Municipal Corporation SR 248 Tunnel Letter of Intent

This Letter of Intent is made and entered into this ____ day of _____ 2010, by and between the Park City School District (PCSD) and Park City Municipal Corporation (PCMC) (jointly referred to herein as the Parties).

Purpose. The purpose of this letter of intent is to clarify the understanding of PCSD and PCMC regarding a pedestrian and bike tunnel under SR 248 from the north end of the intersection of Comstock Drive and SR 248 into the school campus (Figure A). PCSD and PCMC agree to use best efforts to adhere to the following:

Whereas, the community walkability study recognized the pedestrian underpass in this location as a top priority; and

Whereas, both parties recognize that a pedestrian underpass will provide for a higher level of safety and connectivity for school students as well as the community at-large; and

Whereas, regional collaboration and partnerships are high priorities for both Parties; and

Whereas, both Parties recognize that traffic congestion along SR-248 is a community issue that requires community collaboration; and

Therefore, the Parties agree to the following:

1. Both Parties agree that a pedestrian underpass will assist in safely and efficiently promoting pedestrian and bicycle circulation across SR-248. The parties agree to work cooperatively to accomplish the following tasks:
 - a. Provide for the best possible pedestrian and bicycle facility, as well as improve pedestrian and traffic circulation and safety within the school zone.
 - b. Provide community outreach to educate students and residents on how to best utilize the facility.
 - c. Work with UDOT to aid in traffic mitigation efforts.
2. PCSD will grant easements for the following:
 - a. Storm, Access and Maintenance Easement – For the purposes of maintaining the tunnel improvements and related infrastructure, this easement will provide access as shown (“Storm, Access and Maintenance Easement Exhibit A”) onto the school property by Park City personnel. The project also necessitates the creation of a new storm drain for conveying stormwater runoff from the improvements to a drainage outfall east of the school property. This easement covers this storm line and access to it along the south property line of the school as shown. This easement will also include power and fiber conduits for electrical and communications system.
 - b. Temporary Construction Easement- This easement will provide temporary construction access within the project area through the construction period of the project as shown on

“Temporary Construction Easement B”.

- c. Snyderville Basin Water Reclamation District Sewer Easement- There is a 21” sanitary sewer line that is currently routed within an existing easement through the school property in the area of the project. As part of the tunnel improvements, this sanitary line will be re-routed around the project to the north and requires an additional easement as shown on “Sewer Easement Exhibit C”.

3. PCMC and PCSD will collaborate on the following:

- a. Lighting – Safety is a paramount concern for all parties. PCMC agrees to install and maintain lighting in and around the project area to meet Building Code standards and provide a safe environment for users.
- b. Security Cameras- PCMC agrees to the initial purchase and installation of all components of the security camera infrastructure. This shall include; trenching, conduit, electrical and the cameras. PCSD agrees to maintain the cameras and their infrastructure, as described above, after completion of the project. Additionally, PCSD agrees to collect the data from the video feeds.
- c. Snow Removal – PCMC agrees to provide winter maintenance for the facility illustrated in (Snow Removal Exhibit D). PCSD agrees to provide winter maintenance for the facilities within school property not maintained by PCMC.
- d. Landscape Maintenance – PCMC agrees to install all landscaping for the tunnel as part of the project construction, as well as maintain the landscaping and irrigation for the south end of the tunnel. PCSD agrees to maintain the landscaping and irrigation as outlined in the construction documents on the north end of the tunnel.
- e. Snow Melt System: Radiant heating will be used to minimize icy conditions during the winter months. The heated area includes both stairways and ramps. PCMC agrees to install the system as part of the project construction, as well as maintain the entire system.
- f. Pedestrian Circulation Within the School Zone – PCMC agrees to collaborate with PCSD on improving pedestrian and bicycle circulation within the school zone.
 - i. Monitoring use patterns for one year and following up with a phased social engineering plan in the amount not to exceed \$20,000. This plan may include but is not limited to:
 - 1. Providing 8’-10’ asphalt connections to school buildings in appropriate locations to accommodate pedestrian/bike traffic generated by the tunnel.
 - 2. Providing a sidewalk from the tunnel, north to the elementary school; providing fencing to separate vehicles from pedestrians (split rail or similar); and providing an at-grade crossing or crosswalks to the elementary school consistent with the PCSD ‘Safe Routes to School Plan’ and MUTCD standards.
- g. Public Art –PCSD reserves the right to create public art within the tunnel or the northern tunnel approach, as approved by PCMC. PCMC agrees to ‘whitewash or remove’ any graffiti, as determined by a representative from the school district or the City Planning Director. General maintenance, repair or restoration to any public art, due to vandalism or exposure, is the responsibility of PCSD.

4. Construction Timeline and Access- PCMC agrees to maintain access to the school zone throughout the construction period. PCMC and PCSD agree to collaborate on special events and school construction projects that may be impacted by the tunnel construction. PCMC agrees to limit

construction to the tunnel infrastructure, on school property, to dates ranging from June 7th to August 13th, 2010.

IN WITNESS WHEREOF, the parties have duly executed this Letter of Intent the day and year written above.

Park City School District

PARK CITY MUNICIPAL CORPORATION

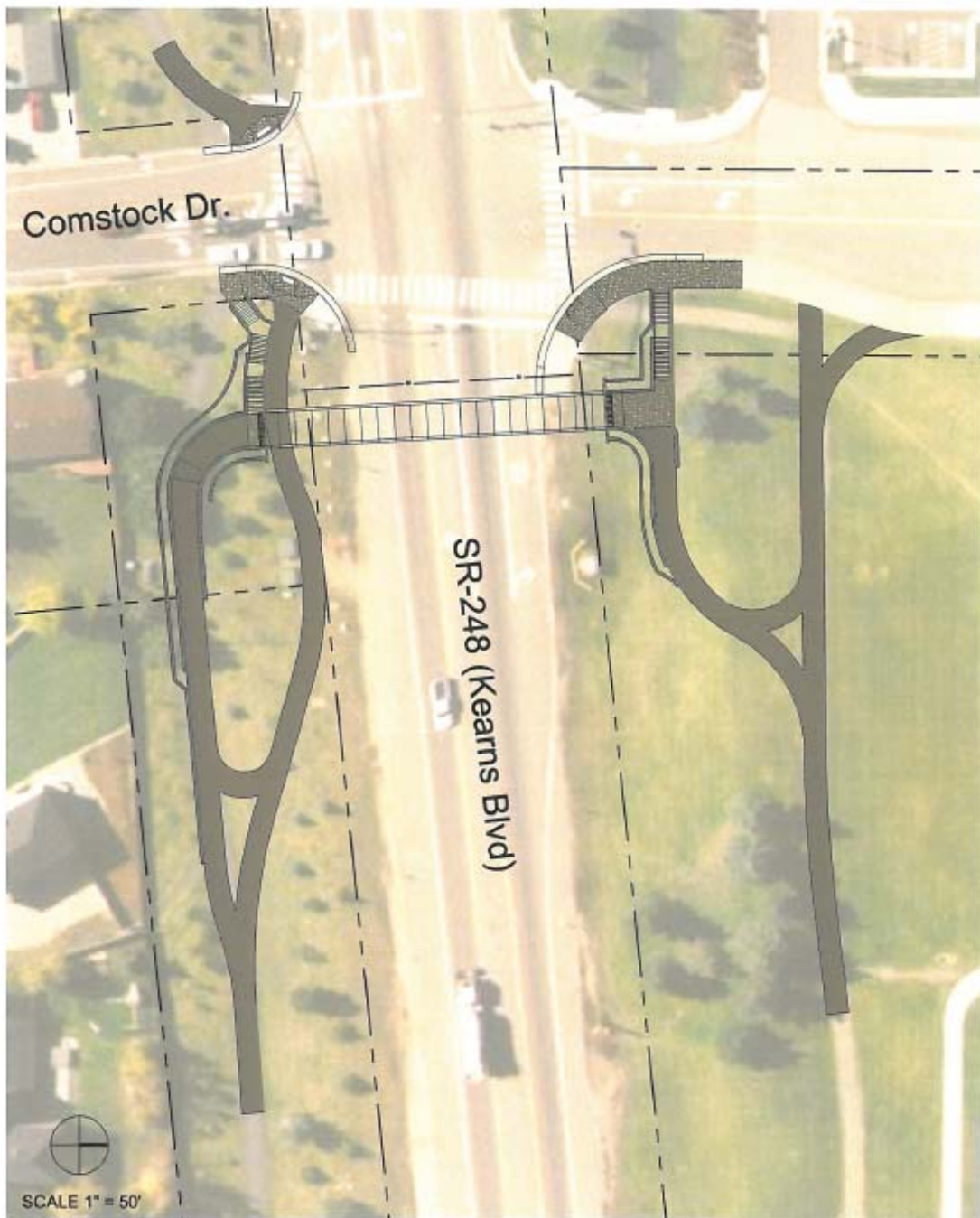
Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney



HORROCKS
ENGINEERS

SR-248 PEDESTRIAN TUNNEL

PEDESTRIAN TUNNEL
SR-248 AND COMSTOCK DRIVE
FIGURE "A"



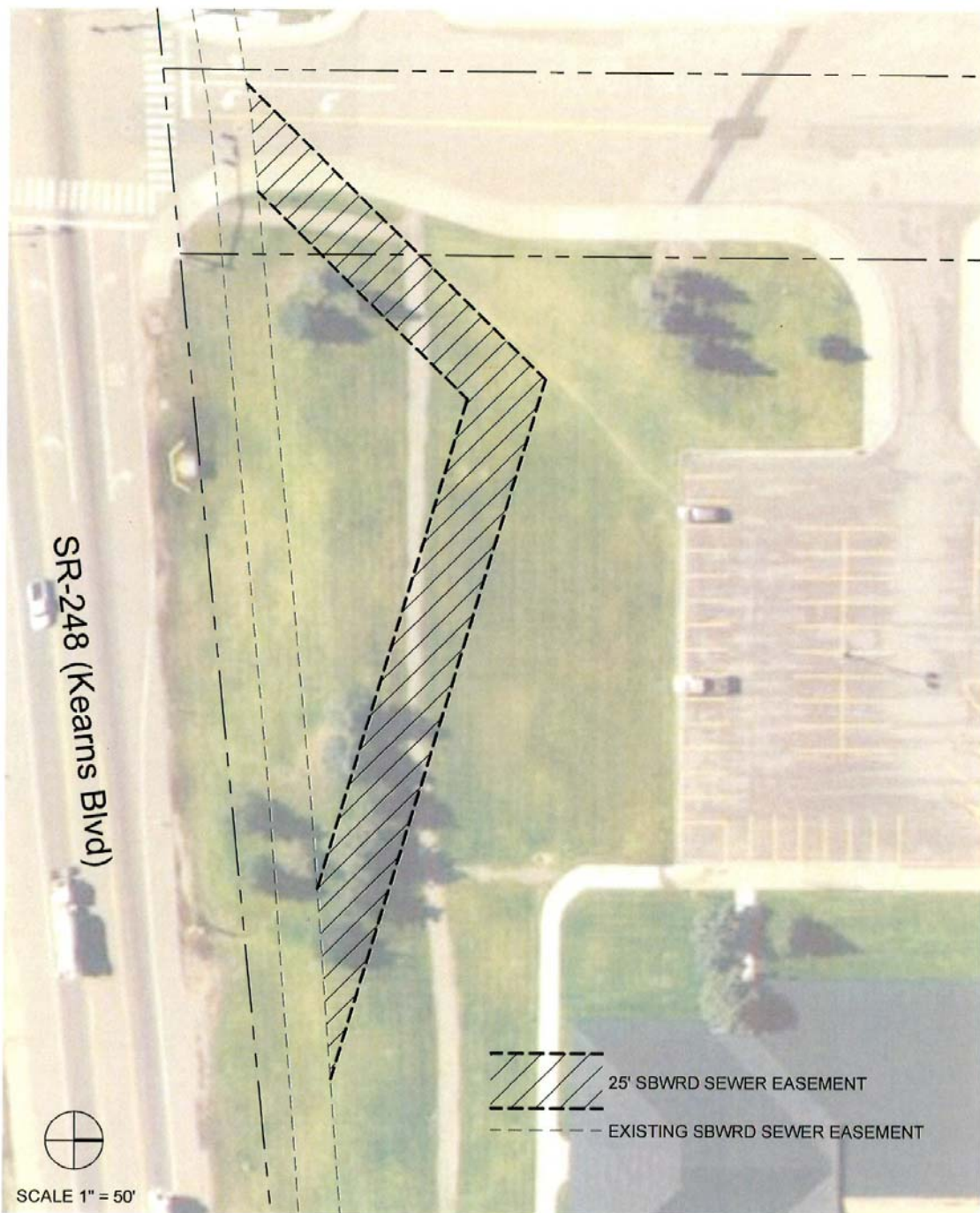
HORROCKS
ENGINEERS

SR-248 PEDESTRIAN TUNNEL
STORM, ACCESS AND MAINTENANCE EASEMENT
EXHIBIT "A"



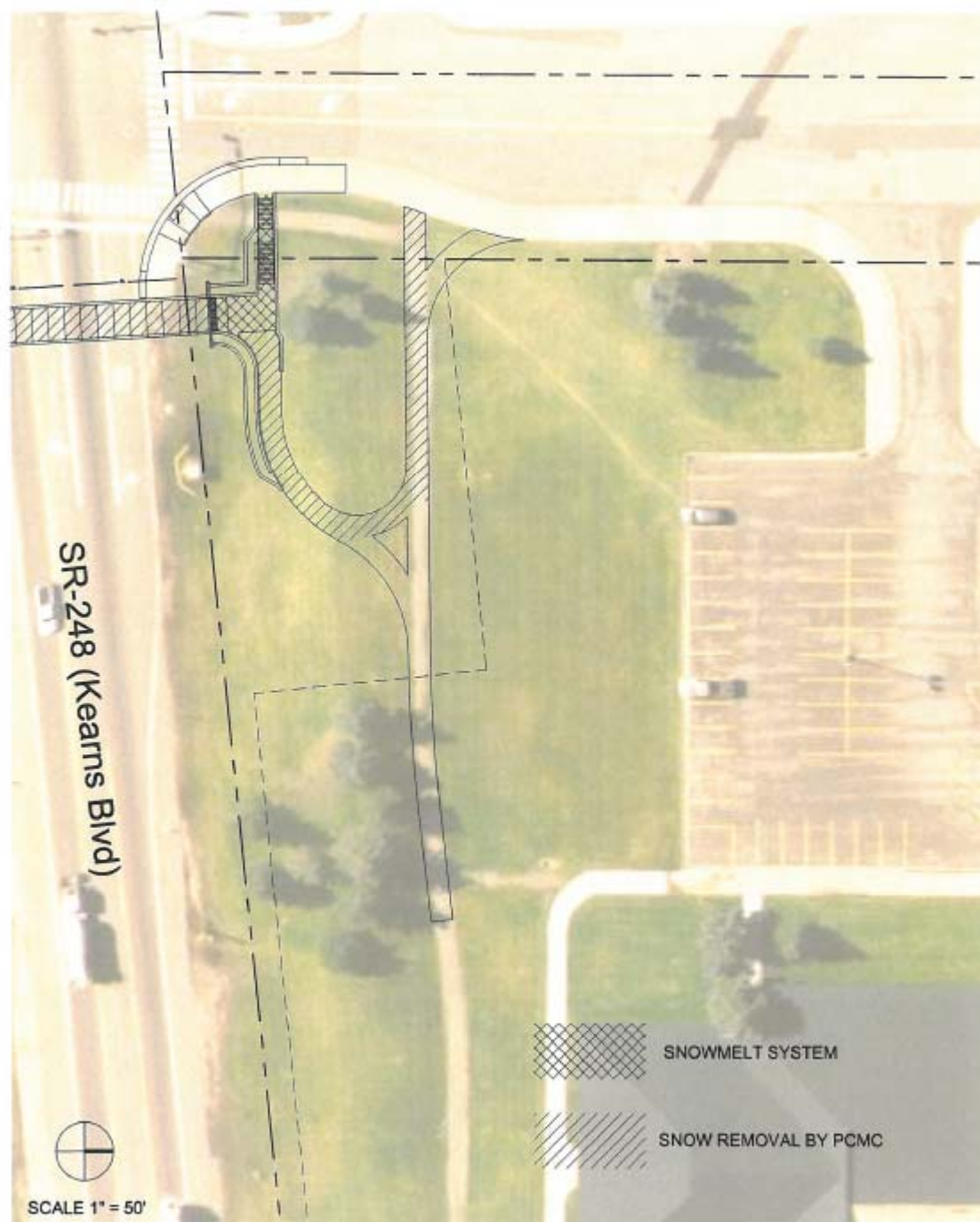
HORROCKS
ENGINEERS

SR-248 PEDESTRIAN TUNNEL
TEMPORARY CONSTRUCTION EASEMENT
EXHIBIT "B"



HORROCKS
ENGINEERS

SR-248 PEDESTRIAN TUNNEL
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
SEWER EASEMENT
EXHIBIT "C"



HORROCKS
ENGINEERS

SR-248 PEDESTRIAN TUNNEL
SNOW REMOVAL
EXHIBIT "D"



City Council Staff Report

Subject: Brown and Caldwell Professional Services Agreement
Author: Thomas A. Daley, Sr., Deputy City Attorney
Department: Legal
Date: May 6, 2010
Type of Item: Administrative

Summary Recommendations:

Authorize the City Manager to execute a Professional Services Agreement with Brown and Caldwell, in an amount not to exceed \$51,505 and in a form approved by the City Attorney, for environmental analysis related to the Spiro and Judge Tunnels and the Prospector Drain Pipe.

Topic/Description:

Contract with Brown and Caldwell for services related to formulating Utah Pollution Discharge Elimination System (UPDES) permits.

Background:

In July, 2009, the Region 8 office of the United States Environmental Protection Agency (USEPA) advised Park City by letter that Park City is required to obtain UPDES permits on three sources of water within Park City: The Judge Tunnel; the Spiro Tunnel; and the Prospector Drain Pipe.

A UPDES permit sets limits on the levels of different constituents that can be discharged from a water source into a water body. All three of the sources listed above discharge a variety of metals into Silver Creek and East Canyon Creek. Some of the metals are naturally occurring while others are products of Park City's many decades of mining operations.

On February 22, 2010, Park City staff met with the Division of Water Quality (DWQ), which is a division within the Utah Department of Environmental Quality (UDEQ). DWQ is the state agency that administers UPDES permits. USEPA will not be directly involved in Park City's interaction with DWQ. USEPA has the authority to "overfile" and supersede DWQ's authority, but there is no indication that USEPA intends to do so.

Analysis:

Following the February 22, 2010, meeting with DWQ, it became clear to Park City staff that Park City would need someone with expertise in the area of UPDES permitting.

Park City advertised a Request for Qualifications and received responses from Brown and Caldwell and JBR. While JBR's hourly rates were overall about 9% lower than Brown and Caldwell's, JBR did not offer the depth of experience Park City needs. Perhaps more importantly, Brown and Caldwell frequently interacts with DWQ staff

while JBR does not. Finally, Brown and Caldwell have staff in Denver who will be working on Park City's UPDES permit applications and those individuals will be able to interact with Region VIII USEPA if and when such contact is needed.

As the scope of services attached to the Professional Services Agreement (draft attached) indicates, the initial work will involve extensive testing of the water sources. Both the Judge and Spiro Tunnels have several discrete water sources within the tunnels which contribute different levels of different metals. Brown and Caldwell will also analyze existing water quality data in Park City's possession.

Following the collection and analysis of data, Brown and Caldwell will make recommendations on reasonable and feasible limits on the levels of various metals conveyed by the three water sources. This part of the analysis will include extensive discussions with Park City staff regarding infrastructure and treatment options.

Brown and Caldwell will then help Park City work with DWQ to create acceptable UPDES permits.

Because of impacts on Park City Mountain Resort's (PCMR) use of Spiro Tunnel water, PCMR will be contributing 35.3% of the costs of Brown and Caldwell's services. That percentage figure is based on PCMR and Park City's respective use of Spiro Tunnel water.

Department Review:

The City Manager has reviewed this report.

Alternatives:

A. Approve:

This is my recommendation.

B. Deny:

If the City Council were to deny my recommendation, Park City staff would have to find another firm with Brown and Caldwell's expertise. After interviewing several individuals, I feel that Brown and Caldwell is the best available option.

C. Modify:

There is not much room for City Council to modify the proposed agreement. The scope of work attached to the agreement reflects what DWQ is requiring Park City to do.

D. Continue the Item:

I do not recommend continuing the item as I have notified DWQ of a proposed timeline for completing this work. DWQ has communicated that timeline to USEPA.

E. Do Nothing:

Doing nothing could result in the commencement of an enforcement action by DWQ which could result in Park City incurring fines for not obtaining the UPDES permits.

Significant Impacts:

The UPDES permitting process is one of the many steps that Park City is currently taking toward resolving the impacts of its mining history. The Judge and Spiro Tunnels account for 50% of Park City's water source capacity. Park City has recently completed an extensive investigation of the Judge Tunnel and has commenced a similar investigation on the Spiro Tunnel. The resolution of the UPDES permitting issue is a significant step in addressing the environmental issues that relate to those sources and the city's relationship with the owner of the tunnels, Talisker/United Park City Mines Company. Also, the resolution of the Prospector Drain Pipe's contribution of metals to Silver Creek and downstream properties is a necessary step in achieving Park City's goals in the Silver Creek watershed.

Consequences of not taking the recommended action:

Park City could face an enforcement action and be fined.

Recommendation:

Authorize the City Manager to execute a Professional Services Agreement with Brown and Caldwell, in an amount not to exceed \$51,505 and in a form approved by the City Attorney, for environmental analysis services related to the Spiro and Judge Tunnels and the Prospector Drain.

6955 Union Park Center, Suite 270
Salt Lake City, UT 84047
Tel: 801-516-9800
Fax: 801-565-7333
www.browncaldwell.com



Thomas A. Daley, Sr.
Deputy City Attorney
Park City Municipal Corp
445 Marsac Avenue
Park City, Utah 84060

Subject: Park City UPDES Discharge Permitting Assistance

Dear Mr. Daley:

Park City (City) recently met with the Utah Department of Environmental Quality (UDEQ), Division of Water Quality to discuss their proposal that the City apply for Utah Pollutant Discharge Elimination System (UPDES) permits for Spiro Tunnel, Judge Tunnel, and Prospector Drain. There is considerable uncertainty as to the availability of appropriate data for permit development, the constituents and possible limits that might be included in the permit for these discharges, and the additional costs and liabilities that might be associated with accepting responsibility for these permits. Brown and Caldwell has developed this Scope of Work to assist the City with identifying and implementing an approach to developing UPDES permits for the Spiro and Judge Tunnels and Prospector Drain.

Based on our discussions with City staff and our experience, this Scope of Work includes the following initial steps:

- Gather and Analyze Available Data and Estimate Potential Permit Limits
- Identify Data Gaps and Develop Sampling and Analysis Plan
- Identify Reasonable Permit Terms
- Coordinate with UDEQ, US EPA, and Park City (included in individual tasks)

The following Scope of Work and Level of Effort provide detail on these expected tasks and associated costs.

SCOPE OF WORK (for Addendum A of the Agreement)

Task 1 – Gather and Analyze Available Data and Information

Brown and Caldwell will gather existing water quality and flow data and other information for the Spiro Tunnel, Judge Tunnel, and Prospector Drain and receiving streams near the point of each discharge. Sources of information may include the City, UDEQ, U.S. Geological Survey, and the web. Additional information will include applicable regulations, TMDLs, and reports on the discharges and receiving streams.

We will use the information gathered to identify applicable designated uses and standards for the receiving streams. Where there are enough data available, we will:

- Summarize the data range, distribution, and central tendency in tabular form and provide graphs of spatial and temporal distribution.
- Calculate reasonable potential (identifies the constituents that would be included in the permit).
- Calculate permit limits for constituents identified in the reasonable potential analysis.

During this Task, we expect to coordinate with the City to gather available data and participate in a conference call to discuss the reasonable potential and permit limit results.

Deliverable: Technical memorandum with summary of reasonable potential analysis and estimated permit limits.

Schedule: This Task will begin upon notice to proceed and is expected to take four months.

Task 2 – Identify Data Gaps and Develop Sampling and Analysis Plan

In the first task, Brown and Caldwell will be gathering and analyzing existing data. Based on this data analysis, we will identify data gaps where there is not enough temporal or spatial distribution of a given constituent, including flow, to effectively calculate reasonable potential or permit limits. Based on the identified data gaps, Brown and Caldwell will develop a Sampling and Analysis Plan (SAP) to fill the data gaps. The SAP will include:

- Background and objectives
- Understanding of existing hydraulic conditions, including hydraulic schematic
- Water quality and flow monitoring locations and purpose
- Monitoring frequency
- Water quality sample collection and flow monitoring methods
- Sample documentation
- Sample handling
- Field analytes
- Field collection schedule
- Required sample analysis (laboratory method)
- Quality assurance/quality control measures

In order to identify appropriate monitoring locations and to train City staff to collect samples, Brown and Caldwell will conduct a one-day site visit, including Mike Kobe and Sarah Reeves. We will also schedule a meeting with City staff during this site visit to review data needs and step through the basic sampling approach.

Deliverable: Draft and final SAP.

Schedule: This Task will begin upon notice to proceed and is expected to take six months.

Task 3 – Identify Reasonable Permit Terms

During the initial data analysis and SAP development and implementation, Brown and Caldwell will work closely with the City to identify a path forward for a permit for the Spiro and Judge Tunnels and the Prospector Drain. This effort will include meeting with UDEQ and US EPA to test strategies and identify approaches to address the City's concerns with permitted constituents, possible limits, and permit language.

Future efforts identified may include:

- Analyze data collected per SAP.
- Rerun reasonable potential analysis and recalculate permit limits.
- Identify requested permit language.
- Develop permit application.
- Review draft permit and provide comments.
- Work with UDEQ and US EPA to develop a reasonable UPDES permit, including compliance schedules.

Deliverable: Technical memorandum outlining the permit development and Scope of Work to assist the City in permit development, as needed.

Schedule: This Task will begin upon notice to proceed and is expected to take eight months.

LEVEL OF EFFORT

Brown and Caldwell will complete this scope of work on a time-and-materials basis, within an estimated 400 hours and budget not to exceed \$55,204 without written approval. Brown and Caldwell will complete the proposed scope of work as directed by City staff and will document changes to the scope in emails, meeting notes, and phone logs.

Please contact Mike Kobe with questions regarding this scope of work or costs. We appreciate the opportunity to work as a team with the City.

Very truly yours,

BROWN AND CALDWELL


Sarah Reeves

Michael Kobe, P.E


Michael Marchant, P.E.
Office Manager

Resolution No.

**RESOLUTION PROCLAIMING MAY 15, 2010 AS ARBOR DAY
IN PARK CITY, UTAH**

WHEREAS, Park City is committed to maintaining its natural trees and resources, demonstrated by the City Council's consistent support of beautification projects and the enactment of codes specifically created to protect vegetation: and

WHEREAS, the community has enthusiastically participated in planting trees and preserving other significant landscaping, and

WHEREAS, the City Council, acting in the best interests of its citizenry, regard these enhancements as important to enjoy and to give to future generations, and

WHEREAS, the National Arbor Day Foundation, in cooperation with the National Association of State Foresters and the USDA Forest Service, has named Park City as a Tree City USA for the 17th time this year, and

WHEREAS, in consideration of requests received from the community, the selected Arbor Day project this year, which is partially funded with a State Grant, are giving away seedlings, and educational pamphlets in conjunction of Pride in the Park at City Park,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby proclaim May 15, 2010 as:

ARBOR DAY IN PARK CITY, UTAH

And encourage residents to participate in planting trees in Park City. The Mayor and City Council extend their appreciation of the exceptional service of all of the Parks Department employees, who do an outstanding job every day of the year to ensure that Park City is a beautiful place to live, play and visit.

PASSED AND ADOPTED this 6th day of May, 2010.

City Council Staff Report

Subject: RUN Events
Author: Tommy Youngblood
Department: Sustainability
Date: May 6, 2010
Type of Item: Application - Master Festival License

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the license for the RUN Events, as conditioned, on Saturday, June 26, July 10 & August 14, 2010 to be held in the Round Valley Trail System and at Quinn's Sports Complex.

Description:

Topic:

Review the Master Festival License Application, submitted by Rhielle Widders for the Park City Mini-Trail Series in Round Valley on Saturday, June 26, July 10 & August 14, 2010.

Background:

RUN Events submitted an application requesting a Master Festival License to hold their Park City Mini-Trail Series. This is a first time event for the organizer in the area. Through a series of meeting the organizer has demonstrated and good knowledge of working with this type of event. PCPD has been notified and will be involved in the public safety coordination should Council approve the event. The organizer will allow a maximum of 400 entrants per event. The Park City Mini-Trail Series charges a fee for participation.

The Park City Mini Trail Series is a recreation use and is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

Analysis:

The Park City Mini Trail Series

The event organizers have requested to hold their event on Saturday, June 26, July 10 & August 14, 2010. The Park City Mini Trail Series is a 5k, 10k & 15 K run within Round Valley starting at 5:00am, completing at 2:00pm including setup and teardown with the event time from 8:00am – 12:00pm (noon).

Parking

Parking for the staff and participants will be at the first three parking lots adjacent to the Quinn's Sports Fields. The Ice Arena lot and the Dog Park Parking lot cannot be used for this events parking. Overflow parking will be directed to the Richardson Flats Park n Ride lot. The applicant will supply signage and employ volunteers to assist in the location and direction to event parking.

Traffic Circulation

There will be no full or partial road or trail closures associated with this event. At the time of this report there are no projects planned that would hinder this activity.

Marketing

This event will be publicized with the Park City Chamber/Bureau and Local newspaper outlets. It is also currently listed on various event & social networking websites. The organizer has also contacted local business about mutually beneficial cross-marketing opportunities.

Park City Council Review:

This application is being reviewed as a Master Festival License due to the size of the event, use of amplified music and the request for use of the Round Valley Trail System and use of Quinn's parking.

Department Review:

All applicable PCMC departments and the appropriate external agencies have reviewed the application for the Park City Mini Trail Series and their comments have been incorporated into the report.

Alternatives:**Approve the Request:**

Approve the Master Festival License allowing the Park City Mini Trail Series

Deny the Request:

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

Continue the Item:

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

Significant Impacts:

The event, as described, should incur no significant Impacts
Park City has held similar events to the Park City Mini Trail Series

Consequences of not taking the recommended action:

The Park City Mini Trail Series would not take place, as described, within Park City Limits

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approves, a Master Festival for the Park City Mini Trail Series on, June 26, July 10 & August 14, 2010 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Park City Mini Trail Series will be held on June 26, July 10 & August 14, 2010. The event will last from 8:00am – 12:00pm (noon) with setup starting at 5:00am, and tear down completed at 2:00pm on the Round Valley Trail System and the Quinn's Sports Complex.
2. Parking for the staff and participants will be at the first three parking lots adjacent to the Quinn's Sports Fields. The Ice Arena lot and the Dog Park Parking lot cannot be used for this event's parking. Overflow parking will be directed to the Richardson Flats Park n Ride lot. The applicant will supply signage and volunteers to assist in the location of event parking.
3. Conducting the Park City Mini Trail Series will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue other than noted.
4. The events associated with the Park City Mini Trail Series will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
5. The event will be held at Quinn's and on the Round Valley trails. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
6. There are four (4) other Master Festival or Special Event licenses that have been granted on the dates requested. One (1) on June 26th, One (1) on July 10th and Two (2) on August 14.

2010 DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
June 26	PC Skate Series	Park City Skate Park	11:00am – 3:00pm	125
July 10	P C Food & Wine Classic	Various Main St. Locations	3:00pm – 9:00pm	2000
August 14	Mustang Car Show	Main Street	7:00am – 4:00pm	3000
August 14	Deer Valley Music Festival	Deer Valley Resort	7:30pm – 9:30 pm	3000 - 5000

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

Conclusions of Law:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars (\$2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. The applicant use of barricade and signage will be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.
4. All plans for tents, fireworks, stages, signs and other temporary structures shall be submitted to the Building Department for review and permitting by June 4th , 2010
- 5.

Attachments

Exhibit A- Applicant's Application Part 1 & route maps

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



Special Events
435.615.5150
specialevents@parkcity.org

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

APPLICATION FEES - DUE AT TIME APPLICANT SUBMITS PART I

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

ADDITIONAL FEES

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

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME	Rhiele Widders	
STREET ADDRESS	2425 East 6660 South	
CITY, STATE, ZIP CODE	Cottonwood Heights, UT 84121	
DAY PHONE	801-787-3029	
FAX PHONE	NA	
E-MAIL ADDRESS	rhiele@r-u-nevents.com	
SPONSORING ORGANIZATION	R-U-N?Events	
Contact Person "ON SITE" Day of Event	Name: Rhiele Widders	Cell Number: 801-787-3029

EVENT INFORMATION

Type of Event (Check all that apply):

Master Festival Criteria: A PUBLIC EVENT (If one box is checked, the event is automatically a MFL)	☐ Attraction of crowds over 500	☐ Street Closure	☒ Use of City park, building or property	☐ Use of off-site parking facility	☒ Use of amplified music
Special Event Criteria: PRIVATE OR PUBLIC EVENT	☐ Causes significant public impacts via disturbance, crowd, traffic/parking	☐ Disruption of the normal routine of the community or affected neighborhood	☐ Necessitates temporary business or liquor licensing	☐ Events signs, visible from public property	☐ Temporary structures
☒ Run/Walk	☐ Parade	☒ Trail Event			
☐ Road Bike Event	☐ Park Festival	☐ OTHER (please specify):			
☐ Street Fair	☐ Concert				
EVENT TITLE:	Park City Mountain Mini-Trail Series (PC MTS)				
FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS?)	First Time				
EVENT DATE (S)	June 26, July 10, August 14, 2010				
EVENT HOURS	START: 8:00 am	END: 12:00 pm			
SET-UP	DATE: 5:00 am	TIME: 5:00 am			
BREAK DOWN	DATE:	TIME: 2:00 pm			



Exhibit A
Page 2

No MORE THAN			
ATTENDANCE	PARTICIPANTS: 300	SPECTATORS: 100	TOTAL: 400
LOCATION	Round Valley Trails @ Quinn's Junction		

OVERALL EVENT DESCRIPTION (Briefly explain event and activities):
 The Park City Mini Trail Series (PC MTS) is a 5k, 10k, 15k trail series on the Round Valley Trails. Course set-up and take down will take place on the day of each event. Participants will arrive shortly before start time of event in order to prepare and will leave the area shortly after the race and award ceremony is over.

MARKETING YOUR EVENT (Your Marketing Plan is criteria for approval of your event)
 Contact the Park City Chamber/Bureau to help market your event 435.649.6100 www.parkcityinfo.com
PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT:
 I will be listing the event on many event-related websites such as SaltLakeRunningCo.com, eventbrite.com, and regtix.com. I will also be using social networking websites to promote the event. Any paper advertising will be posted on community boards at local coffee shops, grocers, and other commercial businesses. I will also be seeking out partnerships with other commercial businesses to promote the event. Finally, I am hoping to use the mountain trails organization for very targeted marketing.

City Council Staff Report



Subject: Running with ED Relay – Park City School District Fundraiser
Author: Max J. Paap
Department: Sustainability
Date: May 6, 2010
Type of Item: Administrative – Master Festival License

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the License for Running with ED, as conditioned, on May 22, 2010 to be run in and around Park City within the boundaries of the Park City School District.

Disclosure: Several city officials and staff, including Council members Simpson and Butwinski, are sponsoring/participating with a team in the potential event.

Description:

Topic:

Park City Education Foundation Running with ED Fundraiser

Background:

The event is a first year fundraising occasion for the Park City Education Foundation (PCEF) which sees this as an opportunity to raise awareness of the schools in the community. The 41 mile relay race begins and ends at the New Park Plaza and travels past all of the schools in the Park City School District. This includes all seven PCSD schools, the Utah Olympic Park, Deer Valley, Park City Mountain Resort, The Canyons, and City Park (Exhibit A). Exhibit B demonstrates the 'legs' of the relay throughout the entire course. It will allow all schools a chance to show off their school spirit as the runners pass by. The event begins the morning of Saturday, May 22 at 8:00 am and the first runners would begin to arrive in Park City at around 11:30 am. The runners would continue to arrive in Park City throughout the day until about 2:30 pm on Saturday afternoon. The race is estimated to finish at 4:00 pm.

The organizers have worked very closely with City Staff in the past two months to discuss logistics planning for the legs that pass through Park City. The organizers have also met with Summit County Planning, Summit County Sherriff Department, and Basin Recreation to mitigate any concerns as the course transitions from Summit County property to the Park City Limits; to any running activity that takes place on the trail system.

Vehicles will be limited to one per team to help mitigate parking issues at exchange areas. The organizers have indicated registered teams for the 2010 event will be capped at 100 teams with 5 members on each team. This would put the number of participants at roughly 500. The race is not expected to draw large spectator crowds except at the start and finish area.

Analysis:

This application is being reviewed as a Master Festival License due to the request for amplified music, attraction of large crowds, partial street closures and use of City property. Running with ED is consistent with City Council's Goals of Preservation of Park City Character due to the community based participation.

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

Vehicles - Race Route

It is very important to Public Safety that there be a reduction in the intermingling of runners and support vehicles. The organizers have accounted for the vehicles that need to travel to exchange points that are integral to the success of this type of relay event. The Event Organizer will provide detailed maps to the participants to avoid confusion at exchange points. After each exchange team vehicles will be directed to the next exchange point using those maps along with direction from volunteers and race marshals. The applicant has met with Park City Police to determine any staffing needs at key intermittent road closures.

The applicant will also submit a race management plan prior to the race that will indicate volunteer and race marshal staffing. It has been determined that two Park City Police officers will be staffed at two crucial areas along the course; both at the Roundabout and Bonanza Drive. With the nature of the relay having well spaced participants, Staff finds no critical conflicts with vehicular traffic. The finds approval of a race management plan is sufficient to mitigate any potential safety and transportation concerns or impacts.

No street or trail closures are anticipated: the street closures will be intermittent in nature and be no greater than 3 -5 minutes, which is consistent with Public Safety recommendations for all Special Events and filming activities. Basin Recreation has been involved in planning meetings and has recommended signage be placed to indicate that the trails will not be closed to the public. The organizers' have agreed to be compliant in removing any course markings post race. .

Vehicles - Parking

Due to the amount of vehicles needed to run a race of this nature, a comprehensive parking plan has been proposed. If the organizers meet their goal of 100 teams, that would equate to 100 cars in the mix. The nature of this relay would not put all 100 cars at any given exchange point at any given time. The organizers have paid special

attention to use the schools; with larger lots for the majority of the exchanges. Staff finds that using lots with the inventory of parking at the schools sufficiently mitigates any parking concerns.

Parking for the anticipated crowd of 500 people will be accommodated in the existing parking lots at the seven public schools, Park City Mountain Resort, City Park, and New Park. Staff finds that Running with ED will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.

City Park Activities

City Park activities will include an exchange point #7 which is roughly 27 miles into the race; and will be a gathering area for spectators. Most activity will be in City Park between the hours of 12:30 pm and 2:30 pm. An aid station will also be set up in the park. Additionally, the pavilion will be programmed for announcements and live amplified music. The organizer will work with the events team to ensure that the amplified music is monitored per the code and oriented away from the residential area. The organizer indicates that at any given time there should only be 15 race related vehicles in the park. Staff finds that the current inventory of parking in City Park on that day will be sufficient to support that exchange point.

Department Review:

All applicable departments have reviewed the Running with ED application and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing Running with ED as described. This is staff's recommendation

Deny the Request:

Deny the Master Festival License, preventing the addition of Running with ED to Park City's schedule of events.

Continue the Item:

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

Significant Impacts:

Park City has held similar relay events to Running with ED. Impacts caused by the amount of vehicles created by the nature of this relay are of some concern. By actively addressing the parking challenges and coordinating with Park City and Summit County Public Safety impacts should be kept to a manageable level. The activities will be contained to the described routes and will conclude by 4:15 pm on Saturday, May 22.

Consequences of not taking the recommended action:

Running with ED would not take place.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival License for Running with ED on May 22, 2010 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. Running with ED will be held Saturday, May 22, 2010. The event will last from 8:00 am to 4:00 pm and will occur at all seven PCSD schools, the Utah Olympic Park, Deer Valley, Park City Mountain Resort, The Canyons, New Park and City Park.
2. Parking for the anticipated crowd of 700 people will be accommodated in the existing parking lots at the seven public schools, Park City Mountain Resort, City Park, and New Park. The conduct of Running with ED will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The event is oriented towards families and youth. The events associated with Running with ED will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held at all seven PCSD schools, the Utah Olympic Park, Deer Valley, Park City Mountain Resort, The Canyons, New Park and City Park. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. The Park City Education Foundation submitted their initial application in January of 2010; Park City Municipal Code (4-8-4) requires 90 day review for consideration of a Master Festival License. PCEF has met that criterion.
6. There are no other Master Festival and Special Event Licenses that have been granted for May 22, 2010. Running with ED will not substantially interfere with the logistics and venue for any event for which a license has already been granted and with the provision of City services in support of other such events or governmental functions.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. The applicant will work with City Staff to orient the temporary stage so as to minimize sound impacts to the neighborhood and the applicant shall monitor the following:
 - (A) The program manager, or his/her designee, shall provide on-site management for each event.
 - (B) A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.
 - (C) The program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage.
 - (D) All events shall be open to the public and free of charge.
3. Applicants shall provide proof of liability insurance in the amount of two million dollars (\$2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
4. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by May 14, 2010.
5. The applicant is responsible for a Race Operation and Pedestrian Management Plan in a form approved by the Park City Municipal Event Manager and Chief of Police.
6. All Summit County permit approvals shall be secured by May 14, 2010 and submitted to Park City Municipal in writing for review.

Attachments

Exhibit A- Relay Race Course

Exhibit B- Race Legs

Exhibit C- Application Part I

EXHIBIT A**Relay Race Course**

The 43-mile course will travel all over western Summit County, visiting each of Park City's seven public schools, the Utah Olympic Park and the area's ski resorts. [View the map](http://pcef4kids.org/rr-course.htm)

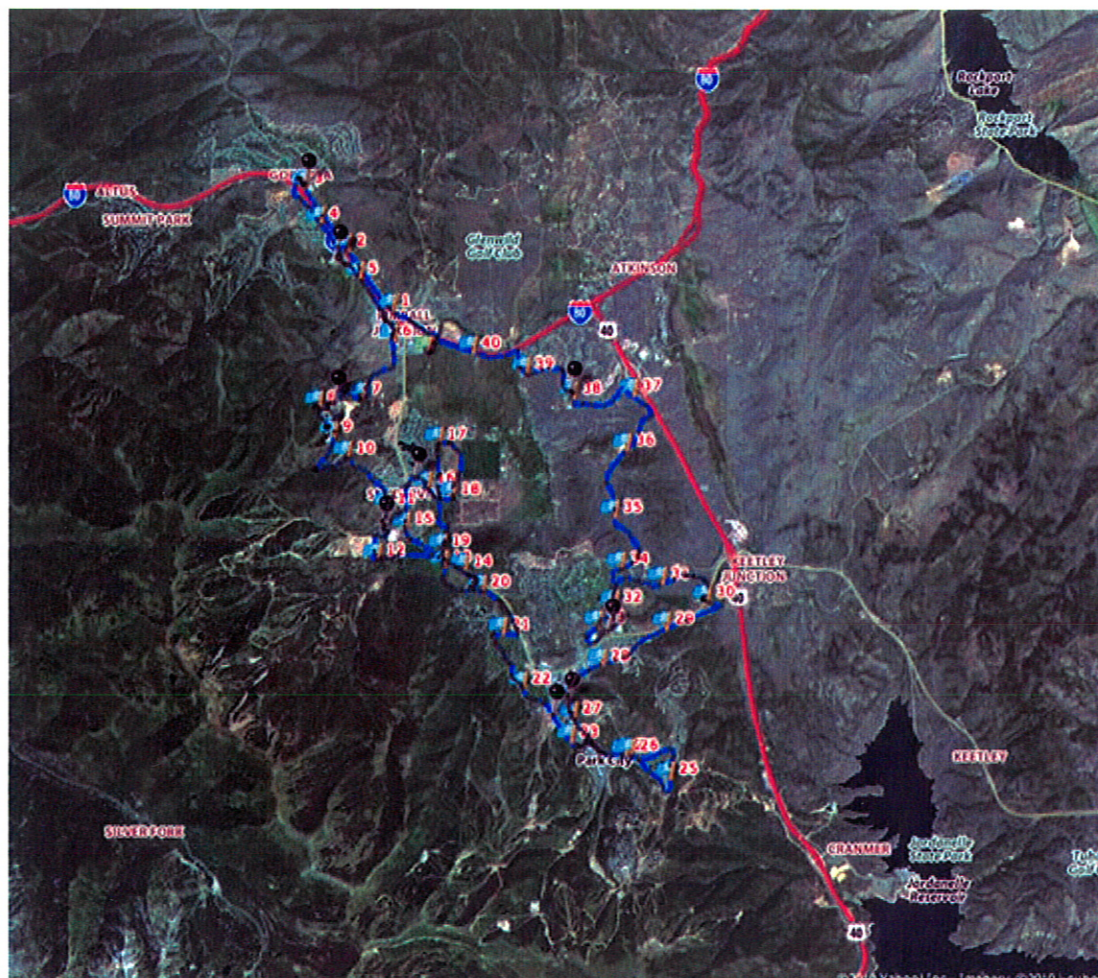


EXHIBIT B**SPLITTING UP THE COURSE**

LEG #	LOCATION	DISTANCE	DIFFICULTY
1	Newpark Field House to Jeremy Ranch Elementary	3.05 m	Easy
2	Jeremy Ranch Elementary To Ecker Hill	1.51 m	Very Easy
3	Ecker Hill to Utah Olympic Park	3.14 m	Very Hard
4	Utah Olympic Park to The Canyons Resort Lower Lot	3.60 m	Very Hard
5	The Canyons Resort to Parley's Park Elementary	4.41 m	Moderate
6	Parley's Park Elementary to Park City Mountain Resort	6.85 m	Moderate
7	Park City Mountain Resort to City Park	4.65 m	Moderate
8	City Park to Park City High/TMIS/McPolin Elementary	5.15 m	Moderate
9	Park City High/TMIS/McPolin to Trailside Elementary	5.77 m	Moderate
10	Trailside Elementary to Finish at Newpark	2.87 m	Easy

Please Note: Mileage is approximate and subject to change.

Suggested Option:

RUNNER NUMBER	LEGS	LENGTHS & DIFFICULTY LEVELS
1	1 & 6	3.05 Easy / 6.85 Moderate
2	2 & 7	1.51 Very Easy / 4.65 Moderate
3	3 & 8	3.14 Very Hard / 5.15 Moderate
4	4 & 9	3.60 Very Hard / 5.77 Moderate
5	5 & 10	4.41 Moderate / 2.87 Easy

View a [printable version](#) of Splitting Up the Course.

EXHIBIT C



Special Events
435.615.5150
specialevents@parkcity.org

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

APPLICATION FEES – DUE AT TIME APPLICANT SUBMITS PART I

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

ADDITIONAL FEES

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

APPLICANT AND SPONSORING ORGANIZATION INFORMATION

NAME	Park City Education Foundation	
STREET ADDRESS	1750 Kearns Blvd.	
CITY, STATE, ZIP CODE	Park City, UT 84060	
DAY PHONE	435-615-0235	
FAX PHONE	435-645-5609	
E-MAIL ADDRESS	amcnulty@pc-schools.us	
SPONSORING ORGANIZATION	Park City Education Foundation	
Contact Person "ON SITE" Day of Event	Name: Tim Chesley	Cell Number: 435-640-2778

EVENT INFORMATION

Type of Event (Check all that apply):

<u>Master Festival Criteria:</u> A PUBLIC EVENT (If one box is checked, the event is automatically a MFL)	☒ Attraction of crowds over 500	☐ Street Closure	☒ Use of City park, building or property	☐ Use of off-site parking facility	☒ Use of amplified music
<u>Special Event Criteria:</u> PRIVATE OR PUBLIC EVENT	☒ Causes significant public impacts via disturbance, crowd, traffic/parking	☐ Disruption of the normal routine of the community or affected neighborhood	☐ Necessitates temporary business or liquor licensing	☒ Events signs, visible from public property	☒ Temporary structures
☒ Run/Walk	☐ Parade	☒ Trail Event			
☐ Road Bike Event	☐ Park Festival	☐ OTHER (please specify):			
☐ Street Fair	☐ Concert				
EVENT TITLE:	Running With Ed				
FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS?)	1st Time				

EVENT DATE (S)	5/22/2010		
EVENT HOURS	START: 8:00 am	END: 4:00 pm	
SET-UP	DATE: 5/21/10	TIME: 8am-5pm	
BREAK DOWN	DATE: 5/22/10	TIME: 6pm	
ATTENDANCE	PARTICIPANTS: 500	SPECTATORS: 200	TOTAL: 700
LOCATION PCH	Park City Streets and Trails		

OVERALL EVENT DESCRIPTION (Briefly explain event and activities):
41 mile Relay Race, beginning and ending at New Park Plaza; traveling past all 7 PCSD schools, the UOP, local Resorts, and City Park

MARKETING YOUR EVENT (Your Marketing Plan is criteria for approval of your event)		
Contact the Park City Chamber/Bureau to help market your event	485.649.6100	www.parkcityinfo.com
PLEASE DESCRIBE MARKETING AND PROMOTIONAL EFFORTS FOR YOUR EVENT:		
PCTV "Mountain Views" spots KPCW Radio PSAs and spots Park Record Articles and Event Listings Email Blasts through Schools and Chamber Lists Posters at local businesses and schools		

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

- Depending on the duration of your event and the availability of public restrooms, you may need to rent portable chemical toilets to accommodate participants. Park City Municipal Corporation City Code requires one (1) chemical toilet for every 65 people. The figure is based upon the maximum number at your event during peak time. The total number of toilets will be determined on a case-by-case basis.
- You must receive approval for your event before you promote market or advertise your event. Conditional approval will be made after the event organizer submits the application and it is initially screened. Acceptance of your Special Event Application by the City is not a guarantee of the date, location or an automatic approval of your event.
- Only readily removable barricades may be used for street closures and a 20-ft lane of clearance is required for emergency vehicle access at all times. You may be required to provide advisory signs if your event impacts a major use roadway. Advisory signs are intended to provide advanced notice to the regular users of a roadway of the scheduled closure.
- In some cases, the hiring of officers from the Park City Police Department, a professional security company, or a combination of both may be required in order to obtain a Special Event Permit. The Park City Police Department determines the need, number, and type of security personnel based on expected attendance, location of the event, the presence of alcohol, history of the event, nature of the event, street closures, and the amount of advertising used for an event.
- The Fire Department must review and approve the following: your plans for first aid and/or emergency medical services; your route for emergency vehicle access;
- The Building Department must review parade floats; use of an open flame; use of fireworks or pyrotechnics; handling of vehicle fuel; cooking facilities; the location of power sources; the availability and location of on-site fire suppression equipment; the occupancy and spacing of tables or enclosures; and the use of tents, canopies or any fabric shelters. The Building Department will require an inspection before and/or during the event.
- All temporary structures, i.e. tents, stages, platforms, etc. must be engineered and stamped by a State of Utah Licensed Engineer.
- The applicant(s) shall assume and reimburse the City for any and all costs and expenses determined by City to be unusual or extraordinary, and related to the event for which the permit is sought, including but not limited to:
 - A. The cost of providing, erecting, and moving barricades and/or signs;
 - B. The cost of providing and moving garbage or waste receptacles;
 - C. The cost of city personnel who are required by the city to work overtime hours
- The City may require, as a condition to issuance of a permit, that a sum be deposited with the city to meet such costs. The required deposit shall not exceed one thousand dollars (\$1,000.00).

AGREEMENT AND SIGNATURE

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

Name
(printed)

Tim Chesley

Signature (if electronic signature is available):

Date: 1/17/2010

REMITTAL INFORMATION

Park City Municipal Corporation (PCMC)
ATTN: Special Events
PO Box 1480
Park City, Utah 84060
435.615.5150

If you would like to pay by credit card or make your payment in person please contact Tommy Youngblood at 435.615.5187.

OFFICE USE ONLY

City Council Staff Report



Subject: 333 Main Street Plat Amendment

Author: Kirsten A. Whetstone, AICP

Date: May 6, 2010

Type of Item: Administrative – Extension of plat amendment approval

**PLANNING
DEPARTMENT**

Recommendation

Staff recommends the City Council review a request for a one year extension of approval for the 333 Main Street plat amendment combining Lots 7-15 and 18-26, Block 11, Amended Park City Survey. Staff recommends the City Council conduct a public hearing, consider the input, and consider approving a one year extension to March 26, 2011, based on the findings of fact, conclusions of law and conditions of approval as stated in the draft Ordinance.

Topic

Applicant: Park City 333 Main Development, LLC

Location: 333 Main Street (Main Street Mall)

Zoning: Historic Commercial Business (HCB) and Historic Residential 2 (HR-2)

Adjacent Land Uses: Commercial retail, restaurants, bars, offices, and residential on upper levels and on Park Avenue

Background

On December 19, 2008, the applicant submitted a complete application for a plat amendment to create one lot of record for the Main Street Mall building, located at 333 Main Street (Exhibit A). The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 of the Amended Park City Survey. Also included with the plat amendment are 5 easements identified on the plat for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street (Exhibit B).

On March 26, 2009, the City Council approved the plat amendment with a condition of approval that the plat be recorded at Summit County prior to March 26, 2010.

On March 8, 2010, the applicant submitted an application for an extension of approval to allow additional time to finalize the plat in preparation for signatures and recordation at Summit County. The applicant states that difficult economic circumstances have resulted in delays in finalizing the plat (Exhibit C).

Analysis

The purpose of the plat amendment is to remove interior lot lines and to memorialize the various easements for the existing Main Street Mall building. The building was

constructed over existing platted lot lines. The lots fronting Main Street are zoned Historic Commercial Business (HCB) and the lots fronting Park Avenue are zoned Historic Residential 2 (HR-2). The applicants are considering converting existing office uses to residential uses and making changes to the interior configuration of tenant spaces, consistent with the February 27, 2009 Historic District Design Review approval (granted approval until February 27, 2011.)

All proposed uses are Allowed Uses in the HCB zone and no further Conditional Use Permit review is required. Individual sale of any residential or commercial space requires a condominium plat. No application for condominium plat has been submitted to date.

The amended plat memorializes existing emergency and pedestrian access, utility, and parking easements as described in the title report for 333 Main Street. Lots fronting Main Street are zoned Historic Commercial Business (HCB) and lots fronting Park Avenue are zoned Historic Residential 2 (HR-2).

The existing building is a legal, non-conforming structure as it is located across the zone line between the HCB and HR-2 zoning districts and also does not comply with setbacks in the HR-2 zone. The zoning will remain as is. Existing non-conforming circumstances are outlined below. The following are the lot and site requirements of LMC Section 15-2-6 (HCB) and 15-2-3 (HR-2).

	CODE REQUIREMENT	EXISTING
SETBACKS		
FRONT	0' in HCB and 10' in HR-2	Varies, 4' to 23' in HCB <u>Complies</u> and 15' in HR-2- <u>Complies</u> .
SIDES	0' in HCB and depends on Lot width in HR-2 (100' width requires 10' minimum and 30' total side setbacks)	0' in HCB- <u>Complies</u> 0' - 3' in HR-2- <u>Non-complying</u> .
REAR	0' in HCB and 10' in HR-2 for single family	0' in HCB- <u>Complies</u> . 0' in HCB- <u>Non-complying</u> .
HEIGHT	30' at property line on Main following a 45 degree angle to a maximum height of 45' in HCB. 27' in HR2	Constructed in compliance with the maximum height requirements and allowed volumetric- <u>Complies</u> .
MINIMUM LOT SIZE	1,250 sf in HCB 1,875 sf in HR-2 for SF and 3,750 sf for duplex	33,709 sf* - <u>Complies</u> .
MINIMUM LOT WIDTH	25'	224.73'* - <u>Complies</u> .

FLOOR AREA RATIO	4.0 (134,836 sf)	89,942 sf (gross floor area) 70,738 commercial/retail <u>Complies.</u>
PARKING	56 spaces per 1986 Parking Agreement and Special Improvement District	56 Spaces per existing parking agreement plus 10 private spaces <u>Complies</u>

*Actual surveyed square footage and lot width, based on the actual survey and monumentation.

The building was constructed over the existing platted lot lines and crosses the zone line between the HCB and HR-2 zoning districts. There is good cause for the application as the building will be located on one lot of record and building code issues regarding construction across property lines will be eliminated. With removal of the interior lot lines the building will be brought into compliance with the Site and Lot requirements of Section 15-2.6-3 of the Land Management Code and the Building Code, with the exception of the side yard setbacks on the HR-2 district that are non-complying.

Due to the importance of commerce and high level of activity on Main Street and frontage on Park Avenue, a residential street, staff recommends a condition of approval that a Construction Mitigation Plan (CMP) be submitted to the City for review and approval prior to issuance of any building permits for associated with this Lot.

Staff recommends that the CMP, in addition to the standard mitigation measures, address construction staging areas and access, a detailed construction phasing plan, road and sidewalk closures, timing of utility interruptions, timing of construction during times of high activity (Arts Festival, 4th of July, Miners Day, Sundance Film Festival, President's Day weekend, and other similar dates and events), construction deliveries (time, place, type), worker parking or transportation alternatives, environmental issues regarding soil and erosion, disposal of removed materials, schedule of meetings with neighborhood and affected owners to keep them informed about the progress of construction, relocation plan or plan to work around existing businesses, and other items that address mitigation of the impacts of any future construction on the activities, commerce, viability and livability of surrounding commercial and residential neighborhoods.

Staff recommends a condition of approval that prior to issuance of any building permits a detailed parking analysis shall be presented, identifying compliance with parking requirements of the 1986 Parking Agreement and LMC. This shall apply to any reconfiguration of tenant space, sizes, and uses. The parking analysis shall identify and discuss all existing parking agreements associated with the property.

In addition to parking required for the existing building, the property is encumbered with a lease agreement to provide a garage for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the 99-year duration. This parking is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The lease agreement addresses relocation of this garage in the event of construction/remodel of the building.

Staff finds that the plat, as conditioned, to combine the 18 platted lots into one lot of record, will not cause undo harm to adjacent property owners because the proposed plat

meets the requirements of the Land Management Code for the HCB zoned portions and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits. The plat also memorializes required access, parking, and utility easements and resolves building code issues of buildings constructed over property lines.

Department Review

The request for a one year extension was reviewed by the development review team. All existing conditions of approval, including the specific Construction Mitigation Plan prior to issuance of any building permits, continue to be required.

Process

Requests for extension of approval require a public hearing and final action by the City Council.

Public Notice

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

Alternatives

- City Council may approve a one year extension of approval for the 333 Main Street plat amendment as conditioned or amended, or
- City Council may deny a one year extension of approval and direct staff to make findings for this decision, or
- City Council may continue discussion and action on the request for a one year extension of approval to a future date to allow additional time for staff and/or the applicant to provide additional information.

Notice

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

Significant Impacts

The most significant fiscal impact of plat approval is that the internal lot lines will be eliminated creating a lot of record allowing the owner to consider remodel and construction of improvements to the front facades, subject to Historic Design Review and building permits. Construction impacts will be significant to vehicular, pedestrian, and commercial activity on Main Street and could impact residential uses on Park Avenue. Impacts will need to be considered and mitigated according to an approved Construction Mitigation Plan.

Consequences of not taking the Recommended Action

The property will remain, as platted and the existing building would be an existing non-conforming building because it was built over existing lot lines. No significant exterior renovation will be permitted.

Recommendation

Staff recommends City Council review the proposed one year extension of approval of the plat amendment, conduct a public hearing and consider approving the one year extension of approval of the plat amendment for 333 Main Street based on the findings of fact, conclusions of law, and conditions of approval as outlined in the attached ordinance.

Exhibits

Exhibit A- Proposed plat amendment

Exhibit B- Existing conditions survey

Exhibit C- Applicant's letter requesting a one year extension

Ordinance No. 10-

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF APPROVAL OF A PLAT AMENDMENT FOR THE MAIN STREET MALL LOCATED AT 333 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Main Street Mall, located at 333 Main Street, petitioned the City Council for one year extension of approval of a plat amendment to create one lot of record by combining Lots 7-15 and 18-26, Block 11, Amended Park City Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 25, 2009, to receive input on the plat amendment and forwarded a recommendation to the City Council;

WHEREAS, on March 26, 2009, the City Council held a public hearing on the plat amendment;

WHEREAS, on March 8, 2010, the applicant submitted a request for an extension of approval;

WHEREAS, on May 6, 2010, the City Council held a public hearing on the plat amendment extension of approval; and

WHEREAS, it is in the best interest of Park City, Utah to approve a one year extension of approval of a plat amendment to create a lot of record for the existing Main Street Mall to remove internal property lines; memorialize existing emergency and pedestrian access, parking, and utility easements associated with the property.

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 333 Main Street plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11 Amended Park City Survey. Also included in the plat amendment are 5 easements on the plat for existing emergency and pedestrian access, utilities, storm drainage, and parking as described in the title report and title survey for 333 Main Street.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines and is an existing legal non-conforming building.

3. The plat amendment creates one lot of record for the existing building.
4. The Main Street fronting lots are located in the Historic Commercial Business District (HCB) and the Park Avenue fronting lots are located in the Historic Residential Two (HR-2) zoning district.
5. The lot configuration meets minimum standards of the HCB and HR-2 Districts.
6. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. It is important to carefully consider impacts of construction on the vitality and character of Main Street and the residential nature of Park Avenue.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking is currently provided within a garage in the Main Street Mall building with access to Park Avenue.
8. The existing conditions of the property have not changed since the plat amendment was approved.

Conclusions of Law

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code, the General Plan and applicable State law regarding plat amendments.
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.

Conditions of Approval

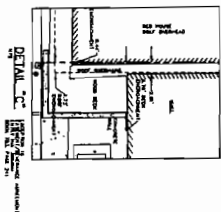
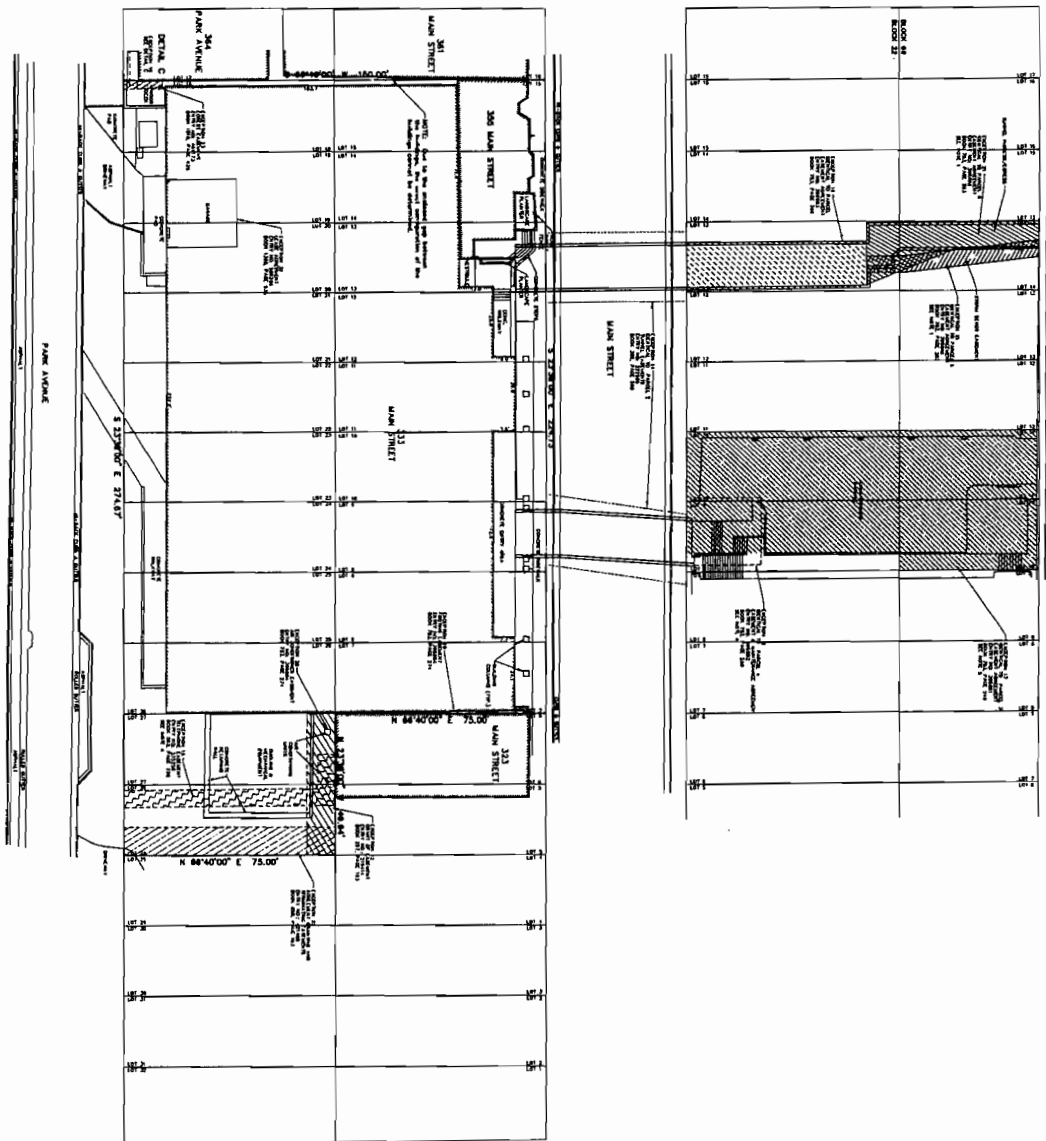
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will provide the City with a signed mylar plat for recordation at the County by March 26, 2011.
3. The plat shall be recorded prior to issuance of any building permits associated with the remodel and Historic Design Review application for 333 Main Street, the Main Street Mall. Approval of an Historic Design Review is required as a condition precedent to building permit issuance.
4. As a condition precedent to issuance of any building permits a detailed parking analysis shall be submitted for City review, identifying compliance with parking requirements of the 1986 Parking Agreement and the LMC. A revised parking analysis shall be submitted with any reconfiguration of tenant spaces, sizes, or uses. The parking analysis shall identify and discuss all existing parking agreements associated with the property.
5. A Construction Mitigation Plan (CMP) shall be submitted to the City for review and approval prior to issuance of any building permits for remodel or construction on or within the building. The CMP, in addition to the standard mitigation measures, shall address construction staging areas and access, a detailed construction phasing plan, road and sidewalk closures, timing of utility interruptions, timing of construction during times of high activity (Arts Festival, 4th of July, Miners Day, Sundance Film Festival, President's Day weekend, and other similar high activity dates and events),

construction deliveries (time, place, type), worker parking and transportation alternatives, environmental issues regarding soil removal and erosion, disposal/recycling of removed materials, a schedule of meetings with the neighborhood and affected owners to keep them informed of construction progress, a relocation plan or plan to work around existing businesses, and other items that address mitigation of construction impacts on the activities, commerce, viability and livability of the surrounding commercial and residential neighborhoods.

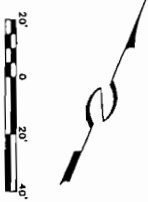
6. Fire sprinkler systems, in accordance with the International Building Code in effect at the time of building permit application, are required prior to issuance of certificates of occupancy for the building.
7. A condominium record of survey plat is required prior to individual sale of any commercial tenant space or residential unit on this Lot.
8. As a condition precedent to issuance of a certificate of occupancy associated with any building permit, all exterior mechanical equipment and vents shall be painted to match the adjacent building materials and mechanical equipment shall be enclosed and /or adequately screened from public view. Sound baffles shall be installed to attenuate noise and all mechanical equipment shall comply with the City's noise ordinance requirements.
9. As a condition precedent to plat recordation, all signs shall comply with the City's Sign Ordinance, including any signs on Park Avenue.
10. City Engineer review and approval of all appropriate grading, utility installation, public improvements, erosion control, and drainage plans for compliance with City standards is a condition precedent to building permit issuance, this includes any plans to place utilities underground. All required permits or approvals from these utility providers shall be provided to the City Engineer prior to commencing any utility work.
11. As a condition precedent to issuance of any building permits a landscape plan shall be submitted for City approval. The Park Avenue landscaping and frontage shall be included on the landscape plans and shall mitigate impacts of the rear building elevation.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 6th day of May, 2010.

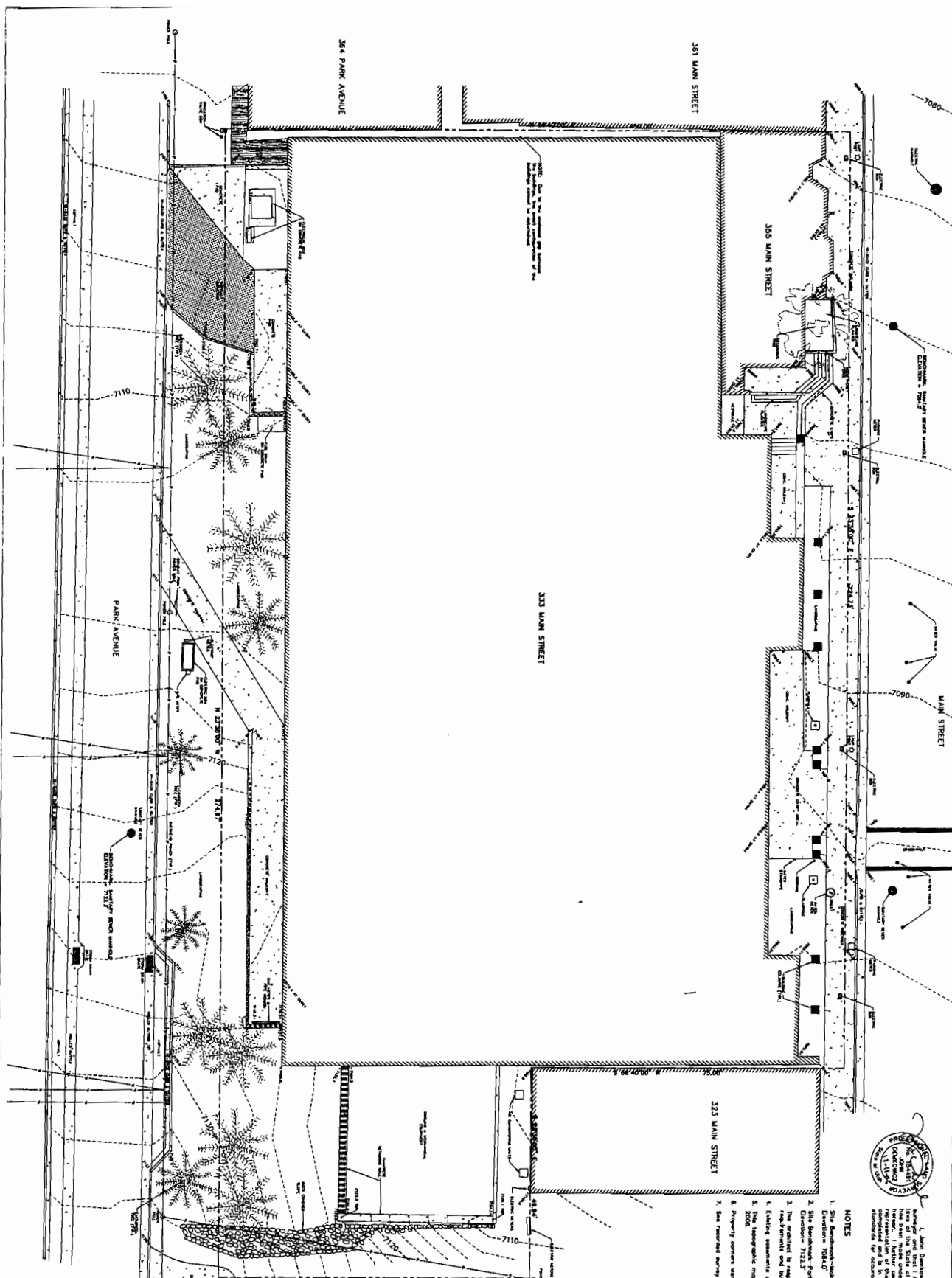


- NARRATIVE**
- The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.
 - The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.
 - The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.
 - The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.
 - The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.
 - The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.
 - The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.
 - The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.
 - The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.
 - The survey was performed by the Surveyor General of the State of California, under the authority of the Surveyor General, on the 1st day of May, 1907, at the City of San Francisco, California.



		STAFF: JOHN DEANING ALVIN L. LIND JOHN L. LIND JOHN L. LIND	ALTA/ACSM LAND TITLE SURVEY 333 MAIN STREET SAN FRANCISCO, CALIF.	SHEET 2 OF 2
CONSULTING SURVEYOR: LIND & LIND, SURVEYORS 1010 BAY STREET, SAN FRANCISCO, CALIF.		DATE: 7/1/07	JOB NO.: 4-4-07 FILE: 4-4-07	

DEC 19 2003

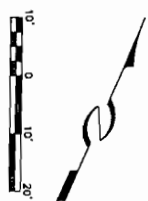


SURVEYOR'S CERTIFICATE

I, John D. Smith, do hereby certify that I am a registered land surveyor and that I have made a topographic survey of the land shown on this map under my direction and that the same is a true and correct representation of the land as surveyed and shown on the map and that the same is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site boundaries shown on this map are as shown on the map.
2. Site boundaries shown on this map are as shown on the map.
3. The building is shown on the map as shown on the map.
4. Existing easements are not shown on this map.
5. This topographic map is based on a field survey performed on 10/10/06.
6. Property corners were set.
7. See record survey 3-1888 in the Summit County Records.



ENGINEERING CONSULTING LAND PLANNING SURVEYING 411 Main Street, P.O. Box 2000, Park City, Utah 84060-2000	STAFF: MARSHALL KING BLAKE MYERS TRACEY DOUTNEY	TOPOGRAPHIC SURVEY 333 AND 355 MAIN STREET PARK CITY SURVEY	97	SHEET 1 OF 1
	DATE: 12/11/06	FOR: ELIJOTT WORKS, DEVELOPMENT JOB NO.: 1-10-06 FILE: R:\ParkCitySurvey\dwg\topo\06\011006.dwg		

DEC 19 2006

Note: "ETERS TO STREET ADDRESS"

PARK CITY - BLOCKS 3, 11, 30 SECTION 16, T2S, R4E, S1 B & M

BOOK PAGE

4

10

FOURTH STREET

PARK AVENUE (N 23° 38' W)

MAIN STREET (N 23° 38' W)

WOODSIDE AVENUE (N 23° 38' W)

FIFTH STREET

(7-12-11)

31

2

12

PC 39-A
OWNER: TOWN OF PARK CITY
1950 - 1951 - 1952 - 1953 - 1954

Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	7/1/07	
Date	By	

SUMMIT COUNTY, UTAH

SCALE
ONE INCH = 40 FEET
BOOK PAGE

Park City 333 Main Development, LLC

March 8, 2010

Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, UT 84060

Attn: Kirsten Whetstone

SUBJECT: REQUEST FOR EXTENSION OF APPROVAL, 333 MAIN STREET PLAT
AMENDMENT

Dear Kirsten,

Park City 333 Main Development, LLC is formally requesting an extension of the approved 333 Main Street plat amendment dated March 26, 2009. Over the past year, Park City 333 Main Development, LLC and its partners have made significant efforts to move 333 Main Street forward despite increasingly difficult economic circumstances. These efforts have included revisiting approved HDDR plans to identify ways of reducing costs while at the same time maintaining the historic integrity of Park City and more specifically Main Street. We have had great success in this effort.

As a result of these improvements, there have been some minor delays, specifically the finalization of the approved plat amendment. However, Park City 333 Main Development, LLC is still committed to the success of this project and is very excited as we move into a new year.

Sincerely,



Michael Scrogan
PARK CITY 333 MAIN DEVELOPMENT, LLC

333 Main Street Vicinity Map 2009 Aerial



Subject Property

Legend

-  Parcels
-  Streets





City Council Staff Report

Subject: City Manager's Recommended Budget
Author: Bret Howser
Department: Budget, Debt, & Grants
Date: May 6, 2010
Type of Item: Informational

Summary Recommendations:

Hold a public hearing on the City Manager's Recommended Budget. Provide initial direction concerning the proposed 15-Year Revenue Action Plan, including a two-year 6% property tax increase (which is roughly set at the long-term inflationary rate [CPI] of about 3% per annum). The proposed increase would only raise the Municipal General Levy portion of a property owner's tax bill (roughly 14% of your property tax bill), which equates to approximately \$33 for the average primary resident.

Topic/Description:

FY 2010 Revised Budget and FY 2011 Proposed Budget

Background:

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

Department managers then compiled operating budget reduction plans to present to the City Manager during February and March. These operating reduction plans, which identified up to 5% operating reductions, as well as any budget increase requests were considered during a series of meetings between functional teams and the City Manager. Portions of the 5% reduction plans as well as some budget increase options were then approved, denied, or modified with the intent of realizing an overall operating budget with little to no increase from 2010 original budget levels.

New capital project requests were evaluated by the CIP Committee during March and prioritized following the same criteria used during the full CIP re-prioritization done last

year. The CIP Committee worked with the direction to cover \$650,000 of the projected shortfall in FY 2010 with a reduction of the General Fund transfer to capital. The Committee forwarded their recommendation to the City Manager in late March. The City Manager made final decisions on operating and capital recommendations in April.

On May 3rd, staff delivered the City Manager's Recommended Budget (Tentative or Proposed Budget) to City Council. Public hearings are currently scheduled for May 6th, 20th, 27th, June 3rd, and 18th. Council work session on June 10th may be used for further budget discussion if the time is needed. Discussion/action is slated for these dates as follows, barring changes as needed:

May 6 – Presentation of the Tentative Budget, Budget Overview & Timeline, Update of Financial Impact Report (FIAR), Revenue Mix Analysis & 15-Year Revenue Action Plan, New Expenditure Funding Strategy, Property Tax Increase

May 20 – Operating Expenditures, 5% Reduction Plans, Departmental Presentations, Pay Plan, Lump Merit Increase Pool, Benefits – URS Retirement Increase & Health Insurance

May 27 – Fee Changes – Building, Planning & Engineering Fees, Administrative Interfund Transfers, Special Event Fees, CIP Budgets – CIP Alternative Matrix, Racquet Club Remodel, Fleet Right-Sizing Study, New Project Requests, Outstanding Budget Issues

June 3 – Budget Policies, Personnel Policies and Procedures (P&P), Fee Resolution, Adoption of Tentative Budget, Outstanding Budget Issues

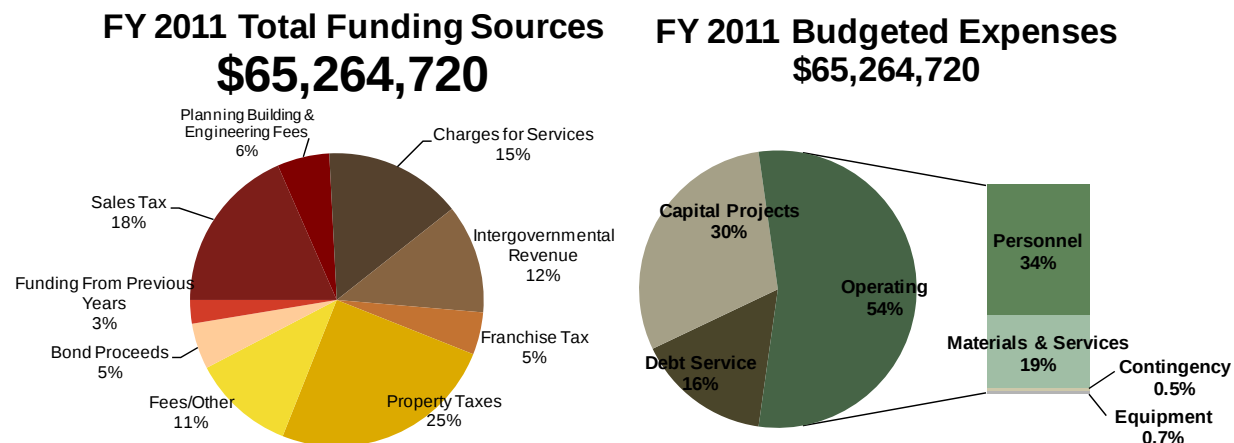
June 10 – Outstanding Budget Issues (if necessary)

June 17 – Presentation & Adoption of Final Budget (if no property tax increase), Adoption of Provisional Budget (if property tax will be increased)

In addition to these meetings, if Council selects to implement the recommended property tax increase a public Truth In Taxation hearing must be held in August, and a Final Budget adopted by August 18th.

Analysis:

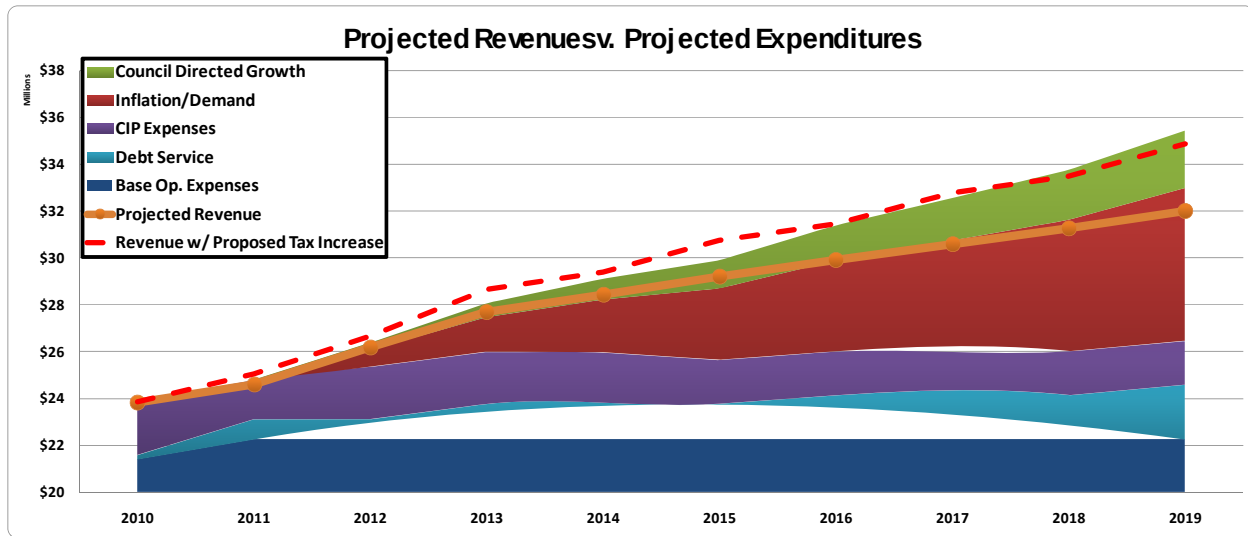
Budget Overview



The above charts show the balanced budget proposal for FY 2011. Total revenues are expected to be \$65 million (\$60 million operating revenues, \$3 million non-operating revenues, \$2 million in funding from previous years). Staff proposes to spend those funds on the following: \$57 million for operating expenses (which is comprised of \$35.5 million for departmental operations, \$10.2 million for debt service, and \$11.3 million for capital expenses *paid for by operating revenues*) and \$8 million for capital expenses paid for by non-operating revenues. The table in Attachment A gives a slightly more detailed breakdown of these figures. Also, the budget documents distributed with the Council packet (and available online) contain budget summaries which give the most commonly desired breakdowns of budget figures.

FIAR Update

Each January during Council Visioning, the Budget Department delivers a long-range Financial Impact Analysis Report (FIAR) to Council. The purpose of this report is to show the impact of budgetary decisions on the long-range projected finances of the City. The report focuses on General Fund activities and the main output of the analysis is the projected General Fund surplus or deficit each year for the next 10 years. The City generally relies operating surpluses to fund capital projects and make adjustments to service levels. The chart and table below give a summary of the current projected surpluses over the next ten years should the Proposed Budget be adopted.



For details on how projections were made and methodology in general, please consult the January 2010 FIAR Report or Volume I of the Budget Document (Budget Overview section). In summary, despite deep budget cuts to offset inflationary expenditure increases in FY 2011, shortfalls are projected to persist indefinitely without action on the revenue side. Ultimately, due to the nature of property tax in Utah and the lack of an inflationary factor built into the certified property tax rate, regular property tax increases are necessary to maintain current levels of service in the long run. This topic is addressed in a more comprehensive nature in the Revenue Mix Analysis, which is provided under separate cover and summarized later in this report.

Ten-year Financial Impact Forecast

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Revenue	\$23,851	\$24,618	\$26,195	\$27,713	\$28,435	\$29,217	\$29,916	\$30,605	\$31,284	\$32,027
Op. Expenses	\$21,402	\$22,255	\$22,255	\$22,255	\$22,255	\$22,255	\$22,255	\$22,255	\$22,255	\$22,255
Inflationary Growth			\$726	\$1,476	\$2,250	\$3,051	\$3,878	\$4,732	\$5,615	\$6,527
Council Directed Growth			\$300	\$596	\$896	\$1,199	\$1,507	\$1,819	\$2,135	\$2,455
CIP Expenses	\$2,249	\$1,678	\$2,228	\$2,218	\$2,193	\$1,868	\$1,868	\$1,868	\$1,868	\$1,868
Debt Service	\$181	\$861	\$863	\$1,520	\$1,520	\$1,522	\$1,889	\$1,888	\$1,888	\$2,339
Total Expenses	\$23,831	\$24,795	\$26,372	\$28,064	\$29,113	\$29,895	\$31,396	\$32,561	\$33,760	\$35,443
Rev/Exp	\$19	-\$176	-\$177	-\$351	-\$678	-\$678	-\$1,480	-\$1,956	-\$2,476	-\$3,416
Proposed Tax Increases		\$440	\$451	\$950	\$969	\$1,524	\$1,549	\$2,159	\$2,188	\$2,852
Rev/Exp w/ Tax Increase	\$19	\$264	\$274	\$599	\$290	\$846	\$69	\$203	-\$288	-\$563

*All figures in thousands

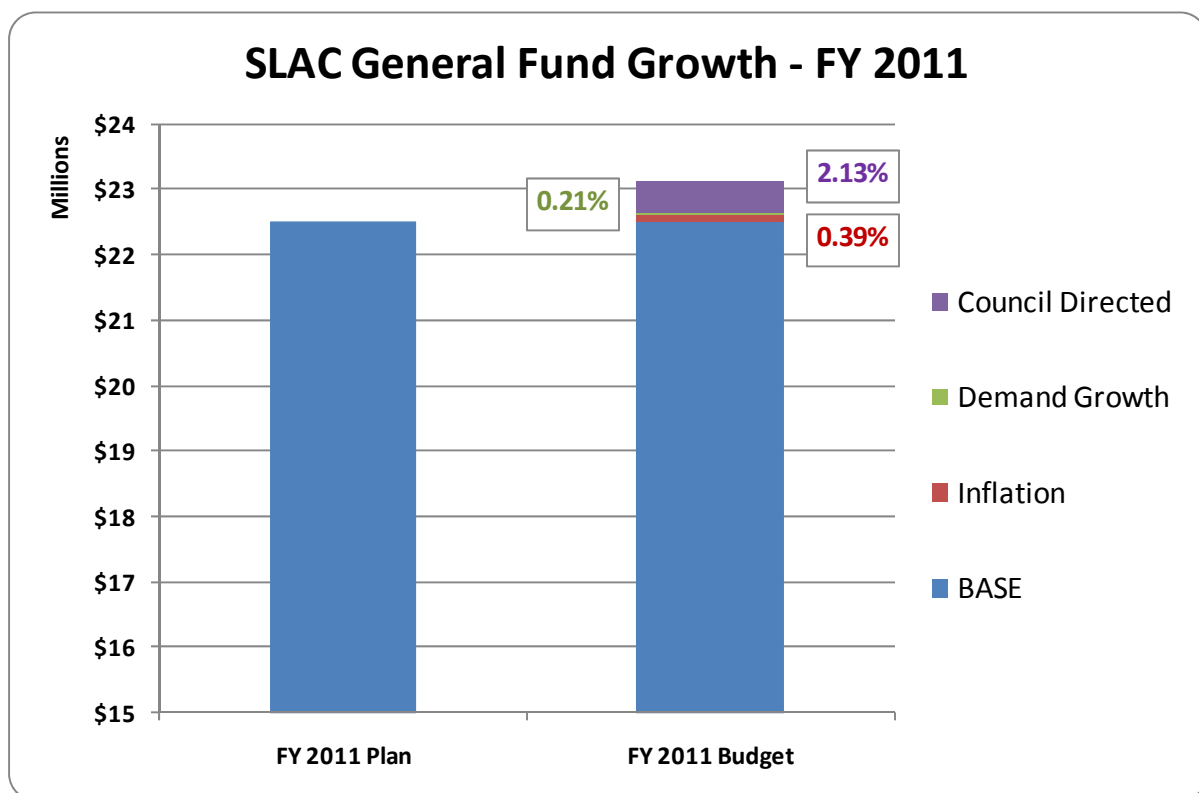
Aggregate Surplus/(Shortfall) - w/o Tax Increase	(\$11,369)
Aggregate Surplus/(Shortfall) - w/ Tax Increase	\$1,713

SLAC Update

The January 2010 FIAR included an update to the 2000 Service Level Assessment Committee (SLAC) report. This update showed described the operating expense increases observed between 2001 and 2010, dividing the growth into three distinct categories: 1) Inflationary, 2) Growth of Demand Base, and 3) Council Directed Increased Level of Service.

Recognizing the need for ongoing analysis of service levels and operating expenses, the 2010 SLAC Committee also made recommendations which would associate SLAC analysis with the biennial budget process. Each year, all operating revenues will be identified and reported according to the three SLAC categories. In this fashion, SLAC should continually inform both long-term financial planning as well as annual budget decisions.

This year's operating budget changes have been sorted according to the three SLAC categories. 0.39% of increase from the base budget is due to inflationary pressures. 0.21% is caused by growth of the demand base. 2.13% represents increased level of service which has either been directed by Council or which has been proposed by staff and requires Council direction as part of this budget process.



This sorting gives Council and staff a better understanding of the nature of and impetus behind incremental differences in the 2011 budget. In so doing, Council and staff can also make better decisions about the appropriate strategy for funding these budget increases.

Revenue Mix Analysis

The Park City Budget Department has conducted a revenue mix analysis with the intent of identifying and describing the properties of the ideal portfolio of General Fund revenue streams for Park City. The ideal revenue mix could be compared to the existing revenue mix in order to identify revenue streams which need adjustment in the near and distant future, reducing the likelihood of short-term economic fluctuations exerting

undue influence on taxation decisions. Ultimately, this information should be used by staff and City Council to take action which concurrently balances the annual budget and achieves progression toward a target revenue portfolio that is sufficient to cover projected expenditure levels ten years from now.

The details of the analysis, including a thorough description of the logic and methodology behind the conclusions, are appended to this report under separate cover. Staff strongly encourages Council and other interested parties to read the report of the detailed analysis in order to thoroughly understand the topic before passing judgment on the conclusions and recommendations. What follows will serve as an executive summary of that report.

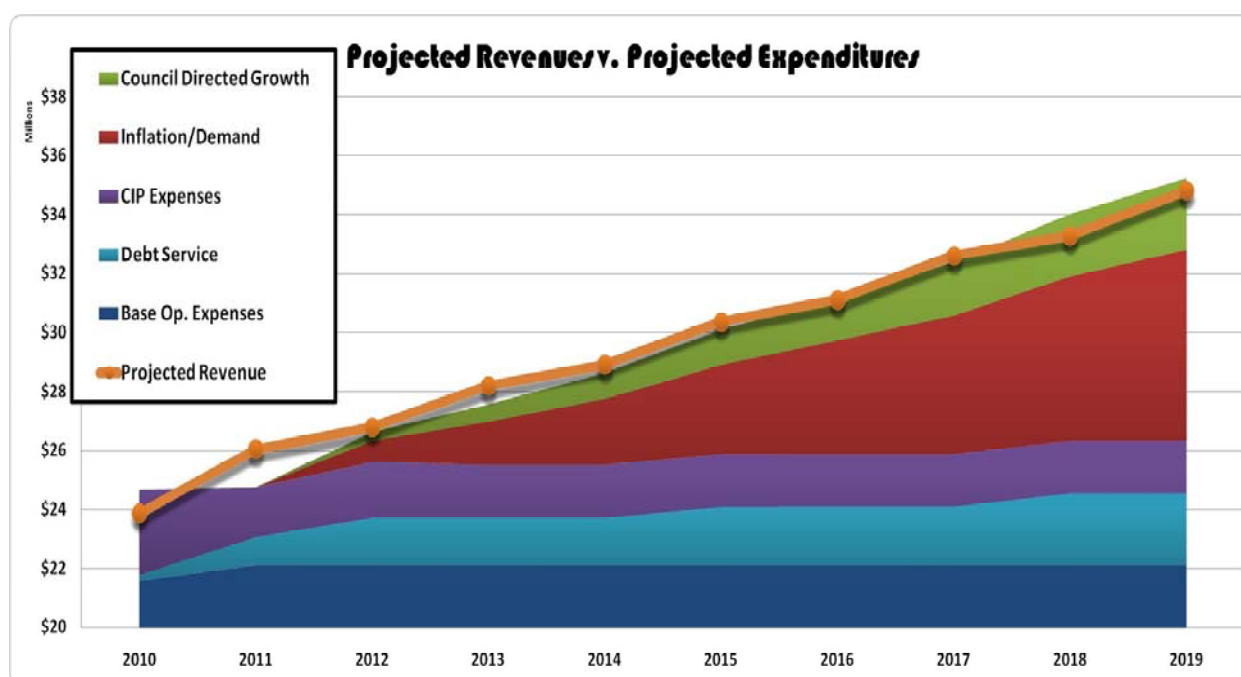
Summary Recommendations: The Budget Department urges consideration of a long-term approach to sculpting the Park City General Fund revenue mix. For this purpose, staff recommends a 15-Year Revenue Action Plan that prescribes regular tax and fee increases which would counterbalance inflationary pressures and reduce the volatility of Park City's revenue portfolio. The resultant revenue mix would allow City services to continue uninterrupted even during deep recessions.

15 Year Revenue Mix Action Plan

Tentative Percent Increases...					
Fiscal Year	Sales Tax	Property Tax	Franchise Tax	BPE Fees	Other Fees
2011	-	6%	-	4%	5%
2012	-	-	-	-	-
2013	-	6%	-	-	5%
2014	-	-	-	-	-
2015	-	6%	-	-	5%
2016	-	-	-	4%	-
2017	-	6%	-	-	5%
2018	-	-	-	-	-
2019	-	6%	-	-	5%
2020	-	-	-	-	-
2021	-	6%	-	4%	5%
2022	-	-	-	-	-
2023	-	6%	-	-	5%
2024	-	-	-	-	-
2025	-	6%	-	-	5%
2026	-	-	-	4%	-

The Action Plan contains a recommendation to increase property tax 6% every other year, beginning in FY 2011. It also recommends regular updates to building, planning, and engineering fees, administrative interfund transfers, and other fees.

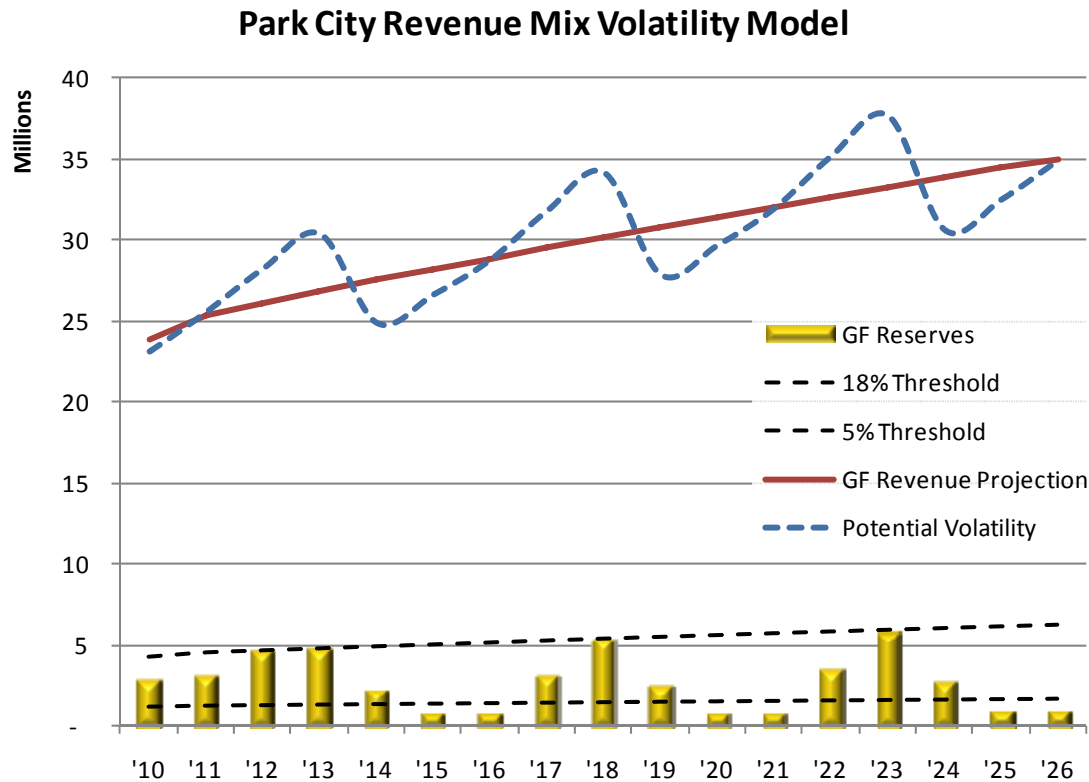
This Action Plan represents the most tangible step proposed to date toward integrating Park City's long-term financial planning process with the biennial budget process. Historically, the City's FIAR has put forth projections of how the City's long-range financial picture may look given the assumption that the City continues its present course. Of course we know that the City will not continue present course. Things will change. The question is: Will we let change happen to us and allow chance to dictate service levels, or will we be deliberate in our approach to the situation to ensure continuous service delivery? The figure below shows a modified picture of the City's financial future if we choose the latter and adhere to the proposed Action Plan (compare to similar chart in FIAR section, which showed increasing deficits going into the future).



Volatility Threshold Analysis: When all of Park City's General Fund revenue streams are combined, they assume a unique composite identity, a sort of volatility fingerprint. The volatility of the revenue mix historically has peaked at 14% above projections, with trough volatility at 9% below projections. This revenue mix is slightly risky, taking on a fair amount of volatility. This is likely to deliver excellent growth in economic upturns, but sharp shortfalls during recessions.

If Park City were able to set aside sufficient reserves for these recessions, the current revenue mix could be an acceptable strategy. However, state statute limits the City to keeping no more than 18% of budgeted revenues in reserve and specifically prohibits the use of a rainy-day fund. In addition, the City is required to keep no less than 5% reserves on hand. If the City were to be able to withstand the potential trough volatility of the current revenue mix and remain above the 5% reserve threshold, the City would need to exceed the 18% threshold during times of peak volatility. But as the City cannot exceed 18% by statute, reserves may be insufficient to continue service delivery at existing service levels during economic downturns, as illustrated in figure B12 below.

The revenue mix proposed in the Action Plan would achieve maximum revenue growth potential while still maintaining reserve levels within statutory boundaries during deep recessions. To achieve this, though, it is necessary to increase the proportion of property tax in the revenue mix since this is the most stable major revenue source.



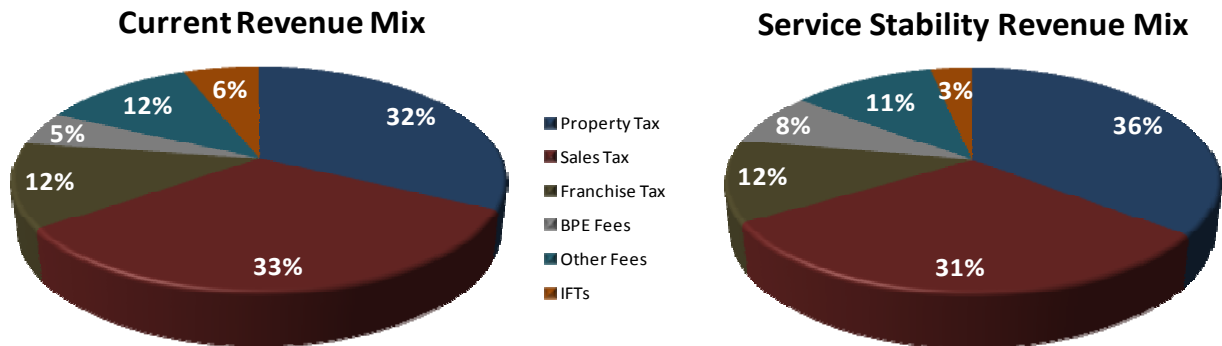
Service Stability Analysis: The Budget Department has studied the services or functions carried out by the City and assigned to each an appropriate mix of funding sources. A compilation matrix displaying the revenue mix appropriate for the desired level of stability for broad City functions is presented here.

Service Stability Revenue Mix Matrix

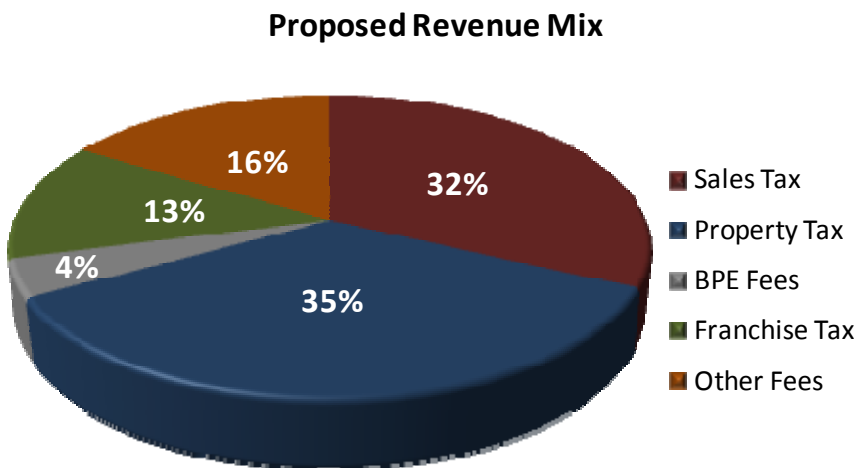
Function	Total Budget	Property Tax	Sales Tax	Franchise Tax	BPE Fees	Other Fees	Transfers
Administration	\$ 5,181,072	26%	41%	12%	8%	3%	11%
Community Development	2,957,709	14%	27%	7%	50%	0%	2%
Public Safety	4,175,373	55%	28%	15%	0%	2%	1%
Public Works	4,751,184	55%	27%	14%	0%	0%	3%
Recreation	4,050,096	22%	19%	7%	0%	52%	0%
Other	965,806	27%	37%	11%	0%	24%	0%
Capital Projects	2,821,234	37%	42%	14%	0%	7%	0%
Total	\$24,902,474	36%	31%	12%	8%	11%	3%

The pie charts in next figure show a comparison between the existing Park City revenue mix and the ideal revenue mix suggested by the service stability analysis. The

difference between the present mix and the ideal is not drastic, but would require changes. The service stability mix would have property tax increase from the second largest proportionate share of 32%, to the largest at 36%. Sales tax would then drop from 33% to 31%. BPE fees would go from 5% to 8%, and interfund transfers would drop from 6% to 3%. The others would stay about the same.



Recommended Revenue Mix: The revenue mix recommended by the Budget Department, which would be achieved by the Action Plan, is not precisely the same as the service stability mix, but is based on this analysis. It has been adjusted to remove some of the volatility associated with increased building, planning, and engineering fees. In this fashion, the proposed revenue mix best satisfies the criteria of both the service stability analysis as well as the volatility threshold analysis. The figure B15 shows the Budget Department's recommended revenue mix.



New Expenditure Funding Strategy

Along with the SLAC and FIAR updates in January 2010, staff proposed to Council a new budget tool to be used during the upcoming budget process. This tool would amount to an explicit funding strategy for all newly proposed expenditures. In the past, revenue projections were presented to Council in one meeting and expenditure requests were considered separately in a distinct meeting. The balancing of the budget

happened behind the scenes. Now, the budget document presents a summarized list of all recommended increases to the expenditure budget and a corresponding funding strategy which would be needed to fund each increase and balance the budget. This strategy consists of a mix of expenditure cuts, new revenue sources, and anticipated growth of existing revenues.

The FY 2011 Incremental Expenditure Funding Strategy is presented in the attached matrix. The left side of the matrix, or “Requirements”, displays the FY 2011 Plan, or base budget, and all departmental budget options turned in by department managers which would increase the budget. These options are stratified by SLAC growth categories, which give a better understanding of the impetus behind these increases. A breakout of the budget options described as “Council Directed Level of Service Increase” is given hereafter. Also listed are budget increases related to major budget issues which were non-departmental and therefore not included as a typical budget option, as well as increases to the capital plan recommended by the CIP Committee which would increase the General Fund transfer to the CIP Fund. There is also a modest surplus shown which staff would recommend be reserved as contingency.

The right side of the matrix, or “Funding Sources”, outlines the recommended methods of funding the requirements on the left. This includes existing projected revenues (of course), as well as expenditure cuts, including both efficiencies gained (providing the same level of service with less resources), reduced public demand for certain services, and minor level of service decreases requiring Council direction, which are discussed in more detail in the operating budget section. A reduction in the anticipated need for borrowing for OTIS projects also resulted in a savings which could be used to balance the budget. The CIP Committee also recommended decreases to projects requiring General Fund dollars, directly offsetting the amount of increase seen on the requirements side. More detail on these capital cuts is given in a separate figure. Finally, this year’s proposed budget would require a property tax increase of 6%, which is in line with the 15-Year Revenue Action Plan outlined in the Revenue Mix Analysis.

Between the requirements section and the funding sources section, a balancing strategy is put forth which associates each funding source with a portion of the requirements in a logical fashion. Existing revenues should pay for the base budget where possible, with budget reductions making up the difference. Since the property tax increase has the root purpose of keeping this revenue source up with inflation, it is reasonable to associate much of the property tax increase with inflationary budget increases. Increased levels of service should be offset with corresponding decreases in level of service where possible, and budget increases due to growth demand should be offset at least in part by budget decreases in areas where demand is shrinking. Retirement cost increases can be offset by property tax since these are basically inflationary costs, and the lump merit pool should be completely offset with decreased operating budget since these expenses were previously handled within existing

resources. Also, in this plan all changes to the General Fund transfer to the CIP Fund are offset, dollar for dollar, with corresponding project cuts.

Council Directed Level of Service Increases

Option Code	Option Name	Amount
CRLRCR	Creekside Park Restroom Cleaning	11,000
EDCDSR	8th Street Stairs	3,706
IMSUCE	Event Project Manager	21,510
IMSULK	Contract Sidewalk Snow Removal	12,000
IMSUPS	Park Silly Sunday Market Facility Improvements	10,000
ITISWM	City Council Website Maintenance	8,000
NDNDEM	Emergency Management Program Replacement	22,000
NDNDPS	Park Silly Sunday Market	80,000
PDPSPDC	Dry Cleaning	7,000
PDPSEM	Emergency Management Contract	55,000
TRCRC	Temporary Racquet Club Relocation Costs	250,000
TDTDPR	Park and Ride Transit	77,910
TDTDTF	Credit Card Fees	4,500
General Fund Total:		480,216
Grand Total:		562,626

CIP Committee Recommended Project Cuts Impacting the General Fund Transfer

Scheduled General Fund Transfer for CIP	FY 2011 Plan	FY 2011 Budget	Change	Notes
CP0006 Pavement Management Impl.	300,000	125,500	(174,500)	Funding moved to FY 2010
CP0017 ADA Implementation	10,000	10,000	-	
CP0036 Traffic Calming	-	25,000	25,000	Recommended by CIP Committee
CP0041 Trails Master Plan Implementation	-	100,000	100,000	Recommended by CIP Committee
CP0042 Gilmore Open Space Note	100,000	100,000	-	
CP0074 Equipment Replacement - Rolling Stock	550,000	600,000	50,000	Recommendation of Fleet Committee
CP0075 Equipment Replacement - Computer	200,000	200,000	-	
CP0142 Racquet Club Program Equipment Replacement	50,000	50,000	-	
CP0146 Asset Management/Replacement Program	382,709	382,709	-	
CP0191 Walkability Maintenance	40,000	-	(40,000)	Moved to Operating due to new GASB Rules
CP0218 Emergency Management Program Replacement	8,000	-	(8,000)	Moved to Operating due to new GASB Rules
CP0234 General Plan Update	-	50,000	50,000	Recommended by CIP Committee
CP0237 Building Activity Stabilization Fund	37,500	-	(37,500)	DeObligated per CIP Committee Recommendation
NEW5 Irrigation Controller Replacement		10,000	10,000	Recommended by CIP Committee
NEW15 Rink Roof for Mechanical Equipment		25,000	25,000	Recommended by CIP Committee
Grand Total	1,678,209	1,678,209	-	

Additional Analysis on the Property Tax Increase

As previously noted, staff is recommending that the FY 2011 budget include a property tax increase of 6%. It is critical that Council and residents understand that this is not simply a short-term solution for budget existing budget shortfalls. Rather, the proposed increase is part of a broader long-term strategy aimed at creating a stable revenue mix which would ensure continuous delivery of municipal services at the existing level of service. As can be seen in the Revenue Mix Analysis, this strategy takes into account long-term financial projections as well as next year's budget and identifies a solution which satisfies both the long-term issues seen in the FIAR and the short-term needs identified in the Incremental Expenditure Funding Strategy.

The Utah League of Cities and Towns (ULCT) notes in their publication on municipal finance, *Making Sense of Dollars*, that Utah cities have become far too reliant on sales tax rather than property tax. This practice is a result of widespread public discontent with property tax. Public dislike for property tax is rooted in the notion that the tax is expensive and unfair. However, tax policy experts believe that this is a misconception. Indeed, property tax exhibits many qualities of a preferable tax, both for the cities that collect them as well as the taxpayer that pays them. ULCT concludes: "The challenge for policy makers is how to mitigate the negative perception that most citizens have toward property taxes. Property taxes could satisfy many of the criteria of a sound tax (transparent, simple, stable, etc.), but this notion could remain politically nonviable due to public opposition." The State Legislature will be considering a CPI escalator provision to the Truth in Taxation laws, proposed by ULCT, in future legislative sessions. The state may be more inclined to implement this escalator if it can be shown that it is important enough to cities that they'll pass through Truth in Taxation hearings to implement such a strategy.

Staff believes that consistent, small property tax increases are the best solution in both the short and long term to Park City's long-range financial issues. Nonetheless, it is not lost on staff that this is not a popular concept, and it is one which will have real impacts on some residents and businesses. Council and residents should note, though, that it is a *conditional* recommendation. *If* Council and residents desire to maintain existing service levels in the long term, *then* regular modest property tax increases are necessary to maintain the purchasing power of this revenue source and provide increased stability to the revenue mix.

Property tax does grow from year to year as the certified rate is applied to new development that hits the tax rolls. Some believe this is a sufficient substitute for an inflationary component, but it is often not. New development brings with it new expenditures related with expansion of municipal service. Some studies have shown that roughly half the new property tax revenue produced by commercial development is consumed by related incremental expenses, and all of the new property tax (and then some) generated by residential development is spent on related municipal service. The new growth portion of Park City's total assessed value since 1994 averages about 4.9%. If half of those new revenues are spent on new expenses (using the more conservative estimate related to commercial growth) then 2.45% is the average annual

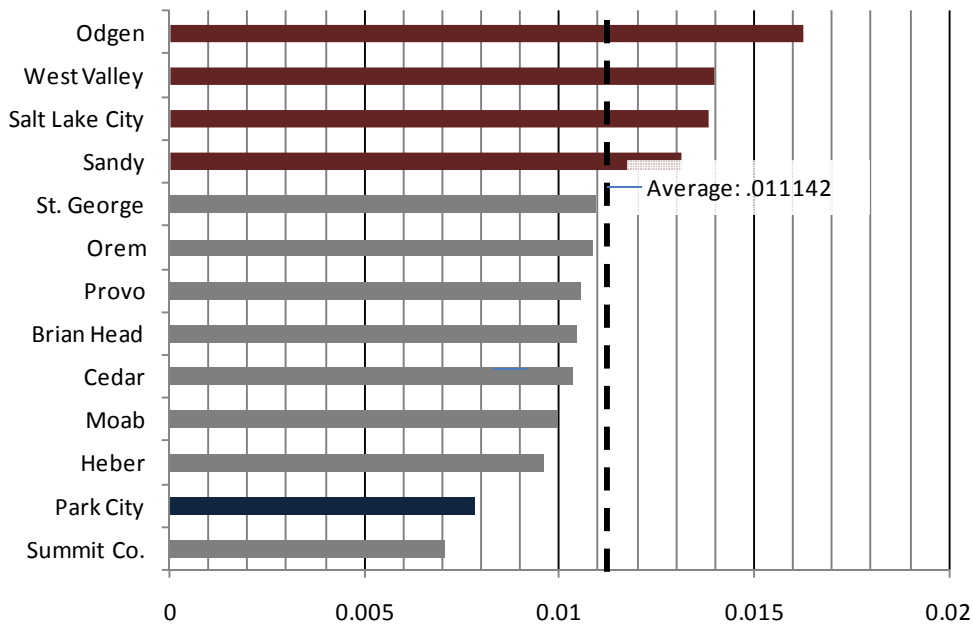
net growth in Park City's property tax. The Consumer Price Index (CPI) over that same span is 2.6%, meaning that new growth property tax revenue is outpaced by inflation even by conservative estimates. As Park City approaches build-out, staff projects that average annual new development will shrink to about 2% over the next ten years, which means that net property tax growth from new development will likely fall far short of inflationary levels.

During the 2010 City Council Visioning Session and review of the recent Community Visioning effort a priority has been put on finding the appropriate balance among economic, environmental and community quality of life issues. When balancing those levers, Council should consider at a higher level the impact of limited potential new growth on our long-term ability to provide enhanced levels of service and the contribution of service levels to community character, economic well being and tourism.

Redevelopment of existing areas such as the Park Bonanza or Lower Park Avenue is one strategy to help replace a portion of the property tax that currently is provided by new growth. Redevelopment is a long term strategy, however, and it will be several years before new property tax revenue benefits would accrue. As a long term strategy, however, successful redevelopment likely would have a net positive contribution to property tax and help overcome the erosion of purchasing power in this revenue source.

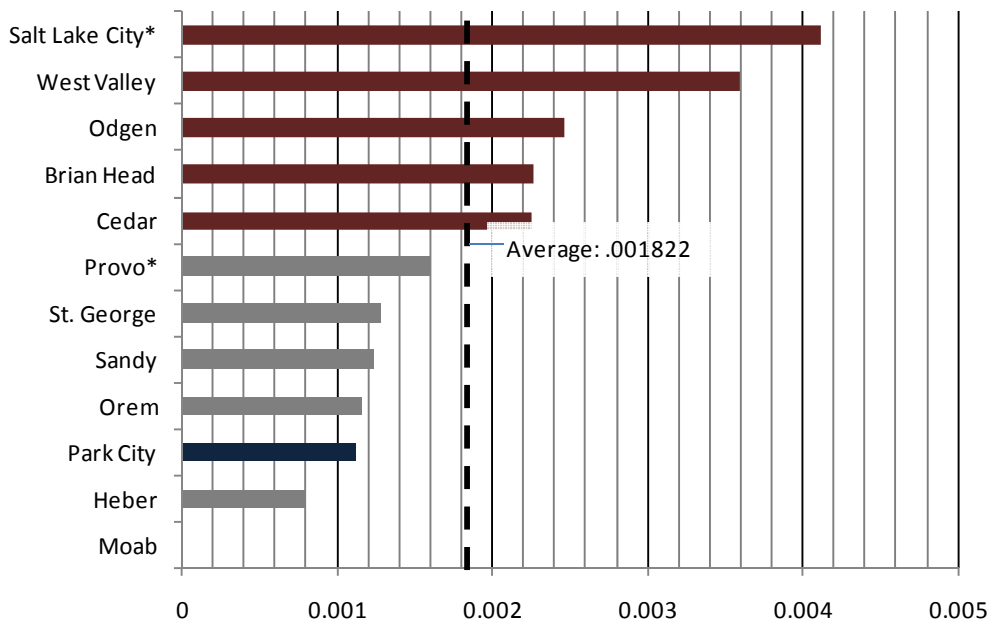
The property tax rate paid by Park City residents is well below average for comparable Utah entities. The chart below, commonly called a "headroom" analysis, displays the property tax rate paid by residents of a sampling of cities along the Wasatch front, other Utah resort communities, and Summit County. The average composite mill levy (includes fire, school, county, city and all district property tax) for these areas is 1.1142%, or 43% above Park City's.

Headroom Analysis: Utah Cities, Composite Mill Levy



A similar chart shows a comparison of municipal general levies (property tax for municipal service only) among this sampling of Utah cities. The average general levy of this sampling is 0.1822%, or 62% higher than Park City's general levy. If Moab City, which does not levy a property tax, is excluded, Park City is 77% below the average.

Headroom Analysis: Utah Cities, General Levy



* General Levy & Library Levy

The burden of property tax on Park City residents can be measured by taking the average property tax payment related to the City's general levy as a percentage of median household income. Put another way, property tax burden is the percentage of a resident's income spent on City services paid for by property tax. In 1999, full-time Park City residents paid 0.493% of their income in property tax for City services. Ten years later, that burden has actually declined by 2.5%.

Property Tax Burden

	1999	2009	% Change
Park City General Levy	0.1876%	0.1125%	-40%
Median Residential Assessed Value	\$360,218	\$810,044	125%
Avg Property Tax Payment for City Services (Primary Resident)	\$372	\$501	35%
Median HH Income	\$75,488	\$104,390	38%
PT as % of Income	0.493%	0.480%	-2.5%

Staff proposes a 6% inflationary property tax increase to the general levy in fiscal year 2011, or calendar year 2010. This increase would be for the two-year period of FY 2011 and FY 2012, and is roughly equivalent to the long-term annual CPI of 3%. Staff estimates that this increase would translate to \$33 per year for the average primary resident, or \$3.72 per \$100,000 of assessed value. This represents 0.02%, or two ten-thousandths, of the median household income. This number would increase to \$52 for the average non-primary resident and \$54 for the average business. These figures are averages, not medians, meaning that a larger percentage of residents would actually pay below the average than above, assuming that the distribution of assessed value is such that the median is below the mean (which is a safe assumption for something like home values).

Estimate of Average Property Tax Increase

	Primary	Non-Primary	Commercial		
Total Assessed Value	2,611,760,261	5,02		Year	Tax
Parcels	2949		<u>Bond Issue</u>	<u>Approved</u>	<u>Impact*</u>
Avg Assessed Value	885,643		\$4.1 M Open Space Bond**	1998	\$2.68
Taxable Value	487,103		\$5.9 M Open Space Bond***	1998	\$4.56
Current Park City General Levy	0.001125		\$5 M Open Space/Recreation Bond (2003)	2001/ 2002	\$3.74
Average Tax	548				
Average Tax with 6% Increase	581		\$9 M Open Space/Recreation Bond (2004)	2001/ 2002	\$6.90
Average Annual Tax Increase	33				
Staff has contacted the State Tax Commission in an effort to determine the year in which the City last raised the general levy. The State Tax Commission searched			\$10 M Open Space Bond (2008)	2006	\$9.26
			\$11.8 M Open Space/Walkability Bond (2009)	2006/ 2007	\$8.56
			\$6 M Open Space (2010)	2006	\$4.34

Staff has contacted the State Tax Commission in an effort to determine the year in which the City last raised the general levy. The State Tax Commission searched

electronic and paper records back to 1991 and could not find any record of Park City property tax increase. So it has been at least 20 years since Park City has raised the general levy.

However, the municipal portion of property tax has increased over the years due to voter-approved general obligation debt (GO Bonds). State law allows for cities to issue GO bonds for specific projects, and the debt payments on these bonds are paid for with an additional property tax known as the debt service levy (which is distinct from the general levy). These bonds can only be issued following voter approval, and the estimated tax impact of the bond is stated right on the ballot.

The figure at right shows all of the outstanding voter-approved GO Bonds which Park City residents currently pay for in their property tax. The average primary resident pays approximately \$325 per year for these bonds. This figure could increase another \$46 per year once the remaining Walkability approved debt is issued (presumably in the next 2-3 years). In 2006, Park City voters approved \$20 million of GO debt for the purpose of purchasing and preserving open space. In 2007, voters approved an additional \$15 million for a walkability projects. The City doesn't collect property taxes related to this debt until the bonds are issued. Within the past two years, the City has issued \$20 million for open space purchases and \$7.8 million of the \$15 million walkability approval. The combined impact is an additional \$22 per \$100,000 of assessed value on a primary residence.

If Council decides that a property tax increase is out of the question, staff would return with alternatives for balancing the budget in the short term. These alternatives are highly likely to involve serious discussion of decreasing existing levels of service, be it through operating cuts or delaying or de-obligating capital investment. It cannot be overstressed that existing service levels are unsustainable without regular property tax increases to make up for inflation. If Council directs staff to find a short-term solution to balance the budget without a property tax increase while maintaining service levels, staff may be able to do so. But staff will not be able to do so without sacrificing the sound principles of long-term financial management. Given Park City's sound financial history and repute for strong financial management, this would not be staff's recommendation.

Short-term solutions for balancing the budget without a property tax increase could include capital re-prioritization (including delaying or de-obligating capital projects), delaying implementation of the pay plan or re-evaluation of market-pay philosophy, temporary or permanent discontinuation of lump merit increases (pay for performance), further operating budget cuts with service level impacts, or alternative tax/fee increases, such as Additional Resort Community Sales Tax or Transient Room Tax. Each of these alternatives has critical drawbacks and ramifications which staff would recommend be further explored before serious consideration is given to implementing any of these strategies.

Department Review:

Budget, Debt, & Grants Department, the Legal Department, and the City Manager reviewed this report

Alternatives:**A. Approve:**

Staff recommends that Council hold a public hearing regarding the Proposed Budget and provide direction concerning the proposed 15-Year Revenue Action Plan, including a 6% property tax increase.

B. Deny:

State statute requires at least one public hearing before the adoption of a Tentative Budget. The City has traditionally held a public hearing accompanying each discussion of the budget. If Council decides to forgo a public hearing at this time, another must be held before adoption of the Tentative Budget.

C. Modify:**D. Continue the Item:**

This has the same effect as Alternative B.

E. Do Nothing:

This also has the same effect as Alternative B.

Significant Impacts:

This public hearing would satisfy the requirements of state statute to hold a public hearing before the adoption of a tentative budget.

Consequences of not taking the recommended action:

If Council decides to forgo a public hearing at this time, another must be held before adoption of the Tentative Budget.

Recommendation:

Hold a public hearing on the City Manager's Recommended Budget. Provide initial direction concerning the proposed 15-Year Revenue Action Plan, including a 6% property tax increase.

Attachments:

A – Budget Summary: Resources & Requirements – All Funds Combined

B – Incremental Expenditure Funding Strategy

C – Revenue Mix Analysis (under separate cover)

D – FY 2011 Park City Budget Document (Volume I & II, under separate cover)

Attachment A

Resources & Requirements - All Funds Combined									
Description	2007 Actual	2008 Actual	2009 Actual	2010 Original Budget	2010 Adj Budget	2011 Plan	2011 Budget	Change - 2010 to 2011	
								Increase (reduction)	%
RESOURCES									
Sales Tax	12,977,127	12,755,443	11,027,464	11,071,000	10,957,000	13,774,000	12,030,000	1,073,000	10%
Planning Building & Engineering Fees	6,090,176	5,828,014	5,044,383	3,246,000	1,182,000	4,523,000	3,745,000	2,563,000	217%
Charges for Services	7,201,295	7,463,662	9,129,312	9,030,000	9,290,480	9,702,000	9,909,000	618,520	7%
Intergovernmental Revenue	3,926,496	1,450,079	3,058,819	14,598,957	13,402,736	7,448,837	7,841,837	(5,560,899)	-41%
Franchise Tax	2,529,915	2,748,571	2,720,272	2,964,000	2,732,000	3,117,000	3,051,000	319,000	12%
Property Taxes	12,744,480	13,974,590	13,213,009	16,029,000	15,767,000	16,559,000	16,299,000	532,000	3%
General Government	407,766	403,641	457,117	427,200	537,000	444,200	604,600	67,600	13%
Other Revenues	16,117,625	16,333,881	10,850,622	10,885,857	13,880,574	7,602,857	6,779,088	(7,101,486)	-51%
Total	\$61,994,881	\$60,957,881	\$55,500,997	\$68,252,014	\$67,748,790	\$63,170,894	\$60,259,525	\$7,489,265	-11%
REQUIREMENTS (by function)									
Executive	7,236,353	8,373,458	8,380,023	9,159,486	9,191,148	9,386,380	9,037,226	(153,922)	-2%
Police	3,377,943	3,648,493	3,726,449	4,069,974	4,111,714	4,164,903	4,248,389	136,675	3%
Public Works	11,940,897	14,331,870	13,477,003	14,976,935	15,068,427	15,771,053	15,536,390	467,963	3%
Library & Recreation	2,815,519	3,011,937	3,030,262	3,462,610	3,487,618	3,510,506	3,354,072	(133,546)	-4%
Non-Departmental	2,112,448	2,253,926	2,631,084	1,320,961	1,540,773	1,285,382	2,172,501	631,728	41%
Special Service Contracts	318,847	362,101	360,896	433,973	433,973	433,973	408,973	(25,000)	-6%
Contingency	0	0	0	315,000	315,000	315,000	315,000	0	0%
Capital Outlay	267,579	493,666	327,443	641,772	727,970	499,172	463,822	(264,148)	-36%
Total	28,069,586	32,475,453	31,933,160	34,380,711	34,876,623	35,366,369	35,536,373	659,750	2%
REQUIREMENTS (by type)									
Personnel	17,443,771	19,540,194	20,553,234	21,149,427	21,246,060	22,060,765	22,292,833	1,046,773	5%
Materials, Supplies & Services	10,358,236	12,441,592	11,052,483	12,274,512	12,587,593	12,491,431	12,464,718	(122,875)	-1%
Contingency	0	0	0	315,000	315,000	315,000	315,000	0	0%
Capital Outlay	267,579	493,666	327,443	641,772	727,970	499,172	463,822	(264,148)	-36%
Total	28,069,586	32,475,453	31,933,160	34,380,711	34,876,623	35,366,369	35,536,373	659,750	2%
EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS	\$33,925,295	\$28,482,429	\$23,567,837	\$33,871,303	\$32,872,167	\$27,804,525	\$24,723,152	(8,149,015)	-25%
OTHER FINANCING SOURCES (use s)									
Bond Proceeds	0	779,793	24,477,505	23,986,427	25,647,701	19,378,875	3,300,000	(22,347,701)	-87%
Debt Service	(6,310,364)	(6,583,721)	(9,834,751)	(8,670,056)	(9,948,319)	(8,789,691)	(10,244,556)	(296,237)	3%
Interfund Transfers In	13,837,974	15,628,653	32,800,255	9,305,477	9,168,489	8,106,455	8,153,225	(1,015,264)	-11%
Interfund Transfers Out	(13,837,974)	(15,628,653)	(32,800,255)	(9,305,477)	(9,168,489)	(8,106,455)	(8,153,225)	1,015,264	-11%
Capital Improvement Projects	(19,603,022)	(15,994,618)	(41,241,569)	(48,021,678)	(99,898,423)	(36,133,908)	(19,483,791)	80,414,632	-80%
Total	(25,913,386)	(21,798,545)	(26,598,814)	(32,705,307)	(84,199,041)	(25,544,724)	(26,428,347)	57,770,694	-69%
EXCESS (deficiency) OF RESOURCES OVER REQUIREMENTS AND OTHER SOURCES (use s)	\$8,011,909	\$6,683,884	(\$3,030,978)	\$1,165,996	(\$51,326,874)	\$2,259,801	(\$1,705,195)	49,621,679	-97%
Beginning Balance	80,018,337	89,775,525	97,369,362	34,230,593	94,338,414	35,396,588	43,011,541	(51,326,873)	-54%
Ending Balance	88,030,246	96,459,405	94,338,414	35,396,588	43,011,541	37,656,387	41,306,346	(1,705,195)	-4%

New Expenditure Funding Strategy

How the FY 2011 Budget is Balanced

Attachment B

FY 2011 Requirements		Balancing Strategy	FY 2011 Funding Sources	
Base Budget			Projected Revenues	
Operations	21,812,187		Property Tax	7,939,562
Pay Plan	512,000		Sales Tax	7,915,286
CIP Transfer	1,678,209		Franchise Tax	3,049,981
Debt Service	950,083		BPE Fees	1,019,223
Subtotal	24,952,479		Other Fees/Charges	2,603,489
Budget Options			Ice Revenue	567,716
Inflation	86,839		Interfund Transfers	1,522,966
Demand Growth	47,565		Subtotal	24,618,223
Council Directed LOS Increase	480,216			
Subtotal	614,619		Budget Reductions	
Budget Issues			Efficiencies Gained	755,409
URS Increase	72,365		Reduced Demand	43,579
Lump Merit Pool	500,000		Low Impact LOS Reductions	254,423
Racquet Club Debt Svc Increase	68,817		Subtotal	1,053,410
Subtotal	641,182			
Increases to CIP Transfer			Changes to Debt Service	
Traffic Calming	25,000		OTIS Debt Service Decrease	157,461
Trails Master Plan	100,000		Subtotal	157,461
Fleet Replacement	50,000			
General Plan Update	50,000		Decreases to CIP Transfer	
Irrigation Controller Replace	10,000		Pavement Mgt Implement	174,500
Rink Roof for Mech. Equip.	25,000		Walkability Maintenance	40,000
Subtotal	260,000		Emergency Mgt Equip Replace	8,000
			Bldg Activity Stabilization Fund	37,500
			Subtotal	260,000
Surplus/Contingency				
			New Revenue Source	
			Property Tax Increase	440,181
			Subtotal	440,181
Grand Total	26,529,275		Grand Total	26,529,275



City Council Staff Report

Subject: Consideration of Approval of a Memorandum of Understanding with the Military Installation Development Authority & Summit County
Author: Diane Foster and Tom Bakaly
Department: Sustainability
Date: May 6, 2010
Type of Item: Administrative- Contract Approval

Summary Recommendations:

Staff recommends City Council review the Memorandum of Understanding with the Military Installation Development Authority and Summit County, take public input, and vote to approve the Memorandum of Understanding.

Topic/Description:

A Memorandum of Understanding (MOU) with the Military Installation Development Authority (MIDA) and Summit County (SC) regarding the potential location of a military recreation facility within Summit County.

Background:

Since the Air Force lost the 10-room Hill House at Snowbasin in 1997, Park City Municipal (PCMC) has been working with the Air Force and Department of Defense officials to find an appropriate alternative location within the Park City area for the military recreational facility. Prior to the legislative session, MIDA approached the City and County with proposed amendments to the Utah state code regarding MIDA's powers and authority (the MIDA Act) to better facilitate their options for selecting a project area for potential inclusion of a military recreation facility. In order to ensure a clear understanding of proposed changes and its impacts on local jurisdictions, City and County staff and liaisons negotiated a Memorandum of Understanding. In order to have any effect and bind all parties, the MOU needs to be approved by the respective governing bodies (the City Council). The 2010 Utah Legislature passed the proposed legislation (SB 124) and it is now up to the Council to approve/reject the MOU.

Analysis:

Staff recommends Council carefully review the MOU (Attachment A), as this staff report contains a summary, in layman's terms, of the MOU.

The intent of the MOU is to establish mutually agreeable (for PCMC, SC & MIDA) parameters for selecting a potential hotel and/or project area for MIDA and the Air Force. The proposed MOU also establishes agreed upon options for site selection and/or purchase, and for revenue distribution of MIDA's Property Tax Increment, sales tax and land use controls.

Parameters:

1. **Location:** Although the Air Force is not allowed to appropriate taxpayer funds to construct a military recreational facility, MIDA and the Air Force wish to contract with a developer to construct a commercial project that can provide revenue to support part of the construction and maintenance of a hotel which includes a military recreation facility. It is anticipated that the Air Force will separately select a developer for the hotel/recreation facility.
 - a. **Parcels:** The MOU identifies two possible locations in Summit County where this commercial project would be appropriate. If neither parcel is selected, the MOU requires any alternative location for both the commercial development and the recreation facility to get the approval of the City and County.
 - b. **Combination of Parcels:** The MOU also discusses how these parcels could be combined or how the Gillmor Parcel could be combined with a portion of the Triangle Parcel.
 - c. **Size of Project Area:** The MOU limits the commercial project area to a total maximum of 150 acres.
 - d. **Indemnification:** If all or at least half of the 107 acre Triangle Parcel is selected as the location for the commercial project area, the City and County agree to hold harmless the Air Force, the selected MIDA developer and MIDA for all City/County obligations under the 2008 Purchase Agreement between Boyer and the City/County. The City and County also agree to indemnify the aforementioned parties for the costs and liabilities associated with the environmental contamination that may be on the Triangle Parcel.
 - e. **Price and subdivision of Triangle Parcel:** The City and County jointly purchased the 107 acre parcel from the Boyer Company for approximately \$42,000 per acre in December 2008. The MOU states that if MIDA wants to include the Triangle parcel in the commercial project area, then:
 - i. **MIDA must purchase at least half of the parcel**, 53.5 acres for \$70,000 per acre, for a total of \$3.745 million;
 1. If only half of the parcel is purchased, the proceeds go to Park City (unless that amount is reduced through the acquisition of the Quinns Junction Parcel and possibly the Red Maple parcel (*see item iv. below*).); and
 2. Summit County allows subdivision and retains the southern half of the parcel.

- ii. **If the entire 107 acre parcel is purchased**, for \$7.49 million,
 - 1. Summit County receives \$4 million, and
 - 2. Park City received \$3.49 million, unless that amount is reduced through the acquisition of the Quinns Junction Parcel and possibly the Red Maple parcel (see *item iv. below*).
- iii. **If more than half but less than the whole parcel is purchased**,
 - 1. Park City received \$3.49 million, unless that amount is reduced through the acquisition of the Quinns Junction Parcel and possibly the Red Maple parcel (see *item iv. below*); and
 - 2. Summit County receives the remainder and retains whatever acreage has not been purchased.
- iv. **Quinns Junction Parcel & Red Maple Parcel:** MIDA also expressed their desire to help resolve pending litigation at Quinns if a voluntary, win-win solution could be found. Accordingly, MIDA at its option, and if it can negotiate a purchase agreement with applicable property owner(s), may choose to:
 - 1. cause the transfer of the approximately 29 acre Quinns Junction Parcel (Attachment A, Exhibit E) to Park City together with the dismissal of a lawsuit that the former owner of the parcel has brought against Summit County;
 - 2. cause the transfer of the approximately 35 acre Red Maple Parcel to Park City;
 - 3. Park City would pay MIDA:
 - a. The \$3.49 million in proceeds from the sale of the Triangle Parcel; and
 - b. \$2 million for the Red Maple parcel (Attachment A, Exhibit A). This \$2 million from the City is the proceeds from the sale of the Imperial Hotel (that was originally purchased to offer to the Air Force as a replacement for Hill House).

Importantly, the City would not have to raise any new funds. The MOU establishes the methodology and values for various land purchase alternatives involving parcels such as Red Maple.

2. Tax Revenue Sharing:

- a. MIDA agrees to share the Property Tax Increment of the commercial project area 80% to MIDA and 20% to Summit County.
- b. MIDA would also agree to share the Resort Sales Tax revenue generated in the commercial project area with Summit County. The percentage

shared would depend on which land MIDA selected for the commercial project area, from 25 to 50% of the total to Summit County.

3. **Land Use Control:** According to state law, MIDA is not subject to local land use regulations or density limits. However, in this MOU, Summit County successfully negotiated and MIDA agreed to a density restriction between 1.25 and 1.5 million square feet of density, depending on the total acreage of the project area. MIDA also agrees to mitigate off-site impacts, consider local design and architectural standards and creation of a development review committee that includes Summit County representation.

Department Review:

This staff report was reviewed by the Sustainability, Legal and City Manager's departments.

Alternatives:

A. Approve:

Park City Municipal would enter into the Memorandum of Understanding with the Military Installation Development Authority and Summit County, subject to approval by the other bodies as necessary.

B. Deny:

Park City Municipal would not enter into the Memorandum of Understanding with the Military Installation Development Authority and Summit County. It is likely that MIDA would seek to develop other commercial property as well as the recreation facility using their current State granted authority or seek revisions to the State code as needed.

C. Modify:

Council could propose edits to MIDA regarding the Memorandum of Understanding. It is important for Council to know that modifying the MOU, instead of approving or denying it, would be difficult as MIDA approval of the MOU is pending for action on Tuesday, May 4th. So, if Council modifies the MOU, it will need to go back to MIDA.

D. Continue the Item:

Council could continue the item to a future date. Delay is not recommended due to the potential timing of the Air Force selecting a site and/or developer.

E. Do Nothing:

Doing nothing would have the same effect as denying the recommendation.

Significant Impacts:

For thirteen years the City, County and Air Force have been working together to determine a mutually acceptable location of a Military Recreational Facility for the men and women of the armed services. Because some of the past proposed project areas

were far outside the boundaries of City and County zoning standards, these negotiations have, at times, been contentious. Over the past 18 months, with the involvement of MIDA, the tenor and pace of negotiations has improved significantly.

The scope and scale of the hotel and the commercial project area is large and the impact will undoubtedly be felt by our community. However, the proposed MOU represents what City, County and MIDA staff believe to be the best possible alternatives for the men and women of our military, as well as the citizens and businesses of Park City and Summit County. The MOU also gives the City and County ability to greater influence the outcome of this recreation facility by offering up land and participating in the destiny of the region, rather than have MIDA do it themselves.

The MOU is really the beginning and set parameters for future process. There would need to be a purchase agreement in the future as well as resolutions adopted by both the City and the County before this project could move forward. Again, if the City or County did not mutually agree to the site of the military facility, as conditioned in the MOU, then the project would not go forward.

Consequences of not taking the recommended action:

This MOU represents months of negotiations between MIDA, the Air Force, Park City and Summit County. Through this negotiated MOU, MIDA has voluntarily limited its site selection, land use authority and has agreed to share a portion of the Property Tax Increment.

If the MOU is abandoned, MIDA will not be limited in the aforementioned way. It is within MIDA's power to determine a solution that is not mutually agreeable to all parties.

Recommendation:

Staff recommends Council review the Memorandum of Understanding with the Military Installation Development Authority and Summit County, take public input, and vote to approve this Memorandum of Understanding as proposed.

Attachments:

Memorandum of Understanding

Memorandum of Understanding between MIDA, Park City, and Summit County for the Development of a Military Recreation Facility

THIS Memorandum of Understanding (“MOU”) is entered into by and between Park City Municipal Corporation, a political subdivision of the State of Utah (“**Park City**”), Summit County, a political subdivision of the State of Utah (“**Summit County**”), and the Military Installation Development Authority, a political subdivision of the State of Utah (“**MIDA**”) (singularly, a “Party” or collectively, the “**Parties**”) on this 10th day of November, 2009 (“Effective Date”).

Recitals

A. The United States Department of Defense/Air Force, an agency of the United States Federal Government (“**Air Force**”), owns that certain property as described in **Exhibit A**, attached hereto, consisting of one lot (“**Red Maple Parcel**”) located entirely within Park City, Utah.

B. Section 2862 of the 2002 Department of Defense Authorization Act (**Exhibit B**) effectuated the transfer of the property to the Air Force and provided legislative intent regarding the use and disposition of the property for the development of an Air Force morale, welfare and recreation facility (“**Recreation Facility**”).

C. The 2009 Utah Legislature adopted Senate Bill 216 which was intended to enable the use of MIDA in locating a Recreation Facility.

D. The City Council of Park City, a political subdivision of the State of Utah, is the legislative body charged with the authority to administer land use decisions for land located within Park City, including the Red Maple Parcel.

E. The Summit County Council, a political subdivision of the State of Utah, is the legislative body charged with the authority to administer land use decisions for land located within unincorporated areas of Summit County.

F. Park City and Summit County own a parcel of land in Summit County known as the “**Triangle Parcel**” as described in **Exhibit C**. The Parties acknowledge that the Triangle Parcel is 112 acres, of which 5 acres is obligated to PRI/Boyer.

G. MIDA is governed by Chapter 1, Title 63H UCA (“**MIDA Act**”). Under the MIDA Act, MIDA obtains jurisdiction when it creates a project area (“**Project Area**”).

NOW, THEREFORE, in consideration of the mutual promises and covenants contained in this MOU, and for their mutual reliance, the Parties hereto agree as follows:

1. **MIDA Parcel.** Park City and Summit County agree there are two locations in unincorporated Summit County on which a commercial project could be constructed under MIDA control and from which revenues could be derived to, among other uses, support the Recreational Facility: The Triangle Parcel and a parcel adjacent to and immediately to the north

of the Triangle Parcel (“**Gillmor Parcel**”), as shown on **Exhibit D**. A minimum of 53.5 acres of the northern part of the Triangle Parcel and the Gillmor Parcel could also be combined to be the location for the commercial project. The location that is ultimately selected for the commercial project shall be at MIDA’s option (the “**MIDA Parcel**”). The MIDA Parcel shall be at least 100 acres in size. If the MIDA Parcel is partly or entirely located on the Gillmor Parcel, then it can be up to 150 acres in size.

2. **Transfer of the Triangle Parcel.** If all or at least 53.5 acres of the Triangle Parcel becomes part of the MIDA Parcel, Park City and Summit County agree to convey, by special warranty deed, the Triangle Parcel to MIDA subject to the receipt of the proceeds referenced in paragraph 3 and subject to the following:

(a) MIDA shall enter into an agreement with the preferred commercial developer (“**MIDA Developer**”) to purchase a minimum of 53.5 acres of the Triangle Parcel as explained in paragraph 3.

(b) Park City and Summit County shall enter into an agreement to fulfill and hold the Air Force, the MIDA Developer, and MIDA harmless for all responsibilities and obligations under that certain Purchase Agreement between Boyer Snyderville Junction, L.C., Summit County, and Park City Municipal Corporation, dated December 2, 2008.

(c) Park City and Summit County shall enter into an agreement to indemnify and hold the Air Force, the MIDA Developer, and MIDA harmless for any and all costs, liabilities, and attorney’s fees associated with any environmental contamination that may be on the Triangle Parcel as of the closing date.

3. **Triangle Parcel Purchase Price.** The MIDA Developer shall purchase a minimum of 53.5 acres of the Triangle Parcel, as provided in paragraph (2) for \$70,000 per acre, which proceeds shall be paid to Park City and Summit County. If the total Triangle Parcel is purchased, Summit County shall receive \$4 million of the purchase price. The remainder shall be paid to Park City however; the portion of the purchase price going to Park City may be reduced as provided in paragraph 4. If 53.5 acres or more but less than the total parcel is purchased the following shall occur:

(a) If 53.5 acres of the Triangle Parcel is purchased, the proceeds shall go to Park City and be subject to reduction, as provided in paragraph 3, and Summit County shall allow the parcel to be subdivided so that it retains the southern half.

(b) If more than 53.5 acres is purchased, Park City shall receive the same amount of the proceeds that it would receive if the total parcel had been purchased, Summit County would receive the remainder and Summit County shall allow the parcel to be subdivided so that it obtains the remaining portion.

4. **Quinn’s Junction Parcel.** MIDA, in its sole discretion, may effectuate the transfer, by special warranty deed to Park City of the “**Quinn’s Junction Parcel**” as described on **Exhibit E**, together with a Stipulation of Dismissal with Prejudice of the case styled Merrill v. Summit County, Civil No. 2:08-CV-723, in the United States District Court for the District of Utah, in exchange for reducing the portion of the purchase price in paragraph 2 going to Park City by the total amount Park City will receive. Park City’s total financial contribution to

assisting MIDA to obtain funds which it may use to purchase the Quinn's Junction Parcel shall be the reduction of its purchase price described herein and the payment of \$2 million for the Red Maple Parcel, as described in paragraph 5.

5. **Red Maple Parcel.** MIDA, in its sole discretion, may effectuate the transfer, by special warranty deed to Park City of the Red Maple Parcel for \$2 million.

6. **Sharing of TIF.** The Property Tax Increment on the MIDA Parcel actually received by MIDA shall be divided 80% to MIDA and 20% to Summit County. MIDA agrees to assist Summit County to implement the County's decision as to the distribution of its 20% increment proceeds.

7. **MIDA's Involvement.** MIDA agrees to limit any MIDA involvement and site selection of any Project Areas to the MIDA Parcel and for the Recreational Facility, if it is not on the MIDA Parcel, to anywhere outside of Summit County, including specifically the Deer Valley RSPA parcels, or within Summit County at another recreational site that is mutually agreed to by the Parties ("**Acceptable Site**"), and regulatory entitlements for each shall be determined by MIDA.

8. **Land Use Control.** The Parties hereby agree that the MIDA Parcel shall be subject to a density limitation restricting the development to not more than 1,250,000 square feet if the MIDA Parcel is at least 100 acres in size but not more than 125 acres in size. In the event the MIDA Parcel is larger than 125 acres, for each additional acre over 125 acres an additional 10,000 square feet of density shall be allowed up to a maximum of 1,500,000 square feet if the MIDA Parcel is 150 acres, which is the maximum size the MIDA Parcel can be. This density limitation shall continue so long as MIDA has jurisdiction over the MIDA Parcel. Except as provided in the preceding two sentences, MIDA shall have complete land use control of the parcels within the Project Areas. In exercising these powers MIDA shall:

(a) Take into account the local design and architectural standards for the development of the MIDA Parcel and the Recreation Facility, if the Acceptable Site is located in Summit County or Park City.

(b) MIDA shall work with the MIDA Developer to try to mitigate off-site impacts regarding roads, employee trip generation and corridor protection.

(c) MIDA shall create a development review committee ("**DRC**") for the MIDA Parcel and the Recreation Facility, if the Acceptable Site is located in Summit County or Park City. The DRC shall consist of MIDA staff representation and Summit County representation. Summit County's representation shall be in the form of appointments made by the Summit County Council and may include members of the Snyderville Basin Planning Commission. It shall also include Park City representation, if the Acceptable Site is in Park City. The DRC will serve to provide advisory counsel to the MIDA Board regarding the development of the parcels.

9. **Utah Legislature.** The Parties shall cooperatively work with the Utah Legislature, during its 2010 session, to amend the statutes governing MIDA to:

(a) Allow for representation of counties on the MIDA Board;

(b) Allow for the usual sales tax generated from the MIDA Parcel, in addition to how it can be currently used, to be used to assist in the construction and operation of the Recreational Facility at the Acceptable Site;

(c) Allow for the current 1.1% resort community sales tax (“**Resort Sales Tax**”) to be applied to a MIDA Project Area that meets the legal requirements for a Resort Sales Tax and allow the Resort Sales Tax generated from the Project Areas to be paid to MIDA and allow MIDA to share the funds with Summit County as provided for in the next sentence. MIDA agrees to pay Summit County either 25% of the Resort Sales Tax generated from the MIDA Parcel, if the MIDA Parcel is entirely contained on the Triangle Parcel, or pay Summit County 50% of the Resort Sales Tax, if the MIDA Parcel includes any of the Gillmor Parcel. Summit County shall use at least 25% of the Resort Sales Tax it receives to purchase open space and/or assist in paying for MIDA Parcel off-site project improvements. The relocation of the UDOT facility adjacent to the Triangle Parcel shall be considered to be a project improvement.

(d) Allow the MIDA Parcel and the Acceptable Site to be part of the same Project Area even though they are not contiguous and allow the MIDA Parcel to be up to 150 acres; and,

(e) Make such other changes as the Parties deem mutually beneficial to carry out the intent of this MOU.

10. **Conditions Precedent.** The Parties obligations under this MOU are subject to the following:

(a) Environmental approval by the Air Force of the location of the Recreation Facility at an Acceptable Site;

(b) Approval by the Air Force of the trade of the Red Maple Parcel for a portion of property at the MIDA Parcel, if legally required, and the remainder at the Acceptable Site; and,

(c) Approval of the terms of this MOU by the MIDA Board, including the creation of the Project Areas at the MIDA Parcel and the Acceptable Site. Approval of the terms of this MOU by the Park City Council and the Summit County Manager.

11. **Inconsistent Acts and Cooperation.** After approval at an open meeting, and in compliance with any applicable hearing requirements governing disposition of property, Summit County or Park City, or any of their respective agencies or boards, shall not take any action that is inconsistent with the terms of this MOU. Summit County and Park City, including their respective agencies and boards, shall cooperate in the provision of municipal services and utility connections and access to the MIDA Parcel and the Acceptable Site to the extent such services, connections, or access are determined by MIDA to be needed. However, the Parties are not committing to pay for any specific offsite or project improvements at this time. How to handle the offsite impacts resulting from the MIDA Parcel development shall be negotiated at a future time. Park City and Summit County shall cooperate with the MIDA Developer in considering the purchase of some of the Gillmor Parcel as open space or for other uses.

12. **Term.** The term of this MOU shall commence upon the Effective Date and shall terminate 18 months from the Effective Date. This MOU may be extended by mutual consent of the Parties.

13. **Governing Law.** This MOU shall be governed by and construed and enforced in accordance with the laws of the State of Utah.

14. **No Third Party Beneficiaries.** None of the provisions of this MOU are intended by the Parties, nor shall they be deemed, to confer any benefit on any person or entity not a Party to this MOU.

15. **Assignment & Transfer.** With the exception of paragraphs 3 and 4, no Party may assign or transfer its rights and obligations under this MOU, unless advanced, written approval of such assignment or transfer is provided by all Parties.

16. **Expenses and Attorneys' Fees.** Each Party shall pay its own costs and expenses in connection with the acts contemplated by this MOU, including, without limitation, the disbursements and fees of their respective attorneys, accountants, advisors, agents and other representatives, incidental to the negotiation and performance of this MOU. If any arbitration or legal action is brought by any Party to enforce any provision of this MOU, the prevailing Party shall be entitled to recover its court costs, arbitration expenses and reasonable attorneys' fees.

17. **Severability.** If any provision of this MOU is adjudged to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions will not in any way be affected or impaired, and the Parties will use their best efforts to substitute a valid, legal, and enforceable provision which, insofar as practical, implements the purposes of this MOU.

18. **Miscellaneous.** This MOU may be executed in counterparts by facsimile, each of which shall be deemed an original, but all of which together shall constitute one and the same MOU, binding on the parties hereto. This MOU constitutes the entire agreement between the Parties with respect to the matters contemplated by this MOU and no prior negotiation, understanding, arrangement or course of dealing or performance will be of any effect.

19. **Mediation.** Any disagreement, dispute or claim arising out of or relating to this MOU which cannot be settled by the Parties hereto shall first be attempted to be settled through mediation before any Party may file an action in court. This Section 19 shall survive the expiration or earlier termination of this MOU.

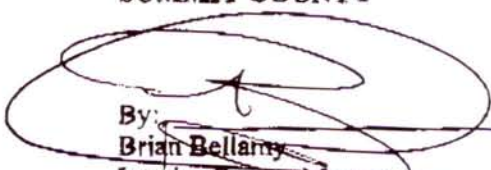
20. **Confidentiality.** The Parties agree that this MOU is a protected record pursuant to Section 63G-13-103(7) and (8) UCA.

IN WITNESS WHEREOF, this MOU has been entered into as of the day and year first above written.

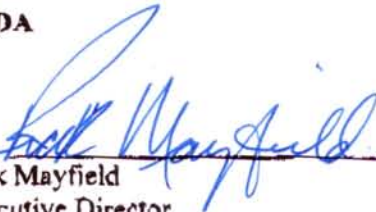
PARK CITY MUNICIPAL CORPORATION

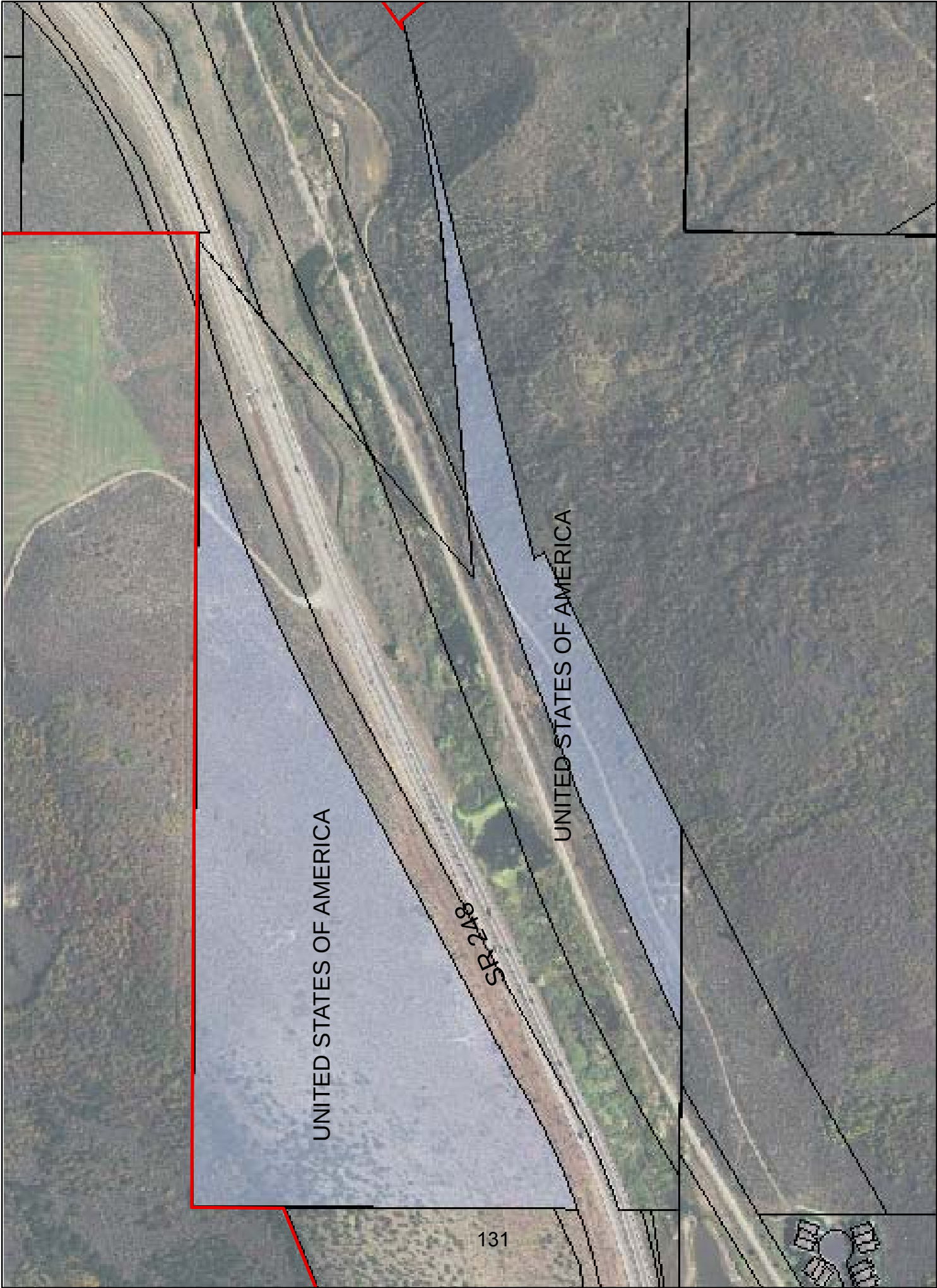
By: 
Tom Bakaly
Park City Manager

SUMMIT COUNTY

By: 
Brian Bellamy
Interim County Manager

MIDA

By: 
Rick Mayfield
Executive Director



1 in = 327 ft



RED MAPLE PARCEL

Treasury purchases new obligations of at least \$80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional five years.”

(b) INCREASED BORROWING AUTHORITY AND TECHNICAL CORRECTIONS.—Paragraphs (2) and (3) of section 104(d) of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996, as amended by section 334 of appendix C of Public Law 106-113 (113 Stat. 1501A-198) and amended and redesignated by section 101(13) of Public Law 106-176 (114 Stat. 25), are amended—

16 USC 460bb
note.

(1) in paragraph (2), by striking “including a review of the creditworthiness of the loan and establishment of a repayment schedule,” the second place it appears; and

(2) in paragraph (3)—

(A) by striking “\$50,000,000” and inserting “\$150,000,000”; and

(B) by striking “paragraph (3) of”.

SEC. 2862. TRANSFER OF JURISDICTION FOR DEVELOPMENT OF AIR FORCE MORALE, WELFARE, AND RECREATION FACILITY, PARK CITY, UTAH.

(a) TRANSFER AUTHORIZED.—(1) The Secretary of the Interior may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force a parcel of real property in Park City, Utah, including any improvements thereon, that consists of approximately 35 acres, is located on the north side of State highway 248 in township 2 south, range 4 east, Salt Lake meridian, and is designated as parcel 3 by the Bureau of Land Management. The real property to be transferred under this paragraph does not include any lands located on the south side of State highway 248.

(2) The transfer shall be subject to existing rights, except that the Secretary of the Interior shall terminate any lease with respect to the parcel issued under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 689 et seq.), and still in effect as of the date of the enactment of this Act.

(b) USE OF TRANSFERRED LAND.—(1) The Secretary of the Air Force may use the real property transferred under subsection (a) as the location for an Air Force morale, welfare, and recreation facility to be developed using nonappropriated funds.

(2) The Secretary of the Air Force may return the transferred property (or property acquired in exchange for the transferred property under subsection (c)) to the administrative jurisdiction of the Secretary of the Interior at any time upon certifying that development of the morale, welfare, and recreation facility would not be in the best interests of the Government.

(c) SUBSEQUENT CONVEYANCE AUTHORITY.—(1) In lieu of developing the Air Force morale, welfare, and recreation facility on the real property transferred under subsection (a), the Secretary of the Air Force may convey or lease the property to the State of Utah, a local government, or a private entity in exchange for other property to be used as the site of the facility.

(2) The values of the properties exchanged by the Secretary under this subsection either shall be equal, or if they are not

equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The conveyance or lease shall be on such other terms as the Secretary of the Air Force considers to be advantageous to the development of the facility.

(d) **ALTERNATIVE DEVELOPMENT AUTHORITY.**—The Secretary of the Air Force may lease the real property transferred under subsection (a), or any property acquired pursuant to subsection (c), to another party and may enter into a contract with the party for the design, construction, and operation of the Air Force morale, welfare, and recreation facility. The Secretary of the Air Force may authorize the contractor to operate the facility as both a military and a commercial operation if the Secretary determines that such an authorization is a necessary incentive for the contractor to agree to design, construct, and operate the facility.

(e) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey. The cost of the survey shall be borne by the Secretary of the Air Force.

SEC. 2863. ALTERNATE SITE FOR UNITED STATES AIR FORCE MEMORIAL, PRESERVATION OF OPEN SPACE ON ARLINGTON RIDGE TRACT, AND RELATED LAND TRANSFER AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

40 USC 1003
note.

(a) **DEFINITIONS.**—In this section:

(1) The term “Arlington Naval Annex” means the parcel of Federal land located in Arlington County, Virginia, that is subject to transfer to the administrative jurisdiction of the Secretary of the Army under section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 879).

(2) The term “Foundation” means the Air Force Memorial Foundation, which was authorized in Public Law 103-163 (107 Stat. 1973; 40 U.S.C. 1003 note) to establish a memorial in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

(3) The term “Air Force Memorial” means the United States Air Force Memorial to be established by the Foundation.

(4) The term “Arlington Ridge tract” means the parcel of Federal land in Arlington County, Virginia, known as the Nevius Tract and transferred to the Department of the Interior in 1953, that is bounded generally by—

(A) Arlington Boulevard (United States Route 50) to the north;

(B) Jefferson Davis Highway (Virginia Route 110) to the east;

(C) Marshall Drive to the south; and

(D) North Meade Street to the west.

(5) The term “Section 29” means a parcel of Federal land in Arlington County, Virginia, that is currently administered by the Secretary of the Interior within the boundaries of Arlington National Cemetery and is identified as “Section 29”.

40 USC 1003
note.

(b) **USE OF ARLINGTON NAVAL ANNEX AS SITE FOR AIR FORCE MEMORIAL.**—

(1) **AVAILABILITY OF SITE.**—The Secretary of Defense shall make available to the Foundation, without reimbursement, up

Exhibit C

Triangle Parcel

(Legal Description of the Real Property)
(East of Highway 40)

PARCEL 4:

A PARCEL OF LAND SITUATE IN SECTION 27, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, IN SUMMIT COUNTY, STATE OF UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 89-40 AND THE NORTH LINE OF SAID SECTION 27; SAID POINT BEING NORTH 89°34'58" WEST, A DISTANCE OF 60.00 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE SOUTH 30°19'00" EAST, A DISTANCE OF 5415.75 FEET TO THE EAST LINE OF SAID SECTION 27; THENCE NORTH 0°09'49" WEST, A DISTANCE OF 4655.34 FEET ALONG SAID EAST LINE OF SECTION 27 TO THE NORTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 89°34'58" WEST, A DISTANCE OF 2720.53 FEET ALONG THE NORTH LINE OF SAID SECTION 27 TO THE POINT OF BEGINNING.

Ck by JJB 12/30/2008

EXCEPTING THEREFROM THAT PORTION CONVEYED UNDER QUIT CLAIM DEED RECORDED MARCH 29, 2001 AS ENTRY NO. 585428 IN BOOK 1361 AT PAGE 149 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 89°30'36" WEST 1460.62 FEET ALONG THE NORTH SECTION LINE FROM THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 0°03'08" EAST 445.02 FEET; THENCE NORTH 89°30'36" WEST 543.76 FEET; THENCE NORTH 28°39'23" WEST 509.52 FEET; THENCE SOUTH 89°30'36" EAST 787.71 FEET TO THE POINT OF BEGINNING.

AND FURTHER EXCEPTING THEREFROM ANY PORTION LYING WITHIN HIGHWAY RIGHT OF WAY CONVEYED UNDER FINAL ORDER OF CONDEMNATION RECORDED JULY 28, 2000 AS ENTRY NO. 569858 IN BOOK 1327 AT PAGE 481 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN FEE FOR A FRONTAGE ROAD INCIDENT TO THE CONSTRUCTION OF AN EXPRESSWAY KNOWN AS PROJECT NO. 019, BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN NORTHWEST QUARTER OF NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTH BOUNDARY LINE OF SAID ENTIRE TRACT AT A POINT 57.53 FEET (ALSO GIVEN AS 60.00 FEET BY RECORD, BUT 58.68 FEET, BY MEASUREMENT) NORTH 89°40'43" WEST ALONG THE NORTH LINE OF SAID SECTION 27 AND 592.67 FEET (BY RECORD, BUT 592.02 FEET BY MEASUREMENT) SOUTH 30°24'51" EAST ALONG THE NORTHEASTERLY LIMITED-ACCESS LINE OF THE EXISTING U.S. HIGHWAY 40 AND 120.26 FEET SOUTH 89°40'43" EAST ALONG SAID NORTH BOUNDARY LINE FROM THE NORTH QUARTER CORNER OF SAID SECTION 27; AND RUNNING THENCE SOUTH 89°40'23" EAST 207.62 FEET ALONG SAID NORTH BOUNDARY LINE; THENCE SOUTH 9°23'29" WEST 88.88 FEET TO A POINT 30.00 FEET RADIALLY DISTANT SOUTHERLY FROM THE CENTERLINE OF SAID FRONTAGE ROAD KNOWN AS "K" LINE OF SAID PROJECT AT ENGINEER STATION 238+13.94; THENCE NORTH 80°36'31" WEST 161.32 FEET; THENCE NORTH 28°30'18" WEST 71.15 FEET TO THE POINT OF BEGINNING.

Exhibit C - Triangle Parcel

A PARCEL OF LAND IN FEE FOR AN EXPRESSWAY KNOWN AS PROJECT NO. 019, BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN THE NORTHEAST QUARTER AND THE EAST HALF OF SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID ENTIRE TRACT AT THE INTERSECTION OF THE NORTH BOUNDARY LINE OF SAID ENTIRE TRACT AND THE NORTHEASTERLY LIMITED-ACCESS LINE OF THE EXISTING U.S. HIGHWAY 40, WHICH POINT IS 592.69 FEET (BY RECORD BUT 592.02 FEET BY MEASUREMENT) SOUTH 30°24'51" EAST ALONG SAID NORTHEASTERLY LIMITED-ACCESS LINE 57.53 FEET (ALSO GIVEN AS 60.00 FEET BY RECORD, BUT 58.68 FEET BY MEASUREMENT) NORTH 89°40'43" WEST ALONG THE NORTH LINE OF SAID SECTION 27 AND FROM AND NORTH QUARTER CORNER OF SAID SECTION 27; AND RUNNING THENCE SOUTH 89°40'43" EAST 120.26 FEET ALONG SAID NORTH BOUNDARY LINE; THENCE SOUTH 28°30'18" EAST 71.15 FEET TO A POINT 140.00 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM THE CONTROL LINE OF SAID PROJECT AT ENGINEER STATION 190+00.00; THENCE SOUTH 80°36'31" EAST 161.32 FEET TO A POINT 263.93 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 191+03.28; THENCE SOUTH 29°50'48" EAST 396.74 FEET TO A POINT 260.00 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 195+00.00; THENCE SOUTH 25°20'04" EAST 903.55 FEET TO A POINT 180.00 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 204+00.00; THENCE SOUTH 30°24'51" EAST 956.15 FEET ALONG A LINE PARALLEL TO SAID CENTER LINE, TO A POINT OF TANGENCY WITH A 23,098.312-FOOT RADIUS CURVE TO THE RIGHT OPPOSITE ENGINEER STATION 213+56.15; THENCE SOUTHEASTERLY 447.34 FEET ALONG THE ARC OF SAID CURVE CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 29°51'34" EAST FOR A DISTANCE OF 447.33 FEET); THENCE SOUTH 23°23'09" EAST 202.47 FEET TO A POINT 160.00 FEET RADially DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 220+00.00; THENCE SOUTHEASTERLY 402.78 FEET ALONG THE ARC OF A 23,078.312-FOOT RADIUS CURVE TO THE RIGHT CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 28°18'16" EAST FOR A DISTANCE OF 402.78 FEET); THENCE SOUTH 24°42'41" EAST 201.60 FEET TO A POINT 150.00 FEET RADially DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 226+00.00; THENCE SOUTHEASTERLY 603.94 FEET ALONG THE ARC OF A 23,068.312-FOOT RADIUS CURVE TO THE RIGHT CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 26°33'16" EAST FOR A DISTANCE OF 603.92 FEET); THENCE SOUTH 36°54'47" EAST 102.67 FEET TO A POINT 170.00 FEET RADially DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 233+00.00; THENCE SOUTHEASTERLY 359.71 FEET ALONG THE ARC OF A 23,088.312-FOOT RADIUS CURVE TO THE RIGHT CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 25°06'30" EAST FOR A DISTANCE OF 359.71 FEET) TO THE EAST LINE OF SAID SECTION 27; THENCE SOUTH 0°03'08" EAST 29.15 FEET ALONG SAID EAST LINE TO SAID NORTHEASTERLY LIMITED-ACCESS LINE; THENCE NORTH 30°24'51" WEST 4827.97 FEET ALONG SAID NORTHEASTERLY LIMITED-ACCESS LINE TO THE POINT OF BEGINNING.

A PARCEL OF LAND IN FEE FOR A FRONTAGE ROAD INCIDENT TO THE CONSTRUCTION OF AND EXPRESSWAY KNOWN AS PROJECT NO. 019, BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN THE NORTHWEST QUARTER OF NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTH LINE OF SAID SECTION 27 AT A POINT 30.00 FEET RADially DISTANT NORTHEASTERLY FROM THE CENTER LINE OF SAID FRONTAGE ROAD KNOWN AS "K" LINE OF SAID PROJECT, WHICH POINT IS 152.99 FEET. SOUTH 89°34'58" EAST. (WHICH EQUALS HIGHWAY BEARING SOUTH 89°40'43" EAST) ALONG SAID NORTH LINE FROM THE NORTH QUARTER CORNER OF SAID SECTION 27; AND RUNNING THENCE SOUTHEASTERLY 31.38 FEET ALONG THE ARC OF A 1,402.39 FOOT RADIUS CURVE TO THE LEFT TO A POINT 30.00 FEET.

Exhibit C - Triangle Parcel

PERPENDICULARLY DISTANT NORTHEASTERLY FROM SAID CENTER LINE AT ENGINEER STATION 231+15.05 (NOTE: CHORD TO SAID CURVE BEARS SOUTH 27°51'50" EAST FOR A DISTANCE OF 31.37 FEET); THENCE SOUTH 28°30'18" EAST 426.08 FEET ALONG A LINE PARALLEL TO SAID CENTER LINE; TO A POINT OF TANGENCY WITH A 270.00-FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY 155.71 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 45°01'35" EAST FOR A DISTANCE OF 153.56 FEET); THENCE NORTH 89°40'43" WEST 118.33 FEET; THENCE NORTH 28°30'18" WEST 529.18 FEET; THENCE NORTH 30°24'51" WEST 52.56 FEET TO SAID NORTH LINE; THENCE SOUTH 89°40'43" EAST 70.89 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

A PARCEL OF LAND IN FEE FOR AN EXPRESSWAY KNOWN AS PROJECT NO. 019, BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN THE NORTHWEST QUARTER OF NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 27; AND RUNNING THENCE SOUTH 89°40'43" EAST 82.10 FEET ALONG THE NORTH LINE OF SAID SECTION 27 TO A POINT 160.00 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM THE CONTROL LINE OF SAID PROJECT; THENCE SOUTH 30°24'51" EAST 52.65 FEET ALONG A LINE PARALLEL TO SAID CONTROL LINE TO A POINT OPPOSITE ENGINEER STATION 184+00.00; THENCE SOUTH 28°30'18" EAST 529.18 FEET; THENCE NORTH 89°40'43" WEST 120.26 FEET TO THE NORTHEASTERLY LIMITED-ACCESS LINE OF THE EXISTING U.S. HIGHWAY 40; THENCE NORTH 30°24'51" WEST 592.67 FEET (BY RECORD BUT 592.02 FEET BY MEASUREMENT) ALONG SAID NORTHEASTERLY LIMITED-ACCESS LINE TO SAID NORTH LINE; THENCE SOUTH 89°40'43" EAST 60.00 FEET (BY RECORD, BUT 58.68 FEET BY MEASUREMENT) ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

A PARCEL OF LAND IN FEE FOR A FRONTAGE ROAD INCIDENT TO THE CONSTRUCTION OF AN EXPRESSWAY KNOWN AS PROJECT NO. 019, BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN THE NORTHWEST QUARTER OF NORTHEAST QUARTER, THE SOUTH HALF OF NORTHEAST QUARTER AND THE EAST HALF OF SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING IN THE NORTH BOUNDARY LINE OF SAID ENTIRE TRACT AT A POINT 57.53 FEET (ALSO GIVEN AS 60.00 FEET BY RECORD, BUT 58.68 FEET BY MEASUREMENT) NORTH 89°40'43" WEST ALONG THE NORTH LINE OF SAID SECTION 27, 592.67 FEET (BY RECORD, BUT 592.02 FEET BY MEASUREMENT) SOUTH 30°24'51" EAST ALONG THE NORTHEASTERLY LIMITED-ACCESS LINE OF THE EXISTING U.S. HIGHWAY 40 AND 327.88 FEET SOUTH 89°40'43" EAST ALONG SAID NORTH BOUNDARY LINE FROM THE NORTH QUARTER CORNER OF SAID SECTION 27; AND RUNNING THENCE SOUTH 9°23'29" WEST 88.88 FEET TO A POINT 263.93 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM THE CONTROL LINE OF SAID PROJECT AT ENGINEER STATION 191+03.28; THENCE SOUTH 29°50'48" EAST 396.74 FEET TO A POINT 260.00 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 195+00.00; THENCE SOUTH 25°20'04" EAST 903.55 FEET TO A POINT 180.00 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 204+00.00; THENCE SOUTH 30°24'51" EAST 956.15 FEET ALONG A LINE PARALLEL TO SAID CONTROL LINE, TO A POINT OF TANGENCY WITH A 23,098.312-FOOT RADIUS CURVE TO THE RIGHT OPPOSITE ENGINEER STATION 213+56.15; THENCE SOUTHEASTERLY 447.34 FEET ALONG THE ARC OF SAID CURVE CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 29°51'34" EAST FOR A DISTANCE OF 447.33 FEET); THENCE SOUTH 23°23'09" EAST 202.47 FEET TO A POINT 160.00 FEET RADially DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 220+00.00; THENCE SOUTHEASTERLY 402.79 FEET ALONG THE ARC OF A 23,078.312-FOOT RADIUS CURVE TO THE RIGHT CONCENTRIC WITH SAID

Exhibit C - Triangle Parcel

CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 28°18'16" EAST FOR A DISTANCE OF 402.79 FEET); THENCE SOUTH 24°42'41" EAST 201.60 FEET TO A POINT 150.00 FEET RADially DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 226+00.00; THENCE SOUTHEASTERLY 603.93 FEET ALONG THE ARC OF A 23,068.312-FOOT RADIUS CURVE TO THE RIGHT CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 26°33'16" EAST FOR A DISTANCE OF 603.91 FEET); THENCE SOUTH 36°54'47" EAST 102.67 FEET TO A POINT 170.00 FEET RADially DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 233+00.00; THENCE SOUTHEASTERLY 359.68 FEET ALONG THE ARC OF A 23,088.312-FOOT RADIUS CURVE TO THE RIGHT CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS SOUTH 25°06'30" EAST FOR A DISTANCE OF 359.67 FEET) TO THE EAST LINE OF SAID SECTION 27 AT A POINT 703.62 FEET NORTH 0°03'08" WEST FROM THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 0°03'08" WEST 237.72 FEET ALONG SAID EAST LINE TO A POINT 270.00 FEET RADially DISTANT NORTHEASTERLY FROM SAID CONTROL LINE; THENCE NORTHWESTERLY 145.11 FEET, MORE OR LESS, ALONG THE ARC OF A 23,188.31-FOOT RADIUS CURVE TO THE LEFT, TO A POINT OPPOSITE ENGINEER STATION 233+00.00 (NOTE: CHORD TO SAID CURVE BEARS NORTH 25°22'31" WEST FOR A DISTANCE OF 145.11 FEET); THENCE NORTH 27°18'30" WEST 910.40 FEET TO A POINT 260.00 FEET RADially DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 224+00.00; THENCE NORTHWESTERLY 404.54 FEET ALONG THE ARC OF A 23,178.312-FOOT RADIUS CURVE TO THE LEFT, CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS NORTH 28°18'16" WEST FOR A DISTANCE OF 404.53 FEET); THENCE NORTH 23°24'36" WEST 203.34 FEET TO A POINT 280.00 FEET RADially DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 218+00.00; THENCE NORTHWESTERLY 449.31 FEET ALONG THE ARC OF A 23,198.312-FOOT RADIUS CURVE TO THE LEFT CONCENTRIC WITH SAID CONTROL LINE (NOTE: CHORD TO SAID CURVE BEARS NORTH 29°51'34" WEST FOR A DISTANCE OF 449.30 FEET) TO A POINT 280.00 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 213+56.15; THENCE NORTH 30°24'51" WEST 956.15 FEET ALONG A LINE PARALLEL TO SAID CONTROL LINE; THENCE NORTH 25°20'04" WEST 903.55 FEET TO A POINT 360.00 FEET PERPENDICULARLY DISTANT NORTHEASTERLY FROM SAID CONTROL LINE AT ENGINEER STATION 195+00.00; THENCE NORTH 29°50'48" WEST 439.14 FEET TO SAID NORTH BOUNDARY LINE; THENCE NORTH 89°40'43" WEST 50.64 FEET ALONG SAID NORTH BOUNDARY LINE TO THE POINT OF BEGINNING.

APN: 55-57-1

Exhibit C - Triangle Parcel



1 in = 895 ft



MIDA EXHIBIT D



1 in = 327 ft

