



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 3, 2001**

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 3, 2001.

AGENDA

Closed Session

3:00 p.m. Property disposition/acquisition

Work Session

3:30 p.m. Council questions/comments
4:00 p.m. Tenant improvement - transit center
4:45 p.m. Budget introduction
5:30 p.m. Review of regular meeting
5:45 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

Community service award - Cliff Holt

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 19, 2001

V PUBLIC HEARING

Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City, Utah, Master Festival Licensing regulating public outdoor music plazas and amending Section 6-3-10 of

Title 6, Health, Nuisance Abatement, noise by creating an exemption for such outdoor music plazas

VI NEW BUSINESS

Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City, Utah, Master Festival Licensing regulating public outdoor music plazas and amending Section 6-3-10 of Title 6, Health, Nuisance Abatement, noise by creating an exemption for such outdoor music plazas

VII ADJOURNMENT

Posted: 04/30/01
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MAY 3, 2001**

Present: Mayor Brad Olch; Council members Peg Bodell; Roger Harlan; Fred Jones; and Jeff Mann

Toby Ross, City Manager; Tom Bakaly, Assistant City Manager, Jan Scott, City Recorder; Lloyd Evans, Chief of Police; Kent Cashel, Transportation Director; Mark Christensen, Budget and Grants Manager; Bob Stephens, Human Resources Director; Mark Harrington, City Attorney; Tim Twardowski, Assistant City Manager; and Meg Ryan, Special Events Consultant

Randy Barton, Mountain Stages - MFL applicant; Dave Shaffner, Main Street merchant - outdoor music proposal

Absent: Council member Candace Erickson

1. **Council questions and comments.** Ms. Bodell referred to a letter from the Lodging Association and reported on a meeting she attended last week at Mountainlands Association of Governments. She understood that there are some opportunities for economic development grant funding, and the Mayor relayed an unfortunate experience in seeking Mountainlands funds ten years ago when our application was denied. Park City appealed the decision to the Governors Office because the City clearly qualified under its criteria. Mountainlands decision was overturned, the City received the funds, which resulted in Mountainlands changing its criteria so it would be very difficult for Park City to qualify in the future. The City Manager pointed out that the Census 2000 information may disqualify applications in Park City. Ms. Bodell felt it appropriate to make the Mountainlands grant information available to businesses in Park City. She reported on clean-up efforts on the Rail-Trail and informed the Council of a diversity training seminar next week, hosted by the Police Department. Roger Harlan commended staff for cleaning and striping streets and the excellent condition of the playing fields. City Recorder Jan Scott reported on the progress of the clean-up campaign undertaken by the PATHS students. He discussed the National Day of Prayer gathering this morning which was an uplifting event. Repainting the cross-walks and repairing the Olympic emblems in the intersections were discussed; the factory representative will repair the intersection work at its expense. Jeff Mann noted that he also attended the prayer breakfast and reported on the Arts Council meeting. He expressed concern about the indefinite term of a youth art project involving attaching murals to the exterior walls of the restrooms at City Park. He visited with Dave Nelson of the Lodging Association and acknowledged his concerns regarding the importance of not increasing the transient room tax as a part of the budget approval. The winter swimmers have been calling him, almost on a daily basis, regarding maintaining their program at the Racquet Club and Mr. Mann reported on the upcoming Cinco de Mayo festivities.

2. Tenant improvement - transit center. Tom Bakaly explained that last year Council approved expanding the basement area, which is roughed out at this point. It would be most cost efficient to finish the area now and the proposal includes showers and bathrooms for staff. Uses discussed last year include a public safety presence for community support and a crime prevention program; people will not be booked on the premises. Another idea for use was using the space to rent strollers or bikes and there is potential of utilizing the space during the Olympics for the public celebration on Main Street. Jeff Mann proposed putting the police in the Old City Hall Building on Main Street and the Museum and Historical Society operation in the transit center which would provide more visibility for tourist visitors.

Council member Jones questioned the need for showers and Tom Bakaly explained they would be for Marsac employees and bus drivers. The Mayor also questioned the need for showers at this point in time and Mr. Bakaly explained that the plumbing was roughed in for a minimal amount of money. The Chief of Police explained that the community support and crime prevention officer is now working out of the already crowded patrol room and it would be desirable to display information and provide additional work stations for officers. It is envisioned that the area would be used for open houses and seminars. The Mayor suggested a direct phone line available to the public from the transit center to dispatch. Roger Harlan asked staff to prepare an estimate for a completely finished area and an estimate for a more generic finish. Tom Bakaly noted that \$50,000 is estimated for the showers and the basement space and there would be additional costs associated with a public safety office. It would cost \$25,000 to finish the room and not construct the showers, but there would be an incremental cost of finishing the shower area. Through illustration of a drawing, Mr. Bakaly explained the configuration of the space and added that if this is a public safety use, public safety impact fees could be used for both sets of improvements. Other uses would mean exploring other funding sources while there are public safety fees available. Roger Harlan was not convinced that the showers are a necessity, but supported finishing off the room. Fred Jones believed it should be finished to meet storage needs for the Olympics. In response to a question from Peg Bodell about talking with the Main Street merchants and the Chamber about other tourist-related uses, Mr. Bakaly indicated that he hasn't in any detail, but there has been little interest manning in the upstairs counter.

Ms. Bodell stated that she is not in favor of installing showers and because there are no windows, it will be an unappealing office space. The City has just installed an expensive security system at the transit center, which may diminish the need for police at that location. She supported the Mayor's suggestion of a direct line to dispatch. Other uses need to be pursued; she is not in favor of putting police in that location. Roger Harlan added that he would like the area finished for an office, but not showers. The City Manager reiterated that if it is not used for police, paying for the improvements is more challenging as police impact fees can not be used. Tom Bakaly added that transit funds and/or downtown revitalization funds could be used for tourist-related uses. Roger Harlan clarified that he does not support police presence at this point, until a need is demonstrated.

Fred Jones agreed and felt it wiser to leave the use open. Jeff Mann proposed finishing the space, without police funds and no showers.

Kent Cashel pointed out that if the space is leased to a third party, the City would be required to reimburse a portion back to the federal government because of the FTA grant for the transit center construction.

3. Budget introduction. Mark Christensen introduced and thanked staff members involved in the production of the budget document. The Olympic Budget has been integrated into the budget document, including budget policies for this year. The second section added is the program and resource analysis conclusions and he added his appreciation of the Lodging Association's feedback on this summary. The remainder of the budget is presented in the same format as other years. The budget captures an adjustment for FY 2001, next year's Olympic Budget, FY 2002, and a tentative fiscal year plan for next year. He directed Council to a section, entitled *Summaries*, which compiles revenue and expenditure information for all funds. In FY 2002, Olympic revenues and expenditures are included. A more detailed breakdown of fund information is presented in each associated section and original and adjusted totals are shown from 1998.

He pointed out the significant capital outlay in FY 2001 of \$30 million which is largely due from carry-forward totals from previous years. Staffing options, materials and supplies increase in FY 2002 and then stabilizes to near 2001 levels. Mr. Christensen emphasized that as directed by the City Council last year, the 10% trend in growth has decreased. The program and resource analysis work has contributed to this as well as the \$650,000 cut in the General Fund last year. Comparing FY 2001 and FY 2003 results in a 4% growth rate and these efforts will continue. Revenues as a whole will increase the year of the Olympics, but the sales tax declines, consistent with state projections. The fiscal outlook for the City is looking healthier now that expenditure growth has decreased. The program and resource analysis has been a good working tool.

The policies and objectives remain relatively unchanged from year to year and the City has received national recognition on its budget practices. The action plan for recreation and Racquet Club cost recovery has been updated with the Wikstrom study findings and recommendations from a specific recreation subcommittee of the program and resource analysis group. There is an internal policy suggested in the Human Resources Department dealing with formalizing staffing requests. During the Olympic year, the policy on purchasing levels is proposed to be amended, increasing staff's ability to authorize expenditures. With regard to public service contracts, the granting percentage has been adjusted from 2.25% to 2.6%. Mr. Christensen requested Council direction on the conclusions of the program and resource analysis committee to incorporate in the budget policies. There are six committees for various focus areas, including resort economy, program service levels and expenditures, revenue and assets, capital improvements program, governmental programs, and non-departmental inter-fund. Some of these issues have been recently discussed with Council and there is an opportunity for public input on these matters. With regard

to resort economy, he pointed out that Park City receives a direct net benefit of nearly \$7 million annually from tourism and the committee recommends that the City take actions to secure the resort element of the community. There are ten recommendations rendered. If new services are offered, there should be an offset of increased revenues. If fees do not cover the service provided, Council should consider whether the service is reduced or whether fees should be increased. All requests should be considered at one time and it was suggested to set aside an annual time to adjust the budget. Other suggestions include careful consideration of decisions associated with on-going operating and maintenance and to re-evaluate services on an annual basis. It is important to analyze the people served and evaluate the role of boards and commissions relating to service levels. It is also recommended that boards evaluate the costs that their decisions may bring. Council member Jones found this interesting as it has not been a role of boards in the past; for instance, the Planning Commission typically deals with issues strictly from a planning standpoint. Mr. Christensen clarified that the fiscal implications of a board decision should not be the driving factor, but economics should be taken into consideration. Tom Bakaly agreed, and it is Council's decision whether it will encourage boards to consider fiscal impacts as a part of their decision-making process. Ms. Bodell felt that it would be helpful and relayed her experience at a Parks and Recreation Board meeting. Mr. Christensen continued that another program and resource analysis policy recommendation is that Council consider a full assessment of staffing and funding requirements for new service implementation. The City Council providing clear direction, based on long and short-term funding information, is important. The next step in the program and resource analysis would be to include a bench-mark and performance measurement, comparing Park City with other communities.

Mark Christensen continued to explain recommendations from the revenue and asset subcommittee. This group suggested increasing building and planning fees and imposing a sewer franchise fee. Currently, the City does not collect a franchise fee from the Sewer District and collecting at 5%, beginning in FY 2002, would produce \$62,000 for half a year and \$124,000 annually thereafter. Because of recent utility hikes, the City is anticipating increased franchise fee revenue. In response to a question from Fred Jones, the City Attorney explained that the City currently collects between 5% and 6% from utilities. The City Manager added that there will be an inter-local agreement with the Sewer District drafted which will outline obligations on the City's side and in exchange for those services, the City's ability to collect a franchise fee. Mr. Christensen emphasized that the committee is not recommending to increase transient room, sales or property taxes. Fees for special events should also be maintained. The Mayor suggested that there be language that an event make every effort to cover its cost. Peg Bodell felt that making a 5% profit, for instance, may be advisable and the City Manager pointed out that this is a policy decision that should be made carefully. The economic element of the General Plan indicates that the tourist economy is central and positively beneficial to the community. The City could require full cost recovery, but that would be contrary to the direction of the economic element. Mr. Christensen added that it may be helpful to identify subsidy levels as a part of the discussion of special events.

For the benefit of Fred Jones regarding a bond issue to support recreation, Mr. Christensen explained if the bond is approved by the voters, it would appear as an increase in property taxes.

With regard to the capital improvements projects reviewed last December, the committee is recommending that Council adopt the list of prioritized projects. Projects are ranked with set criteria. Recommendations include assigning senior or mid-managers as project managers for capital projects, peer review, value engineering, and projects with a possible art component should be assessed by the project manager. This would not exclude using an art selection committee, but rather identifies public art components on a project-by-project basis. Intergovernmental programs include regional transit, recreation MOU, communications, and the City's grant policy. The committee recommended that considering combining County and City dispatch services be postponed until there is a better understanding of the issues. He discussed a possible centralized process for grants.

Mr. Christensen continued that the recreation analysis addressed the Wikstrom Report recommending continuing to use the enterprise fund if cost allocation procedures are established that clearly track the use of subsidy monies and individual program costs. Currently the Recreation Fund is subsidized from the General Fund, and the scope of the contribution is at the discretion of the Council. One option is to support adult programming from the Enterprise Fund and youth programs from the General Fund. The subsidy would then only be for youth sport programs. An analysis of the Water Fund is underway, including user fees and Wikstrom has been contracted to update the golf report prepared by staff last December. Fred Jones pointed out that Racquet Club improvements didn't rank among CIP priorities, and asked for clarification of the logic of a bond issue. Mr. Christensen explained that it may not have received as high a ranking as other projects, because there was no funding identified and this issue will be addressed in more detail next week. Tom Bakaly added that he could provide ranking information to the Council on CIP projects without the funding criteria.

Bob Stephens explained that his group was charged with reviewing the compensation plan for employees of the City and met frequently since last August. The same methodology was used as in the past with the goal of producing a competitive pay plan which continues to attract and retain quality employees. A survey was conducted along the Wasatch Front and also included Logan and St. George comparing total compensation base, including benefits. He explained the differences in the exempt and non-exempt status. Resort communities are also surveyed, including Aspen, Breckenridge, Steamboat and Vail. It has been a challenge to attract employees, with the low employment rate and the high cost of housing in Park City. About 65 benchmark positions were identified for comparison purposes. The Human Resources Director explained the method of determining the mid-point salary range of a position. When employees reach their maximum salary, compensation can not be raised, but there is an opportunity for a lump sum bonus. This practice results in an economic savings as lump merit bonuses don't compound on the base salary once an employee reaches the *working level* salary. He discussed the representation of members on this

committee, including senior and mid-managers, and workers. The proposed pay plan is simultaneously presented every two years with the two-year budget with a 2% adjustment for the second year. Not many of the non-exempt positions need adjustment; most of the positions being recommended for adjustments fall in Grades 5 - 9. The committee decided to award 1% for the first and second year for all positions, except Grades 5 - 9, being adjusted. He emphasized that the compensation total includes benefit costs, which typically increase every year affecting retirement contributions which represent 13% of compensation. The other major benefit is health insurance and staff has been negotiating this for a two-year contract and a 10% increase is anticipated. In response to a question from Fred Jones, Mr. Stephens explained in detail the reason for removing Grade 1 in the exempt pay plan. Mark Christensen pointed out that the pay plan is increasing, but because of the workers compensation program, there is a savings. The first year of the pay plan, there is about a \$144,000 increase, which includes an increase to health insurance, pay increases and other benefits. The increase could have totaled \$266,000, if not for the savings of the workers compensation plan. The total increase over two years is about \$260,000.

Other recommendations from the program and resource committee include conducting a water study, reducing the funding to the self-insurance program since the City is now insured under workers compensation. Mr. Christensen invited Council to contact him if there are questions and is pleased to present a balanced budget. The Mayor complimented him and his staff on a job well done.

4. Review of regular meeting:

Outdoor music proposal. See staff report and regular meeting minutes. Consultant Meg Ryan informed the Council that applicant Randy Barton can not be present at the regular meeting. The Mayor relayed that Council member Candace Erickson, who is excused this afternoon, indicated to him that she is concerned about Miners Park being used as a venue, because of significant investment in its improvements. Further, she felt the residential units adjacent to the Park should receive adequate notice of the proposal. Mr. Barton responded that he talked to Pace Erickson from the City and Steve Schuler, the designer, involved in the Miners Park project. The Mayor encouraged Mr. Barton to contact citizen committee members who worked diligently on Miners Park. Randy Barton continued that businesses have been contacted and Mr. Shaffner is in attendance with a petition in support of the proposal from Main Street merchants. He stated that he went door to door in the residential area, but no one was home. Peg Bodell shared Ms. Erickson's concern about the potential impacts on the residential area, and felt that Mr. Barton needs to contact individuals.

Mr. Barton understood that the only controversial location among Council members is Miners Park. He strongly feels this is an appropriate location for *celebrations*. Mountain Stages is very responsible in its operations and should there be any complaints, the permit can be pulled. Businesses like the Miners Park location and there may be others who voice their support at the

public hearing; the Brew Pub request has been withdrawn. Mountain Stages would not be interested in pursuing the Miners Park site without the City's consent to a beer license. Entertainers need an opportunity to connect to an audience, and from his experience, concessions are a key ingredient. He clarified for the benefit of Ms. Bodell, that without a beer license, he will not proceed. Council member Jeff Mann asked if it would be a *deal-killer* if there is no construction at Miners Park and the entertainment scaled back. Mr. Barton stated that *yes* it would, and he would not pursue this venue because all of the elements have to be in place to have a successful operation. Mountain Stages is not interested in performers on sidewalks and would like to install sound mitigation devices and a stage in a space where the sound can be controlled. The organization's focus is to foster and support an internationally recognized musical event in a mountain setting. In response to a question from Roger Harlan, Mr. Barton indicated that the Liquor Commission verbally indicated to him that they didn't have a problem with the beer license if Park City renders local consent.

Dave Shaffner, Main Street merchant, presented a petition to the City Council and indicated that he received signatures in support from merchants at the Main Street Mall, and other establishments within *earshot* of Miners Park. Obviously, there is broad support and it is important to the businesses on Main Street.

Prepared by Janet M. Scott



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MAY 3, 2001**

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 3, 2001. Members in attendance were Brad Olch, Peg Bodell, Roger Harlan, Fred Jones, and Jeff Mann. Candace Erickson was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Meg Ryan, Special Events Consultant; Frank Bell, Olympic Planning Director; Lloyd Evans, Chief of Police; and Tim Twardowski, Assistant City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Community service award - Cliff Holt - Jeff Mann presented an award to Cliff Holt, a young citizen who designed the winning art work for the Cinco de Mayo event t-shirts and posters. Mr. Holt distributed t-shirts to the Council.

2. Department updates. Tom Bakaly reminded Council of a joint field trip with the Planning Commission and Parks and Recreation Board this Wednesday to the skate park. There will be a work session held on this issue on May 10. He reported that the City is the recipient of two Envision Utah awards for the transit center which will be presented in June. Mark Harrington reported on fund-raising efforts by the Park City Bar Association, including a reception at the Miners Community Center and free movie at the Library and Education Center.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF APRIL 19, 2001

The Mayor requested a motion to approve. Peg Bodell, "I so move". Jeff Mann seconded. Motion carried.

Peg Bodell	Aye
Candace Erickson	Absent
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Aye

V PUBLIC HEARING

Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City, Utah, Master Festival Licensing regulating public outdoor music plazas and amending Section 6-3-10 of Title 6, Health, Nuisance Abatement, noise by creating an exemption for such outdoor music plazas - Meg Ryan reviewed the staff report and subsequent changes from the original packet. She distributed copy of the petition Mr. Shaffner presented during work session to the City Council and a letter in support of the overall concept of outdoor music from resident John Roberts. Council also received a copy of an decibel level analysis from last year's discussion from Spectrum Engineering.

The proposal from applicant Randy Barton of Mountain Town Stages (MTS) for this year is to amend the ordinance adopted last year which granted a license to the Park City Arts Council. MTS is now a non-profit corporation and is applying to be the operator this year. The locations proposed are Summit Watch which is named *Party on the Plaza* on lower Main Street, and the second location is in front of McHenry's Grille at Silver Lake. Mr. Barton has withdrawn his request for the Brew Pub location and has submitted alternate locations at Moose's Pub and Grille at Park City Mountain Resort, and Miners Park on Main Street. Staff is recommending with conditions on hours of operations, sound levels, and other operational factors, that Council consider approval of the Summit Watch, Deer Valley, and PCMR locations. However, staff has serious concerns about the Miners Park location, as proposed by the applicant. Based on experience from the operation last summer, there is a request to increase the decibel level from 90 dB to 95 dB, measured 35 feet from the stage rather than 25 feet. Another requested amendment is to remove the requirement of an audio limiter as it distorts some of the sound. The time limitation last year was 8 p.m., and Mr. Barton is requesting 9 p.m.; staff is recommending a compromise of 8:30 p.m. Last year staff recorded the levels of sound emitted from locations and also monitored general operations. Beyond the three locations including PCMR, Deer Valley and Summit Watch, staff is recommending that two additional locations could be requested by the applicant. This amendment proposes that these applications would be reviewed with criteria by the staff, and if compliant, administratively approved. She explained that the summer season would begin June 1 and end October 1, although it is envisioned that the last performance would be September 15. Finally, there is a request for allowing four events at each location that aren't necessarily related to the specific days of operation which could also be approved at an administrative level.

Meg Ryan continued that for Summit Watch, Mr. Barton is requesting operations for Tuesdays, Fridays and Saturdays and has different hours for different time periods; June 12 through August 15 - 6 p.m. to 9 p.m., and September 30 through October 1 - 5 p.m. to 8 p.m. The music would be amplified and acoustic. There is no request for a beer license at this location or modification to the stage or area, although there will be staff monitoring time. The staff supports this location at a cut-off time of 8:30 p.m. at the increased requested dB level. Silver Lake is proposed to be programmed Wednesday through Sunday during the day with a request from MTS

for four administrative review approvals from noon to 6 p.m. Costs to the City relate to staff time in monitoring operations, and staff is recommending approval of this location.

The next location is music at Miners Park. Mr. Barton has expressed his interest to construct a temporary stage as well as roof covering in the existing planter area. He is asking that the stage be programmed Saturdays and Sundays from noon to 6 p.m. with amplified and acoustic music, including four discretionary dates. As the owner, the City would negotiate a lease agreement for use of the property and also consent to a beer license. MTS has indicated that it is willing to pay for the construction and removal of the stage, but the City would be required to prepare the site and alter the existing irrigation system. The Parks, Planning and Police Departments have all expressed various significant concerns over the operation at the Park, as it was designed as a different type of venue. The Olympic Services Director has also indicated that Miners Park will likely be leased as of October 1, and would need to be fully restored by September 15 at the latest. The staff supports the PCMR venue as proposed. The Mayor invited the public to comment.

Chuck Saccio, Moose's Pub and Grille at PCMR, stated his support of the last option and felt his business will provide the needed seating and concessions which were not available at last year's location in the area. He added that this will also support other businesses open on the plaza during the summer season. In response to a question from Peg Bodell, Mr. Saccio indicated that the hours work well for him.

Barb Clark, Director of the Main Street Business Alliance, voiced support for music on Main Street at Summit Watch and Miners Park, recognizing the logistics involved in providing a beer garden atmosphere at the Park. However, the Alliance would like assurance that it is not liable in any way and listed as an additional insured, if approved. The Alliance would like some sort of music programmed there, and unlike MTS, are not concerned about the beer license approval. If MTS is not interested in programming there, the Alliance is interested if it can solicit financial support, i.e, restaurant sales tax grant, sponsors, etc. She added that she is preparing an application for a master festival license for passive programming at Miners Park in addition to Mr. Barton's proposal. This could include a *brown bag lunch series* and programming on the weekends.

Frank Bell, Olympic Planning Director, explained that Coca Cola is considering using Miners Park as a part of a pin exchange program. The City has not received a formal proposal or rendered final approval, but he felt the site can not accommodate both uses.

Lloyd Evans, Chief of Police, stated that he is not supportive of a beer license at the Miners Park location. He is not opposed to the use of the Park, but is very concerned about the logistics of issuing a beer license at this site. It is unfortunate that a beer license is tied to the event here, as music enhances the Main Street experience. He explained that adjacent existing businesses to other venue sites have conditional use permits to serve alcohol, but Mr. Barton would have to apply for a beer license at the Miners Park location. The Chief pointed out that there may be some.

complications with a beer license and explained the process for applying for a beer license as a business and special event licenses permits, which are limited 72 hours. There are no temporary beer licenses.

The Mayor recognized Ron Whaley and Melanie Reif in the audience, who declined to comment. Jeff Mann disclosed that he has a business relationship with Moose's at the PCMR site. With no further comments, the Mayor closed the public hearing.

VI NEW BUSINESS

Ordinance amending Title 4, Chapter 8 of the Municipal Code of Park City, Utah, Master Festival Licensing regulating public outdoor music plazas and amending Section 6-3-10 of Title 6, Health, Nuisance Abatement, noise by creating an exemption for such outdoor music plazas - Fred Jones recommended that at Summit Watch, given the proximity to residents, that the operation cease at 8 p.m., but allow the increase in decibel levels to 95 dB, but measured from 25 feet. Ms. Ryan indicated that the distance may have to be 35 feet because of a technical relationship, and admitted she is uncertain. The City Attorney recommended that that information be provided to Council before voting. The Mayor suggested keeping the decibel level the same as last year, and all Council members concurred. Ms. Ryan interjected that based on the field testing last year, and the Spectrum Engineering analysis, that the increase in sound is not discernable and there is sound attenuation built into the system. Ms. Bodell pointed out that this may be a venue where horns can not be accommodated, unlike the other sites. Council member Jones continued that he accepts the staff recommendations for the Deer Valley and PCMR sites. He stated that he does not support the proposal for Miners Park, but feels that there may be opportunities for music at that location without altering the improvements to the Park. Peg Bodell agreed with Mr. Jones' comments, but directed staff to solicit input from adjacent residents in Deer Valley. Roger Harlan asked if the City received complaints associated with the Deer Valley Concert Series at Snow Park. Chief Evans noted that the City has received a minimal number of complaints dealing with exceeding the 10 p.m. time. Ms. Bodell expressed concern that the Silver Lake location proposes music five days a week, regardless of the fact that performances occur during the day. The balance of Council members supported the Deer Valley location, as proposed, and the Mayor added that this venue could be monitored during this summer. The Mayor requested legal direction.

City Attorney Mark Harrington explained that it would not be prudent to adopt an ordinance that is unacceptable to Mr. Barton. It may be more advisable to craft an ordinance, including Council comments for MTS's review prior to action. With regard to additional sites, Jeff Mann suggested that Council be advised of administrative review applications and asked for Council feed-back. Ms. Bodell noted that she feels comfortable with the criteria and pointed out that Conditions No. 2 and 6 would preclude approval of the Miners Park venue. Tim Twardowski, Assistant City Attorney, clarified that as drafted, the ordinance provides that the dB levels and readings apply the same to all locations. Summit Watch has been specifically addressed and he

asked for clear direction on whether 90 dB measured from 25 feet applies to all venues or only Summit Watch. Fred Jones clarified his intention to apply the 90 dB and 25 feet only to Summit Watch; other venues could be monitored at 95 dB at 35 feet.

The Mayor requested a motion to continue to May 10, 2001, Fred Jones, "I so move". Roger Harlan seconded. Motion carried.

Peg Bodell	Aye
Candace Erickson	Absent
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Aye

VII ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Brad Olch, Peg Bodell, Roger Harlan, Fred Jones, and Jeff Mann. Candace Erickson was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; and Tom Bakaly, Assistant City Manager. Roger Harlan, "I move to close the meeting to discuss property disposition/acquisition". Peg Bodell seconded. Motion carried.

Peg Bodell	Aye
Candace Erickson	Absent
Roger Harlan	Aye
Fred Jones	Aye
Jeff Mann	Aye

The meeting opened at approximately 4 p.m.

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

Prepared by Janet M. Scott

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City Council Meeting
May 3, 2001



Janet M. Scott
Janet M. Scott, City Recorder



COUNCIL STAFF REPORT

DATE: May 3, 2001
DEPARTMENT: Office of Capital Management
AUTHOR: Tom Bakaly, Assistant City Manager *TBB*
TITLE: Old Town Transit Center - Basement Space
TYPE OF ITEM: Information and Policy Direction - Work Session

SUMMARY RECOMMENDATIONS: This report is for informational purposes and possible policy direction.

DESCRIPTION:

A. Topic: Old Town Transit Center - Conversion of Basement Space

B. Background:

On January 20, 2000, Staff came to the City Council for policy direction regarding the Transit Center. Among the items addressed was whether or not the City should create roughly 1,100 square feet of additional space in the basement of the Transit Center for possible future City use. Possible uses discussed at that time were public safety offices, low impact transportation related uses (stroller and bike rental) and storage. City Council directed staff to roughly finish the space and that has been done. In addition, staff has roughly finished possible shower rooms in the bus driver locker area adjacent to the additional space.

C. Analysis:

Staff is looking for City Council direction about whether a use of the basement area of the transit center should be determined at this time. Without impacting the exterior of the building or increasing the above ground mass or existing square footage of the building, the City was able to gain useable space for City uses in the Transit Center basement. The Federal Transit Administration has expressed a desire to have a strong public safety presence in the building due to the execution of a transit worker in Arizona. With space short at the Marsac Building and because of the proximity to Main Street, the Police Department would be interested in the space if it were available.

The Police Department would like to establish an office in the Transit Center basement that would house the Community Support and Crime Prevention Program. The space would be occupied by 1.5 officers on nearly a daily basis as a business office space, including space to display and distribute materials surrounding the department and its programs. Due to the City's commitment to Main Street businesses, an enhanced public safety presence so close to Main Street is an added benefit of this use in the Transit Center.

The proposed use would not be a traffic generating activity, nor require additional parking. There would not be a need for designated police parking, the north Marsac lot, flagpole lot or available Swede Alley spaces would be used by the Community Support Officer(s) or those individuals that might be doing business or visiting that office.

Staff anticipates recommending this space to be used as the Public Safety Main Street Command Center during the Olympics on a temporary basis if the use is not approved on a permanent basis.

The space was originally not designed for other uses due to initial Planning Commission and HDC direction to limit the uses at the building. It is staff's opinion that this direction was based upon a desire to reduce the size of the building, minimize traffic generation and parking needs and mitigate use impacts. However, when grade issues required the building to be two stories, staff saw an opportunity to economically gain usable space without significantly changing the exterior of the building. On November 15, 1999 staff presented this concept, along with an additional exterior entrance to the HDC/Task Force. The HDC/Task Force was not comfortable with the exterior entrance and it was not built. Since the useable space would be an internal change to the building and would not change the exterior, HDC/Task Force approval of the change technically would not be required.

If City Council is not interested in public safety use for this space, Council should provide direction about whether any improvements should be made to the basement at this time. In addition, staff has tied the completion of the shower stalls to the question of basement use in the Transit Center. Staff has envisioned that the two private shower stalls could be used by bus drivers and City employees given the proximity to the Marsac Building. Staff intends to update the Planning Commission concerning the Transit Center basement.

D. Department Review:

This staff report and/or concepts contained in the report have been reviewed by Community Development, the City Manager's Office, the City Attorney's Office, the Public Works Department, the Police Department and the Office of Capital Management and Budget.

ALTERNATIVES:

- 1) Provide staff with direction to pursue a public safety use for the transit center basement.
- 2) Request Staff to identify other possible uses for the Transit Center basement.
- 3) Council could leave the space as is and use it informally as storage.

- 4) Council could leave the space as is and use it informally as storage and temporarily use it during the Olympics if necessary.
- 5) Continue the item.

SIGNIFICANT IMPACTS:

Depending upon the use, Staff would identify the appropriate funding source. For example, if public safety is the preferred use, public safety impact fees could be used to fund the estimated \$50,000 in improvements. This cost estimate is for the capital improvements and does not include the cost of furniture, office equipment or computers. If a transit related use was identified, Staff would anticipate using Park City Transportation Funds for the improvements. It is likely that FTA grant funds would not be available to fund these tenant improvements. Any permanent improvements would need to be formally approved by Council at a subsequent meeting. If Council gives direction on May 3rd, Staff will probably ask Council to take formal action by approving a change order to the Transit Center construction contract. It is likely that Staff will return to Council with some other recommended transit center contract clean-up actions within the next few weeks anyways.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

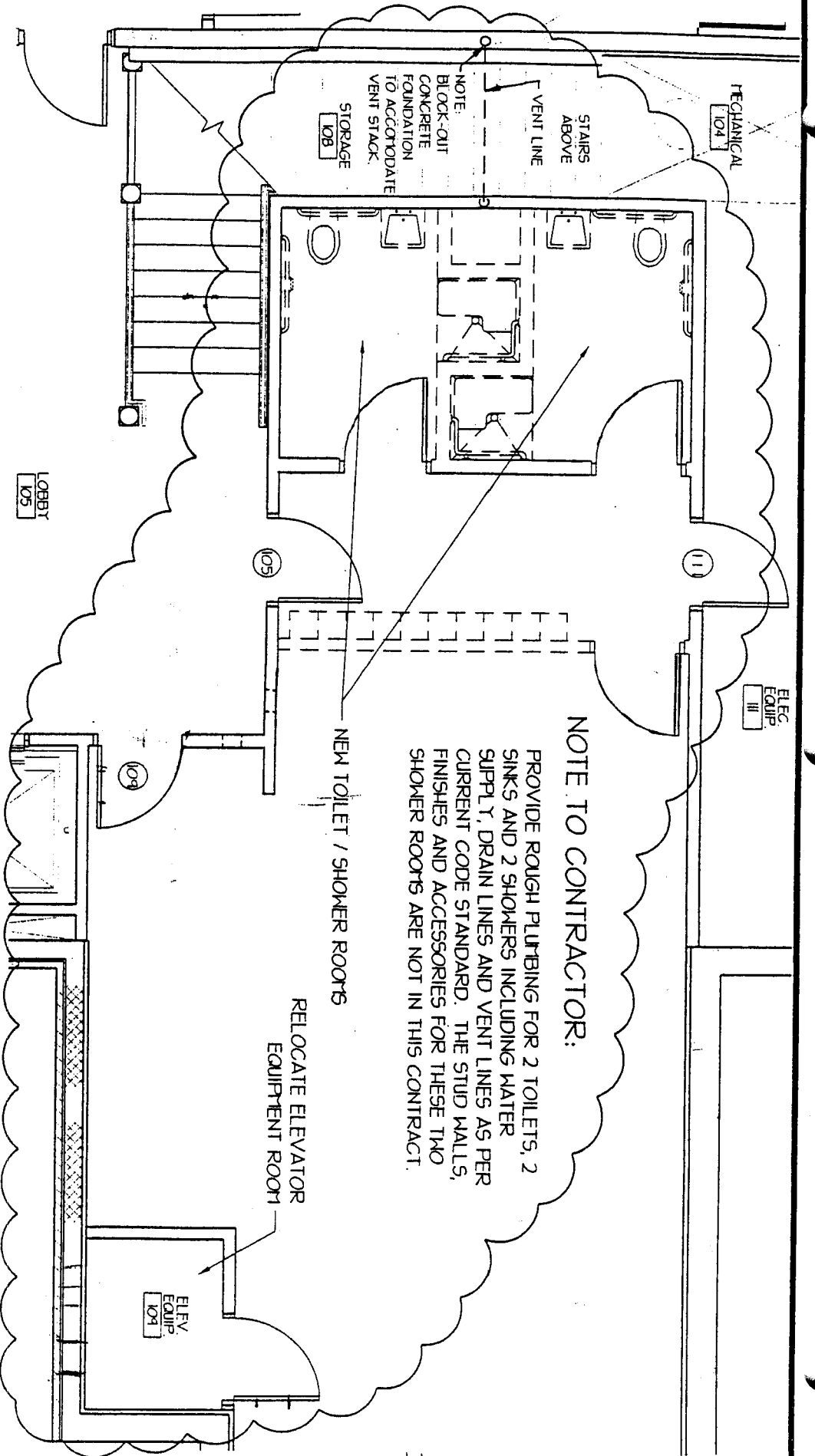
This report is for informational purposes. However, due to the fact that the contractor is currently working on landscaping, there would be cost savings if the basement space was finished now.

RECOMMENDATION:

This report is for information purposes and possible policy direction.

Attachments:

A. Drawing of Transit Center Basement Area



A FIRST FLOOR PLAN FROM SHEET A101
 SCALE: 3/16" = 1'-0"

**Cooper/Roberts
 Architects**

700 NORTH 200 WEST
 SALT LAKE CITY, UTAH 84103
 (801) 355-5915 FAX (801) 355-9885
 www.craichitect.com

**OLD TOWN
 TRANSIT CENTER**

PROJECT NO: 99-010 DATE: 3/3/00

CAD DWG FILE: 99-010/TEXT/BN/ADD#5/DWG1

DRAWN BY: J.M.C. CHECKED BY: J.M.

ADDENDUM #5

DWG #1



CITY COUNCIL AGENDA REPORT

DATE: May 3, 2001
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly, Mark Christensen
TITLE: FY2001 Budget Adjustment (current), FY2002 Tentative Budget (next year) and FY2003 Fiscal Plan
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

- Review the budget on May 3rd and May 10th; Conduct a Public Hearing on May 17th, June 7th and June 21st; Amend the FY2001 budget; Adopt the FY2002 tentative budget with recommended changes as the FY2002 budget. (Tentative adoption is scheduled for June 7, 2001 and final adoption on June 21st)
- Adopt the "Certified Property Tax Rate" {No Tax Increase Rate} for FY2002. [*Actual tax rate will not be known until Mid June*]
- Review & adopt the recommended changes to the FY2001 budget (Tentative adoption is scheduled for June 7, 2001 and final adoption on June 21, 2001.)

DESCRIPTION:

A. Topic: In accordance with Utah State Code, the City Council must adopt a budget for each fiscal year. Last year, as part of the budget process, the City adopted the second year of the two-year budget process. This year the City Council will adopt both a budget for FY2002 and a financial plan for FY2003. It is also now time to formalize the Olympic Budget, which was created in 1999, by appropriating funds and adopting the FY2002 budget which includes the Olympic Budget. At the same time, the City Council also should adopt an adjusted budget for the current Fiscal Year (FY2001).

B. Background: During first year of the two-year budget, the City usually emphasizes pay plan revisions, capital improvements updates and changes that need to be made to the current year budget, and simultaneously develop a fiscal plan for the second year of the budget process.

The budget presentation for this year will focus on the recommended changes to the FY2002 budget and the FY2003 Plan. Accompanying this report is a new budget document that contains updated policies and objectives, an updated Olympic Budget, the conclusions from the Program and Resource Analysis and a comprehensive operating budget for FY2001, FY2002, and FY2003.

City Council should plan to use its new budget document as a "guide" during this budget process. Budget discussions will focus on changes that are significant in the operating budget, capital projects and the Olympic Budget. The following is the recommended schedule for reviewing the FY2002 Budget - FY2003 Plan:

- | | |
|-----------------------|--|
| May 3 rd | Operating Budget <ul style="list-style-type: none">1) Budget Overview - Introduction2) Revenue and Expenditure Trends3) Operating Policies and Objectives4) Program and Resource Analysis Conclusions |
| May 10 th | Olympic Budget <ul style="list-style-type: none">1) Introduction2) Policies3) Revenue and Expenditure Projections |
| May 17 th | Operating Budget and Capital Improvement Budget <ul style="list-style-type: none">1) Pay Plan2) Departmental Review - Budget Options3) City Service Contracts4) New and Modified CIP Projects5) Budget Wrap-up |
| May 17 th | <ul style="list-style-type: none">1) Hold Public Hearing on the Budget and continue to 6/07/2001.2) Discussion on budget as needed |
| May 24 th | No meeting scheduled. |
| May 31 st | No meeting scheduled. |
| June 7 th | <ul style="list-style-type: none">1) Hold Public Hearing on the Budget and continue to 6/21/2001.2) Tentative adoption of FY2002 Budget (no tax increase)3) Tentative adoption of FY2001 Amended Budget2) Tentative adoption of FY2003 Plan (no tax increase) |
| June 21 st | Continuation and closure of the public hearing on the budget, with |

final adoption, by resolution, of both the FY2002 Budget, the FY2001 Adjusted Budget and the FY2003 Plan with a no increase tax rate for FY2002.

C. Analysis:

Budget Summary: The Introduction section of the budget document outlines the major issues for this year's budget process. This section of the budget document outlines the revenue requirements, changes in fund balance, options for FY2002 and FY2003, and it identifies trends and staffing issues.

This year two major sections have been incorporated into the budget document: These sections identify the issues that staff has been addressing over the past year and are summarized below:

Olympic Budget: The Olympic section highlights the planing efforts of the City for the past four years. Departmental Olympic requests are outlined in departmental operating budgets and summarized in the Olympic section.

Program and Resource Analysis: This section identifies the conclusions of the Program and Resource Analysis and provides Council the opportunity to review the first part of this program. Attachment A is a letter from the Park City Area Lodging Association commenting on the Program and Resource Analysis.

Revenue Summary: The tentative budget does not anticipate a property tax increase although it does anticipate the collection of a Sewer Franchise Fee beginning in FY2002. Currently, the City collects franchise fees from other utilities but at present does not collect this fee on the Snyderville Basin Sewer Improvement District (SBSID). SBSID has been informed of this fee. Council should also consider whether to place a General Obligation Bond (GO) on the November ballot to fund Racquet Club capital expenditures. The Summary section of the budget document contains a comprehensive list of the revenue projections for the FY2002 and FY2003 Plan.

Expenditure Summary: The Introduction outlines in detail the expenditure issues for this budget process. The Summary section of the budget gives a citywide breakdown of the Major Expenditures types and expenditures by funds. Each operating budget will have a list of expenditure options and a brief narrative describing the significant expenditures.

Capital Issues: The City's Capital Improvement Program (CIP) has undergone quite a bit of recent scrutiny. These projects and prioritization processes are outlined under the Capital Improvements section of the budget. A few Capital projects will require Council policy direction. The issues are highlighted in the narrative and will be addressed in detail on May 17th. In particular, Staff will need direction from the Council regarding the Upper Park Avenue project. In Staff's opinion, the project is fully funded. If the residents are interested in an annual average of \$1,000 per lot property assessment for undergrounding

utilities at a cost of \$1.5 million, then they should formally inform the City through a petition. Staff will also be requesting direction about how to fund needed improvements at the Racquet Club.

Operating Budget Issues: The largest operating issue for this budget process is the Olympic Budget. This event represents roughly \$5.7 million in revenue and expenditures for FY2002. The second operating issue will likely include the pay plan. The pay plan is highlighted in the Introduction Section of the budget and will be addressed on May 17th. The Operating budget also anticipates funding for hanging baskets and removal of winter service for the lap pool.

Summary:

The budget document represents the City Managers Recommended budget. The reductions taken in last years budget process have succeeded in slowing expenditure growth. When capital projects are excluded, expenditures only increase 4% in FY2003 in comparison to the FY2001 original budget.

D. Department Review: - All departments have reviewed the attached budget document. In addition, members of Citizens Technical Advisory Committee have reviewed components of the Program And Resource Analysis. Lastly, as requested by Council last year, the Lodging Association has reviewed the budget and made suggestions. Please see the attached letter from the Lodging Association.

ALTERNATIVES:

A. Provide Direction About Budget Issues and Policies

B. Continue the Item - June 21, 2001 is the last date on which adoption (No Tax Increase Rate) can occur in order for us to meet the filing deadlines with the County and State if there is no property tax increase.

C. Do Nothing

SIGNIFICANT IMPACTS: The City's budget must be balanced. Staff recommends that Council provide policy direction on budget issues.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: The specific impacts of not approving individual recommended options will be discussed during budget presentations.

RECOMMENDATION: The City Council should follow the budget presentation schedule described above and provide direction concerning budget policies and issues.

Attachments:

A. Park City Area Lodging Association Letter to Council

April 16, 2001



The Honorable Mayor and City Council
Park City Municipal Corporation
P O Box 1480
Park City, UT 84060-1480

Dear Mayor and City Council Members:

The Park City Area Lodging Association (PCALA) has represented the lodging community for almost 20 years and has in its membership over 60% of the lodging owners in the community and represents over 95% of the rentable beds. Its membership also includes over 45 companies and organizations that support the lodging industry as associate members. The lodging properties in Park City market and collect approximately 26% of your sales taxes, not including fee revenues.

In May of last year, we were before you during your deliberations on the City's budget and the consideration of a municipal transient room tax. In our discussions you wisely chose not to implement such a tax. You also asked for our ideas and assistance in future budget discussions. We heard your request and have spent time and association funds on reviewing the excellent work of the City's Service Level Analysis Committee (SLAC) and the Citizens Technical Advisory committee (CTAC). We have chosen to look at the analysis as a whole and while we have reviewed the line by line information, we have not tried to second guess the staff's work. We have had the ability to look at expense information, but have not been given or looked at detailed Revenue and Asset analysis.

Tourism continues to be the lifeblood of Park City's economy! As you begin deliberations on the next two year budget cycle, we would like you to remember that the health of our primary industry will remain the key to the financial health of the community. This is born out by the October 2000, *Economic Impacts of Tourism, Park City* by Wikstrom Economic & Planning Consultants, Inc. which states in its summary;

"Tourism accounts for approximately 68 percent of all Park City general fund revenues (not including inter fund transfers) and 40 percent of all expenditures. Based on revenues and expenditures of roughly \$3,328 per capita annually, \$2,263 is made available through the strong tourism base of the community and \$1,331 provides tourist related services.

C. May, Jr., President

P.O. Box 4256 · Park City, UT 84060

Therefore, tourism pays \$932 per capita for community services that are **not** tourism related. In fact, when compared to the average budgeted services for Utah communities of \$535 per capital, tourism covers this cost, plus provides an additional \$397 per resident for improved roadways, snow removal, enhanced libraries, etc. Applying this \$932 per capita net contribution figure to the population of Park City suggests that the net revenue benefits to Park City are a minimum of roughly \$7 million annually and a 28 percent higher level of services."

These are incredible numbers! The lodging community and its fellow tourism related companies through our primary economy, help provide our citizens with 28% higher levels of services and an additional \$7 million than we would have otherwise. Therefore it is incumbent on our elected officials to help those businesses and our economy thrive.

We do not disagree that there are budget pressures. Further, we applaud the expense analysis that has been made by SLAC and CTAC. We particularly concur with the following committee's policy recommendations;

- **New/growth related service levels:** Provision of new/growth related services should be offset with new or growth related revenues or a corresponding reduction in service costs in other areas.
- **Fee Dependent Services:** If fees do not cover the services provided, Council should consider whether: 1. The service should be reduced; or 2. Fees should be increased.
- **Consider all requests at once:** Council should consider requests for service level enhancements or increases together rather than in isolation.
- **Consider ongoing costs associated with one-time purchases/expenditures:** Significant ongoing costs, such as insurance, taxes, utilities and maintenance should be determined before initial purchase is made or a capital project is constructed. Capital and program decisions should not be made until after staff has provided a five-year analysis of on-going maintenance and operational costs.

While we agree that the City should feel uneasy and be extremely careful with upcoming budgets, we do not see a crisis. With \$11 million in the Capital Improvements Program budget, of which \$3 million is in the five year or later plan; a fully funded replacement (depreciation) fund; a fully funded self insurance program and \$5 million in reserve, we see no need for an increase in any type of tax in the near future.

We do believe that the Council has made an error in not having the CTAC look at the revenue and assets side of the equation and not having CTAC look at the Pay Plan. As we all know the cost of labor in all service industries is a major part of any budget.

While we are not advocating any decreases, a thorough analysis of the plan and its benefits, particularly for future employees, is a necessary part of any budget analysis. That evaluation by an neutral outside committee such as CTAC would be appropriate. Further by looking at the City's revenues, fees and assets, there may be opportunities that are not tax related, to improve the City's financial picture. As we leave our Olympic year, you should be looking for post Olympic savings, opportunities for attrition and reorganization.

We do not support any increases in social services, boards or commissions. Social services are currently handled by County government and should remain so. Further, the addition of more boards and commissions, only slows down government, increases costs and staff time, plus increases the cost of doing business. We do think that the City should continue to look for grants and receive its fair share of the new recreation and arts tax. With the new "RAP" tax the City should look at reducing or eliminating its own arts granting program or replace it with any funds it receives from the County.

The City provides a number of excellent programs. In its on-going analysis it needs to compare the costs to the benefits. Delete those programs that don't have a good return for the majority of the community or to our tourism economy. As you move forward, hold the line on existing programs, weed out the ineffective ones, improve efficiency and watch the on-going costs.

Should there be a need to reduce service levels or programs, we are happy to help look at those programs and actively consider change. For instance, if we thought there would be significant savings we, would be willing to look at adjusting Spring and Fall transportation services. In year's past we have lobbied hard for those services, particularly for the hotel and convention guests. We don't want to see them go away completely, but we can tighten our belts just like you. However, in our discussions with Kent Cashell, what looks like a lot of money in the Wikstrom study, actually has a lot of fixed costs that should be more appropriately in Winter and Summer services. If we do get to the point of service reductions or elimination, we ask that you invite the impacted businesses, as participants, to help you brainstorm, apart from the standard often unattended budget hearings.

As you move forward in your budget deliberations, we recommend you concentrate on the expense/benefit side and restrain from increasing taxes on the revenue side. Just like us, we ask you to live within your means. Be good business people on behalf of the citizens.

We deal with visitors 365 days a year. By far the majority love our town and enjoy the many amenities we have provided for them, they talk about the snow plowing in the Winter, the transportation system that is free and easy, the flowers in the Summer and on and on. But make no mistake they also know what they are paying and they can figure out that the tax rate is high. We are not the highest and not the lowest, but we have crossed over the median. We are blessed with \$932 per person in Park City to

spend on more and better services because of our visitors. As the saying goes "don't kill the goose who lays the golden egg."

Our thanks to the members of your City staff who spent time with us and provided us with materials. We will continue to be available to participate in keeping Park City the wonderful place it is to live and do business.

Sincerely:

A handwritten signature in black ink, appearing to read 'D Nelson', followed by a long horizontal line extending to the right.

David Nelson
Park City Area Lodging Association, President



CITY COUNCIL STAFF REPORT

DATE: May 3, 2001
AUTHORS: Megan Ryan, Facilities and Special Events
TITLE: Outdoor Music Proposal in Old Town by Mountain Town Stages
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS:

Staff requests the City Council review the finalized proposal by Mountain Town Stages for the operation of Outdoor Music events in Park City for the summer season of 2001, conduct a public hearing, provide staff and the applicant direction on the two Main Street locations and consider adopting the proposed amendments to Title 4, Chapter 8A of the Municipal Code for the Deer Valley and Summit Watch locations as recommended by staff.

A. Topic

Continued discussion, public hearing and possible action on finalized proposal for Outdoor Music, by Mountain Town Stages for the Summer of 2001.

B. Background

On March 29, 2001, the Council discussed the operation of Outdoor Music under Ordinance No.00-36 by the Park City Arts Council which regulated outdoor music at the Summit Watch and the Town Lift Plazas. The Council also discussed the initial proposal by Mountain Town Stages, (MTS), a non-profit organization to apply for a new Master Festival Licence for Outdoor Music for the Summer Season of 2001. The Council provided general direction to staff and Mr. Barton, operator of MTS (Exhibit A - Council minutes 3/29/01). In general the Council directed MTS to refine the proposal and return to staff with specific details for each venue.

Mr. Barton has submitted a finalized proposal to staff and is requesting a public hearing and action on the MTS proposal. The current ordinance governing Outdoor Music operations (Title 4, Chapter 8A) would need to be amended in order to for any of proposed operational changes and/or management to take effect. A Master Festival Licence would then be submitted to staff for review

and approval in accordance with the Ordinance.

C. Analysis

MTS proposes to program and operate music at the following four locations with a maximum decibel level of 95db's (when measured 35' from the front of stage) with no sound limiter. A timer will be placed on the equipment to end the power to the stage at the prescribed time.

1. "Party on the Plaza"

Location: On Summit Watch Plaza between Dynamite Doms and Picassos.

Operation Days/Hours/Months: This stage will be programmed Tuesdays, Fridays and Saturdays from 6PM to 9PM from June 12th through August 15th. August 16th through September 30th from 5PM to 8PM.

Type of Music: Amplified and Acoustic.

Occasions not covered under other Master Festival Licenses: A maximum of 4 additional week nights during the summer for special events that may arise from 5PM to 9:00 PM as approved by staff in accordance.

Owner: Summit Watch Commercial Condominium Association, Harry Reed. Permission granted.

Additional Licences: None requested.

Costs: None to City

Staff Analysis: The Staff recommends approval of this location because the event operated smoothly last year with little or no impacts and great benefit to the merchants in the area. This site worked well last year and became a local event. Staff supports the increase in decibel levels by 5 db's. Based on the analysis submitted from Spectrum Engineering in 2000 with respect to sound levels and staff's own on site sound tests and on site monitoring of events a proposed increase of 5 db's will result in a marginal discernable increase in impact. Based on sound level tests conducted last year, it is the position of staff, that it will be very hard to notice a marked difference in noise levels in the residential areas of Old Town. Staff also recommends that the hours of operation for all performances, (regular and special) be limited to 8:30 pm rather than 9 pm. This reflects an increase in programming time but not to a unreasonable hour for immediate residential neighbors.

2. Silver Lake at Deer Valley

Location: Deer Valley near McHenry's Grill

Operation Days/Hours/Months: This stage will be programmed Wednesdays, Thursdays, Fridays, Saturdays and Sundays from 11:30AM to 2:30PM - June 27th through September 9th.

Type of Music: Amplified and Acoustic.

Occasions not covered under other Master Festival Licenses: A maximum of 4 additional week days during the summer for special occasions from Noon to 6PM as approved by staff.

Owner: Deer Valley Resort. Permission granted.

Additional Licences: None requested.

Costs: None to the City.

Staff Analysis: Staff recommends approval of this location as proposed. The location has little or no impact on residential areas and is located in a resort recreation area that is extremely well suited for outdoor musical events.

3. "Music at Miners Park".

Location:

Creation of a stage on existing planter area beneath timber frames with coverings one side with a roof for sound baffling. (Please see Exhibit D for details)

Operation Days/Hours/Months: This stage will be programmed Saturdays and Sundays from Noon to 6PM - June 30th through September 9th.

Type of Music: Amplified and Acoustic

Occasions not covered under other Master Festival Licenses: A maximum of 4 additional week days during the summer for special occasions from Noon to 6PM as approved by staff.

Owner: Park City Municipal.

Additional Licences: This location is contingent upon a beer licence to MTS from Park City and The State of Utah. The license addresses all manners of operation of beer service.

Costs: ITS will pay for the construction of the stage. The City would need to prepare the site and alter the existing irrigation system. A lease agreement would need to be negotiated with the City to address ongoing maintenance, liability and general operations.

Staff Analysis:

The Staff is not opposed to this location for musical events but is opposed to the creation of permanent stage for the proposed MTS performances. The proposal by MTS would eliminate the use of the existing planter area and would significantly alter the original design of the park. Miners Park was designed with small acoustic and amplified performances in mind. A wooden platform overlooking the main seating area functions well for smaller groups. The area has been used by the Chamber of Commerce and has been programmed during the Art Festival. Staff has explored alternatives with MTS that do not require a permanent stage area or alteration of the park's existing design. MTS is not interested in pursuing these alternatives. Another programmer could use this site for performances. Therefore, as proposed, staff does not support this location for MTS performances.

4. "Top O' Main"

Location: City owned property north of The Wasatch Brew Pub deck. This area is an approximately 6'x12' area that is currently used as snow storage. Red twig dogwoods are planted in the area. At least four parking spaces are proposed to be barricaded during performance times and used for pedestrians during performances. (Please see Exhibit D for details)

Operation Days/Hours/Months: This stage will be programmed Thursdays, Saturdays and Sundays from 3PM to 6PM - June 28th through September 9th.

Type of Music: Acoustic.

Occasions not covered under other Master Festival Licenses: A maximum of 4 additional week days during the summer for special occasions from Noon to 6PM as approved by staff.

Owner: Park City Municipal.

Additional Licences: This location is contingent upon our receiving approval from Park City to use four parking spaces on the east side of Main Street as a "bulb-out spectator area". The City would require reimbursement for the spaces.

Costs: MTS will pay for the construction of the stage and any possible rail replacement. The City would need to prepare the site, remove vegetation and alter the existing irrigation system. A lease agreement would need to be negotiated with the City to address ongoing maintenance, liability and general operations. The stage would be accessed from the existing Brew Pub deck.

Staff Analysis: Staff applauds MTS for the creative vision for use of an otherwise dormant space

but cannot support this location, at this time, for the following reasons:

1. The area will require city expense and manpower to convert the area for use at a time when manpower is limited and needed on other city projects;
2. Alternative locations exist in the immediate area that would not require the loss of parking spaces (such as the planter area or seating area directly north of the proposed site);
3. The loss of at least four parking spaces during peak summer hours would adversely impact the already constrained parking situation on Main Street; and
4. The City is concerned about changes to the area, at this late date, that may negatively impact the plans for Olympic Main Street celebrations.

MTS is not interested in pursuing alternative locations so staff forwards a negative recommendation on this site as proposed.

Alternative Locations/Occasions not covered under other Master Festival Licenses: MTS has requested the right to submit additional locations to staff from June 1st to October 1st as agreements with property owners arise and the right to add a total of four events to each venue for special occasions that may arise. Staff is comfortable with consideration of alternative locations and special occasions as long as the locations satisfy the review criteria in the ordinance and fully comply with the proposed ordinance with respect to operations, limited hours of operation and management, etc.. Staff suggests that the review criteria be based on the following:

Additional Locations:

Additional Public Outdoor Music Plaza locations may be administratively approved by the Special Events Department for programming by Mountain Town Stages of public performances and outdoor music pursuant to the criteria set forth herein. No additional Public Outdoor Music Plaza location shall be administratively approved unless the proposal fully complies with all of the following criteria:

- (1) No more than two (2) additional Public Outdoor Music Plaza locations may be administratively approved;
- (2) No proposed location may occupy or otherwise compromise any public parking space(s), whether for use by performers, attendees, or other amenities directly connected to programming pursuant to this Chapter;
- (3) The proposed location must include sufficient area to accommodate performers, MTS staff, and anticipated attendees without interfering with pedestrian or vehicular traffic or otherwise impairing any public right of way;
- (4) No proposed location shall be approved unless located within the HRC, HCB, RC, RCO, GC, or LI Districts, and in no case shall a proposed location be approved within one hundred feet (100') of a residential neighborhood;
- (5) No additional Public Outdoor Music Plaza location shall be programmed prior to June 1, nor after September 30, 2001;
- (6) Additional Public Outdoor Music Plaza locations may be programmed no more than three days or evenings per week, and not more than one weekend day or evening per week; and
- (7) No additional Public Outdoor Music Plaza location may be programmed for more

than four (4) hours in any day, and in no event shall programming commence prior to 11:30 AM nor end later than 8:30 PM.

Special Occasions at Deer Valley or Summit Watch:

- (1) No more than four extra events shall be permitted at each venue.
- (2) MTS must comply with all existing operational criteria for the approved site, such as noise levels, cleanup etc...as outlined in the Ordinance.
- (3) The events shall not conflict with another approved Master Festival License or City-sponsored event for that day.

Review and Compliance: City staff will monitor the events for compliance with this Ordinance. MTS will be responsible for all cleanup after all events.

Proposed Amendments to Ordinance:

1. Licensee is Mountain Town Stages.
2. Venues are located at Summit Watch and Deer Valley.
3. Decibels levels are at 95 db's measured 35' from the stage.
4. Delimiter is removed as a condition.
5. Hours of operation at Summit Watch is changed from 8pm to 8:30 pm (June 12 - August 15).
6. Staff monitors for compliance with the ordinance.
7. Additional locations can be proposed to staff throughout the season based on compliance with specific review criteria.
8. A maximum of four events for special occasions can be programmed at each venue based on the review criteria.

D. Review

The Police Department, Community Development, Olympic Services, Special Events and Facilities, Parks Department and Legal Departments have reviewed this report. Comments and concerns voiced by departments have been incorporated into the recommendations presented by staff. The Historic Main Street Business Association (HMBA) has been notified of the two proposals for Main Street and the Staff's position on the locations as proposed. According to the HMBA staff, Barb Clark, the association, contingent on funding, is considering submitting a request to the City to program musical events on Main Street that are more transient in nature and of a more subdued nature than the MTS proposal. HMBA members have been notified of the public hearing for this proposal. To date, HMBA member support for Miners Plaza has been positive, and less than enthusiastic for the Brew Pub site.

ALTERNATIVES

- A. Conduct a public hearing, provide direction and approve amendments to the ordinance with specific Conditions of approval; or
- B. Conduct a public hearing and direct staff to return to Council with recommendations to deny the proposed ordinance; or
- C. Continue the item for further discussion on program parameters.

SIGNIFICANT IMPACTS

If the application is not approved outdoor music in the stages (except for licensed Master Festival

events) will not occur for this summer season.

RECOMMENDATION:

Staff requests that the Council:

1. review the proposal submitted by MTS;
2. conduct a public hearing;
3. discuss the proposed alternatives and recommendations discussed under the analysis section of this report;
4. direct staff as to a preferred course of action for the sites at Miners Park and the Brew Pub; and
5. Consider adopting the proposed amendments to ordinance as drafted by staff for the Summit Watch and Deer Valley locations. Findings, Conclusions and Conditions are incorporated into the amended Ordinance.

Exhibits

Exhibit A - Excerpts from minutes of City Council mtg. 3.29.01

Exhibit B - 2001 Season Proposal by Mountain Town Stages

Exhibit C - Redlined Ordinance as recommended by staff

Exhibit D- Diagrams/Photographs/location map of proposed sites

1. Party on the Plaza
2. Deer Valley, Silver Lake
3. Miners Park
4. Brew Pub Upper Main site

EXHIBIT A

Excerpts
City Council Work Session
March 29, 2001



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 29, 2001**

Present: Mayor Brad Olch; Council members Peg Bodell; Candace Erickson; Fred Jones; and Jeff Mann

Toby Ross, City Manager; Kent Cashel, Transportation Director; Mark Harrington, City Attorney; Myles Rademan, Public Affairs Director; Rick Lewis, Community Development Director; Melissa Caffey, Special Events Coordinator; Alison Kuhlrow, Planner; Tim Twardowski, Assistant City Attorney; Jan Scott, City Recorder; and Linda Cook, Olympic Event Coordinator

Randy Barton, Mountain Town Stages; Melanie Reif, Park Avenue resident; Andy Bernhard, publisher of Park Record

Absent: Council member Roger Harlan

2. **Outdoor music proposal in Old Town.** Melissa Caffey noted that staff felt the outdoor music program was successful last year and there was favorable feed-back, however there were some noise complaints from the same residents. Randy Barton, applicant, explained that the City approved the outdoor music program last year under the sponsorship of the Park City Arts Council. Mountain Town Stages is now applying under a non-profit status. He pointed out that the only viable stage on lower Main Street is the one by Dynamite Doms. His proposal includes looking at locations on Main Street by the Café Terigo and next to the Brew Pub deck. Prospector Square property owners have been contacted about a location near the Blind Dog and an additional venue at Summit Watch. It is critical to have food and beverage services by the stages to be successful. It was pointed out that stages on Main Street would be very small as there is limited space for the audience and there would be no seating available, except for the patrons at the Brew Pub deck. In response to a question from Jeff Mann regarding using Miners Park, Mr. Barton pointed out that there is no food and beverage operator at the location. He added that the Town Lift Plaza is no longer a consideration as there is no longer food and beverage service there; The Happy Sumo and Lakota are not in close enough proximity.

The 90 dB level 25 feet from the stage worked well last year, except for trumpets. Mr. Barton emphasized that it is their intent to control the noise level so that the experience is enjoyable for people. The overall music level would not increase, but it is recommended that

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consideration be given to increasing the peak for trumpet play. If that is not allowed, they will not include trumpets in performances. Randy Barton continued that with regard to hours of operation, he received requests that performances be extended to 9 p.m. at least through July and suggested returning to 8 p.m. in August. Ms. Caffey pointed out that several residents expressed support of the outdoor music program as long as it was cut off at 8 p.m. Peg Bodell appreciated the request for extended hours, as long as it is not all weekend long. Mr. Barton continued that they were not allowed to apply for a concessionaire license, and as Mountain Town Stages grows, this may become a critical issue if a stage is in a location without a licensed establishment. The Mayor responded that this request is *too open-ended*, i.e., leasing, control, and litter. Mr. Barton replied that there was never a complaint voiced last year about lack of oversight and it is critical that they have food and beverage opportunities. There was discussion about the enforcement of the open container law during the Arts Festival. He emphasized that Mountain Town Stages would be responsible for compliance with all liquor laws and would be required to obtain local consent from the City and he would like that option. Peg Bodell stated that she would like this group to have concessions at some point. She agrees with the Mayor that the details are missing, while recognizing that profits from concessions make the business more viable. Randy Barton clarified that they are not asking for this now, but are requesting that applying for a license not be prohibited. Candace Erickson pointed out that the program last year complied with strict guidelines and she could support amending the ordinance to allow them to sell concessions in the future. Jeff Mann stated that he supports the ability of Mountain Town Stages to obtain a beer license. Fred Jones indicated that he would be willing to entertain specific proposals on a case-by-case basis, but preferred that the venues be located close to licensed establishments; Mr. Barton indicated that that is also their goal.

The next request deals with allowing performances on both weekend evenings at a stage as it would be helpful to tourists to maintain some consistency by providing entertainment both Saturday and Sunday evenings. Melissa Caffey added that staff feels Friday should also be considered as part of the *weekend* and believes that two out of three nights would be sufficient if the stage is located adjacent to a residential area. Mr. Barton explained that the current ordinance dictates that music can be programmed on one weekend day, meaning Saturday and Sunday and one weekday, which includes Friday. They are requesting Saturday, Sunday and one weekday per week to attract destination visitors on the weekends and Fridays were not working. Candace Erickson expressed that she could support Sunday during the day, but not the evening. Mr. Barton suggested cutting off the music at 7 p.m. on Sundays. Jeff Mann stated that he would support 9 p.m. on Saturday; 6 p.m. or 7 p.m. on Sunday, and an additional weekday night with the earlier cut-off time. Extending the performance until 9 p.m. three nights a week may be inappropriate for nearby residents.

Randy Barton explained that they purchased limiters which were installed in the sound system, but they were not effective in controlling the level of sound. Controlling on-stage volume control is more critical as not all of the sound goes through the limiter. He would like this feature to be removed from the ordinance. There is a thorough sound test before each performance

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to determine a decibel reading. Ms. Caffey explained that Mountain Town Stages will present other proposed locations by May 1 and is asking that Council remain flexible in considering other sites within a 30 day notification period. Staff feels this is reasonable and Ms. Caffey asked how Council would like staff to proceed. Mr. Barton indicated that he understood Council's direction and Fred Jones requested that there be a public hearing before any changes to the ordinance are made and that a draft be circulated to interested parties prior to the meeting. Mark Harrington emphasized that there needs to be firm deadlines and there should be absolute definition of the sites as the neighborhoods need an adequate opportunity to comment. This proposal will require an amendment to the ordinance. This is not just a temporary permit, it rises to a different level. If there are problems by way of staff analysis or public comment, the Council should have sufficient time to address them so that the start date is not jeopardized, which occurred last year. Mr. Barton felt that an opening date of June 1 is a reasonable date; last year it was June 17. Fred Jones felt that there is an ordinance already in place to fall back on and Mr. Harrington explained that the ordinance was written for an implementation period of one year. Mr. Barton felt that tonight's dialog can be formalized within a week but the locations will be the most difficult detail to specify. Ms. Caffey reminded Council of the proposed locations of the Café Terigo Plaza, Miners Park, and the Brew Pub. She has concerns about the public standing around, blocking the flow of pedestrians and felt that it would be helpful if the final proposal contain options on stage sites. Mr. Barton felt confident that Mountain Town Stages would obtain its non-profit status by May 1 and the IRS has acknowledged the application allowing them to proceed as a non-profit entity.

Melanie Reif, Park Avenue resident, stated that she attended the work session for information purposes and has not prepared a statement. For further substantive comment, she requested that the Council recognize their April 2000 claim wherein she and Ron Whaley specifically address their concerns in greater detail.

EXHIBIT B



ORDINANCE 01-__

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 8A
REGULATING PUBLIC OUTDOOR MUSIC PLAZAS**

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

WHEREAS, UCA Section 10-8-84 allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Chapter 8 of UCA Title 10 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants, and for the protection of property in the City; and

WHEREAS, UCA Section 10-8-60 gives the City the right to declare what constitutes a public nuisance, and provide for the abatement of the same, and impose fines upon persons who may create, continue or suffer nuisances to exist; and

WHEREAS, the City Council received a petition supporting outdoor music, but also heard from several area residents who objected to amplified music; and

WHEREAS, the City Council received recommendations based upon the findings and experiences of a volunteer citizen committee, and a University of Utah class concerning the effects and regulation of noise and the construction of sound mitigating stages, to properly set forth reasonable regulations and time limits to substantially mitigate the effects of such music upon neighboring residents and businesses; and

WHEREAS, the Community Development Department recommended the restrictions herein based upon the Department's noise measurements around the neighborhood and other parts of the City; and

WHEREAS, on June 1, 2000, the City Council of Park City adopted Ordinance 00-36, regulating Outdoor Music Plazas at the Town Lift Plaza and Summit Watch Marriot Plaza; and

WHEREAS, amplified events and music operated at the Town Lift Plaza and

Summit Watch Marriot Plaza in accordance with Ordinance 00-36; and

WHEREAS, the Neighborhood Review Group, an independent review committee appointed to monitor ongoing compliance with Ordinance 00-36, delivered a positive recommendation and review of performance under the ordinance; and

WHEREAS, the Public Outdoor Music locations authorized herein are within the City limits, in areas where noisy commercial operations, businesses and public master festivals/parades are common; and

WHEREAS, licensing and zoning are legitimate and reasonable means of time, place and manner regulations to ensure that outdoor music performers comply with reasonable regulations and to ensure that performers do not knowingly allow their music to become a nuisance to nearby residences and businesses, nor create public disorder; and

WHEREAS, the City Council received convincing testimony that outdoor music performances, because of their very nature, have a positive effect on both the existing businesses around them and the community at large, causing enhanced resort atmosphere and business patronage; and

WHEREAS, as a result of these findings and testimony, the City Council finds that public outdoor music in the specified location is not a nuisance per se, but if performed consistently with the regulations contained herein, is reasonably within the standard of comfort prevailing in the areas of and adjacent to the locations defined herein, promotes the arts and cultural enhancement in the community, and is consistent with pending Master Festival Licensing section 4-8-5; and

WHEREAS, the City Council finds that outdoor music, if unregulated, may have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby contributing to increased noise, pedestrian traffic and downgrading the quality of life in such adjacent residential areas; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby preserve the property and character of surrounding neighborhoods, deter unreasonably large pedestrian crowds, protect the citizens from increased noise, preserve the quality of life, and protect the health, safety and welfare of the citizenry; and

WHEREAS, the time, place and manner restrictions of this ordinance are required to protect legitimate and important governmental interests and are reasonably related to achieve the protection of those interests with the minimum interference necessary to rights protected by state and federal constitutional provisions; and

WHEREAS, the City Council finds that barring all amplified events and music would be over broad and arbitrary; and

WHEREAS, the City Council held work sessions with public input on this matter as regularly scheduled meetings on March 19, 2001, and May 3, 2001.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, AS FOLLOWS:

SECTION 1. FINDINGS. The recitals above are incorporated herein as findings by the City Council, the legislative body of Park City.

SECTION 2. AMENDMENT. Title 4, Chapter 8A of the Municipal Code of Park City is hereby amended as follows:

CHAPTER 8A - PUBLIC OUTDOOR MUSIC PLAZAS

4- 8A- 1. TITLE FOR CITATION.

This section shall be known and may be referred to as the Public Outdoor Music Plaza Ordinance.

4- 8A- 2. PURPOSE: REASONABLE LICENSING PROCEDURES.

It is the purpose and object of this Chapter ~~section~~ that the City establish reasonable and uniform regulations governing the licensing and manner of operations of Public Outdoor Music Plazas in Park City. This Chapter ~~section~~ shall be construed to protect the legitimate and important governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of Public Outdoor Music Plazas within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects, while providing to those who desire to perform in and patronize Public Outdoor Music Plazas the opportunity to do so. The purpose of this Chapter is to prevent and control the adverse effects of Public Outdoor Music Plazas and thereby to protect the health, safety, and welfare of the citizens and guests of Park City, protect the citizens from increased noise, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods.

4- 8A- 3. APPLICATION OF PROVISIONS.

This Chapter ~~section~~ imposes regulatory standards and license requirements on certain activities, which are characterized as "Public Outdoor Music Plazas." It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of Public Outdoor Music Plazas. This Chapter is intended to supersede any other related ordinances including, but not limited to, Title 6 Chapter 3, Noise, of the Municipal Code; and Chapter 7 (including pending Municipal Code §Section 15-2-6.10(B)(4)) of the Park City Land Management Code, as amended.

4- 8A -4. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the following meanings:

(A) **AMPLIFIED EVENT OR MUSIC**. An event or music utilizing an amplifier or other input of power so as to obtain an output of greater magnitude or volume through speakers or other electronic devices.

~~(B) **PUBLIC OUTDOOR MUSIC PLAZA**. The following plazas used for public performances and outdoor music:~~

~~—— (1) — Town Lift Plaza as shown on Exhibit A; and~~

~~—— (2) — Summit Watch Marriot Plaza as shown on Exhibit B.~~

~~(C)~~(B) **STAGES**. The raised and semi-enclosed platforms that are designed to attenuate sound, ~~in a form substantially similar to as depicted in Exhibit C or as otherwise approved by~~ Special Events staff.

4- 8A- 5. MASTER FESTIVAL LICENSE; REVIEW PROCEDURE.

The City Council hereby grants Master Festival Licenses for each of the Public Outdoor Music Plazas in Section 46. The Licenses shall be subject to all regulations and conditions of this Chapter. The Licenses shall be valid as of June 1, 2000 2001 and shall expire October 1, 2000 2001, unless renewed by the City Council. The City Council may not renew said licenses until after a public hearing and receipt of a staff evaluation of the prior year's compliance with this Chapter. Renewal shall be granted in the sole judgment of the City Council based upon compliance with the regulations herein, community impacts, and so long as such decision is not arbitrary and capricious. No licensee nor performer shall accrue any vested rights under this revocable license.

~~4- 8A- 6. PROGRAM LIMITS AND CATEGORIES.~~

~~Each Stage may be programed for not more than four days per week, and of those four days, only one program day may be a weekend day (Saturday or Sunday). The categories of programming allowed at Public Outdoor Music Plazas are:~~

~~(A) **Amplified Event or Music**: This type of event shall be programmed for no more than 2 days a week at each plaza, only one of which may be a weekend day (Saturday or Sunday). Amplified Music shall be limited to no more than 5 hours of total performance time on each of those two days (breaks are not included in total time but warm-up and rehearsals are).~~

~~(B) **Non-amplified music and events**: Programming for music and events such as poetry readings, dance, or other events that require no amplification.~~

4- 8A- 6. PUBLIC OUTDOOR MUSIC PLAZAS.

The following locations, dates, and times may be programmed by Mountain Town Stages for public performances and outdoor music:

(A) **PARTY ON THE PLAZA.**

(1) **LOCATION.** On Summit Watch Plaza between Dynamite Dom's and Picasso's. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed Tuesdays, Fridays, and Saturdays from 6:00 PM to 8:30 PM from June 12th through August 15th and from 5:00 PM to 8:00 PM from August 16th through September 30th.

(3) **TYPE OF MUSIC.** Amplified and Acoustic.

(4) **SPECIAL EVENTS.** This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional week-nights during the summer for special events from 5:00 PM to 8:30 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.

(B) **DEER VALLEY NEAR MCHENRY'S GRILL.**

(1) **LOCATION.** Deer Valley near McHenry's Grill. Approved plans are on file with the Special Events Department.

(2) **OPERATION DAYS/HOURS/MONTHS.** This Stage may be programmed Wednesdays, Thursdays, Saturdays, and Sundays from 11:30 AM to 2:30 PM, from June 27th through September 9th.

(3) **TYPE OF MUSIC.** Amplified and Acoustic.

(4) **SPECIAL EVENTS.** This Public Outdoor Music Plaza may also be programmed for a maximum of four (4) additional weekdays during the summer for special events from Noon to 6:00 PM, provided these special events do not conflict with any City-sponsored or duly licensed Master Festival as approved by the Special Events Department.

(C) **ADDITIONAL LOCATIONS; ADMINISTRATIVE REVIEW.** Additional Public Outdoor Music Plaza locations may be administratively approved by the Special Events Department for programming by Mountain Town Stages of public performances and outdoor music pursuant to the criteria set forth herein. No additional Public Outdoor Music Plaza location shall be administratively approved unless the proposal fully complies with all of the following criteria:

- (1) No more than two (2) additional Public Outdoor Music Plaza locations may be administratively approved;
- (2) No proposed location may occupy or otherwise compromise any public parking space(s), whether for use by performers, attendees, or other amenities directly connected to programming pursuant to this Chapter;
- (3) The proposed location must include sufficient area to accommodate performers, MTS staff, and anticipated attendees without interfering with pedestrian or vehicular traffic or otherwise impairing any public right of way;
- (4) No proposed location shall be approved unless located within the HRC, HCB, RC, RCO, GC, or LI Districts, and in no case shall a proposed location be approved within one hundred feet (100') of a residential neighborhood;
- (5) No additional Public Outdoor Music Plaza location shall be programmed prior to June 1, nor after September 30, 2001;
- (6) Additional Public Outdoor Music Plaza locations may be programmed no more than three days or evenings per week, and not more than one weekend day or evening per week; and
- (7) No additional Public Outdoor Music Plaza location may be programmed for more than four (4) hours in any day, and in no event shall programming commence prior to 11:30 AM nor end later than 8:30 PM.

4- 8A-7. GENERAL REGULATIONS.

(A) The program manager, or his/her designee, shall provide on-site management for each event.

(B) A sound technician shall provide on-site noise monitoring for each event with music, Amplified or otherwise, and any Amplified Event.

(C) For Amplified Events or Music, ~~a sound limiter will be placed on~~ 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 95 ~~90~~, as measured thirty five feet (35') ~~twenty five (25) feet from~~ in front of the stage. ~~Non-amplified music and events shall not exceed a maximum decibel level of 90, as measured twenty five (25) feet from the stage.~~ The data currently available to the City indicates that a maximum decibel level of 95 ~~90~~ satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.

(D) All events shall be open to the public and free of charge.

(E) Power Controls: A timer device will be installed that shuts the power of the stage and sound system off at ~~8:00 PM~~ 8:30 PM from June 1 through August 15, and at 8:00 PM from August 16 through September 30, 2001.

~~(F) — TIME.~~ All performances, regardless of type, are permitted only between noon (12:00 PM) And 8 PM

(G)(F) No event shall exceed 250 people unless a separate Master Festival License is granted for that event.

(H)(G) The Police Department or other proper City official shall have access at all times to all Public Outdoor Music Plazas ~~plazas~~ under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

(H)(H) All events shall take place only on authorized Stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

4- 8A-8. ALCOHOL.

It is unlawful for the licensee or any person or business to allow the sale, storage, supply, or consumption of alcoholic beverages at ~~on~~ the Public Outdoor Music Plazas, unless licensed pursuant to Chapters 4-6 of Title 4, as applicable.

4- 8A-9. LICENSE HOLDER; PROGRAM BOARD

(A) Mountain Town Stages (MTS) ~~The Park City Arts Council~~ will be the licensee of the events and will own the Stages. MTS ~~The Arts Council~~ will hire a program manager, approved by the City, said approval not to be unreasonably withheld. The program manager will be responsible for general management of each Public Outdoor Music Plaza and on-sight oversight for each event. Agreements with the individual property owners will be provided to the City Special Events Department by the program manager.

(B) Mountain Town Stages shall schedule events in accordance with the regulations set forth in this Chapter. ~~The Arts Council will appoint an independent Programming Board, consisting of five residents of Park City (community and arts). The Programming Board will schedule the selection and times of events.~~ Nothing herein shall allow the City to regulate the content or otherwise censor Public Outdoor Music Plaza productions or speech. Mountain Town Stages ~~The Arts Council~~ shall at all times hold the City harmless and indemnify the City for all claims, actions and liability arising from Mountain Town Stage's ~~the Arts Council's~~ use of the Public Outdoor Music Plazas. Mountain Town Stages ~~The Arts Council~~ shall maintain its own liability insurance, with the City listed as an additional insured in a form approved by the City Attorney.

(C) Nothing in this Chapter shall be interpreted to create a contract or implied-contract between the City and any performer, or Public Outdoor Music Plaza owner.

4- 8A-10. SUSPENSION AND REVOCATION.~~ON-GOING COMPLIANCE~~ EVALUATION.

(A) ~~The City Special Events Department will appoint an independent neighborhood review group of at least three area residents which will be contacted weekly by the City Special Events staff and the program manager to receive comments and concerns. A phone number will also be available at each venue so that individuals may phone in comments. Based upon such~~

~~comments, the Special Events staff may issue additional conditions consistent with the intent of this Chapter to the program manager. A summary of, and recommended response to comments will be forwarded to the City Council within seven days of the end of each month of operation, or sooner if requested by the program manager to resolve any issue. At the end of the season, the Special Events staff will forward a final recommendation to the City Council, with proposed changes, if any, prior to renewal of the licenses granted herein.~~

(B) The Police Chief, or his/her designee, may suspend the Licenses granted herein and schedule a revocation hearing before the City Council at the next regularly scheduled City Council meeting for any of the following causes:

- (A) Any violation of this Chapter as evidenced by a citation issued by the Police Department.
- (B) Any violation of law or City ordinance.
- (C) Upon any other evidence that the Program Manager or entertainer constitutes a hazard or nuisance to the health, safety, or welfare of the community.

4- 8A-11. TRANSFER LIMITATIONS.

The Master Festival Licenses granted under this Chapter are not transferable without the written consent of the Mayor. It is unlawful for an individual to transfer a Public Outdoor Music Plaza Master Festival License without City approval as provided herein. If any transfer of the controlling interest in a Public Outdoor Music Plaza license occurs without City approval, the license is immediately null and void and the Public Outdoor Music Plaza shall not operate until a separate new license has been properly issued by the City as herein provided. The City will not unreasonably withhold consent of transfer provided the proposed Licensee is a non-profit organization within Park City, meets all the criteria of this Chapter, and demonstrates experience managing special events.

4-8A-12. PLAZAS LICENSES IN LIEU OF ADMINISTRATIVE PERMITS FOR OUTDOOR MUSIC AND OUTDOOR SPEAKERS.

The Master Festival Licenses granted under this Chapter are in lieu of any Administrative Conditional Use Permit for outdoor music, including outdoor speakers, pursuant to the existing Land Management Code and pending ordinance MCPC §Section 15-2-6.10(B)(4). The City may still issue outdoor music permits in conjunction with an approved Master Festival License.

SECTION 3. SEVERABILITY. If any phrase, clause, sentence, paragraph, or section of this Ordinance is declared unlawful by a Court of competent jurisdiction, such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this 3rd day of May, 2001.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

Attest:

Janet M. Scott, City Recorder

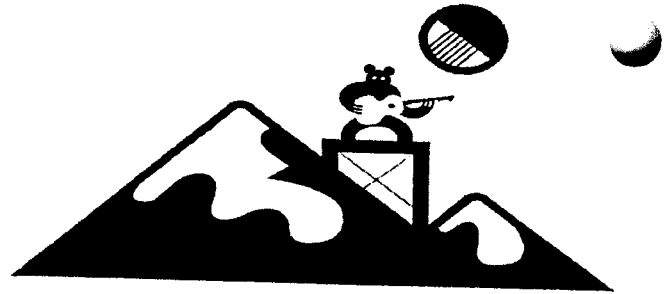
Approved as to Form:

Mark D. Harrington, City Attorney

EXHIBIT C

**Mountain Town Stages
P.O. Box 680896
Park City, Utah 84068**

Tel (435) 901-SONG Fax (435) 783-5498



To: Park City Municipal
From: Randy Barton
Mountain Town Stages
Re: Summer of 2001

April 18, 2001

Mountain Town Stages offers the following proposal for revisions to Park City ordinance 00-36 in order to obtain a master festival license for outdoor performances;

1. We propose to program and operate stages at the following locations, dates and times if we can reach agreements with the property owners and receive all necessary licenses and permits.
 - A. "Party on the Plaza" - between Dynamite Doms and Picassos. This stage will be programmed Tuesdays, Fridays and Saturdays from 6PM to 9PM - June 12th through August 15th, and from 5PM to 8PM - August 16th through September 30th. We also propose to program this location, with the approval of other master festival license holders, during periods of community celebrations - July 4th from 1PM to 9PM, Arts Festival weekend from 6PM to 9PM, Jazz Festival Saturday from 1PM to 9PM, Bluegrass Festival Saturday from 1PM to 8PM, and Miners Day from 1PM to 8PM. Also, we propose programming this stage for a maximum of 4 additional week nights during the summer for special occasions from 5PM to 9PM.
 - B. Miners Park - This stage will be programmed Saturdays and Sundays from Noon to 6PM - June 30th through September 9th. We also propose to program this location, with the approval of other master festival license holders, during periods of community

celebrations - July 4th and Miners Day from 1PM to 6PM. Also, we propose programming this stage for a maximum of 4 additional week days during the summer for special occasions from Noon to 6PM. This location is contingent upon our receiving a beer licence from Park City and The State of Utah.

C. Top O' Main, north of The Brew Pub - This stage will be programmed Thursdays, Saturdays and Sundays from 3PM to 6PM - June 28th through September 9th. We also propose to program this location, with the approval of other master festival license holders, during periods of community celebrations - July 4th and Miners Day from 1PM to 6PM. Also, we propose programming this stage for a maximum of 4 additional week days during the summer for special occasions from Noon to 6PM. This location is contingent upon our receiving approval from Park City to use four parking spaces on the east side of Main Street as a "bulb-out spectator area". We would require "no-parking from 2PM to 7PM" signs and barricades for this purpose.

D. Deer Valley near McHenrys Grill - This stage will be programmed Wednesdays, Thursdays, Fridays, Saturdays and Sundays from 11:30AM to 2:30PM - June 27th through September 9th. We also propose programming this stage for a maximum of 4 additional week days during the summer for special occasions from Noon to 6PM.

E. We may submit proposals for additional locations throughout the summer with a 30 day notification and request for approval.

2. We propose that the DB level be changed from a Maximum of 90db to a Maximum of 95db when measured 35' from the front of stage.
3. We propose that the provision requiring a sound limiter in the PA system be removed from the ordinance - it was ineffective in achieving desired results.
4. Mountain Town Stages shall replace The Arts Council as the responsible programming entity.

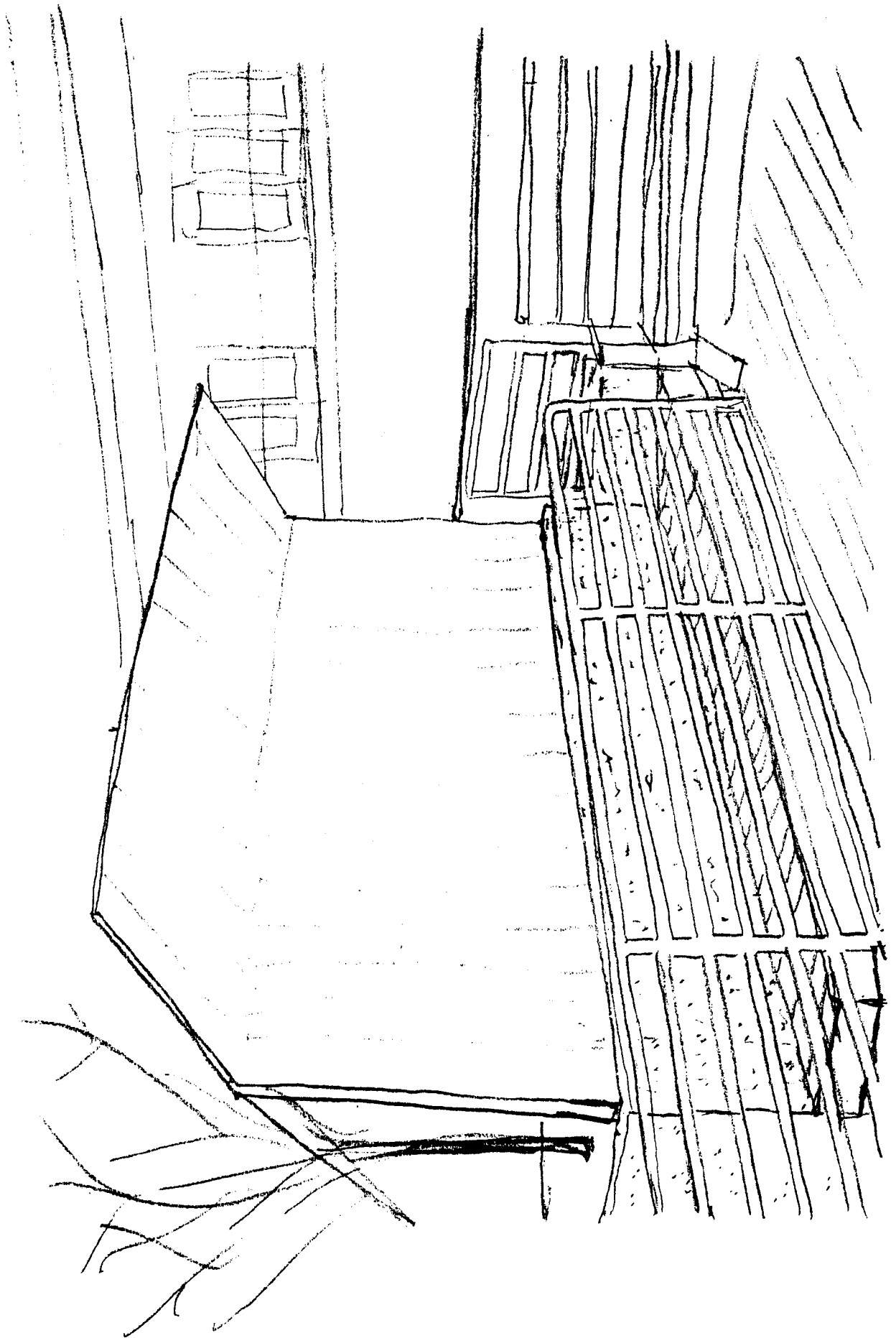
5. We propose that the area of this master festival license be changed to include Deer Valley and Park City Mountain Resort areas.
6. We propose that all references to "Plazas" in the ordinance be changed to "Locations".
7. We do not propose staging non-amplified events.
8. Neighboring businesses shall have all their licensed rights to charge for their services and products - only public areas will be free of any charge.
9. We will continue to be responsible for all clean-up and all other "due diligence" areas outlined in the ordinance.

Sincerely and musically;



Randy Barton
Mountain Town Stages

EXHIBIT D



BREN PUE
BANDSTAND

GFI OUTLET IN WEATHERPROOF
RECEPTACLE (RP)

PLANTER FINISH ELEV. 115.8
INSTALL PLANTER BACKFILL
MIX 12" DEEP (4 1/2 CY.)

RAISE EXISTING MANHOLE TO
FINISH GRADE OF RAMP LANDING

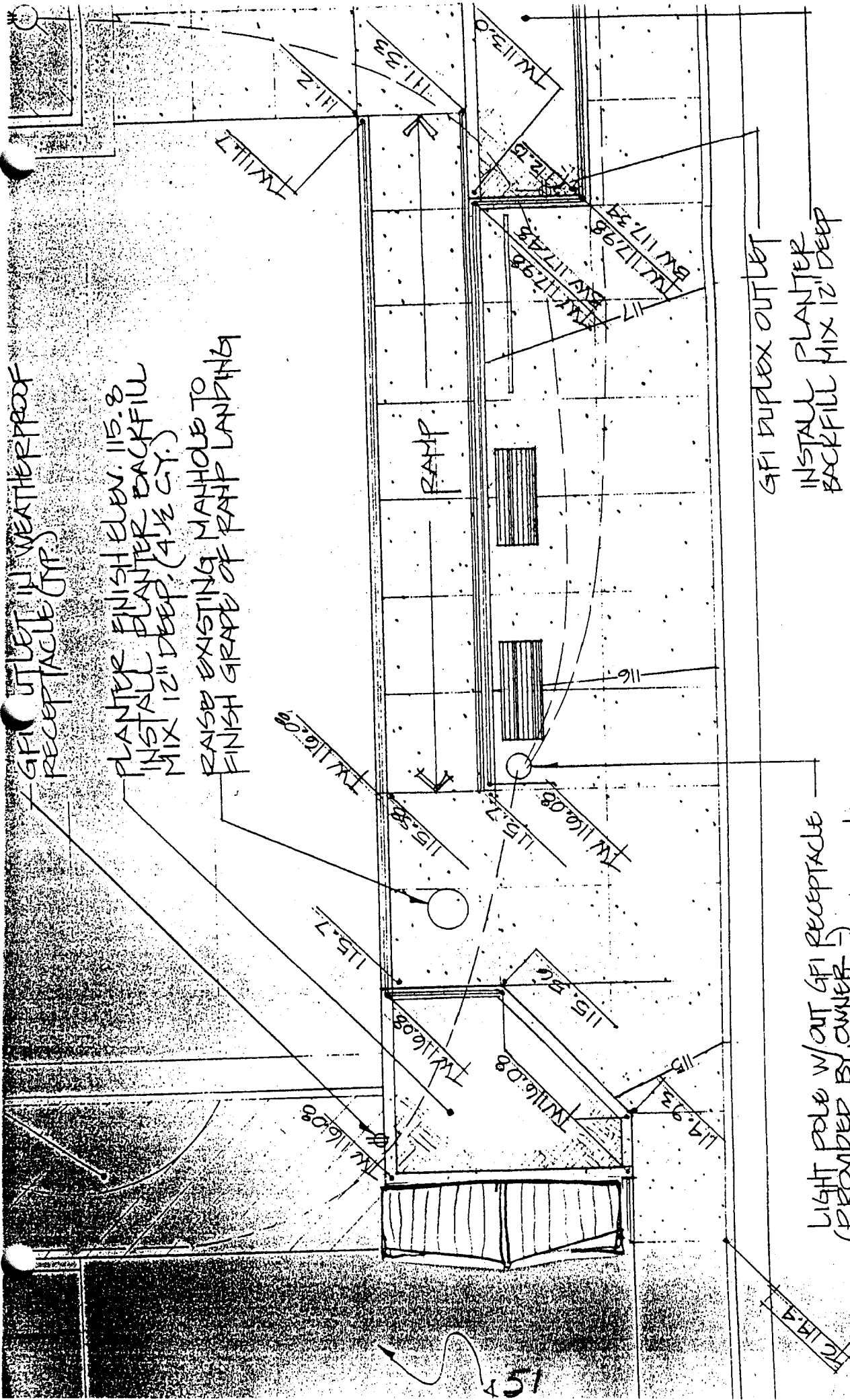
RAMP

GFI DUPLEX OUTLET

INSTALL PLANTER
BACKFILL MIX 12" DEEP

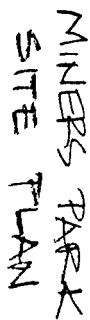
LIGHT POLE W/OUT GFI RECEPTACLE
(PROVIDED BY OWNER)
INSTALLATION PAINTING & WIRING
BY THIS CONTRACTOR

BREW PUB BANDSTAND
SITE PLAN

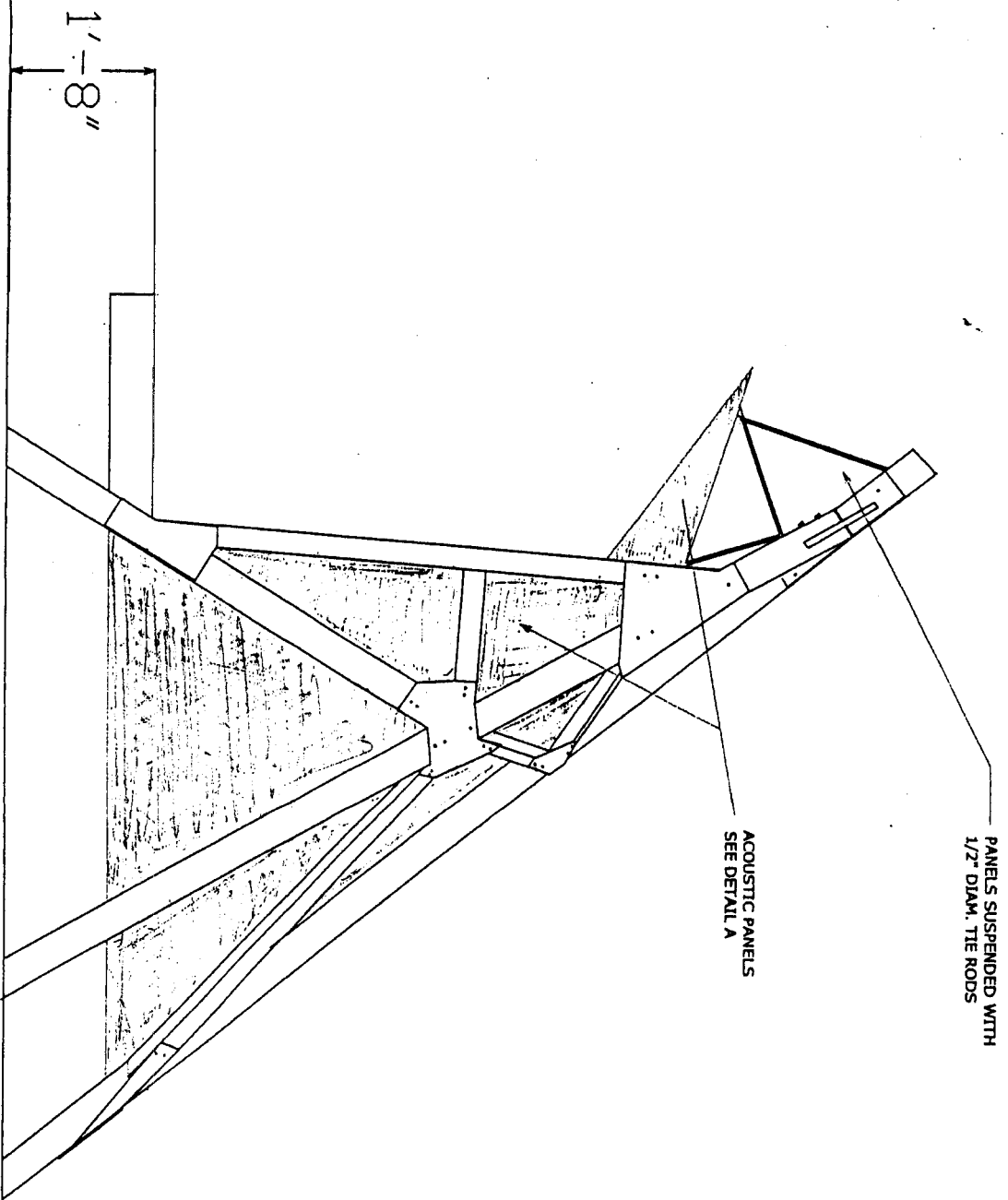


MINER'S PARK
BANDSTAND





SILVER LAKE



SIDE VIEW

SCALE: 3/8"=1'-0"

Form B	Form B
145-6939	

ROYAL PLAZA

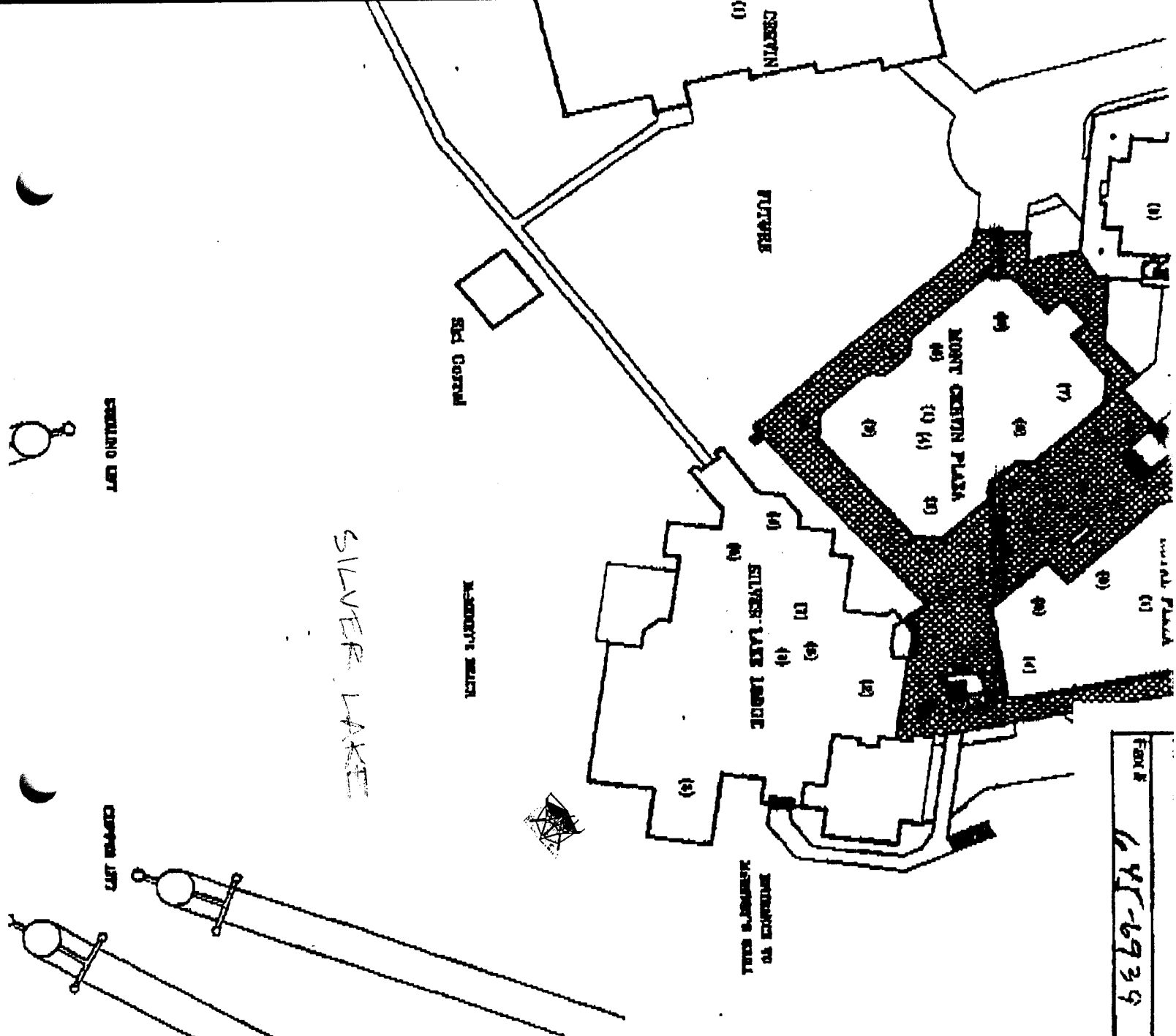
- 1) INFORMATION AND LOBBY
- 2) SOUTH GYMNASIUM -
- 3) SOUTH GYMNASIUM -
- 4) SOUTH GYMNASIUM -
- 5) SOUTH GYMNASIUM -
- 6) SOUTH GYMNASIUM -
- 7) SOUTH GYMNASIUM -
- 8) SOUTH GYMNASIUM -
- 9) SOUTH GYMNASIUM -
- 10) SOUTH GYMNASIUM -

SILVER LAKE LODGE

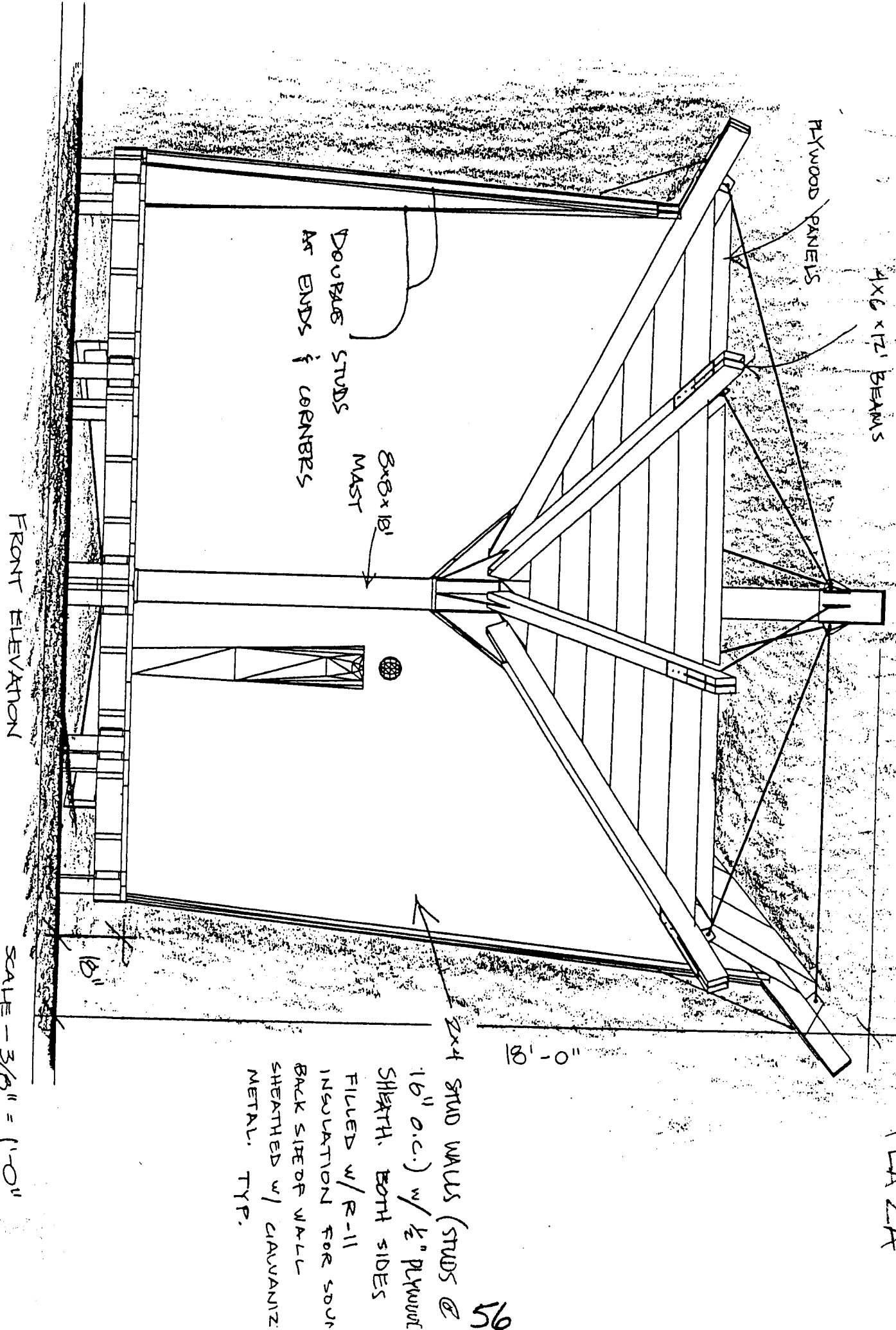
- 1) INFORMATION AND LOBBY
- 2) SOUTH GYMNASIUM -
- 3) SOUTH GYMNASIUM -
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AT PARK CITY

Building Ownership Review, Inc.

PLAN B

PLAZA ST FURNITURE PLAN

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PLAZA

