PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 14, 2006

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 14, 2006.

Work Session – City Council Chambers
3:00 p.m. Historic District tour
4:00 p.m. Historic District Inventory
4:50 p.m. Council questions/comments
5:00 p.m. 2007 Sundance Film Festival - special event parking
5:30 p.m. Review of regular meeting:
Museum lease
Other meeting questions/comments
5:50 p.m. Break

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

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 30, 2006

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving the 68 Prospect Street Re-plat, an amendment to Lots 8, 9 and 10 of the Park City Survey, Park City, Utah

2. Resolution setting forth a policy for Park City Cemetery operations and services and replacing and repealing Resolution 11-93 in its entirety

3. Resolution amending Fee Resolution No. 23-06, Section 8.7, Cemetery Fees, and replacing and repealing Resolution No. 23-06 in its entirety

VI CONSENT AGENDA

1. Ordinance approving the 68 Prospect Street Re-plat, an amendment to Lots 8, 9 and 10 of the Park City Survey, Park City, Utah

2. Resolution setting forth a policy for Park City Cemetery operations and services and replacing and repealing Resolution 11-93 in its entirety

3. Resolution amending Fee Resolution No. 23-06, Section 8.7, Cemetery Fees, and replacing and repealing Resolution No. 23-06 in its entirety

4. Acceptance of Comprehensive Annual Financial Report for Park City Municipal Corporation for Fiscal Year ended June 30, 2006

5. Resolution confirming City participation in the American Public Transit Association (APTA) Emergency Response and Preparedness Program and authorize the City Manager to execute the APTA Mutual Aid Assistance Agreement

VI NEW BUSINESS

Approval of lease assignment for Museum space – Park City Historical Society

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

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

Posted: 11/13//06
See: www.parkcity.org

PARK CITY COUNCIL MEETING T E N T A T I V E
SUMMIT COUNTY, UTAH
DECEMBER 21, 2006

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 7, 2006.

Closed Session – City Council Chambers
2:30 p.m. Property/personnel

Work Session – City Council Chambers
4:00 p.m. Council questions/comments
4:10 p.m. Citizen satisfaction survey – Dave Spatafore
4:30 p.m. Wind turbine update
4:45 p.m. Walkable communities update
5:15 p.m. Review of regular meeting
Sundance MFL
LMC amendments
Other meeting questions/comments
5:50 p.m. Break

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

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF DECEMBER 7, 2006

V CONSENT AGENDA PUBLIC HEARINGS

1. Amendment to the Park City General Plan to include a general description of, planning objectives and action items for the Park Bonanza District (properties bounded by Kearns Boulevard, Park Avenue, Deer Valley Drive, and Bonanza Drive, including properties fronting the east side of Bonanza Drive) **(motion to continue to a date uncertain)**

2. Ordinance – amendment to Municipal Code – building code updates

3. Ordinance approving amendments to the Land Management Code of Park City, Utah, to address substantive amendments for Chapter 15- Definitions

VI CONSENT AGENDA

1. Ordinance – amendment to Municipal Code – building code updates

2. Ordinance approving amendments to the Land Management Code of Park City, Utah, to address substantive amendments for Chapter 15- Definitions

3. Ordinance – amendment to Municipal Code – building code updates

4. Sundance – supplement to Master Festival License

5. Authorization to City Manager to execute a three year brokerage contract, in a form approved by the City Attorney, with _____ for insurance coverage

VII NEW BUSINESS

1. Police software replacement

2. Ordinance approving the UMPC/PCMR Annexation Agreement and amending the Official Zoning Map

(a) Public hearing

(b) Action

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

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

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

Posted: 12/18//06
See: www.parkcity.org

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

December 2006
28 **No meeting**

January 2007
4 **No meeting**
11
16-17 Council visioning workshop
18 **No meeting** – Sundance premiere
25 COSAC appointments

February 2007
1
8
15
22

March 2007
1
8
15
22
29

Pending Items:
Emergency management plan
Main Street/Historic District solid waste update - Jerry
pdate on noise/outdoor decks
Strategic plan for ice arena
MOU between Park City and Summit County for Animal Control Services
Air quality discussion
Brewpub lease assignment – RDA
Regional bus service SLC

CITY COUNCIL
Staff Report

PLANNING DEPARTMENT

Planner: **Patrick J. Putt**
Subject: **HISTORIC DISTRICT PROPERTY INVENTORY**
Date: **December 14, 2006**
Type of Item: **Informational**

SUMMARY RECOMMENDATION: The Planning Department recommends that the City Council conduct the scheduled Historic District site visit followed by a preliminary work session discussion on the City's draft Historic Property Inventory.

Background and Discussion:

On March 1, 2006 the City entered into a contract with Dina Blaes and Beatrice Lufkin to research and analyze Park City's historic properties and prepare a draft historic property inventory. A copy of the Blaes-Lufkin report is provided with this memorandum. The report provides a comprehensive inventory of the City's historic properties; summary findings; and recommendations regarding follow-up policy actions the City should consider.

The inventory serves as the list of Significant Properties described in the Land Management Code, Section 15-11-12: Determination of Historical Significance. The Land Management Code specifies that the Planning Department maintain a list of significant properties. The list is important inasmuch as no significant structure may be demolished or removed unless a CAD Hearing Board *(appointed by the City Council)* has determined that all the necessary economic hardship criteria set forth in the Land Management Code Sections 15-11-16: CAD Hearing—Economic Hardship Criteria have been met. Buildings determined to Historically Insignificant may be removed or demolished upon the issuance of demolition permit by the Building Department.

To date, determinations of Historic Significance have been processed on an individual, case-by-case, basis by the Historic Preservation Board per Land Management Code, Section 15-11-12 (A): Determinations of Historical Significance—Standards of Review. The Historic Property Inventory's project methodology and technique uses the aforementioned LMC criteria in establishing whether or not specific buildings meet Significance standards. Once adopted by City Council, the inventory will establish which buildings are Historically Significant. The current case-by-case determination process by the Historic Preservation Board will no longer be necessary; However, the Board will likely still serve an initial appeal function unless the Land Management Code is amended.

In addition to the historic property inventory, the report provides a summary of findings which will be added to the Architectural Survey Database administered by the Utah Historic Preservation Office. The report outlines a series of policy recommendations for the Council's consideration on matters ranging from adopting the Secretary of the Interior

Standards for Rehabilitation for use in the Main Street Historic District; updating the Historic District Guidelines and Land Management Code; to modernizing the methods of maintaining the City's historic preservation research sources.

The purpose of Thursday's work session is to allow time for a brief site visit, a preliminary introduction to the report, and some discussion. Given the comprehensive nature of the report, Staff and Dina Blaes will provide a brief overview of the document and answer initial Council questions. We will return at a subsequent meeting in early January to provide Council with a more in-depth slide/power-point presentation illustrating the issues and recommendations identified in the report.

The Historic Preservation Board and the Historical Society have been invited to Thursday's presentation to listen to the discussion.

Recommendation: The Planning Department recommends that the City Council conduct the scheduled Historic District site visit followed by a preliminary work session on the City's draft Historic Property Inventory. No action is requested at this time.

City Council
Staff Report

Author:	**Brian Andersen**
Subject:	**EVENT PARKING – SUNDANCE 2007**
Date:	**December 14, 2006**
Type of Item:	**Discussion/Direction**

PUBLIC WORKS

Summary Recommendations:
As part of our overall traffic mitigation plan during Sundance, Council should review the proposed Sundance event parking management program and authorize its implementation. The plan includes a permit program and increased parking rates.

Description:

Topic:
Sundance event parking regulations

Background:
For Sundance last year (2006), Council approved special event parking regulations to include a special permit program and increased meter fees. Staff sold approximately 170 $300 guaranteed space available parking permits and cut off permit sales when the designated number of permits (equal to the number of spaces available in the reserved area). Demand for permits continued beyond the cutoff date.

Meter rates were increased to $16 for three hours at $1, $5, and $10 for each incremental hour.

In 2006, Staff received zero complaints regarding the increased meter rates or the cost of the $300 permit. Staff has already received inquiries regarding the availability of the permit for the 2007 event.

Analysis:
The Sundance Film Festival attracts many visitors to Main Street and creates traffic impacts beyond the City’s normal handling capacity. Parking demand is also at its peak during this event and adds to the traffic circulation issues. Charging for parking during major events facilitates alternative transportation mode and rideshare choices in addition to passenger vehicle trip reduction, which would limit the number of circulating vehicles and facilitate mass transit movement. Access control at lot entrances will also reduce unnecessary “hunting” for spots and minimize conflicts with adjacent lanes of traffic due to log jams at entrances as those waiting to turn into (full) lots block traffic. Sundance staff has also indicated continued guest and sponsor support for access to guaranteed parking spaces in the Main Street core.

The expansion of the China Bridge garage included a new Marsac entrance option. During both the July 4th parade and Arts Festival events, this new entrance facilitated movement of traffic outside of the Swede Alley corridor. Staff plans to continue to use the Marsac entrance to load the garage during events due to the manageable arrival patterns experienced during the Art Festival.

For the Special Event's Sundance traffic management plan, please see Exhibit A (attached).

A group comprised of representatives from Public Works, Special Events, and Capital Projects & Economic Development departments studied the potential for using parking fees as a traffic mitigation tool during the Sundance event. Revenues generated from the special event fees would be used to offset traffic mitigation and transportation cost incurred by the City.

This report focuses on several aspects of Sundance parking as they relate to traffic management:

The specific tools for this program are:

1. event permit fees for guaranteed parking in the reconfigured garage;
2. blackout of China Bridge employee permits for the 10-day event with option to upgrade; (Employee permits will be valid at other locations as shown on the attached parking map – Exhibit B)
3. increasing metered rates on Main Street;
4. charging for daily parking in the China Bridge garage and Swede Alley surface lots.
5. marketing (public service announcements, direct mail, Public Works front desk information during permit sales, electronic sign messages, links through Sundance website, Sundance literature).

Pursuant to Park City Municipal Corporation Code §9-1-5, the parking regulations as contained in Title 9 (i.e. the parking code) are not exclusive, but may be augmented or redacted by the placing of permanent or seasonal signs which impose greater or lesser parking restrictions. Similar authority to regulate parking areas, and times is granted to the City Manager in §9-3-4. Finally, parking rates for individual areas or zones may be set or altered as determined by the City pursuant to §9-7-10, so long as those fees are in accordance with the current Fee Resolution.

As a result, the City Manager may authorize the parking scheme as contained in this staff report, so long as these fees are in accordance with the current Fee Resolution.

Compared to Sundance last year (2006), the changes in the approach to traffic management are:

1. Reserve all parking on the west side of Main Street for delivery until 5:00 p.m. Better traffic flow and emergency response are the goals accomplished by allowing delivery to occur until 5:00 p.m. After that time metered parking will resume until 8:00 p.m. with retained drop zones similar to last year.
2. Incorporate the new China Bridge into the system. By adjusting where permit parking is allowed the management of this facility is enhanced. During Art Festival 2006, Staff experienced a successful program of mixed reserved (permit) and daily pay spaces.

3. Manage parking in the Swede Alley surface lot by regulating as paid lots. This would eliminate the majority of “space hunting” and would enhance transit bus service.

The elements of the recommended program are discussed in detail as follows:

Event Permit Fees – For the 2007 event, Staff believes the preferred approach to facilitate event parking for Sundance would be an event permit program with access control by parking attendants. An event permit would allow access to a guaranteed space in a specific area of the China Bridge garage. Pre-selling of these permits would be accommodated in an incremental approach based on easy-to-contain areas of the garage (level by level). The old China Bridge lends itself well to this incremental approach based on permit sales. Public Works would administer the sale of the event permits, but Sundance has expressed interest in publishing information on the permit program
Staff recommends selling permits for guaranteed parking in the Old China Bridge levels 1-3, or up to 250 spaces. This location is recommended due to minimum staffing needs for access control and isolation ability of this area from the rest of the parking structure spaces. Staff is recommending a $300 permit or $30 per day for ten days (2006 event price) and add an option as requested by Sundance for a “front half” 5-day option for $200 and “back half” 5-day option for $175 for a guaranteed place to park. Estimated revenues are:

Special Event (Sundance) Permit Sales Plan and Price Options			
Incremental Area	Spaces	Ten-day Permit Price	Potential Revenue (Net of Expenses)
Old China Bridge Levels 1-3	250	$300	$50,000

Staff believes 2007 permit sales will easily reach 250 permits (approximately 80 more than last year).

China Bridge employee permit upgrade – The 10-day duration of Sundance would be a blackout period of the current annual $75 China Bridge permit. This permit only allows the 4-hour time limit to be exceeded and does not guarantee a space. Employees and merchants who purchase the $75 permit would be eligible to upgrade to include the ten days of the Sundance film festival and would have $75 credited toward the purchase price of the Sundance event permit. The upgraded permit would allow covered parking in Old China Bridge Levels 1-3. This permit would facilitate merchant vehicle access during Sundance to conduct business.

Permit holders who elect not to upgrade will have the option to park in Old China Bridge roof and the North Marsac lot. The number of spaces would be roughly equivalent to the number of reserved spaces made available to permit holders last year. As in past years it is anticipated Gateway Upper Level will continue to function as an employee permit lot.

The Sandridge lots would be available to those who do not purchase a permit.

Using the indicated surface lots for employee permits would be necessary to facilitate an essential traffic flow pattern within the garage via the Marsac entrance while retaining the ability isolate the premium permit levels from the other sections of the garage. Using the Marsac entrance will greatly reduce the traffic in Swede Alley and is anticipated to reduce delays in transit bus service near the Old Town Transit Center.

Similar to last year Staff included blackout dates on the employee permit application for Sundance.

Flexing of Metered Rates – Also included in Staff's plan is the incremental increasing of Main Street and Brew Pub Lot metered rates. No complaints were received by Staff regarding last year's parking rates. At the usual Main Street rate of $1.00 per hour the fee would allow parking in the most preferred spaces at less than the cost to purchase a permit. Staff discussed the following option for this approach:

Special Event (Sundance) Meter Rates and Revenue: Main Street and Brew Pub Lot					
Rates	**First Hour**	**Second Hour**	**Third Hour**	**Three-Hour Total**	**Event Revenue (Net of Expenses)**
Current Program	$1.00	$1.00	$1.00	$3.00	
Event Rate	$1.00	$5.00	$10.00	$16.00	Estimated at $22,000

Daily Parking Fees in China Bridge and Swede Alley lots – In order to add a component of traffic mitigation through charging for parking staff recommends charging for parking in the China Bridge and in the Swede Alley surface lots. An amount of $20 is recommended for the following reasons:

1. The amount of $20 is typical of the amount charged for parking during special events.
2. Charging less than $20 would not be equitable for those who purchase the permit option;
3. The cost would provide an incentive to use other modes of transit (bus, rideshare, etc).

Charging for parking in the Swede Alley lots would also reduce traffic in the crucial transit corridor near the Transit Center and provide a means to cover costs of controlling the lots. This traffic management would be key to keeping transit buses moving.

Staff would utilize portable booths within the Flagpole and Swede Alley surface lots, and attendants would close these lots each time capacity is reached. This would better facilitate traffic flow. Temporary post office patron and ADA spaces would be set up in a portion of the Swede Alley surface lot. Estimated revenue for this program net of expenses is estimated at $92,000.

Department Review:
This document was reviewed by Public Works; Budget, Debt and Grants; Economic Development and Capital Projects; Special Events; Legal; and Public Safety Staff.

Alternatives:

A. Council authorize Staff to implement an event parking management program during Sundance to include a permit program and increased parking rates. This is Staff's recommendation. No formal action is required, only concurrence with staff's direction.

B. Council denies the request to authorize Staff to implement an event parking management program during the Sundance festival.

C. Council could choose to amend the request.

D. Council could choose to continue the item. Staff does not recommend this alternative since the sale of event parking permits would need to commence in mid-December. Postponing a decision will impact the sale of those permits.

Significant Impacts:
Transit experienced the most successful event in 2006. Without the parking fee incentive to carpool and ride transit, not adopting the plan would impact service delivery due to increased traffic in the Main Street core; and traffic mitigation impacts would not have revenue offset. The current budget includes $50,000 in parking revenues to offset enhanced traffic mitigation during Sundance. Any additional parking revenues could be used to cover the City's financial commitment to Sundance in future years and enhance transit service to future park-and-ride lots.

Consequences of not taking the recommend actions:
Staff will be challenged to communicate and implement any program without clear direction form City Council at the December 14th meeting.

Recommendation:
Staff recommends implementation of an event parking management program during Sundance to include a permit program and increased parking rates and fines.

Exhibit A

<u>Sundance Traffic Mitigation Plan 2007</u>

- Drop and Load zone
  - West side of Main Street from Heber to Top of Main
  - Manned from 12PM until 7PM. 15 minute limit.
  - 70% returns to parking allotment at 7PM
- Paid Parking
  - Add Swede Alley surface lots to paid parking mix
  - Suggested parking rates are $20/day.
  - Aids in traffic mitigation in Old Town core area. Manned lots.
  - Promotes carpooling by cost sharing

- Walkable Sundance
  - Increased public awareness and signage to promote walking between venues.

- Enhanced Bus Service
  - Increased evening service to Redstone/Kimball area.
  - Potential (TBD) employee park and ride.

- UDOT Coordination
  - Work with UDOT on the manual timing of traffic signals at specific intersections, at certain times of the day.

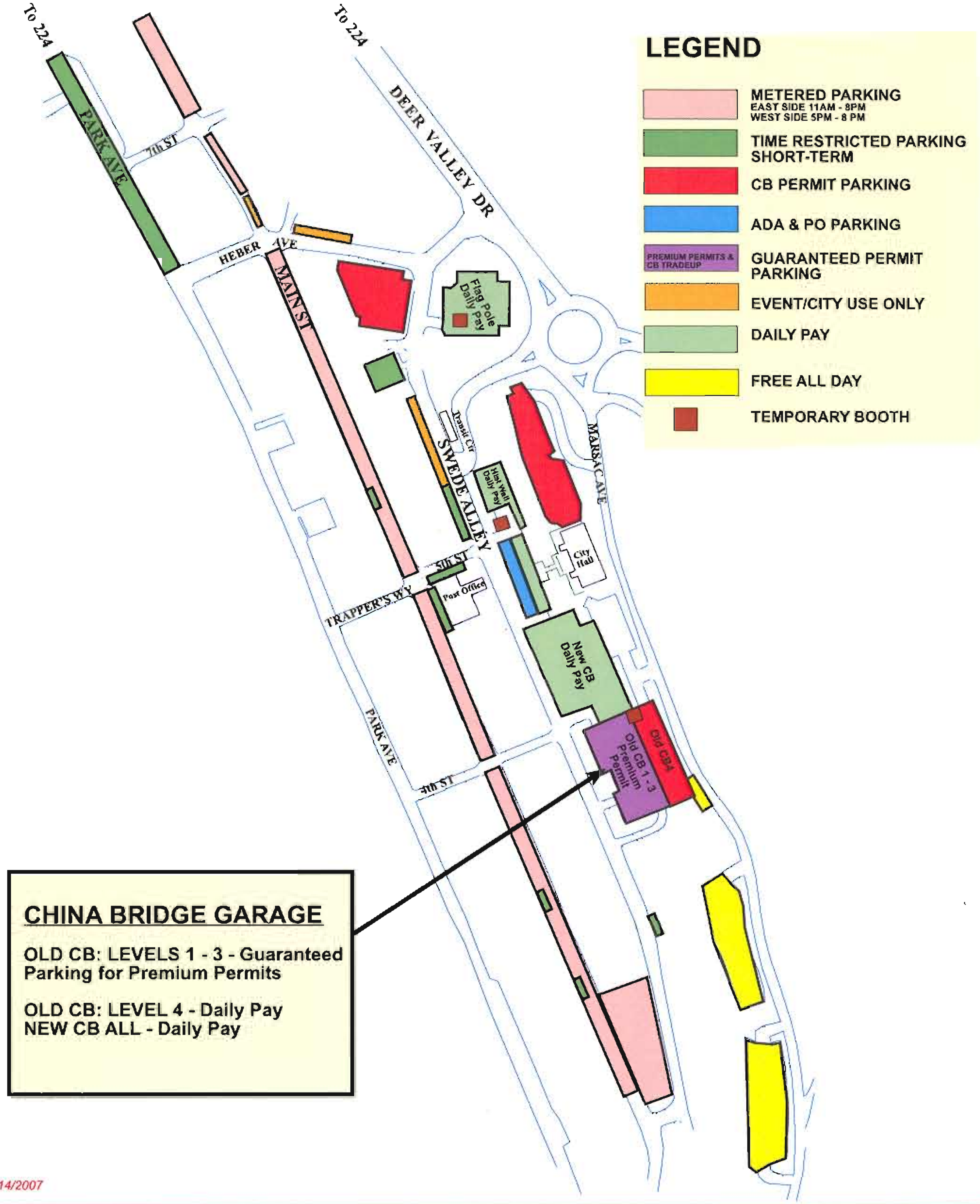
- Deer Valley Park and Ride- After 5pm
  - Signage program to direct patrons to DVR starting at 5:00pm.

- Pedestrian Management
  - Posting of staff at key intersections to detain pedestrians at crosswalks.

- Directional signage
  - Utilize signage and police staffing to redirect traffic at certain times of the day.

EXHIBIT B

SUNDANCE 2007 PARKING PLAN



Revised 12/14/2007

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 30, 2006

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Karen Yocum, Recreation Supervisor; Pace Erickson, Cemetery Sexton; Carey Coffee, Recreation Assistant; Police Chief Lloyd Evans, Lieutenant Rick Ryan; Linda Tillson, Library Director, Andrea Perkins, Library IT Specialist; Phyllis Robinson, Project Manager; Myles Rademan, Public Affairs Director; Brooke Moss, Human Resources Analyst

1. Council questions/comments. Joe Kernan had attended Recycle Utah's Annual Party. He presented information from an article he had prepared for their newsletter about greenhouse gases and recycling.

Marianne Cone had met with the new Leadership class; skied at Brighton with Ski Utah; and attended wreath making with Maria Barndt. She thanked Ms. Barndt for hosting the annual event.

Roger Harlan commented he had experienced a lengthy delay on Kearns Boulevard caused by the recent snowstorm. He wanted to be the last person to complain because he was privileged to live in a place where traffic seldom gridlocks and he would trade that time in line for the phenomenal snow we enjoy. He hoped new residents understood that that occasional occurrence was something that we live with and don't complain about.

Candace Erickson had attended the Utah League of Cities and Towns meeting, as well as the Leadership Class event. She commented she had missed some evening events, but after December 26th, she would be "back in all your faces again!" This comment was received with applause by all in attendance.

Jim Hier reported that the Chamber Bureau was placing advertisements in television markets in New York, San Diego and San Francisco in January. Through a combination of grants and their partnership with the State, they have done an outstanding job of putting Park City in the public eye as a great ski area.

Marianne Cone complimented the Chamber for starting a shuttle service from Salt Lake with All Resorts/Lewis Brothers Stages. At Ski Utah Day she encouraged Salt Lake City hotel owners to support the use of mass transit to get folks to ski areas. Mr. Hier noted the shuttle service program was a worker transportation program. It was in the proposal stage and they needed business sponsors to prepay for rides for employees to insure costs would be covered.

Mayor Dana Williams announced the meeting of the Governor's Advisory Panel on Climate Change. He had recently met a number of people who had come to work in our community who were living in their cars. He encouraged the community to enter into serious dialogue about helping the workers who come to town and are unable to find housing.

Affordable Housing Project Manager Phyllis McDonough Robinson reported the City's website contained links to seasonal housing information: Mountainlands Community Housing Trust website; roommate roundup hosted weekly by Bad Ass Coffee and Mountainlands Community Housing; and, a link to the Christian Center site, www.parkplaces.org. It also encourages workers to talk to their Human Resource Directors. She reported that a group had met in the spring to discuss seasonal housing issues and one short-term solution was seeking opportunities for local employees to offer rooms in their homes to out of state, or out of country workers, in exchange for some benefits such as two-for-one ski deals or meals. The Christian Center has contacted local businesses to develop an incentive program. One of the first steps the City took was to include within the Housing Resolution an ability to provide dormitory-style seasonal housing, within developments to fulfill housing obligations. She reported that Paladin Development was the first to take advantage of that in their Silver Star development where they will have both permanent and seasonal housing.

Public Affairs Director Myles Rademan added that the group recognized we could never build our way out of this situation and emphasized we are always going to have to rely on transportation. He noted a business transportation meeting was being hosted by the Chamber on December 6, 2006 at the Yarrow. He is hearing from businesses that employees coming for the ski season want the resort lifestyle and don't want to live outside of town. He stressed there was no simple solution and they needed the support of the business community, resorts and lodging companies to identify and address solutions.

Mayor Williams congratulated Brooks Robinson on his appointment as Principal Planner.

Chief Building Official Ron Ivie reported that the ACE Program Council approved in June was ready to kick-off in December. The two administrative law judges will be supervised by Budget Manager Gary Hill. He thanked Council for their support.

2. Park City Library – access to electronic books. Mayor Williams congratulated Library Director Linda Tillson for receiving the Recycle Utah Educator/Educators of the Year Award for the partnership they have with Recycle Utah. Ms. Tillson reported that former librarian, and super-recycler, Julie Bertagnole attended the award ceremony.

Andrea Perkins, Library I.T. Specialist, announced that through the State of Utah Library, the Park City Library had received access to eBooks and eAudiobooks. She demonstrated how patrons are able to create free a Netlibrary account at the library; the variety of search options and download options from the Library website to computers or MP-3 players; and how to obtain licensing to play the files. The licenses are good for 21 days, but can be renewed.

3, Park City Cemetery. Karen Yocum, Recreation Supervisor, and Carey Coffee, Recreation Assistant, reviewed the staff report and explained they were seeking direction regarding Resolution 11-93, the administrative policy for cemetery operations and services of Park City. All of the 100 plots that were allocated for sale to non-residents have been sold. There are approximately 350 remaining plots in the existing cemetery and within two or three years, those will all be sold. They recommended the plots be sold only to City residents as outlined in the resolution, and that fees be increased to cover the actual cost of providing services. They also recommended that the City begin looking at potential expansion of the cemetery, or consider partnering with Summit County to find alternative locations.

Mayor Williams asked about people who lived here for many years, moved away, but wanted to be buried here. Ms. Yocum explained if someone had lived in Park City for ten or more consecutive years, they could purchase a plot as a resident.

Marianne Cone asked if cremation plots were the same size as regular plots. Ms. Coffee explained they are, but noted that multiple cremations could be placed in one plot. Councilor Cone felt it would be nice to have a “memory wall” to create a spot for remembrance of people who were cremated and had their ashes scattered. Ms. Coffee added she had been exploring ideas highlighting prominent historic citizens on the columns of the gazebo.

Sextant Pace Erickson reported on a little-known law that allowed cities and municipalities to reclaim lots that had gone unused for an extended period of time. He felt they could gain up to 1,200 lots in the cemetery. He explained that the west section of the cemetery was private, i.e., the City owned the property but specific families had the use of it. Only one of the families had claimed their plots and deeds had been created for them. In addition, there are plots throughout the cemetery that have gone unused. He added the process of reclaiming lots required that the City conduct research and attempt to locate family members to determine whether the plots are going to be used. Minimal expansion towards Zion’s Bank could provide approximately 250-300 more plots.

Council Members concurred that rates should be increased commensurate to costs and remaining plots should be reserved for residents. Councilor Cone asked about the idea of exploring a memory wall. While it was a nice idea, Councilor Hier did not believe it was part of this request. Manager Bakaly stated Staff would return on December 14 with recommendations for approval.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 30, 2006

I ROLL CALL

Mayor Dana Williams called the meeting of the City Council to order at approximately 6:00 p.m. at the Marsac Municipal building on Thursday, November 30, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan. Staff present were City Manager Tom Bakaly; City Attorney Mark Harrington; Brooks Robinson, Principal Planner; Kirsten Whetstone; Senior Planner; Chief Lloyd Evans; Lieutenant Rick Ryan;

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

Tim Dahlin, Christian Center, addressed Council on the issue of seasonal housing. He reported they were seeing a much higher degree of frustration and difficulty among incoming seasonal workers to find housing. In light of comments on the sustainability of our community, he encouraged addressing the issue at an official level between the resorts, businesses, and interested parties.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF NOVEMBER 9, 2006

Joe Kernan, "I move approval of Work Session Notes and Meeting Minutes of November 9, 2006". Jim Hier seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARING

1 Amendment to the Park City General Plan to include a general description of, planning objectives and action items for the Park Bonanza District (properties bounded by Kearns Boulevard, Park Avenue, Deer Valley Drive, and Bonanza Drive including properties fronting the east side of Bonanza Drive) **(motion to continue to December 21, 2006)**

Roger Harlan, "I move to continue to December 21, 2006"" . Marianne Cone seconded. Motion unanimously carried.

2. Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments for Chapter 15- Definitions **(motion to continue to December 21, 2006)**

Candace Erickson, "I move to continue to December 21, 2006". Roger Harlan seconded. Motion unanimously carried.

3. Ordinance approving a plat amendment for 68 Prospect Street, Park City, Utah **(motion to continue to December 14, 2006)**

Marianne Cone, "I move to continue to December 14, 2006". Roger Harlan seconded. Motion unanimously carried.

4. Ordinance approving the Spiro Condominiums Buildings N–R, a record of survey plat, located at 1835 Three Kings Drive, Park City, Utah - Senior Planner Kirsten Whetstone, explained the project was part of Silver Star Development and included three historic mine buildings at Spiro Tunnel Project and two new buildings which will house a mix of affordable units, seasonal housing units, and commercial space. One hundred ten (110) surface parking spaces will be included, and 28 of them are subject to a parking easement with the City restricting their use to Public Works employees and trailhead parking. Staff has recommended that prior to plat recordation a parking agreement between the City and the Applicant is executed, and recorded, to address parking issues. These issues include spill-over parking and restrictions on use by day skiers. Staff recommended that Council hold a Public Hearing and consider approval of the request.

Councilor Candace Erickson noted this was the first development in her seven years on Council where affordable housing and historic restoration were completed first. She thanked the developers for that.

Mayor Williams opened the public hearing. Receiving none, he closed the hearing.

5. Ordinance approving a subdivision plat for Marsac Avenue and Chambers Street, Park City, Utah – Principal Planner Brooks Robinson explained the plat creates the right-of-way for relocated Marsac Avenue and creates Chambers Street right-of-way at the intersection of Hillside Avenue and Prospect Street. Consistent with the Flagstaff Development Agreement, this had received approval in 2004, but had not been recorded. The Planning Commission forwards a positive recommendation. Staff recommends that Council conduct a Public Hearing and consider approval of the request

Mayor Williams opened the public hearing. Receiving no input, he closed the hearing.

6. Ordinance amending Title 4, Chapter 9 of the Municipal Code of Park City, Utah to include escort services as sexually oriented businesses and establishing additional requirements for all adult businesses – Chief Lloyd Evans explained that the City did not currently require an adult business license for escort services, and did not require licenses for individual employees who work for adult businesses. Due to stricter regulations in other municipalities, Park City had seen an increase in escort service businesses and received information from Salt Lake jurisdictions that businesses were using our lack of licensing to get around their regulations. He requested that Council consider inclusion of Escort Services in Chapter 9, Sexually Oriented Businesses, to provide the City and Police Department with more regulatory control.

Chief Evans summarized the proposed changes to the Sexually Oriented Business (SOB) ordinance, which is included with the Staff Report. Escort services will be classified as adult businesses, and they will be controlled under the SOB Ordinance. Definitions of Business premises, Employee, Escort, Escort service and Licensees will be included in the Ordinance. Both the businesses and employees acting as escorts will be required to obtain licenses. Escorts must be 21 years of age and will be required to meet with a representative of the Police Chief, and consent to voluntary background checks, as part of the application process. Any felony drug or crime violation is grounds for denial of a license. It will be unlawful for an unlicensed person to act as an agent to provide an escort, and it prohibits employees from appearing in any state of nudity. It allows the City 45 to 60 days to review and approve or deny applications. It also requires maintenance of certain records for inspection for up to one year. Present licensees will have a 45-day grace period to come into compliance with the new provisions.

Lt. Rick Ryan reported there had been an increase in applications for business licenses for outcall services; there are currently 21 licensed escort businesses operating in Park City. Information received during drug investigations (because the drug trade and escort businesses are tied closely together) shows that prostitution, under the guise of outcall services, is very active in Park City. Of more concern, they have come across people actively involved in sex slavery where women are being required to work off fees for bringing them into this country. They have also observed violence, thefts, and robberies as secondary effects. He indicated this business is conducted not only in private homes, but also in our hotels and condominiums. He reported that escorts have armed drivers who collect up front fees of $200-$300 for the date and escorts then negotiate fees upwards of $1,000 for sex acts.

Lieutenant Ryan explained that operations establish ghost offices in Park City because our laws are less strict. Chief Evans submitted evidence of several locations that use Park City addresses, none of which have ever been occupied.

Sgt Holmes, Salt Lake City Police Vice Squad Supervisor, commented that their increased enforcement efforts had pushed a number of the services up to Park City. He stated the services who could not obtain regular businesses licenses because of background check problems ended up migrating to Park City. They obtained licenses for $47, as opposed to $600 in Salt Lake City, and when arrested in Salt Lake, the Third District Judge ruled that if they held a Park City license, they didn't need a Salt Lake City license. He emphasized that people involved in the renegade businesses were not good people; they had two homicides, shootings, thefts, robberies and rapes associated with them, and they needed to be regulated.

City Attorney Mark Harrington noted a non-substantive typo correction on page 65, Section L.

Mayor Williams opened the public hearing. Receiving none, the closed the hearing.

VI CONSENT AGENDA

Jim Hier, "I move approval of Consent Agenda Items 1-4". Marianne Cone seconded. Motion unanimously carried.

1. Ordinance approving the Spiro Condominiums Buildings N – R, a record of survey plat, located at 1835 Three Kings Drive, Park City, Utah – see staff report and public hearing.

2. Ordinance approving a subdivision plat for Marsac Avenue and Chambers Street, Park City, Utah – see staff report and public hearing.

3. Ordinance amending Title 4, Chapter 9 of the Municipal Code of Park City, Utah to include escort services as sexually oriented businesses and establishing additional requirements for all adult businesses - see staff report and public hearing.

4. Authorization to the City Manager to enter into a revised contract with National Benefit Services (NBS), in a form approved by the City Attorney, regarding reimbursement of eligible claims submitted by full time employees participating in the Cafeteria Plan administered by NBS - see staff report.

VII NEW BUSINESS

1. Master Festival License for the Park *Silly* Sunday Market, including temporary closures of lower Main Street from Heber Avenue north to 8th Street from approximately 7 a.m. to 3 p.m., every Sunday June through October 2007

Mayor Williams congratulated Max Paap for receiving one of the Recycle Utah awards; however, Mr. Paap directed the honors to the Parks, Streets and Public Works Departments.

Mr. Paap introduced applicants, Kimberly Kuehn, Jewels Harrison, and Julie Doerr-Arenson. Council was being asked to review a Master Festival License application for the Park *Silly* Sunday Market, conduct a public hearing and consider approval, as conditioned, for the Market to be held on Main Street on successive Sundays during June, July, August, September and October 2007 with the exception of August 5, 2007, for the Kimball Arts Festival

Mr. Paap pointed out Staff's recommendation to evaluate the market on an ongoing basis based on certain vendor participation criteria with the ability to modify or revoke the MFL, and to retain the option to move the festival for one Sunday upon a finding of conflict with another proposed MFL that needs the use of Lower Main Street, provided sufficient advance notice and an alternate location is given to applicant.

Mayor Williams confirmed that the applicants were comfortable with the Staff recommendation. Council members clarified that Condition of Approval 6 would trigger a review of the MFL if **vendor** participation dropped below 75% of its highest point; and, Condition 5 should have the word **such** added at the end of the sentence.

Mayor Williams opened the public hearing. Receiving no input, the hearing was closed.

Jim Hier, "<u>I move approval of the Master Festival License for Park *Silly* Sunday Market, including temporary closures of lower Main Street from heber Avenue north to 8th Street from approximately 7 a.m. to 3 p.m. every Sunday, June through October, 2007"</u>. Roger Harlan seconded. <u>Motion unanimously carried</u>.

Additional question
Joe Kernan referred to the discussion of Silver Star parking and asked whether the City currently allowed parking on both sides of the street. Manager Bakaly stated Staff would look into it and report back.

VIII ADJOURNMENT
With no further business, the regular meeting of the City Council adjourned at 6:45 p.m.

MEMORANDUM OF CLOSED SESSION
The City Council met in closed session at 3:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tom Daley, Assistant City Attorney; Myles Rademan, Public Affairs Director; Gary Hill, Budget Manager; Ron Ivie, Chief Building Official; Dave Gustafson, Project Manager; Alison Butz, Project Manager; and Jonathan Weidenhamer, Project Manager. Marianne Cone,"<u>I move to close the meeting to discuss property</u>." Joe Kernan seconded. <u>Motion carried unanimously</u>. The meeting opened at 5:10 p.m. Jim Hier, "<u>I move to open the meeting</u>". Roger Harlan seconded. <u>Motion unanimously carried</u>.

City Council
Staff Report

Author: Robin Hutcheson
Subject: 68 Prospect Street – Plat Amendment
Date: December 14, 2006
Type of Item: Legislative - Plat amendments require Planning Commission review and City Council approval.

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council hold a public hearing and approve the application for the 68 Prospect Street Plat Amendment based on the Findings of Fact and Conclusions of Law in the attached Ordinance.

Topic

Applicant:	Kim Marks represented by Rick Otto
Location:	68 Prospect Street
Zoning:	HR-1
Adjacent Land Uses:	Residential / Colman Open Space
Reason for Review:	Plat amendments require Planning Commission review and City Council action

Background

On September 5, 2006 the City received a complete application for a plat amendment at 68 Prospect Street. The proposal includes consolidating three adjacent lots (lots 8, 9 and 10 in Block 18 of the Park City Survey) and re-creating two lots within the same exterior boundary.

The current lot size of each of the three lots is 25.7' x 80' each. The newly created lots will be approximately 38.5' x 80' each. The proposal is shown in Exhibit A. One home sits across the three existing lots.

Planning Commission first heard this application on October 25th, 2006. This meeting was a public hearing with no action. Two comments were heard in favor of the Plat Amendment, which are included in the Exhibit C. At this meeting the Planning Commission favorably considered the request. The Commission was asked to discuss the points in the analysis section. The purpose of discussion was to foster understanding of the complex nature of the project before a decision was made. Discussion points are listed in the analysis section below.

On November 8, 2006 the Planning Commission held a public hearing and voted unanimously to recommend approval of the plat amendment.

Analysis
Although the current application before the Planning Commission is only for the plat amendment, public comment to date focuses on the construction of two homes in place of one, which would be enabled by the approval of the plat amendment. If the plat amendment is approved, the owner will make a second application to the City for Historic Design Review to move and add on to the historic home. If any portion of the home is located on a Steep Slope, a Steep Slope Conditional Use Permit will also be required. The following issues were discussed on October 25, 2006 at the Planning Commission meeting:

- The existing historic house crosses two lot lines. It is however, considered a valid non-complying structure (15-2.2-4). No improvements could be made to the house that do not comply with current Code requirements. *The Planning Commission requested clarification regarding the applicant's ability to improve the house in its existing location. It was explained the applicant could make minor changes to the home that do not require any change in footprint or foundation work. The applicant explained the home is currently 400 square feet with no kitchen or bathroom facilities.*
- If the plat is approved, two lots of record 38.5' x 80' (each) in size would be created, which would allow a 1,295.3 square foot footprint on each lot.
- If the plat amendment is approved, but subsequent applications are not approved, the current home would not be compliant with the Land Management Code because it crosses lot lines. *The Planning Commission requested clarification regarding the compliance of the home if the plat amendment were not approved. The existing house must be relocated if this amendment is approved because otherwise, the new lot lines would increase the degree of non-compliance. The Plat Amendment should not be recorded until the house is successfully moved.*
- If the plat amendment is approved, and all subsequent applications are approved, two homes would be constructed in place of a single home. *The Planning Commission requested clarification regarding the removal of the existing stone retaining wall, if the existing historic home were moved to the uphill lot. The applicant explained that the wall would need to be removed, but an effort would be made to use the historic materials in the renovation of the existing historic home.*
- If the plat amendment is not approved, the applicant may not move forward with any of the longer term plans for the property.

The purpose of the amendment is to allow the applicant to proceed with preliminary future plans for the development of the homes. However, specifics cannot be fully explored until application is made for Historic District Design Review. The home is historically significant. When relocating the home on to the south lot, the plan is also to turn it by 90 degrees. Instead of the front porch facing down to Main Street, it would face Prospect Street. The preliminary plan to move the home is shown in Exhibit B.

Department Review
On September 12th, 2006 this project was discussed at an interdepartmental review meeting. It was identified in this meeting that the Prospect Street reconstruction could accommodate two homes in this location with the installation of two hookups. Please note that a site visit during Council work session is scheduled at 3 p.m. this Thursday.

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on October 11, 2006.

Public Input
Public input was received from neighbors via email. Exhibit D includes this public input, as well as a response from the applicant. Two comments were received at the public hearing on October 25th, both in support of the proposed Plat Amendment because it would create two smaller houses, instead of one larger house. No comment was made at the November 8th public hearing.

Exhibits
Exhibit A: Proposal for Replat
Exhibit B: Preliminary proposal to move the house
Exhibit C: Minutes from Planning Commission Meeting
Exhibit D: Public input received

Exhibit A: Proposal for Replat

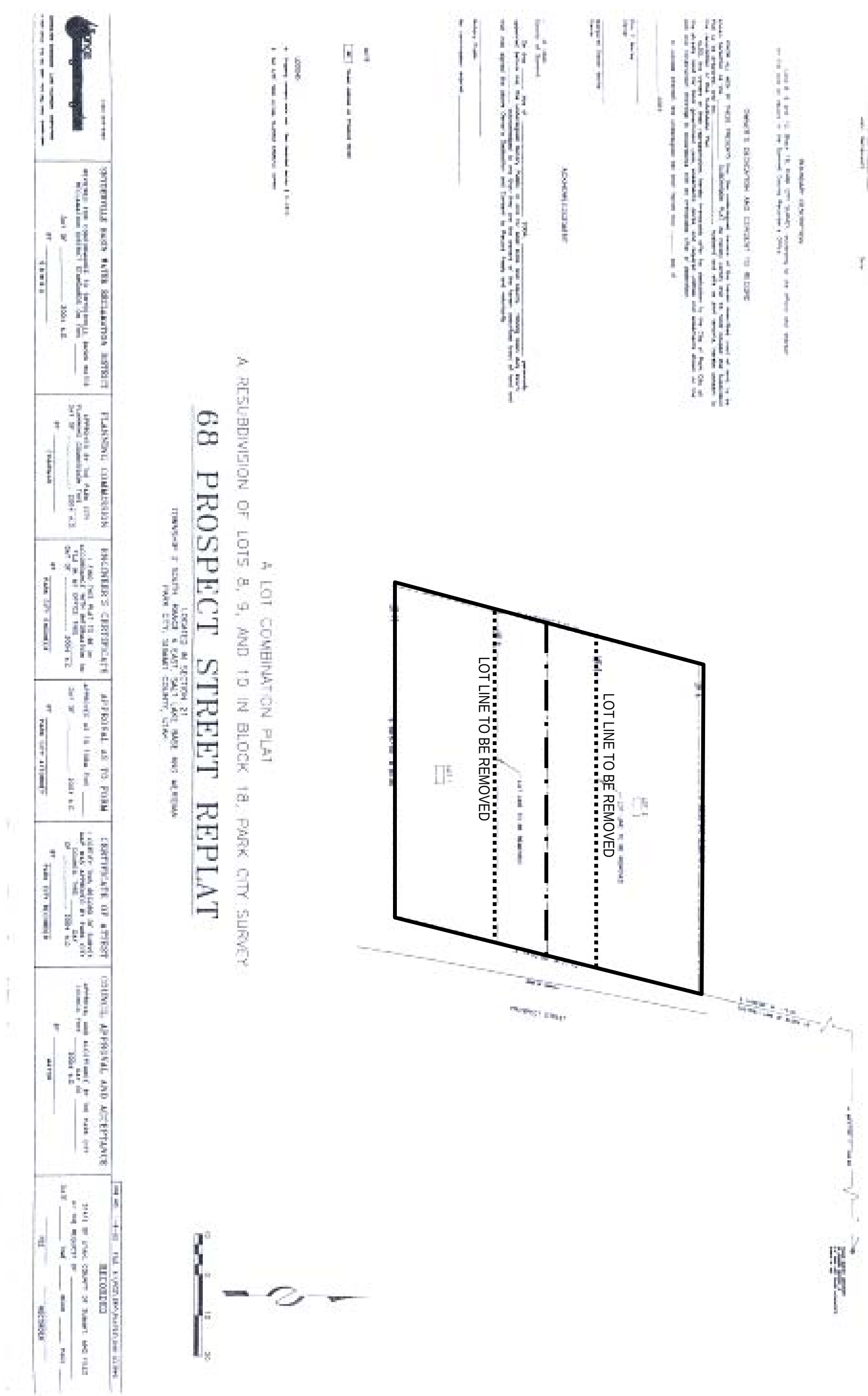
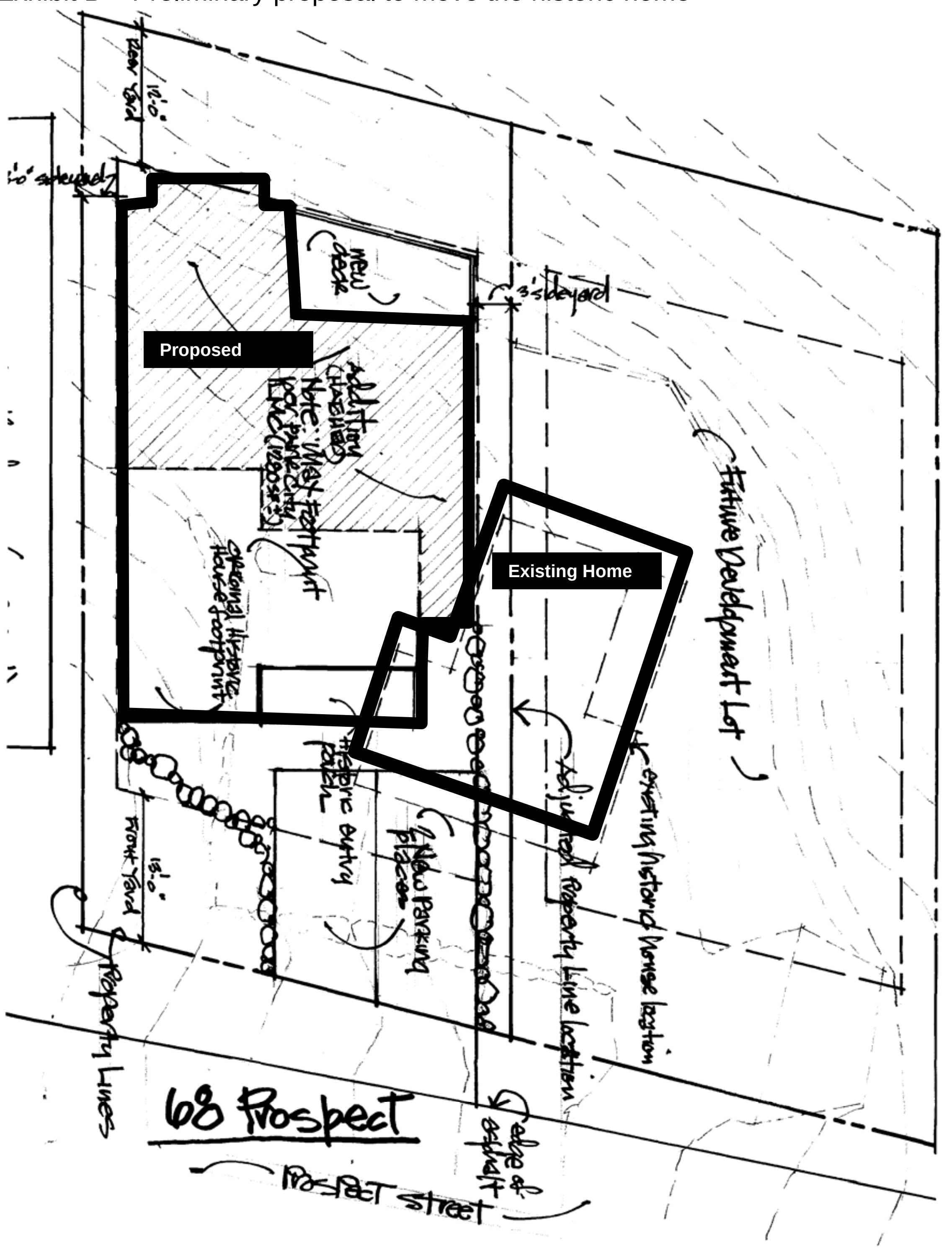


Exhibit B – Preliminary proposal to move the historic home



V. REGULAR AGENDA/PUBLIC HEARINGS

1. King Development (Alice Lode) - Plat Amendment

The applicant requested that this item be continued to a date uncertain. Since this is a significant application it will be re-noticed.

MOTION: Commissioner Sletten moved to CONTINUE this item to a date uncertain. Commissioner Thomas seconded the motion.

Commissioner Wintzer asked about the colored map contained in the Staff report. Planner Milliner replied that the map was designed to show the areas that will require soil mitigation. Blue is less than 400 parts per thousand and green and orange are very toxic. Planner Milliner stated that he had a thick packet of information available and he was willing to take the time to discuss this information with the Commissioners if they were interested.

VOTE: The motion passed unanimously.

2. 68 Prospect Street - Plat Amendment

Planner Robin Hutcheson reviewed the application for a plat amendment to consolidate three lots into two lots at 68 Prospect Street. Planner Hutcheson commented on two corrections to the Staff report. The current lot size is 25.7' x 80' and not 37.'5 x 80' as indicated in the Staff report, which changes the size of each newly created lot to 38-l/2' x 80'.

Planner Hutcheson presented photographs of the three existing lots, noting that a home on one of the three lots is currently not habited. She reviewed graphics showing the proposal to change from three lots to two lots and the areas as they currently exist and what they would like look if they were combined. Ms. Hutcheson stated that although this is only a plat amendment application, the Staff was requesting that the Planning Commission conduct a public hearing due to future implications if this plat amendment is approved. The intent in the future is to construct two homes. The existing home is historically significant and the applicant would like to move this home to the uphill lot, thereby leaving the downhill lot for a future second home.

Planner Hutcheson recommended that the Planning Commission conduct a public hearing and provide input. No action is being requested this evening.
Chair O'Hara opened the public hearing.

Ruth Gezelius, a resident at 51 Prospect, remarked that Prospect Street is unusual because it is steep and because they are not a standard 25' x 75' Old Town template. Of the 19 homes on the street, two historic homes sit on single lots that are 25' wide and four new homes sit on 25' lots. The remaining 13 lots are on wider parcels. Ms. Gezelius believes they would have a much more compatible plat if the three lots were combined into two lots with a 38' frontage. This would allow for much easier ingress into the parking, as well as more adequate parking on this very steep portion of the street. Ms. Gezelius felt this plat amendment would also lend itself to the more historic character of the street since nearly half the homes on Prospect Street are historic homes. This is an opportunity to restore one more historic home and have it maintained to the standard of the Historic District. Ms. Gezelius urged the Planning Commission to approve the plat amendment.

Chair O'Hara closed the public hearing.

Planner Hutcheson requested that Chair O'Hara reopen the public hearing so she could read an email she had received today as public comment.

Chair O'Hara reopened the public hearing.

Planner Hutcheson read an email from Donna and Bill Hummer, residents at 32 Prospect Street and the owners of 28 Prospect Street, who support this request for a plat amendment to consolidate Lots 8,9, and 10 of Block 18 into two equal parcels. They believe the homes built on smaller parcels would provide structures more in keeping with the historic homes in Prospect Avenue and in Old Town. Mr. and Mrs. Hummer requested that the Planning Commission consider their comments in the decision making process.

Chair O'Hara closed the public hearing.

Planner Hutcheson stated that the Staff decided to make this a no action item based on the complexity of this plat amendment with respect to what could happen in the future on Prospect Street. In addition, there has been considerable public comment to date, which was included in the Staff report, and the Staff felt it was important for the Planning Commission to have the opportunity to digest the information, discuss the application, and continue this item for action at the next meeting. The Staff was looking for direction from the Planning Commission on the points outlined in the Staff report.

Chair O'Hara favored this plat amendment in general because it is consistent with their intent to reduce density in Old Town whenever possible. Going from three buildable lots to two buildable lots accomplishes that intent and it is compatible with the neighborhood. Chair O'Hara asked Planner Hutcheson to walk the Planning Commission through the bullet points so they could provide input on each one.

Planner Hutcheson asked the Planning Commission to keep in mind that this application is only for a plat amendment and not for any future development. She noted that the existing home sits on two lot lines and is considered a valid complying structure. Once improvements are made to the house it would no longer be a valid complying structure. The home will remain as is until a decision is made on the plat amendment. Planner Hutcheson stated that the second bullet point asks the Planning Commission to consider the footprint if this plat amendment was approved. She indicated another correction in the Staff report and changed the 1,744 square foot footprint to1,295 square feet as the allowed footprint on each of the two lots. Planner Hutcheson noted that the third bullet point speaks to the first bullet point. If the plat amendment is approved and subsequent applications are not approved, the current home would no longer be compliant sitting across lot lines.

Chair O'Hara understood that the applicant wants to move the house. He wanted to know if approval of the plat amendment would allow the house to be moved. Planner Hutcheson replied that moving the house is a separate application process that would trigger a Historic District design review. Chair O'Hara asked if the applicant would need to record the approved plat before submitting that application. Director Putt explained that the Staff would draft a specific condition of approval to address the timing. This situation has occurred in the past and the Staff was successful in drafting appropriate language for the timing. In previous situations, the plat was recorded when the house was lifted off its current location and moved.

Commissioner Pettit clarified that as it currently stands, without the plat amendment, no improvements could be made to the historic home in terms of a new foundation or addition. Planner Hutcheson replied that an addition would not be allowed. A foundation is different because the footprint would not change. Director Putt stated that the reason this particular structure in its current configuration is a legal non-compliant structure is the fact that it crosses a property line. Improvements such as painting, a new roof, new windows, etc. would not trigger a plat amendment. Director Putt stated that anything that would involve an expansion of the square footage or the footprint would require reconciling the fact that the structure crosses a property line. Commissioner Pettit understood that as the house currently sits, any plat amendment that would allow an addition to the structure would be a combination of the three lots, and that the applicant would not be able to carve out an additional lot because the house falls across all three lots. Director Putt replied that this was correct.

Kim Marks, the applicant, clarified that the house crosses all three lot lines on one corner. Mr. Marks noted that the existing house is approximately 400 square feet and does not have a bathroom or kitchen.

Commissioner Pettit asked for clarification on the reference in the Staff report regarding the steep slope CUP process. Planner Hutcheson explained that the downhill lot may be subject to a steep slope conditional use permit if any portion of the future home would be located on that steep slope.

Commissioner Wintzer asked if the retaining wall on the uphill side of the existing house will be removed when the house is moved. Mr. Marks assumed the retaining wall would be removed because it is failing in several places. Mr. Marks stated that he was given a partial demolition permit. He saved several pieces of the house to reuse them again and he would like to save the rock and construct another wall using the same rock. Commissioner Wintzer noted that the retaining wall is a typical historic wall in Park City and he encouraged Mr. Marks to work with that in mind.

Commissioner Thomas was comfortable with the idea of using the stone in the new configuration of the wall.

Commissioner Russack echoed all the comments made by his fellow Commissioners.

MOTION: Commissioner Wintzer moved to CONTINUE this item. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

3. <u>553 Deer Valley Loop - Condominium Conversion</u>

Planner Hutcheson reviewed the application for a condominium conversion for the construction of two condominiums in a duplex configuration. The Staff analysis focused more on whether a duplex is allowed in this zone. Planner Hutcheson noted that the Planning Department received an application in August, however the application was not considered complete until September 22nd. The property is a metes and bounds parcel that would become a lot of record. Planner Hutcheson noted that the total square footage is approximately 8600 square feet, divided evenly among the two units. The common area is slightly under 4,000 square feet.

Planner Hutcheson stated that the project complies with all of the requirements of the Land Management Code in the RM District. It is an allowed use and meets all setbacks, height, and parking requirements.

Exhibit D: Public input received

Robin Cohn Hutcheson

From: Hummer754@aol.com
Sent: Wednesday, October 25, 2006 3:51 PM
To: rhutchenson@parkcity.org
Subject: 68 Prospect Ave Plat Ammendment

Robin, Both William E. (Bill) and Donna M. Hummer who are the property owners of 32 Prospect Ave and 28 Prospect Ave support Mr. Kim Marks request for a plat amendment to consolidate lots 8, 9, and 10 of Block 18 into two (2) equal parcels.

Our support for the two (2) equal lots is that if homes are built on the smaller parcels it will provide structures that are more in keeping with most of the historic homes on Prospect Ave and in Old Town. Most homes being developed today in "Old Town" are combining lots to allow for the building of homes that are not in keeping with the historic nature of Park City. Mr Marks has taken an approach to divide properties to ensure that structures that might be built in the future will more conform to the spirit of the historic district.

Your consideration of our comments in your decision making process is appreciated. Donna M. Hummer/William E. Hummer

Eric DeHaan

From: Pamela Pyke [ppyke@earthlink.net]
Sent: Friday, August 26, 2005 9:36 AM
To: Eric DeHaan
Cc: Elizabeth Craig
Subject: Prospect Avenue

Good Morning Eric,
Thank you for the voice mail on Tuesday afternoon updating me on Kim Marks "proposal". As you know, I would like to attend any future meeting requested by Kim or his architect that contradicts the City's plan for the new sewer to commence construction in Spring 2006. We are opposed to any re-routing that Kim may propose to benefit his construction needs. I look forward to meeting you sometime next month! Thanks again Eric.
Pamela Pyke
74 Prospect Avenue

MAC "It's not the product; it's the process"
Pamela Pyke **MAC**
VP/General Manager
fax: 435.655.2945
ppyke@macauto.biz mobile: 831.236.2715
Add me to your address book... *Want a signature like this?*

To: Robin Hutcheson

From: Pamela Pyke
Elizabeth Craig
74 Prospect Avenue

Re: 68 Prospect Avenue plat amendment

Robin,

Per our conversation of September 14, we are providing a recap of our concerns with Mr. Marks request for a plat amendment. Our understanding is these notes will become part of the "file" and will be shared with the other members of the planning commission.

There are five main concerns: density of old town, limited parking; historical society preservation; slope; and renter to home owner ratio.

The members of the planning commission have expressed a concern with "density" in Old Town relative to the number of homes being newly constructed. We too are concerned with Old Town beginning to look like "new town". We are aware that Doug Cotter (I believe the address is 101 Prospect) was denied his request for a plat amendment – one of the reasons was for density.

The challenge for many renters and residents of Prospect is "where" to park. There simply are not enough spaces to accommodate everyone's vehicles, and the problem worsens in the winter months. The narrowness of the street combined with accumulated snow and vehicles juxtaposed makes it formidable to pass.

Mr. Marks has three properties on Prospect Avenue. One property is a nightly rental – usually during the winter months whereby a large SUV's back end sticks out of the very small space available in front of 47 Prospect. 53 Prospect is also a rental unit and has space for 1 vehicle south of the property on "city" land. 68 Prospect has been vacant for three years and has a space for one vehicle.

Although we would very much like to see Mr. Marks address 68 Prospect with some much-needed attention – painting, updating, remodeling, maintenance, etc ..., it seems his proposal would perhaps be in conflict with the Historical District. Our understanding is it is one of the oldest miner's homes remaining in Old Town. Why not preserve the landmark?

Further, the slope on either side of the proposed plat amendment would appear to dictate a geological survey to preserve the existing dwellings to the North and South. We are certain the City would agree.

Currently, there is roughly a 50/50 ratio of renters to homeowners on Prospect. I am uncertain what the ratio is in all of Park City, but I would assume it would be less than that. Any of us who have lived here for 10 years or longer would all agree that it is the full-time residents that help shape the character of this town. There is also a significant difference in the mentality of a renter versus a homeowner in the care and maintenance of their environment and their involvement in the Community. Our concern with Mr. Marks' plat amendment also includes the question of his intention with 68 (another rental property) and the "new" construction planned at the North end (also a rental property)?

We appreciate your interest in our concerns.

Pamela Pyke
Elizabeth Craig

Robin Hutcheson
Senior Planner
Park City Utah
84060

Oct. 2, 2006

Robin,
I hope this will address some of the issues raised in the letter from Pam and Elizabeth, owners of 74 Prospect Ave.

I will try to address each of their 5 concerns

Density of Old Town.
I currently own 3 lots at 68 Prospect. I'm asking for a lot line adjustment and down zoning from 3 lots to 2. In doing this I'm able to build a smaller, more affordable home that I feel are not only better for the profile of the street but better for the community as a whole. May I point out that Pam and Elizabeth live in a New home in Old Town, built on a 25'x75' lot right to the maximum building footprint and a height limit no longer allowed.

Limited Parking.
I would provide the necessary parking required by the building codes. I would like to note that Pam and Elizabeth operate a business in there home and have employees that utilize the "limited" parking in the neighborhood. They are incorrect in stating that my parking space at 59 Prospect is on "city" land. A quick look at the surveys of Prospect will show I have a 53.64' frontage on that lot which includes the parking spaces uphill from the house.

Historical Preservation.
As Pamela and Elizabeth have pointed out, I own 2 other homes on Prospect. I purchased 59 Prospect in 1976 and 57 prospect in 2001. Both of these homes are beautifully preserved examples of early Park City Architecture. I was on the initial citizens' group that founded the historical society in 1978 and have worked very hard to keep my properties as classic examples of early Park City homes. I haven't seen any involvement from either Pam or Elizabeth in the Preservation of Old Town until this time. Owning a historic home is no easy task as the properties are small, old and difficult to maintain. Yes, I do rent them but as everyone knows affordable housing in Park City is in short supply and these homes provide this much needed product. In addition Tax revenue from room tax, property tax, business license and personal property tax to Park City and Summit county will top $4,600.00 this year on the 800 sq.foot home at 57 Prospect. In fact, one of Pam and Elizabeth's employees once looked to rent the house at 59 Prospect. Affordable housing is very much needed in Park City and a necessary service to it's hard working population.

Slope.
Any home I build or restored would need to comply with the steep slope review and all other building codes in Park City.

Renter to Homeowner Ratio.

Many homes in Park City are built as primary residences, sold, leased, rented, time-shared and a myriad of other forms of property ownership/management. I find it somewhat unfair, elitist and discriminitory not to mention inaccurate to describe lessees of property as second class citizens, questioning their "mentality and involvement in the community" when it comes to maintaining their leased property. I have had tenants stay as long as 10 years and have never rented to more than 2 people, usually thoughtful and hard working couples. The current sole tenant in 59 Prospect works for the Catholic Archdiocese of Utah.

I know that it is sometimes difficult to observe and live with change, in the 30 years I have owned property in Park City I've seen a lot. It is my sincere wish that I can restore some part of the structure at 68 Prospect and create a home there that will be in keeping with the scale and design of the other houses on the street. I want to remain the good neighbor I feel I have been for the many years I've been lucky enough to be a part of Park City.

owner 68 Prospect.

Ordinance No. 06-

AN ORDINANCE APPROVING THE 68 PROSPECT STREET REPLAT, AN AMENDMENT TO LOTS 8, 9, AND 10 OF THE PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 68 Prospect Street have petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 25, 2006 to receive input on the Plat Amendment and forwarded a positive recommendation to the City Council on November 8, 2006; and,

WHEREAS, on December 14, 2006, the City Council approved the 68 Prospect Street Replat; and

WHEREAS the 68 Prospect Street Replat will allow the consolidation of three lots into two lots within the same exterior boundary.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 68 Prospect Street Replat, as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 68 Prospect Street.
2. The zoning is Historic Residential (HR-1)
3. The surrounding land use patterns are single family homes, most of them small in size on single, or combinations of typical Old Town lots.
4. The current configuration of lots is three equal sized lots measuring 25.7’ x 80’.
5. One home traverses both of the interior lot lines.
6. The size of the current home is approximately 400 square feet.
7. The home is historically significant.
8. The proposed configuration of lots is two equal sized lots measuring 38.5’ x 80’.

9. A Public Hearing was held on October 25, 2006. Two comments were received, both in support of the Plat Amendment.
10. Comments received on October 25th supported the construction of two smaller homes rather than one larger home.
11. The Planning Commission unanimously voted to recommend approval of the plat amendment on November 8, 2006.

Conclusions of Law:
1. There is good cause for this Plat Amendment because it allows the construction of two smaller homes, which is consistent with the surrounding land use patterns, massing and scale on Prospect Street.
2. The Plat Amendment is consistent with the Park City Land Management Code.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:
1. The City Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. Relocation of the existing historic home to the new lot is a condition precedent to plat recordation.
3. The applicant will record the Plat Amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval for the plat will be void. The applicant may apply for an extension to this time limit if needed.
4. All standard project conditions will apply as noted in Attachment 2.

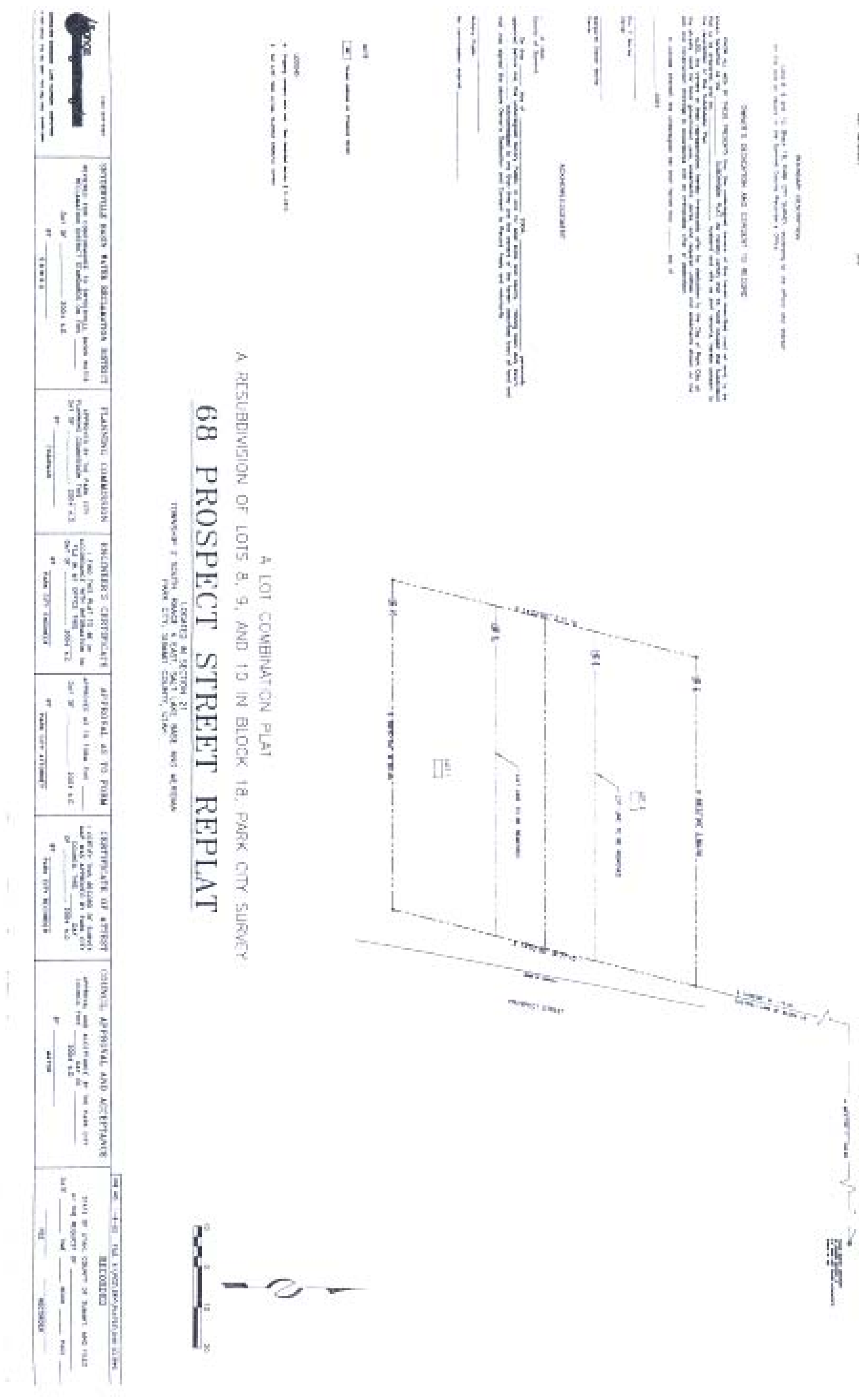
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 14th day of December, 2006.

Attachments

Attachment 1 – Record of Survey Plat
Attachment 2 – Standard Project Conditions

Attachment 1 – Record of Survey Plat



Attachment 2

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.

2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.

4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.

5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.

6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.

9. Any removal of existing building materials or features on historic buildings, shall be approved and coordinated by the Planning Department prior to removal.

10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.

11. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.

12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.

13. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.

16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.

17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Community Development Department. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.

City Council
Staff Report

RECREATION

Author: Karen Yocum
Subject: CEMETERY POLICY AND FEE RESOLUTION
Date: December 14, 2006
Type of Item: Legislative

Summary Recommendations:
Conduct public hearings and approve resolutions revising the policy for cemetery operations and services in Park City, Utah and approve an amendment to Section 8.7 of the Park City Fee Resolution, Cemetery Fees.

Description:
Topic: Amendments to resolutions setting forth cemetery policy and fees.

Background:
At the City Council meeting on November 30, staff presented information regarding the number of plots left to sell in the Park City cemetery. All plots designated for sale to non residents have been sold leaving approximately 350 for sale to City residents and qualified non-residents. Qualified non-residents are described as individuals who resided in Park City for a period of ten or more consecutive years. When analyzing the fees associated with the cemetery it was discovered that fees do not cover the actual cost of a burial. In accordance with Council direction on November 30, the amendment to the Fee Resolution will reflect appropriate fees to cover direct costs.

Resolution No. 11-93 designated 100 plots for sale to non-residents. All of these plots have been sold as of October 3, 2006. The amendment to Resolution 11-93 reflects Council direction given on November 30, 2006, to sell plots in the cemetery only to City residents and qualified non-residents as outlined in both resolutions.

Analysis:
As determined at the Council meeting on November 30, direction was given by Council to make changes to both resolutions to accomplish the following: (1) clarify that remaining plots in the Park City cemetery will only be sold to individuals who are eligible under the criteria set forth in both the Fee Resolution and the policy resolution; and (2) establish fees to offset the direct costs associated with burial. Staff will return at a later time to discuss cemetery expansion and long-term options.

Department Review:
These amendments have been reviewed by Recreation and Public Works, Parks Department, Legal and the City Manager

Alternatives:

A. Approve the Request:

Approve a resolution implementing a current policy which clarifies that cemetery plots will only be sold to Park City residents and qualified non-residents and the proposed Fee Resolution to reflect fees which cover direct costs of burials and other cemetery services.

B. Deny the Request:

Council can deny the request and give alternative direction to staff.

C. Continue the Item:

City Council can direct staff to come back with more information.

D. Do Nothing:

Same consequence as denying the request.

Significant Impacts:

There is confusion in the community about cemetery policy and both resolutions clarify eligibility requirements. Fees collected will cover the direct costs associated with providing cemetery services. Additionally, the policy resolution memorializes the history of the cemetery parcel and more importantly recognizes long time residents who have moved out of Park City but would like to be buried here.

Consequences of not taking the recommended action:

Amending and replacing the policy resolution is necessary to avoid confusion in the community and establishes a fair approach and solution to this emotional issue. The current fee resolution does not cover the real cost of providing cemetery services and the City will continue to forego necessary revenue if an amendment is not approved.

Recommendation:

Conduct public hearings and approve a resolution revising the policy for cemetery operations and services in Park City, Utah and approve an amendment to Section 8.7 of the Park City Fee Resolution, Cemetery Fees.

Exhibits: **Policy Resolution**
Resolution No. 11-93
Fee Resolution

Resolution No. __-06

A RESOLUTION SETTING FORTH A POLICY FOR PARK CITY CEMETERY OPERATIONS AND SERVICES AND REPEALING AND REPLACING RESOLUTION NO. 11-93 IN ITS ENTIRETY

WHEREAS, the Park City Council deems it in the best interest of the community to set forth its policies in writing regarding departmental operations and services of the City, and specifically at this time, to provide clarity on cemetery operations; and

WHEREAS, Resolution No. 11-93 legislated the number of plots to be set aside available for sale to non- residents to 100 and as of October 3, 2006, all 100 plots have been sold as specified; and

WHEREAS, protecting and providing for the welfare of Park City residents is the highest priority of the Mayor and City Council who considered the limited number of plots, determined at approximately 350 plots, remaining for sale; and

WHEREAS, the City Council deems it reasonable and appropriate to reserve these remaining plots for City residents and qualified non-residents; and

WHEREAS, a public hearing was held on December 14, 2006, to receive public comments on the revised policy,

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

<u>SECTION 1. CEMETERY ADMINISTRATIVE POLICY ADOPTED</u>. The following policy is hereby adopted and Resolution No. 11-93 is replaced and repealed in its entirety:

(a) <u>Background</u>. The history of the Park City Cemetery formally began in 1892 when the Snyder Family sold approximately 4.2 acres of hillside to Park City Municipal Corporation for the reported sum of $300. The property was to be used as a cemetery for the people of Park City. In 1933, additional acreage was acquired when the State realigned Kearns Boulevard.

The cemetery's current potential is approximately 4,000 individual grave sites. In 1991, the City Council allocated $100,000 to expand the cemetery from seven to nine acres, providing an additional 800 plots.

(b) <u>Purpose</u>. The purpose of this policy is to provide a general outline for the operations of the cemetery; it should not be construed as a rigid rule that binds City staff, the Mayor, or the Park City Council.

(c) Philosophy. It is the intent of the City to offer cemetery services to residents of Park City. Fees will be charged for the sale of property and services associated with interments to help offset the costs of cemetery operations and services.

(d) Eligibility. Anyone owning property, currently residing, or having resided within the City limits of Park City for a period of more than ten years consecutively, is eligible to purchase cemetery property or may be buried in the Park City Cemetery. The number of lots designated for sale to non-city residents has been filled. There are no lots available for sale to unqualified non-residents.

(e) Proof of Eligibility. Anyone wishing to purchase property in the Park City Cemetery must show proof of eligibility, which may include presentation of a (1) current Summit County property tax assessment; (2) current utility bill showing service address; (3) birth certificate; or (4) written testimony from a long-time Park City resident verifying applicant's eligibility or recommendation from Park City Historical Society.

(f) Terms and Conditions of Cemetery Property Ownership:

1. Owner or owner's representative may determine who may or may not be buried in his/her property.

2. Cemetery property deeds are non-transferable. If owner wishes to sell his/her property, the City may buy it back at the original purchase price.

3. Purchase price includes the perpetual care of the property at the City's expense. The City will assume responsibility for care of the property and any monument or marker placed on the grave prior to May 27, 1993. See Subsection 7.

4. The City assumes no responsibility for damage to coping, fences, or plant materials installed without the permission of the City.

5. The City recommends a concrete vault for all burials with the exception of cremated remains.

6. Stacked burials will be allowed only on approval of the Cemetery Sexton. Up to 3 Cremations are allowed above a full casket burial.

7. Grave markers flush with the ground are recommended because of related maintenance costs. Responsible parties requesting monument markers will pay an additional one-time fee and are required to sign a hold harmless agreement releasing the City from any liability due to damage resulting from maintenance activities.

(g) Fee Waivers. Any or all of the fees associated with the operation of the Park City Cemetery may be waived by the Cemetery Sexton. Grave sites, located in the "veterans section" for Park City veterans, firemen and police officers will be provided free of charge as well as fees for cemetery services. Family members wishing to be buried in this section of the cemetery will be charged for lots and services.

(h) Fee and Policy Changes. Fees are set forth in the Park City Fee Resolution. The fees, charges, and policy regarding the cemetery operation will be reviewed every three years and presented to the City Council for formal adoption. The Park City Council reserves the right to amend the policies and fees set forth without notice.

(i) State and Federal Regulations. The Park City Cemetery shall abide by all state and federal rules, regulations, and laws governing the operations of cemeteries.

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

PASSED AND ADOPTED this 14th day of December, 2006..

Resolution No. 11-93

A RESOLUTION SETTING FORTH AN ADMINISTRATIVE POLICY FOR CEMETERY OPERATIONS AND SERVICES OF PARK CITY, UTAH

WHEREAS, the Park City Council deems it in the best interest of the community to set forth its policies in writing regarding departmental operations and services of the City;

NOW, THEREFORE BE IT RESOLVED:

SECTION 1. CEMETERY ADMINISTRATIVE POLICY ADOPTED. The following policy is hereby adopted:

(a) Background. The history of the Park City Cemetery formally began in 1892 when the Snyder Family sold approximately 4.2 acres of hillside to Park City Municipal Corporation for the reported sum of $300. The property was to be used as a cemetery for the people of Park City. In 1933, additional acreage was acquired when the State realigned Kearns Boulevard.

The cemetery's current potential is approximately 4,000 individual grave sites. In 1991, the City Council allocated $100,000 to expand the cemetery from seven to nine acres, providing an additional 800 plots.

(b) Purpose. The purpose of this policy is to provide a general outline for the operations of the cemetery; it should not be construed as a rigid rule that binds City staff, the Mayor, or the Park City Council.

(c) Philosophy. It is the intent of the City to offer cemetery services to residents of Park City. Fees will be charged for the sale of property and services associated with interments to help offset the costs of cemetery operations and services.

(d) Eligibility. Anyone owning property, currently residing, or having resided within the City limits of Park City for a period of more than ten years consecutively, is eligible to purchase cemetery property or may be buried in the Park City Cemetery. The number of lots designated for sale to non-city residents has been filled. There are no lots available for sale to non-residents.

(e) Proof of Eligibility. Anyone wishing to purchase property in the Park City Cemetery must show proof of eligibility, which may include presentation of a (1) current Summit County property tax assessment; (2) current utility bill showing

Deleted: or those meeting the eligibility requirements outlined below, and may offer a maximum of 100 lots to non-residents as of this date.

Deleted: There are a limited number of lots available for individuals not meeting the eligibility requirements set forth above. These will be sold on a first-come, first-served basis.

Deleted: (1) current locals card;

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service address; (3) birth certificate; or (4) written testimony from a long-time Park City resident verifying applicant's eligibility or recommendation from Park City Historical Society.

(f) Terms and Conditions of Cemetery Property Ownership:

1. Owner or owner's representative may determine who may or may not be buried in his/her property.

2. Cemetery property deeds are non-transferable. If owner wishes to sell his/her property, the City may buy it back at the original purchase price.

3. Purchase price includes the perpetual care of the property at the City's expense. The City will assume responsibility for care of the property and any monument or marker placed on the grave prior to May 27, 1993. See Subsection 7.

4. The City assumes no responsibility for damage to coping, fences, or plant materials installed without the permission of the City.

5. The City recommends a concrete vault for all burials with the exception of cremated remains.

6. Stacked burials will be allowed only on approval of the Cemetery Sexton. Up to 3 Cremations are allowed above a full casket burial.

7. Grave markers flush with the ground are recommended because of related maintenance costs. Responsible parties requesting monument markers will pay an additional one-time fee and are required to sign a hold harmless agreement releasing the City from any liability due to damage resulting from maintenance activities.

(g) Fee Waivers. Any or all of the fees associated with the operation of the Park City Cemetery may be waived by the Cemetery Sexton. Grave sites, located in the "veterans section" for Park City veterans, firemen and police officers will be provided free of charge as well as fees for cemetery services. Family members wishing to be buried in this section of the cemetery will be charged for lots and services.

(h) Fee and Policy Changes. Fees are set forth in the Park City fee schedule resolution. The fees, charges, and policy regarding the cemetery operation will be reviewed every three years and presented to the City Council for formal adoption. The Park City Council reserves the right to amend the

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policies and fees set forth without notice.

(i) State and Federal Regulations. The Park City Cemetery shall abide by all state and federal rules, regulations, and laws governing the operations of cemeteries.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 27th day of May, 1993.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Resolution No. __-06

A RESOLUTION AMENDING RESOLUTION No. 23-06, SECTION 8.7, CEMETERY FEES REPLACING RESOLUTION 23-06 IN ITS ENTIRETY

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

WHEREAS, a public hearing was held on December 14, 2006, to receive public comments on the fee changes,

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

SECTION 1. FEE SCHEDULE AMENDMENTS. The Park City Fee Schedule is hereby re-adopted with changes as outlined in Exhibit A, and Resolution 23-06 is hereby repealed and replaced in its entirety.

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

PASSED AND ADOPTED this 14th day of December, 2006.

EXHIBIT A
EXCERPT FROM FEE RESOLUTION

8.7. Cemetery Fees. Anyone owning property, currently residing, or having resided in Park City for a period of more than ten years consecutively, is eligible to purchase cemetery property or may be buried in the Park City Cemetery. ~~There are a limited number of lots available for individuals not meeting the eligibility requirements set forth in Resolution No. 11-93. These will~~ **All cemetery plots will** be sold on a first-come, first-served basis.

	Resident Fees		Eligible Non-Resident Fees	
Single adult grave	$300		$600	
Single infant grave	150		300	
Opening and closing adult grave	~~270~~	**480**	~~370~~	**480**
Opening and closing infant grave	~~150~~	**360**	~~225~~	**360**
Removal of adult from one grave to another within cemetery	~~600~~	**960**	~~600~~	**960**
Removal of infant from one grave to another within cemetery	~~400~~	**720**	~~400~~	**720**
Removal of adult for interment outside cemetery	~~300~~	**480**	~~300~~	**480**
Removal of infant for interment outside cemetery	~~150~~	**360**	~~150~~	**360**
Schil for flower beds/grave	N/A		N/A	
Additional charge for after hour burials including Saturdays, holidays, weekends	200		300	
Interment of cremated remains	70		140	
Monument grave marker maintenance	100		100	

8.7.1. Cemetery Fee Waivers. Any or all of the fees associated with the operation of the Park City Cemetery may be waived by the Cemetery Sexton. Grave sites, located in the "veterans section" for Park City veterans, firemen and police officers will be provided free of charge, as well as fees for cemetery services. Family members wishing to be buried in this section of the cemetery will be charged for lots and services.

City Council
Staff Report

FINANCE DEPARTMENT

Author: **Chelese M. Rawlings, Accounting Manager**
Subject: **FY 2006 Audit Report**
Date: **December 14, 2006**
Type of Item: **Administrative**

Summary Recommendations:
City Council should formally accept the audit. No other action is required.

Description:
Topic: Audit report for the Fiscal Year Ended June 30, 2006.

Background: City of Park City Comprehensive Annual Financial Report (CAFR) and Independent Auditor's Report

The CAFR includes all funds of the City of Park City (City) and is presented in four sections:

- Introductory;
- Financial;
- Statistical; and
- Internal Control and Compliance Reports.

The Introductory Section contains a letter of transmittal, a directory of principal officials and an organizational chart of the City. The Financial Section contains management's discussion and analysis (MD&A), the basic financial statements, notes to the financial statements, individual fund statements for which data are not provided separately within the basic financial statements, as well as the independent auditor's report on these financial statements and schedules. The Statistical Section includes selected financial and demographic information, generally presented on a multi-year basis. The Internal Control and Compliance Reports include the independent auditors' reports on internal control and compliance as required by *Government Auditing Standards*, and state compliance as required by the *State of Utah Legal Compliance Audit Guide*.

The CAFR is the major document used to communicate the City's financial condition. It is distributed to various bond-rating agencies, investors in City debt and the State Auditor for use in evaluating City finances. This is the fourth year the CAFR has been prepared using the new financial reporting requirements as prescribed by Governmental Accounting Standards Board (GASB) Statement No. 34, *Basic Financial Statements and Management's Discussion and Analysis-for State and Local Governments*. The first two basic financial statements, the Statement of Net Assets (Page 23-24) and the Statement of Activities (Page 25-26), now present information on a government-wide, full-accrual accounting basis which reflect the overall financial position of the City and its various funds, not just the amounts available for budgetary purposes. Fiscal operations in the government-wide statements are organized into two major activities: governmental and business-type.

Fund information is also presented for major funds individually and nonmajor funds combined in a single column in the basic financial statement (Pages 29 through 41). Because the focus is so different between fund statements and government-wide statements, a reconciliation between the two types of statements is necessary to understand how the numbers differ. Such reconciliations are provided on pages 30 and 32. Comparisons of “budget-to-actual” results for the General Fund are presented on Page 33.

Staff suggests attention be focused on the MD&A (Pages 4 through 20) and the notes to the basic financial statements (Pages 43 through 69). The notes to the basic financial statements in the Financial Section provide required detailed disclosures and a description of the financial statements.

The Statement of Net Assets (Page 23-24) may serve as a useful indicator of a government’s financial position. The City had positive net assets of $191.7 million at fiscal year end. The largest portion of the net assets, $118.4 million, represents the investment in capital assets. Restricted net assets of $22.1 million are resources that are subject to external restrictions on how they may be used. The remaining $51.2 million in net assets are unrestricted and may be used to meet the City’s ongoing obligations. Again, this is an overall financial position indicator and is not the amount of current resources available for budgetary purposes.

Looking at results on a fund basis (Page 29), the City’s governmental funds reported combined ending fund balance of $63.2 million, a decrease of $5.1 million compared to the beginning of year fund balance amount. Of the combined total fund balance, $8.6 million is available for spending at the discretion of the City (unreserved and undesignated fund balance). The remainder of the fund balance is either reserved or designated and is not available for new spending because it has already been committed to the following: $1.2 million for debt service on the City’s outstanding bonds and $53.4 million for capital improvements.

Utah State code establishes a 5.0 percent minimum ($1,088,192) and an 18.0 percent maximum ($3,917,492) limit to the amount that may be accumulated as the fund balance in the General Fund. As of June 30, 2006 the unreserved, undesignated fund balance of the General Fund was $3,120,657 and was $796,835 below the 18.0 percent limit. The unreserved, undesignated fund balance increased by $96,122 in 2006 as compared to an increase of $224,715 in fiscal year 2005.

General Obligation Bonds - Audit of Bond Expenditures

Resolution No.16-98, *Resolution to Appoint a Citizens Committee to Advise the City Council on Community Priorities for Open Space Acquisition, Methods to Permanently*

Preserve Open Space, and to Account for Expenditure of Open Space Bond Proceeds should Voters Approve a General Obligation Bond to Preserve Open Space, requires the City to annually audit bond expenditures and report the results of such audit to the public.

Comments from the City's Audit Firm of Wisan, Smith, Racker & Prescott LLP
The auditors identified no major improvement areas or areas involving material weakness in the operations or internal control structure of the City.

City Council
Staff Report

DATE: **December 14, 2006**
DEPARTMENT: **Public Works**
AUTHOR: **Kent Cashel, Deputy Public Works Director**
TITLE: **Emergency Response and Preparedness Program**
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:
1. Adopt the attached resolution clarifying Park City's intention to participate in the American Public Transit Association (APTA) Emergency Response and Preparedness Program.
2. Authorize the City Manager to execute the attached APTA/Public Transit Industry Mutual Aid Assistance Agreement.

DESCRIPTION

Topic: Emergency Response and Preparedness Program.

Background
In late August 2005, the United States witnessed the catastrophic events brought on by Hurricane Katrina in New Orleans and along the Gulf Coast. A second storm, Hurricane Rita, developed only a month later bringing further devastation to the Texas and Louisiana coastal communities.

The need for transit both during and following the storms overwhelmed local resources. Many communities, including Park City, were eager to provide support in terms of personnel, equipment, and other needed resources but unfortunately there was no clear process or program for providing such support.

As a result of the problems encountered in getting transit assets in place during the disaster the American Public Transit Association (APTA) developed the Emergency Response and Preparedness Program (ERPP). This voluntary program, modeled after successful mutual aid programs currently employed by electrical power companies, consists of three critical elements as follows:

1. Mutual Aid Agreement: This document sets forth participating agencies willingness to participate in the program.
2. Suggested Governing Principles: This document provides a template to be utilized in creating a contract between a requesting agency and a providing agency at the time such assistance is requested.
3. Resource Inventory Database: All member agencies have access to an electronic database_that contains an inventory of all available emergency

resources.

This program will help minimize or eliminate delays in locating and securing transportation support when it is required in any future emergency event.

Analysis

What is the Emergency Response and Preparedness Program (ERPP)?

The ERPP is a program utilizing a “Mutual Aid Program Plan”. This program provides for a computerized inventory of all transit assets nationwide and allows transit systems to volunteer their resources and personnel for emergency evacuation and temporary transit operational needs in the event of an emergency situation.

What are the Benefits of Joining the ERPP?

Participation in the ERPP will help prepare Park City to assist or to receive assistance from other transit agencies in the event of an emergency. As a member, Park City Transit’s system will become a part of the APTA-ERPP database. This database will enable the City to quickly locate and secure transit assets in the event of large or small emergencies. This emergency could be as significant as a major earthquake or as minor as a garage fire.

Is There Industry Support for this Program?

The Federal Transit Administration has partnered with APTA to put this program in place.

What if Park City signs the Mutual Aid Agreement, but during a time of need, the City’s own local needs prevent the City from making its resources available?

The program is voluntary and the City retains control of its resources. In the event the City could not assist it would make that decision.

Who handles accommodations, meals and fuel during an emergency?

These will be the responsibility of the requesting agency during an emergency.

Who pays for wages and other costs during an emergency?

Reimbursement of costs of services will be arranged for between the requesting agency and the service provider at the onset of an emergency. In general the requesting agency will pay these costs unless otherwise agreed to at time of requesting assistance.

How will insurance coverage work within the program?

Insurance coverage for any accidents, property damage or personal injuries resulting from the services provided, will be covered by the insurance programs of the requestor or responding provider.

Does Park City Need to Execute Any Agreements?

The City will need to adopt the attached resolution and Mutual Aid Assistance Agreement form to participate in the ERPP.

Department Review
This report its attachments and its recommendations have been reviewed by the City Manager's Office, The City Attorney's Office, Office of Budget, Grants and Debt and Public Works. All comments from these offices have been incorporated into this report.

ALTERNATIVES

A. Approve The Recommendation.
1. Adopt the attached resolution clarifying Park City's intention to participate in the American Public Transit Association (APTA) Emergency Response and Preparedness Program.
2. Authorize the City Manager to execute the attached APTA/Public Transit Industry Mutual Aid Assistance Agreement.

B. Deny The Recommendation.

C. Defer the item to a later date.

D. Do Nothing.

SIGNIFICANT IMPACTS
It is impossible to know when the City may be struck by an emergency (large or small) that will require outside assistance. This program provides efficient access to a wealth of assets (equipment and manpower) that could make the difference between an effective emergency response and an ineffective one. Any delays in executing the documents required to participate in this program exposes the City to unnecessary risk. This is only one component of the City's Emergency Management Plan. The City is in the process of formulating a comprehensive plan. In the meantime, the City's interim emergency Plan (attached) is what we will follow in the event of an emergency.

RECOMMENDATION
1. Adopt the attached resolution clarifying Park City's intention to participate in the American Public Transit Association (APTA) Emergency Response and Preparedness Program.
2. Authorize the City Manager to execute the attached APTA/Public Transit Industry Mutual Aid Assistance Agreement. This agreement will be integrated into Park City's Emergency Preparedness and Response Program. Staff will provide City Council with an update and overview of the City's ERP Program in January

PARK CITY MUNICIPAL CORPORATION
HOMELAND SECURITY (INTERIM) RESPONSE PLAN

PURPOSE

Since the terrorist attacks of September 11, 2001, the question of how to protect our communities against terrorism and incidents involving Weapons of Mass Destruction (WMD) has been at the forefront of concern and planning for the future of American communities. Preparations and response to events such as these is a task that has just begun for many communities across the country. Disaster planning and emergency preparedness plans certainly contribute to the ability of planners to develop Homeland Security Plans, but it is not as simple as removing one label and applying another. As Park City Municipal begins the sizable task of developing and implementing a Homeland Security Plan, providing an interim response plan is a prudent direction to take.

Should a significant incident occur surrounding a terror type attack within our community, the City organization will have three primary areas of focus. First, continued internal operation of the City organization, second, a response to the community need for assistance, and third, recovery from the affects of the incident. This interim plans begins by outlining the initial and critical first responses to an incident involving Homeland Security issues.

OBJECTIVES

1 - To outline appropriate responses to an incident that may arise from a terrorist or WMD attack.
2 - To ensure that essential City services are maintained during an incident.
3 - To develop a cooperative effort between City departments in addressing preparation and response, surrounding an incident.
4 - To develop an understanding of the roles and responsibilities of each department.
5 - To establish and define roles and responsibility within an incident command structure.

AUTHORITY

<u>DUTY OF THE MAYOR</u>:

PROCLAMATION OF LOCAL EMERGENCY

In the event of, or threat of, a disaster, attack, internal disturbance, natural phenomenon, or technological hazard, as defined in UCA 63-5a-2, the Mayor may proclaim a state of "local emergency" under UCA 63-5a-6 and may act under City Code 2-4-15 to appoint special police. In the absence of the Mayor, Mayor Pro-Tempore will act in that capacity as outlined in City Code 2-2-8.

DUTY OF THE CITY MANGER:

The City Manager is the Chief Administrative Officer of the City, as defined in City ordinance 2-4-1 and will administer all affairs of the City as directed in City Code 2-4-3 (A thru M).

DUTY OF THE CHIEF OF POLICE:

The Chief of Police is the appointed executive officer of the Public Safety Department of the City and directs the police and communication departments.

ROLES AND RESPONSIBILITIES

INCIDENT COMMAND:

Within the Incident Command structure the following roles and responsibilities are assigned;

Incident Commander

The City Manager or his designee, will act as the Incident Commander and has final staff authority within the incident command structure and shall be responsible for the executive direction of all incident response activities during the course of an incident.

Emergency Operation Center Commander

The Chief of Police or his designee, will act as the Emergency Operations Center (EOC) Commander and will be responsible, in conjunction with the Incident Commander, to determine if and when activation of this emergency response plan is needed. The Chief of Police or his designee will be responsible for notifying and requesting resource deployment from City, Special Service Districts, County, State and Federal departments and/agencies upon activation of this plan.

Public Information Officer

Public Affairs Director, or whomever the City Manager may appoint, will act as Public Information Officer (PIO), to provide a liaison with media groups on behalf of the City. The PIO will be stationed at the EOC.

Coordination Group

The following City officials will be present in the EOC, should activation of the center occur in response to an incident;

1- City Manager - Incident Commander
2- Chief of Police - EOC Commander
3- City Attorney
4- Mayor or Mayor Pro-Tem
5- Public Works Director
6- City's Building Official
7- City's Fire Marshal
8- Other staff as directed/designated by the City Manager

This group of individuals will act as the coordination group for the incident response effort. In the event of telephone service interruption due to an incident, these representatives should report to the EOC without undue delay.

Operations Supervisors

This group of individuals consists of mid-level managers and first line supervisors within each City department that will manage incident activities and operations in cooperation with other managers/supervisors and will direct the efforts of the supporting staff. This group will report directly to the department head or department manager, who in turn will report to and receive direction from the EOC and the Incident Commander.

DEPARTMENT RESPONSIBILITIES:

Each department head or manager should ensure that core responsibilities for that department are defined within the scope of the department's resources and that staff and resources are assigned to the appropriate tasks relating to those core functions. As well, a readiness to provide assistance or response in a support role outside of areas responsibility will be expected.

PROCEDURES AND OPERATIONS

Should a threat of, or an incident of terrorist attack or use of Weapons of Mass Destruction occur, activation of this plan and the establishment of an EOC may be directed by the City Manager. The EOC will be established at the Marsac Building (City Hall) in or near the police dispatcher center. In the event that the Marsac Building (City Hall) is unusable or inaccessible, the administrative offices of the Public Works building may be used as a secondary emergency operations center.

Should an incident be reported to an employee or should an employee become aware of the threat of or occurrence of an incident, they should notify their immediate supervisor/manager (or designee) and describe the nature of the problem and the situation. (If immediate emergency response is needed, 9-1-1 should be accessed and a report made.) The supervisor/manager (or designee) will determine the immediate course of action to be taken to address or resolve the situation if possible and then notify the City Manager (or designee) and advise of the situation, response underway, if any, and status.

The City Manager (or designee) will notify the Chief of Police who will be responsible to notify the appropriate resources for assistance and/or stand-by.

A decision to activate this plan and/or the Emergency Operations Center, will be made at that time by the appropriate authority.

Upon activation of this plan and the opening of the City's EOC, the members of the City Council will be notified and provided response directions by the Mayor. The City Manager will determine the best location for the Council to meet should it become necessary to convene a meeting of that body.

In the event of an incident occurring which involves the outlaying areas of Park City, a coordinated effort with Summit County and the County Emergency Operations Center will be undertaken. The Chief of Police (or designee) may detail an individual to respond to the Justice Center to act as a liaison between the City and the County's EOC. The City Manager will make a determination if the City should activate this response plan and/or the City EOC.

COMMUNICATIONS PROCEDURES DURING INCIDENT

The police dispatch will act as the emergency communications operations center during any incident and provide coordination with the public works and transportation departments radio system. The EOC Commander will determine the radio frequencies that will be used during emergency operations

CITY DEPARTMENTS - OPERATIONAL PLANS

Each City Department has developed emergency response plans, which address their areas of specific responsibility and should be used as a guide in fulfilling a request for response based on activation of this plan. Until such time as specific planning can be conducted and specific plans developed, review of existing plans by each department, in an effort to develop a response to the types of incidents outlined, should be completed by each department manager.

OPERATIONAL REFERENCES

Park City Municipal Corporation's Emergency Response Plan, Chapter 1, BASIC PLAN, (master copy is located in the office of the City of Police at the Marsac Building - City Hall), may be used as a reference guide when conducting operations as outlined in this plan.

General and resource information may also be obtained from other chapters of the Emergency Response Plan in its current form and format. However, portions of the plan are dated and require updating and/or revision and may or may not provide adequate or reliable information.

RESOURCE AGENCIES

1 - Summit County Emergency Operations Center and Disaster Response Plan - County Health Department
2 - State of Utah Department of Emergency Services and Homeland Security
    - State Health Department
3 - Federal Department of Homeland Security
    - FEMA
4 - Private Disaster Response resources
    - American Red Cross

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Resolution No. -06

A RESOLUTION CONFIRMING THE PARK CITY MUNICIPAL CORPORATION'S INTENT TO PARTICIPATE IN THE AMERICAN PUBLIC TRANSIT ASSOCIATION EMERGENCY RESPONSE AND PREPAREDNESS PROGRAM.

WHEREAS; THE United States has witnessed catastrophic events brought on by hurricanes and other critical events and that the transit industry is willing to provide emergency support in terms of personnel, equipment, and needed resources; and

WHEREAS there has not been an established clear process or program for providing such support: and;

WHEREAS the American Public Transportation Association (APTA) has developed the Emergency Response and Preparedness Program (ERPP) as a voluntary industry "Mutual Aid Program" designed to assist fellow transit systems and their cities, regions, and states with emergency evacuation and temporary transit operational needs that may arise from emergencies and;

WHEREAS the Federal Transit Administration (FTA) has partnered with APTA in the ERPP and is making resources available to support the development and administration of this program; and

WHEREAS Park City may benefit from either providing support or requesting support from the ERPP:

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

SECTION 1. EMERGENCY RESPONSE AND PREPAREDNESS PROGRAM. The City will voluntarily participate in the APTA Emergency Response & Preparedness Program and will identify vehicles, equipment and personnel resources that can be practically made available to the ERPP. The City's voluntary participation will be provided to a level that will not impact its own requirements for meeting transit service demands.

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

PASSED AND ADOPTED this 14th day of December, 2006.

APTA/ Public Transit Industry Mutual Aid Assistance Agreement

APTA and its public transit members have established a process whereby public transit systems and their geographic operating regions may receive and provide assistance in the form of personnel and equipment, to aid in restoring and/or maintaining public transit or evacuation service when such service may be required due to acts of the elements, equipment malfunctions, accidents, sabotage, or any other occurrence for which emergency assistance is deemed to be necessary or advisable ("Emergency Assistance"). This Mutual Aid Assistance Agreement sets forth the terms and conditions to which the undersigned APTA member entity ("Participating Entity") agrees to provide assistance, based on the governing principles, on all occasions that it requests and receives ("Requesting Entity") or provides ("Responding Entity") Emergency Assistance from or to another Participating Entity who has also signed the Mutual Aid Assistance Agreement provided, however, that if a Requesting Entity and one or more Responding Entities are parties to another mutual aid assistance agreement at the time of the Emergency Assistance is requested, such other mutual assistance agreement shall govern the Emergency Assistance among those Participating Entities.

In consideration of the foregoing, the Participating Entity hereby agrees as follows:

(1) When providing Emergency Assistance to or receiving Emergency Assistance from another Participating Entity, the Participating Entity will adhere to the written principles developed by the APTA Emergency Response and Preparedness Program (APTA-ERPP) members to govern Emergency Assistance arrangements among member companies ("APTA-ERPP Principles"), that are in effect as of the date of a specific request for Emergency Assistance, unless otherwise agreed to in writing by each Participating Entity.

(2) With respect to each Emergency Assistance event, Requesting Entities agree that they will provide appropriate reimbursement for Responding Entities regarding all costs and expenses incurred by Responding Entities in providing Emergency Assistance as provided under the APTA-ERPP Principles, unless otherwise agreed to in writing by each Participating Entity, provided, however, that Responding Entities must maintain auditable records in a manner consistent with the APTA-ERPP Principles.

(3) During each Emergency Assistance event, the conduct of the Requesting Entities and the Responding Entities shall be subject to the liability and indemnification provisions set forth in the APTA-ERPP Principles.

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(4) A Participating Entity may withdraw from this Agreement at any time. In such an event, the company should provide written notice to Rachelle Jezbera, APTA Staff.

(5) APTA's Rachelle Jezbera shall maintain a list of each Participating Entity which shall be posted on the APTA-ERPP web site at www.apta.com. However, a Participating Entity may request a copy of the signed Mutual Aid Assistance Agreement of another Participating Entity prior to providing or receiving Emergency Assistance.

____
Name of Organization

____
Signature

Officer
Name:______________________________________

Title:_______________________________________

Date:_______________________________________

SUGGESTED GOVERNING PRINCIPLES COVERING EMERGENCY ASSISTANCE ARRANGEMENTS BETWEEN APTA EMERGENCY RESPONSE PROGRAM MEMBERS

Transit agencies or other entities may have occasion to call upon other transit agencies or entities for emergency assistance in the form of personnel or equipment to aid in evacuation or maintaining continuity of service, when such service has been disrupted by acts of the elements, equipment malfunctions, accidents, sabotage, or any other occurrences where the parties deem emergency assistance to be necessary or advisable. While it is acknowledged that a transit entity is not under any obligation to furnish such emergency assistance, experience indicates that companies are willing to furnish such assistance when personnel or equipment are available.

In the absence of a continuing formal contract between a transit agency or other entity requesting emergency assistance ("Requesting Entity") and a transit agency willing to furnish such assistance ("Responding Entity"), the following principles are suggested as the basis for a contract governing emergency assistance to be established at the time such assistance is requested:

1. The emergency assistance period shall commence when personnel and/or equipment expenses are initially incurred by the Responding Entity in response to the official request of the Requesting Entity. (This would include any request for the Responding Entity to prepare its employees and/or equipment for transport to the Requesting Entity's location but to await further instructions before departing.) The emergency assistance period shall terminate when such employees and/or equipment have returned to the Responding Entity, and shall include any mandated DOT rest time resulting from the assistance provided and reasonable time required to prepare the equipment for return to normal activities (e.g. cleaning off/repair of vehicles, restocking parts, etc.).

2. To the extent possible, the Requesting Entities and Responding Entities should reach a mutual understanding and agreement in advance on the anticipated length, in general, of the emergency assistance period. For extended assistance periods, there should be agreement on the process for replacing or providing extra rest for the Responding Entity's employees. It is understood and agreed that if, in the Responding Entity's judgment such action becomes necessary, the decision to terminate the assistance and recall employees, contractors, and equipment lies solely with the Responding Entity. The Requesting Entity will take the necessary action to return such employees, contractors, and equipment promptly.

3. Employees of the Responding Entity shall at all times during the emergency assistance period continue to be employees of the Responding Entity and shall not be deemed employees of the Requesting Entity for any purpose. The Responding Entity shall be an independent Contractor of the Requesting Entity; and wages, hours, and other terms and conditions of employment of the Responding Entity shall remain applicable to its employees during the emergency assistance period.

4. The Responding Entity shall make available at least (xx) supervisor(s) in addition to operators and maintenance personnel. All instructions for work to be done by Responding Entity's personnel shall be given by Requesting Entity to Responding Entity supervisor(s); or, when Responding Entity personnel are to work in widely separate areas, to such of Responding Entity's supervisors as may be designated for the purpose by Responding Entity's management.

5. Unless otherwise agreed, the Requesting Entity shall be responsible for supplying and/or coordinating support functions such as lodging, meals, materials, etc. when it is reasonably able to do so. As an exception to this, the Responding Entity shall normally be responsible for arranging lodging and meals en route to the Requesting Entity and for the return trip home. The Requesting Entity agrees to seek appropriate reimbursement for expenses incurred by the Responding Entity.

6. The Responding Entity's safety rules shall apply to all work done by their employees, unless as mutually agreed otherwise. Any questions or concerns arising about any safety rules and/or procedures should be brought to the proper level of management for prompt resolution between management of the Requesting Entities and Responding Entities.

7. All time sheets and work records pertaining to the Responding Entity's employees furnishing emergency assistance shall be kept by the Responding Entity.

8. The Requesting Entity shall indicate to the Responding Entity the types of vehicles and other equipment desired as well as the number of job function employees requested but the extent to which the Responding Entity makes available such equipment and employees shall be at Responding Entity's sole discretion.

9. The Requesting Entity shall reimburse the Responding Entity for all costs and expenses incurred by the Responding Entity as a result of furnishing emergency assistance. The Responding Entity shall furnish documentation of expenses to the Requesting Entity. Such costs and expenses shall include, but not be limited to, the following:

   a. Employees' wages and salaries for paid time spent in Requesting Entity's service area and paid time during travel to and from such service area, plus the Responding Entity's standard payable additives to cover all employee benefits and allowances for vacation, sick leave and holiday pay, social and retirement benefits, all payroll taxes, workmen's compensation, employer's liability insurance, and other contingencies and benefits imposed by applicable law or regulation.

   b. Employee travel and living expenses (meals, lodging, and reasonable incidentals).

   c. Replacement cost of materials and supplies expended or furnished.

   d. Repair or replacement cost of equipment damaged or lost.

e. Charges, at rates internally used by the Responding Entity, for the use of vehicles and other equipment requested.

f. Administrative and general costs, which are properly allocated to emergency assistance, to the extent such costs are not chargeable pursuant to the foregoing subsections.

10. The Requesting Entity shall pay all costs and expenses of the Responding Entity within sixty days after receiving an invoice.

11. The Requesting Entity shall indemnify, hold harmless and defend the Responding Entity from and against any and all liability for loss, damage, cost, or expense which the Responding Entity may incur by reason of bodily injury, including death, to any person or persons or by reason of damage to or destruction of any property, including the loss of use thereof, which result from furnishing emergency assistance and whether or not due in whole or in part to any act, omission, or negligence of the Responding Entity, except to the extent that such death or injury to person, or damage to property, is caused by the willful or wanton misconduct and / or gross negligence of the Responding Entity, its employees, officers, contractors, or agents. Where payments are made by the Responding Entity under a workmen's compensation or disability benefits law or any similar law for bodily injury or death resulting from furnishing emergency assistance, the Requesting Entity shall reimburse the Responding Entity for such payments, except to the extent that such bodily injury or death is caused by the willful or wanton misconduct and / or gross negligence of the Responding Entity, its employees, officers, contractors, or agents.

12. In the event any claim or demand is made, or suit or action is filed against the Responding Entity alleging liability for which the Requesting Entity shall indemnify and hold harmless the Responding Entity under paragraph (11) above, the Responding Entity shall promptly notify the Requesting Entity thereof; and the Requesting Entity, at its sole cost and expense, shall settle, compromise or defend the same in such manner as it deems necessary or prudent. The Requesting Entity shall consult the Responding Entity on all such litigation and will not compromise any issue, or claim, without the concurrence of the Responding Entity, which will not be unreasonably withheld. The Responding Entity shall cooperate with the Requesting Entity's reasonable efforts to investigate, defend, and settle the claim or lawsuit.

Last update 8/21/06

City Council
Staff Report

Author:	**Max J. Paap**
Subject:	**Historical Society Lease Amendment**
Date:	**December 14, 2006**
Type of Item:	**Administrative**

Special Events and Facilities Department

Summary Recommendations:
Review and Approve Park City Historical Society & Museum's request for Consent to Sublease 518 Main Street for the period of January 15 – January 28, 2007 to the Sundance Institute.

Description:Topic:
Authorization to the Park City Historical Society & Museum to sublease the museum.

Background:
The Park City Historical Society& Museum (PCHSM) has a 99 year lease with the City for certain space located at 528 Main Street and 518 Main Street. The lease provides PCHSM with the ability to sublease, provided they receive permission from the City. In the past PCHSM has held private parties during the Sundance Film Festival. Their lease allows them to host activities such as filming, educational and fundraising so long as such rentals do not exceed twenty-four (24) hours, unless approved by the Landlord. If such rental occurs during a Master Festival, Tenant may only rent to the Master Festival License holder or its sponsors, unless approved by the Landlord in its sole discretion. Under the City's new contract with the Sundance Institute that begins with the 2007 Festival, the City cannot rent City facilities to entities that would threaten festival operations or limit Sundance's ability to offer increased programming during the MFL.

PCHSM expressed an interest to rent during the 2007 Sundance Film Festival and contacted the City. Staff put the Sundance Institute in touch with Sandra Morrison, PCHSM Executive Director to see if the space could work for their affiliated sponsors and activities.

PCHMS Board of Trustees discussed the potential of keeping the museum galleries open to all the general public during regular hours and will allow public access to the Museum through the door at 528 Main Street.

Analysis:

PCHSM has the ability to request permission to sublease their space as specified in the lease. Sundance and PCHSM negotiated a sublease for the space at 518 Main for their Retail Outlet(the old Jan's space). PCHSM is requiring all exhibits remain in the museum. The entrance to the Museum space will be at 528 Main Street, which is different from the existing entrance at 518 Main Street. PCHSM will, on a temporary basis, move their reception desk to that location to accommodate Museum visitors.

Retail Area

During the Festival Term, the Sundance Institute will use the space at 518 Main Street for the sale of Sundance retail merchandise between the hours of 9:00 am and 9:00 pm.

Hosted Events

During the Festival Term, the Museum may offer events less than 24 hours in duration in 528 Main Street, the exhibit spaces and the Jail to entities other than but affiliated with Sundance including, but not limited to, the Sundance Industry Office (which includes sponsors) and the Filmmaker Office. The Sundance Institute will work with the Museum staff to secure clients for hosted events. In the event that The Sundance Institute is unable to secure clients for hosted events, the Museum may secure clients that are not included in the Sundance Industry Office or the Filmmaker Office. The Museum will endeavor to not secure clients that are in conflict with The Sundance Institute or the nature of the festival. However, The Sundance Institute will not unreasonably withhold approval for events to occur in the exhibit spaces (528 Main Street).

Additionally, for these less than 24 hours hosted events, PCHSM would have to return to the City Council for express consent to lease to anyone other than Sundance or their sponsor's pursuant to the City lease.

During Sundance, unless temporarily closed for a hosted event pursuant to above, PCHSM will continue to provide all their services to the residents and guests of Park City. Staff will be available daily in the History Library to provide information on Park City History to visitors, family history buffs, genealogists, old timers, historic home owners and city staff. Exhibitions located on the 2nd Floor of the museum and at various locations around Park City including the Transit Center, Park City Mountain Resort, and Deer Valley Resort will be accessible by all. Preservation of Park City's historic artifacts will continue and expand with the addition of a graduate student intern to the PCHSM staff. Education programs will continue with the Park City Schools in preparation of the students' spring fieldtrips to the museum. Adult/family education programs for residents and visitors will also continue with guided and self guided tours of Main Street, Park Avenue, and both Glenwood and Park City cemeteries. Ski tours to historic mining sites at Deer Valley and Park City Mountain Resorts will also be offered.

PCHSM has been working on a long-term plan to increase their presence in the community and increase private funding support. The sublease during Sundance is a key component in the multi-million dollar museum expansion plan and all money received during this time period goes directly into the capital campaign.

Department Review:
Legal, City Manager, Special Events and Facilities, and Budget, Debt and Grants have reviewed this staff report.

Alternatives:

A. Approve the Request:
Approve the sublease and allow Park City Historical Society & Museum to lease to the Sundance Institute.

B. Modify the Request:

Modify the terms and approve the sublease, allowing PCHSM to rent the Sundance Institute, during the Sundance Film Festival as long as there was at least public access to the museum.

B. Deny the Request:

Deny the lease, thereby preventing PCHSM to sublease the museum.

C. Continue the Item:

The City Council may continue the item for more information and discussion.

Significant Impacts:

The Council approved the lease based on the benefits the museum provides residents and guests of Park City. The main museum gallery will be open and available to the public.

Park City has a memorandum of understanding with the Sundance Institute that states that Park City will not lease any of the City owned or managed facilities for any events or temporary licensees which take place during the annual periods of the Festival that may threaten the operations of the Festival or limit Sundance's ability to offer increased programming.

Consequences of not taking the recommended action:

PHCSM would lose funding towards the Park City Museum expansion and additional opportunities to raise funds through cooperate efforts with the Sundance Institue.

Recommendation:

Approve Park City Historical Society & Museum's request for Consent to Sublease 518 Main Street for the period of January 15 – January 28, 2007 to the Sundance Institute.

Exhibits:

Exhibit A – Sublease Contract

Exhibit B- Sub-Lease Approval Guidelines

EXHIBIT A
CONSENT TO SUBLEASE OF
THE OLD CITY HALL BUILDING AT 518 and 528 MAIN STREET

Pursuant to Section 12 of the Lease Agreement dated September 11, 2003, as amended on April 21, 2006 and July21, 2006, by and between Park City Municipal Corporation ("Landlord") and Park City Historical Society, Inc. ("Tenant"), Landlord hereby consents to sublease of the Building to the Sundance Institute, ("Assignee") with the following terms and conditions:

1. Tenant shall sublease 518 & 528 Main Street for only the period of January 15 – January 28, 2007.

2. Assignee shall not make any alterations to the building exterior or signage without prior approval from the Landlord. Assignee shall comply with all terms and conditions of the Lease Agreement, as amended.

3. The Park City Historical Society shall allocate all funds received through the sublease of the facility to the expansion of the museum. An executed copy of the sublease shall be filed with the City prior to the sublease period.

DATED THIS _________ day of ___________, 2006.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

ATTEST:

____
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

____
Mark D. Harrington, City Attorney

THE PARK CITY HISTORICAL SOCIETY, INC.

____
Cindy Matsumoto, Board President

ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this ______ day of December, 2006 personally appeared before me Cindy Matsumoto, who being duly sworn, did say that she is the Board President for The Park City Historical Society, inc., and acknowledged to me that the preceding Agreement was signed on behalf of said corporation, and she acknowledged that the company did execute the same for its stated purpose.

____
Notary Public

Exhibit B-

Park City Sub-Lease Approval Guidelines
09/14/06

Purpose Statement: The intent of this policy is to provide long-term tenants of the City guidance in obtaining City Council approval of sub-leases as may be required by lease agreements. Individual decisions remain at the discretion of the City Council, but these guidelines are intended to clarify certain parameters on which the City Council will usually base their decision. The City Council recognizes that certain sub-lease opportunities represent a significant revenue possibility for its tenants. At the same time, the City Council simply disfavors attempts to sub-lease public properties to the highest bidder, especially during City-approved special events and festivals. Generally, sub-leases should forward the public purpose of the original lease agreement. The City does not hereby give Master Festival License holders veto authority over the use of City property. However, the City feels strongly that City property should be used in a manner that supports City special events and festivals, when possible, and hereby intends to encourage tenants to work directly with approved event organizers.

Accordingly, the City hereby adopts the following guidelines:

Types of Sub-lease favored:

1. The occasional, one-day private or public function that has minimal effect on the tenant's primary operations and is not held during a City approved Special Event or Master Festival unless affiliated with or approved by the Special Event or Master Festival license holder. Some leases permit this activity without the necessity of Council approval. Tenants should consult with the building department and special events department regarding occupancy and use limitations.
2. Sub-leases less than one month that may result in temporary closure of tenant's primary operations if the part-time sub-tenant provides a public purpose and either the primary tenant and/or city receive consideration (may be non-monetary/indirect benefit) for the sub-lease which furthers the original goals of the lease and/or the economic development goals of the City. These sub-leases should not be held during a Special Event or Master Festival unless a) they are the Special Event or Master Festival license holder or approved sponsor/supporter; or 2) they in no way conflict with such event or its sponsors. City Council approval is typically required and should be requested PRIOR to entering into written agreements with third parties.
3. Long-term sub-leases with other local, non-profit organizations which promote resource and space sharing during periods which the leased property or portion thereof would otherwise be unused by the original tenant. The sub-lease rate should reflect a pass thru of the City lease rate per square foot. City Council approval is typically required and should be requested PRIOR to entering into written agreements with third parties.

Types of Sub-lease NOT favored:

1. Long or short term requests during Special Events or Master Festivals to someone other than the license holder or its sponsors. The City especially disfavors sub-leases to event brokers that then turn around and “book” city properties for parties and hospitality functions without regard to their compatibility with the City-approved event. Commercial/hospitality activity not officially connected with the approved event is strongly discouraged.
2. Sub-leases that are contrary to the public purpose of the original lease or contemplate a long-term change in use of all or some of the leased area.
3. Any request that creates adverse negative impacts that cannot be mitigated by reasonable planning measures. Areas of particular concern are: parking, noise, tenant improvements to historic properties, and access to adjacent properties, businesses and neighbors.

Approved this 14th day of December, 2006.

PARK CITY MUNICIPAL CORPORATION

____
Tom Bakaly, City Manager

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney